

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

**May 12, 2022**

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

MEMBERS PRESENT: T. Michalski, L. Spataro, B. Mazade, L. Mikesell, K. Johnson, D. Keener, J. Doyle

MEMBERS ABSENT: E. Hood, J. Montgomery-Keast

STAFF PRESENT: M. Franzak, D. Born

OTHERS PRESENT: \_\_\_\_\_

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the Regular Planning Commission meeting on April 14, 2022 was made by B. Mazade, supported by L. Mikesell and unanimously approved.

**PUBLIC HEARINGS**

**Hearing, Case 2022-11:**

Request to rezone the property at 930 W Sherman Blvd from B-2, Convenience and Comparison Business to B-4, General business, by 930 Sherman, LLC.

**SUMMARY**

1. The property is zoned B-2 Convenience and Comparison Business. The applicant is requesting to rezone it to B-4, General Business in order to apply for a special use permit to build and operate a mini storage facility.
2. The property measures 4.1 acres and hosts a 2,500-sf building.
3. There are two other mini-storage facilities located just to the west. Phase two of construction is underway at the facility located to the east of the Bat-N-Club. That development reserved the out-lot fronting Sherman Blvd for commercial development and located the storage in the back, accessible by an easement.
4. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

The board asked if a site plan had been provided. Staff informed that typically a site plan is not needed until the special use permit process, and that one had not been provided yet.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the rezoning. The northern most portion of this lot would otherwise be difficult to develop as it is set back so far from Sherman Blvd and is not suitable for most commercial options. Consideration could be given to keep the southern-most portion of the lot zoned B-2 to provide more commercial/retail uses available.

#### **PUBLIC COMMENTS**

1. Tom Elhart of 1015 Oak Lane, Grand Haven, Michigan. Tom is the applicant. Tom spoke about his intent to create a space where larger storage-type units can offer secure storage for larger items (campers, boats, etc.). Tom said he has not worked on getting a site plan as he did not want to spend the money on the architect until he had initial approval from the planning commission. D. Keener asked about if the proposed units would be large enough to store food trucks. Tom confirmed that the proposed units would be large enough to store items that are larger than 40 or 50 feet with ease. Tom reported the structure on the property is being used as storage or office space. Tom spoke about possibly using the building as climate-controlled storage, but reiterated that the main focus of the proposed project is the construction of the large storage buildings in the rear of the property.

#### **CLOSE PUBLIC HEARING – MOTION**

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

#### **MOTION**

Motion by D. Keener and supported by J. Doyle:

I move that the request to rezone the property at 930 W Sherman Blvd from B-2, Convenience and Comparison Business to B-4, General Business be recommended to the City Commission for approval.

#### **ROLL CALL VOTE**

|                   |                 |                |                  |
|-------------------|-----------------|----------------|------------------|
| T. Michalski: Yes | L. Spataro: Yes | B. Mazade: Yes | L. Mikesell: Yes |
| K. Johnson: Yes   | D. Keener: Yes  | J. Doyle: Yes  |                  |

#### ***MOTION PASSES***

#### **Hearing, Case 2022-12:**

Request for a special use permit to operate a car sales lot at 1320 S Getty St, by Maria Castanon.

#### **SUMMARY**

1. The property is zoned B-4, General Business and measures 8,680 sqft. An 1,800 sqft building is located onsite.
2. Car sale lots are allowed with the issuance of a special use permit as long as the following conditions are met:

- a. Ingress and egress to the outdoor sales are shall be at least 60 feet from the intersection of any two streets.
  - b. No major repair or major refinishing shall be done on the lot.
3. The property is only 70 feet wide and the buildings placement in the front leaves little room for vehicle display. The site plan provided does not indicate which parking spaces will be for customers and employees and which will be for display for sale.
4. The property can be accessed from the alley in the rear, although it is more likely that customers will access the property from Getty St.
5. The aerial map on the following page shows a significant number of tires improperly stored on site. Staff witnessed a reduced number of improperly stored tires upon inspection this week.

### **STAFF RECOMMENDATION**

Staff recommends approval of the special use permit as long as an updated site plan defines where automobiles will be displayed and it shows enough parking for four customers/employees.

### **PUBLIC COMMENTS**

1. Maria Castanon of 1320 S Getty St, Muskegon, Michigan. Maria is the applicant. Maria reported that she currently owns and operates a tire shop at the location. Maria plans to test the market by selling 3-4 cars at the location. She reported that she pays a company to pick up her extra tires ideally once every 1-2 weeks. She reported that she has moved a semi-truck trailer to a different location to allow for vehicle display. She does not plan on doing any mechanic work done on the property. She reported she has hired a licensed mechanic to maintain the vehicles and that the shop is located approximately 10 miles away. She reported that she plans to maintain the tire business at this time.

### **CLOSE PUBLIC HEARING – MOTION**

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

### **MOTION**

Motion by J. Doyle and supported by L. Mikesell:

I move that the request for a special use permit to operate a car sales lot at 1320 S Getty St be approved with the following conditions:

1. An updated site plan depicts the location of automobile displays and at least four parking spaces for customers/employees.
2. The special use permit shall be revoked if tires are illegally stored on site.

### **ROLL CALL VOTE**

T. Michalski: Yes  
K. Johnson: Yes

L. Spataro: Yes  
D. Keener: Yes

B. Mazade: Yes  
J. Doyle: Yes

L. Mikesell: Yes

### **MOTION PASSES**

### **Hearing, Case 2022-13:**

Staff initiated request to amend Section 404 of the zoning ordinance to create a height overlay district that would allow certain principal structures near or on Nelson St to be built up to three stories or 45 feet in height.

### **SUMMARY**

1. The Imagine Muskegon Lake plan identified certain areas that may benefit from allowing increased height maximums for residential properties.
2. One area identified was along Lakeshore Drive, overlooking Muskegon Lake. This was addressed in a 2020 ordinance amendment with the creation of the Lakeside Form Based Code, which allows three-story homes in certain areas.
3. The other location identified was along Nelson St in the Beachwood/Bluffton neighborhood.
4. Single-family homes in most areas of the city are restricted to two stories (35 feet) in height. Staff is proposing to allow up to three stories (45 feet) in height within the proposed "Height Overlay District."
5. Most of the proposed "Height Overlay District" is zoned R-1 and a small portion is zoned R-2. The setback requirements would remain the same. Please see the "Area and Bulk Requirements" chart below.
6. Please see the information on the following pages that depicts the proposed area and the information contained in the Imagine Muskegon Lake plan.
7. Notification of the proposed ordinance amendment was sent to all properties depicted on the "Notice Map."

### **PUBLIC COMMENTS**

1. Becky Matakas of 1682 Nelson St, Muskegon, Michigan. Becky reported that she lives in Pennsylvania but is from Muskegon originally. Becky plans to build a home on her vacant lot. She provided a handout with several examples of other homes in the neighborhood that have multiple stories above the garage. Becky reported that she was in support of the proposed zoning change.
2. Mark Lindquist of 1639 W Harbour Towne Cir, Muskegon, Michigan. Mark reported that there are multiple rentals in the neighborhood that frequently are where parties are located, and that some of those parties get "quite rowdy." He is concerned that those parties might get worse in the future with larger rentals available. Mark reported concern that his views of the lake would be "obliterated" should this proposal pass. Mark asked the Board to consider these issues as they make their decision.
3. Barbara Zulauf of 3440 Pigeon Hill Ct, Muskegon, Michigan. Barbara reported that she would prefer that this case not pass. She hopes that, should the case pass, that the 45-foot max be closely monitored. She also voiced concern regarding how the city skyline would change.
4. Ryan O'Hade, who is the architect working with Becky Matakas. Ryan reported that the "go-to" workaround in the neighborhood has been to mound sand up along the side of the house to meet the criteria. Ryan noted that this example is a poor workaround as it creates poor water runoff and potential basement flooding issues.
5. Byron Turnquist of 1579 E Harbour Towne Cir, Muskegon, Michigan. Byron asked for clarification regarding what was meant by staff when stating that the request was "up and down, and *near*,

Nelson St.” Staff identified a few properties that do not front Beach St. Discussion occurred between Byron and staff regarding the Imagine Muskegon Plan and the Master Plan. Byron asked about the potential for “spot zoning,” which staff did not recommend.

6. David Gerdes of 3430 Sand Dock Ct, Muskegon, Michigan. David reported his major concern was with regards to the effect larger homes would have on property values, specifically his. David believes that the proposal would negatively affect his property value, as well as everyone else’s in the Harbour Towne Association and those properties along the East of Nelson.
7. Tim Johnson of 1704 Beach St, Muskegon, Michigan. Tim asked for clarification regarding how measurements of height are made. Staff provided examples of how measurements are made and clarified that some homes are built into hills.
8. Ray Grennan of 1674 Nelson St, Muskegon, Michigan. Ray reported he was opposed to the proposal, specifically regarding the 45’ height limit. Ray reported that, under this proposal, there is a potential that future homes built next to him could be 17’ taller than his house, as his house is 27’ tall. He reported that his house has already lost views of the lakes due to development in his neighborhood, where he has lived for multiple decades. Ray urged the board to not approve the 45’ proposal.
9. Robert Bagley of 1560 Nelson St, Muskegon, Michigan. Robert asked for clarification regarding the average grade height measurements as opposed to taking measurements that include a garage. Robert reported concern that developers might buy multiple adjoining lots and try to build a multi-family structure.
10. Renee Komarek of 1635 Nelson St, Muskegon, Michigan. Renee reported living on Nelson for over 40 years. She reported that she is not in favor of building large 45’ homes on Nelson.

#### **CLOSE PUBLIC HEARING – MOTION**

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

#### **MOTION**

Motion by K. Johnson and supported by B. Mazade:

I move that the request to amend Section 404 of the zoning ordinance to create a height overlay district as depicted on the map be recommended to City Commission for denial.

#### **ROLL CALL VOTE**

|                   |                 |                |                  |
|-------------------|-----------------|----------------|------------------|
| T. Michalski: Yes | L. Spataro: Yes | B. Mazade: Yes | L. Mikesell: Yes |
| K. Johnson: Yes   | D. Keener: Yes  | J. Doyle: Yes  |                  |

#### **MOTION PASSES**

**NEW BUSINESS**

none

**OLD BUSINESS**

none

**UPDATES ON PREVIOUS CASES**

M. Franzak updated the commission that the joint meeting between the planning commission and the city commission has been scheduled for June 16, 2022, after the planning commission meeting. M. Franzak also updated the board that the previous case regarding the vacation of Larch and Leahy was approved by the city commission.

**OTHER****ADJOURN**

There being no further business, the meeting was adjourned at 5:10 pm.