



CITY OF BURTON
BURTON PLANNING COMMISSION MEETING
DECEMBER 10, 2019
MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairperson Deb Walton at 5:02 PM.

A. PLEDGE OF ALLEGIANCE WAS LED BY DEB WALTON

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Duane Haskins	Mayor	Excused	
Vaughn Smith	Councilman	Present	
Kevin Burge	Vice Chair	Present	
Mary Ann White	Commissioner	Present	
Robert Johnson	Commissioner	Present	
Tom Gorang	Commissioner	Present	
Deb Walton	Chairperson	Present	
John Benthall	Commissioner	Excused	
Kris Johns	Commissioner	Absent	

C. STAFF PRESENT

Amber Abbey, Superintendent of Planning and Zoning
Lindsey Bice, Records Tech

D. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Sep 10, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Gorang, Commissioner
SECONDER:	Mary Ann White, Commissioner
AYES:	Smith, Burge, White, Johnson, Gorang, Walton

2. Planning Commission - Regular Meeting - Oct 8, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Gorang, Commissioner
SECONDER:	Mary Ann White, Commissioner
AYES:	Smith, Burge, White, Johnson, Gorang, Walton

E. PUBLIC HEARING

1. SPR #19-48 / ZC# 326

By: City of Burton
4303 S. Center Rd.
Burton, MI 48509

Re: Text Change

For: Amend chapter 157, the zoning ordinance, of the code of ordinances of the City of Burton for the amendment of the definition of a kennel

Mrs. Abbey stated at the request of the Zoning Board of Appeals and after a conversation with the Planning Commission Chair we decided to once again attempt to change the number of dogs allowed through definition change. What this does is once you have four dogs you would be considered a kennel, so three and under would be allowed at residential homes. The Genesee County Animal Control has provided a list of how many dogs other city's in Genesee County allow per residence, the City of Burton, Mount Morris and Swartz Creek are the only city's that allow two dogs per home. This is something the Zoning Board of Appeals sees often and it is very hard when you have someone standing in front of you who has had their pet for years. Based on my experience it is never that they have dogs and they are really annoying, it is always that they have had them for five to ten years and now we are fighting about something else so I know they can't have that amount of dogs and I am going to tell on them. It is an emotional thing, it is never a resident got a dog and the code enforcement officer is there the next day. It's always neighborhood disputes that end in whatever I can get them with. The Zoning Board of Appeals has to make these decisions and not be emotional about it. Genesee County Animal Control will allow you to have three dogs, so the City of Burton fights against that requirement as well.

Mr. Burge stated he saw this for years when he was on the fire department. A neighbor would get mad the other was burning and call the fire department starting these disputes as stated by Mrs. Abbey.

Mr. Johnson stated his agreement with Mr. Burge and Mrs. Abbey. We never hear about this issue unless it is a conflict arising from a different dispute between neighbors. It creates a lot of hardships for people, and opens up a door for arguments. He agrees with what we are trying to do here because having to give up a dog would be like getting rid of a family member. He suggests that we move forward on this.

Mr. Smith stated he has also had calls like this. He questions for the south end residents, how would you handle dog feces and things like that?

Mrs. Abbey stated we have an ordinance regarding sanitary conditions, an ordinance regarding barking and an ordinance regarding leash law. We just have to make sure those are enforced. I tell people to keep in mind, you can have one dog that is very annoying or five that you don't even know someone has. It is a matter of enforcing the ordinances that we have correctly. As long as we do that, the number of dogs at three, should not be any different than it is anywhere else in the county.

Mr. Gorang asked if we approve this ordinance tonight, it goes before City Council?

Mrs. Abbey stated yes. It is intended to go in front of City Council on January 6th and January 21st.

Mr. Gorang stated in a situation where someone has four dogs and the ordinance passes will they have a certain amount of time, like 30 or 60 days, to become in compliance with the ordinance for those that were not aware of it?

Mrs. Abbey stated if they have four they are already violating our ordinance. So when we go to three we are actually helping the people who have three be okay. But that does not change the people who have four, they are still in violation. We are amending the ordinance to a higher number of dogs allowed per residence, I could see that would be a problem if we were going lower.

Mrs. Walton asked if someone has four dogs, will the county be the one to come out and tell them they have to have a kennel license or would it be our code enforcement? Say they have four dogs and they want to keep all four, can they get a kennel license through the county?

Mrs. Abbey stated no, we have to sign the paper. If somebody went to the county for a kennel license the city does have to approve that.

Mr. Gorang asked if you know someone who has four or five dogs, are you supposed to report it to the city to have it investigated?

Mrs. Abbey stated yes. It is just like any other ordinance, it is code enforcement that enforces it the same way.

Mr. Burge stated you have the right to call it in but it doesn't necessarily mean you have to call it in. I don't think there will be a whole bunch of people up here that have six dogs trying to get a kennel license if they have had them for 2 to 5 years, they are going to try to still fly under the radar.

Mrs. Abbey stated and just to be clear, in order to get a kennel approval from us you have to go in front of the Zoning Board of Appeals. It isn't something that you just get, it is not a permitted use within any of the residential zones. Anytime someone wants to get that kennel license from us, it's actually a variance. They still have to go in front of the Zoning Board of Appeals, we still have to notify within 300 feet, that does not change at all.

Ms. White asked how much is a kennel license?

Mrs. Abbey stated she does not know what the county charges but Burton charges \$450.00 for a variance. We do not issue kennel licenses, we issue variances for kennel uses within that zone.

Mr. Johnson stated if I apply for a variance through Burton and I ask the county for a kennel license, does that give me the right to open a small business in my home?

Mrs. Abbey stated no. If the Zoning Board of Appeals approves you for four dogs, you go to the county and get that kennel license, it is very specific to that and does not have anything to do with a business. If you are in an industrial building and you want to open a dog kennel and you meet the qualifications of the ordinance then that is a whole separate thing. Kennels are not allowed within residential zones.

Mrs. Walton stated even the puppies, they have to be gone within four months.

Mrs. Abbey stated yes. It is four months and older.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Vice Chair
SECONDER:	Robert Johnson, Commissioner
AYES:	Smith, Burge, White, Johnson, Gorang, Walton
ABSENT:	Johns
EXCUSED:	Haskins, Benthall

2. Motion to Extended Speedway Site Plan Approval

Mrs. Abbey stated that due to many issues, the previous six month extension on the site plan given to Speedway, located at Court and Center Roads, is now up. They could get their building permit, they have their building plans in, and they could pretend like they are going to do their work but maybe they don't get it done in time. They are now asking for an additional extension. The plan is to start in the spring, but just in case they don't, they want to ask for an extension to November 1st, 2020. I told them I did not feel comfortable giving that amount of an extension and wanted to bring it to the board.

Mr. Burge stated in his opinion we have already gave them chances and we will end up with other people wanting to do the same thing. We gave them a year, then six months, now they want another eleven months.

Mrs. Abbey stated just to be clear, the only thing they have to do is pay money and come before you to get the same exact plan approved.

Mr. Burge stated money always hits somebody. When they have to start paying they are going to do something.

Mrs. Abbey stated if you guys don't issue them the extension, which is fine, they can just pay, put the same plan in front of you and you approve it again because there is nothing wrong with their plan. Nothing will be changing with their plans, they are in our office right now waiting to be issued. But if you do this that could delay the project for a very long time. That is fine if that is what you want to do, I just want you to understand what you are doing.

Mrs. Walton stated what if we were to give it to them this time but put a contingency on it that there will be no more extensions.

Mrs. Abbey stated you don't have to give them a year. Give them six month, it makes them go faster. But do you realistically think something will change in the meantime?

Mr. Burge stated we've already gave them two years what's another six months?

Ms. White stated she thinks they should be given an extension to the 1st, of June. Come June 1st the ground has to be moving.

Mrs. Abbey stated the only thing they have to do is pull a permit. If they pull a permit on June 1st it doesn't mean they have to break ground, and they would still get that six months to do that part of it. So really it does accomplish a lot by doing six months.

Mr. Burge stated maybe in the future we need to put something on file that an extension can be done a certain time limit for a price.

Mrs. Abbey stated you don't have to do an extension at all. They can apply right back to you for \$400.00, it's not a large cost or like you are saving them anything. The extension you are giving them is more of an informal, saving them from having to come back here and put the same exact plan in front of you.

Mrs. Walton stated then it is going to take longer if they have to come back in front of us.

Mrs. Abbey stated right. On their end it could completely kill the job all together.

Mrs. Walton stated we need that gas station there.

Mr. Johnson stated he would dislike to lose that gas station or see that corner vacated for any reason. From the look of their plans it seems like it is going to be a very nice facility once it is finished. I am in favor of giving them an extension.

Mrs. Walton stated if they come again then we can say we have done all we can.

Mrs. Abbey stated the only thing they would have to do is give you back the same plan and get it re-approved. That's not an extension, that would be approving their site plan again. But I don't believe anything in the site plan would change so it's a matter of doing the exact same thing again.

Mr. Burge asked if they got that re-applied to us, would that give them another year instead of six months?

Mrs. Abbey stated it would but that's what I am saying. The plan does not change from the original approval. There is nothing that has changed in our ordinance, nothing has changed as far as I know with you guys that would change the plan.

Mr. Smith stated \$400.00 is not a lot of money to them and we want to encourage this project not discourage it.

Mrs. Abbey stated the guy at Speedway that she spoke with explained to her that every year they plan out their projects based on what is on the shelf and what is ready to go. Basically, what can we break ground on tomorrow? So if that project doesn't have site plan approval for whatever reason, they could pull the plug on that project completely because it is not site plan ready. The reason for not giving the extension; what would change? It isn't going to force their hand, it is only going to ruin the project if somebody comes calling for a project and this one is not ready to go.

Mr. Johnson asked if we need to have this in a formal motion?

Mrs. Abbey stated we can. She was not comfortable giving the extension without the board agreeing to it.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Johnson, Commissioner
SECONDER:	Vaughn Smith, Councilman
AYES:	Smith, Burge, White, Johnson, Gorang, Walton
ABSENT:	Johns
EXCUSED:	Haskins, Benthall

F. ADMINISTRATIVE SITE PLAN REVIEW

1. SPR #19-42

By: Tikki Pineapple of Burton
5515 Davison Rd. Ste 1
Burton, MI 48509

Re: 5515 Davison Rd. Ste 1 Burton, MI 48509

For: Café / Ice Cream

Mr. Burge commented on the menu for the Tikki Pineapple of Burton opening on the 14th, it won't just be pineapple drinks they have a whole bunch of items on their menu. I talked with Mrs. Abbey and a lot of these are new businesses, only a couple are name changes, so we are getting new businesses in Burton.

2. SPR #19-43

By: Willie Cobbin
5057 Shady Oak Trail
Flint, MI 48532

Re: 4277 S. Saginaw St. Burton, MI 48529

For: Resale Shop

3. SPR #19-44

By: Andrew Massimino
9487 Shyre Circle
Davison, MI 48423

Re: 4507 S. Center Rd. Burton, MI 48509

For: Convenience Store

4. SPR #19-45

By: Craig Lund
4274 Davison Rd.
Burton, MI 48509

Re: 4274 Davison Rd. Burton, MI 48509

For: Parking Lot Construction

5. SPR #19-46

By: Rebecca Gallery
3484 Hodgens Parkway
Burton, MI 48519

Re: 3147 S. Dort Hwy. Burton, MI 48529

For: Retail Store

6. SPR #19-47

By: Acme Transportation of Genesee, Inc.
1348 E. Bristol Rd.
Burton, MI 48529

Re: 1348 E. Bristol Rd. Burton, MI 48529

For: Office

G. AUDIENCE PARTICIPATION

None.

H. BOARD DISCUSSION

Mr. Smith asked Mrs. Abbey what happened with Brian's restaurant?

Mrs. Abbey stated she just found out about that yesterday, they closed the day before Thanksgiving. She does not have any further information on this.

Mr. Smith asked Mrs. Abbey if she has heard anything from the Retail Coach?

Mrs. Abbey stated right now they are doing all the research gathering so there isn't a lot of communication at this point. They came here last month for a couple days, went around, met with some people.

Mr. Smith stated they were supposed to meet with the Chamber, the Chamber President who is also the display manager for the View Newspaper Group was not able to attend. I talked to the Retail Coach in San Antonio at the last board meeting about how things were going and if they had met with Pete Clinton, they had not yet. At the board meeting last Wednesday, I took in the Census information and gave him Austin's card. He assured me he would call them. For me there is two important reasons for that to happen, first because of his position as Chamber President and because he is the manager of the View Newspapers so their company as well would benefit from the advertising if we were successful there. I also spoke with him about having the Mayor come in; we want to keep the Census at top of mind. I gave the Mayor and the Council some stuff on that because of the financing. We are talking millions of dollars over ten years. I have spoke with Christy Spone from Bentley, she is willing to help us get in touch with the other superintendents. There is a Facebook page called 2020 Census, you can become a member on there and they are sharing ideas on how to get the word out. We missed it by one person in 2010. Census.org/roam provides software that shows specific areas we need to focus on that do not respond to the Census. We really need help in the south end. If you have people that are leaders in this area, we have to reach out to this area. People are worried how this information will be used, by law, this information is kept confidential for 70 years. We need help getting the word out. They will start making the calls in March. They will do a mailing first, followed by phone calls and then send workers to your home. The deadline to have them in is April 1st.

Mrs. Walton stated that with the seniors, receiving those phones calls, they are afraid, especially with people knocking on their doors. We could post on the I grew up in Burton page, getting it out there as much as we can. Put signs on the front doors of our City Hall. Seniors are often told not to open their door or give out personal information over the phone.

Mr. Smith stated in previous years, they have just blanketed the areas. This year they will target the areas that need more help, that are lacking in response. The Census will never ask for social security numbers, or anything about your Medicare. If someone contacts you about that it is a scam.

Mrs. White asked what if you do not fill out your Census completely?

Mr. Smith stated he will have to find out, he is not sure on that.

Mrs. White stated last time she did not fill hers out completely because she felt like it was very invasive so she only turned in the basic information.

Mr. Smith stated to me, that is what they are looking for. When you go on and look at this software, this information is invaluable to business coming to the area. It shows everything, ages, demographics, education levels, languages, income levels, that's what they were doing with the information they were asking you for. The Chicago office is supposed to call me so I will find out about that.

Mrs. Walton stated we could open Council Chambers or the Senior Center, have an event where people could come to fill out their Census and have people available to answer their questions so they can feel safe filling it out.

Mrs. White stated they have a dance at the senior center every Monday night and could pass the word around.

Mr. Smith stated these are all great ideas. He is hoping Christy can get with the other superintendents at other schools because it does effect the schools in our community.

Mrs. Walton stated let's put our heads together and we can get working on this. Can you talk to Jean and see what she thinks?

Mr. Smith stated he will talk to Jean. He has been assigned as a Council member to share this so you will hear it often.

Mrs. Walton stated if anyone is interested in serving on the Burton Planning Commission to please go to the Clerks office and put your name in that you are interested.

The next regular scheduled Planning Meeting will be held on January 14, 2020 @ 5:00 PM.

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 5:40 PM.
