

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-19-2
February 11, 2019**

CALL TO ORDER

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

ROLL

Present: Hower, VandenBosch, Hughes, Singerling,
Borushko, Bouwman
Absent: None
Excused: Frein
Also present: Planning and Zoning Administrator Brian
Werschem, Recording Secretary Andria Muskovin,
and 6 guests.

Approval of Agenda

Motioned by Singerling, supported by Hower to approve the February 11, 2019 agenda.

Motion carried.

Approval of Minutes

Motioned by Hower, supported by Singerling to approve the minutes of January 14, 2019 as presented.

Motion carried.

Communications

Board Minutes for January 7, 2019 & January 22, 2019

Staff Report acknowledged

Unfinished business - None

New Business

1. PC 19-04 Public Hearing – Special Use Permit

Name: Angel Hernandez
Address: 1920 Barbara
PP# 61-10-185-001-0010-00
Zoning: Single Family Residential (R1)
Purpose: Obtain a Special Use Permit for state licensed family daycare for more than six (6) children.

The applicant currently resides at 1920 Barbara and provides state licensed daycare for six (6) children or less. The applicant wishes to expand her daycare capabilities to more than six (6) children. Under state licensing there is a maximum of six (6) children that are allowed under one person's care. The applicant wishes to add additional providers and care for more than six (6) children. This activity is allowed by Special Use Permit in the Single Family Residential (R1) zoning district.

Open public hearing at 7:02 p.m.

Published in the Muskegon Chronicle on January 27, 2019 no comments received on the public notices. One neighbor asked questions but spoke neither for nor against.

Motion to close public hearing Singerling, second Borushko.

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

Nays: none

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 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.

PC determined that 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.

No additional requirements at public cost for public facilities and services 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 the special use permit for 1920 Barbara, Parcel # 61-10-185-001-0010-00 for state licensed family day care for more than six (6) children, based on the standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances being met with the following conditions:

- 1. Days of Operation: Monday – Friday**
- 2. Hours of Operation: 6:00 AM – 6:00 PM**
- 3. No more than one additional staff on duty at any given time.**
- 4. Maximum number of twelve (12) children under the state licensed family day care.**

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

Nays: none

2. PC 19-05 Site Plan

Name: Angel Hernandez
Address: 1920 Barbara
PP#: 61-10-185-001-0010-00
Zoning: Single Family Residential (R1)

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

Angel Hernandez, 1920 Barbara, Muskegon, MI 49442 stated that she started her daycare business in 1995 or 1996. She wants to have more kids each day and that she already has people lined up to help. The age range of children would be from 6 weeks to 11 or 12 years of age.

Standards for Site Plan approval

(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.

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 discussed 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. PC 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.

- (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 61-10-185-001-0010-00, commonly known as 1920 Barbara, 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, Borushko, Bouwman

Nays: none

3. PC 19-06 Site Plan

**Name: Joe's Service Station
Address: 3189 E. Apple Avenue
PP# 61-10-026-200-0031-00
Zoning: Neighborhood Commercial (C1)**

Purpose: 1,770 Square Foot Addition, Four (4) new work bays, to existing automotive repair facility.

Applicant property is currently and will continue to operate as Joe's Service Station. They are requesting an addition to their existing structure of 1,770 square feet. This addition will house four (4) additional work bays.

Joe Breen, 701 N Mill Iron, Muskegon, MI 49442 purchased a specialty business for automotive, and they need to get items out of their building.

A packet containing information from MDOT, Muskegon County Road Commission, Drain Commissioner and Muskegon Charter

Township Fire Inspector was included in the packet from Brian Werschem with some modifications that are contingent on the approval of the Site Plan. MDOT requires the driveway to be moved from the Apple Avenue entrance. MDOT recommends no vehicles to be stored in the road right away.

The Drain Commissioner needs to approve the retention / detention basins. They may need to be enlarged or possibly a small pond could be used on the property behind the house.

Modified site plan must be submitted and approved by Brian Werschem prior to construction beginning.

Standards for Site Plan approval.

(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.

Topography is existing. Very little change to topography proposed. PC believes the site plan will not impede the normal and orderly development or improvement of surrounding property for uses permitted.

(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.

Some landscaping being removed where the new structure is proposed, however, the applicant has proposed some new plantings to improve the landscaping of the property. PC believes the landscaping is adequate for the location.

(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.

All water is sheet draining to detention basins and will leach. Drainage calculations are provided. PC believes 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 believes provisions shown are adequate.

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

Detention / Retention ponds proposed.

- 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.

Surface waters are sheet draining off paved areas in detention / retention basins.

- 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.

Automotive shops will require filters and traps within the confines of the structure. These will be a requirement of the building permit.

- 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. Protective measures already exist to handle hazardous materials generated. Applicant intends to utilize existing measures and expand those as necessary.

- (4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

No dwelling units located upon the property.

- (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.

No streets being developed as part of this application.

- (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.

Proposed outdoor storage area and refuse area screened by fencing.

- (13) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

Wall packs existing and proposed. Spec sheets provided for the wall packs indicating illumination areas. No light trespass anticipated.

- (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 parcel 61-10-026-200-0031-00, commonly known as 3189 E. Apple Avenue, based on the standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances being met, and contingent upon:

Modifications to the Apple Ave. ingress/egress as required by MDOT.

No vehicles parked within MDOT Right of Ways.

No vehicles parked within the Muskegon County Road Commission Right of Ways.

All requirements within the Fire Inspectors review are met.

Approval of drainage plan by the Muskegon County Drain Commissioner.

Revised site plan with all listed modifications be submitted and approved by Township Planner.

All federal, state, county and local rules and regulations be met.

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

Nays: none

Public comment – None

Next meeting The next scheduled meeting for the Planning Commission is on March 11, 2019 at 7:00 pm in the Board Room at Town Hall.

Adjournment

Motioned by Hower supported by Singerling to adjourn at 7:29 pm.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**