

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**April 14, 2011**

Chairman T. Michalski called the meeting to order at 4:10 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, W. Parker, B. Mazade, S. Warmington, B. Larson

MEMBERS ABSENT: Excused: B. Turnquist, T. Michalski, B. Smith

STAFF PRESENT: M. Franzak, D. Leafers

OTHERS PRESENT: M. Fox, 238 Houston; G. Borgman, 228 Houston; C. Scales, Progressive AE; W. Vandenbosch, Westshore Consulting

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 10, 2011 be approved, was made by B. Larson, supported by B. Mazade and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2011-04: Request for a Special Land Use Permit, per Section 401 of Article IV of the zoning ordinance to allow a general retail merchandise store in a R-1, Single Family Residential District at 238 Houston Ave. by Melvin Fox. M. Franzak presented the staff report. Although the zoning of this parcel is R-1, the building has a commercial storefront and has not been converted to residential use. Section 401 of Article IV states that previously existing commercial uses not already converted to residential use may be authorized under Special Use Permit. The applicant is requesting to sell “pulled from shelf” and “returned” merchandise. This may include, but is not limited to appliances, electronics and clothing. The applicant intends to live in the apartment on the second floor. The zoning ordinance does not allow used goods to be sold in a B-1 District. However, the items proposed for sale in this store would still be new, just returned or pulled from the shelf. The lot is about 4,000 square feet, and the building is about 1,700 square feet per floor. The applicant intends to utilize about 820 square feet of floor space for the store, all of which is located on the first floor. General retail stores require one parking space for every 300 square feet of useable floor area, so this business would require 2-3 parking spaces. There is enough room in the rear of the building for two parking spaces. The parking area is currently unpaved, but it is considered grandfathered and would not need to be paved. The parcel is just outside the downtown parking overlay district (which would not require any parking for a business this small) and there is street parking on Third Street. Staff recommends approval of this special use permit because it meets the conditions set forth in the zoning ordinance.

B. Mazade asked for additional details on the type of merchandise to be sold. M. Fox stated that it would be off-season merchandise and some store returns. It would not be second-hand items.

W. Parker asked if there would be any alcohol sales. M. Fox stated that he would not be selling alcohol or tobacco products. G. Borgman lived near the property and was in favor of the request as long as the building was brought up to code and the City building inspection requirements were met. M. Fox stated that he had contractors look at the building and was aware of the work that needed to be done. S. Warmington asked if he was purchasing or leasing the building. M. Fox stated that he was purchasing. L. Spataro asked what the hours of operation would be. M. Fox stated that he would like to be open Wednesday through Saturday from 9:00 a.m. until 6:00 p.m. at first. Board members discussed hours of operation and concurred that a cap of 8:00 a.m. to 9:00 p.m. would be appropriate.

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

A motion that the special land use permit per Section 401 (#6) of Article IV of the Zoning Ordinance, to allow a general retail merchandise store in an R-1, Single Family Residential District at 238 Houston Avenue, by Melvin Fox, 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 signage requires a permit and must comply with the zoning ordinance, 2) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 3) The Special Land Use permit document shall be recorded with the register of deeds prior to establishment of the use, 4) The hours of operation shall be no earlier 8:00 a.m. and no later than 9:00 p.m., and 5) 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 – 5, was made by L. Spataro, supported by B. Larson and unanimously approved.

Hearing; Case 2011-05: Request for a Special Land Use Permit, per Section 905 of the zoning ordinance, for the installation of a helistop in a MC, Medical Care District at 1500 E Sherman Blvd., by Mercy Health Partners. M. Franzak presented the staff report. The applicant would like to move the helistop, currently located on the east side of the building near the wooded area and the highway, to the landscape island near the Emergency Room entrance. The helistop was approved as part of the hospital's site plan in 2001; however, when the zoning ordinance was amended in 2003 to include a section on Medical Care Districts, it was also added that helistops would require a Special Use Permit. At its closest point, the radius of the approach/take off area is 75 feet from the property line. The Special Land Use Permit requires at least 100 feet from all property lines, unless a lesser distance is approved by the Planning Commission. At its closest point, the radius of the approach/take off area is only 10 feet from a parking lot maneuvering isle. A condition of the special use permit states that the plan must ensure adequate separation between pedestrian circulation routes and the landing pad. The applicant is planning on either painting a yellow X over the current helistop or removing it by grinding off the paint. This plan calls for the elimination of 13 parking spaces; however, they will still have more parking than required. The Planning, Engineering, Fire, Police, and Public Works Department have no issues with the site plan presented. The plan meets the site plan requirements except for the distance of 100 feet from the property line, unless approved otherwise by Planning Commission. Planning Commission must also decide whether the plan ensures adequate separation between pedestrian circulation routes and the landing pad. The move will result in some pine trees and shrubs being removed. Shrubs will be replaced, but not the trees, due to safety/visibility reasons.

C. Scales stated that their intent was to block the adjacent streets when the helicopter lands or takes off. She stated that the elimination of the trees was due to state and federal requirements, and explained those.

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

A motion that the special land use permit, per Section 905 of the Zoning Ordinance, to allow the relocation of a helistop in a MC, Medical Care District at 1500 E Sherman Blvd, by Mercy Health Partners, 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) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 2) The Special Land Use permit document shall be recorded with the register of deeds prior to establishment of the use, and 3) 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 – 2, was made by B. Larson, supported by W. Parker and unanimously approved.

Hearing, Case 2011-06: Request for a Special Land Use Permit, per Section 1301 of the zoning ordinance, to allow automobile sales in a B-4, General Business District at 2425 Henry Street, by Betten Automotive. M. Franzak presented the staff report. The applicant would like to purchase the old Sherwin-Williams property at 2425 Henry Street, demolish the building, pave the lot, and use it for additional car sales space. The lot is 37,461 square feet, with the paved parking area comprising about 33,000 square feet. The lot will be paved to make way for 105 new car sales spaces. The existing grass buffers will remain, with the exception of a possible curb cut on Henry Street. The Fire, Police and Public Works Departments have no issues with the site plan as presented. The Engineering Department approves the plan with the following condition: Storm sewer must be retained on site to the extent possible; a plan or a detailed email of procedures will suffice. The Planning Department approves the plan with the following condition: The site plan must contain at least six landscape islands of at least 180 square feet in size each, or any number of landscape islands totaling at least 1,080 square feet.

B. Larson asked what the purpose of the landscape islands was. M. Franzak stated that they were for aesthetics and drainage. L. Spataro stated that they also helped break up the heat generated by large areas of pavement. B. Mazade asked if staff had any concerns with the project. M. Franzak stated that all he needed was a revised site plan showing how they would handle stormwater, and meet the landscaping (island) requirements. W. Vandebosch stated that he would work with the City's Engineering Department regarding the drainage, and would make sure they complied with landscaping requirements. He stated that some grading of the lot would be necessary because it sat up higher than the surrounding property.

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

A motion that the special land use permit per Section 1301 of Article XIII of the Zoning Ordinance, to allow sales space for the sale of automobiles in a B-4, General Business District at 2425 Henry Street, by Betten Automotive, 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 signage requires a permit and must comply with the zoning ordinance, 2) The owner shall permit the zoning administrator or other zoning staff in the

premises at reasonable times to review compliance with this permit, 3) The Special Land Use permit document shall be recorded with the register of deeds prior to establishment of the use, and 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 – 4, was made by L. Spataro, supported by B. Mazade and unanimously approved.

#### OLD BUSINESS

None

#### OTHER

Board Elections – A motion to retain T. Michalski as Chairman was made by B. Larson, supported by L. Spataro and unanimously approved. A motion to retain B. Turnquist as Vice-Chair was made by L. Spataro, supported by B. Larson and unanimously approved.

There being no further business, the meeting was adjourned at 4:40 p.m.