

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-21-4
APRIL 12, 2021**

CALL TO ORDER

Chairperson Bouwman called the virtual WEBEX meeting to order at 7:00 p.m.

ROLL

Present: Borushko, Singerling, VandenBosch, Hower, Bouwman, Hughes, Frein all members in Muskegon Township, Muskegon County, Michigan

Absent: None

Also Present: Planning / Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, Supervisor Hodges, and 2 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the April 12, 2021 Agenda.

Roll Call:

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

Nays: None

Motion carried.

Approval of Minutes

Motioned by Hower supported by Singerling to approve the minutes of March 8, 2021.

Roll Call:

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

Nays: None

Motion carried.

Communications

March Board Minutes Reviewed with no comment

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 21-09 Special Use – Public Hearing

Name: Robert Sikkenga
Address: 2024 N Sheridan
PP#: 61-10-002-100-0014-00
Zoning: Single Family Residential (R1)

Purpose: Flag Lot

Chairman Bouwman opened the Public Hearing at 7:03 P.M

Published on March 28, 2021 with one inquiry, not in opposition or favor.

Robert Sikkenga, 2024 N Sheridan would like to take a 66’ pole lot out of his existing parcel to create a separate parcel for his son to build on the rear of the property. It would be 7 acres, with Mr. Sikkenga keeping the remaining 4 acres.

Motion by Borushko, supported by Singerling to close the Public Hearing at 7::06 P.M.

Motion Carried

Sec. 58-12. - Yard, area and lot relationships.

- (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 and empties upon N. Sheridan 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 both resulting lots exceed the minimum lot requirements.

- (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 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, therefor, 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. The access drive is 66 feet along its entire length.

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

PC determined that the access drives to the separated parcels do not share a common boundary.

No questions from Commissioners, nor Public Comment

Motion by Singerling, supported by Hower to approve the Special Use Permit to create a Flag Lot at 2024 N Sheridan, parcel # 61-10-002-100-0014-00 having met all the special use standards of Section 58-12 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met.

Roll Call:

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

Nays: None

Motion Carried

2. PC 21-10 Special Use – Public Hearing

Name: Mark Johnston
Address: 32 N. Walker Rd. & 44 N. Walker Rd.
PP#: 61-10-014-400-0015-00 & 61-10-014-400-0015-10
Zoning: Single Family Residential (R1)

Purpose: Boundry Adjustment creating legal Flag lot

Chairman Bouwman opened the Public Hearing at 7:10 P.M.

Published on March 28, 2021. Three inquiries, not for or against.

Planner Werschem stated that this would make a nonconforming lot conforming by transferring the rear property to Flag lot and widen pole to legal width.

Mark Johnson, 44 N. Walker Rd., would like to adjust the boundaries to legal width attaching back of his property to pole.

Motion by Hower to close the Public Hearing, supported by Borushko at 7:12 P.M.

Motion Carried

Sec. 58-12. - Yard, area and lot relationships.

- (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 and empties upon N. Walker 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 both resulting lots exceed the minimum lot requirements.

- (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 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, therefore, 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. The access drive is 66 feet along its entire length.

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

PC determined that the access dived to the separated parcels do not share a common boundary.

No questions from Commissioners, no Public Comment.

Motion by Hower, supported by Borushko to approve the Special Use Permit at 32 N Walker Rd., & 44 N Walker Rd., parcel # 61-10-014-400-0015-00 and #61-10-014-400-0015-00 having met all the special use standards of Section 58-12 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met.

Roll Call:

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

Nays:

Motion carried.

3. PC-21-11 Site Plan – Animal Care Facilities LLC

**Name: Mark Lelli
Address: 1075 S Quarterline
PP#: 61-10-027-100-0007-20
Zoning: Neighborhood Commercial (C1)
Purpose: New Veterinary Clinic**

Planner Werschem stated current Facility is across the street. Plans have been reviewed, standards met and letter received with approval from Fire Marshal Nicolai. There will be a walking area with staff and animals on a leash. It will not be for running. There will be a visual blockade, and small fencing to keep the animals inside of fence.

Retention basin surrounding the building, and not using the back 1/3 of property.

Mark Lelli, 14796 88th Ave, Coopersville MI is the Veterinarian and was asked by PC Frein what is being planned for the building that he is leaving? Mr. Lelli commented that it is a commercial building that will be up for sale, however, there will be a restriction that no other Vet can go in there.

PC Hower asked what the time line is. John Hughes, builder, stated that they need the permit, already purchased the lumber and want to go ASAP on getting started.

No other questions.

Each site plan shall conform to all applicable provisions of this chapter and the following standards:

- (1) All elements of the site plan shall be designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

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

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

PC determined that there is minimal impact to existing landscaping as very little if any landscaping exists. The site is currently a mostly empty and vacant lot. The additional landscaping provided is an improvement to the property. Though staff believes the landscaping provided is very minimal and the Planning Commission should review and determine if sufficient.

- (3) Storm water and erosion protection.
 - a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public storm water drainage system, or nearby bodies of water.

PC determined appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public storm water drainage system, or nearby bodies of water. All stormwater enters several stormwater retention areas provided upon the property.

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

PC determined that proper measures have been taken as well as a soil and erosion permit will be required before construction is to begin.

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

PC determined that the proposed is 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 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.

PC determined that none exist upon parcel other than the man made areas for storm water management.

- 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 any hazardous materials being stored or used upon the property are adequately managed as it has been historically. The Fire Marshal has reviewed and approved.

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

Section 58-47 provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month, equal to about 25 gallons or 220 pounds, and which require site plan review under the provisions of this article or other township ordinances. PC determined that this project will produce no hazardous materials so this section does not apply.

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, 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 dwellings located therein.

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

PC determined that public street access is adequate as provided.

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

PC determined that the pedestrian circulation system is not required.

- (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 the site plan accommodates safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site and the drives, streets and other elements are designed to promote safe and efficient traffic operations within the site and at its access points.

- (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 the proposed is adequate.

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

PC determined no additional streets are requested nor required.

- (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 the building is arranged to provide emergency vehicle access. Approved by the Fire inspector. Letter from Fire Marshal provided.

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

The site is required and proposes to connect to the municipal water and sewer system.

- (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 loading and unloading area is in the rear of the building and refuse storage is within the structure.

- (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 all exterior lighting proposed remains onsite and no light trespass is occurring onto neighboring properties.

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

PC determined that this should be a condition of approval.

Motion by Singerling and supported by Hower to approve the Site Plan at 1075 S Quarterline, PP# 61-0-027-100-0007-00, having met all the Site Plan standards 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met.

Roll Call:

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

Nays:

Abstain: Hughes

Motion Carried.

Public Comments: None

Announcements: Next Planning Commission meeting will be May 10, 2021, possibly meeting in person.

Motion by Hower, and supported by Singerling, to adjourn the meeting at 7:28 P.M.

Roll Call:

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

Nays:

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**