

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, March 10, 2022 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the special meeting of February 10, 2022.
- III. Public Hearings
 - A. Hearing, Case 2022-07: Request for a Special Use Permit for a marihuana microbusiness at 1761 Wells Ave, by Greenish Blue.
 - B. Hearing, Case 2022-08: Request for departures in the design requirements for a development at 351 W Western Ave, by the Downtown Muskegon Development Corporation.
 - C. Hearing, Case 2022-09: Request to amend the Planned Unit Development at 1000 W Western Ave (Hartshorn Village).
- IV. Other
- V. 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

February 10, 2022

Hearing, Case 2022-07: Request for a Special Use Permit for a marihuana microbusiness at 1761 Wells Ave, by Greenish Blue.

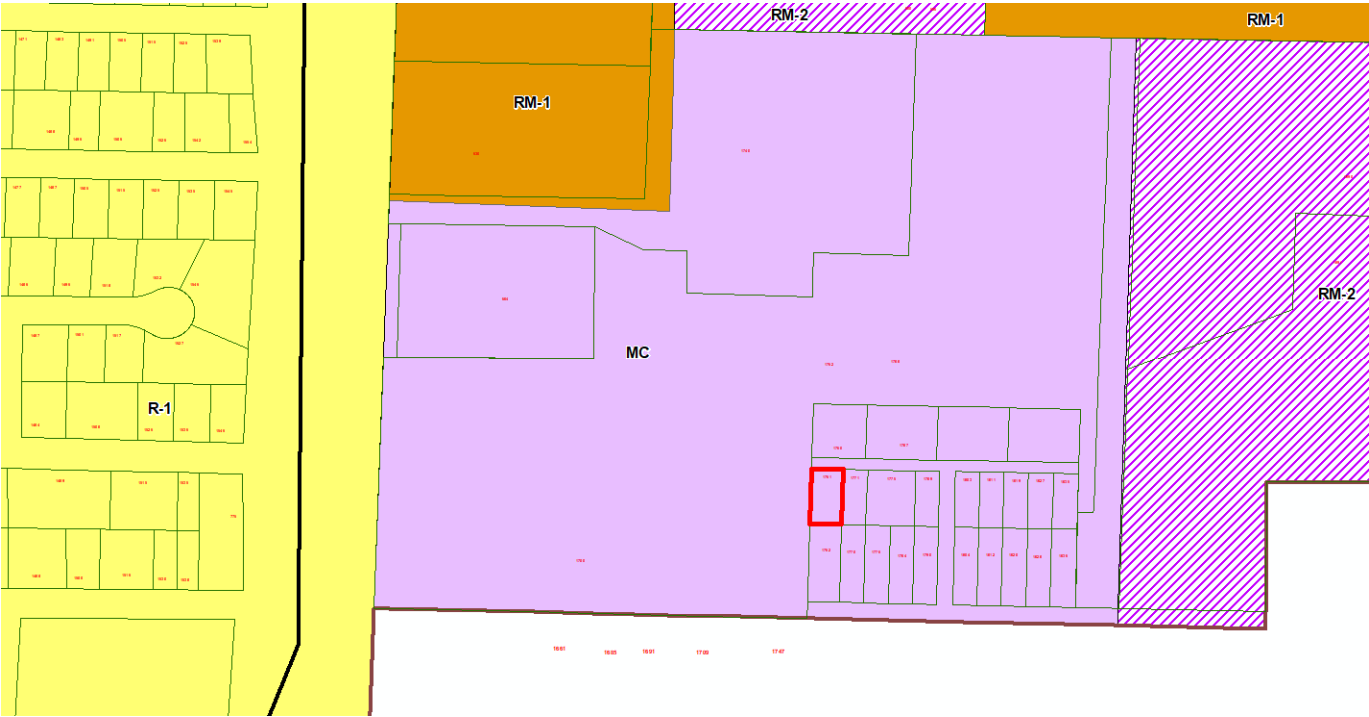
SUMMARY

1. The property is zoned MC, Medical Care.
2. The lot measures 9,062 sf and has an existing 1,600 sf building on site.
3. This zoning designation allows the following marihuana license types with the issuance of a special use permit: microbusinesses, designated consumption establishments and class B recreational grows. Caregiver facilities are an allowed use by right.
4. The applicant is seeking a special use permit for a microbusiness, which allows for the production of up to 150 plants, processing and sales on site.
5. Please see the zoning ordinance excerpt on the requirements for the issuance of a special use permit on the following pages.
6. The property is not located within close proximity to any schools or parks.
7. 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.

1761 Wells Ave



Zoning Map



Aerial Map



ZONING ORDINANCE EXCERPT

Section 2332

5. 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 recommend the issuance of a special use permit. Consideration should be given for hours of operation. The Planning Commission may place restrictions on how late the organization may operate.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a Special Use Permit to allow a marihuana microbusiness at 1761 Wells be (approved/denied) with the following conditions:

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

Hearing, Case 2022-08: Request for departures in the design requirements for a development at 351 W Western Ave, by the Downtown Muskegon Development Corporation.

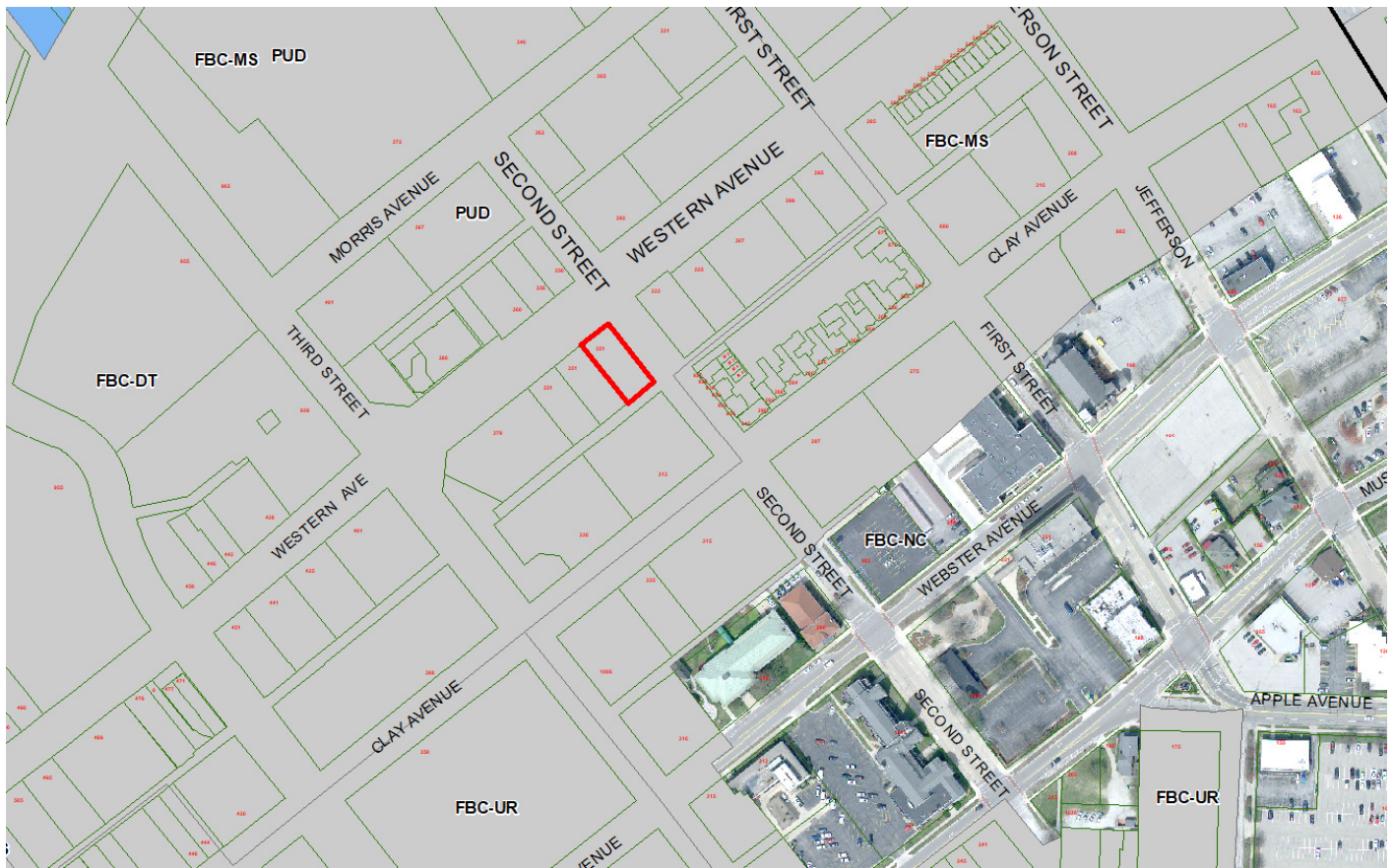
SUMMARY

1. The property is zoned Form Based Code, Downtown. The parcel measures 7,221 sf. The property does not have a principal structure on it but was used last summer as the “social sandbox.”
2. The applicant is requesting to build an outdoor concert stage and social gathering space.
3. Amusement and recreation facilities are allowed uses in this context area, however, they are required to be located inside a mixed-use building. The applicant is seeking a departure from this requirement and is proposing an outdoor venue.
4. The parcel is located within the city’s social district, which allows alcoholic beverages purchased at participating locations to be consumed on site.
5. Please see the enclosed site plan. Staff is reviewing the plans and will have more comments at the meeting.
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.

351 W Western Ave



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff is providing the following context regarding this plan:

1. There are no restrooms provided on-site and there is no indication where portable restrooms may be placed.
2. There have been complaints from residents in adjacent housing developments regarding previous concerts at this site.
3. The regular need to close parts of Western Ave and 2nd St during some concerts could be detrimental to existing business in the area.
4. For context, here is an overview of the existing and proposed public spaces in the downtown area:

EXISTING

Heritage Landing
Rotary Park
Hackley Park
Third Street Promenade (Olthoff Stage and Howmsett Square)
Alcoa Celebration Square and Splash Pad
PetSafe Bark Park
Lakeshore Trail
Harbor 31 Public Boardwalk
Terrace Point Marina breakwall public walkway
Monet Garden
Muskegon Farmers Market Stage
Hackley Library lawn and Shakespeare Garden
Old Indian Cemetery
Outdoor dining between the Hines Building and the Russell Block
Lakeshore Museum Center greenspace on Clay
Convention Center Plaza (Western)
Convention Center Plaza (Shoreline)
Heritage Memorial Garden
CVB greenspace
Day of Caring Park
Nelson School playground
Amazon Apartments courtyard/dog run
Western Market Chalets' beach
Former Huntington Building campus/park
Lighton Park
Root Park
Kearny Park

PROPOSED

Terrace Street Linear Park
Art Museum greenspace
Pocket park at 1144 3rd Street development
Pocket park at 195 W. Webster (St. Mary's Church parking lot)
Shoreline Drive linear park and non-motorized path
Terrace Point Drive Pump Track
Mart Dock/Third Street Wharf maritime-themed plaza/park
Former Farmers Market Site parkspace
Harbor 31 plazas and greenspace/parkspace
Leonard Building Western Ave Public Space
Downtown Skate Park

DELIBERATION

I move that the request for a departure from the mixed-use building requirement to allow an outdoor concert venue and public gathering space at 351 W Western Ave be (approved/denied).

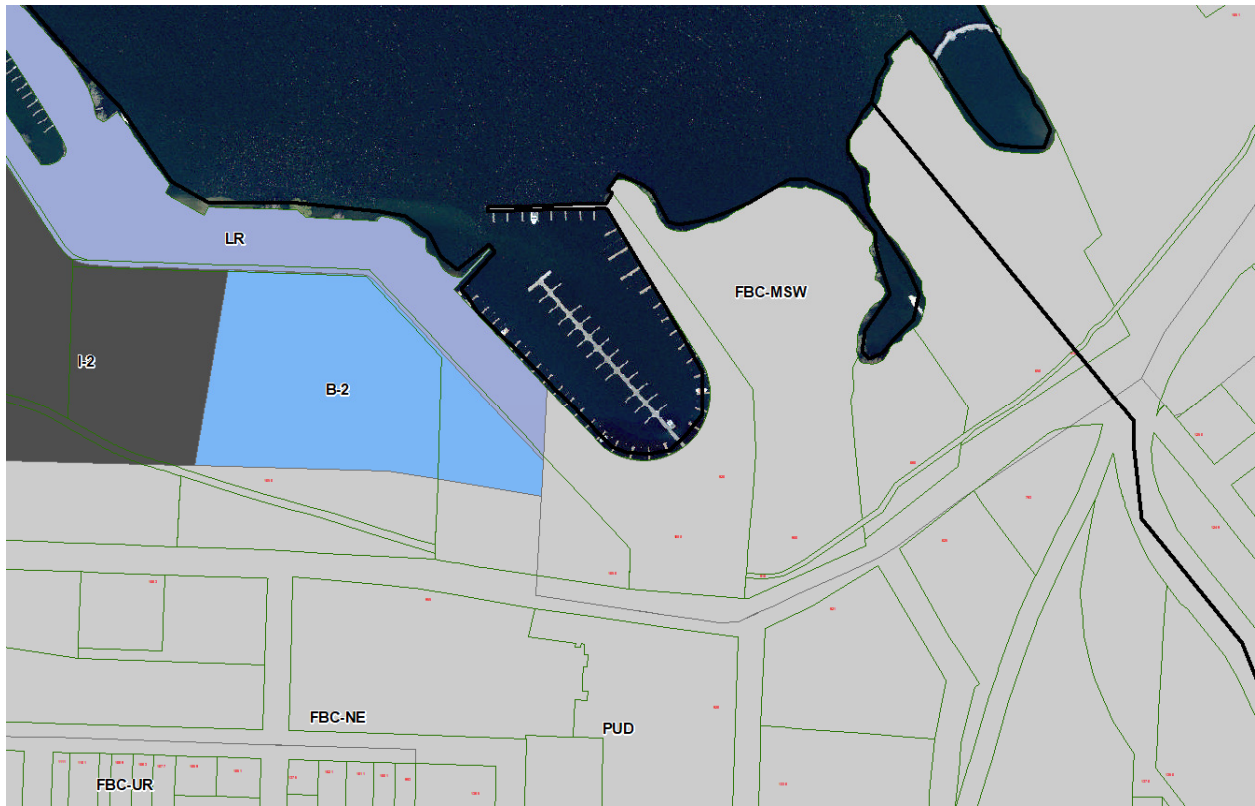
SUMMARY

1. The PUD was approved in February 2019. Lots 4 and 5 have been constructed.
2. The original PUD contained 55 detached single-family houses.
3. The Michigan Department of Environment, Great Lakes and Energy (EGLE) has determined that the area north of Fricano's parking lot is a designated wetland.
4. In an effort to save the wetland, the applicant is proposing to remove 17 single-family houses and add a 17-unit multi-story residential building. The exact height of the building has not been listed. Three houses have been removed from the east side of the development and 14 have been removed from the west side of the development.
5. The access street to the boat launch has been moved slightly to the west. The new public street will be placed on property owned by this development and the Adelaide Point development. This will eliminate the need for another entrance to the boat launch since this access point can be shared between both developments.
6. The bike path has not been modified and will be raised above the 100-year flood mark.
7. The public walk connecting Fricano's to the bike path/waterfront has been reduced from the original plan.
8. 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.

Units 4 and 5 of Hartshorn Village



Zoning Map



Aerial Map



[illegible]

STAFF RECOMMENDATION

Staff recommends approval of the amended PUD as long as a landscaping plan is submitted. The plan should feature canopy trees along the street in areas that will not reduce lake views.

DELIBERATION

I move that the request to amend the Planned Unit Development at 1000 W Western Ave be recommended to the City Commission for (approval/denial) with the following condition:

1. A landscaping plan is approved by staff.