

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 11, 2000, 6:00 P.M., COUNCIL CHAMBERS

THE REGULAR MEETING IS CALLED TO ORDER BY HOMER BERRY at 6:00 P.M.

MEMBERS PRESENT: Young, Bertram, Brawner, Berry, Mayor Smiley, White, Walls, Perez

MEMBERS ABSENT: Grantner

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office.

Moved by Young, seconded by Bertram to approve and authorize the minutes of the Regular Planning Commission Meeting of December 14, 1999 at 6:00 p.m.
Motion carried, 8-0.

B. SCHEDULE PUBLIC HEARINGS FOR FEBRUARY 8, 2000 AT 6:00 P.M.:

1. ZC #248

BY: Blake Rizzo
5273 Empress Drive
Grand Blanc, MI 48439

RE: Parcel #59-22-100-041
Center Rd., 1st property adjacent to
Senior High Rise
Section 22
Zoned C-2 to HRM

FOR: High Rise Development

2. LS #00-1

BY: Meijer, Inc.
2929 Walker, N.W.
Grand Rapids, MI 49544
Contact Person: Glen VanderKooi

RE: Parcel #59-22-300-018
2333 S. Center Rd
Section 22

FOR: McDonald's

Moved by Young, seconded by Walls to schedule Public Hearings on February 8, 2000 at 6:00 p.m. for ZC #248 and LS #00-1.
Motion carried, 8-0.

C. PUBLIC HEARINGS POSTPONED FROM DECEMBER 14, 1999 AT 6:00 P.M.

1. Vacating # P-99-020

BY: Spiro Christopher
3445 Markay Ct.
Cincinnati, OH 45248

RE: Beginning @ the North R.O.W. line of Allen St.
being 101 degrees west of Saginaw Street, North
to abandoned alley being 100 ft. + adjacent to
Lots 38-43 & 151 of Baker Park Sub.

FOR: Alley vacating.

Mr. Berry asked if anyone in the audience was present for Spiro Christopher. No one was present for the case. Mr. Berry asked Mr. Strasser if he had been in contact with the applicant. Mr. Strasser indicated he had and the applicant was made aware that they had to be at this meeting or to have someone represent them.

Moved by Bertram, seconded by Young to schedule the case at the end of the meeting.
Motion carried, 8-0.

2. LS #99-55

BY: Carrie L. Gale
(Joseph S. Richvalsky, Agent)
G-4387 S. Saginaw St.
Burton, MI 48529

RE: Parcel #59-30-300-004
SE corner of Carman and Camden
Section 30

FOR: Residential use.

Joe Richvalsky, agent for Carrie Gale, stated Ms. Gale had the property surveyed out into four parcels and all four fall within the restrictions of R-1A. They are over 80 ft. wide and 100 ft. deep.

Mr. Berry asked if a pump house use to be there. Mr. Richvalsky acknowledged it had.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, inquired regarding R-1A.

Mr. Strasser indicated the zoning is actually R1-C, the lots are 80 ft. wide that greatly exceeds what the zoning requires.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Bertram, seconded by Walls to approve LS #99-55.
Motion carried, 8-0.

AUDIENCE PARTICIPATION: No audience participation.

E. SITE PLAN REVIEWS:

1. SPR #00-2

BY: Eric C. Ramsey
c/o McDonald's Corporation
2900 Charlevoix Dr., Suite 200
Grand Rapids, MI 49546

RE: McDonald's Restaurant
East side of Center Rd. & North of Atherton Rd.
2333 S. Center Rd.
Part of 59-22-300-018

FOR: McDonald's Restaurant

Eric Ramsey, 2900 Charlevoix Dr., STE 200, Grand Rapids, MI, stated he is real estate representative for McDonald's Corporation. The property is 4.3 acres and located south of the Meijer's gas station. They are planning on building a McDonald's restaurant at that location. Mr. Ramsey presented a map and drawings of the proposed site and development to the Commission members. He stated that if approved, it will be the 4th McDonald's in the City of Burton. They are looking to develop off of Center Road, the northern 175 ft. of frontage with a depth of approximately 478 ft., 1.6 acre, plus or minus. There will be approximately 60 parking spaces and one curb cut off of Center Road that would feed off of McDonald's and other future commercial development.

Mr. Ramsy spoke further regarding the signage. The actual area of the sign is 66 sq. ft. as well as two directional signs. The building will be 3,077 sq. ft. and there is the possibility of a play place at this location which is another 1,300 sq. ft., so potentially this building ranges from 3,031 sq. ft to 4,500 sq. ft.

AUDIENCE PARTICIPATION: No audience participation.

Mr. Strasser said all aspects of the site plan presented greatly exceeds what is required in the Ordinance. They will have to go to the Genesee County Road Commission regarding the curb cut.

Mr. Berry asked if they have any intention of making a cut into the Meijer drive.

Mr. Ramsey indicated they would like to see how it works first without having a curb cut.

Mr. Berry asked if this will replace the McDonald's currently inside of Meijers. Mr. Ramsey responded that it would.

Mr. Bertram inquired as to a traffic light being there.

Mayor Smiley said he believes Meijers has four curb cuts and he cannot see why we cannot share one of those. He had hoped the building would be set back because there is a need for sidewalks. The Mayor also addressed the need for a traffic signal.

REGULAR PLANNING COMMISSION MEETING MINUTES

JANUARY 11, 2000/6:00 P.M.

PAGE -4-

Mr. Strasser indicated it is required there be a minimum setback on the front property line and they cannot require them to move the building somewhat back. You can make that a stipulation in your motion that the sidewalks be installed along the Center Road right-of-way.

Mr. Strasser stated further, that the entrance to Meijers is not a public street, it is a private driveway that Meijers owns. He does not know if an agency can force a private entity, being Meijers, to give them permission for a curb cut onto their private driveway.

Mayor Smiley said their plans was to talk to Meijers and try to work with their existing curb cuts.

Jim Fleming, 1803 Lathrup, Saginaw, MI, said he is a consultant for McDonald's and former real estate manager. He has spent a lot of time working with Meijers in the past. He understands the necessity of a traffic signal and in many cases they have shared traffic signals with Meijers throughout the State. Mr. Fleming stated further, they would be more than willing at this time, and knows Meijers would also, work with whomever to get a traffic signal and share in the necessary costs.

Mayor Smiley spoke regarding the area by Genesee Valley and stated that when you travel north from Miller Road, you only have a couple of exits that go to Genesee Valley, and they break off. He does not know why we cannot do that with Meijers, because now you are going to have five. If you could somehow utilize the two you have, and have a boulevard and a light. The Mayor indicated further, they have shared some of those costs as well.

Mr. Fleming stated the problem is that it is a private road and we have two separate companies, and the liability involved in both companies. That is why the double access driveway was proposed that they are showing this evening, because there is 4 acres of property there. We knew because of that acceleration lane there would be some concerns with us asking for a driveway cut, and in the future, selling the balance of the 4 acres to someone else and them coming in and asking for a driveway cut. That is why they proposed this double driveway cut servicing both pieces of properties.

Mr. Fleming said they have to close this transaction by the end of this month. They had planned on closing this transaction if approved this evening without all of their necessary permits.

Mayor Smiley asked Mr. Fleming if he feels there is a chance Meijers would work with him and the City.

Mr. Fleming indicated he did not think they would, and stated, it is very unlikely that Meijers would let them use their existing cut to take care of our traffic and then we bought the entire 4 acres, the adjacent property would not be contiguous to that driveway. He does not think they would buy the property and develop it without that property having access to a driveway.

Mayor Smiley asked how their company would help with the street light.

Mr. Fleming said they would share any necessary costs with Meijers. He has worked with Meijers many times on traffic signals and they would participate as well as McDonald's.

Mr. Young asked if this proposal is still subject to the County Road Commission and what will they do if they cannot get the curb cut as they are requesting from them.

Mr. Ramsey responded that it is subject to the County Road Commission, and it is very unlikely they would purchase the property if they cannot get the curb cut. They have sent sketches to the County Road Commission.

REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 11, 2000/6:00 P.M.
PAGE -5-

Mr. Perez said he really doubts the County Road Commission is going to turn down someone for an access. There are so many businesses along Center Road and they have never turned anyone down for a curb cut there. He would like to see some discussion with Meijers in the future to utilize the service drive, and with the traffic, if they could show that a lot of patrons did utilize McDonald's, he thinks they would be willing to do that. Mr. Perez inquired as to the ownership of this McDonald's and stated the only other thing he would like to see in the motion is to put in the sidewalks.

Mr. Ramsey said McDonald's Corporation owns this property and then it will be decided if there will be a franchisee.

The Mayor inquired as to the location where McDonalds will be placed on Center Road.

Mr. Strasser indicated the Red Baron would be to the south of this and would be either equal to the front of this building with the play place on it, or closer to the road. The building is set back 70 ft., and the front of the Red Baron is 40 to 45 ft. off of Center Road.

The Mayor mentioned allowing plenty of room for a sidewalk.

Mr. Fleming asked if sidewalks are in existence in front of the Baron. He stated they do not have a problem with sidewalks, and they did realize it was a request or they could have showed this in the site plan for future sidewalks. He does not understand though since there are no sidewalks on either side of the vacant property, where the sidewalks would go.

Mr. Perez said we do have a lot of people that walk along Center Road and you can see there are paths worn out there where they walk through the mud. They probably should have required all these things along time ago, but we didn't. If Meijers comes back to us some point in time for a site plan review, we will have them put in sidewalks.

The Mayor asked for a commitment percentage for a street light.

Mr. Fleming said he does not have the authority for Meijers, but he can only tell of his past working relationship with them, back 15 years. He has been involved with them for many, many deals. Mr. Fleming spoke briefly on various projects in different areas with Meijers.

Mayor Smiley again spoke on the percentage and indicated they would like to see 50 - 50, that is what we have done in the past.

Mr. Fleming inquired as to the amount of a signal.

Mayor Smiley indicated it depends on what type is issued, but if you have a traffic signal it is approximately \$50,000.

Mr. Fleming stressed that they will commit to their share.

Mr. Ramsey said he could commit to a percentage but would like to see some generic numbers.

Mr. Bertram inquired as to the Court St. signal by Lowes.

REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 11, 2000/6:00 P.M.
PAGE -6-

Mayor Smiley said it was approximately \$50,000 and Lowes made a commitment that when the light was warranted they would pay their share, it was nearly a year later before the light was warranted but they paid.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Young, seconded by Bertram to approve SPR #00-2 with the stipulation to include sidewalks and when the traffic light is warranted, McDonald's will pay 50% or, not to exceed \$25,000.

Motion carried, 8-0.

2. SPR #00-3

BY: MLS Investments, Dan Shippy
75 Lockwood
Ortonville, MI 48462

RE: Whisper Ridge Residential Site Condominiums
South side of Potter Road, West of Vassar Road
Section 1
Parcel #59-01-200-009

FOR: Site Condominiums

John Laudermilk 283 Mansfield Dr., Lapeer, MI, said they submitted a site plan 10 months ago and at that time it was approved. They turned it over to their engineers, Flint Surveying & Engineering and instructed them to deal with the City as they required. Mr. Laudermilk spoke at length regarding problems with sewer systems (pump lift system and the gravity system) and objections from a few residents regarding the easement.

AUDIENCE PARTICIPATION:

Mrs. Dargel inquired as to the size of the parcel.

Mr. Laudermilk indicated the parcel is approximately 11 to 13.5 acres, and 25 or 26 lots. A pump station portion of it only affects four lots. There is larger lots in the rear of the property.

Mr. Strasser stated the Commission does not have a full set of prints and what they have shows 26 lots and indicates it is curb and gutter throughout. The biggest stumbling block throughout this development has been the sanitary sewer. As far as the engineering function they are trying to get it resolved but it has yet to be resolved at this point. If the Commission elects to approve this, he will come back at a later time with a report as to how it was resolved. As far as the Zoning Ordinance, meeting all the criteria has been met.

Mr. Laudermilk indicated they have submitted both directions with the sewer systems (pump lift and gravity).

COMMISSION DISCUSSION:

Mr. Young said when it was on the agenda before and approved, the minutes reflect the condominium documents have to be reviewed by the City Attorney.

Mr. Strasser indicated that it has been completed.

REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 11, 2000/6:00 P.M.
PAGE -7-

Mr. Bertram inquired as to the pump station servicing just the four lots.

Mr. Laudermilk spoke briefly regarding the utilization of a lift grinder station.

Mr. Brawner inquired as to the type of homes to be constructed.

Mr. Laudermilk said they thought initially that they would start with various moderate homes from 1,250 to 1,600 sq. ft., and as they completed their survey, they feel it will be between 1,500 to 2,200 sq. ft. A ranch would be 1,500 sq. ft. and at least 1,900 sq. ft. on a two story. Price range will be from \$169,000 to \$225,000.

Mr. Brawner asked further of the existing home on the property.

Mr. Laudermilk said the existing house is 2,500 sq. ft. They remodeled the home at a cost of \$25,000, with a new roof, replaced windows, ceramic entry, and they converted it into 4 bedrooms with a bath an ½.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Perez, seconded by Walls to approve SPR #00-3.
Motion carried, 8-0.

C. PUBLIC HEARINGS POSTPONED FROM DECEMBER 14, 1999 AT 6:00 P.M.

1. Vacating # P-99-020

BY: Spiro Christopher
3445 Markay Ct.
Cincinnati, OH 45248

RE: Beginning @ the North R.O.W. line of Allen St.
being 101 degrees west of Saginaw Street, North
to abandoned alley being 100 ft. + adjacent to
Lots 38-43 & 151 of Baker Park Sub.

FOR: Alley vacating.

Mr. Berry again asked if anyone in the audience was present for Spiro Christopher. No one was present.

Mr. Bertram indicated this was the applicant's second time to appear.

COMMISSION RECOMMENDATIONS AND/OR ACTION:

Moved by Bertram, seconded by Walls to deny Vacating #P-99-020.
Motion carried to deny, 8-0.

COMMISSION DISCUSSION:

Mrs. Walls inquired regarding enforcing sidewalks.

Mayor Smiley said they should require it but they will not enforce it.

REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 11, 2000/6:00 P.M.
PAGE -8-

Mr. Perez said if we made it known to a potential developer that sidewalks would be required then they would know right upfront.

Mr. Berry asked where they stood on the Master Plan.

Mayor Smiley said Mr. Hamilton contacted him today and indicated Jeff Major and I need to sit down with him to go over that.

Mr. Strasser stated they thought they were going to receive a summary, but it was not. It was not satisfactory.

Mayor Smiley said he will be meeting with them tomorrow.

Mr. Perez said what was submitted he is not happy with.

Mr. Young said there is no reason to schedule any meetings, until they can get something in their hands to work with. Then they can schedule their work session and public hearing.

Mr. Berry indicated the next regularly scheduled meeting will be held on **February 8, 2000, at 6:00 P.M.**

MEETING ADJOURNED AT 7:20 P.M.

jra