

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, April 13, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the regular meeting of March 16, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-09: Request for a special use permit to have a drive-up window at a marihuana dispensary at 2125 Lemuel Street, by Alfred Cini (Grassy Knoll).
- V. New Business
 - A. Master Plan update
- VI. Other
 - A. Update on previous cases
- VII. Adjourn

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OR SUBCOMMITTEES**

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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

April 13, 2023

Hearing, Case 2023-09: Request for a special use permit to have a drive-up window at a marihuana dispensary at 2125 Lemuel Street, by Alfred Cini (Grassy Knoll).

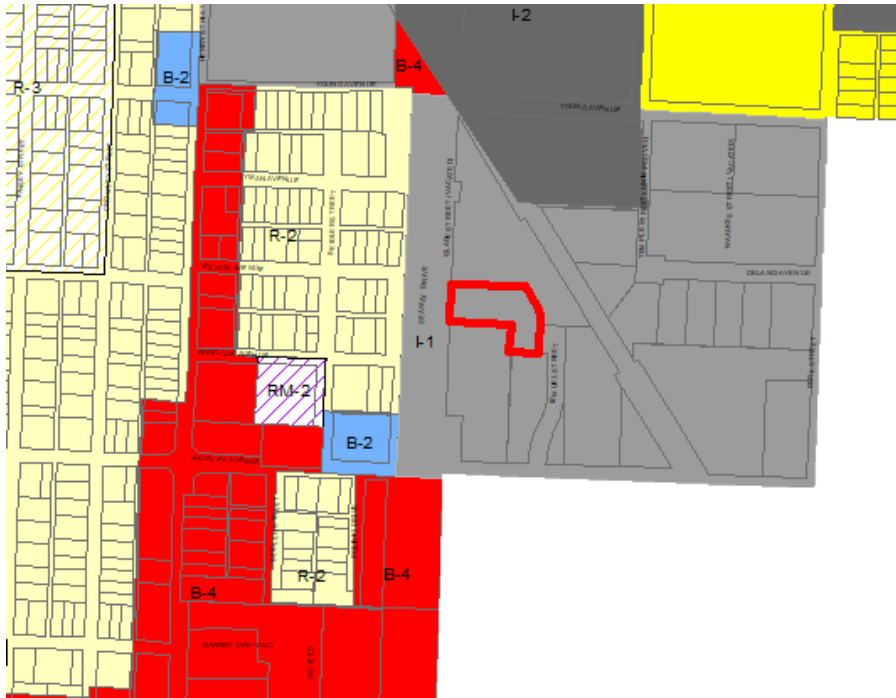
SUMMARY

1. The property is zoned I-1, Light Industrial and is located in the Marihuana Facilities Overlay District.
2. The Grassy Knoll operates a marihuana retail store at this location. They are requesting a special use permit to allow a drive-up window. Drive-up windows are allowed as a special use permitted under certain conditions (please see the ordinance excerpt on the following pages).
3. The site measures about 1.2 acres and the building on site measures 1,920 sf.
4. Please see the enclosed Traffic Impact Assessment (TIA) from Fleis & VandenBrink. The TIA states that they will have room to stack up to 11 vehicles in line, which suggests that the proposed storage length will adequately accommodate the projected peak vehicle demand.
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.

2125 Lemuel St



Zoning Map



Aerial Map



Zoning ordinance excerpt:

SECTION 2331: Marihuana Facilities Overlay District

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

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. A traffic study must be performed showing anticipated number of stacking spaces and where they would be located on site.

Zoning ordinance excerpt:

SECTION 2332: SPECIAL LAND USES & PLANNED UNIT DEVELOPMENTS

4. Discretionary decisions, standards, and conditions

Consistent with the City or Village Zoning Enabling Act (PA, 207, 1921, and amended), the Planning Commission shall approve, deny or approve with conditions applications for Special Use or activities. The standards upon which decisions are made shall be consistent with, and promote the intent and purpose of the Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. 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.

The Planning Commission shall review the application after proper notice has been given as required by State law and this Ordinance. The Planning Commission shall base its decisions upon review of the individual standards pertaining to that Special Land Use or activity and the general standards of Section 2332. The Planning Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application. Upon approval of a Special Use, the Building Official shall issue any necessary permits.

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 based off of the findings of facts regarding Section 2332 of the zoning ordinance. Staff has reviewed the application and has determined that the issuance of the special use permit would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Adequate water and sewer infrastructure exist on site. The request also meets the three requirements listed for drive through facilities listed in Section 2331, the Marihuana Facilities Overlay District.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to have a drive-up window at a marihuana dispensary at 2125 Lemuel Street be (approved/denied) based off of the findings of facts of Section 2332 of the zoning ordinance.