

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, September 15, 2022 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the regular meeting of August 11, 2022.
- III. Old Business
 - A. Case 2022-19: Request for special use permit to operate a class B marihuana grow facility at 165 S Getty St.
 - B. Case 2022-22: Staff-initiated request to amend section 2319 of the zoning ordinance to reduce the minimum size requirements for single-family houses, rowhomes, duplexes and small multiplexes (up to 6 units) from 850 sf of floor area to 550 sf (total) and to also change the minimum size requirements for large multiplexes (6 units and above), mixed-use buildings and accessory dwelling units from 650 sf of floor area to 375 sf (total).
 - C. Case 2022-24: Request for a site plan review for a new building at 10,640 sf building at 381 E Laketon Ave by Midwest V, LLC.
- IV. Public Hearings
 - A. Hearing, Case 2022-25: Request for a departure from the form based code section of the zoning ordinance to allow a window with a visual light transmittance of less than 70% at 621 W Western Ave, by the Fraternal Order of Eagles 668.
 - B. Hearing; Case 2022-26: Request to rezone the property at 398 Catawba Ave from R-3, Single Family High Density Residential to B-4, General Business, by Gordon Painting and Pressure Washing, LLC.
- V. New Business
- VI. Other
 - A. Update on previous cases
- VII. Adjourn

STAFF REPORT

September 15, 2022

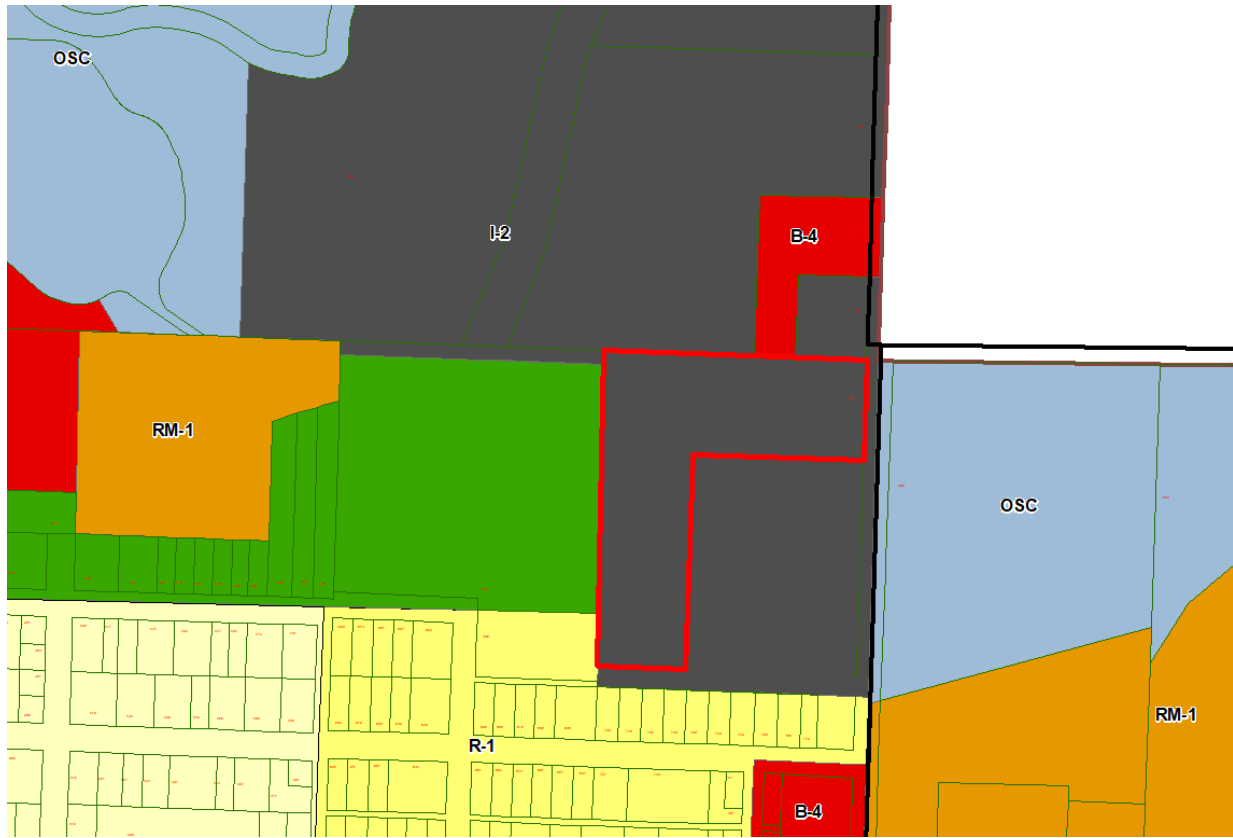
Hearing, Case 2022-19: Request for special use permit to operate a class B marihuana grow facility at 165 S Getty St.

SUMMARY

1. This case was tabled at the July 14 meeting after the public hearing was held.
2. The property is zoned I-2, General Industrial.
3. The lot measures 5.9 acres and about half of it is considered undevelopable wetlands. The existing building on site measures 7,944 sqft and was most recently used as a VFW hall.
4. A Class B recreational grow license allows the cultivation of up to 500 plants.
5. 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.



Zoning Map



Aerial Map



Staff recommends approval of the special use permit with the condition that it be revoked if there are repeated issues with odor control.

The following proposed motion is offered for consideration:

1. The special use permit shall be revoked if there are repeated issues with odor control.

Case 2022-22: Staff-initiated request to amend section 2319 of the zoning ordinance to reduce the minimum size requirements for single-family houses, rowhomes, duplexes and small multiplexes (up to 6 units) from 850 sf of floor area to 550 sf (total) and to also change the minimum size requirements for large multiplexes (6 units and above), mixed-use buildings and accessory dwelling units from 650 sf of floor area to 375 sf (total).

SUMMARY

1. This case was presented at the August 11 Planning Commission meeting. The board did not recommend approval of the amendments at the meeting. At the following City Commission meeting, staff requested to take the case back to the Planning Commission with some changes and clarification, to which the City Commission approved.
2. Staff is now proposing to keep the requirement that an additional 100 sf is required for each additional bedroom.
3. Staff has added that all units located in single-family residential districts must comply with Section 400 of the zoning ordinance, which will prevent single-family houses from being split into additional units.
4. For one and two family homes, staff has proposed the clause that states that if the house is less than 850 sqft and is to be located on a lot that is large enough to split under the zoning regulations, it must be placed in such a fashion as to allow enough room to split the lot and create an additional buildable lot. This clause had previously been proposed for the for the mixed-use building section as well, but is not needed because these types of requirements are addressed elsewhere in the ordinance, specifically the form based code and multifamily sections of the code.
5. It should be noted the current minimum housing size is measured by “floor area,” which is defined by the zoning ordinance as *the area in a dwelling unit included in the determination of occupancy restrictions. It includes the sum of floor areas of bedrooms, and common living areas. The floor area of storage areas and closet, basements without a second egress, attached garages, breezeways, and enclosed and unenclosed porches shall be excluded.* Staff is proposing to no longer use this method in determining the minimum size, but rather by measuring from the outside wall of the unit.

Summary of the case from the precious meeting:

6. In an effort to address housing affordability and to provide residents with a wide range of housing choices, staff is proposing to reduce the minimum housing size requirements listed in the Residential Design Criteria section of the zoning ordinance.
7. Currently, single-family houses and duplexes are required to have a minimum living area (excluding all basement area) of 850 sqft for a one bedroom dwelling. For each bedroom thereafter, an additional 100 sqft of living space is required.
8. Living area is defined in the zoning ordinance as the area in a dwelling unit included in the determination of occupancy restrictions. It includes the sum of floor areas of bedrooms, and common living areas. The floor area of storage areas and closet, basements without a second egress, attached garages, breezeways, and enclosed and unenclosed porches shall be excluded.
9. Staff is proposing to reduce the minimum size of single-family houses, rowhomes, duplexes and small multiplexes (up to 6 units) to 550 sqft total (excluding all basement area) per unit, measured by the outside dimensions of the building, not by using the “living area” definition in the zoning ordinance. There would also be a stipulation that structures under the current minimum size of 850 sqft, which are to be placed on large lots, must be placed on the property in a way as to leave room for a potential lot split, if the property is large enough to split under its zoning designation regulations.

10. Staff is proposing to reduce the minimum size of apartment units in large multiplexes (6 units and above) and mixed-use buildings from 650 sqft of living space to 375 sqft total. The current size requirements are too large for developers to be able to provide traditional studio apartments.

Current ordinance excerpt:

SECTION 2319: [RESIDENTIAL DESIGN CRITERIA]

In the case of a one (1) family or two (2) family dwelling unit which is of standard construction, a mobile home, a premanufactured, or a precut dwelling structure, and any additions or alterations thereto, erected or placed in the City of Muskegon, other than a mobile home located in a licensed mobile home park approved under the provisions of Article V, MHP Mobile Home Park Districts, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. The dwelling unit shall have a minimum living area (excluding all basement area) of eight hundred and fifty (850) square feet for a one (1) bedroom dwelling. For each bedroom thereafter, an additional 100 square feet of living space shall be provided.

In the case of a multi-family (more than 2 units) dwelling structure which is of standard construction, a mobile home, a premanufactured, or a precut dwelling structure, and any additions or alterations thereto, erected or placed in the City of Muskegon, other than a mobile home located in a licensed mobile home park approved under the provisions of Article V, MHP Mobile Home Park Districts, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. Each dwelling unit shall have a minimum living area (excluding all basement area) of six hundred and fifty (650) square feet for a one (1) bedroom unit, of eight hundred and seventy-five (875) square feet for a two (2) bedroom unit, and of twelve hundred (1200) square feet for a three (3) bedroom unit. For each bedroom thereafter, an additional 100 square feet of living space shall be provided.

Proposed ordinance:

All single-family houses, duplexes, rowhouses and small multiplexes (3-6 units), other than a mobile home located in a licensed mobile home park approved under the provisions of Article V, MHP Mobile Home Park Districts, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. Each dwelling unit shall have a minimum size of 550 sqft, excluding all basement area. This shall be measured from the outside wall of the unit as described on the site plan.
2. If a principal structure is less than 850 sqft and is to be located on a lot that is large enough to split under the zoning regulations, it must be placed in such a fashion as to allow enough room to split the lot and create an additional buildable lot. The lot does not actually have to be split at the time of construction and may be done at a later date at the property owners discretion.
3. All buildings located in single family residential districts must comply with Section 400.2 of the zoning ordinance. Multiple family dwellings are only allowed in single-family residential districts if the home has already been altered with prior approval to allow for multiple dwellings. One-family dwellings may not be altered to allow for multiple dwellings, nor may new homes be built for multiple dwellings.

All dwelling units within large multiplexes (6 units and above), mixed-use buildings and accessory dwelling units shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. Each dwelling unit shall have a minimum size (excluding all basement area) of 375 sqft. This shall be measured from the outside wall of the unit as described on the site plan.
2. All buildings located in single family residential districts must comply with Section 400.2 of the zoning ordinance. Multiple family dwellings are only allowed in single-family residential districts if the home has already been altered with prior approval to allow for multiple dwellings. One-family dwellings may not be altered to allow for multiple dwellings, nor may new homes be built for multiple dwellings.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend section 2319 of the zoning ordinance to reduce the minimum size requirements for single-family houses, rowhomes, duplexes and small multiplexes (up to 6 units) from 850 sf of floor area to 550 sf (total) and to also change the minimum size requirements for large multiplexes (6 units and above), mixed-use buildings and accessory dwelling units from 650 sf of floor area to 375 sf (total) be recommended to the City Commission for (approval/denial).

Case 2022-24: Request for a site plan review for a new building at 10,640 sf building at 381 E Laketon Ave by Midwest V, LLC.

1. This plan was approved at the August 11 Planning Commission meeting. During the meeting, a Planning Commissioner asked if the building could be moved forward closer to the street. The applicant indicated that it could not, because the stormwater had to be located in front of the building because of easements located in the back of the property. Staff has requested to see further detail of the easements to see if it would be possible to amend the plan and put the stormwater in the back. Enclosed within this packet you will find a copy of the “existing conditions” map, which shows the existing alley. Staff will be meeting with the Engineering Department to determine the exact restrictions of this easement and the limitations it puts on stormwater placement.
2. The ordinance allows revocation of a site plan approval through Section 2330 #14 of the zoning ordinance (enclosed). If so inclined, a member of the Planning Commission who voted in favor of the case at the August meeting is allowed to make a motion to revoke the site plan approval and put the case back on the table.
3. Section 2330 #11, parts F & M of the zoning ordinance describe the requirements of sound engineering practices and pedestrian safety. The current location of the stormwater basin along the front of the store on Laketon Ave would make it difficult, and potentially dangerous, for pedestrians to access the store since the design leads pedestrians away from the entrance doors into the parking lot. Stormwater basins are encouraged to be located in the rear to avoid these types of access issues.

DELIBERATION

The following proposed motion is offered for consideration:

I move to revoke the site plan approval for Case 2022-24 in order to further review the site limitations put forth by the location of the alley in the rear of the property.

Hearing, Case 2022-25: Request for a departure from the form based code section of the zoning ordinance to allow a window with a visual light transmittance of less than 70% at 621 W Western Ave, by the Fraternal Order of Eagles 668.

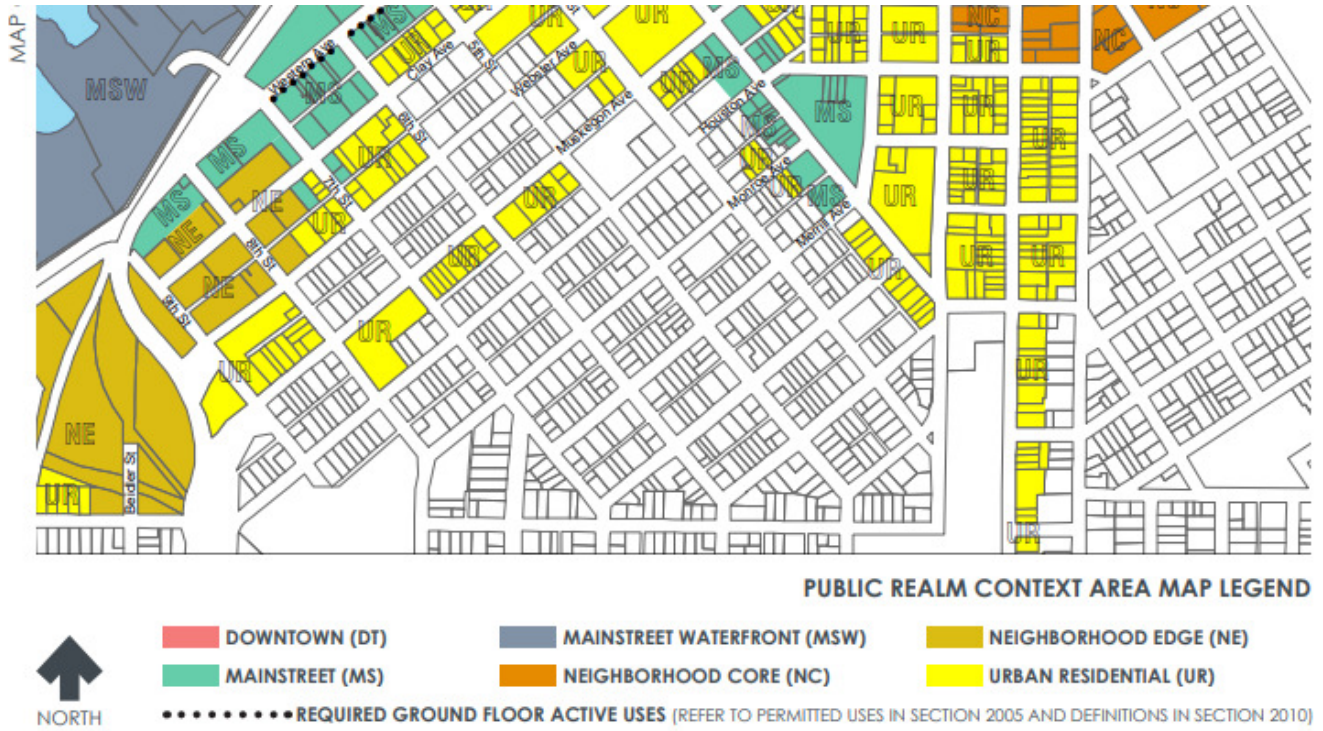
SUMMARY

1. The property is zoned FBC, Mainstreet.
2. The form based code requires all windows on the first floor be transparent with a visual light transmittance (VLT) of at least 70%.
3. The window was installed without zoning, historic district or building approval. The Historic District Commission has since approved the window after the fact.
4. Please see the articles on the following pages regarding the importance of lighting and window transparency in downtowns and their relation to active facades and pedestrian safety.
5. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had received on letter from the public (enclosed).

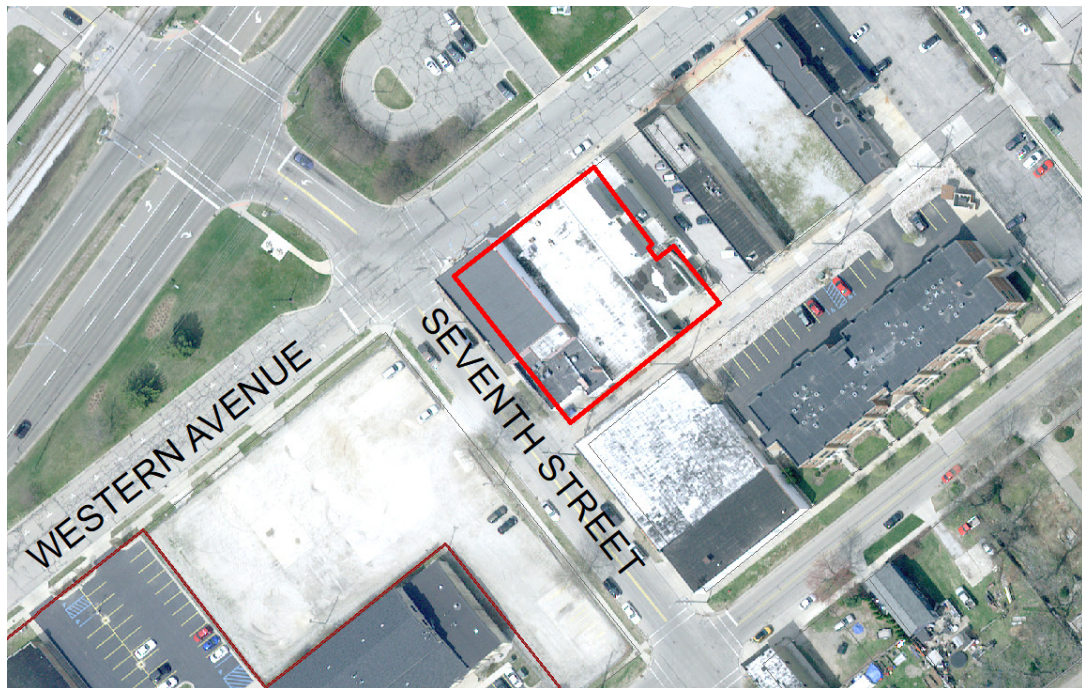


The reflective glass that was installed is pictured to the right. The type of window they replaced is pictured to the left.

Zoning Map



Aerial Map



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Make Sticky Edges

Energize public spaces with active, deep facades.

IN JAN GEHL'S *CLASSIC Cities for People*, the index contains thirty-six distinct entries under the term "edges." Gehl understands—and has helped us to understand—how the quality of a place's perimeter is largely responsible

Codes should require that long facades in would-be walkable areas provide vertical members at their lower stories.

for its success or failure as public space. He uses the term "soft edges" to describe the objective, noting that people almost always linger at the perimeter of a space rather than the center, but that the most successful edges offer more than a blank wall or a sheet of mirror glass.²⁸⁹ The best do two things well: they are *active*, and they are *thick*.

Active Facades

Active facades provide the street with interest and energy. In terms of what can be written into city codes, these quali-

ties translate into percentage of openings, rhythm, and limited repetition:

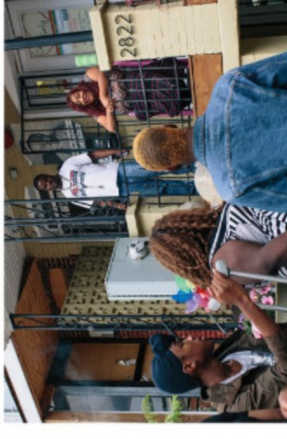
- The bluntest instrument for avoiding blank walls is a minimum openings percentage. In its "active facade" zones, the City of Melbourne sets a minimum of 60%,²⁹⁰ which is appropriate to retail uses. Residential facades can have a minimum closer to 25%, to allow punched openings, but this rule should be tied to a "no blank walls" requirement that demands a window or door every 10 feet or less on each story.
- Rhythm is provided by buildings having vertical rather than horizontal articulation. The ribbon window of early modernism does many things, but it does not support an interesting walk, as it stretches out distances and provides no articulation as you move past. Codes should require that long facades in would-be walkable areas provide vertical members at their lower stories.
- Limited repetition is provided by encouraging small

increments of development and, where that is not possible, breaking up long buildings into distinct segments. This specific practice is described ahead under Rule 90.

Thick Facades

What makes a potential shopper more likely to enter a store? What makes a resident more likely to interact with passers-by? What makes pedestrians more likely to stop and hang out for a while? All these questions have the same answer: robust transition zones between the insides and the outsides of buildings, architectural features that attenuate the path from public to private. In shorthand, these can be called thick facades. Thick facades take the following forms.

- **Retail:** Sidewalk dining, benches against facades, placards and merchandise in the frontage zone (see Rule 80), entry alcoves flanked by display windows, roll-up and other wide-open warm-weather facades, arcades, window counters and window bars (the drinking kind), upstairs balconies, and other overhangs abound; most retail facades should have some form of awning. The goal is to blur the distinction between the shop and the sidewalk.
- **Residential:** Short setbacks, front porches and stoops, bay windows, balconies, and active front-yard gardens abound. A new best-practice among



Front porches enable neighborly interactions that simply would not happen otherwise.

skilled multifamily developers is to make first-floor apartments look like rowhouses by giving them stoops and front doors, even though they may still be hallway-served.

- **Office:** First-floor offices in would-be walkable locations are always a challenge. Where possible, they should be given transitional spaces like bay windows and porches against the sidewalk, similar to residential uses. But a better approach, one becoming favored among office tenants, is to forego the large glamorous lobby in favor of leasing out as much space as possible to amenity retail such as restaurants and coffee houses, which can provide proper storefronts instead.

RULE 88: Achieve active and thick facades through requirements and/or incentives for minimum openings, vertical articulation, variety, awnings, stoops, porches, balconies, bay windows, entry alcoves, and other semipublic attachments.

SECURITY & LIGHTING

SECURITY

Storefront security is paramount in any successful retail environment and any neighborhood. However, common security elements such as metal bars and metal roll-down grates create a sense of fear and suggest a crime-plagued area. These perceptions, whether real or not, result in a decrease in popularity and prosperity of a commercial zone.

Solid grates are a liability for the same kind of reasons: they detract from the neighborhood quality of the street, they make pedestrians feel unsafe, they conceal the interior from view, and they are hard to keep free of graffiti. When open-mesh grates are an absolute necessity, they are best built into the interior of the storefront ceiling where they may be concealed during the day.

There are a variety of ways of securing a business without these kinds of exterior fortifications. Large, transparent windows and doors allow pedestrians and traffic to visually monitor business safety. Security measures can also be enhanced through discrete solutions such as quality locks, internal alarms and notification systems, laminate safety glass and community watch efforts.

FOR ADDITIONAL EXAMPLES, GO TO PAGE 28

DID YOU KNOW?

The removal of solid grates or, at a minimum, their conversion to the open-mesh type is required of all Boston Main Streets and all Department of Neighborhood Development commercial projects.

The Boston Zoning Code does not allow the installation of new solid type grates. Some neighborhood zoning prohibits any grates mounted on the exterior. Refer to Neighborhood district Regulations for requirements of an area.



DO

- Remove exterior roll-down grates and grate boxes whenever possible.
- Mount new mesh grates inside the windows, if they are needed for security, making sure that the grates and their housing is located as unobtrusively as possible.
- Add extra lighting on the building and/or street to deter crime as well as using motion activated lights to illuminate dark areas at night.
- Add decorative metal grates to secure a vestibule area.
- Consider installing electronic alarm systems in combination with laminated safety glass to provide an extra measure of security.



DON'T

- Don't install solid roll-down grates.



STAFF RECOMMENDATION

Staff recommends denial of the request because they counter the efforts to increase pedestrian traffic downtown. VLT requirements have been adopted to beautify building facades and to make pedestrians feel comfortable, safe and engaged while they are downtown.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a departure from the form based code section of the zoning ordinance to allow a window with a visual light transmittance of less than 70% at 621 W Western Ave be (approved/denied).

Hearing; Case 2022-26: Request to rezone the property at 398 Catawba Ave from R-3, Single Family High Density Residential to B-4, General Business, by Gordon Painting and Pressure Washing, LLC.

SUMMARY

1. The property is zoned R-3, High Density Single Family Residential.
2. The commercial building on site is considered grandfathered and has been used by Gordon Painting for many years.
3. The applicant would like to put an addition on to the building in order to start a power washing business alongside the painting business. However, non-conforming uses are only allowed to expand their buildings up to twenty-five percent.
4. The property is adjacent to a commercial/industrial corridor.
5. Staff had initially discussed rezoning the property to Light Industrial since it is adjacent to light industrial properties. However, these uses can be located in a General Business zone and will offer protection to the residential neighborhood that more intensive uses will not be able to be located there.
6. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public.

398 Catawba Ave



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning in order to maximize the potential of the property. The property has consistently been used for commercial purposes for decades, but zoning restrictions limit its potential.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 398 Catawba Ave from R-3, Single Family High Density Residential to B-4, be recommended to the City Commission for (approval/denial).