

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-18-12
DECEMBER 10, 2018**

CALL TO ORDER

Chairperson Bouwman called the meeting to order at 7:00 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,
Fire Inspector Mark Nicolai and 6 guests.

Approval of Agenda

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

Motion carried.

Approval of Minutes

Motioned by Hower, supported by Singerling, to approve the minutes of November 13, 2018 as presented.

Motion carried.

Communications

Board Minutes for October 1, 2018, & October 15, 2018

Notice of Draft – Dalton Township Master Plan

Staff Report

Unfinished business

None

New Business

1. PC 18-11 Public Hearing – Special Use Permit

Name: ALS Enterprises - Scentlok Technologies
Address: 1731 Wierengo
PP# 61-10-027-400-0018-00
Zoning: Industrial Park (IP)

Purpose: Add Manufacturing to their Special Use Permit

Open public hearing at 7:04 p.m.

Published in the Muskegon Chronicle on November 25, 2018

Ted Jurgens, Operation Manager, 407 McLaren, Fruitport, Michigan spoke on behalf of ALS Enterprises. He explained that the manufacturing line that they would like to add inside the compound would include bottling of shampoo, conditioner, body spray, and laundry soap. Bottling production would begin in February or March, 2019 if approved. They will not be adding any employees for this process.

Mark Nicolai, Fire Inspector for Muskegon Charter Township commented that this is environmentally friendly and is not a fire hazard.

Sandra Frein asked if anything was flammable and Mr. Jurgens replied that there is about .3% of citric acid used and that it is food grade.

Motion to close public hearing by Singerling, second Hower.

Sec. 58-57. - General standards for making determinations reviewed

(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 Industrial Park Zoning District.

(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 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.

The manufacturing use proposed is a substantial improvement to the property in the immediate vicinity and the township as a whole since manufacturing is an intended use in the IP Zoning District.

(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.

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 are 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 the manufacturing process proposed 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. They are simply bottling a liquid scent blocking spray. All State, Federal, County and local requirements will be required to be met as it relates to the liquid being bottled.

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

Manufacturing is an intended use in the IP Zoning District.

Closed public hearing at 7:10 pm

Standards – No concerns.

Motion by Singerling, supported by Hower to recommend approval to the township board the addition of manufacturing to the special use permit for parcel 61-10-027-400-0018-00, commonly known as 1731 Wierengo, 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 18-12 Public Hearing – Special Use Permit

Name: Dana Sahagun
Address: 1457 Carlton St.
PP# 61-10-672-001-0020-00
Zoning: Single Family Residential (R1)
family daycare for more than 6 children.

Open public hearing at 7:12 p.m.

Published in the Muskegon Chronicle on November 25, 2018

Dana Sahagun, 1457 Carlton St, Muskegon, Michigan was present and told the board that she would like to change her daycare license from having 6 children to being licensed for a group daycare where she would be allowed to have 12 children, not including her own (if she has any in the future) and have 2 employees present at a time. Her sister will be her employee, and she will have one other employee. She will work on Monday, Wednesday and Friday with one employee and Tuesday and Thursday with another employee. She plans to be open Monday thru Friday, from 7:00 AM to 5:30 PM.

She was asked by Wade VandenBosch if she had well or public water. She has public. He also asked her if only being able to have 12 children limit would be a hardship which she said no. She said she has a large driveway, and the parents drop the children off and pick them up at different times, so it would not be congested. Joe Singerling asked her she would need to do any alterations to her home and she said no. She had 3 bedrooms and a dining room that she will use as a playroom and 2 of the bedrooms can be used as nap rooms.

Her yard is fenced in all around the house.

She does not intend on having any daycare on the weekends.

Motion to close public hearing by Singerling, second Hower

Closed public hearing at 7:19 pm

No public comments. No objections.

Sec. 58-57. - General standards for making determinations reviewed

(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 can be harmonious in the Single Family Residential zoning District with certain conditions being in place. Some conditions to assure harmony may include but are not limited to: hours of operation, days of operation, maximum number of additional support staff,

and maximum number of children allowed. The Planning Commission should discuss these and any other conditions they feel necessary to protect the residents of MCT.

- (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 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. No exterior changes proposed other than an increase in the number of children playing outside.

- (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. Planning Commission will need to concur.

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

PC believes the ability to provide additional daycare in the immediate vicinity is an improvement to property in the immediate vicinity and to the township as a whole.

- (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.

Essential public services and facilities shall be able to be provided under the proposed 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 believes that no additional requirements at public cost for public facilities and services are 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 the use 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. Planning Commission should discuss with applicant the increased traffic and assure it feels the additional traffic flow produced will not be detrimental to any persons, property, or the general welfare.

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

State licensed family daycare is consistent with the intent and purpose of special uses in the single family residential zoning district.

Motion by Singerling, supported by Hower to recommend approval to the township board a special use permit for parcel 61-10-672-001-0020-00, commonly known as 1457 Carlton, based on the standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances being met with the following conditions:

Operate Monday through Friday Only

Operate from 6:30 AM to 6:00 PM Only

Maximum of twelve children allowed at any given time

Maximum of one additional staff person at any given time

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

Nays: none

3. PC 18-13 Site Plan

Name: Dana Sahagun

Address: 1457 Carlton St.

PP#: 61-10-672-001-0020-00

Zoning: Single Family Residential (R1)

Purpose: Obtain Site Plan approval for state licensed family daycare for more than six (6) children.

Standards for Site Plan Approval

- (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.

Topography is existing and consistent with single family residential use in the area. All structures are existing for the use.

- (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.

No alterations to existing landscaping proposed. Planning Commission should discuss whether additional landscaping or buffering should be provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Staff believes it is currently 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.

No adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water.

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

PC believes no additional provisions are necessary.

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

PC believes that detention / retention ponds are unnecessary.

- 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 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 generated 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.

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.

Exist.

- (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.

- (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.

- (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.

Not Applicable.

- (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.

No exterior lighting exists or proposed beyond standard outdoor lighting for single family residential use.

- (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 Hower, supported by Singerling to approve the site plan for parcel 61-10-672-001-0020-00, commonly known as 1457 Carlton, 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.

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

Nays: none

4. PC 18-14 Public Hearing - Zone Change

Name: Camcar Properties, LLC – Friendship Village of Muskegon LLC
Address: 2389 E. Laketon
PP# 61-10-034-200-0023-00, 61-10-034-200-0024-00, 61-10-034-200-0025-00
Zoning: Commercial / Industrial (M) and Municipal / School (M/S)
Purpose: Rezone parcels 023 and 024 from Commercial / Industrial (M) to Single Family Residential (R1) and rezone parcels 025 from Municipal / School (M/S) to Single Family Residential (R1) for a state licensed adult care facility

Open public hearing at 7:25 p.m.

Brian Labrant, 601 Terrace St, Muskegon, MI was here to represent the owner of Camcar Properties. He informed the board that they would like to put in an adult licensed care facility for patients who have memory disorders. They have 2 contractors that they will be choosing from BCI and Davis Construction out of Grand Rapids. They would like to pick one by the end of the year or no later than January 15, 2019.

They are looking at a 6 month build out. They are aware of issues with the building and that it will need to be brought up to code. They are aware that it will be a substantial undertaking and have budgeted 1.2 million, but would make a bigger investment if needed with private funding and a bank loan.

Nap Core, 66108 Meanders, Portage Michigan is one of the potential owners along with her husband Jay. Jay has an MBA and owns his own business. She will graduate in March with a PhD in psychology. They would like to work with patients that are 65 and older with memory disorders and working with PTSD treatment, and eventually add dementia, and Alzheimer's patients. This would be a long term living facility.

Maureen Wierema 2469 E Laketon, lives close to the site and was all in favor of having a long term living facility for people with dementia, alzheimers, memory disorders. She has a father who is in a facility that does not lock down and her mother is unable to care for him and no other family to take care of him.

Discussion of whether or not to table item for more information, or for conditional rezoning application. They would have to resubmit a specific rezoning application that the Planning Commission would recommend to the Board. If everything lined up, it would go to the Board on the 3rd Monday of January, 2019.

Brian Labrant indicated that he would be comfortable moving forward as long as he had positive indication from the Planning Commission Board.

Motion to close public hearing by Borushko, second Hower

Closed public hearing at 8:02 pm

DIVISION 3. – DISTRICT CHANGES; AMENDMENTS

Sec. 58-432 - Initiation and procedure.

(c) Amendment review procedure. Proposed amendments to the official zoning map shall be reviewed in accordance with the following:

(3) Planning commission consideration and recommendation. The planning commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The planning commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the township board. In considering an amendment to the official zoning map (rezoning), the planning commission shall consider the following factors in making its findings and recommendations:

- (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.

PC believes that this request is inconsistent with the master plan's goals, policies, and future land use map. The conditions have not changed since the master plan was adopted or when the zoning was changed in 2015. R1 rezoning would open all permitted and special use allowances to properties that are Master Planned for Commercial / Industrial Use.

- (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.

PC believes the parcel has many more compatible uses as currently zoned.

- (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.

PC believes that the requested zoning would be 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.

PC believes the potential uses permitted in the proposed zoning district would not compromise the health, safety, and welfare of township residents or burden the township with unplanned capital improvement costs or other unplanned public expenses.

- (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.

PC believes that the road system can safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

- (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.

PC believes that there is demand for single family residential property but there exist sufficient land currently zoned for this use to meet the demand.

- (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.

PC believes that the potential uses permitted in the proposed zoning district is scalable for future development. However, staff also believes that potential uses permitted in the current zoning district is also scalable and better suited for future development.

- (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.

PC believes that potential uses in the proposed zoning district are not equally or better suited to the area than the current uses allowed. The current uses allowed are much better suited to the area.

Motion by Hughes, supported by Hower to table the rezoning request for parcels 61-10-034-200-0023-00, 61-10-034-200-0024-00, and 61-10-034-200-0025-00, commonly known as 2389 E. Laketon, pending submittal of conditional rezoning application.

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

Nays: none

Motion by VandenBosch, support by Hower to approve 2019 Schedule for Muskegon Charter Township Planning Commission provided.

Motion passed

Election of officers for 2019

Borushko nominated all positions to stay the same. All accepted.

Chair - Bouwman

Vice Chair - Singerling

Secretary - Frein

Motion by VandenBosch, support by Hower to approve the nominated chair, vice-chair and secretary.

Motion passed

Public comment – None

Next meeting The next scheduled meeting for the Planning Commission is on January 14, 2019 at 7:00 pm in the Board Room at Town Hall.

Adjournment

Motioned by Hower, supported by Singerling to adjourn at 8:16 pm.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**