

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
APRIL 9, 1996, 7:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Homer Berry, Chairman, at 7:15 P.M.

MEMBERS PRESENT: Mayor Smiley, H. Berry, L. Bertram, G. Grantner, B. Howlett, J. Merrell, A. Walls and M. White.

MEMBERS ABSENT: S. Perez.

OTHERS PRESENT: R. LaDuke, Building Supervisor; J. Major, DPW Director and C. Ladd, Deputy City Clerk.

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

Moved by Grantner, seconded by Howlett to approve and authorize the minutes of the Regular Meeting of March 12, 1996 at 7:00 P.M., as printed. Motion carried 8-0.

B. SCHEDULE PUBLIC HEARINGS FOR MAY 14, 1996 AT 7:00 P.M.:

1. ZC #217

BY: Rizzo Development
31511 Gratiot Ave.
Roseville, MI

RE: 59-35-100-024, 59-35-200-016,
59-35-300-014
Maple Road
Section 35
Zoned SE

FOR: Rezone from SE to R-1A
for Residential Development.

2. LS #96-29

BY: Franklin Williams
7133 Kessling St.
Davison, MI 48423

RE: Lot 13 Thomas Replat of
Lots 5 & 6
Section 25
R-1B Zoned

FOR: Residential Use.

Moved by Howlett, seconded by Grantner to schedule Zoning Case #217 and Lot Split #96-29 for public hearings to be held on May 14, 1996 at 7:00 P.M. Motion carried 8-0.

C. FIRST PUBLIC HEARING:

1. ZC #216

BY: Andre DeJournett
4410 S. Dort Hwy.
Burton, MI 48529

C. FIRST PUBLIC HEARING CONTINUED:

1. ZC #216

RE: 3179 S. Dort Hwy.
Lots 248, 249 & 347 thru 350 and
the south 30' of vacated Dell St.
Zoned C-2

FOR: Five (5) Unit Rental Center.

Mr. LaDuke said after reviewing this request, he doesn't think the building needs to be rezoned to C-4. The applicant is out of town and we would like to have this zoning case postponed until the next meeting.

Moved by Bertram, seconded by Grantner to postpone Zoning Case #216 until the next meeting of May 14, 1996. Motion carried 8-0.

D. PUBLIC HEARING:

1. LS #96-23

BY: Russ Ballmer
4145 E. Maple Rd.
Burton, MI 48519

RE: 59-34-300-028
Section 34
SE Zoned

FOR: Residential Use.

Mr. Ballmer said he was before the board previously for lot split approval and was told to come back to Planning Commission if he wants to build a house on the extra lot. He said he now would like to build on the lot.

Mr. Berry asked if there have been any changes in his request regarding a 20 foot driveway. Mr. Ballmer said no changes have occurred.

Mr. LaDuke said the lot split request has been reviewed and DPW has no problems with the request.

Moved by Howlett, seconded by Bertram to approve Lot Split #96-23 contingent upon DPW recommendations. Motion carried 8-0.

E. AUDIENCE PARTICIPATION: None.

F. RECONSIDERATION OF SITE PLAN REVIEW:

1. SPR #96-13

BY: Larry Noyce/Precision
Ceramic Tile, Inc.
5094 Davison Rd.
Burton, MI 48509

RE: Precision Ceramic Tile, Inc.
5094 Davison Rd.
59-11-100-093

FOR: Additional Storage Space.

Mike Noyce, 3286 Mills Acres, Flint, MI, spoke on behalf of Precision Ceramic Tile, Inc. He said the site plan is the same as the one that was approved on

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February 13th by this board. He is planning to erect a storage facility. He said he understands the resident's concerns about truck traffic off Ives. He will tear down the east side of the existing structure and will not take deliveries coming off Ives.

Audience Participation:

Russell Sherman, 1486 Ives, spoke concerning the trucks parking on Ives and drainage problems. He also presented a letter from Donna Gann, at 1475 Ives.

Frank Coffman, 1376 Ives, said his concern is the drainage and the truck traffic blocking the street while unloading.

Beverly Sherman, 1486 Ives, said she is also concerned about drainage and the safety of the children who live on Ives. She said the road is not built for truck traffic and there are signs posted that no trucks are allowed.

Pauline Dargel, 6119 Hugh, asked if there is a drawing of the proposed storage facility.

Mike Noyce said the drainage will not be a problem and he will not be filling in or raising the grade at all.

Mr. Berry asked about the run-off of the water from the roof. He also asked if the DPW requirements had been reviewed and was advised that Mr. Noyce has no problem with them.

Mr. LaDuke said he hasn't received a copy of the revised site plan. The lot is only 77 feet wide and the proposed building cannot be built on that size lot. Mr. Noyce will have to get ZBA approval if he moves the building in line with the existing building. Also, ZBA will have to address the outside storage issue. He said the DPW recommends installing a storm drain on site. The building would have to be 5 feet narrower with the existing site plan; and an occupancy permit probably wouldn't be issued until the problem with the traffic is resolved.

Further discussion continued concerning the traffic on Ives.

Mr. Noyce said he is willing to work with the residents and the City to continue to do business on that site.

Mr. Bertram asked what Phase I is and he was advised the new pole barn. Mr. Bertram said he is against having any trucks on Ives.

Mr. Grantner said he would like all of the issues addressed by the DPW prior to making a decision on this case.

Mrs. Howlett asked what phase 2 would be. Mr. Noyce replied he would be tearing down the building.

Mr. LaDuke suggested this site plan be postponed one month and give Mr. Noyce an opportunity to meet with the DPW staff and give him some guidance as to what the City needs from him and work something out, so this is not denied or approved for lack of information.

Moved by Howlett, seconded by Bertram to postpone Site Plan Review #96-13 until the May 14th meeting and have Mr. Noyce meet with the DPW staff to resolve any problems with the site plan. Motion carried 8-0.

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G. SITE PLAN REVIEW POSTPONED FROM FEBRUARY 13, 1996:

1. SPR #96-12

BY: LaGarda Security
2123 S. Center Rd.
Burton, MI 48519

RE: LaGarda Security
2123 S. Center Rd.
59-22-100-006

FOR: Change of Use.

Richard Yeager, 2230 S. Center Rd., said he is the owner of the building at 2123 S. Center Rd. LaGarda Security is the tenant. Mr. Yeager said he has been out of town for the past several months, but since coming back, has been in touch with Mr. Giesey, architect and Castle Bros. regarding the possibility of building a new building. He said he doesn't want to pave the existing area that might be torn down to build a new building.

Mr. Berry asked when the new building would be started. Mr. Yeager said as soon as all of the information could be gathered so he could make some decisions. He said two trains of crushed limestone has been hauled into the driveway.

Mrs. Howlett asked if the DPW recommendations had been read. Mr. Yeager said when he went over them with Mr. Strasser, the only item he seemed to have a problem with was the paving, because the building had been brought up to requirements.

Mr. Berry asked how large a building would he be building. Mr. Yeager replied similar to the one like the lube shop.

Mr. LaDuke said the major concern is that there is very little communication in the file. At the very minimum, a site plan should be prepared so we know what they are going to do. There has been parking in the front setback area and in the church next door. Parking at the church requires permission from the church and must go on file with the City.

Mr. Yeager said there was no site plan for the existing building and didn't think a site plan was necessary for a driveway. He said there are 160 employees employed by LaGarda and we don't want to see them lose their jobs. We are taking steps to alleviate the parking problem, especially on pay days. Mr. Yeager said he will take care of the problem before this paving season is over.

Mayor Smiley said the City wants to work with you, but it's necessary to get the problems resolved.

Mr. Bertram asked how many vehicles LaGarda has. Robert Jacobs, representative of LaGarda, said there are 14 cars. He said they have permission to park in the lot at the Church. He said the business is continuing to grow, and they have been a deterrent to crime since they have been there.

Moved by Mayor Smiley, seconded by Howlett to postpone Site Plan Review for 60 days, until the June 11th meeting, and have Mr. Yeager report back on the progress being made with the plans for a new building. Motion carried 8-0.

H. SITE PLAN REVIEW POSTPONED FROM MARCH 12, 1996:

1. SPR #96-15

BY: David D. MacDonald
8431 Vassar Rd.
Grand Blanc, MI 48439

RE: Premier Die Cutting
5350 Davison Rd.
Burton, MI 48509
59-11-200-003

FOR: New use within a tenant space.

Mr. MacDonald said they are in the southwest corner of the Just We Three building located on Davison Road.

Mr. Berry said they were before the Zoning Board and the materials they were dealing with was truck bed material, recycled rubber material made from rubber tires. The waste from that is process is returned to the manufacturer who recycles again. He asked if the site plan was up to date.

Mr. Major said there is nothing on the application as to what area they are using in the building. We only know what was given by the Zoning Board of Appeals.

Mr. MacDonald said they have been in the building since the Zoning Board meeting. He said he submitted a drawing of the area to the Zoning Board that states where they are operating in the building.

Mr. LaDuke said he has tried to contact Mr. MacDonald. The use is okay in that area, but the Building Inspector should go in and see where they are located.

Moved by Bertram, seconded by Howlett to postpone Site Plan Review #96-15 until the May 14th meeting. Motion carried 8-0.

H. SITE PLAN REVIEW POSTPONED FROM MARCH 12, 1996 (CONTINUED):

2. SPR #96-18

BY: Smith & Co. Construction Co.
2338 LaVelle Rd.
Flint, MI 48504

RE: Flint Power Squadron (Existing)
6044 Lapeer Rd.
Burton, MI 48509
Part of Lots 8 & 9 of Supervisor's
Plat #8
Section 13, C-4 Zoned

FOR: Addition to Building.

Jonathan Smith, 2338 LaVelle Rd., Flint, MI, said he is doing the construction work for Flint Power Squadron. He said a Stop Work Order was issued because of a sewer assessment still owing. This issue has been taken care of. They are proposing an addition to the building to make it more useful, and plan to raise the funds through Bingo's, as they are a non-profit organization. One of the major concerns is the paving requirement, because of their budget. They are willing to work with the City on the paving if they could get some extra time. The building will be 24x24 blocked to match the original building.

Mr. Major said they are the ones that proposed the paving of the parking lot and this was back in 1985.

Discussion continued concerning the paving of the parking lot.

Mr. Major said if the organization receives permission to park in the paved area next door, there is nothing that prohibits them from having gravel in back of the building.

Moved by Howlett, supported by Bertram to approve Site Plan Review #96-18 and have applicant get permission from Mr. Young to park vehicles and if they can't get permission to do so, come back to the Planning Commission and discuss the paving. Motion carried 8-0.

I. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #96-24

BY: Ray Gores
6425 Brian Cr. Lane
Burton, MI 48509

RE: Ray's Corners
5516 Davison Rd.
59-11-200-006 (Q-89-A)
SW corner of Davison & Belsay Rds.

FOR: Party Store w/Beer & Wine

Mr. Gores, 6425 Brian Cr. Lane, said he purchased the property in January and would like to open a party store with beer and wine. He said he would get all of the necessary permits with the proper inspections prior to occupancy.

Mr. Major said the tanks have been removed and they are waiting for the underground contamination report from the DNR. He said he met with Mr. Gores and reviewed the preliminary list and he has no problem with any of them.

Audience Participation:

Pauline Dargel, 6119 Hugh, asked to have the site plan could be postponed until after the report is back from the DNR.

Marian Torok, 1364 Shafer Dr., inquired about the store hours. She asked if it would be open 24 hours and was advised no.

Mrs. Howlett asked about getting a report back earlier so as not to hold this gentleman up in his construction.

Mr. Grantner said he thinks the DNR report should be returned.

Mr. Major said he doesn't think the DNR will require anything to be removed from this site. Mr. Gores knows what his liabilities are.

Mr. LaDuke said if the DNR said the State Law supersedes the city laws.

Mr. Gores said in his purchase agreement on the land contract, it states that the owner will be responsible for any cleanups. It will be about six (6) months before the DNR report is returned and if nothing comes in at that time, there is nothing more that needs to be done.

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Moved by Howlett, seconded by Bertram to approve Site Plan Review #96-24 contingent upon DPW recommendations; have water checked by the Health Department and wait for DNR report to come back before completing paving. Motion carried 8-0.

2. SPR #96-26

BY: Jim Willford, Jr.
5183 Nash Dr.
Flint, MI

RE: School Day's Supply
4067 E. Court Ste. 10
Lot 4 Supervisor's Plat #39
Section 10
C-2 Zoned

FOR: Change of Use.

Mr. LaDuke said this is a change of use within a tenant space.

Moved by Howlett, supported by Walls to approve Site Plan Review #96-26. contingent upon DPW recommendations. Motion carried 8-0.

3. SPR #96-30

BY: Larry Turner
108 Lovejoy St.
Durand, MI 48429

RE: Northern Lights Bookstore
4164 S. Saginaw St.
Burton, MI 48529
Lot 1, Webber Place
Parcel No. 59-31-527-001;
Lot 30, Webber Place
Parcel No. 59-31-527-028

FOR: Change of Use.

Mr. Turner said he is changing the use from a commercial office to retail for a bookstore.

Mrs. Howlett asked if he agreed with the DPW requirements and Mr. Turner said yes.

Mr. Granter asked what kind of bookstore would this be? Mr. Turner said self-help, religion, etc.

Moved by Howlett, supported by Bertram to approve Site Plan Review #96-30 contingent upon DPW recommendations. Motion carried 8-0.

J. BOARD DISCUSSION:

Mrs. Howlett thanked the board for the plant she received during her illness.

Mr. Grantner thanked Mr. LaDuke for his insight and helpfulness on several of the cases. It's important that we meet people half-way, but we also must keep in mind the citizens of Burton.

Mrs. White said she has some concerns about Precision Tile in C-2 zoning with For-Mar across the street.

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Mr. Major said this business was in a restricted office use and as long as they stayed small, there was no problem, but since they have grown, it's become somewhat of a problem.

Mr. Grantner said he thinks it's a good idea to meet with the administration prior to coming to Planning Commission.

Mrs. Howlett said she has some concerns about the construction taking place so close to Belsay Road.

Mr. LaDuke said the setback is a concern to them also.

Mayor Smiley said he has been contacted about possibly having two more subdivisions and an industrial park in the City.

Mayor said the Open House for Pine Creek is April 12th from 4:30 p.m. to 6:30 p.m. and the neighborhood has been invited to attend.

Mr. Bertram inquired about the training session scheduled for May.

Mr. Berry said the next regularly scheduled meeting will be held May 14, 1996 at 7:00 P.M.

Meeting Adjourned at 9:26 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML