

CHARTER TOWNSHIP OF PENNFIELD
SPECIAL MEETING MINUTES
October 25, 2007
7:00 P.M.

Supervisor Behnke called the Special Meeting to order at 7:00 p.m. at the Pennfield Middle School Cafeteria. Present were Supervisor Behnke, Clerk Bammer, Treasurer Phillips and Trustees Bartlett, Bordine-Houseman, Ensign and Newman. There were 35 citizens present. Supervisor Behnke led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE AGENDA:

It was moved and seconded by (Phillips/Ensign) to accept the agenda as presented. Motion carried.

NEW BUSINESS:

Supervisor Behnke introduced Mr. Russ Valvo to give an overview of the Special Use/Planned Unit Development (PUD). When Mr. Valvo completed his views of the plan for Deep Lake LLC, Supervisor Behnke opened the floor for public comment. Twenty individuals addressed the Board with several questions and/or comments.

It was moved and seconded by (Phillips/Ensign) to approve the Special Use/Planned Unit Development (PUD) submitted by Deep Lake LLC in Sections 10, 11 and 14 of Pennfield Township subject to the following conditions:

1. All conditions specified under the Pennfield Township Zoning Ordinance, Chapter 17 (Special Uses), for a Special Use/Planned Unit Development (PUD) must be met except as set forth herein.
2. All Calhoun County Departments, where applicable, must approve all submitted site plans prior to the issuance of any Pennfield Township permits.
3. No more than four (4) ingress/egress entrances shall be permitted and shall be subject to review and approval by the Calhoun County Road Commission. A minimum of two (2) points of access shall be established and approved prior to the issuance of any occupancy permits by Pennfield Township.
4. Well and septic systems shall be subject to review and approval by the Calhoun County Health Department or appropriate State of Michigan Department prior to submission of site plans identifying the location of such systems and facilities that they intend to serve. A water well designated for fire suppression shall be part of the plan and subject to review and approval by the Pennfield Township Fire Department.
5. Soil Erosion and Sedimentation permits shall be subject to review and approval by the Calhoun County Road Commission prior to any site excavation work.

6. All State of Michigan Departments, where applicable, shall review and approve all submitted site plans. The delineation of wetlands and any associated setbacks and permits shall be subject to review and approval by the Michigan Department of Environmental Quality (MDEQ). Campground facilities and educational facilities shall be subject to any laws of administrative rules imposed by the State of Michigan associated with such facilities.

7. Copies of all permits as issued by either Calhoun County and/or the State of Michigan relating to this Special Use/Planned Unit Development (PUD) shall be forwarded to the Pennfield Township Clerk as well as the Pennfield Township Zoning Administrator.

8. A three-hundred (300) foot setback shall be maintained along all public road frontage with the exception of a minimum one-hundred (100) foot setback for improved entrances and fifty (50) foot setback along all other private property lines, consistent with the side and rear yard setbacks within the Agricultural District (AG) as required by the Pennfield Township Zoning Ordinance. No buildings or structures attached to permanent foundations shall be permitted within these setback areas. Fencing, gates, signage, trails, or access drives may be permitted in these areas, although the primary intent shall be to maintain such areas as natural open space.

Non-residential buildings shall be setback at least one-hundred (100) feet from any perimeter neighboring property line and shall be connected to any required parking by sidewalks or paved surface for pedestrian movement. Loading and unloading areas shall be clearly marked and shall not impede either vehicular or pedestrian movement. Lanes for fire suppression and alternative drive surfaces shall be subject to review and approval by the Pennfield Township Fire Department.

9. The maximum height for all buildings shall be thirty-five (35) feet consistent with the Agricultural District (AG) requirements of the Pennfield Township Zoning Ordinance, except section 3 of the Land Use Area Diagram associated with the conference center development shall be allowed at 40 feet.

10. Not more than one (1) dock shall be constructed, placed or maintained on Clear Lake with no more than two (2) motorized recreational watercrafts to be either moored or anchored to such dock.

11. All electric, cable, telephone or other public utilities shall be located underground with the exception of any alternative energy source.

12. Approval is of the concept plan (master plan) and all attached submittals dated August 24, 2007, with implementation of the concept plan through submission and approval of individual site plans for each phase of development. The sequence of phases shall be approved as outlined in Addendum A to these submittals and each phase shall be fully constructed within five (5) years of the date of approval by the Pennfield Township Planning Commission unless extended by the Pennfield Township

Board. The applicant/developer shall show a good faith effort to achieve progress toward completion for such extension to be granted.

13. Performance Guarantee.

a) In order to ensure faithful completion of the project, compliance with the Pennfield Charter Township Code of Ordinances and the conditions imposed herein, and pursuant to MCL 125.3505 and Sec. 19.03.B of Appendix B of the Pennfield Charter Township Code, applicant shall deposit with the township clerk a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements. Said performance guarantee shall be deposited at the time of the issuance of the permit authorizing each particular stage of the project. Prior to issuance of the building permit for each stage, applicant shall submit an itemized estimate of the cost of the uncompleted required improvements which are subject to the performance guarantee, which shall then be reviewed by the Township. The amount of the performance guarantee shall be 100% of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

b.) Upon receipt of the performance guarantee, the zoning administrator shall issue a zoning permit for the subject stage of the development, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the township.

c.) The township treasurer shall refund to the applicant portions of the performance guarantee, only after written notice from the building inspector, that the uncompleted improvements for which the rebate has been requested have been satisfactorily completed.

14. Approval of any residential uses may be subject to the Pennfield Township Subdivision and Site Condominium Ordinance. Non-residential uses shall be subject to site plan review and any other requirements of the Pennfield Township Zoning Ordinance.

15. Adherence to maintaining the perimeter of the site in a natural state, with any construction impacts offset by abatement through screening or landscape improvements shall be required.

16. Applicant/developer shall be responsible for ensuring the maintenance of any common areas including roadways, through language submitted within the draft master deed.

17. Road improvements to Crase Road as required by the Calhoun County Road Commission shall be completed prior to the issuance of any occupancy permits by Pennfield Township.

18. Any violation of said conditions shall declare the entire Special Use Permit null and void and the owner or owners of property shall be deemed in violation of the Pennfield Township Zoning Ordinance.

19. Applicant/developer shall execute a development agreement reciting and agreeing to the conditions imposed herein and granting to township the authority continuing access to the common areas of the development after completion of the project for purposes of monitoring continuing compliance with the conditions.

A friendly amendment was offered by (Phillips/Ensign) and it was the consensus of the Township Board to amend the previous motion with the following amendments to items: #4, #9, #13, #18 and #20 and will read as follows:

4. The Water supply system, including fire suppression, and wastewater collection and treatment system construction drawings shall be reviewed commencing construction of these systems.

9. The maximum height for all buildings shall be thirty-five (35) feet to the eaves consistent with the Agricultural District (AG) requirements of the Pennfield Township Zoning Ordinance, except section 3 of the Land Use Area Diagram associated with the conference center development shall be allowed forty (40) feet to the eaves.

13. Performance Guarantee.

a) In order to ensure faithful completion of the project, compliance with the Pennfield Charter Township Code of Ordinances and the conditions imposed herein, and pursuant to MCL 125.3505 and Sec. 19.03.B of Appendix B of the Pennfield Charter Township Code, applicant shall deposit with the township clerk a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements. Said performance guarantee shall be deposited at the time of the issuance of the permit authorizing each particular stage of the project. Prior to issuance of the building permit for each stage, applicant shall submit an itemized estimate of the cost of the uncompleted required improvements which are subject to the performance guarantee, which shall then be reviewed by the Township. The amount of the performance guarantee shall be 100% of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

b.) Upon receipt of the performance guarantee, the building inspector and the zoning administrator shall sign off on the zoning portion of the building permit for the subject stage of the development, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the township.

c.) The township treasurer shall refund to the applicant portions of the performance guarantee, only after written notice from the building inspector and township engineer, that the uncompleted improvements for which the rebate has been requested have been satisfactorily completed.

18. Any violation of said conditions not corrected within thirty (30) days from written notification may require Pennfield Township to cease issuance of all permits until condition is corrected.

20. Applicant/developer will be responsible for all reasonable consulting fees accrued for the purpose of Deep Lake LLC Special Use/Planned Unit Development with an initial escrow amount of \$5,000.00. Portions not used of this escrow will be refunded. If additional is required, the applicant/developer shall add to the escrow accordingly.

It was moved and seconded by (Phillips/Ensign) to approve the conditions with the amendments for the Deep Lake Special Use/Planned Unit Development by a roll call vote.

Supervisor Behnke Yes Trustee Bartlett Yes

Clerk Bammer Yes Trustee Ensign Yes

Treasurer Phillips Yes Trustee Newman Yes

Trustee Bordine-Houseman Yes

Votes shows 7 yes, 0 no and 0 excused, motion carried.

It was moved and seconded by (Phillips/Ensign) to adjourn the meeting at 11:00 p.m. Motion carried.