

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
MAY 19, 2003, 7:00 P.M., COUNCIL CHAMBERS

Council President Larry Brawner called the Special Meeting to order at 7:05 P.M.

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

MEMBERS ABSENT: Wells.

OTHERS PRESENT: Attorney R. Hamilton and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Second Public Hearing for Zoning Case #276 to rezone property for Parcel No. 59-33-400-003 Parcel of land North of Lots 77-83 Killarney Park #2 and Lots 99-106 Killarney Park #3 (Ed Brenner, PO Box 190125, Burton, MI 48529).

PRESENTATION:

Ed Brenner, 3264 Card Dr., property owner, felt that he should be able to build five homes on one-acre lots. The forty-acre property is zoned light industrial and has access to city sewer. A portion of the property is in a flood plain. However, he felt five homes could be built on the property. He said area residents have used this vacant land for many years and opposed any kind of development. This development would prove to be beneficial to the community and provide a good taxbase for the city. He planned a private gated community with homes in the \$350,000 range. He has 100 feet to build a road. This will allow access for safety equipment to reach the area. He didn't feel the new homes would cause a drainage problem for the existing homes. The rest of the land would be used for a private park.

AUDIENCE PARTICIPATION:

Wes Siebert, 3235 Shannon Rd., spoke in opposition to the proposed rezoning of the property. He said several homes are in the flood plain and he has water in his backyard every spring. He was concerned that the new development would contribute to more flooding in the existing subdivision.

Don Sanderlin, 4460 Killarney Pk., spoke in opposition to the new development. He said the developer would use Killarney Pk to access the development. He was concerned with how many homes would be built. If this project were approved, he requested that the new homes conform to the existing subdivision. Guidelines should include ranch style homes, two car garages, homes set back 20 feet from each lot line, 100 foot setback from the road, paved roads and sewers.

Jerry Pettey, 3295 Shannon Rd., opposed the new development. He said there has been debris on the property since February. He felt more questions needed to be answered regarding this proposed development. He wanted to know if Mr. Brenner had the financial ability to build these homes. He was concerned with the number of homes that would be built in the flood plain, damage to existing roadways and increased traffic problems in the community. He said the zoning board denied this request because of the flood plain. He asked Council to deny the request on behalf of Killarney Park residents.

COUNCIL DISCUSSION:

Mr. Cross wanted to know if this was a wetland area.

Mr. Hamilton said there is no question that a portion of the land is wetland. This is reflected in the exhibits.

SPECIAL COUNCIL MEETING MINUTES
MAY 19, 2003, 7:00 P.M.
PAGE 2

Mr. Brawner wanted to know the total area of the property.

Mr. Brenner's property covered about 46 acres.

Mr. Brawner questioned the number of homes that Mr. Brenner planned to build. The Planning Commission minutes reflected seven homes. Tonight he spoke in reference to building five homes. He questioned the R-1B zoning that would allow the smaller lots.

Mr. Brenner said this project would have a total of five homes on acre lots. These residents would own the private park and share property taxes.

Mr. Martinbianco questioned the R-1B zoning classification when he clearly intended to create one-acre lots.

Mr. Brenner said the DPW advised him to rezone the property to R-1B when he pulled the permits.

Mr. Martinbianco felt a DPW representative should have been present to answer questions regarding this issue. He felt that the R-1B zoning would create a real problem for the area.

Mr. Hamilton pointed out that the adjoining classification is R-1B on the south side. Killarney Park does have the larger lot sizes.

Mr. Martinbianco said there should be consistency with rezoning nearby existing subdivisions, such as Killarney Park. He had concerns with the Planning Commission's recommendations of eliminating SE zoning and changing remaining properties in Grand Blanc to R-1A and Atherton to R-1B zoning.

A brief discussion was held in reference to the proposed R-1B zoning for this project.

Mr. Hamilton said if this was rezoned R-1B, Mr. Brenner could build whatever was in compliance with this type of zoning. He would not be allowed to build on the flood plain and he would be required to provide appropriate access.

Mr. Bement gave a brief review of the Planning Commission's concerns regarding this project. They denied this request. He said even with the flood plain there are 41 acres that would be available. If he rezones the property to R-1B, Mr. Brenner would be within his rights to do whatever is allowed under that classification. He personally opposed the rezoning.

Mr. Brawner said the main issue is the flood plain. That issue hasn't been resolved. He assumed that adding more homes might add to the problem.

Mr. Hamilton spoke in reference to the current industrial zoning of the site. He didn't think that made a lot of sense next to an R-1B site. He noted that the property had been published as a R-1B zoning request. Council could possibly rezone this to a different residential zoning classification because R-1B includes all the R-1A and SE uses. If you felt that residential use was appropriate for that area, you would not be required to republish this issue if you went to a different zoning classification.

Mr. Cross said our biggest concern was the drainage problems for the existing community.

Mr. Hamilton said those issues are better dealt with at a site plan review.

Mr. Centilli said it would be easier to make this decision if there was a site plan available. He has no idea what the developer is going to do with the property. He wanted to know if Mr. Brenner would be able to egress in and out of the existing subdivision with the M1 and M2 zoning.

SPECIAL COUNCIL MEETING MINUTES
MAY 19, 2003, 7:00 P.M.
PAGE 3

Mr. Brenner said that he could extend all the way across to Card Drive where he owns property. If the land is not rezoned, he planned to build an access road and put two warehouses on his property. This would give access from the north.

Mrs. Tinnin asked if Mr. Brenner would have to go back before the Planning Commission to build an industrial site.

Mr. Hamilton agreed that he would have to go through the planning process. He would not have to rezone the property if it were in compliance with the zoning ordinance. However, he would be required to have a site plan review.

Mr. Centilli said it would be easier to develop a site plan and show council what he plans to do with the property.

Mrs. Tinnin was concerned with the people in that area. Photographs show there is definitely a flooding problem. She said Mr. Brenner would feel the same way if he lived in that neighborhood.

Mr. Brenner made it clear that he is prepared to go to court. He will petition an attorney and he will file suit against the City of Burton.

Mrs. Tinnin clarified that the current zoning is M-1 and that the planning commission has turned this down unanimously. She said someone from the administration should have been present to answer Council's questions.

Mr. Brenner thought someone would be here to answer these types of questions. He indicated that he had the financial ability to build the development.

Mr. Cross said he could build within his current zoning designation regardless of what Council did tonight. He did not appreciate the threats on this issue.

The motion was moved for discussion purposes only.

COUNCIL ACTION:

Centilli moved and Cross seconded the following motion:

1. Approve and authorize the second public hearing for Zoning Case #276 to rezone property for Parcel No. 59-33-400-003 Parcel of land North of Lots 77-83 Killarney Park #2 and Lots 99-106 Killarney Park #3 (Ed Brenner, PO Box 190125, Burton, MI 48529).

Motion denied 6-0 with Bement, Brawner, Centilli, Cross, Martinbianco and Tinnin voting no.

Meeting Adjourned at 7:40 P.M.

Gayle Webster
Burton City Clerk

GW/cml