

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, February 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 January 16, 2024.
- III. Elections
- IV. Public Hearings
 - A. Hearing, Case 2025-06: Request for a special use permit to operate a drive-through marihuana retail facility at 885 E. Apple Avenue.
 - B. Hearing, Case 2025-07: Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.
 - C. Hearing, Case 2025-08: Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.
 - D. 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.
- V. New Business
- VI. Old Business
- VII. Other
- VIII. Public Comment
- IX. Adjourn

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OR SUBCOMMITTEES**

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Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705. clerk@shorelinecity.com

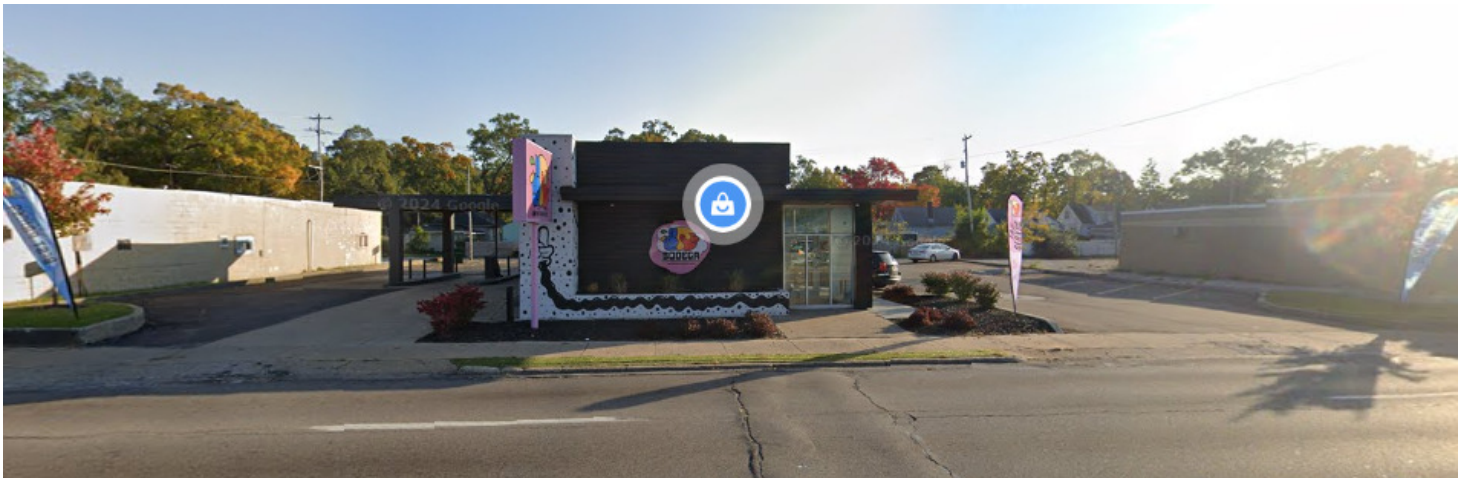
Planning Commission Staff Report
February 13, 2025

Hearing, Case 2025-06: Request for a special use permit to operate a drive-through marihuana retail facility at 885 E. Apple Avenue.

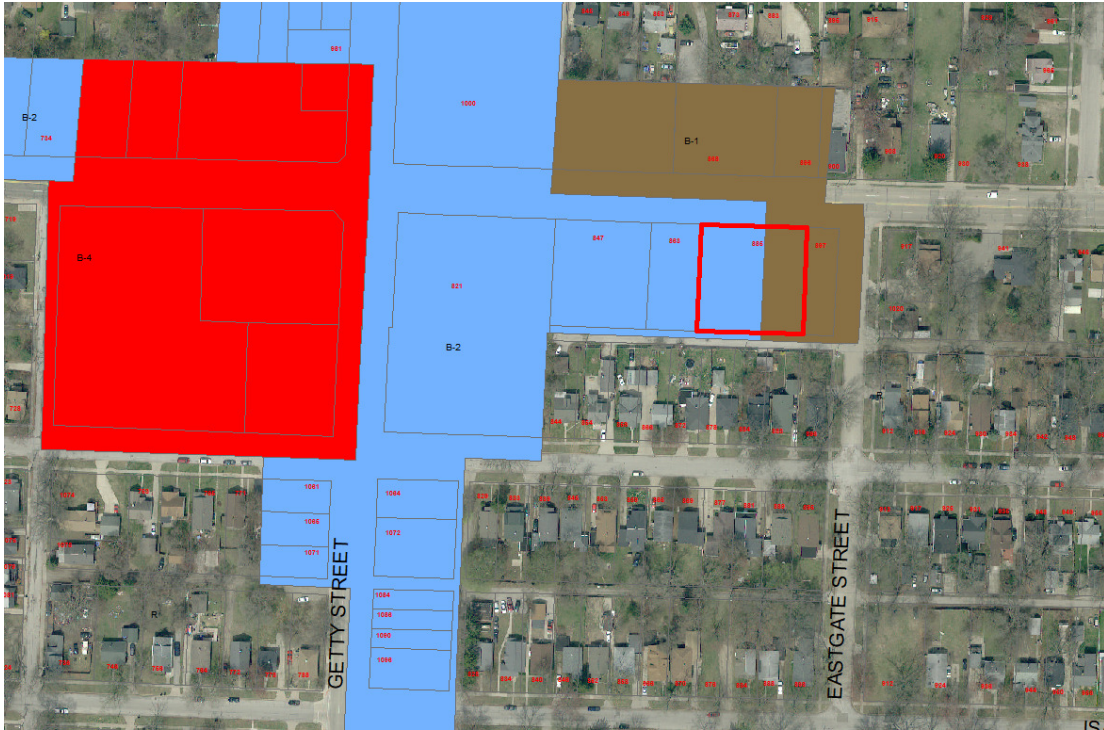
SUMMARY

1. The property is included within the Marihuana Facilities Overlay District and is approved for a retail facility. The underlying zoning of the property is B-1 and B-2.
2. Drive-through marihuana retailers are allowed with the issuance of a special use permit as long as they meet certain conditions (listed on following pages).
3. The parcel measures 21,573 sqft and the building measures 2,543 sqft. The property was formerly used as a bank that also had a drive-through.
4. Please see the standards for the issuance of a special use permit on the following pages. The decision on the special land use will be incorporated in a statement of conclusions and be placed on file with the Planning Department.
5. Please see the enclosed traffic study provided by Fishbeck.
6. Notification was sent to every property within 300 feet of this address. At the time of this writing, staff had not received any public comments.

885 E Apple Ave



Zoning Map



Aerial Map



STANDARDS FOR THE ISSUANCE OF A SPECIAL LAND USE

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 thrus 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 B- 2, located in the Marihuana Facilities Overlay District, and the property has previously been used as a drive through.**
2. Is the drive through window located on private property? **Yes. Public property is not used for stacking and the window is on private property.**
3. Did the applicant submit a traffic study showing the number of stacking spaces? **Yes. Vehicle stacking does not appear to be an issue.**

4. Do you believe this use is consistent with all adjacent uses and structures? **Yes. The property is located in the Apple/Getty business corridor. Similar uses, including drive throughs (Walgreens, China Express) exist in the area.**
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

Staff recommends approval of the special use permit. Staff does not believe the proposed project would be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. There is also adequate water and sewer infrastructure for this use and no upgrades will be necessary.

The use is compatible with adjacent uses as this property is located in the Apple/Getty business corridor. This business district is zoned B-2, Convenience & Comparison Business, which allows for commercial uses of many types such as retail, drive-throughs, restaurant/food production, service industries, offices and amusement facilities.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit to operate a drive-through marihuana retail facility at 885 E. Apple Ave be approved.

Hearing, Case 2025-07: Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.

SUMMARY

1. A cottage court development is a type of housing design that typically consists of a cluster of small, single-story homes or cottages arranged around a shared central courtyard or green space. This design is often used to create a community-oriented environment, where the homes are in close proximity to each other, and the shared space fosters social interaction and a sense of belonging.
2. Some key features of a cottage court development include:
 - a. **Central Courtyard:** The homes are typically arranged around a shared outdoor space, such as a garden, lawn, or courtyard, creating a more communal feel.
 - b. **Small-Scale Homes:** The individual units, often referred to as cottages, are generally smaller in size and designed to be more affordable or efficient.
 - c. **Pedestrian-Friendly:** These developments are often designed with pedestrians in mind, with pathways connecting the homes and the central shared space.
 - d. **Sense of Community:** Because of the proximity and shared spaces, cottage courts are intended to encourage neighborly interaction, fostering a tight-knit community.
3. The type of density proposed in these types of developments is similar to the density allowed in the recent zoning reform amendments.
4. The zoning amendments proposed would do the following:
 - a. Create a definition for Cottage Court Developments.
 - b. Create a section in the zoning ordinance under General Provisions that regulates Cottage Court Developments.
 - c. Allows Cottage Court Developments as a use by right (under certain conditions) in the following zoning districts: R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR.

Examples of Cottage Court Developments



Proposed definition in Article II (definitions):

Cottage Court Development: A group (3-10 units) of small, detached housing units arranged around and accessed from entrances facing a shared open space visible from the street.

Proposed amendment to Section 2318: Cottage Court Developments (Currently a blank section in General Provisions):

Cottage court developments are permitted in the R zoning district and the Form Based Code zoning district's FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR context areas with the following conditions:

1. The lot shall not contain fewer than three (3) nor more than ten (10) detached housing units.
2. Lot width:
 - Minimum lot width: 110 feet
 - Maximum lot width: 150 feet
3. Lot depth:
 - Minimum lot depth: 100 feet
 - Maximum lot depth: 220 feet
4. Height limit: 1.5 stories or 24 feet
5. Setbacks: front, side, and rear setbacks shall meet those of the underlying zoning district.
6. Setbacks between units: 10 feet
7. Parking Setback: 40 feet from the front property line.
8. The provided off-street parking cannot be directly adjacent to the required shared open space.
9. The cottage court development must contain a common, shared open space that is at least twenty (20) feet but no more than sixty (60) feet in width and landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material.
10. All housing units that do not front on a street must front and have their main entrance face the shared open space.
11. The lot must be serviced by an alley at the side or rear of the lot or, if an alley is not available, from a single drive approach on a side street. If both an alley and side street is not available, parking may be accessed from a single drive approach on a front street.
12. All units must meet the living area standards listed in Section 2319, and each unit shall not exceed a maximum building footprint of 30'x30'.
13. Building facades facing streets or the shared open space shall have 10% to 50% of the facade be windows between the adjacent grade and the cornice expression line or eave.
14. Accessory dwelling units are not permitted in cottage court developments.

Proposed amendments to R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR zoning districts:

Cottage court developments would be listed as a principal use permitted, as allowed in Section 2318 (Cottage Court Developments), in these zoning districts.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments be recommended to the City Commission for approval as presented.

Hearing, Case 2025-08: Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.

SUMMARY

1. An "accessory commercial unit" (ACU) is a small commercial space, like a retail store or office, that is attached to or built on the same property as a residential dwelling, essentially acting as a secondary business space within a residential neighborhood, similar to how an accessory dwelling unit (ADU) is a secondary living space on a residential lot.
2. ACUs are often seen as a way to bring local businesses closer to residents and increase neighborhood vibrancy without significantly altering the character of the area.
3. The Future Land Use Map created during the Master Plan process, includes "community node" areas where higher densities and uses should be considered.
4. The Master Plan recommends uses such as these in the following sections of the document:
 - a. [Housing & Neighborhoods](#): Goal 3: Create walkable community nodes within a short distance of all residents. Identify existing or potential community nodes in each city neighborhood to serve as a strong center(s) from which the neighborhood can orient itself and build upon. Update land use regulations to permit better integration of different land uses at identified community nodes.
 - b. [Economic Development](#): Goal 2: Create viable commercial corridors and community nodes. Simplify zoning regulations to permit flexibility in business types
5. The zoning amendments proposed would do the following:
 - a. Create a definition for Accessory Commercial Unit.
 - b. Create an Accessory Commercial Unit Overlay District. ACUs would only be allowed within these boundaries and under these guidelines.

Examples of Accessory Commercial Units



Amendments to Article II (Definitions):

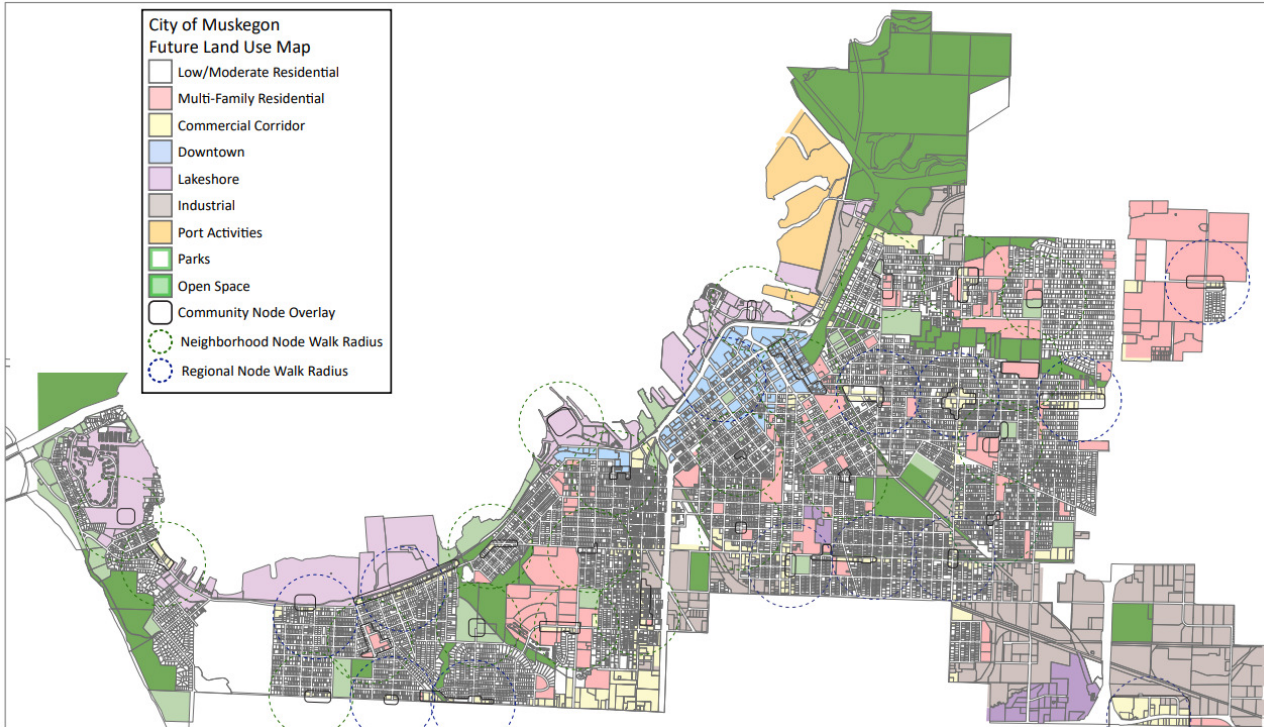
Accessory Commercial Unit (ACU): A smaller, secondary attached building intended for commercial use on a property that, but is accessory to the primary residential use of the property.

Proposed amendment to Section 2328: Accessory Commercial Unit Overlay District (Currently a blank section in General Provisions):

Accessory Commercial Units are allowed as a special land use permitted within the Accessory Commercial Unit Overlay District with the following conditions:

1. The property is located within the boundaries identified in Figure 23-4.
2. The underlying zoning of the property is R, Neighborhood Residential.
3. The principal use of the property is residential.
4. A special land use permit is issued, following the guidelines of Section 2332.
5. Permitted Uses:
 - a. Retail (excluding alcohol sales)
 - b. Office
 - c. Personal service
 - d. Gallery/museum
6. Building Requirements:
 - a. Minimum building size of 200 square feet and receive a certificate of occupancy from the Building Inspections Department.
 - b. The footprint of the ACU must be smaller than the footprint of the principal structure on the property.
 - c. The ACU must meet the required front build-to-zone of 5 to 30 feet.
 - d. The ACU must be attached to the principal structure on the property.
 - e. Design requirements for the ACU must meet the Storefront Building Type Frontage Option of the Retail Building Type Facade Composition Requirements in 2006.09 of the Form Based Code.

Figure 23-4: Accessory Commercial Unit Overlay District Map (based on the Community Node Overlay in the Master Plan's Future Land Use Map). For the full map, click [here](#).



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units be recommended to the City Commission for approval.

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. The zoning ordinance currently requires that Planned Unit Developments (PUD's) that abut water and are located in R, Neighborhood zoning districts must provide public access to at least 50% of the shoreline.
2. The R, Neighborhood district is the only zoning designation that has this requirement. There are several other zoning designations that abut Muskegon Lake.
3. The Master Plan and the Imagine Muskegon Lake plan both call for more public access to Muskegon Lake.
4. Please see the map [here](#) to locate the zoning designations along Muskegon Lake.
5. Staff is proposing to add this requirement to the following zoning designations: RM-1, RM-2, RM-3, B-2, B-4, I-1, I-2, LR, WM, and all FBC context areas.
6. Staff is not proposing the amendment for the following zoning designations:
 - a. MHP – There are no parcels zoned for Mobile Home Park in the City.
 - b. MC – There are no waterfront parcels zoned for medical.
 - c. B-1 – This designation will likely be combined with B-2 in the future.
 - d. B-3 – This designation has essentially been replaced with Form Based Code.
 - e. B-5 – This designation will likely be combined with B-4 in the future.
 - f. WI-PUD – This designation is designed for heavy industrial/freight traffic.
 - g. OSC – Development is not allowed in this conservation district.

Proposed language to be added to the PUD sections of each zoning designation (and the Specific Development Plan section of the Form Based Code):

SECTION 702 (RM-1): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-1 District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 802 (RM-2): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-2 Low-Density Multiple-Family Residential District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a**

cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.

SECTION 902 (RM-3): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the RM-3 District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 1102 (B-2): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the B-2 District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 1102 (B-4): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the B-4 District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 1402 (I-1): PLANNED UNIT DEVELOPMENT

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Development in the I-1 District is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 1502 (I-2): PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the I-2 General Industrial District is to allow mixed land uses, which are compatible to each other. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

SECTION 1802 (LR): PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the LR Lakefront Recreation Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with lakefront recreation activities, or residential dwellings. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a**

part of the common open space land.

SECTION 1902 (WM): PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the WM Waterfront Marine Districts is to allow mixed land uses, which are compatible to each other, while prohibiting uses which would not be compatible or harmonious with permitted uses. **Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.**

ARTICLE XX – SECTION 2002.01 SITE PLAN /PLOT PLAN PROCEDURES

D. Specific Development Plan. A Specific Development Plan is intended to allow applicants development flexibility to address market conditions and opportunities, including the master planning of large lots exceeding the maximum block dimensions as outlined in Section 2004, as well as the consolidation of multiple properties to create predictable and market responsive development for the area. Specific Development Plans shall be required for any Major Departure as outlined in this Section 2002.03 (form based code departures).

1. Specific Development Plan requirements. A Specific Development Plan shall include a full site plan and required data as outlined in Section 2303, 11.
2. Additional requirements include: A plan depicting the proposed Context Areas for the subject site(s) if major departures from the Context Area boundaries are requested.
3. Public Hearing: The applicant and/or Planning Commission may request a public hearing for a Specific Development Plan. A public hearing, pursuant to the Michigan Zoning Enabling Act, shall be required for a major departure of Context Area boundary.
4. Planning Commission action: The Planning Commission shall review and approve, with or without conditions, the full site plan upon the following findings:
 - i. The Context Areas provide a seamless transition from adjacent, existing districts and uses to the proposed subject site(s).
 - ii. Internal circulation and layout of lots fosters a walkable, urban area by adhering to the maximum block lengths as outlined in Section 2004.
 - iii. Roadways are interconnected and provide safe areas for walking.
 - iv: Cluster developments abutting a body of water have provided at least 50% of the shoreline, as well as reasonable access to it, as common open space.**

MASTER PLAN RECOMMENDATIONS

The Imagine Muskegon Lake Plan can be viewed [here](#).

These amendments would help us maintain and meet certain metrics for public accessibility along the shoreline. Please see pages 10 and 11 for the baseline and future metrics for public accessibility.

There are various other vision drawings throughout the document that depict publicly-accessible shorelines. These amendments would require developments to incorporate these types of public amenities rather than just request them.

The 2023 Master Plan makes the following recommendations for a publicly-accessible waterfront:

- “Goal 5 in the Economic Development Section: Utilize our natural resources to develop a strong blue economy. Increase and enhance publicly-accessible amenities along the waterfront and soften shorelines where possible. View [here](#), scroll to page 17.
- “Project 6” for Jackson Hill: Increase access to the Muskegon Lake shoreline. View [here](#), scroll to page 11.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the 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, be recommended to the City Commission for approval.