

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

DATE OF MEETING: Thursday, January 16, 2025 at 4 pm  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of the minutes from the regular meeting of December 12, 2024.
- III. Public Hearings
  - A. Hearing, Case 2025-01: Request for a special use permit to operate a marihuana processing facility at 1314 E. Apple Avenue.
  - B. Hearing, Case 2025-02: Request for a special use permit to expand a non-conforming use no more than 25%, at 2984 Lakeshore Drive.
  - C. Hearing, Case 2025-03: Request to amend Section 2331, subsection 3(a) of the zoning ordinance, to allow The Grassy Knoll to operate between the hours of 8:00 am and 2:00 am.
  - D. Hearing, Case 2025-04: Staff initiated request to amend the zoning ordinance to replace all instances of “single-family residential districts” with “neighborhood residential districts.”
  - E. Hearing, Case 2025-05: Staff initiated request to amend Article II of the zoning ordinance to create definitions for duplexes and triplexes.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Public Comment
- VIII. Adjourn

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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](http://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](mailto:clerk@shorelinecity.com)

**Planning Commission Staff Report**  
**January 16, 2025**

Hearing, Case 2025-01: Request for a special use permit to operate a marihuana processing facility at 1314 E. Apple Avenue.

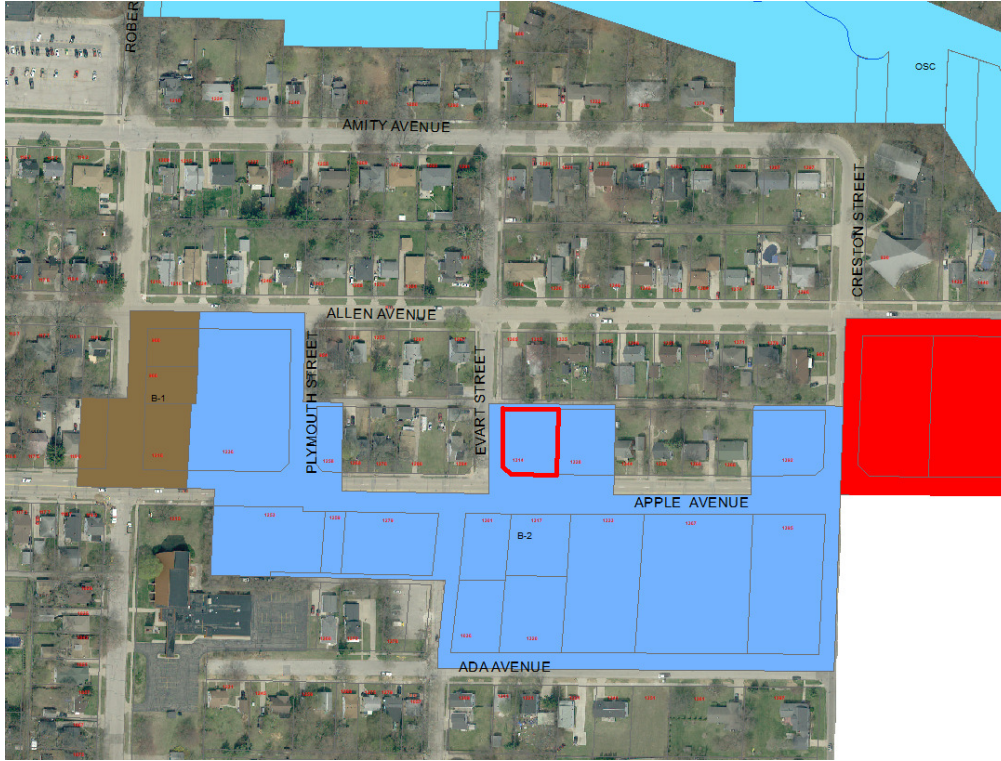
**SUMMARY**

1. The lot measures 13,280 sqft and the building measures 5,600 sqft. The property is zoned B-2, Convenience and Comparison Business. It is also included in the Marihuana Facilities Overlay District as a stand-alone property that is approved for retail, provisioning, and recreational grow. They are not approved for marihuana processing. However, processing is allowed in B-2 districts as a special use permitted as long as the business does not utilize extraction methods classified as hazardous under the Michigan Building Code.
2. Marihuana processing includes any method used to prepare marihuana or its byproducts for commercial retail, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
3. Please see the standards for the issuance of a special use permit on the following pages. The decision on the special land use will be incorporated in a statement of conclusions and be placed on file with the Planning Department.
4. Notification was sent to every property within 300 feet of this address. At the time of this writing, staff had not received any public comments.

**1314 E Apple Ave**



## Zoning Map



## Aerial Map



## **STANDARDS FOR THE ISSUANCE OF A SPECIAL LAND USE**

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 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**

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

1. Do you believe this use is consistent with all adjacent uses and structures?
2. Do you believe the proposed use would be considered offensive or a nuisance because any of the following reasons?
  - a. Increased traffic
  - b. Noise
  - c. Vibration
  - d. Light
3. Do you find that adequate water and sewer infrastructure exists or will be constructed to service the use?

### **STAFF RECOMMENDATION**

Staff recommends approval of the special use permit. Staff does not believe the proposed project would be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. There is also adequate water and sewer infrastructure for this use and no upgrades will be necessary.

The use is compatible with adjacent uses as this property is located in the Apple/US-31 business corridor. This business district is zoned B-2, Convenience & Comparison Business, which allows for commercial uses of many types such as retail, restaurant/food production, service industries, offices and amusement facilities. It is anticipated to draw far less traffic than surrounding uses.

## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a marihuana processing facility at 1314 E. Apple Avenue be approved with the following condition.

1. Extraction methods classified as hazardous under the Michigan Building Code are prohibited.

Hearing, Case 2025-02: Request for a special use permit to expand a non-conforming use no more than 25%, at 2984 Lakeshore Drive.

## **SUMMARY**

1. The property is zoned WM, Waterfront Marine. The principal (and only) use on the property is a single-family house, which is considered legally non-conforming because housing is not a permitted use in the WM zoning district. The lot contains a house, garage, shed and residential boat dock.
2. The lot measures 21,836 sqft, the house measures 700 sf, and the garage measures 1,500 sf.
3. The applicant would like to make significant upgrades and put an addition on the house. The zoning ordinance allows non-conforming uses to be increased up to 25% with the issuance of a special use permit.
4. Please see the standards for the issuance of a special use permit on the following pages. The decision on the special land use will be incorporated in a statement of conclusions and be placed on file with the Planning Department.
5. Please see the enclosed site plan, showing the proposed addition to the house.
6. Notification was sent to every property within 300 feet of this address. At the time of this writing, staff had not received any public comments.

### **2984 Lakeshore Dr**





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 Sections 2202 and 2332 of the zoning ordinance.

#### SECTION 2202: NONCONFORMING USES OF LAND

3. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except when authorized by the Planning Commission, after Public Hearing as required for Special Uses, and upon reaching a determination that the proposed enlargement, increase, or greater area:
  - a. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
  - b. Complies with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area.
  - c. Complies with any reasonable conditions imposed by the Planning Commission that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
  - d. It is not larger than twenty five percent (25%) of the original nonconforming area.

#### 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.

#### EXERCISE

Planning Commissioners, please be prepared to answer and discuss the following questions as they relate to Sections 2202.3 and 2332.4 of the zoning ordinance:

1. Do you believe the proposed use would create a substantial detrimental effect on the use and enjoyment of adjacent uses or lots?
2. Does the proposed use comply with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area?
3. Is the proposed use larger than twenty five percent (25%) of the original nonconforming area.
4. Do you believe this use is consistent with all adjacent uses and structures?

5. Do you believe the proposed use would be considered offensive or a nuisance because any of the following reasons?
  - a. Increased traffic
  - b. Noise
  - c. Vibration
  - d. Light
6. Do you find that adequate water and sewer infrastructure exists or will be constructed to service the use?
7. Would you like to impose any reasonable conditions that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community?

### **STAFF RECOMMENDATION**

Staff recommends approval of the special use permit. Staff does not believe the proposed project would be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. There is also adequate water and sewer infrastructure for this use and no upgrades will be necessary.

The use is compatible with adjacent uses as it has single-family residential houses on each side of it. The addition is within the maximum 25% increase allotted by the zoning ordinance.

The increase meets applicable regulations to accessory uses for the area affected by the proposed enlargement.

### **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request for a special use permit to expand a non-conforming use no more than 25%, at 2984 Lakeshore Drive be approved.

Hearing, Case 2025-03: Request to amend Section 2331, subsection 3(a) of the zoning ordinance, to allow The Grassy Knoll to operate between the hours of 8:00 am and 2:00 am.

## **SUMMARY**

1. The applicant proposed an ordinance amendment in 2024 to allow for 24-hour marihuana retail sales everywhere in the Marihuana Facilities Overlay District, but the request failed.
2. The applicant is now requesting to amend the zoning ordinance to allow only their property the ability to operate a retail store and a designated consumption establishment from 8:00 am to 2:00 am.
3. The Grassy Knoll is located at 2125 Lemuel St.
4. Please see Section 2331.3 as it currently exists, followed by the proposed amendments.

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

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

a. Hours. Provisioning Centers, Retailers and Microbusinesses and Designated Consumption Establishments may operate between the hours 8 am and 12 am.

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

c. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consumption Establishments must meet the following amenity requirements:

- i. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
- ii. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
- iii. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 150 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
- iv. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
- v. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- vi. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.

d. 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 thrus are allowed as a special use permitted under the following conditions:

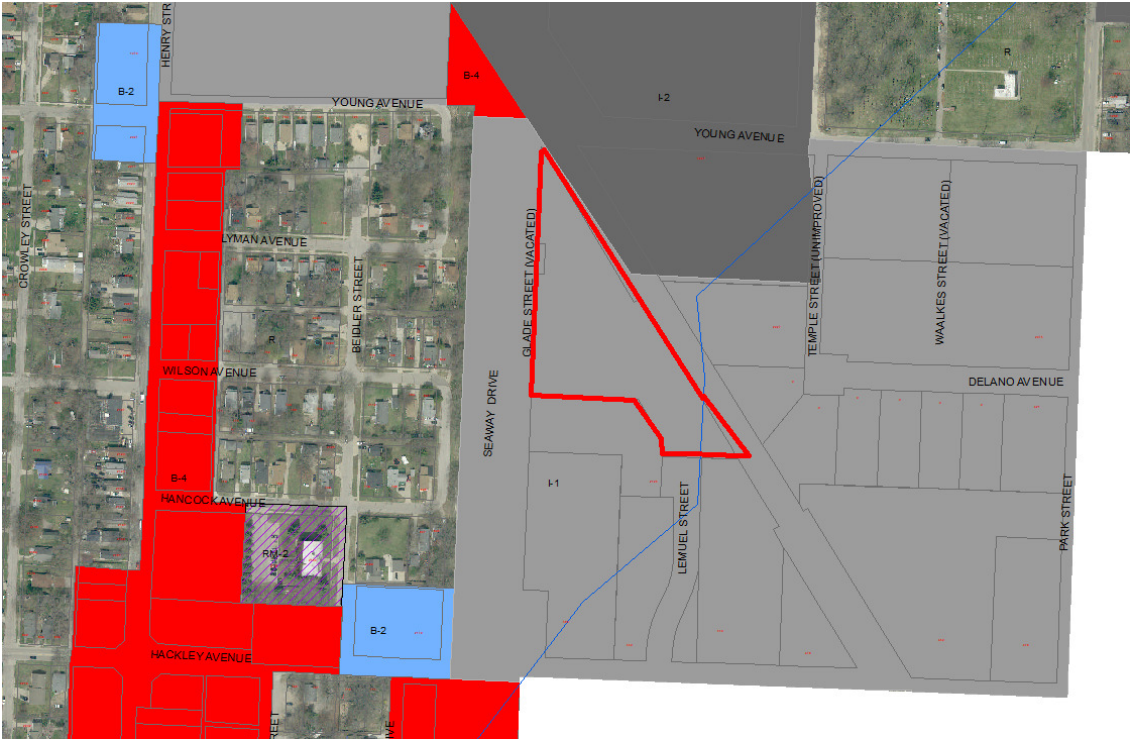
- i. The underlying zoning designation must be B-2, B-4, MC, I-1, I-2 or any Form Based Code designation/building type that allows for drive thru businesses.
- ii. Drive thru windows must be located on private property. Streets and alleys may only be used for the movement of traffic and may not be used 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.

e. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

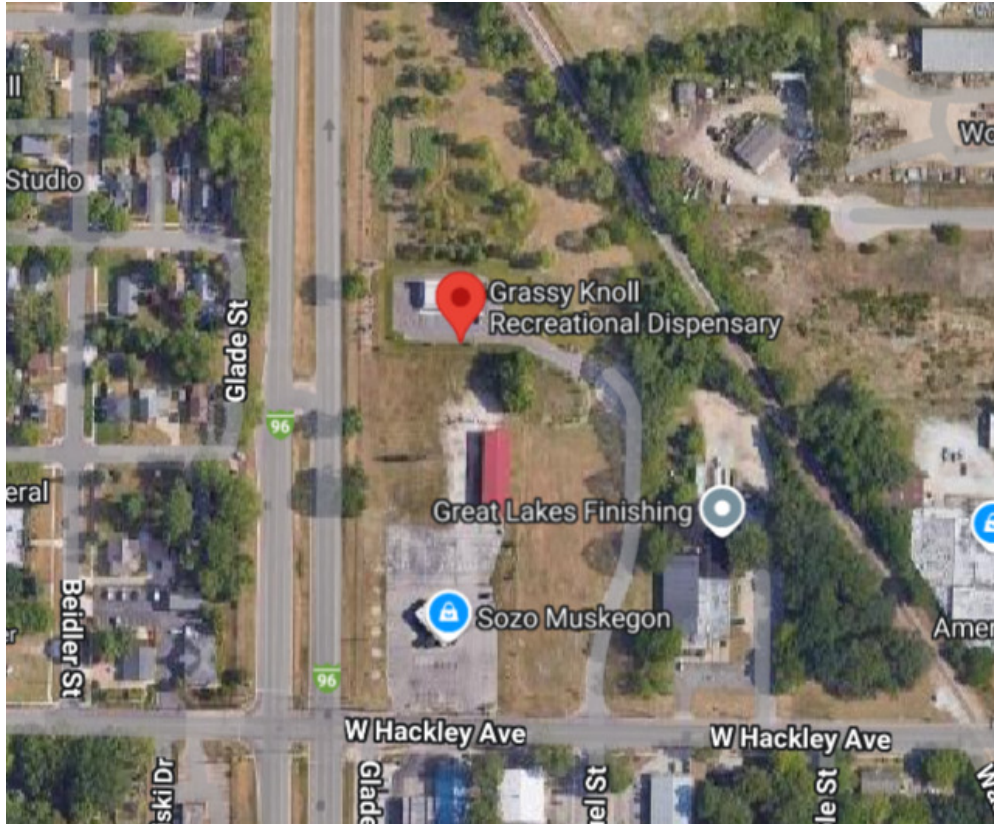
**PROPOSED AMENDMENTS AS SUBMITTED BY APPLICANT**

- 3. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:
  - 1. Hours. The Grassy Knoll Provisioning Center may operate 18 hours per day from 8:00AM-2:00AM.
  - 2. Designated Consumption Establishments may operate for 18 hours per day between the hours 8 am and 2 am.

**Zoning Map**



## Aerial Map



### **STAFF RECOMMENDATION**

The proposed amendments create issues with the ordinance. Hours for other retail businesses are no longer established. Additionally, what was presented was the only literature submitted. The remaining regulations in Section 3.a are not mentioned. The application was originally submitted in June 2024 with no proposed language amendments. A proposed amendment was eventually emailed to the Planning staff. Staff recommended that changes should be made to the amendments.

### **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend Section 2331, subsection 3(a) of the zoning ordinance as presented be denied.

Hearing, Case 2025-04: Staff initiated request to amend the zoning ordinance to replace all instances of “single-family residential districts” with “neighborhood residential districts.”

## **SUMMARY**

1. With the recent zoning reform amendments now in place, the ordinance must be updated to remove references to single-family residential districts. These references can be replaced with neighborhood residential districts.
2. Please see the enclosed redline version of the proposed amendments.

## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend the zoning ordinance to replace all instances of “single-family residential districts” with “neighborhood residential districts” be recommended to the City Commission for approval.

Hearing, Case 2025-05: Staff initiated request to amend Article II of the zoning ordinance to create definitions for duplexes and triplexes.

## **SUMMARY**

1. Staff is proposing to amend the definition for “two-family dwelling” and renaming it “duplex.”
2. Now that triplexes are allowed in R districts, we must create a definition for them.

### Proposed Amendments (redline version)

~~Dwelling, Two-Family Duplex:~~ A building designed for occupancy by two (2) families living independently of each other.

~~Triples:~~ A medium-sized structure that consists of three (3) side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front.

## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend Article II of the zoning ordinance to create definitions for duplexes and triplexes be recommended to the City Commission for approval.