

**CITY OF DEXTER
PLANNING COMMISSION
VIRTUAL MEETING
MONDAY, JUNE 1, 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 -AB	Jim Carty
Alison Heatley-AB	Kyle Marsh arr at 7:04 PM	Karen Roberts
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; Patrick Droze, OHM Advisors; Shawn Keough, City Mayor; media and guests in the virtual audience.

II. APPROVAL OF THE MINUTES

1. Virtual Meeting Minutes – May 4, 2020

Motion Roberts; support Smith to approve the minutes of the Virtual Meeting of May 4, 2020 as presented with the following corrections:

- Page3, motion for Old Business items A (AP2019.20-09a CRZ) *Smith seconded the Motion* not Roberts; and
- Pages 3 and 4, Old Business items A and B, a notation needs to be added to the minutes explaining that the word *tabled* was used instead of *postponed, when the intent of the Planning Commission was to postpone* the action.

Unanimous voice vote approval with Phillips and Heatley absent.

III. APPROVAL OF THE AGENDA

Motion Smith; support Roberts to approve the agenda as presented.

Unanimous voice vote approval with Phillips and Heatley absent.

IV. PUBLIC HEARING

None

V. PRE-ARRANGED CITIZEN PARTICIPATION

None

VI. CITIZENS WISHING TO ADDRESS THE COMMISSION

Cole Miller of 7654 Forest Street stated that he thought that the Copeland was a good purchase for The Encore Theatre but wondered if the City had any desire to purchase the property for the Fire Station and City Offices.

VII. REPORTS

A. Chairman Report – Matt Kowalski

None

B. Planning Commissioners and Council Ex-Officio Reports

Commissioner Marsh reported that he has been looking into resources available on zoning and planning and was wondering if there is a way to set these up to share with the other Commissioners. Ms. Aniol asked Mr. Auerbach to setup google doc folder for the zoning ordinance update.

C. Committee Reports

None

D. Community Development Office Reports – Michelle Aniol

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

- Ms. Aniol reported on the Governor's announcement today that we are moving into Stage 4.

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

- The draft ordinance is complete, but I am looking at additional information on permitting and administering.

VIII. COMMUNICATIONS

None

IX. OLD BUSINESS

A. AP2019.20-09a CRZ Encore Theatre - 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). 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.

Applicant:

Jason Van Ryn of Nederveld spoke on behalf of the applicant and explained the intent of the project is to convert the auditorium into a theatre for up to 150 performances with parking on the premises, along with on-street and shared parking. He stated the site plan and cover letter addressed many of the other concerns cited at the May meeting.

Staff:

- Ms. Aniol reported that the applicant has submitted the required site plan, and voluntarily submitted an amended conditional rezoning agreement that is consistent with the site plan. With the additional information, the applicant has satisfactorily addressed the concerns cited in the previous postponements as well as the provisions for considering a conditional rezoning application.

Megan Masson-Minock of CWA reported that some of the previous issues have cleared up and taken off the table such as shared parking, bike racks, maximum audience and staff size, open space on Fourth Street, number of performances per year, and what the auxiliary uses will be.

Patrick Droze of OHM reported that there were not significant site changes since the parking has been worked out and improvements needed for fire suppression will be worked out during building department review.

Motion:

Motion Smith; support Roberts based on information provided by the applicant, staff, the City Attorney, Planning and Engineering consultants, and DAFD reflected in the minutes of the June 1, 2020 meeting, and following a public hearing which the Planning Commission conducted on April 6, 2020, the Planning Commission finds 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 approve 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:

- They have done an excellent job addressing Planning Commission's concerns.
- I do appreciate the effort put into this proposal and addressing our issues. I do have a concern about not building housing on the open space, however in the agreement it does talk about multiple family dwelling and that makes me uncomfortable. (Ms. Aniol explained the wording.)
- Does the open area on Fourth Street become Village Commercial also and what happens if it is sold? (Ms. Aniol explained that it cannot be sold since the applicant is dedicating it as open space).
- I appreciate the work put into this proposal. It is what I was looking for.

Vote:

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

Nays: None

Absent: Heatley and Phillips

Motion carries

B. AP2019.20-09b. SLU Encore Theatre– Continue 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.

Staff:

Ms. Aniol reported that the applicant has satisfactorily addressed the concerns cited in the previous postponements as well as the provisions for considering a special land use request.

Motion:

Motion Smith; support Roberts based on the information provided by the applicant, staff, the City Attorney, the Planning and Engineering Consultant and DAFD, and following a public hearing, which the Planning Commission conducted on April 6, 2020, the Planning Commission finds The Encore Theatre's Special Land Use Application (AP2019.20-09SLU) meets the requirements of Section 8.03, and recommends approval to City Council, subject to the following conditions:

1. Approval of the applicant's Conditional Rezoning request;
2. The applicant shall obtain approval for a shared parking arrangement with St. Andrew's Church and submit a copy of the executed agreement to the City;
3. The minimum height of Little Quick Fire Hydrangea shall be 2 feet;
4. Staff review, dated May 27, 2020;
5. PSED (Attorney) review letters, dated May 19, 2020;
6. CWA review letter, dated May 21, 2020;
7. OHM review letter, dated May 27, 2020;
8. DAFD review letter, dated May 19, 2020;
9. The café/bar shall close by 10:40 pm and patrons shall leave the Theatre by 11:00 pm, following evening performances Sunday through Thursday and the café/bar shall close by 11:40 pm and patrons shall leave the Theatre by midnight, following the evening performances on Friday and Saturday, to maintain neighborhood harmony; and
10. Applicant shall obtain a liquor license from the Michigan Liquor Control Commission, in order to serve alcoholic beverages, as proposed.

Commissioner's Comments:

- Discussion was held on The Encore Theatre obtaining a liquor license and times of operation of the café/bar which were incorporated into the motion.
- Discussion was also held on parking, overflow parking and the closing of the alley.

Ms. Aniol informed the Planning Commission that she received comments from Mr. Phillips and then read them into the record, as follows: I fully support the special uses by the applicant, I support the amendments proposed land uses, it is good to see the new document on parking, and I support the approval of the Special Land Use by the Planning Commission.

Vote:

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

Nays: None

Absent: Phillips and Heatley

Motion carries

X. NEW BUSINESS

None

XI. PROPOSED BUSINESS FOR VIRTUAL MEETING ON MONDAY, JULY 6, 2020:

A. Zoning Ordinance Text Amendment – Short Term Rental and Bed & Breakfast Inn

XII. CITIZENS WISHING TO ADDRESS THE COMMISSION

Commissioner Marsh

XIII. ADJOURNMENT

Motion Smith; support Roberts to adjourn at 8:19 PM.

Unanimous voice vote approval with Phillips and Heatley absent.

Respectfully submitted,

Carol J. Jones
Recording Secretary

Approved for Filing: July 6, 2020