

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
DECEMBER 14, 2010, 5:00 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 5:00 p.m.

MEMBERS PRESENT: Grantner, Bertram, Smith, Walls and Centilli.
MEMBERS ABSENT: Cummings and White.
OTHERS PRESENT: Chief D. Halstead and J. Adams, Deputy City Clerk.

Walls moved and Bertram seconded to approve the minutes of the Planning Commission Meeting on September 14, 2010 at 5:00 pm. Motion carried 5-0.

AUDIENCE PARTICIPATION: None.

SITE PLAN REVIEWS:

- | | |
|---------------|--|
| 1. SPR #10-25 | BY: Chief Doug Halstead / Burton Fire Department
4090 Manor Dr.
Burton, MI 48519 |
| | RE: 2029 E. Bristol Rd., Parcel #59-29-555-080
Fire Station #1 |
| | FOR: Addition. |

George Ananich, 12030 E. Atherton, THA Project Manager, stated they are adding an addition to the west side of 414 sq ft. The site will be reworked, there will be additional paving areas and a generator on the site. Exterior will match existing facility, in terms of construction type.

AUDIENCE PARTICIPATION: None.

Ms. Frost recommended approval and commented the building with look very nice.

BOARD DISCUSSION:

Mr. Walls was in favor of the project.

BOARD RECOMMENDATION AND/OR ACTION:

Walls moved and Bertram seconded to approve SPR #10-25. Motion carried 5-0.

REGULAR PLANNING COMMISSION MINUTES

DECEMBER 14, 2010 / 5:00 P.M.

PAGE 2

SITE PLAN REVIEWS (continued):

2. SPR #10-26

BY: Chief Doug Halstead / Burton Fire Department
4090 Manor Dr.
Burton, MI 48519

RE: 1320 S. Belsay Rd.
Parcels #59-14-576-022 and #59-14-576-061
Fire Station #2

FOR: New Construction.

George Ananich, 12030 E. Atherton, said a new building of about 12,500 sq. ft. will be towards the back of site. The existing facility will remain functional while a new one is under construction. They will rework the water lines. The house off of Martha will be removed. Once the new station is complete, the old facility will be demolished. A geothermal system will be underground. A community center will be near the front towards Belsay Rd. Parking will be easily accessible to the fire department and the park. The building will be LEED certified, which stands for energy efficiency, which will create a good environment for the employees there.

AUDIENCE PARTICIPATION: None.

Ms. Frost said the plans were in order on the facility and recommended approval.

BOARD DISCUSSION:

Mr. Walls noted a second floor, but no elevator, which violates the American Disability Act. He questioned parking on the north end in order to have a multi-purpose room. He suggested flipping the building. He asked why a multi-purpose room was needed when there is one at the Police/Fire Headquarters.

Mr. Ananich responded the second floor is for maintenance and mechanical equipment storage. The building won't be flipped in order to keep the existing building operational while constructing the new station.

Chief Halstead said there are no fire stations with elevators and almost all stations have second floors. They are not a public building only to the extent that we let public into the building. Fire stations do not fall under same category as other buildings when it comes to ADA.

Mr. Smith and Mr. Walls raised the question of the amount of offices.

Chief Halstead replied the station is being built for the future, which will house a full fire department. Separate dormitory rooms are needed for both genders. The training room is only for the fire department and the offices will in the future be used as dormitories also.

REGULAR PLANNING COMMISSION MINUTES

DECEMBER 14, 2010 / 5:00 P.M.

PAGE 3

Mr. Grantner suggested contacting the Director at the Disability Network, who could probably make a recommendation as to not violate any requirements.

BOARD RECOMMENDATION AND/OR ACTION:

Smith moved and Centilli seconded to approve SPR #10-26. Motion carried 4-1, with Walls voting no.

3. SPR #10-27

BY: Chief Doug Halstead / Burton Fire Department
4090 Manor Dr.
Burton, MI 48519

RE: 4515 Davison Rd., Parcel #59-03-400-005
Fire Station #3

FOR: Addition.

George Ananich, 12030 E. Atherton, THA Project Manager, stated for Station #3, they are adding a 550 sq. ft. addition to the southeast corner. We are reworking the parking and adding a generator to that station, a radio room, an officers room and an office. Existing space will be reconfigured to make it more open for the fighters to use. It will improve the kitchen and restrooms as well. The apparatus bay will be getting a new floor coating. On the outside of the building, we will basically keep the same profile as existing and same height and similar materials – metal panel and insulated wall system for the addition.

AUDIENCE PARTICIPATION: None.

Ms. Frost recommended approval.

BOARD DISCUSSION: None.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Smith seconded to approve SPR #10-27. Motion carried 5-0.

Mr. Grantner inquired regarding a timetable.

Mr. Ananich replied that in terms of starting construction, we took bids a few weeks ago and made recommendation to the City, and that is going to the Finance Committee this Thursday. The Finance Committee will make a recommendation to City Council on Monday. If all goes well, we will get an approval and they can start construction as soon as we get a construction contract. It is in the bid to start as soon as possible. We have about a year for the length of construction for Station #2, and 4 or 5 months for Stations #1 and 3. If we can get this under contract, the contractors are ready to start right away.

PUBLIC HEARING:

1. ZC #309

BY: Burton City Planning Commission

RE: Ordinance No. 2010-___157.098, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

FOR: Zoning Text Change. Regulations for medical marijuana dispensaries, medical marijuana growing facilities, and medical marijuana clubs (also known as compassion club).

Ms. Frost said the Ordinance would be approved for C-2 with special use. Dispensaries and clubs would come back before the Board for special use. Limitations would be in place for distance from churches, schools, other dispensaries, parks, etc. There would be a permitted use in light industrial for all 3 uses. There are operational limits such as hours and age and site plan requirements such as security system. The applicant would need to be open to inspections if a complaint is made to make sure of no violations. Ms. Frost recommended taking out 1,300 sq. ft. for the dispensary. It is not necessary to have that much footage. She made the Board aware of concerns Royal Oak Attorney, James Razor had with the 1,300 sq. ft. in the dispensary. Once I talked to him, I agreed with him that it wasn't really necessary to limit the space in the dispensary. The point of it was to limit how many plants you can grow in a facility. I recommend taking out the maximum 1,300 sq. ft. in the dispensary. In Section #4, all employees who dispense or belong to the club shall have a valid primary caregivers card which could become difficult for hiring clerical, cleaning, maintenance, computer or other employees not directly involved with the product or the dispensing of the marijuana.

Ms. Frost stated further, she is not sure of the legal aspect of this. Attorney Austin was looking at this that anyone in the building should have either a patient card or caregiver card. I think that would also include employees. She can bring this up to the attorney if the Commission is interested in that. Attorney Razor also had an issue with Section #6, maintenance of records. We did talk about this at the last meeting that it is against HIPPA Laws for us to require that they submit their records to us. We are not interested in them submitting records to us; we just want them to maintain them. If anything ever comes of it, it is between them and the Federal Government. He also had an issue with the search or doing any inspections at the building. He felt it was a violation of the Federal and State Constitutional allowing certain rights against search and seizure by governmental authorities. He did not agree with the periodic inspection section of it. He did applaud us in our effort to work with them and get an ordinance in place.

Ms. Frost asked the Board to put in their recommendation to take out the 1,300 sq. ft. out of the dispensaries. Beyond that, I think we met every other issue that everyone has had. I think it looks pretty good.

REGULAR PLANNING COMMISSION MINUTES

DECEMBER 14, 2010 / 5:00 P.M.

PAGE 5

Mr. Grantner clarified that the Planning Commission's recommendation will be going back to Council.

AUDIENCE PARTICIPATION:

Randy Crowell, 217 Hansberger St., stated he represents many dispensaries. He informed the Board there are many cardholders under the age of 18. They need parent's consent and approval from 2 doctors. He felt the Board should address how the people come and go from the facility, whether by push button, and security beyond that.

Jeremy Orpinski, 12164 Dodge Rd., is the President of the Genesee County Compassion Club. He referenced the City requiring employees to hold a card and if the Clubs would be in violation of an ECOA requirement, only being able to hire cardholders. He wouldn't want to run into issues with the Equal Employment Opportunity Act.

BOARD DISCUSSION:

Mr. Walls stated this ordinance could be very controversial and he doesn't want to argue or change terms an attorney has written.

BOARD RECOMMENDATIONS AND/OR ACTION:

Walls moved and Bertram seconded to approve ZC #309, removing the 1,300 sq. ft. in the dispensary. Motion carried 5-0.

ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #10-15

BY: Paula Zelenko
5425 Sitka
Burton, MI 48519

RE: 1235 S. Center Rd. Suite 13

FOR: Campaign Headquarters

2. SPR #10-16

BY: Reginald Clements
6914 Orange Ln.
Flint, MI 48505

RE: Chip's Shrimp-n-Fish at 1352 E. Bristol Rd.

FOR: Restaurant.

REGULAR PLANNING COMMISSION MINUTES

DECEMBER 14, 2010 / 5:00 P.M.

PAGE 6

ADMINISTRATIVE SITE PLAN REVIEWS (continued):

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|---------------|--|
| 3. SPR #10-17 | BY: David Yono
1922 Cass Lake Front
Keego Harbor, MI 48320 |
| | RE: 1376 E. Bristol Rd. |
| | FOR: Pawn Shop. |
| 4. SPR #10-19 | BY: Kenneth Wright
6081 Bellingham
Burton, MI 48509 |
| | RE: 5515 Davison Rd. |
| | FOR: Martial Arts School. |
| 5. SPR #10-20 | BY: Charm Kataa
6965 Golden
W. Bloomfield, MI 48322 |
| | RE: 3411 S. Saginaw |
| | FOR: Change of ownership |
| 6. SPR #10-21 | BY: John Walter
4497 Old Carriage
Flint, MI 48507 |
| | RE: 1146 Hemphill |
| | FOR: Change of ownership |
| 7. SPR #10-22 | BY: Ronald Young
2087 E. Williamson
Burton, MI 48529 |
| | RE: G-4281 S. Saginaw |
| | FOR: Video Game Store. (Buy, Sell, Trade) |

REGULAR PLANNING COMMISSION MINUTES

DECEMBER 14, 2010 / 5:00 P.M.

PAGE 7

ADMINISTRATIVE SITE PLAN REVIEWS (continued):

8. SPR #10-23

BY: Greg Lautzenheiser (L & A Architects)
2430 Rochester Court.
Troy, MI 48083

RE: 2445 Center Rd. Part of the Southwest ¼ of section
22, T7N-R7E (see legal description on site plan)

FOR: Construction/site modification.
Additional drive thru lane at McDonald's

9. SPR #10-24

BY: Timothy Vance
5381 Lapeer Rd.
Burton, MI 48509

RE: 6175 Lapeer Rd.

FOR: Computer sales and service.

BOARD DISCUSSION:

Mr. Smith asked about McDonald's.

Ms. Frost said a new plan was submitted regarding a double drive thru. She is fine with the plans and no complaints have been made. The plan is identical to the upgrade at the S. Saginaw store.

Mr. Grantner thanked the members for showing up to the meeting

The next regularly scheduled meeting will be held on **Tuesday, January 11, 2011, at 5:00 p.m.**

Meeting adjourned at 5:38 p.m.

ms / jra