

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-22-7
July 11, 2022**

CALL TO ORDER

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

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

Excused: VandenBosch

Absent:

**Also Present: Planning / Zoning Administrator Brian Werschem,
Recording Secretary Andria Muskovin and Chris Korey our Master
Planner from McKenna.**

Approval of Agenda

**Motioned by Singerling supported by Borushko to approve the Agenda for
the July 11, 2022 Planning Commission meeting.**

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

Nays: None

Motion carried.

Approval of Minutes

**Motioned by Singerling supported by Borushko to approve the minutes
from June 13, 2022.**

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

Nays: None

Motion carried.

Communications

June 6, 2022 and June 20, 2022 Board Minutes Reviewed

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 22-15 Site Plan Amendment

Name: Chicago Diversified Foods Corp (Taco Bell)
Address: 1431 E. Apple Ave
PP#: 61-10-028-200-0002-00
Zoning: Neighborhood Commercial (C1)
Purpose: Site Plan Amendment to add storage area on rear of building

Planner Werschem explained that Chicago Diversified Foods Corp (Taco Bell) proposes to make significant improvements to the interior and exterior of their existing facility at 1431 E. Apple Ave. The portion of the improvement that requires Planning Commission approval is the addition of a 13' 6" x 28 foot (378 square feet) dry and cold storage area to the rear of the structure. The other improvements, such as the relocation of the order terminal are minor in nature.

Sec. 58-486. - Standards for 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 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 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 the existing 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 existing 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 that the detention / retention ponds are not required for the addition.

- 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 existing 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 that 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 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 safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is existing and adequate..

- (8) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

PC determined that the arrangement of existing public or common ways for vehicular and pedestrian circulation is connected to existing or planned streets and pedestrian or bicycle pathways in the area.

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

PC determined that no streets are required so this section does not apply.

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

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

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

PC determined that Municipal water and sewer is existing.

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

PC determined that all loading or unloading areas 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, support by Hower to approve the site plan for Chicago Diversified Foods Corp for 1431 E Apple, parcel 61-10-0028-200-0002-00 having met the standards of Section 58-486 of the Muskegon Charter Township Code of ordinances contingent on all federal, state, county and local rules, regulations policies and ordinances.

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

Nays: None

Motion carried.

2. PC 22-16 **Side Setback Modification**

Name: 1680 E. Apple LLC
Address: 1680 E. Apple Ave
PP#: 61-10-022-300-0010-00
Zoning: Shopping Center (C2)

Purpose: Side setback modification as allowed by Planning Commission in C2

Planner Werschem explained that 1680 E. Apple LLC, Samie Patak, has a potential buyer for the former Plumbs facility. The buyer will not lease from Mr. Patak and requires being able to purchase the building and parking area. The buyer has no interest in the attached strip mall. To accomplish this would require a zero foot side setback to allow a property line to divide the building along the separation wall between the two facilities.

DIVISION 12. - SHOPPING CENTER DISTRICT

Section 58-274 (4) reads as follows:

(4) Yard setbacks:

Side: 25 feet each side or such other yard setbacks as the planning commission shall approve.

Where normally this would be a variance request of the Zoning Board of Appeals, the ordinance grants the PC this latitude, only in the Shopping Center District (C2). Staff strongly believes that granting this zero side yard setback is in the buyers, the townships and the township residents' very best interest. Staff does ask that the location of the zero foot setback be clearly stated in the motion if approved.

One of the following motions should be made, adjusted as necessary by the Planning Commission.:

Motion by Hower, second by Singerling to approve the zero side yard setback for 1680 E. Apple LLC for 1680 E. Apple Ave, parcel 61-10-0022-300-0010-00 contingent upon a land division occurring, that the zero side yard setback be the side yard that separates the facilities within the one structure, that the zero side yard setback follow the existing separation wall between the two existing spaces and that all necessary improvements are made in compliance with all federal, state county and local rules, regulations and ordinances.

Roll Call

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

Nays: None

Motion carried.

3. PC 22-17 Preliminary Planning Commission Review of Master Plan

Chris Korey, our Planner from McKenna, discussed the revised master plan with the Planning Commission. Planning Commissioners were happy with the plan with some corrections to street names in the plan. Planning Commission will hold the public hearing for the Final draft at its August 8, 2022 Planning Commission meeting.

Public Comments: No comments

Announcements: Next Planning Commission meeting will be August 8, 2022. Bouwman and Frein indicated they would be absent.

Motion by Hower supported by Singerling to adjourn the meeting at 7:32 P.M.

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

Nays:

Motion Carried

Respectfully submitted by,

**Sandra Frein
Secretary**