

**CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES**

October 12, 2023

J. Doyle called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: K. Johnson, J. Montgomery-Keast, E. Hood (left at 6:50pm),
T. Michalski, J. Seyferth, J. Doyle, S. Blake

MEMBERS ABSENT: None

MEMBERS EXCUSED: D. Keener, B. Mazade

STAFF PRESENT: M. Franzak, S. Pulos, J. Pesch, J. Eckholm

OTHERS PRESENT: Jon Rooks, Rory Charron

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on September 14, 2023 was made by J. Montgomery-Keast, supported by K. Johnson, and unanimously approved.

OLD BUSINESS

Hearing, Case 2023-24:

Request for a special use permit for a drive-thru window at the Subway located at 1848 E Sherman Blvd. (2nd Reading)

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.

MOTION

K. Johnson moved, seconded by J. Montgomery-Keast moved, 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.

ROLL CALL VOTE

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

PUBLIC HEARINGS

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.

PUBLIC COMMENTS

None.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

K. Johnson moved, seconded by J. Doyle, 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.

ROLL CALL VOTE

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

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.

PUBLIC COMMENTS

Ivan Underwood, 624 Houston Ave: Would like to know if this will make his property taxes go up?

Marilynn Brooks, 564 Houston Ave: Wanted to know if this will make her property taxes go up and wants to see the area continue to be a diverse area and wondered if they will be affordable housing. She also wanted to know if the developers will keep the soccer field as-is. She wanted to know if there will be any single-family homes as part of the development.

Lynette Marks, 2265 Resort: She explained that she sits on MPS schoolboard. She stated that it is important to keep a playground and soccer field as part of the development. The property is still in negotiations and does not have an agreed upon purchase agreement.

Wanda Glover, 616 Houston: She is concerned that the kids won't have a place to have recreation in the area. She wants the area to remain a neighborhood with affordable housing. She explained that people with Section 8 housing vouchers have limited options with who will accept them. She wants to know if the area will remain a neighborhood core.

Jake Eckholm, 362 W Muskegon: City staff and himself have kept in contact with the superintendent's office and there is a commitment to keep the soccer fields a public space.

CLOSE PUBLIC HEARING – MOTION

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

ROLL CALL VOTE

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

MOTION

J. Doyle moved, seconded by J. Montgomery-Keast, 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.

ROLL CALL VOTE

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

Hearing, Case 2023-27:

Request for preliminary and final Planned Unit Development approval at 2800-2850 Lakeshore Dr, by Parkland Acquisition Six, LLC.

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.

PUBLIC COMMENTS

Lynette Marks, 2265 Resort: Stated that her concern is that there is nothing in the plan for a natural space on the waterfront. She said that there is a lot of wildlife along p12 and p13 on the site plan. She stated that another community concern is the willow tree. She said that she wants to make sure there are adequate play spaces.

Eve Douglas, 2471 Lakeshore Drive: She lives across the street from the project. Her concern is that there will be limited view. She also has a concern about the sewer infrastructure, that traffic will be backed up, that the road will be expensive to repair, and that getting a PUD is putting the cart before the horse. She stated that she thinks the zoning needs to change on the property.

David Rock, 1604 Peck: Stated that in many areas, the property closest to the waterfront is all public and Muskegon needs to follow suit. He believes that Muskegon can set a standard to waterfront usage and he believes that this development is exactly opposite of what it needs to be.

Marianna Vandam, 2071 Letart: She stated she is a Lakeside resident. She stated that the homes in the proposed project are attainable and middle-class.

Jamie Cross, 976 W Grand: She stated that she wants the waterfront cleaned up.

Thankful about the clean up efforts put into the site so far. She cited the Master Plan section about Muskegon Lake and wants to see those items outlined there also outlined in the site plan for the project. She stated that she agrees that the site need to be rezoned first.

Renee Schwartz, 3440 Fulton: She wanted to know if there is going to be additional parking in the development for guests. She said that she moved back one year ago from California and that they have public board walks, even in front of the homes and thinks it will be a good idea here.

Dave Medendorp, 2314 Harrison: Lives directly across from the project. Feels that the developer is trusted and known in the community. He stated that the new homes and buildings were be an improvement from the old paper mill buildings. He said that he likes the mansion houses the best. He feels the developer is taking great risk and that he will ensure the safety of the site because if he doesn't, he won't be able to sell the properties.

Dan Leask,

CLOSE PUBLIC HEARING – MOTION 1

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

MOTION 1

J. Seyferth moved, seconded by J. Montgomery-Keast, 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.

ROLL CALL VOTE – MOTION 1

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Left at 6:50pm

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

MOTION 2

K. Johnson moved, seconded by J. Doyle, 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 and published 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.
6. The P7 public park would be relocated per the attached drawing, from the interior pond to the Muskegon Lake lakeshore, either using option A or option B.
7. The P8 public park would be relocated per the attached drawing, from the interior pond to the Muskegon Lake lakeshore, either using option A or option B.
8. P12, using grant money would be enhanced with a new above water boardwalk and fishing platform, in a way similar to the attached drawing, subject to DNR and EGLE approval, similar to P13 and P14.
9. Footnote number 11 on the large-format site plan would include a potential one to three level retail stack, which could include coffee shop, sandwich shop, convenience store, ship store, marina office, and rooftop deck in the north east corner of the boat storage building, similar to the restrooms in the southeast corner.
10. Developer is willing to sell the land to the City for an additional park, located where the waterfront lots are shown adjacent to Park P9 (specifically 2 lots to the west and 8 lots to the east) as long as they are contiguous, providing the city purchases the land within the next two years after parklands closing date. The price would be discounted price at \$148,750 per lot. This is simply an option to purchase, and the city is under absolutely no obligation to purchase land.
11. A landscape management plan will be submitted and approved by DPW Director inclusive of the natural vegetation buffer.

ROLL CALL VOTE – MOTION 2

K. Johnson: Yes	J. Montgomery-Keast: Yes	J. Doyle: Yes
E. Hood: Left at 6:50pm	S. Blake: Yes	T. Michalski: Yes
J. Seyferth: Yes		

MOTION PASSES

MOTION AMENDMENTS

MOTION 1

J. Seyferth moved, seconded by J. Montgomery-Keast, to amend the addresses of the first motion from 2800-2850 to 2400 and 2850.

ROLL CALL VOTE – MOTION 1 AMENDMENT

K. Johnson: Yes	J. Montgomery-Keast: Yes	J. Doyle: Yes
E. Hood: Left at 6:50pm	S. Blake: Yes	T. Michalski: Yes
J. Seyferth: Yes		

MOTION PASSES

MOTION 2

K. Johnson moved, seconded by J. Doyle, to amend the addresses of the first motion from 2800-2850 to 2400 and 2850.

ROLL CALL VOTE – MOTION 2 AMENDMENT

K. Johnson: Yes	J. Montgomery-Keast: Yes	J. Doyle: Yes
E. Hood: Left at 6:50pm	S. Blake: Yes	T. Michalski: Yes
J. Seyferth: Yes		

MOTION PASSES

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.

SUMMARY

1. The properties were recently rezoned to Form Based Code, Neighborhood Core in anticipation of this project.
2. The parcels have not been combined yet, but will be upon approval of the project. The properties total 0.8 acres in size.
3. The project includes a three story, 45-unit, senior affordable residential building.
4. Staff has worked with the applicant over the past two weeks to modify the plan to help it better meet the form based code. The applicant has been able to make modifications that meet the requirements for frontage type, front entrances and building placement.

5. The applicant is seeking a departure from the following code requirements:
 - a. Parking must be setback at least 40' from the street
 - b. Building shall have a flat roof with parapet.
 - c. Building shall have a cornice expression line at the roofline.
6. 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.

PUBLIC COMMENTS

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Montgomery-Keast moved, seconded by E. Hood, that the request for the departures listed in the staff report for the development at 134/148/158/168/174 Allen Ave be approved.

ROLL CALL VOTE

K. Johnson: Yes	J. Montgomery-Keast: Yes	J. Doyle: Yes
E. Hood: Yes	S. Blake: Yes	T. Michalski: Yes
J. Seyferth: Yes		

MOTION PASSES

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. The properties were recently rezoned to Form Based Code, Neighborhood Core in anticipation of this project.
2. The parcels have not been combined yet, but will be upon approval of the project. The properties total 1.15 acres in size.
3. The project includes two separate affordable apartment developments. Building A is a three story, 26-unit affordable apartment building. Building B is a three story, 24 unit affordable apartment building.
4. The applicant is seeking a departure from the following code requirements:
 - a. Main entrances shall be located along the front street.
 - a. Building shall have a flat roof with parapet.
 - b. Building shall have a cornice expression line at the roofline.
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.

PUBLIC COMMENTS

CLOSE PUBLIC HEARING – MOTION

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

MOTION

K. Johnson moved, seconded by J. Doyle, that the request for the departures listed in the staff report for the development at 139/159/161/185 Jay St and 923 Jay St be approved.

K. Johnson: Yes

J. Montgomery-Keast: Yes

J. Doyle: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

J. Seyferth: Yes

MOTION PASSES

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 7:12 pm.