

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

June 13, 2024

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

MEMBERS PRESENT:	J. Seyferth, K. Johnson, S. Gawron, L. Willett-LeRoi, D. Keener, B. Mazade, J. Montgomery-Keast, and S. Blake
MEMBERS ABSENT:	None
MEMBERS EXCUSED:	None
STAFF PRESENT:	M. Franzak, S. Romine, J. Pesch
OTHERS PRESENT:	None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on May 16, 2024, was made by K. Johnson, supported by J. Seyferth, and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2024-11: Request to rezone 1903 Marquette Avenue from RM-1, Low-Density Multiple Family Residential, to FBC-NC, Form-Based Code, Neighborhood Core, by the County of Muskegon.

SUMMARY

1. The County of Muskegon purchased Baker College in 2022 and now operates several municipal departments on-site, with more relocating there over the next three years. Baker College, Central Dispatch, and West Michigan Medical Consortium currently lease space on site. Other vacant building space is being offered for lease. The County is also considering the sale of additional land on site that it does not need for its operations.
2. The current zoning of RM-1, Low-Density Multiple-Family Residential is very restrictive for the types of classroom/office uses that have historically operated on this parcel. A rezoning to Form-Based Code, Neighborhood Core would allow these types of uses by right and would also ensure that any building additions would be developed in a walkable, pedestrian-friendly pattern. This zoning designation would also allow for varying types of residential development.
3. Please see the zoning ordinance excerpts for RM-1 and FBC, NC districts.
4. Notice was sent to all properties within 300 feet of the focus area. At the time of this writing, staff had not received any comments.

PUBLIC COMMENTS

NONE

CLOSE PUBLIC HEARING – MOTION

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

MOTION

K. Johnson moved, seconded by J. Montgomery-Keast, that the request to rezone 1903 Marquette Avenue from RM-1, Low-Density Multiple Family Residential, to FBC-NC, Form-Based Code, Neighborhood Core be recommended to the City Commission for approval.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes	S. Blake: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes	
D. Keener: Yes	B. Mazade: Yes	

MOTION PASSES

Hearing Case 2024-12: Request for a special use permit to allow a class B recreational marihuana grow facility at 181 S. Getty Street, by ZAA LLC.

SUMMARY

1. The following marihuana license types are allowed in B-2, B-4, MC, I-1, and I-2 districts with the issuance of a special use permit: Microbusinesses, designated consumption establishments, class B recreational grows, marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code, and temporary marihuana events.
2. The property is zoned I-2, General Industrial. The lot measures 36,669 sf and the building measures 15,148 sf.
3. The applicant has requested a special use permit to operate a Class B Marihuana Growing facility, which allows for the production of up to 500 plants.
4. This property was previously used as a marihuana caregiver facility several years ago.
5. Notice was sent to all properties within 300 feet of the focus area. At the time of this writing, staff had not received any comments.

PUBLIC COMMENTS

NONE

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by K. Johnson, that the request for a special use permit to allow a class B recreational marihuana grow facility at 181 S. Getty Street be approved with the following condition:

1. The special use permit be revoked if there are repeated odor control violations.

ROLL CALL VOTE

K. Johnson: Yes S. Gawron: Yes S. Blake: Yes
L. Willett-LeRoi: Yes J. Seyferth: Yes
D. Keener: Yes B. Mazade: No

MOTION PASSES

OLD BUSINESS

- A. Approval of bylaws

CITY OF MUSKEGON PLANNING COMMISSION BYLAWS

OFFICERS

The offices to be filled by the Planning Commission are:

1. Chairperson
2. Vice-Chairperson
3. Representative to the Zoning Board of Appeals (appointed by the mayor)

ELECTION OF OFFICERS

Officers shall be elected **February** of each year. Officers shall serve for a one (1) year term.

DUTIES

A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of chairperson in the event of a vacancy in that office.

REGULAR MEETINGS

The Planning Commission shall schedule at least twelve (12) regular meetings per year. All regular meetings, special meetings, and/or hearings shall be conducted in compliance with the Open Meetings Act P.A. 267 of 1976, the Planning Enabling Act P.A. 33 of 2008, and the Planning Enabling Act P.A. 110 of 2006.

All meetings shall be publicly posted at least 84 hours in advance of the meeting in a place visible to the public.

The schedule of regular meetings will be posted for the public within ten (10) days of the first meeting of the calendar/fiscal year.

All meetings shall begin at 4:00 p.m. At any time during the meeting, any member of the board may make a motion to adjourn.

SPECIAL MEETINGS

A special meeting may be called by the Chairperson or staff after an applicant request a meeting and pays the associated fees. Two members of the Planning Commission may also call a meeting upon written request to the Planning Department. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Opening Meetings Act, and the Planning Department shall send written notice of a special meeting to commission members and published not less than 48 hours in advance of the meeting.

QUORUM OF THE COMMISSION

Five (5) members of the total nine (9) members serving constitutes a quorum for the transaction of business.

Whenever a quorum is not present, those present shall adjourn the meeting or hearing to another date. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required, other than the 18-hour notice dictated by the Open Meetings Act, provided the date, time, and place is announced at the meeting.

All motions shall be passed with at least a majority of the appointed board members.

MOTIONS

Motions may be restated by the secretary before a vote is taken. The identities of the maker and supporter of the motions shall be recorded.

VOTING

All votes shall be made by "yes" or "no" and recorded in the minutes in a manner which ascertains how each member voted.

All members are expected to exercise their obligation to vote upon a question unless a conflict of interest is present.

The order of the roll call vote shall be varied from meeting to meeting and from one vote to the next in a random manner.

ABSTENTION FOR A VOTE

A Commission member shall request abstention from a vote if the member might gain personal and/or financial benefits or if direct involvement exists which prevents objectivity. The abstaining member shall state so at the time the item is addressed on the agenda and shall not participate in the discussion as a member of the commission. A Commission member may request to abstain from voting with explanation.

GOVERNING PROCEDURE

The Michigan Statutes, Planning Commission Bylaws and the Robert's Rules of Order Revised, in that order, shall govern the order of business before the Planning Commission.

Robert's Rules shall not apply when they conflict with federal law, Michigan Statutes or they deny a member his/her Constitutional rights.

COMMUNICATIONS WITH CITIZENS

Official contact with Commissioners by citizens falls into two categories:

The first category would be contacts of general information seeking (i.e.; meeting dates, composition of commission, procedure to appear before, location of meeting site, or others that merely describe the system.) These may be shared or noted in the minutes at the discretion of the individual commissioner.

The second category consists of significant communications, written or verbal, that address Planning Commission business and shall be shared and noted in the minutes (i.e., requests concerning possible change in land use, possible zoning changes, developers inquiries). Ex-parte contact with petitioners shall be avoided by Commissioners, if possible. Persons wishing to discuss issues with Commissioners should address concerns either in writing to the Planning Commission as a whole or at a Planning Commission meeting.

Complaints should be referred to the appropriate City Official.

CITIZEN PARTICIPATION

Any persons who wishes to speak on an item included on the printed meeting agenda or anyone who wishes to give general public comment on any matter may do so when they are recognized by the Chair, at which time they will be required to step forward to a microphone and requested to state their name and address, or provide it to staff on a piece of paper, and then be allowed three (3) minutes maximum to address the Commission. Citizens may also speak on an item by way of telephone. The telephone number will be broadcast during the filming of the meeting.

DISORDERLY CONDUCT AT MEETINGS

Persons addressing the Commission shall make responsible comments and shall refrain from making personal, impertinent, slanderous or profane remarks. The Chairperson may call to order any person who is being disorderly by speaking longer than the allotted time; or by speaking vulgarities. Such persons shall thereupon be seated until the Chair shall have determined whether the person is in order. If the person

shall continue to be disorderly and disrupt the meeting, the chair may order the Police Department to remove the person from the meeting.

ATTENDANCE

Members shall follow the attendance policy set forth by the City Commission for appointed Boards and Commissions:

The Chairperson of each board, commission, or committee shall be responsible to see that attendance is recorded at each meeting.

When deemed appropriate by the Chairperson, a letter will be sent to any member whose attendance is not satisfactory. The letter shall ask if the member is interested in continued appointment.

On a yearly basis, staff shall submit a report to the City Clerk showing member attendance and indicating correspondence notices sent to members.

At any time the Chairperson deems it appropriate to do so, that Chairperson may recommend replacement of a member for reasons related to the member's attendance.

AMENDMENTS

These rules may be amended by the Planning Commission by a concurring vote, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

MOTION

K. Johnson moved, seconded by J. Seyferth, that the amended bylaws be approved as presented.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes	S. Blake: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes	
D. Keener: Yes	B. Mazade: Yes	

MOTION PASSES

ADJOURN

There being no further business, the meeting was adjourned at 4:47 pm.