

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
MARCH 11, 2003, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

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

MEMBERS PRESENT: Bement, Bertram, Grantner, Walls, White and Young.

MEMBERS ABSENT: Hohloch, Perez and Mayor Charles Smiley.

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

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

Bement moved and Bertram seconded the motion to approve and authorize the Minutes of the Regular Meeting of February 11, 2003 at 6:00 P.M., as printed. Motion carried 6-0.

B. SCHEDULE PUBLIC HEARINGS FOR APRIL 8, 2003 AT 6:00 P.M.:

1. LS #02-58

BY: EV Real Estate
3385 S. Center Rd.
Burton, MI 48519

RE: 3385 S. Center Rd.
Lot 9 & Part of Lots 8 & 10 of Schram Acres
Section 27, Zoned C-2

FOR: Office/Commercial

2. P-03-03

BY: Atherton Community Schools
3354 S. Genesee Rd.
Burton, MI 48519

RE: The entire ½ of R.O.W. of Etzel St. being at the
West end of Eastgate #3 Subdivision, situated at
the West terminus of Sitka St.
Section 26

FOR: Residential Use.

3. ZC #276

BY: Ed Brenner
PO Box 190125
Burton, MI 48529

RE: Parcel #59-33-400-003
Parcel of land North of Lots 77-83 Killarney Pk. #2
and Lots 99-106 Killarney Pk. #3
Section 33
Zoned M-1 and M-2 to R-1B

FOR: Residential Development

REGULAR PLANNING COMMISSION MINUTES
MARCH 11, 2002/6:00 P.M.

PAGE 2

B. SCHEDULE PUBLIC HEARING FOR APRIL 8, 2003 AT 6:00 P.M. (CONTINUED):

4. LS #03-12

BY: Corey & Joey Sheroski
4221 E. Maple Rd.
Burton, MI 48519

RE: Parcel #59-34-300-055
Section 34

FOR: Residential Use.

Moved by Bertram, seconded by White to Schedule Lot Split #02-58, P-03-03, Zoning Case #276 and Lot Split #03-12 for public hearings to be held on April 8, 2003 at 6:00 P.M. Motion carried 6-0.

C. PUBLIC HEARINGS:

1. LS #03-04

BY: Jack & Linda Herriman
2324 Meadowcroft
Burton, MI 48519

RE: Parcel #59-22-400-001
Section 22
R-1B Zoned

FOR: Residential Use.

There was no one present to represent the request for a lot split.

Moved by Young, seconded by Bertram to postpone Lot Split #03-04 to the end of the agenda. Motion carried 6-0.

2. ZC #275

BY: Robert L. Keely, Pres.
2224 S. Center Rd.
Burton, MI 48519

RE: Parcel #59-22-100-004
2095 S. Center Rd.
Zoned R-O to C-2

FOR: General Commercial

Robert Keely, Keely Realty, Inc., 2224 S. Center Rd., said he is asking to rezone the property at 2095 S. Center Road from R-O to C-2. All of the property surrounding this investment is zoned C-2. The property has been for sale for six years and he thinks it would be more saleable if it were rezoned to C-2.

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

Mr. Strasser concurred with Mr. Keely that all of the surrounding property is zoned C-2. The future land use plan proposed is R-O and it seems reasonable to have this property zoned the same as the surrounding properties rather than to have spot zoning. DPW recommends approval.

REGULAR PLANNING COMMISSION MINUTES

MARCH 11, 2003/6:00 P.M.

PAGE 3

Mr. Bertram asked if Mr. Keely still had the same rights to the R-O as the C-2?

Mr. Strasser replied, yes.

Moved by Young, seconded by Bertram to recommend approval to the Burton City Council to rezone property from R-0 to C-2, as requested. Motion carried 6-0.

3. LS #03-11

BY: T. G. Development L.L.C.
31500 W. Ten Mile Road
Farmington Hills, MI 48336

RE: Parcel #59-23-400-012

FOR: Commercial Use.

Mike Tobin, 31500 W. Ten Mile Rd., Farmington Hills, MI, 48336, commented that he has a piece of land that is commercial and one of the local businesses wanted to buy a piece of it. We are asking to have the lot split approved.

Audience Participation:

Pauline Dargel, 6119 Hugh St., inquired as to how this lot split came to be on this agenda, as it was not scheduled at the last meeting like the other cases.

Mr. Strasser replied that lot splits are not required by law to be scheduled by the Planning Commission. The developer and potential purchaser of the property (Atherton Road Sales, Jim McKittrick), asked me if we could proceed with the lot split without the Planning Commission scheduling for a public hearing. They asked us to do this to speed up the process and consummating the purchasing of the property. The lot split met all of the guidelines for notifications, so therefore, we elected to handle the lot split in this fashion.

Mrs. Dargel asked Mr. Grantner if he had a problem with this procedure.

Mr. Grantner said the lot splits may be taken completely away from this body and be done as an administrative function. Burton is one of the few municipalities in Genesee County that acts on the lot splits. He said he has no problem with the way this lot split is being handled.

Mr. Strasser said the split does encompass two parcels, one 12 acres and one 6 acres. The 6 acres is the piece that the Atherton Road Sales is attempting to purchase. They would be constructing on that site, subject to site plan review. All of the emanates are in place. There is sanitary sewer, water main and electric. DPW recommends approval of the lot split.

Mr. Bertram asked about the exception on that corner and if any other improvements would be done at that location?

Mr. Tobin replied he didn't believe other improvements would be made.

Moved by Young, seconded by Walls to approve Lot Split #03-11 contingent upon DPW recommendations. Motion carried 6-0.

REGULAR PLANNING COMMISSION MINUTES
MARCH 11, 2003/6:00 P.M.
PAGE 4

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning the scheduling of public hearings. She restated that the City would benefit from the services of a professional planner. She has read the minutes of the workshop and found nothing significant in the way of changes. She asked how many more meetings would be held?

Mr. Grantner stated that the Planning Commission is a recommending body and if she would like a professional planner, she would have to speak with the Mayor or the City Council. In regards to the workshop, we are addressing the issues that continue to come before the ZBA and items that cause the City problems over a period of time. When the same items continue to come before us, there is a problem with the ordinance and that is the plan or strategy that we are following. If you are looking for something to come out of this workshop for a long-range plan, that is not what we are about. We are trying to deal with the problematic issues now. Hopefully, if we fine tune our ordinance on a yearly basis and keep everything up to date, we should be in line with our Master Plan. We are dealing with some very simple, straightforward items that are directly out of our ordinance.

Mrs. Dargel suggested that Council representative could carry the message back to the City Council about the possibility of hiring a professional planner. She spoke concerning the SE Zoning or the request to build on 70-foot lots.

Mr. Grantner said he is hoping to have one additional work session, and then send a draft of the ordinance to City Council, as they are the ones who would approve the Ordinance changes. We are only a recommending body.

Ken Holbrook, 4372 Pine Creek, Burton, MI, said he lives on Lot 69 of Pine Creek Subdivision. He doesn't have a problem with the lot split, but at the end of Pine Creek Street there is a flooding problem that he has complained about to DPW. The proposed lot split area looks like swampland from Spring through almost the end of summer. Where will the water go when something is built on this land?

Mr. Grantner explained that because there was no representative here for this lot split, the Board took action to postpone it until the end of the meeting. If there still is no one present, the lot split will be postponed until the next meeting of April 8, 2003. The Board will postpone the case two times and after that, it will be cancelled and the applicant would have to reapply.

E. SITE PLAN REVIEWS:

1. SPR #03-13

BY: Anthony Hanson
Cross Creek Condominiums, L.L.C.
5206 Gateway Centre – Suite 200
Flint, MI 48507

RE: Cross Creek Condominium
West side of Genesee Road, north of Court Street
Tax #59-10-400-012, Part of the SE ¼, Section 10,
T7N-R7E, City of Burton

FOR: Preliminary Review for Cluster Condominium.

Mr. Grantner explained that this is a preliminary review, not a site plan in its finalized version.

Mr. Strasser said this would be scheduled for a public hearing one month from this evening.

REGULAR PLANNING COMMISSION MINUTES

MARCH 11, 2003/6:00 P.M.

PAGE 5

Michael Pifer, Kraft Engineering, 409 W. 7th Street, Flint, MI, said he is representing the developers. Two of the members of the development team are here this evening, Tony Hanson and Bill Hanson.

Mr. Grantner asked that Mr. Strasser explain what a cluster condominium entails.

Mr. Strasser explained this is the first cluster development that the City has had. Cluster Subdivisions, as presented in the ordinance under R-1A and R-1B are allowed as a permitted use. Since the inception of our ordinance, condominiums have also come into light in the State of Michigan. It is a way of developing a site and is similar to a subdivision. It is a way of circumventing the plat act and does not have to go to the State, but must follow all of the rules of the plat act. There are lot sizes and road sizes and all emanates have to be in place. This developer plans to combine the clustering option of making a condominium instead of making a platted subdivision. This is a preliminary condominium review and in one month a public hearing will be held for the final review for the condominium and also the clustering option. This will be published in the newspaper and everyone within 300 feet will be notified.

Mike Pifer explained that the property is located on the west side of Genesee Road north of the Gilkey Creek. The total site area consists of about 49 acres and with approximately 1,000 feet of frontage along Genesee Road. The property is currently zoned R-1A, Single-Family Residential and under this ordinance, we are allowed a clustering option within that zoning. The clustering option allows us to set aside a certain percentage of the land as open space. The balance of the land could be developed with single-family homes. We have a large area within the site that is occupied by wetlands and there is a conservation easement for a large part of the west side of the site. The total wetlands are approximately 24 acres, which is almost 50% of the site. This is why we are considering the clustering option for this site. The wetlands have greatly reduced the developable area within the parcel. The clustering ordinance requires that 15% of the property be open space and in this case we are providing about 60% open space. We will be developing approximately 19 acres with residential homes. Mr. Pifer referred to the rendering he presented. There will be an entrance to the development off Genesee Road with a paved private road with curb and gutter throughout the development. The developer plans to construct 1,200 sq. foot homes and with attached garages, would be approximately 1,625 sq. feet. Mr. Pifer presented a copy of the house plans that would be constructed throughout the site.

Tony Hanson commented that the exterior of the homes would be the same with three different elevations. He explained what the elevations would be.

Mr. Pifer said under the clustering option, we are allowed approximately 3.5 units per acre. We are proposing to put 2.1 units per acre, which equals about 100 homes. The utilities include sanitary sewer and water main that are on Genesee Road. These utilities would be extended into the site to service the homes. There will be a public storm sewer constructed along the street to handle the drainage and it would outlet into the wetland areas to the west. Streetlights are planned throughout the development and we plan to construct a greenbelt along Genesee Road, which would consist of a 3' to 4' high berm with 12' to 15' high pine trees to try to buffer and shield the development from Genesee Road. In addition, there would be a boulevard entrance with a median island that would be landscaped and have a guard shack. We think we have prepared a plan that meets the requirements of the ordinance and specifically the clustering option.

Audience Participation:

Pauline Dargel, 6119 Hugh St., asked if they were to consider the total acreage or the buildable acreage when determining what is being provided for a percentage of the open space?

Mr. Strasser replied the total acreage would be considered.

REGULAR PLANNING COMMISSION MINUTES
MARCH 11, 2003/6:00 P.M.
PAGE 6

Mr. Strasser said the packet of information given to the Board included R-1A Zoning, Cluster Subdivisions, Clustering Option and the Condominium Ordinance. If you give preliminary approval, the final plans would then have to be presented for DPW review and go through the entire process. What Mr. Pifer has already presented to the City, has been carefully reviewed and they far exceed what is expected from this ordinance in all respects. DPW recommends approval.

Mr. Bertram asked if the cluster development eliminates the required 85-foot frontage for R-1A? He also asked if the guard shack would have an attendant.

Mr. Strasser said this would be a true condominium and there would be no individual lots. All of the homes in this development share the common space.

Mr. Hanson replied the guard shack would not be attended. It is more for decoration.

Mr. Pifer added that the guard shack is more for aesthetic purposes and gives the impression of a guarded community.

Mr. Young inquired about the 8-acre pond in relation to this site. Who would assume the responsibility for the maintenance of the plant life in this area?

Mr. Pifer said the pond is contained within the entire wetland conservation easement. There is a consent agreement that was developed between the DEQ and Mr. Keenley. He would still be required to make certain the wetland area is maintained and monitored to ensure that it functions as it was intended to do. We would have to release our water into that area.

A brief discussion was held concerning the filling in of the flood plain area.

Mr. Young asked if there were any plans for a buffer north and west of the woods north of the railroad tracks.

Mr. Pifer said there is a limited area that would be buildable. There is a Consumer's line that runs along the wetlands and they have an easement that extends 40 feet from the property line. We are not sure we can plant trees in that area because we don't know if Consumer's would stop us from doing so.

Mrs. Walls asked how these condos differ from Mr. Hamilton's cluster subdivision. She asked if a de-acceleration lane would be put in on Genesee Road, as the traffic is nonstop. Mrs. Walls asked if sidewalks would have to be installed in front of the subdivision. Mrs. Walls commented that she doesn't want the development.

Mr. Strasser replied that these condos are not attached like Mr. Hamilton's are. He said the need for a de-acceleration lane has not been determined at this point. In regards to sidewalks, Mr. Strasser said they have not been enforcing the ordinance for residential areas.

Mr. Bertram asked if the development would be done in phases.

Mr. Pifer replied yes, there would be two phases. He explained what would be done in each phase.

Mr. Hanson said there would be 15 to 35 units per year.

Mrs. White inquired about the price range of the homes.

Mr. Hanson replied the homes would be in the range of \$139,000 and would be upper scale at that price.

REGULAR PLANNING COMMISSION MINUTES

MARCH 11, 2003/6:00 P.M.

PAGE 7

Mr. Young asked if the homes would have a full basement and if there would be three bedroom homes.

Mr. Hanson replied they would have a full basement, but there will be no three-bedroom homes at this time.

Moved by Bertram, seconded by Bement to approve Site Plan Review #03-13 contingent upon DPW recommendations. Motion carried 6-0.

5515 Davison Rd. #14
Burton, MI 48509

RE: Beechwood Centre
5517 Davison Rd.
Part of Lot 10 Beechwood Estates
Section 2, Zoned C-1

FOR: New Centre

There was no one present to represent the site plan request.

Moved by Young, seconded by Bertram to postpone Site Plan Review #03-14 until the next regular meeting of April 8, 2003 at 6:00 P.M. Motion carried 6-0.

C. PUBLIC HEARINGS:

1. LS #03-04

BY: Jack & Linda Herriman
2324 Meadowcroft
Burton, MI 48519

RE: Parcel #59-22-400-001
Section 22
R-1B Zoned

There was no one present to represent the lot split request.

Moved By Bertram, seconded by Young to postpone Lot Split #03-04 until the next regularly scheduled meeting of April 8, 2003 at 6:00 P.M. Motion carried 6-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #03-15

BY: Timothy Mailhot
G-3460 S. Saginaw St.
Burton, MI 48529

RE: G-4164 S. Saginaw St.
Unit #3 and #4
Burton, MI 48529

FOR: Change of Use.

REGULAR PLANNING COMMISSION MINUTES
MARCH 11, 2003/6:00 P.M.
PAGE 8

2. SPR #03-16

BY: Larry J. Turner
G-4164 S. Saginaw St.
Burton, MI 48529

RE: STAT EMS
G-4164 S. Saginaw St.
Unit #3 and #4

FOR: Change of Use.

There were no concerns on behalf of the Planning Commission concerning Site Plan Reviews #03-15 and #03-16.

G. BOARD DISCUSSION:

1. Feedback on Work Session Items from Tom Strasser.

Mr. Grantner asked for input or feedback in regards to the information Mr. Strasser gave at the last work session.

Mr. Bertram suggested that a review be made concerning lot splits and how Grand Blanc Township is handling theirs.

Mr. Grantner commented that we are one of the few municipalities where the Planning Commission acts on lot splits.

At the work session, we discussed the possibility of the lot splits becoming an administrative function.

Mr. Grantner said he and Mr. Strasser drafted a recommendation that could go to City Council in reference to sidewalks. He said there is a resolution drafted by the City Council in 1977 stating there would be sidewalks. After discussion with Mr. Strasser, we concluded that there is a sidewalk resolution but not an ordinance. He said he thinks the sidewalk issue should be decided by the City Council.

Mr. Young asked how the various items would be sent to the City Council, individually or in a total package.

Mr. Grantner said he would like to discuss this issue in the work session. However, he thinks the items should be sent to the City Council in ordinance form, which would give them a product to either accept or reject.

Mr. Grantner said Mr. Strasser did do some editing in regards to Outdoor Sales and we need one more session to wrap up the other items. When would you like to meet?

Mr. Young suggested holding the workshop after the meeting being held in Fenton on March 27th. This session could help in the writing of the final draft of the ordinance.

After a brief discussion, there was a consensus that the next work session would be held on Tuesday, April 22, 2003 from 9:00 a.m. to 11:00 a.m. in Council Chambers.

The next regularly scheduled meeting will be held on Tuesday, April 8, 2003 at 6:00 P.M.

Meeting Adjourned at 7:04 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk