

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
OCTOBER 13, 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, Brawner, Grantner, Berry, Mayor Smiley, , White, Perez and Walls.

MEMBERS ABSENT: None.

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

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

Moved by Howlett, seconded by Grantner to approve the Minutes of the Regular Meeting of September 8, 1998 at 6:00 P.M., as printed. Motion carried 9-0.

B. SCHEDULE PUBLIC HEARING(S) FOR NOVEMBER 10, 1998 AT 6:00 P.M.:

1. LS #98-60

BY: Tony Ives & Bridgett Ives
6412 Saddle Ct.
Burton, MI 48509

RE: Parcel #59-27-400-008
Section 27
R-1A Zoned

FOR: Residential Use.

2. ZC #241

BY: Greater Flint Mental Health Facilities, Inc.
Robert J. Reid, Chairman
307 E. Court St.
Flint, MI 48502

RE: Vacant land behind 4047 S. Center Rd.
Section 34
Zoned RM to C-2

FOR: Parking of Motor Vehicle Inventory

C. SCHEDULE FOR PUBLIC HEARING FOR NOVEMBER 12, 1998 AT 6:00 P.M. SR. CITIZENS CENTER:

1. ZC #240

BY: Samuel A. Ragnone
1019 Church Street
Flint, MI 48502

RE: Parcel 1, 2 and 3 located at the southwest corner of
Davison Road and Genesee Road, and change the
zoning district classification as follows:

Parcel 1: from M2 to RMH

Parcel 2: from M2 to C2

Parcel 3: from M2 to R1A

FOR: Commercial, Residential, Mobile Home Park.

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Moved by Howlett, seconded by Bertram to schedule Public Hearings for Lot Split #98-60 and Zoning Case #241 for November 10, 1998 at 6:00 P.M. and Zoning Case #240 for November 12, 1998 at 6:00 P.M. at the Burton Senior Citizens Center. Motion carried 9-0.

Mr. Strasser said Zoning Case #240 will be held at the Burton Senior Citizens Center on Grand Traverse on November 12, 1998 at 6:00 P.M. He explained the steps involved in processing the Zoning Cases to the audience.

D. PUBLIC HEARING(S):

1. LS #98-49

BY: Brandon Eister
8371 Parkside
Grand Blanc, MI 48439

RE: Parcels #59-35-400-025 & #59-35-400-027
Section 35
R-1A Zoned

FOR: Residential Use.

Mr. Eister said he has purchased parcel #59-35-400-025, which included a barn on it and the neighbor wanted to buy the barn from him. They made a trade for the back of his property on parcel #59-35-400-027.

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

Mr. Strasser noted that the property was rezoned from SE to R-1A. DPW has no problem with the request.

Moved by Howlett, seconded by Bertram to approve Lot Split #98-49, contingent upon DPW recommendations. Motion carried 9-0.

2. LS #98-52

BY: Citizens for Animal Rescue & Emergencies
P.O. Box 493
Flint, MI 48501

RE: Parcel #59-22-100-007
Section 22
R-O Zoned

FOR: Commercial Use.

Donna Thompson, President of C.A.R.E., 1255 Donaldson, Flint, MI, stated they own 18 acres and would like to split off part of the property. She said they have a verbal agreement on part of the property and would like to split it and list the remainder of the property for sale. The property with the home on it will be maintained and used for C.A.R.E.

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

Mr. Strasser said they would have road frontage and enlarge the existing commercial property.

Mrs. Walls asked what the future plans are for the property they are keeping behind them.

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Mrs. Thompson said they have long term and short term plans. It will be a base for the organization to operate from and will not be another shelter, as there are already two in the county. In back of the property, we plan to put up another structure with nature trails and nature walks.

Mrs. Walls asked if this property they are keeping would be tax free.

Mr. Strasser said he wasn't certain and would have to check with the Assessor. There was a case previous to this and it was turned down for this reason.

Mayor Smiley stated he spent time with Mr. Lowthian, Assessor, and was informed the property would not be tax exempt.

Moved by Howlett, seconded by Mayor Smiley to approve Lot Split #98-52, contingent upon DPW recommendations. Motion carried 8-1 with Walls voting no.

3. LS #98-56

BY: John Toth
2298 N. Belsay Rd.
Burton, MI 48509

RE: Parcel #59-01-100-022
Section 1
R-1A Zoned

FOR: Residential Use.

Mr. Toth said he is requesting of his property so his wife's aunt can build a home on it. He sent correspondence to the Board and his neighbors and he doesn't think it will interfere with his neighborhood. He said he spoke with his neighbors personally, and they signed a petition with no objections to the lot split. All issues that were of any concern have been addressed.

Audience Participation:

Pauline Dargel, 6119 Hugh, inquired about the request for the rezoning being less than what the ordinance requirement calls for.

Mr. Strasser said the Zoning Board of Appeals granted a variance and the gentleman has to put in the sewer lead and there will be two front yards that fit the zoning criteria. DPW recommends approval for the request.

Moved by Howlett, seconded by Bertram to approve Lot Split #98-56, contingent upon DPW recommendations. Motion carried 9-0.

4. LS #98-57

BY: Robert W. Moss
894 Davock Lane
Bellaire, MI 49615

RE: Parcel #59-03-400-004
Section 3
C-2 Zoned

4. LS #98-57

FOR: Commercial Use.

Mr. Moss explained that it was his Dad's property but was sold to someone else. The other party had no interest in the property. He didn't know they had to go before the Board for a property split. This is why we are making the request after the fact, to split the property.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked what the size of the property after the lot split. She was advised 140x219.6'.

Mr. Strasser stated the split meets all zoning requirements and DPW has no problem with approval of the split.

Moved by Howlett, seconded by Grantner to approve Lot Split #98-57, contingent upon DPW recommendations. Motion carried 9-0.

5. ZC #239

BY: Citizens for Animal Rescue & Emergencies
Donna Thompson, President
1255 Donaldson
Flint, MI

RE: C.A.R.E.
2105 S. Center Rd.
Parcels #59-22-100-007 & #59-22-100-030
Section 22
Zoned R-O & R-1A

FOR: Commercial Use.

Donna Thompson, 1255 Donaldson, Flint, MI, said she would like to have Jan Coburn, Vice President, address this request.

Jan Coburn, 1164 Leisure Dr., Flint, MI 48507, explained they would like to list the entire property as commercial, as well as the property they will be selling. She said it is her understanding that it would be better to have the property zoned commercial.

Mr. Berry asked if the commercial use would be under C-1 or C-2 zoning.

Mr. Strasser said he would like to hear more of their presentation before determining what zoning is needed.

Ms. Coburn explained that the present use would be a temporary situation with an apartment in the lower level for office space. They would like to build a pole barn and this would be located 500 feet from the road. Also, they plan to have an office, as well as a rescue center to house the animals on a temporary bases. An educational center would be built for children to learn. There also may be flight cages. When it comes time to release the animals, the release will be as close to the area as they were found.

Richard Austin, City Attorney, addressed the issue of zoning not being intended for one specific use. The City would be doing a disservice if we didn't try to peg the proper zoning classification for that property. It's important that we determine, at this point, what the use will be. He asked if in the pole barn building, would people from the

public come in for educational purposes? He was advised no. Mr. Austin asked about the rescue area being used for a temporary clinic for animals, and about the temporary office space.

Ms. Coburn said the temporary office would be used for about another 1½ years.

Mr. Austin asked if the office area would generate people coming into the building and if it would be a fund raising center. He asked if there would also be educational classes held in the pole barn.

Ms. Coburn said there will be very limited general public. A portion of the building will have to be up to agricultural code and will be used for short term rehabilitation. Ms. Coburn said there would be no classes held in the pole barn.

Mr. Brawner asked how large the barn would be.

Ms. Coburn said she isn't certain of the size at this time, but it will not be huge.

Mr. Bertram asked how they proposed to fund the project. He also inquired about the hours of operation.

Ms. Coburn explained they have always been funded by private donations. She said this will not be a 24 hour a day operation.

Mr. Perez asked if they would be taking down the existing structure when the new structure is built.

Ms. Coburn said the second floor of the structure is presently rented out.

Audience Participation:

Pauline Dargel, 6119 Hugh, said she thinks the zoning in the surrounding area should be kept in mind when making a decision. The present zoning is C-2.

Bob Keeley, Keeley Realty, said the deal was closed on this property about one year ago. The parcel can be accessed front from back and back from front, but it cannot be built on. The parcel is owned by Consumer Energy.

Mr. Austin noted that Mr. Strasser is under the impression that the development would be different than what was presented this evening. The existing RO Zoning on the front 1100 feet easterly, seems to us to be the most appropriate use. There are several zoning classifications that could be considered. The owners have the right to request rezoning, but from the what was presented tonight, the existing zoning classifications are appropriate.

Donna Thompson said this site will be similar to For-Mar, but they don't keep the animals on the property and we do.

Discussion was held concerning C-2 zoning.

Mr. Keeley stated he owns property in the middle of that parcel and he doesn't want to be spot zoned.

Mr. Perez suggested leaving it at the present zoning classification and when they decide to put up the pole barn and offices and come in for their site plan review, we can rezone at that time.

Ms. Coburn said they would like to know the status of the zoning so they can move ahead with their plans.

Mayor Smiley said he there is a possibility some of the property around Consumer Energy, will be used as part of the Parks and Recreation plan. He asked if this would offend the C.A.R.E. organization if a park were to go in that area.

Ms. Coburn said not at all.

Mayor Smiley said he spoke against this request a year ago and was against the proposal. Based on the City Assessor's recommendation, he sees no reason, from a tax standpoint, why we shouldn't approve the rezoning as requested.

Mrs. Walls asked if the taxes were to be paid at the same rate as other commercial property. She was advised yes.

Moved by Mayor Smiley, seconded by Brawner to recommend approval of Zoning Case #239 for C-2 Zoning, contingent upon DPW recommendations. Roll Call Vote: Berry, yes; Mayor Smiley, yes; White, yes; Perez, no; Walls, no; Howlett, yes; Bertram, no; Brawner, yes; Grantner, no. Motion carried 5-4.

E. AUDIENCE PARTICIPATION:

Donna Glann, 1475 Ives Ave., spoke against the rezoning of the property at Genesee and Davison Roads. Her concerns included the overcrowding of Kearsley School and the quality of education. Also, she asked about a traffic study being done in that area because of the congestion during peak hours.

Ed Levine, 4396 Underhill, Kearsley School, said the school district receives \$5,688.85 per student. That money is for immediate necessities. We have 2 mils for building and site and another 1.3 mils was added this past year. He said several of the district's schools are in need of repair. If the mobile home park goes in at the corner of Davison and Genesee Roads, the school will receive \$0 from the park and \$0 will come back from Lansing. The voters of the community will not support bond issues and the Kearsley District is adamantly opposed to the mobile home park at this site.

Pauline Dargel, 6119 Hugh, spoke regarding the SEV for manufactured homes built on a single site versus that of a mobile home park. She inquired about the amount of industrial zoning that is left in the City and if property north of Fire Station #3 would be of use to the City.

Jeff Morgan, Superintendent of Kearsley Schools, 4396 Underhill Dr., said they have developed a quality school system. They have a \$24 Million budget, of which 85% is for salary and benefits and are just barely keeping our heads above water financially. There are 6 mobile home parks in our school district and if another one goes in, we think a new school will be needed. Last year we had 268 new students just from mobile home parks. On November 12th, you will be considering another mobile home park for our school district and at that meeting, there will be a number of people attending, who care about quality education for the children already in that district. We are against any further development of mobile home parks in our school district.

F. SITE PLAN REVIEWS:

1. SPR #98-59

BY: Max L. Nelson
3205 E. Bristol Rd.
Burton, MI 48529

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There was no one present to represent the Grand Blanc Moose Lodge #2344.

Mr. Strasser said he mailed the notices and spoke with the representative, but doesn't know where he is tonight.

Moved by Bertram, seconded by Grantner to postpone Site Plan Review #98-50 until the next regular meeting of November 10, 1998 at 6:00 P.M. Motion carried 9-0.

2. SPR #98-58

BY: Jim Gehrke
2525 Tittabawassee
Saginaw, MI 48604

RE: Buddy's Carpet
4035 E. Court St.
Part of Lot 7 Supervisor's Plat #39
Section 10, C-2 Zoned

FOR: Change of Use.

Mr. Gehrke explained he wants to open a retail carpet store and has no problem with any of the DPW requirements.

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

Mr. Strasser said the building is presently occupied and was built a few years ago. It meets all ordinance requirements and is handicap accessible.

Mayor Smiley asked if he had a business in Saginaw at the present time. He was advised yes.

Moved by Howlett, seconded by Brawner to approve Site Plan Review #98-58, contingent upon DPW recommendations. Motion carried 9-0.

3. SPR #98-62

BY: Larry Noyce
5288 Kimberly Dr.
Grand Blanc, MI 48439

RE: Precision Ceramic Tile, Inc.
5100 Davison Rd.
Parcel #59-11-100-046
R-O Zoned

FOR: Addition of a storage building.

Michael Noyce, 5336 Dearing Dr., Flint, MI, said he was here to represent Larry Noyce and Precision Ceramic Tile, Inc. He said they have no problem with any of the DPW requirements. The building will be 36'x36' with vinyl siding.

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I. SPR #98-59

RE: Nelson & Son's Inc.
3205 E. Bristol Rd.
Lot 7 Follo Acres
Section 28, M-2 Zoned

FOR: New construction for a contractors office & warehouse.

Mr. Nelson stated he had no problem with the DPW requirements for his site plan.

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

Mr. Strasser said a few meetings ago, a variance was granted by the Zoning Board of Appeals for a 30' setback. This new site meets or exceeds what the zoning ordinance requires.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #98-59, contingent upon DPW recommendations. Motion carried 9-0.

G. ADMINISTRATIVE SITE PLAN REVIEWS POSTPONED FROM SEPTEMBER 8, 1998:

I. SPR #98-54

BY: Larry Cool
3497 N. Vassar Rd.
Burton, MI 48509

RE: American Building Co., Inc.
5479 Lapeer Rd.
E 30 ft. of Lot 13 and Lots 14 & 15 Cardinal Gardens.

FOR: Change of Use.

Mr. Cool was not present for his site plan.

Mr. Strasser said he hadn't heard from the applicant, but he was notified of the meeting.

Moved by Bertram, seconded by Grantner to postpone Site Plan Review #98-54 until the next regular meeting of November 10, 1998 at 6:00 P.M. Motion carried 9-0.

H. ADMINISTRATIVE SITE PLAN REVIEWS:

I. SPR #98-50

BY: Grand Blanc Moose Lodge #2344
4043 Howe Rd.
Grand Blanc, MI 48439

RE: Grand Blanc Moose Lodge #2344
4043 Howe Rd.
200 Ft. wide x 780 ft. deep building is
60 ft. wide x 60 ft. long.

FOR: Pavilion Addition.

Audience Participation:

Donna Glann, 1475 Ives Ave., stated that Precision has been a good neighbor and she has no complaints about the business. However, she has a concern regarding C-2 zoning should Precision Ceramic Tile, Inc., retire from this area. She doesn't want the property rezoned to C-2 and end up with a bar and grill on the corner. She has no problem with the addition of a storage building as long as it is placed under R-0 zoning.

Mr. Noyce said they have no intention of rezoning the property to C-2.

Mr. Strasser said the plans that were presented meet the ordinance and there is nothing out of the ordinary for this site plan.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #98-62, contingent upon DPW recommendations. Motion carried 9-0.

4. SPR #98-64

BY: Jamil S. Alam
6103 S. Edgeway Ct.
Grand Blanc, MI 48439

RE: Victor & Merck's Ice Cream & Espresso
G-3023/G-3021 S. Dort Hwy.
Lots 1-4 278-286 Chambers Sub.
Section 28, C-2 Zoned

FOR: Expand Deli for additional use.

Mr. Alam explained the business is located in the existing plaza on the corner of Dort and Atherton. They are asking to expand the Coffee Beanery and Ice Cream Parlor. All permits have been approved through the County Health Department.

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

Mr. Strasser said the expansion and all amenities are in place.

Moved by Bertram, seconded by Perez to approve Site Plan Review #98-64, contingent upon DPW recommendations. Motion carried 9-0.

G. BOARD DISCUSSION:

Keith Cheli, Rowe Engineering, Inc., 6211 Taylor Dr., Flint, MI, said he is here to give a brief update on the Master Plan. The Public Input Report is a summary of the comments received at the Town Meeting. He explained that at the third and final meeting on November 4th, the goals and policies would be presented but they are not written in stone. The public will still have input at future meetings.

Mr. Berry noted that if anyone is interested in attending the Seminars available, please contact the Clerk's Office.

Mr. Bertram addressed some issues regarding the route of the trucks from Laidlaw at Dort and Maple Rd. He also said they were to keep the trucks off Maple Road and it's difficult to know if the containers are loaded or not. He said it looks like a Dort Highway junk yard.

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Mayor Smiley said there are new owners of this business. If you see any of the trucks coming into the facility, they are generally loaded. This is a company we stay involved with and you can go in there any time and tour the facility.

Mr. Bertram said there were many promises made that they haven't lived up to. Another issue is the outside storage. We were told they wouldn't store any place other than on the cement. This is also not being done.

Mrs. Walls inquired about overnight storage. This should have been addressed in the original site plan.

Mayor Smiley said he strongly suggests Mr. Bertram visit the site and make documentation of any of the violations. The Fire Department is involved in materials that are hauled to and from the site.

The next regularly scheduled meeting will be held on November 10, 1998, at 6:00 P.M.

There will be a Master Plan Meeting held on Wednesday, November 4, 1998 at 6:00 P.M. at the Burton Senior Citizen's Center.

Meeting Adjourned at 7:55 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML