

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-22-6
June 13, 2022**

CALL TO ORDER

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

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

Excused:

Absent:

Also Present: Planning / Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, Fire Inspector Jack Wydeck and 11 guest.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the Agenda for the June 13, 2022 Planning Commission meeting.

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

Nays: None

Motion carried.

Approval of Minutes

Motioned by Borushko supported by Hower to approve the minutes from May 9, 2022.

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

Nays: None

Motion carried.

Communications

May 2, 2022 and May 16, 2022 Board Minutes Reviewed

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 22-09 Zone Change – Public Hearing

Name: Larry & Olga Workman
Address: Vacant Land on E. River Rd.
PP#: 61-10-001-100-0001-00
Zoning: RR – Rural Residential

Purpose: Requesting Partial R1 – Single Family Residential

Chairperson Bouwman opened a public hearing at 7:01 p.m.

Planner Werschem explained Larry & Olga Workman own a vacant 40.19 acre property on River Road zoned Rural Residential (RR). Their ultimate desire is to subdivide five (5) 150 x 580 foot parcels fronting on River Road leaving a sixty-six (66) foot strip leading back to the remaining parent parcel to the rear of the 5 new lots. Rural Residential requires a minimum of 10 acre lots. The five proposed lots would be approximately two (2) acres in size each. Larry and Olga would like the remaining thirty (30) acre parcel to remain Rural Residential. The area where the proposed divisions would occur would need to be rezoned to Single Family Residential (R1) to allow the land division to occur.

The request is to rezone the western 450 feet of River Road frontage by 580 feet deep totaling 5.9917 acres from Rural Residential (RR) to Single Family Residential (R1). Also to rezone the Eastern 300 feet of River Road frontage by 580 feet deep totaling 3.9945 acres from Rural Residential (RR) to Single Family Residential (R1). Leaving a 66 foot wide by 580 foot flag pole leading back to the remaining approximately 30 acres of land that would remain Rural Residential (RR).

If approved Larry and Olga would be required to obtain a Special Use Permit for a flag lot for the remaining parent parcel to allow the proposed land division to occur. The Special Use permit request is PC-22-10 which follows the Zone Change Application. The Special Use permit for a flag lot, if approved should be contingent upon the Zone change being approved.

Both the Zone change and the special use permit for a flag lot are public hearings. Both public hearings were published on MLive and in the Muskegon Chronicle on May 29, 2022. The notice was also mailed to all property owners within 300 feet. We received one call from Kimberly Budnick who owns the property immediately west of the Workmans property and she doesn't want a neighbor next door, she prefers the woods.

Comments

Published in the Chronicle on May 29, 2022. One Inquiry.

Olga Workman, 3355 River Rd Muskegon MI 49445 her and her husband are approaching retirement age and are looking to see off 5 2 acre lots in front. They would like to keep as much wild life as possible.

Milton Fiser 3274 River Rd (Dalton Twp) lives across the street and is against this because of the wildlife, the traffic and property taxes may go up. No more developments.

Paul Krause 3351 River is in favor of it. He feels that property values will go up but he would like a sidewalk on one side of the road.

Larry Workman 3355 River Rd stated that it use to be a farm and they want to keep as much of the wildlife for everyone.

Motion by Singerling seconded by Hower to close the public hearing at 7:07 pm.

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

Nays: None

Motion carried.

The following are the standards for a zoning text amendment ordinance in accordance with Section 58-432 (c)(3) of the Muskegon Charter Township Code of Ordinances.

(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 Master Plan proposes this area to be medium density residential which is more constant with R1 zoning than RR.

- (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 the land is compatible with all the potential uses allowed in the R1 zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

- (c) Suitability with the law. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

PC determined the land is more compatible with all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability than RR.

- (d) Capacity of public services and utilities. Capacity of available utilities and public services to accommodate all the potential uses permitted in the proposed zoning district(s) without compromising the health, safety, and welfare of township residents or burdening the township with unplanned capital improvement costs or other unplanned public expenses.

PC determined there is adequate public services and utilities 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.

- (e) Capability of road system. Capability of the road system to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

PC determined the road system is compatible to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

- (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 there is a greater demand for R1 property than RR property in Muskegon Charter Township.

