
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

Members Present: Dennis Ward, Richard Plisko, Wilma Luna, Christina Lirones, Stuart Dowty, John Norton, and Maria Constant.

Members Absent: None.

Others Present: Anne Vaara, Kurt Duman, Gary Charson, Tom Zeimet, Robert Eichenhorn, Danny Veri, Tom Hanson, Lorie Lodico III, Corey Weaver, Michelle Weaver, Dave Brewer, Dave Hughes, Paul Knuth, Paula Hepp, Rachel Parris, Planning Intern Kari Wolff, Assistant Planner Suzanne McCoy, Senior Planner Paul Montagno, Planning Director Bruce E. Fowler, 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 7:30 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 Luna, to move Item 7.1 to follow Item 5.1, Item 7.2 to follow Item 5.2, Item 7.3 to follow Item 5.3, and Item 7.4 to follow Item 5.4.

MOTION CARRIED

4.0 Items from the Floor

None.

5.0 Public Hearings

5.1 WP 06-01 Arbor Oaks
[submitted for a wetland permit]

Anne Vaara, ECT, stated that they reviewed the wetland plan and the site. She said that ninety (90) lots are proposed. She said that there is a mix of woodlands and wetlands onsite. She said that wetlands A, B, C, F, G, H, and I are the wetlands they looked at on June 7, 2006. She said that she found other wetlands that should be flagged. She said that those wetlands are not regulated. She discussed the regulated and non-regulated wetlands. She said that the applicant is proposing to disturb the boundaries of the wetlands. She said that the petitioner is not proposing mitigation and they should move forward with a mitigation plan. She said that there are fifteen (15) acres of woodlands and wetlands that the applicant wants to preserve. She said that four (4) acres of the wetland and

woodland is already regulated so they would be preserving eleven (11) acres of wooded area. She said that they are not suggesting that mitigation take place in a wooded area but they need to see a plan to look at the conditions.

Chairperson Lirones asked if no mitigation is shown for the filled areas. She added that the Commission would not want the mitigation in the woods.

Ms. Vaara replied yes. She said that there would be approximately 1.71 acres of wetland mitigation. She said that the characteristic of the woodland is high quality. She said that the woodland is a valuable resource for the community and the area.

Jeff King, King and MacGregor Environmental, stated that within the wooded area on the eastern portion of the site, they thought mitigating the impacts of the wetland excavation may be appropriate because there is an opportunity to remove the invasive species.

Chairperson Lirones asked what type of invasive species is present.

Mr. King stated that the species is common buckthorn. He said that it has taken over the understory. He said that it would enhance the area if they remove the species. He said that the area of wetland A has been historically farmed and it is at its maximum size. He said that the value of this wetland has been affected by farming. He said that the concept of mitigation by acreage does not get the crux of what mitigation is about. He said that the functions and values are minimal and a different mitigation plan might help.

Planner Montagno asked Mr. King if he was speaking to the revisions that came in this past Monday.

Mr. Jeff replied that the June 16th submittal addressed the mitigation.

Chairperson Lirones opened the public hearing.

There were no comments.

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

MOTION CARRIED

Item 7.1 of New Business moved to follow Item 5.1 of the Public Hearing.

Chairperson Lirones agreed that it would be good to remove the buck thorn, but does not see the necessity in mitigating the wetland in a woodland area. She said that they have removed buck thorn in the Township park woods and it helps a lot. She said that she does not see what this has to do with wetland mitigation, and it should be part of a forest management plan.

Commissioner Ward agreed with Chairperson Lirones. He said that the Township has a wetland ordinance and the Planning Commission has a legal obligation to uphold the Ordinance. He said that some of the ideas regarding wetland A have merit but the Planning Commission cannot bend their authority. He said that the Ordinance requires wetland mitigation.

Chairperson Lirones stated that preserving woodland is important, and it is part of the consent judgment. She said that she cannot imagine removing more preserved wetland.

Commissioner Ward stated that the consent judgment does allow for fewer lots.

Chairperson Lirones stated that the consent judgment states that up to ninety (90) lots are allowed. She said that the site is packed and she cannot see how the wetland can be mitigated without removing a lot or two.

Commissioner Dowty asked Mr. King what items he does not want to complete that the wetland consultant recommended.

Mr. King stated that the only discrepancy is that they have not provided a wetland creation plan. He said that they did not submit this creation plan because it would be at the expense of certain lots and it would create an artificial situation.

Chairperson Lirones asked if the applicant disagrees that they have to mitigate wetland. She said that wetland that is destroyed has to be mitigated. She said that the Ordinance calls for acre-per-acre or one and a half to two acres disturbed. She asked the applicant to address the comments of the wetland consultants report.

Ms. Vaara stated that she does not encourage mitigation in the woodland area. She said that there are areas for opportunities of mitigation. She said that removal of the buck thorn is a good method but it is not wetland mitigation. She said that wetland A has not been farmed because it has been too wet. She said that there are many wild flowers and tall grasses. She added that there are many birds in the area and it is not a degraded wetland.

Commissioner Ward asked the applicant to consider a woodland management plan.

Chairperson Lirones stated that the applicant should consult an arborist to improve the woodland.

Motion by Commissioner Dowty, supported by Commissioner Norton, to postpone action on WP 06-01 Arbor Oaks and direct the applicant to:

- 1. Address all issues in the Township Wetland Consultant's report dated July 6, 2006.**
- 2. Incorporate wetland plans into the final site plan submittal.**

MOTION CARRIED

5.2 CUP 05-11 Cyberzone (Showcase Cinema)
[submitted for a controlled use permit]

Planner McCoy reviewed her report. She stated that this permit was submitted for a video gaming arcade. She said that the Ordinance prohibits a controlled use within five hundred (500) feet of a residential and agricultural zoning district unless a waiver is granted. She said that there is an agricultural area used as a residence within the five hundred (500) feet. She said that the Ordinance allows the Planning Commission to grant a waiver to the location requirement if the applicant submits a petition signed by 51% of the neighboring properties within five hundred (500) square feet. She added that the applicant has submitted this petition. She said that the applicant is asking the Planning Commission to grant a location waiver. She said that the use also requires a conditional use permit (CUP). She added that the use is compatible with the surrounding area.

Commissioner Dowty asked where the agricultural parcel is located.

Planner McCoy stated that the parcel is not directly adjacent to the site; it is to the far southeast of the site. She mentioned that most of the neighboring uses are commercial.

Kurt Duman, attorney representing the applicant, stated that the uses are internal to the existing facility. He said that the uses are harmonious and they will service the existing patrons.

Chairperson Lirones opened the public hearing.

There were no comments.

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

MOTION CARRIED

Item 7.2 of New Business moved to follow Item 7.3 of the Public Hearing.

Chairperson Lirones stated that there would be no effect on the neighboring uses, and the other businesses have signed off on the use. She said that the use is internal.

Planner McCoy stated that the site has adequate parking for this use and the proposed restaurant.

Motion by Commissioner Luna, supported by Commissioner Ward, to grant location waiver for Controlled Use Permit (CUP 05-11 Cyberzone).

ROLL CALL:

YES: WARD, PLISKO, LUNA, LIRONES, DOWTY, NORTON, CONSTANT.

NO: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

5.3 CUP 06-06 Cyberzone (Showcase Cinema)
[submitted for a conditional use permit]

Planner McCoy reviewed her report. She reviewed the findings and factors for the Planning Commission to consider. She said that staff feels that this use is compatible with the existing and surrounding uses. She said that there would be one hundred eight (108) video gaming units and an internet café with sixty (60) seats and party rooms.

Mr. Duman stated that the existing structure is there. He said that the proposed activities are consistent with the current use.

Steve Horton stated that this is the first venture to this type of venue. He said that there is an area that has sixty (60) individual PC pods to play online games.

Commissioner Ward asked if the patrons would have to purchase movie tickets first.

Mr. Horton replied no. He showed where the cyberzone patrons would enter through the lobby. He said that they are going to expand the number of ushers in the theater to make sure no one tries to sneak into a movie.

Chairperson Lirones opened the public hearing.

There were no comments.

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

MOTION CARRIED

Item 7.3 of New Business moved to follow Item 5.3 of the Public Hearing.

Chairperson Lirones asked if the screens in the pod areas are going to be visible to children.

Commissioner Ward asked if there would be parental control equipment on the computer systems. He asked the applicant to explain how they are going to monitor the content of the games in the pod areas.

Mr. Horton stated that the pod areas are not internet connected. He said that they are visible to the general public. He said that they would look at screening the pods and making the walls higher. He said that in the computer gaming area they have no intentions to enforce a rating system. He said that the rating system is not a law but they enforce the R rating system. He said that they agree to not have those games in the pod areas where the general public could see them. He said that they would not rent or sell any games that have an adult rating. He said that they are willing to not utilize the mature rated games until after 6 p.m. when children are mostly gone from the theater.

Commissioner Dowty stated that the Township has an ordinance that deals with adult entertainment. He asked the applicant if they have looked at that ordinance to see if this use is consistent with the ordinance.

Mr. Horton stated that he is not sure to the intent of the ordinance.

Commissioner Dowty stated that if some of the games are sexually explicit then this should be dealt with now before the residents complain.

Mr. Horton reviewed the description for R and mature rated games.

Commissioner Ward stated that national broadcasters have TV 14 until 10 p.m., and then more mature shows come on. He said that there are federally established guidelines.

Mr. Horton agreed to this standard or timeframe. He said that people have to pay to go into the gaming area. He said that most of the gamers are 15 to 34. He said that they do not want to restrict business based on a voluntary rating system. He said that people entering the gaming area could be required to have a parental permission slip or parental approval on file.

Chairperson Lirones stated that she likes the location, although Showcase Cinema has had problems with teenage kids causing trouble. She said that they need to have controls in place to make sure it does not get out of control.

Commissioner Ward stated that they could install software to enforce the game content in the firewall.

Mr. Horton stated that the area requires a membership and it is not a typical arcade.

Commissioner Ward stated that if they raise the walls the workers might not be able to monitor the areas without invading the users' space. He said that he wants to make sure this is safe, and they are trying to do what is right for the community. He said that they could require people to provide identification and if

they are under the age of 17 they are prohibited as to what they can play. He said that they should work with staff on the restrictions.

Mr. Duman stated that the pod areas would not have adult content.

Motion by Commissioner Ward, supported by Commissioner Luna, to postpone action on CUP 06-06 Cyberzone and direct staff to work with the applicant to develop appropriate age and time guidelines for content; and direct staff to draft a resolution of approval.

MOTION CARRIED

5.4 CUP 06-05 Chatters (Showcase Cinema) [submitted for a conditional use permit]

Planner McCoy reviewed her report. She stated that the petition is for a restaurant that will be serving alcoholic beverages. She said that they are proposing sixty-one (61) seats and twenty (20) employees. She said that she talked to public safety regarding this use. She said that there have been previous public safety issues at this location. She said that Director John Phillips stated that their concerns would be the hours of operation and if minors can get into the restaurant.

Chairperson Lirones asked if Director Phillips was recommending denial.

Planner McCoy stated that he thought the approval of the license was a separate issue.

Chairperson Lirones stated that they would be purchasing or transferring a license from somewhere else. She said that public safety comments would come up during the license review.

Commissioner Dowty asked if liquor would be carried away from the restaurant. He asked if food could be taken into the areas where movies are shown.

Mr. Horton stated that the Chatter's menu items are available throughout the building already with a few additions. He said that they are developing this theatre into a cinema deluxe. He said that liquor would not be permitted in the auditorium seating but they can order food from Chatter's.

Commissioner Plisko asked if other movie theatres sell liquor.

Mr. Horton stated that they opened the first one five years ago in Los Angeles. He said that they have twelve (12) theatres that serve liquor and a person has to be twenty-one (21) to get into the movie. He added that they also have two in Toledo, Ohio.

Chairperson Lirones opened the public hearing.

There were no comments.

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

MOTION CARRIED

Item 7.4 of New Business moved to follow Item 5.4 of the Public Hearing.

Chairperson Lirones reviewed the findings for consideration:

- A. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance.**

The subject location is currently operated as Showcase Cinema. The addition of a restaurant would be harmonious with the existing and surrounding areas.

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.**

The site is appropriate in appearance with the general vicinity because all modifications will be made on the interior of the building.

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 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.

The Commissioners agreed with the finding.

- D. Will not be hazardous or disturbing to existing or future neighboring uses.**

Since all modifications to the site are within the interior of the building, the site should not be hazardous or disturbing to existing or future neighboring uses.

The Commissioners agreed with the finding.

E. Will not create excessive additional requirements at public cost for public facilities or services.

The use is not expected to create excessive additional requirements at public cost for public facilities or services.

The Commissioners agreed with the finding.

Motion by Commissioner Luna, supported by Commissioner Dowty, to postpone action on CUP 06-05 Chatter's and direct staff to draft a resolution of approval.

MOTION CARRIED

6.0 Old Business

6.1 RZ 06-02 Pittsfield North Land Development Company, LLC
[submitted to rezone from AG to R-2B]

Chairperson Lirones stated that staff previously recommended denial of this petition to the Township Board.

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the resolution of denial for RZ 06-02/RZ 06-03 Pittsfield North Land Development Company, LLC. (Attachment #1)

ROLL CALL:

YES: WARD, PLISKO, LUNA, LIRONES, DOWTY, NORTON, CONSTANT.
NO: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

6.2 RZ 06-03 Pittsfield North Land Development Company, LLC
[submitted to rezone from I-1 to R-2B]

Item RZ 06-03 was included in the above motion under Item 6.1.

6.3 CSPA 05-09 Pittsfield Auto Wash
[submitted for final site plan]

Planner Montagno reviewed his report. He stated that they are providing more trees than required on the site. He said that the proposed five-foot sidewalk on Ellsworth Road should be six-foot. He said that screening for the stacking area

and vacuum stations has been provided. He added that the combined height and elevation of the trees and the land from the road provides adequate visual screening.

Commissioner Ward asked about winter screening.

Dave Brewer, Vanston/O'Brien, stated that there are evergreens on site that should provide screening.

Chairperson Lirones mentioned payment to the tree fund for the remaining sixty-three (63) required trees. She asked the applicant to provide the Township with cost estimates for the trees.

Dave Hughes, Vanston/O'Brien, discussed the costs of trees.

Chairperson Lirones asked the applicant to talk with staff about the estimates.

Mr. Brewer stated that he is not sure where the six-foot requirement for the sidewalk is coming from. He said that the Ordinance calls for a five-foot wide sidewalk.

Chairperson Lirones stated that the requirement is in the Comprehensive Plan. She said that the Township has been requiring this. She said that it is in the amendments to the Land Development Standards.

Mr. Brewer stated that this poses a problem. He said that they are at their limit on floodplain fill. He said that widening the sidewalk might put them past the mitigation amount. He mentioned that the sidewalk across the street is a five-foot sidewalk.

Chairperson Lirones stated that the Township has been requiring six-foot sidewalks in new construction.

Commissioner Ward stated that he agrees with allowing a five-foot sidewalk.

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the final site plan for CSPA 05-09 Pittsfield Auto Wash with the following conditions:

That the applicant revises and submits 5 complete sets of the final site plan for administrative review that:

- 1. Address all issues with the exception of item 2A in the Township Engineer's report dated May 11, 2006.**
- 2. Address all issues in the Township Planning Consultant's site plan review report dated May 10, 2006.**
- 3. Address all issues in the Zoning Review dated July 6, 2006.**
- 4. Calculation of the tree mitigation fund donation will be addressed by staff and the payment will be required prior to the issuance of SEC permit.**
- 5. The Planning Commission finds that a 5-foot sidewalk is acceptable given the restrictions of the flood plain.**

MOTION CARRIED

6.4 WP 05-06 / CSPA 04-23 Arbor Ridge Phase 2 [submitted for wetland permit and final site plan]

Planner Montagno reviewed the wetland report from ECT. He said that wetland A should be listed as a Township regulated wetland. He said that they have a Michigan Department of Environmental Quality (MDEQ) permit. He said that they have been getting the condominium documents and Exhibit B's in order. He reviewed his report. He said that there are no zoning problems. He reviewed the Engineering report. He said that there are lighting comments that can be handled administratively. He said that the WCDC will not accept the drainage district until the residents agree to this.

Chairperson Lirones stated that phase one was built a long time ago, and they want to make sure that the open spaces and roads are available to everyone.

Planner Montagno stated that the Township would like the condominium associations to join together, although this would take a 100% vote from the existing association. He said that this did not happen.

Chairperson Lirones stated that they are saving the oak tree. She said that she invited Mr. Charson to attend this meeting. She said that he is a resident of Arbor Ridge Phase I and a Natural Resources Commissioner.

Gary Charson, resident/president of homeowners association, stated that there was a meeting. He said that mothers are concerned about the safety of their children and the construction traffic.

Planner Montagno stated that there is an agreement that they will not be using the existing roads for construction traffic.

Mr. Charson stated that their streets now are not up to spec. He said that the association has to pay for the repair of the streets, and they are concerned that the construction trucks coming in and out could damage the roads.

Planner Montagno stated that this is listed on the site plan. He said that the Commission could make this a condition of approval.

Mr. Charson asked about the drainage problem and the maintenance costs. He said that the drainage basin is owned by the association. He asked if the new development would be using this drainage area also.

Chairperson Lirones stated that they are allowed to use this drainage area. She said that they were hoping to get this area into a drainage district.

Planner Montagno stated that it was designed to hold the capacity for the other phases.

Mr. Charson asked if the new association would be contributing to the maintenance of the drainage area.

Chairperson Lirones stated she is not sure if this can be required without the formation of a drainage district. She asked if all of the residents have agreed to the drainage district.

Mr. Charson replied no.

Tom Hanson, Livonia Builders, stated that the Townes phase will drain to phase one. He said that there is potential for inclusion into a drainage district. He said that everyone involved in the drainage system should petition the WCDC. He said that they have been told that the WCDC might not accept this. He said that everything in phase two and three is open to the residents in phase one.

Mr. Charson discussed the association fees and what the money is used for.

Chairperson Lirones asked if the applicants attorney reviewed the condominium documents.

Mr. Charson replied yes.

Mr. Hanson mentioned the engineering review. He said that the Township Engineer is still requesting the deletion of a paragraph from each master deed regarding the contraction of the project and withdrawal of the units.

Chairperson Lirones stated that "contraction" is standard language.

Motion by Commissioner Ward, supported by Commissioner Luna, to approve WP 05-06 Arbor Ridge Phase 2 with the condition that the applicant addresses all issues in the Township wetland consultant's report dated February 6, 2006.

ROLL CALL:

YES: WARD, PLISKO, LUNA, LIRONES, DOWTY, NORTON, CONSTANT.

NO: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

Motion by Commissioner Ward, supported by Commissioner Dowty, to approve final site plan CSPA 04-23 Arbor Ridge Phase 2 with the following conditions:

That the applicant revises and submits 5 complete sets of the final site plan for administrative review that:

- 1. Address all issues in the Township Engineer's report with the exception of items 3A and 4A in the July 7, 2006 report regarding contraction of the project, and the report of February 24, 2006.**

2. **Address all issues in the Township Planning Consultant's site plan review report dated December 15, 2005, master deed review dated December 15, 2005, and condominium documents review dated March 8, 2006.**
3. **Existing roadway within Arbor Ridge Phase 1 shall not be used by construction vehicles.**
4. **Final review and approval of the condominium documents by the Township attorney.**

MOTION CARRIED

7.0 New Business

7.1 WP 06-01 Arbor Oaks

[submitted for a wetland permit]

Item 7.1 moved to follow Item 5.1 of the Public Hearing.

7.2 CUP 05-11 Cyberzone (Showcase Cinema)

[submitted for a controlled use permit]

Item 7.2 moved to follow Item 5.2 of the Public Hearing.

7.3 CUP 06-06 Cyberzone (Showcase Cinema)

[submitted for a conditional use permit]

Item 7.3 moved to follow Item 5.3 of the Public Hearing.

7.4 CUP 06-05 Chatters (Showcase Cinema)

[submitted for a conditional use permit]

Item 7.4 moved to follow Item 5.4 of the Public Hearing.

7.5 CSPA 06-12 Advance Auto Parts

[submitted for discussion only]

Director Fowler reviewed his report and Planning Consultants report. He stated that the site plan is in compliance with the zoning requirements. He discussed WB-50 trucks and said that this has to be worked out so they can enter to site. He said that because of the width of the entrance the trucks will cross over into the exiting lane. He said that the driveway needs to be thirty-nine (39) feet wide.

Chairperson Lirones stated that the Township is no longer insisting on the preservation of the white oak tree because the WCRC is insisting on the location of the driveway.

7.6 CSPA 05-18 IHOP / Meijer's / Carpenter
[submitted for preliminary site plan]

Director Fowler reviewed the report. He mentioned vehicular circulation and stated that because of the peculiar site there is no way to design the site to make the regular alignments. He reviewed the zoning report. He said that they are in compliance with parking and the other requirements. He reviewed the Engineering report and stated that these issues can be addressed in the final site plan.

Motion by Commissioner Luna, supported by Commissioner Norton, to approve preliminary site plan CSPA 05-18 IHOP / Meijer's Carpenter Road with the condition that the following be addressed in the final site plan:

- 1. All issues in the Township Engineer's report dated July 7, 2006.**
- 2. All issues in the Township Planning Consultant's site plan review report dated July 5, 2006.**
- 3. All issues in the Zoning Review dated July 6, 2006.**

MOTION CARRIED

7.7 CSPA 06-07 Meijer's / Carpenter Road
[submitted for preliminary site plan]

Planner Fowler reviewed the reports. He noted a minor correction in Planning Consultants report. He reviewed his report and stated that the site is in compliance except for the net lot coverage. He said that it is considerably over what is now required. He said that the Engineer's report has a number of details to be addressed during final site plan review.

Motion by Commissioner Luna, supported by Commissioner Plisko, to approve preliminary site plan CSPA 06-07 Meijer's / Carpenter Road with the condition that the following be addressed in the final site plan:

- 1. All issues in the Township Engineer's report dated June 30, 2006.**
- 2. All issues in the Township Planning Consultant's site plan review report dated July 5, 2006.**
- 3. All issues in the Zoning Review dated July 6, 2006.**

MOTION CARRIED

7.8 Land Development Standards
[submitted for review to update]

Commissioner Ward stated that they have included a section regarding engineers stamping and signing site plans.

Planner Montagno stated that almost all of the chapters have been revised. He said that the mitigation sections are newer. He said that the Natural Resource Commission has spent along time looking at the landscaping requirements. He said that the Township Engineers spent a lot of time with the storm water and

sanitary requirements. He said that six-foot sidewalks are included in the revisions.

Motion by Commissioner Constant, supported by Commissioner Ward, to recommend approval of the resolution of amendments to the Land Development Standards to the Township Board. (Attachment #2)

ROLL CALL:

YES: WARD, PLISKO, LUNA, LIRONES, DOWTY, NORTON, CONSTANT.

NO: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

7.9 Comprehensive Plan Amendments
[submitted for recommendation to Township Board]

Director Fowler reviewed the amendments and the procedure for amending the Comprehensive Plan.

Chairperson Lirones discussed the AAYSA facility being listed as agricultural preservation and how this could affect the PDR application.

Director Fowler stated that the future Land Use Map (Map 4) left the site as agricultural preservation upon advice of Deputy Clerk Jan BenDor.

Motion by Commissioner Norton, supported by Commissioner Luna, to submit the Comprehensive Plan Amendments to the Township Board for review and comment.

MOTION CARRIED

8.0 Planner's Report

Director Fowler discussed the Washtenaw Area Transportation Study for a non-motorized transportation plan. He said that they approved a draft of this plan to submit to the municipalities. He said that WATS, MDOT, and the Township are forming a committee to look at three bridges that cross I-94: Ann Arbor-Saline Road, State Street and Washtenaw Avenue. He said that they have had three meetings for the WCRC Sign Removal Task Force, and they have come up with draft revisions for signage. He said that the Code Enforcement Officer position has been approved and they have received over sixty (60) applications. He mentioned that Planning Intern Kari Wolff is leaving the Township and will become Assistant Planner for Northville Township. He announced that Planner Montagno received his AICP certification.

9.0 Chairperson's Report

None.

10.0 Commissioner's Report

Commissioner Dowty stated that they sent a letter to Natures Garden Center detailing important violations of the code. He said that he was contacted by Jerry Lax, attorney representing Natures Garden Center. He said that they are going to start informal discussions.

11.0 Approval of Prior Minutes

11.1 Minutes of June 15, 2006

Motion by Commissioner Dowty, supported by Commissioner Ward, to approve the minutes, as corrected, and attach the recorded media as part of the official record.

MOTION CARRIED

12.0 Adjournment

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

MOTION CARRIED

Chairperson Lirones adjourned the meeting at 10:43 p.m.

s/Wilma Luna, Secretary

August 3, 2006

(Attachment #1)

**PITTSFIELD TOWNSHIP PLANNING COMMISSION
RESOLUTION OF FINDINGS AND RECOMMENDATION OF DENIAL
RZ 06-02/06-03 Pittsfield North Land Development Co. LLC
July 13, 2006**

WHEREAS Pittsfield Township received petition RZ 06-02 and RZ 06-03 Pittsfield North Land Development to rezone from AG (Agricultural) and I-1 (Limited Industrial) to R-2B (Low Density Multiple Family Residential) for property located on the east side of Platt Road, west side US23, and north of Morgan Road in Section 14, Ann Arbor, tax ID #s L-12-14-300-001 (west parcel) and L-12-14-400-002 (east parcel), Pittsfield Township, Washtenaw County, Michigan,

WHEREAS The Pittsfield Township Planning Commission held a public hearing on the petition on June 15, 2006; and

WHEREAS The Pittsfield Township Planning Commission considered comments presented or submitted by the public and heard comments in opposition to this proposed rezoning and received comments in support of the I-1 use proposed in the Comprehensive Plan; and

WHEREAS The Pittsfield Township Planning Commission has 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 06-02 and RZ 06-03 Pittsfield North Land Development with tax ID #s L-12-14-300-001 and L-12-14-400-002 be denied.

BE IT FURTHER RESOLVED That the Pittsfield Township Planning Commission makes the following findings regarding petition RZ 06-02 and RZ 06-03 Pittsfield North Land Development:

1. The petition is not consistent with the Township's adopted Comprehensive Plan. The Plan designates the property in this petition, along with the remaining land between Platt Road and US-23, from Morgan Road north to Lillie Park, for light industrial use. The petition requests zoning for medium density residential use, at a maximum density of 6 dwelling units per acre. The R-2B district is intended to be used only in areas that are designated in the Comprehensive Plan for residential use at that density.
2. Pittsfield Township has long had a policy of encouraging industrial development to create jobs and improve the Township's tax base. The current Comprehensive Plan continues this policy, emphasized in several parts of the Plan – "support a strong tax base", (page 12), "a strong, high quality industrial tax base" (page 13), "industrial business and employment centers" (page 15), and "small pockets of light industrial development along US-23 and Morgan Road" (page 18). The Plan designates all land acreage in Pittsfield Township that is suitable for light industrial uses for these areas. Approval of the petition would remove 150 acres of land from future light industrial use. These 150 acres of potential industrial land cannot be replaced elsewhere in the Township. Further, these areas will be essential to provide space for new businesses that provide support services for other industrial uses such as manufacturing and research and development facilities, as well as, the Toyota research and development center, in York Township, that is scheduled to be developed on Platt Road just south of Bemis Road.
3. The Township has planned for a significant amount of residential land use in this area.
4. There are a limited number of acres and areas designated in the Comprehensive Plan for light industrial use are located on the west and east sides of US23. However, the west and east areas are not likely to be developed for the same types of industrial use. The west side is expected to be developed for smaller manufacturing, assembly, and storage businesses, while the east is expected to follow its historical pattern

and be developed with distribution and storage type uses. Future industrial uses on the west side, including the property in the petition, are expected to be those that do not want the planned uses or locations in the State Road corridor. Similar uses have located in Platt Place adjacent to the south, Airport Plaza, and Ann Arbor Commerce Park (Varsity Industrial Park). These parks are almost totally developed. The Platt/Morgan industrial area is the only remaining area with a significant amount of developable land that is suitable for this type of light industrial use. Retaining this area is vital to the long-term balance, diversity, and health of Pittsfield Township's economy.

5. A bridge over US23 at Morgan Road as called for in the Comprehensive Plan (pages 69 and 74) will facilitate a vehicular connection between the areas designated for light industrial on the east and west sides of US23.
6. The freeway system is readily accessible to the Platt/Morgan industrial area. The Platt/Morgan intersection is about 1 3/4 miles from the Michigan Avenue/US23 interchange. Other established industrial, research, and business parks in Pittsfield Township are located the following distances from a freeway interchange:
 - i. Ann Arbor Commerce Park – 1 1/2 to 2 miles from State/I94
 - ii. Avis Farms South – 2 1/2 to 3 miles from State/I94
 - iii. State Street Business Park – 2 1/2 miles from State/I94
7. The light industrial use designation for this property is still valid. The existing industrial park between the property and Platt Road, the approved final site plan for Wolverine Commerce Park (the final approval of which was extended for one year on June 1, 2006, at the request of the owner of that property), and the existing industrial use at the east end of Morgan Road at US23 (Kent) all attest to the soundness of the Township's policy.
8. The existing cell tower in the northwest corner of the property is something of an industrial use. Cell towers area permitted only in W-1, I-1, and I-2 zoning districts, and in the AG district, provided the location is designated in the Comprehensive Plan for rural or industrial uses. Cell towers are not permitted in any residential district or future residential area.
9. The Township's Comprehensive Plans have designated this property and area for light industrial uses since 1975. The Township has an obligation to uphold the Comprehensive Plan for those who own property in the area and have made decisions based on the understanding that the Plan would be upheld.
10. Approval of this petition would require a prior amendment to the Comprehensive Plan that would designate the entire area for medium density residential use. The Planning Commission most recently decided in September, 2005, that the Plan's policies for this area are still valid and would not be changed.
11. Approval of the petition would set a precedent for rezoning the Wolverine Commerce Park property to medium density residential use. This would remove another 45 acres of land from potential industrial use. It also isolates two existing light industrial areas – the industrial park on Platt Road and the Kent property on Morgan Road, from other light industrial uses and would surround them with residences.
12. Public services are available, but extensions of lines will be necessary.
13. Utility usage would be an estimated 28% higher for residential uses at the density allowed by R-2B zoning, than for industrial densities permitted by I-1 zoning, based on calculations using potential maximum build out numbers listed in tables 1 and 2 in the Planner's report dated June 8, 2006.
14. Access will be provided by Platt Road. Platt Road functions reasonably well under current conditions to the north, between Morgan and Ellsworth roads. The problem is to the south. The road is heavily congested during the afternoon peak hours, especially in the south bound lane, north of Michigan Avenue. Traffic frequently backs up almost to Morgan Road. The delays are caused by the Platt/Michigan intersection,

