

**TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN**

Minutes of a regular meeting of the Planning Commission of the Township of Solon, held at the Solon Township Hall, 15185 Algoma Ave., NE, Cedar Springs, Michigan, on the 25th day of April, 2018, at 7:30 p.m.

PRESENT: Members: Gunnell, Tilburt, Sevey, Moore, Sawade, Babcock, Myers

ABSENT: Members: None

The following preamble and resolution were offered by Member Sevey and supported by Member Tilburt:

RESOLUTION NO. 18 - 07

**RESOLUTION RECOMMENDING PRELIMINARY APPROVAL OF
MAPLE LEAF SITE CONDOMINIUM**

[16660 Algoma Avenue – Carol C. Rettig]

WHEREAS, Carol C. Rettig has applied for approval of the proposed Maple Leaf Condominium (the “Development”), a proposed residential site condominium development located on Algoma Avenue, consisting of two (2) site condominium units, for one single-family detached dwelling each, being located on the following-described lands (the “Property”):

Part of the Southwest 1/4 of Section 10, T10N, R11W, Solon Township, Kent County, Michigan, described as: Commencing at the Southwest corner of said Section; thence N00°29’21”E along the West line of said Section 1013.00 feet to the Place of Beginning; thence N00°29’21”E along the West line of said Section 304.43 feet to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section; thence S89°57’44”E along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 1328.54 feet to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section; thence S00°32’31”W along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 659.16 feet to the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section; thence N89°56’35”W along the South line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 1000.05 feet; thence N00°29’21”E parallel with the West line of said Section 285.53 feet; thence N78°05’00”W 334.50 feet to the Place of Beginning

WHEREAS, the Planning Commission has evaluated the application for approval of the site condominium development in accordance with the requirements of Chapter 13B of the Township Zoning Ordinance and the requirements of the AR-2 Low Density Agricultural Residential Zoning District; and

WHEREAS, the Planning Commission has considered the application for approval of the site condominium development, has reviewed the preliminary site condominium development plan thereof, in accordance with Chapters 13B and 14 of the Zoning Ordinance, and has reviewed other information bearing on the proposed development.

NOW, THEREFORE, BE IT RESOLVED:

1. ***Site Condominium.*** Upon the terms and subject to the conditions of this resolution, the Planning Commission recommends approval of the Development, consisting of two (2) site condominium units, for one single-family, detached dwelling each.

2. ***Terms and Conditions.*** The site condominium development is subject to all of the following terms and conditions:

(a) **Development Plan.** The Development shall be as shown in the preliminary site condominium development plan (the "Plan") reviewed by the Planning Commission and dated February 14, 2018, subject to this resolution.

(b) **Lot Areas; Setbacks.**

(1) The Development shall be used only for single-family detached dwellings, on a site condominium basis, in accordance with applicable State law. The Development shall have not more than two (2) units, for one single-family detached dwelling each.

(2) The buildable area, within each condominium unit in the Development, shall be as shown on the Plan, and shall have the following minimum setbacks:

Front Yard: 50 Feet

Side Yard: 10 Feet on each side

Rear Yard: 50 Feet

(c) Buildings. Each dwelling within the Development shall have at least 864 square feet of gross floor area, with no less than 620 square feet of gross floor area on the ground floor of a two-story home. Building height shall not exceed the maximum height stated in the zoning ordinance. Accessory buildings shall be subject to the accessory building provisions of Section 3.07 of the Zoning Ordinance.

(d) Driveways.

(1) The proposed private driveway shall be located as shown in the Plan and shall comply with all Township driveway requirements, including specifically the requirements for driveways serving back lots contained in Section 3.26B. The driveway shall have a minimum travel surface of 20 feet and a minimum cleared width of 28 feet. The driveway shall comply with all requirements of Section 3.26 of the Zoning Ordinance, including a driveway maintenance agreement.

Currently, the plan does not provide for an emergency vehicle turnaround. The plan shall be amended to add an emergency vehicle turnaround (a 40 foot cul-de-sac or other sufficient means in compliance with Section 3.26B.10). The turnaround shall be approved by the Fire Chief and Zoning Administrator.

The driveway shall only serve the two condominium units in this development, and in accordance with Section 3.26B.11, no further division of either unit shall be permitted. The intersection of the driveway with Algoma Avenue shall be subject to Kent County Road Commission approval.

(2) The driveway shall be maintained, repaired, replaced and snowplowed so as to afford continuous access and safe and unimpeded passage for vehicles (including emergency vehicles) under all weather conditions.

(e) Sanitary Sewer Service and Water Supply.

(1) Each condominium unit in the Development shall be served by a separate individual water well and by a private septic tank and drain field system approved by the Kent County Health Department and in compliance with the Township Building Code and other applicable Township regulations. The Master Deed and Condominium Bylaws shall provide that all septic tanks shall be pumped out at least once every two years. A written certification of completion of such periodic maintenance shall be provided to the association of owners of units in the Development, and such certification shall also be submitted to the Township office. Any Township expense involved in obtaining certification of periodic septic tank maintenance shall be the responsibility of the Association; if the Township incurs reasonable expenses for such purpose, it shall notify the Association, which shall then reimburse the expenses to the Township. A provision to this effect shall be included in the condominium bylaws.

(2) If the Kent County Health Department, the State Department of Environmental Quality or other governmental agency having jurisdiction shall determine that it is necessary in the interest of the public health, safety and welfare to install public water supply within and for the benefit of the Development, in order to protect against contamination of ground water and/or domestic water supply or for other reasons, the owners of the Development and the lands therein shall comply with any such governmental action or orders, and thereupon install such public water service without expense to the Township.

(3) All wells installed for private water supply must penetrate an adequate protective continuous clay overburden of at least 10 feet in thickness, unless otherwise approved by the Kent County Health Department.

(f) Surface Water Drainage.

(1) The drainage of surface waters shall be accomplished by storm sewers, designated drainage areas, culverts, and other means, as indicated on the Plan. Storm water drainage shall be adequately controlled so that there are no adverse effects on lands or waters in the Development or on adjacent or nearby lands by reason of excessive storm water runoff. The rate of dispersion of storm waters leaving the site, after completion of the Development, shall be no greater than was the case prior to commencement of the Development.

(2) The Condominium Master Deed and Bylaws shall require that all facilities for surface water management be regularly maintained in proper functioning condition in compliance with all present and future regulations, at the sole expense of the developer or, after the site condominium has been transferred to the condominium association, then at the sole expense of the association in compliance with all present and future regulations.

(3) The final drainage plan and system for the Development shall be reviewed by the Township Engineer and shall be subject to the Engineer's approval.

(4) The storm water detention and/or retention area as shown on the Plan shall be a general common element of the site condominium.

(g) Utilities. Utilities provided to each of the units in the Development, including electrical service, telephone service, cable service and natural gas service, if such are provided, shall be by means of underground facilities.

(h) Soil Erosion and Sedimentation Control. In the construction and use of the Development, the Developer shall comply in all respects with any required soil erosion and

sedimentation permit. A copy thereof shall be submitted to the Township. The Condominium Bylaws shall provide that soil erosion protection and stabilization techniques and procedures shall be provided continuously during all phases of construction, until lawns and other landscaped areas are established.

(i) Wetlands. Any portions of the Development which have been designated as wetlands under applicable Michigan law shall not be filled, dredged or developed to any extent without the approval of the Department of Natural Resources, by means of such permits as may be required by law, except for approved storm water detention areas. The design, layout and construction of the Development shall be carried out only in such a manner as to have no serious adverse effect on the quality and the waters of any wetland areas.

(j) Sign. There is no current proposal for a sign to identify the Development. The location, area and height of any future proposed sign, and other features thereof, shall be subject to approval by the Township Zoning Administrator and shall comply with the sign provisions of the AR-2 District.

(k) Approval of Site Condominiums, Master Deed and Bylaws.

(1) As to any matters required herein to be included in the Master Deed and/or Condominium Bylaws, such instruments shall provide that the same shall not thereafter be amended or deleted without the written approval of the Planning Commission and the Township Board. The Master Deed and Condominium Bylaws shall be subject to the approval of the Township Attorney before recording, so as to verify their compliance with this resolution and the Zoning Ordinance.

(2) There shall be no provisions of the Master Deed or Condominium Bylaws which are contrary to or at variance with the provisions of this resolution or which would in any way hinder the enforcement of the terms and conditions of this resolution or the Township

ordinances. To the extent that any such Master Deed or Condominium Bylaw provisions may be contrary to or at variance with any of the provisions of this resolution or Township ordinances, the same shall be applicable only to the extent permitted by the terms hereof. The Master Deed and Bylaws shall make express reference to this resolution and state that use of property within the Development is subject to this resolution, notwithstanding anything to the contrary in the Master Deed or Bylaws.

(3) After the master deed and condominium bylaws are approved by the Township Attorney, as to compliance with this resolution and the Township Zoning Ordinance, copies of the Master Deed and bylaws shall be submitted for review and approval by the Township attorney. Once approved, the Master Deed shall be recorded and a copy of the recorded document provided to the Township.

(l) Site Condominium Requirements. The Development shall comply in all respects with the Township site condominium requirements, as stated in Chapter 13B of the Zoning Ordinance.

(m) Other Matters.

(1) The plan of the condominium shall be subject to the approval of the Township fire department with regard to access by emergency vehicles.

(2) The costs and expenses incurred by the Township in the review and consideration of the site condominium shall be reimbursed by the applicant to the Township, in accordance with Township requirements for such reimbursement in zoning and other land use approval matters. The applicant shall provide a cash deposit, certified check or letter of credit as specified by the Township Board so as to assure complete and proper performance of the requirements of this resolution and applicable ordinances.

(3) All changes in the condominium plan required by the terms of this resolution shall be shown on the final site condominium plan and a copy thereof shall be promptly submitted to the Township office.

3. **Findings.**

(a) The Planning Commission finds that the proposed development, upon full and timely compliance with this resolution, will comply with requirements for a preliminary site condominium development plan as contained in Chapter 13B of the Zoning Ordinance, and with the site plan review standards of Section 14.08 of the Zoning Ordinance.

(b) The Planning Commission finds that the terms and conditions stated in this resolution are reasonably necessary for the protection of the public interest, and to assure the convenient providing of necessary public services and the reasonable protection of the natural environment and natural resources.

(c) The Planning Commission finds that, upon full compliance with the terms of this resolution, the general purposes of the zoning ordinance and the objectives of the Township Master Plan will be reasonably achieved.

4. **Recommendation.** The Planning Commission recommends that the Township Board approve the proposed Maple Leaf preliminary site condominium development plan upon the terms and subject to the conditions of this resolution.

AYES: All

NAYS: None

RESOLUTION DECLARED ADOPTED.



, Planning Commission Secretary