

CITY OF BURTON
REGULAR PLANNING COMMISSION MEETING MINUTES
FEBRUARY 9, 1999, 6:00 P.M., COUNCIL CHAMBERS

THE REGULAR MEETING IS CALLED TO ORDER BY Homer Berry at 6:00 P.M.

MEMBERS PRESENT: Berry, Mayor Smiley, White, Perez, Howlett, Bertram, Brawner, Grantner

MEMBERS ABSENT: Walls

OTHERS PRESENT: T. Strasser, Deputy Planning Official, J. Adams, Clerk's Office.

Mr. Berry asked if anyone is present in the audience for Zoning Case #243, Blake Rizzo.

ZC #243	BY: Blake Rizzo 5273 Empress Dr. Grand Blanc, MI 48439
	RE: 5465 E. Maple Zoned SE to RM
	FOR: Condominiums

No one present.

Mr. Berry indicated the case failed to get advertised for the hearing date tonight and will be heard on March 9, 1999, at the next regular scheduled Planning Commission meeting.

APPROVAL AND AUTHORIZE THE MINUTES OF THE FOLLOWING MEETING(S):

Moved by Perez, seconded by Bertram to approve and authorize the minutes of the Regular Meeting of January 12, 1999, at 6:00 p.m. Motion carried, 8-0.

SCHEDULE PUBLIC HEARINGS FOR MARCH 9, 1999 AT 6:00 P.M.:

- | | |
|-------------|---|
| 1. LS #99-3 | BY: Pedersen Investment Group
G-5121 Flushing Road
Flushing, MI 48433 |
| | RE: E 214 ft. of Lot 69, Sup. Plat No. 12,
Liber 17, pg. 18 of Plats
2414 S. Center Rd., Sect 21, C-2 Zoned |
| | FOR: Commercial Use. |
| 2. LS #99-4 | BY: Daystar Development
615 W. Broad St.
Linden, MI 48451 |
| | RE: 59-22-400-009
Section 22, R-1B Zoned |
| | FOR: Residential Use. |

Moved by Howlett, seconded by Bertram to schedule a public hearing for March 9, 1999, for Lot splits #99-3, and #99-4. Motion carried, 8-0.

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PUBLIC HEARING(S):

1. LS #99-1
- BY: Arkan Jonna - R.A.C. United
2555 S. Telegraph, STE 443
Bloomfield Hills, MI
- RE: 59-03-300-020, 59-03-300-021,
59-03-300-022, 59-03-300-023
C-4 Zoned.
- FOR: Commercial Use.

Mr. Berry asked if anyone was present for the case. No one was present from the audience.

Mr. Strasser said he had not heard from anyone if they would make the meeting or not. The reason for the split is for mortgage purposes.

AUDIENCE PARTICIPATION: No audience participation at this time.

COMMISSION RECOMMENDATIONS
AND/OR ACTION:

Moved by Perez, seconded by White to postpone lot split #99-1, until the next regular scheduled meeting of March 9, 1999. Motion carried, 8-0.

The Mayor indicated he would like added to the agenda an administrative site plan review at the request of Judge Hughes through the Burton Rotary for the Veteran Memorial Park expansion pavilion.

Mr. Strasser indicated it will be Case #99-6.

Moved by Mayor Smiley, seconded by Grantner to add to tonight's agenda for March 9, 1999, an administrative site plan review, Case #99-6, Veterans Memorial Park expansion pavilion.
Motion carried, 8-0.

ADMINISTRATIVE SITE PLAN REVIEW:

1. #99-6
- BY: Judge Hughes/Burton Rotary Club
- RE: Burton Veterans Memorial
- FOR: Burton Veterans Memorial expansion pavilion.

Judge Hughes stated he is President of the Burton Rotary Club, John Mactonich is Secretary of the Burton Rotary Club and President and Chief Executive Officer of Rowe Engineering, and has done the site plan. Mr. Nelson is an architect and member of the Burton Rotary Club who did the architectural design of the pavilion. Judge Hughes said last year when the Veterans Memorial went up, the City put up picnic tables but he noticed no one ever used them. One of the reasons he believes is because there is no shelter from the hot sun or inclement weather. Al Hindes spoke with various veterans groups and they were all in favor of it. Judge Hughes indicated it is on City property, so he spoke with the Mayor, some Council members and they expressed it was a good idea. The Burton Rotary Club is the making the pavilion their number one project for this year.

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Judge Hughes spoke briefly on the many uses that the pavilion can be utilized for.

John Mactonich said he is the Co-Chairman of the Pavilion Committee on the Burton Rotary and serves as secretary. They are looking at constructing a pavilion that is 24 ft. x 40 ft., approximately 30 ft. away from the District Court parking lot and about 80 ft. away from the edge of the stonework at the Memorial. He spoke briefly on the site and indicated for long term, they are looking at a linear pathway or walkway, that would compliment the Memorial.

AUDIENCE PARTICIPATION:

Al Hindes spoke regarding the need to have a pavilion and its many uses.

Mr. Strasser said they reviewed the plans that were submitted, it complies with all the set back regulations and will be a nice addition to the park.

COMMISSION DISCUSSION:

The Mayor indicated Councilman Centilli has made a commitment to be the general contractor, the building trades has volunteered their time to help with this, the Rotary, himself, staff and some employees. The Mayor said they would welcome anyone that wants to be a part of building the pavilion.

Judge Hughes stated the Rotary as a whole, is very appreciative of Bob Centilli's offer to help in this.

Mr. Brawner inquired as to insurance coverage.

The Mayor indicated it will be on the City's insurance as the monument is today.

COMMISSION RECOMMENDATIONS

AND/OR ACTION:

Moved by Howett, second by Grantner to approve site plan review #99-6, contingent upon recommendations of the DPW. Motion carried, 8-0.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, spoke regarding the Special Planning Commission meeting held last week with the presentation by Mr. Piggott on the Master Plan. She indicated Attorney Hamilton raised questions related to the zoning ordinance, and inquired if the Master plan and Zoning Ordinance 19 are being worked on simultaneously or are they separate.

Mr. Berry said they are separate and they are working on the Master Plan.

Mrs. Dargel spoke regarding the open space concept and indicated further, that the people that attended the public workshops expressed a desire to keep this open look that the City of Burton has, and she hopes the Commission keeps this in mind.

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COMMISSION DISCUSSION:

Mayor Smiley said regarding the mix up on the Veterans Memorial, under Ordinance 19, stipulates that administrative site plan review does not have to come before this body. He knows that probably for years it has come before this body, but according to our Attorney, it is not a necessary body. He has instructed staff that we would discuss it from this point further as to whether it should or should not. Under the ordinance itself, it is written such a way that it is not necessary to come here, so that is why there was a mix up. There are certain things the ordinance requires that we need to comply with and this is one of those things. He asked the Commission to think about if we should continue as past practice or follow the ordinance.

Mr. Bertram spoke regarding an administrative site plan review, and stated further, that if they have no control, why is it brought to them.

Mr. Strasser indicated the way the ordinance is written, it does state the DPW can make the determination as to whether the administrative site plan complies with our rules and regulations, and they can approve, deny or make recommendations. At that point, the applicant can say he does not agree, and will take it to the Planning Commission, instead of your decision on it. That is part of the way it is written. There was a determination made at one time that even though we can do that in DPW, concurs should be made by the Planning Commission for different reasons, and that is the reason administrative site plan reviews were coming before this body. If you so determine that you still want to see those, when we go to change our text after the Master Plan is finished, we have to address that and change the wording that speaks that any site plan that is required must come before this body, or you can leave the way it is. We still have to dress up the wording to make it more easily understood, but it is entirely up to this body how you want to handle it.

The Mayor indicated he wanted the Commission aware of the fact, and if you are in agreement with the ordinance, that is fine, he has no problem either way.

Mr. Bertram said he assumes DPW takes care of it and they are the final say, and it will not come before them any more. Mr. Bertram asked if the applicant does not agree with the decision, is it final or does he still have the opportunity to come before us.

Mr. Strasser stated the applicant still has the opportunity to come before you.

Mr. Perez said he has no problem with DPW taking action on it, but he would like to be notified of what is going on. Maybe something could be put in their packet that we approved an administrative site plan, etc., or made apprised of what is going on.

Mr. Strasser said he is uncomfortable in making decisions on those. He is qualified to do so, but when you have an individual making a decision, it is the individual's decision, and when you have a body, such as the Planning Commission making the final decision, there is nine members agreeing on it. The more ideas you have, the more minds you have on working on one item, the outcome is better. Mr. Strasser stated further, he is not saying he would be biased, he would not be and treats everyone as fairly as he can, but what if he missed something, or interprets something wrong. If you want it that way he can do it, and if you want to review, he would feel more comfortable because a personal error could enter into it.

Mr. Berry said most of the cases are, as an example, in shopping centers where there is a change of use or ownership.

Mr. Strasser spoke regarding banks needing verification of approval. The banks readily accepts a set of minutes from a body, whether Council, Planning Commission, or Zoning Board of Appeals. If you write a letter, the bank will call you back and ask if this is correct, but with a set of minutes it is never questioned.

Mr. Brawner said some of the problems they have had is when the applicant comes before the Commission for approval, and they have already been in business for two months.

Mr. Bertram spoke regarding absent applicants and the importance of having the applicant present at the Planning Commission meeting for questions.

Mayor Smiley indicated the way the ordinance is written, it is not necessary. He has decided to do as past practice and has no problem with complying with the ordinance and reporting to this body on a monthly basis. He understands Tom Strasser likes to have the Commission here to give him the direction. The administration review process is Tom Strasser, and Ralph LaDuke, Jeff Major gets involved in anything sensitive.

Mr. Grantner indicated they should have this for an item of discussion for the next Planning Commission meeting and decide what to do.

Mr. Berry stated they will add this to the agenda for the next Planning meeting.

Mayor Smiley spoke regarding possibly scheduling a workshop prior to the meeting to look at the ordinance and discuss it. The Mayor indicated there will be a retirement party for Betty Howlett next Monday, February 15, 1999, at 6:00 p.m.

Mr. Berry said the next regular scheduled meeting of the Planning Commission will be on **March 9, 1999, at 6:00 p.m.**

Meeting adjourned at 6:41 p.m.

JRA

CC: BCPC Members
BCC Members
Mayor
Clerk
City Attorney
Deputy Clerk
Fire Chief
Ass't. DPW Director
Flint Journal
Suburban News