

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 9, 2001, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Brawner and Mayor Smiley.

OTHERS PRESENT: J. Major, DPW Director; T. Strasser, Deputy Planning Official and C. Ladd, Deputy Clerk.

PLEASE NOTE: All of the following agenda items (B, C, D, F, G, H, & I) were previously part of the 12-12-00 agenda, rescheduled to this agenda due to the State of Emergency declared by the various governmental units, on 12-12-00. Any item requiring notification by either mailing or local newspaper publication has been completed by the City Attorney in accordance with the appropriate state laws or city ordinance.

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

Moved by Young, seconded by Hohloch to approve the minutes of the following meetings:

1. Regular Meeting of October 10, 2000 at 6:00 P.M.
2. Special Meeting of November 1, 2000 at 6:00 P.M.
3. Regular Meeting of November 14, 2000 at 6:00 P.M.

Motion carried 7-0.

Mr. Grantner informed the audience that the applicant for Site Plan Review #00-57, had to attend another meeting across town at 7:00. He said he has also been advised Zoning Case #257, which is on the agenda to be scheduled for public hearing next month, has been published legally and can be heard tonight. As the Chair, after the scheduling of the public hearing, both of those items would be heard first.

B. SCHEDULE PUBLIC HEARINGS FOR FEBRUARY 13, 2001 AT 6:00 P.M.:

1. ZC #258

BY: City of Burton, DPW
4093 Manor Dr.
Burton, MI 48519

RE: Ord. #19 Text Change
Article XIV, C-1 Local Business District
Section 14.02 Principal Permitted Uses Addition
Of #11-“Self-Service Car Wash Facility” &
Section 14.03 Addition Special Conditions.

FOR: Addition to the zoning district classification of
C-1 for self serve car wash facility.

2. LS #00-60

BY: Roscoe J. Clark
1272 Gram St.
Burton, MI 48529

RE: Parcel #59-31-400-041 West end of Proper
Street, Section 31

FOR: Residential Use.

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Moved by Young, seconded by Bertram to schedule Zoning Case #258 and Lot Split #00-60 for public hearings on February 13, 2001 at 6:00 P.M. Motion carried 7-0.

ADMINISTRATIVE SITE PLAN REVIEW:

3. SPR #00-57

BY: Bill Huff, President
General Vector Corporation
9159 Market St. #6
North Lima, OH 44452

RE: General Vector Corp.
G-3447 S. Dort Hwy.
Burton, MI 48529

FOR: Change of Use.

Bill Huff, President of General Vector Corporation, 9159 Market St. #6, North Lima, OH, explained that he was unaware that an occupancy permit was required, because he rents from someone else. He has been in the City for three years. He said he didn't know if the owner was aware of the need for an occupancy permit. A notification was sent that a permit was required. Mr. Huff said he didn't know what the City needed from him for the permit.

Mr. Grantner asked Mr. Huff if he had been in contact with the City.

Mr. Huff advised the Board that he had been in contact with the City in regards to water and sewer.

Mr. Grantner stated that this case is for a change of use and asked Mr. Huff if he had seen the interoffice memorandum for the DPW requirements and if there were any problems with them.

Mr. Huff replied he had reviewed the memo and has no problems with the requirements.

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

Mr. Major said in this particular case, Mr. Huff is the tenant and the owner of the property will come before you at a future Planning Commission meeting. We are asking Mr. Huff to bring the building up to code and have proper signage. The use fits the zoning classification and 99% of the majority of the improvements are to be taken care of by the property owner. It is our recommendation that Mr. Huff be approved. The exterior improvements, parking lot improvements and semi-trailers, are the property owner's responsibility.

Mr. Perez asked if there is anything that could be done about the sidewalk situation.

Mr. Major replied that the sidewalks would be the owner's responsibility and in that particular case, Dort Highway is scheduled for reconstruction in 2002 and we will work that in with the highway department. The requirement will still remain in tact with the owner.

Moved by Bertram, seconded by Walls, to approve Site Plan #00-56, contingent upon DPW recommendations. Motion carried 7-0.

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PUBLIC HEARING:

1. ZC #257

BY: Delphi Automotive Systems, L.L.C.
1450 W. Long Lake Dr., Troy, MI 48096
Genesys Health Systems
One Genesys Parkway, Grand Blanc, MI 48439

RE: Part of Parcel #59-10-100-022 fronting on
Center Road (North of I-69)
Zoned M-2 to C-2
Section 10

FOR: Medical Offices; outpatient and/or emergency
Medical services.

Timothy Keener, One Genesys Parkway, Grand Blanc, MI, said he is representing Genesys Health System under authorization by Delphi Automotive, to petition the Commission for the rezoning for approximately 3.4 acre parcel on Center Road, south of Davison Road. Genesys Health System is a combination of four former health care providers in the Flint community, including the former St. Joseph Hospital on Longway Blvd. When Genesys Health System opted to consolidate their in-patient capacity at the current site in Grand Blanc Township, there were a number of services left at the then pre-existing sites and St. Joseph is one of those sites. At the time we elected to maintain our family practice health center that is staffed and run as a medical education function through the health system, as well as emergency health services that serve the populations immediately surrounding the old St. Joe's site

and moving east into the City of Burton area. As we looked at the potential of developing that site, Mott Foundation and Mott Community College approached us with a request to donate that entire parcel of property to Mott College for a trade and technical center, that would be funded by a number of state and local grants. Through negotiations with the Foundation and College, we did that and agreed to a donation of almost the entire parcel of property. We have elected to maintain a small parcel to house the Genesys-Hurley Cancer Institute for the future. Mott College has

taken title to the bulk of that property and has demolished the old St. Joseph Hospital and is in the process of constructing the trade and technical center. The remaining buildings on that property are targeted for demolition in the spring of next year. We have been looking for an alternative location to house the services that we have been maintaining on that campus. We are proposing the rezoning of approximately 3-1/2 acres that is currently zoned M-2 that is owned by Delphi Automotive. Our proposal is to put an approximately 40,000 sq. foot office building on that property to house the services. This will be a clean industry with low levels of waste generated and we will be under many rules and regulations from the State. This development will enhance the neighborhood. We have done some traffic investigation and with the use of this building, we will vary about 210-250 vehicles per day.

Audience Participation:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke concerning a difference in the legal descriptions when the notices were published for this zoning case.

Mr. Strasser explained that the second publication involves an additional 18 feet of property. He also stated that the proposed use is suitable for the property and that Delphi is trying to sell their excess property. Mr. Strasser referred to several meetings back when the entire frontage along Davison Road was rezoned to commercial. He said he has a recommendation to rezone the entire Center Road frontage at one time instead of piecemealing Center Road. We see this as a viable venture and recommend approval.

Mr. Perez asked if the Board would take action only on this property tonight.

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Mr. Strasser replied yes.

Mr. Bertram asked if it was the intent of the DPW to ask Delphi to rezone everything to C-1 or C-2, at a future date in time.

Mr. Strasser replied yes, because this will spur more growth in this area. He said he would like to get the talks with Delphi underway.

Mr. Major said this could also be handled under the Master Plan.

Moved by Young, seconded by Bertram to recommend approval of Zoning Case #257 to the Burton City Council, contingent upon DPW recommendations. Motion carried 7-0.

C. FIRST PUBLIC HEARING VACATING:

1. Vacating #P-00-015

BY: Jim & Penny Kruszka
6230 E. Court St.
Burton MI 48509

RE: Lot 46 & 71, Section 13
6230 E. Court St.

FOR: Additional yard space.

Patty Kruszka, 6230 E. Court St., said they own three lots on the west side of the parcels that has been platted for an easement because in Garden Green Acres, there was two houses and a street along the way and several of those streets have already been vacated. We also own three parcels on the east side and this parcel has been sitting there for at least 17 years. We would like to build another building to store a vehicle. There are other ways for people to get into the other parcels, as there are easements available.

Mr. Kruszka said he would like to build the additional building closer to my existing house for security reasons instead of putting it 100 feet away.

Audience Participation:

Paige Kuran, 1182 Minnesota, Flint, MI, said she owns lots in that area and the Kruszka's have plenty of yard space. If they get the easement to close the road, there would be no way she could build on her property without going down Mercury, which isn't open. She couldn't go down their easement to get into her property, which is only 100 feet from Court Street. She thinks this is unfair and is opposed to the vacating.

Mr. Major stated that if this street was to be vacated, there would be no buildings built on it. We would have to maintain easement rights for future water, sewer, storm and any type of public utility. The City only vacates for land use, yard space and those types of things. Fences are allowed, as well as sheds because they are moveable. However, houses, garages, etc., would not be allowed. If we vacate that portion of the street, Lots 47 & 48 would still maintain a way out and would not be landlocked. We have unimproved public right-of-way, which continues to the south and then to the west. Although it doesn't landlock the property, it does present a longer route to an accessible Act 51 certified public street, as you drive on today. Although it poses some problems, there is nothing illegal if this is vacated.

Further discussion continued regarding the vacating.

Mr. Strasser said the Planning Commission seldom sees a vacating, but they are handled like a zoning case. The Board will make a recommendation and the case will be sent to the City Council for final determination.

Mr. Young asked Mr. Kurzka if he knew that he would not be allowed to build a permanent structure on the property.

Mr. Kruzka replied that he did not know that they wouldn't be able to build.

Mrs. Kruzka said they could build on one of the three lots they do own, but they would be able to plant trees or something rather leaving the property in limbo.

Mrs. Walls commented that although the distance is further, Mrs. Kuran would have access to her property.

Mr. Major said the public right-of-way goes to her property, but not the asphalt roadway system. We cannot vacate a street right-of-way that land locks property.

Mr. Hohloch asked what purpose would this serve if this is a no build zone.

Mr. Major said they couldn't fence it and maintain it as a site.

Discussion continued regarding the vacating.

Moved by Perez, seconded by Young to approve Vacating P-00-015, contingent upon DPW recommendations. Roll Call Vote: Grantner, yes; White, no; Perez, no; Walls, yes; Young, yes; Bertram, yes; Hohloch, no. Motion carried 4-3.

D. PUBLIC HEARING(S):

1. LS #00-48

BY: Samy Meshraky
4081 S. Belsay Rd.
Burton, MI 48519

RE: Part of the Northwest ¼ of Section 36
Parcel #59-36-100-037

FOR: Residential Use.

Sam Meshraky, 4081 S. Belsay Rd., explained that he has almost 12 acres and he is requesting a lot split so his brother can build a house on the additional lot.

Audience Participation:

Patrick Sova, 4064 Dallas St., asked how this property would be accessed from the street.

Mr. Meshraky replied that the access would be off Belsay Road.

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Mr. Strasser explained how the property would be accessed. He said the parcel meets or exceeds the ordinance. The way it is laid out, the building site and Mr. Meshraky's home would have a joint driveway. They will have to pay for a

sewer tap-in and all improvements. He said there is no problem with the request for the lot split.

Mr. Meshraky said he plans to move the driveway to the left so they wouldn't have a shared driveway.

Mr. Hohloch questioned whether they should be 80 feet or 100 feet from a major primary road.

Mr. Strasser said this goes with the zoning of R-1B.

Moved by Perez, seconded by Young to approve Lot Split #00-48 contingent upon DPW recommendations. Motion Carried 7-0.

2. ZC #256

BY: Paul M. VanDoorne
710 Ludlow
Rochester, MI 48307

RE: Parcel #59-10-400-012
Section 10
Zoned from M-1 to R-1A

FOR: Cluster Subdivision.

Paul VanDoorne, 710 Ludlow, Rochester, MI, explained that he is proposing to rezone property from M-1 to Residential Cluster. We are proposing approximately 40 duplexes (80 units) but we have some setback issues and wetland issues to deal with along the creek, so this number could change. Mr. VanDoorne said he has a floor plan to present to the Board and they will be two-bedroom units, two-car garages in all of the units, with a basement, kitchen, dining room and a master suit. If the residents want a third bedroom, they will have to pay extra.

Mr. Grantner asked if all of the excavation has taken place.

Mr. VanDoorne replied that the excavation has taken place and there is a wetland, which is a lake right now. We are proposing to use about 20 acres out of a 50 acre piece of property.

Audience Participation:

Pauline Dargel, 6119 Hugh St., asked if the woods that are on the drawing were going to remain on the property.

Mr. VanDoorne noted that he plans to take some of the woods out, but the majority would stay as is.

Dennis Posie, 1087 N. Genesee Rd., asked what the definition of a cluster subdivision is.

Mr. VanDoorne explained this will consist of condos.

Mr. Posie said he purchased the property in 1986 and since that time, Genesee Road is four or five times busier than it was then. They are now widening the road and taking the frontage away and I am concerned about losing some of my pine trees. There are times I wait 3 to 5 minutes to get out of my driveway. I am opposed to the condos.

Ron Taylor, 1182 N. Genesee Rd., said he has lived there 37 years and he would rather see the condos than to have a commercial business next to his property.

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Larry Petrella, 1081 Howe Rd., spoke concerning the drainage on the property and asked whether the DEQ had contacted the DPW regarding this wetland area.

Mr. Major replied that the DEQ has no jurisdiction in this area.

Mr. Hohloch stated that the wetland was predicated and permitted to the DEQ, so they would know a little about it, since they permitted the drainage.

Mr. Petrella expressed concern over possible drainage problems in the City. He also asked about a traffic study. He asked if notices would be sent when the site plan is set.

Mr. Strasser reminded the Board that this is a zoning case and not a site plan review. We are getting into an engineering function and site plan review. There are several issues that should be discussed during the site plan review process, not during the zoning case. He explained that the zoning is currently M-1 and the property should not be zoned industrial.

Mr. Grantner stated that the traffic study would be looked at during the site plan review process also. He noted that this board is a recommending body and the zoning case would be going to City Council for final determination.

Mr. VanDoorne said the reason there is a lake, is because of the clay beneath and then we had a huge amount of rain and it swelled up. It is supposed to be a wetland and this is what the DEQ wants it to be. The depth in one spot is about 7 feet deep but the average depth is 2-1/2 feet deep.

Mr. Major informed Mr. Petrella that the DEQ will be notified when the appropriate approvals are necessary.

Ludin Cills, 1254 Arrowhead Dr., said he is in favor of the zoning change.

Mr. Strasser said DPW already had their input and the recommendation is to approve the zoning change.

Moved by Young, seconded by Hohloch to recommend approval of Zoning Case #256 to Burton City Council, contingent upon DPW recommendations. Motion carried 7-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning legal notices pertaining to items on tonight's agenda. She suggested that copies of the legal notices be given to the members so they are aware of whether you are in compliance of the law regarding the publications.

Terry Parker, 4360 Sunnymead, asked if the first action that could be taken on Zoning Case #258 would be held on February 13, 2001. He was advised that Zoning Case #258 would be heard on February 13th. Mr. Parker said he would attend that meeting and discuss the case.

F. SITE PLAN REVIEW(S):

1. SPR #00-51

BY: Grainger Associates, Inc.
307 E. Third St.
Flint, MI 48502

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RE: Bristol Commons
Bristol Road & I-475
1200 E. Bristol Rd., Parcel #59-31-100-024
and part of Parcel #59-31-100-026

FOR: Change of Ownership.

John Costa, Grainger Associates, Inc., 307 E. Third St., Flint, MI, said he is here tonight with David Prueter, Vice President of Agree Realty Corporation, who is the developer of the project. Regarding the Change of Ownership, the project before you tonight is a continued development of an existing complex on Bristol Road at the SW quadrant of the I-475. We are planning an expansion to the existing Kessel store, which is about 38,000 sq. feet. In addition, we are proposing construction of additional retail space on the north end of the quadrant. We will build on the Outlot for a proposed restaurant. The parcel is currently zoned C-4 so there is no change in the zoning. The parcel has water and sewer services to the site. There are no additional curb cuts on Bristol Road being proposed. Sidewalks will be added along Bristol Road.

Mr. Grantner asked if Mr. Costa had reviewed the DPW recommendations.

Mr. Costa said he had reviewed the requirements and has no problem with them.

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

Mr. Strasser said the particular plan is involved in adding an extensive amount of landscaping around the existing site.

There will be a massive face-lift on the Kessel building. We would require that at the time any specific use other than Kessel's goes in, that they come before the Planning Commission for site plan review on any of the Outlots. Everything else on the site is within the zoning ordinance and DPW recommends approval.

Mr. Costa asked Mr. Strasser to explain the reasoning of why it is necessary for them to come back for site plan on the Outlots.

Mr. Strasser explained that although there is not a specific user for the building, they will have to formulate a plan of where their building will be, size and parking, and present this to the Planning Commission.

Discussion continued regarding the site plan review process.

Mr. Major stated that the Planning Commission would have to give its blessing to those Administrative Site Plan approvals for those particular uses within the land area you are showing on the site plan.

Mr. Prueter asked for further clarification in regards to coming back for a site plan on the Outlots.

Discussion continued regarding the site plan issue.

Mr. Grantner asked if there was a complete site plan presented this evening.

Mr. Strasser said yes, as far as what they are proposing for Kessel's and the gas station. An Administrative Site Plan Review would have to be held when the tenants decide to occupy the outlots.

Mr. Grantner said the restaurant and other buildings do not constitute what the Planning Commission views as a site plan. When a tenant wants to move in, they will have to come before the Board for approval.

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Mrs. Walls then asked if they could approve this as Kessel's and the station, and let them proceed on whatever else they have to do, or should we just postpone the whole thing?

Mr. Major commented that Mr. Strasser has gone to great lengths to make certain that the site itself meets the intent of the ordinance. That site is in 100% compliance of what the zoning ordinance calls for and what the Planning

Commission requires. The only items that are not in compliance, are the three Outlots and that will be brought back before the Planning Commission at a later date.

Mrs. White asked if some of the curb cuts were to be eliminated in that area when the modular home park went into the area.

Mr. Strasser said discussion was held concerning a light being added to that area, but Bristol Road is under the jurisdiction of the County Road Commission.

Mr. Major said an application has been made for a traffic signal to line up with Holy Redeemer Church and the driveway at Kessel's. We are still waiting for a reply from the County.

Mr. Prueter inquired as to why it is mandatory for them to come back to the Planning Commission for site plan approval.

Mr. Major replied that this is the City's way of knowing what business is in the City and there is a provision in the zoning ordinance that requires a change of use to be approved by the Planning Commission. Mr. Major said that the placement of the structure needs to be placed in compliance with the zoning ordinance. If this were done, there would be no basis for denial.

Moved by White, seconded by Walls to approve Site Plan Review #00-51, contingent upon DPW recommendations, as presented and limit the approval to Kessel's and the gas station, with final approval from the Planning Commission, when the tenants decide to come into the area. Motion carried 6-1 with Bertram voting no.

G. SPECIAL USE:

1. BCPC #00-58

BY: Joseph Hardacre
6321 Wagner Ave.

RE: 6321 Wagner Ave.
Parcel #59-36-400-022
Zoned SE

FOR: Requesting permission to raise miniature horses.

Joseph Hardacre, 6321 Wagner Ave., explained that he is asking for approval to raise miniature horses on his property, which consists of ten acres. There is ample room, as these animals are less than 34" high and they are easy to maintain. They eat about 1/3 the feed of a full sized horse. He informed his neighbors about the plans and had one objection. He presented drawings of his plans showing the closest home to his and said this venture will not interfere with other homes in any way.

Mr. Grantner asked Mr. Hardacre how extensive a project he was contemplating.

Mr. Hardacre replied that he would have two horses, a stallion and a mare and they would be raised from a filly.

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Audience Participation:

Kevin Schaffer, 6331 Wagner, said he lives next door and understands this will have to be rezoned commercial if this request is approved. He is concerned about the smell, types of buildings, fences, etc. He said it was his understanding that he would be raising the horses to sell.

Mr. Grantner explained that this is a special use in a residential area.

Mr. Hardacre said he would not be raising the horses to sell.

Cathy Schaffer, 6331 Wagner, said at one point, Mr. Hardacre mentioned this would be extra income. If he gets the special use approved for two horses and decides to get more, would we ever get a chance to address the issue? She also asked who would be checking on the situation periodically.

Mr. Strasser said if there is problem with the horses, this could be turned into the DPW and will be handled through the complaint process.

Mr. Hardacre stated he would be constructing a fence so the wildlife could get through.

Mr. Major commented that there are fence specifications that must be followed. This would be a type of fencing that would not be harmful to pets or humans.

Mr. Strasser said that Mr. Hardacre either does have or will have proper housing for the horses, as he was granted a variance by the Zoning Board of Appeals.

Mr. Hardacre said he has horse farms to the north and west of his property.

Moved by Young, seconded by Bertram to approve BCPC #00-58, contingent upon DPW recommendations, limiting the number of horses to two. Motion carried 7-0.

H. ADMINISTRATIVE SITE PLAN REVIEW POSTPONED FROM NOVEMBER 14, 2000 AT 6:00 P.M.:

1. SPR #00-52

BY: C G Most Construction
Robert W. Giese & Architects
PO Box 422
Flushing MI 48433

RE: Humane Society
3325 S Dort Hwy
Part of Lots 11 & 12 & 49-52 Hemphill Dort
Commercial Sites #2

FOR: Cold Storage Building.

There was no one present to represent the site plan review.

Mr. Strasser stated that when he spoke with the applicant, he was under the impression that someone would be here to represent this case.

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Moved by Perez, seconded by Hohloch to postpone Site Plan Review #00-52 until the next regular meeting of February 13, 2001 at 6:00 P.M. Motion carried 7-0.

Mr. Grantner asked Mr. Strasser to please notify the applicant and let them know they must attend the next meeting or risk the chance of being denied.

I. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #00-55

BY: Tracy Powell
2135 Sandalwood Dr.
Burton, MI 48519

RE: G-3273 S. Dort Hwy.
The west 150' of Lots 1 & 2 Hemphill Dort
Commercial Sites.
Section 28, M-2 Zoned

FOR: Tattoo Shop and Body Piercing.

Tracy Powell, 2135 Sandalwood, said she is requesting approval for a tattoo shop and body piercing. She was before the Zoning Board and was given approval.

Mr. Major said other than the regulations from the Building Inspector, any violations will be handled with the code enforcement officer. The sidewalks will be done through the Dort Highway widening project.

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

Mr. Major said the DPW recommends approval.

Mr. Young asked if there are any county health department regulations that they need to comply with.

Mr. Young said if there are no health regulations, then he has a major concern. He said he thinks there should be some kind of inspection that deals with health safety and hygiene.

Mrs. Powell said although there are no regulations, she plans to contact the county and have them inspect her shop.

Mr. Major stated that there have been two locations in Burton, and there are no health regulations or inspections required.

Moved by Walls, seconded by Bertram to approve Site Plan Review #00-55, contingent upon DPW recommendations. Roll Call Vote: Grantner, yes; White, yes; Perez, no; Walls, yes; Young, no; Bertram, yes; Hohloch, yes. Motion carried 5-2.

2. SPR #00-56

BY: Gary Porrett
2323 E. Bristol Rd.
Burton, MI 48529

RE: 2323 E. Bristol Rd.
Parcel #59-29-400-011
M-2 Zoned

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FOR: Change of Use.

Gary Porrett, 2323 E. Bristol Rd., said he is trying to get an occupancy permit He said he spoke with Mr. Major and reviewed the DPW list and has no problem with them.

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

Mr. Major said the applicant has been in the facility for 7 years and is doing hydraulic repairs and truck maintenance with most of the work being done on the road. The owners are the same, but the company is different. Mr. Major said there have been complaints and Mr. Porrett wants to do thing the correct way and take care of the issues. The open storage yard needs to be cleaned, the property line should be screened and we will review with the building inspector the repairs that are needed on the inside of the building. This is an industrial zoned site, but they are working with us at this time and we would recommend approval.

Mr. Young asked if there are existing violations.

Mr. Major replied yes, but they are being taken care of at this time. The building was purchased with non-conforming rights and he has agreed to maintain it properly.

Moved by Perez, seconded by Bertram to approve Site Plan Review #00-56 contingent upon DPW recommendations. Motion carried 7-0.

NEW APPLICATIONS RECEIVED BY DPW AFTER 12-13-00:

J. SPECIAL USE APPROVAL:

1. SPR #01-01

BY: ZI-MAR GROUP
G-8033 Fenton Rd.
Grand Blanc, MI 48439

1. SPR #01-01

RE: Part of Parcel #59-29-400-001,
Section 29
2374 Red Arrow Rd.

FOR: Open Storage Yard for contractor's equipment,
Material/Supplies, including concrete & asphalt
for processing.

K. SITE PLAN REVIEW:

1. SPR #01-02

BY: ZI-MAR GROUP
G-8033 Fenton Rd.
Grand Blanc, MI 48439

RE: Part of Parcel #59-29-400-001, Section #29
2374 Red Arrow Rd.

FOR: Concrete and asphalt plant, office, warehouse
and maintenance facility.

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Neil Martz, 8364 S. Saginaw, Grand Blanc, MI, said he was previously before the Board several months ago to ask for a zoning change for the majority of this parcel. There is a parcel of land showing on the existing zoning map that is approximately 9 acres in size. We are proposing to place a concrete processing plant and develop a distribution point for building products. The site is bordered on the south by the railroad tracks. Mr. Martz explained his intentions for the site plan.

Mr. Grantner said some of the information that Mr. Martz is giving has to do with the site plan review.

Mr. Major said we could combine J1 and K1 and act on these items together.

Mr. Martz said it would be easier to combine these two items, because there are specific standards in the ordinance that need to be adhered to. I am not closer than 200 feet to a residentially zoned area with outside storage. He explained that the drawing shows the 200 feet separation from the back of the lots. He said he is about 400 to 500 feet away from the houses on Ogema Street, and is about one-quarter of a mile from the houses on Cheyenne. The site will be screened and will have a new skin. This will be a fenced, secured site, which will not be manned on a daily basis. The recycling or reprocessing of the concrete and asphalt is something that is being eliminated out of the landfills today. In the East they are forcing cities and other users to find ways to recycle or reintroduce the product back to utilization. I believe this plant will do that and we will open the facility to take the City of Burton concrete and asphalt off of your demo projects. I don't believe this is a detriment to the area. I have a gentleman who can explain the processing operation to the Board.

David Cullen, 6300 Kelly Dr., Jackson, MI, said he is representing D & L Equipment. He said this is a simple process. The material that is taken from the road is recycled through the equipment and it is returned to driveways, roads, etc. The equipment removes the metal from your road structures, so that 100% of the product that is taken from the ground may be reused. Before, the materials were dumped in landfills and across the country they are starting to mandate they be recycled. There are only limited resources in this country.

Audience Participation:

Pauline Dargel, 6119 Hugh St., asked if the specific area being discussed for the Special Use Permit, was a zoning of M-2 prior to the change that took place in November with Council action. I understood him to say it was a M-2 about six months ago. She said the amendment to Ordinance 19 has not yet been published. She asked if the building that Mr. Martz was speaking of was the building that had been taken off the demolition list in 1999. She was advised that the building was the same.

Mr. Strasser explained that Mr. Martz obtained a variance a year ago or so, from the Zoning Board of Appeals, for a temporary use on this particular site, for a concrete reprocessing plant. This site is zoned M-2, heavy industrial, which is the proper zoning for this type of operation. There are other uses around it, such as the railroad, with other M-2 uses to the south of the property. Everything that he has presented on his plan and the special use permit that he is requesting, should be approved. The only item lacking on the plan is the sidewalk, and he said he has spoken with Mr. Martz regarding this issue.

Mr. Hohloch asked if sidewalks are included in industrial applications.

Mr. Strasser replied yes.

Mr. Major said this is the first step of a multi-phase operation. There will be further site plans that will come through the Planning Commission as the land develops. He said the development is on a gravel street with the sidewalks going nowhere. He would like Mr. Martz to agree to the completion of a sidewalk when and if the development is complete.

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Mr. Martz said he is not opposed to developing sidewalks in areas when they provide a benefit or use. He said he would prefer to abate the sidewalk idea and there may be some applications in the City where the sidewalks are not necessary. I would rather use the money that I would spend on sidewalks on something more beneficial.

Mr. Grantner said this is a requirement of the City, but it is something that should be dealt with in some way.

Mr. Major said he would like to see in the motion that the sidewalk requirement not be enforced at this location and we will ask for City Council concurrence.

Mr. Grantner commented that we only want the requirements to be reasonable.

Mr. Martz said he doesn't have a problem if there is a requirement for screening mechanisms that he voluntarily said he would install. He also plans to vacate Red Arrow Road. At some time in the future, he may request a name change on Red Arrow Road to minimize confusion between the street now and what is in that other Subdivision.

Mr. Young said this is a proposed portable processing plant, so does indicate that the processing will be done off-site? Are there any environmental rules or regulations which apply to this kind of operation and if so, whose responsibility is it to see that they are followed?

Mr. Martz said no, the processing machine moves around on the track within the confines of the fenced in area.

Mr. Iamarino stated that the DEQ would enforce the environmental rules, not the City. Mr. Martz is required to have a DEQ certificate for his sub-contractor. The DEQ certifies this as having the appropriate mechanisms regarding the dust and noise. If someone is making a complaint, it could be addressed as a nuisance.

Further discussion continued regarding the equipment and DEQ requirements.

Mr. Young asked how many years is the certification good?

Mr. Cullen said the machine is tested annually by the DEQ.

Mrs. Walls asked if this property has ever been occupied before this time. She asked if the plant would be run daily.

Mr. Martz replied that quite some time ago there was an asphalt plant on the property. He said the material would have to be stockpiled for access. The people that drive the trucks have access to the property to come in and dump the concrete or asphalt. The processor may only be run once or twice a month, or we will wait until there is a stockpile or demand to run the equipment, because it is expensive to operate. Mr. Martz said he may lease the equipment rather than purchasing it.

Mrs. Walls asked what the hours of operation would be. She also asked if the crushed concrete would be sold.

Mr. Martz replied they would be open from 7:00 a.m. to 6:00 p.m. He said that his partners would use the concrete, as it can be used in place of limestone.

Mr. Bertram asked if the project was expanded towards Hemphill Road, would we require them to place sidewalks along Hemphill Road.

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Mr. Major said there might be several site plans come through and if it comes to the point where the Planning Commission thinks sidewalks would be necessary, they could be added at that time.

Mr. Grantner said he is all for recycling and thinks this is a good project.

Moved by Hohloch, seconded by Bertram to combine Site Plan Review #01-01 and SPR #01-02 into one common motion. Recommend approval of the additional abatement of sidewalks within the interior of the development, as presented. The applicant will be responsible for screening as presented on the site plan and the approval of the vacation of Red Arrow Road as indicated on the site plan. Motion carried 7-0.

L. BOARD DISCUSSION:

Mr. Grantner said the motor cycle shop that recently opened at Belsay and Davison Road is very nice.

Mrs. Walls inquired about the possible of use of Community Development Block Grant Funds being used for sidewalks along Center Road.

Mr. Major said he would look into the matter.

The next regularly scheduled meeting will be held on Tuesday, February 13, 2001, at 6:00 P.M.

Meeting Adjourned at 8:28 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML