

MACOMB TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES AND PUBLIC HEARING  
TUESDAY, APRIL 6, 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  
DANIEL SPATAFORA, MEMBER  
PRESENT, MACOMB TOWNSHIP, MACOMB COUNTY, MI

ABSENT: NUNZIO PROVENZANO, MEMBER - EXCUSED  
JASPER SCIUTO, MEMBER - EXCUSED

ALSO PRESENT: Josh Bocks, Planning Director  
David Scurto, Planning Consultant  
Tim Tomlinson, 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. Members PROVENZANO and SCIUTO were absent and excused.

**MOTION by OLIVER seconded by BENTLEY to eliminate Member PROVENZANO and Member SCIUTO from roll call votes.**

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

4. APPROVAL OF THE PREVIOUS MEETING MINUTES

**MOTION by BENTLEY seconded by TUCKFIELD to approve the meeting minutes of March 16, 2021 as presented.**

**AYES: BENTLEY, TUCKFIELD, HARDY, SPATAFORA, OLIVER.**  
**NAYS: NONE.**  
**ABSENT: PROVENZANO, SCIUTO.**  
**MOTION carried.**

5. APPROVAL OF THE AGENDA

**MOTION by OLIVER seconded by SPATAFORA to approve the agenda as presented.**

**FOR THIS MOTION**

**AYES: OLIVER, SPATAFORA, BENTLEY, HARDY, TUCKFIELD.**  
**NAYS: NONE.**  
**ABSENT: PROVENZANO, SCIUTO.**  
**MOTION carried.**

6. NEW BUSINESS/PUBLIC HEARINGS

**A. PUBLIC HEARING AND ZONING ORDINANCE AMENDMENT; NEW  
ARTICLE XXVII – MEDICAL MARIHUANA**

Tim Tomlinson, Township Attorney, stated there have been 3 different acts that have been enacted by a ballot initiative. He reviewed the different acts and stated that there are limitations with each of them that limits the ability of a community to govern the marihuana within their respected boundaries. They have found that the caregivers are taking over residential homes in residential neighborhoods and making them grow houses. At the end of the day, the output of what a caregiver would be permitted which is up to 72 plants in a particular facility, is way beyond what a responsible patient/caregiver relationship would need.

The reality is that there are problems in the neighborhoods with the grow houses moving into the residential neighborhoods.

He went on to state that they have prepared an ordinance pertaining to the grow houses, limiting it as much as possible within the residential neighborhoods. It does not address the Michigan Marihuana Facilities Licensing Act since the Township has taken a position of being uninterested. Likewise, the Township has also opted out of the Recreational Marihuana which are two separate and distinct things from this particular act.

Member TUCKFIELD stated his questions regarding some of the definitions and the zoning districts.

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Tim Tomlinson, Township Attorney, expanded on the definitions provided within the proposed ordinance.

Supervisor VIVIANO explained why the ordinance was prepared in the way it was. He went on to indicate that the Township can't change or reverse state law, nor is it anything we want to attempt.

Chairman HARDY opened the public hearing at 6:54 p.m.

**Public Portion:**

Member BENTLEY stated his concerns on Section 10.2607 regarding patients and caregivers and if they are each capable of cultivating Medical Marihuana and if a grower is a caregiver by definition, or, is a caregiver a nurse or doctor. Lastly, he asked whether a supplier of marihuana is a caregiver because they are the only ones who can cultivate marihuana.

Tim Tomlinson, Township Attorney, stated in the context of the Medical Marihuana that the caregiver is the one that is typically the grower and provides the medical marihuana to the individual.

Chairman HARDY closed the public portion at 7:02 p.m.

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

**MOTION by SPATAFORA seconded by OLIVER to recommend to the Township Board the ordinance as presented subject to modification of Section 10.2609 (b) – to eliminate the phrase on a residentially zoned parcel or otherwise authorized for residential use and on an industrial zoned parcel and publish the Macomb Township Ordinance to amend the Macomb Township Zoning Ordinance by adding ARTICLE XXVII – MEDICAL MARIHUANA; to regulate patient caregiver activities pursuant to the Michigan Medical Marihuana Act, to provide for Repealer, severability and effective date.**

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

**B. GENERAL DESIGN CONCEPT; FREEMONT PUD**

Permanent Parcel 08-35-100-004; Located on the southeast corner of 21 Mile Road and Card Road; Section 35. MM 21 Card. LLC, Petitioner.

Josh Bocks, Planning Director, presented a powerpoint presentation of the proposed development and how it would tie into the existing land use development. He went on to note that there are several comments made by the reviewing departments and highlighted them as noted.

Mario Izzi, petitioner, was in attendance and replied to the comments that had been made by the departments regarding curb cuts, traffic study and that they would like to get some conceptual approval on the commercial component of the PUD development and would like to submit for engineering approval.

Member SPATAFORA stated that a Planned Unit Development is a unique thing which benefits the community, developer, and the residents.

In depth discussion was held regarding the PUD ordinance and the various approvals that are granted during the PUD process.

Chairman HARDY opened the public portion at 7:36 p.m.

**Public Portion:**

Josh Bocks, Planning Director, stated that there was a comment in the chat portion which asked if there was going to be a fence or any buffering between the new residential and existing lot line.

Mario Izzi, petitioner, responded that there would be rear yard landscape trees along with the foot (50') rear yard setback. There is no berm being proposed and worrying about which residential side would take on the water which can be a dilemma at times. So, yes, they are proposing landscape without a berm.

Chairman HARDY closed the public portion at 7:38 p.m.

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

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

Member SPATAFORA stated his concerns regarding keeping the proposed Spring Valley Drive which runs through the residential component as a private drive.

Mario Izzi, petitioner, stated they don't want to dedicate road and will be having meetings with the Department of Roads for further discussion.

**MOTION by OLIVER seconded by BENTLEY to recommend to the Township Board of Trustees the General Design Concept; Freemont PUD; Permanent Parcel 08-35-100-004; Located on the southeast corner of 21 Mile Road and Card Road; Section 35. MM 21 Card. LLC, Petitioner. This motion is made with the understanding that all parties will work closely together to get all items resolved.**

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

**C. SPECIAL LAND USE; TRANSFORM RX**

Permanent Parcel 08-17-344-023; Located on the east side of Regency Center Drive, north of 23 Mile Road; Section 17. Transform RX. LLC, Petitioner.

Josh Bocks, Planning Director, stated all of the reviewing departments have reviewed the request and are recommending approval.

Monica Buccellato, petitioner, was in attendance. She indicated that they are an indoor recreation and fitness facility focusing on strength training and conditioning. They are not a typical gym. There is no open time being provided to the clients. They will be individually instructed or a group fitness class which run 60 minutes.

Member BENTLEY asked about the parking availability.

Member OLIVER asked if they would be hosting any competitive events.

Monica Buccellato, petitioner, stated their clients work on general fitness.

Chairman HARDY opened the public hearing at 7:50 p.m.

Public Portion: None.

**MOTION by OLIVER seconded by SPATAFORA to close the public portion.**

**MOTION carried.**

**FOR THIS MOTION**

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

**NAYS:** NONE.

**ABSENT:** PROVENZANO, SCIUTO.

**MOTION carried.**

**MOTION by SPATAFORA seconded by OLIVER to approve the Special Land Use; Transform RX; Permanent Parcel 08-17-344-023; Located on the east side of Regency Center Drive, north of 23 Mile Road; Section 17. Transform RX. LLC, Petitioner. This approval is granted based upon the comments from the Planning Director and the department reviews as presented.**

**FOR THIS MOTION**

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

**NAYS:** NONE.

**ABSENT:** PROVENZANO, SCIUTO.

**MOTION carried.**

**D. FINAL PLAN; REGENCY COMMERCE CENTER, UNIT 9**

Permanent Parcel 08-17-344-109; Located on the west side of Regency Center Drive, north of 23 Mile Road; Section 17. Scott Mullica, Petitioner.

Josh Bocks, Planning Director, stated all of the reviewing departments have reviewed the request and are recommending approval.

Bill Thompson, representative, was in attendance.

Member BENTLEY asked if there were connection drives to the units abutting this parcel.

Bill Thompson, representative, stated there is no connection. They are totally independent.

Chairman HARDY opened the public hearing at 7:56 p.m.

Public Portion: None.

Chairman HARDY closed the public hearing at 7:57 p.m.

**MOTION by OLIVER seconded by SPATAFORA to close the public hearing at 7:57 p.m.**

**FOR THIS MOTION**

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

**NAYS:** NONE.

**ABSENT:** PROVENZANO, SCIUTO.

**MOTION** carried.

**MOTION** by TUCKFIELD seconded by SPATAFORA to approve the Site Plan; Regency Commerce Center, Unit 9; Permanent Parcel 08-17-344-109; Located on the west side of Regency Center Drive, north of 23 Mile Road; Section 17. Scott Mullica, Petitioner. This is pursuant to the recommendations that it match all the appropriate measurements and ordinances and that this is something that has been approved in the past and its being built in an acceptable manner.

**FOR THIS MOTION**

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

**NAYS:** NONE.

**ABSENT:** PROVENZANO, SCIUTO.

**MOTION** carried.

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

Permanent Parcel 08-16-200-007; Located on the south side of 24 Mile Road, west of Foss Road; Section 16. Salvatore DiMercurio, Petitioner.

Josh Bocks, Planning Director, presented a powerpoint presentation of the proposed rezoning and how it would tie into the existing land use development.

Bill Thompson, representative, was in attendance,

Member OLIVER asked where the sewers would be coming from to service the property.

Bill Thompson, representative, stated that it would be coming from the west.

Chairman HARDY opened the public hearing at 8:01 p.m.

Public Portion: None.

**MOTION** by OLIVER seconded by TUCKFIELD to close the public hearing at 8:01 p.m.

**FOR THIS MOTION**

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

**NAYS:** NONE.

**ABSENT: PROVENZANO, SCIUTO.**  
**MOTION carried.**

**MOTION by SPATAFORA seconded by OLIVER to recommend approval to the Township Board of Trustees the Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel 08-16-200-007; Located on the south side of 24 Mile Road, west of Foss Road; Section 16. Salvatore DiMercurio, Petitioner. This recommendation is based on the comments from the Planning Director and internal departmental reviews.**

**FOR THIS MOTION**

**AYES: SPATAFORA, OLIVER, BENTLEY, HARDY, TUCKFIELD**  
**NAYS: NONE.**  
**ABSENT: PROVENZANO, SCIUTO.**  
**MOTION carried.**

**F. EXTENSION OF TIME; SITE PLAN; ROCKWOOD PARK**

Permanent Parcel 08-28-376-002; Located on the north side of 21 Mile Road, ¼ mile east of Romeo Plank Road; Section 28. Gaetano Caccamo, Petitioner.

Josh Bocks, Planning Director, reviewed the request and the previous approvals that had been granted to them.

Chairman HARDY opened the public portion at 8:09 p.m.

Public Portion: None.

Chairman HARDY closed the public portion at 8:10 p.m.

**MOTION by BENTLEY seconded by SPATAFORA to close the public portion at 8:10 p.m.**

**FOR THIS MOTION**

**AYES: BENTLEY, SPATAFORA, HARDY, TUCKFIELD, OLIVER.**  
**NAYS: NONE.**  
**ABSENT: PROVENZANO, SCIUTO.**  
**MOTION carried.**

**MOTION by OLIVER seconded by BENTLEY to recommend to the Township Board of Trustees the Extension of Time; Site Plan; Rockwood Park; Permanent Parcel 08-28-376-002; Located on the north side of 21 Mile Road, ¼ mile east of Romeo Plank Road; Section 28. Gaetano Caccamo, Petitioner. The extension will be for one year.**

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

**7. OLD BUSINESS**

None.

**8. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

**9. COMMISSIONER COMMENTS**

Member SPATAFORA asked if the PUD agreement needs to be included with the General Design because there was nothing included.

David Scurto, Planning Consultant, reviewed the PUD agreement process and stated that it would be handled at an upcoming meeting.

Member TUCKFIELD stated the previous problems that he had seen with the PUD developments that have been previously built and wondered if the process could be looked at to see if there could be more flexibility given to the developers to give us the best possible product.

**10 MACOMB TOWNSHIP BOARD OF TRUSTEES LIASION UPDATE**

Member OLIVER stated the Board of Trustees has extended the outdoor seating to October 31, 2021. He also noted that Parks and Recreation hired Ericka Brohl to join their staff.

**11 ZBA LIAISON UPDATE**

Member TUCKFIELD stated the Zoning Board of Appeals had their first in person meeting last week and it went very well.

**12 PLANNING DEPARTMENT ITEMS**

Josh Bocks, Planning Director, stated the outdoor business space had been extended to October 31, 2021 or until the ban is lifted, which ever one comes first.

**13. ADJOURNMENT**

**MOTION by SPATAFORA seconded by OLIVER to adjourn the Planning Commission meeting at 8:20 p.m.**

**FOR THIS MOTION**

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

**NAYS: NONE.**

**ABSENT: PROVENZANO, SCIUTO.**

**MOTION carried.**

Respectfully submitted,

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Michael Hardy, Chairman

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Richard Bentley, Secretary

Beckie Kavanagh, Recording Secretary