

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
OCTOBER 10, 1995, 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, Perez, Berry and White.

MEMBERS ABSENT: Mayor Charles Smiley, Grantner, Merrell and Walls.

OTHERS PRESENT: T. Strasser, Deputy Planning Official, R. LaDuke, Building Supervisor and C. Ladd, Deputy Clerk.

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

Moved by Howlett, seconded by Bertram to approve the minutes of the Regular Meeting of September 12, 1995 at 7:00 P.M., as printed. Motion carried 5-0.

B. SCHEDULE PUBLIC HEARING FOR NOVEMBER 14, 1995 AT 7:00 P.M.:

1. LS #95-73

BY: Gary Church
4096 S. Vassar Rd.
Burton, MI 48519

RE: 59-36-200-019
4096 S. Vassar Rd.
Section 36, SE Zoned

FOR: Residential Use.

Moved by Howlett, seconded by Perez to schedule Lot Split #95-73 for a public hearing to be held on November 14, 1995 at 7:00 P.M. Motion carried 5-0.

C. PUBLIC HEARINGS:

1. LS #95-65

BY: Harry Martinbianco
5317 E. Atherton Rd.
Burton, MI 48519

RE: Lots 76 & 77 of Eastgate #4
Section 26, R-1B Zoned

FOR: Residential Use.

There was no one present to represent the lot split request.

Moved by Bertram, seconded by Howlett to postpone Lot Split #95-65 until the end of the meeting. Motion carried 5-0.

2. ZC #211

BY: Burton City Planning Commission
4303 S. Center Rd.
Burton, MI 48519

RE: Ordinance 19
Section 21.01

FOR: Text Addition

Mr. Strasser explained that the City Council has the option to appoint two (2)

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alternate members to the Board. If a regular member was absent, an alternate could be called upon to fill in at the meeting. If a regular member abstains, an alternate member could be called upon. If you deem it necessary, the City Council will act on this.

Mr. Bertram asked, as an alternate, would they be on call when we meet and how would they would be paid. Mr. Strasser said he thinks it would be the same as any board member, if they attend the meeting as a member, they would be paid for their attendance.

Audience Participation:

P. Dargel, 6119 Hugh, inquired about abstentions from voting and notification of the alternate should this be the case.

L. Stephens, 3049 Vineland, said he would recommend the Board vote no on this issue.

Mr. Perez said part of the problem he sees, is to abstain from voting, the members would have to have their packets far enough ahead of time to determine whether or not they would want to abstain from that vote. Secondly, would it be fair for the person who comes before the Planning Commission to wait another month. During this time of year, time limits are important.

Mr. Berry said this Board hasn't had too many problems in the past.

Mr. Bertram said he would like to have more discussion on this issue.

Moved by Howlett, seconded by Bertram to postpone ZC #211 until the November 14th meeting. Motion carried 5-0.

D. PUBLIC HEARING POSTPONED FROM SEPTEMBER 12, 1995:

1. SPR #95-63

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

RE: LaGarda Security
2123 S. Center Rd.
59-22-100-006
Section 22, R-O Zoned

FOR: Change of Use.

Mr. Strasser said the applicant requested postponement.

Mr. LaDuke said this is the second time they have postponed. This is a very visible area on Center Road where this is located. The timetable for paving, which is one of the requirements from the DPW, would be hard to get done if this is postponed. If the request is denied, then the City can proceed with the citation that we have given these people to comply with the site plans review.

Moved by Howlett, seconded by Bertram to deny Site Plan Review #95-63, because the applicant was not present and they should follow up with the DPW. Motion carried 5-0.

E. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh, questioned the addition of members to the ZBA. She also inquired about the addition to the agenda of this meeting. She asked if Smoker's Palace had an administrative site plan review. Mr. LaDuke replied no, but a 10-day notice to remove the sign at the corner has been issued.

Stephen Iamarino, 2457 E. Hill Rd., Grand Blanc, said he is representing Main Manufacturing. He said there is a backward approach to what Valley Rubbish is doing. There is an operation of an extremely noxious business on Associates Drive. We have a video tape of about 14 minutes that will show you what has been going on at the site. In 1991 the Planning Commission gave an approval for the breakdown of corrugated box recycling facility on Lot 12, at the very end of the cul-de-sac of Associates Drive. They have now gone beyond the scope of what this board allowed. We are asking you to vote no on each site plan presented to you by Valley Rubbish.

F. SITE PLAN REVIEWS:

1. SPR #95-71

BY: Ronald T. Polsgrove
1172 Holly Spring
Grand Blanc, MI 48439

RE: Lots 43, 44, 45 Stratmoor Sub
Section 32, C-2 Zoned

FOR: New Construction for business
expansion.

Mr. Polsgrove said he presented a site plan to the DPW and filled out the appropriate applications for Ron's Kitchens and Bath on South Saginaw.

Mr. Berry asked if he had reviewed the DPW recommendations and if he had any problems with them. Mr. Polsgrove said he had no problems with them.

Mr. Strasser said this is a clean business site and would be a fine addition to the South Saginaw Street area.

Mr. Bertram asked if they would be moving out of the building. Mr. Polsgrove said no, it is an expansion of the business and there would be spaces there for lease.

Moved by Howlett, seconded by Perez to approve Site Plan Review #95-71 contingent upon DPW recommendations. Motion carried 5-0.

2. SPR #95-78

BY: Waste Management of Mich., Inc./
DBA Valley Rubbish
3309 Associates Dr.
Burton, MI 48519

RE: 3376 Associates Dr.
Lots 11 & 12 Fourteen Associates
Commercial Sites
Section 29, M-1 Zoned

FOR: Transfer Station

George Gallagher, General Manager, represented Valley Rubbish. He explained

in pull out recyclable cardboard, wood and metal. This was in 1991. In 1992 or 1993 we proceeded to go one step further and recapture more recyclables and bring in more loads. We were contacted by the DNR and informed to do that, we would have to have an operating license and a processing license. We obtained an operating license issued in 1993 for these. The City was not notified by us, because it was our assumption that, according to the DNR, they deal with the municipalities that this was taking place. Since that time of 1993 we have a license from the State to doing exactly what we are doing now and we are under-utilized in what we could do. Everything is done inside the building.

Mr. Berry asked him if he had reviewed the DPW recommendations and if he had any problems with any of them. He replied he had no problems.

Mr. Strasser said one party has filed different complaints this year.

Mr. Perez asked if the State permits supersedes our ordinance. Mr. Strasser said he is uncertain, that is something that would have to be checked with the attorney.

Further discussion continued.

Audience Participation:

Michelle Riley, Attorney for Waste Management, said they are here tonight asking the Planning Commission to modify the site plan, 91-60. It's original use was a type of processing facility and that use has been expanded, at this time, into a solid waste transfer facility by virtue of the permits that were issued by the DNR. Ms. Riley said she had a packet for the Board, which contains the all the permits, notices and correspondence.

Steven Iamarino, gave a copy of the minutes of December 3, 1991 meeting. Our complaints with this project started in November, 1990. He said they are in the process of contacting the State, challenging the license that was granted based upon some apparently inaccurate information. He said M-1 zoning does not provide for a junk yard and said he has a video tape of the site.

Moved by Howlett, seconded by Perez to postpone SPR #95-78 to the end of the meeting and hear all three cases at the same time. Motion carried 5-0.

F. SITE PLAN REVIEWS CONTINUED:

3. SPR #95-79

BY: Carpenter Construction Co.
8305 S. Saginaw St.
Grand Blanc, MI 48439

RE: Spen-Tech
2475 Judd Rd.
Q-344-E
Section 32
M-1 Zoned

FOR: Additional Storage Building.

Ted Hue, Architect and Bob Carpenter, Developer for Spen-Tech was present. Mr. Hue explained that the building would be about 6,000 sq. foot, single story structure and they are proposing to match the existing building. The outside would be a pre-engineered metal type if siding and would also be paving the parking lot and have additional landscaping to dress up the area. Simple

Mrs. Howlett asked if the DPW requirements have been reviewed. She was advised yes. They also have a mobile home storage and that is against the ordinance.

Mr. Carpenter said he has reviewed the requirements and has no problems with them. The mobile home storage is on a separate lot, owned by the same people and they are dealing with that situation.

Troy Spence, Jr., 1351 S. Packard, spoke concerning the mobile home.

Gary Spence, 8279 W. Grand Blanc Road, Swartz Creek, said he thinks the mobile homes are a separate issue, but they are trying to comply and have one-half of mobile homes there for storage, removed now. The company that has stored them there have been notified. It is taking them awhile to get them out. We don't think this issue should have any bearing on the site plan request. Troy Spence is out of town and he is the one involved with the mobile home park. There is a hearing coming up on this to try and get this resolved. We have two separate parcels.

Mrs. Howlett asked if the new facility would be close or attached to where the mobile homes are located. Mr. Spence explained where the homes are presently located.

Mr. LaDuke said on Tuesday, October 17th, there will be a non-jury trial concerning the removal of the mobile homes.

