

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 9, 2002, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairman, called the regular meeting to order at 6:00 P.M.

MEMBERS PRESENT: Bement, Bertram, Grantner, Perez, Mayor Smiley, Walls, White and Young.

MEMBERS ABSENT: Hohloch

OTHERS PRESENT: J. Major DPW Director; T. Strasser, Deputy Planning Official and C. Ladd, Deputy Clerk.

Mr. Grantner read a letter into the record from E. Stanley Foster in regards to the site plan review for Burton Commons. (A copy is on file in the Clerk's Office)

A. APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING:

Moved by Young, seconded by Perez to approve the minutes of the Regular Meeting of March 12, 2002 at 6:00 P.M., as printed. Motion carried 8-0.

B. SCHEDULE PUBLIC HEARINGS FOR MAY 14, 2002 AT 6:00 P.M.:

1. LS #02-14

BY: Topvalco, Inc. an Ohio Corp.
c/o The Kroger Co. of MI
18334 Laurel Park Drive N.
Livonia, MI 48152-3976

RE: Parcel #59-31-100-024
Section 31, Zoned C-4

FOR: Commercial Use.

Moved by Young, seconded by Walls to schedule Lot Split #02-14 for a public hearing on May 14, 2002 at 6:00 P.M. Motion carried 8-0.

C. PRELIMINARY SITE PLAN REVIEW:

1. SPR #02-19

BY: Jim Larivee & William Kropf
671 E. Big Beaver, Ste. 105
Troy, MI 48083

RE: Maple Creek Development LLC
Vacant, Howlett Farm, Maple Rd.
Parcel #59-35-400-015
Zoned R-M

FOR: Preliminary Approval for Condominium.

William Kropf and Jim Larivee from Troy, Michigan, presented drawings of the site plan. Mr. Larivee noted that there are about 21 acres involved and the condos would be detached. At the present time they have two different floor plans. One is a ranch consisting of about 1250 sq. feet and the story and one-half of approximately 1500 sq. feet. The condos will have full basements with two bedrooms and two bathrooms. Also, the boulevard entrance will be landscaped.

Mr. Kropf said there would be asphalt paving and all emanates will meet City of Burton and Genesee County specifications. Preliminary discussions have been held with the county in regards to the drain. The individual

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driveways will be concrete and we plan to place sidewalks on at least one portion of the road. We have extensive landscaping plans for screening of this development from the existing neighbors.

Audience Participation:

Pauline Dargel, 6119 Hugh St., inquired as to whom the developer would be. She also inquired about deed restrictions.

Mr. Kropf replied that Mr. Larivee, Mr. Rizzo and himself would be working together.

Mr. Strasser said the Commission would have to decide if what they are proposing coincides with the master plan and zoning ordinance. The plan shows the condominiums are detached. All utilities are within the site and drainage would have to be taken care of by the Genesee County Drain Commission. There are detention areas to the northwest corner of the project and the counties drain cuts through the project itself. The plan exceeds all of the setback requirements that is required by RM zoning and is less dense than what is required by the zoning ordinance. DPW staff recommends approval on the preliminary site plan.

Mr. Bertram asked about the placement of partial sidewalks.

Mr. Kropf commented that they would like to put the sidewalks in, but this would depend on how the utilities lay where the sidewalks would be constructed.

Mr. Major said once they get to the final site plan review the city policy is that sidewalks are required along Maple Road. This is a private development with private streets and we don't address the operation of the internal street system. Sidewalks would be their option at that point in time.

Mr. Young inquired whether the City or the Association would maintain the private streets. He also asked what the approximate lot size would be.

Mr. Larivee replied the Homeowner's Association would care for the grounds and streets. There are no lots; they are all common land that belongs to the Homeowner's Association.

Mrs. White asked Mr. Strasser if the original deed restrictions was for 99 units or for a lesser amount.

Mr. Strasser said he didn't know, but with this development being condominiums, by-laws would have to be drafted and reviewed by the city attorney. At that time, he would have to incorporate the deed restrictions and the by-laws to be certain they coincide with one another.

Mr. Bertram inquired about who would be responsible for the snow removal on the private streets and making certain emergency vehicles could get down the streets.

Mr. Kropf said the so-called Condominium Board would have the judiciary responsibility of the streets and seasonal maintenance of the snow removal. He said the roads would be built to county specs and they would hire a private contractor for the maintenance.

Mr. Major commented that this is a basic setup with all of the apartment complexes and other condos such as Hawkshire. We haven't had any complaints or phone calls regarding these complexes.

Moved by Bertram, seconded by Perez to approve Site Plan Review #02-19, contingent upon DPW recommendations. Motion carried 8-0.

D. PUBLIC HEARING:

1. LS #02-06

BY: Genesys Regional Medical Center

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3935 Beecher Rd.
Flint, MI 48532

RE: 1096 S. Belsay Rd.
Lot 41 Cardinal Gardens
Section 14, Zoned C-2

FOR: Commercial Use.

Dave Caudle, representing Genesys Health Systems, said they acquired the Belsay Road property about six or seven years ago and built a 20,000 sq. foot building. One of the pieces of property is 1282 feet long and we used the front section of the property. At a previous meeting we were approved for a 2,000 sq. foot expansion onto the back, which pushes the use of the property back about another 100 sq. feet. We plan to keep a 90-foot buffer at the back of the parking lot. We plan to sell the property from the lot split to the group that owns the adjacent property behind Bubba's restaurant. We are not planning any further expansions.

There was no one in the audience who wished to speak.

Mr. Strasser said the only concern about the lot split is that the property to the west be adjoined to the land that has road frontage. Verification has been provided in the packets concerning this issue.

Moved by Young, seconded by Walls to approve Lot Split #02-06 contingent upon DPW recommendations. Motion carried 8-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., inquired as to who requested the special meeting for MTA be cancelled. She was advised that the applicant withdrew the application.

F. EXTEND APPROVAL:

1. SPR #02-17

BY: Genesys Health System
3935 Beecher Rd.
Flint, MI 48532

RE: 1096 S. Belsay Rd.
Lot 41 Cardinal Gardens
Section 14, Zoned C-2

FOR: Addition to existing building.

Dave Caudle, Genesys Health Systems, explained that they were previously approved for a 400 sq. foot addition and they would like to combine the construction of the additional 2000 sq. feet.

Mr. Strasser gave an update on this site plan request. The plan is the same and the sidewalks would be instituted at that time. We recommend approval of the request.

Moved by Walls, seconded by Young to approve Site Plan Review #02-17 contingent upon DPW recommendations. Motion carried 8-0.

G. SPECIAL USE:

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1. BCPC #02-13

BY: Stephen W. Ritchey
6303 Wagner Ave.
Grand Blanc, MI 48439

RE: 6303 Wagner Ave.
Parcel #59-36-400-021
Zoned SE

FOR: To keep, raise livestock "sheep"

Stephen Ritchey, 6303 Wagner Ave., said he is requesting to raise sheep as a 4-H project and for the meat. The sheep are natural hair sheep so there would be no shearing.

Audience Participation:

Dan Adams, 6202 Wilderness Pt., inquired about the type of fencing that would be used and where the sheep would be located on the property.

Mr. Ritchey replied he would be using 52" hog panel fencing and the sheep would be located in the middle of his property in the wooded area.

Mr. Adams said he doesn't have objections as long as there is a good fence used and the sheep don't get out.

Edwin Butler, 6225 S. Pond Pt., inquired about the number of sheep that would be kept and asked about the odor from the sheep.

Mr. Ritchey said if approved, he would have two ewes and one ram and would keep the flock to no more than 10. The droppings would be composted and spread as fertilizer. He would be taking the lambs to market to slaughter for meat.

Mr. Butler commented that he was neither for nor against Mr. Ritchey's request.

Kevin Dunn, 6210 Wilderness Pt., stated he was against the request. He asked if 10 sheep would be the maximum number that Mr. Ritchey kept at any one time. He also asked how the reproduction would be controlled. He said he is concerned about the property values, noise and odors.

Mr. Strasser explained what the ordinance states in regards to the number of livestock allowed. He also explained that Mr. Ritchey has sufficient acreage for the sheep and his request fits the zoning.

Duane Pearson, 6185 N. Pond Pt., inquired about what could be done if the number of sheep exceeds 10 as allowed by the ordinance.

Mr. Grantner suggested that if this request is approved tonight a motion could be made to include the number of sheep allowed.

Mr. Strasser explained the process to enforcing the ordinance.

Kathy Jones, 6225 S. Pond Pt., stated she has been a member of a Planning Commission and once something is granted, it isn't always easy to modify or correct. Why is the Planning Commission approving subdivisions in farmland areas? We build nice homes and then have to deal with livestock.

Nicki Dutton, 6186 N. Pond Pt., said she concurs with the other speakers. She spoke concerning the wetland area and the sheep destroying the vegetation in the wetland area.

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Kevin Schaefer, 6331 Wagner, commented on the noise and odor from the sheep.

Lori Miller, 6210 S. Pond Pt., said she was one of the first homes in the subdivision and would like to see the rest of the subdivision developed. However, with sheep being allowed, she is concerned about the retail of the property.

Mr. Strasser said the property is zoned SE and a special use permit is required for livestock. There is more than a sufficient amount of acreage for this use if the Board thinks the property is conducive to this type of use and agrees with the number of livestock the applicant is proposing. Should this request be approved, the animals must be fenced in and be enclosed. Even though this is a one time approval from the board, you can incorporate inspection dates and times and qualifications on this approval if you deem this necessary.

Moved by Young, seconded by Perez to approve BCPC #02-13 contingent upon DPW recommendations.

Mr. Young asked for clarification of the maximum number of livestock that is permitted by ordinance and asked if the number includes adult sheep as well as offspring. He asked what the cost of the sheep would be.

Mr. Ritchey replied the sheep run about \$200.00 per head.

Mr. Perez inquired about the odor from the sheep.

Mr. Ritchey replied the odor isn't as bad as a horse or even a dog.

Mr. Grantner stated this is an unusual request. Should stipulations be made on inspections, it seems that it would be equally as important to seek input from the surrounding area.

Discussion continued regarding the issue of how the city would get input from the surrounding area.

Mr. Bertram asked if Mr. Ritchey processed his own meat. He was advised he did not.

Mayor Smiley asked how long the 4-H Club project would last.

Mr. Ritchey replied he plans to keep 7 to 10 sheep at all times.

Mayor Smiley said he has a concern in regards to the run-off from the livestock possibly contaminating the water.

Discussion was held concerning the issue of Mr. Ritchey processing the lambs in a timely fashion. He explained that sheep need to be in a herd and 10 is a small herd, but adequate for sheep.

Mr. Bement asked if this is approved, would it be indefinitely or could a time limit be stipulated?

Mr. Strasser replied that if this was before the ZBA, they could approve, deny or approve on a yearly basis. There are safeguards of some of the residents concerns through the ordinances.

Mayor Smiley commented that he couldn't support Mr. Ritchey's request at this time, due to the fact he is asking for this to be for an indefinite period of time.

Mr. Bertram asked if the sheep would be the only livestock. He was advised yes.

Moved by Young, seconded by Perez to amend the motion that there is to be a maximum of ten (10) sheep including the young on the property at any one time and have two inspections by the city per year.

Mrs. Walls inquired whether Mr. Ritchey could be brought back once each year like the zoning board?

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Mr. Major said that doesn't seem to be inappropriate, as we haven't had this situation before to make that kind of a call. Possibly we should get an opinion from the city attorney. We could postpone this and wait and see what Mr. Hamilton has to say.

Mr. Bement said he was raised on a farm and has some concerns with the odor. If approved and inspected twice each year by the inspector and there was an odor, what would the process be once the situation becomes a problem.

Discussion was held concerning the odor problem and how this would affect the surrounding neighborhood.

Mayor Smiley asked for clarification on what was to be inspected by the city.

Mr. Strasser suggested that the inspection would include the number of sheep, cleanliness, whether fences were still in tact and the general condition of the site.

Mr. Perez asked if it would cause a hardship if this were postponed for a 30-day period.

Mr. Ritchey said he would welcome a visit to the site and he would agree the first year to get two ewes and a ram, although he would rather not. He said he has money invested and he wants this to be a good experience for his sons and not be a bad experience for his neighbors.

Mr. Perez suggested the request be postponed for 30 days and possibly the Davison farm could be visited, as well as the site.

Mr. Young also requested that the attorney determine whether we can stipulate a number of years or a limit on how long we can issue the special use permit.

Moved by Perez, seconded by Young to postpone BCPC #02-13 until the next regular meeting of May 14, 2002. Motion carried 8-0.

H. SITE PLAN REVIEWS:

1. SPR #02-16

BY: Bundy Investments, LLC
5232 Richfield Rd.
Flint, MI 48506

RE: Today's Dental
5515 Davison Rd. Parcel
Part of Lot 10 Beechwood Estates #1
Section 2, Zoned C-1

FOR: New Dental Office.

Chuck Sekrenes, 5515 Davison Rd., Ste 14, said he is speaking on behalf of Dr. Bundy. The parcel being discussed is Lot C, which was recently split off from Beechwood Center. We are asking for approval to construct the building.

Mr. Grantner said no one on the Commission has had an opportunity to review this request.

Mr. Strasser commented that he had spoken with the architect regarding this site. There are several questions and problems that need to be handled for the site plan they did submit. The architect informed Mr. Strasser that they did correct the problems but they didn't get the plans back to DPW on time. Mr. Strasser spoke with the architect prior to the meeting and informed him that there was no review done and it hasn't been to the County yet.

Mr. Sekrenes commented that he has a layout of the building and parking area. Sidewalks would be done across the front and there will be access across the front through Beechwood Center so there are no further curb cuts. The

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engineers are handling the drainage. The building will be brick with a split place block. There will be no walkout, only one level and we will be adding more parking.

Moved by Bertram, seconded by Bement to postpone Site Plan Review #02-16 until the next regular meeting. Motion carried 8-0.

1. SPR #02-18

BY: Discount Tire Company, Inc.
14631 N. Scottsdale Road
Scottsdale, AZ 85254

RE: Discount Tire Company
4210 E. Court Street
Parcel #59-15-100-025
Zoned C-4

FOR: New Tire Service Center.

Darwin Madaras, 5625 Muller Rd., Saginaw, MI, said the building would be nicely done and well kept.

There was no one in the audience who wished to speak.

Mr. Strasser said they far exceed the parking requirements and all of the utilities are on site. Their access will be either through Courtland Center parking lot or Lowe's, so there are no additional curb cuts required. They will be allowed signs. All items exceed the ordinance requirements.

Mr. Young asked if the dead tire storage would be totally enclosed? He was advised yes.

Mr. Bertram inquired about the turnover of the dead tires.

Mr. Madaras said the tire are picked up three times each week and taken to a recycling plant.

Moved by Bertram, seconded by Young to approve Site Plan Review #02-18 contingent upon DPW recommendations. Motion carried 8-0.

Mayor Smiley asked to be excused from the meeting.

I. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #02-08

BY: Kodiak Equipment
3881 E. M-72
Williamsburg, MI 49680

RE: Kodiak Equipment
1323 E. Bristol Rd.
1308-1309-1310 & 1311 Baker Park #1
Section 30, Zoned C-1

FOR: Golf Car Sales.

2. SPR #02-09

BY: Road Runner Express
1117 S. Belsay Rd.
Burton, MI 48509

RE: A & W/Long John Silver
1117 S. Belsay Rd.

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FOR: New use within a tenant space.

3. SPR #02-12

BY: I.E., Inc.
Paul Igram
1802 Kenwood
Flint, MI 48503

RE: I.E., Inc.
4173 Jimbo Dr.
Lot 31 Bristol Rd. Industrial Park
Section 33, Zoned M-2

FOR: Contractor's yard, Wood Recyclers,
Future Office & Garage.

4. SPR #02-15

BY: William J. LaFay
16035 Pine Bluff CT.

RE: Flooring America
4035 E. Court St.
Burton, MI 48509

FOR: Commercial Use.

Mr. Bertram inquired whether the business for SPR #02-08 is already in operation.

Mr. Strasser replied it is a sales lot for golf carts. They only sell the carts, not fix them. ZBA approved their request.

J. BOARD DISCUSSION:

Mr. Young inquired about what kind of follow-up the City does to be certain everything is the way it is supposed to be after a site plan has been approved.

Mr. Strasser explained that in C-4 zoning there is a yearly maintenance inspection on the site. If anything is lacking and not meeting the original site plan, they then issue the business a correction letter. We haven't had to do this very often.

Mr. Young asked for an inspection to be done behind his home because most of the trees that were planted need to be replaced.

Mr. Bertram inquired if there are basements in the Maple Creek Condos. He was advised yes.

Mrs. White had concerns about contamination from the sheep going into the creek.

Mr. Strasser announced that the special meeting scheduled for April 23, 2002 has been cancelled at the applicant's request.

The next regularly scheduled meeting will be held on Tuesday, May 14, 2002, at 6:00 P.M.

Meeting Adjourned at 7:35 P.M.

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Cheryl M. Ladd, CMC
Deputy City Clerk

CML