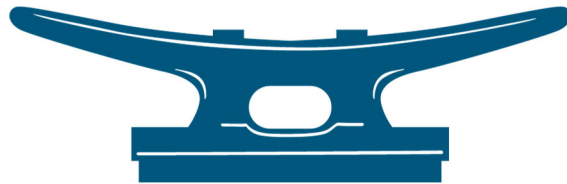


THE  
DOCKS



MUSKEGON, MICHIGAN

Planned unit Development

Application for Amendment to PUD

March 26, 2020

## **Table of Contents**

### **The Docks Development**

- Executive Summary
- Edgewater Plat Revision
- Amendment to PUD
- The PUD Requirements

### **EXHIBITS**

- A. Current PUD Plan as approved in 2019
- B. Proposed Amended PUD
- C. Edgewater Plat Amendment
- D. Submerged Edgewater Street
- E. Visual - Approaching the Harbour Towne and The Docks Channel

## **Executive Summary**

The Docks, a development by Damfino Development, LLC (“Damfino”) is situated between 1000’ feet of existing Muskegon Lake shoreline on the East and a short walk to Lake Michigan on the West. The Docks emphasizes engagement of the water and open space throughout the pedestrian oriented development. Greenspace, dune ridges and landscaping form the perimeter and buffer the development from neighboring residents.

The Docks’ new 12-acre boat basin takes center stage, providing immediate access to Muskegon Lake and just minutes away from Lake Michigan via the Muskegon channel. This feature provides one mile of new waterfront, varying in width from 100’ to 400’ and contains a variety of shoreline conditions from gradual sloping sand shore to hard seawall, enabling for a variety of uses. Common amenities include boardwalks, parks and trails. Residents may enjoy over-water decks, docks, boathouses. Anchoring the boat basin is a condominium building with a pool and fitness center, pickleball courts, and kayak launch for residents and a neighborhood restaurant for public enjoyment. Waterfront homes make up one area while cottages fronting on pocket parks and boardwalks find their place in another.

Following a recommendation from the Planning Commission, the City Commission approved the Planned Unit Development (PUD) for The Docks on June 25, 2019. The underlying zoning for the property is R-1. As a PUD The Docks is an innovative design incorporating mixed and varied uses, clustering homes in some areas while providing significant open space in the form of parks, wetlands, walkways and water. The density under the approved PUD is approximately 240 units. In connection with the PUD approval both the Planning Commission and City Commission approved an amendment to the Edgewater Plat, vacating Manhattan Avenue and a portion of Edgewater Street north of the existing cul-de-sac.

Challenges to the Edgewater Plat Amendment by certain Edgewater residents have caused Damfino to look at alternatives to the approved PUD which will not be dependent on the ultimate outcome of the Plat Vacation process.

The proposed amendment involves the relocation of the marina basin connection to Muskegon Lake, includes 245 residential units and connects The Docks development to the existing Edgewater Street via Manhattan Ave as platted.

It should be noted that a preliminary design of The Docks included a connection to Edgewater Street which Damfino eliminated to appease residents of Edgewater. It is some of these same residents who are now challenging the Edgewater Plat Amendment, requesting that Manhattan Ave and portions of Edgewater Street not be vacated.

## **Edgewater Plat Revision**

Under the Michigan Land Division Act, to vacate, correct, or revise a recorded plat or any part of a recorded plat, a complaint shall be filed in the circuit court by the owner of a lot in the subdivision, a person of record claiming under the owner, or the governing body of the municipality in which the subdivision covered by the plat is located. Damfino filed its complaint in Muskegon County Court in June of 2019. In September of 2019 all Muskegon County judges recused themselves from the case and it was reassigned to Kent County. There are 95 platted lots in the Edgewater Subdivision. There are six lot owners who are challenging the vacation of Manhattan Ave and portions of Edgewater Street.

In late November 2019 the Kent County court scheduled the Case for a hearing on April 20, 2020. While we cannot predict how long it will take the judge to rule after the hearing, a 2 to 4-month time period would be normal. If Damfino/plaintiff obtains a favorable ruling, the defendants may appeal the decision, causing further delays.

A portion of Edgewater the defendants are trying to retain as a platted road has in fact been underwater for 60 years.

EXHIBIT C depicts the Edgewater Plat with the darkened portion representing the vacation request.

EXHIBIT D shows that a section of Edgewater north of the cul-de-sac is underwater. This is not just a condition caused by the current high-water levels - through a surveyor overlaying historical aerial images it has been shown that this section of road has been underwater as far back as 1962.

## Amendment to PUD

Damfino Development, LLC is requesting this amendment to the PUD to allow the project to move forward without uncertainty and further delays. Consideration was given to various options including redesigning the development under the R-1 zoning guidelines without a marina basin. This option results in significantly more residential units and a development of lower quality in our opinion. The amendment proposed involves minimal change from what was previously proposed and approved. Damfino is planning to begin construction on the entrance road to the development in May of 2020.

The changes to the PUD plan include the connection of the boat basin to Muskegon Lake, an increase of 6 units to 245 residential units and a connection to Edgewater Street via Manhattan Ave as platted.

The connection of the boat basin to Muskegon Lake will be through a channel running parallel to the Harbour Towne Marina Channel. The channels will be well marked in accordance with United States Coast Guard Aids to Navigation Regulations. EXHIBIT E provides a visual image of what the approach to the Harbour Towne and Docks channels would look like.

The redesign of the channel and streets at the north end of the development results in a net increase of 6 residential units as summarized in the table below:

Location	Type	Current PUD	Alternate	+/-
Muskegon Lake	Lot	11	13	2
Harbour Towne Channel	Lot	10	0	-10
Harbour Towne Channel	Townhome	0	6	6
Docks Marina Basin	Lot	60	65	5
Inland	Lot	61	48	-13
Condo	Condo	30	30	0
Townhomes	Townhome	67	83	16
		239	245	6

The relocation of the access to Muskegon Lake results in less density on the north and west side of the marina basin and more density in the northeast section of the development, now south of the proposed access to Muskegon Lake. This increased density mandates additional access to The Docks development for safety reasons. Representatives of Damfino met with the Director of Public Safety, Chief Lewis and Fire Marshall Rachel McMillan to review the proposed changes and access requirements.

## The Planned Unit Development Requirements

Following are the calculation of the density, open space and waterfront access requirements of the zoning ordinance. There are no significant changes from the approved PUD.

### POST DEVELOPMENT DENSITY CALCULATION

	TOTALS	NOTES
<b>UNDEVELOPABLE AREAS</b>		
Wetland Area	3.63 Acres	Provided Wetland Area
Surface Water/Floodplain	12.81 Acres	Boat Basin
Street R.O.W	12.14 Acres	
Area of Storm Ponds	1.50 Acres	
Area of Steep Slopes	9.38 Acres	Includes CDA and Banks above wetland
<b>TOTAL UNDEVELOPABLE AREAS</b>	<b>39.47 Acres</b>	
<b>OVERALL AREA OF PROPERTY</b>	<b>76.68 Acres</b>	
<b>NET DEVELOPABLE AREA</b>	<b>37.21 Acres</b>	
ALLOWED NO. OF DWELLING UNITS =	270	NET DEVELOPABLE AREA / MINIMUM LOT SIZE
NET DENSITY	7.3 units per acre	MINIMUM LOT SIZE = 6,000 SFT FOR R-1
<hr/>		
PROPOSED NO. OF DWELLING UNITS =	245	
NET DENSITY	6.6 units per acre	

### OPEN SPACE CALCULATION

*Section 403.4 requires a minimum of 15% of the site to be dedicated common open space.*

*At least one third of the dedicated open space shall be usable open space.*

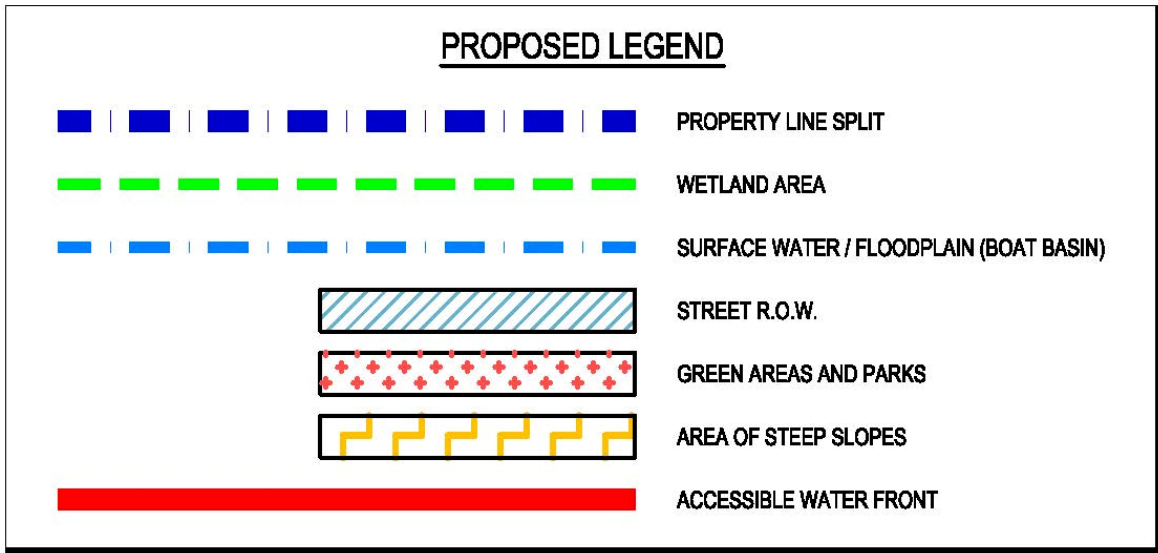
<b>Open Space</b>		
Wetland and Wetland Banks	3.63 Acres	
Green Belts and Parks	4.91 Acres	Excludes Stormwater Basins
Critical Dune	9.38 Acres	
<b>Total Open Space</b>	<b>17.93 Acres</b>	
<b>Total Development Area</b>	<b>76.68 Acres</b>	
<b>Percentage Open Space</b>	<b>23.38%</b>	
Usable Open Space (Green Belts and Parks)	14.29 Acres	
<b>Percentage Usable Open Space</b>	<b>79.70%</b>	

### WATERFRONT CALCULATION

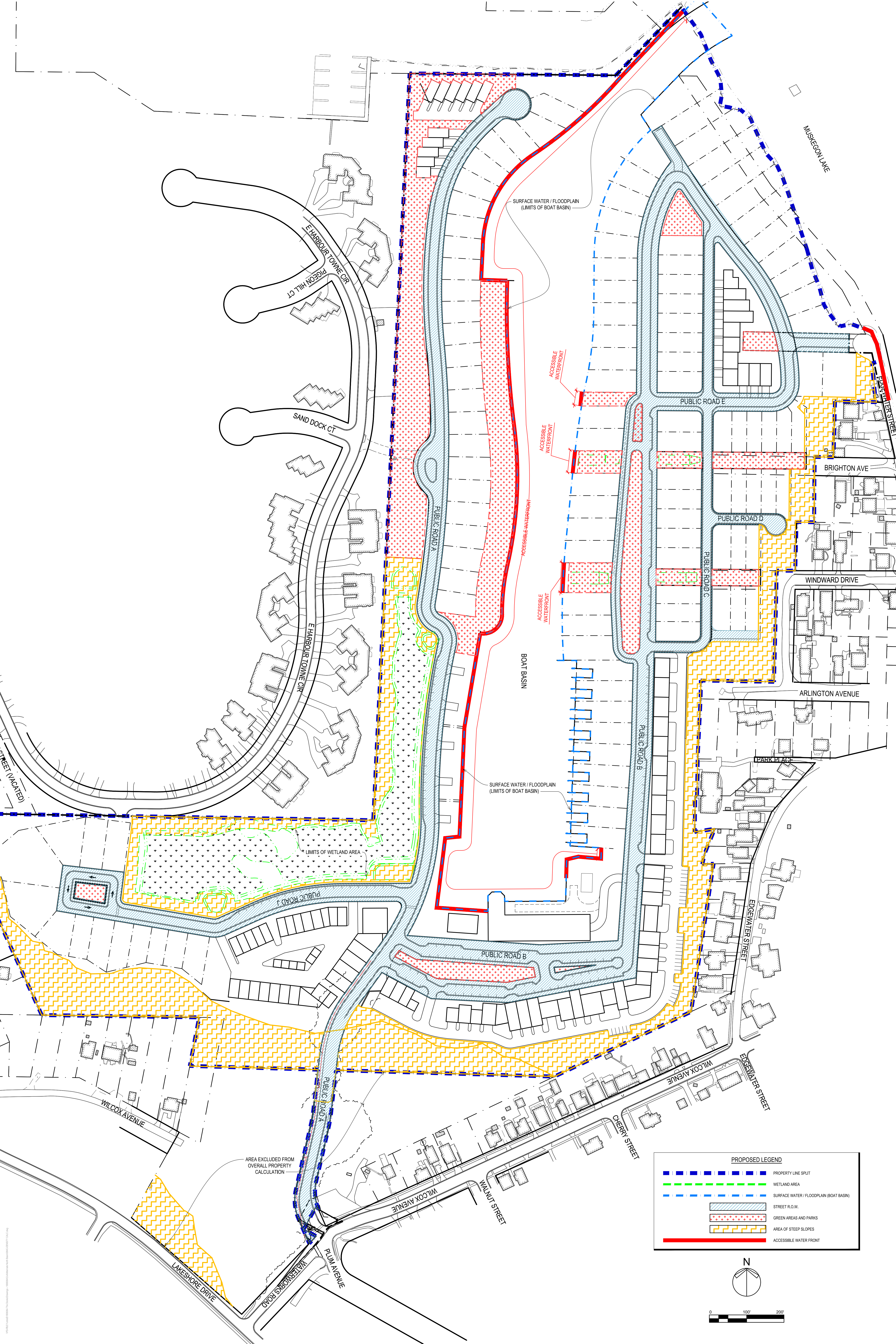
*Section 403.6 requires a minimum of 50% of the shoreline be open space*

<b>Accessible Waterfront</b>	
Boardwalk	2,022 feet
Green Belts	1,451 feet
<b>Total Accessible Waterfront</b>	<b>3,473 feet</b>
<b>Total Waterfront</b>	
Muskegon Lake	1,127 feet
Boat Basin	5,797 feet
<b>Total Length of Waterfront</b>	<b>6,924 feet</b>
<b>Percentage Accessible Waterfront</b>	<b>50.16%</b>

The drawing on the following page shows the areas used in the above calculations. Below is the legend for the drawing.







MUSKOGEE LAKE

SURFACE WATER / FLOODPLAIN  
(LIMITS OF BOAT BASIN)

E HARBOUR TOWNE CIR

PIGSON HILL CT

SAND DOCK CT

E HARBOUR TOWNE CIR

PUBLIC ROAD A

ACCESSIBLE WATERFRONT

ACCESSIBLE WATERFRONT

ACCESSIBLE WATERFRONT

BOAT BASIN

SURFACE WATER / FLOODPLAIN  
(LIMITS OF BOAT BASIN)

LIMITS OF WETLAND AREA

PUBLIC ROAD J

PUBLIC ROAD B

PUBLIC ROAD E

PUBLIC ROAD D

PUBLIC ROAD C

PUBLIC ROAD B

PARK PLACE

BRIGHTON AVE

WINDWARD DRIVE

ARLINGTON AVENUE

EDGEWATER STREET

EDGEWATER STREET

WILCOX AVENUE

WILCOX AVENUE

CHERRY STREET

WALNUT STREET

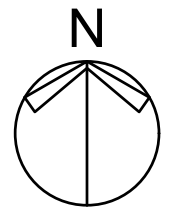
LAKESHORE DRIVE

WILCOX ROAD

PLUM AVENUE

**PROPOSED LEGEND**

	PROPERTY LINE SPLIT
	WETLAND AREA
	SURFACE WATER / FLOODPLAIN (BOAT BASIN)
	STREET R.O.W.
	GREEN AREAS AND PARKS
	AREA OF STEEP SLOPES
	ACCESSIBLE WATER FRONT



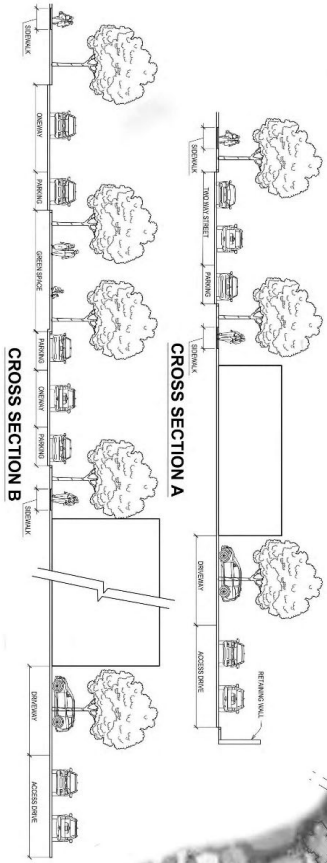
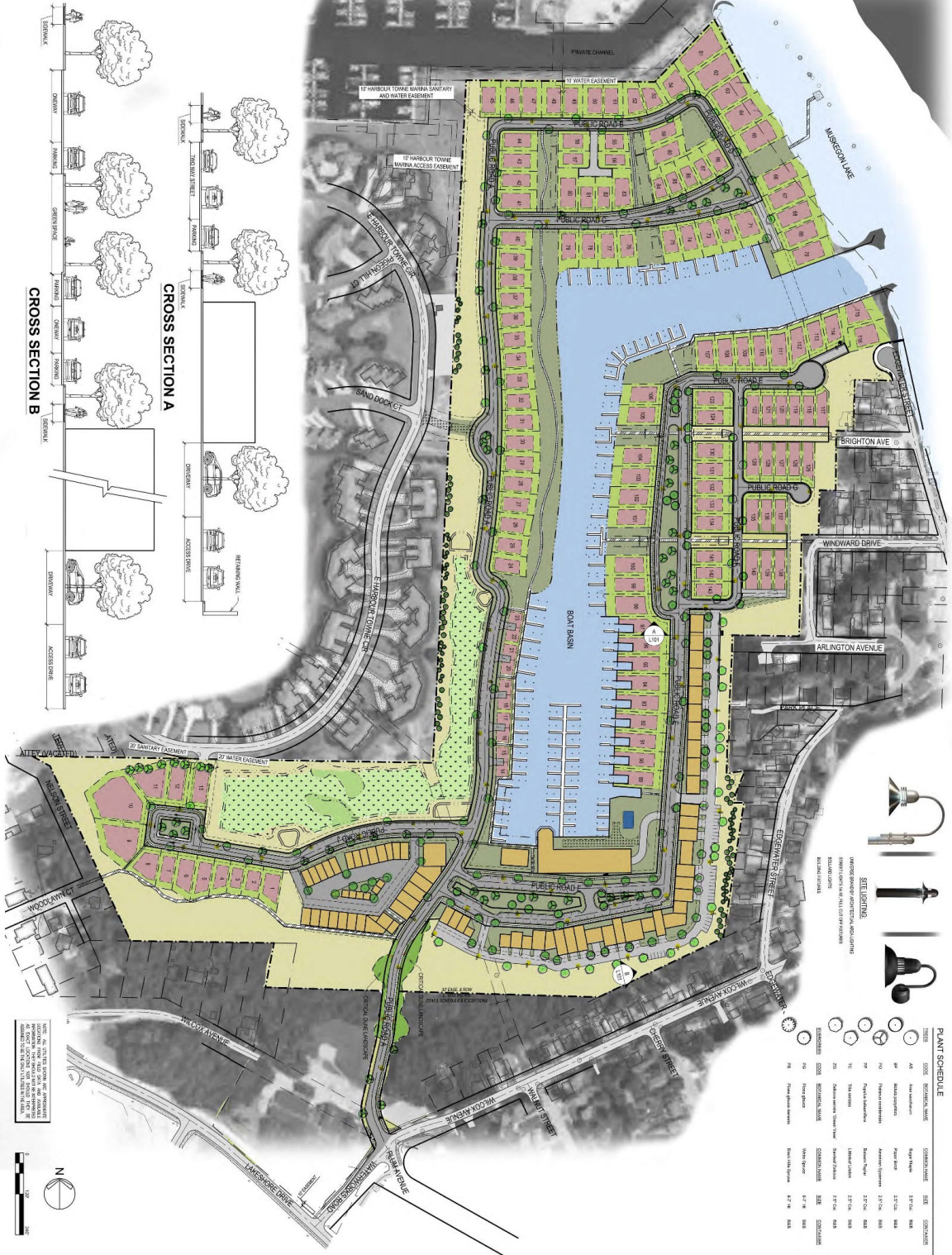
STREET (ACATED)

01/24/2024 10:00 AM



# EXHIBIT A

Current PUD Plan as approved in 2019



**SITE LIGHTING**  
 VARIANTS SHOWN FOR ELECTRICAL AND LIGHTING  
 (NOTES: LIGHTING TO BE Laid BY CONTRACTOR  
 IN ACCORDANCE WITH THE CITY OF CHARLOTTE  
 ELECTRICAL CODE)

**PLANT SCHEDULE**

ITEM	CODE	SYMBOL	COMMON NAME	SIZE	QUANTITY	UNIT
1	01	(Symbol)	Red Maple	2.5" Cal. 8' H	12	EA
2	02	(Symbol)	White Oak	2.5" Cal. 8' H	12	EA
3	03	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
4	04	(Symbol)	Red Maple	2.5" Cal. 8' H	12	EA
5	05	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
6	06	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
7	07	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
8	08	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
9	09	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
10	10	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
11	11	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
12	12	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
13	13	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
14	14	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
15	15	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
16	16	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
17	17	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
18	18	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
19	19	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
20	20	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
21	21	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
22	22	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
23	23	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
24	24	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
25	25	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
26	26	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
27	27	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
28	28	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
29	29	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
30	30	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
31	31	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
32	32	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
33	33	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
34	34	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
35	35	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
36	36	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
37	37	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
38	38	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
39	39	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
40	40	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
41	41	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
42	42	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
43	43	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
44	44	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
45	45	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
46	46	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
47	47	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
48	48	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
49	49	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
50	50	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
51	51	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
52	52	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
53	53	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
54	54	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
55	55	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
56	56	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
57	57	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
58	58	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
59	59	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
60	60	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
61	61	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
62	62	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
63	63	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
64	64	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
65	65	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
66	66	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
67	67	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
68	68	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
69	69	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
70	70	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
71	71	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
72	72	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
73	73	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
74	74	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
75	75	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
76	76	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
77	77	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
78	78	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
79	79	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
80	80	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
81	81	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
82	82	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
83	83	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
84	84	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
85	85	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
86	86	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
87	87	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
88	88	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
89	89	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
90	90	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
91	91	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
92	92	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
93	93	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
94	94	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
95	95	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
96	96	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
97	97	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
98	98	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
99	99	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA
100	100	(Symbol)	Black Gum	2.5" Cal. 8' H	12	EA

NOTE: THE PLANTING OF TREES AND SHRUBS SHALL BE IN ACCORDANCE WITH THE CITY OF CHARLOTTE ELECTRICAL CODE AND THE CITY OF CHARLOTTE PLANTING SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FOR THE PLANTING OF TREES AND SHRUBS.

**PARADISE DESIGN**  
 ARCHITECTS + ENGINEERS  
 1806 W. WILSON AVENUE, SUITE 200  
 CHARLOTTE, NC 28204  
 (704) 366-8000  
 www.paradisedesign.com

