

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JUNE 11, 2002, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Bement, Bertram, Grantner, Hohloch, Perez, 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:

Moved by Young, seconded by Bement to approve the Minutes of the Regular Meeting of May 14, 2002 at 6:00 P.M., as printed. Motion carried 9-0.

B. SCHEDULE PUBLIC HEARING FOR JULY 9, 2002 AT 6:00 P.M.:

1. LS #02-37

BY: Donald Hayes
1305 N. Pine St.
Lapeer, MI 48446

RE: Lots 120 & the East 37' of Lot 136
of Garden Acres
Parcel #59-13-502-110
1130 Kettering
Section 13

FOR: Residential

Moved by Young, seconded by Bertram to schedule Lot Split #02-37 for Public Hearing on July 9, 2002 at 6:00 P.M.

Motion carried 9-0.

C. PUBLIC HEARING POSTPONED FROM MAY 14, 2002 AT 6:00 P.M.:

1. LS #02-14

BY: Topvalco, Inc. an Ohio Group
c/o The Kroger Co. of MI
18334 Laurel Park Drive N.
Livonia, MI 48152-3976

RE: Topvalco, Inc.
Section 31

FOR: Commercial

John Kosta, Grainger & Associates, 307 E. Third St., Flint, MI, said he is representing Topvalco who is asking for a lot split for the previously approved site plan. This is for the combination Wendy's/Tim Horton's which will be in front of the Kroger Store. The lot split from the overall parcel is one of the items that was left behind in the paperwork. This is why we are requesting the lot split at this time.

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

Mr. Strasser said there is a water main easement in the middle of the property that will be addressed by the City Council on July 1st. We are asking the Council to abandon the easement. There are no other problems with the lot split and DPW recommends approval.

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Moved by Bertram, seconded by Young to approve Lot Split #02-14 contingent upon DPW recommendations. Motion carried 9-0.

D. PUBLIC HEARINGS:

1. LS #02-24

BY: Consumer's Energy
212 W. Michigan Ave.
Jackson, MI 49201

RE: Atherton Road "Adjacent to The Orchards Sub"
Parcel #59-23-400-008
Section 23

FOR: Utility Substation

Richard Quintel, representing Consumer's Energy, 7198 White Oak Blvd., Mt. Morris, MI, stated that he is asking for a lot split to build an electric substation. He stated that normally the request for a lot split would be made prior to the substation being built, but somehow this was overlooked.

Audience Participation:

Pauline Dargel, 6119 Hugh St., inquired about the dimensions of the parcel involved. Mr. Perez provided the dimensions. Mrs. Dargel also asked about the depth of the pond and if it belonged to that parcel.

Mr. Quintel replied that there is a detention pond for the substation.

Mr. Strasser commented that the substation has been built and the site plan review was approved along with the landscaping of the property.

Moved by Young, seconded by Mayor Smiley to approve Lot Split #02-24, contingent upon DPW recommendations. Motion carried 9-0.

2. ZC #271

BY: Madco Inc.
Stan Foster
6881 Fieldstone, Ste 200
Bur Ridge, IL

RE: 2045 E. Maple Rd.
SPID #59-32-300-007
22 Acres Northwest corner
Maple & Saginaw Roads
Zoned C-2 to RM

FOR: Townhouses

Mr. Stan Foster, 6881 Fieldstone, Ste 200, Bur Ridge, IL, stated that he is asking for rezoning for townhouses. This is a developmental site per the new land use plan adopted by the City of Burton.

Audience Participation:

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Sherry Mitchell, 2058 Friel St., asked if the development would be considered low-income housing. She also inquired whether the dead ends at Fury and Morrison Streets would be opened up for access to the townhouses. She asked if the development would include the garage door warehouse building.

Mr. Foster replied that Fury and Morrison would not be opened up unless requested by the City. There would be a privacy fence along the north side of the site. The townhouses would not be low-income housing. Mr. Foster said the development would not include the warehouse building.

Bob Centilli, 4479 Lawnwood Ln., Burton, MI, said he has no problem with apartment complexes or mobile home parks, but this area is saturated with them. He gave some statistical facts concerning Maplebrook Apartments, Boulder Creek Apartments, Twin Meadows Mobile Home Park, Delta Mobile Home Park, Maple Grove Mobile Home Park, Tudor Estates and Greenbrier Mobile Home Park. He noted that there are 1522 units in that area with 273 vacancies or more. This acreage is the only piece of property left in the area where a mini mall would fit or something of that nature. The Legislative Board turned down the property because of the sewer capacity being overloaded. Mr. Centilli quoted an article from The Flint Journal by State Representative Vera B. Rison in regards to controlled development of rental housing so we don't lose the homeowners.

Dan Baldwin, 1449 E. Maple, Burton, asked if the pond is considered a designated wetland. He also spoke concerning the use of Morrison going out to Maple Road. He asked when the project would be started and how many units would be included. Mr. Baldwin said he agrees with Mr. Centilli in regards to the number of available units in the area. He said he has had items stolen from his garage and has a lot of foot traffic from the surrounding area.

Mr. Foster replied that the project would be started later this year.

Pauline Dargel, 6119 Hugh St., said when this property was considered for housing some time ago, she thought storm drainage was a problem. She asked if the units would be rental units, ownership or leased to buy? She referred to multiple housing zoning being requested in this area and a PILOT Ordinance that was approved by the City Council just north of City Hall.

Mr. Strasser commented that Mr. Foster spoke in reference to the land use plan, which encompasses a wide range of zoning from multi-family, commercial and even light industrial. These sites have more than one particular use because of emanates that are either on the property or surrounding the property. Saginaw and Maple Road area has adequate water and sewer and a school district looking for additional students. Many of the questions asked are more pertinent to the site plan rather than rezoning. If this request is approved it would go before the City Council for their approval or denial.

Mr. Young asked what the number of units would include should the rezoning be approved?

Mr. Foster said there would be a mix of two story units with attached garages. There would be approximately 150 units in the development.

Mrs. Walls asked for confirmation about whether these would be rental units.

Mr. Foster stated that they could be rental units but he is uncertain at this time.

Mr. Bertram asked if Mr. Foster is the owner of the property.

Mr. Foster replied that he has the property under contract.

Mr. Bertram asked if it is contingent upon approval of the rezoning.

Mr. Foster replied yes.

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Moved by Young, seconded by Walls to approve Zoning Case #271. Roll Call Vote: Walls, no; Young, no; Bertram, no; Bement, no; Hohloch, no; Grantner, no; Smiley, no; White, no; Perez, no. Motion denied 9-0.

3. ZC #272

BY: Claro Recto
46500 Maidstone
Canton, MI 48187

RE: Genesee Road, south of Bristol Rd.
Parcel #59-34-200-027, #59-34-200-028,
Parcel #59-34-200-029 and #59-34-200-030
Zoned SE to R-1A

FOR: Single Family Housing

Mr. Recto was not present. It was noted that he was returning from Canton and would like to have this zoning case heard as the last item on the agenda.

Moved by Hohloch, seconded by Mayor Smiley to move Zoning Case #272 to the end of the agenda. Motion carried 9-0.

E. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked for an explanation of how the lot splits are scheduled as part of an agenda and brought to the attention of the City. She also commented on the Commission offering a reason for approval or denial on the cases before them.

Mr. Strasser gave a brief explanation and examples of how the lot splits originate and are scheduled for board action.

F. SITE PLAN REVIEWS:

1. SPR #02-33

BY: Michael Tobin/TG Development LLC
31500 West 10 Mile Rd.
Farmington Hills, MI 48336

RE: Orchard's Condominium/Preliminary Review
Parcel #59-23-400-008 & 010

FOR: Preliminary Review for The Orchards Condominium.

Kevin Cook, CHMP, 5198 Territorial Rd., Grand Blanc, MI, commented that the Orchards were approved in 1997 for a 168 lot platted lot subdivision. This site has been converted from a plat to a site condominium.

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

Mr. Strasser stated that according to the regulations of the State Plat Act, anytime there is a change of ownership there has to be a formal approval of the Planning Commission or City Council. The Planning Commission originally approved the Orchards Subdivision, both preliminary and final. The roads were put in, the infrastructure is in and houses have started being built. The owner has decided to change from a subdivision to condominiums. There are no changes in the prints other than it says condominiums. There are no real physical changes in the field, only paper work. Formal approval from this body is necessary so they may proceed. Basically this is just a formality.

Mr. Young asked if the attorney has approved all the condominium papers so the specifications meet the law and everything required by the City?

Mr. Cook replied yes, all documents are in order.

Moved by Perez, seconded by Bertram to approve Site Plan Review #02-33 contingent upon DPW recommendations. Motion carried 9-0.

2. SPR #02-36

BY: James Larivee and William Kropf
671 E. Big Beaver, Suite 105
Troy, MI 48083

RE: Maple Creek Development, LLC
Vacant Howlett Farm, Maple Road
Part of Parcel #59-35-400-015

FOR: Final Site Plan Approval-Maple Creek Condominium

William Kropf and Jim Larivee, 671 E. Big Beaver Rd., Suite 105, Troy, MI, said they are representing Maple Creek Development. Mr. Larivee said they are asking for final site plan approval. Everything fit the way the architect designed other than the catch basins. The new way is more beneficial to the site. Mr. Larivee presented drawings and discussed the landscape plans. He noted that these would be detached condo concept and there would be ranch condos and story and one-half homes.

Mr. Kropf said this is still the same site plan with the same number of units and we will be developing this in phases. This will be Phase I and then the road will be completed for Phase II. Once we cross the drains it will be considered Phase III. Based on market studies, we should be doing a phase each year. We expect sales to be between 25 and 35 every year.

Audience Participation:

Pauline Dargel, 6119 Hugh St., spoke concerning the number of units being different from the deed restrictions for that parcel. She asked what the number of units the developers is contemplating.

Mr. Kropf said the number of units have not changed from the original concept that was submitted. He said he isn't aware of the deed restrictions that is being referred to. He said all of the zoning requirements are being complied with.

Mrs. Dargel asked if the developer was supplied with a copy of the deed restrictions.

Mr. Strasser said he didn't know if the deed restrictions were provided to the developers or not. Deed restrictions may be placed on any property, but the City only subject those properties to the zoning ordinance. Any deed restrictions that are enforced are done so by the owner.

Mrs. Dargel also spoke concerning the drain that goes under Maple Road being adequate. She asked for further explanation of the drainage.

Richard Kraft, Kraft Engineering, said there is a huge county drain coming to the site. He explained how the drainage would impact the area. The drainage area would be landscaped when the third phase is developed, which would enhance the area.

Further discussion continued regarding the drainage.

Mr. Hohloch noted that the drainage is being taken back to the original design.

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Mr. Strasser stated that there would be 99 units on the property. He said he spoke with Mr. Kraft's office and reviewed many of the required items. There will be no individual lot lines as this is a condominium and one parcel of land. These are not apartments but homes for sale. There will not be dedicated public roads but they will be under the control of the condominium association. This particular piece of land is zoned multiple family. All the surrounding land is zoned single family. The zoning ordinance requires a screened barrier between the two zoning classifications.

In this particular case, there is a proposal for a berm along the east and west property lines going the entire length of the single family and staggering the 6 foot high confer trees with 18' to 20' spacing. This would give a more open aspect rather than having a privacy fence. The trees could be easily replaced when necessary and create a natural living barrier. The gentlemen have gone over and above what they had to do. DPW recommends approval.

Mr. Young asked if the County Drain Commission and Road Commission have given approval.

Mr. Strasser replied that some of the concerns from the county had nothing to do with their approval. The site plans meets all of the criteria for the run off of the storm water.

Mrs. Walls asked if these units would be rental units?

Mr. Larivee replied the units would be for sale. Some will be about 1250 sq. foot ranches or larger and 1500 sq. foot story and one-half and they will be for sale. The units will start at mid to high \$140's to mid \$150's. There will be full basements and they will be 8 foot poured concrete.

Moved by Hohloch, seconded by Bertram to approve Site Plan Review #02-36 contingent upon DPW recommendations. Motion carried 9-0.

3. SPR #02-38

BY: Christopher Enright Architect
155 S. Bates, Suite 220
Birmingham, MI 48009

RE: Belle Tire
Center Rd. & Atherton Rd.
The South ½ of Parcel #59-22-300-020

FOR: New Construction for a Belle Tire.

Mr. Grantner said a request has been made to have Site Plan #02-38 postponed to the July 9th meeting due to a legal problem.

Moved by Young, seconded by Bertram to postpone Site Plan Review #02-38 to the July 9th meeting at 6:00 P.M. Motion carried 9-0.

3. ZC #272

BY: Claro Recto
46500 Maidstone
Canton, MI 48187

RE: Genesee Road, south of Bristol Rd.
Parcel #59-34-200-027, #59-34-200-028,
Parcel #59-34-200-029 and #59-34-200-030
Zoned SE to R-1A

FOR: Single Family Housing.

Jesus Anais, 17165 Coral Gables, Southfield, MI, said he is the engineer in charge of the project. He noted that Mr. Recto could not be here today. He said as directed by the City Council we come back before the Planning

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Commission to request that a 40 acre parcel be rezoned. We were previously approved for R-1B, but the City Council denied our request for this zoning. We are now requesting rezoning for R-1A. In the R-1A request we have eliminated the clubhouse and also eliminated the walkways in the middle of the condominium. We still retain the barrier between the developments of the residential to the west.

Audience Participation:

Pauline Dargel, 6119 Hugh St., asked if this is a plat or site condo?

Mr. Anais replied this is a site condo.

Charlene Ferguson, 4185 Howe Rd., referred to an article in the Suburban News noting that she is opposed to the convenience store that would be put in the Atherton School District. She said her land abuts the property to the west. We have hiking trails that are maintained and a bridge with wetlands. She doesn't want to stop progress but thinks that what has been requested has been changed several times. She is concerned about kids coming into the area and trespassing on their property. She would like to see a privacy fence not just a berm between the properties. She also asked if there would be a light on Bristol and Genesee Road and if the intersection would be widened. She spoke in reference to another meeting where it was said that the neighbors should pool their money and purchase the land.

Greg Carlswell, 4135 Howe Rd., said he isn't concerned about a privacy fence but there are several ponds in the area.

His concern is that children would get in the ponds and possibly drown. There should be some type of screening to keep them out of this area. He is also against a convenience store being in the area. There are enough stores in the area without another being built.

Don Hummel, 8405 Noblet Rd., Davison, said he is the owner of the property in question. He is unaware of the trails and ponds. He has farmed that property for several years and never saw a pond.

Further discussion continued regarding the issue of ponds and trails in the area.

Mr. Strasser commented that this case is before you at the direction of the City Council. The future land use plan indicates this property as being low density residential. Sanitary sewer is available which would qualify the property as low-density single-family development. A convenience store would not be allowed in a single-family zoned area. Sewer and water is available and the drainage is adequate.

Mr. Hohloch confirmed that a convenience store would not be under consideration should the zoning be granted. It cannot be part of the single-family zoning. He also noted to Mrs. Ferguson that it was he who stated that the property owners pool their money to purchase the land, not Mr. Bement. He explained why the statement was made.

Mr. Young questioned the whether a condominium would fall under R-1A zoning classification.

Mr. Strasser clarified that a site condominium would fall under the R-1A zoning classification. These would be detached site condos.

Further discussion and explanation was given in reference to single-family residential versus site condos.

Moved by Hohloch, seconded by Bertram to approve Zoning Case #272 contingent upon DPW recommendations. Motion carried 9-0.

G. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #02-34

BY: Paul McBride
4908 Theta Passage

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Flint, MI

RE: Tattoo/Piercing Studio; Cell Phone Retail
4281 S. Saginaw St.
Lots 1-9 Stratmoor, Section 32
C-2 Zoned

FOR: Change of Use.

2. SPR #02-35

BY: Daryll Korpi
4499 Davison Rd.
Burton, MI 48509

RE: U.S. Cal. Corp.
4499 Davison Rd.
Parcel #59-03-400-007

FOR: Change of Use.

Mr. Young asked if all health codes are being met in reference to the tattoo parlor. He was advised yes.

Mr. Strasser noted that Site Plan Review #02-35 is a calibration company whereby cars are being brought in from Canada for sale. He said he checked on the license for the auto sales and was advised by the State of Michigan that the criteria has been revised concerning vehicle dealers license. Previously, zoning approval was required along with a signature from the Zoning Department. Now all that is required is a vehicle dealer has to sign that they have proper zoning approval, which means documents are being falsified. The state attorneys are aware they are illegal and know that documents were falsely signed but nothing would be done about this.

Mrs. Walls stated she doesn't believe that approval was given for cars to be sold at that location.

Mr. White commented that the cars were being unloaded in the middle of Davison Road, not on the shoulder of the road. There also were no flares or markers being used when the cars are being unloaded. This is being done at night some of the time.

Mr. Grantner asked if the City had any power to cite them.

Mr. Strasser replied that the City does have the power to cite them and is continuing to work toward some type of action to stop this process.

Further discussion continued regarding the ownership of the business.

Mrs. White inquired whether approval was given in regards to Mr. Nevell parking his cars at the roller rink.

Mr. Strasser asked if he is selling cars from this location.

Mrs. White replied yes.

H. BOARD DISCUSSION:

Mr. Strasser stated that Mr. Perez made a request at the last meeting concerning the percentage of businesses along Center Road between Atherton and Lippincott who have sidewalks in place. The percentage is 23 percent.

Mr. Grantner reminded everyone that should they plan to be absent from the meeting, please contact the Clerk's Office.

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The next regularly scheduled meeting will be held on Tuesday, July 9, 2002, at 6:00 P.M.

Meeting Adjourned at 7:17 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML