

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-19-8
August 20, 2019**

CALL TO ORDER

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

ROLL

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

Absent: None

Excused: Borushko

Also Present: Planning / Zoning Administrator Brian Werschem,
Recording Secretary Andria Muskovin, Supervisor Hodges,
Legal Counsel Erika McGahan and 7 guests.

Approval of Agenda

Motioned by Singerling supported by Hower to approve the August 20, 2019 agenda.

Motion carried.

Approval of Minutes

Motioned by Hower supported by Singerling to approve the minutes of July 8, 2019.

Motion carried.

Communications

Board Minutes for July 1, July 15, & August 5, 2019 reviewed with no comments.

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 19-17 Site Plan

Name: Copper Rock Construction
Address: 2140 E. Apple Ave.
PP# 61-10-750-000-0093-00
Zoning: Neighborhood Commercial
Purpose: Construct a 3,122 square foot office building for a Dental Office.

Copper Rock Construction proposes to construct a small office building to house a Dental office. This is a vacant property at the corner of Apple and Clark Street.

Jim Ryers, 601 5th St. NW, Grand Rapids, represented Copper Rock Construction. Single Dentist (Evanhoff) with 8 chairs. Entrance will be off from Clark St. Building will be set back 40' from road to building. Under eave & light at the door. Storm water will be onsite. Hours will be M-F 9:00 AM to 5:00 PM and 1 night until 7:00 PM. Construction to begin beginning of September with business opening in April, 2020.

The following standards of Section 58-486 for Site Plan Approval were reviewed by the Planning Commission (PC)

- (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 believes the overall topography on lot is altered 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.

Some landscaping is provided to offset any removals for the development. Very little current landscaping on this vacant lot. PC determined it is 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 believes that no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water will occur as the change is storm water is being managed onsite with a controlled release to the Muskegon County Road Commission Stormwater system.
 - b. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust.

PC believes this site plan accommodates this.

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

PC believes that detention /retention ponds are necessary to accommodate changes to storm water runoff based on roof surfaces and new asphalt surfaces. PC believes the detention/retention ponds proposed are adequate. Storm water calculations are provided.

- 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 believes 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 land.

PC believes that this project, as proposed, will have no effect on the natural drainage such as swales, wetlands, ponds, or swamps.

- 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 believes that the protective measure is adequate for this project.

- 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. 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 believes that the landscape plan and layout does provide for this privacy. No dwelling units located therein.

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

PC believes that public street access proposed is adequate.

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

PC believes 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 believes 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 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 believes this is adequately provided.

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

PC believes this to be accurate. The condition of all Federal, State, County and local rules and regulations are met will assure that the MCRC will review to their 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.

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 will be served by public 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.

Small refuse storage area proposed with screening. PC believes this requirement is met.

- (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 believes 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.

This should be a condition of approval.

Motion made by Hower, seconded by Hughes to approve the Copper Rock Construction, for 2140 E. Apple Ave., PP # 61-10-750-000-0093-00 for a dental office building, whereas the Planning Commission deems the Site Plan compliant with Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met as well as it being a single tenant facility.

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

Nays: None

2. PC 19-18 Public Hearing – Ordinance 19-8 adding Article 11, Sections 58-550 through Section 58-555 “Marihuana Zoning Ordinance: to Chapter 58 of the Muskegon Charter Township Code of Ordinances.

Purpose: Create a Marihuana Zoning Ordinance to allow for commercial marihuana operations in accordance to Michigan Law.

Public Hearing opened at 7:10 PM

Published on August 4, 2019 in Muskegon Chronicle. 2 inquires in person to pick up Ordinances for review.

Planning & Zoning Administrator Brian Werschem explained to the PC that every district in MCT passed the Marihuana law. A committee, including 2 PC board members, 2 Board members, Police Chief, Fire Chief and Planning & Zoning Administrator, was created to make a plan that would follow the will of the voters, and be in the best interest of the Township.

The committee also was advised by legal for vetting language in the ordinances. Brian Werschem thanked the committee.

Medical & Recreational Provisioning Centers for Marihuana will be in C1 Zoning (Retail). Locations allowed will be 3 on Apple Ave., 1 Laketon Ave., 1 Whitehall Rd., 2 Holton Rd. Marihuana Growing operations will not be permitted in the C1.

Marihuana Grows, Testing Centers and Transports are industrial and will be required to be in an overlay district. This district is in the Walker/Laketon area. Other possibilities will be in vacant buildings larger than 25,000 square feet in existence as of July 1, 2019 and in the M zoning district – possibly AMF Bowling building and the old Spartan warehouse.

Business owners can have one or both licenses per facility.

Anyone wishing to open any marihuana facility must be vetted by the state before submitting application to PC for site plan approval. They would then go to the Board for license. Once approved by us, they would go to the State for final license. Lara will regulate final vetting after Township approval.

The township has the ability to adjust for needs of township as we go along.

Chairman Bouwman thanked Brian and said it was sound planning on using existing buildings.

John Hughes felt it was the worst area to try to put those businesses in because of it being the old Marathon Oil site and that is was contaminated. He thought some would grow there but that it was not a good area. John also felt that the old AMF Bowling needs to be torn down due to holes in the roof.

Brian explained that area has been cleaned and that the primary concern is asbestos not oil. He said it was ready for construction by the State and that if this area did not work out, that they may change the district. Brian stated that the committee concentrated on this area but they have the ability to expand if necessary.

Public Comment –

Dave Jacobs, Owner of Mexican Grill, 2345 Apple Ave, Muskegon supported the ordinance

Motion to Close public hearing by Singerling seconded by Hower at 7:23 PM

Carried

Motion by Hower, supported by VandenBosch to recommend approval of this ordinance to the Muskegon Charter Township Board.

Ayes: Hower, Singerling, VandenBosch, Bouwman Frein

Nays: Hughes

3. PC 19-19 **Public Hearing – Ordinance 19-9 amending Section 58-257 “Permitted Uses” in the Neighborhood Commercial Zoning District (C1) and Section 28-287 “Permitted Uses” in the Commercial/Industrial Zoning District (M) of the Muskegon Charter Township Zoning Ordinance.**

Purpose: Add permitted uses in the Neighborhood Commercial (C1) and the Industrial/Commercial (M) Zoning Districts.

Public Hearing opened at 7:25 PM

This adds Marihuana facilities as permitted uses in the C1 and M zoning districts subject to limitations in the Marihuana Zoning Ordinance and the Marihuana Regulatory Ordinance.

Provisioning Centers – Retail in C1 only. All other are permitted uses in M zone only.

Motion to close public hearing by Hower seconded by VandenBosch.

Carried

Motion by Hower, supported by VandenBosch to recommend approval of this ordinance to the Muskegon Charter Township Board.

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

Nays: none

Public Comment - None

Adjournment

Motioned by Hower supported by Singerling to adjourn at 7:30 P.M.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**