

**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES
PC-21-2
February 8, 2021**

CALL TO ORDER

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

ROLL

Present: Borushko, Singerling, VandenBosch, Hower, Bouwman, Hughes, Frein all members in Muskegon Township, Muskegon County, Michigan

Absent: None

Also Present: Planning / Zoning Administrator Brian Werschem, Recording Secretary Andria Muskovin, Supervisor Hodges, Fire Marshal Nicolai and 8 guests.

Approval of Agenda

Motioned by Hower supported by Singerling to approve the February 8, 2021 Agenda.

Roll Call:

**Ayes: Borushko, Frein, Hughes, Bouwman, Singerling, VandenBosch, Hower
Nays: None**

Motion carried.

Approval of Minutes

Motioned by Singerling supported by Hower to approve the minutes of January 11, 2020.

Roll Call:

**Ayes: Borushko, Frein, Hughes, Bouwman, Singerling, VandenBosch, Hower
Nays: None**

Motion carried.

Communications

**January Board Minutes Reviewed with no comment
Staff Report acknowledged**

Unfinished Business - None

New Business –

1. PC 21-03 Zone Change – Public Hearing

**Name: Carla Rae Neading
Address: 2107 Riegler
PP#: 61-10-003-100-0016-00
Zoning: Neighborhood Commercial (C1)**

Purpose: Rezone to Single Family Residential (R1)

Chairman Bouwman Opened the Public Hearing at 7:04 P.M.

Published on January 24, 2021. No comments, or inquires for or against.

Residential home on commercial property, bordering residential property. Home owner, Carla Rae Neading, 2107 Riegler, did not realize that her property was commercial until she had flooding last year. When trying to get help, found out the property was listed at C1 and she was not able to get mortgage because of this. She reached out to Zoning Administrator Brian Werschem and Supervisor Hodges for help. She was instructed to apply for property to be changed from C1 to R1. Ms. Neading plans to live at this property until she passes, and then will leave property to her daughter and grandsons. She stated that the house to the north of her just sold to a young family and she wants to be able to help them if they need to rezone their property as well.

Zoning Administrator Werschem stated that the Master Plan shows commercial, but it borders residential. If PC thinks it is the highest, best use as Residential then they can recommend rezoning.

Motion by Singerling supported by Borushko to close the Public Hearing at 7:11 PM.

Roll Call:

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

Nays: None

Motion Carried

Motion by Singerling, supported by Hower to recommend approval to the Muskegon Charter Township Board the rezoning request from Neighborhood Commercial to Single Family Residential for 2107 Riegler, PP# 61-10-003-100-0016-00, for the following reasons:

Highest best use is residential

Difficult to utilize as zoned

Roll Call:

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

Nays: None

Motion Carried

2. PC 21-04 Special Use Permit – Public Hearing

**Name: Spring Lake Storage, LLC
Address: 2315 E. Laketon
PP#: 61-10-034-200-0024-10
Zoning: Industrial/Commercial (M)**

Purpose: Special Use Permit for Public Storage Facility

Chairman Bouwman Opened the Public Hearing at 7:14 P.M.

Published on January 24, 2021. No comments, or inquires for or against.

This site is a former home combined with the old Jolman School, listed as Industrial (M) mixed which requires a special use permit.

Jerry Lundberg, 14320 Taft St, Spring Lake, Michigan stated that he has 13 or 14 other storage units throughout the area. PC Frein asked how many units this would have and Mr. Lundberg said there would be 350 units. PC Borushko asked if they would be expanding and Mr. Lundberg commented not unless they were to purchase more property from Melching. Zoning Administrator Werschem stated that they are using every square foot of the property allowing room for buffering and storm water. ZA Werschem also stated that Fire Marshal Nicolai requires a gravel driveway be put in on the adjacent, former Jolman School, property to allow fire trucks to be able to access the old school building in case of fire.

Motion by Singerling, supported by Hower to close the Public Hearing at 7:20 P.M.

Rollcall:

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

Nays: None

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 that public storage facility at this location will serve residential, commercial and industrial residents in the area. Staff believes this application would be harmonious with and in accordance with the general objectives or with any specific objectives of the general plan or current adoption.

- (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 utilizing the vacant portion of this property for a use that enhances services to residents and business owners in the area is a substantial 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.

Essential public services and facilities shall be able to be provided under the proposed use. This plan has been reviewed and approved by the Fire Inspector as well.

- (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.

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

PC determined public storage facilities is consistent with the intent and purpose of special uses in the M zoning district.

Motion by Singerling, supported by Hower to recommend to the Township Board approval of the Special Use Permit at 2315 E. Laketon, PP#: 61-10-034-200-0024-10, having met the standards of Section 58-57 of the Muskegon Charter Township Code of Ordinances.

Roll Call:

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

Nays: None

Abstain: VandenBosch

Motion carried.

3. PC 21-05 Site Plan

Name: Spring Lake Storage, LLC
Address: 2315 E. Laketon
PP#: 61-10-034-200-0024-10
Zoning: Industrial/Commercial (M)

Purpose: Site Plan for Public Storage Facility

Site Plan for the Spring Lake Storage Special Use Permit

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 minimal impact to landscaping as very little if any landscaping exists. The site is currently a mostly open weedy property. The additional landscaping provided is an improvement to the property.

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

A soil and erosion permit will be required before construction is to begin.

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

PC determined the detention / retention ponds are necessary and adequate for the use.

- 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 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.

- 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 upon parcel other than the man made areas for storm water management.

- 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 that none is required at this time. All surface waters are maintained onsite and use natural leaching and do not discharge into natural drainage systems as permitted by law.

- 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 project will produce no hazardous materials 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.

No dwellings located therein.

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

Public street access is provided as approved by the Muskegon County Road Commission.

- (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 proposed 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 buildings are arranged to provide emergency vehicle access. Approved by the Fire Marshall.

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

Water and sewer services are not proposed nor required for public storage facility.

- (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 this requirement is met with the proposed fencing, buffer and that almost all loading / unloading of the individual units is inward to the site.

- (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 will be a condition of approval.

Motion by Singerling, second by Hower to approve the Site Plan located at 2315 E. Laketon, parcel # 61-10-034-200-0024-10 having met all site plan requirements of Section 58-486 of the Muskegon Charter Township Code of Ordinances, contingent upon the Muskegon Charter Township Board approving the Special Use Permit and all federal, state, county and local ordinances and regulations being met.

Roll Call:

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

Nays: None

Abstain: VandenBosch

Motion carried.

4. PC 21-06 Site Plan

Name: WM Limited Partnership – 1998
Address: 1786 E. Apple Avenue
PP#: 61-10-022-300-0018-00
Zoning: Neighborhood Commercial (C1)

Purpose: Site Plan for new Wendy’s restaurant location.

New facility will be going in after the 3 buildings that are currently there are knocked down. Significantly more of the storm water will be kept on site instead of the runoff going out on to Apple Avenue.

Nate Barton, City of Newaygo, 672 S Centerline Rd has been working with MDOT to keep the storm water on site in a retention pond and once they get the approval they will begin construction approximately in April with completion done before winter. Joe Singerling recommended that they consider putting in a couple of crab apple trees as they have very low fruit droppings and do well with road salt. Nate stated that there is a Consumers Energy pole/wires going through so he did not know if there would be enough clearance but would consider them in the back of the building and thanked Joe for the information.

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 minimal impact to landscaping as very little if any landscaping exists. The site is currently a mostly rooftop, parking and drive aisle. The additional landscaping provided is an improvement to the property.

(3) Storm water and erosion protection.

- h. 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 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.

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

PC determined proper measures have been taken as well as a soil and erosion permit will be required before construction is to begin.

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

PC determined the use of detention/retention ponds is required and the Site Plan provides adequate retention / detention for the proposed site. Overflow is proposed into the Apple Avenue storm water system.

- k. 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.

- l. 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 other than the man made areas for storm water management.

- m. 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 hazardous materials are being stored or used upon the property so this standard does not apply.

- n. 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 project will produce no hazardous materials 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.

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 provided 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 proposed is adequate.

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

PC determined no additional streets are requested nor 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.

The site is required and proposes to connect to the municipal water and sewer system.

- (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 waste containers are properly fenced and proper screening is provided.

- (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 will be a condition of approval.

Motion by Singerling, supported by Hower to approve the Site Plan located at 1786 E Apple Ave., parcel # 61-10-022-300-0018-00 having all site plan requirements of Section 58-486 of the Muskegon Charter Township Code of Ordinances being met contingent upon all federal, state, county and local ordinances and regulations being met. List any other contingencies or modifications the PC wishes to add for the Site Plan.

Rollcall:

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

Nays: None

Motion Carried

Public Comments: None

Announcements: next meeting via WebEx will be on March 8, 2021.

Adjournment:

Motioned by Hower supported by VandenBosch to adjourn at 7:38 P.M.

Roll Call:

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

Nays:

Motion carried.

Respectfully submitted by,

**Sandra Frein
Secretary**