

CITY OF BURTON PLANNING COMMISSION SPECIAL MEETING - JANUARY 15, 1977

MEMBERS PRESENT : L. Alward, H. Berry, M. Estep, K. Houston, B. Howlett, M. Martinson, J. Major, R. Miller, Mayor Wurtz and Attorney Dick Hamilton

Meeting called to order by L. Alward at 11:15 A. M.

L. Alward explained that this Special Meeting had been called for the Special Purpose of the Davison Hotline.

B. Howlett stated that before the meeting began she would like it on record that according to what the City Council had indicated in their meeting that the minutes were not correct. There is a possibility that a name was not correct but during the Planning Commission meetings much discussion is going on at the same time and there is a possibility the wrong name was inserted. However, the facts concerning the Site Plan presented to the Commission were correct and approved by the Commission as so.

Mayor Wurtz asked J. Major to explain what, if any changes, have incurred since the Planning Commission's original consideration. Then there are a few things that he stated he would like to see added to the conditions that are on the last page of the Site Plan.

J. Major stated that the Hot Line's proposed Site Plan had changed in the following ways. The designs meet our specifications, the lot size has been adjusted per the Road Commission records showing the correct size. This site plan is accurate. There was 53 Ft. shown in the dimensions on the lot - 70 ft is shown now. The lot size is 103 by 160. After you take out your 33 Ft. right-of-way and 17Ft. easement on Lapeer Road you end up with a 143 by 70 Ft. lot of usable, buildable space. At first there were to be four parking spaces and the present plan includes the removal of a garage on the property and the creation of six more parking spaces.

J. Major further stated that the recommendations of the DPW Department are the same as they were on the first Site Plan.

1. Install 5Ft. High Screened Fence along north and east property lines as per Ord. # 19 Sec. # 4.31 (Masonry Block Wall Rec'd)
2. Pave Parking area to City specifications, stripe parking spaces and provide bumper blocks as per ord. # 19, Sect. # 7.03 (8" Asph)
3. Install 5Ft. Wide concrete sidewalk along Genesee and Lapeer Roads.
4. Fence trash container, if used, as per Ord # 19, Sect. # 5.34.
5. Requirements of Genesee County Road Commission
6. Requirements of Fire Chief

(If the Second Floor is used for any other purpose than for storage a secondary entrance - exit will be required from said floor, built to the specifications as required by BOCA.)

The House would have to have an Inspection Prior to the issuance of an occupancy permit to take care of any deficiency which are in side the structure at that time, administratively by the Building Department.

R. Miller asked J. Major about barrier free designs and handicapped parking, etc.

J. Major stated he understood it would not be applicable to this because it is a non-conforming structure. He had talked it over with the Building Superintendent and he stated it would not come into effect. The structure would stay as it is. If they go there and gut the interior of the house, should that be in their plans, then barrier free through the Boca review would come into effect and this house would probably be reviewed by the Building Department for the BOCA, we wouldn't send it to Chicago for review.

M. Estep stated that No. 1 of the DPW recommendation stated to Install a 5Ft. high Screen Masonry fence. It has been a recommendation of this Board on all cases previous that this be recommend as not masonry but screen fencing. We are in the process of having

our Professional Planner, Brandon Rogers, delete this from our ordinance.

L. Alward stated we have ask the Professional Planner to deveate from the recommended Solid Wall and this procedure has not got back to us yet on our Plans.

J. Howlett asked Attorney Hamilton if this could be eliminated from the Site Plan until information is returned from the Professional Planner.

Attorney Hamilton stated until the Procedure is acted on by the Council in the appropriate period of time after publication, that this is the law of the City.

L. Alward asked if we could leave it to the wishes of the Council as to what type of fence they decide to allow if they allow it.

Attorney Hamilton advised the City Council doesn't have the right to waiver it either. Only the Zoning Board of Appeals. In other words, all we can say is we will approve the Site Plan as presented to us. If the Zoning Board of Appeals grants a variance of the requirement of the masonry fence and then if you wish you can make a gratuitous recommendation to the Zoning Board of Appeals to make the variance, and if they do make the variance, to make it in such a manner that you have some other type of barrier there.

M. Estep stated , I am merely asking that we recommend a waiver of the masonry type fence.

Michael Moore of the Hotline stated we are willing to go along with anything within reason. He further stated that there was a 4ft 10 in. high fence on the property and he would hate to have to tear it down for a 5ft one if not necessary. He stated maybe there is a way to add a couple of inches.

Attorney Hamilton advised that the Zoning Board of Appeals could issue a variance for the fence.

Michael Moore stated he would like to discuss and maybe it is not the right time and possibly a matter for the City Council, but he asked that we not recommend a 5ft wide sidewalk. He further stated they were in agreement for sidewalks (which was stated at previous meetings) for safety and other reasons but it is very difficult for a non-profit organization to be able to afford what they figure would be a thousand square feet of concrete. There is an existing 2foot sidewalk along 3/4 of the road at the present time. In the front yard there are two very nice big trees. They would hate to see the sidewalk do any damage to these.

H. Berry asked if the applicant understood the ordinance about the masonry fence.

Michael Moore stated we are aware if for some strange reason the Zoning Board of Appeals does not grant a variance with the masonry fence, they will comply.

Mayor Wurtz stated he wanted to get this Site Plan moving. He recommended not to waiver any side walk at this time and let it go to the council for their determination. But he would out of good common sense make recommendation that the masonry wall be waived. He further stated he had a few more conditions to be added to the last page of the Site Plan. If in agreement he would consider his remarks as a motion.

Bob Walls 1072 forest Ave. asked that the conditions be read for the record.

Mayor Wurtz stated the following.

7. Business Hours to terminate no later than 11:00 P. M. with no walk in clients
8. No over night stays or sleeping by any persons, client or otherwise.
9. No usage as Public Assembly Hall as stated by Burton Zoning Ordinance Under C-3.
10. No Drug Treatement services.

Mayor Wurtz stated what I am offering these very severe restraints, that evidentially due to the give and take of negotiations, much-much discussions, I think that there is

something that should satisfy at least to a large degree the Citizens concerned and also allow them to perform the services that they are most anxious and ready to perform.

Houston asked if he could go to the Zoning Board of Appeals for a variance on the sidewalk.

Attorney Hamilton stated, I don't think the zoning Board of Appeals can grant a variance for side walks.

J. Major said they cannot. We have a special assessment for sidewalks. The Road Commission will be the the one to govern where the side walk will be.

M. Estep advised Mr. Moore that it has been the procedure of the City Council these past months to include sidewalks anytime it lies within a mile of a school or main trunk line. The City Council has been requesting sidewalks for at least 6 months and it is not being put on the Hotline as an extra stipulation.

Michael Moore said he realized that, and that they wanted to do what is right.

Ray Miller asked how many parking spaces does the Plan allow for.

J. Major stated the ordinance requires 3 to 4, he now has ten.

K. Houston asked Attorney Hamilton, I feel a little guilty- I want to know what we violated if we had to come back and re do this again. I've been on the Planning Commission quite awhile and this is the first time we have ever done this. If we have done something wrong, I'd like to know it.

Attorney Hamilton, stated I don't think there is any question of violation.

Houston stated that in the future if these Site Plans are not correct we shouldn't send them to the City Council?

Attorney Hamilton stated that the Site Plan as presented before was on smaller, brownish paper. At the time the matter came up before the City Council that drawing was substituted by deeds and there was some changes made on it. Question because, were the changes significant or in significant? And he felt this was the primary reason why it came back to the Planning Commission. That along with some questions on where the edge of the road right-of-way layed in relation to the buildings.

K. Houston stated that at times we do accept the other peoples advice and send these plans on to the City Council. "To me it looks like we made a big Blunder and they sent it back to us and that is why I am asking if we did make a Blunder".

Attorney Hamilton stated I don't think that this is the implication, I think that what happened is there was some changes along the line after we had seen it that took place and I don't think there is any major implication that the Planning Commission committed any great Blunder.

Mayor Wurtz stated to Ken, that the issue got Politicized, lets face it for what it is, I won't beat around the bush.

M. Estep state I would like to say something as the Council Representative to the Planning Commission and vise versa. The first drawing that came before you, showed our ordinances required 4 parking spaces. The first diagram that came to this Planning Commission regardless of 7ft. or 3ft or 2ft. those four spaces complied with-in our ordinance for non-conforming use. This went before the Council, there was a parking question, they added up to the 10 spaces. This is over and beyond our ordinances, so therefore, I cannot see where the Planning Commission in anyway has errored in their duties, regardless of the controversy over the lot sizes, four parking spaces were very lonesome there when it can go up to ten. She further stated, "I do feel that the Planning Commission should not be used as a

Political football and as council representative on the Planning Commission I will not do th

L. Alward stated he would like to bring up something he noticed in the Council Meeting this morning. The word was used this morning as improper information, bringing back to the Planning Commission for us to build up our Site Plan Review on. Now this would have been a lot better if it had said inadequate. When you say improper to me this is blaming the departments up-stairs of not giving the right information. We are all subject to mistakes. So He felt the Planning Commission had inadequate information to build our Site Plan Review on and then nobody is to blame. He stated I don't think anybody is intentionally to blame for any of this thing. This word improper was used two or three times in the meeting this morning from the floor and otherwise.. Improper information to Mr. Alward, means to sort of and intentionally side tract to what we should have.

J. Major stated for the record, he would like to clear up one thing. This Site Plan could have been accurate. Our ordinance states that Site Plans do not have to be prepared by an architect, an engineer or a land surveyor. If you want to stop this don't let them come with their own home made drawings. You should amend the ordinance 19 to require it should be made by an Architect, An Engineer or a Land Surveyor. That stops it right there and you would get the type of drawing wanted.

L. Alward state that wouldn't impose on the people of Burton another expense to do things that they haven't had to do up to now. We don't want to add on more hardships.

J. Majors stated that drawings will be inadequate if you do not.

Mayor Wurtz stated before any motion I would like to run over things.

No. 1 to read leaving in masonry block wall but adding the stipulation, the Planning Commission recommends screen fence as being the proper barrier. No.'s 2 through 6 is printed and No's 7 through 10 as stated previously in the meeting.. I would like th. as a motion if agreed.
Support by M. Estep.

Michael Moore wanted to get straight on the language of the first one added by the Mayor. He stated we never really have business hours. There would be no public activity or classes after 11:00 P. M. However, that is not to say that some time in the future that they might expand, where as they would have one person to be there during the night to answer the phone. At present time we have an answering service. He further stated I would not want anyone to come back later and misconstrue that.

L. Alward asked for a vote on the Mayor's Motion, which had been supported by M. Estep. All Ayes, No Nays. Motion carried.

Motion by Estep, support by Howlett to adjourn.

Meeting adjourned by L. Alward.

Respectfully submitted,

Betty A. Howlett,
Deputy Clerk
City of Burton Planning Commission.

Tape of complete meeting on file at the Burton City Hall.