

CITY OF BURTON  
REGULAR PLANNING COMMISSION MEETING MINUTES  
JULY 8, 2003, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

Jerry Grantner, Chairperson, called the Regular Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Bement, Bertram, Grantner, Walls, White and Young.

MEMBERS ABSENT: Hohloch, Perez and Mayor Smiley.

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

A. APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING:

Moved by Bement, seconded by Bertram to approve and authorize the minutes of the Regular Meeting of June 10, 2003 at 6:00 p.m., as printed. Motion carried 6-0.

B. SCHEDULE PUBLIC HEARING FOR AUGUST 12, 2003 AT 6:00 P.M.:

|              |                                                                                        |
|--------------|----------------------------------------------------------------------------------------|
| 1. LS #03-33 | BY: Atherton Community Schools<br>3354 S. Genesee Rd.<br>Burton, MI 48519              |
|              | RE: Lots 59, 58, 57 and west 33 ft. of lot 56, Eastgate No. 3,<br>Sect. 26, R-1B Zoned |
|              | FOR: Residential use.                                                                  |

Moved by Walls, seconded by White to schedule Lot Split #03-33 for a public hearing to be held on August 12, 2003 at 6:00 P.M. Motion carried 6-0.

C. AUDIENCE PARTICIPATION:

Gary Card, 2098 Delaney St., spoke concerning Taco Bell on Davison Road. He said the residents don't have the information that the Board has. There are rumors circulating and the residents have concerns about the access drive to Delaney St. and the adjacent property owners' rights.

Mr. Grantner said when the representative from Taco Bell makes the presentation the audience would then be given an opportunity to give their input on this case.

D. SITE PLAN REVIEW:

|               |                                                                                            |
|---------------|--------------------------------------------------------------------------------------------|
| 1. SPR #03-34 | BY: Bill Beckett, WT Development<br>10223 E. Cherry Bend Rd.<br>Traverse City, MI 49684    |
|               | RE: Taco Bell / Long John Silvers (TB / LJS)<br>4071 Davison Rd.<br>#59-03-300-025         |
|               | FOR: Demolish existing Taco Bell, re-design site, rebuild<br>Taco Bell / Long John Silvers |

Mr. Bill Beckett, 10223 E. Cherry Bend Rd., Traverse City, MI 49684, said he is representing Taco Bell. They would like the Board to consider approval of this site plan. Taco Bell has been at the Davison Rd. and Delaney St. corner for about 25 years and has been remodeled two or three times during those years. The last time was for additional parking and reconfiguration of the drive-thru. There was also a side dining room addition in the mid 1980's. The existing site was developed with Taco Bell being closest to the intersection. Additional parking was added to the west side of the building. We are proposing to redevelop the property with a new combination restaurant of Taco Bell and Long John Silvers both being sold over the same counter and within the same building. It will be a drive-thru type facility with a cash window and pickup window. When designing the site, we have worked with several constraints such as setbacks and previously granted variances. We are adhering to the setbacks. On Davison Road the parking setback is 20 feet and the building is setback 30 feet from the right-of-way, which meets the ordinance requirements. Along Delaney Street there is a 10-foot greenbelt that extends to the rear. We are proposing a driveway on Delaney. To access the site, the main entrance drive would be on Davison Road, which is the eastern most driveway being the closest intersection to Delaney. That would be a one-way drive into the site and then the dine-in customers or carry out customers would park on the east side of the building. Drive-thru customers would proceed to the rear and follow counter-clockwise rotation for this service. There is a menu board and speaker post located about five or six cars behind the pickup window. The order station is located behind the building and further west than it is at the present time, making it further from the residents at the rear. There is a stacking space for 10 cars in the drive-thru with an additional 33 parking spaces for both customers and employees. Presently there are 77 seats and this numbers will be reduced to 60 seats in the restaurant. We do have landscaping at the rear and we are proposing a chain-linked fence, which exceeds the height ordinance. We are willing to comply with the ordinance requirements and change the material of the fence. In addition, we have a 5-foot landscaped greenbelt with shrubs along the rear property line to help soften the appearance in the rear. The trash enclosure is going to be located basically where it is now, in the northwest corner of the site. There would be a one-way exit drive onto Davison Road that would allow left and right turn movements out of the site. We anticipate that the service trucks, trash trucks and delivery trucks will use the driveway on Delaney. We don't expect most of the customers to use that driveway. We have met with Mrs. Wilcox, who lives at the house immediately behind Taco Bell, and discussed some of the issues that have occurred over time and how we could address the problems. Her concern dealt with safety issues and the chain-linked fence. We will put in a board-on-board fence and we could install a guardrail system to keep the cars on our site. The access on Delaney will be an ingress and egress, but we anticipate that the service vehicles will enter the drive and exit onto Davison Road. We have proposed less concrete and more landscaping than what exists now.

Audience Participation:

Gary Card, 2098 Delaney St., said when Taco Bell was first built, they proposed the same deal and at that time Delaney Street was not paved. They offered to pave 200 feet off from Davison Road on Delaney. We had problems with the exiting traffic from the business across the street. Mr. Card said he took an aerial photograph and submitted it to the City Council. Many people still don't know that there is not an entrance to Taco Bell off from Delaney Street. People turn onto Delaney and then have to turn around and go back out to Davison Road. He had concerns about the delivery trucks blocking the drive-thru and with U-turns being made at the intersection. Some of the other concerns Mr. Card had were the children at the bus stop, which occurs eight times per day, and the decrease in property values. He said he strongly objects to the driveway being placed on Delaney Street. The driveway was removed from Muffler Man, which is located just across the street. Mr. Card indicated that often Consumers Energy trucks or City of Burton trucks park off the shoulder of the road, creating a one-lane road. He said the asphalt at the intersection is getting busted up.

Pedro Gonzalez, 2116 Delaney St., said Delaney Street is a dead end street and all of the residents on Delaney have to exit onto Davison Road. The school bus makes numerous stops daily and this would be a safety issue for the children. This is a congested area and a drive on Delaney would only make the congestion worse. He thinks the safety factor would only escalate with the additional drive.

Pauline Dargel, 6119 Hugh St., commented that when Mayor Wurtz was in office, he chose to have the businesses provide extra depth pavement back to the depth of the property for commercial use. When a person is a day sleeper the speaker board could be an issue with the neighbors, as well as the lighting. She said she would like to know whether the added depth was on that street. She commented that the Planning Commission makes the decisions on the site plans.

Kenneth Hillier, 2124 Delaney St., said the outlet onto Delaney would be used a great deal and he has concerns that people would turn to go down the street only to find out that it is a dead end. He said Wednesday thru Saturday there are at least 50 to 100 cars that travel Delaney Street and to get into Taco Bell. He objected to having the driveway on Delaney Street.

Theresa Hillier, 2124 Delaney St., said she would like to see Taco Bell purchase the vacant property next to the woods and move the business away from Delaney Street. She said the children's safety is the number one issue. If a drive is approved on Delaney and there is a fire or an emergency, it could be a hazard. She said she has children who use the bus stop on Delaney and Davison Road.

Mr. Strasser suggested to Mr. Bement that as council representative, he discuss this issue with the Council as to having No Parking signs along both sides of Delaney Street, along with a dead end sign. He said the only item on the site plan that didn't comply with the ordinance is the 6-foot chain linked fence on the north side of the property. Mr. Beckett has already indicated that they would comply with the zoning regulations in regards to the fence height. The property would then be screened, with a guardrail to be placed in front to prevent vehicles from traveling on the neighbors property. The second item in our review is not a requirement, but a request. We are asking that a concrete curb be placed along the west side of Delaney Street to help control the traffic situation. Also, the storm water run-off will be directed into an existing storm system that is currently at the corner. Mr. Strasser said the engineering officials reviewed and approved the drive coming off Delaney Street that is on the tentative site plan. There was a letter from the City Assessor, Dennis Lowthian, indicating that Taco Bell was also included in the special assessment paving district in 1992, for the paving of Delaney Street. The engineering division gave a great deal of consideration to this issue when the driveway on Delaney Street was requested. DPW staff recommends approval of the site plan.

Mr. Bertram said he thinks the driveway off from Delaney would alleviate people from turning around in the residential driveways. He thinks this is a double-edge sword.

Mr. Young asked if the Planning Commission could deny the drive if there is already a drive at the north end of the property.

Mr. Strasser said technically, ingress and egress is an engineering function, but the Planning Commission has jurisdiction over the site plan. That is part of the site plan. The Planning Commission can deny the request for the driveway and then the driveway would be eliminated. Mr. Strasser clarified that currently there isn't a drive that comes out onto Delaney Street.

Mr. Young asked Mr. Beckett if they could operate without the drive off of Delaney and if the speakers would be located closer to Davison Road so the sounds are further away from the houses?

Mr. Beckett replied that the speaker would be located further west. Mr. Beckett said he doesn't think it would be beneficial to operate without the drive off Delaney Street. He said they have agreed to not locate the entrance drive any closer to Delaney than the existing exit drive is already. This is due to traffic and safety concern. In locating the driveway like that, it is creating a bit of a challenge to get the service trucks into the site through that type of driveway. By adding that drive, it should reduce the traffic that goes down Delaney. We could sign that drive with an arrow or we could reconfigure the radius on that driveway and have it as an ingress only driveway.

Mr. Bertram asked from which direction the deliveries were made.

Mr. Beckett said the deliveries are made on the east side of the building at the rear door. He gave further details concerning the deliveries and said it is important that fire trucks be able to maneuver on the site.

A lengthy discussion was held in regards to the pros and cons of having a driveway on Delaney Street.

Mrs. White asked if the pavement on the corner of Delaney and Davison Road is deep enough to handle the trucks that would be in and out. She said she has concerns with the children standing at the bus stop.

Mr. Bement confirmed with Mr. Strasser that Taco Bell received a special assessment on their property in 1992.

