

**MUSKEGON CHARTER TOWNSHIP  
PLANNING COMMISSION MINUTES  
PC-23-6  
May 8, 2023**

**CALL TO ORDER**

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

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

**Excused:**

**Absent:** Frein

**Also Present:** Recording Secretary Andria Muskovin, Planner Werschem, and 4 guests.

**Approval of Agenda**

Motioned by Singerling supported by Hower to approve the Agenda for the May 8, 2023 Planning Commission meeting.

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

**Nays:** None

**Motion carried.**

**Approval of Minutes**

Motioned by Borushko supported by Singerling to approve the minutes from April 10, 2023.

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

**Nays:** None

**Motion carried.**

**Communications**

**April 3, 2023, and April 17, 2023 Board Minutes Reviewed**

**Staff Report acknowledged**

**Unfinished Business – None**

**New Business –**

**1. PC 23-12            Zone Change – Public Hearing**

**Name:                    Lindra Santo**  
**Address:                V/L on Becker Rd.**  
**PP#:                     61-10-002-100-0034-00**  
**Zoning:                 Rural Residential (RR)**  
**Purpose:                 Request rezoning to single family residential (R1)**

Chairman Bouwman opened the Public hearing at 6.32 p.m.

Published in the Muskegon Chronicle on April 16, 2023. One inquiry. Wanted to know about zone change, and commented that they were happy that it was only 2 houses going in and not 25.

Would like to rezone lot to R1. This fits the Master Plan.

Lindra Santo, 315 Memorial Drive, Muskegon MI agreed with Planner Werschem’s description of what she would like to do.

**Motion by Hower supported by Singerling to close the Public Hearing at 6:33 p.m.**

**DIVISION 3. - DISTRICT CHANGES; AMENDMENTS**

**Sec. 58-432 - Initiation and procedure.**

- (c) Amendment review procedure. Proposed amendments to the official zoning map shall be reviewed in accordance with the following:
  - (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.

*PC determined this is consistent with the master plan's goals, policies, and future land use map as the master plan's goals, policies, and future land use map calls out for medium density residential for this property which single family residential provides*

*versus the current low density residential of its current rural residential (RR) zoning.*

- (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 single family residential zoning is compatible with all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.*

- (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.

*PC determined single family residential zoning is compatible with 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. There are significant amount of adjoining (R1) properties in the area.*

- (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 there is sufficient capacity of available utilities and public services to accommodate all the potential uses permitted in single family residential (R1) 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 the road system is capable to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in single family residential (R1).*

- (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.

*PC determined that medium density residential continues to be in high demand and that rural residential demand in Muskegon Charter Township continues to decline.*

- (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 two (2) homes in single family residential is consistent with the surrounding area and with future developments in the area.*

- (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 single family residential (R1) is better suited to the area than the current uses allowed in rural residential (RR).*

**Motion by Singerling supported by VandenBosch to recommend approval to the Township Board of Ordinance 23-04, an ordinance to amend the zoning map for parcel 61-10-002-100-0034-00, a vacant lot on Becker Road, from Rural Residential (RR) to Single Family Residential (R1) having meet the standards of Section 58-432 (c) (3) 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, Borushko, VandenBosch, Bouwman**

**Nays: None**

**Motion carried.**

**2. PC 23-13 Special Use – Flag Lot – Public Hearing**

**Name: Lindra Santo**

**Address: V/L on Becker Rd.**

**PP#: 61-10-002-100-0034-00**

**Zoning: Rural Residential (RR) (Proposed R1)**

**Purpose: Allow flag lot to be created while splitting property in two.**

**Chairman Bouwman opened the Public Hearing at 6:37 p.m.**

**Published in the Muskegon Chronicle on April 16, 2023. One Inquiry.**

**Lindra Santo, 315 Memorial Drive, Muskegon would like to divide the 10 acres into 2 parcels. One approximately 2 acres and one approximately 8 acres. She would be building a house on the front 2 acres and her granddaughter would build on the back 8 acres upon a flag lot.**

**Motion by Singerling supported by Hower to close the Public hearing at 6:39 p.m.**

### 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 Singerling supported by Hower to approve a special use permit request for a flag lot on parcel 61-10-002-100-0034-00 for having met the standards of Section 58-12 (d) of the Muskegon Township Code of Ordinances contingent upon the zone change from rural residential (RR) to Single Family Residential is approved.**

- a. Compliance with all Federal, State, County and local rules, regulations and ordinances.**

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

**Nays: None**

**Motion carried.**

**3. PC – 14                      Site Plan Amendment**

**Name: Blakeman Properties  
Address: 2909 E Laketon  
PP#: 61-10-035-200-0008-00  
Zoning: Light Industrial (I)**

**Purpose: Site plan amendment for change of use to warehousing and storage.**

**Planner Werschem stated that Blakeman Properties purchased 2909 E Laketon on a land contract. They will be using the building as a warehouse/storage. They are making changes to the drive aisles & warehouse. Some landscaping will be added to make the site more appealing.**

**John Blakeman, 1916 Eloise Drive, Fruitport MI stated that he owns a construction business and he will be using the warehouse for small repair of construction equipment and warehousing vehicles and equipment for his business. He stated that they have had to kick homeless people out and are doing repairs to make the building look better. He stated that one entire building is concrete and other than some water damage to one part, there is no wood so the structure is sound.**

**PC Werschem also stated that the building will be brought up to building code as well as fire code.**

**PC member VandenBosch stated that the infiltration formula was not correct and he suggested that they address that before it goes to the Board for approval.**

## 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 its natural state, insofar as practical. The parcel has little vegetation and is very barren. The applicant proposes to add some landscaping to improve the property.*

- (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 the county drain that runs through the property is 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 by the use of onsite retention / detention ponds.*

- 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 with the addition of the retention / detention ponds.*

- 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, being repaired 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 are existing and along the sides of the structure. No outdoor storage of any kind is requested or proposed.*

- (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 for Blakeman Properties at 2909 E. Laketon, 61-10-035-200-0008-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:**

- 1. Receipt and approval by the zoning Administrator revised stormwater calculations.**
- 2. Compliance with all federal, state, County and local rules, regulations and ordinances**

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

**Nays:** None

**Motion carried.**

**4. PC 23-15 Ordinance 23-05 Public Hearing**

**Proposed:** Proposed amendment to 58-66 Fences, hedges, and walls in residential zoning district.

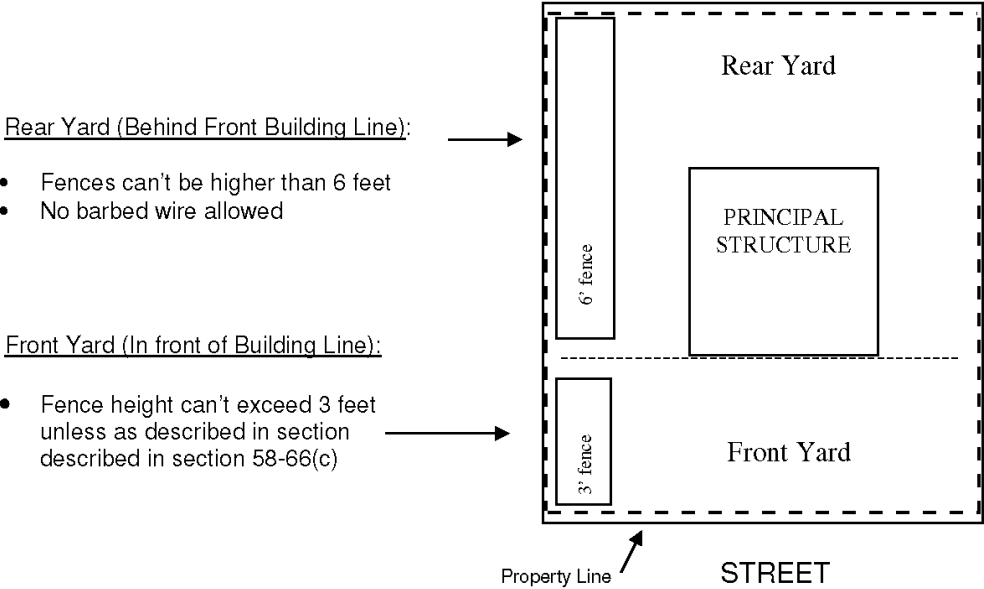
**Chairman Bouwman opened the public hearing at 6:56 p.m.**

**Current:**

**Sec. 58-66. - Fences, hedges and walls in residential zones.**

(c) *Front yards.* The height of a fence, wall or hedge in a front yard, as defined by this ordinance, shall not exceed three feet, unless an open fence is provided (e.g. chain link, picket) in which case it may be a maximum height of four feet.

(d) *Rear yards.* In any residential district, a wall or fence may not exceed six feet in height.



(h) *Corner lots.*

Each yard facing a street is considered a "front yard" when defining fence height and must comply with front yard fence requirements above. It is advised to review corner lot fences with Zoning Administrator.

**Section 58-139**

Front Yard Setback requirement for the dwelling:

Setback requirements: There shall be a building setback line of not less than 35 feet on streets of 80-foot width, and not less than 25 feet on the street less than 80 feet wide; provided, however, that when the majority of buildings capable of being built on one side of a street between two intersecting streets have already been built at the time of the adoption of this chapter, then, no building hereafter erected or altered on that side of the street shall project beyond the minimum setback line thus established by the buildings already in existence; provided that no building shall be required by this chapter to set back more than 40 feet in any case; and provided, further, that the corner lots have a side setback restriction of not less than 15 feet on that side adjacent to the street.

Published in the Muskegon Chronicle on April 23, 2023. No inquires.

Current and Proposed changes to the Ordinance were discussed. Corner lots, primary road and more than one lot were discussed.

**Motion by Hower supported by Singerling to close the public hearing at 7:15 p.m.**

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

**Nays: None**

**Motion carried.**

No further discussion

**Motion by Singerling supported by Hower to recommend approval to the Township Board Ordinance 23-5 with the following amendments:**

**To allow up to a 6 foot privacy fence along the side of the dwelling with the secondary (adjacent) street to as close as 25 feet from the road right of way or at the dwelling unit, whichever is closer.**

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

**Nays: None**

**Proposed: Proposed new ordinance for Mobile Food Vending Units.**

**Chairman Bouwman opened the public hearing at 7:17 p.m.**

**Published in the Muskegon Chronicle on April 23, 2023. One inquiry.**

**Current wording on Vendors and locations of where they can be set up in the township was discussed.**

**Motion by Hower supported by Singerling to close the public hearing at 7:23 p.m.**

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

**Nays: None**

**Motion carried.**

**Motion by Hower supported by Singerling to recommend approval to the Township Board of Ordinance 23-06 as amended:**

**Vendor – Any individual, company, restaurant or organization engaged in mobile food vending; if more than one individual is operating a mobile food vending unit then “vendor” shall mean all individuals operating such means of conveyance.**

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

**Nays: None**

**Motion carried.**

**Public Comments: None**

**Announcements: Next Planning Commission meeting will be June 12, 2023.**

**Former gas station at the corner of Giles/Whitehall next to the old Dahu, consideration of a 10 chair beauty salon.**

**Motion by Hower supported by VandenBosch to adjourn the meeting at 7:25 P.M.**

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

**Nays:**

**Motion Carried**

**Respectfully submitted by,**

**Joseph Singerling  
Secretary**