
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

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

Members Absent: Maria Constant and John Norton.

Others Present: Randy Heldt, Keith Teltow, Greg Bono, Dan Bond, Ann Stevens, Kaya Salwin, Craig Singer, Jim Stock, Steve Salter, Associate Planner Suzanne McCoy, Planning Director Bruce E. Fowler, and Recording Secretary Marge Burkheiser.

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

Chairperson Lirones called the meeting to order at 7:30 p.m.

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 of New Business to follow item 5.1 of Public Hearings and approve the agenda, as amended.

MOTION CARRIED

4.0 Items from the Floor

None.

5.0 Public Hearings

5.1 CUP 07-07 Place with Space
[submitted for a conditional use permit]

Planner McCoy reviewed the conditional use permit (CUP) review dated April 27, 2007, stating the applicant has applied to allow outdoor storage of recreational vehicles at 5200 W. Michigan Avenue. She said the property is zoned W-1 (Wholesale and Warehousing) and that outdoor storage of recreational vehicles is permitted with a conditional use permit. She said this location has a previously approved CUP (01-04) for storage of 27 recreational vehicles. She said that over time the number of vehicles has increased and that the site is no longer in compliance with the CUP or the approved site plan (CSPA 96-39). The new CUP application does show some of the changes that have taken place, including: a larger storage area for the recreation vehicles, the installation of a fence, and tree and brush removal. She noted from an aerial photo (2005) there appeared to be

an unimproved access point on Morgan Road, which is not on the approved site plan. The proposed changes would require a new final site plan. A new conditional use permit has been applied for.

Planner McCoy reviewed the following findings:

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

The site is not in compliance with the approved site plan, CSPA 96-39 or CUP 01-04, and therefore is not in accordance with the intent and purposes of the 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.

The plan does not propose adequate screening of the recreational vehicle parking area. The area of storage should be screened with a solid wood fence or masonry wall.

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

The site has grown in the number of recreational vehicles that are stored. This could potentially be disturbing to the existing and future neighboring uses. The area is not properly screened to buffer the recreational vehicle storage area from the neighboring uses.

[Note: Planner McCoy did not present findings C. and E.]

Planner McCoy said the site has grown in the number of recreational vehicles that are stored. This could potentially be disturbing to the existing and future neighboring uses. The area is not properly screened to buffer the recreational vehicle storage area from the neighboring uses. She said the currently approved site plan and conditional use permit are not in compliance and said the Planning Commission could revoke the conditional use permit. She said any changes made to the site plan would have to come before the Planning Commission.

Commissioner Dowty asked how many additional parking spaces are being requested.

Planner McCoy said they are showing 32 parking spaces with future parking of 33 in the middle of the site, with some angled and along the pond for an increase of 16 parking spaces.

Randy Heldt, applicant of 5200 Michigan Avenue, said that the site has been like this for some time, including RVs parked along the west end. He said everything has been fine until recently.

Planner McCoy said that there had been recent enforcement activity.

Chairperson Lirones said the Township is asking the applicant to conform to the current conditional use permit.

Chairperson Lirones said it appears there is non-motorized parking along the driveway and angle parking that is new.

Mr. Heldt agreed the parking was not on the original site.

Commissioner Dowty asked about how many vehicles were being stored on the site today.

Mr. Heldt replied about 75 vehicles.

Commissioner Dowty asked Mr. Heldt how long he has been aware of the situation.

Mr. Heldt replied since 2002, 2001.

Commissioner Dowty asked Mr. Heldt how long he has been aware that he was approved on the site plan for 27 (vehicles).

Mr. Heldt said since he received his conditional use permit, he's been inspected and no one has said anything.

Commissioner Dowty said Mr. Heldt has been doing business for several years knowing he was out of compliance with the site plan.

Mr. Heldt agreed.

Commissioner Dowty asked if there was any reason he didn't approach the Township about the site.

Mr. Heldt said he has had inspections and in the past talked with Mark Spencer about the site.

Chairperson Lirones said there was a time when he met the requirements but since then there are too many vehicles parked on the site. The site is not in compliance.

Chairperson Lirones opened the Public Hearing.

There were no comments.

Motion by Commissioner Ward, supported by Commissioner Luna, to close the Public Hearing.

MOTION CARRIED

(Item 7.1 was moved to follow the Public Hearing.)

Commissioner Dowty asked if there were any complaints on the site.

Planner McCoy said she did not know if there was a complaint or inspection by Code Enforcement.

Mr. Heldt stated the only comment was from the Code Enforcement Officer concerning the row along the road that trailers and non-motorized units be stored there.

Commissioner Dowty asked if any citations have been issued.

Mr. Heldt replied no.

Chairperson Lirones said the current CUP (CUP 01-04) had the condition to conform with the site plan (CSPA 96-39). She said that the site plan clearly needs to be changed. She said it is clear what is there is not what was originally approved. This will need to go through the approval process.

Mr. Heldt replied that the site has not change that much.

Commissioner Ward said the site could be returned to the originally approved site plan and it is totally out of conformance. He commented that there are other conditional use permit applicants who are flagrantly violating their permits, costing the Township time and thousands of dollars. He said the Planning Commission can revoke these permits. He said Mr. Heldt must come through the site plan process as suggested or bring the site in to conformance. It is obvious this (site) is not in compliance.

Mr. Heldt said they were frustrated too.

Chairperson Lirones said the Township would review and secure approvals from the agencies involved. This is obviously much larger than (originally) approved.

Commissioner Ward asked that the applicant define the large gravel area by buildings H and I.

Chairperson Lirones said the gravel area was agreed to in the past to help with drainage but this will require storm water management and drainage as well as meeting the current standards. She said this will require a large amount of work to be done and, if not possible, a reduction in the use to comply with the original conditional use permit. She said that paving the parking areas would offer better storm water management and drainage. She suggested reviewing the current Land Development Standards and said staff is available.

Commissioner Dowty said this evening he drove through the area and saw lots of activity but not a road connection to Morgan.

Mr. Heldt said there is not a road there but a gate in case a truck got stuck but no public access.

Commissioner Dowty suggested working with staff. He asked what "non-motorized" parking is. He said he saw numerous boats, trailers etc. Mr. Heldt said the Code Enforcement official suggested applying for a new conditional use permit.

Mr. Heldt said they cleaned up the area. He said the area previously was a dumping site for anyone to use.

Chairperson Lirones noted that if the required changes were burdensome, then the applicant would need to scale back.

Mr. Heldt asked what would happen between now and before resolving this issue.

Chairperson Lirones replied the Township is looking to work with the applicant; noting the site has fallen out of compliance over time.

Motion by Commissioner Dowty, supported by Commissioner Plisko, to postpone action on CUP 07-07 Place with Space and direct the applicant to

- 1. Submit a new complete site plan and application for review and approval or work with staff on the current site to bring the site in to conformance with the current CUP.**

MOTION CARRIED

6.0 Old Business

6.1 CUP 07-06 Michigan/State Shopping Center – ATM Drive-Through
[submitted for conditional use permit]

Chairperson Lirones briefly stated this was to review the ATM elevations and approve the conditional use permit. She said at the last meeting the request was to provide elevations for review. She said the site plan has been approved.

Commissioner Luna questioned the number of signs for the ATM.

Ann Stevens, of Atwell-Hicks, said the signs will be reviewed and will meet the Ordinance.

Commissioner Ward questioned the height of the height bar, stating he did not like it but it did serve a useful purpose. He said he would like to have the Chase canopy blend in with the building better.

Applicant and Commissioners discussed the ATM canopy and color of the ATM.

Commissioner Ward said he did not have a problem with the ATM, he did with the larger structure. He asked if the canopy and pole could be redesigned to blend in with the building better.

Adriaan Van Velden, of Hobbs and Black architect, suggested leaving the ATM as shown and said he would try to blend the canopy with the building better.

Chairperson Lirones noted the logo on the top of the ATM would have to be removed.

Ms. Stevens said, to clarify the request, that the height bar color will be a muted blue and the top of the shelter will be a similar color.

Commissioner Ward said that previously the servicing of the ATM was from the rear of the equipment and now it appears to be from the front. He said that at the last meeting servicing of ATM was from the rear. He said he was concerned for safety of the staff in servicing the equipment.

Chairperson Lirones reviewed the findings.

- A. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance** because banks are a permitted use in the General Commercial (C-2) Zoning District, and drive-in facilities are permitted under the C-2 District with a Conditional Use Permit.

All agreed.

- 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 proposed ATM is proposed for a location on the site that will be harmonious with the surrounding area, the other drive-up facility approved for the site (a restaurant drive-up window) is located in the same vicinity on the east side of the site, and parcels to the west and north of the site have been approved for drive-up facilities.

All agreed.

- 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.

All agreed.

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

All agreed.

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

All agreed.

Motion by Commissioner Ward, supported by Commissioner Dowty, to adopt resolution of approval for CUP 07-06 Michigan/State Shopping Center – ATM Drive-Through (see attachment #1).

ROLL CALL:

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

MOTION CARRIED

6.2 CSPA 06-12 Advance Auto Parts
[submitted for final site plan]

Director Fowler said everything was in compliance with the Zoning requirements. He noted the required lot area information needed to be corrected on a couple of sheets. He said the Planning Consultant's site plan report dated April 19, 2007, had a few comments concerning the landscaping. He read section 4.07 stating the calculations are basically correct and that only 24 trees are required and that a minimum of 1,085 square feet of landscaped area is required. He said the Planning Commission may approve substitutions if it desires. He said the plan showed numerous trees to be planted within the existing vegetation strips along the south, west, and north edges of the site. He said these strips should remain undisturbed. He said the planting of trees would result in possible damage to the understory vegetation and possibly to some of the existing trees that are to be saved. He noted that conifers should be planted at least 15 feet from pavement edges and the plan is proposing to plant eight (8) conifers 5-10 feet from the pavement. He said the engineering report, dated April 24, 2007, consisted of a number of items that can be taken care of administratively.

The Engineer's report, dated April 24, 2007, indicated a number of items which can be taken care of administratively. Director Fowler said the WCRC conditionally approved the plans and the approach contingent upon the proprietor entering into shared access agreement to interconnect the Home Depot property in the future. This agreement must be executed prior to Township Board final site plan approval.

Chairperson Lirones said she was confused over the landscaping and tree requirements. She asked the applicant why all the trees were not being planted as required.

Keith Teltow, of WXZ Development, discussed the landscaping. He said this is a unique site with existing trees and foliage. He noted there is existing vegetation along the north, west and south property lines. He said they want to work with the Township.

Chairperson Lirones asked if the mitigation calculations have been figured.

Mr. Teltow said the mitigation calculations were on the site plan.

Commissioner Ward said the plan shows 10 trees to be replaced. He reviewed the information on the site plan concerning the trees to be mitigated on site and the amount that would be mitigated to the Tree Fund.

Chairperson Lirones said the Township would have to determine the dollar amount for the off site mitigation of trees which is generally based on 2.5 inch trees. She asked the applicants if they understood there are a required number of trees for the site.

Mr. Teltow said they all understood and agreed.

Commissioner Ward said the general plant list is confusing.

Chairperson Lirones said she would like to see the landscape plan again. It is possible to add more to the mitigation fund.

Commissioner Ward requested the applicant resubmit a landscape plan and focus on the required trees and mitigate the rest off site.

Chairperson Lirones said that required trees could not be put into the Mitigation Fund.

Dan Bond of WXZ asked if they could substitute some of the trees shown as replacements towards the required quantity.

Chairperson Lirones replied it was possible but felt more screening in the front could be done.

Mr. Bond said they were trying to avoid planting over the utilities.

Chairperson Lirones would like to see more screening around the building without going into the utilities. She suggested the applicant review the Land Development Standards.

Mr. Teltow asked if it was possible to receive final site approval and work with staff to complete. He noted this is a unique site.

Chairperson Lirones agreed this has been a difficult site. She suggested resubmitting a landscaping plan and working with staff. She said the Township would need to arrive at a dollar amount for mitigation. She asked about the elevations and what was the color of the building.

Mr. Bond said the building would be masonry with split face block painted off-white.

Commissioner Ward commented this was the typical Advance Auto building.

Chairperson Lirones asked if the fascia had to be red.

Mr. Bond replied it was very important for corporate brand identification.

Chairperson Lirones stated the building materials should be substantial with no stucco or EIFS and with a metal fascia for the top.

Mr. Bond agreed.

Chairperson Lirones, referring to site plan page 26, asked about the "light bars".

Mr. Tetlow said there were no "light bars", that the sign was internally illuminated.

Chairperson Lirones noted that signage requires a separate permit. She said the Planning Commission does not approve signs, it is a separate permit.

Planner McCoy said the site would be permitted one wall sign, and that one square foot of sign area would be permitted for each linear foot of building frontage.

Chairperson Lirones reminded the applicant that all lighting should shine down and be shielded including the utility doors. She said the Township tries to follow the "Dark Sky" guidelines.

Planner McCoy said the signs are limited to one (1) based on square footage.

Chairperson Lirones asked what color the roll-up door is and whether it matched the building.

Mr. Teltow said it would match the building.

Chairperson Lirones asked if the roof top units were completely shielded.

Mr. Teltow replied yes.

Commissioner Plisko asked about the color of the light poles.

Mr. Teltow replied they were red.

Commissioner Plisko noted the light poles at Home Depot are black.

Mr. Teltow said they will look into the pole color and that the height is 25 feet including the mounting pillar. He agreed the poles would be black.

Chairperson Lirones said the lights would be flat glass with a cut-off lens with a shoebox fixture.

Commissioner Plisko said he was concerned with back of the building being dark. He noted there are senior residences next door.

Mr. Teltow replied that places have a lot of lights that are becoming an issue. The Commissioner's agreed that additional lights were unnecessary.

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the final site plan CSPA 06-12 Advance Auto Parts and direct the applicant to revise and submit four (4) complete sets of the final site plan for administrative review that address:

- 1. All issues in the Township Engineer's report dated April 24, 2007.**
- 2. All issues in the Township Planning Consultant's site plan review report dated April 19, 2007.**
- 3. All issues in the Zoning Review dated April 27, 2007.**
- 4. Resubmit a landscape plan for administrative approval.**
- 5. The light poles shall be black.**

MOTION CARRIED

6.3 CUP 07-04/CSPA 06-22 South State Tech Unit #2, LLC (NOAA)
[submitted for a conditional use permit and preliminary site plan]

Planner McCoy stated that the report by Planner Montagno had no concerns and indicates the site plan meets all zoning requirements. She said the Engineering report (dated April 25, 2007) and the Planning Consultant's report (dated April 18, 2007) were all the items that will be addressed in the final site plan review.

Chairperson Lirones noted the WCRC has given tentative approval on the driveway but the traffic impact study will take some time due to a staff member on leave. She said there may be a minor change to the driveway depending on the traffic study.

Craig Singer, applicant, said he was aware of this issue.

Motion by Commissioner Ward, supported by Luna, to approve the preliminary site plan CSPA 06-22 South State Tech Unit #2, LLC (NOAA) with the condition that the following be addressed in the final site plan:

- 1. All issues in the Township Engineer's report dated April 25, 2007.**
- 2. All issues in the Township Planning Consultant's site plan review report dated April 18, 2007.**
- 3. All issues in the Zoning Review dated April 27, 2007.**

MOTION CARRIED

Motion by Commissioner Luna, supported by Ward, to adopt resolution of approval for CUP 07-04 South State Tech Unit #2, LLC (NOAA) (see attachment #2).

ROLL CALL:

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

MOTION CARRIED

7.0 New Business

7.1 CUP 07-07 Place with Space
[submitted for a conditional use permit]

Item moved to follow 5.1 of Public Hearings.

8.0 Planner's Report

Director Fowler commented that the individual site maps with packets were done by the Planning Intern, Ian Brand. He said if the Commissioners had any suggestions for improvement, to contact him. He noted that in another week Marge Burkheiser will complete seven (7) years of service to the Township and Planning Department.

9.0 Chairperson's Report

Chairperson Lirones said the judge had issued his ruling in the Wolverine Commerce case, against the Township. She said she has emailed the ruling to the Commissioners.

10.0 Commissioner's Report

Commissioner Dowty commented on the full page ad for Nature's Garden Center in today's Ypsilanti Courier and Saline Reporter. He said that with the Township Supervisor's approval, he has already contacted the attorney for Nature's Garden Center. He said it was possible this issue will return to the Planning Commission in the future.

The Commissioners briefly discussed the continued non-compliance to the conditional use permit and the approved site plan.

Commissioner Ward stated the conditional use permit should be revoked. He said the business should comply or the Commission can revoke the use permit. He said he was willing to write a memo if it was necessary.

Commissioner Dowty said it was good to know the Commissioner's feelings concerning this issue.

11.0 Approval of Prior Minutes

11.1 Minutes of April 19, 2007

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the minutes, 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 9:17 p.m.

s/Wilma Luna, Secretary

May 17, 2007

Attachment #1

**FINDINGS OF REQUIRED STANDARDS
AND RESOLUTION OF APPROVAL
MICHIGAN/STATE SHOPPING CENTER
ATM DRIVE-THROUGH
C.U.P. #07-06**

WHEREAS an application for a Conditional Use Permit to operate an automatic teller machine (ATM) with a drive-through in a General Commercial (C-2) District was received on February 22, 2007, and

WHEREAS the Pittsfield Township Planning Commission held a public hearing on this matter on April 19, 2007, and received no public comments; and

WHEREAS the Commission approved the site plan (CSPA 07-03) and 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 banks are a permitted use in the General Commercial (C-2) Zoning District, and drive-in facilities are permitted under the C-2 District with a Conditional Use Permit.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity** because the proposed ATM is proposed for a location on the site that will be harmonious with the surrounding area, the other drive-up facility approved for the site (a restaurant drive-up window) is located in the same vicinity on the east side of the site, and parcels to the west and north of the site have been approved for drive-up facilities.
- 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.**
- 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 #07-06 Michigan/State Shopping Center ATM Drive-through, subject to the following condition:

1. Compliance with the final approved site plan CSPA 07-03.

Attachment #2

**FINDINGS OF REQUIRED STANDARDS
AND RESOLUTION OF APPROVAL
State Street Tech Unit #2, LLC (NOAA)
C.U.P. #07-04
May 3, 2007**

WHEREAS, an application for a Conditional Use Permit to allow outdoor storage in a I-1 district was received from State Street Tech Unit #2, LLC (NOAA) on February 8, 2007, and

WHEREAS, the Pittsfield Township Planning Commission held a public hearing on this matter on March 1, 2007, and received no public comments; and

WHEREAS, the Commission reviewed the site plan and application received by the Township for this use and per the requirements of Section 50.06 of the Township Zoning Ordinance it finds that the use:

- A. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this ordinance** because the proposed storage is clearly incidental to the principal use of the facility for research.
- 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 based on the site design the use will be in an appropriate location.
- 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 the approval of the use will not place any additional burden on these services.
- D. Will not be hazardous or disturbing to existing or future neighboring uses** because materials proposed to be stored in the area are not hazardous.
- 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 #07-04 State Street Tech Unit #2, LLC (NOAA), subject to the following conditions:

1. Compliance with the site plan, CSPA 06-22.
2. Storage shall be limited to only equipment used for the operations of users of the facility.
3. Items being stored shall not protrude above the screen wall.