

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
DECEMBER 14, 1999, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Homer Berry, Chairman, at 6:00 P.M.

MEMBERS PRESENT: Berry, Bertram, Brawner, Grantner, Perez, Mayor Smiley, Walls and Young.

MEMBERS ABSENT: White

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 Grantner, Seconded by Bertram to approve and authorize the minutes of the Regular Meeting of November 9, 1999 at 6:00 P.M., as printed. Motion carried 8-0.

B. PUBLIC HEARINGS:

1. Vacating # P-99-020

BY: Spiro Christopher
3445 Markay Ct.
Cincinnati, OH 45248

RE: Beginning @ the North R.O.W. line of Allen St.
being 101 degrees west of Saginaw Street, North
to existing abandoned alley being 100 ft. + adjacent
to Lots 38-43 & 151 of Baker Park Sub.

FOR: Alley vacating.

There was no one present to represent the vacating.

Moved by Bertram, seconded by Grantner to postpone Vacating # P-99-020 until the end of the meeting. Motion carried 8-0.

2. LS #99-54

BY: Donald E. Hummel
8405 Noblet Rd.
Davison, MI 48423

RE: Parcel #59-34-200-011
Section 34
Zoned SE

FOR: Residential Use.

Mr. Hummel was present and said he wants to split the land into five 10-acre parcels. There are 6 ½ acres where the barn and house are.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked where the property is located. She was advised on the corner of Genesee and Bristol Roads.

Mr. Strasser said each lot on the split exceeds the ordinance requirements and there is sewer on each lot.

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Mr. Hummel said some of the lots might need sewer leads installed.

Mr. Strasser said any leads that would have to be installed, would be to be paid for by the land owner.

Moved by Bertram, seconded by Young to approve Lot Split #99-54, contingent upon DPW recommendations.
Motion carried 8-0.

3. LS #99-55

BY: Carrie L. Gale
(Joseph S. Richvalsky, Agent)
G-4387 S. Saginaw St.
Burton, MI 48529

RE: Parcel #59-30-300-004
SE corner of Carman and Camden
Section 30

FOR: Residential Use.

There was no one present to represent the Lot Split.

Moved by Bertram, seconded by Young to postpone Lot Split #99-55 until the end of the meeting. Motion carried 8-0.

C. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, asked about the status of the master plan update. She also asked about Item F on the agenda, whether the petitioner had to pay another fee when there is a lapse in time. The plan could be different than previously presented to the DPW. She inquired about the excavation work being done west of I-69 and Belsay Rd.

Mayor Smiley said he had nothing to report on the master plan.

Mr. Strasser said the DPW had no updates on the master plan at the present time either. He stated in reference to Site Plan Review #97-72, yes they would have to pay another fee. He said nothing has changed on the site plan at this time. Mr. Strasser said in reference to the excavation work, no permits have been taken out on the property.

D. SPECIAL USE PERMIT:

1. BCPC #99-62

BY: Top Shelf Realty, LLC
1295 S. Center Rd.
Burton, MI 48509

RE: 2229 S. Center Rd.
Burton, MI 48519
Parcel #59-22-100-013

FOR: Pro Style Auto Accessories, Minor Automotive
Repair, Car & Truck Accessory Installation.

Tim Seward said he is a member of Top Shelf Realty, LLC. He said they are planning a new construction of a building located at 2229 S. Center Rd. He said when the building is completed, they will be vacating their present location at Center and Lapeer Roads and plan to sell the property. With the new construction, we will be increasing the square footage from what we presently have.

Mr. Berry asked if the houses will be removed or torn down. He was advised yes.

Audience Participation:

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

Mr. Strasser said this is C-2 zoning and any auto work requires a special use permit and the work is on the light side. Any vehicles that are worked on at this facility will be done inside the building. They will be cutting in sunroofs, adding lights and roll bars. There will be no heavy transmission work or engine work. There are similar uses in the area, such as Precision Tune and car wash.

Mr. Bertram asked if there would be any engine or oil disposal.

Mr. Seward replied no, there would be mainly auto accessory work.

Mr. Brawner asked if they would be doing primarily the same thing they are doing at the present location.

Mr. Seward said yes, but the toppers would be added.

Mr. Berry noted that this business will be on the ZBA agenda Thursday, for an outdoor display for toppers.

Mr. Seward said the toppers are being done now, but they presently don't have an outdoor display.

Mr. Bertram asked Mr. Seward if they would be carrying an inventory of toppers?

Mr. Seward replied yes.

Mr. Perez inquired about the facade of the building.

Mr. Seward said it would be a split faced block and about the same theme as the Precision Tune building.

Mayor Smiley asked if the Hemphill Road store would be closed.

Mr. Seward said that decision would be up to the owners, but he thinks they would like to keep their options open to go either way. The business has been in the City of Burton for 15 years.

Moved by Walls, seconded by Perez to approve BCPC #99-62 contingent upon DPW recommendations. Motion carried 8-0.

E. SITE PLAN REVIEWS:

1. SPR #99-61

BY: Top Shelf Realty, LLC
1295 S. Center Rd.
Burton, MI 48509

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1. SPR #99-61 (Continued)

RE: 2229 S. Center Rd.
Burton, MI 48519

Parcel #59-22-100-013

FOR: New Construction for an Auto Accessory Business

Mr. Seward explained that the facade will be done in two phases. The first phase will have six bays, with three on each side. The majority of the building will be glass and split face block, similar to Precision Tune. There will be an all glass front with drivet and it will be about 4,000 square feet. There may be about 900-sq. feet of showroom at the front and that's why we want to have an all front glass and the main entry. There are accessories there that can be looked at while the work is being done.

Mr. Berry asked if the set up so the customers would drive in to the back. He was advised yes.

Mr. Seward said the main facade is turned 90 degrees. The showroom will be all throughout the front area with three garage doors on this side and three matching garage doors on the other side.

Mr. Berry asked if the DPW requirements had been reviewed.

Mr. Seward replied yes. Our architect, David, resolved any of the issues addressed by the DPW and they are reflected on the updated plans. He questioned the number of parking spaces needed.

Mr. Strasser explained how the number of parking spaces are configured. A brief discussion ensued. Mr. Strasser said he figured parking for six bays.

The architect for Mr. Seward said he would meet with the DPW staff and work out the necessary number of parking spaces.

Audience Participation:

Bob Keeley, Keeley Realty, said the business is low impact and this business has been an asset to the community.

Pauline Dargel, 6119 Hugh, asked if the detention pond would feed into the Robinson Drain.

The architect replied no, it would go to the front. The County makes us detain the water on our site and we can only release it at a certain rate. We are going to pipe it out to the road.

Mr. Strasser said the DPW concerns have been addressed and we see this as being a nice addition to Center Road.

Moved by Young, seconded by Walls to approve Site Plan Review #99-61, contingent upon DPW recommendations.

Motion carried 8-0.

2. SPR #99-63

BY: Grainger Association, Inc.
307 E. Third St.
Flint, MI 48502

RE: Restaurant/Convenience Store/Car Wash
N. E. Corner of Court Street & Belsay Road
1138 N. Belsay Rd.
Part of Lots 10-13 & Outlot A Laurelhurst Acres

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2. SPR #99-63

FOR: New Construction for Amoco/Wendy's

John Kosta, 307 E. Third, said he is representing Grainger Association, Inc. He explained that the NE corner of Court and Belsay Road is currently vacant and they are proposing a combination fast food, gas station/convenience store and car wash on the site. The convenience and gas station is a brick base with a vineer building all the way around. There will be typical Wendy's signage and the car wash will be built to match the restaurant/convenience store with the same materials. Mr. Kosta said he reviewed the DPW recommendations. He came in and met with Tom Strasser and Neil Martz regarding the location of the driveway. We agreed to a different location than what is currently on the plans.

Mr. Strasser explained that the drive coming in off Court Street is an existing drive and it presents a bit of a traffic problem. It would be possible to end up with a stacking situation. They have agreed to move the driveway to the east 36 feet from where it is now and this will alleviate a potential traffic problem.

Gary Hurand said he is the owner of the property. He said they also made a modification to the landscape at the rear of the property. The original purchase agreement with the school calls for that to be fenced. The school superintendent has requested that we put trees and a fence with an opening, which we will be doing.

Audience Participation:

Pauline Dargel, 6119 Hugh, said Court Street is the access to the school. She said she is hoping the 16 feet is adequate. The concern is that you have added a 10 foot pathway on the south side which could be used for bicyclist or walking.

Mr. Strasser commented that this request must also go to the Zoning Board for variances. He gave a brief background review of the site. At one time the property was zoned C-2, then Mr. Hurand made a request to have the property rezoned to C-4 and the request was granted. In a C-4 zoning, on the side setback, there is a mandatory 20 foot setback required. If the property was zoned C-2 you could have up to zero. Parking is indicated on the plan for the north side of the site. The ZBA would have to grant a variance for that. On the south side of the site, where the car wash is indicated, that is in the front setback of Court Street and he would be requesting a variance to be 12 feet off the property. Also, due to the fact that this is a gas station and car wash and there is technically no mall on this site, as required by the ordinance, another variance would have to be approved by the zoning board. The DPW sees this proposal as a good viable project for the City.

Mr. Young asked if the east boundary line would have a berm and fencing. Also, he asked about having a sidewalk.

Mr. Hurand replied yes, there would be a berm and fencing. He said the sidewalk would be behind the basketball courts. It will be a walkway that connects to our site and will be tied in, in line with our sidewalk at our site.

Mr. Young asked what kind of products would be sold. He said he has concerns about tobacco products being sold, and this being so close to the high school and junior high school. He also asked about any signs and if the visibility of the Bentley School sign would be impaired. Another item of concern is contamination.

Mr. Hurand said the school superintendent requested and I've added to the lease restrictions against any adult or pornography in the magazines. Mr. Hurand said the business sign will meet the ordinance and the school sign should not be an issue. Mr. Hurand said concerning contamination, the site has been DEQ approved and has deed restrictions, meaning we can build in certain areas and we have to maintain the soil that we move around on the site. Everything is being designed with DEQ approval. We will monitor a couple areas on the site for as long as it takes.

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Mr. Young asked if Mr. Hurand has a liability for that contamination.

Mr. Hurand said he has a liability on any contamination created by him, forever. We will have insurance and a separation from the new tanks that go in the ground, which are much higher tech and much less chance of contamination.

Further discussion continued regarding the contamination.

Mr. Young questioned the sanitary sewer line being tied into the same line as the high school. He asked if the additional use of water from the car wash would have an impact on the lines.

Mr. Hurand questioned if there was another sanitary line they could tap into.

Mr. Strasser said not unless there are easements going down Belsay Road.

Discussion continued regarding the sanitary sewer line.

Mayor Smiley asked what type of fuel would be sold.

Mr. Hurand replied gasoline. Originally we were going to sell diesel, but have eliminated that from the site.

Moved by Grantner, seconded by Brawner to approve Site Plan Review #99-61 and monitor the sanitary sewer activity and keep the board informed of any action. Motion carried 8-0.

F. PREVIOUSLY APPROVED SITE PLAN REVIEW:

1. SPR #97-72

BY: Creekside Development, Inc.
44899 Center Court
Clinton Twp., MI 48038

RE: Creekside Development
Center & Atherton Rds.
Section 27
Parcel #59-27-100-004

FOR: Apartment Complex

Raj Khatri, Project Engineer, 4865 VanDyke, Shelby Township, MI 48317, said the developers are requesting a one year extension of the site plan approval. He said they are in the process of preparing engineering design drawings. A DEQ permit is being finalized and consumer energy is preparing an easement for utility and road crossings. They hope to come before the board in the Spring for the design process. There is no change to the existing site plan, but if there are any, they will be brought before the board.

Mr. Strasser said DPW see no reason to not approve the one year extension on the site plan.

Moved by Perez seconded by Young to approve Site Plan Review #97-72 for a one year extension, contingent upon DPW recommendations. Motion carried 8-0.

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B. PUBLIC HEARINGS:

1. Vacating # P-99-020

BY: Spiro Christopher

3445 Markay Ct.
Cincinnati, OH 45248

RE: Beginning @ the North R.O.W. line of Allen St.
being 101 degrees west of Saginaw Street, North
to existing abandoned alley being 100 ft. + adjacent
to Lots 38-43 & 151 of Baker Park Sub.

FOR: Alley vacating.

There was no one present to represent the vacating request.

Moved by Bertram, seconded by Young to postpone Vacating # P-99-020 until the next regular meeting of January 11, 2000. Motion carried 8-0.

3. LS #99-55

BY: Carrie L. Gale
(Joseph S. Richvalsky, Agent)
G-4387 S. Saginaw St.
Burton, MI 48529

RE: Parcel #59-30-300-004
SE corner of Carman and Camden
Section 30

FOR: Residential Use.

Mr. Perez asked Mr. Strasser if he had heard from Mr. Richvalsky.

Mr. Strasser replied that he hadn't spoken to him recently, but he was made aware of tonight's meeting.

Moved by Young, seconded by Brawner to postpone Lot Split #99-55 until the next regular meeting of January 11, 2000. Motion carried 8-0.

BOARD DISCUSSION:

Mr. Berry asked that anyone wishing to attend the Planning and Zoning Seminar on Tuesday, January 18, 2000, at the Holiday Inn in Lansing, please contact the Clerk's Office.

Mayor Smiley informed the Board that the City Council is currently discussing the possibility of adopting new rules regarding public participation at meetings. He said if the Planning Commission is interested in making any changes concerning this issue, you might want to consider doing so in the near future. He also informed them that his administration is no longer answering questions from the audience on the spot, but will report back at the next regular meeting of the Council. By doing so, it stops the debate between the audience and administration and it is a more professional way of handling concerns.

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Mr. Young suggested that once the City Council adopts their new policy, possibly they could be sent to the Planning Commission for review. He thinks they should wait, however, until the new policy is adopted by Council.

Mayor Smiley wished everyone a Happy Holiday.

The next regularly scheduled meeting will be held on January 11, 2000, at 6:00 P.M.

Meeting Adjourned at 7:00 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML