

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 Avenue, N.E., Cedar Springs, Michigan, on the 26th day of June, 2024, at 7:30 p.m.

PRESENT: Members: Babcock, Sawade, VandenBerg, Hoskins, Sevey, Meyers and Tilburt

ABSENT: Members: None

The following preamble and resolution were offered by Member Tilburt and seconded by Member Babcock:

**RESOLUTION NO. 24-12**

**RESOLUTION APPROVING SPECIAL LAND USE AND SITE PLAN  
FOR DRIVE-THROUGH RESTAURANT**

**[Cedar Springs Retail Management LLC - 3584- 17 Mile Road]**

WHEREAS, Cedar Springs Retail Management LLC (the "Applicant") has requested special land use approval and site plan approval to construct and operate a commercial building consisting of a drive-through restaurant at 3584 - 17 Mile Road, Solon Township, Michigan; and,

WHEREAS, the proposed lands are located in the HC-Highway Commercial District of the Township; and,

WHEREAS, Section 10.03(D) permits restaurants with drive-through facilities as a special land use; and,

WHEREAS, on October 20, 2022 the Solon Township Zoning Board of Appeals granted the Applicant a variance, now expired, to permit an access drive onto Cedarfield Boulevard related to a prior application for a commercial building with multiple uses, including a drive-through restaurant; and,

WHEREAS, Planning Commission has held a public hearing on the requested special land use and site plan.

NOW, THEREFORE, BE IT RESOLVED:

Section 1.     ***Special Land Use.*** Upon the terms and subject to the conditions of this Resolution, the Planning Commission hereby grants and approves the special land use and site plan requested by the Applicant to construct and operate an approximately 2,532 square foot restaurant with drive-through facilities and associated parking and site amenities, upon land commonly known as 3584 - 17 Mile Road NE and legally described as followed:

A parcel of land located in the Northeast Quarter and the Northwest Quarter of Section 35, Town 10 North, Range 11 West, Township of Solon, Kent County, Michigan. Further described as: commencing at the North Quarter post of Section 35, Town 10 North, Range 11 West; thence along the North and South Quarter line of said Section 35, south 00°22'06" east, 60.00 Feet to the South right of way line of 17 Mile Road; thence along said South right of way line, North 89°28'22" East, 52.91 feet; thence along said South right of way line, South 00°31'38" East, 15.00 feet; thence along said South right of way line, north 89°28'22" East, 39.87 feet; thence south 00°05'08" East, 131.34 feet; thence south 89°54'52" West 5.00 feet; thence south 00°05'08" East 11.00 feet; thence North 89°54'52" East 5.00 feet; thence south 00°05'08" East 91.68 feet; thence Southerly 55.68 feet along the arc of a curve to the right with a radius of 50.00 feet, a central angle of 63°48'08", and a chord which bears south 57°39'20" West, 52.85 feet; thence South 89°33'24" west, 74.37 feet; thence westerly 41.99 feet along the arc of a curve to the left with a radius of 233.00 feet, a central angle of 10°19'29", and a chord which bears South 84°23'39" West, 41.93 feet; thence South 79°13'54" West 23.04 feet; thence Northwesterly 82.86 feet along the arc of a curve to the right with a radius of 52.58 feet, a central angle of 90°16'46", and a chord which bears North 54°33'07" West, 74.55 feet; thence Northerly 169.02 feet along the arc of a curve to the right with a radius of 2102.00 feet, a central angle of 04°36'26", and a chord which bears North 04°16'54" West, 168.97 feet; thence North 04°17'46" East, 71.49 feet; thence Northeasterly 23.05 feet along the arc of a curve to the right with a radius of 31.00 feet, a central angle of 42°35'49", and a chord which bears north 20°17'02" East, 22.52 feet; thence North 00°27'44" West, 40.00 feet; thence North 89°31'17" East, 150.24 feet to the point of beginning.

Section 2.     ***Conditions on Special Land Use and Site Plan Approval.*** The special land use and site plan approval to permit the drive-through restaurant is subject to the following terms and conditions:

(a) Compliance with Site Plan. The special land use shall be located, constructed, operated and maintained in accordance with the site plan last dated May 24, 2024, along with the narrative and other materials submitted to the Township and reviewed by the Planning Commission, except to the extent modified by this Resolution.

(b) Compliance with Township Ordinances. The special land use and permitted land use shall comply with all of the minimum provisions specified in the district regulations for the HC- Highway Commercial District and with all other provisions of the Township ordinances.

(c) Compliance with Laws and Regulations. The special land use and permitted land use shall comply with the requirements of the Kent County Road Commission, the Kent County Health Department, the Kent County Drain Commission, and all other applicable state and federal laws and regulations.

(d) Site Access. Access to the site shall be by means of a driveway onto Cedarfield Boulevard and a cross-access easement to the Meijer Gas Station. The applicant shall provide the Township proof of either permission or of the right to use Cedarfield Boulevard and the Meijer cross-access. The Applicant shall also provide proof of a road maintenance agreement with Meijer and the owners of Cedarfield Boulevard. The Applicant shall maintain the clear vision triangle requirements of the State at the intersection of Cedarfield Boulevard and 17 Mile.

(e) Site Design. The drive-through restaurant building and amenities shall be constructed in compliance with the site design requirements in the HC District. The building shall be designed and constructed consistent with the materials depicted in the elevations dated November 14, 2023. The Applicant shall increase the radius of the north edge of the cross access drive on the site and have the revised site plan approved by the Zoning Administrator.

(f) Stormwater Management System. Stormwater drainage shall be adequately controlled so that there are no adverse effects on adjacent or nearby lands by reason of excess stormwater runoff. The final drainage plan and system shall be reviewed by the Township Engineer and shall be subject to the Township Engineer's approval prior to the commencement of operations. The applicant shall comply with all the stormwater management requirements in the Township Engineer's letter dated June 17, 2024 as well as any other requirements of the Kent County Drain Commissioners Office or Township Engineer.

(g) Lighting. All outdoor lighting shall be such that the lighting is directed downward and does not shine onto any adjacent lands and shall comply with all provisions of the Township zoning ordinance and the proposed lighting plan. The Applicant shall submit a lighting plan to the Township and the lighting plan shall be subject to the review and approval of the Township Zoning Administrator.

(h) Parking. All parking spaces shall comply with the minimum requirements of the zoning ordinance and shall be located as designated on the site plan.

(i) Landscaping and Buffering. All landscaping shall be constructed in accordance with the site plan and in accordance with the requirements of the zoning ordinance.

(j) Signs. One freestanding monument sign that complies with the zoning ordinance is permitted to be located adjacent to 17 Mile as shown on the site plan. Details of the proposed sign will need to be provided to the Township, and the Applicant will be responsible that there is no impact on existing utilities. In addition, the Applicant is permitted wall signs as permitted by the Zoning Ordinance.

(k) Water Supply and Sanitary Sewer. The water supply and sanitary sewer and wastewater disposal shall be in accordance with all state and local health requirements. The

Applicant shall coordinate with Cedarfield Sanitary Sewer Authority and other authorities and governmental departments as set forth in the Township Engineer's June 17, 2024 letter.

(1) Township Fire Chief and Township Engineer. The site plan shall be subject to the review and approval of the Township Fire Chief. The site plan shall comply in all respects with the requirements and reports of the Township Engineer.

Section 3. *Approval By Zoning Board of Appeals.* The Planning Commission acknowledges that the Applicant was granted a dimensional variance reducing the driveway to intersection spacing from 150 feet to 107.8 feet on October 20, 2022. Under Section 17.08 of the Solon Township Zoning Ordinance a variance automatically expires after one year unless construction has commenced or the Applicant has applied to the Zoning Board of Appeals for an extension and the extension is granted by the Zoning Board of Appeals. In addition, a condition of the October 20, 2022 variance was that it comply with a site development plan dated September 26, 2022. Unlike the September 26, 2022 site plan, the new site plan has a different building layout, parking, and a cross-access agreement. Accordingly, although the Planning Commission approves the May 24, 2024 site plan, including the location of the access to Cedarfield Boulevard, the approval of the special land use and site plan contained herein are conditioned on the Applicant renewing the expired variance based on the new site plan from the Zoning Board of Appeals.

Section 4. *Findings under Section 14.08.* The Planning Commission hereby determines that the requested site plan will comply with the site plan review standards of Section 14.08 if the Applicant constructs the improvements in accordance with the site plan and the terms of this Resolution.

Section 5.     *Findings under Section 16.03.* In considering the requested special land use, the Planning Commission makes the following findings under the general standards for special land use:

(a)     If the drive-through restaurant is constructed, designed, operated and maintained in compliance with this Resolution, it will be harmonious and appropriate in appearance with respect to the existing or intended character of the areas in the general vicinity and the use will not change the essential character of the area.

(b)     The special land use would be adequately served by essential public facilities including streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.

(c)     The special land use would not create excessive additional requirements at public cost for public facilities and services.

(d)     The drive-through restaurant will not involve uses, activities, processes, materials, or equipment or conditions of operations that would be detrimental to other persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

AYES:       Five

NAYS:       Two

ABSENT:     None

RESOLUTION DECLARED ADOPTED.

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Al Meyers, Planning Commission Secretary

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of the Township of Solon at a regular meeting thereof held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Al Meyers 7-01-24  
Al Meyers, Planning Commission Secretary

