

**CITY OF DEXTER
PLANNING COMMISSION
REGULAR MEETING
MONDAY, OCTOBER 5, 2015**

I. CALL TO ORDER AND ROLL CALL:

The meeting was called to order at 7:00 PM by Planning Commission Chairman Kowalski at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski	Thomas Phillips	Jim Carty
Jack Donaldson	Alison Heatley	Marni Schmid
James Smith	Scott Stewart-AB	Tom Stoner

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; Donna Fisher and Julie Knight, City Council Members; Laura Kreps, Carlisle Wortman Associates; and media.

II. APPROVAL OF THE MINUTES

1. Regular Meeting – September 8, 2015
2. Worksession Meeting – September 8, 2015

Motion Smith; support Stoner to approve the minutes of the Regular Meeting of September 8, 2015 and Worksession of September 8, 2015 with the following corrections:

- Work Session and Regular Minutes, day of the week should be Tuesday.
- Page 3 of the Regular Minutes, in Ms. Aniol's report, second bullet point, change downtown development to *Downtown Development Authority*.
- Page 3, under New Business Number 3 condition - 3-foot should be *3-foot*.

Unanimous voice vote approval with Commissioner Stewart absent.

III. APPROVAL OF THE AGENDA

Motion Donaldson; support Smith to approve the agenda as presented.

Unanimous voice vote approval with Commissioner Stewart absent.

Motion Smith; support Stoner to move the Public Hearing to after Item IX, New Business.

Unanimous voice vote approval with Commissioner Stewart absent.

V. PRE-ARRANGED PARTICIPATION

None

VI. REPORTS

A. Chairman Report – Matt Kowalski

1. Planning Commissioners have homework to complete before next month's meeting on the review of the Zoning Ordinances.
2. Time to begin thinking about the CIP (Capital Improvement Plan) and look at areas in the City to be included in the plan.

B. Planning Commissioners and Council Ex-Officio Reports

Council Member Smith – Reported on addressing Council at the September 28 meeting about his concerns about the Special Land Use for Northern United Brewing.

Commissioner Schmid – The Art Selection Committee is looking for guidance regarding the Lions Club statue as to where it should be placed. Chairman Kowalski asked Commissioner Schmid about the art piece at LaFontaine's and if there is landscaping to be done yet? (Looking to complete this.)

C. Community Development Office Reports – Michelle Aniol

Ms. Aniol provided her report in the packet. In addition she provided the following updates:

- Congratulations to Dexter. The City has been awarded a 4 out of 5 star ranking by the UM – Dearborn eCities program.
- There is a new business coming to the Wallace Building – Nogginz Hair Salon.
- Question – Will the work on Strawberry Alarm Clock start this year? (They are currently working on their site plans.)
- Mr. Smith spoke about the letter that the City received from Jim Haeussler regarding his Baker Road property. A meeting will be scheduled in November between the City, Scio Township and Mr. Haeussler to discuss this property.
- The final TMA (Target Market Analysis) will be held on October 7 at 5 PM at the Dexter District Library.
- City Council will conduct a Public Hearing on September 26 regarding vacating part of First Street.
- Planning Commission will have a Public Hearing in November regarding the re-zoning of the First Street Park.

VII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

VIII. OLD BUSINESS

A. None

IX. NEW BUSINESS

A. Oil and Gas Amendments to the Zoning Ordinance

Review and discuss draft amendments to the Zoning Ordinance regarding oil and gas drilling operations.

Ms. Kreps reviewed the process in regards to drafting the amendments to the Zoning Ordinance. The public has until October 12 to make comments and then Public Hearing will be held (probably in December). Ms. Kreps reviewed the provision of the oil and gas amendments.

IV. PUBLIC HEARING

A. SLU #2015-03 Northern United Brewing Company

Public Hearing to consider a special land use request to allow a restaurant as an accessory use at Northern United Brewing Company, located at 2319 Bishop Circle E. Discussion and possible action following the Public Hearing.

Ms. Aniol reviewed the special land use considerations for Northern United Brewing and reported on additional special land use standards including the proposed definition, proposed amendment to the tasting room definition, and proposed special use standards. Commissioner Donaldson questioned the proposed amendment to the zoning ordinance which he felt needed to be in place before approving the expansion of the tasting room, and the percentage of floor space at 15% in the special use standards and not 10% which is a building standard.

Chairman Kowalski opened the Public Hearing on SLU #2015-03 Northern United Brewing Company at 7:44 PM.

Donna Fisher of 3035 Inverness Street, Dexter and a City Council Member stated that she was on the Council when the tasting room was first proposed and is concerned about the change in philosophy now to allow a restaurant in the space at Northern United Brewing. She recalled that in the past, St. Joseph Hospital wanted to come to the Industrial park with a facility, but they weren't allowed in order to keep the certification on the park. Will this certification now change with this proposed use by Northern United Brewing?

There were no other speakers and Chairman Kowalski closed the Public Hearing at 7:47 PM.

Council and Owner Comments:

Jon Carlson – one of the owners of Northern United Brewing stated that the building is currently considered to be a mixed use facility by the Dexter Fire Department. He also spoke the people that come to his business which brings

tourists to the Dexter Community, new employees to the community, additional manufacturing to the park and that they are in the process of developing a way to use wastes to produce methane which will be a model for the State of Michigan.

Commissioner Smith – questioned the minimal posting of this public hearing. Information was found only on September 16 in the Sun Times News with nothing posted on the City’s media sites. Mr. Smith felt that the City needs to communicate more to the public and would like to hold the Public Hearing again to give the public an opportunity to attend and speak.

Commissioner Carty – Commissioner Carty cautioned the board that while having additional notification was a way to communicate with the public, it was not required by law and as such, the Commission should take care in requiring another public hearing. Chairman Kowalski asked the applicant if he would mind participating in another public hearing. The applicant agreed to participate. Commissioner Carty also cited the uniqueness of this business to Dexter and the area.

Commissioner Phillips – addressed the difficulty that many cities have by rigidly following ordinances.

Motion Smith; support Donaldson based on the information provided at the October 5, 2015 Planning Commission meeting and pursuant to Section 8.03, Special Land Use review standards, the Planning Commission moves to postpone the Special Land Use request submitted for an expansion of the tasting room at Northern United Brewing Company (NUBC) to include a restaurant, and continue the Public Hearing on November 2, 2015 to allow for additional public comment.

Ayes: Phillips, Carty, Donaldson, Heatley, Schmid, Stoner, Smith and Kowalski.

Nays: None

Absent: Stewart

Motion carries

The Planning Commission continued to discuss the concerns Mr. Donaldson expressed prior to the public hearing regarding zoning ordinance amendments. Consensus of the Planning Commission was to hold a public hearing in November.

X. PROPOSED BUSINESS FOR NEXT AGENDA – NOVEMBER 2, 2015

A. Worksession at 6:15 PM

- 1. Zoning Ordinance Update

B. Regular Meeting

- 1. #2015-04, Outdoor Seating Area, 8054 Main Street
- 2. #2015-01 RZ Rezoning of city owned, vacant property at northeast corner of First and Edison Street
- 3. Public Hearing - SLU #2015-03 Northern United Brewing Company

XI. CITIZENS WISHING TO ADDRESS THE COMMISSION

Donna Fisher of 3035 Inverness, Dexter thanked the Planning Commission for a very enlightening meeting.

XII. ADJOURNMENT

Motion Smith; support Schmid to adjourn at 8:25 PM.

Unanimous voice vote approval with Commissioner Stewart absent.

XIII. COMMUNICATIONS

None

Respectfully submitted,

Carol J. Jones
Interim Clerk, City of Dexter

Approved for Filing: _____

STAFF REVIEW

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: #2015-03 Expansion of the Tasting Room to include a Dining Area at 2319 Bishop Circle E

Applicant: Northern United Brewing Company (NUBC), Jon Carlson, representing

Zoning: RD Research and Development District

Date: October 30, 2015

PROPOSAL

Northern United Brewing Company (NUBC) submitted an Application for Special Land Use for an expansion of its tasting room to include a dining area. The proposed use would be known as NULL 2. NULL stands for Northern United Liquid Libations. The area of the proposed dining area measures 4,331.25 sq. ft., or 6% of the 68,000 sq. ft. facility. The area of the existing tasting room, known as NULL Tap Room, is 5,820 sq. ft., which is 9% of NUBC's entire facility. Together, the total area of the existing taproom and proposed dining area would be 10,151.25 sq. ft., or 15% of the NUBC facility.

BACKGROUND

On September 8, 2015, following the process set forth in Section 3.07, Uses Not Otherwise Included within a District, the Planning Commission determined the expansion of the tasting room to include a dining area, at Northern United Brewing Company, which together work not exceed 15% of the total gross floor area of the existing NUBC facility, located at 2319 Bishop Circle E is a compatible use within the RD Research and Development zoning district. Furthermore, the Planning Commission determined the proposed dining area is permitted in the RD zoning district as a special land use, subject to the following conditions:

1. Link the special land use to the brewery use, with standards to be provided by staff based on the San Diego model.

SPECIAL LAND USE STANDARDS

As cited above, the Planning Commission determined a set of standards needed to be established when considering the proposed use in a microbrewery, in the RD zoning district, based on the San Diego model. The intent was to develop regulations that would only benefit bona fide craft beer and spirit manufacturers, thus closing a potential loophole for restaurants with limited on-site manufacturing production operations. As such, the following standards are offered for consideration:

1. Special Use Conditions/Standards:

- In the RD zoning district, microbreweries shall have a minimum of 12,000 square feet of gross floor area, and may be permitted to have tasting room and/or dining area, as an accessory use, subject to applicable state and local regulations. The square footage of the accessory tasting room and/or restaurant shall not exceed 15% of the gross floor area of the microbrewery facility.

NUBC is licensed by the State of Michigan as a microbrewery. The NUBC facility is 68,000 square feet. It would meet the minimum gross floor area standard proposed above. The existing tasting room measures 5,820 sq. ft., which is 9% of the NUBC facility. The proposed dining area measures 4,331.25 sq. ft., or 6% of the facility. The total area of the tasting room and proposed dining area would not exceed 15% of the gross floor area of the NUBC facility.

If the Planning Commission decides to amend the zoning ordinance to establish the above cited special use standards, it would be prudent planning and zoning practice to include a definition of microbreweries and amend the definition of a tasting room, as follows:

Definition:

- A microbrewery means a facility that produces in total less than 60,000 barrels of beer per year. It may include a tasting room, dining area and retail space for on and off-site consumption.

This definition reflects the definition used by the State of Michigan for licensing.

Tasting Room definition:

- A tasting room is an establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Food service may include a dining area. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

On October 5, 2015, during the first public hearing on this issue, Commissioner Donaldson questioned the proposed amendments to the zoning ordinance and felt any amendments to the zoning ordinance needed to be considered before the approving NUBC's request. Staff explained that special land use is a valuable zoning tool. Through the special land use process, the Planning Commission and City Council have the authority to establish conditions, which may not exist in the zoning ordinance. As such, the Planning Commission and/or City Council can choose to amend the zoning ordinance to include such standards or not.

Following our discussion, consensus of the Planning Commission was to hold a public hearing in November to consider the above cited standards. The public hearing to consider the text amendments is scheduled for November 2, 2015, following the public hearing to consider this case. IT'S IMPORTANT TO NOTE; staff used the term "restaurant" in the published public hearing notice and in her review. This was done based on the Planning Commission discussion regarding Northern United Brewing Company's special land use request. The term "dining area" has been use in this correspondence, for consistency with the applicant's request.

Staff has provided the Planning Commission with a motion at the end of this review that includes the following three (3) conditions:

1. The total area of the tasting room and proposed dining area shall not exceed 15% of the gross floor area of the NUBC facility;
2. Sewer discharge level must be at or below permitted levels; and
3. Amendments to the zoning ordinance shall be adopted to include the definition of a microbrewery, revised definition of a tasting room and special land use standards, based on the San Diego model, as cited herein.

The Planning Commission has the option of including condition #3 in the motion or not. If the Planning Commission decides not to include condition #3, staff recommends the public hearing to consider amendments to the zoning ordinance be cancelled.

SPECIAL LAND USE PROCEDURES

The intent of the special land use process is to regulate uses that may be compatible with uses in some, but not all, locations within a particular zoning district. The special land use process is designed to accomplish the following:

- Provide a mechanism for public input on decisions involving more intense land uses.
- Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- Regulate the use of land on the basis of impact to the City overall and adjacent properties in particular.
- Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- Ensure uses can be accommodated by the environmental capability of specific sites.
- Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- Provide greater flexibility to integrate land uses within the City.

The process for special land use requires the Planning Commission to conduct a public hearing, followed by a recommendation of approval, denial or approval with conditions to City Council. City Council is responsible for taking final action to approve, deny or approve with conditions.

SPECIAL LAND USE CONSIDERATIONS

Staff has reviewed the proposed special land use with respect to the general review standards listed in Section 8.03 of the Zoning Ordinance, and offers the following comments for your consideration:

- A. *The Special Land Use will be consistent with the goals, objective and future land use plan described in the Dexter Master Plan.*

According to the Master Plan the goal for industrial development is to promote quality, job producing economic development with the City that serves the needs of residents. Objectives to meet this goal focus on responsible use of land, good stewardship of natural features and resources, quality site and building design, redevelopment of brownfield sites, future growth and expansion of Dexter Business and Research Park, promotion and coordination of activities aimed at improving the business climate within the City, fostering job creation, minimizing negative impacts on non-industrial areas, and collaboration with the MEDC and Ann Arbor SPARK.

The Future Land Use Map in the current Dexter Master Plan classifies the subject site as Research Development. The intent of the Research Development land use classification is to provide a diverse range of wholesale, parts assembly, high-tech industry, research facilities, laboratories and light fabrication operations.

The proposed operation will employ twelve (12) people, according to materials submitted by the applicant.

The proposed use would be accessory to the principal use, a microbrewery operation. NUBC is a craft/artisan brewer. The craft/artisan brewing process is the embodiment of research and development, testing and production. The proposed use is an extension of this process. For the proposed use, NUBC will develop a creative and distinctive menu of food fare designed to compliment the main attraction – its sour oak-aged ales and craft beers.

The proposed use is consistent with the goals, objectives and intent of the Master Plan.

B. *The Special Land Use will be consistent with the stated intent of the zoning district.*

Property in DBRP is zoned RD Research Development District. According to Section 17.02, sub-section B of the Zoning Ordinance, principal permitted uses in the RD District included manufacturing, compounding, processing, packaging or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, non-animal agricultural products, hardware and cutlery, tools, die, gauge and machine shops. Uses such as, smelting or other similar processing of raw ores and metals, petroleum products and products with petroleum bases, from asphalt to perfume, and slaughtering and/or processing of animals and animal parts are not permitted. Therefore expansion of food production is a permitted use in the RD District.

Other uses listed in Section 17.02, sub-section B, as being permitted within the RD District, include printing operations, laboratories, storage of materials to be used on site and of products made on-site, testing facilities, retail/showroom for goods manufactured on site or in conjunction with site operations, not to exceed 15% of the total gross floor area; and accessory uses.

As stated previously, the Planning Commission determined the proposed use, which together with the tasting room, would not exceed 15% of the total gross floor area of the existing NUBC facility, is a compatible use within the RD Research and Development zoning district.

C. *The Special Land Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.*

Hours of operation would be 11 am to 11 pm seven days a week. The proposed use measures 4,331.25 square foot. Total seating would accommodate 109 occupants. The proposed use will not increase or produce negative environmental impacts, noise, vibration, glare, air quality, drainage, views, aesthetics or property values. In regards to traffic staff consulted the Institute of Traffic Engineers (ITE) Trip Generation Manual. The ITE Manual does not have a category for a "restaurant with bar", or a "tasting room" and/or "dining area within a brewery. Therefore, the standard for a quality restaurant is used for this review.

The ITE average daily traffic (ADT) count for a quality restaurant is 89.95 trips per 1,000 square feet of gross floor area. When that standard is applied, the proposed use would generate approximately 390 vehicle trips per day. Whereas, application of the specialty retail standard (40.67 trips per 1,000 square feet of gross floor area) would produce 236 vehicle trips per da. It must be noted, using the quality restaurant standard is not an apples to apples comparison. It's logical to conclude the proposed use is likely to produce between 236 and 390 vehicle trips per day. The ADT count in the Dexter Business and Research Park is 6,430. The proposed use would generate between 2.7 and 6% of the ADT in the DBRP.

D. *The Special Land Use will not significantly impact the natural environment. No additional impacts to the natural environment are anticipated since the site is already developed.*

E. *The Special Land Use can be served adequately by public facilities and services such as police and fire protection, schools, drainage structures, water and sewage facilities, and refuse disposal.*

The site is currently served adequately by public facilities and services. NUBC recently installed a new pretreatment system intended to reduce the concentration of the waste stream and bring the operation into compliance with permitted levels. Testing of the new pretreatment system began October 23, 2015. The new system is expected to be fully operational in early November.

Additionally, NUBC is in the process of implementing a supplemental treatment system that would significantly reduce the waste strength and utilize the waste to generate electrical and gas utilities on-site. This new treatment system secured the company a \$200,000 grant from the Michigan Department of Agriculture and Rural Development (MDARD), and is expected to reduce biological oxygen demand and total suspended solids ("TSS") discharged to the City treatment plant to below the permitted levels.

The applicant will be required to pay any utility capital charges resulting from the change of use and intensity of use, if applicable. Additionally, the applicant will be required to install grease, oil, and sand interceptors, in accordance with Article IV, Sewer Service, of the City of Dexter Code of Ordinances.

- F. *The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.*

The proposed use is not expected to make vehicular and pedestrian traffic no more hazardous than is normal.

- G. *The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.*

The proposed use will be located within an existing structure and is not likely to discourage future development and use of land/building within the DBRP, or unreasonably affect property values.

- H. *The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.*

According to the McDonald Center at the University of Notre Dame, having food in ones stomach will help slow down the processing of alcohol. The proposed use would not produce negative impacts to the health, safety, or welfare to the public.

CONCLUSIONS

1. The proposed use is consistent with the goals, objectives and intent of the Master Plan.
2. Expansion of the tasting room to include a dining area is a compatible use within the RD Research and Development zoning district.
3. The proposed use will not increase or produce negative environmental impacts, noise, vibration, glare, air quality, drainage, views, aesthetics or property values.
4. The proposed use would generate between 2.7 and 6% of the ADT in the DBRP.
5. No additional impacts to the natural environment are anticipated.
6. The site is currently served adequately by public facilities and services.
7. NUBC recently installed and began testing a new sanitary sewer pretreatment system. The new system should be fully operational in early November.
8. NUBC received a grant to implement a supplemental sanitary sewer treatment system that will significantly reduce the waste strength and utilize the waste to generate electrical and gas utilities on-site.
9. The proposed use may result in utility capital charges.
10. The purposed use is subject to the requirements of Article IV, Sewer Service, of the City of Dexter Code of Ordinances.

11. The proposed use is not expected to make vehicular and pedestrian traffic no more hazardous than is normal.
12. The proposed use will not produce negative impacts to the health, safety, or welfare to the public.
13. The current NUBC facility meets the minimum gross floor area for a microbrewery.
14. The total area of the tasting room and proposed dining area would not exceed 15% of the gross floor area of the NUBC facility.

SUGGESTED MOTIONS

Based on the information provided by the applicant and staff at the November 2, 2015 Planning Commission meeting and pursuant to Section 8.03, Special Land Use review standards, the Planning Commission recommends that the City Council (**APPROVE/ DENY**) the Special Land Use application for an expansion of the tasting room at Northern United Brewing Company (NUBC), located at 2319 Bishop Circle E, to include a dining area, subject to the following conditions:

4. The total area of the tasting room and proposed dining area shall not exceed 15% of the gross floor area of the NUBC facility;
5. Sewer discharge level must be at or below permitted levels; and
6. Amendments to the zoning ordinance shall be adopted to include the definition of a microbrewery, revised definition of a tasting room and special land use standards, based on the San Diego model, as cited herein.

OR

Based on the information provided at the November 2, 2015 Planning Commission meeting and pursuant to Section 8.03, Special Land Use review standards, the Planning Commission moves to (**POSTPONE**) the Special Land Use request submitted for an expansion of the tasting room at Northern United Brewing Company (NUBC) to include a dining area, 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.



Michigan OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

CITY OF DEXTER

SITE PLAN REVIEW & SPECIAL USE APPLICATION

Application is being made for: Preliminary Site Plan Review Final Site Plan Review
Combined Site Plan Special Use Permit

Property Address: 2319 Bishop Circle East, Dexter MI 48130

Tax ID Number: _____

Proposed Use: Expansion of tasting room (accessory to the brewery) to include a dining area

Zoning District: RD

Property Owner Name: Northern United Holdings LLC Phone: 734-792-9102

Property Owner Address: 2319 Bishop Circle East, Dexter MI 48130

Applicant Name: Same as above Phone: _____

Applicant Address: _____

Representative (e.g. Engineer) Name: Jon Carlson (manager) Phone: 734-609-0977

Representative Address: Same as above

Regulations and Standards: Applicant must complete the following and applicable standards must be noted on the site plan.

	Plan Submitted	Requirement
1. Front Yard Setback (ft) <u>NA</u>	_____	_____ check here if corner lot
2. Side Yard Setback (ft)	_____	_____
3. Rear Yard Setback (ft)	_____	_____
4. Lot Coverage (%) (7a/6)	_____	_____
5. Height (ft)	_____	_____
6. Total Site Area (ft)	_____	_____
7a. Building Coverage (ft)	_____	_____
7b. Floor Area (ft)	_____	_____

Special Use Form - Page 2

	Plan Submitted	Requirement
8. Floor Area Ratio (7b/6)	_____	_____
9. Total Paved Area (ft)	_____	_____
10. Total Impervious Cov. (7a+9)/6	_____	_____
11. Number of Parking Stalls	_____	_____
12. Density (6/13)	_____	_____
13. Number of Units (Residential)	_____	_____
14. For Multi-Family:		
Efficiency	_____	_____
1 Bedroom	_____	_____
2 Bedroom	_____	_____

N/A

Additional required information for Special Use Permit: *see Attached*

15. Statement describing the use proposed. This should include information about the hours of operation, number of employees and clients, type of programming or services, traffic expected to be generated, and any other pertinent information and/or site development characteristics.

16. All applications are presented to the Planning Commission at a public hearing for a recommendation prior to begin forwarded to the City Council for final consideration. Therefore, all applications must be submitted four weeks prior to 1st Monday of month in order to ensure proper notice time and preparation time. Incomplete applications cannot be processed.

Anthony Grant CEO/CFO NUH, LLC.

_____	_____	_____	_____
Owner's Signature	Date	Applicant's Signature	Date

[Signature] *9/30/15*

Staff Review: Fee: _____ Date Received: _____ Receipt # _____

Planning Commission Review Date: _____ Council Review Date: _____

_____ Approved _____ Denied Reviewed by: _____

REASONS FOR DENIAL: _____

EXISTING NON-CONFORMITIES/VARIANCES GRANTED: _____

APPROVAL STAMP:



**Office of Community Development
 City of Dexter
 Site Plan Review and Special Use Application "Additional Information"**

Item #15:

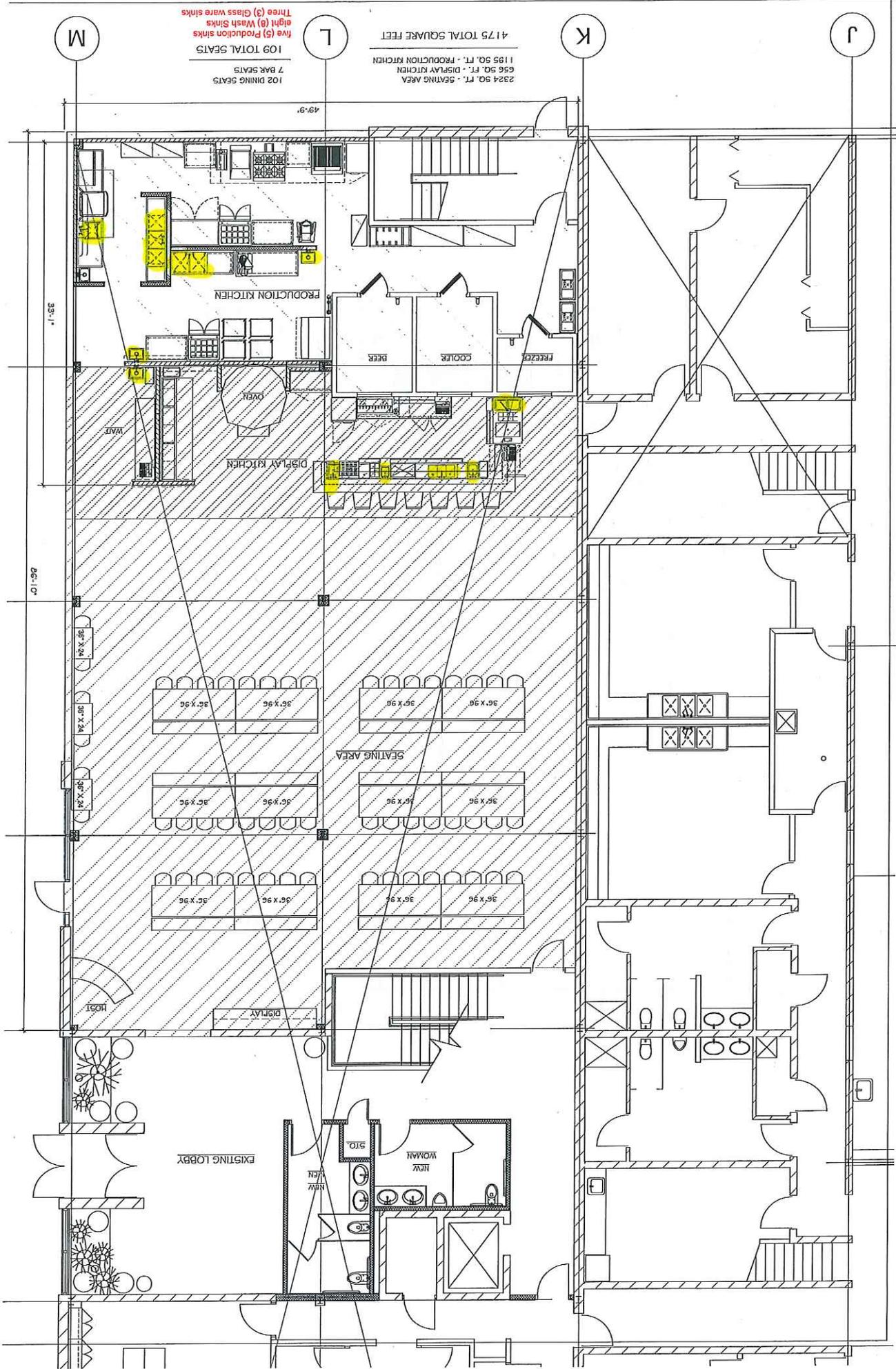
The proposed operation will have hours of operation from 11am to 11pm and will operate seven (7) days a week.

The proposed operation will employ 12 people.

AG 9/30/15
 Anthony Grant
 NUH LLC
 CEO/CFO

NORTHERN UNITED BREWING COMPANY

**2319 Bishop Circle East
 Dexter, Mi 48130**



109 TOTAL SEATS
 7 BAR SEATS
 102 DINING SEATS
 195 50. FT. - DISPLAY KITCHEN
 656 50. FT. - SEATING AREA
 2324 50. FT. - SEATING AREA
 4175 TOTAL SQUARE FEET

Five (5) Production Sinks
 Eight (8) Wash Sinks
 Three (3) Glass Ware Sinks

M

L

K

J

39'-1"

65'-10"

49'-9"

PRODUCTION KITCHEN

DISPLAY KITCHEN

SEATING AREA

EXISTING LOBBY

NEW MEN

NEW WOMEN

STO.

FREEZER

COOLER

DEEP

HOST

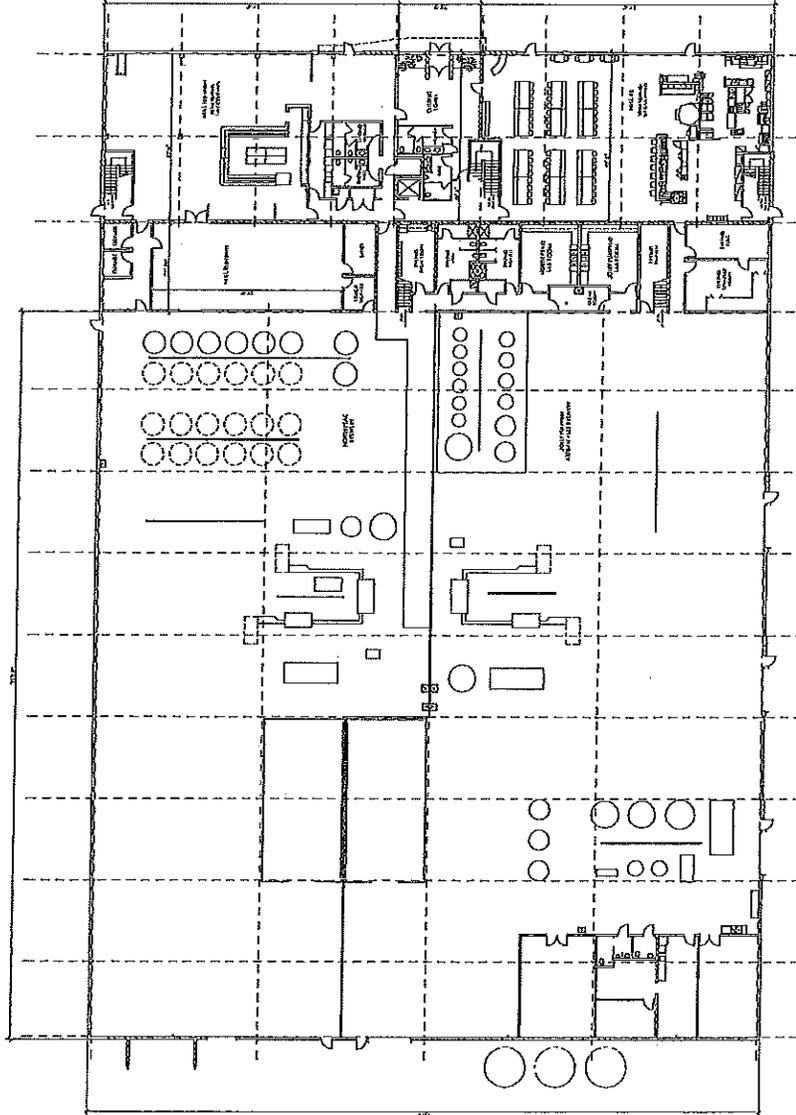
DISPLAY

WASH

OVER

BUILDING INFORMATION FIRST LEVEL:

NELL TOP ROOM	4,715 SF
NELL FC	4,000 SF
BEVERLY	45,725 SF
LOBBY/RECEPTION	2,110 SF



FIRST LEVEL PLAN
SCALE: 1/8" = 1'-0"



CITY OF DEXTER WWTP

8360 HURON ST DEXTER MI 48130 (734) 426-4572 FAX (734) 426-5466

Baseline Monitoring Report

Company Name: Northern United Brewing Company
 Address: 2319 Bishop Circle East, Dexter, MI 48130
 Phone: 734-792-9102 Fax: 734-661-4720
 Contact Person: Tony Grant Phone: 734-792-9110

Environmental Control Permits

List all environmental control permits held by the facility in which the discharge occurs. Attach additional sheets if necessary.

Permitting Agency	Permit type	Number
City of Dexter	SIU	002

Description of operations

Provide a schematic process diagram which indicates points of discharge to the sanitary sewer from each regulated process found in the applicable point source categorical regulation as well as non regulated processes. Attach additional sheets if necessary.

Average Rate of Production

Operation Description	SIC	Amount (exact figure or verifiable estimate)	Units	time interval
Food Preparations	2099	1500	Gallons	Day
Brewing and packaging beer	2082	6000	Gallons	Day

Units are pounds, meters, gallons, pieces, etc.

Specify time in hours, days, month, year

Flow Measurement

Submit information showing the measured average daily and maximum daily flow in gallons per day to the WWTP from regulated process streams. Attach additional sheets if necessary.

waste stream description	Regulated yes/no	average daily flow (GPD)	maximum daily flow (GPD)	batch, continuous, flow
Kitchen waste	No	1500	3000	Continuous

Identification of applicable National Categorical Pretreatment Standards

Identify any subcategory and the applicable pollutant concentrations of from that category.

Category Food Preparation

Subcategory (if applicable) _____

Pretreatment Standards	One Day Maximum		Monthly Average	
	Concentration std. mg/L:	Mass based std: specify units	Concentration std. mg/L	Mass based std: specify units
None				

Pollutant Measurement

Submit results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Composite samples representative of daily operations will be taken according to Standard Methods. A minimum of 4 grab samples must be used for pH, cyanide, oil and grease, total phenols, sulfides, and volatile organics. Samples will be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other waste streams are mixed with regulated wastewaters prior to pretreatment or the point of sampling, use the combined waste stream formula to evaluate compliance with the pretreatment standards.

Regulated Process Description: Food Preparation

Pollutant	One Day Maximum		Monthly Average	
	Concentration mg/L:	Mass: specify units lbs./day	Concentration mg/L	Mass: specify units lbs./day
BOD	1000	25	750	9
TSS	500	12.5	300	4
Oil & Grease	300	7.5	100	1

Attach sampling and analysis results with time and date taken.

Alternate Limit Calculation

Where an alternate concentration limit has been calculated using the combined waste stream formula, the adjusted unit along with supporting data showing the calculation is to be given below. Attach additional sheets if necessary.

attached are fixture flow calculations and study indicating restaurant pollutant load data

Sampling and analytical methods

Indicate the time, date, and place of sampling and methods of analysis for the results given above.
see above

I certify that sampling and analysis for this application is representative of normal work cycles and the expected pollutant discharges to the WWTP.

Name: _____
Signature: _____
Title: _____ Date: _____

STAFF REVIEW

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: TAZO#2015-01, Text Amendments to the Zoning Ordinance
Article II, §2.02 Definitions and Article XVII, §17.03 Special Uses in the RD District

Date: October 30, 2015

The Planning Commission is scheduled to conduct a public hearing to consider text amendments to the zoning ordinance. The purpose of the public hearing is to consider the following amendments to the City of Dexter Zoning Ordinance (text to be added is underlined; ~~strikeout~~ text to be deleted):

1. Amend Article XVII, RD Research and Development District, §17.03 Special Uses to add microbreweries as a special use:
 - E. Microbrewery, subject to the following provisions:
 1. A microbrewery facility shall have a minimum of 12,000 square feet of gross floor area, and may be permitted to have tasting room and/or restaurant, as an accessory use, subject to applicable state and local regulations. The square footage of the accessory tasting room and/or restaurant shall not exceed 15% of the gross floor area of the microbrewery facility.
2. Amend Article II, Definitions, §2.02 Definitions. Amend add a definition of a microbrewery and the definition of a tasting room, as follows:
 - Microbrewery - A microbrewery means a facility that produces in total less than 60,000 barrels of beer per year. It may include a tasting room, restaurant and retail space for on and off-site consumption.
 - A tasting room is an establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Food service may include a restaurant. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

Staff used the term "restaurant" in the published public hearing notice, based on the Planning Commission discussion regarding Northern United Brewing Company's special land use request. It's important to note the term "dining area" could be substituted for the term "restaurant".

ZONING AMENDMENT PROCESS

The process for a text amendment to the zoning ordinance requires the Planning Commission to conduct a public hearing, followed by a recommendation of approval or denial to City Council. City Council is responsible for taking final action to approve or deny the proposed amendment, subject to the criteria set forth in Section 23.07 of the Zoning Ordinance.

TEXT AMENDMENT ANALYSIS AND CONSIDERATIONS

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.

- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- C. The City Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.

REVIEW

On September 8, 2015, the Planning Commission determined Northern United Brewing Company's proposed expansion of its tasting room to include a dining area requires special use approval in the RD District. The Planning Commission further determined an additional set of standards needed to be established when considering the proposed use in a microbrewery, in the RD zoning district, based on standards from San Diego, CA.

If the Planning Commission decides to amend the zoning ordinance to add a microbrewery as a special land use in the RD District, it would be prudent planning and zoning practice to amend the ordinance to add a definition of microbreweries and to amend the definition of a tasting room.

SUGGESTED MOTION

Pursuant to Section 23.07, Criteria for Amendment to the Zoning Ordinance Text and the Public Hearing held by the Planning Commission on November 2, 2015, the Planning Commission **RECOMMENDS** the City Council amend Article XVII, RD Research and Development District, Section 17.03 Special Uses to add microbreweries as a special use and Article II Definitions, Section 2.02 Definitions to add a definition of a microbrewery and amend the definition of a tasting room, as cited herein.

OR

Based on the information presented at the November 2, 2015 Planning Commission meeting, the Planning Commission moves to **(POSTPONE)** the recommendation for the proposed amendments to Article XVII, RD Research and Development District, Section 17.03 Special Uses to add microbreweries as a special use and Article II Definitions, Section 2.02 Definitions to add a definition of a microbrewery and amend the definition of a tasting room, as cited herein until **(DATE)** to allow more time for the following:

- 1. _____
- 2. _____
- 3. _____

OR

Based on the information presented at the November 2, 2015 Planning Commission meeting, the Planning Commission moves to **(TABLE)** the recommendation for the proposed amendments to Article XVII, RD Research and Development District, Section 17.03 Special Uses to add microbreweries as a special use and Article II Definitions, Section 2.02 Definitions to add a definition of a microbrewery and amend the definition of a tasting room, of the City of Dexter Zoning Ordinance indefinitely.

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



STAFF REVIEW

To: Chairman Kowalski and Planning Commissioners
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: SLU #2015-04 Outdoor Seating Special Land Use Request- 8054 Main St.

Applicant: Scott Thomas

Zoning: CBD Central Business District

Date: October 30, 2015

The Planning Commission is scheduled to conduct a public hearing to consider a special land use request submitted by Scott Thomas, for property located at 8054 Main Street. The SLU request is for an outdoor seating area at 8054 Main Street. As you can see on the site plan, this is the open area between the current Dexter Flowers building and Hotel Hickman (8050 Main St). Mr. Thomas has entered into a purchase agreement with the current owner to buy the property at 8054 Main St. The site plan, as submitted by the applicant, calls for an open air pavilion over an existing outside seating area. The existing seating area, as well as the proposed pavilion, is entirely located on private property.

The proposed pavilion measures 19.88 feet by 27.25 feet for a total area of 541.73 sq. ft. The pavilion overhang encroaches approximately 1-foot into the property at 8050 Main Street. The applicant will need an easement from the City, which is the owner of the property.

The subject site is zoned CBD, Central Business District. According to Section 15(A).03 outdoor cafes and eating areas are permitted as a special land use in the CB District

SPECIAL LAND USE PROCEDURES

The intent of the special land use process is to regulate uses that may be compatible with uses in some, but not all, locations within a particular zoning district. The special land use process is designed to accomplish the following:

- Provide a mechanism for public input on decisions involving more intense land uses.
- Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- Regulate the use of land on the basis of impact to the City overall and adjacent properties in particular.
- Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- Ensure uses can be accommodated by the environmental capability of specific sites.
- Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- Provide greater flexibility to integrate land uses within the City.

The process for special land use requires the Planning Commission to conduct a public hearing, followed by a recommendation of approval, denial or approval with conditions to City Council. City Council is responsible for taking final action to approve, deny or approve with conditions.

SPECIAL LAND USE CONSIDERATIONS

Staff has reviewed the proposed special land use with respect to the general review standards listed in Section 8.03 of the Zoning Ordinance and the specific standards for outdoor cafes and eating areas outlined in Section 8.11 B. 27 of the Zoning Ordinance, and offers the following comments for your consideration:

- A. *The Special Land Use will be consistent with the goals, objective and future land use plan described in the Dexter Master Plan.*

The future land use map shows the subject site as CBD Central Business District. The CBD is intended to be the core area of the city, which contains a mixture of land uses. The CBD also encourages more intense development with uses such as restaurants, retail and personal service establishments. Outdoor seating is a use that is typically associated with a food/beverage related commercial business.

The proposed outdoor seating meets the desired mix of uses within the CBD and compliments the existing mix of restaurants and outdoor seating activity currently available in the CBD.

- B. *The Special Land Use will be consistent with the stated intent of the zoning district.*

The outdoor seating area is proposed for Hotel Hickman, a carry-out barbeque restaurant. The proposed outdoor seating area would be located entirely on private property. As noted in the Zoning Ordinance the intent of the CBD is to encourage improvements that add to the character, social and environmental diversity of the downtown area and to foster an appealing high-density pedestrian environment. Uses along the primary streets, including Main Street, are retail and eatery uses.

The intent of the outdoor seating area is to promote vibrancy within the downtown, and increase the number of guests that the establishment can serve. Outdoor seating will also compliment the downtown by providing a place for people to relax and enjoy Dexter. Outdoor seating will also "add to the character and social environment" in the downtown.

- C. *The Special Land Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.*

The applicant is proposing a pavilion measuring 19.88 feet by 27.25 feet, for a total area of 541.73 sq. ft. In addition to the eight special land use criteria, there is an additional set of standards for considering an outdoor seating area. The additional criteria under Section 8.11, sub-section B.25 is designed to regulate open seating areas on public sidewalks. Staff has reviewed the proposed use, pursuant to Section 8.11, sub-section B.25 and offer the following comments:

- a. *Pedestrian Circulation: To allow for pedestrian circulation, a minimum of five feet of clear sidewalk along the street frontage, and leading to the entrance to the establishment shall be maintained free of any encumbrances. A minimum of ten feet of sidewalk width must be provided to accommodate outdoor seating, if outdoor seating is placed on the public sidewalk. The proposed pavilion would not be located on the public sidewalk.*
- b. *Street Corner Clearance: When outdoor seating is located at a street corner, a ten-foot setback from the corner of the building shall be maintained along both frontages. The proposed use is not located at a street corner.*

- c. *Enclosure: Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor eating area. If liquor is served a removable enclosure is required. The State of Michigan Liquor Control Commission (LCC) requires that outdoor seating areas serving alcohol be enclosed. The applicant has does not currently have a liquor license. If the applicant should obtain a license in the future, the outdoor seating area would need to comply with this standard.*
 - d. *Canopies and umbrellas: Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors. Canopies and umbrellas are not proposed.*
 - e. *Street Furniture: Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other fixtures related to the outdoor seating area shall be included with the application. The applicant plans to use picnic tables, similar to those used currently.*
 - f. *Signage: No additional signage is proposed at this time. If signage is desired in the future, the applicant would be subject to the requirements of Article 7, Signs.*
 - g. *Trash: The operators of the establishment shall be responsible for keeping the outdoor eating area and the immediately adjacent area, clean and void of litter at all times. The applicant proposes to use existing trash containers. The applicant is responsible for keeping the area clean and void of litter at all times.*
 - h. *Hours of Operation: The City may restrict the hours of operation for outdoor seating areas immediately abutting residential districts. Applicants may on a case-by-case basis request to allow outdoor seating furniture remain outdoors (overnight). Hours of operation for the outdoor seating will be Thursday through Sunday, 6:00 am to 7:00 pm.*
 - i. *Public Safety: Outdoor seating furniture and elements such as umbrellas and awnings, associated with outdoor seating furniture, must be of substantial weight so that at no time will the outdoor seating furniture present an obstruction or risk to public safety. Proposed outdoor seating materials should be reviewed and considered on a case-by-case basis. If the outdoor seating furniture and elements associated with outdoor seating furniture is temporary in nature it is the responsibility of the proprietor to remove the outdoor seating furniture during inclement weather. All umbrellas should be closed and removed each evening. The City of Dexter accepts no liability for any injury/damage caused by outdoor seating furniture. Applicants for outdoor seating will also be required to sign and submit the City's Hold Harmless Agreement. It is the responsibility of the applicant to remove any outdoor seating equipment during inclement weather. A hold harmless agreement is not required for this case, as the proposed outdoor seating area is not located on the public sidewalk.*
- D. *The Special Land Use will not significantly impact the natural environment. No additional impacts to the natural environment are anticipated since the site is already developed.*
- E. *The Special Land Use can be served adequately by public facilities and services such as police and fire protection, schools, drainage structures, water and sewage facilities, and refuse disposal. The site is currently served adequately by public facilities and services.*
- F. *The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved. The proposed use shall not make vehicular and pedestrian traffic more hazardous that is normal.*

G. *The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.* The height of the proposed structure measures 14 feet. The maximum height for an accessory structure of this nature is 14 ft. The proposed pavilion encroaches into the air—rights of the property to the east (8050 Main St), which is owned by the City. The applicant is proposing to enter into an easement agreement with the City of Dexter. The proposed structure will not interfere with or discourage development and the use of adjacent land and buildings or unreasonable affect their value.

H. *The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.* Negative impacts to the health, safety, or welfare to the public are not anticipated.

CONCLUSIONS

1. Outdoor seating area is a use typically associated with a food/beverage related commercial business. The proposed outdoor seating area at 8050 Main Street is consistent with the desired mix of uses identify in the Master Plan for the Central Business District.
2. The proposed use is consistent with the intent of the CBD Central Business District.
3. The proposed use would be compatible with the existing character of the general vicinity.
4. The proposed use will not significantly impact the natural environment.
5. The proposed use will be adequately served by public services.
6. The proposed use should not be more hazardous to vehicle and pedestrian traffic than is normal for the district.
7. The applicant must obtain approval for an easement agreement from City Council for the overhang encroachment.
8. The proposed use meets the requirements for signage, trash, hours of operation and public safety.

SUGGESTED MOTIONS – Outdoor Seating, 8050 Main Street (for Hotel Hickman)

Based on the information provided at the November 2, 2015 Planning Commission meeting and pursuant to Section 8.03, Special Land Use review standards, the Planning Commission recommends that the City Council (**APPROVE/ DENY**) the Special Land Use application for the Outdoor Seating at the 8050 Main Street.

The Special Land Use permit is granted with the following conditions:

1. City Council approval of an air-rights easement.
2. _____
3. _____

OR

Based on the information provided at the November 2, 2015 Planning Commission meeting and pursuant to Section 8.03, Special Land Use review standards, the Planning Commission moves to (**POSTPONE**) the Special Land Use request submitted for the Outdoor Seating at 8050 Main Street 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.



VILLAGE OF DEXTER

8140 Main Street · Dexter, Michigan 48130-1092 · (734) 426-8303 · Fax (734) 426-5614

VILLAGE OF DEXTER

SITE PLAN REVIEW & SPECIAL USE APPLICATION

Application is being made for: Preliminary Site Plan Review Final Site Plan Review
 Combined Site Plan Special Use Permit

Property Address: 8054 Main

Tax ID Number: 08-08-06-177-113

Proposed Use: outside seating

Zoning District: CB0

Property Owner Name: Sticks and Stones LLC Phone: 734-426-4797

Property Owner Address: 8922 W. Huron River Dr

Applicant Name: Scott Thomas Phone: 734-646-6261

Applicant Address: 2400 Hickman Rd Ann Arbor MI 48105

Representative (e.g. Engineer) Name: _____ Phone: _____

Representative Address: _____

Regulations and Standards: Applicant must complete the following and applicable standards must be noted on the site plan.

	Plan Submitted	Requirement	
1. Front Yard Setback (ft)	<u>0</u>	<u>0</u>	<input type="checkbox"/> check here if corner lot
2. Side Yard Setback (ft)	<u>0</u>	<u>0</u>	
3. Rear Yard Setback (ft)	<u>0</u>	<u>0</u>	
4. Lot Coverage (%) (7a/6)	<u>N/A</u>	<u>N/A</u>	
5. Height (ft)	<u>14'</u>	<u>14'</u>	
6. Total Site Area (ft)	<u>N/A</u>	<u>N/A</u>	
7a. Building Coverage (ft)	<u>N/A</u>	<u>N/A</u>	
7b. Floor Area (ft)	_____	_____	

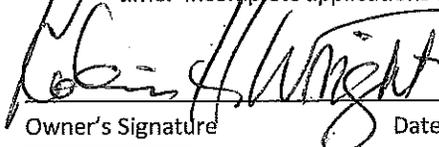
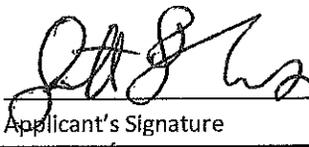
Special Use Form - Page 2

	Plan Submitted	Requirement
8. Floor Area Ratio (7b/6)	N/A	N/A
9. Total Paved Area (ft)	100% ⁹⁰ 100%	100% ⁹⁰
10. Total Impervious Cov. (7a+9)/6		
11. Number of Parking Stalls	N/A	N/A
12. Density (6/13)	N/A	↓
13. Number of Units (Residential)		
14. For Multi-Family:		
Efficiency	N/A	
1 Bedroom		
2 Bedroom		

Additional required information for Special Use Permit:

15. Statement describing the use proposed. This should include information about the hours of operation, number of employees and clients, type of programming or services, traffic expected to be generated, and any other pertinent information and/or site development characteristics.

16. All applications are presented to the Planning Commission at a public hearing for a recommendation prior to begin forwarded to the City Council for final consideration. Therefore, all applications must be submitted four weeks prior to 1st Monday of month in order to ensure proper notice time and preparation time. Incomplete applications cannot be processed.


10-1-15

9-30-15

Owner's Signature _____ Date _____ Applicant's Signature _____ Date _____

Staff Review: Fee: 350 Date Received: 9/30/15 Receipt #: 47675

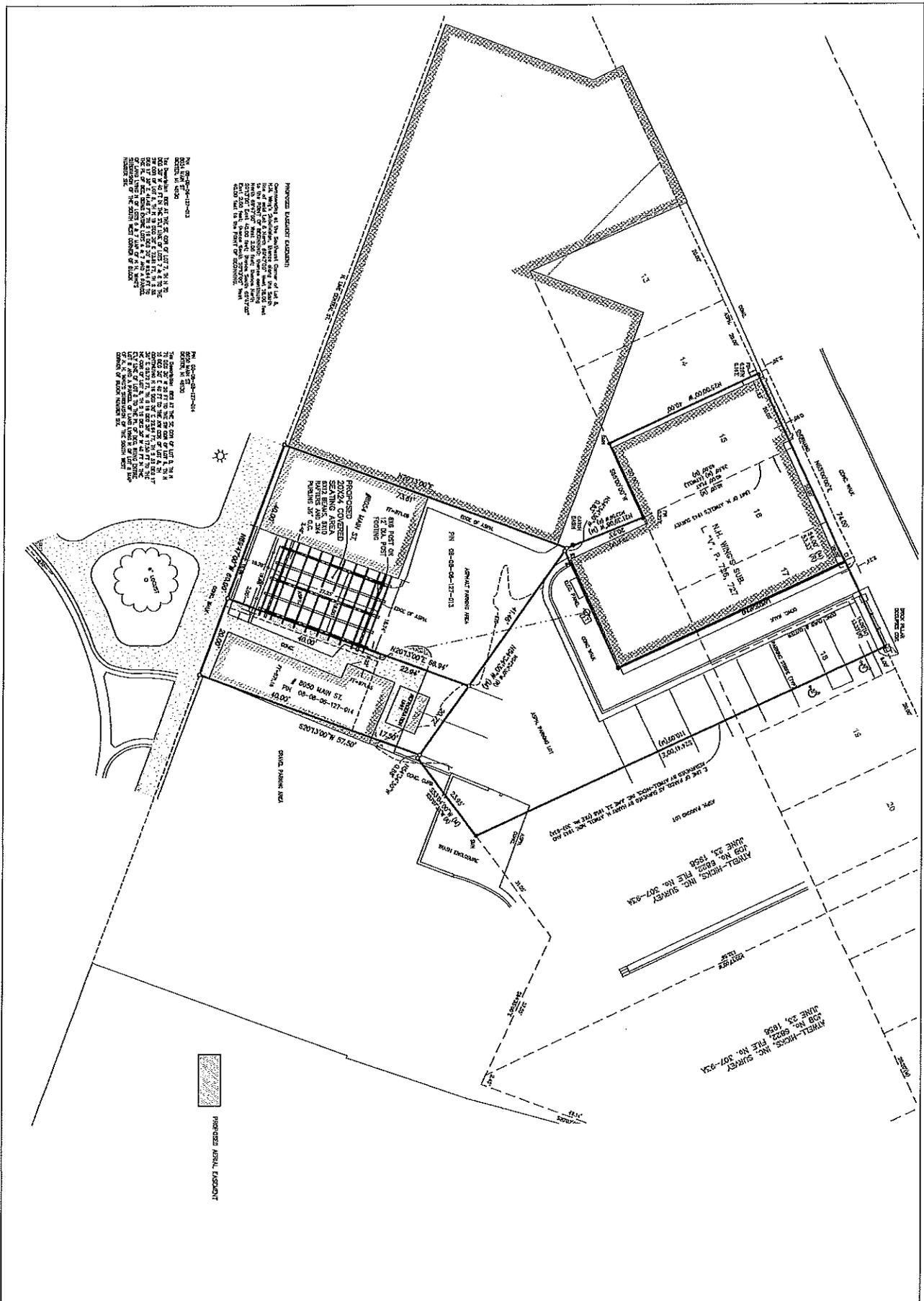
Planning Commission Review Date: _____ Council Review Date: _____

Approved Denied Reviewed by: _____

REASONS FOR DENIAL: _____

EXISTING NON-CONFORMITIES/VARIANCES GRANTED: _____

APPROVAL STAMP:



PROPOSED EXISTING EXISTENCE
 THE EXISTING UTILITIES SHOWN ON THIS SURVEY WERE LOCATED BY FIELD SURVEY AND RECORD DRAWING. THE SURVEYOR HAS NO GUARANTEE THAT THE UTILITIES SHOWN ON THIS SURVEY ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PRESUMED TO LOCATE THE UTILITIES SHOWN ON THIS SURVEY BY FIELD SURVEY.

PROPOSED GENERAL EXISTENCE
 THE PROPOSED UTILITIES SHOWN ON THIS SURVEY WERE LOCATED BY FIELD SURVEY AND RECORD DRAWING. THE SURVEYOR HAS NO GUARANTEE THAT THE UTILITIES SHOWN ON THIS SURVEY ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PRESUMED TO LOCATE THE UTILITIES SHOWN ON THIS SURVEY BY FIELD SURVEY.



UTILITY NOTE:
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND RECORD DRAWINGS. THE SURVEYOR HAS NO GUARANTEE THAT THE UTILITIES SHOWN ON THIS SURVEY ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PRESUMED TO LOCATE THE UTILITIES SHOWN ON THIS SURVEY BY FIELD SURVEY.

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> ○ SECTION CORNER ○ FOUND IRON PIPE ○ FOUND IRON ROD ○ SET IRON PIPE ○ SET IRON ROD ○ FOUND MAG NAIL ○ SET WOOD LATH ○ CONTROL POINT ○ MEASURED DIMENSION ○ RECORDED DIMENSION ○ SURFACE FLOW | <ul style="list-style-type: none"> ○ WATER MANHOLE △ FIRE HYDRANT ○ GATE VALVE ○ REARIE CATCH BASIN ○ CURB CATCH BASIN ○ STORM MANHOLE ○ CONVEY/END SECTION ○ SANITARY MANHOLE ○ LIGHT POLE ○ UTILITY POLE ○ TELEPHONE ROSSER ○ GAS MAIN RISER | <ul style="list-style-type: none"> — ELECTRIC LINE — GAS MAIN — WATER MAIN — STORM LINE — SANITARY LINE — CABLE TO LINE — PHONE LINE — CHAIN LINK FENCE — WOOD FENCE — BARBED WIRE FENCE |
|--|--|--|

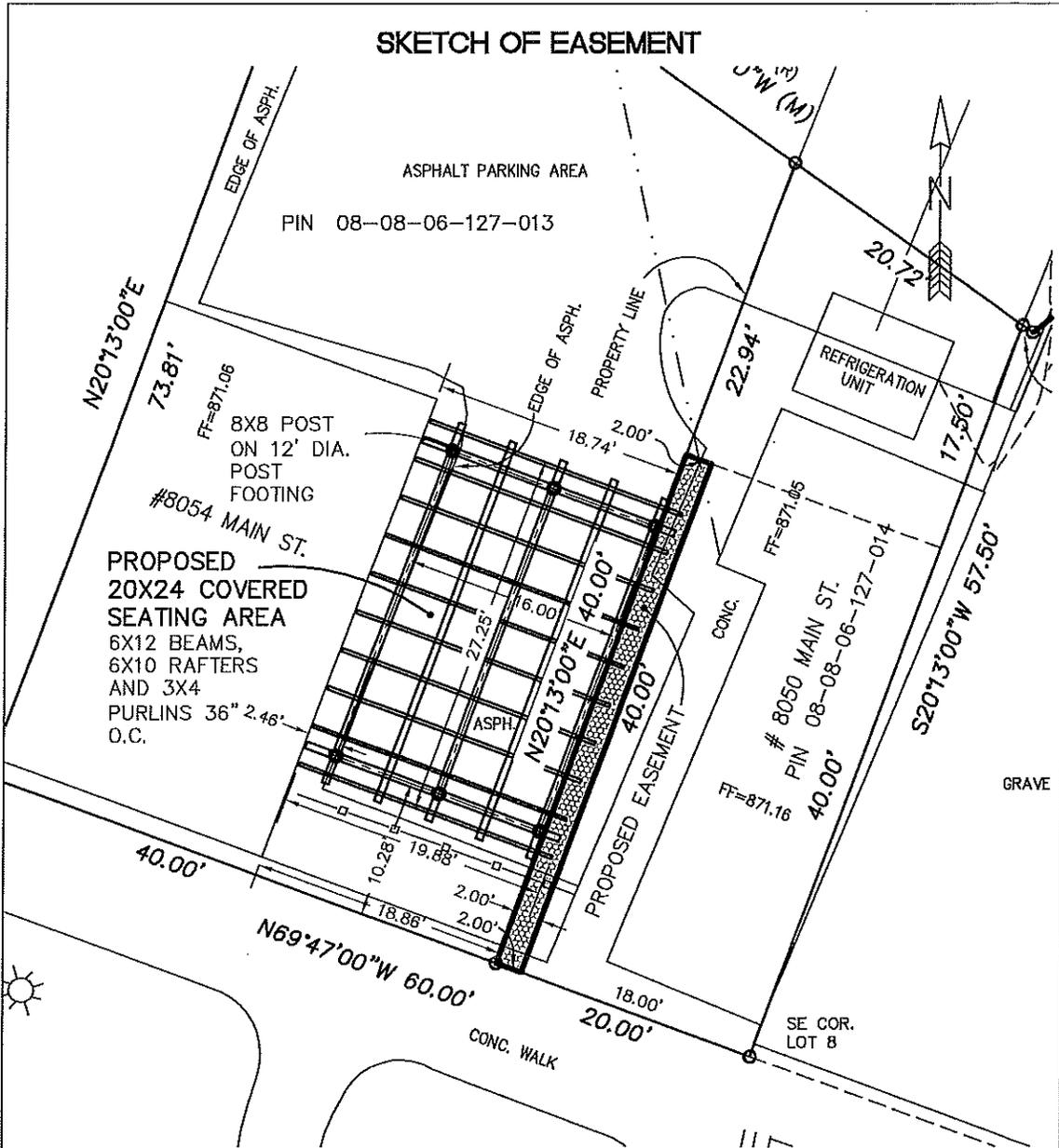
CLIENT: HOTEL HICKMAN'S CHUCKAGOON BBO
 TOPOGRAPHIC SURVEY
 8050 MAIN STREET
 LOTS 15-17 AND PART OF LOT 18,
 N.H. WING'S SUBDIVISION OF BLOCK 6,
 ORIG. PLAT OF THE VILLAGE OF DEXTER



Arber Land Consultants, Inc.
 Professional Land Surveyors
 2756 S. Madonna
 Ann Arbor, MI 48103
 734-963-2945
 Fax: 734-963-2947
 www.arberlandinc.com

DATE: 10-6-2015
 REVISION: 10-12-2015

SKETCH OF EASEMENT



PROPOSED EASEMENT EASEMENT:

Commencing at the Southeast Corner of Lot 8, N.H. Wing's Subdivision, thence along the South line of said Lot 8 North 69°47'00" West 18.00 feet to the POINT OF BEGINNING; thence continuing North 69°47'00" West 2.00 feet; thence North 20°13'00" East 40.00 feet; thence South 69°47'00" East 2.00 feet; thence South 20°13'00" West 40.00 feet to the POINT OF BEGINNING.

CLIENT: HOTEL HICKMAN'S BBQ	
SKETCH OF EASEMENT	
BETWEEN 8050 AND 8054 MAIN ST IN THE CITY OF DEXTER, WASHTEANW COUNTY, MICHIGAN.	
<p>LEGEND:</p> <ul style="list-style-type: none"> ● SECTION CORNER ○ FIP FOUND IRON PIPE ○ FIR FOUND IRON ROD ○ FMN FOUND MAG NAIL ○ FCM FOUND MONUMENT ○ S SET IRON PIPE □ SET WOOD LATH (R) RECORDED (C) CALCULATED 	<p>SCALE: 1" = 10'</p>

<p>Arbor Land Consultants, Inc. Professional Land Surveyors</p> <p>2936 S. Madrono Ann Arbor, MI 48103 (734) 669-2960 Fax 669-2961 www.arborlandinc.com</p>	
JOB NO.: 11315	DATE: 10-29-2015
FLD. BOOK: -	REVISED: -
SHEET 1 OF 1	BY: KJG

STAFF REVIEW

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: RZ #2015-01 Rezoning First Street Park (08-08-05-235-006)

Date: October 30, 2015

The Planning Commission is schedule to conduct a public hearing to consider a city initiated rezoning from R-3 Multiple Family Residential to PP Public Park. The subject site is that portion of property located on the east side of First Street (08-08-05-235-006), at the intersection with Edison Street.

Parcel 08-08-05-235-006 is split zoned as I-1 General Industrial and R-3 Multiple Family Industrial. Only the portion of the property zoned R-3 was designated as First Street Park on April 10, 2006. The map below shows the current zoning districts. Only the portion zoned R-3 is proposed to be rezoned to PP Public Park.

The City has initiated this rezoning for consistency with the use of the property and to facilitate future park improvements.

BACKGROUND

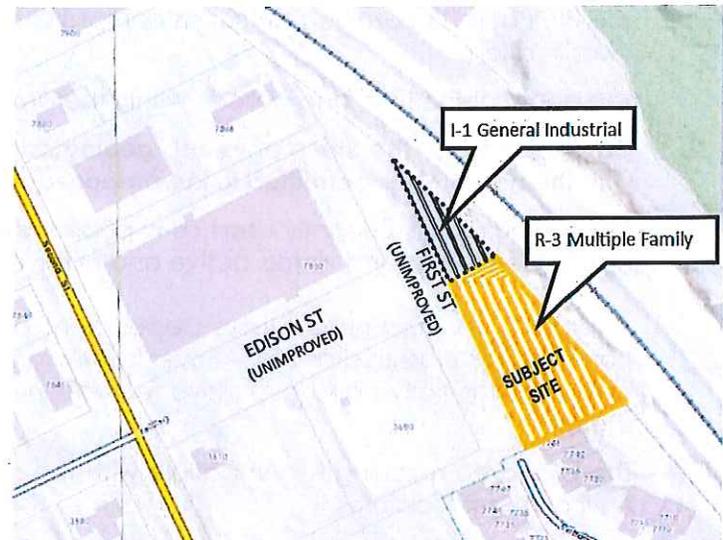
In 2006 the Dexter Ringers were being displaced due to the redevelopment of Katie's Restaurant, on Baker Road. According to city records, the Parks and Recreation Commission (PaRC), on behalf of the Dexter Ringers, requested special land use approval to designate the subject site as a public park. On April 10, 2006, based on a recommendation by the Planning Commission, Council approved the special land use request and designated the subject site as First Street Park, which allowed the Dexter Ringers to construct horseshoe pits at the park.

In 2013, Council allocated funding for the construction of a shelter, based on a recommendation from the PaRC. In 2014 staff determined zoning compliance could not be issued for the planned shelter because the desired location was in the ROW. Planning Commission will recall the location the planned shelter was based on the location of the horseshoe pits, which also had been installed in the ROW.

To facilitate the installation of a shelter the City is considering vacating a portion of the First Street ROW and has initiated this rezoning request.

ZONING AMENDMENT PROCESS

The process for an amendment to the official zoning map requires the Planning Commission to conduct a public hearing, followed by a recommendation of approval or denial to City Council. City Council is responsible for taking final action to approve or deny the proposed amendment, subject to the criteria set forth in Section 23.05 of the Zoning Ordinance.



ZONING DESIGNATION ANALYSIS AND CONSIDERATIONS

Staff has reviewed the proposed rezoning pursuant to Section 23.05, and offers the following comments:

1. Consistency with the goals, policies and future land use map of the Dexter Master Plan.

The future land use map designates the subject site as OPEN SPACE/RECREATION. The goal of the OPEN SPACE/RECREATION is to provide various passive and active recreational opportunities for all resident of the City, including programs and activities offered by the City and other agencies. Open Space/Recreation areas are also meant to strengthen the boundaries of the City and create a greenbelt. The use of sound planning practices is one objective to ensuring the City's park and recreation assets remain available for enjoyment, now and in the future. The proposed rezoning implements this objective.

Appropriate uses for the Open Space/Recreation areas include active and passive recreational uses, such as that which currently exist at the subject site. Additionally, the Master Plan identifies the PP, Public Park zoning district as compatible with the Open Space/Recreation future land use classification.

The goals, objectives, and policies within the Dexter Master Plan support proposed rezoning.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

The subject site is currently used as a public park. Horseshoe pits have been installed. The site provides residents and visitors active and passive recreational opportunities.

According to the United States Department of Agriculture (USDA) Soil Survey, the subject site contains soils classified as BnB – Boyer loamy sand, 1 to 6 percent slopes. This classification has no limitations for active and/or passive recreational use, including potential future construction of a shelter.

The proposed rezoning is compatible with the sites physical, geological, hydrological, and other environmental features.

3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.

Principal permitted uses in the R-3 Multiple Family zoning district includes a variety of attached, mixed density dwellings, such as duplexes, townhouses, rowhouses, and garden apartments, activity center buildings for the elderly, family day care homes, child care centers, day care centers and family foster care homes, and adult foster care homes, adult foster care small group homes and adult day care. Special land uses include public swimming pools, parks, playgrounds, and playfields, places of worship, public and private pre, primary and secondary schools, colleges and universities, boarding and rooming houses, government/community-owned facilities, funeral homes, adult congregate care facilities and bed and breakfast inns.

As stated previously, the City owns the subject site and granted special use approval for use as a park in 2006. Under the current R-3 zoning, a 40-foot front yard setback and a 50-foot rear yard setback are required for buildings or structures. The subject site is triangular and at its widest point measures 107 feet. Under the current zoning, the required front and rear yard setbacks would severely limit placement of a shelter.

Rezoning the subject site to PP Public Park reduces the front and rear yard requirement and would allow placement of shelter and other potential future improvements, in terms of convenience and practicality.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The principal permitted uses within the PP Public Park zoning include passive and active recreational amenities, park structures, such as shelters, gazebos, bathroom facilities, access ramps, seating areas, etc. Special land use in the PP district include commercial outdoor recreation facilities, such as, but not limited to canoe/kayak/liveries, concession stands, swimming pools; provided that any necessary facilities or accessory buildings, structures or uses are constructed and located so as to cause minimal encroachment and/or intrusion upon any natural resource area, and to minimize any negative effects on adjacent residential properties.

The permitted and special land uses in the PP district are compatible with the surrounding land uses and zoning because the uses will be open space, passive and active recreation. The subject site is suitable for open space, recreation uses.

The site is currently accessible by vehicle and pedestrian traffic. The use of the subject site as a park has not had an adverse impact on adjacent properties, and is not anticipated to have an adverse impact on adjacent properties in the future.

The proposed PP zoning district and the uses allowed would be compatible with surrounding uses and zoning, without negative impact on property values.

5. The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".

Use of the subject site has been and would continue to consist of active and passive recreation uses with limited infrastructure. Health, safety and welfare will not be compromised by proposed rezoning.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Dexter area in relation to the amount of land currently zoned and available to accommodate the demand.

The subject site is currently designated and used as a park. Rezoning to Public Park would, not only be consistent with the use, but facilitate planned improvements to the park.

7. The request has not been previously submitted within the past one (1) year, unless conditions have changed or new information has been provided.

The City of Dexter owns the subject property. A request to rezone of the subject site has not been submitted within the past year.

8. Other factors deemed appropriate by the Planning Commission and City Council.

The proposed rezoning, as well as, City Council's consideration of a partial vacation of the First Street right-of-way, is necessary to ensure implementation of future park improvements.

CONCLUSION(S)

As documented in the sections above, staff has determined the criterion required within Article 23 to rezone First Street Park to PP Public Park has been met, based on the following findings:

- The goals, objectives, and policies within the Dexter Master Plan support designating the subject property as PP Public Park.
- The proposed rezoning is compatible with the sites physical, geological, hydrological, and other environmental features.
- Rezoning the subject site to PP Public Park would allow potential future improvements.
- The proposed rezoning would be compatible with surrounding uses, without negative impact on property values.
- Health, safety and welfare will not be compromised by proposed rezoning.
- Rezoning to Public Park would be consistent with the current use of the subject site, and would facilitate improvements to the park in the future.
- A rezoning request for the subject site has not been submitted within the past year.

SUGGESTED MOTIONS – Rezoning from R-3 Multiple Family Residential to PP Public Park

Based on the information provided at the November 2, 2015 Planning Commission meeting and pursuant to Section 23.05, Criteria for Amendment of the Official Zoning Map, the Planning Commission recommends that City Council (**APPROVE/ DENY**) the request to rezone a portion of First Street Park (08-08-05-235-006), located on the east side of the First Street ROW, from R-3 Multiple Family Residential to PP Public Park.

OR

Based on the information provided at the November 2, 2015 Planning Commission meeting and pursuant to Section 23.05, Criteria for Amendment of the Official Zoning Map, the Planning Commission moves to (**POSTPONE**) the request to rezoning of a portion of First Street Park (08-08-05-235-006), located on the east side of the First Street ROW, from R-3 Multiple Family Residential to PP Public Park 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.



Michigan OFFICE OF COMMUNITY DEVELOPMENT
 8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

APPLICATION FOR REZONING AND/OR ZONING ORDINANCE AMENDMENTS

Application is being made for: Rezoning from R-3 to PP
 Zoning Ordinance Text Amendment
 Zoning Ordinance Map Amendment

Property Address: Vacant (FIRST ST. PARK) Tax ID Number: 08-08-05-235-006

Proposed Use: public park

Applicant Name: City of Dexter Phone: 734/426-8303

Applicant Address: 8140 N. Main St.

Email Address: maniola@dextermi.gov Mobile Phone: _____

Property Owner Name: City of Dexter Phone: same as above

Property Owner Address: _____

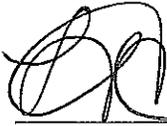
Email Address: _____ Mobile Phone: _____

Application Procedure: Please check if the following information is being provided, and attach the required documents to this application.

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rezoning only: A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The name and address of the owner of the subject site and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The existing and proposed zoning district designation of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The land use classification of the subject site as illustrated in the City's Master Plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amendment only: A general description of the proposed amendment and rationale for the change.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A written description of how the requested rezoning meets Section 23.05 "Criteria for Amendment of the Official Zoning Map", or Section 23.06 "Criteria for Amendments to the Zoning Ordinance Text".

Application for Rezoning and/or Zoning Ordinance Amendment - Page 2

I understand that if this request is denied, the City will not reconsider it for a period of 365 days from date of denial.

 10/2/15

Owner's Signature

Date

 10/2/15

Applicant's Signature

Date

Staff Review: Fee: \$750 + \$40/acre + Escrow Deposit

Date Received: N/A

Receipt # _____

Approved

Denied

REASONS FOR APPROVAL: _____

REASONS FOR DENIAL: _____

Planning Commission Action: Approved Denied Date: _____

City Council Action: Approved Denied Date: _____

APPROVAL STAMP:



Washtenaw County Parcel Report

Parcel ID:

08-08-05-235-006

Report generated 10/30/2015 12:27:20 PM

Parcel Information

PIN: 08-08-05-235-006
CVT Code: 08
CVT Description: DEXTER CITY
School: 81050 , DEXTER COMMUNITY SCHOOLS
Property Class: 401 , RESIDENTIAL

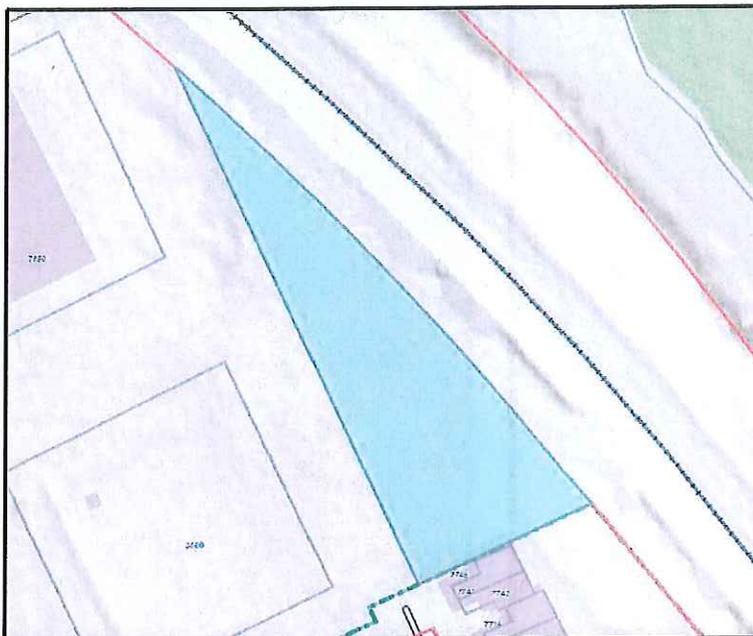
Property Information

Address: EDISON ST
DEXTER , MI 48130

Owner Information

Owner: DEXTER, VILLAGE OF

Address: 8140 MAIN ST
DEXTER , MI 48130



Parcel highlighted in blue

Homestead Information

Homestead Percent: 0 %

Values

Assessed Value: \$ 0 **SEV:** \$ 0
Capped Value: \$ 0 **Taxable Value:** \$ 0

Drain Assessment (not incl. drain debts)

Sales (last 3 max)

Year	Drain Name	Amount

Date	Sale Price	Type

Tax Description

COM AT SE'LY COR LOT 1 BLK 30, ORIGINAL PLAT VILLAGE OF DEXTER, TH S 25-58-10 E 12.50 FT, TH N 63-40-55 E 33.00 FT FOR A POB, TH N 28-58-10 W 476.26 FT, TH S 47-53-04 E 130.12 FT, TH S 45-50-31 E 170.32 FT, TH S 40-34-29 E 173.08 FT TH S 39-22-58 E 27.67 FT TH S 63-40-55 W 156.55 FT TO THE POB. PT NW FRL 1/4 SEC 5, T2S-R5E, 4.08 AC.

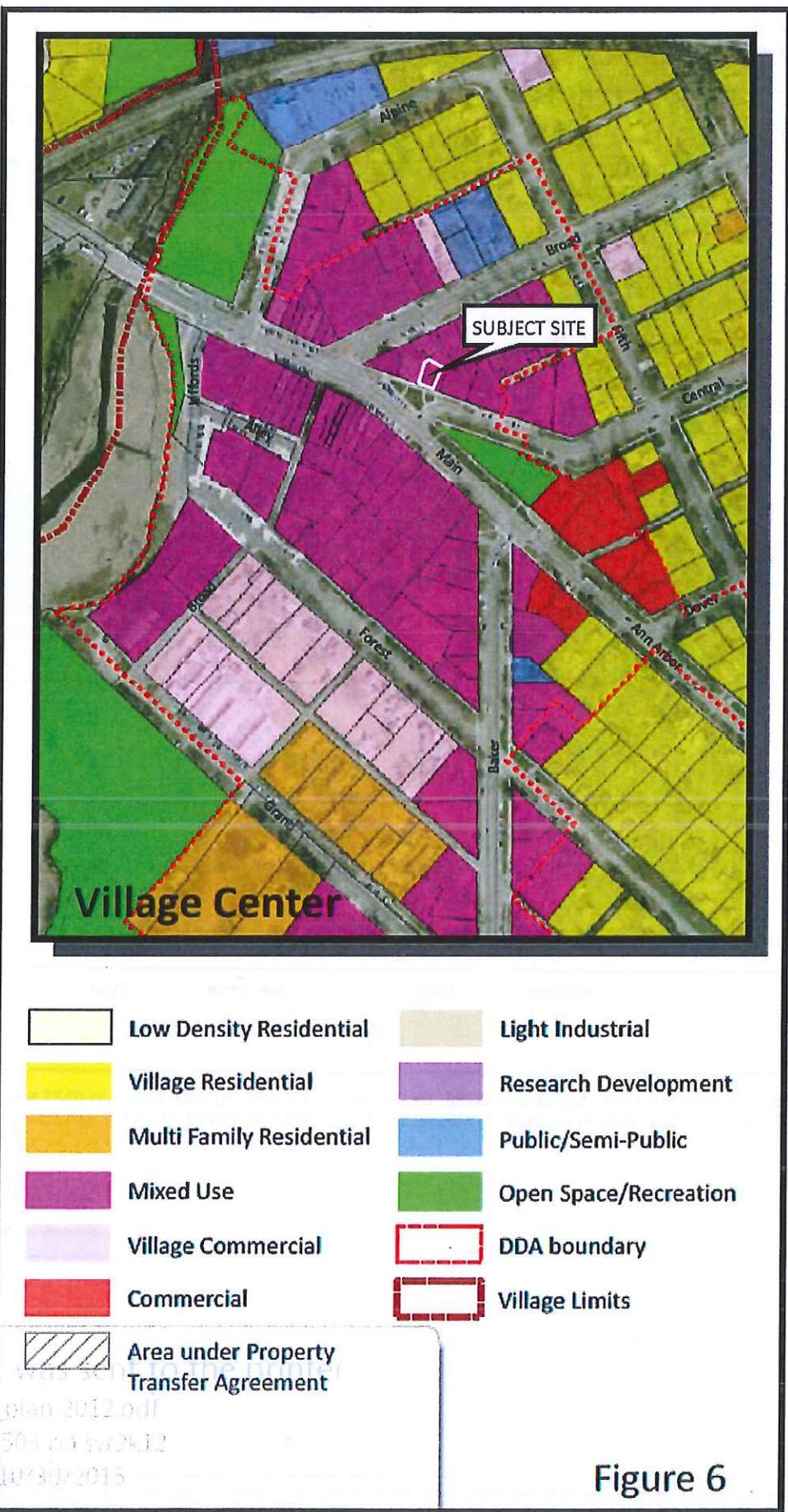


Figure 6

Memorandum

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Report for November 2, 2015 Planning Commission Meeting

Date: October 30, 2015

- City Council conducted a public hearing to consider a partial vacation of the First Street Right-of-Way. A copy of staff review and recommendation, along with supporting documentation is attached to this memo. Action on the item was postponed to allow the City Engineer to provide an updated survey of the proposed right-of-way to be vacated.
- A purchase offer has been made on the Adair Printing building. The potential new owner has a warehousing and distribution company. If the deal goes through, the new owner would lease a small portion back to Adair and use the remainder of the building for his operations.
- Retail Market Study: Staff received word that Washtenaw County approved the Chamber's request for a mini grant to conduct a retail market study. Staff is coordinating with the Chamber regarding the next steps. In the meantime, staff is working with the consultant regarding the project schedule. Kick-off and introduction of the web based business survey may be scheduled for the Council's first meeting in November.
- The final Target Market Analysis report was presented on October 7th. A copy of the executive summary and handout are attached for your convenience. Results of the TMA are based on rigorous data analysis and modeling, and include a detailed study of in-migration into the city; internal migration within the city; and movership rates by tenure and lifestyle cluster.

Key criteria to identify target markets (TM) include:

- TM propensity to choose urban settings over suburban or rural places.
- TM propensity to choose attached rather than detached housing units.

There are 71 possible lifestyle target markets assigned to the United States. Twelve (12) moderate target markets and 6 upscale target markets were identified. Each target market is unique and has varying propensities for tenure (renter v. owner), price the target market is willing to pay (contract rent v. home value), housing type desired (attached v. detached), and location (urban v. suburban/rural). The report also includes descriptions of the lifestyle target markets.

For Dexter, combining the upscale target markets with the moderate target markets has the effect of doubling the total market potential, in other words, a 100% lift.

The TMA also presents both "conservative" and "aggressive" scenarios. The conservative scenario is based on gross in-migration of households into the city (unadjusted for out-migration) over a 5-year period. The aggressive scenario is based on both in-migration, plus households moving within the city over a 5-year period.

The report identified row houses, townhouses and small to large multiplexes as appropriate for Dexter. Such projects should be designed for 6 to 20+ units per building. The report suggests that Dexter should build only one large (20+ units) project each year for the next 5 years.

The report also recommends the potential for detached houses in the City would be met by focusing on the rehabilitation of the existing detached housing stock.

According to the report, over the course of the next 5 years, the potential for some type of attached housing product is outlined in the table below:

Annual Market Potential by Tenure and Scenario

	Conservative Scenario			Aggressive Scenario		
	<u>Owners</u>	<u>Renters</u>	<u>Total</u>	<u>Owners</u>	<u>Renters</u>	<u>Total</u>
Moderate	5	47	52	15	109	124
Upscale	1	50	51	6	107	113
Total	6	97	103	21	216	237

STAFF REPORT

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

From: Michelle Aniol, Community Development Manager

Re: Public Hearing to Consider Partial Vacation of a portion of the First Street Right-of-Way (ROW)

Date: October 21, 2015

City Council is scheduled to conduct a public hearing to consider adopting a Resolution to partially vacate a portion of the First Street ROW, from the intersection at Edison Street south to its current terminus. The total area to be vacated measures 10,482 sq. ft. and is shown on the survey that will be provided at the meeting.

BACKGROUND

Previously, funds were allocated for the construction of a shelter at the park. The shelter had been proposed by the Parks and Recreation Commission (PaRC) as a way to clean up the park. However, before a shelter could be constructed at Horseshoe Park, the actual, legal boundaries of the park and road rights-of-way needed to be surveyed.

The survey was completed by August 2014 and showed that a significant portion of the "park" was located within the unimproved First Street Road Right-of-Way. Staff informed Council that zoning compliance for the shelter in a road right-of-way could not be issued, and asked Council to consider vacating the ROW.

For additional context, DTE's Diamond Sub-station property abuts the First Street ROW on the west; and First Street Park abuts the ROW on the east. Initially, staff consulted with the City Attorney and verified that if the ROW was vacated, the City would retain ownership of ½ the ROW, and DTE would get ownership of the other half. A conversation with DTE representatives verified that DTE would want to retain its ownership in a vacation process, but DTE would work with the City on an easement agreement for use of the property for the park.

At Council's direction, staff consulted the City attorney regarding the possibility of vacating only a portion of the ROW. Staff was informed that council could, in fact, vacate a portion of a road right-of-way. The vacated portion could then be combined with the property already owned by the City (i.e. First Street Park). While not specifically required, the City Attorney recommends council hold a public hearing, with a 30-day public hearing notice, as a best practice. A copy of the public hearing notice accompanies this report.

Public Act 288 of 1967 (the Land Division Act), as amended, sets forth the provisions in which land in a subdivision (i.e. a recorded plat) may be revised, altered or vacated.

- Section 226(c) allows municipalities to vacate a part of a street or alley, public walkway, park or public-square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel, subject to the provisions of Section 256 and 257, as appropriate.
- Section 227a states, if only part of the width of a street or alley, not extending beyond the center line, is vacated, title to the vacated part of the street or alley shall best in the proprietor of the lots abutting the same.

- Section 255a states, *Land in a subdivision dedicated to the use of the public for purposes other than pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion which is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.*
- Section 256 states, *subject to the restrictions prescribed in Section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the director of the department of energy, labor and economic growth. Until recorded, the ordinance or resolution shall not have force or effect.*

SUGGESTED MOTIONS – RESOLUTION TO PARTIALLY VACATE A PORTION OF THE FIRST STREET PUBLIC RIGHT-OF-WAY

If Council is prepared to take affirmative action following the public hearing, staff offers the following motion:

Based on the information provided at its October 26, 2015 meeting and pursuant to the provision of Public Act 288 of 1967 (the Land Division Act), as amended, City Council moves to **(APPROVED/DENY)** the Resolution to Partially Vacate a Portion of the First Street Public Right-of-Way.

The resolution is approved subject to the following conditions:

1. _____
2. _____
3. _____

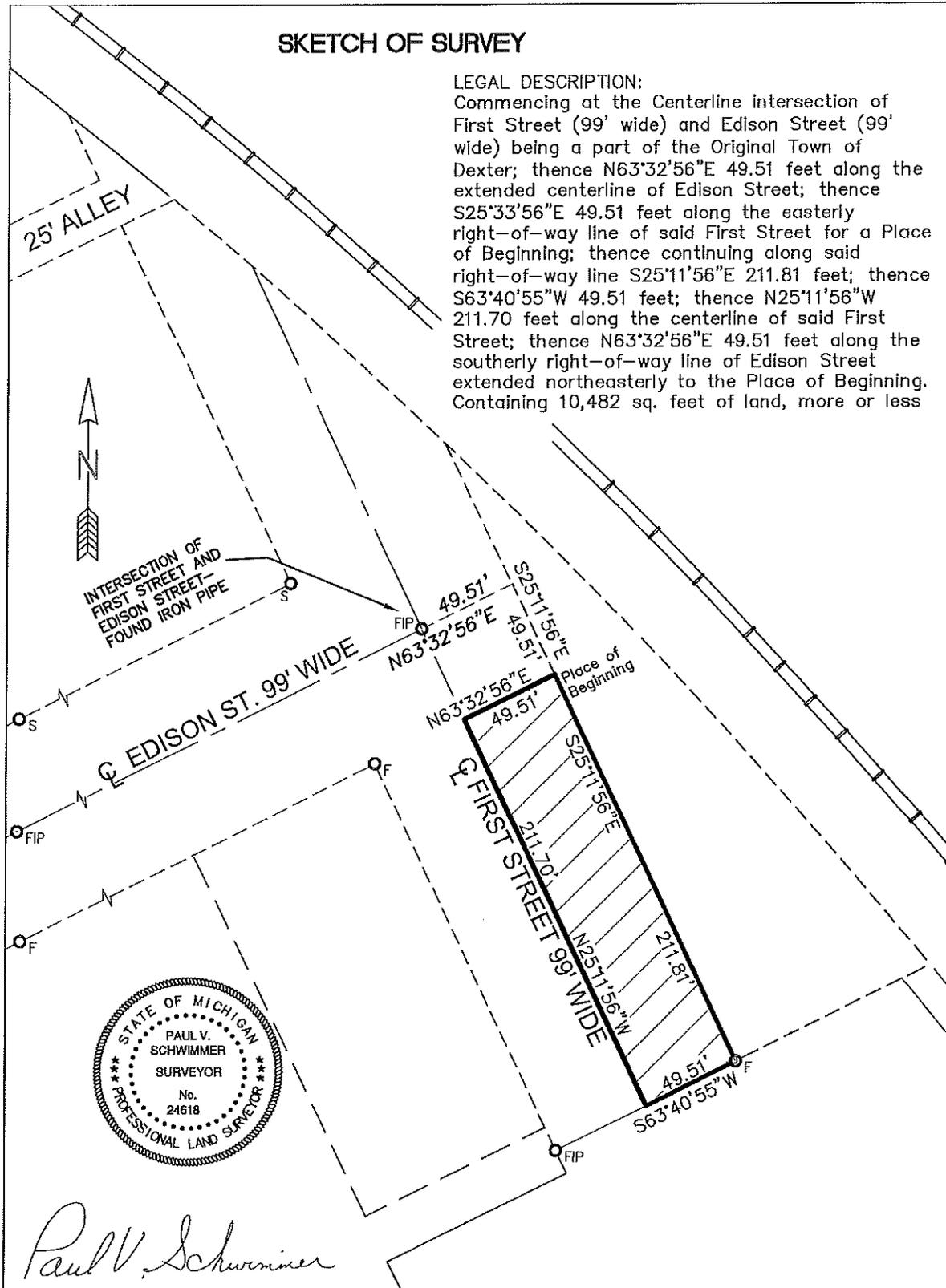
Or

Based on the information provided at its October 26, 2015 meeting and pursuant to the provision of Public Act 288 of 1967 (the Land Division Act), as amended, City Council moves to **(POSTONE)** the Resolution to Partially Vacate a Portion of the First Street Public Right-of-Way.

SKETCH OF SURVEY

LEGAL DESCRIPTION:

Commencing at the Centerline Intersection of First Street (99' wide) and Edison Street (99' wide) being a part of the Original Town of Dexter; thence N63°32'56"E 49.51 feet along the extended centerline of Edison Street; thence S25°33'56"E 49.51 feet along the easterly right-of-way line of said First Street for a Place of Beginning; thence continuing along said right-of-way line S25°11'56"E 211.81 feet; thence S63°40'55"W 49.51 feet; thence N25°11'56"W 211.70 feet along the centerline of said First Street; thence N63°32'56"E 49.51 feet along the southerly right-of-way line of Edison Street extended northeasterly to the Place of Beginning. Containing 10,482 sq. feet of land, more or less



INTERSECTION OF FIRST STREET AND EDISON STREET FOUND IRON PIPE



Paul V. Schwimmer

CLIENT: VILLAGE OF DEXTER		Arbor Land Consultants, Inc. Professional Land Surveyors 2936 S. Madrono Ann Arbor, MI 48103 (734) 669-2960 Fax 669-2961 www.arborlandinc.com	
SKETCH AND DESCRIPTION OF A PARCEL OF LAND IN THE NW 1/4 OF SECTION 5, T2S, R5E SCIO TOWNSHIP, WASHTENAW COUNTY, STATE OF MICHIGAN.	LEGEND: ○ FIP SECTION CORNER ○ FIR FOUND IRON PIPE ○ FMN FOUND IRON ROD ○ FCM FOUND MAG NAIL ○ FOM FOUND MONUMENT ○ S SET IRON PIPE □ SET WOOD LATH (R) RECORDED (C) CALCULATED		
SCALE: 1" = 60'		JOB NO.: 10715 DATE: 9-30-2015 FLD. BOOK: REVISED: SHEET 1 OF 1 BY: PVS	

**#xx-2015
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DEXTER
TO PARITALLY VACATE A PORTION
OF THE FIRST STREET PUBLIC RIGHT OF WAY**

At a regular meeting of the City Council of the City of Dexter held on the 26th day of October, 2015.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, it is in the interest of the City of Dexter to partially vacate a portion of the First Street public right of way pursuant to MCL § 560.104 and 560.256, MCL § 117.4h, and the City of Dexter Charter Section 2.01, and those provisions grant the authority to vacate any street, alley or public grounds to the City Council of the City of Dexter; and

WHEREAS, a portion of the First Street public right of way is unnecessary to the general public and/or property owners as an access route,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Dexter, a Home Rule City under the laws of Michigan, does hereby resolve to partially vacate a portion of the First Street public right of way as identified more fully in the attached exhibit, which is attached to this Resolution and will remain an exhibit of this Resolution. Said right-of-way shall remain subject to all current and future utility easement reservations, including but not limited to sanitary sewer, storm sewer, water, electric, and telecommunications.

This resolution shall continue in full force and effect until revoked, altered or modified by subsequent action of the City Council.

AYES:

NAYS:

ABSENT:

ABSTAINING:

RESOLUTION DECLARED ADOPTED THIS 26th DAY OF October, 2015

Shawn W. Keough, Mayor

I, **CAROL J. JONES**, Clerk of the City of Dexter, Michigan, a Home Rule City under the laws of Michigan, do hereby certify that at a Regular meeting of the Dexter City Council held at the Dexter Senior Center, 7720 Dexter-Ann Arbor Road, Dexter, Michigan 48130, at 7:30 o'clock p.m., Eastern Standard Time, on the 26th day of October 2015.

Carol J. Jones, Clerk