complicated by the Platt/Textile intersection just to the north. Any development of the subject property will aggravate this problem, as will the pending development of Pittsfield Glen and Fieldstone Park (a combined total of 373 dwelling units). Industrial uses and residential uses will have different peak traffic times, thereby offsetting some of the traffic congestion that will occur with any new development on these properties.

15. The trip generation estimates in Tables 1 and 2 in the Planner's report dated June 8, 2006 show that the number of trips generated by industrial development of the property will be generally similar to the number of trips that would be generated by R-2B residential development.
16. Limited Industrial zoning, I-1, is compatible with land use designations for neighboring areas in the Comprehensive Plan and with existing uses.
 - A. Roads are used in the plan to separate land uses, a common practice. Both Platt and Morgan roads have future rights-of-way of 120 feet. This right-of-way provides physical separation between the roadways and property lines of neighboring uses.
 - B. If the property were developed as residential there would be insufficient separation from the proposed residential use and the existing industrial park on Platt Road north of Morgan Road and the Kent property on Morgan Road.
 - C. The approved final site plan for Wolverine Commerce Park provides a 50-foot wide landscaped buffer strip along the north right-of-way line of Morgan Road (60 feet from centerline) and the lots to the north. The plan specifies planting densities to assure screening for residences to the south. These buffering requirements can be continued along the remaining north frontage of Morgan Road to assure compatibility of uses.
 - D. Light industrial uses of the property in the petition will be compatible with Lillie Park, adjacent to the north. The Township had full knowledge of future light industrial uses to the south and planned the park accordingly. Existing vegetation provides buffering; additional landscape screening can be required during site plan reviews of light industrial development as necessary to provide adequate screening.
17. Natural features on the site will be preserved during site plan reviews of industrial developments. Wetlands and their buffer areas are preserved by MDEQ regulations and Pittsfield Township's Wetland Ordinance. Wooded areas can also be preserved. The Township has a record of preserving woodlands in industrial parks, business parks, and similar non-residential developments – State Street Business Park, Ann Arbor Commerce Park, Valley Ranch Business Park, and Avis Farms South are examples.

BE IT FURTHER RESOLVED The Pittsfield Township Planning Commission is transmitting a copy of the Township Planner's report of June 8, 2006, with this resolution as the Commission's report on the petition.

(Attachment #1)

**RESOLUTION TO RECOMMEND APPROVAL
PITTSFIELD TOWNSHIP PLANNING COMMISSION
Amendment to Land Development Standards
July 13, 2006**

WHEREAS the Planning Commission recognizes that the promulgation of land development standards is considered to be a significant responsibility of the Pittsfield Township Board. The Board believes that high uniform standards must be maintained in order to protect the citizens and businesses of the Township and to ensure that future Boards are not burdened with remedial and retroactive solutions. Quality planning and implementation are seen as priority and viable goals; and

WHEREAS there is a need to periodically revise and update the standards in order to promote the best quality planning and implementation; and

WHEREAS the Planning Commission has studied the proposed amendments to ensure effectiveness and reasonability.

NOW, THEREFORE, BE IT RESOLVED that the Pittsfield Township Planning Commission recommends the approval of the proposed amendments dated July 7, 2006 to the Land Development Standards to the Pittsfield Township Board.