

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

March 10, 2022

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

MEMBERS PRESENT: T. Michalski, K. Johnson, J. Montgomery-Keast, J. Doyle, D. Keener, E. Hood

MEMBERS ABSENT: L. Spataro (excused), B. Mazade (excused), F. Peterson

STAFF PRESENT: M. Franzak, H. Griffith, D. Born

OTHERS PRESENT: _____

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on February 10, 2022 was made by J. Montgomery-Keast, supported by D. Keener and unanimously approved.

K. Johnson arrived at 4:04 pm and did not vote.

PUBLIC HEARINGS

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.

PUBLIC COMMENTS

1. Edris Davis, 2432 Baker St, Muskegon Heights, stated desire to start a microgrow operation. Referencing concerns made by the commission, noted that the Sons of Norway building/operation is equidistant from this building. Stated that the building is currently unoccupied.

STAFF RECOMMENDATION

Staff recommended 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.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

Motion by D. Keener and supported by J. Montgomery-Keast:

I move that the request for a Special Use Permit to allow for a marihuana microbusiness at 1731 Wells Ave be approved.

ROLL CALL VOTE

T. Michalski: Yes
J. Doyle: No

K. Johnson: Yes
D. Keener: Yes

J. Montgomery-Keast: Yes
E. Hood: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

1. Steve Olson, chair of DMDC, acknowledged sand issues that exist. Proposes artificial turf be installed instead of sand, which would be maintained by a private contractor. Referenced the Muskegon High School football stadium as an example. Noted that this hearing is to address a proposal for a permanent stage structure. Noted that the stage is intended for multiple uses by multiple business, not just one bar. Regarding public restrooms, noted that events at Hackley Park utilize porta johns. When asked about noise concerns, Steve noted that he is only trying to improve the lot.
2. Rich Holmes, 297 W. Clay, reported that he was the person who sent in a picture of the ongoing sand issues. Acknowledged that if the sand was removed as proposed, then his issue regarding the clean-up would be resolved. Noted that the neighborhood association has had multiple noise complaints regarding the space.
3. Reverend Eileen Stephen, referenced address at 296 W. Clay but resides at 3475 Scenic Drive, spoke on behalf of a business that operates on the first floor (a law office). Concerned about trash. Cited multiple examples of excess trash, including Solo cups and vomit. Noted the need for more trash cans.
4. Donovan Cater, 292 W. Clay, acknowledged need for greenspace in downtown. Noted the existence of multiple stages that already exist in the downtown area. Does not recognize the need for another stage in that block.
5. Carim Calkins, 272 W. Clay, reiterated the need for greenspace and also doesn't recognize the need for another stage in downtown. Noted that the noise has become much more of an issue since the Leonard building went in, and recognizes that other multi-story buildings are slated to be constructed in the area, which will compound the issue. Requested a decibel meter be installed and monitored if the project was approved.
6. Kyle Osterhart, architect with Concept Design Studio (CDS), 800 E. Ellis, Muskegon, MI, provided overview of the structural components of the proposal.

STAFF RECOMMENDATION

1. There are no restrooms provided on-site and there are no indications 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.

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

Motion by J. Montgomery-Keast and supported by D. Keener:

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

ROLL CALL VOTE

T. Michalski: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

D. Keener: Yes

E. Hood: Yes

MOTION PASSES

Hearing, Case 2022-09

Request to amend the Planned Unit Development at 1000 W. Western Ave (Hartshorn Village).

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.

PUBLIC COMMENTS

1. Don DeGroot, Excell Engineering, 5252 Clyde Park, Grand Rapids, acknowledged previous concerns regarding wetlands, Fricano's views, and other resident's lake views. Regarding concerns of potential reduced parking, Don reported that it's a non-issue based on the current plan. Noted that the conceptualized plan calls for two stories with a single-stall garage in the rear of each unit (note, not the lake side, but the side of the buildings that faces the roads and parking areas).
2. Douglass Dehaan, 3299 Hudson Trails, Hudsonville, representing Harbor West, discussed the wetlands and high-water table issues. Reported that they were able to create more views and an extra half-acre of property for the Fricano's building (owner, Ted). Provided an overview of the conceptualized, "coast guard" architecture.

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.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

Motion by D. Keener and supported by K. Johnson:

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

1. A landscaping plan is approved by staff.

ROLL CALL VOTE

T. Michalski: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

D. Keener: Yes

E. Hood: Yes

MOTION PASSES

NEW BUSINESS

none

OLD BUSINESS

none

UPDATES ON PREVIOUS CASES

none

OTHER

M. Franzak proposed to schedule a joint meeting with the planning and city commissions to discuss the future of the marihuana ordinance. Proposed a tentative meeting in April or May.

ADJOURN

There being no further business, the meeting was adjourned at 5:02 pm.