

STAFF MEMO

To: Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Correspondence from the Encore Theatre, dated May 1, 2020.

Date: May 1, 2020

On May 1, 2020, the applicant submitted additional written correspondence, to address concerns raised in Staffs April 30, 2020 reviews. Staff has reviewed the information and offers the following comments for the Planning Commissions consideration:

1. Parking: The applicant has clarified previous statements regarding the number of parking spots for patrons. The clarification is that the 128 "improved" parking spots within a 3-minute walk would be enough for 384 patrons and staff.

Staff Comment: The Planning Commission must determine if the marked-up google maps sufficiently demonstrate available public on-street parking along Ann Arbor Street, between Dover and Edison Street, Edison and Hudson Streets, and Hudson and Inverness Streets.

2. Signage: The applicant indicates a commitment to abide by City ordinances or seek a variance, if necessary.

Staff Comment: The Planning Commission should require that all signage must meet the requirements of Article VII of the Zoning Ordinance, as a condition of special land use approval.

3. Use of Alley as Cut-through to Fourth Street, Increasing Vehicle Traffic: The applicant indicates a commitment to abide by City Ordinance regarding alleys.

Staff Comment: The Planning Commission must still decide if closing the alleyway should be required during performances, to limit cut-through traffic to Fourth Street.

4. Lack of Screening Around the Existing Parking Lot: The applicant has clarified previous statements and now commits to installing appropriate screening to mitigate the issue of any head lights shining into neighboring homes.

Staff Comment: The Planning Commission should require the applicant to provide an evergreen screen, such as arborvitae and/or sea green junipers, along all three sides of the lower parking lot (parcel 08-08-06-178-005) and along the Ann Arbor Street side of the upper parking lot.

5. Hours of Operation of Proposed Ancillary Uses, Such as Café/Bar/Concessions and Swag Shop: The applicant has clarified previous statements and now confirms the proposed ancillary uses will be available to theatre patrons, and open only before and after performance, and during intermission.

Staff Comments: The Planning Commission should 1) limit the hours of operation so the ancillary café/bar/concessions and swag shop are open one hour before performances and one hour after performances, and during intermission, 2) serving and consumption of alcohol is limited to theatre patrons inside the theatre one hour before and one hour after performances, and during intermissions, and 3) no alcohol shall be served or consumed in the outdoor seating area.

6. Perpetual Easement and/or Use of Playground Area: The applicant will honor the terms of the Easement Agreement.

Staff Comment: The Planning Commission should require the applicant to provide a revised and accurate ALTA/ASCM Land Title Survey that identifies all recorded easements and easement areas.

7. Maximum Seating and Number of Employees During Performances: The applicant has provide a photo of the Copeland Auditorium, and two schematics showing a proposed seating plan. The applicant also confirms the maximum seating capacity will be 250, with a maximum number of employees of 70, for a total occupancy of 320. The applicant also indicates an average of 167 seats performance is anticipated.

Staff Comment: The Planning Commission must determine if the auditorium photo and schematics are sufficient to demonstrate seating capacity.

8. Proposed Principal and Special Land Uses: The applicant confirms a previous commitment no to building housing on the property.

Staff Comment: If the Planning Commission is prepared to take affirmative action on the special land use request, it should place, as a condition of special land use approval that the vacant area fronting on to Fourth Street shall be dedicated as open space.

CONCLUSION

Based on the additional information submitted by the applicant, the following updates are offered to Staffs April 30, 2020 Special Land Use review letter regarding 1) determinations the Planning Commission must make prior to taking action, and 2) to the suggested motions:

The Planning Commission must make the following determinations, prior to taking any action on the special land use request:

1. Do the marked-up google maps sufficiently demonstrate available public on-street parking along Ann Arbor Street, between Dover and Edison Street, Edison and Hudson Streets, and Hudson and Inverness Streets?
2. Should the alleyway should be required during performances, to limit cut-through traffic to Fourth Street?
3. Is the auditorium photo, seating schematics and notations regarding number of employees and anticipate average seating per performance, provided in the applicant's May 1, 2020 correspondence, sufficient to demonstrate maximum seating capacity, number of employees and annual performances?

SUGGESTED MOTIONS – AP2019.20-09b SLU Encore Theatre Special Land Use Application

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 (AP2019.20-09b SLU) **(MEETS/FAILS TO MEET)** the requirements of Section 8.03, and recommends **(APPROVAL/DENIAL)** to City Council, subject to the following conditions:

1. Planning Commission determinations pertaining to issues 1-3 under Conclusions, cited herein.
2. Approval of Conditional Rezoning Application.
3. All signage shall meet the requirements of Article VII of the Zoning Ordinance.
4. The applicant shall provide an evergreen screen, such as arborvitae and/or sea green junipers, along all three sides of the lower parking lot (parcel 08-08-06-178-005) and along the Ann Arbor Street side of the upper parking lot.

5. Hours of operation of the ancillary café/bar/concessions and swag shop shall be limited to one hour before performances and one hour after performances, and during intermission.
6. Serving and consumption of alcohol shall be limited to theatre patrons inside the theatre one hour before and one hour after performances, and during intermissions.
7. No alcohol shall be served or consumed in the outdoor seating area.
8. The applicant shall submit a revised ALTA/ASCM Land Title Survey that identifies all recorded easements and easement areas.
9. The applicant shall dedicate the vacant area on the Copeland Administrative Building parcel, which fronts on to Fourth Street, as open space.
10. Staff review, dated April 20, 2020.
11. City Attorney reviews, dated April 20, 2020 and March 20, 2020.
12. CWA review, dated, April 22, 2020, excluding those recommendations that conflict with Staff's comments, cited herein, and/or determinations made by the Planning Commission.
13. OHM review dated, April 20, 2020, excluding those recommendations that conflict with Staff's comments, cited herein and/or determinations made by the Planning Commission.
14. DAFD review, dated March 20, 2020.

OR

Based on the information provided by the applicant, staff, the City Attorney, the Planning and Engineering Consultant and DAFD, the Planning Commission moves to **POSTPONE** The Encore Theatre's Special Land Use Application (AP2019.20-09b SLU) until **(DATE)**, to allow the applicant more time to address the following concerns:

1. _____
2. _____
3. _____

Please feel free to contact me prior to the meeting if you have any questions. Thank you.



TO: Michelle Aniol, Community Development Manager
Members of the Dexter Planning Commission

FROM: Dan Cooney, Producing Artistic Director
The Encore Musical Theatre Company

DATE: May 1, 2020

SUBJECT: Rezoning of The Copeland Building for Use by
The Encore Musical Theatre Company

Below please find my responses to the concerns raised in your April 30, 2020 memo regarding the above.

ISSUE 1. Parking.

There are 128 “improved” parking spots within a three-minute walk from Copeland’s entrances. These are comprised of:

- 78 public parking spots between Inverness and Dover on Dexter Ann Arbor Road; and
- 50 parking spots in Copeland’s private parking lot.

In short, using the numbers given to us (3 seats = 1 parking spot), there are enough improved parking spots available for 384 patrons and staff, more than The Encore requires.

ISSUE 2. Signage.

The Encore will abide by whatever City ordinance requires or, if necessary, apply for a variance.

ISSUE 3. Use of the Alley as Cut-Through to Fourth Street, Increasing Vehicle Traffic.

The Encore will abide by City Ordinance regarding the alley(s).

ISSUE 4. Lack of Screening Around the Existing Parking Lot.

The Encore is committed to installing appropriate screening to mitigate the issue of any head lights shining into neighboring homes.



ISSUE 5. Hours of Operation of Proposed Ancillary Uses, Such as Café/Bar/Concessions and Swag Shop.

The Café/Bar/Concessions and Swag Shop will be available only to our theatre patrons, and open only before and after performances, and during intermissions.

ISSUE 6. Perpetual Easement and/or Use of Playground Area.

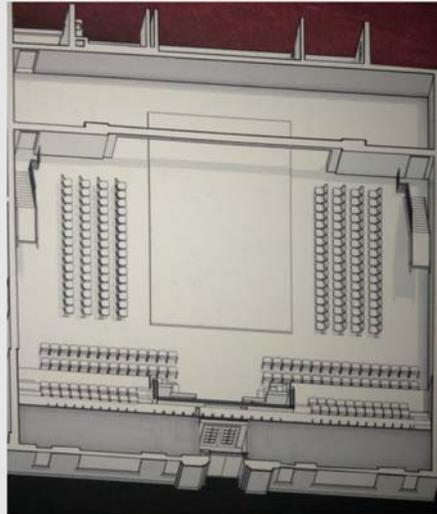
The Encore will allow perpetual easement and use of the playground area to continue uninterrupted.

ISSUE 7. Maximum Seating and Number of Employees During Performances.

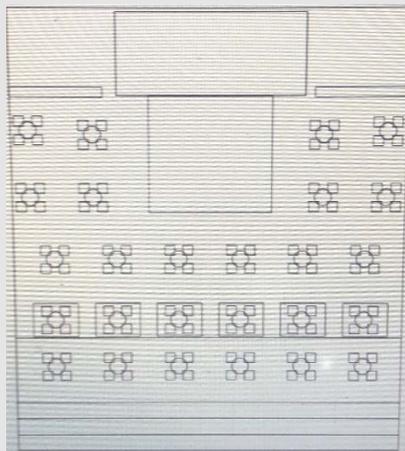
Maximum seating is 250; maximum employees is 70, for a maximum total of 320 Patrons and Staff. Note that The Encore anticipates needing an average of only 167 seats per performance.



SPACE IN CURRENT CONDITION



POTENTIAL MAXIMUM SEATING LAYOUT



**FLEXIBLE TABLE SEATING;
POTENTIAL SOLUTION FOR COVID-19
REQUIREMENTS**

ISSUE 8. The Proposed Principal and Special Land Uses.

As previously stated, The Encore Musical Theatre Company will not be building housing on the property. For further clarification on usage, see materials previously submitted to you by our attorney, Mariah Fink.

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The once desirable intimacy of our current, quaint garage space has become a hindrance in the era of COVID-19. It is more imperative than ever that The Encore Musical Theatre Company take possession of the larger, more flexible Copeland space as soon as possible, not only for the financial health of the company, but for the continued safety of our patrons during this current situation and beyond.

Please feel free to contact me at 917-679-3078 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dan Cooney". The signature is written in black ink and is positioned below the word "Sincerely,".