

PROPOSED AGENDA

CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114

JUNE 13, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CALL TO THE PUBLIC
- E. AGENDA
- F. MINUTES

1. MARCH 14, 2016 REGULAR MEETING

G. BUSINESS

- 1. PUBLIC HEARING FOR SLUP SU#: 16/01 FOR BLOCKADE; ADDRESS: 1840 S. OLD 23; TAX ID#’s: 12-08-400-019 AND 024; APPLICANT: TIM NICHOLS; OWNER: MMK2 LLC; ZONING: B-1 (LOCAL BUSINESS)
- 2. PRELIMINARY SITE PLAN SP#: 16/03 FOR BLOCKADE; ADDRESS: 1840 S. OLD 23; TAX ID#’s: 12-08-400-019 AND 024; APPLICANT: TIM NICHOLS; OWNER: MMK2 LLC; ZONING: B-1 (LOCAL BUSINESS)

- H. REPORTS AND CORRESPONDENCE
- I. CALL TO THE PUBLIC
- J. ADJOURNMENT

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontwp.com.

MEMORANDUM

TO: BRIGHTON TOWNSHIP RESIDENTS
FROM: ANN M. BOLLIN, CLERK
SUBJECT: PLANNING COMMISSION ELECTRONIC PACKETS
DATE: MAY 6, 2016

Packets for the Brighton Township Planning Commission meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Planning Commission throughout the course of the meeting. For a complete original packet following the Planning Commission meeting contact the Clerk's Office at 810-229-0560 or via email: clerk@brightontwp.com

PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114

MARCH 14, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Chairman S. Holden called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: S. Holden, G. Mitsopoulos, D. Schifko, J. Stinedurf, M. Slaton

Absent: R. Doughty, G. Unruh

CALL TO THE PUBLIC

None

AGENDA

G. Mitsopoulos moved and D. Schifko seconded **to approve the agenda as presented.**

Motion carried.

MINUTES

G. Mitsopoulos moved and D. Schifko seconded **to approve the minutes of the February 8, 2016 regular meeting as presented.**

Motion carried.

PUBLIC HEARING FOR CONCEPTUAL PLAN FOR MIXED PLANNED UNIT DEVELOPMENT (PUD) SP # 16/01 FOR DEERFIELD PRESERVE; ADDRESS: OLD 23/HYNE; TAX ID #'s 12-08-200-003 AND 004; OWNER: WIL-PRO DEVELOPMENT CO., LLC; ZONING: MIXED PUD (PLANNED UNIT DEVELOPMENT)

Applicants, Marshall Blau and Dave Willacker, Wil-Pro Development, were in attendance. Mr. Blau overviewed the Mixed Planned Unit Development (PUD) as far as the history of the recent approval for the seventy-eight (78) unit residential site and future commercial strip center and the current proposal for a charter school called Livingston Classical Academy and daycare and seventy-two (72) unit residential site. He stated that the open space is the same as the previous proposal, that sidewalk on both sides of the internal streets is proposed instead of asphalt pathway throughout the open space because surveys have stated people prefer sidewalk in front of their homes rather than behind and that they would have to remove hundreds of trees to place asphalt pathway in the open space. The school will begin with kindergarten through tenth (10th) grade to start and add grades through twelfth (12th) grade within a few years. Ultimately, there will be 975 students and they will start classes in fall 2016 with modulars. He stated that the daycare is called Early Aces and is planned for 120 children and that it would not be limited to Livingston Classical students' families. He stated that they did an updated wetlands survey and that the wetlands are almost the same as the 2005 study. He stated that they also recently conducted traffic counts and two (2) traffic impact analyses but they are still working with the LCRC to finalize the TIS and ultimately what improvements need to be incorporated into the site plan. The school intends on staggering the start times for the elementary, middle school, and high school to help with traffic congestion. He stated that the school has a charter with Whitmore Lake Schools and is following Hillsdale College curriculum. It was stated there will be less trucks, less lights and less traffic in the evening with the school and daycare v. the shopping center.

PUBLIC HEARING

The public hearing opened at 7:15 p.m.

S. Holden read the following letters and emails into the record.

Lynda Hyaduck, e-mail dated 3/7/16 - support

Rose Stevens, 2068 Ore Creek - 3/7/16 letter - support

Ken Stevens, 2068 Ore Creek - support

Brian Measel, 3/13/16 letter - support

Mike and Cheryl Grzych, 1838 Havenshire Lane - letter - support

Mike and Michele McLeod, 8850 Hyne Rd. - letter date-stamped 3/14/16 - support

James Atchison, 1529 Bosak Drive - 3/13/16 letter - support

Briana Swanson, 1825 Wooded Valley Lane - letter dated 3/13/16 - support
Lana Rhinard, 8552 Fox River Dr. - letter dated 3/14/16 - support
Dan and Kari Olds, 11490 Appaloosa Trail - 3/9/16 letter - support
Joellen and Marvin Pisarczyk, 12477 Scenic View Ct. - e-mail dated 3/13/16 - support
A multi-page petition in support was also read into the record.

Debra White, 5498 Fern Drive - support
Dick Stuchan, Chairman of school committee; enrollment is almost half full in 8 days.
Alana Kouloc, 5132 Red Fox - support
Paul Sullivan, Board member and homeowner; school will improve home values in the area - support
Dave Houston, 9117 Ridgefield - Hillsdale College curriculum is excellent - support
Joellen Pisarczyk, 12477 Scenic View Ct. - Most of the students for this school are homeschoilers; this will bring new residents to the area - support
Randy and Virginia Peela, Excited about school - support
Gayle Paethrus, 4323 Lotus Ct. - Excited about school - support
Adrian Pelonus, Highland - support
Jamie Knapp, Part of the advisory committee and is a realtor - support
Tom Curtin, 3700 Sunshine Trail - In favor; Hillsdale College - support
The public hearing closed at 7:32 p.m.

K. Mathews, Township Planner, reviewed her 3/9/16 letter. S. Holden read John Harris' Township Attorney's e-mail dated 3/7/16, the 3/10/16 LCDC letter, and the 2/29/16 Fire Department letter. The LCRC e-mail dated 3/7/16 was acknowledged. Jacob Rushlow, Township Engineer, overviewed his site plan and traffic impact study (TIS) letters dated 3/9/16. The 2/15/16 wetland report was acknowledged.

The Planning Commission had a lengthy discussion regarding traffic concerns, the configuration of the cul-de-sacs (l-shaped intersections), concerns about the modular lighting, timeframe of modulars on the site, the 124 v. 100 sewer REU's needed, the LCDC drainage concerns, trails v. sidewalk, connecting any sidewalk gaps on the plan, that the TIS needs updating, that the landscaping between the school and residential be installed as quickly as possible and posting a bond to make sure it gets completed, and that the project has one ownership and/or control. It was discussed that lighting and details of the buildings would be reviewed in the preliminary site plan phase. It was discussed that the lay-out of the parking lot lends itself for stacking of dozens of cars. It was stated that the traffic counts were taken in the last thirty (30) days. The sewer pump station and the difference in the last PDA v. this PDA and that only 299 REU's v. 400 REU's are available due to new information in the recent sewer study.

G. Mitsopoulos moved and D. Schifko seconded to recommend to the Township Board that the conceptual plan for Mixed Planned Unit Development (PUD) SP # 16/01 for Deerfield Preserve; Address: Old 23/Hyne; Tax ID #'s 12-08-200-003 and 004; Owner: Wil-Pro Development Co., LLC; Zoning: Mixed PUD (Planned Unit Development) be approved conditioned upon meeting the requirements in the Township Engineer's letters dated 3/9/16, Township Planner's letter dated 3/9/16, LCDC's letter dated 3/10/16, LCRC's e-mail dated 3/7/16, Fire Department's letter dated 2/29/16, and Township Attorney's e-mail dated 3/7/16; that the project is under one ownership or control; that trails through the open space areas are not required; picnic tables are planned; the l-shaped internal roadway intersections per the Fire Department are acceptable; and that all future TIS conversations with the LCRC will include OHM. Additionally, that the Planning Commission recommends this project for the following reasons: elimination of commercial, coordinated development, and preservation of open space, all of which are key elements of the master plan.

Motion carried.

PRELIMINARY SITE PLAN SP # 16/01 FOR TROY CLOGG, INC.; ADDRESSES: 5010 AND 5016 OLD 23; TAX ID #'S 12-32-201-111 AND 022; OWNER: CHANDLER TURNER ESTATE; APPLICANT: TROY CLOGG, INC.; ZONING: B-2 (GENERAL BUSINESS)

Applicant Representative Dan LeClair, Greentech Engineering, overviewed the outstanding issues from the last meeting which included the winter salt containment measures; they are working with the LCDC regarding the drainage issues north of the site by Tee Bonez; and that the outside storage bins in the rear along Walker were moved to the required thirty (30) ft. setback v. the twenty (20) ft. setback previously

proposed. A representative from Troy Clogg was also in attendance. Mr. LeClair stated that they added a picture of the current salt dome located north of this site to the site plan since they are moving it to this site, and added elevations of the proposed retaining walls/fencing proposed for the site. He stated that they will comply with the DEQ PIPP process for winter salt containment.

K. Mathews, Township Planner, reviewed her letter dated 3/3/16; J. Rushlow, Township Engineer, reviewed his letter dated 3/9/16; the Fire Department's letter dated 3/9/16 and the LCRC letter dated 3/2/16 were reviewed.

Public Comments:

Sean Mehlhor, 4991 Walker - Concerns about traffic and hours; salt; number of trucks; parking of trucks; height of salt dome.

Tom Schwartz, 9924 Loch Lomond - Asked if fertilizers were going to be sold.

Lindsay Mehlhor, 4991 Walker - Concerns about semi-trucks parking on the site; what the chain link fence and block walls look like; concerns about truck circulation.

Sean Mehlhor, 4991 Walker - Would like a solid v. chain link fence for aesthetics and noise concerns.

Tom Schwartz, 9924 Loch Lomond - Traffic/trucks; concerns about line of sight onto Old 23 especially making a left turn.

The Planning Commission had a lengthy discussion on the salt system containment measures; the DEQ PIPP information; the height of the salt dome; the look of the block wall and discussion on chain link v. solid fencing. It was also discussed that the entire rear area be paved v. the asphalt millings/gravel that is proposed in the middle of the rear area of the site. It was also discussed that the trees proposed in the Old 23 R.O.W. needed to be moved back or shrubs installed if there was not room for the trees along Old 23.

G. Mitsopoulos moved and J. Stinedurf seconded to approve the Preliminary Site Plan, SP # 16/01, for Troy Clogg, Inc.; Addresses: 5010 and 5016 Old 23; Tax ID #'s 12-32-201-111 and 022 conditioned upon the following: that the entire site be paved; that the salt containment system have an alarm put in the office; that a solid fence along Loch Lomond and Walker be added for a sound barrier; and that the Township Planner's letter dated 3/3/16, the Township Engineer's letter dated 3/9/16, the LCRC's letter dated 3/2/16, and the Fire Department's letter dated 3/9/16 be complied with; that all permits be obtained; that the applicant work with the LCDC on drainage issues with the existing pond on Tee Bonez site; that only one truck is allowed to be parked on the site; and that an exception for the building materials per Sec. 14-01(c) of the Zoning Ordinance be granted because a new building is planned in the future.

Motion carried.

PRELIMINARY SITE PLAN SP # 16/02 FOR MI BACKYARD; ADDRESS: 8160 W. GRAND RIVER; TAX ID # 12-19-100-006; OWNER AND APPLICANT: MATT GEDDA; ZONING: B-2 (GENERAL BUSINESS)

Applicants Matt Gedda and John Jones were in attendance. Mr. Gedda discussed their plans to renovate the building that most recently was used as a bicycle shop and snowboard/skateboard shop and stated that he plans on selling Amish furniture, hot tubs, and other backyard furniture. K. Mathews, Township Planner, reviewed her 3/8/16 letter and J. Rushlow, Township Engineer, reviewed his 3/1/16 letter. The Fire Department's letter dated 3/9/16 was reviewed. The Planning Commission discussed the design for the main building which will be carried over to the storage building. It was also discussed that only a small area of the rear area of the site will be utilized for outdoor storage.

G. Mitsopoulos moved and J. Stinedurf seconded to approve the Preliminary Site Plan, SP # 16/02, for MI Backyard; Address: 8160 W. Grand River; Tax ID # 12-19-100-006; Owner and Applicant: Matt Gedda; Zoning: B-2 (General Business) conditioned upon the applicant meeting the requirements outlined in the Township Planner's letter dated 3/8/16; the Township Engineer's letter dated 3/1/16; and the Fire Department's letter dated 3/9/16. Additionally, the Township grants an exception to the building material standards required in Sec. 14-01(c) of the Zoning Ordinance for the main building and the storage building because it will improve the area and is a fitting design for the area. Additionally, it is suggested that the applicant review the proposed parking reconstruction with a civil engineer.

Motion carried.

REPORTS AND CORRESPONDENCE

M. Slaton – Township Board update.

J. Stinedurf - Board of Review update.

G. Mitsopoulos - LCPD Master Plan workshop.

CALL TO THE PUBLIC

None.

ADJOURNMENT

M. Slaton moved and D. Schifko seconded **to adjourn**.

Motion carried.

The meeting adjourned at 10:50 P.M.

Respectfully submitted,

Steve Holden, Chairperson

Gary Unruh, Secretary

Kelly Mathews, Recording Secretary

Ann M. Bollin, CMC, CMMC, Clerk

June 8, 2016

Public Comment on Special Land Use Request (16/01) presented by MMK2 LLC to allow a restaurant and bar serving alcoholic beverages in a B-1 (Local Business) district located at 1840 S. Old 23

Submitted by Jennifer Ryskamp Lopes and Jeffrey Lopes of 1855 Rodande Dr., residents adjacent to the property in question

We are opposed to the special land use petition due to the significant detrimental impacts, detailed below, which this use would have on our home and the other residences surrounding it.

Permitting a bar to operate in this location would interfere with the use and enjoyment of our home and decrease the property value of our home and the surrounding residential properties. It would have a negative impact on the quiet nature of our neighborhood through its operation and increase in noise and light.

This special land use would provide no direct benefit to the residents most closely impacted by its use and operation and is in direct opposition to the Brighton Township Master Plan.

1. Incompatible with the Township Master Plan

"The proposed special land use shall be consistent with and in accordance with the general principles and objectives of the adopted Township Master Plan and shall promote the intent and purpose of this Ordinance and the district in which it is located." Charter Township of Brighton Zoning Ordinance art. 19, §19-03(f)

According to the Brighton Township Master Plan, the "Future Land Use" map identifies the property in question as "low density residential" to match its surrounding properties (p. 26), in place of the "local business" designation it currently holds. The Master Plan describes special land uses for "low density residential" and other residential categories to include neighborhood institutional uses (p. 25). A restaurant and bar is not included in this listing, nor is it included in the description of the "Neighborhood Business" land use category (p. 29). Instead, restaurants are listed under the "General Business" designation of the Master Plan, which also states that "[l]arger-scale General Business uses should not be located within Neighborhood Business areas in order to protect their character and low-intensity nature" (p. 30). Further, the Master Plan is to "concentrate commercial development within the defined nodes rather than scatter development along the Old US-23 corridor" and includes "retaining much of the northern corridor for residential development and open space" (pg. 29). Opening a bar in our backyards will negatively change the character of our neighborhood and is incompatible with the Township Master Plan.

2. Incompatibility with adjacent uses

If the property in question is permitted to open a bar, the following aspects, amongst other factors, would have significant detrimental impacts on adjacent properties. Art. 19, §19-03(a)

- *Hours of operation, §19-03(a)(4)*

The late hours of a bar's operation would have a significant detrimental impact on the neighboring residences. When Memories was still in operation, the thumping of music was regularly heard in our bedrooms until 2:00am, even with all of our windows closed. Also, the heaviest drinking hours occur after restaurants without bars would generally be closed. A bar's operation would increase the number of non-community members present and drinking alcohol into the latest hours of each night.

- *"Production of traffic, noise, ..., smoke, ... and light." §19-03(a)(5)*

In addition to the noise of music, the loud sounds of motorcycles and other vehicles were easily heard until 2:00am when Memories was in operation. Headlights of vehicles were seen shining into our windows after we were in bed. Patrons of the bar often went outside the building on all sides to smoke as well.

- *"Impacts on adjacent property values." §19-03(a)(6)*

Many homebuyers seek residence in this township for its quiet character and would not be interested in living adjacent to a bar. Our property values will decrease and resale will be more difficult.

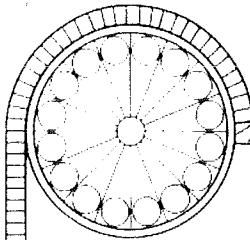
"The proposed land use shall not substantially interfere with the use and enjoyment of adjacent property." §19-03(b)

"Provide a high quality residential living environment which encourages safety and enhancement of property values." Art. 3, §3-01(a)(1)

"Remove or reduce the impacts of conflicting or undesirable land uses near residential areas and prevent the creation of new conflicts" §3-01(a)(2)

The proposed bar would interfere with the use and enjoyment of our home, especially into the bar's latest nightly hours of operation. The nearest restaurant to our home only operates for breakfast and lunch hours, does not serve alcohol, and is located at Spencer and Old US-23 (Cheryl's Place). Its location is one of the "Business node" areas referred to in the Master Plan (p. 29) and backs up to US-23, so it does not border a rural residential area as the property in question does. The next closest restaurant is a bar and is also in this "Business node" area (Tee Bone'z). The current zoning for both of these restaurants is B-2 (General Business), so neither restaurant is in the same zone as the property requesting special use. A bar is out of place in our neighborhood as it creates a new undesirable land use near residences. Permitting a special use to allow a bar in this location would decrease our property values and increase the impacts of undesirable land uses adjacent to a residential area.

Permitting a bar in this location would decrease the property value of our home and the others adjacent to the bar, increase noise and light in areas adjacent to the bar well into the night, and disturb the character of our community. Due to these things, amongst many other factors, we are opposed to the special land use request to allow a bar adjacent to our backyard.



CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778
www.brightontwp.com

PLANNING COMMISSION APPLICATION

1. Date Filed MAY 13, 2016 3. PC Number _____
2. Meeting Date JUNE 3, 2016 4. Fee Paid \$ 2,500.00

5. Applicant Information

Name TIM NICHOLS
Address 23557 OUTWOOD DRIVE
City/State/Zip SOUTHFIELD, MI 48033
Phone (248) 476-3043 Fax _____
Interest in the Property (e.g. fee simple, land option, etc.)
 Property Owner Other (Specify) ARCHITECT

6. Current Property Owner Information

RECEIVED

MAY 16 2016

BRIGHTON TOWNSHIP

Name MIKE MAGYARI
Address 9050 LAKE DOMINION DRIVE
City/State/Zip BRIGHTON, MI.
Phone (586) 634-3922 Fax _____
Length of Ownership LESS THAN 1 YEAR

7. Location of Property for which the Application is Requested

Address 1840 S OLD VS HWY 23
Cross Streets _____
Tax I.D. # 12-08-400-019, 12-08-400-027

8. Property Information

Zoning District B-1
Area (Acreage) 2.01 Width _____ Depth _____
Current Use MARKET RESTAURANT

9. Type and Description of Development

RESTAURANT RENOVATION

PUD _____

Subdivision _____

Site Condo _____

New Site Plan _____

Revised Site Plan X

Additional Phase _____

10. Site Plan Request

Describe your Request

ACCOMPANY SITE PLAN REVIEW TO SPECIAL USE PERMIT

I, Tim Nizhors (applicant), do hereby swear that the above statements are true.

I, Mike Magyari (property owner), hereby give permission for the Charter Township of Brighton staff and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

Signature of Applicant

TRN

Date: 5-13-16

Signature of Property Owner

MM

Date: 5-12-16

Brighton Township Planning Commission Action

Approved/Denied _____

Date _____

Conditions of Approval _____

PLANNING COMMISSION
SITE PLAN REVIEW
PROCEDURES AND SPECIFICATIONS

1. All plans or blueprints shall be prepared, signed and sealed by a licensed Architect or Engineer.
2. All petitions and plans must be filed with the Planning Department no later than thirty (30) days prior to the regular meeting of the Township Planning Commission. RESUBMITTALS MUST BE IN THE PLANNING OFFICE FOURTEEN (14) DAYS PRIOR TO THE NEXT SCHEDULED REGULAR MEETING DATE.
3. The applicant(s), architect, or engineer of record or his/her authorized agent (by way of written letter) must appeal at the meeting. A brief presentation of the proposed project may be done at that time.
4. Applicant must initially submit five (5) copies; when ready for planning commission approval (15) copies of the site plan with the application.
5. **The following fees are non refundable and include two (2) reviews by the staff:**

Residential site plan review for a plat/site condo	\$4,400***
Residential site plan review for a plat/site condo and PUD	\$5,200***
Commercial site plan review	\$2,500***

The above fees include the cost of one meeting per phase (optional, preliminary, etc.) If additional meetings are necessary, applicant will be responsible for additional costs. If reviews go beyond two (2) reviews, applicant is responsible for additional costs.

***Note: If the property is located within the Natural Features Overlay district, per Section 10-04 of the Zoning Ordinance, an Environmental Impact Assessment will be required. In addition, a Traffic Impact Study and a wetland survey may be required for all projects with impacts, as stated per Section 18-09. Additional costs incurred for these studies/surveys, will be the sole responsibility of the developer.

6. Following the site plan phase of the project, there is a final site plan/construction plan review phase of the project. This phase is handled administratively and the fee for this phase of the project is based on the construction cost of the job and includes two (2) plan reviews; the fee is paid at the time of submittal of plans. Construction plan reviews beyond two (2) submittals will be charged on an hourly

basis but an escrow amount will be established up-front which will need to be paid prior to any additional reviews. After the construction plans are approved and the engineer issues his final letter, an inspection escrow amount based on the construction cost, performance bond amount, and any other fees associated with the project will be identified in the engineer's letter which will need to be paid prior to the issuance of a building permit. In addition, the building department has permit fees. The adopted Brighton Township Engineering Standards are on the Township's web site which applicants can review for more detail on the entire construction process.

REQUIRED SPECIFICATIONS:

GENERAL INFORMATION:

- Include a north arrow, drawing scaled, drawing numbers, drawing date and revision dates, area location map, the proposed use, the property zoning, and adjacent zoning.
- Include the name of the developer, developer's name, address and phone number.
- All site plans should be prepared, signed and sealed by a registered architect or engineer.

GENERAL SITE INFORMATION:

- The legal description of the property, a boundary survey, and the tax numbers of the parcel need to be provided. The location and dimensions of lot lines and easements need to be shown.
- All existing and proposed topography shall be represented on a contour map which will accompany all proposed new structures. Existing topography information at a contour interval of two (2) feet or less plus proposed grading plan (including design of any on site storm water retention/detention area).
- The site plan needs to identify natural features such as wooded areas, soils, flood plains, wetlands and watercourses. The Planning Commission may require scenic easements, woodlands, or portions of woodlands, rock formations or any natural feature of land or resource which would perpetuate the natural attractiveness of any site. All such scenic easements shall be maintained in perpetuity as described and approved on the site plan and supporting documents of record.

PROPOSED DEVELOPMENT INFORMATION:

- Structures need to meet the area, height and bulk requirements for the zoning district. All required yards and setbacks need to be shown.
- Screening walls, greenbelts and landscaped areas need to be detailed and labeled. The location of any trees (5" caliper or greater) to be removed must be indicated.

A lighting plan showing lighting location, height, area of illumination, and fixture details should be provided.

Solid waste disposal methods need to be identified including the location of dumpsters and screening details.

Details on signage need to be provided such as the type, size, height, illumination and location.

Off-street parking calculations as required by the Ordinance should be met. Parking spaces (double striped), driveways, maneuvering lanes and acceleration and deceleration lanes shall be drawn to scale on all site plans. Barrier-free parking per ADA standards shall be designed in the same method and manner.

Loading/unloading areas shall be accurately drawn and labeled. Access to loading areas need to provide adequate turning radii for trucks.

Storm water drainage plan should be provided indicating drainage routes, slopes, materials, manholes, inverts and catch basin locations, and storm water detention / retention with supporting calculations.

Sanitary sewage disposal and water systems should be identified.

Include details on any pavement surface showing a cross section with pavement materials. An access permit from the Livingston County Road Commission may be required.

Type and proposed location of any outdoor storage.

Proposed use of each existing and each proposed structure in this development, number of stories, gross building floor space, and distances between structures.

Elevation plans, including height of exterior (front, side, and rear) facades of all buildings or structures on site, indicating proposed construction materials, including color and architecture.

IF CONSTRUCTION OR USE HAS NOT COMMENCED WITHIN TWELVE (12) MONTHS OF THE DATE OF PLANNING COMMISSION APPROVAL ON A SITE PLAN, THE APPROVAL BECOMES NULL AND VOID AND A NEW APPLICATION WILL BE REQUIRED. UPON WRITTEN REQUEST FROM THE APPLICANT, ONE (1) TWELVE (12) MONTH EXTENSION OF THE APPROVED SITE PLAN MAY BE GRANTED BY THE PLANNING COMMISSION UPON AN ADEQUATE SHOWING OF NEED BY THE APPLICANT.

RECEIVED

MAY 16 2016

SPECIAL LAND USE APPLICATION

Charter Township of Brighton
Planning Department

BRIGHTON TOWNSHIP

Date MAY 13, 2016

Permit # _____

Fee: \$1,400

Name of Petitioner Tim Nichols

Address 23557 OUTDOOR street SOUTHFIELD MI 48033 city state zip

Contact #'s (248) 470-3043 home work fax #

Email tim @ timnichols.net

Name of Property Owner MIKE MAGYARI

Address 9050 LAKE DOMINION DR. street BRIGHTON MI 48114 city state zip

Contact #'s (586) 634-3922 home work fax #

Email m_magyari @ aol.com

Property Tax ID # 12-08-000-019 Zoning District 12-08-000-024

Location Address 1840 S OLD US HIGHWAY 23

DESCRIBE IN DETAIL THE CURRENT USE AT THIS SITE

Lower level/basement None

1st Floor RESTAURANT

2nd Floor RAISED LEVEL (PREV. BANQUET)

Describe the SPECIAL USE requested:

RESTAURANT SERVING ALCOHOLIC
BEVERAGES AND PAC MAN
TYPE FAMILY GAMES

Does the proposed SPECIAL USE involve the interior storage of materials or goods.

Describe below:

NORMAL RESTAURANT USES
FOR FOOD & CLEANING MATERIALS

Is the requested use limited to the exterior of the structure?

No

Does the proposed SPECIAL USE affect the existing or approved parking, loading/unloading area, driveway, sanitary system, water supply, required planted setback and/or required greenbelt?

~~SEE SITE PLAN FOR PROPOSED
IMPROVEMENTS IN KEEPING WITH
B-1 ZONING~~

Receipt # _____

Signature T. Nich

1840 S. Old 23



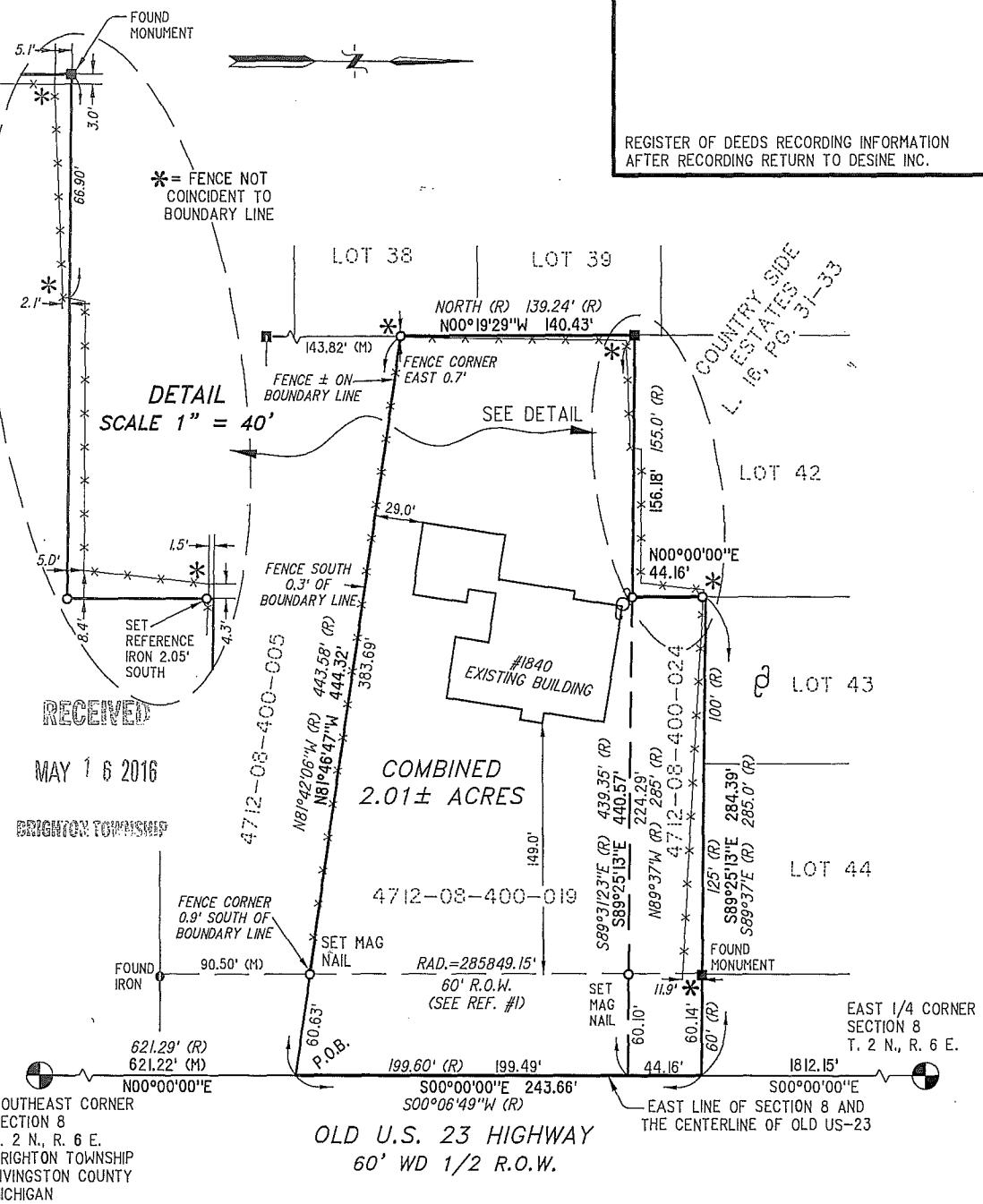
ROSEMARIE.RI

-SOLD.US23

N

CERTIFIED LAND SURVEY

REGISTER OF DEEDS RECORDING INFORMATION
AFTER RECORDING RETURN TO DESINE INC.



○ = SET 1/2" x 18" IRDN RDD WITH
CAP STAMPED "MLL 3B119"
UNLESS OTHERWISE STATED

● = FDUND IRDN

■ = FDUND MDNUMENT
— = FENCE LINE

L = LIBER
PG = PAGE
R = MEASUREMENT OF RECDRD

SCALE: 1 INCH = 80 FEET ALL DISTANCES SHDWN ARE IN FEET OR DECIMALS THEREOF.

CIVIL ENGINEERS
LAND SURVEYORS

DESINE INC
(810) 227-9533
FAX (810) 227-9460
EMAIL: desine@desineinc.com
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PREPARED FOR

MIKE MAGYARI

SECTION 8, TOWN 2 NORTH, RANGE 6 EAST
BRIGHTON TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JDB No. 1-D9-D8-162869	DATE 05/13/16
DWG No. 162869-132	DRAWN LMC
SHEET 1 OF 3	

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR
No. 38119
PRDFESSUAL SURVEYOR



LEGAL DESCRIPTION OF RECORD

Reference: Warranty Deed as recorded in Document No. 2016R-013136,
Livingston County Records.

Land situated in the Township of Brighton, County of Livingston, State of Michigan, described as:
Part of the Southeast 1/4 of Section 8, Town 2 North, Range 6 East, Brighton Township, Livingston
County, Michigan, more particularly described as follows:

Commencing at the Southeast corner of said Section 8; thence along the centerline of Old US-23
(120 feet wide right of way) and the Easterly line of Section 8, North 00 degrees 06 minutes 49
seconds East 621.29 feet (previously described as North 619.95 feet) to the **POINT OF BEGINNING**
of the parcel to be described; thence North 81 degrees 42 minutes 06 seconds West 443.58 feet
(previously described as North 81 degrees 38 minutes West 444.73 feet); thence along the Easterly
line of Countryside Estates, as recorded in Liber 16, Page 31 Livingston County Records, due North
139.24 feet (previously described as 139.3 feet); thence along the Southerly line of Countryside
Estates, as recorded in Liber 16, Page 31, Livingston County Records, South 89 degrees 31
minutes 23 seconds East 439.35 feet (previously described as South 89 degrees 37 minutes West
440.0 feet); thence along the centerline of Old US-23 (120 foot wide right of way) and the Easterly
line of said Section 8, South 00 degrees 06 minutes 49 seconds West 199.60 (previously described
as South 201.05 feet) to the point of beginning.

Tax ID Number: 12-08-400-019

Commonly known as: 1840 S Old US-23, Brighton, MI 48114

Part of the Southeast 1/4 of Section 8, Town 2 North, Range 6 East, Brighton Township, Livingston
County, Michigan, more particularly described as follows:

BEGINNING on the East line of said Section 8 at a point 821 feet North of the Southeast corner of
said Section 8; thence North 89 degrees 37 minutes West 285 feet; thence North 44.16 feet; thence
South 89 degrees 37 minutes East 285 feet; thence South 44.16 feet to the point of beginning.

Tax ID Number: 12-08-400-024

Commonly known as: vacant

LEGAL DESCRIPTION SUBSEQUENT TO SURVEY

2.01± ACRE PARCEL

(Combined Parcels 4712-08-400-019 and 4712-08-400-024)

Commencing at the Southeast Corner of Section 8, Town 2 North, Range 6 East, Brighton
Township, Livingston County, Michigan;
thence N00°00'00"E 621.22 feet (record 621.29 feet) along the East line of Section 8 to the **PLACE
OF BEGINNING**;
thence N81°46'47"W 444.32 feet (record N81°42'06"W 443.58 feet);
thence along the boundary line of "Country Side Estates," a subdivision of part of the Southeast 1/4
of said Section 8, according to the plat thereof, as recorded in Liber 16 of Plats, Pages 31
through 33, inclusive, Livingston County Records the following four courses:

- (1) N00°19'29"W 140.43 feet (record North 139.24 feet),
- (2) S89°25'13"E 156.18 feet (record S89°31'23"E 155.0 feet),
- (3) N00°00'00"E 44.16 feet and
- (4) S89°25'13"E 284.39 feet (record S89°37'E 285.0 feet);

thence S00°00'00"E (record S00°06'49"W) 243.66 feet along said East line of Section 8 to the Place
of Beginning. Being a part of the Southeast 1/4 of Section 8, Town 2 North, Range 6 East, Brighton
Township, Livingston County, Michigan. Containing 2.01 acres of land, more or less. Subject to the
rights of the public over that portion taken thereof for Old U.S.-23 Highway, also subject to and
together with all easements and restrictions affecting title to the above described premises.

CIVIL ENGINEERS
LAND SURVEYORS

DESINE INC

(810) 227-9533
FAX (810) 227-9460
EMAIL: desine@desineinc.com
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PREPARED FOR

MIKE MAGYARI

SECTION 8, TOWN 2 NORTH, RANGE 6 EAST
BRIGHTON TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-09-08-162869 DATE 05/13/16

DWG No. 162869-132 DRAWN LMC SHEET 2 OF 3

Mariusz L Lukowicz
MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR
No. 38119



NOTES:

- 1) Bearings are related to "Country Side Estates," according to the plat thereof, as recorded in Liber 16 of Plats, Pages 31 through 33, inclusive, Livingston County Records.
- 2) Legal description of record supplied by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.

REFERENCES:

- 1) Michigan Department of Transportation Right-of-Way Map, File No. 47-R-1, Sheet 4
- 2) "Country Side Estates," a subdivision of part of the Southeast 1/4 of said Section 8, Brighton Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 16 of Plats, Pages 31 through 33, inclusive, Livingston County Records.

WITNESSES FOR CORNERS OF SECTION 8

Town 2 North, Range 6 East
Brighton Township, Livingston County, Michigan

East 1/4 Corner (E-04) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"

Ref: L.C.R.C., L.S.C. #1715M

N72°E	140.41'	Nail & Tag* South Side of a Power Pole
S45°E	69.72'	Nail & Tag* Southwest Side of a Power Pole
S70°W	196.38'	Nail & Tag* North Side of a Power Pole
N45°W	75.94'	Nail & Tag* Northeast Side of a Power Pole

Southeast Corner (E-05) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"

Ref: L.C.R.C., L.S.C. #1538M

S45°E	89.48'	Nail & Tag* in the Southwest Side of a 10" Twin Oak
West	52.54'	Nail & Tag* in the South Side of a Power Pole
N25°W	144.40'	Nail & Tag* in the Southwest Root of a 36" Multi-Cottonwood
East	60.28'	3" Post

(*) = Tag Stamped "Liv. Co. Survey Witness"

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATION IS NO GREATER THAN 1 IN 5000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT No. 132, OF 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

CIVIL ENGINEERS
LAND SURVEYORS

DESINE INC
(810) 227-9533
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EMAIL: desine@desineinc.com
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PREPARED FOR

MIKE MAGYARI

SECTION 8, TOWN 2 NORTH, RANGE 6 EAST BRIGHTON TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN	
JOB No. 1-09-08-162869	DATE 05/13/16
DWG No. 162869-132	DRAWN LMC
SHEET 3 OF 3	

Mariusz L Lukowicz
MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR
No. 38119



Date: May 24, 2016

To: Charter Township of Brighton Planning Commission

From: Kelly Mathews

Subject: Special Land Use Review
MMK2 LLC
SU 16/01

Location: 1840 S. Old 23

Request: Blockade Restaurant and Bar Serving Alcoholic Beverages and Arcade

Zoning: B-1

Applicant: MMK2, LLC

Owner: MMK2, LLC

Tax ID#’s: 12-08-400-019 and 12-08-400-024

The special use application is for a new restaurant and bar serving alcoholic beverages called Blockade and a future family friendly arcade. In 2010, Memories requested a SLUP for outside seating for forty (40) seats comprised of ten (10) tables with four (4) seats per table. The existing building is approximately 7,903 sq. ft. The existing concrete patio is fifteen (15) ft. by 36.5 ft. (547.50 sq. ft.). The new owner of this building would like to reopen the restaurant and serve alcoholic beverages. A future plan is to add an approximate sixty-eight (68) ft. by fifty-two (52) ft. (3,536 sq. ft.) addition to the rear of the building for a family friendly arcade for people to use while they are at the restaurant which will require ZBA variances. The total size of the restaurant will be 11,439 sq. ft. and will be 11,986.5 sq. ft. including the outside patio when the addition is completed. Arcades are similar to billiards and pool tables which require a one hundred (100) ft. setback from residential areas. The applicant has stated that the seat count is $175 \text{ seats}/2 = 88$ parking spaces required plus twelve (12) employees in the largest shift for a total of 100 spaces and there are 113 parking spaces. This facility is located on approximately 2.12 acres parcel on the west side of Old 23, between Hyne and Hilton Roads in a B-1 zoning district.

The property includes two parcels of 1.8 acres and 0.29 acres along Old 23 for a total of approximately 2.12 acres. The existing building has the following setbacks: approximate five (5) ft. north setback; twenty-nine (29) ft. south setback; fifty-seven (57) ft. rear setback; and 149 ft. front yard setbacks which meet the Zoning Ordinance requirements, except for the five (5) ft. north setback. The B-1 zoning district requires a twenty-five (25) ft. front yard, ten (10) ft. side yard, and twenty (20) ft. rear yard setback for the building, and a twenty (20) ft. front yard parking setback, and a ten (10) ft. side yard and rear yard parking setback. The parking lot must depict the setbacks from the front and side yards. Arcades are similar to billiard and pool halls and must be set back one hundred (100) ft. from neighboring properties. The applicant also must state what the hours of the patio are.

BACKGROUND

This special use has been reviewed utilizing the standards in *Article 19, Special Land Use Review*. Based on the review of the plans and a visit to the site, the following comments are outlined:

1. **Use.** The uses, restaurant and bar serving alcoholic beverages and arcade, are special uses in the B-1 zoning district per *Section 6-02*. A statement needs to be made on the usage of the outdoor patio including hours. Currently, the applicant is requesting a special land use permit for a restaurant/bar serving alcoholic beverages, not the arcade.
2. **Site and Surroundings.** The site is located on the west side of Old 23, between Hyne and Hilton in a B-1 zoning district. The surrounding sites to the south is zoned B-1 (local business); to the north, west and across Old 23 is zoned R-2 (Residential Single Family).

SPECIAL USE STANDARDS

The special use has been reviewed in accordance with the standards in *Section 19* of the Zoning Ordinance.

- 1) **Compatibility with Adjacent Uses.** The proposed special uses, restaurant and bar serving alcoholic beverages and arcade, and use of the building for restaurant is consistent with the zoning for this parcel. The applicant needs to state if he will be utilizing the outdoor patio and the hours of operation.
- 2) **Compatibility with the Master Plan.** The master plan identifies the site as being part of the Low Density Residential area. These areas are designated for single-family residences, located between the rural residential and more urbanized areas of the Township. This designation encompasses the majority of land planned for future residential use, and generally includes areas that do not have access to municipal water and sewer. Because public water and sewer service is not planned to be expanded to these areas in the near future, the lot sizes proposed must be adequate to accommodate on-site well and septic facilities. Many areas have already been developed where fewer environmental constraints are found. However, the land immediately surrounding many of the lakes is designated for residential land uses. These areas will need to be monitored to ensure the environmental integrity is maintained and water quality remains satisfactory. Public sewer services have been extended to some of the low density residential areas that surround School and Lyons Lakes, while the remaining lakes within this designation are currently served by on-site facilities. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one to two acres in size.
- 3) **Compliance with Applicable Regulations.** The proposed special land use shall be and shall remain in compliance with all applicable federal, state and local ordinances.

- 4) **Use of Adjacent Property.** The surrounding sites to the north, east (across Old 23), and west are zoned R-2 (Residential Single Family); to the south along Old 23 is zoned B-1 (Local Business).
- 5) **Public Services.** The building has existing well and septic.
- 6) **Impacts of Traffic.** Due to the proposed usage of the site being mainly the same as what existed previously with a restaurant, additional car traffic impact is expected to be minimal and the applicant has stated that the peak hour and daily traffic loads will be lower than the threshold in the Zoning Ordinance, *Sec. 18-09*, for a detailed traffic study.
- 7) **Enhancement of Surrounding Environment.** Additional landscaping should be added to the site wherever possible as required in *Article 14, Section 14-02* of the Zoning Ordinance for special uses.
- 8) **Impact on Public Health, Safety and Welfare.** The property is zoned B-1, local business. The surrounding area is mainly residential; however, a restaurant has existed in this location for many years.
- 9) **Isolation of Existing Uses.** This issue is to ensure that a small residential area will not be substantially surrounded by non-residential development. Residential exists in this section of the Township but this is not a completely new use.
- 10) **Impact on the Overall Environment.** The proposed special land uses will not have a significant adverse effect on the quality of the natural environment since this is an existing building and existing patio and the site currently does not have much landscaping in the front portion of the site.

RECOMMENDATION

It is recommended that the plans be revised prior to being placed on a Planning Commission agenda.

Date: May 24, 2016

To: Charter Township of Brighton Planning Commission

From: Kelly Mathews

Subject: Site Plan Review
MMK2 LLC
SP 16/03

Location: 1840 S. Old 23

Request: Blockade Restaurant and Bar Serving Alcoholic Beverages and Arcade

Zoning: B-1

Applicant: MMK2, LLC

Owner: MMK2, LLC

Tax ID#’s: 12-08-400-019 and 12-08-400-024

The site plan application is for a restaurant and bar serving alcoholic beverages called Blockade. Future plans include an addition for a family friendly arcade which requires ZBA variances. In 2010, Memories requested a SLUP for outside seating for forty (40) seats comprised of ten (10) tables with four (4) seats per table. The existing building is approximately 7,903 sq. ft. The existing concrete patio is fifteen (15) ft. by 36.5 ft. (547.50 sq. ft.). The new owner of this building would like to reopen the restaurant/bar and serve alcoholic beverages and in the future add an approximate sixty-eight (68) ft. by fifty-two (52) ft. (3,536 sq. ft.) addition to the rear of the building for a family friendly arcade for people to use while they are at the restaurant. Therefore, the total size of the restaurant will be 11,439 sq. ft. and will be 11,986.5 sq. ft. including the outside patio. Arcades are similar to billiards and pool tables which require a one hundred (100) ft. setback from residential areas. The applicant has stated that the seat count is 175 seats/2 = 88 parking spaces required plus twelve (12) employees in the largest shift for a total of 100 spaces and there are 113 parking spaces. This facility is located on approximately 2.12 acres parcel on the west side of Old 23, between Hyne and Hilton Roads in a B-1 zoning district.

The property includes two parcels of 1.8 acres and 0.29 acres along Old 23 for a total of approximately 2.12 acres. The existing building has the following setbacks: approximate five (5) ft. north setback; twenty-nine (29) ft. south setback; fifty-seven (57) ft. rear setback; and 149 ft. front yard setbacks which meet the Zoning Ordinance requirements, except for the five (5) ft. north setback. The B-1 zoning district requires a twenty-five (25) ft. front yard, ten (10) ft. side yard, and twenty (20) ft. rear yard setback for the building, and a twenty (20) ft. front yard parking setback, and a ten (10) ft. side yard and rear yard parking setback. Arcades are similar to billiard and pool halls and must be set back one hundred (100) ft. from neighboring properties. The applicant also must state whether they are utilizing the patio and the hours of the patio. It is unclear if the hours of operation stated on the site plan are for the inside only.

SITE PLAN DISCUSSION

This site plan has been reviewed utilizing the standards in *Article 18 Site Plan Review*. Based on the review of the plans and a visit to the site, the following comments are outlined for your review:

- Use.** The proposed uses, restaurant and bar serving alcoholic beverages and arcade, are special uses in the B-1 zoning district per *Article 6, Section 6-02*.
- Site Layout.** The site has been reviewed in accordance with the area and bulk requirements described in *Article 6, Section 6-03*.

		Required	Provided	Comments
Building Height		25 ft./2 stories	25 ft./2 stories	In compliance
Front Yard Setback	East	25 ft.	149 ft. min.	In compliance
Side Yard Setback	North	10 ft. 100 ft. - arcade	5 ft. min. 10 ft.	Not in compliance; existing Not in compliance
Side Yard Setback	South	10 ft.	29 ft. min.	In compliance
Rear Yard Setback	West	20 ft. 100 ft. - arcade	57 ft. min. 115 ft. min.	In compliance In compliance
Parking Lot Setback (Front)	East	20 ft.	Approx. 45 ft.	In compliance
Parking Lot Setback (Side)	North	10 ft.	0 ft.	Not in compliance
Parking Lot Setback (Side)	South	10 ft.	0 ft.	Not in compliance
Minimum Lot Area (sq. ft.)		20,000	2.11 acres	In compliance
Minimum Lot Width (ft.)		100	243	In compliance
Maximum Lot Coverage		75%	13%	In compliance

3. **Parking Lot Setbacks.** Per *Section 6-03(b)(8)*, the required setbacks shall be landscaped except for access driveways, service drives and parking lots shared with adjacent uses. A landscaping plan must be depicted.
4. **Loading/Unloading.** Loading/unloading must be located in the rear per *Section 15-02(b)(1)* and must meet the size requirement per *Article 15, Section 15-02* (10 ft. in width by 50 ft. in length). A loading/unloading zone has depicted in the side yard and must be relocated to the rear of the building.
5. **Vehicular and Pedestrian Circulation.**
The proposed access is via existing driveways off of Old 23.
6. **Parking.** The proposed parking was reviewed in accordance with *Article 15, Section 15-01* as described in the following table.

	Required	Provided	Comments
Parking Spaces Restaurant/Bar - One (1) space for two (2) seats (175) = 88 + # of employees (12)	100	113	In compliance
Parking Space Dimensions (90 degree) Stall width and depth	9 ft. by 20 ft.	9 ft. by 20 ft.	In compliance
Aisle Width	24 ft. for two way traffic; 15 ft. for one way traffic	24 ft. min. for two way traffic; 15 ft. for one way traffic	In compliance

Asphalt pavement and curbing is required per *Section 15-01(e)(5)* Additionally, as required, sidewalks abutting parking spaces must be seven (7) ft. wide.

7. **Signs.** One freestanding ground sign exists along Old 23; it is assumed that it will be utilized for the new restaurant. Additionally, if new wall signage is proposed, it must be submitted. Details of both must be depicted on the site plan. All signage must meet the requirements outlined in *Article 17*.
8. **Building Materials.** *Article 14, Section 14-01(c)(1)* depicts the building materials required. Per *Table 14-01*, each wall has a percentage of coverage of the various building materials. Each elevation must comply with the stated percentages. Additionally, per footnote b, all walls exposed to public view from the road or an adjacent residential area shall be constructed of not less than 75% brick, face brick, stone, or cast stone. The front elevation

has provided a table which meets the Zoning Ordinance. Tables are required for the other elevations.

9. Landscaping. A landscape plan must be submitted and reviewed in accordance with *Article 14, Section 14-02* as follows.

	Required	Provided	
Buffer along North Property Line 20 ft. buffer with 1 deciduous tree, 1 evergreen tree and 4 shrubs/30 ft. (441 ft.); and fence/wall/berm is required.	15 decid. and 15 evergreen trees and 59 shrubs	4 new shrubs; existing trees	
Buffer along South Property Line 10 ft. buffer with 1 deciduous tree or 1 evergreen tree or 4 shrubs/20 ft. (384 ft.) No fence/wall/berm required.	19 trees or 77 shrubs	Existing trees	
Buffer along West Property Line 20 ft. buffer with 1 deciduous tree, 1 evergreen tree and 4 shrubs/30 ft. (139 ft.); and fence/wall/berm is required.	5 decid. and 5 evergreen and 19 shrubs	Existing trees	
Greenbelt (Front Yard) East - Old 23 20 ft. buffer with 1 deciduous canopy tree for each 30 ft. (243 ft.)	8 trees	7 shrubs depicted; not in compliance	
Parking Lot - 141 spaces 1 canopy tree for each 10 parking spaces, in no case less than 2 trees shall be provided and a continuous row of shrubs along the front of the parking lot.	14 trees and continuous row of shrubs	None	

Trees and shrubs must be setback ten (10) ft. from the edge of a road and five (5) ft. from sidewalks which is specified on the plan. Additionally, the site plan states that all landscape areas will be irrigated as required. All size requirements must meet the minimums stated in *Table 14-02.1* of the Zoning Ordinance.

12. **Lighting.** Proposed pole and wall-mounted lighting has been depicted but the details of the lighting must be depicted including height and fixtures. Photometric information depicting cut-off at the property lines must be depicted per *Article 14, Section 14-03* of the Zoning Ordinance.
13. **Waste Receptacle.** The applicant has depicted the waste receptacle but a detail of the screening per *Section 14-04* of the Zoning Ordinance must be submitted.
14. **Mechanical and Electrical Equipment.** Mechanical and electrical equipment must be depicted on the site plan and must be screened. Roof mounted equipment must be screened per *Section 14-01(d)(3)* and ground mounted equipment must be screened per *Section 14-05* of the Zoning Ordinance.
15. **Agency Approvals.** Copies of all applicable County, State, and Agency approvals need to be submitted to the Township prior to site plan approval, including but not limited to:
 - a. Livingston County Drain Commissioner
 - b. Township Engineer
 - c. Livingston County Road Commission
 - d. Livingston County Public Health Department
 - e. The Brighton Area Fire Department

RECOMMENDATION

It is recommended that the site plan be revised prior to attending a Planning Commission meeting.

June 2, 2016

CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Road
Brighton, MI 48114

Attention: Kelly Mathews, Township Planner

Regarding: **1840 S Old US-23**
Site Plan Review #1
OHM Job Number: 0024-16-1061
Special Land Use Review #1
OHM Job Number: 0024-16-1064

Dear Ms. Mathews:

We have reviewed the material, received by this office on May 31, 2016 for the above-referenced project based on the Township's Engineering Standards. Plans were prepared by Tim Nichols Architecture, and have a latest revision date of May 23, 2016. A revised set of plans was received by this office via email on May 31, 2016 with a latest revision date of May 27, 2016. A general summary of the site, followed by our review comments and recommendations, is noted below.

GENERAL

The existing site is located at 1840 South Old US-23. The project site is comprised of an existing vacant restaurant with a surrounding parking lot and septic field. The site is located on Parcel #12-08-400-019, zoned B-1 and 2.01 acres. The applicant is proposing to reestablish a restaurant use and is requesting special land use approval to serve alcoholic beverages.

UTILITIES

The plans indicate that there is an existing septic field behind the building on the west side of the property and the intent is to continue the use of the septic field for wastewater disposal. Water supply is provided by on-site private well system. No proposed water or sewer improvements have been shown on the plans and it would appear that none are required. We note that the location of the existing and any proposed water and sewer utilities shall be indicated on the plans.

PAVING/ACCESS/TRAFFIC

Access to the site is provided by means of three (3) existing drive approaches to South Old US-23. The plans do not indicate the location of these driveways nor the intent to improve or modify the drives. These features shall be included on the site plan and any improvements or modifications identified.

The existing parking lot is a combination of asphalt and concrete pavements. The plans indicated that the parking lot is proposed to be resurfaced and striped. A total of 113 parking spaces are shown, 4 of which are identified as barrier free. Any proposed improvements or modifications to the existing pavement shall be included on the site plan.

The applicant stated on the cover sheet that anticipated traffic would consist of up to 10 vehicle trips per hour at the peak hour. Considering this information and the existing traffic volumes on Old US-23, it does not appear that a traffic impact assessment is required.

OHM Advisors

34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150

T 734.522.6711
F 734.522.6427

OHM-Advisors.com

We defer to the Brighton Area Fire Authority (BAFA) in regards to emergency vehicle access and circulation.

We note that all barrier free parking and pedestrian site access shall be in compliance with current ADA guidelines. Spot elevations will be required on the site plan to verify compliance.

DRAINAGE

Existing drainage patterns and storm water management features have not been presented on the site plan and shall be included. There does not appear to be a proposed increase in the impervious surface area on the site but existing conditions must be included on the site plan. We note that all proposed storm sewer system improvements shall be in conformance with the rules of the Livingston County Drain Commissioner Procedures and Design Criteria for Storm Water Management.

GRADING

Existing and proposed grades shall be shown via contours or a sufficient amount of spot elevations on the site plan.

PERMITS AND OTHER AGENCY APPROVALS

Copies of all permits, letters of approvals, and/or letters of waiver, obtained to date, shall be forwarded to this office and other outside regulatory agencies. The current status of all necessary permits should be included on the cover sheet. At a minimum, the following permits and other agency approvals should be obtained before final approval:

- Livingston County Drain Commission S.E.S.C. Permit
- Livingston County Department of Public Health
- Livingston County Road Commission
- Livingston County Building Department
- Brighton Area Fire Authority

RECOMMENDATIONS

As submitted, the special land use appears to be in substantial compliance with The Charter Township of Brighton requirements and we recommend the Planning Commission consider approval, conditional on the site plan being approved.

As submitted, the site plan does not appear to be in substantial compliance with the Charter Township of Brighton Site Plan requirements. We take the following exceptions to the proposed site plan and recommend that the Planning Commission defer consideration for approval of the site plan until the following comments have been addressed and the applicant has resubmitted for further review:

1. Plans shall be submitted on full size 24-inch x 36-inch plots.
2. A north arrow shall be shown for the vicinity map on the cover sheet.
3. The property owner and applicant's name, address, and phone number shall be shown on the cover sheet.
4. Proximity to section corners or major thoroughfares and the net acreage of the site shall be shown on the plans.
5. Lot line bearings and distances (based on a boundary survey prepared by a licensed professional surveyor) shall be indicated on the plans where a metes and bounds description is used.
6. Existing topography shall be shown at one (1) or two (2) foot contour intervals, extending 100 feet beyond the site in all directions, showing the existing natural features.

7. Delineation of the 100-year floodplain shall be shown on the plans. If no floodplain exists, a note shall indicate so.
8. Information on adjacent properties and buildings within 100 feet of the site shall be indicated on the topographical survey.
9. Existing utilities serving the property (location, size, and inverts for sanitary and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks, and drain fields; and location and size of water lines, valves, and hydrants) shall be shown on the plans.
10. Existing private utilities serving the property (location and size of electric, telephone, gas, and cable) shall be shown on the plans.
11. Existing and proposed drainage patterns shall be indicated on the plans.
12. Existing site features (driveways, pavement/gravel/grass surfaces, culverts, etc.) shall be indicated on the plans.
13. All existing and proposed easements (if any) shall be shown and labeled on the plans.
14. Right-of-way for Old US-23 shall be dimensioned and labeled on the plans.
15. A grading plan, showing finished contours at a minimum interval of one (1) foot or sufficient spot grades to indicate slopes on the property shall be included with the plans.
16. Location of trash receptacle(s) with size, typical elevation, vertical section of enclosures, and material type and dimensions shall be shown on the plans.
17. A soil erosion and sedimentation control measures plan must be included with the plans.
18. A typical cross-section for the parking lot shall be shown on the plans.

If you have any questions regarding this review or any of the comments presented, feel free to contact us at (734) 522-6711 or jacob.rushlow@ohm-advisors.com.

Sincerely,

OHM ADVISORS



Jacob Rushlow, P.E.
Client Representative



Rhett Gronevelt, P.E.
Client Principal

cc: Brian Vick, Township Manager (via e-mail)
Michael Evans, Deputy Fire Chief, Brighton Area Fire Department (via email)
Ken Recker, PE, Chief Deputy Drain Commissioner, Livingston County (via e-mail)
Michelle LaRose, PE, Environmental Projects Manager, Livingston County (via e-mail)
Jim Rowell, Building Official, Livingston County (via e-mail)
Kim Hiller, Livingston County Road Commission (via e-mail)
Tim Nichols, Tim Nichols Architecture (via e-mail)
File



BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.

Brighton, MI 48116

o: 810-229-6640 f: 810-229-1619

May 24, 2016

Kelly Mathews, Planner
Charter Township of Brighton
Building and Planning
4363 Buno Road
Brighton, MI 48114

RE: Blockade (formerly Memories)
1840 S. Old US-23
Site Plan Review

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on May 24, 2016 and the drawings are dated February 9, 2016 with latest revisions dated 5/16/16. The project is for the proposed renovation to an existing A-2 Occupancy that will undergo renovation and site alteration as well as application for Special Land Use. The plan review is based on the requirements of the International Fire Code (IFC) 2015 edition.

1. The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems.

IFC 903

- A. There is no municipal water available to supply the fire sprinkler system, therefore an approved alternative shall be designed, installed and approved prior to installation.
- B. The FDC shall be located on the front of the building (Old US-23).

2. The building address shall be a **minimum of 6"** high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.

IFC 505.1

3. The two-way access drives located to the far North, Center and immediately adjacent to the building into the site shall be a minimum of 26' wide. The one-way access drives must also be a minimum of 20' wide. With a width of 26' wide, the area adjacent to the building shall be marked as a fire lane. Include the location of the proposed fire lane signage and include a detail of the fire lane sign in the submittal. Access roads to site shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

IFC D 103.6

IFC D103.1

IFC D 102.1

IFC D 103.3

4. Access around building shall provide emergency vehicles with a turning radius of 30' inside and 50' outside with a minimum vertical clearance of 13 1/2 feet.

5. A key box (Knox Box) shall be indicated on future submittals. The Knox box will be located adjacent to the front door of the structure.

IFC 506.1



May 24, 2016

Page 2

Blockade (formerly Memories)

1840 S. Old US-23

Site Plan Review

6. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor.

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department.

If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Respectfully,

Capt. Rick Boisvert, CFPS
Fire Inspector

cc:Jacob Rushlow-OHM Advisors

HARTLAND CONSOLIDATED SCHOOLS

Janet Sifferman, Superintendent

9525 Highland Road
Howell, Michigan 48843



Telephone (810) 626-2100
Fax (810) 626-2101

RECEIVED

May 6, 2016

MAY 10 2016

BRIGHTON TOWNSHIP

Charter Township of Brighton
Board of Trustees
4363 Buno Road
Brighton, MI 48114

RE: Livingston Classical Cyber Academy

Dear Charter Township of Brighton Board of Trustees:

It has come to my attention that during the March 21, 2016 regular meeting of the Charter Township of Brighton Board of Trustees (the “Board”), on the recommendation of the Charter Township of Brighton Planning Commission (the “Planning Commission”), the Board approved a conceptual Planned Unit Development Plan for the Deerfield Preserve. Notably, the plan includes a conceptual plan for a commercial site upon which the “Livingston Classical Academy” will be located.

I understand March 21, 2016 is not the first time the Board heard of the “Livingston Classical Academy” and that perhaps much planning has already gone into it potentially being located within the Charter Township of Brighton. In my capacity as Superintendent of Hartland Consolidated Schools, I am very concerned that the Board, the Planning Commission, and the citizens of the Charter Township of Brighton may be misinformed regarding the possible impact of the “Livingston Classical Academy”. This letter addresses that concern.

First, I do not believe there is a public school in Michigan called the “Livingston Classical Academy”. The Livingston Classical Cyber Academy (my emphasis), on the other hand, is a public school that was authorized by Whitmore Lake Public Schools to operate as a cyber school. Part 6E of the Revised School Code, 1976 PA 451, MCL 380.1 et seq., generally governs the requirements for cyber schools in Michigan. Most importantly, Part 6E provides a definition of a cyber school. A cyber school is a school that “provides full-time instruction to pupils through online learning or otherwise on a computer or other technology, which instruction and learning may be remote from a school facility.” MCL 380.551(2)(e). In short, a cyber school is not a brick-and-mortar school.

Of course, there are brick-and-mortar charter schools throughout Michigan. Indeed, a K-12 school district may authorize the operation of a charter school, but I believe it may only do so within its own geographic boundaries. Thus, in this case, the only K-12 school district that I believe may authorize a brick-and-mortar charter school located within the Township of Brighton would be Brighton Area Schools or Hartland Consolidated Schools, with each being constrained by its own geographic boundaries. Brighton Area Schools was presented with the opportunity to authorize a school called the “Livingston Classical Academy” (presumably at that time a brick-and-mortar school) but declined to do so during its February 9, 2015 regular board meeting. The geographic boundaries of Whitmore Lake Public Schools do not fall within the Township of Brighton and thus, I do not believe it is authorized to charter a brick-and-mortar public school located within the Township. This is important because Livingston Classical Cyber Academy may not be able to operate as planned, irrespective of whether the Board approves.

In light of the foregoing, I ask this Board to reevaluate and reconsider its decision to approve the conceptual Planned Unit Development Plan for the Deerfield Preserve to the extent it includes approval of a brick-and-mortar charter school authorized by Whitmore Lake Public Schools. As indicated above, such a school may not be permitted to operate because it would be outside the boundaries of the Whitmore Lake Public Schools. To this end, I would encourage you to seek your own opinion regarding this issue before proceeding any further.

The Board should consider the impact its decision may have on the families who live in the Township and whose children would eventually attend the proposed school. Also, I ask the Board to consider the impact its decision may have on the interests of families in the Township and whose children attend their resident public school district, as operation of the proposed school, even if permissible, would lead to a decrease in state school aid funding for Brighton Area Schools and Hartland Consolidated Schools.

Thank you.

Respectfully,



Janet Sifferman
Superintendent

c: Brian Vick, Manager, Charter Township of Brighton
Planning Commission, Charter Township of Brighton ✓



CHARTER TOWNSHIP OF MILFORD

Oakland County

Notice of Intent to Plan

May 24, 2016

Brighton Township
Steve Holden, Planning Commission Chair
4363 Buno Road
Brighton, MI 48114

Re: Notice of Intent to Plan

Dear Mr. Holden:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 and related amendments), we are formally providing notice to you that the Charter Township of Milford, Oakland County, is initiating a process to update its Master Plan. Specifically, we are creating a Zoning Plan component as is required by Section 3, (2), (d) of PA 33 to explain how the land use categories on the current Future Land Use Plan may relate to the districts on the Zoning Map. We are seeking your assistance and cooperation during this update process.

Your input can be shared directly with the Planning Commission. Their regular meetings occur on the last Thursday of each month, except November and December. A joint November/December meeting is held on the first Tuesday in December. In addition, we'd welcome your written comments by mail or via email. All correspondence should be directed to:

Mr. Timothy Brandt
Building and Zoning Administrator
Charter Township of Milford
1100 Atlantic Street
Milford, MI 48381
tbrandt@milfordtownship.com

We will be sending you a draft copy of the Master Plan update and a notice of public hearing to be held on the draft Master Plan update as required by Sections 41 and 43, respectively of PA 33 at a later date. It is our intent to provide you with a copy of the draft Master Plan update and the public hearing notice by electronic mail, unless you otherwise object in writing.

Donald D. Green, Supervisor
Holly Brandt, Clerk
Cynthia Dagenhardt, Treasurer

Randal K. Busick, Trustee
Brien R. Worrell, Trustee
William E. Mazzara, Trustee
Dale R. Wiltse, Trustee

In such instances, we will provide you with a printed copy by first class mail or personal delivery. Electronic mail may contain a link to the Township's website where the draft Master Plan update and/or public hearing notice will be posted.

Charter Township of Milford,



George Magro, Chairman
Planning Commission

Restaurant Renovation

1840 S Old US Highway 23

Dated June 10, 2016

Available for viewing in the

Planning and Clerk's Department