

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-23-10
September 11, 2023**

CALL TO ORDER

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

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

Excused: Frein

Absent:

Also Present: Recording Secretary Amy Vos, Planner Werschem, and 39 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the Agenda for the September 11, 2023 Planning Commission meeting.

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

Nays: None

Motion carried.

Approval of Minutes

Motioned by Hower supported by Singerling to approve the minutes from August 14, 2023.

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

Nays: None

Motion carried.

July 3, 2023, July 17, 2023, August 7, 2023, August 17, 2023 Special Meeting and August 21, 2023 Board Minutes Reviewed

Staff Report acknowledged as included in individual sections.

Unfinished Business – none

New Business –

1. PC 23-21 - Special Use - Public Hearing

Name: Allen J Fox
Address: 2786 Becker & Vacant Lot Becker
PP#: 61-10-002-100-0037-00 & 61-10-002-100-0035-00
Zoning: Single Family Residential (R1) & Rural Residential (RR)

Purpose: Flag Lot

Planner Werschem reported Mr. and Mrs. Fox own a home at 2750 Becker Rd. They also have a vacant 9.56 acre lot directly behind their home to the North. This vacant parcel is landlocked and accessible only by a 66 foot wide easement through their daughter in-law's property at 2786 Becker Rd.

The request is to get an approval for a flag lot on the vacant lot owned by the Fox's. If granted the ability to create a flag lot, by agreement through both parties, a boundary adjustment would be made to transfer the 66 foot wide easement to the vacant lot giving the vacant property a flag pole access to Becker Rd. and eliminating the landlocked property.

This request is a public hearing. Notice was mailed to all residents within 300 feet and published on MLive and in the Muskegon Chronicle on Sunday August 27, 2023. We received one phone call from a neighbor to the North, on Deerwood, asking why we are allowing another subdivision to go into this property when we just approved one on the property immediately to the west of this request. I did have to explain that neither request was for a subdivision. I explained what both requests were for.

Bouwman opened the public hearing at 6:33 P.M.

Published in the Muskegon Chronicle and on MLive on August 27, 2023. One inquiry wanting to know why we are allowing another subdivision to go into this property when we just approved on the property immediately to the west of this request. Planner Werschem explained what both requests were for.

John Fox – 2750 Becker Rd, Muskegon MI – agreed with Planner Werschem's description of what they would like to do.

Motioned by Singerling supported by Vandenbosch to close public hearing at 6:34 P.M.

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

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 (Becker).

- (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 Vandebosch to approve a special use permit request for a flag lot on parcel 61-10-002-100-0035-00 for having met the standards of Section 58-12 (d) of the Muskegon Township Code of Ordinances. Contingent on compliance with all federal, state, county and local rules, regulations and ordinances.

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

Nays: None

Motion carried.

2. PC 23-22 - Zone Change - Public Hearing

Name: Muskegon Charter Township
Address: 85 Parcels of MCT
PP#: See attached
Zoning: Single Family Residential (R1), Light Industrial (I), Industrial Park (IP), Neighborhood Commercial (C1)
Purpose: Rezone 85 parcels to make conforming to use and eliminating non conformities of residential uses in industrial/commercial zones.

Planner Werschem reported that this request is being done by the Township itself. It encompasses a couple different issues.

It modifies single family homes in the New St., Broadmoor and Evanston neighborhood that are zoned Light Industrial (I) back to Single Family Residential to match the use (making the parcels conforming) and the Master Plan for this area.

It also modifies single family homes in the Theresa and Burton neighborhood that are zoned Industrial Park (IP) back to Single Family Residential to match the use and make the parcels conforming.

It also modifies single family homes in the Burton neighborhood that are zoned Neighborhood Commercial (C1) back to Single Family Residential to match the use and make the parcels conforming.

It also modifies one Single Family Residential (R1) property (vacant) that is being used by the adjacent commercial property on Apple Avenue for commercial use to Neighborhood Commercial (C1) to match the use and make the parcels conforming.

Lastly, it modifies a scattering of properties around the Township primarily on Evanston and immediately adjacent to Apple Avenue Commercial properties that are zoned Neighborhood Commercial (C1) with single family homes on them back to Single Family Residential (R1) to match the use (making the parcels conforming) and the Master Plan for these areas.

This request is a public hearing and recommendation to the Township Board. Public notice was mailed out to all property owners within 300 feet of every property being requested for change and posted in the Muskegon Chronicle/MLive on Sunday August 27, 2023.

The Ordinance to make all the changes is Ordinance 23-10.

Bouwman opened the public hearing at 6:45 P.M.

Published in the Muskegon Chronicle/MLive on August 27, 2023. Two written inquiries. One letter from Sharon Reavis at 1090 S. Sheridan and one email

from Martie and Jim Ellis at 1622 New St. were read into the record by Bouwman.

Burt Smith – 2118 Theresa – stated there is not a residence on the property and that the building is being used for business purposes. He stated the property being rezoned from a commercial dwelling to a single family residence could heavily impact him.

James Traxler – 2043 Theresa - stated there is not a residence on the property and that the building on the property is being used as a business. He stated the property being rezoned from a commercial dwelling to a single family residence could heavily impact him. Planner Werschem and PCs agreed and moved to remove his parcel from the list bringing the number of properties being rezones to from 84 to 83.

Robert Packer – 875 Brooks – stated his support with rezoning the properties, including his home, from a commercial dwelling to a single family residence and explained he has been unable to do updates to his residence.

Martie Ellis – 1622 New St – stated her support with rezoning the properties, including her home, from a commercial dwelling to a single family residence.

Sherry Bullis – 2158 Evanston – stated her support with rezoning the properties, including her home, from a commercial dwelling to a single family residence.

Motioned by Singerling supported by Hower to close public hearing at 7:00 P.M.

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

Nays: None

Motion carried.

Planning Commissioners recommending the removal of 2118 Theresa and 2043 Theresa from the list of properties bringing the total parcels to be rezoned to 83 instead of 85.

Motion by Singerling supported by Hower to recommend to the Township Board approval of Ordinance 23-10 to assist in bringing non-conforming properties into conforming uses and in conformity with the Master Plan with the removal of 2118 Theresa and 2043 Theresa from Ordinance 23-10.

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

Nays: None

Motion carried.

3) PC 23-23 - Special Use - Public Hearing

Name: HGA Supportive Services
Address: Vacant Lot on Woodland
PP#: 61-10-262-000-0088-00 & 61-10-262-000-0089-00
Zoning: Single Family Residential (R1)
Purpose: Institution for Human Care

Planner Werschem reported that HGA Supportive Services proposes to construct a 4,110 square foot elder care facility on Woodland for up to six (6) persons. The properties are zoned single family residential (R1). The proposed use is a special use in accordance with Section 58-153 (8) of the Muskegon Charter Township Code of Ordinances. All special uses under Section 58-153 (8) are subject to the additional standards of Section 58-153 (8) (a) as well as the standards of a special use permit.

The special use permit requires a public hearing and is a recommendation to the Muskegon Charter Township Board. The public hearing was published in the Muskegon Chronicle and upon MLive on Sunday August 27, 2023. The public hearing notice was also mailed to all property owners within at least 300 feet as required by law. We received an in-person response as well as several phone calls from residents and written letters in opposition to this. Written documentation is presented and entered into the record. Several people in opposition have stated that they will appear in person to register their opposition.

Bouwman opened the public hearing at 7:02 P.M.

Published on August 27, 2023

Jason Raleigh – AR Engineering, LLC – 5725 Venture Park Dr, Ste A, Kalamazoo MI – went over the site plans, gave a summary of the project, and also answered questions and concerns from the PCs and the residents in attendance.

Myra Dutton – HGA Supportive Services – spoke on behalf of HGA Supportive Services giving a summary of the project and a brief description of what they do and also answered questions and concerns brought up from the PC and the residents in attendance.

Michael Shannahan – 648 S. Woodland – spoke on the behalf of about 15 residents raising concerns regarding the size of the structure, number of cars, increased and heavy traffic, increased amount of emergency vehicles (especially at night), and the effect this build will have on current property values.

Chris Garceau – 660 S. Woodland – stated concerns about the type of disabled people who could potentially be living in the residence in the future.

Dawn Beluzar – 734 S. Woodland – stated concerns about the extra traffic and potential increase of emergency vehicles this project could cause and

the effect it would have on the children's safety who live/play in the yards and in the street.

Mike Sandberg – 917 Jones – stated concerns about the extra traffic this project would cause and the effect it would have on the safety of the children who live in the neighborhood and who often play in the yards and in the street.

John Amaya – 737 S. Woodland – stated concerns regarding the increased amount of emergency vehicles, specifically at night.

Kyle Hansen – 747 S. Woodland – stated concerns regarding the increased amount of emergency vehicles, specifically at night, and the impact that would have on his dog.

Shawn Knapp – 701 S. Woodland – stated concerns regarding the size of the structure and the fact that this project requires building on two vacant lots.

Brianna (and Matthew) Waterman – 661 S. Woodland – Brianna Waterman stated her agreement with the concerns regarding the safety of the children in the neighborhood and the excess noise.

Motioned by Singerling supported by Hower to close public hearing at 7:53 P.M.

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

Nays: None

Motion carried.

The general standards regarding Sec 58-153. and Sec. 58-57. (listed below) was read on the record by Chair Bouwman to allow Planning Commissioners to discuss.

Single Family Residential Zoning District

Sec. 58-153. - Special uses.

The following are permitted as a special use in R-1 and R-1S districts:

- (8) Institutions for human care: hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions.
 - (a) General standards. Inasmuch as the nonresidential uses permitted in residential districts may have an adverse affect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:
 - (1) Hazardous areas must be adequately fenced to avoid accidents, such areas to include public utility substations.

PC determined that no hazardous areas are proposed or expected.

- (2) Any permitted nonresidential structure should preferably be located at the edge of a residential district, abutting a commercial/industrial district, or a public open space.

PC determined that the proposed project is not located at the edge of a residential district, abutting a commercial/industrial district, or a public open space.

- (3) All permitted nonresidential uses shall front on a major street (minor arterial or collector).

PC determined that the proposed project does not front on a major street (minor arterial or collector).

- (4) Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the nonresidential use upon the residential location.

PC determined that the motor vehicle entrance and exit is not made on a major street to avoid the impact of traffic generated by the nonresidential use upon the residential location.

- (5) Site locations should be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a nonresidential use into a residential area.

PC determined that the sites location does not currently offer natural or manmade barriers that would lessen the effect of the intrusion of a nonresidential use into a residential area but that this potentially could change with the site plan proposal.

- (6) Nonresidential uses should not be located so as to cause costly public improvements.

PC determined that the increase in traffic will result in faster deterioration of the roadway causing costly public improvements at a much faster rate than a minor road would require.

The special use must also meet the standards of Section 58-57 for special use permits.

SPECIAL USE PERMITS

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.

Majority of the PC determined that this will not be harmonious with and 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 a 4,110 square foot, commercially built structure with a 7-vehicle parking lot deep in a single-family residential neighborhood of 1,200 square foot single family homes is not harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will change the essential character of the same area.

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

Majority of the PC determined that the use will be disturbing to existing or future neighboring uses with some commissioners believing the use will be an asset to exiting 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 this will not be a substantial improvement to property in the immediate vicinity and to the township as a whole.

- (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.

PC determined the facility would be served adequately by essential public facilities and services.

- (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 the project will create excessive additional requirements at public cost for public facilities and services.

- (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.

Majority of the PC determined that the project will involve an activity that will be detrimental to persons, property, or the general welfare by reason of excessive production of traffic.

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

PC determined that the project does not meet six (6) of the previous seven (7) standards for a special use permit therefore is not consistent with the intent and purposes of this chapter.

Motion by Hower supported by Singerling to recommend to the Township Board denial of a special use permit for HGA Supportive Services for an institution for human care, specifically an elder care facility for up to six (6) residents, located at PP# 61-10-262-000-0089-01, a combined vacant lot upon Woodland St., having failed to meet the standards of Section 58-153 (8)(a) and Section 58-57 of the Muskegon Charter Township Code of Ordinances as determined by the Planning Commission during its review of the standards and described in the minutes of the Planning Commissions review of the required standards.

Ayes: Hower, Singerling, Borushko, Bouwman, Vandebosch

Nays: Hughes

Motion carried.

- 4) PC 23-24 - Site Plan**
- Name: HGA Supportive Services**
Address: Vacant Lot on Woodland
PP#: 61-10-262-000-0088-00 & 61-10-262-000-0089-00
Zoning: Single Family Residential (R1)
- Purpose: Institution for Human Care**

Planner Werschem reported that the project also requires a site plan approval. Any site plan approval must be conditioned upon approval of a special use permit by the Township Board. If the Planning Commission recommends denial of the special use permit the PC can either do the site plan review and act accordingly contingent on the special use permit or table the site plan pending the decision by the Township Board on the Special Use Permit. Staff's preference is that the PC does its site plan review and acts accordingly conditioned upon the special use permit being issued by the Board.

Motion by Borusko supported by Hower to Table the Site Plan application until the Township Board has made a determination on the special use permit.

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

Nays: None

Motion carried.

Public Comments:

Rebecca Brault – 355 Wesley Ave – stated she liked the idea of the adult center and would like to see it in elsewhere in a neighborhood closer to the school and commercial area and not on a residential street.

Announcements: Next Planning Commission meeting will be October 9, 2023.

Motion by Hower supported by Singerling to adjourn the meeting at 8:04 P.M.

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

Nays: None

Motion Carried

Respectfully submitted by,

**Joseph Singerling
Secretary**