

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

October 10, 2024

Mazade called the meeting to order at 4:01 p.m. and the roll was taken.

MEMBERS PRESENT: K. Johnson, S. Gawron, J. Seyferth, B. Mazade, S. Blake, D. Keener, L. Willett-LeRoi, and L. Simmons II
MEMBERS ABSENT: None
MEMBERS EXCUSED: J. Montgomery-Keast
STAFF PRESENT: M. Franzak, S. Romine, J. Pesch, and J. Eckholm
OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Special Planning Commission meeting on September 26, 2024, was made by J. Seyferth, supported by S. Gawron, and unanimously approved.

APPROVAL OF AMENDED MINUTES

A motion to approve the amended Minutes of the Planning Commission meeting on August 15, 2024, was made by L. Willet-LeRoi, supported by S. Blake, and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2024-25: Request to vacate the remaining portion of the alley between 2nd St and 3rd St, north of Webster Ave and south of Clay Ave, by West Haven 280 LLC.

SUMMARY

1. The applicant owns the former “Corner” building at the corner of Muskegon/3rd. They have requested to vacate the remaining portion of the alley that dead ends at the eastern edge of their property.
2. The applicant does not intend on building over the alley, however they would like to limit car access through the area with landscaping planters and/or art pieces. They are also considering a decorative walkway that would lead pedestrians towards the Muskegon Museum of Art.
3. Vacating an alley relinquishes the City’s interest in the alley. However, a utility easement would still remain in effect. After vacating the alley, the land would be owned by everyone in the block. No permanent structures would be allowed over the former alley until it has been re-platted.
4. There are sanitary and storm sewers located in the alley. The City must maintain an easement to this infrastructure once the alley is vacated. An approval of the vacation should be contingent upon the City retaining a utility easement.
5. Notification was sent to everyone in the block. At the time of this writing, staff had not received any public comments.

PUBLIC COMMENTS

V. Stokes, City of Muskegon resident: Questioned whether the alley is currently public and asked why this was not up for a public vote.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Seyferth moved, seconded by K. Johnson, that the request to vacate the remaining portion of the alley between 2nd St and 3rd St, north of Webster Ave and south of Clay Ave be recommended for approval to the City Commission with the following condition:

1. The City retains a utility easement with the same boundaries as the alley being vacated.

ROLL CALL VOTE

S. Gawron: Yes

B. Mazade: Yes

D. Keener: Yes

J. Seyferth: Yes

K. Johnson: Yes

L. Willet-LeRoi: Yes

S. Blake: Yes

L. Simmons II: Yes

MOTION PASSES

Hearing, Case 2024-26: Request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units.

SUMMARY

1. The original PUD plans were approved on June 12, 1990. The approved plans included a maximum of 250 residential units. There appears to be 190 units developed as of today. However, the timeline to develop these units has expired and the proposed units are in slightly different areas than originally approved.
2. The PUD was amended in 2002 to add three additional duplexes along Fulton St. That amendment noted that the original agreement for sidewalks for the PUD is retained. During the July 11, 2002 Planning Commission meeting it was noted: "In previous amendments the issue of pedestrian walkways has come up. The original PUD required that walkways (sidewalks) be provided when the PUD became more fully developed. This issue needs to be resolved. Cement sidewalks may not be practical in the development. A boardwalk may be cost prohibitive. An option may be that a pedestrian/bike lane be painted on the existing street demarking a pedestrian area that will prompt motorists to be mindful of pedestrians and cyclists. The existing swath of pavement is fairly wide and open, which can actually promote speeding in the development."
3. This amendment proposes eight new structures (six fourplexes, two duplexes) for a total of 28 new units.
4. The fire department has noted that some sort of turnaround must be added at the end of Channel View Point. The current length exceeds the limit of 150 ft to a dead end without an approved turnaround. Additionally, another hydrant must be added along Channel View Point.
5. A stormwater permit from the Engineering Department will be required.

6. No landscaping plan has been provided.
7. Notice was sent to all parcels within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

PUBLIC COMMENTS

D. Gainer, Harbour Towne property owner: Questioned if current property owners have to pay for a sidewalk that was originally included in the original PUD.

D. Calkins, 1675 E. Harbour Towne Cir.: Is concerned with increased traffic within the development, which is already present due to Docker’s restaurant traffic.

B. Matakas, 1682 Nelson St.: Supports the addition of sidewalks throughout the development.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by S. Gawron, supported by L. Willet-LeRoi, and unanimously approved.

MOTION

S. Gawron moved, seconded by D. Keener, that the request to amend the planned unit development (PUD) at Harbour Towne to allow for the construction of 28 new condo units be recommend for approval to the City Commission with the following condition:

1. A turnaround must be incorporated at the end of Channel View Point.
2. An additional fire hydrant must be added along Channel View Point.
3. A stormwater permit must be obtained from the Engineering Department before construction commences.
4. A landscaping plan is provided.
5. Sidewalks be provided in the new development on Fulton Ave to Indiana Ave on W. Harbour Towne Circle.

ROLL CALL VOTE

S. Gawron: Yes	B. Mazade: Yes	D. Keener: Yes
J. Seyferth: Yes	K. Johnson: Yes	L. Willet-LeRoi: Yes
S. Blake: Yes	L. Simmons II: Yes	

MOTION PASSES

AMENDED MOTION

K. Johnson moved, seconded by L. Willet-LeRoi, to amend the underlying motion to replace condition 5 with the requirement that sidewalks through Harbour Towne Circle East and West are installed within 2 years from the commencement of construction.

ROLL CALL VOTE

S. Gawron: No	B. Mazade: No	D. Keener: Yes
J. Seyferth: No	K. Johnson: Yes	L. Willet-LeRoi: Yes
S. Blake: Yes	L. Simmons II: Yes	

MOTION PASSES

Hearing, Case 2024-27: Staff-initiated request to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts.

SUMMARY

1. There are currently three separate single-family residential districts in the zoning ordinance; R-1, R-2, and R-3; which all allow the same uses. The main difference between these districts is how much lot width is required to be considered a buildable lot. This proposal would eliminate R-2 and R-3 districts and change the bulk and area requirements to the current R-3 standards, which requires a minimum 30-foot lot width.
2. The chart in Section 404 would be removed and the Area and Bulk Requirements would be represented as they previously were in the zoning ordinance (without a chart).

Proposed amendments (redline version)

Section 404: Area and Bulk Requirements

New Language Proposed:

SECTION 404: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 3,000 sq. feet.
2. Maximum lot coverage:
Buildings: 70%
Pavement 20%
3. Lot width: 30 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.

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).

5. Front Setbacks:

Minimum: 10 feet
Maximum: 30 feet

Note: New principal structures may align with existing principal structures in the immediate area even

- 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.

~~* 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).~~

~~** Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet.~~

~~*** New principal structures may align with existing principal structures in the immediate area even if the front setback falls outside the build to zone. The immediate area shall be considered all houses on the same block face within 600 feet of the property.~~

~~For corner lots, the front shall be considered the street that faces the front door. The other street shall follow the side setback requirements. The rear, which is opposite of the front street, shall also follow the side setback requirements.~~

~~All required setbacks shall be measured from the property line to the nearest point of the determined drip line of buildings.~~

PUBLIC COMMENTS

R. Ritter, 1472 Jiroch Street: Had questions regarding lot coverage and the percentage of the property that can be covered, and whether a detached garage would also be included in the lot coverage percentage.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Willet-LeRoi, supported by J. Seyferth, and unanimously approved.

MOTION

L. Willet-LeRoi moved, seconded by D. Keener, that the request to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes
J. Seyferth: Yes
S. Blake: Yes

B. Mazade: Yes
K. Johnson: Abstain
L. Simmons II: Yes

D. Keener: Abstain
L. Willet-LeRoi: Yes

MOTION PASSES

Hearing, Case 2024-28: Staff-initiated request to amend Section 400 of the zoning ordinance to allow duplexes, triplexes, and accessory dwelling units as principal uses permitted in the Single-Family Residential Districts.

SUMMARY

1. Currently, single-family is the only housing option in R districts. This proposal recommends allowing duplexes, triplexes and accessory dwelling units (under certain conditions) in these districts.

Proposed amendments (redline version)

SECTION 400: PRINCIPAL USES PERMITTED

In all Single-Family Residential Districts, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
- ~~2. Multiple family dwellings under the following conditions:~~ Duplexes on lots that are at least forty (40) feet wide.
- ~~3. Triplexes with the following conditions:~~
 - ~~a. The lot must be at least fifty (50) feet wide.~~
 - ~~b. The lot must be serviced by an alley in the rear.~~
 - ~~c. Parking areas must be set back at least forty (40) feet from the front property line and may not be accessed from the front street.~~
- ~~4. Accessory dwelling units with the following conditions:~~
 - ~~a. The accessory dwelling unit must be detached and accessory to a principle structure.~~
 - ~~b. The accessory dwelling unit is allowed in conjunction with a one-family detached, duplex, or triplex.~~
 - ~~c. The accessory dwelling unit must be located behind the front building line of the principal structure.~~
- ~~5. Existing multiple-family buildings may add additional dwelling units as long as they meet the living area standards listed in Section 2319.~~
 - ~~a. The home has already been altered with prior approval to allow for multiple dwellings. One-family dwellings may not be altered to allow for multiple dwellings, nor may new homes be built for multiple dwellings.~~
 - ~~b. Homes that have already been altered for multiple dwellings may add additional dwellings as long they meet the living area standards listed in Section 2319.~~
- ~~6. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:~~

PUBLIC COMMENTS

NONE

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Willet-LeRoi, supported by J. Seyferth, and unanimously approved.

MOTION

L. Willet-LeRoi moved, seconded by S. Gawron, that the request to amend Section 404 of the zoning ordinance to remove R-2 and R-3 districts and to adjust the area and bulk requirements for R-1 districts be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes

B. Mazade: Yes

D. Keener: Abstain

J. Seyferth: Yes

K. Johnson: Abstain

L. Willet-LeRoi: Yes

S. Blake: Yes

L. Simmons II: Yes

MOTION PASSES

Hearing, Case 2024-29: Staff-initiated request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit.

SUMMARY

1. A definition for accessory dwelling unit must be created.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Does not include any building or structure designed to be used for human habitation.

Accessory Dwelling Unit (ADU): An accessory structure typically located at the rear of a lot that provides either a small residential unit or home office space.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

PUBLIC COMMENTS

R. Vanderwiet: Does not support anything over a duplex nor additional dwelling units.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Willet-LeRoi, supported by J. Seyferth, and unanimously approved.

MOTION

J. Seyferth moved, seconded by L. Willet-LeRoi, that the request to amend Article II of the zoning ordinance to create a definition for accessory dwelling unit be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes

B. Mazade: Yes

D. Keener: Abstain

J. Seyferth: Yes

K. Johnson: Abstain

L. Willet-LeRoi: Yes

S. Blake: Yes

L. Simmons II: Yes

MOTION PASSES

Hearing, Case 2024-30: Staff-initiated request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts.

SUMMARY

1. If the request to allow duplexes, triplexes and accessory dwelling units is approved, the name of the zoning designation should be changed to reflect the types of houses allowed. Staff proposes changing the name from "Single-Family Residential" to "Neighborhood Residential."

Proposed amendments (redline version)

ARTICLE IV – ~~R SINGLE-FAMILY~~NEIGHBORHOOD RESIDENTIAL DISTRICTS

**~~R-1, SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICTS,
R-2, SINGLE-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICTS,
R-3, SINGLE-FAMILY HIGH-DENSITY RESIDENTIAL DISTRICTS~~**

PREAMBLE

The R Neighborhood Residential Districts are designed to provide a variety of housing choices on a range of lot sizes. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to detached houses, duplexes, triplexes, accessory dwelling units, and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. All homes in these districts must meet the residential design criteria established in Section 2319.

~~These districts are designed to allow for low, medium and high density single family residential development in the proper blocks. The regulations are intended to stabilize, protect, and encourage the residential character of the districts and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of this Article to recognize that blocks throughout the City of Muskegon have been platted and developed in different sizes and road frontages and that development standards should reflect each specific block type. All single family residential districts all allow the same permitted uses, only the area & bulk requirements differ. All homes in these districts must meet the residential design criteria established in Section 2319.~~

PUBLIC COMMENTS

R. Vanderwiet: Stated that there have been improvements on communication with the public, but didn't feel there was enough notice before the items were placed on the Planning Commission meeting agenda.

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Willet-LeRoi, supported by D. Keener, and unanimously approved.

MOTION

L. Willet-LeRoi moved, seconded by J. Seyferth, that the request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes

B. Mazade: Yes

D. Keener: Abstain

J. Seyferth: Yes

K. Johnson: Abstain

L. Willet-LeRoi: Yes

S. Blake: Yes

L. Simmons II: Yes

MOTION PASSES

Hearing, Case 2024-31: Staff-initiated request to amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units.

SUMMARY

1. Only one parking space per dwelling unit was required for residential uses prior to an ordinance amendment in 2002. Large apartment complexes continue to overdevelop parking lots based on the zoning ordinance's requirements. Staff had considered proposing to eliminate parking minimums altogether, as is the case in form-based code districts, but based on public feedback a reduction to one parking space per dwelling unit is being proposed instead.

Proposed amendments (redline version)

TABLE IB: PARKING STANDARDS	
USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	Two <u>One</u> (2 <u>1</u>) spaces for each dwelling unit.
Single and two family dwellings	Two <u>One</u> (2 <u>1</u>) spaces for each dwelling unit.

B. Ritter, 1472 Jiroch Street: Asked for clarification on the required number of parking spaces and what would happen if a duplex or larger was built. Spoke regarding parking in the winter and the difficulties that already exist.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Willet-LeRoi moved, seconded by J. Seyferth, that the request amend Section 2326 of the zoning ordinance to reduce the minimum number of parking spaces for single-family and multi-family dwelling units be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes

B. Mazade: Yes

D. Keener: Abstain

J. Seyferth: Yes

K. Johnson: Abstain

L. Willet-LeRoi: Yes

S. Blake: Yes

L. Simmons II: Yes

MOTION PASSES

Hearing, Case 2024-32: Staff-initiated request to amend Article XX of the zoning ordinance to allow the conversion of single-family houses into duplexes and small multiplexes.

SUMMARY

1. Within the form-based code districts, a few minor design requirements could prevent converting a single-family house into a duplex or triplex.
2. These requirements for Duplex Buildings include (requirements written in black. Suggested amendments written in red):
 - a. Duplexes require “Entrances to upper floor unit(s) to be located at the front and/or side street and shall be directly accessed from and face the street (2006.16, 4.0, B.). **Add language stating that existing Detached House Buildings may add an additional unit without meeting this requirement.**
 - b. Stoop Frontage Option for a Detached House allows for entry doors to be uncovered with no canopy or supported roof (2006.17, B., 2.) while duplexes require that entry doors be covered with a roof supported with columns. **Add uncovered porches as an option for Duplex Buildings.**
 - c. Engaged Porch Frontage Option for a Duplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns (2006.16, H.), while a Detached House requires a minimum of 33% (2006.17, H.). **Reduce the 50% requirement for Duplex Buildings to 33%.**
3. These requirements for Small Multiplex Buildings include (requirements written in black. Suggested amendments written in red):
 - a. Small Multiplexes shall have an 18” to 32” pilaster or wall surface every 18 to 30 feet along building facades facing streets. Pilasters shall extend vertically from grade to

cornice expression line (this is not a requirement for the Detached House Building Type).
Remove this requirement.

- b. 10' minimum ground floor ceiling height (9' for Detached House Building Type). **Reduce this requirement from 10' to 9' for Small Multiplexes.**
 - c. Different types of entry door treatments are required for Small Multiplexes and Detached Houses (2006.14, 9.01, A.2.). **Add uncovered porches as an option for Small Multiplexes.**
 - d. 18" minimum stoop height for a Small Multiplex is higher than the 12" minimum for a Detached House. **Reduce the minimum stoop height for Small Multiplex Buildings from 18" to 12".**
 - e. A Small Multiplex Building requires that 10% to 50% of the façade between the adjacent grade and the finish floor line of the second story be windows, but Detached House Buildings require 40% to 60% be windows. **Increase the maximum percentage for Small Multiplex Buildings from 50% to 60%.**
 - f. Engaged Porch Frontage Option for a Small Multiplex requires that a minimum of 50% of the building facade projects either beyond the line of the porch columns or flush with the porch columns while a Detached House requires a minimum of 33%. **Reduce the 50% requirement for Small Multiplex Buildings to 33%.**
4. Please see the proposed amendments on the following pages. A redlined version is not compatible with the document type that is used for the form-based code. Instead, proposed amendments have been highlighted.

PUBLIC COMMENTS

NONE

CLOSE PUBLIC HEARING – MOTION

A motion to close the public hearing was made by L. Willet-LeRoi, supported by J. Seyferth, and unanimously approved.

MOTION

J. Seyferth moved, seconded by L. Willet-LeRoi, that the request to amend Article IV of the zoning ordinance to remove R-2 and R-3 districts and rename single-family residential districts be recommended for approval as presented to the City Commission.

ROLL CALL VOTE

S. Gawron: Yes

J. Seyferth: Yes

S. Blake: Yes

B. Mazade: Yes

K. Johnson: Abstain

L. Simmons II: Yes

D. Keener: Abstain

L. Willet-LeRoi: Yes

MOTION PASSES

OLD BUSINESS

None.

ADJOURN

There being no further business, the meeting was adjourned at 7:07 pm.