

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

January 16, 2025

Mazade called the meeting to order at 4:01 p.m. and the roll was taken.

MEMBERS PRESENT: J. Seyferth, B. Mazade, S. Blake, J. Montgomery-Keast, and L. Willet-Leroi, L. Simmons II, D. Keener, K. Johnson, and S. Gawron (arrived at 4:04 pm)

MEMBERS ABSENT: None

MEMBERS EXCUSED: None

STAFF PRESENT: M. Franzak, S. Romine

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on December 12, 2024, with corrections to the spot zoning wording, was made by J. Seyferth, supported by D. Keener, and unanimously approved.

PUBLIC HEARINGS

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 sq ft and the building measures 5,600 sq ft. 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.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by J. Montgomery Keast, supported by S. Gawron, and unanimously approved.

DISCUSSION

The following questions from Section 2332.4 of the Zoning Ordinance can be discussed and answered by the commissioners as they relate to the request for a special use permit:

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?

MOTION

J. Montgomery-Keast moved, seconded by K. Johnson, 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.

ROLL CALL VOTE

B. Mazade: No

Montgomery-Keast: Yes

K. Johnson: Yes

J. Seyferth: Yes

L. Willet-Leroi: Yes

D. Keener: Yes

S. Blake: Yes

S. Gawron: Yes

L. Simmons II: Yes

MOTION PASSES

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

This item was removed from the agenda.

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 the 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 a 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.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by D. Keener, that the request to amend Section 2331, subsection 3(a) of the zoning ordinance as presented be denied.

ROLL CALL VOTE

B. Mazade: Yes

Montgomery-Keast: Yes

K. Johnson: Yes

J. Seyferth: Yes

L. Willet-Leroi: Yes

D. Keener: Yes

S. Blake: Yes

S. Gawron: Yes

L. Simmons II: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by L. Simmons II, 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.

ROLL CALL VOTE

B. Mazade: Yes

Montgomery-Keast: Yes

K. Johnson: Yes

J. Seyferth: Yes

L. Willet-Leroi: Yes

D. Keener: Yes

S. Blake: Yes

S. Gawron: Yes

L. Simmons II: Yes

MOTION PASSES

OLD BUSINESS

None.

ADJOURN

There being no further business, the meeting was adjourned at 4:52 pm.