

DEXTER TOWNSHIP PLANNING COMMISSION

Resolution for a Special Land Use & Site Plan Review (Final)

(12-PC-141) Inverness Inn

A resolution to grant approval of the SPECIAL LAND USE and SITE PLAN application submitted by Penny Dec on behalf of Property Rentals, LLC (*Inverness Inn*) for property owned by Property Rentals, located at 13996 North Territorial, Section 18 of Dexter Township (Parcel D-04-18-463-022/023/029).

- 10) WHEREAS, the above property was granted a special land use and site plan approval for a standard restaurant which provides food and drink for on-premises consumption and provides dancing, entertaining, and/or alcoholic beverages, (07-PC-128) *Inverness Inn*, on January 22, 2008; and
 - 20) WHEREAS, Property Rentals (*Inverness Inn*) proposes to continue and increase the current operation of a standard restaurant, club, and other drinking establishment which provides food or drink for on-premises consumption and provides dancing, entertainment, and/or alcoholic beverages; and
 - 30) WHEREAS, proposed site improvements include: paving and reconfiguration of parking areas, relocation of dumpster and grease disposal tank, installation of lighting in parking areas, filling-in of an existing retention pond, installation of a retention pond, removal of some fencing to conform with clear-vision area standards, installation of a sign, installation of landscaping, and other improvements; and
 - 40) WHEREAS, on August 3, 2010, Patrick Sloan (*Dexter Township Director of Planning and Zoning*) issued civil infractions to Property Rentals (*Inverness Inn*) for the following violations of the Dexter Township Zoning Ordinance: seating capacity 82 higher than in the approved site plan (07-PC-128) *Inverness Inn*, installation of a freestanding sign without a zoning permit that is taller than allowed, and failure to maintain the approved grading; and
 - 50) WHEREAS, Property Rentals (*Inverness Inn*), pursuant to the provisions of the Dexter Township Zoning Ordinance, submitted an application for a special land use and site plan review on October 19, 2010, for a standard restaurant, club, and other drinking establishment which provides food or drink for on-premises consumption and provides dancing, entertainment, and/or alcoholic beverages, which Patrick Sloan (*Dexter Township Director of Planning and Zoning*) determined was not complete; and
-

DEXTER TOWNSHIP PLANNING COMMISSION
Resolution for a Special Land Use & Site Plan Review (Final)
(12-PC-141) Inverness Inn

- 60) WHEREAS, Property Rentals (*Inverness Inn*), pursuant to the provisions of the Dexter Township Zoning Ordinance, submitted a revised application for a special land use and site plan review (12-PC-141) Inverness Inn on February 1, 2012, for a standard restaurant, club, and other drinking establishment which provides food or drink for on-premises consumption and provides dancing, entertainment, and/or alcoholic beverages, that met the completion requirements of the Dexter Township Zoning Ordinance; and
- 70) WHEREAS, Section 13.01(D)(2) of the Dexter Township Zoning Ordinance designates “standard restaurants, clubs, and other drinking establishments which provides food or drink for on-premises consumption and provides dancing, entertainment, and/or alcoholic beverages” as a special land use in General Commercial (C-1) Districts; and
- 80) WHEREAS, the property is located in a General Commercial (C-1) District; and
- 90) WHEREAS, the Planning Commission received reports from Patrick Sloan (*Dexter Township Director of Planning and Zoning*) dated February 17, 2012, March 23, 2012, and May 15, 2012, and Zach Michels (*Dexter Township Director of Planning and Zoning*) dated June 14, 2013, and July 12, 2013; and
- 100) WHEREAS, the Planning Commission received reports from Matthew Parks (*OHM Engineering Advisors*) dated November 10, 2011, February 14, 2012, and May 15, 2012; and
- 110) WHEREAS, the Planning Commission received reports from Donald Dettling (*Dexter Area Fire Department Fire Inspector*) dated February 16, 2012, and June 20, 2013; and
- 120) WHEREAS, the Planning Commission has received written comments from members of the public; and
- 130) WHEREAS, the Planning Commission has received written comments from Park Lawn Beach Association; and
- 140) WHEREAS, the Dexter Township Zoning Administrator and Planner has determined that the missing site information, as outlined below, are not necessary to determine site plan compliance with the standards of the Dexter Township Zoning Ordinance, as outlined in Section 6.03(C); and
-

DEXTER TOWNSHIP PLANNING COMMISSION
Resolution for a Special Land Use & Site Plan Review (Final)
(12-PC-141) Inverness Inn

- 150) WHEREAS, the Planning Commission, at its February 28, 2012, meeting, reviewed the special land use and site plan review application (12-PC-141) Inverness Inn for completeness, determined the application to be complete, and scheduled a public hearing for the special land use and site plan review (12-PC-141) Inverness Inn for March 27, 2013; and
- 160) WHEREAS, the Planning Commission, at its March 27, 2012, meeting, held a duly-noticed public hearing on the special land use and site plan review (12-PC-141) Inverness Inn, received extensive public input, and desiring additional information, postponed action on (12-PC-141) Inverness Inn until the April 24, 2012; and
- 170) WHEREAS, the Planning Commission, at its April 24, 2012, meeting, held a duly-noticed public hearing on the special land use and site plan review (12-PC-141) Inverness Inn, received extensive public input, directed the applicant to provide additional information, and postponed action on (12-PC-141) Inverness Inn until May 22, 2012; and
- 180) WHEREAS, the Planning Commission, at its May 22, 2012, meeting, held a duly-noticed public hearing on the special land use and site plan review (12-PC-141) Inverness Inn, received extensive public input, approved (12-PC-141) Inverness Inn pending adoption of a formal resolution with the following conditions: the relocation of the sanitary sewer be shown on the site plan, patio to be open 365 days a year closing at 10:00pm, all lighting and signage shall be put on the site plan, grading easement and/or trenching issue be worked out with the adjacent property owner to the north with documentation or agreement, and all conditions of Sloan's memo of February 17, 2012, are adhered to, with the site plan to be forwarded to the Zoning Board of Appeals for review of the necessary variances; and
- 190) WHEREAS, the Zoning Board of Appeals received a report from Patrick Sloan (*Dexter Township Director of Planning and Zoning*) dated June 21, 2012; and
- 200) WHEREAS, the Zoning Board of Appeals, at its July 9, 2012, meeting, held a duly-noticed public hearing on variance petition (12-ZBA-763) Inverness Inn; and

DEXTER TOWNSHIP PLANNING COMMISSION
Resolution for a Special Land Use & Site Plan Review (Final)
(12-PC-141) Inverness Inn

- 210) WHEREAS, the Zoning Board of Appeals, at its July 9, 2012, meeting, approved variances for a reduced front-yard setback for parking from North Territorial and Bramble Brae, reduced rear-yard setback for parking, reduced side-yard setback for parking, reduced queuing length, use of parking area as a loading area, and two free standing signs along the North Territorial frontage and denied variances for reduced front-yard setbacks for an outdoor patio from North Territorial and Bramble Brae and an increased sign height; and
- 220) WHEREAS, Property Rentals (*Inverness Inn*) submitted a revised site plan, dated April 9, 2013, on April 11, 2013; and
- 230) WHEREAS, the Planning Commission, at its June 25, 2013, meeting, held a duly-noticed public hearing on the special land use and site plan review (12-PC-141) Inverness Inn, received extensive public input, directed the applicant to provide additional information concerning the lighting, and postponed action on (12-PC-141) Inverness Inn until July 2013; and
- 240) WHEREAS, Property Rentals (*Inverness Inn*) submitted a revised site plan (Sheet Number 3), dated July 11, 2013, on July 11, 2013; and
- 250) WHEREAS, a site visit by DPZ Michels to conduct an inventory of existing lighting revealed the existence of many non-conforming light fixtures on the property; and
- 260) WHEREAS, Property Rentals (*Inverness Inn*) submitted a proposed lighting plan which calls for removing, replacing, or adjusting non-conforming light fixtures, dated July 13, 2013, on July 16, 2013; and
- 270) WHEREAS, the information in the special land use and site plan review application meets the completeness requirements of Section 6.03(B)(1) through 6.03(B)(15) of the Dexter Township Zoning Ordinance, except as to matters addressed below; and

DEXTER TOWNSHIP PLANNING COMMISSION

Resolution for a Special Land Use & Site Plan Review (Final)

(12-PC-141) Inverness Inn

280) WHEREAS, the Planning Commission grants a waiver, per section 6.03(C), from the requirements to include the following information on the site plan, because the Planning Commission has determined that omission of the following material does not negatively affect its ability to review the site plan for consistency with the standards of the Dexter Township Zoning Ordinance:

- a) Section 6.03(B)(3): The site plan does not show contour lines 150 feet beyond the property line; and
- b) Section 6.04(B)(1): No impact statement has been supplied by the applicant nor requested by the Planning Commission.

290) WHEREAS, the information in the special land use and site plan review application meets the standards of Section 6.05(A) through Section 6.05(P) (*Site Plan Approval Standards*), Section 16.01(A)(1) through 16.01(A)(7) (*General Standards Applicable to All Special Land Uses*), Article 20 (*Access Controls*), Article 21 (*Off-Street Parking and Loading*), Article 22 (*Signs*), Article 23 (*Landscaping and Screening*), and Article 24 (*Environmental Standards*) or has received the necessary variances; and

300) WHEREAS, the Planning Commission grants a waiver, per Section 23.10, from the following standards of Article 23 (*Landscaping and Screening*) for the reasons listed below:

- a) Section 23.04: Additional buffer areas will not be required because the rear and sides of the property have a 6-foot-tall wooden fence and the front of the property is already built-out and no significant changes are planned for that area;
- b) Section 23.05(A): No additional trees will be required for the additional parking spaces because there are no appropriate locations on the property for the required trees;
- c) Section 23.05(C): No screening will be required in the front yard from the loading area because locating screening in the front yard would negatively affect the clear-vision zones;
- d) Section 23.06: No additional trees will be required to offset the disturbed area because there are no appropriate locations on the property for the required trees; and

DEXTER TOWNSHIP PLANNING COMMISSION
Resolution for a Special Land Use & Site Plan Review (Final)
(12-PC-141) Inverness Inn

e) Section 23.08: No planting installation information will be required due to the limited nature of plantings.

310) WHEREAS, the proposed major changes or amendment to the approved site plan will not adversely affect the initial basis for granting approval, will not adversely affect the overall project in light of the intent and purpose of such development as set forth in Article 6 of the Zoning Ordinance, and shall not result in the reduction of open space area;

320) NOW, THEREFORE, BE IT RESOLVED, the Dexter Township Planning Commission, by a majority vote at a regularly-scheduled and duly-noticed meeting, held the 23rd day of July 2013, grants FINAL APPROVAL of the Special Land Use and Site Plan (12-PC-141) Inverness Inn, 13996 North Territorial, Section 18 of Dexter Township, (Parcel D-04-18-463-022/023/029), to Property Rentals (*Inverness Inn*), for a standard restaurant, club, and other drinking establishment which provides food or drink for on-premises consumption and provides dancing, entertainment, and/or alcoholic beverages, subject to the conditions listed below:

325) NOW, THEREFORE, BE IT FURTHER RESOLVED, the Dexter Township Planning Commission, by majority votes at a regularly-scheduled and duly-noticed meeting, held this 24th day of September 2013, AMENDS Resolution (12-PC-141) Inverness Inn, as follows: paragraph 320 of this Resolution is amended as shown above, paragraph 325 is added to this Resolution, and the conditions of approval (*I, O, P, and U*) for the Special Land Use and Site Plan (12-PC-141) Inverness Inn are amended to the following:

- a) Grading easement and/or trenching issue be worked out with the adjacent property owner to the north with documentation of agreement or the applicant shall satisfy the Township Engineer that it is possible to do the necessary excavation work without causing negative impacts on the adjacent properties;
- b) The number of employees during the largest work shift shall not exceed 8 unless the patron capacity is adjusted accordingly;
- c) A proper joint-parking agreement for the shared parking spaces shall be executed, as outlined in Section 21.02(E) or the patron capacity shall be adjusted down accordingly;

DEXTER TOWNSHIP PLANNING COMMISSION

Resolution for a Special Land Use & Site Plan Review (Final)

(12-PC-141) Inverness Inn

- d)* The proposed, new parking area, including the aisle, shall be paved in order to reduce the maintenance that will be required to maintain the grade;
- e)* The patron capacity shall not exceed 100, provided the above parking conditions are fully met;
- f)* The topography shall be maintained as shown on the site plan so that storm water will be directed into the proposed retention pond and not onto adjacent properties or Bramble Brae Drive;
- g)* The proposed retention pond shall be maintained in accordance with Article 24 of the zoning ordinance;
- h)* Multi-Lakes Water and Sewer Authority shall approve of the location of the sewer line;
- i)* Loading may only occur when the Inverness Inn is closed. If the Inverness Inn is open, then no deliveries may take place. In the event that occasional deliveries cannot be made in a manner consistent with this condition, the delivery truck shall park in a manner that does not block the flow of traffic through the site or access for emergency responders;
- j)* All garbage shall be kept in the dumpster;
- k)* All garbage shall be kept in sealed bags;
- l)* The dumpster lids shall be kept tightly closed when not loading/unloading;
- m)* The dumpster shall be emptied at least weekly;
- n)* There shall be no freestanding sign located along Bramble Brae Drive;
- o)* ~~Condition deleted;~~
- p)* All existing lighting shall be amended as outlined in the lighting plan submitted by the applicant, dated July 13, 2013;
- q)* Comply with all applicable county, state, and federal requirements for that use;
- r)* That this approval shall not take effect until the applicant has paid, in full, all monies owed to Dexter Township for fees, expenses, and/or other related issues relating to the special land use and site plan review for (12-PC-141) Inverness Inn;
- s)* Dexter Township shall not issue a Zoning Permit for the site improvements until the applicable conditions are satisfied;

DEXTER TOWNSHIP PLANNING COMMISSION
Resolution for a Special Land Use & Site Plan Review (Final)
(12-PC-141) Inverness Inn

- t) The Chelsea Area Construction Agency shall review and approve building plans and inspect and approve of the building improvements;
- u) The eastern rear landing and steps shall not be used as a gathering place for patrons; and
- v) Confirmation by the Township Attorney that the present site plan and special land use approval is not in violation of previous consent judgment of 1978.

Resolution offered by Planning Commissioner Nester.

Resolution supported by Planning Commissioner Adams.

YES = 5 (Adams, Lewis, Maciejewski, Nester, Tappe)

NO = 1 (Ehman)

ABSENT = 1 (Ruhlig)

The Chair declared the resolution ADOPTED.

Date: 23 July 2013

Resolution amended by majority votes of the Planning Commission.

Date: 24 September 2013

Tom Lewis, Chair

Date

Mary Adams, Secretary

Date