CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
AUGUST 12, 1997, 6:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Homer Berry, Chairman, at 6:00 P.M.

MEMBERS PRESENT: Berry, Howlett, Perez, Grantner, Bertram and White.

MEMBERS ABSENT: Mayor Smiley, Walls and Merrell.

OTHERS PRESENT: R. Stewart, Building Inspector; R. LaDuke, Building Supervisor and C. Ladd, Deputy City Clerk.

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

Howlett moved and Granter seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of July 8, 1997 at 6:00 P.M., as printed. Motion carried 6-0.

B. PUBLIC HEARING POSTPONED FROM JULY 8, 1997 AT 6:00 P.M.:

1. LS #97-28

BY: Meijer, Inc. (ELGA Credit Union)
2929 Walker Avenue, NW
Grand Rapids, MI 49544

RE: 59-22-300-002
Section 22

FOR: ELGA Credit Union

Karen Cape, Cooper Commercial, 3487 S. Linden Rd., Flint, explained that she was asked to fill in for a representative from ELGA Credit Union. She would be happy to answer any questions.

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

Mr. Stewart said the file has been reviewed and the paper work was delayed. DPW has no problem with the lot split request.

Moved by Howlett, seconded by Perez to approve Lot Split #97-28 contingent upon DPW recommendations. Motion carried 6-0.

C. PUBLIC HEARING:

1. ZC #229

BY: Dennis L. Vaughter, Sr.
4275 E. Court St.
Burton, MI 48509

RE: Lots 59 & 60 Maple Court Sub. #2
4265 & 4275 Court St.
Section 10, Zoned R-1A to C-2

FOR: Commercial Use

Dennis Vaughter, 4275 E. Court St., explained that the request for rezoning is on the behalf of himself, his wife and Grant Hamady, who are asking to have the zoning changed form R-1A to C-2. The reason for their request is that his wife has retired and now wants to start a small business in their home.

He said his property is currently for sale and they have had doctors and lawyers looking at it. He said Grant Hamady is also interested in having the zoning of his property changed, but is currently grandfathered in. There are other businesses in the area with this type of zoning.

Mr. Vaughter expressed his distress of the noise coming from Home Depot. He said he doesn't think this situation will change, but we are looking a progress and the City of Burton will benefit from the businesses. He said he is asking to have the request granted to rezone his property and also for Grant Hamady.

Audience Participation:

Barbara Bryant, 1051 Arapaho Dr., said although she sympathizes with Mr. Vaughter, she is against the rezoning because of the noise coming from Home Depot. She said she is retired and has lived in the City of Burton for the past 25 years. She is not opposed to change as long as the change is beneficial to everyone involved. She is opposed mainly because of the traffic problems already in the area and this could create even more problems. She asked if this request is approved, would the DPW help facilitate the entrance and exits to the subdivision onto Court Street. She also asked if this would be widened.

Larry Petrella, 1081 Howe Rd., said he concurs with both residents comments concerning the noise. He asked if Mr. Vaughter could represent both addresses for this zoning change. He also asked if this would be considered spot zoning.

Mr. Berry asked if Mr. Hamady was notified of the meeting. He was advised yes.

Mr. Stewart said Mr. Vaughter is allowed to represent Mr. Hamady concerning this zoning change. Mr. Stewart also explained the definition of spot zoning. He said DPW doesn't oppose the request for the zoning change.

Mr. Bertram asked if there had been any discussion on the growth in that area.

Mr. Stewart replied this is the most prime area in the City.

Mr. LaDuke said the Master Plan needs to be reviewed to get the right direction for areas throughout the City. He said there is a study in progress as to whether a light will be installed at Arapaho or Pawnee.

Mr. Berry asked Mr. Vaughter if he had considered a lesser zoning. Mr. Vaughter replied his preference is to have the C-2 zoning.

Mr. Grantner said we should take a look at the situation and both parties should have give and take.

Further discussion continued regarding rezoning. Mr. LaDuke suggested that because Mrs. Walls isn't present, she could listen to the tape of this meeting and take the information back to the Council to try and find out what the status is regarding the update of the Master Plan.

Moved by Bertram, seconded by Howlett to recommend approval of Zoning Case #229 to the Burton City Council. Motion carried 5-1 with Mr. Berry voting no.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke regarding the proposed new development of the P.U.D. in the City. She commented that the Planning Commission should be looking at the health, safety and welfare for everyone in the City.

Larry Petrella, 1081 Howe Rd., spoke concerning Home Depot and said Mrs. Walls listening to the tape of this meeting, concerning Mr. Vaughter's request, will not help. He said the Planning Commission should look at something the size of Home Depot and find a better area when it is brought before the board.

E. SITE PLAN REVIEWS:

1. SPR #97-39

BY: TG Development, L.L.C.
31500 W. 10 Mile
Farmington Hills, MI 48336

RE: NW Corner of Atherton & Belsay Rds.
59-23-400-008 & 59-23-400-010

FOR: Planned Unit Development (P.U.D.)

Michael Tobin, 31500 W. 10 Mile, Farmington Hills, MI, explained he was here previously to rezone this property to multi-family. He said this is the first P.U D. going into the City. Mr. Strasser is making certain that the Ordinance is followed to the letter. We are working out the drainage situation with the County Drain Department. It appears there may not be as many lots as previously planned to accommodate the drainage.

Audience Participation:

Wendy Sak, 3172 Eastgate St., inquired as to what a P.U.D. is and explained that the lots on Eastgate St. are small. She inquired about the run-off and what the environmental problems could be caused due to the development of the P.U.D. Ms. Sak asked how many lots are planned for the development and about having traffic lights on Belsay Road. She said she is against the development because she doesn't want Burton to turn into another Flint.

Mr. Tobin explained a P.U.D. to Ms. Sak and explained that the traffic lights are put in after a traffic study has been completed by the County Road Commission. Mr. Tobin said they are planning to have approximately 188 lots, but more than likely, less.

Pauline Dargel, 6119 Hugh, asked if the entire development will have single-family homes. She was advised yes. She asked about fencing, curb and gutters and whether garages will be a part of the development. She commented that a P.U.D. could be beneficial to a community. Ms. Dargel inquired about the agreement which is required by on Page 81, #11 of the Zoning Ordinance Book. Mrs. Dargel said should would like to see the Planning Commission recommend these be stick built homes, not manufactured homes.

Mr. Tobin stated that fencing would not be required. He said Mr. Strasser brought up the issue of the agreement and we asked if the site plant would suffice in place of the agreement. We checked with the City Attorney and was told it could be used as the agreement. Mr. Tobin stated they are plan to build two car garages with the development. He said the Planning Commission cannot stipulate what type of homes are built because of the law. There have been court cases tried on this issue. On a platted lot, anyone can put in a manufactured home.

Mr. Stewart said Mr. Tobin is correct, modular units are protected by the federal government and there is nothing we can do to keep them out. There is too much case history showing they are protected.

Karen Sak, 3172 Eastgate, said she has a quiet neighborhood and has good police protection. If this many homes are built, how can the police protect the community the way they should.

Larry Petrella, 1081 Howe Rd., asked if the developer would be donating money towards the repair of the roads. He said the developers should be responsible for use of the roads.

Mr. LaDuke said when the site plan was approved, it was not stipulated that the developer was required to participate in the resurfacing of the roads.

Mrs. Dargel asked if there would be a homeowners association and was told if there is a homeowners association, they residents must be part of it and there will be deed restrictions.

Mr. Stewart said there are items that haven't been taken care of yet from the site plan. They include the drainage issues being finalized by the Drain Commission and the open areas need to be named.

Mr. LaDuke said any approval should be contingent upon these areas being completed. He asked if there was anything in the deed restrictions with the front yard facing the garages and was advised yes. Mr. LaDuke said they are trying to delete any possible problems this may cause.

Mr. Tobin said they don't allow detached garages. He said they have met with the Drain Commission to get the drainage issues resolved.

Mr. Bertram asked what type of commercial property is planned for Atherton and Belsay Roads. Mr. Tobin said he is uncertain at the present time.

Discussion was held concerning the agreement as required by the zoning ordinance and having only stick built homes.

Moved by Grantner, seconded by Howlett to approve Site Plan Review #97-39, contingent upon items being that need to be completed and Section 904 8, 8A and 8C of the Zoning Ordinance being completed. Motion carried 5-1 with Mr. Bertram voting no.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. BCPC #97-45

BY: Schmald Tool & Die
4206 S. Saginaw St.
Burton, MI 48529

RE: Part of Lots 83, 93 and
Lots 84 & 91 Webber Place
Section 31, R-1C Zoned

FOR: Construct parking lot (P-1)
District in an R-1C (Residential)
zoned district to be used in
conjunction with existing tool & die
operation. (Parking lot to be
adjacent to existing building)

Laurie Bassett represented Schmald Tool & Die. She explained this is a lease of property between the company and the City of Burton. The property is currently part of a well site. Schmald Tool & Die needs more parking spaces as they are expanding their business. They have submitted the plans to the City.

Mr. LaDuke said the site plan is self-explanatory. He said a meeting was held the lease agreement is for a period of 15 years for additional parking. He said they have been good neighbors to the residents. We had to get permission from the State to move the parking. DPW supports the project.

Moved by Howlett, seconded by White to approve BCPC #97-45 contingent upon DPW recommendations. Motion carried 6-0.

2. SPR #97-46

BY: Nextel Communications
c/o Richard Connor Riley & Assoc.
30150 Telegraph Road, No. 420
Bingham Farms, MI

RE: Lot 40 Supervisor's Plat
Way Acres #1
Section 33, M-2 Zoned

FOR: Wireless communications facility

John Riley, 30150 Telegraph Rd., No. 420 Bingham Farm, MI, said he is representing Nextel Communications. He explained they are proposing to lease space from Bituminous Pavers, Inc. for a telecommunications facility. There will be a 195 foot tower and they will have to get a variance for the height from the Zoning Board of Appeals. He said there will be a gravel drive to access the property.

Mr. Berry asked if they had reviewed the DPW recommendations and if there were any problems with any of them. Mr. Riley said they had reviewed the requirements.

Mr. Perez asked if the tower is higher than what has been approved in the past or higher then what their competition has.

Mr. Riley said it is a normal tower for Nextel and some may be lower or higher then

Mr. Stewart said the DPW has reviewed all the documents and has no problems with the request.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #97-46, contingent upon DPW recommendations and the City Council approving the project on a private drive. Motion carried 6-0.

3. SPR #97-48

BY: Ameritech Cellular Services
by Bryan Monaghan
400 Renaissance Ctr., Suite 1900
Detroit, MI 48243

RE: Ameritech Cellular Antenna Panels
4349 S. Dort Hwy., Burton, MI
Lots 15-16 Lacina Sub.
Section 33, M-1 Zoned

FOR: Telecommunications Equipment

Brian Monaghan, 400 Renaissance Ctr., Detroit, MI, said they don't want a tower but want to put in panels on the existing water tower. We think this is the solution to our communication problems in the City of Burton.

Mr. Stewart asked if he planned to paint the tower and was advised no, that the owner didn't want the tower painted.

Mr. Stewart said the DPW has no problems with the request for a tower.

Moved by Howlett, seconded by Perez to approve Site Plan #97-48 contingent upon DPW recommendations. Motion carried 6-0.

G. BOARD DISCUSSION:

There was no board discussion.

The next regularly scheduled meeting will be held September 9, 1997 at 6:00 P.M.

Meeting Adjourned at 7:32 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML