

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

DATE OF MEETING: Thursday, March 15, 2018  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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AGENDA

- I. Roll Call
- II. Approval of Minutes from the special meeting of February 15, 2018.
- III. Public Hearings
  - a. Hearing, Case 2018-06: Request to amend the Planned Unit Development at 1161 W Southern Ave to demo a portion of the building and to expand the parking lot, by Avasure Properties, LLC.
  - b. Hearing, Case 2018-07: Request for a Special Use Permit to allow the conversion of the first floor commercial space to be utilized as another residential unit in an R-2, Medium Density Single Family Residential District at 1736 Beidler St.
  - c. Hearing, Case 2018-08: Request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners.
  - d. Hearing, Case 2018-09: Staff-initiated request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Dentistry Residential District. Also to rezone 1808 McIlwrath St, 1814 McIlwrath St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District.
- IV. New Business
- V. Old Business
  - a. Hearing, Case 2017-33: Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district and allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach St (Water Filtration Plant).
- VI. Other
  - a. The Imagine Muskegon Lake plan will be presented to the City Commission at their March 27 meeting.
- 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 Meisch, 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

## STAFF REPORT

FEBRUARY 15, 2018

**Hearing, Case 2018-06:** Request to amend the Planned Unit Development at 1161 W Southern Ave to demo a portion of the building and to expand the parking lot, by Avasure Properties, LLC.

### SUMMARY

1. The property is zoned R-1, Low Density Single Family Residential; however, a PUD to allow office/research and development was approved in 2017.
2. The approved PUD included the usage of the former school gymnasium and 57 parking spaces. This request is to demo the gymnasium and to add parking in different phases, as needed. They are also planning to move the playground at the corner of Southern/Davis to behind the southern portion of the building. An urban garden will be located just to the east of the new playground. Staff is currently in the process of approving the relocation of the playground and the addition of the urban farm, both of which do not require any board approval.
3. The dumpster and generator on the east side of the building appear to be fenced, but the plan must show that it is screened and at least 5 feet tall.
4. There is an existing parking lot east of the current gymnasium. The plan shows a few different parking options, with some listed as future parking. After discussions with the applicant, it appears that the plan does not properly depict what they are requesting. They are requesting to keep a portion of the parking lot near the corner of Southern/Barclay (33 spaces). The area where the gymnasium currently stands will be seeded for grass after demo. An access drive to the building will be maintained to the south of the new grass area. They are requesting a total of 93 spaces when the building is fully occupied. Staff believes there may be a more efficient way to design the future parking and there also needs to be more detail on stormwater management. Staff is asking the Planning Commission to recommend approval of the gymnasium demo and the reconfiguration of the parking lot for 33 spaces. Also to approve the addition of up to 93 parking spaces on site, as long as each phase is reviewed and approved by staff.
5. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has not received any comments from the public.

**Looking south at gymnasium to be demolished and seeded. Parking lot to remain pictured in front.**



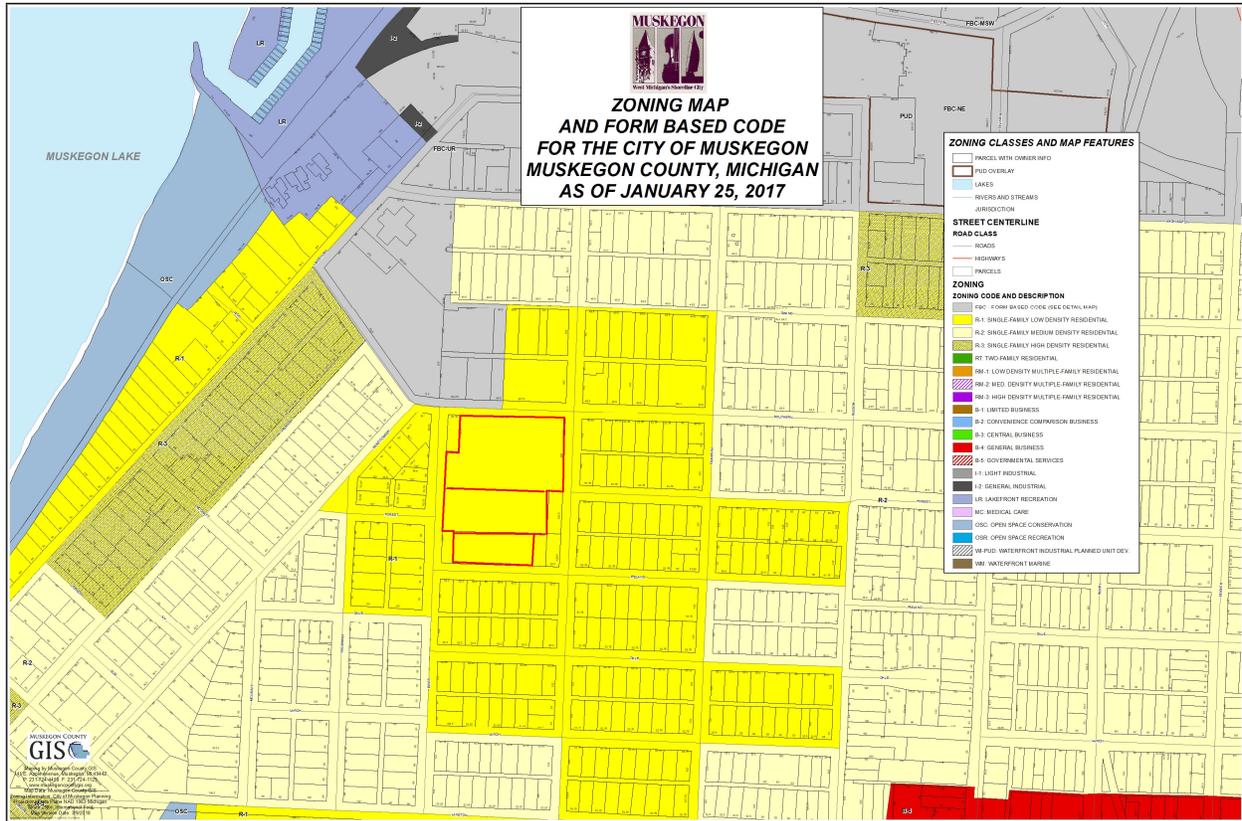
**Playground to be moved. Avasure to purchase City-owned lot after relocation.**



**Location of new urban farm and playground (south of the building).**

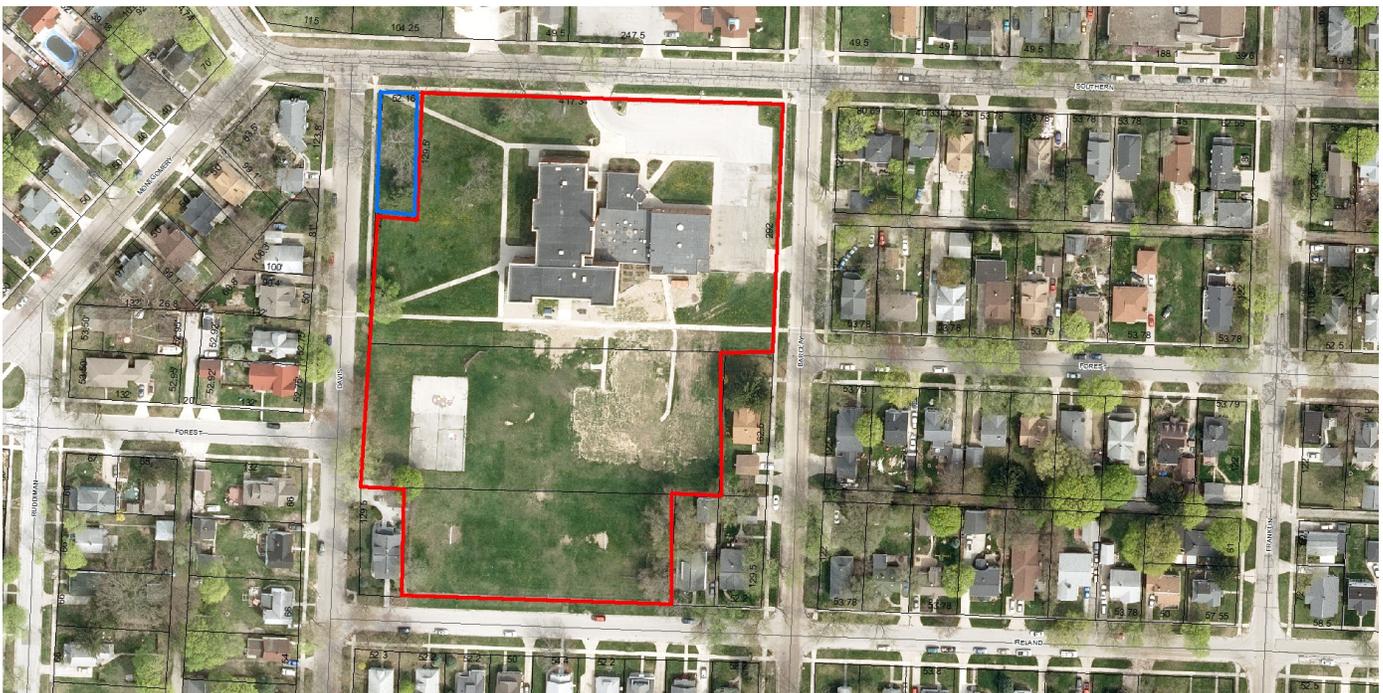


## Zoning Map



## Aerial Map

Red – Avasure property  
 Blue – City owned property for playground. Avasure will purchase this lot from the City after the playground is moved.



## **STAFF RECOMMENDATION**

Staff recommends approval of the demo and parking lot plan with the ability for staff to review each new parking lot phase, up to 93 spaces.

## **MOTION FOR CONSIDERATION**

I move that the request to amend the Planned Unit Development at 1161 W Southern Ave to demo a portion of the building and to expand the parking lot, be recommended to the City Commission for (approval/denial) with the following condition:

1. Staff may review future parking expansions with the ability to provide up to 93 parking spaces.

**Hearing, Case 2018-07:** Request for a Special Land Use Permit to allow the conversion of the first floor commercial space into another residential unit in an R-2, Medium Density Single Family Residential District at 1736 Beidler St.

## **SUMMARY**

1. The property is zoned R-2, Medium Density Single Family Residential.
2. The building is a mixed-use type, with an apartment above a retail spaces.
3. The retail space has been vacant for many years. Its location and condition ensure that it will remain difficult to attract any commercial investors. It is located almost 400 feet away from Laketon Ave and is not visible from any major streets. The building to the east and the building across the street are the same type mixed-use buildings and they have also had issues attracting commercial businesses.
4. The applicant is requesting to utilize the commercial space as an additional apartment. Staff agrees that the space would be better utilized as an apartment, rather than to continue to sit vacant and become obsolete and blighted. Staff initially looked into a rezoning to RT, Two Family Residential, but felt that was not the appropriate route, since the parcel is in the middle of a single family residential district. If the existing building were to be destroyed, the RT designation would allow a duplex to be built as a replacement, which does not fit with the rest of the neighborhood.
5. The ordinance allows previously existing or established commercial uses not already converted to residential to be used for limited business purposes with a special use permit (see zoning excerpt below). All of these allowed business uses are considered more intrusive to a neighborhood than an additional apartment, so staff has interpreted the ordinance to allow less intensive (residential) uses with a special use permit as well. This will also ensure that in the event of a disaster, the property could only be redeveloped into a single family residence, which fits in with the neighborhood.
6. Apartments require two parking spaces per unit. There is a two stall garage on site and room for two more cars in the driveway. The terrace is also paved in front of the building along Beidler St and Larch Ave, which allows for another four parking spaces.
7. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff has received one comment. Pat Bogner, owner of Wayne's Deli, stated that she has no objection to the request as long as adequate parking is provided.

## **ZONING ORDINANCE EXCERPT**

Single Family Residential Districts

Section 401: Special Land Uses Permitted:

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.

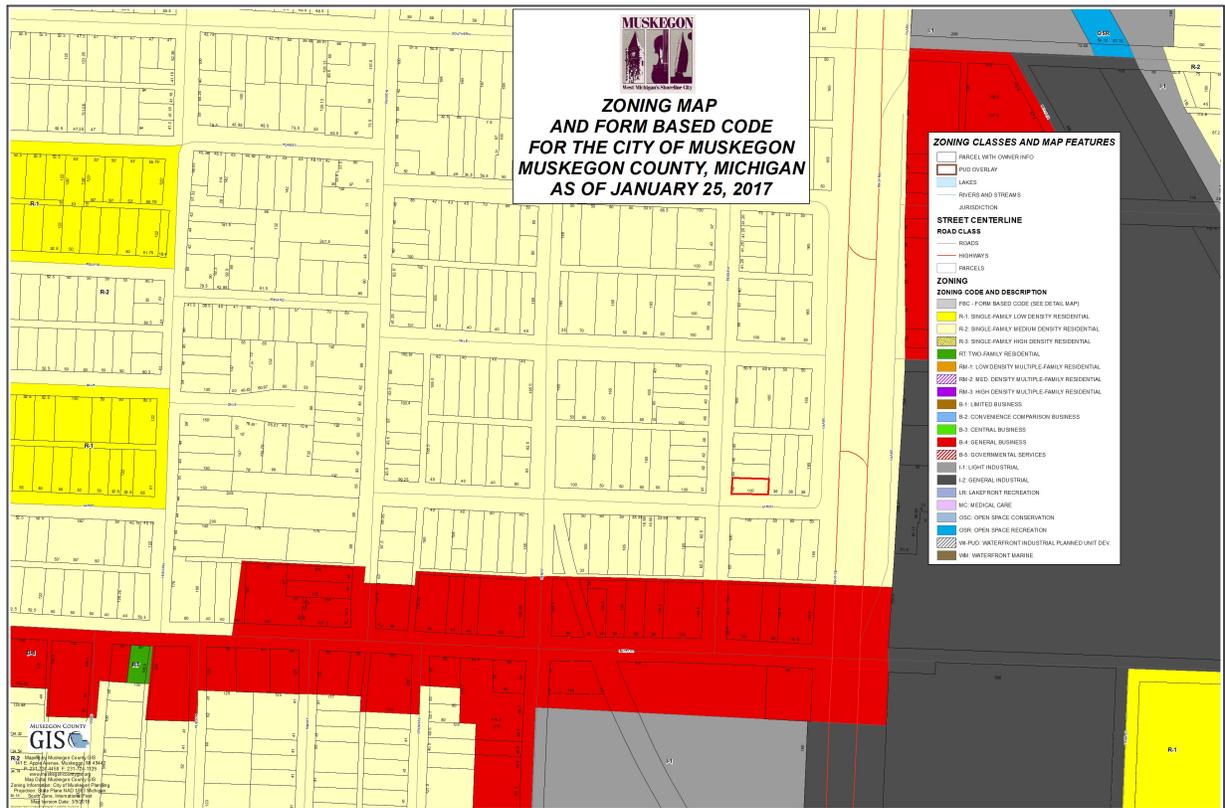
**1736 Beidler. Curb cuts and paved terrace in front**



**Looking north from Larch Ave. Garage pictured to the right. Curb cuts and paved terrace along building.**



### Zoning Map



## Aerial Map



### **STAFF RECOMMENDATION**

Staff recommends approval of the Special Land Use Permit to allow the vacant commercial space to be converted into an additional apartment. This would allow for reinvestment of the property, while still limiting future uses in the event of a disaster.

### **MOTION FOR CONSIDERATION**

I move that the request for a Special Land Use Permit to allow the conversion of the first floor commercial space into another residential unit in an R-2, Medium Density Single Family Residential District at 1736 Beidler St. be (approved/denied).

**Hearing, Case 2018-08:** Request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners.

## **SUMMARY**

1. The property is part of the PUD that was approved for retail. The building was formerly an Old Country Buffet and then briefly a Chinese buffet.
2. The applicant is requesting to utilize the building for medical uses, specifically for urgent care, occupational medicine and radiology. The PUD must be amended to allow this type of use in this location of the plan.
3. There is adequate parking at the entire development to support this type of use.
4. Staff recommends that traffic improvements be made where the traffic lane intersects the drive-thru at Panera Bread. Customers exiting the drive-thru often conflict with the cars driving east towards the exit. Staff observed several near crashes at this intersection, which will only become more dangerous once the building at 1670 E Sherman is reutilized. More details are needed, but staff recommends either a stop sign in the eastbound travel lane or a curb that would direct drive-thru customers east after receiving their food.
5. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

### **1670 E Sherman Blvd looking southwest from the parking lot traffic lane**



**Driving west towards Panera Bread (front) and 1670 E Sherman (back)**



**Driving east towards 1670 E Sherman from Panera Bread**



**Driving west towards Panera Bread from 1670 E Sherman**



**Trash gates impeding vision near intersection**



**Panera Bread drive-thru intersection from traveling lane**



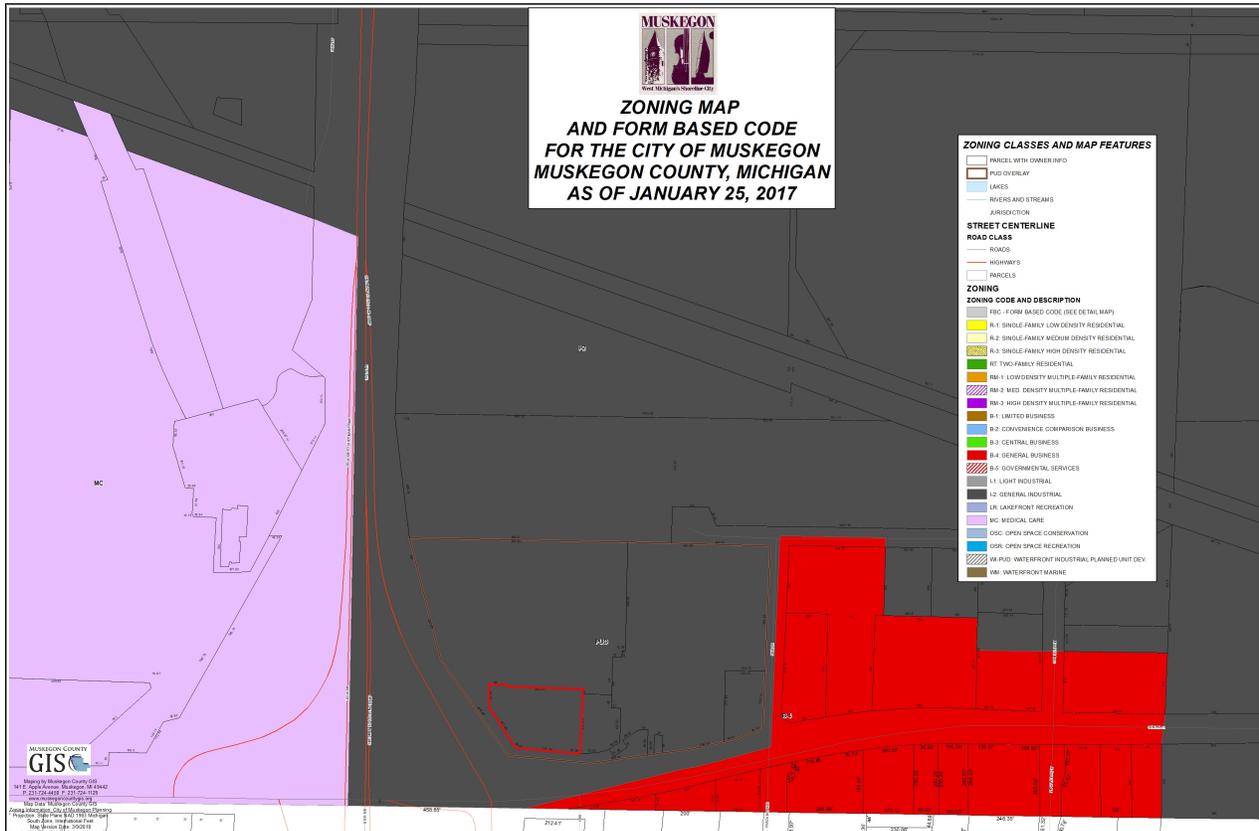
**Drive-thru intersection leaving Panera Bread**



**Aerial of intersection. Please note that this is an old picture and the traffic lane has been modified. Note the new traffic lane and landscaping islands on the previous pictures.**



### Zoning Map



## Aerial Map



### STAFF RECOMMENDATION

Staff recommends approval of the request to use the parcel for medical. This building has been vacant for many years and some of the other suites in this development have had difficulties attracting retail businesses. The influx of people to the area from the medical use should result in higher traffic numbers to the nearby businesses. However, any approvals should be contingent upon a new traffic pattern being approved by staff.

### MOTION FOR CONSIDERATION

I move that the request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners, be recommended to the City Commission for (approval/denial).

**Hearing, Case 2018-09:** Staff-initiated request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Density Single Family Residential District. Also to rezone 1808 McIlwrath St, 1814 McIlwrath St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District.

## SUMMARY

1. The Muskegon County Land Bank owns the home at 1814 Dyson St, which is improperly zoned for business uses. They have requested a rezoning to residential so that they can use grant funding to demo the house. Staff also noted several other properties in the area that appear to be improperly zoned. All of these properties are either used as residential homes or are vacant residential lots. Having them zoned as business can make it difficult the home difficult to sell, refinance or rebuild in the event of a disaster.
2. Notice was sent to all property owners/tenants within 300 feet of all of these properties. At the time of this writing, staff had received several calls from neighbors who had questions about the rezoning's, but were all in favor after discussions.

### Properties to be Rezoned



**1824 Dyson**



**1814 Dyson**



**1828 Jarman**



**1831 Dyson**



**1825 Jarman**



**1814 McIlwrath**



**1808 McIlwrath**



**1813 Dyson**



**STAFF RECOMMENDATION**

Staff recommends approval of the rezonings so that the current uses are reflected with the proper zoning.

**MOTION FOR CONSIDERATION**

I move that the request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Density Residential District. Also to rezone 1808 McIlwrath St, 1814 McIlwrath St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District, be recommended to the City Commission for (approval/denial).

## **PREVIOUSLY TABLED ITEM**

**Hearing, Case 2017-33:** Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district and allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach St (Water Filtration Plant).

### **SUMMARY**

1. Cell phone towers are regulated by Section 2321 (Wireless Communication Service Facilities) of the zoning ordinance. Please see the enclosed ordinance excerpt.
2. An overlay district allows these facilities in four different locations in the City. Please see the map on the following pages.
3. Staff is requesting to expand the overlay district with two new locations, one at Marsh Field and the other behind the Water Filtration Plant. This would be to increase cell phone coverage throughout the City. This request is just to expand the overlay district and allow companies to apply for a Special Land Use Permit to construct a new facility.
4. There were some concerns from citizens at the December Planning Commission meeting about the Water Filtration location. They recommended that the proposed location be moved 200 feet to the south along the bike path. Staff has prepared that as Option 2 on the aerial map. Option 1 would be in the area inside the Water Filtration parcel where there are already two existing antennas.
5. If Option 1 is selected, the existing antennas could be relocated onto the new facility. It may not be possible to relocate them to Option 2 because of the cost laying new wires.
6. Staff sent out a second notice letter to everyone within 300 feet of the Water Filtration Plant. At the time of this writing, staff had received calls from Susan Newton at 3444 Keaton Ct and Herb Hooker at 3443 Keaton Ct, who were both in favor of Option 1 so that they would only have to see one cell tower poll instead of two antennas.

### **Marsh Field Location**





**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance amendment with Option 1 for the Water Filtration Plant site.

**MOTION FOR CONSIDERATION**

I move that the request to amend Section 2321 of the zoning ordinance to expand the overlay district for Wireless Communication Support Facilities be recommended to the City Commission for (approval/denial), with Option 1 being the recommended choice for the Water Filtration Plant site.