

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 11, 2000, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Brawner, Young, Grantner, Berry, Mayor Smiley, Perez, Bertram

MEMBERS ABSENT: Walls, White

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

A. APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING(S):

Moved by Grantner, seconded by Young to approve and authorize the minutes of the Regular Meeting of March 14, 2000 at 6:00 P.M. Motion carried, 7-0.

B. SCHEDULE PUBLIC HEARINGS FOR MAY 9, 2000 AT 6:00 P.M.

1. ZC #251

BY: Debra K. Metzger, Sole Trustee
Carl Skrzynski, E. Skrzynski, President
The Lockwood Group
3001 Telegraph Rd., Ste 426
Bingham Farms, MI 48025

RE: 2173 S. Center Rd.
Section #22
Zoned from RO to HRM

FOR: Three Story Senior Congregate Care Facility.

2. ZC #252

BY: City of Burton
4303 S. Center Rd.
Burton, MI 48519

RE: Text Change
Section 5.15 Zoning Ordinance No. 19

FOR: Accessory Buildings.

3. ZC #253

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

RE: Parcel #59-35-400-015
5465 E. Maple Rd.
Section 35
Zoned SE to RM

FOR: Condominium

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Young, seconded by Bertram to schedule ZC #251, ZC #252 and ZC #253 for public hearings to be held on May 9, 2000 at 6:00 p.m. Motion carried, 7-0.

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C. PUBLIC HEARING POSTPONED FROM MARCH 14, 2000 AT 6:00 P.M.:

1. LS #00-4
- BY: John Cunningham
11817 S. Saginaw St.
Grand Blanc, MI 48439
- RE: Lots 40 & 41 Supervisor's Plat #8
Section 13
R-1B Zoned
- FOR: Residential Use.

The applicant was not present.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Bertram, seconded by Young to postpone LS #00-4 to the end of the meeting.
Motion carried, 7-0.

D. PUBLIC HEARING:

1. LS #00-10
- BY: Donald J. Morgan
11094 E. Bristol Rd.
Davison, MI 48423
- RE: 3203 S. Belsay Rd.
Lot 21 of Eastgate No. 2
Section 25
Zoned R-1B
- FOR: Residential Use.

Donald Morgan, 11094 E. Bristol Rd., Davison, MI, indicated he is requesting a lot split on Eastgate, 90 ft. on one side and 70 ft. on the other.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said there are similar lot sizes along the same side of the road, and they do not see a problem with what he is requesting. He would have to pay the sewer tap for the lot that is split off.

COMMISSION DISCUSSION:

Mr. Perez questioned why one lot is 70 ft. and the other 90 ft., instead of 80 ft. for both.

Mr. Morgan indicated there is a house on one of the lots.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Young, seconded by Perez to approve LS #00-10.
Motion carried, 7-0.

AUDIENCE PARTICIPATION: No audience participation at this time.

F. SITE PLAN REVIEW POSTPONED FROM MARCH 14, 2000 AT 6:00 P.M.:

1. SPR #00-6

BY: Steeplechase Development Corp.
P.O. Box 972
Grand Blanc, MI 48439

RE: Blackberry Creek Apartment Homes
South Center Road
Parcel #59-34-100-009

FOR: Multi-Family Development.

Joe Gibbons, 4285 Wilderness Ct., Grand Blanc, MI, said he is the president of Steeplechase Development Corp. He has reviewed the DPW recommendations and addressed all those issues.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser said this parcel of property is north of City Hall and on the south and east of doctors offices located there. The property will have a city street off of Center Road which will go back in approximately 400 ft. and open up to the location of the apartments. Mr. Gibbons took the revisions that were recommended by DPW and implemented them in the revised site plan. At this time it exceeds what the City ordinance requires, and all the utilities have been met. Mr. Strasser stated further, that on the north side of the proposal there is room for expansion. The City needs multi-family housing and this would be a nice addition to the City.

COMMISSION DISCUSSION:

Brief discussion followed regarding curb cuts and entrances.

Mr. Major said Mr. Gibbons purchased the back land, and the front part is still left for commercial office.

Mr. Brawner asked if the City is responsible for the first 400 ft.

Mr. Major responded the City will be responsible for Maintenance on the first 400 ft.

Mr. Brawner inquired if the Fire Department looked at this regarding entrances and exits.

Mr. Major said the Fire Department would like to see a secondary entrance.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Bertram, seconded by Grantner to approve SPR #00-6.
Motion carried, 7-0.

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G. SPECIAL USE PERMIT:

1. BCPC #00-15

BY: Murphy Oil U.S.A., Inc.

200 Peach St., PO Box 7000
El Dorado, AR 71731-7000

RE: NW Corner of East Court St. &
Belsay Road
Parcel #59-400-014

FOR: Construction of a gasoline service station in
front of the existing Wal-Mart Store.

David Oakes, 1700 Lyons Rd., Dayton, OH, stated he is with CESO from Dayton, OH. He is the civil engineer and is present with Allen Perez from Murphy Oil. Mr. Oakes presented drawings to the Commission members and indicated Wal-Mart is doing this type of proposal in the south and is now coming to the midwest. There are a number of sites where they made a deal with Murphy Oil to lease an area on their existing sites to operate a gas station. Ninety percent of the usage of these gas stations are Wal-Mart customers coming to and from the store. This gas station would be a four bay with two pumps.

Mr. Berry spoke of addressing the special use permit before the site plan review.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Major spoke of the applicant addressing where he feels the special use and gas station would be relevant and justified in that area.

Mr. Oakes said the City's ordinance reads that gasoline stations are permitted only as a special use in a zoning district. The gasoline station is associated with the Wal-Mart store.

Mr. Major inquired if they would be servicing semi-trucks with a diesel fueling station there.

Mr. Oakes responded they would not be, and it is not set up for the inter-state signage there. They are not looking to pick up traffic from either I-69 or Court St., it is mainly for the Wal-Mart customers. He does not see semi-trucks getting off the interstate and going by a couple of gas stations to come to this one.

Mr. Major said they have under approval, Road Runner Express Service Station that would service semi-traffic / diesel, that has been approved by the Planning Commission. There also is an Amoco service station that was approved by the Planning Commission on the corner of Belsay and Court. Mr. Major stated further, there is a BP at the corner of Davison and Belsay Road that has been approved, and across the street is an existing Mobil station.

Mr. Oakes said the proposed station is not being set up to compete with the other stations mentioned. It is strictly just drawing off the Wal-Mart customer base and not interstate traffic going to and from.

Mr. Major asked if they would be asking for any expressway signage.

Mr. Oakes indicated the only signage they would ask for is on the canopy itself.

Mr. Bertram inquired as to the association with Wal-Mart and their access onto Court St.

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Mr. Oakes said he is not associated with Wal-Mart, he is here because he did the original Wal-Mart development and is familiar with the site. In this case, he is representing Murphy Oil and he is not associated with Wal-Mart, they strictly have a contractual agreement with these service stations in front of the existing Wal-Mart stores. Mr. Oakes said their access is via the Wal-Mart site entrance drive.

Mr. Major said they would tie into the existing driveway access point and they would not be asking for additional curb cuts onto Court St.

Mr. Young asked if they would sell diesel fuel or only gasoline.

Allen Perez from Murphy Oil, indicated they would not be selling diesel fuel.

Mr. Grantner asked how many other Wal-Marts with Murphy Oil is there in Michigan.

Allen Perez responded that currently there is none. They built 149 of them in the south, east and midwest.

Mayor Smiley spoke of the saturation of gas stations already in that area and said he would like to see something other than a gas station at that site. Mayor Smiley asked Mr. Strasser what zoning is allowed there currently.

Mr. Strasser indicated any commercial venture, and/or retail, offices, etc. He spoke of the credit union and fast food restaurants by Meijers, as an example.

Mr. Young spoke of concerns of turning the Court St. and Belsay Road area into a gasoline alley, and also concerns of contamination being close to the creek.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Young, seconded by Bertram to deny special use permit for BCPC #00-15.
Motion carried to deny, 7-0.

H. SITE PLAN REVIEW:

1. SPR #00-16

BY: Murphy Oil U.S.A., Inc.
200 Peach St., PO Box 7000
El Dorado, AR 71731-7000

RE: NW Corner of East Court St. &
Belsay Road
Parcel #59-400-014

FOR: Construction of a gasoline service station in
front of the existing Wal-Mart Store.

No action taken on the site plan.

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A. RECONSIDERATION FOR EXISTING SITE PLAN:

1. SPR #99-29

BY: Beulah Land Christian Center
1386 E. Hemphill Road
Burton, MI 48529

RE: Beulah Land Christian Church Center
3345 S. Genesee Road
Burton, MI 48519

FOR: Church

Dale Pattee, 3331 E. Hemphill, Burton, MI, spoke regarding alterations made to the site plan. Instead of using underground drainage for the driveway and parking lot, they could use a natural flow to a retention pond with a swale on both sides of the driveways to help guide the water. They have altered the curbing along the driveway and parking lot area because they would like to cut costs and give the water a chance to naturally go into the ground.

Mr. Major said the primary concern is what the Drain Commission does with the retention pond. There is a discharge now going into a subdivision storm system along the old inner urban. The storm system serves Coin St. and the Connecticut St. area. Mr. Major stated further, he feels the applicant should go back to his engineer and find out what the Drain Commission will allow them to do with the storm drain, then we can sit down and compare the two site plans.

Brief discussion continued regarding curbing, draining, and landscaping. Mr. Berry inquired regarding the DPW recommendation to table this case until the next meeting on May 9th.

Mr. Major said if they receive an answer back promptly from the Drain Commission, the Planning Commission could consider a special meeting.

Mr. Oakes inquired regarding obtaining their building permit.

Mr. Major said he believes the Planning Commission and the church will come to an agreement on some type of site plan. He does not have a problem with issuing a building permit once the plans are approved.

Mr. Oakes stated that with the 9 acres they have, there is no problem with building a bigger retention pond and holding their own water. It was in the plan in the first place but the original architect drew it up in an expensive format, and they could not afford it. The changes were due because of the costs.

Mr. Major said they could possibly shallow up the retention pond and make a more recreational use out of it then just a hole in the ground. They may choose not to approach the Drain Commissioner because it is not worth the cost of what they want to tie into the existing system.

Mr. Bertram inquired regarding making approval contingent on the decision of the Drain Commission.

Brief discussion continued regarding a larger retention pond.

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COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Grantner, seconded by Bertram to approve SPR #99-29 contingent upon Beulah Land Christian Center obtaining a finalized draft from their engineer as to the size of the retention pond and a copy of that going to the DPW who will share this with us at a later date, including various site improvements that will be worked out. Motion carried, 7-0.

B. REFERRAL FROM CITY COUNCIL OF APRIL 3, 2000 TO SCHEDULE AN ADDITIONAL HEARING FOR MAY 9, 2000:

1. ZC #249

BY: Z1-MAR Group, Inc.

G-8033 Fenton Rd.
Grand Blanc, MI 48439

RE: Parcel #59-29-400-022
Vacant Property
Zoned R-1C to M-1 and M-2.

FOR: Industrial Park and request from City
Council to review the previous action of the
Commission on March 14, 2000.

Moved by Bertram, seconded by Young to re-schedule ZC #249 for an additional hearing for the next regular Planning Commission Meeting of May 9, 2000, at 6:00 p.m.

Motion carried, 7-0.

E. PUBLIC HEARING POSTPONED FROM MARCH 14, 2000 AT 6:00 P.M.:

1. LS #00-4

BY: John Cunningham
11817 S. Saginaw St.
Grand Blanc, MI 48439

RE: Lots 40 & 41 Supervisor's Plat #8
Section 13
R-1B Zoned

FOR: Residential Use.

John Cunningham said there are two lots he would like split into three lots.

AUDIENCE PARTICIPATION: No audience participation at this time.

Mr. Strasser indicated the lots proposed exceed what is required by the ordinance. Any lots established by this lot split that does not have a sanitary sewer lead, would have to be installed and paid for by the owner/developer.

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COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Young, seconded by Bertram to approve LS #00-4.
Motion carried, 7-0.

COMMISSION DISCUSSION:

Mr. Strasser stated that in the Commission packets regarding ZC #252, text change for accessory structure, there is a proposal for changes. He asked the Commission to review those in the next month, add to or delete from it. Fifty percent of appeals for the Zoning Board has to do with oversized accessory structures. At some point in time when we have these many proposals in front of the Board, either too many people are asking for too much, or the ordinance is outdated.

Mr. Major said they have had a lot of requests to change it, and they also want the Commission to look at a provision regarding style, color and similar material of the main dwelling structure.

Mr. Brawner inquired regarding other areas that are outdated.

Mr. Major said they propose to make a recommendation to the Planning Commission to have a consultant look at the text and see where they are outdated.

Mr. Young asked if the numbers shown are a consensus of the DPW, or if it is still a debatable point.

Mr. Major indicated it is still debatable.

Mr. Bertram inquired regarding Item #3 in the proposal concerning not exceeding one story structures.

Mr. Hammon re-iterated the need to make changes for the pole barns and accessory structures. The numbers given are kind of a consensus between Mr. Major, Mr. LaDuke and himself, and are subject to change. Item # 3 has been eliminated but it is still subject to change.

Brief discussion followed regarding the possible elimination of Item #3 in the proposal. Mr. Hammon indicated they are not looking at the final version, they just want everyone to be knowledgeable about it before they get to the final stage.

Mr. Grantner addressed concerns with Item # 3 and what would be allowed with height.

Mr. Major spoke of holding a hearing to discuss this particular change, and it could be on-going for a couple of meetings.

Mr. Bertram asked if City ordinance supercedes any by-laws from a subdivision.

Mr. Major said if there are more restrictive requirements within a subdivision, it does not prohibit the City from writing a building permit. The Association has to take that individual, company, or homeowner to Court to enforce a more restrictive requirement then what the City enforces.

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Mayor Smiley spoke regarding the need to look at the ordinances. He indicated he will be out of town and cannot be present for the May 9th Planning Commission meeting. The Mayor said he met with residents in the area regarding ZC #253, and he does not have a problem with that development. The Commission approved ZC #249, but due to a problem with notifications, City Council has sent it back. They will have to re-notify residents.

Mayor Smiley stated further, he has re-organized the DPW and Jeff Major is now over the Building Department completely. He has seen a lot of improvements in that department, and he welcomes any suggestions of other things the Commission would like to see.

Mayor Smiley spoke briefly of moving the City forward and to continue to work on the image of the City.

The next regularly scheduled meeting will be held on May 9, 2000, at 6:00 P.M.

MEETING ADJOURNED AT 7:20 P.M.