

**City of Brighton
Planning Commission
Minutes
March 21, 2011**

1. Call to Order/Roll Call

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

Al Wirth
Larry Schillinger
William Bryan
John Wells
Steve Monet
Matt Smith
David McLane
Dave Petrak
Bob Pawlowski

Also present were Amy Cyphert, Lauri French, Brad Maynes, Claudia Roblee and an audience of three.

2. Call to the Public

The call to the public was made at 7:31 p.m. with no response.

3. Approval of the February 28, 2011 Regular Meeting Minutes

Ms. Cyphert noted that the draft minutes contained a few typographical errors, which have been corrected. **Motion** by Mr. Wirth, supported by Mr. Wells, to approve the February 28, 2011 regular meeting minutes as amended. **The motion carried unanimously.**

4. Approval of the February 28, 2011 Closed Session Meeting Minutes

Motion by Mr. Schillinger, supported by Mr. Smith, to approve the February 28, 2011 closed session meeting minutes as presented. **The motion carried unanimously.**

5. Approval of the March 21, 2011 Agenda

Motion by Mr. Smith, supported by Mr. Pawlowski, to approve tonight's agenda as presented. **The motion carried unanimously.**

Old Business

New Business

6. Discussion and Possibly Setting of a Public Hearing Date for Amendments to Section 98-3, Definitions, and addition of Section 98-57, Medical Marihuana Uses

Ms. Cyphert noted that the report in tonight's meeting packet contains proposed amendments modeled after the ones adopted by the City of Grand Rapids in 2010 and that Planning Commission may wish to discuss the subject of marihuana dispensaries or collectives or cooperatives.

Mr. Maynes explained that the Grand Rapids model both defines and bans dispensaries in the "definition" section, which is very odd. The state statute is very unclear; dispensaries, collectives and cooperatives are not mentioned so we do not know whether they are prohibited or permitted. He noted that he has not

spoken to anyone in Grand Rapids and has no direct information about why they did it this way. Mr. Smith asked where dispensaries, collectives and cooperatives should be addressed if not in the definitions? Mr. Maynes responded in substantive regulations in the general section of the Zoning Ordinance or District. Ms. Cyphert noted that Planning Commission may amend "definitions" to include these terms.

Mr. Smith asked if there was anything in the Home Occupation section that would prohibit dispensaries, collectives and cooperatives. Mr. Maynes responded there was not; there are specific uses under Home Occupation. Prohibitions should be put in the "General" section of the Ordinance and definitions in the "Definitions" section. Mr. Smith asked if we put it in the "General" section that applies to all zoning, would this prohibit dispensaries everywhere in the City and could we be in violation of the state law. Mr. Maynes did not know the answer to this question as there is not enough background yet. There was discussion about where in the Ordinance dispensaries, collectives and cooperatives should go and the intent of the state statute. The statute seems to intend for people to dispense medical marijuana out of their homes (primary caregiver), which would keep it small. Mr. Monet stated he sees more of a problem with the neighborhoods if we allow dispensaries, collectives or cooperatives and believes we should restrict this to a specific zoning district (C-1, for example), which would at least require the landlord to approve the lease of space.

Mr. Maynes noted that there are three alternatives before Planning Commission. They could ban dispensaries, collectives and cooperatives entirely like Livonia, allow them only in a business district with commercial or industrial zoning, or allow them under Home Occupation, which may have been the intent of the state statute but has not been tested. Mr. Smith asked if the ordinance is changed and it doesn't work, what are the options? Could dispensaries, collectives and cooperatives be grandfathered? Mr. Maynes responded that if the courts determine that dispensaries are illegal, you cannot grandfather an illegal ordinance. He also noted in response to a question that we cannot continue the current moratorium indefinitely.

Chairperson Monet summarized what items and options are before Planning Commission. Mr. Maynes asked for clarification as to whether Planning Commission wants to ban dispensaries, collectives and cooperatives or just restrict them to C-1, for example. Mr. Wirth stated they want to prohibit dispensaries, collectives and cooperatives in the general definitions. Ms. Cyphert noted that she and Mr. Maynes would come up with new ordinance language for the public hearing.

Motion by Mr. Smith, seconded by Mr. Wirth, to set a public hearing for April 18, 2011 on the proposed amendment to Section 98-3, Definitions, and addition of Section 98-57, Medical Marijuana Uses, amended to include restrictions on dispensaries, collectives and cooperatives. **The motion carried unanimously.**

7. Presentation of the "Envision Brighton" Downtown Visioning World Café Forum Results

Council Member Claudia Roblee introduced herself and noted the Envision Brighton committee members who were involved in developing the Envision Brighton World Café. They are Shawn Pipoly, Lisa Nelson and Lauri French. She reviewed the Envision Brighton report included in tonight's meeting packet and the items that were identified as requiring action by the Planning Committee. She noted that the next steps are to adopt the Envision Brighton report as the Downtown Community Vision, that any policy decisions about downtown are made with this vision in mind, and that steps are taken to implement this vision as finances allow. She mentioned that there are several ideas that came out of the forum that will not cost anything and that one participant suggested that these items be implemented first.

Ms. Roblee stated that one option for the Planning Commission is to incorporate the Downtown Community Vision into the City of Brighton Master Plan, and she understands that there is a subcommittee currently working on amendments to the Master Plan. She advised that Amy Cyphert has all of the spreadsheets containing comments from the Envision Brighton World Café. If Planning

Commission does not want to incorporate this into the Master Plan, it may be put into other planning documents, such as the Downtown Blueprint for example, as a stand-alone document to use for planning purposes. Chairperson Monet stated that the Master Plan subcommittee would take a look at whether to include this in their update.

Other Business

8. Staff Updates – Ms. Cyphert commented that the Master Plan subcommittee has been meeting every two to three weeks. Mr. Schillinger mentioned that a suggestion was made to the Traffic Safety Advisory Board to limit parking in the Singer lot by setting aside six spots with a 30-minute limit on parking. This suggestion was made to alleviate concerns by Rolison's and other businesses whose customers can't find parking spaces due to the recent restaurant opening.

10. Call to the Public

The call to the public was made at 8:50 p.m. Claudia Roblee, 423 Mill Pond Lane, advised that she was the person who recommended that John at Rolison's go to the Traffic Safety Advisory Board regarding the parking situation. She also noted that the Principal Shopping District is working on a parking strategy for employee parking and where it would make sense to limit parking hours. There have been two brochures designed that can be shared with the Planning Commission.

Renee Petingill, 225 N. Third St., stated that the City should look at putting in a stop sign right before Oh My Lolli on Mill Pond Lane (at the Hyne Alley) because children are running from the Imagination Station over to Oh My Lolli without checking for traffic. She wasn't sure this was the correct board to whom to bring this suggestion. Mr. Schillinger responded that this should go to the Traffic Safety Advisory Board. Ms. Cyphert said that she would send an email to Chief Tom Wightman, who handles the Board scheduling.

Hearing no further response, Call to the Public was closed at 8:52 p.m.

11. Adjournment

Moved by Mr. Smith, supported by Mr. Wells, to adjourn the meeting at 8:53 p.m. **The motion carried unanimously.**

John Wells, Secretary

Lauri French, Recording Secretary