

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
AUGUST 12, 2003, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

Jerry Grantner, Chairperson, called the Regular Meeting to order at 6:00 P.M.

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

MEMBERS ABSENT: Hohloch, Mayor Smiley and White.

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

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

Young moved and Bertram seconded the following motion:

Approve and authorize the Minutes of the Regular Meeting of July 8, 2003 at 6:00 P.M. and the Special Meeting of July 29, 2003 at 6:00 P.M., as printed. Motion carried 6-0.

B. SCHEDULE PUBLIC HEARING FOR TUESDAY, SEPTEMBER 9, 2003 AT 6:00 P.M.:

1. ZC #279

BY: Randy Haney
1453 N. Elms Rd.
Flint, MI 48532

RE: Parcel #59-32-300-007
Situating at the Northwest corner of Saginaw and Maple
being 22 acres +/-
Section 32
Zoned C-2 to M-1

FOR: Self Storage Units

2. ZC #280

BY: Robert Yaklin
13138 Latourette
Fenton, MI 48430

RE: 4057 S. Dort Hwy.
Lots 9 thru 13 of Way Acres
Section 33
Zoned C-2 to M-2

FOR: All Industrial Uses.

Moved by Young, seconded by Walls to schedule Zoning Case #279 and Zoning Case #280 for public hearings to be held on Tuesday, September 9, 2003 at 6:00 P.M. Motion carried 6-0.

C. PUBLIC HEARING:

1. LS #03-33

BY: Atherton Community Schools
3354 S. Genesee Rd.
Burton, MI 48519

RE: Lots 59, 58, 57 and west 33 feet of Lot 56
Eastgate No. 3
Section 26
Zoned R-1B

FOR: Residential

Dr. Roger Schrock, Superintendent of Atherton School, 3354 S. Genesee Rd., explained that a request was made to allow the school district to declare property as surplus and to advertise it for sale. Each of the four parcels would be approximately 111' wide x 600' deep.

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

Mr. Strasser noted that the lots are wider than what the zoning ordinance requires. The lots are zoned residential and sanitary sewer is available. Our recommendation is for approval of the lot split.

Mr. Young asked if he should abstain from voting on this issue because of his previous affiliation with Atherton Schools.

Mr. Grantner said that Mr. Young would not personally gain anything by the lot split, so he could see no reason why he should abstain from voting.

Mr. Perez said at a previous meeting, a request was made to have the City Attorney research this lot split to be certain there were no violations of the zoning ordinance. Mr. Glomson believes he has rights to at least half of the right-of-way area. Did Mr. Hamilton respond to the request?

Mr. Strasser indicated he had not received a response from Mr. Hamilton, but the vacating was approved.

Mr. Young said he understood that the City Council approved the vacating so the additional 30 feet was added to the property. Sitka Street was allowed to go all the way through Mr. Glomson's property, so that in no way would his property be landlocked. The City Council approved this about a month ago.

Moved by Walls, seconded by Bertram to approve Lot Split #03-33 contingent upon DPW recommendations. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., said she appreciated Mr. Young's candor in regards to the previous case. She inquired about the exact date for the public hearings. She has previously expressed her concerns relating to the lot splits being handled by the administrative staff, and used the example of her subdivision. Mrs. Dargel said she has no regard for real estate people in relation to lot lines.

Gary Card, 2098 Delaney St., spoke regarding action that was taken at the Planning Commission Meeting on the Taco Bell site. He inquired about the Planning Commission's process concerning the items on the agenda. He specifically asked if the Board met prior to the regular meeting.

Mr. Grantner explained that the members are mailed their packets and they review the cases on their own. The Board doesn't meet prior to the actual Planning Commission meeting.

Mr. Card said he sent the Mayor a letter after the meeting. He asked why the case was not tabled and sent for an opinion from the City Attorney.

Mr. Grantner said the Board handled the site plan and it did not have to go before the City Council. He said that the representatives from Taco Bell made several concessions to appease the residents and he thought the residents were content with those concessions. He said an appeal could have been made in regards to the site plan.

E. SITE PLAN REVIEW:

1. SPR #03-36

BY: Deliverance Tabernacle
G-4089 Fenton Rd.
Burton, MI 48529

RE: Deliverance Tabernacle Church
G-4089 Fenton Rd.
Parcel #59-31-100-016
Section 31
Zoned C-2

FOR: Demolish Church and Rebuild.

Pastor Ernest Davis, 1173 Highgate Dr., Flint, MI, explained when the plans were first drawn, they went to the Genesee County Road Commission and the changes were made according to the Road Commission's request. We originally had two roads on the north side and the south side. Because of the intersection, the County preferred we move the drive and keep it in the middle. We have no problem with this. There are also two areas in the front for the retention of water, which will be done. We will take down the first building as soon as we get the new building up. We will continue to use the auditorium until we are given the occupancy permit. We will have an all-purpose area that would be beneficial to the neighborhood.

Audience Participation:

Don Warden, Staff Minister, said he is 100% in favor of the request. He has been a part of this church for the past 53 years and the congregation has looked forward to this day for a new building.

Mr. Strasser commented that Pastor Davis was correct regarding the Genesee County Road Commission's approval of the driveway location that was prior to March 1st. The City will honor the County's approval of the site plan. The site plan meets all of the zoning requirements and has adequate parking. Once the new church is built and the old one demolished, it will give that part of Fenton Road a more open look because the existing church is fairly close to the roadway. DPW recommends approval.

Mr. Bertram asked if they had received a copy of the requirements from DPW in regards to the sidewalks.

Pastor Davis replied they currently have sidewalks and would also have them with the new building.

Mr. Young asked if the Genesee County Drain Commission had approved the plans. He was advised they were approved.

Moved by Bement, seconded by Young to approve Site Plan Review #03-36 contingent upon DPW recommendations. Motion carried 6-0.

2. SPR #03-39

BY: David L. Mielock
108 N. Center, Suite 205
Northville, MI 48167

RE: Standard Federal Bank
4280 E. Court St.
Parcel #59-15-100-023
Section 15, Zoned C-4

FOR: New Construction for a bank.

David Mielock, Architect representing Standard Federal Bank, 108 N. Center St., Northville, MI, explained the location of this site is in the northeast parcel of the Lowe's site on Court St., between the two existing drives. We plan to construct a one-story branch bank with a drive-thru facility. The bank would start with eight or nine employees and could have as many as 18 employees. Mr. Mielock presented several drawings of the site plan to the Board. We only intend to use the front portion of the site, which is only 1.3 acres. The ingress to the site would be off the main ingress to Lowe's off Court Street. The drive-thru facility would have one banking facility with an inside teller and two remote islands and an ATM island on the front of the most remote island with an egress out on the easterly drive onto Court Street. We intend to fully landscape the site with low shrubs along the front, decorative ornamental trees and evergreen trees separating the rear parcel. It will also be fully irrigated. There will be brick on all four sides with a screen wall for the mechanical units to shield those on the rooftop. There will also be a c-metal roof over the top of the entry canopy. He displayed some samples of the materials that would be used for the building.

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

Mr. Strasser said he has met the gentlemen on several occasions and their site plan exceeds the ordinance requirements. The landscape plan is very nice. There is only one minor change. The engineering plans from CHMP shows stone mat that comes north of the site on Court Street has been eliminated and we request that that be turned and face the east driveway entrance. DPW recommends approval.

Mr. Mielock said he had no problem with the request.

Mr. Bement asked when the construction would be started and completed.

Mr. Mielock replied that they hope to start construction in October and have the building enclosed before winter.

Mr. Perez asked if there were any plans for the back part of the lot.

Mr. Mielock replied no, this property would go back into the hands of the current landowner.

Moved by Young, seconded by Bement to approve Site Plan Review #03-39, contingent upon DPW recommendations. Motion carried 6-0.

3. SPR #03-40

BY: Imad Potres – A & M Consultants
13746 Michigan Ave.
Dearborn, MI 48126

RE: Burton Plaza
2450, 2456 S. Center Rd.
Lots 63 thru 67, Supervisor's Plat No. 12
Section 21
Zoned C-2

FOR: Proposed 20,150 sq. ft. Retail Center.

Imad Potres, A & M Consultants, 13746 Michigan Ave., Dearborn, MI, said this site is intended for a shopping center. They will use the maximum square footage for that site and will meet the parking requirements per the ordinance. We attended some preliminary meetings prior to the Planning Commission. He presented the landscape plan with ornamental trees in the front and some evergreens in the rear. We are proposing screen wall to separate the site even though the abutting property is zoned commercial. There will be 10-units, two large ones on each end and 8 units in the middle. We are proposing a mix of brick and dryvit for the material.

Audience Participation:

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

Mr. Strasser said the driveway location for this site has been approved by our Road Department. There is no retention or detention basin on this site plan. All detention is planned to be under the parking lot. The plans are at the County being reviewed, but they are starting to fall behind three to four weeks and the plans are not back at this point. These gentlemen plan to start as soon as possible and have a considerable amount of work done before the frost hits. DPW recommends approval of the site plan.

Mr. Bertram asked if there are any tenants scheduled to go in at this time?

Mr. Potres replied none at this time.

Mr. Perez said the location map is incorrect.

Mr. Potres said he was aware of that and it would be corrected.

Mr. Young commented that in previous discussions, we talked about the possibility of having front streets developed so the traffic would be taken off Center Road. We were talking about this type of development, correct?

Mr. Bertram said discussion was held concerning service roads in the Burton Place and Meijer's area.

Moved by Bertram, seconded by Bement to approve Site Plan Review #03-40 contingent upon DPW recommendations. Motion carried 6-0.

E. ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #03-37

BY: Quest Diagnostics
4067 E. Court St.
Burton, MI 48509

RE: Quest Diagnostics
4067 E. Court St.
Lot 4 Supervisor's Plat #39

FOR: Change of Use.

Mr. Grantner noted that Quest Diagnostics is moving from the Belsay Road location to the plaza across from the mall by Good Year. No further comments were made.

F: BOARD DISCUSSION:

1. Review and Possible Action of the Zoning Ordinance Text Change.

Mr. Grantner recapped the 16 items that have been revised in the text of the zoning ordinance. Mr. Strasser sent a packet to the members that covered the following items:

- 1) Accessory Buildings
- 2) Used Car Sales
- 3) SE Zoning
- 4) Definition of Developmental
- 5) Signage – City Council addressed this issue
- 6) Industrial Development – This was not addressed
- 7) Decks
- 8) Car Washes
- 9) Fences
- 10) Outdoor Sales
- 11) Parking Requirements
- 12) Lot Splits
- 13) Manufactured Homes - Enforcement Issue
- 14) Sidewalks – Nothing in packet. Mr. Grantner further explained this issue.
- 15) Gas Stations
- 16) Portable Vinyl Covers

Mr. Grantner said in regards to the sidewalk issue, it was his understanding that the Planning Commission was going to draft a recommendation. After further research, it was found that the City Council did a resolution on sidewalks. We believed that it should not be in resolution form, but in ordinance form. He noted that he received a letter from the City of Burton Parks and Recreation Commission supporting the sidewalk issue. (Mr. Grantner read the letter and gave a copy to the Clerk to disburse copies to the rest of the members). When we prepare this proposed zoning case to go before City Council, we should make a recommendation that the sidewalks be removed from the resolutions and added to the ordinance. We would continue to recommend that there would be sidewalks on the main roads.

Mr. Grantner said these items are mostly in text form and we should generate a zoning case and send to the City Council or possibly the Legislative Committee for their review and recommendation. We should be finished with this document other than answering any questions that arise. In October, it is my intent to ask the members of the Zoning Board of Appeals if there are any items they have dealt with over the past year, that continue to arise other than accessory structures. Hopefully we could review the items next year and make any necessary changes.

Mr. Bertram expressed his concerns at not having a full board here to discuss some of the items.

Mr. Grantner gave an update on the board absences. He contacted the Mayor's Office in regards to attendance on the members.

Mrs. Walls commented that she believes the sidewalk resolution was adopted about 1977 or thereabouts. She also agreed that it should be done in ordinance form rather than the resolution.

Discussion continued regarding the process to finalize the text change and sending the ordinance to the City Council.

Mr. Strasser said a zoning case or text amendment would be on the Planning Commission agenda and then could be sent to the City Council.

Mr. Grantner said this item would be on the agenda for public comment.

Mr. Young clarified that the zoning case would incorporate all of the changes on the list drafted by the Planning Commission.

Mr. Grantner agreed with this statement.

Mr. Bertram inquired as to whether the City Council could send the document back to the Planning Commission if they didn't agree with something in the text.

Mr. Strasser replied they could refer it back, or they could approve or disapprove. There are several different ways for this document to be finalized. It could also be referred to the Legislative Committee for their review and then go back to the Council. Further discussion continued.

Discussion was held concerning the fact that the City Council did not attend the workshops. It was noted that there is a Council representative on the Board so any information could be taken back to the entire Council.

Mr. Bement commented that he would welcome any of the Planning Commission members at the Legislative Committee meeting if this document is sent to the committee. If there were any questions, it may be more helpful to have others who worked on the document in attendance to answer questions.

Mr. Grantner stated that the members of the Zoning Board of Appeals have become more proactive in regards to the variances. These ordinances were adopted by the City Council and we intend to uphold the ordinances. If there is a problem, the City Council will have to come back full circle.

Mr. Grantner commented that there was a great deal of thought and work involved in getting this document ready to be adopted. He asked for direction from the Planning Commission in regards to sending the document to the Council.

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Moved by Bertram, seconded by Young to recommend approval of Items 1 through 16 and place them on the next Regular Planning Commission Agenda of September 9, 2003, and forward the document to the City Council by the formal process of a Zoning Ordinance Case. Motion carried 6-0.

Mr. Bertram said a public hearing was scheduled for the September meeting concerning the property at Maple and Saginaw Street. He thought this case had been acted upon.

Mr. Strasser said the Planning Commission acted on a previous zoning case by Mr. Haney. Prior to the case going to the City Council, Mr. Haney came in and changed the legal description of the area that he is requesting to be zoned to Light Industrial. He must start from the beginning with a zoning case. He wants M-1 zoning in a different configuration.

The next regularly scheduled meeting will be held on Tuesday, September 9, 2003, at 6:00 P.M.

Meeting Adjourned at 7:00 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML