

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

DATE OF MEETING: Thursday, January 13, 2022  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of minutes from the special meeting of December 16, 2021.
- III. Elections
- IV. Public Hearings
  - A. Hearing, Case 2022-01: Request to amend Section 2331 of the zoning ordinance to include 1314 E Apple Ave into the Marihuana Facilities Overlay District with retail, provision centers and class B recreational grows as approved license types, by Lake Michigan Labs.
  - B. Hearing, Case 2022-02: Request for a special use permit to allow a class B recreational marihuana grow facility at 552 W Southern Ave, by Port City Farms.
- V. Other
- VI. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE  
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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, upon 24- hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or

calling the following:  
Ann Meisch, City Clerk  
933 Terrace Street  
Muskegon MI 49440

## **STAFF REPORT**

**January 13, 2021**

Hearing, Case 2022-01: Request to amend Section 2331 of the zoning ordinance to include 1314 E Apple Ave into the Marihuana Facilities Overlay District with retail, provision centers and class B recreational grows as approved license types, by Lake Michigan Labs.

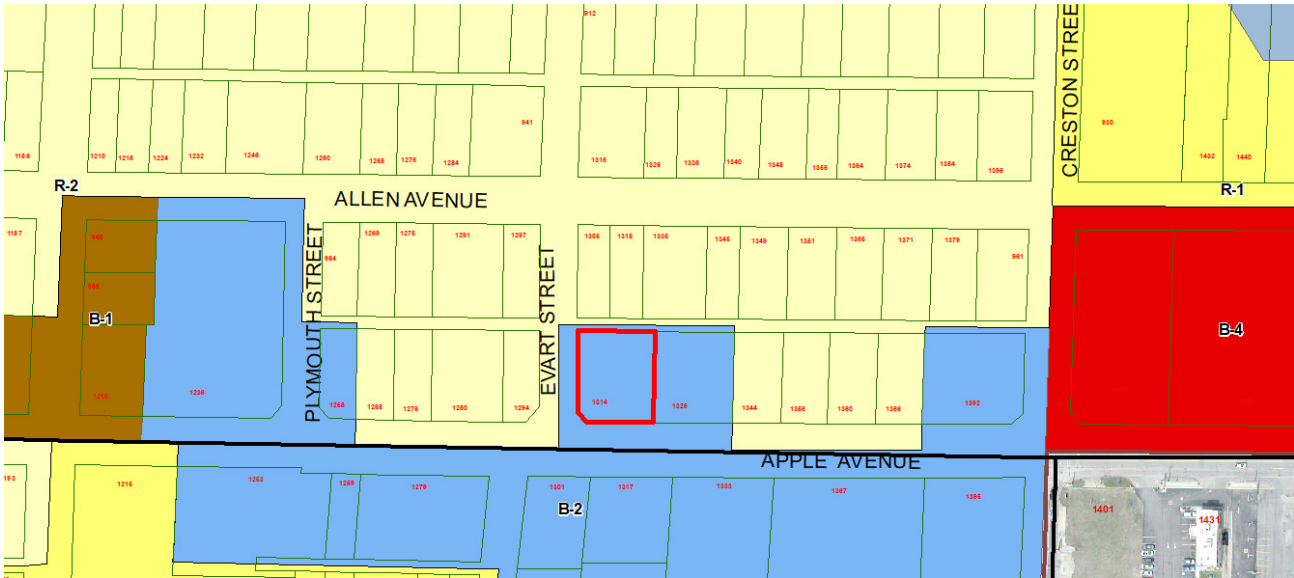
### **SUMMARY**

1. The property is zoned B-2, Convenience & Comparison Business District.
2. This zoning designation allows the following marihuana license types with the issuance of a special use permit: microbusinesses, designated consumption establishments and class B recreational grows. Caregiver facilities are an allowed use by right.
3. The applicant is currently operating a caregiver facility at this address.
4. The applicant has requested to amend Section 2331 (marihuana facilities overlay district) of the zoning ordinance to designate 1314 E Apple Ave as an approved location that allows retail, provisioning centers and class B recreational grow license types.
5. Retail licenses allow the sale of recreational marihuana. Provisioning centers allow for the sale of marihuana to medical marihuana patients. Class B recreational grows allow the production of up to 500 plants
6. Please see the enclosed zoning ordinance excerpt of Section 2331 (marihuana facilities overlay district).
7. Notice was sent to all properties within 300 feet. At the time of this writing, staff had not received any comments from the public,

### **1314 E Apple Ave**



**Zoning Map**



**Aerial Map**



## **STAFF RECOMMENDATION**

Staff does not recommend amending the ordinance to allow for additional marihuana license types at this time.

## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend Section 2331 of the zoning ordinance to include 1314 E Apple Ave into the Marihuana Facilities Overlay District with retail, provision centers and class B recreational grows as approved license types be recommended to the City Commission for (approval/denial).

Hearing, Case 2022-02: Request for a special use permit to allow a class B recreational marihuana grow facility at 552 W Southern Ave, by Port City Farms.

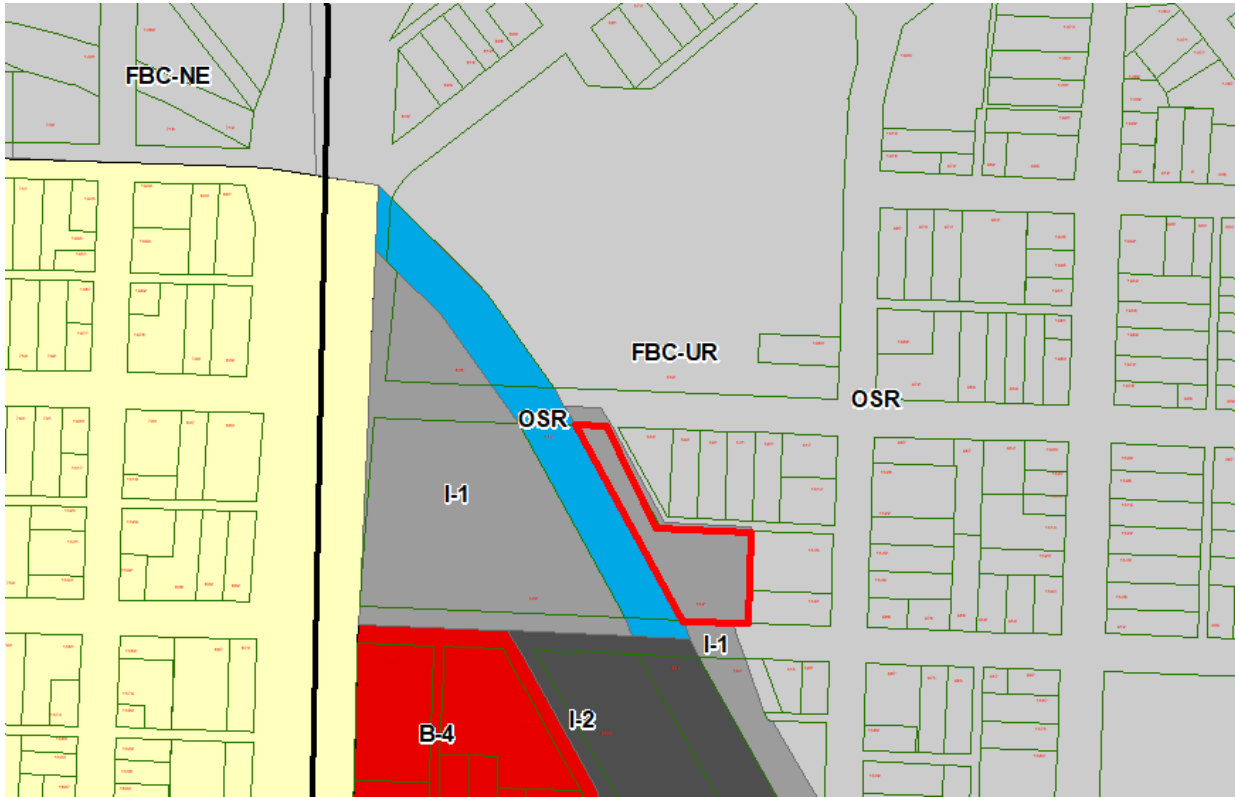
## SUMMARY

1. The property is zoned I-1, Light Industrial. The building measures 30,675 sf and the parcel measures just over 39,000 sf.
2. This zoning designation allows the following marihuana license types with the issuance of a special use permit: microbusinesses, designated consumption establishments and class B recreational grows. Caregiver facilities are an allowed use by right.
3. The applicant is seeking a special use permit for a Class B recreational marihuana grow license, which allows for the production of up to 500 plants.
4. Please see the zoning ordinance excerpt on the requirements for the issuance of a special use permit on the following pages.
5. The property is adjacent to Clara Shepard Park. However, there are no provisions in the ordinance requiring a certain distance from parks or schools. The State of Michigan does require that marihuana facilities be located at least 1,000 feet from schools. This property is located within 1,000 feet of the former Nelson School, however, it is currently vacant.
6. Notices we sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

### 552 W Southern Ave



**Zoning Map**



**Aerial Map**



## **ZONING ORDINANCE EXCERPT**

### **Section 2332**

#### **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 because it appears to meet all of the standards for approval of discretionary uses as outlined in Section 2332. However, given the potential for odor nuisances sometimes associated with this industry, staff recommends a condition that the special use permit be revoked if there are repeated issues with odor.

### **DELIBERATION**

I move that the request for a special use permit to allow a class B recreational marihuana grow facility at 552 W Southern Ave be (approved/denied) with the following condition:

1. The special use permit will be revoked if there are repeated odor nuisance violations.

## SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICT

A Marihuana Facilities Overlay District is hereby created as outlined in Figures 23-2. Within said overlay district only, Medical Marihuana Facilities and Recreational Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 and 34-301 through 34-307 are permitted.

### A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the entire overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted for Medical Marihuana Facilities. A smaller area within the overlay district allows for Recreational Marihuana licenses for Retailers, Microbusiness, Designated Consumption Establishments, Temporary Marihuana Events, Growers, Processors, Secure Transporters and Safety Compliance Facilities.

### B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
  - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
  - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
  - c. 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 30 feet of linear 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.
  - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
  - e. 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.

- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
- 3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
- 4. 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.

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

1. Hours.

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

- 2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.
- 3. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consumption Establishments must meet the following amenity requirements:
  - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
  - b. 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.
  - c. 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 30 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.
  - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
  - e. 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.

- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
- 4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.
- 5. 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.

D. Safety Compliance Facility Requirements:

- 1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.
- 2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:
  - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
  - b. Lighting. Ornamental lighting is required 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 30 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.
  - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
  - d. 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.
- 3. 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.
- 4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

- 1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.

2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
  - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
  - b. Lighting. Ornamental lighting is required 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 30 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.
  - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
  - d. 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.
3. 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.

F. Temporary Marihuana Event Requirements:

1. Temporary Marihuana Events may be held within the allowed area for Recreational Marihuana Facilities, including parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

G. Landscaping Requirements:

1. All required front setbacks shall be landscaped with a minimum of two canopy or shade trees, four understory or evergreen trees and four shrubs, for each 30 lineal feet of road frontage. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
2. All terraces (area between street and sidewalk) shall be landscaped with a minimum of one canopy tree for each 20 lineal feet of road frontage.
3. Properties that cannot meet these landscaping requirements because of site conditions may allow the Zoning Administrator to locate the required landscaping anywhere within the overlay district or within 500 feet of its boundaries. Required understory trees, evergreen trees and shrubs may be replaced with canopy trees within the terrace at a 1:1 ratio.

