**MUSKEGON CHARTER TOWNSHIP
PLANNING COMMISION MINUTES
PC-23-12
November 13, 2023**

**CALL TO ORDER**

**Vice Chair Vandenbosch called the meeting to order at 6:30 p.m.**

**Present: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Excused: Bouwman**

**Absent:**

**Also Present: Planner Werschem, and 4 guests.**

**Approval of Agenda**

**Motioned by Singerling supported by Hower to approve the Agenda for the November 13, 2023 Planning Commission meeting.**

**Ayes: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Nays: None

Motion carried.**

**Approval of Minutes**

**Motioned by Singerling supported by Hower to approve the minutes from October 9, 2023.**

**Ayes: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Nays: None

Motion carried.**

**October 2, 2023 and October 16, 2023 Board Minutes Reviewed**

**Staff Report acknowledged.**

**Unfinished Business – none**

**New Business –**

1. **PC 23-25 - Zone Change - Public Hearing**

**Name: Brian Keur
Address: 385 S. Mill Iron Rd**
**PP#: 61-10-024-100-0015-00**
**Zoning: Neighborhood Commercial (C1)

Purpose: Rezone to Single Family Residential (R1)**

Public Hearing was opened at 6:32

Planner Werschem explained that 385 S. Mill Iron Rd is currently zoned Neighborhood Commercial (C1). It was previously owned by Charles Ryan Jr. who originally operated an auto repair facility out of the building. Mr. Ryan had several enforcement actions against him for junk, debris, unlicensed inoperable vehicles strewn across the property in violation of his approval to operate an auto repair facility. The Township Board took action against Mr. Ryan and ultimately, he lost his special use permit to operate an auto repair facility at this location. The Township has continued to pursue cleanup of the property since.

The property is a clear case of spot zoning. It had existed for many years and spot zoning was not an issue at original approval.

Brian Keur has since taken ownership of the property and is actively cleaning up the site. The property has improved immensely since Mr. Keur’s involvement. Mr. Keur lives in the residential home immediately to the north of this property at 353 S. Mill Iron.

Mr. Keur would like to combine the property in question with his residential property and simply use the structure as a residential accessory building. To do so the property will need to be rezoned to Single Family Residential (R1). This would remove the spot zoning issue and would be in compliance with the zoning of the area and the Master Plan.

A public Hearing notice was published on October 15, 2023 and was mailed to all parcels within 300 feet. The zone change request is a recommendation to the Township Board.

No further comments or input received.

**Motioned by Singerling supported by Borushko to close the public hearing.**

**Ayes: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Nays: None

Public Hearing closed at 6:34**

Planning commission consideration and recommendation. The planning commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The planning commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the township board. In considering an amendment to the official zoning map (rezoning), the planning commission shall consider the following factors in making its findings and recommendations:

a. Consistency with the master plan. Consistency with the master plan's goals, policies, and future land use map. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area shall be considered.

 *PC determined that the request is consistent with the Master Plan.*

b. Environmental features. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

 *PC determined that the request is compatible with all the potential uses allowed in the R1 zoning district.*

c. Suitability with the law. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

 *PC determined that the request is compatible with all the potential uses allowed in the R1 district with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.*

d. Capacity of public services and utilities. Capacity of available utilities and public services to accommodate all the potential uses permitted in the proposed zoning district(s) without compromising the health, safety, and welfare of township residents or burdening the township with unplanned capital improvement costs or other unplanned public expenses.

 *PC determined that the capacity of public services and utilities is sufficient for any potential R1 uses.*

e. Capability of road system. Capability of the road system to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the proposed zoning district.

 *The PC determined that the road system is more than adequate to safely and efficiently accommodate the expected traffic generated by all the potential uses permitted in the R1 zoning district.*

f. Demand for uses. The apparent demand for the types of uses permitted in the proposed zoning district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

 *The PC determined that the demand for R1 in this area is significant.*

g. Scale of future development. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

 *PC determined that the zone change would have no effect on the scale of future development.*

h. Other factors. Whether all of the potential uses in the proposed zoning district(s) are equally or better suited to the area than the current uses allowed.

 *PC determined that the zone change would eliminate a spot zoning issue and make the property more compatible with the area.*

**Motioned by Singerling supported by Hower to recommend to the Township Board a zone change for 385 S. Mill Iron Rd., PP# 61-10-024-100-0015-00 from Neighborhood Commercial (C1) to Single Family Residential (R1) having met the standards of 58-432 (c)(3).**

**Ayes: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Nays: None**

**Motion carried.**

**Public Comments: None**

**Announcements: Next Planning Commission meeting will be December 11, 2023.**

**Motion by Singerling supported by Hower to adjourn the meeting at 6:40 P.M.**

**Ayes: Hower, Singerling, Hughes, Borushko, Hornak, Vandenbosch**

**Nays: None**

**Motion Carried**

**Respectfully submitted by,**

**Joseph Singerling
Secretary**