

**City of Brighton
Planning Commission
Meeting Minutes
July 20, 2015**

1. Call to Order/Roll Call

Chairperson Monet called the meeting to order at 7:30 p.m.

The following were present:

Jim Bohn	Matt Smith
William Bryan	Robert Pawlowski
David McLane	Susan Gardner
Steve Monet	Michael Schutz
Dave Petrak	

Also present was Amy Cyphert and Lauri French from Staff and an audience of 8.

2. Approval of the June 15, 2015 Regular Meeting Minutes

Motion by Mr. Petrak, supported by Mr. Pawlowski, to approve the June 15, 2015 regular meeting minutes as presented. **The motion carried 7-0-2, with Commission Members Schutz and McLane abstaining.**

3. Approval of the July 21, 2015 Agenda

As discussed in Blue Sky, it was suggested to move items 10 and 11 before items 8 and 9.

Motion by Mr. Smith, supported by Ms. Gardner, to approve the agenda as amended. **The motion carried 9-0.**

4. Call to the Public

The call to the public was made at 7:32 p.m. Janet Joseph, owner of Joseph Properties on Advance St., stated that their two properties are contiguous to the Whitney St. property. She handed out a list of concerns to the Planning Commission members and read the five items concerning the 800 Whitney St. site plan into the record. Jerry Joseph, owner of Joseph Properties on Advance St., read the four Back Lot Amendment items of concern into the record. The referenced handout is attached to these minutes. Hearing no further comments, call to the public was closed at 7:43 p.m.

Public Hearings

5. Conduct a Public Hearing and Possible Action amendment to the following:

- Chapter 66 Signs, Article I. In General, Sec. 66-2 Definitions
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-91 All zoning districts, (14) Prohibited signs (a) animated and intensely lighted signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-94. Community shopping center zone, add (12) Drive-in/drive through restaurant menu boards and (13) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-95. General business and limited intensity business/office zones, add (13) Drive-in/drive through restaurant menu boards and (14) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-96. Limited business zone. Add (12) changeable message signs or digital/electronic signs
- Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. Add (15) changeable message signs or digital/electronic signs

Chairperson Monet closed the regular meeting and opened the public hearing at 7:43 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:44 p.m.

Motion by Mr. Smith, supported by Mr. Schutz, to recommend approval of the amendments to Chapter 66 and to forward them to City Council approval. **The motion carried 9-0.**

6. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 98 Zoning, Article. VI. A-1 Districts, Sec. 98-152. Use regulations (3)
 - Chapter 98 Zoning, Article. VII. A-2 Districts, Sec. 98-177. Use regulations (2)
 - Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:45 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:45 p.m.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to recommend approval of the amendments to Chapter 98 and to forward them to City Council for approval. **The motion carried 9-0.**

7. Conduct a Public Hearing and Possible Action to the following:
 - Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13 sidewalk/sandwich board signs (b)(d) add (e)

Chairperson Monet closed the regular meeting and opened the public hearing at 7:46 p.m. Hearing no response, the public hearing was closed and the regular meeting was reopened at 7:46 p.m.

Motion by Mr. Smith, supported by Ms. Gardner, to recommend approval of the amendment to Chapter 66 regarding sandwich board signs and to forward it to City Council for approval. **The motion carried 9-0.**

Unfinished Business

New Business

10. Site Plan – Domino's Pizza at 222 W. Grand River #15-018

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for a restaurant requires Planning Commission's approval. The former tenants were a florist shop and a retail shop.

Motion by Mr. Petrak, supported by Mr. Bryan, to recommend conditional site plan approval for Domino's Pizza at 222 W. Grand River #15-007 as depicted on plans prepared by Desine, Inc., project #71208, sheet SP, last dated 6-16-15 subject to the following:

1. That all signage comply with applicable ordinances or variances obtained.

The motion carried 9-0.

11. Site Plan – Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019

As noted in Blue Sky, Ms. Cyphert indicated that site plan approval is required whenever there is a change of use and that the additional parking requirement for restaurants requires Planning Commission's approval. The former tenant was a shoe store.

Motion by Mr. McLane, supported by Ms. Gardner, to recommend conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019 as depicted on plans prepared by Nudell Architects, project #2015-062.02, sheet A100, last dated 7-15-15 subject to the following:

1. That all signage comply with applicable ordinances or variances obtained.

The motion carried 9-0.

8. Site Plan – 800 Whitney Street #15-002

Ms. Cyphert reviewed the applicant's request. She noted that the site has had outdoor storage for some time. Planning Commission can add a time limit by which the paving must be completed under item 1 if they wish. There was discussion about the propane tank location on the site. Wayne Perry from Desine, Inc. pointed out the location on the site plan. Mr. Monet stated that one of the concerns from neighboring parcels was that vehicle auctions would be held on this site. Mike Corrigan, Corrigan Oil at 775 N. Second St. advised that there is a slight possibility that auctions would be held and that they currently do one auction per year that is attended by about six people. Otherwise, they take impounded vehicles to a salvage yard. Mr. Corrigan also pointed out that he has asked the Josephs to call him if they have any issues and they have not done so. Mr. Perry also pointed out the location of the wood fence on the site plan and noted that the entire site is fenced except on the railroad side and the wetlands. In response to a question as to whether there was a fence between the Josephs' property and the Corrigan property, Ms. Cyphert noted there is an 8-foot wood fence. There was discussion about adding a 2-year time limit to item 1 in the motion.

Motion by Ms. Gardner, supported by Mr. Bryan, to recommend conditional site plan approval for 800 Whitney Street as depicted on plans prepared by Desine, Inc, sheets EX, SP, GR, LA, SE1, SE2, and DT1, project #9142429, last dated 7-15-15 and plans prepared by Lindhout Associates, sheets A1 and A2, project #1501, last dated 1-14-15 subject to the following:

1. The applicant must monitor and report to the City Planning Department in 2 month increments to determine when the soil has settled to a point where the area can be paved. Paving must be completed by June 30, 2017.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. Legal access easement documents are properly filed with Livingston County.
4. The construction shall meet all applicable City Engineering Design Standards.
5. That the building materials used to enclose the covered warehouse be similar and harmonious with the existing buildings and be reviewed with an administrative approval during the construction plan review.
6. That the ingress and egress on Advance Street be limited to the extent possible to reduce large truck turning movements on Advance Street that cause traffic congestion.

During discussion, Ms. Cyphert noted that Mr. Corrigan has directed the majority of trucks onto Second St. at the suggestion of the Josephs. Bill Harness from Novex Tool at 777 Advance St. was given permission to speak to Planning Commission by Chairperson Monet. He said he leases the property from the Josephs and is concerned about the large propane tank at the end of his driveway. He also said he had attended a City Council meeting and thought he heard that the propane tank location would not be approved. Mr. Corrigan pointed out that tonight was the first time he has heard about the Josephs' new concerns as previously read into the record.

The motion carried 9-0.

9. Site Plan –The Back Lot Amendment #15-003

Ms. Cyphert reviewed the applicant's request and noted that this is an amendment to a site plan that has already been approved twice. In response to a question about clarifying the number of parking spaces, Mr. Perry reviewed all concrete, asphalt and gravel parking on the site plan. There will be a total of 90 vehicle and 25 truck spaces when complete. He also reviewed the path of truck egress to Second St. The trucks that are parked off Whitney will exit to Second St. Corrigan will be replacing a horizontal 1,000 gallon tank with a vertical 2,000 gallon tank on the 775 Second St. property. Mr. Monet commented that

there will also be one 30,000 gallon empty horizontal tank stored on the 800 Whitney Street site. Mr. Corrigan stated that the 30,000 gallon tank was supposed to be used in Toledo but there were issues that prevented it from being placed there. It may still be moved to another location. Commission Member Bohn indicated that he wants to have the City Attorney review this nonconforming question that was brought up during the Call to the Public. Ms. Cyphert noted that the motion could be amended to add a condition as item 6 regarding review of the article for non-conforming use with the expansion of the tank size.

Motion by Mr. Pawlowski, supported by Mr. Smith, to recommend site plan for The Back Lot Parking behind 775 N. Second Street as depicted on plans prepared by Desine, Inc, sheets EX, SP, GR, SE1, SE2, DT1, DT2, and project #91585, last dated July 15, 2015 subject to the following:

1. The applicant must monitor and report to the City in 2 month increments to determine when the soil has settled to a point where the area can be paved. Paving must be completed by June 30, 2017.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. The construction shall meet all applicable City Engineering Design Standards.
4. Legal access easement documents are properly filed with Livingston County.
5. That the ingress and egress on Advance Street be limited to the extent possible to reduce large truck turning movements on Advance Street that cause traffic congestion.
6. That the City Attorney reviews the article for non-conforming use language prior to City Council approval to determine if expansion of the tank size is an expansion of a non-conforming use.

The motion carried 9-0.

Other Business

12. Staff Updates – Ms. Cyphert advised that during the last budget session she requested funding for zoning, sign and site plan ordinance updates. City Council agreed to fund 50% of the cost if the DDA would fund the other 50%. The DDA did agree to fund 50% of the cost. RFPs have been sent out and responses are due the end of July. She noted that she is putting together an RFP Review Committee comprised of representatives from the ZBA, DDA, Planning Commission, City Council and herself, and she needs a Planning Commission representative for the Committee. She suggested Dave McLane since he is a Planning Commissioner and is also an architect and user of the current ordinances. She said she hopes the updated ordinances will be more user-friendly. Dave McLane agreed to be the PC representative.

Ms. Gardner noted that there were four members reappointed to Planning Commission at last week's City Council meeting.

Ms. Cyphert noted that the next meeting is scheduled for August 17 and that it will be Lauri French's last meeting as she is retiring effective September 4.

13. Commissioner Concerns – None
14. Call to the Public – Call to the public was made at 8:28 p.m. Janet Joseph, Joseph Properties, stated that they had very little time to work on issues because she didn't know what items were going to be on tonight's agenda. Jerry Joseph stated that he hasn't noticed any difference with the amount of traffic on Advance St. He said he tried calling Mr. Corrigan to voice his concerns but that it didn't work out. He indicated that things have been done without permits and that everyone should have to play by the same rules. Ms. Cyphert pointed out that agendas are typically not posted until the Friday preceding the Planning Commission meeting and that Mrs. Joseph was provided a copy of the agenda as soon as it was finished on Wednesday, July 15. Hearing no further comment, call to the public was closed at 8:34 p.m.

15. Adjournment

Motion by Mr. Petrak, supported by Mr. Bryan, to adjourn the meeting at 8:34 p.m.

Bill Bryan, Secretary

Lauri French, Recording Secretary