CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JUNE 12, 2001, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Jerry Grantner, Chairman, at 6:00 P.M.

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

MEMBERS ABSENT: Brawner, Hohloch and Mayor Smiley.

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

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

Moved by Young, seconded by Bertram to approve and authorize the minutes of the Regular Meeting of May 8, 2001 at 6:00 P.M., as printed. Motion carried 6-0.

B. SCHEDULE PUBLIC HEARING(S) FOR JULY 10, 2001 AT 6:00 P.M.:

1. ZC #264

BY: Robert D. Petrone Sr.
1915 Arlington
Flint, MI

RE: 3335 Atherton Rd.
Lot 59 Supervisor's Plat #2
Section #21
Zoned R-1C to M-2

FOR: Stone Yard.

Moved by Young, seconded by White to schedule Zoning Case #264 for a public hearing for July 10, 2001 at 6:00 P.M. Motion carried 6-0.

C. PUBLIC HEARING(S):

1. LS #01-39

BY: Brent Williams
1119 LaSalle Ave.
Burton, MI 48509

RE: Lot #91 of Garden Acres
Section #13
Zoned R-1B

FOR: Residential Use.

Mr. Williams explained that he has no plans to build, he only wants the lot split at this time.

Mr. Strasser commented that this request meets all ordinance requirements. He said when it comes time that someone wants to build on the property, they will have to put in sewers at the owners expense. The sewer units will have to be paid up front, not only at the County, but also at the City. They will also have to pay the entire cost to have an additional tap on the site for a sewer system. This will be at the owners or developers expense, not the City's.

Moved by Bertram, seconded by Young to approve Lot Split #01-39, contingent upon DPW recommendations. Motion carried 6-0.

2. ZC #263

BY: Alma J. Morse
6276 E. Bristol Rd.
Burton, MI 45819

RE: 6276 E. Bristol Rd.
Parcel #59-36-200-005
West 10 acres of N ¾ of NE ¼
Section 36
Zoned SE to R-1A

FOR: Residential Use.

Alma Morse, 6276 E. Bristol Rd., explained that Donna Tuck and her husband wants to buy a portion of her property. She would keep 1.5 acres and they would buy 8.5 acres. They would get all of the back and half of the front.

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

Mr. Strasser explained that in this area, which is predominately zoned suburban estates, the intent is to rezone back to R-1A that would be in harmony with the area. He said the long range plans is one lady would be purchasing part of the land from Mrs. Morse to build a home on.

Donna Tuck said she is the one that is planning to purchase the property to build a home.

Mr. Young asked what kind of entrance would there be off Bristol Road, a shared driveway or separate. He also asked if more than one home would be built on the property.

Mrs. Tuck said the driveways would be separate and there would only be one home built. There would be 212 foot frontage and we would split that so we would each have 106 feet. Mrs. Morse wants to go back about 530 feet and then we would purchase the remainder of that parcel.

Mrs. Morse commented that the back acres are woods.

Mr. Bertram asked if there is water on the back of that property.

Mrs. Morse stated there is a drainage ditch on the back of the property.

Mrs. Tuck said her home would sit slightly back further than Mrs. Morse's home. She is approximately 370 feet off the road.

Moved by Walls, seconded by Perez to recommend approval of Zoning Case #263, as requested, contingent upon DPW recommendations. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh Street. inquired about the next master plan workshop date.

E. SPECIAL USE PERMIT:

1. BCPC #01-41

BY: Brian & Deborah Tangen
10922 Walker
Grand Blanc, MI 48439

RE: 4244 Pratt Ave.
Parcel #59-36-200-001
North Terminus of Pratt
Zoned SE

FOR: To keep up to 10 horses on the property

Debbie Tangen, 10922 Walker, Grand Blanc, explained that there is a purchase agreement for the property on Pratt Avenue, contingent upon getting approval for the horses. She said her daughter shows horses and they would not board or breed horses. Her daughter has a couple friends who would have a horse and they have been told they could keep their horses at our place, but there would be no payment for the horses staying there. The property consists of about 16 acres. She said her request is within the City ordinance. Mrs. Tangen commented that a neighbor had recently been approved to have miniature horses. She explained that there would be a scrudder so the manure would not pile up. The pastures would be to the West of the property so as not to be close to the neighbors. She said there are no plans to develop the property, only to have horses.

Audience Participation:

Richard Drake, 6387 Wagner, said his property abuts Mrs. Tangen's property. There is a wetland area on the West side of the property, which restricts where they can build. He said he has concerns about the number of horses. Mr. Drake also commented on the condition of the roads and thinks this may generate more traffic.

Nancy King said she presently owns the property and the wetland area is all wooded. She said they had been approved to build in the back part of that property.

Marie Gould, 4266 Pratt Ave., spoke about the condition of the roads and the possible increase in traffic with them being allowed to have 10 horses. She said she is also concerned about the smell and is against the request.

David Lafalceus, 4270 S. Vassar Rd., said he spoke to some of the neighbors and is against having more than four horses. He said he is concerned about the condition of the road, wetlands, smell, electric fence and children trying to get into the horses.

Debbie Tangen replied that she has already been approved. The people whose horses will be at our place are the same people who will visit us anyway. She said she is the last person to move into the area and doesn't want to invade these people, but live near them. Mrs. Tangen said the children have the responsibility of cleaning the stalls and the horses are properly kept so they stay healthy. She commented that she wants to follows the City's rules for the use of her property.

Mr. Drake commented again stating that the electric fences may not keep the horses in and what happens then? He asked what could be done if more horses are brought in than what is allowed.

Mr. Strasser stated this case is before the Board because the property is zoned SE and a Special Use Permit is required in this zoning for the keeping of livestock. The relevance of whether or not the road will fall apart is not your concern. The Board may approve 10 horses or less or none at all. Mr. Strasser said he suggests the Board meet in the middle in regards to the number of horses.

Mr. Bertram said according to the future land use, we are going to single family, low density in that area. Should this make a difference in our decision.

Mr. Strasser said if the SE zoning is done away with, it would be R-1A. You would have to look at whether livestock would be allowed or not.

Mrs. Walls commented that at the Zoning Board of Appeals meeting Mrs. Tangen said this would not be a boarding facility or riding stable, that there would be a total of six horses. It is my concern that Mrs. Tangen asked for six horses at that meeting and is now asking for 10 horses. This would have to be policed.

Mr. Strasser stated that once you approve a number of horses allowed, then that becomes ordinance for that property.

Mr. Grantner said he sits on the ZBA Board and the number 10 was not mentioned. He doesn’t think that four or six horses would be a problem and seems like a reasonable number.

Mrs. Tangen clarified the number of horses requested was for six horses. She doesn’t intend to have more horses than that.

Mr. Perez asked Mr. Strasser about the State ordinance. He also asked how much acreage would accommodate six or ten horses.

Mr. Strasser said the State Agricultural Department suggests one horse for every two acres, but this is only a suggestion. He said his opinion is that 10 horses on this amount of land is too much.

Mr. Perez said he would agree with six horses.

Mrs. White said she thinks 10 horses are too many, but six would be a reasonable amount. She said an electric fence does a good job of containing horses in an area.

Mr. Young confirmed with Mr. Strasser that the Board is only here to determine how many horses Mrs. Tangen is allowed.

Mr. Strasser said the Board could also stipulate several items on the property and she would have to live with the requirements.

Mrs. Tangen said she has her horses and has two friends with horses that would be stabled there. They would not be accepting money for the friends horses staying on the property.

Moved by Walls, seconded by White to approve BCPC #01-41, contingent upon DPW recommendations.

Moved by Young, seconded by Perez to amend the original motion to limit the number of horses allowed to six.
Amended motion carried 6-0.
Main Motion carried 5-1, with Bertram voting no.

F. SITE PLAN REVIEW(S):

1. SPR #01-43

BY: Ronald Kachman, The Building Design Group, Inc.
330 E. Maple Rd., Suite B
Troy, MI 48083

RE: Gas filling station for the Kroger Co.
1200 E. Bristol Rd.
Parcel #59-31-100-024

FOR: Gas filling station revision to Bristol Commons.

Ronald Kachman, The Building Design Group, Inc., 330 E. Maple Rd., Ste. B, Troy, MI 48083, explained that he has a revised site plan. The previously approved site plan was for a five-pump island service station. We are now requesting to put in a four-pump island gas filling station in the Bristol Commons. We have a four-pump island with a
kiosk. There will be no convenience store at the filling station at all. We are trying to provide a one-stop shopping for our customers at the grocery store. We think the amount of traffic and the traffic flow to make the center a little more accessible around where we want to put our service station, the four-pump island would be all we need to service the customers in this particular center. We are putting this in almost the exact same location that was there before but we have more room around the back side for truck traffic. This way they won't go down the side street.

There was no audience participation.

Mr. Strasser said the overall proposal was before this Board several months ago, showing some of the Outlots being developed and now this is before you asking for a filling station. This is a permitted use in the C-4 zoning, which this is. All of the emanates have been met, such as the driveway and landscaping, parking spaces, signs and we see no reason for denial.

Mr. Perez asked if there is a restroom in the kiosk. He was advised no, there would be one in the Kroger Store.

Mr. Bertram asked if this was previously proposed as a filling station. He was advised it was.

Moved by Young, seconded by Walls to approve Site Plan Review #01-43, contingent upon DPW recommendations. Motion carried 6-0.

2. SPR #01-47

BY: Ted Hu Associates, Inc.
G-8285 S. Saginaw, Suite #9
Grand Blanc, MI 48439

RE: Office & Retail Plaza for Diclememte
1075 E. Bristol Rd.
Lots #61, 62, 63 & 64 of Burton Gardens

FOR: For review of previously approved site plan.

Debbie Honea, from Ted Hu & Associates, G-8285 S. Saginaw, Ste. #9, Grand Blanc, MI, explained she is requesting an approval for a previously approved site plan one year ago. The revisions she presented involved the building. They flipped and mirrored the building on the site, as well as the parking lot. Everything else is the same.

The type and quantity of landscaping is the same. The proposed drive going into the lot has been approved by the Road Commission and remains approved by the Road Commission. The detention ponds remain the same also. We are, for your benefit, submitting to Soil Erosion and Drain Commission, just so they will confirm that nothing has changed. When we receive the letter it will be forwarded to the City. The parking spaces and the flow of the parking area is the same.

There was no audience participation.

Mr. Strasser said concurrence is needed from this Board because of the flip-flop. There are no problems with the site plan.

Moved by Walls, seconded by Bertram to approve Site Plan Review #01-47, contingent upon DPW recommendations. Motion carried 6-0.

3. SPR #01-49

BY: Mary A. Rolfe and Associates, Inc.
432 N. Saginaw St., Suite 702
Flint, MI 48502

RE: CK Gardens (Phase I of Eden Rock Campus)
Vacant land on Lippincott Blvd., between Christner and Center Rd. Assorted Lots/Frost Manor

FOR: Senior's Development

Linda Fedura, representing the architectural firm of Fusco, Shaffer & Pappas, Inc., 28382 Franklin Rd., Southfield, MI 48034. This property is in the process of being rezoned. She explained this is a care facility and they are here for Phase I, which consists of 50 independent apartment units and commons. In the future we hope to get another 50 units adjoining the facility. We know we need to come back as we proceed and go into future phases. The whole complex has dual access running off Lippincott and Center Road. Ms. Fedura explained how the phases would be constructed. She explained that the site plan is showing a boulevard entrance with a drop-off entrance to the commons. There will be 61 parking spaces, which is one per unit plus enough for the employees. This does meet all of the City requirements. All of the setback areas would be met and the unit will be 675 sq. feet, which exceeds the requirements. All units will have a balcony. We don't know what the detention requirements.

Mary Rolfe, Mary A. Rolfe & Associates, Inc., 432 N. Saginaw St., Suite 702, Flint, MI, explained that the 675 sq. foot apartments are the one-bedroom. The two-bedroom apartments are 900 sq. feet. She just wanted to clarify this issue.

Audience Participation:

Pauline Dargel, 6119 Hugh St., inquired about the rule that states that the front door must face the road.

Mr. Strasser stated that Phase I exceed all ordinance requirements. He asked when this project would be under way.

Mrs. Rolfe replied they would like to break ground by November 1st of this year.

Mr. Strasser said the detention basin and run-off has to be taken into consideration and will be taken care of by the Genesee County Drain Commission. There is city water and sewer available for this site.

Mr. Perez commented that it was discussed at a previous meeting to gating and blocking off the church area so this isn't used by the traffic.

Mr. Strasser said in Phase I, the paving will not be connected to the church property.

Mr. Major said this is a legitimate concern and would be dealt with during the proper phases.

Mrs. White asked if the Commons area would also be three-story. She was advised no, only one-story, approximately 6,000 sq. feet.

Mr. Young said he thought he remembered that the single units would be part of Phase I also. He asked if there was a change in plans.

Mrs. Rolfe said they have not changed their minds. As soon as they receive approval to start the three-story building, the person doing the site plan would he would have to have the site plan development ready for the ten market rate apartments on the west side of the property. We will do those simultaneously.

Mr. Young said this is one of the items he liked about the design.

Mrs. Rolfe said she liked the suggestion of the security fencing to stop traffic going through and out the Church's parking lot. This will be incorporated into our plans.

Mr. Young inquired if 61 parking spaces would be adequate. He was advised yes, that 61 parking spaces exceed the ordinance requirements.

Moved by Bertram, seconded by Young to approve Site Plan Review #01-49, contingent upon DPW recommendations. Motion carried 6-0.

ADMINISTRATIVE APPROVALS:

1. SPR #01-44

BY: Jim Li Wang
1935 Woodslea #12
Flint, MI

RE: Golden Wok
5006 B Lapeer Rd.

FOR: Restaurant to go with 24 inside seating.
1. Occupancy Permit required prior to opening.
2. Sign Permit required prior to opening.

2. SPR #01-45

BY: Hoist & Eddy Financial Services
2025 N. Genesee Rd.
Burton, MI 48509

RE: 2025 N. Genesee Rd.
59-03-400-008

FOR: To occupy the East ½ of the main level.

3. SPR #01-46

BY: Pro Clean (Majestic Properties, LLC)
6314 W. Pierson Rd.
Flushing, MI 48433

RE: Grondins, Inc.
1350 E. Bristol Rd.

FOR: Change of location in strip center.

4. SPR #01-48

BY: Boulder Creek Associates, LLC
20505 W. 12 Mile Rd.
Southfield, MI 48076

RE: Boulder Creek Apartments
5000 Boulder Drive
Burton, MI 48529
Parcel #59-31-551-031 & #59-31-300-001

FOR: Rebuild fire damaged apartment building.

Mr. Major commented that he listed the Administrative Site Plans and did not ask for Board concurrence. This is the first time doing that. If this isn't what you want, we could bring them back at the next Tom Strasser granted the above listed administrative approvals.

Mr. Young stated that he has no problem with this procedure. He asked if parking would be a problem for Site Plan Review #01-44.

Mr. Major replied they are required to stripe off their spaces that have not been done there yet. It is under a building permit today to remodel the entire structure, but not the Chinese Restaurant. We will be issuing a building permit for that. The building permit will have conditions for whatever has not been undertaken and completed by the owner of the building. Some of the conditions will include handicap spaces, striping of the spaces, refurbishing the trash container, finishing the exterior of the building, redoing the landscaping, pulling off the temporary signs, etc. We have a whole list for the gentleman who owns the building now. There are enough parking spaces there because they are determined by square footage. This particular individual hasn't submitted for their Health Department permits. The use is allowed in there, but they must comply with the Health Department regulations and our building department regulations.

Mr. Grantner asked if Mr. Major's intent is to list the cases and then we may ask questions or address any of our concerns regarding the cases.

Mr. Major replied he would not be looking approvals, he would be looking for questions, comments or suggestions or input. Most of these would not have occupancy at this time. We would want to address any of the Planning Commission's questions when we do our Site Plan Reviews with Tom and BOCA reviews through the Building Inspector.

A lengthy discussion continued concerning the process of how to handle the Administrative Site Plans.

Mr. Grantner said we are missing two board members and he would like to discuss this with the entire board and lay it to rest. There is no way of knowing whether we will have a full Board or not.

Mr. Young said he liked the way the Administrative Site Plans were presented tonight. If the Administration is working through the ordinances and by-laws of the City of Burton in their actions, then that is one of the reasons why we have administrators in the City, to take care of our ordinances and follow them as they are written. It puts the burden of proof on them to see that as they do the administrative reviews, that they are meeting all of the requirements. If there are no changes and they fit within the ordinance, I see no problem.

Mr. Bertram commented that originally the Board thought if they were going to have the administrative site plans come before them, then the applicant should come in and present their case. Otherwise, why should the cases come before the Board at all.

Mr. Major replied that it was his opinion, that the City Attorney would like to see the Planning Commission concur with what the DPW approved. Under the administrative section, anyone may object to the administrative approval within seven days. We don't bring an administrative site plan before you that had any type of drastic use or change that didn't need to be tweaked, or something that is controversial. Most of them are run of the mill cases. As a Planning Commission, you need to know what businesses are coming into the City.

Mrs. Walls said she thinks there was a resolution giving the DPW power to approve some site plans, but people were taking advantage of us. We then decided we need to know that approvals had been given and many of the things that are done, are legal.

Mr. Major said Section 1 of 5.37 definitely gives us that authority, but I always felt more comfortable getting concurrence with the Planning Commission.

Mr. Bertram said if the approvals are just for our information only that they don't need to be brought up here publicly.

Mr. Grantner said listing the administrative site plans would be fine with him and if anyone has a question or concern, they could address it with the DPW.

Mr. Strasser apologized for interrupting the discussion but said there were representatives here from Boulder Creek Apartments, and their case falls under this section of administrative approvals. They would like to make a presentation to the Board.

Mr. Bertram asked if the applicants had been singled out to come here and why the other three applicants were not.

Mr. Strasser said there were deficiencies in the apartment complex. Just by putting the building back up, the criteria would not have met the ordinance. There were other things that need to be taken care of.

Mr. Bertram asked if Mr. Strasser and Mr. Major couldn't have taken care of the items themselves.

Mr. Major replied that there was a major fire and this was more than just a simple site plan review. We have a complex that in some areas is severely outdated. They are working on bringing it up to code, exterior and interior wise, and making the property more attractive.

4. SPR #01-48 BY: Boulder Creek Associates, LLC
20505 W. 12 Mile Rd.
Southfield, MI 48076

RE: Boulder Creek Apartments
5000 Boulder Drive
Burton, MI 48529
Parcel #59-31-551-031 & #59-31-300-001

FOR: Rebuild fire damaged apartment building.

Ann Denoski, MHT Housing, 20505 W. Twelve Mile Road, Southfield, MI, said she represents the owner of the Boulder Creek Apartment, L.L.C. Because of the fire we experienced, we need a site plan approval. She said they are adding dumpster enclosures to bring the property up to current code and we added three handicapped spaces

because the new building will have some accessible units. We will be doing asphalt and concrete repair after the building is
rebuilt. The reason for waiting is because the equipment will tear up the repair.

There was no audience participation.

Mr. Strasser said their site plan is in total compliance with the ordinance and we want to see them get underway with their project.

Mr. Major said some of the items of concern were worked out with the Building Inspector and they will start rehabbing some of the other buildings and bring items up to the various codes. There are some defects in there due to age.

Mrs. Denoski commented that Boulder Creek Associates didn't acquire the property until the end of 2000 and the fire occurred in February. This postponed the plans to upgrade the property. It may not all happen in one year, but it is our intent to upgrade the property.

Mr. Major said he would like to see approval and the owners would also like approval. We haven't granted any administrative approvals as of yet.

Mr. Strasser commented that their financial institutions may want to see a formal approval from the City other than Administratively. It could be a benefit to them in the future.

Mrs. Walls asked if there would be firewalls installed.

Mr. Major said the fire stops would all be in place in the new buildings. There is no law that they have to put them in the rest of the buildings. They will be working with the Building Inspector and bring them up to code.

Mrs. Denoski said it is in their best interest to have the firewalls in place. She then introduced Lisa Phillips, Property Manager of Boulder Creek.

Mr. Grantner asked what the timetable would be for completion.

Mrs. Denoski replied they would be meeting with the architect the next day and should have something back within the next four weeks or so. We will be starting yet this year.

Mr. Young asked that with one unit having a fire, does this require you to make upgrades and changes? He was advised no.

Mr. Major said this is a voluntary basis by the manager/owner.

Mrs. Phillips said along with the site plan approval, they have submitted their budget for the improvements they are planning, including windows and new furnaces and some appliances.

Mr. Major said these are all property maintenance type items. We could pull out the one and two-family dwelling code and work with them.

Discussion continued regarding the firewalls.

Moved by Walls, seconded by Young to approve Site Plan Review #01-48, contingent upon DPW recommendations. Motion carried 6-0.

BOARD DISCUSSION CONTINUED:

Mr. Grantner said he has three issues that need to be discussed.

1. **Administrative Site Plan Review Procedures:**

Mr. Grantner asked if a list of the Administrative Site Plans satisfactory with everyone.

Mr. Perez said he thinks that notification of what is happening would be sufficient.

Moved by Walls, seconded by Young that administrative site plan reviews be handled in a fashion whereby a list is generated by the DPW for our information. Should we have a question, following the regularly scheduled agenda we may address the issue at that time. Motion carried 6-0.

Mr. Young said if we have another situation like Boulder Creek, where the DPW wants us to concur with, just make a note that Planning Commission concurs with approval.

2. **Master Plan Workshop:**

Mr. Grantner listed the following dates that Doug Piggott would be available to meet in June: 19, 21, 25 and 27. There was a consensus to meet on Tuesday, June 19, 2001 at 9:00 a.m. to 12:00 Noon in the Council Chambers. Clerk's Office to post the meeting notice.

3. **Sidewalk Policy:**

Mr. Grantner asked if anyone had anything else to offer, change or modify on the Sidewalk Policy.

Moved by Young, seconded by Bertram to recommend approval of the Sidewalk Policy dated 4-12-2001 to the Burton City Council. Motion carried 6-0.

The next regularly scheduled meeting will be held on **Tuesday, July 10, 2001 at 6:00 P.M.**

Meeting Adjourned at 7:47 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk