

**CITY OF DEXTER  
PLANNING COMMISSION  
VIRTUAL MEETING  
MONDAY, MAY 4, 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	Thomas Phillips	Jim Carty
Alison Heatley	Kyle Marsh-AB	Karen Roberts-arr 7:15
Marni Schmid	James Smith	Scott Stewart

Student Representatives:           Arion Sunstrum-AB  
  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; Paul Cousins, City Council and Shawn Keough, City Mayor; media and guests in the virtual audience.

**II. APPROVAL OF THE MINUTES**

1. Virtual Meeting Minutes – April 6, 2020

Motion Smith; support Carty to approve the minutes of the Virtual Meeting of April 6, 2020 as presented.

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

**III. APPROVAL OF THE AGENDA**

Motion Carty; support Smith to approve the agenda with the following additional two emails items sent prior to the meeting.

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

**IV. PUBLIC HEARING**

None

## **V. PRE-ARRANGED CITIZEN PARTICIPATION**

None

## **VI. CITIZENS WISHING TO ADDRESS THE COMMISSION**

None

## **VII. REPORTS**

### **A. Chairman Report – Matt Kowalski**

None

### **B. Planning Commissioners and Council Ex-Officio Reports**

Council Member Smith noted that minutes from the February and March meetings had not yet been posted online.

### **C. Committee Reports**

None

### **D. Community Development Office Reports – Michelle Aniol**

Ms. Aniol submits her report as per packet. There were not updates to report.

Mr. Auerbach gave the following update on the Short-Term Rental Ordinance:

- I am looking for further review from the City Attorney and what zoning districts STR's should be permitted. Discussion followed with the consensus that STR's should be allowed in all districts that allow residential uses.

## **VIII. COMMUNICATIONS**

Email received from Doug Jaynes of 7760 Fourth Street with concerns about parking on Fourth Street around the Copeland Building and the proposed purchase by the Encore Theatre.

New information provided by Ms. Aniol regarding Copeland Auditorium seating.

## **IX. OLD BUSINESS**

A. **AP2019.20-09a CRZ** Encore Theatre (Postponed on April 6, 2020) – Continue consideration of 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).

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The application was submitted by Encore Theatre, with authorization from the property owner, Dexter Community Schools. The Planning Commission conducted a public hearing on April 6, 2020, but postponed action to its May meeting.

**Applicant:**

A memo was submitted on May 1, 2020 by Dan Cooney that discussed additional concerns raised in the Staff's April 30, 2020 review.

**Staff:**

Megan Masson-Minock of CWA reviewed concerns about parking, location and size of building on Ann Arbor Street, schedule of the rezoning and occupancy of the project.

Marcus McNamara of OHM also expressed concerns with parking and delineated on the plan and need information regarding fire suppression.

Scott Munzel, City Attorney, stated that any use in Village Commercial would require a special land use. If the building were to burn and is rebuilt less than 10,000 sq. feet, it would not require a special land use.

Michelle Aniol, Community Development Manager, discussed the April 6, 2020 motion at the Planning Commission meeting to postpone that was based on eight criteria. Ms Aniol reviewed the applicant's responses with questions regarding the seating in Copeland Auditorium and a request to seek shared parking near the property.

**Motion:**

Motion Carty; support ~~Roberts-Smith~~ based on information provided by the applicant, staff, the City Attorney, Planning and Engineering consultants, and DAFD reflected in the minutes of the May 4, 2020 meeting, the Planning Commission does not find the Encore Theatre's Conditional Rezoning Application (AP2019.20-09a CRZ) meets the provision of Section 23.08.C3 of the Zoning Ordinance and recommends City Council deny the zoning map amendment from R-1B, One Family Residential – Small Lot to VC, Village Commercial for 7714 Ann Arbor St., parcel ID # 08-08-06-178-007 and vacant property on Edison St., parcel ID # 08-08-06-178-005.

**Commissioner's Comments:**

- I find the project incompatible with the neighborhood and it does not properly address the parking.
- I have concerns with the uses in a residential neighborhood and concerned about the easement for the Park and the playground.
- This is an adaptive reuse of an existing building and I do not see an issue with the parking but I was disappointed with the lack of completeness of the application.
- I see a lack of response from the applicant to deal with the parking.

**Applicant:**

Dan Cooney and Paul Koch requested that Planning Commission table action on this rezoning application. Note: The word “table” was used instead of the word “postpone” when the intent of the Planning Commission was to postpone the action.

Motion:

Motion Phillips; support Roberts to table the Encore Theatre Application for Conditional Rezoning (AP2019.20-09a CZR) until June 1, 2020, to allow the applicant more time to address parking and other concerns.

Commissioner’s Comments:

- I would like to see some time spent on the plans and especially the parking.
- I want to vote for this project but they have to address the compatibility of the area with the neighborhood, parking and seating in the auditorium.
- Last month I felt that this plan left much to be desired and feel that the information we have received tonight does not answer the questions we asked. I would hope that they will come back with the necessary details and information.
- Parking was a major concern last month and they did not come back with the required information.

Vote:

Ayes: Heatley, Schmid, Kowalski, Phillips, Stewart and Roberts

Nays: Carty and Smith

Absent: Marsh

Motion carries

**B. AP2019.20-09b. SLU Encore Theatre (Postponed on April 6, 2020) –** Continues consideration of 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 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. The Planning Commission conducted a public hearing on April 6, 2020, but postponed action to its May meeting.

Staff:

Comments made on the previous Old Business item (AP2019.20-09a CRZ) are the same as any comments on this application.

Motion:

Motion Smith; support Roberts based on the information provided by the applicant, staff, the City Attorney, the Planning and Engineering Consultant and DAFD, the Planning Commission moves to table The Encore Theatre’s Special Land Use Application (AP2019.20-09SLU) until June 1, 2020, to allow the applicant more time to address the following concerns: Note: The word “table” was used instead of the word “postpone” when the intent of the Planning Commission was to postpone the action.

1. Parking

Vote:

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

Nays: None

Absent: Marsh

Motion carries

## **X. NEW BUSINESS**

None

## **XI. PROPOSED BUSINESS FOR VIRTUAL MEETING ON MONDAY, JUNE 1, 2020:**

A. Continue discussion regarding short-term rentals and bed and breakfast regulations discussion.

B. Kickoff meeting for Zoning Ordinance Update (tentative).

## **XII. CITIZENS WISHING TO ADDRESS THE COMMISSION**

Shawn Keough of 8222 Webster Drive asked a question regarding the Encore Theatre's request that if they reduced the uses that they first asked for, do they need to come back with a different application. Ms. Aniol responded that changing the proposed uses does not change the decision as it is the need for more information and they do not need a new application. City Attorney, Scott Munzel, deferred to Ms. Aniol as how these use issues would be handled.

## **XIII. ADJOURNMENT**

Motion Smith; support Roberts to adjourn at 8:44 PM.

Unanimous voice vote approval with Marsh absent.

Respectfully submitted,

Carol J. Jones  
Recording Secretary

Approved for Filing, as corrected: June 1, 2020