

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

October 16, 2008

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Turnquist, L. Spataro, T. Harryman, B. Mazade, S. Warmington,
B. Larson, T. Michalski

MEMBERS ABSENT: B. Smith, excused; J. Aslakson, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: J. Workman, Eagle Aluminum, 664 W. Clay Ave.; M. Mills, Port
City Architectural Sign; S. White, American Coil Spring, 1041
E. Keating

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 11, 2008 be approved, was made by T. Harryman, supported by S. Warmington and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2008-27: Request to vacate the alley located in Block 318 of the City of Muskegon Revised Plat of 1903, bounded by Eighth Street, Clay Avenue, Ninth Street, and Western Avenue, by John Workman, Eagle Aluminum Cast Products. L. Anguilm presented the staff report. A request has been submitted by Mr. Workman to vacate the alley that runs between the property where Eagle Aluminum is located and the red railroad building to the west. The industry's forklift trucks use this alley quite frequently to travel to different parts of the plant and for loading and unloading. Since he owns the properties on both sides of the alley, he would like to have control of it for safety reasons. This alley appears to be used primarily by the factory and Port City Paint, who has access to the rear of their building off this alley. Staff is not sure if Port City Paint could access the rear gate where their dumpster is located, if the alley were vacated. After notices were mailed to neighboring property owners, staff did receive a letter from R. Spencer of Port City Paints, stating some concerns regarding alley access. The Department of Public Works has a sanitary sewer located in the alley and requires unrestricted access for maintenance. The Fire Department has no issues with the alley vacation. Staff has received no other comments regarding this request and recommends approval.

B. Turnquist asked if the alley would be closed off at the ends once it was vacated. L. Anguilm stated that it would be up to the property owner. J. Workman stated that he did not plan to close off the alley, as their trucks used it. He stated that he had worked with Port City Paint for some time, and did not anticipate his request causing them any problems. B. Larson stated that the owner of Port City Paint had stated some concerns in a letter to staff, and he wanted to make sure the alley vacation would not negatively affect that business. J. Workman stated that R. Strong, who owned the Port City Paint property, was opposed to the vacation. However, J. Workman felt that it was a safety issue, considering that there were large trucks using the alley regularly. B. Mazade stated that he had

spoken to J. Workman about the alley vacation, but wasn't aware of Mr. Strong's objection at that time. S. Warmington suggested vacating the portion of the alley starting beyond Port City's dumpster. L. Spataro suggested that the businesses draw up a letter of understanding regarding maintenance of the alley access for Port City Paint.

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

Board members discussed Port City Paint's ability to access their business from the alley as needed. B. Turnquist stated that he was not comfortable cutting off their access.

A motion that the vacation of the alley located in Block 318 of the City of Muskegon's Revised Plat of 1903, bounded by Eighth Street, Clay Avenue, and Western Avenue, from the west end, the north/south property line between Port City Paint at 1250 Ninth St. and Eagle Aluminum at 664 W. Clay Ave., to Eighth Street be recommended to the City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the conditions that 1) all utility easements will be retained, and 2) unrestricted access shall be provided to the Department of Public Works, was made by S. Warmington, supported by B. Larson and approved, with B. Turnquist voting nay.

L. Spataro requested that staff contact Mr. Strong to inform him of the outcome of the request.

Hearing; Case 2008-28: Request to rezone the properties located at 2320 and 2350 S. Getty Street from B-4, General Business District to I-2, General Industrial District by Murdock Mills, Port City Architectural. L. Anguilm presented the staff report. The properties both face Getty Street between E. Barney and Hovey Avenues. The property at 2350 S. Getty St. is the site of Port City Architectural. The property at 2320 S. Getty has been split from its parent parcel on the corner of Getty and E. Barney and is being purchased by Port City Architectural. It contains a small vacant building. The applicant wishes to purchase the property at 2320 S. Getty for a future industrial expansion. The timetable for this expansion is not known by staff, but the applicant would like to have the property acquired and the rezoning in place when they are ready to proceed. Although the property is currently zoned B-4, an industrial use was grandfathered in the building at the time that the applicant purchased it and began operations about 2 years ago, due to previous industrial uses in the building. They produce recreational signage and the process requires casting of metals, which would require the I-2 zoning designation. The minimum size for an I-2 property is one acre (43,560 sq. ft.), with 150 feet of street frontage. The two lots combined would have the necessary street frontage, but would be lacking in total square footage at 40,250 sq. ft. However, since an industrial use is already operating on the site, the addition of the extra property would be considered moving closer to conformity. The properties to the north and south are zoned B-4, and the property to the east is zoned I-2; to the west is Muskegon Heights. The Future Land Use Map shows these properties (Sub-Area 3) as commercial; however, due to the present industrial use and the fact that no residential properties are located adjacent to these properties, rezoning seems to make the most sense. Staff has had no comments regarding this request and recommends approval, since the request conforms to the goals and recommendations of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

M. Mills explained his request and the plans for the properties.

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

A motion that the request to rezone the properties located at 2320 and 2350 S. Getty Street from B-4, General Business District to I-2, General Industrial District, as described in the public notice, be recommended for approval to the City Commission, pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Harryman and unanimously approved.

OLD BUSINESS

Hearing; Case 2008-24: Staff-initiated request to rezone multiple properties in the portion of the city known as Area 8, bounded by Keating Avenue, Madison Street, Holbrook Avenue, and S. Getty Street from B-4, General Business District to R-1, Single Family Residential District. L. Anguilm presented the staff report. This case was first heard at the September 2008 meeting and tabled until this month. The area in question is primarily a residential neighborhood, with the exception of along Keating Avenue, and at the corner of Getty and Keating. Our intent with this request is to bring the homes that are currently legal nonconforming uses into compliance by rezoning them to R-1. The Future Land Use Map shows this area as residential, with the exception of the corner of Keating and Getty, which is shown as commercial. Since the September meeting, staff has met with Steve Kamp, one of the property owners from Custom Service Printers at 916 E. Keating. They own two additional lots at 1959 and 1962 Austin Street behind their building, and also the lot at 1981 Valley Street to the east of their building. They have requested that these lots remain commercial in case they need to expand in the future.

L. Anguilm stated that she had amended the proposed rezoning request to accommodate Custom Service Printers' request to keep their properties commercially zoned. Board members reviewed the maps of the area to determine which properties would be residential, and which would be commercial. S. White was representing American Coil Spring, and asked how the rezoning would affect their property. L. Anguilm stated that it would have no effect, as only those properties north of Keating would be rezoned.

A motion that the request to rezone the properties as shown on the proposed map, from B-4, General Business District to R-1, Single Family Residential District, be recommended to the City Commission for approval, pursuant to the City of Muskegon Zoning Ordinance and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by S. Warmington, supported by L. Spataro and unanimously approved.

OTHER

None

There being no further business, the meeting was adjourned at 4:33 p.m.