

Dexter Township Planning Commission Resolution for Site Plan **#09-PC-139 (The Servants of the Word)**

A resolution to grant approval of the Amended Site Plan & Special Land Use application submitted by Stuart Ferguson (representative and Steward) on behalf of The Servants of the Word for property located at 13770 Island Lake Road, Chelsea, MI 48118 (i.e., parcel 04-30-100-008) in Dexter Township.

Whereas, November 11, 1987, Dexter Township approved a Site Plan and granted a Conditional Use Permit for The Servants of the Word to establish a second single-family residence on the property. At the time, Dexter Township found that the religious order was analogous to a church or school, which were permitted as conditional uses, and thereby allowed residential use of the property, subject to several express conditions. An agreement incorporating and implementing the Conditional Use Permit was recorded on November 20, 1987, in Liber 2191, Page 252, Washtenaw County Records; and,

Whereas, beginning some time between 1992 and 1994 a Michigan for-profit corporation known as Servants Systems, Inc. commenced occupancy of a portion of one of the single-family residences on the subject property. Since that time, Servants Systems, Inc. has increased by the addition of non-resident employees, giving rise to issues of compliance with the Zoning Ordinances, both as to the allowance of business use under the 1973 Ordinance, the terms of the said 1987 Conditional Use Permit, and the 2003 Ordinance; and,

Whereas, on August 25, 2008, Dexter Township filed a Complaint against The Servants of the Word in the Circuit Court of Washtenaw County. This Complaint stated that The Servants of the Word did not have a permit for its commercial use of the property, and requested the Court to issue an Injunctive Order ordering that The Servants of the Word cease and desist from use of the land for commercial businesses, including "Servant Systems, Inc." and enjoin any use of the property other than for purposes authorized by the Ordinance; and,

Whereas, shortly after Dexter Township filed the Complaint, Dexter Township and The Servants of the Word agreed that it was in the best interest of both parties to agree to some form of a Consent Judgment that addresses both current and future uses and development; and,

Whereas, after several months of productive discussions between Dexter Township and The Servants of the Word, the Dexter Township Board of Trustees approved the Consent Judgment at its July 21, 2009 meeting. The details of the Judgment were finalized in the following weeks, and the Judgment was recorded with the Washtenaw County Register of Deeds on August 12, 2009, in Liber 4747, Page 412; and,

Whereas, under the terms of this Judgment, The Servants of the Word is permitted to run Servants Systems, Inc. on-site which shall have not more than eight (8) non-member employees. The Servants of the Word is also permitted to construct several other structures on the site, as shown in the attachments to the Judgment. However, The Servants of the Word was required to submit to Dexter Township an Amended Site Plan application showing all of the existing and proposed development over the next thirty (30) years. The proposed development consisted of:

- Brothers' Residence #2
- Guest House
- Cemetery and Access Road
- 2nd Access Drive
- Retired Brothers' Residence
- Chapel & Meeting Space
- Pole Barn
- Pavilion
- Recreation Area
- Pond (1-acre)
- Three (3) Hermitages

Whereas, pursuant to the provisions of the Consent Judgment and the Dexter Township Zoning Ordinance, The Servants of the Word submitted an application for an Amended Site Plan & Special Land Use Permit (File # 09-PC-139) on December 23, 2009 for the aforementioned development items at the

above address (original plans dated December 23, 2009), and submitted revised plans on March 10, 2010 (revised plans dated March 4, 2010; and,

Whereas, Section 12.01(D)(5) of the Dexter Township Zoning Ordinance designates as special uses in the RR – Rural Residential zoning district “Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution;” and,

Whereas, the Planning Commission has received reports from Patrick Sloan, Dexter Township Director of Planning & Zoning, dated January 26, 2010 and March 15, 2010, Matt Parks of OHM Engineering Advisors dated January 11, 2010 and March 12, 2010, and Donald Dettling of the Dexter Area Fire Department dated January 2, 2010 and March 10, 2010; and,

Whereas, at its March 16, 2010 meeting, the Township Board approved an amendment to the Consent Judgment to allow the minimum driveway width to the parking areas to be 20 feet wide instead of the minimum width of 30 feet required by Section 21.04(B)(1) of the Zoning Ordinance; and,

Whereas, at its March 23, 2010 meeting, the Planning Commission reviewed the Amended Site Plan & Special Land Use application and scheduled a public hearing on the application for April 27, 2010; and,

Whereas, at its April 27, 2010 meeting, the Planning Commission held a duly noticed public hearing on the Amended Site Plan & Special Land Use application; and,

Whereas, the information in the Amended Site Plan application meets the completeness requirements of Section 6.03(B)(1) through 6.03(B)(15) of the Dexter Township Zoning Ordinance, except as to matters addressed in the conditions below; and,

Whereas, the information in the Amended Site Plan application meets the compliance requirements of Section 6.05(A) through 6.05(P), Section 16.01(A)(1) through 16.01(A)(7), Section 16.08, and Articles 20 (Access Controls), 21 (Off-Street Parking and Loading), 22 (Signs), 23 (Landscaping and Screening), and 24 (Environmental Standards), except as to matters addressed in the conditions below; and,

Now therefore be it resolved, the Dexter Township Planning Commission, by a vote of the majority at a regularly scheduled and duly noticed meeting held this 25th day of May 2010, grants Approval of the Amended Site Plan, subject to the conditions listed below:

- 1) Per Section 6.05(N) and Section 16.01(A)(7), the owner and/or applicant shall secure all required local, county, state, and federal permits prior to any construction.
- 2) The applicant(s) shall revise the Amended Site Plan (#09-PC-139) to include the following:
 - a. Per Section 16.08(A)(5) of the Zoning Ordinance, Note 4 on Sheet 4 shall be revised to read, “All proposed and potential building shall have a maximum height of 50 feet.”
 - b. Per Section 6.05(M), a note must be included that states that all utilities will be located underground.
- 3) When individual plot plans are submitted for applicable phases of site development, they must contain the following information:
 - a. Per Article 20 of the Zoning Ordinance and Note 4 of Mr. Parks’ letter of March 12, 2010, additional details for the driveway and parking areas shall be provided and reviewed in more detail for turnaround capability, cross-section, and drainage patterns on a case by case basis.
 - b. Per Article 21 of the Zoning Ordinance and Note 1 of Mr. Parks’ letter of March 12, 2010, additional engineer detail shall be required regarding drainage calculations, clearing, grading and filling, soil erosion and sedimentation control measures, well locations, lighting and proposed grade and tree removals.
 - c. Per Section 24.02(A)(2) of the Zoning Ordinance and note 6 of Mr. Dettling’s letter of March 10, 2010, an agreed upon type of turnaround for fire department apparatus shall be included.
 - d. Per Note 2 of Mr. Parks’ letter of March 12, 2010, the wetlands must be flagged and surveyed by a wetland scientist and located on the future plot plan submittals.
- 4) The property owner shall reimburse Dexter Township for all future costs incurred by the Township Engineer for review and inspection of individual plot plans.

- 5) Per Section 6.05(L) of the Zoning Ordinance, a maintenance and easement agreement for a shared driveway shall be required to meet the standards of the Zoning Ordinance if the property ever becomes in separate ownership.
- 6) The applicant shall arrange for the aforementioned revision to the Consent Judgment (approved by the Township Board at its March 16, 2010 meeting) to be signed by the required parties and properly recorded with the Washtenaw County Register of Deeds.
- 7) That this approval shall not take effect until the applicant has paid in full all monies owed to Dexter Township for fees, expenses, and/or other related issues relating to the Amended Site Plan & Special Land Use review (09-PC-139).
- 8) All construction shall be performed in accordance with the approved Site Plan and Consent Judgment, and in compliance with all governing laws, regulations, permits, and approvals.
- 9) After all work has been completed, the Township Engineer shall inspect the site to verify that all work was completed according to the approved plans.
- 10) Dexter Township shall not issue a Zoning Permit for any site development until the applicable conditions are satisfied.

Resolution offered by Planning Commission Member **Wade**

Resolution supported by Planning Commission Member **Kooyers**

Tally Y = **5 (Wade, Kooyers, Tappe, Adams, and Lewis)**; N = **0**; Abstain = **0**; Absent = **2 (Shea and Korcek)**

The Chair declared the resolution **Adopted**

DATE: **25th day of May, 2010**


Kenneth Tappe, Vice-Chair