

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, NOVEMBER 5, 2019
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: CHARLES OLIVER, CHAIRMAN
AARON TUCKFIELD, SECRETARY
ROGER KRZEMINSKI, MEMBER
NUNZIO PROVENZANO
JASPER SCIUTO, MEMBER
RICHARD BENTLEY, MEMBER

ABSENT: MICHAEL HARDY, VICE CHAIRMAN (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. Secretary TUCKFIELD called the roll. Vice-Chairman HARDY was absent and excused.

MOTION by SCIUTO seconded by TUCKFIELD to eliminate Vice-Chairman HARDY'S name from roll call votes.

MOTION carried.

4. APPROVAL OF THE PREVIOUS MEETING MINUTES

The minutes of the previous meeting held on October 15, 2019 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by SCUITO seconded by PROVENZANO to approve the minutes of the meeting of October 15, 2019 as presented.

MOTION carried.

5. APPROVAL OF THE AGENDA

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

MOTION carried.

PUBLIC HEARING

6. AGENDA ITEMS:

A. 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. (postponed from October 5, 2019)

Patrick S. Meagher, Acting Planning Director, stated the Master Plan calls for the property in this area to be commercial, the applicant is asking for residential high density which would allow for structures up to 10 stories in height. The Master Plan includes areas with more intense development, typically between Romeo Plank and Hayes, north of Hall Road. Since this request does not meet the character of the area and is not consistent with surrounding zonings or land uses, denial is recommended.

Tom Kalas, representative, stated the parcel is currently zoned commercial and his client would like to rezone it to Residential Multiple Family High Density. The purpose is to construct apartments for the elderly which is allowed under a Special Land Use. Further, the proposed zoning is more suitable for the area, as a transitional zoning due to residential multiple low density to the north, office use and zoning to the north and commercial zoning to the west. Mr. Kalas also stated in Clinton Township, which is south of Hall Road, there is industrial and retail use directly south and restaurants and offices to the west. Mr. Kalas stated there is heavy commercial space along both sides of Hall Road, and this use for elderly housing is in demand, economically feasible and this is an ideal location. He noted the concerns of the public comments from the prior meeting regarding the height of the buildings. He indicated that his client would offer and agree under Michigan's Conditional Zoning statute that in the event the property is rezoned to R-2-H, they will limit the height of any building on that property to four stories. He also referenced the concern of the traffic and noted that with this proposed senior housing, traffic would be less than single family and traffic would not be as intense as some may believe. Mr. Kalas mentioned the drain that traverses the parcel, making the parcel more difficult to develop. Therefore, any building(s) that are built on the property will be constructed closer to Hall Road, which helps to avoid concerns of

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aesthetics to residents to the north. Lastly, he stated there is a need for this type of development and Hall Road is a great location.

Chairman OLIVER asked that in the event should the parcel under consideration be sold after the agreement limiting the number of stories of the buildings has been agreed to, how does this affect new ownership.

Patrick S. Meagher, Acting Planning Director, stated it is a condition that is being offered. The language would need to be worked out with legal counsel but it would be binding upon any party that develops the property.

Public Portion:

Tom Champion, 20806 Sleepy Hollow, stated he objects to the construction of a multi-density building partly because of the traffic but also given the number of schools located on Heydenreich Road. He also indicated he lives in a condominium development which is mostly considered retirement living, however, traffic is consistent within his development. Lastly, Mr. Champion voiced concern regarding the number of driveways and entrances along Hall Road which can lead to more traffic concerns.

Anne Courtney, 45383 Diamond Pond, requested the Planning Commission deny the request regardless of minimizing the height to four stories.

Peggy Gaynor, 20649 Hillsboro, stated she agrees with the other residents and four stories would be an eyesore. She noted that it had been indicated that elderly do not have more than one vehicle, but each unit in the condominium development in which she resides has two. She noted she was not aware of the proposed type of development here, but stated there are several apartment units and mobile homes within less than a three-mile radius. Lastly, Ms. Gaynor expressed her concern with traffic in the area and begged not to have this proposal approved unless the developer proposes a one-story development and more appropriate uses.

Patrick S. Meagher, Acting Planning Director, stated the representative had indicated a senior housing development for this property but it is not a condition of the rezoning. If the parcel is rezoned to the R-2-H designation, they are not limited to the senior living proposal, unless it is offered as a condition.

Greg Billington, 20524 Columbia, stated the area asking to be rezoned to the R-2-H designation does not fit into the area. He also noted there would be increased traffic, a change in the area and added waterflow to the existing pond that would need to be a shared expense.

Eric Carlson, 45401 Delmar, stated concerns regarding fire equipment to care for a building of the proposed height (4 or 10 story).

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John Straccia, 20498 Columbia, stated all the commercial property along Hall Road is single story and his concerns about the traffic, aesthetic value, and the wildlife.

Tony Aued, 20467 Columbia, mentioned the four schools in the area and the traffic hazards that could occur with the requested rezoning.

Chairman OLIVER emphasized many residents mentioned traffic is the major concern with this rezoning.

Patrick S. Meagher, Acting Planning Director, restated the residents mentioning the character of the area not being suitable for a four-story structure.

Member TUCKFIELD asked when a building is approved for vertical height basis does the Fire Department have to approve certain heights based on the apparatus.

Patrick S. Meagher, Acting Planning Director, stated the Fire Department will perform a review and follow the International Fire Code and consider the general health and safety standards when reviewing.

Member TUCKFIELD also asked about water detention standards and the engineering process.

James L. Van Tiflin, Township Engineer, reviewed the engineering process that would take place after site plan approval as well as detention basin standard requirements.

Discussion took place regarding the existing nearby detention basin and if it could be shared.

Member BENTLEY stated the property under the R-2-H is not limited to only senior living and asked if any other use could be limited to the four story height.

Patrick S. Meagher, Acting Planning Director, stated the applicant has the right to provide a condition that it would be for senior development (assisted, memory care or independent), however, it has not been made a condition at this time. If the applicant does offer such a condition, the Planning Commission would need to make it part of their recommendation. At that point, a legal document would need to be drafted which would require legal counsel review and would need to go before the Township Board for formal approval.

Member BENTLEY asked Thomas Esordi, Township Attorney, if such a restriction is a possibility and if it would have legal basis and be binding.

Thomas Esordi, Township Attorney, stated that yes it was possible.

Patrick S. Meagher, Acting Planning Director, stated Mr. Kalas has offered one condition and he can offer more, but the Planning Commission and the Township can not demand those conditions. If they are offered, the Planning Commission can make the conditions part of the motion, however, at this time they have not been offered.

MOTION by KRZEMINSKI seconded by SCIUTO to recommend to the Township Board the denial of 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. The rezoning is recommended for denial because it does not meet the character of the area, is inconsistent with surrounding zonings or land uses and is inconsistent with the Master Plan.

ROLL CALL VOTE FOR THIS MOTION:

AYES: KRZEMINSKI, SCIUTO, PROVENZANO, OLIVER, TUCKFIELD, BENTLEY.

NAYS: NONE.

ABSENT: HARDY.

Member TUCKFIELD added that as part of the Master Plan process there had been a lot of extensive time spent by the boards regarding commercial uses and though it was a good idea to stick with that plan.

MOTION carried.

A two minute break was held.

B. EXTENSION OF TIME – FINAL PRELIMINARY PLAT – HARMONY ACRES SUBDIVISION IV

Permanent Parcel 08-16-200-017; Located on the south side of 24 Mile Road, 1 ¼ mile east of Romeo Plank Road; Section 16; Joseph Van Haverbeck, Petitioner.

Patrick S. Meagher, Acting Planning Director, stated the subdivision has been in existence for some time and all of the improvements are installed. There have been no new ordinances provisions that would impact the design of the lots within the subdivision, there have been no objections from the departments and therefore see no objection in granting the extension.

Member TUCKFIELD asked Patrick S. Meagher if he knew how many years this development has received this extension.

Patrick S. Meagher, Acting Planner Director, stated approximately eight years.

Public Portion: None.

MOTION by TUCKFIELD seconded by KRZEMINSKI to recommend approval to the Township Board of Trustees the Extension of Time; Final Preliminary Plat; Harmony Acres Subdivision IV; Permanent Parcel 08-16-200-017; Located on the south side of 24 Mile Road, 1 ¼ mile east of Romeo Plank Road; Section 16; Joseph Van Haverbeck, Petitioner. This recommendation is for a one-year extension.

MOTION carried.

Member TUCKFIELD questioned the Permanent Parcel No. listed on the agenda as being correct at 08-16-200-017 or was it as indicated by another Planning Commission member that it should be 08-16-200-014. He asked if the Planning Department could verify the correct number.

It has been verified by the Planning Department that the Permanent Parcel No. listed on the agenda was correct.

C. EXTENSION OF TIME – FINAL PRELIMINARY PLAT – WEXFORD MEADOWS SUBDIVISION

Permanent Parcel 08-27-100-034; Located just east of Heydenreich Road, ¼ mile south of 22 Mile Road; Section 27; Joseph Van Haverbeck, Petitioner.

Patrick S. Meagher, Acting Planning Director, stated this subdivision has been in existence for some time and all of the improvements are installed. There have been no new ordinance provisions that would impact the design of the lots within the subdivision, there have been no objections from the departments, and therefore see no objection in granting the extension.

Member BENTLEY asked for the reasons for the extension.

Patrick S. Meagher, Acting Planning Director, stated that according to last year's extension there were some issues with regard to the terms of the sale that needed to be ironed out.

Public Portion: None.

MOTION by KRZEMINSKI seconded by BENTLEY to recommend approval to the Township Board of Trustees; Extension of Time; Final Preliminary Plat; Wexford Meadows Subdivision; Permanent Parcel 08-27-100-034; Located just east of Heydenreich Road, ¼ mile south of 22 Mile Road; Section 27; Joseph Van Haverbeck, Petitioner. This recommendation is for a one-year extension.

MOTION carried.

7. OLD BUSINESS

A. 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 property is currently zoned C-2 and the Master Plan calls for a commercial development on this property. Mr. Meagher stated conflicts with commercial adjacent to residential as well as multi-family. He further stated the Master Plan recommends and represents a relationship between commercial and single family residential in this particular area as a suitable fit, and therefore recommends denial based on the Master Plan.

Tom Kalas, representative, was in attendance.

Patrick S. Meagher, Acting Planning Director, stated the R-2-L zoning may be more appropriate for this property, which provides less density but more capability with single family, however, this was not proposed by the applicant.

Chairman OLIVER stated tonight the applicant is asking for the R-2 classification, which Mr. Meagher and Mr. Kalas confirmed.

Tom Kalas, representative, stated the buildings are limited to 2 stories in height as they are in R-2-L, but provides more flexibility in the density they are seeking.

Member TUCKFIELD asked the number of units per acre for the medium density zoning.

Patrick S. Meagher, Acting Planner Director, stated the zoning requires 5,000 square feet per each dwelling unit which is equivalent to approximately 8 units per acre.

Member TUCKFIELD stated he did not see a significant need to change the zoning for this property since a lot of time had gone into classifying commercial areas throughout the Township.

Member SCIUTO asked the petitioner why he thought he could not develop the property as commercial.

Tom Kalas, representative, stated the property is vacant for a reason. The township is saturated with commercial uses and there is no demand for it. He further stated

besides from the economical feasibility and the demand issue its not proper zoning placing C-2 next to single family residential and it violates all planning principals.

Member BENTLEY asked Mr. Meagher for input regarding the statement that the zoning is not proper as listed in our Master Plan as commercial.

Patrick S. Meagher, Acting Planning Director, stated ideally, we would like to avoid commercial/industrial next to residential but those locations do exist and the ordinance does provide for buffering.

MOTION by TUCKFIELD seconded by SCIUTO to recommend to the Township Board the denial of 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. This recommendation is made because it does not match the Master Plan with the existing use being consistent with other areas of the Master Plan and the back log of history done by various commissions and boards as to the proper amount of commercial in the township.

ROLL CALL VOTE FOR THIS MOTION:

**AYES: TUCKFIELD, SCIUTO, KRZEMINSKI, BENTLEY, OLIVER,
PROVENZANO.**

NAYS: NONE.

ABSENT: HARDY.

MOTION carried.

8. PUBLIC COMMENTS ON NON-AGENDA ITEMS*

None.

9. COMMISSIONER COMMENTS

Chairman OLIVER brought up the Extension of Time requests and indicated that there should be a format for reviewing and approving for only a few years.

Patrick S. Meagher, Acting Planner Director, stated some other communities only allow for one extension. He stated the extensions are likely the result of the recession and we have come across issues due to the extensions. He further stated it may be ideal to look at the ordinances as a whole instead in order to best serve the community.

10. MACOMB TOWNSHIP BOARD OF TRUSTEE LIAISON UPDATE

None.

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11. ZBA LIAISON UPDATE

None.

12. PLANNING DEPARTMENT ITEMS

None.

13. ADJOURNMENT

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

MOTION carried.

Respectfully submitted,

Charles Oliver, Chairman

Aaron Tuckfield, Secretary

Beckie Kavanagh, Recording Secretary