

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
FEBRUARY 11, 1992, 7:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Homer Berry, Chairman at 7:00 P.M.

MEMBERS PRESENT: H. Berry; S. Millard; M. White; G. Grantner; T. Hammon;
B. Howlett; L. Bertram and J. Merrell.

MEMBERS ABSENT: Mayor Charles H. Smiley.

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

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

Approve and authorize the Regular Meeting of January 14, 1992 at 7:00 P.M.,
as printed. Motion carried 7-0.

B. SCHEDULED FIRST PUBLIC HEARINGS FOR MARCH 10, 1992 AT 7:00 P.M.

1. Z.C. #193

BY: Roger Engstrom
600 Maple Leaf Road
Lapeer, MI 48446

RE: All of Lots 31 & 32 of
Cardinal Gardens, except
the east 250' thereof.
West of 1184 S. Belsay.
Section 14.

FOR: Change zoning district
from R-0 & C-2 to M-1.

2. L.S. #92-8

BY: Dr. Donald Bosker
1198 N. Belsay Road
Burton, MI 48509

RE: Lots 5, 6, 7 of
Laurelhurst Acres.
1198 N. Belsay Road.
Section 13.
C-2 Zoned.

FOR: Office Development

3. LS #92-11

BY: William Dover
2257 N. Vassar Road
Burton, MI 48509

RE: Lot 39 of Supervisor's Plat of
Davison Acres.
Section 1, R-1A Zoned

FOR: Residential Development Use.

Moved by Howlett, supported by White to schedule Zoning Case #192, Lot Splits
#92-8 and #92-11 for First Public Hearing for March 10, 1992 at 7:00 P.M.
Motion carried 7-0.

C. FIRST PUBLIC HEARINGS:

1. LS #91-64

BY: Russ Caldwell
6252 W. Mt Morris Rd.
Mt. Morris, MI 48458

RE: Lot 64 Garden Acres
Subdivision
Section 13, R-1B Zoned

FOR: Residential Use.

Mr. Caldwell said he would like to split a lot into two lots to be for a residential building in the future. He would like them on two separate tax rolls.

Audience Participation:

Cecilia Caldwell, 6230 Mercury Ave., said she was having financial difficulty and signed the property over to her brother, Russ Caldwell. She said she is to receive the property back from Mr. Caldwell and doesn't want the lot split.

Cecil Caldwell, 6230 Mercury Ave., said the property was put in Russ Caldwell's name until Cecilia could get on her feet, financially. Now the property is to be put in her name again.

Mrs. Howlett asked Mr. Caldwell, who actually owns the property in question?

Mr. Russ Caldwell said the property is in his name. He has has the property surveyed and made the application to get the lot split. He said he will keep Lot B and his sister will have Lot A.

Bruce Caldwell, 6230 Mercury Ave., said after his parents passed away, the land was to go back to his sister.

Mrs. Howlett again asked who the title holder is. Mr. Russ Caldwell said he was the owner.

Mr. Major stated that Russ Caldwell filled out the application for lot split as the owner of the property.

Mrs. Howlett said possibly this should be postponed until the next meeting.

Moved by Howlett, supported by Bertram to postpone Lot Split #91-64 until the next meeting of March 10, 1992. Motion carried 8-0.

2. ZC #192

BY: Burton City Panning Commission
4303 S. Center Road.
Burton, MI 48519

RE: West side of Dort Hwy., Judd
Road South to Maple Road.
Q-356, 356-1, 356-3, 356-3A,
356-4, 356-6, located at 4396,
4420, 4462, S. Dort 4480, 4476
Section 32.

FOR: Change zoning district from
C-2 to M-1.

Mr. Major said the existing used car lot and Southmoor Golf Course are not included in this Zoning Case.

Audience Participation:

Richard Wurtz, Attorney at Law, 702 Church Street, said he is representing Mr. John Drudi, to be sure that his property is not included in the rezoning. Mr. Drudi objects to this rezoning as there is no advantage to Mr. Drudi's property in changing the zoning from commercial to industrial.

Mr. Bertram asked why this is being changed from C-2 to M-1.

Mr. Strasser said the property now has existing industrial uses even though it is zoned commercial. Because of the industrial nature of the businesses, they have had to go before the Zoning Board of Appeals and Planning Commission for special approvals.

Mr. Berry said the mobile home lot has been in existence since the early '40's and had to come before one of the boards, that is the reason this rezoning request came about.

Mrs. Howlett asked Mr. Wurtz if Mr. Drudi was planning on expanding the golf course. Mr. Wurtz replied that Mr. Drudi has discussed the possibilities of condominiums along the golf course, but nothing has ever developed to date. Mr. Drudi spoke with both Mr. Deluca and Dr. Merrithew regarding this zoning case and they both indicated they would be at the meeting.

Mr. Major said the veterinary property needed M-1 zoning because of the Kennels. It is difficult to strongly recommend one zoning more than another.

Moved by Howlett, supported by Hammon to recommend approval of Zoning Case #192 contingent upon DPW recommendations and that Southmoor Golf Course not be included in the rezoning. Motion carried 6-2 with Bertram and Millard voting no.

3. ZC #194

BY: Joseph Caon
5103 E. Atherton
Burton, MI 48519

RE: Lots 125, 126 and 127, 156,
157 & 158 Holland Heights
Section 29, R-1C Zoned

FOR: Rezoning to M-2 for
Industrial Expansion.

Neil Martz, 9200 S. Saginaw Street, Grand Blanc, MI, said he is representing Mr. Joseph Caon. Mr. Caon has property on the NE corner of Iron St. and the latest expansion of the parcel was two (2) years ago. During the Master Plan modification the zoning was changed from industrial to residential. This site is not a residential site.

Audience Participation:

Larry Brown, 3216 Berent St., stated this is the fifth legislative body that he has voiced his displeasure at regarding this issue. The residents in this area do not want this property rezoned. There are many problems with the traffic.

Mr. Brown said the trucks are continually shutting down Berent and Kleinpell Streets for deliveries to the businesses. He said they need to have some sort of control of their neighborhood and they do not want the noise, traffic and blight. Flint Riggers is nothing but a sand trap. Mr. Brown asked how many more times this rezoning issue can be brought before the Boards. He said petitions were presented at a previous meeting with 55 signatures against the rezoning.

Mr. Major said this could come before the Board as long as the applicant is willing to pay the required fees.

Mrs. Howlett asked how far away from the property in question does Mr. Brown live. Mr. Brown said he is about 150 to 200 feet away. He lives closer to Kleinpell Street than Iron Street.

Tom Cheney, 3193 Berent St., said he lives about 30 feet away from the property and is against the rezoning.

Wade Cheney, 3201 Berent St., said the resale value of the homes in this neighborhood would be lower if the property was rezoned. He is against the rezoning of the property.

Bonnie Cheney, 3193 Berent St., stated she is against the rezoning.

Mr. Berry said Brandon Rogers designed the master plan and he has recommended approval for the industrial zoning and the Genesee County Planning Commission has also recommended approval for the industrial zoning. We have a letter from Oak Ridge Builders who agree with the other recommendations.

Mr. Wade Cheney said Mr. Caon has gas tanks buried on Kleinpell Street next to his property. The oil drains into the floor drains and there have never been an commercial tankers come in to take away the waste.

Mr. Major said he would see that this is investigated and something would be done about the situation. He also said that the residents should be directing any complaints they have to the Police Department, as it is illegal for the 18-wheelers to be going down the local streets. Nothing can be done if there are no complaints on file.

Mr. Bertram asked if there couldn't be a compromise between the residents and the industrial businesses.

Mrs. Howlett said the Planning Commission is supposed to set the requirements when the business comes in for a site plan review.

Mr. Major said it is crucial for the Planning Commission to take the DPW requirements seriously even if they are sometimes quite stringent.

Moved by Howlett, supported by Bertram to recommend approval of Zoning Case #194 to the Burton City Council, contingent upon DPW recommendations.

Roll Call Vote: Howlett, yes; Bertram, yes; Millard, no; Grantner, yes; Berry, yes; White, yes; Merrell, no; Hammon, yes. Motion carried 6-2 with Millard and Merrell voting no.

D. AUDIENCE PARTICIPATION:

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

E. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #92-6

BY: Park Smith
352 S. Saginaw
Flint, MI 48502.

RE: 3509 South Dort
Q-314-C
Section 28, M-2 Zoned.

FOR: Reconstruction of site. Canopies,
New Tanks, New Parking Lot.

Mr. Strasser said the gas tanks were leaking and were dug up and replaced. They will be doing more paving on the site. The DPW recommends that the 10 foot strip between the North side of the parking lot and the East side of the building should be paved or bumper blocks used to stop the semi's from parking there.

Mr. Berry asked if there is a reason why the project is at a standstill.

Mr. Strasser said they have halted the work until there is a break in the weather.

Mr. Major said the owner would not be halting the work if it were not for a construction problem.

Moved by Howlett, supported by Millard to approve Site Plan Review #92-6, contingent upon DPW recommendations and the paving of the entire lot. Motion carried 8-0.

2. SPR #92-9

BY: John Proffer
4137 Fenton Rd.
Burton, MI 48529
Q-337-19,

RE: 4137 Fenton Rd.
Q-337-19
Section 31, C-2 Zoned.

FOR: Remodeling of Building,
Addition of Parking Lot
& Driveways.

Mr. Proffer said he plans to change the exterior and construct a parking area behind the building. The existing sign will be moved so it will be seen better.

Mr. Berry asked Mr. Proffer if he had any problems with the requirements from the DPW. Mr. Proffer replied he had none.

Moved by Howlett, supported by Bertram to approve Site Plan Review #92-9, contingent upon DPW recommendations. Motion carried 8-0.

F. BOARD DISCUSSION:

Mr. Major said the Genesee County Planning Commission is no longer reviewing our Zoning Cases.

Mr. Strasser said the County wants \$50.00 per hour to review the cases and there is no minimum amount of time for them to review. It could take three or more hours for one zoning case review. In some of the more complex cases, it could take up to a day or longer. We are asking that they review the more complicated cases and others the DPW will make the recommendations.

Mr. Major said they could advise the applicant there could be a review by the County Planning Commission at \$50.00 per hour and they will have to pay for these services.

Mr. Strasser said he could rework the Zoning Case application form to have this information included when the applicant filled out the form.

Mr. Major reviewed changes in the Schedule of Fees 1, 2 and 3. He said he would like to send this to Burton City Council for their review and possibly forward to the Finance or Legislative Committee. We have to do something to handle these reviews. The City's fee of \$250.00 is very reasonable compared to other areas charging as high as \$1,000.00 per zoning case.

Mr. Berry said the Planning Commission Members should review the information given by Mr. Major and Mr. Strasser and bring back to the next meeting for your recommendation.

The next regularly scheduled meeting will be held March 10, 1992 at 7:00 P.M.

Meeting Adjourned at 8:33 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk

CML