CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
FEBRUARY 10, 1998, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Howlett, Bertram, Millard, Grantner, Berry, Mayor Smiley, White, Perez and Walls.

MEMBERS ABSENT: None.

OTHERS PRESENT: J. Major, DPW Director; P. Zelenko, Council Vice President/Parks & Recreation Chairperson; B. Savidant, Rowe Engineering; T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

Mr. Berry explained that the applicant for Site Plan Review #98-12, had to leave to return to Indiana and asked to have the site plan heard at the beginning of the meeting.

3. SPR #98-12

BY: Comcast Cablevision
Agent: James R. Hoch, AIA
809 S. Calhoun Street, Suite 500
1. Fort Wayne, IN 46802

RE: Comcast Cablevision HUB Site
3312 Iron Street
The south 467.25' of Lot 47 of "Follo Acres"
Section 28, M-1 Zoned

FOR: Expansion of Transmission Facilities.

James Hoch, AIA, 809 S. Calhoun Street, Suite 500, Fort Wayne, IN, said he is representing Comcast Cablevision and they are planning to build a larger building on the 10 acre semi-wooded land. They want to add a 2,851 square foot communications building to house equipment. There is a $40 Million investment in the communications system.

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

Mr. Strasser said the location of this construction is at the east end of Iron Street. There is no problem with their proposal to update the communications construction.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #98-12, contingent upon DPW recommendations. Motion carried 9-0.

A. APPROVE AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETINGS:

Moved by Howlett, seconded by Grantner to approve and authorize the Minutes of the Regular Meeting of January 13, 1998 at 6:00 P.M., as printed. Motion carried 9-0.

2. PRESENTATION BY PARKS & RECREATION COMMISSION:

Paula Zelenko, 5425 Sitka St., Burton, MI, gave a brief presentation to the Planning Commission Members concerning the Parks and Recreation Plan. She explained that the members should have received a draft of the Plan, which has been patterned after the Parks and Recreation Plan of 1976. She said there are two Capital Improvement proposals in the new plan. To avoid being grant dependent, one plan will include smaller projects and the other will be geared towards obtaining a grant and more expensive projects. It is important that we

not be dependent upon a grant approval to move ahead. This is an elaborate wish list and we may not get every project discussed in the plan. We are on a time schedule and must have the plan on file by March 1st. The grant applications are due at the State by April 1st. She thanked Mr. Major for his endeavors and work done with the Parks and Recreation Commission. Mrs. Zelenko introduced Brent Savidant from Rowe Engineering, Inc., who also worked on the updated plan and Doug Piggott, of Rowe Engineering, who will be working on updating the City's Master Plan.

Mrs. Walls stated she read the draft of the Parks and Recreation Plan and totally supports the project. She asked who would be writing the grants for the City.

Mrs. Zelenko replied that the City's grant writer would write the grants with the help from Rowe Engineering.

Mr. Bertram questioned the liability the City would have with the proposed playgrounds.

Mr. Savidant said the liability issue is a question for an attorney, he is unable to answer any questions concerning liability.

Mrs. Zelenko noted that in speaking with other communities, there is minimal injuries, but the City would have the liability should an accident occur.

Mr. Perez stated that the liability insurance that the City has now is not that costly and an umbrella insurance would cover the liability. We currently have the tot-lot at Fire Station #2 and that has a lot of usage by small children in the summer time. That will all be handled through the insurance policy we have now. Mr. Perez said in looking through the draft, the issue of maintenance was not addressed. There are costs associated with maintenance. He stated that the Plan is nicely done and the Commission did a good job.

Mr. Major said maintenance was discussed quite a bit and this issue will be brought up during the budget sessions. There is no reason to have the parks if they are not maintained properly.

Mrs. Zelenko said there will be a Parks and Recreation Meeting held on Wednesday, February 11, 1998, at 4:00 P.M. and everyone is welcome to attend the meeting. We will go over the plan in more depth at that meeting.

Moved by Walls, seconded by Perez to approve the following motion:

Be It Resolved, that the Burton City Planning Commission supports the Parks and Recreation Commission's Master Development Plans A and B. Motion carried 9-0.

3. INTRODUCTION FROM ROWE ENGINEERING RELATIVE TO MASTER PLAN UPDATE:

Mr. Major introduced Doug Piggott, Director of Planning at Rowe Engineering. He said he has been contracted by Rowe to work on the Master Plan Update.

Mr. Piggott said also present is Keith Cheli, who is another member of our staff who will be involved in the Master Plan work. He said he appreciates the opportunity to work with the City and this Commission on this project. He explained that the Plan is approved by the Council with community input sessions on what they wish to see their community look like. We would like to meet with the Planning Commission on a regular basis and get your input on the trends in the City, descriptions, etc. We can work on these issues now and have a break during the summer months. We have a preliminary schedule and the project should be completed over the next 12 month period. If you have any questions regarding qualifications or credentials or the process, he said he would be happy to answer them.

Mr. Major said what they would like to do is set up dates for preliminary discussions with the Planner and get to

know everyone and go over the schedule, then we can work into setting formal dates.

B. SCHEDULE PUBLIC HEARING(S) FOR MARCH 10, 1998 AT 6:00 P.M.:

1. ZC #235

BY: Marilyn M. Handa
4497 Howe Rd.
Burton, MI 48519

RE: Parcel No. 59-34-3003-046
N.W. Corner of Maple & Howe
Section 35
Rezone property from SE to R-1A

FOR: Single Family Homes.

Moved by Howlett, seconded by Millard to schedule Zoning Case #235 for first public hearing for March 10, 1998, at 6:00 P.M. Motion carried 9-0.

C. PUBLIC HEARING(S):

1. LS #98-2

BY: Thomas D. Gorang, Superintendent
Atherton Community Schools
3345 S. Genesee Rd.
Burton, MI 48519

RE: Atherton Schools
Parcel #59-27-400-006
Section 27
R-1A Zoned

FOR: Residential Use.

Don Davis, All State Properties, said he is representing Atherton School Board. He explained that the property on the NW corner of Genesee and Bristol Road has been sold. The lot is 180x346.

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

Mr. Strasser said the size of the lot exceeds the ordinance requirements. There is sanitary sewer available to the property and the DPW has no problem with the lot split.

Moved by Howlett, seconded by Bertram to approve the request for Lot Split #98-2, contingent upon DPW recommendations. Motion carried 9-0.

2. ZC #234
SPR #97-78

BY: Grant Hamady Co./Dennis Vaughter
4365 E. Court and 4275 E. Court
Burton, MI 48509

PUBLIC HEARINGS CONTINUED:

2. ZC #234

RE: Lots 59 and 60 Maple Court Subdivision #2

Section 10
Rezone property from R-1A to R-O

FOR: Uses to be allowed within R-O.

Dennis Vaughter, 4275 E. Court St., Burton, MI, said this petition was filed on behalf of himself and Mr. Hamady. He said he is fully prepared to explain the request on behalf of Mr. Hamady. He said on December 1st of 1997, a petition was filed by himself and Mr. Hamady to have their property rezoned to R-O. He said the purpose in asking for the rezoning is to open an office in his home for social work. Both he and his wife have an extensive background in social work and his wife is sworn by the Family Court in and outside of Genesee County. He said he plans to extend their services and he wants to be a process server. Mr. Vaughter said his property is surrounded by R-O. If the R-O zoning is approved, you will see no physical changes in the property and there will be no large amounts of traffic. We will be doing mostly investigative work and may have to call a client for an interview. There will be no delivery trucks and if it would be necessary to have three or four cars in the driveway, my driveway is more than adequate to handle that many cars. He noted that should Mr. Hamady decide to move his business to another location, his property would be reverted back to residential zoning.

Mr. Berry said he has a letter from Mr. Rider, who is located across the street, and he is in favor of the rezoning.

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

Mr. Strasser said there is extensive office and commercial property around the subdivision. This is a reasonable request and DPW recommends approval.

Mrs. Walls said she has been to Mr. Vaughter's house and there is ample room for parking in his driveway.

Moved by Walls, seconded by Howlett to recommend approval of Zoning Case #234 to the Burton City Council. Motion carried 9-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke regarding the legal notices. She also spoke concerning citizens being surveyed prior to the adoption of the Master Plan. She said the developers continue to come into the City and many people want things to remain as they are. Development will go forward, but we would like it to be planned development.

Doug Piggott, Rowe Engineering, stated that during the planning process, people may ask questions and there is nothing in the planning process that prohibits a survey being added.

Mr. Major said this issue will be addressed at the introduction meeting. This is not cast in stone; we can add or delete items in the Master Plan.

Mayor Smiley excused himself and said he and Mrs. Walls had another function to attend.

Theda Norman, 6053 Pearl St., said she is interested in the development of the Rite Aid on Lapeer Road. She has some concerns regarding the parking lot area. She was advised to speak on this issue when the case comes up.

E. SITE PLAN REVIEWS:

1. SPR #98-9

BY: Edward J. Osterholzer
2169 Crestline Dr.
Burton, MI 48509

RE: Flexible Automation, Inc.
3387 E. Bristol Road
Part of Lots 23-24 Follo Acres &
Lots 10, 11 & Part of Lots 9 & 12
Martin Acres, Section 28
M-1 Zoned

FOR: Business Expansion.

Mr. Osterholzer, 2169 Crestline Dr., Burton, MI, said they are asking for permission to construct a building behind the existing one. Flexible Automation has been very successful and currently we are making components for pacemakers. Also, electrical components for automobiles, medical, and electrical industry. The business is expanding and we need more room. In the current building there is welding going on and we have the opportunity to make components for the medical field and we want a cleaner environment for these products.

Mr. Berry asked if he had reviewed the DPW requirements.

Mr. Osterholzer replied no, but did review the list. He said they would put in a sanitary sewer and tie into the existing 6" unit. The parking spaces are greater than needed at the present time. There will be no increase in the sewage and water usage.

Mr. Strasser said the issue of the sewer line has not yet been resolved.

Moved by Howlett, seconded by Perez to approve Site Plan Review #98-9, contingent upon DPW recommendations and getting the sewer line issue resolved. Motion carried 7-0.

2. SPR #98-1

BY: Excel Bldg. Co.
1192 N. Genesee Rd.
Burton, MI 48509

RE: 3255 S. Dort Hwy.
Lots 376-381 Chambers Sub.
Section 28, C-2 Zoned

FOR: New construction for a used car sales lot.

Al Matter, 6412 Pinebrook, Burton, MI, said he is representing Ken Osinski, who is unable to attend the meeting this evening. He explained that they would like to tear down the old building at Hemphill and Dort and replace it with a 35'x80' building for uses such as detail and clean up shop.

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

Mr. Strasser stated that this case has been before the Zoning Board of Appeals for a setback variance and the new building will be set back on the corner. There are no problems with the plans that have been submitted. The print shop will be torn down.

Mr. Berry asked if the tanks have been removed from the location.

Mr. Matter said they are having this issue investigated at this time.

Moved by Howlett, seconded by Grantner to approve Site Plan Review #98-10, contingent upon DPW recommendations. Motion carried 7-0.

3. SPR #98-5

BY: Belsay & Lapeer L.L.C.
c/o The JAR Group, L.L.C.
500 N. Woodward Ave., #330
Bloomfield Hills, MI 48304

RE: Bentley Plaza
6010 Lapeer Rd.
Lots 816-820 Lapeer Hgts., 1-8 & Part of
Lot 9 Supervisor's Plat 8
Section 13, C-4 Zoned

FOR: Reconstruction for a Rite Aid

Gary Hurand, 1185 Danbury, Flint, MI, said he is representing the JAR Group, who is building the new Rite Aid on Lapeer Rd. He said they would be going before the Zoning Board of Appeals next week for a variance to reduce the number of required parking spaces. He presented a drawing, but said there may be a few changes made from what the drawing shows. Mr. Hurand stated they will reface the front of the building and paint the back of it. They don't plan to extend the parking lot into the green area so people don't hang out there. The development will be out in the front area more and it will be well lit.

Audience Participation:

Theda Norman,6053 Pearl St., asked if they would be building up the road. She said she is concerned about the drainage. She said kids hang out in the alley and shoot out the lights.

Christine Herman, 6048 Pearl St., said she is concerned about the parking area. She asked if a privacy fence or some type of screening could be placed between the two properties. She was advised yes. Mrs. Herman asked if the Rite Aid would have a drive-thru and she was advised yes.

Mr. Hurand said there would be no parking in the rear of the building.

Pauline Dargel, 6119 Hugh St., asked where the placement of the building would be and how large the building would be.

Steve Schwartz, representative of the JAR Group, said the building will be constructed in the front area and the size will be approximately 130'x86'.

Mr. Berry asked if it would be similar to the one recently built on S. Saginaw Street. He was advised yes.

Mr. Strasser stated the plan exceeds the ordinance requirements except for the parking spaces and that's why I suggested to Mr. Hurand he ask for a variance to reduce the number of parking spaces.

Mr. Bertram asked if there would be 24 hour service.

Mr. Hurand said he isn't certain if this will be a 24 hour operation or not. It could be, because the way the store is being built, the neighbors are protected from the noise.

Mrs. Norman said she has no objections to the Rite Aid store.

Mr. Perez said he would welcome a 24 hour operation because there is nothing on this side of town with a 24 hour pharmacy.

Moved by Howlett, seconded by Grantner to approve Site Plan Review #98-5, contingent upon DPW recommendations and fencing between the commercial and residential property. Motion carried 7-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS POSTPONED FROM JANUARY 13, 1998:

1. SPR #97-74

BY: Babbit
3140 Kleinpell
Burton, MI 48529

RE: Burton Stoneyard
3140 Kleinpell St.
Lots 74, 75, 76, 77 of Supervisor's Plat of Atherton Gardens
Section 28, M-2 Zoned

FOR: Proposed office building & garage.

Bob Petroni, 2076 Ala St., Burton, said he is representing the applicant. He explained they are proposing to construct a pole barn for maintenance equipment and an office.

Mr. Berry asked if this business is part of the Stoneyard on the west side of Kleinpell. He was advised yes.

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

Mr. Strasser said this will be a welcomed change. The new structure will enhance the looks of the area. DPW recommends approval.

Moved by Howlett, seconded by White to approve Site Plan Review #97-74, contingent upon DPW recommendations. Motion carried 7-0.

2. SPR #97-75

BY: Jackson Hewitt
1350 E. Bristol Rd.
Burton, MI 48529

RE: Tax Service
1350 E. Bristol Rd.
Parcel No. 59-31-200-003-004

2. SPR #97-75

FOR: Change of use.

Shirley LeClaire, 2429 Sun Ray Ct., Davison, MI, said this is a tax service business.

Mr. Berry said the building is nice looking.

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

Mr. Strasser stated that the site plan is up to date and all items are completed.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #97-75, contingent upon DPW recommendations. Motion carried 7-0.

G. C-4 ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #98-8

BY: Eddy Zhu
400 Oaks Crossing
Plainwell, MI 49080

RE: Empire Wok
TLP #410 The Court Yard

FOR: Change of use.

There was no one present to represent this site plan.

Mr. Strasser said the applicant was here earlier. This is a space to be occupied in The Court Yard. The paving is there and the striping of the parking area is done. DPW recommends approval.

Moved by Howlett, seconded by Millard to approve Site Plan Review #98-8, contingent upon DPW recommendations. Motion carried 7-0.

H. SPECIAL USE PERMIT:

1. BCPC #98-3

BY: Jan Ranger
1383 Kra-Nur Dr.
Burton, MI 48509

RE: 1383 Kra-Nur Dr.
Section 12
R-1A Zoned

FOR: To increase the occupant load of an AFC Home from 6 to 8.

Jan Ranger, 4423 Hedgethorn Cr., said she is the owner and operator of the Adult Foster Care Home on Kra-Nur Drive. She explained this is a sick bed facility and she would like to increase the number of residents from six (6) to eight (8). She noted that she has had several opportunities to take in a husband and wife or two sisters, and because of the limit she currently has, she has been unable to do so. She said the rooms are large enough to accommodate the additional people.

Audience Participation:

Gerald Snodgrass, 1292 Kra-Nur Dr., said he opposes adding additional people to the home. There are too many cars on the street now and too many people for the neighborhood.

Pauline Dargel, 6119 Hugh, asked if there was one bed to a room at the present time and do they contemplate adding on to the home. She said considering that she lives in the adjacent subdivision that has a group home also, she thinks six (6) people are adequate for any of the residential neighborhoods.

Win Hutcheson, 1363 Kra-Nur Dr., said he lives near the home. The home is quiet and they get along fine with the neighbors. He has no objections to the additional people.

Mr. Strasser said one of the building inspectors visited the home, but he doesn't have the report from him.

Mrs. Ranger said most of the residents have little or no family and all of them are in tact mentally. There is no chaos due to the residents.

Mr. Major asked how many bedrooms are in the home and if the garage had been converted into a bedroom.

Mrs. Ranger said the garage has been converted into a bedroom and there are 5 bedrooms in the home.

Wesley Woods, 1251 Kra-Nur said he is also opposed to additional people.

Mr. Bertram asked if they added two additional people, would an additional staff person be required? He was advised no. Mr. Bertram also asked if there were staff people there 24 hours per day.

Mrs. Ranger said there is someone available to cook and there is 24 hour care by a CNA, not a nurse. She said her license is up for renewal and she is interested in getting the number of persons allowed in the home increased. This is a place for people to live and any one of us could need a place such as this to live in some day for this kind of care.

Mr. Grantner said he thinks that six (6) residents in the home is sufficient.

Moved by Grantner, seconded by Bertram to deny BCPC #98-3, as requested. Motion carried 7-0.

H. SPECIAL USE PERMIT CONTINUED:

2. BCPC #98-6

BY: James & Audrey Coleman
1621 Newcombe
Flint, MI 48506

dba/Colberg Radiator, Inc.
4012 N. Dort Hwy.
Flint, MI 48506

RE: 4114 Davison Rd.
Parcel #59-10-100-13, C-2 Zoned

FOR: To operate an automotive repair facility "Radiator Shop" in a C-2 Zoning.

Mr. Berry said this case has been postponed due to an error in the paper work. It will be heard at the March 10th meeting.

I. ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #98-7

BY: James & Audrey Coleman
1621 Newcombe
Flint, MI 48506

RE: Colberg Radiator, Inc.
4114 Davison Rd.
Parcel No. 59-10-100-13, C-2 Zoned

FOR: Change of ownership & use.

Moved by Grantner, seconded by Howlett to postpone BCPC #98-6 and SPR #98-7 until the March 10, 1998 regular meeting. Motion carried 7-0.

2. SPR #98-4

BY: Robert D. Edwards
1274 W. Bristol Rd.
Flint, MI 48507

RE: Robert Edwards & Assoc. Realty Office
6175 Lapeer Rd.
E ½ of Lots 11, 12, 13 & 14 Garden Sub.

FOR: Change of use.

Robert Edwards, 1274 W. Bristol Rd., said he would like to open a small satellite real estate office on the corner of Lapeer and Kettering with nine (9) to (10) ten agents.

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

Mr. Strasser said the entire site has been taken care of and the sign will be moved out of the right of way. He asked Mr. Edwards if he planned to use any temporary or portable signs. He was advised no.

Moved by Howlett, seconded by White to approve Site Plan Review #98-4, contingent upon DPW recommendations. Motion carried 7-0.

J. BOARD DISCUSSION:

Discussion was held concerning the meeting days for the workshops to update the Master Plan. It was a consensus of the Board to meet with Doug Piggott from Rowe Engineering on Tuesday, February 17, 1998 at 6:00 P.M. At this meeting they will discuss the proposed outlines and explanation of the items in the plan and review the time schedule and necessary meeting times for the master plan.

The next regularly scheduled meeting will be held on March 10, 1998, at 6:00 P.M.
Meeting Adjourned at 6:57 P.M.

Cheryl M. Ladd, CMC/AAE, Deputy City Clerk
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Deputy City Clerk