

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-20-04s
April 27, 2020**

CALL TO ORDER

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

ROLL

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

Absent: None

Excused: None

Also Present: Planning / Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, Fire Marshall Nicolai, Building Official Steven Sheldon and 4 guests.

Approval of Agenda

Motioned by Hower supported by VandenBosch to approve the April 27, 2020 Agenda.

Roll Call:

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

Motion carried.

Approval of Minutes

Motioned by Hower supported by Borushko to approve the minutes of April 13, 2020.

Roll Call:

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

Motion carried.

Communications

Staff Report acknowledged

Unfinished Business - None

New Business –

1. PC 20-10 Special Use Permit – Public Hearing

Name: Hughes & Sons
Address: 3239 E. Laketon
PP#: 61-10-036-100-0001-00
Zoning: Light Industrial (I1)

Purpose: Construct a new office and shop location for Hughes Builders including outdoor storage.

Hughes Builders proposes to sell their existing facility to Pound Buddies so that Pound Buddies may expand and improve their services to Muskegon County. Since they propose to sell their base of operations to Pound Buddies, they propose to construct a new facility for themselves immediately adjacent to their existing operations to the West.

Hughes Builders proposes to construct a new office and shop facility with an outdoor storage area. Since they propose outdoor storage, this is a special use in accordance with Section 58-228 of the Muskegon Charter Township Code of Ordinances.

The public notice was published on April 12, 2020 with direct notice mailed to all properties within 300 feet.

Public Hearing opened at: 7:03 PM

Site Plan modifications were made to move the fence in to allow room for swale because the storm water will be required for outdoor storage area. That change was done today. Outdoor storage area changed, it will be a little narrower. Parking remains the same.

Possibility of shifting driveway to Dangl instead of Laketon because of a deep drain crossing. There is one fire hydrant on the SW corner of Dangl. If driveway is to be off Dangl, it would need another fire hydrant brought in. No Fire suppression needed. Fire Marshal Mark Nicolai stated that the fire access is good.

Motion by Singerling second by Borushko to close the public hearing.

Roll Call

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

Nays: None

Abstain: Hughes

Motion Carried:

General standards for making determinations was reviewed

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 this is be harmonious in the Light Industrial Zoning District. Outdoor storage for light industrial companies such as this is necessary for their operations and if done correctly can be assure harmony. Certain conditions can be placed to assure harmony in the area though this area is industrial use. 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 height limitations of outdoor storage. 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 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. 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 determined the ability to continue to serve this community in a new structure 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.

The storm water management is not complete. The Muskegon County Drain Commission is involved with storm water management for this site. PC determined that the site meets this standard contingent upon Muskegon County Drain Commission approval for storm water management upon this parcel including storm water management of the outside storage area.

- (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 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 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 greater than a standard proposed Industrial use. Planning Commission should discuss and concur.

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

PC determined that outdoor storage for Industrial businesses is a contemplated special uses and necessary for these types of operations but utilized to hold the property owner accountable to any conditions the Township believes necessary to protect the residents of Muskegon Charter Township.

Motion by Hower second by Singerling to recommend to the Township Board approval of the Special Use Permit for outdoor storage located at 3239 E. Laketon, parcel number 61-10-036-100-0001-00 having met the

special use standards of section 58-57 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met with the following conditions:

Correction of the discrepancy of the west boundary of the outside storage area with the Township Planner upon the site plan.

Approval of storm water management of the site by the Muskegon County Drain Commission including storm water management of the outside storage area.

Roll Call

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

Nays:

Abstain: Hughes

2. PC 20-11 Site Plan

**Name: Hughes & Sons
Address: 3239 E. Laketon
PP#: 61-10-036-100-0001-00
Zoning: Light Industrial (I1)**

Purpose: Construct a new office and shop location for Hughes Builders including outdoor storage.

Amendment to Site Plan to meet size specification for 3' swale that was changed on April 27, 2020.

The following are the 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.

PC determined that 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.

- (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 in its natural state, insofar as practical for the intended use. Some natural buffers will remain with some landscaping being added to be visually appealing.

- (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 compliance contingent upon approval of storm water management from the Muskegon County Drain Commission will be required including storm water management of the outdoor storage area to assure no adverse effects to neighboring properties, the public storm water drainage system, or nearby bodies of water will occur.

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

PC determined compliance contingent upon approval of storm water management from the Muskegon County Drain Commission will be required including storm water management of the outdoor storage area.

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

PC determined that detention ponds are necessary and compliance is contingent upon approval of storm water management from the Muskegon County Drain

Commission will be required including storm water management of the outdoor storage area.

- 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.

PC determined compliance contingent upon approval of storm water management from the Muskegon County Drain Commission will be required including storm water management of the outdoor storage area.

- 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 compliance contingent upon approval of storm water management from the Muskegon County Drain Commission will be required including storm water management of the outdoor storage area.

- 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 proposed and reviewed by the Road Commission. The applicant, as a cost savings measure may move the entrance to Dangl. The Muskegon County Road Commission has reviewed this option with the applicant as well and would approve.

- (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.

PC determined the proposed is 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 the proposed is adequate.

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

No new streets are proposed so this standard 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.

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.

Connection to municipal water and sewer is mandatory.

- (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 the dumpster enclosure is adequate and the applicants Special Use Permit was reviewed and if approved would verify Planning Commissions agreement that this standard 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 that the limited proposed lighting will not create light trespass on neighboring parcels.

- (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 second by Hower to approve the Site Plan at 3239 E. Laketon, parcel number 61-10-036-100-0001-00 having met the 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 with the following conditions:

Correction of the discrepancy of the west boundary of the outside storage area with the Township Planner upon the site plan

Approval of storm water management of the site by the Muskegon County Drain Commission including storm water management of the outside storage area.

Contingent upon Special Use Permit approval for outdoor storage by the Muskegon Charter Township Board of Trustees.

Roll Call

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

Nays:

Abstain: Hughes

3. PC 20-12 Special Use Permit – Public Hearing

Name: Pound Buddies
Address: 3279 E Laketon
PP# 61-10-036-100-0004-00
Zoning: Light Industrial (I1)

Purpose: 8,000 sq. ft. addition to existing Building and utilize the structure for their new kennel location.

Pound Buddies proposes to acquire this property and existing structure so that Pound Buddies may expand and improve their services to Muskegon County. They propose to add 8,000 square feet of kennel space to the rear of the structure.

The use of Pound Buddies for 3279 E. Laketon is a Special Use in accordance with Section 58-63 of the Muskegon Charter Township Code of Ordinances.

Sec. 58-63. - KENNELS.

Except as specifically permitted in the zoning district no kennel shall be erected, maintained or operated in the township unless first authorized by the township planning commission and township board as a special use in accordance with article II, special uses, sections [58-52](#) through [section 58-59](#) of the Muskegon Charter Township Code of Ordinances. In considering such authorization, the planning commission and township board shall additionally consider the following standards.

- (1) The size, nature and characteristics of the kennel.
- (2) The proximity of the kennel to adjoining lands and the surrounding neighborhood on account of the operation of the kennel.
- (3) Potential traffic congestion on account of the kennel.
- (4) The nature and character of the buildings and structures to be utilized for the kennel operation.
- (5) Kennel operation must comply with all county and state licensing requirements

The public notice was published on April 12, 2020 with direct notice mailed to all properties within 300 feet.

Public Hearing opened at: 7:23 PM

Fire Marshal Mark Nicolai stated the building will have fire suppression and because of suppression, no need for third fire hydrant. He stated everything was good.

Chairman Bouwman stated that it is a special use permit because of indoor kennels.

Jan Jacobs – 1300 E Keating Ave, Muskegon MI is the Campaign Director for Pound Buddies, stated that they would be going from 90 kennels to 140 kennels. They would have a separate intake area, a cat area and offices.

Chairman Bouwman asked about hours. Jan stated that the dogs are required to go outside 4 times a day. It is done by volunteers that take the dogs out on leashes and would use the walking path around the outside. Their hours would be 8 am – 8 pm, 7 days a week. Outdoor time varies depending on staff/volunteers, and they are staggered so that not all dogs are out at the same time.

Hower asked if any would be out after 8:00 PM. Jan stated that quiet time is from 8:00 PM to 8:00 AM, with the exception of Police or Animal Control bringing a dog after hours.

Gerald Smith, 3270 E Laketon, Muskegon MI stated his concern with dogs and noise with barking. He said the Township is going nowhere.

Jan replied to Gerald that they are working on getting extra insulation and that the dogs usually bark when visible to each other. She also stated that they will not be facing each other so it should be a quieter interior. Only time barking will be when the public is there.

Lorreta Hill, 3250 E Laketon, Muskegon MI stated that this is a quiet neighborhood and would like to keep it that way. She said she is not going to listen to dogs.

Rick Hill, 3250 E Laketon, Muskegon MI asked about how far the fence would be from the road and also how high will the fence be. The fence will be about 450' from the road and it is required to be 6' or higher.

John Hughes also stated that the building is air conditioned so that will eliminate noise.

Rick wanted to know how many dogs outside walking at a time. Jan replied that there would be one dog per staff/volunteer and maybe 10 out at a time. Play areas are also fenced in and the dogs would have off leash time a couple at a time.

Rick wanted to know if they would be willing to insulate the fence so that they can sit out by their pool on the weekends. Chairman Bouwman stated that what they meet the requirements for Special Use, not what you are concerned about, but that they would be noted.

Motion by Singerling second by VandenBosch to close the public hearing.

Roll Call

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

Nays: None

Motion Carried

Motion by Singerling second by Hower to recommend to the Township Board approval of the Special Use Permit for a kennel located at 3279 E. Laketon, parcel number 61-10-036-100-0004-00 having met the special use standards of section 58-57 and 58-63 of the Muskegon Charter Township Code of Ordinances contingent upon all federal, state, county and local ordinances and regulations being met.

Roll Call

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

Nays:

Abstain: Hughes

Motion Passed

4. PC 20-13 Site Plan

**Name: Pound Buddies
Address: 3279 E. Laketon
PP#: 61-10-036-100-0004-00
Zoning: Light Industrial (I1)**

Purpose: 8,000 sq. ft. addition to existing Building and utilize the structure for their new kennel location.

The following are the 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.

PC determined that most of the structure is existing and the proposed is 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 proposed to be developed so as not to impede the normal and orderly development or improvement of surrounding 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.

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

PC determined that 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 determined the additional storm water basin appropriately accommodates storm water.

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

PC determined that detention / retention ponds that exist with the expanded storm water detention basin is appropriate.

- 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.

PC determined a Muskegon County Drain abuts this project however this project is designed to not impact the drain any further than the historical impacts, if any.

- 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 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.

PC determined the existing landscaping 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.

PC determined that 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.

PC determined that 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 proposed as part of this Site Plan.

- (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.

PC determined this requirement is met. Municipal Water is required to be connected. Municipal sewer already exists. The applicant proposes to add fire suppression to the structure.

- (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 the proposed is 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 that the limited lighting upon the property does not create any light trespass upon neighboring parcels.

- (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 second by Hower to approve the Site Plan located at 3279 E. Laketon, parcel number 61-10-036-100-0004-00, having met 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 and contingent upon the Special Use Permit for a kennel is approved by the Township Board.

Roll Call

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

Motion Passed

Public Comment

None

Announcements – Regular Meeting WebEX May 11, 2020 6:30 Work Session, 7:00 Meeting

Adjournment

Motioned by Hower supported by Singerling to adjourn at 7:50 P.M.

Motion carried.

Respectfully submitted by,

Sandra Frein
Secretary