

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 15, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the regular meeting of April 13, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-10: Request to rezone the property at 1043 Washington Ave from R-2 to FBC, NE, by FMA Rentals, LLC.
 - B. Hearing, Case 2023-11: Request for a special use permit for a drive-thru window at 825 E Laketon Ave, by Zala, LLC (DBA “Little Caesars”).
 - C. Hearing, Case 2023-12: Request for a special use permit for a gas station at 860 W Sherman Blvd, by Satwinder Multani.
- V. New Business
 - A. Case 2023-13: Request to amend the Planned Unit Development at Hartshorn Village (1000 W Western Ave) to relocate the proposed boat storage building.
 - B. Case 2023-14: Request to submit the draft master plan to the City Commission to approve for distribution and review.
- VI. Other
 - A. Update on previous cases
- VII. Adjourn

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OR SUBCOMMITTEES**

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk’s Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit: www.shorelinecity.com

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

June 15, 2023

Hearing, Case 2023-10: Request to rezone the property at 1043 Washington Ave from R-2 to FBC, NE, by FMA Rentals, LLC.

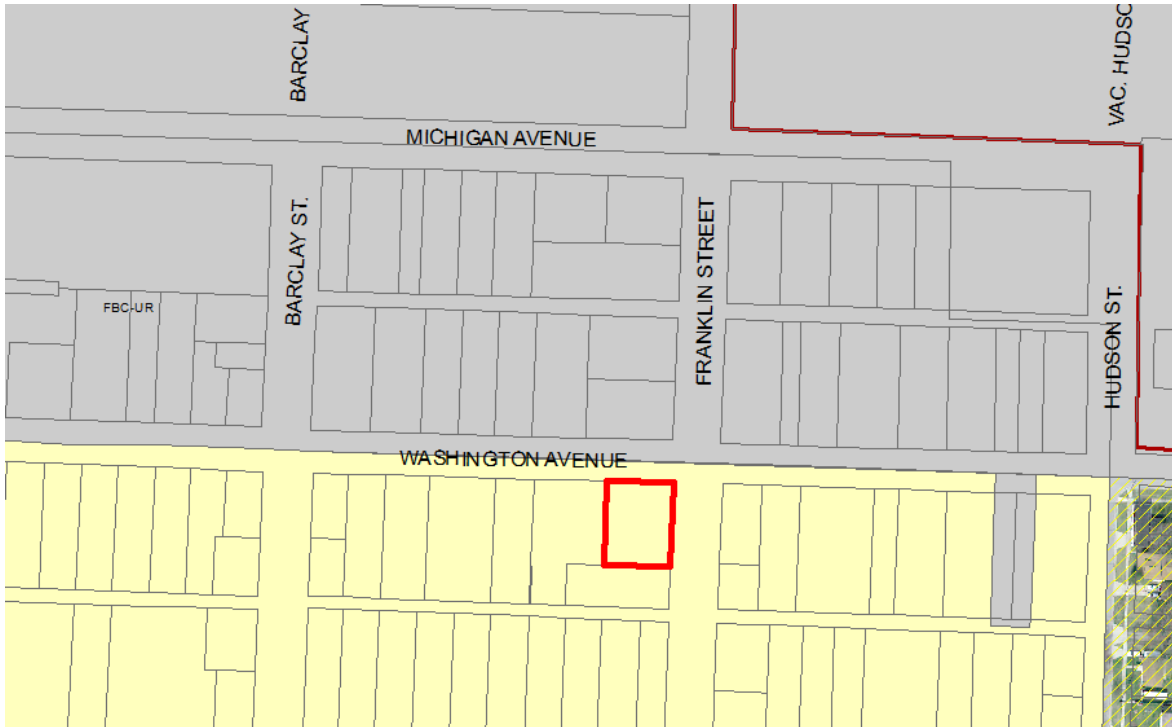
SUMMARY

1. The property is zoned R-2, Single Family Medium Density Residential. However, it contains a non-conforming, mixed-use building with five apartment units and one commercial unit.
2. The structure measures just under 5,000 sf and sits on a 9,812 sf lot.
3. The building is registered on the dangerous buildings list. The previous owner was not able to make the necessary upgrades. The new owner was able to purchase the building and put money into escrow to place the building under superintendent control in order to save it from demolition. They are currently in the process of making the necessary upgrades.
4. The new owner would like to convert the commercial unit into another residential unit. A rezoning to Form Based Code, Neighborhood Edge would make the existing building a legal, conforming use and would also allow the conversion of the commercial unit into a residential unit. This building could be considered either a “small multiplex” or “mixed-use” building as defined by the form-based code.
5. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

1043 Washington Ave



Zoning Map



Aerial Map



Zoning ordinance excerpt (permitted building types in NE context area):

2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES

BUILDING TYPE WITH FRONTAGE OPTION		NEIGHBORHOOD EDGE (NE) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with BALCONY	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional *	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
RETAIL BUILDING TYPE	with STOREFRONT	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
FLEX BUILDING TYPE	with STOREFRONT	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with DOORYARD	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
COTTAGE RETAIL BUILDING	with STOREFRONT	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
LIVE / WORK BUILDING TYPE	with STOREFRONT	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning. It would bring the property back into legal conformance and would also allow for commercial or residential spaces on the ground floor.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 1043 Washington Ave from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge be recommended to the City Commission for (approval/denial).

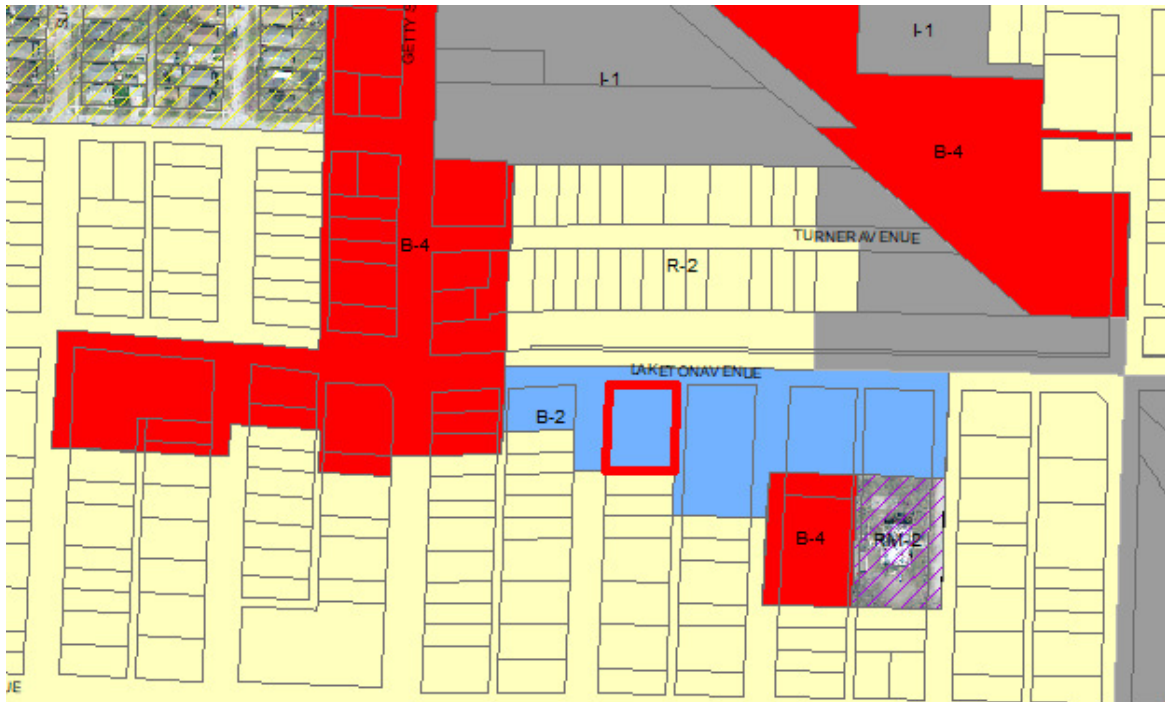
SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business.
2. Drive-thru windows are allowed with a special use permit under two conditions:
 - A setback of at least 60 feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare (does not pertain to this case, as it’s not a major thoroughfare).
 - Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
3. One of the two current businesses (Little Caesars) located in this building is interested in adding a drive-thru window to the east side of the building, adjacent to the public alley. A small portion of the building would be removed to make room for vehicle access.
4. There appears to be adequate vehicle stacking space for the drive-thru, which will be located in a currently unused section of the parking lot.
5. There are adequate parking spaces for the businesses on site and this plan would only remove two spaces (pictured below) located to the east of Little Caesars.
6. There are three driveway approaches on or adjacent to this property. There is one located at the southwest corner of the property. One located on Continental St near the intersection of Laketon. And one located adjacent to the northeast corner of the property, which is a public alley. The driveway approach located on Continental St near the intersection of Laketon Ave would need to be removed in order to meet the guidelines for a special use permit.
7. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

825 E Laketon Ave



Zoning Map



Aerial Map



Zoning ordinance excerpt:

Section 2332: Special Land Uses and Planned Unit Developments

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.

STATEMENT OF CONCLUSIONS

“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.”

Staff finds that the proposed use will not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light and that adequate water and sewer infrastructure exists to service the special land use.

STAFF RECOMMENDATION

Staff recommends approval of the drive thru window as long as the curb cut near the intersection is removed.

DELIBERATION

The following proposed motion is offered for consideration:

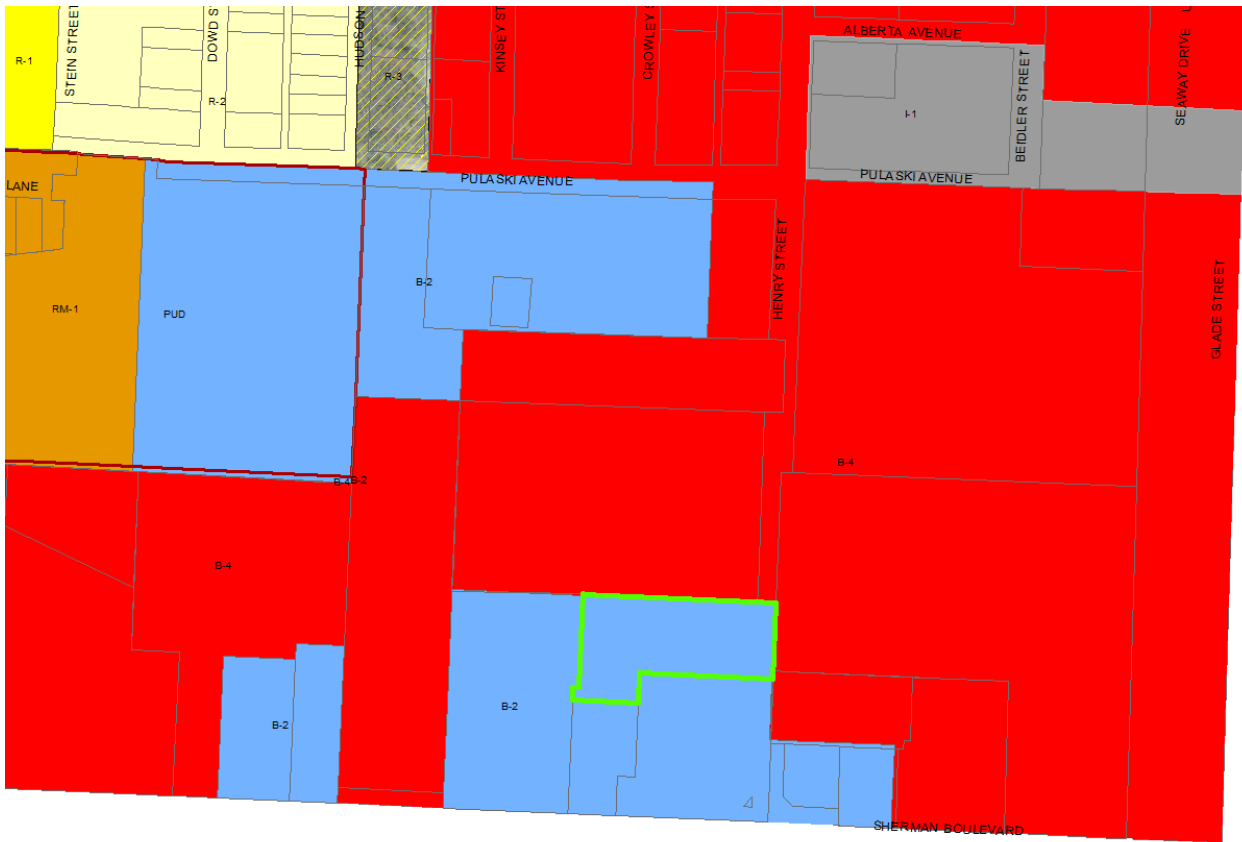
I move that the request for a special use permit for a drive-thru window at 825 E Laketon Ave be (approved/denied) with the following conditions based on the above statement of conclusions:

1. The curb cut near the intersection is removed and replaced with new curb.
2. An updated site plan is approved by staff.

SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business. Gas stations are allowed with the issuance of a special use permit under the following conditions:
 - The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
 - The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - All lighting shall be shielded from adjacent residential districts and from abutting streets.
 - All rest rooms doors shall be shielded from adjoining residential property.
2. Please see the enclosed site plan and narrative provided by the applicant.
3. The existing 9,382 sf building currently hosts Lighthouse Liquors. The building would be modified to create another suite for the gas station.
4. A future 5,445 sf retail building is proposed to the east near Henry St. This review does not grant approval of this proposed building and another site plan will be required at that time. It is only intended to show how the site will function once completely developed. However, it does appear to meet applicable setback requirements.
5. The three landscaping islands to the north on the property will be removed and one large landscaping island will be put in its place.
6. The driveway approach on Henry St is proposed to be widened from 20 feet to 30 feet. Staff prefers smaller curb cuts to better align with walkability efforts. There are also multiple driveway approaches to the south and west that lead to this property. Staff has requested that the applicant submits a truck turning template that shows the necessary approach width at this location.
7. The applicant has stated that the landscaping requirements have not been met because of concerns over the placement of utilities under Henry St. Staff is currently looking into other possible options.
8. The Fire Marshal has stated that the gas meter needs protection that meets the requirements of the International Fire Code Section 603.9 and Section 312. The current level of protection is inadequate for a drive thru lane of traffic.
9. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

Zoning Map



Aerial Map



STATEMENT OF CONCLUSIONS

“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.”

Staff finds that the proposed use will not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light and that adequate water and sewer infrastructure exists to service the special land use.

STAFF RECOMMENDATION

Staff recommends approval of the special use permit as long as the following items are addressed:

- The gas meter meets the requirements of the International Fire Code Section 603.9 and Section 312.
- The applicant demonstrates the need for the wider driveway approach with the submittal of a truck turning template.
- Additional landscaping is placed in the new landscaping island.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit for a gas station at 860 W Sherman Blvd be (approved/denied) with the following conditions based on the above statement of conclusions:

1. The gas meter meets the requirements of the International Fire Code Section 603.9 and Section 312.
2. The width of the driveway approach to Henry St remains the same (unless proven otherwise by truck turning template).
3. Staff approves an improved landscaping plan.

Case 2023-13: Request to amend the Planned Unit Development at Hartshorn Village (1000 W Western Ave) to relocate the proposed boat storage building.

SUMMARY

1. The Planned Unit Development was amended for the second time in February 2023 to replace the condominium building with the boat storage building, amongst other changes.
2. The new proposed changes to the site plan include:
 - Moving the boat storage building from a five-foot setback to a 100-foot setback from the bike path.
 - A pool for the boat storage tenants will be placed in the front setback.
 - The alternate bike path around the boat storage building will be extended further south and will be constructed over the former railroad. It will then turn north along Adelaide Blvd as originally planned.
3. Please see the rules for amending a PUD below. Staff believes this request would be considered minor.
4. Please see the approved PUD from February 2023 on the following page and the enclosed proposed PUD amendment site plan.

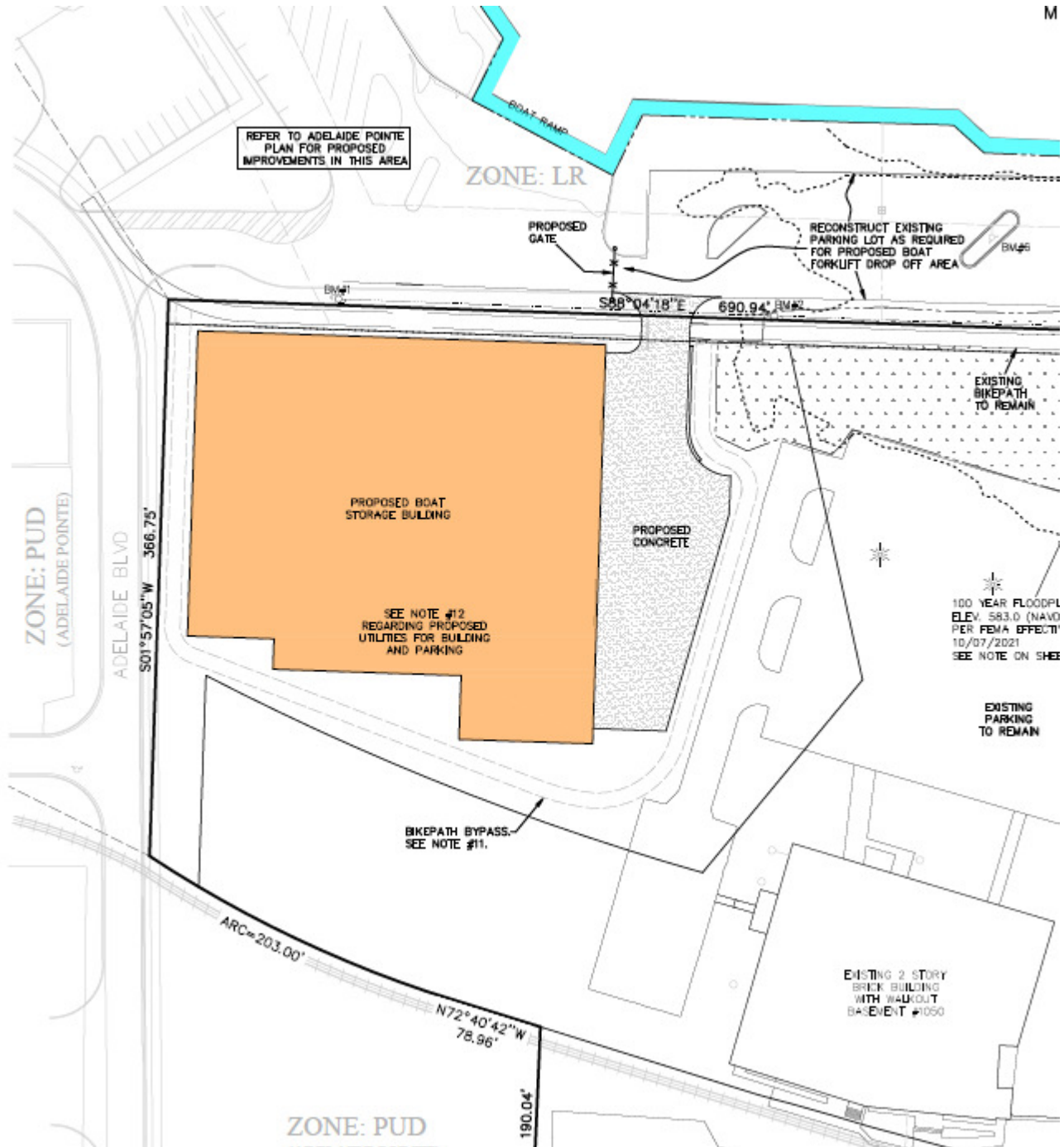
Ordinance excerpt:

ARTICLE XXI - SCHEDULE OF REGULATIONS AND DEVELOPMENT OPTIONS

SECTION 2101: DEVELOPMENT OPTIONS

4. Amendments to an Approved Final PUD Plan
 - a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.
 - b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.

Approved PUD from February 2023



Case 2023-14: Request to submit the draft master plan to the City Commission to approve for distribution and review.

SUMMARY

1. The final draft of the master plan is available for review on the website. A link to the files will be sent in a separate email.
2. The Planning Commission must recommend that the City Commission distributes the draft plan for review. The plan must be reviewed by the regional planning commission, county board of commissioners, public utility companies, railroads and all municipalities contiguous to Muskegon.
3. Please see the calendar below that describes the final steps in the adoption of the plan.

CALENDAR

June 8 - Draft Plan placed on website.

June 15 - Request to recommend that the City Commission distribute the plan for review.

June 27 - City Commission meeting. Seeking approval to open 63-day review period.

June 28-August 24 - Offer meetings to anyone that would like to discuss and comment.

August 31 - Special Planning Commission meeting. Public Hearing and recommendation to City Commission to approve the plan.

September 12 - Final presentation, public hearing and adoption.