

**CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES**

December 12, 2024

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

MEMBERS PRESENT: J. Seyferth, B. Mazade, S. Blake, J. Montgomery-Keast, and L. Willet-Leroi
MEMBERS ABSENT: L. Simmons II
MEMBERS EXCUSED: D. Keener, K. Johnson, and S. Gawron
STAFF PRESENT: M. Franzak, S. Romine
OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on November 14, 2024, with corrections to the vote counts for cases 2024-33 and 2024-34, was made by L. Willet-Leroi, supported by J. Seyferth, and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2024-35: Request to rezone 1727 Beidler Street from R-1, Neighborhood Residential, to Form-Based Code, Neighborhood Edge, FBC-NE.

SUMMARY

1. The property measures 84' wide x 100' deep (8,400 sf).
2. The property is zoned R-1, Neighborhood Residential, but it contains a commercial structure on site. The building measures 1,472 sf and is used for storage for a construction company. The use is considered legally, non-conforming.
3. The zoning allows for legally non-conforming uses to be increased in size with a special use permit, but only up to 25% of the size of the existing building. The property is considered a double lot and has enough space for a larger addition. The applicant would like to at least double the size of the building.
4. The FBC, NE designation would allow this retail-type building to be expanded as long as it meets the setback requirements (10 feet rear/ 3 feet sides). The rezoning would also make the storage use legally conforming.
5. The property is located just north of the business district on Laketon Ave and is near other mixed-use buildings on Beidler St.
6. Please see the enclosed zoning ordinance excerpt for FBC, NE.
7. Notification was sent to every property within 300 feet of this address. At the time of this writing, staff had not received any public comments.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by J. Montgomery Keast, supported by J. Seyferth, and unanimously approved.

DISCUSSION

M. Franzak: We have some handouts in front of you because we may have some questions about whether this is a spot zoning, we don't believe this is a spot zone. The MSU Extension has created a pretty good definition of a spot zone, even though one doesn't really exist. So we have four criteria that we can talk about and how they meet or don't meet some of these, but it's staff's recommendation that this would not be considered a spot zone and that we would be in favor of the rezoning. There is also a handout for everyone from the recently approved Master Plan, this is from the Economic Development section. Bullet point E2.5 talks about this, which is another reason why we would not consider it a spot zone because it's in alignment with the Master Plan. The second paragraph speaks to the issue of how zoning regulations should encourage the re-utilization of existing buildings through expanding their footprints and increasing permitted uses. Currently, inappropriate zoning designations have led to vacant or underutilized commercial and industrial buildings located away from traditional neighborhood corridors and the interior of the neighborhood.

J. Seyferth: So as the Planning staff pointed out, the MSU Extension has four criteria that should be considered when looking at if something is a spot zone, or not. For the record, these four questions will be reflected in the minutes, it does say that the circumstances in question must satisfy the following four criteria. Not just one, or a combination, but all criteria must be met to be considered a spot zone.

- The area is small compared to districts surrounding the parcel in question.

The property is small compared to surrounding properties in the district, which can be seen just by looking at the map.

- The new district allows land uses inconsistent with those allowed in the vicinity.

As staff has pointed out in the memo with the photos and pointed out on the map, there are similar uses directly across the street and down the block, so this is not inconsistent with what's in the vicinity.

- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.

That would not be the case here because similar properties have the same options, as do adjacent properties.

- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

As the Planning Director pointed out, this is consistent with the Master Plan. So for those reasons, this, in my opinion, would not be a spot zone.

MOTION

J. Montgomery-Keast moved, seconded by S. Blake, that the request to rezone 1727 Beidler Street from Neighborhood Residential to Form-Based Code, Neighborhood Edge be recommended for approval to the City Commission.

ROLL CALL VOTE

B. Mazade: Yes

J. Seyferth: Yes

S. Blake: Yes

Montgomery-Keast: Yes

L. Willet-Leroi: Yes

MOTION PASSES

OLD BUSINESS

None.

ADJOURN

There being no further business, the meeting was adjourned at 4:15 pm.