

CITY OF BURTON
REGULAR PLANNING COMMISSION MINUTES
DECEMBER 10, 1996, 7:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Homer Berry, Chairman, at 7:00 P.M.

MEMBERS PRESENT: Bertram, Perez, Grantner, Berry, White, Merrell and Walls.

MEMBERS ABSENT: Mayor Smiley and Howlett.

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

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

Grantner moved and Perez seconded the following motion:

Approve and authorize the minutes of the Regular Meeting of November 12, 1996 at 7:00 P.M., as printed. Motion carried 7-0.

B. SCHEDULE PUBLIC HEARINGS FOR JANUARY 14, 1997 AT 7:00 P.M.:

1. LS #96-79
BY: PRA Management
3549 S. Dort, P.O. Box 7
Flint, MI 48507

RE: Lots 29, 30, 31 & 32 of
"Supervisor's Plat No. 25"
Section 32, M-1 Zoned

FOR: Industrial Use.
2. ZC #220
BY: Josephine Nolley/Pyllis Carter
P.O. Box 493
Flint, MI 48501

RE: 2105 S. Center Rd.
(includes 18 +/- acres)
Section 22, Zoned R-0 changed to C-2

FOR: Commercial - Animal Rescue and
Emergency Office and Equipment
Center.
3. ZC #221
BY: Robert Walli
4160 W. Pierson
Flint, MI 48504

RE: Parcel #59-42-300-002
45.62 acres of Vacant Land
Bristol and I-475
Section 31, Zoned R1C to RMH

FOR: Constructing a Manufactured Home
Park.

Moved by Bertram, seconded by Grantner to schedule Lot Split #96-79, Zoning Case #220 and Zoning Case #221 for first public hearing on January 14, 1997 at 7:00 P.M. Motion carried 7-0.

C. PUBLIC HEARING POSTPONED FROM NOVEMBER 12, 1996 AT 7:00 P.M.:

1. ZC #219

BY: The Tobin Group
31500 W. Ten Mile Rd.
Farmington Hills, MI 48336

RE: Northwest Corner Atherton Rd.
and Belsay Rd.
Section 23
Zoned R-1A & C-2 to RM and
from R1A to C-2

FOR: Multi-Family Residential &
Commercial.

Ian Hohloch, 4422 Hedgethorn Ct., Burton, MI said he is representing The Tobin Group. He said they are requesting a zoning change at the northwest corner of Atherton Road and Belsay Road from R-1A & C-2 to RM and from R1A to C-2 for multi-family residential and commercial. They are planning to build luxury apartments and downsize the commercial property. This type of zoning is a positive direction for this City, as there are no deluxe apartments inside the City of Burton. He said any flooding problems will be handled from an engineering standpoint by the County and the watermain will be extended along Atherton Road.

Michael Tobin, 31500 W. Ten Mile Rd., Farmington Hills, MI, said he brought actual photographs of what they are planning to build. There will be a clubhouse with a full fitness center, entertainment area and swimming pool. It is available free for the residents. Every unit is front to back the same way that condominiums are built. He said there will be a boulevard with people on both sides of the road. He explained that he wants to reduce the commercial property and have more multi-family units. They will not be low income housing. He also stated that he has units located 4-1/2 miles away from this proposed project, in Davison on Lapeer and Gale Roads.

Mr. Berry said the Planning Commission is a recommending board and the final decision for this zoning case rests with the City Council.

Audience Participation:

Barbara Scharich, 3222 Eastgate St., asked the following questions: How many acres would be used for the multi-family dwellings? Would the units be purchased or rented? She said there have been water problems on Eastgate Street and is concerned about it getting worse. She also asked about the traffic situation.

Mr. Tobin said he estimates about 55 acres would be used for the dwellings and they would be rental units at about \$600 per month. He said regarding the water problem, no matter what is built on that property, they are only allowed to discharge into the creek what is presently going in there. We will have to create something on the site to take care of any excess drainage.

Ron Brown, 3094 Eastgate St., asked if Mr. Tobin planned to add to the 55 +/- acres and build on other available land in the area. It would be very easy to add 20 acres here and there. There is another 120 acres north of this property, would you be interested in that also? Mr. Tobin replied he has nothing pending at this time and is not interested in the other acreage.

Stephanie Ann Brown, 3111 S. Belsay Rd., said she moved from a community where apartments were, because the renters had no interest in the community and the land owners do take an interest in their community. She said she is asking the Commission to deny approval.

Vivian Rhoden, 5339 E. Atherton Rd. asked if there would be a wall constructed between the her property and the rental units so they don't cut back and forth between the properties.

Patrick Gerow, 3201 Christner St., asked what type of commercial businesses would be constructed. Mr. Tobin said the property would be a strip mall.

Jim Wright, 3300 S. Belsay Rd., said he is concerned about traffic, and the impact this would have on the Atherton School system. If there would be single family homes built, this would bring in tax base, but the apartments will not. He said an apartment complex is a haven for drug dealers and is concerned about this becoming a problem in this area. Many people have moved into the City of Burton to get away from an area with these kinds of problems.

Resident at 5339 E. Atherton Rd., asked about the curbcuts on Atherton and Belsay Roads. He was informed by Mr. Hohloch that the Road Commission makes a determination as to how many curb cuts the project will have. He said he likes the concept of having single family homes in the area, but doesn't want the apartment complex.

Mr. Strasser said the City does not regulate County roads, therefore, it is up to the County to make this determination.

Lynn Haynes, 3121 Eastgate St., said he understands that Mr. Hohloch could have a conflict of interest by representing this project and working for the City of Burton. He said he thinks Mr. Hohloch is capitalizing by representing Mr. Tobin.

Sandy Congdon, 3276 S. Belsay Rd., said she still hasn't heard what is being planned for the strip mall. The stores are being robbed every day and this could add to the problem. Many of the people here have lived in this community for a long time and we don't want to see mobile homes or apartments in this area. The residents want people who want to live in the community and raise their families.

Mr. Hohloch pointed out that Mr. Tobin can construct a mall because of the C-2 zoning, which is how the property is presently zoned.

Pauline Dargel, 6119 Hugh, asked if what Mr. Tobin is proposing comparable to the one in Davison. Mr. Tobin said yes, but we plan to add garages to these units. The density is about 200 units.

Karen Sak, 3172 Eastgate St., said she is concerned about an increase in the crime rate and not having enough police to combat the problem.

Jesse Dickerson, 3091 Eastgate St., said Burton is a tight community because the residents help each other out by paying for the community with a tax base.

Nathan Walker, 5191 E. Atherton Rd., asked if the residents are screened prior to renting. He was advised yes, a credit check is done. Mr. Walker said he is against the project.

Don Newsome, 3316 Eastgate St., said he is concerned about the school district because it is overpopulated for the kids now. He said he is also concerned about not having enough police officers to handle more problems.

Ron Walker, 5191 E. Atherton Rd., thanked Mr. Tobin for cutting down on the commercial property, and though the apartments will be nice when they are newly built, they won't stay this way and he is against the project.

Mr. Strasser said according to the Master Plan (1988) that particular area is in a low density area. He said his office had several calls, some verifying the meeting tonight and others stating they are against the rezoning.

Mr. Grantner said it has become standard practice that the developers work with the City and the citizens through a partnership. This is the second time this case was scheduled to be heard and he said he asked Mayor Smiley if the developer had made any contact with him and he was advised no. In the past, when the developer meets with the Administration and the citizens, the developments seem to go much smoother because they are involving the local folks.

Mr. Perez said in previous projects where the residents were against the proposed development, a group was formed between the residents, developer and City Administration. The developer presented the proposal and this gave the Administration and residents an opportunity to ask questions and find out exactly what the developers plans were. This should have happened with this proposal, prior to this meeting. Mr. Perez asked if Mr. Tobin had a purchase agreement or lease agreement and when he planned to start the project.

Mr. Tobin said he has a purchase agreement and if approved, construction would begin next year.

Mr. Bertram asked if this project would be done in phases. He also inquired as to what kind of low density the master plan refers to.

Mr. Strasser said the residential zoning is based on 3.15 units per acre.

Mr. Tobin said he isn't certain if the project will be done in phases. He said the infrastructure is important and they will do all the underground work at one time for cost savings. We haven't worked on the site plan at this point. We will work with the City and the DNR regarding the water problem.

Mrs. Walls asked if this would be subsidized housing or if Mr. Tobin is being paid to build the units. She asked Mr. Strasser what kind of businesses can go into C-2 zoning.

Mr. Tobin said this is not subsidized housing and he is not being paid to do the project.

Mr. Strasser said anything up to indoor retail sales, offices, repair services, barber shops, etc.

Mr. Granter said one thing that is constant is change. He said he thinks this is the way to go if what is built is like what is in the photos. However, this is a recommending board with the City Council having the final say. You people live in the area and should have a voice in the matter and maybe something can get worked out with this project.

Moved by Grantner, seconded by Bertram to recommend denial of Zoning Case #219 to the City Council. Motion carried 5-2 with Berry and Walls voting no.

Recessed at 8:05 P.M. and Reconvened at 8:15 P.M.

D. AUDIENCE PARTICIPATION:

Larry Petrella, 1081 Howe Rd., commented about whether a traffic study to widen the roads has been done. Also, if Mr. Hohloch continues to sit on the Zoning Board of Appeals and represents cases before the Planning Commission, he should either resign or look at alternatives to representing the cases. He also gave a copy of a newspaper article regarding "Slow growth is good growth."

Pauline Dargel, 6119 Hugh, said previously when large developments made their proposals, traffic studies were imperative. With this type of complex, more cars would be involved than single family development. Possibly the Council person who sits on the Metropolitan Alliance could be of some help in this area.

Tom Strasser thanked the Planning Commission for the remembrance of the passing of his father, with the Veteran's Memorial Plaque.

E. SITE PLAN REVIEWS:

1. SPR #96-78

BY: Flint Cellular Telephone Company
by Matthew A. Gibb, Esq.
1126 N. Main
Rochester, MI 48307

RE: Vacant Parcel #69-11-300-004

FOR: 155' Monopole Antenna and Adjacent
Equipment Shelter.

Matthew Gibb, said he is representing Flint Cellular Telephone Company, also known as Air Touch. He explained they want to erect a 155' Monopole Antenna and adjacent equipment shelter on a vacant piece of property located in the manufactured industrial area. This is a heavily wooded area and we will try to save as many trees as possible. This is a standard project for the company. The adjacent equipment shelter will be 11'x26' with a road leading back to the facility. We do need a variance from the Zoning Board of Appeals on the south side of the property.

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

Mr. Strasser said there are other cell towers up in the City and they are not obtrusive. They are requesting a setback variance from the Zoning Board of Appeals. He said the Commission needs to determine whether the service driveway needs to be paved, as it will only be used for servicing the equipment.

Mr. Berry said in Shiawassee County, the service drive is limestone packed and is sufficient for the little use it gets.

Mr. Gibb said the road will be used by a service vehicle once a month every two months.

Mr. Bertram asked how many years is the parcel leased? He was advised 30 years.

Mr. Strasser said there is a tax base with the construction of the monopole.

Moved by Bertram, seconded by Grantner to approve Site Plan Review #96-78 contingent upon DPW requirements and variance approval from the ZBA and allowing for a gravel driveway. Motion carried 7-0.

F. ADMINISTRATIVE SITE PLAN REVIEWS:

1. SPR #96-80

BY: Alrena Dale
1030 Carson Ct.
Flint, MI

RE: Angels Galore
G-3336 S. Saginaw St.
Lot 23 Baker Park
Section 30, C-2 Zoned

FOR: Change of Use.

There was no one to represent the site plan review.

Moved by Walls, seconded by Perez to postpone Site Plan Review #96-80 until the next regular meeting of January 14, 1997 at 7:00 P.M.. Motion carried 7-0.

2. SPR #96-81

BY: Scott O. Tiedeman/Don D. Scott
1205 Knight Ave.
Flint, MI 48503

RE: Top Notch Muffler & Brakes, Inc.
G-3326 S. Saginaw St.
Lots 24 thru 28 Baker Park
Section 30, Zoned C-2

FOR: Change of Ownership.

Scott Tiedeman, 1205 Knight Ave., said this is a change of ownership. They will paint the outside of the building when the weather breaks. This will be the same type of business as what was in before. They have painted the interior of the building and the equipment they have is fairly new.

Mr. Berry asked if they were buying the building. He was advised they are leasing the building.

Mr. Strasser said the parking lot is paved and the sign is in place. They just need to move in and clean it up.

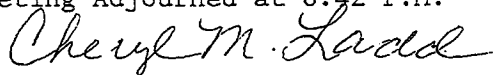
Moved by Grantner, seconded by Walls to approve Site Plan Review #96-81 contingent upon DPW recommendations. Motion carried 7-0.

G. BOARD DISCUSSION:

Mr. Berry said the camera has been repaired and anyone needing to have their picture ID taken should contact Teine at the Fire Department.

The next regularly scheduled meeting will be held January 14, 1997 at 7:00 P.M.

Meeting Adjourned at 8:42 P.M.


Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML