



# CITY OF BURTON

## BURTON PLANNING COMMISSION MEETING

JUNE 8, 2021

### MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD  
BURTON, MI 48519

This meeting was opened by Chairperson Kevin Burge at 5:00 PM.

#### A. PLEDGE OF ALLEGIANCE

#### B. ROLL CALL

| Attendee Name   | Title        | Status  | Arrived |
|-----------------|--------------|---------|---------|
| Duane Haskins   | Mayor        | Excused |         |
| Vaughn Smith    | Councilman   | Late    | 5:06 PM |
| Kevin Burge     | Chairperson  | Present |         |
| Tom Gorang      | Commissioner | Excused |         |
| Neil Martz      | Commissioner | Present |         |
| Don Jones       | Vice Chair   | Present |         |
| Erica Edgington | Commissioner | Present |         |
| Kenneth Gay     | Commissioner | Present |         |

#### C. STAFF PRESENT

Duane Haskins, Mayor  
Amber Abbey, Deputy DPW Director  
Leandra Swayne, DPW Records Tech  
Katie Malin, Clerk's Office

#### D. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - May 11, 2021 5:00 PM

|                  |                                            |
|------------------|--------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                |
| <b>MOVER:</b>    | Don Jones, Vice Chair                      |
| <b>SECONDER:</b> | Neil Martz, Commissioner                   |
| <b>AYES:</b>     | Smith, Burge, Martz, Jones, Edgington, Gay |
| <b>EXCUSED:</b>  | Haskins, Gorang                            |

#### E. PUBLIC HEARING

1. SPR 21-24/ZC 328

City of Burton

Chapter 157 text amendment

To regulate incinerators, trash containers, and collection/donation containers

Mr. Burge stated he had a question on Section II number two. When it states "screening wall", is that the fencing you see around dumpsters?

Mrs. Abbey stated yes and that did not change. That is the existing ordinance.

Mr. Martz stated he would like to see Section II B read, Outside trash containers or alternative approved collection systems. That way it allows for other types of pick up besides dumpsters.

Mrs. Abbey stated you can certainly add that to it. As for the way it reads now, it does not disallow it. It states "they shall be permitted and have the following requirements."

Mr. Gay stated he likes the way the language reads in the ordinance now. It states what they can have and what they cannot have.

Mrs. Abbey stated that part of the ordinance was not changed. That is the way it has always read.

Mr. Burge asked, if the permit fees are set by City Council.

Mrs. Abbey said, yes.

Mr. Burge asked, what happens if the business does not want to pay the permit fee for the donation container?

Mrs. Abbey stated they will have to have it removed then. The property owner is responsible for all items on the property regardless of how they got there.

Mrs. Edgington suggested on Section II C 2 adding the language "if possible."

Mrs. Abbey stated this is the wording from our City Attorney. I spoke to her about adding that and she said that "and not offensive to a reasonable person." is all she needs as a legal defense.

Mr. Smith stated after looking at the ordinance and speaking to other council members, I think this ordinance is well done.

Mr. Martz suggested limiting the number of donation containers on a single property.

Mr. Burge stated he thinks two would be a good limit.

Mr. Smith made a motion to approve Chapter 157 Ordinance Amendment to regulate incinerators, trash containers, and collection/donation containers with the following changes; 157.090 C (3) add wording at no time shall a dumpster for the collection of garbage be allowed in the residential district. Section D 1 (b) add wording limit two permits for any one parcel.

|                  |                                            |
|------------------|--------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                 |
| <b>MOVER:</b>    | Kenneth Gay, Commissioner                  |
| <b>SECONDER:</b> | Don Jones, Vice Chair                      |
| <b>AYES:</b>     | Smith, Burge, Martz, Jones, Edgington, Gay |
| <b>EXCUSED:</b>  | Haskins, Gorang                            |

## F. SPECIAL USE

### 1. SPR #21-23

By: Stanley Wright  
4481 Brighton Dr. Grand Blanc MI

Re: Vacant Lot,  
Parcel ID 59-03-583-002 - Zoned C-2

For: Special use to operate a mobile food trailer longer than approved 10 consecutive days.

Stanley Wright, 4481 Brighton Drive, Grand Blanc, Michigan stated he would like to operate his mobile food truck for longer than 10 days. This is a business venture with family. If approved tonight, other developments will take place on the property. I am asking for three years to generate revenue to build a building for carry-out.

Jo Ann Farrand, 2028 Willmar Street, Burton, Michigan stated she was upset because the letter she received from the City of Burton did not have an address on it, just a parcel ID. She is concerned about where customers will park because there is no parking on Willmar street. The main concern is trash coming into her yard.

Debra Dewar, 2056 Willmar Street, Burton, Michigan stated she is concerned about noise if they use a generator. Another concern is more traffic down Willmar Street.

Michelle Krampe, 2035 Willmar Street, Burton, Michigan stated her main concern is privacy in her yard.

Mrs. Abbey stated she would like to apologize that the notice did not give an address, but there is not a specific address issued to the property. When the notices went out, it did have the parcel ID number, so it was legally notified. I appreciate the call with concerns. Outside of that, Mr. Wright came in back in December in regards to the food truck. He wanted to set it up at 4349 Davison Road, but there was not enough room on that property to set up. Then he came back after he purchased the property we are talking about tonight. I just want to let the residents know that just because something is allowed to happen does not mean they do not have to follow the laws. We have a noise ordinance, trash still needs to be picked up, police tickets can be issued. Those are all laws that have nothing to do with his approval and can always be enforced. Do not feel like if this is approved tonight all that was ignored. If you have an issue with noise, parking or speeding call the police. Davison Road is a commercial zone. There will be a business there at some point. Parking is a concern.

That has been a concern from the beginning. We would be comfortable with a temporary situation.

Mr. Gay asked Mr. Wright, if the plan is to eventually have a building on the property for his food service?

Mr. Wright said, yes.

Mr. Martz stated he has concerns with lighting, trash, pedestrian movement if it is a walk up service all year round, generator use when there is the option to plug in to power pole and parking.

Mr. Wright stated we do plan to plug in to the power pole, the generator is for when we travel to a location without a plug in option. It is meant to be a walk up service, if approved, there will be a concrete slab. Parking, if approved, I have plans to develop the land and it should give me 12 parking spaces. Trash, I plan to have a dumpster. Trash will never be an issue, we take pride in what we do. We would never see trash from our establishment and not pick it up. We do not want complaints going in to the city that our business has trash all over the place. The last thing we would want to do is cause any disruption to the residential area. I do have site plans and if I get approval, I will move forward with those plans.

Mrs. Abbey stated temporary use does not require site plan review, but the Planning Commission can add that condition if they would like.

Mr. Martz stated he noticed there is no restroom for employees.

Mr. Wright stated if we get approval tonight, we will move forward with a lease agreement with 4349 Davison Road, which allows for shared parking, storage space and access to restrooms for employees.

Mr. Martz asked if working during winter months, how will you heat underneath the truck?

Mr. Wright stated we will have RV heating pads for the pipes underneath that we turn on by a switch.

Mr. Burge asked, if approved what do you plan to do with your waste water?

Mr. Wright stated for a fee, we are able to utilize the sanitary systems at any State Park or RV Park. That is how we plan to dispose of our grey water.

Mr. Burge asked, if approved, would you object to fire inspection annually?

Mr. Wright said, no I would not object.

Mr. Jones asked Mrs. Abbey how the City normally handles these situations for temporary use.

Mrs. Abbey stated the ordinance is fairly new. This would be the first special use to come before you to ask for an extension on the time frame. Even if it was not new, we take each case by case.

Mr. Smith Suggested parking at 4349 Davison Road for four to six months and letting us see what kind of neighbor you are.

Mrs. Abbey stated that is not an option. The food truck will not fit on that property.

Mr. Smith stated we could give him four to six months to see what kind of neighbor he is and how his business goes.

Mr. Burge asked, how long do you think it will take to know if your business will be successful or not?

Mr. Wright stated we have a social media account and already have a huge following. We have a lot of people throughout Michigan waiting for us to get started.

Mrs. Edgington asked, what is your timeline for the trailer? When would you be able to set up and be operational?

Mr. Wright stated if approved tonight, I am estimating to be up and running mid July.

Mrs. Edgington stated I think one year would be a good amount of time to see if this will work out.

Mr. Smith asked, would you be willing to hook up to the power pole only and not use the generator?

Mr. Wright stated yes, that is what we intend to do. Like I stated before, we would only operate on a generator if we don't have access to plug in.

Mr. Martz stated I don't think you want an electrical plug draped in the parking lot. He would need some kind of receptacle. I think lighting is needed if they will operate until 11:00 PM.

Mrs. Edgington asked if the property at 4349 Davison Road has outdoor lighting.

Mr. Wright stated he does not know if they do.

Mrs. Edgington asked, what about the food truck? Does that have lighting?

Mr. Wright said, yes. If you look at the diagram, there are six or seven lights on the truck. I have thought about additional lighting, I was just waiting to get approval.

Mr. Jones stated I am not sure we have something in place to hold back occupancy if he wants this to be more than temporary.

Mrs. Abbey stated there is an ordinance for mobile food trucks he has to comply with, the only exception is time frame and that is what he is asking for. If most of

your concerns are about the site plan then you have the option to add that as a condition and require the city to see the site plan before the license is approved.

Mr. Burge asked, how long would it take to develop a site plan?

Mr. Wright stated if I were to utilize Kraft Engineering, he is currently behind 90-120 days.

Mr. Burge stated then that would take the summer.

Mr. Gay stated he would agree to one year. This would be great for the area.

Mrs. Edgington made a motion to approve SPR# 21-23 for a period of 12 months with the stipulation a generator will not be used on the property.

|                  |                               |
|------------------|-------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [4 TO 2]</b>       |
| <b>MOVER:</b>    | Erica Edgington, Commissioner |
| <b>SECONDER:</b> | Vaughn Smith, Councilman      |
| <b>AYES:</b>     | Smith, Burge, Edgington, Gay  |
| <b>NAYS:</b>     | Martz, Jones                  |
| <b>EXCUSED:</b>  | Haskins, Gorang               |

## G. ADMINISTRATIVE SITE PLAN REVIEW

### 1. SPR #21-20

By: Melissa Burt  
1184 S. Belsay Rd Burton MI 48509

Re: 1184 S. Belsay Rd. Burton MI 48509

For: New Business- Celebration Nation - Retail

### 2. SPR #21-21

By: Saad Backayou

Re: G-3312 S. Dort Hwy. Burton MI 48529  
Parcel ID 59-29-577-001

For: Change of ownership- personal storage only – no use approved

Mr. Martz asked, how is there no use approved?

Mrs. Abbey stated it's because they don't establish a use, its a change of ownership. They own the property and will use it for their own storage. It will be inspected by the building official.

## 3. SPR #21-22

By: Garan Geror / Garjen Property Management LLC  
2339 S. Vassar Rd. Davison MI 48423

Re: 1350 N. Belsay Rd Burton MI  
Parcel ID 59-12-502-049

For: Change of Ownership/Use – Garjen Property Management LLC- Office  
Space

**H. AUDIENCE PARTICIPATION**

None.

**I. BOARD DISCUSSION**

None.

The next regular scheduled Planning Meeting will be held on July 13, 2021 @ 5:00 PM.

Agendas and minutes may be found at [www.burtonmi.gov](http://www.burtonmi.gov)

Meeting was adjourned at 6:50 PM.

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