

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

September 15, 2022

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

MEMBERS PRESENT: L. Mikesell, J. Montgomery-Keast, E. Hood (arrived at 4:04pm), D. Keener, B. Mazade, K. Johnson, T. Michalski

MEMBERS ABSENT: J. Doyle, L. Spataro

STAFF PRESENT: M. Franzak, S. Pulos, J. Pesch, Mike Faino, R. Vanderweit

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on August 11, 2022 was made by J. Montgomery-Keast, supported by K. Johnson, and unanimously approved.

OLD BUSINESS

Case 2022-19:

Request for special use permit to operate a class B marihuana grow facility at 165 S Getty St.

The applicant was not in attendance.

MOTION

B. Mazade moved, seconded by J. Montgomery-Keast, that the request for a special use permit to operate a class B marihuana grow facility at 165 S Getty St. be denied.

ROLL CALL VOTE

L. Mikesell: Yes	B. Mazade: Yes	E. Hood: Abstain (arrived at 4:04pm)
K. Johnson: Yes	J. Montgomery-Keast: Yes	D. Keener: Yes
T. Michalski: Yes		

MOTION PASSES

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).

MOTION

L. Mikesell moved, seconded by K. Johnson, 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).

ROLL CALL VOTE

L. Mikesell: Yes

B. Mazade: No

E. Hood: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

D. Keener: Yes

T. Michalski: Yes

MOTION PASSES

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.

MIKE FRANZAK STATED THAT THIS ITEM HAS BEEN TAKEN OFF THE AGENDA.

He went on to say there are utilities on the back of the lot with unrecorded easements and an alley that was not recorded, in coordination with the storm water company the City Engineering department, all details of placement and green space were accommodated and the building will be closer to the street.

PUBLIC HEARINGS

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).

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.

PUBLIC COMMENTS

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by L. Mikesell, 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 denied.

ROLL CALL VOTE

L. Mikesell: Yes	B. Mazade: No	E. Hood: No
K. Johnson: Yes	J. Montgomery-Keast: Yes	D. Keener: No
T. Michalski: No		

MOTION DOES NOT PASS

2ND MOTION

B. Mazade moved, seconded by E. Hood, 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 to keep the window, with the condition that it must be tinted.

ROLL CALL VOTE

L. Mikesell: Yes	B. Mazade: Yes	E. Hood: Yes
K. Johnson: Yes	J. Montgomery-Keast: Yes	D. Keener: Yes
T. Michalski: Yes		

MOTION PASSES

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.

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.

PUBLIC COMMENTS

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Mikesell moved, seconded by J. Montgomery-Keast, 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.

ROLL CALL VOTE

L. Mikesell: Yes

B. Mazade: No

E. Hood: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

D. Keener: Yes

T. Michalski: Yes

MOTION PASSES

NEW BUSINESS

None.

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

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