



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF REVIEW

To: Mayor Keough and City Council
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: **UPDATE to Item L-2: Planning Commission recommendation - Request for Changes to Approved Conditional Rezoning (CRZ) Agreement** (AP2019.20-09a CRZ Encore Theatre Conditional Rezoning Application), request received June 19, 2020.

Applicant: **The Encore Theatre**, Dan Cooney, representing

Location: 7714 Ann Arbor St (08-08-06-178-007) and vacant parcel on Edison St (08-08-06-178-005)

Date: July 10, 2020

The Planning Commission conducted a special meeting on Thursday, July 9, 2020, for the purpose of considering changes to the above referenced Conditional Rezoning (CRZ) Agreement, which City Council approved on June 8, 2020. The changes were initiated by the property owner, Dexter Community Schools and voluntarily offered by the applicant, The Encore Theatre. 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).

The requested changes to the approved CRZ Agreement are intended to clarify the following:

- The land contract purchase of the DCS properties, by the Encore Theatre.
- 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 Land Contract.
- Neither the DCS nor its properties would be bound by the terms of the Agreement, in the event the Encore Theater's land contract interest is terminated.

BACKGROUND

On June 8, 2020 City Council accepted the Planning Commission's recommendation to approve a Conditional Rezoning Application (AP2019.20-09a), to allow the rezoning of the above referenced properties, from R-1B One Family Residential District to VC Village Commercial District, and to further allow the adaptive reuse of an existing 22,040 sq. ft. building for a theatre.

PUBLIC HEARING AND ACTION

Following presentation by staff and the applicant, the public hearing was opened at 7:11 pm. No comments from the public were offered and the hearing was closed at 7:12 pm.

There was a brief discussion regarding the City Attorney review comments, specifically his preference that the Schools inform the City in the event Encore Theatre fails to perform or complete the land contract purpose. The City Attorney and Staff explained that the Schools attorney submitted a revised Agreement that included the preferred language, but it was not received until after the Planning Commission's special meeting packet was posted.

Unfortunately, the applicant was unaware of the change until the hearing, which complicated the matter, from a procedural perspective. However, the applicant indicated he was comfortable with the additional language and asked the Planning Commission to consider it.

The Planning Commission then voted unanimously to recommend "**APPROVAL** of AP2019.20-09a CRZ Encore Theatre Conditional Rezoning Application – Request for Changes to Approved Conditional Rezoning (CRZ) Agreement, to City Council, including the changes submitted by the Schools attorney on June 30, 2020, now that the applicant has requested it."

SUGGESTED MOTIONS

City Council moves to **APPROVE** AP2019.20-09a CRZ Encore Theatre Conditional Rezoning Application – Request for Changes to Approved Conditional Rezoning (CRZ) Agreement, as recommended by the Planning Commission.

Or

Based on the information provided by staff, and reflected in the minutes of the July 10, 2020 meeting, City Council moves to **(POSTPONE)** action on the recommendation of the Planning Commission until **(DATE)**, to allow the applicant more time to address the following:

1. _____
2. _____
3. _____

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