

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

July 16, 2009

Vice-chairman B. Turnquist called the meeting to order at 4:04 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, B. Mazade, B. Larson, T. Harryman, B. Turnquist

MEMBERS ABSENT: T. Michalski, excused; S. Warmington, excused; B. Smith, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: K. Snowden, 249 W. Holbrook; C. Skoglund, Muskegon Rescue Mission; J. Neading, 1699 S. Getty St.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of May 14, 2009 be approved, was made by B. Larson, supported by T. Harryman and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2009-06: Request for a Special Land Use Permit, per section 2202, #3 of Article XXII of the Zoning Ordinance, to allow an expansion not exceeding 25% of a nonconforming use at 400 W. Laketon Avenue, by Carla Skoglund, Muskegon Rescue Mission. L. Anguilm presented the staff report. The property is a 2.12 acre parcel that presently contains a building owned and occupied by the Muskegon Rescue Mission. The original 1.97 acre parcel now includes a .153-acre triangular-shaped parcel on the corner of Laketon and Park, recently purchased from the City of Muskegon. This property is zoned B-4, General Business, as are properties to the east. Properties to the south, west and north are zoned I-2, General Industrial. The use of the property as an emergency shelter for men is a non-conforming use in a B-4 district. The Rescue Mission plans to renovate the existing building and build a small addition. Since they are a non-conforming use, they must come before the Planning Commission and be granted approval for the addition, not to exceed 30% of the existing building. The addition is 16 x 20 feet for a total of 320 square feet and is located on the west side of the building. It will be used for additional housing. In another interesting twist, the existing building itself is non-conforming, since it encroaches in three places on property to the north, which belongs to the City of Muskegon and is part of the Laketon Avenue bike trail. The new addition will not be outside the current footprint of the existing building and therefore won't exacerbate the non-conforming status. Permission to expand a non-conforming structure is also required from Planning Commission and it may be expanded only 25% of the original building footprint. The 320 square foot addition to the building does not exceed either the non-conforming use expansion maximum of 30% or the non-conforming structure expansion maximum of 25%.

The site plan has many items that must be addressed, none of which would stop the project. The

following items must be corrected on the site plan and three revised copies submitted to the Planning Department: a) include the proper zoning classification for the subject property and abutting properties, b) maneuvering lanes must be 22 feet in the parking area; the lane between the three parking spaces on the west side of the building and the row of parking spaces to the west is inadequate at only 18 feet, c) the parking area to the west must have landscaped islands/bump-outs, d) please include a vicinity map, e) the parcel number must be included on the site plan, f) include parcel dimensions, g) the height dimension of the addition must be indicated, h) please show area reference points for adjacent properties (drives, structures within 100 feet), i) include topography elevations at 5-foot intervals, j) include arrows showing direction of existing overland flow of storm water runoff, k) a grading plan must be included, as well as soil erosion and sedimentation control measures, l) indicate existing natural features including vegetation specified to be removed or retained, m) indicate location of snow storage areas, n) if any new outdoor lighting will be installed, indicate location, type, height and design; remember, all outdoor fixtures must be 100% cut-off style, o) is there a dumpster on site or will one be installed? If so, show location and proper screening, p) indicate location of fire lanes, fire lock box, hydrants, standpipes and security lighting, q) it appears that an outdoor fence or wall will be erected surrounding the outdoor break area; please indicate height and materials to be used, r) there is no landscape plan included. Although some landscaped areas seem to be shown on the site plan, it is unclear whether they are existing or proposed. No key to these areas is provided so staff can determine numbers of types of landscape materials. All front and side setbacks must have a minimum 10-foot green space and be landscaped according to the City of Muskegon Zoning requirements. The Engineering Department has the following conditions of approval: a) surface water must be contained on site and not allowed to drain to the public sidewalk and/or the bike path, and b) a permit from Engineering is required to work in the public right-of-way (closing of drive on Laketon). The Fire and Public Works Departments have no outstanding issues with this site plan. Staff had a phone call from Kathy Hulbert, 465 W. Southern Avenue, who approves of the request. The 1997 Master Plan Future Land Use Map identifies the property as "residential". Based on compliance with the 1997 Master Plan, staff recommends approval of the request.

T. Harryman asked if staff had received any other comments from concerned property owners in the area. L. Anguilm stated that she had not. K. Snowden was a resident of the area and was concerned about the impending closing of the prison, and the possibility of those released taking up residence at the mission. She stated that she sees a lot of mission residents wandering the neighborhoods around the facility during the day. C. Skoglund stated that mission residents were not forced to leave the facility during the day. She stated that there was a need for more beds, and it actually prevented people from roaming the streets. She stated that the mission did not prevent those with criminal backgrounds from using the facility. As part of the renovations, they would be installing a security system. K. Snowden asked how many beds the facility would have after the addition. C. Skoglund stated there would be about 76. T. Harryman asked what the reasons for the renovations were. C. Skoglund stated that the building was old and there were parts of it that were no longer usable. They also wanted to add some new programs, and needed additional space. T. Harryman asked what the current capacity was. C. Skoglund stated that it was 50 beds. B. Turnquist asked if the renovations would be done inside and outside the building. C. Skoglund stated that they would. The outside would look better, the parking lot would be improved, there would be a small amount of landscaping, and a security system would be installed.

A motion to close the public hearing was made by T. Harryman, supported by B. Mazade and

unanimously approved.

A motion that the special land use permit, per section 2202 (#3) and 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a non-conforming use not exceeding 25% and an expansion of a non-conforming structure not exceeding 30% at 400 W. Laketon Avenue, by Carla Skoglund, Muskegon Rescue Mission, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, with the conditions that 1) All conditions of the Planning Department (#8) and the Engineering Department (#9) in the staff report must be met, 2) Any new signage must comply with the zoning ordinance; permits are required, 3) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 4) The special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 – 3 & 5, and 5) The Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building, was made by L. Spataro, supported by B. Larson and unanimously approved.

Hearing; Case 2009-07: Request for a Special Land Use Permit per section 1301, #1 of Article XIII, to allow a used car lot in a B-4 zoning district at 1699 S. Getty Street, by Jeff Neading, Affordable Pre-Owned Autos. L. Anguilm presented the staff report. The subject property is zoned B-4, General Business and has a small commercial entity located inside the building. Properties to the north and south are zoned B-4. Properties to the east are zoned I-1, Light Industrial and properties to the west are R-1, Single Family Residential. The applicant's request is to operate a used car lot on the site, and use the present building for the sales office. The site plan shows a 71 x 56 foot paved area directly in front of the building where the cars will be displayed and customers can park. A 20 x 24 area in the rear of the building is paved and is adequate parking for two employees. No parking is allowed on unpaved areas of the site. There are two conditions listed in the Zoning Ordinance for sales space for the sale of new and used automobiles as a special land use permit, both of which are met on this property: 1) Ingress and egress to the outdoor sales area shall be at least sixty feet from the intersection of any two streets, and 2) No major repair or major refinishing shall be done on the lot. The Engineering, Fire, and Public Works Departments had no outstanding issues with the site plan. Rhonda Klingel, 1657 S. Getty, called to say that she is in favor of the request. The 1997 Master Plan Future Land Use Map identifies the property as "Commercial". Based on compliance with the 1997 Master Plan, staff recommends approval of the request.

L. Spataro asked if there would be any changes to the site. J. Neading stated that there would not. Board members and J. Neading discussed his other car lot and plans for this one. He stated that he would probably use this one as a secondary lot if he was unable to find a tenant.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the special land use permit, per section 1301 (#1) of Article XIII of the Zoning Ordinance, to allow a used car lot in a B-4, General Business zoning district at 1699 S. Getty Street, by Jeff Neading of Affordable Pre-owned Autos be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) No parking of any vehicles is allowed on unpaved areas, 2) Any new signage must comply with the zoning ordinance; permits are required, 3) The owner shall permit the zoning administrator or other zoning staff in the premises

at reasonable times to review compliance with this permit, 4) The special land use permit shall become null and void within one year of the public hearing if the use has not been established or there is a violation of conditions 1 – 3 & 5, and 5) The Special Land Use permit document shall be recorded with the Register of Deeds prior to occupying the building, was made by T. Harryman, supported by B. Mazade and unanimously approved.

Hearing; Case 2009-08: Staff-initiated request to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII, to include “Wind Turbines” as permitted temporary structures. L. Anguilm presented the staff report. Staff and board members discussed wind turbines, and the board requested that staff provide them with additional information on the subject. This case and the following two were tabled, to be discussed at a future meeting.

Hearing; Case 2009-09: Staff-initiated request to amend Section 2310, of Article XXIII, to add “Wind Turbine Facilities”. Tabled.

Hearing; Case 2009-10: Staff-initiated request to amend Article II, Definitions, to add definitions for “Wind Turbine” and “Wind Turbine Facility”. Tabled.

NEW BUSINESS

None

OTHER

Great Lakes Naval Museum – B. Turnquist asked what was going on with events at the Naval Museum. L. Anguilm stated that she had fielded several event requests from them.

There being no further business, the meeting was adjourned at 4:41 p.m.

dml