

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
OCTOBER 9, 2001, 6:00 P.M., COUNCIL CHAMBERS

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

MEMBERS PRESENT: Bertram, Brawner, Grantner, Hohloch, Perez, Mayor Smiley, Walls, White and Young.

MEMBERS ABSENT: None.

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

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

Moved by Perez, seconded by Young to approve the Minutes of the Regular Meeting of September 11, 2001 at 6:00 P.M., as printed. Motion carried 7-0. (Bertram and Hohloch were not present for this vote)

B. PUBLIC HEARINGS:

1. LS #01-69

BY: Alma J. Morse
6276 E. Bristol Rd.
Burton, MI 48519

RE: Parcel #59-36-200-005
W 10 A of N ¾ of NE ¼
Sec 36, T7N-R7E, 10.00 A

FOR: Residential Use.

Mrs. Morse said she is saving approximately 1-1/3 acres of the property and is selling the remaining acreage.

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

Mr. Major commented that this request conforms to the zoning ordinance and DPW recommends approval.

Moved by Young, seconded by Brawner to approve Lot Split #01-69 for residential use. Motion carried 9-0.

C. AUDIENCE PARTICIPATION:

Linda Burris-Croley, 6223 Crabtree Ln., spoke regarding the issue of possible action on the master plan this evening. She said there was no publication concerning this issue being approved either in the Suburban News or The Flint Journal. She commented that the Special Planning Commission Meeting Minutes were not made available to her in the Clerk's Office during the morning of this date and yet the minutes were approved this evening.

Mr. Grantner stated there would be no action taken on the master plan/land use plan this evening. The Board had just received the minutes and they had to be reviewed before a decision is made.

September Misener, 3328 S. Vassar Rd., noted she had previously asked for another public hearing, which is largely advertised, prior to approval of the master plan. She commented that at the previous meeting Mr. Piggott stated an error had been made and the correction would be available. As of today the DPW does not have the text on hand. This is another reason to give the public more time to look at the changes. Mrs. Misener spoke concerning the R-1A and R-1B low-density zoning and asked if this would be carried through with the new zoning. She asked for a discussion in regards to a new zoning classification to replace the SE zoning allowing for a wide variety of zoning classifications.

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Pauline Dargel, 6119 Hugh St., said that since the master plan was started in 1998, there are additional variables to keep in mind such as drainage and wetlands. She said she doesn't think there is a good comprehension of what the open space would do for the city. She commented that the correction Mr. Piggott spoke of was not in the DPW nor in the Clerk's Office. She asked that the people be given more time to speak on the master plan.

Lynn Haynes, 3121 Eastgate St., commented about no action being taken when a large crowd is in attendance. He said it is inconvenient for many of the residents to continue attending the meetings to see what action the board is taking on the zoning issue. It is obvious these residents do not want the smaller lots in their area. We want and need a decent sized lot with quality homes on them.

Ralph Misener, 3328 S. Vassar Rd., said after the Special Planning Commission Meeting he spoke with some members and was told there wasn't a large turnout. He said there were about 60 people present and about 11 people spoke. He said anyone for the proposed master plan should speak up so their voice could be heard also.

James Delano, 5349 E. Maple Rd., said he has seen many plans come before the Planning Commission and was rejected for the R-1B classification. The main reason they were rejected was because the established community around them did not want the smaller lots. Mr. Delano said he lives next to Mr. Rizzo's development, which is extremely successful, with nice homes and nice sized lots. He said his opinion is that these would be the minimum sized lots allowed in the City because anything less than that is not a good mix with the established area. He commented about the notification of rezoning cases and asked for clarification. He asked who initiated the 70-foot lots because most of the residents are against this. Mr. Delano asked the board to listen to the voice of the people.

Barbara Scharich, 3222 Eastgate St., said she has lived in Burton since 1965 on a 100'x200' lot. She said there is an area behind her that may some day be developed, but she doesn't want to see it done with 70-foot lots. She asked if the Board thinks it is fair to the people who purchase property to be jammed into an area with small lots. The developer is the one who would make more money. People here are telling you we don't want the smaller lots and the board should consider what the people are saying.

D. SITE PLAN REVIEW(S):

1. SPR #01-73

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

RE: City Hall/DPW Additions
4303 S. Center Rd./4093 Manor Dr.
Parcel #59-34-300-035
Zoned SE

FOR: Additions.

Bob Haneline, Engineer from Rowe, Inc., made the presentation for the City. He said the proposed addition, on the West side of the building is for 5,980 square feet based on the current zoning ordinance. The required parking spaces for a building of this size, plus the existing building, is 108 stalls, including 5 barrier-free. The project was bid with one bid plus an alternate, and would meet the minimum requirements of the ordinance. Alternate #1 rendering is more costly than the first one, which is why it was bid as an alternate. If the bids come in at a good price, it is our intention to remove the two existing drives, one on the south that ties into the City Hall parking lot and the existing drive north of that, which goes into the north entrance. They would be consolidated into a drive north of there so

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there would only be Manor Drive and an access drive to the north. Public parking would be on the East Side of the building and to the South, as it is now. Both lots would be built and resurfaced. There will be staff parking on the north end of the building with barrier-free parking, both on the north and east lots. There will be a rework of some of the concrete on the east lot to bring that up to barrier-free code and there will also be a barrier-free access to replace the existing entrance on the south side of the building. We show a detention pond on the north, which was designed so that in the event the Drain Commissioner requires this, it is done. However, we don't think this will be a requirement because we have a modification to the existing drainage system.

Mr. Hohloch asked where the detention pond would be located.

Mr. Haneline said it would be located just south of the north drive. Should the north drive not be built, the pond would fit in as shown on the drawing.

Mr. Hohloch asked why Mr. Haneline had a different drawing than the Board.

Mr. Haneline replied that he used his drawing when he met with the administrative staff. We decided that the pond would not be necessary because of the previous work with the Drain Commission.

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

Mr. Major commented that Rowe was not involved in the DPW addition. There is no site work involved in this particular project. It is a 4,680 gross sq. foot box being added to the existing office area within the existing parking lot area. It is purely staffing and storage requirements. We have outgrown the existing area. We are asking for approval for these, which would be in the parking area, out in front of the existing offices. We will work between the existing curb structure and landscape around it. In regards to the drainage situation, we have a large greenbelt area out front to an existing catch basin system that was designed for a parking lot to be expanded, we don't think the Drain Commission will require a detention pond. If the Drain Commission does require the detention pond, then we will comply with the requirement.

Mr. Young asked if this plan been taken to the Road Commission and Drain Commission.

Mr. Major replied there is preliminary approvals from both the Road and Drain Commission. We are cutting driveways out and not adding any to the plans, which is one of their normal requests. This is in conjunction with Alternative #1. Should we go with Alternative #2, we are shutting down two driveways and only having one. We are reducing traffic congestion as Manor Drive with the removal of the drive to the north.

A brief discussion was held regarding the size of the existing 12-inch storm that would pick up the new surface, 100 feet north of the northerly most driveways going over the creek.

Moved by Bertram, seconded by Young to approve Site Plan Review #01-73 contingent upon DPW recommendations. Motion carried 9-0.

2. SPR #01-74

BY: R & R Development Corp. (Randy Morris)
2272 Stonemeadow Dr.
Milford, MI 48380

RE: Hawkshire Estates II
Lots 1-38 Atherton Rd.

FOR: Site Condo-Final Approval

Randy Morris, 2272 Stonemeadow Dr., Milford, MI 48380, said this is a 70-foot lot subdivision and he is asking for final approval for a site condo. This project started in the opposite direction of most. We have accumulated property that was zoned multiple with density as high as 10 units to the acre and have changed it to a lower density of 3.5 units to the acre. This project does fill a need for the market, the affordable housing for the market and has been very successful with the first phase. This is a continuation of houses that we already have in process from the first phase, in which we have sold 23 lots. The next phase has 38 lots and mainly the reason for the lots is because we had 54 condos approved, which takes up about the same about of space as the 38 lots. Condos are slow moving and Atherton Schools need the affordable housing.

Audience Participation:

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

Mr. Strasser commented that the plans Mr. Morris presented this evening meet or exceed the zoning ordinance. He is correct in stating that the property is zoned multi-family. The R-1B style lots he is proposing would be fewer units per acre than what is allowed by multi-family. Presently the condominium documents are still under review and we would suggest that if you grant your approval that it is granted subject to the final review on the condominium document. Mr. Strasser said there is approval from the Drain Commission on this proposal.

Mr. Major stated that the Road Commission is not involved in this internal phase of the project. He explained that when Mr. Morris had the original development approved nearly eight years ago, the sidewalks were not required at that time. This is a re-work of his original proposal and he has had to reconfigure it due to drainage situations, such as changes in the drainage law, resubmitted to the Drain Commission, loss of some land due to the retention pond storage. The sidewalk requirement should not be an issue with this development.

A brief discussion was held concerning the possibility of Mr. Morris donating 5 acres of land for a city park. If the land were donated, it would be done during Phase 2 of the project.

Mr. Young inquired about several of the lots being less than 70-foot frontage.

Mr. Strasser said some of the lots might be less than 70 feet, depending on where they are located. If there were a cul-de-sac or curve in the road, at that point the 70-foot would be from the setback line.

Further discussion continued regarding the corner lots and the 70-foot frontage.

Mr. Hohloch said he understood the frontage starts from the right-of-way line not the setback line.

Mr. Strasser stated that the right-of-way line comes into play when lots are perpendicular to the road, but the setback line is done on the curves or linear areas if the required frontage is not at the right-of-way or at the curve.

Mr. Hohloch asked why the condos are slow movers in this area and why do you think this subdivision will be a success?

Mr. Morris replied all price ranges were tried with the condos and the product could not be moved. This is an indication that there is not a condo ownership type market wanted. We are still selling between four and six condos per year, which is far better than what we were doing. However, in less than two years we have sold 23 homes and we cannot sell anything more until we get further approval.

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Mrs. Walls asked if the site condo is the same as what Gary Szabo has on Hidden Trails.

Mr. Strasser replied yes, Hidden Trails is a site condo.

Mrs. Walls said the people thought the land would be theirs and it isn't.

Mr. Major said that there are different classifications of land ownership. He asked Attorney Hamilton to explain the different types of ownership.

Mr. Hamilton explained that on site condos, the units are defined on the condo documents and the property owner owns whatever is defined as a unit. There are two types of common elements. One is a limited common element and the other is a general common element. Those general and limited common elements are owned by all of the unit owners in combination and in proportion to their ratios in establishing their by-laws. The more modern site condos have no general common or limited common elements. The public roads are roadways dedicated to the public and the only thing left in the condominiums is the unit, which are owned individually by the lot owners. The ownership interests are personally identical to that of a person buying a conventional platted lot. The limited common elements, which we do not have, are areas that are jointly owned by all but available for use by the adjoining property owner only. They have a common area for maintenance, but the use is limited to adjoining unit owners. There are two ways of dividing land, either under the provisions of the Condominium Act or the provisions of the Plat Act.

Mr. Young asked if this site plan should be tabled until after the Attorney reviews the site condo documents.

Attorney Hamilton said it could be approved contingent upon his review.

Mr. Hohloch spoke concerning the easements on Lots 8, 9, 13, 17 & 18. He said he would like to ensure that the drawings are reworked and resubmitted for DPW review so that the building envelopes in Lots 8, 9, 13, 17 & 18 where the easement is encumbering the building envelope that the building envelope portion is removed to the outside of the easement.

Moved by Walls, seconded by Perez to approve and authorize Site Plan Review #01-74, contingent upon DPW recommendations and approval of the City Attorney's review of site condo documents. Also, the drawings are to be reworked and resubmitted for DPW review so that the building envelopes in Lots 8, 9, 13, 17 & 18 where the easement is encumbering the building envelope that the building envelope portion is removed to the outside of the easement. Motion carried 7-2 with Young and Bertram voting no.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #01-70

BY: Islamic Supreme Council of America
17195 Silver Parkway #201
Fenton, MI 48430

RE: Islamic Supreme Council of America
4417 S. Saginaw St.
Stratmoor Subdivision Lots 32 thru 39
and Lots 96 thru 103.

FOR: Change of ownership.

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2. SPR #01-71

BY: Jeff Zeek
12110 Belann Ct.
Clio, MI 48420

RE: S & Z Sheet Metal, Inc.
G-2160 E. Hemphill Rd.
Lot 1, 14 Associates Commercial Sites
Section 29, Zoned M-1

FOR: Change of use.

3. SPR #01-72

BY: Larry Hutcheson
aka A+ Electrical Supply Co.
G-4028 S. Saginaw St.
Burton, MI 48529

RE: A+ Electrical Supply Co.
3499 S. Saginaw St.
Lots 10-17 69, 70, 118 of Stratmoor Sub
Part of Section 29 & 30 City of Burton

FOR: Relocating business to new location.

There was no discussion concerning the Administrative Site Plans.

G. BOARD DISCUSSION:

Mr. Grantner thanked the residents for attending the meeting and stated that there is no one who is trying to slide anything by them in regards to the master plan. He also noted that the minutes that were approved this evening were those of the Regular Meeting of September 11, 2001, not the Special Meeting of September 25, 2001 as stated earlier under audience participation.

Mr. Grantner said that at the September 25th meeting Mr. Piggott stated he would be unable to attend the meeting this evening. He suggested that the Planning Commission hold another work session and prior to that meeting, have Mr. Strasser and Mr. Major prepare a synopsis for the Planning Commission. We need to review what was not heard and could evaluate the public hearing discussion. We need to clarify a plan and then possibly have another public hearing.

Mr. Young agreed with having another work session and he also is in favor of another public hearing should there be any changes made at the work session. He would not favor adopting the plan without another work session.

Mr. Bertram said he agreed with Mr. Young in regards to another work session. We have waited many years to redo the master plan and land use plan and should do it the right way.

Mr. Hohloch said the future land use plan gives designations to the types of zoning. The next issue is the ordinance rewrite.

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Mr. Hamilton said he thinks there is a misconception on the part of the public in regards to doing a master plan and a change in the zoning ordinance. He said he thinks the public perceives that the existing zoning ordinance is changed and it is not. There are legitimate concerns based on the document that was presented to them before. Until Mr. Piggott presented us with the explanations of the modifications of the text that he had prepared, it did appear as if the

designations of the land use plan were designations related to small lot residential. This was in no way the intention of anyone on the Planning Commission, nor Mr. Piggott. It was just an oversight in preparing the text of those plans. The citizen's concerns were legitimate concerns. This master plan is to try to designate in a general basis, where the residential, multi-family, commercial and industrial zoning is going to be. When going through the zoning ordinance, we will use the master plan as a guideline to fine tune where we are.

Mr. Grantner said this translates into an opportunity to educate. He asked Mr. Major how long it would take for his department to prepare a synopsis. Discussion was held concerning the date and time for a work session.

Mr. Major replied the synopsis could be completed by the next Planning Commission Meeting. He would have to check with Mr. Piggott about a date for the work session.

Mr. Hohloch said he would prefer to set a decision date and make everything work backwards. At some point in time we have to make a decision and we need to target a date and make everything else happen in between.

Mr. Young said if they have the synopsis to us by the next meeting, could we set the work session date for November 27th. This would give Mr. Piggott time to clear his calendar also.

Moved by Young, seconded by Bertram to set the date of Tuesday, November 27, 2001 at 6:00 P.M., in Council Chambers, for a work session. Motion carried 9-0.

Mayor Smiley asked what happens with the master plan after the work session on November 27th?

Mr. Grantner asked if there are any thoughts about setting a target date as Mr. Hohloch suggested.

Mr. Hohloch said he would be willing to wait until after the work session on November 27th to set a target date.

Mrs. Wall said she agrees with Mr. Hohloch that we need to have closure on this issue. We could set the closure date at the work session.

Mr. Perez said if Mr. Piggott attends that meeting, he would have his schedule so a date could be set.

Mayor Smiley said if the work session is part of the public hearing it shouldn't be held at City Hall.

Mr. Grantner stated that the work session is not a public hearing. That work session is for this Commission to take data and analyze it as to its impact on this plan. He said he isn't certain that there is a need for another public hearing. He is hoping to have vigorous input at the work session as to where we go from here. If we don't have another public hearing, then we should be prepared to take action at the next regularly scheduled meeting. It all depends upon what this Commission decided to do.

The next regularly scheduled meeting will be held on Tuesday, November 13, 2001, at 6:00 P.M.

Meeting Adjourned at 7:15 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk