CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
AUGUST 14, 2007, 6:00 P.M., COUNCIL CHAMBERS
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Chairman Jerry Grantner led the Pledge of Allegiance.
Chairman Jerry Grantner called the Meeting to order at 6:00 p.m.

MEMBERS PRESENT: Grantner, Sclater, White, Centilli, Walls, Bertram, Flewelling, LaDuke, Cummings.
MEMBERS ABSENT: None.
OTHERS PRESENT: T. Strasser, Deputy Planning Official and J. Adams, Deputy City Clerk.

Moved by Bertram, seconded by Cummings to approve the Minutes of the Regular Planning Commission Meeting for July 10, 2007 at 6:00 p.m. Motion carried 9-0.

PUBLIC HEARING FOR:

1. ZC#304
   BY: City of Burton Planning Commission.
   RE: Ordinance 19 Text Change.
   FOR: Section 3.01, Item #92 Setback.
   Section 19.01, b. requirements for front setbacks, Handicap Ramps.

Mr. Strasser stated in the past, persons that wanted to install a handicap ramp on the front of their home, had problems getting it in because of front setback problems. It is treated like a deck which is under the front setback guidelines. This would allow constructing a handicap ramp with a building permit in the front setback area from their porch right up to the front right of way line, without any hindrance from the ordinance.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., said she applauds this amendment to Ordinance 19. She questioned as to who can obtain the permit. The occupant that it is being built for may not be able to come down to the City to obtain the permit.

Mr. Strasser indicated the homeowner has the obligation to purchase the permit. If they hired a contractor then they have the obligation to pull the permit.

Mr. Grantner said ultimately the responsibility is going to be up to the homeowner whether they are mobility limited or not. They will have to either make arrangements for a neighbor, contractor, or someone to get it for them, or call up the City. It is important they do that because persons that sometimes want to help out don't know anything about grade or other requirements.

Mr. Grantner believes persons should be advised to contact the Disability Network and they can provide information on plans, grade, slope and so forth to get it done right.

Mrs. Dargel said as far putting up ramps, the Disability Network is limited to the City of Flint. They are a very good information source.

Mr. Grantner said they may be limited to the City of Flint for doing it but they are not limited to providing information because their primary function is advocacy.

BOARD DISCUSSION:

Mr. Bertram asked if the City's building code requires railings on ramps.
Mr. Strasser replied yes.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Flewelling, seconded by LaDuke to approve ZC #304. Motion carried 9-0.

AUDIENCE PARTICIPATION:

John Pavone, Capitol Realty Holdings, 16191 Seymour Rd., Linden, MI, said their site plan review for a PUD request is not on the agenda for tonight because it was not ready in time for the Board to review it. He does have that information now. Mr. Pavone distributed the information.

Mr. Pavone stated last month they presented their conceptual site plan for the property and explained the continuum of care retirement community concept. The Commission asked for further details in terms of site planning. It will cost about $100,000 to actually site plan the property. We still have the question as to whether if what we want to do is permitted in the ordinance under the PUD. The consensus was it could be permitted. He took a PUD development agreement of Heritage Park Development in Grand Blanc and scanned it into his computer to custom tailor it to their specific development and what we want to do with the property.

Mr. Pavone stated further they are asking that the concept be approved and the agreement between the parties, and then at a later date do the detailed site planning and engineering of the property.

Mr. Grantner asked Mr. Pavone if he would like to be on the next Planning agenda.
Mr. Pavone replied yes.

Mr. Grantner stated the Commission is not prepared to discuss it because you are not on the agenda. We can take this information for review and if you are on the next agenda, we will be better prepared to have a vigorous discussion about this whole concept.

Mr. Bertram asked if he is proposing a preliminary site plan review. We have been involved in this before, and I think we agree that we don't really act on preliminaries.

Mr. Grantner said technically, there is no preliminary site plan language in our ordinance.

Mr. Bertram asked Mr. Pavone what he is going to bring to the Commission at the next meeting.

Mr. Pavone replied that he will not bring anything further unless you request something additional of me that I can provide. The document I gave to everyone today is the agreement between the parties and a conceptual PUD plan. He would like this adopted by the City Council.

Mr. Bertram said a conceptual plan to me is a preliminary.
Mr. Grantner said there is no words of preliminary site plan review in our ordinance. We did a conceptual.

Mr. Strasser said as far as reviewing the site plan, we need full size 24 x 36 sheets to figure densities, drainage easements, roadways and utilities. This being the first PUD we ever entertained, he is on the correct track, because this is the agreement between the developer and the City. This can be reviewed by the Commission and City Council, and you can agree, disagree, amend or add to the agreement, and the site plan itself can be reviewed at a later date. It does not have to fit all at one time.

Mr. Grantner expressed the PUD makes it unique.

Mr. LaDuke feels the applicant wants the Commission to take a look at this document, they don't want to go to the expense of a full blown site plan if the concept of the PUD doesn't receive at least a blessing from this Body and the City Council.

Mrs. White inquired as to where the entrances would be located on Belsay and Lippincott.

Mr. Pavone responded that the Belsay Rd. entrance is north of the VFW Hall about 4 or 5 properties down. There are four 5 acre lots that each have about 165 ft. of frontage and go back about a quarter mile to where this property opens up. The Lippincott entrance would be at 5176 Lippincott. A ranch style home is there.

Mr. Cummings addressed Mr. Pavone and stated the last time you came before us, we were given information to look at regarding if you had the right amount of frontage. As you presented it to us, this didn't meet it and you were looking for some allowances for it. It appears the agreement you want us to study now is basically going to say it is going to be a PUD and these are the roads you are going to use. But we still have to overcome that one road block.

Mr. Pavone responded that the PUD ordinance provides for a certain portion of non-residential zoning if it is over 30 acres in size and is located at the intersection of two major roads, or a major road and a collector street. This is not at the intersection of 2 major roads. It has frontage on 3 major roads. We are asking for 10 acres of commercial type or non-residential zoning in this project, and we are not at the intersection of 2 major roads. That is something we are trying to overcome with other amenities that we are hoping to provide and the City can make accommodations for us.

Mr. Strasser clarified that it would not be a re-zoned property, it would be a hire classification use in a residential zoning. You can have a commercial type use on residential property in a PUD.

Pauline Dargel, 6119 Hugh St., spoke on legal notifications and asked if there is sufficient sewer capacity at this time. She expressed The Orchards property's first request was for a PUD which did not go through. For site plan review #04-14, 1076 S. Belsay, Bubba O'Malley's, she asked to see the modifications of that site plan which was for an addition to that building. Part of that site plan review was for them to have sidewalks. She has a copy of the attorney's directive to the owner that sidewalks were to be in May of this year. A patio is in the back and displayed on their sign is dine on our patio. In speaking with a DPW representative, she understands nothing exists at this time. Another location in our town is the former Hamady Store, which became Kessel, had been through a demolition hearing, and its use was a warehouse. It was sold to Al Klaus and it was stated there will be a sidewalk. Mrs. Dargel said she is still waiting to see a sidewalk there.

Mr. Grantner said he understands they are moving.
Mr. Strasser said he was in Court on Dakota Lodge. He is working on Bubba O'Malley's and the church on Davison Road. He is doing much more research on these cases then he really needs to so when he ends up in Court the Judge says you are putting them in, you have 30 days or else.

Mrs. Dargel asked if the 30 days apply because the place is for sale.
Mr. Strasser indicated it does not matter. Between the two attorneys that he conferred with and the Judge, even if the ordinance changed as proposed by City Council, they were required to have sidewalks in 2 years ago and that is the ordinance that sticks with that property. They are under Court order right now to have them in by September 6th.

BOARD DISCUSSION:

Mr. Strasser spoke regarding the storage facility at 1320 N. Belsay Rd. owned by Genesee Ceramic Tile. He stated when they originally went through site plan review, their buildings were all oriented east and west. They are going to build some additional buildings which they are entitled to, that will be turned around so they face north and south. It has to do with weather. In the winter time the sun can hit both sides of the building and melts off the ice. Mr. Strasser said they wanted him to present it to the Commission.

Mr. Strasser asked if anyone had a problem with it.
The Commission acknowledged they did not.

Mr. Strasser advised the Board that Cernet, the concrete crushing plant on Red Arrow, went through ZBA requesting a use permit which failed. Their second means is to go to Planning and City Council and ask for a re-zoning. This is not required by the ordinance nor is it law, but normally we put it on the Planning Commission agenda and then we schedule it one month later for a public hearing. They want to facilitate this as quickly as possible. Mr. Strasser asked the Commission if they have a problem if he puts this on for a public hearing for September 11th. He would go through the normal notification process.

Mr. Grantner stated that it was before the ZBA two times. There was a majority vote but they didn't have 5. It went down 4-3 both times. We heard the case one time and then there was a re-consideration at the next meeting and the same vote.

Mr. Strasser said they would also have Mr. Pavone with PUD requirements. There is a new State law enacted that you can now contract zone. In the past you could either zone the property or not zone the property. Now it is lawful to contract zone. This means we will give you your zoning but you have to put this in, or you can only do this. That is what they plan on presenting to this Body, a contract zoning petition.

Mr. Grantner said his guess is that they will probably try and offer the same conditions that they had put forth when the variance was requested.

Mrs. Flewelling asked if it is possible they get a copy of that new State law.
Mr. Strasser replied that he will provide copies.

Mrs. Flewelling requested the minutes of the ZBA meetings. She only received the first set last time other than that she didn't receive anything.

The next regularly scheduled meeting will be held on **Tuesday, September 11, 2007, at 6:00 P.M.**

Meeting adjourned at 6:40 p.m.

jra