

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

March 16, 2023

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

MEMBERS PRESENT: J. Seyferth, J. Montgomery-Keast, L. Spataro, J. Doyle, K. Johnson,
T. Michalski, E. Hood

MEMBERS ABSENT: B. Mazade, D. Keener

MEMBERS EXCUSED: None

STAFF PRESENT: M. Franzak, W. Webster

OTHERS PRESENT:

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on January 12, 2023 was made by J. Montgomery-Keast, supported by K. Johnson, and unanimously approved.

OLD BUSINESS

None.

PUBLIC HEARINGS

Hearing, Case 2023-04:

~~Request for a special use permit to operate an automobile sales lot at 962 W Sherman, by Nicholas Perry.~~ **REMOVED AT APPLICANTS REQUEST**

Hearing, Case 2023-05:

Request to rezone a portion of the property at 560 Mart St from B-2, Convenience & Comparison Business to WM-Waterfront Marine, by West MI Dock & Market.

SUMMARY

1. A majority of the property is zoned WM, Waterfront Marine. The eastern portion of the property is mostly zoned B-2, Convenience & Comparison Business. A small portion of the property (south of Terrace Point Dr) is zoned Form Based Code, Mainstreet Waterfront (FBC, MSW).
2. The entire site measures 43 acres. The area requested for a rezoning is approximately six acres.

3. Although an exact use has not been identified at this time, the applicant knows that they would like to utilize this portion of the land for waterfront marine activities.
4. Please see the enclosed copies of the B-2 and WM zoning ordinance excerpts. The uses allowed are fairly similar, with WM allowing more intense marine related activities (engine and hull repair) while B-2 allows more intense non-water related activities (auto repair, amusement facilities).
5. Notices were sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning because the WM designation aligns better with waterfront property and the current adjacent uses than B-2.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

K. Johnson moved, seconded by L. Spataro, that the request to rezone a portion of the property at 560 Mart St from B-2, Convenience & Comparison Business to WM-Waterfront Marine be recommended to the City Commission for approval.

ROLL CALL VOTE

J. Seyferth: Yes

T. Michalski: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

K. Johnson: Yes

E. Hood: Yes

MOTION PASSES

Hearing, Case 2023-06:

Request to rezone the property at 1163 Terrace St from R-3 Residence to B-2, Convenience & Comparison Business, by Ryan Burns.

SUMMARY

1. The property is zoned R-3, Single-Family High-Density Residential and has historically been used as a church. It has been vacant for the past few years.
2. The property measures just under an acre and the existing building measures 8,500 sf.
3. The applicant is seeking to reutilize the building for a commercial catering business (existing kitchen in basement), offices and a rental hall. These uses are all very similar as to the uses of a church.
4. The B-2, Convenience and Comparison Business district allows these types of uses, while

limiting most uses that a heavily residential area may find intrusive. Please see the enclosed zoning ordinance excerpt for B-2 districts.

5. There is room for about 65 parking spaces in the existing lot. Parking is also allowed on all three streets the property borders.
6. Notices were sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning because the B-2 district should be considered compatible with the surrounding residential uses.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Spataro moved, seconded by J. Doyle, that the request to rezone the property at 1163 Terrace St from R-3 Residence to B-2, Convenience & Comparison Business be recommended to the City Commission for approval.

ROLL CALL VOTE

J. Seyferth: Yes

T. Michalski: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

K. Johnson: Yes

E. Hood: Yes

MOTION PASSES

Hearing, Case 2023-07:

Staff initiated request to amend the form-based code section of the zoning ordinance to allow carriage houses with only a one-story minimum requirement and only a 20-foot depth requirement.

SUMMARY

1. A carriage house is an accessory structure that provides either a small residential unit or home office space behind the principal structure.
2. Carriage houses are allowed in Form Based Code, Urban Residential zones, but they are required to be at least two stories.
3. They are considered accessory structures and are only allowed on properties that have an existing house. Properties are only allowed to have one accessory structure, so a detached garage and a separate carriage house would not be allowed. You are allowed to have a carriage house unit above a detached garage.
4. The proposed amendment would allow carriage houses that are only one story tall, but still allowing for a two story maximum. It would essentially allow carriage houses without a garage beneath them. It would not allow for a separate carriage house and a detached garage.

5. Most existing garages in the City are only one story tall. The amendment would allow the conversion of these garages to carriage houses, as long as they meet all other zoning requirements.
6. The house and carriage house may not cover more than 50% of the property.
7. A carriage house may not have a larger footprint than the house.
8. The minimum size required for a carriage house is 375 sf.
9. The ordinance currently states that a carriage house can't exceed 36 feet in width and must be a minimum of 30 feet deep. Staff is also proposing to amend the minimum depth requirement to 20 feet. The current depth requirement is too large for someone that wants a small sized carriage house.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Spataro, supported by E. Hood and unanimously approved.

MOTION

K. Johnson moved, seconded by J. Montgomery-Keast, that the request to amend the form-based code section of the zoning ordinance to allow carriage houses with only a one-story minimum requirement and only a 20-foot depth requirement be recommended to the City Commission for approval.

ROLL CALL VOTE

J. Seyferth: Yes

T. Michalski: No

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

K. Johnson: Yes

E. Hood: Stepped Out, Did Not Vote

MOTION PASSES

Hearing, Case 2023-08:

Staff initiated request to amend the B-2, B-4, I-1, I-2 and MC sections of the zoning ordinance to allow marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code as a special use permitted.

SUMMARY

1. All marihuana license types are allowed within the original marihuana facilities overlay district. Other certain license types are allowed at extensions of the marihuana facilities overlay district, located at various places throughout the City (See map).
2. At the beginning of the marihuana overlay district creation, prices of properties began to increase exponentially. This led to many local residents being priced out of the industry.
3. In 2021, the City amended the zoning ordinance to allow certain low-intensity license types to locate in B-2, B-4, MC, I-1 & I-2 districts with the issuance of a special use permit. These license types include Class B Grows (500 plants), microbusinesses and designated consumption establishments. This helped local residents obtain properties at more affordable prices.

4. Processing centers were not considered for the 2021 amendment because of concerns over the dangers associated with the creation of concentrates. However, the State of Michigan now issues different types of processing licenses, including those that do create concentrates with hazardous extraction methods and those that do not. Those that do not may be doing nothing more than repacking products or combining different aspects of the plant together.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Doyle moved, seconded by L. Spataro, that the request to amend the B-2, B-4, I-1, I-2 and MC sections of the zoning ordinance to allow marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code as a special use permitted be recommended to the City Commission for approval.

ROLL CALL VOTE

J. Seyferth: Yes

T. Michalski: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

L. Spataro: Yes

B. Mazade: Yes

K. Johnson: Yes

E. Hood: Yes

MOTION PASSES

NEW BUSINESS

Planning Commission Annual Report for 2022

Master Plan Meetings are happening over the next week or so. The results and updated documents will be reviewed at the next Planning Commission Meeting.

A report of all 2022 Planning Commission cases were provided to the commissioners for review to the board.

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 4:53 pm.