CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MARCH 9, 1999, 6:00 P.M., COUNCIL CHAMBERS

THE REGULAR MEETING IS CALLED TO ORDER BY HOMER BERRY AT 6:00 P.M.

MEMBERS PRESENT: Berry, White, Perez, Walls, Brawner, Bertram

MEMBERS ABSENT: Grantner, Mayor Smiley

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office

Moved by Bertram, seconded by Brawner to approve and authorize the Regular Meeting of February 9, 1999, at 6:00 p.m.
Motion carried, 6-0.

SCHEDULE PUBLIC HEARINGS FOR APRIL 13, 1999 AT 6:00 P.M.:

1. ZC #244

BY: Marilyn Handa
4497 Howe Rd.
Burton, MI

BY: Joe Gibbons
PO Box 972
Grand Blanc, MI

BY: Jeff Wright
2174 Sycamore St.
Burton, MI 48509

RE: Part of #59-34-100-009
East side of Center, South of Bristol
Zoned R-O to R-M

FOR: Construction of Multiple Family Housing.

Moved by Bertram, seconded by Perez to schedule ZC #244 for public hearing on April 13, 1999, at 6:00 p.m.
Motion carried, 6-0.

PUBLIC HEARING(S):

1. LS #99-1

BY: Arkan Jonna, R.A.C. United
2555 S. Telegraph, St. 443

RE: Parcel #59-03-300-020, #59-03-300-021,
#59-03-300-022, #59-03-300-023
Zoned C-4

FOR: Commercial Use.

Applicant was not present.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:
Moved by Perez, seconded by Bertram to postpone LS #99-1 until the end of the meeting.
Motion carried, 6-0.

2. LS #99-3

BY: Pedersen Investment Group
G-5121 Flushing Road
Flushing, MI 48433

RE: E 214 ft. of Lot 69, Supervisors Plat No. 12,
Liber 17, pg. 18 of Plats
2414 S. Center Rd., Sect 21, C2 Zoned

FOR: Commercial Use.

Bob Keely, from Keely Realty, presenting the Pedersen Investement Group, indicated the property is the former Michigan Video Store across from Meijers, and it is being converted to a dental office. There is an additional 124 ft. to the south of the building which the dentist did not need, so they are asking for a lot split. Mr. Keely said everything conforms with the Burton requirements.

AUDIENCE PARTICPATION: No audience participation.

Mr. Strasser said it is a simple split on the land, the southern portion will be left vacant for now. It has access to the road and utilities, and there is no problem with splitting it.

COMMISSION DISCUSSION:

Mr. Perez inquired regarding another sewer lead.

Mr. Bertram inquired as to the lot size.

Mr. Keely said that both lots are approximately 124 ft. by 197 ft.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Bertram, seconded by White to approve lot split LS #99-3.
Motion carried, 6-0.

3. ZC #243

BY: Blake Rizzo
5273 Empress Dr.
Grand Blanc, MI 48439

RE: 5465 E. Maple Rd.
SE to RM

FOR: Multi-Family Use/Condominiums

Jim Spore from CHMP Architects and Engineers, representing Mr. Rizzo, spoke regarding the location of the property on Maple Ave. and the Belsay Road area. The 22 acre parcel is currently zoned SE and is adjacent to R-1A zoning on the immediate west, and SE zoning on the north and east. Mr. Spore spoke further on the drainage and indicated they are requesting the property to be rezoned to R-M, multiple family. The concept Mr. Rizzo has is low density attached or a zero lot line which is allowed in the R-M zoning, which will provide a better residential mix for the area. Currently, Mr. Rizzo is developing the Maplewood Meadows project and the density in that area is between 2 ½ to 3 units per acre.

Mr. Spore said Mr. Rizzo intends to develop the 22 acre parcel, in an attached condominium project. The density will be 4.7, 4.8, or something less then 5, so the density is not high, it will be consistent with the area, and has all the utilities available to it. Mr. Spore presented a conceptual plan and indicated the concept is to enter off of Maple Ave., and there will be clusters of attached single family units. Open space will be provided between the units with sidewalks throughout the project and areas set aside for adequate buffering.

AUDIENCE PARTICIPATION:

Julia Cushman, 4376 S. Belsay Rd., Burton, MI, spoke regarding concerns of the proposed units and the residents properties that back up to it.

Kim Farmer, 4508 S. Belsay Rd., Burton, MI, said her house backs up to this property and she has lived there for 34 years, along with many of her neighbors. The area is built up and looks really nice, but she does not see any reason for condos there. People are buying lots and building nice homes. She asked if it is zoned, could they turn around and put in apartments. She spoke of government subsidized housing and rentals in the Perry Road area in Grand Blanc and expressed her concerns.

John Stapish, P.O. Box 190134, Burton, MI, inquired as to the benefit this project would be for the City of Burton and for the residents. He spoke further of increased traffic, wear on the roads and increased taxes.

Michael Conn said he is a market representative for Mr. Rizzo and they are marketing the site of Maplewood Meadows. He indicated there is a demand for condos in the area and they have taken this concept from around the Detroit market, Rochester Hills and a number of other subdivisions. People that want condos do not want to mow their lawn, or take care of snow removal, so there is a service that goes along with that concept.

Kim Farmer said this would not be an improvement for the area and inquired as to them possibly being rentals and what is the guarantee they will not be.

Mr. Conn stated they would not be rentals.

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding residents at the Master Plan Town meetings that asked to keep their space. She said if there is a need for multiple housing, you would look to put it in an area that is somewhat more similar, but certainly not here for spot zoning. She stated there was a different developer, rather then Mr. Rizzo, just to the immediate west of this, that came in with an R-1B plan and the Council turned it down and said they wanted larger frontage. Mrs. Dargel said the Council stated further, that there was not going to be anything less then an R-1A, so why would we have this consideration this evening? Mrs. Dargel said that there has not been a demonstrated need, and multiple housing and spot zoning should not go at that site.

Julia Cushman spoke further of her concerns of the proposed project and problems with the project on Atherton Road. She indicated some were not sold and turned into rentals, and they do not want anything like that in their area.

Larry Petrella, 1081 Howe Rd., Burton, MI, said there are jobs that are moving out of here on a daily basis with General Motors, and he does not know how we are going to support the development. General Motors is due to shut down second shift at Buick City Friday and shut down the complete complex in July.

BOARD DISCUSSION:

Mr. Strasser said the current land use plan shows that property as remaining low density residential.

Mr. Perez said in reference to Mrs. Dargel's earlier comments, Eister came in and wanted R-1B. He wanted to be in Burton enough that he would settle for R-1A, and he did a nice job out there. Blake Rizzo has done a real good job with the City and his development, and it worked well with us. However, he does not know why he would want to compromise his upscale subdivision by putting in this type of development. Mr. Perez stated further, Mr. Rizzo has one of the nicest subdivisions besides Maple Pointe, but he is asking them to spot zone and putting them in a bad situation.

Mr. Rizzo said they would be upscale condominiums.

Mr. Perez asked how many condos per unit.

Mr. Spore stated up to 4.7 units per acre.

Mr. Brawner expressed his concerns and said he is uncomfortable voting either way at this time. He said this is a big decision to do in a short meeting and he would like to delay this a month so they can get more information.

Mr. Bertram said his feelings are the same as Mr. Perez and some of the others in the audience, in the fact we want to keep it low density, and does not know that 4.7 per acre is low density.

Mr. Strasser said it is a little bit heavier then the R-1A, regarding the conceptual it is an idea, and as far as the 4.7 units per acre on 22 acres, it is up to around 90 units on the 22 acres. There is a fairly large County drain that runs through there, so that will take off a lot of this mass. You are not allowed to build over a drain, and they could relocate it at their expense, but it would still have to be on that property. Mr. Strasser stated further, even if enclosed, it could not be built over or in the easement area of the drain, so you are not going to end up with the 4.7 units per acre overall the 22.5 acres.

Mr. Bertram asked with all the infrastructure going on there, is the City responsible for the sewer and water.

Mr. Strasser stated the City could be, and commented further regarding a special assessment district for the projects.

Mrs. White spoke in reference to the conceptual drawing and concurred also, that they need to see more information.

Mr. Spore said single family detached homes are successful in the area, a lot of people look for that. This is simply an alternative kind of residential project, a lot of the areas south of here are more comfortable with it, and it offers many advantages. Mr. Spore said this is nothing more then a concept, and where the drains and detentions are located, those are engineering questions that need to be worked out. The density may not be 4.7, it may be more like 4, and perhaps in R-1B zoning you are almost a 4 with single family lots.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Bertram, seconded by Walls to postpone ZC #243 until the next Regular Planning Commission meeting of April 13, 1999, at 6:00 p.m.
Motion carried, 6-0.

PUBLIC HEARING(S):

1. LS #99-1 BY: Arkan Jonna, R.A.C. United

2555 S. Telegraph, St. 443

RE: Parcel #59-03-300-020, #59-03-300-021, #59-03-300-022, #59-03-300-023
Zoned C-4

FOR: Commercial Use.

Arkan Jonna said he is requesting a property split at the development they just completed at Center and Davison Roads for financing purposes. They are still the owners and want to finance the two buildings separately.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said it is a single split for mortgage purposes, all the utilities are in place.

COMMISSION RECOMMENDATIONS
AND/OR ACTION.

Moved by Bertram, seconded by White to approve lot split #99-1, contingent upon DPW recommendations. Motion carried, 6-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding the Master Plan being reviewed and updated, notifying people of the town meetings and asking for their input, the Mayor's City-wide mailing and letter addressing the purpose of the Master Plan and to decide the location of future residential and commercial developments around our City. Mrs. Dargel spoke further on the open space concept and the City Attorney's comments with regards to the Commission adopting the map for the future.

E. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #99-7

BY: Lloyd Allen Wolverton
1045 W. Boatfield

RE: 3326 S. Saginaw St.
Lots 24 - 28, Baker Park, Section 30
C-2 Zoned

FOR: Automotive Repair Facility

SPECIAL USE:

2. #99-8

BY: Lloyd Allen Wolverton
1045 W. Boatfield
Burton, MI

RE: 3326 S. Saginaw St.
Lots 24 - 28 Baker Park, Sect. 30
C-2 Zoned

FOR: Automotive Repair Facility

Mr. Strasser suggested reviewing at the same time the special use request, since they are tied together.

Lloyd Wolverton, 1045 W. Boatfield, said he wants to lease at 3326 S. Saginaw to open a small repair facility to work on automobiles.

AUDIENCE PARTICIPATION:

Paul Gerard. 1487 Decamp, Burton, MI, said he lives by the building and inquired if Mr. Wolverton will have a lot of extra cars there.

Mr. Wolverton acknowledged no.

Mr. Gerard spoke of his concerns and stated the other two owners stated the same thing, and he ended up looking out his window to half of a car for months at a time. If that is what it is going to be, he would like to see a privacy fence put around it.

Mr. Wolverton said any cars he has, he will not have for over two days.

Mr. Strasser said it is a special use permit and the zoning is C-2. He spoke further of the special use permit and administrative site plan review, which he indicated there were questions of why it was on the agenda. In looking at the ordinance, any time an applicant requests a special use permit, it is in conjunction with an administrative site plan review. He had to link them both together, and that is why it is on the agenda.

Mr. Berry indicated ten years ago, the location was automotive repair.

Mr. Strasser said it has been that all along, and it is here before you because there was a time lapse and it has not been used in quite awhile. That use has been void from the property for a length of time, which makes it mandatory for the applicant to come back for this special use permit.

COMMISSION DISCUSSION:

Mr. Bertram asked if there was any outside storage.

Mr. Wolverton responded no.

Mr. Perez inquired if the applicant was going to lease the buildings, if there was any gasoline involved, and if there were any tanks in the ground.

Mr. Wolverton responded that there is no gas, and as far as he knows the tanks are still in the ground which he believes were filled.

Mr. Berry said they were filled with sand.

Mr. Perez asked if they were in compliance with the DEQ.

Mr. Berry indicated that is what he understands.

Mr. Strasser said it is in compliance. He asked the applicant if he intends to sell used cars.

Mr. Wolverton indicated he does not.

Mr. Bertram inquired regarding making the motion for both #99-7 and #99-8.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Perez, seconded by White to approve site plan review #99-7 and special use for #99-8.
Motion carried, 6-0.

ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #99-9	BY:	Lloyd B. Cummings 1515 S. Saginaw St. Flint, MI 48503
	RE:	5350 Davison Rd., Burton, MI 48509 Parcel #59-11-200-003, Sect. 11 C-2 Zoned
	FOR:	Change of ownership and use.

SPECIAL USE:

2. #99-10	BY:	Lloyd B. Cummings 1515 S. Saginaw St. Flint, MI 48502
	RE:	5350 Davison Rd. Parcel #59-11-200-003, Sect. 11 C-Zoned
	FOR:	For the maintenance and repair of Harley Davison Motorcycles.

Attorney Robert Reid, 307 E. Court St., Flint, MI, said this request is for a special use permit, and the proposed owner has a purchase agreement with Mr. Cummings for the old Zody Stores. The building would be renovated for the purpose of a showroom. Mr. Reid presented a drawing to the Commission of a Harley Davidson dealership. He indicated further, there are clothes, footwear, logo items, etc., and it is a department store for Harley Davidson and not just saled of motorcycles. They have other dealerships located in Michigan, one in Pontiac, Taylor, and Farmington. Mr. Reid said the issue for consideration is that this is zoned C-2, and the special use permit is required for automobile repair. It is a necessary part of a Harley Davidson dealership that there be a repair shop, and therefore, is being requested. Mr. Reid spoke further of the square footage of the building and the various uses of the space.

Mr. Berry asked Mr. Reid if he had the opportunity to review the DPW recommendations.

Mr. Reid responded he had not. Mr. Berry had him review the recommendations, after reviewing, Mr. Reid stated he had no objections to the DPW recommendations.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, stated John's Lumber came before the Planning Commission and ZBA, and there was a list of things to be done at that site and they have not all been materialized. She spoke further of the size of the sign in the front, and asked if it would be reduced in height. Mrs. Dargel also commented regarding the graffiti on the building, and inquired if all things would be inside.

Lloyd Cummings, 4302 Western Road, Flint, said in regards to the sign, the building does not have a lot of traffic on Davison Road, but it does have a lot of traffic on Belsay Road. If they have to reduce the size of the sign, he feels it would jeopardize the business. He indicated further, the store will be completely remodeled and cleaned up.

Tom Cummings, 7425 Brockway St., Mt. Morris, MI, said they are going to put a new sign up and would like to use the existing poles on Belsay Road and in front of the building. Mr. Cummings spoke further of the high traffic on Belsay Road, and indicated they are looking at a very big investment with the building. He is a former graduate of Bentley High School and loves this area.

Pauline Dargel spoke further regarding the signs on the site. She inquired with DPW as to a site plan in looking at the traffic pattern and the egress from Belsay Road.

Mr. Strasser said the sign is over height, and that this is the closest proposal that fits the zoning for this building since Just We Three was there. He would just as soon see the building being used then becoming an eyesore and remaining vacant.

COMMISSION DISCUSSION:

Mrs. Walls inquired about the sign and going before the Zoning Board. She also inquired regarding the noise from the motorcycles.

Mr. Strasser said until he gets something down on paper, he does not know if it will fit or not. He has to see what size and height they are proposing and what they want to use.

Brief discussion followed regarding the sign.

Mr. Perez asked about the hours of the business.

Tom Cummings indicated currently the hours of business is 9:00 a.m. to 6:00 p.m., Monday through Saturday. They are open until 8:00 p.m. on Friday. Mr. Cummings said it could turn into a seven day week business, and possibly open Sunday for sales but not repairs. There also may be a second shift inside the building working as far some service work.

Mr. Perez inquired if the special use permit would go with the owner.

Mr. Strasser said it would go with that business, if they sell the business but it stays in operation, then yes, it would go along with it, but if they vacate the premises, no.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Bertram, seconded by Brawner to approve site plan review #99-9 and special use #99-10, contingent upon DPW recommendations.
Motion carried, 6-0.

SITE PLAN REVIEWS:

1. SPR #99-11

BY: Bernard M. Dzido/Guy T. Dzido
5235 Lahring Rd.
Linden, MI 48451

RE: 3054 Kleinpell St., Burton, MI
Sect 28, Lots 85, 86, and 87, Supervisors Plat
of Atherton Gardens
M-2 Zoned

FOR: Proposed Cold Storage Building

Guy Dzido, 5235 Lahring Rd., Linden, MI, spoke regarding the building on the 80 ft. lot, and possible ZBA approval at next week's meeting.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said a similar proposal was in front of the Commission about 3 years ago and it is the same type of warehouse structure. Regarding the ZBA variance, in the M-2 having heavy industrial zoning, the side set-backs, 30 ft. is required. They propose to build the building fairly close to the lot line and 5 ft. off the south property line. Fire retardant walls and so forth, is up to the ZBA to determine. Mr. Strasser stated further, it is a basic structure and site plan.

COMMISSION DISCUSSION:

Mr. Bertram inquired as to what will be stored there.

Mr. Dzido said probably for vehicles, and it will not be a repair facility.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Walls, seconded by Perez to approve site plan review #99-11 contingent upon DPW recommendations and contingent upon ZBA approval.
Motion carried, 6-0.

2. SPR #99-12

BY: Charter Development Company, L.L.C.
989 Spaulding Avenue SE
Grand Rapids, MI 49546

RE: Parcel #59-22-300-012

Atherton Road

FOR: National Heritage Academies - Burton Glen Campus

Attorney Laura Luyendyk, from the Law Firm of McShane and Bouwee, 99 Monroe Ave., Grand Rapids, MI said she represents both Charter Development and National Heritage Academies. Charter Development Co. is purchasing a piece of property in Burton to construct a public school academy. Although the approvals that are necessary come from the State, when they come into a community they like to introduce themselves to the community and give the opportunity to look at what they plan, and also to obtain the benefits of the Commission's comments on their site plan. They have a 25 acre site that is located off of Atherton Road between Howe and Center, next to the Meijers shopping center. On one side is multi-family apartment complexes and the other side the shopping center which is a good buffer between those two types of areas. The school itself is a single story low profile building with residential characteristics, sand color siding and a masonry skirt on it. The school will be constructed in two phases, Phase I will have 18 classrooms, a gymnasium, resource room, and office space. It will be approximately 35,400 sq. ft. The second phase will contain 9 additional classrooms, and a music/art room. Ms. Luyendyk spoke further regarding landscaping, playground and other areas. She indicated from a land use standpoint, schools generally are not adverse to the community. They do not pollute, create smoke or have those kinds of hazards, or noise makers. From a utility standpoint, the schools are not heavy water users, or create a lot of refuse. There are no commercial kitchen facilities at the schools, nor shower facilities. They do not put a heavy burden on the community for water. Ms. Luyendyk spoke briefly regarding the architect and engineer.

AUDIENCE PARTICIPATION:

William Zelenko, 5425 Sitka, Burton, MI, inquired as to the zoning for the site and funding, and spoke further regarding comments and concerns from Central Michigan and Western on charter schools.

Tom Gorang, 6231 Willowdale Ct., Burton, MI, Superintendent of Atherton Community Schools, stated the charter schools are privately owned and for profit. They will affect the area of public schools, and other public school administrators in the area are very concerned of what the charter move will be doing. Mr. Gorang spoke further regarding the charter schools quality of education and stated they are going to follow this movement, and he personally, is not supportive because it will affect all of the area public schools.

Gary Isham, 4378 Sunnymead, Burton, MI, said he is a long time resident of the City of Burton, and is adamantly opposed to charter schools. The tax burden being placed on himself, neighbors and friends of this community. He said this corporation has 13 entities on the west side of the State, and 10 more proposed entities on the east side of the State. Mr. Isham said he is the business representative for the Michigan Regional Council of Carpenters. This is the corporation's first venture into Genesee County, which has the highest union density of anywhere in the United States. The labor movement has strong deep roots, and this corporation has not had one school built by a union contractor. Mr. Isham stated further, charter schools is not in the best interest here in the community of Burton.

Mrs. Dargel said she does not think there is a zoning change before the Commission, but a site plan review. Our City does provide different forms of education, which charter schools will be part of that.

Ms. Luyendyk stated she would appreciate it if they could take this back and review it, and perhaps if they could revise their plan for the Commission to look at it, and see if they need further improvements.

Mr. Bertram inquired as to a performance bond.

Mr. Strasser said a performance bond would be in the amount of the improvements on the property other then the building, parking lot, driveways, landscaping, etc. On a newly proposed site, they will get with the contractor or the owner and find out how much money has been proportioned for those types of improvements, and require the bond to be in that amount.

Mr. Perez asked if the charter school receives the same amount of money that public schools receive for a head count.

Ms. Luyendyk indicated she does not know the amount, but it would be comparable.

Mr. Perez inquired further reqarding tuition.

Ms. Luyendyk said she cannot address any of the specifics as far as the programming works, she is not involved with that. It is a public academy, a public school, and National Heritage provides a public school free of charge to the community, there is no millage. The Board that runs the school is voluntary and not paid, nor are they paid for their expenses.

Mr. Gorang asked if this is a K-8th grade school proposal, and said his concern is they collect the State dollars comparable to what the public schools do. They are a K-8 district and do not have high school programs there. Mr. Gorang spoke further of drawing students from all areas.

Mr. Bertram spoke of area schools that lose a student to this charter school, would lose a head count.

Mr. Gorang said they would lose the head count. He has heard numbers of 300, 400, 500, depending on which phase. If those students came from the immediate area, it would be a lost onto the schools because everything is built on per pupil. Atherton School receives $5,600 per child. Mr. Gorang said another concern they have is that most of the charter schools programs do not have an athletic program or special education, also they do not have to provide transportation. They are going through a bond proposal currently, and are trying to get buildings upgraded that are 35 years old. There would be major concerns if losses come, and also for other districts.

Mr. Bertram inquired regarding the money from the State and what it is used for.

Ms. Luyendyk indicated for the programming, teachers, enrichment programs, and academics.

Mr. Brawner inquired regarding where the profit comes in.

Ms. Luyendyk said she is not familiar with the financial structure, the school does not make a profit, it is a non-profit public governmental organization. The use of the property is for a public school.

Brief discussion continued regarding for-profit business.

Mr. Perez asked if the school is accredited with any of the universities.

Ms. Luyendyk said she believes it is chartered through Central Michigan.

Mrs. Walls spoke regarding the charter school in Grand Blanc.

Ms. Luyendyk said they have a first rate program, the highlights and focus are on academics. She does not know about the other charter schools or how they are run.

Mrs. Walls said until she knows more about it, she would not be willing to vote yes for this plan.

Mr. Perez asked when they would expect to be open.

Ms. Luyendyk said she believes in the fall.

Gary Isham said he appreciates the fact they are looking at academics. Atherton Schools is a North American accredited program K-12 and very proud of that. He has two children in the school system that are doing very well, the school has outstanding staff and curriculum. The bottom line is big business, they have entities outside of the State of Michigan, it is for profit, for dollars. It is not dollars that will benefit this community.

John Stapish spoke regarding competition and the site plan.

Betty Bigsby, 3375 S. Center Rd., Burton, MI, spoke regarding increased crime in the area of the proposed charter school. She said the Van-Y building off of Center Road have been hit with broken windows. The schools in the area have been there for well over 40 years, bringing in a new school and giving the concept out there to the public that you can bring in a new school, get private funding and put up a new building without going before the public for millage money, as the Atherton School Board is trying to do, puts a detriment not only to their school district, but any other district. Mrs. Bigsby stressed to the Commission to look at all this and see what kind of things will impact the school districts.

Mr. Strasser asked the architect how difficult it would be to retro-fit the building into offices.

The architect indicated the design of the building could be modified slightly.

Mr. Strasser inquired as to the land being taxed or the structure. He said the site plan exceeds what the ordinance requires, and any school in the State of Michigan is not under the jurisdiction of the municipality. They have come to the Commission as courtesy of trying to meet our ordinances. They cannot enforce the building code, zoning ordinance, setbacks or anything, unless they want us to. Fortunately, the schools in this City do come to us and ask for our input.

Mrs. Walls inquired as to the Commission having any king of say in this.

Mr. Strasser said technically and legally, no. They are asking for the Commission’s approval on the site plan. The State of Michigan has taken away your authority on school property.

Mrs. Walls asked if it would go before full Council for approval.

Mr. Strasser said site plan review does not go to Council. They are here in front of you voluntarily asking the Commission whether or not the site plan meets your approval.

Mrs. Walls said if they do not like their site plan, it will not make any difference.

Mr. Strasser said their level of integrity has been above reproach. If you did not like something on the plan and said so, he personally believes they would change it.

Mr. Bertram asked if they have already purchased it, and inquired as to the number of students in the first phase and public transportation.

Ms. Luyendyk said there is a binding purchase agreement. There will be individual transportation or car pooling.

Mr. Betram inquired as to the entrance.

Mr. Strasser indicated Atherton Road indirectly, using the service drive on Consumers Power property that Meijers uses.

Discussion followed regarding concerns with traffic.

Ms. Luyendyk said the sessions are set up in two parts and staged in different times so that not all the children are coming out at one time. They are fully supervised when the kids are out to be picked up.

Mr. Bertram said from a personal standpoint, he almost lost his son on that road and three other students from Atherton School in a car wreck, and that alone scares him when thinking of approving something like this. A two lane road, and you have possibly 320 more cars onto this road, and you have the Meijers entrance, Green Pine Estates, Meadowcroft Subdivision, plus Howe Road, will not handle this traffic. Mr. Bertram said it probably does not have anything to do with site plan review, but his feeling is, that is not a good spot for it.

Ms Luyendyk spoke of addressing the traffic issue on Atherton Road with a street light or something like that. She feels it is a good location for the school.

Mr. Bertram spoke further of a proposal for a 400 apartment complex in the area and the further increase of traffic from that.

Mr. Berry asked about power lines and how many feet would be in regards to the building and playground from them. He spoke further of the fall out. Discussion continued regarding Mr. Berry's inquiries.

Mr. Perez said with these type of things, larger developments and larger proposals that come to the City, usually there is conversation with administration and the Mayor's office. He asked if there was anything prior to the meeting.

Mr. Strasser said he believes there was conversation with a building inspector.

Mrs. Walls asked if anyone had spoken with the Mayor.

Ms. Luyendyk indicated she had not, and the architect indicated he had not also.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Brawner, seconded by Betram to deny site plan #99-13.
Motion carried to deny, 4 - 2. Bertram - yes, Brawner -yes, Berry - yes, White - no, Perez - no, Walls -yes.

3. SPR #99-13

BY: C.S.S. Investors, LLC
5390 McCandlish
Grand Blanc, MI 48439

RE: 5517 Davison Road
Lot 10 of Beechwood Estates, Sect. 2
C-1 Zoned

FOR: Shopping Center Development

Larry Leazemby, Creekwood Architecture, indicated he is representing Chuck Sekrenes, he has proposed a shopping center on the corner of Davison and Belsay Road. There is presently a building there now that has a pizza and video store. That building will be demolished and the new structure will be behind it. Part of the structure will be built before the other one is tore down. The video store will move into the central core of the new building and the pizza adjacent to the video store, that portion of the building will be complete before the destruction of the existing building so the tenants will not lose any business. The present building would then be removed and the remaining portion will be finished with a parking lot. This development is adjacent to residential and they have taken several steps to make sure there is minimal encroachment on the residents lives. They kept the building as far as practical away from the property line, and they plan on heavy planting in the rear with pine trees, minimal lighting on the rear of the building, and only the occasional delivery truck to use the service doors in the rear. Mr. Leazemby said it is not intended as a traffic area, and spoke further regarding the parking lot, landscaping, re-curbing and repairs. He said the building is a little over 20,000 square feet.

AUDIENCE PARTICIPATION:

Pauline Dargel inquired regarding the curb cuts, traffic, contamination concerns and baseline assessment.

Chuck Sekrenes spoke regarding Applied Eco Systems involvement with clean up.

Mrs. Dargel commented further on the ground water which runs to the northwest and hoped it had been contained.

Mr. Leazemby expressed their desire to meet all agency requirements.

Brief discussion followed regarding fencing.

Mr. Bertram inquired as to the number of units.

Mr. Leazemby indicated 21 to 22 units.

Mr. Sekrenes said the end units would be office.

Mr. Strasser asked how many tenants is secured at this time.

Mr. Sekrenes said four tenants now and possibly two more.

Mr. Strasser inquired further, if there has been any type of commitment from the Road Commission on the drainage.

Mr. Leazemby indicated there is no drainage on Davison Road and they would like it piped out north of their site. They currently have an engineering working on that. He spoke further of meeting all the agency requirements.

Mr. Brawner asked if they had a date to start the project.

Mr. Sekrenes indicated May 1st.

Mrs. Walls inquired if their deliveries would be in the day time hours.

Mr. Sekrenes said most would be daytime.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Perez, seconded by White to approve site plan review #99-13 contingent upon DPW recommendations Motion carried, 6-0.

BOARD DISCUSSION:

Mr. Piggott handed out the revised future land use criteria based on last week's meeting, and said all the issues brought out at the meeting have been addressed. Mr. Piggott spoke regarding the implementation plan and stated it is basically the element of the plan that indicates how the goals and policies are to be implemented. Changes to the zoning classifications and zoning map would need to be made in order to implement the plan. Mr. Piggott indicated there is another range of issues related to capital improvements, such as the condominium ordinance and others used to implement the plan.

Mr. Piggott stated further, he would like to get to the Planning Commission members in the next 10 days or so, a document that takes all the items looked at and put it into one plan. It will be determined at the next regular meeting, whether or not it is ready to go out for public hearing. If determined it is, the public hearing would be in May, and at that meeting the decision to adopt the plan or table it for discussion revision can be made.

Mr. Bertram spoke regarding a toxic waste station business in Burton and indicated there is a large crane operating there and he has taken some pictures. They have taken a back hoe or loader, and have taken things out of one container and into another and there was never suppose to be any transfer. Mr. Bertram said they have never gotten any reports or information on what they are doing anymore. The containers are on the ground in areas where they were not suppose to be. Mr. Bertram indicated they are doing the opposite of what they promised, and spoke of possibly reviewing the minutes of the original meeting. At one point in time, they said there would never be more than 10 or 15 containers, and there has to be about 200 containers there now.

Mr. Strasser indicated possibly going to the Mayor's office on this.

Mr. Berry spoke regarding discussion on the administrative site plan, and to either leave it like it is or allow DPW to make their approval and change of ownership.

Mr. Bertram suggested to leave it as is, as it puts undo pressure on Tom Strasser.

Mr. Strasser said it leaves a lot of room for speculation. In reference to the old way, when it comes time to revise the zoning ordinance, there needs to be a revision under site plan review as to how to bring these things back before you. Mr. Strasser indicated it is a different story if it is a pretzel business, jewelry store, or businesses going into the Courtland Center, or an established strip mall, because it is all paved, all handicapped, so forth, and constantly being monitored by the building inspector.

Mr. Perez asked if they should be picking and choosing which ones come here.

Mrs. Walls said she thought it was taken care of a few years ago that the DPW had the permission to do that.

Mr. Strasser said if you take the ordinance, and read it exactly to what it says, unless it is a vacant piece of property that they are putting in a brand new building, they do not have to come in front of us.

Discussion continued regarding existing sites, change of ownership, change of use and administrative site plan reviews.

Mr. Bertram said in regards to the toxic waste station and a change of ownership, how would they know what the other owners agreed to.

Mr. Piggott said it should be an administrative process whereby when a change of ownership occurs, they notify the zoning administrator. The zoning administrator would state there is a special use permit or site plan approved on the site and these are the conditions that are agreed to. If they do not, they will come before the Planning Commission for a hearing as to whether the special use permit should be withdrawn.

Mr. Bertram said in this case the company never came before them, and they just changed the sign. It is no longer Laidlaw. Mr. Bertram said it was changed to USPCI and spoke further of other name changes.

Mr. Piggott said it ends up being the responsibility of the property owner to comply with all requirements of the property. If one of the requirements is they were to only have 15 containers, and that is a document requirement of the ordinance, it does not matter if these new people knew it was a requirement or not. They have to live by the requirements that were agreed to previously.

Mr. Bertram indicated they should come before them on a change of ownership.

Mr. Brawner asked if there was an enforcement action on that place and a Fire Marshall acting on this.

Mr. Strasser said to his understanding, we are suppose to get reports.

Mr. Bertram asked if Mr. Strasser could talk to the Mayor on this, or request the Fire Marshall or whoever is in charge to come and update the Commission on it. Mr. Bertram stated further, they should have the right to the information.

Mr. Berry spoke regarding the DPW making decisions on any of the shopping centers, where one owner moves out and a similar type moves in, and just approving it as long as the site plan is up-to-date.

Mr. Bertram concurred with Mr. Berry, and suggested a report be given to the Commission so they are aware of it.

Mr. Strasser said regarding the administrative site plan, to abide by our own ordinance, we will not be able to go this route until we change that portion of the ordinance. Once the land use plan is in place, even if there is only one change, we have to change the zoning ordinance. Mr. Strasser stated further, that a lot of the portions of the ordinance need to be updated.

Mr. Piggott said the City/Village Zoning Act specifies if the community has a planning commission, then they have the responsibility of drafting the code, zoning ordinance or any amendments, and when the initial work is done, it can be reviewed by a sub-committee of the Council, or it can go to Council.

Mr. Berry said the best thing for them to do, is to wait until they re-do the zoning ordinance.

Mr. Strasser responded that his suggestion is yes, because the way it is interpreted at this point, the administrative site plan review do not come here. If you want to see them, that is fine.

Mr. Berry closed the meeting and indicated the next regularly scheduled meeting will be held on **April 13, at 6:00 P.M.**

MEETING ADJOURNED AT 8:47 P.M.

jra