CITY OF NORTON SHORES
PLANNING COMMISSION MEETING
REMOTE MEETING – ZOOM ID: 891 6556 3435/PASSWORD: 016777
March 9, 2021
5:30 p.m.

Agenda

1. Call to Order

2. Roll Call

3. Minutes
    a. Minutes of January 12, 2021 Planning Commission Meeting

4. Correspondence

5. Pending Business

6. New Business
    a. Zone change – 950 E. Sternberg Road, Lakeshore Aquascapes
        i. Certification of mailing and publishing
        ii. Public hearing
        iii. Resolution

7. Public Comment

8. Adjournment

THE PLANNING COMMISSION MEETING WILL BE HELD AT 5:30 P. M. REMOTELY ON ZOOM.

AGENDA 3a
DATE 3/9/21

CITY OF NORTON SHORES
PLANNING COMMISSION MEETING
January 12, 2021

A regular meeting of the Norton Shores Planning Commission was held remotely via video conferencing on Tuesday, January 12, 2021 at 5:30 p.m.

Present: Chairman Westgate and Commissioners Carroll*, Drier, Lowe, Morano, Otto, Sipovic and Trygstad; also, Ted Woodcock, Shelly Stibitz, Doug Hughes, and Jim Murphy

Absent: Commissioner Bush

21-P01 Minutes

Commissioner Otto moved to approve the minutes of the November 10, 2020 Planning Commission meeting. The motion was supported by Commissioner Sipovic and carried unanimously on a roll call vote with Commissioners Bush and Carroll absent.

21-P02 Special Use Permit – 6550 Schamber Drive, Camp Bow Wow

The clerk certified the January 1, 2021 mailing and publishing of notices. A public hearing was held at which Tim Allspach, TJA Architecture, described the project on behalf of Camp Bow Wow. There is a plan to construct two phases of this project to first build a dog kennel and outdoor run area and return to the Commission for approval to build a 6,800 square foot commercial office building with multiple suites in a second phase. The applicant feels that the highway and natural growth on one side and pond on the other provide optimal buffer and screening for a kennel which is the current special use they are requesting.

Commissioner Trygstad made a motion to recommend to the City Council that permission be granted to TJA Architecture on behalf of Camp Bow Wow for special land use approval to construct a dog kennel on the property at 6550 Schamber Drive as per the submitted plans for Phase I of the project. The motion was supported by Commissioner Carroll* and carried unanimously on a roll call vote with Commissioner Bush absent.

21-P03 Site Plan – 6550 Schamber Drive, TJA Architecture

Commissioner Trygstad made a motion to recommend to the City Council that the site plan for the special land use application be approved to TJA Architecture on behalf of Camp Bow Wow to construct a dog kennel on the property at 6550 Schamber Drive as per the submitted plans based on: 1) The intended is less intense than industrial use would be; 2) Trees will be left at the back of the property as a buffer; and, 3) the parking area is not an issue for this phase of the project. Commissioner Sipovic thinks there is a need for additional dog facilities in the area and Commissioners Trygstad and Morano stated that the amount of necessary parking should be addressed in Phase II of the

project. The motion was supported by Commissioner Carroll and carried unanimously by roll call vote with Commissioner Bush absent.

21-P04 Special Use Permit – 786 Judson Road, JD Fisher Builders

The clerk certified the January 1, 2021 mailing publishing and January 4, 2021 mailing of notices. A public hearing was held. There were no public comments. City Planner Ted Woodcock explained that the Zoning Ordinance requires that the any use be approved by the Planning Commission.

Commissioner Sipovic made a motion to recommend to the City Council that special land use approval be granted to JD Fisher Builders, on behalf of the property owner, to construct a single-family home on the property at 786 Judson Road as per the submitted plans based on the following: 1) Setback requirements have been met; and, 2) A single use home for this size development is appropriate. The motion was supported by Commissioner Otto and carried unanimously by roll call vote with Commissioner Bush absent.

21-P05 Site Plan – 786 Judson Road, JD Fisher Builders

Commissioner Sipovic made a motion to recommend to the City Council that the site plan for the special land use application be approved to JD fisher builders, on behalf of the property owner, to construct a single-family home on the property at 786 Judson Road as per the submitted plans. The motion was supported by Commissioner Lowe and carried unanimously by roll call vote with Commissioner Bush absent.

