

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-21-7
OCTOBER 11, 2021**

CALL TO ORDER

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

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

Excused: Borushko

Absent: None

**Also Present: Planning / Zoning Administrator Brian Werschem,
Recording Secretary Andria Muskovin, Fire Marshal Mark Nicolai and 21
guests.**

Approval of Agenda

Motioned by Hower supported by Singerling to approve agenda as presented

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

Nays: None

Motion carried.

Approval of Minutes

**Motioned by Hower supported by Singerling to approve the minutes of
September 13, 2021 as presented**

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

Nays: None

Motion carried.

Communications

**September 7, 2021; September 20, 2021 Board Minutes Reviewed with no
comment**

Staff Report integrated into individual agenda items.

Unfinished Business - None

New Business –

1. PC 21-18 Special Use - Public Hearing

Name: Jennifer & Nelson Perez
Address: 609 East St
PP#: 61-10-440-000-0023-00
Zoning: R1 – Single Family Residential
Purpose: In Home Child Care for Seven (7) to Twelve (12) Children.

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

Public Hearing Notice Published on September 26, 2021 in the Muskegon Chronicle and mailed to all parcels within 300 feet. There was no feedback from the public.

Planner Werschem provided information that the applicant currently resides at 609 East St. and provides state licensed daycare for six (6) children or less. The applicant wishes to expand her daycare capabilities to more than six (6) children. Under state licensing there is a maximum of six (6) children that are allowed under one person’s care. The applicant wishes to add additional providers and care for more than six (6) children. This activity is allowed by Special Use Permit in the Single Family Residential (R1) zoning district.

Sharon Degan, 4462 MacArthur, Muskegon MI stated that there will be 3 workers. This daycare is open for first shift. The children are dropped off and picked up at all different hours, but they are all gone by 6:00 P.M. Wesley Park is right next door to the house, so there is never any congestion. The parents will park at Wesley and wait until the other car/s leave.

Motion by Singerling supported by Hower to close the Public Hearing at 7:05 P.M.

Ayes: Singerling, Hower, Bouwman, Hughes, Frein, 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 can be harmonious in the Single Family Residential zoning District with certain conditions being in place. Some conditions to assure harmony may include but are not limited to: hours of operation, days of operation, maximum number of additional support staff, and maximum number of children allowed. The Planning Commission should discuss these and any other conditions they feel necessary to protect the residents of MCT.

- (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. No exterior changes proposed other than an increase in the number of children playing outside.

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

PC determined that this will not be hazardous or disturbing to existing or future neighboring uses. Planning Commission will need to concur.

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

PC determined that the ability to provide additional daycare in the immediate vicinity is an 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 that essential public services and facilities shall be able to be provided under the proposed use.

- (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. Planning Commission should discuss with applicant the increased traffic and assure it feels the additional traffic flow produced will not be detrimental to any persons, property, or the general welfare.

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

PC determined that state licensed family daycare is consistent with the intent and purpose of special uses in the single family residential zoning district.

Motion by Singerling Supported by Hower to recommend to the Muskegon Charter Township Board approval of a special use permit for a state licensed family daycare for up to 12 children for 609 East Street, Parcel # 61-10-440-000-0023-00 having met the requirements of section 58-57 of the Muskegon Charter Township Code of Ordinances contingent upon compliance with all federal, state, county and local rules, regulations and ordinances.

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

Nays: None

Motion Carried

2. PC 21-19 Site Plan

Name:	Jennifer & Nelson Perez
Address:	609 East St
PP#:	61-10-440-000-0023-00
Zoning:	R1 – Single Family Residential

Purpose: In Home Child Care for Seven (7) to Twelve (12) Children.

Planner Werschem provided that if the Planning Commission recommends approval for a special use permit for state licensed family daycare for more than six (6) children at 609 East St. then a Site Plan must also be approved conditioned on approval of the Special Use Permit by the Muskegon Charter Township Board.

The following are the standards for Site Plan approval.

(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.

Topography is existing and consistent with single family residential use in the area. All structures are existing for the use.

- (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.

No alterations to existing landscaping proposed. PC believes it is currently adequate.

- (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 that no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water.

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

PC determined that no additional provisions are necessary.

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

PC determined that detention / retention ponds are unnecessary.

- 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 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.

- 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 no hazardous materials to be stored. No protective measures required.

- 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. No hazardous materials generated so this section does not apply.

- (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 landscape plan and layout does provide for this privacy.

- (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 existing.

- (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 existing is 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 existing is adequate.

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

PC determined that existing is adequate.

- (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.

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

PC determined that the site is currently connected to existing sanitary water and sewer services.

- (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 this is Not Applicable.

- (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 exterior lighting exists or proposed beyond standard outdoor lighting for single family residential use.

- (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 Supported by VandenBosch to approve the site plan for a state licensed family daycare for up to 12 children for 609 East Street, Parcel # 61-10-440-000-0023-00 having met the requirements of section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon special use approval by the Muskegon Charter Township Board of Trustees as well as compliance with all federal, state, county and local rules, regulations and ordinances.

**Ayes: Singerling, Hower, Bouwman, Hughes, Frein, VandenBosch
Nays: None**

Motion Carried

3. PC – 21-20 Site Plan

Name:	Root Holdings, LLC
Address:	3009 E. Laketon
PP#:	61-10-035-200-0009-10
Zoning:	I – Light Industrial
Purpose:	10,980 Square Foot Industrial Marihuana Grow Facility for Two (2) Class C Adult Use Grow Licenses

Planner Werschem provided that Root Holdings, LLC proposes to build its second Industrial building located at 3009 E. Laketon Avenue, Parcel # 61-10-035-200-0009-10 for their second marihuana growing facility. The property is zoned light industrial and is within the permitted marihuana growing facility overlay area. Included with their site plan application is applications for two (2) Class C recreational marihuana growing licenses which is for 2,000 plants per license or 4,000 plants in total. I believe it is worth noting that their first building which houses 3,500 plants has been in operation for over one year and we have received absolutely no complaints or had any issues with Root Holdings and their facility.

This Site Plan application is a permitted use within the Light Industrial Zoning District so long as it is within the Commercial Marihuana overlay area, which it is.

Mark Weaver, 3129 E Laketon, Muskegon stated that Werschem explained it perfectly. He added that there is a lot of work that goes into growing, a lot of science. It was also mentioned that the basin will turn into a pond for storm water runoff.

The following are the standards for Site Plan approval.

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

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

PC determined that all elements of the site plan are designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site is 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 landscaping as very little if any landscaping exists. The site is currently a mostly open weedy property. The additional landscaping provided is an improvement to the property.

(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 that appropriate measures are being 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. They will be utilizing a shared retention basin with a storm water management easement.

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

PC determined that 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 detention / retention ponds are necessary and adequate for the use.

- 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 none is required at this time. All surface waters are maintained onsite and use natural leaching and do not discharge into natural drainage systems as permitted by law.

- 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, 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 there are 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 provided as approved by the Muskegon County Road Commission.

- (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 that the proposed is adequate.

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

PC determined that the existing is adequate with no additional streets 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 buildings are arranged to provide emergency vehicle access. Approved by the Fire Marshall.

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

PC determined that water and sewer services are required and proposed and will adequately be served.

- (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 this requirement is met with the proposed fencing, buffer and that almost all loading / unloading of the individual units is inward to the site.

- (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 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 will be a condition of approval.

Motion by Singerling Supported by Hower to approve the site plan for Root Holdings, LLC located at 3009 E. Laketon, parcel # 61-10-035-200-0009-10 having met all site plan requirements of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met. Further the Planning Commission recommends approval of the two (2) Recreational Marijuana Class C Grow License for this facility to the Township Board.

Ayes: Hower, Singerling, Bouwman, Frein, VandenBosch

Nays: None

Abstain: Hughes

Motion Carried

Planner Werschem provided the following information as we move on to PC 21-21 – 21-23

Settler's Glen, LLC has acquired the 30.62 acre parcel on Walker road which is the north east corner of the Walker / Chesapeake / Oak roundabout. The property is currently zoned Single Family Residential R-1. The Property is bordered to the south by Oak St. (Chesapeake) and Neighborhood Commercial (C-1). The property is bordered to the east by the Consumers Energy High Power Transmission Lines. The property is bordered to the west by Walker which has R3 zoning for Chesapeake Landing Apartments on the southern portion and Single Family Residential (R1) for the northern portion. The property is bordered to the north by Single Family Residential (R1). The property has a Muskegon County Drain that bisects the property from east to west.

The property owners propose a three phase, market rate (not subsidized) mixed townhouse and 3 story apartment residential development. Phase one which is the southernmost portion of the property and entirely south of the Muskegon County Drain is proposed as townhomes. They hope to break ground in 2022. Phases two and three are three story apartment buildings north of the Muskegon County Drain.

4. PC – 21-21 Zone Change – Public Hearing

Name:	Settler's Glen, LLC
Address:	Vacant Lot on Walker at Wesley and Oak
PP#:	61-10-023-400-0001-00
Zoning:	R1 – Single Family Residential
Purpose:	Rezone to R3 – Fourplex and Townhouse Residential

Chairman Bouwman opened the Public Hearing at 7:14 P.M.

