

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**December 11, 2008**

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: B. Turnquist, L. Spataro, T. Harryman, S. Warmington, B. Larson,  
T. Michalski

MEMBERS ABSENT: J. Aslakson, excused; B. Smith, excused; B. Mazade, excused

STAFF PRESENT: L. Anguilm, H. Mitchell, D. Leafers

OTHERS PRESENT: T. Pastoor, 1291 Terrace St.; R. DeVries, 1305 Terrace St.; J. Rooks,  
Parkland Muskegon LLC

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of November 13, 2008 be approved, was made by S. Warmington, supported by T. Harryman and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2008-31: Request to rezone the properties located at 1264 Terrace Street and 185 E. Isabella Avenue from R-1, Single Family Residential District to OSR, Open Space Recreation District, by Tom Pastoor, 1291 Terrace Street, McLaughlin Neighborhood Association. L. Anguilm presented the staff report. The properties that are the subject of this request are presently vacant, but being used by the McLaughlin Neighborhood Association for neighborhood gatherings. They have a long term lease with the City for 1264 Terrace, and a maintenance agreement with the City for 185 E. Isabella. Since the McLaughlin Neighborhood does not have their own park, they wish to develop the property into a neighborhood park. Their plans include erecting a picnic shelter, as well as adding other upgrades to the property. Since those improvements aren't allowed on a lot without a principal structure in an R-1 zone, rezoning to OSR seems to be a good solution. The Zoning Ordinance allows "parks, playgrounds and playfields" in the OSR zoning district as principal uses, and the district language states that these districts "are intended for permanent open spaces in the City". The 1997 Master Plan Future Land Use Map identified this property as "Residential", however since parks are meant to serve residential area, this use is complementary. Minimum size for a lot in OSR is 21,780 square feet, with 75 feet of frontage on a street. These two lots together are 22,704 square feet, and have more than the required frontage. The areas surrounding these two properties are all zoned R-1. However, staff does not believe this request would result in a spot zone, since it isn't inconsistent with other uses in the area, and it would not benefit an individual land owner rather than the broad public interest. Staff has received no comments regarding this request and recommends approval.

B. Larson asked who was responsible for maintenance of the lots covered by the long term lease. L. Anguilm stated that the neighborhood association was. B. Larson asked what the City's liability would be. L. Anguilm believed that the neighborhood association would have to have liability insurance to cover the property. B. Turnquist asked what the hours of use were going to be. L. Anguilm stated that it would be up to the neighborhood association. Board members discussed which properties were the ones in question. H. Mitchell pointed them out on a map of the area. B. Larson asked about bathrooms on site. L. Anguilm stated that it was not required, however the neighborhood association was providing port-a-johns for special events. This is allowed in other parks in the City, as well.

T. Pastoor was the neighborhood association president and provided a brief history of the area. He hoped that the park would provide an area to bring the neighbors together. He had spoken to several City staff regarding different possibilities for the park. He would like to erect a picnic pavilion, playground equipment, and a water feature. B. Turnquist asked how many families there were in the neighborhood. T. Pastoor provided some demographics for the area. L. Anguilm stated that since the site was under 2 acres, any site plans submitted would go through staff review, rather than through the Planning Commission. R. DeVries of 1305 Terrace stated that he supported the request.

A motion to close the public hearing was made by T. Harryman, supported by S. Warmington and unanimously approved.

A motion that the request to rezone the properties located at 1264 Terrace Street and 185 E. Isabella Avenue from R-1, Single Family Residential district to OSR, Open Space Recreation district, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by S. Warmington, supported by L. Spataro and unanimously approved.

Hearing; Case 2008-32: Request to amend the Final PUD for 100 Muskegon Mall for the properties located at 241, 255 and 285 W. Western Avenue, to allow for a residential development, by Jonathan Rooks, Parkland Muskegon LLC. L. Anguilm presented the staff report. The properties in question include the former Hackley/Comerica Bank building and two vacant parcels to the northeast, facing W. Western Avenue between First and Jefferson Streets. The original request was for a mixed use commercial and residential development that will involve the rehabilitation of the former bank building and the construction of a two-story addition facing W. Western Avenue. The change proposed will eliminate the commercial element from the two-story addition. Instead the residential units planned for the first floor will be enlarged to include the front area, originally proposed for commercial. Where the units would have been efficiency units, they will now be expanded to one-bedroom units. The entire building addition will also be set back from Western Avenue 8 feet to allow for small gardens and front gates to be installed. This request is made due to the financing difficulties in these hard economic times. DMDC has approved this change to the development. The zoning of the property is B-3, Central Business with a PUD overlay. The properties surrounding the site are all zoned B-3. The building is an 8-story building that previously housed a bank on the first floor and offices on the other floors. The addition will consist of 2 stories, with a total of 70 units between the current building and the addition. The number of units has not changed from the original request. The parking numbers have changed. There were originally 18 garages and 39

surface parking spaces. The new plan has eliminated 3 garages and 4 other parking spaces for a total of 50 spaces. A total of 105 residential spaces are required. The remaining spaces will be covered with a shared parking agreement for an additional 60 spaces, a copy of which has been submitted to the Planning Department. The Planning Department has the following conditions of approval: a) Proposed decorative fencing and gate heights must be indicated on plan. Height limitation in residential front yards is 3 feet, unless an open fence, such as chain link or picket fencing is used, in which case it may be a maximum of 4 feet, b) Indicate zoning classifications of abutting properties, c) Outdoor lighting must be indicated on site plan as 100% cut-off; pole height limit is 25 feet, and d) A sign permit will be required. No comments were available from Fire, DPW, and Engineering at the time of this staff report. Staff has received no comments regarding this request and recommends approval, subject to the conditions listed in the staff report.

L. Spataro asked which lot the parking agreement referred to. L. Anguilm stated that it was 350 Morris. L. Spataro asked what assurance there was that the project would move forward if this request was approved. J. Rooks stated that he had chosen a construction company and already had 33 non-binding reservations for the condominium units. His concern was the condo buyers and their ability to obtain financing. Due to the current condition of the financial markets, banks are not lending for mixed-use developments like they used to. L. Spataro asked if there was a possibility of having the street-level units be mixed use. J. Rooks stated that the original design had that, but that was what banks considered the “retail” component, which made financing difficult. He stated that in the time that the 33 condominium deposits were collected, there had been no interest in the retail space. T. Harryman felt that the retail aspect was an important part of the project, and asked what efforts had been made to retain the retail portion. J. Rooks explained several things he had done.

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

A motion that the minor amendment to the Final PUD for 100 Muskegon Mall for properties at 241, 255, & 285 W. Western Avenue be approved, pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, with the conditions that 1) All revisions to the site plan listed in #8 of the staff report are completed and approved by the Planning Department, and 2) All conditions of the Fire Department, DPW, or Engineering Department are met, was made by B. Turnquist, supported by S. Warmington and unanimously approved.

Hearing; Case 2008-33: Staff-initiated request to amend Section 2334, #1 (Temporary Buildings, Structures, and Uses) of Article XXIII, to include “movie production” structures as permitted temporary buildings. L. Anguilm presented the staff report. With recent tax abatements passed by the State of Michigan, the West Michigan area, including Muskegon, is beginning to experience movie industry interest. For example, the Watermark is in the planning process for a large movie studio. When movie companies come to a location to shoot films, they often need to erect temporary buildings of some sort as part of their sets, or to provide shelter and protection for equipment. Our present zoning ordinance does allow for temporary buildings for many kinds of temporary uses, such as classrooms, Christmas tree sales, and real estate offices. However, it does not provide for temporary buildings for movie production. Temporary structures require a “Temporary Zoning Permit”, which is issued by the Zoning Administrator

and signed by either the property owner, the property lessee, or in this case someone authorized to sign from the production company. Proposed new ordinance language to include movie production was provided.

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

A motion that the amendment to Section 2324, #1, of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to include “movie production” structures as permitted temporary buildings, be recommended to the City Commission for approval, was made by T. Harryman, supported by S. Warmington and unanimously approved.

#### OTHER

Downtown Parking – S. Warmington discussed some developments regarding parking in the downtown area.

There being no further business, the meeting was adjourned at 5:03 p.m.