



DEXTER TOWNSHIP

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REGULAR MEETING OF THE PLANNING COMMISSION

Tuesday, January 23, 2023

Present: Marty Straub, Chairperson; Tom Lewis, Secretary; Chandra Hurd, Christina Maier, Alicia Abbott, and Maris Metz. Absent: Bob Nester.

Also present: Megan Masson-Minock, Planning Director. Absent: Janis Miller, Recording Secretary.

1. **Call to Order:** Chairperson Straub called the meeting to order at 6:00 PM. Chairperson Straub welcomed Board of Trustee Representative Trustee Gretchen Driskell to the Planning Commission.
2. **Pledge of Allegiance:** Recited by all.
3. **Conflict of Interest:** None.
4. **Approval of Agenda:** *With no changes or additions, Chairperson Straub deemed the agenda approve as presented.*
5. **Public Comment:** (non-agenda items) Opened 6:04 PM. No public comments.
6. **Public Hearings:**
 - A. **Public hearing to amend the decision criteria for variances in Article 29, Section 29.06(C) of the Zoning Ordinance.**

Opened 6:05 PM.

The wording change request is from the Zoning Board of Appeals as it was the wording in the previous Zoning Ordinance. It was stated as “The variance is the *reasonable* amount necessary to mitigate the practical difficulty”. The word was changed in the 2020 Zoning Ordinance and required the ZBA to decide on what the minimum is rather than what was reasonable. ZBA Chair Brook Smith stated that the ZBA strongly encourages the Planning Commission to adopt this change as they have been operating about three years with a variance provision that didn’t match what they previously did and was internally inconsistent. The township Attorney reviewed the language and could not find case law stating the word had to be minimum.

Closed 6:10 PM.
 - B. **Public hearing to amend Table 16.3 in Article 16, Section of the Zoning Ordinance to increase the building coverage on parcels greater than 5 acres, zoned Rural Residential or Recreation Conservation or residential uses in the Agricultural Zoning District to 2%.**

Opened 6:10 PM.

The math in the current table does not make sense as when an applicant gets to more acreage, there is less lot coverage. Bradley Devries, Studio Architects, representing Cornman Farms and previously before the ZBA for a variance which was denied. He recalled that under the Zoning Ordinance that was in effect in 2013, Cornman Farms lot coverage would be capped at 10% plus additional for the acreage. He thinks that the requested amendment would be more consistent with the intent and spirit of the original ordinance and help Cornman Farms continue to operate as they are and to improve the property per the site plan the Planning Commission already approved. ZBA Chairperson Brook Smith is in support of the requested change to the Zoning Ordinance.

Closed 6:18 PM.

7. Action Items:

A. Election of Chair, Vice-Chair, Secretary, and recommendation to the Township Board of the Planning Commission Representative to the Zoning Board of Appeals.

Motion by Maier to retain the current slate of officers (Chair, Marty Straub; Vice-Chair, Bob Nester; Secretary, Tom Lewis; and recommend PC representative to the Zoning Board of Appeals, Marty Straub). Motion seconded by Driskell. All ayes. Motion carried.

B. Recommendation to Township Board on proposed Zoning Ordinance amendment to Article 29, Section 29.06(C) to amend decision criteria for variances.

Discussion: The request from the ZBA is acceptable and is the result of an issue in real application for the ZBA. Question on whether it should be “a reasonable amount” or “the reasonable amount”. ZBA minutes of April 2023 indicated staff at that point felt that the consultant introduced it late in the game and didn’t have a lot of history of boards introducing it at that time [review of the new Zoning Ordinance]. The variance application [form] does not use the word minimum in the standard, and the meeting minutes of the ZBA for the approval has never used the word minimum in the past three years.

Motion by Driskell (as framed by Planner Masson-Minock):

*Based on the information provided by staff, and during the public hearing held on January 23, 2024, the Planning Commission makes a favorable recommendation of the proposed text amendment for Article 29, Section 29.06(C) of the Zoning Ordinance, specifically item “4. Reasonable Amount: The variance is the reasonable amount necessary to mitigate the practical difficulty”, and is recommended to the Township Board for the following reasons:
following reasons:*

- 1. The zoning text amendment is compatible with the goals and policies of the Master Plan.*
- 2. The zoning text amendment is consistent with state and federal law.*

Motion seconded by Maier.

Roll Call Vote: Yeas - Hurd, Driskell, Lewis, Abbott, Maier, Straub; Nays - None; Absent - Nester. Motion carried 6-0.

C. Recommendation to Township Board on proposed Zoning Ordinance amendment to amend Table 16.3 in Article 16, Section of the Zoning Ordinance to increase the building coverage on parcels greater than 5 acres, zoned Rural Residential or Recreation Conservation or residential uses in the Agricultural Zoning District to 2%.

Discussion: How the building coverage chart in the Zoning Ordinance was formulated to decrease building coverage on increased acreage.

Discussion: Table in Zoning Ordinance allows more square feet to a threshold and then less square feet. Planning Director Masson-Minock said she has rarely seen a table like this as most jurisdictions set a percentage of lot coverage. She offered the following options: 1) go with the Zoning Ordinance prior to 2020 which allowed 5% building coverage for Recreational Conservation and ten percent (10%) for Agriculture no matter how large the parcel; 2) just have a set percentage of lot coverage, 3) have a percentage for something greater than five acres and keep the table for those that are less than five acres, or 4) the PC could extend the current table, which could be unnecessarily complicated. Webster Township and Lyndon Township each allow twenty percent (20%) lot coverage. Chair Straub also suggested that the language “The Planning Commission may permit greater building coverage with a full site plan” be included in this section. Limiting building coverage in areas that the township wants to protect (conservation districts). When asked, Director of Planning suggested going back to the prior 2020 Zoning Ordinance that allowed ten percent (10%) in Rural Residential/residential use in Agriculture, and five percent (5%) in the Resource Conservation District. Currently impervious coverage is twenty percent (20%) for the Rural Residential and building lot coverage is per the table. Buildings that are for an agricultural purpose do not fall under the building code, per the Right to Farm Act, and cannot be regulated by the township.

Motion by Maier (as articulated by Planner Masson-Minock):

Based on the information provided by staff and during the public hearing held on January 23, 2024, the Planning Commission makes a favorable recommendation [to the Township Board] of the proposed text amendment for Article 16, in Section 16.12 of the Zoning Ordinance, specifically deleting Table 16, and to be replaced with a building coverage maximum of ten percent (10%) in the Rural Residential, and Agricultural Zoning Districts, and five percent (5%) in the Resource Conservation Zoning Districts. Motion seconded by Hurd.

Motion amended for clarity:

The reasons are 1) the text amendment is compatible with the Master Plan and 2) The zoning text amendment is consistent with state and federal law. The Table is replaced with a building coverage not to exceed ten percent (10%) in the Rural Residential, and Agricultural Zoning Districts, and five percent (5%) in the Resource Conservation Zoning Districts. The term is Recreation Conservation Districts, not Resource Conservation Districts. Friendly amendment to state ten percent (10%) building coverage in the Rural Residential Zoning District, and ten percent (10%) building coverage for residential uses in the Agricultural District and five percent (5%) in the Resource Conservation Zoning District. Maier and Hurd accept the amendment.

Roll Call Vote: Yeas – Hurd, Driskell, Lewis, Abbott, Maier, Straub; Nays - None;

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Absent - Nester. Motion carried 6 - 0.

D. FSP24-PC-001: Final site plan for Cornman, LLC; Special Event Facility.

Discussion: OHM recommended final site plan approval, and Carlisle Wortman recommended final site plan approval with a number of conditions. The fire department approved with a few things that had to be taken care of later. The applicant has complied with everything that was asked of them. Original request was for two-point five percent (2.5%) lot coverage which Cornman intends to keep in the final site plan. The requested lot coverage is covered by the proposed Zoning Ordinance amendment recommendation to the Township Board.

Motion by Maier (as framed by Planner Masson-Minock)

Based on the information provided by the applicant, staff, CWA, OHM, and DAFD, the Planning Commission determines that FSP24-PC-001: Final site plan for Cornman, LLC, dated as revised on December 8, 2023, Special Event Facility meets the standards for final site plan approval and the amendment to the Special Land Use Resolution (13-PC-147). The Planning Commission approves the final site plan with the following conditions:

- 1. The Zoning Ordinance is amended to allow at least two-point five percent (2.5%) building coverage on a lot greater than five (5) acres zoned Rural Residential.*
- 2. A maximum of seventy-five (75) people per event.*
- 3. Hours of operation will be 7AM to 11PM limited to 12 consecutive hours in one day.*
- 4. A temporary zoning permit, as outlined in §16.33 Temporary Structures and Uses, shall be required for each special event requiring a temporary structure or where the expected number of guests exceeds the maximum number of guests of 75 as described on an approved site plan.*
- 5. Approval of the gravel parking lot maintenance agreement by the Township Attorney.*
- 6. A signed gravel parking lot maintenance agreement is filed with the County Registrar of Deeds before issuance of any building permits.*
- 7. Approval by Dexter Area Fire Department.*
- 8. OHM Review dated December 14, 2023.*
- 9. CWA Review dated January 15, 2024.*

Motion seconded by Driskell.

Roll Call Vote: Yeas – Hurd, Driskell, Lewis, Abbott, Maier, Straub; Nays - None; Absent-Nester. Motion carried 6-0.

8. Discussion Items:

A. Zoning Amendments

Discussion: List provided by Director of Planning ~~Massin~~ Masson-Minock, specifically the Zoning permits and changing the schedule of regulations to schedule of uses. Recommended that the zoning permits be on the February Planning Commission agenda as staff asks for zoning permits for items such as interior remodels, exterior remodels that don't change footprint, and reroofing which created an extra level of burden for residents and an extra level of work for staff. The table Schedule of Regulations lists uses so it should be named Schedule of Uses. Another topic would be the Zoning Board of Appeals variances

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becoming final upon adoption of the minutes or adoption of a resolution which could delay permits due to the ZBA meeting in thirty days or longer. Director of Planning recommends any language proposed be reviewed by the township attorney. Built in quality control is that staff attends the ZBA meeting and knows what the ZBA approves so permits could be issued earlier than waiting for approval of the minutes. Planning Commission advises that the February agenda be a public hearing on zoning permits as presented with the addition that there is a zoning permit required for demolition/razing of a building and, also to change the text of title Schedule of Regulations to Schedule of Uses. Possibility of scheduling a working session on the second Tuesday of the month.

9. Approval of Planning Commission Minutes:

Discussion: Amendments by Chairperson Straub - page 4 top of page 5, inconsistency: motion “so moved” is awkward as elsewhere it is “motion by”. Last page comments by Straub, change “The Board of Trustees needs to take this into consideration” to “request that the Board of Trustees consider if we can move those two meetings that would conflict with Christmas Eve and the day after Memorial Day”. Driskell will present it to the Board of Trustees that the Planning Commission is determining new dates. Language: The Planning Commission requests of the Board of Trustees to consider alternate days for those meetings.

Moved by Abbott, seconded by Maier, to approve the meeting minutes of November 28, 2023, as amended. All ayes. Motion carried.

10. Township Board of Trustee Update:

Trustee Driskell stated that the Master Plan was adopted. She thanked everyone who worked on it. A Public Safety millage is coming up [on the February ballot] with an informational flyer mailed to the residents. The millage is a renewal with ballot language stating it was a new millage due to expiration in December 2023. In the loop trying to disseminate information to the community. She also is working on renewable energy legislation. The Board is working on the Budget. Also working toward a single hauler ordinance.

11. Concerns of Commission Members, Director of Planning, and Recording Secretary:

Director of Planning – Thanked everyone for their work on the agenda tonight.

Maier – Asked about the procedure of the revised Zoning Ordinance: placed on the website and does each Planning Commission member get a new copy of the Zoning Ordinance?

Director of Planning suggested that they get a whole section with the revisions.

Abbott – Liked how the packet was put together with the motions included.

Chairperson Straub – He would like to see the packets stapled together by agenda item.

Driskell – Suggests numbering each page and adding a blank page when the next item appears on the back of the previous agenda item.

Hurd – When reviewing a site plan, she would like full size, not paper size, site plans.

12. Public Comment: None.

13. Future Agenda Items:

A) Ordinance Amendments

14. Adjournment: Motion by Hurd, seconded by Abbott, to adjourn at 7:57PM.

Respectfully submitted,

Tom Lewis, Secretary

Janis Miller, Recording Secretary