Planner Werschem provided that to accomplish the proposed use requires the applicants to request to rezone the parcel to Fourplex and Townhouse Residential R3. PC 21-21 is that request. The required public hearing notice was published on September 26, 2021 in the Muskegon Chronicle and mailed to all parcels within 300 feet. There was two walk in's that provided feedback stating that they as neighbors no not want apartments next door to them but provided no other substantive reason for denial. They were encouraged to attend the PC meeting or provide comment in writing. A copy of the notice is included in the packet.

The current Future Land Use map shows the property as mixed commercial and high density residential use. The required Public Hearing must be held and the Planning Commission will need to make a recommendation to the Township Board regarding the rezoning request to Fourplex and Townhouse Residential.

Benjamin Deahl, 6031 Baldwin Ave, Hudsonville, MI spoke on behalf of the company. He along with 2 other owners were in attendance. He stated that the area was primed with a need for housing that is new. He stated that any problems, concerns from residents/renters, they would deal directly with him or one of the other two owners. They would like to start early 2022 and finish Phase 1 at the end of 2022.

Master Plan is for (M) mixed zoning and this fits with the Master Plan.

PC Singerling asked if there was a demand by colleges for more housing. Mr. Deahl stated they did a survey of apartments in the area. These will be market rate housing, for working class, and will provide good quality housing.

Brian Werschem added that there is lack of housing throughout the County. Commercial businesses look at housing stock in the area within a 5 mile corridor with medium income. Market rate apartments would drive the medium income up.

Cheryl Poe, 2872 Apple, Muskegon, had a concern for traffic in the roundabout going to Apple. Mr. Deahl stated that the first phase currently would connect the roundabout but he thinks it is ample to service the traffic. North phase (2 & 3) will go out to Walker. Ms. Poe asked that lighting be added on Walker Rd as her grandson walks to bus stop. It was stated that lighting was anticipated and that it would be brought up to the Board to see about getting lighting added.

Jason Bartos 2139 Escanaba, Muskegon, asked how we know it won't be low income.

It was stated that it would require Planning Commission and Board approval. Muskegon Charter Township is not interested in adding more low income housing beyond what is currently available. It could not become low income housing without Township approval.

Kevin Gray, 586 Terry, Muskegon MI stated that the verbiage of the letter he received from the Township was confusing. Chairman Bouwman explained the letter better in steps. He also stated that the Master Plan is updated every 10 years and that the roundabout was put in the Master Plan in a past plan with the idea that this area would be developed at a later time. Mr. Gray stated he would not have bought his property if he knew if the water level goes down that it will impact him. He also felt that the letter was telling him it was already a done deal.

Jett Zamora 2886 Apple Ave, Muskegon MI asked why they had to build townhouses. Why couldn't they build houses? She stated that the roundabout was put in because of the school. She said there is a lot of traffic. She walks there. She said if you build 100 townhouses there are going to be accidents people were hit by E & A trying to cross the road on their bikes.

Bobbi Veen, 2881 Escanaba, Muskegon MI wanted to know if they will be building in her back yard. Mr. Werschem explained that they have a 25 foot set back, but that the developer will leave a 50 foot setback with trees as separation. Ms. Veen stated we have so many apartments, why do we need more?

Mr. Gray asked how many buildings? 10 buildings with Phase 1. Phase 2 & 3 will be 16 apartment buildings.

Discussion with PC board regarding how subsidized have to go through HUD/Board, that subsidized has different parameters they have to follow. Muskegon Township has several subsidized now that they would not believe the Township Board would allow anymore. Also mentioned about PILOT loans, and those are no longer allowed.

Motion by Singerling supported by Hughes to close the Public Hearing at 7:44 P.M.

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

Nays: None

Motion Carried

DIVISION 3. - DISTRICT CHANGES; AMENDMENTS

Sec. 58-432 - Initiation and procedure

(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 that the request is consistent with the master Plan.

- 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 that the request is compatible with all potential uses allowed in the proposed zoning district.

- 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 that the request is suitable with the law.

- 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 that public services and utilities has sufficient capacity for the requested uses allowed with the zone change.

- 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 that the road system in that area has sufficient capacity.

- 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 based on the request to immediately begin construction of phase one of a Planned Unit Development that sufficient demand for this use exists.

- 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 this zoning is necessary to provide the adequate scale for future development.

- 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 the potential uses in the proposed zoning district(s) are equally or better suited to the area than the current uses allowed.

Motion by Singerling Supported by Hughes to recommend to the Muskegon Charter Township Board approval of Ordinance 21-4 to rezone the vacant lot on Walker at Oak, Parcel # 61-10-023-400-0001-00 from Single Family Residential (R1) to Fourplex and Townhouse Residential (R3) having met the standards of Section 58-432 (3) of the Muskegon Charter Township Code of Ordinances.

Ayes: Singerling, Hower, Bouwman, Hughes, Frein

Nays: None

Abstain: VandenBosch

Motion Carried

Planner Werschem provided the following information. If the township finds the rezoning acceptable then the applicants wish to move forward with the approval process for the development.

The applicants had intended to develop the property in compliance with the R3 zoning district as a site condominium development based on

Division 6 Fourplex & Townhouse Residential Zoning District.

Section 58-18 Special uses

(6) Site Condominiums

However, in

Division 6 Fourplex & Townhouse Residential Zoning District.

Section 58-184 Permitted use requirements

(6) Maximum height: 2 ½ stories above grade or 35 feet

Due to the extremely high water table in the area and upon the property, they propose to build the apartments still as 3 story apartments but will need to build all three stories above grade and exceed the 35 foot height requirement by a couple of feet.

Thus they are apply for this under the following:

Division 6 Fourplex & Townhouse Residential Zoning District.

Section 58-18 Special uses

(4) Planned Unit Development

Sec. 58-72. - Planned unit developments.

(a) *Intent.* It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements, may not be suitable in all situations to best achieve the objectives of the township relative to desired land use and preservation of the community's resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the township master plan, planned unit development may be permitted as a special use in any zoning district where it is demonstrated that one or more of the following purposes can be achieved:

- (1) Provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the community in general;
- (2) Preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- (3) Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of this chapter;
- (4) Encourage the utilization of open space and the development of recreational amenities generally located within walking of all living units;

- (5) Encourage the use of lands in ways which are most in accord with their character and adaptability; and
- (6) Encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.

PC determined that the proposed PUD provides for flexibility in development that will result in a better project for the developer, residents and users, as well as for the community in general. Staff believes that the proposed PUD preserves existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like. Staff believes that the proposed PUD accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of this chapter. Staff believes that the proposed PUD provides for the utilization of open space and the development of recreational amenities generally located within walking of all living units. Staff believes that the proposed PUD's uses the land in ways which are most in accord with their character and adaptability. Staff believes that the proposed PUD's use of the land facilitates economical and suitable arrangements for buildings, streets, utilities and other land use features. The Planning Commission will need to concur.

(b) Qualifying conditions.

- (1) Minimum area. Minimum project area required for planned unit developments shall be 20 acres.
- (2) Location. Planned unit developments may be located in any district, subject to the provisions of this section.
- (3) Ownership. The PUD application must be filed by the landowner, jointly by all landowners if more than one owner, or by an agent. If the application is filed by an agent, written approval from all landowners must be submitted with the application.
- (4) Utilities. The PUD shall be served by public water and sanitary sewer treatment facilities.

PC determined that all qualifying conditions are met.

(c) General requirements.

- (1) Permitted uses. The following uses of land and/or buildings may be permitted under the provisions of this section:
 - a. All uses permitted by right or special use in the zoning district in which the planned unit development is located.

PC determined that a PUD is a Special use in the R3 Zoning District.

- b. Additional uses which can be shown to be compatible with the general objectives of the township master plan, as well as integral to the specific planned unit development in which they would be located. For the purpose of this section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a day care center which serves primarily the needs of residents or employees of the PUD, an athletic facility within a

business park PUD, or a neighborhood convenience center in the midst of a large residential PUD.

PC determined that no compatible additional uses are proposed.

- (2) *Minimum requirements.* The district regulations applicable to a land use in a PUD may be modified, including, but not limited to, lot area and width, building setbacks, lot coverage, parking and signs. The applicant for a PUD shall identify, in writing, all modifications being proposed. Modifications may be approved during the special use and preliminary or final PUD plan review by the township board, after planning commission recommendation. Modifications may be permitted only if they will result in a higher quality of development, preservation of significant natural features or in better integration of the proposed use with surrounding uses. The modification shall also satisfy at least one of the following criteria:

- a. Preserves the best natural features of the site;
- b. Creates, maintains or improves habitat for wildlife;
- c. Creates, maintains or improves useful and desirable open space;
- d. Enhances views into the site as well as the view from buildings to be located on the site; and
- e. Results in a better development, consistent with the purposes of PUD, as expressed in [section 58-72\(a\)](#), and with the township master plan.

PC determined that the necessary modification is to allow the three story building to be built on grade rather than ½ story below grade due to water table issues which also results in the structures being roughly 38 feet rather than the maximum 35 feet. Staff believes this results in a better development, consistent with the purposes of PUD, as expressed in [section 58-72\(a\)](#), and with the township master plan.

- (3) Privacy. Each development shall provide reasonable visual and acoustical privacy for residents and users of the PUD, as well as for surrounding properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, to screen objectionable views or uses, reduce noise, protect property and enhance privacy.

PC determined that the landscaping, sidewalks and fencing proposed provides reasonable visual and acoustical privacy for residents and users of the PUD, as well as for surrounding properties. PC will need to concur.

- (4) Off-street parking. Parking convenient to all uses shall be provided pursuant to the minimum requirement of article IV of this chapter, except as may be modified per subsection (c)(2) above. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to ensure the safety of the occupants, users and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges, berms or screening walls.

PC determined that adequate parking is provided pursuant to the minimum requirement of article IV of this chapter and parking areas are properly screened required through use of trees, shrubs, hedges, berms or screening walls.

(5) Roads.

- a. Private roads may be constructed within a PUD, provided the road or roads shall be paved and constructed in accordance with the requirements of the Muskegon County road commission, including minimum right-of-way or easement width for the class of road that is necessary to serve the development. Final design of all private roads shall be subject to approval by the township fire department to ensure sufficient width and turnaround spacing for fire apparatus in the event of an emergency.

The PUD does use internal private roads and are proposed to be constructed in accordance with Muskegon County Road Commission standards with minimum right-of-way or easement widths. The fire department has reviewed and a report from the Fire Marshal will be provided.

- b. Roadways, whether public or private, may be required to be extended to exterior lot lines in order to allow connection to existing or future roadways on adjacent parcels, so as to provide secondary access, continuity of the roadway system, and to reduce traffic on collector roads.

PC determined that that proper roadways, extensions, connections and secondary accesses are provided for this development.

- c. Interior roadways, whether public or private, shall not be constructed in areas with existing slopes greater than 20 percent.

PC determined that there are no areas with existing slopes greater than 20 percent exist so this is not applicable.

- (6) Land use pattern. All of the elements of the PUD plan and/or site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

PC determined that all of the elements of the PUD plan and/or site plan are harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. Arrangement of buildings are done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

- (7) *Density.* For a PUD containing dwelling units, the residential density (dwelling units per acre) shall not exceed the permitted density of the zoning district in which the PUD is located, except as a bonus density may be permitted by subsection (g)(5)c.2. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within each zone. If the property contains any natural water body, floodplain or

wetland, only one-half of the total area covered by such features may be counted in the calculation of densities of a project.

Density calculations are provided. PC determined that the proposal is compliant.

- (8) Open space. "Common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the PUD or of the general public. Common open space may contain accessory structures and improvements necessary or desirable for religious, educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged, such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas.

- a. The area of common open space within a PUD shall not be less than 25 percent of the total land area of a PUD containing residential units and not less than 15 percent of the total land area in commercial or industrial PUDs.

PC determined that the common open space is calculated at 47 % far exceeding the minimum requirement.

- b. The computation of common open space shall not include street rights-of-way or road easements, parking or loading areas, easements for overhead utility lines, required setbacks, or any area within a platted lot or site condominium unit.

PC determined that the open space was calculated correctly excluding the indicated portions.

- c. All common open space shown on the final PUD plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.

This requirement shall be done as part of the final PUD documents as outlined in the narrative.

- (9) Improvements.

- a. *Circulation facilities.* The arrangements for vehicular and pedestrian circulation shall be coordinated with other existing or planned streets, walkways or pathways in the area.

PC determined that the arrangements for vehicular and pedestrian circulation is coordinated with other existing or planned streets, walkways or pathways in the area.

- b. *Pedestrian circulation.* The pedestrian circulation system and its related walks and pathways shall be separated as completely as reasonably possible from vehicular movement.

PC determined that the pedestrian circulation system and its related walks and pathways are separated as completely as reasonably possible from vehicular movement.

- c. *Utilities.* Planned unit development shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions, thereof. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle stormwaters, and to prevent erosion and the formation of dust. This could include the establishment of retention basins in order to minimize stormwater runoff.

PC determined that the planned unit development shall, where feasible, provide for underground installation of utilities. PC determined that the construction of stormwater is proper.

- d. *Recreation areas.* Recreational facilities for residents or users of the PUD shall be located in reasonable proximity to the persons served, provided care is taken to minimize adverse impact upon the views and privacy of any dwelling unit.

PC determined that recreation areas are provided in reasonable proximity.

- e. *Planting.* The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features to the extent possible. New landscaping shall be added, as needed, for privacy, shade, accenting buildings and grounds and to screen out objectionable features.

PC determined that the applicants are preserving as much natural landscaping as possible as well as additional landscaping to provide privacy, shade and accents to the building and grounds.

- (10) *Phased projects.* If the PUD is to be developed in phases, the final PUD plan may be submitted for one or more phases of the overall PUD. The applicant must submit a request for final PUD plan review of the initial phase within 12 months of the township board's approval of the preliminary PUD plan. A tentative schedule for the completion of each phase and the commencement of the next phase shall also be submitted as part of the preliminary PUD plan for approval by the township board.

The applicant will be immediately requesting approval for phase one of the development if the preliminary plan is approved.

(d) *Application procedures.*

- (1) *Pre-application conference.* Before submitting an application for a PUD, applicants shall meet with the township representatives for the purpose of describing the project concept, exchanging information, obtaining guidance, and assessing the overall eligibility of the desired project concept as a PUD. No formal action will be taken, nor will statements made at the pre-application conference be considered binding commitments. A pre-application conference shall be scheduled through the zoning administrator and a fee paid, in accordance with the schedule of fees established by the township board.

Planner Werschem informed the PC that this meeting was held with the Township Planner, Township Building Official, Township Fire Marshall, Applicants Engineer and the developers in the summer of 2021

- (2) *Application.* A complete application for a PUD, which shall include both the special use permit and preliminary PUD plan, shall be submitted to the township zoning administrator on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the township board. Application fees shall include an amount to be maintained in escrow, in accordance with township policy, to cover the review costs associated with the project, including consultants and other experts that may be retained by the township to provide technical assistance. In addition to the application form, a preliminary PUD plan and all other required information shall be submitted.

Planner Werschem informed the PC that proper applications were completed and fees were paid.

- (3) *Preliminary PUD plan and special use permit.*

- a. A preliminary PUD plan for the entire PUD site shall be submitted with the required application. The plan shall, at a minimum, contain the following:
1. Date, north arrow, graphic and written scale, and revision dates.
 2. A location sketch showing the site and the surrounding area within two miles of the site in all directions.
 3. Name and firm address of the professional individual responsible for preparing the site plan.
 4. A boundary survey of the entire property, prepared by a surveyor registered the State of Michigan.
 5. Legal description of the subject property,
 6. Location and dimensions of all existing structures.
 7. Existing zoning classification of the subject property and adjoining properties.
 8. Abutting street right-of-way and pavement width.

9. Location of all existing driveways and parking areas on both sides of the street within 300 feet of the subject property boundary.
10. A narrative list of all uses permitted, by right or special use, within the underlying zoning district that will or could be developed within the PUD. In addition, any uses not specifically allowed within the underlying zoning district, but are proposed as part of the PUD, in accordance with subsection (c)(1)b, shall also be identified. Any use proposed at a later time and not listed or determined by the township to not be similar to a listed use, shall be subject to special use approval by the township board, in accordance with the procedures of sections [58-51](#) through [58-58](#) of this chapter.
11. A narrative list of all uses that will not be permitted within the PUD, even if allowed in the underlying zoning district, shall be submitted.
12. Proposed roadways, traffic circulation, parking layout and pedestrian pathways.
13. The proposed number, type(s) and location of dwelling units, if applicable.
14. Proposed location, dimensions and intended use of all nonresidential structures.
15. Building setbacks and yards, dimensioned.
16. Layout and typical dimensions of proposed parcels or lots.
17. For a mixed-use PUD, the general location and acreage intended to be devoted to specific categories of uses (e.g., commercial, single-family residential, multifamily residential, office, or industrial) shall be shown.
18. Existing natural features such as wood lots, wetlands, lakes, ponds, floodplains and streams.
19. A general landscaping concept, including the location of all buffer strips and vegetative screening.
20. The acreage, nature and location of common open space, and a general statement as to the means by which the developer will guarantee its preservation and maintenance.
21. Proposed location of sanitary sewage and water supply lines and stormwater management facilities.
22. A list of all proposed modifications of setback, parking, buffer, sign or other requirements of the underlying zoning district.
23. The planning commission or township board may request additional information such as, but not limited to, traffic studies, wetlands determination, and soil borings.

Staff determined the PUD plan and special use permit to be complete and is forwarding it on for Planning Commission review.

5. **PC – 21-22 Special Use Permit PUD –Public Hearing**

Name: Settler’s Glen, LLC
Address: Vacant Lot on Walker at Wesley and Oak
PP#: 61-10-023-400-0001-00
Zoning: R1 – Single Family Residential proposed R3 –
Fourplex / Townhouse Residential
Purpose: Special Use Permit for Planned Unit Development

Chairman Bouwman opened the Public Hearing at 7:54 P.M.

Brian Werschem read standards and PC asked questions as he went through each one.

PUD definition was described. Water level is high in this area and buildings can’t be more than 3 stories with ½ of the first floor below grade. Because of the high water table, this can’t be built below grade and that is why they need to go with a PUD.

No comments from the public.

Motion by Singerling supported by Hower to close the Public Hearing at 8:44 P.M.

**Ayes: Singerling, Hower, Bouwman, Hughes, Frein, VandenBosch
Nays: None**

Motion Carried

Brian Werschem read the standards, PC reviewed the standards.

- b. If the application is complete, it will be forwarded to the planning commission for review and to schedule a public hearing. Following its initial review of the complete application and preliminary PUD plan, the planning commission shall hold a legally advertised public hearing on the PUD special use and proposed preliminary PUD plan. Following the public hearing, the planning commission shall make a recommendation to approve or deny the special use permit and preliminary PUD plan based on the information submitted and compliance with the PUD review standards of [section 58-72\(e\)](#). The planning commission may also recommend conditions.

58-72(e)

Review standards. In considering the PUD request, the planning commission and township board must find that the proposed development meets all applicable standards and qualifying conditions of this section, as well as the following general standards.

- (1) The final PUD plan shall be in substantial conformance with the approved preliminary PUD plan and all conditions attached thereto.

This standard will be reviewed at the time of the final PUD plan.

- (2) The PUD shall be consistent with the overall intent of planned unit development in Muskegon Charter Township, as stated in [section 58-72\(a\)](#), the qualifying conditions of [section 58-72\(b\)](#), and the general requirements of [section 58-72\(c\)](#).

PC determined that the PUD is consistent with the overall intent of planned unit development in Muskegon Charter Township, as stated in [section 58-72\(a\)](#), the qualifying conditions of [section 58-72\(b\)](#), and the general requirements of [section 58-72\(c\)](#).

- (3) The PUD shall conform to the applicable special use standards of [section 58-57](#).

PC determined that the PUD does conform to the applicable special use standards of [section 58-57](#). See the review of section 58-57 below.

- (4) The PUD layout shall conform to the site plan review standards of [section 58-486](#), unless specifically modified by provisions of this section, for example, the use of private roads.

PC determined that the PUD does conform to the site plan review standards of [section 58-486](#), unless specifically modified by provisions of this section, for example, the use of private roads. See the review of section 58-486 below.

- (5) If applicable, the PUD development shall comply with the groundwater protection standards of [section 58-487\(d\)](#).

PC determined that the PUD development does comply with the groundwater protection standards of [section 58-487\(d\)](#).

- (6) Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community, which would not otherwise be feasible or achievable under the conventional zoning districts.

PC determined that unless this project is approved as a PUD the applicants cannot construct the three story apartment structures as permitted in the R3 zoning district due to high water in the area.

- (7) The design and layout of the PUD shall not have the effect of impairing or destroying natural features and shall employ best management practices to ensure their conservation.

PC determined that the design and layout of the PUD does not have the effect of impairing or destroying natural features and does employ best management practices to ensure their conservation.

- (8) The proposed uses and overall development of the PUD are consistent with the recommended uses and the goals and policies of the township master plan.

PC determined that this is in compliance with the township master plan and future land use.

- (4) *Recommendation to township board.* The planning commission recommendations for both the special use permit and preliminary PUD plan shall be forwarded to the township board for final action to approve, deny or approve with conditions.

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 the PUD is 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 the PUD 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 that the PUD 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 that the PUD will 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 that the PUD 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.

- (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 the PUD 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.

- (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 PUD 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.

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

PC determined that the PUD will be consistent with the intent and purposes of this chapter.

Motion by Singerling Supported by Hower to recommend to the Muskegon Charter Township Board approval of a Special Use Permit for a residential Planned Unit Development located at parcel # 61-10-023-400-0001-00 located at Walker and Oak Street having met the Special Use Standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances with the following conditions:

Approval of the zone change to R3 by Muskegon Charter Township

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

Ayes: Hower, Singerling, Bouwman, Hughes, Frein

Nays: None

Abstain: VandenBosch

Motion Carried

6. PC – 21-23 Preliminary Plan for Planned Unit Development

Name: Settler’s Glen, LLC
Address: Vacant Lot on Walker at Wesley and Oak
PP#: 61-10-023-400-0001-00
Zoning: R1 – Single Family Residential proposed R3 –
Fourplex / Townhouse Residential
Purpose: Preliminary Plan for Planned Unit Development

Sec. 58-486. - Standards for approval.

- (a) The intent of the planning commission is to minimize any adverse impacts that a proposed site plan may have on the neighboring properties, the neighborhood in general and its character, and the community as a whole.
- (b) Each site plan shall conform to all applicable provisions of this chapter and the following standards:
- (1) All elements of the site plan shall be designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

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

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

PC determined that the landscape is being preserved in so far as practical.

- (3) Stormwater and erosion protection.
- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.
- PC determined that this standard is met as all stormwater is being accumulated and managed onsite.*
- b. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust.

PC determined that County soil erosion permits are required and will assure this standard is met.

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

PC determined that the use of detention / retention ponds is required, proposed and stormwater management is calculated.

- 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 that surface water on all paved areas is 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 no areas of natural drainage such as swales, wetlands, ponds, or swamps exist so this standard is not applicable. The existing County drain is untouched and provides no benefit.

- 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 no hazardous materials is stored so this standard is not applicable.

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

PC determined that this standard is met. See the review of 58-487.

- (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 the site plan provides reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping are used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

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

PC determined that 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 the pedestrian circulation system provided is adequate.

- (7) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.

PC determined that that safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is provided.

- (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 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 all streets are developed in accordance with [chapter 42](#), subdivisions and the county road commission specifications.

- (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.

PC determined that 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 that all loading or unloading areas and outside storage areas, including refuse storage stations, are screened from view of the street and/or adjacent properties by a vertical screen consisting of structural or plant materials.

- (13) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

PC determined that no light trespass will occur from this development.

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

PC determined that this will be a contingency in any approval.

Sec. 58-487. - Review standards for groundwater protection

- (d) *Site plan review standards.*

- (1) *Groundwater protection standards.*

- a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and steep slopes and to ensure the absence of an impairment, pollution, and/or destruction of the air, water, natural resources and the public trust therein.

PC determined that the PUD does not create any impairment, pollution, and/or destruction of the air, water, natural resources and the public trust therein.

- b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.

PC determined that the proposed stormwater management is adequate.

- c. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

PC determined that no hazardous substances and polluting materials are stored, used, or generated. Not applicable.

- d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

PC determined that no hazardous substances and polluting materials are stored, used, or generated. Not applicable.

- e. In determining conformance with the standards in this chapter, the township shall take into consideration the publication titled "Small Business Guide to Secondary Containment" and other references.

PC determined that no containment onsite required.

(2) *Aboveground storage and use areas for hazardous substances and polluting materials.*

PC determined that none stored at this site so entire section is not applicable.

(3) *Floor drain connections and potential discharges.*

a. All floor drains shall be connected to a public sewer system, an on-site holding tank, or an approved on-site disposal system authorized through a state groundwater discharge permit.

PC determined that this will be enforced as required in Michigan Building Code.

b. Floor drains which are likely to receive industrial or commercial wastewaters, either through accidental spills or intentional discharges, shall not be allowed without evidence that all necessary state, county, and wastewater treatment plant approvals have been obtained.

PC determined that this is not Applicable.

(4) *Underground storage tanks.*

PC determined that none is stored at this site so entire section is not applicable.

(5) *Spill prevention and emergency response plans.*

PC determined that none required as no hazardous materials located onsite.

(6) *Contaminated soils and/or groundwater.*

PC determined that none required as no hazardous materials located onsite.

Motion by Hower Supported by Frein to recommend to the Muskegon Charter Township Board approval of the Preliminary Development Plan for a residential Planned Unit Development located at parcel # 61-10-023-400-0001-00 located at Walker and Oak Street having met Preliminary Development Plan Standards of Section 58-72 (e) for Planned Unit Development of the Muskegon Charter Township Code of Ordinances with the following conditions:

Approval of the zone change to R3 by Muskegon Charter Township

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

Ayes: Frein, Hughes, Bouwman, Singerling, Hower

Nays: None

Abstain: VandenBosch

Motion Carried

Public comment

Mr. Deahl, Developer for project, said he was proud of the plan, and that he looked forward to working with people in the area. He stated he wanted a woodsy feel to the project. Naming of the project also included that.

Next meeting will be on Monday, November 8, 2021.

Motion by Hower and supported by Singerling to adjourn the meeting at 8:54 P.M.

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

Nays: None

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**