

City of Brighton
200 N. First Street, Brighton, MI 48116
Planning Commission Minutes
August 16, 2021

The Board for the Planning Commission held a Regular Meeting on Monday, August 16, 2021 at 7:00 pm.

1. Call to Order/Roll Call

Chairman Smith called the meeting to order at 7:00 p.m.

Commissioners Present: Ken Schmenk, Steve Monet, Chuck Hundley, Susan Gardner, Matt Smith, Jim Bohn, Dave Petrak, Bill Bryan and Mike Schutz.

Also Present: Nate Genizer, City Manager; Tara Brown, City Clerk; Sarah Gabis of Foster Swift; Jill Bahm of Giffels Webster; and Kari Jozwik from Tetra Tech.

Chairman Smith advised the members of the public that there are two general calls to the public and there are also public hearings for two of the items on the agenda this evening.

He suggested moving "New Business" to the beginning of the agenda so Item c will need to be removed from the Consent Agenda and Item #6 will move before Item #4.

Motion by Commissioner Petrak, seconded by Commission Schmenk, to approve the August 16, 2021 Agenda, moving Item c to the Regular Agenda and moving Item #6 before Item #4. **The motion carried unanimously.**

2. Consider Approval of Consent Agenda Items

Consent Agenda Items

- a. Approval of the June 7, 2021 Regular Meeting Minutes
- b. Approval of the July 7, 2021 Special Meeting Minutes

Motion by Commissioner Gardner, seconded by Commissioner Schmenk, to approve the consent agenda as revised, **The motion carried unanimously.**

3. Call to the Public

The call to the public was made at 7:05 pm with no response.

New Business

6. Consider Recommendation of Approval for Site Plan 21□11, Hypershine Auto Wash, 9836 E. Grand River

Manager Geinzer introduced the item and stated that all of the consultants have reviewed the proposal. The engineer is recommending approval and Ms. Bahm will have items to discuss this evening.

Mr. Reid Cooksey of Stonefield Design provided a review of the project. They are proposing to build a 26,000-square-foot car wash. He showed the site plan. They have addressed the prior comments from the consultants. They will replace the dilapidated portion of the fence and move the Dumpster enclosure out of view of Grand River.

Commissioner Petrak stated that no elevations were provided. He has looked on their website and they build attractive buildings. Mr. Cooksy stated it will be a premium facade, stone veneer with brick elements.

Commissioner Monet questioned why the Planning Commission did not receive elevations. Manager Geinzer stated they were submitted to the City; however, they were not in tonight's packet. He noted the design elements would need to meet the City's Ordinance requirements. The company's website was shown to the Planning Commission, noting this building would be very similar to these.

Ms. Bahm would like the Dumpster enclosure moved further from Grand River and part of the fence replaced, which the applicant has stated he would do.

Commissioner Bohn questioned the traffic flow on site. There are two driveways next to each other. He is concerned about the congestion of the shared driveway and vehicles making a left-hand turn onto Grand River noting Leland is directly across from the entrance. Mr. Cooksy stated a full traffic study was done for this site and submitted to the City. During peak hours, the actual car wash can clean less than 60 cars in an hour so on those busy days the most cars that could be in and out would be 60. The typical stacking is 15 and this site allows for 30. He noted they will be closing off the existing driveway from the current restaurant so they will only have one drive on their site.

Commissioner Gardner stated an email received from the Engineer dated August 16, 2021 states the revised traffic impact study satisfactorily addresses their previous concerns. There are two outstanding issues. 1) A geotechnical investigation of the soils in the location of the proposed underground detention basin is required, per City standards, to evaluate the existing water table elevations compared to the underground storage units and 2) An inspection port needs to be installed on the isolator row in the Stormtech system. Mr. Cooksey stated he has seen those comments and has scheduled those studies. If the Planning Commission recommends approval this evening, he would suggest it be made contingent on those items being submitted and approved.

Motion by Commissioner Gardner, seconded by Commissioner Schmenk, to recommend to City Council approval of Site Plan #21-11 for Hypershine Auto Wash, 9836 E. Grand River, with the following conditions:

- A geotechnical investigation of the soils in the location of the proposed underground detention basin is required, per City standards, to evaluate the existing water table elevations compared to the underground storage units and
- An inspection port needs to be installed on the isolator row in the Stormtech system
- Possible relocation of the Dumpster enclosure from a less obvious location from Grand River; however, should it not be possible it would be acceptable to leave it where it is
- Replacement of two fence panels
- Building materials shall be consistent with what was seen this evening and shall be submitted prior to submission to City Council.

The motion carried unanimously.

Public Hearings

4. Consider Recommendation of Approval for Special Land Use Permit 21-12, Performing Arts Theater, 111 S. West Street.

Manager Geinzer provided a review of the proposal. It has been reviewed by the consultants. It is an acceptable use at this location and there are no outstanding issues.

Ms. Lynn Wilde has been running a theater at The Brighton Coffeehouse and Theater (BCAT) and she would like to bring professional theater permanently to downtown Brighton. She has over 30 years experience in the theater industry.

The call to the public was made at 7:30 pm with no response.

Commissioner Petrak noted that the existing parking exceeds what is required for this use. Manager Geinzer agreed. They are exempt from providing additional parking. Ms. Bahm stated that per the ordinance, they are required to provide 20 spaces so they are not required to provide additional parking. She also stated that people may see a show and then eat or vice versa and this is a good example of parking spaces being shared between multiple businesses.

Commissioner Schutz asked how often performances would be held. Ms. Wilde stated she would have them approximately 20 weekends a year and it would be one show per day.

Commissioner Gardner questioned if performances will still be at BCAT. Ms. Wilde stated she will no longer be holding performances there.

Motion by Commissioner Schmenk, seconded by Commissioner Petrak, to recommend to City Council approval of Special Land Use Permit #21-12, Performing Arts Theater, 111 S. West Street. **The motion carried unanimously.**

5. Review Applicant Revisions Submitted on July 30, 2021 to Final Site Plan #21-06, 1010 State Street, Rezoning From R1 To PUD And Provide Recommendations With Regard to the Considerations as Directed By City Council

Chairman Smith stated the Planning Commission has a very complex set of considerations to go through this evening. Mr. Geinzer stated that Staff, the Planner, and the City Attorney worked together to provide an extensive report to the Planning Commission.

Ms. Gabis reviewed what has been requested by City Council. She provided a history of the project. Per the PUD Ordinance, items can still go to City Council after receiving a recommendation for denial from the Planning Commission. In July of 2021 the applicant presented the plan to City Council, with some modifications, based on concerns heard at the Planning Commission meeting. At that time, City Council tabled the item and sent it back to the Planning Commission to review the modifications. The modifications are the height of the buildings, additional parking spaces, increased greenspace and setbacks, and moving of the driveway. Additionally, the density must be discussed and recommended. The Planning Commission is tasked this evening to deliberate each of those considerations separately and provide recommendations on each of those items separately. She recommends making four separate motions as it relates to each item.

Mr. Manny Kianický, Mr. Scott Jacobson, and Dane Trescotte of SR Jacobson were present. Their attorney, Alan Green, was also present. Mr. Kianický stated this is a difficult site to develop. It is blighted, unsafe, obsolete, contaminated, and adjacent to industrial uses; however, it is also close to the downtown area. They know they must address the concerns of the residents, businesses, housing market and create a financially successful development. They believe it will be a great addition to the City and will be a good neighbor to the adjacent residents. They made changes to the plan based on comments at the previous Planning Commission meeting and presented them to City Council in July.

Based on their study and interpretation of the Master Plan, they believe their plan is in close conformance to it. They believed this was eligible for up to to 25 units per acre as it is adjacent to downtown. They designed a community with 13.3 units per acre and a 40 foot landscape buffer around the property. They also faced the front of the buildings to the neighbors so they would not see the garages. The map in the Master Plan shows this site as within the downtown area, and it is adjacent to downtown. It also states that the former Lindbom site is within walking distance to downtown and is a good location for moderately high density residential development, including townhouse or apartments. In a memo from the planner, Ms. Bahm, there are benefits to redeveloping this site, such as improved aesthetics, cleaning up a contaminated site, different housing types, and that it can meet the goals of the Master Plan. He added that it is less than an eight minute walk to the first block of Main Street businesses.

They are not asking for 25 units per acre; they are requesting 140, which is a 31 percent increase for areas not adjacent to downtown.

140 units is the minimum necessary to make it financially feasible to develop this project. It is necessary to sustain the high quality of the buildings, amenities, grounds, roads and professional management for on-site staff.

He reviewed how building height is measured differently in all municipalities surrounding the City of Brighton. They could actually be four feet higher than they were proposing.

He showed colored renderings of the now proposed flat roof. They asked the Planning to determine if they would prefer the flat roofs or the gabled roof with a small height variance. This can be approved by the Planning Commission under the PUD ordinance, and has been done for both Conely Square and Second Streets Flat.

They have amended their site plan to add an additional 250 Thuja Green Giant arborvitae, which are fast-growing. They grow approximately 3-5 feet a year, so they will be 20-30 feet tall in less than five years. They are also adding 54 junipers for species variety. These will reach a height of 20-25 feet at maturity.

The issue of traffic being a concern is not supported by the traffic study. There are seven routes to and from the site, with six intersections at Main Street. The study shows that the roundabout at 3rd and Main could handle all of the traffic of West Village. The number of trips generated by these townhomes is less than other allowable uses on this site.

He showed a colored site plan and reviewed the proposed changes to the buffer zone and moving the roadways inward. They have added additional guest parking, which is well above the requirement. There are now 504 spaces for 140 residences so that equates to 3.6 spaces per residence.

He noted that a Planning Commissioner asked for variations in colors for different buildings. This is not normally done; however, they will make minor variations in the building colors as requested.

The lighting will now be on the buildings and they will not have street lights. The previous City Planner believes this is consistent with the surrounding residential neighborhood.

Due to the contamination under the site, no developer would build for-sale properties as it would be very difficult with regard to obtaining mortgages, etc. A for-lease community is the only way to redevelop this site. They have market studies that show there is a demand for these types of communities. They are renters-by-choice, although they are financially able to buy a home.

Developing this site will provide for a variety of housing types, eliminate the blight and constant police calls, resolve an environmental contamination problem, contribute to the local economy, add additional taxes and utility connection fees to the City, fit into the community and create a housing type of demand not available. They will be a good neighbor.

They have received favorable reviews by City Staff, the consultants. They are respectfully requesting the Planning Commission recommend approval of West Village.

Prior to opening the call to the public, Chairman Smith advised that each person will have five minutes to speak about the item. He asked everyone to state their name and address. This is not a question and answer session and all comments will be directed to the Planning Commission.

The call to the public was made at 8:14 p.m.

Ms. Susan McDonald of 825 Fairway Trails stated her daughter went to Lindbom. She thinks that people who want high-end townhomes would not want to live where there is a contamination issue. She can see this opening up to government subsidized housing if they cannot find renters.

Mr. Jeff Stone of 422 N. Fifth Street stated he would like the City to stay with the Master Plan. Apartments are considered commercial. Why is a commercial use being built right in the middle of a residential neighborhood? The density is still past what the Master Plan says. The arborvitae are going to take 10 to 15 years before they grow tall.

Mr. Cameron Scott of 817 Washington lives five minutes from downtown and when it's cold, he drives and at night, he drives. A 140-unit development will impact the parking downtown. He asked the Planning Commission to think about this because other developments could be built on sites that are considered close to downtown. The Planning Commission has already said no to this proposal.

Lisa Splitler lives on the corner of Seventh and Main and this development is two houses from her. Lindbom is not adjacent to downtown Brighton; it is adjacent to Genoa Township. It is a lie that the roads can handle this traffic. This plan is not medium to moderate density. It does not belong in this neighborhood. She stated that the City made decisions without asking them, such as the northwest neighborhood project. The City has to do what is in the best interest for the residents and their families.

Ms. Susan Backhaus 907 Brighton Lake Road questioned Mr. Kianicky's statement that this will not affect the traffic in this area or that home values will not be decreased. A house in this neighborhood just sold and the selling price dropped \$20,000. People can obtain a mortgage for homes that are on contaminated land. The arborvitae the developer is proposing to plant are not fast growers.

Ms. Mary Bryan of 1024 State Street stated this development does not fit in this area. She would prefer an eight-foot wall around the property instead of the arborvitae. The traffic is already busy in this neighborhood. The City is more interested in the tax revenue than the neighbors.

Mr. Mike Johnson of 806 W. Main Street stated he is against the proposal. There will be too many people and traffic, and rental units are not necessary to meet environmental requirements. The TCE plume will not be a significant problem. He has a background in the environment and spoke to Rebecca Taylor of EGLE. He developed a report and emailed it to the Planning Commission yesterday, which stated that TCE is found in many places and is more prominent in the areas south of this site. He is not concerned with the presence of TCE and would move into any of the existing homes in the surrounding neighborhood.

Mr. Carl Vagnetti of 7918 Laurel Street stated the remediation of the current contamination can be done very simply and can be done for less than \$1,000 per housing unit. The Master Plan does not allow for this density. He would like the City to work within the Master Plan and develop the site in harmony with the existing residential neighborhood.

Mr. Brain Klear of 225 N. Fifth Street stated the Planning Commission made a mistake when they approved the preliminary site plan. They fixed that mistake when they recommended denial of the final site plan. This proposal does not meet the Master Plan. It is to be eight units per acre and one or two stories. These buildings are three stories and are not allowed. It is also not adjacent to downtown; it is adjacent to residential.

The resident of 7879 State Street lives in her childhood home. She is not in favor of 140, three-story townhomes being built on the Lindbom property. She worries about the safety of her children due to the increased traffic. It is not cohesive with the surrounding neighborhood and it is not adjacent to downtown. She is asking the Planning Commission to not approve this proposal.

Mr. Christopher Habsburg of 7940 Holly Street stated the neighbors have lived with the TCE and now they are being asked to have an inappropriate development built next to them. These types of developments are not put in the middle of mostly one-story residential neighborhoods. He asked the Planning Commission to listen to the neighbors.

Mr. James Noeker of 7901 Magnolia stated the residents have to benefit from this plan, not the downtown businesses. He doesn't believe that the proposed PUD meets any of the eight requirements needed for approval.

Ms. Barb St. Thomas- Darin of 7991 Brighton Road planted green giant arborvitae in her yard 20 years ago and they are not as large as what was said by the applicant.

Ms. Carol Rossi of 306 S. Second Street and 330 N. Fifth Street has spoken to many residents and they all want to see the project at two stories and less dense. They would like it to be developed thoughtfully. She asked the Planning Commission to deny this request that does not fit in the community.

Mr. Paul Moggut of 4812 Dillon does not believe there was any evidence presented this evening that would make the Planning Commission change their mind to approve this proposal.

The call to the public was closed at 9:03 pm

Motion by Commissioner Gardner, seconded by Commissioner Schutz, to take a five-minute break. **The motion carried unanimously.**

Commissioner Monet asked why there was a rope dividing the public from the Planning Commission and why is the applicant sitting at the dais next to the City Manager. He hopes that this does not become the norm.

Commissioner Schmenk is concerned that if every developer who has requested to develop this property is denied, what will happen to it. He does not believe the neighbors' property values will go up if it is not developed. Mr. Jacobson is not sure anyone else would want to spend time and money after all of the proposals have been denied. They have worked with staff, listened to the residents, made changes based on their concerns, and believe it is a viable development.

Mr. Kianicky noted that they received preliminary site plan approval, continued to work on the plan and then after a year, their final site plan was denied.

Commissioner Bohn noted that the developer was granted an eight-month extension so the Planning Commission had the right to review it in June of 2021 after recommending preliminary site plan approval in February of 2020.

Commissioner Monet asked if tonight's presentation was the same that was given to City Council. Manager Geinzer stated, "Yes" and what City Council did was ask the Planning Commission to review the four specific areas that they believe were of concern based on minutes from Planning Commission Meeting minutes. Commissioner Gardner stated the Planning Commission had not seen the changes that were presented to City Council at their July meeting.

Commissioner Bryan questioned the difference between 35 foot building height vs. three stories. Manager Geinzer stated that in the R-1 zoning, a three-story building is not allowed, but the PUD allows for consideration of this. He asked the developer if it can be done at two stories and Mr. Jacobson stated they cannot obtain the square footage with only two stories. Commissioner Bryan reiterated Commissioner Schmenk's point that if this is not developed, then what will be/

The Planning Commission began discussing the building height.

Commissioner Bohn stated that he is not sure the issue is the height of the building, but it is the number of stories. Three story buildings are in conflict with Page 78 of The Master Plan.

Ms. Gabis stated that the motion from City Council asked the Planning Commission to determine if the flat roof, which meets the height ordinance, or if the gabled roof, which would require a deviation from the building height, is appropriate.

Motion by Commissioner Petrak, seconded by Commissioner Bohn, to recommend that the density as proposed does not meet the Master Plan.

Commissioner Schutz stated there are 12 lots that are on the east side of the property and 34 townhomes adjacent to those 12 lots; which is a 3 to 1 ratio. That density does not make sense.

Commissioner Petrak believes it is too dense under the current zoning and for the adjacent neighborhood.

Commissioner Gardner noted that in the Future Land Use comments, as provided by Giffels Webster, states this site does not need to be eight units per acres and does not have to be 25; it can be somewhere in between. Based on all that has been presented this evening, all of the research that has been done, the amount of money that has been invested, and by a developer with experience developing sites like this that has a great reputation and will continue to maintain and manage the property, she endorses this project and it is not too dense.

Commissioner Bryan agrees with Commissioner Gardner. This is the fourth or fifth proposal for this site over the last 11 years. He is concerned that if this isn't developed, what is next.

Commissioner Bohn noted that the Master Plan speaks to the Lindbom site as being developed under R-1 zoning with eight units per acre for a total of 80 units. What is being proposed is not consistent with the Master Plan. Additionally, the Master Plan speaks to the area of Franklin and Washington being adjacent to downtown, but Lindbom is stated as being in close proximity to downtown; it is not adjacent. It makes a clear distinction between these two areas.

Commissioner Gardner stated this is a PUD so there is flexibility.

The motion carried with a roll call vote. (Schmenk - no, Monet - yes, Hundley - no, Gardner - no, Smith - yes, Bohn - yes, Petrak - yes, Bryan - no Schutz - yes).

Motion by Commissioner Petrak, seconded by Commissioner Schutz, to return this item to City Council to make a decision.

After a brief discussion, **Motion** by Commissioner Petrak, Seconded by Commissioner Schutz, to withdraw the motion.

Motion by Commissioner Petrak, seconded by Commissioner Schmenk, the revised parking plan is acceptable to the Planning Commission.

Commissioner Monet believes the residents will not be able to fit their cars in their garages because they have two trash cans. Commissioner Gardener stated most condos and apartments have room for both the cans and their vehicles.

The motion carried with a roll call vote (Schutz - yes, Bryan - yes, Petrak - yes, Bohn - yes, Smith - yes, Gardner - yes, Hundley - yes, Monet - no, Schmenk - yes).

Motion by Commissioner Gardner, seconded by Commissioner Schmenk, the proposed movement of the drive and increase of greenspace and setbacks is acceptable to the Planning Commission.

Commissioner Bryan stated they did a great job by making this change.

Commissioner Hundley asked how tall the trees would be when they are planted. Mr. Kianicky stated they are planted at 6 or 7 feet tall. There are 20 varieties of these arboraties and these will grow 3-5 feet each year. They will be well maintained. It will not be long before they are completely screening the townhomes from the adjacent homes.

The motion carried unanimously with a roll call vote. (Schmenk - yes, Monet - yes, Hundley - yes, Gardner - yes, Smith - yes, Bohn - yes, Petrak - yes, Bryan - yes, Schutz - yes)

Motion by Commissioner Bryan, seconded by Commissioner Schmenk, the flat roof at 32 feet is acceptable as it meets the height requirements of R-1 zoning.

Commissioner Bohn stated that the R-4 zoning district height limit is 30 feet and the proposed building height is 32 feet.

The motion failed with a roll call vote (Schutz - no, Bryan - yes, Petrak - no, Bohn - no, Smith - no, Gardner - yes, Hundley - yes, Monet - no, Schmenk - yes).

Motion by Commissioner Gardner, seconded by Commissioner Schmenk, to approve the gable roof design, which requires a deviation of 4 feet 6 inches, supports the height to the peak of 39 feet 6 inches. **The motion carried with a roll call vote** (Schmenk - yes , Monet - no, Hundley - yes, Gardner - yes , Smith - yes, Bohn - no, Petrak - no, Bryan - yes, Schutz - no).

Motion by Commissioner Petrak, seconded by Commissioner Shultz, to return this item to City Council for review. **The motion carried unanimously.**

Old Business

None

Other Business

7. Staff Updates

Manager Geinzer addressed Commissioner Monet's concerns from earlier in the meeting. The room set up this evening is temporary due to the need to have this meeting in person and the Council Chambers renovation not being complete.

8. Commissioner Report

None

9. Call to the Public

The call to the public was made at 10:51 pm.

Mr. Bob Pettingill of 608 W Main Street stated that Mike Johnson spoke earlier and presented technical data. He is an expert in this field. He encouraged staff to look at his report as it may open up other options for development of this site, such as the ability to install basements.

Mr. Klear stated that the Planning Commission voted the opposite this evening of what they voted last time on the building height.

Mr. Noeker stated all of the residents are tired of hearing "what happens if we don't accept this development". It's instilling fear. The Lindbom property looks the way it does because the owner doesn't maintain the property. The Planning Commission is supposed to support the ordinance and vote that way.

Ms. Backhaus showed a document that had every emergency call to the Lindbom property. The only problem with the property is the building. The City should make the property owner have the building removed.

Ms. Rossi questioned the statement, "if not this, then what". All of the proposals have all been over two stories and what the residents are requesting is only two stories. It would add to the community and fit with the surrounding area.

Mr. George Moses of 7904 Holly stated the Planning Commission's responsibility is to serve the community and not the company who wants to come in and build on this site. The residents are in fear that their peaceful community is going to be upended by this large property. He asks that the Planning Commission respect the residents.

Mr. Cameron of 817 Washington feels that tonight was a failure. The motions that were made did not address the issue of the three stories.

The call to the public was closed at 11:03 pm

10. Adjournment

Motion by Commissioner Petrak, seconded by Commissioner Bryan, to adjourn the meeting at 11:03 pm. **The motion carried unanimously.**

William Bryan, Secretary

Patty Thomas, Recording Secretary