

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**March 12, 2020**

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

MEMBERS PRESENT: T. Michalski, J. Montgomery-Keast, J. Doyle, S. Gawron, B. Mazade, E. Hood, F. Peterson, L. Spataro

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Canale, 12150 Cross Creek Dr, Spring Lake; C. Benedict, 370 Mid Oak Dr, N. Muskegon., S. Majeed, 6293 Norfolk Dr.; D. Williams, 452 Houston Ave.; M. Gallavin, 590 W Muskegon; S. Thompson, 461 W Webster; J. Miller, 1640 5<sup>th</sup> St; K. Reid, 1527 6<sup>th</sup>

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the regular Planning Commission meeting of January 16, 2020 was deferred until the April meeting.

**PUBLIC HEARINGS**

**Hearing, Case 2020-05:** Request for approval of a Specific Development Plan at 372 Morris Ave by Foundry Square, LLC. M. Franzak presented the staff report. The Form Based Code defines a Specific Development Plan as follows: “A Specific Development Plan is intended to allow applicants development flexibility to address market conditions and opportunities, including the master planning of large lots exceeding the maximum block dimensions as outlined in Section 2004, as well as the consolidation of multiple properties to create predictable and market responsive development for the area. Specific Development Plans shall be required for any Major Departure as outlined in this Section 2002.03 (Form Based Code departures).

1. Specific Development Plan requirements. A Specific Development Plan shall include a full site plan and required data as outlined in Section 2303, 11.
2. Additional requirements include: A plan depicting the proposed Context Areas for the subject site(s) if major departures from the Context Area boundaries are requested.
3. Public Hearing: The applicant and/or Planning Commission may request a public hearing for a Specific Development Plan. A public hearing, pursuant to the Michigan Zoning Enabling Act, shall be required for a major departure of Context Area boundary.
4. Planning Commission action: The Planning Commission shall review and approve, with or without conditions, the full site plan upon the following findings:
  - i. The Context Areas provide a seamless transition from adjacent, existing districts and uses to the proposed subject site(s).

- ii. Internal circulation and layout of lots fosters a walkable, urban area by adhering to the maximum block lengths as outlined in Section 2004.
- iii. Roadways are interconnected and provide safe areas for walking and biking.

The property was recently rezoned to Form Based Code (Mainstreet) in anticipation of this project. The property measures 7.2 acres and has frontage on Morris Ave and 1st St. The plan proposes to extend 2nd St through the property as well. The Form Based Code would allow most of the building layouts as proposed with the exception of a few departures. However, we know that market demands and new interests may alter the final design as the project is built out in phases. Through this Specific Development Plan, we are intending to approve those known departures and to also allow for a little more flexibility on things like setbacks and lot sizes, as the project scope may change in the future. The phasing of the project is also an important aspect of the Specific Development Plan because the Form Based Code only allows for a maximum number of parking spaces for new development downtown. The parking garage should be required to be built at the appropriate phase to insure its completion. Major departures from the Specific Development Plan that are not already identified will require another public hearing at a future Planning Commission meeting; minor departures can be approved by the Planning Director. A few of them may be eliminated because of simple interpretation differences. Many of the departure requests are minor design alterations that still make for a great building design. Some departure requests are a little more significant, such as the deferral of parking maximums until future phases are constructed. Plan approval should include instructions on street phasing (2nd St extension). The plan does not indicate whether the street would be installed entirely before construction of Phase 1 or would the street be constructed in phases as the lots are developed. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the Specific Development Plan with some amendments, which were discussed.

The zoning departures that were requested were reviewed with the board by M. Franzak. The developers were requesting that the hotel not be required to be built up to the front building line at Morris and 2<sup>nd</sup> St. M. Franzak stated that staff would agree to a possible 5-10 foot setback, but not the 15 feet that was requested. Regarding wall signage, an error in the code was discovered and staff would correct that. M. Franzak continued discussing other departures that had been requested, such as setbacks and allowed parcel widths. He also discussed surface parking requirements and how those could differ based on the construction of a parking garage and development patterns on the rest of the site. M. Franzak answered board members questions regarding parking issues. L. Spataro asked if shared parking with the SSA building was a possibility. M. Franzak stated that he had asked the developers to reach out to them. Since it was a federal building, they may have restrictions on that. J. Canale stated that he had spoken to the owner of the SSA building about shared parking, and they were working on it. However, the lease with the Federal government was complicated. J. Montgomery-Keast asked about the timeline for any temporary parking. J. Canale stated that they did not have the full financial feasibility of the parking structure figured out yet-- that would have to wait until after completion of the hotel and family entertainment center--so it could be 24 months. B. Mazade asked J. Canale about staff's comments regarding the requested departures. J. Canale stated that they could work with those. B. Mazade asked about the concerns regarding the 15-foot setback for the hotel. M. Franzak stated that 10-15 feet could possibly leave room for parking, so a 5-7-foot setback allowance was preferable. F. Peterson stated that the city understood the need to dedicate a portion of the footprint for parking, but a structure was needed. L. Spataro stated that his expectation was that if the current plans didn't work out then the developers would come back before the Planning Commission. However, if development ended up taking long enough, the landscaping requirements needed to be met in the interim. M. Franzak also recommended that parking be set

back 40 feet.

There were no public comments. A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

A motion that the Specific Development Plan for the property at 372 Morris Ave be approved with the conditions as follows:

1. All of the departures presented are approved with the exception of the following:
  - a. (Lot 1) Sec. 2006 (4.0)A – Build-to line at front and side streets may depart up to 7 feet instead of 15 feet.
  - b. (Lot 1) Sec. 2006.08 (9.01) – Building façade placement may depart up to 7 feet instead of 15 feet.
  - c. (Lot 3) Sec. 2005.06 (3.0) – The parcel may be no wider than 200 feet, measured from the street
  - d. (Lot 3) Sec. 2005.06 (4.0) – The property may be set back up to 110 feet as proposed as long as a pedestrian plaza is incorporated.
  - e. (Lot 5) Sec. 2005.06 (3.0) – The parcel may be no wider than 200 feet, measured from the street.
2. The parking structure must be built in conjunction with (or prior to) the retail building on Lot 2. Temporary parking spaces on the remainder of the lot may not be used.

was made by F. Peterson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, J. Montgomery-Keast, J. Doyle, S. Gawron, B. Mazade, E. Hood, L. Spataro and F. Peterson voting aye.

**Hearing, Case 2020-06:** Request for a special use permit to add gas service pumps at 45 E Muskegon Ave, by Almajeed Property LLC. M. Franzak presented the staff report. The property is zoned Form Based Code (Neighborhood Core). Gas stations are allowed in this district with the issuance of a Special Use Permit. The current business serves as a convenience store; they would like to add three gas pumps to the east side of property. The parking spaces on the east side of the building would be removed and relocated to the west side of the building along with another building entrance. The driveway would be extended around the entire building. The maneuvering lanes are a little tight near the southernmost gas pump and the building. Two-way traffic should have at least 20 feet of room in a parking lot. Separation is only about 18 feet in a few places. However, staff does not feel this will be an issue in a gas station, especially when the adjacent parking spaces are removed. The following issues also need to be resolved: The blighted fences along the west side and south side of the property should be removed; Trees should be planted in the terraces and in any new concrete curbing around the building; The plan should state that the dumpsters will be screened with privacy fencing; and a paved drive approach should be placed on the south side of the property to connect to the alley. Staff recommends approval of the special use permit with the following conditions: 1) The fence on the east side of the property is removed; 2) A paved drive approach is placed on the south side of the property to connect to the alley; and 3) A landscaping plan with new trees and shrubs shall be approved by the Planning Director.

No public comments were received. S. Majeed stated that he had owned the business since 2009. They had recently remodeled the inside and were now looking to improve the outside and add gas pumps. The new entrance and parking spaces would be located on the side of the building that faced the neighboring Admiral gas station. L. Spataro asked if there would be entrances on both Muskegon Avenue and Spring St. M. Franzak stated that was correct. J. Doyle asked if they planned to remove the fence on the south side and if the parking lot would be accessible from the

alley. S. Majeed stated that they were going to replace the fence with landscaping and they planned to have alley access.

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

A motion that the request for a Special Use Permit to add gas service pumps at 45 E Muskegon Avenue be approved with the following conditions: 1) The fence on the east side of the property is removed; 2) A paved drive approach is placed on the south side of the property to connect to the alley; and 3) A landscaping plan with new trees and shrubs shall be approved by the Planning Director, was made by F. Peterson, supported by E. Hood and unanimously approved, with T. Michalski, J. Montgomery-Keast, J. Doyle, S. Gawron, B. Mazade, E. Hood, L. Spataro and F. Peterson voting aye.

**Hearing, Case 2020-07: Staff-initiated request to rezone multiple properties in the Nelson neighborhood to Form Based Code, Urban Residential.** M. Franzak presented the staff report. Staff is recommending to rezone most of the single-family properties in the Nelson Neighborhood to Form Based Code, Urban Residential. The rezoning would allow for a wider range of housing options including single-family, townhomes, duplexes and small multiplexes. The Nelson Neighborhood already has a large selection of these home types, but many of them were initially single-family homes that were split-up into multiple units. This has led to some blight issues, because many of the homes became denser without having the appropriate-sized lot. The Form Based Code addresses this issue and also requires more stringent design guidelines. Almost all of the existing duplexes and small multiplexes in the Nelson Neighborhood are considered non-conforming, which can lead to problems with financing, insurance and rebuilding. A rezoning to FBC, Urban Residential would alleviate many of these problems. A map was provided, showing rental properties in the area. The map showed that 38% of residential parcels in the Nelson Neighborhood were rental properties, and duplexes accounted for 11% of the parcels. The current zoning does not allow duplexes and small multiplexes and does not match the reality of neighborhood. As Nelson Neighborhood continues to redevelop, staff wants to make sure that a mixture of different housing types are created to continue to address the different housing needs of the diverse neighborhood. Equally as important, it is imperative that we do not zone existing residents out of the neighborhood. Many homes in the area are aging and becoming uninhabitable, whether through disinvestment or disasters. As non-conforming multi-family homes are demolished, it is important that we allow new multi-family homes to be built in their place (on appropriately sized lots) so that tenants are not forced out of the neighborhood because of limited housing options. Note that the proposed rezonings do not include Jefferson St south of the high school.

A brief presentation on the topic of missing middle housing and exploring the neighborhood home makeup was given by M. Franzak. L. Spataro asked why the corridor along Peck St that was zoned RM-1 was not included in the rezoning request. M. Franzak stated that staff would like to include that area at some point, but not at this time, as they wished to concentrate on the single-family lots. J. Montgomery-Keast stated that single-family homes could be costly and high-maintenance, making home ownership difficult or impossible for some. D. Williams stated that he had moved back to the area to retire. He was concerned with Section 8 housing and how a balance could be maintained between allowing those and maintaining neighborhood stability. He suggested that longer-term rental contracts might cut down on occupancy turnaround and crime. He stated that he would like to see the Planning Commission enact some restrictions to limit the number of multi-family units. T. Michalski stated that the Form Based Code zoning would help limit that. M. Gallavin was opposed to the request to allow four-unit buildings; he preferred to see only duplexes and single-family homes allowed. S. Thompson stated that he was in favor of the Form Based

Code but was also concerned with four-plexes not fitting in with the neighborhood. He stated that it would cause too much traffic on the narrow streets, too many vehicles parked on small lots, and not enough storm drainage along alleys causing pollution from stormwater runoff. J. Miller stated that he was the new owner of a single-family home in the area, and he preferred that any rezoning be postponed until a later time; he felt that this was premature. K. Reid listed several problems with crime in the area and was opposed to the rezoning, stating that single-family homes would improve neighborhood stability. Several of those who spoke also voice concerns about their property values. Staff recommends approval of the rezoning request as presented.

A motion to close the public hearing was made by L. Spataro, supported by F. Peterson and unanimously approved.

B. Mazade stated that he shared the concerns regarding a lack of parking for four-plexes on 50-ft lots. L. Spataro addressed the comments regarding housing values, stating that people were moving into the neighborhood and there was a demand for housing. The city needed to meet that demand, and multi-family housing was essential—otherwise prices would go up and people would be forced out of their homes. In addition, the vacant lots needed to be filled in. As far as traffic congestion, he stated that those streets had accommodated more traffic when there were more homes in the area, before so many were torn down. He stated that he also shared the parking concerns regarding fourplexes, but was willing to be flexible as long as the multiplexes were limited to four units. F. Peterson addressed concerns about parking for the fourplexes, stating that fourplexes on a 40-foot lot would not be able to have 3-4 bedrooms in the units, therefore limiting the number of occupants and the number of cars. More density was needed in the near-downtown and 3<sup>rd</sup> St areas.

A motion that the request to rezone the properties in the Nelson neighborhood as presented to Form Based Code, Urban Residential be recommended to the City Commission for approval was made by F. Peterson, supported by L. Spataro and approved, with T. Michalski, J. Montgomery-Keast, J. Doyle, S. Gawron, B. Mazade, F. Peterson, and L. Spataro voting aye. Commission Hood did not vote, as he had temporarily stepped out of the room.

**Hearing, Case 2020-08:** Staff initiated request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units. M. Franzak presented the staff report. In association with the previous rezoning request, staff is recommending to limit small multiplexes in Urban Residential context areas to a maximum of four units (instead of six). Staff believes that the size of five- and six-unit homes may be out of scale with the neighborhood.

T. Michalski asked if the number of bedrooms in the units could be limited. L. Spataro stated that the number of bedrooms allowed would be limited according to the square footage of the units. There were no additional public comments.

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

A motion that the request to amend the Form Based Code, Urban Residential districts to restrict small-multiplexes to four units be recommended to the City Commission for approval, was made by L. Spataro, supported by J. Montgomery-Keast and approved, with T. Michalski, J. Montgomery-Keast, J. Doyle, S. Gawron, B. Mazade, F. Peterson, and L. Spataro voting aye. Commission Hood did not vote, as he had temporarily stepped out of the room.

## **NEW BUSINESS**

None

## **OLD BUSINESS**

Food processing incubator on former Farmers Market site on Yuba St – T. Michalski asked if there were any new developments. F. Peterson stated that the developers had decided to locate the facility on the Muskegon Community College campus but city staff were no longer involved, as that portion of the campus was located outside the city limits.

## **OTHER**

Suburban Nation Chapter 5 – L. Mikesell outlined Chapter 5 of the book

There being no further business, the meeting was adjourned at 6:06 p.m.

DR