

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
DECEMBER 11, 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, Perez, Smiley, White and Young.

MEMBERS ABSENT: Hohloch and Walls.

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):

Young moved and Brawner seconded the following motion:

Approve and authorize the Minutes of the Special Meeting of September 25, 2001 at 6:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARINGS FOR JANUARY 8, 2002 AT 6:00 P.M.:

1. ZC #267

BY: Claro Recto
46500 Maidstone
Canton, MI 48187

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

FOR: Residential Development.

2. LS #01-83

BY: Kenneth Wissinger
4214 Howe Rd.
Grand Blanc, MI 48439

RE: Parcel #59-34-100-020
Section 34

FOR: Residential Use.

Moved by Young, seconded by Perez to schedule Zoning Case #267 and Lot Split #01-83 for public hearings on January 8, 2002 at 6:00 P.M. Motion carried 7-0.

C. PUBLIC HEARINGS:

1. ZC #266

BY: Rizzo Development
5373 Empress Dr.
Grand Blanc, MI 48439

RE: 4162 S. Belsay Rd. & Parcel #59-35-200-003 and
Parcel #59-35-200-002
Section 35
Zoned SE to R-1A

FOR: Residential Development.

Jim Sporer, CHMP Architect and Engineers said he is representing Blake Rizzo who is in the audience. He is requesting a rezoning on a parcel off Belsay Road that is currently zoned SE to R-1A. This is the next phase of Maplewood Meadows, which is zoned R-1A. The property is surrounded by R-1B, R-1A and SE. The church sits immediately south of this parcel and it will complete the circulation, giving access to the prior phase off Belsay Road, as well as provide a construction entrance for that phase.

Audience Participation:

Leslie Cole, 4178 S. Belsay Rd., asked where the road would come through. She asked if the house that is there would be left or town down.

Mr. Sporer explained that the road would be a boulevard entrance south of the Consumer's Power property.

Mr. Rizzo said the road would be north of Mrs. Cole's northerly neighbor. The house will be left as is.

Darwin Allen, 4199 Day St., expressed his concern with the drainage in that area because they have had water problems in the past. He objects to having Day Street used as a service road. He is concerned about his quality of living.

Mr. Grantner stated that the drainage concerns would have to be addressed during the site plan review process, not at the zoning change.

Mr. Sporer said the plans presented today are concept preliminary plans. He noted that they are aware of the drainage problems of the past. The lot sizes would be a minimum of 85 feet wide.

Pauline Dargel, 6119 Hugh St., said the quality of life should be a subject for all of the community. The concerns of the established residents, as well as new residents, should be considered in the zoning cases.

Mr. Major stated this request is for a continuation of a residential subdivision and the final phase. With the compatible zoning in the surrounding area and with the extension of the street to complete the traffic pattern, it is our recommendation that the project be approved. The issues that were addressed tonight will be a concern at site plan review time for the Drain Commission and Road Commission. The project does meet the requirements for the zoning request. We will make certain that the drain is protected and will not be infringed upon. We see no adverse affects of this subdivision.

Moved by Young, seconded by Bertram to table Zoning Case #266 until after the master plan is finalized. This was part of the area that is surrounded by SE zoning.

Mayor Smiley commented that he doesn't agree with the motion. This subdivision is zoned R-1A and is part of the original plan. It meets all of the other qualifications and he doesn't see a purpose in waiting to approve this until after the adoption of the master plan.

Mr. Young stated that if we are going to finalize the master plan and use that as our guideline for rezoning, it doesn't make much sense to rezone this property until the after master plan is finalized.

Mayor Smiley said he is consistently meeting with people all over the City who want to make zoning changes. With or without the master plan, people want to come into the City. It is our job to see that opportunities are made available to them to help stabilize our economy. For this to happen, it takes growth, jobs, money exchange and trends. When we look at what is happening in our county and state and compare cities, lot sizes of 85 feet are considered large lots. To do nothing in this City until after the master plan is finalized, will only add to the downward economic condition.

Mr. Perez stated that he somewhat agrees with Mr. Young, but the entire development is made up of R-1A lots. He doesn't think it is realistic to make this developer come back and ask for two lots per acre zoning because of the classification. He doesn't think that is the right thing to do. We should allow him to complete the subdivision with R-1A zoning.

Mr. Brawner said in the past three years that this master plan has been worked on, we haven't asked anyone else to hold off on rezoning property until the master plan is completed. Mr. Rizzo is only trying to complete the last phase and he doesn't see where this small area would have a different zoning than the rest of the subdivision. He doesn't see any reason to make him wait.

Mrs. White commented that she had spoken with Mr. Piggott in regards to the number of units per acre. She thinks that as long as he already has the R-1A zoning, he should be allowed to complete the final phase.

Roll Call Vote to table Zoning Case #266: Perez, no; Young, yes; Bertram, yes; Brawner, no; Grantner, no; Mayor Smiley, no; White, no. Motion failed 2-5 with Brawner, Grantner, Perez, Smiley and White voting no.

Moved by Perez, seconded by Brawner to recommend approval to the Burton City Council of Zoning Case #266, contingent upon DPW recommendations. Motion carried 5-2 with Bertram and Young voting no.

2. LS #01-80

BY: C.S.S. Investors, Inc.
5515 Davison Rd., Suite #14
Burton, MI 48509

RE: Lot #10 Beechwood Estates
Section 10
Zoned C-1

FOR: Commercial Use.

Chuck Sekrenes, 5515 Davison Rd., Suite 13, Burton, MI, explained that he received approval for a variance on the west side of the property to add another building. The property in the front on the corner of Davison and Belsay. We want to redo that boundary so it is parallel with the parking on the front corner and then split off the 80'x130' tail end of the west end of the property. The reason for that is we are in the process of getting ready to do the next building and with the investors that are coming in with me, we want to keep this a separate entity just for legal reasons, instead of lumping this all into one parcel. The buildings will be done the same as we have in the past.

Audience Participation:

Pauline Dargel, 6119 Hugh St., spoke concerning deed restrictions for Beechwood Estates and didn't see a reason for the lot split.

REGULAR PLANNING COMMISSION MINUTES
DECEMBER 11, 2001/6:00 P.M.
PAGE -4-

Mr. Sekrenes said there would be no change in the classification. To do another building in the future, he wouldn't have to put any more entrances in by making it parallel. When a third building is built, CSS will grant rights, if they are still in co-ownership of Beechwood Center, to use the parking lot and use the entrances. As it stands now, being two separate parcels, I could request additional curb cuts and they would technically have to allow them. However, we don't want that. At the end, where there is a small piece of property from Davison Road, we have a variance for a 63,000 square foot building. There is parking off Davison Road and we plan to add more parking towards the Subway end or upper level. We are currently working with a new tenant. He said he is taking on two new investors for Beechwood Center and two other new investors for the new building. He wants the entities separated because of the different investors in each building.

Angela Walker, 2068 Crestline, asked if Mr. Sekrenes currently owns the property or if he is purchasing more property. She said her back yard is facing the dirt hill. Ms. Walker asked if Mr. Sekrenes would be purchasing another house in Beechwood. She asked if this project would lower her property values. She also has concerns regarding an increase in traffic on the circle.

Mr. Sekrenes replied he owns the property at the present time. He is not planning to purchase another house in Beechwood. He said there would be fencing and trees along the north property line.

Mr. Major said the site plan has been approved and as a resident of that area he is comfortable with what is being proposed. He doesn't perceive the property values being lowered with the proposed development. The proposal and division of land will enhance the area and we will have driveway access from inside the development and not outside the development. He said he believes Mr. Sekrenes will stay as an investor. If you feel there is a violation of your deed restrictions that is something to be discussed among the residents of the subdivision.

Henry Petersen, 2059 Crestline Dr., commented that he had heard rumors that the lot to the west will be split. He is concerned about having a residential lot rezoned to commercial. He asked what type of business would be in the building.

Robert Horton, 2064 Crestline, said he lives behind the lot and was not informed that a variance had been given on the property. He doesn't oppose the lot split in general, but objects because he was not notified about the variance. He questioned the encroachment of parking from Lot B to Lot C while still requesting a lot split. He asked when the variance was approved.

Mr. Sekrenes said he could add an additional 20,000 sq. feet and put another parking area out front, but we don't want to do that. He said he is asking for the lot split for legal reasons only.

Mr. Major said that would be acceptable according to the ordinance.

Mr. Strasser commented that the variance was approved approximately eight months ago.

Mr. Sekrenes noted that in the new building, there would be a dentist office in the upper level and it is unknown what would be in the lower level, possibly retail.

Mr. Major said the DPW recommendation is for approval of the lot split.

Moved by Bertram, seconded by Young to approve Lot Split #01-80, contingent upon DPW recommendations. Motion carried 7-0.

REGULAR PLANNING COMMISSION MINUTES
DECEMBER 11, 2001/6:00 P.M.
PAGE -5-

D. AUDIENCE PARTICIPATION:

September Misener, 3328 S. Vassar Road spoke concerning the master plan. She presented the Clerk with petitions from residents who would like to have a public hearing prior to the adoption of the master plan. She also requested that the notification be widely published.

Pauline Dargel, 6119 Hugh St., said she circulated one of the petitions for a public hearing and she would like to see a notification of the public hearing larger than the legal notice. She commented that people have come to Burton because they want space.

E. SITE PLAN REVIEW(S):

1. SPR #01-86

BY: Brent A. Smith
2299 Fox Run
Burton, MI 48519

RE: Bristol Storage
4070 E. Bristol Rd.
Parcel #59-34-100-006
Zoned C-2

FOR: Expansion of self-storage facility.

Kevin Clever, Gould Engineering, representing Brent Smith who is the owner of the site. This site is an existing mini-storage, which received tentative preliminary approval on July 10th. The site is located on E. Bristol Road, east of Center Road and consists of 2.5 acres and is currently zoned C-2. There is C-2 zoning on the north, east and south side and RM zoning on the west side. Currently Mr. Smith has four buildings there, which consists of approximately 16,000 sq. feet and is proposing three additional buildings of 17,000 sq. feet. There will be a small 20x20 office in there. This site has gone to the Road Commission and Drain Commission for their approvals and has also been to the City Administration to discuss the site plan issues. We are requesting approval of the proposed expansion of the mini-storage.

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

Mr. Strasser commented that this site plan is in full compliance with the ordinance and all of the approvals from the County are on file in our office. He said the only concern is the retention area on the north side of the property, but that has been taken care as well as additional landscaping. The rest of the site is paved, fenced and all of the emanates have been taken care of. DPW recommends approval.

Mr. Brawner asked if the applicant had been notified of the sidewalk requirement.

Mr. Strasser replied he had been notified of the requirement.

Moved by Young, seconded by Brawner to approve Site Plan Review #01-86, contingent upon DPW recommendations. Motion carried 7-0.

REGULAR PLANNING COMMISSION MINUTES
DECEMBER 11, 2001/6:00 P.M.
PAGE -6-

2. SPR #01-88

BY: Grainger Assoc., Inc.
307 E. Third St.
Flint, MI 48502

RE: Tim Horton's/Wendy's
Bristol Rd. & I-475 Part of Parcel No. 100-024

FOR: New construction for two restaurants.

John Kosta, Grainger & Associates, 307 E. Third St., Flint, MI and Dennis Miller, representing Tim Horton were present. Mr. Kosta explained that the restaurants would be on the northeast corner of the property by the shopping center, which is zoned C-4. The proposed project is approximately 1.6 acres and will be a combination of Tim Horton's and Wendy's Restaurants. The building will be approximately 5,400 sq. feet and all of the utilities are adjacent to the site. Water and sanitary sewer are available and there will be no additional curb cuts onto Bristol Road or Greenbrier. This is an existing cut and was put in during the overall development, which was approved about a year ago. The project requires 55 parking spaces and we are providing 63 parking spaces. We have a shared entrance and dining area with separate counters. We also share the restrooms. There are drive-thru lanes for each of the restaurants.

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

Mr. Strasser inquired about the peak times for each of the restaurants and how this would affect the drive-thru traffic.

Mr. Miller explained that their peak times are at different hours of the day.

Mr. Strasser stated that this project meets or exceeds the ordinance requirements. Presently there is an easement for watermain under where the proposed building will be. Prior to obtaining a building permit, the easement will have to be transferred from real property back to the landowner. All of the site plan requirements are in compliance with the ordinance. He informed Mr. Kosta that it is their responsibility to prepare the easement descriptions of what is required of the City to give back to them in order to build on this property.

Mr. Kosta said this is a left over easement from an abandoned waterline.

Moved by Bertram, seconded by White to approve Site Plan Review #01-88, contingent upon DPW recommendations. Motion carried 7-0.

Mr. Perez asked if Wendy's and Tim Horton's would acquire the land.

Mr. Kosta replied that there would be a lease from Kroger.

Mr. Young noted that he visited an establishment like this in Lapeer and said it seemed to work very well.

3. SPR #01-89

BY: P.C. Watters Co.
2280 S. Center Rd.
Burton, MI 48519

REGULAR PLANNING COMMISSION MINUTES
DECEMBER 11, 2001/6:00 P.M.
PAGE -7-

RE: NAVA L.L.C.
2335 S. Center Rd.
Part of Parcel #59-22-300-019
Zoned C-2

FOR: Change of use/ownership.

Phil Watters, 2280 S. Center Rd., explained that he is asking for approval of a site plan for the property on Center Road. He agrees with all of the DPW requirements.

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

Mr. Major said he has been working with Mr. Watters and believes this will be a quality establishment. It has taken some time to get this proposal together. The DPW recommends approval on the site plan.

Mr. Bertram inquired about another traffic light being installed on Center Road near the Meijer's store.

Mr. Major said the Road Commission has given their approval for the light. We will be working with Meijer's, Burton Place and the Credit Union to get easements on their property. There will be a service road light at Loder Court at Meijer's north drive entrance.

Mr. Perez asked if sidewalks would be installed.

Mr. Watters replied he doesn't have a problem with installing the sidewalks, but he would prefer to sign a letter of intent and once the adjacent property is sold, he would install them.

Mr. Major said he falls under the 80% rules that we have for sidewalks.

Moved by Perez, seconded by Young to approve Site Plan Review #01-89, contingent upon DPW recommendations. Motion carried 7-0.

4. SPR #01-90

BY: Corrado Bartoli
47520 Jefferson Rd.
New Baltimore, MI48047

RE: 4154 Davison Rd.
Farahs Eastgate Sub 73
½ of Lot 2 & Lots 3, 4, 7 & 5

FOR: Addition.

Mr. Strasser indicated he had spoken with the applicant and they planned to attend the meeting.

Moved by Bertram, seconded by Young to postpone Site Plan Review #01-90 until the January meeting, due to the absence of the applicant. Motion carried 7-0.

REGULAR PLANNING COMMISSION MINUTES
DECEMBER 11, 2001/6:00 P.M.
PAGE -8-

F. BOARD DISCUSSION:

Mr. Grantner read to the audience an update in regards to the master plan and land use classifications from Rowe, Inc. He indicated that Mr. Piggott has asked that the members review the enclosed maps and determine what the classifications should be and then set another workshop. We need to decide whether to have the workshop next week or wait until the New Year.

Mr. Young asked if Mr. Piggott should attend the workshop and if there are any suggested dates.

A discussion was held amongst the members regarding the date for the next workshop.

Moved by Young, seconded by Bertram to schedule a work session immediately following the next regular Planning Commission meeting of January 8, 2001 at 6:00 P.M. Motion carried 7-0.

Mr. Grantner congratulated Mr. Brawner on his new position as Council President.

Mayor Smiley inquired whether the Planning Commission members received the MML magazine. He stated that there is a great deal of information in them in regards to affordable housing. The Mayor said he would forward information from the December issue to the members. He plans to ask the City Council to hold a workshop with his administration to review goals and visions in regards to what type of development, if any, that we should be looking for. The Mayor said Flint Township is trying to pattern after us. He encouraged the members to take advantage of workshops being held through MML. He said the MML web site has all of the training seminars listed and this would be a way of tracking them.

Mr. Grantner agreed that the seminars would be good to attend and asked Mayor Smiley to get a listing to the members.

Mayor Smiley wished everyone a happy holiday.

The next regularly scheduled meeting will be held on Tuesday, January 8, 2002 at 6:00 P.M.

The next master plan workshop will be held on Tuesday, January 8, 2002 at 6:00 P.M. immediately following the regular meeting.

Meeting Adjourned at 7:25 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML