



"A Community For All Seasons"

# Dexter Township

## Planning Commission

6880 Dexter-Pinckney Road

Dexter, MI 48130

Telephone: 734-426-3767

Fax: 734-426-3833

www.twp-dexter.org

John Shea  
Chair

Kenneth Tappe  
Vice-Chair

Mary Adams  
Secretary

Vickie Kooyers  
Twp Board Rep.

James Korcek  
Thomas Lewis

Molly Wade  
Commissioners

Kim Jordan  
Recording Secretary

### REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, March 23, 2010 7:00 PM

Present: Ken Tappe, Vice Chair; Mary Adams, Secretary; Vickie Kooyers, Township Board Representative; Molly Wade; Tom Lewis and James Korcek.

Also present: Patrick Sloan, Director of Planning and Zoning & Pat Kelly, Supervisor

Absent: John Shea

The meeting was called to order at 7:01 PM.

**I. Approval of Agenda** - Motion by Wade, supported by Korcek, to approve agenda as submitted. **Carried 6-0.**

**II. Approval of the Meeting Minutes** - Motion by Korcek, supported by Lewis, to approve the minutes, for February 23, 2010, as amended. **Carried 6-0.**

**III. Public Comment** – None

Sloan asked the commissioners to consider adding an additional agenda item for discussion regarding the issues with co-location on Communication Towers.

Members agreed to add to their agenda item number seven (7), co-location on Communication Towers **Carried 6-0**

**IV. Action Items** –

**1. Proposed Amendment to Section 13.01(B)** –

Sloan gave a brief history of the proposed amendment to section 13.01 (B). He said that at the last Planning Commission meeting the members had agreed to table their review until he had a chance to speak with Township attorney to get his opinion on the proposed language.

After their meeting, the Township attorney concluded that under current state and local standards the Planning Commission can not regulate the amount of alcohol consumption under a Principal Permitted Use and/or a Special Land Use permit. The Planning Commission can only regulate whether or not to allow alcoholic beverage consumption as part of the land use.

Shea arrived at 7:23 PM

Sloan said at this time he does not recommend the Planning Commission pursue an amendment to the Zoning Ordinance to allow and set standards for the on-premises tasting of alcoholic beverages as an accessory to a permitted use because such an amendment would conflict with state standards. The applicant can and is presently manufacturing and selling the product. However, no sampling and/or tasting is allowed until a proper permit is obtained. He said a Special Land Use (SLU) permit would allow that use and/or an amendment to the ordinance to allow for a Principal Permitted Use (PPU).

Sloan referred the commissioners back to his March 15, 2010 memo explaining his rationale and the Liquor Control Code definitions.

Sloan's memo, dated March 15, 2010, is on file at the Township Hall.

Lewis asked Sloan if the Township Board had any further comments since the commissioners last met.

Sloan said that the Township Board has met; however, they have not addressed the issue because of present deadlines to adopt the Township budget for 2010-2011.

Shea said that he agreed with Sloan's rationale recommending the applicant apply for a Special Land Use (SLU) permit.

Kooyers reminded the commissioners that the Township Board has not yet heard and/or discussed what the Township attorney's opinion is with the issue of regulating the consumption of alcohol. She believes the Board will address it at their April 20<sup>th</sup> meeting.

Korcek asked Sloan, what exactly does a small distillery license entail.

Sloan said the Liquor Control Code defines that "a manufacturer of spirits annually can not exceed 60,000 gallons of all brands combined".

Sloan stated that under a (SLU) we could regulate the hours of operation, landscaping, parking, number of employees, and other site-related items regulated in the Zoning Ordinance.

Kooyers said that she could not speak for the other Trustees however, commented that it is it is her opinion that the Township Board agrees with a tasting and sampling operation and they are. ~~The Board is~~ interested in finding a solution to these issues. ~~and wants it to move forward.~~

Sloan commented that the downside to applying for a (SLU) is the burden of expense to the applicant and time constraints due to the public hearing process. Also, because the use would be a SLU, there are more stringent zoning standards that would have to be met.

Korcek said that he is still in favor of an amendment to the Zoning Ordinance to allow for a Principal Permitted Use (PPU).

Lewis said that he concurs with Korcek for allowing a PPU.

Adams said she is concerned with the hours of operation and asked if we would be able to regulate those hours. For example, perhaps set a condition that they close at 7:00 P.M. She thinks that might help to limit the potential of the establishment becoming a bar if that is the concern of the commissioners.

Tappe said he doesn't have any objections to the marketing and tasting use. He thinks we should do what we can to move this forward.

Shea suggest that the members recommend to the Township Board their findings and conclusion. He said that we do not have any other commercial sites of the same size and scale in the area to refer to or compare. He said that if the Trustees have any concerns, they will remand their findings back to the Planning Commission.

Lewis again reiterated that he is open to an amendment to the Zoning Ordinance with the condition we regulate the size and scale of the operation.

Shea said from a standpoint and/or a "policy matter" he thinks we should be asking ourselves, "What it is we want to allow and tolerate in the Commercial district?" Additionally, we should think about what precedent we would be setting.

Wade asked if the Planning Commission had considered the possibility that they might be contradictory with the language in the [Master Plan. General Development Plan](#).

Kelly said that she doesn't think we can do what we initial thought we could do without causing ourselves problems. The Board had good intentions and wants to help but, after further review, it is quite possible we could be causing future problems.

Tappe suggested we refer the Planning Commissioners findings back to the Trustees for their comments.

A motion was made by Tappe, supported by Wade, to forward to the Township Board their recommendation not to amend the Zoning Ordinance to allow and set standards for the on-premises tasting of alcoholic beverages as an accessory use to a permitted use. **Carried 7-0**

**Ed Buchta, 5985 Madden Rd., Dexter** – commented that he considered purchasing the property at one time and noted that the applicant is limited to its use per the Townships ordinance and the regulations of their State License. He is in support of the use and the State regulating the use. His only concern would be impaired drivers in the area.

Korcek agrees we should encourage new business in the area such as manufacturing and sales.

Shea asked Kooyers and Kelly if they thought the Township Board thought it would be worthwhile to have more discussion on this issue and, if so, whether they would respectively give their thoughts of the Planning Commission to the Trustees. Additionally, they might want to address the issues of possible contradiction with the [Master Plan. General Development Plan](#).

No further discussion.

## **2. Kempf Shared Driveway –**

Sloan noted that he has not heard from the applicant and is under the assumption that they are still working through agreement issues with the attorney on language.

No further discussion.

## **3. Servants of the Word Amended Site Plan –**

Shea gave a brief overview of the applicant's history. He said that they have owned and occupied the site for several years.

He said that the on-site religious order includes residences and a software company, which helps pay for the religious order's operations. Some of the on-site residents work for the business, but the business also employs some off-site employees. They periodically host religious teaching events.

Shea said that the site is zoned Rural Residential (RR) and does not permit a business that employs off-site employees per our Township Zoning Ordinance. The applicant has submitted an amended site plan to comply with their Consent Judgment. The Commissioners' task this evening is to determine if the application is complete and ready to proceed to a Public Hearing.

Stuart Ferguson, Steward and representative for the Servants of the Word, gave a brief synopsis of the Consent Judgment. He said that they were asked to submit a conceptual thirty (30) year out site plan and that they did the best they could.

Shea asked if anyone had any objections to moving forward to a Public Hearing.

Members concurred to move forward.

A motion was made by Tappe, supported Lewis, to schedule a Public Hearing on April 27, 2010, for the Servants of the Word Amended Site Plan. **Carried. 7-0**

## **4. Annual Report to the Township Board of Trustees –**

Sloan gave an overview of his 2009 Annual Report of the Planning Commission dated March 12, 2009.

Commissioners reviewed and concurred with Sloan's report and agreed that it be forwarded to the Township Board. They commented on what a great and concise job he had done.

A motion was made by Korcek, supported by Kooyers, to forward Sloan's March 12, 2009 Annual Planning Commission Report to the Township Board for approval. **Carried 7-0**

Commissioners elected to skip ahead to item number seven (7).

## **7. Co-location on Communication Towers –**

Sloan said that AT&T contacted him wanting to co-locate their antennas onto the University of Michigan's WUOM communication tower off of Stinchfield Woods Road. He said that the Township has had a pre-application conference with the applicant. Additionally, he has spoken with the Township attorney about the application.

Sloan explained that the Township Zoning Ordinance does not have any specific standards for co-location of antennas. He said that the proposed amendments of (34-8) address these issues.

Sloan said that these proposed amendments would allow for administrative approval of co-location and would eliminate the applicant from having to submit official site plans to the Planning Commission for a SLU permit. He believes this to be a more streamlined procedure to allow administrative approval and stated that this will be a self limiting use based on the structural load of the tower and the allowable height of the proposed antenna. He recommends approving this amendment to the Zoning Ordinance and the Township attorneys concurs with the language.

A motion was made by Tappe, supported Wade, to schedule a Public Hearing, for April 27, 2010, to review Zoning Ordinance amendments. (34-8). **Carried 7-0**

#### **5. Review Master Plan –**

The commissioners agreed and concurred with Sloan's presented final draft of the Master Plan dated March 12, 2010.

A motion was made by Lewis, supported by Kooyers, to forward the proposed Master Plan, dated March 12, 2010, to the Township Board of Trustee for their review and comments. **Carried 7-0.**

Sloan said that if the Township Board approves of the draft Master Plan, the next step for the Township Board is to approve the distribution of the draft Master Plan to all adjacent municipalities and other required entities for review and comment. This will not be a vote of approval on the actual plan, but rather a vote to distribute the draft for review and comment. If the Township Board approves of the distribution of the draft Master Plan, adjacent municipalities and other required entities shall have 63 days in which to comment on the document. Once this comment period expires, the Planning Commission shall hold at least 1 public hearing on the proposed Master Plan before approving it. The Planning Commission may also revise the proposed Master Plan in response to comments received. If the Township Board does not approve of the draft Master Plan, it shall submit to the Planning Commission a statement of its objections to the proposed Master Plan.

#### **6. Review 34-9 Zoning Ordinance Amendments –**

Commissioners took up where they left off at their last meeting starting with item number twenty four (24), revise section 6.03(C) and worked their way through to item number twenty six (26), revise section 6.06. A copy of the (34-9) proposed Amendments dated January 19, 2010, can be obtained at the Township Hall. Following are some of the comments of the commissioners.

Item 24, Section 6.03(C), there are no changes.

Item 25, Section 6.04(I), minor word editing.

Item 26, Section 6.06, Sloan will revise language to include the Township attorney's opinion when determining if a development agreement is necessary or not. He will also review further a better definition of "grading certificate".

#### **V. Township Board Update –**

Kooyers informed the members that at the March 16<sup>th</sup> Public Hearing on the Proposed Budgets for FY 2010-2011 there was no public comment heard from those in attendance. Following the budget hearing, the trustees met for their general Township Board Meeting and some of the following items were discussed:

Dexter Township will again be participating in the County Recycling Event to be held on Saturday, May 1<sup>st</sup> from 9:00 AM to 2:00 PM. at the WWRA facility off Werkner Rd.

The 2010-2011 Budget was discussed; however, no action was taken. The proposed budget provides for 12 regular Planning Commission meetings, 1 Joint meeting, which includes \$500 for Professional Development, and funds to print and distribute the Master Plan. The Joint meeting of the Township Board, Planning Commission, and Zoning Board of Appeals is currently scheduled for Tuesday, August 31<sup>st</sup> at 7:00 PM.

The Board voted to approve the proposed amendment to the Consent Judgment between Dexter Township and the Servants of the Word pending approval by the Township Attorney.

The Board authorized the purchase of the necessary equipment to provide a public address system in the Township Hall with the funds that had been budgeted this fiscal year for this purpose.

#### **VI. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary-**

Sloan updated the members on the following items:

- 1) Webster Township has approved and adopted their Master Plan.
- 2) The Township received a letter, dated March 3, 2010, from the County Administrator outlining the County's 2010-2011 Budget. Sloan said that only thing that affects the Planning Commission is the dissolving of the Subdivision Advisory Committee (SAC) and the Planning Advisory Board (PAB). We will no longer be able to utilize this function as we did in the past.
- 3) Marhofer/Campbell Development Co., LLC submitted a letter to the Planning Commissions for the consideration of an extension for final site plan approval for Hanover Glen.

Sloan asked the members if they would consider putting Hanover's request for an extension on their April 27<sup>th</sup> agenda.

Shea said they had two Public Hearings slated for April 27<sup>th</sup> meeting and ask if they could wait until May.

Sloan said yes. Their final doesn't expire until August.

#### **VII. Public Comment – None**

#### **VIII. Future Agenda Items –**

Tuesday, April 3, 2010  
Meeting Canceled

Tuesday, April 27, 2010

- 1) Public Hearing for Servants of the Word Amended Site Plan
- 2) Public Hearing for 34-8 Zoning Ordinance Amendment
- 3) Review 34-9 Zoning Ordinance Amendments

**IX. Adjournment** – Chair Shea declared meeting adjourned at 9:30 PM

Respectfully submitted,

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Kimberly Jordan, Recording Secretary

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Mary Adams, Secretary