



CITY OF BURTON

BURTON PLANNING COMMISSION MEETING

OCTOBER 11, 2016

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Deb Walton at 5:05 PM.

A. PLEDGE OF ALLEGIANCE

B. PLEDGE OF ALLEGIANCE WAS LED BY

C. ROLL CALL

Attendee Name	Title	Status	Arrived
John Benthall	Commissioner	Excused	
Deb Walton	Chairman	Present	
Tom Gorang	Commissioner	Present	
Kevin Burge	Vice Chairman	Present	
Mary Ann White	Commissioner	Present	
Ellen Ellenburg	Councilwoman	Excused	
Robert Johnson	Commissioner	Present	
Kris Johns	Commissioner	Present	

D. STAFF PRESENT

Amber Abbey, Planning/Zoning
Racheal Ervin-Boggs, Deputy Clerk

E. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Sep 13, 2016 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Walton, Gorang, Burge, White, Johnson, Johns
EXCUSED:	Benthall, Ellenburg

F. PUBLIC HEARING

1. SPR #16-47 / ZC# 317

By: Wilson Boji 3761 Coolidge Troy, MI 48084,
Andrew Boji 22100 Corrine Southfield, MI 48034, and
Intisar Boji 220 Winding Brook Commerce Twp., MI 48390

Re: 4312 S. Dort Hwy., Burton, MI 48529
Parcel # 59-32-400-030

For: Zoning change from R-1C Single Family Residential to C-2 General Business

Bruce Leach stated he is Mr. Boji's attorney and he will be assisting him with the rezoning of this property. This is a golf course and a bar facility. It is a commercial business and they are now seeking to correct the zoning to a C-2 district. Times have been tough for the golf course so they are looking for other options for redeveloping the property and any redeveloping options would need to be zoned commercial to comply with further development. Wilson Boji is looking to acquire this property from other family members and part of his acquisition process was to request this zoning change. Any transfer of property or sale of a parcel would have to satisfy the back taxes.

Mrs. Abbey said the golf course is zoned correctly for the use it's in, however the frontage of Dort Hwy. and the business's along there are incorrect for the usages they have. To the best of my knowledge they have been there long before we were a City. So all of those uses have either went through some type of approval or have non-conforming rights. In 1992 the batting cages were approved. In 1988 the adventure golf was approved. In 1981 they did an expansion on their parking lot. For the volleyball courts they went in front of Zoning Board of Appeals. So there has never been a time when the board has not entertained some type of use approval for their use. I don't recommend to rezone the entire property to C-2. My recommendation would be to rezone the frontage of Dort Hwy. which would seem appropriate for any use in a C-2 zone. That recommendation would match up with what you see as a C-2 zone already at the northeast corner of the property. According to the ordinance under single family residential special use permit it says private parks, country clubs, golf courses and driving ranges. This is the exact use of this property therefore this is not a correction of the zoning, it is approving any use within a C-2 zone.

Mr. Burge asked Mr. Leach what his intentions were for the property.

Mr. Leach stated they have no set plans for the development. They have discussed putting a shopping center in, adding a business or office park facility and utilizing the entire property of the golf course. My client wants to rezone the entire property to be correct, there is nothing residential about it. I understand the City's position that they are non-conforming use and basically they can do whatever they want on residential land but if they were to sell this property or market it for sale or certain parcels of it for sale or if they were to sub divide it into parcels, all of those things would have to be done at a later date. So non-conforming use now would cause a problem under the current zoning ordinance. We are asking that it be recognized that it is commercial for the potential of other uses. Unfortunately this business is not doing well and this rezoning would open up the doors for them to entertain different commercial development offers.

Ms. White asked if everyone around this business has been notified. I am also concerned about the residents in the area. There is two spots marked on this map that says open water unknown bottom. This is a nice neighborhood and I would feel better knowing what is planned for this business before we change the zoning. I would like to postpone this until next month.

Mrs. Abbey stated yes, everyone within 300 feet of this parcel of land would have received notice.

Mr. Gorang said their hands are tied, they can't do anything with their property until this is changed. Yes the current use is grandfathered under non-conforming use, but going forward they can't change or do anything to the property without getting this accomplished.

Mr. Johns stated with Grand Blanc Twp. talking about expanding Dort Hwy. and possibly making a bigger thoroughfare I think what Mr. Leach is proposing is appropriate. This opens us up an opportunity for future development. We have to develop a tax base in Burton and this is a great way to do that. Any specific uses or approvals would be brought before the commission for subsequent approval.

Mrs. Abbey stated you would be able to act on the site plan that comes before you but you will not be able to act on uses that are permitted within the C-2 zone. You will be able to tell them they have to keep a buffer from the residential and what kind of buffer you expect that to be. The northeast corner of the property is already zoned C-2. We recommend that you revise this to the frontage on Dort Hwy. being rezoned to C-2 at this time to protect the residential properties.

RESULT:	POSTPONED [4 TO 2]	Next: 12/13/2016 5:00 PM
AYES:	Walton, Gorang, Burge, White	
NAYS:	Johnson, Johns	
EXCUSED:	Benthall, Ellenburg	

G. SITE PLAN REVIEW

1. SPR #16-50

By: Burtucky Investments, LLC.
P.O. Box 597
Genesee, MI 48437

Re: 3380 Warehouse Dr. Burton, MI 48529
59-28-553-023 M-2 Zoned

For: Construction of a 4,000 sq ft Industrial Building for Medical Marijuana
Grow Facility

Michael Piper from Kraft Engineering said I am representing Thomas Jourbran, Burtucky Investments. This property is located on the south end of Warehouse Drive which is south of Joyce Street. There are two lots that are on the south end of the street on the west side of the road that are vacant and this is the land that Mr. Jourbran is looking to purchase and construct this facility on. It is serviced by Warehouse Dr. which is a public gravel road that's in bad shape. It currently has a partial roadside ditch. There is someone on the east side of the road that has chained off the road and is using the whole south end of the property. He has created damage to the road and ditching in that area. We plan to restore the

ditching within the public road right-of-way on the west side of it. We would access that road on the north end of the site by means of a new paved driveway approach that would extend west to the building where we propose a 4000 sq. ft. building that would be used for the facility. This includes four rooms for growing the plants, one large work room, kitchen, bathroom and garage area where vehicles could pull in and out of the building. We would place the required parking on each side of the paved driveway approach. The site would require about 8 parking spaces. There would probably only be 2-3 people there at any one time. There is an existing public sanitary sewer. There is no public water main on the street so we plan on drilling a private well. The drainage detention basin would be larger to handle any future growth and development. It would outlet with the restricted drainage into the existing drain system that runs along the drainage easement. We have submitted to the Genesee County Surface Water Management for their review and approval. As far as site lighting we would put some wall packs on the outside of the building to eliminate the perimeter of the building. All four sides are currently utilized as industrial commercial so there are no residential zoning or land uses anywhere near this facility. The sanitary sewer is owned and maintained by the City of Burton. The contractor that's on the east side of the road has been grading all over and knocked the rim off the manhole and it's filled up with wood so I think DPW needs to go out there and make sure that gets properly restored.

Mrs. Abbey said we recommend approval on the site plan.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Robert Johnson, Commissioner
SECONDER:	Kris Johns, Commissioner
AYES:	Walton, Gorang, Burge, White, Johnson, Johns
EXCUSED:	Benthall, Ellenburg

2. SPR #16-52

By: Michigan Health Specialist
2298 S. Center Rd.
Burton, MI 48519

Re: 2298 S. Center Rd. Burton, MI 48519
59-21-529-046, RO Zoned

For: Addition to Building

Kevin Cook, Civil Engineer with CHMP Inc. in Grand Blanc, MI. said I am representing the Michigan Health Specialist with a 1400 sq. ft. expansion to their existing facility. This addition would accommodate nine additional examining rooms. There will not be a parking lot expansion. With the proposed expansion it would require 23 parking spaces and they have approximately 45 parking spaces now. We have submitted the drawing to the City and Genesee County Drain Commission. The water and sewer are public utilities and they will be extending internal leads through the plumbing of the building. We are going to add a sidewalk. No new site lighting proposed other than wall mounts over the exit doors.

Mr. Burge said he visited the site over the weekend and everything looks good but I have one suggestion. The address is on the north side of the building now but during the construction could you put it on the east side so that people traveling down Center Rd. can see it.

Mr. Cook replied we will inform the owner of that and incorporate it into the site plan.

Mrs. Abbey suggested putting the address on their big sign.

Mrs. Abbey said we recommend approval.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Vice Chairman
SECONDER:	Tom Gorang, Commissioner
AYES:	Walton, Gorang, Burge, White, Johnson, Johns
EXCUSED:	Benthall, Ellenburg

H. ADMINISTRATIVE SITE PLAN REVIEW

1. SPR #16-46

By: Bethel Assembly of God – Pastor John Backes
6029 Lapeer Rd.
Burton, MI 48509

Re: 6029 Lapeer Rd. Burton, MI 48509

For: Expansion of parking for overflow

2. SPR #16-48

By: George Franczyk
770 Wagner Dr.
Rochester Hills, MI 48307

Re: 3390 Warehouse Dr. Burton, MI 48529

For: Construction of an overflow parking lot

3. SPR #16-49

By: Michael George
7003 Clintonville Rd.
Clarkston, MI 48348

Re: 3323 Associates Dr. Burton, MI 48529

For: Medical Marijuana Grow Facility

I. AUDIENCE PARTICIPATION

None.

J. BOARD DISCUSSION

Councilman Vaughn Smith spoke regarding compensation for special meetings.

Mrs. Abbey said I have given each of you your packet for the October 24, 2017 meeting. Please review everything, there will be a presentation. Also you have information and forms on the create a slogan contest for the Master Plan.

Councilman Smith stated he will take the contest form to City Council.

Mrs. Abbey stated a few months ago Mr. Denam came before you to build a large pole barn on his property on the corner of Maple and Dort. He has put on the porch an 8x20 overhang. I told him that I would bring it to the commission to see if you wanted to act on a new site plan or if you were ok with it.

The Planning Commission was in agreement that the overhang is fine.

The next regularly scheduled meeting will be held on Tuesday, November 15, 2016 at 5:00 p.m.

Meeting was adjourned at 6:22 PM.
