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**PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES**

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

**Members Absent:** Maria Constant.

**Others Present:** Paul Martin, Debbie Burr, Randy Heldt, Warren Heldt, Jim Porth, Jeff Bankowski, Brian Woodruff, Todd Pascoe, Beth Crane, Andrew Herner, Mohana Punnam, Anthony King, Mike Rouman, Shimul Bhuva, Roger Trombley, Paul Capling, Mike Sindquist, Kathleen Laritz, Greg Corner, Jennifer Burn, Jim Cavalcoli, Tom Covert, Cory Dean, T.J. Paquin, Tami Christinsen, Jason Kavanaugh, Todd Carter, Ken Cousino, Andrew Gracey, Marc Church, Kang Kim, Scott Vanderwel, Mandy Grewal, Planning Director Bruce E. Fowler, Senior 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 7:36 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 8.1 to follow Item 6.1, and Item 8.2 to follow Item 6.2.**

**MOTION CARRIED**

**4.0 Items from the Floor**

None.

**5.0 Special Order of Business**

**5.1 CSPA 96-39 / CUP 01-04 / CUP 07-07 Place with Space**  
[Progress report]

Ken Cousino, engineer, stated they provided a written action plan on November 5, 2007. He said the first item was to remove the vehicles from around the wetland fence and this has been completed. He said the second item was to reduce the number of recreational vehicles (RVs). He added they are down to 37 vehicles from 92 vehicles when they started. He said they have ten (10) more vehicles to remove and a few people are not moving their vehicles so they have to start the condemnation process.

Commissioner Ward asked if those actions are documented. He stated they should make sure there is a written record so if the deadline passes they can show their effort to the Planning Commission.

Mr. Cousino stated that Item 2B was to remove the vehicles from the detention basin area and this has been completed. He said the commercial and construction vehicles were removed from the RV storage area. He mentioned that the construction equipment has been extensively removed with the exception of the building materials they might use for the next phase. He said that on the wetland mitigation plan the Township Wetland Consultant wanted a different seed mix. He said the application is ready to do the work for the Soil Erosion Control plan. He said they completed a topographical survey and prepared a base plan to submit the first of the year.

Commissioner Ward stated he is very glad to hear about the progress.

Commissioner Dowty stated he is very pleased with the progress.

## **6.0 Public Hearings**

### **6.1 CUP 07-12 Speedway**

[submitted for a conditional use permit for open-air display of manufactured products and propane exchange tanks]

Planning Director Bruce E. Fowler reviewed the report. He said the application is for a conditional use permit (CUP) for an open-air display area for manufactured products. He said they would be storing propane tanks and an ice dispenser. He listed the neighboring property uses. He said the majority of the site is zoned general commercial (C-2) and a small portion is zoned highway commercial (C-3). He said this request is located in the C-2 portion of the site and the zoning allows for the use with a CUP. He mentioned that two (2) ice dispensers and a propane tank are proposed for the east side. He said the ice dispensers are three (3) feet wide and two (2) feet tall. He said the propane tanks are two (2) feet wide and one and a half (1.5) feet tall. He said that no additional parking is required. He reviewed the findings the Commission would consider.

Paul Martin, representing Speedway SuperAmerica, stated the propane cages are four (4) feet high. He said they want to provide two (2) low-rise ice dispensers and two (2) low-rise propane tanks. He said they would not put them near the street so they are not visible to the public. He added they would screen them with landscaping on the north and south sides. He said their customers expect certain products at their stores and these are those products.

Chairperson Lirones asked if this is bagged ice or machine ice.

Mr. Martin replied bagged ice. He said they would sell eight (8) pound bags.

Commissioner Ward asked what the life expectancy of the refrigeration unit is. He said they can look rundown after a few years.

Mr. Martin stated he was not sure. He said that their merchandisers keep an eye on them. He mentioned that the doors are locked for both the ice and the propane.

Commissioner Ward asked if they are locked until the attendant comes out with the customer.

Mr. Martin replied yes.

Commissioner Plisko asked if they would be selling 20-pound propane tanks.

Mr. Martin replied yes, not the large ones.

Commissioner Norton asked if there is any covering on the front of the tanks.

Mr. Martin stated there is plastic on the front that says Blue Rhino. He said they are aerated on the sides. He said if screening is an issue, they could provide additional screening.

Chairperson Lirones asked if there is currently an ice machine at this store.

Mr. Martin stated that he is not positive if there is an ice machine at this location. He said there are currently propane tanks there.

Planner Montagno stated he was not aware of the sale of propane. He said there is an ice machine at this location and it is not permitted. He added that this was allowed to stay by his predecessor as a legal non-conforming use because it was there before the regulations were enforced.

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

Chairperson Lirones stated she was not aware that the Commission ever allowed outdoor ice machines in the Township.

Commissioner Dowty stated that Meijer has ice machines outside of the gas station.

Planner Montagno stated that the Township allows CUPs for temporary outdoor sales but not permanent outdoor sales.

Chairperson Lirones stated the Commission has had the use of propane tanks previously come before them. She said it falls under the Open Air display area and she read a section of the Open Air display area. She said she is concerned to sell food products outdoors. She said it does not fall under the items listed under Open Air display.

Commissioner Ward stated that it is not uncommon for stores to have indoor ice sales. He said it would reduce the overhead. He said this is primarily a seasonal thing.

