

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
DECEMBER 8, 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: Berry, Bertram, Grantner, Mayor Charles H. Smiley; Hammon, Merrell, Perez and White.

MEMBERS ABSENT: Howlett.

OTHERS PRESENT: R. LaDuke, Building Supervisor; T. Strasser, Dep. Planning Official; R. Hamilton, City Attorney; D. Lowthian, City Assessor and C. Ladd, Deputy City Clerk.

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

Moved by Grantner, supported by Hammon to approve and authorize the minutes of the Regular Meeting of November 10, 1992 at 7:00 P.M., as printed. Motion carried 8-0.

B. SET FIRST PUBLIC HEARING FOR JANUARY 12, 1993 AT 7:00 P.M.:

1. LS #92-74

BY: Michael Wing
Tremaine Real Estate
400 E. Third St.
Flint, MI 48503

RE: Q-164-A
Section 15
R-0 Zoned

FOR: Office Development

Moved by Hammon, supported by Grantner to set the First Public Hearing for Lot Split #92-74 for January 12, 1992 at 7:00 P.M. Motion carried 8-0.

C. AUDIENCE PARTICIPATION:

P. Dargel, 6119 Hugh St., asked about the notices in the newspaper for the Special Use Permit cases and asked the Planning Commission to consider reasonable hours for construction projects to be from daylight to dark so as not to disturb the residents with the noise.

D. SITE PLAN REVIEW:

1. SPR #92-72

BY: CESO, Inc.
7720 Paragon Road
Dayton, OH 45459

RE: Sam's Club
Q-173-1, Section 15
Southwest Corner of Court & Howe
C-4 Zoned

FOR: Preliminary Development Plans
Sam's Club

Mr. Steve Kelly represented Sam's Club and explained the location of the store would be on the south side of E. Court Street, next to Courtland Center and

backing up to I-69. Sam's Club will be located on a 21.5 acres parcel and the building will be 134,680 sq. ft. under roof. There will be two (2) accesses on E. Court Street with three (3) lanes of traffic and an ingress and egress on both accesses. There will be a cross access to Courtland Center so traffic will not have to go back out onto Court Street to get to Courtland Center. There will be an interior aisle with one-way traffic up and down. There are 7 cars per 1,000 square feet of building. The vestibule area will be centered on the property and there will be an expansion area on the west side of the property. Whether or not the store expands will depend upon its success. There will be an auto repair operation and the truck dock area will bring the trucks into the site with the least amount of interference with vehicles shopping, by going around to the rear of the building. The truck dock will be on the west side of the building. We do have appropriate utilities, storm water detention would be accommodating with dry type basin and would hold water during normal types of rain. We are willing to work with the City staff on the drainage. There will be a sign located at the western entrance. We will preserve as many of the trees as we can. This building would be comparable to what is on the west side of Flint. There would be approximately 150 full-time jobs and 100 part-time jobs.

Audience Participation:

Dennis Vaughter, 4275 E. Court St., asked questions regarding the greenbelt and traffic signals. Mr. LaDuke said no new traffic signals have been proposed at this time. Mr. Vaughter said the proposal looks much nicer than he had thought it would. He thanked Mr. Kelly for giving the residents in Maplebrook as much consideration as they have.

George Eckert, 1095 Howe Rd., said he is concerned about the loss of the trees in the greenbelt area. He would like to see these preserved. Also, he was concerned about having construction traffic on Howe Road.

Mr. Kelly said they would do their best in keeping the traffic on Court Street and not Howe Road.

Paula Zelenko, 5425 Sitka St., represented the City of Burton Economic Development Commission and said the EDC totally supports this project. This is an added tax base to the City as well as jobs in the area.

Richard Phelp, 1119 Howe Rd., said he has a concern about the greenbelt area and the underground gasline. He also has two small children to be concerned about.

Mr. Strasser said there will be a fence around the retention basin to make a safe situation. If the construction area doesn't pose a safety problem, there will be no need for a fence. The high-pressured gas main is on the site plan and Miss Dig will be notified when construction begins in that area.

Mr. Hammon asked when the construction would begin and how long it would take for completion. Mr. Kelly responded the project would begin in the Spring and it should take approximately eight (8) months to complete.

Moved by Mayor Smiley, supported by Bertram to approve Site Plan Review #92-72 contingent upon DPW recommendations. Motion carried 8-0.

E. SPECIAL USE:

1. SPR #92-70

BY: Tom Blondin
6267 E. Maple Rd.
Burton, MI 48519

RE: Q-466-A
Section 36
SE Zoned

FOR: Request for 2 horses. Ord. #19,
Section 8.03 Item #3.

Mr. Blondin said he would like to have two horses on his property. He has a barn for the storage feed which is 12x14 and a holding pen of 150'x150'.

Mr. Strasser said there are similar uses located in this area. Prior to the revisions in the ordinance, this type of use went before the Zoning Board of Appeals. The DPW is recommending that Mr. Blondin come back before the Planning Commission within one (1) year for a review of his case and be sure everything is in order per the site plan.

Mr. Hammon said he doesn't think this should be a yearly review and there are others located in the City and they are not subject to review on a yearly basis.

Mr. LaDuke said the City has had problems with some of the other areas and they are trying to control the situation. The problems is, the use permit goes with the property and not with the owner. Therefore, if Mr. Blondin sold the property, the next owner could have horses and they may not stay within the requirements of the site plan.

Mr. Hammon asked if Mr. Blondin would have to pay the fee to come before the Board again. Mr. LaDuke said yes, unless this Board waives the fee and just goes ahead with the review.

Mayor Smiley asked if Mr. Blondin already had the horses. Mr. Blondin said he has one horse, but it is not located on the property as of yet.

Moved by Bertram, supported by Grantner to approve Site Plan Review #92-70 contingent upon DPW recommendations with a review of the site plan next year.

Moved by Bertram, supported by Grantner to amend the motion to waive the fee of \$75.00 next year for the review.

Amended Motion carried 8-0.

Main Motion carried 8-0.

SPECIAL USE:

2. SPR #92-76

BY: Harmony Baptist Church of Flint
549 Burroughs Avenue
Flint, MI 48507

RE: Harmony Baptist Church
Bristol Road
Q-425-5 & 425-6
Section 35, SE Zoned

FOR: Church per Section 8.03.6.

Pastor Steve Reed, 549 Burroughs Ave., Flint, MI, said he has Phil Euido, who is from the Cornerstone Survey & Engineering Company. He said they want to construct a church.

Mr. Strasser said this case is similar to the previous request. The property has 10 acres. The screening stipulation has been met as well as all other requirements for the special use approval.

Audience Participation:

Patricia Ward said she owns the property next to the church property and opposes the church being there.

moved by Hammon, supported by White to approve Site Plan Review #92-76, contingent upon DPW recommendations. Motion carried 8-0.

F. SITE PLAN REVIEW:

1. SPR #92-75

BY: Harmony Baptist Church of Flint
549 Burroughs Avenue
Flint, MI 48507

RE: Harmony Baptist Church
Bristol Road
Q-425-5 & 425-6
Section 35
SE Zoned

FOR: Construction of a Church

Mr. Berry asked Pastor Reed if he had read all of the DPW recommendations. He said he had and has no problem with them.

Mr. Strasser said the access drive to the front door should be 16 feet versus 12 feet. Landscaping will be done in the Spring of '93. According to the site plan, they are planning to leave the two willow trees and possibly the idea of removing the trees should be discussed with the architect, so they can be removed prior to construction, as they will most likely die because of the disturbance around them during the construction. This site meets all of the Ordinance requirements. There is a drainage ditch on Bristol Road which is south and west of the building. The water will not affect any one in the area.

Mr. Bertram asked when phase two would be constructed. Pastor Reed replied in approximately 24 months.

Moved by Hammon, supported by Merrell to approve Site Plan Review #92-75, contingent upon DPW recommendations. Motion carried 8-0.

F. ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #92-71

BY: New Tech Development
3220 Robert T. Longway
Flint, MI 48506

RE: VST Tech
4366 E. Bristol Rd.
Q-391-2, Section 34
C-3 Zoned

FOR: Proposed Construction/Environmental
Testing Office & Yard.

Mr. Berry said this case was before the ZBA and was approved with the stipulation that the storage area be screened.

Mr. Strasser said the Board was given a letter prior to the meeting from the Building Department, indicating a problem with the building on the east side of the property. There are concerns on the structure as to whether it can be used for any use at all. At this time, it is tagged and not allowed to be used. The one building will have to be brought up to code before being used.

Mayor Smiley asked what the building would be used for. Mr. Strasser replied it would be similar to a construction office. It is a clean operation and that is part of the requirements of their clients. It will have some storage use for smaller equipment.

Mr. Hammon asked why the gentleman was not present tonight to answer any questions which the members may have. Mr. Strasser said under Administrative Reviews, the applicant is not required to be present. According to the application, the clean-up company is comparable to Young's.

Mr. LaDuke said there should be some screening required, because a construction yard is a collection agency.

Mr. Strasser said he was uncomfortable answering questions for the applicant.

Norm Fisher, member of EDC, said many of these environmental companies will be in trouble because the MUSTER Fund is being terminated on February 8, 1993. They could leave the City high and dry.

Moved by Bertram, supported by Perez to postpone Site Plan Review #92-71 until the next regular meeting of January 12, 1993 at 7:00 P.M. to allow the applicant to answer questions the Board may have prior to any action. Motion carried 8-0.

2. SPR #92-73

BY: Steve Bennett
4153 S. Saginaw St.
Burton, MI 48529

RE: Custom Pools, Inc.
4153 S. Saginaw
Lots 38, 39 & 40 of Durant Heights
Section 32

2. SPR #92-73 (Continued)

FOR: Construction of a 1000 sq. ft.
Cold Storage Barn.

Mr. Bennett, 301 Leta St., Flint, MI, said he would like to construct a building where there is a construction yard. He would like to convert to indoor storage. There will be an additional six (6) parking spaces added and there is off-site parking at the previous Action Auto, so we can comply with the parking area.

Mr. Berry asked if he had reviewed the DPW requirements and Mr. Bennett said he has no problem with them.

Discussion was held building being adjacent to residential property and the possibility of fencing between the properties.

Mayor Smiley asked what is presently in the building. Mr. Bennett replied there are apartments above the storage building. The building is being used to storage of pumps and small equipment. The Mayor said his biggest concern is for fire protection. He asked if this would be processed through the Building Department and was told it would be.

Moved by Hammon, supported by Grantner to approve Site Plan Review, contingent upon DPW recommendations. Motion carried 8-0.

3. SPR #92-77

BY: Don Bertram
2181 Kenneth St.
Burton, MI 48529

RE: Adult Foster Care Facility
1345 Connell St.
Lots 1183 thru 1189 & 1216 thru 1220
of Baker Park #1

FOR: Adult Foster Care Facility.

Mr. Les Bertram, member of the Board, said he would like to abstain from voting due to a conflict of interest, as he and the applicant are related.

Mr. Bertram said he was before the ZBA for a variance and it was approved. The height of the building will be consistent with the rest of the area.

Mr. Berry asked if someone is presently living in the house. Mr. Bertram said not at the present time, but he is there just about everyday cleaning up the house. Mr. Berry asked about the driveway out to Greenley Street. Mr. Bertram said he is putting in an additional driveway to the west of the 24 foot drive.

Mr. Berry said Mr. Bertram presently operates a home on Kenneth Street and when he was before ZBA, his request was approved unanimously. Mr. Berry asked if he had read the DPW requirements. Mr. Bertram said he has no problem with any of them, as he has two or three agencies he must deal with for this type of home.

Mr. Strasser said the driveway off Greenley is 14 foot wide and it should be 16 foot. The parking on Kenneth Street has to be moved 5 feet to the south for the setback and the dumpster should be moved to the southwest corner of the parking lot. There should be a 24 foot driveway access from Kenneth Street, which will allow for truck to pull in.

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Mr. Berry asked Mr. Bertram if he had made provisions for taking care of medicines which may be contaminated. Mr. Bertram said he will not be issuing medication to any of the residents because he doesn't have a license for this.

Mr. Hammon said unless Mr. Les Bertram has any financial interest in this case, he would not have to abstain from voting. Mr. Bertram withdrew his abstention.

Mr. Berry asked what would happen to the needles if any of the residents should be diabetic and have to use them. Mr. Bertram said he would get a container for the needles.

Moved by Hammon, supported by Grantner to approve Site Plan Review #92-77, contingent upon DPW recommendations. Motion carried 8-0.

G. BOARD DISCUSSION:

Mayor Smiley asked the Board to think about change in the process in which they receive their packets. He asked if anyone would object to coming to the DPW and getting their packets and if they have any questions about the cases, they could be asked at that time. The Mayor did not want an answer tonight.

Mr. Bertram said possibly mailboxes could be used for the packets.

Mr. Merrell asked when the packets would be ready for pickup. Mr. Strasser said the Thursday, previous to the meeting.

Mr. Grantner said he likes it the way it is now.

Mayor Smiley said the Board could give the idea some thought and advise him at a later date.

Mr. Berry adjourned the meeting at 8:44 P.M.

The next regularly scheduled meeting will be held January 12, 1993 at 7:00 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk

CML