Mr. Spence said because of the fast approaching colder weather, they need approval to go ahead with this project as soon as possible. Whatever is resolved with the other issue, they will have to comply with anyway. We are continuing to improve the existing building. We hope this project will not be held up because of the removal of the mobile homes.

Further discussion was held regarding removal of mobile homes.

Mr. Carpenter said the majority of the site improvements will be done in the Spring after we are done tearing up out there. Mr. LaDuke said the City would have a Performance Bond at the time of application to guarantee things will be taken care of. Mr. Carpenter said at this time of the year, it is important to proceed with the foundations and floors.

Moved by Bertram, seconded by Howlett to approve Site Plan Review #95-79, with the exclusion of mobile home storage. Motion carried 5-0.

1. SPR #95-80

BY: Michael Downer
G-3408 S. Dort Hwy.
Burton, MI 48529

RE: 4086 S. Dort Hwy.
Lot 33 of Supervisor's Plat No. 25
Section 32
M-1 Zoned

FOR: Proposed inside storage facility.

Michael Downer, G-3408 S. Dort Hwy., was not present.

Mr. Strasser said he hasn't heard from Mr. Downer, but sent a letter that he had to attend the meeting.

Moved by Howlett, seconded by Perez to postpone SPR #95-80 until the November

3. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #95-67

BY: Ameritech Cellular Service by:
Cross Wrock P.C., Bryan Monaghan
400 Ren Cen Cte 1900
Detroit, MI 48243

RE: Ameritech Cellular Monopole Tower
1306 N. Belsay Rd.
59-12-100-004
Section 12, M-1 Zoned

FOR: Construction of 147' cellular radio
monopole tower.

Bryan Monaghan, Attorney for Ameritech Cellular Services. ACS is one of two companies in the SE Michigan area, licensed by the government to provide cellular radio services, such as cellular telephones, etc. Under zoning ordinance we are a permitted use in the industrial zoning we have located and they have met all the variances with setbacks and met with Mr. Strasser. He said this is a free-standing monopole tower similar to the towers along the highways that hold up the lights. These towers do not take guidewires, they are located on very small portions of property. The parcel we will be leasing is 20'x40' parcel and the tower will be 147 feet. There is a 12'x26' equipment shelter that is adjacent to the tower. This is an unmanned building, no windows, no water, sewage. Only hookups are power and phone. The landowners are currently using the land for self-storage and they have plans to increase that use toward the rear of that property.

Audience Participation:

P. Dargel, 6119 Hugh, asked how tall the tower would be in proportion to something in the area.

L. Stephens, 3049 Vineland, asked if the towers have been known to interfere with TV channels. He was advised no.

Mr. Strasser said this does meet the Zoning Ordinance. Ameritech is considered a public utility. If the tower fell over, it would fall on its own property.

Moved by Howlett, seconded by White to approve SPR #95-67 contingent upon DPW recommendations. Motion carried 5-0.

2. SPR #95-68

BY: S & W Enterprises Inc.
535 Reid Rd.
Grand Blanc, MI 48439

RE: Schlotzsky's Deli
3023 S. Dort Hwy.
Lots 1-4 & 280-283 Chambers Sub
Section 28, C-2 Zoned

FOR: New use within a tenant space.

There was no one present to represent the site plan review.

Mr. Strasser said they are going into a previously approved building and site by this Planning Commission, on the corner of Dort and Atherton. All of the site work would be completed by Rite-Aid.

Moved by Howlett, seconded by Perez to approve Site Plan Review #95-68 contingent upon the recommendations of the DPW. Motion carried 5-0.

3. SPR #95-69

BY: Delta Mobile Home Park
4071 Fenton Rd.
Burton, MI 48529

RE: Delta Mobile Home Park
59-31-100-015
Section 31, RMH Zoned

FOR: Expansion of Park

Mike Andon, 643 Ann St., Birmingham, MI. He said he is here on behalf of Delta Mobile Home Park. We are currently licensed for 47 sites, looking for 25 to expand. We have spoken with Department of Public Health, Department of Commerce and fully cooperating with them.

Mr. Strasser said all of the sites meet or exceed what is in the zoning ordinance, but I would also like to state that the Department of Commerce regulates mobile home parks and also regulates local zoning ordinance as far as mobile home parks are concerned. As long as we comply with the Department of Commerce, we shouldn't have a problem.

Moved by Howlett, supported by Bertram to approve Site Plan Review #95-69, contingent upon DPW recommendations. Motion carried 5-0.

4. SPR #95-70

BY: Gordon Church
5454 E. Coldwater Rd.
Flint, MI 48506

RE: Marlot Nursing
3245 Card Dr.
Lot 30 Bristol Rd. Industrial Park
Section 33
M-2 Zoned

FOR: Change of Ownerhip and Parking Lot Expansion.

Gordon Church, 5454 E. Coldwater Rd., Flint, MI, the main thing is the parking lot. The use of the building will stay the same. I just purchased the building, but will not be changing the use of it. This will be a nursing registry, placing nurses in home health care. It will be office use.

Mrs. Howlett asked if they would be paving before the cold weather. Mr. Church said yes, they would be black topping right away.

Mr. Berry asked if he had any problems with the DPW requirements.

Mr. Church said the bathrooms are not set up for wheelchairs, but if this has to be done, it would be. Mr. Berry said this is a requirement by the State.

Moved by Howlett, seconded by Bertram to approve SPR #95-70, contingent upon DPW recommendations. Motion carried 5-0.

ADMINISTRATIVE SITE PLAN REVIEWS CONTINUED:

5. SPR #95-72

BY: Lessors, Inc.
1300 N. Genesee Rd.
Burton, MI 48509

RE: Lessors, Inc.
1300 N. Genesee Rd.
Q-91-25, Section 11
M-1 Zoned

FOR: Warehouse Addition

Gary Peters, 7172 W. Coldwater Rd., requesting addition for more storage of what is presently stored outside on trailers and outside docks.

Mr. Berry asked if he had reviewed the DPW. He questioned #4 on watermain tap-in fees.

Mr. LaDuke said the tap-in fees are based on the square foot of a warehouse. This is something that might be adjusted. This could be sewer and water, but will have to be checked into further when the permit is taken out.

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

Mr. Peters said the total size of the structure will be 9,000 sq. foot, of which 5,000 will be warehouse and the rest in parking area to put the trucks inside.

Mr. Berry asked what the facade will be. Mr. Peters said it would be sheet metal, with steel structure and steel roof.

Mr. Perez asked if the trailers would be moved out once the addition is completed? Mr. Peters said there might be two left after building is constructed.

Moved by Howlett, seconded by White to approve Site Plan Review #95-72, contingent upon DPW recommendations and check, when permit is issued, to see if there is a variation of what he needs to pay. Motion carried 5-0.

6. SPR #95-75

BY: Will H. Hall & Sons
1415 N. Dort Hwy.
Flint, MI

RE: Flint Boxmakers, Inc.
2490 E. Bristol Rd.
Burton, MI 48529
Part of Lots 25, 27 & 28 of
Supervisor's Plat #25
Section 32, M-1 Zoned

FOR: Warehouse Addition

There was no one present to represent Flint Boxmakers, Inc. Mr. Strasser said he did contact Mr. Hall, but has heard nothing from him. There is no other site work that needs to be done on this. They have gone before the ZBA and it was approved.

rs. Howlett moved to approve SPR #95-75, but motion died for lack of support.

Mr. LaDuke said the DPW would like the Board to reconsider Mrs. Howlett's motion because of the time restraints in the weather.

Moved by Howlett, seconded by Perez to approve SPR #95-75, contingent upon DPW recommendations. Motion carried 5-0.

C. PUBLIC HEARING:

2. LS #95-66

BY: Vassar Road Associates
702 Church Street
Flint, MI 48502

RE: Vassar Road Associates
59-01-300-005
Section 1
R-1A Zoned

FOR: Residential Use.

There was no one present to represent the lot split request.

Mrs. Howlett asked if the individual was advised to attend. Mr. Strasser said he notified the applicant.

Moved by Howlett, seconded by Bertram to postpone LS #95-66 until the next meeting of November 14, 1995. Motion carried 5-0.

1. LS #95-65

BY: Harry Martinbianco
5317 E. Atherton Rd.
Burton, MI 48519

RE: Lots 76 & 77 of Eastgate #4
Section 26, R-1B Zoned

FOR: Residential Use.

Ian Hohloch, CHMP, representing applicant, said there are two large lots running north and south, fronting on Atherton Road, splitting them into four lots so that he can increase number of lots and this will also allow him to have an access off a secondary road rather than a primary road.

Audience Participation:

L. Stephens, 3049 Vineland, asked if there were three or four lots. He was advised four lots.

Mr. Strasser said the lots exceed the ordinance requirements and are serviced by sewer.

Moved by Howlett, supported by Bertram to approve LS #95-65, contingent upon DPW recommendations. Motion carried 5-0.

. SITE PLAN REVIEWS:

7. SPR #95-76

BY: Waste Management of Michigan, Inc.
dba Valley Rubbish
3309 Associates Dr.
Burton, MI 48529

RE: 3333 Associates Dr..
Lots 7 & 8 Fourteen Associates
Commercial Sites
Section 29, M-1 Zoned

FOR: Expand Parking Lot.

Mr. Gallagher said he have plans showing what we propose to do with Lots 7 & 8. The property around the building will strictly be for vehicle parking, automobiles behind the building and trucks on the south side of the building. There will be asphalt for the automobiles and concrete for the trucks. We will try to get the asphalt work done this year and the concrete first thing in the Spring.

Audience Participation:

Steven Iamarino, representing Main Manufacturing, asked that this application be restricted to just vehicles. Put restriction on it that there are not to be any gondolas put on that area. Mr. Iamarino presented the Board with pictures.

Mr. Strasser said in the parking area, there are electrical outlets. We should limit the use to parking of vehicles with no gondolas.

Further discussion was held.

Mr. Iamarino said they object to parking of garbage trucks on Lot 8 as well as gondolas. This should be only passenger vehicle parking only.

Mr. Strasser read the M-1 use under the Zoning Ordinance.

Further discussion held concerning definition of truck terminal.

Moved by Howlett, seconded by Bertram to approve SPR #95-76, contingent upon DPW recommendations only for the use of parking vehicles, not the gondolas. Motion carried 5-0.

8. SPR #95-77

BY: Waste Management of Michigan, Inc.
dba Valley Rubbish
3309 Associates Dr.
Burton, MI 48529

RE: 3309 Associates Dr.
Lot 15 Fourteen Associates
Commercial Sites
Section 29, M-1 Zoned

FOR: Gravel Parking Area.

Mr. Gallagher said the site plan will be changed to have a paved parking area instead of gravel.

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Mr. Howlett asked to have the video shown before hearing anything further on this case.

Discussion was held concerning documents being given to Mr. Iamarino prior to the meeting. Mr. Gallagher said he received the site plan this very day. Mr. Iamarino said the DPW was very accommodating, but the applicant has not been as cooperative.

Pictures were presented and the video was shown from 9:03 p.m. until 9:17 p.m.

Mr. Iamarino said they are going to the State and ask the DNR to reopen the file to be certain all proper documents were given to them.

Mr. Gallagher said Lots 7, 8 and 15 are for vehicle parking.

Mr. Berry asked for a definition of gondola on wheels. Mr. Strasser said his opinion is that a gondola is not a motor vehicle.

Mr. LaDuke said if the trucks were on the parking lot full of garbage, the DPW would take the stand that they could not be there, unless we are advised by our City Attorney that we are wrong.

Moved by Howlett, supported by White to approve SPR #95-77 contingent upon DPW recommendations and the lot be paved. There are to be no trucks stored with garbage and only motorized vehicles are to be parked in the parking area. Motion carried 5-0.

2. SPR #95-78

BY: Waste Management of Mich., Inc./
DBA Valley Rubbish
3309 Associates Dr.
Burton, MI 48519

RE: 3376 Associates Dr.
Lots 11 & 12 Fourteen Associates
Commercial Sites
Section 29, M-1 Zoned

FOR: Transfer Station

Mr. Berry said he was very unhappy to see in the video the garbage that was in the open. Our original approval was for corrugated cardboard boxes and recycle of them.

Mr. Gallagher said that was for the transfer station itself, inside the building. The original deal was for the building itself as a recycling center. We don't dump loads in the yard. Everything is dumped in the building, and if it comes out the door a little bit, it is shoved back in and each day the floor is cleaned. Everything is in the containers according to our permit, as it is supposed to be. Mr. Gallagher said the only change they are asking for is to bring in more loads and attempt to pick up more recyclables. We have been there 9 years with no complaints.

Discussion was held concerning expansion of business and stored containers on the property. Also the garbage outside the terminal.

Ms. Riley said they have the proper permits from the State. She explained the items that were agreed to by a Court order, issued on October 4th.

Mr. Berry asked if there was any input from the City Attorney. Mr. Strasser said he received no confirmation from what Mr. Hamilton said in Court.

Mr. Bertram said there were a lot of unanswered questions such as is it a terminal and if we did have no expansion on Lot 11, how come they are using it now. Too many things unanswered.

Moved by Bertram, supported by Howlett to postpone SPR #95-78, until the next regularly scheduled meeting of November 14th meeting. Motion carried 5-0.

H. BOARD DISCUSSION:

Mrs. Howlett read the thank you note from Homer and Virginia Berry for the flowers sent for Daisy Keene.

Mr. Bertram said he attended the seminar and it was very good.

The next regularly scheduled meeting will be held November 14, 1995 at 7:00 P.M.

Meeting Adjourned at 9:59 P.M.

Submitted by,

Cheryl M. Ladd,
Deputy City Clerk

CML