

**CITY OF MUSKEGON**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

DATE OF MEETING: Thursday, October 13, 2016  
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 September 15, 2016.
- III. Public Hearings
  - A. **Hearing, Case 2016-14:** Request for a special land use permit to expand a nonconforming structure not more than 30% at 2515 Pine Grove St.
  - B. **Hearing, Case 2016-15:** Staff-initiated request to amend Article XI (B-2, Convenience & Comparison Business District) of the zoning ordinance to change “private clubs, lodge halls, social & similar organizations” from a principal use permitted to a special land use permitted.
- IV. New Business
- V. Old Business
- VI. Other
- 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 Marie Cummings, 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

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**September 15, 2016**

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

MEMBERS PRESENT: T. Michalski, B. Mazade, B. Larson, E. Hood, J. Montgomery-Keast

MEMBERS ABSENT: F. Peterson; S. Gawron; J. Doyle, excused; B. Smith, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Arreola, 1076 W Dale Ave.; R. Tufts, Hughes Builders

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of August 11, 2016 be approved, was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved.

NEW BUSINESS

**Hearing, Case 2016-12:** Request to rezone the properties at 307 & 313 West Laketon Ave from I-2, General Industrial to B-4, General Business. M. Franzak presented the staff report. The properties are zoned I-2, General Industrial; that zoning pre-dates 1986, which was a major year for rezonings. This was the former location of the Time Out Lounge (bar), which closed several years ago. The bar had operated as a legal non-conforming use. The new owner would like to operate a banquet/rental hall. This type of use is allowed in B-2, Convenience & Comparison Business districts and B-4, General Business districts. These properties are a better fit for a B-4 district rather than B-2 because of the location on a major street and proximity to other B-4 districts. Properties to the north and the west of the subject parcel are zoned B-4, and properties to the south and the east are zoned I-2, General Industrial. Given the historical use of the property and the functionality of the current building on site, staff recommends rezoning of the properties regardless of the request for a banquet/rental hall. Since the building has been vacant for more than two years, it has lost its legal non-conforming status to operate as a bar again, and any conversion to retail would also require a rezoning to a business district. Staff feels that this is a good location for a banquet hall, since it has several buffers between it and residential districts, which follows the guidelines of the Master Plan to provide buffer zones between industrial, commercial and residential districts. The property also has ample parking for uses allowed in B-4 districts, with about 40 spaces on site. The minimum lot size in B-4, General Business districts is 10,890 square feet with at least 100 feet of road frontage. The property at 313 W Laketon Ave measures 76' x 104' for a total of 7,904 sf. and has 76' of road frontage; the property at 307 W Laketon Ave is an L shaped lot with 57' of frontage on Laketon Ave and a total of 12,196 square feet. Separately, neither lot meets the requirements for a B-4 lot, but together they do. Combined, the properties measure 133'(on Laketon Ave) x 152, for a total of 20,216 square feet (0.48 acres). Staff recommends that any rezoning approval is contingent on the lots being combined. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. (Note that staff had previously reported by email that a Special Use Permit would be necessary to operate a banquet

hall; we have since discovered that it is not necessary. There is an error in the zoning ordinance that we will soon request to have amended. The ordinance states that banquet halls require a Special Use Permit in B-4 districts, but are allowed as a use by right in B-2 districts. The ordinance also states that all B-2 uses allowed by right are also allowed by right in B-4 districts.)

J. Montgomery-Keast asked if any improvements were planned for the building. J. Arreola stated that they had fixed the roof leaks, painted the exterior and planned to remove the large bar from the inside to allow more space. They also planned to remove the old exterior signs and put up a new one, and they had contacted a company about repairing and restriping the parking lot.

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

A motion that the request to rezone the properties located at 307 & 313 West Laketon Avenue from I-2, General Industrial to B-4, General Business district, as described in the public notice, be recommended for approval to the City Commission contingent upon the lots being combined, was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, B. Mazade, B. Larson, E. Hood, and J. Montgomery-Keast voting aye.

**Case 2016-13:** Request for a site plan review for an addition to the building at 1885 East Laketon Avenue, by Forming Technologies. M. Franzak presented the staff report. This property is located in the Port City Industrial Park. It is zoned I-2, General Industrial, and measures 3.1 acres with 220 feet of frontage on Laketon Ave. The project includes a 15,873 square foot addition to the back of the existing building that will be used for warehousing of parts and finished products. The building addition will meet all setback requirements: The rear setback will be 118' 6"; the side setback on the east side will be 25' 2"; and the side setback on the west side will be 86' 1". Parking on site is adequate, given the multiple shifts operating during the day. There is also room to add additional parking in the front if needed in the future. The plan is missing a stormwater management plan with stormwater calculations. The Fire Marshal has approved the plan contingent up fire flow water supply calculations being conducted due to fire suppression requirements for the addition.

M. Franzak updated board members on the revisions made to the site plan since the staff report was written. He reiterated that any approval must be contingent on receipt of an acceptable stormwater management plan and meeting the Fire Department conditions. B. Mazade stated that he noticed a couple of dolomite parking areas and asked if those were acceptable. M. Franzak stated that they were there previously and were grandfathered. R. Tufts stated that the addition would match the existing building, and its purpose was to cover the loading dock and provide additional storage space.

A motion that the site plan for the building addition 1885 East Laketon Avenue be approved, with the conditions that 1) a stormwater management plan with stormwater calculations be submitted and approved by the Zoning Administrator, 2) Fire flow water supply calculations are conducted and fire suppression requirements are approved by the Fire Marshal, and 3) any necessary permits are obtained, was made by B. Mazade, supported by B. Larson and unanimously approved, with T. Michalski, B. Mazade, B. Larson, E. Hood, and J. Montgomery-Keast voting aye.

## **OLD BUSINESS**

None

## OTHER

B. Mazade stated that he was concerned with the details he had heard about regarding the Sappi site construction. M. Franzak stated that he was in the process of crafting new zoning district language, and there was still a long way to go before the site was ready for development. There had already been discussions about ingress and egress for the site but there were no firm plans yet.

M. Franzak advised board members that he was exploring the idea of allowing smaller lots in the inner city. Currently the minimum lot size in an R-1 district was 6,000 square feet with 50 feet of road frontage, and there were many lots that did not meet those requirements. B. Mazade asked if the minimum square footage of homes would need to be revised also. M. Franzak stated that it would.

There being no further business, the meeting was adjourned at 4:27 p.m.

STAFF REPORT  
October 15, 2016

**Hearing, Case 2016-14:** Request for a special land use permit to expand a nonconforming structure not more than 30% at 2515 Pine Grove St.

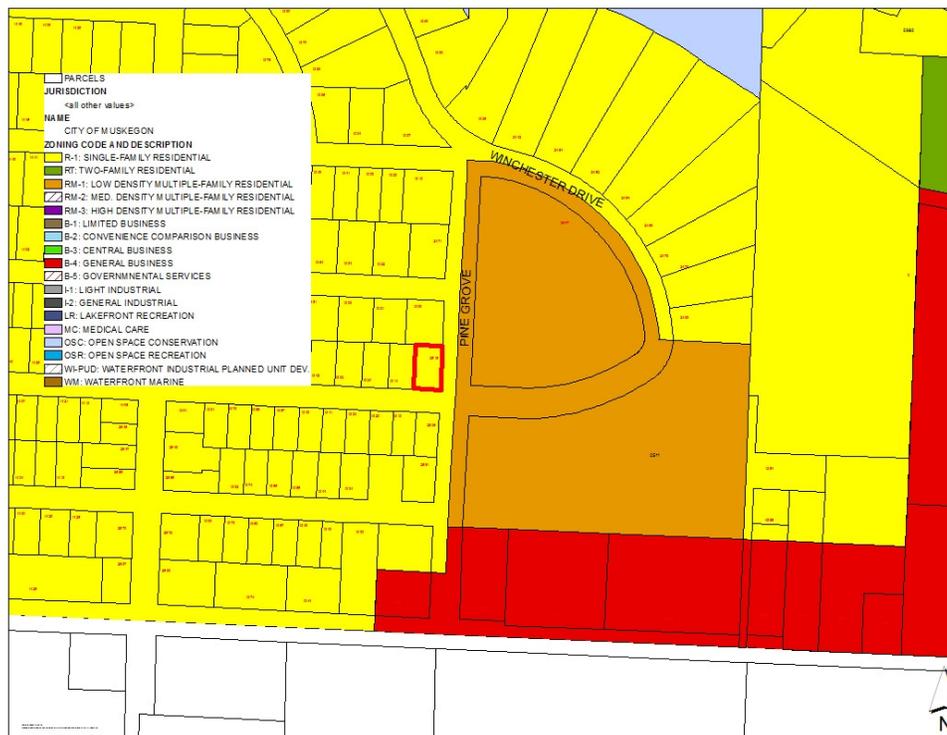
**BACKGROUND**

1. The property is zone R-1, Single Family Residential.
2. The lot measures 61' x 98' and is considered a buildable lot. However, the structure is considered non-conforming because it does not meet the 30' rear setback. The garage is considered the rear of the building and is setback 6'6" from the property line. Non-conforming structures can be expanded up to 30% with a special land use permit from the Planning Commission. The area that the applicant is requesting to expand is located within the required 30' rear setback, so a special use permit is required.
3. The applicant proposes to remove the breezeway and continue the east and west walls of the garage to the south to connect to the house in order to make a two-stall garage. Please note that the applicant has already started the demo of the building, which would normally cause issues since approval has not already been granted and they have begun to remove the non-conforming part of the structure. However, they do still have the northern wall of the garage standing, so staff feels that they have not removed enough of the structure to cause a problem.
4. The addition totals 98', which is well under 30% of the existing structure. Please see the enclosed site plan.
5. Notice letters were sent to properties within 300 ft of this property. At the time of this writing, staff has received one call from a neighbor who is in favor of the addition.





## Zoning Map



## Aerial Map



### **MOTION FOR CONSIDERATION**

I move that the Special Land Use Permit to expand the non-conforming structure at 2515 Pine Grove St no more than 30% be (approved/denied) as proposed with the following conditions (if any):

\* \* \* \* \*

**Hearing, Case 2016-15:** Staff-initiated request to amend Article XI (B-2, Convenience & Comparison Business District) of the zoning ordinance to change “private clubs, lodge halls, social & similar organizations” from a principal use permitted to a special land use permitted.

### **BACKGROUND**

1. Private clubs, lodge halls and similar uses are currently allowed as a use by right in B-2, Convenience & Comparison Business districts. However, they are only allowed under a special use permit in B -4, General Business districts, which usually allows for more intense uses than B-2 districts.
2. Also, the ordinance states that all principal uses permitted in B-2 districts are allowed as a use by right in B-4 districts. This is contradictory since you must get a special use permit to operate a private club/lodge hall in B-4 districts.

3. Staff is proposing to amend the ordinance to allow private clubs/lodge halls as a special use permitted in B-2 districts. These types of uses can sometimes cause problems with parking, noise and civil disturbances; so it would be in the cities best interest to allow them as a special land use so that Planning Commission can either set limitations on the use or revoke the permit if problems occur on a regular basis.
4. Please see the enclosed excerpts for B-2 and B-4 districts.

## **NEW LANGUAGE**

Deletions are crossed out and additions are in **bold**:

### SECTION 1101: SPECIAL LAND USES PERMITTED

10. Self-serve, coin operated, automobile car wash, enclosed in a building.
11. Indoor Theaters [amended 5/04]
  - a. Parking must be either on site or with an irrevocable shared parking agreement.
12. Veterinary clinics, without outdoor kennels. [amended 6/05]
13. Wind Turbine Facilities. [amended 10/09]
14. Microbreweries, small wineries and small distilleries with brewing areas larger than 2,500 square feet. [amended 3/12]
15. **Private clubs, lodge halls & similar uses.**
16. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
17. Uses similar to the above Special Land Uses Permitted.

## **DELIBERATION**

I move that the proposed amendment to Section 1100 of the City of Muskegon Zoning Ordinance; to allow private clubs, lodge halls & similar uses as a special use permitted and not a principal use permitted, be recommended to the City Commission for (approval/denial).