

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

June 14, 2012

Vice Chairman B. Larson called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, J. Doyle, B. Mazade, L. Spataro, S. Warmington, L. Mikesell, B. Smith

MEMBERS ABSENT: T. Michalski, excused; W. Parker, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: C. Fox, 2283 Resort; D. Mayville, BMA Architects; M. Line, Frontier Communications; J. Riegler, 808 Terrace St; B. Dykstra, Urban Renewal Group; H. Wierenga, Fleis & Vandenbrink; N. Mika, Project Intermodal, Grand Rapids; G. Post, 272 W. Clay Ave; C. Vortman, 5550 Henry St.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of May 10, 2012 be approved, was made by S. Warmington, supported by B. Mazade and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2012-13: Request for a Special Land Use Permit, per Section 2203 of Article XXII of the Zoning Ordinance, to expand a non-conforming structure more than 30% at 2283 Resort Ave, by Cheryl Fox. M. Franzak presented the staff report. The zoning of this parcel is R-1, Single Family Residential District, and the property's current use is a residential home. The owner plans to demolish the carport, which is attached to the home, and build an attached garage and a front porch. This is considered a non-conforming structure because the house is only 26.5 feet from the rear lot line, which does not meet the setback requirement of 30 feet. A non-conforming structure may be expanded up to 30 percent with a Special Land Use Permit from the Planning Commission. The applicant would like to expand the current structure by 35%, so a variance is also needed, which will be presented to the Zoning Board of Appeals in July. If that is approved, the Planning Commission may approve the Special Land Use Permit to expand the non-conforming structure more than 30 percent. The current structure is 1528 square feet and the proposed addition is 540 square feet, for a total of 2068 square feet. A notice letter about the variance and Special Land Use Permit was sent to adjacent properties within 300 feet of this property and staff has not received any comments from the public at the time of this writing.

The Zoning Board of Appeals (ZBA) did not have a quorum at their June meeting. However, several neighbors showed up at the meeting to voice their support of the request. If this case is approved by the Planning Commission, it will be contingent on ZBA approval at their July meeting. C. Fox explained her request and the past history of improvements to her property.

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

A motion that the request for a Special Land Use Permit be approved, per Section 2203 of Article XXII of the Zoning Ordinance, to allow a non-conforming structure at 2283 Resort Avenue to be expanded more than 30%, contingent on ZBA approval and based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2203 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 condition 1 – 2, was made by L. Spataro, supported by L. Mikesell and unanimously approved.

Hearing, Case 2012-14: Request for a Special Land Use Permit, per Section 1301 of Article XIII, to allow outdoor storage of utility materials and vehicles at 860 Terrace Street by Frontier Communications. M. Franzak presented the staff report. Frontier Communications is looking at consolidating some of their locations. Their plan has them storing utility materials and vehicles in the parking lot on the northeast corner of this property at the corner of Clay Avenue and Pine Street (parking lot D on site plan). The zoning of this property is B-3, Central Business District, and its current land use is an office building and parking lots. The lot is currently surrounded by a 4-foot chain link fence, but the plan calls for a new 6-foot screened fence (chain link with screening slits). With the elimination of the parking spaces in parking lot D, there will still be 96 parking spaces between parking lots A, B & C, which staff feels is more than adequate. This property is also located in the Downtown Parking Overlay District, which forgives 30% of a business's parking requirements. The plan calls for parking lot C to be fenced in also, but it will not be used for storage. Automobile service stations are allowed with a Special Land Use Permit in B-3, General Business Districts. Special Land Use Permits may also be granted for similar uses. Staff feels that the outdoor storage of utility equipment and vehicles is similar to that of an automobile service station. Given that all properties within 300 feet are notified and have a chance to comment, staff feels that it is appropriate to hold a hearing for a Special Land Use permit for this type of use. Notice was given to properties within 300 feet of this property, and at the time of this writing staff has not received any comments from the public. The Planning, Engineering, DPW and Fire Departments have reviewed the plans and have not indicated any concerns.

B. Mazade asked what type of screening material would be used. D. Mayville discussed the project, and stated they would use a light brown, somewhat transparent fabric for the fence screening. He provided photographs of the type of vehicles and equipment to be stored, and explained the security measures. M. Line, property manager for Frontier, discussed site security also. J. Riegler owned a business nearby and was concerned about the possible adverse effect on the downtown area, with all the utility vehicles and equipment stored there.

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

L. Spataro stated that he shared the concern expressed regarding the effect on downtown development. However, he believed this project would bring more people to the downtown area, considering the additional employees going in and out of this location. He pointed out that it was a privately-owned site, and the proposed use was consistent with the property's historical use.

A motion that the Special Land Use Permit, per Section 1301 of Article XIII of the Zoning Ordinance, to allow the outdoor storage of utility equipment and vehicles in a B-3, General Business District, by Frontier Communications, be approved based on compliance with the City's Master Land Use Plan and conditions set forth in Section 1301 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 or 2, was made by L. Spataro, supported by S. Warmington and unanimously approved.

Hearing, Case 2012-15: Request for preliminary Planned Unit Development approval for a mixed use project for the property at 372 Morris Street by Urban Renaissance Group, LLC. M. Franzak presented the staff report. This 8.34-acre property, located in a B-3, Central Business District, is owned by the Community Foundation for Muskegon County and is currently used as a parking lot. The PUD request is for development of "The Shoreline Market," which will be a mixed use development of retail, fresh food, artisans, office, market rate apartments and condos. The retail market (Phase 1) will be constructed out of recycled shipping containers. The rest of the development will use traditional building materials. The Downtown and Lakeshore Redevelopment Plan of 2008 identifies this property as a high development priority, with a target date within the next five years. It had been identified as a possible location for the relocation of the Farmers Market, along with the possibility of a pedestrian bridge over Shoreline Drive to connect downtown to the waterfront. However, the plan does mention that other beneficial uses for this property include a conference center and general mixed-use development. The site plan will be discussed along with the final PUD request in the next case. Notice was sent to all properties within 300 feet of this property. Staff has received no comments regarding this request.

B. Dykstra provided an overview of the project, which was located on a Brownfield site. N. Mika discussed the project background and the idea of using shipping containers. They stated that there would be three major phases of the project – retail, residential, and offices. The retail aspect would use shipping container construction. They intended for the project to provide a hub for local business owners to sell their products and to promote local food. They stated that the containers provided a semi-permanent structure that was lower cost and therefore lower risk for new business investors. The containers were versatile and mobile, and the interiors were customizable. J. Doyle stated that the plan showed multiple containers, and asked how they would be rolled out. N. Mika stated that they would build as they go. B. Dykstra stated there would be 18,000 square feet of container space for Phase I, which he hoped to have in place by the fall. He also discussed the planned residential housing and office phases, which would be built with traditional materials. B. Larson asked if this would be competing with the Farmer's Market. N. Mika stated that it would not; it would be the next step after the Farmer's Market, providing a year-round storefront for the products. L. Mikesell asked for clarification on the residential phase. B. Dykstra stated it would be market-rate apartment rentals, which he saw a need for in the downtown area. L. Spataro stated that the plan seemed parking-heavy. He suggested that building setbacks on Morris should match those of existing buildings, such as the Hume building. He was also concerned that there be enough room left along First Street for a possible future pedestrian connector to the lakefront. He discussed the placement of buildings on the site, and discouraged forming alleys where the backs of buildings faced each other. H. Wierenga understood concerns people had with the appearance of the shipping containers. He stated that he had visited a shipping container retail site in Seattle and it was quite popular and nice looking. This site was a Brownfield which limited development possibilities. He stated that the stick-built structures would give structure to the site, while the containers would be

something new and interesting. He discussed the site lighting and utilities, and stated that it would be a very urban look. B. Larson asked if they were purchasing the lot from the DMDC. B. Dykstra stated that they had a long-term land lease. B. Larson asked what type of glass would be used on the storefronts, and urged that it look welcoming, not the tinted glass where you couldn't see in. B. Dykstra stated that the containers would be faced with typical storefront glass in most cases. B. Mazade mentioned the different phases and asked how they determined which phase would be built first. B. Dykstra stated that he had investors who had expressed interest in the retail and food aspects, and he believed it was necessary to have those before the site could attract residential tenants. He stated that since the containers were less expensive to construct, it would be easier to attract retailers, with residential following. J. Doyle asked if "green" building practices would be utilized. B. Dykstra stated they were making an effort to use "green" materials, although they were not pursuing LEED certification.

G. Post stated that he was opposed to the location of the project, although he was not opposed to the concept. He believed that new retail development should be concentrated on Western Avenue as proposed in previous Imagine Muskegon plans, in order to provide a pedestrian-friendly downtown. He favored a more centralized shopping district, not another pocket of retail in a location away from Western Avenue. C. Vortman was in favor of the project. She stated she had a huge passion for downtown Muskegon and believed this could help build Western Avenue and make the entire downtown more of a destination spot.

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

B. Smith thought the new development would complement the Western Avenue shops. S. Warmington liked the idea of shipping containers, and stated the development would provide an opportunity for businesspeople to start out small and build their business. It would also attract a fresh element to downtown. J. Doyle concurred, stating he liked the innovation. L. Spataro stated that he was initially skeptical about the container architecture, but was more comfortable now that there would be a mix with the stick-built buildings. He had done research on other communities, and stated that Muskegon needed something affordable to jump-start retail development. He stated there was also a need for quality, market rate apartments downtown. L. Mikesell liked the unique modern design and mixed use, and believed it would draw people downtown. B. Mazade had concerns with the sustainability of the containers. He stated that he liked the overall project concept, but also had concerns about the project being done in phases and the possibility of later phases not being completed as proposed. Although he preferred the phases to be done in a different order, he understood the developer's reasoning.

A motion that the preliminary PUD for a mixed-use development at 372 Morris Avenue be approved, pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, was made by S. Warmington, supported by L. Spataro and unanimously approved.

Hearing, Case 2012-16: Request for final Planned Unit Development approval for a mixed use project for the property at 372 Morris St, by Urban Renaissance Group, LLC. M. Franzak presented the staff report. The request for the final PUD is for development of "The Shoreline Market," as discussed in the previous case. After reviewing the site plans, the DPW has the following condition of approval: Water mains as shown would be considered public, this would need to be discussed further. The Engineering Department has the following conditions of approval: a) Future reviews and approval for utilities will have to be completed by DPW/Engineering, and b) This conditional

approval is preliminary and more a detailed review will have to be conducted upon future submittal. The Planning Department has the following conditions of approval: a) Elevations need to be shown on the site plan, along with a more detailed storm water management plan, b) A landscaping plan must be submitted, c) Snow storage areas must be defined, d) Location, type and height of all outdoor lighting must be shown, e) The location and screening of all dumpsters must be shown, f) A signage plan must be submitted, and g) Building heights must be defined. The Fire Department was still reviewing this plan at the time of this writing. Staff comments will be shared at the meeting. Notice was sent to all properties within 300 feet of this property, and staff has received no comments.

M. Franzak explained the preliminary versus final PUD proposals. The final plan required City Commission approval, as well as Planning Commission. B. Mazade stated that he had serious reservations about approving the final plan as submitted, since there was a lot of detail that was not provided. L. Spataro concurred that there was not enough information provided to make an informed decision. He asked M. Franzak if the Planning Commission could require that individual buildings receive site plan approval. M. Franzak stated that they could word the motion that way. He expected considerable changes to the plan, considering the Morris Street setbacks and pedestrian bridge considerations. B. Dykstra stated that the idea of presenting the final PUD at this time was so they could move forward with the project. They would like some flexibility in the design, and have been working with the City's Building Inspection department already.

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

A motion that the Final PUD for a mixed-use development at 372 Morris Ave be approved, pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, with the requirement that each phase of the development must come back to the Planning Commission for site plan approval and amendment to the PUD, was made by L. Spataro, supported by J. Doyle and unanimously approved.

OLD BUSINESS

Hearing, Case 2012-11 (tabled): Request for a special land use permit, per section 1301 of Article XIII of the zoning ordinance, to allow for automobile sales in a B-4, General Business District at 1776 Division St, by Michael David. This request had been tabled at a previous meeting. The rezoning request was denied by Planning Commission and City Commission. Therefore, it is not possible to apply for a Special Use Permit to sell automobiles.

A motion to deny the request for a special land use permit was made by S. Warmington, supported by L. Spataro and unanimously approved.

OTHER

Form Based Codes – L. Spataro requested a discussion on form based codes at the next meeting.

He also suggested that the City may want to extend the B-3 zone. M. Franzak stated that the City would probably need consultants to be involved in that process.

There being no further business, the meeting was adjourned at 5:34 p.m.