

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, March 16, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the regular meeting of January 12, 2023.
- III. Elections
- IV. Old Business
- V. Public Hearings
 - A. ~~Hearing, Case 2023-04: Request for a special use permit to operate an automobile sales lot at 962 W Sherman, by Nicholas Perry.~~ **REMOVED AT APPLICANTS REQUEST**
 - B. Hearing, Case 2023-05: Request to rezone a portion of the property at 560 Mart St from B-2, Convenience & Comparison Business to WM-Waterfront Marine, by West MI Dock & Market.
 - C. Hearing, Case 2023-06: Request to rezone the property at 1163 Terrace St from R-3 Residence to B-2, Convenience & Comparison Business, by Ryan Burns.
 - D. Hearing, Case 2023-07: Staff initiated request to amend the form-based code section of the zoning ordinance to allow carriage houses with only a one-story minimum requirement and only a 20-foot depth requirement.
 - E. Hearing, Case 2023-08: Staff initiated request to amend the B-2, B-4, I-1, I-2 and MC sections of the zoning ordinance to allow marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code as a special use permitted.
- VI. New Business
 - A. Planning Commission Annual Report for 2022.
- VII. Other
 - A. Update on previous cases
- VIII. 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

March 16, 2023

Hearing, Case 2023-05: Request to rezone a portion of the property at 560 Mart St from B-2, Convenience & Comparison Business to WM-Waterfront Marine, by West MI Dock & Market.

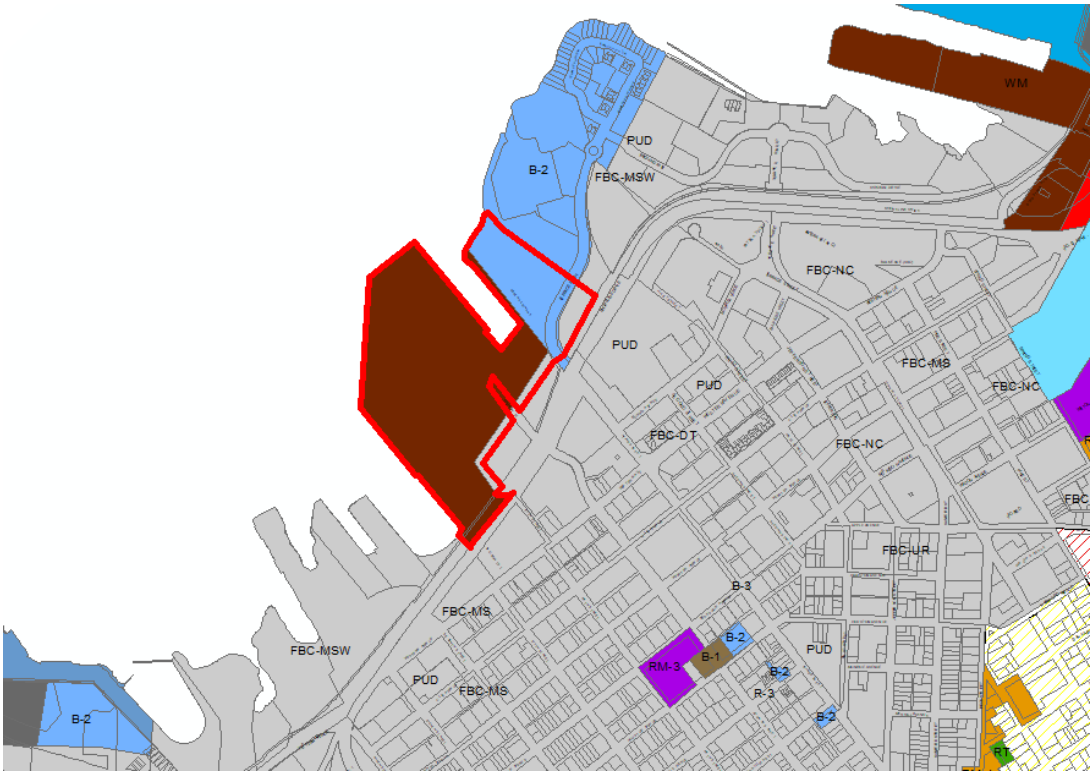
SUMMARY

1. A majority of the property is zoned WM, Waterfront Marine. The eastern portion of the property is mostly zoned B-2, Convenience & Comparison Business. A small portion of the property (south of Terrace Point Dr) is zoned Form Based Code, Mainstreet Waterfront (FBC, MSW).
2. The entire site measures 43 acres. The area requested for a rezoning is approximately six acres.
3. Although an exact use has not been identified at this time, the applicant knows that they would like to utilize this portion of the land for waterfront marine activities.
4. Please see the enclosed copies of the B-2 and WM zoning ordinance excerpts. The uses allowed are fairly similar, with WM allowing more intense marine related activities (engine and hull repair) while B-2 allows more intense non-water related activities (auto repair, amusement facilities).
5. Notices were sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

560 Mart St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning because the WM designation aligns better with waterfront property and the current adjacent uses than B-2.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone a portion of the property at 560 Mart St from B-2, Convenience & Comparison Business to WM-Waterfront Marine be recommended to the City Commission for approval.

Hearing, Case 2023-06: Request to rezone the property at 1163 Terrace St from R-3 Residence to B-2, Convenience & Comparison Business, by Ryan Burns.

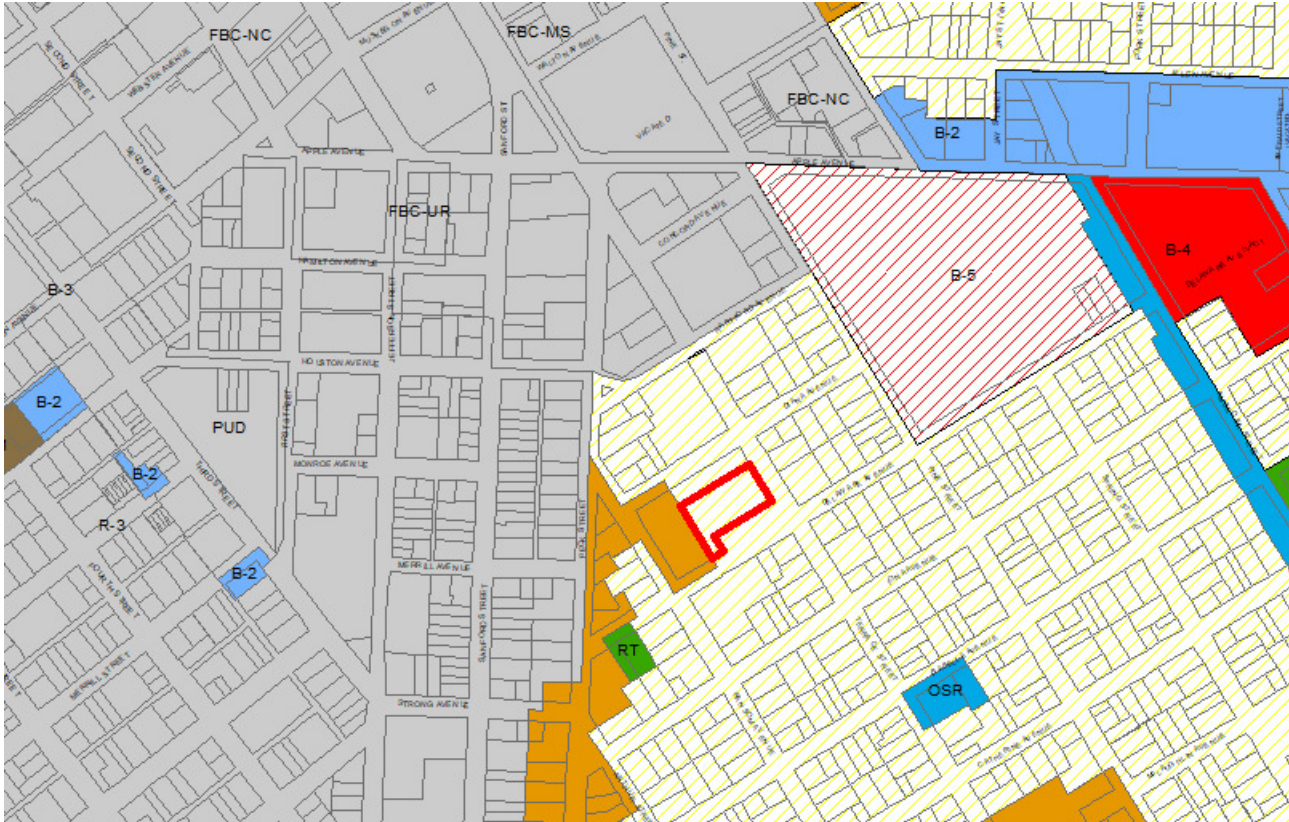
SUMMARY

1. The property is zoned R-3, Single-Family High-Density Residential and has historically been used as a church. It has been vacant for the past few years.
2. The property measures just under an acre and the existing building measures 8,500 sf.
3. The applicant is seeking to reutilize the building for a commercial catering business (existing kitchen in basement), offices and a rental hall. These uses are all very similar as to the uses of a church.
4. The B-2, Convenience and Comparison Business district allows these types of uses, while limiting most uses that a heavily residential area may find intrusive. Please see the enclosed zoning ordinance excerpt for B-2 districts.
5. There is room for about 65 parking spaces in the existing lot. Parking is also allowed on all three streets the property borders.
6. Notices were sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

1163 Terrace St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the rezoning because the B-2 district should be considered compatible with the surrounding residential uses.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 1163 Terrace St from R-3 Residence to B-2, Convenience & Comparison Business be recommended to the City Commission for approval.

Hearing, Case 2023-07: Staff initiated request to amend the form-based code section of the zoning ordinance to allow carriage houses with only a one-story minimum requirement and only a 20-foot depth requirement.

SUMMARY

1. A carriage house is an accessory structure that provides either a small residential unit or home office space behind the principal structure.
2. Carriage houses are allowed in Form Based Code, Urban Residential zones, but they are required to be at least two stories.
3. They are considered accessory structures and are only allowed on properties that have an existing house. Properties are only allowed to have one accessory structure, so a detached garage and a separate carriage house would not be allowed. You are allowed to have a carriage house unit above a detached garage.
4. The proposed amendment would allow carriage houses that are only one story tall, but still allowing for a two story maximum. It would essentially allow carriage houses without a garage beneath them. It would not allow for a separate carriage house and a detached garage.
5. Most existing garages in the City are only one story tall. The amendment would allow the conversion of these garages to carriage houses, as long as they meet all other zoning requirements.
6. The house and carriage house may not cover more than 50% of the property.
7. A carriage house may not have a larger footprint than the house.
8. The minimum size required for a carriage house is 375 sf.
9. The ordinance currently states that a carriage house cant exceed 36 feet in width and must be a minimum of 30 feet deep. Staff is also proposing to amend the minimum depth requirement to 20 feet. The current depth requirement is too large for someone that wants a small sized carriage house.

Existing Conforming Carriage Houses



Existing Legally, Non-Conforming Carriage Houses



Existing Ordinance

CONTEXT AREAS AND USE

SECTION 2005

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

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

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE RETAIL BUILDING	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
LARGE MULTI-PLEX BUILDING TYPE	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
SMALL MULTI-PLEX BUILDING TYPE	with STOOP	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	4 unit max. By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
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.

5.38

DOWNTOWN FORM BASED CODE CITY OF MUSKEGON

Proposed Amendment

CONTEXT AREAS AND USE

SECTION 2005

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

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

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE / WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE MULTI-PLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
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.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Area: 3000 SF min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Area: 3000 SF min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Area: 3000 SF min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story max. / 1 story min.	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2006)
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.

5.38

DOWNTOWN FORM BASED CODE CITY OF MUSKEGON

Existing Ordinance

BUILDING TYPE STANDARDS

SECTION 2006

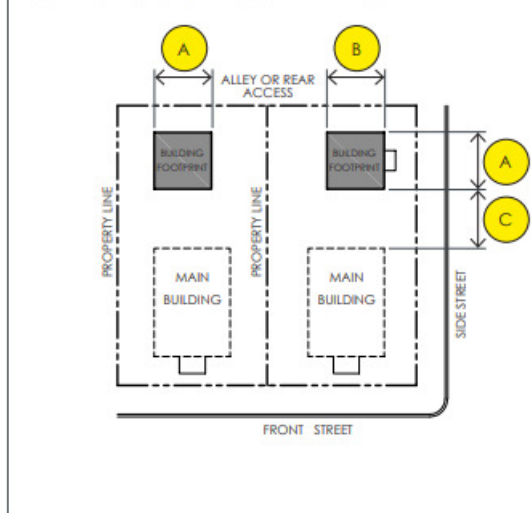
2006.18 CARRIAGE HOUSE BUILDING TYPE

3.0 BUILDING SIZE AND MASSING

Refer to Illustration 6.110 for Building Type size and massing graphic representation.

- A. Building width (side facing street): 36 feet maximum.
- B. Building depth: **30 feet minimum**.
- C. Separation from main building: 10 feet minimum. Carriage house may be connected to the main building with an uninhabitable space such as a breezeway.
- D. Carriage House Building Type is only allowed on lots where the main building has a residential use and is one of the following building types:
 1. Small Multi-plex Building Type
 2. Live / Work Building Type
 3. Rowhouse Building Type
 4. Duplex Building Type
 5. Detached House Building Type
- E. Maximum site coverage: Lot coverage of carriage house shall be included in the lot coverage requirements of the main building.
- F. Building footprint shall not exceed the footprint of the main building on the lot.

ILLUSTRATION 6.110 BUILDING SIZE AND MASS



Proposed Amendment

BUILDING TYPE STANDARDS

SECTION 2006

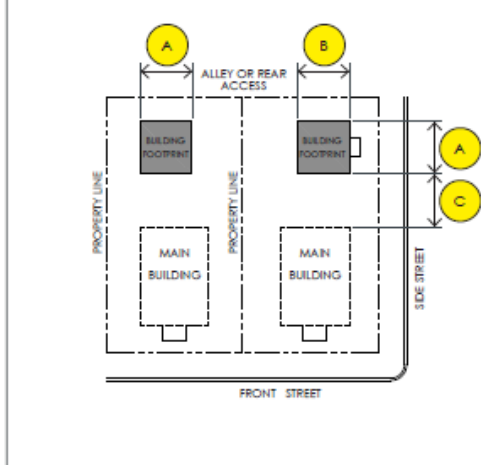
2006.18 CARRIAGE HOUSE BUILDING TYPE

3.0 BUILDING SIZE AND MASSING

Refer to Illustration 6.110 for Building Type size and massing graphic representation.

- A. Building width (side facing street): 36 feet maximum.
- B. Building depth: **20 feet minimum**.
- C. Separation from main building: 10 feet minimum. Carriage house may be connected to the main building with an uninhabitable space such as a breezeway.
- D. Carriage House Building Type is only allowed on lots where the main building has a residential use and is one of the following building types:
 1. Small Multi-plex Building Type
 2. Live / Work Building Type
 3. Rowhouse Building Type
 4. Duplex Building Type
 5. Detached House Building Type
- E. Maximum site coverage: Lot coverage of carriage house shall be included in the lot coverage requirements of the main building.
- F. Building footprint shall not exceed the footprint of the main building on the lot.

ILLUSTRATION 6.110 BUILDING SIZE AND MASS



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the form-based code section of the zoning ordinance to allow carriage houses with only a one-story minimum requirement and only a 20-foot depth requirement be recommended to the City Commission for approval.

Hearing, Case 2023-08: Staff initiated request to amend the B-2, B-4, I-1, I-2 and MC sections of the zoning ordinance to allow marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code as a special use permitted.

