

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 14, 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, Berry, White, Perez and Walls.

MEMBERS ABSENT: Grantner and Mayor Smiley.

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

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

Moved by Howlett, seconded by Millard to approve the minutes of the Regular Meeting of March 10, 1998 and Special Meeting of March 17, 1998 at 6:00 P.M., as printed. Motion carried 6-0.

B. PUBLIC HEARINGS:

1. LS #98-17

BY: Mitchell K. Walker
5360 E. Atherton Rd.
Burton, MI 48519

RE: Parcel #59-26-200-005
Section 26
Zoned R-1B

FOR: Residential Use.

Mr. Walker was not present to explain his lot split.

Moved by Perez, seconded by Walls to move Lot Split #98-17 to the end of the agenda. Motion carried 6-0.

2. ZC #236

BY: James and Margaret Delano
5349 E. Maple Ave.
Grand Blanc, MI 48439

RE: 5349 E. Maple Ave.
Parcel #59-35-400-025, #59-35-400-026
and #59-35-400-027
Zoned SE, requesting to change to R-1A

FOR: Residential Development

Brandon Eister, 4327 Covey Ln., Grand Blanc, said he was representing Mr. and Mrs. Delano. He explained they are requesting a change in the zoning from SE to R-1A for a residential subdivision. Also included in our request is parcel #59-35-400-025, which is adjacent to the other two parcels.

Mr. Berry asked if parcel #59-35-400-025 was on the original application. He was advised yes.

Audience Participation:

M. Boyd, 5289 Magnolia, asked what the price of the houses would be in this subdivision.

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Mr. Eister replied the homes would be about the same as those in Maple Pointe and Maplewood Meadows, about \$130,000 to \$150,000.

M. Boyd asked about low income housing in the subdivision.

Mr. Eister said it wouldn't be a good idea to put in low income housing.

Mr. Strasser said the request for R-1A zoning is valid. That area is furnished with sanitary sewers and the sole cost of bringing in the trunk line at the north end of the property, would be that of the developers.

Mr. Perez asked if Mr. Eister would be building the homes himself. He was advised yes.

Moved by Howlett, seconded by Millard to recommend approval of Zoning Case #236, contingent upon DPW recommendations. Motion carried 6-0.

C. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked about updates on the Master Plan.

D. SITE PLAN REVIEWS:

1. SPR #98-29

BY: Tower's Restaurants, Inc.
Ronald W. Tower
2362 Middlecroft Dr.
Burton, MI 48509

RE: Burger King #351
4024 Davison Rd.
Parcel #59-10-100-003
Zoned C-2

FOR: Remove and reconstruct building.

Ron Tower, 2362 Middlecroft Dr., explained that the plan is to take down the existing building and put one up that is more attractive. The plan has been submitted to the DPW.

Mr. Berry asked if this would be similar to the other renovated Burger Kings? He was advised yes, there will a play area added.

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

Mr. Strasser said there will be a storm drain added on the property and will drain to Davison Road. All items either meet or exceed the ordinance requirements.

Moved by Howlett, seconded by White to approve Site Plan Review #98-29, contingent upon DPW recommendations. Motion carried 6-0.

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D. SITE PLAN REVIEWS CONTINUED:

2. SPR #98-30

BY: Brandon Eister
4327 Covey Ln.
Grand Blanc, MI 48439

RE: Pebble Creek
Maple Rd.
Parcel #59-35-400-025 & 59-35-400-027
Section 35

FOR: Preliminary Plat

Carl Carlson, CHMP, presented the site plan and explained Mr. Eister is planning to plat a subdivision. He said the first phase will have 43 lots with Maple Road frontage. The request tonight is for approval of the first phase.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked if this parcel number is the same as the preceding one. She was advised yes.

Mr. Strasser said if the site plan is approved tonight, it will be contingent upon approval of the rezoning by the City Council.

Moved by Howlett, seconded by Perez to approve Site Plan Review #98-30, contingent upon approval of the rezoning by the City Council and DPW recommendations. Motion carried 6-0.

E. ADMINISTRATIVE SITE PLAN REVIEW POSTPONED FROM MARCH 10, 1998 AT 6:00 P.M.

1. 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

FOR: Change of ownership

Attorney Bruce Galloway, 2222 S. Linden Rd., Flint, MI, said he is representing the owner and managers of the motel. He said a report from Chief John Benthall should be heard, addressing any crime problems surrounding the motel.

Mr. Galloway said all of the DPW requirements were complied with and the requirements were dealt with at the previous meeting. He said the parking lot will be completed during this building season. Everything else is up to code. He addressed the issue of not having to comply with the physically handicapped laws because there is being

nothing done, structurally, to the business. If and when the structure changes, then the owners will have to comply with the handicap laws.

Mr. Galloway said during the last meeting, the concerns included prostitution and drug use at the motel. We are here tonight to address these issues. He explained that his clients have cleaned up the business with the physical appearance and the clientele. He said there has been contact made between the owners and the Burton Police Department and the owners plan to utilize the resources of the Police Department. He asked that Chief Benthall to give his report on the issues.

Chief John Benthall said there have historically been problems with the motel and the previous owners. He explained that Officers were there on a nightly basis to make arrests for prostitution and drug problems. He said an investigation was made as to how to close down the business. Since the new ownership came in, I have met with the Attorney and the owners and have spoke with Mr. Henderson, who owns the cycle shop regarding these issues. When someone wishes to rent a room in the future, positive ID is to be checked and the ID numbers will be recorded when renting the room. If the manager or owners suspect problems, the person renting the room will be asked to leave and a refund will be issued. They will not be renting to anyone under the age of 18 and the public phone as been removed because that is how most of the drug sales take place. The owners have agreed to call 911 and contact the Burton Police Department if they have a drug related problems or illegal activity going on. He said the only item of concern, is the fact there have been problems for so many years with the regulars who frequent the motel. It's important that the word get out that this type of activity is not accepted. I'm sure Mr. Henderson will let me know if a problem arises. Chief Benthall said the Police Department will continue to patrol the parking lot frequently, but it is up to the management to rent to people who do not carry on illegal activities.

Mr. Bertram inquired about the management retaining a copy of the driver's license and registration of those who rent a room. He said he spoke with several police officers who would like to see the business shut completely down.

Chief Benthall said the new owners have invited the police department to stop in and check things as often as possible. The Chief said under the previous owners, the Department received no cooperation, but the new owners have a much better attitude.

Audience Participation:

Jean Snyder, 3347 Cheyenne, inquired about who is renting the rooms by the week.

Mr. Galloway replied people who are in various occupations, such as construction workers, people going through a divorce, etc. The management will not knowingly rent to anyone engaged in illegal activities.

Bob Brayan, 3289 Cheyenne, asked if the Police would be able to verify who is renting the room on an ongoing basis.

Ken Greer, 3340 Cheyenne, inquired about a fence around the building.

Mr. Strasser stated that the Building Inspector made a thorough inspection of the site, and everything has been cleaned up. The biggest concern was the crime situation from the previous owners. The issue can be considered, but it is not a point you can deny the change of ownership on.

Mr. Perez asked if the block wall along Dort Highway served any purpose, because the building would be more visible with the wall gone.

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Mrs. Walls inquired about the handicap requirements not applying when there is a change of ownership.

A brief discussion was held concerning this issue.

Mr. Bertram questioned the rooms being inhabitable.

Mr. Galloway said the building code violations were taken care of and the rooms have since been cleaned and sanitized, as well as painted.

Bruce Henderson, owner of Top-End Cycle, 4416 Howe Rd., Burton, said he doesn't understand why the Planning Commission cannot deny the request. He stated that Chief Benthall has done everything he can for the surrounding businesses and residents. He asked for some direction in trying to get the problem solved.

Mr. Strasser said if the two building inspectors say there are no handicap requirements needed, then I believe them, because they don't miss much in the way of requirements. He said if anything should be changed structurally in the future, then the handicap requirements would be enforced.

Mr. Galloway said if the State Law requires the barrier free area, they will be put in as required. The major concerns deal with the Police Department.

Moved by Walls, seconded by Perez to approve Site Plan Review #98-15 for a change of ownership, as requested. Roll call vote: Howlett, yes; Bertram, no; Millard, no; Berry, yes; White, yes; Perez, yes and Walls, yes. Motion carried 5-2.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #98-21

BY: Gary M. Paro
7362 Kessling
Davison, MI 48423

RE: Sun-Kiss Tanning & Fitness Center, Inc.
6016 Lapeer Rd.
Lots 1-9 Supervisor's Plat #8
Section 13
C-4 Zoned

FOR: Change of use

Gary Paro, 7362 Kessling, Davison, MI, said he turned in the blue prints to the DPW. He has been operating his business in Bentley Plaza. All requirements are up to code and he is asking for approval for a change of use, which was overlooked when he moved into the building.

Mr. Strasser explained he is in the Rite Aid building at the Bentley Plaza and his space meets all barrier free requirements.

Mr. Perez asked Mr. Paro if AJAR had contacted him about his business.

Mr. Paro said he didn't know they were planning to put a Rite Aid in front of his business. His lease renewal will be up in one year.

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Moved by Howlett, seconded by White to approve Site Plan Review #98-21, contingent upon DPW recommendations. Motion carried 7-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS CONTINUED:

2. SPR #98-26

BY: Mark L. Lippincott
4102 Davison Rd.
Burton, MI 48509

RE: D.C. Electric Motor
4086 Davison Rd.
Parcel #59-10-100-010
Section 10, C-2 Zoned

FOR: Applicants purchase of buildings adjoining to
West of 4102 Davison Rd. (identified as D & W
Window, 4086 Davison Rd.)

Bob Keely, Keely Realty, said he is representing Mr. and Mrs. Wood. Mr. Lippincott has a purchase agreement on the building. There will be no change and the purpose is for warehousing. Mr. Lippincott has purchased the entire site, but Mr. and Mrs. Woods will retain a lease for 1 or 2 years from 4086 Davison Road. This is a change of ownership, but not a change of use.

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

Mr. Strasser said there is no problem with the applicants request, as this will principally be used for storage.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #98-26, contingent upon DPW recommendations. Motion carried 7-0.

3. SPR #98-28

BY: Ken Smyth
5248 Oakhill Dr.
Linden, MI 48451

RE: 3141 Kleinpell
Lot 33 Supervisor's Plat Atherton Gardens
Section 28
Zoned M-2

FOR: Storage Addition

Ken Smyth, 5248 Oakhill Dr., Linden, MI, explained he would like to have an addition on the existing building. The original site plan was approved and this is just an extension of the first site plan.

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

Mr. Strasser said the intent of the site plan request meets the ordinance. I advised Mr. Smyth that the Planning Commission prefers to see a more professionally drawn site plan, even though the ordinance does not require the drawings to be done by an architect.

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Mr. Smyth said he would get the plans for the building drawn by an architect.

Mr. Berry asked what he proposed to store in the building. He asked if there would be any hazardous equipment or anything flammable.

Mr. Smyth said he has someone who is considering storing heating equipment. There will be no hazardous materials stored.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #98-28, contingent upon DPW recommendations. Motion carried 7-0.

B. PUBLIC HEARINGS:

1. LS #98-17

BY: Mitchell K. Walker
5360 E. Atherton Rd.
Burton, MI 48519

RE: Parcel #59-26-200-005
Section 26
Zoned R-1B

FOR: Residential Use.

Mr. Walker explained that he is trying to split his house and two lots from the existing 50 acres for financial and business reasons.

Mr. Berry asked which way from Eastgate Street would the split be. He was advised the property west of Eastgate.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked if the current zoning is R-1B or SE and if the rezoning has occurred at another time.

Mr. Strasser said the zoning is R-1B and the rezoning was done previously and is part of the proposed Spring Gardens.

Vivian Rhoden, Atherton Rd., asked if the entire 50 acres going to be platted, and if the road would be by the fire hydrant.

Mr. Walker said he is hoping to plat the entire 50 acres sometime in the future. Also, there will only be one road and that will be located next to his property. The request today is to split his house from the existing property.

Bob Stack, 3172 Eastgate, said he has concerns about water problems. There is a drain that runs between me and the house to the North. He is questioning whether curbs and gutters would be put all the way through there.

Mr. Berry said the issue tonight is strictly dealing with the splitting of the lot.

Resident at 5339 Atherton Rd., asked about the extended water drain.

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Moved by Howlett, seconded by Millard to approve Lot Split #98-17, as requested. Motion carried 7-0.

BOARD DISCUSSION:

Doug Piggott from Rowe, Inc., gave a Status Report on the City of Burton Master Plan regarding the zoning map, Community Description and explained that the work on the plan that is expected to be completed by the end of April includes the following:

- Complete the mapping of existing land uses in the City.
- Identify commercial and industrial development in the City.
- Identify existing water, sanitary sewer, storm sewer and transportation systems and their impact on future land use.

Mr. Piggott said he would be giving the maps to Mr. Strasser this evening for review and if okay, copies will be made available to City Planning Commission and Staff. We will be meeting the end of May or beginning of June. If the City can decide on some dates that would be good, then we can have the public input. The first Planning Commission Workshop, we should have as many members there as possible. We will be getting back with you regarding the dates.

Audience Participation:

Larry Petrella, 1081 Howe Rd., asked to read the handout given to the Planning Commission Members. He asked how the public would be notified of the meetings.

Mrs. Walls replied the meetings would be posted at City Hall, as all special meetings have been in the past.

Mr. Piggott said they will also recommend some approaches to get as many of the public to attend the meetings as possible. It will be posted, as Mrs. said, as well as other forms of advertisement.

Pauline Dargel, 6119 Hugh, inquired about a zoning map on the wall in the Council Chambers.

Mr. Piggott said once this get approved, this would not reflect zoning changes because Council has not acted on it at that point.

Mr. Strasser said the map Mr. Piggott has tonight, is the most up to date map the City has at this time.

The next regularly scheduled meeting will be held on May 12, 1998, at 6:00 P.M.

Meeting adjourned at 7:35 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML