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PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

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**Members Present:** Dennis Ward, Richard Pilsko, Wilma Luna, Christina Lirones, Stuart Dowty, Marie Constant.

**Members Absent:** John Norton.

**Others Present:** Amy Golke, Krista Lenart, Chantal Reidiwage, Mike Anderson, Anoy Radnik, Nick McMullen, Sue Collins, Jim Walter, Marty LaForte, David Sponseller, Senior Planner Paul Montagno, Planning Director Bruce E. Fowler, and Recording Secretary Marge Burkheiser.

**1.0 Call Meeting to Order / 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 Ward, supported by Commissioner Luna, to move Item 7.1 to follow Item 5.1; Item 7.2 and 7.3 to follow Item 5.2; and Item 7.3 to follow Item 5.3.**

**MOTION CARRIED**

**4.0 Items from the Floor**

None.

**5.0 Public Hearings**

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

Planner Montagno reviewed the Township rezoning report dated June 8, 2006. He noted the zoning changes requested from AG and I-1 to R-2B. He stated the petitioners and who property owners are, along with the location. He stated the gross area is 152 acres and removing various rights-of-way, woodlands and wetlands results in a net acreage of 115. He said the soils are poorly drained. He said there is approximately 35 acres of wetlands that is indicated on the Township's Potential Wetland Map. He noted the surround land use of the area which includes Township parks, industrial uses, single family residences, a church, cropland, and land that is idle. He said there have been other recent rezonings in the area, but they were all south of Morgan Road. He commented

that the Wolverine Commerce Park property (CSPA 01-07) requested to rezone its property to R-3, (RZ 04-12); this request was denied by the Township Board per the recommendation of the Planning Commission, on January 11, 2005. He said the Township's Comprehensive Plan designates the property in this petition, along with the remainder of the land between Platt Road and US 23, between Morgan Road and Lillie Park, for light industrial use. He said the site is served by Platt and Morgan Roads with either a posted speed of 45 mph or unposted limit. He said Platt Road serves as a collector road. He said no road improvements are scheduled for Platt Road but that the developer of Fieldstone Park will be paving Morgan Road, from Plum Hollow Drive to Platt Road. He said there are no sidewalks existing on the site but a sidewalk will be provided on the east side of Platt Road for the Wolverine Commerce Park development. He said there is no AATA bus service in this area. He said there is a sanitary sewer that abuts the property with the nearest sanitary sewer at Arbor Glen sewer. He noted this is an 18-inch sewer that flows south and at the north end the line terminates with a manhole on the south side of Morgan Road. He said the sanitary sewer system for the property must be designed to flow by gravity. He said there is a 16-inch water main located on the south side of Morgan Road. The property is located in Water Pressure District 1; peak hour pressures in this area are 26-30 psi. He said there is no water service adjacent to the property on Platt Road. He said the storm drainage patterns are not well defined in this area. He said the storm water runoff will be directed to detention or retention facilities. He noted that Fire Station #1 (Michigan Avenue and Platt) about 1 1/2 miles away. He said the attached tables contained some characteristics of possible development of the property in the petition under R-2B and I-1 zoning districts. He said that in reviewing the tables the Commission should remember there is approximately 35 acres of wetlands (area estimated from the Township's Potential Wetlands map). He said the wetland acreage must be subtracted from the property's net acreage to calculate developable area. He said the maximum number of dwelling units permitted in the R-2B district is calculated using this number and the same acreage is also used to estimate the total floor area permitted under I-1 zoning. He said that for the I-1 zoning, additional adjustments must be made to the developable acreage to estimate possible floor area. He said an industrial development would involve division of the property into individual lots, which could not include any wetland area and the streets would be public, the storm water detention facilities would be required and would be in common areas. He said other industrial developments would occupy about 25% of the developable area. He said the employee density can vary in light industrial developments. He said smaller light industrial operations that are likely to locate in this area would have one (1) employee per 500-800 square feet.

He reviewed the Factors to Consider that the Commission should consider in making its recommendation on this petition to the Township Board.

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 US23, 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

DUs/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 emphasis 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 US23 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. See attached Future Land Use Plan. The subject parcels are outlined in red

3. The 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, or cannot afford, 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.

4. 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. See illustration of proposed bridge location in attached aerial photo.

5. 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 park in Pittsfield Township are located the following distances from a freeway interchange:

Ann Arbor Commerce Park – 1 1/2 to 2 miles from State/I94  
Avis Farms South – 2 1/2 to 3 miles from State/I94  
State Street Business Park – 2 1/2 miles from State/I94

6. 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.

7. The existing cell tower in the NW corner of the property is something of an industrial use. Cell towers are 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.

8. The Township's Comprehensive Plans have designated this property and area for light industrial uses since 1975.

9. 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.

10. 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.

11. Public services are available, but extensions of lines will be necessary.

12. 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.

13. 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).

14. The trip generation estimates in Tables 1 and 2 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.

15. Light 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 rights-of-way provides a physical separation between the roadways and property lines of neighboring uses.

B. 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.

C. 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.

16. 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.

Commissioner Dowty said he was unclear about the wetlands and that there is less land available for development than being proposed.

Planner Montagno stated the ordinance removes any wetland, easements, rights-of-way. He said the numbers are from the R-2B zoning district if built out to maximum density. He thought the information provided did not take the removal of the wetland areas into consideration.

Amy Golke, of Bircher Arroyo Associates, said they are asking to rezone about 155 acres by Platt and Morgan roads. She said there are two zoning districts on the property, AG (Agricultural) and I-1 (Limited Industrial) and are asking to rezone to R-2B (Low Density Multiple Family Residential). She said they are asking for a "conditional rezoning agreement". She said that with conditional rezoning they could have a proposed 528 units with attached and detached housing. She said this would be transitional zoning having various configurations of building sizes (i.e. eight-plex, six-plex, four-plex and single family homes). She showed various elevations of the proposed subdivision. She said the R-2B zoning allows for a density of 6.0 dwelling units per acre which would be about 690 units total. She said with a conditional rezoning agreement you could cap the

number of units at 528 per gross acre or about 3.4 units per acre, which is similar to R-1B single family zoning density. She restated the uses and areas as shown in the future land use and current zoning map. She said residential use is more compatible for the area stating that residential is more compatible with the existing land uses. She said this is a low intensity use area and would provide a connection between the residential areas to the south and the parks to the north. She said the residential area would have less of an impact than an industrial use. The proposed 528 units would have 50% less trip generation. She said the Comprehensive Plan does talk of a bridge over [US] 23 at Morgan Road, that would connect the east and west side. She said they questioned the feasibility of that bridge. She said the Township would open up access to trucks on the east side of US 23 to State Street continuing on to I-94. She said the east side of [US] 23 would be more attractive to employers and employees. She said State [Road] is an arterial road, with direct access to I-94, with more intense uses. She said this site has no direct access to US 23 and that truck traffic that would be driving through on a corridor road that is primarily agricultural and residential. She said they would like the differences between State Road and Platt Road taken into consideration. She said the sewage is no more of an impact than if it was an industrial site. She said that after doing a study the difference on sewage rates between industrial and residential was two percent (2%). She said they felt the residential use would have less of an impact on the natural features. She noted that the Wolverine Commerce Park [CSPA 01-07] is currently in litigation for residential use and do not that would attest to the light industrial is valid for this location. She said they felt safe in saying that since the owner has not been successful in using this as a light industrial and therefore is trying to find a use that is suitable for this location. She said that since this property has been zoned light industrial since 1975 and has not been developed also speaks to the lack of appropriateness for this property. She said the lack of highway access and rail access makes this an undesirable location. She noted copies of letters from brokers which provide information why this land is not suitable for an industrial use. She said this rezoning is consistent with the principles in the Master [Comprehensive] Plan for the following reasons: accommodating a mixture of residential uses, offering a land use mixture and density that can be supported by the road system, resolving incompatible land use relationships, incorporating existing neighborhoods into future development patterns and eliminate future occurrences patterns of isolated areas, encouraging a mix of dwelling types and densities that could be supported. She again restated that the applicant is asking the Commission to consider a "conditional rezoning agreement" for 528 units, which would cap the density at 3.4 units per gross acre. She said that residential is more appropriate, a more compatible land use. She said there would be no more of an impact of sewer, that it would generate less traffic and there would be less of an impact on natural features.

Chairperson Lirones opened the public hearing.

Krista Lenart, attorney with Dykema Gossett representing Wolverine Commerce, said the neighboring land owner is in support of the rezoning request. She said they agreed with the comments of Ms. Golke that an industrial use is not a viable use for this property. She said her clients are experienced in developing business parks and that they have been

trying for eight years to develop their site. She said the reasons [they can not] being the location and being accessible. She said that staff has suggest a shortage of industrial land. She felt this was incorrect and that she had a marketing study (see the 2006 minutes binder for a copy) proving otherwise. She said a study was done for the Wolverine Commerce Park parcel only and the conclusion was that there is a minimum of a 180 year supply of industrial and business park planned land. She said they disagreed that this land is needed for industrial in the Township. She said the one-year extension was only to protect their investment and not the viability of the property for an industrial use.

David Sponseller, owner of two units in Platt Road Business Park, said he was here to support the Comprehensive Plan for the property to remain light industrial. He said that Mr. Lewis's attorney said there was a 180-year supply of industrial land in the Township, the fact is, you could said it is probably more like a 500-year supply of residential land in the Township. He said just because it is not taken does not mean it would not be needed in the future. He gave explanation of his businesses and some history of the area. He noted the buildings are sturdy, simple, well-built buildings, with reasonable rates, which are rarely vacant. He said that any land that can retain the balance in the Township is good for small business. He said he did not want this to become a Canton Township [Michigan] which is wall-to-wall houses. He noted the variety of businesses that are located in the business park. He said he is opposed to the housing which will be wrapped around the business park. He noted the many industrial support businesses (i.e. Ann Arbor Welding, Home Depot, Lowes, the various road corridors, recycling, etc.) in the area. He said he felt this is a good location for any light industrial use. He said having residential uses concerned him since the housing would back up to his building. He said in the future, residents would complain about the noise from semi trucks and service trucks to the area (i.e. refuse pick up, deliveries, etc.). He commented on potential security issues that would likely increase. He said this area has had very little crime over the years. He related the past history of an area within the City of Ann Arbor where people moved to and eventually forced an existing industrial use out of business, as a result he is concerned the same will happen with the rezoning proposed. He asked the commissioners to "stick to their guns" and preserve the Township.

Chairperson Lirones noted she had received some emails from residents who were unable to attend this evenings meeting. She read those emails. They were all opposed to the requested rezoning. (see the 2006 minutes binder for copies).

**Motion by Commissioner Luna, supported by Commissioner Ward, to close the public hearing for RZ 06-02 and RZ 06-03 Pittsfield North Land Development Company, LLC.**

**MOTION CARRIED**

Items 7.1 and 7.2 to follow.

Commissioner Dowty asked the applicant to clarify what it was they wanted the Commission to do and why. He asked what criteria the Planning Commission should use as a standard to make this decision.

Ms. Golke said they are requesting approval of rezoning the two parcels. She said there are principles in the Comprehensive Plan and felt this is an unusual site. She said for industrial use there is no access.

Commissioner Dowty asked again what criteria should be used; whether profit for the developer, public safety or the nature of the overall plan

Ms. Golke said there is compatibility in surrounding land uses, the impact on transportation, natural features in the area, whether or there are sewer services for this development. She felt those were things to consider.

Commissioner Dowty asked Ms. Golke if she thought the Commission had the authority to approve and if so direct him to a legal or statutory place where the Township has the legal authority to enter into a conditional rezoning agreement. He said he was under the impression they did not have the authority to do so. He also said that if he was wrong to please correct him and where the information could be found. He said he was taught that when you rezone, you rezoned for the category and not the petitioner. He asked what happens when you sell.

Ms. Golke replied that conditional rezoning are a fairly new option available to communities that is from the existing zoning enabling act and also in the Michigan enabling act which consolidates [several existing acts] . She said it states a petition may approach and the Commission may consider.

Jerry Lanson, attorney for the developer, stated that Ms. Golke is correct and there is a fairly new statute passed about two years ago. He said it was a comprehensive revision of the consolidating the three zoning enabling acts so they were all in one place.

Commissioner Dowty asked and Mr. Lanson agreed to provide the statute to Township.

Mr. Lanson agreed to do so.

Commissioner Dowty asked Ms. Golke that you are not claiming there is no absolutely no other use for this property, other then residential.

Ms. Golke replied no, we are claiming that residential is a more appropriate use. She said since 1975 this property has been available for light industrial and has not been used.

Commissioner Dowty said the problem with rezoning to residential and not light industrial is because there is no access to US 23 and there is a lack of capacity and function to road. He said he did not understand why if it was not OK for light industrial; why not for residential. He asked what the difference is.

Ms. Golke replied the trip generation would be less, but they are not proposing 690 units.

Commissioner Dowty asked Ms. Golke if they wanted to market a subdivision that there has poor access to [US] 23.

Ms. Golke said that is a residential corridor and that the truck traffic it would generate on Platt Road through a residential corridor to reach Michigan Avenue.

Chairperson Lirones said Lloyd Johnson owned the property and wanted to keep it out of development. She said that not being developed since 1975 is not proof it was held out of development by the owner. She said he wanted to preserve his view and stated so repeatedly over time. She said as previously noted we are being sued by Mr. Lewis but he did approach the Planning Commission for an amendment to the Comprehensive Plan and to rezone the property. She said the Comprehensive Plan was reopened and discussed. She said the rezoning was denied. She said a comment made during the public hearing stated that \$100,000 has been spent onsite improvements. She asked if that was for the site planning process.

Ms. Lenart said there has been several hundred thousand dollars that has been spent. She said a significant amount was for site plan development and process.

Chairperson Lirones asked what other improvements were done.

Ms. Lenart said that some grading and fill dirt was brought in to raise the site.

Planner Montagno said the dirt has been moved numerous times and is more "stockpiling" than filling in the site. He felt the dirt is more of an industrial use in itself that is more of a storage pile than fill.

Ms. Lenart said the fill dirt was brought in and more fill will be needed once the site is developed.

Chairperson Lirones asked if a grading permit was issued for Wolverine Commerce Park.

Planner Montagno stated a grading permit for stockpiling was issued.

Chairperson Lirones said it would be safe to say that grading has not been completed as an improvement to the Wolverine Commerce Park site.

Ms. Lenart said the grading has not been completed but how much is unknown.

Chairperson Lirones said that some of the past actions on the property have left the property unattractive.

Ms. Lenart noted that it is difficult to get financing without infrastructure present.

Chairperson Lirones noted some other areas of industrial in the area noting that Ashley Capital has recently indicated an interest in industrial property on the east side of the freeway. She stated there is not as much property available for light industrial as there is for other properties. She said the Township could not replace if this property if it was removed.

Chairperson Lirones asked Ms. Golke if they have approached the Planning Commission about a Comprehensive Plan amendment for this area.

Ms. Golke replied no we have not. She said this is the first time to the Commission.

Chairperson Lirones asked Ms. Golke if there was something different about a conditional rezoning that you would not follow the underlying Comprehensive Plan.

Ms. Golke replied they felt this site is unique with the merits of this site and making it more appropriate for residential [use] with the lack of access and less appropriate for industrial use.

Chairperson Lirones asked if there was a reason for not approaching the Planning Commission and an amendment to the Comprehensive Plan.

Ms. Golke said they felt was a unique circumstance and the merits of the proposal would go this way.

Chairperson Lirones asked what would make it unique to not follow the usual procedures.

Ms. Golke replied the uniqueness and suitability of the use.

Chairperson Lirones asked if those were really Comprehensive Plan questions and not going straight to rezoning process.

Ms. Golke replied this is the process we are going through.

Chairperson Lirones restated, to the applicant, you are seeking a rezoning that is not in compliance with the Comprehensive Plan.

Ms. Golke replied that is correct.

Commissioner Ward said that he is a little surprised that the petitioner would come without a Comprehensive Plan amendment. He said he is concerned with getting battered with political ads about single business tax, reinvigorating the economy, how small business is part of the new economy, life sciences, which has been touted as the economic lifeline of Michigan. He said we have 500 acres south of here that will be Toyota's research and development. He said there will be a test track, labs, mechanical, electrical, vehicle stamping, and vehicle testing there. He said there is a genuine need for small businesses to support these needs. He said we now have opportunity to increase the tax base of Pittsfield Township. He said he is concerned with throwing away the Comprehensive Plan this soon. He said he believed the Comprehensive Plan is a future land use map and that light industrial is very viable. He said we are squashing small business, which has been touted as the economic redevelopment lifeline of Michigan, to build houses. He said if we don't have industrial uses and we don't have businesses then we don't have people buying homes. He said Toyota didn't need highway access; they need Platt Road access. He related some past work history saying that genuine need for a need to support the facility. He said he was concerned with throwing away the Comprehensive Plan for something today. He said the Comprehensive Plan is a future land use map and feels light industrial is viable. He said he felt the arguments presented tonight are short-sighted, not in conformance with the Comprehensive Plan and certainly not in the best interest of Pittsfield Township and developing small businesses, and they are not in the best interest of the economic viability of the Township and the State.

Chairperson Lirones said Hyundai which was looking to locate in Pittsfield Township. She said Hyundai's main concern was visibility. She said they did not want highway access, they did not want a high profile. She said there are some businesses need direct freeway access but just as many did not need it. She felt access and visibility was not a viable argument. She said there is an enormous amount residential [growth] going on in this area. She said she felt this area is becoming overloaded with residential. She said this is an I-1 area that could not be replaced. She said the Comprehensive Plan is valid and sound, and she is troubled that an attempt has not been made to approach the Commission with an amendment.

Commissioner Dowty asked Ms. Golke if she would agree that the Township need to have light industrial. He asked if she was taking the position that the Township does not need light industrial in the mix of the zoning.

Ms. Golke replied, not necessarily but that this may not be the most appropriate location.

Commissioner Dowty said people have said we cannot replace it [light industrial areas]. He asked Ms. Golke as to where it could be replaced at.

Ms. Golke said she could not answer and believed it would require a study.

Commissioner Dowty said but you come to rezone?

Commissioner Luna said they heard from gentleman who is successful and happy in the area. She said he did not mention access to the roads or anything, just a good place to do their business. She said she did not feel this was an in appropriate area; there is someone who is successful.

Chairperson Lirones commented that the entire Ellsworth Road corridor, which this is very near, has similar freeway access business park uses; said she does not see the logic that it would not work for I-1 but would be great for residential.

Commissioner Plisko commented that with the traffic [currently] on Platt Road, the traffic will be worst if you add 540 more cars, between 4 p.m. and 6 p.m. He noted most people leave their jobs about the same time. He commented that traffic will be [backed] up past Ellsworth. He asked how there would be less traffic if it was industrial.

Ms. Golke said that a trip generation study showed the trips would be less for residential than for industrial, it would less then half.

Commissioner Ward asked if this was a peak hour study. He felt the statistics were interesting.

Ms. Golke replied yes.

Chairperson Lirones felt the statistics depended on when the studies were done. She noted peak hours versus weekend hours were vastly different. She said did not understand why this industrial area would not work but others do.

Commissioner Constant asked about how the wetlands were figured.

Ms. Golke replied on the gross area.

Commissioner Constant wondered what the interest in this property is, since there is plenty of residential property available. She said this property is not a unique piece of land. She said she felt there is something desirable about this property. She noted there is currently a lot of property zoned for this use.

Chairperson Lirones commented that she was not sure what to do; this is completely out [side] of the Comprehensive Plan.

Commissioner Ward said he did not think this is the appropriate time to rezone. He said the Township needed to give small business a chance to revitalize our economy. He said there is going to be a huge infrastructure going in to the south of this property and concerned about selling ourselves and our vision short. He said he felt there is a need for this [industrial use] and that if in four [4] or five [5] years from now, after Toyota is in, he would reconsider. He said he could not support this.

Commissioner Luna said the Commission has worked hard to develop the Comprehensive Plan and reviews the Comprehensive Plan every year. She said the Township citizens helped develop this Comprehensive Plan. She said she felt her job is to support the Comprehensive Plan.

Chairperson Lirones stated her concerns about tax base, overloading the roads; stating she could not support this. She said the Township has not even been approached in amending the Comprehensive Plan. She said she feels the applicant is not interested in the Comprehensive Plan, not interested in our Township, not interested in our vision of the Township, not interested in our revenues, not interested in our tax base. She said she could not imagine how you could expect this Commission that represents those values, to do such a thing.

Commissioner Dowty said he was comfortable to deny this request. He said he did not see a lot of sense to this. He told the applicant they could always come back with facts and reason to change our minds. He said there is not a lot of sense to stretch this out. He said you have to come up with some mighty good reasons and logic for this Commission to consider. He said the Planning Commission is willing to listen. He said there is no sense in carrying this proposal any further.

**Motion by Commissioner Dowty, supported by Commissioner Luna to direct staff to draft a resolution of denial for RZ 06-02 and RZ 06-03 Pittsfield North Land Development Company LLC.**

Discussion:

Chairperson Lirones said they are a public body and we operate in a public fashion for our residents; for our taxpayers. A Comprehensive Plan amendment discussion would be public discussion of a radical change the vision of the Township. It would also allow for workshops, bringing in residents, discussions about opening the entire plan and the viability of that and ultimately culminating in a public hearing. The amendment would be closed. This seems to just strikes me in a shockingly unpublic way to handle to such a change to the Township.

**MOTION CARRIED**

**5.2 RZ 06-03 Pittsfield North Land Development Company, LLC**

Item 7.2 to follow.

**5.3 Zoning Ordinance Amendment 06-173**

[submitted for text amendment changes for conformance with the Michigan Zoning Enabling Act, Public Act 110 of 2006.]

Director Fowler said the new act that replaces the city, county and township acts. He said it was a consolidation of all acts. He said this is to bring into one act there are still some inconsistencies among the specific regulations for the types of municipalities. He gave some background on committee that worked on the Zoning Enabling Act. He said the act takes effect on July 1, 2006. He said that he felt amending the Township Zoning Ordinance is the correct approach, although it is not a legal requirement. He noted some of the changes. He said there would no longer be a "Use Variance" for the Zoning Board of Appeals.

Commissioners commented on the various changes that are proposed.

Director Fowler informed the Commissioners that staff is looking at and compiling a list of items to be reviewed with consideration to updating the Zoning Ordinance. He invited the Commissioners to provide any suggestions for review.

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**

**Motion by Commissioner Ward, supported by Commissioner Luna, to recommend to the Township Board to adopt an Ordinance to amend the Pittsfield Charter Township Zoning Ordinance 06-173.**

**ROLL CALL:**

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

**NO: NONE**

**ABSENT: NORTON**

**ABSTAIN: NONE**

**MOTION CARRIED**

**6.0 Old Business**

None.

## **7.0 New Business**

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

Item moved to follow 5.1 of the Public Hearing

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

Item moved to follow 5.1 of the Public Hearing.

### **7.3 Zoning Ordinance Amendment 06-173** [submitted for text amendment changes for conformance with the Michigan Zoning Enabling Act, Public Act 110 of 2006.]

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

### **7.3 CSPA 00-26 Avis South Unit 3** [submitted for extension of final site plan approval]

Commissioner Dowty asked why a year between the [Washtenaw County] Road  
Commission [WCRC] approval.

Planner Montagno stated this was a condition the Planning Commission requested in  
order to receive re-approval from the WCRC.

**Motion by Commissioner Ward, supported by Commissioner Luna, to  
approve a one-year extension of the approved final site plan, CSPA 00-26  
Avis South Unit 3, at the request of the petitioner, Patricia A. Kalmbach,  
President, Avis Farms Research and Business Parks.**

## **MOTION CARRIED**

### **7.4 CSPA 06-10 The Gables—(Valley Ranch Unit 2 & 3)** [discussion only]

Planner Montagno reviewed the Zoning review dated June 9, 2006 stating the site  
included Units 2 and 3 in the Valley Ranch Business Park Planned Unit Development  
(PUD) of Section 8. He said there is for one (1) building on two (2) lots. These lots  
should be combined to make one lot. A portion of Unit 2 is not included in the proposed  
development. He said the applicant should explain the intention for this remaining  
portion of Unit 2. He said the final site plan (CSPA 91-7), as well as the Exhibit B  
drawings and master deed registered with the County may need to be revised. He said  
the proposed use is an office building, which is permitted in the zoning district.

