

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JULY 10, 2001, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Bill Young at 6:00 P.M.

MEMBERS PRESENT: Bertram, Brawner, Walls, White and Young.

MEMBERS ABSENT: Grantner, Hohloch, Perez 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 Bertram, seconded by Walls to approve and authorize the Minutes of the Regular Planning Commission Meeting of June 12, 2001 at 6:00 p.m., as printed. Motion carried 5-0.

B. SCHEDULE PUBLIC HEARINGS FOR AUGUST 14, 2001 AT 6:00 P.M.:

- | | |
|--------------|--|
| 1. LS #01-50 | BY: James A. Delano
5349 E. Maple Ave.
Grand Blanc, MI 48439 |
| | RE: Parcel #59-35-400-039 |
| | FOR: Residential Use. |
| 2. LS #01-51 | BY: Charles D. Marshall
3057 Eugene St.
Burton, MI |
| | RE: Parcel #59-25-527-016
Lot 16 of Lots 5 & 6 Thomas Replat. |
| | FOR: Residential Use. |

Moved by Walls, seconded by White to schedule Lot Split #01-50 and Lot Split #01-51 for public hearings on August 14, 2001 at 6:00 P.M. Motion carried 5-0.

C. PUBLIC HEARING:

- | | |
|------------|---|
| 1. ZC #264 | BY: Robert Petrone
3120 Kleinpell
Burton, MI |
| | RE: 3335 Atherton Rd.
Lot 59, Supervisors Plat #2 |
| | FOR: R-1C Residential to M-2 Heavy Industrial
for the purpose of a stone yard. |

Robert Petrone, 3120 Kleinpell St., explained that he has an existing stone yard on Kleinpell Street, but would like to move out onto Atherton Road so he would have more exposure to the public.

Audience Participation:

Jeff Sanderlin, 3334 E. Atherton Rd., said he lives across the street from this property and it is in a flood plain area. He noted that there is a great deal of congestion in that area and accidents happen on a daily basis at Atherton and Kleinpell Streets. Mr. Sanderlin opposes the stone yard due to the fact this will only create more traffic congestion, add dust, erosion and could cause increased flooding problems on Atherton Road.

Don Sanderlin, 4460 Killarney Park Dr., said he is in support of his son and is against the proposal. The flooding is bad in this area. When his son's property was flooded several years ago, it was so bad he couldn't get down there to help him. There have been two major floods on Atherton Road in recent years and with the piles of stones, it could only get worse.

Mr. Strasser commented that under the present master plan, this was intended to be an open space because it is part of the Thread Creek flood plain area and is surrounded by residential zoning and uses. If this is approved by the Planning Commission and the City Council, Mr. Petrone would have to come back before the Planning Commission for a site plan review and special use permit and petition the DNR for special permits to fill in or alter the flood plain.

Mr. Young asked if the majority of the property is in the flood plain.

Mr. Major replied that at least 50% of the property is in the flood plain area. He said he doesn't know how the DEQ would consider this case from a land use standpoint because of the flood plain. It is doubtful that it would be approved.

Mr. Young asked if it would be feasible to prevent the runoff from going into the creek and putting more sediment into the creek.

Mr. Major said under normal flooding conditions you could probably come up with some type of retention pond design, but with the history of Thread Creek, the retention pond would be flooded along with everything else. He said he doesn't think that there is a manageable retention area they could construct that would satisfy DEQ given the history of Thread Creek. It is not the normal 10-foot creek with seasonal flooding. It will be questionable whether this will get through the DEQ, even if the Planning Commission and City Council approve it.

Mrs. White asked Mr. Petrone if he had spoken with an architect.

Mr. Petrone replied no, that it is subject to whether or not he receives approval from the DNR. This was just a first step and if the planning Commission approves it, he will go to the next step. If not approved, then it will stop here.

Moved by Bertram, seconded by White to deny the request to change the zoning from R-1C Residential to M-2 (Heavy Industrial) for the purpose of a stone yard. Motion carried 5-0.

D. AUDIENCE PARTICIPATION:

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

E. SITE PLAN REVIEW(S):

1. SPR #01-52

BY: C & M Wire Rope & Supply Co.
3347 E. Bristol Rd.
Burton, MI

1. SPR #01-51 (Continued)

RE: 3347 E. Bristol Rd.
W 15.97 ft. of Lot 14, Lots 15 & 16 Martin Acres and
Lots 19 & 20 Follo Acres except N120 ft. and S180 ft.

FOR: Additional warehouse space.

Jim Metcalf, C & M Wire and Rope, stated they would like to put an addition on the existing building.

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

Mr. Strasser commented that this is an existing facility on Bristol Road and a site plan review was done several years ago. They are proposing to add onto their warehouse. The DPW staff recommends that the parking area in the front be paved and if the dumpster is utilized on the site, it has to be enclosed. The fill dirt should be graded off for proper drainage. The sidewalks would be addressed under the sidewalk policy.

Mr. Major stated that the sidewalks would be required when 60%-70% of the sidewalks are put in front of the other businesses located on Bristol Road between Center and Dort. This will be a condition for approval of the site plan. Mr. Metcalf would not have to incur immediate costs for the sidewalks.

Mr. Metcalf stated he has no problem with the sidewalk requirement.

Mr. Young asked if notification would be sent to Mr. Metcalf when the time comes for the sidewalk to be constructed.

Mr. Major said the City Council hasn't given him any direction of what the procedure would be at the time we reach this step. He said his conclusion is if the sidewalks are not all in, we could run a special assessment district and have a one time assessment or a two or three year assessment. The details haven't all been worked out yet.

Mrs. Walls asked that in the event Mr. Metcalf were to sell the business, would the sidewalks still have to be put in.

Mr. Major replied yes, that this would be a condition to the approval of the site plan.

Mrs. Walls asked Mr. Metcalf if he had reviewed the DPW requirements. She was advised yes.

Mr. Bertram asked if the addition would coincide with the existing building.

Mr. Metcalf replied that it would.

Moved by Walls, seconded by Bertram to approve Site Plan Review #01-52, contingent upon DPW recommendations. Motion carried 5-0.

2. SPR #01-53

BY: Joseph D. Brasher
PO Box 247
Fenton, MI 48430

RE: 3183 Kleinpell
Part of Lots 34 & 35 Supervisors Plat of
Atherton Gardens.

FOR: Storage buildings

Joe Brasher, 11005 Fenton Rd., Fenton, MI 48430, stated he is a landowner on Kleinpell where his business is located. He would like to build cold storage buildings to keep his equipment out of the weather.

There was no audience participation.

Mr. Strasser commented that in order for the buildings to be built in the location that he is proposing he would have to have variances from the Zoning Board of Appeals. He is also proposing to leave the lot as gravel and in most cases we would recommend that it be paved. At a minimum the required handicapped parking space would have to be paved and signed. Also, the sidewalk issue would have to be solved and the dumpster on site would have to be enclosed. Mr. Strasser asked if the storage would be for Mr. Brasher's business or for lease, self-serve storage.

Mr. Brasher said it would be specifically for the use of the company. There are a lot of doors on them, but we are looking ahead.

Mr. Brawner asked what the size of the buildings would be and how many there would be.

Mr. Brasher replied there would be two buildings, one 146'x40' and twelve doors in them.

Mrs. White commented that the site plan doesn't show what you plan to do.

Mr. Brasher explained his intentions and commented that he owns the property surrounding his business. The equipment that is stored outside needs to be in out of the weather.

Mr. Bertram asked Mr. Strasser if there was an oversight on the sidewalk not being checked on the requirement list.

Mr. Major replied it was an oversight and the sidewalk would be required.

Mr. Brasher said he has no problem with the sidewalk requirement.

Mr. Young asked if Mr. Brasher understood that all of the parking area has to be paved.

Mr. Brasher asked if it would only be the area between the two buildings.

Mr. Strasser replied that if this is a business, anything that is used by vehicles should be paved.

Mr. Brasher commented that he understands the DPW paving requirements, but much of the reason his business is located on Kleinpell Street is because of the large equipment and outside storage. He said the only way he could pave that six acres is with 9-inch concrete and at that point it would become equitable or fair for him to do the paving.

Mr. Strasser said he has to follow the ordinance and it would be left to the Planning Commission's discretion as to what they require.

Mr. Brasher said he would be willing to pave the handicapped area. The existing building now has a concrete apron around it, which is 9-inch concrete re-enforced like the road. It was our intent to put an apron around these buildings because we like concrete, but to pave the whole area, I couldn't do that. I would rather go without the buildings than to pave it.

Mr. Major asked if there is an existing driveway that goes in there. He was advised there is a gravel driveway there. He then asked if the building up front is his office.

Mr. Brasher replied that the building up front is a house. The building he uses is in the back. He said that everything is fenced except the main driveway.

After further discussion continued regarding the paving, Mr. Major commented that at the very least the handicapped requirements must be satisfied. Mr. Brasher could be to go to the State of Michigan and ask for an exception, but he thinks that may be a waste of time.

Mr. Brasher said there isn't much traffic in and out of there because they travel most of the time. He works for the Department of Defense and there is very little work done at this site. Sometimes we are gone for several months at a time.

Mr. Bertram asked if there are employees that come to the facility and pick up any equipment, would a car be parked there?

Mr. Brasher said he has a lowboy and he moves the equipment himself, but occasionally someone does pick up some of the equipment. In his business, most everybody drives to the project.

Mr. Major commented that he could ask the Planning Commission to pass the site plan with the requirement that handicap parking be provided and access. I will then get with the Building Inspector and see what the minimum requirements are that he must meet. If Mr. Brasher finds those acceptable, fine, but if not, he will not be allowed to build. He said another option would be to send this to Lansing and possibly it would meet the criteria of a contractor's fenced in storage yard that doesn't need any type of handicap accessibility. We do have a couple of options.

Mr. Brasher stated that he works for the government and the buildings are something he would like to have, but could live without. He said his biggest problem is the fact that he has built a nice place and the building next to him got so bad that he purchased the property. He said there is a house in front of his property that doesn't have running water and there are rats as large as cats running around. This property is intended for industrial use and he is trying to improve that neighborhood. If I were required to pave the entire area, I would put a halt to this and look for another area. The houses in that area keep getting worse and worse.

Mr. Bertram said the City is currently in the process of updating the master plan and Mr. Brasher may be caught in the middle of this process. We have to treat everyone equally.

Mr. Major said this is a transition area, which makes it a difficult situation. He plans to meet with the Building Inspector and find out if just the handicapped parking can be paved. He said they could create a contractor's storage yard, which has been done many times in the past. The Building Inspector has the capability of reviewing whether this would fall under those provisions and guidelines.

Mr. Young asked Mr. Brasher if he would be willing to accept the Building Inspector's decision regarding the paving.

Mr. Brasher replied he would be willing to put in a larger handicap paved area, but he can't afford to pave out to Kleinpell Street.

Moved by Walls, seconded by Bertram to approve Site Plan Review #01-53, contingent upon DPW recommendations. Motion carried 5-0.

3. SPR #01-54

BY: Brent A. Smith
2299 Fox Run
Burton, MI 48519

RE: Parcel #59-34-100-006, C-2 Zoned

FOR: Expansion of self-storage facility.

Mr. Smith explained that he wants to expand his storage facility by adding four buildings, but he would like to do one building at a time. He said he would be willing to pave the entire area. He questioned the 5-foot wide sidewalk, which was on the checklist. He said there are currently no sidewalks in the area, but he would be willing to put in a sidewalk at sometime in the future. In regards to the setbacks, he said he agrees with the 30-foot setback in the front, but as far as the 20-foot setback on the side, he has a problem with this. The one building is only 4' away from the property line. He wants to add four more buildings and would like them to line up with one another. He is asking that on the West Side to not have a 20-foot setback. Mr. Smith said he has an open ditch and will get a site plan that shows where the water will be running to the ditch. There are no storm drains planned.

Mr. Major commented that the County Road Commission would not allow him to run the drainage water to the ditch.

He said this site plan should be denied until a better site plan is submitted. Unless Mr. Smith has some type of onsite detention before it can discharge into the open ditch, the Road Commission will not approve it. He said he doesn't see where there is enough land before it discharges out to Bristol Road. Mr. Major is uncertain what size area the Road Commission would require for drainage or if they would allow any drainage out to Bristol Road. Based on what was told to the City Council, there is going to be a countywide storm water management program directed by the State of Michigan. This will be an unfunded mandate, demanding storm water management on every site in the City, approved by the Drain Commission, prior to discharge to any location with any right-of-way, creek or storm sewer. There has to be some type of retention pond, especially if you are going to pave the site. Mr. Major said the Planning Commission could approve the site plan contingent upon approval from the Genesee County Road Commission and Drain Commission issuing their permits for storm water. This meets all of the other requirements. Mr. Major commented that the storage facility is a quality business and he has no complaints about it. However, the retention issue needs to get settled.

Mr. Strasser asked Mr. Smith if he would come back before this body with a more formal site plan.

Mr. Smith said he brought the present drawing tonight, but will get a site plan done by an engineer. Prior to doing this, he wanted to see if it would be worth spending a great deal of money on a formal site plan. It could cost as much as \$10,000 to get the site plan drawn up.

Mr. Bertram said it is difficult to make a decision without having a site plan. He suggested postponing this case until a completed site plan is presented with the landscaping plan.

Mr. Major commented that the use fits the classification. This is not a finished site plan because it doesn't have the landscaping scheme. You could approve the use classification of the storage facility subject to submission of a final site plan with the proper elevations and landscaping. There is no basis for denial regarding the storage buildings.

Mr. Young asked if this is approved contingent upon the site plan submittal, would this have gone to the Drain Commission and Road Commission?

Mr. Major said this would already have approval from the Drain Commission and the Road Commission. Mr. Smith is looking for preliminary approval.

A brief discussion was held concerning whether to table the site plan so Mr. Smith wouldn't have to pay another fee.

Mr. Major stated when the final site plan is submitted it will be acceptable to the other two governmental agencies. He said the plan meets the setback requirements and he doesn't think it would be out of line giving Mr. Smith a preliminary approval of the layout, subject to submission of the final site plan to the Planning Commission

Mr. Strasser commented that the Zoning Board of Appeals has allowed him to expand with non-conforming rights.

Mr. Bertram asked about the 20' side setback on the property. Doesn't he have to go to the ZBA for a variance?

Mr. Strasser explained that the Zoning Board of Appeals granted approval for Mr. Smith to expand his non-conforming rights. This plan you are looking at is the amended one from the one that was sent in your packets. This must be a 20' side setback and we have to go by the use of the property.

Mr. Major said he is expanding his non-conformity and the Zoning Board of Appeals granted this.

Moved by Walls, seconded by White to grant tentative approval for Site Plan Review #01-54, contingent upon DPW recommendations and submission of the final site plan back to the Planning Commission. Motion carried 5-0.

4. SPR #01-58

BY: R & R Development Corp.
2772 Stonemeadow Dr.
Milford, MI 48380

RE: Parcel #59-27-200-011, and Part of
Hawkshire Meadows Condo. RM Zoned.

FOR: Preliminary site condo approval.

Randy Morris, 2772 Stonemeadow Dr., Milford, MI 48380, explained that he is planning to build site condos, which is lot line to lot line ownership. There is no common element as far as the site condo goes.

Mr. Major said this would be a typical subdivision plan except they will be using the site condo law, which shortens the term of getting it through the State. This is another way the State allows subdivisions. The deed will not be a typical deed that would come with a regular standard lot.

Mr. Morris said the deed would show a unit number.

Mr. Bertram asked if this would be a Planned Unit Development (P.U.D.) and he was advised no.

Mr. Morris said there would be dedicated streets.

Mr. Strasser commented about a proposal for a 5-acre park at the end of the street.

