

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

September 12, 2017

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, September 12, 2017 at 7:00 P.M. at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. CALL TO ORDER:

Mr. Miller called the meeting to order at 7:00 P.M.

2. ROLL CALL:

Present: Paul Miller
Rick LaBelle
Joe Stabile
Carl Leonard
David Joseph
Jerry Alexie
Frank Eckenrode
Ray Saelens

Absent: James Moran, *excused*

Others: Patrick Meagher, Community Planning & Management
Jonathon Palin, Planning & Zoning Administrator

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda as submitted

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

4. SUB COMMITTEE REPORT (Committee will report on items under Review)

5. PUBLIC HEARINGS:

A. REZONING #346: Mariano Talluto, 19186 Thornberry, Macomb Twp., MI 48042. Request is to rezone a vacant 12.669 acre parcel on the west side of Scheuer Road, South of Hagen from A-1 (Agriculture Residential) to R-2 (Two Family Residential) Tabled 8-22-2017 with Public Hearing open

Reese Serra, attorney for Mariano Talluto addressed the board.

Mr. Serra stated that currently the property is zoned A-1 and they are requesting the property be changed to R-2 to build a duplex. He explained that this would not be a traditional duplex like a small apartment complex. This would be a single family home designed to accommodate a blended family, like the Talluto's. So perhaps, they could meet with someone and let them know their plans for the home. If it would be approved as R-2 that would be ideal for them, but he remarked that this would not be a structure that would be rented out to others for profit. He stated that even though there is no public sewer or water in the area, having agricultural duplexes is not uncommon. He mentioned that his family owns several properties in Macomb County. He stated that they have an agricultural duplex on 29 Mile in Ray Township and they have other duplexes on agricultural properties in St. Clair County. Historical there have been duplexes in agricultural communities throughout Macomb and St. Clair Counties. He brought up the point that they would not have any objection to the applicants putting up a single family home on the property. He asked if he could get a comment on that.

Mr. Meagher asked if he could repeat the question?

Mr. Serra asked under the A-1 zoning would it be possible for them to construct a single family home on the property?

Mr. Meagher replied yes.

Mr. Serra asked if it would be possible for his clients to split this 13-acre parcel and construct two family homes?

Mr. Meagher stated that he did not review the property to see if it is appropriate for a lot split and he does not know if the Township Planner has any information on that.

Mr. Palin stated that he guessed they could get a lot split depending on the depth and frontage of the property.

Mr. Serra replied that he thought it was 900' of frontage and 1,000' deep. He asked hypothetically would it be possible for them to split the lot?

Mr. Palin replied that it would go through a review with Assessing to make sure it met the requirements.

Mr. Serra stated that the point he is getting at is that hypothetically if they can take this parcel and they could split it and build two homes, how would it be a hardship on the Township or a difficulty for the community or neighborhood in building one larger home to accommodate both families or if they could build two single family homes on the same parcel. He asked if anyone on the board had any comments on that.

Mr. Miller replied that they would wait until he was finished with the presentation before making any comments.

He stated essentially he does not feel it would be objectionable to build a single home. The thought of having a larger home that would accommodate two families initially was troublesome, but with that context he would like to hear their feedback.

Allen Polkowski, 55415 Scheuer Rd., Chesterfield, MI addressed the board.

Mr. Polkowski stated that he did not want to reiterate and take up anybody's time with what he covered last time, which he believed Mr. Joseph commented that his presentation was quite articulate. He commented that hopefully it is in the record. He asked Mr. Joseph if what he spoke about last week was in the record because he reiterated that there were several points that Trustee Joseph mentioned were quite articulate. He thought before they vote it would be important that everything he covered in the last meeting was in the record; otherwise he could send them a letter. He mentioned that the applicant's attorney was not here at the last meeting and at that time they discussed if Mr. Talluto could or could not do this. He already talked to Mr. Palin and found out the answer to that. He stated that information could have been readily available prior to this meeting. So they are actually wasting his time and the board's time as well. He mentioned the fact that they also submitted a petition signed by the neighbors that was opposed to the rezoning at the last meeting. He then reiterated the same information that he covered during the last meeting.

Please refer to the following comments from Mr. Polkowski on 8/22/2017.

Mr. Polkowski stated that he owns the farm that borders this property to the south. He remarked that he is against this rezoning and informed them that he also submitted a petition signed by 11 of their neighbors which was submitted to Mr. Palin from people who are also against this rezoning. He explained that he and his wife bought their farm in a foreclosure about 7 years ago. They put thousands of dollars into restoring the property and the buildings. He

mentioned that they have livestock, 35 fruit trees, grass and hay pastures, a historic barn and a home. He mentioned students from Dakota High School have visited their farm for a field trip to study the 200 year old restored historic barn. They are against any rezoning of the property by Mr. Talluto which would spot zone property in an agricultural area. He mentioned that there would be 4 zoning changes from A-1 to R-2. He stated that before they purchased the property, they spoke to Janice who was the Supervisor of Planning who looked at the Master Plan and stated that there was no problem and the Township was going to keep this area agricultural. He commented that Mr. Talluto could have gone to Planning before purchasing the land and inquired about the zoning; he would have found out that they want to keep the zoning in this area agricultural and preserve this historic site. He mentioned that they offered to purchase the property from Mr. Talluto so they could grow local hay for their horses. He stated that Mr. Talluto is a nice man, but if the zoning is approved, he has the right to sell the property immediately after the rezoning or he may be delinquent on his taxes as he was in 2016 which was confirmed by Macomb County Treasurer. He stated that Mr. Talluto has had building materials on the site for over two years and it is unsightly and attracts nuisance animals. He commented that if approved Mr. Talluto could also build many multi-family homes and rent them. He remarked that Mr. Talluto could have purchased property in many other areas in the Township and built these multi-family homes. He mentioned that on the property there are two wide ITT and DTE easements on the land for power lines and there is a gas line through the middle of the property and he is pretty certain that they do not want any additional impediment to their easements. He added as far as infrastructure, there is no existing sewer, natural gas or city water on Scheuer Road. He reiterated that he and his neighbors are against the rezoning of this property.

Mr. Polkowski then complained about the additional traffic that there would be on the road. He then stated if Mr. Talluto then sells his property or rents the duplexes, they would not know who those people would be. He commented that the people on Sheuer own their property; they are not renters. He then asked the Commissioners if they had any questions for him?

Kathleen Goulding made remarks opposing the rezoning of the property. She stated that at the last meeting when they mentioned there was no water on the property, Mr. Talluto stated that there was a fire hydrant down the street. She then asked if the applicant was going get his water from the fire hydrant.

Motion by Mr. Miller to close the Public Hearing on rezoning #346

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller asked Jonathon if their only alternative is to put a single family home out there?

Mr. Palin replied that is correct.

Mr. Stabile stated that one of the things that the family does not seem to understand is that area was always intended to be agricultural. He mentioned that through the downturn there were so many things that got started and were not finished and the old and the new Master Plan is keeping that area as totally agricultural with no new subdivisions or multi-family residences. He stated that when they came in front of the board, he came with a request for rezoning and if they change the zoning on the property to M-2 every builder will come in with zoning changes and the next thing they know there are duplexes in that whole area. It is not that they are against what these people are trying to do; they are just against it being rezoned M-2. He stated that it is just not allowed and the change would set a precedent so vast that they would lose their agricultural area.

Mr. Serra asked if in the Township is it allowable to build two single family homes on one parcel if the property is zoned agricultural residential?

Mr. Meagher replied no it is not.

Mr. LaBelle stated that Joe expressed his feelings on the matter.

Mr. Miller agreed and stated that they had a letter from Jim and Cheryl Horvath on Hagen Road and they are against the rezoning of this property.

Mr. Saelens stated that he saw no reason to rezone this property.

Mr. Leonard commented that he concurred.

Mr. Joseph commented that Mr. Stabile mentioned M-2 and he stated that the property request was for R-2 which is essentially the same thing. He stated that Mr. Reese's hypothetical has actually played out many times in the community. He explained that a number of families thought that Chesterfield was a great place and wanted their family here and bought lots together. He stated that in many neighborhoods, it is not uncommon where there are grandparents, children, and grandchildren living on the same block. He knows exactly what they are talking about with individuals that would like to stay close

to one another. The difference is that even if they put the houses as close to the easement as possible, they must have two separate lots. He remarked that once they change the zoning from A-1 to R-2 they now open the door to any developer who wants to take advantage of the R-2 zoning that may not have the same reason as the applicant. He stated that there is a major difference with the rezoning verses the hypothetical about the lot split and two houses next to each other. He stated that as far as Mr. Polkowski, the presentation that was made the first time had a number of great points and he thought Mr. Polkowski's comments were well reflected in the minutes from the previous meeting which will be available to him and posted on-line now that they have been approved. He thought the Recording Secretary did a very nice job synopsising your points, but if you have something that you specifically want to be part of the minutes, submit that to the Chairman and perhaps there is a mechanism to attach it to them, just as correspondence comes to the board. He stated that Mr. Polkowski cited a number of things like historic value, infrastructure concerns, and the way that they split property for zoning and he agrees with all of those points. He mentioned that he agreed with everything the gentleman said, with the exception of one thing and that having to do with a waste of everybody's time. He feels that Mr. Talluto and his family are very honorable people and they have come to the Township with a request and have been advised many times of a more appropriate way to accomplish their goals. However, at the end of the day they have every right to this hearing; they have a redress and they should reserve the mechanism for residents to come forward and have their claim reviewed and met by the board. He stated that this was a reasonable request and he understands the reason Mr. Talluto, who is a very honorable person, wanted to do it. It has been frustrating because a few neighbors have been trying to keep track of these dates. He mentioned that some people of their neighborhood came to the full board meeting last Tuesday and thought this was on the agenda. He knows it is frustrating but it is necessary because the right to do what a person wants to do on their property should be looked at and they should make sure they afford every person the opportunity to do what they want to do on their property within the ordinance. In this case he thought this is above what is afforded a person in that area and it is not in the best interest of the Township.

Motion by Mr. Joseph to deny Rezoning #346 as written in the agenda.

Supported by Mr. Miller

Mr. LaBelle asked if they should poll the board and see if they want to vote on this matter tonight?

Mr. Miller asked the Recording Secretary to poll the board.

Mr. Joseph, Mr. Miller, Mr. LaBelle, Mr. Stabile, Mr. Leonard, Mr. Alexie,

Mr. Saelens all voted to make their decision tonight.

Mr. Eckenrode voted to wait until the next meeting.

Mr. Miller stated that they had a Motion by Mr. Joseph and he supported the Motion. He asked if Mr. Joseph wanted to include the comments from CPM as part of the reason for the denial?

Mr. Joseph stated that he agreed to include those comments and also included in the Motion that this is a recommendation to the Township Board.

Mr. Miller continued support.

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that they recommended a denial to the Township board and asked Jonathon when this would be on their agenda?

Mr. Palin replied he believed it would be the first Board meeting in October.

6. REVIEWS:

- A. SITE PLAN REVIEW #2017-07: Gallo Companies, 6303 26 Mile Road, Washington, MI 48094. Proposed development of a 4-story, multi-family use in Chesterfield Corners on Marketplace Blvd. on 9.85 acres in the C-4 District. Tabled 4-25-2017**

Mr. LaBelle stated that the petitioner requested that the site plan be tabled.

Motion by Mr. LaBelle to Table Site Plan #2017-07 to October 10, 2017

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- B. SIGN REVIEW #2017-80: Jan Signs, LLC 4014 Hillcrest, Highland, MI 48356. Proposed new wall sign located at 31081 23 Mile for AT&T.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-80

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- C. **SIGN REVIEW #2017-81: Jan Signs, LLC 4014 Hillcrest, Highland, MI 48356. Proposed new wall sign located at 31081 23 Mile for AT&T.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-81

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- D. **SIGN REVIEW #2017-82: Allied Signs, Inc. 33650 Giftos, Clinton Twp., MI 48035. Proposed new wall sign located at 27953 23 Mile Rd. for Harbor Freight.**

Mr. LaBelle stated that the sign does meet the Township ordinance. He mentioned that this is for the wall sign only and not anything to do with any façade change to the building.

