

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-17-12
December 11, 2017**

CALL TO ORDER

Chairman Greg Bouman called the meeting to order at 7:00 PM.

ROLL

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

Absent:

Excused:

Also Present: Planning and Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, and 10 guest(s).

APPROVAL OF AGENDA

Motioned by Singerling, supported by Hower to approve the agenda as submitted.

Motion carried.

APPROVAL OF MINUTES

Motioned by Hower, supported by VandenBosch to approve the minutes of November 13, 2017 as presented.

Motion carried.

COMMUNICATIONS

Staff Report

Board Minutes from November 6, 2017 and November 20, 2017 regular meetings and the November 27, 2017 special budget meeting provided

Staff report from Administrator Werschem provided for all agenda topics.

UNFINISHED BUSINESS

None

NEW BUSINESS

All Published as one on 11/19/17 in the Muskegon Chronicle

1. Public Hearing - Zone Change ZC17-05

Ordinance Number 17-18 to Rezone Parcel #61-10-006-100-0035-00 at 1894 Whitehall Rd from C-1 Neighborhood Commercial to R-1 Single Family Residential.

Chairman Bouwman opened the public hearing at 7:02 pm

Letter was received in the office on 12/11/17 opposing the zone change from Hugh & Rose White, owners of Arrow Auto Body, 1920 Whitehall Rd.

Valerie Morris, property owner at 1894 Whitehall Rd, said that on the Muskegon Township website it stated that mixed use zoning was for Residential and Commercial, however, it is for Commercial/Industrial. Mrs Morris was told by her realtor to try for the zone change as it being sold as commercial would mean a higher interest rate.

Motion by Singerling, second by Borushko to close the public hearing at 7:07 pm Motion Carried

Finding of Facts were read:

- 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.

It is not Consistent with the master plan's goals, policies, and future land use map.

- 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.

The rezoning is incompatible with 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.

- 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.

Deemed Suitable.

- 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.

Capacity deemed adequate.

- 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.

Road system deemed adequate.

- 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.

The 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 is sufficient and does not require the rezoning to improve.

- 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.

This request is considered spot zoning resulting in negative impacts of 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 would be negatively impacted.

- 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.

The proposed zoning district is not equally or better suited to the area than the current uses allowed.

Planning Commission recommends that the Township Board deny the zone change. It will be introduced at the Board Meeting on Monday, December 18, 2017.

Motion by Singerling, second by Borushko to recommend to the Muskegon Charter Township Board denial of Ordinance Number 17-18 to Rezone Parcel #61-10-006-100-0035-00 at 1894 Whitehall Rd from C-1 Neighborhood Commercial to R-1 Single Family Residential for reasons outlined in the Findings of Fact.

Ayes: Hower, Singerling, VandenBosch, Frein, Hughes, Bouwman, Borushko
Nays: None

Motion Carried

2. Public Hearing - Ordinance Amendment OA17-07

Ordinance No. 17-14 – Amendment of Section 58-26(a)(3) Accessory Buildings and Temporary Storage Units – Size and height of accessory buildings by adding language to allow larger tracts of land to construct larger accessory structures.

Chairman Bouwman opened the public hearing at 7:12 pm

John Hughes commented that there have been 5 variances granted in recent years.

Motion by Hower, second by Singerling to close the public hearing at 7:14 pm Motion Carried

Motion by Hower, second by VandenBosch to recommend to the Muskegon Charter Township Board approval of Ordinance No. 17-14 – Amendment of Section 58-26(a)(3) Accessory Buildings and Temporary Storage Units – Size and height of accessory buildings by adding language to allow larger tracts of land to construct larger accessory structures.

Ayes: Hower, Singerling, VandenBosch, Frein, Hughes, Bouwman, Borushko
Nays: None

Motion Carried

3. Public Hearing – Ordinance Amendment OA17-08

Ordinance No. 17-17 – Amendment of Section 58-417(g) Hearings and Appeals to correctly direct appeals to Circuit Court rather than District Court.

Chairman Bouwman opened the public hearing at 7:17 pm

Muskegon Township Legal Counsel advised that appeals of decisions made by the Zoning Board of Appeals were incorrectly directed to District Court. This corrects improper language in the Ordinance directing appeals to Circuit Court.

Motion by Hower, second by VandenBosch to close the public hearing at 7:19 pm Motion Carried

Motion by Hower, second by Borushko to recommend to the Muskegon Charter Township Board approval of Ordinance No. 17-17 – Amendment of Section 58-417(g) Hearings and Appeals to correctly direct appeals to Circuit Court rather than District Court.

Ayes: Hower, Singerling, VandenBosch, Frein, Hughes, Bouwman, Borushko
Nays: None

Motion Carried

4. Public Hearing – Special Use SU17-02

Special Use Permit Request for BJJ LLC to operate a Marine and Off Road Vehicle (ORV) Sales and Service Center at Parcel# 61-10-688-012-0005-00 commonly known as 2260 E. Apple Ave.

Commissioner Bouwman opened the public hearing at 7:20 pm

Ed Dewitt of 1049 East St stopped in and spoke with Clerk Ann Oaks opposing the business as he felt they would be test driving the ORV's up and down his road.

Brian Green, 2254 Fenner Rd, owner of business dealing with new watercraft, ORV's, UTV's & ATV's maintenance and warranty

work, stated that they would not be driving the ORV's up and down the road as it is illegal, and they have Dyno's that they can test them on right in the shop. Brian was asked where the products will be kept in reference to his building. He stated that the products will be back between the sidewalk buffer and building. He will also keep the existing sign.

Brian also mentioned that he would be wanting to add indoor storage to the back of the building within the next 6 months. Brian Werschem informed him that any new buildings would require him to bring in a new site plan for approval. Hours of operation would be closed on Sunday and Monday, Tuesday – Friday 10 AM – 6 PM and Saturday 9 AM – 12 PM. Brian Green hopes to open in January 2018.

Mark Nicolai, Muskegon Township Fire Inspector commented that he is on the same page with Brian Green on safety. He also stated that it has been a huge improvement to the area.

Joseph Singerling asked about Hazardous material. Mark commented that there was not a high amount of Hazardous material.

Motion by Borushko, second by Hughes to close the public hearing at 7:25 pm Motion Carried

Section 58-57 Special Use standards for making determination.

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.
Standard Met
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.
Standard Met
3. Will not be hazardous or disturbing to existing or future neighboring uses.
Standard Met
4. Will be a substantial improvement to property in the immediate vicinity and to the township as a whole.
Standard Met
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.

Standard Met

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.
Standard Met
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.
Standard Met
8. Will be consistent with the intent and purposes of this chapter.
Standard Met

Motion by Singerling, second by Hower to recommend approval of a Special Use Permit to operate a Marine and Off Road Vehicle (ORV) Sales and Service Center at Parcel# 61-10-688-012-0005-00 commonly known as 2260 E. Apple Ave. based on compliance with Section 58-57 Special Use standards for making determination of the Muskegon Charter Township Ordinance being met.

Wade VandenBosch excused himself from the vote as his company is working with Brian Green.

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

Nays: None

Excused: VandenBosch

Motion Carried

SITE PLAN STANDARDS FOR REVIEW

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.
Standard Met.

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.

None exist

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.

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

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

Not Applicable
 - 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.

Directed to Public Storm Sewer
 - 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.

None required
 - g. Compliance with the requirements of [section 58-487](#) shall also be demonstrated.

Not Applicable.
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.

Standard Met
6. A pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system shall be provided.

Not Applicable

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.

Standard Met

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.

Standard Met

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

Not Applicable

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.

Standard Met

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

Standard Met

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.

Standard 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.

Standard Met

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.

Standard Met

Motion by Singerling, second by Frein to approve the Site Plan for BJJ LLC to operate a Marine and Off Road Vehicle (ORV) Sales and Service Center at Parcel# 61-10-688-012-0005-00 commonly known as 2260 E. Apple Ave. based on compliance with Section 58-486, Standards for Site Plan approval being met with the following conditions.

That all Federal, State, County and local laws and Ordinances are met.

Site Plan approval is granted contingent upon Township Board approval of the Special Use Permit

Wade VandenBosch excused himself from the vote as his company is working with Brian Green.

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

Nays: None

Excused: VandenBosch

Motion Carried

- 5. Site Plan Review Application – 2006 Holton Rd, Muskegon, MI 49445**
Parcel#: 61-10-004-100-0015-00
Zoning: C-1 Neighborhood Commercial
Request: A new medical office building featuring Primary Care, Urgent Care, Radiology, Lab Services and Pharmacy.

John Tempest, Holland Michigan, spoke of plans to clear 30,00 square foot lot for Medical facility to include, lab, and urgent care. Hours of operation would be 7 AM- possibly as late as 10 PM. Urgent care would not be 24 hours.

Jim Borushko asked of time frame for completion, and they would like to begin construction beginning in January or February, 2018 and finishing in the later part of 2018.

Building will be hooked up to water/sewer, and there will also be an underground storm sewer detention that will hold the water until it can drain into the ground.

MDOT has approved location of drive off Holton Rd, but still need the permit.

Proposing refuge/dumpster for household waste only. All medical waste will be held inside of the building.

Tower Pinkster Engineer, Craig Newhouse, 622 Orcellio, Grand Rapids Michigan, spoke regarding the pole mounted light that would shield the light from a wall pack.

Mark Nicolai, Fire Inspector for Muskegon Township, stated that the site plan looks great. Building is completely suppressed and that the fire hydrants are all in close proximity to building.

It was brought to the attention that the sign location will need to be adjusted out of right of way on Roberts.

SITE PLAN STANDARDS FOR REVIEW

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.

Standard Met

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.

Landscape Plan provided and approved, Standard Met

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.

Onsite storm water detention, Standard Met

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

Detention is underground, Standard Met

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

Standard Met

- 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.

Standard Met

- 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.

Not Applicable

- 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 taken upon underground storage area, Standard Met

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

Standard Met

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.

Assure adequate screening of headlights, Standard Met

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

Standard Met

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

Standard Met

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.

Standard Met

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.

Standard Met

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

Standard Met

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.

Confirmed by Fire Inspector, Standard Met

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

Public Water and Sewer being utilized, Standard Met

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.

Standard 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.
Wall packs with limited area of illumination utilized and pole lighting is shielded, Standard Met

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.
Acknowledged by Applicant, Standard Met

Motion by Hower, second by Singerling to approve the Site Plan for Trinity Health A new medical office building featuring Primary Care, Urgent Care, Radiology, Lab Services and Pharmacy at Parcel#: 61-10-004-100-0015-00 commonly known as 2006 Holton Rd, Muskegon, MI 49445 based on compliance with Section 58-486, Standards for Site Plan approval, of the Muskegon Charter Township Ordinance being met with the following conditions:

Compliance with all Federal, State County and local codes and ordinances being met

Ayes: Hower, Singerling, VandenBosch, Frein, Hughes, Bouwman, Borushko
Nays: None

Motion Carried

PUBLIC COMMENT – None

NEXT MEETING

The next scheduled meeting for the Planning Commission is on January 8, 2017 at 7:00 PM in the Board Room at Town Hall.

ADJOURNMENT

Motioned by Hower, supported by Frein to adjourn at 7:50 PM.

Motion Carried.

Respectfully submitted,

*Sandra Frein
Secretary*