Mr. Morris said this is an idea but would be brought up in Phase 2 of the subdivision. Mr. Morris explained that the Curtis Drain is now designated as a linear wetland, which has thrown the previously approved engineering out the window. Because we already have some detention in, and designed, it makes perfect sense for us to try and get this developed now while we work on trying to get the other issues resolved. We are looking at dedicating approximately five acres as parkland. He said he recently acquired 11 acres and will use that property as an easement for the main entrance.

Mr. Major said those would be fully dedicated streets with water, sewer, storm and all public utilities. It fully meets the requirements of the zoning district as far as the square footage of the lots. It's 100% in compliance with our subdivision review requirements and meets all of the conditions. Mr. Morris is asking for preliminary site condo approval. This would give him the ability to get started on the design of the public utilities. There is not a basis for denial because the site meets all of the public utility requirements and the platting requirements.

Mrs. White asked what the price range of the homes would be. She also asked what the square footage would be.

Mr. Morris advised the homes would run \$129,900.00, but option could be added. These will be the same styles of homes that we have been building on the other 24 lots. The ranch has 1,226 square feet and the colonial has between 1,271 sq. ft. and 1400 sq. ft.

Mr. Brawner asked if Mr. Morris would be donating the land to the City for a park or would he be developing the park himself.

Mr. Morris replied that he would be dedicating the land over to the City.

Mr. Major said it is the DPW recommendation that the Planning Commission grant the preliminary site condo approval based on the plan submitted.

Mr. Young asked if this plan had been before the ZBA.

Mr. Morris replied that what was before the ZBA was a totally different concept.

Moved by Bertram, seconded by Brawner to approve Site Plan Review #01-58, contingent upon DPW recommendations. Motion carried 5-0.

F. ADMINISTRATIVE APPROVALS:

- | | |
|---------------|---|
| 1. SPR #01-55 | BY: Charles W. Nelson
11209 Bare Dr.
Clio, MI 48420 |
| | RE: 3496 S. Saginaw St.
Burton, MI |
| | FOR: Pagerzone & Cellular |
| 2. SPR #01-56 | BY: James Walker Jr.
1613 Kent St. |
| | RE: 3103 S. Dort Hwy. |
| | FOR: Texas Style BBQ |
| 3. SPR #01-57 | BY: Franklin E. Conklin Jr.
1134 Simcoe
Flint, MI 48507 |
| | RE: 5058 Lapeer Rd.
Burton, MI 48509 |
| | FOR: Burton Extreme Paint |

Mrs. Walls questioned whether Site Plan Review #01-57 involved the building at the corner of Roat Court. She then asked if an inspection was done to see if the restrooms were put in.

Mr. Strasser replied that it is the same building. He noted that Mr. Wright made an inspection on the building, but he didn't know what his findings were and that he is currently on vacation.

Mr. Major commented that an inspection was done on the structure and if barrier free bathrooms were required, then Mr. Wright would require installation to bring them up to code.

Mrs. Walls said the building is old and there were no restroom facilities at one time.

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Mr. Brawner asked if this building would have to be inspected by the Fire Department.

Mr. Major replied yes.

Mr. Brawner inquired about the status of the Texas Style BBQ at 3103 S. Dort.

Mr. Major replied they are not in the building yet because they have to apply for administrative site plan approval. Last weekend, without our knowledge, they set up business by running an extension cord into the building. This was done under a permit from the County Health Department. We were not notified that a permit had been issued so we had no way of knowing he would be conducting his business. Mr. Major said the building has been tagged by us and the County Health Department, so he can't run his business out of there.

Mr. Bertram said he has been setting up his business all along Dort Highway.

G. BOARD DISCUSSION:

BY: Frank & Betty Stanton

RE: Lot 1 Rinn Acres

FOR: Property has no zoning designation

Mr. Strasser explained that Lot 1 of Rinn Acres is a very unusual and rare situation. He said he spoke at length with Mr. Piggot concerning this matter. This property was zoned R-1A (Residential) prior to the I-69 freeway being constructed. The State Highway Department after being left vacant picked up that lot. The location is on the north side of the freeway, south side of Court Street.

Mr. Brawner asked how large of an area is the property.

Mr. Strasser replied it is about 100' on the east property line, which runs north and south and about 125' or 130' along Court Street North.

Mrs. Walls asked what they would like to do with the property.

Mr. Strasser said the people who own it have a potential buyer for a commercial business. In Michigan, a municipality that has a zoning ordinance is not allowed to have land that is not zoned. To get the property zoned, the Planning Commission is supposed to make a recommendation to the Zoning Board of Appeals as to what the property should be zoned. At that point, the ZBA reviews the adjacent zonings and makes a determination whether or not your recommendation is right and then they say it can be zoned as such. The problem with this case is that the adjacent zoning south of the freeway is zoned residential, and the most adjacent zoning in Burton, is mobile home park. A mobile home park cannot be built on the property. One thought would be that the adjacent property, located in Davison Township, is zoned commercial, so it would make sense to zone the property commercial.

Mr. Major asked if there are any public utilities located there at all.

Mr. Strasser replied there is sanitary sewer on the north side of Court Street. He said they would be able to access the sanitary sewer on the north side of Court Street.

Mrs. Walls asked if Davison Township had run the water line through that area.

Mr. Strasser replied it's possible they did, but only to the west property line of Genova Plastics.

Discussion continued regarding the availability of the utilities for the property.

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Mrs. Walls asked if they would be allowed to have a well.

Mr. Major said yes, that is a possibility.

Mr. Strasser reiterated that the Planning Commission's duty tonight is to make a recommendation to the ZBA for some type of zoning.

Mr. Brawner asked what kind of business the people want to put in and if they have a preference regarding the type of zoning.

Mr. Strasser did not know what type of business the land owners wanted, but they do want is zoned commercial.

Moved by Bertram, seconded by Walls to recommend to the Zoning Board of Appeals that the zoning be designated as C-2 (Commercial) for Lot 1 of Rinn Acres. Motion carried 5-0.

SETTING A PUBLIC HEARING DATE FOR THE CITY OF BURTON MASTER PLAN:

Mr. Young said we have been asked to set a public hearing for the master plan.

Mr. Bertram suggested we wait until there are more members present to set a date.

Mr. Major said if a meeting date is set for the end of September, possibly it could be the 25th, which would be the second regular meeting date when two Planning Commission Meetings are needed. He said he would get the information from the Attorney and Rowe as to exactly what is required regarding the publication. Also, he will ask for a suggestion from Rowe about the materials needed for more public awareness of the public hearing. There shouldn't be a problem waiting until the August meeting to set the public hearing date.

Mrs. Walls asked who gave permission for the junk to be dumped on Neil's property, which is located north of her property. She said she is unhappy about it being there.

Mr. Major said the only recourse is to issue a 10-day notice to get it removed.

Mrs. Walls said across from there is a sign that says there is 23-acres zoned commercial for sale. She stated that she didn't think the property is listed as buildable according to Mr. Piggott and asked why it is not included in the master plan as developmental land?

Mr. Strasser said this property was left zoned as Light Industrial, as well as the remainder of that mile.

Mr. Major suggested that Mrs. Walls address this issue with Mr. Piggott at the public hearing for the master plan.

Mr. Bertram asked whether Safety Kleen was still operating at the corner of Maple and Dort.

Mr. Major said he wasn't certain, but he didn't think they were operating. His last conversation with CSX was relative to the railroad crossing on Maple Road being repaired. He was advised that the lease is running out this month for Safety Kleen. Mr. Major then gave an update regarding the railroad track repair and removal on Maple Road.

Mr. Bertram said there are about 500 containers on the Safety Kleen property. Could we give them a timeframe to get them removed from the site?

Mr. Major said he would be speaking with a contact person at CSX and possibly he could get the name of an official from Safety Kleen.

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Mr. Brawner asked if once that place is empty, can we make certain that all of their equipment is out of there?

Mr. Major said the landlord should force the tenant to clean up the site, but we don't have the authorization to do so.

Mr. Bertram said he doesn't see any activity on the site.

Mr. Young announced that the next regularly scheduled meeting would be held on Tuesday, August 14, 2001, at 6:00 P.M.

Meeting Adjourned at 7:32 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML