

CITY OF BRIGHTON  
CITY COUNCIL MEETING  
CITY HALL  
February 6, 2014

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. Mayor's presentation for John Wells and his service on City Boards and Commissions
6. [Approval of minutes: Regular Meeting](#) and closed session of [January 16, 2014](#)
7. Call to the Public

**Consent Agenda**

8. Consider approval of a [conditional site plan for Northridge Woods \(formerly Northridge Ponds Phase 2\)](#) as recommended by the Planning Commission
9. Consider approval of a [Traffic Control Order establishing new on-street parking regulations for sections of Peppergrove Drive from Lee Road to the Heatheridge Court & Peppergrove Drive intersection](#) as recommended by the Traffic Safety Advisory Board

**Policy Development & Customer Communications' action item**

10. Conduct a public hearing for the second reading of [amendments](#) to [Chapter 98 to create Article XXVIII Planned Unit Development \(PUD\)](#) as recommended by the Planning Commission (Mayor closes the regular Council meeting and opens the public hearing to ask for public comment and or questions, close the public hearing to resume the regular Council Meeting and discussion) Consider a motion to approved the proposed amendments after the conduct of the public hearing.

**Other Business**

11. Information for City Customers
  - a. Report from the City Manager on responses to Citizens Inquiries to City Council received since the last Council Meeting
  - b. Progress updates from the City Manager on City Council-adopted goals
12. Receive updates from Council Member Liaisons to other Boards and Commissions
13. Call to the Public
14. Adjournment

**MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON**  
**HELD ON JANUARY 16, 2014 AT THE BRIGHTON CITY HALL**  
**200 N. 1ST STREET, BRIGHTON, MICHIGAN**

**BLUE SKY SESSION**

The Council conducted an early Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bohn, Bandkau, Tobbe, Willis and Cooper. The Council reviewed the agenda items.

**REGULAR SESSION**

Mayor Muzzin called the regular meeting to order at 7:32 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Muzzin, Mayor Pro-Tem Pipoly, Councilmembers Bandkau, Willis, Tobbe, Cooper and Bohn. Also in attendance were Attorney Paul Burns and Brad Maynes, Engineer Gary Markstrom, Staff members Dana Foster, Amy Cyphert, Tim Krugh, Dave Blackmar, Diana Lowe and Tom Wightman and an audience of 0. Press and Media included Tom Tolen from WHMI.

**AGENDA APPROVAL**

It was moved by Councilmember Bandkau, seconded by Tobbe to approve the agenda as amended. Add Closed Session Minute approval to item #5 and add item #8a, Planning Commission appointment. Move from Action Agenda to Consent Agenda item #9, PUD. Motion passed 7-0.

**MINUTE APPROVAL**

It was moved by Councilmember Bohn, seconded by Pipoly to approve the Regular Meeting minutes of January 2, 2014 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Bandkau to approve the Closed Session Meeting minutes of December 19, 2013. Motion passed 7-0.

**CALL TO THE PUBLIC**

Mayor Muzzin opened the Call to the Public at 7:33 p.m. Hearing no comment, the Call to the Public was closed.

**CONSENT AGENDA**

It was moved by Mayor Pro-Tem Pipoly, seconded by Cooper to approve the Consent Agenda as presented. Motion passed 7-0.

The following items were approved:

1. Reappointed Cori Senak, Shanda Willis, Kris Tobbe and Mary Jo Takagi to the Arts & Culture Advisory Commission.
2. Appointed Michelle Petrak to the Election Commission.

3. Appointed Susan Gardner to the Planning Commission.
4. Approved First Reading for the proposed amendment to Chapter 98 of the zoning ordinance that would create Article XXVIII. Planned Unit Development (PUD) and set a Public Hearing and Second Reading for February 6, 2014.

### **RESIGNATION LETTER**

Mayor Muzzin read a letter from John Wells stating he is resigning from the Planning Commission for personal reasons. He stated that Mr. Wells has served the City on various Boards and Commission since 1971.

### **MDOT'S CLOSURE OF SPENCER BRIDGE**

City Manager, Dana Foster gave a report regarding MDOT's planned closure of the Eastbound I-96 exit ramp at the Spencer Road interchange during the Spencer Bridge closure part of the upcoming US 23 & I-96 interchange project. He recommended that MDOT wait until after the Smokin' Jazz and Barbecue Blues Festival to start their work.

City Engineer, Gary Markstrom recommended the following:

1. Maintain the Spencer Road ramps (do not close the eastbound exit ramp).
2. Maintain the truck restriction on Spencer Road.
3. Request MDOT place a truck detour for the eastbound I-96 exit to Spencer. Possible routes include:
  - a. To Downtown: EB I-96 to SB US-23 to Lee to Rickett, or detour to the Grand River exit.
  - b. To Spencer/Old 23: EB I-96 to SB US-23 to Lee to NB Old 23.

### **RECOMMENDATION TO MDOT REGARDING THE US 23 & I-96 PROJECT**

It was moved by Councilmember Cooper, seconded by Tobbe to forward the above recommendations of the City Engineer from his January 13, 2014 letter and project modifications to MDOT as soon as possible. Motion passed 7-0.

### **CITY CUSTOMER INFORMATION**

Councilmember Bohn stated the City of Brighton street crew have done a great job on snow removal. He asked if we have enough salt and what is the status of our overtime expense.

Acting Department of Public Works Director, Dave Blackmar stated we will have plenty of salt for the season.

City Manager, Dana Foster stated we are going to be over budget this fiscal year regarding overtime, because of snow and water main breaks.

City Manager, Dana Foster reported on responses to Citizens Inquiries received since the last Council meeting.

City Council  
January 16, 2014  
Page 3

- Snow removal from fire hydrants. The Fire Authority staff digs out the hydrants and that there is an electronic map of the hydrants.
- Information postings on our cable TV screens vs. our website. We are improving the information on our cable screens.
- Employment opportunities on our website and Cable TV. There have not been any.
- Snow hauling and the off street parking at the Heritage Real Estate building.
- Pothole patching on Challis Road, which was located outside of our jurisdiction.

City Manager, Dana Foster gave a progress update on the City Council-adopted goals. He displayed a slide called Goals Progress Dashboard updating the Council on the various goals.

Councilmember Cooper gave a SELCRA and Planning Commission update.

Councilmember Tobbe gave a Brighton Arts and Culture update

Mayor Muzzin informed Council that former Councilmember John Tunis' wife, Deb Tunis passed away. He expressed sympathy to John and his family.

It was moved by Councilmember Tobbe, seconded by Pipoly to have a moment of silence for the Tunis family. Motion passed 7-0.

Mayor Muzzin gave a Brighton Area Fire Authority update.

Councilmember Tobbe complimented the Brighton Area Fire Authority on their work at the Brighton District Library during the water pipe break.

### **CALL TO THE PUBLIC**

Mayor Muzzin gave a Call to the Public at 8:29 p.m. Hearing no comment, the Call to the Public was closed.

### **CLOSED SESSION**

It was moved by Councilmember Bandkau, seconded by Cooper to go into Closed Session at 8:29 p.m. A roll call vote was taken. Yes: Willis, Bohn, Pipoly, Muzzin, Bandkau, Cooper, Tobbe. No: none. Motion passed 7-0.

The Council convened into Closed Session at 8:30 p.m.

The Council reconvened the Regular Meeting at 8:45 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Bandkau, seconded by Willis to adjourn the meeting at 8:45 p.m. Motion passed 7-0.

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Diana Lowe, City Clerk

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Jim Muzzin, Mayor

**POLICY REPORT: NORTHRIDGE WOODS (FORMERLY NORTHRIDGE  
PONDS PHASE 2) #13-018**

**FEBRUARY 6, 2014**

Prepared by:

Reviewed by:

\_\_\_\_\_  
Amy Cyphert  
Planning & Zoning Director

\_\_\_\_\_  
Dana Foster  
City Manager

**ISSUE:**

To consider granting conditional site plan approval for the Northridge Woods (formerly Northridge Ponds Phase 2) #13-018 as recommended by the Planning Commission.

**STAFF RECOMMENDATION:**

Staff concurs with the Planning Commission's recommendation.

**BACKGROUND:**

At its meeting of January 13, 2014, the Planning Commission reviewed and discussed a site plan for Northridge Woods. The applicant is proposing to change the style of the units and to decrease the number of units from 132 to 67.

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

1. That all conditions of the previous approvals remain in effect.
2. That right of way permits are obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition.
4. That further fire and engineering review will be conducted during the site construction and building permit process.
5. Street lighting per DTE specifications.

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

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2012/2013 GOALS:** N/A

**COUNCIL ACTION:**

Motion by \_\_\_\_\_ to recommend conditional approval of the site plan for Northridge Woods as depicted on the plans prepared by Desine, Inc, sheets 1-3, 3A, 4-12, EX, L1, L2, L3, Project Number 132191, last dated 12-31-13 and plans prepared by Lindhout Associates, sheets A1, A6- last dated 7-24-13, sheets A1, A6 - last dated 1-21-13, sheets A1, A6 – last dated 11-10-11, sheets A1, A6 – last dated 05-21-12 subject to the following:

1. That all conditions of the previous approvals remain in effect.
2. That right of way permits are obtained from the Department of Public Services for work within the right of way.

3. That any damages done to the existing sidewalk be repaired to current condition.
4. That further fire and engineering review will be conducted during the site construction and building permit process.
5. Street lighting per DTE specifications.

and seconded by \_\_\_\_\_.

**Attachments:**

1. Planning Commission Report
2. Site Plan

**CITY OF BRIGHTON  
PLANNING COMMISSION  
PLANNING REPORT**

**TO:** Planning Commission Members

**FROM:** Amy Cyphert, Planning & Zoning Director

**DATE:** January 13, 2014

**RE:** Site Plan – Northridge Woods (formerly Northridge Ponds Phase 2) #13-018

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**BACKGROUND**

As the Planning Commission may recall, an amended site plan was approved for Northridge Ponds #1 & 2 in November 2005. This site plan included a total of 172 units, 40 units located in Northridge Ponds #1 (east of Black Walnut St.) and 132 units in Northridge Ponds #2 (west of Black Walnut St). Phase 2 included “stacked condominiums” similar to the Aberdeen Condominium complex off Flint Road that is now primarily rental units. The site plan extensions were approved in 2006, 2007, 2009, 2010 and 2011 until work began in 2012 on Phase 1.

At this time, the property owner/developer, Steve Davis, would like to amend Phase 2 of the approved site plan. The request involves reducing the number of units from 132 to 67. The developer would also like to revise the style of unit from the “stacked condominium” to the style currently built within the Northridge Development.

The Northridge Woods parcel is the last remaining vacant parcel within the overall Northridge Development.

**ROADS, PARKING and SIDEWALKS**

Similar to the rest of the Northridge Development, the street networks are private and are intended to be maintained privately. The private street network proposed is more continuous than the original plan and doesn’t result in any “hammer handles” dead ends.

The private roads are 24 feet wide and on-street parking is prohibited. Throughout the Northridge Woods site there are 18 additional off-street parking spaces provided.

Like the rest of the Northridge Development, sidewalks are provided on public roads only. Five foot wide sidewalks are shown along Northern Ridge Drive and a portion of Black Walnut. Per the engineer, sidewalk is not proposed along Black Walnut between Northern Ridge Drive and Northridge Woods drive due to some steep slopes along the existing unregulated wetland. However, the opposite side of Black Walnut, within Northridge Ponds, has an existing sidewalk.

## **Site Modifications**

### Landscaping:

- A landscape plan is provided on sheets L1, L2 and L3.
- A landscape plan is similar to what was approved within Northridge Ponds.
- All landscape areas shall have a hose bib or underground irrigation systems available.

### Signage:

- A "Northridge" sign is proposed for the corner of Northern Ridge Drive and Black Walnut.
- "No parking" signage for the private drives and street name signage are provided on Sheet 11 of the site plan.
- All the signage is similar to those that have been used throughout the Northridge Development.

### Building Materials:

- The residential unit building materials include brick veneer, stone veneer, cedar shakes, vinyl siding, asphalt shingles, standing seam metal roofing, wood trim, etc.
- The majority of the end units will have 3 car garages similar to Northridge Ponds.

### Wetlands:

- It is important to note that per the site plan, the site includes a regulated wetland and an unregulated wetland.
- The site plan shows condominium units bordering the unregulated wetland which would result in the developer modifying the border of the unregulated wetland to allow for construction of the units.

## **Utilities**

Tetra Tech reviewed the site plan and provided comments pertaining to the site plan in their letter dated December 19, 2013. The letter requested several items that will be included and review during the construction plans process. They also requested the date of the wetland delineation survey, storm water management calculations, soil erosion per Livingston County Drain Commissioner's standards, sanitary sewer clean outs, etc. Per the engineer, the revisions requested were provided on the plans excluding those that will be handled during construction plan review.

## **Fire Department**

The Brighton Area Fire Authority (BAFA) reviewed the site plan and provided comments pertaining to the requirements of the current International Fire Code. The letter dated December 20, 2013 discussed an additional hydrant placement, building addresses and road width. During our site plan review meeting, the engineer and Deputy Fire Chief agreed to a road width of 24 feet with prohibited on-street parking. Per the engineer, the revisions requested by the fire department were provided on the plans before you.

## **STAFF RECOMMENDATION**

Staff suggests approval of the site plan. The number of units has been reduced from 132 to 67

and the style of unit is similar to the units that are currently being sold within Northridge Ponds. This is the last remaining vacant parcel within the Northridge Development and neighbors will appreciate the development being completed by the end of 2017 (as noted in the plans).

**COMMISSION ACTION**

Motion by \_\_\_\_\_ to recommend that the City Council approve the site plan for Northridge Woods as depicted on the plans prepared by Desine, Inc, sheets 1-3, 3A, 4-12, EX, L1, L2, L3, Project Number 132191, last dated 12-31-13 and plans prepared by Lindhout Associates, sheets A1, A6- last dated 7-24-13, sheets A1, A6 - last dated 1-21-13, sheets A1, A6 – last dated 11-10-11, sheets A1, A6 – last dated 05-21-12 subject to the following:

1. That all conditions of the previous approvals remain in effect.
2. That right of way permits are obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition.
4. That further fire and engineering review will be conducted during the site construction and building permit process.
5. Street lighting per DTE specifications.

and seconded by \_\_\_\_\_.

**Attachments:**

1. Site Plan

**City of Brighton  
Planning Commission  
Minutes  
January 13, 2014**

1. Call to Order/Roll Call

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

Bill Bryan	Dave McLane
Al Wirth	Robert Pawlowski
Dave Petrak	Matt Smith
Steve Monet	Chad Cooper

Chairperson Monet advised that John Wells has resigned from Planning Commission effective today due to family health issues.

Also present was Amy Cyphert and Lauri French from Staff, Brad Maynes from the City Attorney's office and an audience of four.

2. Approval of the November 18, 2013 Regular Meeting Minutes

**Motion** by Mr. Wirth, supported by Mr. Pawlowski, to approve the November 18, 2013 regular meeting minutes as presented. **The motion carried 6-0-2, with Mr. Cooper and Mr. Smith abstaining.**

3. Approval of the December 3, 2013 Regular Meeting Minutes

Mr. Maynes advised that these minutes may be approved with only four of the members who were at that meeting present tonight as long as a majority of those present vote yes.

**Motion** by Mr. Pawlowski, supported by Mr. Petrak, to approve the December 3, 2013 regular meeting minutes as presented. **The motion carried 4-0-4, with Messrs. Cooper, Bryan, Monet and McLane abstaining.**

4. Approval of the January 13, 2014 Agenda

As discussed in Blue Sky, item 9. will be moved to item 5.a.

**Motion** by Mr. Smith, supported by Mr. Petrak, to approve the agenda as amended. **The motion carried 8-0.**

5. Call to the Public

The call to the public was made at 7:33 p.m. Hearing no response, call to the public was closed at 7:33 p.m.

**New Business**

5.a. Site Plan – Northridge Woods (formerly Northridge Ponds Phase 2) #13-018

Mr. Steve Davis, who is the developer and builder for Northridge, gave the Commission members some background information on the Northridge development which began 14 years ago. Most of the residences in the current 350 unit development are attached condos with two-car garages. Northridge Ponds, which is currently being built, is two-thirds done. He reviewed the site plan and noted that Black Walnut will be a City street; they just have to add the finish coat when weather permits. He noted that the former Northridge Woods site plan called for stacked condos which were geared toward a younger buyer. However, the site plan has been revised since they have found that most of the buyers are now older and

are looking for all the amenities, including a three-car garage. The revised the site plan and reduced the density from 132 to 67 units in order to accommodate more three-car garages.

Mr. Doug Cameron, attorney for Mr. Davis, spoke about changes in federally insured mortgages that would have necessitated building 75% of the development before financing would be available. He has worked with City attorney Brad Maynes and Ms. Cyphert and has provided all necessary documentation to them. He noted there will be a total of 10 master deeds for the development. Eric Iversen, design engineer for the project from Desine Engineering, added that Northridge Woods is the nicest site for the Northridge development, backing up to the wetlands. The completion of this development will bring the entire Northridge project to a close.

Mr. Davis noted that each development has their own association board which is responsible for hiring the contractors to do snow plowing, maintenance, etc. In response to a question by the Commission, he anticipates it will take three years to complete Northridge Woods.

**Motion** by Mr. Bryan, supported by Mr. McLane, to recommend that the City Council approve the site plan for Northridge Woods as depicted on the plans prepared by Desine, Inc, sheets 1-3, 3A, 4-12, EX, L1, L2, L3, Project Number 132191, last dated 12-31-13 and plans prepared by Lindhout Associates, sheets A1, A6- last dated 7-24-13, sheets A1, A6 - last dated 1-21-13, sheets A1, A6 – last dated 11-10-11, sheets A1, A6 – last dated 05-21-12 subject to the following:

1. That all conditions of the previous approvals remain in effect.
2. That right of way permits are obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition.
4. That further fire and engineering review will be conducted during the site construction and building permit process.
5. Street lighting per DTE specifications.

**The motion carried 8-0.**

### **Public Hearings**

6. Public Hearing - Planned Unit Development (PUD) District

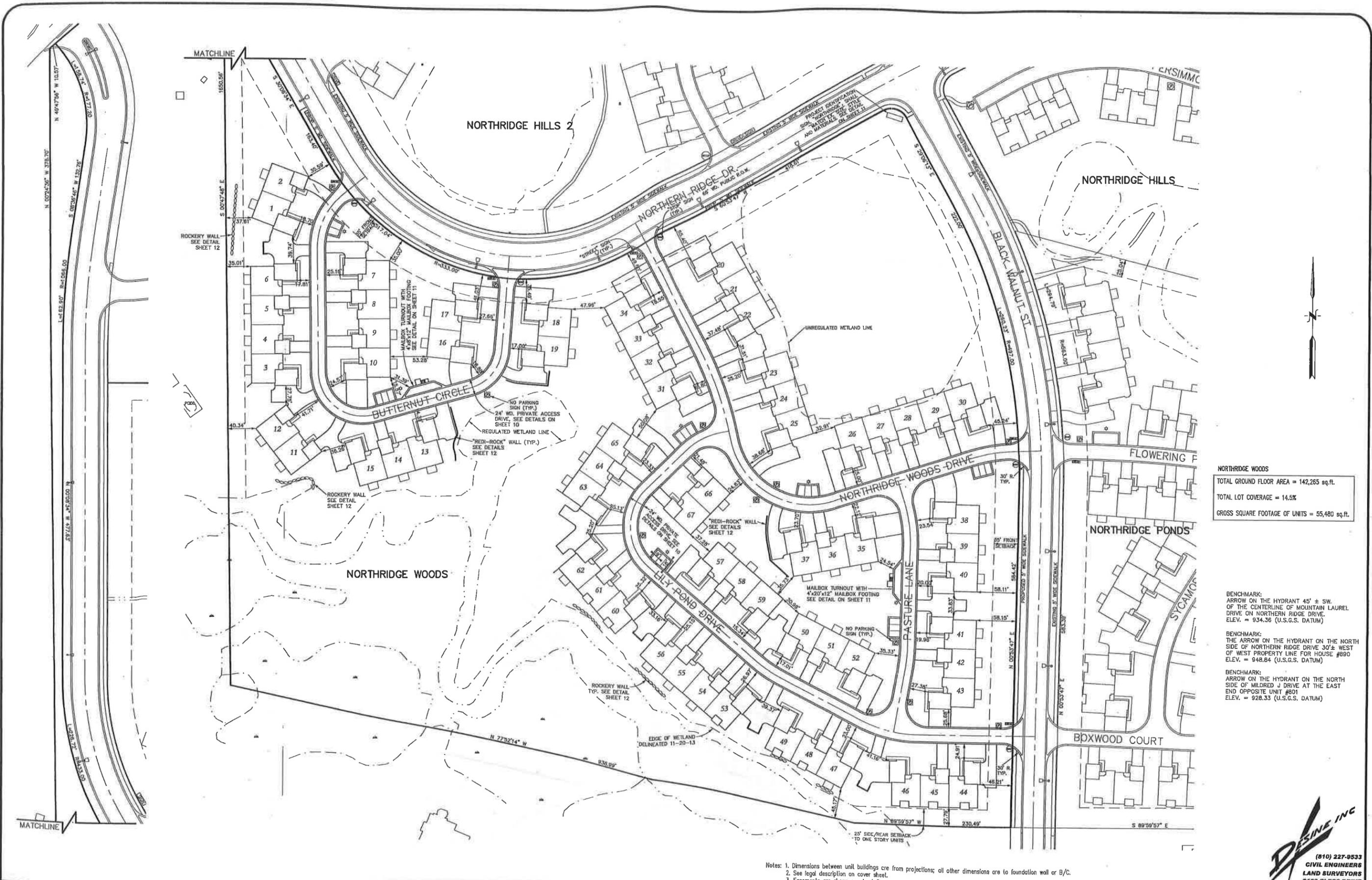
Ms. Cyphert reviewed the background of the proposed PUD ordinance and advised that the draft ordinance was reviewed by the City attorney's office. Mr. Maynes reviewed the minor changes that were made. He noted that our ordinance is based on Royal Oak's ordinance and that he also talked to their attorney. He made some changes to Sections E and F to clarify the roles of the Planning Commission and City Council in the approval process.

**Motion** by Mr. Smith, supported by Mr. Petrak, to approve the draft ordinance as written and send it to City Council to set a public hearing for Article 28, Planned Unit Development. **The motion carried 8-0.**

### **Unfinished Business**

7. Election of Officers

Ms. Cyphert noted that Mr. Wells was the former secretary for Planning Commission and that with his resignation a new secretary will have to be elected. Mr. Monet and Mr. Smith offered to serve another term as chairperson and vice-chairperson, respectively; Mr. Bryan volunteered to be secretary, and Mr. McLane agreed to continue as ZBA Liaison. Mr. Smith agreed to serve as the Traffic Safety Board representative replacing Mr. Schillinger.



NORTHRIAGE WOODS  
 TOTAL GROUND FLOOR AREA = 142,285 sq.ft.  
 TOTAL LOT COVERAGE = 14.5%  
 GROSS SQUARE FOOTAGE OF UNITS = 55,480 sq.ft.

BENCHMARK:  
 ARROW ON THE HYDRANT 45' ± SW.  
 OF THE CENTERLINE OF MOUNTAIN LAUREL  
 DRIVE ON NORTHERN RIDGE DRIVE.  
 ELEV. = 934.36 (U.S.G.S. DATUM)

BENCHMARK:  
 THE ARROW ON THE HYDRANT ON THE NORTH  
 SIDE OF NORTHERN RIDGE DRIVE 30' ± WEST  
 OF WEST PROPERTY LINE FOR HOUSE #890  
 ELEV. = 948.84 (U.S.G.S. DATUM)

BENCHMARK:  
 ARROW ON THE HYDRANT ON THE NORTH  
 SIDE OF MILDRED J DRIVE AT THE EAST  
 END OPPOSITE UNIT #801  
 ELEV. = 928.33 (U.S.G.S. DATUM)

Notes: 1. Dimensions between unit buildings are from projections; all other dimensions are to foundation wall or B/C.  
 2. See legal description on cover sheet.  
 3. Easements are shown on sheet 8

DESIGN: EAI	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG	1	12-31-13	REVISED PER CITY OF BRIGHTON REVIEW COMMENTS			
CHECK: WMP						

# NORTHRIAGE WOODS CONDOMINIUM

## AMENDED SITE PLAN

CLIENT:  
 NORTHRIAGE WOODS L.L.C.  
 207 E. GRAND RIVER  
 BRIGHTON, MI. 48110

SCALE: 1in. = 60ft.  
 PROJECT No.: 132191  
 DWG NAME: 2101-7  
 ISSUED: 12/31/13

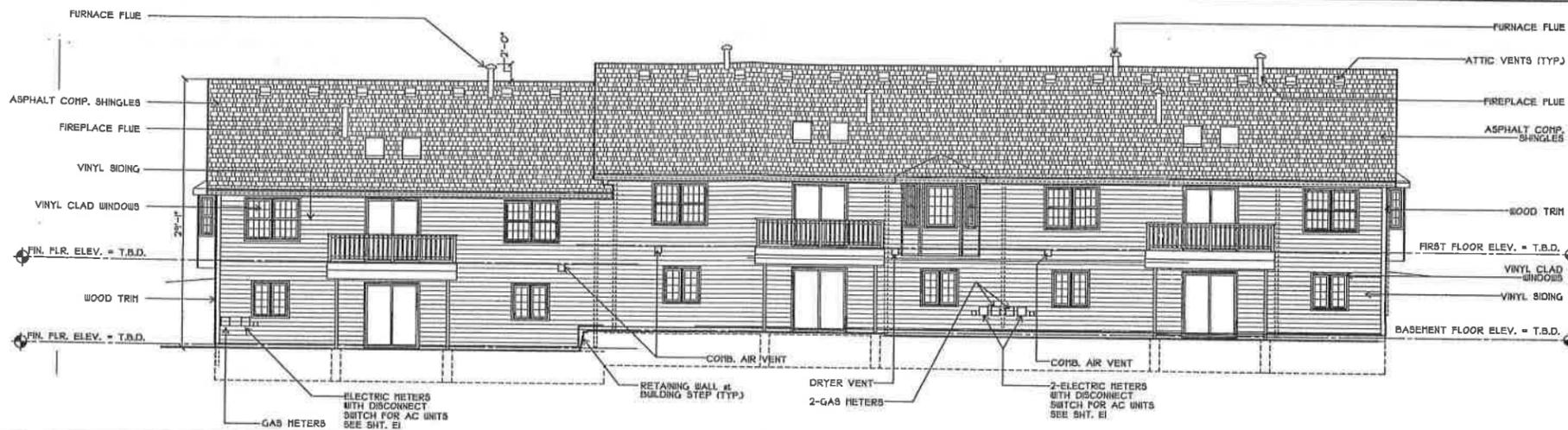
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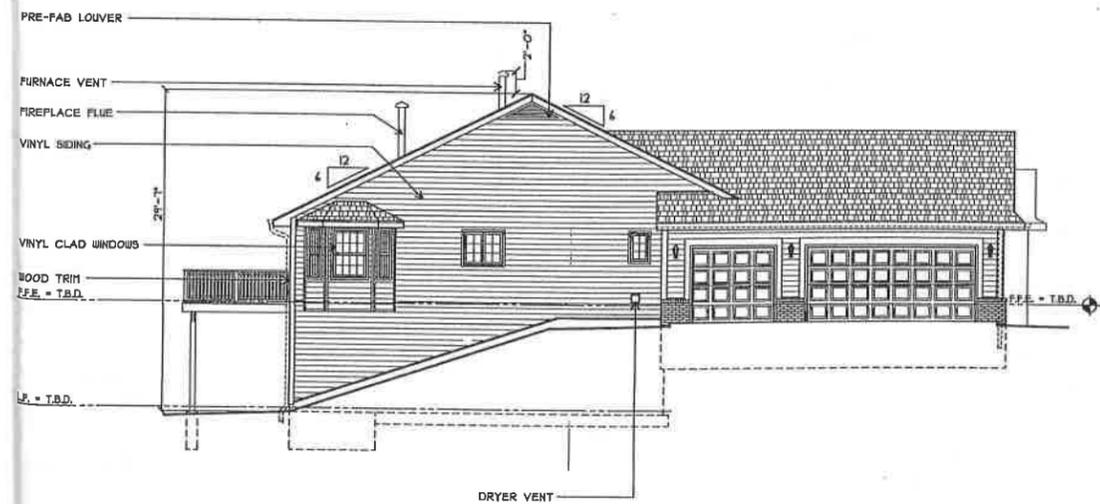
ELEVATION

SCALE: 1/8" = 1'-0"



ELEVATION

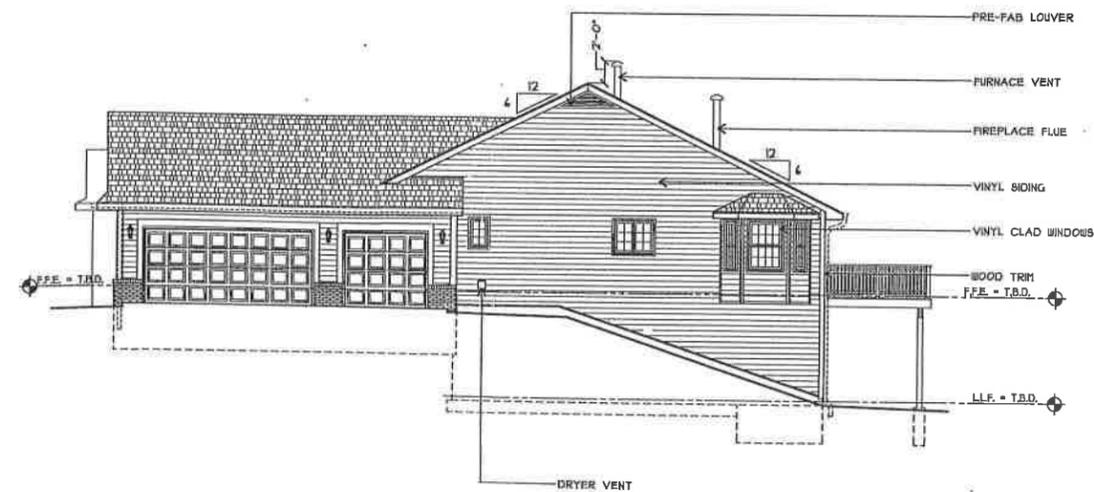
SCALE: 1/8" = 1'-0"



ELEVATION

SCALE: 1/8" = 1'-0"

RIGHT SIDE ELEVATION



SCALE: 1/8" = 1'-0"



Lindhout Associates  
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consultant

PERMIT  
issued for

01-25-2015  
date

mk  
ck/c  
app'd

**NORTHRISE PONDS CONDOMINIUMS**  
BRIGHTON, MICHIGAN  
THREE UNIT BUILDING - EXTERIOR ELEVATIONS

A6

11226

**POLICY REPORT NO. BPD 14-01  
REQUEST FOR TRAFFIC CONTROL ORDER  
PEPPERGROVE DRIVE  
FEBRUARY 6, 2014**

Prepared by:  
Thomas Wightman  
Chief of Police

Reviewed by:  
Dana W. Foster  
City Manager

**ISSUE:**

Vehicles parking on Peppergrove north of Lee Road during school events at Scranton Middle School cause significant congestion and safety concerns.

**BACKGROUND:**

Activity at Scranton Middle School has increased during the past year following the upgrade of the athletic fields by the Brighton Area Schools. The upgrades included night lighting that allows for evening usage, which further contributes to the increased use of the athletic fields. The athletic fields are located in Green Oak Township directly south of Lee Road & Peppergrove.

The increased activity has had an associated increase in the number of cars parking at Peppergrove & Lee Road. When cars are parked on both sides of Peppergrove during these events the travel area of Peppergrove is substantially narrowed. Cars parking on Peppergrove along the entrance island area are of most concern because the travel portion of the street is narrower there to begin with.

Following a complaint from a resident, the Traffic Safety Advisory Board examined the matter including a review of photographs taken of cars parked on Peppergrove during these events. As a result of this review, the Board recommends limiting parking on Peppergrove as described in the attached proposed Traffic Control Order (TCO-164).

There are no homes with driveways on the west side of Peppergrove in the area described in the TCO between Lee and Heatheridge. There are two driveways on the west side of Peppergrove in this vicinity; however, the proposed parking restrictions end south of those driveways thus not prohibiting parking in front of those two resident's homes. Those two residents were contacted directly, both of whom requested that parking not be restricted on the side of the street in front of their homes. The proposed TCO strikes a balance intended to enhance safety in this location while complying with the requests of those two residents.

**BUDGET IMPACT:**

Three to four signs will need to be posted by DPS.

**COUNCIL ACTION:**

City Council may approve, modify, or reject the proposed Traffic Control Order.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Traffic Control Order as recommended by the Traffic Safety Advisory Board.

**ATTACHMENTS:**

Proposed Traffic Control Order No. 164

TEMP. T.C.O. FILED \_\_\_\_\_  
CONTROLS INSTALLED \_\_\_\_\_  
APPROVED BY COUNCIL \_\_\_\_\_  
RESCINDED \_\_\_\_\_

**CITY OF BRIGHTON**  
**TRAFFIC CONTROL ORDER NO. \_\_\_\_\_**

In accordance with the Brighton City Code, as amended, and Ordinance #348, we have made an investigation of traffic conditions on:

and as a result of said investigation do hereby direct that:

This order shall not expire until rescinded by the City Council. If this is a temporary traffic control order that has been placed by the Traffic Engineer, this order shall expire 90 days from the date of filing with the City Clerk.

\_\_\_\_\_  
Traffic Engineer (City Manager)

\_\_\_\_\_  
Date of Filing with City Clerk  
(if temporary)

\_\_\_\_\_  
Received for filing (date) by

\_\_\_\_\_  
Diana Lowe, City Clerk

Approved by the City Council on: \_\_\_\_\_

I hereby certify that the foregoing is a true copy prepared from the record on file in my office, as attested to by the Seal of the City Clerk of the City of Brighton, embossed hereto.

Signed \_\_\_\_\_  
Diana Lowe, City Clerk

Date: \_\_\_\_\_

# **POLICY REPORT: CREATION OF ARTICLE XXVIII. PLANNED UNIT DEVELOPMENT (PUD)**

**February 6, 2014**

Prepared by:

Reviewed by:

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Amy Cyphert  
Planning & Zoning Director

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Dana Foster  
City Manager

## **ISSUE:**

To consider the second reading and hold a public hearing for the proposed amendment to Chapter 98 of the zoning ordinance that would create Article XXVIII. Planned Unit Development (PUD) as recommended by the Planning Commission.

## **BACKGROUND:**

The 2006 Zoning Enabling Act empowers legislative bodies to “establish planned unit development requirements in a zoning ordinance that permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of this state.”

On December 7, 2013, the City of Brighton City Council held a goal setting retreat. One of the topics discussed at the retreat was the establishment of a PUD district that could be utilized by developers like Robertson Brothers to bring quality developments to the City that may not meet existing zoning ordinance requirements.

Per our preliminary discussions with Robertson Brothers about the redevelopment of the former Lindbom School site, they are looking to create 44-45 new single family lots. The 10.48 acre Lindbom School site is zoned R-1, single family residential. The following existing zoning ordinance requirements would prohibit 44-45 lots:

- Sec. 98-204 (1) A one-family dwelling in R-1 districts, together with accessory buildings, hereafter erected, shall be located on a lot having not less than 8,700 square feet and with an average width of not less than 66 feet.
- Sec. 98-53 Each parcel of real estate within the city shall provide a minimum of 66 feet of frontage on an improved public right-of-way.

Currently, the City of Brighton allows PUDs in the RM (research manufacturing district) only. There are other mechanisms similar to PUDS in the zoning ordinance like mixed use within the OR and IA zoning districts and Section 98-635 for parcels over 5 acres proposed for residential uses. Section 98-635 requires that the average lot area per family contained in the site be not less than the lot area per family required in the district in which the development is located. The average lot area proposed by Robertson Brothers is 6,000 to 8,060 square feet.

City Staff has reviewed PUD districts for several different communities (Genoa Township, Green Oak Township, the City of Royal Oak, etc.). City Staff also reviewed the Zoning

Enabling Act which provides guidelines on planned unit developments. Attached is a draft PUD zoning district for Planning Commission.

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

**BUDGET IMPACT:** N/A

**RELATIONSHIP TO 2013/2014 GOALS:** “Quick development and adoption of a PUD related ordinance amendment”

**COUNCIL ACTION:**

1. Consider second reading and adoption of Ordinance Number \_\_\_\_\_, and publish as appropriate, or
2. Consider second reading and denial of the proposed amendment to Chapter 98 of the zoning ordinance that would create Article XXVIII. Planned Unit Development (PUD), or
3. Consider second reading and request revisions to the proposed amendment to Chapter 98 of the zoning ordinance that would create Article XXVIII. Planned Unit Development (PUD).

**Attachments:**

1. Proposed amendments to Chapter 98 of the zoning ordinance that would create Article XXVIII. Planned Unit Development (PUD).
2. PC Draft Minutes

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY ADDING A NEW ARTICLE TO CHAPTER 98 OF THE CODE.

I. A new Article XXVIII of Chapter 98, is hereby added to read as follows:

**Article XXVIII. Planned Unit Development (PUD)**

**Sec. 98-761. PUD regulations.**

- A. A PUD may be applied for in any zoning district. The approval of a PUD application shall require rezoning by way of amendment of this chapter based upon a recommendation of the Planning Commission and approval of the City Council.
- B. Any land use authorized in this chapter may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- C. The applicant for a PUD must demonstrate all of the following criteria as a condition to being entitled to PUD treatment:
  - (1) Granting of the PUD will allow design flexibility that benefits the community and results in a better overall project than would be permitted under the existing zoning.
  - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
  - (3) The proposed development shall be consistent with the public health, safety and welfare of the City.
  - (4) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  - (5) The proposed development shall be under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with this chapter.
  - (6) The proposed development shall be consistent with the goals and policies of the City of Brighton Master Plan.

**Sec. 98-762. Procedure for review.**

- A. Preapplication conference. Prior to the submission of an application for PUD approval, the applicant shall meet with the City Manager, or his designee, together with any staff and consultants the City Manager deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the proposed PUD, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses; the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.

- B. Preliminary plan. Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed PUD. The preliminary site plan shall be prepared in accordance with the standards set forth in Chapter 82, site plan review. A narrative report prepared by the applicant shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Chapter 82 have been met.
- (1) Planning Commission action. The preliminary plan shall be noticed for public hearing before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
- a) Approval.
- I. Upon finding that the preliminary plan meets the criteria and standards set forth herein, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan.
- II. Approval of the preliminary plan by the Planning Commission shall not bind the City Council to approve the final plan.
- b) Tabling. Upon finding that the preliminary plan does not meet the criteria and standards set forth herein but could meet such criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.
- c) Denial. Upon finding that the preliminary plan does not meet the criteria and standards set forth herein, the Planning Commission shall deny preliminary approval.
- C. Final plan. Within six months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan to the Planning Commission with supporting materials conforming to this section. The final plan shall be consistent with the approved preliminary plan. If the final plan is not submitted by the applicant for final approval within six months following receipt of Planning Commission approval, the preliminary plan approval becomes null and void. The Planning Commission may grant a time extension upon receipt of a written request from the applicant provided the written request is received before the expiration of the six months.
- D. Information required. An application for a PUD shall contain the following information:
- (1) A final site plan meeting all requirements of Chapter 82.
- (2) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD article.
- (3) A specific schedule of the intended development and construction details, including phasing or timing.
- (4) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- (5) A specification of the exterior building materials with respect to the structures proposed in the project.
- (6) Signatures of all parties having an interest in the property at the time of submission.
- (7) Identify the person or entity who will have control over the project.

- E. Planning Commission action. The final plan shall be noticed for public hearing as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law.
  - (1) Approval. Upon finding that the final plan meets the criteria and standards set forth in Chapter 82, the Planning Commission may recommend approval of the plans, with or without conditions.
  - (2) Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in Chapter 82, but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.
  - (3) Denial.
    - a) Upon finding that the final plan does not meet the criteria and standards set forth in Chapter 82, the Planning Commission shall deny the final plans.
    - b) The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project, including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.
- F. City Council action. The final plan shall be noticed for public hearing as a rezoning before the City Council, and otherwise acted upon by the City Council, as provided by law.
  - (1) Upon receiving a recommendation from the Planning Commission, the City Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, approve with conditions, table or deny the final plan.
  - (2) Within a reasonable time following the hearing, the City Council, or its designee, shall prepare a report stating the City Council's conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
  - (3) Prior to approval of a final plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the City Attorney, approved by the City Council, and signed by both the City and the applicant.

**Sec. 98-763. Project design standards.**

- A. General design standards.
  - (1) Deviations from the applicable setbacks, parking and loading, general provisions, and other requirements may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this article.
  - (2) Where nonresidential uses are adjacent to other uses, there shall be a perimeter setback and berming, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

- (3) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
  - (4) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
  - (5) Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the City.
  - (6) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
  - (7) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The City, in its discretion, shall review and approve the design and location of such mechanisms.
  - (8) The Planning Commission shall resolve all ambiguities as to applicable regulations using this chapter, Master Plan, and other City standards or policies as a guide.
- B. Residential design standards.
- (1) Project density shall be based on the density permitted in the zone district in which the property is situated immediately prior to classification under this article. Additional density for residential uses is permitted, subject to approval recommendation by the Planning Commission and approval by the City Council. The approved density shall be based upon a demonstration by the applicant of the following:
    - a) Consistency with the Master Plan;
    - b) Innovative planning and design excellence;
    - c) Relationship to adjacent land uses;
    - d) Pedestrian and/or vehicular safety provisions;
    - e) Aesthetic beauty;
    - f) Provisions for the users of the project; and
    - g) Demonstration that design flexibility will benefit the community and results in a better overall project than would be permitted under the existing zoning.
- C. Nonresidential design standards.
- (1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
  - (2) The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

**Sec. 98-764. Conditions may be required.**

Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

**Sec. 98-765. Phasing and commencement of construction.**

- A. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Planning Commission.
- B. Commencement and completion of construction. To ensure completion of required improvements, the City is authorized to impose performance guaranties in accordance with Chapter 82, Assurance required. Substantial construction shall be commenced within one year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. However, an extension for a specified period may be granted by the City Council in accordance with Chapter 82, Limit on site plan approval. Moreover, in the event approval of the PUD has expired, the City Council shall require a new application which shall be reviewed in light of then existing and applicable law and ordinance provisions.

**Sec. 98-766. Effect of approval.**

When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Livingston County Register of Deeds.

II. This Ordinance shall be in full force and effect fifteen (15) days from the adoption as provided by the Brighton City Charter.

\_\_\_\_\_  
DIANA LOWE, City Clerk

\_\_\_\_\_  
JAMES MUZZIN, Mayor

First Reading: \_\_\_\_\_  
Brief Publication: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Adoption: \_\_\_\_\_  
Full Publication: \_\_\_\_\_

are looking for all the amenities, including a three-car garage. The revised the site plan and reduced the density from 132 to 67 units in order to accommodate more three-car garages.

Mr. Doug Cameron, attorney for Mr. Davis, spoke about changes in federally insured mortgages that would have necessitated building 75% of the development before financing would be available. He has worked with City attorney Brad Maynes and Ms. Cyphert and has provided all necessary documentation to them. He noted there will be a total of 10 master deeds for the development. Eric Iversen, design engineer for the project from Desine Engineering, added that Northridge Woods is the nicest site for the Northridge development, backing up to the wetlands. The completion of this development will bring the entire Northridge project to a close.

Mr. Davis noted that each development has their own association board which is responsible for hiring the contractors to do snow plowing, maintenance, etc. In response to a question by the Commission, he anticipates it will take three years to complete Northridge Woods.

**Motion** by Mr. Bryan, supported by Mr. McLane, to recommend that the City Council approve the site plan for Northridge Woods as depicted on the plans prepared by Desine, Inc, sheets 1-3, 3A, 4-12, EX, L1, L2, L3, Project Number 132191, last dated 12-31-13 and plans prepared by Lindhout Associates, sheets A1, A6- last dated 7-24-13, sheets A1, A6 - last dated 1-21-13, sheets A1, A6 – last dated 11-10-11, sheets A1, A6 – last dated 05-21-12 subject to the following:

1. That all conditions of the previous approvals remain in effect.
2. That right of way permits are obtained from the Department of Public Services for work within the right of way.
3. That any damages done to the existing sidewalk be repaired to current condition.
4. That further fire and engineering review will be conducted during the site construction and building permit process.
5. Street lighting per DTE specifications.

**The motion carried 8-0.**

### **Public Hearings**

6. Public Hearing - Planned Unit Development (PUD) District

Ms. Cyphert reviewed the background of the proposed PUD ordinance and advised that the draft ordinance was reviewed by the City attorney's office. Mr. Maynes reviewed the minor changes that were made. He noted that our ordinance is based on Royal Oak's ordinance and that he also talked to their attorney. He made some changes to Sections E and F to clarify the roles of the Planning Commission and City Council in the approval process.

**Motion** by Mr. Smith, supported by Mr. Petrak, to approve the draft ordinance as written and send it to City Council to set a public hearing for Article 28, Planned Unit Development. **The motion carried 8-0.**

### **Unfinished Business**

7. Election of Officers

Ms. Cyphert noted that Mr. Wells was the former secretary for Planning Commission and that with his resignation a new secretary will have to be elected. Mr. Monet and Mr. Smith offered to serve another term as chairperson and vice-chairperson, respectively; Mr. Bryan volunteered to be secretary, and Mr. McLane agreed to continue as ZBA Liaison. Mr. Smith agreed to serve as the Traffic Safety Board representative replacing Mr. Schillinger.

1. That irrigation is provided for the new planting beds.
2. That right of way permits are obtained from the Department of Public Services, if applicable.
3. That any damages done to the existing public sidewalk be repaired to current condition.
4. That fire and engineering review be conducted during the building permit process, if applicable.

**The motion carried 5-0-3.**

6. Discussion on zoning ordinance created for a Planned Unit Development (PUD) District and set public hearing date

Ms. Cyphert reviewed the Planning Commission report and a Powerpoint presentation of the Robertson Brothers project site at the former Lindbom school. She noted that other communities in Michigan have been using PUDs in their zoning ordinances for quite some time and that creating a PUD for Brighton would allow greater flexibility for redevelopment projects such as the proposed Robertson development. She stated that the City has eight to ten months to get through all the approvals required for this project. The proposed PUD article was reviewed and Ms. Cyphert requested suggestions or changes so that she and the city attorney can prepare the final draft for the public hearing in January. In response to a board member's question, Mr. Maynes noted that a PUD runs with the property. Ms. Cyphert also advised that our Master Plan calls for the creation of a PUD ordinance.

**Motion** by Mr. Wells, supported by Mr. Wirth, to set a public hearing for Article 28, Planned Unit Development, on January 13, 2014. **The motion carried 5-0-3.**

7. Discussion on zoning ordinance amendments pertaining to smoking lounges, "hookah bars" and smoking related retail stores

Ms. Cyphert stated that she has been receiving phone calls about where these types of businesses can be located in Brighton. She reminded the Planning Commission members that there was a retail smoking store on Main Street and the City received some complaints about it being located downtown. She also noted that City Council approved a moratorium on these types of businesses last month. Brighton Township's ordinance includes specific hours of operation for these types of businesses (they have two that we know of). She said that we could create a definition for each one and list as a permitted use in one or more specific districts (but not the DBD). Mr. Maynes noted that it's up to Planning Commission to determine what they want and where. There was discussion about current cigar lounges; Ms. Cyphert noted that Leaf, Barley & Vine was no longer in business but Downtown Main Martini Bar has a cigar lounge in their basement. Downtown Main could be "grandfathered" since it is a current business. Mr. Maynes noted that the ordinance could be written to include percentages used for that purpose versus the total square footage.

After discussion by the members, it was decided to use the C2 district for smoking lounges, "hookah bars" and smoking related retail stores. They also want the zoning ordinance amendment to include definitions with percentages for those uses, and Mr. Maynes advised we could use the adult use ordinance for percentage examples. She and the City Attorney will draft up the amendment and bring it back to Planning Commission in January.

**Other Business**

8. Adoption of the By-laws and Rules of Procedure for the Planning Commission

Ms. Cyphert noted that she made some minor wording changes to the By-laws and that they have to be approved by Planning Commission on an annual basis. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to adopt the By-laws and Rules of Procedure for the Planning Commission as presented. **The motion carried 5-0-3.**