

**City of Brighton
Planning Commission
Meeting Minutes
December 18, 2017**

1. Call to Order/Roll Call

Vice Chairman Petrak called the meeting to order at 7:30 p.m.

The following Commissioners were present:

Steve Monet	James Bohn
William Bryan	David McLane
David Petrak	Rob Pawlowski
Susan Gardner	

Motion by Commissioner Gardner, supported by Commissioner Monet, to excuse Commission Members Smith and Schutz from tonight's meeting. **The motion carried 7-0-2.**

Also present was Brandon Skopek, Community Development Associate; Michael Caruso, Zoning/Code Enforcement Associate; Brad Maynes, City Attorney; Kari Jozwick, Tetra Tech and an audience of 22.

2. Approval of the November 20, 2017 Minutes

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

3. Approval of the December 18, 2017 Agenda

Moved by Commissioner Gardner, supported by Commissioner Bryan, to approve the agenda as presented. **The motion carried 7-0-2.**

4. Call to the Public

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

Patricia Phillips, 4590 Roundtree Dr., discussed the proposed coffee shop/theater. She stated her preference for the original location of it on North Street and commented on the traffic and parking challenges downtown. Mrs. Phillips also stated she is a loyal patron of Beverly Rae's and does not see the need for another coffee shop on Main Street.

Steven Phillips, 4590 Roundtree Dr., stated he and his wife have been residents of Brighton

since 2000 and would not like to see the community, which is made up of local business owners diminished. He stated his concern for the congestion as well as infrastructure needs in the area and suggested the proposed theater and coffee shop be located in another area of the city.

Sue Rueben, 6618 White Pines Dr., stated she has lived in the area for 36 years. She commented on the quality of the shops downtown and the importance of maintaining a balance between retail and food service type businesses. She also commented of the quality of clothing at Beverly Rae's and the variety of retail businesses downtown, stating she would hate to lose Beverly Rae's to another coffee shop.

Brenda Plank, 6160 Meyer Avenue, stated she has lived in the area 10 years and has a daughter who is involved in theater. She feels that theater is a good place for kids who are not athletic and stated this development would not only bring people from outside of the area in to eat and spend money, but is a great place for teenagers to go downtown.

George Moses, 7904 Holly St., stated he is a downtown merchant and thinks theater is a great idea. He discussed the old theater downtown that was bulldozed and stated the city had lost a wonderful resource. Mr. Moses commented on the proposed theater stating it did not look much like a theater that could accommodate performances. He discussed having a theater like the one the city had in the past.

Melanie Moses, 7904 Holly St., stated she and her husband have been involved with the Livingston Players since 1977. Mrs. Moses stated she would like to have a theater in the city, but the proposed one does not hold enough people or have enough space for a stage. She does not think this is a good location for it.

Vice Chairman Petrak closed the call to the public at 7:41 p.m.

Public Hearing

5. Public Hearing and Possible Action on Special Land Use Permit Request #17-018—306 W. Main Street—Café Teatro

Mr. Skopek discussed the request for a special land use for a limited use performing arts theater and coffee shop. He stated this special land use had been approved for the applicant by City Council in May 2017 at 315 W. North Street Suite 200, but due to unforeseen circumstances, the occupant was not able to occupy the space. Mr. Skopek stated the applicant has met the minimum standards required in the zoning ordinance for a special land use. The proposal includes minor improvements, including new entranceways, a food and beverage preparation area, and interior renovations.

The public hearing was opened at 7:44 p.m.

Susan Backhaus, 907 Brighton Lake Rd., stated she has been a resident of Brighton since 1976. She discussed the past Planning Commission's decision to not allow chain stores Downtown. She stated the proposed coffee shop has 12 other locations. Mrs. Backhaus discussed a previous proposal for a restaurant in that same building that never went through. She stated the theater would be a deterrent to the COBACH Center, which is funded with taxpayer money, and would take public away from the Livingston Players, the Brighton High School Theater, SELCRA, and would be a deterrent to the current coffee shops downtown. Mrs. Backhaus also discussed the Equal Protection Clause and the DIO Theatre, which was not approved by the City in the past.

Steven Phillips, 4590 Roundtree Dr., stated there was a misrepresentation of the theater in the technical drawings, which show a seating area where the stage is.

Deborah Karley, 2396 Pine Hollow Trail, owner of Beverly Rae's, stated they have been in business since 1979. She commented on the lack of parking and the need for retail downtown and stated they have a current lease until 2020.

Tom Karley, 2396 Pine Hollow Trail, stated he believes the concept is premature since there is a binding lease on the property. Mr. Karley also stated they have served the community for almost 40 years. He stated the proposal should be revisited in 2023.

Deborah Karley, 2396 Pine Hollow Trail, congratulated the applicant on their success in their businesses and stated her business was her only source of income. She stated she would be pushed out if they agree to lease the space.

Carolyn Plank, 6160 Meyer Avenue, stated she has worked closely with Mrs. Goller through the Brighton High School Theatre Department and thinks it is a good idea to have a theater café. She knows other students that don't have time for theater who would like to be part of it as an afterschool activity. Ms. Plank stated they plan to offer classes and hire students to work there.

Patricia Phillips, 4590 Roundtree Dr., stated the concern for most is the location of the theater and displacement of Beverly Rae's as a local business owner as well as parking and traffic.

Karen Schultz, 920 Devonshire, stated she is a 38-year resident of Brighton and remembers the old theater. She stated the theater is an excellent idea and there are several places in town that are available. Mrs. Schultz added that she does not understand why an existing prosperous, local business owner has to move out when there are places that are empty. She asked why this could not go in a place more appropriate than Downtown.

The public hearing closed at 7:56 p.m.

Marcus Goller, 8088 Branch Dr., discussed the site plan for the proposed coffee shop and theater. He stated he has been in the coffee business for 30 years and his wife has done theater for many years as well. He stated it is designed to be a black box theater and coffee house that is flexible for different types of artists and offers a community space.

Amy Goller, 8088 Branch Dr., described the proposal for a black box theater stating it would be more flexible for small productions. She also stated there would be offices upstairs for practice rooms. Mrs. Goller added that there is interest by local teachers to offer classes there. She stated there are a lot of talented students at Brighton High School that have to go to other communities to do theater and this would be a great place for them to go.

Commissioner Pawlowski asked if the space on North Street was larger than the proposed space.

Mr. Goller stated the other building was 2,000 square feet and this one is 4,900 square feet.

Commissioner Bohn asked if the special land use request was premature due to the ongoing litigation.

City Attorney Maynes stated the special land use will not impact the current tenant use. The special land use is just an additional entitlement for the building.

Commissioner Monet asked what happened with the previous arrangement at the Masonic Building.

Mr. Goller stated the next door tenant exercised the first right of refusal on the lease.

Commissioner Gardner asked if the Planning Commission's job was to evaluate the application based on merits.

City Attorney Maynes stated the Planning Commission's duty is to follow the ordinance and apply the standards set forth for whether the special land use is appropriate or not.

Mr. Goller stated this business would be their own, not part of Espresso Royale, and would be called "The Brighton Coffee House".

Commissioner Bryan asked about using the Brighton Center for Performing Arts (BCPA).

Mrs. Goller stated the BCPA was hard to fill. She stated the space they are proposing is more flexible and allows for trying new things without worrying about filling seats.

Commissioner Pawlowski asked how the theater compares in size to The Purple Rose in Chelsea.

Mrs. Goller stated the stage is shaped differently but is also a small theater.

Commissioner Gardner asked about the layout of the theater and the seating arrangement.

Mrs. Goller stated there would be a lot of flexibility for seating depending on the performance.

Commissioner Bohn asked about the special land use regulations on parking and stated his concern for the impact on surrounding businesses.

Mr. Goller stated the shows would start after dinner and the coffee house would be busier during the morning and at lunchtime.

Mr. Caruso stated there are 8 spaces on site. He stated the parking calculations have to be based on only one of the uses; either the coffee shop or the theater. The theater would require 22-25 parking spaces and the coffee shop would require 26 spaces.

Commissioner Pawlowski was concerned about the landlord-tenant dispute and whether the Planning Commission's decision would benefit either side.

City Attorney Maynes stated the issue should not impact the Planning Commission's analysis.

Commissioner Monet asked if the special land use runs with the land.

City Attorney Maynes stated the permit would be permanently attached to the land.

Commissioner Monet discussed whether this was an appropriate use and stated he was in support of a theater.

Commissioner Petrak asked what the required parking was for the retail use.

Mr. Caruso stated 10 spaces are required plus 1 for the office upstairs.

Commissioner Gardner discussed downtown parking potentially being pushed to the Second Street Lot which is underutilized.

Commissioner Bryan stated it was a great concept and a good use downtown, but he was not sure about the location.

Moved by Commissioner McLane, supported by Commissioner Monet, to approve Special Land Use Permit Request #17-018 for 306 W. Main Street. **The motion carried 6-1-2.**

Commissioner Bohn stated he would be voting no based on his interpretation of the special land use regulations with respect to parking, and believes the change in use could have a detrimental impact on the surrounding businesses.

Mr. Skopek stated the special land use would be on City Council's agenda for January 18.

Old Business

6. None

New Business

7. Site Plan #17-016—8688-8962 W. Grand River Avenue—Brighton Plaza Façade Enhancements

Mr. Caruso stated they received a site plan application for Brighton Plaza at West Grand River and Cross Street to redevelop the façade to a more modern look. He stated they will remove the shingled roof line and continue the look of the Gus's Carryout façade which was done a year ago. The ordinance requires site plan review by the Planning Commission for façade improvements other than minor alterations.

Julie Willett, Sanbar Associates, gave an overview of the proposed improvements and stated they plan to start in March of 2018.

Commissioner Gardner asked about the windows in the current façade.

Moved by Commissioner Bohn, supported by Commissioner Gardner, to approve Site Plan #17-016—8688-8962 W. Grand River Avenue. **The motion carried 7-0-2.**

Mr. Caruso stated the zoning ordinance does not require this to go to City Council for approval.

Other Business

8. Staff Updates

Mr. Skopek stated staff was seeking direction from the Planning Commission for the creation of a new zoning district for high density residential uses on Second Street.

Commissioner Gardner stated the proposed zoning fits the area.

Commissioner Bryan stated it was a good idea.

Mr. Skopek stated staff will come back to Planning Commission with a draft ordinance.

Commissioner Monet asked about the Power Play development on Second Street.

Mr. Skopek stated Power Play will submit a final site plan for the January Planning Commission meeting.

9. Commissioners Report

Commissioner Bohn stated the zoning ordinance link on the City's website was hard to find.

Commissioner Monet asked about the Christmas decorations.

Mr. Skopek stated meetings will start at 7 p.m. starting in January.

10. Call to the Public

The Call to the Public was made at 8:49 p.m.

Tom Karley, 306 W. Main, stated the special land use was premature since they are still the current tenant. He asked what his options were and what would be the next step in the process since he has been there 37 years. He asked when the city starts planning for a special land use in a building if it is occupied.

City Attorney Maynes stated the City has to process the applications when they receive them.

Steven Phillips, 4590 Roundtree Dr., stated he understands the process and obligations of the Commission and discussed the compromise of one person's dream over the other. He was concerned about the location and parking as well as the conflict of interest between the independent coffee shop and Espresso Royale. Mr. Phillips stated his concern for the late operating hours and the utilization of the space.

Patricia Phillips, 4590 Roundtree Dr., stated the new restaurants under construction downtown will also create traffic and parking problems.

Rick Susie, 455 Golfview Dr., stated the Planning Commission's decision impacts one of the parties and he disagrees with the City Attorney. He stated the decision should have been tabled until the lease situation was resolved.

George Moses, 7904 Holly St., commented on the placement of the flags behind the dais stating they were placed incorrectly and needed to be changed.

David Walker, 946 Brighton Lake Rd., stated he has lived in the city his whole life and discussed the special land use issue with his father who is an attorney. He discussed the legality of it and stated he agrees with the City Attorney. He thanked the Commission for following the ordinance.

11. Adjournment

Moved by Commissioner Bohn, supported by Commissioner Monet, to adjourn the meeting at 9:02 pm. **The motion carried 7-0-2.**

William Bryan, Secretary

Wendy Ayala, Recording Secretary