

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
DECEMBER 1, 2003, 6:00 P.M., COUNCIL CHAMBERS

Dan Wells, Council President, called the Special Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Centilli, Cross, Curtis, Isham, Martinbianco and Wells.

MEMBERS ABSENT: Bement.

OTHERS PRESENT: C. Abbey, Administrative Assistant; T. Strasser, Deputy Planning Official and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: Second Public Hearing for Zoning Case #281 to modify the text of Ordinance 19, the Burton City Zoning Ordinance various sections.

PRESENTATION:

Mr. Strasser stated that the changes in the zoning ordinance have been discussed and worked on by the Planning Commission for the past year and their recommendation to the City Council is for approval. Mr. Strasser said he would review with the Council what changes have been recommended.

Mr. Strasser reviewed the following changes in the zoning ordinance with the council members:

1. Article XIX – Schedule of Regulations
Lot Size and setback changes for the following zoning districts: SE, R-1A, R-1B and R-1C.
2. Section 3.02-Definitions: Decks will now be subject to all building setbacks lines in the zoning district in which it is built. Developmental is defined as property of various sizes and shapes and suitable for a wide range of uses. The purpose of this classification is to recognize the wide range of uses and land classifications appropriate for these parcels and to leave the door open for rezoning requests other than general industrial.
3. Section 5.36-Lot Splits would be removed from as a Planning Commission function and would be done administratively with concurrence from Assessor; Road Department; Water/Sewer Department; Building Inspector; Planning/Zoning Department and Controller/Treasurer. Requirements would include a Certified Survey of the original parcel, the parcel to be split off and the remainder of the parcel. If buildings are on property, they must be tied into the new property line. Any proposed split that does not comply shall be reviewed by ZBA, Burton City Planning Commission with the appropriate fee.
4. Section 7.02- Parking Requirements in various categories of businesses could be lessened and still meet the intent of the Ordinance. This would result in lower development costs. The amount of parking spaces is minimal.
5. Section 5.15-Accessory Buildings shall not exceed one (1) story or sixteen (16) feet in height; further, accessory building may occupy not more than twenty-five (25%) percent of a require rear yard, or forty (40%) percent of any non-required rear yard.
6. Section 15.02-C-2 General Business District will now include car wash establishments, which are subject to the following requirements and all requirements of Section 5.37, Site Plan Review. The include ingress and egress; enclosure for the vacuum canister and all of the accessories; abiding by the setback and landscaping requirements and the rear lighting shall be directed toward the building.

Also, Section 15.02 includes used car sales lots, which are subject to Section 5.37 site plan review and no temporary signs, flags, banners, balloons, etc.; all vehicles shall be displayed on a paved surface and the lighting shall be directed away from any adjoining property.

Section 15.02 covers convenience store/gasoline sale and also falls under site plan review. Other requirements are that gasoline sales shall be in conjunction with a convenience store, not to be separated. Provisions also allow fast food restaurants with a drive thru and with or without seating. Convenience store is to be of such size as to accommodate walk in trade, indoor beverage coolers and offer items normally found in convenience stores, to be found acceptable by the Planning Commission.

7. Outdoor display of merchandise may be done with several restrictions. They are as follows:
 1. Items on display must be offered by the business occupying the site as approved by the Planning Commission or Administratively.
 2. Items are not to be displayed in the setback areas, aisle way, parking, loading zone or fire lane.
 3. Must maintain a 20' setback from any entrance or exit to the parking or service area.
 4. Flags, banners, temporary signs not permitted.
 5. Display cannot obstruct view of vehicular traffic.
 6. If display cannot meet criteria, business must apply to ZBA, Planning Commission with appropriate fees.
8. Outdoor Seasonal Sales: Examples are Christmas Trees, Pumpkins, Fireworks, etc.
The following regulations apply:
 1. Complete Application
 2. Inspection Fee Required
 3. Cleanup fee required, "refundable if site is cleaned by applicant" "All items required to be removed by city crews becomes property of City of Burton."
 4. Not to be set up in R.O.W. or front setback area. Display can be set up in existing non-conforming front setback, exception: cannot set up in any designated parking area, at discretion of inspector.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., commented that she had attended most of the planning sessions for the master plan. She spoke concerning the following sections of the text change: Density for R-1A, R-1B and R-1C; notification to residents for lot splits in established subdivisions; provisions for front yard fences; inspection of lighting for car washes should be done in the evening and service station convenience stores.

COUNCIL DISCUSSION:

Mr. Cross inquired about the type of flooring for accessory buildings.

Mr. Strasser said the flooring wasn't discussed, but the type of flooring would be covered under the building code.

Mr. Martinbianco asked if all car washes would be included in the C-2 General Business area.

Mr. Strasser replied the car washes would all be included under Section 15.02.

Mr. Martinbianco asked if all other elements of the car wash would fall under the jurisdiction of the Planning Commission.

Mr. Strasser replied yes.

Mr. Cross questioned why the vacuum cleaners would be placed in the front rather than on the side of the building.
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Mr. Strasser explained they should be placed facing the road because of the noise and this would buffer the noise from the other businesses.

Mr. Centilli asked if most of the property on Center Road is zoned C-2.

Mr. Strasser replied yes.

Mr. Martinbianco asked if the minimum lot size is for the used car lots.

Mr. Strasser replied no, the requirement is for new businesses coming into Burton.

Mr. Cross inquired about a business on Belsay Road at the railroad tracks that has used cars and sells tires and does tire repairs.

Mr. Strasser said he was unaware of this occurrence. This should be approved under a special use permit because of the auto repair and cleaning.

Mr. Martinbianco asked if someone were having a tent sale, would this type of operation fall under the outdoor seasonal sales?

Mr. Strasser replied yes.

Mr. Martinbianco commented that his biggest concern is the lot splits, which he would not support to be done administratively.

Mr. Centilli addressed the issue of how long houses could be vacant. He commented that this issues needs to be discussed and get them taken care of as quickly as possible.

Mr. Abbey noted that the city is in the process of trying to codify the ordinances. He spoke with legal counsel in regards to the houses in litigation and the Judge has to render a legal opinion. Hopefully, once the ordinances are codified, we can move the vacant house process along more expeditiously. It will take time and a collective effort between all of the boards.

Discussion was held in regards to the convenience stores with gasoline sales.

Mr. Martinbianco asked if the two new council members would be comfortable approving the text change tonight or would they like more time.

Mr. Isham said he did have some concerns.

Mr. Curtis asked if modifications could be made to the text? He said he doesn't think the language gives enough of a safeguard in reference to used car lots.

Mr. Martinbianco commented that the Council could modify the text because this document was a proposal from the Planning Commission. Should we pass this document tonight and there were changes we would like to have, we could amend the document prior to the final approval.

Mr. Martinbianco explained that Mr. Bement is the Council representative on the Planning Commission, and he isn't here this evening. He suggested that any action be postponed and this would give the Council two weeks to put together any modifications of the text.

Mr. Abbey informed the Council that postponing action would pose a problem. There has been a great deal of time and effort into modifying the document by the Planning Commission. He said the City has been contacted by a couple of developers in regards to R-1B property and there are two proposals coming before the Board in the near future. The other elements are not as pressing. The Council could approve the first reading and make any modifications prior to the second reading in two weeks.

Mr. Centilli commented that he believes Center Road will be the main thoroughfare for the City and Council should pick and choose what type of businesses are built on this road. He is not against used car sales, but he does not want to see them located on Center Road.

A brief discussion was held concerning the proposed new development.

Mr. Martinbianco said concerning the sidewalk issue, car washes on Center Road, we could leave as it is now and we have two weeks to review and discuss any changes.

Mr. Strasser said the ordinance could be approved as presented this evening and then it would be very simple to eliminate any one of the sections you so desire. This way, those particular sections would be put back the way they originally were in the ordinance.

Mr. Abbey said the sections that are a problem could be eliminated for now and then be amended at the second reading of the ordinance. By handling the ordinance in this fashion, it won't change the course of time frame.

COUNCIL ACTION:

Cross moved and Martinbianco seconded the following motion:

1. Approve and authorize the Second Public Hearing for Zoning Case #281 to modify the text of Ordinance 19, the Burton City Zoning Ordinance, various sections.

Martinbianco moved and Centilli seconded the following motion:

Approve and authorize the Second Public Hearing for Zoning Case #281 to modify the text of Ordinance 29, the Burton City Zoning Ordinance, various sections, with the elimination of Sections 5.36 and 15.02, being the Lot Splits and Used Car Sales Lots.

Amended Motion carried 6-0

Main Motion carried 6-0.

Meeting Adjourned at 7:12 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML