



October 9, 2019

Council Meeting of October 15, 2019

SUBJECT: Special Use Permit & Site Plan,
EarthTronics, 735 E. Ellis Road

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

Holland Engineering, on behalf of EarthTronics, is requesting a special use permit and site plan approval for a general industrial facility at 735 E. Ellis Road. The property is currently zoned as Special Use District (SUD) and an industrial facility is an allowed use with a special land use approval. The industrial use is consistent with the uses in surrounding parcels, as well as the City's Master Plan.

The Planning Commission recommended approval at their October 8, 2019 meeting with the condition of a landscape buffer. The City Council may use the attached resolutions for their consideration.

Sincerely,

Mark C. Meyers
City Administrator

MCM/tsw
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the City Council approves/denies the special land use application for EarthTronics to construct a 42,000 square foot general industrial facility located at 735 E. Ellis Road for the following reasons:

1. The request is fitting with the Master Plan; and
2. Current setbacks have been met

And with the following condition:

1. Some type of landscape buffer be approved to allow for separation from the large building and the residential property owners' backyards.

At a regular meeting of the City Council of the City of Norton Shores, held at the Norton Shores Branch Library, 705 Seminole Road, on the 15th day of October 2019, the foregoing resolution was moved for adoption by Commissioner. The motion was supported by Commissioner.

Ayes:

Nays:

Resolution declared adopted.

Shelly Stibitz, City Clerk

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the City Council approves/denies the site plan for EarthTronics to construct a 42,000 square foot general industrial facility on the property at 735 E. Ellis Road as per the submitted plans for the following reasons:

1. The request is fitting with the Master Plan; and
2. Current setbacks have been met

And with the following condition:

1. Some type of landscape buffer be approved to allow for separation from the large building and the residential property owners' backyards.

At a regular meeting of the City Council of the City of Norton Shores, held at the Norton Shores Branch Library, 705 Seminole Road, on the 15th day of October 2019, the foregoing resolution was moved for adoption by Commissioner. The motion was supported by Commissioner.

Ayes:

Nays:

Resolution declared adopted.

Shelly Stibitz, City Clerk



Internal Memo
October 9, 2019

TO: City Council Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Special Use Permit Request, 735 E. Ellis Road

Following, please find comments regarding the Special Use Permit request for the requested general industrial facility at 735 E. Ellis Road.

MASTER PLAN

Currently, the property is zoned SUD (Special Use District) and it is "Industrial" in the Master Plan. The proposed special use – an industrial facility – is consistent with the Master Plan, as well as the uses for the surrounding parcels.

LAND USE

An industrial facility is allowed in the SUD zoning district if a Special Use Permit is granted. The proposed Special Use Permit is for a 42,000 square foot facility.

COMMENTS

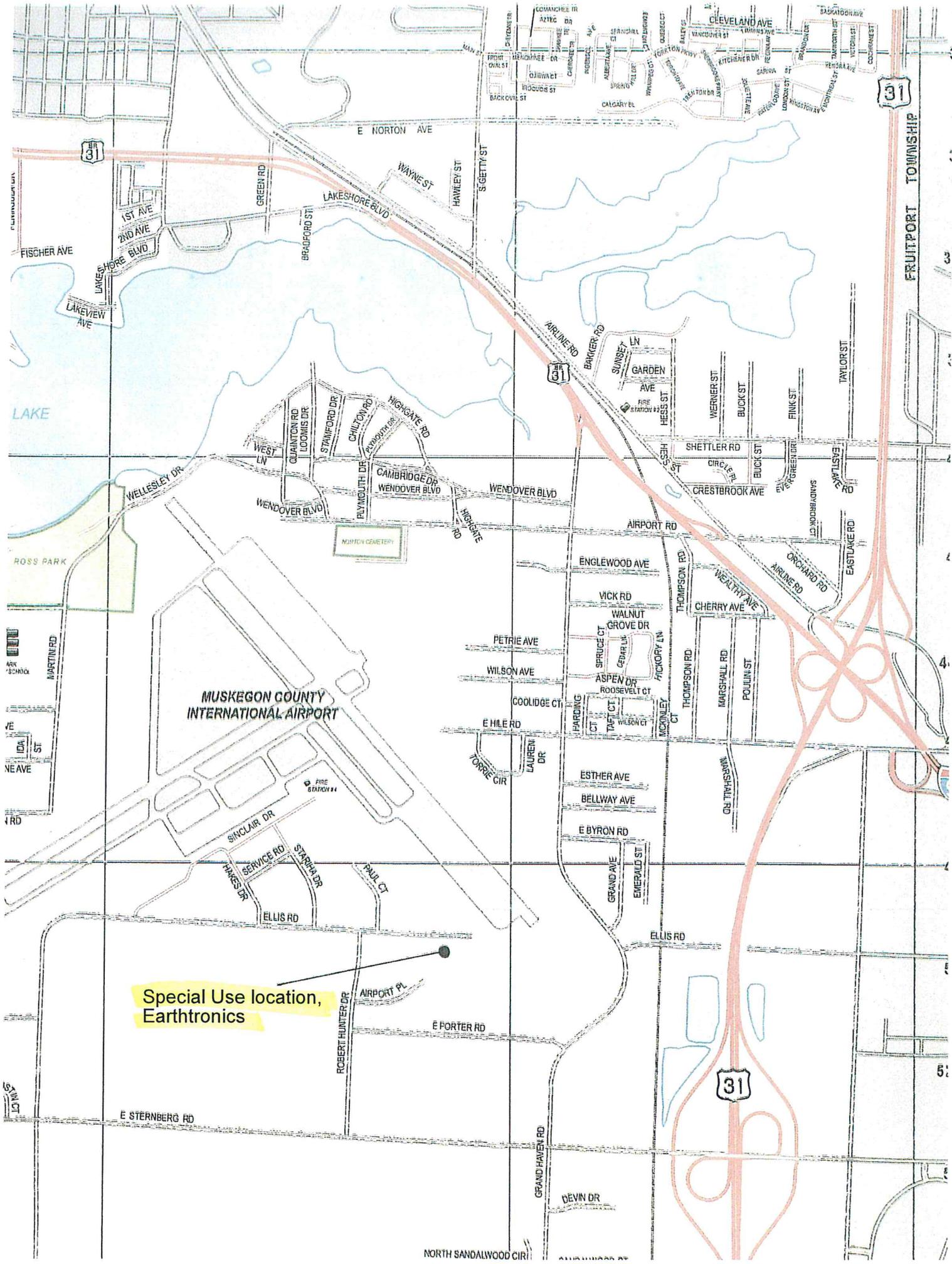
The 735 E. Ellis Road address is a long and narrow parcel that is owned by Muskegon County. However, a portion of that parcel was sold and will be combined with the parcel at 770 Airport Place to create a new, singular parcel for the proposed EarthTronics facility.

The proposed industrial facility has frontage on E. Ellis Road, which will be used for an entrance for workers and visitors. There will be an driveway to the south of the parcel where a driveway will connect the loading dock area to Airport Place.

During the Planning Commission meeting, there were concerns brought to the Commissioners by the public regarding a "promised buffer zone", as well as if the proposal had adequate screening. While reviewing the Master Deed and other records for the Airport Business Park #2, I was unable to find any written documentation of a "promised buffer zone." In fact, the "buffer zone" is not a buffer zone at all, it is a vacant parcel of land that is owned by the County. In the future this County owned land could be combined with other adjacent parcels and be developed at a later time.

As for screening, the Zoning Ordinance requires additional screening requirements if the adjacent parcels are a "nonindustrial parcel", which would be the case here: there are adjacent parcels that are zoned Planned Unit Development (PUD) and used for residential purposes. As part of the site plan review process, City staff reviewed the proposed screening for the northwest portion of the development, as that is the area where the adjacent parcel use is residential, and found that it is consistent with the landscaping and land berm ordinances.

The Planning Commission recommended approval of the Special Use Permit, as well as the submitted site plan as the facility is in character with the surrounding uses, all zoning dimensional requirements were met, and all landscaping was acceptable. The Planning Commission also wanted City Staff to carefully consider the screening methods with adjacent parcels, especially the northwest parcel where there is a residence.



Special Use location,
Earthtronics

MUSKEGON COUNTY
INTERNATIONAL AIRPORT

31

FRUITPORT TOWNSHIP

31

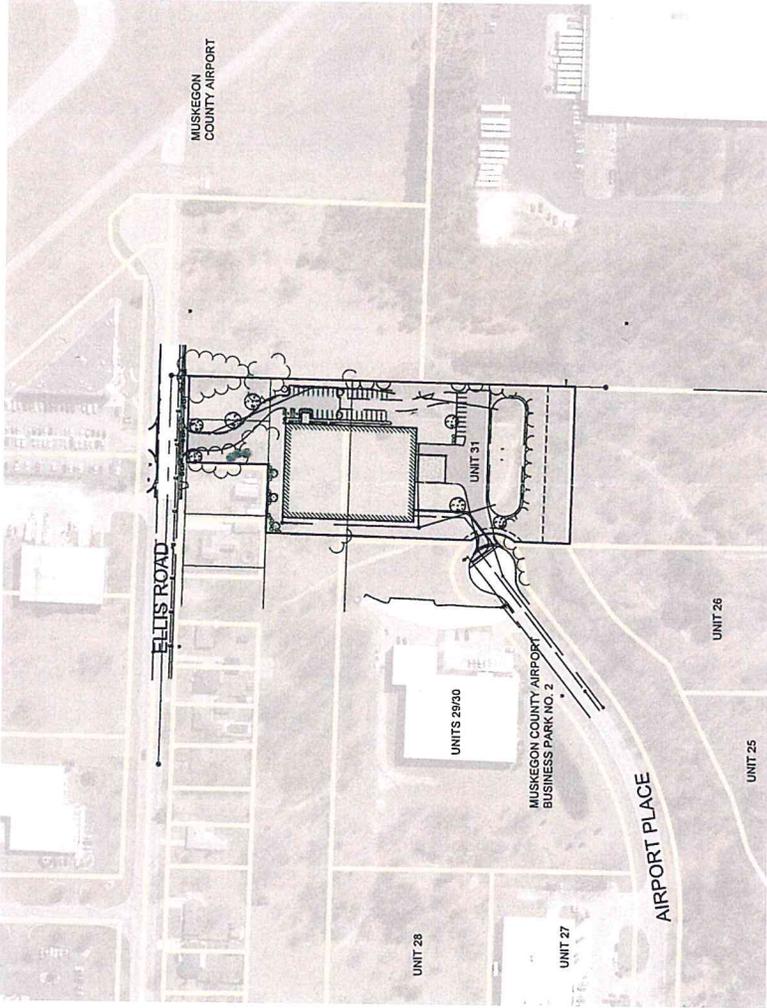
5

6

NORTH SANDALWOOD CIR

EARTHTRONICS

E ELLIS ROAD
NORTON SHORES, MI 49441



OVERALL SITE PLAN
SCALE: 1" = 100'

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- SHEET C-201 GRADING, DRAINAGE & SESS PLAN
- SHEET C-301 GENERAL DETAILS
- SHEET L-101 LANDSCAPE PLANTING PLAN



HOLLAND ENGINEERING
220 Monroe Boulevard
Holland, Michigan 49423-2700
www.hollandeng.com
616-332-0288 F 616-332-2116

The drawings, specifications, and notes are prepared by the engineer and are to be used only for the project and site described herein. No other use or reproduction is permitted without the written consent of the engineer.

LAKewood CONSTRUCTION
ATTN: MR. DAVE ASH
11233 JAMES STREET
HOLLAND, MICHIGAN 49424

EARTHTRONICS
E ELLIS ROAD
NORTON SHORES, MI 49441
PT. OF THE NE 1/4 SECT. 20 T9N, R16W
MUSKEGON COUNTY, MI

Rev	Description	Issued for:
1	ISSUED FOR PERMITS	
2	ISSUED FOR PERMITS	
3	ISSUED FOR PERMITS	
4	ISSUED FOR PERMITS	
5	ISSUED FOR PERMITS	
6	ISSUED FOR PERMITS	
7	ISSUED FOR PERMITS	
8	ISSUED FOR PERMITS	
9	ISSUED FOR PERMITS	
10	ISSUED FOR PERMITS	

REBECCA K. PAGE, P.E.
Professional Engineer
No. 49423-2700
MUSKEGON COUNTY, MI
COLLINS DEPOT
19-07-027
Sheet No. G-100



October 2019

EarthTronics, Inc. New Building Facility Use

EarthTronics is a lighting company specializing in energy efficient lighting products for use in residential, commercial and industrial applications. The new facility will be home to our sales and marketing operations as well as light assembly of light fixtures products, warehousing and shipping. There are no harmful chemicals stored or used in the assembly process. Our operation is light assembly of parts, warehousing and shipping. There are no noisy presses or stamping machinery as part of our plan.

Our hours of operation are 8 a.m. to 5 p.m. Monday through Friday. We do not have second shift or night hours of operation.

EarthTronics typically receives four 53' trailers of product each week. Our daily shipments out would typically be three LCL trucks and FedEx small package pick-up.

Kevin Youngquist
Executive Vice President
Ph: 231-332-1183
Email: keviny@earthtronics.com



Internal Memo
October 10, 2019

TO: Mark Meyers, City Administrator
FROM: Ted Woodcock, Planning and Zoning Administrator TSW
SUBJECT: Special Use Permit Request, 735 E. Ellis Road – EarthTronics “Buffer Parcel”

Following, please find comments regarding the Special Use Permit request for the requested general industrial facility at 735 E. Ellis Road.

SUMMARY

During the Planning Commission meeting on October 8, 2019 there were members of the public that spoke during the public comment period for the special land use application for EarthTronics. During these comments, both Planning Commissioners and City Staff heard two major areas of concerns: a so-called “buffer parcel” that was “promised” years ago while another part of the Airport Business Park (ABP) #2 was being developed, and if the screening requirements were adequate as there are residential uses that are adjacent to the proposed EarthTronics building.

After hearing these concerns, I dug into the Airport Business Park #2 Master Deed and other relevant documents to see if there was any information regarding the “promised buffer parcel”.

LEGAL DESCRIPTION OF 735 E. ELLIS ROAD AS OF OCTOBER 9, 2019

CITY OF NORTON SHORES
PART OF N 1/2 NE 1/4 SEC 20
AND SENGS LOT 20 & LOTS 23 & 24
COM AT SW COR OF LOT 20
SENGS AIRPORT PARK FOR POB
TH N 150 FT TH E 75 FT
TH S 150 FT TH E 192 FT TO SW COR LOT 23
TH N 150 FT TH E 160 FT TO NE COR LOT 24
TH S 00D 27M 50M E 300 FT M/L ALG SEC LN TO NE COR OF UNIT 31
MUSKEGON COUNTY AIRPORT BUSINESS PARK NO. 2
TH W ALG N LN SD AIRPORT BUSINESS PARK NO 2
1166.56 FT M/L TO E LN ROBERT HUNTER DR
TH N ALG E LN ROBERT HUNTER DR 150 FT M/L TO S LN LOT 11 SENGS AIRPORT PARK
TH E TO POB

MASTER DEED

Upon review of the Master Deed that was recorded on August 3, 2000 the following points I found were relevant to the public’s concerns:

1. In Article IV “Title and Nature” the following statement shows that the intention of this parcel, or any parcel that falls within the APB #2 is designed and intended to be development under private ownership. “The Project contains 10 individual Units to be used

as building sites for commercial and industrial structures as permitted by relevant zoning ordinance and the condominium documents and each Unit has been designed and is intended for separate ownership and use, as evidenced by individual entrances from and exits to dedicated roadways as depicted on the subdivision plan.”

2. In Article V “Common Elements”, subsection (f), [The general common elements are:] “All areas indicated as General Common Elements of the Project as depicted on the Condominium Subdivision Plan.” When reviewing the exhibits for the Condominium Subdivision Plan, the General Common Elements area is the existing Muskegon County Drain that is to the southwest of the property where the proposed EarthTronics facility is located. Thus, the 735 E. Ellis Road parcel is not part of the General Common Elements area.
3. After examining the entire Master Deed for ABP #2, there are no sections aside from the General Common Elements and the Limited Common Elements sections that address any buffer information, and these sections do not refer to a buffer anyway. These sections are geared for common element maintenance, not for preserving any parcels of land to act as a buffer between the existing residences and the APB #2 properties.
4. Additionally, I spoke with long-term City staff regarding any conversations with area residents in regards to a perceived “buffer zone”. I have concluded after reviewing the documents and conversations with staff that there is no written evidence of any parcel or part of a parcel of land that was ever intended to not be developed in the ABP #2 or in any surrounding parcels. I believe the neighbors may have misunderstood the intention of that parcel since its creation years ago and have referred to it as a “buffer” ever since.

CC: Jerry Bartoszek, NSDPW