

**MUSKEGON CHARTER TOWNSHIP  
PLANNING COMMISSION MINUTES  
PC-19-3  
March 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,  
Fire Inspector Mark Nicolai and 3 guests.**

**Approval of Agenda**

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

**Motion carried.**

**Approval of Minutes**

**Motioned by Hower supported by VandenBosch to approve the minutes of February 11, 2019 as presented.**

**Motion carried.**

**Communications**

**Board Minutes for February 4, 2019 & February 19, 2019**

**Staff Report acknowledged**

**Unfinished Business**

1. PC 19-06 Revised Site Plan

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

**Purpose: 1,512 square foot addition with two (2) work bays and storage plus a 1,800 square foot addition with four (4) new work bays and internal work space to existing automotive repair facility.**

Applicant property is currently and will continue to operate as Joe's Service Station. They discovered the need for additional storage space and more work space so are providing a revised site plan for your review. The revision is fairly significant so it requires a new review and approval by the Planning Commission.

The revised site plan now has a 1,512 square foot addition with two (2) work bays and storage plus a 1,800 square foot addition with four (4) new work bays and internal work space.

Joe Breen 3189 E Apple Avenue, Muskegon, MI stated that after touring the company in which he is buying their supplies, he realized that he needed additional room for tables and benches.

Joe Singerling had concerns with swells that may fill up with water too deep and on such a slant that if a child fell in, they may drown. He stated that he may need to put fencing around the swells.

### Section 58-486 Site Plan 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. Approval by the Drain Commissioner should be a contingency.*

- 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. MDOT has determined to allow the existing Apple Avenue access to remain but the secondary ingress / egress to the West must be removed as shown on site plan. An additional drive is being requested from the Muskegon County Road Commission on S. Dangle. A contingency should reflect adherence to MDOT and MCRC regulations and requirements.*

- (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 support by Hughes to approve the revised site plan for 3189 E. Apple Avenue, PP# 61-10-026-200-0031-00, based on the standards of Section 58-486 being met contingent upon:

Compliance with MDOT and MCRC rules and regulations

Compliance with Muskegon County Drain Commission storm water requirements.

Compliance with all federal, state, county and local ordinances and regulations being met.

Any alterations to the site plan by MDOT, MCRC, MCDC require submittal of three revised site plans to Muskegon Charter Township and approval by the Township Planner.

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

**Nays: none**

### **New Business**

**1. PC 19-07      Site Plan**

**Name:**            Brink Terminal Services, Inc. / Harvest Energy  
**Address:**        1220 Holton Rd.  
**PP#**                61-10-008-100-0039-00  
**Zoning:**          (M) Commercial / Industrial

**Purpose:**            Installation of Ground Mounted Solar Arrays

The applicant proposes to install five (5) 12 foot by 150 foot solar arrays to provide power to their onsite operation. It is not intended to back feed the electrical grid for profit.

The site plan requirements were minimized due to the type of application. However, access by fire apparatus was required so the main focus of the plan was to provide the necessary information you require to make this decision and meet access requirements of the Fire Inspector.

#### **Ken Zebarah – Harvest Energy Solutions**

**2218 E High St Jackson, MI 49203 explained that they would install 5 ground arrays in one area, that they had cleared away brush for arrays and for fire accessibility. There was discussion regarding the height being a little more than the allowed 16', but Ken stated that it would not be a problem to have them at 16'.**

**Joe Singerling asked if the arrays had the capability of being turned on in certain situations. They will not run on battery, only on the sun, so no operation at night. John Hughes asked if the snow would have to be brushed off. Ken stated that no, the sun would melt it off or it would just not generate energy while it is cloudy. They understand that it will generate more energy during summer months than winter months.**

**Jim Borushko asked what the payback time would be for something like this and Ken stated best case 3 ½ - 4 years and worst case 7 – 8 years. They should last about 25 years as they have no maintenance or moving pieces.**

**These would also be tied to the property, so if the property were sold, these arrays would go with the new property owner.**

**Chairman Bouwman asked why we would need to add conditions on this if they were already in our ordinance. Brian Werschem stated that it would be best to put on record.**

#### Section 58-486 Site Plan 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. Staff 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.

*Very little landscaping is being altered. The areas surrounding the arrays will be allowed to remain natural (though vegetation is difficult to grow on the property) the primary change is the fire access road which has been approved by the fire inspector.*

- (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.

*This project will have little to no effect on the current removal of surface water which sheets off the property to the south into the Muskegon river basin.*

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

*PC believes provisions are not required.*

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

*Detention / Retention ponds not required.*

- 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.

*No paved areas proposed*

- e. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

*Property currently, naturally drains into the Muskegon River basin. This will not change.*

- 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.

*Not applicable.*

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

*Section 58-47 provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month, equal to about 25 gallons or 220 pounds, and which require site plan review under the provisions of this article or other township ordinances. This application does not involve hazardous materials. The hazardous materials onsite are currently properly managed.*

- (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.

*With the installation of the fire road, every structure will have access to a public street.*

- (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 however the fire access drive is required to meet the requirements of the Fire Inspector. This should be a contingency of approval.*

- (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.

*This standard is met with the installation of the fire access drive.*

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

*Ground mounted solar energy collectors do not require water or 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.

*No new loading or unloading areas and outside storage areas, including refuse storage stations 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.

*No exterior lighting proposed.*

- (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.*

Ground Mounted Solar Energy Collectors are also subject to regulations outlined in 58-505, 58-506 and 58-507 of the Muskegon Charter Township Code of Ordinances.

**Sec. 58-505. - Ground-mounted solar energy collector requirements.**

A ground-mounted solar energy collector system shall be a permitted use in all zoning districts, subject to the approval of the planning commission under article VIII, and subject to the following requirements:

- (a) Ground-mounted solar energy collectors shall be located only as follows:

- (1) In the rear yard and the side yard. The setback distance required shall be the same as the required setback distance for accessory structures for the zoning district located in.

*Located in rear yard.*

- (b) Ground-mounted solar energy collectors shall not exceed 16 feet in height, measured from the ground at the base of such equipment.

*Eight inches higher but approvable at this height as this would be at maximum angle.*

- (c) The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted building coverage requirement for the parcel of land.

*Deemed compliant in a (M) Commercial / Industrial zoning district on 21 acres.*

- (d) Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the site plan application and shall be subject to the building official's approval.

*Provided in the documentation and should be a contingency of approval.*

- (e) Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the township building official prior to installation. The building official shall inspect the completed installation to verify compliance with the manufacturer's directions.

*Should be a contingency of approval.*

- (f) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

*Should be a contingency of approval.*

- (g) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the most recently adopted Michigan Building Code, National Electrical Code, and all other applicable local codes.

*Should be a contingency of approval.*

**Sec. 58-506. – Solar access requirements.**

Solar access: The Township makes no assurance of solar access other than the provisions of this article. It is the applicant's responsibility to obtain any necessary covenants or easements from abutting property owners to ensure access to solar energy.

*No covenants or easements from abutting property owners to ensure access to solar energy required.*

**Sec. 58-507. - Decommissioning/abandonment.**

- (a) A SES shall be deemed abandoned if it is out of service for a continuous 12 month period.
- (b) A "notice of abandonment" will be issued to the owner advising them that the SES shall be removed at the owner's expense within three months of the date of notice.
- (c) Removal shall require a demolition permit, and the demotion will consist of removal of panels, non-utility owned equipment, conduit, structures, and foundations.

- (d) Upon removal of a ground array SES, the site shall be cleaned and restored to blend with the existing surrounding vegetation at the time of abandonment.
- (e) Failure by the owner(s) to complete removal within the three months' time period may result in the township board designating a contractor to complete decommissioning with all the expenses thereof charged to the violator and to become a lien against the premises.

*A contingency should be placed that Section 58-507 Decommissioning / abandonment shall be complied with.*

Motion by Singerling seconded by Hower to approve the site plan for 1200 Holton Road, PP# 61-10-008-100-0039-00, for the installation of ground mounted solar arrays, based on the standards of Section 58-486 being met and contingent upon:

Compliance with fire access drive requirements of the Muskegon Charter Township Fire Inspector.

Compliance with all federal, state, county and local ordinances and regulations being met.

The solar energy collectors shall be permanently and safely attached to the ground and shall be subject to the building official's approval.

Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions.

The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.

Shall comply with the most recently adopted Michigan Building Code, National Electrical Code, and all other applicable local codes.

Agreement and adherence to the Decommissioning / Abandonment requirements of the Muskegon Charter Township Code of Ordinances.

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

**Nays: none**

**Public comment –**

**Chairman Bouwman stated that there is no need to read the standards if the PC concurs with the review of the standards as printed.**

**Next meeting The next scheduled meeting for the Planning Commission is on April 8, 2019 at 7:00 pm in the Board Room at Town Hall.**

**Adjournment**

**Motioned by Singerling supported by Hower to adjourn at 7:40 pm.**

**Motion carried.**

**Respectfully submitted by,**

**Sandra Frein  
Secretary**