

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, December 14, 2017
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes from the special meeting of November 16, 2017.
- III. Public Hearings
 - a. Hearing, Case 2017-31: Request to amend the final Planned Unit Development at 1740 E Sherman Blvd to allow construction of a new out-building and to increase the size of the existing pole sign, by Pacifica Companies.
 - b. Hearing, Case 2017-32: Request for a departure from Section 2009 of the form based code section of the zoning ordinance to allow a larger projecting sign than permitted at 275 W Clay Ave, by Berkshire Muskegon.
 - c. Hearing, Case 2017-33: Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district and allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach St (Water Filtration Plant).
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Meisch, City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705

TTY/TDD: Dial 7-1-1 and request that a representative dial 231-724-6705

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 16, 2017

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, M. Hovey-Wright

MEMBERS ABSENT: J. Montgomery-Keast, excused; E. Hood

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: H. Aguilera, 2054 Harding; N. Jones, Director of Housing; B. Martell; A. Fortenberry, 1275 Kenneth; J. Kitchen, 1445 Hillcrest Dr.

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting of October 12, 2017 was made by B. Mazade, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2017-28: Request for a Special Land Use Permit to expand a non-conforming structure no more than 30% at 2054 Harding, by Hector Aguilera. M. Franzak presented the staff report. The property is zoned R-1, Single Family Low-Density Residential, and measures 68 x 130 feet, making it a buildable lot. The home on the property is considered a legal non-conforming structure due to a three-foot setback on the west side property line; a one-story home is required to have a six-foot side setback. The property owner would like the new addition to have the same 3-foot side setback as the rest of the home. Therefore, a Special Land Use Permit is required, which allows a non-conforming structure to be enlarged up to 30%. The current home measures 1,225 square feet and the proposed addition measures 366 square feet, which is 30% of the existing home. A site plan was provided to board members showing the location of the proposed front addition. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had received one comment from the adjacent neighbor, D. Hines, at 2064 Harding Ave., who stated that she was opposed to the request. Staff recommends approval of the Special Land Use Permit, as it meets the necessary requirements.

H. Aguilera stated that they needed the addition to build extra rooms for their family. M. Hovey-Wright stated that she had driven by the site and saw no issues with the request.

A motion to close the public hearing was made by B. Larson, supported by B. Mazade and unanimously approved.

A motion that the request for a Special Land Use Permit for the front addition to 2054 Harding Avenue be approved as proposed, was made by M. Hovey-Wright, supported by S. Gawron and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

Hearing, Case 2017-29: Request for a Special Land Use Permit to utilize the building at 1275 Kenneth Street as a 24-unit, multi-family residence with shared kitchen and dining facilities, by Safe Haven Living Facility of Muskegon, LLC. M. Franzak presented the staff report. This property was most recently used by Family Promise of the Lakeshore, who received a Special Land Use Permit on August 15, 2013 allowing offices, a day center, four apartment units and child care services. These uses are no longer active at this site, and the Special Land Use Permit cannot be transferred because the current request is for a different type of use. The new proposed use is to house veterans, seniors and fixed income individuals with semi-furnished rooms. There will be 24 single unit rooms with shared shower/bathroom, kitchen and common areas. This property is zoned RM-1, Low Density Multiple Family Residential, so multi-family apartments are allowed. However, the rooms do not meet the minimum dwelling unit size and this is a use that has never been approved at this site; therefore, the Special Land Use Permit is required. The new use is similar to an Adult Foster Care large group home, which is also allowed as a Special Land Use in this district. The minimum size for a one bedroom apartment is 650 square feet; however, these units are not comparable to a traditional apartment unit, as they are considered bedrooms with common spaces throughout the building. There are 12 parking spaces available on site. The zoning ordinance requires two spaces per unit; however, this use is different than most multi-family uses. There will only be one person in each unit and the applicant has stated that about 80% of their usual clientele do not have a car. Given this information, staff feels that there is enough parking on site. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had received one call from N. Jewett, 1302 Williams St, who was in favor of the request. Staff recommends approval of the proposed use, with the condition that additional parking be added if it becomes a problem.

N. Jones explained the project concept, the proposed layout of the building and landscaping plans, and answered board members questions. M. Hovey-Wright asked what level of care would be provided to residents. N. Jones stated that residents must be able to care for themselves, as no medical assistance or care would be available at the facility. J. Doyle asked about ADA compliance. N. Jones stated that the facility used to be a nursing home and was already ADA-accessible. A. Fortenberry stated that they would house males only; N. Jones stated that that was where the market study showed the most need. J. Doyle asked what type of screening would be used for housing applicants. N. Jones stated that they would be working with established local organizations for referrals, and they would do criminal background checks. M. Hovey-Wright asked where the additional parking would be located, if it was determined that it was needed. N. Jones stated that they had 14 spaces and could also use on-street parking in the area. M. Franzak stated that shared parking agreements were also allowed, if there was a suitable lot nearby. J. Doyle asked if there would be staff on site. N. Jones stated that they would have 24-hour staffing including aide, security, and maintenance workers. J. Kitchen owned a rental property nearby and was concerned about there being enough kitchen space with so many residents. N. Jones stated that they had a large commercial kitchen and dining room, plus a smaller kitchen.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

A motion that the request to allow a 24-unit, multi-family residence with shared bathroom, kitchen and dining facilities at 1275 Kenneth Street be approved, with the condition that the special use permit can be revoked if any future parking needs are not addressed by either adding more parking on site or through a shared parking agreement, was made by B. Larson, supported by F. Peterson and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

Hearing, Case 2017-30: Request to amend the zoning ordinance by adopting a local Critical Dune Ordinance, per Public Act 451 of 1994, the Natural Resources and Environmental Protection Act. M. Franzak presented the staff report. Critical Dunes in Michigan are regulated by the Michigan Department of Environmental Quality (MDEQ), thus anyone doing work in a critical dune area must first receive a permit

from the MDEQ. These permits can take several months to get approved, which often slows down projects. Act 451 of 1994 allows local municipalities to enact their own critical dune ordinance and enforce it themselves. Staff has created a draft ordinance which has been reviewed by the MDEQ. Staff plans to either enforce the ordinance in-house by doing our own inspections or possibly contracting with a private firm for inspections. A map showing the locations of critical dunes in Muskegon and proposed ordinance language was provided to the board for their review. Staff recommends approval of the proposed ordinance.

M. Franzak stated that the purpose of enacting this ordinance was to expedite the process for work performed in critical dune areas. Although municipalities are allowed to craft their own ordinances, they must follow the DEQ rules. F. Peterson stated that a local ordinance would benefit the city. Much of the critical dune areas were located in its boundaries, and city staff were more aware of the City's needs and the best interests of the community. B. Mazade was concerned about the language regarding sewage treatment. He would like to see city sewer service required. T. Michalski concurred. F. Peterson stated that the language was included because the local ordinance had to reflect state requirements, but the city would require city utilities.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

A motion that the request to amend section 2310 of the zoning ordinance to include a local critical dunes ordinance, be recommended to the City Commission for approval was made by F. Peterson, supported by M. Hovey-Wright and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

Imagine Muskegon Lake – M. Franzak updated the board on this process.

Medical Marijuana Dispensaries – T. Michalski asked what the role of the Planning Commission was in this process. F. Peterson stated that the board would be involved in zoning issues related to the dispensaries.

There being no further business, the meeting was adjourned at 4:45 p.m.

DR

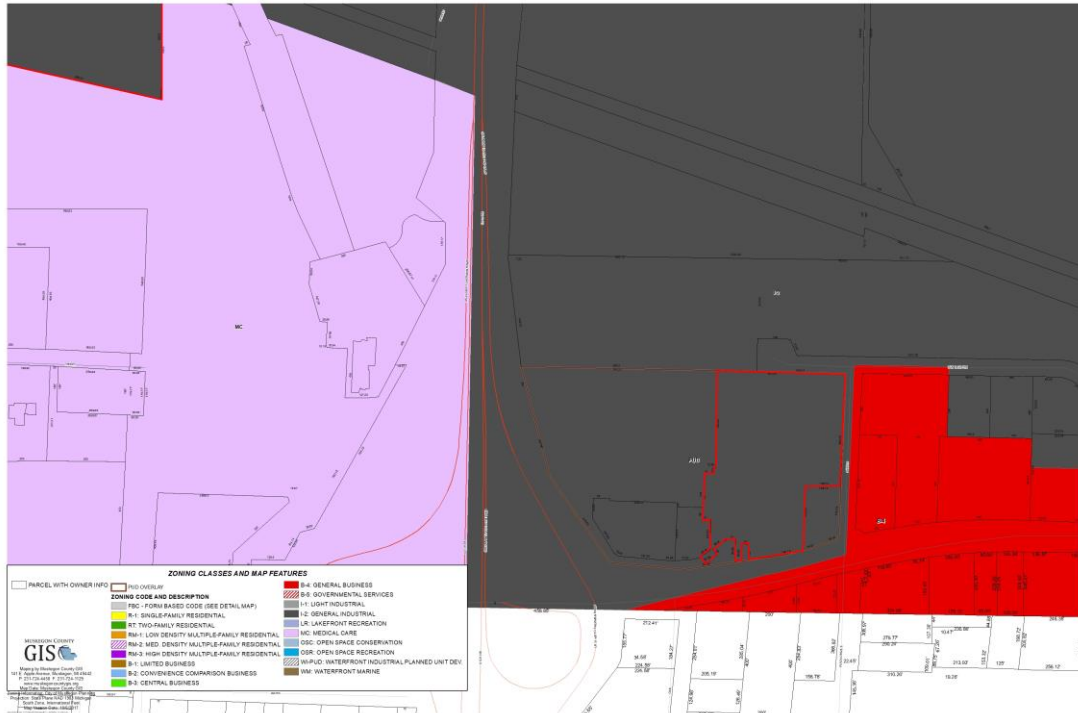
STAFF REPORT
DECEMBER 14, 2017

Hearing, Case 2017-31: Request to amend the final Planned Unit Development at 1740 E Sherman Blvd to allow construction of a new out-building and to increase the size of the existing pole sign, by Pacifica Companies.

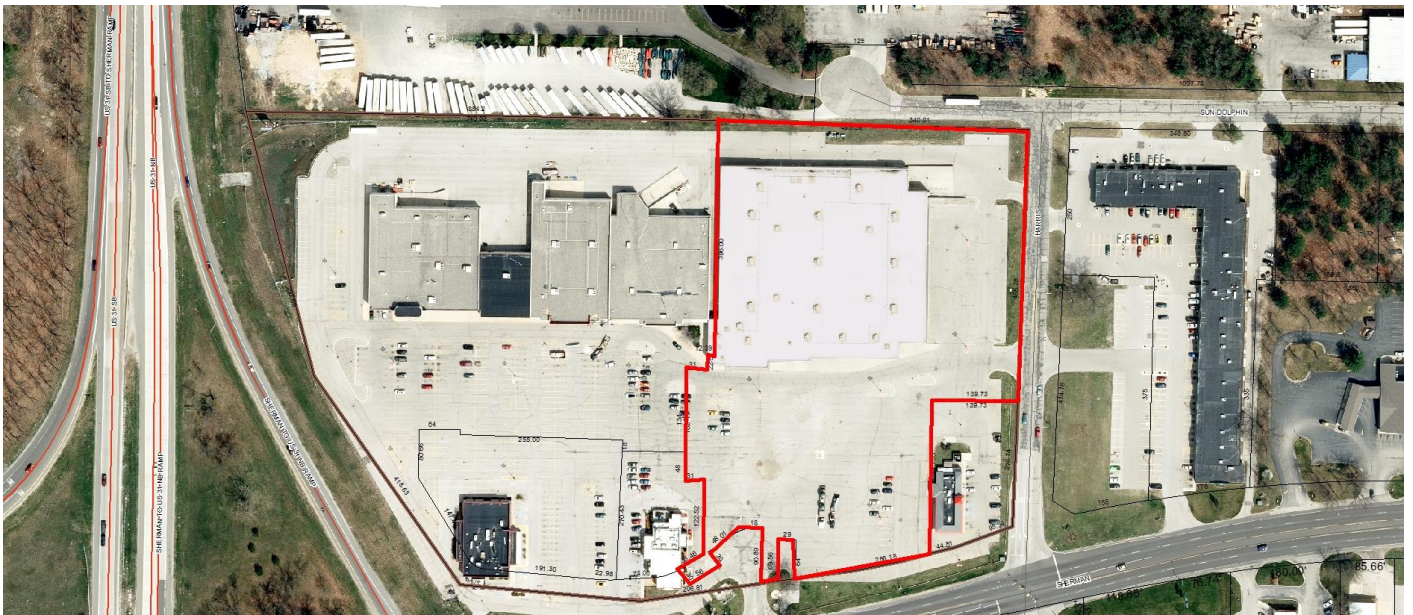
SUMMARY

1. The property at 1740 E Sherman Blvd measures just under seven acres and is owned by Pacifica Muskegon, LLC. It is part of a Planned Unit Development (PUD) that also includes about 10.5 acres of retail development owned by RCG-Muskegon, LLC. CRC Muskegon, LLC also owns about 0.7 acres of property, which is the Fazoli's restaurant. These three property owners are all under the same PUD. Pacifica Muskegon, LLC is proposing to construct a new out-building on its property, which would be located just east of the existing Fazoli's building.
2. The new building will be set up for two separate tenants. The tenant closest to Sherman would have 2,595 sq ft of space and the back tenant would have 2,995 sq ft of space.
3. The parking lot would be reconfigured and four new landscaping islands would be added. The new traffic pattern created will allow for a drive thru window for the new building. Parking spaces would be restriped and there would be 32 parking spaces available for the new building. A landscaping plan has not been included.
4. The applicant also has two sign requests as part of this development. They would like to add a 10 x 10 monument sign in front of the new out-building that both new businesses would share. There are currently three existing out-buildings (Panera Bread, Fazoli's, closed Chinese Buffet) and none of them have a separate monument sign in front of their buildings. This new out-building would be the only out-building with a monument sign in this development. They would also like to increase the size of the existing large freestanding sign facing Sherman Blvd. There are currently two free-standing pole signs on site, one facing Sherman Blvd and one facing the highway. The zoning ordinance allows for both signs and the addition of even more, since there are several parcels and multiple business congregated together. However, both signs are larger than what is normally allowed by the ordinance. An exception was made as part of the original PUD process. They are now looking to increase the size of the Sherman Blvd sign from 33' feet tall and 326 sf total to 35.5' tall and 356 sf total. This will be to accommodate the three new retail suites going in the former Target suite.
5. Please see the enclosed site plan and sign renderings.
6. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has not received any comments from the public.

Zoning Map



Aerial Map



Area where new out-building will be located at 1740 E Sherman Blvd



Existing sign on Sherman Blvd to be enlarged



Area in front of Fazoli's (no monument signs are currently located in this area)



STAFF RECOMMENDATION

Staff recommends approval of the PUD amendment, but would like to establish a plan for additional monument signs for out-buildings.

MOTION FOR CONSIDERATION

I move that the request to amend the PUD at 1740 E Sherman Blvd for the addition of the out-building and two sign requests, as proposed, be recommended to the City Commission for (approval/denial) with the following conditions (if any):

Hearing, Case 2017-32: Request for a departure from Section 2009 of the form based code section of the zoning ordinance to allow a larger projecting sign than permitted at 275 W Clay Ave, by Berkshire Muskegon.

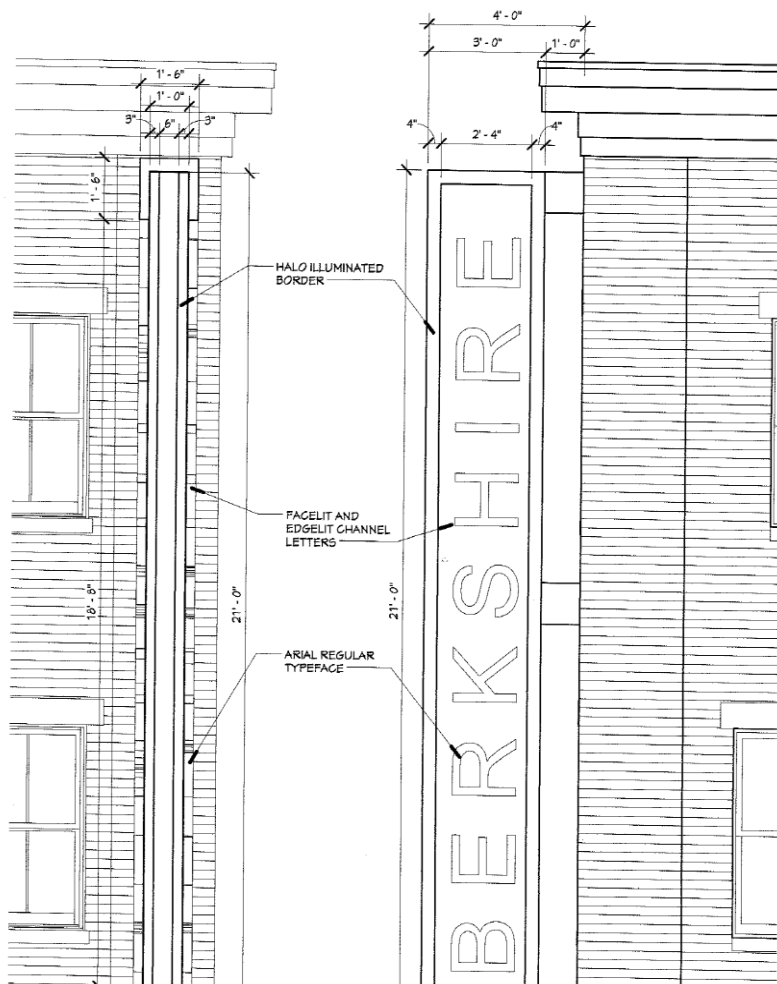
SUMMARY

1. This property is currently under development and will include 84 apartments with 5,000 sf of commercial space on the first floor.
2. The proposed sign is a “projecting sign” as defined by the ordinance. Please see the enclosed Form Based Code zoning ordinance excerpt regarding projecting signs. This sign meets all of the requirements of the ordinance except the maximum height of four feet. They are requesting a departure from this requirement.
3. The proposed sign is 21 feet tall, 2’4” wide and will hang four feet off of the building wall. It will be internally illuminated.
4. An encroachment agreement will be required since the sign will project over the public sidewalk.
5. Staff recommends the departure from this requirement because of the size of the development. A building this large warrants a unique large-scale sign in the proper location. First St is the best location for the sign because it is more of a commercial street than Clay Ave, which is more residential. This request is similar in nature to the exceptions granted to the Frauenthal and Amazon buildings.
6. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has not received any comments from the public.



6
SK-1

NORTHWEST BUILDING PERSPECTIVE



STAFF RECOMMENDATION

Staff recommends approval of the departure.

MOTION FOR CONSIDERATION

I move that the request for a departure from Section 2009.13 (a) of the zoning ordinance be (approved/denied) as proposed.

Hearing, Case 2017-33: Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district and allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach St (Water Filtration Plant).

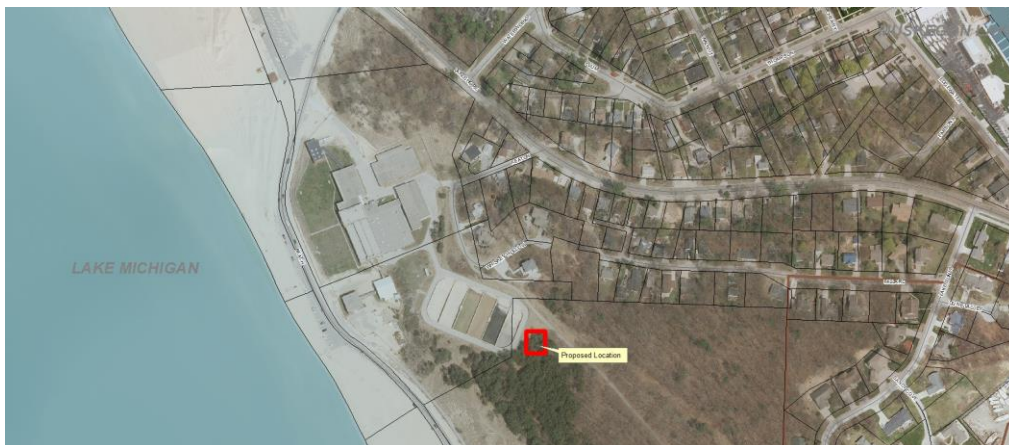
SUMMARY

1. Cell phone towers are regulated by Section 2321 (Wireless Communication Service Facilities) of the zoning ordinance. Please see the enclosed ordinance excerpt.
2. An overlay district allows these facilities in four different locations in the City. Please see the map on the following pages.
3. Staff is requesting to expand the overlay district with two new locations, one at Marsh Field and the other behind the Water Filtration Plant. This would be to increase cell phone coverage throughout the City. This request is just to expand the overlay district and allow companies to apply for a Special Land Use Permit to construct a new facility.
4. Staff has been working with two different companies that are interested in eventually applying for new facilities at these locations. In both cases, they are proposing monopoles with a maximum height of 150 feet. However, this request is not to approve any new facilities at this time.
5. Both locations are located in charter parks, which cannot be sold. The City would retain ownership and would look to lease the space to a private company.
6. Surveys with legal descriptions are currently being finalized and will be provided at the meeting. The legal descriptions will be used for the overlay district descriptions.
7. Although not required for an ordinance amendment, staff sent out notice letters to everyone within 300 feet of both proposed locations. At the time of this writing, staff had not received any comments from the Marsh Field area and one comment from the Water Filtration area. Staff is working to answer some questions from this citizen, but they are generally in favor of the request.

Marsh Field Location



Water Filtration Location



Current and Proposed Cell Tower Locations



STAFF RECOMMENDATION

Staff recommends approval of the ordinance amendment.

MOTION FOR CONSIDERATION

I move that the request to amend Section 2321 of the zoning ordinance to expand the overlay district for Wireless Communication Support Facilities be recommended to the City Commission for (approval/denial).