

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
FEBRUARY 11, 1997, 7:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Howlett, Bertram, Grantner, Berry, Mayor Smiley, While and Walls.

MEMBERS ABSENT: Perez and Merrell.

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

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

Moved by Howlett, seconded by Bertram to approve and authorize the minutes of the Regular Meeting of January 14, 1997 at 7:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE FOR PUBLIC HEARING ON MARCH 11, 1997 AT 6:00 P.M.:

1. ZC #223

BY: Betty & Mitchell Walker
1088 Adams Rd.
Burton, MI 48509

RE: 59-26-200-005
E 56 Rds of W 1156.62 ft. of W 1/2
of NE 1/4 except W 216 ft of N 605
ft also except E 276 ft of W 492 ft
of N 405 ft
Section 26
SE Zoned

FOR: Residential Development

Moved by Howlett, seconded by Grantner to schedule Zoning Case #223 for the meeting of March 11, 1997, at 6:00 P.M. Motion carried 7-0.

Mr. Berry asked if anyone had any objections in deviating from the agenda and moving Site Plan Review #97-7 to beginning of the agenda, as the applicants have to travel back to Ohio this evening. There were no objections.

Moved by Howlett, seconded by Bertram to bring Site Plan Review #97-7 as the first item on the agenda.

F. SITE PLAN REVIEWS:

1. SPR #97-7

BY: B.C. Great Lakes, L.L.C.
25357 Dequindre Rd.
Madison Heights, MI 48071

RE: Boston Market Restaurant
E. Court Street
59-10-300-006
C-4 Zoned

FOR: New Construction for a Restaurant

Jim Richardson, 10729 Waterfall Rd., Strongsville, OH, said, said he represents

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the owners of Courtyard and Courtland Mall. He introduced Mark Thomas, who is with the Boston Market.

Mark Thomas, 25357 Dequindre, Madison Heights, MI 48071, said he is the Michigan Director for Boston Market. He said he will be available for any questions anyone may have.

Gary Bartow, Engineer with Bartow & King, 2500 E. Midland Rd., Bay City, MI, presented drawings of what the restaurant would look like. They are planning to have the entrance into the restaurant from the main entrance of the Courtyard Mall. The only exit would be onto Court Street. There will be parking in the front and doublestacked on the side. There will be 46 parking spaces plus the handicapped. He explained that the Zoning Board of Appeals met prior to this meeting and they received approval for a front yard setback. The trash receptacle will be placed in the rear and they will have a drive-thru lane with sufficient stacking for the cars. All the utilities are on site and the proposed entrance will be curbed with a green belt area.

Audience Participation:

Larry Petrella, 1081 Howe Rd., asked questions concerning the following items: traffic flow; use of local labor force; proposed signs; use of outside PA system; hours of operation and proposed wages.

Mr. Bartow explained the sign that is being proposed and said there will be a sign on the front of the building for identification. Also, there will a traffic sign so people will know which way to get to the restaurant. There will be Physically Handicapped signs according to ADA regulations.

Mr. Thomas said the project will be bid to the local contractors who can do their type of projects. The restaurant will employ about 50 people on an on-going basis from the surrounding area. There will be a Manager, whose salary will run \$30,000-\$40,000 and two Assistant Managers. The hourly wage will be approximately \$6.00 plus merits. There will be full and part-time employees. The hours of operation are from 11 a.m. to 9 p.m. in Winter months and from 11:00 a.m. to 10:00 p.m. in Summer months. In regards to the P.A. system, there will a speaker by the menu board.

Mr. Strasser said the site plan meets all specifications of the ordinance, except the 5 foot setback on Commerce Parkway. This will be a welcomed addition to the City. Mr. Strasser asked what type of menu would be served.

Mr. Thomas replied this will be home-cooked quality meals, such as turkey with mashed potatoes and gravy, meatloaf, chicken and many side-dishes. With people living such busy lives, it is sometimes difficult to have time to cook and give children quality meals. This is the type of food we are planning to serve.

Mr. Berry asked if two handicapped parking spaces are sufficient. Mr. Strasser said yes.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #97-7, contingent upon DPW recommendations. Motion carried 7-0.

C. PUBLIC HEARING POSTPONED FROM JANUARY 14, 1997 AT 7:00 P.M.:

1. LS #96-79

BY: PRA Management
3549 S. Dort P.O. Box 7
Flint, MI 48507

PUBLIC HEARING POSTPONED FROM JANUARY 14, 1997 AT 7:00 P.M.:

1. LS #96-79

RE: Lots 29, 30, 31 & 32 of
Supervisor's Plat No. 25
Section 32
Zoned M-1

FOR: Industrial Use

Pam Elliott, 5333 Hopkins Rd., Flint, MI, said at the last meeting discussion was held concerning the distance between the two buildings in the setback. We are asking for a variance from the Zoning Board of Appeals and are asking to have the lot split approved contingent upon the ZBA approval.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked for Ms. Elliott to expand more about the lot split.

Ms. Elliott said the property is being sold to Mr. Downer of Century Mobile Homes and it will be used for mobile home display. PRA will own part of the lot and the other part will be owned by Mr. Downer.

Mr. Strasser said the last meeting was postponed because of the setback. They will go before the Zoning Board next Thursday, but the property line will be established by the lot split. DPW recommends approval.

Moved by Howlett, seconded by White to approve lot Split #96-79 contingent upon DPW recommendations and approval for the variance by the Zoning Board of Appeals. Motion carried 7-0.

D. PUBLIC HEARINGS:

1. LS #96-85

BY: Keely Realty, Inc.
2224 S. Center Rd.
Burton, MI 48519

RE: Lot 62 Supervisor's Plat
Section 21
C-2 Zoned

FOR: Commercial

Bob Keely, 2224 S. Center Rd., said he is requesting approval for Lot #62 at the corner of Byers and Center Road. If the lot is split, Mancino's Restaurant can pay their taxes direct to the City.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked if the property north of Lot 62 is zoned C-2 or C-4. She was advised it is zoned C-2.

Mr. Berry said the restaurant is on the C-2 zoned portion of the property.

Mr. Strasser said the DPW recommends approval of the lot split.

Moved by Howlett, seconded by Grantner to approve Lot Split #96-85, contingent upon DPW recommendations. Motion carried 7-0.

D. PUBLIC HEARINGS CONTINUED:

2. LS #96-88

BY: Kent and Pam Blaine
7114 Miller Rd.
Swartz Creek, MI 48473

RE: Lots 103 and 104 and N 1/2 of
Lot 105 Garden Acres Sub

FOR: Residential Use.

John Cunningham of Re-Max, 1117 S. Saginaw, Grand Blanc, said he represented Mr. Blaine. He is requesting approval for a lot split and everything is within the ordinance requirements.

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

Mr. Strasser said if this lot split is approved, an additional sewer lead would have to be tapped to service the property, at the owners expense.

Mr. Berry said the property is 80'x100' except the E 20 ft. of lot, that would not be included, correct. Mr. Strasser said no.

Mayor Smiley asked Mr. Cunningham if he understood and agreed with the sewer lead. Mr. Cunningham said he understood about the sewer lead.

Moved by Howlett, seconded by Grantner to approve Lot Split #96-88 contingent upon DPW recommendations and that an additional sewer lead be put in to service the property. Motion carried 7-0.

3. ZC #222

BY: Ralph Capan
4225 Miller Rd. #205
Flint, MI 48507

RE: 4157 Lippincott Blvd.
Section 15
Zoned RO change to M1

FOR: Mini Storage Facility

Ralph Capan, 5428 Country Hearth Lane, Grand Blanc, MI, said he would like to property rezoned to put in a mini storage facility. He is asking for the property to be rezoned from R-O to M-1. This will be located on Lippincott Blvd. east of Center Road next to the Consumer Power right-of-way. The buildings will be 330' wide x 1,036' long and it will be built in phases with a total of 20 buildings and 905 units when it is completed. There will be a retention pond for drainage. Mr. Capan said he visited 21 households on Springfield and Howe Roads to get in put from the residents. There were no objections from 11 households; two where the husband had no problems; one lady was ill; one person opposed, and five were not home. The one person against, did not want the site rezoned commercial. He explained that he spoke with four businesses and three had no problems with the rezoning. Mr. Capan said Will Hall Builders will maintain the aesthetics of the building. There will be a barbed wire fence around the property and it will have a green space.

Mr. Berry commented that the information packet the members received were very well done.

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Audience Participation:

Don Boone, owner of Dots Scientific, said he has some concerns regarding the units being maintained. Mr. Capan said they could work together to meet both of their needs.

Pauline Dargel, 6119 Hugh, asked if this business would be similar to that of what Belsay Lumber had been. She was advised there would be small units for storage purposes.

Larry Petrella, 1081 Howe Rd., asked how many houses about the property and if notices were sent to the home owners. Also, will the business be open 24 hrs. per day?

Mr. Strasser said there are no homes that about the property and yes, notices were sent out to the property owners.

Mr. Capan replied the business would be open from 9 a.m. to 6 p.m. with someone on duty during that time and there would be a keypad entry from 7 p.m. to 10 p.m.

Ken Krieger, 2018 Pierce St., CEO Auburn Counseling Association, said he has had this property for sale since 1989 and thinks this would be a good use for the property. Any of the professional business people that he had spoken with, does not want to build office buildings there because on both sides of the property, is commercial property. This is the first time they have been able to make a sale on this property since 1989.

Ron Resige, 1477 & 1489 Walli Strasser, said he represents Trialon, said he was here because they are concerned about what goes in on that property. Sometimes the storage units get run down and we don't want anything to detract from their business.

Mr. Boone said he disagrees that a professional office couldn't go on the property, as well as commercial.

Mr. Krieger said the building looks like a warehouse and most office buildings don't have a loading dock.

Mr. Berry asked what type of signage would be used. He also asked about the use of barbed wire on the top of the fence.

Mr. Capan said the sign will be built to meet the City's Ordinance. It is being built by Bill Carr Signs. Mr. Capan said the barbed wire is necessary for insurance purposes.

Mr. Strasser said copies of the zoning map and master plan are included in the Board's packets. The master plan calls for the zoning to remain RO. If the property is rezoned to M-1, it will be surrounded by R-O zoning to the east and west. In a zoning case, you zone property for a designated zoning, not a designated use. Once the property is zoned M-1, any M-1 use can be put on that property.

Mr. Boone said he objects to the barbed wire fence.

Mayor Smiley said he spoke with his staff regarding this property and listened to their concerns. He said he is concerned about M-1 zoning in this area when there is M-1 zoning in other areas of the City. He said he would be voting against the rezoning of this property.

Mrs. White asked if the barbed wire on the fence is a requirement of the City. Mr. Strasser replied no.

Mrs. Walls inquired about the tax base the City could expect if the property was rezoned. Mr. Strasser said this is based on the value of the structure, and it could be more or less, depending on what was put on the property.

Discussion continued regarding the use of the land.

Mr. Grantner said the proximity to the power lines would make usage of the property difficult.

Moved by Walls, seconded by Bertram to recommend denial of Zoning Case #222 to the Burton City Council. Motion failed 4-3 with a roll call vote: Howlett, no; Bertram, yes; Grantner, no; Berry, no; Mayor, yes; White, no and Walls, yes.

Moved by Howlett, seconded by Grantner to recommend approval of Zoning Case #222 to the Burton City Council. Motion carried 4-3 with a roll call vote: Howlett, yes; Bertram, no; Grantner, yes; Berry, yes; Mayor, no; White, yes and Walls, no. Motion carried 4-3, with Bertram, Mayor Smiley and Walls voting no.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6118 Hugh, asked about standards for residential foundations. She also spoke about the Mobile Home Act.

Mrs. Walls said she asked Mr. Martinbianco to convene a Legislative Meeting regarding the pitch on the roofs of the modular homes coming into Burton.

Mr. Bertram asked if mobile homes come under the master plan. Mr. Berry replied no.

Mayor Smiley said mobile home parks don't come under the master plan and putting one in doesn't fall under this body's jurisdiction. The City cannot discriminate between stick built homes and modular homes.

G. ADMINISTRATIVE SITE PLAN REVIEWS POSTPONED FROM JANUARY 14, 1997:

1. SPR #96-80

BY: Alrena Dale
1030 Carson Ct.

RE: Angels Galore
G-3336 S. Saginaw St.
Lot 23 Baker Park
Section 30, C-2 Zoned

FOR: Change of Use - Hobby Shop

There was no one present to represent this site plan. Mr. Strasser said he mailed a certified letter and spoke to the lady twice.

Moved by Grantner, seconded by Bertram to deny Site Plan Review #96-80. Motion carried 7-1 with Howlett voting no.

G. ADMINISTRATIVE SITE PLAN REVIEWS POSTPONED FROM JANUARY 14, 1997 CONTINUED:

2. SPR #96-86

BY: Louis Pulliam
7470 Fenton Rd., Apt. 5
Grand Blanc, MI 48439

RE: Adventures Guild House
3362 S. Saginaw St.
Lot 14 Baker Park
Section 30, C-2 Zoned

FOR: Change of Use - Hobby Shop

Louis Pulliam, 7470 Fenton Rd., Apt. 5, Grand Blanc, MI, said he wants to have a hobby shop in this building. This would be for card collectors. There is ample parking in the back of the building.

Mr. Strasser said nothing is required on the site. Everything is up to code.

Moved by Howlett, seconded by Bertram to approve Site Plan Review #96-86, contingent upon DPW recommendations. Motion carried 7-0.

3. SPR #96-87

BY: Dave Visser
2380 S. Center Rd.
Burton, MI 48519

RE: Scrub-A-Dub Car Wash
2380 S. Center Rd.
Lot 112 Supervisor's Plat

FOR: Addition

Dave Visser, 7073 Potter Rd., Davison, MI, apologized for missing the previous meeting. He said he would like to put up a temporary windshield on the back of the building to protect from the wind during the winter months. This will be stored on the property when not in use and will look like a garage without a back on it.

Mr. Strasser said this is a very well kept establishment and DPW has no problems with the request.

Moved by Bertram, seconded by Grantner to approve Site Plan Review #96-87 contingent upon DPW recommendations. Motion carried 7-0.

4. SPR #96-89

BY: Robert Fuller
2480 S. Center Rd.
Burton, MI 48519

RE: Mid-Michigan Bath
2480 S. Center Rd.
Lots 63, 64, 65 Supervisor's
Plat #12
Section 12, C-2 Zoned

FOR: Change of Use.

Mr. Fuller was present and said this would be a bath remodeling business with a showroom.

Mr. Strasser said the use fits the zoning and the building is well maintained. The parking is also okay.

Mr. Bertram said it looks very nice inside the building.

Moved by Howlett, seconded by Mayor Smiley to approve Site Plan Review #96-89 contingent upon DPW recommendations. Motion carried 7-0.

H. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #97-3

BY: Antcliff Aluminum
2417 E. Judd Rd.
Burton, MI 48529

RE: Antcliff Aluminum
2417 E. Judd Rd.
Lot 12 Industrial Sub #1
Section 32, M-1 Zoned

FOR: Addition

Terry Betz, 11077 Torrey Rd., Fenton, MI, said he is representing Antcliff Aluminum. They are asking for an addition to the building presently on the property. They have already submitted the plans and obtained a building permit for the property.

Mr. Berry asked if he had reviewed the DPW recommendations. Mr. Betz said no, then reviewed the list of recommendations.

Mr. Betz said they will fulfill all requests. He said the addition will have only one door with a 3 foot entrance.

Mr. Berry asked if there was a handicapped parking space in front of the building? Mr. Betz said yes.

Mr. Strasser said the site meets all DPW requirements and they recommend approval.

Moved by Howlett, seconded by Grantner to approve Site Plan Review #97-3, contingent upon DPW recommendations. Motion carried 7-0.

2. SPR #97-4

BY: Robert Sorensen
4349 S. Dort Hwy.
Burton, MI 48529

RE: Soroc Products, Inc.
4315 S. Dort Hwy.
Lot 10 Lacina Sub
Section 33, M-1 Zoned

FOR: Renovation of Existing Structure

There was no one present to represent the site plan review. Mr. Strasser said he hasn't heard anything from the applicant since they filled out the application. He mailed the requirements to the applicant.

Moved by Howlett, seconded by Bertram to postpone Site Plan Review #97-4 until the March 11th meeting at 6:00 P.M. and send letter informing the applicant of the meeting.

H. ADMINISTRATIVE SITE PLAN REVIEWS CONTINUED:

3. SPR #97-5

BY: Nu-Vest Assoc., B/D
Construction Services Co.
William J. Wiemer
P.O. Box 51876
Livonia, MI

RE: Conversion of Existing Bldg. to
AutoWorks
3147 Dort Hwy.
Lots 256 & 257 & Lots 329 thru 336
Chambers Subdivision
Section 28, C-2 Zoned

FOR: Change of Ownership

There was no one present to represent this site plan. Mr. Strasser said he has heard nothing from the applicant.

Moved by Howlett, seconded by Bertram to postpone Site Plan Review #97-5 until the March 11th meeting at 6:00 P.M. and send letter to applicant. Motion carried 7-0.

I. BOARD DISCUSSION:

Mayor Smiley said he and Mrs. Walls will not be at the March meeting.

The next regularly scheduled meeting will be held March 11, 1997 at 6:00 P.M.

Meeting Adjourned at 8:45 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML