

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, September 14, 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 August 31, 2023.
- III. Old Business
- IV. Public Hearings
 - A. Hearing, Case 2023-23: Staff-initiated request to rezone all of the properties zoned R-1, R-2, R-3, and RT in the McLaughlin, Angell, and Jackson Hill neighborhoods to FBC-UR.
 - B. Hearing, Case 2023-24: Request for a special use permit for a drive-thru window at the Subway located at 1848 E Sherman Blvd.
- 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
September 14, 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.

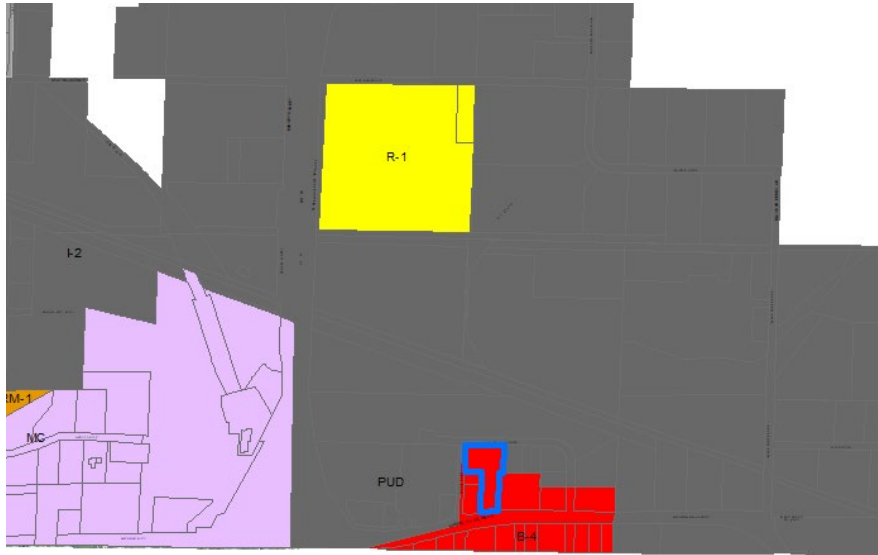
SUMMARY

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 will be a nuisance, by reason of increased traffic with inadequate maneuvering lanes for vehicles, caused by the special land use.

STAFF RECOMMENDATION

Staff recommends denial of the drive thru window based on the finding of facts pertaining to the standards for approval of discretionary uses. There is not enough room to stack cars that will be waiting in the drive-thru lane. Cars entering the development from the curb cut on Sherman Blvd will be blocked by cars waiting in the drive-thru lane. Additionally, if cars were to stack in an “L” shape, wrapping around the building, cars parked in front of some of the business suites would be trapped and be prevented from leaving.

DELIBERATION

The following proposed motion is offered for consideration:

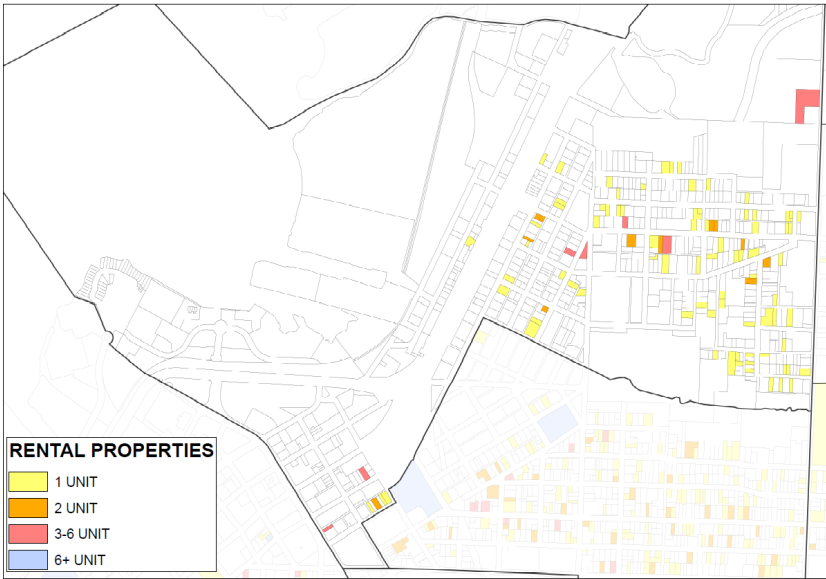
I move that the request for a special use permit for a drive-thru window at 1848 E Sherman Blvd be denied with the following conditions based on the finding of facts pertaining to the standards for approval of discretionary uses.

Hearing, Case 2023-23: Staff-initiated request to rezone all of the properties zoned R-1, R-2, R-3, and RT in the McLaughlin, Angell, and Jackson Hill neighborhoods to FBC-UR.

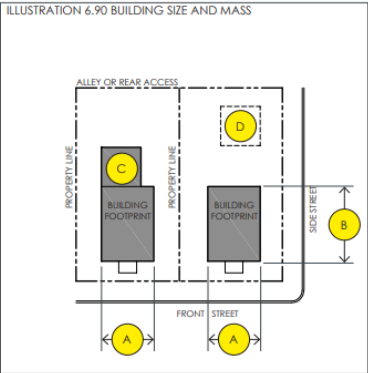
SUMMARY

1. The majority of properties in the McLaughlin, Angell, and Jackson Hill neighborhoods are zoned for single-family residential houses. However, this does not match the reality of the neighborhoods, as each of these neighborhoods have a large variety of missing middle houses (see maps on following pages). A downzoning effort in the 1990's amended the zoning to only allow for single-family houses. This made the existing missing middle houses legally non-conforming (grandfathered). Legally con-conforming houses face challenges with financing from banks, which leads to disinvestment, as property owners may be prevented from accessing capital to update their houses. It also makes it difficult for new buyers to secure financing to purchase the property.
2. Much of the downzoning effort was attributed to the dissatisfaction with neighbors regarding over-crowding and blight associated with these types of houses. Many of the homes were originally constructed as single-family houses and later converted to multi-family houses, with little regulations in place. This led to multiple units being located on small lots, leading to overcrowding issues that lead to parking, storage and general blight concerns. The form based code, urban residential context area has taken these issues into account and does not allow the conversion of single-family houses to multi-family units and newly constructed houses are required to meet certain property regulations that prevent over-crowding.
3. The recent housing needs assessment conducted for the City of Muskegon by Bowen National Research has indicated that the City of Muskegon needs to develop nearly 3,000 housing units over the next five years to keep up with demand and stabilize pricing. This large number of additional units cannot be met by building only single-family houses within our neighborhoods. The City has lost hundreds of housing units over the past couple decades through disinvestment and demolition. Many of these demolished homes were missing middle types. Once they are demolished, they can only be rebuilt as single-family houses, which forces residents out of their neighborhoods, reduces the housing stock, and ultimately drives up the cost of housing; which will most likely lead to gentrification. An increase in housing stock, which serves to keep housing prices stabilized, helps to reduce gentrification.
4. Over the past couple of years, the most notable concern that has been brought forward by those opposing missing middle housing is gentrification. However, there has also been discussions on how the addition of any new housing could lead to gentrification. Adding any new housing to a neighborhood has the potential for gentrification, because new residents will be added to the neighborhood, and concerns over a new identity for the area may arise. These are valid concerns for neighbors. However, these concerns are true whether the new housing is single-family or missing middle. When new housing is introduced to a neighborhood, missing middle housing actually helps fight gentrification by providing additional living options for different sized families. Houses containing multiple-units are cheaper to build than multiple single-family houses. Keeping rents stabilized is the best thing the City can do to reduce gentrification while constructing new housing. Only allowing single-family houses drives up housing costs and ultimately prices residents out of their neighborhoods.
5. Please click [here](#) to view a short article from the White House's website that discusses the discriminatory origins of single-family zoning.
6. Notice of the rezoning request was sent to every property in the Jackson Hill, McLaughlin and Angell neighborhoods that are zoned R-1, R-2, R-3 and RT. Notice was also given to each of these neighborhood associations. At the time of this writing, staff had not received any comments from the public. Please click [here](#) to view the form based code document on the City's website.

We know from the rental maps that these neighborhoods are already made up of missing middle housing types.

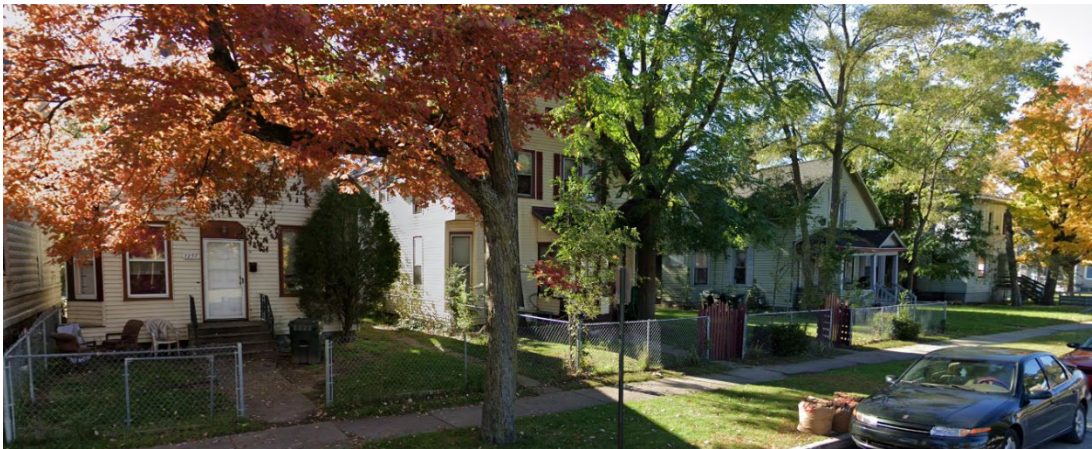


Form Based Code only allows duplexes/small multiplexes on appropriate lot sizes. Note required lot widths.



SMALL MULTI-PLEX BUILDING TYPE	with STOOP	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	3 story max. / 2 story min.	Lot Width: 50' min. / 80' max. Lot Depth: 100' min.
ROWHOUSE BUILDING TYPE	with LIGHTWELL			
	with STOOP	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DETACHED HOUSE BUILDING TYPE	with STOOP	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with PROJECTING PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
	with ENGAGED PORCH	By Right	2 story max. / 1 story min.	Lot Width: 30' min. / 60' max. Lot Depth: 100' min.
CARRIAGE HOUSE BUILDING TYPE		By Right	2 story building required	Not Applicable - Carriage House Building Type must be used as an accessory building to another building type (refer to Section 2004)
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

So you end up with this

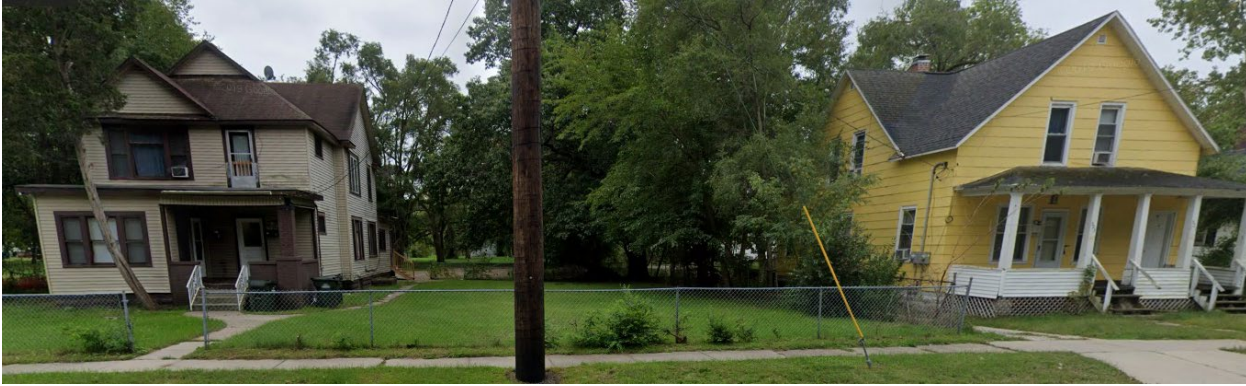


Not this



Proper Zoning

4-unit house (left) on an appropriately sized lot with alley access next to vacant lot and a single-family house (right).



Improper Zoning

3-unit house (below left) on a lot that is too small and without alley access, with parking in the yard. 4-unit house (below right) with no alley access, using a vacant lot for parking/storage.



Housing Needs Assessment

Please click [here](#) to view the Housing Needs Assessment for the City of Muskegon, conducted by Bowen National Research.

Housing Needs Assessment excerpt:

Housing Gap Estimates

The PSA has an overall housing gap of 2,924 units for rental and for-sale product at a variety of affordability levels - It is projected that the city has a five-year **rental** housing gap of 1,611 units and a **for-sale** housing gap of 1,313 units. While there are housing gaps among all affordability levels of both rental and for-sale product, the rental housing gap is distributed most heavily among the lower priced product (rents of \$1,430 or less) and the for-sale housing gap is primarily for product priced at \$190,668 or higher. Details of this analysis, including our methodology and assumptions, are included in Section VIII.

The following table summarizes the approximate potential number of new residential units that could be supported in the PSA (Muskegon) over the next five years.

PSA (Muskegon) Housing Gap Estimates (2022 to 2027) – Number of Units Needed		
Housing Segment		Number of Units
Rentals	Extremely Low-Income Rental Housing (≤\$536/Month Rent)	385
	Very Low-Income Rental Housing (\$537-\$894/Month Rent)	321
	Low-Income Rental Housing (\$895-\$1,430/Month Rent)	403
	Moderate-Income Rental Housing (\$1,431-\$2,145/Month Rent)	295
	High-Income Market-Rate Rental Housing (\$2,146+/Month Rent)	207
	TOTAL UNITS	1,611
For-Sale	Entry-Level For-Sale Homes (≤\$71,500 Price Point)	238
	Very Low-Income For-Sale Homes (\$71,501-\$119,167)	176
	Low-Income For-Sale Homes (\$119,168-\$190,667 Price Point)	164
	Moderate-Income For-Sale Homes (\$190,668-\$286,000 Price Point)	413
	High-Income Upscale For-Sale Housing (\$286,001+ Price Point)	322
	TOTAL UNITS	1,313

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to rezone all of the properties zoned R-1, R-2, R-3, and RT in the McLaughlin, Angell, and Jackson Hill neighborhoods to FBC-UR be recommended to the City Commission for approval.