

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
DECEMBER 10, 1991, 7:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: H. Berry; G. Grantner; T. Hammon; J. Merrell and M. White.

MEMBERS ABSENT: Mayor Charles Smiley; B. Beggs; L. Bertram and B. Howlett.

OTHERS PRESENT: J. Major, Acting DPW Director; T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

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

Grantner moved and White supported the following motion:

Approve and authorize the Minutes of the following meetings:

Regular Meeting of November 12, 1991 at 7:00 P.M. and Special Meeting of December 3, 1991 at 7:00 P.M., as printed. Motion carried 5-0.

B. SCHEDULE FOR FIRST PUBLIC HEARING ON JANUARY 14, 1992 AT 7:00 P.M.

1. LS #91-55

BY: Vivian Rhoden
5339 E. Atherton Rd.
Burton, MI 48519

RE: 5339 E. Atherton Rd.
Q-248
Section 23

FOR: Residential Use.

2. LS #91-57

BY: James T. Higgerson
2341 E. Maple Ave.
Burton, MI 48529

RE: 2325 E. Maple Ave.
E 165 Ft. of W 330 of S 270 Ft. of
SE 1/4 Sec 32, T7N, R7E
Q-353

FOR: Residential Use.

B. SCHEDULE FOR FIRST PUBLIC HEARING ON JANUARY 14, 1992 AT 7:00 P.M. CONTINUED:

3. LS #91-58

BY: Tom Burns
4126 Lapeer Rd.
Burton, MI 48509

RE: 1184 S. Belsay Rd.
Lot 32 Cardinal Gardens
Section 14, C-2 Zoned

FOR: Commercial Development

Grantner moved and Merrell supported the following motion:

Approve and authorize the schedule of Lot Splits #91-55, #91-57 and #91-58 for First Public Hearing on January 14, 1992 at 7:00 P.M. Motion carried 5-0.

C. AUDIENCE PARTICIPATION:

Thomas Spence, 3193 Carr Street, spoke concerning his Site Plan Review #91-141, which was presented at the November meeting. He said he has the necessary permits from Genesee County and also has the signatures from the tenants on either side of him so he can use their driveway.

Mr. Berry asked if he had a copy of the permits from Genesee County. Mr. Spence presented the permits to the Board.

Mr. Strasser said the bond from Genesee County is for the purpose of working in right-of-way on Davison Road. The other bond is for the work to be done on site. The file will be reviewed by the DPW Wednesday. Mr. Strasser said he was not under the impression this would be brought before the Planning Commission until Mr. Spence brought in his permits and then the site plan would be put back on the agenda for action.

Audience Participation: None.

Mr. Hammon said the minutes reflect this site plan would be placed on tonight's agenda. Has the DPW reviewed this information?

Mr. Strasser said as long as he has the permits the DPW has no problem recommending approval and if after review a variance is needed, he will notify Mr. Spence.

Moved by Hammon, supported by White to approve Site Plan Review #91-141, based on the approval of the DPW. Motion carried 5-0.

D. FIRST PUBLIC HEARINGS:

1. ZC #191

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

RE: Lots 38-49 Supervisor's Plat of
Eastmoreland Acres & Lot 21, except
the N 126.5 ft. of Eastmoreland
Acres #1 - 6088 Woodmoor.
The N 127.5 ft. of Lot 21 & a metes
and bounds description known as
1336 Lyle St.
Section 12
Zoning changed from R-1A & M-1 to
R-O & R-1A

FOR: Office Development

Mr. Strasser said there is some confusion regarding this rezoning case. Mr. Strasser presented the Planning Commission with a map, explaining the proposed zoning changes. There are two lot to be rezoned and the individual has a home on each lot and is asking they go back to residential. They will not be using those lots for industrial purposes. It does not harmonize with the rest of the area. When the property on Court Street was rezoned from residential, they were parking behind the buildings. We recommend a 3-4 foot high evergreen trees in staggering rows be placed in place of the fencing.

Audience Participation:

Elizabeth Bickford, 6032 Hugh St., said she lives in the second house off Belsay Road. If the property is rezoned it will change one whole side and the back of the property to commercial zoning. She asked if the businesses wanted this property to be rezoned.

Mr. Berry said the Planning Commission has had businesses before them to request a change in zoning to office. This would prevent spot zoning along Belsay Road. Office use would be a better classification of zoning than commercial in that particular area.

Mrs. Bickford said she doesn't think the screening is sufficient.

