

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
MAY 6, 2002, 7:00 P.M., BURTON CITY HALL, COUNCIL CHAMBERS

Council President Larry Brawner called the Special Meeting to order at 7:00 P.M.

MEMBERS PRESENT: Bement, Brawner, Centilli, Cross, Martinbianco, Tinnin and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: C. Abbey, Administrative Assistant; J. Major, DPW Director; Attorney R. Hamilton and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Discussion and possible action concerning the reconsideration of the Second Public Hearing for Zoning Case #267 to rezone property at Genesee Road south of Bristol Rd. from SE to R-1B for the purpose of residential development (Claro Recto, 46500 Maidstone, Canton, MI 48187).

PRESENTATION:

Jesus Anayas, 171165 Coral Gables, representing Clara Recto, requested property at Genesee and Bristol be rezoned from SE to R-1B for a 120-lot development. He planned to add a park, clubhouse and green belt barrier to this project. He displayed pictures of the homes that he planned to build. If R-1B weren't an option, he would consider an amendment to have the property zoned R-1A. He would have to eliminate the clubhouse and park to make the project feasible with the bigger lots.

Mr. Major said the Planning Commission approved the smaller lot size by a 5-2 vote. The Council felt that was inappropriate zoning for the area. He explained that R-1A, R-1B or SE would fall into that category according to the Master Plan. He said the Council should decide what was best for that area.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke in opposition to Zoning Case #267. She spoke on the legality of Council readdressing this case after it had been denied and later tabled to a date certain. She felt this meeting was not properly noticed and that the Council should not be able to reconsider this matter at will. In addition, she opposed the rezoning of the property because R-1B zoning wasn't compatible with the surrounding area.

COUNCIL DISCUSSION:

Mr. Centilli spoke in favor of the development because the homes would be reasonably priced and it would be an asset to the Atherton School District.

Mr. Martinbianco had concerns with the reconsideration of Zoning Case #267. He asked why Mr. Centilli would support this project, when he voted against it last month. He asked for clarification on the definition of low-density housing as it pertained to this issue.

Mr. Major explained that the land use map allowed for a single-family low-density classification in that area. The zoning map reflects low-density classifications with SE, R-1A and R-1B zoning designations.

Mr. Martinbianco thought SE zoning might fall by the weigh side due to financial considerations and probably be replaced with some type of R-1A or R-1B zoning.

Mr. Major agreed with that comment. He felt we might end up with a combination of the two zonings, such as R-1A minus or R-1B plus.

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Mr. Centilli had a problem with the term slab homes at an earlier meeting. However, after further research, he was told that these homes would be standard stick built homes with full basements.

Mr. Wells asked the attorney if there were any legality issues involved with this rezoning.

Mr. Hamilton indicated that this procedure was statutorial permissible. We have had a public hearing with input. He said this case was brought back on a proper motion. There was no change in the original request and it did not need to be republished. He said there was no problem with the legality of this case and it could be addressed at tonight's meeting.

Mr. Wells spoke in favor of the development. He thought these types of lots made sense for senior housing. This would offer them an option to apartment living. He felt this would be a quiet community with little traffic. He thought the pool, clubhouse and park should not be eliminated.

Mr. Bement indicated that the Planning Commission approved this case by 5-2. He pointed out that some communities south of Burton are providing nice homes on smaller lots. Referring to the last meeting, he said the timing was bad because another big development was being addressed. He asked for clarification on the zoning surrounding the property.

Mr. Hamilton reviewed the surrounding zoning classifications.

Mr. Martinbianco felt this was spot zoning, if you take into consideration the surrounding area. He indicated that the R-1B zoning was not appropriate for the City. He said we should maintain managed growth to balance the urban and rural concept of Burton.

Mr. Bement spoke on the possibility of designating the land R-1A.

Mr. Martinbianco didn't think this subdivision would benefit Atherton Schools. He felt the developers should forget the amenities and design regular subdivisions with R-1A zoning.

Mrs. Tinnin was in agreement with Planning Board member, Bill Young. She felt the City should take a breather from building more subdivisions. She indicated that there were a variety of developments underway. City planners should evaluate the situation and look to the future when considering these types of zoning issues. She opposed the 70-foot lot size for residential homes. She preferred to have the zoning text changes completed to reflect the updated Master Plan before new development continues. In addition, she felt the public should have an opportunity to address these issues further. She said that Mr. Recto should come back before Planning and reapply. She said the timing was not right to address this issue.

Mr. Brawner agreed with Mr. Bement that the timing was not right to address this issue. He felt that there was a communication problem when this issue was first introduced. He was not in favor of 70-foot lots. He suggested Mr. Recto come back and submit a new plan, after the text changes have been made. He hoped that the R-1B zoning would be changed, adding more footage to smaller lots. He would not support the R-1B zoning. However, he might consider this project with larger lots.

Mr. Anayas accepted Council's decision and requested the property be rezoned to R-1A. He would eliminate the clubhouse and the park. He planned to add a buffer area for the residents to the west.

Mr. Hamilton said it was permissible to change the request, because all of the R-1A uses are permitted in a matter of right in an R-1B zone.

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Mr. Wells felt 70-foot lots were appropriate for senior housing. However, if the housing were available to everyone, 85-foot lots would be better.

Mr. Anayas said if the R-1A zoning was granted, he would propose senior citizen condominiums be built. They would be either ranch or two story houses with or without basements.

Mrs. Tinnin had concerns with the procedural aspects of this case. She felt the developer should go back before Planning with a specific plan.

Mr. Martinbianco asked for clarification on a proposed plat map for the project.

Mr. Major said there would be an opportunity to review the condominium proposal at the Planning Commission level. Essentially, this would be a proposed R-1A site plan to approve or deny.

Mr. Hamilton clarified the platted subdivision would be called a site condo.

Mr. Martinbianco felt the developer should resubmit a new plan with R-1A zoning at a later date.

Mr. Hamilton asked if the Council wanted to refer this case back to the Planning Commission.

Mr. Martinbianco said it was his intent to deny the R-1B zoning and have Mr. Recto start the process from scratch. Also, he felt the public should have an opportunity to comment on the new proposal.

Mr. Brawner said nearby resident's thought this issue had been turned down. He felt residents had a right to know about the new proposal.

Mr. Wells hoped there would be a clear presentation when this issue comes back before Council.

The Council took a vote on Item 1, as written. The motion was denied 7-0.

Mr. Hamilton advised the Council that they needed to take affirmative action on this issue. In addition, he thought the resolution before Council was inappropriate and should not contain the word reconsideration. The matter before Council is to adopt the rezoning not the reconsideration.

COUNCIL ACTION:

Martinbianco moved and Wells seconded the following motion:

1. Approve and authorize the denial of the Second Public Hearing for Zoning Case #267 to rezone property at Genesee Road south of Bristol Rd. from SE to R-1B for the purpose of residential development (Claro Recto, 46500 Maidstone, Canton, MI 48187).

Motion carried 7-0.

Meeting Adjourned at 7:45 P.M.

Gayle Webster, CMC
City Clerk

GW/cml