

**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