

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
APRIL 13, 2004, 6:00 P.M., COUNCIL CHAMBERS
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Jerry Grantner, Chairperson, led the Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

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

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

Moved by Young, seconded by Bertram to approve the Minutes of the Regular Meeting of March 9, 2004 at 6:00 P.M., as printed. Motion carried 9-0.

Mr. Grantner commented that the Planning Commission is a recommending body and the following zoning cases would go before the City Council for final approval/denial.

Mr. Grantner said he would be placing Zoning Case #290 at the end of the agenda.

B. PUBLIC HEARINGS:

1. ZC #289

BY: Gary H. Ashley
3412 E. Bristol Rd.
Burton, MI 48519

RE: 4014 S. Belsay Rd.
Parcel #59-35-200-021/#59-352-021
Section 35
Zoned C-1 to C-2

FOR: Future Commercial Development

Gary Ashley, 3412 E. Bristol Rd., explained that he is asking to rezone the property at Belsay and Bristol Road from C-1 to C-2 to make the property more viable and have more options as to what could be put in at this location.

Audience Participation:

The following residents spoke against the rezoning of the property:

Pauline Dargel, 6119 Hugh St., doesn't think a car wash should be located on this corner.

Jim Laraby, Oakview Development, LLC, 671 E. Big Beaver Rd., Troy, MI, had purchased 38 lots from Mr. Ashley and believes it would be a hardship to sell the lots if a car wash were built on this corner.

Kostas Kuzmanovsky, 4029 Grand Oaks Ct., said he doesn't object to something being built that would be beneficial to the neighborhood, but he does object to a car wash being built that could bring riffraff to the area and create noise.

Bob Wills, 4059 Grand Oaks Ct., had concerns regarding the traffic, noise and decrease in property value. He is not against growth and prosperity.

Jerry Thomas, 4057 S. Belsay Rd., believes C-2 is the wrong zoning for this property. He would like to see the property zoned C-1 with a 9:00 to 5:00 business, not something that is open 24-hours a day.

Mr. Strasser said the Board has to decide on whether or not the property should be rezoned to C-2, not to make a decision on a site plan or specific use. The DPW recommendation is for approval, based on a similar situation across the street.

Mr. Cross confirmed with Mr. Strasser that the property across the street where the gas station was, is zoned C-2.

Moved by Young, seconded by Cummings to approve Zoning Case #289.

Mrs. Walls said this request has previously been before the Commission and voted down. She said she would be voting in the negative.

Mr. Bertram said he doesn't think he could vote cart blanc for this rezoning and he too would be voting in the negative.

Mrs. White asked Mr. Ashley if he had a buyer for this property. She was advised no.

Mr. Cummings commended Mr. Ashley for coming forth and asking for the C-2 zoning rather than not giving the neighbors an opportunity to know what zoning you are requesting. He asked about the type of car wash that might be built.

Mr. Ashley said the car wash was something he considered two years ago, but since then, there are other options to be considered for this corner. The C-2 zoning gives a person more options.

Mr. Cross inquired as to why Mr. Ashley didn't wait until he had an interested party in the property before asking for the zoning change.

Mr. Ashley replied that it takes more money, time and effort and if the rezoning was not approved, then it was all done for nothing.

At Mayor Smiley's request, Mr. Strasser explained the difference between the C-1 and C-2 zoning.

A brief discussion was held concerning whether there have been code enforcement or police problems with any of the car washes in Burton. Mr. Strasser said he wasn't aware of any problems with the car washes in the city.

A roll call vote was taken on the motion: Walls, no; Perez, yes; White, no; Mayor Smiley, yes; Grantner, no; Cross, no; Cummings, yes; Bertram, no; Young, no. Motion failed 3-6.

3. ZC #291

BY: DPG-Burton LLC c/o Ryan Rosett
2550 S Telegraph Rd., Suite 102
Bloomfield Hills, MI 48302
and

General Motors Corporation c/o Worldwide Real Estate
200 Renaissance Center
Mail Code: 482-838-696
PO Box 200
Detroit, MI 48265-2000

RE: General Motors Property
Parcel #59-10-100-027
Southwest corner of Genesee Road & Davison Road
M-2 General

FOR: Developing a mix-use project.

Ryan Rosette, Diversified Property Group, 624 W. Maple, West Bloomfield, MI, said his partners are also present. He explained that they are asking for a recommendation on the rezoning request on three pieces of property that is currently owned by General Motors. Mr. Rosette said they are proposing that 20 acres at the corner of Davison and Genesee Road for a C-2 commercial use and behind that they are looking for a multiple-family attached residential and then 132 acres be rezoned to R-1B for single-family detached residential. He presented various visual aids.

Jim Eppink, 39 S. Main St., Clarkston, MI said he is one of the land planners that work on many of the Diversified Property Group's development projects. He noted that there isn't a site plan for this project at this stage. They have spent time in the City of Burton and the surrounding communities to see what the market is in this area. The property is currently zoned for an industrial use and we are proposing a mixed-use development with neighborhood commercial on the northern corner. Also being proposed is transitional use, which would include for-sale attached multi-family housing. These could be for empty nesters and young professionals and could be an alternative to single-family homes. The remainder would be single-family homes, different sizes and types. We believe that open space and parks are critically important to neighborhoods. We would have open space, sidewalks, trails, etc.

Mr. Grantner asked for a breakdown of how the acreage would be split.

Mr. Eppink replied that there would be 20 acres of commercial property, 44 acres of RM and 132 acres of R-1B.

Mr. Rosette gave a brief background of the company, Diversified Property Group.

Audience Participation:

The following concerns were addressed by the residents as listed below: core sand in the test track; possible contaminated ground and wetlands; increase in property taxes, traffic, adding lanes at the intersection, relocation of the wildlife; water run-off, children playing on or by the railroad tracks, possible topographical change affecting the wells in the area, access to city water; no parking on streets, police responding to calls, pollution around railroad tracks; run-off of Gilkey Creek, too many developments in the City, getting a needs study done prior to rezoning; Master Plan update; placing a subdivision next to the railroad tracks, the possibility of oil and diesel fuel being dumped on the property many years ago; questioned rezoning the property to residential, proper precautions being taken for the development, type of business in the commercial area; the relationship between Diversified Group and the Centex Group from Clayton Township; new developments in the city, controlled growth and demand for development in this area.

James Coleman, 4114 Davison Rd.

Michelle Dumler, 1414 Genesee Rd.

Donna Glann, 1475 Ives

Bernard Meader, 4220 Risedorph

Duane Burnash, 2239 Covert Rd.

Warren Nimcheski, 2429 N. Genesee Rd.

Don Ackley, 6246 Willowdale Ct.

Bryant Smith, 2474 Lanning Dr.

Pauline Dargel, 6119 Hugh St.

Laurie Tinnin, 2340 Harmony Dr.

REGULAR PLANNING COMMISSION MINUTES

APRIL 13, 2004 / 6:00 P.M.

PAGE 4

Several of the residents who spoke were in favor of the development and stated their appreciation to the developers for making a previous presentation to them at the church.

Mayor Smiley commented that city water could be put in on Ives if the residents were interested and followed the proper procedures.

Mr. Abbey briefly discussed how the development would affect the traffic situation on Genesee and Belsay Road and noted that the latest traffic study does not warrant the widening of Genesee Road. He said many of the concerns stated by the residents would be addressed under the site plan review process at a later time. Mr. Abbey noted that a letter from Kearsley School's was sent in support of this project.

Mr. Strasser spoke concerning the wetlands having to be verified by the DEQ and said no projects have been planned in the industrial area in the city to warrant leaving this property zoned M-2. The entire project on the West end was earmarked to be open space and parkland area. DPW recommendation is to approve the rezoning of this property.

Mr. Rosette addressed many of the concerns that were addressed by the residents.

Mr. Young questioned whether the property had previously been rezoned and noted he had several concerns, including giving up the largest piece of industrial property in the city. He inquired about the kind of housing that would be built and asked if the development would be a platted subdivision or site condos.

Mayor Smiley said the developers made a great presentation to the residents and this would be a better use for the property than an industrial plant. First time homebuyers need longevity. A brief discussion was held concerning the master plan being revisited. He commented that if the Board looks at the other developments that were done in the past, all requirements have been fulfilled. The Mayor spoke concerning the development offering a broader and more stable tax base and commented about the A- bond rating. He said he supports the project for the good of the community.

Mrs. Walls commented that she would be voting in favor of the proposal.

Mr. Young noted that he had mixed emotions about rezoning the property.

Mr. Grantner passed the gavel. He spoke about the wildlife and said he concurs with Mr. Young's comments. However, he also agrees with the Mayor that a major industrial development would not come into the City anytime soon. He said the Master Plan is not set in stone and can be changed. He would be voting for the project.

A brief discussion was held concerning the development of a park.

Mr. Rosette said he and his partners believe that a park is an important development. They are planning to put in a park on the West side of the property. He commented that the different lot sizes accommodate the needs of the people.

Mayor Smiley noted that the property off Covert Road was deeded over to the city and we hope to have a park there sometime in the future.

Moved by Walls, seconded by Cross to approve Zoning Case #291 to rezone property developing a mix-use project. Motion carried 8-1 with Young voting no.

4. ZC #292

BY: Joseph L. Cardonna
CRS Companies
14430 Industrial Center Dr.
Shelby Township, MI 48315

RE: Davison Road, between Brookwood Golf Course Parkway
Lot and 6057 Davison Road
Units 3 & 4 Brookwood Condo
Parcel #59-01-651-003 and #59-01-651-004
Zoned R-1A to R-O

FOR: Office Development

Mr. Perez stated that he would be abstaining from voting on this zoning case.

Joseph Cardonna, CRS Companies, 14430 Industrial Center Dr., Shelby Township, MI, explained they have developed other communities in Burton and are currently working on Spring Gardens Subdivision. We approached the owners of the condominium project in Brookwood and wanted to complete the condo project. There are two additional condo buildings that would be backed up to the golf course and there is a third lot, which was proposed for a condo. We would like to have this lot rezoned to office. It directly touches the parking lot to Brookwood Golf Course and we think the office zoning would be a good buffer between the condo project and the parking lot. The office building would be done with brick and siding in colors that would be consistent with the condos and hopefully improves the value of the overall project.

Audience Participation:

There following residents spoke in reference to the rezoning. Some of concerns were the lot size, the amount of parking space, the number of stories of the office building and the continued building of the condos.
Pauline Dargel, 6119 Hugh St., Burton, MI
Dan Schultz, 6069 Davison Rd., Burton, MI

Mr. Strasser noted that the proposal would be an excellent buffer between the parking area of IMA Brookwood and the condo development. He addressed the issue of the property being small and therefore, the building that would go on that property would have to uphold the parking requirements in the zoning ordinance. He suggested a reciprocal parking agreement could be discussed with the owners of the golf course. DPW recommends approval.

Mr. Cardonna commented about the buffered area being a necessity in completing the project and moving forward with the project. He spoke in reference to the parking lot directly to the right and a street running behind it and this not being a safe position for a condo unit. If an office building is built, it would be consistent with the condos using brick and siding.

Mr. Young inquired about the anticipated daily traffic.

Mr. Cardonna said the office would most likely be a 9 to 5 operation. They would be careful in selecting a tenant.

Moved by Bertram, seconded by White to recommend approval of Zoning Case #292 to rezone property from R-1A to R-O for office development, contingent upon DPW recommendations. Motion carried 8-0 with Mr. Perez abstaining.

Planning Commission Recessed at 7:48 P.M.
Planning Commission Reconvened at 7:56 P.M.
REGULAR PLANNING COMMISSION MINUTES
APRIL 13, 2004 / 6:00 P.M.
PAGE 6

D. PRELIMINARY PLAT REVIEW:

1. SPR #04-13

BY: William and Elizabeth Hohloch
12322 Fairbanks Dr.
Linden, MI 48451

RE: Heather Heights
Maple Rd. at Howe Road
Proposed Heather Heights Subdivision

FOR: Preliminary Plat Review

Kevin Cook, CHMP, 5198 Territorial Road, Grand Blanc, MI, said he was representing the Hohloch's for the proposed Heather Heights Subdivision. He explained there are three lots on the Northwest corner of Maple and Howe zoned R-1A. Water and sewer is available to service each of the three lots and they will access Maple Road. He said they are requesting preliminary plat approval.

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

Mr. Strasser said the three lots would be using Maple Road but the most easterly lot would have access to both Maple and Howe Roads. DPW recommends approval of the preliminary plat.

Moved by Young, seconded by Walls to approve Site Plan Review #04-13, contingent upon DPW recommendations. Motion carried 9-0.

E. SITE PLAN REVIEW:

1. SPR #04-14

BY: Creekwood Architecture Inc.
1111 Creekwood Trail
Burton, MI 48509

RE: Bubba O'Malley's
1076 Belsay Road
Part of Lots 43 thru 45 of Cardinal Gardens

FOR: New Addition to Existing Building.

Rick Swihart, Creekwood Architecture, Inc., 1111 Creekwood Tr., Burton, MI, said he was representing Bubba O'Malley's, who is proposing an addition to the existing building. The addition would consist of 1,650 sq. feet, which would be used for seating and a new entrance. The business has been doing very well and the kitchen can handle the additional seating volume. The existing site has more than adequate parking for the addition. According to the zoning ordinance we, with the addition, we would need 77 parking spaces and they currently have about 122 parking spaces. The addition is being constructed on the south side where the landscaped area and outside patio are located.

Audience Participation:

The following residents spoke concerning the issues listed below:

Pauline Dargel, 6119 Hugh St.

Duane Burnash, 2239 Covert Rd.

Carl Fenner, 1146 Kettering

REGULAR PLANNING COMMISSION MINUTES

APRIL 13, 2004 / 6:00 P.M.

PAGE 7

Restaurant parking vs. Genesys parking; constructing a stage area for live music; keeping the noise down and not outside projecting into other neighborhoods.

Mr. Strasser commented that Mr. Swihart has already proven to the Commission that parking is more than adequate and the building would comply with the building code. After review, we recommend that the establishment install sidewalks in front of the property.

Mr. Cross said he doesn't want to see tents at the establishment because of the noise.

Moved by Perez, seconded by Bertram to approve Site Plan Review #04-14, contingent upon DPW recommendations. Motion carried 9-0.

PUBLIC HEARING:

2. ZC #290

BY: Referral from Burton City Council
4303 S. Center Rd.
Burton, MI 48519

RE: Ordinance #19, City of Burton Zoning Ordinance
Section 5.33

FOR: Front Yard Fences

Mr. Cross said the City Council referred the front yard fences to the Legislative Committee. The Committee sent the recommendation back to the City Council to have no front yard fences other than decorative. We were advised we couldn't vote on this because the issue had to be referred back to the Planning Commission. Council is asking to have no fences in the front yard other than decorative. He commented that many of the fences create a problem with the traffic view.

Audience Participation:

The following residents spoke concerning the fence issue:
Don Sanderlin, 4460 Killarney Pk. Dr., Burton, MI
Pauline Dargel, 6119 Hugh St., Burton, MI

Mr. Strasser stated that in the zoning ordinance prior to 1989, a front yard fence was defined as being decorative. Those included split rail fences, picket fences, wrought iron fences. He proceeded to give a history concerning the fences and requests for fences that went before the Zoning Board of Appeals. This issue is before you to determine whether front yard fences should be allowed at all or should the fences be defined. The negativity comes in with the chain-linked fences. Many fences are used as a landscape option, not as a fence. The other issue is whether the support side of a fence should go in or out. We would like to have the best side of the fence facing the neighbor.

Mr. Grantner asked if the committee is suggesting there be no fences in the front?

Mr. Strasser said yes, no front yard fences. However, if you remove fences from the front yard, the ZBA agenda would be filled with residents asking for a front yard fence.

Mr. Grantner asked if the DPW was offering a recommendation.

Mr. Strasser replied he was not endorsing either for or against the fence issue. He believes there would be a problem with way, but believes there would be more of a hindrance by not allowing front yard fences.

REGULAR PLANNING COMMISSION MINUTES

APRIL 13, 2004 / 6:00 P.M.

PAGE 8

Mr. Cross commented that another issue of fences is the maintenance.

Discussion continued regarding the fence maintenance.

Mr. Bertram asked if the ordinance supersedes the subdivision rules. He was advised yes.

Mr. Young read Section 5.33 regarding front yard fences and commented that he has a problem with the height of fences, fences placed on a berm and who is responsible for the maintenance of fences with barbed wire.

A discussion ensued in regards to Section 5.33, which is the fence portion of the zoning ordinance. Many questions arose from the discussion concerning various issues with the ordinance.

Mr. Grantner commented that Mr. Young has raised a number of issues and possibly this fence issue should be done by a Committee of the Whole of this Body or refer this back to the City Council and have the issues put in a format that we could respond to. There are many issues that have been raised that need to be addressed, but not in this format.

Mr. Abbey said some of these issues were raised at the Legislative meeting and should be addressed.

Moved by Young, seconded by Bertram to table Zoning Case #290 and refer it back to the Legislative Committee of the City Council. Motion carried 9-0.

F. ADMINISTRATIVE SITE PLAN REVIEW:

1. SPR #04-15

BY: Ebenezer Ministries
2130 S. Center Rd.
Burton, MI 48519

RE: Ebenezer Ministries
2130 S. Center Rd.
Lots 16-21, 24, 25 Frost Manor
Section 21

FOR: Pavilion Addition

2.

BY: Joseph M. Paris
2450 Briar Creek
Burton, MI 48509

RE: Paris & Associates Appraisers
4284 E. Court Street
Burton, MI 48509

FOR: Change of Ownership

No Comments were made concerning the Administrative Site Plan Reviews.

G: BOARD DISCUSSION:

Mr. Grantner said we have nothing scheduled for the next meeting, but we have a number of issues that could be discussed at the next meeting. Among them are: outside storage of RV's, how we notify residents, issues of code enforcement, whether a joint meeting of the Planning Commission, ZBA and City Council should be held, joint sessions with municipalities that are contiguous to Burton where they have developments being built and the issue of home businesses. We may need to set aside a time like we did in work sessions.

Mr. Grantner addressed the issue of the Master Plan and he believes the Planning Commission did a good job in completing the master plan done.

The next regularly scheduled meeting will be held on Tuesday, May 11, 2004 at 6:00 P.M.

Meeting Adjourned at 8:42 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML