

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

July 11, 2024

Mazade called the meeting to order at 4:00 p.m. and the roll was taken.

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

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting on May 16, 2024, was made by K. Johnson, supported by J. Seyferth, and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2024-13: Request to amend the planned unit development (PUD) at Harbor 31 to include the addition of a fence at 140-146 Viridian Dr.

SUMMARY

1. The Lakefront Condo Association (LFCA) at 140-146 Viridian Drive has requested to amend the Harbor 31 PUD to allow for a fence to be placed on their property. The request is for a four-foot, black, aluminum fence (see details in attachment/memo from applicant). There would not be any gates on the fence and it would be open near the driveway approach and along the boardwalk. The applicant is requesting the fence to keep people from trespassing on the property to access the boardwalk.
2. Please see the original PUD resolution for this development, located within the attachment/memo from the applicant. The fifth condition listed on approval states "As much of the open space as possible, especially near the marina and lakeshore pathway, should be either left natural, or planted with native species in order to retain and enhance habitat." The property has been landscaped near the edge of the boardwalk.
3. The PUD requires that there will be two public access walkways to the boardwalk, which will soon be installed. One will be located just to the east of Parmenter Law and one just west of the new senior living facility.
4. Notice was sent to all properties within 300 feet of the subject property. At the time of this

writing, staff had received one written comment. Please see the enclosed comment from Bill Fohlbrook, who is a resident of the development, and is opposed to the fence.

PUBLIC COMMENTS

V. Fohlbrook, 140 Viridian Drive: Against the addition of the fence. The fence would sit along their condo unit and they would prefer that a natural fence (shrubs, bushes, etc.) be used instead of an aluminum fence.

R. Golemba, 144 Viridian Drive: Supports the addition of the fence for added safety purposes.

A. Murphy, 142 Viridian Drive: Spoke about incidents that have occurred at Viridian Shores.

J. Cross, 956 W. Grand Ave: Spoke about the boardwalk and that it has been public access for a long time and there is a need for clearly marked public areas.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

J. Seyferth moved, seconded by J. Montgomery-Keast, that the request to amend the planned unit development (PUD) at Harbor 31 to include the addition of a fence at 140-146 Viridian Dr be recommended to the City Commission for denial.

ROLL CALL VOTE

K. Johnson: Yes

S. Gawron: Yes

L. Willett-LeRoi: Yes

J. Seyferth: Yes

S. Blake: Yes

B. Mazade: Yes

MOTION PASSES

Hearing, Case 2024-14: Request for a planned unit development (PUD) at 920 Washington Avenue (the Watermark), 965 W. Western Avenue (Shaw-Walker building), and 1330 Division Street (vacant lot) for additional residential and commercial development.

SUMMARY

1. The Original PUD for the Watermark included five phases, spread over four addresses. However, only the first two phases were completed. Phases 3-5 were not completed and have since expired according to Section 2101 of the zoning ordinance (see zoning ordinance excerpt of following page).
2. The new PUD is being proposed on 920 Washington Ave, 965 W Western Ave, and 1330 Division St. It excludes 930 Washington Ave, which is the completed Phase I of the original PUD.

3. Please see the attached "Site Layout Map." Phase I of this PUD will include 350 apartments, 9,917 sf of commercial (including a restaurant), and a parking lot at the corner of Western/Division. This will all take place on the parcel known as 920 Washington Ave and will include buildings 3, 4, 5, and 6. Commercial units will be located on the first floor of building 4. Building 2 (former Watermark 920 event center) will now host up to 13,970 sf of commercial suites.
4. Phase II will include 100 apartments, 70 condominiums, and 37 townhouses (site plan incorrectly notes 33 townhouses). The apartments and condominiums will be located on the 920 Washington Ave parcel as well, south of Phase I. the townhomes will be located on 965 W Western Ave in the current Knoll parking lot.
5. An enclosed dumpster is proposed just north of the pickleball courts. There is also an existing dumpster enclose in front of building 2. There will also be dumpsters located inside building 7.
6. Please see the attached "Unit Matrix" for a description of unit sizes.
7. The one-story building that currently houses Knoll (building 7), an industrial business, will be used for indoor parking, which will include 112 parking spaces.
8. The underlying zoning for this property is Form Based Code, Neighborhood Edge. There are no parking minimums required in this zoning district, but rather parking maximums. The code allows up to one parking space per dwelling unit and one parking space per 350 sf of floor area for commercial uses. This would allow up to 625 parking spaces on site, not included covered parking. There are 499 outdoor parking spaces proposed in this plan. Thirty-four of these spaces are existing in front of building 2. There are no bicycle racks proposed on the plan.
9. Loading zones are proposed on both sides of Division St in front of building 3 and the pickleball court/parking lot.
10. Notice was sent to all properties within 300 feet of the subject property. At the time of this writing, staff had not received any comments from the public.

PUBLIC COMMENTS

D. Leask, Beachwood-Bluffton Neighborhood: Spoke about the history of Muskegon and supports the rehabilitation of this property.

T. Monnette, 8420 Mikko Drive: Supports the project and thinks the plans look amazing.

CLOSE PUBLIC HEARING – MOTION

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

MOTION

L. Willett-LeRoi moved, seconded by J. Seyferth, that Phases 2-5 of the original Planned Unit Development at the Watermark (Case 2003-16) be revoked and that the request for a planned unit development (PUD) at 920 Washington Avenue (the Watermark), 965 W. Western Avenue (Shaw-Walker building), and 1330 Division Street (vacant lot) be recommended to the City Commission for approval with the following conditions:

1. The applicant receives a stormwater permit from the Engineering Department.
2. A revised site plan showing bicycle racks is approved by staff.
3. Warning signage will be required for the two mid-block crossings on Division Street.
4. All utility plans must be approved by the Engineering Department.

ROLL CALL VOTE

K. Johnson: Yes

S. Gawron: Yes

L. Willett-LeRoi: Yes

J. Seyferth: Yes

S. Blake: Yes

B. Mazade: Yes

MOTION PASSES

Hearing, Case 2024-15: Request to amend the planned unit development (PUD) at 3400, 3460, 3474 Wilcox Avenue, 1875 Waterworks Road, and 1490 Edgewater Street (the Docks).

SUMMARY

1. The original PUD was approved in June of 2019 and was amended in June of 2020. The amendment was to relocate the boat basin, the addition of six housing units and an additional street connection to Edgewater St via Manhattan Ave.
2. The applicant has spent the past few years working with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to determine where the established wetlands are located on site. EGLE has determined that more of the property is considered an established wetland than previously thought. The applicant is proposing this revised PUD to avoid developing on these wetlands.
3. Please see the attached site plan packet that includes all of the relevant development information and changes from the previously approved PUD.
4. Please see the attached "Lot Descriptions and Setbacks" document, which describes the buildings shown on the site plan. The site plan depicts units 124 and 125, but does not label them. They are located just east of units 93-96.
5. The underlying zoning of the property is R-1, Low-Density Single-Family Residential. According to the zoning ordinance, "Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land." This proposed PUD increases the waterfront public access from 51% in the last PUD to 85% in this amendment.
6. There are 85 public parking spaces located in front of the multi-family buildings, near the common area. Residential parking for the multi-family housing will be located behind the buildings.
7. The fire access road to Harbour Towne has remained on the plan.
8. Please see the "Marina vs Private Docks" attachment. Dock locations on the site plan are just for reference.
9. Notice was sent to all properties within 300 feet of the subject property. At the time of this writing, staff had not received any comments from the public.

PUBLIC COMMENTS

K. Spencer, 1456 E. Harbour Towne Circle: Has concerns about views and light pollution from her condo unit. Her unit sits adjacent to the project and she is concerned about her views being blocked by buildings and parking lots.

S. Balaskovich, 1683 Edgewater Street: Supports the project, but is concerned about a possible street connection to the Edgewater Plat streets.

J. Dutchik, 3400 Sand Dock Court: Concerned about light pollution and would like to see some night sky initiatives.

B. Thomas, 1790 Beach Street: Had questions about whether the school property was included in the PUD and what it will be used for. She also questioned if Wilcox Street, which currently dead-ends will be included in the project.

P. Satorious, 1575 Edgewater Street: Supports the plan and what has evolved since the start of project talks. Had questions about access to the public beach portion of the project and doesn't want to see people trying to access that beach from the Edgewater Street cul-de-sac.

B. Evans, 1712 Edgewater Street: Had questions about elevations at the end of Edgewater Street and asked if fill would be brought in to build that area up.

D. Gaynor, 1680 W. Harbour Towne Circle: Spoke about the history of plan discussions and about the night lighting that can be done. Supports the development.

J. Eichenberg, 1661 Edgewater Street: Had a question regarding a previous plan that showed a boardwalk connection off of Windward and off Brighton Ave so that the neighborhoods could be connected, but doesn't see any mention of that in the current plan. She thinks that it would be good for the people who walk through the neighborhoods.

D. Calkins, 1675 E. Harbour Towne Circle: Had a question regarding the boat slips at the marina and who would own them.

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 K. Johnson, that the request to amend the planned unit development (PUD) at 3400, 3460, 3474 Wilcox Avenue, 1875 Waterworks Road, and 1490 Edgewater Street be recommended to the City Commission for approval with the following conditions:

1. The applicant receives a stormwater permit from the Engineering Department.
2. All utility plans are reviewed and approved by the Engineering Department.
3. Lane widths of streets are deduced to 9 or 10 feet subject to the Engineering Department.
4. Bulb outs are eliminated on road A.
5. Road C will be connected back to road B.
6. The parking lot to the southern marina parking lot will be revised as discussed.
7. Landscaping areas inside of parking areas and streets will be privately maintained.

8. A public/private street map will be provided and describe the ownership as discussed with all publicly-owned roadways being publicly accessible.
9. A landscaping plan is approved by the Planning Department.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes
S. Blake: Yes	B. Mazade: Yes

MOTION PASSES

Case 2024-16: Request for a minor amendment to the planned unit development (PUD) at Hartshorn Village to add fuel tanks outside of the building at 1100 Adelaide Blvd.

SUMMARY

1. The original PUD was approved in January of 2022. It was amended in March of 2022 to replace 17 single-family houses with a condominium building. It was amended again in January of 2023 to reduce the number of single-family houses and to eliminate the condominium building and replace it with the boat storage building.
2. The applicant is now requesting approval to allow three fuel storage tanks outside of the boat storage building at 1100 Adelaide Blvd. The tanks have already been installed, the permit is being applied for after the fact. A grass area has also been incorporated into the driveway. The fuel tanks will be used to fill up boats before they are dropped into the lake.
3. Please see the attached site plan. The tanks are setback 25 feet from the building and approximately 200 feet from the water.
4. The building permits are currently under review and there do not appear to be any issues. They meet the required setbacks for the building/fire codes.
5. This request is being presented as a minor amendment. Under Section 2101 (Development Options) of the zoning ordinance, "Incidental or minor changes may be approved by the Planning Commission of the proposed modifications do not alter the basic design or land uses of the plan. 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."

MOTION

J. Montgomery-Keast moved, seconded by S. Gawron, that the request for a minor amendment to the Hartshorn Village PUD to install three fuel storage tanks at 1100 Adelaide Blvd be approved.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes
S. Blake: Yes	B. Mazade: Yes

MOTION PASSES

L. Willet-LeRoi moved, seconded by J. Montgomery-Keast, to amend the motion to approve the installation of three fuel storage tanks at 1100 Adelaide Blvd, with the condition that all permits are received before the use of the three tanks begins.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes
S. Blake: Yes	B. Mazade: Yes

MOTION PASSES

K. Johnson moved to amend the motion, seconded by J. Montgomery-Keast, to add screening around the three tanks, subject to the staff approval.

ROLL CALL VOTE

K. Johnson: Yes	S. Gawron: Yes
L. Willett-LeRoi: Yes	J. Seyferth: Yes
S. Blake: Yes	B. Mazade: Yes

MOTION PASSES

Case 2024-17: Request for a site plan review for a new 15,063 sf building at 0 Stebbins Rd (Property # 24-115-300-0001-20), by the Muskegon Area Intermediate School District (MAISD).

SUMMARY

1. The MAISD's Career Tech Center will be expanding its Building Arts Program and needs additional space as well as district wide storage and parking.
2. The subject parcel is located just to the east of the existing Career Tech Center located at 200 S Harvey St. There is an existing vet building/shed located on the subject parcel.
3. The subject parcel measures just under five acres and is zoned RM-1, Low-Density Multifamily Residential. The proposed building measures 15,063 sf.
4. A new curb cut is proposed on Stebbins Rd. The new facility can also be accessed through the existing parking lot at 200 S Harvey St.
5. Stormwater will be stored in basins on the east and west sides of the property. A stormwater permit from the Engineering Department is required before construction.
6. There are 13 new parking spots provided.
7. Please see the enclosed site plan and elevations.

MOTION

J. Seyferth moved, seconded by J. Montgomery-Keast, that the request for site plan approval for the new building at 0 Stebbins Road be approved with the following condition:

1. A stormwater permit is obtained from the Engineering Department.

ROLL CALL VOTE

K. Johnson: Yes

S. Gawron: Yes

L. Willett-LeRoi: Yes

J. Seyferth: Yes

S. Blake: Yes

B. Mazade: Yes

MOTION PASSES

OLD BUSINESS

None.

ADJOURN

There being no further business, the meeting was adjourned at 6:54 pm.