

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-22-10
September 12, 2022**

CALL TO ORDER

Chairperson Singerling called the meeting to order at 7:00 p.m.

Present: Hower, Singerling, Borushko, Hughes, VandenBosch, Frein

Excused: Bouwman

Absent:

Also Present: Recording Secretary Andria Muskovin and as well as 3 guests.

Approval of Agenda

Motioned by Borushko supported by Hower to approve the Agenda for the September 12, 2022 Planning Commission meeting.

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

Nays: None

Motion carried.

Approval of Minutes

Motioned by Hower supported by Frein to approve the minutes from August 8, 2022 Regular Meeting and August 15, 2022 Special Meeting.

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

Nays: None

Motion carried.

Communications

August 1, 2022 and August 15, 2022 Board Minutes Reviewed

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 22-22 Garage Sale Ordinance - Public Hearing

Chairman Singerling opened the Public Hearing at 7:01 P.M.

Muskegon Charter Township has been having significant issues and a lot of complaints regarding perpetual garage sales as well as individuals buying out estates, garage sales, etc and basically creating a second hand store under the guise of a garage sale.

The Township has initiated a new ordinance to control garage sales and estate sales. The required posting for a public hearing for a new ordinance was published on August 28, 2022, No response from the public.

PC's had concerns whether or not it would be enforceable. PC's were concerned with the amount of time it would take to enforce and would it be on a complaint only basis. How do you stop posting on public land. Also how it would affect the Business on Apple Avenue that does estate sales but holds them as yard sales several times each week.

No Public comment.

Motion by Borushko second by VandenBosch to close the public hearing at 7:06 P.M.

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

Nays: None

Motion carried.

Motion by Hower second by Borushko to recommend tabling for further information from the applicant

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

Nays: None

Motion carried.

2. PC 22-23 Site Plan

Name:	Twin Oak Storage
Address:	3821 Evanston
PP#:	61-10-036-400-0004-00
Zoning:	Neighborhood Commercial (C1)

Purpose: Expand existing public storage facility

Twin Oak Storage proposes to expand its public storage facilities. The property is zoned Neighborhood Commercial (C1) where storage facilities are not permitted. However, Section 58-258 (6) allows existing storage unit facilities located in a C-1 zone may be allowed to expand based on the following criteria:

- (a) The proposed expansion will be operated so as to be harmonious and appropriate in appearance with the retail characteristic of the neighboring area, or intended land uses.

PC determined that the proposed expansion is an improvement to the existing facility and will be operated so as to be harmonious and appropriate in appearance with the retail characteristic of the neighboring area.

- (b) The proposed expansion is not located within the first 100 feet of frontage of the parcel.

PC determined that there are some changes within the first 100 feet. However, the proposed expansion of storage units is not located within the first 100 feet of frontage of the parcel.

- (c) Storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.

PC determined that the proposed expansion is proposed simply as additional public storage facilities and the storage units shall not be used to manufacture, fabricate or process goods; conduct servicing or repair; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.

- (d) All property stored on the premises shall be entirely within an enclosed building.

PC determined that the proposed plan has all property stored on the premises is entirely within an enclosed building. No outdoor storage of any kind is allowed.

- (e) The proposed expansion would not disturb existing or future neighborhoods, and it would not be a detriment to the economic welfare of the township.

PC determined that the proposed expansion will not disturb existing or future neighborhoods, and it will not be a detriment to the economic welfare of the township. The facility is surrounded by existing mobile home parks.

Mitchell Pater, 3910 Oakes St SW, Grandville, MI 49418 stated that they plan to add 72 10 x 20 units to expand the remaining area. There is a chain link fence at this time, but paving

the area and adding a gate with proper lighting will be added. Retention Pond will remain. No landscaping is planned behind the storage units but would be willing to put whatever the Township would like in the front. Mr. Pater plans to begin in late 2023, however PC's informed him that he would need to follow a timeline so to check with Zoning Administrator Werschem to make sure that he has completed in the correct amount of time.

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.

PC determined that that the proposed stormwater system retains all stormwater onsite and is adequate.

- b. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.

PC determined that provisions have been made to accommodate stormwater, prevent erosion and the formation of dust..

- c. The use of detention/retention ponds may be required.

PC determined that the detention / retention are required and proposed.

- 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.

PC determined that surface water on all paved areas are being collected at existing 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.

PC determined that no swales, wetlands, ponds, or swamps exist so this requirement does not apply.

- 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.

PC determined that adequate measures will be required by the state, county and local permits to assure proper collection of any waste material.

- g. Compliance with the requirements of [section 58-487](#) shall also be demonstrated.

PC determined that the requirements of section 58-487 are demonstrated.

- (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 no dwelling units are proposed so this standard does not apply.

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

PC determined that the structure does have access to public streets.

- (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 safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is existing and adequate.

- (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 the arrangement of existing 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 no streets are required so this section does not apply.

- (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 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.

Municipal water and sewer is not required for public storage facilities.

- (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.

This should be a contingency in any approval.

Motion by Hower second by Frein to approve the Site Plan for the expansion of Twin Oak Storage at 3821 Evanston, parcel **61-10-036-400-0004-00 having met the standards of Sections 58-258(6) and 58-487 of the Muskegon Charter Township Code of ordinances with the following conditions:**

- 1. Compliance with all federal, state, County and local rules, regulations and ordinances.**

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

Nays: None

Motion carried.

3. PC 22-22 Riegler Flag Lot - Public Hearing

Name: Ian Hoch

Address: Vacant Lot on Riegler

PP#: 61-10-003-100-0032-00

Zoning: Single Family Residential (R1)

Purpose: Land division on a 10 acre parcels resulting in one flag lot.

Chairman Singerling opened the Public Hearing at 7:17 P.M.

Mr. Hoch desires to do a land division of his 10 acres resulting in one of the parcels being a flag lot. Flag lots are permitted by special use, authorized by the Planning Commission. This requires a public hearing. The public hearing was posted on August 28, 2022. The notice is attached. The required posting for a public hearing for a new ordinance was published on August 28, 2022.

Ian Hoch, 3512 McCracken, Norton Shores, MI 49441 stated that he plans to split 4 - ½ acre lots along the front of his 10 acres with a 66' access road on the property to the back 8 acres. He will put the access where it is required by the MCRC. (possibly so that it runs into Queens Ct.).

Motion by Hower second by Borushko to close the public hearing at 7:19 P.M.

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

Nays: None

Motion carried.

Section 58-12 (d)

No lot or parcel of land shall be divided, altered or reduced by sale, gift, or other disposition so that frontage along public or private road is less than minimums required by this chapter, except:

The planning commission may under special use permit allow a parcel division creating a flag lot if all of the following conditions are met.

- (1) The access drive (flag pole) must directly abut, or empty onto, a public road.

PC determined that the access drive (flag pole) directly abuts, or empty onto, a public road.

- (2) The new parcel accessed by the access drive must meet minimum lot requirements for this chapter. In evaluating the shape and square footage, the area within the access drive (flag pole) shall not be included.

PC determined that the new parcel accessed by the access drive meets minimum lot requirements for this chapter.

- (3) When the new parcel accessed by the access drive is greater than four times the minimum lot requirements for the zoning district that the parent parcel is situated in, the access drive must be at least 66 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

When the new parcel accessed by the access drive is equal to or less than four times the minimum lot requirements for the zoning district that the parent parcel is situated in, the access drive must be at least 33 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

The planning commission, at its discretion, may address other circumstances as may be requested with the restriction that the access drive will never be less than 33 feet in width at its narrowest point when

measured at right angles to the linear boundaries of said drive, but may require the access drive to be more than 66 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

PC determined that this requirement is met since the access drive (flag pole) maintains 66 foot of width for its entire length.

- (4) No two access drives (flag poles) may share a common boundary.

PC determined that there is not a second access drives (flag poles) sharing a common boundary.

Motion by Hower second by VandenBosch to approve a special use permit request for a flag lot on parcel 61-10-003-100-0032-00 for having met the standards of Section 58-12 (d) of the Muskegon Township Code of Ordinances.

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

Nays: None

Motion carried.

Public Comments: None

Announcements: Next Planning Commission meeting will be October 10, 2022.

Motion by Hower supported by Borushko to adjourn the meeting at 7:21 P.M.

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

Nays:

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**