

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 10, 2012

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

MEMBERS PRESENT: T. Michalski, B. Larson, J. Doyle, B. Mazade, L. Spataro, S. Warmington, L. Mikesell

MEMBERS ABSENT: B. Smith, W. Parker, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: M. David, 860 W. Laketon Ave; B. Delvecchio; L. Parker, 1387 Montgomery; L. Page, 3328 Wilcox

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of April 12, 2012 be approved, was made by B. Larson, supported by J. Doyle and unanimously approved.

L. Spataro arrived at 4:02 p.m.

PUBLIC HEARINGS

Case 2012-010: Request to rezone the property at 1776 Division Street from R-1 Single Family Residential District to B-4, General Business District, by Michael David. M. Franzak presented the staff report. The applicant owns the residential property at 1776 Division St (zoned R-1) as well as the adjacent car lot at 860 W Laketon Ave. (zoned B-4). The applicant is requesting a zone change at 1776 Division St from R-1 to B-4 so that he may apply for a special use permit to extend the car lot onto the property at 1776 Division St. (Case 2012-011). The house at 1776 Division is currently registered as a vacant building with the City of Muskegon's Vacant Building Registration Program. It has been vacant since November 17, 2008. The plans for the expansion of the car lot show that the house would be demolished to make room for more sales space; however, if the property was rezoned and the house was not demolished, the rezoning to B-4 would allow the building to be used as another office or for storage, which removes the building from the vacant building program. Parcels to the east, west and south of the subject are zoned B-4, and parcels to the north are zoned R-1. Although the parcels to the west are zoned B-4, it should be noted that they are currently residential homes that are occupied. The parcel at 1776 Division St. measures roughly 5,663 sqft and is considered legally non-conforming because it does not meet the minimum lot size of 6,000 square feet. The parcel at 860 W. Laketon Ave. measures roughly 10,890 square feet and is considered a conforming lot for B-4, General Business Districts. A notice letter was sent to all property owners and occupants within a 300 foot radius of this property. At the time of this writing, staff has not received any comments from the public. According to the 1997 Master Plan, the Sub Area Plan for this area recommends: "Other than neighborhood businesses directly linked to the area, prohibit further

encroachment of commercial development within the interior portions of the sub-area.” Based on this recommendation from the Master Plan, staff recommends denial of the rezoning.

B. Mazade asked if there was a house directly adjacent to the one in question. M. Franzak stated that there was. M. David stated that he had hired one person at the car lot and wished to expand his business. L. Spataro asked if his intent was to clear the lot and use it to park additional cars. M. David stated that was correct. L. Mikesell asked if other residential homes nearby were occupied. M. Franzak stated that they appeared to be, based on his observations while taking photos of the area for this case. B. Delvecchio owned a house in the area and was opposed to further encroachment of the business district into the residential neighborhood. She was concerned that the property values would erode further. L. Parker was opposed to the zone change. She stated that traffic on Division St. was heavy already, and she was not in favor of extending the business zone any further into the residential area. She also pointed out that the City’s Master Plan showed this area as residential. She stated that a similar request involving this property was brought up several years ago by a different applicant, and it was denied.

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

L. Spataro stated that he had received three comments regarding this case, including from the Nims Neighborhood Association president, and all were opposed to the rezoning. Comments included concerns about the business district encroaching into the residential areas, and the detrimental effect on property values. L. Spataro also stated that there was no buffer between the property being considered for rezoning, and the adjacent residential home. He preferred to follow the Master Plan and not rezone this parcel to allow a business use. B. Mazade stated that it was normally the position of the Planning Commission not to expand business uses further into residential neighborhoods. He recalled other instances where similar requests had been denied. S. Warmington concurred that it was not a good idea to extend the business zoning further into the neighborhood. M. David stated that other businesses on that stretch extended further back than his did. T. Michalski stated that may be true, but if the rezoning were approved, Mr. David’s property would extend further back than any of the others. B. Delvecchio reiterated her position that further encroachment of the B-4 zoning would be detrimental to property values and injurious to the neighborhood.

A motion that the request to rezone the property located at 1776 Division St. from R-1, Single Family Residential District to B-4, General Business District, as described in the public notice, be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by S. Warmington and approved, with B. Larson voting nay.

Hearing, Case 2012-11: Request for a special land use permit, per section 1301 of Article XIII of the zoning ordinance, to allow for automobile sales in a B-4, General Business District at 1776 Division St. by Michael David. This hearing was still held in case the City Commission overturned the Planning Commission’s decision to deny the rezoning request in the previous case. If the Planning Commission’s decision is upheld, it would not allow the Special Use Permit requested in this case.

M. David stated that he would maintain the property and keep it attractive-looking for the neighborhood.

A motion that this request be tabled pending the City Commission decision on the rezoning request in case 2012-10, was made by L. Spataro, supported by B. Larson and unanimously approved.

Hearing, Case 2012-12: Staff initiated request to vacate Waalkes Street between Delano Avenue and Young Avenue. The City of Muskegon recently sold the vacant lot on Delano Ave. in the Seaway Industrial Park to Wood Trucking. Wood Trucking currently runs their business on the parcel of land to the east of this vacant lot. They would like to combine the two lots so that they can operate their business on one contiguous piece of property. In order to do so, Waalkes Street, which separates the two parcels, must be vacated. Although an easement was created for the establishment of Waalkes Street, the road was never created. Staff recommends approval of the request.

B. Mazade stated that there were utilities on Waalkes Street, so the City needed to retain utility rights.

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

A motion that the vacation of Waalkes Street from Delano Avenue to Young Avenue be recommended to the City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the condition that all utility easements will be retained, was made by J. Doyle, supported by L. Spataro and unanimously approved.

L. Mikesell asked if the property owners to the north had voiced any objections. M. Franzak stated that the City owned that lot and several others in the area. Other property owners adjacent to the street to be vacated were noticed however, and there were no objections reported.

OLD BUSINESS

None

OTHER

2400 Lakeshore Drive (former Sappi property) – M. Franzak had prepared a report outlining possible uses for this property at the request of the Planning Commission at last month's meeting. Staff and board members discussed the site and concurred that the best approach was to work cooperatively with the property owner, Mr. Melching, and to keep a dialogue open.

S. Warmington left at 4:45 p.m.

T. Michalski asked if the options given by staff had been discussed with the City's attorneys. B. Mazade stated that they had.

Car lot on Laketon Avenue – T. Michalski stated that the lot on Laketon where the old Blais dealership was has cars parked all over the place. M. Franzak stated he would follow up, as they have not blocked off the curb cut as required in the SUP either.

There being no further business, the meeting was adjourned at 5:08 p.m.