

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
May 9, 2000, 6:00 P.M., COUNCIL CHAMBERS

The Regular Meeting was called to order by Homer Berry, Chairman, at 6:00 P.M.

MEMBERS PRESENT: Brawner, Berry, Bertram, Grantner, Perez, Walls, White and Young.

MEMBERS ABSENT: Mayor Smiley.

OTHERS PRESENT: R. Hamilton, City Attorney; T. Strasser, Deputy Planning Official and C. Ladd, Deputy Clerk.

A. APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING(S):

Young moved and Bertram seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of April 14, 2000 at 6:00 P.M., as printed. Motion carried 6-0.

B. SITE PLAN REVIEWS:

1. SPR #00-24

BY: Matt Wright
5000 W. 86th St.
Indianapolis, IN 46268

RE: Speedway
1258 E. Bristol Rd. @ I-475
Burton, MI 48529

FOR: Rebuild Existing Speedway.

Mr. Wright, 5000 W. 8th St., Indianapolis, IN 46268, said he is an engineer representing Speedway. They plan to improve their current facility at I-475 and Bristol Rd. We plan to demolish the existing station and build a new station with a store. If this is approved, it will be the first on of this kind in Michigan.

Mr. Berry asked if any additional property had been purchased for this site. Mr. Wright replied no.

Audience Participation:

Pauline Dargel, 6119 Hugh, spoke about the height of the sign on this property.

Mr. Strasser said the packets contain a review completed by the DPW and he met with the gentleman before the meeting and he agrees with all of the revisions on the plan. The revisions include additional landscaping, utility re-routing, 5 ft. concrete sidewalk is required across the front of the property and different layout for some of the parking spaces for access to the dumpster area.

Mr. Perez asked Mr. Wright if they would be using the existing ground tanks. He was advised yes, as they were upgraded in 1998.

Mr. Bertram asked if the station is a diesel stop now. He also asked if it would be a truck stop for 18-wheelers.

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Mr. Wright said he isn't certain, but thinks there is a diesel dispenser for the smaller trucks. He replied that 18-wheel trucks would not be accommodated, only the small trucks.

Moved by Grantner, seconded by Young to approve Site Plan Review #00-24, contingent upon DPW recommendations. Motion carried 8-0.

C. PUBLIC HEARING(S):

1. ZC #249

BY: ZI-MAR Group, Inc.
Neil Martz
G-8033 Fenton Rd.
Grand Blanc, MI 48439

RE: Parcel #59-29-400-022
Vacant Property
Zoned R-1C to M-1 and M-2

FOR: Industrial Park.

Brad Strader, Professional Community Planner from Royal Oak, MI, said he is representing the ZI-MAR Group. He gave a brief background of the meeting held in March concerning this request. Because of the concerns of the church and school we have revised our request to rezone 12 acres to RM, Multiple Family, along Hemphill Rd. This would be a more compatible use with the church and school. The industrial traffic will now use Red Arrow Road, and would use the industrial corridor out to Dort Highway. This development will provide multiple family area in the community and will provide more students for the school district, which is in need of additional enrollment. There are areas that will remain single family and we will provide a buffer to the lots that are currently there. One of the criteria for the rezoning is consistency with the City's adopted master plan. The site does meet the master plan as industrial. We are asking for a lesser intense use with the request for multi-family on the 12 acres that is accessed by Hemphill Road. The second criteria to be considered are that the zoning district needs to be compatible with the existing area. There is some existing non-conforming multiple family uses in the area. The area south of Red Arrow Road is already zoned M-2 industrial, so we are not asking for a more intense use in the area that hasn't been planned for in the master plan.

Mr. Martz said he met with the church to discuss their concerns regarding this proposal. At the church meeting he asked for input from the group, but to date, I still have not had any input from that group other than they were opposed to the proposal. I also met with representatives from Bendle Schools. Since that time, I have modified my initial plan. No longer are we attempting to bring industrial traffic out to Hemphill Road. We will shorten up the cul-de-sac area rather than to bring straight through to Hemphill Road. In our initial plan we have always attempted to vacate the portion of Red Arrow Road that publicly accesses onto Ogema Street. In this proposal we are asking to exchange the industrial M-2 zoning here for single family.

Audience Participation:

A person from the audience asked that the meeting be moved so everyone in the hallway could hear what was being discussed. He was advised that the meeting could not be moved because of legal ramifications.

Attorney Hamilton said he is concerned about the status of this case because the publication notice did not include the revised plan that Mr. Martz presented this evening. The Planning Commission is not in a position to make a recommendation with regards to the multiple family zoning request, because there has been no publication or notices

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distributed, which is required by our ordinance and the state law. Mr. Hamilton suggested that this case be postponed to a later date to allow for re-publication and notification of the revised request from the ZI-MAR Group.

An offer was made by Farnumwood Presbyterian Church to hold the meeting in their building.

Several people inquired about how and who would be notified of the public hearing. There were residents who asked to be notified from the City of Flint. Scott Kincaid, a Flint City Councilman, explained that it is not the City of Burton's responsibility to notify the residents in the City of Flint, just like the City of Flint doesn't have to notify Burton's residents. However, Flint residents may register with the church and they will notify you when the public hearing is set.

Mr. Bertram requested a copy of the map, with the revised plan, that Mr. Martz presented to the Planning Commission.

There was a consensus of the Board to have the meeting on June 20, 2000 at the Senior Citizens Center, if the building is available.

Moved by Bertram, seconded by Perez to postpone Zoning Case #249 to a future date at the Senior Citizens Center. Motion carried 8-0.

Recess at 6:40 P.M.

Reconvened at 6:47 P.M.

2. ZC #250

BY: Gary Cockman
4020 Waterland Ave.
Metamora, MI 48455

RE: Part of Lot 4, 42, 43, 44 of Laurelhurst Acres
Section 12
Zoned C-2 to RM

FOR: Multi-Family

Mr. Cockman, 4020 Waterland Ave., Metamora, MI, said his property has been zoned commercial for about 15 years. He said the property is small and is not conducive for a mini-mall. He said he had contacted several businesses over the past few years and they have no interest in building in this area. He said he is asking to have the property rezoned to multi-family so he can build apartment units. These units will be like the ones being built by Davison Country Club. The floor plan consists of about 1100 sq. feet and they will be nice apartments.

Audience Participation:

Pauline Dargel, 6119 Hugh St., spoke against the rezoning because of the school being in the area and the students using the overpass walkway. She asked about the acreage and if the apartments would be single levels.

Mr. Cockman said the overpass is nowhere near his property, and in fact, it is about 300 to 400 east of my property. He said there would be three two-story buildings for a total of six apartment units.

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Mr. Strasser said the property is presently zoned C-2 and the current master plan on file with the City, indicates that the property should be rezoned to light industrial. This is not large enough for an industrial site and there is a flood plain in that area, which limits what can be built on this property. As far as Mr. Cockman's proposal, you will have to take a look at the facts and make your recommendation to the Council.

Mr. Young said he serves on the Bentley Board of Education and has a copy of a letter from Mr. Kefgen, Superintendent of Bentley Schools. Mr. Young then read the letter from Mr. Kefgen, opposing the rezoning. He said he too opposes the rezoning because of the activities at the school.

Mr. Cockman said there is a mobile home park with hundreds of families and his development would only have six families. A mini-mall would generate much more traffic than what is being proposed. He said the apartment buildings will be first class and his development would not infringe on the school district. These will be rented before they are completed.

Mr. Young said he would not live there because of the noise and traffic that the school generates.

Mr. Bertram asked if this is located near the proposed gas station.

Mr. Strasser said no, it is about 1000 feet east of the gas station.

Mrs. White asked if there would be a total of six families. She was advised yes.

Mr. Grantner said he would have to agree with Mr. Young, based on the fact that nothing has been built on the property after owning it for this period of time. Why do you think people will rent there with the expressway noise and the traffic from the school district.

Mr. Cockman said the quality of the apartments will help them rent. He also stated that his options are beginning to run out. He has paid taxes on the property for about 16 years.

Moved by Young, seconded by Brawner to recommend denial of Zoning Case #250, to the Burton City Council. Motion carried 6-2 with Walls and White voting no.

3. ZC #251

BY: The Lockwood Group
30100 Telegraph, Ste 426
Bingham Farms, MI 48025

RE: Parcels #59-22-100-009 and #59-22-100-010
2173 S. Center Rd.
Section 22
Zoned RO to HRM

FOR: A three story senior congregate care facility.

Kristen Hershberger, 415 S. Davison Street, Davison, MI, said The Lockwood Group is asking that their zoning request to rezone an eight acre parcel from RO to HRM be approved. The purpose of the rezoning is to build a three-story senior facility for persons 55 years and older. She presented a picture of Magnolia Gardens in Troy, MI.

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Audience Participation:

Walter Borkovich, 6228 Greenview Dr., Burton, MI, said under the RHM there could be a ten-story building constructed as long as it doesn't exceed 100 feet and the bottom two levels could be used for retail as long as there is not external sign. My opposition is that it will generate an increase in traffic and it is contrary to the intent of the master plan, which was for residential use. Mr. Borkovich asked if the project would be financed with government money.

Ms. Hershberger said the project would be financed with MSHDA bonds, which are through the Michigan State Housing Authority. It will be for affordable persons and for market rates so there will limit of some of their income and some people will not be limited, so it will be mixed.

Mr. Borkovich asked if the government would prevail over who can and who can't live there. He said the shooting in Lincoln Park is a similar type development, and he is concerned about them not having control over the residents.

Ms. Hershberger replied there is criteria set that the residents would have to meet, and they set some of the criteria. She said the residents are screened very carefully.

Father Paul Jannakos, 1117 Old Towne Ct., Grand Blanc, MI, said St. Nicholas Church, said they are not officially opposed to the project but would like to get more information. He inquired about the number of units, whether a traffic study had been done between Lippincott and Atherton Roads. He said with the many businesses that have been built, there is a concern about the traffic when making a left turn onto Center Road.

Mr. Hamilton stated there has been some traffic work done in this area. The placement of a stop light at the northern entrance of Meijer's will be installed. There has been discussion with regards to both this and the adjoining parcel for utilization of a service drive that would route the traffic out through there.

Fr. Jannakos said another concern is how the property would be cared for since the Lockwood Corporation is from another county. Our property is kept very well and we are concerned about the long-term commitment.

Ms. Hershberger said we are in this for the long term and we will maintain our property. We have a development in Mt. Morris Township.

Allison Borkovich, 6225 Greenview Dr., Burton, MI, confirmed that Mr. Rizzo is also planning a development south of the one being proposed by the Lockwood Group.

Mr. Borkovich asked for an update on Mr. Rizzo's proposal. Was it approved?

Mr. Strasser said that is scheduled to go before the City Council, after the Planning Commission made a recommendation.

Pauline Dargel, 6119 Hugh St., inquired about the status of the PILOT Ordinance. She asked if there would be a change in the overall plan should the City decide not to have a PILOT Ordinance. She said the location in Flushing required many variances in order to be put in place, and asked if there would be sufficient space so the variances would not be required. She stated there would be a fee paid, which is in lieu of taxes.

Mr. Brawner said the Legislative Committee has not made a final determination on the PILOT ordinance.

Mr. Hamilton said if they utilize the MSHDA credits, they are required to meet a formula, which will limit and place rent restrictions on certain numbers of the units in the development.

Ms. Hershberger stated that they may have to go back and look at the design of it and possibly may cut units or the size of the units. In regards to the variances, we have more space available.

Paul Hildreth, 2363 Meadowcroft Dr., Burton, MI., asked if the development would be facing the road or placed on the backside of the drainage ditch. He also asked what the age requirements are.

Ms. Hershberger replied there is no design of the project yet, so she doesn't know which direction the site would face until the plans were drawn. The residents must be 55 years of age to qualify.

Mrs. Borkovich asked about the following statement on the rezoning application: and such other purposes permitted by the proposed zoning district.

Ms. Hershberger replied that this means parking, carports, garages, storage garage, etc.

Mr. Borkovich said that also means that under the umbrella of the ordinance, the foundations are such that the stories could rise to 10 stories or 100 feet. She also asked if this is considered assisted living.

Ms. Hershberger said there would be no retail. There will be a small store for the use of the residents, but MSHDA does not allow for retail space. Ms. Hershberger explained that this is not assisted living, but is a congregate care facility.

Mark Yonan, 2040 Oxford Lane, Flint, MI, asked what the criteria is when being considered as a resident and also asked what the ratio is for the subsidized versus unsubsidized. He also asked if the property could be rezoned for the project, but not change the zoning completely.

Mr. Hamilton explained the zoning requirements for the high rise multiple family projects. He also stated there are no rent subsidies, and those tenants are required to pay their own rent. To qualify for the types of financing they are requesting, the owners or developers have to offer a certain number of the units at a lower price for people whose incomes relate to a certain percentage of average incomes of this area.

Ms. Hershberger listed the projects they have built in the Genesee County area.

Mr. Strasser stated that the property is presently zoned RO, and under the current master plan it is proposed to be rezoned to C-2, General Business, which may or may not generate more traffic. We also have a senior citizens complex down the street with an extended waiting list for occupancy. There is also a similar proposal as this, which would be built to the south of this one.

Mr. Bertram asked what the criteria is for the lot size for anything higher than three-stories.

Mr. Hamilton said under the terms of the high rise zoning ordinance, the higher the building, the wider and more isolation is required from the boundary lines.

Ms. Hershberger commented that they are combining two lots, but have no intention to build a ten-story building.

Mrs. Walls asked if the number of stories would be controlled through the site plan review. She was advised yes. Mrs. Walls also asked what the proximity is for this lot in relation to the church. She was advised it was next door. She said she wanted to be certain this was the same property.

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Moved by Bertram, seconded by Grantner to recommend approval of Zoning Case #251 to the Burton City Council.

Motion carried 8-0.

C. PUBLIC HEARINGS CONTINUED:

4. ZC #252

BY: City of Burton
4303 S. Center Rd.
Burton, MI 48519

RE: Ordinance #19 Zoning Ordinance Text Change
Section 5.15

FOR: Accessory Buildings.

Moved by Young, seconded by Brawner to postpone Zoning Case #252 to the next regular meeting of June 13, 2000,
at 6:00 P.M. Motion carried 8-0.

5. ZC #253

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

RE: Parcel #59-35-400-015
5465 E. Maple
Section 35
Zoned SE to RM

FOR: Condominium.

Francine Cullari, 6106 Wedgewood, Grand Blanc, MI, explained that Mr. Rizzo is asking to have 22 acres rezoned from SE to RM, which will allow for condominiums. We are not particularly interested in multiple family housing, but the City of Burton zoning ordinance only allows for attached condominiums under the RM zoning. Last year the applicant submitted a plan, but withdrew and has now submitted a new plan with only 87 units rather than 105. The development compares with Maplewood Meadows and has no wetlands. Mr. Rizzo has proposed sidewalks along the front and if Mr. Eister would put them in, then Mr. Rizzo would put them in Maplewood Meadows. There will be streetlights in the subdivision and a gazebo. It was suggested that Mr. Rizzo should make a commitment in writing in letterform to what I said and we have a signed copy.

Audience Participation:

James Delano, 5349 E. Maple, Grand Blanc, MI, spoke regarding the sidewalks, traffic congestion at Maple and Belsay Roads, drainage ditch which runs through the property and what affect this development would have on that. He would rather have the zoning R-1 and he is against the condominiums being built.

Al Roberts, 4371 Great Oaks Dr., Grand Blanc, MI, spoke against the proposal noting that there are condos being built at Hill and Belsay Roads in Grand Blanc Township. He is concerned about the additional traffic and the possibility of another developer wanting to build more of the same in this area. He asked that the master plan be taken into consideration when making a recommendation. He is also concerned that sometime in the future, children would have to be bussed to other school districts with an influx of children in the area.

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Laura Mackey, 5170 Old Franklin, Grand Blanc, MI, said her parents have lived on Belsay Road for 59 years and this man approached her parents about purchasing their property to run horses. It appears that Mr. Rizzo keeps changing his mind about what he would like to do with the property and develops new plans.

Kim Farmer, 4508 S. Belsay Rd., spoke against the proposal. She said Hawkshire discontinued building the condos because they would not sell. She said there is also a possibility of an increase in the crime rate.

Pauline Dargel, 6119 Hugh St., referred to the land use map and Ms. Cullari's presentation. She also spoke about the drainage ditch area and the improvements made over the years. She thinks this would provide a spot zoning and thinks the single family would be better than what is being proposed.

Joe Gibbons, 4285 Wilderness Court, said he is the developer of the condominium at Hill and Belsay, and has had several inquiries about building condos in the Burton area. Many people would rather live in Burton rather than in Grand Blanc.

Ms. Cullari responded to some of the concerns made by several of the audience participants. They include increase in crime rate, those who prefer living in Burton versus Grand Blanc, and the need for condos because of the baby boomers. She also addressed the issue of the drainage area and noted that if the City doesn't want the sidewalk, then this is something that could be changed.

Mr. Strasser said the property is presently zoned SE which requires one acre lots. The master plan that is currently on file, shows that property should be low density residential. That along with R-1A zoning, which most of the area is going to, the density is about 4.0 units per acre, and they are proposing 4.0 units per acre, more or less. They are also asking for multi-family zoning. However, you cannot contract zoning, so anything that is allowed in this zoning classification could be built there. There is a provision in our zoning ordinance for a cluster subdivision and this is allowed in this zoning district.

Mr. Young asked inquired about the number of sites available in the City.

Mr. Strasser said the SE zoning is primarily located in the SE corner of the City.

Mr. Bertram asked if there had been any discussion about this area in the newly proposed master plan

Mr. Strasser said it is his suggestion that if the master plan is passed, then the SE zoning could be eliminated.

Moved by Grantner, seconded by Young to recommend denial of Zoning Case #253 to the Burton City Council. Roll call vote: Young, yes; Bertram, no; Brawner, no; Grantner, yes; Berry, no; White, no; Perez, no; Walls, no. Motion failed 2-6.

Moved by Brawner, seconded by Grantner to recommend approval of Zoning Case #253 to the Burton City Council. Roll call vote: Young, no; Bertram, yes; Brawner, yes; Grantner, no; Berry, yes; White, yes; Perez, yes and Walls, yes. Motion carried 6-2.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, spoke concerning completion of the proposed master plan and notifying adjoining communities when projects in the City of Burton may affect them.

E. BOARD DISCUSSION:

Mr. Strasser stated that Mr. Berry handed in his resignation and that this is his last Planning Commission meeting. He thanked Mr. Berry for his many years of service to the City.

Mr. Berry said he has been on the Zoning Board of Appeals and the Planning Commission for 37 years. He asked if the Board wanted to select a Chairperson at this time.

Mrs. Walls said she would suggest selecting a new chairperson at the June 13th meeting and also, elect a vice-chair. Possibly this could be put on that agenda.

The next regularly scheduled meeting will be held on Tuesday, June 13, 2000, at 6:00 P.M.

Meeting Adjourned at 8:35 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML