

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

DATE OF MEETING: Thursday, January 10, 2019  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of December 13, 2018.
- III. Public Hearings
  - a. Hearing, Case 2019-01: Request to amend Section 2330 of the zoning ordinance to include 185 W Laketon Ave into the Medical Marihuana Overlay District, by Renee Smith.
- IV. New Business
  - a. Elections (Chair, Vice Chair)
- V. Old Business
- VI. Other
  - a. Public Safety Director letter regarding the Docks development
- VII. 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 twenty-four 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

## **STAFF REPORT**

**January 10, 2018**

Hearing, Case 2019-01: Request to amend Section 2330 of the zoning ordinance to include 185 W Laketon Ave into the Medical Marihuana Overlay District, by Renee Smith.

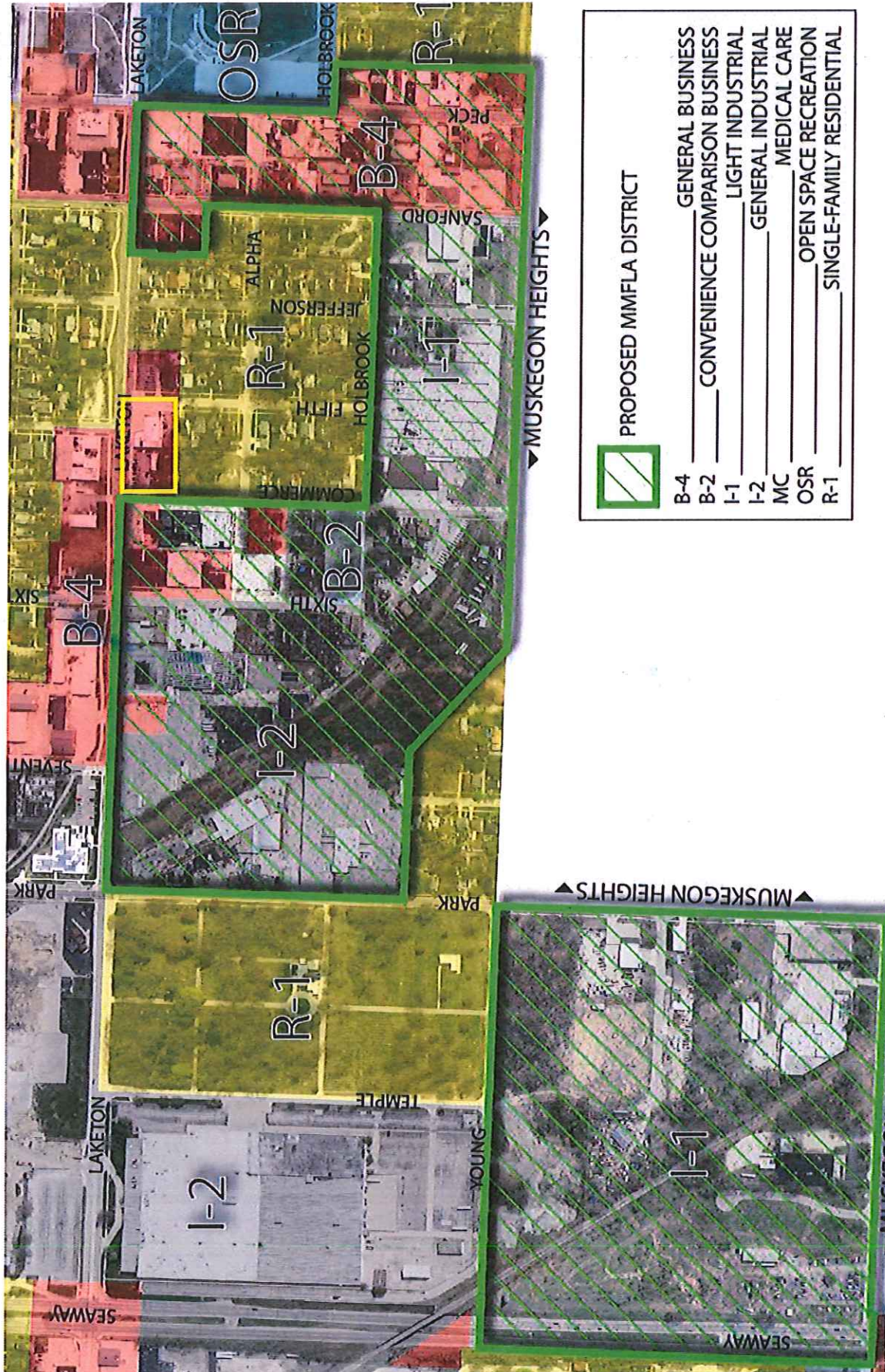
### **SUMMARY**

1. The Medical Marihuana Facilities (MMFLA) Overlay District was approved on May 8, 2018.
2. Please see the MMFLA Overlay District Map on the following page. The property in discussion is highlighted in yellow.
3. To date, the City has approved 15 MMFLA licenses, most of them for Provisioning Centers (retail sales). However, none of them have been granted a State license yet.
4. The applicant would like to be included into the district because they are the only commercial building in the immediate vicinity that was excluded from the district.
5. Initial concerns over the inclusion of this property into the district included the proximity to residential homes. However, other properties within the district abut homes as well.
6. Please see the enclosed MMFLA Overlay District Ordinance.

**185 W Laketon Ave**



# MMFLA Overlay District Map



## Aerial Map



## DELIBERATION

I move that the request to amend Section 2330 of the zoning ordinance to include 185 W Laketon Ave in the Medical Marihuana Overlay District be recommended to City Commission for (approval/denial).

## SECTION 2330: MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS

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

### A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted.

### B. Growers and Processors 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.
  - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
  - e. 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 Requirements:

1. Hours. Provisioning Centers may operate between the hours 8 am and 8 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 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. 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.
  - d. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors.
  - e. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
  - 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.
  - a. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors.
  - b. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
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.
  - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
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.



# Muskegon Fire Department

Jeffrey Lewis  
Director of Public Safety

770 Terrace Street  
Muskegon, Michigan 49440

[www.shorelinecity.com](http://www.shorelinecity.com)

Phone: 231-724-6792  
FAX: 231-722-6985

December 13, 2018

Jeffrey A. Lewis, Director  
Muskegon Public Safety  
933 Terrace Street  
Muskegon, MI 49440

Dear Director Lewis:

**RE: "The Docks" access requirements**

This letter provides an outline for the requirements regarding access into the proposed planned unit development (PUD) known as "The Docks" in the City of Muskegon. My recommendation for two means of access is based on the following codes and standards: International Fire Code (IFC) and National Fire Protection Association (NFPA).

**IFC – 2015 edition**

**SECTION D107**

**ONE- OR TWO-FAMILY RESIDENTIAL  
DEVELOPMENTS**

**D107.1 One- or two-family dwelling residential developments.**

Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

The exception is one access road is allowed if all dwelling units are equipped throughout with a residential sprinkler systems IAW Section 903.3.1.1, 903.3.1.2 and 9.3.3.1.3.

Additionally, **Section D107.2 (Remoteness)** states where two access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served measured in a straight line between accesses.

(continued)

Note: The city ordinance that adopted the 2015 IFC also adopted the appendices.

**NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, 2012 Edition**

**Chapter 5 Means of Access**

**5.1.4 Number of Means of Access.**

**5.1.4.1**

A land development shall have one or more means of access in accordance with Table 5.1.4.1(a), Table 5.1.4.1(b), or 5.1.4.2, whichever produces the greater number.

**Table 5.1.4.1(a) Required Number of Access Routes for Residential Areas**

| Number of Households | Number of Access Routes |
|----------------------|-------------------------|
| 0–100                | 1                       |
| 101–600              | 2                       |
| >600                 | 3                       |

**Table 5.1.4.1(b) Required Number of Access Routes for Nonresidential Areas**

| Number of Parking Spaces | Number of Access Routes |
|--------------------------|-------------------------|
| 0–1250                   | 1                       |
| 1251–3000                | 2                       |
| >3000                    | 3                       |

**5.1.4.2**

Where residential areas are mixed with nonresidential areas, the minimum number of access routes shall be determined by calculating five parking spaces for each dwelling unit, adding that number to the parking spaces count for the nonresidential area, and using Table 5.1.4.1(b).

**5.1.4.3**

Where multiple means of access are required, one of the means of access shall be permitted to be restricted for emergency use only, when approved by the AHJ.

**5.1.4.4**

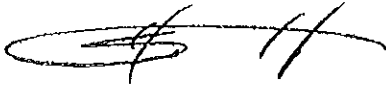
Where multiple means of access are required, they shall be located as remotely from each other as practical and acceptable to the AHJ.

(continued)

Jeffrey A. Lewis  
December 13, 2018  
Page 3

It is my hope this information is beneficial in the event this matter develops as a point of contention.

Respectfully,

A handwritten signature in black ink, appearing to be 'SH', enclosed within a horizontal oval.

Scott Hemmelsbach, Fire Marshal  
Muskegon Fire Department

SH/erp

cc: Jay Paulson, Deputy Director of Fire  
Mike Franzak, Planning Director  
Kirk Briggs, SAFEbuilt Building Official