

**City of Brighton
Planning Commission
Minutes
March 18, 2013**

1. Call to Order/Roll Call

Planning & Zoning Director Cyphert called the meeting to order at 7:30 pm. **Motion** by Mr. Wirth, supported by Mr. Pawlowski, to appoint Mr. Wells as acting chairperson for tonight's meeting due to the absences of Chairperson Monet and Vice Chairperson Smith. **Motion carried 5-0-4.** The following were present:

John Wells	Dave Petrak
Al Wirth	Robert Pawlowski
David McLane	

Motion by Mr. McLane, supported by Mr. Petrak, to excuse Planning Commission members Monet and Smith. **The motion carried 5-0-4.**

Also present were Amy Cyphert and Lauri French from Staff.

2. Approval of the January 28, 2013 Regular Meeting Minutes

There were not enough board members present to approve the January 28, 2013 minutes. **Motion** by Mr. Wirth, supported by Mr. McLane, to table approval of the January 28, 2013 regular meeting minutes until the next Planning Commission meeting. **The motion carried 5-0-4.**

3. Approval of the March 18, 2013 Agenda

Motion by Mr. Petrak, supported by Mr. Pawlowski, to approve the agenda as presented. **The motion carried 5-0-4.**

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

Unfinished Business

New Business

5. Discussion on zoning ordinance amendments pertaining to temporary land uses and temporary structures

Ms. Cyphert stated that this change was required due to the recently passed fireworks sales legislation. The City has no fireworks sales regulations and the City Council only has authority currently to approve special uses for produce sales, firewood and Christmas trees. She explained that there are two options available to address this issue. One is to amend the temporary use section to allow City Council approval of all temporary uses. The second option is to move the authority to the Zoning Board of Appeals and amend their jurisdiction to allow them to grant special use permits as well as amend Section 98-3, Definitions for temporary uses and the temporary land use section. This was reviewed by the Zoning Board of Appeals at the March 14, 2013 meeting and they had no issues with taking over jurisdiction. Ms. Cyphert also noted that she reviewed the two options with City Manager Foster this morning and he also recommends moving the authority to the Zoning Board of Appeals. She asked the Planning Commission members to discuss the amendments and to set a public hearing in April.

Ms. Cyphert reviewed the proposed changes to Section 98-687, Jurisdiction, and noted the addition of paragraph (12) which would allow a temporary use for a period not to exceed 90 days. Mr. Petrak noted that the word "zoning" should be added to the document in front of "board of appeals" for clarity. Ms. Cyphert also reviewed the proposed changes to Section 98-3, Definitions, and noted that the application requirements in Section 98-700, Temporary land uses, have been increased. It was suggested by Ms. Cyphert that paragraph (7) be taken out since State law governs ZBA publications for public hearings. There was discussion about clarifying the definition of "temporary use" by adding "for the purpose of commerce" so that it would be clear this relates to sales of goods and not, for example, setting up a tent in your backyard for a graduation party.

Motion by Mr. Wirth, supported by Mr. Pawlowski, to approve draft Section 98-3, Definitions, as amended to add "for the purpose of commerce" and remove paragraph (7), approve draft Section 98-687, Jurisdiction, as amended to add "zoning" in all applicable paragraphs where "board of appeals" is used, and to set the public hearing date for the April 22, 2013 Planning Commission meeting, assuming approval of the meeting date change requested in Item 6 of tonight's agenda. **The motion carried 5-0-4.**

Other Business

6. **2013 Meeting Date Schedule Change**

a. April 22, 2013 – Ms. Cyphert noted that both she and Community Development Director Modrack will be unavailable for the currently scheduled April 15, 2013 meeting and requested that the meeting date be changed to the following Monday, April 22, 2013. **Motion** by Mr. Pawlowski, supported by Mr. McLane, to change the date of the next Planning Commission meeting to April 22, 2013. **The motion carried 5-0-4.**

7. **Staff Updates** – Ms. Cyphert noted that the North/West/Main streetscape project, which Planning Commission and City Council both approved, received awards from the Michigan Concrete Association. The DDA, project architect and Ms. Cyphert received awards for their participation in the project.

8. **Commissioner Concerns**

9. **Call to the Public**

The call to the public was made at 8:10 p.m. Hearing no response, call to the public was closed.

10. **Adjournment**

Motion by Mr. Wirth, supported by Mr. McLane, to adjourn the meeting at 8:10 p.m. **The motion carried 5-0-4.**

John Wells, Secretary

Lauri French, Recording Secretary