

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
APRIL 12, 1994, 7:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Howlett, Bertram, Perez, Grantner, Berry, Mayor Smiley, White, Merrell and Walls.

MEMBERS ABSENT: None.

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, supported by Bertram to approve the minutes of the Regular Meeting of March 8, 1994 at 7:00 P.M., as printed. Motion carried 8-0.

B. SCHEDULE FIRST PUBLIC HEARING FOR MAY 10, 1994 AT 7:00 P.M.

1. LS #94-22

BY: C.E.S.O. Agent for WAL-MART
7720 Paragon Rd.
Dayton, OH 45459

RE: Q-97-D & Q-100
Section 11
M-1 & C-2 Zoned

FOR: New Business.

Moved by Howlett, supported by Bertram to schedule First Public Hearing for Lot Split #94-22 for May 10, 1994 at 7:00 P.M. Motion carried 8-0.

C. RECONSIDERATION FOR A PREVIOUSLY APPROVED SITE PLAN:

1. SPR #88-32

BY: Kevin McNally
4173 Jimbo Dr.
Burton, MI 48529

RE: KLM Towing & Auto Repair
4173 Jimbo Dr.
Lot 31 Bristol Rd. Industrial Park
Section 31

FOR: Reconsideration of Existing Site Plan.

James Whalen, Attorney for Kevin McNally, said they would like approval on an amended site plan to provide for a stockade fence for the storage of vehicles. This would replace the original site plan, which calls for a storage building. Mr. Whalen said there was some question as to the cleanliness around the building and Mr. Whalen has made certain the site is in a clean condition. If there is a problem with the site, you might be interested in pictures of other businesses in the area who are in far worse condition than McNally's towing yard. Mr. Whalen said there are no gas tanks on the premises as he previously stated at the last meeting.

No one in the audience wished to speak.

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Mr. Strasser said he had nothing to add from DPW perspective.

Mrs. Howlett asked how high the proposed fence would be. She was advised 6 feet.

Mr. Berry asked what is done with the gas in the vehicles that are brought in. He was advised the tanks were emptied and used by Mr. McNally.

Mr. McNally said he hauls in 20 to 40 cars each week. There is no other facility in Genesee County that wants to deal with these cars. There is a great deal of paper work to get rid of the cars. The City of Burton calls me to remove vehicles off private property.

Mr. Whalen said it generally takes 60 to 70 days to get the title cleared, through the State of Michigan, so the car can be disposed of.

Mr. Bertram asked if there is a limit as to the number of cars on the property at one time. Mr. Strasser replied this was not stipulated in the original site plan and therefore, nothing can be done at this point. The only issue before the Board this evening, is to look at the amended site plan and decide which one is better for the City.

Mr. Perez the requirements of the original site plan were never completed and Mr. McNally was cited for this. At the last meeting we briefly discussed the issue of a performance bond, but nothing was decided. Also, if the amended site plan is approved, should there be a time frame for the completion of the site plan.

Mr. Whalen said the problem with the performance bond is putting up the cost of the bond is like paying for the fence and Mr. McNally's business cannot afford this right now. We are open to a time frame and would have the items completed by Labor Day.

Mrs. Howlett asked if the site plan was approved, how long before the fence would be put in. Mr. Whalen replied that they haven't gotten bid prices yet, as they were waiting to see if the site plan was approved.

Mrs. Walls asked if the original site plan included a fence. She was advised it included a cyclone fence, not a privacy fence.

Moved by Howlett, supported by Perez to deny the amended site plan and request the applicant to adhere to the original site plan as presented in 1988. Motion carried 8-1 with White voting no.

D. SPECIAL USE PERMIT:

1. BCPC #94-19

BY: Brazier Auto Repair
7219 N. Saginaw
Mt. Morris, MI 48458

RE: 4031 S. Saginaw St.
Q-346, Section 32
C-2 Zoned

FOR: An Automotive Repair Facility
"Muffler & Brake Shop"
Ord. 19, Section 15.03 Item 5

Jim Allen, representing Re-Max out of Clarkston, said with him are Terry Brazier who will be running the new business and Bill McPherson of Public Title.

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They are asking for an automotive repair facility "muffler & brake shop" and the business will be called Mr. Stainless. They are also asking for a site plan review approval. The plan is to have a muffler and brake shop and there are a lot of changes to be made. If you need to speak with the owner he is here tonight.

Mayor Smiley asked Mr. Brazier if he bought the building. He was advised no, the building is being leased. Mayor Smiley asked if the semi's belonged to Mr. Brazier and he was advised no.

Mr. McPherson said he has people park their vehicles in there all the time and they do not belong to him.

Moved by Howlett, supported by White to approve BCPC #94-19 contingent upon DPW recommendations. Motion carried 9-0.

E. AUDIENCE PARTICIPATION:

No one wished to speak.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #94-18

BY: Brazier Auto Repair
7219 N. Saginaw St.
Mt. Morris, MI 48458

RE: Mr. Stainless Mufflers & Brakes
4031 S. Saginaw
Q-346, Section 32
C-2 Zoned

FOR: Change in a Tenant Space.

Moved by Howlett, supported by White to approve Site Plan Review #94-18, contingent upon DPW recommendations. Motion carried 9-0.

2. SPR #94-17

BY: Jamil Toma Dakki
6084 Corunna Rd.
Flint, MI 48532

RE: Burton Liquor
4255 S. Saginaw St.
Lots 4-6 Durant Hgts.
Section 32
C-2 Zoned

FOR: Change of Use.

Mr. Strasser said at the east end of the property, there are residentially zoned homes. He recommends it be screened with fencing. The building exterior should meet handicap requirements. This particular building is on the right-of-way and no temporary signs can be placed on the right-of-way, so no temporary signs can be used. The building should be painted and spruced up.

Mr. Berry asked if anyone from the Building Department has checked out the sign put up in the last couple of days to see if it meets the sign ordinance.

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Mr. Strasser said he was not aware a sign had been put in.

Mayor Smiley asked if Mr. Dakki had indicated that he would not be present this evening. Mr. Strasser said no.

Mayor Smiley said he has had a few calls regarding this site plan. Did he buy the building? Mr. Strasser said he thought he did. There was a problem in the beginning as to who owned the parking lot. The asphalt parking lot does go with that building.

Mr. Berry asked Mr. Strasser if he had reviewed the DPW requirements with the applicant. Mr. Strasser replied he had and there are no problems with them.

Moved by Howlett, supported by Mayor Smiley to approve SPR #94-17 contingent upon DPW recommendations and no temporary signs to be used and the survey is to be accurate. Motion carried 9-0.

3. SPR #94-20

BY: Julie Zanotti
4065 Fenton Rd.
Burton, MI 48529

RE: Zanotti's Nail Boutique
4065 Fenton Rd.
Q-337-9, Section 31
C-2 Zoned

FOR: Change of Use.

Mr. Berry said the building has been scraped and painted.

Mr. Strasser said the main problem was the bathroom wasn't barrier free, but they are working on it now.

Moved by Howlett, supported by Bertram to approve SPR #94-20 contingent upon DPW recommendations. Motion carried 9-0.

4. SPR #94-21

BY: Sam Dekelata
1154 N. Ballenger
Flint, MI 48504

RE: Esquire
3140 E. Atherton Rd.
Lots 1-4 & Part of 90 Supervisor's
Plat of Atherton Gardens
Section 28, M-2 Zoned

FOR: Change of Ownership & Use
Banquet Hall

Mr. Berry asked Mr. Dekelata if he would be using the building strictly for a banquet hall. He replied no, there will be offices maintained in the building and 50% of the building, previously warehouse, will be used for hall rental. Mr. Berry asked if he had any problems with the DPW requirements. Mr. Dekelata said he has no problem. Mr. Berry asked if there were any changes be done to the interior of the building. Mr. Dekelata said he would be painting, carpeting and he had some requirements from the Genesee County Health Department to complete.

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Mrs. Howlett asked how many people the facility would hold. She was advised about 200. She asked if there is any problems with the parking area and was advised no.

Mr. Strasser said the occupancy for the building is 191 and 70 parking spaces. Mr. Dekelata needs to resubmit the paving plan so we know the thickness of the asphalt and the plan must show the drainage of the water. We ask for a performance bond or letter of credit for the amount of the paving.

Moved by Howlett, supported by Grantner to approve Site Plan Review #94-21 contingent upon DPW recommendations and with the submission of the parking plans and water drainage and provide a performance bond or letter of credit. Motion carried 9-0.

G. C-4 ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #94-16

BY: Stephen C. Ovadeck, Jr.
534 Leta St.
Flint, MI 48507

RE: Next Too New Furnishings
6016 Lapeer Rd.
Seeley's Plaza

FOR: Change of Use.

Mr. Strasser said he is selling refinished used furniture. DPW recommends approval.

Moved by Howlett, supported by Perez to approve Site Plan Review #94-16 contingent upon DPW recommendations. Motion carried 9-0.

H. BOARD DISCUSSION:

Mr. Strasser said the developer for Pine Creek Condo would like to schedule a Special Meeting for April 26, 1994 if everyone can attend. The meeting will be held at 5:00 P.M.

Mayor Smiley said he would like to set a joint meeting on April 27, 1994 at 7:00 P.M. with Planning Commission, City Council, ZBA, EDC and the Administration to talk about things going on in the City and get feedback from the Board members. Also, we can update the Master Plan. The Planning Commission is the first board I have approached regarding the date and time and the Mayor will confirm this after talking with the other Boards. The meeting will be held at the Police/Fire Facility.

Mr. Berry informed the DPW that Ashley's Storage yard looks like a junk yard. Mr. Strasser said the way the approval was given at the time of the meeting, there isn't much they can do about that. Any vehicle hauled in can be stored there. There is a variance that goes with the property.

Mr. Berry asked if screening could be required. Mr. LaDuke said they can request the screening, but cannot demand it.

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Mr. Bertram asked if he could stack one car on top of another. Mr. Strasser no, it would then be considered a junk yard.

The Board held further discussion regarding Site Plan Review #88-32.

The next regularly scheduled meeting will be held May 10, 1994 at 7:00 P.M.

Meeting Adjourned at 8:12 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML