

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 9, 2003, 6:00 P.M., COUNCIL CHAMBERS

Jerry Grantner, Chairperson, led the Pledge of Allegiance.

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

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

MEMBERS ABSENT: Hohloch

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

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

Moved by Young, seconded by Bertram to approve and authorize the minutes of the Regular Meeting of August 12, 2003 at 6:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARING FOR OCTOBER 14, 2003 AT 6:00 P.M.:

1. ZC #281

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

RE: Ordinance 19

FOR: Various Text Changes

2. ZC #282

BY: Joseph Patti
2385 Lakeville Rd.
Oxford, MI 48370

RE: The easterly 603.00 feet of Lots 15, 16 and 17 of
Walker Acres Subdivision
Section 27, Zoned C-2 to RM

FOR: Multi-Family, Condominiums

Moved by Young, seconded by Bertram to schedule Zoning Case #281 and Zoning Case #282 for public hearings to be held on Tuesday, October 14, 2003 at 6:00 P.M. Motion carried 7-0.

C. PUBLIC HEARINGS:

1. ZC #279

BY: Randy Haney
1453 N. Elms Rd.
Flint, MI 48532

RE: Parcel #59-32-300-007
Northwest corner of Saginaw and Maple,
being 22 acres +/-
Zoned C-2 to M-1

FOR: Self-Storage Units

Randy Haney, 1453 N. Elms Rd., Flint, MI, explained that he had purchased the property since the last time a presentation was made. A purchase agreement has been made on the property behind the Seven-Eleven on Saginaw and Maple. There are some contingencies and those deadlines are for the end of October with a possible extension to November. When the mini-storage is completed it will have a dollar value of \$3 to \$4 Million. It will generate somewhere around \$80,000 to \$100,000 in property taxes versus condos that would have been approximately \$30,000. We presented a new proposal when we met with Mr. Centilli. One of his major concerns was adequate amount of space to be left for a substantial size commercial development. Mr. Haney explained that after reconfiguration with the parking and detention there would be a building of 100,000 square feet. We have also saved 759 feet of frontage along Maple Road, which will remain as it is zoned for commercial use. There is approximately 1,330 feet along Maple Road to the east borderline of the church building. There is 215 feet of property that would be used for the detention area. The remaining 305 feet in the middle is where we would have the mini-storage. About half of that takes up the drive and the office to the left that would be set back off the road about 100 to 150 feet, allowing for an easy ingress and egress. There would be an automatic gate about another 150 feet further back. There is only about 200 feet that would have two buildings on Maple Road. The residential area is where the detention area is and then further where the commercial area is. He explained the layout of the property. He noted that most of the storage area would be secluded, buffered by trees along much of the property lines. Mr. Haney presented drawings of the layout. There will be a strip of land that would save the woods buffering those buildings along the side. Mr. Haney spoke concerning the meeting held, noting that there would be a 6-foot privacy fence all the way along the back from the far west to the far east before anything is done on the property. Also, pine trees will be planted on the north side of the fence that would become the property of the owners along Friel Street. We would keep the buildings 90-feet away from the current property line. This is something that we do when a mini storage facility backs up to a residential area. The buildings are only 80-feet high and once the pine trees grow, the residents will hardly see the buildings at all. There is a lot of land that the residents have used and rather than going in and getting into a debate with the residents, we agreed to quit claim deed 60-foot strips. This is good for them and they can maintain it and it keeps the buildings away from the residents.

Mr. Haney made a slide presentation to the board and the audience. He noted that they like exposure, which makes the storage units a success. When this is developed, there will be only two signs, one for the commercial area and one for the storage area. Mr. Haney gave further details concerning the affect the storage units would have on the neighborhood and the traffic.

Audience Participation:

Joey Richvalsky, DDA Chairperson, noted that Mr. Haney is one of the best real estate agents in the county. He said there are several other storage sites in the area and another being built around the corner in Grand Blanc Township. The storage units will have high use and nothing would be done with the commercial property. If it weren't for all of the other storage unit developments he wouldn't be oppose to these being built.

Cindy Miley, 1482 Friel St., presented a petition of those who are in favor of the storage units. People would definitely need storage and would make good use of it.

Pauline Dargel, 6119 Hugh St., spoke concerning a requirement for a market study and restrictions on the Hill Road corridor for storage units. She also questioned the C-1 zoning on the map and spoke about various other proposals.

Steven Allen, 4437 S. Saginaw St., said he has a business on Saginaw Street. He commented that there are other storage units that back up to the Wishing Well Estates. He doesn't want to see so many storage units on S. Saginaw Street.

Linda Richmond, 1446 Friel St., said a meeting was held between the residents and Mr. Haney in May. He granted the residents what they wanted and they are in favor of the proposal.

Wendy Miley, 1482 Friel St., said she agreed with everyone else. The residents don't want a shopping mall. The storage units would continue to allow this to be a good area for the children.

Linda Terry, 1453 Friel, commented that she moved from Grand Blanc. She said she owns two corner lots and will not invest money into her property with commercial property behind her. She would rather sell the property. Ms. Terry also commented that Burton is an affordable community and is in favor of the storage units, not the commercial property.

Carlene Smith, 2046 Friel St., said she doesn't want the heavy commercial traffic in this area. The residents use their back yards and we believe the commercial property would change the area too much. She supports the storage unit proposal.

Mr. Badgero, 1478 Friel St., said he is happy with the neighborhood the way it is and doesn't want a shopping mall. The mall would bring noise, traffic and dumpsters.

Mr. Strasser commented that this is not a site plan review but a zoning case to rezone the property from C-2 commercial to M-1 light industrial. There are ten acres involved in this. Presently the future land use plan indicates this property is developmental, which encompasses everything from multi-family to light industrial. Our department believes this is a viable enterprise. We cannot request that this property have the strip mall developed prior to the storage units being developed. The Board either rezones the property or doesn't rezone the property. Please keep in mind that Mr. Haney is asking M-1 light industrial zoning. That does not preclude other uses from going into that area. It could come back as being something other than self-storage units. DPW recommends approval.

Mr. Grantner said the Planning Commission does not rezone; they make a recommendation to the City Council and they determine whether the rezoning is approved.

Mr. Strasser said the zoning case would tentatively be heard on October 20th at 6:30 p.m.

Mr. Young asked if the Board could make conditions on the approval to the City Council.

Mr. Grantner said he doesn't think stipulations could be placed upon the approval, as the zoning stands alone.

Mr. Young gave a brief history of the property, noting that it was not placed with any other use and was left as developmental. This area of the City was not serviced very well by the kinds of services that a community needs. This is a high-density populated area. He understands the kinds of things the residents are talking about. As a member of this Board, we have a responsibility to look down the road as to what we would like this area to look like. I don't believe this area is large enough for a housing area. I have difficulty with making the zoning change without considering the future use of the land.

Mrs. Walls commented that she found several self-storage sheds in close proximity to this site. There are 600 units under construction South of Maple and one mile North of Maple there are 500 units. Rizzo's is setting there empty and Shur-Guard Storage has 380 plus 30 RV lots and they are only 92% filled. I don't know why Burton would need more storage units at this time. I didn't hear Mr. Haney say anything about a performance bond for this commercial strip. We have been known to change zoning and then things weren't done as promised.

Mr. Perez said we are looking at a zoning change and the site plan would be done during site plan review. Normally we have opposition in the audience when it comes to zoning changes and the residents are supporting this request for a zoning change. I think that corner has set vacant long enough and he believes we should approve the zoning.

Mr. Bertram asked Mr. Haney if he was originally going to do commercial on Saginaw St.

Mr. Haney said he found other commercial land on Fenton Road that is more valuable. We are sincere in doing what we are trying to do. The financial changes for a mall are as good as ever. If you look at this proposal, there is a need for smaller businesses in this area.

Further discussion was held concerning a mall being built on this property.

Mr. Bertram said he agrees with Mr. Young. He inquired about the inconsistent changes in the proposal for the rezoning. He asked where the business would come from.

Mrs. White inquired about a purchase agreement on the property behind the Seven-Eleven on Saginaw St.

Mr. Haney commented that they have a purchase agreement for 1-1/2 acres and are waiting for approval.

Mrs. White asked about the size of the storage units.

Mr. Haney advised that the units are 10x20 and 12x30. Further discussion was held concerning the size of the units and the need for the various sizes.

Mr. Bement said he also has a problem with the rezoning. He would have a difficult time voting for the rezoning if it came before Council to rezone from C-2 to M-1 for the storage sheds. He said smart planning is necessary and this is one of the areas that we can do better than to have storage sheds.

Mr. Bertram asked if the storage sheds have to go into M-1 zoning. He also commented that although Mr. Haney is deeding over the property to the residents on Friel Street, they would still have to pay the taxes.

Mr. Strasser replied that the storage units have to be in M-1 zoning.

Moved by Perez, seconded by Young to approve Zoning Case #279 contingent upon DPW recommendations. A roll call vote was taken. Young, no; Bertram, no; Bement, no; Grantner, no; White, yes; Perez, yes and Walls, no. Motion failed 2-5.

2. ZC #280

BY: Robert Yaklin
13138 Latourette
Fenton, MI 48430

RE: 4057 S. Dort Hwy.
Lots 9 thru 13 of Way Acres and
Lot 33 of Supervisor's Plat
Section 33
Zoned C-2 to M-2

FOR: All Industrial Uses

Robert Yaklin, 13138 Latourette, Fenton, MI, explained that he has owned the lot at 4057 Dort Hwy since 1965. The lot is under one tax parcel and has two zonings. One lot is M-2 and the other is zoned C-2. Throughout the years he had a retail lot until 2002 and always had to get a sales permit for retail sales. The industry has changed and the area has changed. The property is surrounded by M-2 zoning, and he would like to combine the C-2 with M-2 to make the property easier to market. He has had two or three realtors that listed the property and each time there is a prospective buyer, the question of zoning arises. The front is C-2 and the back is M-2. Mr. Yaklin is requesting to have the front of the lots rezoned to join the back lot so they are both zoned M-2.

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

Mr. Strasser commented that the DPW Department agrees with Mr. Yaklin that the zoning should be changed.

Moved by Young, seconded by Perez to recommend approval of Zoning Case #280 to rezone property from C-2 to M-2, as requested. Motion carried 7-0.

D. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked for clarification as to the difference between the zoning change that is scheduled for next time and Site Plan Review #03-45 on this agenda.

Mr. Grantner said the site plan review is a preliminary site plan. It is a concept, not the final site plan review.

Mr. Strasser said during the meeting with the developer, a discussion was held in regards to the commercial property abutting Center Road. He indicated to Mr. Patti that they should petition the city to rezone the back 600 feet for multi-family and develop the single-family condominium concept on that parcel. If they gain the rezoning, a commercial development would not be developed 1300 feet deep. It would also give them exposure from Center Road to draw people in for the development. We made this suggestion to the developer and they agreed.

Mrs. Dargel asked where the parcel is located. She was advised to the location of Walker Acres. She also inquired about by-laws for the Planning Commission.

Mr. Grantner said there are no by-laws for the Planning Commission. Further discussion continued regarding this issue.

Cheryl Billings, 4056 E. Hemphill, Burton, MI, said she owns 2.9 acres abutting Walker Acres. She said she just learned about the development and thought she should have been notified. She likes the way the property is at the present time.

E. SITE PLAN REVIEW:

1. SPR #03-45

BY: Joseph Patti
2385 Lakeville Rd.
Oxford, MI 48370

RE: Winding Creek Condominiums
Lots 15, 16, 17 of Walker Acres
and Parcel #59-27-100-004

FOR: Development of a Condominium Project.

Mr. Joseph Patti, 2385 Lakeville Rd., Oxford, MI, said he is proposing to build on the southeast corner of Atherton and Center Road. There is approximately 120 acres and we are proposing to build 916 residential condominiums. In regards to density, there would be less than eight units per acre. We would have access from Center Road with a boulevard for ingress and egress. We are also working on another ingress and egress off Atherton Road by the utilities area. That is something that has not been solidified. He presented a drawing of the types of units. They would be stacked ranch units with garages and the average would be 1200 to 1400 square feet. Price wise they would cost between \$120,000 to \$145,000 per unit. We would phase these units in over a five to seven year span so we are not taxing the structure of Burton. We would incorporate a wood-chip walking path, which is a mile long and would connect most of the units with a park that would be built on the North end of the property. There are several homes along Atherton Road and we have proposed to move any units off the North end and build a park there instead. Off Center Road we have about 1200 feet of depth except for the three lots. We are asking to rezone the back 600 feet to match the zoning on the larger parcel and then we will leave the front as a commercial piece.

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

Mr. Strasser said this development is similar to Cross Creek and Maple Creek. These are owner occupied units and are not for rent. If you look at the packet of information you will find that the plans indicate 8.8 units per acres and they have agreed to go down to 8 units per acre so that it would be more in tune with the zoning ordinance. The Water and Sewer Superintendent requested that the easement widths be changed from 12 feet to 20 feet. This would be an engineering function that needs to be worked out. In regards to their preliminary plans, the DPW recommends approval to the Planning Commission.

Mr. Grantner inquired about the rules and regulations for publication.

Mr. Strasser explained that the state statute and our ordinance do not require notification for a site plan review to go before the Planning Commission. For a zoning change or any Zoning Board of Appeals request, the state statute and the ordinance require notification. A zoning case has to be noticed in the newspaper and mailed to anyone within 300 feet. The Zoning Board of Appeals request is only a 300-foot notice.

Mr. Bertram asked if the residents would be notified when the zoning case is going to be heard.

Mr. Strasser replied yes, the notices would be sent out prior to the hearing.

Mr. Young asked when the revised plan is brought back before us, would there be an approval from the Drain and Road Commissions?

Mr. Grantner commented that we are now the road commission so the reviews would be completed.

Mr. Strasser said the submittal to the drain commission is up to the developer.

Mr. Patti commented that there is a lot of engineering that still needs to be incorporated into the plans and we will work towards the final site plan review. We are aware of the needed permits before the final presentation.

Mr. Bement asked if a market study was done prior to the condos being proposed for Burton.

Mr. Patti said usually a market study isn't done when they build residential housing. We are targeting the first time homebuyer that can afford to get into a single-family house for the first time. That is why they are priced in this price range. These homes will be two and three bedrooms with a one-car garage.

Mr. Bertram asked if these homes are taxed the same as the stick built? He asked how soon they would be starting and when they expect to be completed. He asked if all of the infrastructure would be put in at one time.

Mr. Strasser replied that the condos are taxed the same as single homes.

Mr. Patti said once the engineering is completed and we get final approval and permits, we should be started by mid 2004. We probably wouldn't build more than 100 to 200 units at that time. Mr. Patti said he doesn't believe the infrastructure would be put in all at once. It would depend on the engineering, but he thinks it would be phased in. If 100 to 125 houses were built we would put everything in. Something of this size, we would have to put the emergency roads in and usually the first phase is built around all the retention areas and then we would build out from there. We would stub the water and sewer and roads until the next phase would be built.

Mrs. Walls asked if Mr. Patti plans to build with his money or the buyer's money.

Mr. Patti replied there would be a construction loan at the bank and draws would be made during the building of the home. He explained that several units would be built at one time with their money under the construction loan. Once the units were sold, the bank would be paid back and deeds would then be issued to the buyers. Further discussion continued regarding this issue.

Moved by Bement, seconded by Bertram to approve the preliminary site plan review #03-45 contingent upon DPW recommendations. Motion carried 7-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #03-44

BY: Committee to Elect Charles Smiley
1462 Merle St.
Burton, MI 4809

RE: Charles Smiley for Mayor
3491 E. Bristol Rd.
Lot 31 of Follo Acres
Section 28
Zoned C-3

FOR: Temporary use for campaign headquarters.

2. SPR #03-47

BY: Miranda Saras
4232 S. Saginaw St.
Burton, MI 48529

RE: Burton Produce
4232 S. Saginaw St.

FOR: Change of Use.

There were no concerns with the administrative site plan reviews.

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G: BOARD DISCUSSION:

Mr. Grantner commented that if anyone was interested in attending the conference in Traverse City, please notify the Clerk's Office. He isn't pleased with the way the conference is being set up and therefore, would not be attending. The price is rather steep for what is being offered.

The next regularly scheduled meeting will be held on Tuesday, October 14, 2003 at 6:00 P.M.

Meeting Adjourned at 7:40 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML