

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

February 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, F. Peterson, L. Spataro, E. Hood

MEMBERS ABSENT: B. Mazade, excused; D. Keener

STAFF PRESENT: M. Franzak, S. Pulos, J. Eckholm

OTHERS PRESENT: _____

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on January 13, 2022, was made by J. Montgomery-Keast, supported by F. Peterson and unanimously approved.

PUBLIC HEARINGS

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.

PUBLIC COMMENTS

1. Daniel Monte, 814 E Apple, stated the Fresh Coast is well run, compassionate, and that crime rates are trending down.
2. Bob Kuhn, 3080 W Sherman, said that he discovered Fresh Coast by accident. He said that the participants are desperate for a life change, that they have classes people come to and interact, they park their cars outside the building, that it looks just like a church, and he is in support of the program.
3. Delvina Sheppard, 1439 Elwood Dr, is against Fresh Coast being in that neighborhood because there is too much

temptation there, the participants will be exposed and she doesn't see the need to continue.

4. Jeff Frank, 1040 Green St, said that he is a participant of the Fresh Coast program, he is 16 months clean, he goes to church, before this has never been out of trouble more than 3 months, he is now buying a house, holding down a job, and may agree it is not in the best location but that the church and program operate as a light in the darkness for the area.
5. Glenda Moore, 1236 Isabella, thinks it's in a good program but it is not in the best area for this neighborhood.
6. Rob Patrowski, 985 Holton Whitehall Rd, thinks that some of the parking issue will be resolved by acquiring the new building with more parking.
7. Cherry Casey, 305 Valley Ct, said that she has a history of addiction and that rehabs located in residential area have a higher success rate, are much more accessible, and that she's never seen crime committed near the rehabs that she's been to because the participants usually want to get away from there when they get out, so they go to another location to do the crime.

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.

CLOSE PUBLIC HEARING - MOTION

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

MOTION

Motion by J. Montgomery-Keast and supported by E. Hood:

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, with the following conditions:

1. No overnight lodging.
2. Hours of operation may be from 8am until 8pm, Monday through Saturday.

Roll Call Vote

T. Michalski: Yes
J. Doyle: Yes

K. Johnson: Yes
L. Spataro: Yes

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

MOTION PASSES

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.

PUBLIC COMMENTS

1. Michael, 201 Fulton St, said that this is a perfect location, not by residential, no retail and that they will supply dispensaries state wide.
2. Jon, 1708 Getty, said that he has a big problem because of the smell and that he's been there 15 years.
3. Greg McAllister, 1767 Getty, he is against it and he like beer instead.

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.

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

Motion by J. Montgomery-Keast and supported by K. Johnson:

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 with the following condition:

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

Roll Call Vote

T. Michalski: Yes	K. Johnson: Yes	J. Montgomery-Keast: No
J. Doyle: Yes	L. Spataro: Yes	E. Hood: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

1. David Ramos, 611 W Wedgewood, stated that his objective is traffic flow and to rid the area of blight and provide storage because there is a need for it with the population growth that downtown has seen.
2. Roland Jones, 595 Yuba, said that he lives in the neighborhood and that the community is changing. He asked what Ramos' long-term plan was in the area.
3. Mariah McIntosh, Jackson St, is against the rezoning because it doesn't fit into the fabric of the community, it doesn't fit into the cultural and facial identity of the neighborhood, that if rezone is approved, anything under the B-4 zoning classification could be put there, and it would set a precedence for further actions.
4. Rudy Briggs, 525 S Dengl, said that he likes things as they are but would like to see more growth in the area, including new homes and enclosed bus stops.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning.

CLOSE PUBLIC HEARING - MOTION

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

MOTION

Motion by L. Spataro and supported by J. Montgomery-Keast:

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.

Roll Call Vote

T. Michalski: Yes	K. Johnson: Yes	J. Montgomery-Keast: Yes
J. Doyle: Yes	L. Spataro: Yes	E. Hood: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

5. David Cummings, 137 E Laketon, with his business partner feels that Marsh Field is for community and family and that the track is for walking. He does not feel that a marijuana day at the field is appropriate. His reasons are that it may be across from the future Muskegon Middle School, if the event goes forward, there is the potential to draw more events like this one, he has concerns that gummies/edibles will be disguised as candy. He feels that Hackley Park is a better location or the Downtown Social District.
6. Roberta King is in support of both items for marijuana events. She explained that the events are highly regulated and that Marsh Field is close to the overlay district and would like to see any other park available for marijuana events.
7. Kevin McBaden, with RAIK Dispensary, explained that gummies have very strict labeling rules and will not be mistaken for regular candy. He is in support and talked about the benefits to having people come into town for like events and that they spend money throughout the community while they're here and that it is a win-win.
8. Robert Hanes, 1286 Catherine, wanted to make sure there is age restrictions put into place for these types of events.

STAFF RECOMMENDATION

Staff recommends approval of the amendment.

CLOSE PUBLIC HEARING - MOTION

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

MOTION – 470 W Western

Motion by L. Spataro and supported by F. Peterson:

I move that the request to amend Section 2331 of the zoning ordinance to allow temporary marijuana events at 470 W Western Ave be recommended to the City Commission for approval.

Roll Call Vote

T. Michalski: Yes	K. Johnson: Yes	J. Montgomery-Keast: Yes	F. Peterson: Yes
J. Doyle: Yes	L. Spataro: Yes	E. Hood: Yes	

MOTION PASSES

MOTION – 1800 Peck

Motion by F. Peterson and supported by K. Johnson:

I move that the request to amend Section 2331 of the zoning ordinance to allow temporary marijuana events at 1800 Peck St. be recommended to the City Commission for approval.

Roll Call Vote

T. Michalski: Yes	K. Johnson: Yes	J. Montgomery-Keast: No	F. Peterson: Yes
J. Doyle: Yes	L. Spataro: No	E. Hood: No	

MOTION PASSES

NEW BUSINESS

None.

OLD BUSINESS

None

UPDATES ON PREVIOUS CASES

None

OTHER

The Docks PUD Report

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.

ADJOURN

There being no further business, the meeting was adjourned at 6:33 p.m.