

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING
MINUTES

March 18, 2021

Chairperson T. Michaski called the meeting to order at 4:07 p.m. and roll was taken.

MEMBERS PRESENT: L. Spataro (Muskegon, MI), B. Mazade (Muskegon, MI), T. Michalski (Muskegon, MI), J. Doyle (Muskegon, MI), J. Montgomery-Keast (Muskegon, MI); D. Keener (Muskegon, MI), F. Peterson (Muskegon, MI).

MEMBERS ABSENT: S. Gawron, excused; E. Hood, excused.

STAFF PRESENT: M. Franzak, H. Griffith

OTHERS PRESENT: Via Zoom: S. Benedict, Urban Ventures of West Michigan, LLC (Muskegon, MI); T. Serio, Urban Ventures of West Michigan, LLC (Muskegon, MI); D. Hansen, Dimensions in Architecture (Muskegon, MI); C. Roberts, Michigan CannaHouse, LLC (Fremont, MI); H. Kiel, 2111 Dowd (Muskegon, MI).

APPROVAL OF THE MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of January 14, 2021 with the correction that J. Montgomery-Keast was absent, was made by F. Peterson, supported by J. Doyle and unanimously approved.

ELECTION OF OFFICERS

A motion that T. Michaski and B. Mazade continue as Chairperson and Vice-Chairperson was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2021-06: Request to amend Section 2331 of zoning ordinance to allow the following marihuana related license types at 420 S Harvey St, by Corey Roberts: Recreational class b growing, processing, retail, designated consumption establishments and special events. M. Franzak presented the staff report. The applicant applied in October 2020 to amend the ordinance to allow for microbusiness, designated consumption establishment and special event license types at this same location. The case was tabled and eventually denied (2-7 vote by Planning Commission. City Commission denied by a 0-5 vote). At the December hearing where it was denied, the applicant had also applied for a new case where they were requesting to amend the ordinance to allow for growing, processing, provisioning, retail, designated consumption establishments and special event license types at this same address. The motion to recommend approval to the City Commission failed again 2-7. The motion to adopt the amendment passed by a 5-0 vote at the first City Commission meeting, however, a second reading was required and a motion to pass the amendment failed 0-5. This was after the applicant spoke to the Commission about ownership issues. The applicant has stated that

there are no more ownership issues associated with the property and is requesting the same license types they applied for in December. Notice was sent to properties within 300 feet of this property.

B. Mazade asked if there were any updates since the case was last heard. M. Franzak stated that the property ownership was the only change. The rest remained the same. J. Doyle asked about the different types of licenses. C. Roberts described what each of the licenses entailed. The location would allow for a compassion license, but they were not interested in that type of license. They would also look at having special events at the location which a fee is required, and the state would have to approve it as well.

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

D. Keener asked what the average of the applications received were from African Americans. M. Franzak stated that they have been business corporations from other states and he did not know the base makeup of the businesses. C. Roberts stated that he is a state certified social equity applicant having spent time in prison for utilizing cannabis while on probation. One of his business partners is a local minority. D. Keener asked how many licenses are in the City. M. Franzak stated that there are several overlay districts and there is no cap on the number of the licenses. D. Keener has concerns due to the location because it is within walking distance of two college campuses.

A motion that the request to amend Section 2331 of zoning ordinance to allow the following marihuana related license types at 420 S Harvey St (Recreational class b growing, processing, retail, designated consumption establishments and special events) be recommended to the City Commission for approval, was made by F. Peterson, supported by T. Michalski and motion failed with J. Montgomery-Keast, F. Peterson and T. Michalski voting aye and L. Spataro, B. Mazade, J. Doyle, and D. Keener voting nay.

Hearing, Case 2021-07: Request to rezone 2172 Dowd St, 2184 Dowd St, 2157 Hudson St, 2169 Hudson St and 2171 Hudson St from R-1, Low Density Single Family Residential to Form Based Code, Urban Residential by Stephen Benedict and Thomas Serio. M. Franzak presented the staff report. The property located at 2157 Hudson has been removed from the request. The properties are zoned R-1, Low Density Single Family Residential and measure 1.3 acres combined. The City of Muskegon owns 2169, 2171, 2184 Hudson St and 2172 Dowd St (mechanical tower site). A private citizen owns 2157 Hudson St and was willing to sell the property to the applicant on the condition of rezoning. An aerial map showing the addresses was provided to the commission members. The applicant is planning a development that would include duplexes. The area is identified by a mixture of residential zoning types and offers a variety of housing options such as single family, duplexes and large apartment complexes. A copy of the zoning map and aerial map were provided to the commission members. A former fire station was located on 2171 and 2184 Hudson St. It was demolished in 2002 and the property has sat vacant since. The mechanical tower on 2172 Dowd St is no longer functional and options are being explored to remove. The FBC, UR zoning designation would allow for single-family, duplexes, rowhomes and carriage houses (accessory dwelling units). It would not allow for small multiplexes because the lots are not serviced by an alley. Notice was sent to properties within 300 feet. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the request. Housing options of all types are needed throughout the City and this location already offers more intense residential uses. M. Franzak read the public comments that were received into the record. The first comment was neither for or against the request with four others being against the rezoning.

B. Mazade asked for clarification of the housing that is proposed and what is and is not allowed under the current zoning district and what the change of zoning would allow. With duplexes not being allowed. Based on the lot size being eight single family homes with the possibility of ten duplexes. M. Franzak stated that a single-family home would require 50 feet of street frontage and 40 feet for duplexes. He clarified that the request is for the rezoning request and is not based on the project itself. L. Spataro verified that with form-based code there could be the construction of four-unit structures with an active alley and that they could not do this due to there not being an active alley. M. Franzak stated that it would require an active alley. T. Serio stated he and S. Benedict are partners in this project. He stated that there are other duplexes and multi family homes in this neighborhood and would be a good fit with the surrounding area. J. Doyle asked how many duplexes that they would construct. T. Serio shared a sketch of the duplexes and that they would have 4 units on each side street (Dowd and Hudson). They are looking at cost effectiveness. D. Keener asked if they would be rentals and the average rent. T. Serio stated that they would be rentals and they were looking at \$1,000 to \$1,300 based on the size for the area. B. Mazade stated that this would be a good use for these properties. H. Kiel called in and stated that he owns the vacant lot adjacent to the properties on Hudson. He asked if the trees would remain as a buffer. T. Serio stated that they would be retained as a buffer.

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

A motion that the request to rezone 2172 Dowd St, 2184 Dowd St, 2169 Hudson St and 2171 Hudson St from R-1, Low Density Single Family Residential to Form Based Code, Urban Residential be recommended to the City Commission for approval was made by L. Spataro, supported by J. Montgomery-Keast and unanimously approved with J. Montgomery-Keast, L. Spataro, B. Mazade, J. Doyle, F. Peterson, D. Keener and T. Michalski voting aye.

NEW BUSINESS

Case 2021-08: Request for a site plan review for a 10,200-sf addition to the building at 1840 Industrial Blvd, by Johnstone Supply. M. Franzak presented the staff report. The property is zoned I-2, General Industrial and measures 1.6 acres. The applicant has acquired additional property to the south from their neighbor. A site plan was provided to the commission members. They are proposing a 10,200 sf building addition along with an additional 18 parking spaces. A stormwater permit has been issued by the Muskegon County Drain Commissioners Office. The additional stormwater will be contained within the new detention pond. The fire department has indicated that an additional fire hydrant will be required to service the addition. The zoning ordinance requires that all required front setbacks shall be landscaped with a minimum of one (1) canopy or shade tree, two (2) understory or evergreen trees and (2) shrubs, for each thirty (30) lineal feet (or major portion thereof) of frontage abutting the right-of-way. This equated to a requirement of four (4) canopy trees, eight (8) understory and six (6) shrubs. These may be planted anywhere on site. Staff recommends approval of the site plan with the following condition: An amended site plan that includes the fire hydrant addition and landscaping additions be approved by staff. The new plan was approved by the Fire Marshall and a landscape plan needs to be included.

L. Spataro asked if there were other items needed or would there be any problems with meeting what is requested by staff. D. Hansen stated that there would not be any problems.

A motion that the request for a site plan review for a 10,200-sf addition to the building at 1840 Industrial Blvd be approved with the following condition: An amended site plan that includes the fire

hydrant addition and landscaping additions be approved by staff, was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved with J. Montgomery-Keast, L. Spataro, B. Mazade, J. Doyle, F. Peterson, D. Keener and T. Michalski voting aye.

OLD BUSINESS

None

UPDATE ON PREVIOUS CASE:

Hearing, Case 2021-04: Request to rezone a portion of the property at 685 Access Hwy from I-1, Light Industrial to I-2, General Industrial by Asphalt Paving, Inc.

Approved by City Commission at the March 9 meeting.

There being no further business, the meeting was adjourned at 5:00 p.m.

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