

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

October 13, 2022

T. Michalski called the meeting to order at 4:06 p.m. and roll was taken.

MEMBERS PRESENT: L. Mikesell, J. Montgomery-Keast, K. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: E. Hood, B. Mazade

MEMBERS EXCUSED: D. Keener, J. Doyle

STAFF PRESENT: M. Franzak, S. Pulos. Pam and Bruce Westra

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Regular Planning Commission meeting on September 15, 2022 was made by J. Montgomery-Keast, supported by K. Johnson, and unanimously approved.

OLD BUSINESS

PUD Amendment/Tiny Digs/2033-2043 Lakeshore Drive. Pam and Bruce Westra would like to switch the placement of a shed and one of their micro-lodging units at their Tiny Digs PUD.

The applicant was in attendance. Pam Westra, 1204 2C W Western Ave, Muskegon. She explains that the City's Department of Public Works wants to come off of Lakeshore Drive into a heated structure, which would be the shed and the reason is so the pipes don't freeze in the winter. The DPW thought to switch placement would make more sense and would avoid digging up all of Lakeshore Drive and the water pressure here would better accommodate the site.

MOTION

J. Montgomery-Keast moved, seconded by K. Johnson, that the request to come back to the Planning Commission meeting in November as an incidental/minor change to be approved by the PC.

ROLL CALL VOTE

L. Mikesell: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

T. Michalski: Yes

L. Spataro: Yes

MOTION PASSES

PUBLIC HEARINGS

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.

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.

PUBLIC COMMENTS

None

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

L. Spataro moved, seconded by J. Montgomery-Keast, 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 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.

ROLL CALL VOTE

L. Mikesell: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

T. Michalski: Yes

L. Spataro: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

None

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Spataro moved, seconded by J. Montgomery-Keast, that the request to amend Section 2331 of the zoning ordinance as presented be recommended to the City Commission for approval with the additional modifications recommended by staff.

ROLL CALL VOTE

L. Mikesell: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

T. Michalski: Yes

L. Spataro: Yes

MOTION PASSES

NEW BUSINESS

J. Montgomery-Keast moved, seconded by K. Johnson, to recommend to the City Commission that the Planning Commission Meeting be video-taped.

ROLL CALL VOTE

L. Mikesell: Yes

K. Johnson: Yes

J. Montgomery-Keast: Yes

T. Michalski: Yes

L. Spataro: Yes

MOTION PASSES

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 4:40 pm.