

**City of Brighton
Planning Commission
Minutes
January 28, 2013**

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
Steve Monet	Dave Petrak
Matt Smith	John Wells
Robert Pawlowski	

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

Also present were Amy Cyphert and Lauri French from Staff and an audience of 12.

2. Approval of the December 17, 2012 Regular Meeting Minutes

Motion by Mr. Wirth, supported by Mr. Pawlowski, to approve the December 17, 2012 regular meeting minutes as presented. **The motion carried 7-0-2.**

3. Approval of the January 28, 2013 Agenda

Motion by Mr. Smith, supported by Mr. Petrak, 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 7:33 p.m. Paul Jermanus, 3511 Oak Knoll, Brighton Township, spoke in support of the special use request by St. Patrick Church. He is a member of the parish and noted the church membership is over 3,000 families. With the increased population in the city and townships, there is a need for additional burial space at the St. Patrick Cemetery, and he supports the special land use request. Hearing no further response, call to the public was closed at 7:35 p.m.

Public Hearings

Motion by Mr. Pawlowski, supported by Mr. Smith, to close the regular session and go into the Public Hearing at 7:35 p.m. **The motion carried 7-0-2.**

Mr. Robert Gardella, attorney for the applicant, briefly reviewed the special land use request which will be used for additional burial plots at the St. Patrick Cemetery. He noted that the purpose for the property when the Church purchased it was always for burial plots and that the house on the property had been demolished. He addressed a question regarding parking by noting that traffic for funeral processions and burials can be accommodated using the existing drives and pathway. He also noted the property in the request is a small part of the cemetery's overall acreage. He introduced Mary Lou Shaw, Cemetery Administrator, and Gary Nichols, Cemetery Maintenance Administrator, from St. Patrick Church.

Hearing no further comments, Chairperson Monet closed the public hearing at 7:40 p.m. and resumed the regular session. Ms. Cyphert noted there are 14 items in the Special Land Use Ordinance Review Requirements that have been provided as a handout for Planning Commission's use for this request. The items were reviewed and the Planning Commission's comments are in italics as follows:

- (1) The proposed use and its parking must be consistent with the spirit and intent of this article. – *Planning Commission finds no issues with this article.*

- (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. – *Planning Commission finds no issues with this article as the proposed use is compatible with the existing adjacent uses of land.*
- (3) The proposed use and its parking must be consistent with the public health, safety and welfare of the community. – *Planning Commission noted there is sufficient existing parking and finds no issues with this article.*
- (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. – *Planning Commission finds no issues with this article.*
- (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 consistent with the neighboring area and Planning Commission finds no issues with this article.*
- (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. – *Planning Commission noted there do not appear to be any traffic flow issues that would be more hazardous than is normal and finds no issues with this article.*
- (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 unreasonably impact upon surrounding property and Planning Commission finds no issues with this article.*
- (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. – *As there are no structures being erected as part of the special land use request, Planning Commission finds no issues with this article.*
- (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 is consistent with the area and Planning Commission finds no issues with this article.*

- (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. – *The proposed use will not cause substantial injury to the property values in the neighborhood. There were no written responses and only one phone call in response to tonight's public hearing advertisement and mailing and the person who called was not opposed. Planning Commission finds no issues with this article.*
- (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. – *Planning Commission finds no issues with this article.*
- (12) The proposed use and its parking shall not unreasonably burden the capacity of public services and/or facilities. – *There will not be an unreasonable burden on public services and/or facilities and Planning Commission finds no issues with this article.*
- (13) The proposed use and its parking is consistent with the city's growth management plan/master plan. – *The proposed use is consistent with the City's Master Plan and Planning Commission finds no issues with this article.*
- (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. – *There will be no impact to public sewers and facilities and Planning Commission finds no issues with this article.*

Chairperson Monet requested that Attachment 1 of the application, the applicant's findings of fact, be adopted as part of the record.

