

**City of Brighton
Planning Commission
Meeting Minutes
July 17, 2017**

1. Call to Order/Roll Call

Chairman Smith called the meeting to order at 7:29 p.m.

The following Commissioners were present:

Jim Bohn	Susan Gardner
William Bryan	David McLane
David Petrak	Matthew Smith
Steve Monet	Rob Pawlowski

Motion by Commissioner Monet, supported by Commissioner Bryan, to excuse Commission Members Schutz from tonight's meeting. **The motion carried 8-0-1.**

Also present was Nate Geinzer, City Manager; Brandon Skopek, Community Development Associate; Michael Caruso, Zoning/Code Enforcement Associate; Scott Barb, Livingston County Planning; Brad Maynes, City Attorney, Piet Lindhout, Lindhout and Associates; Mike O'Leary, Lindhout and Associates; Bob Herbst, Downtown Development Authority (DDA) Chair, and an audience of 25.

2. Approval of the June 19, 2017 Minutes

Moved by Commissioner Monet, supported by Commissioner Petrak, to approve the minutes as presented. **The motion carried 6-0-3 with Commissioners McLane and Pawlowski abstaining.**

3. Approval of the July 17, 2017 Agenda

Chairman Smith requested that item 6a be added to the agenda for an additional call to the public regarding the Mill Pond Bandshell.

Moved by Commissioner Pawlowski, supported by Commissioner Monet, to approve the agenda as amended. **The motion carried 8-0-1.**

4. Call to the Public

The call to the public was made at 7:31 pm.

Jim Vichich, President of the Brighton Area Historical Society, asked if there would be an opportunity to ask questions after the presentation, prior to a vote.

Chairman Smith stated the call to the public would be before the presentation.

Old Business

5. None

New Business

6. Site Plan Extension #17-012—Holiday Inn Express—7850 Nemco Way

Mr. Skopek stated the applicant is seeking an extension to the site plan which was approved by City Council on June 3, 2016. The applicant is required to go in front of the Planning Commission due to not having any building permits issued within one year of receiving approval. However, the applicant is awaiting a land division approval which is in the final stages in order for them to begin applying for building permits.

Moved by Commissioner Monet, supported by Commissioner Gardner, to recommend approval of the extension request for Holiday Inn Express—Site Plan #17-012. **The motion carried 8-0-1.**

- 6a. Call to the Public

The call to the public was made at 7:34 p.m.

Beth Walker, 1079 Hillcrest, stated she had contacted Brandon Skopek and Nate Geinzer with questions regarding the Mill Pond design published in the Brighton Bulletin. Ms. Walker stated that they had told her the design was final and it did not include any tall trees between the gazebo and cemetery, that there were six trees which were not deceased, and there was nothing she could do to influence the plans going to the Planning Commission. In response, she, Joyce Powers, and Mondy Miller created a letter of concern which she read aloud to the Planning Commission. She also discussed the facebook post regarding misinformation about the design, stating that the misinformation was not coming from them. She stated 500 signatures were gathered from area residents who wanted to preserve the trees for their shade, aesthetic appeal, and history. Ms. Walker provided photographs showing the shade provided by the trees and the areas where people preferred to sit. She also discussed the feedback she received from people who did not see a need to change the Mill Pond design, and who strongly stated they did not want to lose the natural features of the site, such as the tiered seating, and were opposed to the concrete. She recommended the City perform a tree risk assessment by a certified arborist, which would cost between \$300-600 and provide a tree preservation plan with its findings. Ms. Walker also discussed the Tree City USA

designation Brighton earned in 2002 and the four standards required to earn that designation. She also stated the proposed plan would replace the existing trees with ones that will never grow as tall or provide adequate shade to the area.

Mac Miller, 307 W. Main, stated he supports the construction of a new amphitheater but does not support the proposed plan due to the removal of several trees which he believes are a priceless asset to the community. He sees a danger in viewing trees as dispensable and would like to see a plan that honors and preserves the trees. Mr. Miller stated he had spoken with a licensed architect who had stated the plan could be easily modified to preserve the trees. Additionally, Mr. Miller stated the proposed amphitheater and seating design would visually compete with the Mill Pond. He believed the previous plan did a better job of preserving the trees and providing a park-like atmosphere.

Mondi Miller, 307 W. Main, stated she was a former DDA member and served as Chair of the Design Committee on the Mill Pond Redesign Project. She stated that the Envision Brighton Committee had asked residents in 2011 what they believed were downtown's strengths and assets and the top response had been the Mill Pond. Ms. Miller gave a summary of the DDA's two-year process to develop the Mill Pond Master Plan. She asked what had happened to the results and why that plan was not used. She questioned why the taxpayers should pay for another plan which was designed by the consultant who was previously rejected. She also believed the original consultants should be the ones to make changes to the plan. Ms. Miller commented that the taxpayers pay for the projects and their comments and concerns should be addressed in a public hearing.

Barbara Denton, 4467 Golfview Dr., stated she agrees with the tree issues that were brought up and is dismayed that the DDA brought a new plan designed by someone she believes is not qualified to design it. She requested that the Planning Commission send the plan back to the DDA and request a copy for review of the originally approved plan.

Ron Cartis, 5766 Green Rd., representing the Sierra Club Members of Greater Livingston County, acknowledged the efforts of the DDA and generous gift from a donor to increase the attractiveness of the venue. He suggested that the location and layout of the band shell be reconsidered in order to keep the large oak trees and stated the Club supports removing the black locusts and replacing them with native species as detailed on the draft plan. He also suggested public comment and a public walk through before a final decision is made and urged the preservation of the large oak trees.

Joyce Powers, 982 Hickory Dr., stated that for her, this began as an issue about saving the trees. She believes that after speaking with several people, there is overwhelming support to save the trees just as there is dislike for the concrete design. She questioned the role of city government in the protection of natural resources and discussed a dysfunction between the people and their government. She asked the Commission not to approve a plan that the Brighton community so

overwhelmingly disapproves.

Jim Vichich, President of the Brighton Area Historical Society, 11555 Buno Rd., discussed the Mill Pond and why people love it. He stated that mature trees give beauty and enhance value and that invasive trees are equally as valuable. Mr. Vichich suggested the trees be left alone and the amphitheater be moved toward Main Street. He stated the replacement trees proposed won't provide enough shade. He also spoke about the concrete seating and asked about the depth. He stated the current seating allows seniors to walk around chairs and is safe. He asked the Commission to consider saving those trees.

Call to the Public closed at 8:02 p.m.

7. Site Plan #17-011--Millpond Band shell & Amphitheater

Mr. Skopek went over the proposal for the new band shell and amphitheater. It includes replacing the existing pavilion with an updated band shell and stage, installing a colored-concrete plaza, concrete seating area, and additional landscaping. He stated staff has received feedback from the public regarding the proposed trees to be removed and staff sees a possibility of one of the trees being saved. He also stated that the proposed landscape plan includes 10 new native flowering trees along with 40 shrubs and perennial grass plants.

Mr. O'Leary, Lindhout & Associates, presented the design layout and discussed the building materials. He stated the proposed stage would be larger to accommodate larger performances, and there would be a retaining wall along the hillside for sediment control, along with the addition of shrubs and trees.

Commissioner Pawlowski asked how many people the concrete seating would accommodate.

Mr. O'Leary stated it would accommodate about 390 people.

Commissioner Monet asked what the current capacity of the seating area was.

Mr. O'Leary estimated the current seating could fit 50 to 75 people with chairs.

Chairman Smith asked how the plan transpired from the Master Plan to this plan.

Mr. Geinzer stated the Master Plan included about two pages of design guidelines and that that plan was meant to be guidance. He mentioned that the guidelines called for using concrete, keeping with the same footprint, and using durable materials. It also talked about the high traffic areas and the inability of grass to survive there. The design of the original plan was cost prohibitive and did not have enough support from the DDA to move it forward. The DDA asked Piet Lindhout to review the design and suggest alternatives at a reduced cost. The proposed design reduces costs by \$250,000. Mr. Geinzer went over the trees proposed to be removed. He stated those trees would not be able to survive with the construction proposed. He also stated

both the previous and current plan would have had an impact on the current trees. He also added that the color renderings are not final and there will be further discussion on those later.

Commissioner Monet asked if they could take a field trip to see which trees were being discussed.

Mr. Geinzer stated there would be issues with that due to the meeting being publicly posted, and due to an event going on at the same time. He added that the supplemental information provided to the Commission pointed out which trees were being discussed.

Commissioner Monet asked if they could do a recess.

City Attorney Maynes stated the risk of having an open meeting where no open meeting has been posted was too high.

Moved by Commissioner Monet, supported by Commissioner Petrak, to make a recess of twenty minutes and go to the current Mill Pond gazebo area.

Commissioner Bohn stated he would not support the motion due to it violating the Open Meetings Act.

Commissioner McLane stated he was also concerned about legality issues.

Commissioner Bryan stated he would be in favor of tabling the discussion due to the multiple issues brought up.

Commissioner Pawlowski stated he might be able to answer some of the questions since he was familiar with the trees in question.

Commissioner Gardner commented on the legal risk, but stated she would see the merit of it if it helped clear confusion and prevent a table.

The motion failed 6-2 with a roll call vote.

Commissioner Monet suggested tabling the discussion due to several issues that would need to be addressed.

Chairman Smith suggested holding off on a motion until the Commission members have an opportunity to discuss and ask questions.

Commissioner Petrak asked how the \$650,000 for the project would be funded.

Mr. Skopek stated DDA bonds and a private donation would assist with the cost.

Commissioner Bohn discussed the original design approved by City Council and stated it was not as detailed as the one being presented. He believes the Mill Pond gazebo area is in need of improvements but does not feel that this is the right design and feels there is an opportunity for public input.

Commissioner Pawlowski discussed the trees in question. He stated he would like to see 4 of the 5 trees stay. He also commented on the band shell, stating he liked the idea of an amphitheater that would accommodate more people. He suggested using earthy colors and stamped concrete.

Commissioner Bryan stated there is significant work needed to stabilize the cemetery hillside and asked if that was part of the reason for the proposed design.

Mr. Geinzer explained the impact that the construction would have and the likelihood of the trees surviving. The need to stabilize and the backfill required would end up suffocating the trees. Both arborists he spoke to said the survival of those trees was uncertain. He stated that in order for the bandshell to be put in, three of the trees would have to be removed.

Commissioner Bryan asked if there had been discussion about other types of replacement trees that would provide some shade.

Mr. Geinzer stated there has been discussion about this. He stated additional conversations will be had with the DDA about the species, colors, and other finer details prior to the August 3 City Council meeting. The DDA is looking to break ground this year and strives to have the facility available in the late spring.

Commissioner Bryan asked about possibly matching the aesthetic to surrounding downtown buildings and suggested using earth tones.

Commissioner McLane commented on the removal of the trees and asked if there was not enough area for people to gather for the concerts.

Mr. Geinzer stated the space was tight for some events, such as Swingfusion. He added that the Master Plan included discussion about providing a space to accommodate a wider array of performances and uses.

Commissioner McLane asked about relocating the band shell.

Mr. O'Leary stated moving the band shell would eliminate much of the seating due to the space and the easement agreement with St. Paul's church property. He also discussed the drainage and existing band shell foundation.

Commissioner McLane asked about using helical piers to reduce the impact from excavation.

Mr. O'Leary stated that they were able to save the tree in the northeast corner, which is the

largest.

Ms. Gardner asked if the reason the DDA, who is made up of downtown merchants, approved the plan because it would enhance the downtown and attract customers and tourists.

Bob Herbst, 5390 Mountain Rd, introduced himself and stated he has been on the DDA Board for over 20 years. He stated after many discussions, the DDA feels this is the most beneficial plan and it will help make the gazebo area more presentable, usable, and functional. The Board has gone over the finances and staff even spoke with the original consultants, who did not want to scale back in order to reduce costs. He stated this plan will reduce the original cost by \$300,000. He also discussed the erosion problem at the cemetery.

Commissioner Gardner commented the terraced trees in the plan will provide shade for the proposed seating and stated there are also existing full-size trees across the fence not depicted in the plan that would also provide a backdrop. She added that she sees the current gazebo get many uses but there is not enough space there and the proposed plan opens up the space. She believes the plan is an incredible investment for the city's future generations. Ms. Gardner also added there is significant erosion from the cemetery going into the pond and tough decisions will need to be made in order to prevent bad circumstances.

Commissioner Monet stated he has historically been a big supporter of the DDA, and what they, Lindhout & Associates, and Landscape Design Associates have done with downtown. He stated the proposal needs a lot of work and he would not be able to support it. He does not believe the trees need to be removed and would like to see a landscape architect assess the viability of the trees. He would like to see some alterations made in order to save the trees. He stated he would be willing to make a motion to table it and would vote against it if it came up for a vote.

Chairman Smith stated there should be more discussion to address specific questions the Commission has about the plan. He believes tabling would be a discredit to the staff. He asked the Commission to be detailed and specific in their questions.

Mr. Geinzer addressed the flower bed in the plan stating it is actually the drainage system for the site. He explained that it is designed to take the sediment from the retaining areas out of the stormwater before it goes into the pond. He also stated they will be working with Giffels-Webster on the plan.

Commissioner Monet asked to see an arborist report that talks about the viability of the respective trees. He would also like to know if there is way to move the band shell to accommodate keeping the trees. He asked for the seating capacity of the current tiered seating as well as the proposed seating and the details of the retention area.

Commissioner Petrak discussed reconfiguring the band shell to save the trees.

Commissioner Bohn stated public input was needed. He stated the stage could be shrunk to

save the trees and commented on the design possibly looking dated years from now and needing to fit with the surrounding buildings. He also stated that there was too much concrete in the design.

Commissioner Pawlowski would like to see a plan that gives a higher priority to saving the trees by either moving or redesigning the band shell.

Commissioner Bryan discussed the construction of the Imagination Station as well as the need for people-space around the pond. He stated this plan would provide the space that is needed. He believes the highest and best use of the property is something like what was designed. Mr. Bryan mentioned that as sad as it is to lose some trees, there were also trees lost when the Imagination Station was built. He would like the trees to be saved if possible, but stated that having some open space was important for the future of the city.

Commissioner McLane stated there was a lot of concrete in the plan and suggested less seating.

Commissioner Gardner stated she agrees with Commissioner Bryan and would like to see a space for people to use that does not restrict them. She also commented on the use of durable materials and all the work put into the plan. She supports the plan but would like to see it fine-tuned.

Chairman Smith stated that the design met the guidelines that were put in place with public input, Planning Commission, and City Council approval years ago. He stated the design presented was the most appropriate use at this point and would like to see it move forward with a little fine-tuning.

Mr. Geinzer stated all of the questions asked had been brought up before and looked at. The design has gone from 5 trees being removed, to possibly 3, but they will have to look more closely with the architects and engineers. He recommends that the Planning Commission recommend approval with comments to City Council so the DDA can address them prior to the City Council meeting. He also gave the option of tabling, but it would potentially set back the construction timeline. Mr. Geinzer reiterated that the design meets the Master Plan guidelines and they will continue discussing with the arborists and engineers as far as colors and species.

Commissioner Bohn asked what would be the risk in waiting.

Mr. Geinzer stated the project would be pushed back at least one year and it would be almost like starting over. He stated that it has been in the works at least six years and this plan is the result of all the feedback received. He added that budget constraints and a larger list of DDA and City projects could potentially put the project at risk.

Commissioner Bohn stated he did not feel that waiting one more year would hurt the downtown or make a significant difference.

Moved by Commissioner Gardner, supported by Commissioner Bryan, to approve with the following conditions:

1. an arborist report about the condition of the trees
2. to see if there is an option to move the bandshell to accommodate the saving of the trees
3. more detail on seating capacities of both existing and proposed seating areas
4. reconfiguring plan rather than moving bandshell
5. get additional public input
6. shrink the size of the stage
7. reduce concrete and provide wider seating
8. look at surrounding elements

Commissioner Monet stated the conditions were too elaborate and the plan should be brought back to the Planning Commission.

Commissioner Bohn stated public input is needed and he would not be voting in favor of the plan.

Commissioner Pawlowski stated he would like to see answers and would be voting against the motion.

City Attorney Maynes stated the motion would have to include that the questions stated are satisfactorily answered.

Commissioner Gardner moved to amend the motion to recommend approval upon satisfactorily answering the questions stated.

The motion failed 3-5 with a roll call vote.

Moved by Commissioner Petrak, supported by Commissioner Monet, to table Site Plan #17-011.
The motion carried unanimously.

8. Zoning Code Update and Discussion

Jill Bahm, Giffels-Webster, presented the final draft of the Zoning Ordinance which will require a public hearing.

Mr. Skopek stated the draft ordinance had been reviewed by staff and the parking ordinance will require a larger policy discussion and recommended reverting to the existing ordinance language. He recommends scheduling a public hearing for the draft zoning ordinance for August 21, 2017.

Commissioner Monet asked about the sign ordinance and why it was not part of the discussion.

Mr. Skopek stated the sign ordinance was updated due to a Supreme Court decision.

Mr. Geinzer mentioned looking at other communities with the same zoning ordinance to see how the new zoning ordinance would function.

Ms. Bahm stated she would send the ordinance with active links to the Commission and walk through the ordinance at the public hearing.

Moved by Commissioner Petrak, supported by Commissioner McLane, to set a public hearing for August 18. **The motion carried 8-0-1.**

Moved by Commissioner Petrak, supported by Commissioner Gardner, to cancel the public hearing scheduled for August 18. **The motion carried 8-0-1.**

Moved by Commissioner Petrak, supported by Commissioner Bohn, to set the public hearing for August 21. **The motion carried 8-0-1.**

Other Business

9. Staff Updates

Mr. Skopek updated the Commission on the Master Plan survey stating 821 responses had been received.

10. Commissioners Report

Commissioner Gardner discussed the awards for home improvements and a possible Home Tour that would include sponsors.

Commissioner Petrak asked about changing the start time of the meetings.

Mr. Caruso stated the new start time would probably begin January 1st.

Commissioner Monet updated the Commission on the new assisted living facility stating they would have a total of 60 employees.

11. Call to the Public

The Call to the Public was made at 9:53 p.m.

Barbara Denton, 4467 Golfview Dr., asked why the Mill Pond plan had not been open to bids.

Mr. Geinzer stated Lindhout and Associates is the architect of record for the DDA and clarified that the city charter gives them the ability to select professional services.

Mac Miller, 307 W. Main, thanked the Planning Commission and congratulated them on their decision to try to get the band shell design right. He stated that there were design guidelines not addressed in the plan, such as a reference to saving mature trees, avoiding the use of formal geometry, avoiding concrete, and not visually competing with or upstaging the Mill Pond.

Beth Walker, 1079 Hillcrest, thanked the Commission and stated that people like the small-town feel of Brighton. She suggested looking beyond the Mill Pond area for seating and using other materials for the grassy areas as well as looking for someone with tree-risk assessment qualifications for the design.

Jim Vichich, 11555 Buno Rd., discussed the comfort factor of concrete seating and chair seating. He suggested reducing seating capacity to provide more comfort for the public.

Mondi Miller, 307 W. Main, thanked the Commission for hearing the public and commented on using a landscape architect for the design. She stated she had been on the DDA for six years and the PEA estimate was less than stated.

12. Adjournment

Moved by Commissioner Petrak, supported by Commissioner Monet, to adjourn the meeting at 10:07 pm. **The motion carried 8-0-1.**

William Bryan, Secretary

Wendy Ayala, Recording Secretary