

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, October 12, 2023 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the meeting of September 14, 2023.
- III. Old Business
 - A. Hearing, Case 2023-24: Request for a special use permit for a drive-thru window at the Subway located at 1848 E Sherman Blvd.
- IV. Public Hearings
 - A. Hearing, Case 2023-25: Request to rezone 162 E Apple Ave, 170 E Apple Ave, and 974 Spring St from B-2, Convenience & Comparison Business to FBC, Neighborhood Core and to rezone 151/157/171/181 Allen Ave and 971 Jay St from R-3, High Density Single Family Residential to FBC, Neighborhood Core, by General Capital Acquisitions, LLC.
 - B. Hearing, Case 2023-26: Request to rezone the property at 550 W Grand Ave from FBC, Urban Residential to FBC, Neighborhood Core, by General Capital Acquisitions, LLC.
 - C. Hearing, Case 2023-27: Request for preliminary and final Planned Unit Development approval at 2800-2850 Lakeshore Dr, by Parkland Acquisition Six, LLC.
 - D. Hearing, Case 2023-28: Request for a departure from the form-based code section on the zoning ordinance for a new development at 134/148/158/168/174 Allen Ave, by Spire Development, Inc.
 - E. Hearing, Case 2023-29: Request for a departure from the form-based code section on the zoning ordinance for a new development at 139/159/161/185 Jay St and 923 Jay St, by Spire Development, Inc.
- V. New Business
- VI. Other
- 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
October 12, 2023

Hearing, Case 2023-24: Request for a special use permit for a drive-thru window at the Subway located at 1848 E Sherman Blvd.

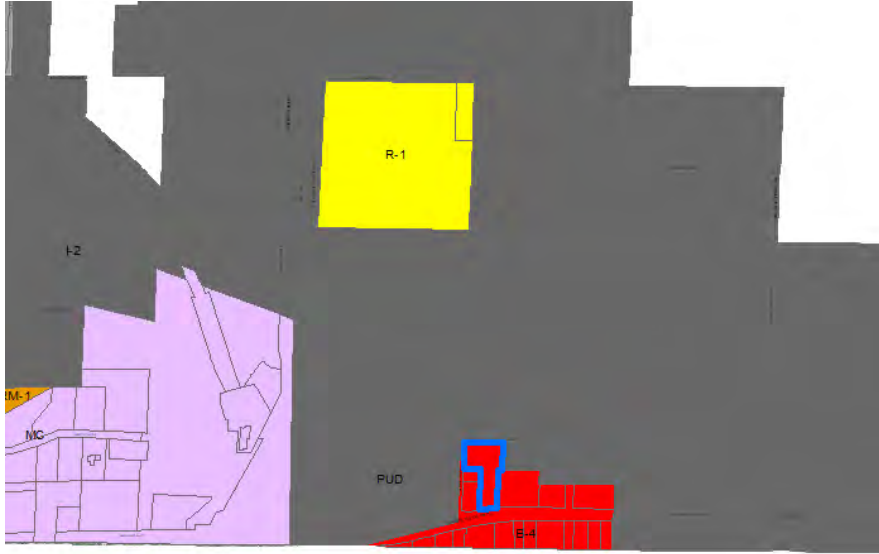
SUMMARY

1. The property is zoned B-4, General Business. The Subway restaurant is located in the southern most suite in the strip mall development, closest to Sherman Blvd.
2. Subway has requested a special use permit to allow a drive thru window. The existing entrance would be moved and a new drive lane would be added in front of the restaurant on the south side, which is currently grass. Customers would enter through the existing parking lot and drive east towards the drive through window, then turn right and exit out the curb cut on the southeast corner of the property. Two parking spaces would be removed to make room for the new drive isle.
3. Please see the enclosed site plan.
4. Notice was sent to every property within 300 feet of this location. At the time of this writing, staff had not received any comments from the public.

1848 E Sherman Blvd.



Zoning Map



Aerial Map



Zoning ordinance excerpt:

Section 2332: Special Land Uses and Planned Unit Developments

5. 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.

STATEMENT OF CONCLUSIONS

“The decision on a Special Land Use or activity shall be incorporated in a statement of conclusions and be placed on file with the Department of Planning.”

Staff finds that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Further, staff finds that adequate water and sewer infrastructure exists for the project.

STAFF RECOMMENDATION

Staff recommends approval of the special use permit with the condition that impact protection is installed on the corners of the building in the drive through.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for a special use permit for a drive-thru window at 1848 E Sherman Blvd be approved with the following conditions based on the finding of facts pertaining to the standards for approval of discretionary uses.

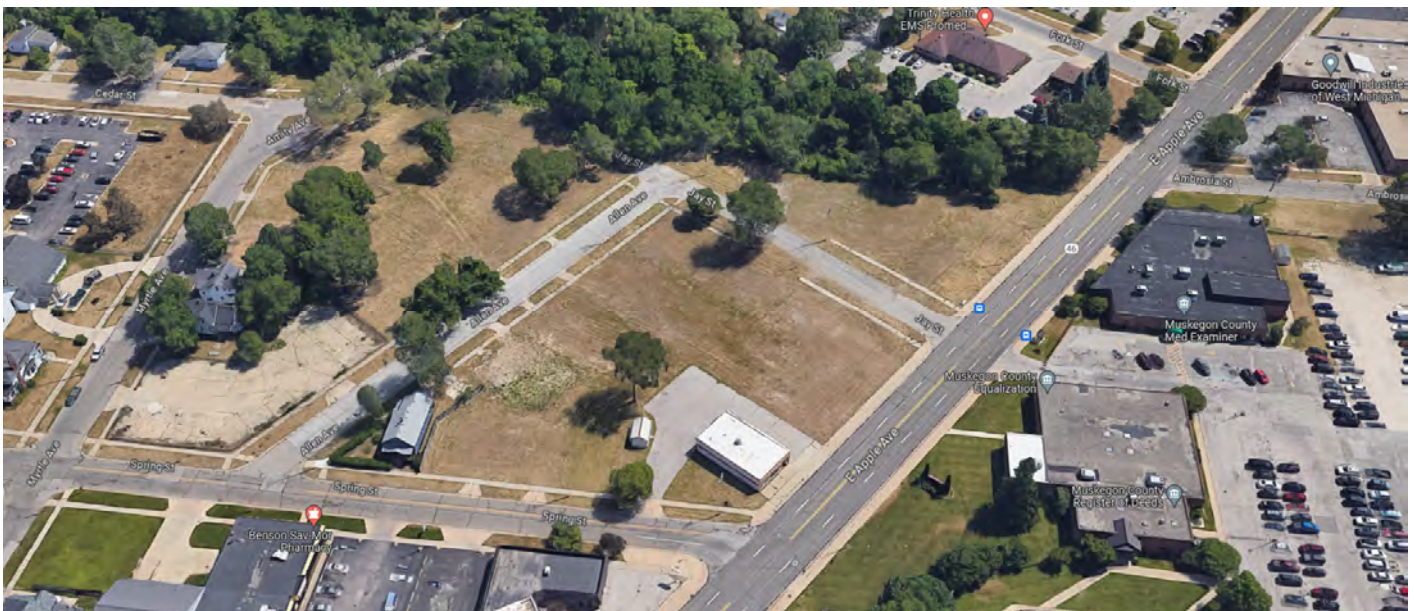
1. Impact protection is installed on the corners of the building in the drive through.

Hearing, Case 2023-25: Request to rezone 162 E Apple Ave, 170 E Apple Ave, and 974 Spring St from B-2, Convenience & Comparison Business to FBC, Neighborhood Core and to rezone 151/157/171/181 Allen Ave and 971 Jay St from R-3, High Density Single Family Residential to FBC, Neighborhood Core, by General Capital Acquisitions, LLC.

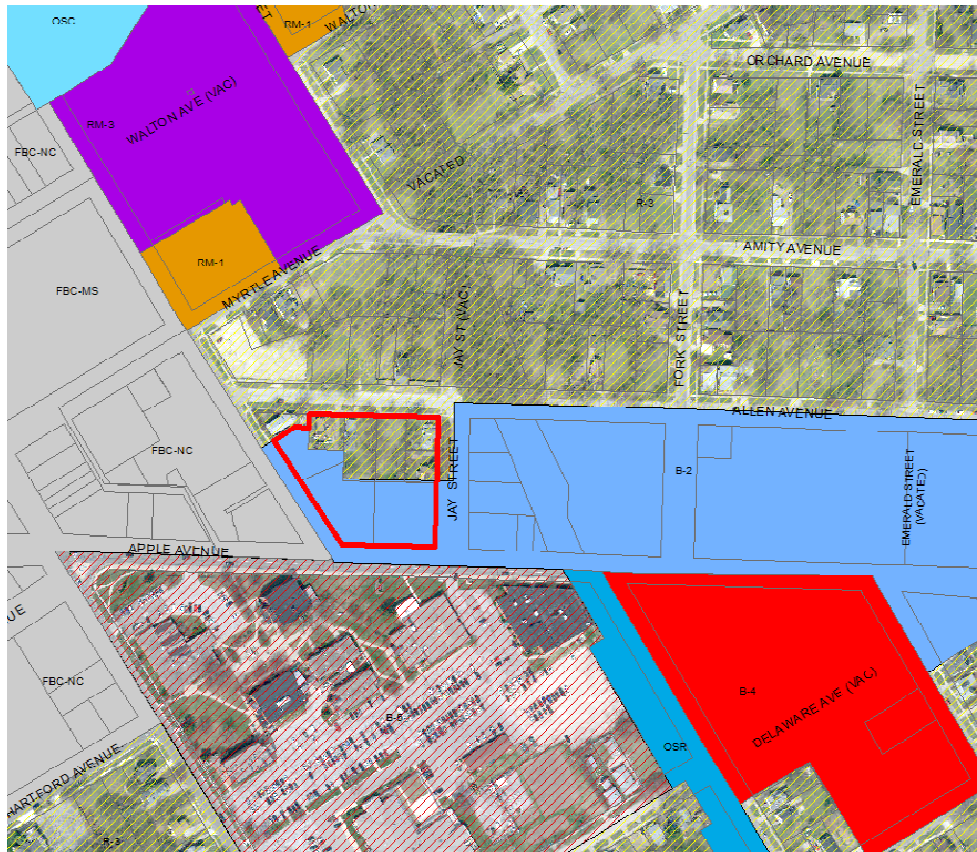
SUMMARY

1. The properties are zoned R-3, High-Density Single-Family Residential and B-2, Convenience & Comparison Business. They compromise about 1.7 acres of land.
2. The only property that still contains a structure is 162 E Apple Ave, which contains a vacant commercial building. The house at 964 Spring St, at the corner of Spring/Allen, is not included in the project.
3. The applicant is seeking a rezoning in an effort to construct affordable residential apartments. The development plans will include a 53-unit senior housing development.
4. The properties just to the north of this project, across Allen Ave, were recently rezoned to FBC, NC as well in anticipation of a similar housing development, but are not yet depicted as so on the zoning map.
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.

Development Area



Zoning Map



Aerial 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.
	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-FLX 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-FLX 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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ROWHOUSE BUILDING TYPE	with LIGHTWELL	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
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	with PROJECTING PORCH			
	with ENGAGED PORCH			
DETACHED HOUSE BUILDING TYPE	with STOOP			
	with PROJECTING PORCH			
	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 162 E Apple Ave, 170 E Apple Ave, and 974 Spring St from B-2, Convenience & Comparison Business to FBC, Neighborhood Core and to rezone 151/157/171/181 Allen Ave and 971 Jay St from R-3, High Density Single Family Residential to FBC, Neighborhood Core be recommended to the City Commission for approval.

Hearing, Case 2023-26: Request to rezone the property at 550 W Grand Ave from FBC, Urban Residential to FBC, Neighborhood Core, by General Capital Acquisitions, LLC.

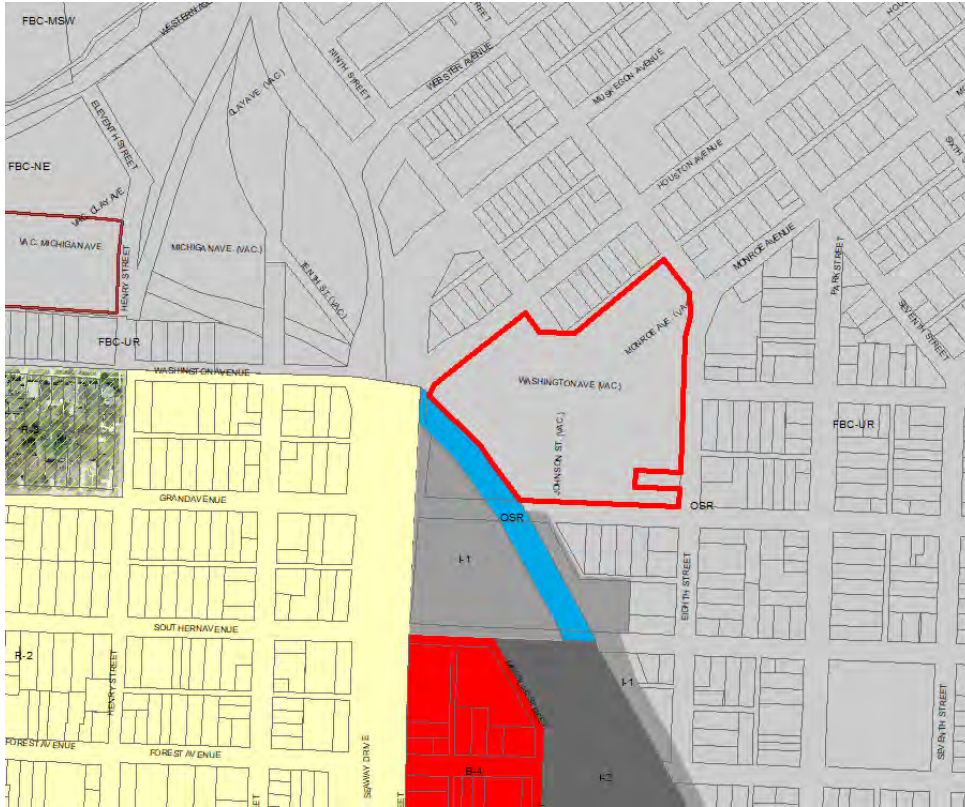
SUMMARY

1. The property is the site of the former Nelson School. Its zoned Form Based Code, Urban Residential. The parcel measures 9.5 acres and the building measures 77,975 sf.
2. The applicant is seeking a rezoning in an effort to construct affordable residential apartments. The development plans will include a 52-unit workforce housing development.
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. 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.

550 W Grand Ave



Zoning Map



Aerial Map



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

CONTEXT AREAS AND USE

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* 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 Nelson neighborhood, which includes a need for all housing types. Click [here](#) to see the Housing Needs Assessment.

The properties to the south are zoned Heavy Industrial, Light Industrial and General Business. The FBC, NC designation would provide a nice buffer zone between intense commercial uses and residential housing.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone the property at 550 W Grand Ave from FBC, Urban Residential to FBC, Neighborhood Core be recommended to the City Commission for approval.

SUMMARY

1. The properties are zoned I-2, General Industrial and OSR, Open Space Recreation. The applicant is proposing a mixed-use development under the Planned Unit Development section of the zoning ordinance. The I-2 section of the ordinance states “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.” The Planning Commission must vote on approval or denial of the preliminary PUD and also vote on a recommendation of the final PUD to the City Commission.
2. The site is currently under environmental review and cleanup.
3. The development could include up to 2,314 units (18.8 D.U./AC). This would include single-family houses, townhouses, small condo buildings (10-12 units each), large apartment/condo buildings (48 units each) and mixed-use apartments (55 units total). Some of the proposed single-family lots to the east of the proposed restaurant could be combined to create larger buildable lots. Please see the enclosed documents depicting the design guidelines that each housing type will have to follow.
4. The development proposes 42,780 sf of retail/office space. Buildings A1-A4 and MU1-MU-4 would allow for permitted uses allowed in the B-2 district of the zoning ordinance.
5. The development would be accessed by three public streets that enter the development off of Lakeshore Dr. Sidewalks have been proposed near every cross street located off of the south side of Lakeshore Dr.
6. The proposed marina includes 251 private boat slips and 1400 linear feet of transient spaces.
7. Residential lots abutting the water could potentially apply for permits from EGLE for individual boat docks that would need their own separate permits.
8. Please see the site regulation standards listed on the site plan. The tallest buildings on the site would be the multi-family buildings along Lakeshore Dr at six stories.
9. Street trees will be provided every 34-45 feet.
10. The bike path along Lakeshore Dr has been moved off-street.
11. Wayfinding signage will be placed throughout the development to direct pedestrians to publicly-accessible amenities.
12. Sidewalks, bike paths, and walking paths are depicted in red on the site plan.
13. The proposed restaurant/music venue will have quiet hours from 11 p.m. to 10 a.m.
14. The proposed streets are public and there will be not fences/gates within the development except piers 1-4, dog park, sports courts, playgrounds, pools, dumpsters and above ground utility screening.
15. All public amenities will be owned and maintained by the development association in perpetuity. Public amenities include:
 - Fishing and kayak launch (#17 on site plan)
 - Break wall/fishing/shopper docks (#27)
 - Restaurant with public restrooms (#13)
 - Nature boardwalk (#15)

- Public parklet with fishing dock (#16)
- Public fishing and kayak launch (#17)
- Multi-modal trail connector (#18)
- Dog park and pollinator garden (#22)
- Playground (#23)
- Woodland preservation area and on-leash dog park (#24)

16. Please see the enclosed Phasing Plan.

17. A proposed traffic circle has been added after receiving public feedback but will need to be further studied for applicability. The developer does own the two properties on the south side of Lakeshore Dr needed to accommodate a traffic circle.

STANDARDS FOR APPROVAL OF PLANS

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards. Staff will comment on each of these standards in green and individual Planning Commission members will be asked to vote whether they agree if these criteria have been met or not.

1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.

Agree. The plan offers mixed-uses that are harmonious to the surrounding uses in the neighborhood. The addition of parks and public amenities will provide the public with useful recreational opportunities. The addition of housing units is severely needed as shown by the Housing Needs Assessment.

2) The uses proposed should be consistent with the land use plans adopted by the City.

The future land use map in the Master Plan depicts this property as “Lakeshore.” Lakeshore is defined as “Mixed-use development and recreational, water-related activities located along the Muskegon Lake shoreline. The large lot sizes, uniquely shaped parcels, and wide range of permitted uses, Planned Unit Developments (PUD) are common in this land use category.”

3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

Staff believes the applicant has provided enough open space for this type of development. There are almost 276,000 sf of public amenity areas, including over 970 linear feet of waterfront access and 1,973 linear feet of public boardwalk.

4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

The single-family houses will all be able to provide at least two parking spaces, which is required by the zoning ordinance. The mixed-use and apartment/condo buildings all provide adequate parking of

at least a 1:1 ratio, which is traditionally required by these types of developments. Additional parking spaces can be found throughout the development on the street and around the boat storage building.

5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

Each building type will have to follow the same landscaping requirements as required by the zoning ordinance. See Section 2333 (Landscaping, Fencing, Walls, Screens & Lighting) of the zoning ordinance for requirements.

6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.

The proposed plan accounts for over three acres of protected woodlands identified as P10 & P11 on the plan. Natural enhancements include walking paths, a nature boardwalk, fishing docks and kayak launches.

7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

Yes. Any approvals should be contingent upon a traffic study approved by the Public Works Director.

Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the preliminary site plan and approval of the final site plan with the following conditions:

1. A traffic study be conducted and reviewed by the Public Works Director.
2. A stormwater permit is granted from the Engineering Department.
3. A utility plan is approved by the Public Works Director.
4. All applicable permits from various State Departments are obtained.
5. Fire access is provided to the marina slips.

DELIBERATION

The following proposed motions are offered for consideration:

- I move that the request for preliminary Planned Unit Development approval at 2800-2850 Lakeshore Dr be approved, contingent upon the acquisition of the property by Parkland Acquisition Six, LLC based on the PUD review standards listed in Article 21, number 1, part C - 1 through 7 of the zoning ordinance.
- I move that the request for final Planned Unit Development approval at 2800-2850 Lakeshore Dr be recommended to the City Commission for approval contingent upon the acquisition of the property by Parkland Acquisition Six, LLC based on the PUD review standards listed in Article 21, number 1, part C - 1 through 7 of the zoning ordinance, with the following conditions:
 1. A traffic study be conducted and reviewed by the Public Works Director.
 2. A stormwater permit is granted from the Engineering Department.

3. A utility plan is approved by the Public Works Director.
4. All applicable permits from various State Departments are obtained.
5. Fire access is provided to the marina slips.

Hearing, Case 2023-28: Request for a departure from the form-based code section on the zoning ordinance for a new development at 134/148/158/168/174 Allen Ave, by Spire Development, Inc.

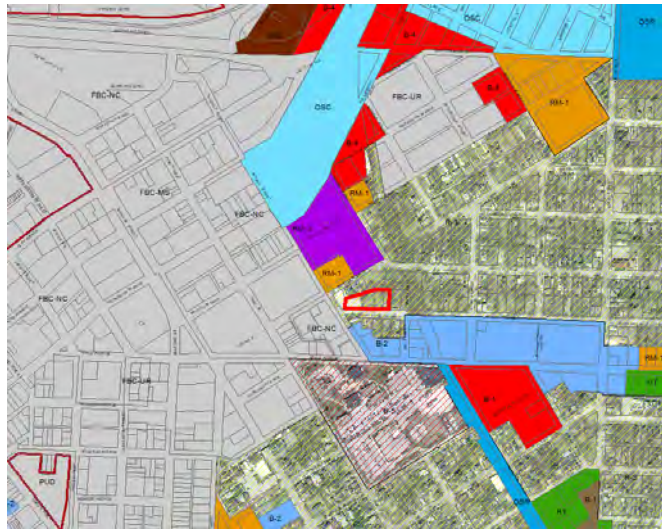
Hearing, Case 2023-29: Request for a departure from the form-based code section on the zoning ordinance for a new development at 139/159/161/185 Jay St and 923 Jay St, by Spire Development, Inc.

SUMMARY

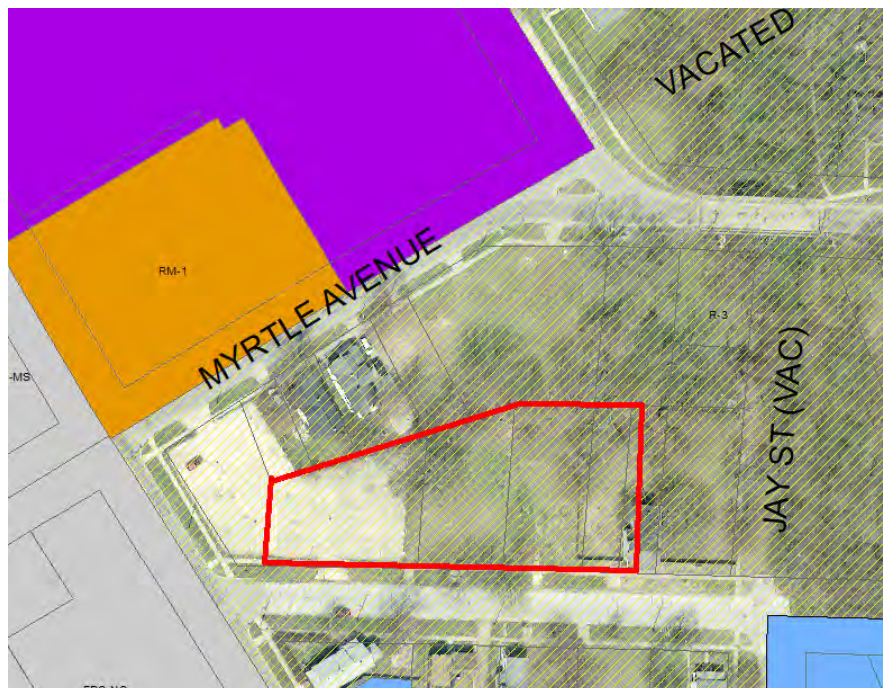
1. Staff is currently working with the developer to amend the plans to reduce the amount of departures needed. Revised plans along with a revised staff report will be presented at the meeting.

Zoning Map

(Subject parcels have recently been rezoned to FBC, NC – not depicted on map yet)



Aerial Map



23201268-20231005-PREL1 10/05/2023 @ 3:49 pm



LEGEND

- 1 SITE ENTRANCE
- 2 SINGLE FAMILY STAGGERED LOT (26'-22" X 205' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS
- 3 SINGLE FAMILY ALIGNED LOT (34' X 150' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS
- 4 10-12 UNIT FRONT-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 150' TYP.)
- 5 10-12 UNIT REAR-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 115' TYP.)
- 6 4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING OR POSSIBLE FUTURE GROUND FLOOR RETAIL [BUILDINGS A5-A4]
- 7 4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING [BUILDINGS A5-A22]
- 8 REAR LOAD ROWHOUSES (18' X 40' TYP.) [R1-R35]
- 9 MIXED-USE BUILDING (GROUND FLOOR RETAIL, APARTMENTS ABOVE) [MU1-MU4]
- 10 IN-OUT DRY BOAT STORAGE (155' X 720' BUILDING WITH APPROXIMATELY 350 STORAGE SPACES)
- 11 MARINA RESTROOMS
- 12 CLUBHOUSES WITH POOLS AND SPORT COURTS
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- 20 BOAT HOIST/WASH STATION AREA
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- 27 8 FT. BREAK WALL/WAVE ATTENUATOR WITH PUBLIC WALKING PATH, FISHING PLATFORM AND TRANSIENT/VISITOR/SHOPPER DOCKING ON NORTH AND SOUTH SIDES OF PIER

SUMMARY OF LAND USE

SITE LOCATION:	2400 LAKESHORE DR. MUSKEGON, MICHIGAN
SITE AREA	= 122.94 AC.
EXISTING ZONING	= I-2 (GENERAL INDUSTRIAL)
PROPOSED ZONING	= PUD (PLANNED UNIT DEVELOPMENT)
PROPOSED DWELLINGS	
26/22'X205' LOTS	= 108 DWELLINGS
34'X150' LOTS	= 112 DWELLINGS
10-12 UNIT "MANSION" LOT DWELLINGS	= 570-684 DWELLINGS (57 BLDGS)
APT/CONDO BUILDINGS	= 792-1,320 DWELLINGS (22 BLDGS)
18' X 40' TOWNHOMES	= 35 UNITS (10 BLDGS)
MIXED-USE APARTMENTS	= 55 DWELLINGS (4 BLDGS)
PROPOSED DENSITY	= 18.8 D.U./AC.
RETAIL/OFFICE SPACE (MU1-MU4) (NOT INCLUDING FUTURE IMPROVEMENTS)	= 42,780 SQ.FT.
BOAT STORAGE	= 111,600 SQ.FT. (350 SPACES)
BOAT DOCKING SPACES	= 251
118' SLIP	= 1 SLIP
103' SLIP	= 1 SLIP
98' SLIP	= 1 SLIP
93' SLIP	= 1 SLIP
60' SLIPS	= 24 SLIPS
50' SLIPS	= 77 SLIPS
45' SLIPS	= 54 SLIPS
40' SLIPS	= 56 SLIPS
TRANSIENT/VISITOR/SHOPPER DOCKING SPACES	= 1400 LINEAR FEET

SITE REGULATING STANDARDS

- MULTIPLE FAMILY BUILDINGS [A1-A22]**
- ALLOWABLE USES: MULTIPLE FAMILY DWELLINGS (APARTMENTS OF CONDOMINIUMS), SENIOR LIVING FACILITY, AND PERMITTED USES WITHIN THE B-2 DISTRICT AT GROUND FLOOR OF BUILDINGS A1-A4
 - MAXIMUM BUILDING HEIGHT = 6 STORIES OR 90 FT., WHICHEVER IS LESS
 - MINIMUM BUILDING TO BUILDING SEPARATION (FOUNDATION WALL TO FOUNDATION WALL) = 35 FT.
 - MINIMUM DISTANCE TO ADJACENT ROADS (EXCLUDES PARKING DRIVE AISLES) = 25 FT.
- ROWHOUSES [R1-R35]**
- ALLOWABLE USES: ATTACHED SINGLE FAMILY DWELLINGS
 - MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
 - MINIMUM BUILDING TO BUILDING SEPARATION (FOUNDATION WALL TO FOUNDATION WALL) = 16 FT.
 - MINIMUM DISTANCES TO ADJACENT ROAD OR SIDEWALK = 10 FT.
- FRONT-LOADED MANSION LOTS [M1-M20 & M41-M57]**
- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
 - MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
 - SETBACKS
 - FRONT YARD = 22 FT. MIN. (15 FT. MIN. ON SECONDARY FRONT YARD OF CORNER LOTS)
 - SIDE YARD = 5 FT. MIN.
 - REAR YARD = 15 FT. MIN.
- REAR-LOADED MANSION LOTS [M21-M40]**
- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
 - MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
 - SETBACKS
 - FRONT YARD = 12 FT. TO 20 FT. MIN. BUILD-TO-LINE (15 FT. MIN. SETBACK ON SECONDARY FRONT YARD OF CORNER LOTS)
 - SIDE YARD = 5 FT. MIN.
 - REAR YARD = 1 FT. MIN.
- ALIGNED LOTS [34' X 150' TYP.]**
- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
 - MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
 - SETBACKS
 - FRONT YARD = 22 FT. MIN.
 - SIDE YARD = 5 FT. MIN.
 - REAR YARD = 15 FT. MIN. FROM O.H.W.M.
- STAGGERED LOTS [22-26' X 205' TYP.]**
- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
 - MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
 - SETBACKS
 - FRONT YARD = 22 FT. MIN.
 - SIDE YARD = 1 FT. MIN.
 - REAR YARD = 15 FT. MIN. FROM O.H.W.M.
- CLUBHOUSE [SITE FEATURES 12 AND 13 ON THE PLAN]**
- ALLOWABLE USES: COMMUNITY CENTER, EVENT CENTER RECREATION CENTER, RESTAURANT, COCKTAIL LOUNGE, AND BREWPUB; AND MUSIC VENUE (INDOOR AND OUTDOOR)
 - MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
 - MINIMUM DISTANCE TO OHWM = 15 FT.
 - MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.
- MIXED USE [MU1-MU4]**
- ALLOWABLE USES: GROUND FLOOR - PERMITTED USES IN THE B-2 DISTRICT, UPPER LEVELS - MULTIPLE FAMILY DWELLINGS
 - MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
 - MINIMUM DISTANCE TO OHWM = 15 FT.
 - MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.
- BOAT STORAGE BUILDING**
- ALLOWABLE USES: BOAT STORAGE AND SIMILAR OR ACCESSORY USE
 - MAXIMUM BUILDING HEIGHT = 50 FT.

GENERAL NOTES

- SPEED LIMITS THROUGHOUT THE PROPOSED DEVELOPMENT WILL BE A MAXIMUM OF 15 MPH.
- TYPICAL STREET TREE SPACING WILL BE 35 FT. TO 45 FT. ON CENTER, DEPENDING ON SPECIES AND SITE CONSTRAINTS (E.G. CONFLICTS WITH UTILITIES, STREET LIGHTS, DRIVEWAYS, ETC.)
- WAYFINDING SIGNAGE WILL BE STRATEGICALLY PLACED THROUGHOUT THE DEVELOPMENT TO DIRECT PEDESTRIANS TO SITE FEATURES INCLUDING KAYAK LAUNCHES, NATURAL FEATURES, TRAILS, FISHING PLATFORMS, PARKS, CLUBHOUSES, BIKE PATHS, RETAIL CORRIDOR(S), DOG PARKS, ETC.
- OUTDOOR ENTERTAINMENT AT THE RESTAURANT AND OTHER PUBLIC SPACES WILL BE ALLOWED BETWEEN THE HOURS OF 10 A.M. AND 11 P.M. AND NOT PERMITTED BETWEEN 11 P.M. AND 10 A.M.
- THERE WILL BE NO GATES OR FENCES WITHIN THE DEVELOPMENT EXCEPT FOR PIERS 1, 2, 3, AND 4; DOG PARKS; SPORT COURTS; PLAYGROUNDS, POOLS, DUMPSTER ENCLOSURES; AND ABOVE GROUND UTILITY SCREENING.
- ALL PUBLIC AMENITY AREAS WILL BE OWNED AND MAINTAINED BY THE DEVELOPMENT ASSOCIATION IN PERPETUITY AS A MEANS OF MAINTAINING A HIGH LEVEL OF CARE AND LESSENING THE BURDEN ON PUBLICLY FUNDED CITY AGENCIES.
- FINAL DUMPSTER ENCLOSURE LOCATIONS SHALL BE REVIEWED AND APPROVED BY CITY OF MUSKEGON STAFF.
- SNOW SHALL BE STORED IN DESIGNATED AREAS, AS SPECIFIED BY CITY OF MUSKEGON MAINTENANCE PERSONNEL OR REMOVED FROM THE SITE AS NEEDED.
- BIKE PARKING SHALL BE PROVIDED AT RETAIL CORRIDOR(S), CLUBHOUSES, AND VARIOUS PUBLIC SPACES THROUGHOUT THE DEVELOPMENT. FINAL LOCATIONS AND DESIGN OF BIKE PARKING FACILITIES TO BE COORDINATED WITH CITY OF MUSKEGON STAFF.
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- THE PROJECT WILL BE SERVED BY PUBLIC WATERMAIN, PUBLIC SANITARY SEWER, AND PUBLIC AND PRIVATE STORMWATER MANAGEMENT SYSTEMS. WATERMAIN, SANITARY SEWER, AND STORMWATER MANAGEMENT MEASURES SHALL MEET CITY, COUNTY, AND STATE OF MICHIGAN REQUIREMENTS. "DRY UTILITIES" WHICH INCLUDE ELECTRIC SERVICE, TELECOMMUNICATIONS, AND NATURAL GAS, WILL BE INSTALLED UNDERGROUND AND WILL BE PROVIDED TO EACH SITE.

October 05, 2023



North

0' 75' 150' 300' Scale: 1"=150'

WINDWARD POINTE

FINAL PUD PLAN

project number: 23201268



23201268-20231005-PREL1 10/05/2023 @ 3:49 PM



LEGEND

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October 05, 2023



North 0' 75' 150' 300' Scale: 1"=150'



LEGEND

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SITE ENTRANCE

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7

4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING [BUILDINGS A5-A22]

8

REAR LOAD ROWHOUSES (18' X 40' TYP.) [R1-R35]

9

MIXED-USE BUILDING (GROUND FLOOR RETAIL, APARTMENTS ABOVE) [MU1-MU4]

10

IN-OUT DRY BOAT STORAGE (155' X 720' BUILDING WITH APPROXIMATELY 350 STORAGE SPACES)

11

MARINA RESTROOMS

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CLUBHOUSES WITH POOLS AND SPORT COURTS

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CLUBHOUSE WITH RESTAURANT/EVENT SPACE, POOL, AND PUBLIC RESTROOMS

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RETAIL BUILDING

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PUBLIC NATURE VIEW BOARDWALK

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PUBLIC PARKLET WITH WATERFRONT ACCESS AND FISHING DOCK

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MULTIPLE FAMILY BUILDINGS [A1-A22]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLINGS (APARTMENTS OF CONDOMINIUMS), SENIOR LIVING FACILITY, AND PERMITTED USES WITHIN THE B-2 DISTRICT AT GROUND FLOOR OF BUILDINGS A1-A4
- MAXIMUM BUILDING HEIGHT = 6 STORIES OR 90 FT., WHICHEVER IS LESS
- MINIMUM BUILDING TO BUILDING SEPARATION (FOUNDATION WALL TO FOUNDATION WALL) = 35 FT.
- MINIMUM DISTANCE TO ADJACENT ROADS (EXCLUDES PARKING DRIVE AISLES) = 25 FT.

ROWHOUSES [R1-R35]

- ALLOWABLE USES: ATTACHED SINGLE FAMILY DWELLINGS
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM BUILDING TO BUILDING SEPARATION (FOUNDATION WALL TO FOUNDATION WALL) = 16 FT.
- MINIMUM DISTANCES TO ADJACENT ROAD OR SIDEWALK = 10 FT.

FRONT-LOADED MANSION LOTS [M1-M20 & M41-M57]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
- SETBACKS
FRONT YARD = 22 FT. MIN. (15 FT. MIN. ON SECONDARY FRONT YARD OF CORNER LOTS)
SIDE YARD = 5 FT. MIN.
REAR YARD = 15 FT. MIN.

REAR-LOADED MANSION LOTS [M21-M40]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
- SETBACKS
FRONT YARD = 12 FT. TO 20 FT. MIN. BUILD-TO-LINE (15 FT. MIN. SETBACK ON SECONDARY FRONT YARD OF CORNER LOTS)
SIDE YARD = 5 FT. MIN.
REAR YARD = 1 FT. MIN.

ALIGNED LOTS [34' X 150' TYP.]

- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
- SETBACKS
FRONT YARD = 22 FT. MIN.
SIDE YARD = 5 FT. MIN.
REAR YARD = 15 FT. MIN. FROM O.H.W.M.

STAGGERED LOTS [22'-26" X 205' TYP.]

- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
- SETBACKS
FRONT YARD = 22 FT. MIN.
SIDE YARD = 1 FT. MIN.
REAR YARD = 15 FT. MIN. FROM O.H.W.M.

CLUBHOUSE [SITE FEATURES 12 AND 13 ON THE PLAN]

- ALLOWABLE USES: COMMUNITY CENTER, EVENT CENTER RECREATION CENTER, RESTAURANT, COCKTAIL LOUNGE, AND BREWPUB; AND MUSIC VENUE (INDOOR AND OUTDOOR)
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM DISTANCE TO OHWM = 15 FT.
- MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.

MIXED USE [MU1-MU4]

- ALLOWABLE USES: GROUND FLOOR - PERMITTED USES IN THE B-2 DISTRICT, UPPER LEVELS - MULTIPLE FAMILY DWELLINGS
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM DISTANCE TO OHWM = 15 FT.
- MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.

BOAT STORAGE BUILDING

- ALLOWABLE USES: BOAT STORAGE AND SIMILAR OR ACCESSORY USE
- MAXIMUM BUILDING HEIGHT = 50 FT.

GENERAL NOTES

- SPEED LIMITS THROUGHOUT THE PROPOSED DEVELOPMENT WILL BE A MAXIMUM OF 15 MPH.
- TYPICAL STREET TREE SPACING WILL BE 35 FT. TO 45 FT. ON CENTER, DEPENDING ON SPECIES AND SITE CONSTRAINTS (E.G. CONFLICTS WITH UTILITIES, STREET LIGHTS, DRIVEWAYS, ETC.)
- WAYFINDING SIGNAGE WILL BE STRATEGICALLY PLACED THROUGHOUT THE DEVELOPMENT TO DIRECT PEDESTRIANS TO SITE FEATURES INCLUDING KAYAK LAUNCHES, NATURAL FEATURES, TRAILS, FISHING PLATFORMS, PARKS, CLUBHOUSES, BIKE PATHS, RETAIL CORRIDOR(S), DOG PARKS, ETC.
- OUTDOOR ENTERTAINMENT AT THE RESTAURANT AND OTHER PUBLIC SPACES WILL BE ALLOWED BETWEEN THE HOURS OF 10 A.M. AND 11 P.M. AND NOT PERMITTED BETWEEN 11 P.M. AND 10 A.M.
- THERE WILL BE NO GATES OR FENCES WITHIN THE DEVELOPMENT EXCEPT FOR PIERS 1, 2, 3, AND 4; DOG PARKS; SPORT COURTS; PLAYGROUNDS, POOLS, DUMPSTER ENCLOSURES; AND ABOVE GROUND UTILITY SCREENING.
- ALL PUBLIC AMENITY AREAS WILL BE OWNED AND MAINTAINED BY THE DEVELOPMENT ASSOCIATION IN PERPETUITY AS A MEANS OF MAINTAINING A HIGH LEVEL OF CARE AND LESSENING THE BURDEN ON PUBLICLY FUNDED CITY AGENCIES.
- FINAL DUMPSTER ENCLOSURE LOCATIONS SHALL BE REVIEWED AND APPROVED BY CITY OF MUSKEGON STAFF.
- SNOW SHALL BE STORED IN DESIGNATED AREAS, AS SPECIFIED BY CITY OF MUSKEGON MAINTENANCE PERSONNEL OR REMOVED FROM THE SITE AS NEEDED.
- BIKE PARKING SHALL BE PROVIDED AT RETAIL CORRIDOR(S), CLUBHOUSES, AND VARIOUS PUBIC SPACES THROUGHOUT THE DEVELOPMENT. FINAL LOCATIONS AND DESIGN OF BIKE PARKING FACILITIES TO BE COORDINATED WITH CITY OF MUSKEGON STAFF.
- PROPOSED LIGHTING SHALL CONSIST OF WALL-MOUNTED LIGHTS AND LIGHT POLES BOTH FITTED WITH DOWN CAST TYPE FIXTURES TO BE SPECIFIED BY LIGHTING CONSULTANT. LIGHTING SHALL BE COORDINATED WITH CITY STAFF TO CLUSTER IN DESIRED HIGH TRAFFIC PUBLIC AREAS. ALL LIGHTING SHALL BE SHIELDED FROM ADJACENT PROPERTIES.
- GROUND FLOOR LEVELS OF BUILDINGS A1-A4 ARE INTENDED TO BE REPURPOSED AS ADDITIONAL RETAIL OR OFFICE SPACE AS NEEDED PER MARKET CONDITIONS. THE CONVERSION OF GROUND FLOOR USES WILL BEGIN AT BUILDING A1 AND EXTEND TO THE EAST SEQUENTIALLY ENDING AT BUILDING A4.
- AREAS P7 AND P8 WILL NOT ALLOW FOR FISHING IF ADJACENT WATERS ARE FOUND TO BE UNSUITABLE BY ENVIRONMENTAL SPECIALISTS.
- TOPOGRAPHICAL REQUIREMENT PER 2101.3.E. EXISTING TOPOGRAPHY IS DEPICTED WITH CONTOURS AT 1-FT INTERVALS ON THE EXISTING CONDITIONS PLAN. FINAL TOPOGRAPHIC CHANGES SHALL BE IN COMPLIANCE WITH EGLE DUE CARE PLAN CRITERIA. AREAS OF FILL MUST BE COMPACTED TO DENSITY SPECIFIED BY GEOTECH CONSULTANT.
- THE PROJECT WILL BE SERVED BY PUBLIC WATERMAIN, PUBLIC SANITARY SEWER, AND PUBLIC AND PRIVATE STORMWATER MANAGEMENT SYSTEMS. WATERMAIN, SANITARY SEWER, AND STORMWATER MANAGEMENT MEASURES SHALL MEET CITY, COUNTY, AND STATE OF MICHIGAN REQUIREMENTS. "DRY UTILITIES" WHICH INCLUDE ELECTRIC SERVICE, TELECOMMUNICATIONS, AND NATURAL GAS, WILL BE INSTALLED UNDERGROUND AND WILL BE PROVIDED TO EACH SITE.



LEGEND

- 1 SITE ENTRANCE
- 2 SINGLE FAMILY STAGGERED LOT (26'-22" X 205' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS
- 3 SINGLE FAMILY ALIGNED LOT (34' X 150' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS
- 4 10-12 UNIT FRONT-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 150' TYP.)
- 5 10-12 UNIT REAR-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 115' TYP.)
- 6 4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING OR POSSIBLE FUTURE GROUND FLOOR RETAIL [BUILDINGS A1-A4]
- 7 4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING [BUILDINGS A5-A22]
- 8 REAR LOAD ROWHOUSES (18' X 40' TYP.) [R1-R35]
- 9 MIXED-USE BUILDING (GROUND FLOOR RETAIL, APARTMENTS ABOVE) [MU1-MU4]
- 10 IN-OUT DRY BOAT STORAGE (155' X 720' BUILDING WITH APPROXIMATELY 350 STORAGE SPACES)
- 11 MARINA RESTROOMS
- 12 CLUBHOUSES WITH POOLS AND SPORT COURTS
- 13 CLUBHOUSE WITH RESTAURANT/EVENT SPACE, POOL, AND PUBLIC RESTROOMS
- 14 RETAIL BUILDING
- 15 PUBLIC NATURE VIEW BOARDWALK
- 16 PUBLIC PARKLET WITH WATERFRONT ACCESS AND FISHING DOCK
- 17 PUBLIC FISHING AND KAYAK LAUNCH
- 18 MULTI-MODAL TRAIL CONNECTOR
- 19 POOL AND RESTROOM BUILDING
- 20 BOAT HOIST/WASH STATION AREA
- 21 STAGING SLIPS FOR IN/OUT SERVICE AND GAS DOCK / PUMP OUT DOCK
- 22 FENCED DOG PARK AND POLLINATOR GARDEN AREA
- 23 PLAYGROUND
- 24 WOODLAND PRESERVATION AREA AND ON-LEASH DOG PARK
- 25 FUTURE RESTAURANT
- 26 TRAFFIC CALMING STREET TREATMENTS (E.G. ROUNDABOUT, SIGNALIZED BIKE CROSSING) TO BE COORDINATED WITH CITY OF MUSKEGON
- 27 8 FT. BREAK WALL/WAVE ATTENUATOR WITH PUBLIC WALKING PATH, FISHING PLATFORM AND TRANSIENT/VISITOR/SHOPPER DOCKING ON NORTH AND SOUTH SIDES OF PIER

SUMMARY OF LAND USE

SITE LOCATION:	2400 LAKESHORE DR. MUSKEGON, MICHIGAN
SITE AREA	= 122.94 AC.
EXISTING ZONING	= I-2 (GENERAL INDUSTRIAL)
PROPOSED ZONING	= PUD (PLANNED UNIT DEVELOPMENT)
PROPOSED DWELLINGS	
26/22'X205' LOTS	= 108 DWELLINGS
34'X150' LOTS	= 112 DWELLINGS
10-12 UNIT "MANSION" LOT DWELLINGS	= 570-684 DWELLINGS (57 BLDGS)
APT/CONDO BUILDINGS	= 792-1,320 DWELLINGS (22 BLDGS)
18' X 40' TOWNHOMES	= 35 UNITS (10 BLDGS)
MIXED-USE APARTMENTS	= 55 DWELLINGS (4 BLDGS)
PROPOSED DENSITY	= 18.8 D.U./AC.
RETAIL/OFFICE SPACE (MU1-MU4) (NOT INCLUDING FUTURE IMPROVEMENTS)	= 42,780 SQ.FT.
BOAT STORAGE	= 111,600 SQ.FT. (350 SPACES)
BOAT DOCKING SPACES	
118' SLIP	= 251
103' SLIP	= 1 SLIP
98' SLIP	= 1 SLIP
93' SLIP	= 1 SLIP
60' SLIPS	= 24 SLIPS
50' SLIPS	= 77 SLIPS
45' SLIPS	= 54 SLIPS
40' SLIPS	= 56 SLIPS
TRANSIENT/VISITOR/SHOPPER DOCKING SPACES	= 1400 LINEAR FEET

SITE REGULATING STANDARDS

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October 05, 2023



North 0' 75' 150' 300' Scale: 1"=150'

WINDWARD POINTE

FINAL PUD PLAN

project number: 23201268





Windward Pointe

Stormwater Management Design Strategy

Criteria

Stormwater management for proposed Windward Pointe will meet the rigorous criteria established by the Muskegon County Water Resources Commissioner and the City of Muskegon.

- The City of Muskegon and their stormwater consultant team will review the design calculations and construction documents prior to construction of site infrastructure.
- A stormwater permit will be obtained from the City of Muskegon prior to the start of infrastructure construction.

Historical Site

Throughout Muskegon's history, stormwater runoff has been considered a "nuisance" that had to be disposed of quickly and without regarding to its real value. This is evidenced on the Windward Pointe property, which was the site of an industrial-era paper mill for many decades. The site was largely impervious, and stormwater runoff was allowed to simply flow away from the site with zero or very little clean-up or treatment techniques.



Windward Pointe Goals

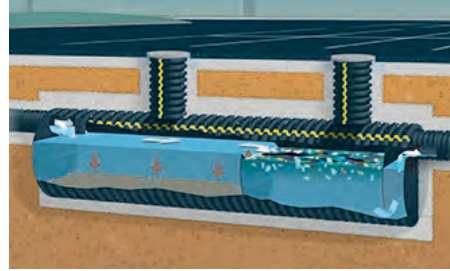


Recently it has been recognized that effective stormwater management means that we need to treat rainfall as a *resource that should be protected*, helping to ensure that future generations can enjoy the unique resources that we are blessed with. Windward Pointe shares this vision and goal for sustainability in its stormwater management design strategy.

Techniques

Stormwater runoff from streets can carry sediment, debris, chemicals, and pollutants, which must be cleaned and treated prior to discharge into our waterways.

- Underground infrastructure will include sediment trap sumps in catch basins and stormwater quality units (SWQU). SWQUs are designed to treat stormwater to remove debris collected in runoff including trash, sediment, oils, and other suspended solids.

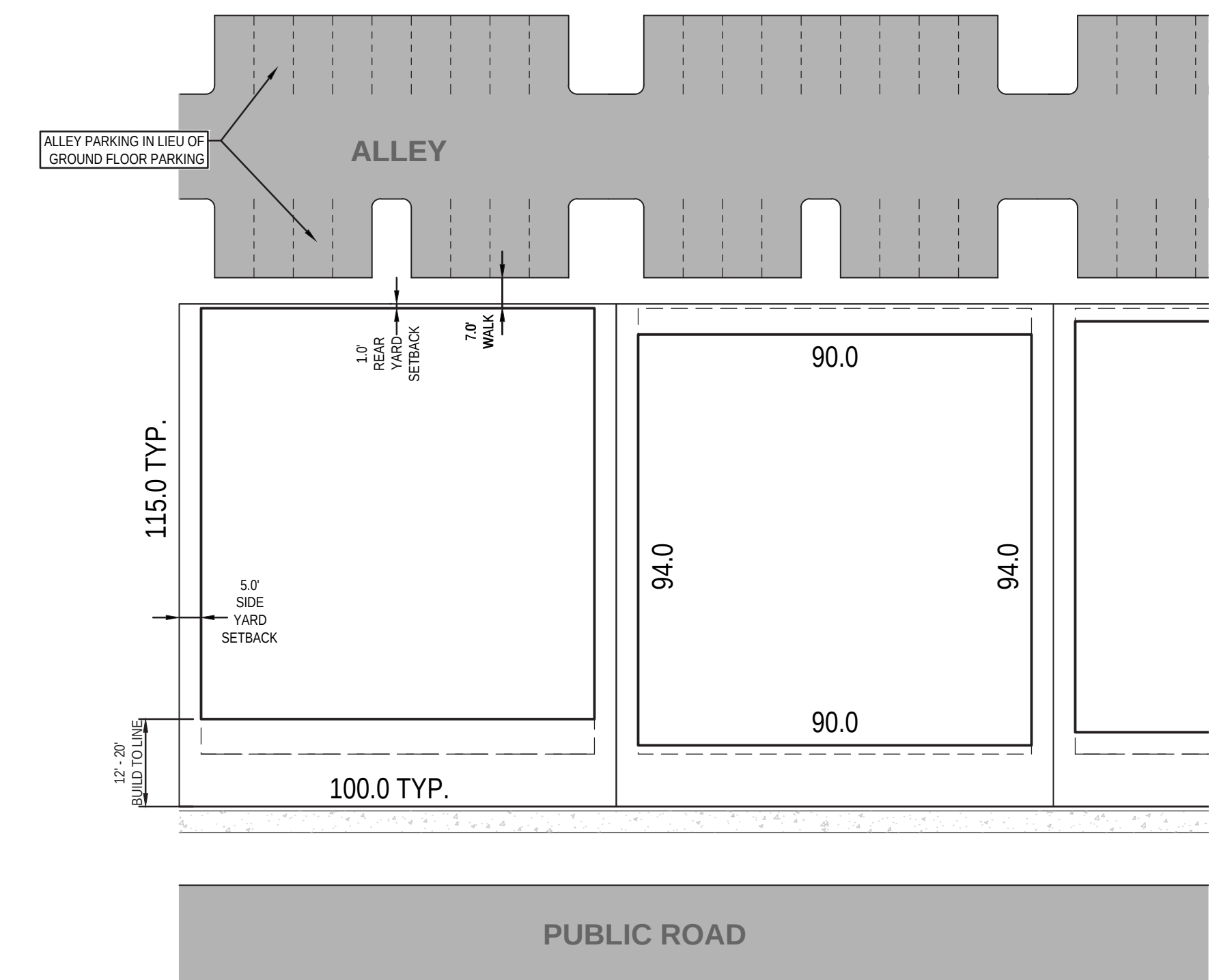
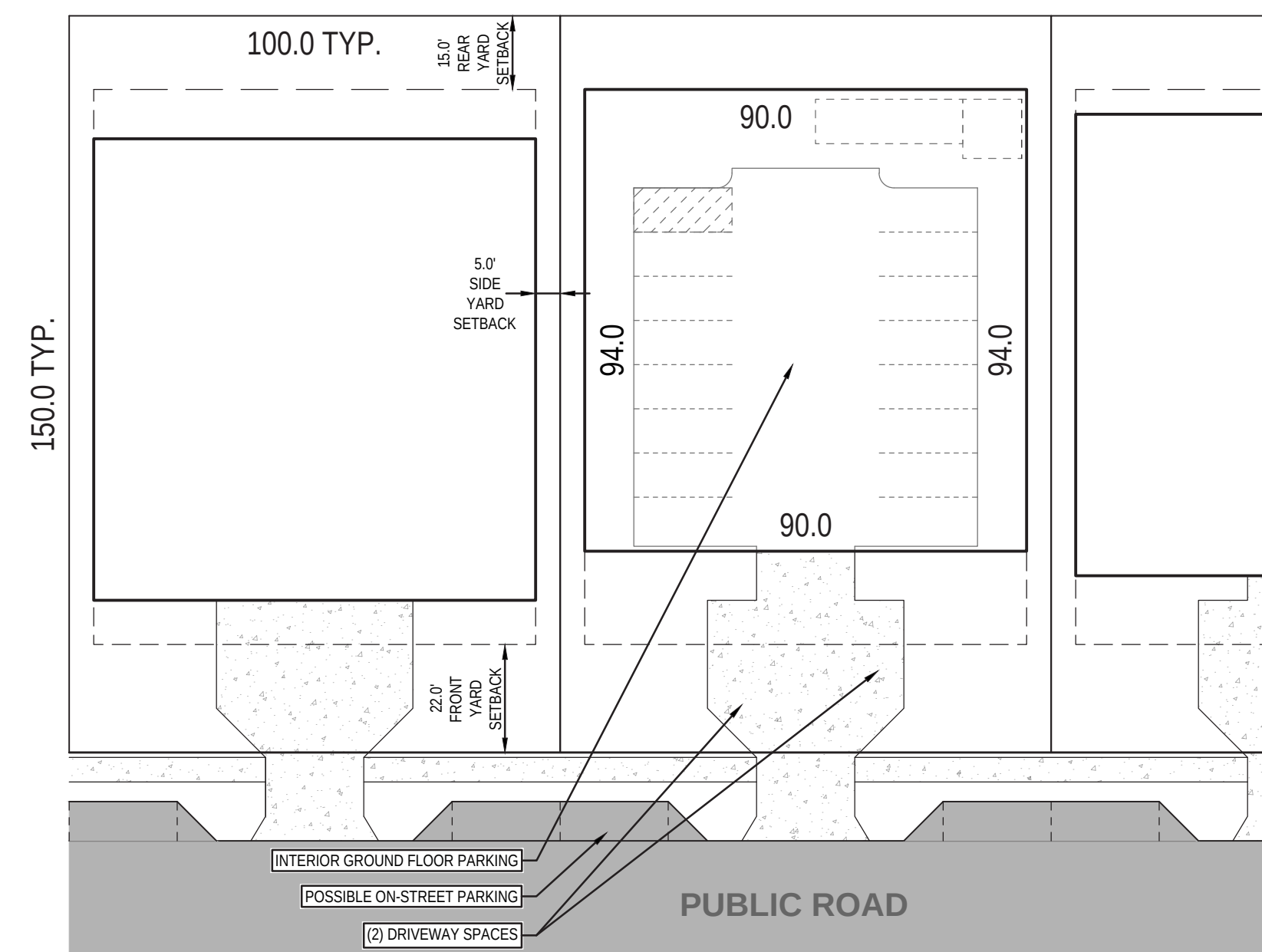
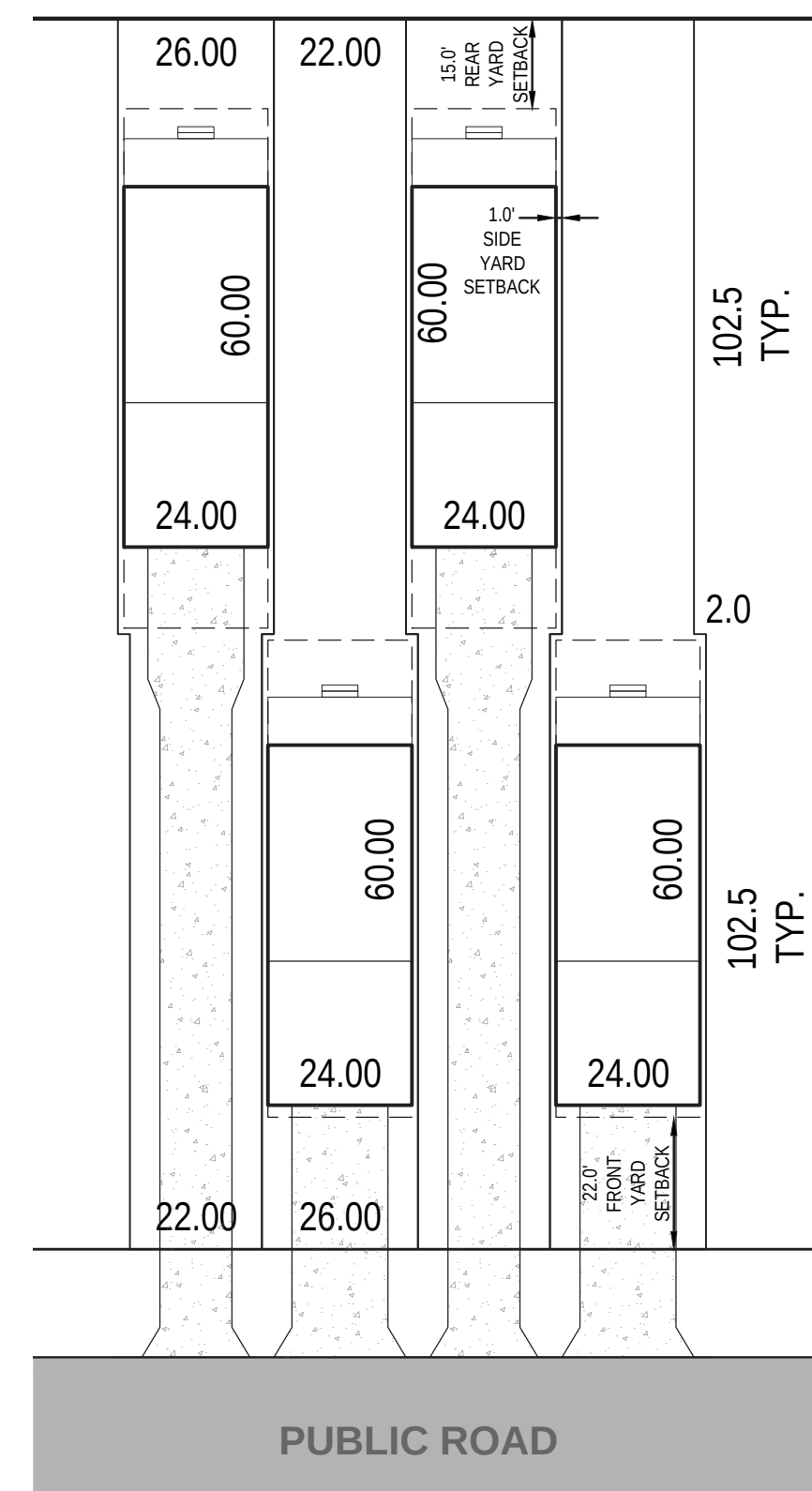
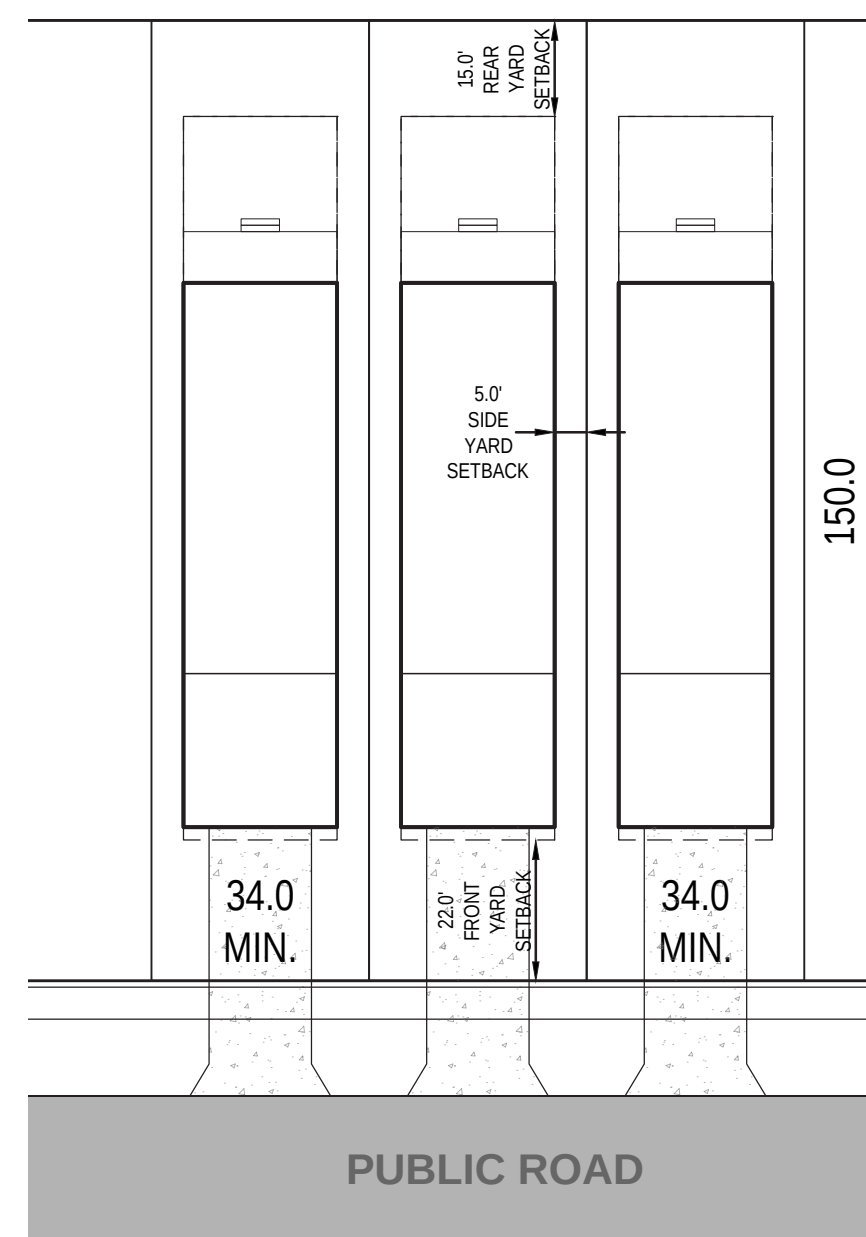


- Windward Pointe will also employ sustainable design measures such as planting strips, infiltration beds, bioretention cells, and bioswales to capture and treat stormwater runoff. Examples are shown below:

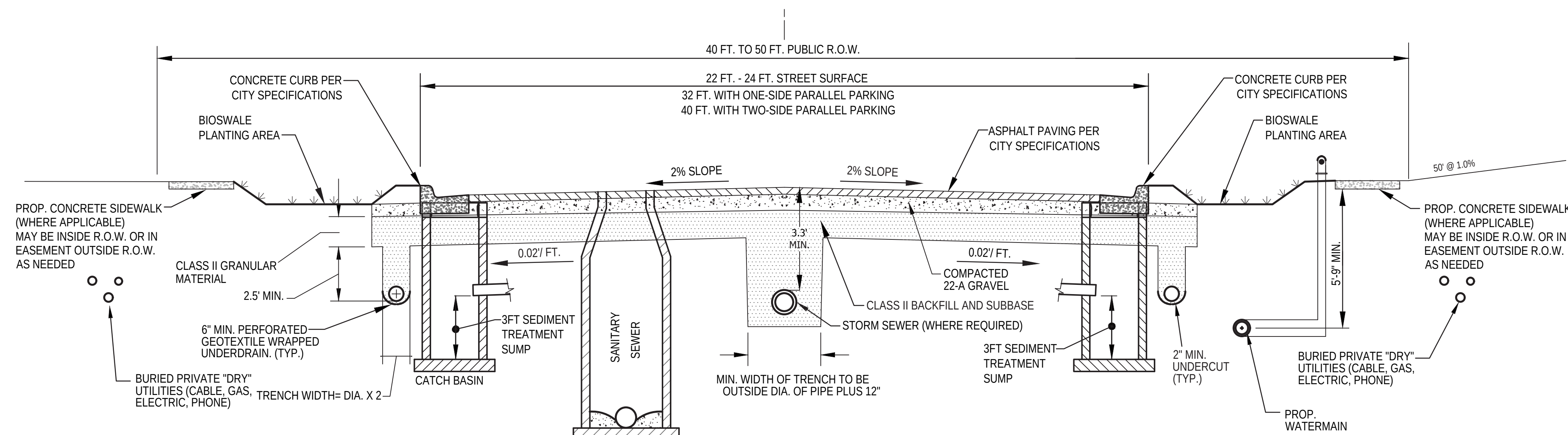


Standards

The design for the site will meet the standards set forth by the City of Muskegon, Muskegon County Water Resources Commissioner, and the Michigan Department of Environment, Great Lakes, and Energy. In particular, water quality will be the primary focus of stormwater management at Windward Pointe. To accomplish this, the project will be required to utilize Best Management Practices (BMPs) that provide treatment for approximately 3.3 million gallons of stormwater runoff, meeting County and City criteria for sediment and pollutant removal. These measures will include employing the techniques noted above.



N.T.S.



N.T.S.

WINDWARD POINTE

project number: 23201268



October 5, 2023

Jon Rooks
Parkland Properties of Michigan
75 W Walton Avenue STE A
Muskegon, MI 49440

City of Muskegon
Planning Department
933 Terrace Street
Muskegon, MI 49440

Re: Windward Pointe Lot and Building Parameters:

Homesite dwelling unit

1. The homesite dwelling unit shall have a minimum living area (excluding all basement area) of one thousand (1000) square feet with a minimum six hundred (600) square feet at the first floor. There is no maximum square footage. The second floor must be equal to or smaller than the first floor beneath including any garage.
2. Where the homesite design involves a roof pitch, it shall be a minimum pitch of 6/12, that is, for every twelve inches (12") of lateral run, the roof shall rise six inches (6"). In the case of additions or alterations to principal structures, the roof pitch shall be a minimum pitch of 6/12.
3. The roof shall have a snow load rating that meets the current Michigan Building Code.
4. Roof drainage shall be provided to direct storm or meltwater away from the foundation including hip, gambrel and mansard roofs.
5. Siding and trim systems shall be of an industry standard gauge suitable for on-site-built homes.
6. The dwelling unit shall have a minimum width of 18 feet across any front, side, and rear elevation view.
7. The front elevation view may have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.
8. Any single-story, residential structure shall not be more than three (3) times longer than its width (exclusive of an attached garage).
9. Garage doors may not compromise more than seventy-five percent (75%) of the front face of the structure.
10. Newly constructed homes must be set back fifteen (15') from the front property line.
11. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the current building code, manufacturers specifications, and any other applicable requirements.
12. Any crawlspace, partial or full height basement that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall

along the perimeter of the building.

13. There will be no mobile home dwelling units permitted on any lot except manufactured / modular homes that meet building code.
14. There will be no mobile home dwelling units, including their undercarriage and wheel apparatus, permitted on any lot except manufactured / modular homes that meet building code.
15. The dwelling unit shall be connected to a public sewer and water supply when available, as defined by the Plumbing Code. Backflow preventers are required in the basement or crawl space of each home.
16. There shall be a minimum storage space requirement of twenty (25) square feet within each dwelling unit (not including garage parking areas).
17. The subject dwelling unit shall be reasonably aesthetically compatible in design and appearance with other dwellings within two hundred (200) feet which shall be dictated in detail in the condominium by-laws. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as (but not limited to) solar energy, view, unique land contour, or eclectically combining traditional, cottage, contemporary or modern homes in the same development.
18. The compatibility of design and appearance shall be in accordance with the condominium by-laws.
19. The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
20. The dwelling unit shall comply with all pertinent structural, building and fire codes.
21. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.
22. Each dwelling unit shall have an established vegetative ground cover in less than 12 months after occupancy. A minimum of two shade trees, two inches (2") in diameter, four feet (4') from the ground or six foot (6') evergreen trees shall be provided.
23. Detached outbuildings, including garages, are allowed up to five hundred (500) square feet maximum at the rear yard of non-waterfront lots or the front yard of waterfront lots.
24. Front Yard Setback: Minimum fifteen (15') feet from the front property line.
25. Rear Yard Setback (waterfront lots): Minimum fifteen (15') feet from the rear property line.
26. Side Yard Setback: Minimum three (3) feet (however, only eaves, fireplaces, egress wells, and uncovered steps can be closer than five (5) feet); except on staggered lots, minimum zero (0') foot set back providing the homes are at least five (5) feet apart front to back.
27. Eaves, fireplaces, uncovered steps, and egress wells may encroach into all yard setbacks. All other parts of the home must be five (5) feet from the property line; except on staggered lots, minimum zero (0') foot set back providing the homes are at least five (5) feet apart front to back.

28. Building Height: Maximum forty-five (45) feet to the peak of any gable, gambrel or hip roofs, or to the top of any flat roofs.
29. Building height does not include chimneys, spires, cupolas, dormers, finials, antennae, railings, roof decks and access to the roof deck.
30. Number of Stories: Maximum three (3) not including basement and any roof deck and access to it.
31. All stories above grade may contain any combination of conditioned living space, outdoor space (covered or uncovered) and garage area.
32. One six hundred (600) maximum square foot, uncovered roof deck allowed above three (3) stories. No limit on first three (3) stories.
33. Garages are required with a maximum of three (3) stalls.
34. One (1) stall maximum carport is allowed in addition to the garage attached or unattached to any building.
35. Full or partial basements are allowed that are finished or unfinished.
36. Front porches are allowed and may be up to three (3) stories tall and a minimum 20% of the front elevation area.
37. Rear porches are allowed and may be up to three (3) stories tall and a minimum 20% of the rear elevation.
38. One (1) wraparound or side porch is allowed and may be up to two (2) stories tall and up to 50% of the side elevation.
39. Minimum eight (8) feet of separation between any buildings on the same lot.
40. All architectural designs must comply with the Condominium Association's bylaws, master deed, rules and regulations.

Mansion dwelling unit

41. The 'mansion' (condo and apartment) dwelling unit shall have a minimum living area (excluding all parking area) of five hundred (500) square feet. There is no maximum square footage.
42. Where the homesite design involves a roof pitch, it shall be a minimum pitch of 6/12, that is, for every twelve inches (12") of lateral run, the roof shall rise six inches (6"). In the case of additions or alterations to principal structures, the roof pitch shall be a minimum pitch of 6/12.
43. The roof shall have a snow load rating that meets the current Michigan Building Code.
44. Roof drainage shall be provided to direct storm or meltwater away from the foundation including hip, gambrel and mansard roofs.
45. Siding and trim systems shall be of an industry standard gauge suitable for on-site-built homes.

46. The dwelling unit shall have a minimum width of 14 feet across any front, side, and rear elevation view.
47. The front elevation view may have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.
48. Garage doors may not compromise more than sixty-five percent (65%) of the front face of the structure.
49. Newly constructed homes must be set back fifteen (15') from the front property line.
50. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the current building code, manufacturers specifications, and any other applicable requirements.
51. Any crawlspace, partial or full height basement that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.
52. There will be no mobile home dwelling units permitted on any lot.
53. There will be no mobile home dwelling units, including their undercarriage and wheel apparatus, permitted on any lot.
54. The dwelling unit shall be connected to a public sewer and water supply when available, as defined by the Plumbing Code. Backflow preventers are required in the basement or crawl space of each home.
55. There shall be a minimum storage space requirement of twenty five (25) square feet within each dwelling unit (not including garage parking areas).
56. The subject dwelling unit shall be reasonably aesthetically compatible in design and appearance with other dwellings within two hundred (200) feet which shall be dictated in detail in the condominium by-laws. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as (but not limited to) solar energy, view, unique land contour, or eclectically combining traditional, cottage, contemporary or modern homes in the same development.
57. The compatibility of design and appearance shall be in accordance with the condominium by-laws.
58. The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
59. The dwelling unit shall comply with all pertinent structural, building and fire codes.
60. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.
61. Each dwelling unit shall have an established vegetative ground cover in less than 12 months after

occupancy. A minimum of two shade trees, two inches (2") in diameter, four feet (4') from the ground or one six foot (6') evergreen tree shall be provided.

62. Detached outbuildings, including garages, are allowed up to five hundred (500) square feet maximum at the rear yard of non-waterfront lots or the front yard of waterfront lots.
63. Front Yard Setback: Minimum fifteen (15') feet from the front property line and nine (9) feet from the property line.
64. Rear Yard Setback (waterfront lots): Minimum zero (0') feet from 584 elevation (flood plaine).
65. Side Yard Setback: Minimum three (3) feet (however, only eaves, fireplaces, egress wells, and uncovered steps can be closer than five (5) feet).
66. Eaves, fireplaces, uncovered steps, and egress wells may encroach into all yard setbacks. All other parts of the home must be five (5) feet from the property line.
67. Building Height: Maximum seventy-five (75) feet to the peak of any gable, gambrel or hip roofs, or to the top of any flat roofs.
68. Building height does not include chimneys, spires, cupolas, dormers, finials, antennae, railings, roof decks and access to the roof deck.
69. Number of Stories: Maximum five (5) not including any roof deck and access to it.
70. All stories above grade may contain any combination of conditioned living space, outdoor space (covered or uncovered) and garage area.
71. One six hundred (600) maximum square foot, uncovered roof deck allowed above six (6) stories.
72. Optional common garages with a maximum of twelve (12) interior parking spots.
73. Front porches are allowed and may be up to five (5) stories tall and a minimum 20% of the front elevation area.
74. Rear porches are allowed and may be up to three (3) stories tall and a minimum 20% of the rear elevation.
75. One (1) wraparound or side porch is allowed and may be up to two (2) stories tall and up to 50% of the side elevation.
76. Minimum eight (8) feet of separation between any buildings on the same lot.
77. All architectural designs must comply with the Condominium Association's bylaws, master deed, rules and regulations.

Multi-family dwelling unit

78. The multi-family (condo and apartment) structure shall have a minimum living area of four hundred twenty five (425) square feet. There is no maximum square footage.
79. Where the design involves a roof pitch, it shall be a minimum pitch of 6/12, that is, for every

twelve inches (12") of lateral run, the roof shall rise six inches (6"). In the case of additions or alterations to principal structures, the roof pitch shall be a minimum pitch of 6/12.

80. The roof shall have a snow load rating that meets the current Michigan Building Code.
81. Roof drainage shall be provided to direct storm or meltwater away from the foundation including hip, gambrel and mansard roofs.
82. Siding and trim systems shall be of an industry standard gauge suitable for on-site-built homes.
83. The structure shall have a minimum width of 10 feet across any front, side, and rear elevation view.
84. The front elevation view may have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.
85. Garage doors may not compromise more than ninety-five percent (95%) of the front face of the structure.
86. Newly constructed structures must be set back fifteen (15') from the front property line.
87. The structure shall be firmly attached to a permanent foundation constructed on the site in accordance with the current building code, manufacturers specifications, and any other applicable requirements.
88. Any crawlspace, partial or full height basement that may exist between the foundation and ground floor of the structure shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.
89. There will be no mobile home dwelling units permitted on any lot.
90. There will be no mobile home dwelling units, including their undercarriage and wheel apparatus, permitted on any lot.
91. The dwelling unit shall be connected to a public sewer and water supply when available, as defined by the Plumbing Code. Backflow preventers are required in the basement or crawl space of each home.
92. The subject dwelling unit shall be reasonably aesthetically compatible in design and appearance with other dwellings within two (200) feet which shall be dictated in detail in the condominium by-laws. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as (but not limited to) solar energy, view, unique land contour, or eclectically combining traditional, cottage, contemporary or modern homes in the same development.
93. The compatibility of design and appearance shall be in accordance with the condominium by-laws.
94. The structure shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
95. The structure shall comply with all pertinent structural, building and fire codes.

96. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.
97. Each structure shall have an established vegetative ground cover in less than 12 months after occupancy. A minimum of two shade tree, two inches (2") in diameter, four feet (4') from the ground or one six foot (6') evergreen tree shall be provided.
98. Detached outbuildings, including garages, are allowed up to five hundred (500) square feet maximum at the rear yard of non-waterfront lots or the front yard of waterfront lots.
99. Front Yard Setback: Minimum fifteen (15') feet from the front property line and nine (9) feet from the property line.
100. Rear Yard Setback (waterfront lots): Minimum zero (0') feet from 584 elevation (flood plaine).
101. Side Yard Setback: Minimum three (3) feet (however, only eaves, fireplaces, egress wells, and uncovered steps can be closer than five (5) feet).
102. Eaves, fireplaces, uncovered steps, and egress wells may encroach into all yard setbacks. All other parts of the home must be five (5) feet from the property line.
103. Building Height: Maximum ninety (90) feet to the peak of any gable, gambrel or hip roofs, or to the top of any flat roofs.
104. Building height does not include chimneys, spires, cupolas, dormers, finials, antennae, railings, roof decks and access to the roof deck.
105. Number of Stories: Maximum six (6) not including any roof deck and access to it.
106. All stories above grade may contain any combination of conditioned living space, outdoor space (covered or uncovered) and garage area.
107. One six hundred (600) maximum square foot, uncovered roof deck allowed above three (3) stories.
108. Garages are not required.
109. Carports are allowed in addition to surface lot, or garage parking with the first floor of the building.
110. Full or partial basements are allowed that are finished or unfinished.
111. Front porches are allowed and may be up to six (6) stories tall and a minimum 20% of the front elevation area.
112. Rear porches are allowed and may be up to six (6) stories tall and a minimum 20% of the rear elevation.
113. One (1) wraparound or side porch is allowed and may be up to six (6) stories tall and up to 50% of the side elevation.

114. Minimum eight (8) feet of separation between any buildings on the same lot.

115. All architectural designs must comply with the Condominium Association's bylaws, master deed, rules and regulations.



Design inspiration deck



Public amenity summary

- 5.63 acres of waterfront property
- ~1,000 linear feet directly on Muskegon Lake
- ~1,900 linear feet of proposed Muskegon Lake boardwalk
- The above does not include publicly accessible roadways and sidewalks, retail corridors, or bike paths



Design inspiration deck

Retail corridor



Design inspiration deck

Retail corridor



Design inspiration deck

Retail corridor



Design inspiration deck

Retail corridor



Design inspiration deck

Retail corridor



Retail corridor targeted uses for 20 to 40 business tenants (43,000 to 95,000 SF of available space based on demand):

- Restaurants/bars/distilleries/breweries/wineries/meaderies
- Fitness center/studio
- Day care
- Pet care
- Veterinarian
- Hair salon and spa
- Massage therapy
- Coffee shop
- Other amenity and experience driven businesses

Design inspiration deck

Retail corridor



Design inspiration deck

5,000 to 10,000 SF waterfront homes



Design inspiration deck

5,000 to 10,000 SF waterfront homes



Design inspiration deck Townhomes / 2 to 3 beds / 2-stall garages



Design inspiration deck

Condo/apartment 'mansions'



Design inspiration deck

Condo/apartment 'mansions'



Design inspiration deck



Condo/apartment 'mansions'



Design inspiration deck

Condo/apartment/senior housing/retail



Design inspiration deck

Condo/apartment/senior housing/retail



Design inspiration deck

Condo/apartment/senior housing/garage



Design inspiration deck



2,000 to 5,000 SF waterfront homes



Design inspiration deck

1,800 to 3,500 SF waterfront homes



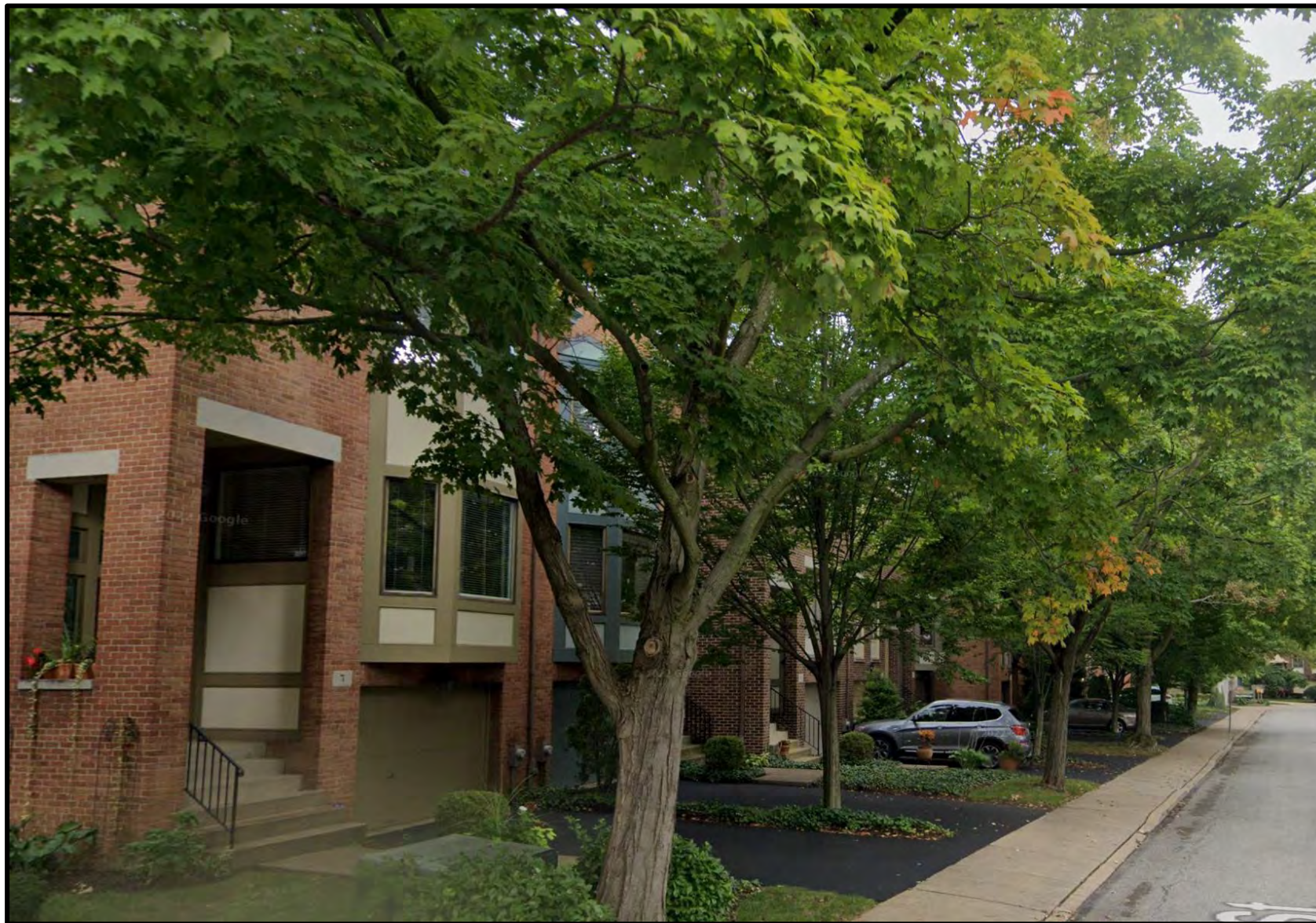
Design inspiration deck

1,800 to 3,500 SF waterfront homes



Design inspiration deck

Landscape enhancements for high density



Design inspiration deck

Landscape enhancements for high density



Design inspiration deck Landscape enhancements for high density



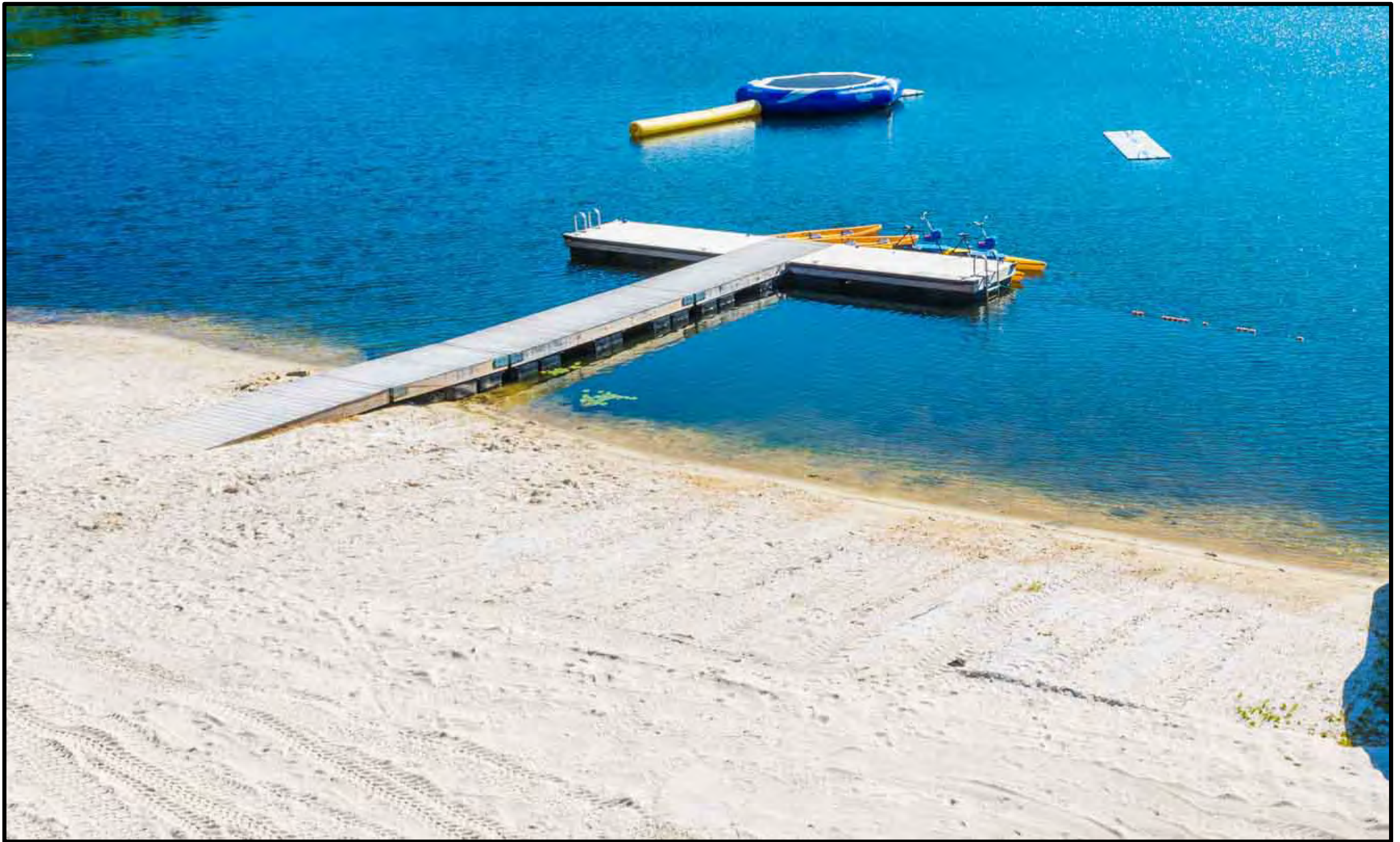
Design inspiration deck

Public kayak launch



Design inspiration deck

Public fishing piers



Design inspiration deck

Public beach



Design inspiration deck

Public nature boardwalk



Design inspiration deck

Pollinator garden



Design inspiration deck

Public playground



Design inspiration deck

Public mature wooded park

23201268-20231005-PREL1 10/06/2023 @ 2:34 pm



LEGEND

1

SITE ENTRANCE

2

SINGLE FAMILY STAGGERED LOT (26'-22" X 205' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS

3

SINGLE FAMILY ALIGNED LOT (34' X 150' TYP.) - MAY BE COMBINED TO CREATE LARGER WATERFRONT LOTS

4

10-12 UNIT FRONT-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 150' TYP.)

5

10-12 UNIT REAR-LOADED CONDO OR APARTMENT "MANSION" LOTS (100' X 115' TYP.)

6

4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING OR POSSIBLE FUTURE GROUND FLOOR RETAIL [BUILDINGS A1-A4]

7

4 TO 6-STORY APARTMENT OR CONDO BUILDING WITH GROUND FLOOR PARKING [BUILDINGS A5-A22]

8

REAR LOAD ROWHOUSES (18' X 40' TYP.) [R1-R35]

9

MIXED-USE BUILDING (GROUND FLOOR RETAIL, APARTMENTS ABOVE) [MU1-MU4]

10

IN-OUT DRY BOAT STORAGE (155' X 720' BUILDING WITH APPROXIMATELY 350 STORAGE SPACES)

11

MARINA RESTROOMS

12

CLUBHOUSES WITH POOLS AND SPORT COURTS

13

CLUBHOUSE WITH RESTAURANT/EVENT SPACE, POOL, AND PUBLIC RESTROOMS

14

RETAIL BUILDING

15

PUBLIC NATURE VIEW BOARDWALK

16

PUBLIC PARKLET WITH WATERFRONT ACCESS AND FISHING DOCK

17

PUBLIC FISHING AND KAYAK LAUNCH

18

MULTI-MODAL TRAIL CONNECTOR

19

POOL AND RESTROOM BUILDING

20

BOAT HOIST/WASH STATION AREA

21

STAGING SLIPS FOR IN/OUT SERVICE AND GAS DOCK / PUMP OUT DOCK

22

FENCED DOG PARK AND POLLINATOR GARDEN AREA

23

PLAYGROUND

24

WOODLAND PRESERVATION AREA AND ON-LEASH DOG PARK

25

FUTURE RESTAURANT

26

TRAFFIC CALMING STREET TREATMENTS (E.G. ROUNDABOUT, SIGNALIZED BIKE CROSSING) TO BE COORDINATED WITH CITY OF MUSKEGON

27

8 FT. BREAK WALL/WAVE ATTENUATOR WITH PUBLIC WALKING PATH, FISHING PLATFORM AND TRANSIENT/VISITOR/SHOPPER DOCKING ON NORTH AND SOUTH SIDES OF PIER

SUMMARY OF LAND USE

SITE LOCATION:	2400 LAKESHORE DR. MUSKEGON, MICHIGAN																
SITE AREA	= 122.94 AC.																
EXISTING ZONING	= I-2 (GENERAL INDUSTRIAL)																
PROPOSED ZONING	= PUD (PLANNED UNIT DEVELOPMENT)																
PROPOSED DWELLINGS	<table><tr><td>26/22'X205' LOTS</td><td>= 108 DWELLINGS</td></tr><tr><td>34'X150' LOTS</td><td>= 112 DWELLINGS</td></tr><tr><td>10-12 UNIT "MANSION" LOT DWELLINGS</td><td>= 570-684 DWELLINGS (57 BLDGS)</td></tr><tr><td>APT/CONDO BUILDINGS</td><td>= 792-1,320 DWELLINGS (22 BLDGS)</td></tr><tr><td>18' X 40' TOWNHOMES</td><td>= 35 UNITS (10 BLDGS)</td></tr><tr><td>MIXED-USE APARTMENTS</td><td>= 55 DWELLINGS (4 BLDGS)</td></tr></table>	26/22'X205' LOTS	= 108 DWELLINGS	34'X150' LOTS	= 112 DWELLINGS	10-12 UNIT "MANSION" LOT DWELLINGS	= 570-684 DWELLINGS (57 BLDGS)	APT/CONDO BUILDINGS	= 792-1,320 DWELLINGS (22 BLDGS)	18' X 40' TOWNHOMES	= 35 UNITS (10 BLDGS)	MIXED-USE APARTMENTS	= 55 DWELLINGS (4 BLDGS)				
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18' X 40' TOWNHOMES	= 35 UNITS (10 BLDGS)																
MIXED-USE APARTMENTS	= 55 DWELLINGS (4 BLDGS)																
PROPOSED DENSITY	= 18.8 D.U./AC.																
RETAIL/OFFICE SPACE (MU1-MU4) (NOT INCLUDING FUTURE IMPROVEMENTS)	= 42,780 SQ.FT.																
BOAT STORAGE	= 111,600 SQ.FT. (350 SPACES)																
BOAT DOCKING SPACES	= 251																
	<table><tr><td>118' SLIP</td><td>= 1 SLIP</td></tr><tr><td>103' SLIP</td><td>= 1 SLIP</td></tr><tr><td>98' SLIP</td><td>= 1 SLIP</td></tr><tr><td>93' SLIPS</td><td>= 1 SLIP</td></tr><tr><td>60' SLIPS</td><td>= 24 SLIPS</td></tr><tr><td>50' SLIPS</td><td>= 77 SLIPS</td></tr><tr><td>45' SLIPS</td><td>= 54 SLIPS</td></tr><tr><td>40' SLIPS</td><td>= 56 SLIPS</td></tr></table>	118' SLIP	= 1 SLIP	103' SLIP	= 1 SLIP	98' SLIP	= 1 SLIP	93' SLIPS	= 1 SLIP	60' SLIPS	= 24 SLIPS	50' SLIPS	= 77 SLIPS	45' SLIPS	= 54 SLIPS	40' SLIPS	= 56 SLIPS
118' SLIP	= 1 SLIP																
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98' SLIP	= 1 SLIP																
93' SLIPS	= 1 SLIP																
60' SLIPS	= 24 SLIPS																
50' SLIPS	= 77 SLIPS																
45' SLIPS	= 54 SLIPS																
40' SLIPS	= 56 SLIPS																
TRANSIENT/VISITOR/SHOPPER DOCKING SPACES	= 1400 LINEAR FEET																

SITE REGULATING STANDARDS

MULTIPLE FAMILY BUILDINGS [A1-A22]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLINGS (APARTMENTS OF CONDOMINIUMS), SENIOR LIVING FACILITY, AND PERMITTED USES WITHIN THE B-2 DISTRICT AT GROUND FLOOR OF BUILDINGS A1-A4
- MAXIMUM BUILDING HEIGHT = 6 STORIES OR 90 FT., WHICHEVER IS LESS
- MINIMUM BUILDING TO BUILDING SEPARATION [FOUNDATION WALL TO FOUNDATION WALL] = 35 FT.
- MINIMUM DISTANCE TO ADJACENT ROADS (EXCLUDES PARKING DRIVE AISLES) = 25 FT.

ROWHOUSES [R1-R35]

- ALLOWABLE USES: ATTACHED SINGLE FAMILY DWELLINGS
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM BUILDING TO BUILDING SEPARATION [FOUNDATION WALL TO FOUNDATION WALL] = 16 FT.
- MINIMUM DISTANCES TO ADJACENT ROAD OR SIDEWALK = 10 FT.

FRONT-LOADED MANSION LOTS [M1-M20 & M41-M57]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
- SETBACKS
FRONT YARD = 22 FT. MIN. (15 FT. MIN. ON SECONDARY FRONT YARD OF CORNER LOTS)
SIDE YARD = 5 FT. MIN.
REAR YARD = 15 FT. MIN.

REAR-LOADED MANSION LOTS [M21-M40]

- ALLOWABLE USES: MULTIPLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 5 STORIES OR 80 FT., WHICHEVER IS LESS
- SETBACKS
FRONT YARD = 12 FT. TO 20 FT. MIN. BUILD-TO-LINE (15 FT. MIN. SETBACK ON SECONDARY FRONT YARD OF CORNER LOTS)
SIDE YARD = 5 FT. MIN.
REAR YARD = 1 FT. MIN.

ALIGNED LOTS [34' X 150' TYP.]

- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
- SETBACKS
FRONT YARD = 22 FT. MIN.
SIDE YARD = 5 FT. MIN.
REAR YARD = 15 FT. MIN. FROM O.H.W.M.

STAGGERED LOTS [22-26' X 205' TYP.]

- ALLOWABLE USES: DETACHED SINGLE FAMILY DWELLING
- MAXIMUM BUILDING HEIGHT = 3 STORIES PLUS BASEMENT
- SETBACKS
FRONT YARD = 22 FT. MIN.
SIDE YARD = 1 FT. MIN.
REAR YARD = 15 FT. MIN. FROM O.H.W.M.

CLUBHOUSE [SITE FEATURES 12 AND 13 ON THE PLAN]

- ALLOWABLE USES: COMMUNITY CENTER, EVENT CENTER RECREATION CENTER, RESTAURANT, COCKTAIL LOUNGE, AND BREWPUB; AND MUSIC VENUE (INDOOR AND OUTDOOR)
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM DISTANCE TO OHWM = 15 FT.
- MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.

MIXED USE [MU1-MU4]

- ALLOWABLE USES: GROUND FLOOR - PERMITTED USES IN THE B-2 DISTRICT, UPPER LEVELS - MULTIPLE FAMILY DWELLINGS
- MAXIMUM BUILDING HEIGHT = 3 STORIES OR 50 FT., WHICHEVER IS LESS
- MINIMUM DISTANCE TO OHWM = 15 FT.
- MINIMUM DISTANCE FROM ADJACENT LOT LINES = 15 FT.

BOAT STORAGE BUILDING

- ALLOWABLE USES: BOAT STORAGE AND SIMILAR OR ACCESSORY USE
- MAXIMUM BUILDING HEIGHT = 50 FT.

GENERAL NOTES

- SPEED LIMITS THROUGHOUT THE PROPOSED DEVELOPMENT WILL BE A MAXIMUM OF 15 MPH.
- TYPICAL STREET TREE SPACING WILL BE 35 FT. TO 45 FT. ON CENTER, DEPENDING ON SPECIES AND SITE CONSTRAINTS (E.G. CONFLICTS WITH UTILITIES, STREET LIGHTS, DRIVEWAYS, ETC.)
- WAYFINDING SIGNAGE WILL BE STRATEGICALLY PLACED THROUGHOUT THE DEVELOPMENT TO DIRECT PEDESTRIANS TO SITE FEATURES INCLUDING KAYAK LAUNCHES, NATURAL FEATURES, TRAILS, FISHING PLATFORMS, PARKS, CLUBHOUSES, BIKE PATHS, RETAIL CORRIDOR(S), DOG PARKS, ETC.
- OUTDOOR ENTERTAINMENT AT THE RESTAURANT AND OTHER PUBLIC SPACES WILL BE ALLOWED BETWEEN THE HOURS OF 10 A.M. AND 11 P.M. AND NOT PERMITTED BETWEEN 11 P.M. AND 10 A.M.
- THERE WILL BE NO GATES OR FENCES WITHIN THE DEVELOPMENT EXCEPT FOR PIERS 1, 2, 3, AND 4; DOG PARKS; SPORT COURTS; PLAYGROUNDS, POOLS, DUMPSTER ENCLOSURES; AND ABOVE GROUND UTILITY SCREENING.
- ALL PUBLIC AMENITY AREAS WILL BE OWNED AND MAINTAINED BY THE DEVELOPMENT ASSOCIATION IN PERPETUITY AS A MEANS OF MAINTAINING A HIGH LEVEL OF CARE AND LESSENING THE BURDEN ON PUBLICLY FUNDED CITY AGENCIES.
- FINAL DUMPSTER ENCLOSURE LOCATIONS SHALL BE REVIEWED AND APPROVED BY CITY OF MUSKEGON STAFF.
- SNOW SHALL BE STORED IN DESIGNATED AREAS, AS SPECIFIED BY CITY OF MUSKEGON MAINTENANCE PERSONNEL OR REMOVED FROM THE SITE AS NEEDED.
- BIKE PARKING SHALL BE PROVIDED AT RETAIL CORRIDOR(S), CLUBHOUSES, AND VARIOUS PUBLIC SPACES THROUGHOUT THE DEVELOPMENT. FINAL LOCATIONS AND DESIGN OF BIKE PARKING FACILITIES TO BE COORDINATED WITH CITY OF MUSKEGON STAFF.
- PROPOSED LIGHTING SHALL CONSIST OF WALL-MOUNTED LIGHTS AND LIGHT POLES BOTH FITTED WITH DOWN CAST TYPE FIXTURES TO BE SPECIFIED BY LIGHTING CONSULTANT. LIGHTING SHALL BE COORDINATED WITH CITY STAFF TO CLUSTER IN DESIRED HIGH TRAFFIC PUBLIC AREAS. ALL LIGHTING SHALL BE SHIELDED FROM ADJACENT PROPERTIES.
- GROUND FLOOR LEVELS OF BUILDINGS A1-A4 ARE INTENDED TO BE REPURPOSED AS ADDITIONAL RETAIL OR OFFICE SPACE AS NEEDED PER MARKET CONDITIONS. THE CONVERSION OF GROUND FLOOR USES WILL BEGIN AT BUILDING A1 AND EXTEND TO THE EAST SEQUENTIALLY ENDING AT BUILDING A4.
- AREAS P7 AND P8 WILL NOT ALLOW FOR FISHING IF ADJACENT WATERS ARE FOUND TO BE UNSUITABLE BY ENVIRONMENTAL SPECIALISTS.
- TOPOGRAPHICAL REQUIREMENT PER 2101.3.E. EXISTING TOPOGRAPHY IS DEPICTED WITH CONTOURS AT 1-FT INTERVALS ON THE EXISTING CONDITIONS PLAN. FINAL TOPOGRAPHIC CHANGES SHALL BE IN COMPLIANCE WITH EGLE DUE CARE PLAN CRITERIA. AREAS OF FILL MUST BE COMPACTED TO DENSITY SPECIFIED BY GEOTECH CONSULTANT.
- THE PROJECT WILL BE SERVED BY PUBLIC WATERMAIN, PUBLIC SANITARY SEWER, AND PUBLIC AND PRIVATE STORMWATER MANAGEMENT SYSTEMS. WATERMAIN, SANITARY SEWER, AND STORMWATER MANAGEMENT MEASURES SHALL MEET CITY, COUNTY, AND STATE OF MICHIGAN REQUIREMENTS. "DRY UTILITIES" WHICH INCLUDE ELECTRIC SERVICE, TELECOMMUNICATIONS, AND NATURAL GAS, WILL BE INSTALLED UNDERGROUND AND WILL BE PROVIDED TO EACH SITE.

WINDWARD POINTE

FINAL PUD PLAN - PHASING PLAN

project number: 23201268

October 06, 2023

North

0'

75'

150'

300'

Scale: 1"=150'

NEDERVELD



Windward Pointe Public Amenity Area Summary

I. Public Amenity Areas Directly on Muskegon Lake

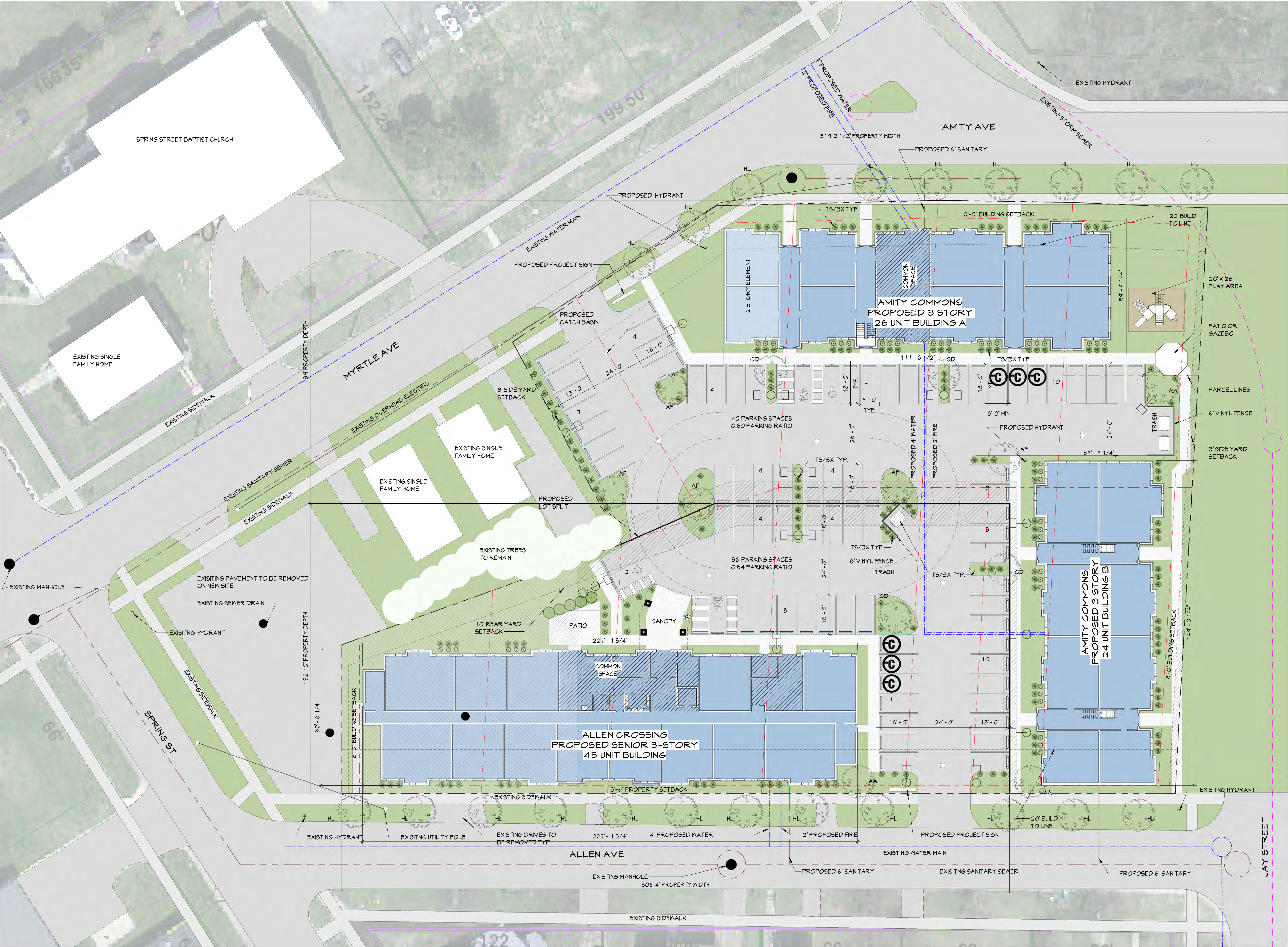
Area	Total Area - Sq. Ft.		Public Waterfront Linear Feet		Public Waterfront Boardwalk Linear Feet	
P1	12,917	Sq. Ft.	180	LF	-	
P2	43,236	Sq. Ft.	-		1,454	LF
P3	32,366	Sq. Ft.	304	LF	-	
P4	1,473	Sq. Ft.	69	LF	-	
P5	5,349	Sq. Ft.	19	LF	-	
P6	2,926	Sq. Ft.	69	LF	-	
P7	1,010	Sq. Ft.	67	LF	-	
P8	7,482	Sq. Ft.	123	LF	-	
P9	9,856	Sq. Ft.	49	LF	-	
P10	21,181	Sq. Ft.	-		-	
P11	111,895	Sq. Ft.	-		-	
P12	4,721	Sq. Ft.	90	LF	-	
P13	4,152	Sq. Ft.	-		519	LF
P14	17,368	Sq. Ft.	-		-	
P15	Length is 4,093 LF		-		-	
Totals	275,932	Sq. Ft.	970	LF	1,973	LF
(~ 12% of waterfront land frontage)						

Total Length of Waterfront Access	2,943 LF
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Total Area of Waterfront Amenities	275,932 SqFt 6.33 Acres
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II. Other Public Amenity Areas - Internal to Site

Public Bike Trail Length	4,093 LF
Public Bike Trail Area	32,744 Sq.Ft. (0.75 acres)
New Public Sidewalk Length	26,459 LF
New Public Sidewalk Area	132,295 Sq.Ft. (3.04 acres)
New 15 MPH Roadway Length	10,394 LF
New 15 MPH Roadway Area	703,817 Sq.Ft. (16.16 acres)



APPLICANT INFORMATION
SPIRE DEVELOPMENT, INC.
330 N SPRING STREET, STE 430
COLUMBUS, OH 43215
CONTACT: SEAN MCMICKLE
614-350-0391
PARCELS/ ADDRESSES

134 ALLEN AVE
61-24-205-208-0010-00
148 ALLEN AVE
61-24-205-208-0012-00
158 ALLEN AVE
61-24-205-208-0013-00
168 ALLEN AVE
61-24-205-208-0014-00
174 ALLEN AVE
61-24-205-208-0014-10
186 ALLEN AVE
61-24-205-208-0015-00
423 JAY STREET
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169 AMITY AVE
61-24-205-208-0002-00
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61-24-205-208-0003-00
134 MYRTLE AVE
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GENERAL NOTES:
• ALL EXISTING TREES ON SITE TO BE REMOVED

• NO PORTION OF PROPERTY IS LOCATED IN EITHER THE 100 OR 500 YEAR FLOOD PLAIN

GENERAL ZONING INFORMATION:

ZONING CLASSIFICATION: CD-5
MAX BUILDING HEIGHT: 15'-0"

BUILDING A SITE
50,031 SF SITE = 1.15 ACRES
LOT COVERAGE = 9,038 SF / 50,031 SF = 18.1%
DENSITY: 26 DU / 1.15 ACRES = 22.6 DU/ACRE

BUILDING B SITE
50,031 SF SITE = 1.15 ACRES
LOT COVERAGE = 7,561 SF / 50,031 SF = 15.1%
DENSITY: 24 DU / 1.15 ACRES = 20.9 DU/ACRE

TOTAL SITE AREA
50,031 SF SITE = 1.15 ACRES
50 DU / 1.15 ACRES = 43.5 DU/ACRE
TOTAL LOT COVERAGE
BUILDINGS = 16,599 SF / 50,031 SF = 33.2%
PAVEMENT = 20,824 SF / 50,031 SF = 42%
TOTAL COVERAGE = 75.2%

MULTI-FAMILY BLDGS
21,114 GSF BUILDING A
22,683 GSF BUILDING B
49,797 GSF TOTAL

3 STORY BUILDING A
(14) 1BR UNITS
(8) 2BR UNITS
(6) 3BR UNITS
(26) UNITS TOTAL

3 STORY BUILDING B
(6) 1BR UNITS
(12) 2BR UNITS
(6) 3BR UNITS
(24) UNITS TOTAL

MULTI-FAMILY TOTAL UNITS
(20) 1BR UNITS
(18) 2BR UNITS
(12) 3BR UNITS
(50) UNITS TOTAL

SENIOR BLDG
34,965 SF SITE = .80 ACRES
LOT COVERAGE = BUILDING - 13,056 SF / 34,965 SF = 37%
PAVEMENT - 14,613 SF / 34,965 SF = 42%
TOTAL COVERAGE = 79%

PARKING
MULTI-FAMILY SITE
40 PARKING SPACES
40 SPACES / 50 UNITS = .80 SPACES / UNIT
24 EXTERIOR BICYCLE RACKS

SENIOR BUILDING SITE
38 PARKING SPACES
38 SPACES / 45 UNITS = .84 SPACES / UNIT

TOTALS
4 ACCESSIBLE SPACES
6 EV CHARGING SPACES
60 RESIDENTIAL SPACES
76 PARKING SPACES TOTAL

NOTE: ALL PARKING AND LOADING AREAS TO BE PAVED AND STRIPED

AMITY COMMONS/ ALLEN CROSSING

Muskegon, MI

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SCHEMATIC DESIGN

PROJECT DATE: 07.11.2023

PROJECT #: 23123

Description Date

SCHEMATIC SITE PLAN

SD-100

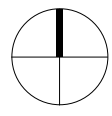
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P 614.221.1110 berardipartners.com

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schematic site plan

3/64" = 1'-0"

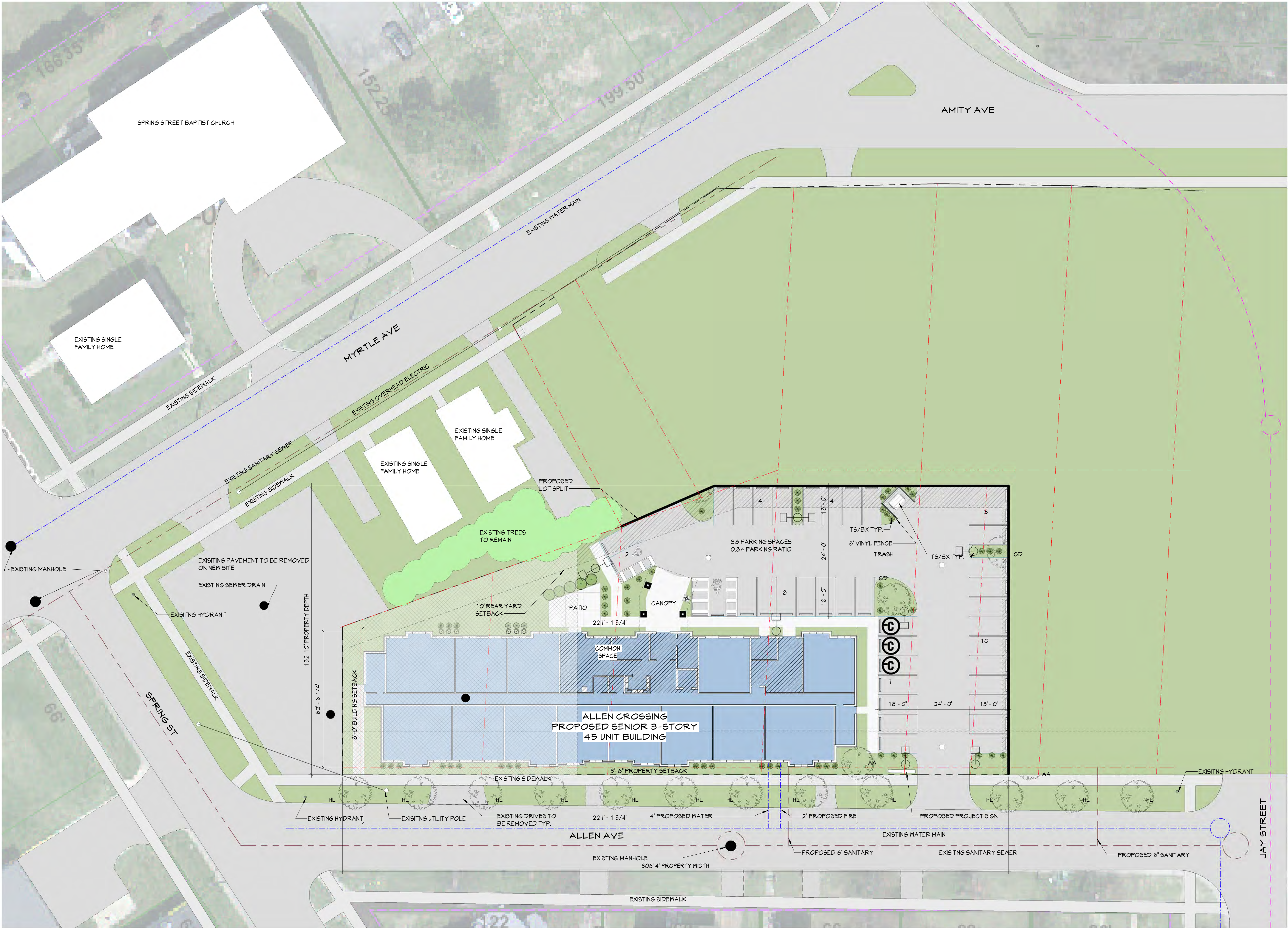


LANDSCAPE SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE & CON.
AF	ACER RUBRUM	AUTUM FLAME MAPLE	2 1/2" CAL.
AA	GLEDITSIA TRI-SKYLINE	ARMSTRONG MAPLE	2 1/2" CAL.
HL	THUJA OCCIDENTALIS	SKYLINE HONEY LOCUST	4 HT.
TS	TAXUS MEDIA EVERLOM	TECHNY ARBORVITAE	18" HGT.
BX	BUXUS GREEN MOUNTAIN	GREEN MOUNTAIN BOXWOOD	4 HGT.
CD	COTONEASTER DAMMERI	CORAL BEAUTY COTONEASTER	3 GAL.

SITE LEGEND

STORM SEWER	EXTERNAL HVAC & SCREENING
SANITARY SEWER	PROPOSED CATCH BASIN
WATER MAIN	LEVEL 3 ELECTRIC VEHICLE CHARGING STATION
20' LIGHT POLE W/ CUT OFF LAMP	
EXISTING UTILITY POLE	
EXISTING MANHOLE	



APPLICANT INFORMATION
SPIRE DEVELOPMENT, INC.
330 N SPRING STREET, STE 450
COLUMBUS, OH 43215
CONTACT: SEAN WGMICKLE
614-350-0341

GENERAL NOTES:
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TOTAL COVERAGES = 79%

PARKING
SENIOR BUILDING SITE
38 PARKING SPACES
38 SPACES / 45 UNITS = .84 SPACES/UNIT

TOTALS
2 ACCESSIBLE SPACES
3 EV CHARGING STATIONS
38 RESIDENTIAL SPACES
38 PARKING SPACES TOTAL

NOTE: ALL PARKING AND LOADING AREAS TO BE PAVED AND STRIPED

- SITE LEGEND
- STORM SEWER
 - SANITARY SEWER
 - WATER MAIN
 - 20' LIGHT POLE W/ CUT OFF LAMP
 - EXISTING UTILITY POLE
 - EXISTING MANHOLE
 - EXTERNAL HVAC & SCREENING
 - PROPOSED CATCH BASIN
 - LEVEL 3 ELECTRIC VEHICLE CHARGING STATION

AMITY COMMONS/
ALLEN CROSSING
Muskegon, MI

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SCHEMATIC DESIGN

PROJECT DATE: 07.11.2023
PROJECT #: 23123

#	Description	Date
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SCHEMATIC SITE PLAN

SD-101

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P 614.221.1110 berardipartners.com

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allen crossing building elevation1/8" = 1'-0"

AMITY
COMMONS/
ALLEN
CROSSING
Muskegon, MI

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ARCHITECT.

SCHEMATIC
DESIGN

PROJECT DATE: 07.11.2023
PROJECT #: 23123

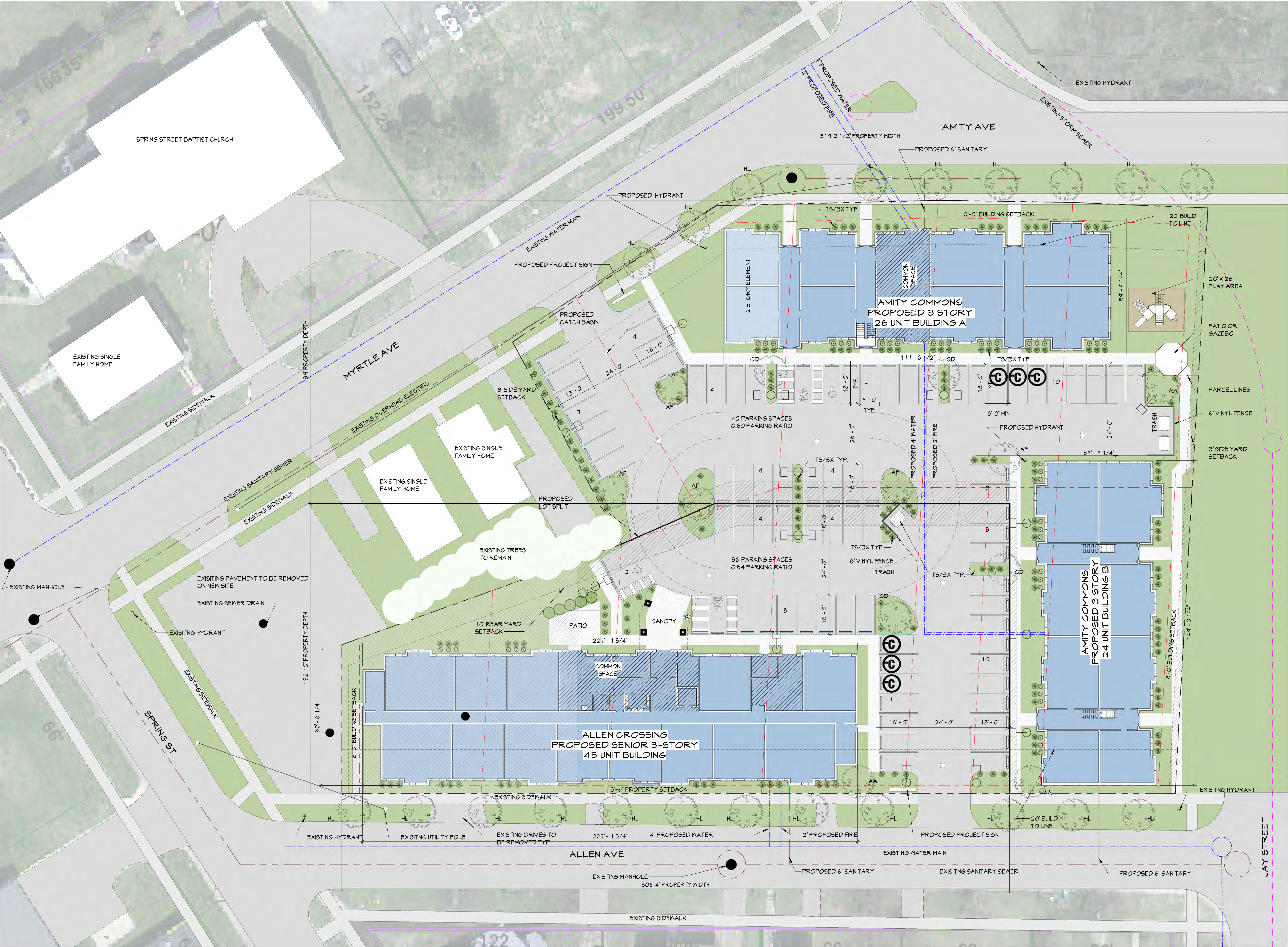
#	Description	Date
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ELEVATIONS

SD-
104

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P 614.221.1110 berardipartners.com



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CONTACT: SEAN MCMICKLE
614-350-0391
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BUILDING A SITE
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LOT COVERAGE = 9,038 SF / 50,031 SF = 18.1%
DENSITY: 26 DU / 1.15 ACRES = 22.6 DU/ACRE

BUILDING B SITE
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LOT COVERAGE = 7,561 SF / 50,031 SF = 15.1%
DENSITY: 24 DU / 1.15 ACRES = 20.9 DU/ACRE

TOTAL SITE AREA
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TOTAL COVERAGE = 75.2%

MULTI-FAMILY BLDGS
21,114 GSF BUILDING A
22,683 GSF BUILDING B
49,797 GSF TOTAL

3 STORY BUILDING A
(14) 1BR UNITS
(8) 2BR UNITS
(6) 3BR UNITS
(26) UNITS TOTAL

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40 SPACES / 50 UNITS = .80 SPACES / UNIT
24 EXTERIOR BICYCLE RACKS

SENIOR BUILDING SITE
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SCHEMATIC SITE PLAN

SD-100

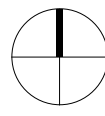
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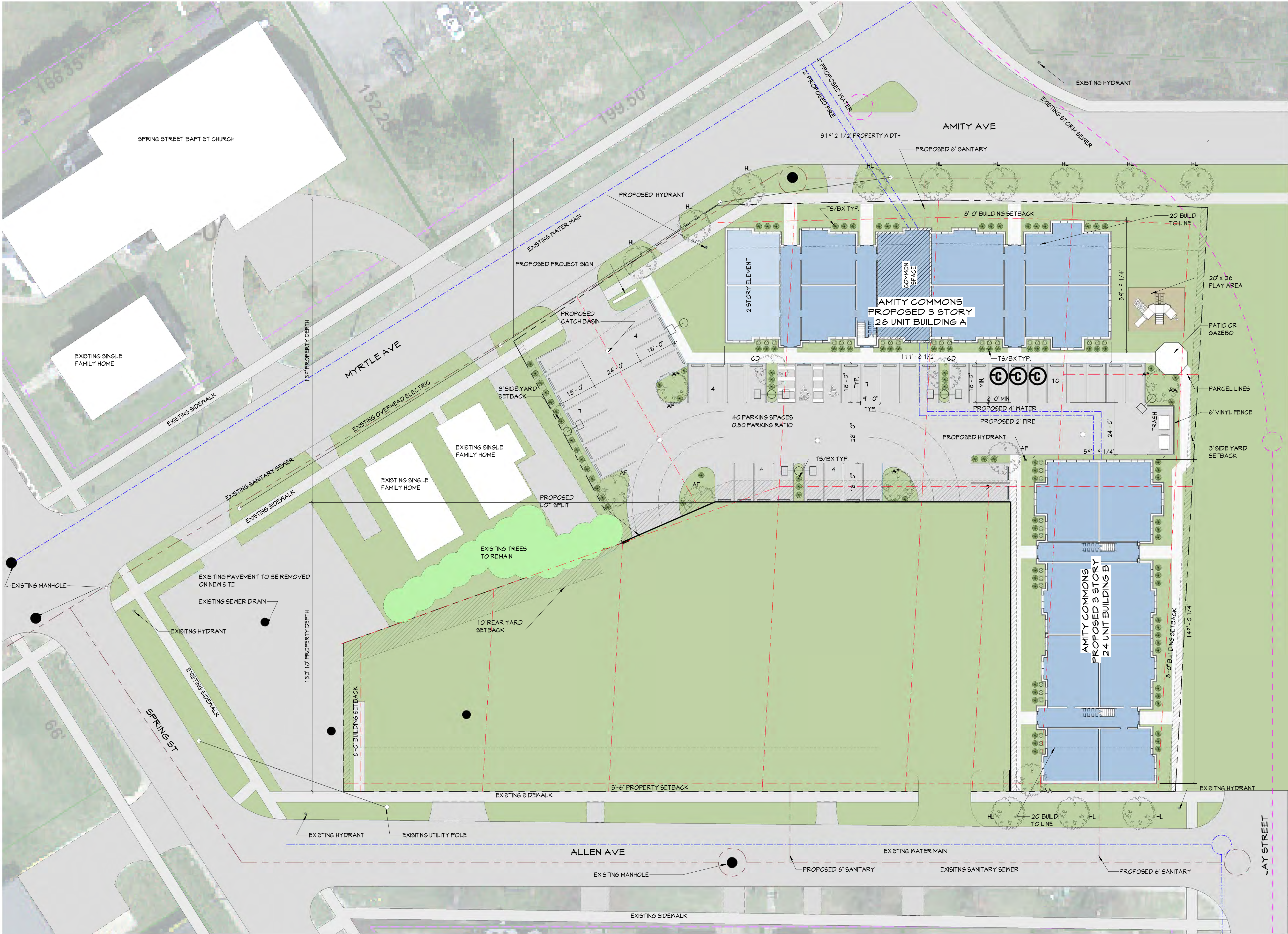


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AFFILIANT INFORMATION
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330 W SPRING STREET, STE 430
COLUMBUS, OH 43215
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- WATER MAIN
- 20' LIGHT POLE W/ CUT OFF LAMP
- EXISTING UTILITY POLE
- EXISTING MANHOLE
- EXTERNAL HVAC & SCREENING
- PROPOSED CATCH BASIN
- LEVEL 3 ELECTRIC VEHICLE CHARGING STATION

AMITY COMMONS/ ALLEN CROSSING
Muskegon, MI

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SCHEMATIC DESIGN

PROJECT DATE: 07.11.2023
PROJECT #: 23123

#	Description	Date
---	-------------	------

SCHEMATIC SITE PLAN

SD-102

BERARDI+

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P 614.221.1110 berardipartners.com

amity commons schematic site plan

3/64" = 1'-0"

NOT FOR CONSTRUCTION

AMITY
COMMONS/
ALLEN
CROSSING
Muskegon, MI

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UPPER FLOOR TRANSPARENCY:
BUILDING A:
AREA: 3,215.26 SF
GLAZING: 750.6 SF
TRANSPARENCY % = 23%
BUILDING B:
AREA: 2,715.13 SF
GLAZING: 750.6 SF
TRANSPARENCY % = 27%

SCHEMATIC
DESIGN

PROJECT DATE: 07.11.2023
PROJECT #: 23123

Description Date

Description Date

Description Date

Description Date

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amity commons building B elevation 1/8" = 1'-0"



amity commons building A elevation 1/8" = 1'-0"

ELEVATIONS

SD-
103

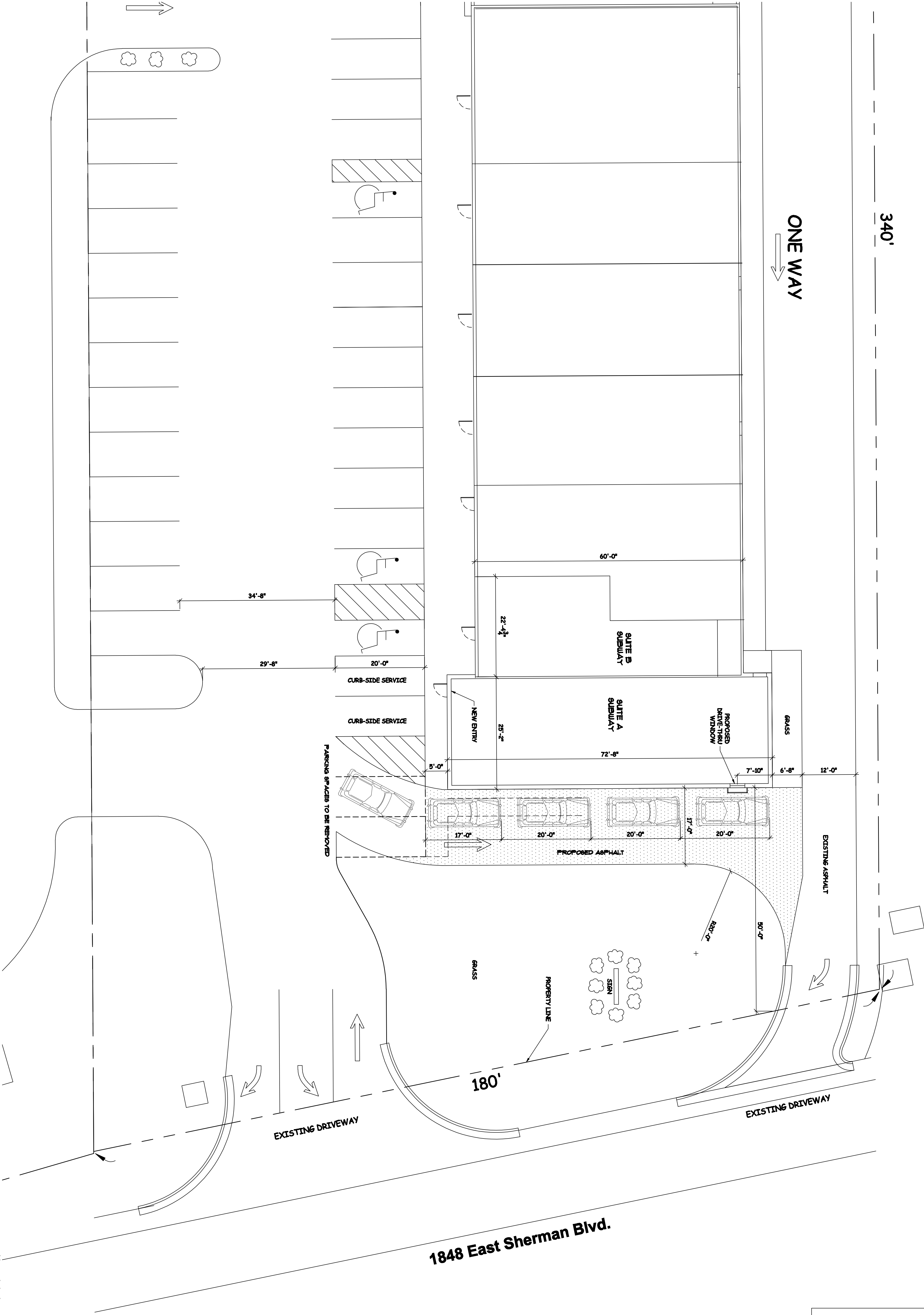
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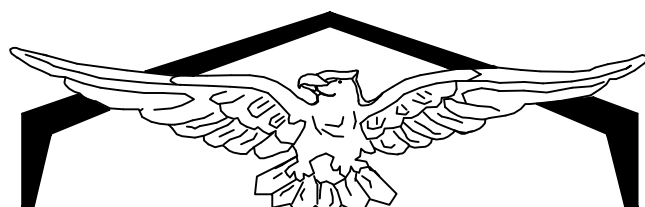
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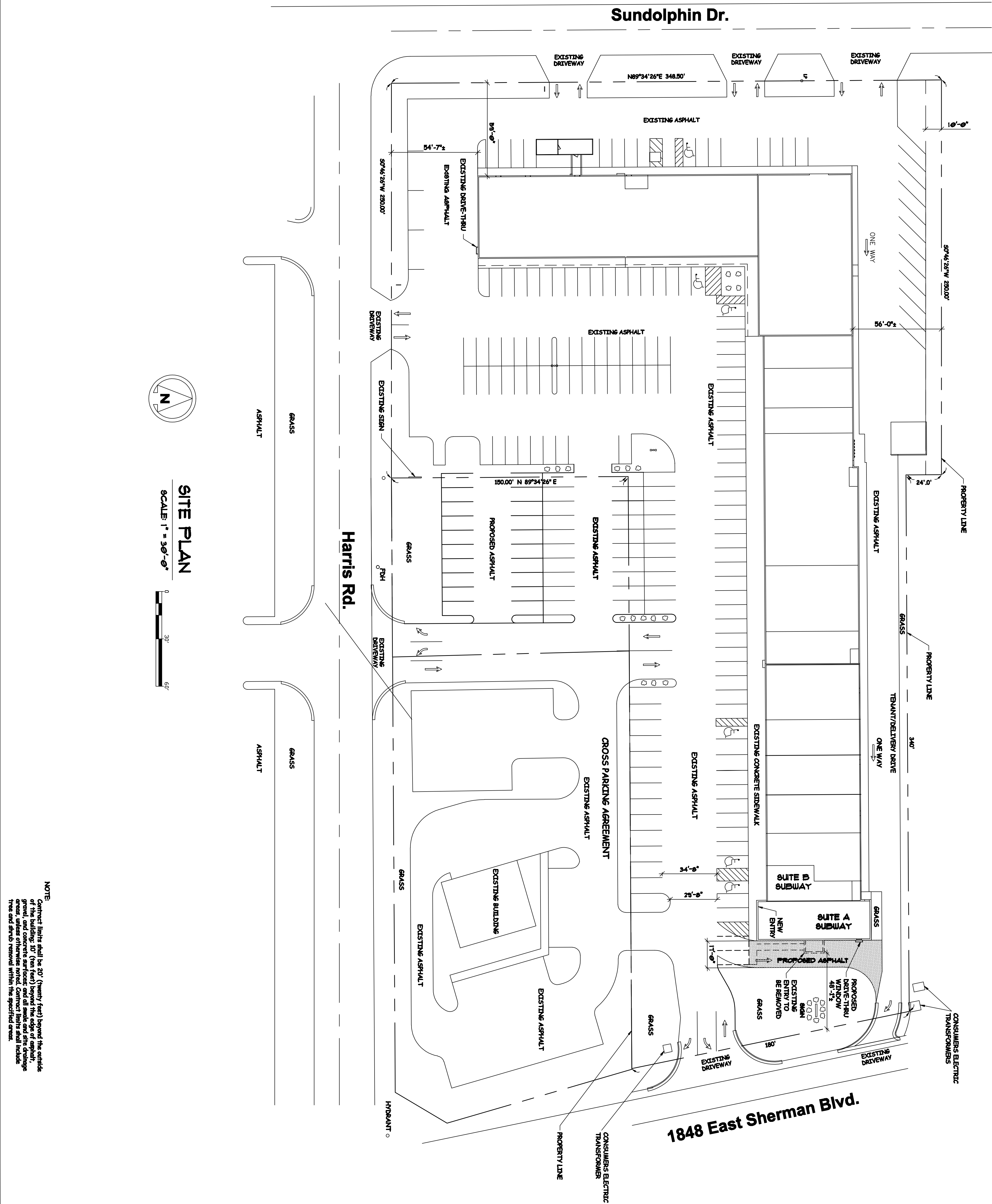




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CALL MISS DIG
800-482-7171
(TOL FREE)

72 HOURS
CONTRACTOR SHALL CONTACT MISSING (800) 482-7171, 3 DAYS IN ADVANCE TO IDENTIFY AND MARK ALL EXISTING UNDERGROUND UTILITY LOCATIONS.

SUBWAY EAST SHERMAN PLAZA SUITE A, 1848 E. SHERMAN BLVD., MUSKGEON, MI. DETAILED SITE PLAN		THIS DOCUMENT IS THE PROPERTY OF HUGHES BUILDERS, INC. AND IS CONFIDENTIAL. ANY UNAUTHORIZED USE OR REPRODUCTION HEREOF WITHOUT WRITTEN CONSENT IS PROHIBITED BY LAW.				General Contractor Hughes Builders, Inc. 3279 E. Laketon Ave. Muskegon, Michigan (231)-773-0077		SEAL	
DRAWN BY S. PARKER		9-15-23 REVIEWED 8-17-2023		SCALE: 1"=10'-0"		PROJECT NO.: A 23063		DWG. NO. ST-1.1	
This drawing is not meant to depict all items required by code. If there are any questions please contact the Engineer. APPROVED BY: _____ DATE: _____ Consulting Engineer Stephen W. Parker, P.E. 3279 E. Laketon Ave. Muskegon, Michigan (231)-773-0077 Steve@HughesBuildersinc.net									



CONTRACTOR SHALL CONTACT MISSING (800) 482-7171, 3 DAYS IN ADVANCE OF ANY WORK TO BE DONE TO IDENTIFY UNDERGROUND UTILITY LOCATIONS.

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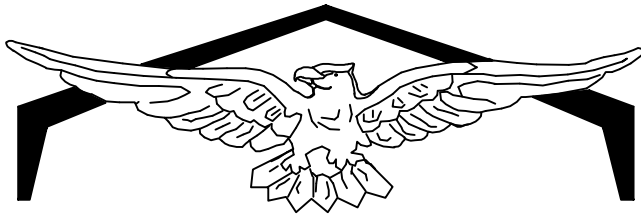
REVIEWED
PLOTTED
SCALE: 1" = 30'-0"
PROJECT NO.: A 23063
DWG. NO. ST-1

DRAWN BY
S. PARKER

SUBWAY
EAST SHERMAN PLAZA
SUITE A, 1848 E. SHERMAN BLVD., MUSKGEON, MI.

SITE PLAN

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General Contractor
Hughes Builders, Inc.
1848 S. Dangi Rd.
Muskegon, Michigan
(231)-773-0077

SEALED

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APPROVED BY:

DATE:

Consulting Engineer
Stephen W. Parker, P.E.
1848 S. Dangi Rd.
Muskegon, Michigan
(231)-773-0077
Steve@HughesBuildersinc.net



October 9, 2023

Pure Muskegon

Re: PFAS status at former Sappi site

Dear Pure Muskegon members:

This letter addresses the issue of PFAS (Per- and PolyfluoroAlkyl Substances) discovered at the former Sappi site along Muskegon Lake.

Due to the presence of PFAS on the former Sappi site, the Annis Water Resources Institute (AWRI) collected water samples from Muskegon County tributaries (12/10/2018) and lakes (7/9/2019) to determine background concentrations of PFAS (Per and polyfluoroalkyl substances) chemicals. There are over 4000 PFAS related chemicals, with PFOA and PFOS being the most common. PFAS analyses (including PFOS, PFOA, and total PFAS) were performed by Trident Laboratories in Holland, MI.

Two samples were collected from the water column of Muskegon Lake along the shoreline adjacent to the former paper plant (Sappi West and Sappi East). **In all cases, there was no detection of any PFAS chemicals at either site in the water column of Muskegon Lake.**

Please do not hesitate to contact me if you wish to discuss these results in more detail.

Sincerely,

Dr. Alan D. Steinman
The Allen & Helen Hunting Research Professor
Professor of Water Resources
Annis Water Resources Institute
Voice mail: 616-331-3749
E-mail: steinmaa@gvsu.edu

City of Muskegon
City Commission
Planning Commission
933 Terrace Street
Muskegon, MI 49440

Saturday, September 30, 2023

Mr. Ryan Leestma
1204 W. Western Avenue
Muskegon, MI 49441

Dear Madams and Sirs,

For a century and a half the south shoreline of Muskegon Lake created prosperity for hundreds of thousands of citizens through jobs and working wages. This led to citizen dignity, sustainable standards of living, independent housing construction and investments that created a wide array of private sector and civil services.

Phase One of our prosperity began in the middle of the 19th Century with the advent of the lumber industry. Only Muskegon Lake could be utilized for this use as its immense size was necessary to crib the tens of millions of white pine logs harvested in the Mainstee National Forest. Known as the "Lumber Queen of the World", tens of thousands of new residents migrated to work on Muskegon's large waterfront parcels to mill and stack lumber 50 feet tall. At the end of each work day they returned to homes built by the lumber barons in Jackson Hill, Nelson, Nims, Lakeside and Beachwood-Bluffton. Muskegon Lake's waterfront created prosperity for all and more millionaires per capita lived in Muskegon than anywhere else in the United States. Muskegon lumber was shipped throughout the country and so it shaped the nation.

During the 90's of the 19th century Phase 1 died. The lumber barons exhausted the physical supply of logs and Muskegon entered its first period of dormancy. 25 years passed during which Muskegon's population declined, unemployment rose and citizens were left demoralized.

Phase Two of our prosperity began in the "mid teens" of the 20th century. Industrialists from across the nation came to Muskegon and invested heavily in the creation of factories built on the former lumber mill parcels. Only Muskegon was able to support these investments as only Muskegon Lake had the deepwater channel necessary to ship the sheer volume of raw materials and goods necessary to support operations. Once again, our population grew so quickly it became necessary to build housing for workers, primarily in Muskegon Heights. Muskegon became known as one of the great industrial powerhouses of the 20th century and played a critical role in winning World War II. Muskegon's patented products of fifth wheel hitches, refrigerator parts, axles and tanks were manufactured and shipped throughout the country, and so it shaped the nation once again.

One century after the lumber era ended, globalism and communist subsidized industries ended Muskegon's Phase 2 of our prosperity. Once again our population declined, unemployment rose and our community was left demoralized and in need.

From the Desk of Ryan M. Leestma
1204 W. Western Avenue
Muskegon, MI 49441

Phase 3 of our prosperity is directly in front of us. Recreation and tourism is our future and is made possible by the 80m in State and Federal grants used to clean-up the lake, modern market forces and the enormous size of our lakes, parks and beaches. Muskegon is the 3rd largest water based tourism economy in the Western half of the State of Michigan at a volume of \$330m yet has more than thirty times the natural resources of South Haven and Traverse City (at \$425m and \$410m respectively) It is not an exaggeration to say that Muskegon could develop into a multi-billion dollar water-based tourism and recreation economy if we are careful and make the right decisions. Muskegon has the opportunity to change the national narrative on sustainable waterfront recreation and so has the power to shape the nation once again. Although some may laugh at such an idea now, with the advent of climate change and in the context of how our fledgling previous phases began I believe it possible. Critical to this effort is the preservation of large waterfront parcels of waterfront land that can be deployed for uses that create permanent jobs and future investment (like previous phases). Mr. Rooks' plan gives up jobs and prosperity for kitchen views. He chooses to place apartments on a place that could enable someone to buy their own home.

Even worse, the environmental injustice that six generations of Muskegon residents faced will never be righted for this mile of shoreline. Recently a group of children from Muskegon Heights were brought to Muskegon Lake; they didn't even know Muskegon Lake existed and thought it was the ocean! **Mr. Rooks' PUD makes permanent the environmental injustice of denied waterfront access.**

Emily and I considered these societal needs as we developed Adelaide Pointe's PUD. It was always in our mind that Adelaide Pointe would be a hub where current and future generations, citizens and tourists would come from across the city, state and nation for waterfront recreation and unfettered access to Muskegon Lake. Muskegon Lake's benefits should be maximized for the many and not the few. To that end we have chosen to go "up" and not "wide" with our structures to preserve views and waterfront access. This approach increases human and economic density on the waterfront which requires servicing provided by restaurants, hospitality and retail. We estimate that within three years we and other small businesses on our campus will create more than 500 jobs on a mere 10 acres of land. That is double the density of workers per acre of SAPPI at its height. Imagine the jobs that could be created.

Aside from these lessons of history and societal imperatives I have serious doubts that Mr. Rooks' plans will even get approved by the State. The director of EGLE has stated quite emphatically that EGLE will not approve single family homes without "serious investigation". Unstable soils, explosive gases, wildly contaminated groundwater and carcinogenic substances increase the hazards to life substantially. Commercial retail uses, on the other hand, are transient in nature which significantly reduces the risk of human harm. Phil Roos, the director of EGLE, will be at Adelaide Pointe on October 9. I would consider it a good use of the City's time to have a conversation with him and Roman Wilson from Fishbeck who was the environmental consultant that worked on the SAPPI site for ten years. The City's economic development director knows Roman well.

I also do not trust that Mr. Rooks will utilize the 15m of State of Michigan grant clean-up funds on the site if he is able to avoid it; he is actively lobbying Senator Bumstead and others to redirect those clean-up funds for construction cost offsets instead of clean-up. The nightmare scenario is that Mr. Rooks will gain EGLE approval and then successfully redirect clean-up funds towards construction cost offsets and NOT perform the cleanup necessary to make the site safe. Prolonged exposure to carcinogens, toxic

From the Desk of Ryan M. Leestma
1204 W. Western Avenue
Muskegon, MI 49441

chemicals and noxious gases could very well create illness that will attract the kind of attention that will end Phase 3 of our prosperity. Who wants to go somewhere that is known for being toxic and unsafe? What will happen to all those homes that no one wants to live in? And what happens to Shaw in the meantime? It is not lost upon me that at the beginning of Phase 2 Robert Ferguson abused the environment and mined Pigeon Hill for a quick, one-time profit and one century later Mr. Rooks is attempting to mine the waterfront for just as quick of a one-time profit, environment be damned.

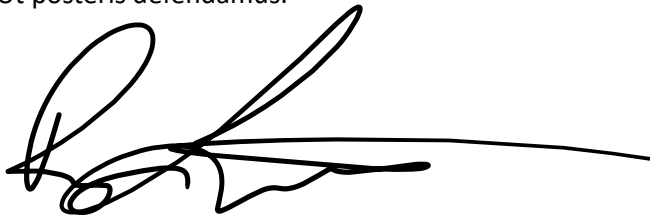
Ironically, Adelaide Pointe will financially benefit *more* if Mr. Rooks receives PUD approval. Adelaide Pointe will be the only game in town for dense, inclusive, centralized campus-based waterfront recreation. The businesses we own and the businesses of our tenants will flourish with the density of people together enjoying the clean, restored waterfront we have made available. But I am dead in forty years and putting more money in my pocket isn't worth a penny if it comes at the expense of the generations to come.

I do not believe the PUD being proposed is good for current and future generations. I would at the very least delay a decision until EGLE confirms the viability of the uses being proposed, namely residential. I would also delay any PUD approval until such time that all 15m of State Clean-up Money is spent or a letter of credit is secured to ensure it *does* get spent. During the same time I would consider it a worthwhile use of City funds to have outside consultants draft designs that will promote Phase 3 of our prosperity and create the environmental justice our citizens deserve.

I urge both commissions to consider their options carefully and deliberately. We have a great opportunity to create prosperity for generations to come if we get it right. If we do not, countless opportunities will be lost and never regained. Worst of all, neither the current generation nor will future generations ever know what we could have had.

Cain forsook his birthright and prosperity for a quick cup of soup, I pray we do not do the same as there are countless mouths to feed.

Ut posteris defendamus.

A handwritten signature in black ink, appearing to read 'Ryan M. Leestma', with a long horizontal flourish extending to the right.

Ryan M. Leestma
ryanleestma@gmail.com
616-633-6020

From the Desk of Ryan M. Leestma
1204 W. Western Avenue
Muskegon, MI 49441

City of Muskegon
City Commission
Planning Commission
933 Terrace Street
Muskegon, MI 49440

Sunday, October 8, 2023

Mr. Ryan Leestma
1204 W. Western Avenue
Muskegon, MI 49441

Dear Madams and Sirs,



ALL FOIA DOCUMENTS



REFERENCE DOCUMENTS

On September 30 I wrote a letter expressing my concerns and opinions regarding the SAPPI PUD presented by Parkland Properties and the importance of the vote of the commission on October 12 and 24. In that letter I made a point that as a community we need to focus on job creation, public waterfront access for everyone (citizens or otherwise) and full use of the 15m for environmental remediation purposes *only*. I also stated that I had serious doubts that EGLE would even approve the use on the site.

On October 3, Pure Muskegon sent a letter to the Commission which was included in your packets. In that letter, they took offense and stated “we take exception to the many untruths and gross misstatements about the current condition of the site and its potential residential development.” In essence, they accused me of lying. I do not lie. Due to their false accusation, I felt it necessary to track down every detail I could.

Pure Muskegon, and *especially* Mr. Hines and Mr. Olsen, know the site **may not be built on** whatsoever due to State of Michigan Part 201 restrictions. They are aware that the explosivity, air contamination, soil contamination, groundwater contamination and PFAS eliminate any possibility of development.

THEY HAVE ALSO BEEN AWARE THAT TOXIC SUBSTANCES, METALS, PFAS AND CONTAMINATED GROUNDWATER HAVE BEEN LEAKING INTO MUSKEGON LAKE.

I discovered all this after I downloaded all 1,434 documents the State of Michigan has on the property. I was able to do this on such short notice due to the fact that a request was filed on 8/8 and all previous requests are publicly available. It took the State of Michigan almost two months to gather all this documentation. I then reviewed all the documents and placed the most pertinent ones in a separate subfolder. The QR codes at the top of this letter will direct you to all FOIA documents *and* a more concise subfolder which only includes the documents referenced in this letter. You may also click on the hyperlinks at the start of each section to go directly to those documents.

Is this the record you're looking for?

Reference No:	E317236-080723
Create Date:	8/8/2023 1:00:00 AM
Close Date:	10/4/2023 4:16:00 PM
Describe the Record(s) Requested:	All records pertaining to the site. Site known as former Sappi Paper or S.D. Warren #1 facility (ID: 61000066).
Address of Requested Site:	2400 Lakeshore Drive
Files:	00_FY23_Q3_Muskegon_County_PFAS_Remediation_Proj 01_Invoice_Project_22611059.05-1.pdf 02_Invoice_Project_22611059.07-1.pdf 05.14.2020_Email_-_Dropbox_Documents.pdf 05.18.2020_BP_Amendment_Meeting -

THIS LETTER, IN ITS ENTIRETY, IS THE OPINION OF RYAN M. LEESTMA

[20121205 – DEQ Presentation.pdf](#) – December 5, 2012

This presentation, constructed by DEQ, documents the presence of paper mill waste (fill), corrosive liquids, sulfuric acid, mercuric compounds, hazardous solids, flammable liquids, hydrogen peroxide, nitric acid, hyposolutions, amines, cyanide and “Toxic Liquids”. The groundwater was documented to contain, Arsenic, chromium, silver, and PH levels so high they are equivalent to bleach or ammonia. **THE DOCUMENT NOTES THAT GROUNDWATER IS LEAKING INTO MUSKEGON LAKE.**

- **Groundwater is unconfined and all of it discharges to Muskegon Lake.**

The document ends with a recommendation that extensive testing take place.

[20140224 - Melching Contamination Data.PDF](#) – February 24, 2012

Mr. Melching performs contamination sampling across the site and submits the data to EGLE. In this document Mr. Melching documents State of Michigan contamination limits for various substances. The table below shows the sample data, limits, and % exceedance levels. The example on page 17 is shown below as an example.

Element	State of Michigan Standard	Legal Limit Exceedance
Barium	2.1	24.3x
Cadmium	.2	1.55x
Chromium	2.1	1.76x
Copper	2.1	8.0x
Lead	2.1	6.5x
Magnesium	8.4	61x
Zinc	4.2	10x

The sample also revealed that the soil had 280x the moisture content limit for soil with a PH of 12.2 which is generally accepted as the PH of bleach or ammonia. **Melching discovered that the ground was soaked with toxins.**

[Pure Muskegon BEA Part 1](#)

[Pure Muskegon BEA Part 2](#)

Subsequent to purchasing the property on July 29, 2016, Pure Muskegon hired consultants to analyze the property and report back to DEQ the contamination status of the property via a Baseline Environmental Assessment. This document is commonly constructed and submitted to the State to limit the liability of owners of property that have been previously contaminated. As it is in the new owners' best interests to detail anything and everything wrong with the site, the owner is incentivized to find anything they possibly can. As such these BEAs are revealing documents.

In Pure Muskegon's BEA they admit and confirm to the State of Michigan that the site exceeds Part 201 limitations for groundwater and soils. They also confirm

Analytical Results

Laboratory analytical results were compared to Michigan Department of Environmental Quality, Remediation and Redevelopment Division Operational Memorandum #1, Part 201 Generic Cleanup Criteria/Part 213 Risk Based Screening Levels, Updated 30 December 2013. Analytical results are provided in Tables 1 and 2, as well as the Closure Report. Several constituents were detected at concentrations exceeding MDEQ's Part 201 cleanup criteria as described below and shown in Tables 1 and 2 of this report and the Closure Report:

Soils

Based on the analytical results from the soil sampling discussed above, chromium at LSB-1 (4,900 µg/Kg), LSB-2 (3,600 µg/Kg), and LSB-3 (3,400 µg/Kg); selenium at LSB-4 (590 µg/Kg), SSB-2 (450 µg/Kg), SS-4 (620 µg/Kg), and SS-5 (570 µg/Kg); zinc at LS-2 (180,000 µg/Kg), and silver at SS-3 (130 µg/Kg) exceed the groundwater/surface water interface protection (GSIP) criteria.

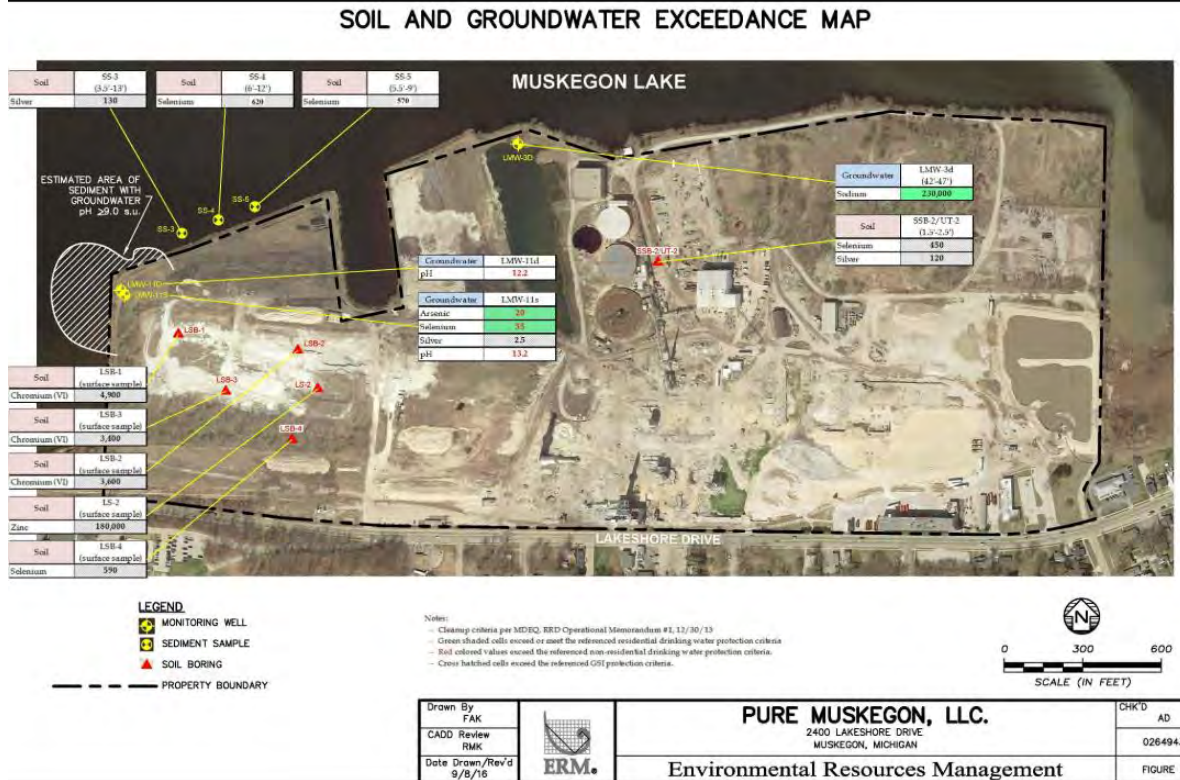
Groundwater

Groundwater results indicate that LMW-11s exceeds the residential and non-residential drinking water and GSIP criteria for arsenic and selenium. LMW-11s also exceeds the GSIP criteria for silver. In addition, LMW-3d

exceeds residential drinking water criteria for cadmium. As shown in Additionally, wells LMW-11s and LMW-11d had pH values of 13.18 and 12.16, respectively. Both values are above the applicable criteria range of 6.5-9.0. The area to the north, west, and southwest of these monitoring wells also had elevated pH levels (the groundwater samples were collected from the sediment below Muskegon Lake at these locations).

the PH levels of the soil. A map of their samples and findings is below. **It is important to note that samples pulled from Muskegon Lake confirmed the site was leaking chemicals into the watershed. It also confirms the leeching of contaminated groundwater into Muskegon Lake. THIS IS PURE MUSKEGON'S DOCUMENT.**

Z



Groundwater

Groundwater results indicate that LMW-11s exceeds the residential and non-residential drinking water and CSIP criteria for arsenic and selenium. LMW-11s also exceeds the CSIP criteria for silver. In addition, LMW-3d exceeds residential drinking water criteria for sodium. As shown in Figure 10 of the Closure Report, residential and non-residential drinking water criteria exceedances also exist for sodium at LMW-8s, LMW-8d, LMW-9s, LMW-4s, LMW-4i1, LMW-4i2, and LMW-4d; and for arsenic at LMW-4i2 and LMW-4d.

This is the AOC (MDEQ Reference no. AOC-ERD-15-009) by and between the Michigan Department of Environmental Quality, the Michigan Department of Attorney General S.D. Warren Company d/b/a Sapin North America, Melching Inc., Melco, LLC and Pure Muskegon, LLC.

Additionally, wells LMW-11s and LMW-11d had pH values of 13.18 and 12.16, respectively. Both values are above the applicable criteria range of 6.5-9.0. The area to the north, west, and southwest of these monitoring wells also had elevated pH levels (the groundwater samples were collected from the sediment below Muskegon Lake at these locations).

Based on the results of the previous investigations, the Site meets the definition of "facility" under Michigan Part 201 and the associated Administrative Rules, and the Site is therefore eligible for liability protection available under the Michigan law. Complete results including: laboratory reports, figures, tables, and boring logs are included in Melching's Closure Report submitted to MDEQ and dated 14 April 2015.

Pure Muskegon Due Care Plan – September 13, 2017

Approximately one year after purchasing the property Pure Muskegon finally submits their “Due Care Plan” to the State of Michigan. This plan effectively builds off of the BEA by restating and extrapolating on findings previously made in the BEA and describes the means and methods by which the site will not be further contaminated due to work activities.

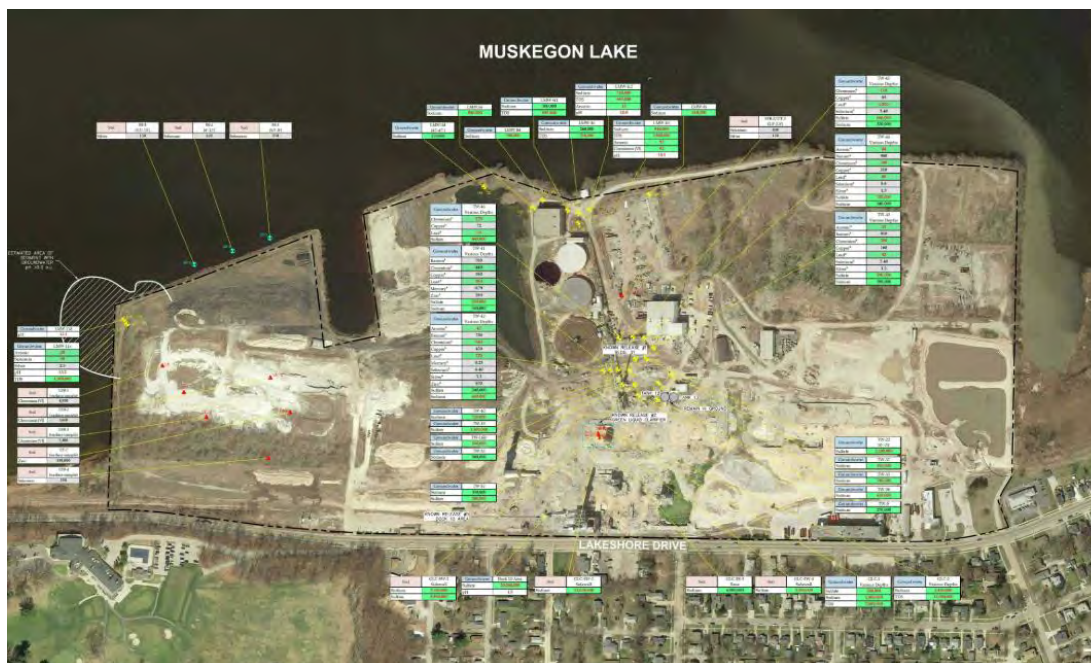
For the first time Pure Muskegon writes an executive summary on the limitations of the site in a very clear and concise way. **It very clearly states that the site cannot be used for Residential OR Non-Residential uses due to Arsenic, Lead, Dioxin, Chromium, Manganese and Dioxin. This is a Pure Muskegon document prepared by Pure Muskegon’s consultants and submitted by them.**

Soil contaminants found were Arsenic, Lead, Dioxin, Chromium, Manganese, Selenium, Silver, Benzene and Zinc. Air contaminants found were Chromium, Manganese and Dioxin. Groundwater contaminants found were Arsenic, Cadmium, Chromium, Lead, Manganese, Selenium, Trimethylbenzene, N-Butylbenzene. A map of the samples is below. **It was once again confirmed the site is leaking groundwater into Muskegon Lake.**

Due Care Documentation – Executive Summary

Windward Pointe/Former Sappi Fine Paper Property – 2400 Lakeshore Drive, Muskegon, Michigan

Data Considered:	Data collected from test pitting and surface sampling in 2017, and data from available historic sampling events
Part 201 Criteria Exceedances for Relevant Exposure Pathways	NON-RESIDENTIAL LAND USE Direct Contact • Arsenic (one surface sample, several samples at depth) • Lead (one sample at depth) • Dioxin (one sample at depth/no surface samples) Particulate Soil Inhalation • No criteria exceedances in surface samples • Chromium (one sample at depth) • Manganese (two samples at depth) • Dioxin (one sample at depth) Volatilization to Indoor Air (soil and groundwater) – No criteria exceedances RESIDENTIAL LAND USE (POTENTIAL FUTURE USE) Direct Contact • Arsenic (five surface samples, seven samples at depth) • Lead (two samples at depth) • Dioxin (two surface samples/ one sediment sample / two samples at depth) Particulate Soil Inhalation • No criteria exceedances in surface samples • Chromium (one sample at depth/no surface samples) • Dioxin (one sample at depth/no surface samples) Volatilization to Indoor Air (soil and groundwater) – No criteria exceedances
Due Care Recommendations	Recommendations to Mitigate Exposures and Comply with Due Care responsibilities, Administrative Order by Consent (AOC) and Minimum Development Plan 1. The Minimum Development Plan requires covering surface soils in areas with direct contact criteria exceedances within 18 months after completion of demolition activities. For the current nonresidential land use, this is limited to one location (SS-17); expand cover to other areas if residential land use is implemented 2. Dust Control – no requirements for current land use; construction workers handling lime shall incorporate respiratory protection into health and safety plans. If residential land use is implemented, particulate inhalation exposures shall be mitigated by covering/stabilizing surface soils in affected areas. To mitigate potential off-site nuisance complaints, stabilize surface soils with vegetation or other means in areas contributing to dust generation. 3. Soil Management – follow the recommendations herein for relocating and managing excavated soils (see Section 7.0) 4. Groundwater Use – do not extract groundwater for any purpose 5. Restricted Area – do not disturb soil in 38'x57.5' restricted area (Section 3.0) 6. Other requirements – See Section 7.0 for additional Due Care Precautions; Contractors conducting work activities shall comply with the Environmental Information Sheet (Appended to this Plan)



THIS LETTER, IN ITS ENTIRETY, IS THE OPINION OF RYAN M. LEESTMA

6.0 Exposure Pathways with Part 201 Cleanup Criteria Exceedances

Soil Pathways

☒ Drinking Water/Leaching (groundwater will not be used for consumptive purposes per City ordinance and deed restrictions; therefore leaching and resultant groundwater ingestion will not be a completed pathway)	☒ Groundwater - Surface Water Interface Protection (GSIP) via Leaching of Soils	☒ Direct Contact
☐ Volatilization to Indoor Air (relevant but no criteria exceedances identified)	☐ Volatilization to Ambient Air (relevant but no criteria exceedances identified)	☒ Particulate Soil Inhalation (relevant; exceedances in deeper samples only. Risks from lime dust and off-site nuisance dust migration are relevant)
☐ Soil Saturation Concentration (C _{sat})/NAPL		

The Site is serviced by municipal water and groundwater will not be consumed or used for irrigation or other purposes. Although contaminants in soil could leach to groundwater at concentrations posing a drinking water hazard, this exposure pathway will not become complete since Site groundwater will not be used as a drinking water source per the Recorded Restrictions. The GSIP pathway could become complete through

Page 9 of 15

Documentation of Due Care Compliance

leaching of soils and migration of groundwater to Muskegon Lake; however, no activities are anticipated at this time that would result in increased leaching. The test pit results indicate some subsurface soils with direct contact criteria exceedances; exposure risks shall be mitigated during subsurface work activities through the methods described in Section 7 below. Surface soils do not indicate a direct contact risk for nonresidential land use; therefore, no cover is required to mitigate direct contact risks until residential land uses/exposures occur. However, controls shall be implemented as discussed in Section 7 to mitigate off-site dust migration (i.e., from a nuisance standpoint).

[Temporary Lake Treatment Work Plan](#) – October 20, 2021

This document details the work plan for a PFAS test treatment lake subsequent to a failed effort. Prior to this workplan, Pure Muskegon attempted to filter contaminants using pumps and filters but after pumping 74m gallons into the Muskegon County Wastewater system found the incessant clogging of the filters made the clean-up economically impossible. The new work plan proposed the excavation a 4.9 acre lake that was to be filled with a “toxic sponge” by the name of REMBIND. Groundwater throughout the site would then be pumped into the lake so that the REMBIND could attract and hold contaminants. It was theorized that this work plan would take approximately until the end of 2023 to complete.

Figure 13 - Estimated Project Schedule
Windward Pointe - Work Plan for 4.9 Acre Treatment Lake
Muskegon, Michigan
October 2021

	2021			2022				2023		
	Oct	Nov	Dec	Q1	Q2	Q3	Q4	Q1	Q2	Q3
1. Work Plan and Technical Submittals										
- Meeting with EGLE to discuss Work Plan	x									
- Incorporate EGLE comments into Work Plan approach		x								
- Prepare ISM/Soil Relocation Technical Memorandum	x	x								
- Prepare Field Scale Treatment Technical Memorandum	x	x								
2. Construct 4.9 Acre Treatment Lake										
- Contractor mobilization, establish temporary soil erosion controls, remove overburden soil		x								
- Excavate treatment lake/remove soil below the water table		x	x		x					
- Validate/verify treatment lake boundaries and depth					x					
- Perform site restoration, establish permanent erosion controls					x					
3. Adsorbent Addition and Treatment Performance Monitoring										
- Procure treatment materials and mixing equipment				x	x					
- Install new performance monitoring wells					x					
- Baseline monitoring (i.e., soil, groundwater in treatment lake and monitoring wells per Table 4)					x					
- Pre-treatment (PAC for TOC removal)					x	x				
- PFAS treatment (RemBind®)						x				
- Treatment performance monitoring (refer to Table 4)										
• Groundwater in treatment lake during pre-treatment					x	x				
• Groundwater in treatment lake during PFAS treatment						x				
- Meeting with EGLE to discuss treatment progress							x			
4. Post-Treatment Performance Monitoring and Reporting										
- Prepare updated post-treatment ecological monitoring plan						x	x			
- Perform post-treatment monitoring (refer to Table 4)										
• Soil/treatment residuals							x			
• Groundwater in treatment lake and adjacent monitoring wells							x	x	x	x
• Groundwater in GSI monitoring wells								x		
- Prepare Construction/Treatment Summary and Performance Evaluation Report								x	x	
- Meeting with EGLE to discuss performance monitoring results										

With their new consultant, Fishbeck, Pure Muskegon documents for the first time the inherent flammability and explosivity of the site. Methane and Hydrogen Sulfide were found to be actively leaking from contaminated groundwater, through the soil and into the air. Again, this eliminates any possibility of development on top of the soil and groundwater contamination previously found in Pure Muskegon's Due Care Plan and BEA .

Part 201 of Michigan's Public Act 451 of 1994, as amended (Part 201). Methane concentrations exceeded the Part 201 flammability/ explosivity screening level (28,000 µg/L). Although no Part 201 cleanup criteria are established for hydrogen sulfide in groundwater, EGLE recommends that risk mitigation precautions be taken if concentrations in drinking water exceed 1,300 µg/L.⁴ In addition, pH and sulfate concentrations exceed Part 201 aesthetic drinking water criteria.

surge basin). These investigations identified metals, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), and dioxins/furans in soil and/or sediment at concentrations exceeding Part 201 Generic Residential Cleanup Criteria (GRCC) (ERM, 2018).

Fishbeck also confirms, most conclusively and directly, that groundwater is leaching into Muskegon Lake from the site.

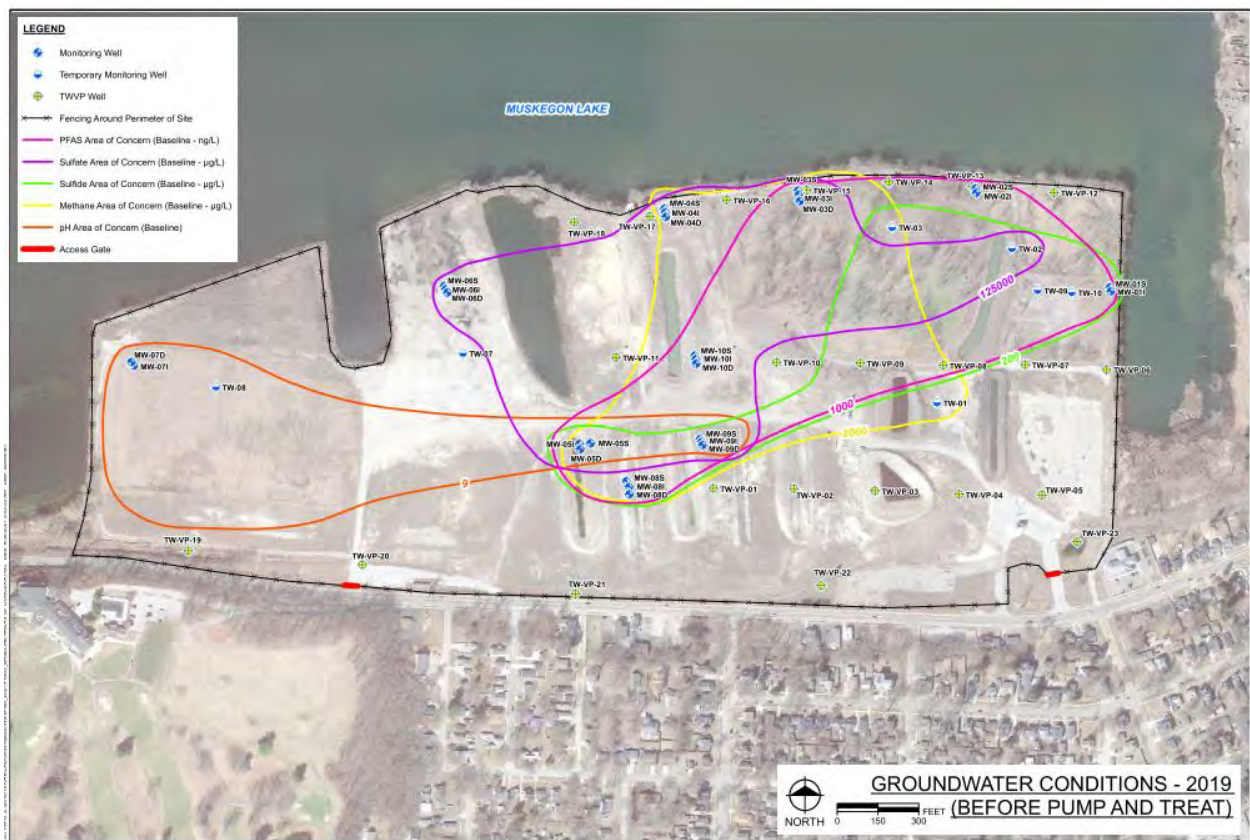
Groundwater below the Site discharges into Muskegon Lake. Accordingly, PFAS and other groundwater contaminants attributable to historical industrial operations have discharged and continue to discharge to Muskegon Lake. Surface



fishbeck
 Engineers, Architects, Scientists, Consultants

Pure Muskegon, LLC
 2400 Lakeshore Dr., Muskegon, Michigan
 4.9 Acre Lake Work Plan

PROJECT NO.
18-1046
 FIGURE NO.
2



THIS LETTER, IN ITS ENTIRETY, IS THE OPINION OF RYAN M. LEESTMA



Also for the first time, Pure Muskegon documents the rampant contamination of PFAS. The EPA advises exposure levels of less than 4 parts per trillion yet some samples have FOUR THOUSAND TIMES the EPA recommended limit. For comparison, the average PFAS detection concentration at the Muskegon County Airport PFAs crisis was 14.7. **PFAS SAMPLES ARE HUNDREDS OF TIMES WORSE THAN THE MUSKEGON COUNTY AIRPORT PFAS INCIDENT. PFAS RIDDEN, TOXIC CONTAMINATED GROUNDWATER COMPLETE WITH HEAVY METALS AND COMPLEX MANMADE PARTICLES CONTINUES TO LEAK INTO MUSKEGON LAKE. PURE MUSKEGON HAS DONE NOTHING AND HAS CALLED NO ONE FOR HELP.**



THIS LETTER, IN ITS ENTIRETY, IS THE OPINION OF RYAN M. LEESTMA

[EGLE Improper Notice of Disposal](#) – May 2, 2023

Subsequent to approval and the performance of the test, Pure Muskegon's new environmental consultant wrote EGLE and informed them that they desired to leave the heavily contaminated solid waste "toxic sponge" in place as the "overall costs for the implementation of the removal activities are substantial". They also state that removal would "reflect minimal environmental benefit". In essence, they tried to walk away.

described in the Work Plan. Barr has also solicited multiple bids from prospective implementing contractors for the removal action described in the Work Plan. Overall costs for implementation of the removal activities are substantial. As discussed with EGLE and stated in the Work Plan, Barr anticipated that the data to be generated would reflect minimal environmental benefit from the contemplated removal action. We are presenting the results of the project-

In response, EGLE writes "The spent PAC and RemBind is a solid waste regulated pursuant to Part 115. Section 11512 requires solid waste to be disposed of at a licensed disposal area unless it has been approved to be disposed of at the site of generation. Pure Muskegon has not been approved to dispose of this waste at the site of generation and it is not a licensed disposal area." Again, it is demonstrated that Pure Muskegon was willing to just "let it be".

Mr. Hines is cc'd on this e-mail.

[Administrative Order by Consent](#) – July 26, 2016

[Purchase Documents](#) – July 29, 2016

Pure Muskegon has been involved in this project for a decade beginning with Mr. Hines.

Pure Muskegon was formed at Hines Corp's Pontaluna Road address in 2013. At the same time, Pure Muskegon began lending money to Mr. Melching to begin demolition activities. Over the next three years Pure Muskegon loaned 1.25m to Mr. Melching.

On February 14, 2013 Louis Padnos declined their right of first refusal to purchase the property after receiving a copy of an offer from "Hines Corp." As many know, SAPPI put a permanent deed restriction on the SAPPI property due to the likelihood of health issues. Instead of closing on the property, Pure Muskegon spent the next three years working with the State of Michigan attorney general, Melching and SAPPI to lift the deed restriction. They pursued an agreement that indemnified SAPPI of any liability.

Pure Muskegon, SAPPI, Melching and the State of Michigan signed an agreement on July 26, 2016. On July 29, 2016, Pure Muskegon purchased the property with investors for 5.7m and the loan to Melching was forgiven.



LOUIS PADNOS IRON & METAL COMPANY
Secondary Metals and Fibres

February 14, 2013

Mr. Robert J. Zitta
Schuerle & Zitta, LLP
Chase Bank Building
300 Washington Ave.
P.O. Box 212
Grand Haven, MI 49417

Mr. Douglas Melching
Melching, Inc.
16942 Woodlane Drive
Nunica, MI 49448

Dear Bob and Doug:

In light of the offer that we have received from you for the purchase of the real estate covered by our "Right of First Refusal" by Hines Corp., we have made the decision to "waive" our right at this time. This waiver on our part extends only to the precise terms contained in the proposed "Agreement For Sale And Purchase of Real Estate" document dated June 27, 2013, as delivered to us. Any changes or additions to either the terms or conditions of the proposed purchase and sale will require that you provide us with notice thereof and an additional opportunity to exercise our Right of First Refusal on the real estate.

We will fully release our Right of First Refusal at the time of an actual "closing" of the purchase and sale on terms and conditions identical to those contained in the above-referenced documents. Our Right of First Refusal shall remain in full force and effect until that time.

Thanks very much for giving us this opportunity, we are keeping our fingers crossed that the contingencies will be met and that this transaction will be completed.

Pure Muskegon, after having developed a 12.5m remediation budget for the site, was found unwilling to finance or make the investment necessary to clean the site despite the hundreds of millions of dollars of resources they collectively possessed. **They allowed chemicals to poison Muskegon Lake for a decade.** Instead, 7 years after purchase, they turned to the State of Michigan for assistance and successfully procured a 15m appropriation to pay for clean-up. They have still done nothing. On May 31, 2023 the State of Michigan signed the contract with Pure Muskegon to clean the site and on July 16, Pure Muskegon's brokers sent e-mails across the country soliciting bids with verbal guidance that the accepted offer would be 20m. It doesn't take a math wizard to add the 5m paid for the property and 15m for the State of Michigan grant. It is my opinion they attempted to monetize taxpayer dollars into cash with zero effort after allowing their property to contaminate Muskegon Lake for a decade.

It is my opinion that Pure Muskegon's investors are group of operating company executives who failed for a decade at finding a way to profit from the development of a toxic property while knowingly allowing the property to poison Muskegon Lake. They have allowed Muskegon Lake to be poisoned without calling for help or making any effort to stem the tide with their hundreds of millions of dollars of resources. They have not been honest with the public, the State, potential buyers or the commission regarding this poisoning and the toxic, non-buildable status of the property, yet they gleefully purport it's "ready for housing!". Add in the blatant attempt to profit from the assistance of the State and it is a story of another Love Canal mixed with greed. Add in the rumors that the 15m allocated by State is being hijacked for construction costs offsets and a serious call for alarm is necessary at every level.

Summary

What began as a simple letter advocating for public access, job creation and environmental stewardship has become something entirely different; the uncovering of an obvious attempt to omit material information, falsely assert the feasibility of a project, minimize efforts to remediate toxic contamination while allowing Muskegon Lake to continue to be poisoned. Profits ruled. **THIS IS THE WORST TYPE OF CAPITALISM AND SHOULD BE SHOWN, ROOTED OUT AND STOPPED AT ALL COSTS.**

I have always said that the quality of a people is determined by the morality of their leadership. That applies to capitalists and politicians alike. When people see others gain power and money via unscrupulous means, they become angry and they justify the same indecent, abusive behavior towards others, their town and the environment. It is a cancer that eats everything in its path. We know this here, that resentment and abuse is multi-generational. **This decision is about way more than a PUD approval, it is about what's decent and right for our people, our community and our environment.**

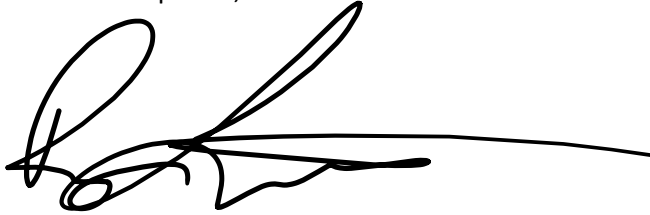
Frankly, I think this situation is bad enough that the Attorney General should be alerted. It certainly would be something for Governor Whitmer to hang her hat on after denying the casino project. I also believe it possible to find grounds for a class action lawsuit due to unjust enrichment and fraudulent representation. A property owner that is in knowledge of a site that causes widespread environmental damage (a real cost against society) yet does nothing to prevent or repair the cause may be sued for damages arising from negligence and public nuisance if special injury can be demonstrated. **There is a moral and fiduciary responsibility to prevent pollution and these men have failed spectacularly.** It is my belief that the owners of Pure Muskegon should be chastised for their actions and required to hand over the property to the State or the City in exchange for immunity, like SAPPI did, so that someone with decency can remediate the property. Once we have a clean property we, as a people and a community can decide what should be done with it.

To State of Michigan regulators, please take immediate steps to reclaim and remediate this property.

To City officials, please discontinue any and all discussions regarding development on this unsafe poisonous property.

To Mr. Hines and Mr. Olsen, I do not lie.

Defendere Populum,

A handwritten signature in black ink, appearing to be 'Ryan M. Leestma', with a long horizontal flourish extending to the right.



October 2, 2023

Parkland Properties of Michigan
75 W Walton Avenue STE A
Muskegon, MI 49440

City of Muskegon
933 Terrace Street
Muskegon, MI 49440

RE: Leestma letter regarding Windward Pointe

Dear Mayor, City Commissioners, City Planning Commissioners, and City staff:

We are unfortunately writing again to respond to recent false and misleading statements from Mr. Leestma concerning our redevelopment plans for the former Sappi Paper Mill site (also known as Windward Pointe). We are available at any time to discuss questions about our redevelopment plans.

Parkland Properties desires to continue Pure Muskegon's original mission and convert the former Sappi Paper Mill site into a lively residential and mixed-use development with hundreds of homesites, condominiums, apartments, retail, a marina and an in-and-out boat storage facility, public parks, and other uses that will benefit the greater Muskegon area. These uses are targeted at making this large, currently private site, an asset for the community and addressing the known housing needs that are supported by the recent City and County housing studies.

Mr. Leestma's statements about the alleged concerns with our clean-up strategies are unfounded: he has no personal knowledge of our remediation plans or strategies for this site. We have a track record of successfully transforming former industrial, contaminated properties into safe and desirable communities. This includes the most recent example at Terrace Point Landing. We are confident that we will be able to safely develop this property and any claims by Mr. Leestma otherwise are baseless.

We disagree with the assertion that building additional homes in the midst of a regional housing crisis is a negative result for this site. The spinoff impact from this large, private, legacy project will be unlike anything that Muskegon has experienced in the last 50-years in a single project and this impact will only be matched by the redevelopment of the Shaw Walker Furniture Company. The redevelopment of Windward Pointe and Shaw Walker – complimented by Harbor 31 and the resurgence of downtown – will positively transform the Muskegon area for generations.

Our new communities at Windward Pointe and Shaw Walker focus primarily on workforce/attainable housing with over 75% of the units providing the opportunity for meaningful residency at attainable price points that expand the opportunities for Muskegon residents. We are proposing to build proven and viable products that are needed and will sell and rent in the current Muskegon housing market. We are also proposing all new public access at Windward Pointe that has never been available over the last 100-years while this site was a paper mill.

We have been working in collaboration with City staff and the community for months to design our projects in a manner that will have the biggest net gain for our community. This included public engagement and outreach sessions with over 200 people in attendance and individual group meetings that were overwhelmingly positive. We are proud of the work we have completed over the last 15-years; we are excited about what we are planning to do over the next 10-years in collaboration with the City; and we are confident that our contributions to Muskegon over this 25-year span including these two legacy projects will have generational impacts on not only Muskegon, but the entire West Michigan region.

We look forward to continuing our great public-private partnership and continuing to make Muskegon an even better place to work and live.

Sincerely,



Jon Roach

October 6, 2023

City of Muskegon
933 Terrace Street
Muskegon, MI 49440

Windward Pointe/Former Sappi Site
2400 Lakeshore Drive, Muskegon, Michigan 49441

Dear Mayor, City Commissioners, City Planning Commissioners, and City Staff:

Fishbeck has prepared this correspondence to provide clarity to the City of Muskegon (City) regarding recent communications that may give the perception we are involved in efforts to disrupt the proposed sale and redevelopment of the Windward Pointe/Former Sappi Site. We have familiarity with the property and the known environmental conditions; however, we are not involved in efforts to disrupt its sale and redevelopment. Fishbeck's past involvement with the Windward Pointe/Former Sappi Site was devoted to helping assist with plans to safely transition this valuable waterfront resource to a viable use that meets the needs of the community while improving the environment. Our involvement with the Windward Pointe/Former Sappi site ended in early 2022.

It is our understanding that the current owner and prospective buyer/development team have been working with the City, community stakeholders, and the Michigan Department of Environment, Great Lakes, and Energy to define a path forward that allows for the safe redevelopment of this property. This is a customary approach, and one that Fishbeck applies to similar brownfield redevelopment projects.

We applaud the City's brownfield redevelopment support to safely transform former industrial and contaminated properties along the waterfront into new and exciting uses that benefit the community and look forward to seeing this take place at the Windward Pointe/Former Sappi Site.

Sincerely,



Roman A. Wilson

Vice President/Brownfield Program Manager

By email

PURE MUSKEGON, LLC

1218 Pontaluna Road, Suite B
Spring Lake, MI 49456

October 3, 2023

Hon. Ken Johnson
Mayor, City of Muskegon
Muskegon City Commission
Muskegon Planning Commission
933 Terrace Street
Muskegon, MI 49440

RE: Proposed PUD for 2400 Lakeshore Drive

Dear Mayor Johnson, City Commissioners and Planning Commission Members:

As you know, Pure Muskegon, LLC has entered into an agreement with Parkland Properties, LLC to sell to Parkland its 120-acre parcel that was the former location of the Sappi paper mill, and which includes approximately 1 mile of frontage on the south side of Muskegon Lake. Parkland has submitted a proposed planned unit development proposal that includes residential homes, condominiums, apartments, a marina, retail facilities, and public amenities. This will be a historic adaptive reuse of a very large vacant industrial site for a first-class mixed use residential and commercial development. We strongly support approval of Parkland's plan by the Planning Commission and the City Commission.

Pure Muskegon was formed in 2013 by us, as a group of local business leaders who were deeply concerned about the future of the former Sappi property, and who wanted to make sure that the property would be developed in a manner that would best serve the city of Muskegon. Pure Muskegon entered into a purchase agreement in 2013 with Melching, Inc., a demolition contractor that had acquired the property from Sappi. Three years later, in 2016, Pure Muskegon acquired the property, after negotiating with the state of Michigan and Sappi a termination of the restrictive covenant Sappi had imposed that required the property to be used perpetually only for industrial purposes. Pure Muskegon's agreement with Melching required Melching to complete demolition of the paper mill and remove the two tall smokestacks, as well as remove a substantial lime pile, all in accordance with the requirements of EGLE.

Since acquiring the Sappi property in 2016, Pure Muskegon engaged DPZ Partners, LLC of Miami, Florida, an internationally recognized design firm, to prepare comprehensive development plans for the property. Pure Muskegon also engaged a well-known west Michigan architect, and a prominent builder, as consultants to assist in both optimizing development plans and identifying the best developer. After extensive discussions with prospective developers over the last several years, Pure Muskegon listed the property with Cushman & Wakefield, a global commercial real estate services firm, earlier this year. After considering a number of additional

proposals, Pure Muskegon entered into an agreement to sell the property to Parkland. This was based on Parkland's long and successful track record as to major developments in west Michigan, and particularly in the City of Muskegon. Pure Muskegon believes that Parkland offers the best opportunity for meeting our goal for redevelopment of the Sappi property for the long-term benefit of the Muskegon community.

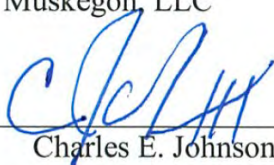
Last week, some misinformation was circulated by a disgruntled potential buyer who is also a competitor of Parkland. We understand that everyone can comment on the PUD proposal; however, we take exception to the many untruths and gross misstatements about the current condition of the site and its potential residential development. EGLE is certain to carefully monitor the uses and any remediation that may be needed for Parkland's development.

Our agreement with Parkland was amended to accommodate the City's requirements for PUD approval through last Thursday's public hearing, the Planning Commission meeting set for October 12, and the City Commission meeting set for October 24. We were encouraged by the report of our attending members that over 200 people were at last Thursday's public hearing, and that support for the Parkland PUD plan was overwhelmingly favorable.

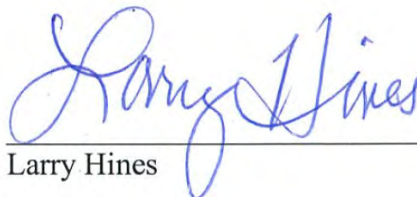
We have done our best to be good stewards as to the Sappi property and to put the best interests of the Muskegon community first. We believe that Parkland will do so as well. We urge the Planning Commission to recommend approval of the Parkland PUD and ask that the City Commissioners accept that recommendation.

Pure Muskegon, LLC

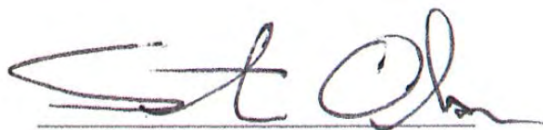
By:



Charles E. Johnson III
Its Manager



Larry Hines



Steve Olsen

Members:

Larry Hines

Mike Olthoff

Donald Tjarksen

Chris Witham

Chuck Johnson

John Workman

Trip Johnson

Steve Olsen

Wes Eklund

Dan Kuznar

W. Gregg Slager and Sue A. Slager

Heather Kettler

Greg Olson

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.
7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls. [amended 8/97]

9. Contractor's offices, with associated indoor storage: [amended 6/02]
 - a. All associated storage must be contained within a structure, and such structure dedicated to storage shall not exceed five thousand (5,000) square feet in size.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
10. Recording Studios. [amended 8/02]
11. Stores selling second hand merchandise [amended 1/12]
12. Brewpubs. [amended 3/12]
13. Microbreweries, Small Wineries and Small Distilleries as long as the brewing area is less than 2,500 square feet. [amended 3/12]
14. Amusement and recreational facilities, including indoor and outdoor sports fields.
15. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
16. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
17. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

- c. There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - d. All lighting shall be shielded from adjacent residential districts and from abutting streets.
 - e. All rest rooms doors shall be shielded from adjoining residential property.
- 2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
- 3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- 4. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of buildings that exceeds the maximum height allowed.
- 5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions: [amended 9/99]
 - a. The maximum length of stay at the facility shall not be greater than fourteen (14) consecutive days.
 - b. Kitchen facilities may be allowed for some or all of the guest units, at the discretion of the Planning Commission, provided that not more than fifty percent (50%) of the units have such facilities.

- c. The minimum floor area of each guest unit shall contain not less than two-hundred (200) square feet. Each guest unit shall contain a private rest room.
 - d. The minimum lot area shall be one-half (1/2) acre with a minimum width of seventy-five (75) feet. For any new development containing less than one (1) acre there shall be at least sixteen hundred (1600) square feet of lot for each guest rental unit. In no case is a development to exceed 24 total units.
 - e. Parking shall be provided on-site.
 - f. The Planning Commission may require a common open space area of one hundred (100) square feet per unit with tables and seating. This area may be located in the required setback.
- 6. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios: [amended 5/02]
 - c. Parking is required to be provided on the same site as the building. Shared parking will be allowed, if it is irrevocable, and if it will not consume any parking needed for a separate use.
- 7. Contractor's offices, with associated indoor storage of over five thousand (5,000) square feet in size: [amended 6/02]
 - a. All associated storage must be contained within a structure.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
- 8. Live music concert halls, under the following conditions: [amended 8/02]
 - a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will not be permitted to serve alcohol at any time to any person.
 - c. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - d. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - e. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.

- f. Security lighting will be provided for the site.
- 9. Self-serve, coin operated, automobile car wash, enclosed in a building.
- 10. Indoor Theaters [amended 5/04]
 - a. Parking must be either on site or with an irrevocable shared parking agreement.
- 11. Veterinary clinics, without outdoor kennels. [amended 5/05]
- 12. Wind Turbine Facilities. [amended 10/09].
- 13. Microbreweries, small wineries and small distilleries with brewing areas larger than 2,500 square feet. [amended 3/12]
- 14. Marihuana microbusinesses, designated consumption establishments, class B recreational grows and temporary marihuana events under the following conditions: [amended 2/21]
 - a. Microbusinesses and Designated Consumption Establishments may only be open between the hours of 8am – 12am.
 - b. A waste disposal plan must be approved for the disposal of waste, chemicals and unused plant material.
 - c. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
- 15. Accessory buildings and accessory use customarily incidental to any of the above Special Land Uses Permitted.
- 16. Uses similar to the above Special Land Uses Permitted.

SECTION 1102: PLANNED UNIT DEVELOPMENTS [amended 10/98]

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-2 Convenience and Comparison Business 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 residential dwellings.

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 2 stories or 35 feet
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.
Clay Avenue; from Seventh Street to Fourth Street.
Pine Street; from Western Avenue to Apple Avenue.

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).

6. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet
7. Rear setback: 10 feet
8. Setback from the ordinary high-water mark or wetland: 75 feet (principal structures only).

9. Side setbacks:
1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
- a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]

ARTICLE XX – FORM BASED CODE (SEE ATTACHMENT)

ARTICLE XXI - SCHEDULE OF REGULATIONS AND DEVELOPMENT OPTIONS

SECTION 2100

See Table I for district density, setback and lot coverage limits.

SECTION 2101: DEVELOPMENT OPTIONS

1. Planned Unit Development (PUD) Purpose

The purpose of this option is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Muskegon and encourage the use, reuse, and improvement of existing sites and buildings when the uniform regulations contained in zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This option is intended to accommodate developments with mixed or varied uses, to allow some degree of flexibility in the application of standards and regulations in this Ordinance to achieve innovation to development on sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this option is sought primarily to avoid the imposition of standards and requirements of zoning classifications rather than to achieve the stated purposes above.

a. Planned Unit Development Regulations, Standards and Requirements

- 1) The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
- 2) The application shall meet the criteria established in each specified zoning district.

b. PUD Review Procedures

- 1) A petition for a PUD approval shall be submitted in accordance with Section 2332 of this ordinance.
- 2) The review shall be in two phases:

- 3) The preliminary phase shall involve a review of a conceptual PUD plan to determine its suitability.
- 4) The final phase shall require a detailed development plan for any part of the approved conceptual PUD plan.

c. Standards for Approval of PUD Plans

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

- 1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
- 2) The uses proposed should be consistent with the land use plans adopted by the City.
- 3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
- 7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

2. Preliminary PUD Plan Submission

The applicant shall submit together with the application for PUD preliminary phase approval:

- a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.
 - 1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.

3. Final PUD Plan Submission

The applicant shall submit together with the application for PUD final phase approval, development plans in sufficient detail and in so far as possible the specific locations and dimensions of:

- a. all streets, sidewalks, public and private utilities, parking areas, truck docks and service drives;
- b. all buildings and structures, elevations and spacial relationships;
- c. landscaping, buffers, fences, and protective walls;
- d. open space areas and other significant environmental features;
- e. existing and final topographic changes;
- f. identification and directional signage;
- g. a property survey prepared and certified by a licensed land surveyor;

4. Amendments to an Approved Final PUD Plan

- a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.
- b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.

5. PUD Development Time Limits

- a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.
- b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.

- c. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.

SECTION 2102: PLANNED UNIT DEVELOPMENT OVERLAY

The intent of Planned Unit Developments (PUD) is to allow for flexibility in the design of developments, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.

An overlay PUD (flex-zone) is hereby established in the City of Muskegon which encompasses the following properties:

Bluffton Bay

1. All of block 715 Revised Plat (1903), City of Muskegon, Muskegon County.
2. That part of Block 714, Revised Plat (1903), City of Muskegon, Muskegon County, Michigan. Described as follows: Commence at the Southwest corner of Block 715 of said Revised Plat, for Point of Beginning; thence South 00°43'48" West along the West line of said Block 715, extended, 137.80 feet; thence South 41°33'45" East 514.10 feet to the Northwesterly line of Sampson Street, if extended; thence North 48°34'44" East along said Northwesterly line 295.35 feet to the East line of said Block 714; thence North 00°43'48" East along said East line 327.08' to the Southeast corner of said Block 715; thence West along the South line of said Block 715 a distance of 564.96 feet to Point of Beginning. Containing 4.76 acres
3. That part of Lot 12 Block 702 of the Revised Plat of 1903 of City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the North most corner of Lot 8 and said Block 702, thence Northwesterly along the Southwesterly line of Lake Shore Drive 315.65 feet to the intersection of said Southwesterly line of Lake Shore Drive and the Southeasterly line of Lot 10 of said Block 702 extended Northeasterly to said Southwesterly line of Lake Shore Drive, thence Southwesterly along said Southeasterly line of said Lot 10 extended a distance of 145.00 feet to the South most corner of said Lot 10 for Point of Beginning, thence continue Southwesterly on the extension of said Southeasterly line of Lot 10 a distance of 157.50 feet, thence Southeasterly parallel to said Southwesterly line of Lake Shore Drive 146.00 feet, thence Southwesterly parallel to the Northwesterly line of Lot 8 of said flock 162.44 feet, thence Southerly parallel to the West line of said Block 380 feet more or less to a point on the Northwesterly line of Lot 6 of said Block, thence Southwesterly along the Northwesterly line of said Lot 6 a distance of 35 feet more of less to the West most corner of said Lot 6, thence Southeasterly along the Southwesterly line of said Lot 6 a distance of 133.50 feet to the Northwesterly line of Sampson Street, thence Southwesterly along the Northwesterly line of Sampson Street 315.3 feet to the Southwesterly corner of said Block 702, thence Recommence at Point of

Beginning, thence Northwesterly along the Southwesterly line of said Lot 10 extended Northwesterly 100.00 feet, thence westerly 70.50 feet to the Southeast corner of Lot 11 of said Block, thence Westerly along Southwesterly line of said Lot 11 extended Westerly 192.70 feet to the West line of said Block 702, thence Southerly along said West line 1196.5 feet to the Southwest corner of said Block 702.

Wildwood Creek

1. Property generally North of Ruddiman Creek, East of Barclay, directly South of the Moose Lodge; all of parcel 61-30-36-400-004 and approximately the North half of parcel 61-30-36-400-021.