

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
MAY 12, 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: Howlett, Millard, Berry, White, Merrell, Grantner and Hammon.

Members Absent: Mayor Charles H. Smiley and L. Bertram.

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 White to approve the minutes of the following meetings: Regular Meeting of April 14, 1992 at 7:00 P.M. and Special Meeting of May 4, 1992 at 6:00 P.M., as printed. Motion carried 6-0.

B. FIRST PUBLIC HEARINGS:

1. LS #92-17

BY: Stanley Rykulski
2107 Casaloma Ct.
Flint, MI 48532

RE: Lot 11 Nelson Replat of
Lots 1, 2, 3, 4 of Eastgate
Section 25
Zoned R-1B

FOR: Residential Development

Mr. Rykulski explained he would like to split the lot into three lots and all would be for residential use. The lots would all be within the Zoning Ordinance requirements.

Audience Participation:

Robert Shaw, Grayling, MI, said he owns the lot across the street and used to own the property in question. He said when he owned the property and tried to split the lot, DPW told him he needed more footage to build a home on. He doesn't think such a narrow lot should be allowed. Mr. Shaw's wife, also of Grayling, MI, said the drainage is bad in that area. If the lot was split and other homes were built, it would give the neighbors more water problems than they presently have.

Sandy Purdue, 6054 Nelson Ct., said she opposes the lot split as she gets water standing on the back part of her lot. She said her lot is 77 feet wide and she doesn't want the houses to be real close.

Mr. Strasser said per the County, there may be a field tile on the property and this is being investigated and we should know in a few days. As far as the size of the lots go, they all exceed the ordinance requirement of a 70 foot lot for that zoning. Mr. Rykulski is presently building a house on the property with a building permit. If another house is built, there would have to be another sewer tap.

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Mr. Hammon asked if this property is located at the corner where it floods out every year. He was told yes.

Mrs. Howlett asked how deep the water is and how long it lasts.

Mrs. Purdue said her back lawn dried out enough, just this week, to mow.

Mr. Shaw said sometimes there is four feet of water and can stand up to two days.

Mrs. Howlett said possibly the drain should be checked and asked Mr. Strasser to notify the County Drain Commission of this problem.

Mr. Grantner asked how long it would take to get data and clarify this situation. Mr. Strasser said possibly a week or so.

Mrs. Howlett made a motion to approve Lot Split #92-17 and if failed for lack of a support.

Moved by Hammon, supported by Grantner to deny Lot Split #92-17. Motion carried 4 to 3.

2. LS #92-18

BY: Harold Coffee
10018 Hegel Rd.
Goodrich, MI 48438

RE: Lot 8 of Burton Homesites
Section 25
Zoned R-1B

FOR: Residential Development

Mr. Berry moved this item to the end of the agenda due to the fact that the applicant was not present and this would allow him ample time to attend the meeting.

3. LS #92-19

BY: Marsha Hunt
5451 Brookwood Dr.
Burton, MI 48509

RE: Lot 29 Madarasz Acres
Section 2
Zoned R-1A

FOR: Residential Development

Roger Hunt represented his wife and he would like to split the lots and possibly in the future build houses on them.

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

Mr. Strasser said the lot is being split in half and exceeds the zoning ordinance. There is only one sewer lead provided and if another home should be built, it would be necessary to make another tap on the sewer.

Moved by Howlett, supported by Grantner to approve Lot Split #92-18, contingent upon DPW recommendations. Motion carried 7-0.

B. FIRST PUBLIC HEARINGS POSTPONED FROM APRIL 14, 1992 CONTINUED:

4. ZC #196

BY: Beverly Bowman
1324 Alberta Ave.
Burton, MI 48509

Robert & Audrey Rackel
1323 Alberta Ave.
Burton, MI 48509

RE: Lot 331 of Lapeer Heights
Section 14
Zoning Change from R1-B to C-1

FOR: Office Building

Mr. Rackel said they are asking for the rezoning to expand the office building and enlarge the parking area.

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

Mr. Strasser said these lots have the same situation as the lots located on Saginaw Street, where the commercial business is on the main road but the lots are not deep enough for the building and parking. The lot that is zoned commercial on Lapeer Road isn't large enough for the building and parking.

Mr. Strasser said DPW recommends approval with the stipulation that when the site plan review is presented to this board, the property has to be screened properly to provide privacy to the neighbors.

Mr. Hammon asked what kind of business this would be. Mr. Rackel said mechanical design and auto design.

There was no one present who wished to speak.

Moved by Hammon, supported by Howlett to recommend approval of Zoning Case #196, contingent upon DPW recommendations. Motion carried 7-0.

C. AUDIENCE PARTICIPATION:

No one wished to speak.

D. SITE PLAN REVIEW:

1. SPR #92-29

BY: Chuck Sekrenes
2405 N. Vassar Rd.
Burton, MI 48509

RE: Site Condominium
SW Corner of Potter & Vassar Rds.
Q-1-1-A1, Section 1
Zoned R-1A

FOR: Site Condominium

Mr. Strasser said he hasn't heard from the applicant and recommends the site plan be postponed until the next meeting.

Moved by Howlett, supported by Grantner to postpone site plan review #92-29 until the next regular meeting of June 9, 1992 at 7:00 P.M. Motion carried 7-0.

E. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #92-25

BY: Joyce E. Earle
7204 Glidden
Genesee, MI 48437

RE: Grow So Fast
4265 Dort Hwy.
Burton, MI 48529

FOR: Sell Used Infant & Toddler Clothing
Also Bookkeeping & Income Tax
Service.

Mrs. Earle was present and explained she would be selling quality used clothing for children from ages newborn to 6X and she also does bookkeeping for four (4) small businesses. The bookkeeping and income tax service will not generate a great deal of traffic.

Mr. Strasser said across the street the property is zoned light industrial and is similar to a strip mall. The sign is somewhat out of conformance but is tastefully done. DPW recommends approval.

Moved by Howlett, supported by Millard to approve Site Plan Review #92-25 contingent upon DPW recommendations. Motion carried 7-0.

2. SPR #92-28

BY: Louis Dortch Jr. & Louis Dortch Sr.
P.O. Box 76
Grand Blanc, MI 48439

RE: Subway Sandwiches and Salads
4013 E. Court St.
Burton, MI 48509

FOR: New Use Within a Tenant Space

Mr. Strasser said the building is located on the NE corner of Court and Center Roads and it will be a take-out restaurant. The only difference in what was there and what is going in is the change in the name.

Mr. Strasser said the number of parking spaces exceeds the Ordinance. DPW recommends approval.

Moved by Howlett, supported by Grantner to approve Site Plan Review #92-28 contingent upon DPW recommendations. Motion carried 7-0.

3. SPR #92-30

BY: Railease Associates
29777 Telegraph, Suite 2500
Southfield, MI 48034

RE: Grand Trunk Western Railroad
R/W, Section 10
Zoned M-1

FOR: Construction of Non Accessory Free
Standing Sign. Compliance with
Section 5.28 Ord. #19, Item 4C 1-11

4. SPR #92-31

BY: Railease Associates
29777 Telegraph, Suite 2500
Southfield, MI 48034

RE: Grand Trunk Western Railroad
R/W, Section 10
Zoned M-1

FOR: Construction of Non Accessory Free
Standing Sign. Compliance with
Section 5.28 Ord #19, Item 4C 1-11

5. SPR #92-32

BY: Railease Associates
29777 Telegraph, Suite 2500
Southfield, MI 48034

RE: Grand Trunk Western Railroad
R/W, Section 10
Zoned M-1

FOR: Construction of Non Accessory Free
Standing Sign. Compliance with
Section 5.28 Ord #19, Item 4C 1-11

Mr. Berry said Mr. Ellery came before the Zoning Board of Appeals for approval and said he would be here to submit pictures of the signs.

Mr. Strasser said the reason it went before the ZBA and Planning Commission is because the ordinance direct it to sell signs.

Mr. Berry said these signs do not advertise for the railroads but for businesses along Davison and Belsay Roads.

Mr. Hammon said he is voting no on the site plan because the applicant is not present. He then asked Mr. Strasser if he was aware of any governmental unit having resubmission fees when an applicant is not present and the case is heard at a different time.

Mr. Strasser said the fee which is paid covers the applicant until the case is either approved or denies per state statute.

Moved by Howlett, supported by White to approve site plan reviews #92-30, #92-31 and #92-32. Motion failed 4-3.

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Moved by Hammon, supported by Grantner to postpone site plan reviews #92-30, #92-31 and #92-32 until the next meeting and Mr. Strasser is to contact the applicant of the postponement. Motion carried 7-0.

Mr. Ellery entered the meeting and Mr. Hammon moved and Mr. Grantner supported the motion to rescind the postponing motion. Motion carried 7-0.

Bob Ellery, representing Grand Trunk Western Railroad, said Railease is a joint venture between the railroad and McDonald's. The Ordinance in the City is very well written and it restricts us to industrial zones. Mr. Ellery presented pictures of the signs which are presently located at Corunna and Ballenger Highway. He said they were in compliance with the ZBA requirements. The signs would be placed on Center, Genesee and Belay Roads. It is not certain whether Genesee Road will be used at this time. Outer advertising is sold in two different ways, one is directional whereby the sign is placed for about six (6) months and the other is distribution and is placed there for approximately six (6) to eight (8) weeks.

Moved by Howlett, supported by Hammon to approve Site Plan Reviews #92-30, #92-31 and #92-32 contingent upon DPW recommendations. Motion carried 7-0.

Mrs. Howlett asked Mr. Strasser to explain the difference between the site plans reviews and administrative site plan reviews and why it is necessary to have the applicant at one and not the other.

Mr. Strasser explained that with the administrative site plan reviews, they conform to the ordinance and the administrative staff can verbally give its approval. However, it is in the best interest of the applicant to present their case before the planning commission for approval. Mr. Strasser said the site plan reviews have to be presented to the board by the applicant so he will understand all of the conditions of the approval because his site plan does not conform to the ordinance.

E. C-4 ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #92-26

BY: Flint Community Planned Parenthood
Association, Inc.
310 E. Third St.
Flint, MI 48502

RE: Woman to Woman Care
G-1235 S. Center Rd.
Burton, MI 48509
Park Place Centre
Q-179-3, Section 15
Zoned C-4

FOR: Change of Use Within A Tenant Space

Mr. Strasser said this is in a mall and DPW recommends approval.

Mrs. Millard asked if it is common practice for businesses to go in prior to approval of the Planning Commission.

Mr. Strasser said many times this happens in the malls under the C-4 Ordinance.

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Moved by Howlett, supported by White to approve Site Plan Review #92-26, contingent upon DPW recommendations. Motion carried 6-1 with Mr. Hammon voting no.

2. SPR #92-27

BY: Sales Dynamics, Inc.
One Cherry Hill, Suite 300
Cherry Hill, New Jersey 08002

RE: Sales Dynamics, Inc.
G-4190 E. Court St.
Burton, MI 48509
Courtland Center
Section 15
C-4 Zoned

FOR: New Use.

Mr. Berry said the business is located in the court part of the mall.

Mrs. Howlett stated she thinks it is a great addition to the mall.

Moved by Howlett, supported by Grantner to approve Site Plan Review #92-27, contingent upon DPW recommendations. Motion carried 7-0.

B. FIRST PUBLIC HEARING:

2. LS #92-18

BY: Harold Coffee
10018 Hegel Rd.
Goodrich, MI 48438

RE: Lot 8 of Burton Homesites
Section 25
Zoned R-1B

FOR: Residential Development

The applicant, Harold Coffee, did not attend the meeting. Moved by Hammon, supported by Howlett to postpone Lot Split #92-18 until the regular meeting of June 9, 1992 at 7:00 P.M. Motion carried 7-0.

F. BOARD DISCUSSION:

Mrs. Howlett inquired as to why lot split #92-17 was denied. Discussion followed.

Mr. Grantner commented that the auto repair business on Bristol Road has put in a fence which is only about half there and looks bad for the property.

Mr. Strasser said he has until the end of May or June, he would have to check on the exact date, to get the property into compliance and he will be going back before the Judge.

Mrs. Millard asked if anyone knew the status of the Aamoco Station on Bristol Rd. and Dort Highway. Mr. Strasser replied he has tried to contact the people as the property is too valuable to let go.

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Mr. Berry said he thinks there is a holdup at the State level.

Mr. Berry said the next regularly scheduled meeting will be held June 9, 1992 at 7:00 P.M.

Meeting Adjourned at 8:15 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk

CML