CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
JUNE 12, 1990, 7:00 P.M., COUNCIL CHAMBERS

Meeting called to order by Chairman, Homer Berry at 7:03 P.M.

MEMBERS PRESENT: H. Berry; B. Howlett; L. Bertram; B. Beggs; M. White; C. Smiley; J. Merrell.

MEMBERS ABSENT: Mayor, Jane L. Nimcheski and G. Grantner.

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

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

Moved by Howlett, supported by Beggs to approve the minutes of the following meetings: Regular meeting of May 8, 1990 at 7:00 P.M. and Special meeting of May 15, 1990 at 7:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULED FIRST PUBLIC HEARING FOR JULY 10, 1990:

1. L.S. #90-037

BY: Bob Keely
715 W. 12th Street
Flint, MI 48503

RE: Q-182-3
Section 15
C-4 Zoned

FOR: Future Development.

Moved by Howlett, supported by Beggs to schedule Lot Split #90-037 for first public hearing on July 10, 1990 at 7:00 p.m. Motion carried 7-0.

C. FIRST PUBLIC HEARINGS:

1. Z.C. #181

BY: Carbonara Limited Partnership
1629 N. Washington
Royal Oak, MI 48067

RE: 2183, 2193 Center Road
Q-212-C
Section 22
C-2 Zoned

FOR: From C-2 to R-M for Multiple Family Development.

P. Mark Accettura of Carbonara Limited Partnership, explained the proposal for the piece of land located on Center Road. He stated the size of the land is about 160 feet wide by 1,188 feet long and it runs east and west. They own a large parcel east of the proposed stip and would like to build condominiums or a club house on the piece of property. They would like to have approximately two (2) acres of the land rezoned from commercial to multiple family.

Audience Participation:

Mr. Fred Ward, 2224 S. Center Road, said it took the residents a long time to get this property zoned commercial and they would like it to remain commercial. If this is rezoned to multiple, it would put more of a strain on the sewer and roads.

Mrs. Howlett asked about the entrance and exits to the property.

Mr. Accettura replied they plan to get an easement from Consumers Power Company for Center Road and also have access to Howe Road to the east. Also, they may put a club house on the property. At this time, the exact plans are quite uncertain, depending upon the outcome of the rezoning.

Mrs. Howlett asked how many condos they plan to build. Mr. Accettura replied there would probably be between 10 and 12 units.

Mr. Strasser said the Genesee County Planning Commission report recommends approval of the rezoning. In the cases of spot zoning, the City's Planning Consultant is usually contacted for his recommendation. This was done and his recommendation is for denial, due to the setback situation and there would be multiple family zoning in the middle of commercial zoning on both sides of this property. DPW recommendation is for denial. Mr. Strasser then read aloud the Genesee County Planning Commission recommendation.

Further discussion continued.

Moved by Beggs, supported by Bertram to recommend denial of Zoning Case #181 to the Burton City Council, because of the spot zoning situation and also lack of information as to exact use of rezoned property. Motion carried 7-0.

2. Z.C. #183

BY: Gerald Thick
2306 Clement
Flint, MI 48504

RE: 2058 Connell Street
Lot 127 Star Subdivision
Section 29
R-1C Zoned

FOR: R-1C to C-2 for the purpose of a parking lot.

Mr. Thick explained that his business has outgrown the parking lot presently there. He asked Mr. Strasser about rezoning to P-1 for parking only, but the fence line on the property would come in too far, so the only other choice is to ask for C-2 zoning. He had no site plan available, but an architect is in the process of preparing one. He would put in a privacy fence along the perimeter of the property on the west side of the property, along Connell Street and east tot he church. In the past, Mr. Thick has approached the church about purchasing the extra lot but they were not interested in selling.

Audience Participation:

Richard Shanks, 2054 Connell St., said he is opposed to the rezoning of this property and turned in a petition to the Clerk's Office, from the neighbors, who also are against the rezoning. He said they lose their privacy by people cutting through the properties going from Bristol Road to Connell Street.

Mr. Berry asked if the Church was contacted in regards to signing the petition. Mr. Shanks replied he did not contact the church, as he felt they would be in favor of the rezoning.

Mr. Thick stated he asked the Church if his employees could park in their lot to leave more room for his customers and they agreed. He said he has tried to be a good neighbor.

Mr. Strasser said the report from the Genesee County Planning Commission recommends approval of the rezoning, but there is a comment concerning the buffering of the residential area. The issue this evening is the rezoning, and DPW thinks the businessman should be accommodated as long as the rights of the residents are protected.

Mr. Bertram asked if there would be an exit to Connell Street and Mr. Strasser replied no.

Mr. Smiley asked Mr. Thick if he would be in favor of installing a gate to secure off the driveway. Mr. Thick said he has sunk a considerable amount of money into the business and he is not in favor of a gate. He has complied with all of the other DPW requirements and permits and feels a gate would not be aesthetically appealing.

Moved by Howlett, supported by Smiley to recommend approval of Zoning Case #183 to the Burton City Council, contingent upon DPW recommendations and when this case comes before the Planning Commission for site plan review, discussion be held in regards to the proper screening for the residences in the area. Motion carried 7-0.

3. Z.C. #184

BY: George Daniel
6230 E. Bristol Road
Burton, MI 48519

RE: Q-449, Q-449-C, Q-449-D
Adjacent to 6230 E. Bristol Rd.
Section 36
SE Zoned

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

Mr. Barry Wolfe, 718 Beach Street, Flint, Michigan said he is the Attorney for Mr. Daniel and gave a brief background of the property. He explained Mr. Daniel would like to build a small subdivision on the property, consisting of about 8 to 10 homes. The homes would have approximately 1 acre of land. His home if presently on the property.

Audience Participation:

The following people spoke against the rezoning of the property:

James Wrenn, 6199 E. Bristol Road, due to traffic problems currently in the area.

Christine Ball, 4083 Hazel, said she opposes the rezoning as they have endangered species of birds and wildlife in the area.

Gail Wilcox, 6227 E. Bristol Rd., said she too is opposed to the rezoning because of the traffic hazard this could cause.

Elva Torres, Hazel Dr., said this would be close to her property.

John Lively, 6208 E. Bristol Rd., said he is opposed to the rezoning as he doesn't want the area to become overpopulated.

Mrs. Howlett asked if Mr. Daniel was aware that he would have to plat the property.

Mr. Strasser said if this is approved there is the expense of the right-of-way, roadway, and an extension of the sewer lines to be considered.

Mr. Wolfe said Mr. Daniel is aware of the tremendous cost involved and is willing to do so.

Mr. Strasser said the recommendation from the Genesee County Planning Commission came back for approval of the rezoning. If this is approved, it would have to be platted. DPW recommends approval.

Moved by Howlett, supported by White to recommend approval of Zoning Case #184 to the Burton City Council, with Mr. Daniel incurring the cost of the platting the property. Motion carried 7-0.

D. AUDIENCE PARTICIPATION: None.

E. SITE PLAN REVIEW:

1. SPR #90-030

BY: Ernest Hamady
2747 Westwood Parkway
Flint, MI 48504

RE: 3514 S. Saginaw Street
Lots 857-861, 1251, 1252
1347 & 1350 Baker Park
Section 30
C-4 Zoned

FOR: Rally's Hamburgers.

Wynn Cooper, representing Ernest Hamady, said the plan is to tear down the old Hamady building as it is an eyesore and too close to the road. The new Rally's will be in conformance of the businesses presently in the area. The zoning is proper and it would be a real improvement to the area.

Mrs. Howlett asked if the DPW recommendations were reviewed and if there would be a drive-in window?

Mr. Cooper said he would briefly review the recommendations and yes, there will be two (2) windows. Mr. Cooper said he has no problems with the requirements and will pull the proper permits and work with the City and the County Road Department.

Mr. Strasser said he had given the Planning Commission Members a list of landscaping, screening and sign sizes to be considered prior to the approval this site plan.

Mrs. Howlett said the locust tree should be relocated and a detailed landscaping plan put in.

Mr. Bertram asked if this will be a 24 hour operation and Mr. Cooper replied it would not be.

Mrs. Howlett asked if they had a problem with closing the driveway on Connell Street. Mr. Cooper said yes, they would like to leave the driveway as is.

Mr. Strasser said he is trying to get the building in full compliance with the Ordinance and eliminating the drive and have the access from Bristol and Saginaw Streets with proper permits from Genesee County Road Commission. Mr. Strasser discussed the other concerns and discussion continued regarding the Connell Street driveway.

Mr. Bertram asked if Mr. Hamady would agree to having a one-way in only drive off Connell Street. Mr. Hamady said he would agree to that.

Moved by Howlett, supported by Smiley to approve Site Plan Review #90-030, contingent upon DPW recommendations and also adding the relocation of the locust tree, landscaping on S. Saginaw Street, screening requirements and leaving Connell Street driveway with an entrance of one-way only. Also, the signs should comply with the Ordinance or a variance from the Zoning Board of Appeals shall be obtained. Motion carried 7-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #90-025

BY: M & S Investments
4420 Sulgrave
Swartz Creek, MI 48473

RE: Superior Cabinets of Michigan
3140 E. Hemphill Road
Section 28
M-2 Zoned

FOR: Construction of storage building.

Mr. Strasser said the gentleman couldn't be here but he would like to put up a storage building. It meets the setback requirements and he agrees with the DPW recommendations and will remove the semi-trailers from the property.

Moved by Howlett, supported by Bertram to approve Site Plan Review #90-025, contingent upon DPW recommendations. Motion carried 7-0.

2. SPR #90-026

BY: Storybook Homes
3312 S. Center Road
Burton, MI 48519

RE: 3312 S. Center Road
Lot 41 Follo Acres
Section 28
C-2 Zoned

FOR: Change of use within a tenant space.

Mr. James Harker was present and said he moved his office the 1st of June to the Center Road address and at that time, was made aware that he had to come before the Planning Commission.

Mrs. Howlett asked Mr. Harker if he had read the DPW recommendations and agreed with them.

Mr. Harker said he had no problems with the DPW recommendations.

Mr. Strasser said the parking lot cannot become a storage area.

Moved by Howlett, supported by Bertram to approve Site Plan Review #90-026, contingent upon DPW recommendations. Motion carried 7-0.

3. SPR #90-027

BY: Richard Alef
1114 Church Street
Flint, MI 48502

RE: 3095 Dort Hwy.
Lots 311 - 318 & 263 - 265
Chambers Subdivision
Section 28
C-2 Zoned

FOR: Change of Ownership - Wendy's.

4. SPR #90-028

BY: Richard Alef
1114 Church Street
Flint, MI 48502

RE: 4025 E. Court Street
Section 10
C-2 Zoned

FOR: Change of Ownership - Wendy's.

Mr. Strasser said the buildings have been sold and need a Certificate of Compliance and they had to come before this Board to meet the requirements.

Moved by Bertram, supported by Howlett to approve Site Plan Reviews #90-027 and #90-028, contingent upon DPW recommendations. Motion carried 7-0.

5. SPR #90-031

BY: Guy Burns
334 Orchard
Grand Blanc, MI 48439

RE: 4510 South Dort Highway
Q-357
Section 32
C-3 Zoned

FOR: Change of use to a used car lot.

Mr. Burns said the driveway which was in violation has been taken care of. He has no problems with any of the DPW requirements.

Mrs. Howlett asked he was purchasing the building and Mr. Burns said he has a three (3) year lease.

Moved by Howlett, supported by Smiley to approve Site Plan Review #90-031, contingent upon DPW recommendations. Motion carried 7-0.

6. SPR #90-032

BY: Gary Ashley
3412 E. Bristol Road
Burton, MI 48519

RE: Ashley's Outdoor Storage
3440 E. Bristol Road
Q-358-B
Section 33
M-1 Zoned

FOR: Change of Ownership. Complete SPR #357 Requirements. Review Vehicle Dealer License.

Mr. Strasser said the following items have to be complied with:

1. Must have approval from Planning Commission for "Change of Ownership".
2. Implement original site plan and down size the building. Obtaining all necessary permits.
3. Vehicle Dealer's License must be obtained through the State of Michigan. A Letter of Intent was given to the members.

Mr. Strasser explained the process necessary for Mr. Ashley to receive the Vehicle Dealer's License. There will be no cars sold from the Bristol Road location.

Moved by Bertram, supported by Howlett to approve Site Plan Review #90-032, including Letter of Content and contingent upon DPW recommendations. Motion carried 6-0 with Mrs. White abstaining from voting.

7. SPR #90-034

BY: Machine Tool & Gear
308 N. Leroy
Fenton, MI 48430

RE: More Academy
6456 E. Bristol Road
Q-445-A-1
Section 36
SE Zoned

FOR: Expansion of school.

Bob Burnhart, architect for Machine Tool & Gear, said they are planning to add eight (8) more classrooms and the building would be brick and block, very similar to what the existing building is like. The landscaping will be compatible to that area. The State of Michigan takes care of the disabled requirements. The original school has gravel in the parking area and the new area will have blacktop or concrete. Eventually we will gravel but it is so expensive that we are unable to afford to do so at this time.

Mr. LeBlanc was asked by Mrs. Howlett how many students they had this year. Mr. LeBlanc said there were 63 this year and except over 100 in September. The addition will allow us to house up to 150 students.

Moved by Howlett, supported by Bertram to approve Site Plan Review #90-034, contingent upon DPW recommendations and allowing gravel in the drive and for them to come back before the Planning Commission in two years to give an update as to the plans for paving the entire parking area. Motion carried 7-0.

8. SPR #90-035

BY: Rhoads & Johnson
1102 N. Ballenger Hwy.
Flint, MI 48504

RE: Lloyd Tool & Die
4341 S. Saginaw Street
Lots 19-23, 111, 112, 130, 131
of Stratmoor
Section 32
C-2 Zoned

FOR: Building Addition.

Mr. William Johnson, 20420 Walden Ct., explained Lloyd Tool & Die wants to make an addition to their building on S. Saginaw Street. They have a contract for GM but they need a larger floor space to hold the contract. There is a great deal of pressure being put on them by GM.

Mr. Berry asked about the overhead door facing Brady Street and running commercial traffic onto a residential street.

Mr. Johnson said they have had this door there for years and it is much safer than coming out onto Saginaw Street. The chainlinked fence which is presently there, is in good condition. There is no change to the parking or the fence area.

Mr. Strasser said the entrance onto Brady Street which now exists, is a non-conforming violation of the Ordinance that is grandfathered in and we can't do anything about this.

Mr. Johnson said this is a family owned business and if they are unable to expand their building, the viability of their company will be in question as they are unable to obtain the contract from GM until adequate floor space is available.

Moved by Howlett, supported by Smiley to approve Site Plan Review #90-035, contingent upon DPW recommendations and considering the safety factor, allowing the overhead door to stay in the present position, coming out onto Brady Street. Motion carried 7-0.

9. SPR #90-036

BY: Wigen, Tincknell, Meyer & Assoc.
1647 S. Washington Avenue
Saginaw, MI 48601

RE: Good Shepherd Lutheran Church
5496 Lippincott Blvd.
Q-229-11
Section 23
R-1B Zoned

FOR: Expansion of Church & Parking Lot.

Kim Stevens of Wigen, Tincknell, Meyer & Association was representing Good Shepherd Lutheran Church. She explained they are planning to add onto the Church and will pave the new drive and parking lot and plans to pave the existing drive in the future. We will have to ask for a variance from the Zoning Board of Appeals for a property line setback.

Mr. Strasser asked if they had a backup plan in regards to the proposed balcony. Ms. Stevens said if they had to, they would include an elevator.

Moved by Howlett, supported by Bertram to approve Site Plan Review #90-036, contingent upon DPW recommendations and approval of the variance from the Zoning Board of Appeals. Motion carried 7-0.

G. C-4 ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #90-033

BY: Wolgast Construction Co.
1494 N. Graham Street
Freeland, MI 48623

RE: Courtyard
Section 10
C-4 Zoned
"Fashion Bug"

FOR: New Use in a tenant space.

2. SPR #90-029

BY: Sally Beauty Supply
4195 E. Court Street
Burton, MI 48519

RE: Courtyard
Section 10
C-4 Zoned
"Sally Beauty Supply"

FOR: New use in a tenant space.

Moved by Howlett, supported by Beggs to approve Site Plan Reviews #90-033 and #90-029 contingent upon DPW recommendations. Motion carried 7-0.

H. BOARD DISCUSSION: None

The next regularly scheduled Burton City Planning Commission meeting will be held on Tuesday, July 10, 1990 7:00 P.M.

Meeting adjourned at 9:18 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml