

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
DECEMBER 10, 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, Perez, Walls, White and Young.

MEMBERS ABSENT: Hohloch and Mayor Charles Smiley.

OTHERS PRESENT: J. Major, DPW Director; 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 and authorize the minutes of the Regular Meeting of November 12, 2002 at 6:00 P.M., as printed. Motion carried 7-0.

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

1. LS #02-59

BY: South Flint Tabernacle, Inc.
G-3450 S. Saginaw St.
Burton, MI 48529

RE: 1309 E. Maple
Parcel #59-31-400-059
Section 31
Zoned R-1C

FOR: Residential Use.

2. LS #02-60

BY: Jon & Antonette (Toni) Stoyak
4302 Pratt Ave.
Grand Blanc, MI 48439

RE: Parcel #59-36-576-022
S 231 Feet of Lot 14 Wagner Acres
Section 36
Zoned SE

FOR: Residential Use.

3. SPR #02-61

BY: Julie Kassab on behalf of entity to be formed
17445 W. 10 Mile
Southfield, MI 48075

RE: Burton Estates, LLC
South Belsay Road & North of Atherton Road
Parcel #59-24-100-003

FOR: Planned Unit Development (PUD)

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Moved by Young, seconded by Bertram to schedule Lot Split #02-59, Lot Split #02-60 and Site Plan Review #02-61 for a public hearing to be held on January 14, 2003 at 6:00 P.M. Motion carried 7-0.

B. PUBLIC HEARING:

1. LS #02-52

BY: Delphi -/- Robert J. Arrigo
5725 Delphi Drive, MC 483-400-155
Troy, MI 48098

RE: Parcel #59-10-100-027
Section #10

FOR: Commercial/Industrial Use.

Sam Copeland, 1064 N. Gale Rd., Davison, MI, said he was representing Robert Arrigo from Delphi. He indicated that Delphi would like to split the General Motors and Genesee Systems property from the Delphi property.

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

Mr. Strasser said all of the legal descriptions were submitted and reviewed by the City Assessor. All requirements are satisfactory and in place and the Assessor's Department, as well as the DPW Staff recommend approval of the lot split.

Moved by Young, seconded by Bement to approve Lot Split #02-52 contingent upon DPW recommendations. Motion carried 7-0.

C. AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke concerning the attorney's presence at the November 12th Planning Commission meeting; she spoke concerning the workshop held on November 21, 2002 and would like the City to have a contract with a professional planner. She also spoke concerning the open space residential zoning being in compliance with a state law by the end of this year.

E. SITE PLAN REVIEW POSTPONED FROM NOVEMBER 12, 2002:

1. SPR #02-54

BY: Bud Design & Engineering Services
10775 S. Saginaw St.
Grand Blanc, MI 48439

RE: Jumbo Video
3085 S. Dort Hwy.
Parcel #59-28-501-151
Lots 266 thru 270 & 303 thru 310 of Chambers Sub.
Zoned C-2

FOR: Building Renovation.

David McDade, 10775 S. Saginaw St., Grand Blanc, MI, said he is the architect for the applicant. Also present was Larry Weickel. Zuben Mantea is the owner of Jumbo Video, which is currently located in the City of Flint. He would like to move the business from the City of Flint and go into the old Ember's building located on Dort Highway.

There is a section of the building in the front that juts out and will be removed, which would make the building slightly smaller. There will be new plumbing and electrical and new fascia on the front of the building. A seam metal roof would be along the front. The plan shows a small addition, but that would not be done at the present time. We are only renovating the building at this time. We will also create a green space around the building with shrubs.

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

Mr. Strasser commented that the site plan was not included in the Board's packets. The building was to have been demolished and then we had a proposal for the renovation from Jumbo Video. What the developer is proposing exceeds the parking requirements and we can re-direct the traffic to enter on the south side of the building. They are proposing landscaping and will have an atrium on the foyer. We are in agreement and recommend approval of their proposal.

Mr. Bertram asked if the applicant was aware of the sidewalk requirement.

Mr. McDade indicated that the sidewalk construction would not be a problem.

Moved by Bertram, seconded by Bement to approve Site Plan Review #02-54, contingent upon DPW recommendations. Motion carried 7-0.

F. SITE PLAN REVIEWS:

1. SPR #02-61

BY: Julie Kassab on behalf of entity to be formed
17445 W. 10 Mile Rd.
Southfield, MI 48075

RE: Burton Estates, LLC
South Belsay Road & North of Atherton Road
Parcel #59-24-100-003

FOR: Preliminary Development Plan for a
Planned Unit Development (PUD)
NOTE: City Council has requested conceptual approval.

Mr. Grantner said the Board took action earlier and scheduled a public hearing for the applicant for January 14, 2002.

The City Council has requested that the applicant come before the Commission this evening with a preliminary site plan and they are asking for conceptual approval.

Bernard Remer, Architect, 3270 Coolidge Hwy, Berkley, MI, stated they are asking the Commission for approval to the City Council on the conceptual plan. Mr. Coolidge said that Kevin Cooke and Michael Ward were also present this evening. Sam Arrabo is ill and could not attend the meeting. Mr. Remer said the conceptual site plan is for a single-family home development in the front portion of the site on Belsay Road and for combination in the back portion of the property. He presented renderings of sites that had been built in past years and noted that a project is just being completed in Romulus, MI with 156 units.

Mr. Young questioned whether Phillips Drain had been moved. He was advised it would be moved. Mr. Young indicated that there are a great number of wetlands in that area and he has some concerns regarding this issue.

Mr. Cooke commented that the developer has spoken with the Drain Commission and the wetlands have not been delineated at this point. This is an item that would have to go before the DEQ and the Drain Commission before anything could be done.

Mr. Young said he believes this land sits in the middle of a 100-year flood plain. He would have major concerns about giving tentative approval to this without knowing more about the flood plain and how the issue would be handled. He said he thinks one of the functions of the Planning Commission is to look at the City and think about what our city will look like in the future. Mr. Young said the proposal is for lots that are 70-feet wide and 120-feet deep. He would not vote for it or any project with this size lots. They are too small. When reading the ZBA minutes, we consistently see that residents are trying to get variances because their families are growing and they need additional room. He said he is not in favor of the plan.

Mr. Perez inquired whether the townhouses, located in the rear of the project, would be rental units? He was advised yes.

Mr. Bement said he agrees with Mr. Young and is also concerned about the wetland area. He said there could be a problem getting 70-foot lots passed by the City Council. We currently have a number of developments in that general area that are not being completed at a very rapid pace. He said he still has concerns about the wetlands.

Mr. Major commented that the Commission should not hold one developer hostage because of the lack of progress from another developer. Mr. Arrabo moved very quickly on the apartment complex once he got through the federal red tape. The land is zoned for 70-foot lots and conforms to the ordinance. He said the wetlands make kill the project when it is taken before the DEQ. However, the developer deserves the opportunity to make a presentation and bring back the approvals from the state agencies to see if it would be allowed. They could then answer some of the questions you have presented to them this evening.

Mr. Bertram asked if the Commission would be premature in acting on this issue before making the ordinance revisions. We talked about making changes in the ordinance in regards to the lot sizes.

Mr. Grantner replied that the lot size is one of the items that we want to review. We have some questions that have been raised and may get some feedback when the public hearing is held in January.

A detailed discussion continued in regards to the Planning Commission acting on the conceptual plan.

Mr. Young didn't think it was proper for the City Council to refer this case to them and expect the Planning Commission to approve a conceptual plan. It would be like approving this in concept and idea.

Mr. Grantner said we have an opportunity to make a recommendation.

Mr. Young said he doesn't like to make negative motions, but he doesn't see how the Commission could take any action on this case

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Mr. Major said this case would come before the Planning Commission and after that, it would go before the City Council for a hearing. He isn't certain why the Council referred this to the Commission.

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Mr. Bertram said he agrees with Mr. Young and yet wants to be fair to the developer.

Mr. Remer asked if the Commission could indicate to the Council that they have reviewed the concept and that there are various items of concern? This way we could continue to the Council level.

Mr. Young indicated he has no problem with that and then we could state that the Planning Commission opted not to take action.

Mrs. Walls said she also agrees with Mr. Young to take no action this evening. We have heard the presentation and need to listen to the concerns regarding the wetlands.

Mr. Strasser noted that prior to taking action or no action, there should be audience participation.

Audience Participation:

Pauline Dargel, 6119 Hugh St., spoke with the DEQ and Drain Office and was informed there was no formal application on file. She asked if the PUD would be applied to the entire parcel or just a portion of it. She thought this project was for homeowners only, not rentals. She spoke in reference to the PUD provision in the Ordinance.

Mr. Grantner replied that it would be difficult to answer this question because of all the concerns and questions the Commission has.

Laurie Tinnin, 2340 Harmony Dr., explained that this item was on the City Council agenda on November 18th and was referred to the Planning Commission by Mr. Martinbianco to get more information. We knew nothing about this entire project. We were informed that this special assessment was going to cover 90 units, single-family with eight units of eight apartments or condos. Mrs. Tinnin suggested that if this project moves forward that the people in the surrounding area should be notified. She commented that this project should go before the Drain Commission prior to coming to the Planning Commission with the flood plains being involved.

Julie West, 6194 Crabtree, said she is opposed to the size of the lots and is in favor if green space.

Mr. Remer noted that it is the intent of the applicant that the entire 150 acres be considered as a PUD and the townhouses would be owned, not rentals as previously stated.

Mr. Bertram commented that prior to acting on a site plan, the project must have all county approvals from the Drain Commission and Road Commission.

Mr. Grantner agreed, as action was taken in regards to the county approvals.

Mr. Major suggested that the Planning Commission should review the PUD portion of the ordinance. This will be a single-family development and approvals would be required from the Drain Commission, DEQ and City. You will see those approvals in advance of your vote as you have in the past with the other developments.

Mr. Remer stated that he doesn't believe all of the information could be done by the January meeting and would like any information passed on to the City Council.

Discussion was held in regards to the information needed not being ready for the date of January 14, 2003.

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Kevin Cooke, CHMP, said the City Council needs the information to be able to process the special assessment districts and whether or not the project will go forward without the establishment of these special assessment districts. The site plan will follow the course of the ordinance. The Council has given this to the Planning

Commission to shed some light on the project as to whether or not the PUD is acceptable in concept before they can address the idea of a special assessment district or the infrastructure. A site plan would not be available for the January meeting.

Mr. Bertram said he doesn't see any action being taken this evening.

Mr. Cooke said consideration could be given to the parcel size and that the project conforms with the ordinance. Also, that a developer wishes to construct a PUD on a parcel of land that is acceptable and the final layout of the lots would conform to the City ordinance with all of the various approvals. As requested, the developer will return to you with a plan that is acceptable. The City Council could then act somewhat more informed on the special assessments.

Mr. Grantner said that area does meet the requirements for a PUD, correct?

Mr. Major replied this is correct. The ordinance says that a PUD can go into that zoning classification, subject to the hearings and subject to approving and working out a development plan. This could take us some time to get the development plan together.

Mr. Grantner asked if the Council is aware that this property meets the requirements for a PUD. If so, to say we endorse the project is simply not true. He said there have been more questions and concerns after the discussion. He asked Mr. Major if this project legally needs the Planning Commission's endorsement to proceed?

Mr. Major replied, definitely not.

Mr. Young asked if the City Council had knowledge that the entire parcel was to be treated as a PUD. Because there are so many variables with the project, he reiterated that the Commission didn't need to take action.

A detailed discussion continued in regards to action on the conceptual approval and the allowable lot sizes.

Mr. Grantner suggested that the Commission could give a direction rather than a motion on the issue.

There was a consensus of the Planning Commission to take no action after listening to the presentation by the developer.

Mr. Strasser asked for clarification to be made on the public hearing date of January 14, 2003.

Moved by Young, seconded by Bertram to withdraw the motion to schedule a public hearing date for Site Plan Review #02-61 for January 14, 2003. Motion carried 7-0.

G. BOARD DISCUSSION:

No discussion was held.

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H. REFERRALS FOR THE UPDATE OF THE ZONING TEXT THROUGH FUTURE WORKSHOPS.

1. Front Yard Fence Review

Mr. Grantner noted that the item listed is one of the 16 items that was mentioned during the work session. He would like to schedule another work session and have an opportunity for the Commission members to add anything that they determine should be reviewed.

Mr. Strasser commented that the front yard fence is a problem that arises now and then. It has to do with one neighbor constructing a fence when their home is closer to the road than the adjoining neighbor. The adjoining neighbor ends up with a fence in their front yard. You are asked to take a look at this, because there are circumstances involving curves in the road or in cul-de-sacs, where one house would be in front of the other. Without any notification to the adjoining property owner, a fence could end up being in their front yard. We need to review this situation and suggest various scenarios to try and make it equitable and fair for everyone involved. As the ordinance reads today, to have a fence in your front yard, the adjoining property owners need to be notified. When the house is closer to the road than the neighbors and they follow the ordinance fencing in their back yard, the neighbor still has a fence in their front yard.

Mr. Grantner asked if Mr. Strasser had an opportunity to review some of the items that were listed at the work session?

Mr. Strasser replied yes, and he has some handouts to present the Commission with this evening. Those that were reviewed are ones that would be easier to solve.

Mr. Grantner said he would like to set another work session and in the mean time they could review the handouts and then generate any additional items and prioritize the list and begin to deal with them at the next scheduled work session.

Mr. Young apologized for leaving the work session early and said he has several items that he would like to have considered at one of the work sessions.

After discussion, a work session was scheduled for Tuesday, January 28, 2003 from 9:00 a.m. to 11:00 a.m. to be held in Council Chambers.

The next regularly scheduled meeting will be held on Tuesday, January 14, 2003.

Meeting Adjourned at 7:20 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML