

**CITY OF DEXTER
PLANNING COMMISSION
VIRTUAL MEETING
MONDAY, APRIL 6, 2020**

I. CALL TO ORDER AND ROLL CALL

The Virtual Meeting of the Planning Commission was called to order at 7:00 PM by Chairman Matt Kowalski with roll call.

Matt Kowalski
Alison Heatley
Marni Schmid

Thomas Phillips
Kyle Marsh
James Smith

Jim Carty
Karen Roberts
Scott Stewart

Student Representatives: Arion Sunstrum
 Alex Gilbert

Also present: Michelle Aniol, Community Development Manager; Mike Auerbach, Assistant Planner; Carol Jones, Recording Secretary; Megan Masson-Minock, CWA; Marcus McNamara, OHM Advisors; Scott Munzel, City Attorney; Shawn Keough, City Mayor; media and guests in the virtual audience.

II. APPROVAL OF THE MINUTES

1. Regular Meeting Minutes – March 2, 2020

Motion Smith; support Stewart to approve the minutes of the Regular Meeting of February 3, 2020 with the following correction:

- Page 2, Citizens Addressing the Commission, under remarks from Aubrey Patino, change the word *the* in the last sentence to *that*.
- Page 3, Reports, D Community Development Manager, third bullet insert the word *from* in front of Jerry Brand.
- Page 4, Old Business, B motion for the CIP public hearing, remove the *C*.
- Page 5, New Business, A Hilltop View Apartments, Commissioner Comments, correct the word *reinforces* to *reinforced* in the first comment.
- Page 6, New Business, B UIS Preliminary and Final Site Plan, under Darryl Barlett's comments add *Associates after k Space*.
- Page 7, Proposed Business, correct the date *from March 2, 2020 to April 6, 2020*.

Unanimous voice vote approval.

III. APPROVAL OF THE AGENDA

Motion Roberts; support Stewart to approve the agenda with the following additional items:

- Community Development Office Report
- Written comments received by email regarding the Encore Theatre

- Addendum from the Encore Theatre and Ms. Aniol regarding parking

Unanimous voice vote approval.

IV. PUBLIC HEARING

A. AP2019.20-09a CRZ Encore Theatre – Public Hearing to consider an application for conditional rezoning, from R-1B One Family Residential District to VC Village Commercial District, to allow the adaptive reuse of an existing 22,040 sq. ft. building for a theatre. The subject properties are located at 7714 Ann Arbor Street (08-08-06-178-007) and the vacant property located at the corner of Ann Arbor Street and Edison Street (08-08-06-178-005). The application was submitted by Encore Theatre, with authorization from the property owner, Dexter Community Schools. Discussion and action to follow the public hearing.

Chairman Kowalski invited the applicant to explain their proposal. Dan Cooney and Paul Koch of the Encore Theatre introduced themselves, but did not provide any additional information.

Staff:

Megan Masson-Minock from CWA explained the conditional rezoning from R-1B to VC . She gave a description of uses and prohibited used for the property from the Master Plan and the adaptive reuse of the building. She also discussed the addendum presented this evening regarding the number of patrons and parking spaces required.

Marcus McNamara of OHM spoke about concerns with parking especially on the side streets around the property and need for a parking plan.

Scott Munzel, City Attorney, commented on the conditional re-zoning of the Ann Arbor Street property finding nothing substantively ajar.

DAFD – Any issues to be addressed would be done with a review of the building.

Michelle Aniol, Community Development Manager, stated that there are concerns with the seating in the building and parking locations.

Public Hearing – Planning Commission Chairman Kowalski opened the Public Hearing at 7:53 PM. Lisa Phillips of 3360 Edison Street, Dexter addressed the meeting by phone and would like to see the parking issue addressed.

Three residents responded by email and Ms. Aniol read their communications.

- Lisa Phillips and Joe Filipiak of 3360 Edison Street support the Encore Theatre, but have concerns for the additional parking and would like to see additional landscaping to buffer the noise.
- Aaron Padgen-Soucy and Trevor Soucy of 3421 Hudson Street have concerns over the change in zoning of the property; the use of a virtual meeting during the stay in place requirement doesn't give all residents a chance to speak; and the increases in traffic and parking when the facility is in use.

- Brian and Deb Schroeder of 7810 Fifth Street have concerns over the parking for Encore productions and the need for landscape screening of the parking area.

Mr. Kowalski closed the Public Hearing at 8:05 PM.

Motion Smith; support Carty based on the information provided by the applicant, staff, the City Attorney, Planning and Engineer consultants, and DAFD, and reflected in the minutes of the April 6, 2020 meeting, the Planning Commission moves to postpone the Encore Theatre Application for Conditional Rezoning (AP2019.20-09a CZR) until May 4, 2020 to allow the applicant to address the ambiguity in applicants proposal in relation to 1) on-street parking along Edison, Hudson and Fourth Streets, due to lack of improved on-street parking spaces, 2) signage, 3) use of alley as cut-through to Fourth St, increased vehicle traffic, 4) lack of screening around existing parking lot, 5) hours of operation of proposed ancillary uses, such as café/bar/concessions and swag shop, 6) perpetual easement and/or use of playground area, and 7) maximum seating and number of employees during performances, and 8) the proposed principal and special land uses.

Commissioner Discussion – Commissioners had concerns with the hours of operation in a residential neighborhood, what effect parking would have on the side streets and need for improvements to those side streets, concerns with traffic and speed of traffic in the neighborhood, perpetual easement and use of the playground, number of seats in the theatre, consideration of staff as well as guest in parking totals, screening of the parking lot, and other uses of the facility.

Applicant – Dan Cooney reported on his count of parking spaces on the site, Ann Arbor Street, Dexter Ann Arbor Road, Edison, Hudson and around the property. He felt that there would not be 250 performances, but more likely 125 as there is now with attendance of 150-160. Staff and actors would account for about 30 to 40 more. There are no current plans for concessions or shops in the building.

Votes

Ayes: Smith, Carty, Schmid, Roberts, Heatley, Phillips, Stewart, Marsh and Kowalski

Nays: None

Motion carries

B. AP2019.20-09b SLU Encore Theatre – Public Hearing to consider an application for special land use to allow the adaptive reuse of a building larger than 10,000 sq. ft. in the VC Village Commercial District. The subject properties are located at 7714 Ann Arbor Street (08-08-06-178-007) and the vacant property located at the corner of Ann Arbor Street and Edison Street (08-08-06-178-005). The application was submitted by Encore Theatre, with authorization from the property owner, Dexter Community Schools. Discussion and action to follow the public hearing.

Staff – Ms Aniol reported that concerns from CWA, OHM and DAFD area the same as in the report from conditional rezoning in the previous public hearing.

Public Hearing – Planning Commission Chairperson Matt Kowalski opened the Public Hearing at 8:52 PM.

- Greg Brand of 7511 Ann Arbor Street and a volunteer for the Encore Theatre spoke of the parking at Hudson Street that is improved parking. He also does not want to see new construction on this site, but the adaptive reuse of the space.

Mr. Kowalski closed the Public Hearing at 8:56 PM.

Commissioner Discussion – Discussion followed on the uses of the building, signage on the building, parking and buffering the parking lot for neighbors. A concern was voiced regarding the proposed special land uses. Staff explained that concerns regarding the special land uses proposed pertain to the conditional rezoning request.

Motion Smith ; support Carty based on the information provided by the applicant, staff, the City Attorney, the Planning and Engineering consultants and DAFD, and following a public hearing, the Planning Commission moves to postpone AP2019.20-09b SLU Encore Theatre Special Land Use Application received March 4, 2020 until May 4, 2020, to allow the applicant more time to address any concerns regarding the conditional rezoning request must be addressed in order for the Planning Commission to take action on the special land use request.

Vote

Ayes: Marsh, Stewart, Phillips, Smith, Schmid, Heatley, Roberts, Carty and Kowalski

Nays: None

Motion carries

C. Capital Improvement Plan (CIP) FY 2020-2025 – Public Hearing to consider the FY 2020-2025 Capital Improvement Plan (CIP). Discussion and possible action to follow the public hearing.

Staff – Mr. Auerbach reported on the CIP that will report on proposed programs for 2020 through 2025 and he highlighted some of the updates.

Public Hearing – Planning Commissioner Chairman Kowalski opened the Public Hearing at 9:27 PM. There were no comments or questions from those attending virtually. The Public Hearing was closed by Mr. Kowalski at 9:28 PM.

Motion Smith; support Heatley to approve the 2020-2025 Capital Improvements Program (CIP) Resolution of Adoption, and recommend approval of the 2020-2025 CIP to City Council.

Ayes: Carty, Schmid, Roberts, Heatley, Phillips, Stewart, Marsh, Smith and Kowalski

Nays: None

Motion carries

V. PRE-ARRANGED CITIZEN PARTICIPATION

None

VI. CITIZENS WISHING TO ADDRESS THE COMMISSION

Bethany Young of 201 W. Williams Street, Ann Arbor spoke on behalf of the Hilltop View project. She has lived in the Avalon Housing apartments in Ann Arbor and now also works for them. She discussed her background with substance abuse and how Avalon assisted her through her issues.

Greg Brand, 7511 Ann Arbor Street spoke of being part of three generations in Dexter and fully supports any organization that will help those in need in the area. He also stated that coming from a construction background he feels that Dan Hoey Road is the best location for Hilltop View Apartments.

Susan Christian of 616 W. Summit Street, Ann Arbor spoke of living next to an Avalon Housing project for nine years and Avalon is a great property manager. Avalon Housing tenets are more stable than those in regular homes and no criminal activity. She fully supports Avalon.

VII. REPORTS

A. Chairman Report – Matt Kowalski

None

B. Planning Commissioners and Council Ex-Officio Reports

Commissioner Marsh – Thank you to Mr. Auerbach and Ms. Aniol for setting up a virtual meeting. I apologize for questioning Ms. Masson-Minock's fees for updating the Zoning Ordinances and to Ms. Schmid for explaining to me how the consultants are chosen.

Commissioner Schmid – I was not able to attend the Art Selection Committee meeting.

Commissioner Phillips explained that he was supposed to attend for Ms. Schmid, but had the wrong date on his calendar.

C. Committee Reports

None

D. Community Development Office Reports – Michelle Aniol

Ms. Aniol submits her report as per packet. Ms. Aniol gave the following updates:

- The City is working as hard as they can to let residents know what businesses are open and how residents can support businesses to keep them going.
- The City has lost one business, Red Brick.

VIII. COMMUNICATIONS

None

IX. OLD BUSINESS

A. AP2019.20-06 PUD Hilltop View Apartments – Postpone to April 6, 2020 to consider a revised Planned Unit Development Final Site Plan for Hilltop View Apartments, submitted by Avalon Housing, Inc., for a mixed-use development of 24 apartments, food pantry and community center, located at 7651 Dan Hoey Road.

Applicant: Avalon Housing, Wendy Saxon-Carty, spoke of the changes that were made with building materials, plantings and landscape. They will be handling signage with a separate application and working on the PUD application with the City Attorney.

Staff: Community Development Manager, Michelle Aniol, stated that Avalon Housing has addressed most all of the issues from the previous meeting. DAFD has recommended approval.

Motion Roberts; support Smith based on the information provided by the applicant, staff, the City Attorney, CWA, OHM, and DAFD, and reflected in the minutes of the April 6, 2020 meeting, the Planning Commission finds AP2019.20-06 PUD FSPR Hilltop View Apartments REVISED Final PUD Site Plan, dated March 13, 2020 meets the requirements of Article XIX and recommends approval to City Council, subject to the following conditions:

1. City Council approval of the Development Agreement;
2. Staff review, dated April 1, 2020;
3. CWA review, dated March 19, 2020, with the exception of recommendation #1;
4. OHM review, dated March 24, 2020; and
5. DAFD review, dated March 17, 2020.

Commissioner Comments: The changes look good. I like the work done on the architecture. Consider additional areas for bike racks.

Vote:

Ayes: Carty, Heatley, Schmid, Stewart, Marsh, Phillips, Smith, Roberts and Kowalski

Nays: None

Motion carries

B. AP 2019.20-07 CSPR UIS – Postponed to April 6, 2020 to consider a revisited Combined Preliminary and Final Site Plan, submitted by UIS, Inc., for a 13,140 sq. ft. addition to an existing 8,979 sq. ft. industrial building, located at 2290 Bishop Circle E.

Staff: Community Development Manager, Michelle Aniol, spoke of the public utility easement and the waivers and modification on certain landscaping items. Megan Masson-Minock from CWA stated that the plan meets all of the requirements

and clarified the applicant demonstrated topographic conditions support the requested waivers.

Motion Smith; support Roberts based on the information provided by the applicant, staff, the Planning and Engineering consultants and DAFD, and reflected in the minutes of its April 6, 2020 meeting, the Planning Commission finds AP2019.20-07 CSP UIS Combined Preliminary and Final Site Plan, revision dated March 11, 2020, meets the requirements of Article XXI of the Zoning Ordinance, and recommends approval to City Council subject to the following conditions:

1. Applicant must terminate the public utility easement;
2. The Planning Commission grants the following waivers and modifications:
 - a. Waiver from Section 6.02.B to allow more than 10% of species as sea green juniper, due to the limited availability of evergreen species to be used as screening.
 - b. Waiver from the requirement for 5 ornamental trees and 67 shrubs in Section 6.06 Buffer Zone A for the Southern Property Line, due topography and building placement.
 - c. Waiver from the requirement for 65 shrubs in Section 6.06 Buffer Zone D for Eastern Property Line, due to topography, existing vegetation and building placement.
 - d. Modification to the requirements in Section 6.14 to allow evergreen trees, measuring at least 6 feet in height to be substituted for deciduous trees.
3. Staff review, dated April 1, 2020;
4. CWA review, dated March 13, 2020;
5. OHM review, dated March 13, 2020; and
6. DAFD review, dated March 17, 2020.

Ayes: Marsh, Roberts, Stewart, Schmid, Phillips, Carty, Heatley, Smith and Kowalski
Nays: None
Motion carries

X. NEW BUSINESS

None

XI. PROPOSED BUSINESS FOR VIRTUAL MEETING ON MONDAY, MAY 4, 2020:

- A. Review and discuss draft regulations regarding Short-term Rentals.
- B. Review and discuss draft zoning ordinance amendment to Bed and Breakfast regulations.

XII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

XIII. ADJOURNMENT

Motion Heatley; support Stewart to adjourn at 10:21 PM.

Unanimous voice vote approval.

Respectfully submitted,

Carol J. Jones
Recording Secretary

Approved for Filing: May 4, 2020