

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-22-1
January 10, 2022**

CALL TO ORDER

Chairperson Bouwman called the meeting to order at 7:01 p.m.

Present: Singerling, VandenBosch, Bouwman, Hughes, Borushko, and Hower

Excused: Frein

Absent: None

Also Present: Planning / Zoning Administrator Brian Werschem, recording secretary Kelly Sluyter, Fire Marshall Mark Nicolai and 8 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the Agenda for the January 10, 2022 Planning Commission meeting.

Ayes: Singerling, VandenBosch, Bouwman, Hughes, Borushko, and Hower

Nays: None

Motion carried.

Approval of Minutes

Motioned by Singerling supported by Hower to approve the minutes as amended to correct the first and second to adjourn the meeting of December 13, 2021.

Ayes: Singerling, VandenBosch, Bouwman, Hughes, Borushko and Hower

Nays: None

Motion carried.

Communications

December 6, 2021 and December 20, 2021 Board Minutes Reviewed with no comment

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 22-01 Zone Change – Public Hearing

Name: Lucky Girls LLC
Address: 2015 E. River Road
PP#: 61-10-003-200-0001-00
Zoning: R1 – Single Family Residential
Purpose: Rezone a 20.26 acre portion of the property to R2 - Duplex Residential

Chairman Bouwman opened the public hearing at 7:02

Planner Werschem explained that Lucky Girls, LLC is requesting to rezone a 20.26 acre portion of the Northport Village development property with hopes to create duplex residential housing as part of phase three (3) of their development.

Public Hearing notice was published in the Muskegon Chronicle and on MLive on December 19, 2021 and mailed to all surrounding neighboring properties within 500 feet.

Chuck Hoyt, 214 Grandville SW, Grand Rapids, MI 49503, engineer for Lucky Girls explained the basis for the rezoning request. Would like to provide a range of housing options to include condominium style duplex residential.

Jill Boersema, 386 E. Chadwick Dr., Muskegon, MI 49445, Developer with Lucky Girls, LLC

Kelly Stone, 8040 Greenwood Ave., Twin Lake, MI 49457, Developer with Lucky Girls, LLC

Amy Kunnen, 2305 Becker, Muskegon, MI 49445. Neighboring resident. Want to see what was happening. Concerned with increased traffic.

Motion by Singerling, supported by Burushko to close the public hearing at 7:35

Roll Call:

Ayes: Borushko, Hughes, Bouwman, Singerling, VandenBosch, Hower

Nays: None

Motion Carried.

Zone Change standards were reviewed.

DIVISION 3. - DISTRICT CHANGES; AMENDMENTS

Sec. 58-432 - Initiation and procedure.

- (3) Planning commission consideration and recommendation. The planning commission shall review the proposed amendment, together with any reports and recommendations from

staff, consultants, other reviewing agencies and any public comments. The planning commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the township board. In considering an amendment to the official zoning map (rezoning), the planning commission shall consider the following factors in making its findings and recommendations:

- (a) Consistency with the master plan. Consistency with the master plan's goals, policies, and future land use map. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area shall be considered.

The current Master Plan does not distinguish a difference between rural residential, low density, medium density and high density residential. Everything is blanketed as established residential or medium density residential in all residential areas. Planning Commission determined that Duplex Residential R2 is consistent with the medium density residential of the area.

- (b) Environmental features. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

PC determined that the environmental features of the area seem compatible with Duplex Residential.

- (c) Suitability with the law. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

Chairman Bouwman opined, in his opinion that Duplex Residential is compatible with his basis. Commissioner Borushko disagreed with explanation of traffic issues and potential uses. Overall the PC determined all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values is compatible.

- (d) Capacity of public services and utilities. Capacity of available utilities and public services to accommodate all the potential uses permitted in the proposed zoning district(s) without compromising the health, safety, and welfare of township residents or burdening the township with unplanned capital improvement costs or other unplanned public expenses.

PC determined that the capacity of public services and utilities is adequate to accommodate all the potential uses permitted in the proposed zoning district(s) without compromising the health, safety, and welfare of township residents or burdening the township with unplanned capital improvement costs or other unplanned public expenses.

- (e) Capability of road system. Capability of the road system to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

PC determined, after the 2016 traffic study was discussed, with necessary adjustments by MDOT to the traffic signal on Holton Rd. M120, the area can accommodate the increase the expected traffic generated by all the potential uses permitted in the proposed zoning district.

- (f) Demand for uses. The apparent demand for the types of uses permitted in the proposed zoning district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

A recent master planning study indicates that demand for a variety of housing stock is needed in Muskegon County. PC determined there is demand for Duplex Residential.

- (g) Scale of future development. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

PC determined that the boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site is appropriate.

- (h) Other factors. Whether all of the potential uses in the proposed zoning district(s) are equally or better suited to the area than the current uses allowed.

PC determined that all of the potential uses in the proposed zoning district(s) is equally or better suited to the area than the current uses allowed in the current zoning district.

Motion by Hughes and supported by Singerling to recommend to the Township Board approval of Ordinance 22-1 to rezone a 20.26 acre portion, as outlined in the application, of 2015 E. River Road, Parcel Number 61-10-003-200-0001-00, having met all the standards of Division 3 Section 58-432 (c) (3) of the Muskegon Charter Township Code of Ordinances as outlined in the minutes of this Planning Commission during the Planning Commissions review of the standards.

Roll Call:

Ayes: Singerling, VandenBosch, Bouwman, Hughes and Hower

Nays: Borushko

Motion Carried.

2. PC 22-02 Site Condominium – Phase 2

Name: Lucky Girls LLC
Address: 2015 E. River Road
PP#: 61-10-003-200-0001-00
Zoning: R1 – Single Family Residential
Purpose: Modify and request approval of phase 2 of the Northport Village Site Condominium project

Planner Werschem explained Lucky Girls, LLC wishes to obtain approval to add phase two to their existing phase one of the Northport Village Site Condominium project. This is a slightly modified version of the originally proposed phase 2.

Sec. 58-80. - Site condominium regulations.

(c) Review of preliminary plans by the planning commission.

- (1) Preliminary review—Prior to final review and approval of a site condominium project plan by the township board, a preliminary site condominium project plan shall be reviewed by the zoning administrator and the planning commission in accordance with the procedures, standards, and requirements provided by this section.

Zoning Administrator review is complete. This constitutes the Planning Commissions review.

- (2) Application for review and approval of a site condominium project plan shall be initiated by submission to the township clerk of a minimum of ten copies of a preliminary site condominium project plan which complies with the requirements of subsection (f), of this section, and an application fee in accordance with the schedule established by resolution of the township board.

PC determined that this has been completed.

- (3) Review by zoning administrator—The township clerk shall forward the copies of the preliminary plan to the zoning administrator who shall review the preliminary plan to determine its completeness, and to provide any comments to the planning commission regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant. If the plan is complete, the zoning administrator shall forward it to the planning commission on completion of his review together with any comments.

PC determined that this process was followed and the Zoning Administrator has deemed the application complete.

- (4) Planning commission review—The planning commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this article for site plan review, and in accordance with the following additional standards and requirements:

- (a) In its review of a site condominium project plan, the planning commission may consult with the zoning administrator, township planner, township attorney, township engineer, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, and compliance of the proposed project with all requirements of the Condominium Act or other applicable laws, ordinances, or regulations.

PC determined that full review by all staff was completed, necessary corrective measures were made and all staff believe the application is in compliance.

- (b) The building site for each site condominium unit shall comply with all applicable provisions of this article, including minimum lot area, minimum lot width, required front, side, and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side, and rear yards shall be determined by measuring the distance from the equivalent, front, side, or rear yard boundaries of the building site to the closest respective front, side, or rear boundary of the building envelope. With regard to building height, the condominium documents shall expressly provide that no building shall exceed the maximum building height permitted by the applicable zoning district regulation.

PC determined that the proposed meets all of these requirements.

- (c) Streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Muskegon County Road Commission.

PC determined that the streets are paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Muskegon County Road Commission.

- (d) The site condominium project shall be connected to the township's water and sanitary sewer facilities, if available. The township's water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within 1,320 feet of the site condominium's nearest common element and the connection can be engineered. If public water and sanitary sewer facilities are not available, the site condominium project shall either be served by a private central system designed for connection to a public system when, and if a public system is made available, or shall have a well, septic tank and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the township county department of health, and the township in accordance with applicable standards.

PC determined that the Townships water and sewer are available and required. Applicant's proposal shows connection to the Township water and sanitary sewer systems.

- (e) The proprietor shall install street lighting fixtures in accordance with the specifications of the electrical utility which supplies electricity to the site condominium project. For any development, not including public roadways, a light district shall be established under the provisions of Public Act 264 of 1917, as

amended. The developer shall petition for the establishment of a street lighting special assessment district under the provisions of said Public Act 264 of 1917, as amended. Any cash deposit or bond made under this subsection shall be returned to the developer on application to the township clerk after the light fixtures been installed. The developer shall either:

- (1) Install the light fixtures prior to the issuance of any building permits for structures on any site in the site condominium project; or
- (2) At the time of application for final approval of the site condominium, deposit with the township clerk an amount of money or a bond in a form which is acceptable to the township board, equal to the cost of installing the light fixtures and a copy of the petition demonstrating that application for a special assessment district has been made.

PC determined that the applicant has proposed proper lighting fixtures but has not met the requirement of the lighting SAD nor provided cash or security bond. This need not hold up the review and recommendation process to the Township Board will be a contingency if a recommendation for approval is made.

- (d) *Planning commission recommendations.* After reviewing the preliminary site condominium project plan, the planning commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The planning commission shall provide a copy of its written recommendations to the applicant and to the township board.

This shall be accomplished by motion.

ARTICLE VIII. - SITE PLAN REVIEW

Sec. 58-486. - Standards for approval.

- (a) The intent of the planning commission is to minimize any adverse impacts that a proposed site plan may have on the neighboring properties, the neighborhood in general and its character, and the community as a whole.
- (b) Each site plan shall conform to all applicable provisions of this chapter and the following standards:
 - (1) All elements of the site plan shall be designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

PC determined that all elements of the site plan are designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site is to be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

- (2) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

PC determined that the landscape is being preserved in so far as practical.

- (3) Stormwater and erosion protection.
- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.
 - b. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.
 - c. The use of detention/retention ponds may be required.
 - d. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic.
 - e. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - f. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored, or proposed to be stored.
 - g. Compliance with the requirements of [section 58-487](#) shall also be demonstrated.

PC determined that the applicants have entered into a 433 drain agreement with the Muskegon County Drain Commission. Submittal of the proposed has been made however, no response has been given as of the date of this meeting. A contingency of approval of the drainage plan by the Muskegon County Drain Commissioner will be included in any motion and any changes, not deemed minor by the Planner and PC Chair, is required to be reviewed by the Planning Commission.

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

PC determined that the site plan provides reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping are used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- (5) Every structure or dwelling unit shall have access to a public street, unless otherwise provided in an approved PUD.

PC determined that every structure or dwelling unit does have access to a public street.

- (6) A pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system shall be provided.

PC determined that the pedestrian circulation system provided is adequate.

- (7) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.

PC determined that that safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is provided.

- (8) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

PC determined that that the arrangement of public or common ways for vehicular and pedestrian circulation is connected to existing or planned streets and pedestrian or bicycle pathways in the area.

- (9) All streets shall be developed in accordance with [chapter 42](#), subdivisions and the county road commission specifications.

PC determined that that all streets are developed in accordance with [chapter 42](#), subdivisions and the county road commission specifications.

- (10) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the fire and police departments.

PC determined that that all buildings or groups of buildings are arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. Fire department has approved the layout.

- (11) The site shall be adequately served by water supply and sewage collection and/or treatment.

PC determined that municipal water and sewer is required throughout the development including fire hydrants and shown on the plans.

- (12) All loading or unloading areas and outside storage areas, including refuse storage stations, shall be screened from view of the street and/or adjacent properties by a vertical screen consisting of structural or plant materials.

PC determined that all loading or unloading areas and outside storage areas, including refuse storage stations, are screened from view of the street and/or adjacent properties by a vertical screen consisting of structural or plant materials.

- (13) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

PC determined that no light trespass will occur from this development.

- (14) Site plans shall conform to all applicable requirements of state and federal statutes and approval must be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

PC determined that this should be a contingency in any approval.

Motion by Singerling and supported by Borushko to recommend to the Township Board approval of the Northport Village site condominium phase 2 for Lucky Girls, LLC, as outlined in the application, of 2015 E. River Road, Parcel Number 61-10-003-200-0001-00, having met the site condominium and site plan standards of Section 58-80 (c) and 58-436 of the Muskegon Charter Township Code of Ordinances as outlined in the minutes of this Planning Commission during the Planning Commissions review of the standards with the following contingencies:

- a. Gaining compliance with Section 58-80 (4) (e) regarding street lighting, street lighting special assessment district and acknowledgement that the street lighting will be installed prior to building permits being issued or a deposit and/or bond be put into place prior to full submittal to the Township Board.**
- b. Obtaining of full approval by the Muskegon County Water Resource Commission regarding storm water and drainage for the phase and any changes, not deemed minor by the Planner and PC Chair, to be reviewed and approved by the Planning Commission prior to Township Board review.**
- c. Compliance with site condominium regulations for Township Board approval.**

d. Compliance with all other federal, state, county and local rules, regulations and ordinances.

Roll Call:

Ayes: Borushko, Hughes, Bouwman, Singerling, VandenBosch, Hower

Nays: None

Motion Carried.

Public Comments:

It takes a Village!

Announcements: Next Planning Commission meeting will be February 14, 2022.

Motion by Hower, and supported by Singerling to adjourn the meeting at 8:29 P.M.

Roll Call:

Ayes: Borushko, Hughes, Bouwman, Singerling, VandenBosch, Hower

Nays:

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**