

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
October 16, 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. Approval of minutes: [Regular Meeting of October 2, 2014](#)
7. Call to the Public

Consent Agenda

8. Consider approval of Mayor's recommended reappointment to the ZBA
9. Consider approval of a [Liquor License transfer for Lu & Carl's as recommended by the Police Chief](#)
10. Consider approval of a [resolution to place liens against properties for unpaid code enforcement-related maintenance](#)
11. Consider approval of official trick or treating hours for Halloween

Policy Development & Customer Communications' action item

12. [Conduct public hearing for a second reading on a proposed conditional rezoning ordinance for 8589 W. Grand River from OS \(Office Service\) to C2 \(General Commercial\) as recommended by the Planning Commission:](#)
 - a. Mayor closes regular meeting and opens the public hearing to ask for public input / comment
 - b. Mayor closes public hearing to resume the regular Council meeting and Council discussion
 - c. Consider motion to adopt the proposed rezoning [ordinance](#)
13. Receive annual external Audit report and presentation from the Auditors
14. Receive presentation from the Livingston County Economic Development Council (EDC) Board of Directors Chairperson and consider related request for a renewed three-year commitment from the City of Brighton to be a participating local government unit in the related EDC Contract with SPARK for EDC economic development staff services
15. Consider review of the City Manager's draft agenda for the 2014 annual Goal-Setting Retreat special meeting

Other Business

16. 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
17. Receive updates from Council Member Liaisons to other Boards and Commissions
18. Call to the Public
19. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON OCTOBER 2, 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 Pro-Tem Pipoly, Councilmembers Bohn, Willis and Tobbe. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Pro-Tem Pipoly called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called. Present were Mayor Pro-Tem Pipoly, Councilmembers Willis, Tobbe and Bohn. Also in attendance was Attorney Paul Burns, Staff members Dana Foster, Diana Lowe, Dave Blackmar, Tom Wightman and an audience of 2. Press and Media included Tom Tolen from WHMI.

It was moved by Councilmember Tobbe, seconded by Willis to excuse Mayor Muzzin and Councilmembers Bandkau and Cooper from the evening's meeting. Motion passed 4-0-3.

AGENDA APPROVAL

It was moved by Councilmember Bohn, seconded by Willis to approve the agenda as presented. Motion passed 4-0-3.

MINUTE APPROVAL

It was moved by Councilmember Tobbe, seconded by Bohn to approve the Regular Meeting minutes of September 18, 2014 as presented. Motion passed 4-0-3.

CALL TO THE PUBLIC

Mayor Pro-Tem Pipoly opened the Call to the Public at 7:320 p.m. The following comments were heard:

Nancy Durance, 4616 Spring Mountain Drive, thanked the Council, Attorney and City Manager for follow-up on the recent issues at the Springhill development.

Hearing no further comment, Mayor Pro-Tem Pipoly closed the Call to the Public at 8:18 p.m.

CONSENT AGENDA

It was moved by Councilmember Bohn, seconded by Willis to approve the Consent Agenda as presented. Motion passed 4-0-3. The following items were approved:

1. Approved the Bylaws for the Traffic Safety Advisory Board.
2. Approved the pavement marking contract award to M&M Pavement Marking in the amount of \$14,462.50 for work to start in the Spring.

REGULATORY AUTHORITY ON SCHOOL FACILITIES

It was moved by Councilmember Willis, seconded by Tobbe to waive the Attorney/Client Privilege for the written letter regarding Regulatory Authority on School Facilities.

Councilmember Bohn recommended the City Manager to mail a copy of the above letter to Sue Ikens.

OFF-STREET PARKING REGULATIONS

City Attorney, Paul Burns gave an update regarding Ordinance amendments regarding definitions in the Off-Street Parking regulations stating it will go to the Planning Commission level in October then will be brought to City Council for review and approval.

CITY CUSTOMER INFORMATION

DPW Director, Dave Blackmar discussed street pavement repairs and scheduling.

City Manager, Dana Foster discussed the road salt budget overage and funding. He stated that the office hour change from 8:00 a.m. to 4:00 p.m. has been extended until January 16th, 2015. There has been no negative impact on service, a cost savings and has been good for City Staff.

Councilmember Bohn gave a Traffic Safety Advisory Board update. He discussed unauthorized use of the SELCRA Skate Park.

Councilmember Tobbe discussed art exhibits and artists in the City.

Mayor Pro-Tem Pipoly thanked Councilmember Willis for her service on the Brighton Arts and Culture Board. He sent thoughts and prayers out to Don and Ricci Bandkau for his recent surgery.

CALL TO THE PUBLIC

Mayor Pro-Tem Pipoly gave a Call to the Public at 7:54 p.m. The following comment was heard:

Tom Tolen, 517 Carberry Hill, discussed the lack of sidewalk on Williamson Drive and that immediate area.

Hearing no further comment Mayor Pro-Tem Pipoly closed the Call to the Public at 7:58 p.m.

ADJOURNMENT

It was moved by Councilmember Tobbe, seconded by Willis to adjourn the meeting at 7:59 p.m. Motion passed 4-0-3.

Diana Lowe, City Clerk

Shawn Pipoly, Mayor Pro-Tem

**POLICY REPORT NO. BPD 14-03
TRANSFER OF LIQUOR LICENSE
100 W. MAIN STREET, BRIGHTON
October 16, 2014**

Prepared by:

Thomas Wightman
Chief of Police

Reviewed by:

Dana W. Foster
City Manager

ISSUE:

DSAD Dogs, Inc. is requesting transfer of the Class C liquor licenses held by Bima Bar L & C, Inc. at 100 W. Main Street (Lu & Carl's).

BACKGROUND:

DSAD Dogs, Inc. is entirely owned by David C. Norman of Dearborn, Michigan. Mr. Norman is currently the owner of Stout and general manager of Lu & Carl's restaurant. He will be purchasing the business and the liquor license from Bima Bar L & C, Inc.

Mr. Norman has been involved with restaurant and liquor sales management since 2002. He has never received a liquor violation and a criminal record check reveals no criminal arrests or convictions of any type.

BUDGET IMPACT:

None.

COUNCIL ACTION:

Although the Michigan Liquor Control Commission no longer requires a local resolution prior to their approval of a license transfer, Brighton city ordinance requires City Council approval of any person or business selling liquor within the City.

Therefore a suggested resolution would be that City Council approves the request by DSAD Dogs, Inc. owned by David C. Norman to sell alcohol at 100 W. Main Street in accordance with the City of Brighton code of ordinances 6-31 through 6-41.

STAFF RECOMMENDATION:

The Police Department recommends approval of the request.

RESOLUTION

A RESOLUTION TO PLACE LIEN ASSESSED AGAINST PROPERTIES FOR UNPAID MAINTENANCE

WHEREAS, the assessment for cost of removal under Sec 94-74, assessment procedure shall be enforced

WHEREAS, property owners have 30 days to pay for cost of maintenance against said property and if not paid within that time balance will be enforced as a special assessment.

NOW, THEREFORE, the following parcel numbers will have liens against their property.

4718-31-300-101 \$ 221.45

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

This Resolution was adopted this day of _____

Diana Lowe, City Clerk

I, Diana Lowe, City Clerk for the City of Brighton, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by City Council at the Regular meeting held on October 16, 2014.

Diana Lowe, City Clerk



CITY OF BRIGHTON

"Providing quality service"

FINAL NOTICE

City Hall

200 N. First St.
Brighton, MI 48116-1593
(810) 227-1911
Fax# 227-6420
TDD Phone: (810) 227-8357

City Manager

225-8022
City Clerk
227-0463
Human Resource Director
225-9251

Cemetery/
Voter Registration
227-0463

Community Development

Building
227-9005
Building Official /
Code Enforcement
225-9254

Building Inspection Line
227-0419

Planning / Zoning
225-9257

Community Development /
Planning Director
225-8025

Finance

Accounts Payable
225-8019
Assessing Assistant
227-9006

City Assessor
225-8024

City Treasurer
225-8023

Finance Director
225-8020

Assistant Finance Director
225-9283

Property Taxes
227-0179

Utility Billing
225-8041

Police Department

440 S. Third St.
(810) 227-2700
Fax# 227-2063

Department of Public Services

420 S. Third St.
(810) 225-8001
Fax# 225-9249

DPS Director
225-9284

Assistant DPS Director
225-9282

Water Plant
227-2968

Wastewater Plant
227-9479

Brighton Community Center
555 Brighton St.
(810) 225-8004
Fax# 225-9249

October 3, 2014

Quadrini Aldo
1284 Parks Road
Oakland, Michigan 48363

Re: Lawn Service Charge back

Dear Sir or Madame:

Please be advised that the Brighton City Council will be taking action on October 16, 2014 at the Regular Council Meeting to place the attached unpaid Lawn Service Charge back bill onto the winter tax bill as a Lien. We must receive your payment in full no later than October 20, 2014.

Please feel free to contact me at 810-225-8019 with any questions.

Sincerely,

Debbie Monstrola
Finance Clerk III

Cc: Kelly Hanna , Finance Director
Denise Meier, Assistant Finance Director / Accountant



**CITY OF
BRIGHTON**

STATEMENT

DATE: 10/03/2014

QUADRINI ALDO
1284 PARKS ROAD
OAKLAND, MI 48363

CURRENT	4.30
OVER 30	217.15
OVER 60	0.00
OVER 90	0.00
OVER 120	0.00

Customer No: ALDOQUADRINI
Customer No: 42

Invoice #	Date	Check Number	Amount	Payments / Adjustments	Balance
PEN0000338	08/06/2014		2.15		2.15
PEN0000348	09/05/2014		2.15		4.30
0000003945	06/30/2014		215.00		219.30
PEN0000366	10/03/2014		2.15		221.45

Failure to pay will result in a lien on the real and personal property of the owner or leasee.

PLEASE DETACH BOTTOM PORTION & REMIT WITH YOUR PAYMENT

For questions please contact us at (810) 225-8019

Customer Name: ALDOQUADRINI
Customer No: 42



Please remit payment by the due date to:

CITY OF BRIGHTON
200 N. FIRST STREET
BRIGHTON, MI 48116

AMOUNT PAID: _____

POLICY REPORT: 8589 W. GRAND RIVER CONDITIONAL REZONING PLANNING COMMISSION RECOMMENDATION

October 16, 2014

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider second reading and hold a public hearing to conditional amend the zoning classification for the property located at 8589 W. Grand River from OS (Office Service) to C2 (General Commercial) as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

On September 18, 2014, City Council held the first reading of the conditional rezoning for 8589 W. Grand River.

At its meeting of September 15, 2014, the Planning Commission held a public hearing and recommended the requested conditional rezoning from OS to C2 for the property located at 8589 W. Grand River. The rezoning request will allow a mix of service and commercial uses on the site. A preliminary site plan was offered as part of the conditional rezoning application. The preliminary site plan includes two multi-tenant buildings totaling approximately 18,000 square feet. One of the proposed tenant spaces may include a drive thru.

The Planning Commission recommended that City Council approve the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as 18-30-100-066 - 8589 W. Grand River with the application and preliminary site plan. The approval is subject to the following conditions:

1. That City Council establish a time period of two years during which the conditions apply to the land, if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
2. That the applicant submit the site plan for final approval in accordance with city ordinances, city engineering recommendations and in substantial conformance with the attached site plan once the rezoning has been approved.

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

BUDGET IMPACT: N/A

RELATIONSHIP TO 2013/2014 GOALS: N/A

COUNCIL ACTION:

Consider second reading and adoption of Ordinance Number _____, and publish as appropriate.

Attachments:

1. Ordinance Number _____
2. City Council Report
3. Planning Commission Report
4. Planning Commission Draft Meeting Minutes

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BRIGHTON BY AMENDING THE ZONING MAP DESCRIBED IN SECTION 98.27 OF THE CHATER 98 OR ARTICLE, THEREOF.

The City of Brighton ordains that

- I. The real property described below and commonly known as 8589 W. Grand River is hereby conditional rezoning to C2 (General Business).
The attached conditions were offered by the applicant and will be enforced through the conditional zoning.

Legal Description:

SEC 30 T2N R6E BEG N89*E 1417.45 FT & S20*E ALG ELY ROW LINE GRAND RIVER 1099.49 FT FR NW COR FOR POB, TH S20*E 320.1 FT, TH N88*E 349.79 FT, TH N 383.78 FT, TH S79*W 467.2 FT TO POB. 3.24 AC

- II. That the rezoning is valid for two years during which the conditions apply to the land, if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
- III. That the applicant submit the site plan for final approval in accordance with city ordinances, city engineering recommendations and in substantial conformance with the attached site plan once the rezoning has been approved

This ordinance shall take full force and effect fifteen (15) days from the date of adoption, pursuant to the City Charter.

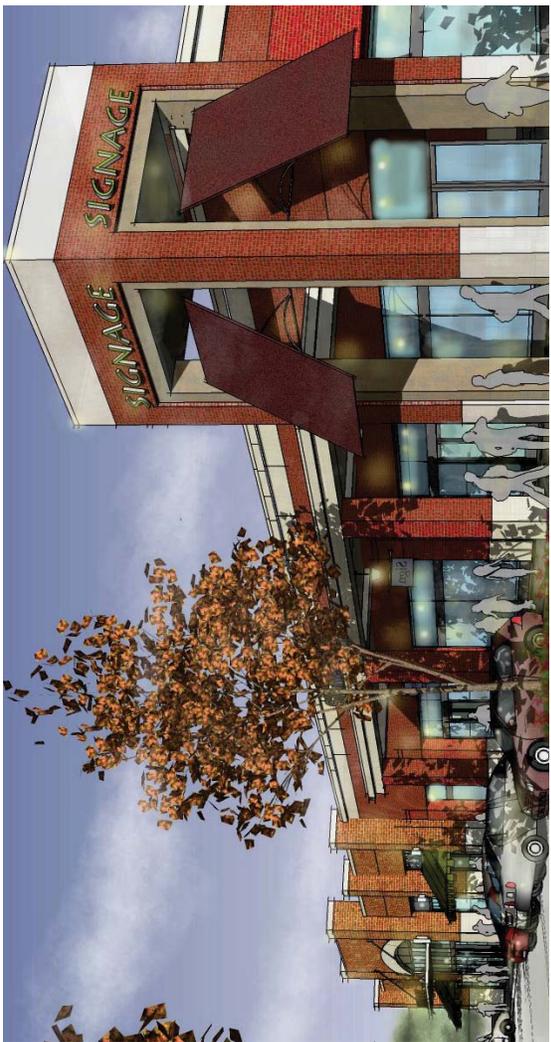
First Reading: September 18, 2014
Brief Publication: October 1, 2014
Public Hearing: October 16, 2014
Second Reading: October 16, 2014
Adoption: _____
Full Publication: _____
Effective: _____

Diana Lowe, City Clerk

Jim Muzzin, Mayor



Scheme 4



POLICY REPORT: 8589 W. GRAND RIVER CONDITIONAL REZONING PLANNING COMMISSION RECOMMENDATION

September 18, 2014

Prepared by:

Reviewed by:

Amy Cyphert
Planning & Zoning Director

Dana Foster
City Manager

ISSUE:

To consider first reading on a conditional rezoning ordinance for 8589 W. Grand River from OS (Office Service) to C2 (General Commercial) as recommended by the Planning Commission.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission's recommendation.

BACKGROUND:

At its meeting of September 15, 2014, the Planning Commission held a public hearing and recommended the requested conditional rezoning from OS to C2 for the property located at 8589 W. Grand River. The rezoning request will allow a mix of service and commercial uses on the site. A preliminary site plan was offered as part of the conditional rezoning application. The preliminary site plan includes two multi-tenant buildings totaling approximately 18,000 square feet. One of the proposed tenant spaces may include a drive thru.

The Planning Commission recommended that City Council approve the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as 18-30-100-066 - 8589 W. Grand River with the application and preliminary site plan. The approval is subject to the following conditions:

1. That City Council establish a time period of two years during which the conditions apply to the land, if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
2. That the applicant submit the site plan for final approval in accordance with city ordinances, city engineering recommendations and in substantial conformance with the attached site plan once the rezoning has been approved.

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

BUDGET IMPACT: N/A

RELATIONSHIP TO 2013/2014 GOALS: N/A

COUNCIL ACTION:

Consider the first reading on a conditional rezoning ordinance for 8589 W. Grand River from OS (Office Service) to C2 (General Commercial) and schedule a public hearing/second reading for October 16, 2014.

Attachments:

1. Planning Commission Report
2. Planning Commission Draft Meeting Minutes

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: September 15, 2014

RE: **Conditional Zoning Amendment for 8589 W. Grand River – OS to C-2 #14-005**

THE REQUEST

A conditional rezoning amendment is being requested for a change from OS (Office Services District) to C-2 (General Commercial District). The applicant voluntarily offered a preliminary site plan with their rezoning application. The site plan includes two multi-tenant buildings totaling approximately 18,000 square feet. One of the proposed tenant spaces may include a drive thru. The site plan includes a drive entrance on Grand River and one on Brookside Lane. Elevations are also included with the site plan.

Below are the lists of uses for the existing OS, Office Services District and the proposed C-2, General Commercial District:

OS – Office Service Uses	C2 – General Business Uses
<ol style="list-style-type: none"> 1. Office buildings 2. Medical offices, including clinics. 3. Facilities for human care 4. Banks, credit unions, etc. 5. Personal service establishments. 6. Mortuary establishments 7. Publicly-owned buildings 8. Off-street parking lots 9. Churches, parsonages and rectories. 10. Other uses similar to the above uses. 11. Accessory structures and uses customarily incident to the above permitted uses. <p><u>Prohibited Uses:</u></p> <ol style="list-style-type: none"> 1. Establishments for the consumption of alcoholic beverages. 2. Gasoline filling stations, sales or service. 3. Manufacturing operations. 4. Motor vehicle sales or service establishments. 5. Multiple-family residential dwellings. 6. Restaurants and food service establishments, whether for consumption on- or off-premises. 7. The outdoor storage of goods 	<ol style="list-style-type: none"> 1. Any use permitted in the C-1 exception of adult entertainment businesses 2. Advertising signs and billboards 3. Dyeing and cleaning works, 4. Hotel, motel. 5. Laundry 6. Plumbing shop. 7. Printing shop. 8. Public garage and automobile sales room. 9. Tinsmithing shop. 10. Used car sales or storage lots. 11. Radio broadcasting and telecasting stations, studios and offices. 12. Retail lumber yards. 13. A carnival, outdoor circus or migratory amusement enterprise may be permitted by specific approval of the city council <p><u>C1 Uses:</u></p> <ol style="list-style-type: none"> 1. Private museums. 2. Fraternities, sororities, private clubs, etc 3. Banks and other financial institutions. 4. Barbershop or beauty parlor.

<ul style="list-style-type: none"> 8. Warehousing or indoor storage of goods 9. Illumination of the building and all vehicular and loading traffic shall not allow glare onto any adjacent property or district. 10. All signs within this district shall be located within the building setback lines and shall not exceed the height of the building. 	<ul style="list-style-type: none"> 5. Business or commercial school, or dancing 6. Catering establishments. 7. Motorized vehicle service and sales Hospitals and clinics for animals, but not open kennels. 8. Printing and reproduction services. 9. Painting and decorating shop. 10. Photograph gallery. 11. Public garage, with requirement 12. Recreation or amusement buildings. 13. Restaurant. 14. Sales or show rooms. 15. Service establishment 16. Store or shop - retail business. 17. Theatre, except open-air drive-in theatres. 18. Business and professional offices 19. Accessory buildings and uses customarily incidental to the above uses. 20. A carnival, outdoor circus or migratory amusement enterprise may be permitted by specific approval of the city council. 21. Accessory uses.
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PAST REZONING REQUEST

Planning Commission may remember that a conditional rezoning from OS to C2 was approved for this site in 2005 and 2008. That request was tied to a site plan that was altered in 2008, thus the reason for a second rezoning. The 2008 rezoning was conditioned on the construction beginning within two years of the rezoning. The 2008 C2 rezoning expired in December of 2010 and the property reverted back to the OS zoning district.

The 2005 rezoning request included a site plan with two buildings and a total of 32,600 square feet. The uses included office, retail, sit down restaurant and a carry out restaurant.

The 2008 rezoning request included two buildings and a total of 18,000 to 40,000 square feet. The uses included a bank building and a multi-tenant building with office, medical office, retail, dine-in restaurant, carry out restaurants and coffee shop with drive thru.

In 2014, the Davis Office Center buildings were demolished as part of a consent judgment between the property owner and the City of Brighton.

The proposed two multi-tenant buildings are similar and/or less in square footage than what was previously approved in 2005 and 2008. The 2008 approved conditional rezoning request included a drive thru tenant and a bank with 2-4 drive thrus.

HOW CONDITIONAL ZONING WORKS

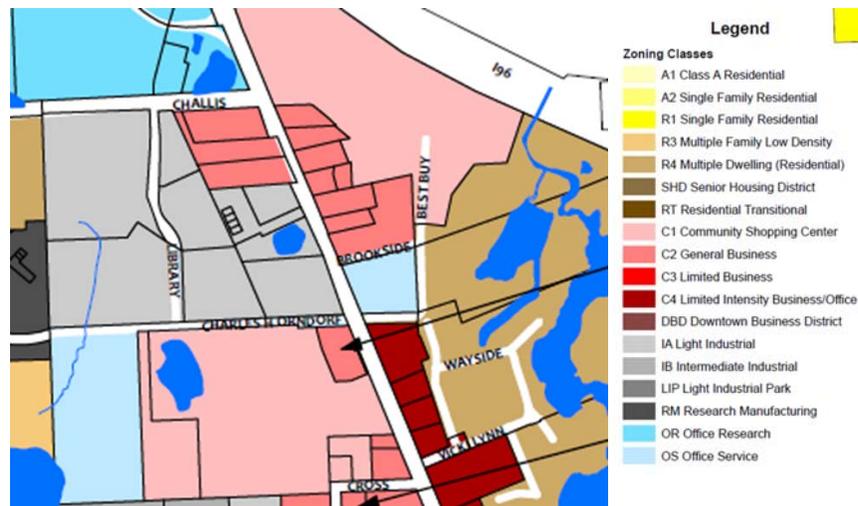
The Michigan Association of Planning, PA 579, enacted in 2004, authorizes Michigan Communities to enter into zoning agreements. The legislation states: “An owner of land may voluntarily offer in writing, and the unit of government may approve, certain use and

development of the land as a condition to a rezoning of the land or an amendment to a zoning map.”

The City of Brighton has approved five conditional rezonings since 2004. Three of those rezonings, two approved for this site and several parcels on Flint Road, were never built. Two of the rezonings, the TCF Bank site on W. Grand River in front of Meijer and the Pi’s Asian restaurant at Cross Street and N. Second, resulted in site plans/buildings per the plans submitted with the conditional rezonings.

ADJACENT PROPERTY INFORMATION

Property	Zoning District	Land Use
North	C2 (General Commercial)	Brookside Mall - Multi-tenant Commercial Buildings
East	R4 (Medium Density Multiple Family)	Brighton Cove Apartments
South	C4 (Limited Intensity Business/Office)	Multi-tenant Office Building
West	IA (Light Industrial)	Vacant Medical Building



The C2 rezoning would allow for a continuation of the existing C2 district from the Grand River and Challis/Best Buy Drive intersection to the Grand River and Orndorf/Best Buy Drive intersection.

MASTER PLAN

The existing Future Land Use Map within the Master Plan adopted by Planning Commission designates this parcel as Mixed Office/Commercial. Mixed Office/Commercial is defined as a designation “intended to encompass existing and future areas within the City that are or have been transitional in nature. These areas are changing from one set of land uses to another and are located between two more well-defined land use areas. This designation would permit a mix of less intensive office, service and commercial uses. The reuse of existing structures for new uses is a common feature in these areas, though new structures are also possible. In either case,

the main goals of this designation are to maintain the existing character of the area they occur in and to provide a physical transition between the differing land uses which lie adjacent to it.”

The applicant’s proposal includes two mixed use buildings with a mix of service and commercial uses. This parcel is vacant which allows for new structures versus the reuse of existing structures. Best Buy Drive and Grand River provide an already existing transition between different land uses adjacent to this parcel.

The rezoning request exemplifies the following Master Plan goals:

Strategy 2.1: Increase the commercial and industrial tax base to maintain a stable source of revenue for municipal services.

Strategy 2.2: Encourage the development of new businesses and the redevelopment of existing sites.

Strategy 2.3: Maintain high development standards in commercial and industrial areas.

Strategy 2.4: Encourage mixed use development in the City.

Strategy 2.5: Improve the appearance and function of commercial, office, and industrial areas through site plan review.

Strategy 2.5: Insist that new developments in undeveloped, underutilized or unsightly areas maintain or exceed standards for sound design, building materials, and curb appeal.

Strategy 2.6: Review redevelopment proposals to assure that customary development standards are adhered to, while recognizing that some flexibility in ordinance requirements may be circumstantially warranted.

Strategy 2.5: Utilize best management practices and sound design criteria when designing stormwater systems for new developments and as guidelines for redevelopment projects.

HIGHEST AND BEST USE

In 2012, the City of Brighton secured a third party appraisal of the former Davis Office Center site as part of a Michigan Tax Tribunal case.

The third party appraisal reviewed the following four factors when determining the “highest and best use” of the land as if it were vacant (please note this appraisal was done prior to the demolition of the office buildings):

- Physically possible
 - The site is “large enough to adapt and accommodate a variety of permitted uses.”
- Legally permissible
 - Two conditional rezonings from OS to C2 have been approved in the past, therefore it has been determined that the site “could be rezoned to a significantly higher density allowing for a greater return to the land.”
- Financially feasible
 - A Market Analysis “concluded that the property has good locational characteristics for permitted commercial use, and long-term stabilized demand projections would support eventual feasible commercial development greater than that of the existing use.”
- Maximally productive
 - Analysis results in the use that provides the highest net return to the land based on

construction costs versus cash flows with the use.

“Based on the subject’s physical and economic characteristics, near-term commercial use would represent the highest and best user of the site, as vacant.”

REVIEW LETTERS

Attached is a review letter from the Brighton Area Fire Authority. The majority of the items listed on the letter will be addressed during site plan approval; however, it is good information for the applicant to be aware of during this process. Also attached is an updated letter from Tetra Tech regarding the driveway and traffic study that were questioned at the last Planning Commission meeting.

RECOMMENDATIONS

Staff finds that the offered conditional rezoning proposal is consistent with the Master Plan Future Land Use Map and several of the Master Plan Goals as noted above. The requested rezoning is similar in nature to the 2005 and 2008 conditional rezoning requests that were approved by Planning Commission and City Council. The proposed commercial zoning would bring the site into conformance with the “highest and best use” designated by a third party appraisal for the City of Brighton Assessing Department. The preliminary design and building renderings are in good taste and improve the area.

COMMISSION ACTION

Review the contents of this report and conduct the Public Hearing. Following the hearing, discuss the rezoning and consider the following motion if the Planning Commission wishes to approve the requested rezoning.

Motion by _____ to recommend to City Council the approval of the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as 18-30-100-066 - 8589 W. Grand River with the attached application and site plan and supported by _____. The approval is subject to the following conditions:

1. That City Council establish a time period of two years during which the conditions apply to the land, if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
2. That the applicant submit the site plan for final approval once the rezoning has been approved.

Attachments:

1. Conditional Zoning Amendment Application & Site Plan
2. Review Letters
3. Previously Approved Rezoning Site Plan - 2005 & 2008

**CITY OF BRIGHTON
PLANNING COMMISSION
PLANNING REPORT**

TO: Planning Commission Members

FROM: Amy Cyphert, Planning & Zoning Director

DATE: September 15, 2014

RE: **Conditional Zoning Amendment for 8589 W. Grand River – OS to C-2 #14-005**

THE REQUEST

A conditional rezoning amendment is being requested for a change from OS (Office Services District) to C-2 (General Commercial District). The applicant voluntarily offered a preliminary site plan with their rezoning application. The site plan includes two multi-tenant buildings totaling approximately 18,000 square feet. One of the proposed tenant spaces may include a drive thru. The site plan includes a drive entrance on Grand River and one on Brookside Lane. Elevations are also included with the site plan.

Below are the lists of uses for the existing OS, Office Services District and the proposed C-2, General Commercial District:

OS – Office Service Uses	C2 – General Business Uses
<ol style="list-style-type: none"> 1. Office buildings 2. Medical offices, including clinics. 3. Facilities for human care 4. Banks, credit unions, etc. 5. Personal service establishments. 6. Mortuary establishments 7. Publicly-owned buildings 8. Off-street parking lots 9. Churches, parsonages and rectories. 10. Other uses similar to the above uses. 11. Accessory structures and uses customarily incident to the above permitted uses. <p><u>Prohibited Uses:</u></p> <ol style="list-style-type: none"> 1. Establishments for the consumption of alcoholic beverages. 2. Gasoline filling stations, sales or service. 3. Manufacturing operations. 4. Motor vehicle sales or service establishments. 5. Multiple-family residential dwellings. 6. Restaurants and food service establishments, whether for consumption on- or off-premises. 7. The outdoor storage of goods 	<ol style="list-style-type: none"> 1. Any use permitted in the C-1 exception of adult entertainment businesses 2. Advertising signs and billboards 3. Dyeing and cleaning works, 4. Hotel, motel. 5. Laundry 6. Plumbing shop. 7. Printing shop. 8. Public garage and automobile sales room. 9. Tinsmithing shop. 10. Used car sales or storage lots. 11. Radio broadcasting and telecasting stations, studios and offices. 12. Retail lumber yards. 13. A carnival, outdoor circus or migratory amusement enterprise may be permitted by specific approval of the city council <p><u>C1 Uses:</u></p> <ol style="list-style-type: none"> 1. Private museums. 2. Fraternities, sororities, private clubs, etc 3. Banks and other financial institutions. 4. Barbershop or beauty parlor.

<ul style="list-style-type: none"> 8. Warehousing or indoor storage of goods 9. Illumination of the building and all vehicular and loading traffic shall not allow glare onto any adjacent property or district. 10. All signs within this district shall be located within the building setback lines and shall not exceed the height of the building. 	<ul style="list-style-type: none"> 5. Business or commercial school, or dancing 6. Catering establishments. 7. Motorized vehicle service and sales Hospitals and clinics for animals, but not open kennels. 8. Printing and reproduction services. 9. Painting and decorating shop. 10. Photograph gallery. 11. Public garage, with requirement 12. Recreation or amusement buildings. 13. Restaurant. 14. Sales or show rooms. 15. Service establishment 16. Store or shop - retail business. 17. Theatre, except open-air drive-in theatres. 18. Business and professional offices 19. Accessory buildings and uses customarily incidental to the above uses. 20. A carnival, outdoor circus or migratory amusement enterprise may be permitted by specific approval of the city council. 21. Accessory uses.
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PAST REZONING REQUEST

Planning Commission may remember that a conditional rezoning from OS to C2 was approved for this site in 2005 and 2008. That request was tied to a site plan that was altered in 2008, thus the reason for a second rezoning. The 2008 rezoning was conditioned on the construction beginning within two years of the rezoning. The 2008 C2 rezoning expired in December of 2010 and the property reverted back to the OS zoning district.

The 2005 rezoning request included a site plan with two buildings and a total of 32,600 square feet. The uses included office, retail, sit down restaurant and a carry out restaurant.

The 2008 rezoning request included two buildings and a total of 18,000 to 40,000 square feet. The uses included a bank building and a multi-tenant building with office, medical office, retail, dine-in restaurant, carry out restaurants and coffee shop with drive thru.

In 2014, the Davis Office Center buildings were demolished as part of a consent judgment between the property owner and the City of Brighton.

The proposed two multi-tenant buildings are similar and/or less in square footage than what was previously approved in 2005 and 2008. The 2008 approved conditional rezoning request included a drive thru tenant and a bank with 2-4 drive thrus.

HOW CONDITIONAL ZONING WORKS

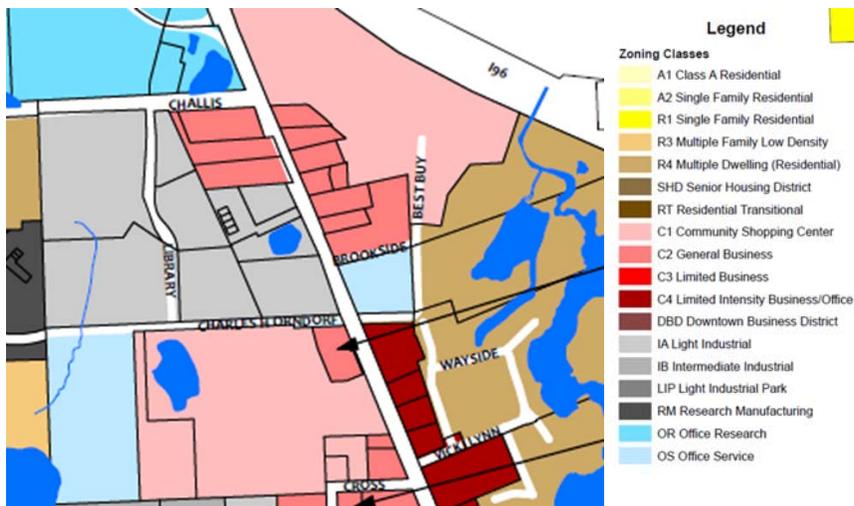
The Michigan Association of Planning, PA 579, enacted in 2004, authorizes Michigan Communities to enter into zoning agreements. The legislation states: “An owner of land may voluntarily offer in writing, and the unit of government may approve, certain use and

development of the land as a condition to a rezoning of the land or an amendment to a zoning map.”

The City of Brighton has approved five conditional rezonings since 2004. Three of those rezonings, two approved for this site and several parcels on Flint Road, were never built. Two of the rezonings, the TCF Bank site on W. Grand River in front of Meijer and the Pi’s Asian restaurant at Cross Street and N. Second, resulted in site plans/buildings per the plans submitted with the conditional rezonings.

ADJACENT PROPERTY INFORMATION

Property	Zoning District	Land Use
North	C2 (General Commercial)	Brookside Mall - Multi-tenant Commercial Buildings
East	R4 (Medium Density Multiple Family)	Brighton Cove Apartments
South	C4 (Limited Intensity Business/Office)	Multi-tenant Office Building
West	IA (Light Industrial)	Vacant Medical Building



The C2 rezoning would allow for a continuation of the existing C2 district from the Grand River and Challis/Best Buy Drive intersection to the Grand River and Orndorf/Best Buy Drive intersection.

MASTER PLAN

The existing Future Land Use Map within the Master Plan adopted by Planning Commission designates this parcel as Mixed Office/Commercial. Mixed Office/Commercial is defined as a designation “intended to encompass existing and future areas within the City that are or have been transitional in nature. These areas are changing from one set of land uses to another and are located between two more well-defined land use areas. This designation would permit a mix of less intensive office, service and commercial uses. The reuse of existing structures for new uses is a common feature in these areas, though new structures are also possible. In either case,

the main goals of this designation are to maintain the existing character of the area they occur in and to provide a physical transition between the differing land uses which lie adjacent to it.”

The applicant’s proposal includes two mixed use buildings with a mix of service and commercial uses. This parcel is vacant which allows for new structures versus the reuse of existing structures. Best Buy Drive and Grand River provide an already existing transition between different land uses adjacent to this parcel.

The rezoning request exemplifies the following Master Plan goals:

Strategy 2.1: Increase the commercial and industrial tax base to maintain a stable source of revenue for municipal services.

Strategy 2.2: Encourage the development of new businesses and the redevelopment of existing sites.

Strategy 2.3: Maintain high development standards in commercial and industrial areas.

Strategy 2.4: Encourage mixed use development in the City.

Strategy 2.5: Improve the appearance and function of commercial, office, and industrial areas through site plan review.

Strategy 2.5: Insist that new developments in undeveloped, underutilized or unsightly areas maintain or exceed standards for sound design, building materials, and curb appeal.

Strategy 2.6: Review redevelopment proposals to assure that customary development standards are adhered to, while recognizing that some flexibility in ordinance requirements may be circumstantially warranted.

Strategy 2.5: Utilize best management practices and sound design criteria when designing stormwater systems for new developments and as guidelines for redevelopment projects.

HIGHEST AND BEST USE

In 2012, the City of Brighton secured a third party appraisal of the former Davis Office Center site as part of a Michigan Tax Tribunal case.

The third party appraisal reviewed the following four factors when determining the “highest and best use” of the land as if it were vacant (please note this appraisal was done prior to the demolition of the office buildings):

- Physically possible
 - The site is “large enough to adapt and accommodate a variety of permitted uses.”
- Legally permissible
 - Two conditional rezonings from OS to C2 have been approved in the past, therefore it has been determined that the site “could be rezoned to a significantly higher density allowing for a greater return to the land.”
- Financially feasible
 - A Market Analysis “concluded that the property has good locational characteristics for permitted commercial use, and long-term stabilized demand projections would support eventual feasible commercial development greater than that of the existing use.”
- Maximally productive
 - Analysis results in the use that provides the highest net return to the land based on

construction costs versus cash flows with the use.

“Based on the subject’s physical and economic characteristics, near-term commercial use would represent the highest and best user of the site, as vacant.”

REVIEW LETTERS

Attached is review letter from the Brighton Area Fire Authority and Tetra Tech. The majority of the items listed on the letters will be addressed during site plan approval; however, it is good information for the applicant to be aware of during this process. Attached is an updated letter from Tetra Tech regarding the driveway and traffic study that were questioned at the last Planning Commission meeting.

RECOMMENDATIONS

Staff finds that the offered conditional rezoning proposal is consistent with the Master Plan Future Land Use Map and several of the Master Plan Goals as noted above. The requested rezoning is similar in nature to the 2005 and 2008 conditional rezoning requests that were approved by Planning Commission and City Council. The proposed commercial zoning would bring the site into conformance with the “highest and best use” designated by a third party appraisal for the City of Brighton Assessing Department. The preliminary design and building renderings are in good taste and improve the area.

COMMISSION ACTION

Review the contents of this report and conduct the Public Hearing. Following the hearing, discuss the rezoning and consider the following motion if the Planning Commission wishes to approve the requested rezoning.

Motion by _____ to recommend to City Council the approval of the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as 18-30-100-066 - 8589 W. Grand River with the attached application and site plan and supported by _____. The approval is subject to the following conditions:

1. That City Council establish a time period of two years during which the conditions apply to the land, if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
2. That the applicant submit the site plan for final approval once the rezoning has been approved.

Attachments:

1. Conditional Zoning Amendment Application & Site Plan
2. Review Letters
3. Previously Approved Rezoning Site Plan - 2005 & 2008



CITY OF BRIGHTON
Community Development/Planning Department

Conditional Zoning Amendment Application

General Information:

1. Name(s) of legal owners of property: Citation Investments, LLC
Address: 37000 Grand River #360 City/State/Zip: Farmington Hills, MI 48335
Phone: 248-476-3700 Fax: 248-476-3560
Signature(s) of legal owner(s): [Signature]
2. Agent Processing the Amendment if Different from Owner:
Contact Name: Mr. Alan Baskins
Company: Group 10 Management
Address: 30500 Northwestern Hwy, Suite 525 City/State/Zip: Farmington Hills, MI 48334
Phone: 248-855-2100 Fax: 248-855-1080
Email: Abaskins@group10.net

Location of Property:

3. The property is located on the (circle one) N S E W side of Grand River Ave. Road between
Best Buy Drive and Brookside Lane Roads
4. Dimensions of property: Frontage: 319' Depth: 465' Acreage: 3.24 Ac.
5. Parcel(s) tax ID number(s): 4718-30-100-066

Conditional Rezoning Request:

6. Request zoning from O_S Office Service to Conditional Rezoning
7. The requested zoning is proposed in order to accommodate the following use(s):
Multi-tenant retail development
8. Attach the completed "Statement of Conditions" to the City application form.
9. Attach a map designating the property to be rezoned.

INSTRUCTIONS TO APPLICANT:

Fee: \$1200.00 plus possible engineering fees

Return application with attachments and filing fee to:

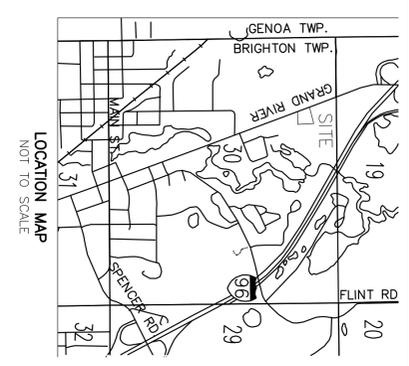
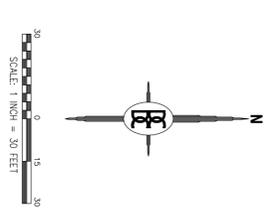
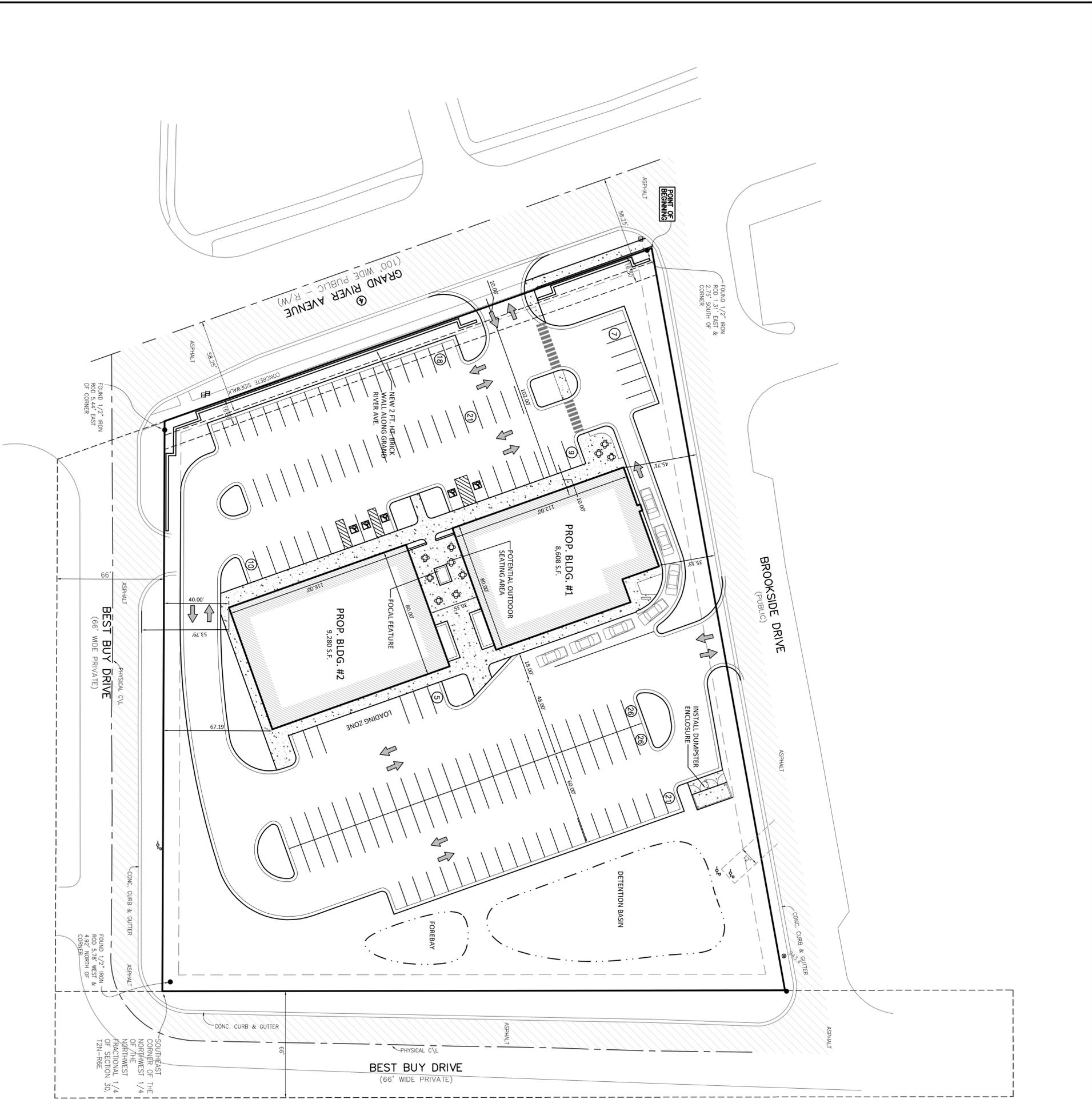
City of Brighton
200 N. First Street
Brighton, MI 48116
810-225-9257



Statement of Conditions
Conditional Rezoning Request - Tax ID 4718-30-100-066

The applicant is requesting a conditional rezoning of parcel number 4718-30-100-066 to construct a multi-tenant restaurant/retail development on the subject property.





LEGAL DESCRIPTION

Combined Parcels 1-4 as Surveyed:
 Part of the Northwest fractional 1/4 of Section 30, T2N-R6E, Brighton Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Northwest Corner of said Section 30; thence along the North line of Section 30 as monumented, and centerline Chellis Road, N 89°23'52" E, 1417.48 feet (Recorded as N 89°52'45" E, 1417.45 feet); thence along the Eastern Right-of-Way line of Grand River Avenue, S 19°38'00" E (Recorded as S 20°21'00" E), 1100.07 feet, to the POINT OF BEGINNING of the Parcel to be described; thence N 79°51'05" E, 466.75 feet (Recorded as N 79°29' E, 467.20 feet); thence S 00°04'50" E, 383.85 feet to the Southeast Corner of the Northwest fractional 1/4 of the Northwest 1/4; thence N 89°45'54" W, 352.92 feet; thence along the Eastern Right-of-Way line of Grand River Avenue, N 19°38'00" W (Recorded as N 20°21'00" W), 318.68 feet, to the POINT OF BEGINNING, containing 3.24 acres, more or less, and subject to the rights of the public over the existing Grand River Avenue. Also subject to any other easements or restrictions of record.

Basis of Bearings: Boss Engineering Job # 2-02000, dated 01-15-2003.

LEGEND

PROPOSED (PR)	EXISTING (EX)	CONTOUR
900' / 1"=30'	900' / 1"=30'	SPOT ELEVATION
XXXXXX / T/C	XXXXXX / T/C	FINISHED FLOOR ELEVATION
FF	FF	FINISHED ASPHALT ELEVATION
FO	FO	TOP OF CURB / CONCRETE
T/C	T/C	TOP OF WALK
T/W	T/W	TOP OF PIPE
CB	CB	CATCHBASIN STRUCTURE
GB	GB	GATEVALVE STRUCTURE
GV	GV	HYDRANT
HY	HY	UTILITY POLE
HP	HP	HYDRANT
SI	SI	SEWER
FM	FM	SANITARY LEAD
PS	PS	FORCE MAIN
ST	ST	PRESSURE SEWER
ST	ST	STORM SEWER
WL	WL	WATER LEAD
FO	FO	FIBER OPTIC
OH	OH	OVERHEAD WIRE
C	C	CABLE
TE	TE	TELEPHONE
MANHOLE	MANHOLE	MANHOLE
INLET / CATCHBASIN	INLET / CATCHBASIN	INLET / CATCHBASIN
GATE VALVE	GATE VALVE	GATE VALVE
HYDRANT	HYDRANT	HYDRANT
UTILITY POLE	UTILITY POLE	UTILITY POLE
FENCE	FENCE	FENCE
SOIL EROSION CONTROL MEASURE	SOIL EROSION CONTROL MEASURE	SOIL EROSION CONTROL MEASURE
(P=PERMANENT, T=TEMPORARY)	(P=PERMANENT, T=TEMPORARY)	(P=PERMANENT, T=TEMPORARY)
SILT FENCE	SILT FENCE	SILT FENCE
WETLAND BOUNDARY	WETLAND BOUNDARY	WETLAND BOUNDARY
CONCRETE	CONCRETE	CONCRETE
ASPHALT	ASPHALT	ASPHALT
AREA OF DEMOLITION	AREA OF DEMOLITION	AREA OF DEMOLITION

SITE DATE
 SITE AREA: 3.24 AC
 ZONED: OS (OFFICE SERVICE)
 SETBACKS
 FRONT: 10'
 SIDE: 10'
 REAR: 10'
 PROPOSED BUILDING AREA: 17,888 S.F.
 PROPOSED PARKING: 143 SPACES (INCLUDES 5 BARRIER-FREE SPACES)
 (8.2 SPACES PER 1,000 OF BLDG.)

PROJECT:	PROPOSED COMMERCIAL CENTER	BOSS ENGINEERING ENGINEERS • SURVEYORS • PLANNERS LANDSCAPE ARCHITECTS (L-1941-1942) 3121 E. GRAND RIVER AVE. HOWELL, MI 48843 (800) 246-6735 FAX (517) 548-1670	THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO WARRANTY IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.							
PREPARED FOR:	GROUP 10 MANAGEMENT CO. 30500 NORTHWESTERN HIGHWAY, SUITE 525 FARMINGTON HILLS, MI 48334 (248) 855-2100									
TITLE:	PRELIMINARY SITE PLAN	3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 <small>THE STATE OF MICHIGAN</small>								
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Scheme 4





TETRA TECH

August 19, 2014

Ms. Amy Cyphert
City of Brighton
200 North First Street
Brighton, MI 48116

**Re: Conditional Zoning Amendment
Commercial Development (Brookside Dr. /Grand River Avenue)
Revised Conceptual Plan**

Dear Ms. Cyphert:

As requested, Tetra Tech has reviewed the Conditional Zoning Amendment Application for a commercial center at the southeast corner of Brookside Mall and Grand River Avenue. The applicant has requested a zoning change from Office Service to Conditional Rezoning. A revised conceptual site plan dated August 14, 2014, prepared by Boss Engineering, has been submitted in response to our July 29, 2014, review.

Per our recommendation, the applicant has eliminated the number of entrances to the proposed development from three entrances to two, one on Grand River Avenue and one on Brookside Drive. The revised conceptual site plan appears to minimize site circulation conflicts on the roadways. The traffic circulation and trip generation (traffic impact study) will be reviewed during the Site Plan Review process. Modifications to the site layout may be required based on the findings of the traffic impact study.

If you have any questions regarding our review, please call.

Sincerely,

Kari L. Jozwik, P.E., LEED AP
Project Engineer



TETRA TECH

July 29, 2014

Ms. Amy Cyphert
City of Brighton
200 North First Street
Brighton, MI 48116

**Re: Conditional Zoning Amendment
Commercial Development (Brookside Dr. /Grand River Ave.)**

Dear Ms. Cyphert:

As requested, Tetra Tech has reviewed the Conditional Zoning Amendment Application for a commercial center at the southeast corner of Brookside Mall and Grand River Avenue. A zoning change has been requested for the site from Office Service to Conditional Rezoning. A preliminary site plan dated July 25, 2014, prepared by Boss Engineering, has been submitted as part of the package. We offer the following comments for your consideration:

1. The site plan shows three (3) entrances, one (1) on Grand River Avenue and two (2) on Brookside Drive. We have vehicle staking concerns about the exit onto Grand River blocking the westerly entrance to Brookside Drive during peak hours. We recommend either the Grand River or westerly entrance to Brookside Drive be eliminated. MDOT Traffic and Safety Note 608A and the Livingston County Road Commission standards offers recommendations for spacing for commercial drive locations.
2. We recommend the number of trips generated per hour be included in the site plan. Trip generations rates from the Institute of Transportation Engineers models should be utilized. A traffic circulation plan including trip generation/distribution models shall be developed for any development in excess of 50 trips per hour. The traffic circulation plan shall consider adjacent properties and their development potential.

We recognize that the site plan presented is conceptual to support the rezoning request. Access to the site is our primary concern that will need to be addressed by the applicant in the site planning process. As far as the request to rezone to conditional zoning, we have no engineering-related objections to the proposed rezoning. If you have any questions regarding our review, please call.

Sincerely,

Kari L. Jozwik, P.E., LEED AP
Project Engineer

Gary J. Markstrom, P.E.
Unit Vice President



BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.

Brighton, MI 48116

o: 810-229-6640 f: 810-229-1619

July 29, 2014

Amy Cyphert
Community Development & Planning Director
City of Brighton
200 North First Street
Brighton, MI 48116

RE: Citation Investments, LLC
Grand River Ave. between Best Buy Dr. & Brookside Lane
Site Plan Review

Dear Amy:

The Brighton Area Fire Department has reviewed the above mentioned preliminary site plan. The plans were received for review on July 28, 2014 and the drawing is dated July 25, 2014. The project is a proposed rezoning of a 3.24 acre former business/office development to a multi-tenant restaurant retail, comprised of 2 buildings; one measuring 8,608 square feet and the other 9,280 square feet. The plan review is based on the requirements of the International Fire Code (IFC) 2012 edition.

1. Provide the location of the water main and the closest hydrant(s) to the site. A hydrant shall be located within 100' of the fire department connection, if applicable.

IFC 912.2
2. If applicable, the building shall be provided with an automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*.

IFC 903

 - A. The need for fire suppression cannot be determined at this time of site plan review. Size, occupant load and occupancy use will dictate this requirement. It is highly recommended that the buildings be provided with fire suppression to ensure building is protected regardless of occupant use elected under zoning allowance.
 - B. If applicable, the fire department connection shall be located on the front of the building (Grand River).
 - C. If applicable, the location, size, gate valve, and connection of the fire protection lead shall be indicated on the utility site plan.
3. Future submittals shall include the address and street name of the project in the title block.

IFC 105.4.2
4. The building shall include the building address on the building. The address shall be a minimum of 6" high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.

IFC 505.1



- 5. The access road into the site shall be a minimum of **26' wide**. With a width of 26' wide, one side of the street shall be marked as a fire lane. Include the location of the proposed fire lane signage and include a detail of the fire lane sign in the submittal. Access roads to site shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Vehicle circulation plan is required to be provided.

IFC D 103.6
IFC D 103.1
IFC D 102.1
IFC D 103.3

- 6. Access around building shall provide emergency vehicles with a turning radius up to 55' wall to wall and a minimum vertical clearance of 13 ½ feet. All inside turning radii shall be at least 28'.
- 7. The location of the key boxes (Knox Boxes) shall be indicated on future submittals. The Knox box will be located adjacent to the front door of each structure.

IFC 506.1

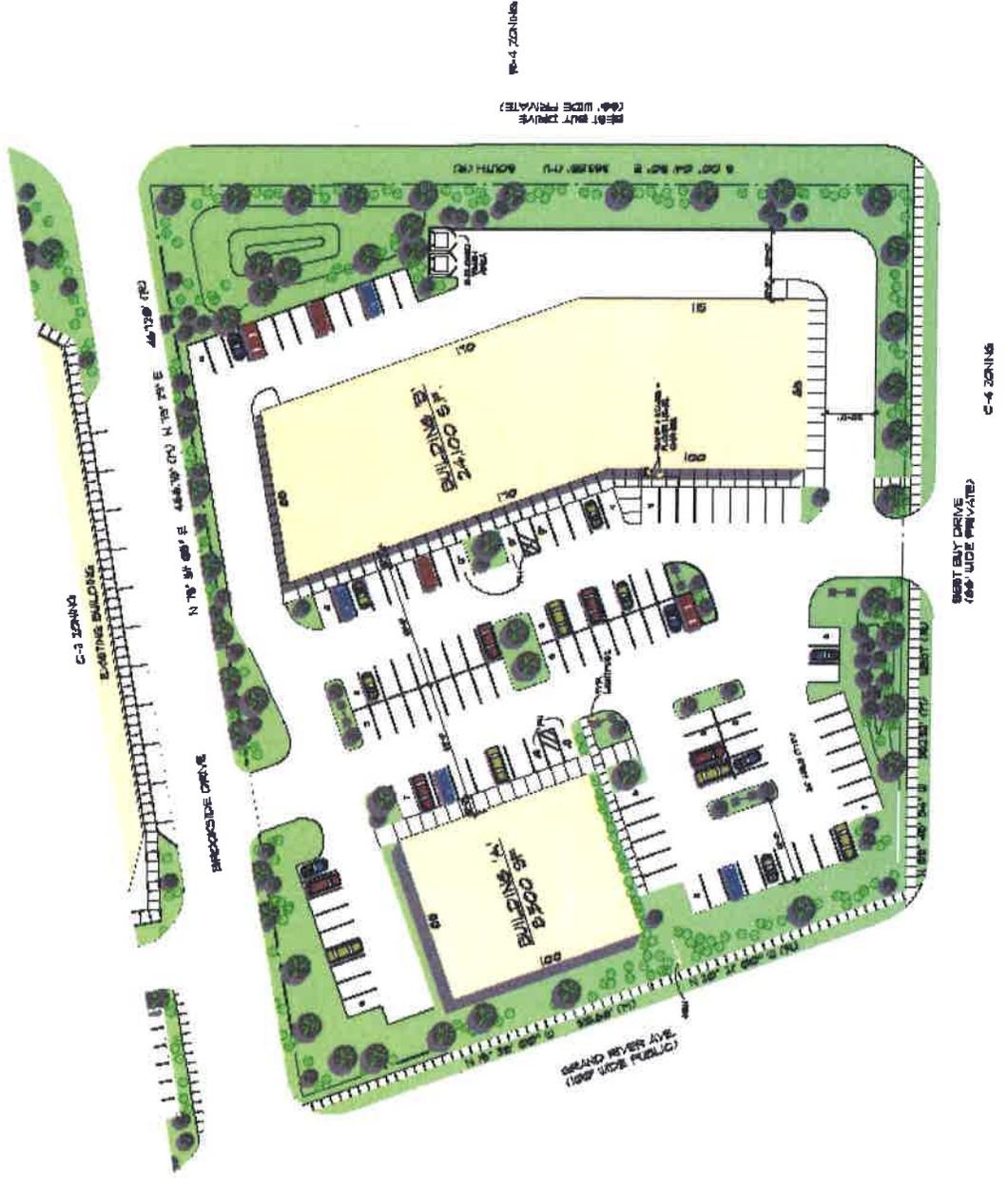
- 8. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor.

Additional comments will be given during the formal site plan building plan review process (specific to the building plans and occupancy). If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Respectfully yours,

Rick Boisvert
Captain – Fire Inspector

2005 Conditional Rezoning Request Site Plan



Old Business

5. **Public Hearing and Possible Action for Rezoning of Property located at 8589 W. Grand River from OS (Office Service) to C2 (General Business) #05-05-022**

Lonny Zimmerman, Siegal/Tuomaala Associates, stated significant changes have been made since the last submittal. Mr. Zimmerman stated the Grand River curb cut has been eliminated and also a screen wall has been added at the corner of Grand River Avenue.

Commission Member Wirth addressed his concerns with the conditional zoning and whether or not any use in C2 would be permissible. Mr. Morrison stated that the conditional zoning letter precludes specific uses.

Commission Member Monet commented on the percentage of office space and whether that would be tied to the rezoning request. Mr. Morrison stated there percentages for each usage.

Motion by Commission Member Roblee to recommend that the City Council approve conditional zoning from OS to C-2 made by Citation LLC for the property located at 8589 W. Grand River Ave. . The zoning is conditioned on the following items:

1. ***That the use of the property is in conformance with the items outlined in a January 13, 2005 letter signed by Thomas Duke, authorized representative of the applicant.***
2. ***That the project be developed in a manner generally consistent with the conceptual site plan dated January 13, 2005.***

The recommendation for approval is supported by the following findings of facts:

1. ***The rezoning request is in general accordance with the Master Plan of current adoption and future land use map in the draft Master Plan Updates/Amendment document dated 8-31-05. The Planning Commission reviewed and approved said map at a Special Meeting held on September 26, 2005.***
2. ***The proposed development as shown on the conceptual development plan will advance the mixed-use concepts of the current and draft Master Plans.***
3. ***The conditions offered by the applicant advance goals and objectives of the current and draft Master Plans relative to the type of uses that can occupy the site and relative to traffic access and management.***

Seconded by Commission Member Wells. All those in favor, passed 8/0 vote.

Old Business

5. Discussion and Possible Action for Rezoning of Property located at 8589 W. Grand River from OS (Office Service) to C2 (General Business) #05-022.

Mr. Modrack advised that a letter was received from the applicant requesting to be tabled as they are investigating site design issues recommended by the Planning Commission.

Moved by Winchel, seconded by Roblee, to table Agenda Item #5 until the January Planning Commission meeting. **The motion carried unanimously.**

6. Site Plan Amendment - Northridge Hills Phase II - Landscaping #05-031

Mr. Modrack advised that this is a site plan amendment for work that has been completed. The Deputy City Planner provided an analysis as well as a chart of the issues. He reviewed the issues on the chart. He feels these were on-site building decisions that were made during construction to accommodate the walk out basements for some of the units. The residents have brought the concerns to the City and were investigated by the Community Development Department and the Building Inspector. There are retaining walls, landscaping, and walkway issues and how they differ from the original Site Plan. He noted that the revised landscaping exceeds what was approved. The existing landscaping does meet the ordinance and would have been approved had it been presented to the Planning Commission during original Site Plan review.

The retaining wall was not built to the L2 detail on the original plan. The Building Inspector reviewed and determined that they were acceptable. The developer has offered to give a 10-year warranty on these walls. There are also issues regarding the drainage at these walls and the developer's engineer has submitted a letter pertaining to this.

There is a missing boardwalk north of the pond. Due to the grading change for the walkout basements, this was omitted because it was not necessary. Pathways were installed with the incorrect material and the developer has agreed to replace this with the approved materials.

There are missing plantings around building and the developer has agreed to plant these trees per staff recommendation.

There are soil erosion problems behind Buildings R and S. Staff took this issue very seriously as this brings concerns regarding stability. The engineer has submitted a letter verifying its stability; however, staff will continue to monitor this.

Other issues that the residents have other issues with the site that were not on the Site Plan, such as dead plantings, curb and driveway damage. Staff has brought this to the attention of the developer.

Chairman Rahilly and Planning Commission Members welcomed the new Planning Commission Members, Steve Monet and John Tunis.

Old Business

New Business

6. Public Hearing and Possible Action for Rezoning of Property located at 8589 W. Grand River from OS (Office Service) to C2 (General Business) #05-05-022

Director Modrack briefed the Commission on the rezoning request, which is to allow rezoning of property along the east side of Grand River. Mr. Modrack stated it is currently medical offices approximately 20, 000 square feet in size and the proposed conceptual plan shows both office and commercial or retail.

Chairman Rahilly closed the regular meeting and opened the public hearing.

Lonny Zimmerman, Siegal/Tuomaala Associates, stated he and his client met with staff and determined the best use would be retail and office.

Thomas Duke, stated he sent a letter with a timeline that he would give his best efforts to provide an office user. Mr. Duke stated he has strong indication that he will be successful with office with one particular industry type that would not require drive-ins.

Chairman Rahilly closed the public hearing and opened the regular scheduled meeting.

Commission Member Monet commented on the conditional rezoning as opposed to the traditional.

Thomas Duke stated they would prefer having a conditional zoning that would give an office component that would give them one-third of the total square footage. Mr. Duke stated they have been working diligently towards this. Mr. Duke also stated if there is a use listed in the C2 zoning district that the Commission is opposed to approving, he would like to know so that he can exclude them and make it part of the approval process.

Commission Member Monet stated he is looking for development that will contribute to the quality of life in the town. Mr. Monet stated he is not comfortable with the proposal presented.

Commission Member Winchel stated he has a tough time changing the zoning classification knowing traffic patterns for the current zoning. Mr. Winchel stated that if approved for C2 the whole design can change, which then impacts the traffic pattern. Mr. Winchel also stated he has a difficult time not knowing what the final result is going to be with no guarantee and would vote against the traditional rezoning.

Commission Member Tunis stated it is a difficult area especially near the fast food restaurants. Mr. Tunis stated that other options need to be evaluated.

Lonny Zimmerman stated that the topography may preclude access to the other sites.

Chairman Rahilly asked if we could prohibit uses in a conditional zoning. Rich Morrison, Planning Consultant stated yes. Mr. Rahilly stated that we need to identify the concerns we have with the access.

Commission Member Winchel also addressed his concerns with the southerly exit and the backups in the right hand lane.

Commission Member Monet motioned to table the item and to have Staff work with the applicants. Supported by Commission Member Wirth. All those in favor, passed 8/0 vote.

7. Site Plan Amendment – Springhill Development #05-016

Director Modrack briefed the Commission on the site plan amendment, which is to allow for a modification to the location of the water main easement. Mr. Modrack stated the new route for the water main would run from the Springhill Development cul-de-sac to the unimproved Hillcrest right-of-way.

Commission Member Winchel asked how the water flow is increased.

Lisa Lenfestey, TTMPs stated the water main would be extended downstream of that pump, so it will receive flow from that pump station.

Commission Member Wirth asked if the area would be restored once the water main is installed.

Director Modrack stated it is not planned at this point to be replanted. Mr. Modrack stated it is an easement for DPS. Chairman Rahilly stated that we typically do not grow vegetation on top of water lines.

Commission Members addressed their concerns regarding pedestrians/cyclists cutting through the easement. Mr. Morrison stated if it becomes an issue staff could look into it to prevent future problems.

Motion by Commission Member Winchel to consider granting the requested site plan amendment showing the new water main routing as depicted on plans prepared by Boss Engineering, job # 03169, shts 1-7,7a, 8-19, 19a, 20-23 last dated on the cover sheet 10-21-05, subject to the following:

- 1. That this plan is an amendment to the previously approved site plan, modifying only the location and construction of the water main and that all previous site plan conditions remain in effect.***

It was moved by Councilmember Bandkau, seconded by Stoppels to approve the Consent Agenda as amended. Move from Action Agenda to Consent Agenda item #10, Principal Shopping District report. Motion passed.

The following items were approved:

1. Approved the appointments of David Chaundy and Larry Schillinger to Planning Commission and Chad Cooper to Zoning Board of Appeals.
2. Appointed Ricci Bandkau and Steve Monet as City Representatives to the Regional Cooperation meetings.
3. Appointed Pat Steele, Dan Szymanski, Barb Binkley, George Moses and Kirk Hannah to the Principle Shopping District Focus Group.

It was moved by Councilmember Lawrence, seconded by Jones to approve the Regular Agenda as amended. Move to the Consent Agenda item #10, Principal Shopping District report. Motion passed.

PUBLIC HEARING ON 8589 W. GRAND RIVER CONDITIONAL REZONING

Mayor Monet opened the Public Hearing at 7:43 p.m. for the second reading on the proposed conditional rezoning for the property located at **8589 W. Grand River** from O-S to C-2. Hearing no comment he closed the Public Hearing.

There was Council discussion regarding REU's, pump stations on either side, traffic study and access onto Grand River.

It was moved by Councilmember Tunis, seconded by Stoppels to conditionally rezone, by way of Ordinance 526, the property at **8589 W. Grand River Ave.** from OS to C-2 accepting the Planning Commission's recommendation, finding of facts (attached) to support the conditional rezoning, and offer of conditions offered by the applicant. A roll call vote was taken. Yes: Monet, Bandkau, Lawrence, Jones, Tunis, Stoppels, Muzzin. No: none. Motion passed 7-0.

LEITH STREET

It was moved by Councilmember Stoppels, seconded by Jones to table the extension of Leith Street. Motion passed.

INFORMATION FOR CITY CUSTOMERS

City Manager, Dana Foster, stated at the next City Council meeting there will be a two part presentation on East Grand River which will include the design for grant funding and what will be presented at the next Regional Cooperation meeting.

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February 2, 2006

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON

HELD ON FEBRUARY 2, 2006 HELD AT THE CITY COUNCIL CHAMBERS,

200 N. FIRST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Brighton City Council conducted a Blue Sky Session beginning at 7:00 p.m. Present were Mayor Monet, Mayor Pro-Tem Bandkau, Councilmembers Lawrence, Stoppels, Jones, Tunis and Muzzin. The Council reviewed the Agenda Items.

REGULAR SESSION

Mayor Monet called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Monet, Mayor Pro-Tem Bandkau, Councilmembers Lawrence, Jones, Stoppels, Tunis and Muzzin. Also in attendance were Attorney Paul Burns, Engineer Linda Basista, Planning Consultant Rich Morrison, Staff members Dana Foster, Tammy Allen, Dave Gajda, Matt Modrack, Matt Schindewolf, Tom Wightman and an audience of 21.

MINUTES APPROVAL

It was moved by Councilmember Lawrence, supported by Bandkau to approve the Regular Meeting minutes of January 19, 2006 as presented. Motion passed.

It was moved by Councilmember Lawrence, supported by Muzzin to approve the Closed Session minutes of January 19, 2006 as presented. Motion passed.

CALL TO THE PUBLIC

Mayor Monet gave a Call to the Public at 7:34 p.m. Hearing no comment, Mayor Monet closed the Call to the Public.

AGENDA APPROVAL

It was moved by Councilmember Jones, seconded by Bandkau to approve the Consent Agenda as amended. Move to the Consent Agenda from the Action Agenda item #13, Consider first reading of a conditional

rezoning Ordinance for 8589 W. Grand River as recommended by the Planning Commission and item #14, Site plan approval for Ore Creek Jewelers Façade improvements. A roll call vote was taken. Yes: Monet, Bandkau, Lawrence, Jones, Tunis, Stoppels, Muzzin. No: none. Motion passed 7-0.

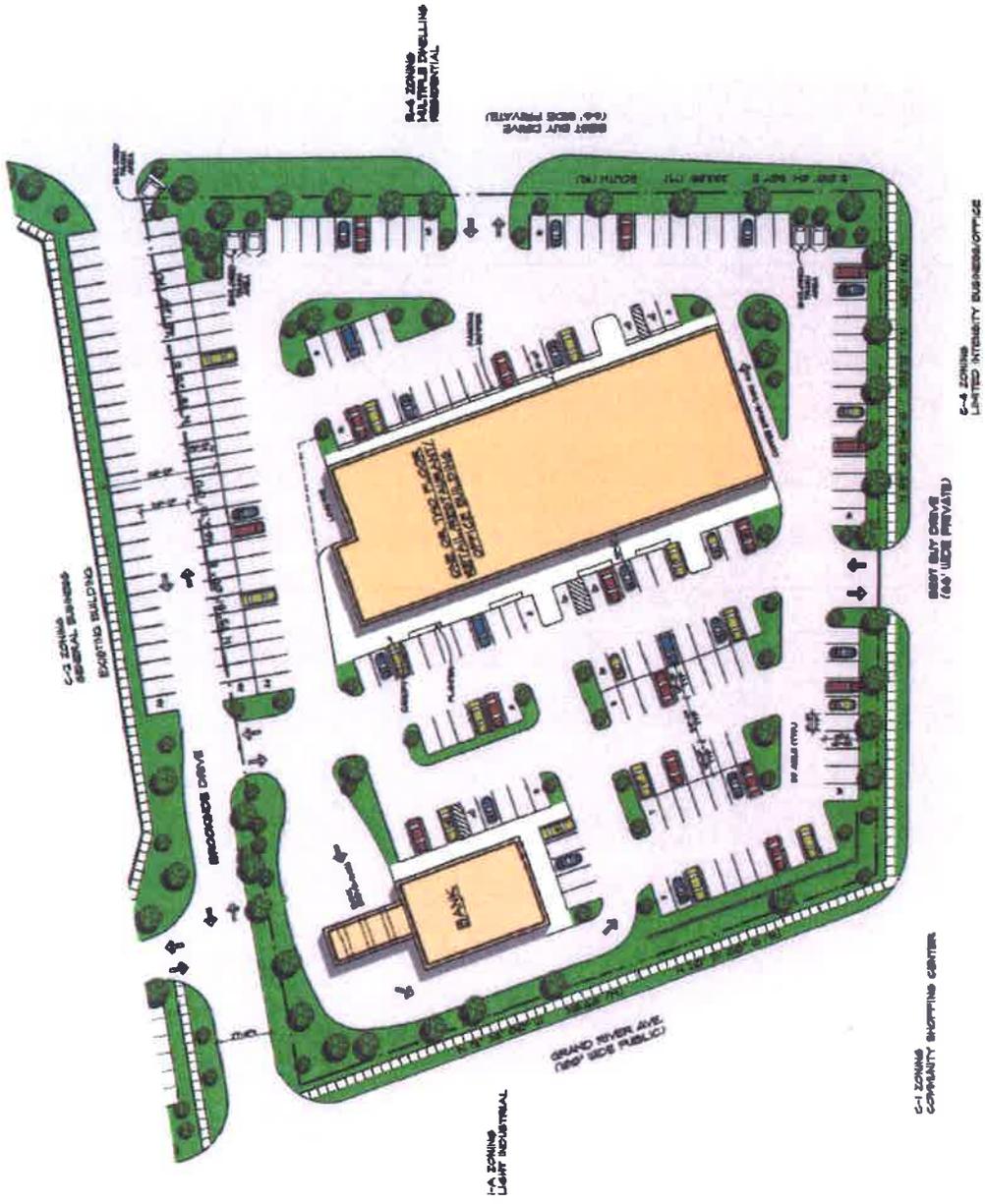
The following items were approved:

1. Approved first reading of an ordinance and set a public hearing date of February 16, 2006 to amend the composition and size of the Planning Commission.
2. Adopted Resolution 06-02 accepting and awarding the bid of Oppenheimer and Company, Inc. for the purchase of \$800,000 of 2006 Capital Improvement LTGO Bonds.
3. Adopted Resolution 06-03 to request the State Tax Commission to Revoke the Industrial Facilities Exemption Certificate #2004-102 for Inalfa Sunroofs LLC; and adopted a motion to authorize City staff to impose a penalty on American Sunroofs for an amount equal to the estimated difference between the industrial facilities tax, which would have been paid by American Sunroofs for the tax years remaining under the industrial facilities exemption certificate and the general ad valorem property tax that American Sunroofs would have paid if they did not have an industrial facilities exemption certificate in effect for those years.
4. Approved first reading of the proposed ordinance and set a public hearing date for March 2, 2006 for the property at 8589 W. Grand River Ave. for rezoning from OS to C-2.
5. Granted conditional site plan approval for the RTA Properties located at 132 W. Main St. as depicted on plans prepared by Anthony Pucci Architects, project # 0319.1, shts AS1 & A1, last dated 2 [1]-24-06. The approval includes an adjustment to the transparency requirements of the DBD Ordinance. The approval is subject to the following:
 1. That all signage conform to applicable provisions of the Ordinance.
 2. That the building mounted lights conform to downtown standards.
 3. That right of way permits be obtained from the Department of Public Services for work within the right of way.
 4. That sample-building materials be submitted to the Community Development& Planning Director prior to the issuance of building permits.

It was moved by Councilmember Lawrence, seconded by Jones to approve the Regular Agenda as amended. Move to Consent Agenda item #13, Consider first reading of a conditional rezoning Ordinance for 8589 W. Grand River as recommended by the Planning Commission and item #14, Site plan approval for Ore Creek Jewelers Façade improvements. Motion passed.

624 E. MAIN STREET REZONING

8589 W. Grand River Rezoning OS to C2



Set public hearing for September 15th

**City of Brighton
Planning Commission
Minutes
October 20, 2008**

1. Call to Order/Roll Call

Chairman Wirth called the meeting to order at 7:30 p.m.

Al Wirth
Larry Schillinger
John Wells
Steve Monet - Absent
Jeremy Duvendeck
Alex Tortora
James Muzzin
Matt Smith
Kathy Jones
Matthew Modrack
Linda Basista
Patty Thomas

Mr. Modrack stated that Commissioner Monet advised the Planning Commission at last month's meeting that he would not be in attendance this evening. **Moved** by Jones, seconded by Wells, to excuse Commissioner Monet from tonight's meeting. **The motion carried unanimously.**

Mr. Modrack welcomed Kathy Jones to the Planning Commission.

2. Call to the Public

The call to the public was closed at 7:36 pm with no response.

3. Approval of the September 15, 2008 Minutes

Moved by Schillinger, seconded by Muzzin, to approve the minutes of September 15, 2008 as presented. **The motion carried unanimously with Commissioner Jones abstaining.**

4. Approval of the October 20, 2008 Agenda

Mr. Modrack advised he would like to delete Agenda Item #9a from tonight's agenda as there are no site plans to present this evening. **Moved** by Muzzin, seconded by Smith, to approve tonight's agenda with the deletion of Agenda Item #9a. **The motion carried unanimously.**

Old Business

5. Public Hearing and Possible Action for Conditional Rezoning of Property located at 8589 W. Grand River from OS (Office Service) to C2 (General Business) #08-018

Mr. Modrack gave a brief history of this property and reviewed the conditional rezoning request. He noted that there was a previous conditional zoning on this property and this is an amendment to that.

Mr. Lonny Zimmerman, the architect for the project, and Thomas Duke, the owner's representative, were present.

Mr. Zimmerman reiterated what Mr. Modrack stated. They had a previous conditional rezoning on this site. They would like to keep the same types of uses that are currently there, specifically the medical offices. They have received a parking variance from the Zoning Board of Appeals for 66 spaces. They are proposing to eliminate the existing Grand River entrance drive and have two entrances / exits on Best Buy Drive. The property owner still needs to approach the owners of Best Bu7 Drive to determine if an easement will be granted.

Chairman Wirth opened the public hearing at 7:45 pm.

Mr. Ashley Israel, the owner of Brighton Mall and Best Buy Drive, stated they are objecting to any approvals of this site plan on the rezoning. He has not been approached regarding the driveway easements onto Best Buy Drive. He stated that many years ago when he wanted to have Best Buy Drive installed through a special assessment of the neighboring property owners, Davis Office Center did not enter into the agreement nor did they pay any portion to have the road constructed. He does not want to change the location of the existing entrance/exit on the east side of the property to Best Buy Drive. He also objects to any other driveways directly on Best Buy drive as well as an entryway on the west side of the site off of Brookside Lane as this would allow drivers to access Best Buy Drive from the Davis office site.

The public hearing was closed at 7:49 pm.

In response to Mr. Israel's comments, Matt Modrack stated that when private roads become an integral part of a development, the City is "at the mercy" of private agreements and that is the reason why he noted that these agreements being reached are critical. He does not feel the City is taking a risk to proceed with the rezoning issue this evening.

Commissioner Muzzin agrees. This is a zoning issue and the Planning Commission or City Council may ask as a condition that the two owners work out something for access and if they cannot, then they would have to come back to the City with a revised plan.

Mr. Modrack stated that the site plan that is attached to this request will also be attached to the Planning Commission's recommended approval when it is sent to City Council.

Commissioner Jones questioned if the Planning Commission should make this second access part of the motion this evening and then that would be addressed at the site plan approval process. Mr. Modrack stated that the general layout of the site presented by the applicant is part of the conditional rezoning application so he would expect the submitted site plan to closely mimic this plan, including the access drives, joint parking lot, landscaping, screening, etc.

Commissioner Tortora questioned if the Planning Commission should table this until these issues can be resolved. Commissioner Schillinger agreed.

Commissioner Muzzin note that there is a current conditional rezoning on this property and that plan does not eliminate the access drive on Grand River Avenue.

Chairman Wirth feels the zoning is different than the site plan and this rezoning request can move forward. He does hope the two parties can work together.

Mr. Thomas Duke stated that he was not aware of the issue with the construction of Best Buy Drive, as he has not owned the property that long. He encouraged the Planning Commission to move this rezoning request forward so he can work with Mr. Israel as well as his tenants to work out this issue.

Commissioner Smith stated that based on the proposed uses for this site, there could be a lot of traffic generated in this area and he would like to see what can be done to help with the traffic flow at the intersection of Grand River and Best Buy / Orndorf Drive. There was a brief discussion as to when this study should be done and it was decided that once the uses are known, performing the traffic study at that time would be more appropriate.

Moved by Jones, seconded by Muzzin, to recommend to the City Council approval of the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as #18-30-100-066 – 8589 W. Grand River with the attached application and site plan, subject to the following condition:

1. The City Council establish a time period of two years during which the conditions apply to the land, and if the conditions are not satisfied within the two year, the land shall revert to its former zoning classification of OS (Office Services District).

The motion carried (Schillinger – no; Duvendeck – yes; Jones – yes; Muzzin – yes; Wirth – yes; Smith – yes; Tortora – yes; Wells – yes).

Commissioner Muzzin advised the applicant that he should reconsider improvements to the rear of the building because a lot of pedestrian traffic will be coming from that area.

Mr. Modrack feels more improvements to the rear of the building is a legitimate request and if the Planning Commission would like to make that a condition of approval, he will work with the applicant.

Moved by Monet, seconded by Muzzin, to recommend to City Council site plan approval for Sagano Japanese Bistro at 314 W. Main Street as depicted on the plans prepared by John Costa, AIA Architectural Design & Consultation, PLLC, Job #08-003, Sheets C1, A1, & A2, dated July 29, 2008, conditioned upon the following:

1. The issues raised by the Brighton Area Fire Authority in their letter dated July 24, 2008 be addressed during the building permit process.
2. All signage comply with applicable ordinances or variances be obtained.
3. A Right-of-way permit be obtained from the Department of Public Services for work within the right-of-way.
4. Any damages done to the existing sidewalk and Millpond Lane be repaired to current conditions.
5. The applicant will work with Waste Management and the DPS to ensure they will be able to use the City Dumpster Enclosure near the pavilion.
6. That the applicant revise the north/rear façade of the building to reflect DDA materials and standards for administrative approval.

The motion carried unanimously.

8. Site Plan Amendment – Brighton Towne Square – Home Depot Signage – 8053 Challis #08-017

Ms. Cyphert advised that they are changing the sign. The letters will be larger; however, the overall square footage of the sign will be reduced by 26 square feet.

Moved by Muzzin, seconded by Schillinger, to recommend to City Council the requested site plan amendment for signage at the Brighton Towne Square-Home Depot as shown on the plans provided by Icon Identity Solutions, File #933-2724_BrightonMI.cdr, dated August 2, 2008. The motion carried unanimously.

9. Discussion and Possibly Setting a Public Hearing Date for Conditional Rezoning of Property located at 8589 W. Grand River from OS (Office Service) to C2 (General Business) #08-018

Mr. Modrack gave a brief description of the proposed changes to this site and advised that the Planning Commission can set a public hearing for this item if they wish.

Commissioner Monet questioned the reason for the conditional rezoning and not just a change in zoning. Mr. Modrack stated there are many more intense uses in the C2 (which includes all uses in the C1 District also) that would not be allowed on this site because of the conditional rezoning proposed by the applicant. This allows the City some control as to how intense the uses can be on this site. They can only put uses on the site that are being requested under the conditional rezoning. Keeping this zoned OS would not allow the applicant to accomplish what they wish for this site.

Vice-Chairman Wirth asked if the Planning Commission can set an expiration date for this conditional rezoning and Mr. Modrack answered yes.

Moved by Wells, seconded by Duvendeck, to schedule a public hearing for September 15, 2008 for the proposed conditional rezoning amendment and request staff to prepare the necessary notifications. The motion carried unanimously.

10. Site Plan – North & West Streetscape Improvements #08-019

Mr. Modrack gave a summary of the proposed streetscape improvements on North Street, the intersection of West and Main, and the Pierce Street parking lot. Most of the cost of these improvements will be funded by grant money. The total cost of the project is \$440,000, with a \$40,000 match from the City of Brighton.

Commissioner Wells stated that when the Pierce Street parking lot was originally designed, there were to be no parking spaces on the side abutting North Street. He is not in favor of adding these spaces and when this is heard by the ZBA, he will state his opposition.

Moved by Smith, seconded by Muzzin, to recommend to City Council site plan approval for the City of Brighton North and West Streetscape Projects A through D as depicted on the site plan prepared by Lindhout Associates Architects, Job #0845, Sheets #01, 02, 04 & 04, last dated June 26, 2008, conditioned upon the following:

1. The Brighton Area Fire Department and City Engineers review the plans during the building permit process.
2. A variance from Section 98-86 (2) (a) of the Zoning Ordinance be granted in order to construct the eight new parking spaces in the Pierce Street parking lot.
3. The west side island just west of West Street be re-examined for traffic stacking issues.

The motion carried (Schillinger – yes; Duvendeck – yes; Monet – yes; Muzzin – yes; Wirth – yes; Smith – yes; Wells – no).

Other Business

11. Election of Officers

Chairperson

Vice-Chairman Wirth advised that Chairman Winchel advised that he does not wish to be re-appointed as Chairman.

Moved by Monet, seconded by Smith, to nominate Commissioner Wirth for Chairman. Commissioner Wirth accepted the nomination. The motion carried unanimously.

Proceedings of the Brighton, Michigan Common Council[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[2008](#)[\[remove highlighting \]](#)**December 4, 2008**

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON DECEMBER 4, 2008 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Brighton City Council conducted a Blue Sky Session beginning at 7:00 p.m. Present were mayor Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Tunis, Muzzin, Cooper and Roblee. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence called the regular meeting to order at 7:30 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Tunis, Cooper and Roblee. Also in attendance were Attorneys Paul Burns and Matt Hagerty, Special Legal Counsel Dennis Gabrian, Engineer Linda Basista and Staff members Dana Foster, Tammy Allen, Jennifer Piasecki, Matt Schindewolf, Matt Modrack, Dave Gajda, Tom Wightman and an audience of 13.

It was moved by Councilmember Muzzin seconded by Councilmember Bandkau to excuse Councilmember Bohn from the evening's meeting. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Mayor Pro-Tem Bandkau, seconded by Councilmember Roblee to approve the Regular Meeting minutes of November 20, 2008 as presented. Motion passed 4-0-1-2 with Lawrence and Cooper abstaining.

It was moved by Councilmember Muzzin seconded by Councilmember Tunis to approve the Closed Session Meeting minutes of the November 20, 2008 as presented. Motion passed 4-0-1-2 with Lawrence and Cooper abstaining.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:35p.m. Hearing no comment, the Call to the Public was closed.

CITIZEN INQUIRY RESPONSE

Mayor Lawrence stated there were no Citizen Inquiries received.

AGENDA APPROVAL

It was moved by Councilmember Tunis, seconded by Cooper to approve the Consent Agenda as presented. Motion passed 6-0-1.

The following items were approved:

1. Appointed Tim Cusick to the Arts and Culture Advisory Commission to fill the unexpired three-year term of Barb Hardesty expiring February of 2011 and Mary Jo Takagi to the Arts and Culture Advisory Commission to fill the unexpired two-year term of Carrie Pipoly expiring Feb of 2010.
2. Approved first reading of a proposed amendment to the City Ordinances regarding public conduct pursuant to a Council adopted goal for same and directed staff to publish the public hearing and second reading as appropriate.
3. Accepted staff report regarding Property and Safety Code Enforcement actions and related future recommended Actions pursuant to a Council-adopted goal for same including the following levels and definitions: Level 1. Occupied or unoccupied buildings that are deemed unsafe; Level 2. Unoccupied buildings that are in disrepair and/or with violations of the Maintenance Code; Level 3 Occupied buildings that are not deemed unsafe but have maintenance code issues.
4. Accepted the recommendation for a short term Ordinance Amendment regarding classification of off-street residential parking spaces relative to the DBD Zoning District related 65-space off-street parking exemption and direct a related referral to the Planning Commission for action.
5. Rescheduled the January 1, 2009 City Council meeting to January 7, 2009.
6. Received City Attorney opinion/advice on the "sunset" date of the Principal Shopping District of November 2, 2009.

It was moved by Councilmember Roblee, seconded by Tunis to approve the Action Agenda as presented. Motion passed 6-0-1.

PUBLIC HEARING AND SECOND READING 8589 W. GRAND RIVER FROM O-S TO C-2

Community Development and Planning Director, Matt Modrack presented the conditional rezoning at 8589 W. Grand River, commonly known as the Davis Office site, from O-S to C-2. He noted that the most significant part of the new plan is the City's premium placed on the better utilization of Brookside Lane

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2008

[\[remove highlighting \]](#)**November 6, 2008**

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON NOVEMBER 6, 2008 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Brighton City Council conducted a Blue Sky Session beginning at 7:00 p.m. Present were Mayor Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Tunis, Muzzin, Cooper, Roblee and Bohn. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Lawrence called the regular meeting to order at 7:33 p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Lawrence, Mayor Pro-Tem Bandkau, Councilmembers Muzzin, Tunis, Bohn, Roblee and Cooper. Also in attendance were Attorneys Paul Burns and Brad Maynes, Engineer Linda Basista and Staff members Dana Foster, Diana Lowe, Jennifer Piasecki, Matt Schindewolf, Matt Modrack, Kelly LaLonde, Tom Wightman, Jim Rowell and an audience of 10.

MINUTES APPROVAL

It was moved by Mayor Pro-Tem Bandkau, seconded by Muzzin to approve the Special Meeting minutes of October 9, 2008 as presented. Motion passed 7-0.

It was moved by Councilmember Cooper, seconded by Bohn to approve the Closed Session Meeting minutes of October 11, 2008 as presented. Motion passed 7-0.

It was moved by Councilmember Muzzin, seconded by Bandkau to approve the Regular Meeting minutes of October 16, 2008 as corrected. Page 1, first paragraph, delete: Tunis and under Regular Session, delete: Tunis. Councilmember Tunis abstained. Motion passed 6-0-1.

It was moved by Councilmember Cooper, seconded by Roblee to approve the Closed Session Meeting minutes of October 16, 2008 as presented. Councilmember Tunis abstained. Motion passed 6-0-1.

CALL TO THE PUBLIC

Mayor Lawrence gave a Call to the Public at 7:35p.m.

Patrick Grease, 7878 Brighton Road, New SELCRA Director, introduced himself and thanked City Council for their support.

Hearing no further comment, Mayor Lawrence closed the Call to the Public at 7:36 p.m.

CITIZEN INQUIRY RESPONSE

Mayor Lawrence read an inquiry from Susan Walters-Steinacker inquiring as to the reason why she has not received an appointment to any City of Brighton Board or Commission she has applied for.

Mayor Lawrence replied when Susan Walters-Steinacker has applied for City Boards or Commissions in the past, other people had applied that are more qualified and secondly other people that have made such application have demonstrated a "public at large" support for said Board.

AGENDA APPROVAL

It was moved by Councilmember Cooper, seconded by Tunis to approve the Consent Agenda as amended. Move to Consent Agenda from Action Agenda item #22, Employees' Fuel Cost Reduction Task Force report. Move from Consent Agenda to Action Agenda item #10, Traffic Control Order for loading/unloading zone on Main Street and item #14, Bi-monthly Updated 6-year Financial Forecast. A roll call vote was taken. Yes: Cooper, Bandkau, Lawrence, Muzzin, Roblee, Tunis, Bohn. No: none. Motion passed 7-0.

The following items were approved:

1. Reappointed William Farquhar to the Board of Review.
2. Approved Resolution 08-30, Approving the City's participation in the Livingston County Hazard Mitigation plan.
3. Directed Staff to not budget General Fund and Utilities Fund appropriations to the OPEB Reserve Fund for FY 2009-10 and FY 2010-11.
4. Directed Staff to defer all General Fund pay-as-you-go supported CIP Projects in FY 2008-09.
5. Approved the updated six-year General Fund and Utilities Fund Financial Forecasts, which include actions taken from the motions above.
6. Approved first reading on a conditional rezoning Ordinance for 8589 W. Grand River from OS (Office Service), conditional rezoning to C2 (General Business) and scheduled second reading and public hearing for the December 4, 2008 City Council meeting.
7. Approved first reading amending the zoning classification for the property on N. Second Street

City of Brighton
Planning Commission
Minutes
September 15, 2014

DRAFT

1. Call to Order/Roll Call

Planning & Zoning Director Amy Cyphert called the meeting to order at 7:30 p.m. because Chairperson Monet and Vice Chairperson Smith were both absent. **Motion** by Mr. Bryan, supported by Mr. Cooper, to appoint Dave Petrak as Chairperson due to the absences of Chairperson Monet and Vice Chairperson Smith. **Motion carried 5-0-3.**

The following were present:

Bill Bryan Dave Petrak
David McLane Susan Gardner
Chad Cooper

Absent: Steve Monet, Matt Smith, Robert Pawlowski

Motion by Mr. Cooper, supported by Mr. McLane, to excuse Commission Members Monet, Pawlowski and Smith from tonight's meeting. **The motion carried 5-0-3.**

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

2. Approval of the August 18, 2014 Regular Meeting Minutes

Motion by Mr. Cooper, supported by Ms. Gardner, to approve the August 18, 2014 regular meeting minutes as presented. **The motion carried 5-0-3.**

3. Approval of the September 15, 2014 Agenda

Motion by Mr. McLane, supported by Mr. Bryan, to approve the agenda as presented. **The motion carried 5-0-3.**

4. Call to the Public

The call to the public was made at 7:35 p.m. Hearing no response, call to the public was closed.

Public Hearings

5. Public Hearing & Possible Action on the Conditional Rezoning Request of Property location at 8589 W. Grand River (4718-30-100-066) corner of W. Grand River and Best Buy Drive from OS (Office Service) to C2 (General Business) #14-005

Ms. Cyphert noted that the applicant's request was reviewed in Blue Sky as well as City Attorney Brad Maynes' explanation of conditional zoning in law. Ms. Cyphert reminded the Planning Commission members that a majority of those present must vote in the affirmative to approve the conditional rezoning. She also reminded them that the motion will require the new wording for item 2. in the conditions. Mr. Cooper requested clarification of the Brighton Area Fire Authority letter and whether they require a fire lane access on Best Buy Drive and also requested an update on the Best Buy Drive issue. Ms. Cyphert noted that the BAFA letter only noted they need a minimum of 26 feet for an access road into the site and the details would be reviewed under site plan approval. Mr. Thom Dumond from Boss Engineering responded that they don't have access as of right now and are still working on the issue with Detroit Development.

Acting Chairperson Petrak closed the regular meeting at 7:40 p.m. and opened the public hearing. Matt Modrack, City of Brighton DDA Director, expressed support for the rezoning and the project. He also noted that City Council has used conditional rezoning in the past and they resulted in some very good projects. He stated there is a strong demand for retail in the city, more than for office space. He noted the city has competition not only from Green Oak but also from the Latson Road interchange. He referenced the International Council of Shopping Center conference he attended a few weeks ago; everyone he spoke to seemed to be very aware of Brighton's emergence as a retail center. In his opinion, enforcement of the consent judgment for that property paid off; the judgment required demolition of the buildings on the site and it wasn't too long afterward that an offer was made for the property. Hearing no further comments, Acting Chairperson Petrak closed the public hearing and resumed the regular meeting at 7:44 p.m.

Motion by Mr. Cooper, supported by Mr. Bryan, to recommend to City Council the approval of the conditional rezoning from OS (Office Services District) to C-2 (General Commercial District) for the property described as 4718-30-100-066, 8589 W. Grand River, with the attached application and preliminary site plan. The approval is subject to the following conditions:

1. That City Council establish a time period of two years during which the conditions apply to the land; if the conditions are not satisfied within the two years, the land shall revert to its former zoning classification.
2. That the applicant submit the site plan for final approval in accordance with city ordinances, city engineering recommendations and in substantial conformance with the attached site plan once the rezoning has been approved.

The motion carried 5-0-3.

Unfinished Business

6. Discussion on zoning ordinance amendments pertaining to seasonal event parking – City Council Goal

Due to workload on other matters, Ms. Cyphert reported that the revisions to the proposed ordinance amendment are not yet complete but should be available for Planning Commission's review at the October 20 meeting.

New Business

Other Business

7. Staff Updates – Ms. Cyphert advised that a new Planning Commission member will be appointed at the September 18 City Council meeting to replace Al Wirth. Mr. Cooper noted that there was discussion at the City Council meeting about reducing the size of the Planning Commission. Ms. Cyphert advised that since there were applicants to fill the vacant seat, the City Council did not make a motion to pursue reducing the size at this time.
8. Commissioner Concerns - None
9. Call to the Public - The call to the public was made at 7:50 p.m. Hearing no response, call to the public was closed.
10. Adjournment

Motion by Mr. Cooper, supported by Mr. McLane, to adjourn the meeting at 7:50 p.m. **The motion carried 5-0-3.**