

**City of Brighton
Planning Commission
Minutes
August 20, 2012**

1. Call to Order/Roll Call

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

David McLane	Robert Pawlowski
Steve Monet	John Wells
Dave Petrak	Bill Bryan
Larry Schillinger	Matt Smith

Absent: Al Wirth

Motion by Mr. Pawlowski, supported by Mr. Wells, to excuse Commission Member Wirth from tonight's meeting. **Motion carried 8-0-1.**

Also present were Amy Cyphert and Lauri French from Staff and Brad Maynes from the City's attorney office. An audience of seven was also present.

2. Approval of the July 16, 2012 Regular Meeting Minutes

Motion by Mr. Schillinger, supported by Mr. Smith, to approve the July 16, 2012 regular meeting minutes as presented. **The motion carried 7-0-2 (Mr. Bryan abstained and one absence).**

3. Approval of the August 20, 2012 Agenda

Motion by Mr. Wells, supported by Mr. Schillinger, to approve tonight's agenda as amended to move Item 6 to Item 10.B. **The motion carried 8-0-1.**

4. Call to the Public

The call to the public was made at 7:34 p.m. Hearing no response, call to the public was closed.

Public Hearings

5. Conduct Public Hearing and Consider Action on Master Plan Updates/Amendments

Chairperson Monet closed the regular session and opened the public hearing at 7:35 p.m. Hearing no comments from the public, he closed the public hearing and went back into regular session.

Motion by Mr. Smith, supported by Mr. Schillinger, to accept the updated Master Plan as presented. **Motion carried 8-0-1.** Chairperson Monet thanked the Master Plan Subcommittee and Amy Cyphert for their hard work on the update.

Unfinished Business – Item 6 was moved to Item 10.B.

New Business

7. Site Plan – Champ's Façade Improvements, 140 E. Grand River #12-010

Mr. Piet Lindhout from Lindhout Associates, architect for Champ's, reviewed the planned façade improvements which include metal canopies over the windows and a metal canopy about midway down

the front of the building, with the lower part of the building using ceramic tile over a concrete base to replace the existing plywood. Signage remains the same and wall-mounted decorative lights will be added. The Fire Department requested a knock box and a larger address above the door, and these changes have been incorporated in the plan. They plan to start construction in September and the project will be completed by the end of the year per the grant requirement. Ms. Cyphert noted that a third condition should be added to a motion for approval regarding having City Council grant a variance to the transparency for the façade.

Motion by Mr. Wells, supported by Mr. Pawlowski, to recommend site plan approval for the Champ's façade improvements at 140 E. Grand River #12-010 as depicted on plans prepared by Lindhout Associates, sheet P-1, last dated 8-9-12 subject to the following:

1. That right of way permits be obtained from the Department of Public Services for work within the right of way.
2. That any damages to the existing sidewalk be repaired to current condition.
3. That City Council grant a variance to the transparency for the façade.

The motion carried 8-0-1.

8. Site Plan – Kroger Gas Station, 1080 E. Grand River #12-011

Ms. Cyphert briefly reviewed the applicant's request and noted that there were representatives in the audience to answer any questions regarding the site plan. Jack Knolls from Spalding DeDecker Associates (architect) introduced Rick Ragsdale from Kroger and Mark Millerwise. Mr. Knolls reviewed the details of the plan and the simple site design with a 43'x60' canopy over four gas pump islands (8 total stations) and a 176 square foot attendant kiosk with no public access. He noted there will only be one employee on site at a time with the exception of shift changes. The hours of operation will be 6:00 a.m. to 11:00 p.m. There will be flush l.e.d. lighting on the canopy and they are relocating two streetlights on O'Doherty. There is one entrance off Grand River and two entrances off O'Doherty to facilitate traffic flow on the site.

Mr. Smith noted that from a pedestrian safety standpoint, he believes it would be better to remove the north driveway on O'Doherty from the plan if possible. After a brief discussion, a compromise was reached to reduce the width of the northern driveway off O'Doherty, moving the curb cut south, and to make it an exit only.

Motion by Mr. Smith, supported by Mr. Bryan, to recommend site plan approval for Kroger Fuel Station at 1080 E. Grand River #12-011 as depicted on plans prepared by Spalding DeDecker Associates, Inc., job no. NP11-071, sheets CE1-12, last dated 8-15-12, plans prepared by Galloway Planning Architecture Engineering, project #D638, sheets A1.0, Color Elevations & LP1.0, last dated 2-10-11, last dated July 2012 and 8/8/12 subject to the following:

1. That all signage comply with applicable Ordinances or variances obtained.
2. That right of way permits be obtained from the Department of Public Services for work within the right of way.
3. That the width of the northernmost driveway off O'Doherty be reduced and moved south and that it be marked as "Exit Only".

Motion carried 8-0-1.

9. Site Plan Amendment – Brookside Mall, Drive Access #12-012

Ms. Cyphert noted that the applicant was in the audience and could answer any questions from Planning Commission members. Kathy Riesterer, Cooper & Riesterer, representing the applicant, Brookside Mall, gave a brief background of the Taco Bell/Brookside Mall access issue and noted that the City removed

the requirement for Taco Bell access. When the Lil' Chef restaurant site plan came before Planning Commission for approval, the access issue came up again and their site plan was approved conditioned upon opening access. The required easement agreement never got signed and Taco Bell backed away. She noted that delivery trucks going to Taco Bell are using Brookside's parking lot for access to make deliveries, which is breaking down the asphalt. She also said that with the access open, there is increased trash from Taco Bell on Brookside's property. Ms. Riesterer said they have tried repeatedly to get Taco Bell back into negotiations. The proposed access gate is a compromise and the Brighton Area Fire Department is okay with it.

Brad Maynes from the City attorney's office also noted that this has been an ongoing issue for some time and that he has met with Ms. Riesterer, a representative from Taco Bell and the City to try to resolve it. He noted that there is currently no requirement for access on Taco Bell's site plan but there is on Brookside's site plan. Mr. Petrak asked Staff how enforcement would be handled if people parked in front of the access gate. Ms. Cyphert noted that there will be "No Parking – Fire Lane" signs on the gate and that the Fire Department does have authority to ticket people who are parked in a fire lane.

Motion by Mr. Bryan, supported by Mr. Petrak, to recommend site plan amendment approval for Brookside Mall as depicted on the plan prepared by Lindhout Associates, sheets C1, job #1166, last dated 8/10/12. **Motion carried 7-0-2.**

10.a. Discussion on Amendments to Chapter 98, Article XXI, LIP District

Ms. Cyphert explained that this item is on the agenda at the request of the Zoning Board of Appeals who has asked that Planning Commission consider rewriting the ordinance to make it clear which uses are permitted and which are not, similar to language in other ordinances. She suggested that Planning Commission may want to develop a list of permitted uses versus listing the 70 prohibited uses. Mr. Petrak noted that "commercial uses" is not clear in the subject ordinance. Ms. Cyphert noted that it would be helpful to look at permitted uses of other industrial districts and Mr. Smith stated that it makes sense to keep the language consistent with other districts' language.

Staff was requested to put together suggestions from similar districts in the City and research other communities with similar smaller industrial parks for the September Planning Commission meeting.

10.b. Discussion on Amendments to Chapter 98 addressing Parolee Housing

Brad Maynes from the City attorney's office stated that the direction from Planning Commission at the last meeting was for him to survey zones within the City where parolee housing would be permitted. He noted the City's definition of family *"means an individual or group of two or more persons related by blood, marriage, social contract or adoption (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter."* Under this definition, an apartment would equal one unit, a duplex would equal two units, etc. This applies to everything except condos. Mr. Maynes noted that under the current ordinance, a home in the R1, Single Family district could not be split into apartments but could still have three unrelated persons (parolees) living there.

Ms. Cyphert reminded the Planning Commission members that there are several options available to them including to define parolee housing and where it is permitted (through ordinance or special use); add a new definition for "halfway house" and where it is permitted (through ordinance or special use); redefine the definition of "family"; or do nothing. There was discussion about how the Planning Commission wanted to proceed with this item. Some Commission members felt that if nothing is broken, there is no need to fix it. Chairperson Monet noted that there seemed to be consensus to make condos part of the "family" definition and that it was not necessary to expand the definition for parolee housing. Staff and the City attorney was directed to prepare a list of findings in the current ordinance and prepare a suggested definition for "condominium" to update the ordinance to send to City Council for their review.

They requested that the report note:

- that Planning Commission believes there is sufficient coverage in the current ordinance and the current definition of "family" limits unrelated persons to three in a unit
- that there is a relatively small number of parolees who would require this type of housing compared to the number of parolees released back into the community who are living with their families
- that there have been no problems with the current parolees living in the City according to Police Chief Wightman

Other Business

11. Staff Updates

a. Award Discussion – Ms. Cyphert reported that she has received permission from the Noeker family to rename the Siford award the Noeker award. She noted that the family thanked the Planning Commission for honoring their late mother.

Motion by Mr. Petrak, supported by Mr. Schillinger, to remove the Siford name from the award plaque and replace with Sally Noeker. **Motion carried 8-0-1.**

Ms. Cyphert also noted that A&H Transmission has pulled a building permit to re-build the back portion of their building that was damaged by a fire earlier this year.

12. Commissioner Concerns

13. Call to the Public

The call to the public was made at 8:50 p.m. Hearing no response, call to the public was closed.

14. Adjournment

Moved by Mr. Petrak, supported by Mr. Smith, to adjourn the meeting at 8:50 p.m. **The motion carried 8-0-1.**

John Wells, Secretary

Lauri French, Recording Secretary