

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MARCH 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, Grantner, Millard, Berry, White, Perez and Walls.

MEMBERS ABSENT: Mayor Charles Smiley.

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

APPROVE AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING(S):

Howlett moved and Grantner seconded the following motion:

Approve and authorize the Minutes of the Regular Meeting of February 10, 1998 at 6:00 P.M. and the Special Meeting of February 17, 1998 at 6:00 P.M., as printed. Motion carried 8-0.

SCHEDULE FIRST PUBLIC HEARING(S) FOR APRIL 14, 1998 AT 6:00 P.M.:

1. ZC #236 BY: Frank Yow, James Delano & Brandon Eister
5349 E. Maple Ave.
Grand Blanc, MI 48439

RE: 5349 E. Maple Ave.
Parcel #59-35-400-026 & 59-35-400-027
Section 35
Zoned SE to R-1A

FOR: Residential Development

2. LS #98-17 BY: Mitchell K. Walker
5360 E. Atherton Rd.
Burton, MI 48519
Parcel #59-26-200-005
Section 26, Zoned R-1B

FOR: Residential Use.

Moved by Howlett, seconded by Walls to schedule public hearings for Zoning Case #236 and Lot Split #98-17 for April 14, 1998 at 6:00 P.M. Motion carried 8-0.

C. FIRST PUBLIC HEARING(S):

1. ZC #235 BY: Marilyn M. Handa
4497 Howe Rd.
Grand Blanc, MI 48439

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1. ZC #235

RE: N.W. Corner of Maple & Howe Roads
Parcel #59-34-300-046
Section 34,
Zoned SE to R-1

FOR: Single Family Homes

Neil Martz, 8489 S. Saginaw St., Grand Blanc, said he is representing Mrs. Handa. She owns 20 acres on the northwest corner of Maple and Howe Roads. There is water and sewer available to the property. Mrs. Handa is requesting the property be rezoned from SE to R-1 for single family to develop property in accordance to the other property in that area. No plan has been designed at this time for the property.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked what the zoning is surrounding her property.

Mr. Martz said properties between Center Rd. and Howe Rd. have various types of zoning. In Township days SE zoning was utilized more than it is today.

Leona Stephens, 3049 Vineland, stated she would like to see some of the SE zoning kept in 150 foot lot sizes. She said she is against the rezoning.

September Misener, 3328 S. Vassar Rd., said she thinks SE should be part of the City's zoning. She is not opposed to this case, but thinks SE zoning is a valuable part of the Burton zoning.

Mr. Strasser said we have had many cases similar to this in the past. Sewers are now available in that area and there has been some discussion of removing SE zoning from the ordinance. DPW has no problem with the request.

Mr. Bertram said with the master plan soon to be updated, maybe we should wait and take a look at the overall picture, especially if we are going to eliminate SE zoning from the master plan. If there are no immediate plans with the property, what is the rush in getting it rezoned.

Mr. Strasser said if SE zoning is eliminated, it will be done through an ordinance revision, which is separate from the master plan.

Mr. Martz said there is no conceptual plan for the entire property, but there is interest in one or two parcels. A parcel along Maple Road has the potential for being split off into four parcels. Mrs. Handa also owns 40 acres across the street from her.

Mr. Perez said it could take a lengthy period of time before the master plan is completed.

Moved by Howlett, seconded by Millard to recommend to the Burton City Council, approval of Zoning Case #235 contingent upon DPW recommendations. Motion carried 7-1 with Mr. Bertram voting no.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, Burton, MI, spoke concerning Lot Split #98-17. She asked which side of Atherton Road the property is located, north or south. She was advised south side. Mrs. Dargel also asked whether the master plan update concerning land use only or are there other components to this.

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Doug Piggott, Rowe, Inc., explained that the scope of the work plan includes land use by identification of existing utilities. There is no capital improvement schedule but street improvements, waster and sewer, storm sewer, etc.

E. SPECIAL USE PERMIT:

1. BCPC #98-6

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

RE: Colberg Radiator, Inc.
4012 N. Dort Hwy.
4114 Davison Rd., Parcel #59-10-100-13
Zoned C-2

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

Mr. Coleman, 1621 Newcombe, Flint, MI, stated he is asking to operate an automotive repair facility and radiator shop in a C-2 zoning district.

Mr. Berry asked if he had read all of the DPW requirements and if so, did he have a problem with any of them.

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

Mrs. Coleman, 1621 Newcombe, said this is a family owned business for the past 60 years and it has been at its present location for the past 40 years. They would like to have a place to do radiator repairs.

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

Mr. Strasser said the previous site plan was approved by this Commission. The house on the front of the property was to be demolished and the plans reflect that. The parking lot is in desperate need of repair when the weather breaks.

Mr. Perez asked if there would be any outside repairs and if they sold radiators.

Mr. Coleman said they do any kind of heating and cooling and there would be no outside repairs. They do sell radiators.

Mr. Grantner asked when they plan to move into the building.

Mr. Coleman replied it depends on the repairs that are needed in the building, but we think we can be in the building within four months.

Mrs. White said she is familiar with this business and thinks it would be an asset to the City.

Moved by Howlett, seconded by Grantner to approve BCPC #98-6, contingent upon DPW recommendations.
Motion carried 8-0.

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F. SITE PLAN REVIEW POSTPONED FROM FEBRUARY 10, 1998 AT 6:00 P.M.:

1. SPR #98-7

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

RE: Colberg Radiator, Inc.
4012 N. Dort Hwy.
4114 Davison Rd., Parcel #59-10-100-13
Zoned C-2

FOR: Change of Ownership and Use.

Mr. Coleman said he had nothing to add to the request, as he explained everything during the previous case.

Mr. Strasser said all comments were previously stated. DPW recommends approval.

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

G. SITE PLAN REVIEW SITE CONDO:

1. SPR #98-18

BY: Genesee Land Company
8469 S. Saginaw St.
Grand Blanc, MI 48439

RE: Proposed Residential Site Condo
Davison Rd.. Vacant Parcel #59-01-300-002
Zoned R-1A

FOR: 8 Unit Site Condo

Neil Martz, 6489 S. Saginaw St., Grand Blanc, MI, explained that the site in question is 460 feet east of the northeast corner of Davison and Belsay Roads. It has two stone pillars in front and backs up to Brookwood Golf Course. An 8 unit site condo is being proposed. This concept has been used in Grand Blanc and has been quite successful. The site is zoned single family residential and we are asking for a variance for lot size front from the Zoning Board of Appeals. This is a good use for this parcel of land, as it avoids someone from building a multi-family or commercial use. All of the sites will have access to public sewer and water.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked to see the proposed site on the map. She said this is a better use than what was proposed for C-2 zoning.

Larry Petrella, 1081 Howe Rd., asked if there is any open space in that area. He also asked to see the map of the overall area. He inquired about the wetland and asked to have a DEQ study done on the property to see how much of an impact it would have on that area. He said he would like this study done before action is taken by this Board.

Mr. Martz said there is open space and the wetland area has been checked when the property was surveyed.

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Mr. Strasser said it seems this request is a common sense approach to that piece of property.

Mrs. Millard asked who the builder would be and in what price range of the structures.

Mr. Martz replied he would be the developer and the price range is in the \$140,000.00 area.

H. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #98-14

BY: Bill & Cecile Georgopoulos
3618 Darcey Lane
Flint, MI 48506

RE: Country Kitchen Family Restaurant
1166 N. Belsay Road
Part of Lots 7, 8 and 9, Laurelhurst Acres
Parcel #59-12-551-002

FOR: Change of Ownership.

Bruce Galloway, 2222 S. Linden Rd., Flint, MI, said he is the attorney representing Mr. and Mrs. Georgopoulos. He explained they have purchased the former Hardee's on Belsay Road and I-69. We are asking for an approval for a change in ownership. There will be no structural changes made to the building and very little remodeling done inside of the building. There will be a change made in the kitchen area to adhere to the County Health Department requirements. Mr. Galloway said he had questions regarding some of the permits required by DPW.

Mr. Strasser said the site is in good condition.

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

Mrs. Walls asked what kind of food they would be serving.

Mrs. Georgopoulos said it would be like a coney island with daily specials.

Mr. Grantner asked what the timetable is in getting the restaurant open. He was advised it would be open in about two months.

Mr. Berry asked if they would be using the sign base from Hardee's. Mr. Galloway replied yes, they are in the process of getting new lettering for the sign.

Moved by Howlett, seconded by White to approve Site Plan Review #98-14, contingent upon DPW recommendations. Motion carried 8-0.

2. SPR #98-15

BY: RINA, Inc., dba Super Inn (Rick Patel)
4186 Corunna Road
Flint, MI 48532

RE: Super Inn (Dort Motel)
3370 S. Dort Hwy.
Parcel #59-29-400-018,
Zoned C-2

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2. SPR #98-15

FOR: Change of Ownership.

Bruce Galloway, 2222 S. Linden Rd., Flint, MI, said he is representing the purchaser of the Dort Motel, now known as Super Inn. He said he has reviewed the check list from the DPW and has worked closely with

the DPW to clear up any prior violations. We are currently under a temporary occupancy permit. Most of the items on the check list have been dealt with except for the parking and that will be taken care of during this next construction season. He questioned the handicap requirements and asked what the City expected to be done in this particular area.

Mr. Strasser said he thought when the Building Inspector went through the building, he said it needed to be more handicap accessible.

Mr. Galloway stated the sign will be in the same location and will conform to the City ordinance. He questioned the requirements for the sanitary sewer or tap-in fees.

Mr. Strasser explained that if any room is combined with another, it would then be considered one unit and could be a reduction in cost.

Audience Participation:

Bruce Henderson, 4416 Howe Rd., Grand Blanc, MI, said he is the owner of the Top End Cycle Supply. He explained that he has a problem with the drugs and prostitutes from the motel, approaching his clientele in his parking area. He also noted that the physically handicapped parking is required by the State of Michigan and have to be upgraded if there is a change in ownership. Mr. Henderson asked the Board to not act on this request until something is done to stop the prostitutes from accosting his customers. If you must approve this, please consider the possibility of a probationary period.

Mr. Galloway said there is a concern about the public health, safety and welfare. I have addressed those complaints with the Police Chief and Fire Chief and they are trying to do something about the complaints. This is not the only motel my clients have an interest in. There is a moveable gate to try and keep the traffic patterns cut back. We are trying to deal with the problems mentioned by Mr. Henderson. We would be open to taking suggestions to get the problems ironed out. He explained that the owners are doing whatever they can to alleviate the problem. There are constitutional issues when refusing to rent to people. We will try to regulate the rental practices of people that might be renting for illegal acts. He said they want to interact with the Police Department and get some of their suggestions regarding this issue.

Mr. Henderson explained that the owners should be required to provide security at night to stop this type of behavior. He said he doesn't want his customers approached in the parking lot for drugs or prostitution. If it is bad now, it will be worse during the summer months.

Mr. Galloway said they couldn't keep people from congregating on Dort Highway in front of the buildings, but we are trying to keep this kind of activity out of the motel. He said he would speak with the Police Chief and see what can be done and get his input.

Mr. Strasser said he has known Mr. Henderson for about 10 years and he has been running a respectable business. I would like to see Mr. Galloway, his clients, Mr. Henderson and the Police Chief sit down and discuss the issues of concern, because Mr. Henderson does have a legitimate concern.

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Mr. Galloway said he would schedule a mutual meeting and try to get the issue resolved.

Mr. Henderson asked if the Board had to grant the request for change of ownership.

Mr. Strasser said he wasn't certain. Discussion continued regarding this question.

Mr. Bertram asked who would be managing the motel, the owner or someone else. He was informed there would be another individual to manage it and he would live on site 24 hours per day. Mr. Bertram said if the owners are

aware of the criminal activity on the property, they should do something about this. He asked why the property was purchased by someone else.

Mr. Galloway explained that the business was bought because it is a viable business, not to be used for illegal activities. He said the new owners have only been in there for one month. He explained some of the items that have been done to the property, like cutting down a tree, gating the egress, trying to keep solicitation down.

Mr. Bertram questioned whether a person had to rent a room to someone who is knowingly doing prostitution or drugs.

Mr. Henderson noted that the motel had been closed down for health violations, not because of the prostitution or drugs. He said just because the code violations have been taken care of, this doesn't mean the other illegal activities will end.

Mr. Grantner said he thinks all the facts should be gathered and the new owners should sit down with the Police Chief and prepare a strategy to get this situation resolved. He stated he is certain the Police Department has a long history of what has gone on there, as this is an enforcement problem. He said he would be upset if it were his customers or himself being approached by this type of clientele. He would like to know what the new owners were planning in strategy to deal with this problem.

Mrs. Millard asked what other businesses do they own?

Mr. Galloway advised the new owners have motels in the Detroit and Inkster area and they own several motels in the surrounding area.

Mr. Bertram asked if the motel is currently operating their business at this time. He was advised yes.

Mrs. Walls said this request is a change of ownership and the Planning Commission is not a policing body. She doesn't think we can legally deny the change of ownership and they have received an occupancy permit from the City. She questioned whether the Police Department had done any sting operations in this area. Mrs. Walls asked if the new owners had made any attempt to rent the rooms out on a weekly basis and what the cost of the rooms are per week. She said she would like to have the owner/manager here to address Mr. Henderson's complaints. She also asked for the history from the Police Department relative to this issue, at the next meeting.

Mr. Galloway said the room range from \$90.00 to \$120.00 per week.

Mr. Henderson asked that the Board get clarification as to whether the request could be denied based on the previous problems. He also stated he was never sent notification regarding this meeting. He said he would like to be sent notification for future meetings regarding this issue.

Mr. Martz suggested with the one-way driveway, illumination be used for the driveway area.

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Moved by Walls, seconded by Bertram to postpone Site Plan Review #98-15 until the next regular meeting of April 14, 1998. Also, information be given to the Board concerning the history on this property from the Police Department. Motion carried 8-0.

K. SITE PLAN REVIEW:

1. SPR #98-20

BY: A. F. Jonna Development
2555 S. Telegraph

RE: United Cleaners
4001 Davison Rd.
Lots 17-24

FOR: New Shopping Center - Rite Aid

Mr. Jonna was present and explained he plans to building a new Rite Aid store on the NE corner of Davison and Center Roads. The old United Cleaners will be demolished after the construction of the two new buildings. There will be a drive-thru facility for the cleaners and the pharmacy. Mr. Jonna passed out a set of plans to the members for their review. Mr. Jonna said he would be taking over the ownership of the property.

Mr. Berry asked if he agreed with the DPW recommendations. Mr. Jonna said yes.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked if the drive-thru for Rite Aid would be for prescriptions only. She was advised yes.

Larry Petrella, 1081 Howe Rd., commented that there are Rite Aid stores on almost every corner and thinks there are an excessive amount of pharmacies in that area. He also questioned whether there would be an increase in traffic at Center and Davison. He inquired whether notices were sent to the residents.

Mr. Berry stated the notices will be sent for Zoning Board of Appeals meeting, but are not required for the Planning Commission.

Mrs. Walls said he is not here for a zoning change, because the property was rezoned a year ago for a shopping center.

Moved by Bertram, seconded by Grantner to approve Site Plan Review #98-20, contingent upon DPW recommendations. Motion carried 8-0.

I. ROWE, INC. - Doug Piggott Presentation/Update Master Plan

Doug Piggott, Rowe, Inc., explained that a request was made for Rowe to provide the Planning Commission with a monthly report, due to the lapse in time of when we met and when we meet again in a couple of months. He said he will be attending the regular Planning Commission meetings to answer any questions the Board may have.

Mrs. Millard asked when the meetings would be held regarding the master plan.

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Mr. Piggott said there will be a meeting held sometime in May.

J. BOARD DISCUSSION:

Mrs. Walls asked whether the DEQ study, asked for by Mr. Petrella, has ever been done before or is it required. She said a study such as this is not cheap and doesn't think it is necessary. She asked who would pay for such a study.

Mr. Strasser said we have never required such a study. Mr. Strasser said if the Planning Commission requires that a study be done, the cost would be incurred by the developer, not the City.

Mr. Martz said Mr. Petrella's statement was generalized and a person could spend a great deal of money and still

not get the information he is looking for. He also said there is no habitat in the flood plain in this development. The DEQ is under the State of Michigan and they are dealing with the wetlands and flood plains.

Mrs. Millard asked if anything had been submitted for Arbor Drugs where Mr. G's Lounge is located.

Mr. Strasser said he has not heard anything from Arbor in the past week or two, but they are planning to tear the building down.

Mrs. Millard asked if anything is being planned for the building on Dort and Bristol. She was advised nothing at this time.

Mr. Strasser said a request has been made for a special meeting on either March 17th or 24th, for the property at Bristol Rd. and I-475, by Rizzo Development and Mid-State Bolt and Screw.

The Board agreed to meet on September 24th at 6:00 P.M.

Mrs. Walls said she and Mayor Smiley would be out of town on that day and will not be attending.

The next regularly scheduled meeting will be held on April 14, 1998, at 6:00 P.M..

Meeting Adjourned at 8:17 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML