
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

Members Present: Dennis Ward, Edward Resha, Wilma Luna, Christina Lirones, Julie Griess, Andrea Urda-Thompson.

Members Absent: Russell Banush.

Others Present: Joseph Barts, Lisa Miller, David Hamill, Bryan Gardiner, Matt Fernandez, Jen Fernandez, Sabrina Gross, Sandra Callahan, Mike Makowski, Annamaria Hornyak, Assistant Planner Paul Montagno, Senior Planner Mark Spencer, and Recording Secretary Marge Burkheiser.

1.0 Call Meeting to Order at 7:30 p.m. / Determination of a Quorum.

Chairperson Lirones called the meeting to order at 7:32 p.m. A quorum was present.

2.0 Pledge of Allegiance

Chairperson Lirones led the Pledge of Allegiance.

3.0 Approval of Agenda

Motion by Commissioner Ward, supported by Commissioner Resha, to move Item 7.1 of New Business to follow Item 5.1 of the Public Hearing, and Item 7.2 of New Business to follow Item 5.2 of the Public Hearing.

MOTION CARRIED

4.0 Items from the Floor

Sabrina Gross, of 5807 Lakeshore, stated that her comments addressed the recent decision of September 2nd (2004) regarding the CUP for WalMart. She then read the following statement. "The recent actions by this Planning Commission show poor leadership and a lack of response to the residents of this Township, particularly the tax payers of this Township. The land is zoned for commercial use, but despite the fact that the project needed conditional use permits, Pittsfield officials acted as if they really had no influence on the project." She continued to read her letter opposing WalMart and the Planning Commission decisions.

Lisa Miller, a resident, read the following statement. "Good Evening, my name is Lisa Miller and I have been a resident of Pittsfield Township for [nine] 9 years. I have voted in local elections and have even voted for somebody here on the Commission tonight. I came tonight to voice my concern over the proposed WalMart on the corner of Michigan and State." She continued to read her letter opposing WalMart and the Planning Commission decisions.

Michael Makowski, resident, stated he was here to voice his opposition to WalMart. He said they (WalMart) are the largest company in the entire world and their family is some of the richest people in the world. He said that he is concerned about the roads. He said that he likes to look up information about the roads on the internet and the Michigan Department of Transportation (MDOT) website is one of his favorite sites for road information. He said that Jennifer Granholm (governor of Michigan) has placed a moratorium on any new road projects in the State of Michigan. He said that it will be many years before any roads in this County are upgraded. He said that the MDOT website posted a recently finished study regarding Michigan Avenue (US-12). He said that there is no planning time line and the project is shown in four (4) phases, and WalMart is in the third or fourth phase.

Mr. Makowski noted that Michigan does not have a long construction season, and assuming each phase is a season with construction starting in 2008, the current road conditions would exist for the next six or seven years with the project finish possibility sometime in 2010 to 2012. He asked for a proper road study to be conducted and he asked the [Planning] Commission to reconsider this project at this site. He said the community could not have this type of store with the current road conditions in that area.

Matthew Fernandez, 6278 Gyers Meadow, stated that he was in support of Mr. Makowski's comments. He said that the majority of the traffic would be generated from the US-23 corridor. He mentioned the tax burden that could occur (from WalMart). He said that WalMart would actually become a burden to the community and they should relocate to a different area.

Sandra Callahan, resident, asked when WalMart would be addressed at the [Planning] Commission meetings.

Chairperson Lirones stated that this (WalMart) was not an agenda item tonight. She then gave a brief history of WalMart and the previous public hearings. She said that the project has been under review for 2 ½ years and this included a number of public hearings.

Ms. Callahan asked when this would be on agenda so they [the residents] could address the traffic and various issues and receive some answers.

Chairperson Lirones stated that the Planning Commission does not have jurisdiction over the roads. She said that the Michigan Department of Transportation (MDOT) controls Michigan Avenue and the Washtenaw County Road Commission (WCRC) is responsible for State Road and Old State Road. She said that these authorizing agencies have given permits for this site with the condition that improvements are made. She stated that there have not been any tax abatements given to WalMart. She also said that WalMart would be on the agenda again, at some point, for final site plan review. She also stated that everyone is invited and welcome to attend any of the Planning Commission meetings.

Senior Planner Mark Spencer stated that currently there is no site plan submittal (from WalMart) for review. He added that a submittal would trigger when WalMart will be on the agenda.

Chairperson Lirones noted that there were no further public comments.

5.0 Public Hearings

5.1 CUP #04-17 Speedway Super America [submitted for conditional use permit]

Planner Montagno reviewed his report. He stated that the applicant applied for a permit to have outdoor propane sales and storage in a General Commercial (C-2) district. He then listed the neighboring uses. He stated that on June 20, 1991 the Planning Commission approved Conditional Use Permit (CUP) #91-04 for the gas station at this location. He said that condition #2 of this approval states, "No outdoor storage or display including ice chests, magazine racks, soft drink containers, water, fluids, oil, tires, etc. shall be permitted." He added that this condition has not been complied with on various occasions. He said that the applicant is proposing to place a 28 inch by 44 inch by 71.5-inch metal cage on a 5-foot walkway along the south wall of the building. He said that the parking should not be affected. He said that the sale of propane at a gas station is a typical method of distribution for this product, and the propane must be stored outside because the law prohibits indoor storage of the material. He also stated that the Deputy Director of Fire Services has said that there should not be any problems with this (the sale of propane).

Bryan Gardiner, applicant, stated that his company currently has all of the Speedway accounts and they were not aware of the restriction [concerning outdoor storage]. He said that the company does follow the National Fire Code, International Fire Code and they do check with local governments and abide by their rules. He also said the company has twenty-four seven emergency response.

Chairperson Lirones opened the public hearing.

There were no public comments.

Motion by Commissioner Resha, supported by Commissioner Ward, to close the public hearing.

MOTION CARRIED

Item 7.1 CUP #04-17 Speedway Super America, moved to follow Item 5.2 of the public hearing.

Commissioner Ward asked the applicant if this was proposed as a propane tank exchange or a propane filling station.

Mr. Gardiner stated that this would be an exchange of propane tanks. He said that all of the tanks are taken off-site for filling.

Commissioner Resha stated that the station has been selling propane tanks for three years and asked why the applicant was now applying for a permit.

Mr. Gardiner stated that they were notified by management to contact the Township.

Commissioner Resha stated that there are violations of outside storage and as of last night, there was windshield fluid stored outside.

Planner Montagno stated that there have been multiple violations, which prompted the Township to send a letter addressing those concerns.

Planner Spencer stated that there are several other businesses who have outdoor storage without a permit. He added that the Township would be issuing tickets if these problems are not corrected.

Commissioner Ward stated that there have been several violations over the past several years for this location and he asked if the gas station has been under the same ownership over the past few years.

Planner Montagno stated that the owners (of the station) have been the same since he began dealing with the situation. He said that recently there was a Township sweep and the gas stations were notified of their violations.

Commissioner Ward asked if the minutes of [June 20] 1991 were reviewed. He stated that this would help him gain insight on why the previous Planning Commission felt this was not harmonious at this location.

Planner Spencer stated that they have not reviewed the minutes. He said that the [Zoning] Ordinance is very restrictive and states that outdoor storage is only permitted with a CUP. He also stated that the Township tries to resolve these issues verbally.

Commissioner Ward stated that this Commission has denied requests for outdoor storage to various businesses in the past.

Commissioner Griess asked Mr. Gardiner if there is a history of safety problems.

Mr. Gardiner replied no. He said that in the past ten (10) years they have not had any incidents where propane has fed or fueled a fire.

Commissioner Resha stated that most [propane] tanks can take a beating but the problem is the valve, although, those are now protected.

Mr. Gardiner agreed that the valve is the problem and the tanks have the new approved valves.

Planner Montagno stated the Commissioners may want staff to draft a resolution of approval after the site is in compliance with the previous CUP.

Commissioner Ward stated that this industry is regulated by State and Federal governments. He expressed his disappointment that the management of the gas station was not present this evening. He stated that the Township is trying to work with them to resolve these issues. He said that the site should be in compliance before the CUP is granted.

Motion by Commissioner Resha, supported by Commissioner Luna, to postpone action on CUP 04-17 Speedway Super America, and direct staff to write a resolution of Findings and a Recommendation of approval with the condition that the approval does not take place until the applicant complies with CUP 91-04, and direct the applicant to end outdoor sales by November 4, 2004, with the exception of the current propane tank sales.

MOTION CARRIED

5.2 CUP #04-18 White Castle
[submitted for conditional use permit]

Planner Montagno reviewed his report. He stated that this is a request for drive-in service. He said that drive-in services are permitted with a CUP. He said that there is an existing CUP #87-10 which was approved March 17, 1988. He said that a new permit is needed because the site is being redesigned. He said that the applicant is proposing thirty-four (34) parking spaces with two (2) spaces being barrier free. He said that the proposed parking is twice the amount of parking that is required (by the Ordinance). He said that a loading and unloading area is not shown on the site plan and unloading should not be allowed in the parking spaces.

Joseph Barts, applicant for White Castle, stated that he has received the various reports (from the Township staff) and he requested that this item be tabled so they can address all of the issues.

Chairperson Lirones stated that the Commission can postpone this item although they will still hold the public hearing.

Chairperson Lirones opened the public hearing.

There were no public comments.

Motion by Commissioner Resha, supported by Commissioner Ward, to close the public hearing.

MOTION CARRIED

Item 7.2 CSPA #04-22 White Castle, moved to follow Item 5.2 of the public hearing.

Planner Montagno reviewed Planner Schmult's report. He stated that the site plan was submitted for combined preliminary and final review. He said that the proposed entryways on Packard Road and another access point could cause left turn conflicts. He said that backups of left turns out of the site could cause problems in the stacking area for the drive through. He suggested that the applicant work with staff to resolve the traffic and stacking issues. He said that a six (6) foot sidewalk should be provided along the frontages of Packard Road and Carpenter Road. He said that the setbacks are acceptable. He said that a transition strip is not required. He said that the Planning Commission might want to discuss

pedestrian access to the north of the site and upgrading the bus stop with a concrete pad.

