

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 20, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE SPECIAL MEETING IS CALLED TO ORDER BY PAULA ZELENKO, COUNCIL PRESIDENT AT 6:09 P.M.

MEMBERS PRESENT: Zelenko, Tinnin, Cross, Brawner, Centilli, Martinbianco, Wells

MEMBERS ABSENT: None

OTHERS PRESENT: Mayor Charles Smiley, Atty. Richard Hamilton, C. Abbey, Administrative Assistant,
J. Major, DPW Director, J. Adams, Clerk's Office

PURPOSE OF THE MEETING: Second Public Hearing for Zoning Case #249 to rezone Parcel No. 59-29-400-022, vacant property per concept #1 or #2 or combination thereof, as allowed by City Ordinance #19, for the purpose of the permitted use with the zoning classifications as approved.

PRESENTATION:

Mr. Major indicated the developer, Neil Martz will present his proposal. The DPW concurs with the Planning Commission's recommendation at their Special Planning Commission Meeting held on November 1st for approval to the City Council.

Neil Martz, 6384 S. Belsay Rd., said he is spokesman for the Z-Mar Group presenting a proposal to rezone the property north of Red Arrow Road south of Hemphill Road, and west of Dort Hwy. He passed out illustrations to the Council, and stated the colored illustration was the original proposal submitted 2 to 3 months ago. He was sent back to the Planning Commission by this body and had dialogue with them regarding modification to this plan that he will present this evening.

Mr. Martz said they decided to modify this proposal and request all of the blue area north of Red Arrow Rd. be rezoned to M-1, rather than the proposal in front of you, suggesting that area be rezoned to M-2. They did that in consideration for the abutting property owners and church adjacent to them on Hemphill Road. They expressed concerns that they did not want outside industrial activities in the close proximity of their neighborhood and also the church. Mr. Martz said they took it upon themselves to modify the application to downgrade the original proposal to all M-1 zoning.

Mr. Martz indicated the parcels of property purchased by the Z-Mar Group were basically three parcels. One is located at the southwest corner of Red Arrow Road and Dort Hwy. The second is an 11 acre parcel south of Red Arrow Road that expands to Ogema, and the third parcel is north of Red Arrow Road expanding to Hemphill Road. Most of the re-zoning is relegated to the parcel north of Red Arrow Road with the exception that our group is proposing to barrier off accessibility onto Ogema St. and create five residential sites along Ogema and Red Arrow Road.

Mr. Martz said they want to maintain the residential R-1C zoning on the south side of Joyce St. also minimizing industrial affect into the existing neighborhood, and proposing to develop 7 residential lots abutting the south side of Joyce St. Mr. Martz stated they spoke to the church that they would create deed restrictions to prohibit development of any building north of the front line of the church, which is 125 ft., south of the right-of-way along Hemphill Road. They made verbal agreements at the last Planning Commission meeting of the accessibility they plan to re-locate Red Arrow Road up to Hemphill Road, and they would not develop that accessibility route until Phase II of the development.

Mr. Martz said Phase I of the property would come off of the existing Red Arrow Road, entering off of Dort Hwy. The City Fire Chief has insisted upon dual accessibility for the Industrial Park. The access to Hemphill Road also is more convenient for potential purchasers.

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AUDIENCE PARTICIPATION:

Carol Popovich, 701 E. Hemphill Rd., stated she has resided her entire life at this address. The community decided when this all came up to form their own association, which she is president of. They are concerned with the safety of the children, and heavy traffic on Hemphill Road. We have asked that there be no egress to Hemphill Road because there is direct access off of Dort Hwy. There is also another piece of property for sale on Hemphill Road by Saginaw St., which has direct egress from Hemphill Road. If that is sold for industrial purposes along with Mr. Martz's property, it will reek havoc on Hemphill Road. Freeman School is on Ogema and there is a lot of children in the area. Access to I-75 and I-475 is off of Bristol Road which is closer to Dort Hwy. and Red Arrow Rd. then it is to Hemphill Road. They also have concerns people will try to cut corners, zip through off of Red Arrow Rd., through the new development and straight through Hemphill Road where we have children.

Pauline Dargel, 6119 Hugh St., Burton, MI, said this is a very unusual request. She mentioned various dates it was published in the newspaper and meetings that were held on it. She said in the meeting minutes of February 1996 regarding ZC #222, to change from R-O to Industrial M-1, there were concerns expressed of M-1 zoning in this area when there is already M-1 zoning in other areas of the City. Mrs. Dargel said she feels the same fact is true today. The Council did change the zoning next to I-475 to create an industrial park, which is already developed and in place, and has but one access. She did not hear the Fire Department insisting on two accesses at that location.

Mrs. Dargel stated further the applicant in December requested to change zoning from M-1 to residential use, which is a flip flop. There were different hearings and meetings with people across the community, which she felt was a sincere effort. In 1999, a printed outcome of that showed the recommendation on the map of this location, the land use would be a medium low density residential, not M-1. She feels we have an obligation to consider the north side of Hemphill Road as well as what we in the City have now for residential. There is an abundance of industrial, although not at this site, property already properly zoned, and therefore she feels the Council should vote this down.

Scott Kincaid, 349 Beach St., Flint, MI, said he is the 9th Ward Councilman representing the southeast corner of the City of Flint. He appreciates the time and effort Mr. Martz and Mayor Smiley has taken to listen to concerns of the residents. As a community grows it strives for economic development and tax base. As we do that, we also cannot forget the quality of life for the residents that live in the community. Mr. Kincaid addressed concerns of an access drive from Hemphill Road onto Dort Hwy. He indicated that once this is zoned, there is no changing it.

Ken Irvin, 1459 West Judd Rd., said he is a representative of Farnumwood Presbyterian Church at 2359 E. Hemphill Rd., Burton, MI, which is the adjacent property owner of what is being requested. He stated they do not wish to impede progress of Burton and want to be a good neighbor to our community. We are concerned with the traffic, air quality and safety of our neighborhood if this indeed could become an industrial park. As stated earlier, some of the industrial parks already developed do not have an egress onto Hemphill Road, which now seems to be a requirement of the Fire Department. To a neighborhood standpoint, this could be a detriment. Mr. Irvin stated further, this is a 45 year old stable neighborhood and he does not understand why anyone would want to consider putting an industrial park in the midst of a residential area.

Attorney Steve Iamarino, representing the developer Neil Martz, stated we are hear to ask for re-zoning of the parcel and developing this into phases. The zoning in place will allow 5 units per acre, 175 dwelling units. This industrial park has the ability of 2 access points and understands why the Fire Chief would want that. Mr. Rizzo's industrial development on the east side of I-475 and Bristol Road is land-locked and has no accessibility to another major thoroughfare. It is always good to have two ways into a development. Mr. Iamarino commented further that there would be fewer vehicle trips with this type of development as proposed then if developed residentially. He indicated deed restrictions could be imposed at the Planning Commission's site plan.

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COUNCIL DISCUSSION:

Mr. Martinbianco inquired regarding lots drawn out on the amended map, property behind the church, and Bendle School property. Mr. Martinbianco commented further regarding property abutting Dort Hwy. that he said is unique and bears commercial.

Mr. Martz said there is the concrete operation south of that and the transmission shop.

Mr. Martz spoke of potential purchasers and commented regarding a boat restoration company. He indicated there will not be a concrete processing plant.

Mr. Cross inquired regarding the start of the development.

Mr. Martz replied as soon as the plans are developed and spoke further regarding submitting site plan.

Mrs. Tinnin inquired regarding the zoning map and commented on the neighbors concerns.

Mr. Centilli inquired regarding the start of phase II.

Mr. Martz indicated he did not know, it could be six months.

Mr. Iamarino said they are asking for land use and spoke of coming back before the Planning Commission for site plan. He spoke further of modifications made in response to the neighborhood's concerns.

Mrs. Tinnin inquired regarding the Bristol Road area industrial park and if they are all occupied.

Mr. Martz said on Jimbo Dr. there are no available sites.

Mr. Wells said he understands the concerns that were addressed.

Mr. Centilli said he wants to make sure the residents understand that they are not voting on the road access tonight.

COUNCIL DISCUSSION ACTION:

Mr. Martinbianco inquired regarding the different proposals and insertion of the word exhibit in the resolution.

Mr. Brawner agreed to the insertion.

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COUNCIL ACTION:

Brawner moved and Martinbianco seconded the following motion:

1. Second Public Hearing for Zoning Case #249 to rezone Parcel No. 59-29-400-022, per Planning Commission recommendation of 11-1-00, vacant property per Exhibit 1 / Concept 1, per attached, as allowed by City Ordinance #19, for the purpose of the permitted use with the zoning classifications as approved. Pursuant to attached legal description.

Motion carried 7-0.

MEETING ADJOURNED AT 7:25 P.M.

jra