- (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 the surrounding area is quickly moving towards R1 and away from RR so the scale of future development is appropriate.

- (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 property is better suited as R1 than RR.

Motion by Hower second by Singerling to recommend to the Muskegon Township Board approval of the proposed zoning text amendment on parcel 61-10-001-100-0001-00 to rezone the western 450 feet of River Road frontage by 580 feet deep totaling 5.9917 acres from Rural Residential (RR) to Single Family Residential (R1). Also to rezone the Eastern

300 feet of River Road frontage by 580 feet deep totaling 3.9945 acres from Rural Residential (RR) to Single Family Residential (R1) having meet the standards of Section 58-432 (c)(3) of the Muskegon Charter Township Code of Ordinances.

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

Nays: None

Motion carried.

2. PC 22-09 Special Use Permit – Public Hearing

Name: Larry & Olga Workman
Address: Vacant Land on E. River Rd.
PP#: 61-10-001-100-0001-00
Zoning: RR – Rural Residential
Purpose: Special Use Permit for Flag Lot

Chairperson Bouwman opened a public hearing at 7:09 p.m.

Comments

Published in the Chronicle on May 29, 2022. One inquiry.

No PC questions, No Public comment.

Motion by Singerling seconded by Borushko to close the public hearing at 7:12 pm.

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

Nays: None

Motion carried.

Section 58-12 (d)

No lot or parcel of land shall be divided, altered or reduced by sale, gift, or other disposition so that frontage along public or private road is less than minimums required by this chapter, except: The planning commission may under special use permit allow a parcel division creating a flag lot if all of the following conditions are met.

- (1) The access drive (flag pole) must directly abut, or empty onto, a public road.

PC determined the access drive (flag pole) directly abuts, or empty onto, a public

road.

- (2) The new parcel accessed by the access drive must meet minimum lot requirements for this chapter. In evaluating the shape and square footage, the area within the access drive (flag pole) shall not be included.

PC determined the new parcel accessed by the access drive meets minimum lot requirements for this chapter.

- (3) When the new parcel accessed by the access drive is greater than four times the minimum lot requirements for the zoning district that the parent parcel is situated in, the access drive must be at least 66 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

When the new parcel accessed by the access drive is equal to or less than four times the minimum lot requirements for the zoning district that the parent parcel is situated in, the access drive must be at least 33 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

The planning commission, at its discretion, may address other circumstances as may be requested with the restriction that the access drive will never be less than 33 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive, but may require the access drive to be more than 66 feet in width at its narrowest point when measured at right angles to the linear boundaries of said drive.

PC determined this requirement is met since the access drive (flag pole) maintains 66 foot of width for its entire length.

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

PC determined there is not a second access drives (flag poles) sharing a common boundary.

Motion by Hower second by VandenBosch the approval of the special use permit request for a flag lot on parcel 61-10-001-100-0001-00 for having met the standards of Section 58-12 (d) of the Muskegon Township Code of Ordinances.

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

Nays: None

Motion carried.

3. PC 22-11 Zone Change - Public Hearing

Name: Timesed Holdings, LLC
Address: 1660 N. Getty

PP#: 61-10-0004-300-0001-10, 61-10-0004-300-0001-20
Zoning: R1 Single Family Residential
Purpose: Zone change from R1 to C1

Chairperson Bouwman opened a public hearing at 7:13 p.m.

Planner Werschem explained Timesed Holdings, proposes to convert the former church located at 1660 N. Getty into a child care center. Preschool and Daycare centers are a special Use in the Neighborhood Commercial Zoning District. The properties are currently zoned R1 Single Family Residential. The zoning of the property must become Neighborhood Commercial (C1).

Then a Special Use Permit must be obtained for a daycare center in a C1 Zoning District. Finally a site plan must be approved for the daycare center. All of these are before you tonight as PC 22-11, PC22-12, and PC 22-13. The public hearings were posted on Mlive and in the Muskegon Chronicle on May 29, 2022. The notice was also mailed to all property owners within 300 feet.

Comments

Published on May 29, 2022. No responses.

Karen (Dan) Wilks 5019 Automobile Rd She is a RP Grad and she has been in this business for 20 years. She and her husband own 51% of it. This will be their 5th location. They have Discovery Schools in Whitehall, Infant/Toddler area.

They are teamed up with MAISD for free preschool through RP Schools. She stated that during the pandemic, 1800 daycare/preschools closed and there is a 2 year wait to get into her program. She is partnered with the State of Michigan for free childcare. They also have a Tryshare program where businesses pay 1/3, employers pay 1/3 and parents pay 1/3 of childcare costs.

Motion by Singerling seconded by Hower to close the public hearing at 7:21 pm.

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

Nays: None

Motion carried.

The following are the standards for a zoning text amendment ordinance in accordance with Section 58-432 (c)(3) of the Muskegon Charter Township Code of Ordinances.

- (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 Master Plan proposes this area to be medium density residential however, this is a border property with Neighborhood Commercial (C1) to the north and Shopping Center (C2) to the East with a public school to the south. The use of a former church as a daycare center surrounded by commercial is appropriate.

- (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 the land is compatible with all the potential uses allowed in the C1 zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

- (c) Suitability with the law. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

PC determined the land is more compatible with all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability than R1

- (d) Capacity of public services and utilities. Capacity of available utilities and public services to accommodate all the potential uses permitted in the proposed zoning district(s) without compromising the health, safety, and welfare of township residents or burdening the township with unplanned capital improvement costs or other unplanned public expenses.

PC determined there is adequate public services and utilities 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.

- (e) Capability of road system. Capability of the road system to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

PC determined the road system is compatible to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

- (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 there is a greater demand for C1 property than R1 property in a former church building.

- (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 C1 zoning is appropriately scaling along Holton Road and this property fits within the C1 growth.

- (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 property is better suited as C1 than R1.

Motion by Hower second by Borushko to recommend to the Muskegon Township Board approval of the proposed zoning text amendment on 61-10-0004-300-0001-10, 61-10-0004-300-0001-20 to C1 having meet the standards of Section 58-432 (c)(3) of the Muskegon Charter Township Code of Ordinances.

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

Nays: None

Abstain: VandenBosch

Motion carried.

4. PC 22-12 Special Use Permit - Child Care Center

**Name: Timesed Holdings, LLC
Address: 1660 N. Getty
PP#: 61-10-0004-300-0001-10, 61-10-0004-300-0001-20
Zoning: R1 Single Family Residential Proposed Neighborhood Commercial (C1)**

Purpose: Special Use Permit for Day Care Center

Chairperson Bouwman opened a public hearing at 7:23 p.m.

Comments

Published on May 29, 2022. No communication. No public comment.

Motion by Hower seconded by Singerling to close the public hearing at 7:24 pm.

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

Nays: None

Abstain: VandenBosch

Motion carried.

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

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

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

PC determined that this is good use of a former church and will be harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption.

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

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

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

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

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

PC determined the allowable use in the corridor is 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.

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

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

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

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

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

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

PC determined the reuse of a closed church as a child care center is consistent with the intent and purposes of this chapter.

Motion by Singerling second by Hower to recommend to the Muskegon Township Board approval of the Special Use Permit on 61-10-0004-300-0001-10, 61-10-0004-300-0001-20 to C1 having meet the standards of Section 58-432 (c)(3) of the Muskegon Charter Township Code of Ordinances contingent on the zone change being approved.

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

Nays: None

Abstain: VandenBosch

Motion carried.

5. PC 22-13 Site Plan

Name: Timesed Holdings, LLC
Address: 1660 N. Getty
PP#: 61-10-0004-300-0001-10, 61-10-0004-300-0001-20
Zoning: R1 Single Family Residential Proposed Neighborhood Commercial (C1)
Purpose: Site Plan for Day Care Center

ARTICLE VIII. - SITE PLAN REVIEW

Sec. 58-486. - Standards for approval.

- (a) The intent of the planning commission is to minimize any adverse impacts that a proposed site plan may have on the neighboring properties, the neighborhood in general and its character, and the community as a whole.
- (b) Each site plan shall conform to all applicable provisions of this chapter and the following standards:

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

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

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

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

- (3) Stormwater and erosion protection.

- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.

PC determined that the onsite stormwater services are being utilized to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.

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

PC determined that all areas are either hard surface or properly landscaped to accommodate stormwater, prevent erosion and the formation of dust.

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

PC determined the detention / retention ponds provided are 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 no swales, wetlands, ponds, or swamps exist so this requirement does not apply.

- f. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored, or proposed to be stored.

PC determined that no contamination is being produced so this standard does not apply.

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

PC determined the requirements of section 58-487 are demonstrated.

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

PC determined that no dwelling units are proposed so this standard does not apply.

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

PC determined that the structure does have access to public streets.

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

PC determined the pedestrian circulation system 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 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 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 no streets are required so this section does not apply.

- (10) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the fire and police departments.

PC determined that all buildings or groups of buildings are arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. Fire department has approved the layout but may have some minor fencing modifications.

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

Municipal water and sewer is required and provided.

- (12) All loading or unloading areas and outside storage areas, including refuse storage stations, shall be screened from view of the street and/or adjacent properties by a vertical screen consisting of structural or plant materials.

PC determined that all loading or unloading areas and outside storage areas, including refuse storage stations, are 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.

This should be a contingency in any approval.

Motion by Singerling second by Hower to approve the site plan for Timesed Holdings, LLC for 1600 N Getty, parcel 61-10-0004-300-0001-10, 61-10-0004-300-0001-20 having met the standards of Section 58-486 of the Muskegon Charter Township Code of ordinances contingent on the Zone Change and Special Use Permits being approved, the combination of the two parcels into one and on compliance with all federal, state, county and local rules,

regulations policies and ordinances. Contingent on gates being placed appropriately within fire code and 15 foot of space being changed to 20 foot of space to meet setback requirements.

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

Nays: None

Abstain: VandenBosch

Motion carried.

6. PC 22-14 Site Plan

Name: Midwest V, LLC
Address: 2050 Whitehall Rd
PP#: 61-10-006-100-0021-00
Zoning: C1
Purpose: New Dollar General Store

Planner Werschem explained that Midwest V, LLC proposes to demolish the former auto sales lot at 2050 Whitehall Rd, parcel # 61-10-006-100-0021-00, and construct a new Dollar General Store at this location. The existing Dollar General next door will be closed and converted into a different commercial use.

Peter Olezark 1435 Fulton St Grand Haven MI 49417, stated that this Dollar General Market will be the first one in the State of Michigan.

ARTICLE VIII. - SITE PLAN REVIEW

Sec. 58-486. - Standards for approval.

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

PC determined all elements of the site plan are designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site is to be developed so as not to impede

the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

- (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 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 the onsite stormwater services are being utilized to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.

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

PC determined that all areas are either hard surface or properly landscaped to accommodate stormwater, prevent erosion and the formation of dust.

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

PC determined the detention / retention ponds provided are 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 no swales, wetlands, ponds, or swamps exist so this requirement does not apply.

- f. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or

spillage from areas where hazardous materials are stored, or proposed to be stored.

PC determined that no contamination is being produced so this standard does not apply.

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

PC determined the requirements of section 58-487 are demonstrated.

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

PC determined that no dwelling units are proposed so this standard does not apply.

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

PC determined that the structure does have access to public streets.

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

PC determined the pedestrian circulation system 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 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 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 no streets are required so this section does not apply.

- (10) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the fire and police departments.

PC determined that all buildings or groups of buildings are arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. Fire department has approved the layout.

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

Municipal water and sewer is required and provided.

- (12) All loading or unloading areas and outside storage areas, including refuse storage stations, shall be screened from view of the street and/or adjacent properties by a vertical screen consisting of structural or plant materials.

PC determined that all loading or unloading areas and outside storage areas, including refuse storage stations, are 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.

This should be a contingency in any approval.

Motion by Hower, second by VandenBosch to approve the site plan for Midwest V, LLC for 2050 Whitehall Road, parcel 61-10-006-100-0021-00 having met the standards of Section 58-486 of the Muskegon Charter Township Code of ordinances contingent on compliance with all federal, state, county and local rules, regulations policies and ordinances.

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

Nays: None

Motion carried.

Public Comments: No comments

Announcements: Next Planning Commission meeting will be July 11, 2022.

Motion by Hower supported by Borushko to adjourn the meeting at 7:38 P.M.

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

Nays:

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**