

**City of Brighton
Planning Commission
Minutes
September 19, 2011**

1. Call to Order/Roll Call

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

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| John Wells | Dave Petrak |
| Al Wirth | Matt Smith |
| Larry Schillinger | Robert Pawlowski |
| David McLane | |

Motion by Mr. Wirth, supported by Mr. Pawlowski, to excuse Commission Members Monet and Bryan from tonight's meeting. **Motion carried 7-0-2.**

Also present were Amy Cyphert and Lauri French from Staff, Matt Modrack, DDA Executive Director, and an audience of four.

2. Call to the Public

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

3. Approval of the August 15, 2011 Regular Meeting Minutes

Motion by Mr. McLane, supported by Mr. Schillinger, to approve the August 15, 2011 regular meeting minutes as presented. **The motion carried 7-0-2.**

4. Approval of the September 19, 2011 Agenda

Motion by Mr. Wirth, supported by Mr. Petrak, to approve tonight's agenda as presented. **The motion carried 7-0-2.**

Old Business - None

New Business

5. Site Plan Amendment – Brookside Mall – Firehouse Subs #11-012

Amy Cyphert, Acting Planning & Zoning Director for the City of Brighton, gave an overview of the applicant's request for a change of use for the current video tenant space in Brookside Mall and explained that a change of use that requires more parking than the previous use requires site plan review. Mr. Schillinger noted that a parking variance was granted for Lil' Chef and no parking issues have arisen. Ms. Cyphert advised the board that approval of this request is subject to three conditions outlined in the report in their packets, one of which is an outstanding access site plan violation that must be resolved to the City's satisfaction. As noted in Blue Sky, the site plan amendment in 2008 that approved LilqChef locating within 101 Brookside Suite A and B was approved with a condition that the Taco Bell connection be done prior to the issuance of a temporary or final certificate of occupancy. The property owners constructed the connection to the Taco Bell site but once the site improvement bond was released to the property owner, they placed cement barriers in the connection to the Taco Bell property. The issue is now with the attorneys for all parties involved.

John Kubiak from Firehouse Subs introduced himself and described their franchise to the Planning

Commission members. Brighton will be their first location in Michigan; Brookside was chosen due to its visibility from Grand River and Brighton was chosen because it's centrally located to the market and will showcase the brand. They will use the Brighton store to introduce new franchisees to the restaurant. He explained there will be no cooking at the restaurant; they steam their meat and cheese and use toasted bread. They are focused on customer service and high quality. Founders of the franchise were firefighters from Jacksonville, FL (one was originally from Livonia, MI). The closest franchise locations to Michigan are in Illinois and Ohio. The company is very community-oriented; their Public Safety Foundation sells pickle buckets and all proceeds are donated back to local Fire, EMS and Police. They donated a fire truck to Tuscaloosa, AL after the recent tornado destroyed their equipment.

Kathy Riesterer, Cooper & Reisterer, spoke on behalf of Brookside Mall. She noted that Taco Bell was supposed to get access from Brookside, who had to pay for access to Best Buy Drive. Brookside's position is that if Taco Bell wants access, they will have to pay something for it, and the owner of Taco Bell refuses to pay. Brookside is looking for reasonable compensation, but they can't get Taco Bell to the table. They have suggested that the issue be turned over to an arbitrator for resolution. She recognized that this was a condition of the site plan for LilqChef and that it still is.

Motion by Mr. Schillinger, supported by Mr. McLane, to recommend conditional site plan approval for Brookside Mall . Firehouse Subs as depicted on the plan prepared by Lindhout Associates, sheets C1, job #1166, last dated 8-5-2011. The approval is subject to the following conditions:

1. That signage meets ordinance or existing variance requirements.
2. That the issues raised by the Brighton Area Fire Authority in the letter dated 9/7/11 are addressed.
3. That the outstanding access site plan violation is resolved to the City's satisfaction.

The motion carried 7-0-2.

