

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 10, 2007, 6:00 P.M., COUNCIL CHAMBERS
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Chairman Jerry Grantner led the Pledge of Allegiance.

Chairman Jerry Grantner called the Meeting to order by 6:07 P.M.

MEMBERS PRESENT: Grantner, White, Centilli, Walls, and LaDuke.

MEMBERS ABSENT: Sclater, Cummings, and Bertram.

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Deputy City Clerk.

Moved by Walls, seconded by LaDuke to approve the Regular Planning Commission Meeting for March 13, 2007 at 6:00 p.m. Motion carried 5-0.

PUBLIC HEARING:

1. ZC #302

BY: Burton City Planning Commission

RE: Section 9.04 of Ordinance 19, Subsections 2 and 12.

FOR: Text change (P.U.D revision)

Mr. Strasser said he addressed 5 specific points in a letter provided to the Commission. He cannot give this proposal a favorable opinion.

Mr. Grantner read aloud the following 5 points in Mr. Strasser's correspondence: 1) The proposal would give properties zoned R1-B single family much more development opportunities than the other 3 similar zonings, 2) other R1-B zoned properties throughout the City could be subject to similar proposals, 3) proposals of this nature in a R1-B zoning would not have to follow the guidelines required in the RM multi-family zoned areas, 4) it is unclear at this time as to what the developer is proposing, 5) uncertainty also exists as to the available sewer units needed for such a development.

Mr. Strasser indicated that under the single family zoning guidelines for a P.U.D. (planned unit development), it gives them more latitude to present a proposal to the City to develop not only single family homes, but possibly apartments or condominiums that are for rent, assisted living areas and things of that nature.

The proposal at first seemed logical. The property is zoned R1-B. Because of today's market where single family homes are not being built or sold, it seems that multi-family units are on the upswing, a reverbiage of the PUD developments would allow apartments or assisted living, multi-family units to be built in R1-B zoning.

After researching the ordinance, he came up with these 5 points. He does not believe it is a good proposal for the City. Normally you have assisted living areas, multi-family, etc., in areas that offer other amenities such as close proximity to a freeway, doctor offices, shopping centers, restaurants, banks, credit unions, theaters, etc. In the area where this proposal was designed to benefit from, none of those amenities exist at all.

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A PUD requirement is that the property must consist of at least 30 acres or larger. Mr. Strasser presented a City map highlighting areas of R1-B zoning. It does not mean though that a PUD could qualify in these areas. Some areas have subdivisions that are already developed. There are 4 areas in the City with 30 acres or larger that would qualify under this proposal. None of them have the amenities required for multi-family component living or assisted living.

AUDIENCE:

Pauline Dargel, 6119 Hugh St., inquired if an applicant prompted this request, or was it through the codification process.

Mr. Strasser indicated there was a proposed developer. They do not have application as yet. The proposal and the text change were going to run concurrently. The planners could not get the needed documents and site plan to us in time.

Mrs. Dargel said site plan reviews and lack of follow-up was discussed at the last Council meeting. She inquired concerning a conceptual site plan review, the distinction between a written preliminary site plan review and the final. Mrs. Dargel addressed mixed use development in Davison Township.

BOARD DISCUSSION:

Mrs. White stated that with Mr. Strasser clarifying his letter and opinion, she will be voting no on this request.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by LaDuke, seconded by Walls to approve ZC #302. Motion carried to deny 5-0. Grantner – no, White – no, Centilli – no, Walls – no, LaDuke – no.

AUDIENCE PARTICIPATION:

Jamie Boggs, 3344 Cheyenne, presented the Board with informational packets concerning the Zi-Mar Group. She stated in January 2001, Zi-Mar Group was approved by the Planning Commission for special use of their property. It has been approximately 6 years and their site plan is still not complete. Their proposed 20 ft. berms with 6 ft. pines are not in place, and there is not a proper security fence around the dangerously high piles of unprocessed and processed materials. She brought this to the attention of the DPW, the Mayor's office as well as City Council. Mrs. Boggs asked the following questions: 1) if a company is not in compliance with their site plan, can they bring a new site plan to the Planning for approval, 2) what is the Planning Commission's definition of a berm, 3) do they require a company to make sure from an arborist that pine trees proposed in a site plan will grow in the conditions of which they are planted, if not, 4) does the Planning Commission require any kind of land evaluation to make sure the company's landscaping plan will work before approving it.

Mr. Grantner and Mr. Strasser addressed Mrs. Bogg's questions.

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Mr. Grantner said after an approval, the Planning Commission as a group does not normally go out and check. He believes it is a function and a role of the DPW. Mr. Grantner said usually a berm is a raised mound like a hill. Mr. Strasser stated a company not in compliance with their site plan can bring forward another one.

Discussion was held concerning the berm. Mr. Strasser said he met with the attorney and they concurred that the berm was to be 20 ft. wide, 6 ft. high with 6 ft. pines on top.

Mr. Strasser said neither the department nor the Commission checks with an arborist that the trees proposed to be planted will grow in those conditions. It is an assumption that if they hire an arborist, they are hiring a professional to say that these particular trees will grow in this area.

Mr. Grantner said this would fall in an enforcement side on the part of the City / DPW. Mr. Grantner asked Mrs. Boggs if she will give the ZBA information she provided. He stated this is good information for the ZBA to have. Mrs. Boggs responded that she will provide ZBA the same information.

Jennifer Morquecho, 2246 Red Arrow Rd., stated that in the minutes of 2001, Zi-Mar's attorney said the DEQ would enforce the environmental rules and the not the City. Mr. Martz is required to have a DEQ certificate for his sub-contractor that he would bring in or one that is on the site. They did not have a permit from 2001 to 2006, and did not obtain one till December 18, 2006.

Catherine Foutch, 3347 Cheyenne, stated she is on the corner of Joyce Street. Zito Construction is currently selling off their property north of Red Arrow Drive to form Burton's newest industrial park, Red Arrow Industries. They put up a sign last week and their real estate letter states they are selling land plots as M-1 and M-2 zoned property. Mrs. Foutch asked if it is legal when both site plans are left unfinished, for the owners to bring new site plans in front of the Planning Board, and sell the property as newly zoned M-2 Industrial rather than use it for the proposed use.

Mr. Grantner said he has not seen anything that has come before this body for re-zoning yet. Mr. Strasser said nor has this body seen a proposal for a subdivision, which this is. These are designed lots in a subdivision.

Pauline Dargel, 6119 Hugh St., stated in 1979, a proposal at Genesee and Court requested a building with the assurance there was to be a berm and that the residents on the west side would not be able to see the building itself let alone the parking lot. We know the berm never got built to that particular height. Mrs. Dargel inquired regarding applying conditions.

Mr. Strasser responded that both the Planning Commission and ZBA can apply conditions for site plan review or variance requests. The State has passed a new law that you can contract zone. You can negotiate with a developer on a zoning issue.

Mrs. Dargel inquired further as to expecting a follow-through on conditions.

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Mr. Grantner indicated she is talking about compliance / enforcement. He remembers Mr. Bement saying that out of the focus groups and series of meetings held, the one major thing that keeps coming up from the public is enforcement or compliance.

Mrs. Dargel commented on the Lapeer Rd. Market at Genesee and Lapeer Rd. She asked if the Mexican restaurant has been through an administrative site plan review yet. The name has changed many times.

Mrs. Dargel inquired as to the zoning for the site plan review, administrative site plan reviews, and if Winding Creek is condominium project single site condos.

Mr. Strasser replied that the site plan review is M-2 heavy industrial, the entire agenda page of administrative site plans reviews are all C-2 zoning, and Winding Creek is site condos.

SITE PLAN REVIEW:

1. SPR #07-07
BY: Michael D. Kirby / Kirby Steel, Inc.
4072 Flint Asphalt Dr.
Burton, MI
RE: 4072 Flint Asphalt Dr.
Parcel #59-33-100-011
FOR: Addition to existing building.

Shawn Sage, 612 S. East St., Fenton, MI, stated he is representing Kirby Steel, Inc., and they are requesting to extend one bay to the current building.

AUDIENCE PARTICIPATION: None.

Mr. Strasser said he recommends approval. This site went through the Planning Commission 7 or 8 years ago, all of the requirements were met. It is nicely landscaped and parking lot is in place. They are wanting to put an addition onto the building to expand.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Walls, seconded by White to approve SPR #07-07. Motion carried 5-0.

ADMINISTRATIVE SITE PLAN REVIEWS:

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1. SPR #07-06

BY: Mark and Gail Baker
6250 Richfield Rd.
Flint, MI 48506

RE: 3434 S. Dort Hwy., Parcel #59-29-400-015
C-2 Zoned.

FOR: Change of use.

2. SPR #07-08

BY: John Wright
2102 Whispering Waters Pass
Flushing, MI 48433

RE: 4025 Davison Rd. / Fash Cash Payday Advance

FOR: Change of use.

3. SPR #07-09

BY: Eva Wright
1309 Windridge Dr.
Grand Blanc, MI 48439

RE: 4281 S. Saginaw St.

FOR: Change of use.

4. SPR #07-10

BY: Charline Brown
1131 Riverforest Dr.
Flint, MI 48532

RE: G-4155 Fenton Rd.

FOR: Change of use.

FINAL CONDOMINIUM:

1. SPR #07-11

BY: Center Road Development, LLC
33494 W. Jefferson Ave.
Browntown, MI 48173

RE: East Side Center Road
Winding Creek, Phase I, 46 lots
Parcel #59-27-100-004 and 59-27-100-007

FOR: Condominium Development

Rod Walker, 33494 W. Jefferson, Brownstown, MI, stated they are proposing to build the 46 homes on this site, bringing it down from condominiums to single family homes.

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Mr. Grantner asked if there were any significant changes to the preliminary site plan.

Mr. Walker replied no and he expressed that the roads are already in.

AUDIENCE PARTICIPATION:

Cheryl Billings, 4056 E. Hemphill Road, presented pictures to the Board and stated she has been fighting this water problem for over a year and a half. She has been told the water problem would be taken care of and it has not. Mrs. Billings addressed many concerns such as mosquitoes, a film of mosquito larvae on top of the water, smell from the standing water, water pushed up against her home's foundation, her sump pump runs non-stop, and she cannot sell her home due to the water problems.

Pauline Dargel, 6119 Hugh St., inquired as to the new owner being Joe Patti.

Mr. Strasser replied he is part of this development.

Mr. Strasser indicated the DPW ditched part of the way to help alleviate the problem. The site plan shows a proposed storm sewer with a catch basin going right in the middle of the water hole.

Mr. Walker said he instructed his engineering company to fix the problem. The catch basin in the center will eliminate the problem.

Mr. LaDuke expressed disappointment that this problem still hasn't been taken care of in almost 2 years. He indicated the catch basin should solve the problem.

Discussion ensued regarding enforcement.

Mr. Walker said the problem is that everything has to be approved through the City's engineering and the County. They set the grades for the water to flow. We just can't go out there and change the flow of the water, or we could flood the whole city. He asked his engineers to look at ways to divert the water from going to Mrs. Billings home. One of the ways is adding a catch basin or storm drainage and run it into the detention pond. At the back of the project is a large detention area to take all that water in. Mr. Walker expressed further that he feels very bad for the situation and he is doing everything he can to eliminate the problem.

BOARD DISCUSSION:

Mr. Grantner asked Mr. Strasser if it is approved, are they still waiting for the County approval.

Mr. Strasser said the detention area has been approved by the County. They are putting an extra leg in the storm sewer. Any additional storm water has to be approved through the County Drain Commission. The detention pond was designed oversized so it can take additional water. There

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is a paper trail you have to go through and the County has to approve the additional storm to go into it.

Mr. Grantner asked if there is any way they can fast track it if everything else is approved and this is all we are waiting for.

Mr. Strasser said they could try and intercede to move it along.

Mr. Grantner said it would be a good idea.

Mr. Strasser said he recommends approval on the request. In his letter to the Board, he spoke concerning the text change on available sewer units. There are minimal units available for this development, between 25 and 30. At this time, the gentlemen has asked to put in 4 model homes, which he is entitled to as long as he has sanitary sewer. He informed me prior to the meeting, that it looks like they can get 4 in with the sanitary sewer system they have in place at this time. As long as they can prove it to us and sewer permits are taken out, we can write building permits for 4 model homes.

Mr. Grantner said we spoke about the need for relief sewers and additional sewers. I was under the impression that the City was going to move on that.

Mr. LaDuke said it is going to Finance and that looks positive for the sewer relief. Water is a different issue because of the funding.

Mrs. White asked if this case can be post-poned until the sewer and engineering is done. She asked Mr. Walker if he planned on having the homes for the Parade of Homes in the spring.

Mr. Walker responded yes, they planned on doing this immediately. He stressed it is not money from stopping Mrs. Billings home from being taken care of, it is the bureaucracy of the paperwork through the engineering. We have already put the roads in and now we are waiting for this approval to start building. Mr. Walker stated further they have taken the homes from 130 units to 46. Our lender has pulled funding from us until such time as we can start producing again. Right now we are spending at the rate of \$45,000 a month in interest on that project while it is sitting there.

Mr. Grantner said a post-ponement will not impact the bureaucratic process. He thinks the suggestion of trying to fast track it is the best we are going to do. He does not see where stopping him is going to have an impact on Mrs. Billings.

Mrs. Walls addressed having a contingency to the motion.

Mrs. White asked if once the homes are in and the engineering of the new system is completed, is that going to alleviate all the water problems.

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Mr. Walker said he guarantees when this is all done, the water problem will be totally removed by 99.9% with setting a catch basin in and extension drain to the storm drainage.

Mr. LaDuke inquired concerning making a contingency, who their engineer is, and if plans have been submitted to the Drain Office yet.

Mr. Walker replied they are still working on it.

Mr. LaDuke said it is difficult to call the County if the plans are not there.

Mr. Walker said they just switched in the last 60 days. He will push the engineers as fast as they can for the storm sewer.

Mr. Walker addressed the history of the properties with regards to the natural flow of water.

Mr. LaDuke asked for clarification that the natural flow of the water, prior to Mr. Walker developing, went onto his property.

Mr. Walker acknowledged yes.

Mr. LaDuke said Mr. Walker has a good solution to the problem, it is just unfortunate that it has taken this long.

Mr. Grantner reiterated that it would not hurt to try and ask someone from the County to get that in and see if they can expedite it.

Mr. Walker said they would not let anyone move into the homes until we have the engineering completely done. On Mrs. Billings' problem we will try to take care of immediately.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by LaDuke, seconded by White to approve SPR #07-11, contingent upon the storm sewer being installed. Motion carried 5-0.

BOARD DISCUSSION:

Mrs. Walls inquired regarding the Red Arrow Drive Industrial Park, and if there are new builds.

Mr. LaDuke said those are lots they have sold and Zito bought them. That is where all the rock is piled onto the one side. Lots 1 thru 11, is where the crusher is at. The rest is woods where they want to eventually put some type of industrial buildings.

Mr. LaDuke said he went out today to see the operations. Two crushers and two loaders were working, 2 backhoes were working, and they were working on some equipment on Red Arrow. He did not hear a lot of noise or experience any vibration. He believes when the concrete is

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broken up is when you are getting the vibration, and that operation was not going on today. He thought the operation today was fairly clean, but he would like to see it when they are actually breaking the concrete. He was surprised at how quiet it was.

Mr. LaDuke stressed that DPW needs to get some teeth into enforcement. We need a follow up and to see an inspection form where DPW went out and inspected the site plan. If we have to do it legislatively through the Council, I am willing to do that, but I don't think the administration wants the elected and appointed officials to get into the DPW operation. We need some assurance that these site plans are being done in a timely fashion. We need to define a berm when a site plan comes before us. How high is it and what is the elevation.

Mr. Grantner said he appreciates Mr. LaDuke's comments. He believes this is democracy at the grass roots level. The people are coming here, where can they turn to. The real power is the City and whatever Council can do.

Mr. Strasser stated DPW is working on a full detailed report to be issued in regards to Cernet. The Board will get a full report.

Mr. LaDuke said that is positive, but why did it take this long. That is the question he has. Discussion ensued further on enforcement and setting priorities.

Sue Flewelling asked if the Planning members look at an applicant's property.

Mr. Grantner replied that every time a case is on the docket, we are expected to go out as individuals, not as a group, and look at what is being done. That also holds for the ZBA. So we can reasonably look at a blue print, think about what we saw, ask our questions and go from there.

Mr. Grantner addressed to the Board a series of seminars presented by the Michigan Association of Planning. He believes there is money in the training budget to attend. They are offered at 3 different sites: Lansing Community College on May 3rd, Thomas Edison Inn, Port Huron on May 10th, and on May 17th in Grand Rapids. Mr. Grantner stated the times and indicated if anyone is interested to contact Julie Adams in the Clerk's Office.

Mr. Strasser presented the Board members with a draft proposal concerning sidewalks. He encourages the Board to read the entire document. Mr. Strasser reviewed the areas in the document that have been revised. He stated further that Attorney Rick Austin reviewed it and minor changes were made.

Mr. Strasser discussed the timelines when it will come to Planning and then Council. He will mail the documents to the members that are absent tonight.

Please Note: The next regularly scheduled meeting has been changed to **Tuesday, May 1, 2007, at 6:00 P.M.**, due to the May 8th Election.

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Meeting adjourned at 7:35 p.m.

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