SUMMARY

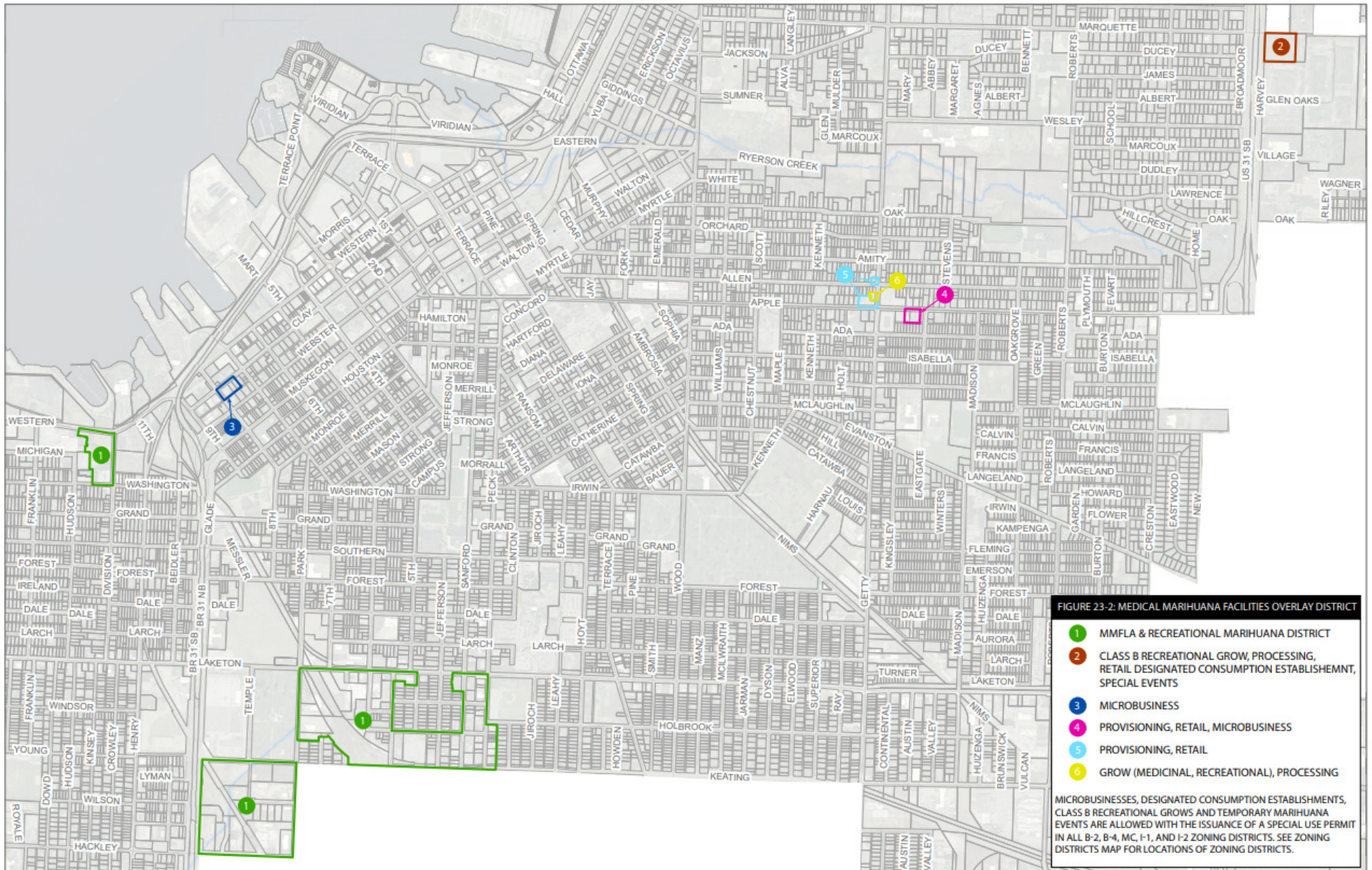
1. All marihuana license types are allowed within the original marihuana facilities overlay district. Other certain license types are allowed at extensions of the marihuana facilities overlay district, located at various places throughout the City (See map).
2. At the beginning of the marihuana overlay district creation, prices of properties began to increase exponentially. This led to many local residents being priced out of the industry.
3. In 2021, the City amended the zoning ordinance to allow certain low-intensity license types to locate in B-2, B-4, MC, I-1 & I-2 districts with the issuance of a special use permit. These license types include Class B Grows (500 plants), microbusinesses and designated consumption establishments. This helped local residents obtain properties at more affordable prices.
4. Processing centers were not considered for the 2021 amendment because of concerns over the dangers associated with the creation of concentrates. However, the State of Michigan now issues different types of processing licenses, including those that do create concentrates with hazardous extraction methods and those that do not. Those that do not may be doing nothing more than repacking products or combining different aspects of the plant together.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the B-2, B-4, I-1, I-2 and MC sections of the zoning ordinance to allow marihuana processing facilities without extraction methods classified as hazardous under the Michigan Building Code as a special use permitted be recommended to the City Commission for approval.

Marihuana Facilities Overlay District



15

