

DEXTER TOWNSHIP PLANNING COMMISSION

Resolution for a Preliminary and Final Site Plan Approval and an Open Space Community Approval

(14-PC-151) The Woods of Portage Lake

A resolution to grant approval of the Preliminary and Final Site Plan and Open Space Community application submitted by Edward McLeskey on behalf of Lake Area Group, LLC (*The Woods of Portage Lake*) for property located at 8693 McGregor, northeast of the intersection of Dexter-Pinckney and McGregor, Section 1 & 12 of Dexter Township (D-04-12-200-002).

- 10) WHEREAS, the applicant, pursuant to the provisions of the Dexter Township Zoning Ordinance, submitted an application for a preliminary and final site plan approval and an open space community approval on October 24, 2013; and
- 20) WHEREAS, the applicant submitted a 4-page site plan dated October 25, 2013, and a revised, 5-page site plan dated December 9, 2013, on December 18, 2013; and
- 30) WHEREAS, the applicant has submitted 2 driveway permits from the Washtenaw County Road Commission, dated May 29, 2013; and
- 40) WHEREAS, the applicant has submitted 2 permits from the Michigan Department of Environmental Quality, dated November 25, 2013, and January 2, 2014, to construct a boardwalk and install a driveway in regulated wetlands; and
- 50) WHEREAS, the applicant has submitted a letter from the Portage-Base Lakes Area Water and Sewer Authority, dated September 4, 2013, stating the property has 7 sewer taps available; and
- 60) WHEREAS, the Planning Commission has received reports from Matthew Parks (*OHM Advisors*), dated November 6, 2013, December 5, 2013, and January 8, 2014; and
- 70) WHEREAS, the Planning Commission has received a report from Donald Dettling (*Dexter Area Fire Department Fire Inspector*), dated November 10, 2013; and
- 80) WHEREAS, the Planning Commission has received a report from Zach Michels (*Dexter Township Director of Planning and Zoning*), dated January 6, 2014; and
- 90) WHEREAS, the property is located in a Rural Residential (RR) District; and

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- 100) WHEREAS, §17.02 of the Dexter Township Zoning Ordinance designates “open space communities” as an overlay district in Rural Residential (RR) Districts; and
- 110) WHEREAS, the applicant has submitted an application for a zoning map amendment, (14-PC-152) The Woods of Portage Lake, for a portion of the property from Rural Residential (RR) to Common Use Residential (CU); and
- 120) WHEREAS, the Planning Commission, at its January 14, 2014, meeting, held a duly-noticed public hearing on the preliminary and final site plan and open space community (14-PC-151) The Woods of Portage Lake; and
- 130) WHEREAS, the information in the site plan review application meets the completeness requirements of §6.03(B)(1) through §6.03(B)(15) of the Dexter Township Zoning Ordinance, except as to matters addressed below; and
- 140) WHEREAS, a waiver is granted, per §6.03(C), from the requirements to include the following information on the site plan, because the Zoning Administrator, Planner, Township Engineer, and Planning Commission have determined that omission of the following material is not necessary to determine site plan compliance with the standards of the Zoning Ordinance:
- a) §6.03(B)(3): The site plan does not show all topography and man-made structures within 150 feet of the site;
 - b) §6.03(B)(6): The site plan does not show the zoning classification for all properties within 300 feet of the site;
 - c) §6.03(B)(9): The site plan does not include a landscaping plan;
 - d) §6.03(B)(10): The site plan does not include a storm water management plan;
 - e) §6.03(B)(13): The site plan does not include a grading plan;
 - f) §6.03(B)(14): The site plan and application does not include a detailed completion schedule;
 - g) §6.04(B)(1): The site plan and application does not include an impact statement; and
 - h) §6.04(B)(2): The site plan and application does not include a traffic impact statement.

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- 150) WHEREAS, (14-PC-151) The Woods of Portage Lake meets the minimum eligibility, as outlined in §17.04(A), except where otherwise noted, to be considered an open space community because:
- a) The proposed single-family site condominium is a permitted use within an open space community;
 - b) The proposed development is under single ownership or control of Edward and Brigid McLeskey; and
 - c) The proposed open space community complies with §6.05 (*Site Plan Approval Standards*), §16.01 (*General Standards Applicable to All Special Land Uses*), and § 17.05 (*Open Space Community Design Standards*).
- 160) WHEREAS, (14-PC-151) The Woods of Portage Lake meets the standards of §17.05(A) to allow for regulatory flexibility, as the proposed modifications will result in a higher quality of development than would be otherwise possible and the proposed open space community will be of recognizable and substantial benefit to the ultimate users of the project and the community because it would allow for the effective preservation of natural features and maintain rural character; and
- 170) WHEREAS, regulatory flexibility is granted, per §17.05(A), from certain standards of the Zoning Ordinance as an open space community, including: reduced lot area of 1.07 acres rather than the 2 acres required, reduced lot width of 43 feet rather than the 150 feet required, and reduced front-yard setback of 60 feet from the front lot line along the open space areas along the road rather than the 100 feet required; and
- 180) WHEREAS, (14-PC-151) The Woods of Portage Lake meets the standards of §17.05(B) for an increased number of lots beyond the 3 shown in the conventional plan because the proposed open space community site condominium will not adversely affect public services, including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, and any planned public or private improvements in the area because of the relatively small size of the project; and
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190) WHEREAS, a density bonus is granted, per §17.05(B)(1)a, for an increased number lots beyond the 3 shown in the conventional plan because the proposed open space community site condominium will have 50.9% of the total project parcel preserved as open space; and

200) WHEREAS, a density bonus is granted for superior design, per §17.05(B)(2)a, d, e, f, and h, for an increased number of lots beyond the 3 shown in the conventional plan because the proposed open space community will:

- a) Preserve sensitive natural features and be compatible with adjacent land uses, per § 17.05(B)(2)a;
- b) Preserve the rural character along public roads, per § 17.05(B)(2)d;
- c) Strategically place open spaces in relation to other abutting permanent open space or conservation areas, per § 17.05(B)(2)e;
- d) Strategically place dwellings and dedicated open spaces in a manner that does not conflict with adjacent agricultural operations, per § 17.05(B)(2)f; and
- e) Uses natural systems to the greatest extent possible for storm water management, per § 17.05(B)(2)h.

210) WHEREAS, (14-PC-151) The Woods of Portage Lake meets the following residential density bonus standards, as described above, allowing for a total of up to 6 dwelling units:

- a) §17.05(B)(1)b: 50.9 percent of the site is being preserved as open space, allowing for an additional 1.5 dwelling units;
- b) §17.05(B)(2)a: Preservation of sensitive natural areas, allowing for 0.3 additional dwelling units;
- c) §17.05(B)(2)d: Preservation of rural character along public road frontages, allowing for 0.3 additional dwelling units;
- d) §17.05(B)(2)e: Strategic placement of open areas and dwellings so as to not conflict with agricultural operations, allowing for 0.3 additional dwelling units;

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- e) §17.05(B)(2)f: Strategic placement of open areas and dwellings so as to not conflict with agricultural operations, allowing for 0.3 additional dwelling units; and
- f) §17.05(B)(2)h: Use of natural systems for the storm water system, allowing for 0.3 additional dwelling units.

220) WHEREAS, a waiver is granted from §17.05(E)(1) that all dwellings within the open space community shall gain access from an internal road, per §17.06, because:

- a) No public purpose will be achieved by requiring conformance with the above standard because less than 50 trips per day are anticipated;
- b) The spirit and intent of the open space development provisions will still be achieved because the absence of a road means less impact than the proposed driveways; and
- c) No nuisance will be created because instead a public benefit will be created by protecting water quality and reducing impervious surfaces.

230) WHEREAS, a waiver is granted from §17.05(E)(3) internal private roads in an open space community, per §17.06, because:

- a) No public purpose will be achieved by requiring conformance with the above standard because less than 50 trips per day are anticipated;
- b) The spirit and intent of the open space development provisions will still be achieved because the absence of a road means less impact than the proposed driveways; and
- c) No nuisance will be created because instead a public benefit will be created by protecting water quality and reducing impervious surfaces.

240) WHEREAS, a waiver is granted from §23.03 requiring a landscaping plan, per §23.10, because the following characteristics of the site or site vicinity would make the requirement unnecessary, inappropriate, or ineffective:

- a) The site is heavily wooded; and
- b) The site plan denotes which existing trees will be removed.

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250) WHEREAS, a waiver is granted from §23.07 requiring information concerning planted materials, per §23.10, because the following characteristics of the site or site vicinity would make the requirement unnecessary, inappropriate, or ineffective:

- a) No significant planting is proposed.

260) WHEREAS, a waiver is granted from §23.08 requiring information concerning installation, maintenance, and completion of landscaping, per §23.10, because the following characteristics of the site or site vicinity would make the requirement unnecessary, inappropriate, or ineffective:

- a) No significant planting is proposed.

270) WHEREAS, the information in the preliminary and final site plan and open space community application meets the standards of §6.05(A) through §6.05(P) (*Site Plan Approval Standards*), §12.01 (*Rural Residential District*), §16.01(A)(1) through §16.01(A)(7) (*General Standards Applicable to All Special Land Uses*), Article 17 (*Open Space Community Standards*), §18.06, §18.07(B), §18.07(D), §18.16, and §18.22 (*General Provisions*), Article 20 (Access Controls), Section 21.03(A)(1) (*Parking Standards*), Article 23 (*Landscaping Standards*), and Article 24 (*Environmental Standards*), has received the necessary modifications or waivers of standards, or will be amended as outlined in this resolution;

280) NOW, THEREFORE, BE IT RESOLVED, the Dexter Township Planning Commission, by a majority vote at a regularly-scheduled and duly-noticed meeting, held this 14th day of January 2014, GRANTS APPROVAL of the Preliminary and Final Site Plan/Open Space Community (14-PC-151) The Woods of Portage Lake, for property located at 8693 McGregor, northeast of the intersection of Dexter-Pinckney and McGregor, Section 1 and 12 of Dexter Township (Parcel D-04-12-200-002), to Edward McLeskey/Lake Area Group, LLC (*The Woods of Portage Lake*), subject to the conditions listed below:

- a) The site plan shall be amended to cite additional permits that will be necessary for the proposed development;

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- b)* The Flood Insurance Rate Map (FIRM) panel number, cited on Sheet 4, shall be revised to “26161C0207E” with an effective date of April 3, 2013, and the flood hazard zone boundaries shall be adjusted on the site plan, as necessary;
- c)* The proposed “open space dedication” areas shown in the required front-yard setbacks of lots 1, 2, and 3, and a portion of lot 4, shall be removed from the residential lots and become open space separate from those lots, and the site plan and this resolution shall be amended accordingly concerning lot areas and setbacks;
- d)* This approval shall not be effective until the Master Deed and Bylaws have been approved by the Township Attorney;
- e)* This approval shall not be effective until the Master Deed and Bylaws have been approved by the Portage-Base Lakes Area Water and Sewer Authority;
- f)* Use of the open space as a Common Use Waterfront lot for access to Portage Lake shall not be permitted until a zoning map amendment to Common Use Residential (CU) is effective;
- g)* Use of the open space as a Common Use Water front lot for access to Portage Lake shall only be for lots within the development and shall be in a manner consistent with the Zoning Ordinance;
- h)* All driveways shall meet the setback standards from lot lines;
- i)* This approval shall not be effective until the applicant has received approval for the proposed shared driveways from the Washtenaw County Road Commission and Dexter Township;
- j)* This approval shall not be effective until the applicant has received approval for the proposed driveway for lot 5 from the Washtenaw County Road Commission;
- k)* Protective screening for the existing trees to remain shall be installed prior to grading work and shall be maintained in good condition until all grading work in the area is completed;
- l)* This approval shall not be effective until the Township Engineer confirms that the proposed development complies with the standards of the Washtenaw County Water Resources Commissioner concerning surface water drainage standards and shall comply with any conditions of that approval;

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- m)* This approval shall not be effective until the Township Engineer has approved the storm water management and surface water flow restrictions and shall comply with any conditions of that approval;
- n)* The address for lots with shared driveways shall be posted along the street for both lots and individually where the shared driveways split to each lot;
- o)* The proposed open space community site condominium shall comply with Soil Erosion and Sedimentation Control standards, to be reviewed and approved by the Chelsea Area Construction Agency;
- p)* Silt fences, or better erosion control techniques, shall be installed and maintained in good condition throughout construction;
- q)* This approval shall not be effective until the Washtenaw County Environmental Health Department has approved proposed well locations;
- r)* Valid permits or approvals from the Washtenaw County Environmental Health Department, Michigan Department of Environmental Quality, Washtenaw County Road Commission, Chelsea Area Construction Agency, and other necessary governmental authorities, regulatory agencies, and oversight bodies must be obtained prior to work, with copies supplied to the Township, and shall be maintained as valid through project completion;
- s)* The proposed open space community site condominium shall comply with all applicable county, state, and federal requirements for the proposed use;
- t)* *(THIS CONDITION DELETED FROM DRAFT);*
- u)* 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 site plan and open space community review for (14-PC-151) The Woods of Portage Lake;
- v)* The developer shall hold a pre-construction conference with the Township prior to the commencement of any construction activities; and
- w)* Dexter Township shall not issue a Zoning Permit for the development until the applicable conditions are satisfied.

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Resolution offered by Planning Commissioner Nester.

Resolution supported by Planning Commissioner Gajewski.

YES = 5 (Dehring, Gajewski, Lewis, Nester, Ruhlig)

NO = 0 (NONE)

ABSENT = 1 (Adams)

ABSTAIN = 1 (Ehman)

The Chair declared the resolution ADOPTED.

Date: 14 January 2014

Tom Lewis, Chair Date

Mary Adams, Secretary Date

These findings, conclusions, decisions, and resolution are accepted:

Ed McLeskey, Applicant Date