He said there is some site data that needed to be included on the cover sheet. He said the zoning requirements for building height, area, width, floor area, lot coverage and net lot coverage were all acceptable. He said the side and rear setbacks were not delineated. He said no transition strips were required. He said the applicant is providing 133 parking spaces and that it has been indicated there are no wetlands existing on the site. He said concerning the woodlands on the site, there appears to be two trees being removed with grading around a detention pond near existing trees. He said tree protection will be needed around the trees to be saved and that there should not be any grading under the canopies of trees to be saved. He said there is one proposed access point from an existing access drive off of Oak Valley Drive. He continued with the planning consultant's report of June 1, 2006. He said the site will not have access to Oak Valley Drive and that access would be from the north. He said the developer might want to provide a stub to the south. He said large trucks (WB-50) cannot maneuver on the site nor a loading area is provided on the site. He said there are some issues with the size of the parking spaces. He noted a number of items are final site plan issues and that the utilities cannot be located in islands. He said the engineers report dated June 9, 2006 also commented on the unit is split or not and the area to south is to be preserved. He said they also noted the trees and the trash should be such that trucks do not infer with traffic circulation. He noted that the trash enclosure should not interfere with site traffic. He said the engineer's are asking for 25-foot buffer strip around each detention pond that should be in a general common element. He said this may affect the general layout of the building. He said they will need Washtenaw County Drain Commissioner (WCDC) approval but an approval from the Washtenaw County Road Commission (WCRC) approval will not be needed.

Marty LaForte, of MidWestern Consulting, said this will be a single building to be developed on the northern part of Unit 2. He said the remaining part will not be developed. He said they will have to remove a few more trees then previous stated. He noted there are dead ash on the site but have been asked not to remove any trees by an interested person. He said there is a single driveway with units 4 and 6. He said they could show the future drive connection. He said he missed the truck issue and will include it but the building is for office use. He said they cannot put the 25-foot buffer in the general common area since there is an existing pond is on the site. He said they are capturing all the runoff and being directed to the sedimentation pond. He said the WCDC has reviewed and they are working on their comments. He said he felt he would hear from the Washtenaw County Road Commission [WCRC] soon.

Chairperson Lirones was concerned about whether a major/minor change would be needed and asked if the condominium documents would need to be reviewed for the unused part of Unit 2.

Mr. LaForte said the development of Unit 2 is viable and that unit 1 has access to the common elements. He said the sanitary line would not be able to serve the two sites.

Commissioner Ward commented the building was nice looking and said he was glad this was being developed for office use. He said he would recommend following the comments in the reports. He suggested the applicant talk with “interested” person about removing the dead trees.

Nick McMullen, of McMullen Company, said there are nature trails throughout the site and agreed to remove the dead trees.

Chairperson Lirones said she did not know why someone would say they could not preserve natural features in an industrial area. She said some of the best preservation has been in the business parks.

Commissioner Dowty asked the applicant to consider setting aside some space where the clients could pick up their deliveries to the building.

All agreed this is a nice looking site-a well done site.

Mr. McMullen commented the name and the buildings were designed to tie-in the area.

## **8.0 Planner’s Report**

Director Fowler informed the Commissioners that the Township Board has approved the position of code enforcement officer. He said staff has been working hard to handle enforcement issues. He thanked Commissioner Ward for the support at the Board meetings. He said enforcement is an important part of planning and staff will continue to be involved with this person.

## **9.0 Chairperson’s Report**

Chairperson Lirones said she liked and supported our [Comprehensive] Plan.

Commissioner Ward said he will be writing to Governor Granholm and candidate for Governor Richard (Dick) DeVos about how worried he is about residential development, at the expense of industrial, why the availability of industrial land is so important to our economy and we can’t replace the land once it’s developed for residential use.

Chairperson Lirones wondered if they skipped the first step in the process because they are so worried about Toyota coming in and dashing their argument that this is no good. She asked why on earth they skipped the Comprehensive Plan.

Commissioner Ward said he wasn’t going to speculate but he was offended. He feels that this Commission was slapped in the face by the applicant as well as the residents. He said he was offended and it was inappropriate.

**10.0 Commissioner's Report**

Joint with the Chairperson's report.

**11.0 Approval of Prior Minutes**

**11.1 Minutes of August 4, 2005**

**11.2 Minutes of September 1, 2005**

**11.3 Minutes of October 6, 2005**

**11.4 Minutes of April 6, 2006**

**11.5 Minutes of May 4, 2006**

**11.6 Minutes of June 1, 2006**

**Motion by Commissioner Ward, supported by Commissioner Dowty, to approve the minutes of August 4, 2005, September 1, 2005, October 6, 2005, April 6, 2006, May 4, 2006, and June 1, 2006, as corrected.**

**MOTION CARRIED**

**12.0 Adjournment**

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

**MOTION CARRIED**

Chairperson Lirones adjourned the meeting at 10:17 p.m.

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s/Wilma Luna, Secretary

Date July 13, 2006