

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
FEBRUARY 10, 2004, 6:00 P.M., COUNCIL CHAMBERS
WEBSITE: www.burtonmi.us

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.

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 January 13, 2004 at 6:00 P.M., as printed. Motion carried 9-0.

B. SCHEDULE PUBLIC HEARING FOR MARCH 9, 2004 AT 6:00 P.M.:

1. ZC #286

BY: Billy E. Shasteen
4477 S. Center Rd.
Burton, MI 48519 and
2905 Miller
Tawas, MI 48763

RE: Parcel #59-34-300-023
4477 S. Center Rd.
Section 34
Zoned SE to C-1

FOR: Commercial Use.

2. ZC #287

BY: S.M.E.A. Investments, LLC
418 Woodbridge
Grand Blanc, MI 48439

RE: 1375 Belsay Rd.
Parcel No. 59-11-526-016 – N ½ of Lot 16 Daly Ranch
Home sites
Parcel No. 59-11-526-017 – S ½ of Lot 16 & 17 Daly
Ranch Home sites
Zoned R-O to C-2

FOR: Commercial Development.

3. ZC #288

BY: S.M.E.A. Investments LLC
Representative for J.C. Cokley
Genesee Ceramic Tile

RE: 1307 N. Belsay Rd.
Section 11
Zoned RM to M-1

FOR: Building Expansion.

Moved by Walls, seconded by Perez to schedule Zoning Case #286, Zoning Case #287 and Zoning Case #288 for public hearings to be heard on March 9, 2004 at 6:00 P.M. Motion carried 9-0.

Mr. Grantner said he would be changing the agenda and move Site Plan Review #04-03 ahead of the public hearings.

E. SITE PLAN REVIEW:

1. SPR ##04-03

BY: Asselin Associates Architects
4488 W. Bristol Rd.
Flint, MI 48507

RE: Addition to Trialon Corporation
1477 Walli Strasse Blvd.
Lots 4,5,3, & N ½ of Lot 2 Walli's Commercial
and Industrial Park

FOR: 4000 Sq. Ft. Addition.

Robert Carpenter, Carpenter Construction Co., 8305 S. Saginaw St., Grand Blanc, MI, said also present is Paul Bush from Asselin Associates and Bill Heath from Trialon Corporation. An addendum was given to the Board. He said after the budget pricing was done and they were ready to proceed on the 4000 sq. foot addition, they were asked to provide additional square footage for one of the Trialon customer. They are now requesting site plan approval for a 12,000 sq. foot addition to the existing building on Walli Strasse. The use of the new facility isn't totally described at this point, but will be continuation of the testing services they currently offer.

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

Mr. Strasser commented that the only difference between the original request and the one that was added is the size of the addition. The request still meets all zoning requirements, setbacks and square footage coverage on the lots. Trialon has been an asset to the City. They are a clean non-hazardous use and their landscaping is done very nicely. Mr. Carpenter has always been a good builder in the county and we have no problem with the request. DPW staff recommends approval for the request.

Mr. Perez asked what is tested at Trialon.

Mr. William Heath replied that Trialon Corporation provides testing for General Motors, AC Spark Plug, then Delco, and now Delphi. We are expanding into providing testing on a non-dedicated basis for anyone who walks in the door. Many of the suppliers are not part of a corporation and they need to have someone approve their parts. We have been doing quite well the past couple of years.

Mayor Smiley asked if new jobs would be created.

Mr. Heath replied yes, but he is uncertain as to how many new jobs would be created. He explained that since the non-dedicated lab was opened, we started with five people and now has 12 employees. They run three shifts and are backlogged about six to eight weeks. Mr. Heath stated that he is the facilities manager.

Moved by Perez, seconded by Cross to approve Site Plan Review #04-03, as requested. Motion carried 9-0.

C. PUBLIC HEARINGS:

1. LS #03-64

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

RE: 5465 Maple Rd.
Section 35

FOR: Residential Development.

Mr. Rizzo explained that he was unaware that Lot Split #03-64 and Zoning Case #285 were on tonight's agenda.

Mr. Strasser said that Jim Joseph had made application for these two cases. Mr. Rizzo could either proceed or have the two cases postponed to the next meeting. Mr. Strasser said if the lot split is postponed, then we need to postpone the zoning case as well.

Moved by Cross, seconded by Perez to postpone Lot Split #03-64 until the next meeting of March 9, 2004. Motion carried 9-0.

2. ZC #284

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

RE: Parcel Nos. 59-25-100-003; 59-25-200-009;
59-25-300-001; 59-25-400-010, Out lots A/B
Brisdale Subdivision
Section 25
Zoned R-1A to R-1B

FOR: Residential Development.

Jim Spoore, CHMP, 5198 Territorial Rd., Grand Blanc, MI, said he is representing Mr. Rizzo. The site that is to be rezoned is the bulk of the center of Section 25 that has access from the North on Atherton Road, access on the East on Vassar Road and access from the South on Bristol Road.

Mr. Spoore stated that the request is from R-1A to the current R-1B zoning district, which would allow 75-foot wide lots, 9,000 sq. foot minimal. The site is served by sanitary sewer and water is available and would be brought to the site. Mr. Spoore said this is a conceptual plan and it indicates a tentative road layout with the 75-foot lots shown. Due to the onsite wetlands in the center of the section, we have worked around them. There are approximately 12 acres of wetlands on the site that might be regulated. A good portion of them has already been designated as such and there are more to be identified. Because of the amount of wetlands on the site, the access that is available on the three major roads is the reason we are requesting the rezoning to R-1B. The total site area is approximately 195 acres and the density on the conceptual plan is 2.29 units per acre. Most of the lots would probably fall in the higher square footage than 9,000 sq. feet due to the shape of the parcel and the configuration of the road layout. The site is bordered by R-1B and some SE and a good portion of the section is zoned R-1B. We believe the R-1B zoning would be compatible with the area and the neighborhood.

Mr. Grantner commented that this request was heard approximately one year ago by this body. Approval was recommended. This is a zoning case and would also be going to City Council for final approval. He noted that the information that was given to board tonight was the minutes dealing with the approval from last year.

Audience Participation:

John Moss, 3140 S. Eugene St., said he lives next door to the property and inquired about how many units would be in the R-1A zoning. He asked why they wanted to change the zoning to R-1B. He also asked if more houses would be built than what is being planned at this time.

Mr. Strasser replied the zoning request was due to the size of the lots.

Mr. Spoore said the configuration of the property and the wetlands limits the density. With R-1B zoning the property would be less dense than what R-1A zoning is now.

Andrew Albrant, 6141 Bellingham Ct., asked why change the zoning if he can put as many homes as he wants to on the property now? He could put four houses on each lot. He commented that Mr. Rizzo has several different projects going on now. If he is only planning on 2.29 houses per lot, then it should be left at that amount. This request has been turned down previously and he continues to come back for approval.

Eric Strommer, 5495 E. Maple, inquired about the next meeting date regarding the other two issues that were postponed. He asked why the development is happening at all? He was concerned about all of the development in the city and would like to see the land stay as natural as possible. He asked when the water is brought in would it tax the lines that are currently there? Also, he asked if there was an independent assessment of what the impact would be on the wetlands and how can we be guaranteed that the wetlands won't be touched as the development proceeds.

Holly Whitby, 6144 E. Atherton Rd., said the entrance off Atherton Road is one lot away from hers. She said there are young children in the area and she is concerned about the additional traffic. She moved there because it is a quiet neighborhood and a good place to live. She said she is asking for the Commission's support in helping her understand why this project is being built. She doesn't want to live in a community that won't support her.

Pauline Dargel, 6119 Hugh St., spoke concerning the master plan and what the residents wanted. This area was to remain an open space. When it was adopted, it was low density. She said she hasn't seen a proven need for the zoning change. She said once the zoning is given there is nothing confining the developer to do what he requested. She asked for clarification as to whether the applicant owns the parcel on Atherton Road. She said at one point the applicant indicated that the home was split off and she doesn't think city records show a lot split.

Rick Tidwell, 6245 E. Bristol Rd., said he doesn't support this project. He said he has lived here for many years, but the traffic is getting very bad and people don't drive the speed limits. He said he works 12-hour shifts and he doesn't want to hear construction going on. He said there is no safe way to ride bikes or walk along Bristol Road. The more building that goes up the homes are large but on smaller lots. He would like to stay in the area. If something is going to be constructed on this property, it should be something that is nice for the existing residents. Mr. Rizzo should use foresight and wisdom when building and not leave us with something we don't want.

Mr. Spoor responded to the questions that were asked. Why build? Mr. Spoor said the development would help to boost the economy. Also, it is the landowner's prerogative and right to do so. In regards to the wetlands, it is the thrust of why the R-1B zoning is being requested. There would not be an impact on the wetlands. We intend to preserve all of the wetlands. The only impact would be necessary road crossings, which would be minimal and they would have to be permitted by the DEQ. Why change the zoning? This would offer jobs in the area and offers an attractive product in the \$180,000-\$200,000 range and it preserves the open space and wetlands. Without it, the layout could take on a much different nature. We are proposing a curvilinear nature. It is not a grid pattern. We believe this would provide a safe community and environment for those who live there.

Mr. Grantner asked about the need for the rezoning.

Mr. Spoor replied that he isn't aware of the market needs. He didn't know if Mr. Rizzo's company has done a market study or not.

Mr. Strasser said based on what has been presented, he is looking at the overall density and the R-1B zoning allows for the smaller lots, but the density would still be less than what they are allowed now under the R-1A zoning. With this in mind, we recommend approval of the rezoning.

Mr. Young asked about the size of the homes in square footage. He was advised there are approximately 195 acres. How much land is actually going to be available to build on after the infrastructure and wetlands are taken into consideration. Also, would the zoning be according to the R-1B that we have now or the one after April 1, 2004?

Mr. Strasser said the zoning would fall under the new zoning that would be in effect on April 1, 2004.

Mr. Rizzo said the market suggests a need for homes between 1400 sq. feet and 2200 sq. feet, but the market also changes.

Mr. Spoor said there would be approximately 447 homes on the whole area. Discussion continued regarding the layout of the property and the number of homes.

Mr. Cummings asked if the wetlands have already been staked out.

Mr. Spoor said the designation on there is from the Michigan Wetlands Inventory map. He doesn't believe it has recently been flagged and designated, but it will be before it is developed and recorded by a wetlands expert and flagged in the field by our surveyors.

Mr. Cummings asked if the conceptual plan could change.

Mr. Spoor advised him that the conceptual plan could change slightly, depending on where the exact wetland limits fall.

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Mr. Grantner asked when the wetlands area is updated, is it done on site or are they working off aerial photographs.

Mr. Strasser said there is a person on site.

Mr. Young commented that when the Board discussed the new zoning districts a great deal of time was spent on that particular area and how it would be developed, whether a small area with large lots and keep it with that kind of setting. He said in his opinion that property should remain with R-1A zoning and not be changed to R-1B.

Mayor Smiley said there are so many rules that have to be complied with regarding capacity studies for both water and sewer. We require and do everything possible on any development to have city water available. State law prohibits us from making that requirement. Any homeowner has the right to drill a well. However, sewer is another issue. Residents have to tap into the sewer by State law and City ordinance. Sewer backups happen all over the state and it occurs with or without development. There are certain elements on the lands that dictate the number of homes that might be built. Even with R-1A zoning, the developer would have to put in less homes because of the makeup of the land. The wetlands will always be just that and now there are stricter requirements from the DEQ. They have what is called the Watershed that must be complied with. This is done statewide. The Mayor spoke about the lot sizes and said there would be R-1A size lots also. These home would generate money to the general fund and the development would have a positive affect on the city. The Mayor addressed the issue of the affect the development would have on the school districts.

Moved by Walls, seconded by Perez to approve Zoning Case #284, contingent upon DPW recommendations. Motion carried 7-2, with Cross and Young voting no.

Mr. Grantner noted that this zoning case would go before the City Council on Monday, March 15, 2004 at 5:30 P.M.

3. ZC #285

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

RE: 5465 Maple Rd.
Grand Blanc, MI 48439
Zoned RM to R-1A

FOR: Residential Single-Family

Moved by Cross, seconded by Perez to postpone Zoning Case #285 to the next meeting of March 9, 2004. Motion carried 9-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked for information concerning the public hearings scheduled for March regarding Daly Ranch Home sites. She inquired about the two signs on Belsay Road, which gives the zoning for this property. She said she heard the applicant tell someone that the entrance off Belsay Road would be the one used for the contractor's entrance. She asked if any of the property was being divided up.

Mr. Strasser said the realtors might have assumed, speculated or just put up the wrong zoning sign. It is not uncommon for the wrong zoning designation to be on a for sale sign. Mr. Strasser said he isn't aware of any of the property being divided.

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E: BOARD DISCUSSION:

Mr. Grantner said a brief discussion was held at our last meeting as to whether we should set aside some time at an upcoming meeting to discuss any potential changes in the zoning ordinance. He asked the Zoning Board of Appeals

if they had any items for discussion and none were given. Does anyone here have any issues they would like to have addressed?

Mr. Cross said the City Council is sending an item to the Planning Commission in regards to fences in the front yard.

Mr. Strasser said self storage facilities are in M-1 zoning and he suggested that the Planning Commission allow outdoor storage at storage facilities as a special use permit in the M-1 Zoning. Please keep in mind that it is already an industrial district and storage facilities.

Mr. Grantner said if we only have that item and the fence issue, we might want to set aside a specific date or deal with the issues at the end of a meeting.

Mr. Young said along with these items, maybe we should be looking at the effectiveness of code enforcement within the city. This would include are we doing the job, understaffed with the new development and do we have the manpower to meet the needs. Possibly we should look at the building permits and how long it takes the people to complete the job.

Mr. Grantner said one person found out during the last election that the residents would like to see more code enforcement being done in the city.

Mrs. Walls said she is aware of someone who closed their garage and is running a business from the home.

Mr. Cross said home businesses are an issue that could be discussed.

Mr. Grantner asked to have these items included in the packets for the next meeting.

Mr. Bertram asked if the City Council had carried through with the Planning Commission's recommendation to deny the rezoning of the property at Maple and Saginaw Street for storage sheds.

Mr. Cross said they were denied at the last meeting.

Both Mayor Smiley and Steve Perez said they would not be attending the March meeting due to business and vacation.

The next regularly scheduled meeting will be held on Tuesday, March 9, 2004, at 6:00 P.M.

Meeting Adjourned at 7:08 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML