

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

September 14, 2023

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

MEMBERS PRESENT: K. Johnson, B. Mazade, J. Montgomery-Keast, E. Hood,
T. Michalski

MEMBERS ABSENT: D. Keener

MEMBERS EXCUSED: J. Seyferth, J. Doyle

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

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on August 31, 2023 was made by J. Montgomery-Keast, supported by E. Hood, and unanimously approved.

OLD BUSINESS

None.

PUBLIC HEARINGS

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.

CLOSE PUBLIC HEARING – MOTION

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

1st 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 denied.

ROLL CALL VOTE

K. Johnson: Yes

B. Mazade: No

J. Montgomery-Keast: No

E. Hood: Yes

S. Blake: No

T. Michalski: No

MOTION FAILS

2nd MOTION

B. Mazade moved, seconded by J. Montgomery-Keast, that the request for a special use permit for a drive-thru window at 1848 E Sherman Blvd be approved.

There was no vote on the 2nd motion.

3rd MOTION

K. Johnson moved, seconded by J. Montgomery-Keast, that the request for a special use permit for a drive-thru window at 1848 E Sherman Blvd be tabled until the October Planning Commission meeting.

ROLL CALL VOTE

K. Johnson: Yes

B. Mazade: No

J. Montgomery-Keast: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

MOTION PASSES

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 non-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.

PUBLIC COMMENTS

Terees Williams, 288 E Isabella Ave: Not long ago, the same department requested to change the zoning due to density, pictures were provided showing vehicles parked in close quarters and now a polar opposite request is being made. In recent history, the City is well known for swinging the wrecking ball. The concern of many residents is that the city is allowed to change the zoning as presented, residents will be subject to the whim of eminent domain. While on the surface, adding new homes sounds like a good idea, the fact is that the existing property owners will experience a significant increase in taxes and current owners on fixed incomes will be priced out of their homes due to the increase in taxes. The information written in the letter sent to residents was unable to be understood by lay people and had to be researched to gain understanding about what is actually being proposed. The information referenced from the White House is not relevant, because the White House doesn't live in our house. The reality is that the Community and Neighborhood Services is distributed funds for Fannie Mae mishandling these very areas. The letter needs to be re-written and re-distributed so that everyone affected can understand.

Teona Williams, 288 E Isabella Ave: The meeting packet says once demolished, they can be rebuilt at 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, and that an increase in housing stock which serves to keep housing prices stabilized, helps to reduce gentrification. I'm not sure if that was a misunderstanding of what gentrification actually is, or if that was deliberately misleading. So to help us clarify what gentrification actually is we're going to refer to the Encyclopedia of Housing. Encyclopedia of Housing defines gentrification as "the process of which Central Urban neighborhoods that have undergone disinvestment in economic decline experience a reversal reinvestment and in the migration of relatively well-off middle- and upper-class population." Within the last 10 years or so I would say as we Watch Muskegon Go, we have experienced what Strong Towns recommends as a revitalization of our core Urban neighborhoods, right? So one of the things that we left out in our summary and even in that book which I've read is the reason why communities were divested in the first place, which has to do with our history and our persistent caviars of racism and structural racism. So the bait and switch clicky propaganda that was sent out, that was misleading as Miss Williams talks about - unclear for people to understand - it's part of that structural racism, and so my position, because I do see that we have a beautiful Waterfront, as we see the homes that are going up now that have proximity to downtown, and that water as being a lucrative opportunity. Let's rewrite history by making it a lucrative opportunity for all. So the residents that are here now, I propose that if zoning is to take place, before zoning takes place, that there are regulations attached that require a progressive tax code to be written to allow existing homeowners that may have low income or middle income or fixed incomes to pay their taxes on a sliding fee. That will increase the likelihood that as the tax base increases, that they will be able to remain in their neighborhood.

This proposed zoning as written, positions the indigenous residents to be subjected to the will and morale of the developer. This means whoever has the means to build, will have the authority to use the homeland of the indigenous residents as his or her Capital Venture playground, with no obligation to ensure his or her development mitigates the chances of displacement. Either voluntarily through financial strains, or involuntary as a result of eviction and foreclosure. So before zoning goes in place, there needs to be attachment regulations that will position the residents as financial benefactors.

Isaac Hillard, 769 Wesley: The letter sent out is very hard to understand. Requested clarification on the letter, said that it sounds like the city wants to put duplexes where single family homes are right now.

Willie German, 1240 Sanford: Stated that he warned the community that the proposed change was coming. He opposes Form-Based Zoning without a comprehensive plan. Citizens need to have a say. He stated that the plan to change zoning needs to be well thought out. Communities cannot build their way out of homelessness. Asked who will be in the areas that are not desired now. Middle class families will come into the area and pushed out current residents of color. We need give citizens a better understanding of the proposed changes.

Kenneth Martin, 505 Yuba: Complemented the young people before him, including Willie German, and was concerned about what he has been seeing on TV. He stated that the commission should look at individuals in the community first. He witnessed a similar issue in 1967 living at 715 W Clay. Most people that used to live in that area were people of similar nationality. He stated that he is a 33-year resident of Jackson Hill. He stated the planning commission was only looking at a fraction of the community that this will affect. He said that each area should be addressed individually, not grouped together as a whole. He said that the direction the city is headed is not great for black individuals.

Steve Benedict, Business Address is 1042 Terrace: Graduated from Muskegon High and is a developer in Marquette neighborhood. He said that he is building one house on Yuba, 1900 ft². He is building single family houses that will raise taxes for \$280k. He does not receive any subsidy to build them. He believes that the raise in taxes comes from the millage that was passed. The houses he builds have about \$5k a year in property taxes. He went on to say that multi-unit properties are not used in comparable home searches used to estimate property values of single-family homes.

Jeanette Moore, 403 Erickson: She wanted to know if this is the same FBC that LeighAnn Mikesell came and talked to the neighbors about and will your property taxes go up if you're living there already. She stated that she had her house built 20 years ago.

Mike, 342 Catherine: The way he reads the notice of public hearing is that the government gets to do whatever they want, and the residents have to trust them. He stated that the government has not proven themselves to be trust worthy. He went on to say that he feels the variance process should be used to address needs of individual properties. He stated that

meetings should be held in each neighborhood prior to changes. He said that a few years ago, McLaughlin neighbors said that they were adamantly against the idea. The Planning Commission does not know best what is best for this community. He feels this will encourage absentee landlords that will not live or care about our community. He feels the funding used to subsidize these big apartment complexes should be available to those who want to build single family homes.

Rob Ritter, 1472 Jiroch: Stated his neighborhood is a mixed neighborhood. Most neighborhoods have rental properties. He believes that the proposal will raise every one's taxes and housing cost. He believes this will drive people out of neighborhoods.

Marria McIntosh, 644 Jackson: Stated she represents an organization, Threads. 2 years ago, the same issue was proposed. She stated that the community responded with confusion and formed a coalition. She stated the issue with the proposal was gentrification. Threads as an organization seeks to address this issue through homeownership, entrepreneurship, and impactful community engagement. She stated that the city has never addressed the concerns of citizens about gentrification. She stated that Threads has 7 points on how to address the issue. Because of this, she feels that we are in the same place on the topic 2 years later. She stated that the communities' request to partner at a ground level, have been met with silence. She stated that missing middle housing is well above the mark of our residents.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

B. Mazade moved, seconded by E. Hood, to reject/deny 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.

ROLL CALL VOTE

K. Johnson: Yes

B. Mazade: Yes

J. Montgomery-Keast: Yes

E. Hood: Yes

S. Blake: Yes

T. Michalski: Yes

MOTION PASSES

UPDATES ON PREVIOUS CASES

None.

OTHER

None.

ADJOURN

There being no further business, the meeting was adjourned at 5:20 pm.