

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JANUARY 13, 2004, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

Jerry Grantner, Chairperson called the Regular Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Bertram, Cross, Cummings, Grantner, Perez, Mayor Smiley, Walls, White and Young.

MEMBERS ABSENT: None.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

REORGANIZATION OF PLANNING COMMISSION:

Mr. Grantner asked for nominations for Chairperson.

Moved by Young, seconded by Walls to re-elect Jerry Grantner as Chairperson. Motion carried 9-0.

Moved by Walls, seconded by Bertram to elect Mary Ann White as Vice Chairperson.

Mrs. White declined the nomination.

Moved by White, seconded by Cross to elect Bill Young as Vice Chairperson. Motion carried 8-1 with Mr. Young voting no.

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

Young moved and Bertram seconded the following motion:

Approve and authorize the Minutes of the Regular Meeting of December 9, 2003 at 6:00 P.M., as printed. Motion carried 9-0.

B. SCHEDULE PUBLIC HEARING FOR FEBRUARY 10, 2004 AT 6:00 P.M.:

1. LS #03-64

BY: Rizzo Management
5273 Empress Dr.
Grand Blanc, MI 48439

RE: 5465 Maple Rd.
Section 35

FOR: Residential Use.

2. ZC #285

BY: Rizzo Development
5465 Maple Rd.
Grand Blanc, MI 48439

RE: 5465 Maple Rd.
Section 35
Zoned R-M to R-1A

FOR: Residential Single-Family

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Moved by Young, seconded by Walls to schedule Lot Split #03-64 and Zoning Case #285 for public hearings to be held on February 10, 2004 at 6:00 P.M. Motion carried 9-0.

C. PUBLIC HEARINGS:

1. LS #03-61

BY: Marcos Makohon-K4 Architecture LLC
26899 Northwestern Hwy., Ste. 208
Southfield, MI 48034

RE: Parcel #59-32-300-007
NW corner of Saginaw and Maple
Section 32

FOR: New construction for Fifth Third Bank.

Moved by Young, seconded by Bertram to move Lot Split #03-61 to the end of the agenda as the applicant was not present. Motion carried 9-0.

2. LS #03-62

BY: Carol Conover, Revocable Living Trust
15205 Pinewood Trail
Linden, MI 48451

RE: 4085 S. Center Rd.
Parcel #59-34-100-027
Section 34

FOR: Office Development.

Ron Sabo, Attorney, 8275 Holly Road, Grand Blanc, said he is representing the applicant for the lot split request. The application has been submitted with several exhibits. The parcel in question is known as 4085 S. Center Road. There is approximately 155 feet frontage on Center Road and 400 feet deep. Dr. Conover has operated a dental business for about 17 years. In the back part of the parcel, the trust is requesting that the lot be split off to allow a building to house Dr. Grzegorzewski practice, who is also a dentist. Mr. Sabo reviewed the parcels with the Board. He said Exhibit E, which is the pictorial and legal description of the irrevocable ingress and egress easement from Center Road and would service the piece that would be split off from the Conover Trust. This project is virtually identical to what was done with Dr. Engleman last year. The Easement Agreement has already been prepared and recorded. It specifically identifies the Conover parcel that remains if the split is approved. The new parcel would be an irrevocable perpetual easement of ingress and egress. We obtained the services of Gould Engineering who prepared all of the legal descriptions.

There was no one in the audience who wished to speak.

Mr. Strasser commented that all of the exhibits are in the file and show what is being split off from the rest of the parcel. Your packets contain what is pertinent to the split. The DPW recommendation is to approve the lot split.

Moved by Young, seconded by Bertram to approve Lot Split #03-62 contingent upon DPW recommendations. Motion carried 9-0.

3. ZC #284

BY: Blake Rizzo
5273 Empress Dr.
Grand Blanc, MI 48439

RE: Parcels #59-25-100-003; #59-25-200-009;
#59-25-300-001 and #59-25-400-010
Outlots A/B Brisdale Sub, Section 25
Zoned R-1A to R-1B

FOR: Residential Development.

Mr. Grantner said Zoning Case #284 would be heard on February 10, 2004 due to a publishing error made by The Flint Journal.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning a legal notice from Grand Blanc Township in regards to their master plan. She asked if the Planning Commission had any information on their master plan.

Mr. Grantner said he had no information on the master plan for Grand Blanc Township. He asked Mr. Strasser if he had anything and was advised no.

Darlene Jennings, 5298 Arnold Dr., briefly spoke concerning notification for the residents in Schaffer Manor. She was advised that an opportunity to speak concerning Site Plan Review #04-01 would be given when the case is heard.

E. PRELIMINARY CONDOMINIUM DEVELOPMENT:

1. SPR #04-01

BY: Mallard Ponds Development
418 Woodbridge
Grand Blanc, MI 48439

RE: Mallard Ponds Condo's
SW corner of Belsay & Davison Rd.
Parcel #59-11-200-001; #59-11-200-009 and
#59-11-200-012

FOR: Condominium Development.

Michael Pifer, from Kraft Engineering, 409 W. 7th St., Flint, MI, said he was representing the developer. This proposed project is on the southwest corner of Belsay and Davison Road. There are approximately 46 acres of land. The primary entrance to the development would be off Davison Road with a secondary entrance off Belsay Road. We propose to develop this site as a cluster condominium under the ordinance that exists within the City of Burton. We were here last month also, and we understand that any approval given this evening would be contingent upon approval of the zoning case by the City Council. We are asking for conceptual approval this evening.

Mr. Grantner explained that if this proposal is approved this evening, it is only a preliminary plan. The applicant would have to come before the board when the final plans are completed, to get final approval.

Mr. Pifer said the northerly part of the site is zoned commercial and we have requested that it be rezoned to residential R-1B. The Planning Commission agreed to recommend to the City Council that approval. Also, there is another part of a parcel on the southerly half that we asked to be rezoned from Industrial to Residential Multiple Family. That falls outside of the area of the immediate development so it isn't a concern tonight. Any approval we may get, we understand it is contingent upon the rezoning by the City Council. This land has a significant area of wetlands on the site and because of that we couldn't fully utilize the property so we proposed the cluster condominiums. We can cluster the units together and preserve more open spaces beyond those units. There would be no more density than if the property were zoned R-1B traditional development. There would be a maximum of four units per acre. We will also reserve spaces for the detention area and a recreational area, community building, pool and tennis courts. There would be a public paved roadway with curb and gutter and public storm sewer system that would be underground. He further explained the drainage system. Also proposed are the public sanitary sewer and water systems. There is an existing sanitary sewer on Davison Road that we would connect to and construct throughout the site to the adjacent public roadway. We would install a public water main loop system with fire hydrants. The two roadways that we would be connecting to are city primary roads. We believe the roadways do have adequate capacity for our development. The open space requirement for a cluster condominium is 15% of the total land area. We would have to provide seven acres of open space and we are actually providing 11 acres or 24%.

There will be streetlights and landscaping throughout the development. We will provide one tree per home along the roadway and also plan to put pine trees in the back yard in various locations. The site has a lot of natural landscaping, which we plan to leave. We need to get a variance from the Zoning Board of Appeals. We have to leave a 60-foot minimum right-of-way. Mr. Pifer explained the requirements for the setbacks and right-of-way for the public streets. Mr. Pifer presented a rendering of the boulevard that would be off Davison Road and noted that the developer plans to make a very attractive looking gateway and entrance into the community. There would be a boulevard with a landscaped median and we also plan to landscape the higher side of the road, which would consist of some trees, shrubs, brick walls and possibly some ponds on either side with fountains in them. Mr. Pifer said he also has some preliminary plans of the buildings if anyone is interested in looking at them. The front of the homes would have brick facade with aluminum siding and a pitched roof.

Audience Participation:

Dawn McDaniel, 1388 Clairwood Dr., said she just moved into Burton last August. She asked how close the development would be to her property and asked to have as much of the natural landscape left as possible. She had concerns about the wildlife in the area.

Mr. Pifer explained that the development could be as close as 25 feet to the lot lines according to the city's ordinance.

We are trying to brush hog all of the brush that would be in the way of the surveyors. The developer is trying to clean up the land.

Mrs. McDaniel had concerns about the natural wildlife and the development being close to her subdivision.

Mr. Pifer said the development would be about 40 feet from Schafer Manor because of the wetlands.

Marie Eashoo, 1370 Clairwood Dr., said she owns half of the lot next to her and she was hoping that a road would not be developed there.

Mr. Pifer commented that a road would not be constructed because the property doesn't belong to his client.

Brian Abraham, 1468 Clairwood Dr., said he owns Lot 36 and is concerned about the drainage being disturbed. He also asked how close to his property would the development be constructed. He also asked if a turn lane would be installed on Belsay Road.

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Mr. Pifer said the development would not impede on the drainage. This development would be about 50 feet from Mr. Abraham's residence.

Mr. Strasser said he didn't think a turn lane would be installed, but he wasn't certain.

Mr. Grantner commented that left turns are difficult to make in that area.

Mr. Abraham asked if the condos would be ranch or two-story. He was advised the homes would be ranch-style.

Gary Horwath, 5220 Arnold Dr., asked how many units would be in the development and inquired about the size of each unit. Mr. Horwath also asked about the possibility of the property being rezoned multiple-family. He has concerns about the traffic using the new subdivision as a shortcut from Belsay to Davison Road.

Mr. Pifer replied per the ordinance they are allowed four units per acre, which would be a maximum of 184 units. There are 174 units being proposed, with a combination of single-family detached residential units and single-family duplex attached residential units. The single-family units would be 48'x48' and the duplex would be 48'x96'. Mr. Pifer explained the location of the where there might possibly be multiple-family zoning.

Jack McDaniel, 1388 Clairwood Dr., said he moved here from Flint and this area is like country to him. He said he is disappointed about the development, but understands the gentleman has a right to do what he wishes with his property..

Pauline Dargel, 6119 Hugh St., asked if there would be an egress on Belsay Road south of Hugh St. She asked if the attached duplex would be similar to the ones on Pine Brook Lane off Vassar Road. Also, Mrs. Dargel asked about the style of the condos.

Mr. Strasser said the attached duplex would be similar to the ones on Pine Brook Lane.

Mr. Pifer said the entrance would not be directly across from Hugh St. He said the ordinance allows, with this type of development or zoning, to have homes that are 2.5 stories or a maximum of 35 feet in height. The developer only plans to put in ranch style homes.

Darlene Jennings, 5290 Arnold Dr., asked if a report was available from the DEQ as to what would happen to the wetlands. She also asked about homes close to the wetlands and asked about mosquito control. She asked if there is anyone she might contact at the DEQ in regards to the wetlands. Mrs. Jennings also inquired about a law regarding dogs being kept on the property.

Mr. Pifer replied that a report from the DEQ is not available at this time because the development is not at that stage. However, a report would be available in the future. He said they don't plan to disturb the wetlands. Mr. Pifer said the contact person would be Dave Pingle in Lansing. He commented that the water would be treated prior to the roads being constructed. Mr. Pifer said there would be deed restrictions developed for the project.

Brian Abraham, 1468 Clairwood Dr., asked that the first cul-de-sac not be developed. However, if it were developed, would there be mature trees brought in or some kind of a fence along the property line.

Mr. Sekrennes replied there wouldn't be a fence unless the property abutted commercial. We want to block the back view and plan to put in pine trees in certain areas.

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Mr. Grantner commented that many of these questions would be answered at the final site plan

Jerry Jennings, 5290 Arnold, asked if the residents would be notified of the final meeting.

Mr. Strasser replied that no formal notice is sent to the residents.

Mr. Grantner said the residents could contact him regarding the final meeting.

Darlene Jennings stated she likes the project, but doesn't want apartments in the area.

Mr. Pifer said that Mr. Sekrennes has done a couple other developments in Burton and his track record is good.

Dawn McDaniel, 1388 Clairwood, asked if the condos were two bedrooms and if the development would have children.

Mr. Sekrennes said the condos would consist of two bedrooms and two baths, a great room, full basement, possible walk-out. The condos are geared toward 55 years and older, singles, just married, no kids and retirees.

Pauline Dargel, 6119 Hugh St., said this development is better than what was previously proposed at this corner.

A brief discussion was held concerning the notification of the residents of this development.

Mr. Strasaer said Mr. Sekrennes has a good track record and this will be an upscale development. The staff recommendation is for approval of the preliminary plan. The sanitary sewer and water capacity has to be proven to proceed with the project.

Mr. Pifer noted that Mr. Riess has the plans to review.

Mr. Young reiterated that this is just the preliminary plan and the Drain Commission approval should also be included in the motion.

Mr. Young asked if the streets would be under the city's jurisdiction.

Mayor Smiley replied yes, these would be public streets.

Mrs. Walls asked about the price range.

Mr. Sekrennes replied the condos would start in the low \$140,000.00.

Mr. Young commented that he would much rather be looking at this development than Home Depot.

Moved by Walls, seconded by White to approve the Preliminary Condominium Development for Site Plan Review #04-01, contingent upon DPW recommendations and subject to approval of the zoning change by City Council and approval from the Drain Commission. Motion carried 9-0.

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F: BOARD DISCUSSION:

Mayor Smiley thanked the residents for their support and noted that another \$150,000.00 in revenue sharing would be cut from the budget. He explained that revenue sharing received represents 50% of the general fund budget. We are losing that amount and revenue sharing might eventually be eliminated altogether. If it were not for the growth

in the city over the past few years, the city would be in bad shape. Mayor Smiley noted that we do have the web page up and running and the minutes and agendas are posted. He commented on the zoning change for Sam Arabbo and said the zoning text change would be adopted at the April 1st meeting. There will be several other proposals coming before the Planning Commission in the near future.

E. PUBLIC HEARINGS:

1. LS #03-61

BY: Marcos Makohon-K4 Architecture LLC
26899 Northwestern Hwy., Ste. 208
Southfield, MI 48034

RE: Parcel #59-32-300-007
NW corner of Saginaw and Maple
Section 32

FOR: New construction for Fifth Third Bank.

Marcos Makohon, 26899 Northwestern Hwy., Ste. 208, Southfield, MI, said he was representing Fifth Third Bank. He explained they are planning to move the bank from Grand Blanc Township to Burton on S. Saginaw Street. Fifth Third owns the property they plan to build on.

Audience Participation:

Steve Allen, 4437 S. Saginaw St., owner of Ron's Kitchens and Baths, asked for clarification of where the lot is located.

Mr. Makohon explained that the property is located just north of the gas station on the corner of Saginaw and Maple.

Mr. Strasser said the recommendation from the staff is for approval so they can begin construction on the bank.

Mr. Young inquired about any changes that may be made on the site plan that was approved in December.

Mr. Makohon said they final documents are being prepared.

Mr. Young suggested having a discussion at one of the future meetings, concerning the notification of residents and make a recommendation to the City Council to change the way the ordinance now reads.

Mr. Grantner commented that he would ask the Zoning Board of Appeals if there is anything that needs to be addressed from their standpoint in regards to the zoning ordinance. If so, the ordinance could be tweaked at one time.

Mr. Cross said the Legislative Committee would be looking at the fee structures and possible increases in some of the fees.

Mr. Strasser said more money is needed, as well as another person, if the DPW staff were to send notices.

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Moved by Perez, seconded by Cross to approve Lot Split #03-61 contingent upon DPW recommendations. Motion carried 9-0.

The next regularly scheduled meeting will be held on Tuesday, February 10, 2004 at 6:00 P.M.

Meeting Adjourned at 7:13 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML