

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, November 16, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the meetings of October 12 and November 6, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-31: Request for a special land use permit to operate a Class B marihuana grow facility at 907 and 911 W Laketon Ave.
 - B. Hearing, Case 2023-32: Staff initiated request to amend the form based code section of the zoning ordinance to revise the signage types and requirements.
- V. New Business
- VI. Other
- VII. Adjourn

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES
OR SUBCOMMITTEES**

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit: www.shorelinecity.com

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 with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705. clerk@shorelinecity.com

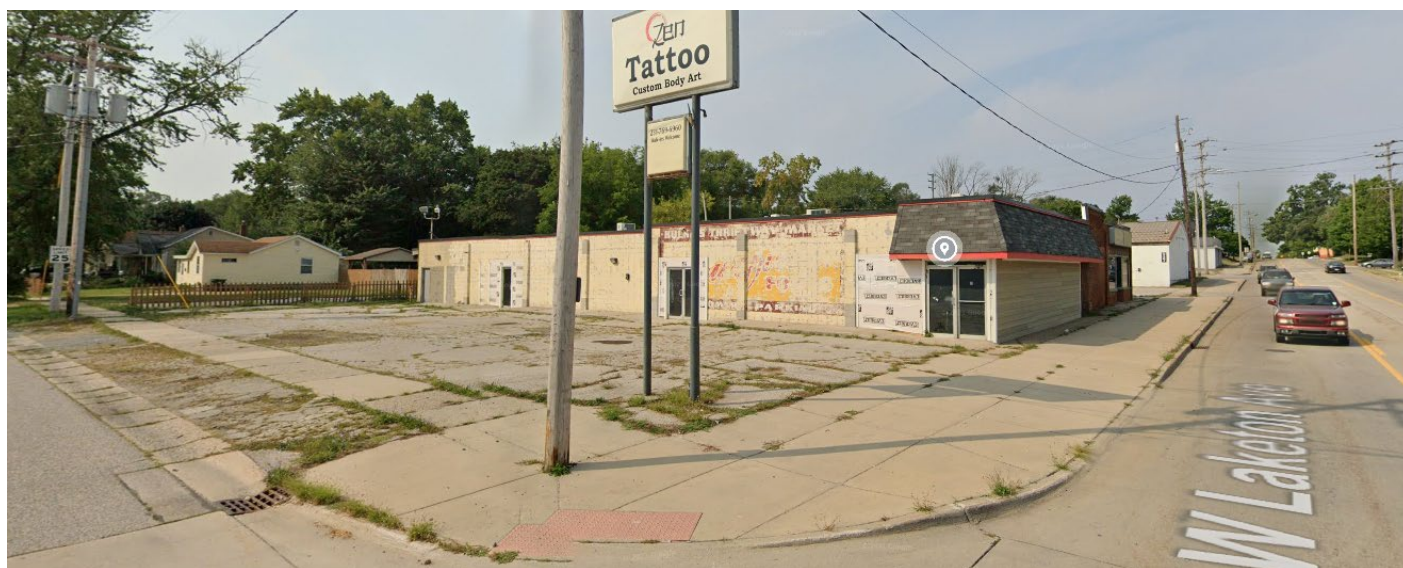
Staff Report
November 16, 2023

Hearing, Case 2023-31: Request for a special land use permit to operate a Class B marihuana grow facility at 907 and 911 W Laketon Ave.

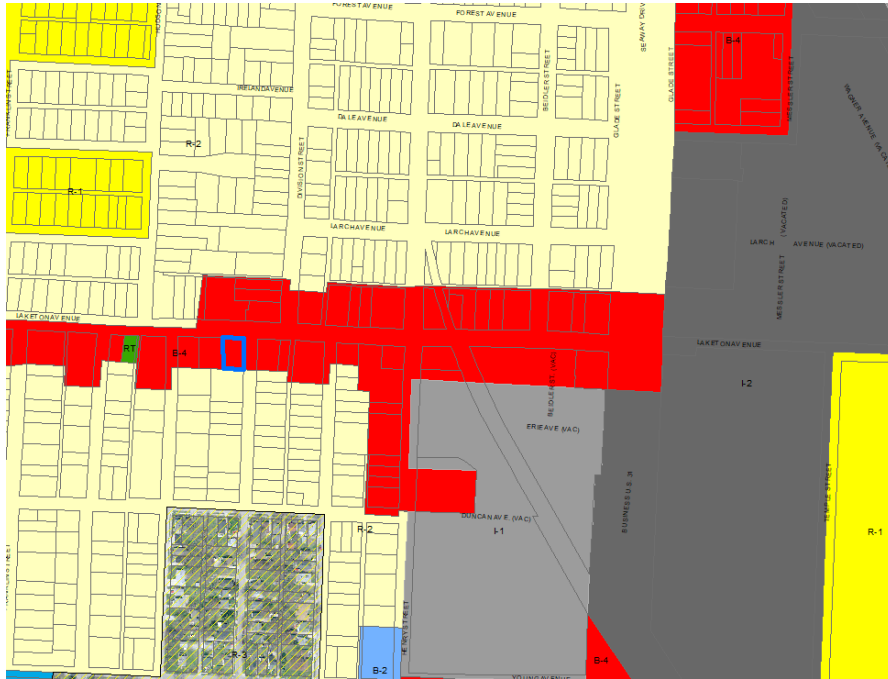
SUMMARY

1. The property is zoned B-4, General Business. The parcel measures 9,594 sf and the building measures 4,600 sf.
2. Class B marihuana grow facilities are allowed in B-4 districts with the issuance of a special land use permit. Class B marihuana grow facilities allow for the cultivation of up to 500 marihuana plants at a time.
3. This facility had recently been used as a marihuana caregiver facility, which allowed marihuana caregivers to grow marihuana for up to five patients (up to 72 plants per caregiver). There were three caregivers associated at this address. The facility was closed earlier this year after State Police discovered excess marihuana being grown on site.
4. The City had received several complaints from neighbors about odor over the years that it was used as a caregiver facility. The issue was usually resolved once the property owner changed the filters.
5. Notice was sent to every property within 300 feet of this location. At the time of this writing, staff had not received any comments from the public.

907 W Laketon Ave



Zoning Map



Aerial Map



Zoning ordinance excerpt:

Section 2332: Special Land Uses and Planned Unit Developments

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.

STATEMENT OF CONCLUSIONS

“The decision on a Special Land Use or activity shall be incorporated in a statement of conclusions and be placed on file with the Department of Planning.”

Staff finds that the proposed use or activity may become a nuisance, not by reason of increased traffic, noise, vibration, or light – but by odor. However, the former caregiver facility was not as heavily regulated by the State of Michigan as they are with Class B grow facilities. Staff has received complaints about caregiver facilities throughout the City, but has yet to receive a complaint about a grow facility that has a MMFLA (medical) or MRTMA (recreational) license. Staff finds that adequate water and sewer infrastructure exists for the project.

STAFF RECOMMENDATION

Staff recommends approval of the special use permit with the condition that it be revoked if there are numerous complaints regarding odor.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special land use permit to operate a Class B marijuana grow facility at 907 and 911 W Laketon Ave be approved with the following conditions based on the finding of facts pertaining to the standards for approval of discretionary uses.

1. The special land use permit be revoked if there are numerous complaints regarding odor.

Hearing, Case 2023-32: Staff initiated request to amend the form based code section of the zoning ordinance to revise the signage types and requirements.

SUMMARY

1. Please see the zoning ordinance excerpt regarding projecting signs on the following page.
2. Projecting signs may only be up to 12 sf in size. However, the Planning Commission has granted departures for some larger projecting signs (see below for examples).
3. Staff is proposing to permit these larger signs if they reference the name of the building, and not an individual business. If a business were to close, it may not be feasible for a new business to utilize such a large sign frame, which would lead to blight issues from the vacant sign frame.
4. These larger projecting signs would only be allowed in the Downtown and Mainstreet context areas. They could be up to four feet wide and extend up to five feet away from the building.

Examples of small projecting signs downtown



Examples of large projecting signs downtown



Zoning Ordinance Excerpt

SECTION 2009

SIGN STANDARDS

2009.09 PROJECTING SIGN



PROJECTING SIGN

A double faced sign that is attached to the face of a building and projects from the wall of the building at a ninety (90) degree angle. Projecting signs may include logos or creative art and graphics as part of the sign composition and may be fabricated of wood, metal, fabric, or other durable material.

BUILDING TYPES

MIXED-USE
RETAIL
FLEX
COTTAGE RETAIL
LIVE / WORK
MULTI-PLEX

CONTEXT AREAS

DT DOWNTOWN	MS MAINSTREET
MSW MAINSTREET WATERFRONT	NC NEIGHBORHOOD CORE
NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL

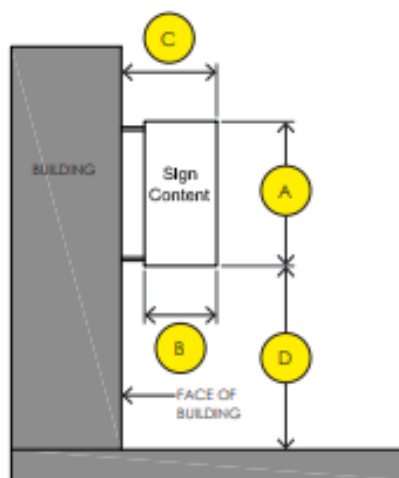
1.0 PROJECTING SIGN SIZE AND PROPORTION

Refer to Illustration 9.03 for graphic representation of the dimensional requirements regarding Projecting Signs.

Refer to Section 2009.13 for dimensional requirements.

- Maximum height of projecting signs shall be four (4) feet.
- Maximum width of projecting signs shall be three (3) feet.
- Projecting Signs shall not extend more than four (4) feet from the face of building.
- Projecting Signs shall be a minimum of eight (8) feet above the adjacent grade.
- Projecting signs shall be perpendicular to the building face.

ILLUSTRATION 9.03 PROJECTING SIGN SIZE



2.0 PROJECTING SIGN STANDARDS

- Projecting Signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
- Projecting Sign content may include letters, corporate logos, symbols or designs and shall have content on both sides of the sign.
- Projecting Signs placed on fabric, cloth or canvas shall be securely anchored to a sign frame.

3.0 PROJECTING SIGN QUANTITY

- The number of Projecting Signs allowed per building shall not exceed the quantities indicated in Section 2009.14.
- Projecting Signs may be used in conjunction with other Sign Types.

4.0 PROJECTING SIGN LOCATION

- Projecting Signs are permitted on the fronts of the following buildings:
 - Mixed-Use
 - Retail
 - Cottage Retail
 - Live / Work
 - Flex
 - Multiplex (Large and Small)

5.0 PROJECTING SIGN ILLUMINATION

- Projecting Signs may be externally or internally illuminated per the requirements of Section 2334, 3, f.

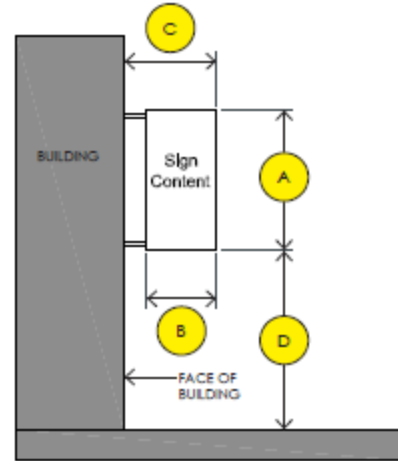
Proposed Amendments (1A & 1 B have been modified along with Section 2009.13)

1.0 PROJECTING SIGN SIZE AND PROPORTION

Refer to Illustration 9.03 for graphic representation of the dimensional requirements regarding Projecting Signs. Refer to Section 2009.13 for dimensional requirements.

- A. Maximum height of projecting signs shall be four (4) feet except projecting signs depicting only the building name may be taller (see note in Section 2009.13).
- B. Maximum width of projecting signs shall be three (3) feet except projecting signs depicting only the building name may increase to four (4) feet.
- C. Projecting Signs shall not extend more than five (5) feet from the face of building.
- D. Projecting Signs shall be a minimum of eight (8) feet above the adjacent grade and may not extend above the roof line.
- E. Projecting signs shall be perpendicular to the building face.

ILLUSTRATION 9.03 PROJECTING SIGN SIZE



Section 2009.13

SECTION 2009

SIGN STANDARDS

2009.13 SUMMARY DIMENSIONAL REQUIREMENTS FOR SIGNS

SIGN TYPE WITH BUILDING TYPE		CONTEXT AREAS					
		DT DOWNTOWN	MS MAINSTREET	MSW MAINSTREET WATERFRONT	NC NEIGHBORHOOD CORE	NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL
SIGN BAND	MIXED-USE	Shall fit within sign band or expression line per 2009.07, 1.0					
	RETAIL	Shall fit within sign band or expression line per 2009.07, 1.0					
	FLEX	Shall fit within sign band or expression line per 2009.07, 1.0					
	COTTAGE RETAIL	Shall fit within sign band or expression line per 2009.07, 1.0					
	LIVE / WORK	Shall fit within sign band or expression line per 2009.07, 1.0					
WALL	MIXED-USE	15 % of building wall, NTE 32 SF			15 % of building wall, NTE 24 SF		
	RETAIL	15 % of building wall, NTE 32 SF			15 % of building wall, NTE 24 SF		
	FLEX	15 % of building wall, NTE 32 SF			15 % of building wall, NTE 24 SF		
	COTTAGE RETAIL	15 % of building wall, NTE 32 SF			15 % of building wall, NTE 24 SF		
	LIVE / WORK	15 % of building wall, NTE 24 SF			15 % of building wall, NTE 24 SF		
	MULTI-PLEX	15 % of building wall, NTE 24 SF			15 % of building wall, NTE 24 SF		
PROJECTING	MIXED-USE	12 SF*	8 SF*	8 SF	8 SF	8 SF	
	RETAIL	12 SF*	8 SF*	8 SF	8 SF	8 SF	
	FLEX		8 SF*	8 SF	8 SF	8 SF	
	COTTAGE RETAIL				8 SF	8 SF	
	LIVE / WORK		8 SF*	8 SF	8 SF	8 SF	
	MULTI-PLEX	12 SF*	8 SF*	8 SF	8 SF		

*Projecting signs depicting only the building name may be up to 150 SF

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the form based code section of the zoning ordinance to revise the requirements for projecting signs be recommended to the City Commission for approval as proposed.