

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 12, 2000, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Jerry Grantner, Chairman, at 6:00 P.M.

MEMBERS PRESENT: Grantner, Hohloch, Perez, Mayor Smiley, Walls, White and Young.

MEMBERS ABSENT: Bertram and Brawner.

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

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

Young moved and Hohloch seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of August 15, 2000 at 6:00 P.M., as printed. Motion carried 6-0.

B. PUBLIC HEARINGS:

1. LS #00-33

BY: Ernest Hamady for
Solomon H. Hamady Trust
P.O. Box 499
Flint, MI 48501

RE: Part of Lot 55 Supervisors Plat #2
Parcel #59-21-577-050
Section 21

FOR: Residential Use.

Ernest Hamady, 2747 Westwood Parkway, presented some proposed drawings of the lots. He said he would like to divide this area into four lots for residential use. This use should fit well with what is in this area.

There was no one in the audience who wished speak.

Mr. Strasser said all the lots are in a residential area. The fourth lot, which is on the north, is fairly wide on the road because the creek that runs through the property has an extensive flood plain on it. The only buildable portion of the lot is south of the creek; therefore, all of that area was incorporated into lot #4. There is sanitary sewer available to the site and DPW has no problems with the request.

Mr. Young asked what type of housing is planned for the area.

Mr. Hamady replied they are not specifying any particular type of housing. It could be stick home or modular homes.

Moved by Young, seconded by Hohloch to approve Lot Split #00-33, contingent upon DPW recommendations. Motion carried 6-0.

2. LS #00-34

BY: Jeff Davis
1874 Lake Pointe
Ortonville, MI 48462

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2. LS #00-34

RE: 1224 S. Genesee Rd.
Parcel #59-15-200-019
Section 15

FOR: Residential Use.

Mr. Grantner said that Mr. Strasser informed him that the applicant has withdrawn his application. No action was taken on this lot split.

C. AUDIENCE PARTICIPATION: SITE PLAN REVIEW POSTPONED FROM AUGUST 15, 2000 AT 6:00 P.M.:

1. SPR #00-36

BY: The Lockwood Group
30100 Telegraph Rd., Ste 426
Bingham Farms, MI 48025

RE: Meadowview Gardens Senior Apartments
2173 S. Center Rd.
Parcel #59-22-100-009 & 010
Section 22
HRM Zoned

FOR: Multi-Family Use-Seniors Low Rise.

Kristen Orlando, 30100 Telegraph Rd., Ste 426, Bingham Farms, MI 48025, said she is here for the site plan for Meadowview Gardens. She said they are requesting a 126-unit apartment complex unit, which is four stories and is reserved for Seniors 55 years and older. It is located between St. Nicholas Church and the car wash. We have combined two lots and have been before the Zoning Board of Appeals for a variance. This was postponed from last month due to some issues raised by the fire chief. Those have since been resolved.

Audience Participation: None.

Mr. Strasser said a 5 ft. concrete sidewalk is required in front of the property.

Ms. Orlando said they have agreed with the sidewalk requirements and she has reviewed the other requirements from the DPW.

Mr. Strasser said a variance was granted by the Zoning Board of Appeals to reduce the square footage of each apartment in regards to a three-story building. Since then, the building has been designed to be a fourth story. I did receive the application to go in front of the ZBA and this will be heard at the next meeting of September 21, 2000.

Ms. Orlando said there is an agreement to put up a fence between their property and the church.

Mayor Smiley said he had a conversation with the fire chief and the issue has been resolved.

Mr. Hohloch asked if the variance from the ZBA was approved or was it approved contingent upon the site plan being approved. He was advised that the variance was approved.

Mr. Young noted that one of the concerns discussed at the last meeting was the fact that there would only be one entrance and exit into the facility. Has anything been done to alleviate this concern?

Ms. Orlando replied that they went back to the county to try and accommodate the Fire Chief's concerns with a ring road.

Moved by Mayor Smiley, seconded by Walls to approve Site Plan Review #00-36, contingent upon DPW recommendations and the fence agreement on the adjacent property between St. Nicholas Church and this property. Motion carried 7-0.

D. SPECIAL USE:

1. BCPC #00-38

BY: Mid State Storage
PO Box 296
Millington, MI 48746

RE: Parcel #59-32-200-010
2395 E. Judd

FOR: Self-Storage Facility

Don Kotarski, PO Box 2096, Burton, MI, said there are two sides that adjoin his property which are residential and he is asking for a special use for his business.

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

Mr. Strasser said Mr. Kotarski also has a site plan review before the board this evening for the same parcel of land. He said the property is zoned M-1, which is light industrial and he meets all the requirements for a special use permit except one. The property does abut residential on the north and west sides. The piece on the north side is a 9-acre parcel of land with a home on it on the northwest corner. There is a requirement that it be fenced and there is a landscaped berm that is incorporated into the site plan. This is a good viable use for the property and recommend approval. The reason for the special use is because the property abuts residential property on both sides.

Moved by Walls, seconded by Young to approve BCPC #00-38, contingent upon DPW recommendations. Motion carried 7-0.

E. SITE PLAN REVIEWS:

1. SPR #00-39

BY: Mid State Storage
PO Box 296
Millington, MI 48746

RE: Parcel #59-32-200-010
2395 E. Judd

FOR: Contractor's Garage/Self-Storage Facility

Mr. Grantner asked Mr. Kotarski if he had reviewed the DPW list of requirements.

Mr. Strasser said he planned to review the DPW requirements with Mr. Kotarski at the meeting.

Mr. Kotarski was given a list of requirements to review and said he had no problem with any of them.

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

Mr. Strasser said along with the plan that was submitted and the additional requirements that the applicant agreed with, the request meets the requirements of the ordinance and we have no problem proceeding with the site plan.

Mr. Young asked if Mr. Kotarski had reviewed the additional sheets included in our packets.

Mr. Strasser replied yes, he has seen them.

Mr. Young asked if the storage units would be like household units. He was advised yes.

Mr. Hohloch asked what recourse the City would have when the metal fence paint chips and starts to rust. He asked if Mr. Kotarski had contacted the county concerning the storm drainage system and inquired about the lighting on the site being directed inward and outward.

Mr. Strasser replied that the building inspector does have authority to require the fence to be repaired. Also it is a requirement under the site plan review. He said he hadn't received the print from the county regarding the storm drain, but he knows Mr. Kotarski has been in touch with Jim Gerth at the drain office. The majority of the time we don't have the plans prior to the Planning Commission meeting.

Mr. Perez asked what business was previously on the site.

Mr. Kotarski replied that Humphries Tree Service was there before.

Mr. Grantner asked what the storage units would look like. He was advised they would be basic storage units with pole barn siding.

Moved by Young, seconded by White to approve Site Plan Review #00-39, contingent upon DPW recommendations. Motion carried 7-0.

2. SPR #00-40

BY: Gary Ashley
3412 E. Bristol Rd.
Burton, MI 48529

RE: Grand Oaks
Parcel #59-35-200-004
SW Corner of Bristol & Belsay Rd.

FOR: Final Approval-Condominium Site Plan.

Gary Ashley, 4497 Sunnymead, Burton, MI, said he is here to present his final drawing for the condominiums and to request the final approval on the site.

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

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Mr. Strasser explained that every aspect of the plan exceeds the zoning ordinance requirements. He has spoken with the City Attorney and he said the Planning Commission could proceed with approval as the condominium

documents are in place. Therefore, everything that is needed is here. The engineering prints have been revised a few times and the county has been advised of project. They have their input as far as ingress and egress for the local streets in the development. This would be a nice project for the City.

Mr. Perez asked if anything has been changed since the original was explained to the board. He was advised no.

Mr. Hohloch asked if there had been any consideration in using the rear yard setbacks for the retention pond. The concern comes from a safety issue and the possibility of putting another building there.

Mr. Strasser said one of the reasons the pond is there is because the corner lot is not residential, but C-1. That detention area will be a buffer between the commercial area and the lot #19, which is residential. The only residential lot that will abut this is lot #20.

Discussion continued concerning the pond area.

Moved by Hohloch, seconded by Young to approve Site Plan Review #00-40, contingent upon DPW recommendations. Motion carried 7-0.

H. ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #00-32

BY: Larry Melton
4172 S. Center Rd.
Burton, MI 48519

RE: Melton's Market
3283 S. Center Rd.
Parcel #59-29-300-018

FOR: Change of Ownership.

Mr. Strasser stated that the gentleman has been contacted and he is uncertain as to why he is not at the meeting.

Mayor Smiley explained that Mr. Melton went to his office the day after the previous meeting. He just purchased the building and met with Mr. LaDuke and the site plan meets all of the necessary requirements. He said he thought this was taken care of as he met all the requirements.

Mr. Strasser said he doesn't see a reason to postpone the site plan again. The applicant has brought the building up to commercial standards and has done everything that was required by the codes. The property has been improved.

Mr. Hohloch asked if the business would be the same, only with new ownership?

Mr. Strasser replied yes.

Moved by Hohloch, seconded by Young to approve Site Plan Review #00-32, contingent upon DPW recommendations. Motion carried 7-0.

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1. SPR#00-37

BY: Connie Burlingame
1360 Lyle St.
Burton, MI 48509

RE: Hot Spot Tanning & Fitness Center
5220 Lapeer Rd.
Burton, MI 48509

FOR: Tanning & Fitness Center

Mr. Strasser said the plan wasn't submitted and the applicant is asking to postpone this one month.

Moved by Hohloch, seconded by Perez to postpone Site Plan Review #00-37 until the next regular meeting of October 10, 2000, at 6:00 P.M. Motion carried 7-0.

F. BOARD DISCUSSION:

Mr. Strasser stated he received a phone call from Mr. Martz regarding Zoning Case #249, relating to the Hemphill Road property for light industrial zoning. This case started on March 14, 2000. He is asking for a special meeting to be held on October 11th which is a Wednesday, at the Senior Citizen's Center. I have checked with the Senior Citizen's Director and the date is open for that evening. The alternative dates would be October 24th or October 25th.

Discussion was held between the board members regarding the date.

Mayor Smiley asked that the notices are mailed out early and also make certain that Council is notified of this date.

Moved by Young, seconded by Walls to schedule a special meeting for Tuesday, October 24, 2000 at 6:00 P.M. at the Senior Citizen's Center on Grand Traverse. Motion carried 7-0.

Mr. Grantner asked if there could be an officer available for the October 24th meeting.

Mayor Smiley said he could request to have an officer at the meeting.

Mr. Grantner asked that the Board keep the minutes of June 7, 1994 meeting that was given to the Board members so we can discuss them at the next regular meeting.

Mayor Smiley said there is a file for the Board's review on USPCI. The file is quite lengthy, and only one copy is available.

Mrs. Walls noted that previously motions were made with the words "contingent upon DPW requirements" and I think those words cover a lot of territory and we don't have to have a lot of extra questions. Is this appropriate for us to do this? This would give the DPW more strength.

Mr. Grantner said he assumed this was being done and he agreed with Mrs. Walls.

Mayor Smiley said Mr. Brawner called and he had to work this evening and was unable to attend the meeting.

Mayor Smiley said he met with the gentleman from Roadrunner Express and they are pulling permits and getting underway.

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Mr. Grantner said he spoke with Homer Berry and he is looking well.

Mayor Smiley announced that the new council member is Danny Wells.

Mr. Young spoke concerning the Change of Ownership coming before the board when the business is being bought and is remaining the same type of business. When there is a major business that makes a change in their facility and they don't come before the board. We approved their site plan when they constructed the building and yet they can put on an addition and they don't have to have board approval. This makes no sense to me whatsoever.

Mr. Hohloch asked if an addition would require a site plan approval.

Mr. Strasser said for a while it was very confusing, but they will now come back before this body. He asked Mr. Young if there was a specific business.

Mr. Young replied yes, Home Depot put on an addition at the end of their building.

Mr. Strasser said the building permits were issued to Home Depot.

Mr. Hohloch said a lot of the big chains know that as the business grows, they will increase in size. Some businesses would only have to come back before us if there was an elevation change in the building.

Mr. Young said when site plans are approved with green belts and landscape plans, what happens when they die? Does the City check to make sure they are replaced and maintained?

Mr. Strasser said it is an actual part of the site plan, so they are required to have them there. We do have the authority to require that the landscaping be maintained. He said some of the administrative plans were not coming before the Planning Commission and being done in-house.

Mr. Grantner said Mr. Bertram is the one who requested that the administrative site plans come before the board. We could have more discussion on this when Mr. Bertram is here.

Mayor Smiley said Jeff Major and Ralph LaDuke will meet with the City Attorney regarding this issue. It is my understanding that the ordinance reads that the administrative site plan reviews don't have to come before this body. When Mr. LaDuke was over the building department, he made the decision to do the administrative site plans in-house.

Mr. Young suggested that the ordinance be reviewed for a clearer process. If there are any changes to be made once the site plan has been approved, they should come back before the board.

Discussion continued regarding the administrative site plan review issue.

Moved by Young, seconded by Hohloch to adjourn the meeting.

The next regularly scheduled meeting will be held on Tuesday, October 10, 2000, at 6:00 P.M.

Meeting Adjourned at 6:50 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk