CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

December 16, 2004

P. Sartorius called the meeting to order at 4:04 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: T. Harryman, excused; B. Smith, excused.

STAFF PRESENT: L. Anguilm, J. Kinney, H. Griffith

OTHERS PRESENT: A. Santiago, 1512 Palmer; L. Page, 3328 Wilcox; K. Davis, 3162 Boltwood; P. Sartorius, 3334 Wilcox; D. Medendorp, 3172 MacArthur; D. Freye, 2156 Harrison; S. Parker, 2116 Harrison; E. Hieftje, 1960 Cutler; J. Parker, 2104 Harrison; B. Parker, 2116 Harrison; L. Parker, 1387 Montgomery; K. Donovan, Muskegon Construction.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of November 10, 2004 was made by T. Johnson, supported by B. Mazade and unanimously approved.

S. Warmington arrived at 4:06 p.m.

PUBLIC HEARINGS

P. Sartorius stated that he owns property within this notification area and would abstain and let J. Aslakson chair the meeting for the first case.

Hearing; Case 2004-43: Request for a special land use permit, per section 2204 of the Zoning Ordinance, to allow an expansion of less than 30% of a nonconforming structure at 3312 Wilcox Street, by Alex Santiago. L. Anguilm presented the staff report. The subject property is located on Wilcox Avenue, near Cherry Street. It is zoned R-1 Single family and meets the minimum width and area requirements of the district. The lot currently has three single-family dwellings situated upon it. Section 2304 permits only one building per lot, which makes the structures nonconforming. Including the proposed expansion, maximum lot coverage is not a concern with only 1,842 square feet of building proposed. The maximum building coverage of 50% permitted in the district allows 3,200 square feet of the 6,400 square foot lot to be covered by buildings. The proposed expansion will have no effect upon existing setbacks, as the addition to the home is located near the center of the lot. The existing unpaved driveway, as shown on the plan, measures roughly 20 by 55 feet. These dimensions would accommodate

two rows of three cars each parked in tandem. Approval of the expansion per section 2204 only authorizes the expansion. It would not be an authorization of a special land use permit; the nonconformity will still exist and the same regulations for nonconforming uses and structures would apply. Larry and Gretchen Page, 3328 Wilcox, commented that they "whole heartedly support the changes to 3312 Wilcox." They stated the property had been neglected for the past several years and any improvement is welcomed. Staff feels the proposed addition will not exacerbate any existing conditions, and approval would not make any of the three structures conforming. However, it is debatable whether the structures were lawfully permitted at the time of their construction. Further, the intent of the article is to gradually eliminate nonconforming buildings by limiting structural alterations that may prolong the life of the structure. Therefore, staff recommends denial of the request.

L. Spataro stated that the residence looks like it was converted to a home from being a garage. He asked if it had been brought up to the building codes. L. Anguilm stated that it had. T. Johnson asked if the size of the home would match the size that is required by the ordinance now. L. Anguilm stated that since this is an expansion, it wouldn't be required to be 960 sq. ft. as the ordinance requires for new construction. A. Santiago stated that he would like to expand this home to make it more comfortable for a tenant to live there. L. Spataro asked if all 3 structures were rentals. A. Santiago stated that they were. T. Johnson asked if there was a tenant living in the home to the rear of the property. A. Santiago stated that there was. L. Page stated that he is in support of the request. This property has always been rentals. When he read the zoning language for nonconforming uses, he was dismayed by the intent of the ordinance, which he read to the commission members. He felt that by not allowing the upkeep of nonconforming structures, would destroy the character of the area. K. Davis stated that since the 1960's, there have been 3 units on this property. He is in support of the request. P. Sartorius stated that he has lived in the Bluffton neighborhood for over 30 years. He stated that there are unique neighborhoods, such as this, nonconforming structures should be allowed to be kept up. This would help stabilize the neighborhood. He supported the request. T. Johnson asked if the home had ever been expanded on in the past. A. Santiago stated that he could tell it had, but he didn't know when it had happened.

A motion to close the public hearing was made by L. Spataro, supported by B. Mazade.

B. Mazade stated that he was concerned about the density on the site. He would prefer to see 1 of the structures removed. He asked if they would be required to pave the parking area. J. Kinney stated that they wouldn't have to, as this is a nonconforming use. L. Spataro stated that he was also concerned with the density. He explained the R-1 zoning district. J. Aslakson asked if this request was to also waive the 960 sq. ft. building requirement. L. Anguilm stated that the minimum of 960 sq. ft. was required for new construction only and not for existing structures.

A motion that the request for an expansion of less than 30% of a nonconforming structure at 3312 Wilcox Street, by Alex Santiago be approved, based on compliance with the City of Muskegon Zoning Ordinance based on the following: 1) Consistent with the intent of this article. 2) Consistent with the other provisions of this chapter with respect to any adjoining premises. 3) The expansions will not occupy ground space suitable and otherwise available for meeting the off-street parking, yard, or other requirements, with the following conditions: 1) A

building must be obtained and construction begin no later than December 16, 2005. 2) The driveway shall be paved with a hard surfaced material, such as asphalt or concrete, in conjunction with an approved building permit no later than December 16, 2005, was made by S. Warmington, supported by T. Michalski and approved with T. Johnson voting nay and P. Sartorius abstaining.

P. Sartorius chaired the rest of the meeting.

Hearing; Case 2004-44: Request for a special land use permit, per section 1301 (7) of the Zoning Ordinance, to allow a church in B-4 zoning district at 276 Ottawa Street, by Christian Fellowship. L. Anguilm stated that the applicant would like this to be tabled.

A motion that the request for a special land use permit at 276 Ottawa Street be tabled, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

Hearing; Case 2004-45: Request to rezone the properties located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, by Dave Medendorp (Lakeside MG, LLC). L. Anguilm presented the staff report. The applicant withdrew the original request for rezoning of the property to RM-1 at the October 14, 2004, Planning Commission meeting. (The associated Preliminary PUD review was subsequently tabled at that same meeting.) The rezoning request has not changed, only the Preliminary PUD plan has been revised. It is to be reviewed separately after being removed from the table prior to holding a public hearing. The subject property is located at the southwest corner of Lakeshore Drive and McCracken Street. The three parcels along McCracken Street are remnants of a former railroad right-of-way and the two along Lakeshore Avenue are platted lots. The entire project site is zoned R-1, as are all properties on the block. Across Lakeshore Drive, zoning of properties within the notification area include R-1 and B-4. Across McCracken Street, the properties facing Lakeshore are zoned RM-1 and those facing Harrison Avenue are zoned R-1. Zoning of properties to the south, across Harrison, is R-1. The neighborhood is predominantly single family residential other than along Lakeshore Avenue, where there is a mix of single and multi family uses, commercial uses and vacant land. The Future Land Use Map shows the subject property to be "Single & Two-Family Residential." It is adjacent to the "Lakeside Pedestrian Scale Mixed-Use Area" across Lakeshore Drive, which promotes "pedestrian-friendly, mixed-use development and redevelopment." The Master Land Use Plan states: It is the goal of the Master Plan to retain the McGraft Park Residential Sub-Area as single family in orientation. As such, the Master Plan supports ongoing efforts towards the rehabilitation of mature housing stock for continuing single family use and, where feasible, the construction of new single family detached homes. Moreover, those features of the sub-area considered highly beneficial to the area's residential character, aesthetic quality and life style should be fully protected and, where necessary, enhanced. These include McGraft Park, Seyferth Playfield, and tributaries of Ruddiman Lagoon. While fostering the above goal, it is acknowledged that a limited range of commercial and office activities are appropriate to select segments of Lakeshore Drive and Sherman Boulevard. Typically, non-residential uses should be oriented to the needs of the local populace. Such development should be highly controlled pursuant to type, location, and design in order to prevent negative impacts of the sub-area's residential focus. The Master Plan recommends for this sub-area: Maintain the character of the sub-area as single family

residential. Limited multiple-family may be permitted provided: Residential density (units per acre) does not exceed underlying single family standards by more than 50%; Sufficient onsite parking exists to accommodate all units; The character of the multiple family complex (building and site) must be consistent with that of surrounding residential development; All units should have on-site access to at least (1) stall of an enclosed garage; and All projects should be subject to site plan review by the Planning Commission. Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development. Commercial development along Lakeshore Drive should be restricted to the B-2 zone district classification. While it is recognized that Lakeshore Drive serves a rather high amount of transient traffic, many of the uses permitted within the present B-4 areas (e.g., major automobile repair, storage of wrecked automobiles, storage of goods, parts assembly, vehicular sales, flea markets, etc.) are not conducive to the planned character of the area. Though the subject property is not located within it, it is adjacent to the Lakeside area. The City of Muskegon Waterfront Redevelopment Sub-Plan 1999 recognizes the residential character of the Lakeside area and recommends mostly residential with some mixed-use commercial/office and residential development that utilizes and respects local vernacular styles for the design of new buildings and preserves views of the lake. The RM-1 district permits multiple family dwellings, up to 16 dwelling units per acre; current R-1 zoning permits single family detached dwellings, up to seven (7) dwelling units per acre. The PUD option allows for mixed land uses that are compatible with each other. The maximum number of units permitted on the site is: R-1, 5 dwelling units; R-T, 7 dwelling units; RM-1, 11 dwelling units. There were no concerns or comments expressed by the Fire, Police or Public Works Departments. Mrs. Huddleston, 2120 Miner Avenue, stated she was against the request because she feels there are too many rentals already and because of traffic concerns. The intent of the RM-1 zone district is to provide sites for multiple family dwellings that will generally serve as zones of transition between the nonresidential districts and lower density one and two family residential districts. Some of the primary differences between the R-1 and RM-1 zone districts are: principal uses permitted in the RM-1 zone are more intensive than those in the R-1 zone; greater allowable density; and greater flexibility with the PUD option in the RM-1 zone. Based upon the goals and recommendations of the Master Plan, however, the requested RM-1 zone is a more intense zone district than expected for the area, though there is previously zoned RM-1 property directly across McCracken Street. Further, the Master Plan recommendation that the density not exceed 50% of the allowable R-1 density is not satisfied by the RM-1 zone. Recommended density should not exceed 10.5 dwelling units per buildable acre; RM-1 zoning permits 16. By comparison, the RT Two Family Residential District's Principal Uses Permitted are comparable to the R-1 zone and it allows 10 dwelling units per buildable acre, while the PUD option still allows mixed uses. Though staff finds the RT zone more appropriate for the site per the 1997 Master Plan and the 1999 Waterfront Redevelopment Sub-Plan, development in the area has not necessarily mirrored the expectations at the times when those plans were adopted. Based upon the above analysis, staff is recommending denial of the request to rezone the subject property from R-1 to RM-1 because the request does not conform to the goals and recommendations of the 1997 Master Plan, finding that the RT zone is more appropriate. Should the Planning Commission find that the goals and recommendations of the current plans are not reflective of current conditions and expected trends, and choose to recommend the City Commission rezone the property, appropriate changes in the Master Plan should be made at or before the next major Master Plan update.

D. Medendorp provided pictures to the commission members of what he would like to build. The condos would be in the $110,000 to $170,0000 price range depending on construction costs. There wouldn't be any commercial elements included in the project. The home located at 2125 Lakeshore would be left alone and is only included in this proposal because they would be moving the driveway to the other side of the home. He feels that the Lakeside neighborhood has changed since the 1997 Master Plan. B. Mazade asked what the property size was. D. Medendorp stated that it was about an acre. T. Johnson asked the applicant if he had considered building a couple of single family homes. D. Medendorp stated that he doesn't think anyone would want to live on the corner due to the heavy traffic. T. Johnson asked him about building homes that were similar to the ones on McCracken. D. Medendorp stated that he doesn't think this would be the best use of the property. D. Freye doesn't feel that a condo would be any more appealing that single family homes. He'd like to see the property remain single family. He is opposed to the request. K. Davis stated that he had received 12 phone calls regarding this case. A couple of them didn't give their opinion, but the other 10 were opposed to this. The people were in favor of single family homes. He stated that it would be a mistake to build condos there. Single family homes would be most appropriate. S. Parker stated that the corner is already congested. Condos would create more traffic than single family homes in this already congested area. She was opposed to the request. S. Warmington asked if she would be against single family homes being built on the property. S. Parker stated that she would be in favor of single family homes. E. Hieftje stated that she is opposed to this request. She is concerned with the high volume of traffic and she would be in favor of single story, single family homes being built on the property. L. Spataro stated that many of the homes in the neighborhood are 2 story homes. He asked if she was opposed to 2 story homes being built on this property. E. Hieftje stated that she was because it's hard to see what is coming down Lakeshore Drive when you are waiting at the stop sign on McCracken. L. Spataro stated that the commission members can't dictate to the property owner whether the developer can build single-story or two-story homes on the property as long as they conform to the zoning district. J. Parker stated that she is opposed to this request. She stated that there are 18 school busses that go to and from Bunker School twice a day. B. Parker stated that she has lived in this neighborhood for 15 years. There is too much traffic and she is opposed to the request. She stated the applicant has told them all the different things he would like to do from condos, rentals, Bed & Breakfast, rent by the week, etc. L. Parker stated that there would be more traffic with what the applicant is proposing to build there. She stated that he had attended the Lakeside Business meeting and had stated so many different things that he would like to do with the property, that she isn't sure what he would like to do. T. Johnson asked if she would be opposed to single family homes being constructed on the site. L. Parker stated that she felt there could be one on Lakeshore and two on McCracken.

P. Sartorius read the public comments that the commission members received at the meeting. There was a signed petition, a letter from Marsha Van Lente of 2136 Lakeshore stating that she was opposed to the request unless there was a way to restrict the rezoning to being residential only. She felt that the proposed buildings would be too dense for the area. The area is already congested with traffic. She would not be opposed to a townhouse style of dwellings being built. Staff received an e-mail from Ellen Davis of 2057 Harrison in opposition of the request. There is too much traffic in the area. Lakeside is primarily single family and the integrity needs to be maintained. She is also concerned about the safety of the people in the neighborhood should the traffic levels get any higher. Serge Seiferlein, owner of the Auto Body Clinic at 2054

Lakeshore phoned in his objection to the request to staff.

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

L. Spataro stated that this property is zoned R-1. The commission can't dictate what kind or how many single family homes the owner may build on the site as long as it conforms to the current zoning district. He stated that the proposal is identical to the one that was submitted before and doesn't see any changes to this. He stated that the RM-1 zoning district would be too dense of a use for this site. He can't support the request. B. Mazade stated that the RM-1 zoning wasn't consistent with the Master Plan. He also can't support this request. T. Johnson stated that it could be appropriate to have a multi-unit on Lakeshore with single family homes on McCracken. J. Aslakson stated that he was having the same problems as everyone else. P. Sartorius stated that he didn't feel that this proposal addressed the issues or those of the Master Plan. He can't support the RM-1 zoning district for this area. D. Medendorp felt that 4 houses would stand out more than what he is proposing.

A motion that the request to rezone the properties located at 2111, 2123 and 2137 McCracken Street and 2117, 2125 Lakeshore Drive, from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential 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 J. Aslakson, supported by B. Mazade and approved with T. Michalski voting nay.

TABLED ITEMS

Hearing; Case 2004-35: Request for Preliminary Planned Unit Development approval of a mixed-use residential and commercial development for the properties located at 2111, 2123 and 2137 McCracken St. and also 2117 and 2125 Lakeshore Dr. by Dave Medendorp (Lakeside MG, LLC). The applicant has asked that this request be tabled.

A motion that the request for the preliminary planned unit development for 2111, 2123, and 2137 McCracken St. and also 2117 and 2125 Lakeshore Dr be tabled, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

B. Mazade left at 5:25 p.m.

OTHER

Case 2004-42: Request for site plan review for a new library addition to an existing building on property located at 221 S Quarterline Rd, by Kevin Donovan of Muskegon Construction Co for Muskegon Community College. L. Anguilm presented the staff report. The site has been the home of Muskegon Community College since the mid to late 1960s. The original site plan included all existing buildings except for the Higher Education Center addition on the east side of the main campus buildings, as seen in the aerial photo. This addition took place in the early 1990s, however, no records of that expansion have been located. In total, the existing building

to which the library addition will be attached is over 390,000 square feet in area. The library expansion is just over 40,000 square feet in area and is nearly 300 feet from the closest property line, which is the municipal boundary with Muskegon Township.

Staff had the following comments:

> Fire Department Comments: Fire access to the rear of the building must be at least 20' in width and structurally capable of supporting fire apparatus and/or other emergency vehicles weighing at least 75,000 pounds according to Section D102.1 of the Fire Code. The fire hydrant near the retaining wall in area 611.0 shall to be moved in accordance to the Fire Marshall's requirement.
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> Planning Department Comments: 1) Show address and zoning of the property. 2) Indicate the square footage of proposed buildings. 3) Light fixtures shall be 100% cutoff style as shown in S1 on submitted cut sheet.

Staff recommends approval of the request for site plan approval for a new library addition to an existing building at Muskegon Community College, subject to conditions. Staff feels the site plan satisfies the standards for site plan review.

L. Spataro asked if all relevant permits from the DNR, etc., have been addressed. K. Donovan stated that they have. K. Donovan displayed some drawing renditions of what the proposed building would look like.

A motion that the site plan for a new library addition to an existing building, located at 221 S Quarterline Rd, for Muskegon Community College be approved, based on the following findings and conditions: 1) All requirements addressed under staff's comments of the staff report shall be provided as needed on a revised site plan prior to issuance of a building permit. 2) The standards for Site Plan approval would be met, was made by S. Warmington, supported by T. Michalski and unanimously approved.

Approval of meeting dates for 2005 – A motion to approve the deadline and meeting dates was made by S. Warmington, supported by T. Johnson and unanimously approved.

There being no further business, the meeting adjourned at 5:35 p.m.

hmg
12/16/04