

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING

DATE OF MEETING: Thursday, March 27, 2025 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of the minutes from the regular meeting of March 13, 2024.
- III. Public Hearings
 - A. Hearing, Case 2025-16: Staff-initiated request to amend Sections 2101 and 2332 of the zoning ordinance to require the Zoning Administrator to review all Planned Unit Development sites for accuracy before a certificate of occupancy can be issued for any building.
- IV. New Business
- V. Old Business
 - A. Case 2025-10: Request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave.
- VI. Other
- VII. Public Comment
- VIII. 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

Planning Commission Staff Report

March 27, 2025

Hearing, Case 2025-16: Staff-initiated request to amend Sections 2101 and 2332 of the zoning ordinance to require the Zoning Administrator to review all Planned Unit Development (PUD) sites for accuracy before a certificate of occupancy can be issued for any building.

SUMMARY

1. Staff is proposing to add additional language to the PUD regulations that requires the Zoning Administrator to ensure compliance with the site plan before a certificate of occupancy can be obtained for a building.
2. There have been some issues over the years with some PUDs receiving certificate of occupancies without fully complying with the approved site plan. Most recently, the absence of this proposed language has caused confusion in the Harbour Towne development regarding the installation of sidewalks.
3. A certificate of occupancy is issued by the Inspections Department. If the amendment is approved, the Inspections Department would require the Zoning Administrator to sign off on the project before the certificate of occupancy is issued.
4. Please see the attached zoning ordinance excerpt for Section 2101: Development Options.

Proposed Amendments (noted in red)

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.

6. PUD Plan Compliance

- a. The Zoning Administrator shall insure compliance with all of the provisions and requirements of the PUD plan and construction and placement of all of the improvements therein before a certificate of occupancy is issued for any building within the PUD.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request amend Section 2101 of the zoning ordinance is recommended to the City Commission for approval as proposed.

Case 2025-10: Request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave.

SUMMARY

1. This case was tabled at the February meeting after the public hearing was held.
2. The applicant was asked to address a few issues with the site plan, including placement of the bike path, confirmation that the existing fence is in compliance, removal of the shipping containers, and to begin the application process with for revising the stormwater permit.
3. The site plan has been updated to include the proposed bike path. The applicant has suggested that instead of removing the shipping containers, he would like to start a shipping container storage business on site. If this is the case, he must screen the containers from public rights-of-way and residential districts with at least a five foot screen. He must also obtain a business license from the City Clerk for the new business and maintain it at all times.
4. The applicant is seeking a Marihuana Retailer's license at this location and is applying for a special use permit to allow for a drive-through service. Please see the attached site plan. The retail store will not be open to the public, instead a drive-through system with three ordering booths and a pick-up booth has been proposed.
5. The parking lot would be reconfigured into a one-way, with a new entrance that uses a portion of the unimproved Temple St to the west of the parcel. The Engineering Department would grant them access to Temple St as long as they make the necessary improvements to it.
6. The applicant has provided a traffic study from LaCroix Traffic Engineering. There appears to be plenty of stacking space for the drive-through as there will be three separate lanes available.

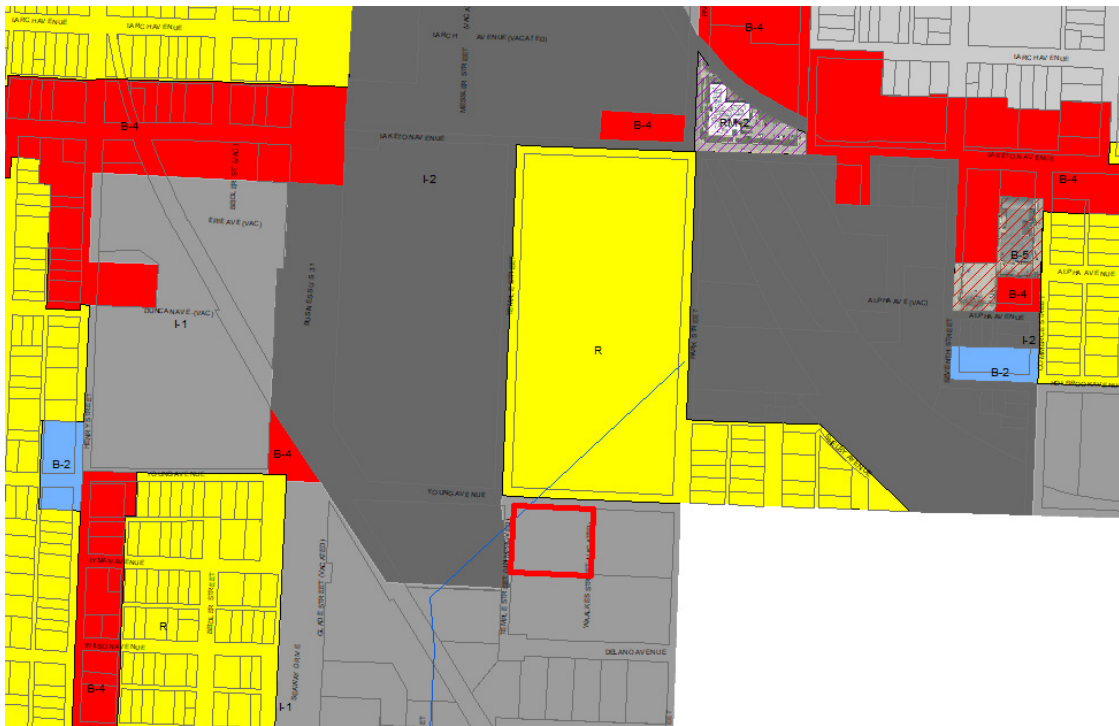
Example of a drive-through booth provided by the applicant.



551 Young Ave



Zoning Map



Aerial Map



STANDARDS FOR THE ISSUANCE OF A SPECIAL LAND USE PERMIT

Staff will perform an exercise on the standards of the issuance of a special land use as it pertains to this case. The decision on the special land use will be incorporated in a statement of conclusions and be placed on file with the Planning Department. The exercise will be based off of the regulations in Section 2332 of the zoning ordinance.

SECTION 2331 (MARIHUANA FACILITIES OVERLAY DISTRICT):

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

d. Curbside/Drive Through. Curbside delivery is allowed at all retail sale locations with an approved site plan that does not impede traffic or pedestrian safety. Drive throughs are allowed as a special use permitted under the following conditions:

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

SECTION 2332 (SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS):

4. 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.

EXERCISE (Staff's replies in red)

Planning Commissioners, please be prepared to answer and discuss the following questions as they relate to Sections 2331.3 and 2332.4 of the zoning ordinance:

1. Is the property correctly zoned for this use? **Yes, the property is zoned I-1, located in the Marihuana Facilities Overlay District.**
2. Is the drive through window located on private property? **Yes. However, they will be placed on top of the existing stormwater drain owned by the Drain Commissioners Office. The Darin Commission has provided a letter allowing the applicant to place the booths on the easement.**
3. Did the applicant submit a traffic study showing the number of stacking spaces? **The is a traffic study. Vehicle stacking was not depicted but it does not appear to be an issue when looking at the site plan.**
4. Do you believe this use is consistent with all adjacent uses and structures? **Yes, it is located in the Marihuana Facilities Overlay District.**
5. Do you believe the proposed use would be considered offensive or a nuisance because any of the following reasons?
 - a. Increased traffic **No**
 - b. Noise **No**
 - c. Vibration **No**
 - d. Light **No**
6. Do you find that adequate water and sewer infrastructure exists or will be constructed to service the use? **Yes**

STAFF RECOMMENDATION

Staff recommends approval of the special use permit with the following conditions:

- A new stormwater permit is issued from the Engineering Department.
- The temporary storage containers are either removed from the site or they obtain compliance through the necessary procedures.
- The property owner provides a “daisy chain” on the existing fence to allow the Public Works Department, Fire Department, and Drain Commissioner to access the site if needed.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave be approved with the following conditions:

1. A new stormwater permit is issued from the Engineering Department.
2. The temporary storage containers are either removed from the site or they obtain compliance through the necessary procedures.
3. The property owner provides a “daisy chain” on the existing fence to allow the Public Works Department, Fire Department, and Drain Commissioner to access the site if needed.