Pauline Dargel, 6119 Hugh, asked if the screening which has been suggested be sufficient to take care of the lighting from the parking areas. Also, she said they live in an area which the Drain Commission has found to be faulty. There should be some provisions made that the drainage situation be taken care of for the site, not using Rumph Drain.

Mrs. Peckyno, 1337 Lyle St., asked about paying taxes for commercial property.

Mr. Berry stated that the Genesee County Metropolitan Planning Commission has reviewed this zoning case and has recommended approval.

Mr. Major said there should be no problem with the drainage on those properties.

Mr. Major said several of those parcels have gone before the Zoning Board of Appeals for a variance in zoning and it would be better to have the property rezoned to Office so no heavier zoning classification would be approved for that area. There is not a good solution for this problem.

Mrs. Bickford asked what her recourse would be if the zoning is approved.

Mr. Major said the only time you have any recourse is when the site plan comes before the Planning Commission and then you have a seven (7) day appeal process.

Mrs. Bickford then asked if the notification process could be changed. She said she would like to be notified of any site plan when a business goes into the area.

Mr. Major assured Mrs. Bickford that the DPW will notify her if there is an application made for a site plan. He said they could check with Attorney Hamilton to see what type of notice could be sent to the adjacent property owners. The Planning Commission could give the directive to the DPW to do this. Mr. Major said the same guidelines could be followed in sending the notices to the adjacent residentially zoned property as they have now for notification of a variance.

Moved by Grantner, supported by Merrell to recommend rezoning from M-1 to R-1A and R-1A to R-0 that fronts Belsay Road. Notification will also be sent to adjacent residential property owners. Motion carried 5-0.

E. SITE PLAN REVIEWS:

1. SPR #91-61

BY: William Dunkel
G-5457 Fenton Rd.
Burton, MI 48529

RE: N.M.D.C.M., Inc.
4133 S. Dort Hwy.
Burton, MI 48529
Section 33
M-2 Zoned

FOR: New Construction for a Lumber
and Tool Outlet.

Mr. Dunkel said he is asking for permission to have retail sales even though the zoning does not include retail sales.

Mr. Berry asked Mr. Dunkel if he has reviewed the DPW recommendations. Mr. Dunkel said agrees with the recommendations.

Mr. Strasser said the property is zoned M-2 Industrial. This does fit that area but he had to get Planning Commission approval on this. The site plan shows the capping of the existing asphalt and we are recommending approval and also that the lot will be cleaned up.

Moved by Grantner, supported by White to approve Site Plan Review #91-61, contingent upon DPW recommendations. Motion carried 5-0.

F. RECONSIDERATION OF EXISTING SITE PLAN:

1. SPR #89-18

BY: Steve Duquette
4289 E. Bristol Rd.
Burton, MI 48519

RE: D & K Automotive
4284 E. Bristol Rd.
Q-391
Section 34
C-3 Zoned

FOR: Reconsideration of Existing Site
Plan.

Mr. Berry said it is the understanding of this Commission that there have been Court proceedings and the case was ordered back to the Planning Commission to try to work out an agreement.

Mr. Duquette said he would like to move the parking of the cars from the grass area to the Howe Road side of the building as it is swampy where they are presently parked and there is no good way to accessibility on the East side.

Mr. Strasser said he put this site plan on the agenda again because he was ordered to do so through the Attorney and Court. Mr. Duquette presented a site plan to the Planning Commission as to what his intentions were and has not complied with anything he said and the case went to Court. Mr. Duquette has not proven he has swampy conditions. According to one of the diagrams, he has an 80x80 area but hasn't indicated what is going in that area.

Mr. Major said there are residential homes across the street and they have to look at an outside car storage. These cars need to be enclosed and he has to stop driving through the ditch with the cars.

Mr. Duquette said he originally wanted to put up a fence but was told not to, because they were afraid it would turn into a junk yard.

Mr. Major asked if the cars belonged to individuals who owe Mr. Duquette money or are some of them yours, personally. He said the City will not allow an auto salvage on that property.

Mr. Duquette replied that he does not own any of the vehicles, only the one he drives back and forth to work.

Mr. Berry asked what is done with the used oil and anti-freeze. Mr. Duquette said they are stored in drums and picked up by a disposal company.

Mr. Berry asked if he would agree to screen the property on the west side of the building. Mr. Duquette said he would agree to the fencing.

Mr. Major said any vehicles outside of the fenced area would belong to you or your employees. There will be no outside storage.

Mr. Berry asked Mr. Duquette what type of fencing he would propose. Mr. Duquette said the best type would be a cyclone fence, but you can still see the cars inside the fence.

Mr. Major said a cyclone fence could be installed as it is more sturdy and it could be slatted so the cars would not be seen.

Mrs. White suggested he use a cyclone fence and then possibly landscape with thorny bushes. This would then prevent people from going through there.

Mr. Major asked if it is necessary to pave or should the gravel remain. Mr. Strasser said he thinks it would be more sensible to have the gravel or limestone would be even better.

Mr. Duquette agreed that crushed limestone would be a good base.

Mr. Major said if Howe Road is going to be used as access to the business, a driveway approach has to be installed.

The Board further discussed Site Plan Review #89-18, Steve Duquette.

Mr. Berry explained to Mr. Duquette that the Board's main concern is for him to comply with the requirement of his site plan.

Mr. Major said the City could be flexible about the size of the storage area as long as the storage area is constructed.

Mr. Duquette said he has materials and can start immediately trying to correct this situation.

Mr. Major informed Mr. Duquette that the City has specifications for the construction of a fence and the size is no problem as long as it isn't in the setback area. Mr. Major said possibly a time-frame should be set so the City Attorney can be informed. Also, some type of assurance bond should be drawn up to make certain these items are completed.

Mr. Berry asked Mr. Duquette if he could post a performance bond or get a letter of credit from the bank.

Mr. Duquette said he isn't certain he could come up with the money for a performance bond at this time.

Mr. Major said possibly an agreement with the DPW, signed by the Mayor that he agrees to construct a fence for the cars within a reasonable length of time. Then if it isn't done, the City could install it and put that amount on his taxes. Mr. Major said if the weather is bad, you just need to come before the Planning Commission and let them know how you are progressing and if you are having any problems.

Mr. Berry said with winter already here, this should be done by the end of May, 1992.

Mr. Major said the DPW will draft the agreement and inform Mr. Austin to have the court case postponed until after May 31, 1992.

Mr. Hammon asked what type of work Mr. Duquette did and how many people he employed. He answered he repairs engines and he has five employees, including himself. Mr. Hammon asked if it would be improper to have a set number of cars to be on the lot at one time.

Mr. Major said there can be no more cars than what fits in the storage area.

Moved by Hammon, supported by Grantner to approve Site Plan Review, contingent upon recommendations of Planning Commission and DPW that Mr. Duquette be given until May 31, 1992 to erect a chainlinked fence, with slats, to City specifications in size not to exceed 100x100. A limestone gravel or crushed concrete surface is to be placed in the car storage area. These requirements are to be completed by May 31, 1992 and an agreement to be drawn up between Mr. Duquette and the City of Burton to this effect. The Planning Commission directs the City Attorney to postpone any action on the court case for Mr. Duquette until after May 31, 1992. Motion carried 5-0.

G. C-4 ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #91-56

BY: Aladdins' Castle Inc./Ohm Sharma
10601 W. Belmont, Suite 4
Franklin Park, IL 60131

RE: Aladdins' Castle, Inc.
4190 E. Court St., Space #761
Burton, MI 48509
Q-79

FOR: Expansion of existing Aladdin's
Castle Space.

Mr. Strasser said the business is presently in the Mall and they want to expand the business into two spaces.

Mr. Berry asked if any of the site plan requirements are unfinished. Mr. Strasser said no, everything is complete.

Moved by Grantner, supported by Merrell to approve Site Plan Review #91-56, contingent upon DPW recommendations. Motion carried 5-0.

2. SPR #91-62

BY: Dunham's
4195 E. Court St.
Burton, MI 48509

RE: Dunham's Sporting Goods
4195 E. Court St.
Courtyard Mall

FOR: Change of use within a tenant space

3. SPR #91-63

BY: Phar-Mor
4195 E. Court St.
Burton, MI 48509

RE: Phar-Mor
4195 E. Court St.
Courtyard Mall

FOR: Change of use within a tenant space

Mr. Strasser said Dunham's and Phar-Mor went into the previous Hill's Department Store. Dunham's is on the west side of the building and Phar-Mor on the east side. DPW recommends approval. All site plan work has been completed.

Moved by Grantner, supported by White to approve Site Plan Review #91-62 and Site Plan Review #91-63, contingent upon DPW recommendations. Motion carried 5-0.

H. BOARD DISCUSSION:

There was no discussion held.

The next regularly scheduled meeting will be held January 14, 1992 at 7:00 P.M.

Meeting Adjourned at 8:40 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC
Deputy City Clerk

CML