Mr. Beckett inquired about the time of day the buses come and go and if they coincide with the peak time for lunches and dinners.

Mrs. Hillier said that at Noon there are two loads of Kindergarteners, one getting off the bus and another getting on the bus. Another time of day would be 3:00 p.m. for the Middle and High School students.

Mr. Beckett said they would offer some restricted movement on Delaney driveway. We are reconstructing the sidewalk along Delaney and offer to enclose the ditch, which would provide more level ground for the kids when they congregate at the bus stop.

Mr. Grantner suggested that possibly the site plan be postponed so some of the concessions may be worked out with the residents.

The Construction Manager from Taco Bell said they have done this in past situations and he would rather present this to the governing body, which is the Planning Commission. They would like to make the suggestions and have them as part of the record. We could enclose the ditch and would be willing to contribute to a weather protection for the children at the bus stop. We assume there is an adult with these children at the bus stop. We could provide an extended radius at the curb cut in the back, so it would be difficult for people to make a left hand turn onto Delaney from Taco Bell. They would only turn left into the site or right out of the site. There would also be a sign for no left turns. We are willing to do our best to work with the community and make it the best we can.

Mr. Grantner commented that getting in and out of this area is quite difficult whether it's Taco Bell or one of the other businesses.

Mrs. Walls said she wouldn't want Taco Bell to propose these concessions and then not follow through with them. The bus concerns should be addressed now because they will always be there.

The Manager said the items they propose could be part of the motion and it could be stipulated that they would have to comply prior to the opening of the restaurant.

Mr. Grantner suggested a gate be added to the back radius where the suppliers would be making their deliveries.

Mr. Bertram asked if the drive on Delaney could be made a one way only, going into Taco Bell.

A lengthy discussion continued regarding the driveway on Delaney Street and making the area safe for the children.

Mr. Beckett recommended the following concessions be a part of the motion:

1. Construct a 5-foot sidewalk
2. Bus Stop Enclosure on Delaney Street for the children
3. Filling in the ditch in the greenbelt area
4. North entrance on Delaney Street designated as a one-way
5. Place a Left Turn Only sign at the last parking spot

Mr. Bertram asked what the hours are for Taco Bell.

Mr. Beckett replied they are the same as now, 10:00 a.m. to 3:00 a.m. with the dining room closing at 11:00 p.m.

Moved by Bertram, seconded by Walls to approve Site Plan Review #03-34 contingent upon DPW recommendations and the following stipulations as agreed upon by Taco Bell:

1. Construct a 5-foot sidewalk
2. Bus Stop Enclosure on Delaney Street for the children
3. Filling in the ditch in the greenbelt area
4. North entrance on Delaney Street designated as a one-way
5. Place a Left Turn Only sign at the last parking spot, being #13

Motion carried 6-0.

E. ADMINISTRATIVE SITE PLAN REVIEW:

- |               |                                                            |
|---------------|------------------------------------------------------------|
| 1. SPR# 03-35 | BY: Laurie Tinnin<br>2340 Harmony<br>Burton, MI            |
|               | RE: 6009 Lapeer Rd.                                        |
|               | FOR: Campaign headquarters for<br>Laurie Tinnin for Mayor. |

Mr. Strasser clarified the location of the building as being the previous doctor's office on the corner. There were no concerns regarding Site Plan Review #03-35.

F: BOARD DISCUSSION:

Mr. Grantner noted that the Board Members should have received the update regarding the finalization of the Ordinance text. This won't be discussed this evening, but we can have this put on the next agenda under board discussion. If anyone has any questions, please feel free to contact Tom Strasser or Jerry Grantner so the discussion at the next meeting will move along smoothly.

Mr. Bement said after reading the information, we would then make a recommendation to the City Council for the zoning ordinance text to be changed. Is that correct? Also, who makes the presentation to the Council?

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Mr. Strasser commented that after getting a concurrence from the Planning Commission on the revisions, we could then initiate a zoning case and take it to City Council. In respect to changes in the zoning ordinance, if they have any comments or wish to make any changes whatsoever, that is their opportunity to do so at that time. Mr. Strasser said he has the notes from the various discussions and would be available to meet with Mr. Bement if he so desired.

Mr. Young asked if once this goes to the City Council, would the Council then refer it to the Legislative Committee or would they take action at that time? He also asked if the decisions made by this body were final or could they be appealed. Who should receive the appeal should one be made?

Mr. Strasser replied the City Council has the option to take action on the document or refer it to the Legislative Committee. The decisions made by this body are final as long as they are not zoning cases. An appeal to the City Council may be filed as long as the appeal is done within a seven (7) day period of the Planning Commission's decision, by any interested party. Mr. Strasser said the appeal should be submitted to the City Clerk

The next regularly scheduled meeting will be held on Tuesday, August 12, 2003, at 6:00 P.M.

Meeting Adjourned at 7:13 P.M.

Cheryl M. Ladd, CMC  
Deputy City Clerk

CML