Motion by Mr. Schillinger, supported by Mr. Pawlowski, to recommend approval by City Council for the Special Land Use Permit request for the St. Patrick Church Cemetery Expansion at 215 Brighton Lake Road #12-019 based on findings of fact and Attachment I, applicant's findings of fact, and to set a public hearing date if City Council believes it is required. **The motion carried 7-0-2.**

Unfinished Business

New Business

Other Business

6. **Staff Updates** – Ms. Cyphert noted that if there is a meeting in February, it will be on February 25, 2013, which is one week later than normal due to the Presidents Day holiday. She will notify the Planning Commission members if a meeting is required.
7. **Commissioner Concerns** – Ms. Cyphert discussed potential projects in the City and Mr. Petrak noted that Vail Resorts had recently purchased Mt. Brighton.
8. **Call to the Public**

The call to the public was made at 7:55 p.m. Hearing no response, call to the public was closed.

9. **Adjournment**

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

John Wells, Secretary

Lauri French, Recording Secretary

Attachment #1

Describe how the proposed use is consistent with the spirit and intent of the Special Use Regulations:

1. The proposed use as a cemetery for human remains, with burial plots for this parcel, a storage area for cemetery equipment and driveways for motor vehicles, would expand the already existing cemetery which touches on its south side and east side. The proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
2. The proposed use as a cemetery, with limited parking as described above, is compatible with the adjacent use of land as an existing cemetery on the south side and the east side of the parcel.
3. The proposed use as a cemetery for human remains is a necessity for the public health and general welfare of the community. Members of the City of Brighton community and surrounding areas need cemetery burial plots as a necessity. Parking is limited and the proposed use would involve (a) parking of cemetery grounds maintenance equipment and burial plot digging equipment near an existing equipment storage garage, (b) temporary parking of motor vehicles during religious funeral ceremonies during funeral processions and (c) occasional visitation of burial plots by friends and family members of decedents is consistent with the spirit and intent of Sec. 98-127.
4. The proposed use and parking are in conformance with the objectives and specific elements of the city plans.
5. The proposed use and parking are compatible in size, location and character in relation to the already existing cemetery parcels that exist to the immediate south side and immediate east side of the parcel at issue in this application. The existing cemetery has existed for a long-period of time at the current location, which is positioned next to railroad tracks off of Brighton Lake Road. The residential parcels to the west and north of the parcel have existed harmoniously with the existing cemetery parcels.
6. The proposed use and its related parking have already been tested by the existing cemetery usage. Funeral processions have occurred without incident at the already existing cemetery. The vehicle driveway entrance to the parcel at issue would use the existing driveway entrance on Brighton Lake Road that is use for access to Parcel 4718-31-300-002.
7. The proposed use and parking will not unreasonably 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 cemetery parcels are already operated with beautifully maintained grounds and dignified religious funeral processions.
8. The proposed use and parking shall be such that the structures, buildings, walls, fences and landscaping will follow the style and design of the cemetery that exists on the adjoining

cemetery parcel. Due to the fact that the existing cemetery already has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings.

9. The proposed use and its related parking related harmoniously with the physical and economic aspects of adjacent land uses due to the fact that the parcels to the south and east of the parcel at issue are already used as a long-time functioning human cemetery.
10. The proposed use and parking will follow the style and design of the cemetery that exists on the adjoining cemetery parcel. Due to the fact that the existing cemetery on the adjoining parcel has existed for many years, this parcel being used as a cemetery would not unreasonably affect the values of adjacent land or buildings and would not affect the intended character of the area.
11. The proposed use and its parking will not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust of the parcel or the general area.
12. The proposed use and its parking will not unreasonably burden the capacity of public services and/or facilities, due to the fact that the parcel will only be used as a human cemetery.
13. The proposed use and its parking is consistent with the City of Brighton growth management plan and/or master plan, as the proposed use is the same as the adjoining parcels to the south and east.
14. The proposed use and its parking are already adequately served by public services and facilities, the use and parking will not unduly burden public sewers and facilities.