

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, June 16, 2022 at 4 pm
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of minutes from the special meeting of May 12, 2022.
- III. Public Hearings
 - A. Hearing, Case 2022-14: Request to amend the Planned Unit Development at 1148 and 1204 W Western Ave.
 - B. Hearing, Case 2022-15: Request for a special use permit to operate a single-room occupancy rental property for homeless veterans at 1435 Peck St, by Living Hope Properties, LLC.
 - C. Hearing, Case 2022-16: Request for Preliminary and Final Planned Unit Development approval for a housing and rental cottage development at 2801 Lakeshore Dr, by Muskegon Club Property, LLC.
 - D. Hearing, Case 2022-17: Staff-initiated request to revoke Section 2310 (Critical Dunes) of the zoning ordinance.
- IV. Other
 - A. Update on previous cases
- V. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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, upon 24- hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or

calling the following:
Ann Meisch, City Clerk
933 Terrace Street
Muskegon MI 49440

STAFF REPORT

June 16, 2022

Hearing, Case 2022-14: Request to amend the Planned Unit Development at 1148 and 1204 W Western Ave.

SUMMARY

1. The PUD was approved on 9/28/21 and includes a waterfront community with condominiums, apartments, marina, marina services, commissary facilities, boat storage, public waterfront trails, restaurant, retail, light industrial, general business, storage yards and warehousing.
2. The proposed amended plan includes the addition of a new street (Adelaide Ave) and proposes to turn Adelaide Circle into a one-way street with angled parking. All streets will be private.
3. The proposed amended plan also removes building R5 (condominium) and splits buildings B1 and B3 (east side of development) into two separate buildings instead of one (identified as B2 on original plan). The buildings between Adelaide Ave and W Western Ave continue to change as the developer researches storage needs, but this area will remain warehousing/boat storage.
4. The Hartshorn Village PUD was recently amended to show Adelaide Blvd located halfway on the Hartshorn Village PUD and halfway on the Adelaide Point PUD. This plan does not depict that, but the developer is willing to amend the plans to accommodate.

Original PUD Plans Approved 9-16-21



STAFF RECOMMENDATION

Staff recommends approval of the amended PUD with the condition that Adelaide Blvd is a shared drive with Hartshorn Village and not two separate streets.

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to amend the Planned Unit Development at 1148 and 1204 W Western Ave be recommended to the City Commission for (approval/denial) with the following condition:

1. Adelaide Blvd is moved to the east and will be a shared drive with Hartshorn Village (exact location to be determined). An updated plan will be approved by staff.

Hearing, Case 2022-15: Request for a special use permit to operate a single-room occupancy rental property for homeless veterans at 1435 Peck St, by Living Hope Properties, LLC.

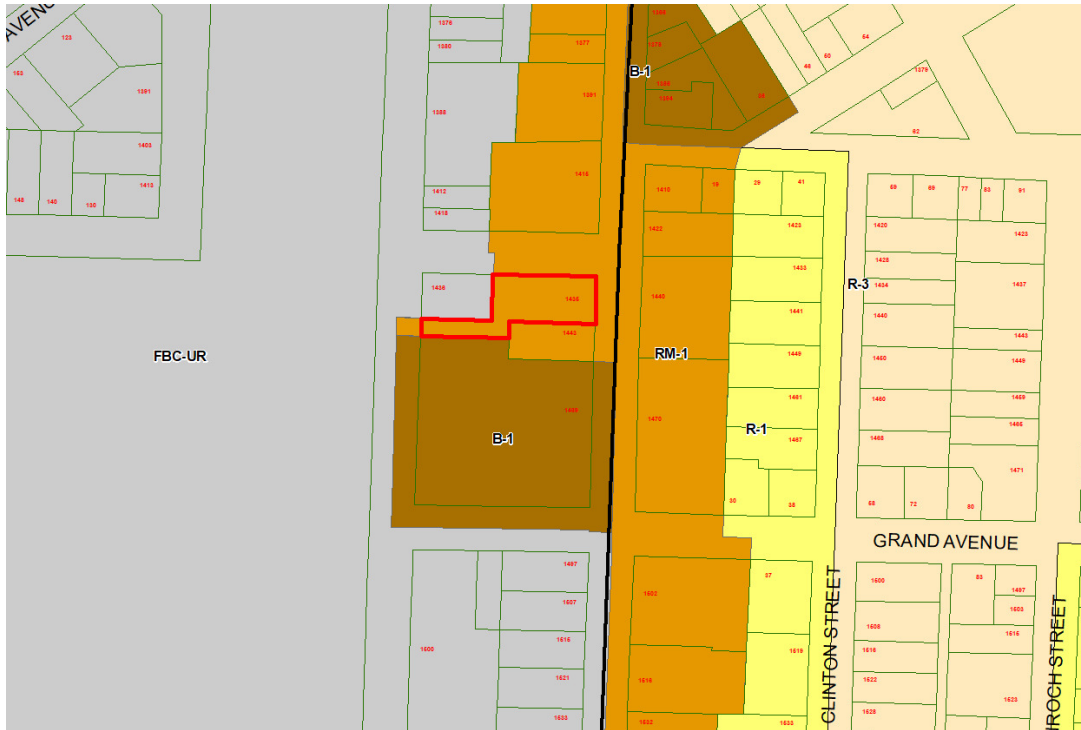
SUMMARY

1. The property is zoned RM-1, Low Density Multi-Family Residential.
2. Adult Foster Care Large Group Homes and other similar uses are allowed in this zoning district with the issuance of a special use permit.
3. The applicant is requesting to run a non-profit operation, in conjunction with Community Encompass, to house up to seven homeless veterans in a single-room occupancy rental property. The occupants would live in the house independently and be checked in on and monitored by Community Encompass.
4. The zoning ordinance only allows one family to be housed in a residential unit. A family is defined as those related by blood or marriage and two additional people. In the past, the Planning Commission has approved special use permits to certain non-profits that assist in housing groups of people not defined as family.
5. The lot measures just over 13,000 sqft and the building measures 2,700 sqft.
6. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

1435 Peck St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval of the special use permit as long as there are no objections from the neighbors.

DELIBERATION

The following proposed motion is offered for consideration:

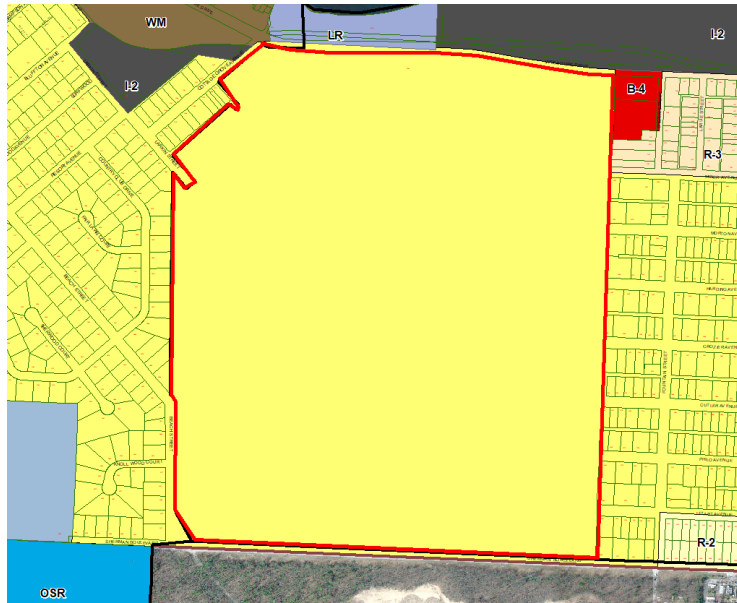
I move that the request for a special use permit to operate a single-room occupancy rental property for homeless veterans at 1435 Peck St be (approved/denied).

Hearing, Case 2022-16: Request for Preliminary and Final Planned Unit Development approval for a housing and rental cottage development at 2801 Lakeshore Dr, by Muskegon Club Property, LLC.

SUMMARY

1. The PUD request involves the development of two portions of the 170-acre golf course site. One portion of the development would include the addition of 25 rental cottage units (ranging from single-family to 4-plex) on the northern edge of the property. Although cottage sizes have not yet been identified for this preliminary plan, they are anticipated to be smaller than the minimum size required by the ordinance (850 sqft). The other portion would include the addition of 39 single-family houses located on two new private streets at the southwest corner of the property. The density of this proposed development is much lower than what is allowed by the ordinance.
2. There are currently 211 parking spaces on site that serve the golf course and restaurant/event space. This plan proposes to increase the amount of parking by adding 84 additional spaces. The increase is proposed to serve the proposed cottages and increased membership to the golf course/club house.
3. Please see the two-separate write-ups enclosed that describe the projects in more detail.
4. Please see the preliminary and final PUD site plans enclosed.
5. The applicant is seeking preliminary approval of the PUD, which includes both portions of the project, the cottages and the permanent homes.
6. The applicant is seeking final PUD approval for the permanent homes on the southwest corner of the property.
7. Notice was sent to everyone within 300 feet of this property. At the time of this writing, staff had not received any comments from the public.

Zoning Map



Aerial Map



DELIBERATION

The following proposed motion is offered for consideration:

I move that the request for Preliminary Planned Unit Development approval for a housing and rental cottage development at 2801 Lakeshore Dr be (approved/denied).

I move that the request for Final Planned Unit Development approval for the development of 39 single-family homes and two new private streets be recommended to City Commission for (approval/denial).

Hearing, Case 2022-17: Staff-initiated request to revoke Section 2310 (Critical Dunes) of the zoning ordinance.

SUMMARY

1. The City took control of critical dune enforcement (from EGLE) in 2019 in an effort to speed up review times for applicants and to reduce their fees.
2. The City accepts critical dune permit applications and forwards them to our consultant, Point Blue, for review. Point Blue then makes a recommendation on the issuance of the permit.
3. The State (EGLE) allows themselves up to 90 days to respond to critical dune applications. In talking with previous applicants, staff has learned that EGLE often approves applications well before that deadline, but sometimes may wait until the deadline to respond.
4. The City usually processes critical dune applications in about 20-30 days.
5. Under an EGLE review, fees for a new home appear to cost about \$1,100, but fees for a deck addition range from \$150-\$250.
6. The City charges \$1,500 for a critical dune permit. This was recently increased from \$1,100 because EGLE is now requiring that we conduct post-construction inspections, which will need to be done with our consultant. Refunds may be given if the consultant fees are not as much as anticipated, but that is a rare occurrence. Sometimes the consultant fees exceed the amount of the application fee. The Deck expansion in 2019 cost \$2,100, but the applicant was only charged \$1,500. The consultant fees for the project at 3561 Woodlawn Ct in 2021 to bury power lines were \$1,168, but the application fee was only \$1,100.
7. Consulting fees for smaller projects appear to cost a lot more than they would if reviewed by EGLE. The consulting fee for a fence addition at 1550 Nelson was \$431.
8. Staff has processed 20 applications since 2019.
9. Each application takes approximately 3-4 hours of staff time.
10. Additional calls about potential projects take approximately 1 hour of staff time per week.
11. We have been audited twice since 2019 and anticipate that we will be audited every year from now on. Each audit takes about 40 hours of staff time and additional costs from the consultant.
12. We have just completed the second audit and are no longer in violation.
13. Revoking the ordinance would return critical dune enforcement to EGLE.

Permits Issued			
Year	Public	Private	Total
2019	3	3	6
2020	0	2	2
2021	1	5	6
2022	0	6	6
Total	4	16	20

DELIBERATION

The following proposed motion is offered for consideration:

I move that the request to revoke Section 2310 (Critical Dunes) of the zoning ordinance be recommended to the City Commission for (approval/denial).