



Brighton City Council Meeting

City Hall Council Chambers • 200 N First St. • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

Regular Business Meeting March 5, 2020 – 7:30 p.m.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Consider Approval of the Agenda
5. Consider Approval of Consent Agenda Items

Consent Agenda Items

- a. [Approval of Minutes: Study Session Meeting of February 20, 2020](#)
- b. [Approval of Minutes: Regular Meeting of February 20, 2020](#)

Correspondence

6. Call to the Public
7. Staff Updates
8. Updates from Councilmember Liaisons to Various Boards and Commissions

Public Hearing

9. [Conduct Public Hearing and Consider Adoption of Proposed Text Amendments to Chapter 98 of the City of Brighton Code of Ordinances](#)
10. [Conduct Public Hearing and Consider Adoption of Proposed Map Amendments to Chapter 98 of the City of Brighton Code of Ordinances](#)

New Business

11. Consider Setting Annual City Council Budget Work Session Dates

Other Business

12. Call to the Public
13. Adjournment



City Council Study Session

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MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 20, 2020

CALL TO ORDER

Mayor Pipoly called the Study Session to order at 6:30 p.m.

ROLL CALL

Present were Mayor Pipoly, Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Human Resource Manager Michelle Miller, DPS Director Marcel Goch, Chief Bradford, and Attorney Paul Burns. Also present were Principal Shopping District President Mark Binkley and Vice-Chair Jon Innes. There were ten persons in the audience.

APPROVAL OF AGENDA

Motion by Mayor Pro Tem Gardner, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried without objection.**

CALL TO THE PUBLIC

Mayor Pipoly opened the Call to the Public at 6:31 p.m.

Susan Bakhaus spoke about the Principal Shopping District.

Mayor Pipoly closed the Call to the Public at 6:35 p.m.

DISCUSSION: PRINCIPAL SHOPPING DISTRICT

PSD President Binkley began discussions with a presentation featuring various accomplishments and statistical information. Vice Chair Innes also spoke about numbers and figures for the two business zones associated with a possible renewed PSD special assessment.

Council and PSD members discussed several aspects such as funding, interest in renewal, scope, future plans, legal standings, and general next steps.

CALL TO THE PUBLIC

Mayor Pipoly opened the Call to the Public at 7:20 p.m.

Richard Renko spoke about the necessity of staying competitive and keeping a relevant downtown.

Mayor Pipoly closed the Call to the Public at 7:23 p.m.

ADJOURNMENT

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to adjourn the Study Session at 7:24 p.m. **The motion carried without objection.**



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MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON FEBRUARY 20, 2020

1. Call to Order

Mayor Pipoly called the Regular Meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Roll Call

Present were Mayor Pipoly, Mayor Pro Tem Gardner, Councilmembers: Bohn, Emaus, Muzzin, Pettengill, and Tobbe. City Manager Nate Geinzer, City Clerk Tara Brown, Community Development Manager Mike Caruso, Finance Director Gretchen Gomolka, Human Resource Manager Michelle Miller, DPS Director Marcel Goch, Chief Bradford, and Attorney Paul Burns. There were sixteen persons in the audience.

Mayor Pipoly thanked fellow Councilmembers, staff, and the community for the care and support shown to his family for his mother's recent passing.

4. Consider Approval of the Agenda

Motion by Councilmember Muzzin, seconded by Councilmember Emaus to approve the agenda as presented. **The motion carried without objection.**

5. Consider Approval of Consent Agenda Items

Motion by Councilmember Tobbe, seconded by Councilmember Pettengill to approve the consent agenda as presented. **The motion carried without objection.**

Consent Agenda Items

- a. **Approval of Minutes: Study Session Meeting of February 6, 2020**
- b. **Approval of Minutes: Regular Meeting of February 6, 2020**
- c. **Approval of Minutes: Closed Session Meetings of February 6, 2020**
- d. **Approval of TetraTech Engineering Retainer Services Extension from March 1, 2020 through June 30, 2020**
- e. **Appointment of Derek Daskaluk to the Board of Review**

Councilmember Emaus wished to add clarification to item d on the consent agenda, authorize the City Manager to sign the TetraTech Engineering retainer.

Motion by Councilmember Emaus, seconded by Councilmember Tobbe to approve of TetraTech engineering retainer services extension from March 1, 2020 through June 30, 2020 and to authorize the City Manager after counsel review. **The motion carried without objection.**

Correspondence

6. Call to the Public

Mayor Pipoly opened the Call to the Public at 7:33 p.m.

Jon Stone asked, in regards to the former Lindbom school building, if the asbestos had been removed from the building.

Jim Fowkes asked if zoning had changed at the Lindbom property and if the TCE plume had been addressed.

Diane Fowkes stated concerns about the density within the new proposed development plans.

Mayor Pipoly closed the Call to the Public at 7:43 p.m.

Community Development Manager Caruso stated there have been permits issued in the past for light demolition work, to remove furniture, and to address wiring issues. The state would handle asbestos removal permits, but Mr. Caruso stated that he was unaware of any permits to remove asbestos.

Manager Geinzer stated that EGLE, formerly DEQ, is the lead contact and has been on site to address the TCE concerns at the Lindbom site since it was discovered.

At Councilmember Muzzin's request, Mr. Caruso spoke about the necessary steps that must be taken for the proposed planned unit development (PUD) such as the Lindbom site. Mr. Caruso also stated there had been three previously proposed developments that have been planned for the property but none have come to fruition. Councilmember Bohn asked if a traffic study is part of the usual PUD requirements. Mr. Caruso stated a traffic study is part of the PUD process.

Mr. Caruso explained the zoning at the former Lindbom site has not changed since it was a school, however the PUD is a zoning reclassification.

Councilmember Pettengill wished to clarify the City of Brighton does not own the former Lindbom property. Mr. Caruso confirmed the property is privately owned.

Councilmember Tobbe asked Chief Bradford how many police calls were made to the Lindbom property. Chief Bradford stated there were over one hundred calls over the years to address various incidents.

7. Staff Updates

No new updates from staff.

8. Updates from Councilmember Liaisons to Various Boards and Commissions

Mayor Pro Tem Gardner wished to congratulate Carol Griffith on becoming the new Livingston County Board of Commissioner's Chairperson, a seat that was vacant due to the recent resignation of Mr. Donald Parker.

Councilmember Muzzin and the Brighton Area Fire Authority met on February 13, 2020. Mr. Muzzin stated the Authority was given construction updates on Station 34 which is progressing well and they also continued merger discussions.

Councilmember Pettengill urged all residents and business owners to complete the 2020 Citizen Survey which is available online or in paper form. The survey concludes at the end of the month.

Councilmember Emaus also urged residents and business owners to complete the survey—more participation means more information to help guide Council and staff.

Mayor Pipoly noted two golf outings being planned to benefit Veterans, for more information contact him. Mr. Pipoly also stated the DDA met and approved the 20/21 budget and discuss a request to possibly move the Tridge or Treat to the Thursday before Halloween in an effort to gain more volunteers.

New Business

9. Consider Staff Direction Regarding the Principal Shopping District

Manager Geinzer began discussions noting that if City Council would like to move forward with planning a special assessment district for a Principal Shopping District, the planning would need to start right away due to the lengthy statutory process.

Councilmember Emaus stated his concern noting that he is not convinced the PSD has established the legal need as stated in PSD Act 120 of 1961. He also referred to several Michigan Tax Tribunal (MTT) cases regarding PSDs. If the intent is for marketing, he stated, a marketing plan must be developed. Further, Mr. Emaus indicated the zone divisions and how they were defined as problematic.

Mayor Pipoly asked if the existing marketing plan would be sufficient or if a new plan be required. Attorney Burns stated that a new or revised marketing plan would be required to meet the requirements.

Mr. Emaus noted the act is designed to establish and address a need, a road, sidewalks, etc. He further stated he is not convinced that a special assessment for a Principal Shopping District is the correct vehicle for the group's intentions. Noting the district was helpful during the recession, but does not see the benefit in this economy.

Councilmember Tobbe asked Councilmember Emaus is if the MTT cases were successfully tested and the districts were upheld. He further asks if not this, then what should the PSD do to market itself. Mr. Tobbe noted marketing is the key focus of the PSD and it is important to promote Brighton for a thriving downtown.

Attorney Burns redirected to state the topic at hand is if Council sees the need to proceed with a PSD.

Councilmember Bohn stated he is not in support of hurrying the process and would like further evaluation.

Councilmember Emaus noted staff has been asked for concessions and tax payers approved a millage increase so he is not supportive of an increase use of staff time and resources to continue with a Principal Shopping District and all that is involved with creating a new special assessment district.

Motion by Councilmember Emaus, seconded by Councilmember Bohn to table item 9 until after the 20/21 budget has been completed. **The motion carried, with Councilmembers Muzzin and Tobbe voting no.**

10. Consider Possible Participation in a Multi-Jurisdictional Lee Road Rehabilitation Project

Manager Geinzer introduced the agenda item outlining the scope of the proposed project, citizen inquires related to a possible rehabilitation of Lee Road, and Livingston County involvement with the project noting that Green Oak Township has already agreed to move forward. Hamburg Township will discuss this topic at their next meeting in March. Joining together with three entities to share in the cost is beneficial as Lee Road is a boundary road that many residents utilize.

City Council discussed the scope and price of the project noting concern should the cost of the project change if a total road failure has been found. Mr. Geinzer stated that a final contract will come back to City Council for approval after samplings and preliminary engineering has been conducted. The question is, does Council feel comfortable moving forward with the process.

Motion by Councilmember Muzzin, seconded by Mayor Pro Tem Gardner to approve participation in the multi-jurisdictional Lee Road rehabilitation project in the amount of up to \$60,000, plus a 10% contingency upon participation by Green Oak Township and Hamburg Township, with contract documents to be reviewed by the City Attorney and presented to City Council for consideration at a later date. **The motion carried without objection.**

Other Business

11. Call to the Public

Mayor Pipoly opened the Call to the Public at 8:38 p.m.

Diane Fowkes stated that she understands the Lindbom property is privately owned and is concerned with how much time Police spend dealing with situations at the property but would like the City to remain small. She further asked if there is a penalty to the property owner for having a vacant structure to recuperate the expense of patrolling the property.

Neil Harrison stated he believes developer Steve Davis should contribute to the rehabilitation of Lee Road considering Mr. Davis has built over one hundred condominiums with significant truck traffic. The cupping of the road has presented serious hazards during weather events.

Mayor Pipoly closed the Call to the Public at 8:42 p.m.

Manager Geinzer noted the City does have a vacant structure ordinance but there are limitations on enforcement to recoup costs. No tickets have been issued to the property owner but there have been code violations issued that were addressed by the property owner.

Mr. Caruso stated the building is registered as a vacant structure and is subjected to basic monthly inspections.

Councilmember Pettengill urged concerned residents to reach out to staff with questions rather than rely on social media for information.

12. Adjournment

Motion by Councilmember Tobbe, seconded by Councilmember Emaus to adjourn the meeting at 8:46 p.m. **The motion carried without objection.**

Tara Brown, City Clerk

Shawn Pipoly, Mayor



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 5, 2020

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE 592, TEXT AMENDMENTS TO CHAPTER 98 OF THE CODE OF ORDINANCE.

ADMINISTRATIVE SUMMARY

As part of the ongoing review of the Code of Ordinances, the Planning Commission and Community Development staff discussed “permitted use” within the commercial districts. The intent was to identify language that may require revisions to meet the current and future demographics of the City, and to help property owners meet the changing demands of the commercial business industry. The Planning Commission determined the permitted use sections within the C1, C2, C3, C4, OS, and RT zoning districts were in need of updating, and developed the following proposed revisions:

- *C1 – Community Shopping District:* addition of new permitted uses, and update language to current uses.
- *C2 – General Business:* update and add language to current uses, and combined C4 permitted uses.
- *C3 – Limited Business District:* combined all special land uses with the permitted uses, except for items six, eleven, twelve, eighteen, and twenty.
- *C4 – Limited Intensity Business/Office District:* permitted uses combined with the C2-General Business District.
- *OS – Office Service:* combined all special land uses with the permitted uses, except for items three, five, seven, eight, and eleven.
- *RT – Residential Transitional:* addition of new special land use.

Within the C3 and OS zoning districts, the only permitted uses allowed are single-family residential and home occupations. All other uses are described as special land uses, which requires approval by the Planning Commission and City Council through the public hearing process. Due to the low impact nature of these uses and given the location, many of them could be categorized as permitted uses, removing the requirement of a public hearing process. Many of the buildings within the C3 and OS districts are small office type structures with multiple tenant spaces, which fit the low-impact, limited commercial use as described for this district. Many of the listed uses are currently conducting business in these districts without issue.

Due to the Clearzoning format of the City zoning ordinance, additional text amendments are necessary in other related sections that coincide with the proposed revisions. The additional amendments are within the “Use Standards” section of the zoning ordinance, and are specific to the changes proposed. Amendments are also required in the “Definitions” section of the ordinance, adding language for “child daycare facility” and “pet daycare facility”.

- The Planning Commission conducted a public hearing at their meeting held on December 16, 2019 and has recommended approval of the text amendments to the zoning ordinance. The City attorney also reviewed and approved the proposed text amendments.
- City Council conducted a first reading of the proposed ordinance amendments at their regular meeting held on February 6, 2020
- The City attorney has reviewed and approved the proposed text amendments.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 5, 2020

RECOMMENDATION

It is the recommendation of staff that City Council conducts a public hearing to obtain public comment, and to consider adoption of Ordinance 592, text amendments to the City of Brighton Zoning Ordinance.

Prepared by: Michael Caruso, Community Development Manager

Reviewed &

Approved by: Nate Geinzer, City Manager

Attachments:

1. Track Changes – District Amendments
2. Track Changes – Use Standards Amendments
3. Planning Commission Minutes, 12/16/2019
4. Ordinance 592 (draft)

98-3.10

C-1 Community Shopping Center

B. PRINCIPAL PERMITTED USES

1. Private museums
2. [Fraternities, sororities, private clubs² and lodges §98-4.11](#)
3. Banks and other financial institutions
4. ~~Barbershop or beauty parlor.~~ [Personal service establishments, including barbershops, beauty shops, and health salons.](#)
5. Business or commercial school, or dancing or music academy
6. Catering establishments
7. Motorized vehicle service and sales facilities
8. Hospitals and clinics for animals, but not open kennels
9. Printing and reproduction services
10. Painting and decorating shop
11. Photograph gallery
12. [Public garage² §98-4.12](#)
13. Recreation or amusement buildings
14. Restaurant²
15. Sales or show rooms
16. Service establishment, such as small appliance or shoe repair, laundries, and the like
17. Retail establishments
18. [Theatres, except open-air drive-in theatres §98-4.13](#)
19. Business and professional offices
20. Places of worship and accessory uses
21. [Carnival, outdoor circus or migratory amusement enterprise §98-4.14](#)
22. [Accessory buildings² and uses² customarily incidental to the above uses §98-5.16](#)
23. [Health clubs and personal recreational facilities §98-4.20](#)
24. [Pet daycare facility §98-4.18](#)

C. SPECIAL LAND USES

1. [Adult entertainment business² §98-4.15](#)
2. [Wireless communication facilities^{2,2} and services §98-4.35](#)

C-2 General Business

B. PRINCIPAL PERMITTED USES

1. Private museums
2. Fraternities, sororities, private clubs² and lodges §98-4.11
3. Banks and other financial institutions
4. ~~Barbershop or beauty parlor~~
5. Business or commercial school, dancing or music academy
6. Catering establishments
7. Motorized vehicle service and sales facilities, farm and lawn equipment
8. Hospitals and clinics for animals, but not open kennels §98-4.18
9. ~~Printing and reproduction services~~
10. Painting and decorating shop
11. Photograph gallery
12. Public garage² §98-4.12
13. Recreation or amusement buildings
14. Restaurant²
15. Sales or show rooms
16. ~~Service establishment~~
17. Store or shop for the conduct of retail business
18. Theatres, except open-air drive-in theatres §98-4.13
19. Business and professional offices
20. Carnival, outdoor circus or migratory amusement enterprise §98-4.14
21. ~~Advertising signs² and billboards that comply with Chapter 698-6~~
22. Dyeing and cleaning works §98-4.16
23. ~~Hotel², motel~~
24. Laundry employing not more than ten persons on the premises
25. ~~Public garage² and automobile sales room~~
26. ~~Tinsmithing shop~~
Child daycare facility
Pet daycare facility §98-4.18

B. PRINCIPAL PERMITTED USES (continued)

27. Used car sales or storage lots
28. Radio broadcasting and telecasting stations, studios and offices
29. Retail lumber yards
30. Places of worship and accessory uses
31. Tobacco specialty retail stores², cigar bars², and Hookah lounges/bars/establishments²
32. ~~Service establishments such as television repair, shoe repair shop, laundries and dry cleaning establishments which are not self service~~
33. ~~Medical offices and clinics² serving human health needs including related laboratory diagnostic and treatment functions~~
34. ~~Personal service establishments, including barbershops, beauty shops and health salons.~~
35. ~~Publicly owned buildings, as well as public service facilities, telephone exchange buildings, and public utility offices, but not including open storage yards, transformer stations, or gas regulator stations.~~
36. ~~Public or private paved, off-street parking² lots §98-5.6~~
37. ~~Health clubs and personal recreational facilities §98-4.20~~
38. ~~Printing, reproduction, and art service §98-4.21~~
39. ~~Nursery, floral, landscape, garden and swimming pool sales §98-4.22~~
40. Accessory buildings² and uses² customarily incidental to the above use

C. SPECIAL LAND USES

1. Wireless communication facilities² and services §98-4.35
2. Hotel, motel
3. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services

DRAFT

C-3 Limited Business

B. PRINCIPAL PERMITTED USES

1. Single-family residential
2. Home occupations §98-4.1
3. Antique shops
4. Art galleries and museums
5. Personal service establishments, including barbershops, beauty shops and health salons.
6. Bookstores
7. Business offices
8. Collectors shops, such as stamps and coins
9. Craft establishments
10. Florists
11. Jewelry, watch and clock repair
12. Optical and hearing supplies and services
13. Photographic services
14. Professional offices §98-4.17
15. Tailors, dress making apparel, alteration or leasing services
16. Veterinary hospitals, clinics, and Pet daycare facilities §98-4.18

C. SPECIAL LAND USES

1. ~~Antique shops~~
2. ~~Art galleries and museums~~
3. ~~Barbershops and beauty salons~~
4. ~~Bookstores~~
5. ~~Business offices~~
6. Places of worship and accessory uses
7. ~~Collectors shops, such as stamps and coins~~
8. ~~Craft establishments~~
9. ~~Florists~~
10. ~~Jewelry, watch and clock repair~~
11. Libraries, public and private
12. Municipal offices
13. ~~Optical and hearing supplies and services~~
14. ~~Photographic services~~
15. ~~Professional offices §98-4.17~~
16. ~~Residential facilities §98-4.10~~
17. ~~Tailors, dress making apparel, alteration, or leasing services~~
18. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services
19. ~~Veterinary hospitals, clinics, and kennels §98-4.18~~
20. Wireless communication facilities and services §98-4.35

O-S Office Service

B. PRINCIPAL PERMITTED USES

1. Existing single-family² residential
2. Office buildings
3. Medical offices, including clinics²
4. Banks, credit unions, savings and loan associations, and similar uses; drive-in² facilities as an accessory use only
5. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations.
6. Other uses similar to the above uses
7. Accessory structures² and uses² customarily incident to the above permitted uses

C. SPECIAL LAND USES

1. ~~Office buildings_~~
2. ~~Medical offices, including clinics²_~~
3. Facilities for human care such as hospitals, sanitariums and convalescent homes
4. ~~Banks, credit unions, savings and loan associations, and similar uses; drive-in² facilities as an accessory use only_~~
5. Mortuary establishments §98-4.19
6. ~~Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations._~~
7. Off-street parking lots² §98-5.6
8. Places of worship and accessory uses
9. ~~Other uses similar to the above uses_~~
10. ~~Accessory structures² and uses² customarily incident to the above permitted uses_~~
11. Wireless communication facilities² and services §98-4.35

~~D. ACCESSORY USES~~

- ~~1. Personal service establishments_~~

98-3.8

R-T Residential Transitional

B. PRINCIPAL PERMITTED USES

1. Single-family dwellings
2. [Home occupations](#) §98-4.1

C. SPECIAL LAND USES

1. Art galleries and museums specializing in original art works
2. [Business offices](#) §98-4.9
3. Places of worship and accessory uses
4. Collectors shops, such as stamps and coins
5. Craft establishments
6. Libraries, public and private
7. Municipal offices
8. Photographic studio
9. Professional offices
10. [Residential facilities](#) §98-4.10
11. Single-family dwellings, duplex residential facilities
12. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services
13. [Child daycare facility](#)

98-4.0 Use Standards

98-4.17 PROFESSIONAL OFFICES

Professional offices, such as architectural, engineering, legal, medical, dental, psychiatric, and other similar offices are permitted as a ~~special land~~ use in the C-3 district, excepting therefrom clinics, hospitals, or other similar uses which provide for overnight care or treatment.

98-4.18 VETERINARY HOSPITALS, CLINICS, AND ~~KENNELS~~ PET DAYCARE FACILITIES

Veterinary hospitals, clinics, and ~~kennels~~ pet daycare facilities are permitted as a ~~special land~~ use in the C-1, C-2, and C-3 district, providing medical, surgical, boarding, grooming, or bathing for small nonfarm animals, provided that all boarding of animals shall be within the structure.

98-4.20 HEALTH CLUBS AND PERSONAL RECREATIONAL FACILITIES

Health clubs and personal recreational facilities are a permitted use in the C-1, C-2 and C-4 district when entirely within an enclosed structure.

98-4.22 NURSERY, FLORAL, LANDSCAPE, GARDEN, AND SWIMMING POOL SALES

Nursery, floral, landscape, garden and swimming pool sales are permitted uses in the C-1, C2, and C-4 district when including only enclosed outdoor sales and display areas.

**City of Brighton
Planning Commission
Regular Meeting Minutes
December 16, 2019**

The Board for the Planning Commission held a regular meeting on Monday, December 16, 2019 at City Hall, located at 200 N. First Street, Brighton, MI.

1. Call to Order/Roll Call

Chairman Smith called the meeting to order at 7:01 p.m.

Commissioners Present: Matt Smith, James Bohn, Ken Schmenk, Susan Gardner, Rob Pawlowski, Mike Schutz, and William Bryan.

Members Absent: Steve Monet and Dave Petrak

Also present: Michael Caruso, Community Development Manager; Kelly Haataja, Executive Assistant to Community Development; Jill Bahm, Giffels Webster; Nate Geinzer, City Manager; Rob Bradford, Police Chief; Craig Flood, Deputy Police Chief, and an audience of eight.

Moved by Pawlowski, supported by Bryan, to excuse Commissioners Monet and Petrak. ***The motion carried unanimously.***

2. Approval of the November 18, 2019 Meeting Minutes

Moved by Bohn, supported by Schmenk, to approve the November 18, 2019 minutes as presented. ***The motion carried unanimously.***

3. Approval of the December 16, 2019 Agenda

Moved by Gardner, supported by Pawlowski, to approve the December 16, 2019 Meeting Agenda. ***The motion carried unanimously.***

4. Call to the Public

Chairman Smith opened the call to the public at 7:03 p.m.

Albert Wirth, 230 N. First Street requested the Commission revisit the R-5, Uptown South District in regards to the side yard setbacks for a townhome development. He believes the zero lot-line setback is not appropriate for the district.

Chairman Smith closed the call to the public at 7:04 p.m.

PUBLIC HEARING

5. Public Hearing and Possible Action on Text Amendments to Chapter 98 of the City's Code of Ordinances

Community Development Manager Caruso gave an overview of the proposed text amendments, and described what changes would occur if the proposed amendments were adopted.

Commissioner Bryan asked where the C-3 district is located.

Manager Caruso stated along east Grand River from Spencer Street to the Brookdale Senior Living facility.

Commissioner Bohn asked what zoning districts would a child daycare facility be listed as a permitted use.

Manager Caruso stated in the C-2 district, and as a Special Land Use in the R-T district.

Chairman Smith opened the public hearing at 7:13 p.m.

Bob Pettengill, 608 W. Main Street stated the proposed R1, Single-Family rezoning to the R-T district rezoning was not mentioned in the overview of the public hearing.

Chairman Smith advised the resident it was included in the next agenda item, which would also be a public hearing.

Mr. Pettengill also commented on the public notice that residents received regarding the hearing, stating he would like to see the agenda item listed in the same manner.

Chairman Smith closed the public hearing at 7:15 pm.

Moved by Gardner, supported by Bryan, to recommend adoption of the text amendments to Chapter 98. ***The motion carried unanimously.***

6. Public Hearing and Possible Action on Chapter 98, Map Amendments to the Zoning Ordinance.

Community Development Manager Caruso gave an overview of the proposed changes to the zoning map and described the reasons for the proposed amendments. Also by request of Chairman Smith, an overview of the Special Land Use request process was explained. The locations of the proposed rezoning's were illustrated with a map presentation.

Chairman Smith opened the public hearing at 7:22 pm.

Bob Pettengill, 608 W Main Street stated he would like the minutes to reflect which specific parcels will be rezoned. He also stated his appreciation that any permitted use in the R-T zoning district, besides single-family residential, will need to go through the Special Land Use process.

Rebecca Munce, 125 N Third Street questioned if the rezoning of the funeral home parcels would give the opportunity for expansion, as the owner of a parcel proposed for rezoning is seeking to acquire neighboring properties.

Renee Pettengill, 225 N Third Street questioned if the funeral home parcel is rezoned to R-T, will the owner be required to apply to the Zoning Board of Appeals to expand the structure.

Rebecca Munce, 125 N Third Street questioned if she were to open a home occupation of a tea parlor, would she be a conforming use within her zoning district.

Chairman Smith closed the public hearing at 7:30 pm.

Chairman Smith stated the parcels adjacent to the funeral home are zoned R1 – Single-Family Residential, and that is the only principle permitted use.

Chairman Smith stated that in the R-T district, any use other than single-family could only be allowed through the Special Land Use process.

Manager Caruso stated any proposed expansion of a structure that will encroach into the required setbacks of the district it lies within, would require a variance request to the ZBA.

Manager Caruso stated home occupations are allowed as a permitted use in the R1 district. A business that allows customer access for service such as a café, would be classified as a commercial business and require Special Land Use approval.

Commissioner Bohn asked what the requirements are that dictates if a proposed expansion to a structure needs Planning Commission or City Council approval.

Manager Caruso stated the zoning ordinance criteria that allows for administrative, Planning Commission, or City Council approval, for a proposed expansion, is based off calculations regarding square footage, parking needs, use intensity, and change of use.

Commissioner Bohn asked what approval is required, if the funeral home business proposed an expansion that doubled the current size of the building.

Manager Caruso stated Planning Commission and City Council approval would be required.

Moved by Gardner, supported by Bryan, to recommend adoption of Chapter 98, map amendments to zoning ordinance. ***The motion carried unanimously.***

OLD BUSINESS

None

NEW BUSINESS

7. Informative Presentation on State Recreation Marijuana Laws

Manager Caruso gave a brief overview of why information regarding the recreational marijuana laws was being presented to the Commission.

Jill Bahm, Giffels Webster, gave a powerpoint presentation on the Michigan Medical Marijuana Act, and the Michigan Regulation and Taxation of Marijuana Act.

Commissioner Pawlowski asked what is the difference in the allowable limit of plants listed in the medical and recreational marijuana laws.

Ms. Bahm stated there is no difference and the allowed amount is equal.

Commissioner Gardner stated there is more types of licenses allowed in the new law, and questioned if you can choose which licenses you wanted to allow.

Ms. Bahm stated when the law was first passed, there was talk of any community opting in must allow all the license types. She stated now communities are adopting language allowing them to choose which types they will approve.

Commissioner Schmenk stated statistical reports of communities in other states that allow the marijuana businesses, have elevated numbers in crime rate and homelessness. He also mentioned the businesses will be a target for theft, and asked if there was any data from community's the size of Brighton that have opted in, that could be reviewed.

Commissioner Bryan commented on the resources that will be needed to regulate and manage these businesses if allowed, and he believes there are too many unknowns to make any determination in regards to the City of Brighton creating zoning language.

Ms. Bahm stated there are many issues to consider when researching this topic. She commented on what most other communities are saying in regards to there being too many unknowns, and which is why they have opted out.

Chairman Smith stated there is no obligation for the Planning Commission to take any action at this meeting, as the City is currently "opted out" for any marijuana related uses. He also stated it would be helpful if staff can consider presenting an annual update to the Commission regarding the recreational marijuana industry, and how it is effecting communities that have opted in.

8. Approval of the 2020 Meeting Schedule

Moved by Pawlowski, supported by Bryan, to approve the 2020 meeting schedule. ***The motion carried unanimously.***

OTHER BUSINESS

9. Staff Updates

None

10. Commissioner's Report

Commissioner Gardner stated in regards to the comments made during the first call to public, she asked staff is there any other proposed zoning ordinance amendments in the near future that will be discussed by the Commission.

Manager Caruso stated there will be discussion on possible zoning ordinance amendments at an upcoming meeting, and that he was targeting the February meeting.

Commissioner Pawlowski asked for a status on the Roadies project at 205 W. Main Street.

Manager Caruso stated the majority of the renovations are complete and the owner will be conducting a water main tap in a few days for the fire suppression system.

Commissioner Gardner asked the status of the Sidecar Slider Bar project.

Manager Caruso stated the building permit is still in the review process but they were issued a foundation only permit.

Commissioner Bohn asked the status of the Brighton Yoga located at 106 W. Main Street, and the change of use.

Manager Caruso stated they have moved from their location at Grand River and Cross Street, and per the Development Procedures section of the zoning ordinance, the change of use was administratively approved.

9. Call to Public

Chairman Smith opened the call to public at 8:21 pm.

Susan Bakhaus, 907 Brighton Lake Rd. commented on the possibility of the funeral home parcel owner buying neighboring properties, and combining them to get the proper zoning, allowing him to expand his business.

Chairman Smith closed the call to public at 8:22 p.m.

10. Adjournment

Moved by Bohn, supported by Bryan, to adjourn the meeting. ***The motion carried unanimously.*** Meeting was adjourned at 8:23 p.m.

William Bryan, Secretary

Kelly Haataja, Recording Secretary

CITY OF BRIGHTON
ORDINANCE NO. 592

AN ORDINANCE AMENDING CHAPTER 98 OF THE CITY OF BRIGHTON ZONING ORDINANCE AS FOLLOWS:

ARTICLE 2-DEFINITIONS, TO ADD DEFINITIONS TO SECTION 98-2.2;
ARTICLE 3-ZONING DISTRICTS, ADD LANGUAGE TO SECTION 98-3.8(C);
ARTICLE 3-ZONING DISTRICTS, TEXT AMENDMENT TO SECTION 98-3.10(B)(4);
ARTICLE 3-ZONING DISTRICTS, ADD LANGUAGE TO SECTION 98-3.10(B);
ARTICLE 3-ZONING DISTRICTS, TEXT AMENDMENT TO SECTION 98-3.11(B);
ARTICLE 3-ZONING DISTRICTS, ADD LANGUAGE TO SECTIONS 98-3.11(C);
ARTICLE 3-ZONING DISTRICTS, ADD LANGUAGE TO SECTION 98-3.12(B);
ARTICLE 3-ZONING DISTRICTS, TEXT AMENDMENT TO SECTION 98-3.12(C);
ARTICLE 3-ZONING DISTRICTS, ADD LANGUAGE TO SECTION 98-3.16(B);
ARTICLE 3-ZONING DISTRICTS, TEXT AMENDMENT TO SECTION 98-3.16(C);
ARTICLE 3-ZONING DISTRICTS, REPEAL SECTION 98-3.16(D);
ARTICLE 4-USE STANDARDS, TEXT AMENDMENT TO SECTION 98-4.17, SECTION 98-4.18,
SECTION 98-4.20, AND SECTION 98-4.22
THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

Amend Chapter 98, Article 2, Section 98-2.2 to add the following definitions:

Child daycare facility means a facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care facility" or "day care facility" does not include a Sunday school conducted by a religious institution, or a facility operated by a religious organization where children are cared for during short periods of time, while persons responsible for such children are attending religious services.

Pet daycare facility means a facility other than a private residence, operated for the purpose of providing daily care and short-term boarding for normal household pets, providing that all boarding shall be done within the structure.

Amend Chapter 98, Article 3, Section 98-3.8, Subsection (C) to add the following language:

13. Child daycare facility

Amend Chapter 98, Article 3, Section 98-3.10, Subsection (B)(4) with the following language:

4. Personal service establishments, including barbershops, beauty shops and health salons.

Amend Chapter 98, Article 3, Section 98-3.10, Subsection (B) to add the following language:

- 23. Health clubs and personal recreational facilities §98-4.20
- 24. Pet daycare facility §98-4.18

Amend Chapter 98, Article 3, Section 98-3.11, Subsection (B) with the following language:

B. PRINCIPAL PERMITTED USES

- 1. Private museums
- 2. Fraternities, sororities, private clubs and lodges §98-4.11
- 3. Banks and other financial institutions
- 4. Nursery, floral, landscape, garden and swimming pool sales §98-4.22
- 5. Business or commercial school, dancing or music academy
- 6. Catering establishments
- 7. Motorized vehicle service and sales facilities, farm and lawn equipment
- 8. Hospitals and clinics for animals §98-4.18
- 9. Printing, reproduction, and art service
- 10. Painting and decorating shop
- 11. Photograph gallery
- 12. Public garage §98-4.12
- 13. Recreation or amusement buildings
- 14. Restaurant
- 15. Sales or show rooms
- 16. Health clubs and personal recreational facilities §98-4.20
- 17. Store or shop for the conduct of retail business
- 18. Theatres, except open-air drive-in theatres §98-4.13
- 19. Business and professional offices
- 20. Carnival, outdoor circus or migratory amusement enterprise §98-4.14
- 21. Public or private paved, off-street parking lots §98-5.6
- 22. Dyeing and cleaning works §98-4.16

B. PRINCIPAL PERMITTED USES (continued)

- 23. Personal service establishments, including barbershops, beauty shops and health salons.
- 24. Laundry employing not more than ten persons on the premises
- 25. Publicly owned buildings, as well as public service facilities, telephone exchange buildings, and public utility offices, but not including open storage yards, transformer stations, or gas regulator stations..
- 26. Medical offices and clinics serving human health needs including related laboratory diagnostic and treatment functions
- 27. Used car sales or storage lots
- 28. Radio broadcasting and telecasting stations, studios and offices
- 29. Retail lumber yards
- 30. Places of worship and accessory uses
- 31. Tobacco specialty retail stores, cigar bars, and Hookah Lounges/bars/ establishments
- 32. Service establishments such as television repair, shoe repair shop, laundries and dry cleaning establishments which are not self service
- 33. Daycare facilities
- 34. Pet daycare facility §98-4.18
- 35. Accessory buildings and uses customarily incidental to the above use

Amend Chapter 98, Article 3, Section 98-3.11, Subsection (C) to add the following language:

2. Hotel, motel
3. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services

Amend Chapter 98, Article 3, Section 98-3.12, Subsection (B) to add the following language:

3. Antique shops
4. Art galleries and museums
5. Personal service establishments, including barbershops, beauty shops and health salons.
6. Bookstores
7. Business offices
8. Collectors shops, such as stamps and coins
9. Craft establishments
10. Florists
11. Jewelry, watch and clock repair
12. Optical and hearing supplies and services
13. Photographic services
14. Professional offices §98-4.17
15. Tailors, dress making apparel, alteration or leasing services
16. Veterinary hospitals, clinics², and pet daycare facilities² §98-4.18

Amend Chapter 98, Article 3, Section 98-3.12, Subsection (C) with the following language:

- C. SPECIAL LAND USES
1. Places of worship and accessory uses
 2. Libraries, public and private
 3. Municipal offices
 4. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services
 5. Residential facilities §98-4.10
 6. Wireless communication facilities² and services 98-4.35

Amend Chapter 98, Article 3, Section 98-3.16, Subsection (B) to add the following language:

2. Office buildings
3. Medical offices, including clinics²
4. Banks, credit unions, savings and loan associations, and similar uses; drive-in² facilities as an accessory use only
5. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations.
6. Other uses similar to the above uses
7. Accessory structures² and uses² customarily incident to the above permitted uses

Amend Chapter 98, Article 3, Section 98-3.16, Subsection (C) with the following language:

C. SPECIAL LAND USES

1. Facilities for human care such as hospitals, sanitariums and convalescent homes
2. Mortuary establishments §98-4.19
3. Off-street parking lots §98-5.6
4. Places of worship and accessory uses
5. Wireless communication facilities and services 98-4.35

Amend Chapter 98, Article 3, Section 98-3.16, by repealing Subsection (D).

Amend Chapter 98, Article 4, Section 98-4.17 with the following language:

Professional offices, such as architectural, engineering, legal, medical, dental, psychiatric, and other similar offices are permitted as a use in the C-3 district, excepting therefrom clinics, hospitals, or other similar uses which provide for overnight care or treatment.

Amend Chapter 98, Article 4, Section 98-4.18 with the following language:

98-4.18 VETERINARY HOSPITALS, CLINICS, AND PET DAYCARE FACILITIES

Veterinary hospitals, clinics, and pet daycare facilities are permitted as a use in the C-1, C-2, and C-3 districts, providing medical, surgical, boarding, grooming, or bathing for small nonfarm animals, provided that all boarding of animals shall be within the structure.

Amend Chapter 98, Article 4, Section 98-4.20 with the following language:

Health clubs and personal recreational facilities are a permitted use in the C-1, C-2, and C-4 districts when entirely within an enclosed structure.

Amend Chapter 98, Article 4, Section 98-4.22 with the following language:

Nursery, floral, landscape, garden, and swimming pool sales are permitted uses in the C-1, C-2, and C-4 districts, when including only enclosed outdoor sales and display areas.

TARA BROWN, City Clerk

SHAWN PIPOLY, Mayor

First Reading: _____

Brief Publication: _____

Second Reading: _____

Public Hearing: _____

Adoption: _____

Full Publication: _____



City of Brighton

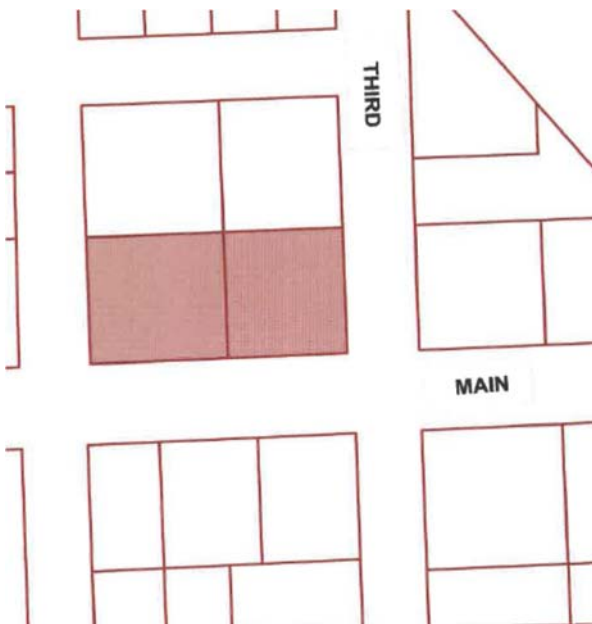
REPORT FROM THE CITY MANAGER TO CITY COUNCIL
MARCH 5, 2020

**SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ZONING MAP AMENDMENTS TO CHAPTER 98, OF THE CODE OF ORDINANCE.
(REZONING OF PARCELS)**

ADMINISTRATIVE SUMMARY

- **R-1 SINGLE-FAMILY TO R-T RESIDENTIAL TRANSITIONAL**

The City has two funeral home businesses along Main Street that operate as legal-nonconforming uses within the R1 zoning district (shown below). Each establishment has shown the willingness to improve their properties through renovation or expansion, but as nonconforming uses, they are limited in these improvements per the zoning ordinance. These two parcels if rezoned to the RT classification, would then have permitted uses by right. A third parcel located at the southeast corner of Main St. and East St. should be included in rezoning to RT from the current C2 classification. This parcel contains a residential structure converted to a commercial office use, which fits the standard for the RT district.



R-1, Single Family Residential district

Proposed rezoning to R-T, Residential Transitional

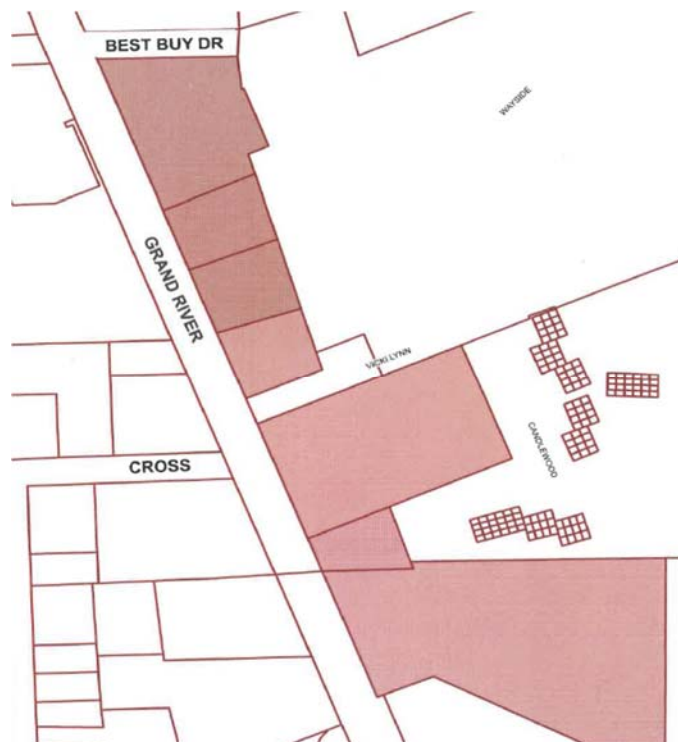


City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 5, 2020

- **C-4 LIMITED INTENSITY BUSINESS TO C-2 GENERAL BUSINESS**

In conjunction with proposed zoning ordinance amendments, the Planning Commission has recommended approval of rezoning the remaining parcels in the City categorized as C-4 Limited Intensity Business (shown below), to the C-2 General Business classification. Commercial parcels to the north, south, and west, currently have the C-2 classification. The designation change would allow for a wider range of uses permitted by right, and give property owners a better opportunity to meet the changing demands of the commercial business industry. The proposed text amendments will alter and re-align permitted uses in all commercially zoned districts, also providing better opportunities to property owners.



C-4, Limited Intensity Business district properties

Proposed Rezoning to C-2, General Business district

- City Council held a discussion regarding the proposed map amendments at their study session on July 18, 2019.
- The Planning Commission conducted a public hearing at their meeting held on December 16, 2019 and has recommended approval of the zoning map amendments.
- City Council conducted a first reading of the proposed map amendments at their regular meeting held on February 6, 2020.
- The City attorney has reviewed and approved the proposed zoning map amendments.



City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL MARCH 5, 2020

RECOMMENDATION

It is the recommendation of staff that City Council conducts a public hearing to obtain public comment, and to consider adoption of the proposed zoning map amendments to Chapter 98 of the Code of Ordinances.

Prepared by: Michael Caruso, Community Development Manager

Reviewed &

Approved by: Nate Geinzer, City Manager

Attachments: 1. Planning Commission Minutes, 12/16/2019
2. City Council Study Session Minutes, 7/18/2019

**City of Brighton
Planning Commission
Regular Meeting Minutes
December 16, 2019**

The Board for the Planning Commission held a regular meeting on Monday, December 16, 2019 at City Hall, located at 200 N. First Street, Brighton, MI.

1. Call to Order/Roll Call

Chairman Smith called the meeting to order at 7:01 p.m.

Commissioners Present: Matt Smith, James Bohn, Ken Schmenk, Susan Gardner, Rob Pawlowski, Mike Schutz, and William Bryan.

Members Absent: Steve Monet and Dave Petrak

Also present: Michael Caruso, Community Development Manager; Kelly Haataja, Executive Assistant to Community Development; Jill Bahm, Giffels Webster; Nate Geinzer, City Manager; Rob Bradford, Police Chief; Craig Flood, Deputy Police Chief, and an audience of eight.

Moved by Pawlowski, supported by Bryan, to excuse Commissioners Monet and Petrak. ***The motion carried unanimously.***

2. Approval of the November 18, 2019 Meeting Minutes

Moved by Bohn, supported by Schmenk, to approve the November 18, 2019 minutes as presented. ***The motion carried unanimously.***

3. Approval of the December 16, 2019 Agenda

Moved by Gardner, supported by Pawlowski, to approve the December 16, 2019 Meeting Agenda. ***The motion carried unanimously.***

4. Call to the Public

Chairman Smith opened the call to the public at 7:03 p.m.

Albert Wirth, 230 N. First Street requested the Commission revisit the R-5, Uptown South District in regards to the side yard setbacks for a townhome development. He believes the zero lot-line setback is not appropriate for the district.

Chairman Smith closed the call to the public at 7:04 p.m.

PUBLIC HEARING

5. Public Hearing and Possible Action on Text Amendments to Chapter 98 of the City's Code of Ordinances

Community Development Manager Caruso gave an overview of the proposed text amendments, and described what changes would occur if the proposed amendments were adopted.

Commissioner Bryan asked where the C-3 district is located.

Manager Caruso stated along east Grand River from Spencer Street to the Brookdale Senior Living facility.

Commissioner Bohn asked what zoning districts would a child daycare facility be listed as a permitted use.

Manager Caruso stated in the C-2 district, and as a Special Land Use in the R-T district.

Chairman Smith opened the public hearing at 7:13 p.m.

Bob Pettengill, 608 W. Main Street stated the proposed R1, Single-Family rezoning to the R-T district rezoning was not mentioned in the overview of the public hearing.

Chairman Smith advised the resident it was included in the next agenda item, which would also be a public hearing.

Mr. Pettengill also commented on the public notice that residents received regarding the hearing, stating he would like to see the agenda item listed in the same manner.

Chairman Smith closed the public hearing at 7:15 pm.

Moved by Gardner, supported by Bryan, to recommend adoption of the text amendments to Chapter 98. ***The motion carried unanimously.***

6. Public Hearing and Possible Action on Chapter 98, Map Amendments to the Zoning Ordinance.

Community Development Manager Caruso gave an overview of the proposed changes to the zoning map and described the reasons for the proposed amendments. Also by request of Chairman Smith, an overview of the Special Land Use request process was explained. The locations of the proposed rezoning's were illustrated with a map presentation.

Chairman Smith opened the public hearing at 7:22 pm.

Bob Pettengill, 608 W Main Street stated he would like the minutes to reflect which specific parcels will be rezoned. He also stated his appreciation that any permitted use in the R-T zoning district, besides single-family residential, will need to go through the Special Land Use process.

Rebecca Munce, 125 N Third Street questioned if the rezoning of the funeral home parcels would give the opportunity for expansion, as the owner of a parcel proposed for rezoning is seeking to acquire neighboring properties.

Renee Pettengill, 225 N Third Street questioned if the funeral home parcel is rezoned to R-T, will the owner be required to apply to the Zoning Board of Appeals to expand the structure.

Rebecca Munce, 125 N Third Street questioned if she were to open a home occupation of a tea parlor, would she be a conforming use within her zoning district.

Chairman Smith closed the public hearing at 7:30 pm.

Chairman Smith stated the parcels adjacent to the funeral home are zoned R1 – Single-Family Residential, and that is the only principle permitted use.

Chairman Smith stated that in the R-T district, any use other than single-family could only be allowed through the Special Land Use process.

Manager Caruso stated any proposed expansion of a structure that will encroach into the required setbacks of the district it lies within, would require a variance request to the ZBA.

Manager Caruso stated home occupations are allowed as a permitted use in the R1 district. A business that allows customer access for service such as a café, would be classified as a commercial business and require Special Land Use approval.

Commissioner Bohn asked what the requirements are that dictates if a proposed expansion to a structure needs Planning Commission or City Council approval.

Manager Caruso stated the zoning ordinance criteria that allows for administrative, Planning Commission, or City Council approval, for a proposed expansion, is based off calculations regarding square footage, parking needs, use intensity, and change of use.

Commissioner Bohn asked what approval is required, if the funeral home business proposed an expansion that doubled the current size of the building.

Manager Caruso stated Planning Commission and City Council approval would be required.

Moved by Gardner, supported by Bryan, to recommend adoption of Chapter 98, map amendments to zoning ordinance. ***The motion carried unanimously.***

OLD BUSINESS

None

NEW BUSINESS

7. Informative Presentation on State Recreation Marijuana Laws

Manager Caruso gave a brief overview of why information regarding the recreational marijuana laws was being presented to the Commission.

Jill Bahm, Giffels Webster, gave a powerpoint presentation on the Michigan Medical Marijuana Act, and the Michigan Regulation and Taxation of Marijuana Act.

Commissioner Pawlowski asked what is the difference in the allowable limit of plants listed in the medical and recreational marijuana laws.

Ms. Bahm stated there is no difference and the allowed amount is equal.

Commissioner Gardner stated there is more types of licenses allowed in the new law, and questioned if you can choose which licenses you wanted to allow.

Ms. Bahm stated when the law was first passed, there was talk of any community opting in must allow all the license types. She stated now communities are adopting language allowing them to choose which types they will approve.

Commissioner Schmenk stated statistical reports of communities in other states that allow the marijuana businesses, have elevated numbers in crime rate and homelessness. He also mentioned the businesses will be a target for theft, and asked if there was any data from community's the size of Brighton that have opted in, that could be reviewed.

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Ms. Bahm stated there are many issues to consider when researching this topic. She commented on what most other communities are saying in regards to there being too many unknowns, and which is why they have opted out.

Chairman Smith stated there is no obligation for the Planning Commission to take any action at this meeting, as the City is currently "opted out" for any marijuana related uses. He also stated it would be helpful if staff can consider presenting an annual update to the Commission regarding the recreational marijuana industry, and how it is effecting communities that have opted in.

8. Approval of the 2020 Meeting Schedule

Moved by Pawlowski, supported by Bryan, to approve the 2020 meeting schedule. ***The motion carried unanimously.***

OTHER BUSINESS

9. Staff Updates

None

10. Commissioner's Report

Commissioner Gardner stated in regards to the comments made during the first call to public, she asked staff is there any other proposed zoning ordinance amendments in the near future that will be discussed by the Commission.

Manager Caruso stated there will be discussion on possible zoning ordinance amendments at an upcoming meeting, and that he was targeting the February meeting.

Commissioner Pawlowski asked for a status on the Roadies project at 205 W. Main Street.

Manager Caruso stated the majority of the renovations are complete and the owner will be conducting a water main tap in a few days for the fire suppression system.

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9. Call to Public

Chairman Smith opened the call to public at 8:21 pm.

Susan Bakhaus, 907 Brighton Lake Rd. commented on the possibility of the funeral home parcel owner buying neighboring properties, and combining them to get the proper zoning, allowing him to expand his business.

Chairman Smith closed the call to public at 8:22 p.m.

10. Adjournment

Moved by Bohn, supported by Bryan, to adjourn the meeting. ***The motion carried unanimously.*** Meeting was adjourned at 8:23 p.m.

William Bryan, Secretary

Kelly Haataja, Recording Secretary



City Council Study Session

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116
(810) 227-1911 • www.brightoncity.org

MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON JULY 18, 2019

CALL TO ORDER

Mayor Muzzin called the Study Session to order at 6:30 p.m.

ROLL CALL

Present were Mayor Muzzin, Councilmembers: Bohn, Emaus, Gardner, Pettengill, and Pipoly. Councilmember Tobbe was absent. Staff: City Manager Nate Geinzer, City Clerk Tara Brown, Finance Director Gretchen Gomolka, Community Development Manager Mike Caruso, and Attorney Paul Burns. There were four persons in the audience.

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to delete Discussion of Implementation of Cross Connection Program and add Discuss Possible Rezoning and Discussion of PEG fees. **The motion carried without objection.**

CALL TO PUBLIC

Mayor Muzzin opened the Call to the Public at 6:30 p.m. Hearing and seeing no comment, Mayor Muzzin closed the Call to Public at 6:30 p.m.

~~DISCUSSION OF IMPLEMENTATION OF CROSS CONNECTION PROGRAM~~

DISCUSSION OF UTILITY CONNECTION FEE PAYMENT PROGRAM

City Manager Geinzer gave a brief introduction to the agenda item. Community Development Manager Caruso also introduced the agenda item noting that his department has been considering a modification to the program for some time and presented City Council with the current fee structure and possible scenarios that he considered. Mr. Caruso stated that several developers have voiced their concerns with the upfront utility connection costs and would appreciate a longer payment program.

Mayor Pro Tem Pipoly stated that he would prefer to look at a volume payment program, perhaps a longer period if a developer meets a certain threshold for quantity. Councilmember Bohn asked if there was some specific reason for a third down. Manager Geinzer spoke about the historical significance and past practices for utility connection fee payment program. Mr. Geinzer also cautioned that there are good reasons not to allow the program to extend too far out but he is open to allow developers more time if the volume is significant. Mayor Muzzin asked if the fees are transferable, Mr. Caruso stated that unpaid fees would go onto the tax roll if necessary. City Council and staff discussed specifics if the fees were not paid.

City Manager Geinzer reminded all that most developers are from an urban/metro setting where REUs are less expensive. Mayor Pro Tem Pipoly asked how many developers have raised their concerns about the fees. Mr. Caruso stated that all recent developers. Mayor Muzzin is in favor of a tiered system based on volume but would like to keep the language to read a third down and add a five year payment program if criteria is met and reevaluate in five years to discuss financial liabilities of extending the program.

Councilmember Emaus stated his concern regarding the extended program because it could increase risk of default the longer the payment is extended. Director Gomolka stated that any default would be placed on the owner(s) tax roll. Attorney Burns gave a brief overview on tax liens. Mayor Muzzin and Pro Tem Pipoly agreed that a three and five year program with a five-year sunset for evaluation would be their preference.

DISCUSS POSSIBLE REZONINGS

Mr. Caruso introduced the agenda item mentioning that this item has been something his staff has reviewed lately because a local business owner, Keehn Griffin Funeral Home would like to add onto their porch area but because their building is a non-conforming use, they are not allowed under current zoning to increase or build out. Mr. Caruso, with concurrence by the City Attorney, suggested a change similar properties from R1 (residential) to residential transitional (RT). Mr. Caruso and Council discussed various parcels that would benefit from a change in zoning. Councilmember Pettengill is concerned rezoning may be extending the DDA district, she is also concerned about changing the master plan that was just completed. Councilmember Pettengill is in favor of looking at certain established businesses rather than rezoning a full section of residential homes.

Councilmember Emaus would like to promote the businesses that invest in the City and would like to better their businesses. Councilmember Pettengill is in favor of spot zoning Paris Allergy Clinic and Keehn Griffin Funeral Home from R1 to residential transitional to allow the established businesses to modify their existing structures however she is opposed to rezoning large portions of family residential homes to residential transitional. Attorney Burns stated that RT was developed to taper commercial/industrial areas to residential homes. The thought process was to develop a natural transition with businesses that have a home-like appearance. Councilmember Gardner is in favor of spot zoning and appreciates that a potential rezoning would be to accommodate businesses already established rather than changing the zoning to accommodate a developer.

DISCUSSION OF PEG FEES

Director Gomolka introduced the agenda item stating that PEG fees are for Public, Educational, or Governmental programming. This is a fee that is collected by AT&T or Comcast and paid to the City for PEG programming. These fees paid to the City must be used within the studio in various ways to maintain and promote PEG programming. To date the City has received \$192,000 and has utilized \$120,000 leaving about \$70,000 for maintenance and studio upkeep.

Mayor Muzzin asked if the City must report back to AT&T or Comcast as to how the money is spent. Director Gomolka stated that the companies do not require expense reporting.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:14 p.m.

Bob Pettengill spoke against categorically rezoning homes within the mentioned area to RT. Mr. Pettengill stated that he would like to keep that area of Brighton residential.

Jim Folks would support spot zoning and keep the character of Brighton. Mr. Folks appreciates seeing families walking around.

ADJOURNMENT

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Pipoly to adjourn the Study Session at 7:22 p.m. **The motion carried without objection.**

Tara Brown, City Clerk

James Muzzin, Mayor