

**MUSKEGON CHARTER TOWNSHIP  
PLANNING COMMISSION MINUTES  
PC-19-11  
November 12, 2019**

**CALL TO ORDER**

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

**ROLL**

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

**Absent:**

**Excused: Hughes**

**Also Present: Planning / Zoning Administrator Brian Werschem,  
Recording Secretary Andria Muskovin, Fire Marshall Nicolai and 17 guests.**

**Approval of Agenda**

**Motioned by Hower supported by Singerling to approve the November 12, 2019 agenda. With modification that item 7 address being changed to 1965 Holton Rd.**

**Motion carried.**

**Approval of Minutes**

**Motioned by Singerling supported by Hower to approve the minutes of October 14, 2019.**

**Motion carried.**

**Communications**

**Board Minutes for October 7, 2019 and October 21, 2019 reviewed with no comments.**

**Staff Report acknowledged**

**Unfinished Business - None**

**New Business –**

1. PC 19-24 Zoning Map Amendment

**Name: Muskegon Community College**

**Address: 1903 Stebbins, 1915 Stebbins, 1925 Stebbins, 1935 Stebbins, &  
1945 Stebbins**

**PP# 61-10-675-000-0001-00, 61-10-675-000-0003-00,**

**61-10-675-000-0004-00, 61-10-675-000-0006-00, 61-10-675-000-0007-00**  
**Zoning: Single Family Residential (R1)**

**Purpose: Request Rezoning to Municipal/School (M/S).**

**Public Hearing opened at 7:03**

Published October 27, 2019.

Daniel Rinsema-Sybenga, 221 S Quarterline Rd, Muskegon MI, Dean of Students Muskegon Community College, stated that they are looking to put in an Educational Training Facility called "The Farm". It would be a farm research incubator that students would research techniques. Three of the parcels are already in use and the other two parcels are adjacent to the College.

**Motion by Singerling supported by Hower to close Public Hearing at 7:05 PM.**

**Motion carried**

**Motion by Hower supported by Singerling to recommend approval to the Township Board of zone change for parcels 61-10-675-000-0001-00, 61-10-675-000-0003-00, 61-10-675-000-0004-00, 61-10-675-000-0006-00, & 61-10-675-000-0007-00 from Single Family Residential (R1) to Municipal/School (M/S).**

**Yeas: Singerling, Hower, VandenBosch, Bouwman, Frein, Borushko**

**Nays: none**

## **2. PC 19-25**

### **Site Plan**

**Name: FJL LLC - Great Lakes Ford**  
**Address: 2469 East Apple Avenue**  
**PP#: 61-10-400-000-0115-00**  
**Zoning: Neighborhood Commercial (C1)**

**Purpose: Site Plan modification for new guest waiting area.**

The applicant proposes to add an addition to its existing facility for a guest waiting area along with a large canopy entrance area to the service garage. They are losing five parking spaces with the addition but propose to convert some display area into customer parking as shown on the site plan. No change in hard surface area so little to no impact to storm water.

Fire Marshall Nicolai stated that there were some fire code issues that they are working on. There had been no suppression, and there were issues with fire walls, but plans have been submitted to add Suppression and Fire Marshall Nicolai is comfortable moving forward without any contingency.

***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 determined the modifications proposed will 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.

*Most landscaping is existing with additional landscaping around the new dumpster enclosure. PC believes it is sufficient.*

(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 no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water will occur. The applicants have proposed modifications and calculations for storm water management onsite.*

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

*PC determined this site plan accommodates this.*

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

*PC determined 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 determined 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.

*No natural drainage such as swales, wetlands, ponds, or swamps exist onsite so this is 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.

*PC determined 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 determined 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 a public street, unless otherwise provided in an approved PUD.

*PC determined that the existing public street access is 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 this is adequately provided.*

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

*No street development is occurring and is currently existing so this standard is 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.

*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 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 determined all exterior lighting proposed remains onsite and no light trespass is occurring onto neighboring properties. Only one existing pole is being relocated further into the property than its current location.*

- (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 VandenBosch, supported by Borushko to approve the Site Plan Modification for FJL LLC- Great Lakes Ford 2469 East Apple Ave., 61-10-400-000-0115-00 to put on an addition on the West side of 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 and being compliant.**

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

**Nays: None**

**Motion carried**

**3. PC 19-26**

**Site Plan**

**Name: Oak Flint LLC  
Address: 2190 Whitehall Road  
PP#: 61-10-006-100-0001-10  
Zoning: Neighborhood Commercial (C1)**

**Purpose: Requesting Site Plan approval for Medical Marihuana Provisioning Center and Adult Use Retail Facility**

Oak Flint LLC proposes to use the third and final space of 2190 Whitehall Road for a Medical Marihuana Provisioning Center and Adult Use Retail Facility in accordance with our Marihuana Licensing and Marihuana Zoning Ordinances.

Ron Bostick, 2002 Hazel Street, stated that it was a 2400 sq. ft building. One handicap spot was moved in front of their building from another part of the building.

***The following are the standards for Site Plan approval. Staff comments are indicated in italic:***

(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 the overall topography is unchanged as the facility is existing.*

- (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 very little if any actual landscaping is being modified.*

- (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 there is no change to the existing hard surface thus will have no impact on existing storm water.*

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

*PC determined there is no change so standard is not applicable*

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

*PC determined that no additional detention / retention ponds are necessary for the modification.*

- 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 will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic as it currently exists.*

- 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 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 determined the modification will not require additional catch basins or other protective measures beyond the existing systems.*

- 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 so this standard is 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.

*PC determined 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 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 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 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 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. Approved by the Fire inspector.*

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

*PC determined water supply and sewage collection is existing and determined 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 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 by Singerling , supported by Borushko to approve the Site Plan for Oak Flint LLC, 2190 Whitehall Road, 61-10-006-100-0001-10 for Medical Marihuana Provisioning Center and Adult Use Retail Facility, 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 and being compliant and recommends approval of a Recreational Marihuana License and a Medical Marihuana License for this facility to the Muskegon Charter Township Board.

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

Nays: None

Motion carried

4. PC 19-27 Special Use Permit

Name: Laketon Investors LLC – Main Street Products  
Address: 0 E. Laketon Ave.  
PP#: 61-10-033-200-0001-00  
Zoning: Commercial / Industrial (M)

Purpose: The applicant proposes a Medical and Adult Use Marihuana Provisioning Center upon Laketon at Rouse.

This site is zoned Commercial / Industrial (M) so the application is a special use permit.

**Public Hearing opened at 7:13 P.M.**

Sig Rudholm, 1249 E Laketon Ave, Muskegon MI is the contractor for this New Construction. He stated that this will be a high end building. Brian Werschem stated that this property is bordered by the City of Muskegon. The portion to remain after the land division creating this parcel will be tied to the City parcel If a sale should occur for this property, both the city parcel and the remaining parent parcel would have to be sold together.

Motion by Hower, supported by Borushko to close the Public Hearing at 7:17 P.M.

Motion Carried

The following standards for Special Use Permit apply.

**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 that Medical and Adult Use provisioning center is harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption. It is within the allowable area for provisioning center as described in the Marihuana zoning ordinance and marihuana regulatory ordinance.*

- (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 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. The site is bordered to the west and north by the City of Muskegon, also bordered to the south by industrial and to the east by commercial / industrial.*

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

*PC determined the allowable use in the corridor is a substantial improvement to property in the immediate vicinity and to the township as a whole rather than a vacant overgrown lot.*

- (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 proposed use. This plan has been reviewed and approved by the Fire Inspector as well.*

- (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 the additional requirements at public cost for public facilities and services anticipated are covered by their annual licensing fee and revenue sharing.*

- (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 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. These types of facilities are shown to not produce any of the afore mentioned effects.*

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

*This Special Use Permit is in accordance with the newly adopted Marihuana Licensing and Marihuana Zoning Ordinance.*

**Motion by Singerling, supported by Hower to recommend to the Township Board approval of the special use permit for Laketon Investors LLC., Main Street Products for a Medical and Recreational Marihuana Provisioning Center to be located upon Laketon Avenue at Rouse parcel # 61-10-033-200-0001-00 based upon the standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances being met with the following conditions: Compliance with all State, County and local rules, regulations and ordinances.**

Ayes: Hower, Singerling, Bouwman, Frein, Borushko

Nays: None

VandenBosch abstained from voting.

5. PC 19-28 Site Plan

Name: Laketon Investors LLC – Main Street Products  
Address: 0 E. Laketon Ave.  
PP#: 61-10-033-200-0001-00  
Zoning: Commercial / Industrial (M)

Purpose: The applicant proposes a Medical and Adult Use Marihuana Provisioning Center upon Laketon at Rouse.

Brian Werschem stated that this is a good location, close to US 31, it is a vacant parcel and will be new construction. It will have a greener looking landscape.

***The following are the standards for Site Plan approval. Staff comments are indicated in italic:***

(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 the overall topography is virtually unchanged as the facility is upon an existing lot in a highly industrialized area.*

- (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 very little if any actual landscaping is being modified. However, the applicant proposes landscaping to green up a very industrialized corner.*

- (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 appropriate measures have been 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.*

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

*PC determined the storm water system to be accurate and measures are in place to prevent erosion and dust.*

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

*PC determined that a detention/retention pond is required. The retention basin proposed is deemed adequate.*

- 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 will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic as proposed.*

- 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 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 determined no hazardous materials are produced so this section is not applicable.*

- 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 so this standard is 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.

*PC determined 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 a public street, unless otherwise provided in an approved PUD.

*PC determined 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 determined the pedestrian circulation system proposed 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 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 this is adequate as proposed.*

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

*PC determined this is adequate. Muskegon County Road Commission approval is always 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 the building is arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. 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 required to be served by municipal water and sewer collection.*

- (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 adequate as 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.

**Motion by Borushko supported by Singerling to approve the site plan for vacant lot upon Laketon parcel number 61-10-033-200-0001-00 having met all the site plan standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met. Further the Planning Commission recommends approval of the requested Medical Marihuana License and Recreational Marihuana License to the Township Board.**

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

**Nays: None**

VandenBosch abstained from voting

6. PC 19-29 Site Plan

**Name:** Nobo Michigan, LLC  
**Address:** 1401 & 1403 E. Apple Ave.  
**PP#:** 61-10-028-200-0001-00 & 61-10-275-000-0001-00  
**Zoning:** Neighborhood Commercial (C1)  
**Purpose:** The applicant proposes a Medical and Adult Use Marihuana Provisioning Center upon vacant lots on E. Apple Ave. at Creston

Nobo Michigan, LLC proposes to use build a new facility on the vacant lot at the se corner of E. Apple Ave. and Creston for a Medical Marihuana Provisioning Center and Adult Use Retail Facility. In accordance with our Marihuana Licensing and Marihuana Zoning Ordinances. This is a two phase project with the second phase being leasable retail space. There appears to be an error of 5 feet in the setback and the storm water calculations are not clear.

Bill Stoler, 1401 Apple Ave, Muskegon MI, stated that he would like to construct a new multi-tenant will change the square footage to accommodate the 5' difference that Brian Werschem indicated because of the ROW from when the road was widened at one point, and he would also get clarification for PC VandenBosch regarding the storm water.

***The following are the standards for Site Plan approval. Staff comments are indicated in italic:***

(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 the overall topography is virtually unchanged as the facility is upon an existing lot in a highly commercialized area.*

- (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 very little if any actual landscaping is being modified. However, the applicant proposes landscaping to green up a much commercialized corner. This includes a very green area until such time as phase 2 is executed.*

(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 appropriate measures have 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 utilizing catch basins and sheet draining. Applicant needs to provide additional data to assure compliance.*

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

*PC determined the storm water system to be accurate and measures are in place to prevent erosion and dust.*

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

*PC determined that a detention/retention pond is required. The retention basin proposed is deemed adequate. Applicant needs to provide additional data to assure compliance.*

- 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 will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic as proposed.*

- 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 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 determined no hazardous materials are produced so this section is not applicable.*

- 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 so this standard is 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.

*PC determined that the landscape plans 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.

*PC determined 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 determined the pedestrian circulation system proposed 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 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 this is adequate as proposed.*

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

*PC determined this is adequate. Muskegon County Road Commission approval is always 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 the building is arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. 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 required to be served by municipal water and sewer collection.*

- (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 adequate as 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.

**Motion by Singerling supported by Borushko to approve site plan for vacant lot upon E Apple parcel numbers 61-10-028-200-0001-00 & 61-10-275-000-0001-00 having met all the site plan standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon the following:**

- 1. Building modification of 5 feet to accommodate the error in setback**
- 2. Supporting data submitted for storm water calculations**
- 3. All federal, state, county and local ordinances and regulations being met.**

**Further the Planning Commission recommends approval of the requested Medical Marihuana License and Recreational Marihuana License to the Township Board upon compliance of the contingencies.**

7. PC 19-30 Site Plan

**Name:** Holton West Investors, LLC – Warren Elite PC, LLC  
**Address:** 1965 Holton Road  
**PP#:** 61-10-880-000-0001-00  
**Zoning:** Neighborhood Commercial (C1)

**Purpose:** The applicant proposes a Medical and Adult Use Marihuana Provisioning Center.

Warren Elite PC, LLC proposes to use an existing abandoned used car sales lot and building at 1965 Holton Road for a Medical Marihuana Provisioning Center and Adult Use Retail Facility. In accordance with our Marihuana Licensing and Marihuana Zoning Ordinances.

Louis Meeks, 1965 Holton Rd, Muskegon MI stated that they would be modifying the current building, utilizing a long time vacant spot, reducing some parking and adding green space.

Planning Commissioner Borushko brought up the driveway situation asking if it is possible to share driveways rather than having so many driveways coming off the main road. Brian Werschem commented that it was an MDOT decision.

***The following are the standards for Site Plan approval. Staff comments are indicated in italic:***

(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 the overall topography is virtually unchanged as the facility is existing and the applicants propose improvements to the property.*

- (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 very little if any actual landscaping is being modified. However, the applicant proposes landscaping to green up a much commercialized area and reduce the amount of hard surface.*

- (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 appropriate measures have 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 utilizing catch basins and sheet draining.*

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

*PC determined the storm water system to be accurate and measures are in place to prevent erosion and dust.*

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

*PC determined that a detention/retention pond is required. The retention swales proposed is deemed adequate.*

- 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 will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic as proposed. Everything sheet drains off the hard surface to the retention swales.*

- 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 this project, as proposed, will have no effect on the natural drainage such as swales, wetlands, ponds, or swamps. New retention swales are proposed to help accommodate any storm water.*

- 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 no hazardous materials are produced so this section is not applicable.*

- 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 so this standard is not applicable.*

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, 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 the landscape plans 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.

*PC determined 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 determined the pedestrian circulation system proposed 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 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 this is adequate as proposed.*

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

*PC determined this is adequate. Muskegon County Road Commission approval is always 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 the building is arranged so as to permit necessary emergency vehicle access as required by the fire and police departments. 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 required to be served by municipal water and sewer collection.*

- (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 adequate as 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.

**Motion by Singerling, supported by Borushko to approve site plan for 1965 Holton Road parcel # 61-10-004-100-0031-00 having met all the site plan standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met. Further the Planning Commission recommends approval of the requested Medical Marihuana License and Recreational Marihuana License to the Township Board.**

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

**Nays: None**

**VandenBosch abstained from voting.**

**8. PC 19-31 Site Plan**

**Name: Apple Investors, LLC – Main Street Products**

**Address:** 3737 E. Apple Ave.  
**PP#:** 61-10-880-000-0001-00  
**Zoning:** Neighborhood Commercial (C1)

**Purpose:** The applicant proposes a Medical and Adult Use Marihuana Provisioning Center

Main Street Products proposes to use an existing abandoned hot tub retail facility at 3737 E. Apple Ave. for a Medical Marihuana Provisioning Center and Adult Use Retail Facility. In accordance with our Marihuana Licensing and Marihuana Zoning Ordinances.

Sig Rudholm, 1249 E Laketon, Muskegon MI is the contractor for this parcel. He said it is a challenge with an old building, but they will use high end products and increase the value of this building.

Brian Werschem stated that the East side of building shares parking with Wesco but they will be putting in counter clockwise exit on the East side of building for guests and back exit for staff. Storm water will go to leaching basin reducing storm flow to Wesco.

***The following are the standards for Site Plan approval. Staff comments are indicated in italic:***

(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 the overall topography is virtually unchanged as the facility is existing and the applicants propose improvements to the property.*

- (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 very little if any actual landscaping is being modified. However, the applicant proposes landscaping to green up a much commercialized 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 appropriate measures have 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 utilizing catch basins and sheet draining to any greater extent than currently.*

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

*PC determined the storm water system to be accurate and measures are in place to prevent erosion and dust.*

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

*PC determined that a detention/retention pond is required. The retention area proposed is deemed adequate.*

- 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.

*Staff believes that surface water will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic as proposed. One catch basin onsite provides leaching for the front parking. The east side of the structures has a very small area that drains to a catch basin on the neighboring property (existing). Everything else sheet drains off the hard surface to the retention area.*

- 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.

*Staff believes that this project, as proposed, will have no effect on the natural drainage such as swales, wetlands, ponds, or swamps. New retention area is proposed to help accommodate any storm water.*

- 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.

*Staff believes no hazardous materials are produced so this section is not applicable..*

- 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 so this standard is 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.

*Staff believes that the landscape plans 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.

*PC determined 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 determined the pedestrian circulation system proposed 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 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 this is adequate as proposed.*

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

*PC determined this is adequate. Muskegon County Road Commission approval is always 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 the building is arranged so as to permit necessary emergency*

vehicle access as required by the fire and police departments. 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 served by municipal sewer and an existing well. Both are adequate to serve the site.*

- (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 adequate as 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.

**Motion by Hower supported by Borushko to approve site plan for 3737 E. Apple Ave parcel # 61-10-025-200-0007-00 having met all the site plan standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met. Further the Planning Commission recommends approval of the requested Medical Marihuana License and Recreational Marihuana License to the Township Board.**

**Public Comment – None**

**Announcements – None**

**Adjournment**

**Motioned by Hower supported by Borushko to adjourn at 7:37 P.M.**

**Motion carried.**

**Respectfully submitted by,**

**Sandra Frein  
Secretary**