

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, December 14, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the meetings of November 16, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-33: Request to rezone the property at 1993 Austin St from B-4, General Business to R-2, Single-Family Medium Density Residential, by Derek Masterman.
 - B. Hearing, Case 2023-34: Staff initiated request to amend Section 401 of the zoning ordinance to allow multi-family residential units in previously existing commercial buildings not already converted to residential, as a special use permitted.
- V. New Business
- VI. Other
- VII. Adjourn

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OR SUBCOMMITTEES**

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The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705. clerk@shorelinecity.com

Staff Report
December 14, 2023

Hearing, Case 2023-33: Request to rezone the property at 1993 Austin St from B-4, General Business to R-2, Single-Family Medium Density Residential, by Derek Masterman.

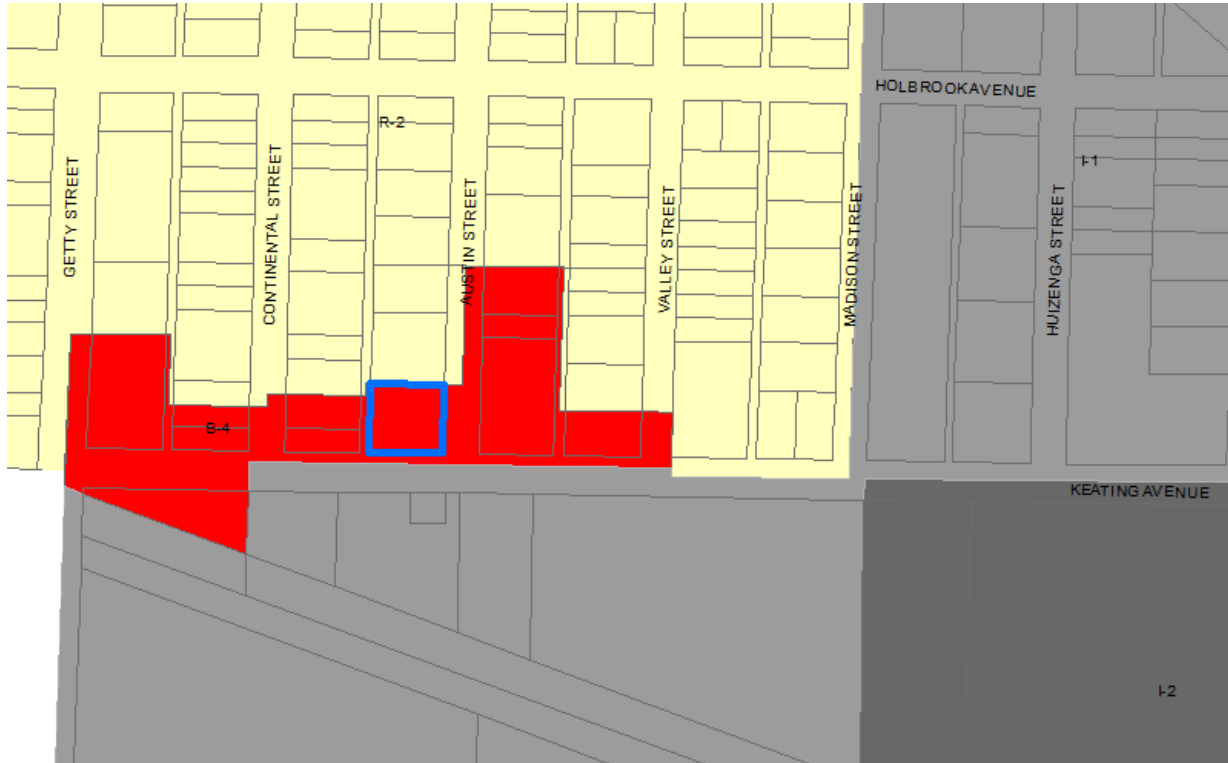
SUMMARY

1. The property is zoned B-4, General Business. However, there is an occupied residential house on the lot, which makes the building and use legally non-conforming. The parcel measures 15,360 sf (formerly three parcels) and the house measures 1,000 sf.
2. The property is located along Keating Ave between the Medindorp Industrial Center and a business corridor along Getty St.
3. The application has requested to rezone the property because he would like it to have the proper zoning for the use and he also mentioned that he wanted accurate comparables for assessments.
4. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff did not receive and comments.

1993 Austin St



Zoning Map



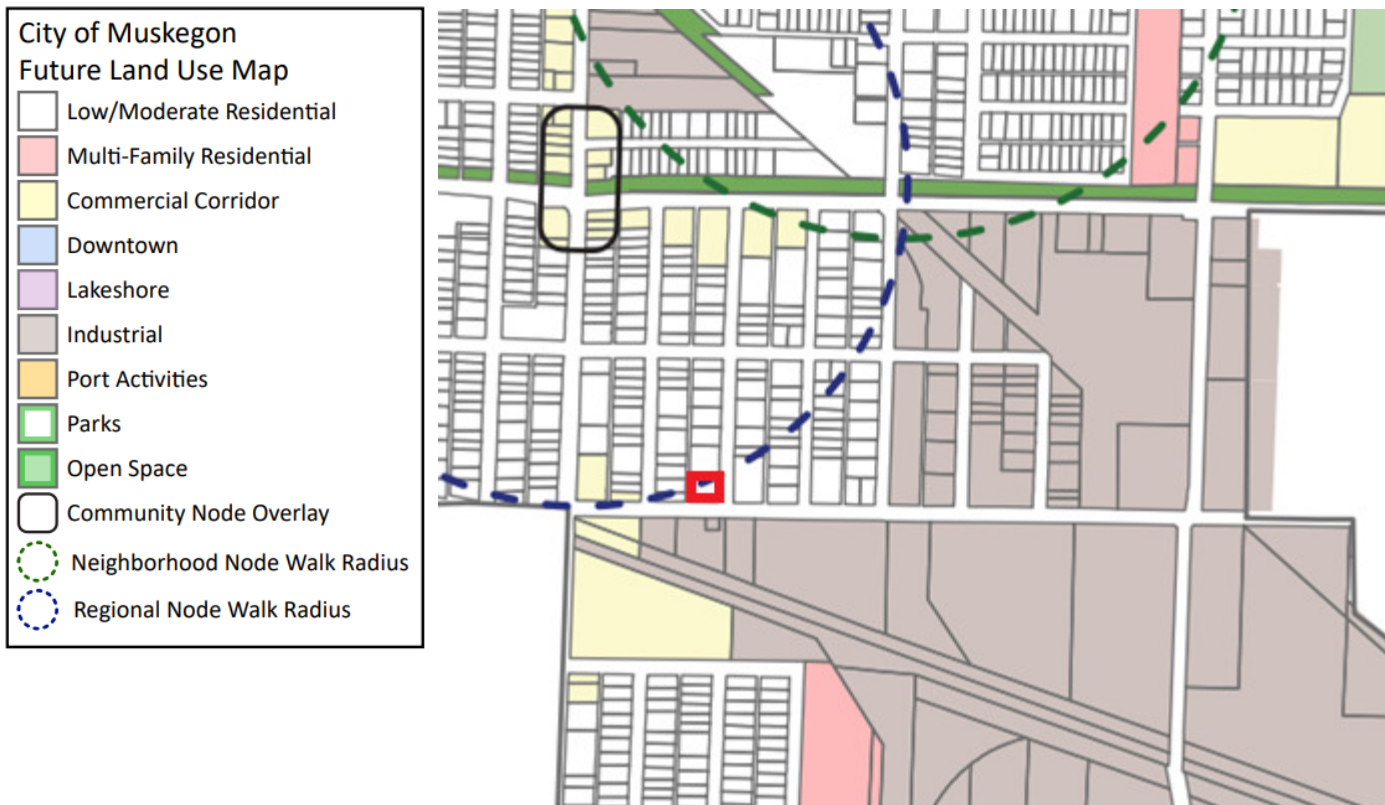
Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning request. The future land use map from the master plan depicts this parcel as residential. Past efforts to allow for more intense uses in this area never materialized and there does not appear to be any demand for commercial/industrial uses here. The parcel is actually three former residential lots combined together. Rezoning the lot to R-2 would allow it to be split into three residential lots if the owner chose to, which could assist in addressing the current housing crisis.

Future Land Use Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 1993 Austin St from B-4, General Business to R-2, Single-Family Medium Density Residential be recommended to the City Commission for approval.

Hearing, Case 2023-34: Staff initiated request to amend Section 401 of the zoning ordinance to allow multi-family residential units in previously existing commercial buildings not already converted to residential, as a special use permitted.

SUMMARY

1. Many neighborhoods, especially those in close proximity to downtown, have small commercial buildings located within residential blocks. These may be retail buildings or small mixed-use buildings, but are often times zoned for single-family residential. There is a clause in the zoning ordinance that allows certain business uses in these buildings with the issuance of a special use permit.
2. Most of these buildings were constructed when commercial businesses were more popular within neighborhoods. Residents still request for a return of these commercial businesses, but the establishment of large business corridors and internet commerce make it difficult to find success at these locations. The current housing crisis also suggests that there may better uses for these existing assets. In the recent past, the Planning Commission has allowed for additional residential units at these buildings with the issuance of a special use permit. This ordinance amendment request would codify standards to approve such requests.
3. Ultimately, staff encourages these types of buildings zoned Form Based Code, which would allow flexibility for multi-family housing and small commercial businesses as a use by right. However, if these neighborhoods are going to continue to be zoned for single family housing, we must amend the zoning ordinance to allow for flexibility of uses at these types of buildings.

Former commercial buildings on Beidler St in the Nims Neighborhood.



Zoning Ordinance Excerpt

Special Uses Permitted in Single-Family Residential Districts:

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.

Proposed Amendment

Addition of 6.b.1-3

6.b Multi-family housing with the following conditions:

- 1) Minimum unit sizes must be met.
- 2) No more than six residential units total (in addition to a single commercial unit).
- 3) There must be at least one parking space per unit on site. This requirement may be waived with the establishment of a shared parking agreement within 1,000 feet of the property or if the applicant can demonstrate an over capacity of street parking within 1,000 feet of the property.

Special Use Permit Requirements

In addition to any extra standards required for a special use permit, they all must meet the following standards listed below:

5. Standards for Approval of Discretionary Uses

Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development.

In addition, the Planning Commission shall find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 401 of the zoning ordinance to allow multi-family residential units in previously existing commercial buildings not already converted to residential be recommended to the City Commission for approval as proposed.