

**PLANNING COMMISSION
CITY OF BRIGHTON
AGENDA
JANUARY 24, 2011**

BLUE SKY SESSION – 7:15 pm

Regular Session – 7:30 pm

1. Call to Order/Roll Call
2. Call to the Public
3. *Approval* of the December 20, 2010 Minutes
4. *Approval* of the January 24, 2011 Agenda

Old Business

5. Award Presentations:

E.D. Ewing Award: *Larry & Kate Lawrence, 530 Spencer Road*

Siford Award: *Panera, LLC, 8365 W. Grand River - Drive Through Addition*

6. Discussion on the Michigan Medical Marihuana Act – Law 1 of 2008 and possible recommendation to extend the current moratorium

New Business

7. Site Plan – The Pound – 139 W. Main Street #11-001

Other Business

8. Staff Updates
9. Call to the Public
10. Adjournment

**City of Brighton
Planning Commission
Minutes
January 24, 2011**

1. Call to Order/Roll Call

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

Al Wirth
Larry Schillinger
William Bryan
John Wells
Steve Monet
Matt Smith
David McLane
Dave Petrak
Bob Pawlowski

Also present were Amy Cyphert, Lauri French, Brad Maynes, Linda Basista and an audience of seven.

2. Call to the Public

The call to the public was made at 7:31 p.m. with no response.

3. Approval of the December 20, 2010 Minutes

Motion by Mr. Wells, supported by Mr. McLane, to approve the December 20, 2010 minutes as presented. **The motion carried unanimously.**

4. Approval of the January 24, 2011 Agenda

Motion by Mr. Smith, supported by Mr. Wirth, to approve tonight's agenda as presented. **The motion carried unanimously.**

Old Business

5. Award Presentations:

E.D. Ewing Award: Larry & Kate Lawrence, 530 Spencer Road
Siford Award: Panera, LLC, 8365 W. Grand River – Drive Through Addition

Chairperson Monet presented the E. D. Ewing Award to Kate and Larry Lawrence. Ms. Lawrence thanked the Planning Commission for the award. Representatives from Panera were not present at tonight's meeting. The Siford Award for the addition of the drive-through will be presented at the next Planning Commission meeting.

6. Discussion of the Michigan Medical Marihuana Act – Law 1 of 2008 and possible recommendation to extend the current moratorium

Ms. Cyphert had explained in the Blue Sky session that since she and Brad Maynes from the City attorney's office are still working on an ordinance that the current moratorium might have to be extended so there won't be a period of time where we are not covered. She noted that the public hearing process would probably take four months to complete before the ordinance goes into effect. Mr. Maynes

explained that the City may extend its moratorium (as other communities have) as long as it can be shown that we are working toward completion of the ordinance. The current six month moratorium was approved by City Council on August 19, 2010, effective September 3, 2010 and is due to expire March 3, 2011. **Motion** by Mr. Bryan, supported by Mr. Smith, to recommend extension of the Michigan Medical Marihuana moratorium for an additional six months after the expiration on March 3, 2011. **The motion carried unanimously.**

New Business

7. Site Plan – “The Pound”– 139 W. Main Street #11-001

Ms. Cyphert explained that Planning Commission and City Council have previously approved the roof top dining portion of the site plan and would be reviewing the building site plan for “The Pound” to be located at 139 W. Main St. The site plan to be reviewed also includes a draft “Plan of Operation” created by the applicants, Police Chief Wightman and Ms. Cyphert. She also noted that the wood deck and transparency variance would have to be approved by City Council. The Plan of Operation may require a couple of additions to address potential changes in ownership (the new owner would have to agree to the Plan of Operation) and occupancy load (how to move people off the roof and not violate the inside portion’s allowed occupancy).

Ms. Cyphert noted that the applicants and architect are in the audience if the Board has any questions. Ms. Basista from Tetra Tech was asked whether the concerns noted in her letter dated January 6, 2011 had been addressed. Ms. Basista responded that her main concern was storm water runoff from the outside deck, which will be run off via the City parking lot and is not an issue. After meeting with the applicants and their architect and clarifying some issues on the preliminary site plan, she believes the items noted in her letter have been addressed.

Mr. Piet Lindhout, Lindhout Associates, reviewed the changes that have been made to the preliminary site plan based on input from City staff, engineer, Police Department and the Brighton Area Fire Authority since the last Planning Commission meeting. These include a new concrete sidewalk on Main St., a temporary patch on West Street (to be tied in and completed with the North/West streetscape project), and detail added to the rear of the site (property line and dumpster design). He also noted they have pushed the roof top railing back 2 ½ feet to prevent the likelihood of items going over the side to the sidewalk below. He also relayed that Edison will require raising the service line to the building to meet their clearance requirements for the roof top dining area. Mr. Lindhout noted as a result of a question that the outside deck would be accessed from West Street and from inside the restaurant.

Chairperson Monet stated he is glad the applicants are willing to work with the City and asked if the applicants would have any issues with the two proposed additions to the Plan of Operation. Mr. Kevin Montagano stated they would have no objection to the two additions to address change of ownership and occupancy load.

Motion by Mr. Bryan, supported by Mr. Pawlowski, to recommend conditional site plan approval for The Pound at 139 W. Main #11-001 as depicted on plans prepared by Lindhout Associates, sheets C1 and A1, project no. 1081, last dated 1-18-11 and plan prepared by Advanced Companies, sheet A1, dwg file #908-10, last dated 11-12-10 subject to the following:

1. The applicants and City Staff finalize the Plan of Operations prior to City Council reviewing the site plan including amendments as recommended by Police Chief Wightman and Acting Planning/Zoning Director Cyphert.
2. That the applicant provide City staff with a check for the cost of closing the curb cut so the City can set up an escrow account for curb closer that would be used during the streetscape project in Fall of 2011.
3. Lighting details be reviewed during the building permit process.

4. That all signage comply with applicable Ordinances or variances obtained.
5. That City Council grant a variance from the transparency requirement due to the “special architectural features” of the façade.
6. The use of wood is reviewed and approved by City Council, if deemed to enhance the building.
7. That right of way permits be obtained from the Department of Public Services for work within the right of way.
8. That any damages done to the existing sidewalk be repaired to current condition or DDA standards as noted on the plans.
9. The items raised in the City Engineer’s letter are addressed.

The motion carried unanimously.

Other Business

8. **Staff Updates** - None

10. **Call to the Public**

The call to the public was made at 7:55 p.m. with no response.

11. **Adjournment**

Moved by Mr. Wirth, supported by Mr. Bryan, to adjourn the meeting at 7:55 p.m. **The motion carried unanimously.**

John Wells, Secretary

Lauri French, Recording Secretary