

**AGENDA
CITY OF BESSEMER
PLANNING COMMISSION**

Regular meeting of the City of Bessemer Planning Commission to be held in the City Hall Council Chambers on Tuesday, May 2, 2023, at 6:00 p.m.

COMMISSION MEMBERS: Kryshak, Beninghaus, Fabbri, Palmateer

ROLL CALL

AGENDA APPROVAL

PUBLIC HEARING

Zoning Amendment re: Accessory Structures

APPROVAL OF MINUTES – Regular Meeting – April 4, 2023

CONFLICT OF INTEREST

BUSINESS

- 1) Zoning Amendment – Accessory Structures
- 2) Medved Site Plan review

PUBLIC COMMENT

ADJOURN

**A REGULAR MEETING FOR THE PLANNING COMMISSION
FOR THE CITY OF BESSEMER WAS HELD AT CITY HALL
ON TUESDAY, APRIL 4, 2023, AT 6:00 PM.**

The meeting was called to order at 6:00 P.M.

ROLL CALL: Present – Beninghaus, Kryshak, Fabbri, Palmateer
Absent – None.

THESE MEMBERS CONSTITUTE A QUARUM

MINUTES It was moved by Kryshak and supported by Palmateer to approve the minutes of the March 7, 2023 meeting and place them on file.

A vote was then taken: AYES -- Beninghaus, Kryshak, Fabbri, Palmateer;
NAYS – None. **MOTION CARRIED.**

ZONING REQUEST It was moved by Kryshak and supported by Palmateer to recommend the zoning changes and schedule a public hearing regarding the zoning changes for the May 2nd meeting.

A vote was then taken: AYES -- Beninghaus, Kryshak, Fabbri, Palmateer;
NAYS – None. **MOTION CARRIED.**

MEDVED SITE PLAN It was moved by Kryshak and supported by Palmateer to engage Pat Coleman to look at the site plan and report back with his input at the next meeting.

A vote was then taken: AYES -- Beninghaus, Kryshak, Fabbri, Palmateer;
NAYS – None. **MOTION CARRIED.**

PUBLIC COMMENT None.

ADJOURN 6:20 p.m. It was moved by Kryshak and supported by Palmateer to adjourn.

A vote was then taken: AYES -- Beninghaus, Kryshak, Fabbri, Palmateer;
NAYS – None. **MOTION CARRIED.**

Zoning Amendment Draft City of Bessemer

The following sections of the Zoning Ordinance will have to be amended:

Definitions

Table 4.1 Single Family Dwelling

Section 4.5 Accessory Uses by District

Section 5.2 General Structures

Section 9.11 Standards for Conditional and Special Uses

Outlined below are the proposed Zoning Ordinance amendments pertaining to this request:

Add to definitions (page 30)

Dwelling, Accessory Unit (ADU): A residential dwelling unit, located on the same lot as a detached single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building in accordance with the provisions of this Ordinance.

Table 4.1 Single Family Dwelling (page 76)

Change this sentence: Note: single-wide mobile homes are only permitted in mobile home parks.... to add: ***unless they meet the criteria of Section 5.2.E.2.vii.***

Add to Section 4.5 Accessory Uses by District (page 78)

Dwelling, Accessory Unit: Special Use (S) in all districts.

Section 5.2 E.2.vii (page 81-83)

Please review this section to determine if a mobile home as an ADU in the specific location will meet these criteria.

Add to Section 9.11 Standards for Conditional and Special Uses (page 212)

JJ. Dwelling, Accessory Unit (ADU)

Accessory dwelling units (ADU) shall comply with all of the following standards:

1. One ADU Per Lot. One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
2. Minimum Lot Area and Width. ADUs are only be permitted on lots that meet the minimum lot area and lot width standards of the zoning district.

3. Setbacks and Height. ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

4. Maximum Occupancy. The occupancy of the accessory dwelling unit shall not exceed two (2) persons.

5. Family Member Occupancy Only. The ADU shall be occupied only by persons related by blood, marriage, or adoption to the family occupying the principal dwelling or employees not related to the family occupying the principal dwelling.

6. Owner-Occupancy Required of the Principal Dwelling is as follows:

Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide the ownership rights between the principal and accessory dwelling units through condominium or other means.

To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Gogebic County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to the City issuing a final certificate of occupancy for the ADU.

Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.

7. Maximum Floor Area of ADU. The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less, except in the CE District (see #8 below).

8. A single wide mobile home less than 1200 sf may be used as an ADU, only in the Country Estate (CE) District.

9. Attachment Options. The ADU may be a stand-alone housing unit, attached to the single-family dwelling or constructed on the second story of a conforming detached accessory building on the site. If the ADU is attached to the single-family dwelling, the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.

10. Parking. One (1) off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot.

11. Duration of Lease or Rental. Leasing or rental of the ADU for less than 30 days is prohibited.

12. The ADU must be connected to City of Bessemer water and sewer services, or if city services are not available, the applicant must demonstrate that on-site well and septic tank systems will meet the requirements of the Western U.P Health Department.

Amendment Process

The following describes the Zoning Ordinance amendment process:

1. Schedule a Planning Commission meeting to review, discuss and edit the proposed amendments. If the proposed amendments are acceptable, schedule a public hearing.
2. Publish a Notice of Public Hearing in the newspaper at least 15 days before the public hearing. Because this is a general zoning ordinance amendment, no individual property owners, other than the applicant, need to be notified.
3. Conduct the public hearing and recommend action to approve or deny the request by the City Council.
4. The City Council may hold another public hearing if required by City Charter to adopt an ordinance, and approve or deny the application, with the same 15 day notice.
5. If approved, a notice of ordinance adoption shall be published in the newspaper within 15 days after adoption.
6. The amendments, if approved, will need to be inserted and formatted into the current Zoning Ordinance.
7. If the Zoning Ordinance amendments are approved, the applicant then can apply for a Special Use Permit. The process for considering a Special Use Permit is provided in Section 9.4.

Medved

I looked over the Medved site plan submittal and reviewed the Zoning Ordinance, particularly Article 4: Use Matrix, Article 6: District Regulations, Article 14.5: Site Plan Review Procedures, Article 9: Conditional Uses, and Article 5.5: Landscaping. Without going too deep, here is my review.

City of Bessemer Medved site plan review 4-12-23

Zoning

The site is zoned C-2, Corridor Mixed Use. Light Industrial Service and Manufacturing uses are permitted uses in this district. However, on Table 4-1, Use Matrix, warehousing and self storage facilities are specifically listed as permitted with conditions in the M-1 Industrial District, and permitted in the M-2 District.

My interpretation is that the property is not zoned correctly for the proposed use. An alternative to rezoning the parcel is to amend the Ordinance to allow self storage as a permitted with conditions.

Conditions (Article 9.1-HH)

There is a list of conditions for self-storage units in Article 9.1-HH. This will have to be reviewed as well; there are no landscaping plans and internal dimensions on the current site plan.

Site Plan Review

The Zoning Ordinance requires a major site plan review because of change in use, so that procedure should be used.

Submittal does not show all required items on the site plan checklist (Table 14-5-1)

Drawings are not scaled as required.

Drawings do not show all dimensions of parcel.

Drawings do not show the zoning district of parcel or adjoining parcels.

Drawings do not show distances between buildings.

Drawings do not show the proposed paved or gravel drives, service area, parking etc.

No site location map

No locations of signs and size of signs.

Water supply and wastewater lines, facilities, trash dumpsters

Existing and proposed topo at 2' intervals

Stormwater drainage plans, proposed retention areas with calculations

Setback distances

Site Plan not prepared by a licensed professional as required.

While the narrative talks a little about landscaping, there is nothing on the drawings as required (Article 5.5 and Article 9-HH).

The proposed drainage patterns (arrows) show water flowing to adjacent property although the narrative says it will not. Is he proposing swales or ditches? Storage facilities can create a lot of runoff. Site plan doesn't show grading of the site. This is probably the biggest concern on this development.

I think it would be helpful if we had a phone call to discuss all of this.

Regards,

Pat

Patrick Coleman, AICP
North of 45 LLC
906-370-9953