6. Site Plan – Expansion of Pierce Street Parking Lot #11-013

Ms. Cyphert reviewed the applicant's request, which will add 8 parking spaces to the Pierce St. lot and includes the installation of 14, 4-5 foot tall arborvitaes to screen the new parking spaces from North Street. Staff believes the addition of the screening meets the intent of Section 98-86 of the zoning ordinance. She noted, as discussed in Blue Sky, that the request for 8 additional spaces had gone before the Zoning Board of Appeals (ZBA) in 2008 but was denied because the site plan did not include screening of the new parking spaces.

Matt Modrack, DDA Executive Director, explained that he had missed Section 98-86 of the ordinance when he originally went to the ZBA. If he had known about it beforehand, he wouldn't have gone to the ZBA. He noted that with the influx of restaurants the past few years, with The Pound yet to open, there is a need for additional downtown parking spaces. The DDA is in the process of building a 25-space lot on the Barton property at West and North Streets and will be re-doing the West and North streetscape next year, which will pick up 7 more spaces. Fifth Third has reconfigured their lots and we will pick up 4 on-street spaces. In addition, demolition of the former Chamber site and the addition of Excelda will provide 30 on-site spaces that can be used in off-hours.

Mr. Schillinger commented that the language in Section 98-86 of the zoning ordinance is not clear or specific. Mr. Wells provided some background on the ZBA application as he sat on the ZBA when this originally came before them, and he noted that the applicant withdrew their application before the ZBA voted on it. In his opinion, the ZBA would have denied the 8 spaces and as he stated in Blue Sky, he believes this request is a circumvention of the ZBA which is unethical. Ms. Cyphert reiterated that the applicant was originally seeking relief from the landscaping requirement when Mr. Modrack took the request to the ZBA in 2008, not the parking spaces themselves because they meet the intent of the ordinance.

Mr. Modrack stated that he is disturbed that this request would be considered unethical. He requested that the matter be withdrawn so the Planning Commission doesn't have to act on something they consider unethical, nor would he put the DDA in a position to have their reputation damaged over this issue.

7. Brighton Area Fire Department Informational Presentation on Site Plan Requirements and the Fire Code

Mike O'Brien, Fire Marshall for the Brighton Area Fire Authority, reviewed the handout regarding submittal documents required during construction, which includes a checklist the BAFA uses when reviewing site plans. He wanted the Planning Commission members to be aware of this information. He already works with the City to coordinate site plan issues and to identify red flags, which are usually taken care of before the site plan comes before the Planning Commission for approval. He noted that he encourages developers to install sprinklers. The BAFA's emphasis is on fire prevention, especially at events and because of the number of old buildings in downtown Brighton that may not have enough exits with today's fire code. He also discussed the impact of green-building practices on fire prevention and protection. Mr. O'Brien thanked the Planning Commission for the opportunity to speak at tonight's meeting.

8. Discussion and Possibly Setting of a Public Hearing Date for Amendments to Downtown Business District (DBD) Signage Ordinance

Ms. Cyphert reviewed the history of the amendments to the DBD sign ordinance. The request to review and amend the sign ordinance originated with the ZBA due to the number of requests for projecting signs on downtown businesses that required variances. She used our existing C2 and C4 signage and tweaked it for the DBD as well as incorporating the best features of other communities' ordinances. The DDA Design Subcommittee, the DDA Board and the Principal Shopping District (PSD) Board have reviewed the draft amendments.

Ms. Cyphert reviewed the draft amendments and highlighted the proposed changes. There were a few changes suggested that she will incorporate into the final draft for the public hearing, notably changing "door neon open signs" in paragraph (11) b. to "door illuminated signs" and changing "ay" to "hall" in paragraph (11) c.2. The "door neon open signs" definition on page 10 was also changed to "door illuminated open signs".

Motion by Mr. Pawlowski, seconded by Mr. Wirth, to schedule a public hearing date of October 17, 2011 to hear public comments regarding the proposed Amendments to Downtown Business District (DBD) Signage Ordinance. **Motion carried 7-0-2.**

Other Business

9. Staff Updates - None

10. Call to the Public

The call to the public was made at 9:00 p.m. Hearing no response, Call to the Public was closed.

11. Adjournment

Moved by Mr. Petrak, supported by Mr. McLane, to adjourn the meeting at 9:00 p.m. **The motion carried 7-0-2.**