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**PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES**

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- Present:** Dennis Ward, Edward Resha, Wilma Luna, Christina Lirones, Russell Banush, Julie Griess, David Shepps.
- Absent:** None.
- Others:** Rusty Wigal, Priti Kaur, Davinder Singh, Tom Stegeman, Norman Hyman, Chris Mile, David Kuciel, William Babcock, Ann Stevens, Joe Maynard, Eric Lielbriedis, Ann Martinuzzi, John Loomis, David Hughes, Daniel Plantus, Jason Klingensmith, Tom Covert, Marty Merk, Cornelius Anthony, Willy Glaze, Associate Planner Paul Montagno, and Recording Secretary Laura Ford.

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

Chairperson Lirones called the meeting to order at 7:35 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 Banush, supported by Commissioner Resha, to make an addition to the agenda of Item 6.5, public hearing for CUP 04-16 New Progressive Missionary Baptist Church, and move Item 8.1 to follow Item 6.1, Item 8.2 to follow Item 6.2, Item 8.3 to follow Item 6.3, and Item 8.4 to follow Item 6.4.**

**MOTION CARRIED**

**4.0 Election of Chairperson, Vice-Chairperson and Secretary**

Chairperson Lirones opened the nominations for Chairperson, Vice-Chairperson, and Secretary of the Planning Commission.

Commissioner Banush re-nominated the current slate of officers: Commissioner Lirones for Chairperson, Commissioner Ward for Vice-Chairperson, and Commissioner Griess for Secretary.

Commissioner Luna supported these nominations.

Chairperson Lirones asked if any of the Planning Commissioners would like to decline these nominations.

The Commission members did not decline these nominations.

**Motion by Commissioner Resha, supported by Commissioner Banush, to close the nominations.**

**MOTION CARRIED**

**Motion by Commissioner Resha, supported by Commissioner Luna, to elect the nominees by acclamation.**

**ROLLCALL:**

**YES: WARD, RESHA, LUNA, LIRONES, BANUSH, GRIESS, SHEPPS**  
**NO: NONE.**  
**ABSTAIN: NONE.**  
**ABSENT: NONE.**

**MOTION CARRIED**

**5.0 Items from the Floor**

None.

**6.0 Public Hearings**

**6.1 RZ 04-19 Robert O. Andrus**

[submitted to rezone from W-1 (Wholesale and Warehousing District) to C-2 (General Commercial District)]

Planner Carl Schmult reviewed the report. He stated that this is a three (3) acre parcel on the west side of Carpenter Road. He then listed the neighboring uses. He said that current building on the property is vacant. He said that the Comprehensive Plan designates this property for regional commercial use. He added that the petition is consistent with the Comprehensive Plan. He said that the approval of the petition would not set a precedent because the commercial uses in the area are well established. He said that public services and facilities are available to the property. He said that there would not be an adverse impact on property values if the rezoning were granted.

Robert Andrus, petitioner, stated that he is here to answer the Commission's questions.

Chairperson Lirones opened the public hearing.

There were no comments.

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

**MOTION CARRIED**

Item 8.1 of New Business moved to follow Item 6.1 of the Public Hearing.

**Motion by Commissioner Banush, supported by Commissioner Luna, to postpone action and direct staff to write a resolution of approval for RZ 04-19 Robert O. Andrus.**

Discussion:

Commissioner Resha asked Mr. Andrus what he was proposing for the property.

Mr. Andrus stated that there would be some sort of commercial use on the property. He added that they do not have any specific plans.

**MOTION CARRIED**

**6.2 CUP 04-23 Washtenaw Christian**  
[submitted for a revision of their conditional use permit]

Planner Montagno reviewed the report. He stated that the applicant applied for a revision to their original Conditional Use Permit (CUP), CUP #01-06, which was approved by the Planning Commission on May 17, 2001. He then listed the neighboring uses. He said that the applicant submitted a revised site plan to the original site plan of CSPA #01-09. He added that one of the conditions of the original CUP was that the applicant would maintain compliance with the site plan for CSPA #01-09, which was received on July 12, 2001. He said that if the Planning Commission approves the amendments to the site plan the original CUP must be revised. He said that the revised site plan must receive approval before approval could be given for this CUP (#04-23).

Rusty Wigal, treasurer of the Washtenaw Christian Academy school board, stated that they would like to show the Planning Commission how they want to parcel the land and sell the front five (5) acres.

Chairperson Lirones opened the public hearing.

There were no comments.

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

**MOTION CARRIED**

Item 8.2 of New Business moved to follow Item 6.2 of the Public Hearing.

Planner Montagno reviewed the report. He stated that the calculations for lot area, lot coverage, and floor area ratio should be changed to reflect the new site dimensions. He said that the northern 4.9 acres would be excluded from the site, which would make it possible to split this land from the existing parcel. He said that the existing building would be set back sixty-five (65) feet from the property line to the north. He said that the storm water detention for the

entire site is in the southern portion of the parcel. He said that the utility lines going to the school cross the 4.9 acres, and easements would need to be created for the utilities and the drainage on both parcels. He said that the sidewalk along Michigan Avenue would be built by the new property owner. He added that the sidewalk could be a condition of approval for the site plan. He said that the Township Engineer's report states that a legal agreement should be entered into with the Township for the installation of the sidewalk along Michigan Avenue and a portion on Moon Road. He said that access to the site via Michigan Avenue would not be permitted by the Michigan Department of Transportation (MDOT) per their letter of December 21, 2004. He said that the grading of the site should be resubmitted.

Chairperson Lirones asked Planner Montagno when the parcel split would occur.

Planner Montagno stated that this would occur after the changes are made to the site plan.

Chairperson Lirones asked Mr. Wigal if the school still intends to install the sidewalk along Michigan Avenue.

Mr. Wigal replied no. He said that the buyer of the property would install the sidewalk. He said that the school would complete the sidewalk south of the parcel split.

The Commissioners, staff, and Mr. Wigal discussed the sidewalk issues and a legal agreement. The Commissioners agreed that connectivity is important in the Township.

Mr. Wigal stated that they could submit a cash bond to the Township which states that if the site plan showing the sidewalk is not completed by the other builders within one (1) year, then the sidewalk would be built by them (the school).

Chairperson Lirones stated that this would be reviewed with the Township attorney. She added that the drainage issues need to be resolved.

Mr. Wigal stated that the other parcel would use the school's detention ponds, and the school's easements would be used for their drain lines.

Chairperson Lirones asked if a drainage district should be performed before the parcel split occurs.

Planner Montagno stated that the Township Engineer felt that the drainage district would have to be approved and it would happen simultaneously with the parcel split.

Chairperson Lirones asked Planner Montagno if the drainage district should be established before the site plan is approved or before the parcel split is approved.

Planner Montagno stated that all easements and drainage needs to be shown on the site plan before it is approved.

**Motion by Commissioner Ward, supported by Commissioner Resha, to postpone action on CUP 04-23 Washtenaw Christian.**

**MOTION CARRIED**

**Motion by Commissioner Ward, supported by Commissioner Luna, to postpone action on CSPA 04-28 Washtenaw Christian.**

**Amended Motion:**

**Motion by Commissioner Ward, supported by Commissioner Resha, to postpone action on CSPA 04-28 Washtenaw Christian, and (ask the petitioner to) address the concerns of the Planning Commission, the Township Engineer's report dated January 6, 2005, and the Township Planner's report (Plan Amendment Review) of January 6, 2005.**

**MOTION CARRIED**

**6.3 RZ 04-20 Michigan Avenue and Moon Road Associates**  
[submitted to rezone from AG to PUD]

Chairperson Lirones stated that this is the subject property to be split from the Washtenaw Christian (Academy) parcel.

Planner Schmult reviewed the report. He stated that the applicant is requesting a PUD district. He said that the Comprehensive Plan designates this property for office use. He said that the Comprehensive Plan also includes special provisions for the Michigan Avenue, State Road, and Moon Road area, which is called the sub area. He said that part of the provision refers to three (3) proposed schools, and these schools have been completed. He said that the provision states that, "One of the proposed schools is located near the southwest corner; therefore, the adjacent site located directly at the corner should be developed primarily for office uses. However, local commercial uses might be appropriate for a small area of those lands."

Planner Schmult stated that the PUD district lists several regulations. He said that the Township Ordinance requires that the uses in a PUD district are compatible with the Comprehensive Plan. He said that three (3) uses are proposed retail, which is 19,100 square feet, office, which is 7,200 square feet, and daycare, which is 10,000 square feet. He said that the setbacks along Michigan Avenue require 125 feet from the centerline to the right-of-way. He said that the driveway that is parallel to Moon Road is twenty-eight (28) feet and this violates the setback requirements. He said that twenty (20) feet is required along the south property line and fifteen (15) feet is provided.

Planner Schmult stated that the required parking spaces for the daycare cannot be calculated because adequate information was not provided. He said that ten (10) foot parking spaces are required, although the Planning Commission can recommend that nine (9) foot spaces are adequate. He added that the applicant proposes nine (9) foot parking spaces. He said that the petition is proposing 19,100 square feet of commercial floor area and only 7,200 square feet of office floor area. He said that the proposed commercial floor area is 52.5% of the total floor area proposed, and this includes the daycare center. He said that this proves that the proposed development is intended to be primarily a commercial center with a small area of office uses.

Planner Schmult stated that the Planning Commission discussed this property during the September 16, 2004 review of the Comprehensive Plan, and they felt that an office use is still appropriate for this property. He said that the lack of a driveway access to Michigan Avenue helps support the office use rather than a commercial use. He added that a commercial use with frontage to Michigan Avenue but no direct access to Michigan Avenue could be problematic. He said that the number of commercial uses proposed should be greatly reduced to keep the commercial uses secondary to the office uses.

Planner Schmult stated that the storm water detention would be provided in the southern portion of the schools property. He said that a drainage district should be established to assure the long-term maintenance of the drainage system. He said that the exterior lighting could have an adverse impact on the residences and school, and it should not be more than the minimum necessary. He said that approval of the petition could set a precedent for commercial zoning on Michigan Avenue. He said that approval would not have an adverse effect on the neighboring property values.

Norman Hyman, representing the petitioner, stated that they have made an agreement with the school (Washtenaw Christian Academy) that if the site plan was approved they would install the sidewalks along Michigan Avenue and Moon Road. He said that they have reached an agreement with the school regarding the easements, and the easements are in the process of being prepared. He said that the property would not economically support strictly office uses. He added that they have tried to maximize the office use on the property. He said that the proposal is consistent with the intent and tone of the Comprehensive Plan. He mentioned that by applying for a PUD district this would assure that the Township receives a high quality development. He said that they would work with the Township staff to restrict the list of proposed uses to what is appropriate for the property.

Tom Stegeman, representing the petitioner, stated that this site is highly visible and of interest to the community. He showed the Commissioners pictures of the proposed building styles and handed them a packet of information. He said that they have tried to honor the architectural heritage of the community and the future of the Township. He listed some of the materials that might be used on the building.

Ann Stevens, Atwell-Hicks, stated that the site would provide additional daycare for the residences in the area. She said that they would adjust the setbacks for the site. She said that they have submitted the plans to the Washtenaw County Drain Commission (WCDC), and they did not have any big issues with the proposal, from a drainage point of view. She passed a copy of this letter to the Commissioners. She said that they are currently conducting a traffic study, and this study would be reviewed with MDOT and the WCRC. She asked Planner Schmult if he received a letter from the WCRC regarding the site.

Planner Schmult stated that he received a letter from MDOT, which stated, "After a detailed engineering review of the site plan the Michigan Department of Transportation will not allow direct access to US-12 along the frontage of the proposed site. All site-generated traffic accessing US-12 will need to utilize the proposed driveway onto Moon Road. This decision has been discussed with the Washtenaw County Road Commission and they agree with this decision. MDOT feels that reasonable access to US-12 can be obtained via Moon Road..."

Ms. Stevens stated that they would submit new plans and complete the traffic study.

Chairperson Lirones asked Planner Schmult if the letter is stating that they would need to share the driveway with the Washtenaw Christian Academy.

Planner Schmult replied no, there would be separate access. He stated that if MDOT's decision stands and Moon Road were the only access then the parking circulation would need to be revised on the site plan.

Mr. Hyman stated that if the traffic study submitted to MDOT does not change their decision then the circulation could be changed on the plans.

Chairperson Lirones opened the public hearing.

There were no comments.

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

### **MOTION CARRIED**

Item 8.3 of New Business moved to follow Item 6.3 of the Public Hearing.

Commissioner Banush stated that the Commission has always been concerned about setting a precedent and Planner Schmult's report stated that this could set a precedent and this would open the corridor of US-12 as a commercial zone. He said that he would like to see more office use than commercial use.

Commissioner Griess agreed with Commissioner Banush. She said that the access is from Moon Road and this would not be compatible with commercial uses. She said that she does not want large strips of commercial uses along Michigan Avenue, and this was not the direction intended in the Master Plan.

Commissioner Ward stated that if the daycare use were categorized as an office use, this would bring the office use to 17,200 square feet and retail to 19,100 square feet. He said that the site area for retail would still be over fifty (50%) percent. He said that he would show some latitude to the daycare use, although he could not support such a large ratio of commercial use. He said that he is not in favor of setting a precedent by increasing the commercial corridor. He said that when the site access is approved for Moon Road, this would force the applicant to reduce the area, and this could lower the ratio.

Chairperson Lirones stated that the daycare use would be compatible with the school.

Planner Montagno stated that a daycare is a conditional use in the C-2 district.

Commissioner Banush stated that he likes the architecture of the proposed buildings.

Mr. Hyman stated that a domino effect along Michigan Avenue is not a real concern, because it is only this corner that is designated in the PUD for some commercial development. He added that the Commission could rely on the Master Plan and state that this does not set a precedent for any advancement on Michigan Avenue. He said that they have consulted with brokers, and they have stated that the office use would not work, and there is no market for office uses at this site. He said that an office use would generate more traffic during peak hours.

Commissioner Shepps stated that he would like a revised proposal that increases the amount of the daycare use.

Planner Schmult stated that if the Commission required a mixed number of ten (10) foot and nine (9) foot parking spaces, the site could lose floor area. He mentioned that Meijer's on Ann Arbor-Saline Road has nine (9) foot parking spaces for the overflow parking, and ten (10) foot parking spaces for the rest of the site.

**Motion by Commissioner Resha, supported by Commissioner Luna, to postpone action on RZ 04-20 Michigan Avenue and Moon Road, and direct the applicant to revise the area plan based on the comments of the Planning Commission and the Township Planner's report dated January 5, 2005, and the Township Engineer's report dated December 22, 2004.**

#### **MOTION CARRIED**

**6.4 CUP 04-22 Priti Kaur (5443 Lohr Road)**  
[submitted for condition use permit for day care]

Chairperson Lirones stated that the Planning Commission recently discussed this issue at a previous meeting (of July 15, 2004). She said that some of the applicant's neighbors commented that they would prefer the daycare out of the (Waterways) subdivision.

Planner Montagno reviewed the report. He stated that the current CUP (04-14 Kozy Heart Group Home Daycare) was for less than twelve (12) children, and this CUP for a daycare center would allow more than twelve (12) children. He said that the proposed location is 5443 Lohr Road. He then listed the neighboring uses. He said that the applicant does not want signage on the property. He said that the daycare use requires one (1) parking space for every employee, and one (1) parking space for every twenty (20) clients. He said that the driveway could provide four (4) or more parking spaces. He then reviewed the findings.

Planner Montagno stated that the Commission might determine that this location is more appropriate for the daycare rather than the current location. He said that a condition of approval might be the closure of the current daycare. He said that the number of clients would be limited to the size of the building, and the Commission might want to limit the number of clients as a condition of approval. He said that the appearance of the site should not change from that of a residential use. He said that the use would not substantially increase the demand on public utilities, and it should not pose a hazard to the neighboring properties. He said that the Commission might want the applicant to install a loop driveway/turn around to prevent vehicles from backing out onto Lohr Road. He said that the rear yard is fenced and there is vegetation that acts as a natural buffer.

Priti Kaur, applicant, stated that for the past three (3) years some families have been on a waiting list. She said that the new location would allow easy access and convenience for the clients, and there is a fenced in play area in the back yard. She said that this location would allow extended care for families with special needs children, and it would allow the parents to be involved in the programs.

Davinder Singh, applicant, handed out a sketch of the loop driveway to the Commissioners. He stated that the loop driveway would provide safety to the clients and the children, and it would keep the clients from backing onto Lohr Road. He said that the circular driveway could be twelve (12) to fourteen (14) feet wide.

Commissioner Griess asked Mr. Singh if there is room on the main driveway for two (2) cars to pass each other.

Mr. Singh replied yes. He said that he would expand the existing driveway if it were needed.

Commissioner Griess asked Mr. Singh what the extent of the vegetation is.

Mr. Singh stated that the vegetation is thick. He said that in the summer a person could not see through the trees and shrubs.

Chairperson Lirones opened the public hearing.

There were no comments.

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

**MOTION CARRIED**

Item 8.4 of New Business moved to follow Item 6.4 of the Public Hearing.

Chairperson Lirones reviewed the findings:

- A. Will be harmonious with, and in accordance with, the general objectives, intent, and purposes of this ordinance.** The parcel is zoned AG and the proposed use is considered a conditional use in an AG district. It should be noted that this parcel is a single agricultural parcel surrounded by residential developments. The Comprehensive Plan designates this area as moderate density in the future land use plan.

Commissioner Ward asked if the current CUP would be revoked or if the applicant would have a small time frame to transition the business. He said that a thirty (30) day transition period could be appropriate.

Commissioner Banush agreed with Commissioner Ward. He said that there have been situations where CUP's were not being used, and they had to be revoked.

Mr. Singh stated that they intend to close the current CUP. He said that they would need approximately sixty (60) days to close the CUP. He said that it could take the current tenant (at 5443 Lohr Road) a month or two to move out. He said that there are certain standards that need to be met before the daycare is moved to the new location. He said that the daycare center should start in July or August (of 2005).

Ms. Kaur stated that she still needs to receive her State licensing.

Planner Montagno stated that a condition could be that the daycares do not operate simultaneously, and when they do move to the new location, the applicant must notify the Commission.

Commissioner Shepps stated that he would like the exterior appearance to be compatible with the surrounding area.

**The Commissioners agreed with the finding.**

- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.**

Chairperson Lirones stated that the existing home should maintain a residential character, and there should not be any signage on the property.

Commissioner Banush asked if the number of clients is regulated by the State.

Mr. Singh replied yes.

Ms. Kaur stated that the number of clients depends on the area of the house.

Chairperson Lirones asked Mrs. Kaur how many children they would have.

Mrs. Kaur stated approximately twenty-five (25) to thirty (30) children.

Chairperson Lirones asked how many employees there would be.

Mr. Singh stated that this depends on the number of children.

Chairperson Lirones asked Mr. Singh if the home is on well and septic.

Mr. Singh stated that the property is connected to the sewer.

**The Commissioners agreed with the finding.**

- C. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.** This use will not substantially increase demand upon any public service or facility.

**The Commissioners agreed with the finding.**

- D. Will not be hazardous or disturbing to existing or future neighboring uses.** The proposed use should not pose any hazards. However, the Planning Commission may want to ask the applicant to install a looped driveway turn around to prevent vehicles from having to back out onto Lohr Road.

Chairperson Lirones stated that the installation of the looped driveway would prevent an immediate occupation because it is winter time.

Mr. Singh stated that he would not have a problem with an asphalt looped driveway, although a gravel looped driveway would provide a more natural look, and it would adhere to the existing look.

Chairperson Lirones stated that there would be no problem with a gravel driveway.

Planner Montagno mentioned that the drop-off area could be striped.

Mr. Singh stated that they would distinguish the drop-off area.

Chairperson Lirones stated that the existing vegetation should be preserved. She asked if there would be cars parked in the driveway, other than the employee's vehicles.

Mr. Singh stated that there would be a pull-in for the people who stay longer.

**The Commissioners agreed with the finding.**

- E. Will not create excessive additional requirements at public cost for public facilities and services.** This use should have no additional impact upon the cost of public service delivery.

**The Commissioners agreed with the finding.**

**Motion by Commissioner Resha, supported by Commissioner Luna, to postpone action and direct staff to write a resolution of approval for CUP 04-22 Priti Kaur (5443 Lohr Road).**

**MOTION CARRIED**

- 6.5 CUP 04-16 New Progressive Missionary Baptist Church**  
[submitted for a conditional use permit for a youth activity center and Sunday school]

Chairperson Lirones stated that the applicant had previously rezoned the property (RZ 04-13) in order to apply for the CUP.

Planner Montagno stated that the applicant is requesting a Sunday school in the existing building. He said that the property was recently rezoned to R1-B. He said that public and private nursery, primary, and secondary schools are a conditional use of the R-1B district. He added that the use is permitted with a CUP. He then listed the neighboring uses. He said that there are no proposed improvements to the building or the site. He said that the parking might be an issue, and the Commission could ask the applicant about the parking.

Willy Glaze, trustee of New Progressive Missionary Baptist Church, stated that they would like to use the facility on Saturday mornings as a youth center.

Chairperson Lirones stated that this property was previously zoned R&D, and church activities were not allowed. She said that the rezoning was in conformance with the Comprehensive Plan. She asked Ms. Glaze if additional parking would be added.

Ms. Glaze replied no, there are currently fifteen (15) parking spaces.

Commissioner Ward asked Ms. Glaze if they would be installing a sidewalk between the building and the church.

Ms. Glaze replied yes.

Chairperson Lirones asked Ms. Glaze if they are proposing any interior renovation.

Ms. Glaze stated that they would be adding carpet to two (2) of the rooms.

Chairperson Lirones opened the public hearing.

There were no comments.

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

**MOTION CARRIED**

**7.0 Old Business**

**7.1 CUP 04-20 KSA Beauty School**

[submitted for a conditional use permit to relocate a beauty school within the same building]

Chairperson Lirones stated that the Planning Commission reviewed this CUP at the December 9, 2004 meeting and staff was directed to write a resolution of approval.

Planner Montagno stated that staff was directed by the Commission to look at the parking and the lighting, and this was done.

**Motion by Commissioner Banush, supported by Commissioner Luna, to approve the resolution of approval for CUP 04-20 KSA Beauty School. (Attachment #1)**

Discussion:

Commissioner Resha stated that he had checked the lighting and it was adequate.

**ROLL CALL:**

**YES: WARD, RESHA, LUNA, LIRONES, BANUSH, GRIESS, SHEPPS.**  
**NO: NONE.**  
**ABSENT: NONE.**  
**ABSTAIN: NONE.**

**MOTION CARRIED**

**7.2 CUP 04-21 Zingerman's Creamery**

[submitted for a conditional use permit for a Commercial Service Facility, Retail Store and Service Counter]

Chairperson Lirones stated that the Planning Commission reviewed this CUP at the December 9, 2004 meeting and staff was directed to write a resolution of approval.

**Motion by Commissioner Ward, supported by Commissioner Resha, to approve the resolution of approval for CUP 04-21 Zingerman's Creamery. (Attachment #2)**

**ROLL CALL:**

**YES: WARD, RESHA, LUNA, LIRONES, BANUSH, GRIESS, SHEPPS.**  
**NO: NONE.**  
**ABSENT: NONE.**  
**ABSTAIN: NONE.**

**MOTION CARRIED**

**7.3 RZ 04-16 Zahn Property**  
[submitted to rezone from AG to R-2B]

Chairperson Lirones stated that the Planning Commission reviewed this at the December 9, 2004 meeting and staff was directed to write a resolution of approval. She said that the residents had concerns regarding the traffic and the Commission is requesting that a traffic study be completed, and that the drainage issues be addressed.

**Motion by Commissioner Ward, supported by Commissioner Luna, to approve the resolution recommending approval of rezoning petition RZ 04-16 Zahn Property to the Township Board. (Attachment #3)**

**ROLL CALL:**

**YES: WARD, RESHA, LUNA, LIRONES, BANUSH, GRIESS, SHEPPS.**  
**NO: NONE.**  
**ABSENT: NONE.**  
**ABSTAIN: NONE.**

**MOTION CARRIED**

**7.4 CSPA 00-19 Sweetwater Corporate Park PUD**  
[submitted for extension of final site plan until January 13, 2006]

Chairperson Lirones stated that the petitioner is requesting an extension to the final site plan.

**Motion by Commissioner Resha, supported by Commissioner Luna, to approve the extension of approved site plan CSPA 00-19 Sweetwater Corporate Park PUD, until January 13, 2006.**

**Discussion:**

Commissioner Shepps stated that the Natural Resource Commission recently discussed this property and the Ordinance officer explained that the Township policy was that items that had been approved prior to adoption of that Ordinance would be grandfathered in. He asked that if this was extended again would it be considered under the current ordinances.

Commissioner Ward stated that the site was approved and Mr. Grammatico had requested (during the September 16, 2004 review of the Comprehensive Plan) that the Commission change the Comprehensive Plan for this parcel. He said that the Commission had decided that the land should stay under the current land use. He said that this could be reviewed on an annual basis.

Chairperson Lirones stated that there is a wetland area around the pond. She said that Mr. Grammatico had permits from the Michigan Department of Environmental Quality (MDEQ) to dredge the pond. She said that the Commission asked Mr. Grammatico to re-verify the wetland boundaries.

Planner Montagno stated that an outlet structure was installed [for the pond].

Chairperson Lirones stated that the Commission asked Mr. Grammatico to look at the constantly rising water. She said that Mr. Grammatico had to find a certified outlet to keep the pond water level. She said that she does not like to see violations of the wetland ordinance grandfathered in, although there have been many things done to keep the habitat stabilized.

Planner Montagno stated that future individual site plans would adhere to the current [wetland] standards.

#### **MOTION CARRIED**

#### **7.5 CSPA 04-13 Midway Building – Bestech No. 6 & 7** [submitted for final site plan]

Planner Montagno stated that the site plan appears to be in compliance with the Township Ordinances.

Planner Schmult stated that he did not have any comments, and he felt that the site plan was ready for approval.

Planner Montagno stated that the Township Engineer had minor comments. He said that the shading on Sheet 5 was too dark to see the existing contours, and the existing tree to be removed is labeled on Sheet 5 and it is labeled on other sheets as an existing tree to be transplanted. He said that the plan has been approved by the WCDC and the WCRC.

**Motion by Commissioner Banush, supported by Commissioner Resha, to approve final site plan CSPA 04-13 Midway Building-Bestech No. 6 & 7 with the following condition:**

- 1. Comply with the issues in the Township Engineer's report dated January 5, 2005.**

#### **MOTION CARRIED**

**7.6 WP 04-10 Ann Arbor Maintenance Facility**  
[submitted for a wetland permit]

Planner Montagno reviewed the report. He said that the applicant has removed the grading in the existing wetland and has shown protection fencing between the mitigation and the existing wetland. He said that the areas of steep slopes have been removed from the mitigation areas. He said that the tree counts have been revised to reflect three (300) hundred trees per acre. He said that the applicant has provided the additional vegetation. He said that ETC (the Township Wetland consultants) have recommended approval of the wetland permit.

**Motion by Commissioner Resha, supported by Commissioner Luna, to approve wetland permit WP 04-10 Ann Arbor Maintenance Facility, per the plans dated December 20, 2004, as prepared by Atwell-Hicks.**

**MOTION CARRIED**

**7.7 CSPA 04-24 Runway Plaza #4**  
[submitted for preliminary site plan]

Chairperson Lirones asked Planner Schmult if the parking calculations are correct.

Planner Schmult replied yes. He said that they are deferring four (4) parking spaces.

Planner Montagno stated that the location of the eight (8) inch water main is not consistent with the previously approved Federal Express plans. He added that the water main is shown on lot four (4) on the Federal Express plans and on lot six (6) on the other plans, and this must be corrected. He said that the water main should be moved within the proposed easement. He said that the parcel should be incorporated into the Chapter 18 drainage district. He said that the proposed driveway to the back of the lot for turning space for the trucks should be reviewed by the Commission.

Planner Schmult stated that if the applicant wanted this (driveway) for maneuvering then they could have it.

**Motion by Commissioner Banush, supported by Commissioner Ward, to approve (preliminary) site plan for CSPA 04-24 Runway Plaza #4 with the following condition:**

- 1. Address Item 3.01 of the Township Planner's report dated January 10, 2005, and all of the items listed in the Township Engineer's report dated January 5, 2005.**

**MOTION CARRIED**

**7.8 RZ 04-08 Cholake, LLC / Miles of Golf**  
[submitted for rezoning from RC to PUD]

Chairperson Lirones stated that the petitioner addressed the suggestions of the Commission from the previous meeting (of December 9, 2004), and agreed to a conservation easement.

Commissioner Ward asked if Item 7 of the conservation easement is standard language.

Chairperson Lirones read (from the proposed conservation easement), "This easement shall run with the land in perpetuity unless modified or terminated by written agreement of the parties."

Planner Montagno stated that this was discussed by the Planning Commission and the applicant at the previous meeting.

Chairperson Lirones stated that the Township has not always required conservation easements along with the PUD district, and the Township has recently begun asking for a recorded conservation easement. She said that this condition was an agreement of both parties, being the Township and the owner.

Chris Mile, Miles of Golf, stated that they had just received the conservation easement on Friday. He added that certain items needed to be changed and discussed with the Township attorney.

Planner Montagno stated that the detention areas needed to be nailed down better. He said that if they were shared detention structures they would need to be in a common area. He said that any overland drainage would also need to be in an easement.

Mr. Mile stated that they have tentative tenants and they cannot address these matters until the site plan process. He said that there are not any signed contracts to work from.

Planner Montagno stated that those notes need to be on the site plan, and the ownership and maintenance of the common areas should be included on the site plan. He said that the conservation easement should be noted on the area plan.

Chairperson Lirones asked Planner Montagno if it should be noted on the site plan that any proposed uses are conceptual. She said that an approval of the area plan does not approve the sketches of the proposed businesses.

Planner Montagno replied yes. He said that the demolition of the existing putt-putt course should be included on the phasing plan.

Commissioner Ward stated that (the demolition) was a condition on the site plan, and he was not sure of the time-frame that was given on that condition.

Commissioner Resha stated approximately two (2) years.

Planner Montagno stated that the ten (10) foot sidewalk should be shown on the area plan. He said that the Comprehensive Plan calls for a ten (10) foot asphalt pathway.

Mr. Mile stated that they already have a concrete sidewalk in place.

Chairperson Lirones asked Planner Montagno if the Commission is asking the applicant to remove an existing sidewalk and install this one.

Planner Montagno replied yes, that asphalt is called for in the Comprehensive Plan.

Chairperson Lirones asked how much of the sidewalk is installed.

Mr. Mile stated that the sidewalk is installed in front of his parcel.

Chairperson Lirones stated that the requirement could be changed to keep the sidewalk as a concrete sidewalk.

The Commissioners agreed to keep the existing concrete sidewalk.

Chairperson Lirones asked Planner Montagno if the applicant feels that the storm water easement cannot be installed until they know who the clients would be.

Planner Montagno stated that the storm water easement could be calculated based on the lot coverage. He added that this would need to be in place prior to the final site plan for the individual lots.

Planner Schmult stated that one of the owners intends to split off three (3) parcels along Carpenter Road for individual development, and all of the parcels would use one detention basin that serves the entire property. He said that if two (2) or more parcels share a detention basin then it has to be commonly maintained. He said that the owner of the property should develop the detention basin and it should be operational before the parcels on the frontage of Carpenter Road discharge runoff. He said that it is his opinion that the owner of the property would provide the common facility.

Mr. Mile stated that currently the property is under a long-term lease and the leases cover the common areas.

Planner Schmult stated that a long-term lease is still a division of land, and once the division is approved, the property could be sold. He said that the detention facility should be in place and operational before the first development along Carpenter Road contributes to it.

Mr. Mile stated that this would not be a problem.

Joe Maynard, Washtenaw Engineering, stated that based on the WCDC standards the two (2) lots have to have their own detention.

Chairperson Lirones asked if the two (2) lots need their own pretreatment forebay and not their own onsite detention.

Mr. Maynard stated that it would need to be on each lot or provided one way or another.

Chairperson Lirones stated that the Commission does not favor the detention in the front yard setback.

Mr. Maynard stated that they do not know the best place (for the detention) because they do not know what the grading would be.

Chairperson Lirones stated that the applicant should work with the Township Engineer and staff. She said that they should avoid the detention in the front yard setback if this is possible.

Planner Montagno referred to the bulk density table on sheet 1 which was discussed by the Commission. He said that the Commission discussed setting a maximum net lot coverage for area 1 at the December 9, 2004 meeting. He stated that there is traditionally no net lot coverage requirement for recreation conservation open space. He added that this was looked at as a trade off for the 10% higher net lot coverage in area 2, which is typically 60%, and the applicant was proposing 70%.

Chairperson Lirones asked Planner Montagno if the applicant is stating that they would not have any net lot coverage in area 1.

Planner Montagno stated that the trade off could be that they put in a 15% maximum for area 1.

Chairperson Lirones stated that the previous minutes would be reviewed and the net lot coverage for area 1 would be added.

**Motion by Commissioner Resha, supported by Commissioner Luna, to postpone action on RZ 04-08 Cholake, LLC – Miles of Golf and direct the applicant to address tonight's comments of the Planning Commission, and the Township Planner's report dated January 12, 2005.**

#### **MOTION CARRIED**

### **8.0 New Business**

- 8.1 RZ 04-19 Robert O. Andrus**  
[submitted to rezone from W-1 (Wholesale and Warehousing District) to C-2 (General Commercial District)]

Item moved to follow Item 6.1 of the public hearing.

- 8.2 CSPA 04-28/CUP 04-23 Washtenaw Christian**  
[submitted for a revision of the final site plan and conditional use permit]

Item moved to follow Item 6.2 of the public hearing.

**8.3 RZ 04-20 Michigan Avenue and Moon Road Associates**  
[submitted to rezone from AG to PUD]

Item moved to follow Item 6.3 of the public hearing.

**8.4 CUP 04-22 Priti Kaur (5443 Lohr Road)**  
[submitted for conditional use permit for day care]

Item moved to follow Item 6.4 of the public hearing.

**9.0 Planner's Report**

None.

**10.0 Chairperson's Report**

Chairperson Lirones mentioned that she handed out an article to the Commissioners regarding WalMart taken from the Ypsilanti Courier. She said that (the Department of Public Safety) Director Phillips stated that he would write a letter regarding public safety for the WalMart/State Street Crossing site for the February 3, 2005 meeting.

**11.0 Commissioner's Report**

The Commissioners discussed Fairwood Green and the meeting that would be held on the issue on January 18, 2005 at 7:30 p.m.

Commissioner Ward stated that he sent an email regarding the Southeast Michigan Council of Governments (SEMCOG) to some of the Commissioners. He asked if SEMCOG responded to Mr. Mark Spencer's previous letter.

Chairperson Lirones stated that she did not think so.

Commissioner Ward stated that he would present the memorandum he drafted and have Commissioner Griess sign it on behalf of the Planning Commission.

**12.0 Approval of Prior Minutes**

**12.1 Minutes of October 21, 2004**

**12.2 Minutes of November 4, 2004**

**12.3 Minutes of November 18, 2004**

**Motion by Commissioner Ward, supported by Commissioner Resha, to approve the minutes of October 21, 2004, as corrected.**

**MOTION CARRIED**

**Motion by Commissioner Ward, supported by Commissioner Banush, to approve the minutes of November 4, 2004, as corrected.**

**MOTION CARRIED**

**Motion by Commissioner Ward, supported by Commissioner Resha, to approve the minutes of November 18, 2004, as corrected.**

**MOTION CARRIED**

**13.0 Adjournment**

**Motion by Commissioner Resha, supported by Commissioner Ward, to adjourn the meeting.**

**MOTION CARRIED**

Chairperson Lirones adjourned the meeting at 10:56 p.m.

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**s/Julie Griess, Secretary**

**February 3, 2005**

(Attachment #1)

**FINDINGS OF REQUIRED STANDARDS  
AND RESOLUTION OF APPROVAL  
C.U.P. #04-20 KSA BEAUTY ACADEMY  
January 13, 2005**

**WHEREAS**, an application for a Conditional Use Permit to allow a beauty school in a General Commercial (C-2) Zoning District, located at 4567 Washtenaw Avenue, was received from KSA Beauty Academy; and

**WHEREAS**, the Pittsfield Township Planning Commission held a public hearing on this matter on December 9, 2004;

**WHEREAS**, the Commission received no comments regarding concerns from the public on this matter; and

**WHEREAS**, the Commission reviewed the site plan date stamped received by the Township on October 28, 2004 for this use and per the requirements of Section 50.06 of the Township Zoning Ordinance it finds the following:

This use:

- A. **Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance** because this use is permitted under the C-2 District with a Conditional Use Permit.
- B. **Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity** because this use has been operating from relatively the same location for more than 30 years. The operations of this business should not change.
- C. **Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service** because this site is adequately served by public services and it does not appear that any additional burden will be placed on these services if the permit is approved.
- D. **Will not be hazardous or disturbing to existing or future neighboring uses** because there is adequate lighting for students and clients if the use is ever extended to include night classes and the use has not in the past been disturbing to any neighboring uses.
- E. **Will not create excessive additional requirements at public cost for public facilities and services** because this use will have a minimal impact upon the cost of public service delivery;

and

**WHEREAS**, the Commission has studied this application and developed conditions adequate to insure this will not be hazardous or disturbing to the surrounding uses.

**NOW THEREFORE BE IT RESOLVED**, that the Pittsfield Township Planning Commission hereby approves CUP 04-20, subject to the following conditions:

1. Expand the parking lot using deferred parking spaces if the current number becomes insufficient.

2. Maintain adequate lighting in the rear of the building.

(Attachment #2)

**FINDINGS OF REQUIRED STANDARDS  
AND RESOLUTION OF APPROVAL  
C.U.P. #04-21 Zingerman's Creamery  
January 13, 2005**

**WHEREAS**, an application for a Conditional Use Permit to allow for a Commercial Service Facility, Retail Store and Service Counter in a Business Park (BP) District, at 3723 Plaza Drive, Suite 2, was received from Zingerman's Creamery LLC; and

**WHEREAS**, the Pittsfield Township Planning Commission held a public hearing on this matter on December 9, 2004;

**WHEREAS**, the Commission received no comments regarding concerns from the public on this matter; and

**WHEREAS**, the Commission reviewed the site plan date stamped received by the Township on November 2, 2004 for this use and per the requirements of Section 50.06 of the Township Zoning Ordinance it finds the following:

This use:

- A. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance** because this use is permitted under the C-2 District with a Conditional Use Permit, provided that the business is geared towards serving the customers and employees of the Business Park.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity** because in the past similar uses in the same park have not posed any major problems for the Township or neighboring uses.
- C. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service** because this site is adequately served by public services and it does not appear that any additional burden will be placed on these services if the permit were approved.
- D. Will not be hazardous or disturbing to existing or future neighboring uses** because the proposed use does not pose any hazards and should not be disturbing to any neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services** This use will have a minimal impact upon the cost of public service delivery;

and

**WHEREAS**, the Commission has studied this application and developed conditions adequate to insure this will not be hazardous or disturbing to the surrounding uses; and

**NOW THEREFORE BE IT RESOLVED**, that the Pittsfield Township Planning Commission hereby approves CUP 04-21, subject to the following condition:

1. The applicant shall adhere to the Pittsfield Charter Township Zoning Ordinance Article 53.0 Section 53.05 H.

(Attachment #3)

**RESOLUTION TO RECOMMEND APPROVAL  
PITTSFIELD CHARTER TOWNSHIP  
RZ 04-16 Zahn Property  
January 13, 2005**

**WHEREAS** Pittsfield Township received petition RZ 04-16 Zahn Property to rezone a 13.2 acre parcel from AG (Agricultural) to R-2B (Low Density Multiple Family Residential) for property located at 3465 Ann Arbor-Saline Road, Section 7, known as tax parcel 12-07-200-009 on October 21, 2004, and

**WHEREAS** The Pittsfield Township Planning Commission held a public hearing on the petition on December 9, 2004; and

**WHEREAS** The Pittsfield Township Planning Commission considered comments presented by the public; and

**WHEREAS** The Pittsfield Township Planning Commission studied the petition in terms of the standards in Section 59.05 of the Zoning Ordinance;

**NOW THEREFORE BE IT RESOLVED** that the Pittsfield Township Planning Commission recommends to the Pittsfield Township Board that the request to rezone the property in petition RZ 04-16 Zahn Property from Agricultural (AG) to Low Density Multiple Family Residential (R-2B) be approved.

**BE IT FURTHER RESOLVED** that the Pittsfield Township Planning Commission made the following findings regarding petition RZ 04-16 Zahn Property:

1. The petition is consistent with the Township's adopted Comprehensive Plan. The Plan designates the property in the petition for medium density residential use, at a density of 6 DUs/acre. The R-2B district permits up to 6 DUs/acre, and is intended to be used in areas that are designated in the Plan for medium density residential use.
2. The existing AG zoning for this property is no longer appropriate. The property has been zoned AG since the zoning ordinance was adopted in 1970. Conditions have changed since then – public water and sanitary sewer services became available in the area, the property fronts on what has become a major road, and the property is virtually surrounded by urban residential development. Agricultural uses and zoning no longer fit into this area.
3. Public facilities are available to the property and are capable of handling the 73 dwelling units that would be possible if the petition is approved.
4. Approval of the petition would not set an adverse precedent for zoning for other properties in the area. Zoning is well established to the east and southeast. Approval of the petition might create interest in R-2B zoning for the undeveloped parcel adjacent to the southwest, but that zoning would be contrary to adopted land use policy – the area is designated for suburban residential use (R-1B) in the Comprehensive Plan. The zoning pattern is also well established to the west, with Hawthorne Ridge (R-1B) and Heritage Falls (PUD) fully developed. Approval of the petition might be used as a basis for requesting R-2B zoning for the two R-1A parcels on the west side of Ann Arbor-Saline Road, but that would be contrary to the Comprehensive Plan. In addition, those two parcels are surrounded on three sides by suburban residential development (2.5 DU's/acre.) Approval of the petition would be a precedent for rezoning the two acre Grange property to the north to R-2B or a comparable PUD district. Such a zoning change would be consistent with the Comprehensive Plan and adjacent land uses.

5. Approval of the petition is unlikely to have an adverse effect on the values of property in the area. The creation of engineered drainage will improve area wide drainage issues.
6. R-2B zoning of the property would be compatible with existing uses and zoning in the area. Development under R-2B zoning would be similar to the residential use in Oak Meadows adjacent to the east.
7. The property is a reasonable parcel of land for zoning consideration. Approval of the petition would leave the two acre Grange property adjacent to the north zoned AG, the AG zoned parcel in the area north and east of the property in the petition. AG zoning is reasonable for the existing use. Long-term, the appropriate zoning is R-2B or a comparable PUD district.

**BE IT FURTHER RESOLVED** That the Planning Commission requests an updated traffic study at such time as a site plan is submitted for this site.

**BE IT FURTHER RESOLVED** That the Pittsfield Township Planning Commission is transmitting a copy of the Township Planner's report of December 1, 2004 with this resolution as the Commission's report on the petition.