
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

Members Present: Dennis Ward, Wilma Luna, Christina Lirones, Stuart Dowty, Maria Constant.

Members Absent: John Norton and Richard Plisko.

Others Present: Fadil Issa, Mufida Kasham, Najah Kasham, Marc Church, Faiza Mir, Attiq Khan, Randy Heldt, Warren Heldt, Hossein Al. Tameel, Chris Wall, Lauren Williams, Carolyn Miller, Rehan Vaid, Aminah Azimi, Anjum Azimi, Mohammad I. Azimi, Sarah Azimi, Shelley Poliner, Jamil Kasham, Dr. Amin Jaffer, Abdul M. Khan, Shazain Pervez, Nusrat Ali, Hodmaila Kourler, Wahid Kourler, Wahiba Kourler, Asim Ashraf, Hamdan Tabateh, Zahida Manjlai, Abdul Quraishi, Anushey Pervez, Ali Mahmoudi, Mohammad Ali Shaikh, Jasbir Kooner, Dahmane Alem, Abdallah AcKahleh, Ousamari Madari, Cliski Bubulre, Nabeela Jaffer, Zahir Khan, Fouad Khan, Tariq Ali, Waseem Ahmed, Amir Kamal, Khursheed Khan, Ishaq Vaid, Mateen Jaffer, Ahmed Hamidudeca, Abdul-Hamid Vaid, Muneeza Jaffer, Muayad Kasham, Mustafa Muhammad, Yasmeeer Vaid, Shakil Mohsin, Youcef Hachemi, M.S. Ahmad, Adib Nashashibi, Subhan Khan, Saad Shiaab, Lorri Hopson, Slim Benloveif, Zubair Munshey, Rabia Rashid, Moosa Vaid, Shaheen Vaid, Ken Cousino, Yousuf Vaid, Hamida Vaid, Muhammad Yameen Jaffer, Shahil Molisa, Ambreen Malik, Gulafshan Pervez, Uzma Jaffer, Moin Jaffer, Badar Ahmadani, Abida Abbas, Jeff Holman, Nasir Sadiy, Oudoos Rehman, Rozeena Malik, Zafar Malik, Ashfaq Kadwui, Moman Malin, Zaina Malin, Hafiz Rahman, Shafik Khalil, Hakem Bajshdash, Abdul Ryaujlai, Elizabeth Ballbach, Shahzeb Ashfaq, Abdual Bashir, Shalid Kahnood, Riaz Ahmed, Mohammad Farha, Khalaf Sukkar, Paul Miles, Rilla Miles, Zafar Mehmood, Sadi Zafar, W. A. Khan, Owais Hagr, Jeff Schieb, Mary Schieb, Tanweer Mallick, Badar Munir, Abdul Rehman, Huroon-Manjlai, Abid Bashir, Saqib Mohsin, Altaf Kapadia, William Grayson, Shabbir Khan, Iftiuhar Malin, Mudassir Hameed, Gulzar Mohammad, Shakeel Mohammad, Qari Ilyas, Abdul Haque, Mohammad Al Omari, Ozair Bajwa, Pervez Rahim, Vzair Khan, Chunchen, Oubeida Kovider, O. Bready, Dan Esaw, Senior Planner Paul Montagno, Planning Intern Ian Brand, 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 7:41 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, Item 8.2 to follow Item 6.2, Item 8.3 to follow Item 6.3, Item 8.4 to follow Item 6.4.

MOTION CARRIED

4.0 Items from the Floor

Chairperson Lirones discussed a letter she received from an anonymous individual regarding FedEx. She said the letter raised several questions regarding how the sound could be dampened, truck noise at night, and decreasing home values. She mentioned that people can comment at any meeting and this item has been on the agenda several times.

Mark Church, Bicentennial, stated he has been working closely with Paul Montagno. He left his business card with Mr. Montagno for anyone in the audience who has questions. He said that the homeowners (in Centennial) are joining together. He said that anyone interested in talking about this could meet him in the hallway.

Chairperson Lirones stated that she has the minutes from the previous meetings. She said the vast majority of the Planning Commissions conversations have been about noise reduction. She said they are proposing a 20-foot wall. She said that the group from Centennial proposed a tree line. She said the Commission is working very hard on behalf of the residents.

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 that since the last time they met a month ago they have submitted a mitigation plan [for the wetland violation] and an action plan [for the CUP violation]. He said they have moved 23 recreational vehicles (RVs) off site. He said they submitted a letter dated November 5, 2007. He said that two (2) people have not responded regarding their RVs. He said they are looking into the process of evicting people.

Chairperson Lirones asked how many vehicles remain onsite.

Mr. Cousino replied 72 vehicles. He said they started with 98 vehicles.

Commissioner Ward stated that one of the items discussed regarding the buildings and the fence is included in the letter. He thanked them for the action plan. He said that at the next meeting of December 13, 2007, he expects to see the first item completed.

Mr. Cousino stated they removed all except two (2) vehicles from around the wetland.

Commissioner Ward stated that all vehicles should be removed from the detention basin area. He said he expected to hear that this was completed. He said they should be well on the way to completing Items 3 and 4 from their letter. He said the Commission is looking forward to having a satisfactory update at the next meeting.

Chairperson Lirones stated there has been a second wetland violation since the first. She said there was more material put on top of the material that needed to be removed.

Mr. Cousino stated that he received a copy of that notice.

Commissioner Constant asked Mr. Abramson to review the letter sent out by the applicant. She said the letter makes it appear that the Township created this problem.

Jerry Abramson, attorney, stated that he would review the letter. He asked if it is necessary for both himself and Mr. Cousino to attend the next meeting.

Chairperson Lirones stated that one of them could attend and should also present a written report.

6.0 Public Hearings

6.1 CUP 07-13 Ichiban

[submitted for a conditional use permit]

Senior Planner Paul Montagno reviewed the conditional use permit (CUP) report. He said that the proposed use is in the Glencoe Hills shopping center. He said that the current uses include four (4) restaurants not serving alcohol and one (1) bar and grill. He listed the neighboring uses. He said this use is allowed in a general commercial (C-2) district. He said that no improvements are planned. He said the building is served by a large parking lot with 140 spaces. He said the parking lot to the north provides an additional 100 spaces. He said the applicant is proposing fifteen (15) to thirty (30) employees and 110 parking spaces. He reviewed the findings the Commission would consider. He said this is similar to other uses in the area. He said that on September 25, 2007, the Township Board approved a liquor license for this restaurant.

Chairperson Lirones stated that the liquor license was conditioned on the final inspection. She said that if the CUP is not approved the liquor license would return to the Township. She asked about a floor plan.

Linda Parker, applicant, stated that she submitted the floor plan to Bruce Fowler, Planning Director.

Chairperson Lirones asked if by the next meeting the applicant could have a sketch of the floor plan.

Ms. Parker stated that she thought she already submitted a floor plan of the interior.

Chairperson Lirones stated that the Fire Marshal needs to review this.

Ms. Parker stated that the setup is like a Benihana restaurant. She stated that the chefs cook at the tables.

Chairperson Lirones mentioned there are ten (10) seats around the tables.

Ms. Parker stated there is also a bar and a sushi bar.

Planner Montagno stated he would look into the blueprint she submitted.

Ms. Parker stated that she has five (5) more copies of the floor plan.

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 that this looks pretty straightforward. She mentioned Item C, will be adequately served by public services, of the findings. She added that this is why the Commission needs to see a floor plan and have it reviewed by the Fire Marshal.

Planner Montagno stated that the Commission can condition the number of people.

Chairperson Lirones stated that the number of people should be reviewed by the Fire Marshal.

Commissioner Ward asked if there are any issues with the hours of operation.

Planner Montagno stated that this is a stand-alone building separated from other uses, such as residential. He said currently there is a bar and grill in the back of the shopping center. He said that this use being open later will not cause those types of noise issues.

Chairperson Lirones asked if they would be staying open until 2 a.m.

Ms. Parker stated 10:30 p.m. during the week and 11 p.m. during the weekend.

Chairperson Lirones stated she is comfortable with them closing at midnight instead of 2 a.m. She said that a seating plan should be attached for our files and incorporated into the resolution.

Motion by Commissioner Ward, supported by Commissioner Dowty, to direct staff to draft a resolution of approval for CUP 07-13 Ichiban with the conditions discussed at the Planning Commission meeting of November 15, 2007.

MOTION CARRIED

6.2 CUP 07-14 Masjid Bilal
[submitted for a conditional use permit]

Planning Intern Ian Brand reviewed the CUP report. He listed the neighboring uses. He said that a mosque is permitted with a conditional use permit in an R-1B district. He said the applicant is proposing a 20,000 square foot building east of the existing residence onsite. He said that a paved parking area is proposed. He discussed proposed seating and stated that the mosque would involve standing room. He said that 94 parking spaces are proposed for 376 seats. He added that this number cannot be verified because there are no seats shown on the plan. He

said that the maximum capacity needs to be established. He reviewed the findings the Commission would consider. He said that the use is [apparently] needed in the area based on the use of this site in an unimproved state for the same purpose. He said the Commission should discuss the site lighting and screening for the neighboring residential uses. He said they should look into sprinklers or three sided access for the building. He said that the proposed use should not be disturbing to other neighboring uses.

Chris Wall, Midwestern Consulting, stated that this is proposed to serve a need for a local community that has gone unserved for a while. He said this is a place of worship and a spiritual center. He said there is nothing in the review letters that they cannot work on with staff. He said that the existing building would stay. He said that a 20,000 square foot two (2) story building is being proposed. He said there is an existing wetland in the northeast corner of the site and they want to protect it. He said there would be a detention basin in that area. He said there is one (1) entrance off Michigan Avenue and it serves two (2) parking lots. He said that the rear lot would access the second floor of the building.

Mr. Wall stated that the landscaping plan is the minimum to meet the standards. He said they would be keeping the buffer on the south side and maintain a 25 to 35 foot buffer. He said the board wants to do more landscaping and work with the Township to enhance it. He showed a rendering of the building. He said that it accents various colors and the domes are green. He said they are willing to work with the Township on modifications. He said it fits right into the building. He said there are two (2) stories but from the back, you only see one story. He said it is minimized in the back. He said they have no desire to have a loudspeaker system on the outside. He said there are five (5) prayers per day. He added that most of those prayers are lightly attended with 20 to 30 people at any given prayer session. He said that on a Friday between 1 p.m. and 2 p.m. the prayer is more heavily attended with around 120 people. He added that the parking can handle this. He said the existing building would be maintained as a residence. He said there is obviously a demand here. He said they want to work together with the Township on this. He said they have met the intent of the CUP permit.

Chairperson Lirones opened the public hearing.

Marsha Williamson stated there was a proposed mosque across the street on Ellsworth Road. She said that this does not look like it at all. She asked if this is a new proposal.

Mr. Wall stated that this is a different proposal.

Chairperson Lirones stated that proposal was in Ypsilanti Township.

Ms. Williamson stated that right now there are no plans for prayer by a loud speaker. She asked if once the mosque is built would the plans change.

Mr. Wall stated this is not the plan at all and they could put this in writing.

Chairperson Lirones stated this could be a condition in the CUP permit.

Mary Schieb, 4899 Hickory Pointe Boulevard, stated that her main concern is whether or not a traffic study was conducted. She said that over the summer there was quite a bit of traffic diverted from Munger Road onto Michigan Avenue and

from Crane Road and Carpenter Road. She said she could not get out of the neighborhood and it takes her between ten (10) and fifteen (15) minutes to access Michigan Avenue at any time during the day. She said there is only one proposed entrance. She asked how they are going to accommodate the traffic. She asked if there would be more traffic lights installed. She mentioned there was a serious accident at two (2) a.m. this morning. She added that this is a heavy traffic area. She said she lives five (5) houses down from the back of the building. She said that over the summer she could hear music playing and different things going on. She said that there may not be a call to prayer but in the present building, there was a lot of noise over the summer.

Ms. Schieb asked about the real estate value. She said this is a beautiful building but it is not aesthetically compatible to other buildings and homes in the area. She asked if this would hurt the home values. She asked if the property taxes would be increased or decreased. She discussed community involvement and asked if they would involve the rest of the community. She said that in Hickory Pointe, they have a community day and everyone is invited to a picnic. She said at this site they have ceremonies and no one else seems to be invited to that. She asked if this is going to benefit everyone. She said that children wander in from the back of the building across their yards. She said there is no privacy. She asked how this would be prevented. She said there is a major power line behind the building that goes down to Textile Road. She asked how this issue would be addressed. She asked if this building would have a lot of lights on the outside and affect the neighbors. She said her main concerns are traffic, noise, real estate market value, and traffic along Michigan Avenue.

Chairperson Lirones stated that on the aerial photo Ms. Schieb's home is one that backs up to this site.

Ms. Schieb replied yes. She stated that right now they have a wooded view. She asked where this additional land is coming from. She asked if they are taking part of the area in her back yard or if they already have that land.

Chairperson Lirones stated it is on the lot for the existing house. She said this is a very large lot. She said they are proposing to keep a section of the woods and it should not alter the view from the back.

Ms. Schieb stated that if you drive towards Munger Road you can see the back of the building right now. She said the power line is on the common ground. She said there is private land that they trespass on.

Chairperson Lirones asked if there is a power line that goes east to west.

Ms. Schieb replied yes.

Beth Wallback, Hickory Pointe, stated that she is relieved because she was concerned about the call to prayer. She asked how high the parking lot lights would be.

Planner Montagno replied that 25 feet is the maximum allowed.

Chairperson Lirones stated the Commission typically requires a down directed shoebox light fixture.

Dr. Amin Jaffer, 3587 Century Trail, stated that he has lived in this area for fifteen (15) years. He said they need this place to be able to go and worship. He said he is supporting this project.

Audience member, Ashford Village, stated that he has lived here for 38 years. He said that a building like this will add to the treasure of Pittsfield. He said that worshipping is always better than doing something else. He urged and thanked the Commission for listening. He said they need this place. He said that for those who are concerned they can seek a lot of places for answers. He added that they are law-obeying citizens.

Mr. Khan, vice president of the organization, said they are very flexible and will try to meet all the needs of the approval. He said they would like to make sure the residents are not disturbed.

Yassar Farah stated that he loves this community and loves the leadership. He said that whatever decision the Commission makes is good for them. He said he has been here for 40 years. He thanked the Commission and mentioned that they always help us (the residents).

Shabbir Khan, 3247 Rosefield Drive, stated he has been here for five (5) years. He said he would like to have a mosque built in this community.

Subhan Khan, Dexter, said he would like people to know that the mosques in all of America have no problems. He said there are no problems at the Plymouth Road and Ann Arbor mosques. He added there are no loud speakers. He said he does not think traffic will be a big issue. He said that people want to be safe. He said the community here really needs a place where they can worship and this is better for the community. He said that he would probably move to the community if this goes in.

Chairperson Lirones stated that the Washtenaw County Road Commission (WCRC) would be installing a traffic signal at Munger Road and Michigan Avenue. She said there is just a flashing light right now. She said the Township has not received a formal word from the WCRC.

Gulzar Mohammad, 3085 Rosefield Drive, stated that he works in Pittsfield Township. He said that he wants this for the neighborhood.

Nasir Sadie, 4754 Azalea Drive, stated this is a great community. He said that the Commission is a lot of help to them. He said they pay taxes for the houses and they are buying the houses and paying taxes. He said he supports this.

Altaf S. Kapadia, 4471 Hunt Club Drive, stated that he is very appreciative that earlier the madam had the questions. He said that as a Muslim it is not just that we fulfill the rights of our neighbors. He said that Allah will ask what they did for their neighbors. He said they can fulfill this plan and build this in accordance with the community.

Riaz Ahmed, 3978 Cloverlawn Avenue, stated that he loves this country and he wants to give back to this country. He said they chose this place because it has the best education system. He said that Pittsfield is excellent and very helpful. He said that his kids told him not to move from here. He said they were very excited when they told them about this place. He said they look forward to this place and

they need it. He said that people have little knowledge about Muslims and he provided a book about Islam.

Hamdan Tabateh, 5711 Amberway, stated that he feels that due to the significant number of residents it is important to establish this building. He said that it serves the main principle of America regarding freedom of religion.

Fadil Issa stated that he has lived in his house for two (2) years. He said that he is very familiar with that site. He said that the wooded area would not be disturbed. He discussed a sidewalk in the out lot. He said they would be happy with that.

Attiq Khan, 5697 Hampshire Lane, discussed being a social worker in the community. They said this would be a great addition to the neighborhood and the community.

Shakil Mohsin, 3225 Monument, Ann Arbor, stated that this place of worship is for everyone and open to all. He said this would be a good addition. He said that this would be a better place for their children. He said there are many good things about our religion people need to know.

Gulafshan Pervez, 4665 Nutmeg Drive, stated that he strongly supports this mosque. He said there is only one mosque in Ann Arbor and the community is growing. He said that people in this area can use this one. He said this would give them two (2) places of worship. He said this gives children a place to learn and worship.

Zubair Munshey, 4775 Crestview, stated that he was born and raised in Ypsilanti and he is a student at the University of Michigan. He said that it would be counter productive to deny this motion. He said that all of these residents are driving on US-23 and I-94 to get to Plymouth and this is putting pressure on the freeways. He added that on US-23 between 5 p.m. and 6 p.m. it is always backed up.

Marsha Williamson stated that the gentleman said there are mosques all over America without prayer call. She said that in Hamtramck a mosque was built and after it was there for a year they started a call to prayer. She said she appreciates the attitude of the people who have spoken. She said they are concerned about fitting in and being neighborly and friendly and this is very good. She said she is impressed with their attitude.

An audience member stated there was a proposal before Ypsilanti for an 85,000 square foot building on Ellsworth Road. He said he was interested in how the membership would relate to that mosque and if it is a separate grouping of people.

Chairperson Lirones stated this is an interesting question but not what this Commission does here.

Mr. Wall stated that the community is diverse. He said this serves a particular part of that community, although it is open to everyone. He added that this is a different project.

Youser Aiv, stated that he used to be the president for the Ypsilanti association. He said that when they built this mosque in 1982 they only had one (1) to two (2) rows of people coming in on a Friday. He said that he has been a resident of Pittsfield since 1978. He said he used to think this was a big mosque. He said the

house is full on Fridays and they have to offer two (2) prayers. He said it is growing like mushrooms. He said there were approximately 10,000 Muslims in Washtenaw County and many more today. He said they need more mosques. He said that it is still not enough that one will be built on Ellsworth Road and at this site.

Mr. Jaffer stated that he supports this mosque because as a kid it is important for him to go here for prayer.

An audience member stated that if people need to know what happens inside a mosque his sister-in-law wrote a book called "What You Would See Inside a Mosque."

Mateen Jaffer, 4131 Inglewood, stated that all eight (8) of his brothers and their 23 kids live here. He said they need this mosque because they need somewhere to pray. He said he works in this community and has a business at 4005 Carpenter Road. He said that all of his brothers, sisters and other family members and their children need this place.

Rabia Rashid, 4775 Crestview, stated that this mosque would be a great environment for families to get together. This is a healthy environment for women and children and a quiet place. There was one lady concerned about music and they noted that they do not really play any music. This would be a great place for families.

An audience member stated that as a young kid he faces many challenges involving drugs and other pressures. He said that churches only do positive things for society. He said they should be promoting more places of worship and more time to learn about Islam and who Muslims are.

Mohammad Yameen Jaffer, 3578 Century Trail, stated he has been living in Pittsfield for twelve (12) years. He said that he also owns a business on Carpenter Road.

An audience member stated that they need somewhere to worship. She stated she is a mother of three boys. She said she wants to stay together as a family so her children do not grow up and get into drugs. She said that if this mosque is built it would help her raise kids who are well balanced. She said this would help Michigan and the U.S.

Zafar Mehmood, 4640 Nutmeg, stated that he respects all the objections. He said they would work with the neighbors and they do not want to hurt any neighbor. He said they are willing to work with the Township to make this happen. He said some people oppose this project and they have good reasons. He said that they would take care of all their objections in a kind manner.

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.

Planning Intern Ian Brand reviewed the zoning review. He said that all of the bulk regulations have been satisfied. He said the building height is acceptable with the dome. He said that the net lot coverage and floor area is acceptable. He said the 125-foot setback from the road needs to be shown on the site plan. He said there are wetland issues. He said they did a field investigation of the woodlands and there are no significant woodlands. He said that the Michigan Department of Transportation (MDOT) would have to approve the access point. He said there is no sidewalk shown on the plan along Michigan Avenue. He said the Comprehensive Plan calls for a ten (10) foot wide sidewalk.

Planner Montagno reviewed Planner Schmult's report. He said that the rear wheel of an exiting truck would cross the parking lot island. He said that the radius may be tight within the site itself. He said the Fire Marshal is worried about fire safety and if they could turn their truck around or have to back it out. He said this might cause issues with the wetland on the site. He said the wetland is located immediately where the pathway would be required. He said that the DTE tower line easement is 90 feet wide and is shown south of the south property line. He said that DTE might require an extension of the easements. He said the site is served by public sewer and water. He said that ECT has provided a report. He said they verified the wetland boundaries. He said ECT recommends a native wetland plant mix. He said a wetland permit is required for the storm water outlet.

Chairperson Lirones discussed the storm water connected to the swale and ECT's recommendations.

Planner Montagno stated the outlet structures can regulate the flow to maintain hydrology.

Chairperson Lirones stated there is a lot of support by the community members.

Commissioner Ward discussed the seating. He said with this type of worship there is no seating. He said they need to come up with a surface area that a person would occupy. He said that he does not know how it would affect parking requirements.

Planner Montagno stated that their final zoning review of this will be based on what the Fire Marshal determines to be the maximum capacity.

Commissioner Ward stated he is concerned about the view the neighboring properties will have. He said that the roof would be flat with the exception of the green domes. He said that screening of the roof is critical.

Commissioner Luna asked if there is seating.

Mr. Wall replied no.

Commissioner Ward stated there is a lot of EIFS on the building. He said the Township strongly discourages the use of that material. He said that within five (5) years it would be dirty and would not look nice. He said they should budget for more substantial materials.

Mr. Wall stated they are expecting to need bypass lanes.

Commissioner Ward stated this is a dangerous area on Michigan Avenue. He said that especially in the summer time on Friday afternoons it can be backed up around 3 p.m. He said that traffic will back up from US-23 along Michigan Avenue.

Mr. Wall stated that was partly due to construction.

Commissioner Ward stated this is a common occurrence now.

An audience member asked if Michigan Avenue would be widened to Saline.

Chairperson Lirones stated this is shown in the future plan. She said that every 20 years they say the plan is outdated and they start over. She asked if there is a traffic impact study.

Mr. Wall replied yes.

Chairperson Lirones stated that MDOT reviews the traffic impact study. She said they would determine the improvements.

Commissioner Luna discussed the DTE easements.

Mr. Wall stated they are working on it with DTE.

Chairperson Lirones stated they should clarify where the easement is. She said that the Hickory Pointe residents might not want a walking path. She said that pathways are good but it might worsen parking in the subdivisions.

Mr. Wall stated they are not promoting parking in the subdivision. He said they are not closing an access point.

Chairperson Lirones stated that at this time they would not be looking at a pathway.

Mr. Wall stated that if they have to reinforce the buffer they would do that.

Commissioner Ward stated he would hate to see a fence put in. He said they could achieve the same effect with appropriate landscaping.

Chairperson Lirones stated that the lighting is a concern. She said that church parking lots are always over lit. She said they are worried about headlights shining into the neighboring residences and a low wall the height of a car might help this. She discussed the dumpster and stated they could change the pick up hours. She said there are trees on the neighboring lots but additional trees could be added to this site. She encouraged a sidewalk on Michigan Avenue. She said that religious institutions increase property values and they are a benefit to the area. She discussed people crossing over other people's property and asked that this be addressed. She said this is a good use for the area.

Motion by Commissioner Ward, supported by Commissioner Luna, to postpone action on CUP 07-14/CSPA 07-11 Masjid Bilal, and direct the applicant to:

1. **Address all issues in the Township Planner's report dated November 7, 2007.**
2. **Address all issues in the Township Engineer's report dated November 9, 2007.**
3. **Address all issues in the Zoning Review dated November 7, 2007.**
4. **Address all issues in the Conditional Use Permit review dated November 7, 2007.**
5. **Address all issues in the ECT wetland report dated November 9, 2007.**
6. **Address issues raised at the November 15, 2007 Planning Commission meeting.**

MOTION CARRIED

6.3 RZ 07-04 McKinley [submitted for a rezoning from C-2/R-3 to PUD]

Planner Montagno reviewed the report. He said this is a request to change the zoning from C-2 (General Commercial) and R-3 (Moderate Density Multiple-Family Residential) to PUD (Planned Unit Development). He said the site is 28.03 acres. He listed the neighboring uses. He said there was only one recent zoning change in the area, Forest Properties. He said the Forest Properties site was fronting along Golfside Road. He said they attempted to save the house and nothing has moved forward with that development. He said the Comprehensive Plan designates the north parcel on the subject site as part of the Clark-Golfside sub area. He said the intent of the sub area is to preserve the existing natural features in this area. He said the subject site has access from Washtenaw and Washtenaw Avenue is under the jurisdiction of MDOT. He said there are 30,000 average daily trips and a speed limit of 45 miles per hour. He said MDOT is conducting a study to develop access management along Washtenaw Avenue. He said there is an existing sidewalk on both sides of Washtenaw Avenue. He said the Ann Arbor Transportation Authority (AATA) provides bus service along Washtenaw Avenue. He said this use is consistent with the land use designation in the Comprehensive Plan.

Planner Montagno stated that the plan proposed moderate to high density residential and commercial uses while preserving the natural features in this area. He said the Commission should discuss the uses proposed for this site. He said that when the Commission approves an area plan they usually specify the uses. He said that open space is provided for within an undeveloped portion of site. He said the area plan lacks open space between the commercial and residential uses. He said the applicant should integrate the commercial and residential uses. He said the applicant could propose improvements to the north side of the existing commercial building and the parking and loading area to make it more harmonious with the residential use. He said that noise and light impacts should be minimal. He said the petition is justified because it offers mixed uses.

Royal Caswell, petitioner, stated that the site is approximately 50 percent occupied. He listed some of the businesses including Ross Medical, Comcast, Starbucks, and the Japanese steakhouse. He discussed two (2) additional apartment buildings on Golfside Road. He said they are meeting the housing, shopping and recreational needs of the area.

Chairperson Lirones asked about the conservation easement. She wanted to know if it would be a donation [or if McKinley would] retain ownership.

Mr. Caswell stated that they would retain ownership. He said they would work on the amount of parking. He said there is an access point right off the intersection to the shopping center. He said there is 17.7 acres of undisturbed land. He said there are different ways to add to that. He mentioned significant infrastructure improvements. He said they have 17,000 apartment units, and 5 million square feet of office and retail buildings. He said they consider this area their home. He added they have purchased a student housing project in Ann Arbor. He said they are passionate about increasing the quality of life in the communities.

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 8.3 of New Business moved to follow Item 6.3 of the Public Hearing.

Jeff Holman, McKinley, handed out information to the Commission including the proposed uses.

Planner Montagno stated the site plan review was just provided by staff today. He reviewed the zoning review. He said the parcel to the north is zoned R-3 and the parcel to the south is zoned C-2. He said that a land division application has been filed with the Township and if it were approved it would result in three (3) new parcels. He said that one of these parcels would include an area in the Glencoe Hills PUD. He said the area would remain a part of the residential PUD to the west.

Chairperson Lirones discussed an area that has been noted [in the Glencoe Hills PUD] to be conserved.

Planner Montagno stated there would be three (3) separate use areas including commercial, residential, and a conservation area. He said that specific permitted uses have not been proposed but the applicant just presented uses that the Commission should review. He said they do not allow for conditional uses in a PUD and all the uses would be approved uses. He discussed the CUP for alcohol use in the restaurant. He said this would have to be an approved use in the district. He mentioned the separate calculations of each use area. He said there is no maximum building height in a PUD district, provided that any building exceeding 35 feet shall be approved by the Township Board. He said all lot coverage is acceptable. He said that 95 feet is the major road setback on Washtenaw Avenue. He said that a 20-foot setback must be provided along the rear perimeter of the PUD. He said that 120 parking spaces are required for the residential use and 137 spaces are being provided. He said the applicant is proposing 606 parking spaces for the commercial area, and 692 parking spaces are required. He said the applicant is proposing the use of eleven (11) spaces from the neighboring parcel. He added that this is not acceptable. He said that walking connections are proposed between the commercial and residential areas. He said the plan would

require MDOTs approval. He said the applicant is proposing a private drive that creates a connection between Arbor Pointe, Lexington Pointe and the Golfside Lake Apartments.

Planner Montagno reviewed the planning review. He said that a floor plan of a typical dwelling unit should be provided. He said the back of the retail building should be designed to be equal in character to the building fronts. He discussed the proposed retaining walls. He said the proposed driveway opening should be deleted from the plan. He said that the driveway is too close to the street. He said that access to Arbor Pointe would be restricted to tenants and the Fire Department and they need to explain how this will be restricted. He said that the thirteen (13) spaces west of the restaurant should be deleted. He said the south parking space in the eleven (11) space bay east of the restaurant should be deleted. He said there should be a sidewalk connection to Washtenaw Avenue.

Chairperson Lirones asked if McKinley is proposing to add the trails. She said they should provide a layout of the trails to the Township.

Mr. Caswell stated they would be completing minor improvements to the walking trails.

Planner Montagno mentioned a discussion about landscaping. He said they need fifteen (15) feet of separation from the sidewalk for conifers to prevent overhanging branches when the trees mature. He said that ECT verified the wetland boundaries on the plan. He said the major impact to the wetland will be from the drive connection to the north.

Chairperson Lirones discussed the distance between the buildings. She said it is supposed to be 96 feet and it shows 62 feet.

Planner Montagno stated in the residential area. He said the PUD designation can allow for a relaxation of the distance between buildings and the height of the building if the Planning Commission finds that there will be adequate natural light air circulation views and fire protection.

Chairperson Lirones asked if there is a garage for each dwelling.

Planner Montagno replied yes.

Commissioner Ward asked if 17 guest spaces is adequate for 60 units.

Chairperson Lirones replied no.

Planner Montagno stated there are other parking spaces proposed in relative proximity [near the commercial area].

Commissioner Ward stated they would not want to park there and walk over.

Planner Montagno stated the residential area is relatively tight.

Chairperson Lirones stated that Planner Schmult would like to see the drive closest to Washtenaw Avenue closed. She said it is dangerous and it should definitely be closed.

Mr. Caswell stated they wanted to get feedback on it. He said they would lose that tenant if they do not get that.

Chairperson Lirones stated it is too close to the main road for a driver to make a decision. She said this driveway could cause accidents.

Planner Montagno stated that Washtenaw Avenue is a high traffic road. He said that cars are moving at a high rate of speed down this taper.

Mr. Caswell stated that speed is significantly reduced.

Chairperson Lirones asked how you enter the drive-through.

Mr. Caswell replied on the north side. He said they would come back with a different building in the next submittal.

Commissioner Ward stated that it would be a mess. He said that Washtenaw Avenue is heavily traveled.

Chairperson Lirones discussed the area between the two (2) commercial areas being a pedestrian walkway. She said that staff reports state that this is narrow and uninviting. She asked if it could be expanded.

Mr. Caswell replied yes. He said they would add more to the design.

Planner Montagno stated that the planter boxes might add to that.

Mr. Caswell stated they could have another one [break between buildings] there [Mr. Caswell pointed at the building] and instead of one have two buildings.

Planner Montagno stated conditional uses like an outdoor seating areas are already existing in the development and these spaces could be designed to accommodate.

Mr. Caswell stated Quiznos would be happy with that. He said it would increase the seating capacity.

Chairperson Lirones stated they should make sure all the uses are truly integrated with each other. She said the backside of Glencoe shopping area will be hard to fix up to mesh with the residential area.

Mr. Caswell stated they do not propose to change the back cinder block. He said they cannot afford to. He said they could have tons of landscaping between the uses.

Chairperson Lirones stated that the list of uses is something the Commissioners need to go through. She mentioned a side yard five (5) foot area. She asked them to explain it in the next submittal. She asked them to submit a sketch of the existing shopping center if it was rehabilitated again.

Mr. Caswell stated it is about 30% masonry, 40% windows and 30% EIFS.

Chairperson Lirones stated they should show how it would redevelop over time.

Planner Montagno stated there are some concerns with EIFS. He said that the EIFS sides would deteriorate.

Mr. Caswell stated he does not know what it will look like in the next plan.

Chairperson Lirones stated they should note on the plan that it will meet the standards when they rehabilitate the existing buildings again.

Mr. Caswell stated that he understands Planner Montagno's point regarding the EIFS. He said they would maintain it well. He said that the Township's fifteen (15) year standard for EIFS is 40 years for them. He said they cannot let it deteriorate because their tenants would not let them.

Planner Montagno stated this will be the zoning district for this area whether or not the tenants or the owners stay. He said that there could be a notation on the plan about the building materials if the building was updated.

Motion by Commissioner Ward, supported by Commissioner Luna, to postpone action on RZ 07-04 McKinley, and direct the applicant to:

1. **Address all issues in the Township Planner's report dated November 14, 2007.**
2. **Address all issues in the Township Engineer's report dated November 9, 2007.**
3. **Address all issues in the Zoning Review dated November 14, 2007.**
4. **Address all issues in the Rezoning report dated November 14, 2007.**
5. **Address all issues in the ECT wetland consultant's report of November 9, 2007.**
6. **Address all items discussed at the November 15, 2007 Planning Commission meeting.**

MOTION CARRIED

6.4 CUP 07-15 Najah Kasham
[submitted for a conditional use permit]

Planner Montagno reviewed the report. He said this request is for a group daycare home. He listed the neighboring uses. He said the use has to be 1,500 feet from another daycare use. He said the Commission can limit the hours of operation and they should discuss this. He said that no signs have been proposed. He said they need to know the number of employees. He reviewed the findings the Commission would consider.

Chairperson Lirones asked that as long as they meet the standards the Commission must approve the permit.

Planner Montagno replied yes, although they can put conditions on it.

Chairperson Lirones asked how many kids they are proposing.

Planner Montagno replied six (6) to twelve (12).

O.Bready, the applicant's representative, stated they are currently open from 6 a.m. to 10 p.m. She said the kids are no older than eleven (11) or twelve (12) years old. She said that six (6) years ago, they had a daycare and it was a group daycare. She said that no fence was ever mentioned. She said they have a gated patio. She mentioned that down the street is Montibeller park. She added that the kids only go in the gated area.

Chairperson Lirones asked if she was suggesting that a fence is not necessary.

Ms. O.Bready replied yes.

Commissioner Ward stated that he saw the deck with a railing. He asked what the size of the deck is and asked that they show it on the site plan.

Chairperson Lirones asked if there is a reason why they are open so late.

Ms. O.Bready stated they have a lot of nurses from St. Joes who bring their kids here.

Commissioner Dowty asked who lives in the residence.

Chairperson Lirones stated that the other audience member does, Najah Kasham.

Ms. O.Bready stated there are three (3) employees.

Chairperson Lirones asked if there is a need for employee parking.

Commissioner Ward stated the Commission needs to hear about the hours of operation. He said the applicant should think about what they really need. He said the Commission can limit the hours of operation.

Ms. O.Bready stated that this (the hours of operation) is what they had last time.

Commissioner Ward stated that the Commission needs the site plan. He said they need to see the gated area. He said he is interested to see if that area is enough. He said it is difficult to understand that they could keep an eleven (11) year old on the deck.

Ms. O.Bready stated that the children only go onto the patio during a BBQ when they are eating.

Commissioner Ward asked about play structures.

Ms. O.Bready stated that the structures are inside not outside.

Commissioner Ward stated that in this subdivision there was only one residence to the southeast that had a privacy fence.

Ms. O.Bready added that this is because they have a pool.

Commissioner Ward stated that since there are not fences there the neighbors might be opposed to a fence.

Planner Montagno stated there are other areas in the subdivision where all the homes have fences.

Chairperson Lirones opened the public hearing.

Lorri Hopson, 3867 Palisades, stated that she has lived next door for ten (10) years. She said that her concerns are not based on speculation. She said the houses are very close in proximity and she is concerned about noise. She stated that in the past the pick up and drop off times have been problematic and noisy. She said at times the noise has been excessive. She mentioned times when she cannot carry on a conversation or watch tv. She said she can hear the kids when they are unhappy and screaming. She said she is concerned with privacy. She said the yards are open and the children do not understand boundaries. She discussed removing toys from her driveway in the past. She said she is concerned about the children's safety because the yard backs up to open drainage ditch in the back. She discussed her concerns with property values and that she does not know what the impact will be. She added that it would not impact the value favorably. She said the children think of it as a large public playground and it has been problematic.

Chairperson Lirones asked if the drainage course is part of the yards.

Ms. Hopson stated that the yards are deep and in the center is a large open field. She said that if they kept walking off their deck they would eventually walk into the ditch.

Commissioner Dowty asked how there are toys in the yard if the kids stay on the deck.

Ms. Hopson stated that sometimes kids are coming out of the front of the house. She said the kids are not allowed to play in the backyard so they come to the front yard. She said the kids primarily play in the front yard. She added there is more activity in the front of the house opposed to the rear of the house.

Commissioner Dowty asked the applicant about previously having a daycare.

Ms. O.Bready stated they received a daycare license six (6) years ago. She said the children were three (3) years old and younger. She said the kids that the neighbors are having problems with are the family kids.

Commissioner Dowty asked if they are a daycare right now.

Ms. O.Bready replied no.

Ms. Hopson stated there are pictures and witnesses.

Chairperson Lirones asked if their from the daycare six (6) years ago or currently.

Ms. Hopson stated she does not know when it started or stopped.

Chairperson Lirones asked if it was happening now or six (6) years ago.

Ms. Hopson stated that it has happened more recently than six (6) years ago. She said that this summer was not an issue because they were renovating. She said she is awakened in the morning by the noise.

William Grayson, 4522 Sunnysdale Avenue, stated that he is concerned with the safety of the children. He said he has lived here for eleven (11) years. He said that he has traveled going toward Ellsworth Road and has had to stop for children. He said that most of the time the children play out front in the driveway. He mentioned that people travel at a high rate of speed on this road. He said he has lost two (2) trees and a flagpole. He added that he has seen kids at this address play out front a lot.

Paul Miles, 3733 Palisades Boulevard, stated when these letters went out there were numerous remarks (within the neighborhood) concerning this. He said that people in the community do not want a daycare in the community. He said there is a fear of property values going down and the safety of the children. He added this is a dangerous area for traffic and they have installed two (2) speed monitors in the area. He said they requested that speed bumps be installed and that was denied. He said they have no other choice than to express the concerns of the neighbors. He said the notice stated they could view plans for the proposed daycare in the office and there are no plans. He said there was only a plan with the property lines shown. He said that beyond the rear property line is the culvert and beyond that is a drainage ditch. He said there are areas where the children can go into the ditch. He mentioned there is no way one or two people can watch all those children at one time. He said that homes on the east side of Palisades and the west side of the street behind this site do not have fences. He added that the homes on the north side of Ellsworth Road have fences. He mentioned that the common area is open. He stated that if the criteria is met and they install a fence then the Commission has to issue a permit. He said if that is the case then why are they here.

Chairperson Lirones stated they have to receive a state license. She said the State tells the Commission that they cannot deny it. She added that the State governs the health and safety of the children. She said they are obligated to issue a license but they can place conditions on it. She said a public hearing is helpful so the Commission can hear comments and concerns from the neighbors. She added that the information the residents provide is helpful and with their assistance, they can place conditions on it. She added that the State does not allow the Commission to just deny them.

Mr. Miles stated they have a homeowners association with bylaws and guidelines. He said that if they are to govern themselves according to the bylaws this should not have taken place.

Chairperson Lirones stated it is an obligation under State law. She said it is not the Commission's choice. It is a requirement and they can place restrictions on it.

Commissioner Luna asked where the common area is.

Ms. Hopson showed Commissioner Luna the common area.

Chairperson Lirones stated that she understands the neighbor's frustration. She said the State would issue this with or without a CUP.

Mr. Miles stated there is another daycare directly behind where he lives. He said that the back of his house backups to it and behind there on the corner is a daycare.

Chairperson Lirones asked staff to look into this before the next meeting. She said they would check with the State on this issue. She said that sometimes people do not consult with the Township on having a daycare.

Ms. Hopson asked if this request is for a group child care home.

Chairperson Lirones stated it would permit six (6) to twelve (12) kids.

Ms. Hopson stated as opposed to one (1) to six (6) kids. She said there are a lot of children on that small lot.

Rilla Miles, 3733 Palisade Boulevard, stated that she cannot sleep. She said they did not buy the home for the neighborhood to turn into daycares and group homes. She said she does not see why they have to suffer for a daycare. She said the children are outside at 7 a.m. and all day. She said there is no one helping out in that home. She said there are more and more kids there. She added that the State cannot watch that. She said she cannot sleep in late because the kids are outside. She said their property values will go down. She mentioned that the traffic is heavy. She said it is sad that their subdivision is nothing but daycares.

Chairperson Lirones asked if there are more daycares in the area.

Ms. Miles stated there are a lot of them. She said she wakes up at 6 a.m. to the noise and it lasts all day. She said she did not buy the home for this. She asked what kind of rest they will get with all those daycares.

Chairperson Lirones stated that the Township would send the Code Enforcement Officer out there concerning the other daycares.

Ms. Miles stated that they pay too much for the homes and the taxes to have all these daycares in the area.

Ms. O.Bready stated that right in front of the house is the bus stop. She said that at 7 a.m. there are a lot of kids out there on the other side of the house and it is school kids waiting for a bus. She said that their kids do not go behind the house and the only time they would be on the deck to eat. She said there has to be one (1) adult per six (6) kids for the license. She said that just because they have a group daycare license does not mean they would have that many kids. She said they are very flexible with the hours of operation.

Chairperson Lirones asked what the suggested hours would be.

Ms. O.Bready stated kids are dropped off around 6 a.m. to 7 a.m. She said they are flexible on how late they are open.

Ms. Hopson stated that she appreciates the flexibility with the hours.

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

MOTION CARRIED

Item 8.4 of New Business moved to follow Item 6.4 of the Public Hearing.

Chairperson Lirones stated the Commission needs more information on this and the other daycares.

Commissioner Dowty stated that permits should not be issued if there is another daycare within 1,500 feet. He said that another reason is having appropriate fencing for the children. He said these are two (2) conditions they have not met.

Planner Montagno stated that without a CUP the Ordinance states they are not permitted to have that use. He said that other people in the district might not have a CUP even if they have a license.

Chairperson Lirones stated the Commission cannot issue a CUP if there are other daycares within 1,500 feet.

Planner Montagno stated that the other daycares operating without a CUP are in violation. He said they frequently come across licensed daycares without a CUP.

Chairperson Lirones stated that the Commission needs more information. She said there would have to be a fence.

Ms. O.Bready stated that nothing is being done in the backyard.

Chairperson Lirones stated this is a requirement of safety.

Commissioner Ward stated they should make sure the decorative side of the fence is facing outwards. He said the fence should be built so the children cannot come to the front yard and they have to go through the house to get to the front yard.

Chairperson Lirones discussed a condition that the children should not play in the front yard.

Commissioner Ward stated that a fence is a State statute that they have to comply with and he expects them to meet those requirements.

Motion by Commissioner Ward, supported by Commissioner Luna, to postpone action pending further investigation from staff regarding nearby daycare uses. Direct the applicant to amend the site plan to show the dimension deck and a privacy fence that restricts the play area to the backyard.

MOTION CARRIED

7.0 Old Business

None.

8.0 New Business

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

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

8.2 CUP 07-14 / CSPA 07-11 Masjid Bilal
[submitted for a conditional use permit]

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

8.3 RZ 07-04 / CSPA 07-12 McKinley
[submitted for a rezoning from C-2/R-3 to PUD and preliminary site plan]

Item 8.3 moved to follow Item 6.3 of the Public Hearing.

8.4 CUP 07-15 Najah Kasham
[submitted for a conditional use permit]

Item 8.4 moved to follow Item 6.4 of the Public Hearing.

9.0 Planner's Report

9.1 2008 Meeting Schedule

Chairperson Lirones asked if they checked the application deadlines. She asked if the January 10th and July 10th meetings should be moved to the 17th of both months.

Commissioner Ward stated that the application deadlines are a month before.

Planner Montagno stated they moved the deadlines up from three weeks.

Motion by Ward, Luna to adopt the Pittsfield Charter Township PC 2008 meeting schedule, as presented.

MOTION CARRIED

Planner Montagno discussed the annual county planning workshop at Weber's, to be held on November 29, 2007.

The Commissioners and staff discussed daycares that have a license but no CUP and who takes precedence.

10.0 Chairperson's Report

None.

11.0 Commissioner's Report

None.

12.0 Approval of Prior Minutes

12.1 Minutes of November 1, 2007

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the minutes, as presented.

MOTION CARRIED

13.0 Adjournment

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

MOTION CARRIED

Chairperson Lirones adjourned the meeting at 12:00 a.m.

s/Wilma Luna, Secretary

January 10, 2008