

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MAY 14, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Hohloch.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

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

Moved by Young, seconded by Bement to approve and authorize the minutes of the Regular Meeting of April 9, 2002 at 6:00 P.M., as printed. Motion carried 8-0.

B. SCHEDULE PUBLIC HEARINGS FOR JUNE 11, 2002 AT 6:00 P.M.:

1. LS #02-24

BY: Consumer's Energy
W.H. Zimmerman
212 W. Michigan Avenue
Jackson, MI 49201

RE: Atherton Road "adjacent to the Orchards Sub"
Parcel #59-23-400-008
Section 23

FOR: Utility Substation

2. ZC #271

BY: MADCO Inc., Stan Foster
6881 Fieldstone, Ste. 200
Burr Ridge, IL

RE: 2045 E. Maple Rd.
SPID #59-32-300-007
22 Acres Northwest corner of Maple and
Saginaw Roads
Section 32
Zoned C-2 to RM

FOR: Multi-Family Townhouses

3. ZC #272

BY: Claro Recto
46500 Maidstone
Canton, MI 48187

RE: Genesee Road, south of Bristol Rd.
Parcel #59-34-200-027; #59-34-200-028;
#59-34-200-029 and #59-34-200-030
Section 34
Zoned SE to R-1A

FOR: Single Family Housing

Moved By Young, seconded by Perez to schedule Lot Split #02-24, Zoning Case #271 and Zoning Case #272 for first public hearings on Tuesday, June 11, 2002 at 6:00 P.M. Motion carried 8-0.

C. SPECIAL USE POSTPONED:

1. BCPC #02-13

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

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

FOR: To keep, raise livestock, sheep.

Steve Ritchey, 6303 Wagner Ave., presented overhead pictures of where the sheep would be housed on his property. He also showed pictures of the properties west of his property that would be affected. He said he doesn't believe drainage would be a problem and he would like his request approved.

Audience Participation:

Nicki Dunton, 6186 N. Pond Pointe, said she is unhappy with the idea of having the sheep. She has a clear view from her home of where they would be housed. She said the sheep would be further away from Mr. Ritchey's home than her own.

Laurie Miller, 6210 S. Pond Pointe, said after viewing the pictures, the sheep would not be as close to her property as she originally thought. However, she is concerned about the City not following through with action should a complaint be lodged against the special use permit. She said she is still against the sheep being allowed.

Edwin Butler, 6225 S. Pond Pointe, said he lives across the street from Mr. Ritchey and is totally against the sheep being approved. He spoke of an incident that occurred between he and Mr. Ritchey and said this is not a good start with a new neighbor.

Mr. Strasser said the property is zoned SE and a special use permit is required to keep the sheep. Mr. Ritchey has ample acreage for the sheep. If this is approved the Board has the authority to put stipulations such as a yearly renewal, the number of sheep, etc. DPW defers recommendation to the Planning Commission.

Mr. Grantner said there is a motion on the floor from the previous meeting that reads as follows:

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

Mayor Smiley asked if those same restrictions would be included along with whatever the board adds this evening?

Mr. Granter said it is up to the Board whether they want to add to or delete from the motion.

Mr. Young stated that he and Mr. Grantner visited the site and spoke with Mr. Ritchey about the location of the sheep. The site lines are very limited when coming into that property. Mr. Ritchey has put time and effort and study into the care and raising livestock. The pasture will be divided into two sections and will rejuvenate the pasture as he transfers the sheep from one pasture to another. The motion before us allows four adult sheep and 6 lambs. It appears that Mr. Ritchey has put a great deal of thought into this project. Many city children don't get the opportunity to take part in a project such as this that can be an educational value for life in taking responsibility.

Mr. Grantner said he is concerned about the manure and run-off problems. There is a ditch, not a creek that goes through there and it is more polluted before it gets to where the sheep are than he realized. This comes by where the

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Elks Golf Course is and they use fertilizers and weed killer. He said he would be voting in the affirmative for this case.

Mayor Smiley said the people he has spoken to have said there is quite a smell from the sheep and this is a concern. He said the 4-H project he is in favor of but not a project that is on going for an indefinite amount of time. He said he would be voting in the negative.

Moved by Young, seconded by Walls to amend the motion adding a two-year limit on the sheep along with the other restrictions as previously stated and after two years Mr. Ritchey could come back for renewal. By then we would then have an idea of the impact this would have on an area.

Mrs. White asked why the sheep would be closer to the creek drainage ditch versus the other side.

Mr. Ritchey explained that the majority of his property is woods and the open area is where the sheep would be housed. This should be less of an impact on the residents surrounding his area.

Mr. Bertram asked Mr. Ritchey to explain the placement of the sheep on a map.

Mr. Hardacre, 6321 Wagner Ave., said he has no objections to the sheep. He said he has miniature horses and the smell is minimal, depending on how the animals are cared for. These kind of sheep do not have an odor because they are not wool-bearing sheep.

Discussion was held concerning the two-year renewal.

Mr. Strasser asked if the two-year renewal meant after two years this approval is done or could be renewed.

Mr. Young replied he meant that Mr. Ritchey would have to come before the Planning Commission in two years for renewal.

Mr. Ritchey said he has no problem with the two-year renewal, but asked if there would be a fee when he came before the board again. He was advised there would be a fee charged.

Mr. Grantner called for a vote on the amendment made by Mr. Young and seconded by Mrs. Walls, to the amended motion. Motion carried 7-1 with Mr. Bertram voting no.

Mr. Grantner restated the amended motion made by Mr. Young and seconded by Mr. Perez as follows:

Approve the keeping of the sheep limiting the number of sheep to 10, with two inspections being done per year and come before the Planning Commission in two years for a renewal. Roll call vote: Walls, yes; Young, yes; Bertram, no;

Bement, yes; Grantner, yes; Mayor Smiley, no; White, yes and Perez, yes. Motion carried 6-2.

Mr. Perez stated he talked to officials at Davison Township and they knew there were sheep in the community, but didn't know how many. They have had no complaints in regards to the odor from the sheep. Mr. Perez commented that when the master plan was being done, people wanted open space and now we have this. With the stipulations we have placed on the special use permit, we should be able to keep this under control.

D. PUBLIC HEARING:

1. LS #02-14

BY: Topvalco, Inc., an Ohio Group
C/O The Kroger Co. of Michigan
18334 Laurel Park Drive N.
Livonia, MI 48152-3976

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

FOR: Commercial Use.

There was no one present to represent the lot split request.

Mr. Strasser said they were aware of the meeting. They are not in a position to pull the permits. We finally got their attention regarding the easements that run through the property. He said the lot split could be handled anytime.

Moved by Bertram, seconded by Young to postpone Lot Split #02-14 until the next regular meeting of June 11, 2002. Motion carried 8-0.

E. AUDIENCE PARTICIPATION:

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

F. SITE PLAN REVIEWS:

1. SPR #02-16

BY: Bundy Investments, Inc.
Chuck Sekrenes, Representative
5232 Richfield Rd.
Flint, MI 48506

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

FOR: New Dental Office

Chuck Sekrenes, 5515 Davison Rd., Ste, 14, said he is representing the Bundy Investments, Inc. Dr. Bundy plans to have his building placed on Parcel C, Lot 10 of Beechwood Center at Belsay and Davison Roads.

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

Mr. Strasser gave a brief history from the past meeting. He said the plans did not designate the size of the water main. This parcel with the revised prints, reflect sidewalks and drainage throughout the site emptying out into Belsay Road drainage ditch area. It is a stand-alone site and has access through an existing driveway, so an additional curb cut is not required. The parking will not be underneath the structure. There will be fewer run-offs on the site to the west. The project meets all the criteria in the zoning ordinance and they have received two variances from the ZBA in regards to setbacks. DPW has no problem with the request.

Mr. Bertram asked if there is a detention pond on the project anywhere?

Mr. Strasser replied there is a swamp area to the west that has been there for years.

Mr. Sekrenes stated the storm system was oversized when the project was originally built. Everything flows to the east and north.

Mr. Young asked if the Drain Commission had approved the plans?

Mr. Strasser replied yes they have been approved.

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Moved by Young, seconded by Bertram to approve Site Plan Review #02-16 contingent upon DPW recommendations. Motion carried 8-0.

2. SPR #02-26

BY: Jeff Allen
5479 Lapeer Rd.
Burton, MI 48509

RE: Allen Audio
5479 Lapeer Rd.
Lot 13-15 Cardinal Gardens
Section 14, Zoned C-2

FOR: Addition 70'x50'

Jerry Tomczak, 400 N. Saginaw St., Flint, MI 48502, said he is representing Mr. Allen. He is requesting approval to put an addition on the existing building on Lapeer Road west of Belsay Road. The ZBA approved a 4-foot setback area. Mr. Allen purchased the building about 1-1/2 years ago and improvements have been made to the building for the business. The addition will be on the rear of the building with parking expansion on the east side of the property. There are no plans for additional curb cuts onto Lapeer Road.

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

Mr. Strasser stated during major rains there used to be water in front of the building. The Genesee County Drain Commission has since taken care of the problem. Mr. Strasser discussed the problem with the neighbor having gasoline going into their sump pump. He said Mr. Allen has done many improvements to the building and would be an asset to the City.

Mr. Young inquired about the contamination of the soil being a problem for Mr. Allen's building. He was advised that the DEQ has no concerns about the contamination. Mr. Young asked if the soil were moved around, would this expose the water run-off?

Mr. Tomczak replied no.

A lengthy discussion was held concerning the soil contamination.

Mayor Smiley asked Mr. Allen if he was aware of the history on that site.

Mr. Allen replied he did know the history and has no problem with it.

Mrs. Walls asked if there are any noticeable odors.

Mr. Allen replied no, that the building doesn't have a basement like his neighbors do.

Mr. Perez inquired about the sidewalks being placed in front of the site. He said there are no other sidewalks to connect to this site.

Mr. Strasser said the sidewalks would be required when at least 50% of the businesses within the same block and mile area develop and install sidewalks.

Moved by Bertram, seconded by Walls to approve Site Plan Review #02-26 contingent upon DPW recommendations. Motion carried 8-0.

3. SPR #02-27

BY: American Land Development of Michigan, LLC
48864 Van Dyke

Shelby Township, MI 48317

RE: Spring Gardens Phase I
Atherton Road
Parcel #59-26-200-005

FOR: Preliminary Approval for plat of Spring Gardens
Phase I

Henry Horton, Rowe, Inc., 6211 Taylor Dr., Flint, MI, said he is representing the applicant. He said they are requesting preliminary approval for the plat of Spring Gardens Phase I. The State of Michigan will accept approval of the platting process for proprietors, not the property. Every time the proprietors change, then the approval that was granted was null and void. The new proprietors would like to move ahead and they have moved the park entrance to be included in Phase I. This is the only change since it was previously approved.

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

Mr. Strasser said the site plan meets all of the requirements of the ordinance and DPW has no problems with the request.

Moved by Perez, seconded by Walls to approve Site Plan Review #02-27, contingent upon DPW recommendations. Motion carried 8-0.

4. SPR #02-28

BY: American Land Development of Michigan, LLC
48864 Van Dyke
Shelby Township, MI 48317

RE: Spring Gardens Phase I
Atherton Road
Parcel #59-26-200-005

FOR: Preliminary Approval for plat of Spring Gardens
Phase 2

Henry Horton, Rowe, Inc., 6211 Taylor Dr., Flint, MI, explained that the Board has seen this request before. They are now pursuing the plans on Phase 2 and the proprietor would like to get this totally completed within a year. The only change was Aster Drive, on the West side; they have placed an outlet sub to the drive to the ad joiner to the West. They have staggered the interior lot and lost some of the lots by doing so.

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

Mr. Strasser commented there are no problems with the request.

Moved by Perez, seconded by Walls to approve Site Plan Review #02-28, contingent upon DPW recommendations. Motion carried 8-0.

G. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #02-20

BY: Daniel Paul Shevnock
3256 Sandysore Dr.
Metamora, MI 48455

RE: Go Fish!
G-4255 S. Saginaw St.

Burton, MI 48529

FOR: Change of Use.

2. SPR #02-21

BY: Karen Morey
3330 N. Henderson Rd.
Davison, MI 48423

RE: Curves for Women
4545 E. Court St.
Burton, MI 48509

FOR: Change of Use.

3. SPR #02-22

BY: Gmjad Saada
5246 Ridgebend Dr.
Flint, MI 48507

RE: H.N. Market
G-3280 Lippincott Blvd.
Burton, MI 48519

FOR: Change of Ownership

4. SPR #02-23

BY: Alvin Ashbaker Masonry, LLC
2323 E. Bristol Rd.
Burton, MI 48529

RE: Alvin Ashbaker Masonry LLC
2323 E. Bristol Rd.
Burton, MI 48529

FOR: Change of Use.

5. SPR #02-29

BY: Global Insurance
2333 S. Center Rd.
Burton, MI 48519

RE: Global Insurance
2333 S. Center Rd. (Meijer's)
Burton, MI 48519

FOR: Change of Use.

6. SPR #02-30

BY: Energy Concepts & Designs
4205 Fenton Rd.
Burton, MI 48529

RE: Energy Concepts & Designs
4205 Fenton Rd.

FOR: Change of Use.

Mr. Grantner asked for input in regards to Items 1 through 6 under Administrative Site Plan Reviews.

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Mrs. Walls inquired about the sign placed in front of Curves for Women.

Mr. Strasser said a freestanding sign or one on the building is allowed.

Mr. Bertram inquired whether the market on Lippincott was the one that burned down?

Mr. Strasser said no, they are requesting a change of ownership.

H. REORGANIZATION OF PLANNING COMMISSION:

Moved by Walls, seconded by White to nominate Jerry Grantner as Chairperson.

Moved by Young, seconded by Bertram to close the nominations and instruct the secretary to cast a unanimous ballot for Mr. Grantner as Chairperson. Motion carried unanimously.

Moved by Young, seconded by Bertram to nominate Alta Walls as Vice-Chairperson.

Moved by Young, seconded by White to close the nominations for Vice-Chairperson. Motion carried 7-1 to elect Alta Walls as Vice-Chairperson. (Mrs. Walls voted no)

I. BOARD DISCUSSION:

Mr. Perez led a discussion concerning the sidewalks being placed along Center Road. He said he thinks it is time to start connecting the sidewalks starting at McDonald's and the Senior Hi-Rise. How would we mandate to the owners that it is time to connect the sidewalks? Mancino's is currently pouring curbs and now would be the time for him to add the sidewalks.

Mr. Bertram asked if a check could be made to see how close to the 50% mark before the sidewalks could be connected.

Mr. Strasser said that particularly on the smaller sites the sidewalks are beginning to come together and if they continue the effort, this area would be walk able.

Mr. Bertram inquired about the church having sidewalks.

Mr. Young said he thinks they could be special assessed the same way they are when tying into the water.

Mr. Perez said they would not be exempt from the special assessment.

Mrs. Walls asked if the Council would be the body to make that a special assessment district?

Mr. Grantner commented that Mr. Strasser is going to find out where the 50% mark is and then the Board could send word through Mr. Bement, as Council representative, that the church needs to be special assessed.

Discussion continued regarding the sidewalk issue.

The next regularly scheduled meeting will be held on Tuesday, June 11, 2002, at 6:00 P.M.

Meeting Adjourned at 7:10 P.M.

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Cheryl M. Ladd, CMC
Deputy City Clerk

CML