Chairperson Lirones stated she is concerned about opening the door for this.

Commissioner Ward stated that these machines are never maintained. He said they get rusty, crummy looking, and the paint starts peeling off the devices after four (4) to five (5) years. He said he would prefer to see ice sales indoors.

Chairperson Lirones asked if they have refrigerators and coolers inside the store.

Mr. Martin replied yes. He said they have freezers inside the store and one small freezer for ice cream. He said they would be willing to replace the ice machines every two (2) years or when the Zoning Administrator comes out and says they need to be replaced. He added it would then be replaced within 30 days.

Chairperson Lirones discussed completely enclosing the unit so it would not fall under open-air display.

Mr. Martin stated he is not sure if they can have a roof on it because of fire codes. He said they could install a fence around the area.

Chairperson Lirones stated she is not sure how it falls under open-air display. She said it seems like they are talking about equipment and tools. She asked if open-air display is meant to be year-round.

Director Fowler stated that it does not specify but he would interpret it as year-round.

Chairperson Lirones stated it is not appropriate because it is a food product being sold outdoors.

Commissioner Luna stated that the Ann Arbor-Saline Meijer has it outdoors too. She said it is commonplace by gas stations.

Chairperson Lirones stated that she does not want stores to start sprawling out onto the sidewalk. She said she is opposed to the ice machines. She added that she understands the propane tanks being outdoors.

Commissioner Luna asked if they could store the ice outside but sell it inside.

Planner Montagno stated it would be considered outdoor storage and this is not allowed in a C-2 district. He said that ice would be considered outdoor sales of a product that does not fall into the category of manufactured products.

Chairperson Lirones stated she is concerned that if they start selling items outdoors it will never end. She said they should sever the two.

The Commissioners agreed to this.

Chairperson Lirones stated they should approve just the propane use for now.

Commissioner Ward stated it is deceiving in the drawings the size of the containers for the propane. He asked them to update the drawings.

Director Fowler stated he scaled it to size in his report.

Commissioner Dowty stated that Speedway had an issue with the enforcement of the sign ordinance.

Mr. Martin stated he did not know about this.

Chairperson Lirones stated they had television sets at the pumps.

Planner Montagno mentioned this has been resolved.

**Motion by Commissioner Ward, supported by Commissioner Dowty, to direct staff to draft a resolution of approval for CUP 07-12 Speedway, for the outdoor sales of propane tanks only.**

#### **MOTION CARRIED**

Director Fowler reviewed the zoning review. He said this is an existing gas station on a small site zoned C-3. He said they would be removing the existing gas station and building a new station with more room. He said the site plan shows three (3) curb cuts; two (2) on State Road and one (1) on Ellsworth Road. He said that the setbacks and lot coverage are in compliance. He said the parking and loading is in compliance. He discussed the shared detention pond.

Director Fowler reviewed Planner Schmult's report. He said the paved length of spaces has been reduced to 18 feet. He said the proposed sidewalk along Ellsworth Road should be one (1) foot inside the future right-of-way line. He reviewed the Environmental Assessment. He said that six (6) borings were dug 17 feet. He said the site's soil and groundwater are not impacted by any of the contaminates. He said that fences around detention basins are discouraged. He said a 1 to 5 slope is possible. He mentioned that the Washtenaw County Road Commission (WCRC) approved the plans. He discussed the northern approach onto State Road and mentioned that the WCRC said this approach should function properly with sufficient signage.

Chairperson Lirones stated that the WCRC requested this diverter.

Mr. Martin stated that a traffic impact study was completed. He said that acceleration and deceleration lanes were required. He said if they overlay the districts, it makes a lane in itself.

Chairperson Lirones asked if it is raised.

Mr. Martin replied yes.

Commissioner Norton asked if there is signage that goes along with it.

Mr. Martin stated there would be a lot of signage down the road to prepare people. He said there would be signs indicating that the right lane must turn right.

Chairperson Lirones stated this device is odd but if they have a lot of problems they can take it out.

Director Fowler reviewed the wetland consultant's report. He said the plan does not propose direct impacts to the wetlands. He said it does propose impacts to the 25-foot wetland buffer for the purpose of detention basin construction. He said they should be allowed to grade within the buffer for the purpose of construction. He said they recommend the wetland buffer impact area should be quantified and shown on the plan.

Chairperson Lirones stated the typical standards are for a shallower detention pond. She said the site next door is providing detention for this project also and there would not be enough room to develop if they had a shallower detention pond.

Mr. Martin stated that making it a 5 to 1 slope would eat up a lot of the neighbor's property. He said the proposed slope is 3 to 1.

Chairperson Lirones stated that because of the steeper slope the WCDC requires a fence. She asked what type of fence they are proposing.

Mr. Martin stated it would be a vinyl fence with flat white pickets and posts every eight (8) feet.

Chairperson Lirones stated they have better luck with darker colored fences. She asked Mr. Martin to provide a detail of it on the next submittal. She said the Township requires shoebox fixtures for lighting.

Mr. Martin stated they would have recessed canopy lights.

Commissioner Luna asked if the internal sidewalk is supposed to be seven (7) feet wide.

Planner Montagno stated it allows for five (5) feet wide sidewalk clearance in areas where bumpers would hangover. He said that the pathway plan calls for a ten (10) foot wide concrete pathway along the roadways.

Chairperson Lirones asked them to provide samples for the different types of fences.

**Motion by Commissioner Ward, supported by Commissioner Luna, to approve the preliminary site plan CSPA 07-02 Speedway, with the condition that the applicant address the following on the final site plan submittal:**

- 1. All outstanding comments in the Township Engineer's report dated December 12, 2007.**
- 2. All outstanding items in the Township Planning Consultant's report dated November 26, 2007.**
- 3. All outstanding items in the Zoning Review dated December 5, 2007.**

4. **All outstanding items in the Wetland Consultant's review dated November 19, 2007.**
5. **Provide samples of decorative fence options for the detention pond at the January 10, 2008 Planning Commission meeting.**

**MOTION CARRIED**

**6.2 RZ 07-05 Valley Ranch Business Park Amendment**  
[submitted for rezoning]

Planner Montagno reviewed the zoning report. He said the change would include churches, synagogues, mosques, temples or other buildings for public worship. He reviewed the findings the Commission would need to consider. He said the use should not negatively impact the property values. He said the original PUD was approved in 1988. He said that 46 acres were added to the PUD, RZ 89-12. He stated that the PUD was amended to include BP uses on the west side of Oak Valley Drive, RZ 91-08. He said the PUD was changed from office to modified BP uses, RZ 98-17. He added that the applicant must submit a revised cover sheet for the area plan.

Chairperson Lirones opened the public hearing.

Chairperson Lirones read a letter from the original developer, Thomas McMullan. He said he has no problem with this proposed use. He added that as long as they maintain the exterior of the building and the landscaping, they should be a good neighbor.

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

**MOTION CARRIED**

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

Chairperson Lirones asked if they are modifying the outside of the building.

Planner Montagno replied no.

**Motion by Commissioner Ward, supported by Commissioner Luna, to direct staff to draft a resolution of approval for RZ 07-05 Valley Ranch Business Park Amendment with the following conditions:**

1. **The applicant must submit an area plan cover page with a church, synagogue, mosque, temple, or other building for public worship listed as a permitted use, subject to Planning Commission review.**

**MOTION CARRIED**

Planner Montagno reviewed the zoning memorandum. He said the existing building was developed through site plan review, CSPA 94-39. He said this location would include administrative offices and gathering rooms for talks. He said they would be the only tenant in this building. He said that parking was

unclear when this report was drafted. He said the applicant's architect submitted an interior layout and parking calculations and it looks acceptable. He said there is a need for 58 spaces and there are 62 existing spaces onsite. He said the building is being reviewed by the Building Department to ensure fire safety and maximum building capacity.

Chairperson Lirones asked if they include the fire marshal review as part of the building permit process.

Planner Montagno stated this is already part of the procedure.

Chairperson Lirones asked if staff is comfortable with the proposed parking.

Scott Mills, architect, stated that the meeting space accommodates 100 to 150 people. He said this requires 37 ½ parking spaces. He said there is 3,500 square feet of office, and classrooms and a library area. He said that 58 spaces would be required. He said the total population of the building would be 229.

Chairperson Lirones asked about the hours of operation.

Debbie Burr, applicant, stated they have five (5) full-time employees and three (3) part time employees. She said the classes and meditation sessions are in the evenings or on the weekends.

**Motion by Commissioner Ward, supported by Commissioner Luna, to approve the Jewel Heart Corp. proposed use and direct staff to issue a Certificate of Zoning Compliance in accordance with the proposed interior layout sketch dated December 13, 2007.**

**ROLL CALL:**

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

**MOTION CARRIED**

**7.0 Old Business**

**7.1 CUP 07-13 Ichiban**  
[submitted for a conditional use permit]

Chairperson Lirones stated the Commission previously reviewed this proposal and directed staff to draft a resolution of approval. She said the applicant offered a closing time of midnight. She said the only concern was issuing the CUP to a vacant building. She added that the building is almost complete.

**Motion by Commissioner Ward, supported by Commissioner Luna, to approve resolution of approval findings of required standards and resolution of approval for CUP 07-13 Ichiban. (Attachment #1)**

**ROLL CALL:**

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

**MOTION CARRIED**

**7.2 CSPA 07-09 Fed Ex**  
[submitted for final site plan - discussion only]

Chairperson Lirones stated that the neighbors in the area asked to offer information.

Marc Church, resident of Centennial Farms, stated they have a handout that is a summary document of what they have learned to date, the meetings with the Township and discussions with the applicant. He said the first issue is with the sound, and the sound issue affects a few residents in the neighborhood. He mentioned doing research on the sound study. He stated that the study was done with the wrong Ordinance in mind. He said it references an Ordinance that is not applicable with this zoning district.

Commissioner Ward stated he has not seen the sound study. He asked him to elaborate on what the Zoning Ordinance reference was.

Mr. Church stated the study was conducted on the claim that the only applicable code was Article 2, Section 831 and 832. He added that the property is zoned limited industrial (I-1). He said the I-1 district refers to a particular ordinance, 54.10 entitled Noise. He said this is talking about your neighbor's using stereos or loud music from a band. He said this is actually a commercial or industrial property with its own applicable noise ordinance. He said that when the study was conducted there was an assumption that a wall would be in a certain location. He said the location of the wall was based on an old drawing where the building is not as close to the homes. He said the drawing is not the current drawing on file. He said the wall is closer to the residents' locations. He said the study was completed in May when there were leaves on the trees. He said the leaves provide three (3) to four (4) decibels of sound deadening. He said in the winter the leaves have dropped and they expect to hear more noise in the winter than the summer. He said that Commissioner Ward asked the applicant to provide similar projection locations that are next to residential developments.

Commissioner Ward stated that this has not been provided to him, although it might have been provided to staff.

Mr. Church stated he would like to Google those sites to see how close they are to the residential neighborhoods. He discussed the elimination of the outdoor speakers. He said he can hear them from the Ford dealership. He said they would like to see a 45-decibel limit set.

Commissioner Ward stated that a decibel is a unit of ratio and not a unit of measure. He said this would be referenced as dB, and he asked what the "A" stands for.

Mr. Church stated "A" is what someone will be hearing at a particular level.

Commissioner Ward stated that when there is an annotation after dB it is referenced to some measurable unit. He said that dBm is referenced to one milliwatt. He said he wants clarification on what unit of measure they are measuring.

Mr. Church referenced a table pulled out of the sound study. He said the measurement location is the Bicentennial property line. He said that the sound would radiate from the back of the building and the study claims they used a reference point of R2. He said the sound study was done to be noninvasive to the neighbors so it was done at the back of the property line. He said they are trying to maintain goals at the window of the house. He said that in the neighborhood they maintain a quiet living room attitude of 39 to 38 decibels. He said that during the daytime and the nighttime the numbers are generally consistent. He said the developer is proposing to maintain a design goal of 50 decibels. He said this is an increase of ten (10) decibels and ten (10) times as much sound but not ten (10) times as loud. He said this would be approximately twice as loud. He said that truck alarms are sold at 112 decibels or higher. He said they appreciate the wall and the berm but this is not what they want in their backyard. He said they want the development in the Township they just want them to move locations. He said if the development must go through and the sound goal is not achieved the Commission should consider a mechanism so they can go back to FedEx and show that it has gotten out of control. He showed them a standard sound meter. He demonstrated what 50 to 60 decibels would sound like. He said this is the noise the residents are most concerned about.

Mike Rouman, Centennial Farms resident, stated he is one of the neighbors that will be most affected by this. He said he appreciates everything that has been done so far by the Commission and the developer. He said that the measures being taken are needed. He said they want a sound wall but what will it look like, how tall will it be and will it do its job. He said they should add requirements to give them additional protection. He said that traffic can go all the way around the facility. He said the majority of the traffic will be on one side versus the other. He said it raises concerns that trucks can go all the way around the building. He discussed the hours of operation. He said the loading and unloading doors are on both the east and the west side of the building. He said they would like the wall to be extended as far as possible. He discussed the red line along the back of the building on the overlay he created, and that it shows where the wall is currently on the plan. He said the Commission requested samples of the wall, and they would like to look at the colors and the characteristics. He said they want it to blend into the landscape. He said he is concerned about the landscaping and the ability to hide the wall. He said it could be within 60 feet of his homes lot line. He said the berm they requested was provided and he thanked them for this. He said he is requesting additional trees or that the ones being installed are at least ten (10) feet tall. He asked if trees or a berm could be added to the northeast corner of this property because this area is currently exposed.

Mr. Rouman stated that the first image on page 2 shows the current position of the building relative to the property. He said there are a few houses shown to the left but not to the right. He added that this drawing is out of date. He discussed the line of sight to this building from his property and other neighboring properties. He said the east side of the building has less traffic but it is completely exposed. He said he went to the back of his property and measured something that he could see easily from his back window. He said he measured 15 feet and used it to draw a line on the photograph he showed the Commissioners. He said this is a visual from his back patio that has an elevation of 840, which is the same elevation as the foot of the wall being proposed. He said the horizontal distance from this measurement is 100 feet. He said this is a measurement roughly from the same ground elevation as the base of the wall 15 feet up at the back of his lot line.

Commissioner Ward stated that the wall would not be constructed at the back of Mr. Rouman's lot line.

Mr. Rouman stated that the wall would be an additional 50 foot setback from this and 100 feet to the right. He said this picture shows the potential elevation of the wall. He showed a picture of the building in relation to his height of six (6) feet. He said page 8 shows the view from his upstairs window. He added that he would be eye level with the top of the wall and he would see the building and the wall. He said what the wall will look like is very important. He said the last page shows a picture from across the street and mentioned that people on that side of the street would also see the building. He said the impact is significant.

Chairperson Lirones stated that 15 foot is just a point of reference.

Mr. Rouman stated he did not want to get on a ladder in the snow. He said he chose a visual point of reference on his property and used it as a reference to show the scope of the picture relative to some dimension.

Chairperson Lirones asked if he felt like he would be looking down on the air units on the roof.

Mr. Rouman stated this is very much a possibility.

Chairperson Lirones discussed different locations for this project and stated that the Township spent time discussing a site on Platt Road just east of the Wolverine Commerce Park. She said the Township amended the road improvement agreement to help pay for an all-season road. She said they were very excited about that site because there were no neighbors. She said the developer's representatives said that the company, due to cost reasons, did not want to proceed with that site. She said it is unfortunate that they did not choose that site.

Mr. Rouman stated he understood there were different locations discussed.

Mandy Grewal, resident of Centennial, stated that she supports what has been presented by Mr. Church and Mr. Roman. She said she hopes the Commission would review the information they presented very seriously and delay this project. She discussed a meeting the previous night about traffic measures, and stated that the residents are extremely disappointed that they have to deal with another contentious project.

Chairperson Lirones stated that she has copies of the minutes from prior Planning Commission meetings available.

Ms. Grewal stated she reviewed them online and there are copies circulating around.

Chairperson Lirones stated that at the first meeting all these issues came up. She said the Commission hopes it can all be worked out. She said they were initially promised a 27-foot wall.

Jim Porth, broker of the property, stated the property owner has owned this property longer than anyone in the area. He said he is not stopping them from doing what they wanted to do. He added that he pays his taxes. He said the site has been under that industrial zoning and this is his use. He said that he set the sound system up. He said the owner was denied on the site before with a different use. He said that originally there is a certain area that a corporation looks to be in. He said that Pittsfield Township was where they wanted to be in. He said they originally looked at Johnson's farm at Platt Road and Morgan Road. He said there were road and utility issues, a lawsuit next door, and overall access issues. He said that it is not as visible because of how their backyards slope up. He said that from a landowner's point he cannot pay for park land. He said it has been on the market for over ten (10) years. He said they could not fit anything of this size on Carpenter Road.

Commissioner Plisko asked if they could set up one of the beepers for the residents and see what type of sound they will get in their back yard.

Mr. Porth stated that in this room they do not have the background noise. He said if he stood on Michigan Avenue and played something they might not hear it. He said that before they made an offer on the site they invested the money into doing the sound study.

Mr. Church stated there is no way to know what the mitigation issues will be.

Planner Montagno reviewed the report. He said the proposed use is a material distribution center and it is an approved use in the I-1 district. He said the site meets the bulk, floor area ratio, and lot coverage requirements. He said a 25-foot transition strip is required at the rear property line. He said the sound wall is proposed at 22.5 feet high. He discussed the addition of the berm and moving the plantings to the back of the site to provide additional screening of the wall. He said a 20-foot landscape strip is required along the frontage. He said the applicant was asked to provide a driver's eye view from State Road and the Commission should review this and see if it is acceptable.

Chairperson Lirones read from the October 18, 2007 minutes. She read Commissioner Ward's comment and stated, "The area is heavily bermed and there is landscaping in front of U.S. Storage. He asked Mr. Gracey to provide a drawing of the frontage of the building from a vehicles perspective. He said this has been provided before and the typical height was five (5) to eight (8) feet. He asked them to provide these views from State Street. He asked that it show what the area

will look like when the vegetation is installed and provide an estimate of the years of growth.”

Planner Montagno stated they have met the parking requirements. He said they meet the requirements for the current use and the potential future use. He said that no impacts are proposed to the wetlands. He said a fence with barbed wire is depicted on the plan at eight (8) feet high. He said the Zoning Ordinance requires it to be ten (10) feet high. He said the dumpster enclosure should be the same material as the principal building onsite. He reviewed Planner Schmult's report. He said that all of the lighting has to be cut off and down-directed. He discussed the vehicle restriction gate and stated that it is unnecessary, highly visible and unsightly. He said the number of trees provided are the same as the previous submittal. He said the Commission would like more trees added to the back of the site. He said that half of the number of trees have been relocated to the back. He said that conifer trees should be planted 15 feet from the sidewalks. He said they should provide screening for the front of the building and the screening will become more effective when the trees mature. He reviewed the engineering report. He said the Lighting Consultant reviewed the plan and requires no action. He said the maximum height of the poles are proposed as 20 feet high.

Planner Montagno discussed the sound study. He stated that the ambient sound levels were monitored at three (3) locations around the site. He said those levels were measured over a seven (7) day period in May. He said for every ten (10) decibels, sound doubles. He said that simple averaging is not a good method of assessing the annoyance of some intrusive noises. He said these methods tend to underestimate the annoyance levels. He said that certain noises can be an annoyance regardless of achieving those set guidelines. He said the truck backup alarms might still be annoying to residents. He discussed putting corner returns on the ends of the wall. He said the site has not received WCRC approval. He said the applicant provided a letter dated December 7, 2007, requesting relief from the Township's policy of relocating existing utility lines underground. He said that DTE recommended not placing this short run of primary line underground. He mentioned a table that shows the different barrier heights and how they affect the dBA. He said that for a 22.5-foot barrier, that brings it to 50%, which is the industry standard for residential noise levels. He said that at 25 feet high the backup alarm would be 39.

Commissioner Ward stated that three (3) dB is equal to half or double in volume. He said that dB is a unit of ratio.

Planner Montagno stated at 22.5 feet the backup beepers would be between 42 and 39. He said the truck acceleration would be 50 at 22.5 feet.

Chairperson Lirones discussed what the different decibel levels mean. She said that average office noise is 50 and quiet conversation is 40.

Commissioner Ward stated he does not know what the unit of reference was. He said the applicant has actually done it properly by saying it is 39 dB above some particular reference.

Planner Montagno stated during a monitoring program from 7 a.m. to 10 p.m. and 10 p.m. to 7 a.m. noise levels were presented. He said those levels were 39 and 38

dB respectively. He said the report assumes that a design noise goal of 10 dBa (+ or -) above the average daily quietist ambient sound level would be appropriate.

Commissioner Norton stated that “average lowest” seems like an odd term.

Mr. Porth stated they mean the average lowest of the seven (7) day period.

Chairperson Lirones asked if the study was completed with a different drawing in mind.

Tom Covert, Atwell-Hicks, stated that it appears that the sound wall is still located in the same location in relation to the woodland area. He said the building, routing, and parking has been the same. He said they only relocated the detention from the northern portion to the southern portion of the site.

Chairperson Lirones asked if the location of the building changed to allow for the pond in the front.

Mr. Covert stated that it does not appear to be. He said that this graphic is just a representation of the approximate wall location compared to the building overlaid on an aerial. He said the graphic represented in the report correlates to the proposed final site plan. He said they moved the detention up front. He said the truck access location is at the southeastern corner. He said they have received WCDC preliminary approval. He said they have received WCRC approval of the access location. He said they are proposing improvements to State Street as if WalMart had not proposed any improvements. He said they have provided for 115 mitigation trees with a total of 188 site trees. He said they would take some of the trees between the two (2) uses and add them to the back of the site. He said they are up against a couple easements on the northern property line.

Chairperson Lirones stated the Commission requested at a previous meeting that they do not move the trees but they add trees. She said that if they are proposing to add more trees that is great.

Mr. Covert stated they completed a graphic of the perspectives from State Street looking onto their site. He said they superimposed the building and the landscape trees. He said they did not use mature trees for the graphic; instead, they used trees consistent with newly developed sites. He said there are existing stands of trees and you can see how the existing trees help with the proposed trees to buffer the building. He mentioned submitting revised plans to the WCRC.

Commissioner Ward stated he does not see Planner Schmult’s comments regarding the doors and visibility from State Road in the two (2) perspectives. He said that Planner Schmult mentioned that when the trees are not mature there will be visibility of the doors from State Road, and this is not included in the packet.

Chairperson Lirones stated that they expected to see something similar to what was shown on Oak Valley Drive for the Meijer site or for the WalMart site.

Commissioner Ward stated they should not have to wait ten (10) years for the conifers to screen the doors.

Chairperson Lirones stated Planner Schmult suggested that they plant taller trees. She said she would like to see the sound wall extended around the corners of the site.

Greg Tocci, Cavanaugh/Tocci Associates, stated that the 50 dBa maximum is considerably more conservative and would correspond with a much lower equivalent sound level. He handed out an illustration of the concept of peak sound levels and average sound levels. He discussed a graph of time history and an example of standing on a sidewalk of a corner street and what you hear over a period of ten (10) minutes. He said a car goes by and creates a small peak and then a much larger peak occurs during an aircraft over flight. He added that when a noisy sports car passes it produces a sound level just above 70 dBa. He said dBa is a measure of the amplitude of sound. He said a family car produces sound over 70 dBa, and a barking dog produces small peaks. He said the energy average sound level is the  $L_{EQ}$  and sometimes the sound level goes above it. He said they used the one (1) percentile sound level to force facility sound levels to be lower. He discussed a graph of sound level measured at a FedEx facility. He said the blue line represents a time history, and the average sound level for that period is 50 dBa. He said they reduce the noise to a point where it would conform to the maximum sound level of 50 dBa. He said this is why they used the maximum sound level as a criteria so they do not have a situation where on average it is very quiet but when it makes a lot of noise, it wakes up the neighborhood. He said the idea is to try to control the transient sound levels. He said that communities complain about noise and it depends on how loud the noise is before moving in. He said this is a relatively quiet area and the criteria they developed is relatively demanding. He said the average sound level limit in a community is usually 50 dBa on the low range. He said they use the peak descriptor in order to suppress sound levels.

Commissioner Ward asked if there are recognized measurement techniques or test equipment standards. He said that within a year, there could be complaints and they will have to go out and measure the sound. He said that if there is a perceived issue, how could they come up with standard methodology to make local measurements and know they are accurate. He stated he is concerned with what they will do when there is a difference of opinion. He said that everyone knows there will be problems no matter how hard they try. He said they are not going to agree on the data that is taken and how the measurement was taken. He said they need to come up with a standardized method of measurement.

Chairperson Lirones stated there was a comment made that they were looking at the wrong ordinance for sound. She said that Section 54.0 should have been used in the sound study and a different one was used.

Mr. Church stated this was correct. He said the site is zoned I-1 and there is a particular ordinance for that zoning. He said it is an issue of averages. He said that 50 dBa may be normal for some communities but this is a perceived decibel level that is higher than what they are seeing now. He said they should look at the noise Ordinance and agree on a mechanism to measure the before and after status.

Mr. Tocci asked them to give him the right Ordinance. He said this Ordinance does not offer any specific limits although it does have similar wording to what they referred to. He read a section of the Ordinance, "Noise which is

objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines.” He said they would be doing a lot better than that. He said that it was mentioned that backup alarms are the biggest source of irritation in communities. He said that with the 22.5-foot wall there would be sound levels of 40 dBa.

Commissioner Ward asked that when they presented the data in the report do they present it over time in graphical format.

Mr. Tocci replied yes. He stated that this figure represents hourly samples they measured over seven (7) days. He said they measured sound levels for an hour and picked out the one (1) percentile sound level, equivalent sound level and the ninety (90) percentile sound level.

Commissioner Ward asked that within the hour what the sample interval was.

Mr. Tocci stated 1/8 of a second. He said they showed how sound varies from the lowest levels to the maximum average.

Commissioner Ward stated the maximum sound level was as high as 75 dBa and the  $L_{EQ}$  average was 63 dBa. He said this was measured at the north property line near the residential neighborhood.

Mr. Tocci stated they are looking at a 50 dBa limit for maximum sound level and this is well below the current sound levels that are happening during the night.

Chairperson Lirones asked how frequently the maximum sound level would happen.

Mr. Tocci stated approximately ten (10) impacts. He said the backup alarm might last one (1) minute. He said backup alarms at the nearest residence would be 40 dBa. He said that most of the time you would not hear it because of the background sound level masking it. He said that on occasions the backup alarms might be heard from outside the house but that would be at a level below the lowest levels reached.

Commissioner Luna asked if they could muffle or cut down the backup beeping.

Mr. Tocci stated this is part of what the barrier does. He added that the barrier reduces the backup sounds by ten (10) decibels. He said there are devices that measure the ambient sound level and set a backup alarm sound level that is just above that so it is still audible.

Chairperson Lirones stated this is not commonly found on the trucks.

Commissioner Ward asked if there are standards for the volume of backup alarms.

Mr. Tocci replied no. He said that the standards only say that it has to be audible. He said there are backup alarms you can turn down. He said the 50 dBa sound level is appropriate because it is ten (10) decibels above the average lowest. He

explained average lowest. He mentioned Commissioner Ward's comment that a doubling in sound energy is a three (3) decibel increase.

Commissioner Ward stated that the perception is different.

Mr. Tocci stated that this increase is considered to be barely perceptible. He said they used an older figure and put the barrier on that figure to show where the barrier goes. He said that the calculations were done with the figure he showed the Commission, and when they did the calculations they used the right site plan.

Commissioner Ward stated there were comments made tonight regarding the study being done in May. He said there was mention of vegetation and deadening of the sound.

Mr. Tocci stated they conducted monitoring throughout the year, and there is a little bit of a difference. He said the background sound levels in the winter are not significantly lower based on actual measurement. He said that under certain circumstances they can be a little higher when you lose foliage. He said that people wait for the un-foliated conditions for this reason. He said that in the summer they get longer periods of low wind conditions. He said that in the summertime there is a problem with insect noise.

Commissioner Ward asked what the accuracy is and what the measurement uncertainty is.

Mr. Tocci mentioned the standards for measurement of accuracy and repeatability of measurements in a laboratory. He said that when you measure sound in a room and move across the room, there are standing waves that will cause the sound to vary. He said they make enough of these measurements to get the average. He said that outdoors there are effects that can cause sound to vary. He said that these effects are atmospheric diffraction conditions associated with wind gradients, temperature gradients, barriers affected by wind, and ground cover. He said that it can become quite extensive. He said they measured for seven (7) days. He said that power plants do 20-minute samples three (3) or four (4) times over a week. He said it would take many weeks of measuring sound level to tighten the standard deviation.

Commissioner Norton asked if they could limit the maximum to 45 dBa.

Mr. Tocci stated they could not do it with a barrier. He said to drop it to 45 decibels it would take a larger wall.

Commissioner Norton stated that a 30 foot wall would reduce the dBa to 47.

Commissioner Ward stated they would have to have a 40-foot wall to get it down to 45 dBa.

Commissioner Norton stated there is an issue with the easement and where they can plant the trees behind the wall. He asked if they would give trees to the homeowners so they can plant them in their backyards.

Mr. Tocci stated that it takes 100 feet of dense foliage to reduce sound levels by three (3) decibels. He added that there is no benefit from the trees. He said they should keep trees away from the barrier (inside) so there is no diffraction from the trees. He said if they want to incorporate trees, they should vine the wall or cover it with low growth material. He said that trees should be kept away from the wall.

Chairperson Lirones asked if vining the wall is an option.

Commissioner Ward asked what the minimum separation distance of the trees should be to maintain the barrier.

Mr. Tocci stated the tree should be located two (2) heights away from the barrier.

Mr. Covert asked if they are talking about the tree being placed between the sound event and the wall or between the sound event, the wall and then a tree.

Mr. Tocci stated that if there was a barrier with trees 15 feet apart along the length of the barrier this would be a problem.

Chairperson Lirones stated the berm comes right up to the sound wall.

Mr. Tocci stated that the barrier would sit on top of the berm so the full height is accomplished with the barrier.

Mr. Church stated they would prefer to have the berm away from the wall. He said the intent of the berm is not to provide sound mitigation; it acts more as a landscaping issue.

Commissioner Norton asked if Mr. Tocci has experience with double walls.

Mr. Tocci stated that with multiple walls you calculate the insertion loss of each wall independently and determine the benefit of which wall gives you the higher insertion loss but not a combination in any way.

Chairperson Lirones asked if twenty-five (25) feet is a reasonable wall height.

Mr. Tocci stated there is a small acoustical ramification in going from 22.5 feet to 25 feet. He said that a 22.5 foot wall meets the goal they are trying to achieve.

Commissioner Plisko asked if different materials for the wall would buffer the sound.

Mr. Tocci discussed the mass of the barrier and sound absorption. He said that the height, length and the mass of the barrier buffers the sound. He said that he suggested materials to them.

Chairperson Lirones stated that the interior looks one way and the exterior looks more like stone. She said it does not look anything like the drawing.

Andrew Gracey, applicant, stated that this is a sample that comes in different patterns.

Chairperson Lirones asked them to provide an elevation showing the actual materials proposed. She asked if they would consider vining the wall.

Mr. Gracey stated that vining the wall would be fine. He said he feared it might take awhile.

Commissioner Ward asked when the Commission could expect the details of the other locations of the FedEx sites they discussed. He said that the Commission made this request two (2) months ago. He asked when they could reasonably provide this information.

Mr. Gracey stated they would have this information by the (December) 21<sup>st</sup>.

Commissioner Ward discussed extending the wall horizontally to encompass more of the building area. He asked if this would impair the results Mr. Tocci gave tonight negatively or positively.

Mr. Tocci showed a contour plot. He said that the contours wrap around. He said the barrier going the full length of the driveway would be shielding the community adequately.

Commissioner Ward stated that if for aesthetic purposes the wall was increased in length to include more of the back of the building would that have any negative impacts with respect to the study.

Mr. Tocci replied no.

Chairperson Lirones asked how far they should extend the wall.

Commissioner Ward stated he is not prepared to give a specific measurement this evening.

Chairperson Lirones stated there is a gate into the site that faces State Road. She asked if this is a customer or employee parking area and if they could eliminate this gate.

Mr. Gracey stated this is a vehicle restriction gate put there to keep trucks and vans from going in there. He said this is an employee parking area and this is not a public facility. He said he would look into removing this gate.

Chairperson Lirones stated they prefer to see it removed. She said she would like to see 25 foot wall rather than a 22.5 foot wall.

Mr. Gracey stated they could add more landscaping to provide a visual screening.

Chairperson Lirones asked them to provide elevations and show the color of the wall and the building.

Mr. Gracey stated they would provide straight on views.

Chairperson Lirones asked what material is on the sides of the building.

Mr. Gracey showed the proposed materials. He said the color would correlate with the design.

Mr. Covert showed the southwest elevation.

Chairperson Lirones stated the color should be darker to blend in with the vegetation.

Commissioner Ward stated they specifically referenced the door and the door screening on U.S. Storage Depot.

Chairperson Lirones discussed them locating the building in a different location.

Mr. Gracey stated that they spent a lot of time and money on the location. He said they would like conditional approval tonight on this location. He said they have addressed the concerns.

Chairperson Lirones stated that every use in this area has been contentious. She said they would not be able to get a Soil Erosion Control permit and legal access before January.

Planner Montagno discussed a development agreement and including in that agreement long-term inspection of the sound.

Commissioner Ward stated that the site plan is not ready for conditional approval. He added there are too many fine details missing tonight.

**Motion by Commissioner Dowty, supported by Commissioner Luna, to recommend to the Township Board approval of the waiver for the requirement to bury overhead utilities as requested for CSPA 07-09 FedEx.**

**ROLL CALL:**

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

**MOTION CARRIED**

**8.0 New Business**

**8.1 CSPA 07-02 / CUP 07-12 Speedway**  
[submitted for a preliminary site plan and conditional use permit]

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

**8.2 RZ 07-05 Valley Ranch Business Park Amendment**  
[submitted for rezoning]

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

## **9.0 Planner's Report**

Director Fowler stated that Planning Intern, Ian Brand, would be staying until April.

Planner Montagno stated they received a letter from Michigan-Moon Road Associates requesting to be withdrawn from the agenda. He discussed Nature's Garden Center. He said they should complete the same procedures as with the Place with Space.

Commissioner Ward stated their permit should be revoked if they do not comply.

Commissioner Dowty stated that the violation notices have been sent. He said they would be on the agenda for a future meeting.

## **10.0 Chairperson's Report**

None.

## **11.0 Commissioner's Report**

None.

## **12.0 Approval of Prior Minutes**

### **12.1 Minutes of November 15, 2007**

The minutes were postponed until the next meeting.

## **13.0 Adjournment**

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

**MOTION CARRIED**

Chairperson Lirones adjourned the meeting at 11:56 p.m.

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s/Wilma Luna, Secretary

January 10, 2008

(Attachment #1)

**FINDINGS OF REQUIRED STANDARDS  
AND RESOLUTION OF APPROVAL  
ICHIBAN  
C.U.P. #07-13  
DECEMBER 13, 2007**

**WHEREAS** an application for a Conditional Use Permit to permit a restaurant serving alcoholic beverages, located at 4641 Washtenaw Avenue, tax parcel L12-01-100-033, was received on October 17, 2007; and

**WHEREAS** the Pittsfield Township Planning Commission held a public hearing on this matter on November 15, 2007, and received no public comments; and

**WHEREAS** the Pittsfield Township Planning Commission reviewed the Conditional Use Permit application for this use and per the requirements of Section 50.06 of the Township Zoning Ordinance it finds the use:

- A. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance** because the proposed use is in accordance with the purpose of the C-2 District, as specified in Section 31.01 of the Zoning Ordinance.
- 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 the use is similar in character and scale with the surrounding commercial uses in the area, including restaurants and establishments serving alcoholic beverages.
- 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 restaurant has sufficient parking, all activities will be conducted within the building, and the serving of alcohol is incidental to the primary use of a restaurant.
- E. Will not create excessive additional requirements at public cost for public facilities or services.**

**NOW THEREFORE BE IT RESOLVED**, that the Pittsfield Township Planning Commission hereby approves CUP #07-13 Ichiban, subject to the following conditions:

- 1. The applicant must secure a State of Michigan liquor license.
- 2. The business shall not remain open later than 12:00 midnight.