

DEXTER TOWNSHIP PLANNING COMMISSION

Resolution for an Amended Site Plan Approval for an Open Space Community (14-PC-155) The Woods of Portage Lake

A resolution to grant approval of an Amended Site Plan application for an open space community site condominium 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 (*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, pursuant to the provisions of the Zoning Ordinance, submitted an application for an amended site plan approval for an open space community on April 1, 2014; and
- 30) WHEREAS, the applicant submitted a 4-page site plan dated October 25, 2013, a revised, 5-page site plan dated December 9, 2013, on December 18, 2013, a revised, 5-page site plan dated February 7, 2014, on March 24, 2014, and sheets 6, 7, and 8, showing utility plans, on April 17, 2014; and
- 40) WHEREAS, the applicant has submitted 2 driveway permits from the Washtenaw County Road Commission, dated May 29, 2013; and
- 50) 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
- 60) 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 the Portage-Base Lakes Area Water and Sewer Authority has confirmed their approval on April 20, 2014; and
- 65) WHEREAS, the applicant has submitted approval from the Washtenaw County Environmental Health Department concerning the wells on April 22, 2014; and
- 70) WHEREAS, the Dexter Township Planning Commission (*Planning Commission*) has received reports from Matthew Parks (*OHM Advisors*), dated November 6, 2013, December 5, 2013, and January 8, 2014; and

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- 80) WHEREAS, the Planning Commission has received a report from Donald Dettling (*Dexter Area Fire Department Fire Inspector*), dated November 10, 2013; and
- 90) WHEREAS, the Planning Commission has received reports from Zach Michels (*Dexter Township Director of Planning and Zoning*), dated January 6, 2014, and April 11, 2014; and
- 100) WHEREAS, the property is located in a Rural Residential (RR) District and Common Use Residential (CU) District; and
- 110) WHEREAS, §17.02 of the Zoning Ordinance designates “open space communities” as an overlay district in Rural Residential (RR) Districts; 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-155) The Woods of Portage Lake and approved the application, with conditions, by adoption of Resolution (14-PC-151) The Woods of Portage Lake; and
- 130) WHEREAS, the Planning Commission, at its April 22, 2014, meeting, held a duly-noticed public hearing on the amended site plan for an open space community (14-PC-155) The Woods of Portage Lake and received no public comment; and
- 140) 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 Zoning Ordinance, except as to matters addressed below; and
- 150) WHEREAS, a waiver is granted, per §6.03(C) of the Zoning Ordinance, 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;

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- 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.

160) WHEREAS, (14-PC-155) The Woods of Portage Lake meets the minimum eligibility, as outlined in §17.04(A) of the Zoning Ordinance, 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*).

170) WHEREAS, (14-PC-155) The Woods of Portage Lake meets the standards of §17.05(A) of the Zoning Ordinance 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

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- 180) WHEREAS, regulatory flexibility is granted, per §17.05(A) of the Zoning Ordinance, 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
- 190) WHEREAS, (14-PC-155) The Woods of Portage Lake meets the standards of §17.05(B) of the Zoning Ordinance 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
- 200) WHEREAS, a density bonus is granted, per §17.05(B)(1)a of the Zoning Ordinance, 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
- 210) WHEREAS, a density bonus is granted for superior design, per §17.05(B)(2)a, d, e, f, and h of the Zoning Ordinance, 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.
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220) WHEREAS, (14-PC-155) 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;
- 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.

230) WHEREAS, a waiver is granted from §17.05(E)(1) of the Zoning Ordinance that all dwellings within the open space community shall gain access from an internal road, per §17.06 of the Zoning Ordinance, 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.

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240) WHEREAS, a waiver is granted from §17.05(E)(3) of the Zoning Ordinance requiring internal private roads in an open space community, per §17.06 of the Zoning Ordinance, 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.

250) WHEREAS, a waiver is granted from §23.03 of the Zoning Ordinance requiring a landscaping plan, per §23.10 Zoning Ordinance, 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.

260) WHEREAS, a waiver is granted from §23.07 of the Zoning Ordinance requiring information concerning planted materials, per §23.10 of the Zoning Ordinance, 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, a waiver is granted from §23.08 of the Zoning Ordinance requiring information concerning installation, maintenance, and completion of landscaping, per §23.10 of the Zoning Ordinance, because the following characteristics of the site or site vicinity would make the requirement unnecessary, inappropriate, or ineffective:

- a) No significant planting is proposed.

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- 280) WHEREAS, the information in the amended site plan for the open space community application meets the standards of §6.05(A) through §6.05(P) of the Zoning Ordinance (*Site Plan Approval Standards*), §12.01 of the Zoning Ordinance (*Rural Residential District*), §16.01(A)(1) through §16.01(A)(7) of the Zoning Ordinance (*General Standards Applicable to All Special Land Uses*), Article 17 of the Zoning Ordinance (*Open Space Community Standards*), §18.06, §18.07(B), §18.07(D), §18.16, and §18.22 of the Zoning Ordinance (*General Provisions*), Article 20 (Access Controls), § 21.03(A)(1) of the Zoning Ordinance (*Parking Standards*), Article 23 of the Zoning Ordinance (*Landscaping Standards*), and Article 24 of the Zoning Ordinance (*Environmental Standards*), has received the necessary modifications or waivers of standards, or will be amended as outlined in this resolution; and
- 290) WHEREAS, the proposed amendments to the approved site plan, (14-PC-151) The Woods of Portage Lake, will not adversely affect the initial basis for granting approval because:
- a) The proposed changes will clarify and complete the previously-approved site plan.
- 300) WHEREAS, the proposed amendments to the approved site plan, (14-PC-151) The Woods of Portage Lake, will not adversely affect the overall project in light of the intent and purpose of the open space community site condominium, as set forth in Article 6 of the Zoning Ordinance, because:
- a) Natural resources, sensitive environmental areas, and rural character is preserved; and
 - b) There are no identified areas where the proposed changes affect the approval standards.
- 310) WHEREAS, the proposed amendments to the approved site plan, (14-PC-151) The Woods of Portage Lake, will not result in the reduction of open space area required by the Zoning Ordinance because:
- a) The proposed changes do not affect the open space.

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320) NOW, THEREFORE, BE IT RESOLVED, the Planning Commission, by a majority vote at a regularly-scheduled and duly-noticed meeting, held this 22nd day of April 2014, GRANTS APPROVAL of the Amended Site Plan for an open space community site condominium (14-PC-155) 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 title on the cover sheet shall be amended to read “Amended Site Plan...” and the date shall be updated accordingly;
- b) This approval shall not be effective until the Master Deed and Bylaws have been approved by the Township Attorney;
- c) *(condition deleted from draft)*;
- d) This approval shall not be effective until a Development Agreement has been approved by the Township;
- e) 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;
- f) All driveways shall meet the setback standards from lot lines, except the shared driveways;
- g) 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;
- h) 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;
- i) 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;
- j) 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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- k)* 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;
- l)* 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;
- m)* 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;
- n)* Silt fences, or better erosion control techniques, shall be installed and maintained in good condition throughout construction;
- o)* *(condition deleted from draft);*
- p)* 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;
- q)* The proposed open space community site condominium shall comply with all applicable county, state, and federal requirements for the proposed use;
- r)* 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, (14-PC-152) The Woods of Portage Lake, and (14-PC-155) The Woods of Portage Lake;
- s)* The developer shall hold a pre-construction conference with the Township prior to the commencement of any construction activities;
- t)* Dexter Township shall not issue a Zoning Permit for the development until the applicable conditions are satisfied; and
- u)* Sheets 6, 7, and 8, submitted on April 17, 2014, shall be added to the site plan.

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330) BE IT FURTHER RESOLVED, that all the conditions associated with Resolution (14-PC-151)
The Woods of Portage Lake shall be repealed and replaced with the conditions contained herein.

Resolution offered by Planning Commissioner Gajewski .

Resolution supported by Planning Commissioner Nester .

YES = 6 (Adams, Dehring, Gajewski, Lewis, Nester, Ruhlig)

NO = 0 (NONE)

ABSENT = 0 (NONE)

ABSTAIN = 1 (Ehman)

The Chair declared the resolution ADOPTED.

Date: 22 April 2014

Tom Lewis, Chair Date

Mary Adams, Secretary Date

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

Ed McLeskey, Applicant Date