

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MARCH 14, 2000, 6:00 P.M., COUNCIL CHAMBERS

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

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

MEMBERS ABSENT: Brawner and Mayor Smiley.

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

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

Moved by Grantner, seconded by White to approve the minutes of the Regular Meeting of February 8, 2000 at 6:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARINGS FOR APRIL 11, 2000 AT 6:00 P.M.:

1. LS #00-10

BY: Donald J. Morgan
11094 E. Bristol Rd.
Davison, MI 48423

RE: 3203 S. Belsay Rd.
Lot 21 of Eastgate No. 2
Section 25
R-1B Zoned

FOR: Residential Use.

2. ZC #250

BY: J. Gary Cockman
4020 Waterland Ave.
Metamora, MI 48455

RE: Part of Lots 41, 42, 43, 44 of Laurelhurst Acres
Section 12
Zoned C-2 to RM

FOR: Multi-Family.

Moved by Young, seconded by Bertram to schedule Lot Split #00-10 and Zoning Case #250 for public hearings on April 11, 2000 at 6:00 P.M. Motion carried 7-0.

C. PUBLIC HEARINGS:

1. LS #-00-4

BY: John Cunningham
11817 S. Saginaw
Grand Blanc, MI 48439

RE: Lots 40 & 41 Supervisor's Plat #8
Section 13
R-1B Zoned

FOR: Residential Use.

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There was no one present to represent the lot split request.

Mr. Strasser said he hasn't spoken with the applicant since he applied for the lot split, but he was sent notification of the meeting and was told he had to attend the meeting.

Moved by Bertram, seconded by Young to postpone this lot split to the end of tonight's meeting to give the applicant time to attend. Motion carried 7-0.

2. ZC #249

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

RE: Parcel #59-29-400-022
Vacant Property
Zoned R-1 C to M-1 and M-2

FOR: Industrial Park.

Brad Streeter, of Royal Oak, MI, representing ZI-MAR made a brief presentation of the proposed zoning change. He said the request is to rezone property from R-1C to M-1 and M-2. There are approximately 35 acres for the entire site. The area in yellow is to rezone from single family to M-2. The property just south of Hemphill Road, to the city's northern border, would be rezoned M-1(light industrial). We would then retain R-1C on the western part of the specific site, which would be the northeast corner, as a buffer from the existing family subdivision. Once the rezoning is approved, we would come back with a site plan for site condominiums, subdivision or land divisions. We would

gradually parcel off the property to vacate the part of Red Arrow Road that currently goes into the subdivision, which would be an inappropriate connection to this industrial park. Also, we would realign the road, as shown in the drawing, within the existing Red Arrow Road right-of-way and head north on Hemphill Road to serve the industrial area. The building that is currently there would be upgraded and retained. This property would be more valuable by the upgrading of the road. We think the request for rezoning is appropriate, as this area is shown to be industrial on the city's adopted master plan. It's not reasonable to use the property that is currently zoned single family, given the adjacency of the railroad and the M-2 industrial and the character of the area. We think it is feasible to retain portions of the property for single family as a buffer from the industrial area, but it is not practical for the entire site to be built with single family homes. This property has been vacant for a number of years and has been an eyesore with the trash and mischief going on with the property. This will provide tax base and upgrade the property, taking care of some of the problems associated with the property. We will provide a buffer for the neighborhood from the industrial use. We will develop the lots, conforming to R-1C and expand the neighborhood. This will improve traffic management with the layout shown. At this point in time, we have no prospective buyers or tenants, but the types of prospective tenants may need outside storage.

Audience Participation:

Pauline Dargel, 6119 Hugh, inquired about the number of acres involved and if this is the area that Mr. Martz had requested a cement crushing business. She was advised there are 35 acres involved in the project. Mrs. Dargel said this seems to be an intense use for this area.

Mr. Major said yes, Mr. Martz had requested a cement crushing business and this could be done with a special use permit.

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Mr. Strasser said the existing master plan does show this area to be zoned industrial. This is a conceptual type of plan, which doesn't mean that all the lots would be built as such. What you must determine is whether or not a recommendation should be made to the City Council to rezone this property industrial. After looking at other uses in the area and what the existing master plan indicates, we think this is a good proposal.

Mr. Major said in the past there have been proposals for multi-family uses for this property and we have always received denials. Multi-family is one of the uses that DPW thought might be appropriate with the adoption of a new master plan. He said he thinks this would be an appropriate recommendation from the DPW to the Planning Commission, especially with the buffers and the M-1 usage in the front that will not allow any outside storage. If there is outside storage allowed, it would be in M-2 zoning for certain uses and special approved uses would be looked at on a one-on-one basis. They would have to come to the Planning Commission for something more intense.

Mr. Young asked if there was any idea what kind of industry or commerce would be going into that location.

Mr. Streeter replied that the applicant has indicated such businesses as contractors, electricians, furniture assembly, etc., may occupy the spaces. There could be other small manufacturing businesses in there also, but nothing is concrete.

Mr. Bertram asked if Red Arrow Road has been vacated.

Mr. Major said it has not been vacated, but there is a traffic control order for closure on a year-by-year basis. It is still a city street and we still collect ACT 51 dollars, but we came to a point where we were charging the adjacent property owners for cleaning it up almost on a BI-yearly basis. It wasn't being used for cross traffic, but for a dumping area, so we just shut it down pending some development proposal.

Mr. Bertram asked if they were going to reopen the road and run the traffic over to Dort or over to Hemphill. Also, are you going to use the existing Red Arrow Road where it comes out on the other side of the church?

Mr. Streeter said if the zoning is approved a segment of Red Arrow Road will be vacated and we would either plat or through site condominiums or some other land division process, realign Red Arrow up through the middle of the property to keep the road away from the existing subdivision, where it would no longer run adjacent to the church. It would be through the industrial parcels and we would use the existing alignment between the commercial uses down to Dort.

Mr. Major said that would be subject to Planning Commission review. This doesn't mean that we couldn't cul-de-sac two streets. It will be a matter of discussion at the time the proposal is made.

Mr. Bertram asked if the improvements in the roads and the infrastructure would be at the cost of the developer.

Mr. Major said at this time a program hasn't been put in place, but they could pay for it 100% themselves with private funds. It's not out of the realm for the developer to ask the City to consider making a special assessment district. These are about the only two methods they could use.

Mr. Bertram said if this develops into a busy area, a major concern would be the traffic out onto Hemphill Rd. He would not be comfortable floating traffic out on that street.

Further discussion continued regarding the road improvements.

Mr. Berry asked if there was any communication from the school district.

Mr. Major replied that the DPW has heard nothing positive or negative regarding the proposal from the school.

Mr. Perez asked if there was any activity at that school. He was advised no.

Moved by Bertram, seconded by Grantner to recommend approval to the Burton City Council for Zoning Case #249, to rezone vacant property from R-1C to M-1 and M-2, contingent upon DPW recommendations. Motion carried 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., inquired about the property at 4532 S. Saginaw going through the site plan review process when the use is basically the same and there are other properties that haven't gone through the same process.

Mr. Strasser said the existing building is being demolished and they will be starting from the ground up.

Discussion continued concerning the site plan review process and administrative site plan review process.

E. SITE PLAN REVIEW POSTPONED FROM FEBRUARY 8, 2000 AT 6:00 P.M.:

1. SPR #00-6

BY: Steeplechase Development Corp.
P.O. Box 972
Grand Blanc, MI 48439

RE: Blackberry Creek Apartment Homes
South Center Road
Parcel #59-34-100-009

FOR: Multi-Family Development.

Mr. Strasser said the DPW is requesting this site plan be postponed to the April meeting.

Mr. Major stated that Mr. Martz is still meeting with the developer, trying to bring the site into conformance so we don't spend a long period of time going over the site plan, when it comes before the Planning Commission.

Mr. Bertram asked if the applicant is aware that if they don't attend the meeting after the request has been on the agenda three times, that the case is denied.

Mr. Major said it is the DPW staff requesting that the site plan be postponed, not the applicant. He thought this would be ready for review at the next meeting.

Moved by Bertram, seconded by Young to postpone Site Plan Review #00-6 to the next regular meeting of April 11, 2000 at 6:00 P.M. Motion carried 7-0.

F. SPECIAL USE PERMIT:

1. BCPC #00-12

BY: Garb-Ko, Inc.
Mr. George Ripke
3925 Fortune Blvd.
Saginaw, MI 48603

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1. BCPC #00-12

RE: 4532 S. Saginaw St.

Parcel #59-32-300-001
Zoned C-2

FOR: Gas Station, Convenience Store at the
Corner of Maple and Saginaw Streets.

Mr. Major said the non-conforming rights have been lost because of the length of closure.

Mr. Gary Bartow said he is here to answer any questions regarding the request.

Mr. Berry confirmed that the reason this is before the Board is because the station has been closed for over a year.

Mr. Strasser said the station would be a conforming use as long as there is a special use permit. Since the use has been gone from the site, he had to make a judgement call and assumed that the Planning Commission would want to take a look at this proposal.

Mr. Bertram asked if the tanks were still in the ground.

Mr. Major said the tanks were taken out six or eight months ago. The City has had no notification from DEQ of any contamination and has no reason not to act on this. They are obviously in conformance with the State or else we would be notified of that.

Moved by Perez, seconded by Walls to approve the Special Use Permit for BCPC #00-12, for a gas station, convenience store at the corner of Maple and Saginaw Streets. Motion carried 7-0.

G. SITE PLAN REVIEW:

1. SPR #00-11

BY: Garb-Ko, Inc.
Mr. George Ripke
3925 Fortune Blvd.
Saginaw, MI 48603

RE: 4532 S. Saginaw St.
Parcel #59-32-300-001
Zoned C-2

FOR: Gas Station, Convenience Store at the
Corner of Maple and Saginaw Streets.

Mr. Gary Bartow, Engineer, said he had the prepared site plan. The way the station currently sits on the corner of Maple and Saginaw they have two curb cuts. We are proposing to purchase additional property to the west and push the convenience store back. There are 30 foot setbacks in the greenbelt area and there will be new driveway approaches on Maple Avenue and on Saginaw Street at the northern property line. We will put in four new gas islands and the convenience store will be 4,096 sq. ft., with parking in the front and on the side. The storm water retention will be on the south side of the building. We plan to demolish the site and start completely over from ground up. The perimeter of the parking areas and the drive approaches will be curb and gutter. We will retain all of the storm water on site and then release into the storm sewer on Maple Avenue, in accordance with the Genesee County Road Commission requirements.

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Mr. Berry asked Mr. Bartow if he had read and agreed with all of the DPW requirements.

Mr. Bartow replied yes, he read them and concurred with the requirements.

Audience Participation:

Pauline Dargel, 6119 Hugh, spoke on the legal notification.

Mr. Strasser stated that the site will be demolished and Mr. Bartow has agreed to all of the requirements. We think this will be a nice addition to the City. They will extend the concrete walkway on Maple Road. Mr. Strasser said this would be a good spot to place a sign Welcome to Burton. We could talk to Mr. Richvalsky from the Downtown Development Authority and they could work with Mr. Bartow on a sign. The sign would not be part of the site plan, however.

Mr. Bartow said he would take the request for a welcome sign back to Garb-Ko for their input.

Mr. Berry read a letter into the record from Liberty Missionary Church, located across the street from the proposed site. They had objections to any alcoholic beverages or pornographic materials being sold at the Seven Eleven store. If nothing of this nature is sold, they have no objections to the proposed request.

Mr. Bartow said to his knowledge, there is nothing like that sold at the Seven Eleven.

Mr. Major said if there is a request for selling liquor or beer and wine, they would have to go to the city council and through the police department and would undoubtedly be denied.

Mr. Young asked if the Planning Commission has the authority to stop printed materials from being sold.

Mr. Strasser said he didn't think the Planning Commission had this authority, but if those types of magazines were sold, they would have to be positioned so the public can't see the cover.

Mr. Bartow said he has never seen this type of material in the Seven Eleven stores.

Moved by Bertram, seconded by White to approve Site Plan Review #00-11, contingent upon DPW recommendations, with the stipulation that no alcohol or pornographic materials be sold in the convenience store. Motion carried 7-0.

D. PUBLIC HEARINGS:

1. LS #-00-4

BY: John Cunningham
11817 S. Saginaw
Grand Blanc, MI 48439

RE: Lots 40 & 41 Supervisor's Plat #8
Section 13
R-1B Zoned

FOR: Residential Use.

The applicant failed to attend the meeting.

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Moved by Bertram, seconded by Young to postpone Lot Split #00-4 to the next regularly scheduled meeting of April 11, 2000 at 6:00 P.M. Motion carried 7-0.

H. BOARD DISCUSSION:

Mr. Young said the bus repair shop on Belsay Road, just north of the tracks, has buses parked in front of the facility and they were to keep the vehicles parked behind. The applicant indicated that the vehicles would be kept behind the facility and there are three or four motor homes and buses in there.

Mr. Major said he has had Neil Martz speak with the gentleman twice. The man said he plans to move the vehicles out of there, but asked that he be given time to put gravel in this spring. At that point he will park the vehicles in the back of the building. I am holding Neil to task on making sure the vehicles are put in the back where they belong.

Mr. Young asked if there was a time frame given.

Mr. Major replied that a deadline has been given, in written form, from Neil.

The next regularly scheduled meeting will be held on April 11, 2000, at 6:00 P.M.

Meeting adjourned at 7:02 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML