

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
JULY 10, 2007, 6:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Chairman Jerry Grantner led the Pledge of Allegiance.

Chairman Jerry Grantner called the Meeting to order at 6:00 p.m.

MEMBERS PRESENT: Bertram, Flewelling, Cummings, Grantner, White, Centilli and Walls.

MEMBERS ABSENT: LaDuke and Sclater.

OTHERS PRESENT: T. Strasser, Deputy Planning Official and J. Adams, Deputy City Clerk.

Moved by Bertram, seconded by Cummings to approve the minutes of the Regular Planning Commission Meeting on June 12, 2007 at 6:00 p.m. Motion carried 7-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., stated Bubba O'Malley's went through site plan review and at that time it was with a new addition plus outdoor patio seating. The part that had been their patio became enclosed so they took the patio around to the west side. The additional space was 1,650 sq. ft. and 77 additional parking spaces was added. The requirement was to have a sidewalk done out front. Subsequent to that time, there has been correspondence from the City Attorney, and I am looking forward to seeing that sidewalk out front as is expected of other locations.

Mrs. Dargel stated the address of 5490 Davison Road was once a Hamady store, then sold to Kessels, which then was made into a warehouse after it was saved from demolition. They in turn, sold it to Al Klaus. We have been told in this public forum there would be a sidewalk and she looks forward to seeing one. She does not believe it has ever been through a site plan review. She asked to see it and was told it did not exist. Mrs. Dargel also stated a sidewalk has yet to be put in on Belsay Rd.

SITE PLAN REVIEW:

Post-poned from the Regular Planning Commission Meeting on June 12, 2007:

- | | |
|---------------|---|
| 1. SPR #07-16 | BY: Capitol Realty Holdings
140 E. Second St.
Flint, MI 48502 |
| | RE: Parcels 59-23-200-001, 59-23-200-007,
59-23-400-007 and 59-23-400-014. |
| | FOR: Planned Unit Development.
R-1B Zoned, for the purpose of mixed use. |

John Pavone, 16191 Seymour Rd., Linden, MI, said he is one of the principals of Capitol Realty Holdings. He introduced his partner Troy Farrah, and stated Edward Joubran could not be present tonight. They bought the property a few years ago and prior to closing it was zoned R-1A. We requested the Planning Commission to re-zone the property to R-1B with the intent of developing the site as a mixture of single family homes, attached and detached condominiums. Things have changed in the market place and our property sat idle as well as many others. They tried to determine what to do with the property that the market could support.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 2

Mr. Pavone stated further, with a lot of research and many phone calls made, one segment of the housing market that is continuing to grow is housing for retirees and people of retirement age. Dell Webb Pulte's retirement community division has elected to build 3 facilities in Michigan, one in Grand Blanc. Our intent is to introduce you to this concept, obtain your suggestions, and take them back with us to incorporate some or most into our development proposal. They are not expecting any action tonight because we understand it is a give and take process and it may require many appearances before the Planning Commission.

Mr. Grantner stated the idea of approval of a concept really does not exist in our ordinance. We have done it before, but it does not necessarily mean that it was appropriate. There was a little more data than what you have here. In terms of meetings I have been involved with, I do not like to do sub-committee meetings in a meeting of the whole. I would rather have data in front of me, and be able to ask questions of the City. If they cannot answer them, I will write them down, and then when I have a roll of prints under my arm, come to the meeting and say this is what I've got.

Mr. Grantner indicated further he does not feel comfortable in terms of trying to react to something I don't have a whole lot of information on and to have it given to me tonight, this Board really has never operated that way. The last large one we did was the corner of Genesee and Davison Road. It was quite a project they were going to put in there and there was a substantial amount of data in the form of blueprints to look at and react to.

There are people in the audience that was here at the last meeting and they were advised of the postponement and they have some questions too. I don't know what the rest of the Board feels, but I am not feeling comfortable.

Mr. Pavone said we are more interested in garnering your opinions and utilizing that information to develop what we feel will be the best possible development on this parcel of property. He studied the ordinance for the planned unit development option, which is provided within the zoning ordinance for the City of Burton. It provides a degree of flexibility that I have not seen in any other municipalities. We like to leverage the flexibility of the ordinance to develop a brand new project, a continuum of care retirement community. This concept provides a life long alternative to housing for people of retirement age. They can pay an upfront fee to become a member of this community and they will be guaranteed housing and health care for their life. It is usually a combination of private insurance as well as their private savings.

Mr. Pavone said the property is of large enough scale that we can create many of these mixed uses on one property and still retain a significant amount of open space to provide for recreational activities. Sewer capacity is there to do it. The two large facilities on one of the site plans will cost 15 million dollars to construct and add to the tax base of the City. We have access to three major roads and we think it would be a great project.

Mr. Pavone spoke further regarding the location and details of the property, criteria of a PUD, number and type of units, brief summary of a nursing home facility and assisted living facility, age restricted apartments, open space and landscaping.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 3

Mr. Pavone addressed tabling the request to the next Planning Meeting and he will do more analysis and provide more information. In review of the City's ordinance, his plan is deficient in two areas. In order to qualify for 10 acres of commercial on your property, you need to be at an intersection of a major road and a collector street. We are not at an intersection of a major road and collector street. We have frontage on three major roads. Dortch Dr. terminates at the northwestern corner of the property. In theory, we could extend into it to provide a fourth point of access to a major road if desired. The access is phenomenal to this particular parcel of property. It does not have a lot of frontage on Belsay, Lippincott and Atherton, but it is our belief that it has adequate frontage.

There are many properties for sale on Belsay Road. In theory we could be interested in purchasing if that was necessary to provide more frontage to get back into these higher intensity uses such as the skilled nursing and assisted living center. In researching the continuum care concept, people living in these facilities don't want to be on the interstate and do not want to be on Center Rd. They want these facilities to be hidden behind a large stand of trees and a large acreage parcel such as this so it becomes a large campus environment. This is going to be a very calm community and that is the whole theme of it. These whole campuses like to be away from the traffic. This commercial zoning we may not technically be qualified for and how can we go about making this plan a reality. So it is questionable whether you can construct these types of facilities within a commercial zoning district.

Mr. Grantner asked Mr. Pavone if he has had dialogue with the DPW on these specific issues.

Mr. Strasser replied they have talked extensively in regards to this project. The Board should thoroughly study Section 9.04 of the ordinance, which is the planned unit development. In reference to Mr. Pavone speaking of commercial zoning, it is not commercial zoning, but a commercial office or other non-residential use up to 10 acres of the proposed development. It would still remain R-1B zoned but there would be a more intense use other than a single family residence.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., expressed the legal notice states you can come into the DPW and review the material and information. She did not see anything as to the number of units nor the references made in this presentation. She seen a copy of the letter written to Capital Realty by the Assessor's office dated May 7, 2007. There are items to be taken care of in regards to the total parcel. Mrs. Dargel made reference to several items: a conceptual plan, Mr. Tobin's request for a PUD that was not approved for the parcel now known as The Orchards, the Mayor's development committee, Winding Creek, Sherwood Forest and other proposed developments. She stated the City offers senior housing though different from this continuum care.

Dorothy Burley, 5271 E. Atherton Rd., asked if this development is just for seniors.

Mr. Pavone said they are geared and focused on age restricted demographic. Research and analysis indicated integration to some degree, is good in an age restricted community.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 4

Mrs. Burley said she thinks it could get out of hand fairly easy. Some of these ideas are good such as the assisted living nursing home. But if they could not sell all these units you don't know which way they would go. It could go to undesirable things the neighborhood does not want. This is my concern and I wish you would take this into consideration in your decisions.

Tina Whitney, 5317 E. Atherton Rd., questioned what the development would do to neighboring property values and tax increases. She asked if a copy of the plan could be obtained and what is the approval process.

Mr. Strasser reiterated again for the Board to thoroughly read Section 9.04. The last paragraph gives the ultimate approval to City Council. Planning would give basically a recommendation.

Mr. Grantner said if this is a class A operation and it is approved, he would assume it would actually enhance property value. You would have to talk with the Assessor if taxes would increase.

Mr. Strasser said in his conversation with the City Assessor, there is a lot split situation that Mr. Pavone has been advised of that must be taken care of prior to a full site plan coming before the Commission. He feels Mr. Pavone's proposal is an exciting idea and something we don't have in the City.

Mr. Strasser read aloud the statements of the Ordinance, "It is the intent of a more flexible development of land", "A variation in dwelling types". Mr. Strasser stated one of the proposed amenities that scares people is duplexes and quadplexes (four or two units that are attached). It does not mean they are apartments, it means they are attached dwelling units. Apartments are proposed in here. As you study the section of the ordinance, 25% of the single family units have to be constructed prior to any of the multiple, in other words, before any of the apartments.

Mr. Strasser reiterated Mr. Pavone made reference to commercial zoning. If you read this, it says a commercial use or office use, or something other than a residential use. It does not say commercial zoning. The 10 acres he is proposing would still be zoned residentially but have a more intense use than a single family home on it, which would be the assisted living or the convalescent center.

Mr. Bertram addressed Section B, paragraph 5, and said it states any commercial or office needs to be located at an intersection. He asked Mr. Strasser if this is considered an intersection.

Mr. Strasser said he is not trying to sell his project, but keep an open mind in this. He agrees with what Mr. Pavone said. People that are living in that type of facility do not want to be at the corner of two major intersections. The middle of that section of land where it is nice and quiet and trees all around, it is conducive to that type of living situation.

Mr. Bertram said he is confused on a major or collector street.

Mr. Strasser responded that in this case, the major streets would be Atherton, Belsay and Lippincott, and the collector would be an internal street that would take traffic out to those.

Mr. Bertram said he has frontage on all of them but the majority is not frontage.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 5

Mr. Strasser responded that is correct. The majority of this land is back inside the section.

Mr. Bertram expressed needing to define major section or major thoroughfare.

Mr. Strassed expressed further, this is going to be up to this Board and City Council to determine if this going to be acceptable or not. We highly recommend the concept of what he is trying to achieve, but we can't totally recommend just this one piece of paper. We need to have a full set of plans. Like Mr. Grantner stated, it is hard to act on something when you don't have a lot of information. What he presented does meet the 60, 40% mix of single and multi-family. It far exceeds the open space requirements of what is proposed in the ordinance. To the best of my knowledge at this point, depending on how the sanitary sewer system is designed, there is available sewer units to accommodate this development.

Mr. Grantner asked Mr. Strasser to clarify if in theory, he says good things about this concept. Mr. Strasser replied in theory, yes. With a full set of plans and having to review it all, and have other people in our office go through it. I think it can be worked out and I don't see any major corrections that need to be made at this time by using this information. Again, we would want to review the entire set.

Mr. Bertram suggested postponing till all the data is in to the next meeting or the following after that. I don't want to set a specific date for him to come back and not have enough time to do this.

Mrs. Walls expressed she is not comfortable with it yet and as far as it staying just strictly senior citizens, we all know how that works out when they don't get rented or bought. They are sold to anybody.

Mr. Grantner said the idea has a lot of merit and potential. I agree that seniors do not want to be right on the corner where they are going to get run over. This is interesting in terms of the location. There is a site in Grand Blanc by Genesys where you have assisted living and you can move into a nursing home. I am not sure if there are condos or not. I think this is kind of one stop shopping for older people. I just don't feel comfortable not having enough information.

Mrs. Walls said she does not see how it is going to come out onto 3 major roads.

Mr. Pavone reiterated they have access to 3 major roads and we are proposing the construction of those streets to access the larger facilities in the rear.

Mr. Pavone addressed some of the residents concerns. As far as property values, they believe this is going to be a destination that people are going to seek. Nursing home licenses are issued on a needs basis. Right now there are not enough beds to accommodate people in Genesee County that require a nursing home. Mr. Pavone spoke on various owners and operators of licenses and stated several are interested and aware of this site. They have a national assisted living developer/owner operators also interested in this property. I can say with relative confidence, that we are going to have some top notch operators construct and own these facilities.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 6

We are going to encourage those operators to work together to recreate the life maintenance contract, which is available in most of these communities where you pay an entrance fee and a continuous monthly fee to live your years seamlessly from one type of dwelling to the next on this property. These condos and this whole community will be maintenance free. To address the age restriction, of course we want to restrict it to people just of retirement age, but it is a discriminatory practice to do that. You have to allow certain flexibility. There will be a mix of aged people in this community but it will be primarily geared towards people of retirement age. We are comfortable as part of the PUD, defining what that ratio is and what it cannot exceed.

Mr. Pavone addressed the intersection of the major and collector streets. He stated they have done PUDs in other municipalities and he would be happy to provide the Planning Commission the taxed from the PUD portion of these progressive municipalities ordinance. The City of Troy has a great PUD ordinance, Grand Blanc has a pretty decent one. At the discretion of their planning commission, city council or township board, they can revise the criteria.

In summary, Mr. Pavone stated they have been talking to the City for quite some time about this, and suggested a text amendment to the ordinance awhile back. We were attempting to possibly change the ordinance as it relates to major collector streets and a few other small technicalities that would prohibit this from going through with relative ease. They spoke with Neil Martz and there is significant sewer capacity in order to accommodate this development.

Mr. Grantner stated the PUDs do offer a little more flexibility and if things seem to work out where there are more positives than negatives, I am sure adjustments can be made.

BOARD RECOMMENDATIONS AND/OR ACTION:

Moved by Bertram, seconded by Cummings to postpone SPR #07-16 until they have more data to look at, and the parcel split has been taken care of in the Assessor's Office. Motion carried 7-0.

Mr. Grantner acknowledged the administrative site plans reviews.

ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #07-18
BY: Tom Williams
2133 E. McLean Ave.
Burton, MI 48529

RE: 4178 S. Saginaw

FOR: Change of ownership

2. SPR #07-19
BY: Gregory Jones

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 7

3918 Blackington Ave.
Flint, MI.
RE: 2350 E. Hemphill
Parcel #59-29-400-021
R1-C zoned.

FOR: Church – Administrative Review.

BOARD DISCUSSION:

Mr. Grantner mentioned Attorney R. Austin's correspondence regarding allowing handicap ramps in the City. He said they are asking for input from the Planning Commission, and he does not see a problem with it.

Mr. Strasser stated at this time handicap ramps cannot go into setback areas. Many homes are close to the front setback and in order to put a handicap ramp on the front of them, they end up going into the front setback. A variance is needed from the ZBA. It can somewhat be construed to be steps because it is the same means of getting off the porch as egress. We decided to propose it and if it is accepted we will run it through as a text amendment.

Mr. Grantner asked the Board if there is a consensus that they do not have a problem with this. Mr. Cummings acknowledged that it makes sense. Everyone was in agreement.

Mr. Grantner mentioned reviewing the Council meeting minutes dealing with sidewalks. He asked Mr. Strasser for his input.

Mr. Strasser stated the only time sidewalks would be required is if you are building a new structure or putting on a substantial addition to an existing one, 50% or more in size. Any other case, sidewalks would not be required.

Mrs. Walls brought up the church on Belsay Rd. being required to put in sidewalks. She said it is not a new addition or building.

Mr. Strasser responded that the church wanted to put on a pavilion. In the proposed ordinance, the administrative site plan review would not be required to have sidewalks installed. If it passed, the church would come back to us and make application for the pavilion and they would not have to put sidewalks in.

Mr. Bertram asked if that would be true with Dakota Lodge and Bubba O'Malley's.

Mr. Strasser said that is a separate issue that was in the past. They have already implemented their additions and the church has not. They just made application.

Mr. Grantner asked if Dakota Lodge had one year to put in sidewalks.

Mr. Strasser responded two years, and that time has passed. They have issued a violation notice.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 8

Mr. Grantner said the enforcement aspect of our action two years ago is kicking in and we will see how it goes.

Mr. Cummings asked if they closed for renovations.

Mr. Bertram said according to the sign they are closed till September.

Mr. Cummings said it was for putting in bathrooms to this addition.

Mr. Strasser indicated that it never materialized.

Mr. Grantner said a recommendation came before them and they had good input from Mr. Centilli in that when you look at sidewalks usually they take off the grade off the curb and gutter at an intersection and that kind of dictates what is going to go where. Mr. LaDuke had some pretty strong opinions about sidewalks that go nowhere. Consequently, when that item was before us, it was voted down 8-1 or 9-1. There seems to be some consternation at Council level as to what is going to happen. In reading the meeting minutes, that whole issue is going to come back to us for input.

Mr. Grantner stated further that proposed amendment to the ordinance would have at least taken the City out of any court cases. For all intensive purposes, it probably would have resolved things. You are not going to write a sidewalk ordinance that will encompass every time a sidewalk seems to be indicated. The amendment to the ordinance would probably serve us as well as possible. If there is anything outside of that, there is the ZBA to take care of that, and they will take action accordingly.

Mr. Cummings asked if they are going to supply us with information on the progress of these sidewalks that were going to go in, and we could trust that Council will take 1% of ACT 51 monies.

Mr. Strassed indicated that this very afternoon, the person in charge of that area was told to proceed with the contract to implement the sidewalk program along Center Rd. You will see it this summer.

Mr. Cummings asked if this is the first year that non-motorized paths money has been spent on actual sidewalks. Mr. Cummings stressed that they need someone from City Council to show up at these meetings.

Mr. Grantner said if he has a chance to speak with the Council Chair, he will mention that to him.

Mr. Grantner expressed that what the Commission is doing here is not small stuff, it is very important. He watched a lady in a motorized chair going against traffic on Richfield Rd. She was right out in the road and zipped through the gas station on the corner to get back to the senior center there.

Mr. Grantner gave an example of the township of Traverse City. He said with the growth they have, people are everywhere trying to get around and they do not have sidewalks. I personally think maybe a sidewalk to nowhere doesn't make any sense, but you do have to start somewhere.

REGULAR PLANNING COMMISSION MINUTES

JULY 10, 2007 / 6:00 P.M.

PAGE 9

The proposal we had before would have at least dealt with that and maybe a more realistic fashion. I cannot speak as to what the confusion was at the Council level.

Mrs. Walls said she will be seeing the Council Chairman and will be glad to speak to him.

Mr. Grantner stated he would like to have him contact me. Over the years we have had council members be appointed to a committee, and that appointment can have a variety of forms. You can have a member that is really active on this Board, a council member that shares what they know, or a council member that says nothing. In the final analysis, that individual I think, it is their responsibility to take back from this body what went on and take it back to the Council as a whole. When reading the notes, I can't make out what meeting Mr. LaDuke was at because I don't know what they were concerned about. Evidently we are going to here more about this. We serve at the pleasure of Council and if they say this is the way it is going to be, that is the way it will be.

Meeting adjourned 7:15 p.m.

Please Note: The next regularly scheduled meeting will be held on **Tuesday, August 14, 2007, at 6:00 P.M. due to the August 7th Primary Election.**

jra