

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 15, 2012

Vice Chairman B. Larson called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, L. Spataro, L. Mikesell, B. Mazade, J. Doyle, S. Gawron, T. Michalski, B. Smith, W. Parker

MEMBERS ABSENT: None

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: B. Gilbert, Fatty Lumpkins, 971 Washington; J. Schultz, Schultz Landscaping; D. Cumings, 1012 Washington Ave; J. Kennedy, 316 Morris Ave; A. Schafer, 1815 Leahy

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of October 11, 2012 be approved, was made by B. Larson, supported by L. Mikesell and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2012-18 (Tabled): Request for a Special Land Use Permit, per Section 601 of Article VI of the Zoning Ordinance, to have a private noncommercial recreation area at 966 Washington Ave, by Brett Gilbert. M. Franzak presented the staff report. This case was tabled at the September 13, 2012 meeting at the applicant's request. The property at 966 Washington Ave is a vacant lot and is zoned RT, Two Family Residential. Brett Gilbert, the owner of Fatty Lumpkins Sandwich Shop across the street at 971 Washington Ave, has purchased 966 Washington Ave and would like to create a recreation area with outdoor seating, a pergola, bike racks, art, landscaping and a parking area. The site would be open to the general public and would also be a place where customers from the sandwich shop can park and eat. Private noncommercial recreation areas are allowed in RT Districts with a Special Land Use Permit from the Planning Commission. The sandwich shop currently does not have adequate parking. During busy hours, parking can become a problem in the area, with many people parking illegally on the road and using adjacent businesses for parking. This project was recently awarded a \$1,000 grant from a place-making competition. The site plan should be more detailed showing a scale, the size and type of dumpster screening, landscaping types and street labels. Staff recommends that if approved, a condition should be placed that any site plan amendments should be reviewed by the Zoning Administrator. An industrial building is located to the north of this property, a house is located to the west, the Watermark Condos are located to the east, and businesses are located to the south. A notice letter was sent to all properties within 300 feet of this property. Staff has received three messages from the public, all in favor of the project.

B. Larson asked how maintenance of the site would be handled. B. Gilbert stated that they would adhere to City standards regarding mowing and upkeep of the site. He stated that it would be open to the public, and they had a lot of community support for the idea. T. Michalski asked M. Franzak

if this was similar to a pocket park. M. Franzak stated that it was similar in concept, but this property was privately owned. L. Spataro reviewed the site plan and asked about the Dumpster enclosure and parking spaces. M. Franzak stated that he included in his staff report that a more detailed site plan needed to be provided, which would cover those items in more detail. J. Doyle asked what the lighting requirements for the site were. B. Gilbert stated that they preferred minimal lighting, if any was required. M. Franzak stated that the site review process would address lighting requirements, and all lighting must be 100 percent cutoff. W. Parker asked if there would be alcohol or music on the site. B. Gilbert stated that it was not their intent to host those types of gatherings there; however, if they did want to have a small event there in the future, he would go through the City's special event application process. He stated that the site was not equipped for major events. T. Michalski asked if a "bring your own beer" scenario was legal there. B. Gilbert stated that they would not allow that. T. Michalski suggested that he erect a sign at the park stating that no alcohol was allowed on the premises. J. Schultz stated that he was doing the landscaping at the park, and addressed the maintenance questions. He stated they would be using low maintenance plantings, and added that many neighbors expressed interest in the project and a willingness to help out with maintaining the park.

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

A motion that the request for a Special Land Use Permit per Section 601 of Article VI of the Zoning Ordinance, to allow a private non-commercial recreation area at 966 Washington Avenue, be approved as long as an amended site plan is approved by the Zoning Administrator, was made by L. Spataro, supported by B. Smith and unanimously approved.

Hearing, Case 2012-22: Request to rezone the property at 137 East Laketon Avenue from B-2, Convenience and Comparison Business District to B-4, General Business District, by Jack Kennedy. M. Franzak presented the staff report. The applicant will be purchasing 109 and 137 E. Laketon Avenue. Both properties are zoned B-2, Convenience and Comparison Business District. He would like to rezone the property at 137 E Laketon Ave. to B-4 General Business, so that it may be used for a funeral home. There currently no plans for the building at 109 E. Laketon Ave. The property at 137 E. Laketon Ave was last used as a physical therapy office. Prior to that, it was used as a funeral home. This case is only for the rezoning of the property to B-4, General Business District. If approved, the property would be allowed all of the uses in that district, which includes funeral homes. However, because it will be a change of use from office to funeral home, it will require a minor site plan review from staff. Parking may become an issue during the review. Funeral homes require one parking space for every 25 square feet of usable floor area of chapels and assembly rooms. The building measures roughly 2,900 square feet. The applicant has stated that the two properties will share parking and will be able to have 32 parking spaces. The hospital is located to the north of the property. Residential districts are to the east and south. Marsh Field is located to the west of 109 E. Laketon Ave. A notice letter was sent to all properties within 300 feet of this property. Staff has received one comment in opposition of the rezoning from Maria Avila, owner of 1847 Hoyt, who stated that she would not like a funeral home that close to her house.

L. Spataro asked if the rezoning would create a spot-zone issue. M. Franzak stated that it would not, because it was a large enough parcel and there were other businesses nearby. J. Doyle asked about the parking at the previous funeral home. M. Franzak stated that the parking had been grandfathered. J. Kennedy described his business background. T. Michalski asked if the business had a garage, and if not, how the transportation of bodies would be handled. J. Kennedy stated that it did not have a garage, but the lot in back of the building was fenced for privacy. A. Schafer was

concerned about the limited parking, since his house was adjacent to this property. He stated that he was in favor of the request, as long as it did not negatively impact his property. L. Mikesell asked how many parking spots they were short. M. Franzak stated that he couldn't tell yet, since a site plan had not been submitted. J. Kennedy stated that the plans were for an alternative type of funeral home, which would be more economical than the traditional funeral home. He expected less parking needs, but had talked to Hackley Hospital about possible shared parking if needed. W. Parker stated that there would be some on-street parking available near the site also. L. Spataro stated that a funeral home was a historic use at this site.

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

A motion that the request to rezone the property located at 137 East Laketon Avenue from B-2, Convenience and Comparison Business to B-4, General Business as described in the public notice, be recommended for approval to the City Commission, was made by J. Doyle, supported by L. Spataro and unanimously approved.

NEW BUSINESS

None

OLD BUSINESS

Sappi Discussions – B. Larson asked about the status of the Sappi property. B. Mazade stated that the matter would be discussed at the City Commission's December 10 work session, and any public input was welcome at that time. B. Larson asked if the advisory vote was proper. L. Spataro stated that the Mayor had previously indicated that the City must wait for a legal finding from its counsel before that matter can proceed.

OTHER

Zoning Ordinance update – M. Franzak stated that the City's Master Plan was not yet ready for a complete overhaul; however, the zoning ordinance was now over 25 years old. He proposed a review and update of the entire zoning ordinance, with form-based codes being incorporated in the B-3 zoning districts. L. Mikesell asked when work would start. M. Franzak stated that staff was in the process of contacting consultants to get an idea of the cost. He hoped to start in the spring of 2013.

Jail relocation proposal – L. Spataro stated that he had been involved in discussions regarding the possible relocation of the county jail, and the possibility of vacating downtown street(s) had been brought up. He believed that it would be a huge step back for the City's downtown, and urged Planning Commissioners to reach out to County Commissioners to express their views and make them aware of the impact on the neighboring community. J. Doyle concurred that the complete street concept was important.

There being no further business, the meeting was adjourned at 4:55 p.m.