

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, December 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 November 17, 2022.
- III. Old Business
- IV. Public Hearings
 - a. Hearing, Case 2022-31: Request for a departure from the form-based code section of the zoning ordinance to allow a residential unit on the first floor of a mixed-use building at 585 W Clay Ave, by FMA Rentals, LLC.
 - b. Hearing, Case 2022-32: Request for a special use permit to operate a Class B recreational marihuana grow facility at 2007 Henry St, by Greenroom Gardens, LLC.
 - c. Hearing, Case 2022-33: Staff initiated request to vacate a portion of Viridian Dr, east of Terrace St.
- V. New Business
- VI. Other
 - A. Update on previous cases
- VII. Adjourn

STAFF REPORT

December 15, 2022

Hearing, Case 2022-31: Request for a departure from the form-based code section of the zoning ordinance to allow a residential unit on the first floor of a mixed-use building at 585 W Clay Ave, by FMA Rentals, LLC.

SUMMARY

1. The property is zoned FBC, Mainstreet. The building type is mixed-use.
2. The building was last used as a bicycle store on the first floor and vacant office/storage space on the second floor.
3. The new owner would like to convert both floors to residential units. However, duplexes are not an allowed building type in this context area.
4. The owner is seeking a departure from the code to allow for a residential unit on the first floor of the mixed-use building.
5. The building is in an historic district and must abide by all design requirements. The owner does not intend on modifying the façade of the building, which would leave the possibility of retail again in the future.
6. 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.

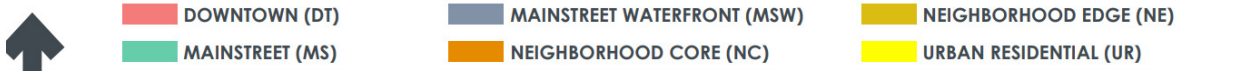
585 W Clay Ave



Zoning Map



PUBLIC REALM CONTEXT AREA MAP LEGEND



Aerial Map



2005.04 SUMMARY OF BUILDING TYPES PERMITTED IN EACH CONTEXT AREA

BUILDING TYPE WITH FRONTAGE OPTION		CONTEXT AREAS					
		DT DOWNTOWN	MS MAINSTREET	MSW MAINSTREET WATERFRONT	NC NEIGHBORHOOD CORE	NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	By Right	By Right	By Right	By Right	
	with BALCONY	By Right	By Right	By Right	By Right	By Right	
	with TERRACE	Conditional	Conditional	Conditional	Conditional	Conditional	
	with FORECOURT	By Right	By Right	By Right	By Right	By Right	
	with DRIVE-THROUGH				By Right	By Right	
RETAIL BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with DRIVE-THROUGH				By Right	By Right	
FLEX BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with FORECOURT		By Right	By Right	By Right	By Right	
	with DOORYARD		By Right	By Right	By Right	By Right	
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT				By Right	By Right	
	with DOORYARD				By Right	By Right	
	with STOOP				By Right	By Right	
LIVE / WORK BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with DOORYARD		By Right	By Right	By Right	By Right	At corner lots only
	with LIGHTWELL		By Right	By Right	By Right	By Right	
	with STOOP		By Right	By Right	By Right	By Right	At corner lots only
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT		By Right	By Right	By Right		
	with DOORYARD		By Right	By Right	By Right		
	with STOOP				By Right		
	with PROJECTING PORCH				By Right		
SMALL MULTI-PLEX BUILDING TYPE	with STOOP				By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
	with ENGAGED PORCH				By Right	By Right	By Right
ROWHOUSE BUILDING TYPE	with LIGHTWELL		By Right	By Right	By Right		
	with STOOP		By Right	By Right	By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
DUPLEX BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
DETACHED HOUSE BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
CARRIAGE HOUSE BUILDING TYPE						By Right	By Right
CIVIC BUILDING TYPE		By Right	By Right	By Right	By Right	By Right	By Right

Shaded areas represent Building Types that are not permitted in specified Public Realm Context Area.

STAFF RECOMMENDATION

Staff recommends approval of the request as long as the retail store façade requirements are not removed.

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 residential unit on the first floor of a mixed-use building at 585 W Clay Ave be (approved/denied) with the following condition:

1. The retail store façade requirements are not removed from the building.

Hearing, Case 2022-32: Request for a special use permit to operate a Class B recreational marihuana grow facility at 2007 Henry St, by Greenroom Gardens, LLC.

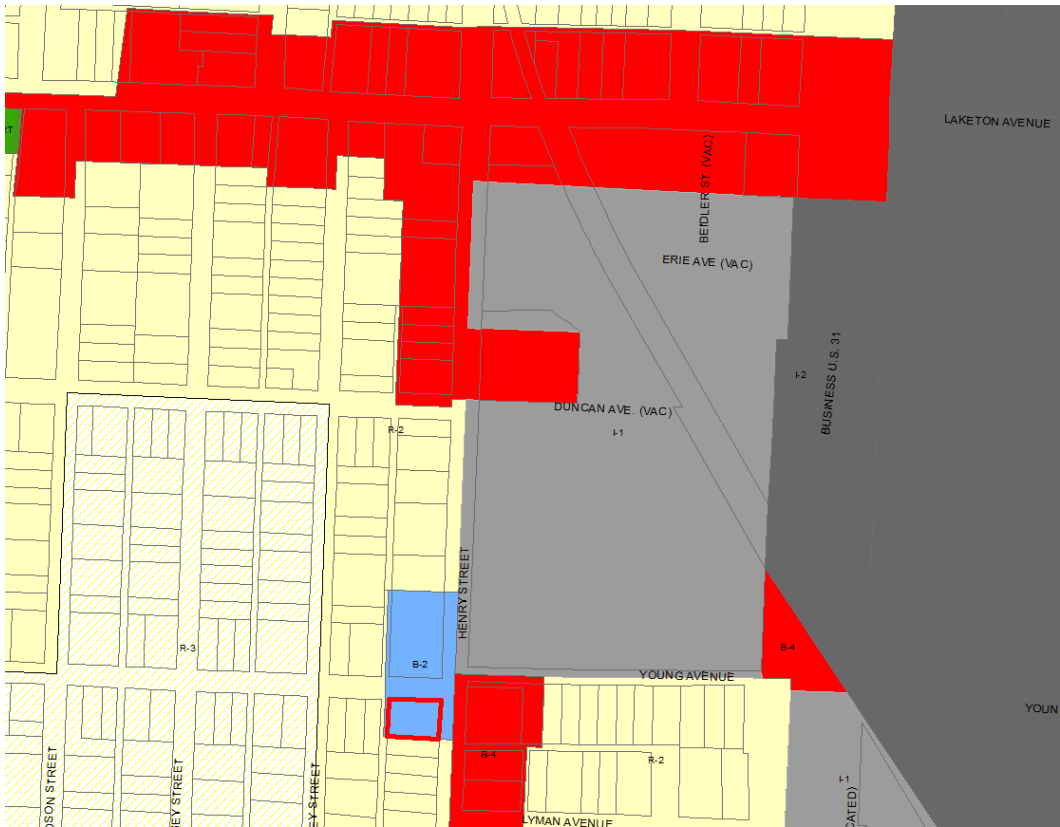
SUMMARY

1. The property is zoned B-2, Convenience & Comparison Business.
2. The lot measures 9,600 sf and the building measures just under 3,700 sf.
3. The property was last used as a marihuana caregiving facility in 2020. The location did receive several complaints from nearby residents about odor.
4. The applicant is requesting a special land use permit to operate a Class B recreational marihuana grow operation. This license type allows growing for up to 500 plants with the following conditions:
 - A waste disposal plan must be approved for the disposal of waste, chemicals and unused plant material.
 - There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras.
5. The applicant operates another marihuana grow facility at 1839 Peck St and has not had any odor complaints since it opened in early 2022.
6. 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.

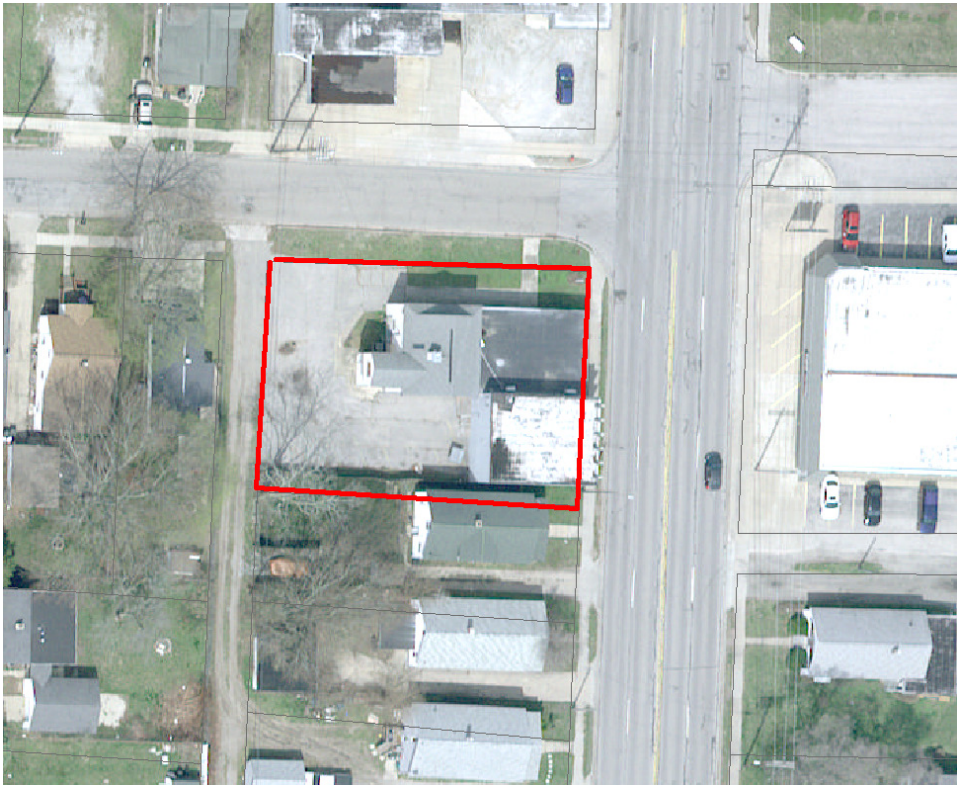
2007 Henry St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit, with the condition that it be revoked if there are continuous odor violation complaints.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a Class B recreational marihuana grow facility at 2007 Henry St be (approved/denied) with the following condition:

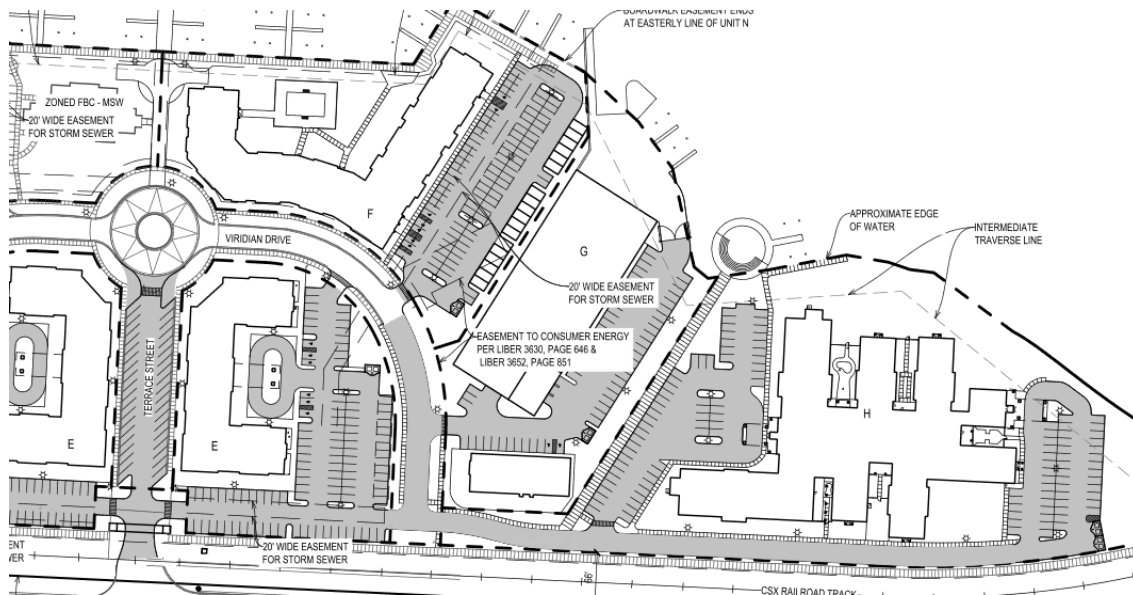
1. The special use permit shall be revoked if there are continuous odor violation complaints.

Hearing, Case 2022-33: Staff initiated request to vacate a portion of Viridian Dr, east of Terrace St.

SUMMARY

1. The portion of the street was vacated in January 2021. However, the legal description of the street vacation was not accurate and we have been advised by our legal counsel to redo the process with a more defined legal description.

Area of Viridian Dr to be Vacated Shaded in Grey



Legal Description of the Area to Be Vacated

Description of Vacated Roadway:

Commencing at the Southeasterly most corner of Muskegon Lakeshore Smartzone Site Condominium (point also known as the Southerly most corner of Unit F of said Site Condominium); thence Northeasterly 635.12 feet along a 803.25 foot radius curve to the right, the chord of which bears North 70°04'08" East 618.71 feet along the South line of said Site Condominium; thence South 87°16'46" East 899.88 feet along said South line to the place of beginning; thence continuing South 87°16'46" East 346.86 feet along said South line; thence Northeasterly 168.87 feet along a 1272.34 foot radius curve to the left along said South line, the chord of which bears North 88°55'06" East 168.74 feet; thence Northwesterly 133.72 feet along a 153.00 foot radius curve to the left, the chord of which bears North 62°14'28" West 129.51 feet; thence North 87°16'46" West 397.90 feet; thence Northwesterly 233.52 feet along a 224.00 foot radius curve to the right, the chord of which bears North 57°24'52" West 223.09 feet; thence North 27°32'58" West 131.96 feet; thence South 62°27'02" West 66.00 feet; thence South 27°32'58" East 131.96 feet; thence Southeasterly 302.32 feet along a 290.00 foot radius curve to the left, the chord of which bears South 57°24'52" East 288.82 feet to the point of beginning.

DELIBERATION

The following proposed motion is offered for consideration:

I move that request to vacate a portion of Viridian Dr, east of Terrace St, as described, be recommended to the City Commission for (approval/denial).