

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Wednesday, November 10, 2021
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 regular meeting of October 14, 2021.
- III. Public Hearings
 - A. Hearing, Case 2021-30: Request for a special use permit to allow four apartment units at 1769 Beidler St in a previously existing commercial building not already converted to residential in an R-1 zoning district, by Jose Hernandez.
 - B. Hearing, Case 2021-31: Request for a departure from the Lakeside Form Based Code to allow apartment units on the first floor of the mixed use building at 1504 Palmer St, by Jose Hernandez.
 - C. Hearing, Case 2021-32: Request for a special land use permit to allow a marihuana microbusiness at 2304 Olthoff Dr, by Clayton Valle.
- IV. New Business
 - A. Case 2021-33: Request for a site plan review for a new building at 1747 7th St, by Muskegon Rescue Mission.
 - B. Case 2021-34: Request for a site plan review for new buildings at 1054 W Sherman Ave, by Sherman Self Storage, LLC.
- V. Other
 - A. Updates on previous cases.
- VI. 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 24- 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

STAFF REPORT

November 10, 2021

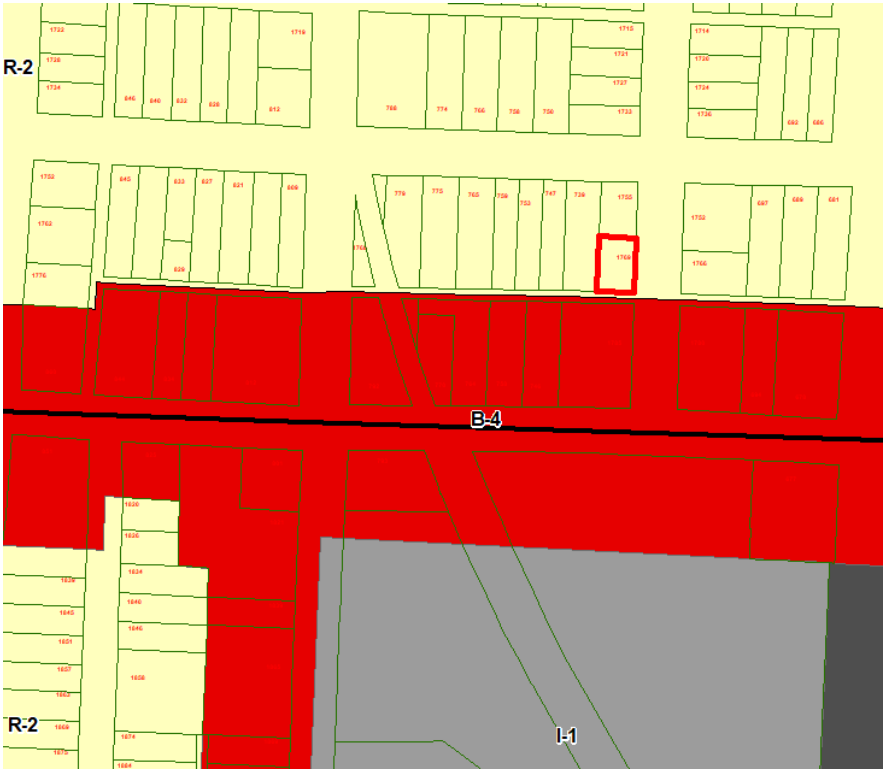
Hearing, Case 2021-30: Request for a special use permit to allow four apartment units at 1769 Beidler St in a previously existing commercial building not already converted to residential in an R-1 zoning district, by Jose Hernandez.

SUMMARY

1. The property is zoned R-1, Single Family Low Density Residential.
2. The building currently contains one vacant apartment unit upstairs, one vacant apartment unit downstairs and a vacant commercial unit downstairs.
3. The applicant is requesting to split the apartment unit upstairs into two units and convert the commercial space into an additional residential unit.
4. The R-1 zoning designation allows smaller types of commercial uses to be located in a previously existing or established commercial facility not already converted to residential, with the issuance of a special use permit. These types of commercial uses include small retailers that service the neighborhood and personal service establishments such as barber shops and dry cleaning stores. Since residential is a less intensive use than commercial, this board has previously used this zoning clause to allow for additional residential spaces. This is how the former mixed use building across the street at 1736 Beidler St was converted into an apartment complex.
5. Notice was sent to all properties within 300 feet of this property. At the time of this writing, staff had not received any comments.



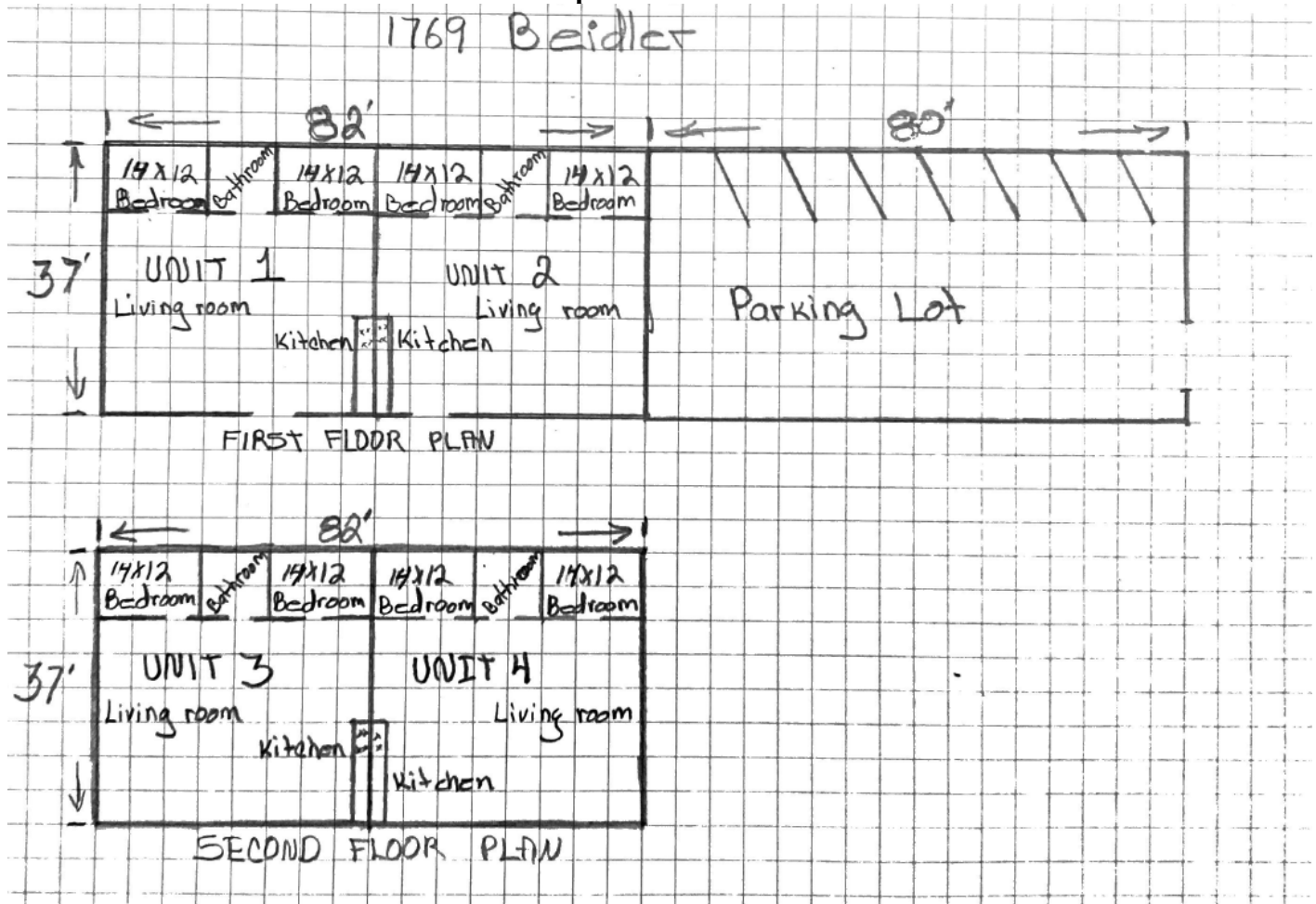
Zoning Map



Aerial Map



Proposed Floor Plan



STAFF RECOMMENDATION

Staff recommends approval of the request, contingent upon an approved parking plan by staff. This could include a shared parking agreement with adjacent property owners or with the addition of a small parking lot at 1755 Beidler St (same owner). If a parking lot is built, the properties should be combined first.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to allow four apartment units at 1769 Beidler St in a previously existing commercial building not already converted to residential in an R-1 zoning district be (approved/denied) with the following conditions:

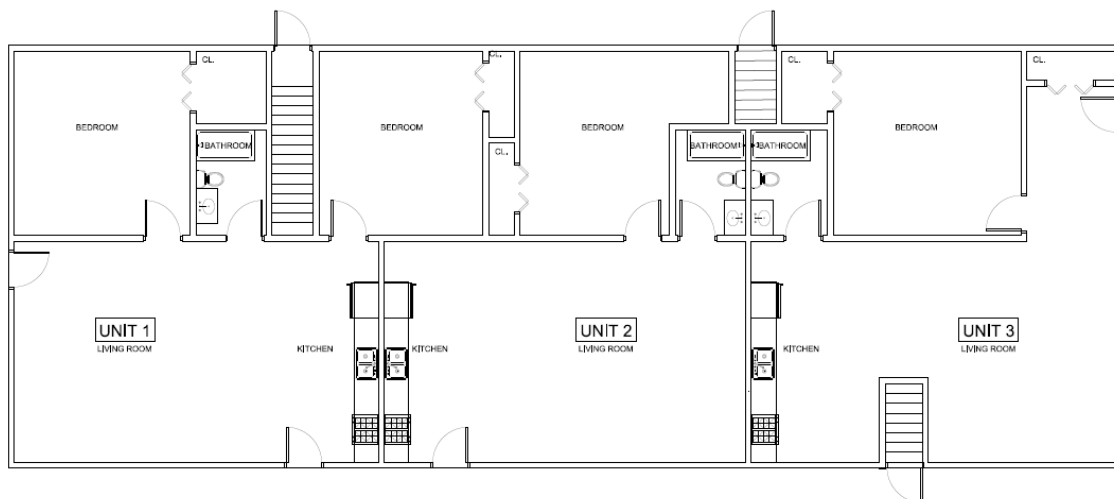
1. A parking plan must be approved by staff. This could include a shared parking agreement with adjacent property owners or with the addition of a small parking lot at 1755 Beidler St (same owner). If a parking lot is built, the properties must be combined first.

SUMMARY

1. The property is zoned Lakeside Form Based Code, Lakeside Commercial. The building type is considered mixed use, as there is a rental hall on the first floor and an apartment on the second floor.
2. The code allows for multi-family residential in these types of buildings, but only on floors two and above. The applicant is requesting a departure from this requirement to allow for three additional apartment units on the first floor. Please see the proposed first floor plan below. Each unit is approximately 1,000 sf. There is adequate parking on site on the east side of the building.
3. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments.



Proposed Floor Plan



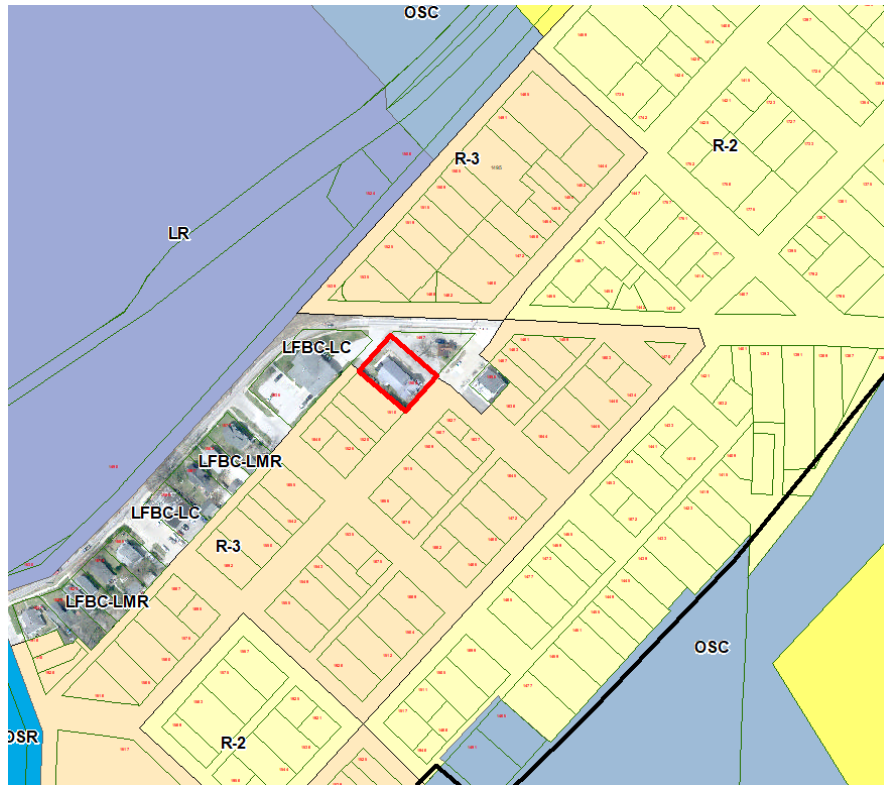
FIRST FLOOR PLAN: PROPOSED
SCALE: 1/8" = 1'-0"

SCOPE: CONVERSION OF EXISTING BANQUET HALL UNIT
TO 3 DWELLING UNITS WITH 1 EXISTING DWELLING
UNIT ON SECOND FLOOR

1504 PALMER AVE.
MUSKEGON, MI 49441

A1
SHEET NO. 001

Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the request because it would be very difficult to fill the first floor with commercial and additional apartments should be less intrusive to the neighborhood than a rental hall.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a departure from the Lakeside Form Based Code to allow apartment units on the first floor of the mixed use building at 1504 Palmer St be (approved/denied).

Hearing, Case 2021-32: Request for a special land use permit to allow a marihuana microbusiness at 2304 Olthoff Dr, by Clayton Valle.

SUMMARY

1. The property is zoned I-2, General Industrial and is located in the Port City Industrial Park.
2. Marihuana microbusinesses are allowed in these zoning district with the issuance of a special use permit. Please see the guidelines for the issuance of a special use permit below.
3. A marihuana microbusiness is allowed to grow (up to 150 plants), process and sell on site.
4. The existing building on site measures about 4,050 sf.
5. There are 12 parking spaces located on site.
6. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments.

Zoning Ordinance Excerpt

SECTION 2332: SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS

4. Discretionary decisions, standards, and conditions

Consistent with the City or Village Zoning Enabling Act (PA, 207, 1921, and amended), the Planning Commission shall approve, deny or approve with conditions applications for Special Use or activities. The standards upon which decisions are made shall be consistent with, and promote the intent and purpose of the Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The decision on a Special Land Use or activity shall be incorporated in a statement of conclusions and be placed on file with the Department of Planning.

The Planning Commission shall review the application after proper notice has been given as required by State law and this Ordinance. The Planning Commission shall base its decisions upon review of the individual standards pertaining to that Special Land Use or activity and the general standards of Section 2332. The Planning Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application. Upon approval of a Special Use, the Building Official shall issue any necessary permits.

5. Standards for Approval of Discretionary Uses

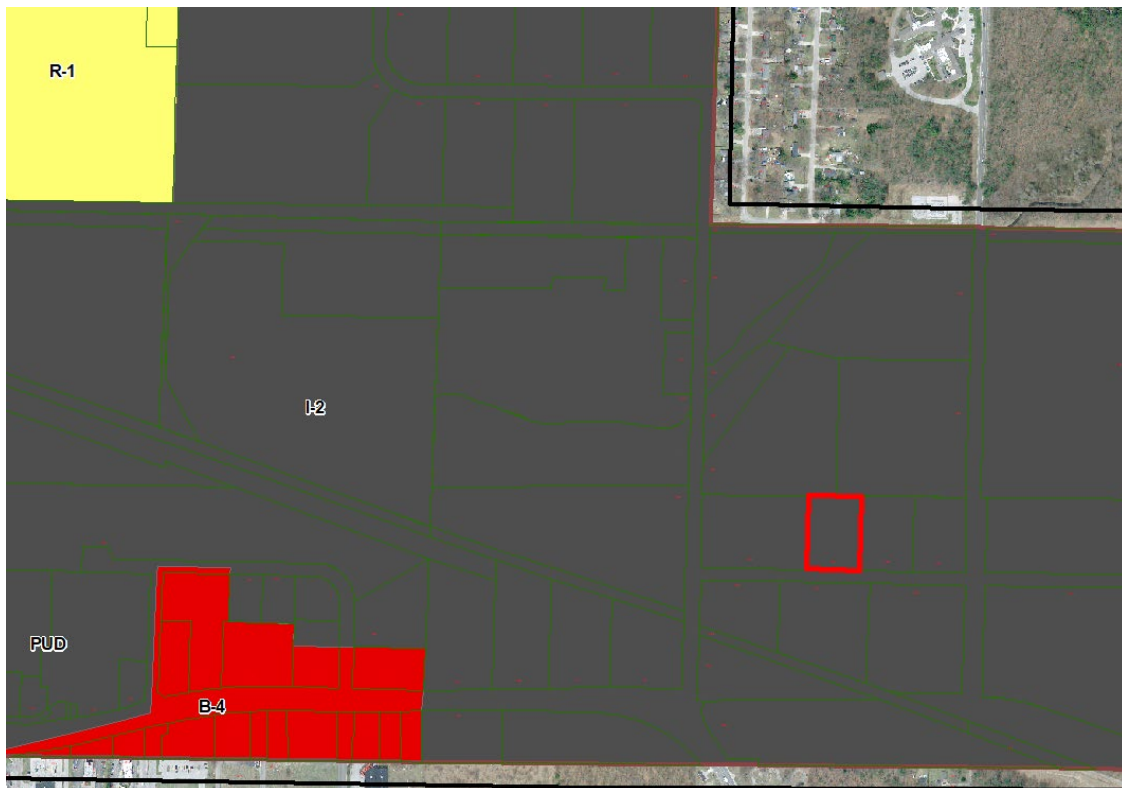
Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development.

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.

2304 Olthoff Dr



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff does not recommend approval of the special use permit because it is not compatible with the surrounding uses, which are industrial and not retail.

DELIBERATION

The following proposed motion is offered for consideration:

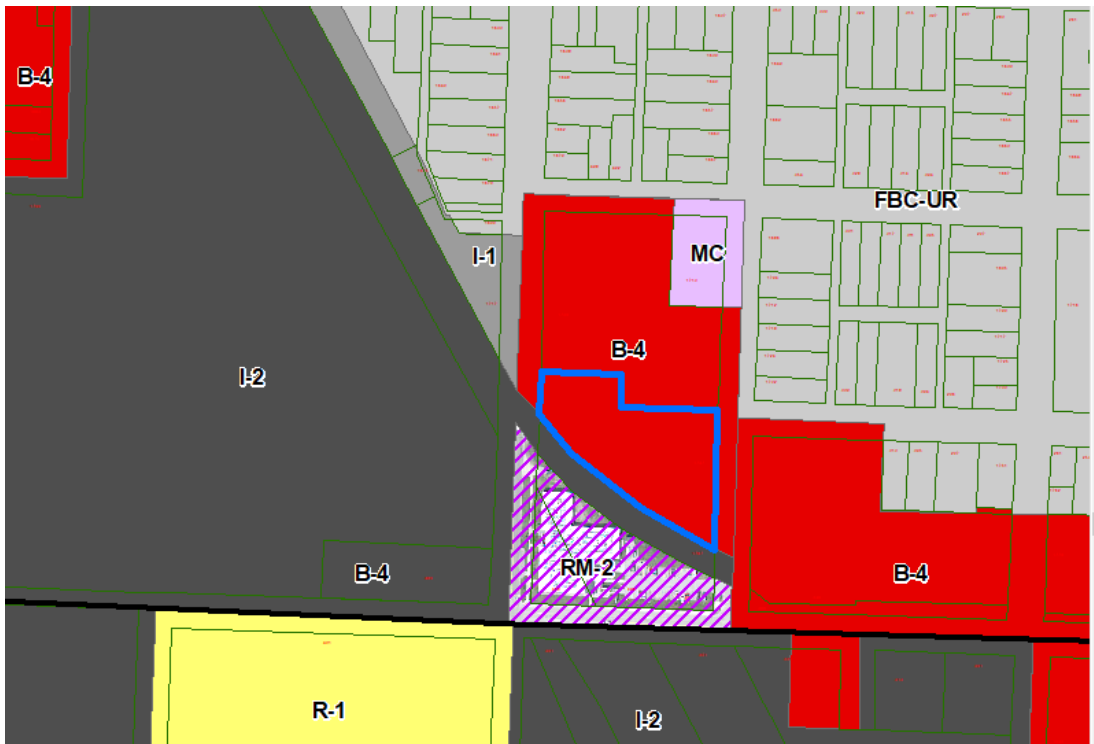
I move that the request for a special land use permit to allow a marihuana microbusiness at 2304 Olthoff Dr be (approved/denied).

Case 2021-33: Request for a site plan review for a new building at 1747 7th St, by Muskegon Rescue Mission.

SUMMARY

1. The property is zoned B-4, General Business and measures 54,869 sf.
2. The proposed building measures 16,200 sf and will be used for social services, training and childcare.
3. The development requires a stormwater permit, which are now issued through the City Engineering Department. Any approval should be contingent upon the issuance of the stormwater permit.
4. The site plan meets the minimum setback requirements which are as follows: front (10 feet), rear 10 feet, side (8 feet).
5. The Fire Marshall has stated that the one-way drive to the south of the building needs to be at least 20 feet wide.
6. The parking spaces provided are adequate for the proposed uses.
7. The landscaping plan meets the requirements of the ordinance.

Zoning Map



Aerial Map

(map is from 2019 and doesn't show the two new buildings on the properties to the north)



STAFF RECOMMENDATION

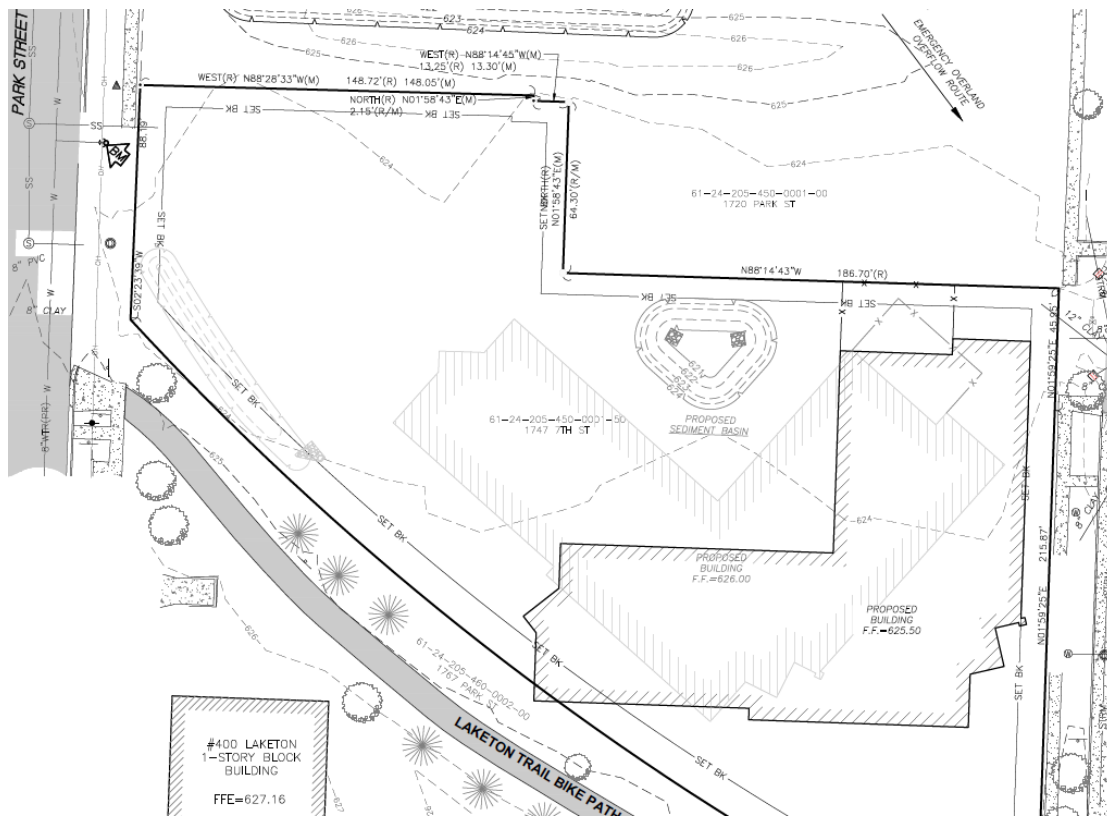
Staff does not recommend approval of the site plan as designed. The configuration of the building is not compatible with the rest of the block. The other buildings on the block were all built within the last few years and are examples of good urban form, while the proposed development does not properly utilize the available space for an urban setting.

Section 2330-11C of the zoning ordinance states:

Compatibility with surrounding land use and development: All elements shall be located, designed and organized in relation to topography, the size and configuration of the parcel, the character of adjoining property and the type and size of the buildings. The site shall be developed so as not to impede the normal and orderly development or improvements of surrounding property for uses permitted in this Zoning Ordinance.

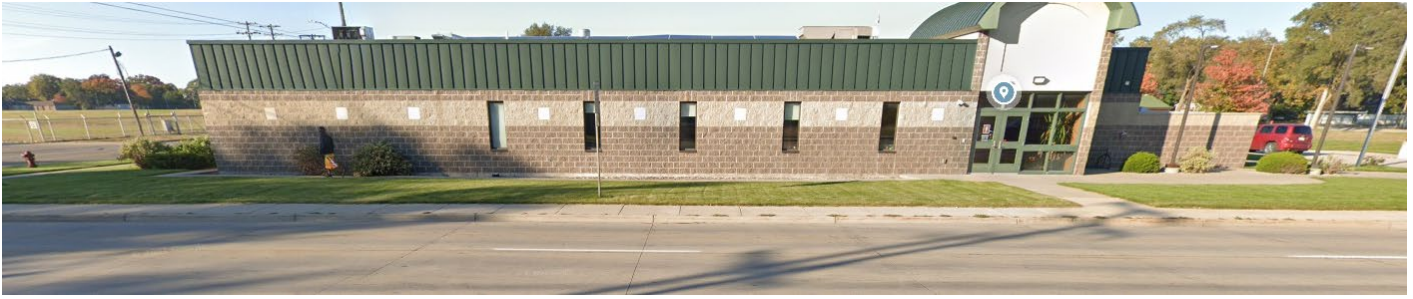
Staff has encouraged the developer to reposition the building on the site. Below is a rendering of the building repositioned to front 7th St. The southwest corner of the building encroaches on the bike path property by a few feet. However, this could be avoided if the building is shifted a few feet to the north. The applicant has stated that this cannot be done because of the playground that is located to the north of the building and cannot be reconfigured. The ordinance allows for zero lot line placement on side property lines. Staff recommends that the building either be moved to fit on the property or that the City deeds a portion of

the bike path property to the Rescue Mission (may not be possible depending on how the land was acquired. Staff is currently researching) or the City grants the Rescue Mission an encroachment agreement to place a portion of the building on City property. Staff recommends tabling the review until a new site plan with one of these three options is presented.



Other buildings located on this block





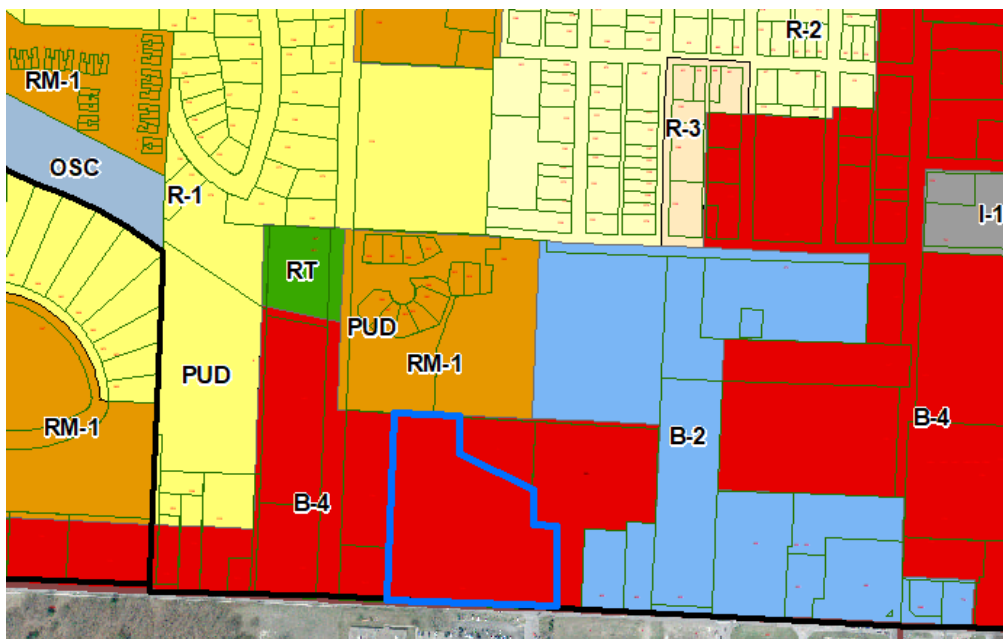
DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for site plan approval for a new building at 1747 7th St be (approved/denied) with the following conditions:

1. A stormwater permit is issued from the Engineering Department
2. The Public Safety Department approves the fire access requirements.

- ## Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommend approval of the site plan, with certain conditions (listed below in proposed motion).

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for site plan approval for new buildings at 1054 W Sherman Ave be (approved/denied) with the following conditions:

1. A stormwater permit is obtained from the Engineering Dept.
2. The Public Safety Department approves a plan that addresses the Fire Marshalls comments.
3. The additional existing curb cuts fronting Sherman Blvd are closed and new curbing is installed.