

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

DATE OF MEETING: Thursday, October 13, 2022 at 4 pm  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of minutes from the regular meeting of September 15, 2022.
- III. Old Business
- IV. Public Hearings
  - A. Hearing; Case 2022-27: Request for a special use permit to operate a marihuana microbusiness and designated consumption establishment at 1788 Wagner Ave, by Edris Davis.
  - B. Hearing, Case 2022-28: Staff-initiated request to amend Section 2331 of the zoning ordinance to reduce signage restrictions on marihuana businesses and to allow drive-thru marihuana facilities under certain conditions.
- V. New Business
- VI. Other
  - A. Update on previous cases
- VII. Adjourn

## **STAFF REPORT**

**October 13, 2022**

Hearing; Case 2022-27: Request for a special use permit to operate a marihuana microbusiness and designated consumption establishment at 1788 Wagner Ave, by Edris Davis.

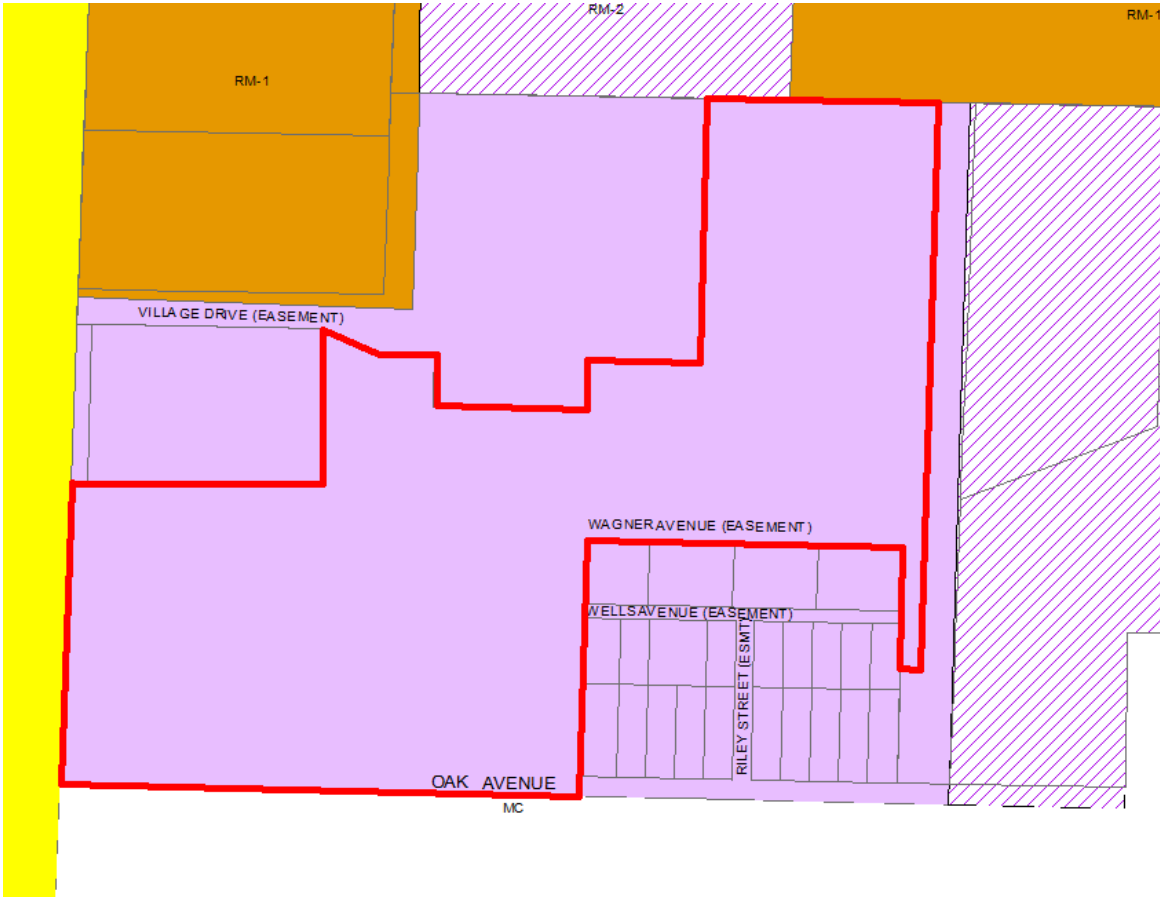
### **SUMMARY**

1. The property is zoned MC, Medical Care. The 4,617 sqft building is located on the same parcel as the former General Hospital campus.
2. Marihuana microbusinesses are allowed as a special use permitted in Medical Care districts.
3. A microbusiness allows for the production of up to 150 plants, processing and sales all on site. A designated consumption establishment allows customers to consume the product on site.
4. The applicant was approved for a special use permit for a microbusiness at 1761 Wells Ave in July.
5. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

**1788 Wagner Ave**



Zoning Map



Aerial Map



## **STAFF RECOMMENDATION**

Staff recommends approval of the special use permit with the condition that it be revoked if there are repeated issues with odor control. Staff also recommends that the applicant state in writing that they are revoking their right to the Special Use Permit issued at 1761 Wells Ave.

## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request for a special use permit special use permit to operate a marihuana microbusiness and designated consumption establishment at 1788 Wagner Ave be (approved/denied) with the following condition:

1. The special use permit shall be revoked if there are repeated issues with odor control.
2. The applicant must state in writing that they are revoking their right to the Special Use Permit issued at 1761 Wells Ave.

Hearing, Case 2022-28: Staff-initiated request to amend Section 2331 of the zoning ordinance to reduce signage restrictions on marihuana businesses and to allow drive-thru marihuana facilities under certain conditions.

## **SUMMARY**

1. This Marihuana Facilities Overlay District currently restricts drive-thru's at retail facilities. Curbside sales are also prohibited, but enforcement was relaxed during the pandemic.
2. Staff has not received any complaints in the time that curbside sales have been allowed.
3. Many businesses have noted that they are in favor of allowing drive-thru's at retail facilities. The State of Michigan recently amended the statute to allow for them.
4. Staff recommends that drive-thru's are only allowed in areas with heavy vehicular traffic and not allowed in downtown, where drive-thru's are restricted.
5. Staff also recommends that there is proper maneuvering room for vehicles to be granted the special use permit. This will eliminate some of the existing marihuana retailers because of how their properties are already set up.

*Existing Ordinance:*

## **SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICT**

### **B. Grower, Excess Grower, and Processor Requirements:**

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.

### **C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:**

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.

*Proposed Ordinance:*

B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall follow the regulations set forth by the underlying zoning district.

C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:

1. Signage. Signage shall follow the regulations set forth by the underlying zoning district.
4. Curbside/Drive Thru. Curbside delivery is allowed at all retail sale locations with an approved site plan that does not impede traffic or pedestrian safety. Drive thru's are allowed under the following conditions:
  - a. The underlying zoning designation must be B-2, B-4, MC, I-1, I-2 or any Form Based Code designation/building type that allows for drive thru businesses.
  - b. Drive-thru windows must be located on private property. Streets and alleys may only be used for the movement of traffic and may not be used for drive-thru vehicular stacking.
  - c. There must be at least three vehicle stacking spaces on site that do not impede vehicular circulation or parking spaces.

*Existing locations that are likely to meet the requirements (internal floor plans could also limit some of these locations):*

420 Harvey St



1801 Peck St



313 W Laketon Ave



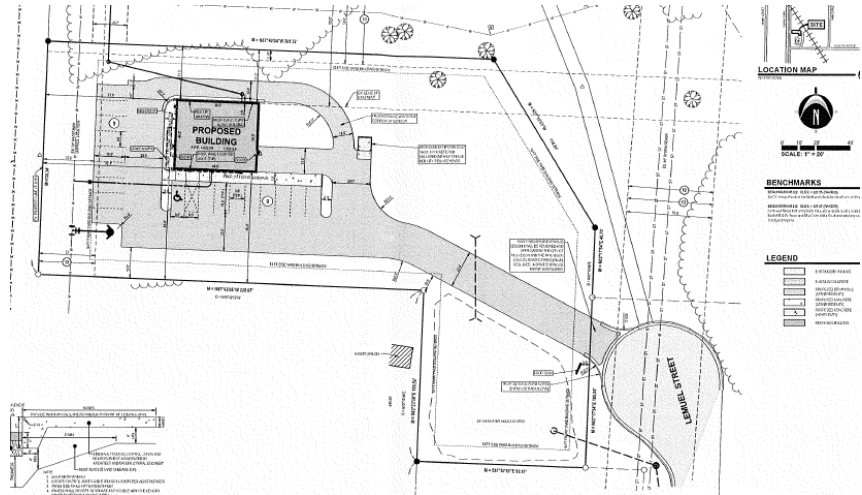
580 W Hackley Ave



1965 Peck St



2125 Lemuel St



1922 Park St



*Example of a location that may not work:*

1839 Peck St Suite B



## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend Section 2331 of the zoning ordinance as presented be recommended to the City Commission for (approval/denial).