CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MAY 8, 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, Brawner, Grantner, Walls and Young.

MEMBERS ABSENT: Mayor Charles Smiley, Hohloch, Perez and White.

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

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

Moved by Young, seconded by Walls to approve and authorize the Minutes of the Regular Meeting of April 10, 2001at 6:00 P.M., as printed. Motion carried 5-0.

B. SCHEDULE PUBLIC HEARINGS FOR JUNE 12, 2001 AT 6:00 P.M.:

1. ZC #263

BY: Alma Morse
6276 E. Bristol Rd.
Burton, MI 48519

RE: 6276 E. Bristol Rd.
Parcel #59-36-200-005
West 10 acres of N ¾ of NE ¼ Section 36
Zoned SE to R-1A

FOR: Residential Use.

2. LS #01-39

BY: Brent Williams
1198 LaSalle Ave.
Burton, MI 48509

RE: Lot #91 of Garden Acres
Section #13
Zoned R-1B

FOR: Residential Use.

Moved by Young, seconded by Bertram to approve and authorize the scheduling of Zoning Case #263 and Lot Split #01-39 for Public Hearings for June 12, 2001 at 6:00 P.M. Motion carried 5-0.

C. PUBLIC HEARINGS:

1. ZC #261

BY: James Korn
5073 Lapeer Rd.
Burton, MI 48509

RE: Lots 47 & 48 Vodden Little Farms
Section #14
Zoned RO to R-1A

FOR: Single Family Use.

James Korn, 5073 Lapeer Rd., said he is asking for the zoning change to use the property for single family use.

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

Mr. Strasser said presently our master plan shows this property as residential, but the proposed master plan is showing this as restricted office, which is what it is currently zoned. He explained how once the master plan is completed, this could affect the zoning of this property. During the workshop for the master plan, Mr. Piggott from Rowe, Inc., said the property owner could make a request for a zoning change.

Mr. Major said if the Board wishes to approve the zoning change, it would not violate the master plan as it stands today.

Mr. Young questioned when Mr. Korn went before the Zoning Board of Appeals, if this had anything to do with this case or not. He was advised these were two separate issues.

A discussion continued regarding the pros and cons of rezoning this property.

Mr. Major commented that he has no understanding as to why these two lots are zoned RO.

Mr. Korn stated that the property was originally zoned commercial and it was rezoned to RO. He acquired the property 20 years ago and he now wants to live there without having commercial property in front of him. Mr. Korn indicated this would be his residential home. He has a total of five (5) acres.

Moved by Walls, seconded by Brawner to recommend approval of Zoning Case #261, as requested to the Burton City Council, contingent upon DPW recommendations. Motion carried 5-0.

2. ZC #262

BY: Mary A. Rolfe & Associates
432 N. Saginaw Street, Ste 702
Flint, MI 48502

RE: Vacant land on Lippincott Blvd. between Center Rd. and Christner Street
Section #21
Zoned C-2 to HRM
Amendment to Zoning ordinance number 19-182

FOR: Senior Rental Housing and Services.

SuLin Harper, 432 N. Saginaw St., Flint, MI, said she is representing Mary A. Rolfe & Associates. She noted that at the last meeting the design architect was present and explained what they were planning for their project known as CK Gardens. She said at that meeting the Board formally approved the concept of that site plan. She presented the drawing to help explain how they plan to complete their campus and rezone an area from C-2 to HRM.

There was no audience participation.

Mr. Strasser stated that the major part of the parcel has already been rezoned and their concept was approved. He asked Ms. Harper to expand on the type of buildings that are encompassed within that area.

Ms. Harper said because of timing constraints, the original concept was labeled Phase 2. This was in the original parcel before you received the rezoning classifications and will now be Phase 1. The second phase will be the balance of the 100 units, the second 3-story building comprised of 50 over-lapping into the beige area, we are proposing an adult day care center and plan to develop the entire area within 24 months.

Mr. Strasser said the DPW recommends approval on the entire proposal. He said this fills the concept plan and is a very nice project.

Moved by Bertram, seconded by Young to recommend approval of Zoning Case #262, as requested, contingent upon DPW recommendations. Motion carried 5-0.

D. AUDIENCE PARTICIPATION:

There was no one who wished to speak.

E. SPECIAL USE PERMITS:

1. BCPC #01-35

BY: Timothy D. Bertram
1330 Kenneth St.
Burton, MI 48529

RE: Lots 1188 thru 1190 Baker Park #1
Section 30
Zoned R-1C

FOR: To allow 12 residents within the adult foster care home.

Mr. Strasser said it is the understanding of the staff, that as long as there is no financial gain from the project, Mr. Bertram would be allowed to vote on this case, being they are related.

Mr. Les Bertram, stated for the record, that he has no financial interest in the project or property pertaining to BCPC #01-35.

Donald Bertram, spoke on behalf of his son, Tim, stating they provide assisted living and their business is by demand. They picked up a rental home and renovated it and added to it with the intention that if the demand is there, they would be able to accommodate 12 residents. It does qualify for this number of residents and we are being petitioned by the agency to expand the number of residents.

No one in the audience wished to speak.

Mr. Strasser said this is a very large home and Mr. Bertram runs a nice operation. The structure will easily support 12 residents and the DPW has no problem with the request. We must inform Mr. Bertram that as of May 1st the County
requires additional fees for extra water and sewer units. Mr. Bertram would have to go to the County for additional Tap-ins and pay the $1,000 fee, if this request is approved.

Mr. Major said the fee is $1,000 for water and $1,000 for sewer.

Mr. Grantner asked how large the home is.

Mr. Bertram replied there is 3,200 sq. feet all on one level.

Mr. Les Bertram asked if the State mandates the number of people that may be there.

Mr. Major replied that the State does an inspection and they determine how many square feet are acceptable.

Mr. Don Bertram said there are all kinds of inspections conducted, such as the fire marshal, licensing specialist, social workers, etc. Our rooms are large enough for three residents to a room, but we only have two per room.

Moved by Young, seconded by Brawner to approve BCPC #01-35, contingent upon DPW recommendations. Motion carried 5-0.

2. BCPC #01-37

BY: Consumers Energy Co.
4141 E. Wilder
Bay City, MI 48706

RE: 5399 E. Atherton Rd.
Parcel #59-23-400-008

FOR: To construct a 10 MVA 46 to 4.8/8.32 KV
General distribution substation.

Jimmy King, 3201 E. Court St., Flint, MI, said he has Steve Markey from Bay City and Keith Nuenke from Bay City,
4141 E. Wilder Rd., Bay City, MI with him. The project includes building 1.86 miles of 46 KV transmission line from the Belsay substation to the new distribution sub-station. It would be necessary to relieve loading on the Belsay sub-station, as it is now at 105% of its capacity and is actually being overused. This sub-station will accommodate future
low growth in the area and the system impact should improve the reliability to the area. This will be called the Gilkey Creek Sub-Station. We are hoping to start the construction on June 1st and have completion by September 1st. There will be three to five people on the crew. The cost of the project includes $344,500 for the KV line; the sub-station cost would be about $600,000 and the distribution lines that come out of the sub-station will cost about $300,000 for a total project cost of about $1,244,500.00.

Audience Participation:

Ken Mawhinney, 3011Eastgate St., Burton, MI, asked which side of Atherton Road would the sub-station be constructed. He also asked how big it would be.

Mr. Markey replied it would be on the north side of the road. He said the fenced area would be 70'x55' and the height would be about 22 feet. Further discussion continued regarding the size of the sub-station.

Mr. Major said this will aid with the existing homes, as well as residential vacant land. We are building sanitary sewer down Dortch Drive and we are moving ahead with the idea of servicing the area. We recommend approval.

Mr. Brawner asked how far off the road would the sub-station be placed. He also asked if Consumers owned the property.

Mr. Markey said the sub-station would be 90 feet from the road and 40 feet from the right-of-way. He said Consumers has an option on the property at the present time. He also commented that this site plan is slightly different than the previous one due some errors.

Moved by Bertram, seconded by Young to approve BCPC #01-37, contingent upon DPW recommendations. Motion carried 5-0.

F. SITE PLAN REVIEW(S):

1. SPR #01-38

BY: Consumer's Energy Co. (Attn. Steve Markey)
4141 E. Wilder
Bay City, MI 48706

RE: 5399 E. Atherton Rd.
Parcel #59-23-400-008

FOR: To construct a 10 MVA 46 to 4.8/8.32 KV
General distribution substation.

Jimmy King, 3201 E. Court St., Flint, MI, explained that the size of the property that they own is a significant amount. He said they would be doing some tree planting and set the sub-station back off the road. They do meet all City requirements.

Keith Nuenke highlighted the changes that were made from the previous site plan:

1. The property line goes through the center of the creek.
2. The road right-of-way was increased from 37 feet to 50 feet.
3. The center of the road was changed by 5 feet.
4. The property line on the eastside is the center line of the creek.
5. The transmission line coming into the sub-station has been made as a mobile area.

There was no audience participation.

Mr. Major said they would have to obtain a County right-of-way permit for the driveway approach and that will be up to the County whether they require some type of curbing. The only other issue would be the sidewalk. He said this would fall under the revised policy that will be discussed later in the meeting. He said we may never see sidewalks in this area, but this would be a pending issue in the future.

Mr. King said they would make notes on the drawings that it was made known to Consumers that we may be obligated to put in sidewalks in the future. This will be made part of our record.

Mr. Major said the DPW recommends approval based on their revised site plan.

Mr. Young asked if they would be running the lines down Belsay Road.

Mr. Makey replied they would only have one pole but they would be making them taller.

Moved by Young, seconded by Bertram to approve Site Plan Review #01-38, contingent upon DPW recommendations. Motion carried 5-0.

F. SITE PLAN REVIEWS POSTPONED FROM APRIL 10, 2001:

1. SPR #01-12

BY: Alan Reno
1088 W. Vienna Rd.
Clio, MI 48420

RE: Muffler Man
4275 Davison Rd.
The W ½ of Lot 70 & Lots 71, 72, 73 Hammond Homesites #2

FOR: Rebuild Muffler Repair Shop.

Mr. Strasser explained that he had spoken with Mr. Reno and he is not quite ready to present his site plan. He is still working on this.

Mr. Major stated that his intent is to construct the building, but he is trying to work out the landscaping, rearrange the details of the site plan and has asked for another postponement. He wants to work with that house next door and maybe move quicker on removing the home and putting in the offices.

Moved by Bertram, seconded by Walls to postpone Site Plan Review #01-12 until the next regularly scheduled meeting in June. Motion carried 5-0.

2. SPR #01-15

BY: Don Novak (Front End Collision)
G-3447 S. Saginaw St.
Burton, MI 48529

RE: Mr. Front End
G-3447 S. Saginaw St.
59-29-300-008 & 015
Zoned C-2

FOR: Addition.

David McDade, Architect, Ardent Design, Inc., 6235 Corunna Rd., Flint, MI, explained that they are adding a 1,304 sq. foot addition onto the east side (rear) of Mr. Front End on S. Saginaw St. We are building over existing asphalt, so we are not adding any hard surface to the property itself. We are renovating some office space and adding some shop area and we will seal coat the parking lot and redo the striping and per the Board's request, we will be adding a sidewalk down James Street.

Don Novak, G-3447 S. Saginaw Street, Burton, MI, asked what the sidewalk issue is about. He said if the sidewalk went somewhere it would be fine, but it doesn't, so he would rather give a donation to a worthy cause than to put in a sidewalk that goes nowhere.

Mr. Major explained that there is an existing resolution directed by Council that anyone who comes before the Planning Commission for non-residential construction, must construct sidewalks in front of their business. Mr. Major
further explained that he has drafted a set of guidelines for the construction of sidewalks, but they haven't been adopted yet. He said that under the proposed guidelines, if the existing property has a sidewalk on it, then the business should construct the sidewalks immediately so the sidewalks can continue down the road.

Mr. Major said he thinks Mr. Novak would be willing to put in the sidewalks as long as this is done uniformly throughout the City.

Mr. Bertram stated that we do need to be consistent with the sidewalk issues.

Mr. Grantner said the sidewalk policy will be a discussion item tonight and we can make a recommendation to the City Council and they will make a decision as to what we should do.

Discussion continued regarding the sidewalk issue.

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

Mr. Strasser said DPW recommends approval of the request.

Mr. Young pointed out that we must deal with the policy we have on file now or have Mr. Major exempt the sidewalk because of the possible change in sidewalk policy.

Discussion continued regarding DPW authority to exempt sidewalks from projects. Mr. Major explained that he can only work under the policy that Council has made in regards to sidewalks.

Moved by Walls, seconded by Bertram to approve Site Plan Review #01-15, contingent upon DPW recommendations. Motion carried 5-0.

3. SPR #01-21

BY: Bryan Miller
1153 W. Maple
Flint, MI 48507

RE: McComb Pipe & Supply
3365 Associates Dr.
Lots 9/10 14 Associates Commercial Sites
Section 29, Zoned M-1

FOR: Change of Ownership & Use.

Bryan Miller, 1153 W. Maple Ave., Flint, MI, said he is planning to put in a wholesale plumbing distribution warehouse. They are not manufacturing anything, just a distribution place.

Mr. Strasser said the site is located in a small industrial park. The paving is done and it's a nice building and has been taken care of. The use does fit the zoning and the Building Inspector inspected the building. We recommend approval as requested.

There was no audience who wished to speak.

Moved by Young, seconded by Bertram to approve Site Plan Review #01-21, contingent upon DPW recommendations. Motion carried 5-0.

4. SPR #01-23

BY: AMC Inc.
3340 W. 95th St.
Evergreen Pk., IL

RE: Family Dollar
6010 Lapeer Rd.

Lots 816-820 Lapeer Hgts. & 1-8 & pt Lot 9 Sup Plat #8

FOR: Change of Use.

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

Mr. Strasser said he had spoken with the applicants twice and they were also sent a letter.

Mr. Major commented that there are no code violations on this site.

Moved by Bertram, seconded by Brawner to postpone Site Plan Review #01-23 until the next regular meeting in June. Motion carried 5-0.

5. SPR #01-27

BY: Church & Sons, Inc.
4499 Davison Rd.
Burton, MI 48509

RE: Church & Sons Garage
4499 Davison Rd.
Parcel #59-03-400-004

FOR: Previously Approved Site Plan.

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

Moved by Brawner, seconded by Bertram to postpone Site Plan Review #01-27 until the next regular meeting in June. Motion carried 5-0.

G. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #01-33

BY: Daniel M. Bower
1232 Allen St.
Burton, MI 48529

RE: Factory Automanuals
G-1146 Hemphill Rd.
Lot #589 & 590 Baker Park
Section 30, Zoned C-2

FOR: Change of Use.

Daniel Bower, 1232 Allen St., Burton, MI, said he purchased the building at 1146 E. Hemphill Rd., in the northwest corner of Burton. He explained that he wants to turn the building into an office for his mail order business and would like to get started as soon as possible and have the interior work done by November 1, 2001. We expect to begin the

outside work this summer. He said this is the old C & M Wire Rope building. We have already made some improvements and have removed the two large semi-trailers and the grading of the lot. Our hope is to continue and complete the site work within 18 months. The sidewalks are all in and I understand paved parking is a requirement. He said he would rather not pave, but if this is required, he would abide by the rules and pave the parking area. Mr. Bower said there would be no walk-in traffic because this is strictly a mail order business. Mr. Wright has stated that I do have to make one bathroom handicapped accessible. This will be done.

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

Mr. Strasser commented that there is not much left to be done to the property. He asked Mr. Bower to explain what the mail order business consisted of.

Mr. Bower explained that he sells used factory service manuals for vehicles. He has been in this business for better than 20 years. He said the business has gotten large enough to where he would be hiring some employees.

Mr. Young asked Mr. Bower if he had seen the DPW recommendations. He was advised yes.

Mr. Major stated that if Mr. Bower made one barrier-free space, the Board could give time to complete the rest.

Moved by Young, seconded by Brawner to approve Site Plan Review #01-33, contingent upon DPW recommendations and give Mr. Bower 18 months to complete the paving requirements. Motion carried 5-0.

2. SPR #01-34

BY: Stonehouse Party Store, Inc.
1160 E. Hemphill Rd.
Burton, MI 48529

RE: 1160 E. Hemphill Rd.
Lot 587 Baker Park
Section 30
Zoned C-2

FOR: Change of Ownership.

Mr. Major said Mrs. Assif would be presenting the case for her husband because he had to leave for work.

Mrs. Assif said they own the Stonehouse in Davison on Irish Rd., another on Leith Street and the one they recently purchased in Burton. She said they have never had any problems or violations.

Mr. Grantner asked Mrs. Assif if she had reviewed the DPW list of requirements.

Mrs. Assif replied yes and had no problem with them.

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

Mr. Major commented that they bought the Seven-11 Store on Hemphill Rd. The parking area is fully paved, but they
may have to redo some of the striping in the parking lot and redo the handicapped signs and repair the trash container. He said some repairs are needed to the screening from the residential property around the backside. He said the site is close to completion other than a few repairs. We recommend approval of the site plan.

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

Moved by Young, seconded by Walls to approve Site Plan Review #01-34, contingent upon DPW recommendations.
Motion carried 5-0.

3. SPR #01-40

BY: Fred Fabris & Todd Pearce
2070 Kingswood Dr.
Flint, MI

RE: GBG L.L.C.
2099 James St.
Parcel #59-29-300-013

FOR: Change of Ownership & Use
Warehouse for Contractor.

Mr. Pearce said he is partners with Mr. Fabris and they operate a ceramic tile and terrazzo contracting firm at 2099 James Street. The existing building is a 3,200 sq. foot warehouse and office building and more storage space is needed. We are proposing a 5,000 sq. foot building, wood framed structure with asphalt shingled roof, detached.

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

Mr. Strasser said this is somewhat of an unusual location for this type of property. It is zoned light industrial and is behind Don Novak Collision. They are proposing a large warehouse and there is adequate drainage for the site. The setbacks are taken care of. He said he didn't address the sidewalk issue with the applicants because in their case, the sidewalks wouldn't go anywhere.

Mr. Major said possibly sometime in the future the sidewalks might be required and if so, you would have to comply with this requirement at the proper time. DPW recommends approval of the site plan.

Mr. Brawner asked if there is still an empty field on the east and west of that site.

Mr. Fabris said the empty field is where the Goodie Barn was torn down.

Moved by Walls, seconded by Bertram to approve Site Plan Review #01-40 contingent upon DPW recommendations. Motion carried 5-0.

Mr. Strasser said a gentleman from Family Dollar has arrived and will represent Site Plan Review #01-23.

Moved by Bertram, seconded by Young to bring Site Plan Review #01-23 back to the floor, as the applicant is now present. Motion carried 5-0.

F. SITE PLAN REVIEWS POSTPONED FROM APRIL 10, 2001:

4. SPR #01-23

BY: AMC Inc.
3340 W. 95th St.
Evergreen Pk., IL

RE: Family Dollar
6010 Lapeer Rd.
Lots 816-820 Lapeer Hgts. & 1-8 & pt Lot 9 Sup Plat #8

FOR: Change of Use.

Matthew Schmuhl, Project Manager, 24 Lakeview Dr., Grafton, OH., said he was the construction project manager that authorized the work at this space.

Mr. Major said Family Dollar is actually the tenant and there are some cleanup requirements that need to be done. He said they have spoken with Mr. Hurand and there are some minor cleanup projects, but they are in full compliance with the building requirements. The handicap provisions are done and the landlord will take care of the sidewalk requirements. We recommend approval of the site plan as requested.

Mr. Schmuhl said if there is a problem with anything, please notify him so a letter can be mailed to the landlord.

Mr. Major stated that Mr. Hurand has been excellent to work with and he expects him to fully cooperate with the City.

Mr. Young asked if there is adequate parking.

Mr. Strasser replied yes, there is adequate parking.

Mr. Schmuhl commented that there is additional parking around the end of the building which is not striped and there will be more than enough parking because of the 50 plus parking at the end which could be striped and used for parking.

Moved by Bertram, seconded by Young to approve Site Plan Review #01-23, contingent upon DPW recommendations. Motion carried 5-0.

H. BOARD DISCUSSION:

Mr. Bertram said he would like to postpone discussion on the following topics until the full board is present. There was a consensus to wait for a full board to be present before discussing these items.

1. Administrative Site Plan Review Procedures
2. Sidewalk Policy

Mr. Major said he will try to work with the Administrative Site Plans so they don't take up a lot of your time.

There was a brief discussion concerning a Chinese restaurant coming on the corner of Lapeer and Genesee Road.

Mr. Grantner announced that there is a FOIA Seminar being held at Baker College on May 30th if anyone is interested in attending. He also noted that on June 27th the Annual Zoning Update will be held and this would be good for Planning and Zoning Members to attend. A brief discussion continued regarding attendance at seminars.

The next regularly scheduled meeting will be held on Tuesday, June 12, 2001, at 6:00 P.M.

Meeting Adjourned at 7:37 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML