
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

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

Members Absent: Dennis Ward, Maria Constant.

Others Present: Oscar Cotero, Maria Cotero, Joe Grammatico, Ted Grammatico, Phil Conlin, Ann Stevens, Jim DuRussel, 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 7:32 p.m. A quorum was present.

2.0 Pledge of Allegiance

Chairperson Lirones led the Pledge of Allegiance.

3.0 Approval of Agenda

Motion by Commissioner Luna, supported by Commissioner Plisko, to approve the agenda.

MOTION CARRIED

4.0 Items from the Floor

None.

5.0 Public Hearings

5.1 CUP 07-08 Wings, Pizza N Things
[submitted for a conditional use permit]

Director Fowler reviewed the report. He said that this is a request for a Conditional Use Permit (CUP) to permit the sale of alcoholic beverages. He listed the neighboring uses. He said that the site previously received an outdoor seating permit. He said that one hundred fifty two (152) parking spaces are provided. He reviewed the findings the Commission would consider.

Oscar Cotero, applicant, stated that he thinks this would be a good location for this restaurant. He said that this would be a non-smoking family facility. He said that they have to receive this permit before they can get their liquor license. He provided the Commissioners with sample menus for the restaurant.

Chairperson Lirones opened the public hearing.

There were no comments.

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

MOTION CARRIED

6.0 Old Business

None.

7.0 New Business

7.1 CUP 07-08 Wings, Pizza N Things [submitted for a conditional use permit]

Chairperson Lirones stated that a restaurant is a permitted use in this district. She asked what the percentage of alcohol being served is.

Planner Montagno stated less than half of the total revenue received.

Chairperson Lirones asked how this is calculated.

Planner Montagno stated that they are required to keep records. He said if there seems to be a problem the Township has a right to investigate.

Chairperson Lirones asked if this is primarily a restaurant use and the sale of alcohol is secondary.

Planner Montagno stated that there are different provisions for bars and restaurants. He said that the provision for a bar is that they receive more than 50% of gross receipts from alcohol and there can be no more than two of these uses within a 1,000 feet of each other. He said that a controlled use cannot be within 500 feet of a school.

Chairperson Lirones stated that the building (shown in the brochure provided by the applicant) is not the standard for the Township. She said that this building is already being built as part of the strip mall. She said that the Township does not allow stucco or E.I.F.S. She said that there are certain standards to the outside of the building and this building would not be the typical franchise look.

Mr. Cotero stated that they all look like their individual areas.

Chairperson Lirones stated that this is not close to the school but it is adjacent to the public road leading to the school. She said that sports bars are not compatible with this district. She asked if this has to be proposed.

Mr. Cotero stated that it does not have the title of a sports bar. He said that some of the restaurants they visited were just restaurants and others were bars. He said that the franchise is flexible. He said that there are some television screens but the primary business is the booths. He said that it has the theme of the large screen televisions. He commented on Dan's Bar in Saline, which is not family oriented, and mentioned that this place will be a non-smoking, family-oriented facility.

Chairperson Lirones stated that this is more than 1,000 feet from the school building. She said that the school property goes to State Road. She mentioned the school had to keep it zoned industrial because the Township did not want to lose the industrial corridor. She said that this might be an issue with the Liquor Control Commission, although their restrictions might apply specifically to the location of the building. She said that there is a specific way of measuring from

the corner of the building to the center of the addressing road. She asked the applicant to make sure that this is not a problem. She said that at the traffic signal at Campus Parkway you can only turn right or left so this might allay the fear that people would drive straight to the school.

Commissioner Luna stated that this project is a good idea. She discussed Buddy's Pizzeria in Dearborn and mentioned that it is a family place.

Mr. Coterio stated that this is a less expensive place to eat and they want to keep it like that.

Commissioner Norton stated that he thought of Buffalo Wild Wings when he saw this. He said that Buffalo Wild Wings is a restaurant during the day and a bar at night.

Planner Montagno stated the Commission could regulate the hours of operation in the CUP for the use, but not the alcohol. He added that this could regulate the consumption of liquor.

Mr. Coterio stated that they would be willing to limit the hours of operation. He said that they would be open until 9 p.m. or 10 p.m. but not 2 a.m.

Commissioner Norton asked the applicant if they had an objection to putting a limit on the hours of operation.

Mr. Coterio replied no.

Commissioner Norton stated that they should not be open later than 11 p.m.

Commissioner Dowty asked what age group they market to.

Mr. Coterio showed the flyers that they send out. He said that they market to families.

Chairperson Lirones asked if the Commission could put in regulations for non-smoking. She added that it would make a difference in the clientele if this were a non-smoking facility.

Planner Montagno stated that they could place conditions in order to make it a compatible use. He said that he would check into this before the next meeting.

Chairperson Lirones stated that the issuance of a liquor license goes through the Township Board also. She said that Country Creek has a liquor store on the end of it. She mentioned area restaurants could have problems with young people serving alcoholic drinks. She said that she does not see a problem with the land use.

Commissioner Dowty asked what route they would take to get the liquor permit.

Mr. Coterio stated that the Michigan Liquor Control Commission directed him to go through the Township first. He said that they would try for one through the Township.

Motion by Commissioner Luna, supported by Commissioner Norton, to postpone action on CUP 07-08 Wings, Pizza N Things and direct staff to draft a resolution of approval with the conditions that the Commission discussed at the meeting of May 17, 2007.

MOTION CARRIED

7.2 RZ 96-03 Sweetwater PUD [submitted for a minor/major change to the PUD]

Planner Montagno stated that he received a letter from the applicant requesting the addition of permitted uses in the Planned Unit Development (PUD) district. He said that they would like the addition of independent senior housing to the list of permitted uses. He mentioned that this is located in the State Street Corridor. He said the area is designated as research and development in the Comprehensive Plan. He said the Planning Commission has to determine if this is a major or minor change to the PUD. He reviewed the criteria for a major and minor change.

Commissioner Dowty asked if all the Planning Commission is doing is determining if this is a major or minor change. He asked what happens with either change.

Planner Montagno stated if this were a major change, the applicant would have to go back to the beginning of the rezoning process and the Township Board would decide to approve or deny the request. He said that if it were determined to be a minor change the Commission would go through the findings for a variance as listed in Section 60.04.B and C.

Commissioner Dowty asked about the finding that mentions a change in dwelling units or increase in dwelling units. He asked Planner Montagno to clarify that there are no dwelling units allowed. He said that going from zero units to any number of units would be a change.

Planner Montagno replied yes.

Chairperson Lirones stated that this is a completely different use that does not match the Comprehensive Plan.

Planner Montagno stated that this is a change in use. He mentioned that if the Commission finds that this is a change in use the applicant would have to rezone the property.

Chairperson Lirones stated that she has never known a PUD to be that flexible. She said that they typically match the Comprehensive Plan. She added that this proposal is dramatically different.

Director Fowler stated the Commission could also follow the procedure to amend the Comprehensive Plan.

Joe Grammatico, applicant, stated that this is a minor change. He said that this is a tremendous project to put here. He mentioned that in 2003 they had a minor change to the PUD with Gretchen's House. He said that there would be two thirty-eight (38) unit buildings. He added that there would be a basement with a recreation area. He said that most all of the independent living facilities are filled

in this area. He said that they have been working on this property for a long time. He said that there is no use for commercial or industrial on this property.

Jim DuRussel, architect, stated that they do a lot of senior housing all over Michigan. He showed the outline of the project. He said that this is an excellent use to be tucked in the back of the property by the (adjacent) residential uses.

Ann Stevens, Atwell-Hicks, discussed the impact of this development versus an industrial or commercial development. She said that the footprint is different and similar to an office development. She said that the building would have the same impact on the land as if it were an office or light research type building. She said that there is a large residential development to the west, and this would be a transition between this property and the Avis South property.

Phil Conlin, partner in the project, stated that they brought this to the Township in 1996 to rezone the property. He said they were told that under no terms could they get the zoning in the Comprehensive Plan. He added that the Township said that they do not do straight zoning anymore just PUD's. He said that they worked with the Township and were pleased at the end of the process. He said they combined the permitted uses of three different zoning districts: business research, commercial and industrial. He said that they brought another use before the Commission that they thought was compatible and was a minor amendment. He mentioned that the daycare was approved as a minor change. He said that a medical use and daycare is allowed on this property. He mentioned taking the next step for something that the public would embrace. He said that this use is the future and this property has sat here. He said the flexibility of the PUD is what the Planning Commission can give them. He asked the Commission to consider this as a possibility of what they want to do with this property.

Chairperson Lirones stated that none of the present Commissioners were on the Planning Commission when Gretchen's House was approved. She added that this was clearly a major change.

Mr. Grammatico stated that this use fits into all areas. He said that the use is quiet and there is not a lot of traffic. He said the residents who live west of here would like this use. He said that they are anxious to get started with this use.

Commissioner Dowty asked the applicant if he understands the role of the Commission and that they are obligated to apply the ordinances and codes. He said that they are not making rules; they are obligated to apply the rules. He said that this might be a terrific project but if it does not meet the codes, the Commission does not have a choice.

Mr. Conlin stated he did not see in the PUD where the Commission has to apply the Comprehensive Plan in granting a PUD.

Commissioner Dowty stated they do have to follow the Comprehensive Plan. He said they are making a limited decision on procedure tonight. He asked if the applicant looked at the criteria the Commission has to use. He asked how putting something in here that is a residence or dwelling does not change the concept of the development.

Mr. Grammatico stated that the Township previously gave them latitude with the PUD. He said that they put in medical uses.

Commissioner Dowty stated that tonight they are discussing if it changes the concept, use and character and the dwellings units.

Mr. Grammatico stated that the uses in the PUD are not just industrial.

Planner Montagno stated that there were no commercial uses in the PUD. He said that the uses were from the business park and light industrial use districts. He said that a daycare is permitted in a business park district.

Chairperson Lirones stated that the daycare use was not a completely different use for a business park district. She said that it was questionable that it was approved as a minor change. She said that a residential use is a completely different use and zoning category.

Mr. Grammatico asked if they should have come in for a major change.

Commissioner Dowty stated that this is obviously a major change.

Mr. Grammatico asked about the procedure for a major change.

Chairperson Lirones stated that this would require an amendment to the Comprehensive Plan. She said that the major change is the identical procedure to a rezoning. She said that this does not conform to the Comprehensive Plan. She said they could approach the Commission about changing the Comprehensive Plan first. She said they could look to a residential area where this could be compatible.

Mr. Conlin stated that amending a PUD is within the power of the Commission. He said that this use would be a benefit to the Township.

Planner Montagno stated the area plan determines the types of uses allowed in the district. He said the Ordinance does state that uses in a PUD should conform to the underlying future land use plan.

Motion by Commissioner Luna, supported by Commissioner Dowty, to determine the changes proposed to RZ 96-03 Sweetwater PUD are a major change.

ROLL CALL:

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

NO: NONE.

ABSENT: WARD, CONSTANT.

ABSTAIN: NONE.

MOTION CARRIED

8.0 Planner's Report

Director Fowler discussed the Michigan Department of Transportation (MDOT) Access Management Study on Washtenaw Avenue. He said that MDOT did vote to proceed on this and the kickoff meeting will be on May 29, 2007.

9.0 Chairperson's Report

None.

10.0 Commissioner's Report

Commissioner Dowty updated the Commission on Nature's Garden Center.

11.0 Approval of Prior Minutes

11.1 Minutes of May 3, 2007

Motion by Commissioner Luna, supported by Commissioner Norton, to approve the minutes, as corrected.

MOTION CARRIED

12.0 Adjournment

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

MOTION CARRIED

Chairperson Lirones adjourned the meeting at 9:02 p.m.

s/Wilma Luna, Secretary

June 7, 2007