

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-20-05
May 26, 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, Supervisor Hodges and 7 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the May 26, 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 27, 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 20-14 Special Use Permit – Public Hearing

Name: Community Foundation For Muskegon County
Address: 1945 Stebbins Rd
PP# 61-10-675-000-0001-00
Zoning: Commercial/Industrial (M)

Purpose: Operate a light industrial farming/research facility in cooperation with Muskegon Community College.

Public Hearing opened at: 7:03 PM

The Community Foundation for Muskegon County in cooperation with Muskegon Community College propose a development that they call the Farm Project. They propose to construct a three (3) tenant facility where products produced locally are brought by different farming industries in the area to do different aspects of research and development on the varying process required to take their products from farm to table. This research and development will be supported by students from Muskegon Community College.

Their proposed project is located at 1945 Stebbins Road. The site is currently overflow parking for Muskegon Community College. The proposed Eastern parking area is proposed to remain overflow parking for MCC. The footprint of the development provides parking for the facility in accordance with the Townships Ordinance. The property is zoned Commercial / Industrial (M) and all uses in the M Zoning District are Special Uses, thus, a public hearing is required. Copies of the required notices are provided in your packets. As of the writing of this memo, we have received no communication regarding this application.

One issue that warrants deliberation is the required visual barrier. The Planning Commission is very well aware that loading and unloading areas must be screened from view from all public roadways. To meet the requirements of the Ordinance they propose a six (6) foot privacy fence along Stebbins and along Quarterline to provide that required screening. There is no doubt that the Stebbins Road fencing is required, however, I would ask the Planning Commission, on behalf of the applicants, to discuss the fencing parallel to Quarterline.

They have placed the Quarterline fencing between the overflow parking area for MCC and their development. Also, there is some area between the overflow parking and Quarterline where they propose trees and landscaping to be visually appealing. Their preference would be to not be required to install the fencing along Quarterline from the gated entryway on the East by the overflow parking south to their boundary line. I believe that to be a reasonable request and ask the Planning Commission to consider that request. This item should be reviewed and addressed as part of the Site Plan.

Gary Post, Gray Construction, 360 W Western, Muskegon MI, stated that they were going to build an 8,000 sq. ft. building with 3 suites. They will also have a mobile unit on a come/go as needed basis.

Jim Edmonson – Muskegon Area First, 880 W Western, Muskegon, MI, stated that this will increase the flow to the waste water. They will stimulate new and expand existing businesses to participate in the research. There are FDA requirements and training. West Coast would be done by rail and they are working with Port operators for water expressway from Muskegon to Milwaukee using the old BC Cobb Plant. They received a grant from Representative Hanson of 2 million, and they have a budget of 1.68 million. They figure they will go over and are trying to raise funds.

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 Research Facility located at 1945 Stebbins Rd, parcel number 61-10-675-000-0001-00 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:

Roll Call

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

Nays:

Abstain:

2. PC 20-15 Site Plan

Name: Community Foundation For Muskegon County
Address: 1945 Stebbins Rd
PP# 61-10-675-000-0001-00
Zoning: Commercial/Industrial (M)

Purpose: Operate a light industrial farming/research facility in cooperation with Muskegon Community College.

Site Plan for PC-20-14 above.

Fire Marshall Mark Nicolai stated that they will need a lock box, with a key provided for the gate locks. There was discussion on the fencing and landscaping as well as colors for the building.

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 Borushko to approve the Site Plan at 1945 Stebbins Rd, parcel number 61-10-675-000-0001-00 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:

Roll Call

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

Nays:

Abstain:

Public Comment

None

Announcements – Regular Meeting WebEX June 8, 2020 6:30 Work Session, 7:00 Meeting

Adjournment

Motioned by Hower supported by VandenBosch to adjourn at 7:40 P.M.

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**