

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-20-06
JUNE 8, 2020**

CALL TO ORDER

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

ROLL

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

Absent: None

Excused: None

Also Present: Planning / Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, Fire Marshall Nicolai, Supervisor Hodges and 3 guests.

Approval of Agenda

Motioned by Hower supported by VandenBosch to approve the June 8, 2020 Agenda.

Roll Call:

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

Motion carried.

Approval of Minutes

Motioned by Hower supported by Singerling to approve the minutes of May 26, 2020.

Roll Call:

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

Motion carried.

Communications

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 20-146 Site Plan

Name: Dog House Saloon
Address: 1940 E. Laketon
PP#: 61-10-027-300-0033-00
Zoning: Neighborhood Commercial (C1)

Purpose: Outdorr Seating Area

Public Hearing opened at: 7:03 PM

Planner Werschem explained:

The owners of the Dog House Saloon propose to add a patio area for some outdoor seating. This requires some parking lot modifications but is rather minor in nature to the overall site plan. There is a little bit of additional asphalt to gain an additional parking space. The storage structure north of the main building is being removed. The new outdoor seating area is enclosed by a 48” fence as required by the Michigan Liquor Control Commission. They propose to cover a portion of the patio area with a detached awning type cover. This will assist them in their limited reopening due to Covid 19.

Fire Marshal Nicolai stated in his review that the structure under the eaves needs to be moved. It is not approved as presented.

Julie Belmarez, owner of Dog House Saloon, 1940 E Laketon, stated that they will move the awning and they want the smoke house down so that bad stuff or people won't be hanging around. They would like to keep the Township clean. Steve Belmarez, 1940 E Laketon also stated that the reasoning behind the awning being away from the building was because of rain to drain and not fall between building.

Chairman Bouwman told them to direct any questions to Building Official Sheldon and Fire Marshal Nicolai to meet all goals.

Chairman Bouwman made a motion to amend the Site Plan to be compliant with fire and building codes. Supported by Frein.

Site Plan Requirements of Section 58-487 reviewed

- (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 no impact to landscaping as very little if any landscaping exists. The proposed changes are upon existing hard surface areas on the 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 that there is little change to the impervious surface and the storm water has been adequate for the site historically. No modifications to the storm water are necessary.

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

PC determined that accommodations for storm water and preventative measures to prevent erosion and the formation of dust are already in place and existing measures are adequate.

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

PC determined that no detention / retention ponds are 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 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.

- 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 additional measures are necessary at this time. The existing is adequate.

- 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.

The waste area is proposed to be enclosed and 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 existing and adequate.

- (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 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 the existing is adequate.

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

PC determined 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 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 already connected to sanitary water and sewer.

- (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 proposed refuse storage area is properly screened and no loading / unloading areas exist or are proposed.

- (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 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 should be a condition of approval.

Motion by Singerling second by Frein to approve site plan having met the standards of Secition 58-487 of the Muskegon Charter Township Code of Ordinances contingent upon moving the outdoor structure as approved by the Building Official and all Federal, State, County and Local ordinances.

Roll Call

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

Nays: None

Abstain: VandenBosch

2. PC 20-17 Zoning Map Amendment Ordinance – Public Hearing

Name: Apple Avenue Holdings, LLC
Address: 1890 E Apple Ave
PP#: 61-10-022-300-0019-00
Zoning: Municipal School
Purpose: Change Zoning to Commercial/Industrial (M)

Chairman Bouwman opened the Public Hearing at 7:14 PM

Published on May 24, 2020 – no responses

Brian Werschem stated that they are converting existing use to be run as a private facility. They are not changing use. It is zoned improperly for the use.

Dan Collela-Architect at Paradine, 550 3 Mile Rd, Grand Rapids stated the intent of new owner is to run as it has always been.

126,000 sq. ft. pretty viable facility. They are interviewing companies to run the facility. 30 full time jobs. \$500,000 renovation. Still work to do on it. It has an enclosed courtyard which works well for having dementia patients. Crisis residential facility in part of the building.

Public Comment None

Motion by Hower supported by VandenBosch to close the public hearing at 7:19 PM.

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

Nays: None

Motion by Singerling, supported by Hower to recommend to the Board the Zone Change at 1890 E Apple Ave from Municipal School (M/S) to Commerical Industrial (M).

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

Nays: None

3. PC 20-18 Special Use - Public Hearing

Name: Apple Avenue Holdings, LLC
Address: 1890 E Apple
PP#: 61-10-022-300-0019-00
Zoning: Municipal/School
Purpose: Special Use Permit for Adult Care Facility

Chairman Bouwman opened the Public Hearing at 7:24 PM.
Published on May 24, 2020. No responses

Brian Werschem stated that it is going from a government run to private use.

Mr. Collela – nothing to add.

Public Comment

None

Motion to close the Public Hearing by Hower supported by Borushko at 7:25 PM

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

Nays: None

The Special Use Standards of Section 58-57 were reviewed

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 this will be harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption especially since the use is already existing and this approval simply allows the applicant to continue to operate the facility as it has in the past under private ownership rather than public.

- (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 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 determined this will not be hazardous or disturbing to existing or future neighboring uses since the use is unchanged from its historical useage.

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

PC determined 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 determined that essential public services and facilities shall be able to be provided under the existing design as shown by its historical 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 rather it is taking it out of public cost and privatizing its use.

- (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 this is an existing and historical use of the property and is a service to the community rather than a detriment.

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

PC determined that medical facilities are an anticipated use in the Commercial / Industrial (M) Zoning District.

Motion by Hower supported by Singerling to recommend Special Use Permit at 1890 E Apple for an Adult Care Facility Medical Clinic having met the standards of Section 585-57 of the Muskegon Charter Township Code of Ordinances ontinent on zoning being approved by Board.

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

Nays: None

4. PC 20-19 Site Plan

Name: Apple Avenue Holdings, LLC
Address: 1890 E Apple
PP#: 61-10-022-300-0019-00
Zoning: Neighborhood Commercial (C1) Requested (M) PC 20-14

Purpose: Operate a state licensed adult care facility in the former Brookhaven facility.

There are no significant changes to the site plan but the standards must still be met and the site plan must be approved for the private use as a medical adult care facility.

Brian Werschem stated that a site plan is required with a special use permit.

Mr. Collela had nothing to add as well as staff had nothing to add.

Site Plan Standards from Section 58-486 were reviewed.

(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 this is existing and adequate.

- (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 this is existing and adequate.

- (3) Storm water and erosion protection.

- h. 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 this is existing and adequate.

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

PC determined this is existing and adequate.

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

PC determined this is existing and adequate.

- k. 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 this is existing and adequate.

- l. 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 this is existing and adequate.

- m. 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 this is existing and adequate.

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

PC determined this is existing and adequate.

- (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 this is existing and adequate.

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

PC determined this is existing and adequate.

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

PC determined this is existing and 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 this 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 this is existing and adequate.

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

PC determined this is existing and 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 this is existing and adequate.

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

PC determined this is existing and adequate.

- (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 this is existing and adequate.

- (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 this is existing and adequate.

- (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 this should be a contingency of approval.

Motion by Singerling supported by VandenBosch to approve the site plan at 1890 E Apple having met the site plan standards of Secition 58-487 of the Muskegon Charter Township Code of Ordinances, contingent upon approval of zoning and special use permit being approved by the Muskegon Charter Township Board of Trustees and contingent upon Federal, State, County and Local ordinances.

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

Nays: None

Announcements – Regular Meeting WebEX July 13, 2020 6:30 Work Session, 7:00 Meeting

Adjournment

Motioned by Hower supported by VandenBosch to adjourn at 7:40 P.M.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**