

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, August 10, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the meetings of July 11 and July 13, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-18: Request to rezone the property at 1225 E Laketon Ave from I-2, General Industrial to B-4, General Business, by Tread Monkey, LLC.
 - B. Hearing, Case 2023-19: Request to rezone the following parcels from R-3, High Density Single Family Residential to Form Based Code, Neighborhood Core: 139 Myrtle Ave; 140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave; and 923 Jay St, by Spire Development.
 - C. Hearing, Case 2023-20: Staff-initiated request to amend Section 404 of the zoning ordinance to modify rear setback requirements and to create a front build-to zone in lieu of front setbacks in single-family residential zones.
 - D. Hearing, Case 2023-21: Staff-initiated request to rezone the property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core.
- V. New Business
- VI. Other
 - A. Update on previous cases
 - B. Training (short video training from Michigan Association of Planners)
- VII. 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

STAFF REPORT

August 10, 2023

Hearing, Case 2023-18: Request to rezone the property at 1225 E Laketon Ave from I-2, General Industrial to B-4, General Business, by Tread Monkey, LLC.

SUMMARY

1. The property is zoned I-2, General Industrial and is located at the northern edge of the Medendorp Industrial Center.
2. The applicant is seeking a rezoning in order to allow Tread Monkey (tire changing business) to locate there. They specialize in chaining tires at the scene, but would like to provide a physical location as well.
3. The B-4 district allows auto repair and similar businesses as long as work is done in a completely enclosed building. The building on site will not accommodate this type of use, but the applicant intends on building a small structure in which they will change tires. There appears to be adequate space to do so in front of the existing building.
4. Please see the enclosed ordinance excerpt for B-4, General Business districts.
5. Notice was sent to all properties within 300 feet of this address. At the time of this writing, staff had not received any comments from the public.

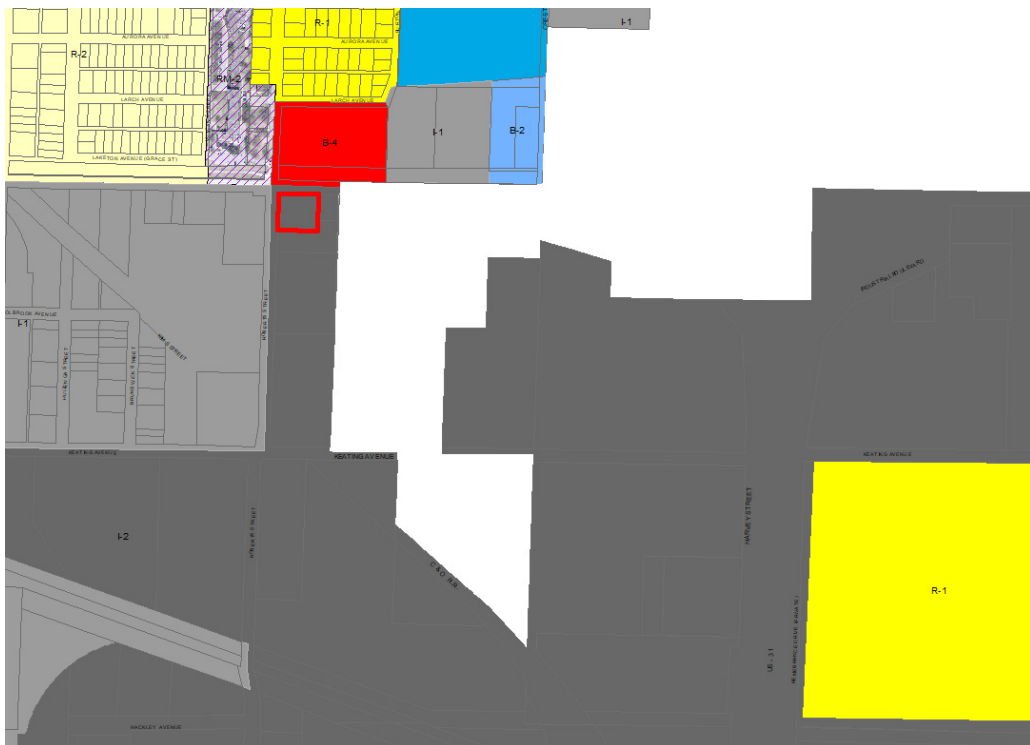
1225 E Laketon Ave



Aerial Map



Zoning Map



STAFF RECOMMENDATION

While the General Industrial zoning designation allows for many different uses, it has been difficult to find a stable user for this building. The most recent tenant with an extended stay was a company that sold industrial cleaning solution, which was more of a retail store. The small size of the parcel limits heavy industrial operations and its location at the intersection may be more attractive to commercial/retail businesses. Staff agrees that a general business zoning designation would suite this property best.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 1225 E Laketon Ave from I-2, General Industrial to B-4, General Business be recommended to the City Commission for approval.

Hearing, Case 2023-19: Request to rezone the following parcels from R-3, High Density Single Family Residential to Form Based Code, Neighborhood Core: 139 Myrtle Ave; 140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave; and 923 Jay St, by Spire Development.

SUMMARY

1. The properties are all zoned R-3, High-Density Single-Family Residential, but are located between higher-density developments. The lots combined total about 2.2 acres.
2. The applicant is seeking a rezoning in an effort to construct affordable residential apartments. The numbers of units could range between 50-100 as the details are still being finalized.
3. The Form Based Code, Neighborhood Core designation allows a variety of housing options, ranging from rowhouses to large multiplexes, with a maximum height of five stories.
4. Most of the houses in this area have been demolished, with only a few remaining. There are no houses remaining on the lots involved with the request.
5. Notice was sent to all properties within 300 feet of this address. At the time of this writing, staff had not received any comments from the public.

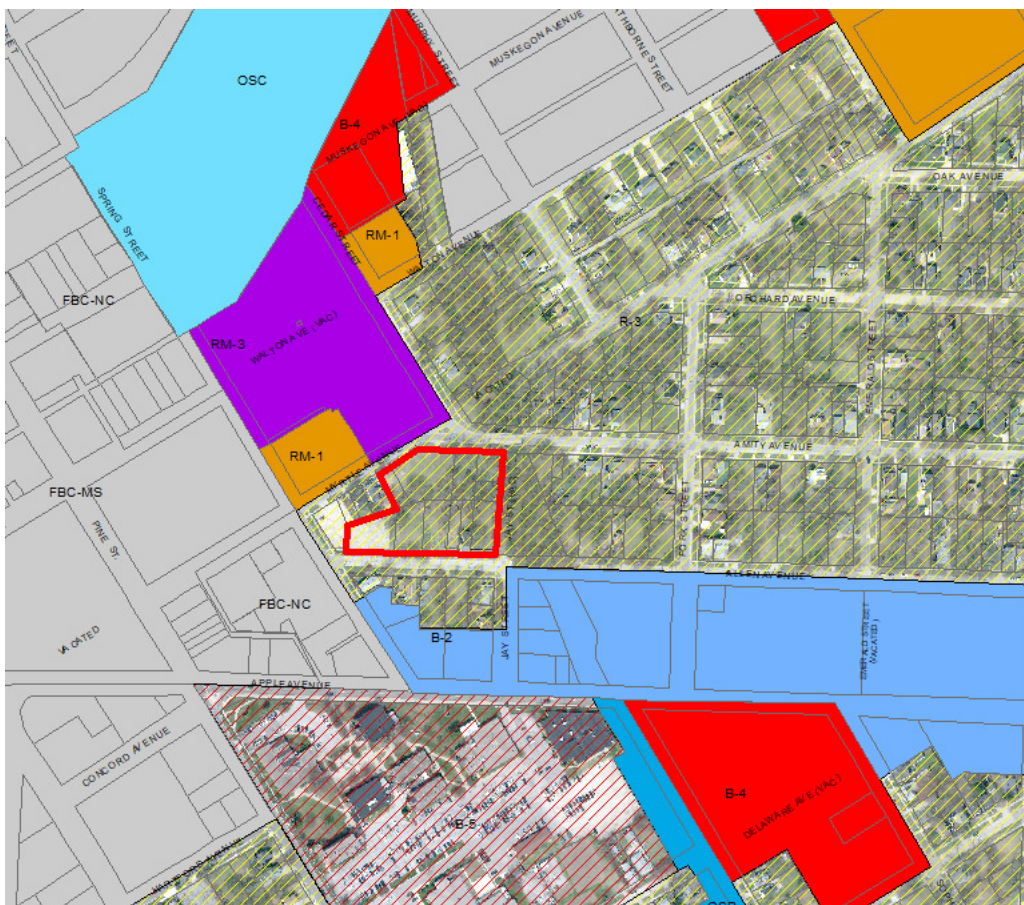
Project area with Bayview Tower located just to the north



Aerial Map



Zoning Map



Allowed Building Types in FBC, NC (Detached and Duplexes not Allowed)

CONTEXT AREAS AND USE

SECTION 2005

2005.08 NEIGHBORHOOD CORE (NC) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES

BUILDING TYPE WITH FRONTAGE OPTION		NEIGHBORHOOD CORE (NC) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with BALCONY	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional *	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	5 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
RETAIL BUILDING TYPE	with STOREFRONT	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	1 story building limit	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
FLEX BUILDING TYPE	with STOREFRONT	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with DOORYARD	By Right	5 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with DOORYARD	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 25' min. / 80' max. Lot Depth: 80' min.
LIVE / WORK BUILDING TYPE	with STOREFRONT	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
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	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
	with DOORYARD	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
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	with PROJECTING PORCH	By Right	5 story max. / 2 story min.	Lot Width: 75' min. / 150' max. Lot Depth: 100' min.
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
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DUPLEX BUILDING TYPE	with STOOP			
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DETACHED HOUSE BUILDING TYPE	with STOOP			
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	with ENGAGED PORCH			
CARRIAGE HOUSE BUILDING TYPE				
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

STAFF RECOMMENDATION

The recent Housing Needs Assessment commissioned by the City has highlighted an intense need for housing development over the next five years. A housing development of this nature would assist in meeting the needs of the Angell neighborhood, which includes a need for all housing types. Angell contains many vacant lots zoned for single-family use, but opportunities for larger-scale development is limited. Click [here](#) to see the Housing Needs Assessment.

This now mostly-vacant block is located between more dense developments, including Bayview Tower and commercial uses along Pine St and Apple Ave. The former railroad right-of-way that runs under the Amity Ave bridge serves as a physical barrier to downtown. This block could be transformed into an extension of downtown with dense residential development. The addition of more residents in this area should also benefit the commercial retailers and help build the density needed to attract expanded grocery options.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone 139 Myrtle Ave; 140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave; and 923 Jay St from R-3, High Density Single Family Residential to Form Based Code, Neighborhood Core be recommended to the City Commission for approval.

Hearing, Case 2023-20: Staff-initiated request to amend Section 404 of the zoning ordinance to modify rear setback requirements and to create a front build-to zone in lieu of front setbacks in single-family residential zones.

SUMMARY

1. Staff is proposing certain modifications to Section 404 of the zoning ordinance to allow property owners to better maximize the usage of their property. The following are the major amendments to the proposed ordinance:
 - Change the minimum front setback requirements to a build-to-zone. This is the method used in the form based code section of the ordinance. This would allow new houses to be placed anywhere from 10-30 feet from the front property line. They also have the option to move the house outside of the build-to-zone if it will match other houses on the block.
 - Reduce the rear setback requirements in R-1 and R-2 zones to match the 15-foot requirement of the R-3 zone. The new addition of the build-to-zone requirement in the front, along with the existing maximum lot coverage requirements, should result in almost all new houses to have at least a 30-foot rear setback anyway, since most lots in Muskegon are in excess of 100 feet long. However, this amendment will ease restrictions on odd-shaped lots. Those lots without much depth will have more opportunities to place their homes on buildable lots.
 - The current ordinance states that corner lots shall be considered as having two front yards and must meet the minimum setback requirements for both frontages. This amendment would state that the secondary street is a side yard and the rear property must also abide by the side setback requirements. With the build-to-zone in place, along with maximum lot coverage standards, this should only affect small, irregular lots that have previously been spilt.

Unique block with very small lots (see bottom right corner). Existing houses were placed when there were fewer zoning restrictions. Remaining lots face development challenges under current regulations in Section 404.



Proposed Ordinance (See attachments for redline version)

SECTION 404: AREA AND BULK REQUIREMENTS

	R-1	R-2	R-3
Minimum Lot Size	6,000 sf	4,000 sf	3,000 sf
Minimum Lot Width	50 ft	40 ft	30 ft
Maximum Lot Coverage	Buildings: 50% Pavement: 10%	Buildings: 60% Pavement: 15%	Buildings: 70% Pavement: 20%
Height Limit*	2 stories or 35 feet**	2 stories or 35 feet**	2 stories or 35 feet**
Front Build-to-Zone***^	10-30 feet	10-30 feet	10-30 feet
Rear Setback^	15 ft	15 ft	15 ft
Side Setbacks#^:	1 story: 6 2 story: 8	1 story: 6 2 story: 7	1 story: 5 2 story: 5

* Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

** Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

*** New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build-to-zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.

^For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.

#All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 404 of the zoning ordinance to modify rear setback requirements and to create a front build-to zone in lieu of front setbacks be recommended to the City Commission for approval as proposed.

Hearing, Case 2023-21: Staff-initiated request to rezone the property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core.

SUMMARY

1. The property is currently zoned R-1, Low-Density Single-Family Residential. The seven-acre lot contains the former Froebel School building that measures 22,614 sf.
2. Staff is proposing to rezone the property in order to allow for the renovation of the former Froebel School building into affordable residential apartments. The condition of the building is deteriorating quickly and must be redeveloped soon to avoid demolition. Staff has shown the building to numerous developers over the years and has finally found an entity that is capable of its renovation.
3. The Form Based Code, Neighborhood Core designation allows a variety of housing options, ranging from rowhouses to large multiplexes, with a maximum height of five stories. This context area allows for large multiplex buildings, which this existing building would be considered if it were renovated to residential. This is the least-intense context area that allows for small multiplexes.
4. The eastern and southern edges of this property have severe development limitations since there is a lack of infrastructure to support new buildings. The topography of the site does not allow for the installation of new infrastructure without a costly lift station. Development of the southern and eastern edges of the property are unlikely.
5. Notice was sent to all properties within 300 feet of this address. At the time of this writing, staff had not received any comments from the public.

417 Jackson Ave



Allowed Building Types in FBC, NC (Detached and Duplexes not Allowed)

CONTEXT AREAS AND USE

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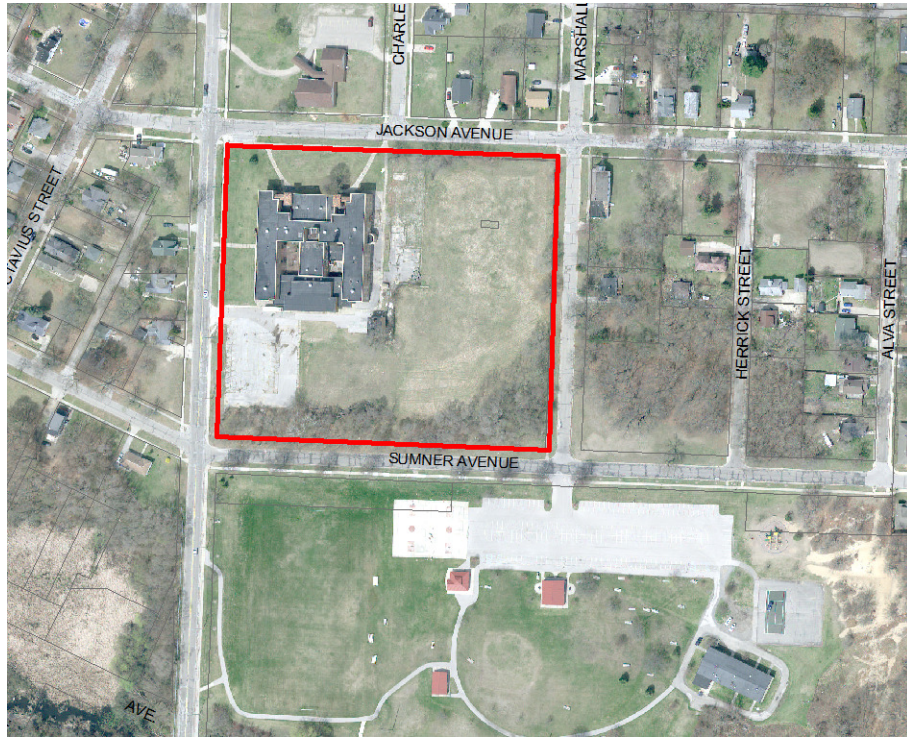
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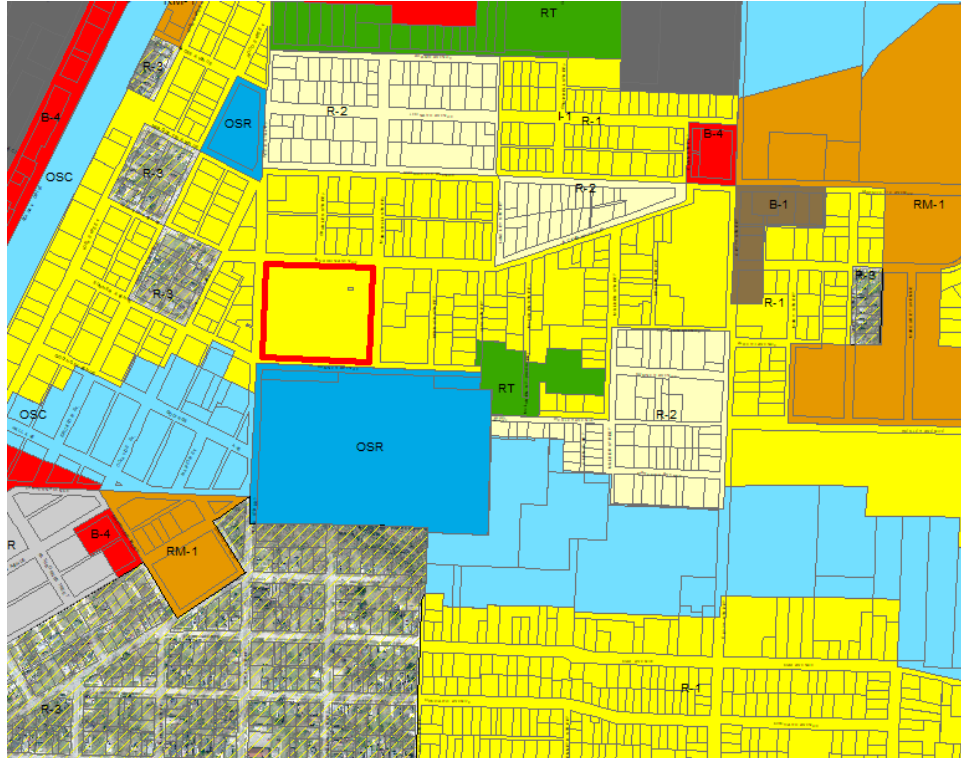
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* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

Aerial Map



Zoning Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core be recommended to the City Commission for approval.