

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, March 13, 2025 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of the minutes from the regular meeting of February 13, 2024.
- III. Elections
- IV. Public Hearings
 - A. Hearing, Case 2025-09: Staff-initiated request to amend Sections 702, 802, 902, 1102, 1302, 1402, 1502, 1802, and 1902 and Article XX of the zoning ordinance to require all Planned Unit Developments in these zoning districts to include public access to at least 50% of any waterfront in the development.
 - B. Hearing, Case 2025-10: Request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave.
 - C. Hearing, Case 2025-11: Staff-initiated request to rezone the following properties from Neighborhood Residential (R) to Form-Based Code, Neighborhood Edge (FBC-NE): 1769/1733/1715/1766/1752/1736/1724/1720/1714 Beidler St.
 - D. Hearing, Case 2025-12: Staff-initiated request to rezone the properties at 1201 and 1147 3rd St and 236 Monroe Ave from Convenience & Comparison Business (B-2) to Form-Based Code, Mainstreet (FBC, MS).
 - E. Hearing, Case 2025-13: Staff-initiated request to rezone the properties at 1148 4th St, 318 Houston Ave from Limited Business (B-1), and 350 Houston Ave from High-Density Multiple-Family Residential (RM-3) to Form-Based Code, Neighborhood Core (FBC, NC).
 - F. Hearing, Case 2025-14: Staff-initiated request to rezone the following properties from Two-Family Residential (RT) to Form-Based Code, Neighborhood Edge (FBC, NE): 429/433/451/461/477/485/491/501/507/513/521/527 E Apple Ave and 1022 Williams St.
 - G. Hearing, Case 2025-15: Staff-initiated request to rezone the following properties from Two-Family Residential (RT) to Neighborhood Residential (R): 410/420/428/438/448/456/466/478/508/524/528/530/532/558/562/568/580/586/592/600 Adams Ave, 275 Marshall St, 462/478/494/508/524/540/556/568/594 S Quarterline Rd, 1150/1160/1168/1192/1206 Ambrosia St, 370/376/384/390 Catherine Ave, 1174/1185/1191 Wood St, 353/357/361/369 E Isabella Ave, 1113/1119 Sophia St, 396/422/428/438 McLaughlin Ave, 463 Catawba Ave, 557 McLaren St, 2407 Barclay St, 11/17 Delaware Ave, and 955 W. Laketon Ave.
- V. New Business
- VI. Old Business

VII. Other

VIII. Public Comment

IX. 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

Planning Commission Staff Report

March 13, 2025

Hearing, Case 2025-09: Staff-initiated request to amend Sections 702, 802, 902, 1102, 1302, 1402, 1502, 1802, and 1902 and Article XX of the zoning ordinance to require all Planned Unit Developments and Specific Development Plans in these zoning districts to include public access to at least 50% of any waterfront in the development.

SUMMARY

1. Staff will ask to have this item tabled again until the legal opinion can be provided.

Hearing, Case 2025-10: Request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave.

SUMMARY

1. Greencraft, LLC has operated a Class C Marihuana Grow at this location since 2021.
2. The buildings unique angle is a result of the stormwater drain and easement onsite owned by the Drain Commissioners Office. No building may be placed on or near the easement (setback determined by DC at their discretion).
3. The applicant is seeking a Marihuana Retailer's license at this location and is applying for a special use permit to allow for a drive-through service. Please see the attached site plan. The retail store will not be open to the public, instead a drive-through system with three ordering booths and a pick-up booth has been proposed. However, the location of the booths is problematic as the Drain Commissioner will not allow permanent structures on the easement and the City does not allow temporary buildings. Please see the attached Temporary Buildings Ordinance.
4. The parking lot would be reconfigured into a one-way, with a new entrance that uses a portion of the unimproved Temple St to the west of the parcel. The Engineering Department would grant them access to Temple St as long as they make the necessary improvements to it.
5. It appears that the stormwater basin that was previously installed is located under the new driveway. This will require a modification to the stormwater system. The applicant has not yet applied to modify their stormwater permit.
6. The applicant has provided a traffic study from LaCroix Traffic Engineering. There appears to be plenty of stacking space for the drive-through as there will be three separate lanes available.
7. There are two temporary storage containers on site, which is considered a violation of the temporary buildings ordinance. The site should be compliant with all zoning regulations before any approvals can be issued.
8. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

Example of a drive-through booth provided by the applicant.



Aerial Map



Installation of Stormwater System where driveway is proposed.



STANDARDS FOR THE ISSUANCE OF A SPECIAL LAND USE PERMIT

Staff will perform an exercise on the standards of the issuance of a special land use as it pertains to this case. The decision on the special land use will be incorporated in a statement of conclusions and be placed on file with the Planning Department. The exercise will be based off of the regulations in Section 2332 of the zoning ordinance.

SECTION 2331 (MARIHUANA FACILITIES OVERLAY DISTRICT):

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

d. Curbside/Drive Through. Curbside delivery is allowed at all retail sale locations with an approved site plan that does not impede traffic or pedestrian safety. Drive throughs 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 anticipated number of stacking spaces and where they would be located on site.

SECTION 2332 (SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS):

4. 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.

EXERCISE (Staff's replies in red)

Planning Commissioners, please be prepared to answer and discuss the following questions as they relate to Sections 2331.3 and 2332.4 of the zoning ordinance:

1. Is the property correctly zoned for this use? **Yes, the property is zoned I-1, located in the Marihuana Facilities Overlay District.**
2. Is the drive through window located on private property? **Possibly. The booths are planned for private property placement but there are issues with their placement over the stormwater easement.**
3. Did the applicant submit a traffic study showing the number of stacking spaces? **The is a traffic study. Vehicle stacking was not depicted but it does not appear to be an issue when looking at the site plan.**

4. Do you believe this use is consistent with all adjacent uses and structures? **Yes, it is located in the Marihuana Facilities Overlay District.**
5. Do you believe the proposed use would be considered offensive or a nuisance because any of the following reasons?
 - a. Increased traffic **No**
 - b. Noise **No**
 - c. Vibration **No**
 - d. Light **No**
6. Do you find that adequate water and sewer infrastructure exists or will be constructed to service the use? **Yes**

STAFF RECOMMENDATION

There does not appear to be any public opposition to the project. However, the City does not allow temporary buildings, except under certain circumstances such as construction trailers and food trucks. The applicant should also start the process of applying to modify the stormwater permit, as it may affect the driveway placement.

Staff recommends tabling the case until the following:

- The Drain Commissioner provides written approval for the placement of the booths.
- The applicant has begun working with the Engineering Department to modify the stormwater permit.
- The temporary storage containers have been removed from the site.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a marihuana retailer with drive-through at 551 Young Ave be tabled until staff's recommendations have been met.

Hearing, Case 2025-11: Staff-initiated request to rezone the following properties from Neighborhood Residential (R) to Form-Based Code, Neighborhood Edge (FBC-NE):
1769/1733/1715/1766/1752/1736/1724/1720/1714 Beidler St.

SUMMARY

This section of Beidler St intersects with the business district along Laketon Ave and is comprised mostly of mixed-use and retail buildings. However, many of the buildings and most of their uses are considered legally non-conforming because they are all zoned R, Neighborhood Residential. The current zoning designation limits development and use options and requires building owners to apply for Special Use Permits for any commercial or multifamily uses. Staff believes these buildings would be better served with a Form Based Code designation that allows for mixed-uses by right. The midblock alley serves as a natural barrier between the properties proposed for rezoning and the R district to the north. The property at 1727 Beidler St (listed on map on following page) was recently rezoned to FBC, NE this February.

In the master plan, goal two in the [economic development](#) section calls to “create viable commercial corridors and community nodes.” All five of the action steps associated with this goal appear to relate to this amendment request.

- Invest in placemaking opportunities that capitalize on community assets.
- Encourage the formation of business district associations and development of corridor improvement plans for active business districts.
- Support retail development, growth, and expansion through zoning amendments and economic incentives that encourage a range of potential unit sizes.
- Promote walkability through pedestrian-focused ground-level activities and use micro-transit to bridge long distances.
- Simplify zoning regulations to permit flexibility in business types.

Staff held a focus group in February with all of the associated property owners. Those in attendance were very supportive of the initiative and requested that we move forward with the rezonings. Notice was sent to all properties within 300 feet of the properties to be rezoned. At the time of this writing, staff has not received any comments from the public.

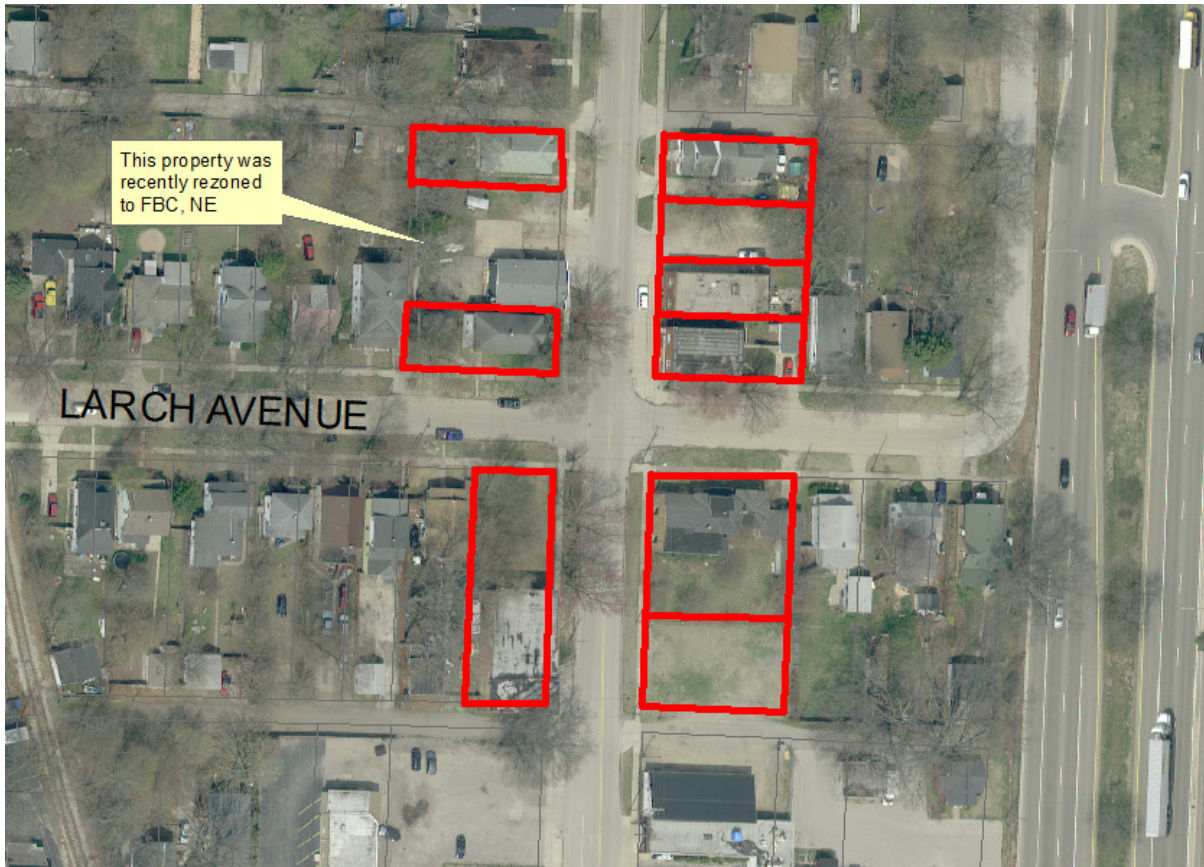




Zoning Map



Aerial Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone 1769, 1733, 1715, 1766, 1752, 1736, 1724, 1720, and 1714 Beidler St. from Neighborhood Residential (R) to Form-Based Code, Neighborhood Edge (FBC-NE) be recommended to the City Commission for approval.

Hearing, Case 2025-12: Staff-initiated request to rezone the properties at 1201 and 1147 3rd St and 236 Monroe Ave from Convenience & Comparison Business (B-2) to Form-Based Code, Mainstreet (FBC, MS).

SUMMARY

The “Midtown” portion of 3rd was rezoned from B-2 to Form-Based Code, Mainstreet in 2015. During the rezoning process a couple of property owners were hesitant to rezone because of current or potential developments. The vacant lot at 1201 3rd St was being used as a used-car sales lot at the time, but it has been vacant for close to 10 years. Its not exactly clear why the parking lot of 1147 3rd St and 236 Monroe Ave were not rezoned at the time. However, both of the parcels are considered non-buildable under the B-2 designation because they do not meet the minimum lot size of 10,890 sf and 100 feet of width.

Staff was able to discuss the initiative with the owner of 1201 3rd St but was not able to get ahold of anyone at 1147 3rd St or 236 Monroe Ave, despite inviting them to a focus group. Notice was sent to all properties within 300 feet of the properties to be rezoned. At the time of this writing, staff has not received any comments from the public.

1201 3rd St



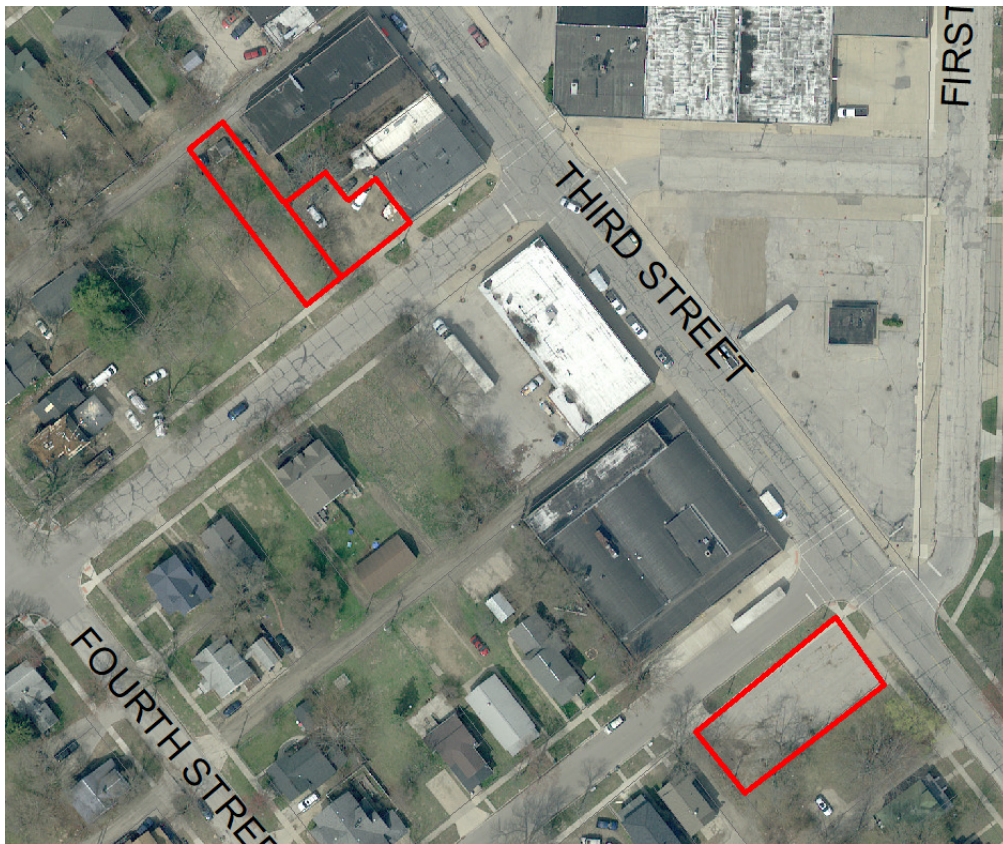
236 Monroe Ave and 1147 3rd St (parking lot behind commercial unit)



Zoning Map



Aerial Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the properties at 1201 and 1147 3rd St and 236 Monroe Ave from Convenience & Comparison Business to Form-Based Code, Mainstreet be recommended to the City Commission for approval.

Hearing, Case 2025-13: Staff-initiated request to rezone the properties at 1148 4th St, 318 Houston Ave from Limited Business (B-1), and 350 Houston Ave from High-Density Multiple-Family Residential (RM-3) to Form-Based Code, Neighborhood Core (FBC, NC).

SUMMARY

This area of “Midtown” was rezoned to Form Based Code in 2015. Most of the parcels were zoned to FBC, UR because they were either single-family, duplex, or small multiplex buildings. At the time, these three properties were left out of the rezoning because they did not fit the FBC, UR designation. However, staff has reviewed the form-based code and has determined that the FBC, NC designation will work well for these properties and the buildings and uses would be considered legally conforming. The Nelson Place apartments would be considered a Flex building in the form-based code and the new designation would even allow for mixed-uses if the chose to do that someday. The properties at 1147 4th St and 318 Houston would be considered small multiplexes. Small multiplexes were not allowed as a permitted use in FBC, UR districts at that time, so this property was not included in the initial rezoning request of 2015. This density is allowed within the FBC, NC zoning designation and so are the office uses.

Staff held a focus group in February with all of the associated property owners. Those in attendance were very supportive of the initiative and requested that we move forward with the rezonings. Notice was sent to all properties within 300 feet of the properties to be rezoned. At the time of this writing, staff has not received any comments from the public.

Please see the attached FBC, NC zoning ordinance excerpt.

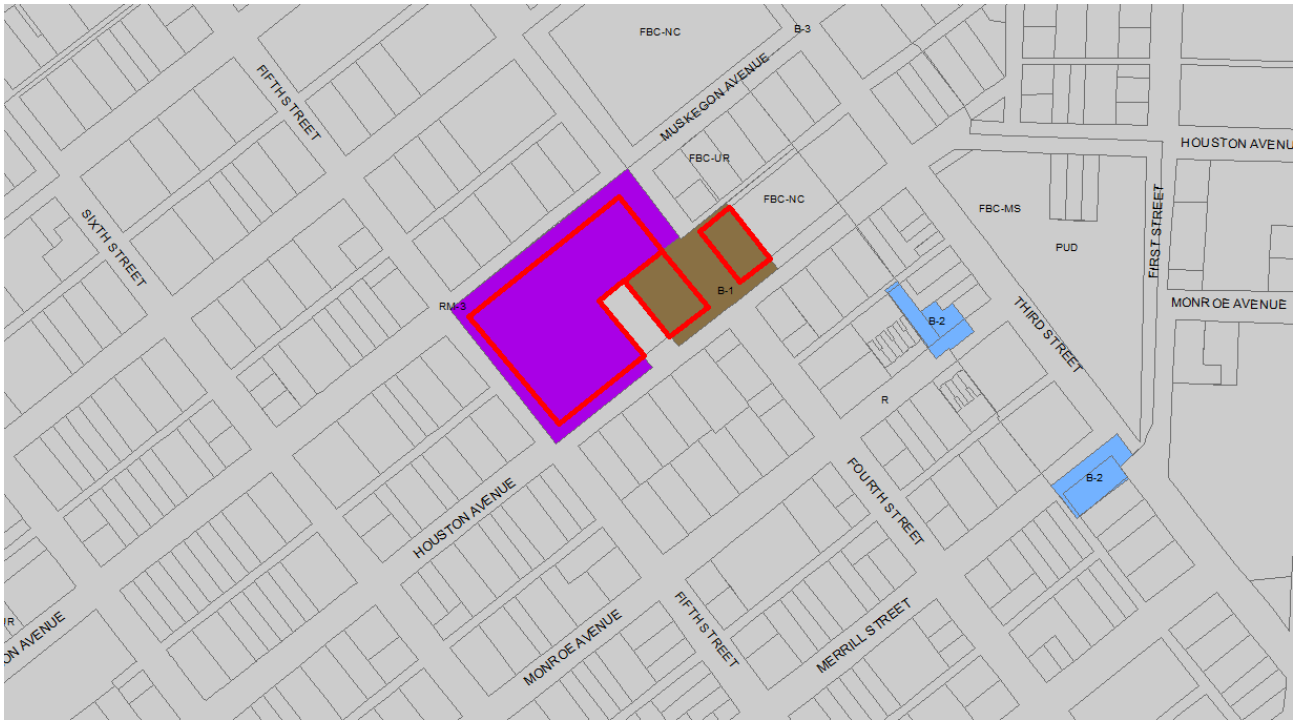
1148 4th St & 318 Houston Ave



350 Houston Ave



Zoning Map



Aerial Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the properties at 1148 4th St, 318 Houston Ave from Limited Business and 350 Houston Ave from High-Density Multiple-Family Residential to Form-Based Code, Neighborhood Core be recommended to the City Commission for approval.

Hearing, Case 2025-14: Staff-initiated request to rezone the following properties from Two-Family Residential (RT) to Form-Based Code, Neighborhood Edge (FBC, NE):

429/433/451/461/477/485/491/501/507/513/521/527 E Apple Ave and 1022 Williams St.

SUMMARY

There are only 70 properties within the City that are zoned RT, Two-Family Residential. The zoning designation could be considered outdated because we now have the FBC, UR designation that also allows for duplexes.

The RT designation requires large lots for the development of duplexes, whereas the FBC designation allows for their development on smaller lots. RT lots must be at least 8,712 sf in size and at least 75 feet wide. This requirement makes almost all properties zoned RT legally-non-conforming because they are not wide enough. Nothing could be developed on most of these properties and the existing houses are considered grandfathered. A duplex in the FBC designation can be built on a lot that is only 40 feet wide.

The FBC, UR designation allows for single-family detached houses, duplexes and accessory dwellings units. It also allows for triplexes if there is an alley present.

Staff recommends eliminating the RT zoning designation. In order to do so, we must first rezone all 70 of the RT properties that currently exist. Staff proposes to rezone these 10 properties to FBC, NE because they are located along Apple Ave adjacent to a business district and there are also alleys present, so the infrastructure already exists to support higher density.

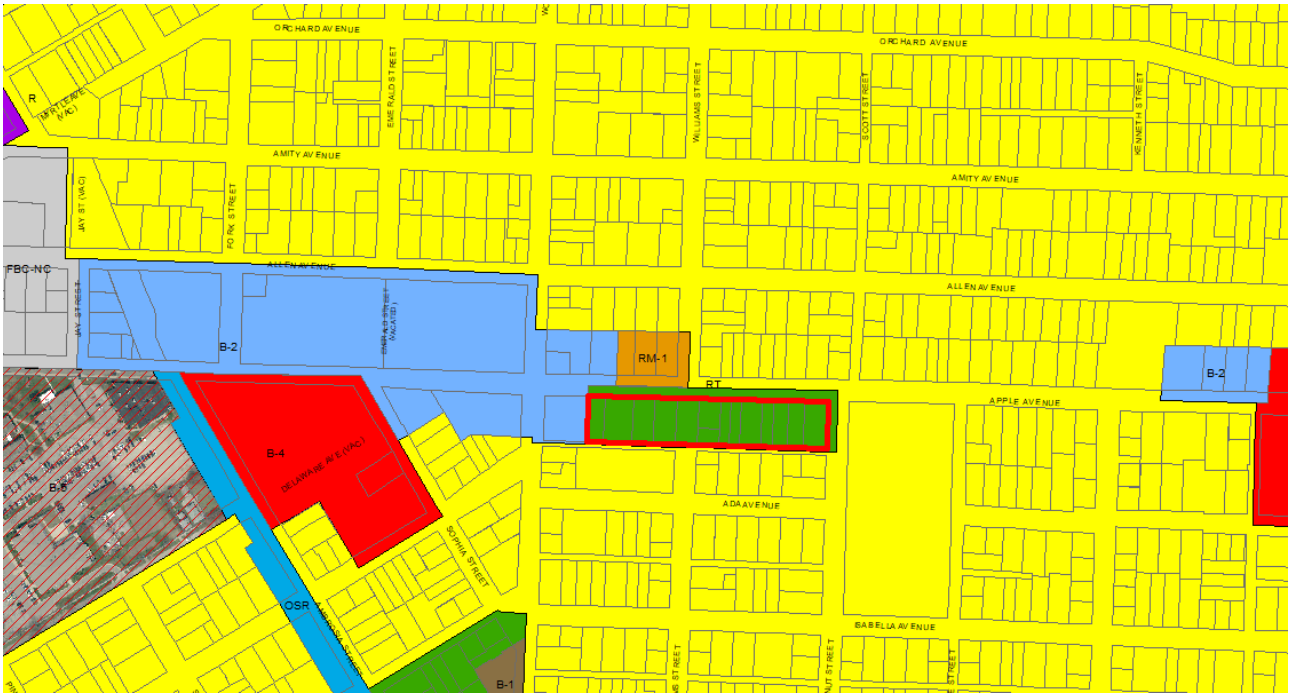
Staff held a focus group in February with all of the associated property owners. Those in attendance were very supportive of the initiative and requested that we move forward with the rezonings. Notice was sent to all properties within 300 feet of the properties to be rezoned. At the time of this writing, staff has not received any comments from the public.

Please see the attached zoning ordinance excerpts for R and RT zones.

RT Lots Facing Apple Ave



Zoning Map



Aerial Map



Building Types Allowed in FBC, NE

CONTEXT AREAS AND USE

SECTION 2005

2005.09 NEIGHBORHOOD EDGE (NE) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES		NEIGHBORHOOD EDGE (NE) CONTEXT AREA		
BUILDING TYPE WITH FRONTAGE OPTION		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with BALCONY	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with TERRACE	Conditional *	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
	with DRIVE-THROUGH	By Right	3 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	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with TERRACE	Conditional*	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with FORECOURT	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
	with DOORYARD	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 250' max. Lot Depth: 100' min.
COTTAGE RETAIL BUILDING	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.
	with DOORYARD	By Right	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	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			
	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 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.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone 429, 433, 451, 461, 477, 485, 491, 501, 507, 513, 521, 527 E Apple Ave and 1022 Williams St from Two-Family Residential to Form-Based Code, Neighborhood Edge be recommended to the City Commission for approval.

Hearing, Case 2025-15: Staff-initiated request to rezone the following properties from Two-Family Residential (RT) to Neighborhood Residential (R):

410/420/428/438/448/456/466/478/508/524/528/530/532/558/562/568/580/586/592/600 Adams Ave, 275 Marshall St, 462/478/494/508/524/540/556/568/594 S Quarterline Rd, 1150/1160/1168/1192/1206 Ambrosia St, 370/376/384/390 Catherine Ave, 1174/1185/1191 Wood St, 353/357/361/369 E Isabella Ave, 1113/1119 Sophia St, 396/422/428/438 McLaughlin Ave, 463 Catawba Ave, 557 McLaren St, 2407 Barclay St, 11/17 Delaware Ave, and 955 W. Laketon Ave.

SUMMARY

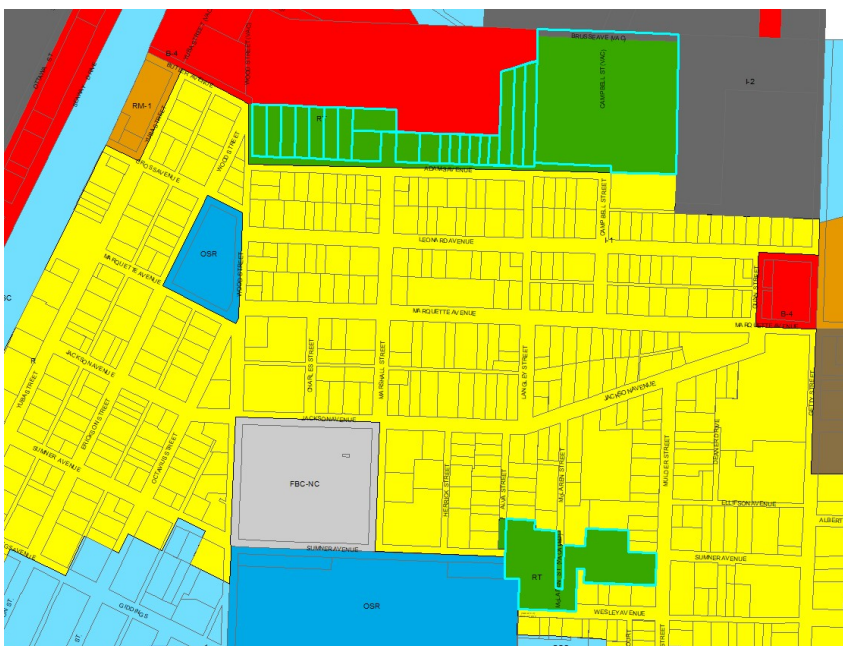
As described in the previous case, staff recommends eliminating the RT zones because we now have better options to allow for duplexes and higher densities.

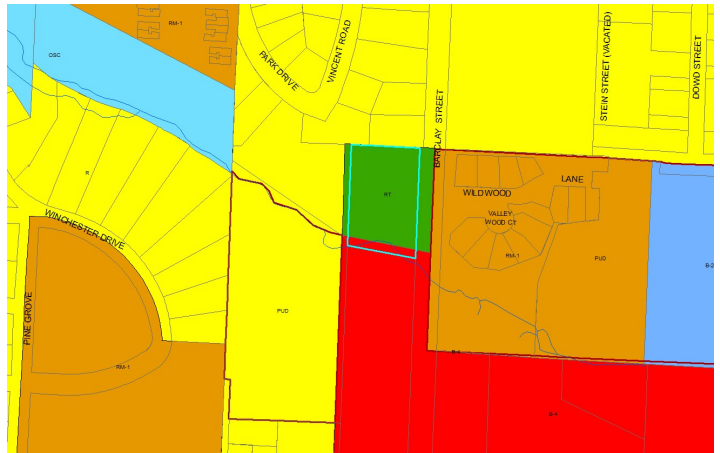
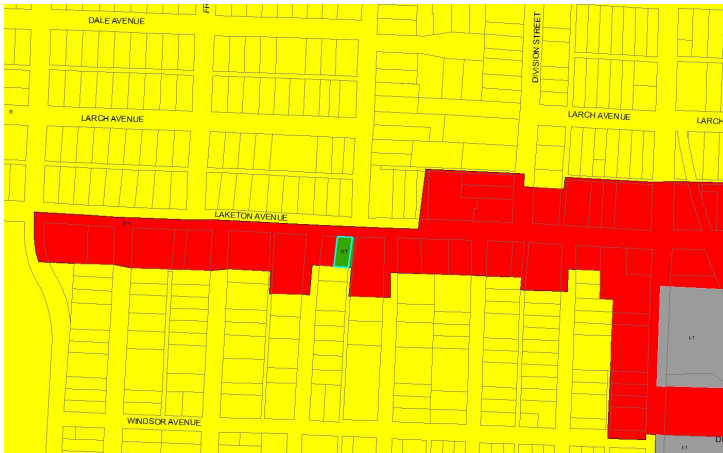
Staff is proposing to rezone these properties from RT to R, Neighborhood Residential. These lots fit the size requirements for the proposed zoning district and the rezonings will make most of these lots legally conforming, whereas most of them are considered legally, non-conforming under the RT designation. These lots are characterized as small-to-medium sized residential lots without the presence of an alley. Without an alley present, the R designation allows only single-family detached houses, duplexes, and accessory dwelling units. Triplexes would not be allowed because there are no alleys associated with these lots.

Staff held a focus group in February with all of the associated property owners. Those in attendance were very supportive of the initiative and requested that we move forward with the rezonings. Notice was sent to all properties within 300 feet of the properties to be rezoned. At the time of this writing, staff has not received any comments from the public.

Please see the attached zoning ordinance excerpts for R and RT zones.

Zoning Maps Showing Proposed RT to R Zones





DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the following properties from Two-Family Residential (RT) to Neighborhood Residential (R):

410/420/428/438/448/456/466/478/508/524/528/530/532/558/562/568/580/586/592/600 Adams Ave, 275 Marshall St, 462/478/494/508/524/540/556/568/594 S Quarterline Rd, 1150/1160/1168/1192/1206 Ambrosia St, 370/376/384/390 Catherine Ave, 1174/1185/1191 Wood St, 353/357/361/369 E Isabella Ave, 1113/1119 Sophia St, 396/422/428/438 McLaughlin Ave, 463 Catawba Ave, 557 McLaren St, 2407 Barclay St, 11/17 Delaware Ave, and 955 W. Laketon Ave - be recommended to the City Commission for approval.