



**Roll Call Vote**

**8-0**

**Motion Carried.**

Clerk issued the Oath of Office to Vice-Chairperson Conley.

2. ROLL CALL:

Mr. Dale Bray	<u>Present</u>
Mrs. Kathy Bremmer	<u>Present</u>
Mr. Clint Conley	<u>Present</u>
Mr. Jerry Hall	<u>Present</u>
Mr. Daniel McGrath	<u>Excused</u>
Mr. John Nixon	<u>Present</u>
Mr. Craig Owens	<u>Present</u>
Mr. Harrison Owens	<u>Present</u>
Mr. Ashley Watson	<u>Present</u>

3. Recognition of planning officials, engineering or legal representation.

T. Johnson (City Planner), Womack (City Manager) and R. Johnson (City Clerk)

4. Motion to approve the minutes of the Regular Meeting November 12, 2019.

Motion by **H. Owens** seconded by **Bray** to approve the minutes of the Regular Meeting November 12, 2019.

**Voice Vote**

**8-0**

**Motion Carried.**

5. APPROVAL OF AGENDA.

Motion by **C. Owens** seconded by **Watson** to approve the agenda as presented.

**Voice Vote**

**8-0**

**Motion Carried.**

6. PUBLIC COMMENTS.

*Those citizens wishing to speak on agenda and non-agenda items will be allowed a maximum of four minutes each to address their concerns. This is the only time during the meeting that citizens are allowed to address the Planning Commission. Please state your name and address for the record if you would like.*

**Ann McLoughlin** a Nelson Township resident expressed her disapproval with the possibility of a Marijuana store in the city. She referenced an article written by the Wall Street Journal.

**Dan Spitzbergen** reported that there are large number of nonconforming uses in the city and he proposed a couple of solutions for the board to consider because when people sell nonconforming properties mortgage companies will not buy the mortgage. He proposed a couple of potential solutions 1) rezone properties on the east side of 1<sup>st</sup> street between cherry and beech from R1 to R2/R3 to add a buffer zone between

residential and commercial. 2) Current R2 zone N of Muskegon on West side of town and R2 South side of Muskegon and would propose to connect both sections of R2 along West Street.

7. CONFLICTS OF INTEREST AND EX-PARTE COMMUNICATION INQUIRY.

None.

8. SCHEDULED PUBLIC HEARINGS.

- A. Proposed Zoning Map Changes
  - a. Rezoning Miscellaneous Single Parcels

**C. Owens** opened the public hearing at 7:17 p.m.

Public Comment:

**Dan Spitzbergen** reported that he reviewed the proposed changes and noted some concerns.

1) 248 N Main Change to R1 from R4-no reason that the property would be used as R1 2) 88 N 5<sup>th</sup> Street currently MU to R1 incorrect color on proposed map 3) 129 W Maple current B3 to R1-why change? 4) 116 N 5<sup>th</sup> Street current B3 to R1-consider extending Maple Street to 5<sup>th</sup> Street and a change to R1 would be shooting yourself in the foot. 5) 160 N 5<sup>th</sup>, 130 W Muskegon B2 to B3-Why?, 115 W Muskegon-MU to B3-Why? 171 MU to B3-why?

**C. Owens** closed the public hearing at 7:26 p.m.

- B. Special Land Use for 31 West Ash St., Residential uses that do not have Main Street frontage per Section 40-577(e)

**C. Owens** opened the public hearing at 7:26 p.m.

Public Comment:

**Erin Vansycle** reported that she is the current owner of 31 W Ash and she is trying to sell it, but cannot because it has not been granted a Special Land Use. The home was built in 1927 and has been a residence since then. When she purchased the home 4 years ago, she reported that this was not an issue.

**Dan Spitzbergen** reported that this is similar to the nonconforming law that states if the loss is 40% or less that the home could be rebuilt and if it is lost of 60% or more than it could not be rebuilt and this should be changed.

**C. Owens** closed the public hearing at 7:31 p.m.

9. NEW BUSINESS.

- A. Motion to approve a Special Land Use for 31 West Ash St., Residential uses that do not have Main Street frontage per Section 40-577(e)
  - i. Special Land Use Application
  - ii. Zoning Application
  - iii. Sec. 40-294 Ordinance
  - iv. Sec. 40-577(e) Ordinance
  - v. 31 West Ash St. Public Hearing Notice

vi. 31 West Ash St. 300-foot letter

**Bremmer** remarked that the requests meets the requirements for a Special Land Use.

Motion by **Hall** seconded by **Bremmer** to authorize a prospective Special Land Use for 31 W Ash.

**Voice Vote**

**8-0**

**Motion Carried.**

- B. 4288 17 Mile Rd Site Plan
  - i. Site Plan Application
  - ii. Site Plan Application Checklist

**C. Owens** 4250 17 Mile Rd vs 4288 17 Mile Rd are the same property. **T. Johnson** reviewed his report. He would like to get Kent County Road Commission and FTCH regarding the placement of the driveways. **Womack** reported that he would touch base with the Kent County building to determine their intent for their driveway. He also wanted to consider moving the proposed parking down to connect with the existing parking lot to the south. **Bremmer** and **Watson** agree that the cottonwood trees would need to be removed. **Conley** reported that it is already difficult to turn on or off 17 Mile. There have also been discussions to provide rear access to White Creek on both sides of 17 Mile. **Bremmer** would like to see sidewalks begin to be installed. **Bray** would like to see rear access to White Creek built in the plan. **Hall** didn't see a loading area on the site plan.

- C. Nonconforming Uses
  - i. Cedar Springs Ordinance
  - ii. Village of Sparta Ordinance
  - iii. City of Rockford Ordinance
  - iv. City of Greenville Ordinance

**Womack** reported the community is quite old and some houses date back to 1860's before zoning existing. Current zoning is working to make orderly progression towards having buildings of like uses next to each other. The ultimate question is if the building can be rebuilt if it is destroyed. The Planning Commission and City Council have already indicated their preference on what can and cannot be rebuilt, but this can be revised at any time. **C. Owens** preferred that buildings can be rebuilt with the same footprint. **Bremmer** when you have quadplexes or rental properties you have a transient community that is always changing. **Womack** would like the city attorney review if you can prohibit the rebuild of a duplex if it was an original single-family home that was later turned into a duplex. If a home is situation in a single-family residential district it should be used for a single family. **Bremmer** would like to see the Master Plan put to use and prevent unpermitted uses in the districts. If you don't start changing the use it will always continue to have uses not permitted in the districts. **Watson** agrees and would like to see existing zoning enforced. **Womack** remarked that the issue is that a single family residential in a commercial use is a lesser use in a higher use district versus multifamily in a single family is a higher use in a lesser use district. **Conley** reported that we are a growing city. It will be far easier to set future development zones than to go back and take the randomness of history and to force it to conform. Multifamily housing is going to have to be a part of the equation because of the housing shortages. **H. Owens** reported that he thinks sticking to the zoning map and creating the zoning designations and we should stick to them. If there are certain areas that approve nonconforming you are getting dangerously close to spot zoning. **Bray** reported his concern is that there will be more Special Land Use requests for these older houses. **Womack** the current rezoning effort does not create nonconforming uses. The difficult part is do you do what is best for the community or what is best for the individual

property owners. **T. Johnson** one possible solution that other communities use is coming up with different nonconforming classifications. Example) single family conforming use that does not meet set backs can be rebuilt and a nonconforming use in a zoning district to not be able to rebuild. **Hall** would also like to see prohibit the rebuild of a multifamily housing if it was an original single-family home that was later turned into a multifamily housing.

- D. White Pine Trail Overlay district
  - i.Planning Implementation Tools-Overlay Zoning

**Womack** thinks that the overlay district is appropriate if the commission wants to permit businesses right next to the White Pine Trail that are not permitted in the MU or I zoning district. He will begin working on presenting options for the White Pine Trail Overlay.

#### 10. OLD BUSINESS.

- A. Motion to recommend to the City Council to approve the zoning changes for the identified miscellaneous parcels as presented on the public notice list.
  - a. Set Public hearing for next revision
    - i. White Pine Overlay
  - b. Ordinance 216 Table of Uses New Ordinance
  - c. Miscellaneous Parcels Zoning Public Hearing Notice
  - d. Miscellaneous Parcels Zoning 300-foot letter
  - e. Current zoning map
  - f. Proposed zoning map

Motion by **Bremmer** seconded by **H. Owens** to recommend to the City Council to approve the zoning changes for the identified miscellaneous parcels as presented on the public notice list.

**Voice Vote**

**8-0**

**Motion Carried.**

#### 11. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA.

- A. Correspondence.
  - i. 2019 Minute Index
  - ii. 2019 Attendance Report
- B. Staff Comments.
  - i.City Manager addressed some of the concerns that were made during the public comment. If there are any further questions from the public they can visit the City Manager in his office.
  - ii.City Clerk
- C. Planning Commission Members.

**Conley** thanked the public for their participation at the meeting tonight.

**C. Owens** thanked the board for trusting him for another year as the chair of the board.

#### 12. REPORT OF THE CITY COUNCIL REPRESENTATIVE.

**Hall** reported that his term would be another two years. He also reported that Mr. McGrath let him know that he would be absent at the meeting tonight.

#### 13. REPORT OF THE PLANNING CONSULTANT.

None.

14. ADJOURNMENT.

Motion by **Bremmer** seconded by **Watson** to adjourned the meeting at 8:31 p.m.

**Voice Vote**

**8-0**

**Motion Carried.**

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Rebecca Johnson, City Clerk

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Craig Owens, Chairperson