

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

August 11, 2022

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

MEMBERS PRESENT: L. Spataro, L. Mikesell, J. Doyle, J. Montgomery-Keast, E. Hood (left at 5pm), D. Keener, B. Mazade

MEMBERS ABSENT: T. Michalski, K. Johnson

STAFF PRESENT: M. Franzak, S. Pulos

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on July 14, 2022 was made by J. Montgomery-Keast, supported by L. Mikesell, 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 and this case was tabled.

PUBLIC HEARINGS

Hearing, Case 2022-20:

Request for a special use permit to allow the Boys and Girls Club of the Muskegon Lakeshore to temporarily locate at 1128 Roberts St while their new facility is being renovated, by Fresh Coast Alliance.

SUMMARY

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures 2.3 acres and has an existing 15,500 sf building.
3. Earlier this year, the applicant was approved for a special use permit at this address to allow a facility for recovery and support services for mental health and substance abuse.
4. The applicant is now requesting to temporarily allow the Boys and Girls Club of the Muskegon Lakeshore to operate in the same facility. The new Boys and Girls Club facility at 900 W Western Ave is being remodeled and is anticipated to be complete by May of 2023.

5. 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 special use permit.

PUBLIC COMMENTS

Cindy Lockhart, 1080 Green: She stated that she did not get notice from the Planning Department, but rather she did receive a letter from Fresh Coast. She stated that she feels that everything is being done behind people's back and that it doesn't make sense to have two conflicting services in the same building. She also shared that she has seen one person that was going through the program smoking pot in the alley behind the business.

Marg Switzer: She is the Fitness Director, the average age is 52-60 years. She stated the program is a very quiet one, and that there are studies to support fitness activities support sobriety and health. She plans to use Fresh Coast's small gym for the program.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by L. Mikesell, that the request for a special use permit to operate the Boys and Girls Club of the Muskegon Lakeshore at 1128 Roberts St be approved.

ROLL CALL VOTE

L. Spataro: Yes

L. Mikesell: Yes

B. Mazade: Yes

E. Hood: Yes

J. Doyle: Yes

J. Montgomery-Keast: Yes

MOTION PASSES

Hearing, Case 2022-21:

Request for preliminary and final Planned Unit Development approval for a micro-lodging development at 2033 and 2043 Lakeshore Dr.

SUMMARY

1. The properties are zoned FBC-Lakeshore Commercial (2033 Lakeshore Dr) and FBC-Lakeshore Mixed Residential (2043 Lakeshore Dr). Both lots measure 60'x 120' for a total land area of 7,200 sqft. The property at 2033 Lakeshore Dr is currently vacant and the property at 2043 Lakeshore Dr contains a rental house, which will remain.
2. Please see the enclosed site plan.

3. The project includes the addition of 10 micro-lodging units and a storage shed. The lodging units measure 212 sqft and the shed measures 240 sqft. The lodging units will be constructed off site and then be brought on site, where they will be hooked up to electric, water and sewer. They will be placed on site in phases and it is anticipated that all 10 units will be located on site within 18 months.
4. There are no proposed parking spaces on site. The applicant has an agreement with Ghezzi's Market to utilize the extra parking spaces behind their building. It should also be noted that on-street parking is not required within the form based code district. There is an existing curb cut at 2033 Lakeshore Dr that will be replaced with new curbing.
5. A trash enclosure will be placed off the alley next to the shed.
6. A landscaping plan was not submitted but the applicant has agreed to place canopy trees in the terrace along Moon St. The ground cover will be grass with walking paths.
7. Notice was sent to all properties within 300 feet. At the time of this writing, staff had received one comment from the public. Please see the enclosed letter from Ellen Davis.

STAFF RECOMMENDATION

Staff recommends approval of the PUD with the following condition:

1. A landscaping plan be submitted to staff that depicts at least five canopy trees along the terrace on Moon St.
2. The applicant is allowed up to 18 months to move all micro-lodging units on site, upon which the curb cut on Lakeshore Dr is removed and replaced with new curbing.

PUBLIC COMMENTS

Ratan Khatri, 1167 Peck: He stated that he supports the proposal as a landlord, and that this concept may be needed in the future due to housing rental crisis.

Rachel Mutton, 2055 Lakeshore: She stated that she is not against it, but that the proposed lot doesn't have enough common areas to hang out. People visiting will have coolers etc and that there will not be enough room there to accommodate that. She said that she thinks making it pet friendly is not a good idea. She stated that she manages over 100 rental properties and it is her experience that if a staff person is not on site, there will be problems. She also stated that because there is only 2-hour parking surrounding the area, there will be a problem and that no one is going to want to carry all their belonging across the street via the crosswalk area. There needs to be a loading zone. She stated that she is not against it, but it is her opinion that it is too high density for the PUD. She also stated that she attempted to check all regulations, trying to make sure that this project complied and that she couldn't find anything. She also said that this space doesn't have the same ambience as the Portland site.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by L. Mikesell, that the request for preliminary and final Planned Unit Development approval for a micro-lodging development at 2033 and 2043 Lakeshore Dr be

recommended to the City Commission for approval with the following conditions:

1. A landscaping plan be submitted to staff that depicts at least five canopy trees along the terrace on Moon St.
2. The applicant is allowed up to 18 months to move all micro-lodging units on site, upon which the curb cut on Lakeshore Dr is removed and replaced with new curbing.
3. Fencing to be put starting behind the home at 2043 Lakeshore Dr, back to the alley, and then along the alley.

ROLL CALL VOTE

L. Spataro: Yes

L. Mikesell: Yes

B. Mazade: Yes

E. Hood: Left at 5pm

J. Doyle: Yes

J. Montgomery-Keast: Yes

MOTION PASSES

Hearing, 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 living area to 550 sf (total) and to also change the minimum size requirements for large multiplexes (6 units and above) and mixed-use buildings from 650 sf of living area to 375 sf (total).

SUMMARY

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Staff is only proposing the reduction in these minimum size requirements and to keep the rest of the residential design criteria section the same.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by L. Spataro, that the request to amend section 2319 of the zoning ordinance to reduce the minimum size requirements for one- and two-family dwelling units from 850 sf of living area to 550 sf (total) and to also change the minimum size requirements for more than two (amended by J. Montgomery-Keast to six units) dwelling units (multi-family) from 650 sf of living area to 375 sf (total) be recommended for approval, with the provision that existing houses cannot be subdivided.

ROLL CALL VOTE

L. Spataro: No

L. Mikesell: Yes

B. Mazade: No

E. Hood: Left at 5pm

J. Doyle: No

J. Montgomery-Keast: Yes

MOTION DOES NOT PASSES

Hearing, Case 2022-23:

Staff-initiated request to rezone the properties at 2043, 2051, 2065 and 2075 Dowd St from R-3, High Density Single Family Residential to Form Based Code, Urban Residential.

SUMMARY

1. The City owns the vacant lots at 2043, 2051, 2065 and 2075 Dowd, which are currently zoned R-3, High Density Single Family Residential.
2. The lots each measure 61.8" x 75" and are located behind Campbell Playground.
3. The FBC-UR designation would allow for single-family houses, rowhouses, duplexes, and small multiplexes (3-4 units). The city is currently working with a developer that would like to construct duplexes on site.
4. These properties are located about 600 feet north of the duplexes currently being constructed at the corner of Hackley/Dowd. Those properties were approved for a rezoning in 2021. There are also large apartment complexes located just to the southwest of these parcels.
5. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Spataro moved, seconded by J. Montgomery-Keast, that the request to rezone the properties at 2043, 2051, 2065 and 2075 Dowd St from R-3, High Density Single Family Residential to Form Based Code, Urban Residential be recommended to the City Commission for approval.

ROLL CALL VOTE

L. Spataro: Yes

L. Mikesell: Yes

B. Mazade: Yes

E. Hood: Left at 5pm

J. Doyle: Yes

J. Montgomery-Keast: Yes

MOTION PASSES

NEW BUSINESS

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

SUMMARY

1. The property is zoned B-2, Convenience and Comparison Business and measures just under one acre in size.
2. The former Dollar General on site was demolished after a fire in 2021.
3. The new Dollar General building measures 10,640 sqft and will be better situated on site with parking located on the side and rear of the building.
4. There are 34 parking spaces provided on-site, which meets the zoning ordinance requirements.
5. The dumpster location is located in the rear of the building and will be screened.
6. The front setback measures 38 feet and most of it will be used as a stormwater basin.
7. The landscaping plan goes beyond the zoning ordinance requirements and will add some much-needed street trees along Wood St and Smith St. However, there are no canopy trees located along Laketon Ave.

STAFF RECOMMENDATION

Staff recommends approval of the site plan with the condition that at least 5 canopy trees be placed along the Laketon Ave street frontage.

PUBLIC COMMENTS

None.

DISCUSSION

L. Mikesell: Is it possible to have that storm basin back behind so that the whole building can be street fronted?

M. Franzak: You will need to speak to the developer on that, it is a little bit lengthy, it's about 38 ft set off so I believe the developers can speak on that. We were able to eliminate parking in front of that but it is quite a bit of space.

L. Spataro: I share your concern, the one on Henry Street is very nice except for the moat in front of the building.

Jason, AR Engineering, 5725 Metro Park Dr, Kalamazoo, MI: To speak to the basin in the front, it is very shallow, only 2ft deep, actually only one ft deep, with a slow release into the City's system. We looked at soils as well, the soils are rather good on site. The intent is that majority of the water will be slow released into the City system at the allowed rate and the rest will infiltrate. With it being a shallow basin, with the landscape plan, as requested, we will look to add 5 trees and 5 shrubs along the frontage. Do to the shallow nature of the basin, we don't have any concern from a development stand point. We are really working with the City to meet setbacks requirements and other aspects of development. Also, there's an alley along the southern portion that has restrictions on how we development things on the site. That currently is still an active alley.

L. Mikesell: So are you saying that the storm basin that is currently along Laketon Ave cannot be moved back behind along the alley so that the building can be right at the street?

Jason, AR Engineering, 5725 Metro Park Dr, Kalamazoo, MI: The building can't be right at the street the way the zoning regulations are.

M. Franzak: It's a 10 ft set-back requirement.

Jason, AR Engineering, 5725 Metro Park Dr, Kalamazoo, MI: And the other thing to the south is that there is a rather extensive corridor of utilities that routes through the old alley there and that is not an option.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Spataro, seconded by L. Mikesell, that the site plan for a new building at 10,640 sf building at 381 E Laketon Ave be approved with the following condition:

1. The landscaping plan is amended to include the addition of at least five canopy trees along Laketon Ave.

ROLL CALL VOTE

L. Spataro: Yes

L. Mikesell: Yes

B. Mazade: Yes

E. Hood: Left at 5pm

J. Doyle: Yes

J. Montgomery-Keast: Yes

MOTION PASSES

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 5:49 pm.