CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
NOVEMBER 11, 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: Bertram, Cummings, Grantner, Perez, White and Young.

MEMBERS ABSENT: Bement, Mayor Smiley and Walls.

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

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

Mr. Grantner announced that due to the election, the minutes of October 14, 2003 would be approved at the December meeting.

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

1. LS #03-52

BY: Tim Cocke
13009 Croftshire Ct.
Grand Blanc, MI 48439

RE: Parcel #59-31-400-067
Section 31, Zoned R-1C

FOR: Residential Use.

2. LS #03-53

BY: Wilma A Powers
2271 N. Eugene St.
Burton, MI 48519

RE: Lot 20 Pioneer Acres
Section 24, Zoned R-1A

FOR: Residential Use.

3. ZC #283

BY: S.M.E.A. Investments, LLC
418 Woodbridge
Grand Blanc, MI 48439

RE: Parcels #59-11-200-001 and 59-11-200-009
V/L Davison Rd. between Cummings Harley
and Schafer Dr.
Section 11, Zoned C-2, M-1 and RO to RM

FOR: Condo Development.

Moved by Young, seconded by Perez to schedule Lot Split #03-52, Lot Split #03-52 and Zoning Case #283 for public hearings on December 9, 2003 at 6:00 P.M. Motion carried 6-0.

C. PUBLIC HEARING:

1. ZC #282

BY: Joseph Patti
2385 Lakeville Rd.
Oxford, MI 48370

RE: The Easterly 603.00 Feet of Lots 15, 16, and 17
of Walker Acres Subdivision
Section 27
Zoned C-2 to RM

FOR: Development of multi-family units similar to
those on the balance of the property.

Joseph Patti, 2385 Lakeville Rd., Oxford, MI, explained that he is asking to rezone the back 600 feet of the three lots we have on Center Road, which is our entrance to our development for condominiums, which has a preliminary site plan approval. Through discussions with the city personnel, a recommendation was made that I ask for rezoning for the back 600 feet. The 600 feet is our boulevard going out to Center Road and we would like to build for buildings on the back 600 feet for better exposure to Center Road.

Audience Participation:

Cheryl Billings, 40565 E. Hemphill Rd., said she doesn't want to see this property rezoned and doesn't want the condos. There are already too many in Burton. We enjoy the deer and wildlife. Also, Mrs. Billings said she hasn't been notified of about the proposed project. She has lived there for 17 years and no one has acknowledged that there are neighbors surrounding this property. She has concerns about the resale of her property if she would have to sell in the future.

Larry Beath, 4032 E. Hemphill Rd., said he agrees with Mrs. Billings. He doesn't want to see this area developed.

Pauline Dargel, 6119 Hugh St., inquired about the preliminary plat approval and asked about the type of condo that would be built.

Mr. Strasser explained that this is a preliminary approval for the condo, not the plat. There would be eight units and 12-unit structures, all single-family owned by all attached.

Mrs. Dargel inquired about the flood plain and spoke in favor of having a market study and traffic study done. She said she was thought more information would be provided to the Board and she is unclear about the request for the rezoning.

Linda Swinehart, 4042 E. Hemphill Rd., PO Box 190185, spoke concerning the increase in traffic and the hardship on the people who live on Hemphill Road.

Mr. Strasser explained that 1300 feet of the property is zoned C-2 and suggested that the remaining 600 feet be rezoned to RM to sell single-family condos, which would give exposure to the development from Center Road. This zoning would join single-family uses to the South on Hemphill Road. In most cases, commercial development would not stretch back in to a depth of 1300 feet on a small strip of land such as this. This is a viable request and we recommend approval. Please keep in mind this is a recommending body and the request to rezone will go before the City Council for final determination on December 1, 2003 at 7:00 P.M.

Mr. Bertram asked if there were entrances off Hemphill Road for this project.

Mr. Patti said we are not touching Hemphill Road at all. Our property is located to the North of Hemphill Road. The back of the condos would be facing the residents to the South. I held brief discussions with the residents regarding the site plan and I am willing to sit down and talk with them in regards to buffering their homes along that portion where we are building those units. We would also be willing to do some landscaping.

Mr. Young asked when they anticipate bringing the entire plan back to us for final approval on the site plan.

Mr. Strasser commented that there would be a reduction in the number of units from the preliminary plan to the final site plan.

Mr. Patti stated they are working on the engineering now and they should be ready in January to bring this back to the Planning Commission for action. He indicated that on Atherton Road there are three or four homes that back up to his property and he has created a park so it doesn't affect the other residents in that area. He would be willing to do so for the residents to the North if they so desire.

Mr. Bertram commented that commercial zoning would be worse than having the condos there.

Moved by Young, seconded by Bertram to recommend approval of Zoning Case #282 to the Burton City Council to rezone property from C-2 to RM. Motion carried 6-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning the developers cleaning up the dirt on Maple Road at the end of the day. She inquired whether there is a provision for the roads and streets to be maintained during the different phases of construction.

E. PRELIMINARY PLAT APPROVAL:

1. SPR #03-57

BY: William and Elizabeth Hohloch
12322 Fairbanks
Fenton, MI 48430

RE: Maple & Howe Road

FOR: Proposed Heather Heights Sub.

Kevin Cook, CHMP, Director of Engineering, 5198 Territorial Road, Grand Blanc, MI. The project is located at the Northwest corner of Maple and Howe Roads. They are proposing a 7-lot frontage plat. Four lots would be constructed on Howe Road and three lots would front on Maple Road. Each of the seven lots is approximately 35,000 square feet and the minimum lot area requirement are 10,625 with sanitary sewers, which are currently in place. Just less than seven acres will be platted. We are asking for preliminary plat approval.

Audience Participation:

Pauline Dargel, 6119 Hugh St., spoke concerning an article she read in the newspaper concerning the need for any new development to have a certified stamp of approval from a professional engineer that the development would not be a detriment to the drainage system. She asked if the city has any information on this issue. She said the letter would say that our city has the capacity to handle the development.

Mr. Strasser said the city has the capacity to handle the development. He said he hasn't heard anything from the county regarding the need for approval from a professional engineer.

Mr. Strasser said the zoning of the property is R-1A. The seven lots far exceed the requirement of R-1A zoning. The sanitary sewer is available and the only recommendation from our department is that the developer extend the water main from Maple Road to the North on Howe Road to service his lots.

Mr. Young asked if the site plan had to go to the County Drain Commission for their approval before they start any work.

Mr. Strasser replied yes, they would have to have the approval from the County Drain Commission before they start.

Mrs. White asked if there had been any discussion concerning the extension of the water main.

Mrs. Hohloch said they have no problem with this.

Moved by Perez, seconded by White to approve Site Plan Review #03-57 contingent upon DPW recommendations. Motion carried 6-0.

Mr. Grantner said the next two items are tied together and asked if the Board would like to hear both cases prior to voting. Everyone agreed to hear both cases before voting.

F. SPECIAL USE PERMIT:

1. BCPC Case #03-54

BY: Haven Partners, Inc.
3604 Wilder Rd.
Bay City, MI 48706

RE: 2156 S. Center Rd.
Frost Manor Lot 62
Zoned C-2

FOR: To construct a 10 Minute Oil Change on the property.

G. SITE PLAN REVIEW:

1. SPR #03-55

BY: Haven Partners, Inc.
3604 Wilder Rd.
Bay City, MI 48706

RE: Burton 10-Minute Oil Change
2156 S. Center Rd.
Frost Manor Lot 62
Zoned C-2

FOR: New construction for an oil change facility.

Steve Scott, FED Corporation, 1277 E. Cedar, Gladwin, MI, who is the general contractor and they are acting as the agent for Haven Partners. Currently there is a house and garage on the corner of Center Rd. and Farley St. that we plan to remove and would like to build a 10-Minute Oil Change facility. We are providing storm water retention.

Mr. Scott said they are also providing a berm at the rear of the property for a visual screen from the existing residents, as we are in a C-2 district. Plans have been submitted to Genesee County for their review and approval for the building permit and also the sewer and water approval. We have built over 30 of these facilities throughout Michigan and it is a low volume use. These folks usually get less than 50 customers per day.

Audience Participation:

Norman Johns, 1217 Carlson Dr., Burton, MI, said the property in question at 2156 S. Center Rd., said belongs to his wife. He gave a brief history of the residence and Haven Partners has tried to meet all requirements of the city and he thinks through approval of this facility, it would honor his father, as this was his livelihood.

Steve Colley, 3472 Farley St., said he owns Lots 60 and 61, which are adjacent to Lot 62. If the oil change is approved, he and his wife would like to have a vinyl privacy fence at the tallest height that the city allows. We feel this type of privacy fence would be beneficial to the new owners in regards to maintenance, as well as ourselves in preserving residential integrity. We have lived in our home for 38 years. Please give our request some consideration.

Robert Keeley, Keeley Realty, 2224 S. Center Rd., said he is the Broker involved in this sale. He said this lot has 78-foot of frontage and it would be difficult to have any other type of business to locate on it when the setbacks on both corners are taken into consideration. Mrs. Johns has elected to sell her home and is currently in Florida and we would like her request honored by approving the request before you this evening.

Mr. Strasser explained that the property is zoned C-2, which is commercial. Certain uses are allowed by right in commercial zonings. In this particular case, this is an automotive related business, which requires a Special Use Permit. The Special Use Permit indicates that type of business has a more intense use than what would normally be allowed in commercial zoning. He explained that the intensity in this case could be related to the oils, anti-freezes and fluids that you wouldn't find in a restaurant or office. This is why the Special Use Permit is necessary. Also, the main entrance would be off from Farley. The developer has indicated in the plans that they would pave Farley Street from Center Road to the West property line of their line with asphalt that would be inspected by one of our inspectors and turn it over to the city as another one of our paved streets. The adjoining neighbor has a viable request in regards to the privacy fence. It is up to this body to decide whether the privacy fence, berm and the landscaping go in or just the berm and the landscaping. There is a different method for every situation. We have noticed that most of the businesses that put up fences are better maintained than in the past. The setback requests are proper and we believe it would be a good asset to the Center Road corridor, which has numerous auto related businesses. Our recommendation is for approval.

Mr. Bertram said he has a problem with the traffic coming off Farley Street onto Center Road, because Farley Street is a residential street. Also, there are three oil changes in that area.

Moved by Young, seconded by White to approve BCPC Case #03-54 for a Special Use Permit. Motion carried 5-1 with Bertram voting no.

Mr. Young asked if a fence is put in, is it necessary they also put in a berm? He also inquired whether the Ebenezer Church would have any objections to this business going in.

Mr. Strasser stated that the fence and berm are on the site plan and unless you eliminate it, it would be installed. Mr. Strasser said he doesn't believe there has been any contact with the church.

A brief discussion was held concerning traffic coming onto Farley Street from the church.

Mr. Bertram inquired about the detention pond being fenced.

Mr. Scott replied it is not fenced. The detention pond contains and underground water storage and is metered into a municipal system. It is a ditched out area.

Mr. Grantner asked Mr. Scott if the privacy fence would be a problem.

Mr. Scott replied he had no problems with the fence.

Mr. Cummings asked if the berm would be included with the fence.

Mr. Scott replied that the berm would be a by-product of the detention area. Our original intention was to create a nice landscaped berm with trees. To add the fence would not be a hardship.

Mr. Bertram spoke again about the traffic going off Farley Street from the Ebenezer Church and the oil change business.

Mr. Strasser said the employees would be allowed to exit onto Farley Street, but not the cars from the business.

Mrs. White commented that she has a concern about the sign being a three-line reader board.

Mr. Scott said there are no electronic signs. This would be addressed at the sign permit time, but the business has never used this type of sign.

Moved by Perez, seconded by White to approve Site Plan Review #03-55 including the privacy fence along the West property line, as well as the berm and landscaping. Motion carried 5-1 with Bertram voting no.

H. ADMINISTRATIVE SITE PLAN APPROVAL:

1. SPR #03-58

BY: Concord Services
3434 S. Dort Hwy.
Burton, MI 48529

RE: Concord Services
3434 S. Dort Hwy.

FOR: Change of use.

There were no problems with Site Plan Review #03-58.

I. BOARD DISCUSSION:

Mr. Young questioned when the Zoning Ordinance Text changes would go before Council for action.

Mr. Strasser said that zoning case is scheduled for December 1, 2003 at 6:00 P.M.

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

Meeting Adjourned at 6:52 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk