

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MAY 1, 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 at 6:00 P.M.

MEMBERS PRESENT: Grantner, Sclater, White, Centilli, Walls, LaDuke, Flewelling,
Bertram and Cummings.

MEMBERS ABSENT: Mayor C. Smiley.

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

Mr. Grantner welcomed Sue Flewelling as a new member of the Planning Commission. He reminded the Board of the upcoming seminars presented by the Michigan Association of Planning, and indicated if anyone is interested in attending to contact Julie Adams in the Clerk's Office.

Mr. Grantner stated the month of June starts the vacation season. Please contact Julie Adams to inform her if you cannot attend a meeting. It is important we have a quorum to conduct business.

Mr. Grantner asked Mrs. Adams to correct a wording change in the April 10th Planning minutes. He stated the word democracy in a phrase he made and not the word bureaucracy as the minutes reflected. Mrs. Adams acknowledged she will make the correction.

Moved by Walls, seconded by White to approve the Regular Planning Commission Meeting minutes for April 10, 2007 at 6:00 p.m. Motion carried 9-0.

SCHEDULE PUBLIC HEARING FOR:

- | | |
|------------|---|
| 1. ZC #303 | BY: Burton City Planning Commission |
| | RE: Section 5.37 of Ordinance 19, Items 1, 2, 3 & 3g. |
| | FOR: Text change (Site Plan Review) |

Mr. Strasser said this was originally introduced in a Legislative Committee and brought to him through Council. The department drafted some changes that the City Attorney reviewed. It is now before the Board.

Mr. Strasser addressed the changes. Item #1 would institute a zoning review. Rather than a site plan review, this would be required when you have situations like in a mall, it would not be administrative site plan review, it would just be a zoning review. Item #2 is the administrative site plan review requirement. The size of a parcel of land 5 acres and under and 5 acres or more, gives the percentages of how large a building can be constructed on that acreage. It is also in relationship to whether it is an administrative review or a complete site plan review.

Mr. Strasser indicated further that previously administrative site plan procedures did not have a lot of guidelines as to where you are cutting off at, and now you will. It also allows for recreational structures such as pavilions, gazebos, and things of that nature, and sizes of the building itself. The third item deals with a full site plan review.

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The last item 3G is the sidewalk issue. If this is passed, sidewalks will only be required under full site plan review. If you have a vacant piece of property and you are going to build a new building, sidewalks are required. If you are putting on a large addition that is attached to your principal existing building, depending on the size of it, sidewalks could be required. This is also addressed in Item #2 under administrative.

AUDIENCE PARTICIPATION: None.

Mr. Strasser stated he recommends approval.

Mr. Bertram requests that the zoning reviews be stated on the Planning agendas as is the administrative reviews so they are aware of it.

Mr. Strasser said he would list them on the agenda.

Mr. Cummings inquired concerning new ownerships of property and sidewalk requirements. He stated there are businesses in the city we have pursued to follow through with certain promises in the past.

Mr. Strasser responded that they are still under the old guidelines. Whenever this is adopted, anything previous to that is still held by the previous decisions. If they were required to have a sidewalk in a year ago, even if it was administrative and a change of ownership, they are still required to have the sidewalk put in.

Mr. Cummings expressed that in the last 6 to 8 years, there has been a concerted effort to get all the sidewalks eventually connected. In his opinion, it will never happen and Center Road will always look like a puzzle that is not completed.

Mr. Strasser said under the guidelines for the monies that we received from the State gas and weight taxes for road improvements, of 2 ½ million dollars a year, 1% of that has to be set aside for sidewalks. Twenty five thousand (\$25,000) a year is set aside to put in sidewalks. Mr. Strasser indicated plans are either under design currently, or they are finished to start the sidewalk program at Center and Atherton Road on the east side. Next year we will put in another \$25,000 worth of sidewalks.

Mr. Cummings asked how long the 1% has been available and what has happened to it in the past.

Mr. Strasser said he was just informed that we have to allocate 1% to sidewalks. It made it easier to go to this proposal and say the only time sidewalks are going to be required under site plan review, is when you have full site plan review procedures in place instead of the administrative.

Mr. Bertram asks with regards to the money, if it is the case of use it or lose it.

Mr. LaDuke stated it is a requirement of Act 51 that we use it for non-motorized trails.

Mr. Bertram asked if it can be rolled over into next year.

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Mr. LaDuke replied it can be rolled over, but it does not necessarily have to go to sidewalks. Example being if you did some work on Court St. and wanted to finish the bike path from Belsay Rd. to Genesee to get to Kelly Lake.

Mr. LaDuke stated further he does not support this from a technical standpoint. If property A puts in a sidewalk in 2007, and property B next door finally develops and puts a sidewalk in 2011, what is the sidewalk in 2007 going to look like in Michigan with the weather and is the elevation going to match so we don't have a roller coaster effect. Is it going to meet ADA requirements.

Mr. LaDuke said he does not have a problem requiring either a performance bond or cash bond in lieu of, or our attorney drafting a letter saying in the event sidewalks become available to the adjacent properties from between this point and that point, you will participate with 30 days notice from the City. At that time you do not, we can access it and put it on the taxes. Mr. LaDuke stated further he believes sidewalks that go nowhere in Michigan weather that abuses concrete and asphalt and starts breaking up is ridiculous.

Mr. LaDuke gave the example of the church at Belsay and Bristol Rd. Having the church put in sidewalks to go nowhere when the nearest sidewalk is 4 miles away, and then telling the church our ordinance says you have to plow it too, who is going to enforce the maintenance of that sidewalk. Twelve years ago, we went through Lapeer Heights and removed all the sidewalks because they were in very poor shape. We had the choice of assessing the property owners or removing them, and we chose to remove them because people did not want them. In theory it is a great idea but to have a piece of sidewalk and then 20 years later have another piece, he does not feel this is good. He will be voting no.

Mrs. White asked about the people that have already paid for sidewalks and how are they going to feel.

Mr. Strasser said Mr. LaDuke brings up a good point. If you put concrete in this year, and then 20 years from now you put a new one in next to it, what is the other one going to look like. It comes down to you either want a walkable community or you don't. If you do, you have to start some place. If you don't, you are never going to get what you want.

Mrs. White said she agrees with Mr. LaDuke about the gap and quality of sidewalks from over a 10 year span or so. I also know we have been really pushing the sidewalks and this looks like something that would solve our problem.

Mr. LaDuke asked Mr. Strasser to clarify persons that apply for site plan review prior to this would still have to follow the old rule. After a year the site plan dissolves itself if you don't do anything, and then you must re-apply for site plan. They would then fall under the new criteria because they technically have no site plan.

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Mr. Strasser responded if you haven't done anything, taken permits or followed through, then after 1 year it is null and void.

Mr. LaDuke asked to clarify the church on Belsay Road. If it has been a year and they have done nothing and they come back and reapply, they won't have to put a sidewalk in.

Mr. Strasser replied that is correct.

Mr. Grantner said the wording for Item 2, under Section 1, is hard to read and understand. He feels it should state Administrative site plan review is required whenever A) larger than 5 acres, and B) if it is more than 5 acres

Mr. Grantner expressed further that he was involved in the decision with the church. The attorney made a very appropriate comment. We would have been out of line had we not denied that because our ordinance said this is what you shall do. If we have something that is not working, we have to look to the Council and the Mayor because we don't formulate something out of the blue, we just administer what is given to us. On one hand it doesn't make any sense but on the other hand, you do have to start somewhere.

Mr. Centilli stated anything with curb and gutter on our main streets in Burton should have sidewalks. People do not have to walk in the roads. To eliminate the roller coaster effect, we were always governed by the curb, staying 6 inches above the curb line as we put the sidewalk in about 10 feet from the curb line. We have to start somewhere and with the \$25,000, keep putting them in the main walkways. This is a big decision to make. Main roads like Center Road should have sidewalks.

Mr. Cummings said he is going to vote no. Act 51 and setting aside 1% sounds simple, but the Council has to vote on it. I would vote yes on it right now if I knew that 1% went to sidewalks and start connecting. We are taking this great idea then it is going to go to Council and they have to vote. Will it go towards a foot path through For-Mar? Non-motorized doesn't necessarily mean sidewalks and that is where my concern is. Ten or fifteen years down the road we are still looking at this puzzle that is not finished.

Mr. Centilli said a good mixture of a 4,000 lb. concrete mix that he used 50 years ago is still there today and it doesn't get near the wear and tear as a street would.

Brief discussion ensued regarding the frequent use by residents of sidewalks along Davison Road by the golf course. Mrs. Walls interjected the importance of sidewalks for the senior citizen complexes by Meijers on Center Road.

Mr. LaDuke said he can see the seniors going to Meijers but does not see the need to have them go on Center Road towards Lippincott.

Mr. Grantner said this is all of our problem, as a Board and a citizen. This tells me there is a lot of work to be done on Council. Some very good questions were asked here tonight.

BOARD RECOMMENDATIONS AND/OR ACTION:

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Moved by Bertram, seconded by Flewelling to approve ZC #303. Motion carried to deny, 9-1.
Sclater – no, White – no, Centilli – no, Walls – no, LaDuke – no, Flewelling – no, Bertram – no.

AUDIENCE PARTICIPATION: None.

SITE PLAN REVIEW:

1. SPR #07-14
BY: Coberlin Construction Company – Jason Coutcher
257 E. Snover Road
Mayville, MI 48744
RE: 4050 S. Center Road, Parcel #59-33-200-014
Existing Dakota Lodge
FOR: Covered deck and patio

Jason Coutcher, 257 E. Snover Road, Mayville, MI, stated they propose to put a non-attached covered deck and patio addition to the Dakota Lodge. There is a large concrete patio.

AUDIENCE PARTICIPATION: None.

Mr. Strasser inquired as to the number of seats in the outside area.

Mr. Coutcher said based on the square footage, they estimate a seating area of 354 people outside.

Mr. Strasser said the DPW building inspector Mike Butzke questioned the seating number because there may be additional restroom facilities required and sewer units. Our department recommends approval.

Mr. Strasser stated a copy of the ZBA minutes of June 2005 reflects that they gave Dakota Lodge 2 years time to put their sidewalks in. They are still under that guideline and this June is when they are required to put in sidewalks.

BOARD DISCUSSION:

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Mr. Cummings said he does not see sidewalks on the print. He asked if there was a promise or an agreement made with City Council that sidewalks within a certain time period would be put in. If so is that time period up.

Mr. Strasser replied there are no sidewalks on this print. He asked the applicant to supply the Planning Commission with a print that showed the outside seating. I knew that the sidewalks were proposed at the original Planning Commission meeting when Dakota Lodge was in the process of purchasing, renovating and moving. In the Board's packets there is a set of minutes attached because they requested not to put the sidewalks in. They went in front of the ZBA and was given a time limit of 2 years which is June of 2007. That's why it is not required on this print because it is already required on a previous one.

Mrs. White asked if this was a certified print.

Mr. Strasser responded no. For what they are proposing right now they do not need one. Architecturally signed and sealed prints are not required for site plan review under our ordinance.

Mr. Bertram asked when are they required.

Mr. Strasser just for a building permit on a commercial structure or industrial.

Mr. Cummings asked if additional concrete work is being done.

Mr. Coutcher stated yes there would be.

Mr. Cummings inquired concerning sidewalks.

Mike Kotsonis from Dakota Lodge stated he is looking at another price, or they will come and get another variance for 6 more months if possible.

Mrs. Flewelling asked for the inside seating capacity.

Mr. Kotsonis stated it is currently 285.

Mrs. Sclater and Mr. Bertram addressed concerns of the larger young crowd drinking, music, security and affecting the community.

The Board also discussed additional restrooms, surrounding residential, number of parking spaces, police and code enforcement, sidewalks and compliance.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Walls, seconded by Bertram to approve SPR #07-14. Motion carried 8-1. Bertram – no.

ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #07-13

BY: Tracy Post

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2326 Morton Ave.

Flint, MI 48507

RE: 4440 S. Saginaw St., Lots 695 thru 699
Greater Flint Sub., C-2 Zoned.

FOR: Change of Use.

The next regularly scheduled meeting will be held on **Tuesday, June 12, 2007, at 6:00 P.M.**

Meeting adjourned at 7:10 p.m.

jra