CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JUNE 13, 2000, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Councilman Larry Brawner at 6:00 P.M.

MEMBERS PRESENT: Bertram, Brawner, Grantner, Perez, Walls, White, Young and Hohloch (entered at 6:45 P.M.)

MEMBERS ABSENT: Mayor Smiley

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

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

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

Roll Call Vote: White, Walls; Perez, Grantner; Walls, Grantner; Young, Grantner; Bertram, Grantner; Grantner, Walls; Berry, Walls. Motion carried 4-3 to elect Jerry Grantner as Chairperson.

Moved by Young, seconded by Brawner to elect Alta Walls as Vice-President by unanimous vote.

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

Moved by Bertram, seconded by Young to approve the minutes of the Regular Meeting of May 9, 2000 at 6:00 P.M.,
as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARING(S) FOR JULY 11, 2000, AT 6:00 P.M.

1. ZC #254

BY: Mary A. Rolfe & Associates
432 N. Saginaw St., Suite 702
Flint, MI 48420

RE: Lippincott between Christner St. and Center Rd.
Section 21
Zoned C-2 to HRM

FOR: A Senior Housing Development.

Moved by Young, seconded by Brawner to schedule Zoning Case #254 for public hearing on July 11, 2000 at 6:00 P.M. Motion carried 7-0.

C. PUBLIC HEARINGS:

1. ZC #252

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

RE: Zoning Ordinance #19
Text Change
Section 5.15

FOR: Accessory Buildings.

Mr. Strasser said this proposal has come about due to an abundant amount of requests to build oversized accessory structures. The Zoning Board of Appeals meetings has been dominated by these requests. Something must be done to alleviate this problem. You need to look at the ordinance and determine whether or not, by today's standards, is the
square footage sufficient, because if it is, we will have to turn down all the cases that come before us. People have bigger vehicles and most have boats, campers, etc, and need additional storage. We are also regulated by setbacks when the smaller lots are being considered. While trying to alleviate this problem, hopefully it will be a number that is agreed upon by the Planning Commission and the City Council. I would hope the Zoning Board of Appeals would comply with these numbers because they are generous.

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

Mr. Young asked if this would stop requests or reduce the work load.

Mr. Strasser said it would reduce it, but not stop it.

Mr. Young said he concurs with Mr. Strasser, that if the ordinance is adopted by the City Council, he would hope that the ZBA sticks to the guidelines. He said in the old Section 5.15, the height restrictions were eliminated and he has a problem with that. A brief discussion continued concerning the height restrictions.

Mr. Perez suggested eliminating the following from Section 5.15, Item #3 in the existing ordinance:
"further, accessory buildings may occupy not more then twenty-five (25%) percent of a required rear yard, or forty (40) percent of any non-required rear yard.

Mr. Perez asked if there was a format to base the figures on in regards to the new square footage.

Mr. Strasser said several requests were reviewed and they tried to take different sections of the City and make a determination that would be good for the entire City.

Moved by Young, seconded by Perez to approve Zoning Case #252, with the following amendment in Section 5.15, Paragraph 3: "An accessory building shall not exceed one (1) story or fourteen (14) feet in height."
Motion carried 7-0

2. ZC #255

BY: Burton Administration
4303 S. Center Rd.
Burton, MI 48519

RE: Zoning Ordinance #19
Text Change

FOR: Non-conforming Use Changes
Orientation of Home Addition.

Mr. Strasser explained there are homes on Bristol Road, between Fenton and I-475, that are zoned commercial and are on small lots. Down the road from this, a realtor listed one of the homes and there was not proper zoning information. The lending institution checked with me and found the property is zoned commercial. The people can't get the mortgage for a residential home when it is zoned commercial. What our ordinance reads is that, when there is a non-conforming structure and 60% or more of the market value is destroyed, then the home cannot be rebuilt and the homeowner loses out. If the property is zoned commercial and people live on it, that is a win-win situation for the
homeowner and the City. The second section to be considered is that any house that is built or placed on the property

the front of the home should face the street. We have had problems and complaints from the neighbors when a home is built on the property sideways. We would like this added to the ordinance.

Mr. Grantner asked what section of the ordinance this should be added to.

Mr. Strasser replied it should be added in the section where the zoning classifications are listed.

Audience Participation:

Jerry Thomas, 4057 S. Belsay Rd., asked if the changes in the ordinance would encompass a complete subdivision.

Mr. Strasser said yes, in new subdivisions, the front of the houses would have to face the street.

Dr. Boggs, 4066 Davison Rd., said he has concerns about the first part of the ordinance because of the smaller lots. Most of the lending institutions don't want to deal with C-2 zoning, so this will limit my access of selling the house I have.

Mr. Young said that possibly the board should see the language for the second portion of the ordinance prior to approval.

Moved by Young, seconded by Bertram to approve the first portion of the text change in Zoning Ordinance No. 19, for Non-Conforming Use Changes, and table the second portion until administration provides us with language as to how the second portion fits into the appropriate sections. Motion carried 8-0.

D. AUDIENCE PARTICIPATION:

None.

E. SITE PLAN REVIEW(S):

1. SPR #00-27

BY: A.F. Jonna Development
4036 Telegraph, Suite 201
Bloomfield Hills, MI

RE: United Center
4001 Davison Rd.
Parcel #59-03-300-073 & 074
Section 3
C-4 Zoned

FOR: Addition to Strip Center.

Mr. Arkin Jonna, President of A.F. Jonna Development, said he is the owner of the property at Davison and Center Road. He would like to add on to the existing building, east, and would continue the façade and appearance of the existing structure.

Mr. Grantner asked Mr. Jonna if he had reviewed the DPW requirements.

Mr. Jonna replied he reviewed them with Tom and has no problem with the requirements.

Mr. Strasser stated that Mr. Jonna runs a clean and neat operation. He said there will have to be a 5 ft. sidewalk constructed along Davison Road and Mr. Jonna has agreed to do so. He said his operations are above and beyond the Ordinance requirements.

Mr. Jonna noted that he has test wells.

Mr. Strasser said this will be worked out with the DPW.

Moved by Young, seconded by Walls to approve Site Plan Review #00-27 for an addition to a strip center. Motion carried 8-0.

2. SPR #00-28

BY: Ted Hu Associates, Inc.
8285 S. Saginaw St.
Grand Blanc, MI 48439

RE: Office & Retail Plaza
1075 E. Bristol Rd.
Lots #61, 62, 63 & 64 of Burton Gardens
Section 30
Zoned C-2

FOR: Office and Retail Space.

Mr. Hu explained that he is proposing an office retail center on Bristol Road with over 14,000 sq. ft. The render would show what we are proposing and we have been working with the building department on the landscaping and the number of parking spaces to provide a buffer zone at the rear of the property. We have also talked about the drainage with the DPW. There is a 54-inch storm line that belongs to the County and we have their permission to tie Into this. Mr. Hu reviewed the DPW requirements and agreed to add a sidewalk in front of the proposed construction.

Mr. Strasser stated that as always, it is a pleasure working with Mr. Hu and his associates. He said they have worked on this proposal for quite some time and he has given the DPW a set of revised plans for the sidewalks along the property. DPW recommends approval of this site plan.

Mr. Bertram asked how many units would this include.

Mr. Hu stated that this would have 20 foot strips, but should a tenant need additional space, they would be accommodated.

Mr. Hohloch asked if the City has a concern with the detention pond being in the front.

Mr. Hu said the side of the pond drops from the front to the back.

Mr. Strasser said there are landscaping designed around the pond and there is no other way to design it.

Moved by Walls, seconded by White to approve Site Plan Review #00-28 for an office and retail space, contingent upon DPW recommendations. Motion carried 8-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #00-29

BY: Kayleen Smith
5112 Winston Dr.
Swartz Creek, MI 48473

RE: Smitty's Towing
3098 Kleinpell
Lots 79, 80 and 81 Supervisor's Plat of
Atherton Gardens

FOR: Towing yard storage area.

There was no one present to represent this site plan.

Mr. Strasser stated that this is a site plan that was approved some time ago and was never implemented. They now want to expand and this is why this case is before you.

Moved by Young, seconded by Bertram to table Site Plan Review #00-29, until the next regular meeting of July 11, 2000. Motion carried 8-0.

G. BOARD DISCUSSION:

Mrs. Walls asked if Mr. Strasser could enlighten the board on any action being taken on the Genesee Road property between Lapeer and Court Street.

Mr. Strasser said he only knows of one homebuilder who was interested in it, but the cost was too high.

Mr. Hohloch apologized for being late. He asked why items #7, #16, #17 and #18 on the DPW stipulations, were not required on some of the cases. Why is this not consistent?

Mr. Strasser gave a brief explanation of why some of the cases required certain items. He said he reviews each case on an individual basis.

Mr. Hohloch said that he would like to have an ordinance adopted by the City Council to have all site plans for commercial use will be prepared under direct supervision by a registered professional in the State.

Mr. Strasser said it would have to be taken before the Legislative Committee and then to the City Council.

Mr. Hohloch said he did that once before, bur it never came out of Committee. He said he came before the City Council six years ago and Council, at that time, thought it was a good idea. It was typed up and submitted. This would be done for the protection of the City. He said he would bring a copy of what he had proposed to the next meeting and the board can discuss what action should be taken.

Mr. Grantner said in regards to motions being made, the procedure he has followed is to get the motion on the floor and then have discussion on the motion. Is this the correct procedure?

Mr. Young concurred with Mr. Grantner.

Mrs. Walls suggested that information could be obtained from MML and if they offer a workshop, the board should attend.

Mr. Bertram inquired whether the City still has an inspector, paid by the company at Dort and Maple, still visiting the site. He asked if there was supposed to be a report given back to the board.

Mr. Strasser said the inspector is the Assistant Fire Chief. He said last month they came before the Zoning Board of Appeals for a yearly renewal for open transfer, but it was denied. He said there are certain procedures that must be followed.

Mr. Bertram said we should be getting a report. He said this business has had three different names and asked if this would be a change in ownership. He said promises were made that there would be no more than 7 to 10 containers on that property at one time and they must have at least 150 containers on the ground. Also, they were not to have open
storage. Mr. Bertram said the report should be submitted so the board can review it.

Mr. Grantner asked Mr. Strasser to possibly get someone from that company to attend next month's meeting so we know what is happening with this site.

Mr. Strasser said he would try to get someone here.

Mr. Grantner asked about the status of the rezoning on Hemphill Road.

Mr. Strasser said he hasn't heard from the developer since he requested to have the meeting changed from June 20th to June 27th. That was not a good date, so nothing has been decided at this point.

Mr. Bertram inquired about the status of the Master Plan.

Mr. Brawner said it would be a year this August since we have met on the Master Plan.

Mr. Grantner said we need an update on where we are with the Master Plan, because we are moving on text changes which relates to the Master Plan. We need to bring this to a closure.

The next regularly scheduled meeting will be held on Tuesday, July 11, 2000, at 6:00 P.M.

Meeting Adjourned at 7:00 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML