

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, October 14, 2021
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of September 16, 2021.
- III. Public Hearings
 - A. Hearing, Case 2021-26: Staff initiated request to amend the Lakeside Form Based Code to allow microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.
 - B. Hearing, Case 2021-27: Request to rezone the property at 2052 Bourdon from R-1, Low Density Single Family Residential to RM-2, Medium Density Multifamily, by Tall Tree Realty.
 - C. Hearing, Case 2021-28: Request for a special use permit to operate a marihuana microbusiness at 1811 Continental St, by High Level Holistic, LLC.
 - D. Hearing, Case 2021-29: Staff initiated request to rezone all R-1, R-2 and R-3 properties in the Angell, Nims, Jackson Hill and McLaughlin neighborhoods to Form Based Code, Urban Residential.
- IV. New Business
- V. Other
 - A. Updates on previous cases
- VI. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon 24- hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or

calling the following:
Ann Meisch, City Clerk
933 Terrace Street
Muskegon MI 49440

STAFF REPORT

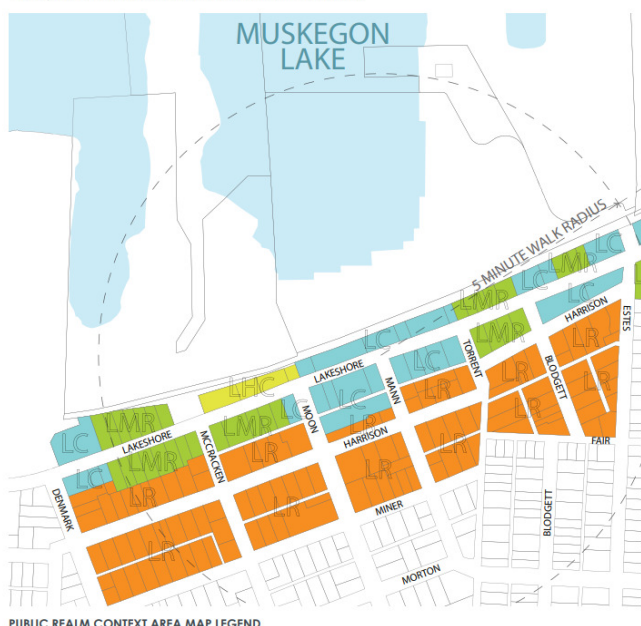
October 14, 2021

Hearing, Case 2021-26: Staff initiated request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows (500 plant max), class A medical grows (100 plant max), class B medical grows (500 plant max) and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

SUMMARY

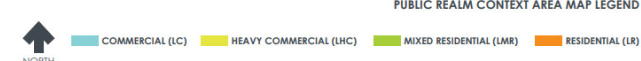
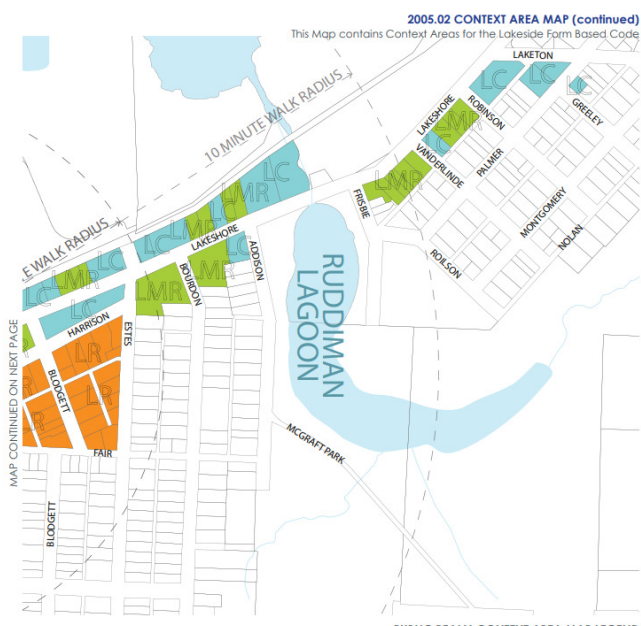
1. Marihuana caregivers are allowed in B-2, B-4, Medical Care, I-1 and I-2 zoning districts.
2. The Lakeside Business District was made up predominantly of B-2 and B-4 zoning districts. They were rezoned to Lakeside Form Based Code in May Of 2019. The newly created Lakeside Form Based Code did not allow for caregivers at the time, an oversight from staff. There is now a legally non-conforming caregiver located in Lakeside, as it existed before the zoning change.
3. In November of 2020, in an effort to help get more local people involved in the marihuana industry, the Commission adopted an ordinance amendment that would allow smaller marihuana license types to operate where caregivers were already allowed. These license types included microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted.
4. Had the Lakeside Business District not been rezoned to Lakeside Form Based Code, the Lakeside Businesses would have enjoyed the ability to operate these uses under a special use permit.
5. Staff is proposing to amend the Lakeside Form Based Code ordinance to allow these same license types in the Lakeside Commercial and Lakeside Heavy Commercial Context areas.
6. There are 37 properties in Lakeside that have Lakeside Commercial and Lakeside Heavy Commercial Context areas, however, most of them do not have enough space to operate for marihuana production. Its estimated that for a 100 plant grow, there will need to be at least 4,000-5,000 sf available for growing and harvesting.
7. Notice was sent to all properties within 300 feet of the “Lakeside Commercial” and “Lakeside Heavy Commercial” context areas. At the time of this writing, staff had not received any comments.

2005.02 CONTEXT AREA MAP
This Map contains Context Areas for the Lakeside Form Based Code



SECTION 2005

CONTEXT AREAS AND USE



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas be recommended to the City Commission for approval.

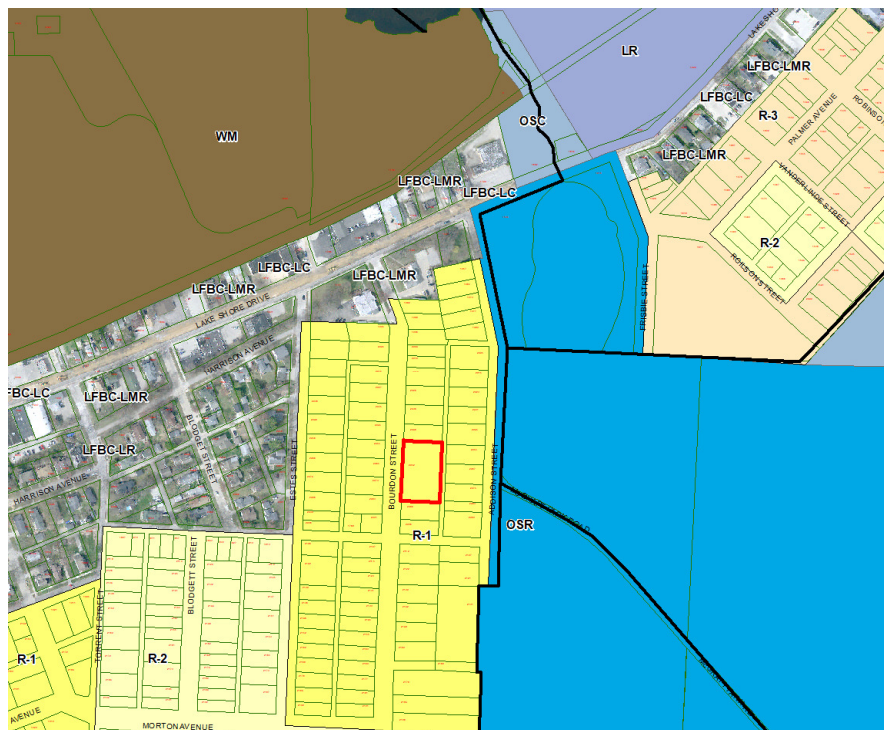
Hearing, Case 2021-27: Request to rezone the property at 2052 Bourdon from R-1, Low Density Single Family Residential to RM-2, Medium Density Multifamily, by Tall Tree Realty.

SUMMARY

1. The property is currently zoned R-1 and was most recently used as a church and school.
2. The lot measures 205' x 132' (0.62 acres). The church wing of the building measures 3,780 on the main floor and 3,600 sf in the basement. The educational wing measures 4,800 sf.
3. The applicant would like to convert the building into apartments (they are planning up to 14 units).
4. The density of this type of project would be about 22.5 units per acre. The RM-2 zoning designation allows up to 24 units per acre. The property also meets the minimum lot size (14,520 sf) and road frontage (125 feet) requirements listed in the RM-2 section of the ordinance.
5. There appears to be adequate parking on site. It may be possible to have between 20-25 parking spaces in the back.
6. Notice was sent to all properties within 300 feet of this parcel. At the time of this writing, staff had not received any comments.



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends the rezoning request. The area does not offer many choices for housing options and the change of use should help save the building from going into disrepair.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 2052 Bourdon from R-1, Low Density Single Family Residential to RM-2, Medium Density Multifamily Residential be recommended to the City Commission for (approval/denial).

Hearing, Case 2021-28: Request for a special use permit to operate a marihuana microbusiness at 1811 Continental St, by High Level Holistic, LLC.

SUMMARY

1. The property measures 10,240 sf and the building on site measures 3,913 sf. The property has Continental St address but it actually fronts Laketon Ave.
2. The property is zoned B-2, Convenience & Comparison Business.
3. The ordinance was recently amended to allow microbusinesses in B-2, B-4, I-1, I-2 and MC districts with the issuance of a SUP.
4. The ordinance for microbusiness does not have the same stringent landscaping/blight elimination requirements as in the marihuana overlay district.
5. The building is currently being used as a marihuana caregiver facility and they grow up to 72 plants at a time. A microbusiness would allow them to grow up to 150 plants, process and sell retail on site.
6. There is adequate parking on site and the parking lot was recently repaved and stripped.



ZONING ORDINANCE EXCERPT

1. Discretionary decisions, standards, and conditions

Consistent with the City or Village Zoning Enabling Act (PA, 207, 1921, and amended), the Planning Commission shall approve, deny or approve with conditions applications for Special Use or activities. The standards upon which decisions are made shall be consistent with, and promote the intent and purpose of the Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The decision on a Special Land Use or activity shall be incorporated in a statement of conclusions and be placed on file with the Department of Planning.

The Planning Commission shall review the application after proper notice has been given as required by State law and this Ordinance. The Planning Commission shall base its decisions upon review of the individual standards pertaining to that Special Land Use or activity and the general standards of Section 2332. The Planning Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application. Upon approval of a Special Use, the Building Official shall issue any necessary permits.

2. Standards for Approval of Discretionary Uses

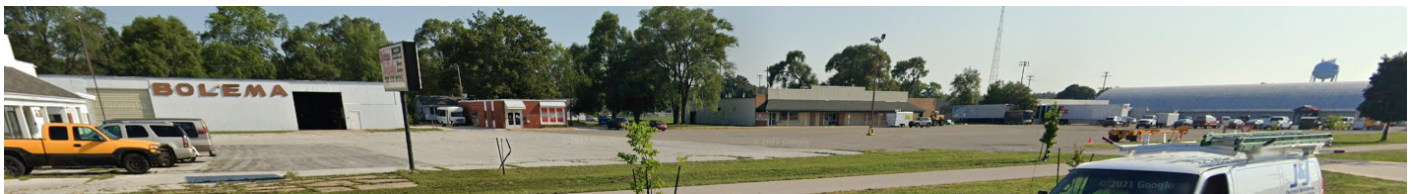
Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development.

In addition, the Planning Commission shall find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.

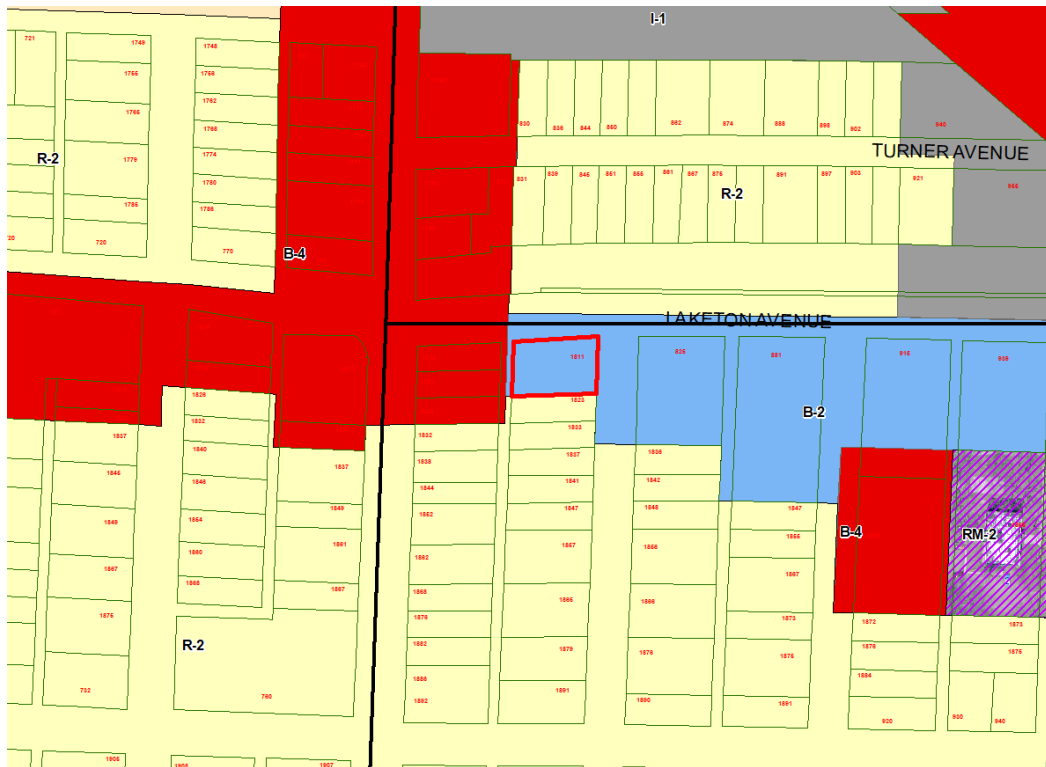
Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.

STAFF RECOMMENDATION

Staff supports the SUP request because it meets the intent of the ordinance. A SUP should only be granted if it is compatible with the area and this project has the potential to be a catalyst for the business district between Getty St and US 31, which has a fair share of underperforming businesses, vacancies and blight. The building is within a mile of the highway, which should bring plenty of customers from outside the city. Increased traffic from consumers would serve this area well. A landscaping plan should be provided to staff.



Zoning Map



Aerial Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a marihuana microbusiness at 1811 Continental St be (approved/denied) with the following conditions.

1. A landscaping plan is approved by staff.
2. A filter system is continuously used and maintained/replaced as needed to eliminate any nuisance odors.

Hearing, Case 2021-29: Staff initiated request to rezone all R-1, R-2 and R-3 properties in the Angell, Nims, Jackson Hill and McLaughlin neighborhoods to Form Based Code, Urban Residential.

SUMMARY

1. On September 10, 2020, staff brought forward a request to rezone all R-1, R-2 and R-3 properties in the Angell, Jackson Hill and McLaughlin neighborhoods to Form Based Code, Urban Residential. Planning Commission recommended approval to the City Commission by an 8-1 vote. The City Commission tabled the request until all property owners were notified of the request by mail. After notification, the City Commission eventually denied the request by a 5-2 vote. The City Commission was fairly receptive of the request, however, they felt that more information could be shared with the residents before it was brought back for another request.
2. Staff has spent time developing educational materials that have been available on the website since September. Those materials are included in your packet (“inclusive zoning” info) and at the link below (a narrated presentation is available at the link).

<https://www.muskegon-mi.gov/departments/planning/zoning/inclusive-zoning/>

3. Staff has added the Nims neighborhood to the request after discussing the option with neighbors.
4. The rezoning would allow single-family homes, townhomes, duplexes, small multiplexes (with the presence of an alley) and carriage houses to be built on these parcels.
5. Notice was sent to all residential properties within the Angell, Nims, Jackson Hill and McLaughlin neighborhoods. At the time of this writing, staff has not received any comments from the public.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone all R-1, R-2 and R-3 properties in the Angell, Nims, Jackson Hill and McLaughlin neighborhoods to Form Based Code, Urban Residential be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

September 16, 2021

T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro, B. Mazade, T. Michalski, J. Doyle, J. Montgomery-Keast

MEMBERS ABSENT: E. Hood, D. Keener, S. Gawron, F. Peterson

STAFF PRESENT: M. Franzak, C. Cashin

OTHERS PRESENT: R. Leestma (Adelaide Pointe), G. Weykamp & J. Cox (Edgewater Resources)

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting on July 15, 2021 was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2021-24

Request for preliminary Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western, by Ryan Leestma.

SUMMARY

1. The proposed PUD consists of two privately-owned parcels (1148 & 1204 W Western) and a portion of the charter park at Hartshorn Marina (920 W Western). The usage of the charter park would be done through a shared access agreement. The size of the entire project is 37.3 acres.
2. There are three underlying zoning designations within the proposed PUD; Lakefront Recreation, Heavy Industrial and Form Based Code, Neighborhood Edge.
3. The land uses associated with the PUD include light industrial, boat storage, multi-family residential, retail and a new marina and boat launch.
4. The new streets (Adelaide Ave, Adelaide Dr, Adelaide Circle) will be publicly owned and maintained.
5. Public access to the site will increase significantly, especially to the lakeshore. The bike path would be repositioned slightly, moving it closer to the water. The three peninsulas will be publicly accessible and a fishing pier will be constructed at the end of the peninsula on the charter park property. That peninsula is currently gated and only accessible to those utilizing the small boat basin. The gate will be removed to allow for public access to all. The 30 slips at the former small boat basin would be removed, but 70 transient slips would be available at the new marina. The former small boat basin would be used as another boat launch with a lift that can launch boats up to 100 feet, an amenity the City currently does not possess. The launch would be operated by the developer but would remain open for public use.

Staff recommends approval of the preliminary PUD.

L. Spataro mentioned that Adelaide Avenue runs north and south, he suggested that the street name change to Adelaide Street. Avenues in Muskegon traditionally run east and west. M. Franzak mentioned that there will be an additional bike path created as a shortcut along Western Avenue. The Planning Commission had questions regarding the loss of the

small boat parking that is currently available to the public in the east basin. G. Weykamp and R. Leestma presented the Adelaide Pointe project to the Planning Commission. G. Weykamp mentioned that there will be a section within the harbor that allows for transient boat parking and the east basin will have shopper docks that allow public to park for the day while using the facilities. The original Hartshorn boat ramp will remain. The new east basin boat launch will be available to the public and will allow triple axel trailers to use the facilities.

A public hearing was had, one resident spoke in approval of the project. A motion was made to close the public hearing, by L. Spataro, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for preliminary Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western be approved was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

Hearing, Case 2021-25

Request for final Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western, by Ryan Leestma.

SUMMARY

1. A detailed site plan (C-1.00) and illustrative map (V-2.00) can be found inside of the PUD Submittal. Within the site plan map, you will also see a chart that depicts the building heights/sizes, unit counts and parking information. A larger copy of this document has been separately included in your packet. Staff agrees that parking needs can be met through shared parking by different uses and elimination of some required spaces due to certain reductions.
2. Any approvals will be contingent upon issuance of a stormwater permit from the Muskegon County Drain Commissioners Office. The stormwater management plan is currently under review at that office.
3. The Public Works and Fire Department offices are still working with the applicant on the location of fire hydrants and water main at the northern end of the site. Public Works desires to see all of the public water main located within the public right-of-way. All approvals should be contingent up staff approving these measures.
4. The Planning Department would like to see buildings C5 and C6 contribute more to the public realm and pedestrian experience on Western Ave. This is the area that has the underlying form based code zoning, which was intended to create more walkable, pedestrian oriented developments. Regarding this development, its obvious that the waterfront is the key feature. However, staff believes that some modifications to these buildings could help draw people into the development and other future developments on the south side of Western Ave. Staff would recommend that these buildings be located closer to Western Ave and incorporate pedestrian-scaled elements such as transparent windows and adequate entrances along the front façade.
5. The Planning Department would also encourage the proposed parallel parking spaces on Adelaide Circle be reduced from 10 feet to 7 feet, which could reduce the size of the ROW by up to 6 feet.
6. Staff is currently working with the developer on these staff comments and they are preparing to present new materials at the meeting that will address these issues.
7. The developer is currently finalizing the phasing plan and will present it at the meeting.

Planning Commission had a short discussion about the project. L. Spataro requested that sidewalks be added around buildings C6 & C5.

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

A motion that the request for final Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western be recommended to the City Commission for approved with the following conditions was made by L. Spataro, supported by B. Mazade and unanimously approved.

1. A stormwater permit is obtained from the Muskegon County Drain Commissioners Office.
2. Staff approves an amended site plan that addresses the comments from the Public Works, Fire and Planning Departments, including adding sidewalks around buildings C6 & C5.

Hearing, Case 2021-26

Staff initiated request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows (500 plant max), class A medical grows (100 plant max), class B medical grows (500 plant max) and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

SUMMARY

1. Marihuana caregivers are allowed in B-2, B-4, Medical Care, I-1 and I-2 zoning districts.
2. The Lakeside Business District was made up predominantly of B-2 and B-4 zoning districts. They were rezoned to Lakeside Form Based Code in May Of 2019. The newly created Lakeside Form Based Code did not allow for caregivers at the time, an oversight from staff. There is now a legally non-conforming caregiver located in Lakeside, as it existed before the zoning change.
3. In November of 2020, in an effort to help get more local people involved in the marihuana industry, the Commission adopted an ordinance amendment that would allow smaller marihuana license types to operate where caregivers were already allowed. These license types included microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted.
4. Had the Lakeside Business District not been rezoned to Lakeside Form Based Code, the Lakeside Businesses would have enjoyed the ability to operate these uses under a special use permit.
5. Staff is proposing to amend the Lakeside Form Based Code ordinance to allow these same license types in the Lakeside Commercial and Lakeside Heavy Commercial Context areas.
6. There are 37 properties in Lakeside that have Lakeside Commercial and Lakeside Heavy Commercial Context areas, however, most of them do not have enough space to operate for marihuana production. Its estimated that for a 100 plant grow, there will need to be at least 4,000-5,000 sf available for growing and harvesting.

The Planning Commission requested that staff send notice to the affected area and hold another public hearing on this topic at the October Planning Commission meeting. No action taken at this time.

NEW BUSINESS

None

OLD BUSINESS

None

UPDATES ON PREVIOUS CASES

None

OTHER

None

ADJOURN

There being no further business, the meeting was adjourned at 5:16 PM.

9/23

2052 BOURDON – UNITY CHURCH

Explanation of Request:

Our client is under contract to purchase 2052 Bourdon – Unity Church with a proposed close date of December 2021.

The proposed plan is to convert the entire premises into apartments.

Up to 14 units.

Work will be done in 2 phases.

1st phase will be conversion of south side “school area” into 6 apartments. The goal is to utilize the building as is and use existing inside walls for layout of apartments. All apartments will have their own exterior entrance as well as 1 parking spot.

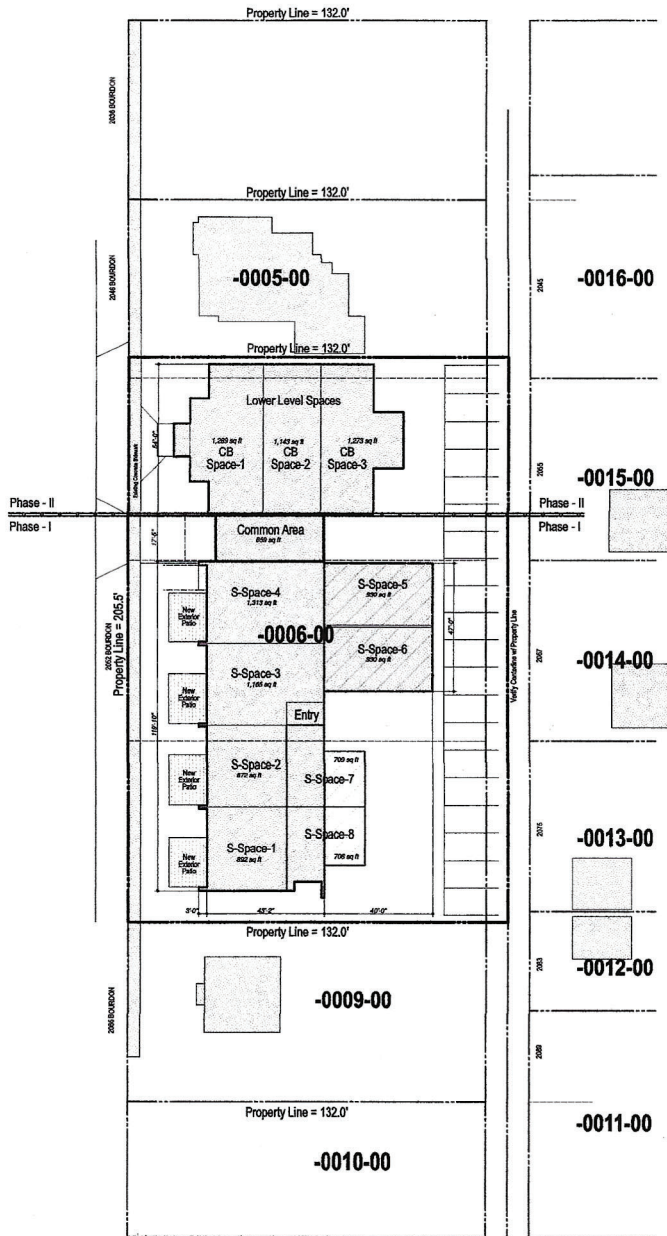
2nd phase will be conversion of north side “church” into max 8 apartments. We have ideas for 5 units up to 8 units. The goal for this side would be to utilize the building layout as is as much as possible. Each apartment will have at least 1 parking spot on site.

We have no plans to add on any new building space to existing building.

Projected to start work April 2022

Thank you for your time

Lewis Smalligan (Tall Tree Realty) on behalf of Ali Selcuk (buyer)



More information can be found here under “Presentation Slides Only” and “FAQ” at the link below:

<https://www.muskegon-mi.gov/departments/planning/zoning/inclusive-zoning/>