

CITY OF BURTON  
REGULAR PLANNING COMMISSION MEETING MINUTES  
AUGUST 14, 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, Mayor Smiley, Walls, White, and Young.

MEMBERS ABSENT: Hohloch and Perez.

OTHERS PRESENT: J. Rosum, DPW C.E. Tech and C. Ladd, Deputy City Clerk.

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

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

B. SCHEDULE PUBLIC HEARING(S) FOR SEPTEMBER 11, 2001 AT 6:00 P.M.:

1. LS #01-60

BY: Bradley R. Willingham  
5174 Lippincott Blvd.  
Burton, MI 48519

RE: Parcel #59-23-100-007  
Section 23  
Zoned R-1A

FOR: Residential Use.

2. ZC #265

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

RE: 2026 Covert Rd.  
Lot 73, except the East 201 feet  
Hammond Homesites No. 2  
Section 3  
Zoned R-1B to C-2

FOR: Offices and Parking

Moved by Young, seconded by Walls to schedule Lot Split #01-60 and Zoning Case #265 for public hearings to be held on September 11, 2001 at 6:00 P.M. Motion carried 5-0.

C. PUBLIC HEARING(S):

1. LS #01-50

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

RE: Parcel #59-35-400-039  
Section 35

FOR: Residential Use.

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James Delano, 5349 E. Maple Ave., stated he is requesting the lot split to have two additional parcels for residential use at sometime in the future.

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

Mr. Rosum from DPW, said all zoning ordinance requirements have been met and the sewer leads would have to be paid for by the owner, not the City.

Moved by Bertram, seconded by Young to approve Lot Split #01-50, contingent upon DPW recommendations. Motion carried 6-0.

2. LS #01-51

BY: Charles D. Marshall  
3057 Eugene St.  
Burton, MI 48519

RE: Lot 16 of Lots 5 & 6 Thomas Replat  
Parcel #59-25-527-016  
Section 25

FOR: Residential Use.

Charles Marshall, 3057 Eugene St., said he is requesting a lot split for residential use.

Audience Participation:

Gene Hansel, 3092 Eugene St., asked if the lot being split is to the north or south. He also asked if the lot is vacant.

Mr. Marshall replied it is south of Atherton Road on the east side of Eugene Street. Mr. Marshall said it is not a vacant lot. The land runs through from Eugene St. to Vineland and he is splitting off the back part that fronts on Vineland Street.

Mr. Rosum said the requirements comply with the zoning ordinance and the sewer leads would be the owner's responsibility, not the City's.

Mayor Smiley reiterated that the sewer leads had to be paid by the landowner, that the City would not be responsible.

Moved by Walls, seconded by White to approve Lot Split #01-51 contingent upon DPW recommendations. Motion carried 7-0.

#### D. AUDIENCE PARTICIPATION:

Dr. Mark Englemann, 3364 S. Center Rd., said he and Dr. Vergos plan to build an office building across the street from their present location.

Mayor Smiley said he met with Dr. Englemann regarding this proposal and they would like to have a special meeting in the near future. He said he asked the Doctor to bring the proposal before you for a preview of what they are requesting.

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Dr. Englemann presented a sketch of his proposal and noted that they had purchased parts of the Bigsby property. He has contacted several other professionals in regards to them relocating to this professional park. Each office would be individual and they would like to get approval as soon as possible so they may break ground in the near future.

Mr. Grantner asked if this proposal has been scheduled for a special meeting.

Mr. Rosum replied no, not to his knowledge.

Mr. Grantner informed Dr. Englemann that he should contact the DPW as soon as possible so that proper notification could be sent out to the surrounding area.

Mayor Smiley said the City needs about two weeks to get the notices out, but there may be problems getting the necessary permits at the County level.

Moved by Walls, seconded by Bertram to set a special meeting on Tuesday, August 28, 2001 at 6:00 P.M. for the purpose of hearing the proposal for Center Road Eye Care, Dr. Mark Englemann and Dr. Peter Vergos.  
Motion carried 7-0.

E. SPECIAL USE PERMIT:

1. BCPC #01-62

BY: Linda Nunn (Authorized Agent for K-Mart)  
1807 S. Indian River Dr.  
Ft. Pierce, FL 34950

RE: 1145 N. Belsay Rd.  
Parcel #59-11-400-002  
Zoned M-1

FOR: Service Station

Mr. Grantner explained that Ms. Nunn should state the reasons why she is requesting the service station and then if this were approved, they would proceed to the site plan review. If the request were denied, then there would be no reason to proceed any further.

Linda Nunn, 1807 S. Indian River Dr., Ft. Pierce FL 34950, said she is representing K-Mart. The request is for a 1,680 square foot convenience store with canopy and six fuel pumps. The unit would be located in the K-Mart parcel within the existing parking lot. There would be no type of subdivision required and the business would be operated by K-Mart. Another company would not be involved in running the business. Diesel fuel would not be offered. Ms. Nunn justified the request by stating there are three service stations, which service the northbound traffic, and only one service station on the southbound side. It seems there is significant traffic utilizing the Shell Station but there is adequate traffic to serve another unit on the southbound lanes. She commented that a service station was approved on Belsay and Davison Roads on the southbound side, but hasn't been constructed. We would like to fill this slot, but relocate in front of the K-Mart store.

Audience Participation:

Audrey Coleman, 1621 Newcombe, Flint, MI, noted that she owns a business on Davison Road in Burton and is in the process of building a home on Egleston in Burton. The Belsay Road is the main way she travels and she thinks it is congested enough, especially in front of K-Mart where it goes from five lanes down to four lanes of traffic.

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Mrs. Coleman said if this station is allowed and the gas prices were cut below other gas stations, there would be lines down Belsay Road and make the traffic even more congested.

Jim Krueger, 9359 Lockmore Dr., representing Davison Oil, said they operate the Shell Stations. He presented information in regards to how K-Mart is running their business on I-75 and Joslyn Road, south of Flint. They have been selling gas at 15 to 20 cents below cost, causing a traffic problem. If this were approved, the Speedway Station, Marathon Station, Meijer and several others would try to match their prices, which would devastate the other businesses. Mr. Krueger said there are several single mothers trying to support their families and they wouldn't have a job. The stations currently there would probably have to leave. He said he thinks their intent is to drive everyone else out of business and then they can charge whatever they would like. It would be a short-term solution to the higher gas prices. People would be coming from all over to buy gas. We would like to see this proposal denied.

Kim Blanchard, 1138 N. Belsay Rd., Burton, representing RPF Oil Amoco, commented that the closest K-Mart with gasoline service is at I-75 and Joslyn Rd., about 30 miles south of Flint. Mr. Blanchard presented pictures of the site, which indicated the stacking of vehicles all the way around the building. He also noted that this particular K-Mart is two to three times the size of the one on Belsay Road, which gives them more room to maneuver than at the Belsay Road location. If K-Mart applies for a special use permit, how long before Wal-Mart would apply and eventually drive all the small businesses out of the market. He said they want an equal and fair playing field and don't object to competition.

John Fleckenstein, 2950 Eastways Rd., explained that the police had to block off the traffic from Joslyn Road and snake the cars up the boulevard and also stored them in the back. They had about 1,000 feet out to Joslyn Road. He said the Belsay Road site is not designed for a pad site and with the addition of this large station, it would take up part of the parking and infringe upon the original site plan when K-Mart was built, which was required to have that much parking. Mr. Fleckenstein questioned whether Kessel's had been consulted about this request. He said he thinks there isn't adequate room to build such a service station.

William Kalanquin, 1198 Carlson Dr., Burton, commented that he thinks this proposal would be good for the City and would bring in extra tax dollars. He thinks the purpose of the Planning Commission is to look five to ten years down the road and try to get new businesses into Burton. Mr. Kalanquin didn't think this proposal would put anyone else out of business and would help the growth of the City.

Marie Larson, 1138 N. Belsay Rd., said she is representing Amoco and has been at this location for three years. Behind the Amoco is a high school, which adds to the morning and early afternoon traffic congestion. Since January there have been 20 vehicle accidents on that corner. She said competition is wonderful, but the student's safety should be considered first.

Mr. Rosum said the DPW position on this request is to stand behind whatever the Planning Commission recommends as long as they can comply with the parking and changes in the landscaping plans.

Ms. Nunn gave her rebuttal stating the Belsay Road site is not like the Joslyn Road unit. She said the low prices are initially run to make people aware of their presence and it is not a long-term policy. She said from the comments made, there is talk about competition and congestion. She said the proposal would not create additional traffic, but service the traffic that now exists. The K-Mart parcel is more than adequate to comply with all of the necessary requirements and there are no issues with M-DOT and Kessel's. This proposal would bring in additional tax base for Burton and the competition would be good for the residents of the City of Burton. If K-Mart doesn't come in, someone else will, if not in Burton, then near by.

Mrs. Walls inquired about the need for the special use permit.

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Mr. Rosum said the property was not zoned C-3 as a highway oriented business.

Mr. Young stated he finds it difficult to support this proposal because Wal-Mart made a similar request about a year ago and they were denied.

Mr. Bertram commented that he agreed with Mr. Young, that there needs to be consistency regarding these types of requests.

Moved by Walls, seconded by Brawner to approve BCPC #01-62 for a service station. Roll Call Vote: Grantner, no; Mayor Smiley, no; White, no; Walls, no; Young, no; Bertram, no and Brawner, no. Motion denied 7-0.

F. SITE PLAN REVIEW(S):

1. SPR #01-63

BY: Linda Nunn (Authorized Agent for K-Mart)  
1807 S. Indian River Dr.  
Ft. Pierce, FL 34950

RE: 1145 N. Belsay Rd.  
Parcel #59-11-400-002  
Zoned M-1

FOR: Service Station

No action was needed as the special use permit was denied.

G. BOARD DISCUSSION:

Mr. Grantner said we need to set the meeting for a public hearing for the master plan. The earliest we would be able to set a date would be in September.

Mayor Smiley said he met with all of the Block Clubs and Mr. Young suggested that once the date is set, we contact the Block Clubs and inform them as to what is happening in their area. They may then choose to attend the meeting. We would like to have time to get the information to the Block Clubs prior to the meeting.

A brief discussion was held regarding the process of adopting the master plan.

Young moved and Bertram seconded the following motion:

1. Approve and authorize setting the date of September 25, 2001 at 6:00 P.M. at Burton City Hall, for a public hearing for the City of Burton Master Plan, with an alternative date of October 2, 2001 at 6:00 P.M. Motion carried 7-0.

The next regularly scheduled meeting will be held on Tuesday, September 11, 2001, at 6:00 P.M.

Meeting Adjourned at 6:47 P.M.

Cheryl M. Ladd, CMC  
Deputy City Clerk