

CITY OF BURTON
PLANNING COMMISSION WORKSHOP MINUTES
APRIL 22, 2003, 9:00 A.M., COUNCIL CHAMBERS

Jerry Grantner led the Pledge of Allegiance.

Jerry Grantner, Chairman, called the Workshop to order at 9:00 A.M.

MEMBERS PRESENT: Bement, Bertram, Grantner, Perez, Walls and Young.

MEMBERS ABSENT: Mayor Charles Smiley, Hohloch and White.

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

A. PURPOSE OF THE MEETING:

1. Recap/Review Previous Meeting
2. Review of Staff Items:
 - a. #3 – SE Zoning
 - b. #10 – Outdoor Display of merchandise in commercial areas
 - c. #14 – Sidewalks
 - d. #15 – Gas Station/Convenience Stores
3. Issuance of County Permits prior to Site Plan Reviews

PRESENTATION:

Mr. Grantner commented that the items that have previously been covered are 1, 4, 5, 7, 8, 11, 12 and 16 per the February 15th minutes. Tom had put those in a form and the floor had been opened for discussion or input. There were no comments or input. We have items 2, 3, 6, 9, 10, 13, 14 and 15. Item #2 has been slid together with item 8. Item 6 we didn't know what to do with that. Item 9, regarding the fence, was an issue that had to deal with a thousand year flood and didn't need to be dealt with in terms of any revision. Item 13, manufactured homes, we determined to be an enforcement issue. We have items 3, 10, 14 and 15 left.

Item #3 – SE Zoning:

Mr. Strasser gave a short recap on Item 3, which addresses the issue of Suburban Estates (SE) Zoning. He referred to the recommendations that he presented to the Board. (See attached).

A lengthy discussion was held concerning various items such as a 5' side yard setback, how far apart the houses what should be done with the SE zoning, placement of homes on the lots and increasing the number of applicants that would go before the Zoning Board of Appeals. The main focus was the side yard setback.

After the discussion there was a consensus of the Board to hold an informational meeting with a couple builders and possibly developers to get their perspective on the setback areas. The meeting would include the attendance of the Planning Commission, ZBA, City Council and Administration. Mr. Strasser will arrange a meeting with the builders and the various boards.

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Item #10 – Outdoor Displays:

Mr. Strasser reviewed the recommendations of the DPW concerning the Outdoor Displays. He commented that most businesses today have some sort of outdoor display. We need to meet today's market trends by allowing the displays, but there also needs to be some controls on where they are located on the property. Should we encounter a situation whereby a business doesn't comply with the ordinance, they could be required to go before the Zoning Board of Appeals or the Planning Commission and be charged the appropriate fees. These displays could be allowed as permitted use.

Mrs. Walls inquired about the difference between a Performance Bond and an Application Fee. She agreed with the recommendations of the DPW concerning this issue.

Mr. Strasser explained these two concepts to the Board.

Mr. Young inquired whether the application for a permit would only be done once.

Mr. Strasser indicated he would like to see this done as a yearly license.

Mr. Young asked if an additional code enforcement officer could be hired if the license was done on a yearly basis. He said there was no point in handling the outdoor displays with a license if we couldn't enforce the ordinance.

Mr. Abbey commented that another code enforcement officer would be hired if this issue were handled in this manner. It is all about enforcement.

Mr. Grantner said it was his understanding that this would be an administrative function and would be taken away from the Zoning Board of Appeals. He thinks this is a good idea and at least it cuts down on the attendance at the Zoning Board.

Mrs. Walls inquired about the used cars that are being sold from a residential home located on Genesee Road. She asked if a license would be required in the residential area. Discussion continued regarding this issue.

Mr. Abbey said he would send the code enforcement officer out to the home today.

Item #14 – Sidewalks:

Mr. Grantner said he and Mr. Strasser were going to draft a resolution addressing the sidewalk issue. However, a resolution was found that has been on the books since 1977 by action of the City Council. He believes this issue should also be addressed in a city ordinance. He suggested that the Planning Commission make a recommendation to the City Council that this be added to the zoning ordinance.

A lengthy discussion was held concerning various aspects of the sidewalks. Some of the issues were sidewalks being required in a residential area; requiring sidewalks when there is a change of ownership in the business; the 50% rule; making Burton a walkable community; maintenance and policing of the sidewalks.

Mr. Young inquired whether this ordinance would be addressed individually or included in the text and adopted as one ordinance.

Mr. Abbey commented that this one issue could hold up the process in adoption of the entire ordinance. He would hope that this issue could be solved so another construction season is not lost.

Mr. Grantner stated that the sidewalk issue would be put in a format that would be user friendly so the Council would know what the thoughts are of the Planning Commission. There will be a consensus of the Board when this goes to the City Council.

Mr. Abbey then explained that the ordinance would have to go to the Legislative Committee for their review and then be sent to the full Council.

Item #15 – Gas Stations:

Mr. Strasser noted that the automobile service stations, as we knew them, are now a thing of the past. We now have convenience stores that sell gasoline. Section 5.17 of the ordinance was originally incepted when there were service stations. He said a special use permit is required with gasoline sales. The application cost is \$200.00 and it costs the city \$250.00 to publish the notice, so we are already in the hole. A public hearing and a site plan review were also required. We could allow this use as a principal permitted use in C-2 areas and you could also assign specifications or stipulations to that use. Some of the restrictions could be: lighting, no outside storage, such as vehicles, campers, trailers, etc.; signage and separation between use and residential zoning such as a landscaped buffer.

Mr. Strasser explained that various businesses such as Wal-Mart and K-Mart have inquired about putting in a gasoline sales business in front of their own.

Mr. Young said he thinks we have a responsibility as a city to protect the businesses that already exist.

Mr. Grantner commented that he agrees with the recommendation of the DPW in terms of updating.

Discussion was held concerning the closed gas stations, old Shell on Center and Bristol and the Action Auto by the expressway. Mr. Abbey gave a brief update concerning these stations. At the Shell Station all the underground lines are gone and there is nothing that makes this a gasoline station. It is only a commercial site. This does not hold true for the Action Auto because they still have the tanks in the ground.

Mr. Grantner asked for input from the Board regarding these recommendations. There was a consensus of the Board to handle the gasoline stations as DPW recommended. (see attached)

B. AUDIENCE PARTICIPATION:

There was no one in the audience.

C. BOARD DISCUSSION:

Mr. Young asked if we are at the point where this could be put in ordinance form by our next meeting so we can review this or do we need more discussion?

Mr. Grantner said he believes, with the exception of Item #3, that we are at that point. He doesn't think there is a need for another meeting. Tom could put together a draft of the ordinance and we could review it at the next Planning meeting if there is not a heavy agenda. This could be done at the end of the regular meeting. If you have any concerns, please bring them to the next regular meeting.

Mr. Abbey said he agrees with Mr. Grantner about bringing them to the next meeting. However, he would like to readdress the issue of SE zoning. We need some type of census on the numbers.

Mr. Grantner agreed and said whatever is put in a final form would be a consensus of the entire board. Unless we are so far out in left field, he would hope that whatever goes to City Council is the findings of this Board. We should wait until we hear from the builders at the informational meeting.

Mr. Young said he would like to see the meeting with the builders as quickly as possible.

Mr. Perez suggested that Barry Simons, Director, of the Metropolitan Builders Association might be someone that would give us some insight.

Mr. Grantner said he would like to have the meeting with the builders as soon as possible and have an agenda available and let them give us the information we have requested. It should be a session where they talk and we listen and then ask questions.

A brief discussion was held concerning having builders, land developers and Mr. Simons attend the meeting.

The next regularly scheduled meeting will be held on Tuesday, May 13, 2002 at 6:00 P.M.

Meeting Adjourned at 10:52 A.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML