

CITY OF MUSKEGON

PLANNING COMMISSION MEETING

July 10, 2025 @ 4:00 PM

MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

CALL TO ORDER

L. Willett-Leroi called the meeting to order at 4:00 p.m. and roll call was taken.

ROLL CALL

Members Present: K. Johnson, L. Willett-Leroi, J. Montgomery-Keast, J. Seyferth, S. Gawron, and B. Mazade.

Member(s) Absent:

Member(s) Excused: D. Keener, S. Blake, and L. Simmons II

Staff Present: M. Franzak and S. Pulos

Others Present:

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting on June 12, 2025, was made by J. Montgomery-Keast, supported by S. Gawron, and unanimously approved.

PUBLIC HEARINGS

- A. Case 2025-25: Request to amend Section 2331 of the zoning ordinance to allow marihuana retailers and provisioning centers with approved drive-thru access to remain open for drive-thru sales only between 12 a.m. and 2 a.m., by The Grassy Knoll.** Planning

SUMMARY

In April 2024, the applicant requested to amend the ordinance to be able to operate 24 hours per day. The ordinance that was proposed was not well-written and would have eliminated any hours of operation for all other retail stores. The request was ultimately denied. This request is much more well-written and should not cause any unintentional hardships for other marihuana retailers.

There are currently three approved drive-thru locations within the city. These are located at The Bodega (885 E Apple Ave), The Grassy Knoll (2125 Lemuel St), and Greencraft (551 Young Ave).

Current Ordinance Excerpt

Section 2331: Marihuana Facilities Overlay District

3. Provisioning Centers, Retailers, Microbusinesses, and Designated Consumption Establishments may operate between the hours of 8 am and 12 am.

Proposed Ordinance (additions italicized)

Section 2331: Marihuana Facilities Overlay District

3. Provisioning Centers, Retailers, Microbusinesses and Designated Consumption Establishments may operate between the hours of 8 am and 12 am *daily; however, Provisioning Centers and Retailers with approved drive-thru access may remain open for drive-thru sales only between the hours of 12 am and 2 am, provided all other applicable local, state, and safety regulations are met.*

Current Drive-Thru Regulations

Section 2331: Marihuana Facilities Overlay District

3.d. Curbside/Drive-Thru. 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 the anticipated number of stacking spaces and where they would be located on site.

STAFF RECOMMENDATION

Staff do not have a recommendation on whether marihuana establishments should be open longer. However, the proposed ordinance is well-written and could be incorporated into the ordinance properly. Staff do have some concerns about the applicant's ability to follow the established guidelines. Staff have had discussions with the applicant for the past couple of years about their desire to host temporary campground events on-site during special events around the city. That use type is not allowed in their zoning district (I-1) and would need an amendment for them to proceed. Staff have discovered that a beach event in August is advertising overflow camping at The Grassy Knoll.

PUBLIC COMMENT

Angel K. - Supports this request.

CLOSE PUBLIC HEARING - MOTION

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Seyferth, and unanimously approved.

MOTION PASSES

MOTION

Motion by K. Johnson, seconded by J. Montgomery-Keast, that the request to amend Section 2331 of the zoning ordinance to allow marihuana retailers and provisioning centers with approved drive-thru access to remain open for drive-thru sales only between 12:00 a.m. and 2:00 a.m. be recommended to the City Commission for approval.

ROLL VOTE: Ayes: K. Johnson

Nays: L. Willett-Leroi, J. Montgomery-Keast, J. Seyferth, S. Gawron, and B. Mazade

MOTION FAILS

- B. Case 2025-26: Request to amend Section 2005.05 of the Form-Based Code to allow churches as a permitted use in civic buildings in the Form-Based Code, Downtown context area, by Century Club Development, LLC.** Planning

SUMMARY

Churches are not a permitted use in the Form Based Code, Downtown (FBC-DT) context areas. There are two building types allowed in the FBC-DT context areas - Mixed-use and Civic buildings. Churches are allowed in the other FBC context areas, but only in civic buildings. Other uses allowed in civic buildings include galleries and train stations. This request is to amend the ordinance to allow churches in civic building types in the FBC, DT context area.

Staff believe that the Century Club can be defined as a civic building. The building was dedicated in January 1889 for the Muskegon Club and became the Century Club in January 1901. Historically, the building served as a social club formed by Muskegon's business leaders; some early Club presidents included business/community leaders Charles Hackley, John Torrent, Lyman Mason, and A. V. Mann. The Club included, at one point, over 550 total members and was considered the center of business life of the community. Closed in 1991, retail activity in the building was introduced in the mid-2000s following the demolition of the Muskegon Mall.

STAFF RECOMMENDATION

Staff do not have a recommendation on whether churches should be allowed in the FBC-DT context area. There currently are not any churches located within any of these designated properties, so it would not bring any non-conforming churches

into conforming status. There are pros and cons to the request. The pro is that it would activate a specific building that has had a tough time functioning as retail. The cons would include the elimination of property taxes and potentially reducing the number of days the buildings would be used, reducing foot traffic and activity in the downtown.

PUBLIC COMMENT

Matt L. Pastor - He enjoys having his church at the Century Building and would love to continue doing so. Would like to hopefully add a coffee shop or shared workspaces for individuals.

Maggie, Muskegon resident - Strongly opposes the request and doesn't believe that churches help the economic growth or livability of a downtown area.

Phil M. - Opposes the request, considers it a non-revenue-generating use in the downtown district.

Angel K. - Owns a business downtown and doesn't support the request, because businesses rely on foot traffic, and doesn't believe the church will help.

John R. - Owns a condo near downtown and relies on the shops available downtown, and does not support this request.

Aaron R. - Does not support this request.

A.S. - Does not support the request and agrees with the comments others have made.

Bob B. - Supports the request and has been involved with this church.

Jacklyn W. - Supports the request and doesn't think that the building should continue to be unusable.

CLOSE PUBLIC HEARING - MOTION

A motion to close the public hearing was made by J. Montgomery-Keast, supported by K. Johnson, and unanimously approved.

MOTION PASSES

MOTION

Motion by K. Johnson, seconded by J. Montgomery-Keast, to move that the request to amend Section 2005.05 of the Form-Based Code to allow churches as a permitted use in civic buildings in the Form-Based Code, Downtown context area, be recommended to the City Commission for denial.

ROLL VOTE: Ayes: K. Johnson, J. Montgomery-Keast, J. Seyferth, and S. Gawron
 Nays: L. Willett-Leroi

MOTION PASSES

C. Case 2025-27: Request for a special use permit to expand a non-conforming structure by no more than 30%, at 3211 Edgewater Street.
Planning

SUMMARY

The applicant would like to finish the attic space in the house and add a dormer. The house is considered non-conforming because it does not meet the required five-foot side setback on the west side of the property. Non-conforming structures may be increased up to 30% of the existing size with the issuance of a special use permit. The house currently measures 1,282 sf, which would allow up to a 384 sf addition. The proposed addition measures 350 sf. Notice was sent to everyone within 300 feet of the property. At the time of this writing, staff had not received any comments from the public.

Planning Exercise

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.

Staff will answer the following questions and ask the Planning Commissioners if they disagree with each statement at the meeting (Staff answers in italics).

Would the proposed expansion be considered offensive, or a nuisance, because of any of the following:

1. Increased traffic - *No*
2. Increased noise - *No*
3. Increased vibration - *No*
4. Increased light - *No*

Does adequate water and sewer infrastructure exist, or will it be constructed to service the Special Land Use or activity? *Yes, it currently exists.*

STAFF RECOMMENDATION

I move to approve the request for a special use permit to expand a non-conforming structure by no more than 30%, at 3211 Edgewater Street, based on the findings of facts in the staff exercise located in the staff report.

PUBLIC COMMENT

No public comments were received.

CLOSE PUBLIC HEARING - MOTION

A motion to close the public hearing was made by S. Gawron, supported by J. Seyferth, and unanimously approved.

MOTION PASSES

MOTION

Motion by K. Johnson, seconded by B. Mazade, to approve the request for a special use permit to expand a non-conforming structure by no more than 30%, at 3211 Edgewater Street, based on the findings of facts in the staff exercise located in the staff report.

ROLL VOTE: Ayes: L. Willett-Leroi, K. Johnson, J. Montgomery-Keast, J. Seyferth, and B. Mazade
Nays: None

MOTION PASSES

- D. **Case 2025-28: This case has been removed.** Planning
- E. **Case 2025-29: Staff-initiated request to rezone the following properties: 1181 and 1200 Ransom St; 1176, 1196, 1208, 1222, 1250, 1259, 1275, 1299, 1302, 1309, 1314, 1319, 1322, 1334, 1337, 1342, 1347, 1365, 1377, 1391, 1410, 1415, 1422, 1435, 1440, 1443, 1470, 1502, 1516, 1532, 1542, 1562, 1576, 1586, 1596, 1604, 1624, 1625, 1632, 1633, 1640, 1643, 1649, 1652, 1659, 1660, 1669, 1670, 1691, 1705, 1715, 1725, 1735, Peck St.; 19 Irwin Ave, 22 E. Southern Ave, 23 Strong Ave, 24 Morrall Ave, and 32 Iona Ave, from RM-1, Low Density Multiple-Family Residential to Form Based Code, Neighborhood Edge; 1765 Peck St, 1781 Peck St, Parcel # 61-24-205-465-0006-10, and 1778 Sanford St, from B4, General Business, to Form Based Code, Neighborhood Core; 180 E. Laketon Ave and 1752 Peck St from B-4, General Business and MC, Medical Care, to Form Based Code, Neighborhood Edge; and 36 Catherine Ave, 1366, 1378, 1386, 1394 and 1469 Peck St from B-1, Limited Business, to Form Based Code, Neighborhood Edge.** Planning

This item was removed from the agenda.

- F. **Case 2025-30: Staff-initiated request to amend the zoning ordinance to allow marinas as a permitted use in Form-Based Code, Lakeside Mixed Residential districts.** Planning

SUMMARY

This request, along with the next request (rezoning), was brought about after staff had contact with a couple of property owners about land use issues on their properties.

The owner at 2984 Lakeshore Dr wanted to demo and rebuild his house. However, residential uses are not allowed in the Waterfront Marine (WM) district, and the existing house was considered legally non-conforming (grandfathered). The owner was forced to seek a variance to rebuild the house, and the request was eventually approved. The new house plans were approved, but the new house would have to

meet the existing setbacks in WM, which is 10/14 (side setback requirement) for a two-story house. Residential setbacks are usually much smaller, such as five feet in many districts. There are eight houses located in the WM district, all of which are considered legally non-conforming. With this current zoning, all property owners will have difficulty rebuilding, putting on additions, and possibly even refinancing.

The owner at 3092 Lakeshore Dr. demoed the existing house on site and wants to build a multi-family house, between 6-8 units. This is not allowed since residential is not a permitted use in the WM district.

Staff are not exactly sure why the entire area was zoned WM, but it has been that way since at least 1986. Were these residential properties hoping to have marinas added to their properties? Was it zoned in an effort to transform this area into strictly marina and phase out residential? Without having a clear answer, staff decided to hold a focus group among the property owners to see what their vision was for their properties moving forward. At the meeting, it was discovered that most of the homeowners wanted to continue to stay strictly residential. A couple of the homeowners wanted to stay residential, but add a marina to the property. All the homeowners stated that they did not have an objection to allowing residential with a higher density than single-family.

After the focus group meeting, it was clear that the best path forward would be to allow multi-family residential and marinas on these properties. The Form-Based Code, Lakeside Mixed Residential (FBC-LMR) district allows for small multiplexes (up to six units), but it does not allow for marinas. Staff are proposing to amend the ordinance to make marinas a permitted use in this context, then to rezone these eight properties to FBC-LMR. A clause was added to the amendment that states "marinas are a permitted use on properties with Muskegon Lake waterfront frontage." This will eliminate the possibility of any FBC-LMR properties without lake frontage to store boats on their properties. The master plan supports both WM and FBC-LMR as they both fit the description of a lakeshore that allows for mixed uses.

STAFF RECOMMENDATION: I move that the request to amend the zoning ordinance to allow marinas as a permitted use in Form-Based Code, Lakeside Mixed Residential districts, be recommended to the City Commission for approval.

PUBLIC COMMENT

D. Ghezzi - Has property that will be affected by this request, and he supports it.

CLOSE PUBLIC HEARING - MOTION

A motion to close the public hearing was made by K. Johnson, supported by J. Montgomery-Keast, and unanimously approved.

MOTION PASSES

MOTION

Motion by K. Johnson, seconded by S. Gawron, that the request to amend the zoning ordinance to allow marinas as a permitted use in Form-Based Code, Lakeside Mixed Residential districts, be recommended to the City Commission for approval.

ROLL VOTE: Ayes: L. Willett-Leroi, K. Johnson, J. Montgomery-Keast, J. Seyferth, S. Gawron,
and B. Mazade
Nays: None

MOTION PASSES

G. Case 2025-31: Staff-initiated request to rezone 3172 and 3182 Edgewater St; 2976, 2984, 2986, 3002, 3088, and 3092, from WM, Waterfront Marine to Form Based Code, Lakeside Mixed Residential. Planning

This item was removed from the agenda.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

ANY OTHER BUSINESS

NONE

GENERAL PUBLIC COMMENT

No public comments were received.

ADJOURNMENT

The Planning Commission meeting adjourned at 5:30 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC City Clerk