

**MUSKEGON CHARTER TOWNSHIP  
PLANNING COMMISSION MINUTES  
PC-20-08  
AUGUST 10, 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 Singerling supported by Borushko to approve the August 10, 2020 Agenda.

**Roll Call:**

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

**Nays:**

**Motion carried.**

**Approval of Minutes**

Motioned by Borushko supported by Singerling to approve the minutes of June 8, 2020.

**Roll Call:**

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

**Nays:**

**Motion carried.**

## **Communications**

**Township Board Minutes for June and July provided, no comments or questions  
Staff Report acknowledged**

## **Unfinished Business - None**

## **New Business –**

### **1. PC 20-19 Zoning Ordinance Amendment – Public Hearing**

**Name: Joe Breen  
Address: 1041 S Dangl  
PP# 61-10-026-200-0031-10  
Zoning: Neighborhood Commercial (C1)**

**Purpose: Rezone to Single Family Residential (R1)**

**Public Hearing opened at: 7:03 PM**

**Published on July 19, 2020**

**No contacts for or against, only a couple of people reached out with questions.**

**Joe Breen, 701 N Mill Iron Rd has a home at 1041 S Dangl that at one time was a rental. It has been vacant for a couple of years while Joe has been remodeling it. According to the Ordinance, the pre-existing non-conforming residential use in a commercial zone loses its non-conforming residential use if the property is vacant for a period greater than 180 days thus can only be used commercially. Joe would like to have the property rezoned back to Single Family Residential (R1) to continue to use the structure as a residential home.**

**The properties on the north side of Lenore are commercial. The properties on the south side of Lenore are R1 Single family residential. The property on the East side of Dangle is Commercial. The Master Plan calls for commercial.**

**Chairman Bouwman stated that it lends itself to more uses when we allow it to revert back to Residential.**

**No questions from PC.**

**Motion by Singerling second by Frein to close the Public Hearing at 7:10 PM.**

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

**Nays: None**

**Public Hearing was closed**

**Motion by Singerling second by Frein to recommend to the Township Board the rezoning of 1041 S Dangle, parcel # 61-10-026-200-0031-10 from Neighborhood Commercial (C1) to Single Family Residential (R1).**

**Roll Call**

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

**Nays: None**

**Abstain:**

**Motion carried.**

**2. PC 20-20 Site Plan**

**Name: Joe's Service Station  
Address: 3189 E. Apple Ave.  
PP# 61-10-026-200-0031-00  
Zoning: Neighborhood Commercial (C1)  
Purpose: Modify Site Plan including 240 sq. ft. addition**

**Planner Werschem Reported:**

**Mr. Breen from Joe's Service Station is requesting a modification to his approved Site Plan to add a small 240 Sq. Ft. entry way / office addition to his site plan. This will allow for better handicap accessibility to the building as well as allow for handicap accessibility modifications to occur to the public restroom facilities within the business.**

**The addition requires modifications to the parking arrangements as well. The parking spaces / location and number are slightly modified to account for the addition of the structure.**

**There have been modifications to the storm water management onsite from the original site plan. This addition also requires some additional storm water management. This site plan amendment also accounts for the changes that were necessary from the original site plan as well as additional storm water management for the small addition.**

**Primarily, the larger detention basin to the southwest had to be enlarged. Due to its size and design it is now required to be enclosed with a fence for safety. This site plan amendment includes the modification to the basin and the required fencing to enclose the basin. The detention basin to the east has been moved a bit to the west but is now properly shown on this revised site plan.**

**Joe Breen, 701 N Mill Iron, Muskegon would like to update lobby and restrooms to make them more handicap accessible.**

**VandenBosch asked if previous site plans indicated this addition. Brian Werschem indicated that the previous site plan does not include this addition. The previous site plan addition is already completed and approved, just waiting on final inspections. This addition is necessary for improvements for the public in both the lobby area as well as the restroom including making the restroom handicap accessible. No other questions from the PC**

**Section 58-486 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 are designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site is developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.*

- (2) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

*PC determined that there is no impact to landscaping as very little if any landscaping exists. The proposed changes are upon existing hard surface areas on the 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.
  - b. *PC determined that the changes proposed adequately manages surface waters so as to not adversely affect*

*neighboring properties, the public storm water drainage system, or nearby bodies of water.*

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

*PC determined that accommodations for storm water and preventative measures to prevent erosion and the formation of dust are already in place and existing measures are adequate.*

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

*PC determined that the modifications to the detention pond are necessary for adequate site management of surface water.*

- e. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic.

*PC determined that surface water on all paved areas are being collected 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.*

- f. 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 upon parcel.*

- g. 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 no additional measures are necessary at this time. The existing is adequate.*

- h. 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. The station already has measures in place to manage its hazardous waste as an existing business.*

- (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 waste area is proposed to be enclosed and no dwellings 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 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 the existing is adequate.*

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

*PC determined the existing is adequate with no additional streets 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 that the 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 that the site is already connected to sanitary water and sewer.*

- (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 refuse storage area is properly screened and no loading / unloading areas exist or are 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.

*This should be a condition of approval.*

**Motion by Singerling supported by VandenBosch to approve the Site Plan Amendment for the Joes Service Station located at 3189 E. Apple Ave., parcel # 61-10-026-200-0031-00, for a 240 square foot addition to the structure as well as modifications to parking and stormwater management as depicted on the amended site plan with the Site Plan standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances being met**

**contingent upon compliance with all Federal, State, County and local rules, regulations and requirements being met.**

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

**Nays: None**

**3. PC 20-21    Special Use -            Public Hearing**

**Name:            Land Management, LC  
Address:        Vacant Land W. Giles  
PP#:             61-10-006-300-0007-00  
Zoning:         Commercial Industrial (M)**

**Purpose:         Light Industrial Manufacturing, Warehouseing with some outdoor storage.**

**Chairman Bouwman opened the Public Hearing at 7:19 PM.  
Published on July 19, 2020. No responses, no questions.**

**Planner Werschem Reported:**

**Land Management LLC (WESCO Inc.) proposes to construct a new, approximately 60,000 square foot facility, on its vacant property on W. Giles Rd. The property is directly behind their current headquarters upon Whitehall Road. They propose to utilize an existing access point onto Whitehall Road along with an easement through their headquarters property also from Whitehall Road. They propose no access from W. Giles.**

**The facility will be utilized to consolidate their services from around the area. The building will be utilized for light manufacturing, office, storage / warehousing as well as a distribution center.**

**The property is zoned Commercial / Industrial (M) which easily accommodates all uses proposed for the site. All uses in the M zoning district are special uses so a special use public hearing is required for their proposed uses. A notice was published in the Muskegon Chronicle and MLive on July 19, 2020 as well as a notices being mailed to all residents within 300 feet as required by law.**

**The applicants would like to discuss the possibility of box-truck parking east of the building however they are requesting this to be a gravel area. I suggested they discuss that request directly with the PC. The area is currently proposed to be grass until such time as they can provide a paved area for box-truck parking.**

**The Fire Marshalls review is included in your packet.**



**Becky Page, 228 Hoover Blvd, Holland MI 49423, architect for this project, Land Management LLC (Wesco) would like to put a multi-use building just less than 60,000 sq. ft. It would be shipping/receiving/light industrial that would consolidate many of the things that are spread out for their business.**

**Becky also stated they have sandy soil and storm water would remain on site unless there was a large storm. They are also working with the MCRC on a second drive. Temporary Parking of box trucks on property as well as Planner Werschem has indicated**

**No Public comment received.**

**Motion to close the Public Hearing by Singerling supported by Frein at 7:39 PM**

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

**Nays: None**

**Public Hearing was closed**

### **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 will be harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption. Staff believes this is an excellent use of this Commercial / Industrial zoned property as well as the job creation that this will provide to the community.*

- (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 more 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 since this is consolidating their services from throughout the area into this location along with their existing headquarters.*

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

*PC determined that the improvements will definitely be a substantial improvement*

*to property in the immediate vicinity as well as 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 as proposed will be adequately served. The site is required to connect to municipal water and sewer, they are proposing adequate drainage, the building is suppressed and adequately served for fire protection as indicated in the Fire Marshals' letter and they propose adequate refuse disposal for the site.*

- (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. The applicants will be required to pay for their connections to public services.*

- (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 this 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 what would be expected in a commercial Industrial zoned area.*

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

*PC determined that their proposed uses are an anticipated use in the Commercial / Industrial (M) Zoning District.*

**Motion by Singerling supported by Borushko to recommend approval for a Special Use Permit for Land Management, LC for a light manufacturing, office, storage / warehousing and distribution center with outside storage as indicated by their submitted site plan located upon the vacant parcel 61-10-006-300-0007-00, having met all the special use standards required of section 58-57 of the Muskegon Charter Township Code of Ordinances to the Muskegon Charter Township Board of Trustees including an approved gravel area for box truck parking as indicated on the revised site plan.**

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

**Nays: None**

#### 4. PC 20-22 Site Plan

**Name:** Land Mangement, LC  
**Address:** Vacant Land W. Giles  
**PP#:** 61-10-006-300-0007-00  
**Zoning:** Commercial Industrial (M)

**Purpose:** Light Manufacturing, Office, Warehousing with some outdoor storage.

#### Planner Werschem indicated:

**The pertinent information regarding this site plan was provided for the special use permit above.**

**East side of building they would like to have a gravel lot they park a few box trucks, however, Ordinance 58-341 subsection 9 states concrete or black top asphalt.**

#### Section 58-486 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 are designed to take into account the site's topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site is being developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.*

- (2) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

*PC determined the landscaping they are proposing is being 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.*

(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 the storm water management proposed is adequate.*

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

*PC determined that the soil erosion permit that is required will assure this standard is met.*

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

*PC determined the proposed is 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 storm water collection proposed will properly manage the surface water on all paved areas by collecting 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.*

- 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 the proposed is adequate.*

- 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 proposed is adequate.*

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

*PC determined the proposed is adequate.*

- (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 there are no dwelling units located therein so this standard does not apply.*

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

*PC determined that they propose two accesses to public streets. One directly onto Whitehall road from the properties own access as well as a second access point to Whitehall Road by easement through the WESCO Headquarters property.*

- (6) A pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system shall be provided.

*PC determined this 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 this is provided in a safe and adequate manner.*

- (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. The applicants have consulted with the Muskegon County Road Commission and have made modifications necessary to accommodate their requirements.*

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

*PC determined that no 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.

*PC determined this is adequate. The Fire Marshal has approved the proposed plan.*

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

*The applicants will be required to connect to sanitary water and sewer. Locations of their proposed connections are shown. PC determined this is 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 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 the illumination plan shows that the proposed is adequate.*

- (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.

*PC determined that this should be a contingency of approval.*

**Motion by Singerling supported by Hower to approve the site plan for Land Management, LC for a light manufacturing, office, storage / warehousing and distribution center with outside storage upon the vacant parcel 61-10-006-300-0007-00, having met all the standards of Section 58-486 of the Muskegon Charter Township Code of Ordinances contingent upon compliance with all Federal, State, County and local rules, regulations and requirements being met and approval of their special use permit by the Muskegon Charter Township Board of Trustees including the requested gravel area for box truck parking.**

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

**Nays: None**

**Announcements – Regular Meeting WebEX September 14, 2020 6:15 Work Session, 7:00 Meeting**

**Brian Werschem – Kudos to PC for being able to move forward doing business this way (WEBEX).**

**Adjournment**

**Motioned by Hower supported by Borushko to adjourn at 7:49 P.M.**

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

**Nays: None**

**Motion carried.**

**Respectfully submitted by,**

**Sandra Frein  
Secretary**