

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-23-4
March 13, 2023**

CALL TO ORDER

Chairperson Bouwman called the meeting to order at 6:30 p.m.

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

Excused: Frein

Absent:

Also Present: Recording Secretary Andria Muskovin, Planner Werschem, Fire Chief Glotzbach and 11 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the Agenda for the March 13, 2023 Planning Commission meeting.

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

Nays: None

Motion carried.

Approval of Minutes

Motioned by Borushko supported by Hower to approve the minutes from February 13, 2023.

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

Nays: None

Motion carried.

Communications

February 6 2023, and February 21, 2023 Board Minutes Reviewed

Staff Report acknowledged

Unfinished Business –

New Business –

1. PC 23-05 Site Plan Amendment

Name: CK Muskegon
Address: 1680 E. Apple Ave
PP#: 61-10-022-300-0010-00
Zoning: Shopping Center (C2)
Purpose: Site Plan Amendment to reduce building size by 3,000 square feet for Aldi's grocery store.

Planner Werschem explained that CK Muskegon on behalf of Aldi's Grocery has acquired the portion of 1680 E. Apple Ave. that was formerly occupied by Plumb's Grocery and Great Lakes Fresh Market. They propose to remove approximately 3,000 square feet of the existing structure and replace it with landscaping. Then renovate the remaining structure to fit the needs of Aldi's Grocery. This is a Site Plan Amendment of the existing Site Plan.

No one was present from Aldi – travel conditions as well as issues with the seller.

CK Muskegon was informed about the dumpster enclosure requirement and they also plan to put trees/grass along Shonot. Fire safety standards will be addressed with proper signs.

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 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 the landscape is being improved by removing 3,000 square feet of structure and asphalt and replacing it with trees and grass make the site more visually appealing.

- (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 the stormwater system existing and is adequate. They propose to remove over 3,000 square feet of impervious service and replace with grass and trees reducing the stormwater impact.

- 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 detention / retention ponds are not 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.

PC determined that surface water on all paved areas are being collected 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 in the site plan area 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 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 entire facility 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 the pedestrian circulation system is proposed and 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 proposed 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 required and existing.

- (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 existing however the refuse storage does not appear to indicate it is screened. This should be a condition of approval.

- (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.

Motion by Singerling supported by Hower to approve the Site Plan Amendment for CK Muskegon at 1680 E. Apple Ave., parcel 61-10-022-300-0010-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:

- a. Adequate screening of dumpsters consisting of structural or plant materials.
- b. Signage for fire safety.
- c. Compliance with all federal, state, County and local rules, regulations and ordinances.

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

Nays: None

Motion carried.

2. PC 23-06	Special Use Permit	Public Hearing
Name:	Kum & Go L.C.	
Address:	1415, 1431, 1437 & Vacant Holton Rd	
PP#:	61-10-005-300-0011-00, 61-10-005-300-0012-00, 61-10-265-000-0001-00, 61-10-265-000,0003-00	
Zoning:	Shopping Center (C2)	
Purpose:	Special Use Permit for Automobile Gas Station	

Chairman Bouwman opened the Public Hearing at 6:37 P.M.

Planner Werschem explained Kum & Go L.C. proposes to construct a gas station / convenience store with a deli. They are acquiring 4 parcels and will be demolishing all existing structures to accommodate their needs. There will be a resulting out lot to the East that will be utilized for an alternative c1 purpose. The public hearing notice was published in the Muskegon Chronicle on February 26, 2023 and mailed to all surrounding parcels within 300 feet.

Jamie Antoniewicz, 12765 23 Mile Rd Ste 200, Shelby Township – Civil Engineer. Store will have an in house kitchen, 2 entrances, one off M120 and a new entrance off Giles. They have already met with MCRC and MDOT.

No one spoke in favor or in opposition

Motion by Hower Supported by Singerling to close the Public Hearing at 6:41 P.M.

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

Nays: None

Motion carried.

Sec. 58-57. - General standards for making determinations.

The planning commission and township board shall, upon separate occasions, review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption.

PC determined that this is a common commercial use in accordance with the general objectives or with any specific objectives of the general plan or current adoption.

- (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

PC determined that this is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

- (3) Will not be hazardous or disturbing to existing or future neighboring uses.

PC determined this will not be hazardous or disturbing to existing or future neighboring uses.

- (4) Will be a substantial improvement to property in the immediate vicinity and to the township as a whole.

PC determined the allowable use in the commercial zone and will have a positive impact on the business and add an additional service to the community.

- (5) Will be served adequately by essential public facilities and services; such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

Essential public services and facilities shall be able to be provided under the proposed use. This plan has been reviewed and approved by the Fire Inspector as well.

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the township.

PC determined that no additional requirements at public cost for public facilities and services anticipated.

- (7) Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

PC determined that the use will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors beyond what could be expected from an industrial use and the applicants have placed self-imposed limitations to significantly limit potential impacts.

- (8) Will be consistent with the intent and purposes of this chapter.

PC determined the use in a commercial zone is consistent with the intent and purposes of this chapter.

Motion by Singerling second by Hower to recommend to the Muskegon Township Board approval of a Special Use Permit for an automobile gas station at 1415 Holton, 1431 Holton, 1437 Holton, Vacant Holton, parcels 61-10-005-300-0011-00, 61-10-005-300-0012-00, 61-10-265-000-0001-00, 61-10-265-000-0003-00 having meet the standards of Section 58-57 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, Hughes, Bouwman, Borushko, VandenBosch

Nays: None

Motion carried.

3. PC 23-07

Site Plan

Name: Kum & Go L.C.
Address: 1415, 1431, 1437 & Vacant Holton Rd
PP#: 61-10-005-300-0011-00, 61-10-005-300-0012-00,
61-10-265-000-0001-00, 61-10-265-000,0003-00
Zoning: Shopping Center (C2)
Purpose: Site Plan for Automobile Gas Station, Convenience Store and Deli

Planner Werschem mentioned that this is now the site plan for the Kum & Go previously described in their Special Use Permit Application.

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 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 the landscape is being 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. The most significant impact is in the area that has already been developed and the northern portions of the properties is being preserved.
 - (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 appropriate measures have been 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.

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 detention / retention ponds are required, proposed and adequate.

- 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 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 the swales, wetlands, ponds, or swamps to the north are being 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.

PC determined that adequate protective measures are proposed and 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 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 entire facility 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 the pedestrian circulation system is proposed and 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 proposed 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 existing, required and proposed.

- (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 proposed and adequate.

- (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.

Motion by Singerling Supported by VandenBosch to approve the Site Plan for Kum & Go L.C. at 1415 Holton, 1431 Holton, 1437 Holton, Vacant Holton, parcels 61-10-005-300-0011-00, 61-10-005-300-0012-00, 61-10-265-000-0001-00, 61-10-265-000-0003-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:

- a. Township Board approval of the Special Use Permit
- b. Compliance with all federal, state, County and local rules, regulations and ordinances.

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

Nays: None

Motion carried.

Name: Tractor Supply
Address: 1550 Whitehall Rd
PP#: 61-10-006-300-0003-00
Zoning: Neighborhood Commercial (C1)

Purpose: Site Plan Amendment to add greenhouse to the site and modify the outdoor storage area.

Planner Werschem explained that Tractor Supply proposes to add a greenhouse to the north side of their existing site. This does result in modifications to their outdoor storage areas as well.

Rebecca Jones just added that they will change the fire lane to comply.

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 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 the landscape is being 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. The proposed greenhouse and outdoor storage modifications are proposed on existing hard surface areas.

(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 appropriate measures have been 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.

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 existing is adequate since stormwater runoff is not increasing.

- 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 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 none exist on this property so this 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 existing is adequate.

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

PC determined 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 entire facility 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 the pedestrian circulation system is existing and 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 existing.

- (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 proposed and adequate.

- (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.

Motion by Hower Supported by Singerling to approve the Site Plan for Tractor Supply at 1550 Whitehall Road, parcel 61-10-006-300-0003-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:

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

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

Nays: None

Motion carried.

5.	PC 23-09	Site Condominium Phase 2	Preliminary Plan
	Name:	Lucky Girls, LLC	
	Address:	2015 E. River Rd.	
	PP#:	61-10-003-200-0001-00	
	Zoning:	R1 – Single Family Residential	
	Purpose:	Requesting approval of the preliminary plan for phase 2 of the Northport Village Site Condominium project.	

Planner Werschem explained that 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.

Chuck Hoyt Project Engineer from Nederveld showed plans of the roadways/pedestrian circulation. He stated that the 2nd entrance off River Rd will not be allowed by MCRC and they still plan to have an entrance/exit to Becker Rd in a later phase. He stated they are working with WRC on the issues with the Water retention. He explained the plans for the width of the roadway.

Fire Chief Glotzbach stated that if the roads are 11' paved, with 5' shoulder (2' of which will be exposed) would be compliant with MCRC and that would be fine as far as fire compliance goes.

Linda Boyd, 5569 Pontaluna, Muskegon from Lucky girls wanted to know how it had been approved a year ago, but is now not compliant. She said they were not aware. It was explained to her that something had been caught from the time the prior approval had been made.

Jill Boersma, 386 Chadwick Dr, Muskegon – Lucky Girls, LLC stated that she felt they were never given advice or told what they needed to do when they had met with Township officials. PC explained that it was her responsibility to review the ordinances, as they are the blue print.

PC Hower stated that he felt misled with Phase 1. He said they were told it would have walking trails, parks, gazebos, and there would be starter homes. He state he does not see that.

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.

Planner Werschem explained that the 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.

Planner Werschem explained that the 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.

Planner Werschem explained that this process was followed and the Zoning Administrator has not deemed the application complete however, ZA has been required by legal to forward it onto Planning Commission for review.

- (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.

A full review by all staff was completed, necessary corrective measures were made. Several outstanding issue remains and is being required to be reviewed by the Planning Commission rather than staff.

- (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 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 compliance is met with each lane having 11' pavement, 5' shoulder with 2' of that shoulder being exposed.

- (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.

Township 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.

Applicant agreed that this portion of the lighting will be in the final development phase.

- (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 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 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.

Water Resource Commission is working with applicant to bring this into compliance. Phase 2 will be contingent on Water Resource Commission approval and compliance.

- (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 the site plan provides reasonable, visual and sound privacy for all dwelling units located therein. Fences and landscaping are used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. No walkways or barriers.

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

PC determined every structure or dwelling unit does have access to a public street, as provided in the PUD.

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

PC determined that 5' shoulder on each side would provide adequate pedestrian circulation.

- (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 5' shoulder on each side would provide adequate pedestrian circulation.

- (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 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 compliance is met with each lane having 11' pavement, 5' shoulder with 2' of that shoulder being exposed.

- (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 required throughout the development including fire hydrants.

- (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 no loading or unloading areas and outside storage areas are proposed so this requirement does not apply.

- (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.

Motion by Singerling Supported by VandenBosch to recommend to the Township Board approval of the Northport Village site condominium phase 2 preliminary plan 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 58-486 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. **Compliance with all Muskegon County Water Resource Commission standards and contingencies for stormwater management.**

- b. All streets are developed in compliance with Muskegon County Road Commission minimum specifications for streets of eleven foot paved surface and five (5) foot shoulders two of which must remain exposed.
- c. Provide safe, uncongested and well defined pedestrian circulation system as required by ordinance.
- d. Compliance with the street lighting requirements of section 58-80 of the Muskegon Charter Township Code of Ordinances.
- e. Compliance with all other federal, state, county and local rules, regulations and ordinances.
- f. Revised plans to Board for review.

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

Nays: None

Motion carried.

Public Comments: Jill Boersma asked that we let them know if there are any other issues with Phase 2 so that they can take care of it. She thanked the Board for the information that was given.

Announcements: Next Planning Commission meeting will be April 10, 2023.

Motion by Hower supported by Singerling to adjourn the meeting at 7:31 P.M.

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

Nays:

Motion Carried

Respectfully submitted by,

**Joseph Singerling
Secretary**