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MEETING OF THE ZONING ORDINANCE REVIEW COMMITTEE (PIZZA CLUB) February 9, 2016

Present: James Drolett (*Zoning Board of Appeals*), Tom Ehman (*Planning Commission*), Mike Howard (*Board of Trustees*), Tom Lewis (*Planning Commission*), and Brook Smith (*Zoning Board of Appeals*).

Also present: DPZ Zach Michels (*Director of Planning and Zoning*), Harley Rider.

Absent: None.

Pizzas: Pepperoni and meat lover.

The meeting was called to order at 6:10 pm.

- I. Approval of Agenda-** The agenda was adopted without objections.
- II. Public Comment-** *Public comment was received throughout the meeting without objection.*
- III. Action Items-**
 - 1) Commercial Planned Unit Development Article-**

There was discussion about the general background of planned unit developments and how it is currently structured in the Zoning Ordinance.

There was consensus to keep the CPUD as an overlay district in commercial zoning districts. This results in an easier and more-streamlined process for those wishing to use the CPUD.

There was general support for trying to incorporate some of the concepts of the CPUD into the commercial zoning district, particularly allowing for residential uses. There was some concern that allowing too much flexibility in the developmental standards for commercial zoning district would be difficult to administer and could result in abuses.

There was support to continue to include the CPUD as part of the Zoning Ordinance in order to address unpredictable circumstances and to allow for an appropriate level of flexibility.

It was decided that a CPUD decision made by the Planning Commission cannot be appealed to the Zoning Board of Appeals. The concern was that this could result in the

Zoning Board of Appeals designing the project. Not allowing an appeal would also move the process forward to the Courts in a more-timely manner.

There was support for requiring the Planning Commission to review CPUDs if they have not been initiated within two years, in order to confirm that the standards are still satisfied. If they are not, the CPUD would expire.

There was not a consensus for how to handle residential density as part of a CPUD. One suggestion was to require the same density as the surrounding residential districts. The general concern was that the residential component not be too obtrusive or detract too much from the rural character. It may be possible to mitigate these concerns with site layout, design, and landscaping.

The general structure of this article will be changed to match other articles, like the Site Plan Article.

2) **Open Space Preservation Communities Article-**

There was discussion about the general background of Open Space Preservation Communities and how it is currently structured in the Zoning Ordinance. It was noted that they are residential planned unit developments and are different from open space preservation, which is a development option required by the Zoning Enabling Act.

There was support for continuing to allow OSPCs as an overlay district in residential and agricultural zoning districts. This results in a simpler and more-streamlined process for applicants.

There was support for continuing to allow the OSPC option for divisions, plats, and site condominiums.

There was some support for exploring an option to allow for an alternative to requiring a conventional plan. There was concern that using math, instead of a buildable plan, could result in additional credit for lots that may not be buildable. Staff will conduct research on existing developments within the Township to determine how much of the overall developments, on average, is used for residential lots.

It was decided that an OSPC decision made by the Planning Commission cannot be appealed to the Zoning Board of Appeals. The concern was that this could result in the Zoning Board of Appeals designing the project. Not allowing an appeal would also move the process forward to the Courts in a more-timely manner.

There was support to reconsider the formula for calculating density bonuses. This may result in having one formula for both agricultural and non-agricultural districts or providing a greater incentive for non-agricultural districts. There was concern about allowing for larger, denser residential developments within an agricultural district and that an applicant should apply for a zoning map amendment to rural residential.

There was a consensus to review and revise the superior design bonus criteria, making some of them required elements of an OSPC (*preservation of natural resources*,

preserving rural character along public roads, placing dwellings in a manner to avoid conflicts with agriculture).

One member proposed not allowing for density bonuses as part of OSPCs. The general consensus of the group was that allowing density bonuses provided strong monetary incentive for developers to create OSPCs, which better advance community goals and results in higher-quality developments than regular developments.

There was support for allowing for changes to the street ordinance as part of an OSPC.

The general structure of this article will be changed to match other articles, like the Site Plan Article.

3) **Access Article-**

There was support for continuing to allow access for a property to be through an easement rather than requiring direct access to an established street.

There was support for incorporating the street ordinance into the zoning ordinance. There was concern about the effect of changing from a police power ordinance, which does not need to allow for continued nonconformities, and a zoning ordinance, which must allow for continued legal nonconformities. The legal nonconformity status does not apply to streets that did not meet the street standards when the street was created.

There was interest in considering alternatives to the current clear-vision zone standards by allowing certain things to extend above a height of three feet, as long as they are of a limited size that would not block vision.

There was support for keeping the driveway slopes within the right-of-way the same for both residential and non-residential uses.

There was support for continuing to allow for shared driveways to serve up to four properties. There was an interest in reviewing the standards of the shared driveways to make sure there would be adequate access for emergency vehicles. Wider driveways would allow for easier access for emergency vehicles, but they would also increase costs and runoff. Staff will investigate the option of having different standards based on either the number of lots served or the length of the driveway.

There was some support for seeing options to allow for reduced easement access widths.

There was interest in requiring proof of access or requiring establishment of an approved easement access/shared driveway/private road/maintenance agreement as part of preliminary certificate of zoning compliance applications. There was concern about how to do this in a manner that does not prohibit continued use of property if a subservient estate does not cooperate in establishment of the necessary access.

4) Landscaping Article-

There was support to keep the landscaping standards for parking lots in this Article with references from the Parking and Loading Article. It was agreed that keeping as much of the landscaping standards in a single place as possible would make it easier to use and result in less conflict between different standards.

There was support to have staff conduct research to determine if allowing for smaller trees would be more beneficial for the health and growth of the trees in the long run without compromising the short-term need for adequate screening.

There was support to require a mix of species, as protection against diseases and pests.

There was support to require street trees for residential lots within site condominiums or subdivisions.

There was support for including a list of species that could be used for street trees or parking lot trees, due to their compatibility with that application. This would not prohibit other species being planted in other locations or for other uses.

There was support to provide greater incentives for preservation of existing trees.

There was support to provide greater incentives to protect existing trees that are supposed to be protected but are damaged, killed, or removed.

There was support for encouraging natural screening over walls and for requiring some landscaping when walls do get used.

Several of the wall/fence standards not directly related to landscaping/screening have been relocated to the accessory article.

IV. Public Comment- *Public comment was received throughout the meeting without objection.*

V. Approval of the Meeting Minutes- Minutes of the January 26, 2016, meeting were adopted as presented with no objection.

Drolett had questions about allowing for the sale of a vehicle on property not owned by the vehicle owner and said he would raise his objections with the Planning Commission and Township Board.

VI. Future Agenda Items-

- 1) Commercial Planned Unit Development Article;
- 2) Open Space Communities Article;
- 3) Access Article;
- 4) Landscaping Article; and
- 5) DPZ Choice.

VII. Adjournment- Meeting was adjourned at 8:20 pm.

Respectfully submitted,

Zach Michels
Director of Planning and Zoning
Zoning Ordinance Review Committee Recording Secretary

approved 03.09.2016