

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
July 18, 2013

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular and Closed Sessions of June 20, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Approve contract proposal as recommended by staff for the rebuild of an incline pump at the City's Wastewater Treatment Utility Plant and in accordance with the City Attorney's recommendation for a related approval motion
9. Consider approval of the Mayor's recommended appointment to fill a vacancy on the DDA Board
10. Consider approval of the Mayor's recommended reappointments to the DDA Board
11. Consider approval of the Mayor's recommended reappointment to the Planning Commission
12. Consider approval of staff's recommendation to set the date of August 1st for a public hearing for close-out report on MEDC grant project
13. Consider approval of the Arts & Culture Commission's recommendation to approve accept the [donation of a sculpture from the Fisher family to be located on the round pedestal on St. Paul Street sidewalk](#)
14. Consider approval of the Arts & Culture Commission's recommendation to approve/accept the [donation of a sculpture from the Barton family by artist Mike Monroe called "Blue Heron" to be located at the former location of Mr. Monroe's "It's A Keeper" sculpture](#)
15. [Equip/gt "capproval" redevelopment liquor license application for the Mi Zarape IV Corporation at 101 Brookside Lane as recommended by staff](#)
16. [Equip/gt "capproval" redevelopment liquor license application for the Kathleen's Cookies LLC at 139 E. Grand River as recommended by staff](#)
17. Consider [site plan amendment approval for St. Paul Episcopal Church at 200 W. St. Paul](#) as recommended by the Planning Commission
18. Consider [site plan approval for the 225 Building at 225 W. Grand River](#) as recommended by the Planning Commission
19. Consider [site plan approval for the East Main Salon and Spa at 114 E. Main Street](#) as recommended by the Planning Commission

20. Consider approval of a Resolution amending the SELCRA Articles of Incorporation.

Policy Development & Customer Communications' action item

21. Consider approval of language drafted by the City Attorneys as requested by the City Council for a possible Headlee Millage Lid Override Ballot proposal for the November, 2013 election

22. Conduct public hearing to receive input regarding a [temporary land use permit application for fresh produce sales at the Ciao Amici's restaurant](#) and then consider a motion to approve the temporary land use permit application (per current ordinance regarding temporary land use permits)

23. Conduct public hearing for the second reading of a [proposed ordinance to amendments to Chapter 98, Article I. In General, Section 98-3. Definitions, Chapter 98, Article XXIV. Boards of Appeal, Section 98-687. Jurisdiction, and Chapter 98, Article XXV. Temporary Land Uses, Section 98-700. Temporary land uses](#) and then consider approval of the amendments.

24. `Eqpukf gt "c"o qvqp "q"r tqxkf g"fk gevkqp "q"vj g'Ekf "O cpci gt "tgi ctf lpi "gzkupi "eqwv'qtf gtuy j lej "ukr wrcvg"ur gekle"
*****tgutlevkpu"qp"uqtcig"cpf "wugu"cv'c"dwukpgu'r tqr gt v{ "mqecvgf "qp"G0I tcpf "Tkgt"Cxgpwg"`

25. Consider approval of a recommended pavement maintenance contract award for Grand River Avenue pavement cracksealing and the repair & repaving of the “Creamery” parking lot

Other Business

26. Information for City Customers

27. Receive updates from Council Member Liaisons to other Boards and Commissions

28. Call to the Public

29. Consider closed session as may be requested by the City Attorney

30. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JUNE 20, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Councilmembers Bohn, Schillinger, Bandkau, Roblee and Pipoly. The Council reviewed the evening's agenda.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Schillinger, Roblee and Bohn. Also in attendance were Attorneys Paul Burns and Brad Maynes, Staff members Dana Foster, Dave Blackmar, Denise Meier, Jennifer Burke, Amy Cyphert and Tom Wightman and an audience of 21. Press and Media included Jim Totten of Livingston County Press & Argus and Tom Tolen of WHMI.

It was moved by Councilmember Roblee, seconded by Pipoly to excuse Mayor Pro-Tem Cooper from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved by Councilmember Roblee, seconded by Bohn to approve the agenda as amended. Move from Consent Agenda to Action Agenda item #13, Surveillance Camera System. Move item #18, Property Purchase before item #15, DBD Zoning District. Add item #23a, Tax Tribunal Closed Session and item #23b, Closed Session Action. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Regular Meeting minutes of June 6, 2013 as presented. Motion passed 5-0-1-1, with Councilmember Schillinger abstaining.

CITY EMPLOYEE RETIREMENT

City Manager, Dana Foster read and presented a Proclamation to John McLean for his 26 years of service to the City of Brighton.

CITIZEN INQUIRIES

Mayor Muzzin read a Citizen Inquiry from Patricia Cole regarding the Senior Citizen section of the City's website and to list what services are offered whether City funded or not.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:44 p.m. The following comment was heard:

Patricia Cole asked what senior services are offered by the City and SELCRA and why are funds not being given to Senior Center.

Hearing no further comment, Mayor Muzzin closed the Call to the Public at 7:47 p.m.

CONSENT AGENDA

It was moved by Councilmember Roblee, seconded by Bandkau to approve the Consent Agenda as presented. A roll call vote was taken. Yes: Bohn, Muzzin, Schillinger, Bandkau, Roblee, Pipoly. No: none. Motion passed 6-0-1.

The following items were approved:

1. Approved Resolution 13-11, To commit fund balance for future capital improvements including equipment replacement.
2. Approved the Civic Event application for the MPG Dream Ride for Special Olympics.
3. Approved the year-end budget amendment for Fiscal Year 12-13.
4. Approved Resolution 13-12, Annual Fee Schedule for Fiscal Year 13-14.

DOWNTOWN SURVEILLANCE CAMERA BID AWARD

It was moved by Councilmember Roblee, seconded by Pipoly to approve the Downtown Surveillance Camera Bid Award to Security Designs, Inc with Dell equipment. Motion passed 6-0-1.

RESIDENTIAL RENTAL INSPECTION PROGRAM PUBLIC HEARING AND SECOND READING

Mayor Muzzin opened the Public Hearing for the proposed Residential Rental Inspection Program Ordinance at 7:55 p.m. Hearing no comment, the Public Hearing was closed.

It was moved by Councilmember Pipoly seconded by Bandkau to approve Second Reading of the proposed Residential Rental Inspection Ordinance addition to Chapter 18 of the existing City Ordinance. A roll call vote was taken. Yes: Schillinger, Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Motion passed 6-0-1.

PURCHASE OF PROPERTY

City Manager, Dana Foster briefed the Council on the proposed Resolution to authorize City Staff to submit an application and minimum bid amount for the purchase of 1517 Whispering Oaks Drive from the State of Michigan.

Planning & Zoning Director, Amy Cyphert briefed Council on the bidding process and options for redevelopment of site.

It was moved by Councilmember Pipoly, seconded by Roblee to approve Resolution 13-13, Authorizing City Staff to submit an application and minimum bid amount for the purchase of 1517 Whispering Oaks Drive from the State of Michigan. The purchase of the home may result in the following:

Allowing the City to purchasing the property may result in the following:

1. Removal of the home that has been condemned since April 2011 or remodel of the existing home to abate the code violations.
2. Resolution of the neighbors' complaints about the house condemnation not being resolved.
3. Keeps the home from sitting condemned for an unknown period.
4. Construction of a new single family house that will be fit for occupancy.
5. Improve the neighborhood.

A roll call vote was taken. Yes: Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: Schillinger. Motion passed 5-1-1.

Manager Foster thanked Matt Modrack and Amy Cyphert for their teamwork on this application especially in such a short time frame of the required submittal to the State of Michigan.

DBD ZONING DISTRICT PERMITTED USES

It was moved by Councilmember Bohn, seconded by Bandkau to untable the DBD Zoning Districts permitted uses from the June 6, 2013 City Council meeting. Motion passed 7-0.

Attorney Burns briefed Council that he sent a letter to Attorney Dave Johnson and also made contact with him to advise him to attend the City Council Meeting. Nobody was present to represent Pawsitively Spoiled.

HEADLEE MILLAGE LID OVERRIDE BALLOT PROPOSAL

City Manager, Dana Foster discussed the options regarding a possible Headlee Millage Lid Override Ballot proposal for the November, 2013 election. He gave an overview of the 6-year financial summary with the pay as you go capital equipment as well as a 5-year phase in plan with the proposed uses of increased annual millage revenue. He discussed Councilmember Bohn's proposal.

There was Council discussion regarding the northwest neighborhood quadrant curb & gutter, a "hybrid" type plan, voters need know specifically what they are voting for, the possibility of shortening the list, refuse millage elimination.

It was the consensus of Council for the City Attorney to work on a ballot proposal with a specific outline.

INCLINE PUMPS AT THE WASTEWATER TREATMENT PLANT

City Manager, Dana Foster introduced Utility Superintendent Tim Krugh, stating Tim has been with the City for 26 years.

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Utilities Superintendent, Tim Krugh gave a slide presentation regarding the pending need and competitive bidding process for the replacement of incline pumps at the City's Wastewater Treatment Utility Plant. He explained the rebuild of the pump and the process and the need for repair.

Councilmember Pipoly expressed his concerns regarding a current emergency situation with one of the two pumps being down.

It was moved by Councilmember Bandkau, seconded by Bohn, to authorize the City Manager to execute a contract with Kennedy Industries, after the City Attorney's review, if it is necessary to do before the next City Council meeting and if it is not necessary then come back to City Council on July 18th for review and final contract approval for the pump rebuild. Motion passed 5-1-1, with Councilmember Pipoly voting "no".

City Council commended Utilities Superintendent, Tim Krugh for evaluating all options to save the City funds.

CITY CUSTOMER INFORMATION

City Manager, Dana Foster stated that due to a \$90,000 availability of year-end major street funds, he will be directing Assistant Department of Public Services Director, Dave Blackmar to obtain bids for Grand River Avenue crack sealing and repaving of the "Creamery" parking lot behind the courthouse for possible City Council approval at the July 18th Council meeting.

Councilmember Bandkau gave a Veteran's Memorial update.

Councilmember Roblee stated the installation of the Inside/Out exhibit pieces will be placed June 28th and July 12 is the Taste of Brighton Civic Event to enjoy music and restaurants in the City.

Councilmember Pipoly stated there is a vacancy on the DDA from Greg Strauss' resignation and the DDA covered \$1,200 in expenses for the Brighton Library lighting fixtures.

Mayor Muzzin stated there will be a DDA Board appointment at the next City Council meeting and stated the Brighton Area Fire Department amended their budget.

City Manager, Dana Foster briefed the Council and Citizens of the passing of Rick Fons of Fonson Construction, stating the significant loss in the community and that Fonson Construction has been of great service to the City for City construction projects and for the community.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:49 p.m. The following comment was heard:

Pat Cole expressed her concerns regarding the Senior Center, youth activity and SELCRA and the rental ordinance. She expressed her displeasure with the purchase of the Whispering Oaks property and stated the election in November should have no political campaigning under Call to The Public and should only be limited to citizens in our City.

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Isabelle Yardley stated SELCRA is expensive, the Millpond is beautiful, the statue should be removed and to relocate the Veterans Memorial to the center of millpond.

Hearing no further comment, the Call to the Public was closed at 9:55 p.m.

PENDING NEGOTIATIONS CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Bandkau to go into Closed Session to discuss the status of pending negotiations with the City's four collective bargaining units pursuant to MCL 15.268(c). A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 9:56 p.m.

The Council reconvened the Regular Session at 10:10 p.m.

PENDING NEGOTIATIONS CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Bandkau to approve the proposed labor contract changes for Clerical Collective Bargaining Unit, as contained in the tentative agreement presented and to authorize the Mayor and City Clerk to execute the collective bargaining agreement incorporating such changes. Motion passed 6-0-1.

It was moved by Councilmember Roblee, seconded by Pipoly to approve the proposed labor contract changes for Department of Public Services Collective Bargaining Unit, as contained in the tentative agreement presented and to authorize the Mayor and City Clerk to execute the collective bargaining agreement incorporating such changes. Motion passed 6-0-1.

It was moved by Councilmember Pipoly, seconded by Bohn to approve the proposed labor contract changes for Patrol Officers Collective Bargaining Unit, as contained in the tentative agreement presented and to authorize the Mayor and City Clerk to execute the collective bargaining agreement incorporating such changes. Motion passed 6-0-1.

It was moved by Councilmember Bohn, seconded by Pipoly to approve the proposed labor contract changes for Command Officers Collective Bargaining Unit, as contained in the tentative agreement presented and to authorize the Mayor and City Clerk to execute the collective bargaining agreement incorporating such changes. Motion passed 6-0-1.

PENDING MTT LITIGATION CLOSED SESSION

It was moved by Councilmember Pipoly, seconded by Bandkau to go into Closed Session to discuss pending Michigan Tax Tribunal litigation pursuant to MCL 15.268(e). A roll call vote was taken. Yes: Schillinger, Bohn, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Cooper. Motion passed 6-0-1.

The Council convened into Closed Session at 10:15 p.m.

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The Council reconvened the Regular Session at 10:19 p.m.

PENDING MTT LITIGATION CLOSED SESSION ACTION

It was moved by Councilmember Roblee, seconded by Bohn to approve the proposed settlement for the Aberdeen Michigan Tax Tribunal litigation. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Bohn, seconded by Pipoly to adjourn the meeting at 10:20 p.m. Motion passed 6-0-1.

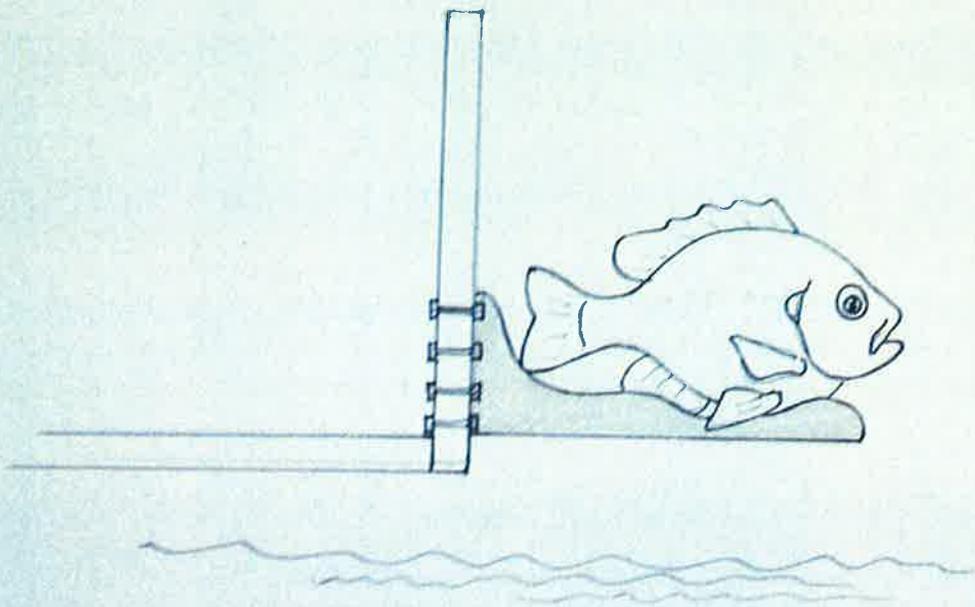
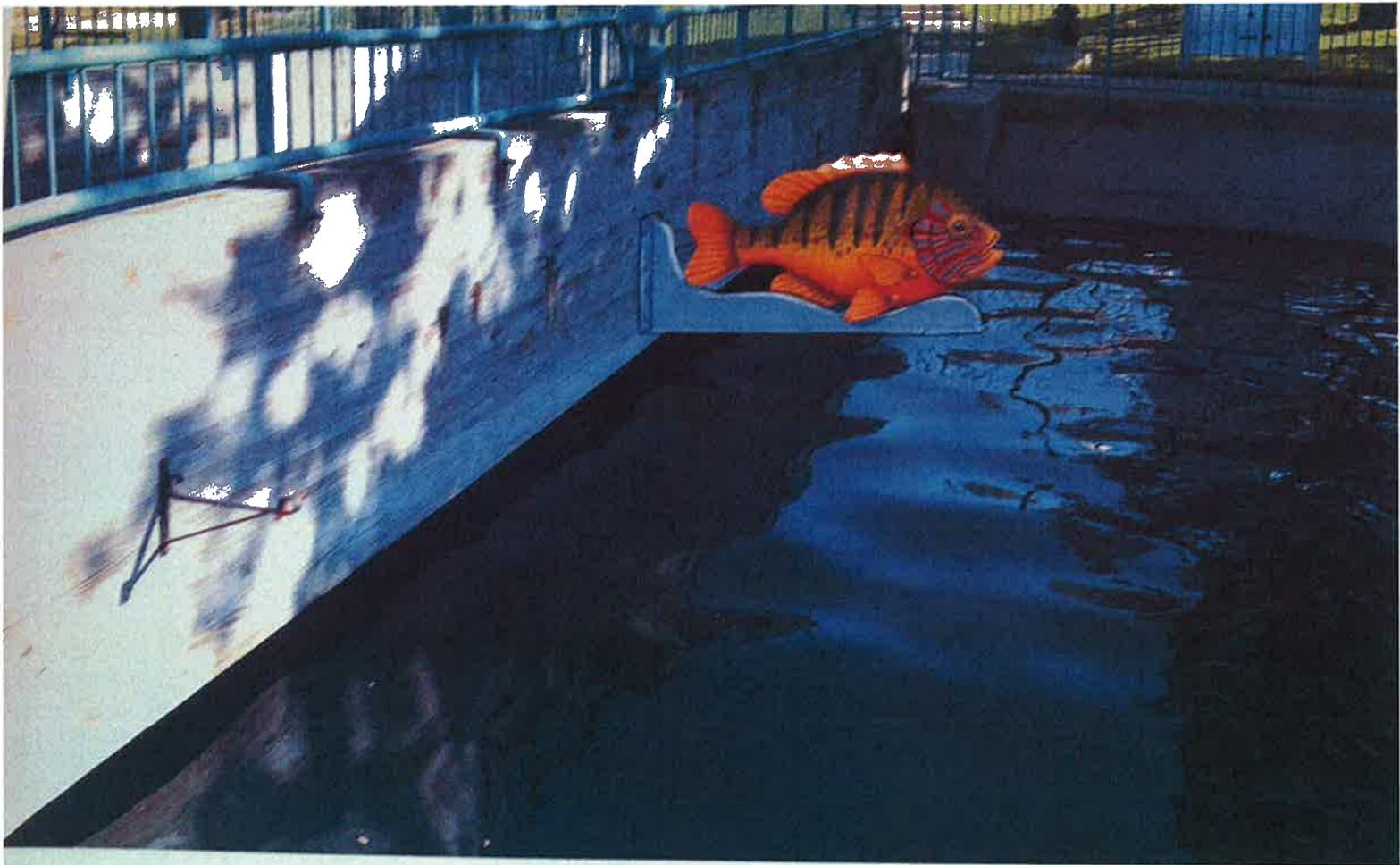
Jennifer Burke, Deputy City Clerk

Jim Muzzin, Mayor

Diana Lowe, City Clerk







POLICY REPORT NO. CD-13-02

Request from Seth P. Tompkins, on behalf of Mi Zarape IV Corporation, 101 Brookside Dr., Suites L/M, Brighton, Michigan for City Council Approval to make Application to the Michigan Liquor Control Commission for a Class C Liquor License with a Sunday Sales Permit (PM) pursuant to Public Act 501 of 2006 (Development District Liquor Licenses) and Specifically the Provisions of 436.1521a(1)(b) of the Michigan Compiled Laws.

July 18, 2013

Prepared by:

**Lauri French, Deputy Dir.,
Community Dev., Planning & Zoning**

Reviewed by:

**Matthew Modrack, DDA
Exec. Dir., C/D Dir.**

Approved by:

**Dana W. Foster
City Manager**

The Request:

Seth P. Tompkins, attorney at Sullivan, Ward, Asher & Patton, PC, is requesting City Council approval to make application to the Michigan Liquor Control Commission for a Redevelopment Liquor License with Sunday Sales Permit (PM) pursuant to Public Act 501 of 2006 in order to provide liquor service for his client, Mi Zarape IV Corporation, located at 101 Brookside Dr., Suites L/M, in the location formerly occupied by Ollie's/Table 7. The redevelopment liquor license formerly held by Ollie's/Table 7 was surrendered to the Liquor Control Commission when Table 7 closed in November 2012.

Mi Zarape is a family-owned restaurant featuring Mexican and Tex-Mex cuisine in a casual dining atmosphere. The location in Brookside Mall will be their fourth restaurant; the other locations are in Pontiac, Saline and Ann Arbor.

This request comes to the City subsequent to the City Council action on April 5, 2007 establishing the Downtown Development Authority district as the City's "Development Authority District" as required by the provisions of Section 521a(1)(b) of the new law.

Submittal Requirements:

In order to qualify for consideration by the Michigan Liquor Control Commission for a Redevelopment License the owner of Mi Zarape IV Corporation must meet certain minimum requirements:

1. The subject business must be located within an established Development District, which in this case, is the City's DDA district. *The subject site, 101 Brookside Dr., Suites L/M, is located in the within the City's DDA.*
2. The applicant must have expended at least \$75,000 for the rehabilitation or restoration of the building, or committed the same amount for capital investment. *The applicant is a tenant in the Brookside Mall and the building owner has expended in excess of \$100,000 for tenant build out at this location since 2010.*
3. The applicant must demonstrate that the business has a seating capacity of not less than 25 persons. *The current seating capacity is 150.*

4. The total private/public investment in the Development Authority District is at least \$200,000 over the preceding five-year period. *The public/private investment in the City's selected Development Authority District was recently updated for the period January 1, 2007 through December 31, 2011. The investment totals \$18.9 million and was confirmed by the City Assessor per the attached affidavit.*

Mi Zarape IV Corporation appears to meet the minimum requirements for consideration by the LCC for a Redevelopment Liquor License within an established Development District.

Local Policy Guide:

On December 18, 2008 the City Council adopted Resolution 08-33, a policy guide for consideration of applications for liquor licenses pursuant to Act 501 of 2006. This resolution is comprised of four benchmarks for consideration:

1. The request is a use permitted by right in the C2 zoning district. *Brookside Mall is zoned C-2 which permits C-1 land uses including restaurants per Section 98-317 (14).*
2. The request is supported by the Master Plan, DDA Development Plan, Downtown Blueprint, PSD Tactical marketing Plan, or other development guides applicable to the Development District. *Restaurant uses are specifically targeted as desirable businesses in the 2003 Downtown Blueprint, Master Plan and PSD Tactical Marketing Plan.*
3. The applicant does not have any current or outstanding code violations. *Jim Rowell, Livingston County Building Official, has advised that a building permit was pulled by the former tenant for construction of a handicap ramp and steps. Mr. Rowell has informed us that the steps need to be re-done prior to issuing a Certificate of Occupancy for the new tenant. We have notified the tenant and landlord of the situation and that they should contact Mr. Rowell for specifications for repair of the steps. Council may want to consider approval of the redevelopment liquor license application with the condition that the repairs be made prior to issuance of a Certificate of Occupancy for the tenant, Mi Zarape IV Corporation.*
4. The applicant does not have any outstanding City taxes or other City fees. *Mi Zarape does not have any outstanding City taxes or other City fees. However, the former tenant at this location, Table 7, has an outstanding personal property tax liability owing to the City in the amount of \$853.25 as of July 1, 2013. Mi Zarape's Lease Agreement with Brookside Development Co., LLC stipulates that the Landlord is responsible for payment of all taxes and assessments levied on the premises and the Tenant shall not be responsible for any interest, late charge or other penalty resulting from Landlord's late or non-payment of any taxes, assessments or any other administrative or other charge.*

Based on the foregoing, Community Development & Planning staff concludes that Mi Zarape IV Corporation meets the local criteria for consideration for a Redevelopment Liquor License pursuant to Resolution 08-33 adopted December 18, 2008.

Staff Recommendation:

This office recommends that City Council support and approve the request from Seth P. Tompkins on

behalf of Mi Zarape IV Corporation at 101 Brook side Dr., Suites L/M, for a Redevelopment Liquor License with Sunday Sales Permit (PM) based on the following:

City Council approval at this stage of the process enables Mi Zarape IV Corporation to submit their application and required documentation to the Liquor Control Commission in order for the LCC to begin their standard investigation. The Brighton Police Department has advised that its background investigation is pending as they are awaiting information from the applicant. Mr. Tompkins noted that Mi Zarape did not have any difficulty obtaining the liquor licenses at their other three locations.

Relationship to 2012/13 Adopted Council Goals:

Council action will advance City Council's goal of maintaining a "Business Friendly" posture and fits neatly into the MML-endorsed "**Eight Assets for 21st Century Communities**" used to develop Council's 2013 goals at the retreat in November 2012.

Budget Impact:

To the extent that the applicant has identified wine and beer services as a necessity for a successful restaurant, the requested action could have a positive impact on the tax base for the City as well as enhancing the State revenue from liquor sales taxes.

Recommended Council Action:

To pass the accompanying resolution which approves Mi Zarape IV Corporation, 101 Brookside Dr., Suite L, Brighton, MI for a Redevelopment District Liquor License pursuant to PA 501 of 2006.

Attachments:

Correspondence from Seth P. Tompkins dated June 13, 2013
Affidavit of Public and Private Investment dated December 20, 2012
Resolution No. _____

SULLIVAN, WARD, ASHER & PATTON, P.C.

ATTORNEYS AND COUNSELORS AT LAW



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25800 NORTHWESTERN HIGHWAY
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ROBERT E. SULLIVAN, SR. (1922-1998)
DAVID M. TYLER (1930-2002)
RICHARD G. WARD (RETIRED)

SETH P. TOMPKINS
sptompkins@swappc.com
(248) 746-2729

June 13, 2013



City of Brighton
Lauri French, Deputy Director
Community Development, Planning & Zoning
200 N. First St.
Brighton, MI 48116

Re: Application for new economic development liquor license for Mi Zarape IV Corporation

Lauri,

Thanks so much for talking to me this morning. I have literally thrown together a new application for a license, and I hope that I have all the information.

I was not able to get new signatures on this application, but since the information was identical to the last application, I simply attached a copy of the prior application's signature page.

You will find attached:

1. Application for liquor license
2. Lease agreement
3. Articles of Incorporation

4. \$250.00

Please contact me to coordinate any other documents required by the City of Brighton (or to arrange for fingerprints, etc.)

Thank you.

Very truly yours,

Seth P. Tompkins
Sullivan, Ward, Asher & Patton, P.C.
Attorneys for Mi Zarape IV Corporation

AFFIDAVIT OF PUBLIC AND PRIVATE INVESTMENT
IN THE QUALIFIED DEVELOPMENT DISTRICT AREA
FOR THE CITY OF BRIGHTON

I, Colleen D. Barton, am the City Assessor for the CITY OF BRIGHTON. I have examined the assessment records, accounting records and building permit records for the City of Brighton and made the following determination as to the public and private investment in the City of Brighton qualified development district (Downtown Development Authority District). Based on my review of these records, I have determined that the total amount of public and private investment in real and personal property within the qualified development district over the preceding five (5) year period, January 1, 2007 through December 31, 2011, is \$18,931,838, an amount that exceeds the minimum required by Public Act 501 of 2006m, Section 521a(1)b. I have made this determination to the best of my knowledge and ability on this day of December 20, 2012, in Livingston County, Michigan.

CITY OF BRIGHTON
A Michigan Home Rule City

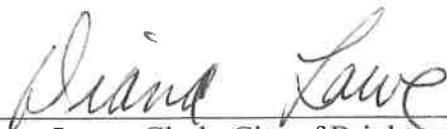
December 20, 2012



Colleen D. Barton, Assessor

I hereby certify that I have read the foregoing Affidavit and find it to be a true determination made by our City Assessor of the public and private investment in the City of Brighton qualified development district based on assessment records, accounting records and building permit records for the period January 1, 2007 through December 31, 2011 to the best of my knowledge on this 20th day of December, 2012 in Livingston County, Michigan.

SEAL



Diana Lowe, Clerk, City of Brighton
200 N. First St., Brighton, MI 48116
810-227-0463

Liquor Control Commission
 Development District Area
 City of Brighton - Public/Private Investment
 January 1, 2007 through December 31, 2011

<u>Parcel I.D.</u>	<u>Project</u>	<u>Address</u>	<u>Value</u>
<u>Private Investment (Real Property)</u>			
4718-30-304-008	RTA Properties Tenant Buildout	132 W. Main St.	\$40,000
4718-30-306-049	Stonefire Bistro	440 W. Main St.	560,000
4718-31-401-005	Blue Water Medical Distrib.	81 Summit	140,000
4718-19-300-029	IHOP (Tenant Buildout)	8075 Nemco Way	90,000
4718-25-203-003	High Pointe Office Buildout	1050 Charles Orndorf	308,640
4718-30-100-002	Starbuck's/Olga's	8481/8485 W. Grand River	365,000
4718-30-100-087	TCF Bank (New)	8610 W. Grand River	1,108,000
4718-30-100-088	Big Boy Restaurant Façade	8510 W. Grand River	110,000
4718-30-303-056	Tim Horton's/Country Lane Flowers	222 W. Grand River	462,000
4718-30-308-025	Masonic Lodge Façade	315 W. North St.	98,000
4718-30-308-095	Buon Gusto Patio Addition	501 W. Main St.	2,000
4718-30-308-104	Two Brothers Coffee Tenant Buildout	423 W. Main St.	100,000
4718-31-104-032	Rotterdam Jewelers-Façade	101 E. Grand River	217,050
4718-32-300-003	A&H Transmission remodel	9818 E. Grand River	40,000
4718-30-300-024	Corrigan Oil-Façade/Addition	775 S. Second	244,200
4718-30-304-004	RTA Properties Tenant Buildout	128 W. Main St.	2,100
4718-30-304-010	Baidel Properties Tenant Buildout	116 W. Main St.	15,000
4718-30-306-058	421 Millpond Lane Tenant Buildout	421 Millpond Lane	10,000
4718-30-306-061	Sagano Japanese Bistro Buildout	314 W. Main St.	616,000
4718-31-104-035	Stout's Pub-Patio Addition	125 E. Grand River	80,000
4718-31-104-044	Leaf, Barley & Vine (Remodel)	139 E. Grand River	150,000
4718-19-300-024	Panera Drive-Thru Addition	8365 W. Grand River	45,000
4718-30-100-051	Brighton Commons Tenant Buildout	8671 W. Grand River	55,000
4718-30-100-080	Lil Chef (Tenant Buildout)	101 Brookside A	120,000
4718-30-100-086	Meijer Store Remodel	8650 W. Grand River	3,405,000
4718-30-103-004	Grand Medical Building	8542 W. Grand River	38,000
4718-30-304-016	205 West (New)	205 W. Grand River	940,000
4718-25-100-013	Willowbrook Addition	7200 Challis Rd.	1,745,292
4718-30-102-018	Studio West Tenant Buildout	111 S. West St.	70,000
4718-30-304-011	106 W. Main Remodel	106 W. Main St.	60,000
4718-30-304-036	The Wooden Spoon (Remodel)	675 W. Grand River	125,000
4718-30-306-060	Elite Feet Tenant Buildout	328 W. Main St.	55,000
4718-30-308-018	Fifth Third Bank Façade/Landscaping	300 W. North St.	277,000
4718-30-308-044	The White Dress (Tenant Buildout)	209 W. Main St.	65,000
4718-31-102-018	Bagger Dave's/Façade (Buildout)	110 E Grand Rvr	575,000
4718-31-102-026	The Pound (Buildout)	139 W. Main St.	<u>360,000</u>
Total Private Investment-Real Property			\$12,693,282

Liquor Control Commission
 Development District Area
 City of Brighton - Public/Private Investment
 January 1, 2007 through December 31, 2011

Private Investment (Personal Property)

4718-99-002-728	Stonefire Bistro	440 W. Main St.	\$92,680
4718-99-002-732	Downtown Main	201 W. Main St.	65,000
4718-99-002-748	Sudz So Clean Laundry	302 Brookside Ln.	75,000
4718-99-002-807	IHOP	8075 Nemco Way	177,240
4718-99-002-811	DTI Dental Laboratories, Inc.	1068 Charles Orndorf	100,000
4718-99-002-829	Olga's Kitchen	8485 W. Grand River	177,050
4718-99-002-832	Starbucks	8481 W. Grand River	65,420
4718-99-002-833	Pi's Asian Cuisine	8262 Cross St.	72,250
4718-99-002-837	Two Brothers Coffee	423 W. Main St.	35,980
4718-99-002-897	Honda of America Mfg., Inc.	740 Advance St.	462,480
4718-99-002-900	Stouts Irish Pub	125 E. Grand River	72,210
4718-99-003-012	Ollie's Lebanese Cuisine	101 Brookside Ln Ste. L	67,000
4718-99-002-912	Oh My Lolli	421 W. Mill Pond A	18,390
4718-99-002-921	Tim Hortons USA, Inc.	300 W. Grand River	154,500
4718-99-002-924	Sagano Japanese Steakhouse	312 W. Main St.	163,260
4718-99-002-929	Leaf, Barley & Vine	139 E. Grand River	19,880
4718-99-000-595	Meijer Store Remodel	8650 W. Grand River	815,380
4718-99-003-091	Bagger Dave's	110 E. Grand River	390,110
4718-99-003-102	Elite Feet	328 W. Main St.	5,000
4718-99-003-103	The Wooden Spoon	675 W. Grand River	33,710
4718-99-003-128	Talula Boutique	106 W. Main St.	5,000
4718-99-003-129	Sassafrass Gifts	106 W. Main St.	5,000
4718-99-003-133	The White Dress	209 W. Main St.	3,660
4718-99-003-145	Readdy Boutique	120 W. Main St.	<u>5,000</u>
	Total Private Investment-Personal Property		\$3,081,200

Public Investment

Flower Program	DDA District	\$200,000
St. Paul St. Parking Lot/Streetscape	DDA District	300,000
Main Four Streetscape	DDA District	456,538
Orndorf Street Improvement	DDA District	585,787
Second St. Parking Lot	DDA District	180,434
Millpond Bypass Sewer Project; Main St. Mill & Fill	DDA District	404,792
Cemetery Parking Lot/Streetscape	DDA District	455,067
West St. Parking Lot	DDA District	106,438
131 Hyne Property Acquisition	DDA District	450,000
131 Hyne Demolition	DDA District	<u>18,300</u>
Total Public Investment		\$3,157,356

Grand Total **\$18,931,838**

RESOLUTION #13-_____

At a _____ regular _____ meeting of the _____ Brighton City Council _____

called to order by _____ Mayor Jim Muzzin _____ on _____ July 18, 2013 _____ at _____ 7:30 p.m. _____

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____ Mi Zarape IV Corporation _____ for the following license(s): Class C non-transferable license with a Sunday Sales Permit (PM) under MCLA 436.1521a(1)(b)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____

To be located at _____ 101 Brookside Dr., Suites L/M Brighton, MI 48116 _____

To be considered for _____ approval _____ "above all others" _____

Approval _____ Disapproval _____

Yeas: _____

Yeas _____

Nays: _____

Nays _____

Absent _____

Absent _____

It is the consensus of this body that it _____ Recommends _____ this application be considered for
(Reco mmends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is a true and is a complete copy of the resolution offered and adopted by the

Brighton City Council at a _____ regular _____ meeting held on July 18, 2013.
(regular or special)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____

POLICY REPORT NO. CD-13-03

Request from Kathleen McKay, Owner, Kathleen's Cookies, LLC, 139 E. Grand River, Brighton, Michigan for City Council Approval to make Application to the Michigan Liquor Control Commission for a Class C Liquor License with Outdoor Service and a Sunday Sales Permit (PM) pursuant to Public Act 501 of 2006 (Development District Liquor Licenses) and Specifically the Provisions of 436.1521a(1)(b) of the Michigan Compiled Laws.

July 18, 2013

Prepared by:

**Lauri French, Deputy Dir.,
Community Dev., Planning & Zoning**

Reviewed by:

**Matthew Modrack, DDA
Exec. Dir., C/D Dir.**

Approved by:

**Dana W. Foster
City Manager**

The Request:

Kathleen McKay, owner of Kathleen's Cookies, LLC located at 139 E. Grand River, is requesting City Council approval to make application to the Michigan Liquor Control Commission for a Redevelopment Liquor License pursuant to Public Act 501 of 2006 in order to provide liquor service for her existing business, which currently sells baked goods and other commodities. Ms. McKay has made several interior and exterior improvements to the former Leaf, Barley & Vine building, and is also requesting an Outdoor Service Permit and Sunday Sales Permit (PM). Ms. McKay would like to be able to provide her customers with a glass of wine or other alcoholic beverage to accompany their desserts.

As Council is aware, Ms. McKay was one of four applicants for an additional quota license that was awarded to Scotty Simpson's (Gen-Jan) on February 7, 2013. Ms. McKay has attempted to purchase one of three escrowed licenses in Livingston County, but none of the current owners wanted to sell their licenses at this time.

This request comes to the City subsequent to the City Council action on April 5, 2007 establishing the Downtown Development Authority district as the City's "Development Authority District" as required by the provisions of Section 521a(1)(b) of the new law.

Submittal Requirements:

In order to qualify for consideration by the Michigan Liquor Control Commission for a Redevelopment License the owner of Kathleen's Cookies, LLC must meet certain minimum requirements:

1. The subject business must be located within an established Development District, which in this case, is the City's DDA district. *The subject site, 139 E. Grand River, is located within the City's DDA.*
2. The applicant must have expended at least \$75,000 for the rehabilitation or restoration of the building, or committed the same amount for capital investment. *The applicant has advised that her recent investment in the building totals over \$100,000.*
3. The applicant must demonstrate that the business has a seating capacity of not less than 25 persons. *The current seating capacity exceeds the minimum of 25 persons.*

4. The total private/public investment in the Development Authority District is at least \$200,000 over the preceding five-year period. *The public/private investment in the City's selected Development Authority District was recently updated for the period January 1, 2007 through December 31, 2011. The investment totals \$18.9 million and was confirmed by the City Assessor per the attached affidavit.*

Kathleen's Cookies, LLC appears to meet the minimum requirements for consideration by the LCC for a Redevelopment Liquor License within an established Development District.

Local Policy Guide:

On December 18, 2008 the City Council adopted Resolution 08-33, a policy guide for consideration of applications for liquor licenses pursuant to Act 501 of 2006. This resolution is comprised of four benchmarks for consideration:

1. The request is a use permitted by right in the DBD or business zoning district. *The subject location is zoned DBD and the proposed use is specifically permitted by right per Sec. 98-462 a (1) a.*
2. The request is supported by the Master Plan, DDA Development Plan, Downtown Blueprint, PSD Tactical marketing Plan, or other development guides applicable to the Development District. *Restaurant and unique gift uses are specifically targeted as desirable businesses in the 2003 Downtown Blueprint, Master Plan and PSD Tactical Marketing Plan.*
3. The applicant does not have any current or outstanding code violations. *Renee Leija, Building Clerk, advises that the subject site does not have any outstanding code violations.*
4. The applicant does not have any outstanding City taxes or other City fees. *The applicant, Kathleen's Cookies, is a tenant in a building owned by GS Advisors, LLC, and the building is in the process of being sold to another owner. GS Advisors, LLC owes real property taxes for tax years 2010, 2011 and 2012 which have been turned over to the County for collection. In addition, delinquent utility charges in the amount of \$14,354.41 were added as a lien to the summer 2013 tax bill for GS Advisors, LLC; the amount includes unpaid tap-in fees as well as water and sewer charges. All delinquent taxes must be paid by either the seller or buyer of the building before closing can occur.*

Based on the foregoing, Community Development & Planning staff concludes that Kathleen's Cookies, LLC meets the local criteria for consideration for a Redevelopment Liquor License pursuant to Resolution 08-33 adopted December 18, 2008.

Staff Recommendation:

This office recommends the City Council support and approves the request from Kathleen McKay on behalf of Kathleen's Cookies, LLC, 139 E. Grand River, for a Redevelopment Liquor License based on the following:

City Council approval at this stage of the process enables Kathleen's Cookies, LLC to submit their

Policy Report No. CD-13-03

Kathleen's Cookies, LLC Redevelopment Liquor License Request

July 18, 2013

Page 3 of 3

application and required documentation to the Liquor Control Commission in order for the LCC to begin their standard investigation. The Brighton Police Department is currently conducting its background investigation as part of the redevelopment liquor license application process.

Relationship to 2012/13 Adopted Council Goals:

Council action will advance City Council's goal of maintaining a "Business Friendly" posture and fits neatly into the MML-endorsed "**Eight Assets for 21st Century Communities**" used to develop Council's 2013 goals at the retreat in November 2012.

Budget Impact:

To the extent that the applicant has identified wine and beer services as a necessity for a successful "desserterie", the requested action could have a positive impact on the tax base for the City as well as enhancing the State revenue from liquor sales taxes.

Recommended Council Action:

To pass the accompanying resolution which approves Kathleen's Cookies, LLC, 139 E. Grand River, Brighton, MI for a Redevelopment District Liquor License pursuant to PA 501 of 2006.

Attachments:

Email correspondence to Kathleen McKay dated May 29, 2013 (follow-up to earlier inquiry)

Affidavit of Public and Private Investment dated December 20, 2012

Resolution No. _____

Lauri French - Re: Liquor license

From: Lauri French
To: Kathleen McKay
Date: 5/29/2013 12:17 PM
Subject: Re: Liquor license
CC: Matt Modrack
Attachments: 20130529122049.pdf

Hi Kathleen - I spoke to Liquor Control last Friday and my contact there confirmed that if an agreement had been reached before the license was surrendered to the State, you could have purchased the redevelopment Class C license owned by Greg Strouse via a purchase agreement. Since that license was turned in, that is not an option as they consider it no longer available.

At this point, it looks like there are two options available to you. One, try to buy an escrowed Class C license within Livingston County - it looks like there are only two available (see attached escrow listing from the LCC website). One of the available licenses is a "B Hotel" license; the license can be reclassified to a Class C if you buy it and transfer it to the City (this requires City Council approval).

The second option would be to apply for a redevelopment liquor license. If you already filled out an application earlier this year for the quota license and have had a background check done by our police department, you would just have to change Part 5 of the application (type of license) from Class C to Redevelopment License. The application would have to be approved by City Council before you could submit it to the State. You would also need to send a letter to Matt Modrack to take to the DDA asking to buy their escrowed license. The DDA will send you a letter stating they are not interested in selling their license to you (this is required by the State before they will consider issuing a redevelopment license). I spoke to Matt Modrack and he believes the City's application fee could be waived since you already paid an application fee earlier this year. As we discussed on the phone, the State's fee for a redevelopment license is \$20,000.

Please let me know if you have any questions regarding the above information or if we can be of assistance should you choose to apply for a redevelopment liquor license.

Lauri French, Deputy Director
Community Development, Planning & Zoning
200 N. First St.
Brighton, MI 48116
Phone: [810-225-9244](tel:810-225-9244)
Fax: [810-227-6420](tel:810-227-6420)

>>> Kathleen McKay <k.lo49@yahoo.com> 5/29/2013 10:42 AM >>>
Hi Lauri

I'm checking to follow up on our conversation last week on licenses ... Any updates?

Thanks!

ESCROW LICENSEE LISTING FOR COUNTY OF LIVINGSTON

HARTLAND TWP

May 26, 2013 07:12 PM

Page 3 of 3

HARTLAND PIZZERIA

Address: 10550-10554-, 10558 E HIGHLAND, HARTLAND 48353

Bus.Nbr: 3893 Bus.Ph: (810)650-3060 Tax ID: Insurer: AMERICAN EUROPEAN INSURANCE COMPANY (05/01/2008-03/23/2009)
 License (Type-Nbr-Yr) Permits Transfer Status MCL Act Licensees
 SDM 3424-2013 TRANSFERABLE CIOFU, INC.
 CLASSC 5984-2013 SUNDAY SALES (PM) TRANSFERABLE



Contact Name Purpose(s) Phone Nbr Fax Nbr Address
 CIOFU, LARRY N ESCROW LICENSES (248)887-4835 1340 WINDMILL LANE MILFORD, MI 48380

HOWELL CITY

HOWELL VILLAGE MARKET

Address: 505 E GRAND RIVER, HOWELL 48843

Bus.Nbr: 154257 Bus.Ph: (517)546-3722 Tax ID: 201487685 Insurer: MICHIGAN MILLERS MUTUAL INSURANCE COMPANY (10/01/2011-Present)
 License (Type-Nbr-Yr) Permits Transfer Status MCL Act Licensees
 SDM 131336-2013 TRANSFERABLE HOWELL VILLAGE, INC.
 SDD 175030-2013 SUNDAY SALES (PM), SUNDAY SALES TRANSFERABLE (AM)

Contact Name Purpose(s) Phone Nbr Fax Nbr Address
 SHAMOUN, RHELOUD K ESCROW LICENSES 5701 TEQUESTA COURT WEST BLOOMFIELD, MI 48323

KENSINGTON INN

Address: 125 HOLIDAY LA, HOWELL 48843

Bus.Nbr: 222902 Bus.Ph: (517)548-3510 Tax ID: 382990465 Insurer: NO PROOF OF FINANCIAL RESPONSIBILITY ON FILE WITH MLC
 License (Type-Nbr-Yr) Permits Transfer Status MCL Act Licensees
 B HOTL 190701-2013 DANC-ENT TRANSFERABLE RJ INN INC.

Can re-classify it transferred to City.

Contact Name Purpose(s) Phone Nbr Fax Nbr Address
 JAPPAYA, GEORGE ESCROW LICENSES (248)366-3204 3911 SOUTH SHORE DR COMMERCE TOWNSHIP, MI 48382

PUTNAM TWP

DEWOLF'S BARTY STORE

Address: R 2, 6006 PINCKNEY, PINCKNEY 48169

Bus.Nbr: 129201 Bus.Ph: (517)552-7246 Tax ID: 383481228 Insurer: NORTH POINTE INSURANCE COMPANY (08/08/2011-04/23/2012)
 License (Type-Nbr-Yr) Permits Transfer Status MCL Act Licensees
 SDM 72043-2013 TRANSFERABLE DEWOLF ENTERPRISE, INC.
 SDD 72042-2013 SUNDAY SALES (PM) TRANSFERABLE

Contact Name Purpose(s) Phone Nbr Fax Nbr Address
 RYAN, HADLEY ESCROW LICENSES (586)997-2283 MI DEPT OF TREASURY - FIELD ENFORCEMENT 3060 W GRAND BLVD STE 2-200 DETROIT, MI 48202

Total Number of Businesses for County: 14

AFFIDAVIT OF PUBLIC AND PRIVATE INVESTMENT
IN THE QUALIFIED DEVELOPMENT DISTRICT AREA
FOR THE CITY OF BRIGHTON

I, Colleen D. Barton, am the City Assessor for the CITY OF BRIGHTON. I have examined the assessment records, accounting records and building permit records for the City of Brighton and made the following determination as to the public and private investment in the City of Brighton qualified development district (Downtown Development Authority District). Based on my review of these records, I have determined that the total amount of public and private investment in real and personal property within the qualified development district over the preceding five (5) year period, January 1, 2007 through December 31, 2011, is \$18,931,838, an amount that exceeds the minimum required by Public Act 501 of 2006m, Section 521a(1)b. I have made this determination to the best of my knowledge and ability on this day of December 20, 2012, in Livingston County, Michigan.

CITY OF BRIGHTON
A Michigan Home Rule City

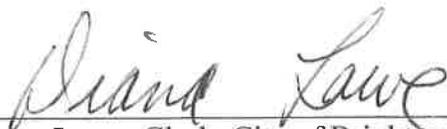
December 20, 2012



Colleen D. Barton, Assessor

I hereby certify that I have read the foregoing Affidavit and find it to be a true determination made by our City Assessor of the public and private investment in the City of Brighton qualified development district based on assessment records, accounting records and building permit records for the period January 1, 2007 through December 31, 2011 to the best of my knowledge on this 20th day of December, 2012 in Livingston County, Michigan.

SEAL



Diana Lowe, Clerk, City of Brighton
200 N. First St., Brighton, MI 48116
810-227-0463

Liquor Control Commission
 Development District Area
 City of Brighton - Public/Private Investment
 January 1, 2007 through December 31, 2011

<u>Parcel I.D.</u>	<u>Project</u>	<u>Address</u>	<u>Value</u>
<u>Private Investment (Real Property)</u>			
4718-30-304-008	RTA Properties Tenant Buildout	132 W. Main St.	\$40,000
4718-30-306-049	Stonefire Bistro	440 W. Main St.	560,000
4718-31-401-005	Blue Water Medical Distrib.	81 Summit	140,000
4718-19-300-029	IHOP (Tenant Buildout)	8075 Nemco Way	90,000
4718-25-203-003	High Pointe Office Buildout	1050 Charles Orndorf	308,640
4718-30-100-002	Starbuck's/Olga's	8481/8485 W. Grand River	365,000
4718-30-100-087	TCF Bank (New)	8610 W. Grand River	1,108,000
4718-30-100-088	Big Boy Restaurant Façade	8510 W. Grand River	110,000
4718-30-303-056	Tim Horton's/Country Lane Flowers	222 W. Grand River	462,000
4718-30-308-025	Masonic Lodge Façade	315 W. North St.	98,000
4718-30-308-095	Buon Gusto Patio Addition	501 W. Main St.	2,000
4718-30-308-104	Two Brothers Coffee Tenant Buildout	423 W. Main St.	100,000
4718-31-104-032	Rotterdam Jewelers-Façade	101 E. Grand River	217,050
4718-32-300-003	A&H Transmission remodel	9818 E. Grand River	40,000
4718-30-300-024	Corrigan Oil-Façade/Addition	775 S. Second	244,200
4718-30-304-004	RTA Properties Tenant Buildout	128 W. Main St.	2,100
4718-30-304-010	Baidel Properties Tenant Buildout	116 W. Main St.	15,000
4718-30-306-058	421 Millpond Lane Tenant Buildout	421 Millpond Lane	10,000
4718-30-306-061	Sagano Japanese Bistro Buildout	314 W. Main St.	616,000
4718-31-104-035	Stout's Pub-Patio Addition	125 E. Grand River	80,000
4718-31-104-044	Leaf, Barley & Vine (Remodel)	139 E. Grand River	150,000
4718-19-300-024	Panera Drive-Thru Addition	8365 W. Grand River	45,000
4718-30-100-051	Brighton Commons Tenant Buildout	8671 W. Grand River	55,000
4718-30-100-080	Lil Chef (Tenant Buildout)	101 Brookside A	120,000
4718-30-100-086	Meijer Store Remodel	8650 W. Grand River	3,405,000
4718-30-103-004	Grand Medical Building	8542 W. Grand River	38,000
4718-30-304-016	205 West (New)	205 W. Grand River	940,000
4718-25-100-013	Willowbrook Addition	7200 Challis Rd.	1,745,292
4718-30-102-018	Studio West Tenant Buildout	111 S. West St.	70,000
4718-30-304-011	106 W. Main Remodel	106 W. Main St.	60,000
4718-30-304-036	The Wooden Spoon (Remodel)	675 W. Grand River	125,000
4718-30-306-060	Elite Feet Tenant Buildout	328 W. Main St.	55,000
4718-30-308-018	Fifth Third Bank Façade/Landscaping	300 W. North St.	277,000
4718-30-308-044	The White Dress (Tenant Buildout)	209 W. Main St.	65,000
4718-31-102-018	Bagger Dave's/Façade (Buildout)	110 E Grand Rvr	575,000
4718-31-102-026	The Pound (Buildout)	139 W. Main St.	<u>360,000</u>
Total Private Investment-Real Property			\$12,693,282

Liquor Control Commission
 Development District Area
 City of Brighton - Public/Private Investment
 January 1, 2007 through December 31, 2011

Private Investment (Personal Property)

4718-99-002-728	Stonefire Bistro	440 W. Main St.	\$92,680
4718-99-002-732	Downtown Main	201 W. Main St.	65,000
4718-99-002-748	Sudz So Clean Laundry	302 Brookside Ln.	75,000
4718-99-002-807	IHOP	8075 Nemco Way	177,240
4718-99-002-811	DTI Dental Laboratories, Inc.	1068 Charles Orndorf	100,000
4718-99-002-829	Olga's Kitchen	8485 W. Grand River	177,050
4718-99-002-832	Starbucks	8481 W. Grand River	65,420
4718-99-002-833	Pi's Asian Cuisine	8262 Cross St.	72,250
4718-99-002-837	Two Brothers Coffee	423 W. Main St.	35,980
4718-99-002-897	Honda of America Mfg., Inc.	740 Advance St.	462,480
4718-99-002-900	Stouts Irish Pub	125 E. Grand River	72,210
4718-99-003-012	Ollie's Lebanese Cuisine	101 Brookside Ln Ste. L	67,000
4718-99-002-912	Oh My Lolli	421 W. Mill Pond A	18,390
4718-99-002-921	Tim Hortons USA, Inc.	300 W. Grand River	154,500
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4718-99-003-103	The Wooden Spoon	675 W. Grand River	33,710
4718-99-003-128	Talula Boutique	106 W. Main St.	5,000
4718-99-003-129	Sassafrass Gifts	106 W. Main St.	5,000
4718-99-003-133	The White Dress	209 W. Main St.	3,660
4718-99-003-145	Readdy Boutique	120 W. Main St.	<u>5,000</u>
	Total Private Investment-Personal Property		\$3,081,200

Public Investment

Flower Program	DDA District	\$200,000
St. Paul St. Parking Lot/Streetscape	DDA District	300,000
Main Four Streetscape	DDA District	456,538
Orndorf Street Improvement	DDA District	585,787
Second St. Parking Lot	DDA District	180,434
Millpond Bypass Sewer Project; Main St. Mill & Fill	DDA District	404,792
Cemetery Parking Lot/Streetscape	DDA District	455,067
West St. Parking Lot	DDA District	106,438
131 Hyne Property Acquisition	DDA District	450,000
131 Hyne Demolition	DDA District	<u>18,300</u>
Total Public Investment		\$3,157,356

Grand Total **\$18,931,838**

RESOLUTION #13-_____

At a regular meeting of the Brighton City Council

called to order by Mayor Jim Muzzin on July 18, 2013 at 7:30 p.m.

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Kathleen's Cookies, LLC for the following license(s): Class C non-transferable license with Outdoor Service and Sunday Sales Permit (PM) under MCLA 436.1521a(1)(b)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit

Extended Hours Dance Permit Hours Required: _____

Extended Hours Entertainment Permit Hours Required: _____

To be located at 139 E. Grand River, Brighton, MI 48116

To be considered for approval "above all others"

Approval _____ Disapproval _____

Yeas: _____

Yeas _____

Nays: _____

Nays _____

Absent _____

Absent _____

It is the consensus of this body that it Recommends this application be considered for
(Reco mmends/does not recommend)

approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is a true and is a complete copy of the resolution offered and adopted by the

Brighton City Council at a regular meeting held on July 18, 2013.
(regular or special)

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____

**POLICY REPORT: ST PAUL EPISCOPAL CHURCH SITE PLAN
AMENDMENT #13-003**

JULY 18, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the July 15, 2013 meeting, the Planning Commission will review and discuss an amendment to the St Paul Episcopal Church site plan. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a quick approval option for the applicant, if Planning Commission approves the plans on July 15th.

A Council Policy Report will be generated on July 16, 2013.

POLICY REPORT: 225 BUILDING #13-005

JULY 18, 2013

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

STAFF ADVISORY:

At the July 15, 2013 meeting, the Planning Commission will review and discuss a site plan for a new office building at 225 W. Grand River. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a "business friendly" option for the applicant, if Planning Commission approves the plans on July 15th. This option would allow the applicant to start working on the project soon.

A Council Policy Report will be generated on July 16, 2013

POLICY REPORT: EAST MAIN STREET SALON AND SPA #13-006

JULY 18, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

STAFF ADVISORY:

At the July 15, 2013 meeting, the Planning Commission will review and discuss a site plan for a salon and spa at 114 E. Main Street. City Staff is not assuming any particular action by Planning Commission at this point but we are facilitating a "business friendly" option for the applicant, if Planning Commission approves the plans on July 15th. This option would allow the applicant to start working on the project soon.

A Council Policy Report will be generated on July 16, 2013

**POLICY REPORT
TEMPORARY LAND USE
JULY 18, 2013**

PREPARED BY:

Diana Lowe
City Clerk

REVIEWED BY:

Dana Foster
City Manager

ISSUE:

To conduct a public hearing and consider approval of a Temporary Land Use Permit for 5th/3rd Bank for a produce stand next to Ciao Amici's on W. Main Street.

STAFF RECOMMENDATION:

Recommend approval based on conditions set forth in the motion below.

BACKGROUND:

5th/3rd Bank applied for a Temporary Land Use Permit for the period of time from July 19, 2013 through October 31, 2013. They have included a sketch of the layout and proposed use including table locations.

All neighboring property owners were notified within 300 yards of the proposed site.

The application has been given favorable recommendation by the City's Police Chief, Building Official, Director of Public Services and Brighton Area Fire Chief.

BUDGET IMPACT:

None.

COUNCIL ACTION:

Consider conducting the Public Hearing and if no objections accept the Staff recommendation to approve the application from 5th/3rd Bank dated July 8, 2013 and attached plans for a Temporary Land Use Permit for produce sales from July 19, 2013 through October 31, 2013.

TEMPORARY LAND USE APPLICATION

Applicant: 5th/3rd Bank **Date:** 7/8/13
(Only the Property Owner shall serve as the Applicant)

Driver's License Number: _____

Address: 300 W. North Street, Brighton, MI 48116

Phone Number: _____

Person(s) Conducting Sale: C.J. Turner

Driver's License Number: _____

Address: 4626 Bently Lake Road, Howell

Phone Number: _____

Location of Temporary Land Use: 217 W. Main Street, Brighton

Closest Street Intersection: West (Main Street

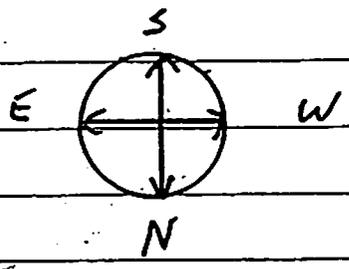
Items to be Sold: Produce
(Fireworks, Appliances, Furniture, Artwork, Crafts, Clothing, and other similar products are NOT ALLOWED per City Ordinance)

Requested Dates of Sale: 7/19/13 – 10/31/13
(Christmas Trees maximum 30 days)
(Produce and Firewood Maximum 90 days)

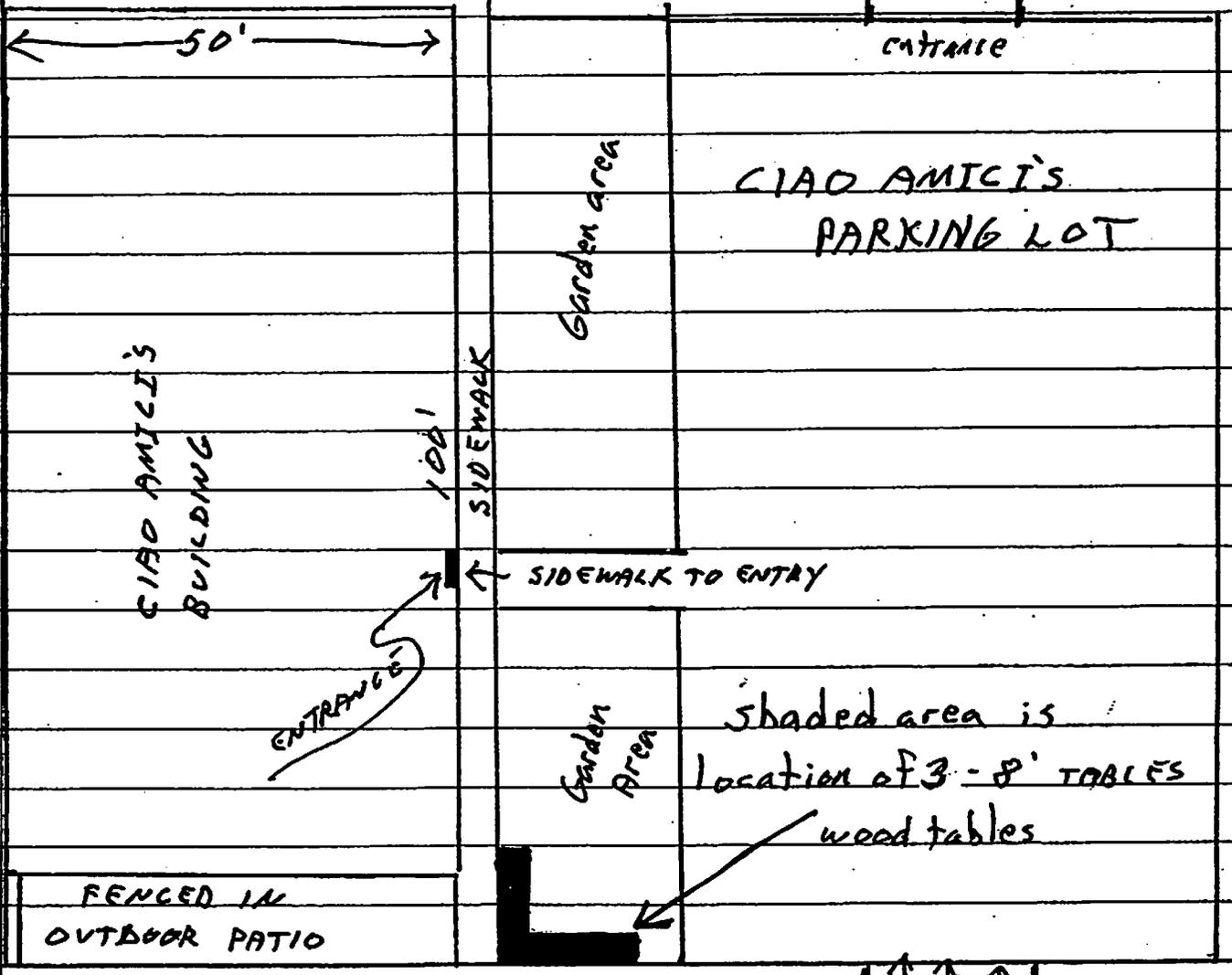
List and Temporary Facilities to be Erected or Located upon the Property, i.e. tents, tables, stands, displays: 3 – 8' tables and 1 – 8' tent

List the materials to be utilized in the construction of any temporary facilities: _____

1" = 20'



← TRAFFIC Alley TRAFFIC →



← 50' →

entrance

CIAO AMICI'S BUILDING

Garden area

CIAO AMICI'S PARKING LOT

100' SIDEWALK

SIDEWALK TO ENTRY

ENTRANCE

Garden Area

Shaded area is location of 3-8' TABLES wood tables

FENCED IN OUTDOOR PATIO

SIDEWALK

TRAFFIC

Main St.



Parking lot entrance

TRAFFIC

POLICY REPORT: CHAPTER 98, ARTICLE I, IN GENERAL, SECTION 98-3, DEFINITIONS; CHAPTER 98, ARTICLE XXIV, BOARDS OF APPEAL, SECTION 98-687, JURISDICTION; AND CHAPTER 98, ARTICLE XXV, TEMPORARY LAND USES, SECTION 98-700, TEMPORARY LAND USES AND SET A PUBLIC HEARING FOR JULY 18, 2013

JUNE 6, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendments Chapter 98, Article I, In General, Section 98-3, Definitions; Chapter 98, Article XXIV, Boards of Appeal, Section 98-687, Jurisdiction; and Chapter 98, Article XXV, Temporary Land Uses, Section 98-700, Temporary land uses.

BACKGROUND:

On January 1, 2012, Public Act 256 of 2011 went into effect. This public act repealed laws that regulated the purchase, sale, possession and use of fireworks and put into effect new regulations.

Public Act 56 of 2011 permits the purchase, sale, possession and use of fireworks with regulations established in the public act. In addition, the public act states the following:

Sec. 7. (1) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.

With the above in mind on March 18th, the Planning Commission reviewed proposed amendments to the existing ordinances for the powers of the Zoning Board of Appeals and temporary land uses. The attached draft amendments would transfer the power of granting temporary land uses from City Council to the Zoning Board of Appeals. This means that any future temporary land uses would be reviewed by the Zoning Board of Appeals, including temporary fireworks sales.

Attached you will find the proposed amendments.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2012/2013 GOALS: N/A

COUNCIL ACTION:

1. Introduce the proposed amendments to Chapter 98, Article I, In General, Section 98-3, Definitions; Chapter 98, Article XXIV, Boards of Appeal, Section 98-687, Jurisdiction; and Chapter 98, Article XXV, Temporary Land Uses, Section 98-700, Temporary land uses, and set a public hearing for July 18, 2013.

Attachments:

1. Planning Commission March 18, 2013 Draft Meeting Minutes
2. Proposed amendments to Chapter 98, Article I, In General, Section 98-3, Definitions; Chapter 98, Article XXIV, Boards of Appeal, Section 98-687, Jurisdiction; and Chapter 98, Article XXV, Temporary Land Uses, Section 98-700, Temporary land uses.

DRAFT
City of Brighton
Planning Commission
Minutes
May 20, 2013

DRAFT

1. Call to Order/Roll Call

Vice Chairperson Smith called the meeting to order at 7:30 pm. The following were present:

John Wells	Dave Petrak
Al Wirth	Robert Pawlowski
Bill Bryan	Matt Smith
Larry Schillinger	

Motion by Mr. Bryan, supported by Mr. Pawlowski, to excuse Planning Commission members Monet and McLane. **The motion carried 7-0-2.**

Also present were Amy Cyphert and Lauri French from Staff.

2. Approval of the January 28, 2013 Regular Meeting Minutes

Motion by Mr. Wirth, supported by Mr. Petrak, to approve the January 28, 2013 regular meeting minutes as presented. **The motion carried 6-0-3, with two absences and Bill Bryan abstaining.**

3. Approval of the March 18, 2013 Regular Meeting Minutes

There were not enough members present to approve the March 18, 2013 meeting minutes. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to table approval of the March 18, 2013 regular meeting minutes until the next Planning Commission meeting. **The motion carried 7-0-2.**

4. Approval of the May 20, 2013 Agenda

Motion by Mr. Wells, supported by Mr. Schillinger, to approve the agenda as presented. **The motion carried 7-0-2.**

5. Call to the Public

The call to the public was made at 7:32 p.m. Hearing no response, call to the public was closed.

Public Hearings

6. Public Hearing and Possible Action on Amendments to:

- Chapter 98, Article I. In General, Section 98-3, Definitions
- Chapter 98, Article XXIV. Boards of Appeal, Section 98-687, Jurisdiction
- Chapter 98, Article XXV. Temporary Land Uses, Section 98-700, Temporary land uses

Ms. Cyphert reviewed the three draft documents included in tonight's packet. She reminded the board that the changes were made as a result of comments from the March 18, 2013 Planning Commission meeting and that the changes had been reviewed by the City Attorney. Temporary use in the Definitions section was changed to add "for the purpose of commerce". Board Member Wirth suggested that the word "residential" be added before "garage" in the first paragraph for clarification.

The Jurisdiction section changes allow the Zoning Board of Appeals to approve temporary uses. There was a brief discussion and Board Member Petrak suggested that "Survey" Sec. 98-700, Temporary Uses, sub-paragraph (2) j. be changed to "Site plan" since survey connotes a stamped survey done by an engineering company which was not the intent of the wording. The word "of" after "Layout of existing..."



in (2) j. 3) should also be eliminated.

Ms. Cyphert also noted that Temporary Uses was amended to transfer power from City Council to the Zoning Board of Appeals.

Vice Chairperson Smith closed the regular session and opened the public hearing at 7:38 p.m. Hearing no responses from the public, the public hearing was closed at 7:38 p.m. and Vice Chairperson Smith re-opened the regular session.

Board Member Schillinger requested that the changes made by Planning Commission to the draft amendments be reviewed by the City Attorney prior to going to City Council for approval.

Motion by Mr. Petrak, supported by Mr. Bryan, to approve amendments to Sec. 98-687, Jurisdiction, Sec. 98-3, Definitions and Sec. 98-700, Temporary Uses, as amended and forward the amendments to City Council for review and adoption contingent on approval of the amendments by the City Attorney. **Motion carried 7-0-2.**

Unfinished Business

New Business

Other Business

- 7. **Staff Updates** – None.
- 8. **Commissioner Concerns** – Mr. Pawlowski asked about the status of the Excelda property. Ms. Cyphert advised that nothing is happening with a new building at this time. She also gave the board members a brief update on the Becker Brewery and Brighton Mall.
- 9. **Call to the Public**

The call to the public was made at 7:50 p.m. Hearing no response, call to the public was closed.

10. **Adjournment**

Motion by Mr. Wirth, supported by Mr. Wells, to adjourn the meeting at 7:50 p.m. **The motion carried 7-0-2.**

John Wells, Secretary

Lauri French, Recording Secretary

DRAFT
City of Brighton
Planning Commission
Minutes
March 18, 2013

DRAFT

1. Call to Order/Roll Call

Planning & Zoning Director Cyphert called the meeting to order at 7:30 pm. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to appoint Mr. Wells as acting chairperson for tonight's meeting due to the absences of Chairperson Monet and Vice Chairperson Smith. **Motion carried 5-0-4.** The following were present:

John Wells	Dave Petrak
Al Wirth	Robert Pawlowski
David McLane	

Motion by Mr. McLane, supported by Mr. Petrak, to excuse Planning Commission members Monet and Smith. **The motion carried 5-0-4.**

Also present were Amy Cyphert and Lauri French from Staff.

2. Approval of the January 28, 2013 Regular Meeting Minutes

There were not enough board members present to approve the January 28, 2013 minutes. **Motion** by Mr. Wirth, supported by Mr. McLane, to table approval of the January 28, 2013 regular meeting minutes until the next Planning Commission meeting. **The motion carried 5-0-4.**

3. Approval of the March 18, 2013 Agenda

Motion by Mr. Petrak, supported by Mr. Pawlowski, to approve the agenda as presented. **The motion carried 5-0-4.**

4. Call to the Public

The call to the public was made at 7:34 p.m. Hearing no response, call to the public was closed.

Public Hearings

Unfinished Business

New Business

5. Discussion on zoning ordinance amendments pertaining to temporary land uses and temporary structures

Ms. Cyphert stated that this change was required due to the recently passed fireworks sales legislation. The City has no fireworks sales regulations and the City Council only has authority currently to approve special uses for produce sales, firewood and Christmas trees. She explained that there are two options available to address this issue. One is to amend the temporary use section to allow City Council approval of all temporary uses. The second option is to move the authority to the Zoning Board of Appeals and amend their jurisdiction to allow them to grant special use permits as well as amend Section 98-3, Definitions for temporary uses and the temporary land use section. This was reviewed by the Zoning Board of Appeals at the March 14, 2013 meeting and they had no issues with taking over jurisdiction. Ms. Cyphert also noted that she reviewed the two options with City Manager Foster this morning and he also recommends moving the authority to the Zoning Board of Appeals. She asked the Planning Commission members to discuss the amendments and to set a public hearing in April.

Ms. Cyphert reviewed the proposed changes to Section 98-687, Jurisdiction, and noted the addition of paragraph (12) which would allow a temporary use for a period not to exceed 90 days. Mr. Petrak noted that the word “zoning” should be added to the document in front of “board of appeals” for clarity. Ms. Cyphert also reviewed the proposed changes to Section 98-3, Definitions, and noted that the application requirements in Section 98-700, Temporary land uses, have been increased. It was suggested by Ms. Cyphert that paragraph (7) be taken out since State law governs ZBA publications for public hearings. There was discussion about clarifying the definition of “temporary use” by adding “for the purpose of commerce” so that it would be clear this relates to sales of goods and not, for example, setting up a tent in your backyard for a graduation party.

Motion by Mr. Wirth, supported by Mr. Pawlowski, to approve draft Section 98-3, Definitions, as amended to add “for the purpose of commerce” and remove paragraph (7), approve draft Section 98-687, Jurisdiction, as amended to add “zoning” in all applicable paragraphs where “board of appeals” is used, and to set the public hearing date for the April 22, 2013 Planning Commission meeting, assuming approval of the meeting date change requested in Item 6 of tonight’s agenda. **The motion carried 5-0-4.**

Other Business

6. 2013 Meeting Date Schedule Change

a. April 22, 2013 – Ms. Cyphert noted that both she and Community Development Director Modrack will be unavailable for the currently scheduled April 15, 2013 meeting and requested that the meeting date be changed to the following Monday, April 22, 2013. **Motion** by Mr. Pawlowski, supported by Mr. McLane, to change the date of the next Planning Commission meeting to April 22, 2013. **The motion carried 5-0-4.**

7. Staff Updates – Ms. Cyphert noted that the North/West/Main streetscape project, which Planning Commission and City Council both approved, received awards from the Michigan Concrete Association. The DDA, project architect and Ms. Cyphert received awards for their participation in the project.

8. Commissioner Concerns

9. Call to the Public

The call to the public was made at 8:10 p.m. Hearing no response, call to the public was closed.

10. Adjournment

Motion by Mr. Wirth, supported by Mr. McLane, to adjourn the meeting at 8:10 p.m. **The motion carried 5-0-4.**

John Wells, Secretary

Lauri French, Recording Secretary

Sec. 98-687. Jurisdiction.

(a) The zoning board of appeals may, in specific cases and subject to appropriate conditions and safeguards, and after public hearing as provided in section 98-662, determine and vary the application of the regulations herein established in harmony with their general purpose and incident:

- (1) To permit the structures or uses requiring the approval of or within the power of the zoning board of appeals under the provisions of this chapter.
- (2) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several zoning districts accompanying and made a part of this chapter, in those cases where the street layout actually on the ground varies from the street layout as shown on the aforesaid map.
- (3) In those cases where a district boundary line divides a lot of record, the zoning board of appeals shall have power to permit the extension of a use permitted on the less restricted portion of such a lot to that portion of such lot which lies in the more restricted district, provided that such extension shall be made for a distance of not to exceed 50 feet beyond the district boundary line in any case.
- (4) Permit variation in the use and location of buildings on any lot abutting a different zoning district, provided that the use or location shall not have an undesirable effect upon the more restricted district and provided further that the yard requirements cannot be less than 50 percent of the requirements for the more restricted district, and provided further that the variation shall not extend more than 50 feet into the more restricted district.
- (5) Permit in any district the keeping of fowl or rabbits for the use and consumption of the occupants of the premises. The zoning board of appeals may require in granting such a permit, that all fowl or rabbits shall be so housed, fenced, or otherwise kept that their use will not constitute a nuisance.
- (6) Permit the erection of a trailer court in an R-1 or R-4 district. Permit the erection of a motel or motor court in a C district, provided that each unit provides a lot area of 600 square feet for the first room of 80 or more square feet and an additional area equal to twice the room area for each additional room of 80 square feet or more and provided that each unit or group of units shall have two side yards of not less than ten feet each, a front yard of not less than 25 feet, a rear yard of not less than ten feet and separate buildings shall be not less than ten feet apart; and further provided that each unit shall have one room with not less than 150 square feet of floor area, a bathroom of not less than 25 square feet of floor area, and not less than 50 square feet of floor area for a kitchenette if provided; and further provided that no guest shall occupy such accommodations or location for a period of more than one month within any calendar year.
- (7) To permit variations in the requirements for outer courts in dwellings, and to permit such variation or modification of yard, lot area, and percentage of lot coverage, and requirements of this chapter as may be necessary to secure an appropriate improvement of a parcel of land which has such size, shape or dimension, or which has such peculiar or exceptional geographical, or topographical conditions, that it cannot be appropriately improved without such

variation or modification, provided that the purpose and spirit of this chapter shall be observed, public safety secured, and substantial justice done.

- (8) Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use, if the zoning board of appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service and provided further, that such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- (9) Permit the erection of a building to its full height or use, as originally planned, when foundations and structural members are designed to carry such buildings higher.
- (10) To permit in residence zones the erection of bulletins, memorial markers or other signs not used for purposes of commercial advertising, in excess of eight square feet in surface area, under such temporary permit or permanent conditions as will prevent them from becoming dilapidated or unsightly or a menace to the public health, safety or general welfare.
- (11) Permit a variation or modification in the required location of off-street parking facilities, or in the amount of off-street parking facilities required or both, if after investigation by the zoning board of appeals, it is found that such variation is necessary to secure an appropriate development of a specific parcel of land which has such peculiar or exceptional geographical or topographical conditions or is of a size, shape or dimension that it cannot be reasonably developed in accordance with the provisions of article III and that any variation will not be inconsistent with the spirit and purpose of this chapter, with public safety and with substantial justice.
- (12) Permit temporary uses for periods not to exceed 90 days, if the zoning board of appeals shall find such use or building or structure will not be inconsistent with the spirit and purpose of this chapter, with public safety and with substantial justice. The zoning board of appeals may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies when making a decision on a request for temporary uses.

(b) Where there are practical difficulties or unnecessary hardships in complying strictly with the provisions of this chapter, the zoning board of appeals may in specific cases, adjust any such condition in harmony with the general purpose and intent of this chapter so that the public health, safety and general welfare may be secured and substantial justice done.

(Code 1981, § 51.211)

Sec. 98-3. Definitions.

Use (temporary) means a use permitted to exist during a specified period of time for the purpose of commerce, including but not limited to uses in temporary structures including, but not limited to, tents, portable containers, trailers, portable trailers, awnings, or vehicles. Temporary use excludes residential garage or residential yard sales.

Sec. 98-700. Temporary uses.

The zoning board of appeals shall only have the authority to grant permits authorizing temporary uses for the purpose of commerce subject to the following conditions:

- (1) Temporary uses shall be restricted to nonresidential zoning districts. Temporary uses shall not be permitted in residential transitional districts.
- (2) The applicant shall apply for a temporary use permit on a form to be provided by the City of Brighton. The application shall include the following:
 - a. Name of the applicant and business.
 - b. Address and telephone number of the applicant.
 - c. Name of the property owner, if other than applicant.
 - d. Address and telephone number of the property owner, if other than applicant.
 - e. Written authorization for the property owner shall be required where the applicant is not the owner of the affected property.
 - f. Documentation demonstrating compliance with state law, if applicable.
 - g. Proposed hours of operation.
 - h. Proposed signage.
 - i. Copy of certificate of insurance, in an amount deemed satisfactory by the zoning board of appeals.
 - j. Site plan of the property including the following:
 - 1) Detailing the shape, dimensions and location of the property.
 - 2) All existing buildings or structures.
 - 3) Layout of existing off-street parking and parking calculations for existing buildings and structures.
 - 4) Location of fire lanes and hydrants.
 - 5) The shape, dimensions and location of all temporary buildings to be erected or located upon the lot, including all tents, tables, stands, or display racks.
 - 6) The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.

3) A temporary use permit for the sale of Christmas trees and related items shall be effective for 30 days or less. No more than one temporary use permit for the sale of Christmas trees or related items shall be issued for any given location within a single calendar year.

- (4) A temporary use permit shall be effective for 90 days or less. No more than one temporary use permit for a type of products shall be issued for any given property within a single calendar year.
- (5) A temporary use permit shall only be granted if the zoning board of appeals determines as follows:
- a. That there is adequate automobile and pedestrian traffic flow.
 - b. That there is adequate off-street parking for any existing buildings and structures currently located on the property and for the proposed temporary use.
 - c. That there is adequate access for fire and police protection
 - d. That the use is compatible with the physical character of the surrounding neighborhood.
 - e. That the use complies with all zoning regulations for the district in which the use is located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking, as well as all other applicable codes and regulations.
- (6) The temporary use permit shall be in writing and shall stipulate all of the conditions of issuance such as the term of the permit, the nature of the permitted use and the manner in which any facilities located on the lot shall be removed upon termination of the temporary use permit.
- (7) The person(s) to whom the permit has been issued must comply with the terms and conditions of the permit and all applicable ordinances and state and federal statutes. Failure to comply with the terms and conditions of the permit, ordinances of the City of Brighton, and statutes of the state of Michigan and United States shall result in revocation of the permit by the city manager or the designee of the city manager. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary use or shall be personally served upon the person(s) to whom the permit was issued. The use shall terminate immediately upon posting of the notice of revocation of the permit or upon personal service of the notice of revocation of the permit. In the event the use is not immediately terminated upon notice of revocation, the city manager or designee shall be permitted to enter upon the site and close the temporary use.
- (8) No temporary use permit shall be issued for the sale of appliances, furniture, artwork, crafts, clothing or other similar products.
- (9) Any person found to violate this section shall be guilty of a municipal civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b). The imposition of a municipal civil infraction fine, or failure to impose such a fine, under this section shall in no way be construed as to limit the right of the city manager to revoke or suspend a license under (8), above.

(Ord. No. 424, § I, 5-21-98; Ord. No. 560, § I, 7-9-12)