

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, November 16, 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 October 12, 2017.
- III. Public Hearings
 - a. **Hearing, Case 2017-28:** Request for a Special Land Use Permit to expand a non-conforming structure no more than 25% at 2054 Harding, by Hector Aguilera.
 - b. **Hearing, Case 2017-29:** Request for a Special Land Use Permit to utilize the building at 1275 Kenneth St as a 24-unit, multi-family residence with shared kitchen and dining facilities.
 - c. **Hearing, Case 2017-30:** Request to amend the zoning ordinance by adopting a local critical dune ordinance, per Public Act 451 of 1991, the Natural Resources and Environmental Protection Act.
- IV. New Business
- V. Old Business
- VI. Other
 - a. Imagine Muskegon Lake update
- 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

STAFF REPORT
NOVEMBER 16, 2017

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

SUMMARY

1. The property is zoned R-1, Single Family Low-Density Residential. It measures 68' x 130,'making it a buildable lot.
2. The home on the property is considered a legally non-conforming structure because it only has a three-foot setback on the side (west) property line. A one story home is required to have a six-foot side setback.
3. The property owner would like the addition to match up with the current setbacks, so the Special Land Use Permit is required. If the addition were to have a six-foot side setback, the Special Land Use Permit would not be required. Please see the enclosed site plan.
4. A non-conforming structure may be enlarged up to 30% with the issuance of a Special Land Use Permit. The current home measures 1,225 sf and the proposed addition measures 366 sf, which equals 30% of the existing home.
5. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has received one comment from the adjacent neighbor, Denise Hines, at 2064 Harding Ave. She is not in favor because she does not want the addition within the required setback for gardening purposes.

2054 Harding Ave.



2054 Harding Ave with 2064 Harding in view.



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the Special Land Use Permit, as it meets all of the site plan requirements.

MOTION FOR CONSIDERATION

I move that the request for a Special Land Use Permit for the addition to 2054 Harding Ave, as proposed, be (approve/denied) with the following conditions (if any):

Hearing, Case 2017-29: Request for a Special Land Use Permit to utilize the building at 1275 Kenneth St as a 24-unit, multi-family residence with shared kitchen and dining facilities, by Safe Haven Living Facility of Muskegon, LLC.

SUMMARY

1. This property was most recently used by Family Promise of the Lakeshore as offices, a day center, four apartment units and child care services. They received a Special Land Use Permit for this use on August 15, 2013. This use is no longer active at this site. The Special Land Use Permit cannot be transferred because it is a different type of use.
2. 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 area. 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, so a Special Land Use Permit is required. It is similar to an Adult Foster Care large Group Home, which is also allowed as a Special Land Use Permitted in this district. The minimum size for a one bedroom apartment is 650 sf, however, these units are not very comparable to a traditional apartment unit, as they are considered bedrooms with common spaces throughout the building.
3. There are 12 parking spaces available on site. The zoning ordinance requires two cars 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 applicants do not have a car. Given this information, staff feels that there is more than enough parking on site.
4. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff received one call from Neva Jewett, at 1302 Williams St, who is in favor of the request.

1275 Kenneth St looking south from Catawba St.



A photograph of a single-story building with a covered entrance, viewed from across a grassy area and a chain-link fence. A small trailer is parked near the entrance.

Staff recommends approval of the proposed use, with the condition that parking be added if it becomes a problem.

I move that the request to allow a 24-unit, multi-family residence with shared kitchen and dining facilities at 1275 Kenneth St be (approved/denied) with the following condition(s):

- 5

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.

SUMMARY

1. Critical Dunes in Michigan are regulated by the Michigan Department of Environmental Quality (MDEQ). Anyone doing work in a critical dune must first receive a permit from the MDEQ. These permits can take several months to get approved, so it often times slows down projects.
2. Act 451 of 1994 allows local municipalities to enact their own critical dune ordinance and enforce it themselves. Staff has created the enclosed draft ordinance, which has been reviewed by the MDEQ.
3. Staff plans to either enforce the ordinance in-house by doing our own inspections or possibly contracting with a private firm for inspections.
4. Please see the enclosed map that shows the locations of Critical Dunes in Muskegon.
5. Please see the eclipsed proposed ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance.

MOTION FOR CONSIDERATION

I move 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/denial).