

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, April 12, 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 regular meeting of March 15, 2018.
- III. Public Hearings
 - a. Hearing, Case 2018-10: Request for a Special Land Use Permit to allow for tours and special events to be held on a ship docked at 2098 Lakeshore Dr, by S.S. Milwaukee Clipper Preservation, Inc.
 - b. Hearing, Case 2018-11: Request for departures from the Form Based Code for the proposed building at 895 4th St, by Pigeon Hill Brewing Company.
 - c. Hearing, Case 2018-12: Request to amend Section 2005.10 of the Form Based Code to allow Foster Group Homes as a Special Land Use permitted in certain building types and to allow home-based businesses in all building types.
- IV. New Business
 - a. Request to adopt the Imagine Muskegon Lake plan as part of the Master Plan.
- V. Old Business
- VI. Other
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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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

April 12, 2018

Hearing, Case 2018-10: Request for a Special Land Use Permit to allow for tours and special events to be held on the Milwaukee Clipper, docked at 2098 Lakeshore Dr, by S.S. Milwaukee Clipper Preservation, Inc.

SUMMARY

1. The property is zoned WM, Waterfront Marine. The major use on this parcel is shipping/receiving out of the port on site. However, this use is considered legally non-conforming (grandfathered).
2. The property is also used as a docking station for the Milwaukee Clipper, a steamship designated as a National Historic Landmark. Tours are available of the ship, but that is the only use that currently has approval. This use is also considered legally non-conforming (grandfathered). Museums are allowed in the Waterfront Marine district as a special land use permitted, however, a special use permit was never granted. It is unclear how approval was initially granted for this use.
3. The organization is requesting to move the ship from the northern end of the peninsula to the eastern side of it. They are also requesting to be able to hold special events on the ship. A special use permit must now be obtained for these new requests.
4. They plan to add parking for up to 119 vehicles; however, they do not intend to pave the spaces. The property owner cannot have pavement on site because it would be destroyed by the shipping operations. Staff does not recommend paved parking as usually required because of the shipping operations and the limited durations that the spaces will be utilized.
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.

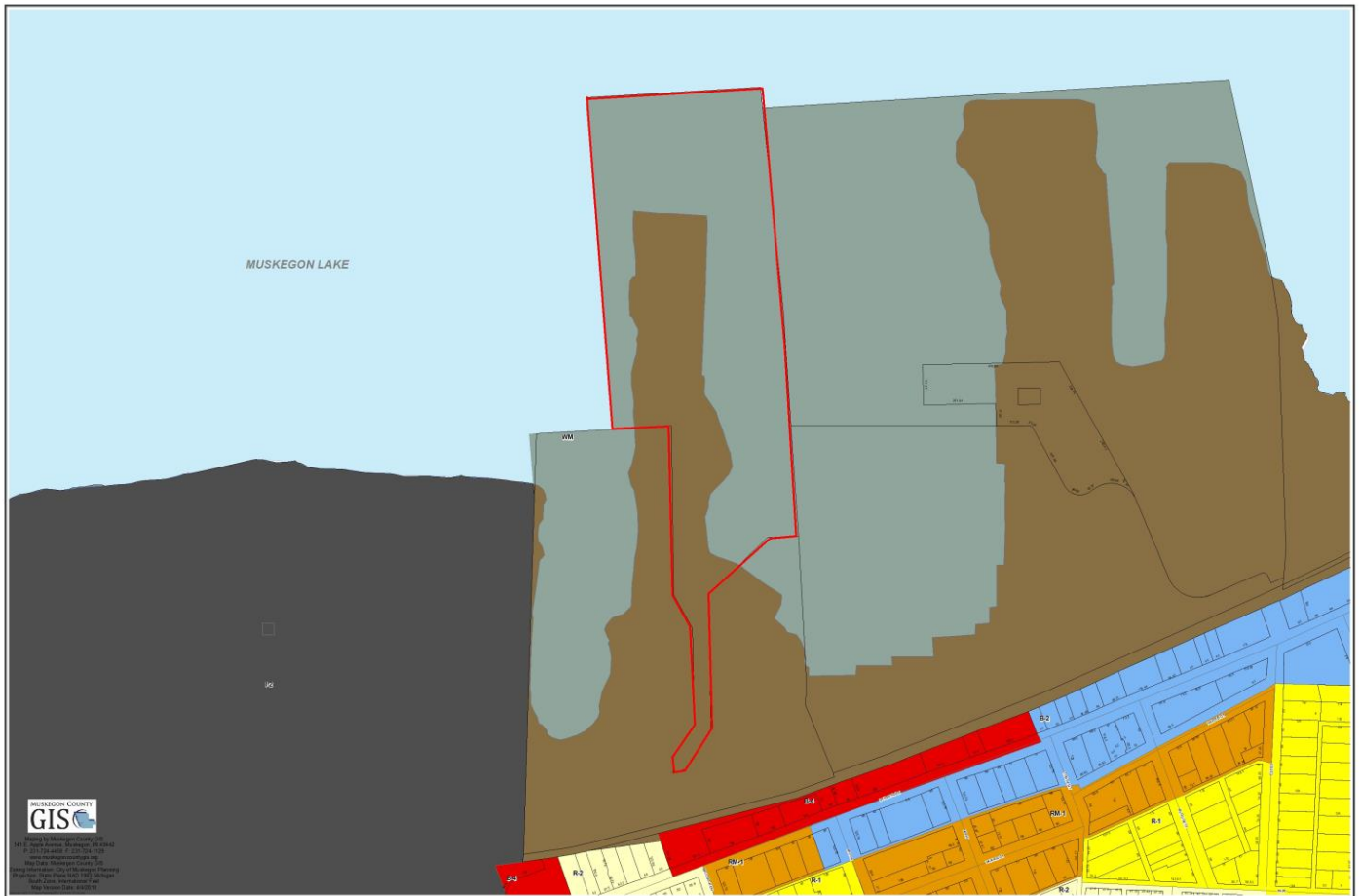
Proposed Parking Area in Red



Aerial Map



Zoning Map



STAFF RECOMMENDATION

Staff recommends approval of the Special Use Permit to allow for tours/special events and parking lot because it will bring a portion of the property back into legally conforming status.

MOTION FOR CONSIDERATION

I move that the request for a Special Land Use Permit to allow for tours and special events to be held on the Milwaukee Clipper, docked at 2098 Lakeshore Dr, by S.S. Milwaukee Clipper Preservation, Inc.

SUMMARY

1. The property is zoned FBC, Downtown Context Area. They are proposing a mixed-use building type, the only building type allowed in this context area. The building will be used as a brewing production facility and offices for Pigeon Hill Brewing Company. The building has been designed with a retail type entrance that could potentially be converted to other uses in the future.
2. As proposed, the plan does not fully meet all of the requirements of the Form Based Code, so several departures are required in order to receive approval. The following is a list of requirements that have not been met (and require departures), listed in order of significance according to staff:
 - There are no pilasters or similar wall surfaces on the front of the building (4th St side). Staff feels that there should be some sort of architectural feature to break up the heavy usage of corrugated metal.
 - Parking spaces are shown near the front of the property facing 4th St. Parking spots are required to be set back at least 40 feet from the front property line. This would be a good area to add additional green space, as there are limited storm water retention options available on site. Also, when all phases of the project are eventually completed, there will be too many parking spaces provided, as defined by the parking maximum chart. This would be a good way to limit excessive parking/pavement and to address the parking lot screening requirement, which could be achieved with landscaping.
 - Entry doors are required to be recessed at least three feet. However, with the unique placement of the building and the terrace frontage option, staff does not feel that the recessed doors are necessary. An attractive building entrance has been created without recessed doors. Recessed doors are more common where there is a defined street wall with multiple buildings.
 - The building is required to be built zero lot line along the front lot line (4th St). The proposed building is at zero lot line in the southeast corner, but is placed at an angle and is over 15 feet off of the lot line as it goes north. Staff is not concerned with this placement because there is no street wall we are trying to maintain and it creates a unique entrance into the building.
 - The building width does not cover at least 90% of the parcel. Staff does not object to this departure because this property is the last parcel designated in the Form Based Code, so there is no need to continue a street wall.
 - A statement must be made that all glass will have a visual light transmittance rating of at least 70%.
3. There is an existing curb along the bike path. The site plan should note whether this curb can remain or will need to be removed.
4. Truck traffic will enter off of Mart St (listed as a private drive on the plan, but it is actually public) and exit onto 4th St.
5. The project will consist of two phases. Phase I will include this proposed building and Phase II include a building addition that will extend to Mart St.
6. The plan is currently being reviewed for stormwater compliance by the Drain Commissioners office. Their review will be completed before our meeting on April 12th.
7. Staff is still working with the applicant on the design, so a new site plan is expected to be presented at the meeting.

Corner of 4th St/Shoreline Drive where proposed building will be located.



Existing curb along bike path



Corner of Mart St/Shoreline Dr where Phase II will eventually go.



STAFF RECOMMENDATION

Staff recommends approval of the site plan as long as the issues regarding the pilaster/wall surface and parking within 40 feet of frontage are addressed.

MOTION FOR CONSIDERATION

I move that site plan for the new building at 895 4th St be (approved/denied) and the following departures are approved:

1. (A list to be provided at the meeting)

Hearing, Case 2018-12: Request to amend Section 2005.10 of the Form Based Code to allow Foster Group Homes as a Special Land Use permitted in certain building types and to allow home-based businesses as a principal use permitted in certain building types.

SUMMARY

1. Please see the enclosed copy of Section 2005.10 (Urban Residential Context Area) of the Form Based Code. This section describes the allowed uses in certain building types within the Urban Residential Context Area. The proposed changes are highlighted in yellow.
2. Staff is recommending to allow Foster Group Homes as a Special Use Permitted, on Sanford St and Peck St only, in the following building types: Live/Work, Duplex and Detached House.
3. The Step Up organization requested a type of foster group home on Sanford St at the February 2018 meeting. That request required a rezoning, which was denied, because it was in a single-family residential area. However, there are portions of Peck St and Sanford St that are more conducive to these type of uses. Particularly the areas zoned RM-1, Low Density Multi-Family Residential District (which allows this type of use under a SUP) and the small area that is zoned UR, Urban Residential. These zones already allow for multi-family uses (please see the zoning map with this area outlined in red). However, Step Up and similar organizations do not fit the definition of multi-family either because the tenants are not related.
4. Staff has also noticed that home businesses were never approved as a principal use permitted in Urban Residential Districts. Home business should be allowed in these districts as well as long as they follow the rules of Section 401(Home Based Businesses) of the zoning ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

MOTION FOR CONSIDERATION

I move that the request to amend Section 2005.10 of the Form Based Code to allow Foster Group Homes as a Special Land Use permitted in certain building types and to allow home-based businesses as a principal use permitted in certain types, as proposed, be recommended to the City Commission for (approval/denial).

Zoning Map

