

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
FEBRUARY 12, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Bement, Bertram, Grantner, Hohloch, Perez, Mayor Smiley, White and Young.

MEMBERS ABSENT: Walls.

OTHERS PRESENT: J. Major, DPW Director; T. Strasser, Deputy Planning Official and C. Ladd, Deputy Clerk.

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

Moved by Young, seconded by Perez to approve the minutes of the Regular Meeting of January 8, 2002 at 6:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARING FOR MARCH 12, 2002 AT 6:00 P.M.:

1. ZC #269

BY: At the direction of Burton City Council
BCPC
4303 S. Center Rd.
Burton, MI 48519

RE: Parcel #59-03-100-012
Section 3
Zoned RM to R-1A or R-1B

FOR: Single Family Development.

Moved by Young, seconded by White to schedule Zoning Case #269 for a public hearing to be held on March 12, 2002 at 6:00 P.M. Motion carried 7-0.

Mayor Smiley announced that he would not be present for this meeting, as he would be out of town.

C. SITE PLAN REVIEW:

1. SPR #01-90

BY: Corrado Bartoli
47520 Jefferson Rd.
New Baltimore, MI 48047

RE: Bank One
4154 Davison Rd.
Farah's Eastgate Sub 73
½ of Lot 2 and Lots 3, 4, 7, 5

FOR: Addition.

Corrado Bartoli, 47520 Jefferson Rd., New Baltimore, MI, and Cindy Fitch, 4154 Davison Rd., Burton, MI, spoke concerning the addition to Bank One. They extended their apologies for not attending a previous meeting. Mr. Bartoli said they are requesting approval for an addition to Bank One on Davison Road. All parking requirements have been met.

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

REGULAR PLANNING COMMISSION MINUTES

FEBRUARY 12, 2002/6:00 P.M.

PAGE -2-

Mr. Strasser explained that this is a small addition and they have agreed to comply with all of the DPW requirements.

DPW recommends approval.

Moved by Bertram, seconded by Bement to approve Site Plan Review #01-90 contingent upon DPW recommendations. Motion carried 7-0.

D. PUBLIC HEARINGS:

1. LS #01-95

BY: Meijer, Inc.
2929 Walker Avenue, N.W.

RE: 2333 S. Center Rd.
Parcel #59-22-300-019
Section #22

FOR: Commercial Use.

There was no one present to represent this lot split.

Mr. Strasser noted that the applicant was aware that they had to attend the meeting.

Moved by Bertram, seconded by Young to postpone Lot Split #01-95 until the regular meeting of March 12, 2002 at 6:00 P.M. Motion carried 7-0.

2. ZC #268

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
Section #25
Zoned SE to R-1B

FOR: Single Family Development.

Jim Sporer, Landscape Architect for CHMP, said he is representing Mr. Rizzo. The parcel of land is in Section 25 and is about 195 acres and is currently zoned SE. Either R-1B or SE borders the property on all sides. Frontage is on Bristol Road, Vassar Road and Atherton Road. We are requesting approval to rezone to R-1B. This is consistent with your Land Use Plan, which indicates low-density residential development. The parcel is unique as it has wetlands, woodlands and some rolling topography. We think it is conducive to be developed as R-1B zoning rather than the larger estate lots of SE. We anticipate that both water and sewer will be available. The site sits between both Atherton and Davison School Districts. There are approximately 60 lots in the Atherton District and the remainder would be in the Davison School District. Mr. Sporer said he has recent data indicating there are approximately 400 less students in the Davison School District today than in 1970. Therefore, we don't anticipate that either school district would have a problem with the development.

Mr. Sporer said the homes would be stick-built, single family, detached homes. This project would be very similar to Maplewood Meadows, which was also developed by Blake Rizzo. Mr. Sporer said by all definitions in several neighboring communities, low density is defined as anything less than four units per acre. Because of the green area and the wetlands, this property calls for something a little more than SE zoning. With this layout, it would call for about 2.5 units per acre.

Audience Participation:

REGULAR PLANNING COMMISSION MINUTES

FEBRUARY 12, 2002/6:00 P.M.

PAGE -3-

Nelson Pearson, 6088 Nelson Ct., stated that Mr. Rizzo does a good job in his developments. The majority of the property is located in Davison School District and that school district would support larger lots. He doesn't agree with having 70-foot lots and asked the Planning Commission to reconsider the smaller lots.

Matt Stephens, 3045 S. Vassar Rd., Davison Township, expressed his concerns regarding the increase in students in the Davison School District and the traffic on Vassar Road. He asked if a traffic study had been done for this area and referred to statistics from a Michigan Department of Transportation book. Mr. Stephens said he would like to request that an extensive traffic study be done.

Mr. Major commented that Vassar Road is not at capacity for traffic, even though it is busy.

Mr. LaDuke stated that the Road Commission deems that 10,400 cars would have to travel Vassar Road on a daily basis before it is concerned at capacity. He said he obtained these numbers from Chapin Cook at the County.

Ralph Misener, 3328 S. Vassar Rd., inquired as to why the City Attorney was not present this evening. He said he has concerns about the rezoning request, as it has only been eight months since the last request was denied. He requested that the Planning Commission listen to the residents and had concerns about the master plan being approved without input from the residents.

Bob Bessac, 3377 S. Vassar Rd., Davison, MI, noted that there isn't enough room on Vassar Road to pull off and change a tire if someone has a flat. He is concerned about the additional traffic and the impact the additional students would have on Davison Schools. He inquired about the minimum square feet of the homes.

Mr. Major said the homes would be approximately 1,000 sq. feet. He said that Davison has more than one classification of homes.

Linda Burris-Croley, 6223 Crabtree Lane, asked if any changes had been made since the previous zoning request. She had concerns about the run-off from the wetland area. She asked that the members listen to those who would be affected by this zoning change.

Steve Shelton, 3227 S. Belsay Rd., spoke concerning the traffic on Belsay Road and is against that many homes being built on Vassar Rd. He noted that Burton is more country living than city.

Dan Elizondo, 3336 S. Vassar Rd., said he owns property around where the subdivision would be going in. He said Mr. Rizzo owns the property and he has no problem with the proposal. He thinks this would only increase his property value.

Mr. Major said the DPW recommendation is to recommend approval of Zoning Case #268 to the Burton City Council.

Mayor Smiley addressed several of the concerns from the audience. He asked Mr. Sporer if the lots were deeper than 100 feet and was advised they are approximately 70'x125' deep. In regards to a traffic study, we are keeping informed on this issue through the County and Vassar Road is not near capacity. The City Attorney was not requested to be at tonight's meeting and several articles have been printed in The Flint Journal and the Suburban News regarding the master plan. We did not sneak through approval of the master plan. In regards to the curbs on Vassar Road, they are not wide enough and this is an issue that should be addressed in the future. In regards to the wetland area, he asked Mr. Sporer to explain this issue.

Jim Sporer, CHMP, explained that they are required by the County Drain Commission to detain the water that runs off from the lot. No excess water is allowed to leave the site. Detention areas will be constructed outside of the wetland areas and if that means having to lose lots, then that is what we will do. The conceptual sketch is just the

REGULAR PLANNING COMMISSION MINUTES

FEBRUARY 12, 2002/6:00 P.M.

PAGE -4-

first path at a layout. We have shown areas for detention where we think they are logically going to go, but the final engineering will determine the size and location to handle all of the water run sites.

Mayor Smiley also spoke in regards to the school district being capable of handling the additional students. He said we have had a 10% population growth in this City over the past 10 years. He said he made a press release at 11:30 a.m. today to all of the TV and radio stations regarding our bond ratings going from a B+ to an A-. He said this is a positive thing for all of the residents in Burton. Mayor Smiley said he met with residents and had three town hall meetings and has heard no reason to vote against this zoning request. Burton kids are just as good as Davison kids and have the right to attend the Davison School District. Mayor Smiley said in 1996 a lot split was approved for Mr. Misener's property so he could build his home. Mayor Smiley said he only sees a win-win situation with growth and these homes are valued at \$150,000 and upward.

Mr. Young asked if this property was to be zoned R-1A, what would be the number of homes that would be lost in the development?

Mr. Sporer replied it would be difficult to tell, but he is guessing there would be 80 lots lost.

Mr. Young said previously, as well as tonight, that the only homes built in there would be stick-built homes. What would prevent someone from putting modular homes on this site?

Mr. Rizzo replied there would be deed restrictions similar to those in Maplewood Meadows that there would only be stick-built homes on the site.

Mayor Smiley said this is an issue that was discussed during the town hall meetings. He said per the City Attorney, the City has the right to require only stick-built homes be constructed. This could be required under the site plan procedure.

Mr. Hohloch spoke concerning the new bond rating of A- improvement versus B+. This will save all of the taxpayer's money. He commented that we shouldn't lose sight of the fact that school and road improvement costs would be borne by those who live here. There is no avoiding this because improvements will be needed and we will have to pay for those improvements.

Moved by Bertram, seconded by Perez to recommend approval of Zoning Case #268 to the Burton City Council, contingent upon DPW recommendations. Roll Call Vote: Perez, yes; Young, no; Bertram, yes; Bement, yes; Hohloch, yes; Grantner, yes; Mayor Smiley, yes and White, yes. Motion carried 7-1 with Young voting no.

E. AUDIENCE PARTICIPATION:

Mark Newman, 2299 Melody Lane, spoke concerning the proposed Burton Commons. He said at a regular council meeting there was discussion regarding a zoning change for Burton Commons.

Mr. Grantner said a public hearing has been scheduled for the next regular planning commission meeting on March 12, 2002 at 6:00 P.M. That would be the appropriate time for individuals to give input on this proposed zoning change.

Laurie Tinnin, 2340 Harmony Dr., stated she has major concerns with the way the master plan was adopted. It should have been done in the presence of the public. She spoke on Mr. Rizzo's development and other future developments and said they would have to be locked into the master plan as it appears now and into the zoning that is currently written in the text. The current zoning text calls for Mr. Rizzo's development to be zoned SE as the text hasn't been changed. She said she is still in disagreement as to the legitimacy of it. She would like a higher unit of government to look at the way the master plan was adopted. There are several issues that need to be addressed in regards to the adoption of the master plan.

REGULAR PLANNING COMMISSION MINUTES

FEBRUARY 12, 2002/6:00 P.M.

PAGE -5-

Mayor Smiley commented that he would be having a town hall meeting at 6:30 p.m., Monday, February 18, 2002 and this issue could be discussed at that time. The Attorney General says when our City Attorney speaks he has the authority that City Council grants him as our municipal attorney. Our City Attorney, as well as the Attorney General, have said that we did everything properly according to the state law. In regards to publication, we had a public hearing and we didn't have to have another public hearing once the workshops were held. This body does not need Council when approving the master plan.

Jim Callison, 4457 Briar Lane, said he understood from Mr. Martinbianco, at the last council meeting, that this property is zoned agricultural.

Mr. Major said we have no agricultural zoning on our zoning map. This only occurs on zoning maps in township areas. We may have farmland but it is all zoned some type of residential, R-1A, R-1B, R-1C or SE. I was baffled when Mr. Martinbianco made this statement.

F. APPLICATION FOR SITE PLAN REVIEW:

1. SPR #02-01

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

RE: 4162 S. Belsay Rd.
Burton, MI 48519
Parcels #59-35-200-002 & #59-35-200-003

FOR: Preliminary Plat Review for Maplewood
Meadows #6

Jim Sporer, CHMP, said he would be available for any questions on the preliminary plat review.

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

Mr. Strasser explained that this is an extension of the Maplewood Meadows Subdivision. The outlet for this would be Belsay Road. Traffic will go through the subdivision to Maple Road. All the lots that are involved in this phase of the subdivision meet or exceed the minimum requirements for R-1A zoning. All the emanates are in place, as well as the proposed underground storm sewer, sanitary and water systems. The setbacks all meet or exceed the ordinance and DPW has no problem and recommends approval.

Moved by Young, seconded by Bertram to approve Site Plan Review #02-01, contingent upon DPW recommendations. Motion carried 8-0.

ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #02-02

BY: Atherton Road Sales
6468 E. Atherton Rd.
Burton, MI 48519

RE: Atherton Road Sales
6468 E. Atherton Rd.

FOR: Expand Turnaround/Parking area between
main building and storage barn

2. SPR #02-03

BY: Timothy James Thomas
G-1359 S. Linden Rd.

Flint, MI 48532

RE: The Checkered Flag
G-4155 Fenton Rd.
Burton, MI 48529

FOR: Change of Use.

Mr. Bertram asked if the turnaround for Atherton Road Sales is behind the main building.

Mr. Strasser replied yes. This proposal was presented at the Zoning Board of Appeals meeting requesting to install a two-three foot berm, private fence and pine trees.

F. BOARD DISCUSSION:

Mayor Smiley reported that the developer concerning the Genesee and Bristol Road area met with my Administrative Team as well as myself and there was a resident who wanted to stay involved with that development so they could see the process. The reason it is not on this agenda is because it took him some time to contact my office. This may be on the next meeting agenda. The Mayor said he would be willing to meet with the residents regarding this development.

Mr. Major commented that the developer is congenial and willing to comply with all of the requirements.

Mr. Young stated that he is somewhat bothered by the negative publicity that we have received for the process through which we adopted our master plan. He directly asked the city attorney if it was legal for us to adopt the master plan and the attorney said it was. Possibly we could set up on our agenda for the March meeting, a public hearing on that master plan and then at our April meeting, let everyone know that we are going to adopt it. That would at least put the criticism, right, wrong, good or bad to rest. Mr. Young offered this as a suggestion.

Mr. Hohloch said he appreciated Mr. Young's comments, but this suggestion brings up a need for another legal opinion on whether it would be legal to readopt the master plan.

Mr. Young said if we follow the procedure he is suggesting, this would take care of the situation once and for all.

Mr. Hohloch said he has no problem with this as long as we aren't opening another legal can of worms.

Mayor Smiley stated when there is a legal opinion from the legal counsel, a professional planner that was hired, and a legal opinion was given that the master plan was legally adopted, why do it again? There are no issues to change, so what this would accomplish?

Mr. Young said although there may be no issues with the master plan, it may get rid of any questions as to whether we did things right or wrong.

Mr. Hohloch said he plans to make no changes to the master plan.

Mr. Bertram commented that we have been going through this process for four years and he doesn't know what more information the public could offer.

Mr. Grantner indicated there are several planned seminars from the Michigan Municipal League and they run in February, March, April, May and June. A brief discussion was held as to attendance at the workshops. He gave each member a copy of the workshop schedules.

The next regularly scheduled meeting will be held on Tuesday, March 12, 2002, at 6:00 P.M.

REGULAR PLANNING COMMISSION MINUTES
FEBRUARY 12, 2002/6:00 P.M.
PAGE -7-

Meeting Adjourned at 7:24 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML