

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, OCTOBER 1, 2019
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: CHARLES OLIVER, CHAIRMAN
MICHAEL HARDY, VICE CHAIRMAN
ROGER KRZEMINSKI, MEMBER
JASPER SCIUTO, MEMBER
NUNZIO PROVENZANO, MEMBER
RICHARD BENTLEY, MEMBER

ABSENT: AARON TUCKFIELD, SECRETARY (EXCUSED)

ALSO PRESENT: Thomas Esordi, Township Attorney
Patrick S. Meagher, Acting Planning Director
James L. VanTiflin, Township Engineer
(Additional attendance on file at the Clerk's Office)

1. Chairman OLIVER called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance was recited.

ROLL CALL

3. Vice-Chairman HARDY called the roll. Member TUCKFIELD is running late.
4. APPROVAL OF THE PREVIOUS MEETING MINUTES

The minutes of the previous meeting held on September 17, 2019 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by SCIUTO seconded by PROVENZANO to approve the minutes of the meeting of September 17, 2019 as presented.

MOTION carried.

5. APPROVAL OF THE AGENDA

The agenda was reviewed and there were no additions or deletions.

Chairman OLIVER stated that agenda item 6.c. was added to the agenda.

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

MOTION carried.

PUBLIC HEARING

6. AGENDA ITEMS:

A. SITE PLAN FOR TEMPORARY SALES OFFICE AND MODEL PARKING; THE PARK AT LEGACY ESTATES PHASE III

Permanent Parcel 08-25-100-025; Located on the south side of 22 Mile Road, east of North Avenue; Section 25. S.E. Michigan Land Holding, LLC, Petitioner.

Patrick S. Meagher, Acting Planning Director, stated there were no objections.

Robert Pokorski, representative, was in attendance, to answer any questions.

Public Portion:

MOTION by HARDY seconded by PROVENZANO to approve Site Plan for Temporary Sales Office and Model Parking; The Park at Legacy Estates Phase III; Permanent Parcel 08-25-100-025; Located on the south side of 22 Mile Road, east of North Avenue; Section 25. S.E. Michigan Land Holding, LLC, Petitioner.

MOTION carried.

B. REZONING REQUEST; GENERAL COMMERCIAL (C-2) TO RESIDENTIAL MULTIPLE FAMILY MEDIUM DENSITY (R-2)

Permanent Parcel 08-07-300-016; Located on the northeast corner of 24 Mile Road and Hayes Road; Section 7. Sal-Mar Center, LLC, Petitioner. (postponed from September 17, 2019)

Patrick S. Meagher, Acting Planning Director, stated the request was to rezone the property to residential. The medium density means that they can get 1 unit per every 5,000 square feet of land. The Master Plan calls for the corner to be commercial and therefore the request is inconsistent with the Master Plan. Lastly, he recommended that public comments be heard, ask questions and follow the standard procedure for a public hearing and postpone the decision until the next meeting unless the commission is comfortable making a decision tonight.

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Tom Kalas, representative, was in attendance to answer any questions. He indicated that this would be a down zone. The request is to allow for the construction of apartment buildings with attached garages. This would be transitional zoning from a Planning perspective with makes more sense than the C-2 zone. There is single family to the east, they propose transitioning it to residential multiple medium density with the R-2 and then to commercial which is on the corner and CF that is also located on the property. The use is compatible with surrounding uses and zoning in the area. C-2 is a zoning district that is not in demand in this area and there is plenty of C-2 zoning throughout the township along with having plenty of retail centers built or under construction or C-2 land sitting vacant and trying to be sold since there is no demand.

Mr. Kalas continued by indicating that with the proposed residential multiple zoning there is a demand to have apartments with garages, 1-2 bedroom units, clubhouses and nice landscaping. This will provide housing for residents who want to live in Macomb Township via rental but not in a home. The requested rezoning is compatible for the area from a Planning perspective, it makes more sense as a transitional zoning use and that it would be in demand and marketable and economically feasible to develop it for residential multiple. Lastly, he requested that the Planning Commission recommend approval of the rezoning request.

Member BENTLEY questioned some of the comments made in the findings and recommendations.

Patrick S. Meagher, Acting Planning Director, stated that there were actually two typos that were made. The first error is in Item 4 which should read the proposed zoning is inconsistent, not consistent, with the Master Plan and Item 6 should reference R-2 uses and not the commercial designations, the existing rather than the proposed.

Discussion took place on the availability of R-2 and the C-2 designations throughout the township.

Member PROVENZANO asked what type of units were being proposed.

Tom Kalas, representative, stated the proposed development would consist of 15 buildings, each being 10 unit buildings.

Member BENTLEY asked what the height limitation is in the R-2 zone.

Patrick S. Meagher, Acting Planning Director, stated that the R-2 is permitted 2 stories.

Member SCIUTO stated the only concern at this meeting is the rezoning request.

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Tom Kalas, representative, stated that he wanted it brought to the commissions attention that there is an existing 6 foot high masonry screening wall on the east side of the property along with a 66 foot utility easement so there will be plenty of buffering provided.

Public Portion:

Ron Janquart, 52918 South Hunters Pointe, asked if there was a rendering available.

Chairman OLIVER stated this meeting is for the rezoning which is the first step. Also, as it moves forward there will be additional meetings held regarding the site plan.

Anne Courtney, 45383 Diamond Pond Drive, referenced Section 10.1001 and stated that there were better areas that would serve owners and renters. Lastly, the area would be better served if left in a C-2 zone along Hall Road and Heydenreich Road.

Member SCIUTO clarified that this item applied only to the 24 Mile Road and Hayes Road property.

MOTION by SCIUTO seconded by BENTLEY to close the public portion.

MOTION carried.

MOTION by KRZEMINSKI seconded by SCIUTO to postpone action until October 15, 2019 on the Rezoning Request General Commercial (C-2) to Residential Multiple Family Medium Density (R-2); Permanent Parcel 08-07-300-016; Located on the northeast corner of 24 Mile Road and Hayes Road; Section 7. Sal-Mar Center, LLC, Petitioner.

MOTION carried.

C. REZONING REQUEST; GENERAL COMMERCIAL (C-2) TO RESIDENTIAL MULTIPLE FAMILY HIGH DENSITY (R-2-H)

Permanent Parcel 08-33-400-019; Located on the northwest corner of Hall Road and Heydenreich Road; Section 33; Sal-Mar Royal Village, LLC, Petitioner.

Patrick S. Meagher, Acting Planning Director, stated this was approximately 11.42 acres to go from C-2 to high density multiple family designation. The Master Plan does point this out to be commercial area for future use and also highlighted the zoning of the general area. Lastly, the request is inconsistent with the Master Plan.

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Tom Kalas, representative, was in attendance and stated the application was to down zone the property and feels the request is consistent with the area and provides a nice transition from the more intense districts in the area.

Member HARDY asked why they were asking for R-2-H instead of R-2.

Tom Kalas, representative, stated that R-2-H allows for higher density which we feel is appropriate for Hall Road.

Chairman OLIVER asked if the building were to be built would be one single building or would be staked and spread out.

Tom Kalas, petitioner, indicated that plans have not been finalized.

Member BENTLEY stated that after observing Hall Road he believed that a C-2 designation would be better suited for that area.

Public Portion:

Discussion took place regarding Anne Courtney's comments made during the previous item.

Chairman OLIVER indicated to Anne Courtney that the Planning Commission had noted her comments for this item.

Graziano Bongiorno, 45364 Delmar, asked for clarification on the meeting process.

Patrick S. Meagher, Acting Planning Director, stated that when a petitioner asks for a rezoning on a parcel they are asking to change use rights. He further noted the proposed zoning allows for 1 unit for every 3,500 square feet.

Marsha Albertson, 45453 Diamond Pond, stated they are not totally against the change but anything over two stories should not be built there. There are traffic issues already and don't need to look at the back of a 10 story building.

Sharon Sobolowski, 45440 Diamond Pond, stated her main concern would be the traffic that would be generated.

MOTION by KRZEMINSKI seconded by HARDY to postpone action until October 15, 2019 on the Rezoning Request; General Commercial (C-2) to Residential Multiple Family High Density (R-2-H); Permanent Parcel 08-33-400-019; Located on the northwest corner of Hall Road and Heydenreich Road; Section 33; Sal-Mar Royal Village, LLC, Petitioner.

MOTON carried.

7. OLD BUSINESS

a. Sign Ordinance Discussion

Patrick S. Meagher, Acting Planning Director, stated the sign ordinance that had been handed out was a draft that had been prepared for Washington Township which incorporates part of Macomb Township's and Washington Township's current sign ordinance. He then went on to describe a court of appeals lawsuit that recently took place regarding billboard signage.

b. Impervious Surface Requirement Discussion

Patrick S. Meagher, Acting Planning Director, stated he had come up with some language and passed it out to the commission members. He stated that he had a discussion with the Building Director, and they both indicated that they did not feel it was appropriate for the Zoning Board of Appeals to determine whether any amount of concrete is appropriate. Therefore, a paragraph was added which deals with impervious surfaces.

Member BENTLEY spoke of some issues such as soil types and the size of storm and sewer systems which might have an impact on the percentage of the impervious surface and how it will infiltrate.

James L. Van Tiflin, Township Engineer, stated the way the subdivisions are currently designed there is an assumption that 35 percent of the water that falls within the boundary of the subdivision will end up in the storm sewer system. There has been a change in the storm water standards that the county has which affects newer developments in the Township.

Member SCIUTO asked if this is would be something that would go to the Zoning Board of Appeals that would go over 50 percent or is each one a case by case.

Thomas Esordi, Township Attorney, stated that it would either go before the Planning Commission or the Zoning Board of Appeals. The benefit the Planning Commission for review they are better designed to negotiate with the applicant but there needs to be a standard somewhere.

Member BENTLEY stated it would be the details that would be needed from the Township Engineering Department that would assist with each decision should this be presented before us.

Chairman OLIVER asked if this can be heard back on the October 15, 2019 meeting.

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Patrick S. Meagher, Acting Planning Director, stated that it will be brought back on the agenda.

8. PUBLIC COMMENTS ON NON-AGENDA ITEMS*

None.

9. COMMISSIONER COMMENTS

None.

10. MACOMB TOWNSHIP BOARD OF TRUSTEE LIAISON UPDATE

Member KRZEMINSKI mentioned the recent approval of the Wolverine Estates North Site Condominiums, Riverview Estates Condominiums and a Special Event for Deneweth Garden Center.

11. ZBA LIAISON UPDATE

None.

12. PLANNING DEPARTMENT ITEMS

None.

MOTION by SCIUTO seconded by Member KRZEMINSKI to excuse Member TUCKFIELD from tonight's meeting.

MOTION carried.

12. ADJOURNMENT

MOTION by SCIUTO seconded by BENTLEY to adjourn the Planning Commission meeting at 8:00 p.m.

MOTION carried.

Respectfully submitted,

Charles Oliver, Chairman

Beckie Kavanagh, Recording Secretary