

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, February 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 January 13, 2022.
- III. Public Hearings
 - A. Hearing, Case 2022-03: Request for a Special Use Permit to allow recovery and support services for mental health and substance abuse (no overnight lodging) at 1128 Roberts St, by Fresh Coast Alliance.
 - B. Hearing, Case 2022-04: Request for a Special Use Permit to allow a Class B Recreational Marihuana Grow Facility at 1720 S Getty St, by Saigon Lotus, LLC.
 - C. Hearing, Case 2022-05: Staff initiated request to rezone a portion of the property at 653 Yuba St from R-1, Low Density Single Family Residential to B-4, General Business.
 - D. Hearing, Case 2022-06: Staff initiated request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 470 W Western Ave and 1800 Peck St.
- IV. Other
 - A. The Docks PUD Report
- 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 2022-03: Request for a Special Use Permit to allow recovery and support services for mental health and substance abuse (no overnight lodging) at 1128 Roberts St, by Fresh Coast Alliance.

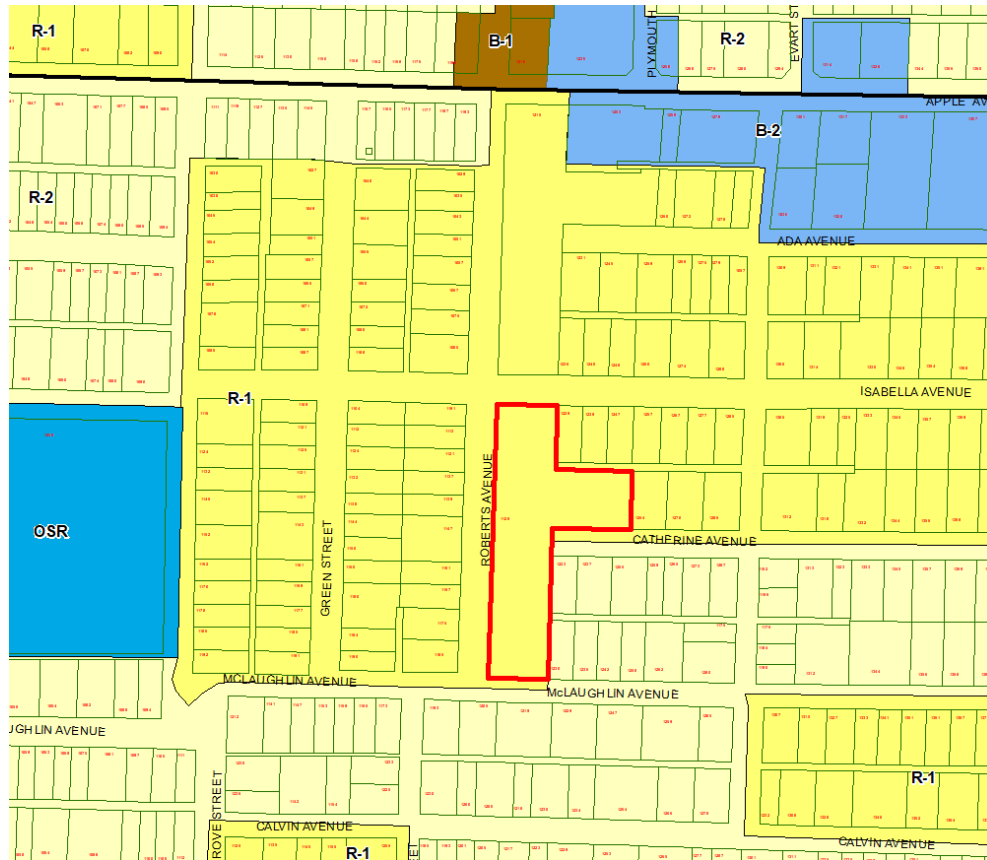
SUMMARY

1. The property is zoned R-1, Low Density Single Family Residential.
2. The lot measures 2.3 acres and has an existing 15,500 sf building.
3. In 2021, the applicant was denied a request to rezone the property to medical care. At the time, their plans included the addition of two large housing units for patient housing.
4. The applicant has removed their plans for patient housing and are now seeking permission to continue using the facility for their daily operations, which includes recovery and support services for mental health and substance abuse.
5. The use is similar to other types of land uses that are allowed in this zoning district with the issuance of a special use permit; such as schools and offices.
6. Please see a description of the proposed project in “Exhibit 2” on the following pages.
7. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public.

1128 Roberts St



Zoning Map



Aerial Map



**FRESH COAST ALLIANCE PROPOSED SPECIAL PRIMARY USE OF 1128
ROBERTS ST. – EXHIBIT 2**

Fresh Coast Alliance (“Fresh Coast”) is a Michigan non-profit corporation established in 2013 originally under the name Bridge to Communities. Fresh Coast was established by Joe Whalen, who was at the time an associate pastor of the Bridge Bible Church along with 7 other members of the Bridge Bible Church. Fresh Coast was formed to meet unmet community needs in Muskegon County.

Early in the formation process of Fresh Coast, Joe Whalen met Nate Johnson who was released from the Michigan Department of Corrections in 2013 after serving a 12.5 year sentence and who had the hope of coming back to Muskegon County to help make it a better community and to redress the wrongs from his prior life.

In 2014 Fresh Coast (still known as Bridge to Communities) helped launch the EXIT program (Empowering Ex-offenders in Transition) with the direct involvement of 70x7 Life Recovery and the support of Prison Fellowship. Nate Johnson volunteered for EXIT and along with Joe Whalen discovered a huge void in Muskegon County in providing needed substance abuse counseling treatment services and reentry services.

With a more focused mission, Bridge to Communities decided to affiliate with 70x7 Life Recovery Holland and changed its name to 70x7 Life Recovery Muskegon. On March 1, 2016, it launched its program in partnership with Kingdom Life Church (a/k/a Church in the City) at 1128 Roberts in the City of Muskegon.

The initial program focused on reentry services for men returning from prison by providing employment assistance, mentoring programs, and social support to reduce recidivism. As the program grew, it also provided similar services for women and substance abuse services for persons not yet incarcerated. With an ever expanding need for services in Muskegon County, the organization became independent and known as Fresh Coast Alliance in December, 2018.

Currently, Fresh Coast with its main office at 1190 E. Apple Ave. Muskegon, provides an array of services and partners with over 30 other agencies, 18 employers and 14 churches for the benefit of Muskegon County residents. Peer support services include 5 weekly groups, individualized case management, recovery coaching, reentry coaching, accredited safe and sober housing (Michigan Association of Recovery Residences, with Fresh Coast being the only accredited provider in Muskegon County), employment training, placement and retention support. In addition, Fresh Coast has owned and operated 2017 Alcohol and Chemical Abuse Consultant (“ACAC”) since 2017 for the purpose of expanding quality substance abuse treatment focused on persons in Muskegon County who had little or no access to such treatment. ACAC provides licensed, professional therapy for mental health and substance abuse disorders, and is one of the few providers in Muskegon County that can accept Medicaid to treat Substance Abuse Disorders (“SUD”) at 1190 E. Apple Ave., Muskegon.

Fresh Coast desires to purchase 1128 Roberts St. from Kingdom Life Church to continue the services it started in partnership with the church 6 years ago. Kingdom Life Church desires to then purchase the Our Redeemer Lutheran Church property by February 28, before their purchase agreement expires. Our Redeemer Church dissolved in September 2021.

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 recovery and support services for mental health and substance abuse at 1128 Roberts St be (approved/denied), with the following conditions:

1. No overnight lodging.
2. Hours of operation may be from ____ until ____.

Hearing, Case 2022-04: Request for a Special Use Permit to allow a Class B Recreational Marihuana Grow Facility at 1720 S Getty St, by Saigon Lotus, LLC.

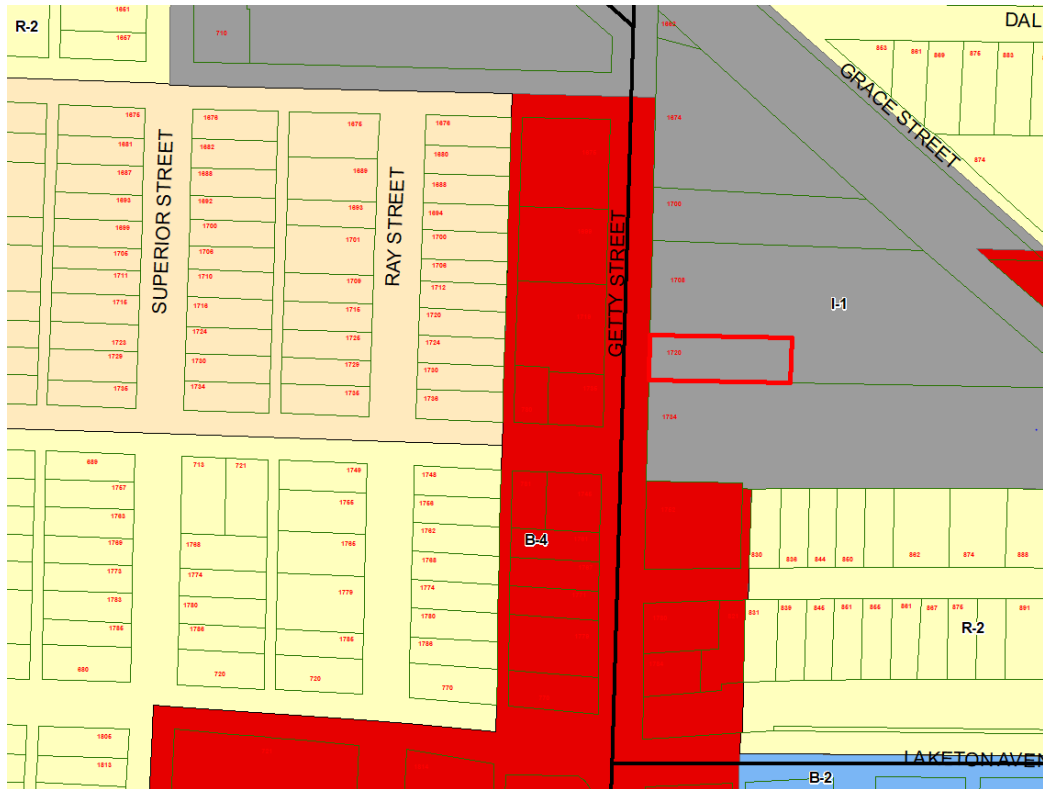
SUMMARY

1. The property is zoned I-1, Light Industrial. The building measures 2,160 sf and the parcel measures 12,000 sf.
2. 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.
3. The applicant is seeking a special use permit for a Class B recreational marihuana grow license, which allows for the production of up to 500 plants.
4. Please see the zoning ordinance excerpt on the requirements for the issuance of a special use permit on the following pages.
5. The property is not located within close proximity to any schools or parks.
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.

1720 S Getty St



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 recommends approval of the special use permit because it appears to meet all of the standards for approval of discretionary uses as outlined in Section 2332.

DELIBERATION

I move that the request for a special use permit to allow a class B recreational marihuana grow facility at 1720 S Getty St be (approved/denied) with the following condition:

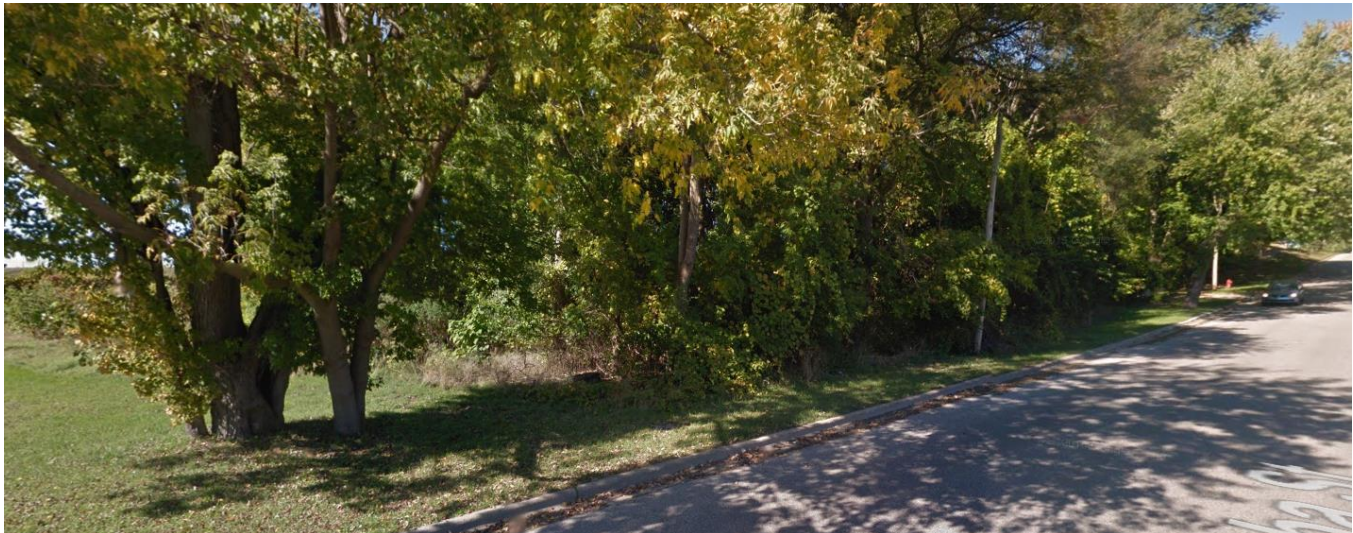
1. The special use permit will be revoked if there are repeated odor nuisance violations.

Hearing, Case 2022-05: Staff initiated request to rezone a portion of the property at 653 Yuba St from R-1, Low Density Single Family Residential to B-4, General Business.

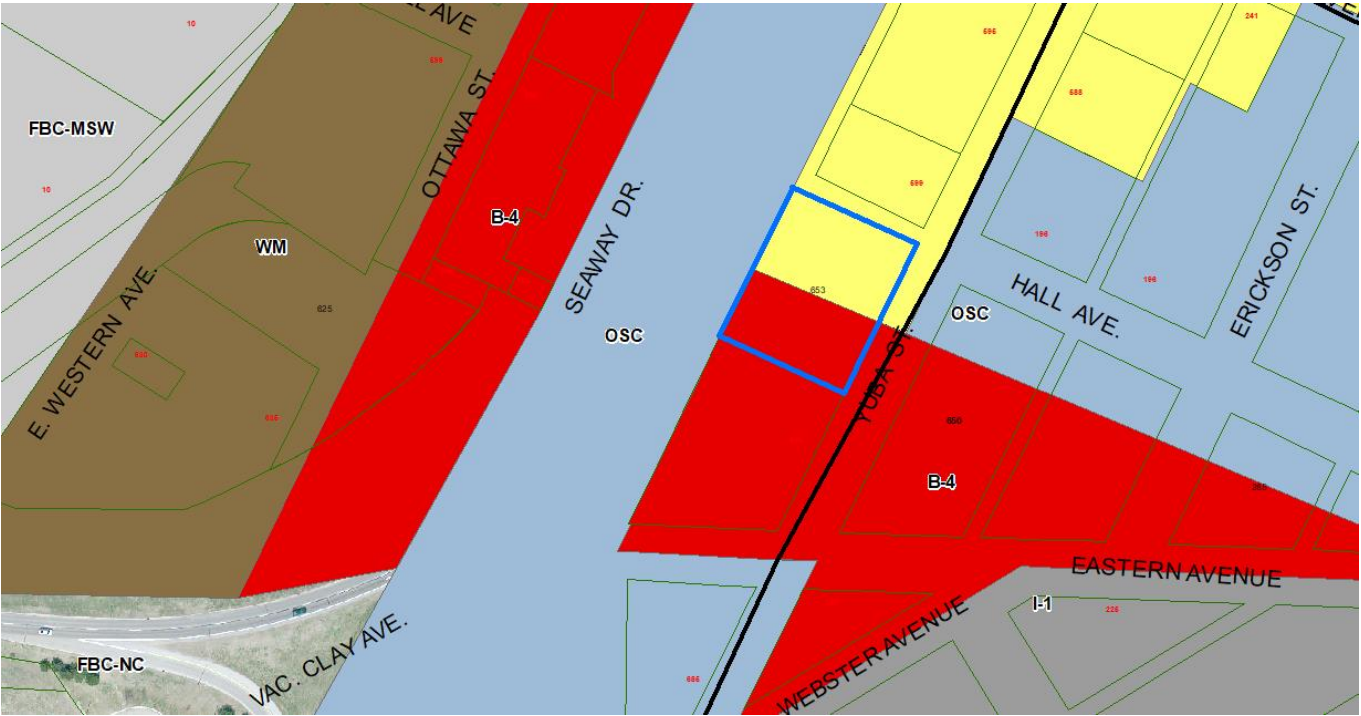
SUMMARY

1. This property is owned by the city. A potential buyer is seeking to purchase it and develop mini-storage units as demand grows with the addition of new apartments downtown. The potential buyer also owns the building on the adjacent property at 665 Yuba St.
2. Half of the property is zoned B-4, General Business and half is zoned R-1, Low Density Single Family Residential.
3. The property is vacant and measures 23,100 sf and is heavily wooded.
4. There is a steep slope on the property and the portion closest to the alley may be difficult to develop.
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.

653 Yuba St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning.

DELIBERATION

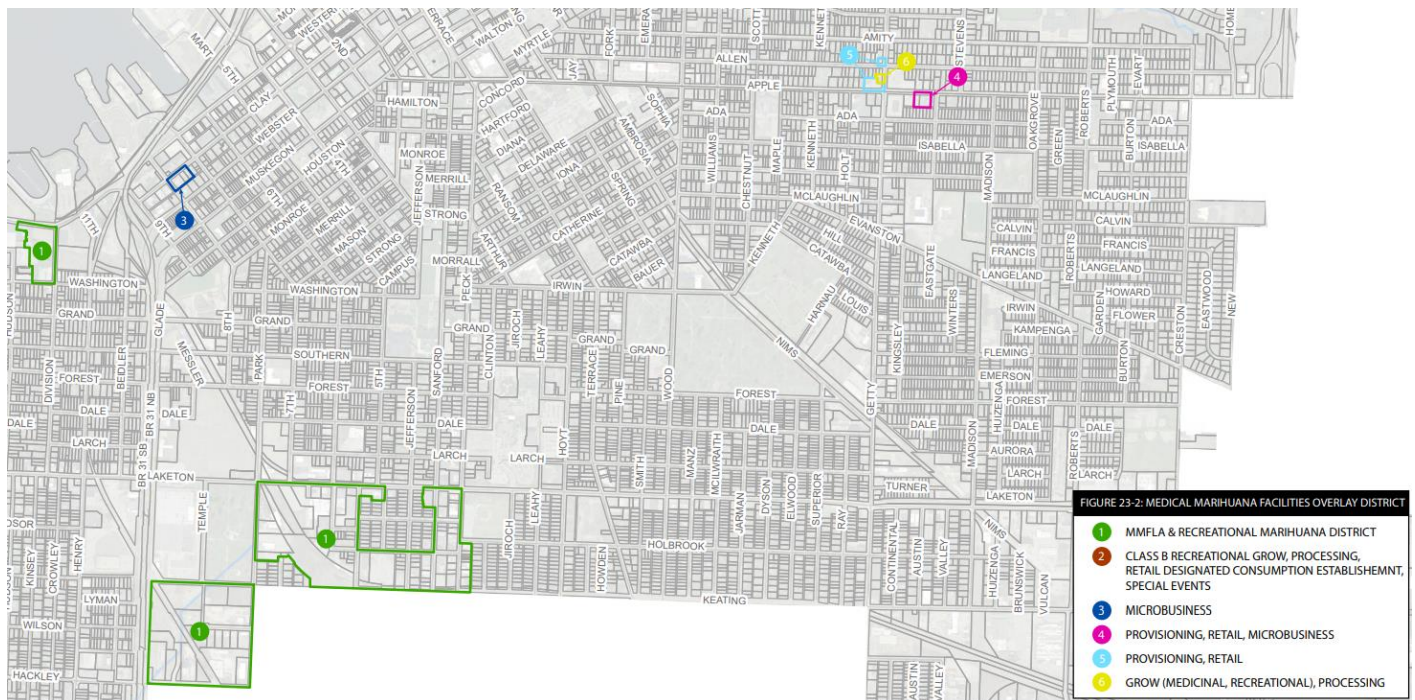
I move that the request to rezone a portion of the property at 653 Yuba St from R-1, Low Density Single Family Residential to B-4, General Business be recommended to the City Commission for (approval/denial).

Hearing, Case 2022-06: Staff initiated request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 470 W Western Ave and 1800 Peck St.

SUMMARY

1. Temporary marihuana events are currently only allowed in the original marihuana facilities overlay district and at 420 S Harvey St, 863 E Apple Ave, 885 E Apple Ave, 795 E Apple Ave, 925 S Getty St and 920 Washington Ave. See map below.
2. Staff has received may requests to hold temporary events in other areas of the city. In order to accommodate a reasonable number of events, staff is proposing to allow them at the arena and Marsh Field.
3. City policy would dictate where on-site people could consume and by which method (i.e. smoking, edibles).
4. To hold a temporary marihuana event, a registered temporary marihuana event coordinator must apply for a license with the State of Michigan.
5. At the arena, the area would include the entire arena parcel, which also includes the outside area that extends to the western portion of the shared entrance with the convention center.
6. Please see the marijuana facilities overlay district ordinance excerpt (enclosed).
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.

Marihuana Facilities Overlay District

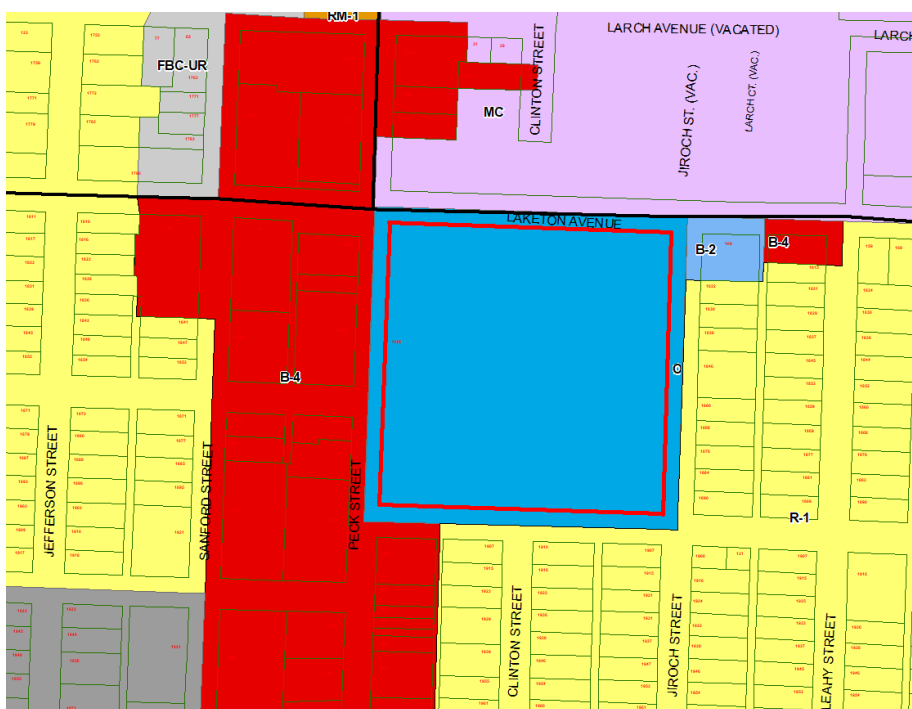


Zoning Maps

470 W Western Ave

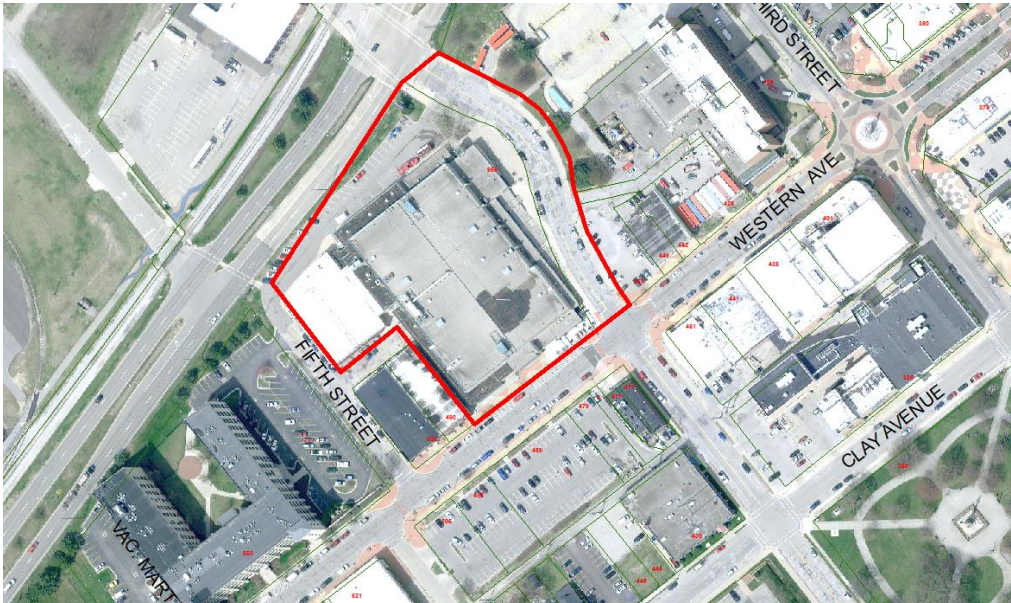


1800 Peck St



Aerial Maps

470 W Western Ave



1800 Peck St



STAFF RECOMMENDATION

Staff recommends approval of the amendment.

DELIBERATION

I move that the request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 470 W Western Ave and 1800 Peck St be recommended to the City Commission for (approval/denial).

The Docks

The City Commission approved the final PUD on June 25, 2019 by an 8-0 vote. The Planning Commission recommended approval of the PUD by an 8-1 vote.

Section 2101: Planned Unit Developments

2. Preliminary PUD Plan Submission

The applicant shall submit together with the application for PUD preliminary phase approval:

- a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.
 - 1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.

5. PUD Development Time Limits

- a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.
- b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.
- c. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.