Chairperson Lirones stated that a new detention pond system is being installed because the site is old and does not meet the current (Township) standards.

Commissioner Resha asked if the sidewalk to the building would be six (6) feet wide.

Planner Spencer replied no, the sidewalk to the building could be five (5) feet.

Commissioner Ward stated that the site has too many parking spaces. He said that angled spaces are only allowed on one-way drives, and if the applicant proposes two-way traffic then the spaces need to be at a right angle. He said that he would like to see the trees on the site saved. He said that the applicant needs to reconsider the access management on Packard Road. He said that the applicant should continue to pursue a shared access with the property to the east.

The Commissioners and the applicant discussed the entrance driveways and the curb cuts.

Mr. Barts stated that the site plan will be redrawn because of the traffic concerns.

Planner Spencer stated that staff would be talking to the WCRC regarding the access points.

Chairperson Lirones asked if the WCRC has seen the site plans.

Mr. Barts stated that they have taken conceptual plans to the WCRC. He said that tonight is the first time that he has heard concerns with the stacking of the exiting traffic.

Commissioner Ward stated that the concern of the (Planner's) report is in regards to the placement of the menu and the fact that only two cars can stack up and then the rest of the cars flow into the parking area.

Planner Spencer stated that the driveways are wide and both driveways can look like entrance drives. He said that more thought needs to be put into the design.

Chairperson Lirones asked the applicant why they are rebuilding the building.

Mr. Barts stated that they will be making the building smaller because the staff levels are smaller now.

Chairperson Lirones stated that the Commission would like the detention basins moved and the trees to be saved.

Mr. Barts stated that they need more green space in order to add the detention area and it would be in their interest to reduce the parking.

Commissioner Ward asked the applicant about the potential trucks coming into the loading area.

Mr. Barts stated that they have their own delivery system and the loading area is behind the building.

Commissioner Ward stated that this needs to be shown on the site plan.

Motion by Commissioner Resha, supported by Commissioner Ward, to postpone action on CUP 04-18/CSPA 04-22 White Castle and direct the applicant to:

1. **Make changes to the site plan as suggested by the Planning Commission.**
2. **Address all items in the Zoning Review dated October 13, 2004.**
3. **Address all items in the Township Engineer's report dated October 14, 2004.**
4. **Address all items in the Township Planner's report dated October 11, 2004.**
5. **Work with Staff and the Washtenaw County Road Commission to address access issues.**

MOTION CARRIED

Planner Spencer informed the applicant of the requirements for receiving preliminary and final site plan approval.

6.0 Old Business

None.

7.0 New Business

7.1 CUP #04-17 Speedway Super America [submitted for conditional use permit]

Item 7.1 moved to follow Item 5.1 of the public hearing.

7.2 CUP #04-18/CSPA #04-22 White Castle [submitted for conditional use permit and preliminary site plan]

Item 7.2 moved to follow Item 5.2 of the public hearing.

8.0 Planner's Report

8.1 Proposed 2005 Planning Commission Calendar

Motion by Commissioner Ward, supported by Commissioner Resha, to adopt the 2005 Planning Commission Meeting Schedule, as presented.

MOTION CARRIED

Commissioner Resha asked if there would be a proposed calendar for the ZBA (Zoning Board of Appeals).

Planner Spencer replied yes. He stated that David Krzeminski, the planning intern, is leaving for a new position with WATS. He said Mr. Krzeminski has done a good job for the Township and he might be looking for another intern to assist the Township.

9.0 Chairperson's Report

None.

10.0 Commissioner's Report

The Commissioner's and staff briefly discussed the comments made concerning WalMart.

Commissioner Ward stated that in the Saline Reporter there was an article about legislation concerning the length of tractor trailers on the roads.

Senior Planner Spencer stated that Michigan does not have the same laws and the trailers are shorter. He said that the State would lose money if they are not in compliance with Federal law. He noted that the local communities could restrict truck routes and their weight, although, it is hard to enforce and they could lose funding.

The Commissioners briefly discussed the truck issue and noted that Michigan has the highest weight limits and they are the least enforced.

Commissioner Ward discussed the SEMCOG population figures and stated that they need to be revised.

11.0 Approval of Prior Minutes

11.1 Minutes of September 16, 2004

Motion by Commissioner Resha, supported by Commissioner Ward, to approve the minutes of September 16, 2004, as revised on October 21st [2004].

MOTION CARRIED

11.2 Minutes of October 7, 2004

Motion by Commissioner Resha, supported by Commissioner Ward, to approve the minutes of October 7, 2004, as revised on October 18th [2004].

MOTION CARRIED

12.0 Adjournment

Motion by Commissioner Luna, supported by Commissioner Ward, to adjourn the meeting.

MOTION CARRIED

Chairperson Lirones adjourned the meeting at 9:20 p.m.

s/Julie Griess, Secretary

January 13, 2005