

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

October 11, 2007

Vice Chairman B. Turnquist called the meeting to order at 4:03 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, B. Turnquist, L. Spataro, B. Mazade, S. Warmington,
B. Smith

MEMBERS ABSENT: J. Aslakson, excused; T. Harryman, excused; T. Michalski

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: R. VanRiper, McGraft Church; M. Bouman, Pioneer Construction;

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 13, 2007 be approved, was made by S. Warmington, supported by B. Mazade and unanimously approved.

NEW BUSINESS/PUBLIC HEARINGS

Hearing; Case 2007-38: Staff-initiated request to rescind the vacation of the unimproved portion of Frisbee Street, south of Palmer and west of McGraft Church, by Ralph VanRiper for McGraft Church. L. Anguilm presented the staff report. This street vacation request was originally recommended for approval by the Planning Commission in February 2006, and City Commission approved it later that month. Because streets that are located within 80 feet of a body of water may only be vacated by the circuit court, one condition of the City Commission approval was that it did “not become final and binding on the City until there has been full compliance with state law, including an appropriate circuit court order”. It was determined by the Attorney General that there must be access to McGraft Park in order for the consent judgment to be approved. Therefore, this vacation needs to be rescinded and a new request to vacate only the east 33 feet of Frisbee Street will be addressed in the next case. Staff has received no public comments on this request, and recommends approval.

B. Turnquist asked if it would be the church’s responsibility to take this request back to Circuit Court. L. Anguilm stated that it would. R. VanRiper explained the Circuit Court procedure and the steps they had taken regarding this issue to date.

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

A motion that vacation of the undeveloped portion of Frisbee Street be recommended to City Commission to be rescinded due to the conditions required by the Attorney General, was made by S. Warmington, supported by B. Smith and unanimously approved.

Hearing; Case 2007-39: Request to vacate the east 33 feet of Frisbee Street between Block 531 and Block 532, by Ralph VanRiper of McGraft Church. L. Anguilm stated that this vacation request was similar to one granted previously, except that this was for only the east 33 feet of Frisbee Street, not the entire width. The earlier vacation was rescinded in the previous case. The church has preliminary plans to build a “Family Life Center Building”. However their present property isn’t large enough to accommodate the size building they would like. Since the church needs the additional 33 feet of this street for their addition, which would become church property if Frisbee Street is vacated, they are willing to pursue the final vacation in circuit court. In order for them to move forward with this action, approval of the vacation must be granted by City Commission. Engineering, Fire and DPW have no issues with the proposed vacation. The church has requested that no utility rights be retained, since they need to locate a portion of their building on the additional property. There are no city utilities located in the platted street right-of-way, and staff has had no response from other utilities that were notified of this request. The church accesses their utilities from the developed portion of Frisbee and Roilson Streets. Staff recommends approval of the request.

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

A motion that the vacation of the east 33 feet of that part of Frisbee Street located between Block 521 and Block 532 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County Michigan, which lies south of the north line of said Block 532, extended west to the west line of said Frisbee Street, be recommended to City Commission for approval based on compliance with the City’s 1997 Master Land Use Plan, was made by S. Warmington, supported by L. Spataro and unanimously approved.

NEW BUSINESS

Case 2007-040: Request for site plan review for a building addition for new and used car sales and service at 2474 Henry Street, by Mike Bouman, Pioneer Construction. L. Anguilm presented the staff report. This property is the site of the present Betten Chevrolet new and used auto dealership. It also now includes the property where the former Doo Drop Inn was located. The applicant wishes to construct two new additions to the present building, one on the north side of the building and one on the east side. No dimensions or square footages for the new additions are included on the site plan. The property is zoned B-4, General Business, under which sale space for new and used autos is allowed with a Special Land Use Permit. Staff is not sure if any such SLUP exists for Betten, but it would, at the least, be a legal nonconforming use, existing for many years at this site. The zoning on the property to the north is I-1, Light Industrial, to the east is Seaway Drive and Muskegon Heights, and to the south and west the zoning is B-4. The proposed parking and the landscape plan meets the requirements of the zoning ordinance. The Planning Department requires the following corrections to the site plan as a condition of approval: a) the property must be labeled with the correct zoning designation (presently it shows the property as B-2), b) the height of the building addition must be included, c) building dimensions of the present building and additions need to be provided, d) include area reference points for adjacent properties (drives, structures within 100 ft.), e) show topography elevations at 5 foot elevations, f) include a grading plan, g) show soil erosion and sedimentation control measures, h) indicate type, height, and design of all outdoor lighting, i) no dumpster is shown on the plan; please indicate location, which must be at least 6 feet from the building, and show proper screening, j) show location of fire lanes and fire lock box, and k) if there is any storage of hazardous or toxic substances (e.g. paint), indicate the location. The site plan indicates that the large pole sign located on Henry Street is to be removed. This sign

is grandfathered. Staff would suggest that the applicant or property owner work with Mike Cameron, Code Coordinator, on any signage requests before removal of signs, in order to preserve any legal nonconforming status of signs. The Department of Public Works and the Engineering Department have serious concerns regarding the location of the building over the top of a 12 inch sanitary sewer line. The present building is also located over this line. A meeting was held with City staff and the property owners to discuss concerns and alternatives. A possible relocation of the sewer line was discussed, but because it could require some City funding, it must first be approved by City Commission. It was also made clear to the owners that if they proceeded with construction without relocation of the sewer, they would be proceeding at their own risk. The Fire Department has the following conditions of approval: a) please submit square footage of the building, and b) please submit fire flow (water supply) calculations and show all available hydrants on site plan. Staff has received no public comments on this request and recommends approval of the site plan, subject to the conditions listed in the staff report.

L. Spataro asked if DPW personnel were denying the request for an addition because of the sewer line, or if it was more of a “buyer beware” situation. L. Anguilm stated that they weren’t denying the request, but they wanted the applicant to be aware that the line was there, and that they advised against building over it. B. Mazade stated that staff had discussed alternatives with the applicants, and it was decided to video the line to see what kind of condition it was in. S. Warmington asked if the applicant would bear any responsibility for moving the line and what the cost would be. B. Mazade stated that the cost would be significant, but the applicant had not yet indicated if they were interested in moving the line. B. Turnquist asked if the City could go on the property to make repairs to the sewer line if it became necessary. B. Mazade stated that there was an easement, which allowed the City to access the line. Board members, staff, and the applicant discussed the non-conforming sign that the applicant intended to remove. They were urged to contact M. Cameron of the Planning Department before they took it down. M. Bouman stated that the sewer line was 28 feet deep, so the building foundation would not disturb it. The applicant’s plan was to review the video of the line to determine the condition, and to provide an easement to reroute the line if it became necessary in the future. Regarding removal of the nonconforming sign, he stated that they needed to put a curb cut in that location.

A motion that the site plan for a two-building additions to the Betten Chevrolet building located at 2474 Henry Street for Mike Bouman, Pioneer Construction, be approved, with the conditions that 1) all requirements addressed in item #6 of the staff report shall be provided as needed on a revised site plan prior to issuance of a building permit, and 2) any other conditions of the Fire Department listed in item #9 on the staff report also be met, was made by L. Spataro, supported by B. Mazade and unanimously approved.

Case 2007-041: Request for site plan review (revisions) for a building addition at 2040 S. Getty Street for Peter Apostle, Baker Technologies. L. Anguilm presented the staff report. This is an industrial building located in an I-1, Light Industrial zoning district. This site plan is an amendment to the original site plan approved by the Planning Commission on November 10, 2005, with conditions. The site plan then received final approval from staff, with revisions, on May 21, 2007. The applicant has now requested a change in how the building addition is configured on the back of the building. The property consists of two lots, totaling 6 acres. The original plan called for a 26,000 sq. ft. addition located on the back and side of the building. The amended plan shows the building located totally on the south side of the building, and moved further forward on the site, eliminating 7 parking spaces and some of the lawn area. The applicant indicates that some additional lawn area will be added to the south of the front parking area. The proposed use for the building is the same as in 2005. It will be an engineering and machine shop with about 14

employees. If large scale production should begin in the building, additional parking would need to be added on the vacant parcel to the south to accommodate those needs. The Planning Department has the following conditions for approval of the site plan: a) it appears that some trees have been removed on the site. Permission from the Zoning Administrator is required for removal of any trees not necessary for the construction of the building, b) all outdoor lighting must be indicated as 100% cut-off, not “directional lighting”, c) include the parcel number on the site plan, d) indicate dimensions of the loading area at the rear of the building, e) include arrows showing site circulation in the parking areas, f) outdoor screening may be no higher than 6 feet and no less than 4 feet; please amend the site plan that shows 8 foot screening for the dumpster, and g) height of the proposed addition must be shown on the plan. The Department of Public Works has the following comment: there is an existing 6 inch water stub off Getty Street that should be considered. The Fire Department has the following conditions of approval: a) emergency access road shall be provided around buildings exterior, and b) fire flow (water supply) testing shall be conducted and owner shall contact fire protection contractor and City DPW to schedule testing. The Engineering Department had no comments at the time of this staff report. Staff has received no public comments on this request and recommends approval of the site plan revisions subject to the conditions listed in the staff report.

B. Mazade asked if the 6 inch sanitary sewer would go through the new building. L. Anguilm stated that it appeared from the site plan that it would. Since the applicant was not in attendance, the board members decided to table the case until the next meeting so that they are able to ask questions of the applicant.

A motion to table this case until the next meeting was made by S. Warmington, supported by B. Larson and unanimously approved.

OLD BUSINESS

Hearing Case 2007-35: Request for a Special Land Use Permit, per Section 401 (#6) of Article IV, R-1, Single Family Residential District, of the Zoning Ordinance, for a grocery at 248 Mason Avenue, by Calvin Walker. This case was tabled from the September meeting, since Mr. Walker was unable to attend. There was no applicant or applicant’s representative at this meeting either. There were 2 additional comments received, in addition to those presented at the previous meeting. Daniel Meloche of 211 Mason called and voiced his opposition to the request. He cited past problems with the previous grocery store, such as illegal gambling, fighting, threats, and hanging out late at night. He also suspected there was drug activity on or near the property. A letter was received from Harold Mitchell, 246 Strong, in support of a grocery on the site. He believes that the “poor people in the surrounding area who do not have cars need a grocery store that’s within walking distance”.

Board members concurred that there was a need to speak to the applicant in this case due to the many concerns raised by area residents. The applicant had already missed two meetings, and several neighborhood residents had shown up or otherwise contacted the Planning Department to voice their opposition.

A motion to deny the request for a Special Land Use Permit for a grocery store at 248 Mason was made by S. Warmington, supported by B. Mazade and unanimously approved.

Case 2007-37: Request for site plan review for a building expansion at 1221 W. Laketon Avenue, by Susan Johnson, Every Woman's Place. L. Anguilm stated that the applicant had requested that this case remain tabled, as their site plan is not ready yet.

A motion to leave this case on the table until the applicant is ready, was made by L. Spataro, supported by B. Larson and unanimously approved.

OTHER

B. Larson asked about a ZBA member serving on that board while also being employed by the City. B. Mazade and S. Warmington stated that they were looking into it.

L. Spataro stated that the State review committee for Muskegon Main Street was in town today.

L. Anguilm stated that the City had begun work on updating the Master Plan and were looking at having a meeting including Planning Commission members, possibly on October 30. She stated that all board members would be notified.

There being no further business, the meeting was adjourned at 4:50 p.m.

dml