

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
August 6, 2015

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting of July 16, 2015](#)
6. Call to the Public

Consent Agenda

7. Approval of a biennial City Service Survey for 2015 and related review of inputs received by the City Manager from the City Council Members and staff to date for the updating of the survey questions
8. Consider approval of a proposal for the update of the Administrative Non-Union Pay Plan & related recommended group of comparable city governments to use for the update study by the Michigan Municipal League's Human Resources consultant
9. Consider approval of [new Civic Event applications](#) as recommended by the Staff Civic Events Review Committee
10. Consider [first reading of amendments 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 as recommended by Planning Commission](#)
11. Consider [first reading of amendments 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. 202. Use regulations \(3\) as recommended by Planning Commission](#)
12. Consider [first reading of amendments Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district.\(13\) sidewalk/sandwich board signs \(b\)\(d\) add \(e\) as recommended by Planning Commission](#)
13. Consider approval of an Michigan Tax Tribunal settlement as recommended by the City Attorney

Policy Development & Customer Communications' action item

14. City Manager's / Staff report as requested by City Council regarding Northridge Woods Site Plan Compliance in response to Council Member Bohn's related presentation at the July 16th City Council Meeting .
15. Reconsideration of a [possible increased budget allocation to SELCRA for FY 15-16](#) to the amount originally requested by the SELCRA Board
16. Consider [conditional site plan approval for Domino's Pizza at 222 W. Grand River](#) as recommended by the Planning Commission

17. Consider [conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120](#) as recommended by the Planning Commission
18. Consider [conditional site plan approval for 800 Whitney Street](#) as recommended by the Planning Commission
19. Consider [conditional site plan approval for amendments to The Back Lot](#) as recommended by the Planning Commission

Other Business

20. Information for City Customers including reports on responses to Citizens Inquiries to City Council received since the last Council Meeting
21. Receive updates from Council Member Liaisons to other Boards and Commissions
22. Call to the Public
23. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON JULY 16, 2015 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Councilmembers Bandkau, Pipoly, Tobbe, Bohn and Gardner. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:31 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Councilmembers Pipoly, Bandkau, Bohn, Tobbe and Gardner. Also in attendance were Attorney Brad Maynes, City Engineer Gary Markstrom, Staff members Dana Foster, Jennifer Burke, Matt Modrack, Dave Blackmar, Tom Wightman and an audience of 3. Press and media included Tom Tolen from WHMI.

It was moved by Mayor Pro-Tem Pipoly, seconded by Bandkau to excuse Councilmember Willis from the evening's meeting. Motion passed 6-0-1.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Pipoly, seconded by Bandkau to approve the agenda as amended. Add item #11a. Board of Review alternate appointment. Move Item #16, SELCRA to the first item under Action Agenda Items. Delete item #15, Springhill Consent Judgment. Motion passed 6-0-1.

MINUTE APPROVAL

It was moved by Councilmember Gardner, seconded by Bandkau to approve the Regular Meeting minutes of June 18, 2015 as presented. Motion passed 6-0-1.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:32 p.m. Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Councilmember Bohn seconded by Pipoly to approve the Consent Agenda as amended. Delete Item #8, Administrative Pay Non-Union Pay Plan, add Item #9a. Appointment for Board of Review Alternate, Move Item #11 to Action Agenda. A roll call was taken. Yes: Bandkau, Gardner, Muzzin, Pipoly, Tobbe, Bohn. No: none. Motion passed 6-0-1.

The following items were approved:

1. Approved the updated biennial City Service Survey questions.

2. Reappointed David Petrak, Matt Smith, David McLane and Sue Gardner to the Planning Commission and Scott Griffith, Ashely Israel and Lisa Nelson to the DDA.
3. Approved the proposed schedule for use of the gravel overflow portion of the new CSX West parking lot.
4. Appointed Randy Clifton as Board of Review alternate.

DOWNTOWN SURVEILLANCE CAMERA SYSTEM UPGRADES

It was moved by Councilmember Tobbe, seconded by Pipoly to approve the proposal submitted by Absolute Sales International for the Downtown Surveillance Camera System Upgrade. Motion passed 6-0-1.

PROPOSED SELCRA PROPERTY TRANSACTION

It was moved by Mayor Pro-Tem Pipoly, seconded by Tobbe to release the Attorney/Client Privilege Opinion letter from City Attorney's office regarding the proposed SELCRA property sale. Motion passed 6-0-1.

There was discussion regarding the City Attorney reviewing the SELCRA property sale closing documents.

DOWNTOWN PARKING ENFORCEMENT ORDINANCE PUBLIC HEARING

Mayor Muzzin opened the Public Hearing for the proposed Downtown Parking Enforcement Ordinance at 7:52 p.m. The following comments were heard:

Matt Modrack, DDA Director recommended not proceed with the proposed Ordinance and Traffic Control Orders as presented. He stated there is not sufficient preparation time to roll out such a comprehensive enforcement program and to postpone any consideration until spring 2016.

Randy Clifton, Citizen of City of Brighton, stated his neighbors contacted him regarding concerns with parking enforcement and supports the decision to delay.

Matt Modrack confirmed that a subcommittee of the Parking Enforcement Committee recommended this proposal.

Hearing no further comment, Mayor Muzzin closed the Public Hearing at 7:57 p.m.

It was moved by Councilmember Bohn, seconded by Gardner to start the First Reading and Public Hearing process again for the Parking Enforcement. Motion passed 6-0-1.

DOWNTOWN PARKING ENFORCEMENT TRAFFIC CONTROL ORDERS

No action taken on the Downtown Parking Enforcement Traffic Control Orders.

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NORTHRIDGE WOODS SITE PLAN VIOLATIONS

Councilmember Bohn discussed the Northridge Woods Site plan Issues and concerns.

There was discussion regarding the items that are in disagreement with Councilmember Bohn's list, which will be brought to August 6th Council meeting. A letter to Mr. Davis needs to be sent in a timely fashion before the next Council meeting. We are still waiting on response from Mr. Davis from Mr. Foster's June 18th letter.

CITY MANAGER ANNUAL PERFORMANCE EVALUATION

Council agreed to conduct the City Manager Annual Performance Evaluation on August 6, 2015 at 6:00 p.m. prior to the Blue Sky Session.

CITY CUSTOMER INFORMATION

Mayor Pro-Tem Pipoly gave a Taste of Brighton update.

Councilmember Bohn discussed a letter he received regarding litter in downtown Brighton and temporary parking requirements on one side of street during large events, as he is concerned with emergency personnel.

Councilmember Gardner gave a SELCRA update.

Mayor Muzzin gave a Brighton Area Fire Authority update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 9:27 p.m. Hearing no comment, the Call to the Public was closed.

ADJOURNMENT

It was moved by Councilmember Tobbe, seconded by Bandkau to adjourn the meeting at 9:28 p.m. Motion passed 6-0-1.

Jennifer Burke, Deputy City Clerk

Jim Muzzin, Mayor

POLICY REPORT
DEPARTMENT OF PUBLIC WORKS
Civic Event Application Approval – CROP Hunger Walk & The Walk for Freedom

Prepared by:

Patty Thomas
Asst. DPW Director

Reviewed by:

Dana W. Foster
City Manager

ISSUE: To approve two Civic Event Applications for the 2015 Civic Event Season, namely – the CROP Hunger Walk sponsored by Church World Services and the Walk for Freedom sponsored by the A21 Campaign.

STAFF RECOMMENDATION: The City of Brighton Civic Event Staff Committee recommends approval of both of these Civic Events.

BACKGROUND: The City of Brighton Civic Event Staff Review Committee has reviewed both of these events and is recommending approval. Both of these events are walks that cross over Main Street and Grand River. The Committee will advise both applicants that they must provide crossing guards to assist their participants in crossing the streets and that these crossing guards must be wearing shirts identifying themselves as belonging to the event, as well as reflective vests.

BUDGET IMPACT: Support staff necessary for these events will be determined based on past history, nature of the event, and specific requests of event sponsors on an as-needed basis.

RELATIONSHIP TO 2014/2015 GOALS: Continued allowance of various Civic Events under managed conditions to promote the Downtown City of Brighton area.

COUNCIL ACTION: Approval of two additional Civic Event Applications for the 2015 Civic Event Season, namely – the CROP Hunger Walk sponsored by Church World Services and the Walk for Freedom sponsored by the A21 Campaign.

ATTACHMENTS: Two Civic Event Applications.



- Need to supply Crossing assistance.
- Yellow Vests

Civic Event Application
City of Brighton
200 N. First Street
Brighton, Michigan 48116
(810) 227-1911

| |
|------------------------|
| OFFICE USE ONLY |
| 7-9-15 |
| Date Received |
| By (signature) |

**** APPLICATIONS MUST BE FILLED OUT COMPLETELY BEFORE THEY WILL BE CONSIDERED FOR REVIEW ****

| | | |
|------------------|--------------------------------|-------------------|
| 7/7/2015 | Church World Service/CROP Walk | Mary Kushner |
| Application Date | Name of Organization | Name of Applicant |
| 4199 Brian Drive | Brighton | MI 48114 |
| Street Address | City | State Zip |
| 810-599-5195 | 810-220-2820 | |
| Cell Phone | Home Phone | Work Phone Fax |
| Email Address | mkushner23@gmail.com | |

| |
|-----------------------------------|
| CROP Hunger Walk |
| Event Title |
| 5K walk through downtown Brighton |
| Event Location |

EVENT DAYS / TIMES (Please stipulate the following information for each date of event)

| | | | |
|------------|-------------|----------------|-------------|
| DATE | Day of Week | Beginning Time | Ending Time |
| 10/18/2015 | Sunday | 1:00 p.m. | 4:30 p.m. |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

| | | |
|-----------------|-----------------------|---------------------------|
| 10/18/2015 | 4:30 p.m./10/18/15 | NA |
| Set up Time/Day | Tear down Time / Day* | Rain Date (if applicable) |

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: 13-4080201

BRIEF DESCRIPTION OF ORGANIZATION'S PURPOSE AND/OR FUNCTION:

Church World Service raises money to support hunger programs locally and globally.

CROP stands for Communities Responding to Overcome Poverty.

IS THE ORGANIZATION NON-PROFIT? YES NO

If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

A 5K (3.2 mile) walk beginning this year at St. Patrick's Catholic Church, walking a route

through downtown Brighton, and returning to St. Patrick's Church.

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): third weekend in October

or

Next year's specific date(s): October 16, 2016

PROCEEDS OF THIS EVENT WILL BE USED FOR:

25% of proceeds go to local hunger programs - Gleaner's Food Bank, Love, Inc. and the Torch

75% of proceeds go to global programs sponsored by Church World Service helping to alleviate hunger and build sustainability for the world population.

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)

Begins at St. Patrick Catholic Church, 711 Rickett Road, Brighton. Proceeds from Church Street west to Main Street, follows the Tridge parallel to Grand River, takes Cross Street to 2nd St. heading east again back to Main Street and back to the church. About 150 walkers.

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE? YES NO

IF YES, WHAT KIND AND HOW MUCH?

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND?
 YES NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? _____

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS? YES NO

IF YES, TO WHOM AND HOW MUCH?

25% will go to Gleaner's Food Bank, LOVE, Inc., and the Torch

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? 150 Walkers

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES NO

NUMBER OF VOLUNTEERS / STAFF? 8

HOW WILL THIS EVENT BENEFIT THE RESIDENTS AND/OR IMPROVE THE QUALITY OF LIFE IN THE CITY OF BRIGHTON?

Helps to support local hunger programs and educate people about world hunger and

relief issues.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

NA

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

NA

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

NA

DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES NO

IF SO, WHAT LOCATION IS PLANNED? St. Patrick's Church Parking Lot

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION?

NA

SIGNAGE REQUESTED (Detail sign locations on the attached map and provide sign renderings)

Number of Signs About 20

Types of Signs Arrows and ribbons to mark the walk route for walkers

Locations of Signs On posts, trees and sidewalks along the route

Date Signs Posted The morning of Oct. 18

Date Signs Removed By 4:30 on Oct. 18

EQUIPMENT

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

IF YOU ARE PROPOSING TO HAVE A TENT OR TENTS AT YOUR EVENT, PLEASE READ THE ATTACHED "TENT EVENT FIRE CODE PERMIT REQUIREMENTS" COMPLETELY AND **FILL OUT ONE "TENT PERMIT APPLICATION" FOR EACH TENT BEING PROPOSED.**

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES NO

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRS:

| <u>Name</u> | <u>Contact number</u> |
|-------------|-----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OWNER(S) AFFIDAVIT *

I, Church World Service, have authorized Mary Kushner
(company or organization owner) (Civic Event Applicant)

as my Representative for the purpose of obtaining a Civic Event permit(s) from
the City of Brighton Public Services Department for my organization located at
28606 Phillips Street, Elkhart, IN 46514.
(company or organization address)

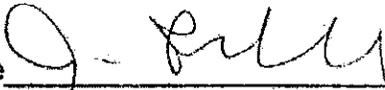


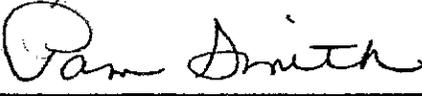
Owners Signature

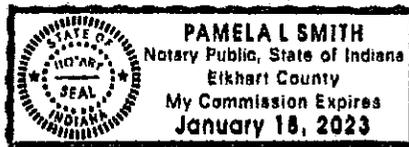
June 18, 2015
Date

INDEMNIFICATION AGREEMENT

Church World Service agree(s) to defend, indemnify, and hold harmless the City of Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be asserted, claimed or recovered against or from Church World Service and/ or the City of Brighton, by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or by third parties, or by the agents, servants, employees or factors of any of them.

Signature  Date June 18, 2015

Witness  Date June 18, 2015





St Patrick Catholic Church

(810) 229-9863

Street View...

Map data ©2015 Google 1000 ft

CROP WALK 2015

Begins + ends @ St. Patrick's Catholic Church
711 Rickett Rd.

1:30 Registration 2:00 Walk



Deborah Gowan
deborah.gowan@gmail.com

Civic Event Application
City of Brighton
200 N. First Street
Brighton, Michigan 48116
(810) 227-1911

Need Insurance

| |
|------------------------|
| OFFICE USE ONLY |
| 7-10-15 |
| Date Received |
| |
| By |

**** APPLICATIONS MUST BE FILLED OUT COMPLETELY BEFORE THEY WILL BE CONSIDERED FOR REVIEW ****

June 18, 2015 The A21 Campaign Amy Rollo
Application Date Name of Organization Name of Applicant

4212 Deeside Dr. Brighton MI 48116
Street Address City State Zip

734-355-0000 N/A N/A N/A
Cell Phone Home Phone Work Phone Fax

Email Address AMY@AMYSAVIN.COM

Walk For Freedom
Event Title

Livingston County
Event Location

EVENT DAYS / TIMES (Please stipulate the following information for each date of event)

| DATE | Day of Week | Beginning Time | Ending Time |
|----------|-------------|----------------|--------------------|
| 10/17/15 | SATURDAY | 10 AM | Noon pm |
| | | | |
| | | | |

Set up Time/Day Tear down Time / Day* Rain Date (if applicable)

* Tear down time will be strictly enforced. It is the applicant's responsibility to ensure the teardown of all materials with their on-site vendors, sponsors, etc. is complete by the teardown time given above.

ORGANIZATION / APPLICANT INFORMATION

Applications for Civic Events in the City of Brighton shall NOT be approved for applicants in default to the City. Therefore, each Application for Civic Events shall be routed to the Finance Department for a determination of any defaults to the City. In the event a default to the City exists, the Application shall be disapproved by the Finance Department, with the nature of the default described as the reason of the disapproval.

TAX IDENTIFICATION NUMBER: EIN 26-3442008 ; section 501(c)(3) tax exemption status.

BRIEF DESCRIPTION OF ORGANIZATION'S PURPOSE AND/OR FUNCTION:
To raise funds and awareness for the A21 Campaign - an organization that helps fight human-trafficking.

★ IS THE ORGANIZATION NON-PROFIT? YES NO
If yes, attach a copy of the organizations Sales Tax Exempt Certificate.

DOES YOUR GROUP PRESENTLY HAVE LIABILITY INSURANCE? YES NO

GENERAL LIABILITY INSURANCE IS REQUIRED NAMING THE CITY OF BRIGHTON AS ADDITIONAL INSURED. IF FOOD IS BEING SERVED, PRODUCT LIABILITY MUST BE INCLUDED. LIMITS OF LIABILITY SHOULD BE NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE.

PLEASE GIVE A DESCRIPTION OF THE PROPOSED CIVIC EVENT. (Attach additional pages if necessary)

The event is a 3 mile walk around Livingston County (Downtown Brighton), ending with a meeting at the Mill Pond for a live speaker on human trafficking

ANNUAL EVENT: Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): _____
or
Next year's specific date(s): _____

PROCEEDS OF THIS EVENT WILL BE USED FOR:

→ helping to fight human trafficking using an international organization called "the A21 Campaign". They specialize in prevention, protection, prosecution and partnership to combat this crime.

IF THE PROPOSED CIVIC EVENT IS A PARADE OR RUN/WALK EVENT, PLEASE LIST THE POINT OF ORIGIN, PATH, TERMINATION POINT, NUMBER OF ENTRIES AND TRAFFIC CONTROL PLAN AS NECESSARY. (Use attached map to clarify the route)



Four horizontal lines for providing event details.

ARE YOU PLANNING TO CHARGE AN ADMISSION FEE? YES NO

IF YES, WHAT KIND AND HOW MUCH?

There will be no set fee, but it will be encouraged for people to donate or get sponsored to run. It is not mandatory though.

DO YOU PLAN ON UTILIZING VENDORS AND/OR EXHIBITORS FOR SALES OF ANY KIND? YES NO

IF YES, COMPLETELY FILL OUT THE ATTACHED VENDOR CONTACT INFORMATION SHEET(S).

WHAT IS THE FEE CHARGED FOR EACH VENDOR? _____

DO YOU PLAN TO CONTRIBUTE REVENUES RECEIVED FROM THIS EVENT TO LOCAL ORGANIZATIONS AND/OR COMMUNITY GROUPS? YES NO

IF YES, TO WHOM AND HOW MUCH?

Not directly - A21 uses the money to combat human trafficking all over the U.S.

WHAT IS THE EXPECTED ATTENDANCE FOR THIS EVENT? 1-2 hundred would be nice... but I'm assuming like 75 people?

DO YOU PLAN ON SUPPLYING ADDITIONAL RESTROOM FACILITIES? YES

NO

NUMBER OF VOLUNTEERS / STAFF? 10

HOW WILL THIS EVENT BENEFIT THE RESIDENTS AND/OR IMPROVE THE QUALITY OF LIFE IN THE CITY OF BRIGHTON?

Human trafficking is a crime that effects every state. Michigan is the 2nd worst state in all of the U.S for sex trafficking.

Educating people in Brighton will make people aware, alert, and prepared to hopefully prevent this crime in our city.

ELECTRICAL SERVICES REQUIRED (Please Be as Accurate as Possible)

OTHER UTILITIES REQUIRED (Please Be as Accurate as Possible)

CITY FACILITIES REQUESTED (Please Be as Accurate as Possible)

The Mill Pond Gazebo

★ DO YOU PLAN TO UTILIZE OFF-SITE PARKING FACILITIES YES

NO

IF SO, WHAT LOCATION IS PLANNED? _____

WHAT IS YOUR PLAN FOR TRANSPORTATION FROM THE PARKING AREA TO THE EVENT LOCATION? _____

SIGNAGE REQUESTED (Detail sign locations on the attached map and provide sign renderings)

Number of Signs _____

Types of Signs _____

Locations of Signs _____

Date Signs Posted _____

Date Signs Removed _____

EQUIPMENT

PLEASE ATTACH LIST OF EQUIPMENT; STAGE, TENTS, VEHICLES, ETC., THAT YOU PROPOSE TO USE IN THE EVENT OR BRING ONTO CITY PROPERTY, STREETS OR PARK AREAS - (ALL SUBJECT TO APPROVAL).

IF YOU ARE PROPOSING TO HAVE A TENT OR TENTS AT YOUR EVENT, PLEASE READ THE ATTACHED "TENT EVENT FIRE CODE PERMIT REQUIREMENTS" COMPLETELY AND **FILL OUT ONE "TENT PERMIT APPLICATION" FOR EACH TENT BEING PROPOSED.**

STREET CLOSURE

ARE YOU REQUESTING A STREET CLOSURE FOR YOUR EVENT? YES NO
If yes, detail the street(s) you would like closed, and the location of the closure(s) on the attached map.

ALCOHOL

DO YOU WANT TO SELL AND/OR SERVE ALCOHOL? YES **(NO)**

IF YES, PLEASE SEE THE ATTACHED SHEET TITLED "ALCOHOL" AND FILL IN THE QUESTIONS COMPLETELY AND IN DETAIL.

SECURITY

If the event requires the overnight setup or storage of goods, equipment, etc. security is the responsibility of the event applicant.

IF YOUR EVENT REQUIRES OVERNIGHT SECURITY, PLEASE PROVIDE THE FOLLOWING DETAILS OF YOUR SECURITY PLAN:

ON SITE REPRESENTATIVES NAMES AND CONTACT NUMBRS:

| <u>Name</u> | <u>Contact number</u> |
|-------------|-----------------------|
| N/A _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OWNER(S) AFFIDAVIT *

I, A21 Campaign, have authorized Amy Kello as My
(company or organization owner) (Civic Event Applicant)

Representative for the purpose of obtaining a Civic Event permit(s) from the City of Brighton Public

Services Department for my organization located at 427 E. 17th St. # F 223, Costa Mesa
(company or organization address) CA 92627
U.S.A.

Amy Kello
Owners Signature

June 25th, 2015
Date

INDEMNIFICATION AGREEMENT

The A21 Campaign agree(s) to defend, indemnify, and hold harmless the City of
(business/organization)

Brighton, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage that may be
asserted, claimed or recovered against or from the A21 Campaign and/or the City of
(business/organization)

Brighton, by reason of any damage to property, personal injury or bodily injury, including death,
sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or
in any way connected with the performance of this contract, and regardless of which claim, demand,
damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Brighton or
by third parties, or by the agents, servants, employees or factors of any of them.

Signature [Signature] Date June 27, 2015

Witness [Signature] Date 6/27/2015

VOLUNTEER CONTACT INFORMATION

| | Name | Address | Phone # | Emergency Contact Name | Emergency Contact Phone # |
|-----|----------------------|--|--------------|----------------------------|---------------------------|
| 1) | Amy Rollo | 4212 Deeside Dr. Brighton, MI 48116 | 734-355-0000 | Peter Rollo (husband) | 248-946-2424 |
| 2) | Manah Morozaw | 2690 Shelly Ave. Brighton, MI 48114 | 810 299-1373 | Brent McDonald | 810-588-7356 |
| 3) | Ali Walker | 1624 Town Commons Dr. Howell, MI 48855 | 734-904-5528 | Eric Walker | 248-417-3572 |
| 4) | Eric Anderson | 7838 Summer breeze Trail, Howell MI 48843 | 517-861-6718 | Amy Anderson | 517-672-6193 |
| 5) | Brittany Jacobson | 1010 Leffingwell Ave NE #204, Grand Rapids MI, 49525 | 231-735-6835 | Joel Jacobson (husband) | 231-342-5802 |
| 6) | Cass Webber | 1243 Catherinus Way, Howell MI 48843 | 810-360-7488 | Dennis Webber | 517-404-8849 |
| 7) | Chad Cronin | 2413 Summit Cedar Dr. Howell, MI 48855 | 517-899-9943 | Jenny Cronin | 517-898-4394 |
| 8) | Amanda Mae Lauchu | 1356 Eisenhower lane Milan, MI 48160 | 734-330-3311 | Rico Lauchu | 734-395-2473 |
| 9) | Peter Rollo | 4212 Deeside Dr. Brighton, MI 48116 | 248-946-2424 | Amy Rollo | 734-355-0000 |
| 10) | | | | | |
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**POLICY REPORT: CHANGEABLE MESSAGE SIGNS OR
DIGITAL/ELECTRONIC SIGNS AND DRIVE-IN/DRIVE THROUGH
RESTAURANT MENU BOARDS RELATED ORDINANCE
AMENDMENTS**

August 6, 2015

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ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to 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

BACKGROUND:

Attached are proposed amendments to the sign regulations of the ordinance. The amendments provide updated regulations on digital/electronic signs. The updated information includes updates/new definitions, ordinance regulations for electronic/digital signs within the C1, C2, C3, C4 and DBD. The ordinance amendments also include regulations for drive through menu boards.

Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to 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 and set a public hearing date for September 3, 2015.

Attachments:

1. Proposed amendments to 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
2. PC Minutes

Sec. 66-2. Definitions.

New Definitions:

Animated sign means a sign using lights, moving parts, or other means to depict action or create any image, special effect or scene.

Drive-in/drive through restaurant menu board means a sign displaying restaurant menu items that is located at the order point for the drive-in/drive through lane.

Changeable message sign (manual or electronic/digital) means a sign that includes a message area that can be changed manually in the field, i.e., reader boards with changeable letters, or through electronic means.

City public service sign means any sign installed by the City to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc. A city public service sign may be electronic.

Digital sign (see Electronic sign).

Electronic sign means a sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.

Flashing sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

Luminance means the unit which relates to the perceived brightness of a given object.

Moving sign means a sign which moves or revolves. A 'rotating sign' is a type of moving sign.

Public service sign means a sign that includes the time, temperature and date only. A public service sign may be electronic.

Existing Definitions to be removed:

~~*Animated sign* means any sign which includes action or motion. For purposes of this chapter, this term does not refer to changing, flashing, or indexing, all of which are separately defined.~~

~~*Changing sign (automatic)* means a sign such as an electronically controlled public service time, temperature and date sign, message center or readerboard, where different copy changes are shown on the same lamp bank.~~

~~*Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as changing signs not flashing signs.~~

~~*Multiprism sign* means signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.~~

~~*Public service sign* means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc.~~

~~*Rotating sign* means any sign or portion of a sign which moves in a revolving or similar manner, but not including multiprism indexing signs.~~

~~Electronic message centers (per ZBA 4-9-15) means an electronic sign that does not flash, is not scintillating, does not blink, have travelling lights and only changes once per day after normal business hours.~~

Sec. 66-91. All zoning districts.

(14) Prohibited signs. The following types of signs are expressly prohibited in all districts, except as otherwise provided by this chapter:

- a. ~~*Animated and intensely lighted signs.* No sign shall be permitted which is animated by means of **animated**, flashing, scintillating, blinking, travelling lights, **intermittent or moving lights**, or any other means not providing constant illumination (unless specifically permitted in special sign districts). Public service information signs and other electronic message centers classified as changing signs are permitted.~~

Sec. 66-94. Community shopping center zone.

All signs permitted in the community shopping center zone (C-1) shall meet the following special requirements:

- (1) *Pole signs.* A pole sign may stand no more than 20 feet above the level of the street upon which the sign faces. A pole sign may extend to the nearest edge of a public right-of-way, provided the lower edge thereof is eight feet or more above the ground level. No freestanding

sign shall have a single surface area exceeding 150 square feet for a single face sign and 300 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(2) *Ground signs.* A ground sign may stand no more than six feet clear of ground level. A ground sign shall not extend closer than two feet to any part of the public right-of-way. No ground sign shall have a single surface area exceeding 60 square feet for a single face sign or 120 square feet for signs of two or more faces. It should be located on the same parcel of property as the building or use to which it is accessory.

(3) *Number of pole or ground signs.* Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of parties, tenants or uses contained therein; provided however, when a single building, structure or shopping center is located on a parcel of land that abuts on three or more streets or one street and a limited access highway or has 200 feet of property abutting on one such street, it may have two pole or ground signs.

(4) *Wall signs.* Wall signs shall be permitted as follows:

a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is inside the building such as a store within a mall shall be permitted one wall sign not exceeding 32 square feet in total surface area. This sign may be placed on the main, public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 16 square feet in total surface area shall be permitted.

b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.

c. *Single tenant building.* The provisions of subsection (4)b. of this section shall apply to single tenant buildings.

d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk, and at a minimum of 15 feet above any driveways, alleys and thoroughfares.

f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)e. of this section.

g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.

h. *Vertical projection.* No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.

(5) *Roof signs.* No roof signs shall be permitted.

(6) *Projecting signs.* No projecting signs shall be permitted.

(7) *Marquee and/or canopy signs.* Marquee and/or canopy signs are permitted with the same restrictions as apply to wall signs. However, wall signs and marquee or canopy signs shall not be permitted on the face of the same building.

(8) *Under marquee or canopy signs.* Under marquee or canopy signs shall be permitted as follows:

a. No under marquee or under canopy sign may extend into a public right-of-way.

b. Only one such sign may be installed and only within 15 feet of the entrance to the user which it identifies.

c. These signs may not unreasonably obstruct the view of any neighboring sign.

d. The total sign surface area shall not exceed 15 square feet.

e. Exceed two feet in height.

f. The sign shall maintain a ground clearance of at least eight feet.

g. *Bracing, anchorage and supports.* Every under marquee or under canopy sign shall be thoroughly secured to the building by a single concealed mounting method.

(9) *Temporary signs.* Temporary signs are permitted as follows:

a. *Permits required.* Permits are required to erect any temporary sign having more than four square feet of copy area.

b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.

c. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.

d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.

e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.

f. *Unsafe signs.* Any temporary sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so by the administrator.

g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.

h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed.

(11) *Awning signs.* Awning signs are permitted, however, the sum of the areas of the awning sign and the wall sign on a building may not exceed the total area allowed for a wall sign in subsection (4) of this section.

(12) *Drive-in/drive through restaurant menu boards.* Menu board signs for drive in and drive up window restaurants are permitted subject to the following standards:

- a. One sign per drive thru shall be permitted with a maximum area of 35 square feet per sign.
- b. The menu boards shall be positioned so as not to be directly visible from the public right of way.
- c. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners, and shall not be detrimental to environmental aesthetics by creating visual clutter or obstructing views of significant architectural or natural features.
- d. A changeable message sign or digital/electronic sign for the display of order information may be permitted exclusively for the display of order information and advertisements.

(13) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-95. General business and limited intensity business/office zones.

All signs permitted in the general business (C-2) and limited intensity business/office (C-4) districts shall meet the following special requirements:

(1) *Pole signs.* A pole sign may stand no higher than the building it represents or 20 feet above the level of the street upon which the sign faces, whichever is less. A pole sign may extend to the nearest edge of a public right-of-way, provided the lower edge thereof is eight feet or more above the ground level. No freestanding sign shall have a single surface area exceeding 50 square feet for a single face sign and 100 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(2) *Ground signs.* A ground sign may stand no more than six feet clear of ground level. A ground sign shall not extend closer than two feet to any part of the public right-of-way. No ground sign shall have a single surface area exceeding 40 square feet for a single face sign or 80 square feet for signs of two or more faces. It shall be located on the same parcel of property as the building or use to which it is accessory.

(3) *Number of pole or ground signs.* Not more than one pole or ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided however, when a single building, structure or shopping center is located on a parcel of land that abuts on three or more streets or one street and a limited access highway and has 200 feet of property abutting on one such street, it may have two pole or ground signs.

(4) *Wall signs.* Wall signs shall be permitted as follows:

a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is inside the building such as a store within a mall shall be permitted one wall sign not exceeding 24 square feet in total surface area. This sign may be placed on the main public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 12 square feet in total surface area shall be permitted.

b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 100 feet not to exceed a total of 100 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right of way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.

c. *Single tenant building.* The provisions of subsection (4)b. of this section shall apply to single tenant buildings.

d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk, and at a minimum of 15 feet above any driveways, alleys and thoroughfares.

- f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)e. of this section.
 - g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.
 - h. *Vertical projection.* No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.
- (5) *Roof signs.* No roof signs shall be permitted.
- (6) *Projecting signs.* A single projecting sign shall be permitted not exceeding 20 square feet provided no other sign exists on the same building.
- a. *Movable parts to be secured.* Any moving part of a projecting sign, such as a cover of a service opening, shall be securely fastened by chains or hinges.
 - b. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed an average of 12 inches.
 - c. *Projection to public property.* No projecting sign may project a distance closer than 12 inches to the public right-of-way.
 - d. *Bracing, anchorage and supports.* Projecting signs shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by a single concealed fastening method.
 - e. *Height limitations.* A projecting sign in the case of a flat or sloping roof shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. A projecting sign in the case of a gable, hip or curved roof shall not extend more than three feet above the eave line. A projecting sign shall not be attached to a wall at a height of less than eight feet.
 - f. *Distance limitations.* No projecting sign shall be erected within 20 feet from any other projecting sign. This provision, however, shall not deny any place of business at least one projecting sign.
- (7) *Marquee or canopy signs.* Marquee or canopy signs shall be permitted as follows:
- a. Marquee or canopy signs not extending into the public right-of-way may have a total surface area of one square foot for each lineal foot of building frontage, not to exceed 20 square feet. The sign may not exceed three feet in height. In the case of a flat or sloping roof, the roof shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. In the case of a gable, hip, or curved building roof, the sign shall not extend more than three feet above the eave line. In no event shall a marquee or canopy sign extend above the peak of the roof of the building to which it is affixed.
 - b. Marquee or canopy signs may extend into the right of way if the sign does not exceed two feet in height and is affixed to a flat sloping mansard building roof. It shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. All other provisions of subsection (7)a. of this section shall apply.
- (8) *Under marquee or canopy signs.* Under marquee or under canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private

canopies, awnings, walk covers or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-marquee or under-canopy sign as hereinafter provided:

- a. The sign may not unreasonably obstruct the view of any neighboring sign.
- b. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
- c. The sign may not exceed two feet in height.
- d. The sign shall maintain a ground clearance of at least eight feet.
- e. The sign shall be thoroughly secured to the building by a single concealed mounting method.

(9) *Temporary signs.* Temporary signs are permitted as follows:

- a. *Permits required.* Permits are required to erect any temporary sign having more than four square feet of copy area.
- b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.
- c. *Projection into right-of-way.* No temporary signs shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.
- d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.
- e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.
- f. *Unsafe signs.* Any temporary sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so by the administrator.
- g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.
- h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed.

(11) *Awning signs.* Awning signs are permitted, however, the sum of the areas of the awning sign and the wall sign on a building may not exceed the total area allowed for a wall sign in subsection (4) of this section.

(12) *Combination area limitations.* Combinations of wall and marquee signs placed on a building shall be subject to the following:

- a. The total surface area of all combinations of signs erected on the front of a building which do not extend into the public right-of-way and wall signs erected on the front of a building shall not exceed two square feet for each lineal foot of building frontage.
- b. The total surface area of all combinations of signs erected on other than the front of a building which do not extend into the public right-of-way and wall signs erected on other than the front of a building shall not exceed 50 square feet.

(13) Drive-in/drive through restaurant menu boards. Menu board signs for drive in and drive up window restaurants are permitted subject to the following standards:

- a. One sign per drive thru shall be permitted with a maximum area of 35 square feet per sign.
- b. The menu boards shall be positioned so as not to be directly visible from the public right of way.
- c. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners, and shall not be detrimental to environmental aesthetics by creating visual clutter or obstructing views of significant architectural or natural features.
- d. A changeable message sign or digital/electronic sign for the display of order information may be permitted exclusively for the display of order information and advertisements.

(14) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-96. Limited business zone.

All signs permitted in the limited business (C-3) district shall meet the following special requirements:

- (1) *Nameplate signs.* For each family home or duplex house, apartment unit or office or business place, one nameplate not exceeding a combined area of two square feet for each occupancy. Such nameplate shall not be subject to the permit requirements of this chapter.

- (2) *Height of wall signs.* Signs placed flat against the wall of a building shall not exceed the height of that wall.
- (3) *Off-premises signs.* No off-premises signs shall be permitted.
- (4) *Traffic and parking control signs.* Traffic and parking control signs not exceeding two square feet are permitted in appropriate private traffic areas. Such signs are not subject to the permit requirements of the city.
- (5) *Sign restrictions.* No signs other than those described in this section may be erected or maintained in this district.
- (6) *Ground signs.* A single ground sign is permitted subject to the following:
- a. The total surface area may not exceed 24 square feet.
 - b. The sign may not exceed six feet in height.
 - c. The sign may not be located closer than two feet to the nearest edge of a public right-of-way.
 - d. A ground sign is not permitted if a wall sign is accessory to the subject property.
- (7) *Wall signs.* A single wall sign is permitted subject to the following:
- a. The total surface area may not exceed 24 square feet.
 - b. The sign shall not cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
 - c. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk and at a minimum of 15 feet above any driveways, alleys and thoroughfares.
 - d. No wall sign shall project into any public right-of-way.
 - e. The vertical dimension of a wall sign shall not be in excess of four feet.
 - f. No wall sign may project above or into the eave or roof line of the building on which it is placed.
 - g. No wall sign shall project vertically more than three feet above the roof of the building immediately adjacent to such wall.
- (8) *Roof signs.* Roof signs are not permitted.
- (9) *Projecting signs.* Projecting signs are not permitted.
- (10) *Marquee or canopy signs.* Marquee or canopy signs are not permitted.
- (11) *Temporary signs.* Temporary signs are permitted as follows:
- a. *Permits required.* Permits are required to erect any temporary sign in excess of four square feet.
 - b. *Display area.* Banners, pennants, A-frame signs, portable signs, sandwich board signs, sidewalk or curb signs shall be erected for a period not to exceed two weeks in a three-month period.
 - c. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line.

- d. *Area and height.* No temporary banner sign may have a single face greater than ten square feet in area nor have a greater height than ten feet above the ground; provided, however, that the lower edge of such sign shall be a height of not less than eight feet above ground level. No temporary ground sign shall exceed six feet in height.
- e. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided above.
- f. *Unsafe signs.* Any temporary sign found by the city to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so from the administrator.
- g. *Limitation on placement.* Temporary signs shall be limited to private property only, unless otherwise permitted by this chapter.
- h. *Temporary sign permit.* All temporary signs shall require a temporary sign permit application as required by chapter 66, signs, article II “permit,” and upon approval of the administrator the applicant shall pay a temporary sign permit fee as specified by the city council.

(12) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

Sec. 66-100. Downtown business district.

All signs permitted in the downtown business district (DBD) shall meet the following special requirements:

- (1) *Nonconforming signs.* Signs lawfully erected under section 66-95 of this code or other previous ordinance, prior to the effective date of the ordinance codified in this section, which do not meet standards of this chapter may be maintained except as hereinafter provided.
 - a. No nonconforming sign shall be changed to another nonconforming sign.

- b. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic changes of message.
- c. No nonconforming sign shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, or type or design of the sign.
- d. No nonconforming sign shall have the face or faces changed when such sign is a type of construction so as to permit such a complete change of face.
- e. No nonconforming sign shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
- f. No nonconforming sign shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50 percent of the cost of an identical new sign as determined by the city building inspector and assessor.

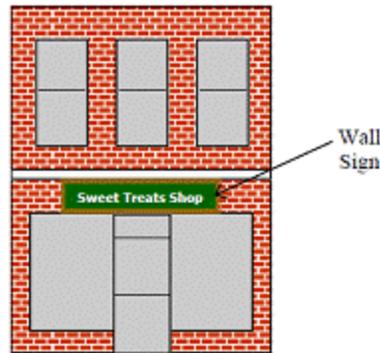
(2) *Pole signs.* No pole signs shall be permitted.

(3) *Ground signs.* Ground signs shall be permitted as follows:



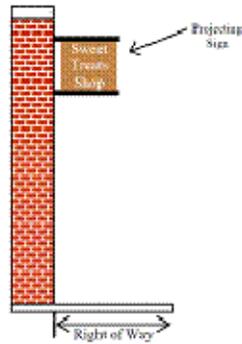
- a. Not more than one ground sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants or uses contained therein.
- b. The top of a ground sign may be no more than six feet above ground level.
- c. A ground sign shall not extend closer than two feet to any part of the public right-of-way.
- d. No ground sign shall have a single surface area exceeding 40 square feet for a single face sign or 80 square feet for signs of two or more faces.
- e. A ground sign shall be located on the same parcel of property as the building or use to which it is accessory.

(4) *Wall signs.* Wall signs shall be permitted as follows:



- a. *Multitenant buildings, internal stores.* Each occupant, tenant or user of space whose principal entrance is shared with other tenants and does not allow direct access into the tenant space shall be permitted one wall sign not exceeding 24 square feet in total surface area. This sign may be placed on the main public or primary entrance to the building. In addition, if a wall of the building which does not have a public entranceway is adjacent to a public right-of-way, one wall sign not exceeding 12 square feet in total surface area shall be permitted.
- b. *Multitenant buildings, external stores.* Each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 100 feet not to exceed a total of 100 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted.
- c. *Single tenant building.* The provisions of subsection (4)(b) of this section shall apply to single tenant buildings.
- d. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- e. *Projection and height.* No wall sign shall have a thickness greater than 18 inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above any sidewalk.
- f. *Projection into right-of-way.* No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection (4)(e) of this section.
- g. *Vertical dimensions or height.* The vertical dimension of a wall sign shall not be in excess of six feet.
- (5) *Roof signs.* No roof signs shall be permitted.

(6) *Projecting signs.* Projecting signs shall be permitted as follows:



a. The surface area of a projecting sign shall not exceed 20 square feet on each side or a total of 40 square feet, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in subsection (4) of this section.

b. The bottom of the projecting sign shall be a minimum of eight feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.

c. A projecting sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.

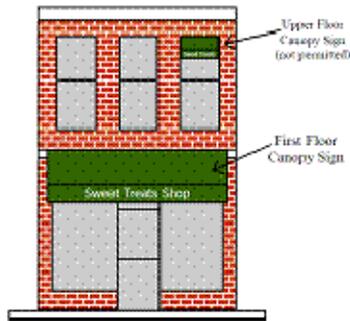
d. A projecting sign shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.

e. No projecting/blade/pedestrian/hanging sign shall project into an alley or truck service driveway more than two feet.

f. If any projecting sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

g. If at any time the insurance policy obtained pursuant to subsection (6)(f) of this section is canceled, the projecting sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.

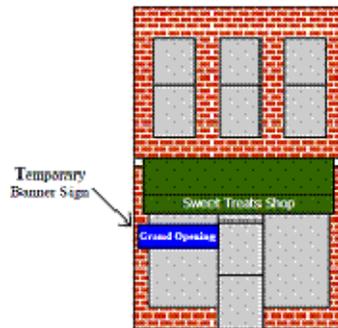
(7) *Canopy signs.* Canopy signs shall be permitted as follows:



- a. There is no maximum permitted size for a canopy sign, provided, however, that the combined area of any and all wall signs, projecting signs and canopy signs for the business shall not exceed the total amount permitted for wall signs for the relevant district as set forth in subsection (4) of this section.
 - b. The canopy shall be constructed of durable material, maintained to continue its original appearance and provide proper safety to the persons and the property it may affect.
 - c. Canopies shall be compatible with the architectural integrity of the building to which it is attached.
 - d. Canopy signs located on the second floor or higher on a building shall not be permitted.
 - e. Canopies may not extend from the wall at a height of less than eight feet, six inches above the public right-of-way.
 - f. A canopy shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
 - g. If any canopy sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
 - h. If at any time the insurance policy obtained pursuant to subsection (7)(g) is canceled, the canopy shall be immediately removed. In the event the canopy is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.
- (8) *Under-canopy signs.* Under-canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private canopies or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-canopy sign as hereinafter provided:
- a. The sign may not unreasonably obstruct the view of any neighboring sign.

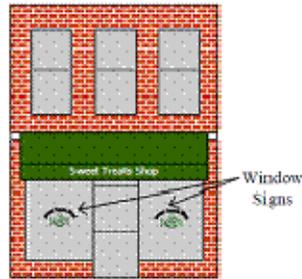
- b. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
- c. The sign may not exceed two feet in height.
- d. The sign shall maintain a ground clearance of at least eight feet, six inches.
- e. The sign shall be thoroughly secured to the building by a single concealed mounting method.
- f. The sign shall not be located over a public street.

(9) *Temporary banner signs.* Temporary banner signs are permitted as follows:



- a. Temporary banner signs shall require a temporary banner sign permit application and upon approval of the administrator the applicant shall pay a temporary banner sign permit fee as specified by the city council.
- b. Each business shall be permitted no more than one temporary banner at any time. A business shall not have any banner or banners erected for a period of more than two weeks during any three-month period.
- c. No temporary banner shall be strung across any public right-of-way nor shall any temporary banner project beyond the property line.
- d. No temporary banner sign may have a single face greater than 20 square feet in area.
- e. Temporary banner signs shall be removed promptly at the end of the display period provided above, unless torn or damaged at which time the sign shall be removed immediately.
- f. Temporary banner signs shall not obstruct any door, window, fire escape, or ventilation opening.
- g. Any temporary banner sign found by the administrator to be in an unsafe condition must be removed by the owner within three days after his or her receipt of notice to do so by the administrator.

(10) *Window signs.* Window signs (temporary or permanent) will be permitted but may not exceed 25 percent of the glass area on which they are displayed. Window signage includes signage, other than product or decorative display, affixed to the interior or the exterior of the windows and/or doors or located within three feet of the window and/or doors.



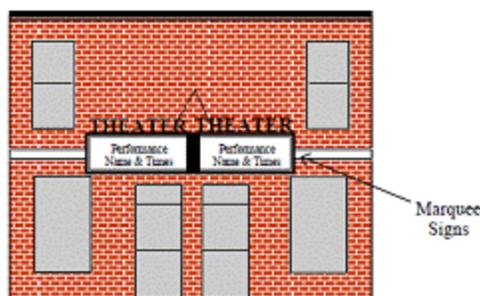
- (11) *Indoor illuminated open signs.* Indoor illuminated open signs are permitted as follows:
 - a. No permit required for “open” signs.
 - b. Indoor illuminated open signs shall only be located on the interior of the building window.
 - c. Illumination.
 - i. Only illuminated while the business is open to the public and shall be nonilluminated when the business is closed;
 - ii. The signs shall not flash, blink, oscillate, rotate, intermittently turn on and off, or otherwise vary in illumination, color or intensity.
- (12) *Rear entry signs.* Rear entry signs are permitted as follows:
 - a. Rear entry signs are defined as a wall sign which is located near the rear entry door on a building.
 - b. Each occupant, tenant or user of space is permitted one rear entry sign not exceeding six square feet in area at the rear entry door.
- (13) *Sidewalk/sandwich board signs.* Sidewalk/sandwich board signs are permitted as follows:
 - a. A sidewalk/sandwich board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk/sandwich board sign may not exceed eight square feet per side.



- b. Sidewalk/sandwich board signs shall be a quality design that is heavy enough to withstand normal wind and weather conditions. It shall be a writing surface that allows the business to write a message in wet or dry erasable markers or chalk. No plastic changeable lettering or permanent messages are permitted on sidewalk/sandwich board signs.

- c. One sidewalk/sandwich board sign may be permitted per each ground-floor business and shall require an annual sidewalk/sandwich board sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee scheduled set by the city council.
- d. Sidewalk/sandwich board signs on a public right-of-way/sidewalk shall be kept against the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
- e. A sidewalk/sandwich board sign may not be illuminated by any means and may not have any moving parts.
- f. A sidewalk/sandwich board sign must be properly maintained and must not be allowed to become unsightly.
- g. A sidewalk/sandwich board sign may only be in place during the commercial establishment's business hours.
- h. The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
- i. If at any time the insurance policy obtained pursuant to subsection (13)(h) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign at the expense of the property owner.

(14) *Marquee signs.* Marquee signs are permitted for theaters as follows:



- a. The bottom of the marquee sign shall be a minimum of eight feet, six inches above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
- b. A marquee shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.

- c. A marquee sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the building from which it protrudes, including any open area between the wall face and the sign face.
- d. One marquee shall be permitted per street frontage.
- e. The total size of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage. The total square feet of a marquee sign shall be subtracted from the total allowable wall signage square footage for the district.
- f. No marquee sign shall project into an alley or truck service driveway more than two feet.
- g. If any marquee sign is suspended over a public property, public street, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
- h. If at any time the insurance policy obtained to subsection (14)(g) is canceled, the marquee shall be immediately removed. In the event the marquee is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.

(15) Changeable message signs or digital/electronic signs may be permitted under the following circumstances:

- a. Area of changeable message sign or digital/electronic sign shall not exceed 50% of the total allowable area of the ground sign or menu board sign.
- b. That a digital/electronic sign can only be considered as part of a conforming ground sign or menu board sign, and located below the main sign.
- c. Illumination shall be concentrated within the face of the sign to prevent glare on adjoining properties and shall be of a steady, stationary, shielded light source.
- d. The digital/electronic messages shall be displayed for at least 1 hour and changes shall take less than 5 seconds. Signs complying with this section shall not be considered to be in violation of Section 8, above, or 15(a), below.
- e. Any voids or burned out bulbs must be replaced.
- f. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.
- g. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.

**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:

The motion carried 7-0-2.

11. Site Plan – 212 E. Grand River Transitional Parking Lot #15-013

As discussed in Blue Sky, Mr. Smith requested that a condition be added to provide a “No left turn” sign to prevent left turns onto Grand River out of this transitional parking lot due to its proximity to the light and the volume of traffic on Grand River.

Motion by Mr. Smith, supported by Ms. Gardner to recommend conditional site plan approval for 212 E. Grand River Transitional Parking Lot #15-013 as depicted on plans prepared by Lindhout Associates, last dated 5-6-2015, project #1525, sheets C2.1 & C2.0 subject to the following:

1. That the approval is limited to a three (3) year period of time with the ability to obtain additional extensions for three (3) years per extension, when owner is able to demonstrate significant attempts to transition the property to a legally permitted use.
2. That property owner shall be responsible for cleanup of any gravel from the parking lot that is found within the street, including, but not limited to, any cost of street-sweeping
3. Property owner shall hold and comply with the terms of a maintenance agreement with the City.
4. That “No Left Turn” signage is provided at the exit to the parking lot.

The motion carried 7-0-2.

12. Site Plan – 131 Hyne Street Transitional Parking Lot #15-014

The proposed site plan was reviewed. **Motion** by Mr. Petrak, supported by Ms. Gardner, to recommend conditional site plan approval for 131 Hyne Street Transitional Parking Lot #15-014 as depicted on plans prepared by Lindhout Associates, last dated 6-3-2015, project #0044, sheets C1.0 subject to the following:

1. That the approval is limited to a three (3) year period of time with the ability to obtain additional extensions for three (3) years per extension, when owner is able to demonstrate significant attempts to transition the property to a legally permitted use.
2. That property owner shall be responsible for cleanup of any gravel from the parking lot that is found within the street, including, but not limited to, any cost of street-sweeping
3. Property owner shall hold and comply with the terms of a maintenance agreement with the City.

The motion carried 7-0-2.

Unfinished Business

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs and possibly set a public hearing date

Ms. Cyphert noted that the ordinance amendment in the packet was reviewed with the City Attorney and contains his recommended changes. Mr. Maynes stated that the changes he made were due to organizational or structural issues. He suggested putting the signs and menu boards in districts where you want them, so these were added to various sections, as applicable. The other change was to allow a portion of the menu boards to be electronic. Ms. Cyphert added appropriate language regarding electronic signs and message boards to appropriate sections of the ordinance and noted that they fall into the commercial zones, primarily on Grand River.

Ms. Cyphert also noted she had contacted several sign companies about the nits issue discussed at last month’s meeting and reported that none of them had a good definition. She also noted that communities she contacted are not sure how they enforce this in their ordinances. Mr. Maynes stated that nits are not an official measurement. Ms. Cyphert reviewed pictures of examples of the distances at which various

numbers of pixels can be seen. She also reported that changing the background color to white or a light color makes the sign brighter. There was discussion about whether subjective measures could be added to the ordinance and Mr. Maynes said the language under (c) and (d) would deal with that under electronic signs. There was also discussion about whether to exempt churches or buildings such as Lindbom school, and there was consensus that Planning Commission does not want electronic signs in residential areas.

Motion by Mr. Petrak, supported by Mr. Smith, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to electronic/digital signs. **The motion carried 7-0-2.**

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum and possibly set a public hearing date

Ms. Cyphert reviewed the Farmington Hills ordinance which limits on total square footage and a percentage of the main dwelling. When amending ordinances, she and Mr. Maynes try to not create language that will create an increased number of variance applications. There was discussion about whether the ordinance amendment should include the number of motor vehicles allowed and whether the maximum square footage should be increased to 1,000 square feet in Option 1. Ms. Cyphert also noted the additional amendment option pertaining to having the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure. The consensus was to increase the maximum square footage to 1,000, reword paragraph (3) in Option 1 to remove the three motor vehicle reference, leave the number of allowable commercial vehicles and to change the language for primary exterior materials similar to that in the DBD to incorporate elements of the principal residence. Ms. Cyphert will make the requested changes prior to the July 20 Planning Commission meeting.

Motion by Mr. Smith, supported by Mr. Bohn, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum. **The motion carried 7-0-2.**

New Business

13. Discussion on zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district and possibly set a public hearing date

Ms. Cyphert explained that she received requests from downtown business owners to alter the language in the sidewalk sandwich board sign section within the DBD district. These signs are allowed now with a permit. The proposed changes would eliminate the requirement for a writeable surface and to locate the sidewalk/sandwich board signs closer to the street if there is not adjacent on street parking.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about the proposed zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district. **The motion carried 7-0-2.**

Other Business

14. Staff Updates – There will be a Planning Commission meeting on July 20.
15. Commissioner Concerns – Mr. Smith noted that the walls at the pocket park at the corner of St. Paul and Grand River are in really bad shape due to damage caused by skateboarders. Ms. French noted the DDA is aware of the condition of the wall and are taking steps to fix it. Chairperson Monet asked about the status of the Big Boy restaurant. Ms. Cyphert stated that it will still be a Big Boy restaurant and that the sign was taken down due to a consent judgment. Ms. Gardner asked about the light being down at Sixth Street and Ms. Cyphert noted this question would have to be directed to our DPW. Mr. Smith noted there is a light on the corner of the Miller School building that shines in your eyes and wondered if there have been any

6. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting.

Motion by Mr. Bryan, supported by Mr. McLane, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

7. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting.

Motion by Mr. Petrak, supported by Ms. Gardner, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs

Ms. Cyphert stated that the City Attorney preferred to instead begin working on ordinance amendment language immediately versus requesting a moratorium. Ms. Cyphert presented three options that she has developed for Planning Commission's consideration based on research of other communities. She will take the option that Planning Commission prefers back to the City Attorney to finalize the language and bring it back at the June Planning Commission meeting. She noted that existing electronic/digital signs that no longer meet the new requirements would be considered non-conforming and would not be grandfathered.

Option 1 would prohibit all forms of digital signs including fuel signs. Option 2 would allow electronic/digital fuel price signs and drive-thru menu signs (i.e., McDonald's) but would prohibit all other electronic/digital signs. Option 3 would allow electronic/digital signs when conditions were met. She reviewed pictures of examples electronic/digital signs. There was discussion about the three options and Planning Commission members chose Option 3 as the most viable alternative. Commission Member Bohn asked Ms. Cyphert to check on brightness levels allowed in other communities such as Ann Arbor and Grand Blanc, and Ms. Cyphert will check with sign contractors for examples. Chairperson Monet does not want to see an increase in the allowable size of a sign and noted that the digital portion has to fit within the total square footage allowed.

Planning Commission reviewed Option 3 and agreed that Section 66-91 (b)(14) could be combined with (15). Section (16) language was discussed with agreement that the digital portion of a sign should be limited to 50% of the total sign surface area and limited to ground signs. Language regarding brightness of digital signs will be added to this section. Ms. Cyphert also reviewed the New Definitions and it was suggested that a definition be added for "nits". She will review the changes with the City Attorney and make any other changes he feels is necessary and bring the revised ordinance amendment to the June Planning Commission meeting for review.

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size

Ms. Cyphert explained why the proposed changes are necessary. She is receiving calls from residents who want to build accessory structures such as pole barns and excessively large garages. She reviewed the original ordinance language and two options for potential ordinance amendments. Option 1 would limit the accessory structure size to a percentage of rear lot coverage and a not to exceed square footage and Option 2 would limit it to a percentage of full lot coverage and a not to exceed square footage. There was discussion about whether an accessory structure size should be based on a percentage of the size of the primary structure and whether that could be incorporated into Option 2 along with the percentage of the lot area and 900 square foot limit for the maximum size of the accessory structure. Ms. Cyphert will bring back revised language to the June Planning Commission meeting.

POLICY REPORT: 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) AND CHAPTER 98 ZONING, ARTICLE. VIII. R-1 DISTRICTS, SEC. 98-202. USE REGULATIONS (3)

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to 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) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)

BACKGROUND:

Attached are proposed amendments to the existing use regulations sections of the single family zoning districts in the zoning ordinance.

The proposed amendments clarify how large of a garage is permitted in the single family residential zoning districts. Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to 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) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3) and set a public hearing date for September 3, 2015.

Attachments:

1. Proposed amendments to 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) and Chapter 98 Zoning, Article. VIII. R-1 Districts, Sec. 98-202. Use regulations (3)
2. PC Minutes

Sec. 98-152. Use regulations.

A building or premises in an A-1 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- (3) Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~parcel or adjoining lot~~ and not involving any business, profession, trade or occupation. One private garage for each residential ~~parcel lot~~ in which there ~~may be is~~ housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle ~~not exceeding three-quarters ton capacity~~, shall be considered a legal accessory use. ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 91000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.82; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

Sec. 98-177. Use regulations.

A building or premises in an A-2 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- ~~(23)~~ Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~or adjoining lot~~parcel and not involving any business, profession, trade or occupation. One private garage for each residential ~~parcel lot~~ in which there ~~may be is~~ housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle ~~not exceeding three-quarters ton capacity~~, shall be considered a legal accessory use. ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 1000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.90; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

Sec. 98-202. Use regulations.

A building or premises in an R-1 district shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Home occupations provided the name plate used in connection with such use does not exceed one square foot in area.
- ~~(3)~~ Accessory buildings or uses customarily incidental to any of the above permitted uses, when located on the same ~~or adjoining lot~~[parcel](#) and not involving any business, profession, trade or occupation. One private garage for each residential ~~lot~~[parcel](#) in which there ~~is~~[may be](#) housed ~~not more than three~~ motor vehicles, not more than one of which may be a commercial vehicle ~~not exceeding three-quarters ton capacity~~, shall be considered a legal accessory use, ~~provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity. The private garage may not exceed a 1000 square foot footprint in addition to the applicable requirements of Section 98-36 and Section 98-49 and be constructed from exterior building materials that are harmonious with the exterior building materials of the principal structure.~~

(Code 1981, § 51.99; Ord. No. 455, 2-6-03, Ord. No. ###, #-#-2015)

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:

numbers of pixels can be seen. She also reported that changing the background color to white or a light color makes the sign brighter. There was discussion about whether subjective measures could be added to the ordinance and Mr. Maynes said the language under (c) and (d) would deal with that under electronic signs. There was also discussion about whether to exempt churches or buildings such as Lindbom school, and there was consensus that Planning Commission does not want electronic signs in residential areas.

Motion by Mr. Petrak, supported by Mr. Smith, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to electronic/digital signs. **The motion carried 7-0-2.**

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum and possibly set a public hearing date

Ms. Cyphert reviewed the Farmington Hills ordinance which limits on total square footage and a percentage of the main dwelling. When amending ordinances, she and Mr. Maynes try to not create language that will create an increased number of variance applications. There was discussion about whether the ordinance amendment should include the number of motor vehicles allowed and whether the maximum square footage should be increased to 1,000 square feet in Option 1. Ms. Cyphert also noted the additional amendment option pertaining to having the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure. The consensus was to increase the maximum square footage to 1,000, reword paragraph (3) in Option 1 to remove the three motor vehicle reference, leave the number of allowable commercial vehicles and to change the language for primary exterior materials similar to that in the DBD to incorporate elements of the principal residence. Ms. Cyphert will make the requested changes prior to the July 20 Planning Commission meeting.

Motion by Mr. Smith, supported by Mr. Bohn, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about proposed zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size maximum. **The motion carried 7-0-2.**

New Business

13. Discussion on zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district and possibly set a public hearing date

Ms. Cyphert explained that she received requests from downtown business owners to alter the language in the sidewalk sandwich board sign section within the DBD district. These signs are allowed now with a permit. The proposed changes would eliminate the requirement for a writeable surface and to locate the sidewalk/sandwich board signs closer to the street if there is not adjacent on street parking.

Motion by Ms. Gardner, supported by Mr. Pawlowski, to schedule a public hearing at the July 20 Planning Commission meeting to hear comments about the proposed zoning ordinance amendments pertaining to sandwich board signs within the DBD zoning district. **The motion carried 7-0-2.**

Other Business

14. Staff Updates – There will be a Planning Commission meeting on July 20.
15. Commissioner Concerns – Mr. Smith noted that the walls at the pocket park at the corner of St. Paul and Grand River are in really bad shape due to damage caused by skateboarders. Ms. French noted the DDA is aware of the condition of the wall and are taking steps to fix it. Chairperson Monet asked about the status of the Big Boy restaurant. Ms. Cyphert stated that it will still be a Big Boy restaurant and that the sign was taken down due to a consent judgment. Ms. Gardner asked about the light being down at Sixth Street and Ms. Cyphert noted this question would have to be directed to our DPW. Mr. Smith noted there is a light on the corner of the Miller School building that shines in your eyes and wondered if there have been any

6. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting.

Motion by Mr. Bryan, supported by Mr. McLane, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 212 E. Grand River at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

7. Scheduling of a Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting.

Motion by Mr. Petrak, supported by Ms. Gardner, to schedule the Special Land Use Public Hearing for a Transitional Parking Lot at 131 Hyne Street at the June 15th Planning Commission Meeting. **The motion carried 8-0-1.**

8. Discussion on zoning ordinance amendments pertaining to electronic/digital signs

Ms. Cyphert stated that the City Attorney preferred to instead begin working on ordinance amendment language immediately versus requesting a moratorium. Ms. Cyphert presented three options that she has developed for Planning Commission's consideration based on research of other communities. She will take the option that Planning Commission prefers back to the City Attorney to finalize the language and bring it back at the June Planning Commission meeting. She noted that existing electronic/digital signs that no longer meet the new requirements would be considered non-conforming and would not be grandfathered.

Option 1 would prohibit all forms of digital signs including fuel signs. Option 2 would allow electronic/digital fuel price signs and drive-thru menu signs (i.e., McDonald's) but would prohibit all other electronic/digital signs. Option 3 would allow electronic/digital signs when conditions were met. She reviewed pictures of examples electronic/digital signs. There was discussion about the three options and Planning Commission members chose Option 3 as the most viable alternative. Commission Member Bohn asked Ms. Cyphert to check on brightness levels allowed in other communities such as Ann Arbor and Grand Blanc, and Ms. Cyphert will check with sign contractors for examples. Chairperson Monet does not want to see an increase in the allowable size of a sign and noted that the digital portion has to fit within the total square footage allowed.

Planning Commission reviewed Option 3 and agreed that Section 66-91 (b)(14) could be combined with (15). Section (16) language was discussed with agreement that the digital portion of a sign should be limited to 50% of the total sign surface area and limited to ground signs. Language regarding brightness of digital signs will be added to this section. Ms. Cyphert also reviewed the New Definitions and it was suggested that a definition be added for "nits". She will review the changes with the City Attorney and make any other changes he feels is necessary and bring the revised ordinance amendment to the June Planning Commission meeting for review.

9. Discussion on zoning ordinance amendments pertaining to A1, A2 and R1 accessory structure size

Ms. Cyphert explained why the proposed changes are necessary. She is receiving calls from residents who want to build accessory structures such as pole barns and excessively large garages. She reviewed the original ordinance language and two options for potential ordinance amendments. Option 1 would limit the accessory structure size to a percentage of rear lot coverage and a not to exceed square footage and Option 2 would limit it to a percentage of full lot coverage and a not to exceed square footage. There was discussion about whether an accessory structure size should be based on a percentage of the size of the primary structure and whether that could be incorporated into Option 2 along with the percentage of the lot area and 900 square foot limit for the maximum size of the accessory structure. Ms. Cyphert will bring back revised language to the June Planning Commission meeting.

**POLICY REPORT: CHAPTER 66 SIGNS, ARTICLE IV. REGULATIONS,
SEC. 66-100. DOWNTOWN BUSINESS DISTRICT. (13)
SIDEWALK/SANDWICH BOARD SIGNS (B)(D) ADD (E)**

August 6, 2015

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)

BACKGROUND:

Attached are proposed amendments to the existing sidewalk/sandwich board sign regulations for the DBD, Downtown Business District.

The proposed amendments change the surface requirements for the sandwich board signs and the allowable location. Please find the attached Planning Commission meeting minutes for additional information.

The City Attorneys reviewed the proposed amendments and their revised draft is attached.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e) and set a public hearing date for September 3, 2015.

Attachments:

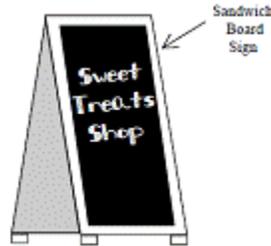
1. Proposed amendments to Chapter 66 Signs, Article IV. Regulations, Sec. 66-100. Downtown business district. (13) sidewalk/sandwich board signs (b)(d) add (e)
2. PC Minutes

Potential Sign Ordinance Amendments Related to Sidewalk Signs:

Amendments:

(13) *Sidewalk/sandwich board signs.* Sidewalk/sandwich board signs are permitted as follows:

- a. A sidewalk/sandwich board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk/sandwich board sign may not exceed eight square feet per side.



- b. Sidewalk/sandwich board signs shall be a quality design that is heavy enough to withstand normal wind and weather conditions. ~~It shall be a writing surface that allows the business to write a message in wet or dry erasable markers or chalk. No plastic changeable lettering or permanent messages are permitted on sidewalk/sandwich board signs.~~

- c. One sidewalk/sandwich board sign may be permitted per each ground-floor business and shall require an annual sidewalk/sandwich board sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee scheduled set by the city council.

- d. ~~Sidewalk/sandwich board signs on a public right of way/sidewalk shall be kept against the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.~~

Sidewalk/sandwich board signs placed on a public right of way/sidewalk with adjacent on street parking must be kept against the building face for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.

- e. Sidewalk/sandwich board signs placed on a public right of way/sidewalk without adjacent on street parking may be placed curbside in front of the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.

- ~~e-f~~ A sidewalk/sandwich board sign may not be illuminated by any means and may not have any moving parts.

- ~~f-g~~ A sidewalk/sandwich board sign must be properly maintained and must not be allowed to become unsightly.

- ~~g-h~~ A sidewalk/sandwich board sign may only be in place during the commercial establishment's business hours.

Potential Sign Ordinance Amendments Related to Sidewalk Signs:

h.i The owner of a sidewalk/sandwich board sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.

h.j If at any time the insurance policy obtained pursuant to subsection (13)(h) is canceled, the sidewalk/sandwich board sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign at the expense of the property owner.

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.**

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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.**

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New Business

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Other Business

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January 26, 2015

City Of Brighton
Attn: Dana Foster
200 North First Street
Brighton, MI 48116

Dear Dana,

Thank you for your continued support of the South Eastern Livingston County Recreation Authority. The City of Brighton's contributions to SELCRA programs help us achieve our mission of "Creating Community through People, Parks and Programs."

In 2014, the SELCRA budget was operating at a -\$20k deficit. All four contributing municipalities agreed to increase the participation level of payment from \$23 to \$27 per participant to cover the shortfall. This action did alleviate the deficit for 2014. However, as projected last January (2014) we are facing an even larger deficit in 2015 estimated at -\$56k (Forecasted Budget Attached). Our budget for next fiscal year (2015/16) is forecasting an additional -\$29k deficit. Contributing factors of the 2014/15 fiscal deficit include: Approval of a negative budget; decline in sports registrations; unemployment expense and field maintenance costs incurred. The estimated negative budget will eliminate SELCRA's fund balance of \$50k.

The SELCRA Articles of Incorporation (AOI) indicate that your contribution amount for fiscal period July 1, 2015 through June 30, 2016 is based on an average of the participants from 2013 & 2014, and is due on July 1st of 2015. In 2013, City of Brighton families participated in 1242 SELCRA programs. Participation numbers for 2014 have increased to 1489 participants. SELCRA receives \$27 per participant for the average of the 2 years (1366) which is a contribution of \$36,882. In order for SELCRA to continue operations we are requesting a per participant fee rate increase to \$38 for 2015/16 for a total of **\$51,908**

The increase in participation/contribution for the current year is a result of taking registration counts at all SELCRA events and adding more quality recreation programs/events year round. As identified at our strategic planning session, SELCRA is to provide more recreation programs and events to become less dependent on sports revenue. In doing so, participation/contribution levels are rising. Despite the rising number of participants in programs/events, there are two financial negatives that occur via our funding model in the AOI.

(1). Program/participant cost to register for (A) Program and (B) Sport per 100 units.

A. Program/event (100) participants x \$5 (registration) = \$500. (100) participants x \$27 (contribution) = \$2,700 for a total of \$3,200 in revenue.

Southeastern Livingston County Recreation Authority
125 South Church Street / Brighton / MI / 48116
810-299-4140 / www.selcra.com

B. Sport (100) participants x \$100 (registration) = \$10,000. (100) participants x \$27 (contribution) = \$2,700 for a total of \$12,700 in revenue.

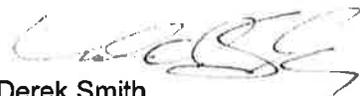
As shown in the example, there is revenue differential of \$9,500 between 100 registrations per program and 100 registrations per sport.

(2). SELCRA Articles of Incorporation contribution formula reimburses SELCRA for a program's two year average. As a program grows, SELCRA pays expenses relative to the size of the program in the current fiscal year. SELCRA is then reimbursed a two-year average amount (the following fiscal year) that is less than what the program's true costs are.

At the January 14, 2015, SELCRA Board meeting the board requested a joint meeting of the contributing municipal boards to discuss the 2014/15 deficit, future strategy/vision, and financial future of the Southeastern Livingston County Recreation Authority. Date/s for this meeting will be sent via email. I will also be contacting you to schedule an upcoming meeting with your board to present SELCRA's year-end review.

Thank you again for your support of the Southeastern Livingston County Recreation Authority.

Sincerely,



Derek Smith
SELCRA Director

Southeastern Livingston County Recreation Authority
125 South Church Street / Brighton / MI / 48116
810-299-4140 / www.selcra.com



Budget Forecast for fiscal period July 2014 through June 2015.

| | | Approved | Thru | Estimated | \$ Change | Forecasted with \$27 participation rate | Forecasted with \$38 rate increase |
|------|-----------------------------|--------------|--------------|--------------|--------------|---|------------------------------------|
| | REVENUE | 2014/15 | 12/31/2014 | 6/30/2015 | | 2015-16 | 2015/16 |
| 4400 | Youth Leagues Revenue | 221000 | 67470.53 | 186000 | -35,000 | 190000 | 190000 |
| 4410 | Youth Programs Revenue | 37000 | 24344.14 | 37000 | 0 | 35000 | 35000 |
| 4420 | Adult Leagues Revenue | 37000 | 9180 | 32000 | -5,000 | 32000 | 32000 |
| 4430 | Adult Programs Revenue | 2000 | 1598.57 | 2000 | 0 | 2000 | 2000 |
| 4440 | Special Events Revenue | 33000 | 7876.37 | 40000 | 7,000 | 40000 | 40000 |
| 4443 | Community Events Revenue | 6000 | 4955 | 6000 | 0 | 5500 | 5500 |
| 4444 | Amusement Ticket Revenue | 3600 | 930 | 2500 | -1,100 | 2500 | 2500 |
| 4450 | Maltby Dog Pound Revenue | 20000 | 8473 | 15000 | -5,000 | 15000 | 15000 |
| 4470 | Umpire Training | 400 | 370 | 400 | 0 | 500 | 500 |
| 4490 | Refund Revenue (Admin) | 500 | 20 | 500 | 0 | 500 | 500 |
| 5500 | Skatepark Revenue Daily | 1000 | 0 | 0 | -1,000 | 0 | 0 |
| 5520 | BCC Revenue | 20000 | 10665 | 20000 | 0 | 20000 | 20000 |
| 5530 | Contracted Services Revenue | 65000 | 18462.14 | 40000 | -25,000 | 40000 | 40000 |
| 6610 | City of Brighton | 30728 | 36072 | 36072 | 5,344 | 36882 | 51908 |
| 6620 | Brighton Township | 55384 | 55384 | 65016 | 9,632 | 66366 | 96824 |
| 6630 | Green Oak Township | 34730 | 40770 | 40770 | 6,040 | 40365 | 56810 |
| 6640 | Genoa Twp | 26473 | 31077 | 31077 | 4,604 | 32508 | 45752 |
| 6675 | Grant Revenue | 0 | | | | 0 | 0 |
| 6676 | Advertising Revenue | 4000 | 500 | 4000 | 0 | 4000 | 4000 |
| 6677 | Sponsorship Revenue | 20000 | 6460 | 15000 | -5,000 | 15000 | 15000 |
| 6678 | Concession Revenue | 500 | 127 | 500 | 0 | 500 | 500 |
| 6680 | Screen Rental Revenue | 0 | | | | 0 | 0 |
| 6691 | Interest Revenue | 100 | 47.05 | 100 | 0 | 100 | 100 |
| 6710 | Foundation Reimbursement | 1000 | 783.55 | 1000 | 0 | 500 | 500 |
| 6720 | Insurance Reimbursement | 0 | 2749 | 2749 | 2749 | 0 | 0 |
| | | \$619,415.00 | \$328,314.35 | \$577,684.00 | -\$41,731.00 | \$579,221.00 | \$654,394.00 |

| | EXPENSES | Approved 2014-15 | Thru | Estimated | \$ Change | Projected 2015- 16 |
|------|----------------------------------|---------------------|-----------|-----------|-----------|-----------------------|
| 7710 | Management Payroll | 136500 | 65452.73 | 136500 | 0 | 136500 |
| 7720 | Rec Manager(s) Payroll | 57800 | 35458.48 | 57800 | 0 | 57800 |
| 7721 | Youth Sports Programmer Payroll | 16500 | | 16500 | 0 | 16500 |
| 7730 | Community/Special Events Payroll | 33000 | 15959.99 | 33000 | 0 | 33000 |
| 7740 | PartTime Site Super Payroll | 15000 | 13039.49 | 23000 | 8000 | 15000 |
| 7750 | Maltby Dog Pound Payroll | 10000 | 7212.51 | 10000 | 0 | 10000 |
| 7760 | BCCPayroll | 2600 | 1300 | 2600 | 0 | 2600 |
| 7770 | Meijer Park Payroll | 0 | 0 | | 0 | 0 |
| 7780 | Youth Referees Expense | 15500 | 6572.09 | 15500 | 0 | 15500 |
| 7781 | Adult Referees Expense | 7000 | 4593 | 7000 | 0 | 7000 |
| 7785 | FICA/MESC | 18500 | 18591.79 | 26500 | 8000 | 18500 |
| 7800 | Retirement Management Expense | 1800 | 500 | 500 | -1300 | 0 |
| 7803 | Benefits Expense | 60000 | 28473.81 | 60000 | 0 | 60000 |
| 7810 | Workers Comp Expense | 5000 | 281.75 | 3000 | -2000 | 5000 |
| 7813 | Dues & Subscriptions | 1500 | 875 | 1500 | 0 | 1500 |
| 7817 | Education & Training | 3000 | 575 | 3000 | 0 | 3000 |
| 7820 | Mileage Expense | 3500 | 2407.12 | 3500 | 0 | 3500 |
| 7823 | Telephone Expense | 1500 | 750 | 1500 | 0 | 1500 |
| 7827 | Office Supplies Expense | 5000 | 3723.95 | 5000 | 0 | 5000 |
| 7830 | Postage Expense | 15000 | 9573.3 | 15000 | 0 | 15000 |
| 7833 | Active.net Expense | 8000 | 3788.94 | 8000 | 0 | 8000 |
| 7837 | Liability Insurance Expense | 12000 | 4507.5 | 12000 | 0 | 12000 |
| 7840 | Special Events Expense | 15000 | 12004.75 | 18000 | 3000 | 22000 |
| 7843 | Community Events | 6000 | 5601.02 | 6000 | 0 | 5500 |
| 7844 | Amusement Ticket Expense | 3500 | 1898.65 | 2500 | -1000 | 2400 |
| 7847 | Youth Leagues Expense | 11000 | 19485.67 | 24000 | 13000 | 12000 |
| 7850 | Youth Leagues Uniform Expense | 9000 | 121.8 | 121.8 | -8878.2 | 0 |
| 7853 | Youth Programs Expense | 3000 | 146.58 | 3000 | 0 | 2500 |
| 7855 | Umpire Training Expense | 500 | | 500 | 0 | 500 |
| 7857 | Adult Leagues Expense | 3000 | 2065.7 | 3000 | 0 | 3000 |
| 7860 | Adult Program Expense | 500 | 140 | 500 | 0 | 500 |
| 7863 | Maltby Dog Pound Expense | 3500 | 506 | 1500 | -2000 | 3500 |
| 7867 | Skatepark - Expense | 6000 | 1217.48 | 3000 | -3000 | 4500 |
| 7873 | BCC Expense | 10000 | 5964.17 | 10000 | 0 | 10000 |
| 7877 | Office Machine Rentals | 5000 | 3105.61 | 5000 | 0 | 5000 |
| 7880 | Auto Maintenance & Repairs | 500 | 681.62 | 1000 | 500 | 1000 |
| 8801 | Contracted Services Instruction | 60000 | 16038.1 | 35000 | -25000 | 35000 |
| 8810 | JUA - Facility Rental Expense | 30000 | 15000 | 30000 | 0 | 30000 |
| 8815 | Printing & Publishing | 18000 | 13108 | 18000 | 0 | 18000 |
| 8825 | Advertising Expense | 5000 | 0 | 0 | -5000 | 5000 |
| 8826 | Marketing Expense | 5000 | 3298.53 | 5000 | 0 | 5000 |
| 8830 | Concessions Expense | 500 | 26.75 | 500 | 0 | 500 |
| 8835 | PS-Website Expense | 2800 | 2784.84 | 2800 | 0 | 2800 |
| 8840 | PS-Technology Expense | 5100 | 4679.24 | 6500 | 1400 | 6500 |
| 8845 | PS-Payroll Expense | 2500 | 1291.3 | 2500 | 0 | 2500 |
| 8848 | Bank Charges | 100 | -183 | -183 | -183 | 100 |
| 8850 | PS-Audit Expense | 5500 | 5500 | 5500 | 0 | 4000 |
| | | 639700 | 338119.26 | 625138.8 | -14461.2 | 608700 |

2014-15 Deficit

-20285

2015-16 Deficit

-29479

15-16 \$38 rate

45,694

Projected Revenue/Expenditure for 2014/15

-\$56,192.20

SELCRA January - December 2013 Programs and Participation

| YOUTH SPORTS | Totals | BT | COB | GROT | GT | HT | OTHER |
|-----------------------|---------------|-------------|-------------|-------------|-------------|-----------|--------------|
| Soccer Spring | 697 | 243 | 120 | 122 | 119 | 55 | 38 |
| Soccer Fall | 712 | 244 | 116 | 140 | 112 | 61 | 39 |
| Baseball Softball | 965 | 347 | 143 | 206 | 128 | 69 | 72 |
| Basketball | 252 | 72 | 41 | 47 | 40 | 20 | 32 |
| Flag Football Spring | 322 | 93 | 63 | 69 | 36 | 26 | 35 |
| Flag Football | 243 | 71 | 48 | 51 | 29 | 23 | 21 |
| Lacrosse | 211 | 64 | 25 | 42 | 29 | 40 | 11 |
| Volleyball | 111 | 37 | 31 | 33 | 23 | 11 | 10 |
| ADULT SPORTS | Totals | BT | COB | GROT | GT | HT | OTHER |
| Basketball | 190 | 67 | 28 | 15 | 9 | 4 | 67 |
| Softball | 427 | 132 | 101 | 46 | 38 | 22 | 88 |
| Open Gyms | 88 | 31 | 10 | 16 | 11 | 10 | 10 |
| PROGRAMS | Totals | BT | COB | GROT | GT | HT | OTHER |
| DDD | 1231 | 327 | 222 | 214 | 193 | 107 | 168 |
| Challenger Camps | 116 | 29 | 22 | 21 | 19 | 16 | 9 |
| Hershey Track & Field | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Basketball Clinics | 90 | 29 | 11 | 24 | 8 | 8 | 10 |
| BaseBall Clinics | 70 | 25 | 7 | 15 | 16 | 2 | 5 |
| Eggstravaganza | 120 | 26 | 25 | 21 | 25 | 6 | 17 |
| Golf Outing | 80 | 16 | 18 | 20 | 8 | 4 | 14 |
| Tridge or Treat | 1200 | | | | | | |
| Gymnastics | 94 | 37 | 16 | 9 | 13 | 7 | 12 |
| Fencing | 18 | 8 | 0 | 5 | 1 | 2 | 2 |
| Karate | 46 | 7 | 9 | 12 | 7 | 5 | 6 |
| Snowsports | 32 | 12 | 3 | 4 | 13 | 0 | 0 |
| Equestrian | 5 | 2 | 2 | 0 | 1 | 0 | 0 |
| Archery | 86 | 27 | 8 | 17 | 12 | 3 | 19 |
| Ump/Ref Training | 57 | 13 | 9 | 10 | 16 | 5 | 4 |
| DDA Summer Series | 1500 | | | | | | |
| Golf Clinics | 25 | 6 | 7 | 6 | 2 | 3 | 1 |
| After School Pound | 236 | 75 | 50 | 29 | 55 | 16 | 11 |
| Outdoor Adventures | 9 | 0 | 1 | 7 | 1 | 0 | 0 |
| Dash of the Dead | 28 | 7 | 6 | 0 | 2 | 3 | 10 |
| 5k Run Talahi | 76 | 3 | 2 | 3 | 7 | 5 | 56 |
| Tri-Athletes | 14 | 0 | 0 | 0 | 0 | 0 | 14 |
| Skatepark | 457 | 132 | 63 | 87 | 64 | 33 | 78 |
| Lacross Clinics | 52 | 17 | 10 | 10 | 6 | 9 | 0 |
| Volleyball Clinics | 49 | 14 | 15 | 7 | 8 | 5 | 0 |
| Football Clinics | 24 | 2 | 10 | 3 | 4 | 4 | 1 |
| 2013 Totals | 9933 | 2215 | 1242 | 1311 | 1055 | 584 | 860 |
| 2012 Totals | 11402 | 2601 | 1429 | 1709 | 1247 | 680 | 1235 |
| Average 2012/2013 | 21335 | 4816 | 2671 | 3020 | 2302 | 1264 | 2095 |
| 2014/\$23.00 per AI | | \$55,384.00 | \$30,728.00 | \$34,730.00 | \$26,473.00 | | \$147,315.00 |
| BCC Rentals | 113 | 22 | 19 | 15 | 13 | 4 | 40 |

SELCRA January - December 2014 Programs and Participants

| YOUTH SPORTS | Totals | BT | COB | GROT | GT | HT | OTHER |
|--------------------------------|---------------|--------------|--------------|--------------|--------------|------------|---------------|
| Soccer Spring | 559 | 196 | 88 | 116 | 88 | 41 | 30 |
| Soccer Fall | 419 | 153 | 72 | 81 | 58 | 21 | 34 |
| Baseball Softball | 819 | 257 | 129 | 159 | 125 | 71 | 78 |
| Basketball | 518 | 147 | 99 | 107 | 101 | 26 | 38 |
| Flag Football Spring | | | | | | | |
| Flag Football | 620 | 231 | 102 | 127 | 113 | 18 | 29 |
| Lacrosse | 162 | 46 | 24 | 35 | 27 | 24 | 6 |
| Volleyball | 170 | 60 | 24 | 30 | 21 | 18 | 17 |
| ADULT SPORTS | | | | | | | |
| Basketball | 250 | 28 | 13 | 9 | 15 | 26 | 159 |
| Softball | 488 | 89 | 39 | 56 | 43 | 25 | 236 |
| Open Gyms | 121 | 28 | 6 | 26 | 30 | 9 | 22 |
| PROGRAMS | | | | | | | |
| DDD | 1191 | 312 | 218 | 217 | 157 | 114 | 173 |
| Challenger Camps | 96 | 33 | 8 | 15 | 13 | 8 | 19 |
| Hershey Track & Field | 110 | 26 | 20 | 20 | 14 | 11 | 19 |
| Basketball Clinics | 56 | 13 | 6 | 8 | 17 | 7 | 5 |
| BaseBall Clinics | 46 | 15 | 4 | 9 | 7 | 9 | 2 |
| Track Clinics | 12 | 3 | 2 | 3 | 0 | 3 | 1 |
| Eggstravaganza | 197 | 41 | 26 | 32 | 40 | 22 | 36 |
| Date Nights | 429 | 173 | 78 | 33 | 71 | 47 | 27 |
| Golf Outing | 103 | 31 | 19 | 11 | 15 | 4 | 23 |
| Tridge or Treat | 623 | 213 | 112 | 65 | 78 | 39 | 116 |
| Gymnastics | 131 | 48 | 13 | 13 | 27 | 13 | 17 |
| Fencing | | | | | | | |
| Karate | 19 | 7 | 3 | 3 | 3 | 2 | 1 |
| Snowsports | 27 | 8 | 2 | 6 | 5 | 4 | 2 |
| Equestrian | 19 | 4 | 6 | 4 | 1 | 2 | 2 |
| Archery | 82 | 29 | 12 | 11 | 15 | 2 | 13 |
| Ump/Ref Training | 62 | 10 | 7 | 16 | 15 | 7 | 7 |
| DDA Summer Series | 662 | 143 | 132 | 61 | 82 | 13 | 231 |
| Tennis | 67 | 20 | 12 | 15 | 12 | 4 | 4 |
| Golf Clinics | 15 | 6 | 4 | 2 | 2 | 1 | 0 |
| After School Pound | 155 | 46 | 27 | 29 | 20 | 22 | 11 |
| Swim Hamburg | 42 | 13 | 6 | 12 | 4 | 5 | 2 |
| Movie | 358 | 46 | 64 | 70 | 29 | 22 | 127 |
| Twisted Trail Trek | 31 | 2 | 4 | 1 | 3 | 0 | 21 |
| Walk Michigan | 415 | 78 | 40 | 182 | 25 | 26 | 64 |
| Superhero Party | 39 | 11 | 4 | 7 | 6 | 2 | 9 |
| Paddle to Beatles | 13 | 0 | 0 | 9 | 0 | 0 | 4 |
| Pirate Treasure Hunt | 109 | 35 | 14 | 13 | 24 | 3 | 20 |
| Volleyball Clinics | 55 | 17 | 7 | 13 | 4 | 9 | 5 |
| Punt Pass Kick | 16 | 2 | 1 | 3 | 0 | 3 | 7 |
| Family Campout | 49 | 13 | 5 | 4 | 13 | 3 | 11 |
| Little Bits | 75 | 26 | 9 | 15 | 9 | 4 | 12 |
| Murder Mystery Night | 167 | 42 | 28 | 30 | 20 | 15 | 32 |
| 2014 Totals | 9597 | 2701 | 1489 | 1678 | 1352 | 705 | 1672 |
| 2013 Totals | 9933 | 2215 | 1242 | 1311 | 1055 | 584 | 860 |
| Average 2013/2014 | | 2458 | 1366 | 1495 | 1204 | 645 | |
| 2015/16 - \$27 per participant | | \$ 66,366.00 | \$ 36,882.00 | \$ 40,365.00 | \$ 32,508.00 | | \$ 176,121.00 |
| 2015/16 - \$38 per participant | | \$ 96,824.00 | \$ 51,908.00 | \$ 56,810.00 | \$ 45,752.00 | | \$ 251,294.00 |
| BCC Rentals | | 12 | 8 | 13 | 5 | 2 | 62 |

| SELCRA January - December 2015 Projected Programs and Participants | | | | | | | | | |
|--|--------|--------------|--------------|--------------|--------------|-----|---------------|--|--|
| YOUTH SPORTS | Totals | BT | COB | GROT | GT | HT | OTHER | | |
| Soccer Spring | 380 | 140 | 40 | 90 | 60 | 30 | 20 | | |
| Soccer Fall | 280 | 100 | 40 | 60 | 40 | 20 | 20 | | |
| Baseball Softball | 710 | 240 | 110 | 140 | 110 | 50 | 60 | | |
| Basketball | 480 | 140 | 90 | 100 | 100 | 20 | 30 | | |
| Flag Football Spring | | | | | | | | | |
| Flag Football | 620 | 230 | 100 | 130 | 110 | 20 | 30 | | |
| Lacrosse | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Volleyball | 180 | 60 | 30 | 30 | 20 | 20 | 20 | | |
| ADULT SPORTS | | | | | | | | | |
| Basketball | 260 | 30 | 10 | 10 | 20 | 30 | 160 | | |
| Softball | 500 | 90 | 40 | 60 | 40 | 30 | 240 | | |
| Open Gyms | 130 | 30 | 10 | 30 | 30 | 10 | 20 | | |
| PROGRAMS | | | | | | | | | |
| DDD | 1300 | 320 | 300 | 220 | 160 | 120 | 180 | | |
| Challenger Camps | 100 | 30 | 10 | 20 | 10 | 10 | 20 | | |
| Hershey Track & Field | 110 | 30 | 20 | 20 | 10 | 10 | 20 | | |
| Basketball Clinics | 70 | 10 | 10 | 10 | 20 | 10 | 10 | | |
| BaseBall Clinics | 50 | 10 | 10 | 10 | 10 | 10 | 0 | | |
| Track Clinics | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Eggstravaganza | 200 | 40 | 30 | 30 | 40 | 20 | 40 | | |
| Date Nights | 480 | 200 | 80 | 40 | 80 | 50 | 30 | | |
| Golf Outing | 110 | 30 | 20 | 10 | 20 | 10 | 20 | | |
| Tridge or Treat | 800 | 250 | 150 | 90 | 100 | 60 | 150 | | |
| Gymnastics | 130 | 50 | 10 | 10 | 30 | 10 | 20 | | |
| Fencing | | | | | | | | | |
| Karate | 10 | 10 | 0 | 0 | 0 | 0 | 0 | | |
| Snowsports | 45 | 10 | 5 | 10 | 10 | 5 | 5 | | |
| Equestrian | 35 | 5 | 10 | 5 | 5 | 5 | 5 | | |
| Archery | 75 | 30 | 10 | 10 | 10 | 5 | 10 | | |
| Ump/Ref Training | 75 | 10 | 5 | 20 | 20 | 10 | 10 | | |
| DDA Summer Series | 710 | 150 | 140 | 70 | 90 | 20 | 240 | | |
| Tennis | 80 | 20 | 15 | 20 | 15 | 5 | 5 | | |
| Golf Clinics | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| After School Pound | 180 | 50 | 30 | 30 | 20 | 30 | 20 | | |
| Swim Hamburg | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Movie | 365 | 50 | 60 | 70 | 30 | 25 | 130 | | |
| Twisted Trail Trek | 45 | 5 | 5 | 5 | 5 | 5 | 20 | | |
| Walk Michigan | 440 | 80 | 40 | 190 | 30 | 30 | 70 | | |
| Superhero Party | 55 | 15 | 5 | 10 | 10 | 5 | 10 | | |
| Paddle to Beatles | 20 | 0 | 0 | 10 | 0 | 0 | 10 | | |
| Pirate Treasure Hunt | 120 | 40 | 15 | 15 | 25 | 5 | 20 | | |
| Volleyball Clinics | 70 | 20 | 10 | 15 | 5 | 10 | 10 | | |
| Punt Pass Kick | 25 | 5 | 5 | 5 | 0 | 5 | 5 | | |
| Family Campout | 65 | 15 | 10 | 5 | 15 | 5 | 15 | | |
| Little Bits | 90 | 30 | 10 | 20 | 10 | 5 | 15 | | |
| Murder Mystery Night | 190 | 45 | 30 | 30 | 30 | 20 | 35 | | |
| 2015 Totals (projected) | 9585 | 2620 | 1515 | 1650 | 1340 | 735 | 1725 | | |
| 2014 Totals | 9597 | 2701 | 1489 | 1678 | 1352 | 705 | 1672 | | |
| Average 2014/2015 | | 2660 | 1502 | 1664 | 1346 | | | | |
| 2015/16 - \$27 per participant | | \$ 71,833.00 | \$ 40,554.00 | \$ 44,928.00 | \$ 36,342.00 | | \$ 193,657.00 | | |
| BCC Rentals | | 10 | 10 | 10 | 5 | 5 | 70 | | |

**POLICY REPORT: CONSIDER APPROVAL OF DOMINO'S PIZZA –
222 W. GRAND RIVER #15-018**

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for Domino's Pizza – 222 W. Grand River #15-018 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions.

BACKGROUND:

At its meeting of July 20, 2015, the Planning Commission reviewed and discussed a site plan for Domino's Pizza proposed for the empty tenant space at 222 W. Grand River. Section 82-87 of the City Code requires site plan approval for changes of use that require additional off-street parking.

The Planning Commission recommended site plan approval with the following conditions:

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

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to grant 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.

supported by _____.

Attachments:

1. Planning Commission Report
2. DRAFT PC Meeting Minutes
3. Site Plan

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: July 20, 2015

RE: Domino's Pizza – 222 W. Grand River #15-018

Background

The tenant space at 222 W. Grand River is currently vacant. The two previous tenants were Country Lane Flowers (florist) and Bloom Baby (retail).

The applicant is proposing to renovate the interior of the space to accommodate Domino's Pizza. The only changes to the exterior will be signage.

Section 82-87 of the City Code requires site plan approval for changes of use that require additional off-street parking.

Parking Requirements

This property is unique because it has two zoning districts. The gas station is zoned DBD and the proposed Domino's Pizza and Tim Horton's are zoned C2. The gas station requires less than 65 parking spaces which exempts the parcel from the regulations and requirements of the parking article. The proposed Domino's Pizza and Tim Horton's require 29 parking spaces. The site has 31 parking spaces.

Site Modifications

Signage:

- Signage locations are not shown on the site plan.
- The signage will be reviewed with the submittal of sign permits and must meet the requirements of the Sign Ordinance.

Utilities

Tetra Tech reviewed the site plan and provided no comments since the improvements were limited to the interior only.

Fire Department

The Brighton Area Fire Authority (BAFA) reviewed the site plan and provided no comments at this time. The BAFA will review the tenant build out during the construction plan review.

STAFF RECOMMENDATION

The following are goals from the City of Brighton Master Plan: *encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs of present residents without requiring extensive city services.* The building will allow a new business to renovate and occupy an existing building that is located on a very visible City street.

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by _____ 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.

supported by _____.

Attachments:

1. Site Plan

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:

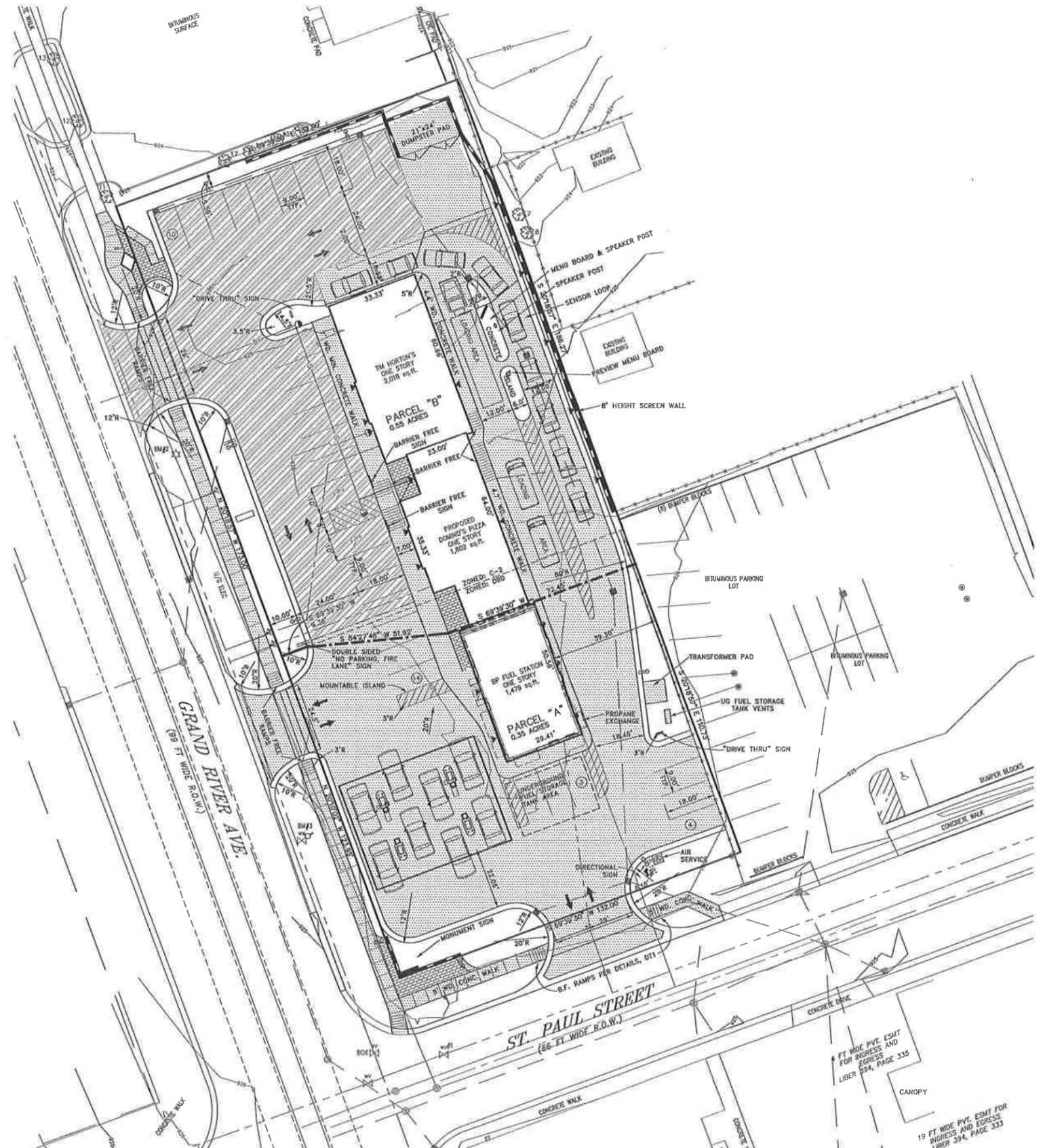
1. That all signage comply with applicable ordinances or variances obtained.

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:



LEGEND

- EXISTING BOUNDARY
- ROAD CENTERLINE
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- EXISTING STORM SEWER
- EXISTING GAS LINE
- EXISTING GAS VALVE
- EXISTING CURB
- U.H. — UTILITY POLE W/ GUY WIRE
- MISC. STRUCTURE (AS LABELED)
- EXISTING SIGN
- EXISTING LIGHT POLE
- EXISTING SANITARY SEWER PIPE
- EXISTING SANITARY MANHOLE
- EXISTING WATER MAIN
- EXISTING WATER VALVE
- EXISTING MONITORING WELL
- PROPOSED CURB & GUTTER
- PROPOSED CURB, REVERSE PITCH
- PROPOSED STORM SEWER
- CATCH BASIN
- PROPOSED MANHOLE
- PROPOSED SANITARY SEWER
- SANITARY CLEANOUT
- PROPOSED LIGHT POLE
- PROPOSED SIGN
- EXISTING TREE W/ IDENTIFIER
- (1) — PARKING SPACE NUMBERING
- PROPOSED BITUMINOUS SURFACE
- PROPOSED CONCRETE
- PROPOSED PARCEL BOUNDARY
- EXISTING ZONING BOUNDARY

SITE CHARACTERISTICS:

| | |
|-----------------------------|-----------------------|
| 18-30-303-030 | C-2 |
| 18-30-303-031 | C-2 |
| 18-30-303-032 | DBD |
| TOTAL SITE AREA: | 0.90 ac. |
| GROUND FLOOR AREA: | 5,299 sq. ft. |
| LOT COVERAGE: | 13.5% |
| BUILDING SETBACK DISTANCES: | |
| | C-2 ZONING DBD ZONING |
| FRONT: | 0 |
| SIDE: | 0 |
| REAR: | 20' |
| BUILDING HEIGHT: | |
| MAX. ALLOWED: | 30' |
| PROPOSED: | 24'-7 5/16" |

PARKING CALCULATIONS:

| | | REQUIRED | PROPOSED |
|-------------------|-------------------------|-----------|-----------|
| TIM HORTON'S | 2,018 sq. ft. | | |
| ZONED: C2 | 1 SPACE PER 100 sq. ft. | 20 | 20 |
| DOMINO'S PIZZA | 1,802 sq. ft. | | |
| (CARRY-OUT ONLY) | 1 SPACE PER 200 sq. ft. | 9 | 9 |
| ZONED: C2 | | | |
| AUTO FUEL STATION | 1,479 sq. ft. | | |
| W/ CONVENIENCE | 1 SPACE PER 200 sq. ft. | 0 | 1 |
| ZONED: DBD | 1 PER EMPLOYEE, PEAK | 0 | 1 |
| TOTAL | | 29 | 31 |

THE BP FUEL STATION ON PARCEL "A" IS EXEMPT FROM PROVIDING ANY PARKING SPACES UNDER SECTION 98-82 (g) OF THE CITY OF BRIGHTON ZONING ORDINANCE.

| REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|------------|------|----------------------|------------|------|----------------------|
| | | | | | |
| | | | | | |
| | | | | | |

**ST. PAUL STREET
BP / TIM HORTON'S**

SITE PLAN

CLIENT:
CORRIGAN CONSTRUCTION
775 N. SECOND STREET
BRIGHTON, MICHIGAN 48116
(810) 229-5323

SCALE: 1in. = 20ft.
PROJECT No.: 71208
DWG NAME: 208-SP
ISSUED: 06-16-15

SP



19 FT WIDE PVT. ESMT FOR INGRESS AND EGRESS LIBER 394, PAGE 333

**POLICY REPORT: CONSIDER APPROVAL OF BIG APPLE BAGEL –
9864 E. GRAND RIVER SUITE 120 #15-019**

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for Big Apple Bagel at 9864 E. Grand River Suite 120 #15-019 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions.

BACKGROUND:

At its meeting of July 20, 2015, the Planning Commission reviewed and discussed a site plan for Big Apple Bagel proposed for the empty tenant space at 9864 E. Grand River #102. Section 82-87 of the City Code requires site plan approval for changes of use that require additional off-street parking.

The Planning Commission recommended site plan approval with the following conditions:

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

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to grant 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.

supported by _____.

Attachments:

1. Planning Commission Report
2. DRAFT PC Meeting Minutes
3. Site Plan

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: July 20, 2015

RE: Big Apple Bagel – 9864 E. Grand River Suite 120 #15-019

Background

The tenant space at 9864 E. Grand River Suite 120 is currently vacant. The previous tenant was a shoe store.

The applicant is proposing to renovate the interior of the space to accommodate Big Apple Bagel. The only changes to the exterior will be signage.

Section 82-87 of the City Code requires site plan approval for changes of use that require additional off-street parking.

Parking Requirements

The previous retail user/square footage required 7 parking spaces per the ordinance.

The proposed restaurant requires 22 parking spaces.

The attached site plan includes an updated parking space calculation chart for the entire site. The chart shows that there are 434 existing parking spaces on site and the proposed tenant and existing tenants will require 312 parking spaces. There is an excess of 122 parking spaces.

Site Modifications

Signage:

- Signage locations are not shown on the site plan.
- The signage will be reviewed with the submittal of sign permits and must meet the requirements of the Sign Ordinance.

Utilities

Due to the late submittal of this site plan, Tetra Tech did not review the site plan. However, in the past they have not provided comments when the improvements were limited to the interior only.

Fire Department

Due to the late submittal of this site plan, the Brighton Area Fire Authority (BAFA) did not review the site plan but the BAFA will review the tenant build out during the construction plan review.

STAFF RECOMMENDATION

The following are goals from the City of Brighton Master Plan: *encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs of present residents without requiring extensive city services.* The building will allow a new business to renovate and occupy an existing building that is located on a very visible City street.

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by _____ 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.

supported by _____.

Attachments:

1. Site Plan

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

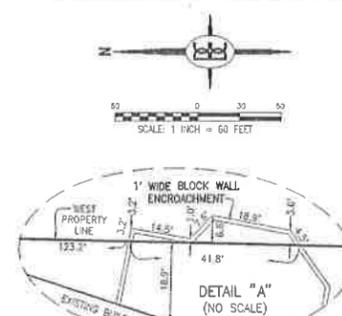
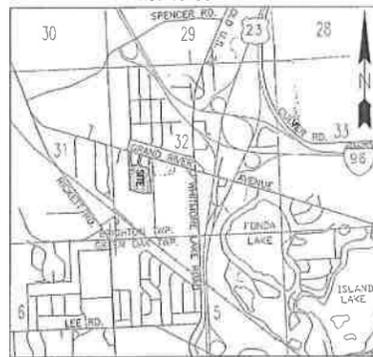
Ms. Cyphert reviewed the applicant's request and noted that this is an amendment to a site plan that has already been approved twice. In response to a question about clarifying the number of parking spaces, Mr. Perry reviewed all concrete, asphalt and gravel parking on the site plan. There will be a 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

- Rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.
- Ingress and Egress Easement Agreement as evidenced by instrument recorded in Liber 1350, Page 887. (AFFECTS SUBJECT PROPERTY. DESCRIBES A 45 FOOT WIDE PRIVATE DRIVEWAY EASEMENT, AS SHOWN ON DRAWING, AND A 66 FOOT WIDE EASEMENT THAT WAS AMENDED IN LIBER 1350, PAGE 894, LIVINGSTON COUNTY RECORDS.) First Amended Ingress and Egress Agreement recorded in Liber 1350, Page 894, Livingston County Records. (AFFECTS SUBJECT PROPERTY. THIS DOCUMENT AMENDS THE 66 FOOT WIDE EASEMENT IN LIBER 1350, PAGE 887 AND ALSO CREATES A LOOP DRIVE EASEMENT FOR THE BENEFIT OF ADJACENT PARCEL (TAX ID #18-32-300-015), AS SHOWN ON DRAWING.)
- Terms, conditions and provisions contained in Building and Use Restrictions recorded in Liber 1350, Page 924; First Amendment to Declaration recorded in Liber 1584, Page 862; Affidavit recorded in Liber 1584, Page 863, Livingston County Records, but omitting any such covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin. (AFFECTS SUBJECT PROPERTY AND OTHER ADJACENT PROPERTIES. DESCRIBES TERMS, CONDITIONS AND PROVISIONS FOR SUBJECT PROPERTY, NOT PLOTTABLE.)
- Easements granted to the Appian Way Drain Drainage District, as evidenced by instruments recorded in Liber 1553, Page 974 and Liber 1553, Page 978, Livingston County Records. (AFFECTS SUBJECT PROPERTY AS SHOWN ON DRAWING.)
- Easements granted to the Detroit Edison Company, as evidenced by instruments recorded in Liber 1584, Page 857, Liber 1602, Page 177 and Liber 1767, Page 709, Livingston County Records. (AFFECTS SUBJECT PROPERTY AS SHOWN ON DRAWING.)
- Easement granted to the City of Brighton, as evidenced by instrument recorded in Liber 1742, Page 92, Livingston County Records. (AFFECTS SUBJECT PROPERTY AS SHOWN ON DRAWING.)
- Easement and Dedication Agreement as evidenced by instrument recorded in Liber 2460, Page 229, Livingston County Records. (AFFECTS SUBJECT PROPERTY AS SHOWN ON DRAWING. CREATES MUTUAL ROADWAY.)
- Rights of others to the 66 foot wide mutual roadway which was created by instrument recorded in Liber 1350, page 887, Liber 1350, page 894, Liber 1350, page 904, Liber 1350, page 917, Liber 1553, page 966 and Liber 2460, page 229, Livingston County Records. (THE 55 FOOT WIDE MUTUAL ROADWAY CREATED IN LIBER 2460, PAGE 229 SUPERSEDES AND TERMINATES INSTRUMENTS RECORDED IN LIBER 1350, PAGE 904, LIBER 1350, PAGE 917 AND LIBER 1553, PAGE 986. THIS 66 FOOT WIDE MUTUAL ROADWAY BENEFITS SUBJECT PROPERTY AS SHOWN ON DRAWING.)

LEGEND OF SYMBOLS:

| | | | |
|-----------------------------|------------------|-------------|---------------------------|
| POWER POLE | ORNAMENTAL LIGHT | CONC. | CONCRETE |
| GUY WIRE | SIGN | SAN MH | SANITARY MANHOLE |
| HYDRANT | IRON SET | ST MH | STORM MANHOLE |
| GATE VALVE | IRON FOUND | C | CENTERLINE |
| MANHOLE | SECTION CORNER | L | UBER |
| STORM CATCH BASIN (BEEHIVE) | SANITARY SEWER | P | PAGE |
| STORM CATCH BASIN (SQUARE) | WATER MAIN | L.C.R. | LIVINGSTON COUNTY RECORDS |
| TRANSFORMER PAD | STORM SEWER | (R&M) | RECORD AND MEASURED |
| TELEPHONE RISER | GAS MAIN | P.O.B. | POINT OF BEGINNING |
| U.G. TELEPHONE MARKER | E | H.C. | HANDICAP |
| U.G. GAS MARKER | T | ELEC. | ELECTRIC |
| ELECTRICAL RISER | OH | BLDG. | BUILDING |
| U.G. ELECTRICAL MARKER | X | HT. | HEIGHT |
| MAILBOX | — | SQ. FT. | SQUARE FEET |
| LIGHT POLE | — | MO. OR LESS | MORE OR LESS |
| | — | H.C. | HANDICAP |

VICINITY MAP
NOT TO SCALE



GENERAL SURVEY NOTES:

- The Basis of Bearings for this survey is: A previous survey by Boss Engineering Company, Inc., recorded in Liber 1302, Pages 662 and 663, Livingston County Records.
- Utility Note: The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

LIST OF POSSIBLE ENCROACHMENTS:

The following list of encroachments is only the opinion of this surveyor and should not be interpreted as complete listing.

- BLOCK WALL ENCROACHMENT NEAR NORTHWEST CORNER OF PROPERTY (SEE DETAIL "A")

ZONING INFORMATION.

Zoning Districts: C1 (Community Shopping Center) & C2 (General Business)
Setbacks - City of Brighton Ordinance, Sec. 98-319 (5) states "That no business units shall be constructed closer than 50 feet of either edge of the District."

Existing Building Height at highest point: 20.2 FEET
Maximum Building Height permitted: 2 1/2 Stories or 35 feet

Existing Square Footage of building(s):
VCS STORE: 42,414 SQUARE FEET
ACO HARDWARE: 11,858 SQUARE FEET
RETAIL BUILDING: 30,382 SQUARE FEET
TOTAL AREA: 84,654 SQUARE FEET

Floor Space Area Restrictions:
Per City of Brighton Ordinance Sec. 98-319.
All uses permitted in any C-1 district are subject to the following limitations:

That the development of commercial facilities shall be in the form of an integrated, physically adjoining group of three or more units maintaining a reasonable degree of architectural integrity including an over-all minimum floor space of 10,000 square feet in such three or more units. Each unit shall have a floor area of not less than 1,000 square feet.

ZONING INFORMATION.

C2 (General Business):
Setbacks -
Front: No Front Yard Setback Required
Side: Not required along interior side lot line where all walls of buildings, abutting upon such interior side lot line are without windows. When an interior side lot line is abutting on a dwelling district, a side yard of not less than 10 feet shall be provided.
Rear: No Rear yard setback is required, except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than 20 feet.

LAND AREA:

TOTAL = 11.67 acres, more or less and 508,106 square feet, more or less
PARCEL 1: 11.46 acres, more or less and 499,066 square feet, more or less
PARCEL 2: 0.21 acres, more or less and 9,040 square feet, more or less

RECORD LEGAL DESCRIPTION

Land Situated in the State of Michigan, County of Livingston, City of Brighton:

PARCEL 1: Part of the Southwest 1/4 of Section 32, Town 2 North, Range 6 East, City of Brighton, Livingston County, Michigan, described as: Commencing at the Southwest corner of said Section 32; thence South 88 degrees 06 minutes 07 seconds East (previously recorded as South 83 degrees 02 minutes 29 seconds East) along the South line of said Section 32 (as monumented), 1327.00 feet; thence North 00 degrees 51 minutes 36 seconds East, 1343.37 feet; thence North 69 degrees 18 minutes 30 seconds West, 35.08 feet; thence North 00 degrees 51 minutes 36 seconds East, 93.10 feet to the Point of Beginning of the parcel to be described; thence North 89 degrees 08 minutes 24 seconds West, 256.14 feet; thence North 69 degrees 18 minutes 30 seconds West, 375.42 feet; thence North 01 degrees 43 minutes 08 seconds East, 423.07 feet; thence North 01 degrees 15 minutes 05 seconds East, 701.35 feet; thence along the centerline of Grand River Avenue (50 foot 1/2 right-of-way), South 69 degrees 18 minutes 30 seconds East, 407.08 feet; thence South 20 degrees 41 minutes 30 seconds West, 233.86 feet; thence South 01 degrees 48 minutes 55 seconds West, 68.85 feet; thence South 00 degrees 18 minutes 30 seconds East, 281.74 feet; thence South 00 degrees 45 minutes 42 seconds West, 232.36 feet; thence South 18 degrees 17 minutes 44 seconds East, 100.57 feet; thence South 00 degrees 51 minutes 36 seconds East, 395.58 feet to the Point of Beginning, EXCEPTING THEREFROM the following described parcel: A part of the Southwest 1/4 of Section 32, Town 2 North, Range 6 East, City of Brighton, Livingston County, Michigan, described as: Commencing at the Southwest corner of said Section 32; thence South 88 degrees 06 minutes 07 seconds East (previously recorded as South 83 degrees 02 minutes 29 seconds East) 660 feet; thence North 01 degrees 35 minutes 07 seconds East, 363.81 feet; thence North 01 degrees 43 minutes 08 seconds East (previously recorded as North 01 degrees 35 minutes 05 seconds East), 1620.07 feet; thence North 01 degrees 15 minutes 05 seconds East (previously recorded as North 01 degrees 15 minutes 05 seconds East), 701.35 feet to the centerline of Grand River Avenue (50 foot 1/2 right-of-way); thence along said centerline South 69 degrees 18 minutes 30 seconds East, 407.08 feet; thence North 01 degrees 43 minutes 08 seconds East, 423.07 feet; thence North 01 degrees 15 minutes 05 seconds East, 701.35 feet; thence along the centerline of Grand River Avenue (50 foot 1/2 right-of-way), South 69 degrees 18 minutes 30 seconds East, 407.08 feet; thence South 20 degrees 41 minutes 30 seconds West, 233.86 feet; thence South 01 degrees 48 minutes 55 seconds West, 68.85 feet; thence South 00 degrees 18 minutes 30 seconds East, 281.74 feet; thence South 00 degrees 45 minutes 42 seconds West, 232.36 feet; thence South 18 degrees 17 minutes 44 seconds East, 100.57 feet; thence South 00 degrees 51 minutes 36 seconds East, 395.58 feet to the Point of Beginning.

PARCEL 2: Also, Part of the Southwest 1/4 of Section 32, Town 2 North, Range 6 East, City of Brighton, Livingston County, Michigan, more particularly described as: Commencing at the Southwest corner of said Section 32; thence South 88 degrees 06 minutes 07 seconds East (previously recorded as South 83 degrees 02 minutes 29 seconds East) along the South line of said Section 32 (as monumented), 1327.00 feet; thence North 00 degrees 51 minutes 36 seconds East, 1343.37 feet; thence North 69 degrees 18 minutes 30 seconds West, 35.08 feet; thence North 00 degrees 51 minutes 36 seconds East, 93.10 feet to the Point of Beginning of the parcel to be described; thence North 89 degrees 08 minutes 24 seconds West, 256.14 feet; thence North 69 degrees 18 minutes 30 seconds West, 375.42 feet; thence North 01 degrees 43 minutes 08 seconds East, 423.07 feet; thence North 01 degrees 15 minutes 05 seconds East, 701.35 feet; thence along the centerline of Grand River Avenue (50 foot 1/2 right-of-way), South 69 degrees 18 minutes 30 seconds East, 407.08 feet; thence South 20 degrees 41 minutes 30 seconds West, 233.86 feet; thence South 01 degrees 48 minutes 55 seconds West, 68.85 feet; thence South 00 degrees 18 minutes 30 seconds East, 281.74 feet; thence South 00 degrees 45 minutes 42 seconds West, 232.36 feet; thence South 18 degrees 17 minutes 44 seconds East, 100.57 feet; thence South 00 degrees 51 minutes 36 seconds East, 395.58 feet to the Point of Beginning.

PARCEL 3: EASEMENT PARCEL: Together with all appurtenant rights and easements contained in that certain Easement and Dedication Agreement dated as of October 5, 1998 and recorded in Liber 2460, Page 223, Livingston County Records, for a mutual roadway described as: Part of the Southwest 1/4 of Section 32, Town 2 North, Range 6 East, City of Brighton, Livingston County, Michigan, described as: Commencing at the Southwest corner of said Section 32; thence South 88 degrees 06 minutes 07 seconds East (previously recorded as South 83 degrees 02 minutes 29 seconds East) along the South line of said Section 32, 1327.00 feet; thence North 00 degrees 51 minutes 36 seconds East (previously recorded as North 00 degrees 51 minutes 36 seconds East), 1343.37 feet to the Point of Beginning of the parcel to be described; thence North 89 degrees 08 minutes 24 seconds West, 256.14 feet; thence North 69 degrees 18 minutes 30 seconds West, 375.42 feet; thence North 01 degrees 43 minutes 08 seconds East, 423.07 feet; thence North 01 degrees 15 minutes 05 seconds East, 701.35 feet; thence along the centerline of Grand River Avenue (50 foot 1/2 right-of-way), South 69 degrees 18 minutes 30 seconds East, 407.08 feet; thence South 20 degrees 41 minutes 30 seconds West, 233.86 feet; thence South 01 degrees 48 minutes 55 seconds West, 68.85 feet; thence South 00 degrees 18 minutes 30 seconds East, 281.74 feet; thence South 00 degrees 45 minutes 42 seconds West, 232.36 feet; thence South 18 degrees 17 minutes 44 seconds East, 100.57 feet; thence South 00 degrees 51 minutes 36 seconds East, 395.58 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE

June 8, 2010

This survey is made for the benefit of:

New Plan of Michigan, LLC and its successors and/or assigns
JPMorgan Chase Bank, N.A., its successors and/or assigns
Fidelity National Title Insurance Company
First American Title Insurance Company of New York
National Land Tenure Company, LLC

I, Christopher S. Fergus, Professional Land Surveyor do hereby certify to the aforesaid parties, as of the date set forth above that I have made a careful survey of a tract of land described as follows:

(SEE DESCRIPTION BELOW, LEFT) (Parcel ID: 4718-32-300-021)

- This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes items 2, 3, 4, 6, 7(a)(b)(c), 8, 9, 10, 11 (as to surface matters only) and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Michigan, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.
- The accompanying survey was made on the ground and correctly shows the location of all buildings, structures and other improvements situated on the above premises; there are no visible encroachments on the subject property or upon adjacent land abutting said property except as shown hereon (SEE DETAIL "A") and was made in accordance with laws and/or Minimum Standards of the State of Michigan.
- The property described hereon is the same as the property described in Fidelity National Title Insurance Company Commitment No. 07151868 with an effective date of April 12, 2010 at 7:59 a.m. and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
- Said described property is located within an area having a Zone Designation X by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 260930345D, Panel 345 OF 495, with a date of identification of June 1, 2007, for Community No. 260783 0345 D, in the City of Brighton, Livingston County, State of Michigan, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
- The Property has direct access to Grand River Avenue, a dedicated public street or highway.
- The total number of striped parking spaces on the subject property is 433, including 21 designated handicap spaces.

Christopher S. Fergus, Professional Land Surveyor No. 47055



| No. | REVISIONS | Date |
|-----|-----------|------|
| | | |
| | | |
| | | |

COORDINATED BY:
SMITH-ROBERTS
NATIONAL CORPORATION
100 NE 5th Street
OKLAHOMA CITY, OK 73104
800.411.2010
www.smith-roberts.com

ALTA/ACSM LAND TITLE SURVEY

GRAND CROSSING SHOPPING CENTER
9864-9870 E GRAND RIVER
BRIGHTON, LIVINGSTON COUNTY, MICHIGAN, 48116



POLICY REPORT: 800 WHITNEY #15-002

August 6, 2015

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for the 800 Whitney Street site plan #15-002 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions.

BACKGROUND:

At its meeting of July 20, 2015, the Planning Commission reviewed and discussed a site plan for 800 Whitney Street. In July of 2014, the applicant purchased the 800 Whitney Street property from the former owner. The former tenant Semmerling Fence/Merchant Metals, occupied the buildings for office space and storage and there was outside storage of fencing parts and vehicles. The applicant is requesting to utilize the existing buildings for storage and store trucks and vehicles, salvage vehicles, and propane tanks within the outdoor storage area. The applicant is proposing to use the Whitney Street entrance for emergency access only and direct traffic through a 28 foot easement and the Corrigan Oil site and onto N. Second Street. This will keep industrial/commercial traffic from using Whitney Street, which is a residential neighborhood. The property is zoned IB, Intermediate Industrial. Per the ordinance, "any building or premises may be used for any other purpose not in conflict with any provision of this Code regulating nuisances, provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after report regarding the effect of such uses upon the safety and welfare of utilities, by the city planning commission, the chief of the fire department and the city manager: Wholesale storage of gasoline or other materials considered by the state fire marshal to be explosive." A 30,000 gallon propane storage tank is proposed with the site plan.

There are some historical aerial photos of this property included in this packet to illustrate the outdoor storage use on the property. Also attached is the site plan included in the ZBA application that shows the gravel and paved parking areas.

The Planning Commission recommended site plan approval with the following conditions:

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.

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to grant conditional site plan approval 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 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.

supported by _____.

Attachments:

1. Planning Commission Report
2. DRAFT PC Meeting Minutes
3. Site Plan
4. ZBA site plan

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: July 20, 2015

RE: 800 Whitney Street #15-002

Background

In the July of 2014, the applicant purchased the 800 Whitney Street property from the former owner. It is Staff's understanding that the long time former tenant Semmerling Fence/Merchant Metals vacated the property in the Fall of 2014 after occupying the space for at least 40 years. Semmerling Fence/Merchant Metals occupied the buildings for office space and storage and there was outside storage of fencing parts and vehicles.

The property is zoned IB, Intermediate Industrial. Per the ordinance, "any building or premises may be used for any other purpose not in conflict with any provision of this Code regulating nuisances, provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the city council after report regarding the effect of such uses upon the safety and welfare of utilities, by the city planning commission, the chief of the fire department and the city manager: Wholesale storage of gasoline or other materials considered by the state fire marshal to be explosive."

Aerial map research of this site illustrates that outside storage areas have been occupying a portion of the site since 1966. Please note that the existing city ordinances are dated 1981, so outdoor storage has been occurring prior to the City ordinance. Attached you will find aerial photos of the site.

The applicant is requesting to utilize the existing buildings for storage and store trucks and vehicles, salvage vehicles, and propane tanks within the outdoor storage area. The applicant is proposing to use the Whitney Street entrance for emergency access only and direct traffic through a 28 foot easement and the Corrigan Oil site rather than, onto N. Second Street. This will keep industrial/commercial traffic from using Whitney Street, which is a residential neighborhood.

Parking & Drive Requirements

At the April 2015 Zoning Board of Appeals meeting, the applicant was granted a variance to allow a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property. The application was also granted a variance to maintain the existing gravel parking

areas due to hardship related to the residents' concerns about truck traffic and noise on Whitney Street and wetland and in order to allow the gravel to settle before paving. The motion was made with a strong suggestion to have Planning Commission and City Council review and put a time limit for paving as a condition of approving the site plan.

The surfaces on the site include concrete and gravel.

Site Modifications

Landscaping:

- 13 six foot white pines are proposed on the 8 foot berms adjacent to the residential lots.
- Drainage and swales have been proposed between the berms and the residential properties to move water to the wetlands.

Lighting:

- Site lighting is existing.

Fencing:

- The site plan includes a 8 foot wood screen fence around the majority of site.
- Per Sec. 98-576 "The open storage of junk, scrap or salvage, or other waste products where the operations are for the conversion to saleable materials, shall be screened from public view, from adjoining properties not of a similar nature, by an enclosure consisting of a masonry or wood wall not less than eight feet high."

Utilities

Tetra Tech reviewed the site plan and provided comments pertaining to the site plan. The Tetra Tech letter requested revisions to the water main, geofabric installation and catch basin models. The requested revisions are reflected in the current site plan.

Fire Department

The Brighton Area Fire Authority reviewed the plan and all requested alterations are reflected in the current site plan.

STAFF RECOMMENDATION

The following goal is from the City of Brighton Master Plan: *improve the appearance and function of commercial and office areas through site plan review and encourage the development of new businesses and the redevelopment of existing sites which will enhance the tax base and meet service needs of present residents without requiring extensive city services.* The purchase of the property has allowed an existing business within the city to redevelop the site and further service the needs of the residents.

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by _____ 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.
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.

supported by _____.

Attachments:

1. DRAFT ZBA Meeting Minutes
2. Aerial Photos
3. Site Plan

to wait to pave. Mr. Perry pointed out which portion would be gravel and which portion would be paved on the site plan in response to questions from board members Senak and McLane. He also noted that the sedimentation basin will stay; it filters water before it gets to the wetland. Board member Senak wanted to know if the ZBA Board were to grant the requested variance, how do we know it will eventually be paved. Mike Corrigan explained they are working with a 12 to 24 month timetable, depending on how quickly the fill settles. He noted that this project still has to go through Planning Commission and City Council and they can make approval conditional on specific timing for the paving to be done.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:45 p.m. Susan Walters-Steinacker, 907 Brighton Lake Road, wanted to inform the board that she was at an auction of about 100 cars in various conditions (i.e., some were burned out or otherwise damaged) for Corrigan Towing on January 17 this year. At the auction, a Corrigan employee was heard to say that Corrigan would be moving all towed vehicles over to the Advance St. property. She said this property is zoned industrial, not commercial, and she wants the ZBA to put in conditional zoning to not allow junk cars on property that could potentially leak fluids such as gas and oil.

Joe Monroe, 633 N. Second St., which is at the south end of the map shown, noted that he has known the Corrigan's for many years and they have contributed a lot to the City over the years. He is concerned about the back lot project. In the March 13, 2015 letter that accompanied their variance application it stated "during our discussion with City Staff and consultants it was determined that we would need to seek a variance if we determined we could not meet the zoning ordinance requirements for driveways and parking lots", which in his opinion sounds like a deal was made with the City. He questioned how anyone knew at that time that a variance was required. He also questioned the filling of the wetland and whether the proper permits had been issued and whether a compaction test had been performed that could indicate whether it could support paving right now instead of waiting up to two years. In his opinion, there are three alternatives; one, Corrigan could remove the fill and replace it with appropriate material; two, they could cut back on the amount of paved parking and leave part of it for future parking; and three, they could pave it now and repair it if it settles. He pointed out that it was stated the variance goes with the property and if Corrigan ever sold it, the new owner would have no obligation to pave it. He also noted that a gravel parking lot does not require curb and gutter and he believes this would set a bad precedent for developers.

Debra Rice, 712 Whitney, noted that her property butts up to the wetland noted on the site plan. She is concerned about pollution with an increased number of semi-trucks on the property. She noted that the wetland sustains a whole ecosystem and she is concerned about fluids leaking into it. She also questioned what is to prevent Corrigan from filling in the rest of the wetland?

Jim Filipowski, 720 Walnut, does not support the variance as he is concerned about increased noise, lights and dust due to the trucks. He noted that he had his house power washed in the early spring and a couple of weeks later it was dirty again due to the dust.

Jerry Joseph, 721 Advance St. (Joseph Properties, contiguous to Corrigan), supports the variance request but is concerned about gravel on Advance and Whitney Streets from truck tires and degradation of the roads due to heavy trucks. He is in favor if we can move this forward and questioned whether there can be a time limit between the variance being approved and the paving. He noted that the one to two year timetable seems reasonable. He asked why the drive to access Second St. was not on the site plan, and Mike Corrigan stated that they will have to add it to the plan because it should have been shown. Mr. Joseph stated that approval of the variance would eliminate Whitney St. traffic and most of the traffic on Advance St.

Chairperson Angst read an email dated April 9, 2015 from Scott Sage (attached) in support of granting the variance. He closed the public hearing and reopened the regular meeting at 8:10 p.m.

There was discussion about the City Engineer's position, and Gary Markstrom from TetraTech stated that fill over the top of a wetland does have a tendency to settle, depending on the base. He said that use would compact the drive and suggested that Corrigan monitor the compaction level over a period of time to determine the timeline for paving. Once it settles, it could be a shorter time frame than the estimated one to two years. As noted, the timing for paving could be handled by making it a condition of approval by the Planning Commission. She noted that no

conditions can be put on the variance if granted by the ZBA. Mr. Perry noted that if the variance does not get approved, traffic would still go down Whitney St. Board member McLane noted that there is an advantage to having trucks drive over the gravel to compact it before it gets paved and asked the City Engineer whether the compaction could be sped up so all areas get compacted at the same time. Mr. Markstrom responded that there are mechanical means to accelerate the process but noted that the driveway will get compacted first and he is not as concerned about the parking area since there won't be as much traffic rolling over it to cause cracking.

Motion by Board Member Urbain, seconded by McLane, to approve a variance to allow a gravel access drive to the 800 Whitney Street property that abuts the Advance Street property and a variance to allow a portion of the parking lot to be gravel due to the practical difficulty of needing the gravel to settle prior to paving and with a strong suggestion that Planning Commission and City Council review and put a time limit for paving as a condition of approving the site plan. A roll call vote was taken as follows:

Board Member McLane – Yes
Board Member Bandkau – Yes
Board Member Urbain – Yes
Board Member Chaundy - Yes

Board Member Senak - Yes
Board Member Angst - Yes
Board Member Gottschalk - Yes

The motion carried 7-0.

6. **735 North Second LLC, 800 Whitney Street (4718-30-300-014)**, is proposing to construct a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property. The applicant would like to maintain the existing gravel parking areas. Section 98-83 (7) states all off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the city's design standards, as amended. The use of curb blocks is prohibited. Section 98-83 (8) states all parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to city engineer standards. Any required retention or detention area may be required to be landscaped. Section 98-83 (9) states the lighting for all parking areas and drive aisles shall be a cutoff luminaire that completely contains the light source. Parking lots shall be illuminated from one-half hour after sunset to one-half hour before sunrise, at the levels specified in the ordinance. Illumination levels shall be measured three feet above the lot surface. Any parking lot lights shall be directed away from, and have no adverse effect upon, any residential use. A variance to allow a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property and a variance to maintain the existing gravel parking areas is being requested.

Wayne Perry from Desine Engineering, on behalf of Mike Corrigan, reviewed the second half of the project. He noted there are some areas of fill and pointed them out on the site plan. Corrigan has done some test holes (soil borings) on the property and they have found buried tires but have no idea how deep they are buried or exactly where they are buried on the property. This is a problem because they can't pave over tires. He noted that the gate and access to Whitney St. will remain for emergency vehicles only. Normal access will be across the back lot property to Advance Street and will be the only access point as they don't want to use Whitney St. He noted that Corrigan has not used Whitney St. since they purchased the property. He reviewed the limits of pavement and existing gravel on the site plan. Board member Senak asked whether they could use earth moving equipment to remove the tires to the base. Mike Corrigan responded that this is part of the practical difficulty for which they are requesting the variance as they are not sure where the tires are located and it may take some time to remove them. Board member Senak noted that the residents' concerns would be addressed with the proposed access drive. Ms. Cyphert stated that Corrigan is asking for the variance to resolve this issue, which will allow the gravel to compact so they can pave at a later date for that access point.

Chairperson Angst closed the regular meeting and opened the public hearing at 8:48 p.m. Martin VanAmburg, 724 Whitney, stated that he is in support of the variance. He has a major issue with the trucks on Whitney due to the constant noise and air brakes.

Debra Rice, 712 Whitney, stated that she likes the plan to keep the trucks off Whitney and supports the variance to

avoid having the wetland being filled in completely.

Hearing no further comments, Chairperson Angst closed the public hearing at 8:50 and reopened the regular meeting. Board member Urbain noted that Corrigan is trying to get the variance to go to Planning Commission for approval and that approval of the variance would save the residents from trucks constantly going up and down Whitney St.

Motion by Board Member Urbain, seconded by Senak, to grant a variance to allow a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property and a variance to maintain the existing gravel parking areas due to hardship related to the residents' concerns about truck traffic and noise on Whitney Street and wetland and in order to allow the gravel to settle before paving. The motion is made with a strong suggestion to have Planning Commission and City Council review and put a time limit for paving as a condition of approving the site plan. A roll call vote was taken as follows:

Board Member Bandkau – Yes
Board Member Senak – Yes
Board Member Gottschalk – Yes
Board Member Angst – Yes

Board Member Urbain - Yes
Board Member Chaundy - Yes
Board Member McLane - Yes

The motion carried 7-0.

7. **Marcus Wilcox, 3075 E. Grand River Suite 118, Howell, MI 48843 for Coldwell Banker at 822 E. Grand River (4718-31-204-001)**, is requesting an ordinance interpretation of the following:

Section 66-91 (a)(14)(a) which states Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or travelling lights or any other means not providing constant illumination (unless specifically permitted in special sign districts). Public service information signs and other electronic message centers classified as changing signs are permitted.

Section 66-2 which states Public service sign means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc.

Marcus Wilcox, 3075 E. Grand River, Suite 118, Howell, MI 48843, counsel for Coldwell Banker at 822 E. Grand River, stated that he is looking for interpretation that a single line, non-flashing, non-blinking is permitted. Under Section 66-91, his interpretation is that the sign would not be prohibited since it will only be changed once per day and would be allowed as an electronic message center. He noted that there is no definition for "electronic message centers" in the code. He also quoted from State law and noted that if ordinance language is ambiguous, the law sides with the property owner. An interpretation from the ZBA board will make it allowable under the ordinance and a variance is not required.

There was discussion by the board members about whether the sign has the capability to scroll and how big the letters are on the two lines of the LED portion of the sign. Ms. Cyphert noted that the sign would have the capability to scroll, be animated and change more than once daily since it is done by computer. However, if the sign is allowed under the ZBA interpretation that it can only be allowed to change once per day and they exceed that, it would become an enforcement issue and they could be ticketed. She also noted that if an interpretation is made that this type of sign is not a scrolling or animated sign, that when a digital sign permit comes to the City and it meets the interpretation, the applicant could have that sign as the ZBA is making the decision how they want this applied from now forward. Board member Urbain said the question is whether what they are proposing fits into the ordinance as written. Terry Gill from Coldwell Banker, 822 E. Grand River, stated that they went about this the wrong way the first time and should have requested an interpretation first instead of going for a variance. He said the sign will not be animated and if they use it the wrong way, they understand they would be in violation of the ordinance and could be ticketed.

Chairperson Angst closed the regular meeting and opened the public hearing at 9:10 p.m. Susan Walters-

Steinacker, 907 Brighton Lake Road, reminded the board that they need to follow Roberts Rules of Order and make sure that people speaking to the board give their names and addresses. She also noted in reference to a prior public comment that the only "elected" official on the ZBA is Ricci Bandkau, who is an elected Council member. All other board members are appointed by City Council, and City Staff and the City Engineer are hired and can be fired by City Manager Dana Foster. She doesn't have a problem with a static digital sign; they are hard to read when you're driving by at 35 miles per hour.

Kim Welshgemuend, 314 N. First St., supports the Coldwell Banker electronic sign. She is a competitor at another real estate office, but she stated the Gills have done a lot for the City and in her dealings with them they have always been above board.

Hearing no further comments, Chairperson Angst closed the public hearing and reopened the regular meeting at 9:13 p.m.

Board member Senak stated that he considers the sign to be a public service sign as long as it is not animated and it would therefore fall within the sign ordinance. Board member McLane noted that in light of new information presented tonight, the sign would fall under ordinance constraints. Chairperson Angst asked whether City Staff could have approved the sign without coming to the ZBA. Ms. Cyphert responded that the board is making a decision tonight on the definition from here on out until the ordinance gets changed and to determine how Staff, Planning Commission and City Council will enforce future requests. Board member Urbain noted that the sign doesn't have to be considered a public service sign since the electronic message center language is applicable. Board member McLane asked how the sign ordinance might get amended and Ms. Cyphert responded that tonight's decision applies to this and future requests but it doesn't change the ordinance. The ZBA board would have to request Staff to take this to Planning Commission and City Council.

Motion by Board Member Urbain, seconded by Bandkau, that the ZBA Board's interpretation of an electronic message center is as follows: Is an electronic sign that does not flash, is not scintillating, does not blink, have travelling lights and only changes once per day. A friendly amendment by Board Member Urbain was made, supported by Bandkau, to amend the motion to include that the once per day change would occur after normal business hours. A roll call vote was taken as follows:

| | |
|----------------------------|-------------------------------|
| Board Member Angst – Yes | Board Member Gottschalk - Yes |
| Board Member McLane – Yes | Board Member Senak - Yes |
| Board Member Chaundy – Yes | Board Member Urbain - Yes |
| Board Member Bandkau – Yes | |

The motion carried 7-0.

8. Election of Officers

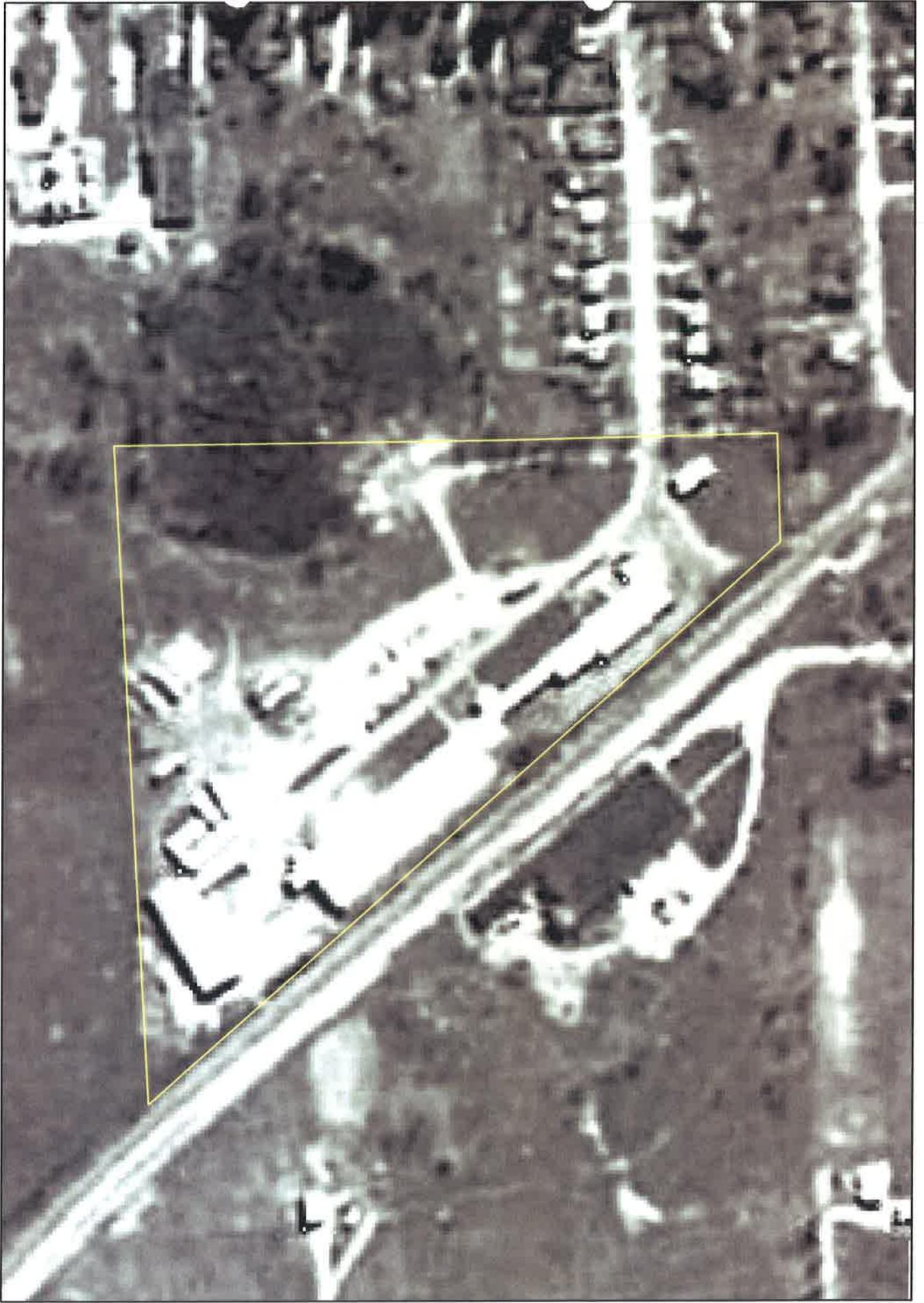
Ms. Cyphert advised that the board has to elect a Chairperson and Vice Chairperson. She noted that a motion could be made to reappoint the current officers. Motion by Board Member Gottschalk, seconded by McLane, to reappoint the current officers for another term. Chairperson Angst stated he would accept the nomination but wanted to let the board know that he will be resigning from the ZBA later this year and will not be able to serve his entire term.

The motion carried 7-0.

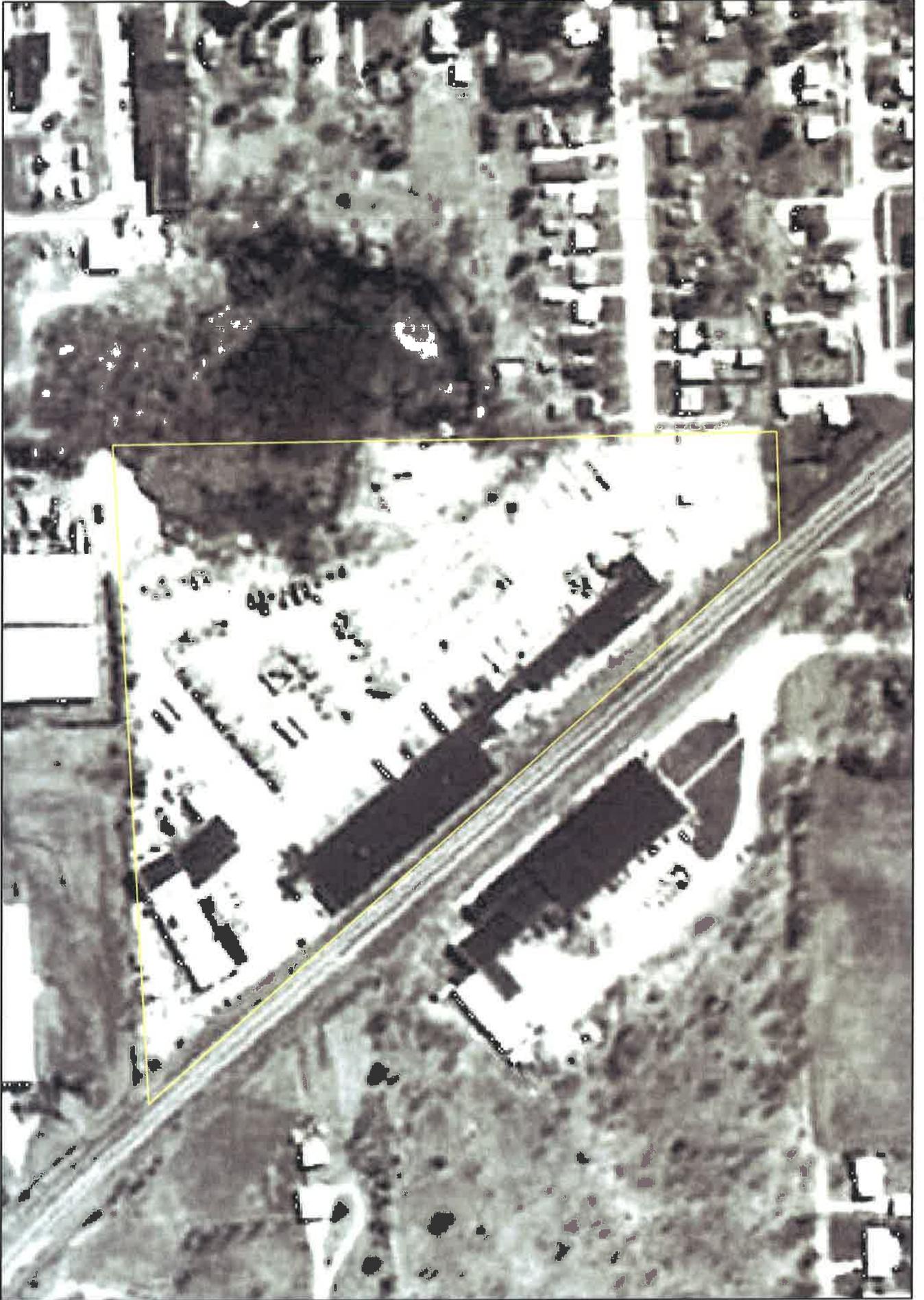
9. Staff Updates

Ms. Cyphert advised that there has been nothing submitted for a May ZBA meeting as of today and she will let the board know whether there will be a meeting or not. She also noted that she and Board member McLane, who is the ZBA liaison to Planning Commission, will take the digital sign ordinance to Planning Commission to clarify what changes should be made to the ordinance.

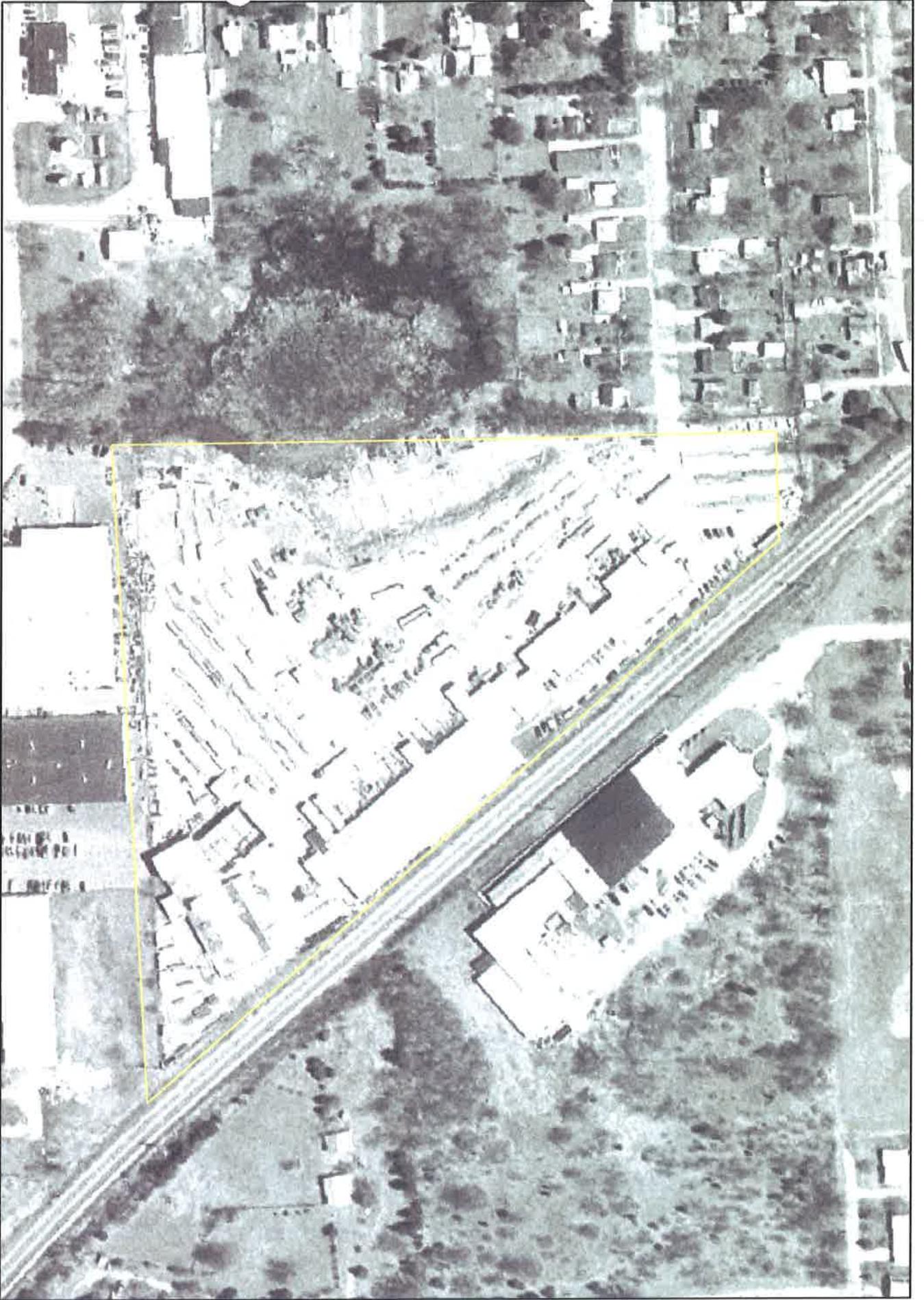
1966



1980



1990



2000



2010



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:

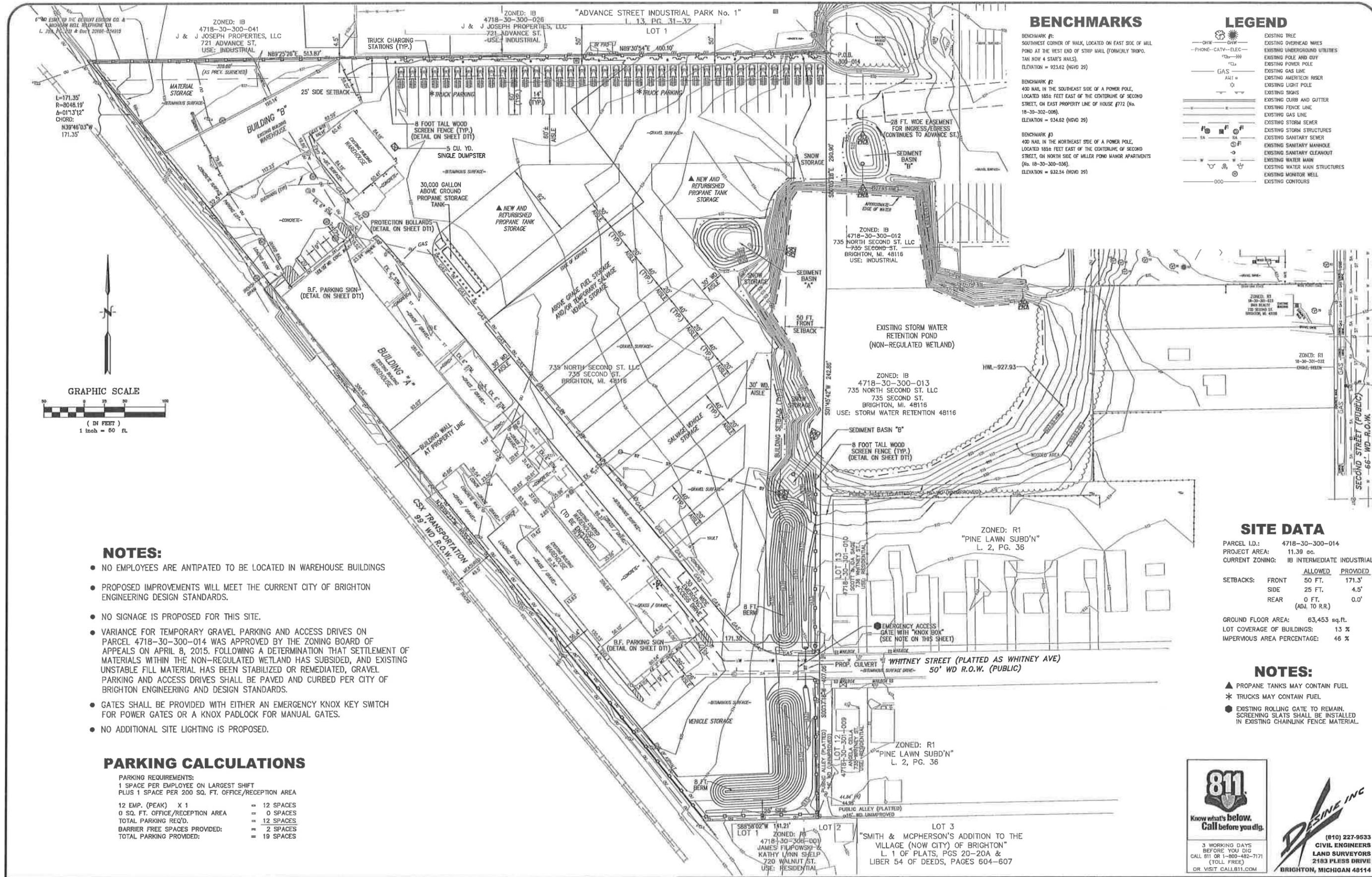
1. The applicant must monitor and report to the City Planning Department in 2 month increments to determine when the soil has settled to a point where the area can be paved. Paving must be completed by June 30, 2017.
2. That right of way permits be obtained from the Department of Public Services for 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



BENCHMARKS

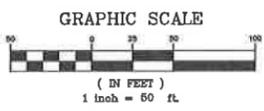
BENCHMARK #1:
SOUTHWEST CORNER OF WALK, LOCATED ON EAST SIDE OF MILL POND AT THE WEST END OF STRIP MALL (FORMERLY TROPO. TAI NOW A STAR'S HALL).
ELEVATION = 923.62 (NGVD 29)

BENCHMARK #2:
400 NAIL IN THE SOUTHEAST SIDE OF A POWER POLE, LOCATED 185+ FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #772 (No. 18-30-302-008).
ELEVATION = 934.62 (NGVD 29)

BENCHMARK #3:
400 NAIL IN THE NORTHEAST SIDE OF A POWER POLE, LOCATED 185+ FEET EAST OF THE CENTERLINE OF SECOND STREET, ON NORTH SIDE OF MILLER POND MANOR APARTMENTS (No. 18-30-300-036).
ELEVATION = 932.54 (NGVD 29)

LEGEND

- OHW — OHW
- PHONE — CATV — ELEC
- GAS
- EXISTING TREE
- EXISTING OVERHEAD WIRES
- EXISTING UNDERGROUND UTILITIES
- EXISTING POLE AND GUY
- EXISTING POWER POLE
- EXISTING GAS LINE
- EXISTING AMERITECH RISER
- EXISTING LIGHT POLE
- EXISTING SIGNS
- EXISTING CURB AND GUTTER
- EXISTING FENCE LINE
- EXISTING GAS LINE
- EXISTING STORM SEWER
- EXISTING STORM STRUCTURES
- EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY CLEANOUT
- EXISTING WATER MAIN
- EXISTING WATER MAIN STRUCTURES
- EXISTING MONITOR WELL
- EXISTING CONTOURS



NOTES:

- NO EMPLOYEES ARE ANTIPATED TO BE LOCATED IN WAREHOUSE BUILDINGS
- PROPOSED IMPROVEMENTS WILL MEET THE CURRENT CITY OF BRIGHTON ENGINEERING DESIGN STANDARDS.
- NO SIGNAGE IS PROPOSED FOR THIS SITE.
- VARIANCE FOR TEMPORARY GRAVEL PARKING AND ACCESS DRIVES ON PARCEL 4718-30-300-014 WAS APPROVED BY THE ZONING BOARD OF APPEALS ON APRIL 8, 2015. FOLLOWING A DETERMINATION THAT SETTLEMENT OF MATERIALS WITHIN THE NON-REGULATED WETLAND HAS SUBSIDED, AND EXISTING UNSTABLE FILL MATERIAL HAS BEEN STABILIZED OR REMEDIATED, GRAVEL PARKING AND ACCESS DRIVES SHALL BE PAVED AND CURBED PER CITY OF BRIGHTON ENGINEERING AND DESIGN STANDARDS.
- GATES SHALL BE PROVIDED WITH EITHER AN EMERGENCY KNOX KEY SWITCH FOR POWER GATES OR A KNOX PADLOCK FOR MANUAL GATES.
- NO ADDITIONAL SITE LIGHTING IS PROPOSED.

PARKING CALCULATIONS

PARKING REQUIREMENTS:
1 SPACE PER EMPLOYEE ON LARGEST SHIFT
PLUS 1 SPACE PER 200 SQ. FT. OFFICE/RECEPTION AREA

12 EMP. (PEAK) X 1 = 12 SPACES
0 SQ. FT. OFFICE/RECEPTION AREA = 0 SPACES
TOTAL PARKING REQ'D. = 12 SPACES
BARRIER FREE SPACES PROVIDED: = 2 SPACES
TOTAL PARKING PROVIDED: = 19 SPACES

SITE DATA

PARCEL I.D.: 4718-30-300-014
PROJECT AREA: 11.39 ac.
CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| SETBACKS: | ALLOWED | PROVIDED |
|-----------|----------------|----------|
| FRONT | 50 FT. | 171.3' |
| SIDE | 25 FT. | 4.5' |
| REAR | 0 FT. | 0.0' |
| | (ADD. TO R.R.) | |

GROUND FLOOR AREA: 63,453 sq.ft.
LOT COVERAGE OF BUILDINGS: 13 %
IMPERVIOUS AREA PERCENTAGE: 46 %

NOTES:

- ▲ PROPANE TANKS MAY CONTAIN FUEL
- * TRUCKS MAY CONTAIN FUEL
- EXISTING ROLLING GATE TO REMAIN. SCREENING SLATS SHALL BE INSTALLED IN EXISTING CHAINLINK FENCE MATERIAL.



3 WORKING DAYS BEFORE YOU DIG
CALL 811 OR 1-800-482-7171 (TOLL FREE)
OR VISIT CALL811.COM



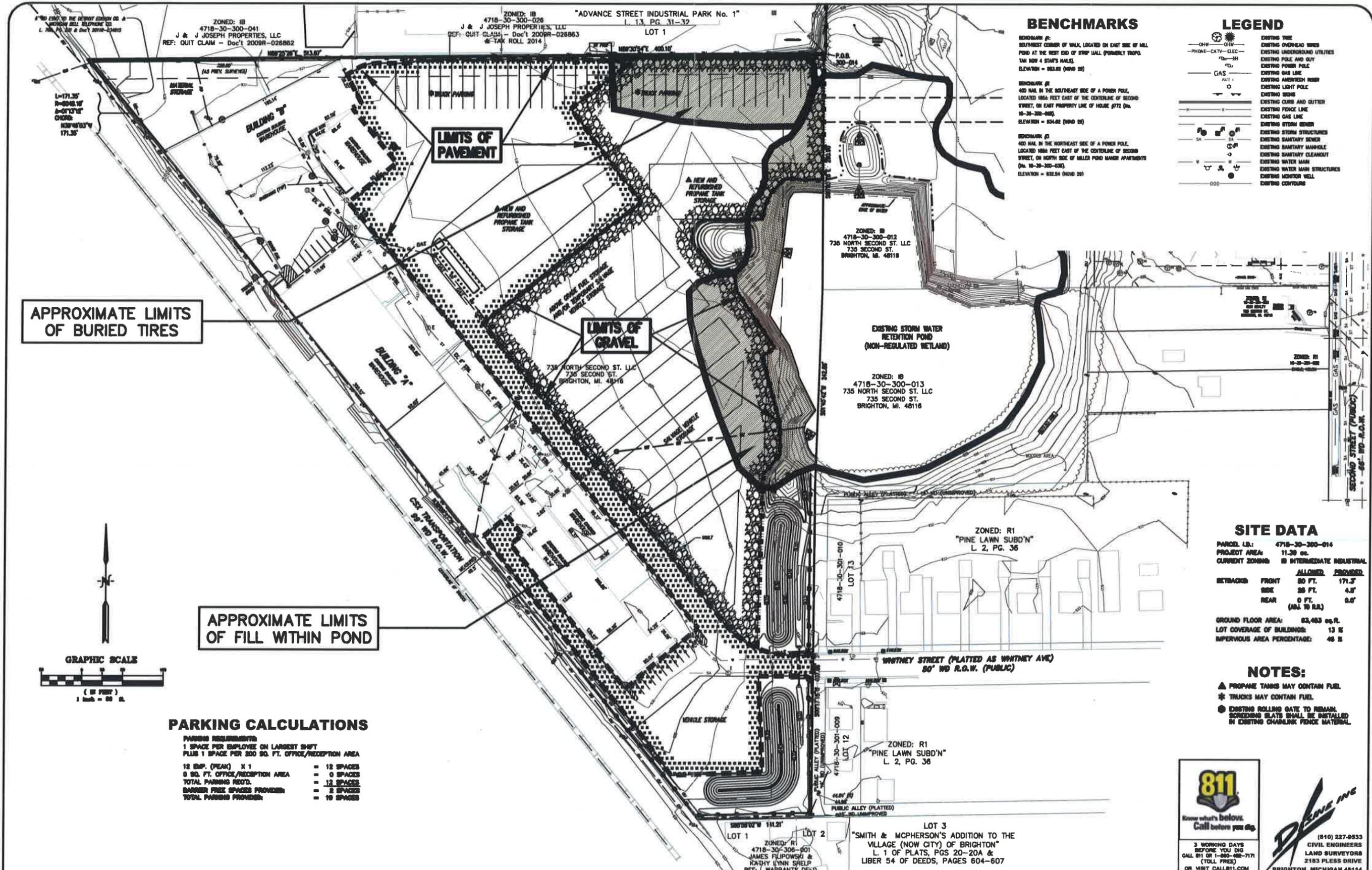
| DESIGN: WMP | REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|---------------------------|------------|------|---|------------|------|----------------------|
| DRAFT: L.F. CHECK: WMP | 06-18-15 | | REVISED PER REVIEW COMMENTS | | | |
| | 06-23-15 | | REVISED PER FIRE DEPARTMENT REVIEW COMMENTS | | | |
| | 07-15-15 | | REVISED PER REVIEW COMMENTS | | | |

**800 WHITNEY STREET
BRIGHTON, MI.**

SITE PLAN

| | |
|--|-----------------------|
| CLIENT: 735 N. SECOND ST. LLC | SCALE: 1"=50' |
| 735 N. SECOND ST. BRIGHTON, MI. 48116 | PROJECT No.: 9142429 |
| | DWG NAME: 429-SITE |
| | ISSUED: JULY 15, 2015 |





BENCHMARKS

BENCHMARK #1:
SOUTHWEST CORNER OF WALL, LOCATED ON EAST SIDE OF MILL POND AT THE WEST END OF STUMP WALL (FORMERLY TROPICAN NOW 4 STARTS WALLS).
ELEVATION = 834.82 (MVD 20)

BENCHMARK #2:
400 NAIL IN THE SOUTHEAST SIDE OF A POWER POLE, LOCATED 1864 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #772 (No. 10-30-200-400).
ELEVATION = 834.82 (MVD 20)

BENCHMARK #3:
400 NAIL IN THE NORTHEAST SIDE OF A POWER POLE, LOCATED 1864 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON NORTH SIDE OF MILLER POND MANOR APARTMENTS (No. 10-30-200-030).
ELEVATION = 834.82 (MVD 20)

LEGEND

- EXISTING TREE
- EXISTING OVERHEAD UTILITIES
- EXISTING UNDERGROUND UTILITIES
- EXISTING POLE AND GUY
- EXISTING POWER POLE
- EXISTING GAS LINE
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- EXISTING SIGN
- EXISTING CURB AND GUTTER
- EXISTING FENCE LINE
- EXISTING GAS LINE
- EXISTING STORM SEWER
- EXISTING STORM STRUCTURES
- EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY CLEANOUT
- EXISTING WATER MAIN
- EXISTING WATER MAIN STRUCTURES
- EXISTING MONITOR WELL
- EXISTING CONTOUR

SITE DATA

PARCEL ID: 4718-30-300-014
 PROJECT AREA: 11.36 ac.
 CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| | ALLOWED | PROVIDED |
|----------------|------------|----------|
| RETRACED FRONT | 80 FT. | 171.5' |
| RETRACED SIDE | 30 FT. | 4.8' |
| RETRACED REAR | 0 FT. | 0.0' |
| | (MAY VARY) | |

GROUND FLOOR AREA: 83,463 sq. ft.
 LOT COVERAGE OF BUILDINGS: 13 %
 IMPERVIOUS AREA PERCENTAGE: 46 %

NOTES:

- ▲ PROPANE TANKS MAY CONTAIN FUEL
- * TRUCKS MAY CONTAIN FUEL
- EXISTING ROLLING GATE TO REMAIN. SCHEDULING SLATS SHALL BE INSTALLED IN EXISTING CHAINLINK FENCE MATERIAL.

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 3 WORKING DAYS BEFORE YOU DIG
 CALL 811 OR 1-800-488-7171 (TOLL FREE)
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D.P. ENGINEERS
 (810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLEAS DRIVE
 BRIGHTON, MICHIGAN 48114

PARKING CALCULATIONS

PARKING REQUIREMENTS:
 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
 PLUS 1 SPACE PER 200 SQ. FT. OFFICE/RECEPTION AREA

| | |
|---------------------------------|-------------|
| 12 EMP. (PEAK) X 1 | = 12 SPACES |
| 0 SQ. FT. OFFICE/RECEPTION AREA | = 0 SPACES |
| TOTAL PARKING REQ'D. | = 12 SPACES |
| BARRIER FREE SPACES PROVIDED | = 2 SPACES |
| TOTAL PARKING PROVIDED | = 10 SPACES |



| DESIGN:WMP | REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|-------------|------------|------|----------------------|------------|------|----------------------|
| DRAFT: L.F. | | | | | | |
| CHECK: WMP | | | | | | |

**800 WHITNEY STREET
 BRIGHTON, MI.**

**SITE PAVING
 LIMITATIONS
 SKETCH**

CLIENT:
 735 N. SECOND ST. LLC
 735 N. SECOND ST.
 BRIGHTON, MI. 48116

SCALE: 1"=50'
 PROJECT No.: 8142429
 DWG NAME: 420-SITE
 ISSUED: MAR. 17, 2015

SP

POLICY REPORT: BACK LOT – AMENDMENT #15-003

August 6, 2015

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider granting conditional site plan approval for the amendments to the Back Lot site plan #15-003 as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions.

BACKGROUND:

At its meeting of July 20, 2015, the Planning Commission reviewed and discussed a site plan amendment for the Back Lot behind 775 N. Second Street. Please note that some of the work shown on the plans has already been completed. The proposed site plan amendment includes changing the surface of a portion of parking area and the access drive to 800 Whitney to gravel as approved by the Zoning Board of Appeals on April 9, 2015, keeping a 42'x41' accessory building that had been previously shown as removed, reconfiguring the paved parking lot areas/access points, etc. You will notice that condition number 1 of the site plan motion includes the monitoring and paving completion date of June 30, 2017 of these areas.

The previously approved site plans are attached to this report so Council can see what was approved in the past. Also attached is the site plan included in the ZBA application that shows the gravel and paved parking areas.

The Planning Commission recommended site plan approval with the following conditions:

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.

For a more detailed review of the site plans, please refer to the attached Planning Report.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2014/2015 GOALS: N/A

COUNCIL ACTION:

Motion by _____ to grant conditional site plan approval 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.

supported by _____.

Attachments:

1. Planning Commission Report
2. DRAFT PC Meeting Minutes
3. Site Plan
4. Previously approved site plans
5. ZBA site plan

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: July 20, 2015

RE: Back Lot Parking behind 775 N. Second St – AMENDMENT #15-003

Background

In the fall of 2012, the applicant received approval for a 19 vehicle space and 12 large truck space parking lot behind 775 N. Second Street. The plan included a concrete parking lot with curb and gutter and landscaping along Advance Street.

In the fall of 2013, the applicant received approval for a 49 vehicle space and 48 large truck space parking lot behind 775 N. Second Street. The plan included a concrete parking lot with curb and gutter and landscaping along Advance Street.

The applicant is requesting an amendment of the previous site plan approved. The attached site plan includes the reconfiguration of existing parking and the addition of a new parking area. The proposed plan includes 23 truck parking spaces and 62 vehicle parking spaces.

Parking & Drive Requirements

As this is an ongoing project, a portion of the work on the parking lot has already been completed.

At the April 2015 Zoning Board of Appeals meeting, the applicant received approval for a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property, as well as to maintain the existing gravel parking areas due to the practical difficulty of needing the soil to settle prior to paving.

Per the attached April 9, 2015 Zoning Board of Appeals meeting minutes the ZBA granted approval on the condition that the Planning Commission and City Council review and place a time limit on paving. A condition is listed in the proposed motion.

The proposed reconfiguration and new parking lot will increase the number of parking spaces available for Corrigan Oil. Currently, the site provides 21 parking spaces and the site plan will increase the number of spaces provided to bring the sites closer to conformance with the ordinance.

The plans call for concrete pavement and bituminous pavement. Bituminous asphalt is proposed for the truck parking areas.

The location and installation of the vertical 2,000 gallon LPG tank is included in the site plan, as previously requested by the Brighton Area Fire Authority, and shall conform with Chapter 61 of the International Fire Code, NFPA 58, and The Michigan Bureau of Fire Service rules on the storage and handling of LPG.

Site Modifications

Landscaping:

- The proposed site plan includes the installation of 3 new trees and a hedgerow along Advance Street and Second Street adjacent to the parking to meet the requirements of Sec. 98-86(2)(a). The plants consist of Cleveland Select trees, Japanese Barberry, Wintergreen Boxwood and Winterberry Holly.
- The site plan also includes Redspire Pear trees and Gold Flame Spirea within the vehicle parking lot islands to conform with Sec. 98-86 (2) (b & c).
- All landscape areas are proposed to be irrigated.
- A portion of the property is proposed to remain in its current wooded state.

Lighting:

- The site plan includes parking lot lighting for the vehicle and the truck parking lots.
- Parking lot lighting is not proposed adjacent to the residential parcels.

Dumpster:

- The site plan includes a new 10' x 15' dumpster enclosure.
- The site plan is proposing the following dumpster building materials: wood screen fence and gates.

Fencing:

- The site plan includes a 6 foot chain link fence around the majority of the truck parking lot.
- A 6 foot wood screen fence is being proposed along the truck parking lot behind the residential parcels which meets the “opaque fence” screening requirement in Sec. 82-103. The applicant has also proposed two 6 foot white pines behind 735 N. Second Street.
- Gates are provided with either an emergency knox key switch for power gates or a knox padlock for manual gates.

Utilities

Tetra Tech reviewed the site plan and provided comments pertaining to the site plan. The Tetra Tech letter requested revisions of the water main size, storm sewer, concrete curb and gutters, spillways and geofabric. The requested revisions are reflected in the current site plan.

Fire Department

The Brighton Area Fire Authority reviewed the plan and all requested alterations are reflected in the current site plan.

STAFF RECOMMENDATION

The following goal is from the City of Brighton Master Plan: *improve the appearance and function of commercial and office areas through site plan review*. The proposed improvements will provide additional parking spaces for employees and trucks, which will improve the function of the entire site and bring the site closer to parking space ordinance compliance.

Since it appears that the site plan is supported by the adopted Master Plan and it complies with the pertinent City ordinances, it is recommended that the site plan be approved, subject to the conditions below.

COMMISSION ACTION

Consider granting site plan approval for the project with the following motion:

Motion by _____ 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.
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.

supported by _____.

Attachments:

1. Zoning Board of Appeals Meeting Minutes from April 9, 2015
2. Site Plan

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
April 9, 2015**

1. Call to Order

Chairperson Angst called the meeting to order at 7:30 p.m. and the following members were present:

2. Roll Call

David Chaundy – Present
Russ Gottschalk – Present
Doug Angst – Present
Ricci Bandkau - Present
Dave Senak – Present
David McLane – Present
Alicia Urbain – Present
Amy Cyphert
Lauri French
Audience – 24

3. Approval of the February 12, 2015 Meeting Minutes

Motion by Board Member Bandkau, seconded by Urbain, to approve the meeting minutes of February 12, 2015.
Motion carried 5-0-2, with Chaundy and Gottschalk abstaining.

4. Approval of the April 9, 2015 Meeting Agenda

Motion by Board Member Urbain, seconded by Senak, to approve the April 9, 2015 agenda as presented.
Motion carried 7-0.

Old Business

New Business

- 5. Corrigan Oil (735 North Second LLC), Advance Street Lot (4718-30-300-012)**, is proposing to construct a gravel access drive to the 800 Whitney Street property that abuts their Advance Street property. The applicant is also proposing that a portion of a proposed parking lot be gravel. Section 98-83 (7) states all off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the city's design standards, as amended. The use of curb blocks is prohibited. Section 98-83 (8) states all parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to city engineer standards. Any required retention or detention area may be required to be landscaped. Section 98-83 (9) states the lighting for all parking areas and drive aisles shall be a cutoff luminaire that completely contains the light source. Parking lots shall be illuminated from one-half hour after sunset to one-half hour before sunrise, at the levels specified in the ordinance. Illumination levels shall be measured three feet above the lot surface. Any parking lot lights shall be directed away from, and have no adverse effect upon, any residential use. A variance to allow a gravel access drive to the 800 Whitney Street property that abuts the Advance Street property and a variance to allow a portion of the parking lot to be gravel is being requested.

Wayne Perry from Desine Engineering, representing Mike Corrigan, explained both of tonight's agenda requests since they are intertwined. The Advance Street property sits behind the Corrigan Second St. property. Their goal is to eliminate traffic from Whitney Street and they need access to Advance Street. There is a wetland pocket on the property that captures storm water. The northerly portion of the wetland had to be filled in, which Corrigan has done, to create additional parking and to access the 800 Whitney St. property. The reason they are requesting a variance to allow a portion of the parking lot to be gravel is because the fill will settle for a while and they will need

to wait to pave. Mr. Perry pointed out which portion would be gravel and which portion would be paved on the site plan in response to questions from board members Senak and McLane. He also noted that the sedimentation basin will stay; it filters water before it gets to the wetland. Board member Senak wanted to know if the ZBA Board were to grant the requested variance, how do we know it will eventually be paved. Mike Corrigan explained they are working with a 12 to 24 month timetable, depending on how quickly the fill settles. He noted that this project still has to go through Planning Commission and City Council and they can make approval conditional on specific timing for the paving to be done.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:45 p.m. Susan Walters-Steinacker, 907 Brighton Lake Road, wanted to inform the board that she was at an auction of about 100 cars in various conditions (i.e., some were burned out or otherwise damaged) for Corrigan Towing on January 17 this year. At the auction, a Corrigan employee was heard to say that Corrigan would be moving all towed vehicles over to the Advance St. property. She said this property is zoned industrial, not commercial, and she wants the ZBA to put in conditional zoning to not allow junk cars on property that could potentially leak fluids such as gas and oil.

Joe Monroe, 633 N. Second St., which is at the south end of the map shown, noted that he has known the Corrigan's for many years and they have contributed a lot to the City over the years. He is concerned about the back lot project. In the March 13, 2015 letter that accompanied their variance application it stated "during our discussion with City Staff and consultants it was determined that we would need to seek a variance if we determined we could not meet the zoning ordinance requirements for driveways and parking lots", which in his opinion sounds like a deal was made with the City. He questioned how anyone knew at that time that a variance was required. He also questioned the filling of the wetland and whether the proper permits had been issued and whether a compaction test had been performed that could indicate whether it could support paving right now instead of waiting up to two years. In his opinion, there are three alternatives; one, Corrigan could remove the fill and replace it with appropriate material; two, they could cut back on the amount of paved parking and leave part of it for future parking; and three, they could pave it now and repair it if it settles. He pointed out that it was stated the variance goes with the property and if Corrigan ever sold it, the new owner would have no obligation to pave it. He also noted that a gravel parking lot does not require curb and gutter and he believes this would set a bad precedent for developers.

Debra Rice, 712 Whitney, noted that her property butts up to the wetland noted on the site plan. She is concerned about pollution with an increased number of semi-trucks on the property. She noted that the wetland sustains a whole ecosystem and she is concerned about fluids leaking into it. She also questioned what is to prevent Corrigan from filling in the rest of the wetland?

Jim Filipowski, 720 Walnut, does not support the variance as he is concerned about increased noise, lights and dust due to the trucks. He noted that he had his house power washed in the early spring and a couple of weeks later it was dirty again due to the dust.

Jerry Joseph, 721 Advance St. (Joseph Properties, contiguous to Corrigan), supports the variance request but is concerned about gravel on Advance and Whitney Streets from truck tires and degradation of the roads due to heavy trucks. He is in favor if we can move this forward and questioned whether there can be a time limit between the variance being approved and the paving. He noted that the one to two year timetable seems reasonable. He asked why the drive to access Second St. was not on the site plan, and Mike Corrigan stated that they will have to add it to the plan because it should have been shown. Mr. Joseph stated that approval of the variance would eliminate Whitney St. traffic and most of the traffic on Advance St.

Chairperson Angst read an email dated April 9, 2015 from Scott Sage (attached) in support of granting the variance. He closed the public hearing and reopened the regular meeting at 8:10 p.m.

There was discussion about the City Engineer's position, and Gary Markstrom from TetraTech stated that fill over the top of a wetland does have a tendency to settle, depending on the base. He said that use would compact the drive and suggested that Corrigan monitor the compaction level over a period of time to determine the timeline for paving. Once it settles, it could be a shorter time frame than the estimated one to two years. As noted, the timing for paving could be handled by making it a condition of approval by the Planning Commission. She noted that no

conditions can be put on the variance if granted by the ZBA. Mr. Perry noted that if the variance does not get approved, traffic would still go down Whitney St. Board member McLane noted that there is an advantage to having trucks drive over the gravel to compact it before it gets paved and asked the City Engineer whether the compaction could be sped up so all areas get compacted at the same time. Mr. Markstrom responded that there are mechanical means to accelerate the process but noted that the driveway will get compacted first and he is not as concerned about the parking area since there won't be as much traffic rolling over it to cause cracking.

Motion by Board Member Urbain, seconded by McLane, to approve a variance to allow a gravel access drive to the 800 Whitney Street property that abuts the Advance Street property and a variance to allow a portion of the parking lot to be gravel due to the practical difficulty of needing the gravel to settle prior to paving and with a strong suggestion that Planning Commission and City Council review and put a time limit for paving as a condition of approving the site plan. A roll call vote was taken as follows:

Board Member McLane – Yes
Board Member Bandkau – Yes
Board Member Urbain – Yes
Board Member Chaundy - Yes

Board Member Senak - Yes
Board Member Angst - Yes
Board Member Gottschalk - Yes

The motion carried 7-0.

6. **735 North Second LLC, 800 Whitney Street (4718-30-300-014)**, is proposing to construct a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property. The applicant would like to maintain the existing gravel parking areas. Section 98-83 (7) states all off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the city's design standards, as amended. The use of curb blocks is prohibited. Section 98-83 (8) states all parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to city engineer standards. Any required retention or detention area may be required to be landscaped. Section 98-83 (9) states the lighting for all parking areas and drive aisles shall be a cutoff luminaire that completely contains the light source. Parking lots shall be illuminated from one-half hour after sunset to one-half hour before sunrise, at the levels specified in the ordinance. Illumination levels shall be measured three feet above the lot surface. Any parking lot lights shall be directed away from, and have no adverse effect upon, any residential use. A variance to allow a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property and a variance to maintain the existing gravel parking areas is being requested.

Wayne Perry from Desine Engineering, on behalf of Mike Corrigan, reviewed the second half of the project. He noted there are some areas of fill and pointed them out on the site plan. Corrigan has done some test holes (soil borings) on the property and they have found buried tires but have no idea how deep they are buried or exactly where they are buried on the property. This is a problem because they can't pave over tires. He noted that the gate and access to Whitney St. will remain for emergency vehicles only. Normal access will be across the back lot property to Advance Street and will be the only access point as they don't want to use Whitney St. He noted that Corrigan has not used Whitney St. since they purchased the property. He reviewed the limits of pavement and existing gravel on the site plan. Board member Senak asked whether they could use earth moving equipment to remove the tires to the base. Mike Corrigan responded that this is part of the practical difficulty for which they are requesting the variance as they are not sure where the tires are located and it may take some time to remove them. Board member Senak noted that the residents' concerns would be addressed with the proposed access drive. Ms. Cyphert stated that Corrigan is asking for the variance to resolve this issue, which will allow the gravel to compact so they can pave at a later date for that access point.

Chairperson Angst closed the regular meeting and opened the public hearing at 8:48 p.m. Martin VanAmburg, 724 Whitney, stated that he is in support of the variance. He has a major issue with the trucks on Whitney due to the constant noise and air brakes.

Debra Rice, 712 Whitney, stated that she likes the plan to keep the trucks off Whitney and supports the variance to

avoid having the wetland being filled in completely.

Hearing no further comments, Chairperson Angst closed the public hearing at 8:50 and reopened the regular meeting. Board member Urbain noted that Corrigan is trying to get the variance to go to Planning Commission for approval and that approval of the variance would save the residents from trucks constantly going up and down Whitney St.

Motion by Board Member Urbain, seconded by Senak, to grant a variance to allow a gravel access drive to the Advance Street property that abuts the 800 Whitney Street property and a variance to maintain the existing gravel parking areas due to hardship related to the residents' concerns about truck traffic and noise on Whitney Street and wetland and in order to allow the gravel to settle before paving. The motion is made with a strong suggestion to have Planning Commission and City Council review and put a time limit for paving as a condition of approving the site plan. A roll call vote was taken as follows:

Board Member Bandkau – Yes
Board Member Senak – Yes
Board Member Gottschalk – Yes
Board Member Angst – Yes

Board Member Urbain - Yes
Board Member Chaundy - Yes
Board Member McLane - Yes

The motion carried 7-0.

7. **Marcus Wilcox, 3075 E. Grand River Suite 118, Howell, MI 48843 for Coldwell Banker at 822 E. Grand River (4718-31-204-001)**, is requesting an ordinance interpretation of the following:

Section 66-91 (a)(14)(a) which states Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or travelling lights or any other means not providing constant illumination (unless specifically permitted in special sign districts). Public service information signs and other electronic message centers classified as changing signs are permitted.

Section 66-2 which states Public service sign means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, etc.

Marcus Wilcox, 3075 E. Grand River, Suite 118, Howell, MI 48843, counsel for Coldwell Banker at 822 E. Grand River, stated that he is looking for interpretation that a single line, non-flashing, non-blinking is permitted. Under Section 66-91, his interpretation is that the sign would not be prohibited since it will only be changed once per day and would be allowed as an electronic message center. He noted that there is no definition for "electronic message centers" in the code. He also quoted from State law and noted that if ordinance language is ambiguous, the law sides with the property owner. An interpretation from the ZBA board will make it allowable under the ordinance and a variance is not required.

There was discussion by the board members about whether the sign has the capability to scroll and how big the letters are on the two lines of the LED portion of the sign. Ms. Cyphert noted that the sign would have the capability to scroll, be animated and change more than once daily since it is done by computer. However, if the sign is allowed under the ZBA interpretation that it can only be allowed to change once per day and they exceed that, it would become an enforcement issue and they could be ticketed. She also noted that if an interpretation is made that this type of sign is not a scrolling or animated sign, that when a digital sign permit comes to the City and it meets the interpretation, the applicant could have that sign as the ZBA is making the decision how they want this applied from now forward. Board member Urbain said the question is whether what they are proposing fits into the ordinance as written. Terry Gill from Coldwell Banker, 822 E. Grand River, stated that they went about this the wrong way the first time and should have requested an interpretation first instead of going for a variance. He said the sign will not be animated and if they use it the wrong way, they understand they would be in violation of the ordinance and could be ticketed.

Chairperson Angst closed the regular meeting and opened the public hearing at 9:10 p.m. Susan Walters-

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.

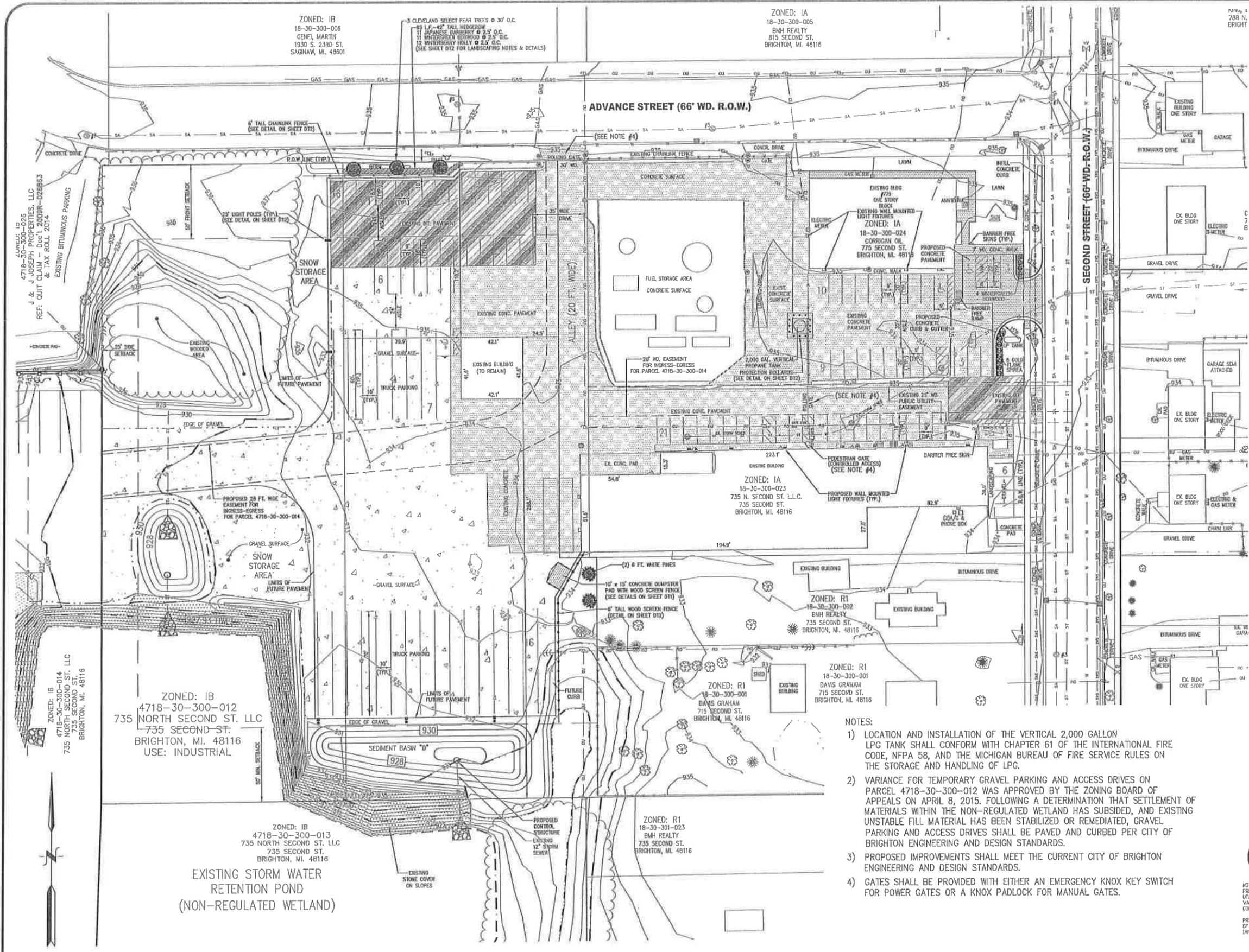
Other Business

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.



LEGEND

| | |
|--|--------------------------------|
| | EXISTING TREE |
| | EXISTING OVERHEAD WIRES |
| | EXISTING UNDERGROUND UTILITIES |
| | EXISTING POLE AND GUY |
| | EXISTING POWER POLE |
| | EXISTING GAS LINE |
| | EXISTING SEWER LINE |
| | EXISTING LIGHT POLE |
| | EXISTING SIGN |
| | EXISTING CURB AND GUTTER |
| | EXISTING FENCE LINE |
| | EXISTING GAS LINE |
| | EXISTING STORM SEWER |
| | EXISTING STORM STRUCTURES |
| | EXISTING SANITARY SEWER |
| | EXISTING SANITARY MANHOLE |
| | EXISTING SANITARY CLEANOUT |
| | EXISTING WATER MAIN |
| | EXISTING WATER MAIN STRUCTURES |
| | EXISTING MONITOR WELL |
| | EXISTING CONTOURS |
| | PROPOSED STORM SEWER |
| | PROPOSED CONTOURS |
| | EXISTING CONCRETE PAVEMENT |
| | EXISTING BITUMINOUS PAVEMENT |
| | PROPOSED CONCRETE PAVEMENT |

SITE DATA

PARCEL I.D.: 4718-30-300-012
 PROJECT AREA: 3.09 ac.
 CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| SETBACKS: | FRONT | ALLOWED | PROVIDED |
|-----------|-----------------------|-----------------------|----------|
| | 50 FT. | 50 FT. | 118.2' |
| | 25 FT. (ADJ. TO RES.) | 25 FT. (ADJ. TO RES.) | 24.5' |
| | 0 FT. (ADJ. TO IND.) | 0 FT. (ADJ. TO IND.) | 0 |
| | 25 FT. | 25 FT. | 268.1' |

GROUND FLOOR AREA: 1752 sq.ft.
 LOT COVERAGE OF BUILDINGS: 1.3%
 IMPERVIOUS AREA PERCENTAGE: 42.2%

PARKING PROVIDED:

| | AUTOMOBILES | TRUCKS |
|---------------|-------------|-----------|
| 18-30-300-024 | 28 SPACES | 0 |
| 18-30-300-023 | 27 SPACES | 0 |
| 18-30-300-012 | 35 SPACES | 25 SPACES |

BARRIER FREE SPACES PROVIDED: 4 SPACES

BENCHMARKS

BENCHMARK #1:
 SOUTHWEST CORNER OF WALK, LOCATED ON EAST SIDE OF MILL POND AT THE WEST END OF STRIP WALL (FORMERLY TROPIC). TAN NOW 4 STAR'S NAILS. ELEVATION = 923.62 (NGVD 29)

BENCHMARK #2:
 400 NAIL IN THE SOUTHWEST SIDE OF A POWER POLE, LOCATED 1854 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #772 (No. 18-30-302-008). ELEVATION = 934.62 (NGVD 29)

BENCHMARK #3:
 400 NAIL IN THE NORTHEAST SIDE OF A POWER POLE, LOCATED 1854 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON NORTH SIDE OF MILLER POND MANOR APARTMENTS (No. 18-30-300-036). ELEVATION = 932.54 (NGVD 29)

- ### NOTES:
- 1) LOCATION AND INSTALLATION OF THE VERTICAL 2,000 GALLON LPG TANK SHALL CONFORM WITH CHAPTER 61 OF THE INTERNATIONAL FIRE CODE, NFPA 58, AND THE MICHIGAN BUREAU OF FIRE SERVICE RULES ON THE STORAGE AND HANDLING OF LPG.
 - 2) VARIANCE FOR TEMPORARY GRAVEL PARKING AND ACCESS DRIVES ON PARCEL 4718-30-300-012 WAS APPROVED BY THE ZONING BOARD OF APPEALS ON APRIL 8, 2015. FOLLOWING A DETERMINATION THAT SETTLEMENT OF MATERIALS WITHIN THE NON-REGULATED WETLAND HAS SUBSIDED, AND EXISTING UNSTABLE FILL MATERIAL HAS BEEN STABILIZED OR REMEDIATED, GRAVEL PARKING AND ACCESS DRIVES SHALL BE PAVED AND CURBED PER CITY OF BRIGHTON ENGINEERING AND DESIGN STANDARDS.
 - 3) PROPOSED IMPROVEMENTS SHALL MEET THE CURRENT CITY OF BRIGHTON ENGINEERING AND DESIGN STANDARDS.
 - 4) GATES SHALL BE PROVIDED WITH EITHER AN EMERGENCY KNOX KEY SWITCH FOR POWER GATES OR A KNOX PADLOCK FOR MANUAL GATES.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG
 800-482-7171
 (TOLL FREE)

NOTE: UTILITY INFORMATION ON THIS DRAWING MAY BE FROM INFORMATION DISCLOSED TO THIS FIRM BY THE UTILITY COMPANIES, CITY/COUNTY AGENCIES AND OTHER VARIOUS SOURCES. NO GUARANTEE IS GIVEN AS TO THE COMPLETENESS OR ACCURACY THEREOF.

BEFORE CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES OR CONFLICT WITH PROPOSED IMPROVEMENTS SHALL BE VERIFIED IN THE FIELD.

CALL MISS DIG.

(810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLESS DRIVE
 BRIGHTON, MICHIGAN 48114

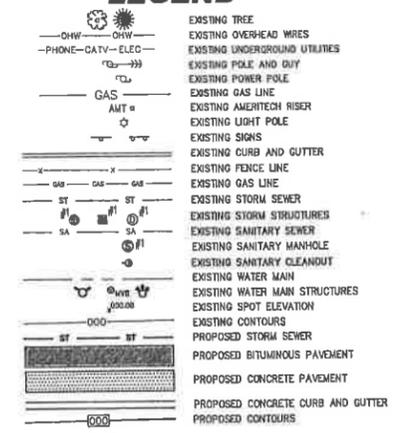
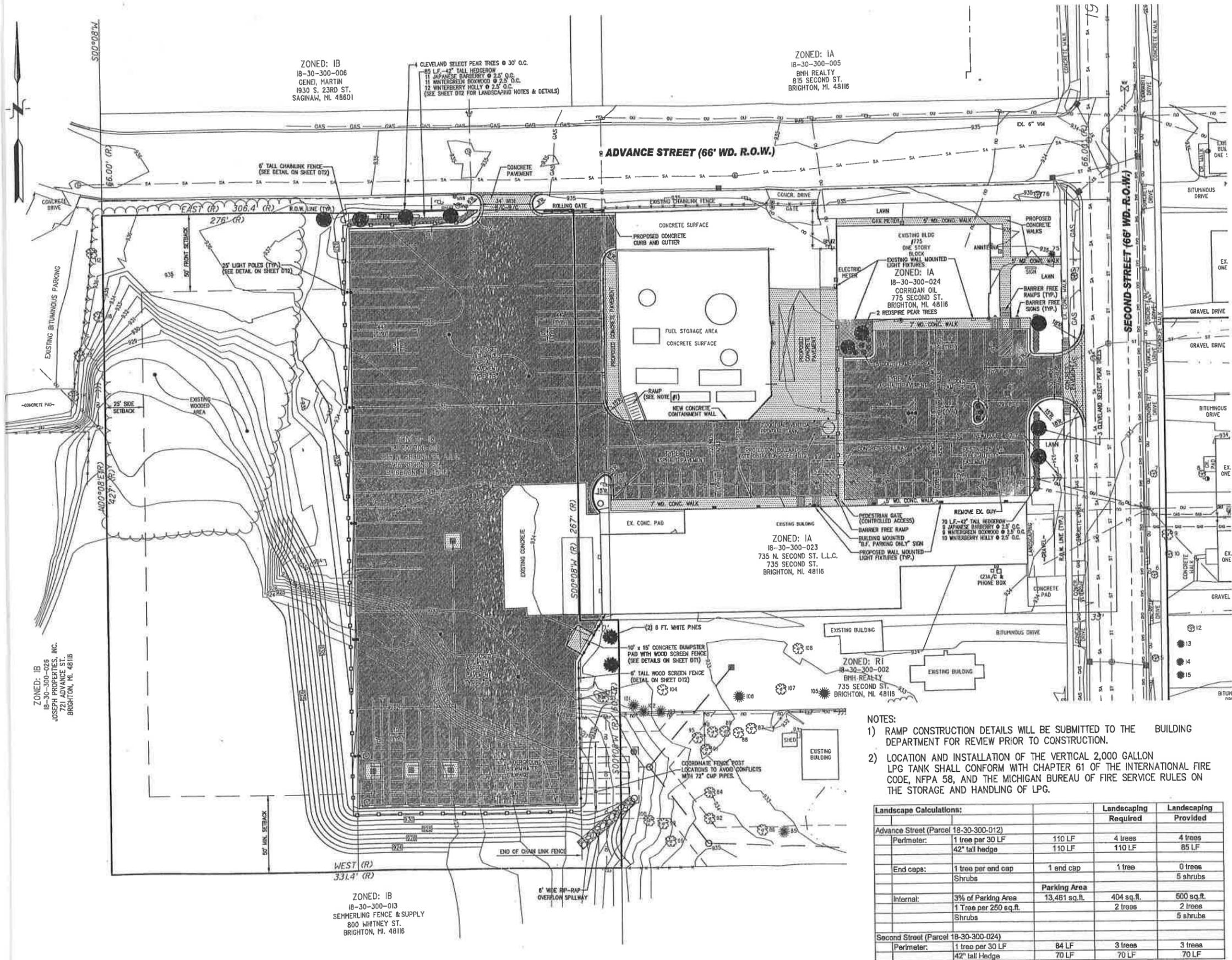
| DESIGN: WMP | REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|-------------|------------|----------|--|------------|----------|-----------------------------|
| DRAFT: L.F. | | 10-17-13 | REVISED SITE PLAN | | 06-18-15 | REVISED PARKING |
| CHECK: WMP | | 11-07-13 | REVISED PER REVIEW COMMENTS | | 07-15-15 | REVISED PER REVIEW COMMENTS |
| | | 10-16-14 | REVISED ADVANCE STREET FENCE | | | |
| | | 12-17-14 | ADDED 30 FT. WD. INGRESS-EGRESS EASEMENT | | | |
| | | 01-20-15 | REVISED PARKING | | | |

THE BACKLOT PARKING

SITE PLAN

| | | | |
|---|-----------------------|---------------------|-----------|
| CLIENT: 735 N. SECOND ST. LLC 735 N. SECOND ST. BRIGHTON, MI 48116 | SCALE: 1"=30' | PROJECT No.: 091585 | SP |
| DWG NAME: 685-SITEPLAN | ISSUED: JULY 15, 2015 | | |

2013 Site Plan Amedment



SITE DATA

PARCEL I.D.: 4718-30-300-012
PROJECT AREA: 3.09 ac.
CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

ALLOWED

SETBACKS: FRONT 50 FT.
SIDE 25 FT. (ADJ. TO RES.)
REAR 0 FT. (ADJ. TO IND.)

REAR 25 FT.

GROUND FLOOR AREA: 0 sq.ft.
LOT COVERAGE OF BUILDINGS: 0%
IMPERVIOUS AREA PERCENTAGE: 42.2%

| Parking Calculations: | | | Required Parking Spaces |
|---------------------------------|----------------|-----------------|-------------------------|
| 775 N. Second Street building - | | | |
| General Office: | 6,000 sq. ft. | 1 / 200 sq. ft. | 30 |
| 735 N. Second Street building - | | | |
| General Office: | 1,800 sq. ft. | 1 / 200 sq. ft. | 9 |
| Warehouse: | 2 employees | 1 / Employee | 2 |
| | 12,957 sq. ft. | | |
| Driver Parking | 25 drivers | 1 / Driver | 25 |
| TOTAL PARKING REQUIRED: | | | 65 |
| Parking Provided: | | | 52 |
| Existing Parking: | | | 10 |

BENCHMARKS

BENCHMARK #1
400 NAIL IN THE SOUTHEAST SIDE OF A POWER POLE, LOCATED 185± FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #772 ON 18-30-302-008.
ELEVATION = 934.82 (NGVD)

BENCHMARK #2
SET SPIKE IN NORTH SIDE OF UTILITY POLE, LOCATED IN THE NORTHWEST CORNER OF BUILDING #775.
ELEVATION = 935.83 (NGVD)

BENCHMARK #3
HYDRANT, LOCATED ON SOUTH SIDE OF ADVANCE STREET, 425± FEET WEST OF 2ND STREET.
ELEVATION = 939.01 (NGVD)

- NOTES:**
- RAMP CONSTRUCTION DETAILS WILL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW PRIOR TO CONSTRUCTION.
 - LOCATION AND INSTALLATION OF THE VERTICAL 2,000 GALLON LPG TANK SHALL CONFORM WITH CHAPTER 61 OF THE INTERNATIONAL FIRE CODE, NFPA 58, AND THE MICHIGAN BUREAU OF FIRE SERVICE RULES ON THE STORAGE AND HANDLING OF LPG.

| Landscape Calculations: | | Landscaping Required | Landscaping Provided |
|---------------------------------------|------------------------|----------------------|----------------------|
| Advance Street (Parcel 18-30-300-012) | | | |
| Perimeter: | 1 tree per 30 LF | 110 LF | 4 trees |
| | 42" tall hedge | 110 LF | 85 LF |
| End caps: | 1 tree per end cap | 1 end cap | 1 tree |
| | Shrubs | | 0 shrubs |
| | | | 5 shrubs |
| Internal: | 3% of Parking Area | 13,461 sq. ft. | 404 sq. ft. |
| | 1 Tree per 250 sq. ft. | | 2 trees |
| | Shrubs | | 5 shrubs |
| Second Street (Parcel 18-30-300-024) | | | |
| Perimeter: | 1 tree per 30 LF | 84 LF | 3 trees |
| | 42" tall Hedge | 70 LF | 70 LF |



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PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD.

CALL MISS DIG.



| REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|------------|----------|-----------------------------|------------|------|----------------------|
| IGN:WMP | 10-17-13 | REVISED SITE PLAN | | | |
| FT: L.F. | 11-07-13 | REVISED PER REVIEW COMMENTS | | | |
| CK: WMP | | | | | |

THE BACKLOT PARKING

SITE PLAN

CLIENT:
735 N. SECOND ST. LLC

735 N. SECOND ST.
BRIGHTON, MI. 48116

SCALE: 1"=30'

PROJECT No.: 091686

DWG NAME: 685-SITEPLAN

ISSUED: NOV 08 2013

SP

2012 Site Plan

LEGEND

- EXISTING SIGN
- EXISTING U/G GAS
- EXISTING UTILITY POLE W/ GUY WIRE
- EXISTING OVERHEAD UTILITY LINES (ELEC/CAB/WTR)
- EXISTING U/G LINES (ELECTRIC/PHONE/CABLE)
- EXISTING EDGE OF BRUSH
- EXISTING TREE
- EXISTING FENCE
- EXISTING EDGE OF GRAVEL
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- PROPOSED BUILDING SETBACK LINE
- PROPOSED CONTOUR
- PROPOSED CONCRETE CURB
- PROPOSED CONCRETE PAVEMENT

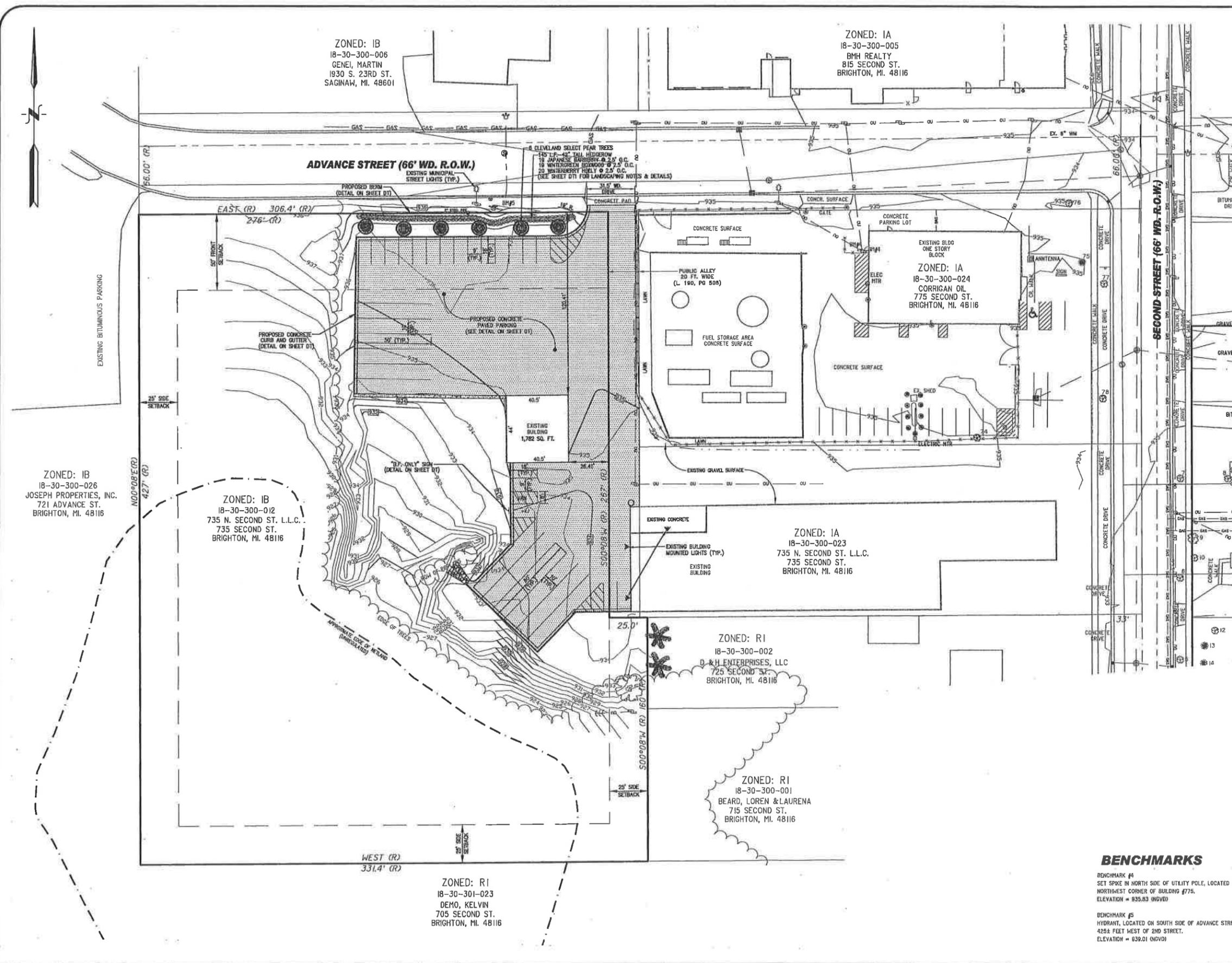
SITE DATA

PROJECT AREA: 3.09 ac.
 CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| | ALLOWED | PROPOSED |
|-----------------------------|-----------------------|----------|
| SETBACKS: FRONT | 50 FT. | 120.41' |
| SIDE | 25 FT. (ADJ. TO RES.) | N/A |
| REAR | 0 FT. (ADJ. TO IND.) | 26.41' |
| REAR | 25 FT. | 232.67' |
| GROUND FLOOR AREA: | 1,782 sq.ft. | |
| LOT COVERAGE OF BUILDINGS: | 1.3% | |
| IMPERVIOUS AREA PERCENTAGE: | 22.0% | |

NOTES

- 1) EXISTING BUILDING WILL BE USED FOR WAREHOUSE SPACE ONLY.
- 2) NO DUMPSTER OR DUMPSTER ENCLOSURE WILL BE PROVIDED.
- 3) NO ADDITIONAL PARKING LOT LIGHTING WILL BE PROVIDED.



BENCHMARKS

BENCHMARK #4
 SET SPIKE IN NORTH SIDE OF UTILITY POLE, LOCATED IN THE NORTHWEST CORNER OF BUILDING #775. ELEVATION = 935.83 (NGVD)

BENCHMARK #5
 HYDRANT, LOCATED ON SOUTH SIDE OF ADVANCE STREET, 425± FEET WEST OF 2ND STREET. ELEVATION = 839.01 (NGVD)



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PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD.

CALL MISS DIG.



| DESIGN: WMP | DATE | REVISION-DESCRIPTION | DATE | REVISION-DESCRIPTION |
|-------------|---------|--------------------------|------|----------------------|
| DRAFT: L.F. | 9-12-12 | REV. PER REVIEW COMMENTS | | |
| CHECK: WMP | | | | |

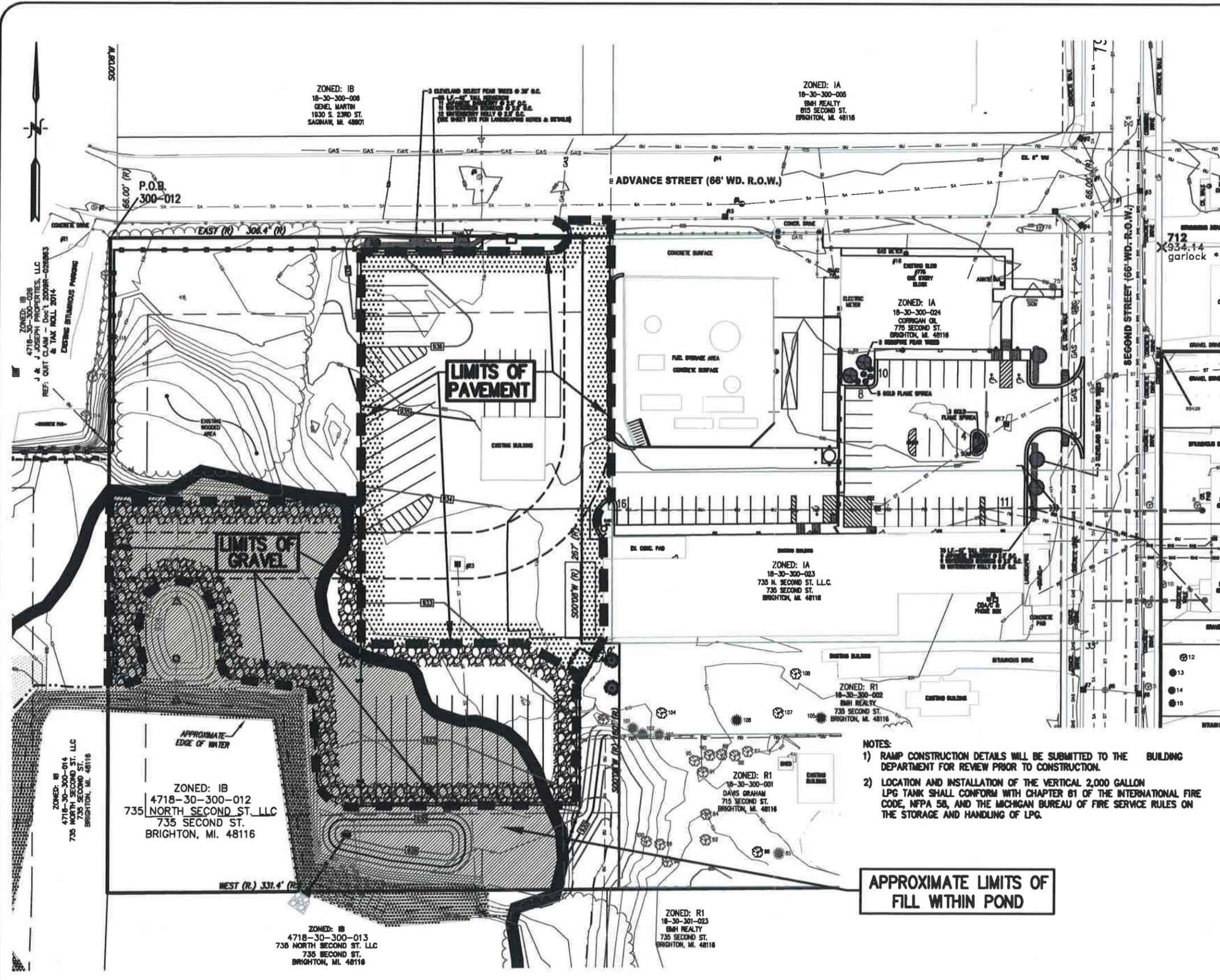
THE BACK LOT PARKING

SITE PLAN
 ADVANCE STREET, BRIGHTON

CLIENT: 735 N. SECOND ST. L.L.C.
 735 SECOND ST.
 BRIGHTON, MI 48118

SCALE: 1"=30'
 PROJECT No.: 91686
 DWG NAME: 585-SP
 PRINT: SEP 12 2012

SP



- LEGEND**
- EXISTING TREE
 - EXISTING OVERHEAD WIRES
 - EXISTING UNDERGROUND UTILITIES
 - EXISTING POLE AND RAY
 - EXISTING POWER POLE
 - EXISTING GAS LINE
 - EXISTING AMERICAN PIPER
 - EXISTING LIGHT POLE
 - EXISTING SIGNS
 - EXISTING CURB AND GUTTER
 - EXISTING FENCE LINE
 - EXISTING GAS LINE
 - EXISTING STORM SEWER
 - EXISTING STORM STRUCTURES
 - EXISTING SANITARY SEWER
 - EXISTING SANITARY MANHOLE
 - EXISTING SANITARY CLEANSUIT
 - EXISTING WATER MAIN
 - EXISTING WATER MAIN STRUCTURES
 - EXISTING MONITOR WELL
 - EXISTING CONTROLS
 - PROPOSED STORM SEWER
 - PROPOSED CONTROLS

SITE DATA

PARCEL I.D.: 4718-30-300-012
 PROJECT AREA: 3.08 ac.
 CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| SETBACKS: | FRONT | ALLOWED | PROVIDED |
|-----------|----------------------|---------------------|----------|
| FRONT | 80 FT. | 80 FT. | 118.2' |
| SIDE | 25 FT. (ADJ. TO RD.) | 0 FT. (ADJ. TO RD.) | 24.5' |
| REAR | 25 FT. | 25 FT. | 288.1' |

GROUND FLOOR AREA: 1782 sq.ft.
 LOT COVERAGE OF BUILDINGS: 1.3%
 IMPERVIOUS AREA PERCENTAGE: 42.2%

Parking Calculations:

| | Required | Parking Spaces |
|---|----------------|----------------|
| 775 N. Second Street building - General Office: 6,000 sq. ft. | 1/200 sq.ft. | 30 |
| 735 N. Second Street building - General Office: 1,600 sq. ft. | 1/200 sq.ft. | 8 |
| Warehouse: 2 employees | 1/1.5 employee | 2 |
| | 17,957 sq. ft. | |
| Driver Parking: 25 drivers | 1/Driver | 25 |
| TOTAL PARKING REQUIRED: | | 65 |
| Parking Provided: | | 52 |
| Existing Parking: | | 16 |

- BENCHMARKS**
- BENCHMARK #1: SOUTHWEST CORNER OF WALL, LOCATED ON EAST SIDE OF HILL POND AT THE WEST END OF STRIP MALL, FORMERLY TRUMP, TAN HIDE & BEAT'S MALL. ELEVATION = 824.88 (POND 20)
- BENCHMARK #2: 480 MAIL IN THE NEAREST SIDE OF A POWER POLE, LOCATED 1804 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #776 (P.O. 18-30-300-005). ELEVATION = 824.62 (POND 20)
- BENCHMARK #3: 480 MAIL IN THE NEAREST SIDE OF A POWER POLE, LOCATED 1804 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON NORTH SIDE OF MILLER POND MAJOR APARTMENTS (P.O. 18-30-300-020). ELEVATION = 822.24 (POND 20)

- NOTES:**
- RAMP CONSTRUCTION DETAILS WILL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW PRIOR TO CONSTRUCTION.
 - LOCATION AND INSTALLATION OF THE VERTICAL 2,000 GALLON LPG TANK SHALL CONFORM WITH CHAPTER 61 OF THE INTERNATIONAL FIRE CODE, NFPA 58, AND THE MICHIGAN BUREAU OF FIRE SERVICE RULES ON THE STORAGE AND HANDLING OF LPG.

APPROXIMATE LIMITS OF FILL WITHIN POND

| DESIGN: WMP | REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|-------------|------------|------|--|------------|------|----------------------|
| DRAFT: L.F. | 16-17-13 | | REVISED SITE PLAN | | | |
| CHECK: WMP | 11-07-13 | | REVISED PER REVIEW COMMENTS | | | |
| | 10-16-14 | | REVISED ADVANCE STREET FENCE | | | |
| | 12-17-14 | | ADDED 30 FT. NO. INGRESS-EGRESS EASEMENT | | | |
| | 01-29-15 | | REVISED PARKING | | | |

THE BACKLOT PARKING

SITE PAVING LIMITATIONS SKETCH

CLIENT: 735 N. SECOND ST. LLC
 735 N. SECOND ST.
 BRIGHTON, MI. 48116

SCALE: 1"=30'
 PROJECT No.: 091585
 DWG NAME: 585-SITEPLAN
 ISSUED: MAR. 17, 2015

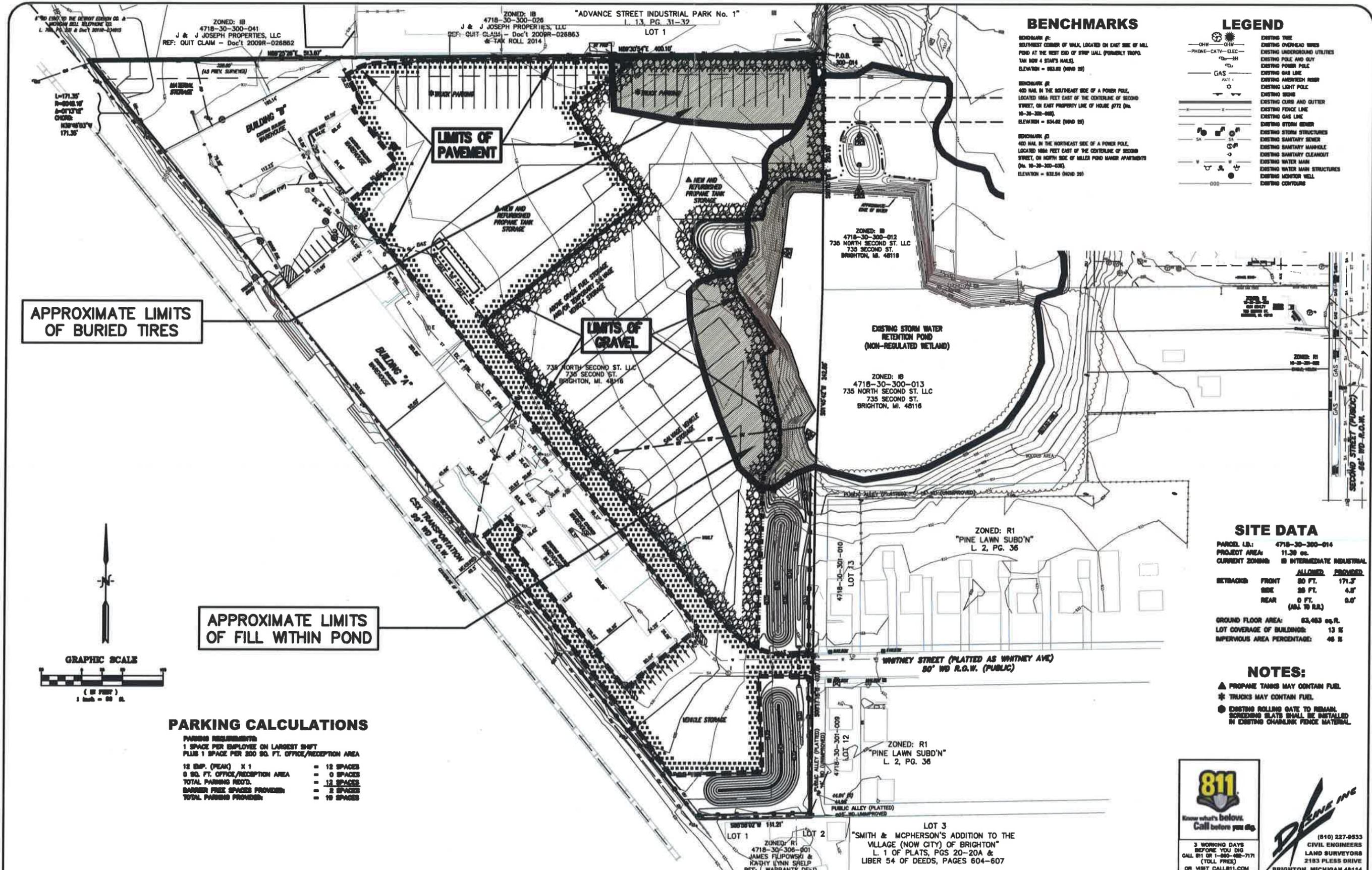
SP

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 800-482-7171 (CALL FREE)

BEFORE CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES OR CONFLICT WITH PROPOSED IMPROVEMENTS SHALL BE VERIFIED BY THE FIELD.

CALL MISS DIG.

DRONE INC.
 (810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLESS DRIVE
 BRIGHTON, MICHIGAN 48114



BENCHMARKS

BENCHMARK #1:
SOUTHWEST CORNER OF WALL, LOCATED ON EAST SIDE OF MILL POND AT THE WEST END OF STUMP WALL (FORMERLY TROPICAN NOW 4 STARTS MAJLS).
ELEVATION = 834.82 (MVD 20)

BENCHMARK #2:
400 NAIL IN THE SOUTHEAST SIDE OF A POWER POLE, LOCATED 1864 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON EAST PROPERTY LINE OF HOUSE #772 (No. 10-30-200-400).
ELEVATION = 834.82 (MVD 20)

BENCHMARK #3:
400 NAIL IN THE NORTHEAST SIDE OF A POWER POLE, LOCATED 1864 FEET EAST OF THE CENTERLINE OF SECOND STREET, ON NORTH SIDE OF MILLER POND MANOR APARTMENTS (No. 10-30-200-030).
ELEVATION = 834.82 (MVD 20)

LEGEND

- EXISTING TREE
- EXISTING OVERHEAD UTILITIES
- EXISTING UNDERGROUND UTILITIES
- EXISTING POLE AND GUY
- EXISTING POWER POLE
- EXISTING GAS LINE
- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- EXISTING SIGN
- EXISTING CURB AND GUTTER
- EXISTING FENCE LINE
- EXISTING GAS LINE
- EXISTING STORM SEWER
- EXISTING STORM STRUCTURES
- EXISTING SANITARY SEWER
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY CLEANOUT
- EXISTING WATER MAIN
- EXISTING WATER MAIN STRUCTURES
- EXISTING MONITOR WELL
- EXISTING CONTOUR

SITE DATA

PARCEL I.D.: 4718-30-300-014
 PROJECT AREA: 11.36 ac.
 CURRENT ZONING: IB INTERMEDIATE INDUSTRIAL

| | ALLOWED | PROVIDED |
|----------------|------------|----------|
| RETRACED FRONT | 80 FT. | 171.5' |
| RETRACED SIDE | 30 FT. | 4.8' |
| RETRACED REAR | 0 FT. | 0.0' |
| | (MAY VARY) | |

GROUND FLOOR AREA: 83,463 sq. ft.
 LOT COVERAGE OF BUILDINGS: 13 %
 IMPERVIOUS AREA PERCENTAGE: 46 %

NOTES:

- ▲ PROPANE TANKS MAY CONTAIN FUEL
- * TRUCKS MAY CONTAIN FUEL
- EXISTING ROLLING GATE TO REMAIN. SCHEDULING SLATS SHALL BE INSTALLED IN EXISTING CHAINLINK FENCE MATERIAL.

811
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 CALL 811 OR 1-800-488-7171 (TOLL FREE)
 OR VISIT CALL811.COM

DFP INC.
 (810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLEAS DRIVE
 BRIGHTON, MICHIGAN 48114

PARKING CALCULATIONS

PARKING REQUIREMENTS:
 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
 PLUS 1 SPACE PER 200 SQ. FT. OFFICE/RECEPTION AREA

| | |
|---------------------------------|-------------|
| 12 EMP. (PEAK) X 1 | = 12 SPACES |
| 0 SQ. FT. OFFICE/RECEPTION AREA | = 0 SPACES |
| TOTAL PARKING REQ'D. | = 12 SPACES |
| BARRIER FREE SPACES PROVIDED | = 2 SPACES |
| TOTAL PARKING PROVIDED | = 10 SPACES |



| DESIGN: WMP | REVISION # | DATE | REVISION-DESCRIPTION | REVISION # | DATE | REVISION-DESCRIPTION |
|-------------|------------|------|----------------------|------------|------|----------------------|
| DRAFT: L.F. | | | | | | |
| CHECK: WMP | | | | | | |

**800 WHITNEY STREET
 BRIGHTON, MI.**

**SITE PAVING
 LIMITATIONS
 SKETCH**

CLIENT:
 735 N. SECOND ST. LLC
 735 N. SECOND ST.
 BRIGHTON, MI. 48116

SCALE: 1"=50'
 PROJECT No.: 8142429
 DWG NAME: 420-SITE
 ISSUED: MAR. 17, 2015

SP