

**City of Brighton
Planning Commission
Special Meeting Minutes
April 16, 2015**

1. Call to Order/Roll Call

Chairperson Monet called the meeting to order at 5:30 p.m.

The following were present:

Jim Bohn	Matt Smith
David McLane	Robert Pawlowski
Steve Monet	Michael Schutz
Dave Petrak	

Motion by Mr. Smith, supported by Mr. Bohn, to excuse Commission Members Bryan and Gardner from tonight's meeting. **The motion carried 7-0-2.**

Also present was Amy Cyphert, Matt Modrack and Lauri French from Staff and an audience of 6.

2. Approval of the April 13, 2015 Regular Meeting Minutes

Motion by Mr. Bohn, supported by Mr. Petrak, to approve the April 13, 2015 regular meeting minutes as presented. **The motion carried 7-0-2.**

3. Approval of the April 16, 2015 Agenda

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

4. Call to the Public

The call to the public was made at 5:32 p.m. Hearing no response, call to the public was closed.

Public Hearings

5. Conduct a Public Hearing and Possible Action on a Special Use Permit request for an overflow parking lot within the CSX railroad property adjacent to the DBD zoning district and northwest of the Main Street and railroad intersection #15-009

Chairperson Monet closed the regular meeting and opened the public hearing at 5:32 p.m. Jim Fowkes, 130 N. Third Street, commended Mr. Modrack for taking his suggestions into account for the design of the parking lot and thanked the Planning Commission.

Bob Pettengill, 608 W. Main Street, stated that his concerns have been addressed as well as an addition to the site plan for a space in the gate for residents to walk through to walk their dogs. He said the landscaping plan appears to be good and they are not taking anything down. He supports the Special Use Permit for the CSX overflow parking lot. He asked if the DDA's lease goes past the gravel part of the lot. Mr. Modrack responded that it does but that they stopped short of that, and the balance is CSX property.

Shirley Barton, 623 W. Main Street, noted that the project does not directly affect her but she wanted to find out what the adjacent neighbors thought. She noted that more parking was needed.

Renee Pettengill, 225 N. Third Street, said the lot will come up to her driveway and that Mr. Modrack and Mr. Lindhout worked through any concerns she had. She thanked both Mr. Modrack and Mr. Lindhout for listening to the residents during this process.

Chairperson Monet closed the public hearing and reopened the regular meeting at 5:38 p.m. Mr. Modrack went through the application process and responded to all items. He also noted that pervious surfaces such as the one to be used in the overflow lot have recently come into favor. Mr. Petrak wanted to confirm that the paved portion of the lot was to be open all the time and asked about the unpaved portion. Ms. Cyphert responded that City Council will decide the hours of operation for the overflow lot; it will have to be open at times for maintenance and there will be a Knox box for the Fire Department. Mr. Petrak asked if the gravel lot lights could be turned off when they are not in use; Mr. Modrack stated they would revisit the plan to see if this is possible but that he thought it would be. He also mentioned that some of the residents of the Main Crossing condos had asked about a crosswalk but that it is not in the budget for this project. Mr. Smith noted that the overflow lot project is needed and meets most of the items in the application; he also agrees with Mr. Petrak about the lights. He was happy to hear the residents have no issues with the project. Mr. McLane also agrees about the lights and suggested that a motion sensor might be able to be used. He is also glad the residents have no issues with the project.

Motion by Mr. McLane, supported by Mr. Petrak, to approve the special land use request based on the finding of facts as presented by the applicant and attached to these minutes. **The motion carried 7-0-2.**

New Business

6. Site Plan – CSX West Overflow Parking Lot #15-009

Ms. Cyphert reviewed the application and noted that Planning Commission had already approved the paved portion of this lot previously. The site plan before Planning Commission tonight is for the gravel overflow portion of the lot only. Mr. Smith asked if the DDA plans to try to paint parking spaces on the gravel, and Mr. Modrack said they would try but that it probably would only last a season at best. Relating to the previous discussion about turning off the overflow lights when not in use, Mr. Petrak suggested that a hard switch might be able to be added to one of the boxes in the paved portion of the lot. In response to a question by Mr. Smith concerning the opening in the fence for pedestrian access, Mr. Modrack noted that the opening is west of the gate.

Motion by Mr. Pawlowski, supported by Mr. Petrak, to recommend conditional site plan approval for the CSX West Overflow Parking Lot to be located within the CSX property adjacent to the DBD zoning district as depicted on the plans prepared by Desine, Inc., project no #142520, last dated 4-3-15, coversheet, C1.0, C2.0, C2.1, C3.0, C4.0, C4.1 and plans prepared by Lindhout Associates Architects, job #1484, last dated 4-2-15, sheets A1.0, A7.0, E1.0. The approval is subject to the following conditions:

1. That City Council determine the yearly usage time with the special land use permit.
2. That a maintenance agreement be signed between the City and DDA prior to the use of the overflow lot.

The motion carried 7-0-2. Mr. Modrack noted that work is scheduled to begin at the site on April 27, 2015.

Other Business

- 8 Staff Updates – Ms. Cyphert advised that the Planning Commission meeting is back on its regular meeting schedule of the third Monday of the month; the next meeting will be May 18.
9. Commissioner Concerns – None
10. Call to the Public - The call to the public was made at 5:55 p.m. Hearing no response, call to the public was closed.

11. Adjournment

Motion by Mr. Petrak, supported by Mr. Smith, to adjourn the meeting at 5:55 p.m. **The motion carried 7-0-2.**

Bill Bryan, Secretary

Lauri French, Recording Secretary

Special Land Use Application – CSX Right-of-Way (Adjacent to Main Street) – Attachment 1

(1) The proposed use and its parking must be consistent with the spirit and intent of this article. – *The proposed use is a non-paved parking lot off Main St. adjacent to the CSX Railroad tracks to provide much needed overflow parking. This lot is allowed under the provisions of the recently adopted changes to the parking ordinance which allow overflow and transitional parking lots under certain conditions. The site is already used for “rogue” parking during events but it is unsafe in its current condition. Lighting and grading with a gravel (limestone) surface will result in a much safer lot.*

(2) The proposed use and its parking must be compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities. – *The proposed parking lot will be located adjacent to the CSX Railroad tracks on a parcel that has historically been used for parking when no other spaces are available, especially on event weekends where parking is at a premium. The site plan calls for landscape screening between the parking lot and the adjacent neighborhood to the west. The natural environment will be maintained as the lot is not going to be paved, and is not intended to be plowed during the winter months, so public services will not be affected. The applicant has received input from the adjacent neighbors throughout the process. The 10-foot wide buffer with trees and bushes was kept in place per the neighbors’ suggestions. The initial design accommodated the 10-foot landscape strip by moving the parking lot eastward.*

(3) The proposed use and its parking must be consistent with the public health, safety and welfare of the community. – *The CSX right-of-way is dangerous for parking in its current condition. The property is currently unfenced, leaving the railroad tracks unprotected, the ground is uneven and contains debris, and does not contain any lighting. The site plan contains fencing around the entire perimeter of the property, blocking access to the railroad tracks, and calls for grading and fill, as required. The lot will be lighted to make it a safe place to park and walk to downtown events.*

(4) The proposed use and its parking shall be in conformance with the objectives and specific elements of the current adopted comprehensive plan of the city and with any special studies adopted as amendments thereto. – *The proposed use is in conformance with the following specific elements of the current adopted comprehensive plan of the city. Additionally, the proposed use is also in conformance with recommendations from the 2009 Parking Study commissioned by the Downtown Development Authority and performed by Rich & Associates as well as the 2011 Parking Study update which identified afternoon and evening parking shortages in downtown lots.*

Strategy 4.1: Encourage the continued use of the Downtown for Civic Events, Arts and the Farmer’s Market as they help bring the community together and provide a place for socialization.

Strategy 4.2: Design capital improvements that are sensitive to the nature and character of the neighborhoods and surroundings in which they are located.

Strategy 4.3: Encourage pedestrian linkages from neighborhoods to Downtown.

Strategy 4.1: Support and work cooperatively with the Downtown Development Authority (DDA) to insure that Downtown remains healthy and vibrant.

Strategy 4.3: Implement the recommendations of the 2009 Downtown Parking Study

Strategy 4.5: Promote the Downtown as a walkable community center.

Strategy 1.2: Pursue Capital Improvement Projects which improve pedestrian movements, provide attractive public spaces, and parking lot enhancements in Downtown.

Strategy 1.8: Continue the development practices of the Downtown Development Authority and City Council.

Strategy 1.10: Identify and pursue locations for new municipal parking spaces in downtown

(5) The proposed use and its parking must be compatible in size, location and character, viewed within the context of surrounding land uses and land use planning for such area, the proposed use and its parking shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area. – *The proposed use is compatible in size, location and character in relation to the already existing railroad tracks to the east and the adjacent neighborhood to the west side of the parcel at issue in this application. There are no anticipated future uses of the parcel since it is owned by the CSX Railroad and is not suitable for development due to its proximity to the railroad tracks. The lot was designed with the landscape buffer to the west left intact.*

(6) The proposed use and its parking shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing. – *The proposed use has already been tested since the existing empty parcel has been used the past several years for overflow event parking. The vehicle entrance to the parking lot remains at the same location as an existing driveway. The site plan calls for a pedestrian crosswalk on Main St. and wider sidewalks to make it safer for pedestrian traffic to cross Main Street from the condominiums and residences on the south side of Main Street and for pedestrians to exit the parking lot to walk downtown. The lighting, fencing and grading in the plan also makes the area safer for parking.*

(7) The proposed use and its parking shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use and its parking shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use and its parking. – *The proposed use will not unreasonable impact the surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration and will not unreasonably impact aesthetics. The existing parcel is already occupied by CSX Railroad tracks and, as noted previously, has already been used as an “unofficial” parking lot in the past. The placements of lights and screening material have been designed to ensure the parking lot will minimally impact the adjacent neighborhood.*

(8) The proposed use and its parking shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value. – *The proposed use will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value. The parking lot has been designed with input and suggestions from the adjacent neighbors for placement of landscaping, fencing and gates in order to minimally impact their properties.*

(9) The proposed use and its parking shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city. – *The proposed use will relate harmoniously with the physical and economic aspects of adjacent land uses as regards more convenient access by providing prospective patrons with additional parking during peak periods such as festivals and events in a lot that is a short walk to downtown shops and restaurants as well as event activities that take place on Main Street. The lot, particularly the entrance at Main Street, will be a great improvement and entrance statement in keeping with the adjacent uses; i.e., Brewery Becker, Main Street Crossing restaurant and Buon Gusto Italian Bistro.*

(10) The proposed use and its parking shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district and/or the present and/or intended character of the area. – *Due to the fact that railroad tracks and parking has existed for several years on the parcel for the proposed use, this parcel being used for an overflow parking area would not affect the intended character of the area.*

(11) The proposed use and its parking shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein. – *The proposed use will not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein. In fact, it may be argued that pollution may be reduced as a result of an easily accessible parking lot close to downtown that negates the need to continuously circle the other public parking lots waiting for a space to become available.*

(12) The proposed use and its parking shall not unreasonably burden the capacity of public services and/or facilities. – *The proposed use will not unreasonably burden the capacity of public services and/or facilities since the lot will not be required to be paved. During the winter months, the City's DPW may be able to use the lot to store snow that has been removed from downtown streets, sidewalks and parking lots that would otherwise have to be trucked a greater distance.*

(13) The proposed use and its parking are consistent with the city's growth management plan/master plan. – *See number (4) above for Master Plan examples. The proposed use (parking lot) is necessary to serve our thriving, dynamic downtown. The City of Brighton has maintained the downtown as one of several priorities in its annual Retreat goals, the 2013 Master Plan and the 2010 DDA Development Plan.*

(14) The proposed use and its parking will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities. – *The proposed use is not required to be serviced by public services and facilities and will not unduly burden public sewers and facilities since the overflow lot will not be paved or connected to public sewers.*