

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

December 15, 2022

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

MEMBERS PRESENT: J. Seyferth, D. Keener, J. Montgomery-Keast, L. Spataro, J. Doyle,
B. Mazade

MEMBERS ABSENT: None.

MEMBERS EXCUSED: K. Johnson, E. Hood, T. Michalski

STAFF PRESENT: M. Franzak, S. Pulos, W. Wendy

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on November 17, 2022 was made by J. Montgomery-Keast, supported by L. Spataro, and unanimously approved.

OLD BUSINESS

None.

PUBLIC HEARINGS

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.

STAFF RECOMMENDATION

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

PUBLIC COMMENTS

None

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

D. Keener moved, seconded by J. Montgomery-Keast, 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 with the following condition:

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

ROLL CALL VOTE

J. Seyferth: Yes

D. Keener: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

MOTION PASSES

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.

STAFF RECOMMENDATION

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

PUBLIC COMMENTS

Dashawn Colgrow 2026 Crowley St. He stated that he has 3 kids, that his father was a pothead but he has given his life to Jesus Christ. He stated that he is against the approval of a special use permit because there will be a lot of cars and a bad smell, which he will have to explain to his children. He read Bible verses to support his opinion on the matter.

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

L. Spataro moved, seconded by D. Keener, the request for a special use permit to operate a Class B recreational marijuana grow facility at 2007 Henry St be approved with the following condition:

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

ROLL CALL VOTE

J. Seyferth: Yes

D. Keener: Yes

J. Montgomery-Keast: No

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: No

MOTION PASSES

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.

PUBLIC COMMENTS

None

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by D. Keener, that request to vacate a portion of Viridian Dr, east of Terrace St, as described, be recommended to the City Commission for approval.

ROLL CALL VOTE

J. Seyferth: Yes

D. Keener: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

MOTION PASSES

NEW BUSINESS

None.

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 4:48 pm.