Motion by Mr. LaBelle to approve Sign #2017-82

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- E. **SIGN REVIEW #2017-83: Harmon Sign, 7844 W. Central Ave., Toledo, OH 43617. Proposed new front wall sign located at 50972 Gratiot Panda Express Restaurant.**

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-83

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- F. **SIGN REVIEW #2017-84:** Harmon Sign, 7844 W. Central Ave., Toledo, OH 43617. Proposed new wall sign located at 50972 Gratiot for Panda Express Restaurant.

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-84

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- G. **SIGN REVIEW #2017-85:** Harmon Sign, 7844 W. Central Ave., Toledo, OH 43617. Proposed new wall sign located at 50972 Gratiot for Panda Express Restaurant.

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-85

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- H. **SIGN REVIEW #2017-86:** Harmon Sign, 7844 W. Central Ave., Toledo, OH 43617. Proposed new wall sign located at 50972 Gratiot for Panda Express Restaurant.

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-86

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- I. **SIGN REVIEW #2017-87** Harmon Sign, 7844 W. Central Ave., Toledo, OH 43617. Proposed new wall sign located at 50972 Gratiot for Panda Express Restaurant.

Mr. LaBelle stated that the sign does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign #2017-87

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

7. **APPROVAL OF MINUTES FROM PRIOR MEETINGS:**

Motion by Mr. Miller to approve the meeting minutes from 8/22/2017.

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

8. **COMMUNICATIONS:**

Mr. Miller stated that the only communication received was the letter opposing the Rezoning #346

9. **OLD BUSINESS:**

- A. **Letter Requesting Extension for Site Plan #2016-12: Med Express Urgent Care, 1001 Consol Energy Dr. Canonsburg, PA 51317.** Requesting an extension on their previously approved site plan on June 28, 2016, they are still working with the Township Engineer's.

Motion by Mr. Miller to approve the extension on Site Plan #2016-12 for 1 year.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

10. **NEW BUSINESS:**

There was no new business.

11. **PLANNERS REPORT:**

- A. **Administrative Request #189: Eagles Bar & Grill, 50640 Waterside Drive, Chesterfield, MI** Requesting patio changes to the existing outdoor seating area.

Mr. Meagher stated that Eagles Bar and Grill are requesting to add two high tops to their outdoor patio. He explained that they find these changes to be consistent with the ordinance and they recommend approval.

Mr. Miller stated that he noticed that the fire pits are already in there and he assumed the Fire Department has the final approval.

Mr. Meagher stated that the Fire Department and the Building Department have final approval and they will review it.

Mr. LaBelle stated that one of the items they talked about was the fact that the fire pit is so close to the fence and they obviously want to protect the residents; so Mr. Schroeder and the Fire Department would have to look into that.

Mr. Miller asked if there would be a cover on that?

Frank Memcaj, 50640 Waterside, Chesterfield, MI addressed the board.

Applicant replied that there will be a protective glass feature of either 12 or 18 inches and they are set in the middle of the tabletop. He added that there is a granite overhang so it would be very hard for someone to brush up against the fire.

Mr. Miller asked if those were in there right now?

Applicant explained that those are just the stubs and are not a permanent feature. He mentioned those can be removed.

Motion by Mr. Joseph to approve the request pending the approval by the Fire and Building Departments.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

12. **COMMENTS FROM THAT FLOOR PERMITTED BY THE COMMISSION ON AGENDA OR NON-AGENDA MATTERS.**

Mr. Joseph complimented Mr. LaBelle and stated that he always did an excellent job on the sign reviews. His presentations sound like a very enthusiastic radio voice and he always keeps him interested on what the sign is. He also appreciates Mr. LaBelle's advice to the board as to why a sign is or is not in compliance and if not why it should be approved on whatever the additional variables are.

Mr. LaBelle asked for volunteers for the next Pre-Planning meeting on 9/26/17.

Mr. Stabile and Mr. Leonard both agreed to attend the Pre-Planning meeting.

There was a discussion among the board members and Mr. Palin on what was going as far as the new sign ordinance.

Mr. Stabile brought up the new Master Plan and when it was going to the Township Board for approval. There was also a rather lengthy discussion on this matter among the Commissioners.

13. **PROPOSALS FOR NEXT AGENDA:**

There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Miller to adjourn at 7:40 PM

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary