

The following is a compilation of the various conditions that have been placed on site plans, conditional use permits (special land uses), and variances for the property located at 11485 North Territorial. They have been compiled from Planning Commission (Zoning Board) minutes and resolutions and Zoning Board of Appeals minutes.

The lists of conditions are as they were adopted on that day. Some conditions apply to site plan approval only, to conditional use permit (special land use) approval only, to both site plan and conditional use permit (special land use) approval, or to variance approval only. In some cases, the conditions are amended at a later date.

Conditions shown with a different background color have been amended or may have been amended at a later date, with footnotes providing some details. Red background indicates that condition has been amended. Yellow background indicates that it appears that condition may have been amended. Orange background indicates that the condition has been partially amended (amended for the site plan or conditional use permit, but not both).

#### **April 2, 1979: (79-15-7B) Conditional Use Permit /Site Plan Approval<sup>1</sup>**

- 1) The patron capacity of the premises is limited to 375 persons maximum, with the patron capacity of any lounge/bar area limited to a maximum of 50 patrons, and a combined maximum patron capacity of 175 persons limited to the lounge/restaurant area, and the balance of the patron capacity available for the banquet/reception type use.<sup>2</sup>
- 2) Only one entrance may be maintained on North Territorial Road and all egress must be onto Dexter-Townhall Road.<sup>3</sup>
- 3) Exterior illumination shall be directed away from adjoining residential areas and parking lot lighting shall not be mounted above ten feet from the ground.<sup>4</sup>
- 4) Adequate dust control shall be maintained.
- 5) At least the current level of food service shall be maintained, a sample copy of a current menu is to be attached to the Zoning Board's (*Planning Commission's*) permanent records. This condition is to insure that the primary purpose of this establishment is to serve the day-to-day needs of residents.
- 6) Sound emitted from the structure shall not exceed a 50 decibel level as measured from the boundaries of these premises.
- 7) A functional and attractive fence, not less than six feet in height be maintained along the developed south and east elevations if an alternate to the required transition strip is requested.
- 8) For the lounge/restaurant facility, live musical entertainment shall be limited to no more than five pieces and for not more than three evenings in any week; that in no event shall such musical entertainment continue for more than three consecutive evenings.<sup>5</sup> For banquet/reception facility, same but separate limitations for live musical entertainment shall apply.

- 9) Dancing between patrons shall be permitted, subject to any conditions of the Michigan Liquor Control Commission.
- 10) No activity shall be permitted which could reasonably be described or characterized as lewd, lascivious, corrupt, or obscene.
- 11) Except for the legally nonconforming existing structure, all signs, structures, and uses shall comply with the provisions of the Zoning Ordinance adopted March 27, 1973, as amended, with special attention called to sections 3.17, 4.40E, 4.40F, 5.06A, 4.40G, 8.03C, and Articles 7, 8, and 9.

- (1) *The minutes and record indicate that this approval was for both a conditional use permit (special land use) and a site plan.*
- (2) *Amended with condition #1 on July 13, 1987.*
- (3) *It is not clear if this condition has been amended by condition # 2 on July 13, 1987.*
- (4) *This condition appears to be amended for the conditional use permit only with condition #2 on March 4, 1993.*
- (5) *Amended with condition #7 on July 13, 1987.*

**August 14, 1984: Variance<sup>1</sup>**

To park in a portion of the front yard.

An eight foot greenbelt is to be maintained as shown in the revised site plan dated July 13, 1984.

- (1) *These conditions are related to a variance approval and can only be amended by the Zoning Board of Appeals*

**July 13, 1987- (79-15-7C) Conditional Use Permit/Site Plan Approval (79-15-7C)<sup>1</sup>**

- 1) The patron capacity of the premises is limited to 175 persons maximum.<sup>2</sup>
- 2) Only one entrance/exist may be maintained on North Territorial Road and one entrance/exist on Dexter-Townhall Road.
- 3) Exterior illumination shall be directed away from adjoining residential areas and parking lot lighting shall not be mounted above ten (10) feet from the ground.<sup>3</sup>
- 4) Adequate dust control shall be maintained.
- 5) Sound emitting from the structures shall not exceed a 50 decibel level as measured from the boundaries of these premises.
- 6) A functional and attractive fence, not less than six (6) feet in height, shall be maintained along the developed south and east elevations if an alternate to the required transition strip is requested.

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- 7) Live musical entertainment shall be limited to no more than three (3) consecutive evenings in any one week and shall end at 1:00 am of each evening.
- 8) Dancing between patrons shall be permitted, subject to any conditions of the Michigan Liquor Control Commission.
- 9) No person shall use, establish, build operate, or all to be operated an adult bookstore, an adult motion picture theater, or sexually explicit nude entertainment in any building or on any lands within the premises.
- a. For the purposes of this section, “specified sexual activities” is defined as:
    - i. Human genitals in a state of sexual stimulation or arousal’
    - ii. Acts of human masturbation, sexual intercourse, or sodomy;
    - iii. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast;
  - b. For the purpose of this section, “specified anatomical areas” defined as:
    - i. Less than completely and opaquely covered: (a) human genitals, public region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
    - ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
  - c. As used in this section, “sexually explicit nude entertainment” is defined as: the offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying, or relating to “specified sexual activities” or “specified anatomical areas.
  - d. As used in this section, adult bookstore” is defined as: an establishment having as a substantial or significant portion of its stock and trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as the same are defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
  - e. For the purpose of this section, “adult motion picture theater” is defined as: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as the same is defined herein, for observation by patrons therein.
  - f. For the purpose of this section, “used” is define as: a continuing course of conduct exhibiting “specified sexual activities” and/or “specified anatomical areas” in a manner which appeals to a prurient interest.<sup>4</sup>
- 10) Fifty percent (50%) or more, of the total dollar volume of business, measured on a weekly basis, shall be derived from the sale of food.<sup>5</sup>
- 11) Except for the legally non-conforming existing structure, all signs, structures, and uses shall comply with the provisions of the zoning Ordinance, with special attention to § 3.17, 4.40E, 4.40F, 5.06A, 4.40C, and Articles 7, 8, & 9.
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12) Conditions to Condition Use Permit, #79-15-7B, are modified to the extent inconsistent herewith.

- (1) *The minutes and record indicate that this approval was for both a conditional use permit (special land use) and a site plan.*
- (2) *This condition appears to be amended for the conditional use permit only with condition #1 on March 4, 1993.*
- (3) *This condition appears to be amended for the conditional use permit only with condition #2 on March 4, 1993.*
- (4) *This condition appears to be amended for the conditional use permit only with condition #4 on March 4, 1993.*
- (5) *This condition appears to be amended for the conditional use permit only with condition #5 on March 4, 1993.*

**May 18, 1992- (92-PC-25/26) Site Plan<sup>1</sup>**

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“Site plan as submitted by Mr. Nellis be accepted with particular emphasis on completion of the following items:”

- 1) Trash container area.
- 2) Removal of the corner road sign.
- 3) Parking improvements including bumpers.
- 4) Driveway lighting.
- 5) Retention pond.
- 6) Entry-way pavement.
- 7) Exterior illumination shall be directed away from adjoining residential areas.
- 8) Lighting shall be in accordance with accepted design standards.

(1) *The minutes and record indicate that this approval was for a site plan only.*

**March 4, 1993- Amended (79-15-7C) Conditional Use Permit<sup>1</sup>**

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- 1) Capacity. Increase capacity of total building to 240 persons, provided that this is approved in writing by the Washtenaw County Health Department, and further provided that the capacity of

the new section is limited to 140. Total capacity shall be further limited by Article 7 of the Dexter Township Zoning Ordinance.

- 2) Lighting. Increase height of lighting to what is presently there, but reflectors to be constructed to prevent light from shining up. All light to be directed away from adjoining property. Low-level, low-intensity lighting to be installed at driveway.
- 3) Signs. The sign on the building shall stay. There shall be no more than one sign over the second entrance. All signs shall be maintained in good repair with all letters working. All signs shall be in accordance with Dexter Township Sign Ordinance.
- 4) Attire. Regulations in Section 9 shall be applied and pertain to all employees or contractors of the establishment, as well as all photographs, posters, or other illustrations displayed on the premises.
- 5) Food sales. The requirement in Section 10 shall be revised to require quarterly report of sales, rather than weekly. There shall be an annual review and inspection of documents and returns to show compliance with this condition.

“These conditions are agreed to and accepted this 4<sup>th</sup> day of March 1993 and shall be attached to and become a part of Conditional Use Permit #79-15-7C, which is hereby reconfirmed.”

- (1) The minutes reflect that this was an amendment to the conditional use permit. There is no reference to site plan amendment. It appears that the above conditions are, therefore, only related to the conditional land use and not to the site plan.*

#### **November 3, 1994- (94-ZBA-253) <sup>1</sup>**

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Variance for landscaping along the southern and eastern property lines, reduced front-yard setback from the north and west, as shown on drawings dated 10/25/94, and to allow parking spaces of 10 feet by 19.5 feet rather than the 10 feet by 20 feet required.

- 1) Red, white, or scotch pine or combination thereof, be planted 10 feet apart. The plantings are to start at the 94 foot west setback in the southerly transition strip and follow the contour of the land so they are planted on the highest ground in the southeast corner of the property. Also, the planting in the easterly transition strip are to begin 100 feet south of the center line of North Territorial Road and to follow the highest ground in the easterly transition strip to the southeast corner of the property.
  - 2) The trees are to be maintained and must be replaced if they die or are destroyed. After trees reach or exceed 6 feet in height, they need only to be replaced with a tree at least 6 feet in height.
  - 3) Variance granted to reduce the setbacks on the north and west elevations as shown on the drawings dated 10-25-94 to allow the encroachments of: 1) The canopy and patio as shown; 2) The refrigeration compressors as shown; 3) The four light poles and pay phone as shown; 4) The
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parking area and driveway area on the north side of the parking lot that encroaches into the north setback.

- 4) The patio area is not to be enlarged or enclosed with anything other than screens and the necessary barrier as required by the Michigan Liquor Control Commission. The barrier is not to exceed four feet in height and must be 50% open. Also, the awning shall not be converted into a permanent roof.
- 5) Existing parking may be 10 feet by 19-6 feet.

*(1) These conditions are related to a variance approval and can only be amended by the Zoning Board of Appeals.*

#### **January 23, 1996- (93-PC-36/3) Site Plan<sup>1</sup>**

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- a) Incorporate the holding pond outlet restrictor on the site plan drawings and insure that it is constructed according to the plan.
- b) Provide a bid and bond (in the amount of the bid) incorporating low-level, 12 v lighting on both sides of Dexter-Townhall entrance driveway. The lights are to be approximately 15' on-centers and not more than two (2) feet high. The lighting changes will be on the approved site plan.
- c) Provide a bid and a bond (in the amount of the bid) on completion of dumpster screening as provided on January 2, 1996, Site Plan.
- d) Provide a bid and a bond (in the amount of the bid) on the relocation of the Shooters sign. When integrated into the Terrace Place sign, the combined area should not exceed that permitted by the Dexter Township Zoning Ordinance.
- e) Revised Site Plan drawings, four copies signed by the Applicant or his designated representative, will be submitted to the Zoning Inspector so that he may confirm that the bids and the bonds are equivalent.

*(1) The minutes reflect that this was an amended site plan. The above conditions do not appear related to the conditional use permit (special land use). An amendment to the conditional use permit (special land use) was postponed at the same meeting with no record of reconsideration by the Planning Commission.*