

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 25, 2017 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

- ☐ CALL TO ORDER:
- ☐ PRAYER:
- ☐ PLEDGE OF ALLEGIANCE:
- ☐ ROLL CALL:
- ☐ HONORS AND AWARDS:
- ☐ INTRODUCTIONS/PRESENTATION:
- ☐ CITY MANAGER'S REPORT:
- ☐ CONSENT AGENDA:
 - A. Approval of Minutes City Clerk
 - B. Sale of Unbuildable Vacant Lot at 1251 E. Laketon Avenue Planning & Economic Development
 - C. Telephone System Upgrade Information Technology
 - D. Muskegon Public Schools "Youth Basketball League" and "Growing Goods" Funding Agreement Planning & Economic Development
 - E. Fleet Replacement Vehicle DPW/Equipment
 - F. Leaf Vac DPW/Equipment
 - G. Annex HVAC Replacement City Manager
 - H. Grant Authority to CNS Director to Purchase HUD Homes for Homebuyer Program Community & Neighborhood Services
- ☐ PUBLIC HEARINGS:
 - A. Public Hearing for the 2017 Action Plan Community & Neighborhood Services Department
- ☐ COMMUNICATIONS:

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Approval of Sale of City-owned Home at 2112 Sampson Community
& Neighborhood Services Department

B. Approval of a Neighborhood Enterprise Zone Certificate – 285 W.
Western Avenue Planning & Economic Development

C. Approval of a Neighborhood Enterprise Zone Certificate – 275 W. Clay
Avenue Planning & Economic Development

D. Amendment to the Zoning Ordinance – Form Based Code, Urban
Residential Planning & Economic Development

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

- ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
- ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
- ▶ Submit the form to the City Clerk.
- ▶ Be recognized by the Chair.
- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.
- ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: April 18, 2017
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the April 10, 2017 Worksession Meeting and the April 11, 2017 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON
CITY COMMISSION WORKSESSION

Monday, April 10, 2017
5:30 p.m.
Muskegon City Commission Chambers
933 Terrace Street, Muskegon, MI 49440

MINUTES

2017-28

Present: Warren, German, Johnson, Gawron, Rinsema-Sybenga, and
Hood (arrived at 6:32 p.m.)

Absent: Turnquist

Bee Ordinance

Mike Franzak, Planning Manager, gave an overview of some ideas for a Bee Keeping Ordinance. Representative from Grand Haven and Holland were in attendance and presented information regarding their ordinances. Grand Haven modeled their ordinance after Holland – the process was explained.

Neighborhood Empowerment Program

Frank Peterson explained the proposed program which would allow Neighborhood Associations to take care of vacant lots and in return they could earn funds for programs in their neighborhoods.

Adjournment

Moved by Johnson, second by German, to adjourn the meeting at 7:32 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC
City Clerk

Commission Meeting Date: April 25, 2017

Date: April 18, 2017
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Unbuildable Vacant Lot at 1251 E Laketon Ave.

SUMMARY OF REQUEST:

To approve the sale of the vacant, unbuildable lot at 1251 E Laketon Ave to Emerald City, LLC, owners of the adjacent property at 1249 E Laketon Ave. They would like to acquire the property so that they may combine them and put an addition on to the back of the existing building. They have offered \$600 for the parcel.

FINANCIAL IMPACT:

The sale of this lot will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF AN UNBUILDABLE LOT AT 1251 E LAKETON AVE FOR \$600.

WHEREAS, Emerald City, LLC will be allowed to purchase the parcel designated as number 24-133-200-0003-00, located at 1251 E Laketon Ave for \$600; and

WHEREAS, Emerald City, LLC will combine this with the property they own at 1249 E Laketon Ave; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

NOW THEREFORE BE IT RESOLVED, that parcel number 24-133-200-0003-00, located at 1251 E Laketon Ave be, sold to Emerald City, LLC for \$600

CITY OF MUSKEGON SEC 33 T10N R16W COM AT NW COR OF NW 1/4 OF NE 1/4 TH E 330 FT TH S 165 FT FOR POB TH W 100 FT TH S 29 FT TH E 100 FT TH N 29 FT TO POB

Adopted this 25th day of April, 2017.

Ayes:

Nays:

Absent

By: _____
Stephen J. Gawron
Mayor

Attest: _____
Ann Meisch, MMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on April 25, 2017.

By: _____
Ann Meisch, MMC
City Clerk

Background Info



Our property at 1251 E Laketon Ave is outlined in red. The building at 1249 E Laketon is located just to the north.

The property has a True Cash Value of \$10,000. However, it is actually considered non-buildable because it doesn't meet the minimum size requirements and also does not have any road frontage. The city acquired the property from the DNR in 1995 and hasn't used it for anything (to our knowledge) since. The property measures 27' x 98', which totals 2,646 sf (about 6% of an acre). We usually sell buildable industrial land for about \$10,000 per acre, so staff feels this is a fair price.

The new owner of 1249 E Laketon Ave would like to convert the property into retail space. It is the location of the former Bernie's Transmission. They will be working with Muskegon Township on extending an addition to the east, on to a property located in Muskegon Township. They would also like to use our property at 1251 E Laketon for a small addition on the back.

Date: April 25, 2017
To: Honorable Mayor and City Commissioners
From: Information Technology
RE: Telephone System Upgrade

SUMMARY OF REQUEST: A mandatory upgrade to our telephone system is required. Currently our telephone system is connected to Central Dispatch's system. Our system is redundant with Central Dispatch. If you recall, this current system is saving the City one million dollars over a ten year period of time. At one time the City's telephone bills were \$10,000 each month, but we have been able to reduce those lines to just \$20,000 a year. This upgrade is mandatory and Cisco will discontinue support in July.

FINANCIAL IMPACT: \$35,537

BUDGET ACTION REQUIRED: A budget adjustment will be needed in the third quarter reforecast.

STAFF RECOMMENDATION: Staff recommends approval of the upgrade to the current Cisco System as requested and authorize staff to sign the agreement.

Commission Meeting Date: April 25, 2017

Date: April 18, 2017

To: Honorable Mayor and City Commission

From: Planning and Economic Development Department

**Re: Muskegon Public Schools “Youth Basketball League” and
“Growing Goods” Funding Agreement**

SUMMARY OF REQUEST: The City of Muskegon (“City”) is recommending approval of the attached Agreement with Muskegon Public Schools for the management of the Youth Basketball League and Open Gym and “Growing Goods” programs for 2017. It is the mission of Muskegon Public Schools to provide the best for every child every day. With the support of the City of Muskegon the programs continue to promote the fundamental core values of respect, health and integrity, and sportsmanship, as well as providing a safe, welcoming and healthy environment for the youth.

This Agreement is consistent with the memo sent to City Commission by the former Director of Community & Economic Development in December 2016. It is proposed that the City provide \$20,000 towards the program’s management for 2017, for the “Youth Basketball League” (\$18,500.00) and “Growing Goods” (\$1,500.00) programs.

FINANCIAL IMPACT: The funding will be disbursed from the 2017-2018 Community Development Block Grant/Leisure Services fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the Muskegon Public Schools Funding Agreement.

CITY OF MUSKEGON
YOUTH RECREATION FUNDING AGREEMENT
MUSKEGON PUBLIC SCHOOLS
YOUTH BASKETBALL LEAGUE AND OPEN GYM & GROWING GOODS

This is a Contract, effective April 25, 2017, for the management of “Youth Basketball League and Open Gym” and “Growing Goods” (“Programs”) programs, made between the **City of Muskegon**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 (“City”) and **Muskegon Public Schools**, 349 W Webster Ave., Muskegon, MI 49440 (“Manager”).

Therefore, the parties agree as follows:

- 1. Management; Operation; Maintenance; Improvements.** The Manager agrees to perform all acts and assume all responsibilities for the management and operation of the Programs. The Manager's responsibilities include, but are not limited to, all operations of program sites, including staff oversight, supplies and equipment.
- 2. Expenses.** The Manager shall pay on a timely basis, without incurring any cost of default or penalties, all expenses, payroll, payroll taxes, benefits, taxes, if any, and costs of any kind necessary or related to the complete performance of its responsibilities as Manager.
- 3. Manager; Agency Status.** The Manager shall carry on the responsibilities set forth above, and all incidental or related performances, functions or acts, and shall pay all the said expenses and costs, all on behalf of the City.
- 4. Level of Performance; Standards; Prices.** The Manager's performance and assumption of the responsibilities undertaken by this Contract shall be carried out and performed to the satisfaction of the City, in its sole judgment and discretion.
- 5. Participants.** It is the intent of the City that the Programs are open to all youth, **ages 6- 18 years-of-age.**
- 6. Reports.** The Manager shall provide the City with a mid-term, and final report, detailing all income and expenditures and program activities. Manager shall also provide the City with a copy of the participant log at the conclusion of the program year.
- 7. Management Fee.** For its management of the programs, the Manager shall be paid \$20,000. The funds shall be allocated as follows:
 - \$18,500.00 - Youth Basketball League and Open Gym
 - \$1,500.00 - Growing GoodsThe said management fee shall be the sole compensation to the Manager, and Manager shall pay all the expenses contemplated by this Contract without further payments from the City.
- 8. Term.** The term of this Contract shall be two (2) years from the effective date, provided that either party may terminate this Contract without cause, effective upon 60 days written notice to the other party.
- 9. Assignment.** The Manager may not assign this Contract without prior approval of the City. Any attempted assignment or change in entity of the Manager shall constitute a violation of this Contract and cause immediate termination in the City's discretion.

10. Hold Harmless and Indemnity. To the fullest extent permitted by law, Manager agrees to defend, pay in behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working in behalf of it against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working in behalf of it, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Contract.

11. No Third Party Beneficiary. This Contract shall benefit only the parties to this Contract, and not any third party.

12. Notices. All notices, approvals, consents and other communications required under this Contract shall be in writing and, except when receipt is required to start the running of a period of time, shall be deemed given: (i) when delivered in person; (ii) when sent by telephone facsimile or e-mail, (the sender shall also mail or send a "hard copy" following the facsimile or e-mail, however, the notice shall be effective upon the transmission of the facsimile or e-mail); (iii) one (1) day after depositing in the custody of a nationally-recognized receipted overnight delivery service with delivery fees prepaid; or, (iv) two (2) days after posting in the United States Mail, first-class. Notices shall be sent to the parties at their address stated above.

MUSKEGON PUBLIC SCHOOLS

By: _____
Justin Jennings, Superintendent

Dated: _____, 2017

CITY OF MUSKEGON

By: _____
Stephen Gawron, Mayor

Dated: _____, 2017

By: _____
Ann Marie Meisch, City Clerk

Dated: _____

Date: 4/25/2017

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Fleet Replacement Vehicle

SUMMARY OF REQUEST:

The Equipment Division is requesting permission to purchase one (1) F-250 Pickup from Gorno Ford the Mi-Deal State contract holder. Cost for this vehicle is \$25,654.00 coming from the Equipment Division fund.

FINANCIAL IMPACT:

\$25,654.00

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase one (1) F-250 Pickup from Gorno Ford the Mi-Deal State contract holder.



Date: 4/25/2017

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Leaf Vac

SUMMARY OF REQUEST:

The Equipment Division is requesting permission to purchase one (1) Leaf Vac coming from Fredrickson Equipment Supply the sole source dealer for this brand of equipment. Cost for this Vac. is \$29,000.00 coming from the Equipment Division fund.

FINANCIAL IMPACT:

\$29,000.00

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase one (1) Leaf Vac coming from Fredrickson Equipment Supply the sole source dealer for this brand of equipment.



Minimum Standard Equipment Recommendations

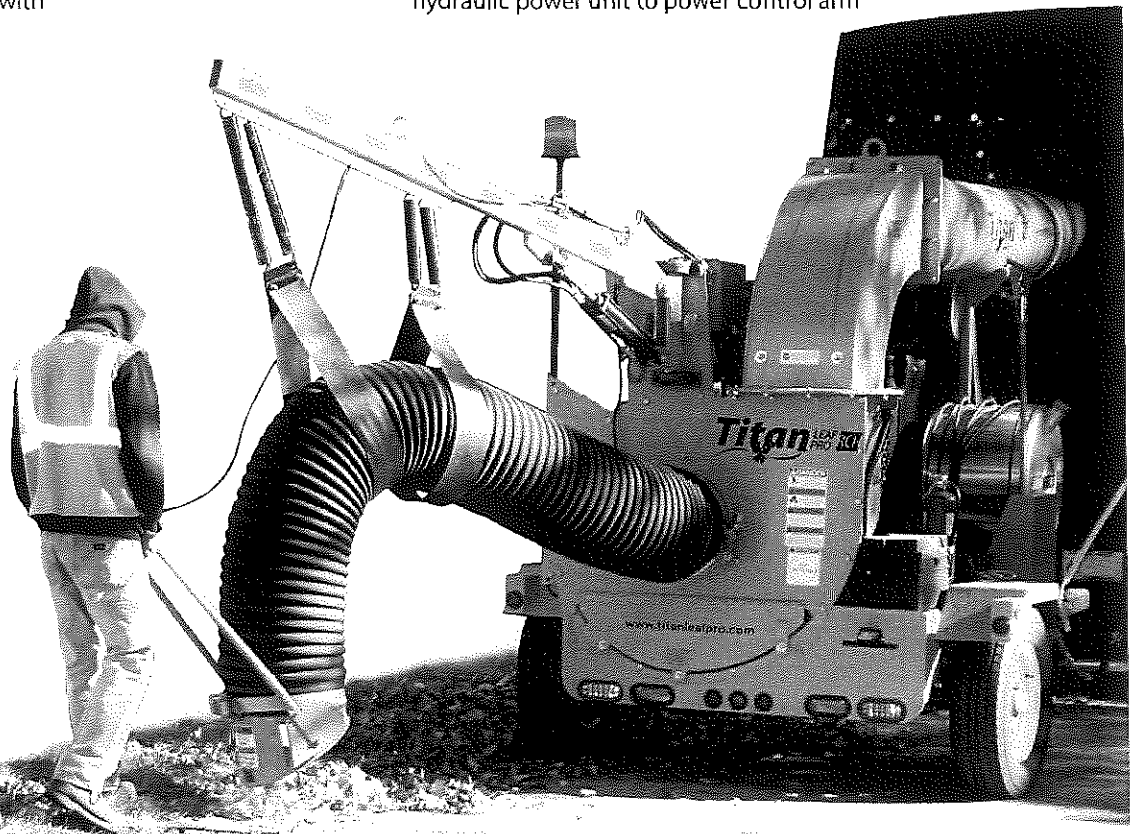
Minimum Tongue Weight - 1,200 lbs.

Minimum Tow Weight - 8,000 lbs.

TITAN LEAF PRO RCH REAR COLLECTION HOSE

Equipment Features:

- Safety interlock system on intake nozzle
- Manual pickup with rear collection hose
- 85 hp-diesel powered engine from Kubota® or John Deere®
- 16" diameter discharge nozzle
- 16" rigid discharge nozzle with 4' hose
- 35 gallon aluminum fuel tank with
- 14,000 - pound 3" adjustable pintle eye with safety chains
- 28.5" fan
- Manual jack
- DOT compliant lighting and markings
- 12 Volt battery with electrical system
- Single function double acting electric over hydraulic power unit to power control arm



www.titanleafpro.com

1385 FRANKLIN GROVE RD. • DIXON, IL 61021 • info@bonnell.com • (815) 284-3819 • (800) 851-9664 • FAX (815) 284-8815



Specifications

Weight, Base Model: 4,800 lbs.
Fuel Tank, Aluminum: 35 U.S. Gallons
Engine, Kubota V3600: 85 hp @ 2600 RPM
Fan: 28.5" diameter (standard)

Battery: 12 Volt, 1190 Amp; 950 CCA
Axle: 7,000 lb with electric brakes
Tires: ST23580R16, load range E
Belts (five): 5VX

Options

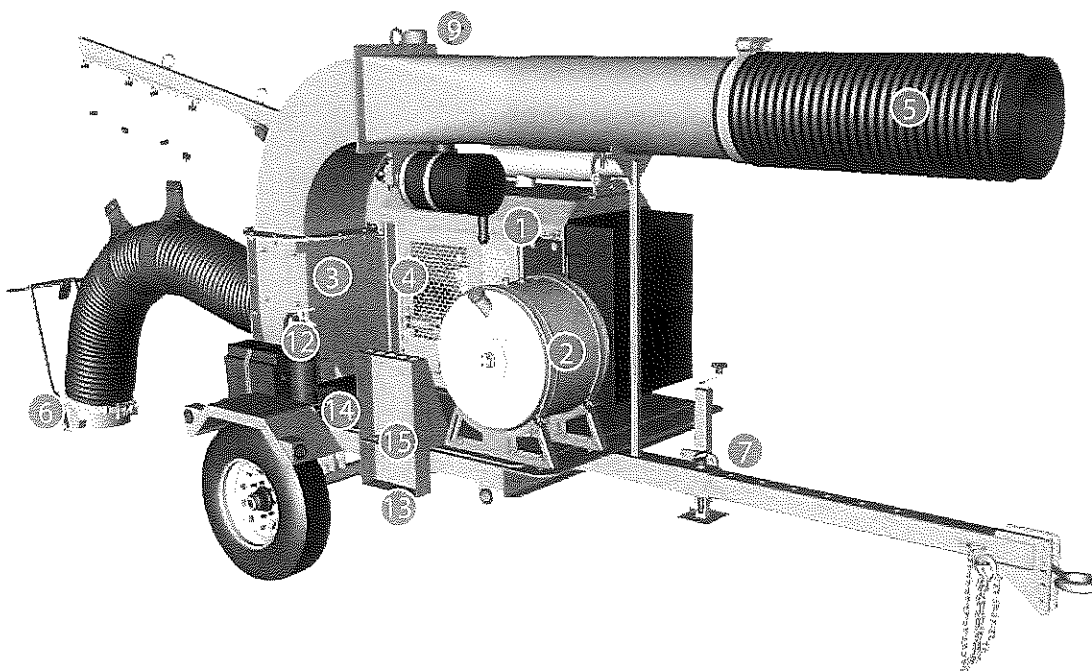
- ① 99 hp Kubota® or John Deere® engine
- ② 35 U.S. gallon fuel tank
- ③ 30" diameter fan
- ④ Transfluid coupler in lieu of standard clutch
- ⑤ Fixed or manual swivel discharge nozzle
- ⑥ Rear collection nozzle
- ⑦ Manual jack with foot (standard);

hydraulic jack with single wheel (optional)

- ⑧ Directional light bar / L.E.D. flashers

- ⑨ Strobe light
- ⑩ Camera system
- ⑪ 100 gallon dust control system
- ⑫ Fire extinguisher
- ⑬ Spare tire and wheel
- ⑭ Wheel chocks
- ⑮ Tool racks

(Options 8, 10, 11 & 13 not shown below)



Bonnell Industries reserves the right under its product improvement policy to change construction or design details and furnish equipment when so altered without reference to illustrations or specifications used herein.



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AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Frank Peterson, City Manager

DATE: April 19, 2017

RE: Annex HVAC Replacement

SUMMARY OF REQUEST:

The Commission previously approved the replacement of certain components of the HVAC system in the Annex. The original estimates were set near \$42,000. The project has been completed and did require some scope changes. The updated final cost of the replacement is \$52,635.

FINANCIAL IMPACT:

\$52,635 from the Public Improvement Fund

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To authorize staff to award the HVAC replacement project to Northside Heating & Cooling.

COMMITTEE

RECOMMENDATION: None.

Northside Heating, Cooling &
Refrigeration, Inc.

2145 Jenna Lane
Muskegon, MI 49445

Phone # 231-744-0911

Fax # 231-744-8806

OK (P)

RECEIVED

MAR 28 2017

Invoice

DATE	INVOICE #
3/27/2017	12090B

MUSKEGON
CITY MANAGER'S OFFICE

BILL TO
City of Muskegon Attn: Frank Peterson 933 Terrace Muskegon, MI 49440

Job Name
L.C. Walker Arena Annex Bldg Peak Performance Training Area

TERMS	P.O. NO.
Net 30	170216

DESCRIPTION	QTY	RATE	AMOUNT
Permit, labor, and material to install: - Two (2) York 20 ton condensing units - Refrigeration piping with insulation - Two (2) suction and two (2) liquid driers - Two (2) TXV's - Two (2) sight glasses - Refrigerant - Isolation refrigerant valves - A cement pad for condensers - Two (2) bump posts		46,135.00	46,135.00
Roofing costs for penetrations and to support piping.		1,000.00	1,000.00
Electrical costs to wire condensing units.		5,500.00	5,500.00

Thank-you for your business.
Please pay on invoice. No statement will be sent.

Total \$52,635.00

Commission Meeting Date: April 25, 2017

Date: April 24, 2017

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Grant Authority to CNS Director to purchase HUD
Homes for Homebuyer Program**

SUMMARY OF REQUEST: To grant authority to the Director of Community and Neighborhood Services to bid on and enter into agreements to purchase property, on behalf of the City of Muskegon, for rehabilitation. Properties will be used to sell to eligible buyers through the Homebuyer Program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the Director of Community and Neighborhood Services, Oneata Bailey, to bid on and enter into agreements to purchase HUD Homes on behalf of the City of Muskegon.

COMMITTEE RECOMMENDATION: None

MUSKEGON CITY COMMISSION

RESOLUTION FOR AUTHORIZATION TO SUBMIT BIDS TO HUD FOR
THE PURCHASE OF
HOMES OFFERED TO GOVERNMENT AGENCIES

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby grants authority to the Director of Community and Neighborhood Services, to bid on and enter into agreements to purchase property, on behalf of the City of Muskegon, for homes owned by HUD for the Home-Buyer Program.

Adopted this 25th of April, 2017.

Ayes:

Nays:

By _____
Stephen J. Gawron, Mayor

By _____
Ann Marie Meisch, MMC City Clerk

Commission Meeting Date: April 25, 2017

Date: April 17, 2017

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE: Public Hearing for the 2017 Action Plan

SUMMARY OF REQUEST: To conduct a public hearing on April 25, 2017 to receive comments from the public concerning the 2017 Action Plan developed by the Community and Neighborhood Services department.

After the public hearing, all comments received during the 30 day comment period (April 17- May 16) will be documented and included in the plan as required.

FINANCIAL IMPACT: The City is required to submit the Annual Action Plan to receive 2017 allocations of CDBG and HOME Investment Partnership Programs.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the 2017 Action Plan to HUD after the public comment period.

Commission Meeting Date: April 25, 2017

Date: April 18, 2017

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned home at 2112 Sampson

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction with Kelma Smajic-Adams for the newly constructed home at 2112 Sampson Ave: purchase price \$158,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of affordable homes through the HOME program and provide funding for our Homebuyer's Assistance Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

COMMITTEE RECOMMENDATION: None.

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE SALE OF
HUD PROPERTY AT 2112 SAMPSON AVE

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of the property at 2112 Sampson Ave to Kelma Smajic-Adams. This home has been newly constructed by Community and Neighborhood Services Department through the Home-Buyer Program.

Adopted this 25th of April, 2017.

Ayes:

Nays:

By _____
Stephen J. Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

Commission Meeting Date: April 25, 2017

Date: April 20, 2017
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Approval of a Neighborhood Enterprise Zone Certificate – 285 W Western Ave

SUMMARY OF REQUEST:

An application for a Neighborhood Enterprise Zone Certificate has been received from Parkland Muskegon, Inc. for the conversion of vacant commercial space to 47 market-rate apartments at 285 W Western Ave. The estimated project cost is \$168,900 per unit. The property was approved as a Neighborhood Enterprise Zone District on December 13, 2016. The applicant has met local and state requirements for the issuance of the NEZ certificate. They have requested the maximum 15 years for the exemption.

FINANCIAL IMPACT:

The taxes on the apartment portion of the project will be frozen at the pre-rehabilitated rate for 15 years, with a three-year phase out (they will receive 75% of the abatement in year 13, 50% in year 14 and 25% in year 15).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the NEZ certificate for 15 years.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a rehabilitation facility has been filed with the City Clerk by Parkland Muskegon, Inc. to rehabilitate their building from vacant commercial space to market-rate residential apartments at 285 W Western Ave in the “Hackley Union Bank” Neighborhood Enterprise Zone District, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years and no extensions will be granted;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation facility for apartments at 285 W Western Ave by Parkland Muskegon, Inc. be approved.

Adopted this 25th day of April, 2017.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Meisch
City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on April 25, 2017.

By: _____

Ann Meisch
City Clerk

Commission Meeting Date: April 25, 2017

Date: April 20, 2017
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Approval of a Neighborhood Enterprise Zone Certificate – 275 W Clay Ave

SUMMARY OF REQUEST:

An application for a Neighborhood Enterprise Zone Certificate has been received from Berkshire Muskegon LDHA, LLC for the 16 market rate units in their proposed mixed-use development at 275 W Clay Ave. The estimated project cost is \$183,864 per unit. The property was approved as a Neighborhood Enterprise Zone District on February 14, 2017. The certificate would only apply to the 16 market rate units and not the 68 subsidized residential units or commercial units.

FINANCIAL IMPACT:

One-half of the previous year's state average principal residence millage rate will be applied to the value of the facility for a duration of 15 years, with a three-year phase out (they will receive 75% of the abatement in year 13, 50% in year 15 and 25% in year 15).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the NEZ certificate for a duration of 15 years.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate for a new facility has been filed with the City Clerk by Berkshire Muskegon LDHA, LLC to construct new market-rate residential apartments at 275 W Clay Ave in the “Berkshire Muskegon” Neighborhood Enterprise Zone District, and;

WHEREAS, the Neighborhood Enterprise Zone Certificate will only be applied to the 16 market-rate apartment units in the mixed-use development, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for fifteen (15) years and no extensions will be granted;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for a new facility for the market-rate apartments at 275 W Clay Ave by Berkshire Muskegon LDHA, LLC be approved.

Adopted this 25th day of April, 2017.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Meisch
City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on April 25, 2017.

By: _____
Ann Meisch
City Clerk

Commission Meeting Date: April 25, 2017

Date: April 20, 2017
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Amendment to the Zoning Ordinance – Form Based Code,
Urban Residential**

SUMMARY OF REQUEST:

Staff initiated request to amend the Form Based Code, Urban Residential Context Area section of the zoning ordinance to allow small multi-plex buildings for multi-family uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the ordinance amendment, with two members absent.

PLANNING COMMISSION EXCERPT
STAFF REPORT
April 13, 2017

SUMMARY

1. The Urban Residential Context Area of the Form Based Code currently allows the following building types: live/work, rowhouse, duplex, detached building (single family), and carriage house.
2. Staff is proposing to also allow small multi-plex building types as well. This building type allows up to six units, as long as they meet the minimum dwelling unit size (650 sf for 1 bedroom, 875 sf for 2 bedroom, 1200 sf for 3 bedroom).
3. It would also be required that each small multi-plex be at least two stories (three max) and have a minimum lot width of 50 feet.
4. Please see the enclosed documents that show where the Form Based Code document would have to be modified in order to accommodate this change. Changes are circled in purple.
5. Please see the enclosed excerpt of the Small Multi-Plex building types allowed in the Form Based Code.

Current Location of Urban Residential Context Areas (highlighted in yellow)



Proposed additions have been circled

BUILDING TYPE STANDARDS

SECTION 2006

2006.07 SUMMARY OF BUILDING TYPES PERMITTED IN EACH CONTEXT AREA

BUILDING TYPE WITH FRONTAGE OPTION		CONTEXT AREAS					
		DT DOWNTOWN	MS MAIN STREET	MSW MAIN STREET WATERPARK	NC NEIGHBORHOOD CORN	NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL
MIDSCALE BUILDING TYPE	with STOREFRONT	By Right	By Right	By Right	By Right	By Right	
	with BALCONY	By Right	By Right	By Right	By Right	By Right	
	with TERRACE	Conditional	Conditional	Conditional	Conditional	Conditional	
	with FORECOURT	By Right	By Right	By Right	By Right	By Right	
	with DRIVE-THROUGH				By Right	By Right	
RETAIL BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with DRIVE-THROUGH				By Right	By Right	
RETAIL BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with FORECOURT		By Right	By Right	By Right	By Right	
COTTAGE RETAIL BUILDING TYPE	with DOORYARD		By Right	By Right	By Right	By Right	
	with STOREFRONT				By Right	By Right	
	with DOORYARD				By Right	By Right	
LIFE/WORK BUILDING TYPE	with STOOP				By Right	By Right	
	with STOREFRONT		By Right	By Right	By Right	By Right	At corner lots only
	with DOORYARD		By Right	By Right	By Right	By Right	
LARGE ALFREY BUILDING TYPE	with LIGHTWELL		By Right	By Right	By Right	By Right	At corner lots only
	with STOOP		By Right	By Right	By Right	By Right	
	with FORECOURT		By Right	By Right	By Right		
	with DOORYARD		By Right	By Right	By Right		
SMALL ALFREY BUILDING TYPE	with STOOP				By Right		
	with PROJECTING PORCH				By Right		
	with ENGAGED PORCH				By Right		
	with LIGHTWELL		By Right	By Right	By Right	By Right	By Right
DIVISION BUILDING TYPE	with STOOP		By Right	By Right	By Right	By Right	By Right
	with PROJECTING PORCH				By Right		By Right
	with ENGAGED PORCH					By Right	By Right
	with LIGHTWELL					By Right	By Right
DETACHED HOUSE BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
	with LIGHTWELL					By Right	By Right
CARRIAGE HOUSE BUILDING TYPE						By Right	By Right
CIVIC BUILDING TYPE		By Right	By Right	By Right	By Right	By Right	By Right

Shaded areas represent Building Types that are not permitted in specified Context Area.

6.8

DOWNTOWN FORM BASED CODE CITY OF MUSKEGON

CONTEXT AREAS AND USE

SECTION 2005

2006.10 URBAN RESIDENTIAL (UR) CONTEXT AREA

3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES

BUILDING TYPE WITH FRONTAGE OPTION		URBAN RESIDENTIAL (UR) CONTEXT AREA		
		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIDSCALE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIFE/WORK BUILDING TYPE	with STOREFRONT			
	with DOORYARD	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with LIGHTWELL			
	with STOOP	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
LARGE ALFREY BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
	with PROJECTING PORCH			
SMALL ALFREY 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.
	with LIGHTWELL			
DIVISION BUILDING TYPE	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.
	with ENGAGED PORCH	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
	with LIGHTWELL	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.
	with LIGHTWELL	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	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

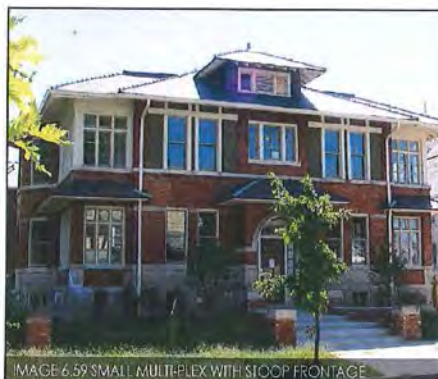
* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

5.38

DOWNTOWN FORM BASED CODE CITY OF MUSKEGON

2006.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**6.0 PERMITTED USES****URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES**

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE/RETAIL BUILDING TYPE	LIVE/WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses					P		P	P	P	P	P	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Gallery/museum					P							P
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												
Retail					P							
Shipping, port related activity												

Examples of Small Multi-Plex Buildings

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Form Based Code, Urban Residential Context Area of the zoning ordinance to allow small multi-plex building types under certain circumstances.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Additions have been circled.

BUILDING TYPE STANDARDS

SECTION 2006

2006.07 SUMMARY OF BUILDING TYPES PERMITTED IN EACH CONTEXT AREA

BUILDING TYPE WITH FRONTAGE OPTION		CONTEXT AREAS					
		DT DOWNTOWN	MS MAIN STREET	MSW MAIN STREET WATERFRONT	NG NEIGHBORHOOD CORE	NE NEIGHBORHOOD EDGE	UR URBAN RESIDENTIAL
MID-RISE BUILDING TYPE	with STOREFRONT	By Right	By Right	By Right	By Right	By Right	
	with BALCONY	By Right	By Right	By Right	By Right	By Right	
	with TERRACE	Conditional	Conditional	Conditional	Conditional	Conditional	
	with FORECOURT	By Right	By Right	By Right	By Right	By Right	
	with DRIVE-THROUGH				By Right	By Right	
RETAIL BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with DRIVE-THROUGH				By Right	By Right	
FLEX BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	
	with TERRACE		Conditional	Conditional	Conditional	Conditional	
	with FORECOURT		By Right	By Right	By Right	By Right	
	with DOORYARD		By Right	By Right	By Right	By Right	
COTTAGE RETAIL BUILDING TYPE	with STOREFRONT				By Right	By Right	
	with DOORYARD				By Right	By Right	
	with STOOP				By Right	By Right	
LIVE/WORK BUILDING TYPE	with STOREFRONT		By Right	By Right	By Right	By Right	At corner lots only
	with DOORYARD		By Right	By Right	By Right	By Right	
	with LIGHTWELL		By Right	By Right	By Right	By Right	
	with STOOP		By Right	By Right	By Right	By Right	At corner lots only
LARGE MULTI-REX BUILDING TYPE	with FORECOURT		By Right	By Right	By Right		
	with DOORYARD		By Right	By Right	By Right		
	with STOOP				By Right		
	with PROJECTING PORCH				By Right		
SMALL MULTI-REX BUILDING TYPE	with STOOP				By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
	with ENGAGED PORCH				By Right	By Right	By Right
ROWHOUSE BUILDING TYPE	with LIGHTWELL		By Right	By Right	By Right		
	with STOOP		By Right	By Right	By Right	By Right	By Right
	with PROJECTING PORCH				By Right	By Right	By Right
DUPLEX BUILDING TYPE	with STOOP					By Right	By Right
	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
	with STOOP					By Right	By Right
DETACHED HOUSE BUILDING TYPE	with PROJECTING PORCH					By Right	By Right
	with ENGAGED PORCH					By Right	By Right
	with STOOP					By Right	By Right
CARRIAGE HOUSE BUILDING TYPE						By Right	By Right
CIVIC BUILDING TYPE		By Right	By Right	By Right	By Right	By Right	By Right

Shaded areas represent Building Types that are not permitted in specified Context Area.

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**6.0 PERMITTED USES****URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES**

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE/RETAIL BUILDING TYPE	LIVE/WORK BUILDING TYPE	LARGE MULTIPLEX BUILDING TYPE	SMALL MULTIPLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses					P		P	P	P	P	P	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Gallery/museum					P							P
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												
Retail					P							
Shipping, port related activity												

CONTEXT AREAS AND USE

SECTION 2005

2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA**3.0 PERMITTED BUILDING TYPES, BUILDING TYPE HEIGHTS, AND BUILDING TYPE LOT SIZES**

BUILDING TYPE WITH FRONTAGE OPTION		PERMITTED IN CONTEXT AREA	BUILDING HEIGHT	BUILDING LOT SIZE
MIXED-USE BUILDING TYPE	with STOREFRONT			
	with BALCONY			
	with TERRACE			
	with FORECOURT			
	with DRIVE-THROUGH			
RETAIL BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with DRIVE THROUGH			
FLEX BUILDING TYPE	with STOREFRONT			
	with TERRACE			
	with FORECOURT			
	with DOORYARD			
COTTAGE/RETAIL BUILDING TYPE	with STOREFRONT			
	with DOORYARD			
	with STOOP			
LIVE/WORK BUILDING TYPE	with STOREFRONT	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with DOORYARD			
	with LIGHTWELL	Conditional*	2 story building required	Lot Width: 18' min. / 35' max. Lot Depth: 80' min.
	with STOOP			
LARGE MULTIPLEX BUILDING TYPE	with FORECOURT			
	with DOORYARD			
	with STOOP			
SMALL MULTIPLEX BUILDING TYPE	with PROJECTING PORCH			
	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	By Right	2 story building required	Lot Width: 18' min. / 30' max. Lot Depth: 100' min.
	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: 40' min. / 60' max. Lot Depth: 100' min.
	with STOOP	By Right	2 story building required	Lot Width: 40' min. / 60' max. Lot Depth: 100' min.
DUPLEX BUILDING TYPE	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.
	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.
DETACHED HOUSE BUILDING TYPE	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 2006)
CIVIC BUILDING TYPE		By Right	3 story max. / 2 story min.	Lot Width: 25' min. / 150' max. Lot Depth: 100' min.

Shaded areas represent Building Types and / or frontages that are not permitted in specified Context Area.

* Refer to the Building Type with specific frontage option in Section 2006 for buildings and frontages labeled as Conditional.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of April, 2017, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2017.

Ann Meisch, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on April 25, 2017, the City Commission of the City of Muskegon adopted an ordinance to amend the Form Based Code, Urban Residential Context Area of the zoning ordinance to allow small multi-plex building types under certain circumstances.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2017.

CITY OF MUSKEGON

By _____
Ann Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354