

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, MARCH 16, 2021
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LOCATION: VIRTUAL MEETING

PRESENT: MICHAEL HARDY, CHAIRMAN
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI
AARON TUCKFIELD, VICE-CHAIRMAN
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI
RICHARD BENTLEY, SECRETARY
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI
CHARLES OLIVER, MEMBER
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI
NUNZIO PROVENZANO, MEMBER
REMOTE, MACOMB TOWNSHIP, MACOMB COUNTY, MI
JASPER SCIUTO, MEMBER
REMOTE, MACOMB TOWNSHIP, MACOMB COUNTY, MI
DANIEL SPATAFORA, MEMBER
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI

ABSENT: NONE

ALSO PRESENT: Josh Bocks, Planning Director
David Scurto, Planning Consultant
Ben Aloia, Legal Counsel
(Additional attendance on file at the Clerk's Office)

1. Chairman HARDY called the meeting to order at 6:34 p.m.
2. Pledge of Allegiance was recited.
3. ROLL CALL

Secretary BENTLEY called the roll. All members were present.

4. APPROVAL OF THE PREVIOUS MEETING MINUTES

MOTION by BENTLEY seconded by SPATAFORA to approve the meeting minutes of March 2, 2021 as revised.

AYES: BENTLEY, SPATAFORA, HARDY, TUCKFIELD, PROVENZANO, SCIUTO, OLIVER.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

5. APPROVAL OF THE AGENDA

MOTION by SCIUTO seconded by PROVENZANO to approve the agenda as presented.

FOR THIS MOTION

AYES: SCIUTO, PROVENZANO, TUCKFIELD, SPATAFORA, OLIVER, BENTLEY, HARDY.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

Chairman HARDY stated that there are three items on the agenda tonight with all of them being rezoning's and he asked that Josh Bocks inform every one of the process that the petitioners will have to go through to begin the construction process.

Josh Bocks, Planning Director, stated the petitioners are asking to change the classification of the parcel at this meeting. There is no development being approved, this meeting strictly deals with what could potentially be built on the property.

6. NEW BUSINESS/PUBLIC HEARINGS

A. REZONING REQUEST; AGRICULTURAL (AG) TO RESIDENTIAL ONE FAMILY URBAN (R-1)

Permanent Parcels 08-08-328-001, 08-08-328-002, 08-08-328-003 and 08-08-328-004; Located on the east side of Romeo Plank Road, ½ mile south of 25 Mile Road; Section 08. Macomb Township, Petitioner.

Josh Bocks, Planning Director, presented a power point presentation of the parcels which is known as Penzien Subdivision #1. He believed that somewhere along the line these four parcels were missed in being rezoned and highlighted the shape design, the assumption of how two lots were built upon under an R-1 classification even though they were AG zoned. He indicated that one of the residents dropped off a letter in opposition of the proposed rezoning.

Dave Scurto, Planning Consultant, stated that without the rezoning classification change there will be two lots left that won't be able to be built upon since the setbacks won't be able to be met.

Member BENTLEY commented on the letter that had been received from one of the parcel owners and the concern about the property tax and your response that it would not be affected. The other comment is about the chicken coop that is on site and that it

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could not be expanded but that it could remain in operation. Lastly, he asked what the pros would be to keeping it zoned Agricultural.

Josh Bocks, Planning Director, stated the advantage would be that they could expand the chicken coop.

Member OLIVER asked who owns lots 2 and 3.

Josh Bocks, Planning Director, indicated that he believed all four lots were individually owned.

Member OLIVER questioned if there would be enough property on Lot 3 in order to get a vehicle to the rear portion.

Josh Bocks, Planning Director, stated that he was not sure.

Member BENTLEY asked if the owners of the property with the chicken wanted to expand or increase their chicken coop would they have to ask for a variance.

Dave Scurto, Planning Consultant, stated that was correct.

Member TUCKFIELD asked if would be a use variance instead of a dimensional variance because its not allowed in the zone.

Member SPATAFORA asked if the Planning Commission did not rezone the parcels what could be built on those parcels?

Josh Bocks, Planning Director, stated there could be nothing more then what currently exists.

Chairman HARDY opened the public portion at 6:57 p.m.

Bill and Maria Biando, 53870 Romeo Plank, stated he was the individual who wrote the letter and thanked the Commission for taking the time to review the rezoning request so they could understand. He stated that after receiving this clarification they would like to withdraw the submitted letter.

Ignatius and Anna loco, 53980 Romeo Plank, lot owner of Parcel 1, stated that she had no issues with the rezoning classification and stated that after receiving clarification tonight she too would like to withdraw the submitted letter.

Chairman HARDY stated that before the letter is formally withdrawn he would like to have the Township Attorney for clarification.

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Ben Aloia, Township Attorney, stated that this rezoning was township initiated which is allowed by Section 10.2407 which allows the township to initiate rezoning's especially when it sees irregularities. As explained by Josh Bocks, Planning Director, there are two homes that are built based on R-1 standards in an Agricultural zone and those are non-conforming structures. Pursuant to MCL 1.25 the elimination of non-conforming uses and structures is declared unsafe for public use and the legislative body may institute procedures for condemnation or elimination of those structures. So, currently the two houses are illegal non-conforming uses which means they are currently in violation of the zoning ordinance. He stated the houses need to be rezoned so they can be in compliance with the zoning ordinance and therefore able to enjoy all the uses of R-1.

Chairman HARDY stated that under the chat there was a Nicholas who asked "why are they building if they can't meet the specs and if they can't meet the requirements then no."

Josh Bocks, Planning Director, stated the homes that are there were done erroneously decades ago and we are essentially cleaning the zoning issue up.

Chairman HARDY closed the public portion at 7:06 p.m.

MOTION by OLIVER seconded by TUCKFIELD to close the public portion at 7:06 p.m.

FOR THIS MOTION

AYES: OLIVER, TUCKFIELD, SCIUTO, SPATAFORA, BENTLEY, HARDY, PROVENZANO.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

Member TUCKFIELD asked for clarification from Josh Bocks, Planning Director, that we have heard from the lot owner of Lot 1 and 3 but not from Lot 2 and 4.

Josh Bocks, Planning Director, stated that was correct.

Member TUCKFIELD stated he understood the rezoning and that it made sense but that he felt uncomfortable not hearing from the owners of Lot 2 and Lot 4.

Ignatius loco, 53980 Romeo Plank, indicated he is the owner of Lot 1 and that he had spoken to the owner of Lot 2 and that they are currently working on plans and that they want to be able to have a garden and a chicken coop with chickens but it was more important to be able to build their home then to have chickens. The owners of Lot 4 are an older couple and that their daughter who usually takes care of this is in the hospital and that is why there is no representation. However, their main concern, like his, is to

be able to continue using their property as they have been and if they are able to do that there is no issue with the rezoning.

Member OLIVER wanted to verify that everyone had been officially been notified.

Josh Bocks, Planning Consultant, stated notification had been sent out.

Member OLIVER asked legal counsel if there should be a separate motion or all together.

Ben Aloia, Township Attorney, stated he would recommend a motion with all four parcels being in one motion.

MOTION by OLIVER seconded by BENTLEY to recommend to the Township Board of Trustees the acceptance of the withdraw of the submitted letter by Bill and Maria Biundo and the approval of the Rezoning Request; AG (Agricultural) to R-1 (Residential One Family Urban); Permanent Parcel 08-08-328-001, 08-08-328-002, 08-08-328-003 and 08-08-328-004; Located on the east side of Romeo Plank Road, ½ mile south of 25 Mile Road; Macomb Township, Petitioner.

FOR THIS MOTION:

AYES: OLIVER, BENTLEY, PROVENZANO, SCIUTO, SPATAFORA, HARDY.

NAYS: TUCKFIELD.

ABSENT: NONE.

MOTION carried.

B. REZONING REQUEST; AGRICLTURAL (AG) TO RESIDENTIAL ONE FAMILY URBAN (R1)

Permanent Parcel 08-21-200-014; Located on the southwest corner of 23 Mile and Heydenreich Road; Section 21. Schafer Development, Petitioner.

Josh Bocks, Planning Director, indicated that he was going to review items B and C together. He noted that both parcels were large in size and that all notification had been done, however, when the 300 foot notice had been sent out it erroneously indicated a change to R-2. A revised 300 foot notice had been sent out to indicate the request for R-1. Josh Bocks further explained that a letter had been received based on the request for an R-1 zoning classification and stated a letter had been received in opposition to a R-2 classification questioning how much density and traffic that it would bring in.

Chairman HARDY asked if anyone had looked at the traffic.

Josh Bocks, Planning Director, stated the township does not require a traffic study on a rezoning request application.

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Chairman HARDY also stated that 23 Mile Road would be expanded.

Josh Bocks, Planning Director, stated that is currently being worked on.

Schaeffer Development, 6025 Northfield Road, petitioners, were in attendance, and stated they were asking to rezone the property to match the existing property development. He noted that they are currently working on dedicating the right of way to the Road Department which is part of the 23 Mile Road expansion which has started to occur.

Member OLIVER asked the petitioner what their intention was for the project.

Spencer Schafer, petitioner, stated that after permits were received they would start next year.

Member SCIUTO asked if there was a county drain that ran through one of the parcels.

Spencer Schafer, petitioner, stated that was the Zander Drain.

Chairman HARDY opened the public portion at 7:24 p.m.

Joseph Brocht, 20539 St. Martins, stated he had objections to the rezoning request classification on both parcels due to the impact due to the housing construction that will never be followed. His concern is on the impact that it will have on the drainage since there is water that currently sits in the fields several months out of the year. In addition, the traffic, with the near expansion of 23 Mile Road. Lastly, he asked if there would be hours placed on the construction traffic and who would be responsible for the repairs on the road caused by the heavy equipment.

Robert Mansi, 20567 St. Martins, asked about the drain and what would be constructed around it.

Chairman HARDY closed the public portion at 7:31 p.m.

MOTION by BENTLEY seconded by OLIVER to close the public portion at 7:31 p.m.

FOR THIS MOTION

AYES: BENTLEY, OLIVER, HARDY, TUCKFIELD, PROVENZANO, SCIUTO, SPATAFORA.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

Member SPATAFORA asked if Josh Bocks, Planning Director, could go through the review processes that are needed in order to construct a site based on the concerns presented from the residents.

Josh Bocks, Planning Director, stated there would be a preliminary site plan, then there would be engineering approval and then there is a final site plan at which public comments are heard. Tonight, however, is just the rezoning classification of the property.

MOTION by SPATAFORA seconded by SCIUTO to recommend the Rezoning Request; Agricultural (AG) TO Residential One Family Urban (R1); Permanent Parcel 08-21-200-014; Located on the southwest corner of 23 Mile and Heydenreich Road; Section 21. Schafer Development, Petitioner. This motion includes the letter submitted by Robert Dietrich dated March 1, 2021.

FOR THIS MOTION

AYES: SPATAFORA, SCIUTO, OLIVER, BENTLEY, HARDY, TUCKFIELD, PROVENZANO.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

C. REZONING REQUEST; AGRICLTURAL (AG) TO RESIDENTIAL ONE FAMILY URBAN (R-1)

Permanent Parcels 08-22-100-017; Located on the southeast corner of 23 Mile Road and Heydenreich Road; Section 22. Schafer Development, Petitioner.

This Item had been combined with Item 6.B.

Chairman HARDY opened the public portion at 7:37 p.m.

Joseph Brocht, 20539 St. Martins, stated he wanted to reiterate his previous comments.

MOTION by OLIVER seconded by TUCKFIELD to close the public portion at 7:38 p.m.

FOR THIS MOTION

AYES: OLIVER, TUCKFIELD, PROVENZANO, SCIUTO, SPATAFORA, BENTLEY, HARDY.

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

MOTION by SPATAFORA seconded by BENTLEY to recommend approval to the Township Board of Trustees the Rezoning Request of Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcels 08-22-100-017; Located on the southeast corner of 23 Mile Road and Heydenreich Road; Section 22. Schafer Development, Petitioner. This motion is made with the acceptance of the letter submitted by the Robert Dietrich on March 1, 2021.

FOR THIS MOTION

**AYES: SPATAFORA, BENTLEY, OLIVER, HARDY, TUCKFIELD,
PROVENZANO, SCIUTO.**

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

7. OLD BUSINESS

None.

8. PUBLIC COMMENTS ON NON-AGNEDA ITEMS

None.

9. COMMISSIONER COMMENTS

Member SPATAFORA asked if the letters that are received from the residents could be incorporated in to the Planning Commission packets.

Member SCIUTO congratulated Josh Bocks, Planning Director, on his one-year anniversary with the Township. He also asked Ben Aloia, Township Attorney, how the By-Laws were coming along.

Ben Aloia, Township Attorney, stated that they were coming along and should be available at the meeting of April 20, 2021.

Member SCIUTO asked if April 1, 2021 we would be hosting live meetings at the Township Hall.

Ben Aloia, Township Attorney, stated that is still pending as the logistics are being worked out by the Township Supervisor and it may also change depending on what the State comes down with.

Member BENTLEY asked for an update on the signage and the Town Center portion of the ordinance.

Ben Aloia, Township Attorney, stated the ordinance are currently being worked on administratively at this time.

Member TUCKFIELD made comments to the residents' concerns from tonight's rezoning request and suggested that a response sheet be created to the process of rezoning a parcel what happens after the rezoning is granted. He further went on to indicate that he is aware the township will be taking the initiative to rezone AG and R-1-S parcels in the future and hoped that there would be more communication from the parcel owners.

Member SCIUTO asked Josh Bocks, Planning Director, if there will be a lot of these parcels in the future that will be rezoned on behalf on the township.

Josh Bocks, Planning Director, stated there are several parcels that are zoned either AG or R-1-S that do not match the surrounding parcels nor do they match the Master Plan and this is a step to clean up the zoning.

10. MACOMB TOWNSHIP BOARD OF TRUSTEES LIASION UPDATE

Member OLIVER stated the Board of Trustees has been granted up to \$20,000.00 from the DIA for a statue/monument that will be tied into the new Macomb/Clinton Library and indicated the township was looking for any ideas that could be used as an art display within the square.

He also noted that Fishbeck had been approved at a township board meeting to perform a study on the northeast corner of 24 Mile Road and Hayes for a future development (Meijer) to be built on the area minus the bank which is located on the immediate corner.

11. ZBA LIAISON UPDATE

Member TUCKFIELD stated the Zoning Board of Appeals had a meeting last month and there is one scheduled for this month.

12. PLANNING DEPARTMENT ITEMS

Josh Bocks, Planning Director, stated that our new planner started this week and it has been a great addition to the office.

He also wanted to add onto Member OLIVER'S comment about Meijer looking into the northeast corner of 24 Mile Road and Hayes and that there was a Consent Judgment on that property and that he was unsure how much of the site plan if any would come back before the Planning Commission.

Member BENTLEY asked if the Commission could be provided with a copy of the Consent Judgment so they are aware of the development.

13. ADJOURNMENT

MOTION by PROVENZANO seconded by OLIVER to adjourn the Planning Commission meeting at 7:59 p.m.

FOR THIS MOTION

**AYES: PROVENZANO, OLIVER, TUCKFIELD, SCIUTO, SPATAFORA,
BENTLEY, HARDY.**

NAYS: NONE.

ABSENT: NONE.

MOTION carried.

Respectfully submitted,

Michael Hardy, Chairman

Richard Bentley, Secretary

Beckie Kavanagh, Recording Secretary