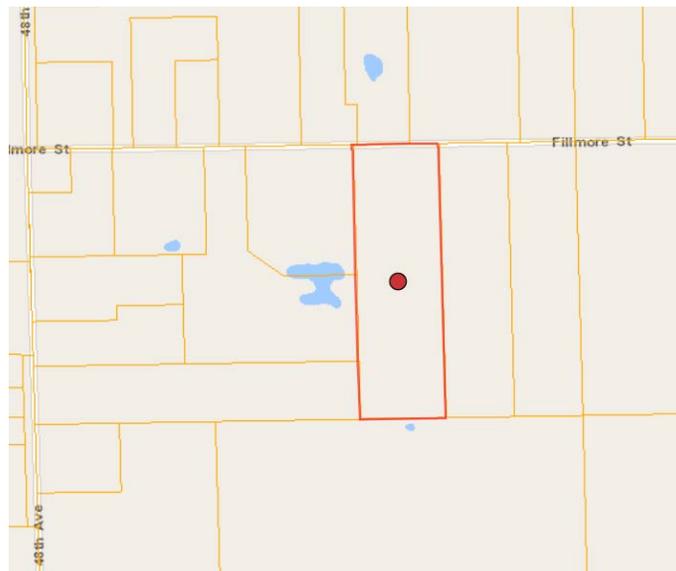


REQUEST

(ST1617) Fillmore Woods Site Condo Development, P.P. # 70-14-06-100-010, located at 4590 Fillmore. The request is for site plan approval for a site condo development for ten lots in the Agriculture district. Septic systems and private water wells are proposed.

This application is for site plan review for a site condo development which is allowed under Sec. 19.19.2(C). The development is not a plat or subdivision, and is not subject to the Township Subdivision Ordinance in the Code of Ordinances. That means that the development is not subject to the 800 lineal foot maximum for a cul-de-sac street. Further, the development is not subject to all the elements required for a plat. There will be no public water or sanitary sewer.

As per Sec. 19.2, the Planning Commission is the approving authority for a site plan for a site condo development. The site plan process is final with Planning Commission approval, as per Sec. 19.5(B) in the Georgetown Township Zoning Ordinance, and a site plan application is not reviewed or acted upon by the Township Board.



SPECIAL CIRCUMSTANCES

Private street. The specifications for the private street are the Road Commission's specifications for a public street. Approval will be required from the Ottawa County Road Commission because the private street will access a public street.

Storm Water Drain Permit. Approval will be required from the Ottawa County Water Resources Commission (Drain Commission).

Sec. 48-41. Management of and responsibility for stormwater system.

The township is not responsible for providing drainage facilities on private property for the management of stormwater on said property. It shall be the responsibility of the property owner to provide for, and maintain, private stormwater runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

Sec. 48-42. Stormwater system.

All stormwater runoff facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

Sec. 48-43. Stormwater discharge rates and volumes.

The township and/or OCDC is authorized to establish minimum design standards for stormwater discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the stormwater drainage system, in the following circumstances:

- (1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or
- (2) The discharge exceeds the OCDC and/or township's calculated predevelopment discharge characteristics for the subject property, and the OCDC and/or township determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this chapter.

Lowest building openings. A list containing the lowest building openings for each lot will be required. Surveys will be required for each lot, as stated in Sec. 48-46 of the Code of Ordinances.

Sec. 48-46. Building openings.

(1) A survey is required to show that no building opening shall be constructed below the following elevations:

- (a) One foot above the 100-year floodplain or one foot above any high water mark of any adjacent body of water which is a higher elevation.
- (b) The building opening established at the time of plat or **development approval** as stated in the restrictive covenants, and on record with the OCDC and on file in the township.
- (c) Three feet above the top of any downstream culvert.
- (d) Four feet above the bottom of any permanent and defined drain.

(2) A waiver from elevations stated in subsection (1) may be granted by the township engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

(3) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this chapter. This certificate shall attest that the building opening elevation complies with the standards of this chapter. The permittee for the building permit shall submit the certificate to the township building inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in subsections (1)(b) or (c), that opening must be raised using a method that meets with the approval of the township. After reconstruction, a registered land surveyor or engineer shall recertify that the minimum building opening elevation complies with the standards of this chapter prior to the commencement of framing and or structural steel placement.

Streetlights. The developer will be responsible for the streetlights if the determination is to install them. Further, the Township does NOT provide electricity for private streets.

Sidewalks. As per Sec. 10-216, sidewalks are required to be installed adjacent to all paved streets in all developments given site plan approval after June 1, 2000. In addition, eight-foot wide non-motorized paths are required to be installed adjacent to Fillmore from 36th Ave. to 48th Ave. However, all developments located in the AG and RR zoning districts are exempt except for those developments, projects, or uses within the AG or RR zoning districts which are of such a size or which will have such potential impacts that the township board deems it reasonably necessary that sidewalks shall be installed, constructed, and maintained in order to protect the health, safety, and welfare of the residents and property owners in the area.

Due to this language, at the September 12, 2016 meeting, the Utilities Committee reviewed the proposed development and make a recommendation to the Township Board to require the sidewalks on the interior private street and to require the eight foot wide non-motorized path adjacent to Fillmore.

At the September 26, 2016 meeting, with motion #160926-06, the Township Board required the installation of an eight-foot wide non-motorized pathway along Fillmore for the development at 4590 Fillmore, for Fillmore Woods, and to require the installation of sidewalks within the development for the health, safety and welfare of the residents and for the sidewalks and pathway to be shown on the site plan, as recommended by the Utilities Committee.

Sec. 10-216. Construction by land owner; sidewalk locations.

Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments **given site plan** or planned unit development approval after June 1, 2000.

Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of sidewalks along the following streets:

- (a) 48th Avenue.
- (b) 36th Avenue from Baldwin Street to Fillmore Street.
- (c) 40th Avenue from Bauer Road to Fillmore Street.
- (d) Bauer Road from 36th Avenue to 48th Avenue.
- (e) Fillmore Street from 36th Avenue to 48th Avenue.

In all instances of plats given final plat approval after June 1, 2000, or other developments where sidewalks are required, the sidewalks and/or non-motorized paths shall be constructed by the property owner on all property within the plat or development adjacent to all paved streets no later than seven (7) years from the date of final plat approval or other approval of the development by the township whether or not construction has taken place on such property. Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved and has obtained township approval, the township shall have the authority to require that financial security be filed with the township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the township) in an amount estimated by the township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses.

The following projects shall be exempt from such sidewalk requirements: all developments located in the AG and RR zoning districts except for those developments, projects, or uses within the AG or RR zoning districts which are of such a size or which will have such potential impacts that the township board deems it reasonably necessary that sidewalks shall be installed, constructed, and maintained in order to protect the health, safety, and welfare of the residents and property owners in the area; exterior cosmetic alterations which do not increase the usable area or exterior limits of the building; interior alteration work; and projects which do not require the submission to and approval of a site plan by the township.

Surveys. Surveys shall be submitted as per Sec. 3.61.

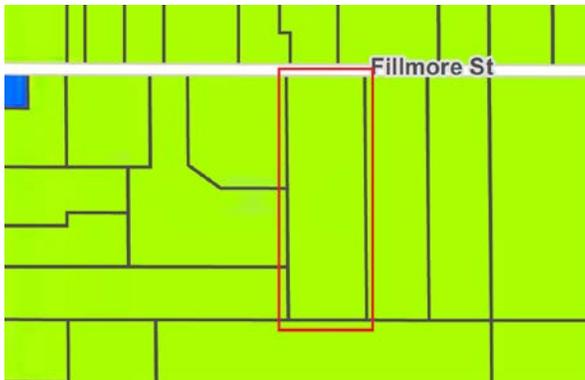
Sec. 3.61 REGULATIONS APPLICABLE TO ALL NEW CONSTRUCTION. (revised 6/24/2013)

- (B) Prior to construction commencing, a site plan or survey shall be submitted for review and approval and shall contain the following:
- (1) Property lines and proposed setback distances;
 - (2) The location of all existing structures on the property;
 - (3) The location of all proposed structures on the property.
 - (4) Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
 - i. The location of the floodplain boundary;
 - ii. The base flood elevation of the 100-year floodplain;
 - iii. Existing and proposed topographic elevation contours in 2 foot increments;
 - iv. The proposed lowest floor elevation.
- (C) All new construction which includes a foundation of poured walls below the average lot grade shall be surveyed and a copy of the survey shall be filed with and approved by the zoning department before the foundation wall is inspected and any construction is commenced upon the foundation. Such survey is required to be drawn from the foundation wall and to show the following:
- (1) Measured dimension of setback distances from the foundation to all property lines;
 - (2) Measured dimensions of the foundation;
 - (3) Measured elevation information to show that no building opening shall be constructed below the following elevations:
 - i. The required minimum building opening elevation established at the time of plat or development approval as stated in the restrictive covenants and on record with the Ottawa County Drain Commission and on file in the Township;

- ii. Three feet above the top of any downstream culvert, four feet above the bottom of any permanent and defined drain and one foot above the 100 year floodplain or any high water mark of any adjacent body of water which is a higher elevation.
 - iii. Alternatively, one foot above the overflow elevation as designated on the approved grading plan.
- (4) Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
- i. The location of the floodplain boundary;
 - ii. The base flood elevation of the 100-year floodplain;
 - iii. The existing measured elevation(s) near the foundation walls;
 - iv. The measured lowest floor elevation;
 - v. Any other information needed by the Township to determine that the construction complies with all ordinances and floodplain regulations.
- (5) Alternately for construction which is determined by the Zoning Administrator to not be a substantial improvement (as defined in floodplain regulations) to an existing structure, a signed affidavit verifying location on the lot and that the lowest building opening elevation is not decreased from that of the existing structure may be submitted in lieu of a professional survey.

MASTER PLAN

The proposed use of single family residences is allowed in the (AG) Agriculture district and proposed lot sizes meet ordinance requirements. The Future Land Use Map designates the area as RR/AG-Rural/Agricultural Preservation; therefore, the proposed use is consistent with the Master Plan.



Legend	
	Water Bodies
	Parcel
Future Land Use	
Code, Land Use Value	
	Ag, Agriculture
	CC, Community Commercial
	HC, Highway Commercial
	HDR, High Density Residential
	I, Industrial
	LDR, Low Density Residential
	MDR, Medium Density Residential
	NC, Neighborhood Commercial
	OS, Office Service
	PSP, Public Semi Public
	PUD Com, PUD Commercial
	PUD Mix, PUD Mix Use
	PUD Res, PUD Residential
	REC, Recreational Open Space

SUMMARY

- a. All lots meet minimum lot width and area requirements. The building envelopes appear to meet setback requirements, but will be reviewed for exactness at the time a building permit application is submitted for each lot.

Setbacks are required as follows:

Front on Fillmore. For the front yard along Fillmore for lots 1 and 10, the required front yard setback is a minimum of 100 feet from the centerline of Fillmore.

Front interior. For the lots fronting on the interior private street, the front yard setback is 40 feet from the property line. Those dimensions were not shown on the plan for the building envelope but were stated in the notes.

Sides. Side yards are required to be a minimum of 20 feet. Those dimensions were not shown on the plan for the building envelope but were stated in the notes.

Rear. Rear yards are required to be 75 feet. Those dimensions were not shown on the plan for the building envelope but were stated in the notes.

b. See the note above under special circumstances.

c. All signs require approved permits and all signs shall meet ordinance requirements. If plat entry signs are to be installed, the easement on the property must be provided to the Township, along with dimensions to the centerline of Fillmore. Further, a legal instrument for the perpetual maintenance of the sign shall be provided.

d. Provide a legal instrument for the perpetual maintenance of the private street.

e. The site will not be served by public water and sanitary sewer. There will be individual septic systems and wells. Show the septic locations on each site and show the building envelope if affected, prior to the submission of the first building permit application. Provide approval from the Ottawa County Health Department prior to the submission of the first building permit application.

f. Sec. 19.4(O) requires that the location and size of all surface water drainage facilities are provided. Provide a Storm Water Drain Permit (approval from the Ottawa County Water Resources Commission) prior to the submission of the first building permit. A list of the lowest building opening for each lot as recorded with the Ottawa County Water Resources Commission shall be provided prior to the submission of the first building permit application.

g. All houses shall have a minimum 400 square foot attached garage.

OPTION FOR MOTION

If the Planning Commission determines that the standards of the ordinance have been met, the following motion is available.

Motion: To adopt the staff report as finding of fact and to approve the site plan (ST1617) Fillmore Woods Site Condo Development, P.P. # 70-14-06-100-010, located at 4590 Fillmore for a site condo development for ten lots in the Agriculture district, as shown on the site plan dated drawn Checked 10/03/2016, based on the findings that if the conditions of approval as attached are satisfied, the applicable standards of the ordinance will be met,

And based on the following conditions of approval:

- a. **Building envelopes.** All lots meet minimum lot width and area requirements. The building envelopes appear to meet setback requirements, but will be reviewed for exactness at the time a building permit application is submitted for each lot and each structure is required to meet ordinance standards. The minimum setback for lots 1 and 10 is 100 feet from the centerline of Fillmore.
- b. **Sidewalks and path.** The developer shall install the 8 foot wide path, as per Township specifications, along Fillmore prior to the submission of the first building permit application and sidewalks shall be installed as per the Township Sidewalk Ordinance adjacent to the street as required by the Township Board.
- c. **Streetlights.** The developer and property owners shall be financially responsible for any streetlights.
- d. **Road.** An approval letter shall be obtained and submitted from the Ottawa County Road Commission prior to the submission of the first building permit application. The private street shall be installed as per Ottawa County Road Commission standards for a public street. A legal instrument shall be provided for the perpetual maintenance of the private street prior to the submission of the first building permit application.
- e. **Storm Water Drain Permit.** Sec. 19.4(O) requires that the location and size of all surface water drainage facilities are provided. Provide a Storm Water Drain Permit (approval from the Ottawa County Water Resources Commission) prior to the submission of the first building permit application.
- f. **Lowest building envelopment.** A list of the lowest building opening for each lot shall be provided prior to the submission of the first building permit application.
- g. **Revised site plan is required showing wells and septic systems and revised building envelopes (if applicable).** Since the site will not be served by public water and sanitary sewer, provide the septic locations and well locations on each site and show the building envelope is affected (if at all) prior to the submission of the first building permit application.
- h. **Health Department.** Provide approval from the Ottawa County Health Department prior to the submission of the first building permit.
- i. **Self-created situation by the developer.** The layout of the lots, wells and drain fields are all situations self-created by the developer. This is noted in case in the future any variances are requested due to the location of any of these elements.
- j. **Garages are required.** All houses shall have a minimum 400 square foot attached garage.
- k. **Fees.** All fees, including deferred assessments, shall be paid prior to the submission of the first building permit application for construction within the site condo development.
- l. **Fees for Township attorney.** The developer shall be responsible to pay any costs associated with the Township Attorney reviewing the Master Deed prior to the submission of the first building permit application for construction within the development.

- m. **Signs.** All signs require approved permits and all signs shall meet ordinance requirements. If any signs are to be installed, a copy of the easement shall be provided to the Township and shown on a revised site plan, along with sign details and dimensions to the centerline of Fillmore. Further, a legal instrument shall be provided for the perpetual maintenance of the sign prior, to the issuance of a sign permit.
- n. **Surveys.** Surveys shall be submitted as required in the Zoning Ordinance prior to construction commencing.

The following documents compliance with Township ordinances:

ID number	ST1617	Date	9/28/2016
Name	Fillmore Woods Site Condo		
Address			
Use	Site Condo	SUP required	NA

REQUIREMENT	PROVIDED	Needs or Comments
Date, north arrow, scale	X	
Name, address of preparer	X	
Name, address of property owner or petitioner	X	
Location sketch	X	
Legal description	X	
Size in acres of the property	X	
Property lines and required setbacks shown and dimensioned	X	a. setbacks
Location of existing structures, drives, parking areas within 100 ft of boundary	X	
Location and dimensions of existing and proposed structures	X	
Location of existing and proposed drives (dimensions and radii), circulation	X	
Sidewalks, non-motorized paths-select streets, accel, decel lanes	X	b. provide
Signs, exterior lighting	X	c. developer
Curbing, parking areas, dimensions of typical space, number of parking spaces	X	
Calculations of parking spaces, unloading areas	X	
Location, pavement width, ROW of all abutting roads, easements	X	d. provide
Existing zoning, and zoning and use of abutting property	X	
Location of existing vegetation-parkway association	NA	
Location, type, size of proposed landscaping, streetscape, greenbelt	NA	
Location, height, type of existing and proposed fences and walls	X	
Size, location of proposed, existing utilities, connections to water/sewer	X	e. none
Location, size of surface water drainage facilities		f. provide
Existing, proposed topo contours, max 5 ft intervals	X	
Rec/common areas, floodplain areas	X	
Special Use Standards, general and specific	NA	
Residential development extra requirements-attached garages	required	g. noted