

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, December 15, 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 November 10, 2016.
- III. Public Hearings
 - A. **Hearing, Case 2016-18:** Request for a Special Use Permit to operate a restaurant at 1635 Beidler St in an R-1, Single Family Residential District, by Tim Painter.
 - B. **Hearing, Case 2016-19:** Staff-initiated request to amend the Waterfront Industrial Planned Unit Development (WI-PUD) District to modify the preamble, uses permitted (Section 1504), prohibited uses (Section 1505), and review standards (Section 1506).
- IV. New Business
 - Stormwater management conceptual plans. Presentation by Kathy Evans and Greg Mund
- V. Old Business
- VI. Other
 - Downtown Residential Zoning Update
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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Ann Marie Cummings, City Clerk
933 Terrace Street
Muskegon, MI 49440
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CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 10, 2016

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

MEMBERS PRESENT: T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson

MEMBERS ABSENT: E. Hood, J. Doyle, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: L. Wood, 1384 Lakeshore Dr; G. Corona, 1272 S Getty St.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 13, 2016 be approved was made by B. Larson, supported by F. Peterson and unanimously approved.

NEW BUSINESS

Hearing, Case 2016-16: Request for a Special Land Use Permit to expand a nonconforming use no more than 25% at 609 W Muskegon Ave, by adding a detached garage. M. Franzak presented the staff report. The property is zoned R-1, Single Family Residential. The lot measures 33' x 135' and is considered an unbuildable lot. Since there is already a house on the property, it is considered a non-conforming use. A non-conforming use may be increased up to 25% with a special land use permit from the Planning Commission. Since the house on the property is 2,540 square feet, the maximum addition they can request is 635 square feet; the proposed detached garage is only 480 square feet. Notice letters were sent to properties within 300 feet of this property, with no responses received.

Board members reviewed photos of the site and a drawing of the proposed garage. L. Wood described the garage, stating that it would be 20' x 24', which met the requirements for expanding a non-conforming use.

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

A motion that the Special Land Use Permit to expand the non-conforming use at 609 W. Muskegon Ave. no more than 25% be approved as proposed was made by F. Peterson, supported by B. Larson and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, and B. Larson voting aye.

Case 2016-17: Staff-initiated request to revoke the special land use permit for an auto dealership at 1272/1308 S Getty Street. M. Franzak presented the staff report. The owner of this property was issued a Special Use Permit (SUP) to operate an auto sales dealership in June of 2007. The SUP was revoked on August 5, 2008 after repeated violations including outdoor vehicle repairs and storage of junk cars, old tires and car parts. After cleaning up the property, the owner applied for another SUP for auto sales in February of 2013. The request was

approved on the condition that there be no outdoor storage of junk cars, car parts or tires. The site has now become filled with storage of junk cars, parts and tires again. Staff sent an infraction notice letter on August 23, stating that the City would be requesting to revoke the SUP if the property was not in compliance in time for the November Planning Commission meeting. This was also the deadline to remove the outdoor storage items in order to avoid a civil infraction. The owner contacted staff and stated that he now lived in Florida and was renting the building to a mechanic. He does not wish to retain the SUP. He is working with his tenant to clean up the property to avoid the issuance of a ticket.

M. Franzak stated that he had spoken with G. Corona, the person currently leasing this location, who stated that he had not been aware of the City's zoning regulations. T. Michalski asked if Mr. Corona had a business license. M. Franzak stated that he would look into it. G. Corona stated that he ran a licensed tire shop and did mechanical work on the side for friends and family members only, as he did not have a mechanics license. J. Montgomery-Keast asked how many junk cars were on the lot, and how they had ended up there. G. Corona stated that some of the vehicles had been abandoned there and he needed to contact the police department about having them removed. He stated that they had cleaned up the property since receiving the letter from the City. M. Franzak asked G. Corona if he was licensed as an auto dealer through the State of Michigan. G. Corona stated that he was not at this time, but planned to in the future if his current business went well at this location. Board members and Mr. Corona discussed disposal of the old tires, stressing that it must be done legally. The Corona's stated that they used a recycling facility for tire disposal. B. Mazade asked when they would have the site in order. G. Corona stated that M. Franzak had given them one month from today's date to get the necessary work done. M. Franzak also asked Mr. Corona to supply a site plan showing a screening fence. T. Michalski stated that, if an extension was granted, the Planning Commission would expect results, as this site had been a problem for years.

A motion to table the request to revoke the Special Land Use Permit for 1272/1308 S. Getty St. until the next meeting was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, and B. Larson voting aye.

OLD BUSINESS

None

OTHER

Smaller lots & Multi-family housing. M. Franzak asked board members to review the material mailed to them in their meeting packet regarding these two issues. He had received approval from the City Commission to study the issues and work on solutions.

B.C. Cobb Plant. M. Franzak and F. Peterson discussed this site and advised board members that there had been some interest from a potential buyer.

There being no further business, the meeting was adjourned at 4:38 p.m.

STAFF REPORT
December 15, 2016

Hearing, Case 2016-18: Request for a Special Use Permit to operate a restaurant at 1635 Beidler St in an R-1, Single Family Residential District, by Tim Painter.

BACKGROUND

1. The property is zoned R-1, Single Family Residential. However, Section 401 of the zoning ordinance allows previously existing or established commercial uses not already converted to a residential use to be authorized for certain businesses, including restaurant, under a Special Use Permit.
2. The property is located at the corner of Beidler St and Forest Ave and the lot measures 110' x 104.'
3. The building was formerly used as the Westside Inn bar. It has been vacant for over five years.
4. The new owner would like to open a restaurant in the building. They will serve a variety of goulash served in a pizza crust/cone. They do not intend to serve alcohol at this time. Staff recommends approving the restaurant with the condition that no alcohol be allowed. If they choose to expand service to offer alcohol at a later date, they could request to amend the Special Use Permit at that time.
5. There is adequate parking on site to accommodate a restaurant. Parking exists around 3/4 of the building. The parking lot may not meet today's maneuvering standards, but they are grandfathered in for smaller parking spaces on this site.
6. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff has not received any calls on this matter.

1635 Beidler St



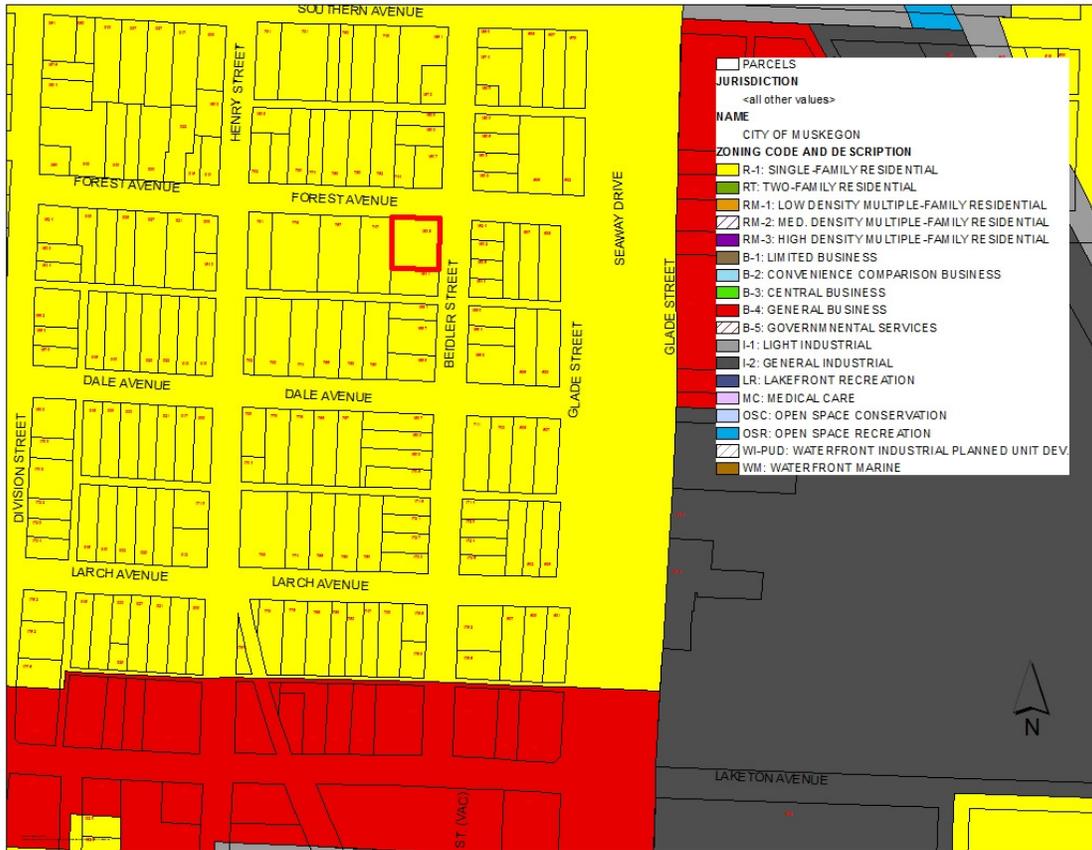
Parking on south side of building



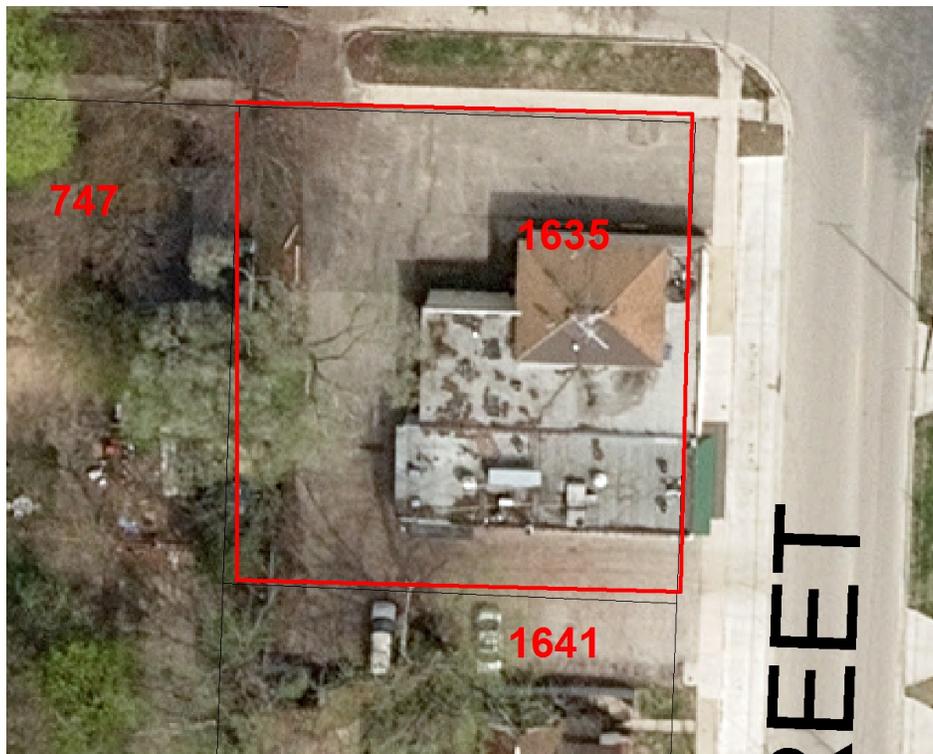
Parking on north and west side of building



Zoning Map



Aerial Map



Ordinance Excerpt:

Section 401:

6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - i. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
 - ii. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - iii. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - iv. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
 - b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
 - c. Conditions: [amended 8/04]
 - i. Outdoor storage is prohibited.
 - ii. The area devoted to approved uses shall not exceed 2,500 square feet.
 - iii. All goods produced on the premises shall be sold at retail on the premises where produced.
 - iv. All business, servicing, or processing shall be conducted within a completely enclosed building, or in an area specifically approved by the Planning Commission.
 - v. Parking shall be accommodated on site or with limited street parking.
 - vi. Hours of operation may be limited by the Planning Commission.
 - vii. Signs must comply with those set forth for the residential zoning district.

- viii. The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.

MOTION FOR CONSIDERATION

I move that the Special Land Use Permit to operate a restaurant at 1635 Beidler St in an R-1, Single Family Residential District be (approved/denied) as proposed with the following conditions (if any):

1. No alcohol to be served on site.

Hearing, Case 2016-19: Staff-initiated request to amend the Waterfront Industrial Planned Unit Development (WI-PUD) District to modify the preamble, uses permitted (Section 1504), prohibited uses (Section 1505), and review standards (Section 1506).

BACKGROUND

1. Please see the enclosed copy of the WI-PUD zoning ordinance excerpt.
2. In this district, all new projects are required to go through the Planned Unit Development process.
3. Staff is recommending some modifications to the district in order to best utilize some of the property on the east end of Muskegon Lake.
4. In the preamble, a statement was added to reiterate that every project in these districts should have a key principal use defined to ensure that the property is utilized to its fullest potential.
5. Under Section 1504 – Principal Uses - Staff recommends moving number 1,3 and 6 to Accessory Uses . This will emphasize that these properties must have a major commercial operation as a principal use and are not solely utilized for minimally staffed operations.
6. Also under Section 1504- Principal Uses - Staff recommends removing number 5. The elimination of aggregate storage would eliminate blight on the waterfront. Also, aggregate storage does not produce many jobs and contributes to blight and water pollution. This use would be moved to prohibited uses.
7. Also under Section 1504- Principal Uses- Staff recommends adding “with proper screening” to number 11. The new language would read “Commercial engine and hull repair with property screening.” This will help reiterate that anything that could contribute to blight should be screened whenever practical.
8. Under Section 1506: Review Standards – Staff recommends eliminating number 10 and 11. These relate to aggregate storage, which would no longer be allowed.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**. Numbers will be reordered accordingly:

WI-PUD Waterfront Industrial Planned Unit Development

WI-PUD WATERFRONT INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICTS [amended 10/12]

PREAMBLE

The Waterfront Industrial PUD district is established primarily for water-dependent, commercial shipping of bulk, general cargo, or container goods by freighter, bulk carrier, tanker, tug barge, or other similar commercial vessels. The WI-PUD District is intended to promote the consolidation of commercial port activities at the eastern terminus of Muskegon Lake because of its proximity to the interstate, established industrial uses, and isolation from residential zones. The intent is to localize this district to promote symbiotic relationships among industrial port activities and to discourage the expansion of such activities elsewhere along Muskegon Lake frontage. It is further the intent of this district to require planned unit developments for all projects to ensure a mix of port uses that enhances the industrial economic base of the

city. The planned unit development tool shall be applied to promote flexibility in development and to enhance functional relationships among uses in the district. ~~All projects in these districts should have a key principal use defined to ensure that the property is utilized to its fullest potential.~~

The general categories of uses permitted in the WI-PUD district are associated with standard industrial classifications, major group industry 44, "Water Transportation" as found in the 1987 Standard Industrial Classification Manual prepared by the Executive Office of the President, Office of Management and Budget.

SECTION 1504: USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as planned unit developments. Planned unit developments shall be reviewed and approved by the Planning Commission and City Commission subject to the conditions outlined below.

PRINCIPAL USES:

1. ~~Water transportation of freight~~
2. Railroad and auto passenger ferries.
3. ~~Marine cargo handling; loading, unloading and stevedore facilities.~~
4. Marine terminal uses including ancillary inter-modal transportation operations.
5. ~~Any use with outside storage of aggregate, limestone, coal, slag, salt, sand or other bulk materials shipped by commercial watercraft vessels and or barges.~~
6. ~~Grain elevators.~~
7. Bulk and warehouse storage of goods shipped by commercial maritime vessels.
8. Towing and tugboat services for commercial freight water vessels.
9. Barge fleetling, mooring and servicing.
10. Lighterage.
11. Commercial engine and hull repair.
12. Marine dock, breakwater, harbor construction and repair contracting.
13. Marine dredging contractors.
14. Palletizing, decanning, container stripping and packing operations associated with maritime shipping and transport.
15. Bulk liquid facilities of non-hazardous materials.

16. Material recovery facilities that are entirely contained in buildings.
17. Commercial fishing facilities.
18. Manufacturing that is dependent on port facilities.
19. Any other uses which meet the intent of this district as deemed by the Planning Commission and City Commission; except that in no case shall a prohibited use be permitted.

ACCESSORY USES:

1. Docks, wharves, piers or transit sheds or related facilities used in connection with the transfer, handling, storage and transit and incidental processing of cargo from or to waterborne craft.
2. Truck or rail freight terminal supporting water freight transport.
3. Offices associated with port facilities and functions.
4. Parking decks.
5. Watchmen quarters employed on the premise.
6. Lift equipment to load and unload ships.
7. Weigh stations.
8. Lighthouse.
9. Fuel dock.
10. Seaplane base.
- 11. Water transportation of freight**
- 12. Marine cargo handling; loading, unloading and stevedore facilities.**

SECTION 1505: PROHIBITED USES

1. Asphalt batching.
2. Cement processing.
3. Storage of petroleum products stored in excess of 1,000 gallons.
4. Hazardous material or hazardous chemical storage or transport.
5. Ship cleaning.

6. Salvage yards, ship scrapping, dismantling and wrecking operations not wholly contained in buildings.
7. Livestock holding.
8. Marine Salvage.
9. Open storage of fertilizers, agricultural lime and other chemicals.
10. Billboards.
11. **Any use with outside storage of aggregate, limestone, coal, slag, salt, sand or other bulk materials shipped by commercial watercraft vessels and or barges.**

SECTION 1506: REVIEW STANDARDS

The Planning Commission shall approve, deny or modify preliminary planned unit development plans, based upon the site plan review and landscaping standards of this ordinance and the following standards below. Likewise, the City Commission shall approve, deny, or modify final planned unit development plans (after review and recommendation by the Planning Commission) based upon the following standards:

1. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
2. The uses proposed should be consistent with the land use plans adopted by the City.
3. The amount of open space provided is compatible with and meets the requirements of this ordinance, which the Planning Commission or City Commission may modify, even though such modifications do not conform to that required in other sections of this ordinance.
4. The amount of off-street parking areas is adequate, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
5. The amount of landscaping and buffering areas provided are compatible with and meet the requirements of this ordinance, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
6. The design provides for the protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
7. The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

8. The land uses presented shall provide a mix of uses to perpetuate an economically viable, mixed use port.
9. The project shall demonstrate adequate support services for all activities.
10. ~~Stockpiles of salt and agricultural lime must be covered or sufficiently isolated from the surface water to prevent leaching.~~
11. ~~Aggregate, salt, lime, or soil stockpiling areas shall not occupy more than 30% of the site or district.~~
12. Truck freight terminals shall not occupy more than 30% of the site area or district. Trucks shall be stored a minimum of two hundred (200) feet from the ordinary high water mark.

DELIBERATION

I move that the proposed amendments to the Waterfront Industrial Planned Unit Development (WI-PUD) District *Preamble*, *Uses Permitted* (Section 1504), *Prohibited Uses* (Section 1505), and *Review Standards* (Section 1506) of the City of Muskegon Zoning Ordinance be recommended to the City Commission for (approval/denial).