

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

December 16, 2021

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

MEMBERS PRESENT: B. Mazade, T. Michalski, S. Gawron, J. Montgomery-Keast, J. Doyle, E. Hood, L. Spataro

MEMBERS ABSENT: D. Keener, F. Peterson

STAFF PRESENT: M. Franzak, C. Cashin, D. Alexander

OTHERS PRESENT: R. Crow, 1756 Lakeshore Dr; COO of CannaWolf, Inc.; A. Harris, D. Harris, 668 Birdview Bay; J. Curtis, 456 Wealthy; Mr. Mathison, 560 5th St.; W. VandenBosch, Westshore Consulting.

APPROVAL OF MINUTES

A motion to approve the Minutes of the Special Planning Commission meeting on November 30, 2021 was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2021-36:

Request for a special use permit to operate a marihuana microbusiness at 1756 Lakeshore Dr, by CannaWolf, Inc.

SUMMARY

1. The property is zoned Form Based Code, Lakeside Commercial.
2. Microbusinesses are allowed in this zoning district with the issuance of a special use permit.
3. Microbusinesses must grow, process and sell their product on site. No marihuana can be sold elsewhere, nor can they bring in marihuana to sell from another source. They are allowed to grow up to 150 plants on site.
4. The State of Michigan does not allow marihuana businesses to be located within 1,000 feet of a school. There are no schools within 1,000 feet of this property.
5. Notice was sent to all properties within 300 feet of this address. At the time of this writing, staff had not received any comments from the public.

Property owner sent a letter in of support since the mailing. Staff recommends approval of the special use permit because the proposed use does not appear to be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Also, adequate water and sewer infrastructure exists on site.

The COO of CannaWolf Inc. spoke about their business and the additional programs that they would also be bringing in (subsidized daycare, substance abuse program, etc.). The Commission members discussed concerns and questions with the applicant. R. Crow stated he is favor of the request. He is an adjacent property owner.

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

A motion to approve the request for a special use permit to operate a marihuana microbusiness at 1756 Lakeshore Dr. was made by L. Spataro, supported by S. Gawron and approved with S. Gawron, E. Hood, J. Doyle, L. Spataro, and T. Michaski voting aye with B. Mazade and J. Montgomery-Keast voting nay.

Hearing, Case 2021-37:

Request for several departures from the Form Based Code section of the zoning ordinance for a new building and food truck area at 450 W Western Ave, by Andrew Harris.

SUMMARY

The property is zoned FBC, Downtown.

1. A previous plan was approved in June of this year that included a similar concept, but with a large deck instead of outdoor seating. The new proposed building also does not appear to have any doors or windows.
2. The proposed plan includes a small service building with rooftop deck, outdoor seating and food truck parking.
3. Staff has reviewed the plans and have determined that the following departures are needed:
 - a. To allow for a retail building type instead of a mixed-use building.
 - b. The building width at front street shall be built to a minimum of 90% of the overall width of the front street property line.
 - c. Building shall have a cornice expression line at roofline.
 - d. Height of parapet wall shall be between 12" minimum and 4 feet maximum, measured from roof line (no parapet wall).
 - e. The terrace is required to be placed at the build-to-line
 - f. Storefronts shall extend across eighty (80) percent of the overall length of the first story and shall be interrupted by the required 18" to 32" wide pilaster spaced as indicated by building type.
 - g. Entry door is required to be recessed three (3) feet to eight (8) feet from the facade wall of the building. The angled wall (the wall that connects the storefront to the door) in the recess area shall match the main storefront window.
 - h. Storefront window glass shall be eight (8) feet high minimum, measured from the adjacent grade of terrace (no dimension provided).
 - i. Transparency: Storefront frontage shall have 60% to 80% of the facade be windows between the top of the storefront base and bottom of sign band (or horizontal expression line). Entry door transparency shall be included as part of the required transparency calculation.
 - j. Required 18" to 30" high storefront base.

Staff recommended tabling the item until a more appropriate building facade can be incorporated into the design. The Commission members discussed the plans with staff. A. Harris discussed the updated plan. The Commission members discussed the changes with the applicant. L. Spataro had concerns that the proposal created more concerns than he had prior and this also seemed to be a seasonal use only in the downtown area. The downtown area is the core and didn't feel this was appropriate for the area. A. Harris stated that he intends this to be year-round and not seasonal. He apologized that the City staff wasn't included in the email reflecting the updated plan. D. Harris they had done a lot of research of what to do. He discussed the igloo's that are being utilized in other areas of the city and how some have added more because they were a huge hit because people like to sit outside. Some added due to COVID; they were also liked. J. Curtis, partner, reiterated the proposal. The Commission members discussed the proposal with the applicants. M. Franzak discussed the food truck requirements and the notification process which includes where and type of food being served

in them when they are located on private property. There could be some concerns if the food trucks with what they are serving changes at the location regularly.

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

S. Gawron asked if staff would recommend approval of the request based on what was discussed at the meeting. M. Franzak had concerns about the window's use/type. The preference is clear glass. He suggested that the applicant may be able to describe this further. The applicant stated that the new one would be a full glass door. There is a door that is located under the stairs in the back that had always been there. M. Franzak stated that a condition could be added that it must meet the 70% Visual Light Transmittance.

A motion to approve the request for several departures from the Form Based Code section of the zoning ordinance for a new building and food truck area at 450 W Western Ave with the condition that it meets the 70% of the Visual Light Transmittance on the service window on the Western Avenue side was made by J. Montgomery-Keast, supported by E. Hood and approved with S. Gawron, E. Hood, J. Doyle, J. Montgomery-Keast, and T. Michalski voting aye with B. Mazade and L. Spataro voting nay.

Hearing, Case 2021-38:

Request for several departures from the Form Based Code section of the zoning ordinance for a building addition at 296 W Webster Ave, by the Muskegon Museum of Art.

SUMMARY

1. There are two properties involved in this request. The current Muskegon Museum of Art building property at 296 W Webster Ave (zoned FBC, Neighborhood Core) and their parking lot at 315 W Clay Ave (zoned FBC, Mainstreet).
2. The alley between the two properties was vacated in January of this year. An addition to the current art museum building will be built over the former alley (utilities will be moved) and onto the back portion of 315 W Clay Ave. The lots will eventually be combined.
3. The art museum is considered a "civic building" by the form based code and architectural elements are not regulated. However, the placement of the building and the parking lot are still regulated by the code.
4. The code requires that the building be placed between 0-15 feet from Clay Ave and that the parking lot must be setback at least 40 feet from Clay Ave. The applicant is seeking departures from these two requirements.
5. Staff has met with the applicant and has shared some concerns about the placement of the building and the parking lot. An agreement was reached to remove a portion of the parking lot facing Clay Ave and replace it with a public plaza. The proposed new curb cut off of Clay Ave will also be removed and relocated to 2nd St. The dumpsters will also be moved to a less prominent area on site.
6. Please see the originally submitted site plan that is enclosed. A new updated site plan should be ready for review at the meeting.
7. Notice was sent to every property within 300 feet. At the time of this writing, staff had not received any comments from the public.

Staff recommends approval of the plan, with some modifications. Staff encourages reducing the parking lot on Clay Ave and replacing with a public plaza.

The Commission members discussed the plans. Mr. Mathison went over the plans. There was discussion of changing the on street parking on 2nd from its current location to the opposite side of the street.

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

A motion to approve the request for the departures from the Form Based Code section of the zoning ordinance for a building addition at 296 W Webster Ave./315 W. Clay Ave. with the condition to work with the City Commission or DPW at the possibility to relocate the on-street parking from the east side of 2nd St. to the west side, was made by L. Spataro, supported by J. Doyle and unanimously approved.

Hearing, Case 2021-39:

Staff initiated request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet.

1. The Form Based Code, Urban Residential and Lakeside Residential context areas were designed to allow for maximum density. They allow for detached homes, duplexes, small multiplexes, rowhomes and carriage houses.
2. However, the side setback requirement of six feet (10 at side streets) is not the smallest side setback requirement in all of our zoning districts. The R-3, High Density Single Family Residential district only requires a side setback of 5 feet.
3. To be considered a buildable lot, lots in the Form Based Code-Urban Residential and Lakeside Residential context area only need to be 30 feet wide. With six feet side setback requirements, this makes it difficult to develop these lots.
4. The building code only requires that houses be at least 10 feet apart from each other, without triggering special building accommodations.

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

The Commission members discussed the proposed changes. B. Mazade had concerns with making the lot sizes smaller.

A motion to approve the request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet was made by J. Doyle, supported by L. Spataro and approved with S. Gawron, E. Hood, J. Doyle, J. Montgomery-Keast, L. Spatro and T. Michalski voting aye and B. Mazade voting nay.

NEW BUSINESS

Case 2021-40:

Request for a site plan review for a building expansion and outdoor storage at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon, by Newkirk Electric Associates, Inc.

1. Newkirk Electric is located at 1875 Roberts St. There are currently four buildings on site and a considerable amount of outdoor storage.
2. They have recently purchased the lots at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon. All lots will eventually be combined.
3. They plan on adding a 23,850-sf addition onto the western-most building on site. This addition would be placed over the alley between 1080 E Holbrook and 1870 Huizenga. This alley was vacated earlier this year, with the condition that all of the outdoor storage areas that front Laketon are screened with a wooden fence and that the barbed wire be removed. This has not taken place yet, so the alley has not officially been vacated. Any approvals should be on the condition that those requirements are fulfilled.
4. The new outdoor storage areas facing Laketon (western portion of the property) are proposed to be screened with a 3-foot berm and scattered landscaping. Staff believes better efforts to screen the outdoor storage should be made.

5. A stormwater permit has been applied for with the Engineering Department. Any approvals should be on the condition that they receive the stormwater permit.

Staff recommends better screening from Laketon Ave before the plan is approved. Staff has met with the applicant and they will be proposing new screening method at the meeting.

The Commission members discussed the case. W. VandenBosch discussed the proposed plans.

A motion to approve the request for a site plan review for a building expansion and outdoor storage at 1870 Huizenga, 1080 E Holbrook, 1045 E Laketon, 1051 E Laketon and 1091 E Laketon with the following conditions: 1. The conditions of the alley vacation are met and the alley is officially considered vacated before construction may commence, 2. A stormwater permit is obtained from the Engineering Department, 3. The site plan be amended to include the additional landscaping along Laketon Ave. was made by L. Spataro, supported by J. Montgomery-Keast and was unanimously approved.

OLD BUSINESS

None

UPDATES ON PREVIOUS CASES

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 5:38 PM.