

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-23-5
April 10, 2023**

CALL TO ORDER

Chairperson VandenBosch called the meeting to order at 6:30 p.m.

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

Excused: Frein

Absent: Bouwman

Also Present: Recording Secretary Andria Muskovin, Planner Werschem, and 3 guests.

Approval of Agenda

Motioned by Singerling supported by Hower to approve the Agenda for the April 10, 2023 Planning Commission meeting.

Ayes: Hower, Singerling, Hughes, Borushko, VandenBosch

Nays: None

Motion carried.

Approval of Minutes

Motioned by Singerling supported by Hower to approve the minutes from March 13, 2023, with correction to 23-8 Frein name removed from approval of motion.

Ayes: Hower, Singerling, Hughes, Borushko, VandenBosch

Nays: None

Motion carried.

Communications

March 6 2023, and March 20, 2023 Board Minutes Reviewed

Staff Report acknowledged

Unfinished Business –

New Business –

1. PC 23-10 Site Plan Amendment

Name: Land Management LLC/Wesco Store #31
Address: 1819 E. Apple Ave
PP#: 61-10-404-000-0281-00
Zoning: Neighborhood Commercial (C1)
Purpose: Site Plan Amendment to revitalize the location and make safer.

This is a significant remodel of Wesco Store #31 located at 1819 E. Apple Ave. the diesel pumps are being moved from the west side to the east side of the property. The unleaded dispensers are being rotated for safer access. The underground tanks are being removed and replaced in a new location. The ingress and egress is being improved and made much safer. The structure will also undergo revitalization.

Stacy Whalen, Wesco Corp. 1460 Whitehall Rd, Muskegon MI and Jon Tempest, 12330 James St, Holland MI were here on behalf of Wesco. Stacy stated that the store will be closing June 5th and will reopen on November 6th. She also stated that this is a \$2,000,000.00 project.

Fire Inspector had reviewed and approved the project.

ARTICLE VIII. - SITE PLAN REVIEW

Sec. 58-486. - Standards for approval.

- (a) The intent of the planning commission is to minimize any adverse impacts that a proposed site plan may have on the neighboring properties, the neighborhood in general and its character, and the community as a whole.
- (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 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 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 the landscape is being preserved insofar as practical. Little modifications to the existing is occurring besides some landscaping improvement to the southeast area of the property.

- (3) Stormwater and erosion protection.

- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.

PC determined that the stormwater system existing and is adequate.

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

PC determined that provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.

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

PC determined that detention / retention ponds are not required.

- 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 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 no swales, wetlands, ponds, or swamps exist in the site plan area so this requirement does not apply.

- 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 adequate measures will be required by the state, county and local permits to assure proper collection of any waste material.

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

PC determined the requirements of section 58-487 are demonstrated.

- (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 that no dwelling units are proposed so this standard does not apply.

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

PC determined that the entire facility does have access to public streets and is being improved / made safer.

- (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 proposed and is 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 that safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is proposed 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 that the arrangement of existing public or common ways for vehicular and pedestrian circulation is connected to existing or planned streets and pedestrian or bicycle pathways in the area.

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

PC determined that no streets are required so this section does not apply.

- (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 all buildings or groups of buildings are arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. Fire department has approved the layout.

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

Municipal water and sewer is required and existing.

- (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 that all loading or unloading areas and outside storage areas, including refuse storage stations, are being screened from view.

- (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 that no light trespass will occur from this development.

- (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.

Motion by Hower supported by Singerling to approve the Site Plan Amendment for Land Management LLC/Wesco Store #31 1819 E. Apple Ave., parcel 61-10-404-000-0281-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:

- a. **Compliance with all federal, state, County and local rules, regulations and ordinances**

Ayes: Hower, Singerling, Hughes, Borushko, VandenBosch

Nays: None

Motion carried.

2. PC 23-11 Site Plan Amendment

Name: Little Caesars

Address: 2315 E Apple Ave

PP#: 61-10-400-000-0013-00

Zoning: Neighborhood Commercial (C1)

Purpose: Convert the site into a stand-alone Little Caesars

This is a site plan amendment to modify the former Checkers/Fish 'n' Chips site into a stand-alone Little Caesars.

Trevor Buel, 2315 E Apple Ave, Muskegon MI stated that the new location will look nothing like what it does now. He stated that by adding a drive thru to his location, he figures business will increase by 25%. He stated that out of the 6 locations he owns, the location on Apple is the busiest, so he predicts it will be even more so with the drive thru. He thinks he would be hiring 6-7 more people to work this location. He stated that his Whitehall location sales increased by \$400,000, just by moving to a better location. There will be a fire lane in the front and new landscaping as well. Fire Inspector has approve this project and Trevor is hoping to open this location by September 1, 2023.

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- (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 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 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 the landscape is being preserved insofar as practical. Some landscaping improvements are being made to spruce up the site.

- (3) Stormwater and erosion protection.

- a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public stormwater drainage system, or nearby bodies of water.

PC determined that the stormwater system existing and is adequate.

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

PC determined that provisions have been made to accommodate stormwater, prevent erosion and the formation of dust.

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

PC determined that detention / retention ponds are not required.

- 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 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 no swales, wetlands, ponds, or swamps exist in the site plan area so this requirement does not apply.

- 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 adequate measures will be required by the state, county and local permits to assure proper collection of any waste material.

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

PC determined the requirements of section 58-487 are demonstrated.

- (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 that no dwelling units are proposed so this standard does not apply.

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

PC determined that access to a public street 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 proposed and is 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 that safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within the site is proposed 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 that the arrangement of existing public or common ways for vehicular and pedestrian circulation is connected to existing or planned streets and pedestrian or bicycle pathways in the area.

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

PC determined that no streets are required so this section does not apply.

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

Municipal water and sewer is required and existing.

- (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 that all loading or unloading areas and outside storage areas, including refuse storage stations are being screened from view.

- (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 that no light trespass will occur from this development.

- (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.

Motion by Hower second by Borushko to recommend to the Muskegon Township Board approval of a Site Plan Amendment for New Henry Holdings LLC/Little Caesar's at 2315 E Apple Ave., parcel # 61-10-400-000-0013-00 having met the standards 58-486 of the Muskegon Charter Township Code of ordinances with the following conditions:

- a. Compliance with all Federal, State, County and local rules, regulations and ordinances.**

Ayes: Hower, Singerling, Hughes, Borushko, VandenBosch

Nays: None

Motion carried.

Public Comments: None

Announcements: Next Planning Commission meeting will be May 8, 2023.

Motion by Hower supported by Singerling to adjourn the meeting at 6:46 P.M.

Ayes: Hower, Singerling, Hughes, Borushko, VandenBosch

Nays:

Motion Carried

Respectfully submitted by,

**Joseph Singerling
Secretary**