21-P06 Special Use Permit – 792 Judson Road, JD Fisher Builders

The Clerk certified the January 1 publishing and January 4 mailing of the notices. A public hearing was held. There were no comments.

Commissioner Morano made a motion to recommend to the City Council that special land use approval be granted to JD Fisher Builders, on behalf of the property owner, to construct a single-family home on the property at 792 Judson Road as per the submitted plans based on meeting 1) Dimension requirements, and; 2) Setback requirements. The motion was supported by Commissioner Otto and carried unanimously by roll call vote with Commissioner Bush absent.

21-P07 Site Plan – 792 Judson Road, JD Fisher Builders

Commissioner Morano made a motion to recommend to the City Council that the site plan for the special land use application be approved to JD Fisher Builders, on behalf of the property owner, to construct a single-family home on the property at 792 Judson Road as per the submitted plans based on meeting 1) Dimension requirements, and; 2)

Setback requirements. The motion was supported by Commissioner Otto and carried unanimously by roll call vote with Commissioner Bush absent.

21-P08 Site Plan – 3121 Fairfield, Langlois Store

The Clerk certified the January 4 mailing of notices. A public hearing was held at which Andy Zorn of Buck construction described the property owners wish to increase the size of their existing warehouse. Mr. Zorn said that the property to the north has one vacant home on it that is set to be demolished to accommodate the additional square footage and that the property owner had already been approved for a variance to build the addition per the submitted plans.

Commissioner Trygstad made a motion to approve the site plan for Langlois Family Realty LLC to construct a warehouse addition on the property at 3121 Fairfield Street as per the submitted plans based on the following reasons: 1) The property is already non-conforming and there are non-conforming residential properties in the area; 2) Everything around the property is also commercially zoned; and 3) All setbacks and zoning are approved; and 4) Fire, parking greenbelt and storm water approvals are met. The motion was supported by Commissioner Drier and carried unanimously by roll call vote with Commissioner Bush absent.

General Public Comment

None.

Meeting adjourned at 6:04 pm.

Shelly Stibitz

Shelly Stibitz, City Clerk

AGENDA 6a
DATE 3/9/21

city of Norton Shores
4814 Henry Street Norton Shores, Michigan 49441 www.nortonshores.org

March 1, 2021

Planning Commission Meeting of March 9, 2021
SUBJECT: Zone Change
950 E. Sternberg Road

Chairman and Members
of the
Planning Commission

Ladies and Gentlemen:

Dennis Carrier, on behalf of Lakeshore Aquascape, has requested a zone change for 950 E. Sternberg Road. Currently this parcel is zoned General Office (GO). The applicant wishes to change the zoning to Planned Unit Development (PUD) so he can move his custom landscaping/water feature company to Norton Shores. The business would utilize the existing building on the property.

The Planning Commission may use the attached resolution in making a recommendation to the City Council regarding this request.

Sincerely,

Ted Woodcock
Planning and Zoning Administrator

Attachment

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that the zone change request to change 950 E. Sternberg Road from General Office (GO) to Planned Unit Development (PUD) is approved/denied to Dennis Carrier, on behalf of Lakeshore Aquascape.

At a regular meeting of the Planning Commission of the City of Norton Shores, held remotely on the 9th day of March 2021, the foregoing resolution was moved for adoption by Commissioner.

The motion was supported by Commissioner.

Ayes:

Nays:

Resolution declared adopted.

_____

Shelly Stibitz, City Clerk

Internal Memo

March 1, 2021

TO: Planning Commission Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Zone Change Request, 950 E. Sternberg Road

Following please find comments regarding the Zone Change request for 950 E. Sternberg Road:

MASTER PLAN

950 E. Sternberg Road is currently zoned General Office (GO) and designated as "Office" in the approved Master Plan. By changing both these parcels to Planned Unit Development (PUD), the Master Plan designation would not change. While the proposed land use is not office in nature, it would be a low impact use as well as harmonious with the surrounding area. It would also utilize a currently vacant building.

LAND USE

The applicant has expressed interest in bringing their existing business, Lakeshore Aquascape, to this location. Lakeshore Aquascape plans to have a multitude of uses at this location. The company specializes in custom water features (i.e. waterfalls, ponds), patios, retaining walls, riprap, etc. The applicant has also indicated a potential future use of a greenhouse to sell flowers, an indoor retail area to sell the needed chemicals for their water installations, and an office area. Due to the nature of all the uses, the PUD zoning is most appropriate at this location.

COMMENTS

City staff is currently working with the applicant to begin reviewing their site plan. The applicant has indicated that they would have very little outdoor storage, and that they will fence in their property to screen it from adjacent properties. There will be water features and some small patio areas that are outside of the main building for prospective customers to view, as well as a larger water feature by the corner of E. Sternberg Road and Grand Haven Road. The larger feature will be reviewed by City staff to ensure clear vision at that corner.

1/19/2021

Lakeshore Aquascape

1368 Airport Rd, Norton Shores MI 49444

231-486-0077

To whom it may concern,

Lakeshore Aquascape would like to request a change in zoning for property at 950 E. Sternberg Rd. Norton Shores, Michigan 49444 parcel number 27-121-100-0022-00 from its current zoning to a PUD.

Lakeshore Aquascape would like to use the building as office space and its surrounding outdoor property to showcase landscape ideas such as water features and hardscapes.

Thank you for your considerations.

Dennis Carrier

Owner

This property is not being spot zoned as there is PUD zoning to the west of this property. I also used the Michigan State Extension guide "How to spot a spot zoning" in my determination. They have a four-part criterion to determine spot zoning. My response to each criterion is bolded and underlined.

1. The area is small compared to districts surrounding the parcel in question. **The parcel is question is not small compared to the surrounding parcels.**
2. The new district allows land uses inconsistent with those allowed in the vicinity. **Across the road is the Pointes Shopping Center which has retail and personal service establishments, as well as the industrial building on Grand Haven Road and Devin Drive to the southeast of the parcel in question. The proposed use will not be of greater intensity than either of the parcels across from it.**
3. The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property. **No – the applicants want to use the property for a minimally intense commercial use. This area is a transition between some rural residential and commercial uses.**
4. The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map. **Both documents, as well as State law, forbid spot zoning.**

Due to none of the four criterion being met, I would determine this zone change to not be considered a spot zone.

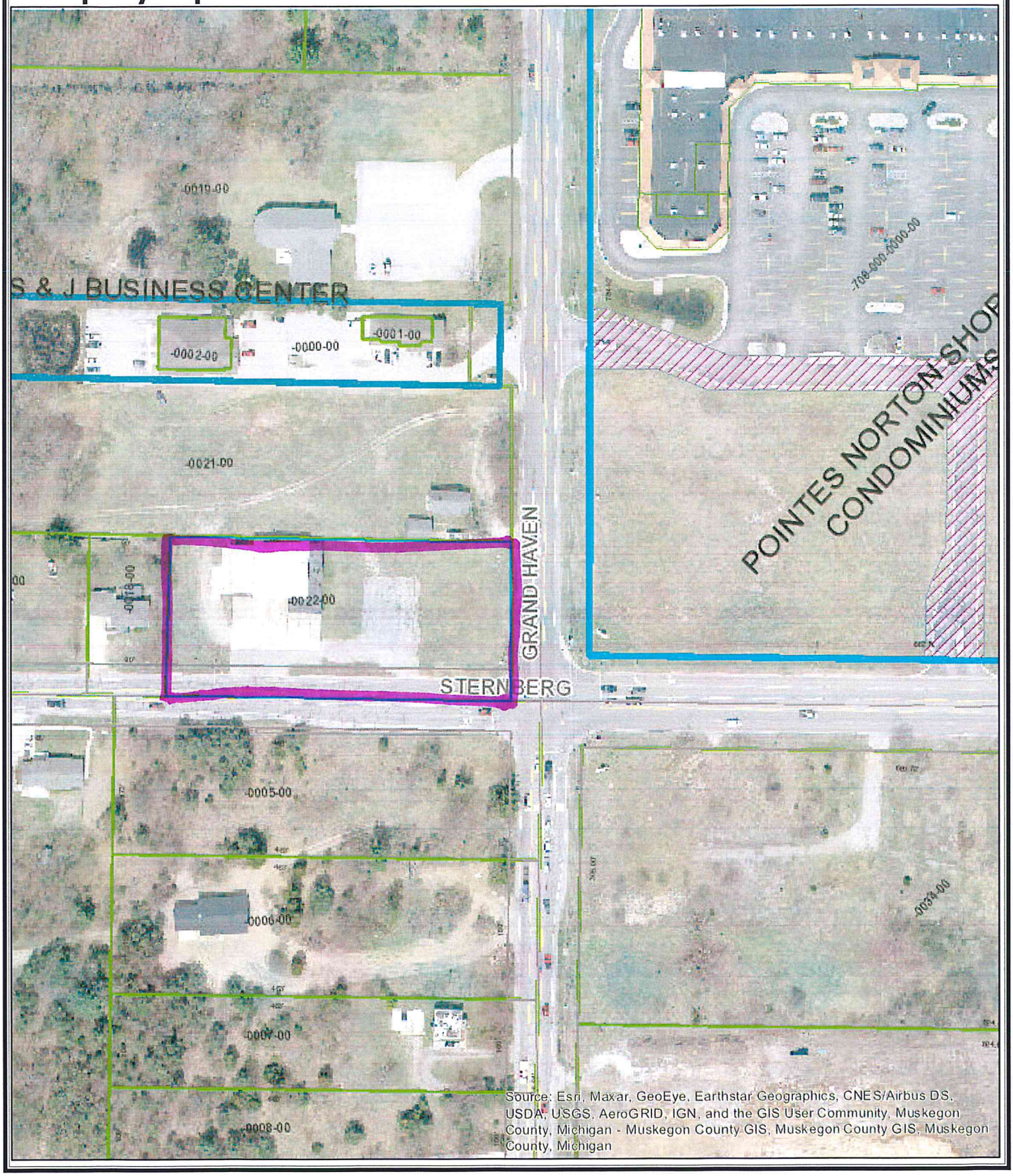
MUSKEGON COUNTY GIS

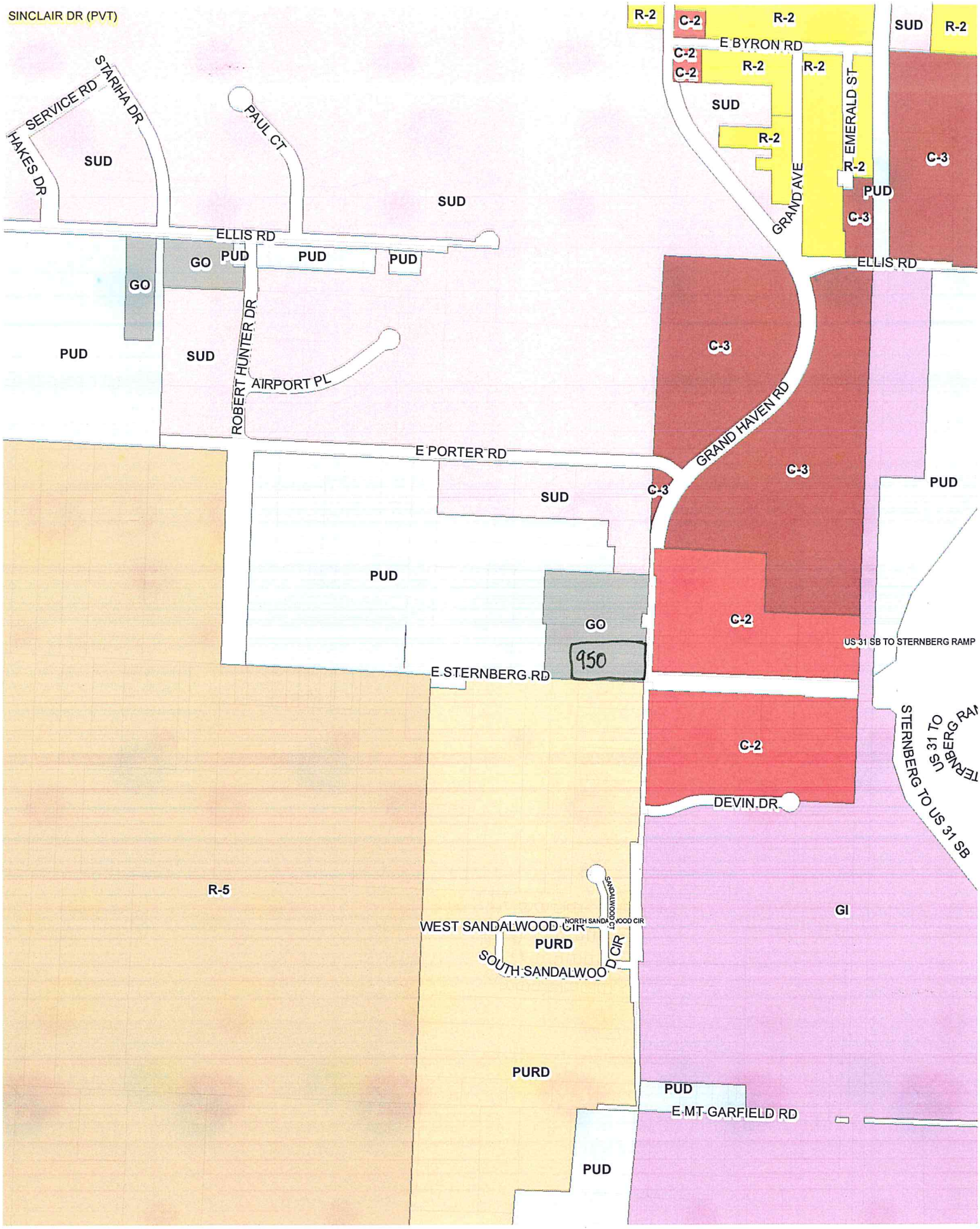
Muskegon County Property Report

Muskegon County Property Viewer Print

Report generated 3/1/2021 at 9:55:56 AM

This report has been generated from the Muskegon County GIS Property Viewer. While every effort has been made to provide accurate information, Muskegon County and Muskegon County GIS shall not be held liable for the information presented herein. All data shall be verified by the municipal assessor.




SINCLAIR DR (PVT)
R-2
C-2
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EMERALD ST
C-3
R-2
PUD
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GRAND AVE
SERVICE RD
STARIHA DR
HAKES DR
SUD
PAUL CT
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AIRPORT PL
GRAND HAVEN RD
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WEST SANDALWOOD CIR
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PUD

How to spot a spot zoning

Brad Neumann, Michigan State University Extension - June 17, 2016

When considering a rezoning, remember four key criteria to avoid creating a spot zone.

Planning commissions are occasionally presented with requests to change the current zoning of a parcel or parcels to a different zoning district. Sometimes, it is the planning commission that proposes a rezoning of one or more parcels. A rezoning is an amendment of the zoning map and it requires a specific set of steps to be followed in order to ensure due process (see For Adoption of a Zoning Ordinance Amendment). It is the same process for amending the text of the zoning ordinance.

Rezoning property requires consistency with the community's master plan, according to the Michigan Planning Enabling Act. The master plan should include criteria, or guidance for considering zoning amendments. The plan should guide the planning commission as to the appropriate zoning district to rezone a property to, moving towards consistency with the plan. The plan should also guide the planning commission as to when the rezoning is appropriate; for instance, once there are public utilities in place that can serve residential use of a certain density. The zoning plan portion of the master plan will be key to this review for consistency (also see All rezonings are not good rezonings).

One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.

- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezonings that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.

The most important thing is consistency with the master plan. Remember, the master plan should have been prepared with extensive public engagement and that process is intended to create a consensus vision of future land use and infrastructure – including the future configuration of zoning districts.

To learn more about spot zoning, read the Michigan State University Extension Public Policy Brief – Removing Spot Zoning From the Fabric of Zoning Practice or contact land use educator for assistance.

This article was published by **Michigan State University Extension**. For more information, visit https://extension.msu.edu. To have a digest of information delivered straight to your email inbox, visit https://extension.msu.edu/newsletters. To contact an expert in your area, visit https://extension.msu.edu/experts, or call 888-MSUE4MI (888-678-3464).