

**CITY OF DEXTER
PLANNING COMMISSION
VIRTUAL SPECIAL MEETING
MONDAY, JULY 9, 2020**

I. CALL TO ORDER AND ROLL CALL

The Virtual Meeting of the Planning Commission was called to order at 7:03 PM by Chairman Matt Kowalski with roll call.

Matt Kowalski	Thomas Phillips	Jim Carty
Alison Heatley	Kyle Marsh - AB	Karen Roberts arr 7:10 PM
Marni Schmid	James Smith	Scott Stewart -AB

Student Representatives: Charlotte Hawley
 Eleanor King-AB
 Aiden Haughton-AB

Also present: Michelle Aniol, Community Development Manager; Mike Auerbach, Assistant Planner; Scott Munzel, City Attorney; Carol Jones, Recording Secretary; and guests in the virtual audience.

II. APPROVAL OF THE AGENDA

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

Unanimous voice vote approval with Commissioners Marsh, Roberts and Stewart absent.

III. PUBLIC HEARING

A. AP2019.20-09a CRZ Encore Theatre – Public hearing to consider changes requested by The Encore Theatre, on behalf of the property owner, Dexter Community Schools, to a Conditional Rezoning Agreement, which the Dexter City Council approved on June 8, 2020. The properties subject to the Agreement 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).

Pursuant to Section 23.08 of the Zoning Ordinance, changes to conditions voluntarily offered by an applicant may occur during the process of considering a conditional rezoning request, provided they are voluntarily offered by an applicant after final rezoning action by City Council. Changes submitted by an applicant after final rezoning action by City Council must be referred back to the Planning Commission for a new public hearing and a new recommendation.

Staff:

Michelle Aniol, Community Development Manager explained that the applicant, The Encore Theatre, had asked for changes in the agreement on behalf of the property owner, Dexter Community Schools. Because City Council had approved the original

agreement, the Planning Commission is required to conduct a new public hearing and provide a new recommendation. She explained that the changes are intended to clarify 1) the land contract purchase of the Dexter Community Schools properties, 2) the terms of the Agreement are binding only on the Encore Theatre, when and if Encore Theatre and the Schools close on the purchase and sale of the Property, pursuant to the terms of the Land Contract, and 3) Neither the Dexter Community Schools nor its properties would be bound by the terms of the Agreement, in the event the Encore Theatre's land contract interest is terminated. a new public hearing was needed through the Planning Commission. There were no other changes being proposed from the uses as outlined.

Public Hearing:

Planning Commission Chairman Matt Kowalski opened the Public Hearing at 7:11 PM. There was no one from the audience that spoke. Chairman Kowalski closed the Public Hearing at 7:12 PM.

Motion Carty; support Smith based on information provided by the applicant, staff, City Attorney, and reflected in the minutes of this meeting, the Planning Commission recommends approval of AP2019.20-09a CRZ Rezoning (CRZ) Agreement, to City Council.

Discussion:

Commissioner Carty inquired about the preferred language comment in the City Attorney's review, dated June 29, 2020, that in the event The Encore Theatre fails to complete the land contract of the property, the Dexter Community Schools would have to notify the City.

City Attorney, Scott Munzel stated he spoke with the Schools attorney, who subsequently submitted a revised Agreement with the preferred language, on June 30, 2020.

Ms. Aniol stated that as the submittal arrived after the packet was posted and distributed, and then explained that procedurally, she was not able to include it for consideration because the applicant had not request the additional changes. She stated since the applicant, Dan Cooney, was present at the virtual meeting, he could make the request now.

Mr. Cooney stated he agreed with the changes and requested the Planning Commission consider them.

Commissioner Carty amended his motion, and Commissioner Smith agreed to the amendment.

Amended Motion:

Motion Carty; support Smith based on information provided by the applicant, staff, City Attorney, and reflected in the minutes of this meeting, the Planning Commission recommends approval of AP2019.20-09a CRZ Rezoning (CRZ) Agreement, to City Council with the preferred language added by the Schools attorney on June 30, 2020, now that the applicant has requested it.

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

IV. NON-ARRANGED PARTICIPATION

None

XII. PROPOSED BUSINESS FOR MONDAY, AUGUST 3, 2020:

Zoning Ordinance Text Amendment Discussion re: Short-term Rentals and Bed-n-Breakfast Inns.

XIV.ADJOURNMENT

Motion Smith; support Roberts to adjourn at 7:31 PM.

Unanimous voice vote approval with Commissioners Marsh and Stewart absent.

Respectfully submitted,

Carol J. Jones
Recording Secretary

Approved for Filing: August 3, 2020