

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 14, 2018
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 May 21, 2018.
- III. Public Hearings
 - A. Hearing, Case 2018-16: Request for a special land use permit to operate a non-profit organization that will house up to four men (aged 18-24) that have recently graduated out of foster care living, along with a live-in house manager, at 1670 Peck St, by Step Up.
 - B. Hearing, Case 2018-17: Request for a special land use permit to increase a non-conforming structure no more than 30% at 1828 Edgewater St, by Steven Schiller.
 - C. Hearing, Case 2018-18: Request to rezone the property at 939 E Laketon Ave from B-2, Convenience & Comparison Business District to B-4, General Business District, by Christine DeVries.
 - D. Hearing, Case 2018-19: Request for a special land use permit to operate a car dealership at 939 E Laketon Ave, contingent upon the successful rezoning of the property, by Christine DeVries.
 - E. Hearing, Case 2018-20: Staff-initiated request to amend Section 2311 of the zoning ordinance to allow accessory structures in front yards on corner lots, under certain conditions.
 - F. Hearing, Case 2018-21: Staff-initiated request to amend Section 2331 of the zoning ordinance to allow six foot tall fences in front yards on corner lots in residential areas, under certain conditions.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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Ann Meisch, City Clerk
933 Terrace Street

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 10, 2018

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

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

MEMBERS ABSENT: J. Montgomery-Keast, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Williams, 3362 Hoyt; J. Walker Jr, Soul Survivors; A. Britton, 1219 McLaughlin; J. Longstreth, Moore & Bruggink for Grooters

APPROVAL OF MINUTES

The April minutes were corrected to reflect that M. Hovey-Wright was not present to vote on the last 2 motions. A motion to approve the Minutes of the regular Planning Commission meeting of April 12, 2018 with the stated corrections, was made by J. Doyle, supported by E. Hood and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2018-13: Request for a Special Use Permit to allow a private club at 2374 S Getty St, by Soul Survivors Motorcycle Club. M. Franzak presented the staff report. The property is part of a strip mall that is zoned B-4 General Business. Private clubs, lodges, social and similar facilities are allowed in this zoning district with the issuance of a Special Use Permit. The Soul Survivors M/C Chapter II is a non-profit organization that is proposing to locate its operations at this location. Their stated mission is to improve and enrich the community through safety training and honest practices. They have requested the following uses at this location: 1) A clubhouse with members having 24 hour access, 2) Charitable/fundraising events, and 3) Command center for off-site events. The storefront currently has a black tarp hanging in the windows, screening inside activity. Staff recommends the removal of this tarp as a condition of any type of approval, as it is a blight on the building and also creates safety concerns. In addition, there is an unscreened dumpster and scrap tires in the parking lot. Staff recommends that any approval is also contingent upon the relocation and screening of the dumpster and the removal of all outdoor storage/junk on site. The parking lot also needs to be restriped. Notice was mailed to property owners and tenants within 300 feet of this location. At the time of this writing, staff had received one comment: Port City Architectural signage at 2350 S Getty St was opposed to the request due to safety concerns and the inability to contact the property owner on other maintenance issues, such as snow removal. Staff suggests that a snow storage/removal plan be required to alleviate the complaints of Port City Architectural Signage, who claims that the snow storage on this property is encroaching on their building and caving in the wall. Staff is also concerned about the request for 24-hour access to the clubhouse, especially during events. Any approvals should be contingent upon bringing the property up to full code compliance, including dumpster screening, the removal of all outdoor storage/junk, and a limitation on the business hours of operation. For discussion purposes, the following conditions of approval were suggested: 1) Hours of operation shall be limited to 8am to 10pm; 2) The property must first be brought into full zoning code compliance, including dumpster screening and outdoor storage/junk

removal. The parking lot shall be re-striped; 3) The tarp must be removed from the windows, 4) A snow storage/removal plan must be approved by the Zoning Administrator. Continued evidence of snow storage encroaching on adjacent properties will constitute the revocation of this Special Use Permit; and 5) The Special Use Permit shall be revoked if more than a certain number of police reports are made within a six month period.

E. Hood asked whether the applicant or the property owner should be required to provide a snow removal plan. M. Franzak stated that ideally, it would be the property owner but they had been difficult to contact. Staff and board members discussed the closing time for the club. M. Franzak stated that he would need more information on the activities there. T. Michalski stated that closing time for most festivals and events in the city was 11:00 PM and he suggested that should apply to events at this location also. T. Williams was the President of the club, and he explained their request for 24-hour access. He stated that the building would be used as their clubhouse and he expected that 12-15 of their club members would be using the facility regularly. They were not planning to have regular business hours. J. Doyle asked what type of activities would be held at the club. T. Williams stated that they had monthly club meetings, occasional events, and it was also a place for club members to socialize. J. Walker stated that they were a peaceful, community-oriented club and they had always been cooperative with the police for their events. He explained some of their activities and stated that he would like allowed hours to extend beyond 11:00 PM. F. Peterson asked if there was alcohol at the club functions. T. Williams stated that the club did not sell or serve alcohol. F. Peterson stated that the club would need to obtain a Dance Permit from the Police Department for events that last past 11:00.

T. Michalski asked what charities the club supported. T. Williams stated that there were no specific organizations, but they helped individuals in need in the community and put on kids events. They were a small organization started in 1976 and designated as a non-profit through the state. B. Larson asked who was responsible for the Dumpster screening. T. Williams stated that there were 4 other tenants in the building, and the Dumpster belonged to H&R Block. M. Franzak stated that the city had been unsuccessful in contacting the property owner regarding multiple zoning violations on the property; the next avenue to try and gain compliance with the ordinance was to work through the tenant. If the Dumpster was grandfathered in, a new request was the only way to enforce the current ordinance. E. Hood stated that he noted garbage all around the back of the property, and he would like to see all tenants clean up the property. T. Williams stated that although their rear door was boarded up, they did plan to make it usable and clean up their area. J. Doyle asked what the plan was for the windows, since the tarps would have to be removed. T. Williams stated that they would install curtains or blinds. J. Doyle asked which of the 4 suggested conditions of approval were the responsibility of the property owner and which were the club's responsibility. M. Franzak stated that when a property was out of compliance such as this one, a tool the city could use try to gain compliance was placing conditions of approval on any new request. F. Peterson concurred, stating that he would like to see the issues taken care of before the SUP was issued, regardless of whether the owner or tenant did the work

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

Board members discussed the suggested conditions of approval as listed in the staff report. Regarding hours of operation, J. Doyle suggested that the wording be changed to reflect that hours of *event* operation were limited to 11:00 PM. B. Larson thought that the zoning violations should be the property owner's responsibility. B. Mazade stated that it needed to be taken care of, regardless of who did it. Members concurred that the tarp had to be removed from the window and replaced with normal window dressing. E. Hood asked what a snow plan would entail. M. Franzak stated that he would just need a statement that they would not plow snow against the wall of the neighboring building. T. Williams stated that they would not plow snow against the building. Board members concurred in deleting condition #5 regarding police reports.

M. Franzak stated that a violation of operating hours would be a zoning violation, not a police violation.

A motion that the request for a Special Use Permit to allow a private club at 2374 S Getty St, by Soul Survivors Motorcycle Club be approved with the following conditions: 1) Hours of operation for events shall be limited to 11:00 am to 11:00 pm unless a Dance Permit is issued by the Police Department, allowing a later closing time; 2) The property must first be brought into full zoning code compliance, including dumpster screening, outdoor storage/junk removal, and the re-striping of the parking lot before a SUP will be issued, 3) The tarp must be removed from the windows, and 4) A snow storage/removal plan must be approved by the Zoning Administrator, and continued evidence of snow storage encroaching on adjacent properties will constitute the revocation of this Special Use Permit, was made by M. Hovey-Wright, supported by B. Mazade and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and B. Larson voting aye.

NEW BUSINESS

Hearing, Case 2018-14: Request for a site plan review for a new 490,000 square foot building in an I-2, General Industrial district at 2420 Remembrance Dr by Grooters Land Development. M. Franzak presented the staff report. KL Industries is contracting with Grooters Land Development to construct a new 490,000 square foot warehouse building on the former cemetery parcel at 2420 Remembrance Dr. They are also requesting to store shipping trailers outdoors within the Consumers Energy property to the north. An access road from the existing KL Industries building to the south to the new property is proposed, which would run through property owned by Consumers Energy, Michigan Shoreline Railroad and the City of Muskegon. Property ownership maps were shown to the board. All properties associated with this project are zoned I-2, General Industrial, and the main parcel that will host the building contains 22.7 acres. The following property issues must be addressed before any approvals can be finalized: a) The shipping office at the northern entrance of the property is built to the northern lot line. A maintenance access easement must be granted by Consumers Energy and recorded with the Register of Deeds; b) The access road around the northern portion of the building is located on Consumers Energy property. The access road to the existing KL Industries property runs through property owned by Consumers Energy, Michigan Shoreline Railroad and the City of Muskegon. Agreements must be made to use these properties and be recorded with the Register of Deeds; c) The parking lot that begins at the end of Remembrance Dr runs through properties owned by the cemetery and Consumers Energy. Agreements must be made and recorded with the Register of Deeds; d) The shipping trailers to be stored outside sit on property owned by Consumers Energy and the City of Muskegon. Agreements must be made and recorded with the Register of Deeds, and e) Utility easements must be made with all properties.

Other issues with the site and site plan must also be addressed: 1) The Drain Commissioner must approve the stormwater management plan, and any City approvals shall be contingent upon the Drain Commissioners approval; 2) Road improvements will be made to Remembrance Dr to accommodate truck traffic; 3) Wetlands surround much of these properties, but all development and shipping trailer storage is proposed outside of these wetlands; 4) The landscaping plan does not indicate the ground cover, which needs to be clarified; 5) The parking plan seems adequate with 113 parking spaces proposed; however, there does not appear to be any parking lot lighting, other than lights affixed to the building; 6) Snow storage must be addressed; 7) Fire hydrants must be supplied as required by the Fire Marshall; 8) The shipping trailers stored on the Consumers Energy easement will be visible to southbound traffic on Business 31; screening is usually required for this type of outdoor storage visible from any right-of-way. Any type of screening would have to be located on cemetery property.

Staff recommends approval of the site plan with the following conditions:

- All property issues listed in #3 of the staff report regarding property issues must be addressed and confirmed by the Zoning Administrator before final approval is granted (see items (a) through (e), above);

- The Drain Commissioner must approve the stormwater management plan before final approval is granted;
- The landscaping plan must be updated to include the type of ground cover. The plan must be approved by the Zoning Administrator before final approval is granted.
- Snow storage must be addressed on the site plan and approved by the Zoning Administrator.
- The Fire Marshall shall determine how many hydrants will be required on site. M. Franzak noted that a water line would need to be installed.

B. Mazade asked what the hours of operation would be. J. Longstreth stated that he thought it would be a 24 hour operation. J. Doyle asked if the railroad bed was functional. F. Peterson stated that it was not. J. Longstreth explained the project. He stated that they would be seeking approvals from the railroad, MDOT, and Consumers Energy for issues mentioned in M. Franzak's staff report. M. Hovey-Wright asked if there were drainage problems on the site, since it contained wetlands. J. Longstreth stated that there were not; they had a stormwater plan showing drainage into a pond.

F. Peterson left at 5:05 PM.

A motion that site plan for the new building at 2420 Remembrance Dr be approved with the conditions that 1) All items listed in #3 of the staff report regarding property issues must be addressed and confirmed by the Zoning Administrator before final approval is granted (see items (a) through (e) in the staff report, above); 2) The Drain Commissioner must approve the stormwater management plan before final approval is granted; 3) The landscaping plan must be updated to include the type of ground cover and the plan must be approved by the Zoning Administrator before final approval is granted; 4) Snow storage must be addressed on the site plan and approved by the Zoning Administrator, and 5) The Fire Marshall shall determine how many fire hydrants will be required on site, was made by M. Hovey-Wright and supported by B. Mazade.

M. Franzak suggested that the motion include a requirement for screening the parking lot and parked trailers on site. He also pointed out that the Fire Marshall required minimum spacing between the stored trailers. M. Hovey-Wright amended the motion to include conditions 6) that the trailers stored on the lot conform to the Fire Marshall's minimum spacing requirements and 7) the existing parking lot on the site must be screened with appropriate fencing or landscaping materials. B. Mazade supported the amended motion. A vote was then taken which was unanimously approved with T. Michalski, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and B. Larson voting aye.

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 5:10 p.m.

STAFF REPORT

May 21, 2018

Hearing, Case 2018-16: Request for a special land use permit to operate a non-profit organization that will house up to four men (aged 18-24) that have recently graduated out of foster care living, along with a live-in house manager, at 1670 Peck St, by Step Up.

SUMMARY

1. The property is zoned RM-1, Low Density Multi-Family Residential District.
2. Step up runs a similar facility for women at 1319 Peck St, which is also located in an RM-1 district.
3. The house has three bedrooms and measures 2,250 sq ft. The applicant plans to convert the extra kitchen on the second floor into another bedroom.
4. Although many tenants may not have a vehicle, there is ample off-street parking for residents and guests at this location.
5. Please see the enclosed information packet on Step Up.
6. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

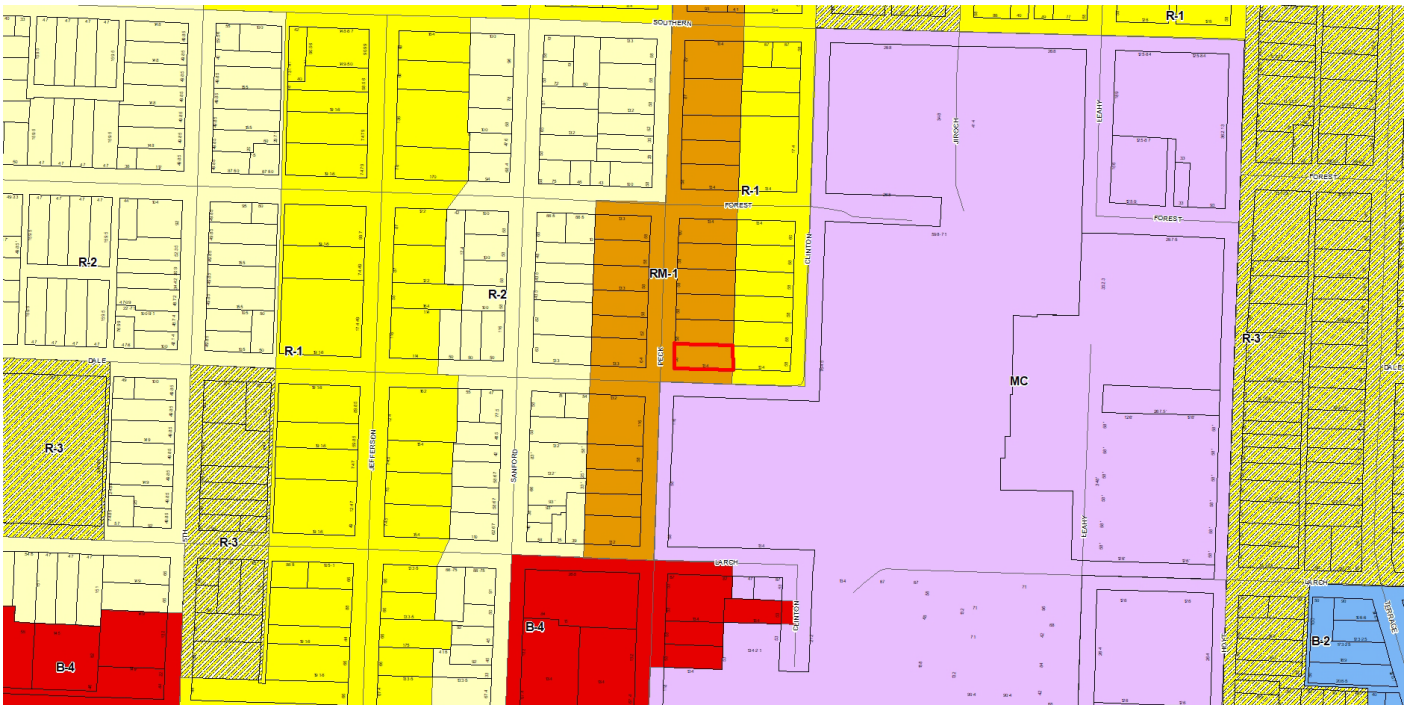
1670 Peck St



Aerial Map



Zoning Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit, as this is an appropriate location and building for this type of use.

DELIBERATION

I move that the request for a special land use permit to operate a non-profit organization that will house up to four men (aged 18-24) that have recently graduated out of foster care living, along with a live-in house manager, at 1670 Peck St, by Step Up, be (approved/denied).

Hearing, Case 2018-17: Request for a special land use permit to increase a non-conforming structure no more than 30% at 1828 Edgewater St, by Steven Schiller.

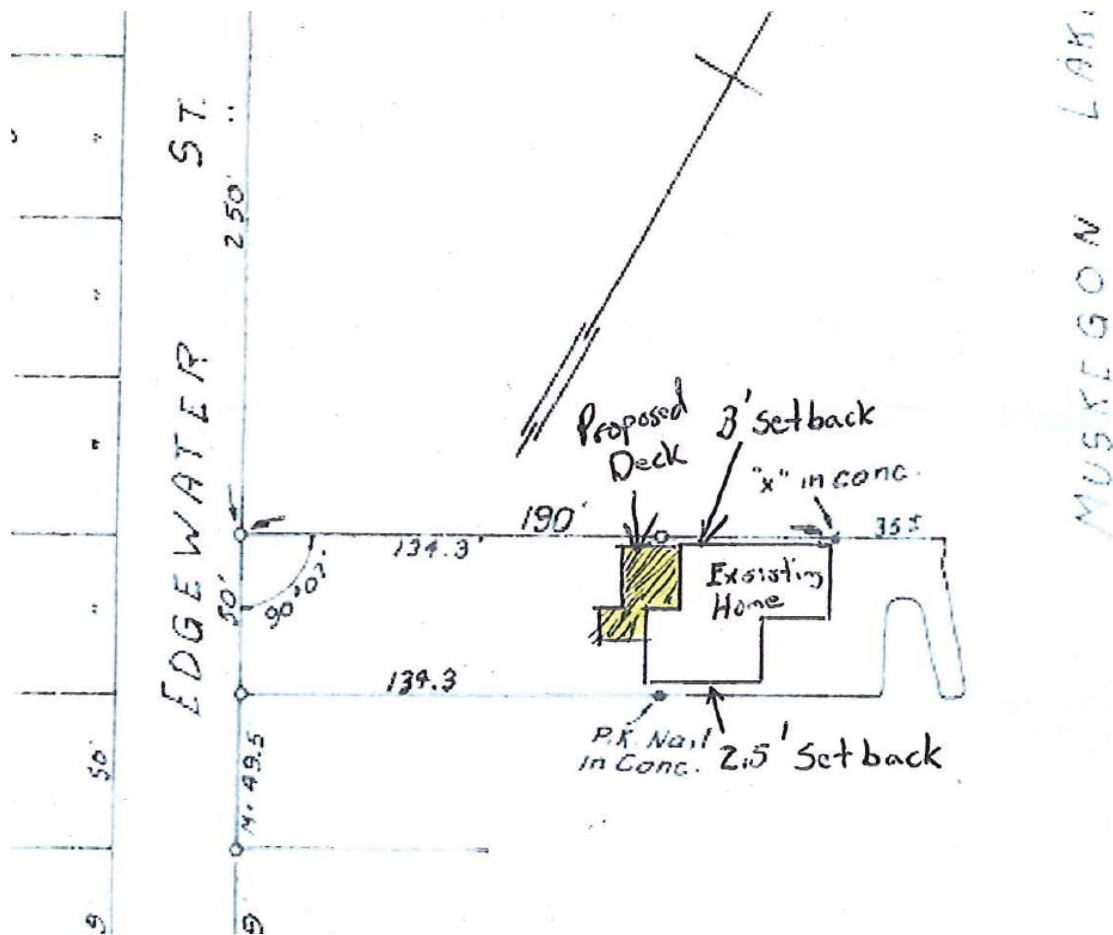
SUMMARY

1. The property is zoned R-1, Low Density Single-Family Residential.
2. The applicant is requesting to build a covered porch on the front of the home, which would line up with the rest of the home on the west side.
3. The house is considered legally non-conforming because it does not meet the required eight foot side yard setback on the west side of the home. The setback is only three feet off the west property line. A one story addition like this requires a six foot side setback.
4. Any new addition must meet the required setbacks, unless a special use permit is granted to increase the non-conformity up to 30%. This addition is much less than a 30% addition.
5. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

1670 Peck St



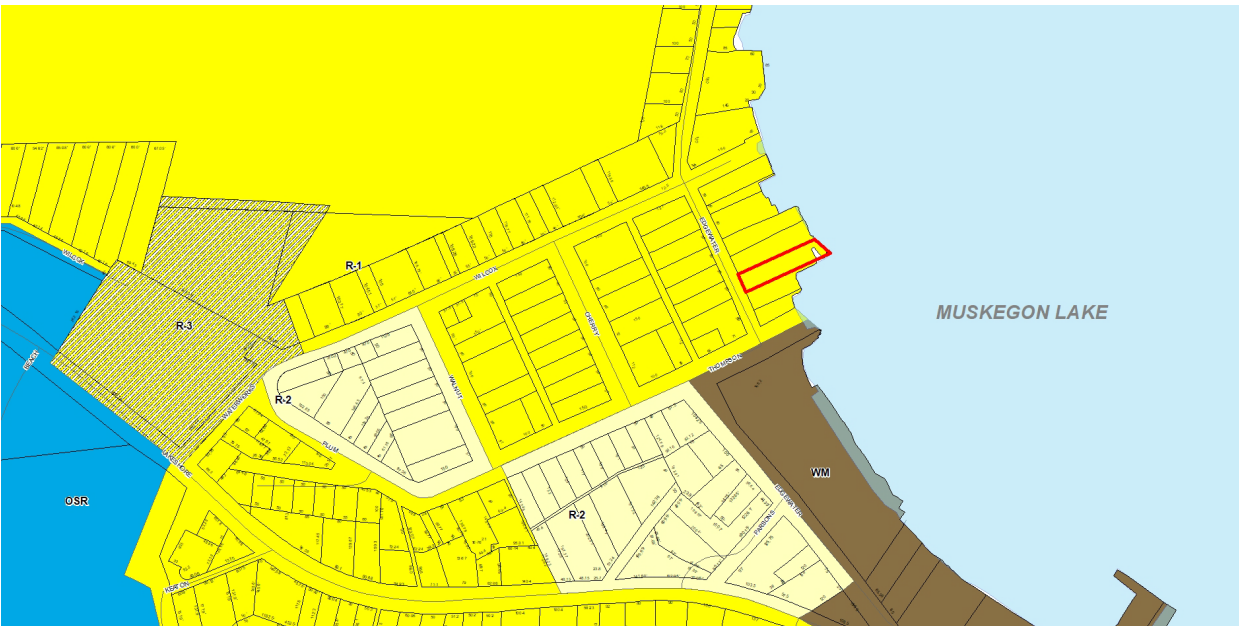
Proposed Addition



Aerial Map



Zoning Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit, as it is under a 30% addition.

DELIBERATION

I move that the request for a special land use permit to increase a non-conforming structure no more than 30% at 1828 Edgewater St be (approved/denied).

Hearing, Case 2018-18: Request to rezone the property at 939 E Laketon Ave from B-2, Convenience & Comparison Business District to B-4, General Business District, by Christine DeVries.

SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business. Car dealerships require a B-4, General Business zoning and a special land use permit. There is a heavy mixture of zoning districts in this area, including R-2, RM-1, B-2, B-4 and I-1.
2. The ingress and egress to the outdoor sales area must be at least sixty 60 feet from the intersection of any two streets. The northern most curb cut on Valley St must either be closed with a new curb or be blocked by planters.
3. There are a few blight concerns with the property that should be addressed before the special land use permit is granted. The grass area on the south side of the sidewalk must be better maintained and landscaping should be planted. Landscaping requirements include a minimum of one canopy or shade tree, two understory or evergreen trees and two shrubs, for each thirty lineal feet. There is about 130 feet of frontage on Laketon Ave. The grass areas should be heavily landscaped and planter boxes should be placed in front of the curb cut on Valley St. There are also two broken parking lot light posts that should be removed.
4. Please see the enclosed site plan that depicts how the cars will be displayed.
5. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

939 E Laketon Ave



Broken Light Posts



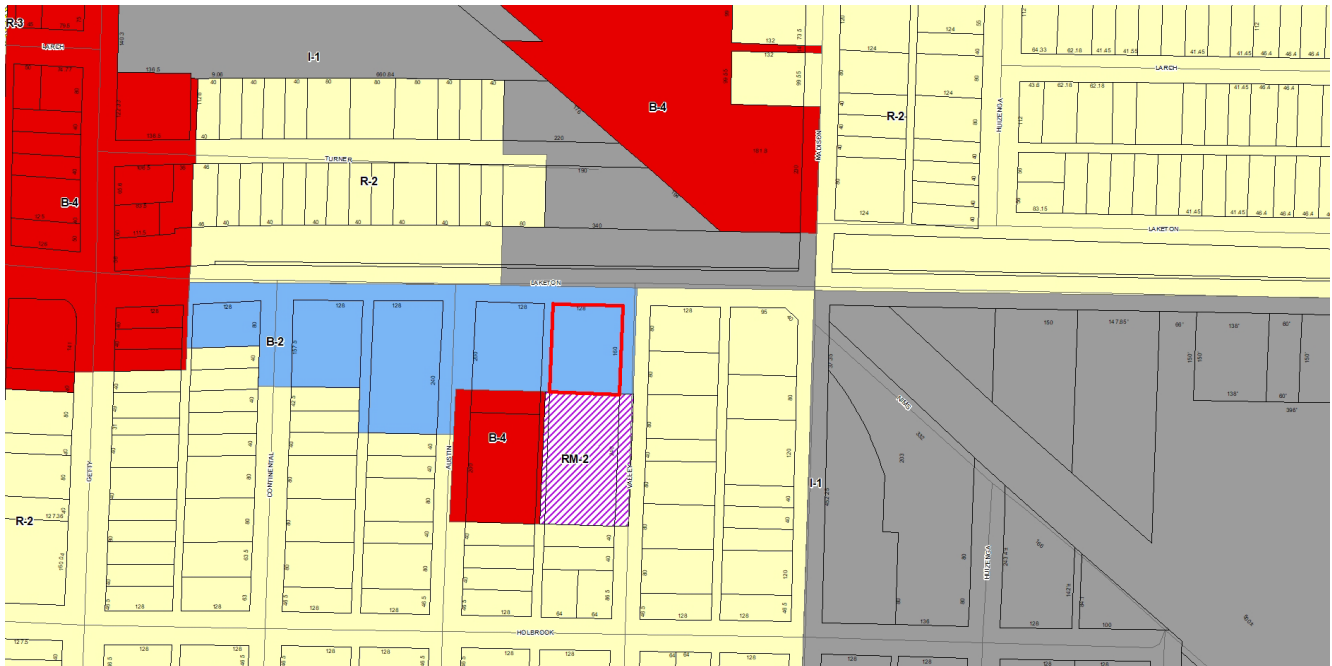
Entrance Off Valley St That Must Be Closed.



Aerial Map



Zoning Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning and special land use permit as long as certain measures are taken to beautify the property and ensure that it will be a well maintained, active business, as opposed to many used car lots that are mostly closed without staff on-site and contain only a few old cars.

DELIBERATION

I move that the request rezone the property at 939 E Laketon Ave from B-2, Convenience & Comparison Business to B-4, General Business be recommended to the City Commission for (approval/denial).

Hearing, Case 2018-19: Request for a special land use permit to operate a car dealership at 939 E Laketon Ave, contingent upon the successful rezoning of the property, by Christine DeVries.

DELIBERATION

I move that the request for a special land use permit to operate a car dealership at 939 E Laketon Ave, contingent upon the successful rezoning of the property, be (approved/denied) with the following conditions:

1. The northern most curb cut on Valley St shall be blocked off with well-maintained landscaping planters.
2. A landscaping plan for the greenbelt buffer along Laketon Ave must be approved by the Planning Director.
3. The broken light poles must be removed.

Hearing, Case 2018-20: Staff-initiated request to amend Section 2311 of the zoning ordinance to allow accessory structures in front yards on corner lots, under certain conditions.

SUMMARY

1. Accessory structures, such as sheds and garages, may not be located in a front yard. The way the zoning ordinance is written makes it difficult for corner lots to build a shed/garage without a variance, since corner lots have two front yards. These variances have traditionally always been approved.
2. Staff is proposing to amend the ordinance to allow these structures on corner lots as long as it is not in the front yard of the main street (the street where the main entrance is located).

PROPOSED AMENDMENT

Additions have been italicized

SECTION 2311: ACCESSORY STRUCTURES & BUILDINGS

Front Yard, prohibition: Buildings or structures accessory to the principal shall not be permitted in any front yard, *except for corner lots, which may be placed in the front yard on the secondary front street (street that does not contain the main entrance to the home).*

DELIBERATION

I move that the request to amend Section 2311 of the zoning ordinance to allow accessory structures in front yards on corner lots, as proposed, be recommended to the City Commission for (approval/denial).

Hearing, Case 2018-21: Staff-initiated request to amend Section 2331 of the zoning ordinance to allow six foot tall fences in front yards on corner lots in residential areas, under certain conditions.

SUMMARY

1. Six-foot tall fences are not allowed in front yards. This poses a problem for corner lots, which are considered to have two front yards. Home owners are forced to reduce their usable back yard space by fencing in only a portion of their back yards.

PROPOSED AMENDMENT

SECTION 2331: LANDSCAPING, FENCING, WALLS, SCREENS AND LIGHTING

14. Height limitations:

- a. Side and rear yards: In residential districts a wall, fence or yard enclosure may be up to six (6) feet in height behind any building line of a structure which abuts a street (see Figure 2.9).
- b. Front yards: In any residential front yard (in front of any building line of a structure which abuts a street), the height of a fence shall not exceed three (3) feet, unless an open fence is provided (e.g., chain link, picket) in which case it may be a maximum height of four (4) feet when such fence does not reduce visibility or interfere with clear vision at intersections, alleys and drives. *Corner lot exemption: Corner lots may have a six-foot tall fence on the secondary front yard (along the street that does not contain the main entrance to the home) as long as clear vision is maintained.*

DELIBERATION

I move that the request to amend Section 2331 of the zoning ordinance to allow six-foot tall fences in front yards on corner lots in residential areas, as proposed, be recommended to the City Commission for (approval/denial).