

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-19-1
January 14, 2019**

CALL TO ORDER

Chairperson Bouwman called the meeting to order at 7:01 p.m.

ROLL

**Present: Hower, VandenBosch, Hughes, Singerling, Frein,
Borushko, Bouwman**
Absent: None
Excused: None
**Also present: Planning and Zoning Administrator Brian
Werschem, Recording Secretary Andria Muskovin,
and 10 guests.**

Approval of Agenda

Motioned by Hower, supported by Singerling, to approve the January 14, 2019 agenda.

Motion carried.

Approval of Minutes

Motioned by Hower supported by VandenBosch to approve the minutes of December 10, 2018 as presented.

Motion carried.

Communications

Board Minutes for November 5, 2018, November 19, 2018, December 3, 2018 & December 17, 2018

Staff Report

Unfinished business -

Motion by Bouwman to remove item one from the table. No second. Second time, motion by Bouwman to remove item one from the table. No second. Third time, motion by Bouwman to remove item one from the table. No second. Item 18-14 dies for lack of removal from the table.

Written request received from applicant to withdraw from sale.

New Business

1. PC 19-01 Public Hearing – Special Use Permit

Name: Wesco Inc.
Address: 1675 E. Apple
PP# 61-10-402-000-0189-00
Zoning: Neighborhood Commercial (C1)

Purpose: **Combine properties and add the existing Special Use to the combined property.**

Wesco Inc has purchased the property immediately South of their 1675 E. Apple location and already demolished the home and accessory structure that existed on the property. The now vacant property is zoned Neighborhood Commercial (C1) as is their existing parcel. They desire to combine the properties, demolish the existing Wesco station and rebuild a new Wesco station upon the combined parcels as outlined in the Site Plan application which is PC 19-02. Their existing special use permit only covers their existing parcel. To expand onto the newly acquired parcel they must amend their special use permit to cover the newly acquired parcel.

Open public hearing at 7:04 p.m.

Published in the Muskegon Chronicle on December 23, 2018 no comments received on the public notices.

Craig Gengler, 12330 James St, Holland MI, engineer from Driesenga & Associates Mr. Gengler explained that they will tear down the existing building, and push the store back from Apple. They will add one extra pump and a drive thru. It will be easy in/out. Commercial access route will be from Ada Avenue. They will have an underground storage tank, one more parking space than required, and they will adjust the driveway to 24' from 22'. They will have a digital sign on NW corner. They plan on keeping the same driveways per MDOT and MCRC.

JJ Westgate, 1460 Whitehall Rd, N Muskegon, MI 49445 is part of the Wesco family. He explained that the store size will go from 2300 sq. ft. to 4900 sq. ft. They plan to start on April 1, 2019 and it should take approximately 4 months.

Motion to close public hearing by Borushko second Hughes.

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

Nays: none

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 believes this will be harmonious in the Neighborhood Commercial (C1) zoning district especially since the use is already existing and this approval simply allows the applicant to expand, improve and modernize its commercial use.

- (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 believes that this is designed, constructed, operated, and maintained so as to be more 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 believes 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 believes that the improvements will definitely be a substantial improvement to property in the immediate vicinity and to the township as a whole especially to traffic flow and safety as well as modernizing and improving facilities.

- (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 believes essential public services and facilities shall be able to be provided under the proposed design.

(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 believes 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 believes that this modification to the existing use will not be any more detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. To the contrary, staff believes the more modern installation and safety measures required will lessen negative impacts to persons, property or the general welfare.

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

Auto refueling stations are an intended use in the C1 Zoning District.

Motion by Singerling supported by VandenBosch to recommend approval to the township board the expansion of the existing special use permit to include the additional property for parcel 61-10-402-000-0189-00, commonly known as 1675 E. Apple Avenue, based on the standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances being met.

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

Nays: none

2. PC 19-02 Site Plan

**Name: Wesco Inc.
Address: 1675 E. Apple
PP# 61-10-402-000-0189-00
Zoning: Neighborhood Commercial (C1)**

**Purpose: Combine properties, demo existing
Wesco and rebuild Wesco at a new
location on the combined properties.**

The applicant currently has automotive refueling and convenience store at this location. They acquired the home, south of the location and have demolished the home and accessory structures. They desire to demolish the existing structure and rebuild upon the combination of their existing lot and the newly acquired lot to the south.

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 the site plan is an improvement and is 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 improvement to the site appears 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 applicant has provided sufficient landscaping additions to mitigate any necessary removals for the site and overall is an improvement to the existing site.

(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 there are no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water. Compliance with MDOT, MCRC and the Drain Commission is a condition of approval.

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

PC determined necessary provisions are provided.

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

PC determined that 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 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.

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.

Protective measures provided as required 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. The applicant already has approval for the fuel and is making improvements to assure compliance with today's standards.

- (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.

Landscape plan and layout does provide for this privacy. No dwelling units located therein.

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

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.

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 traffic flow design is not only safe, convenient, uncongested and well defined but it is also a significant improvement to the existing traffic flow.

- (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.

Exist and improved.

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

Exist.

- (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.

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.

The site is currently connected to existing sanitary water and sewer services. These services will be transferred into new design.

- (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 the applicants have provided adequate measures to meet this requirement.

(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.

The illumination plan indicates compliance with this requirement.

(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 is a condition of approval.

Motion by Borushko supported by Singerling to approve the site plan for parcel 61-10-402-000-0189-00, commonly known as 1675 East Apple Avenue, based on the standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances being met contingent upon Muskegon Charter Township Board approval of a special use permit and contingent upon all federal, state, county and local rules and regulations be met. Also, contingent upon the drive aisle being widened to 24'.

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

Nays: none

3. PC 19-03 Site Plan

**Name: Apple Ventures, LLC
Address: 1501 E. Apple
PP# 61-10-028-200-0010-00
Zoning: Shopping Center (C2)**

Purpose: Addition of Loading Docks to existing structure for Retail Use.

The applicant proposes to lease the remaining vacant portion of the former Kmart building to Goodwill Industries for use as a drop off

center, retail outlet, and e-commerce center. They propose to alter the structure by constructing additional loading docks to accommodate their use.

Chad Barton, 601 Lake Michigan Drive, Grand Rapids, MI from Apple Ventures explained that they have spent some time analyzing the truck docks. They will have 4 truck docks and they will be pushed back as far as they can. They will be adding 67 x 41 for the truck docks. They plan to tear down the garden center and the SE corner to make room for the truck docks. They also will condense parking lots to make for better out lot. They have not had a drainage issue there in 40 years, but they will be adding 3 new basins.

Planner Werschem pointed out, upon the site plan, there is three retail uses, a drop off and sorting location as well as office space for operations. All permitted uses in the Shopping Center C-2 zoning district. Chad Barton confirmed that is the intended use and no industrial warehousing, shipping, or receiving would be occurring upon the property.

Jim Churney, 4521 Cherrywood, Muskegon MI of Goodwill Industries explained that the new store will be a little different than normal. It will be an outlet store presence, items will be sold by the pound and if it doesn't sell, then they will be recycled. No stores will close.

Ryan Risley, 271 E Apple Avenue, Muskegon MI, spoke on behalf of Goodwill. He was asked if some of the trucks will be left on site and he said that some will be left at the dock for loading of items that will be recycled at the Grand Rapids stores. They plan on using dumpsters with one of the other businesses so they will not have to have a dumpster out in front of the building and will have less truck traffic for dumpster pickup.

Discussion was made about putting slats on the fence for screening of trucks, but the store sits up high enough off the road so the lights will not be shining down in to the highway traffic.

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 the site plan is an improvement and is 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 improvement to the site appears 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.

Very little landscaping currently exists. PC has recommended some landscaping improvements. The applicants have added two grass areas within curb and gutter areas. This is an improvement and is acceptable however the PC is requiring additional curb and gutter areas with grass and trees.

- (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 there are no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water. Compliance with MDOT, MCRC and the Drain Commission is a condition of approval.

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

PC determined necessary provisions are provided.

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

PC determined that detention / retention ponds are not necessary.

- 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.

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.

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 stored upon the property.

- (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.

No dwelling units located therein.

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

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.

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 traffic flow design is safe, convenient, uncongested and well defined for the intended use.

- (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.

The public or common ways for vehicular and pedestrian circulation exist.

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

Streets are existing.

- (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.

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.

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.

No outside storage proposed. The new loading and unloading areas being installed should be reviewed for compliance with this requirement. PC determined, based on its location the visibility is limited and has no adverse impacts.

- (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.

The illumination plan indicates compliance with this requirement.

- (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 condition of approval.

Motion by Singerling supported by Borushko to approve the site plan for parcel 61-10-028-200-0010-00, commonly known as 1501 E. Apple Avenue East Apple Avenue , based on the standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances being met contingent upon all federal, state, county and local rules and regulations be met.

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

Nays: none

Public comment – None

Next meeting The next scheduled meeting for the Planning Commission is on February 11, 2019 at 7:00 pm in the Board Room at Town Hall.

Adjournment

Motioned by Hower supported by VandenBosch to adjourn at 7:37 pm.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**