**THE DOCKS**  
 PROJECT: 1806064  
 SHEET: L-101

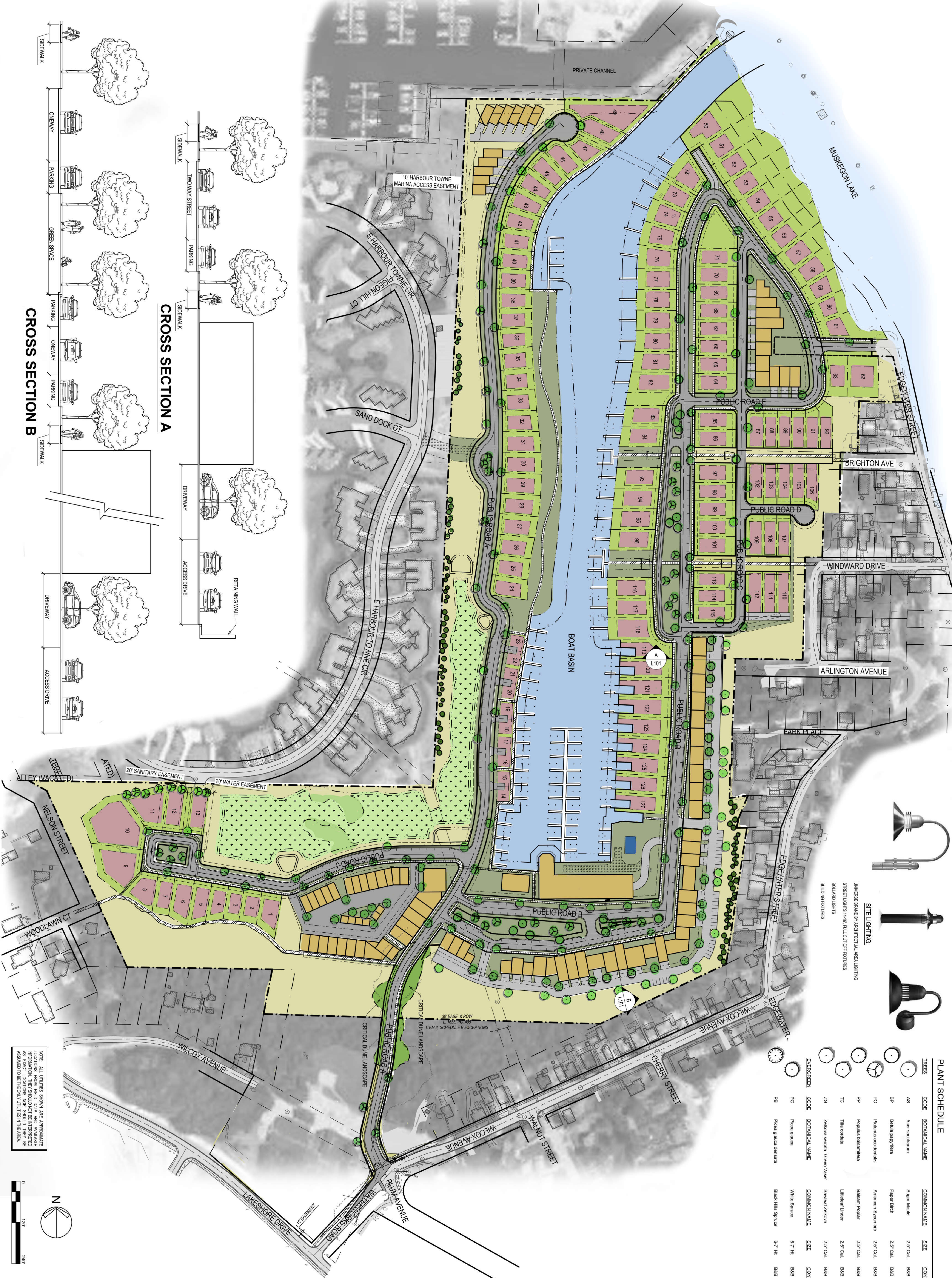
APPROX. 3000 WOODLAND AVE  
 AMERICAN, IN 9980  
 DEVELOPERS:  
**DAFINNO DEVELOPMENT, LLC**

DATE: 01/08/2017  
 TIME: 11:22:48 AM  
 USER: J. WILSON  
 PROJECT: 1806064  
 SHEET: L-101

# EXHIBIT B

Proposed Amended PUD





**PLANT SCHEDULE**

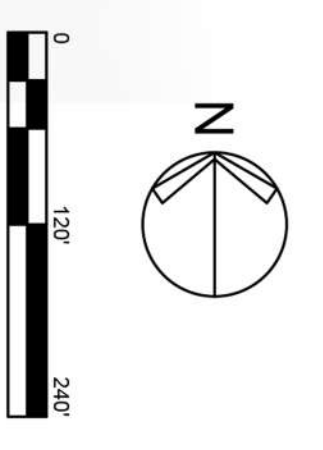
TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINERS
	AS	Acer saccharum	Sugar Maple	2.5' Cal.	B48
	BP	Betula papyrifera	Paper Birch	2.5' Cal.	B48
	PO	Platanus occidentalis	American Sycamore	2.5' Cal.	B48
	PP	Populus balsamifera	Balsam Poplar	2.5' Cal.	B48
	TC	Tilia cordata	Limeleaf Linden	2.5' Cal.	B48
	ZS	Zelkova serotina 'Green View'	Shovel Zelkova	2.5' Cal.	B48
	PG	Prunus glauca	White Spruce	6-7' H.	B48
	PB	Prunus glauca densata	Black Hills Spruce	6-7' H.	B48



**SITE LIGHTING:**

UNIVERSITY BRAND BY ARCHITECTURAL AREA LIGHTING  
STREET LIGHTS 14' H. FULL CUT OFF FIXTURES  
BUILDING FIXTURES



NOTE: ALL UTILITIES SHOWN ARE APPROXIMATE INFORMATION. THEY SHOULD NOT BE INTERPRETED AS EXACT LOCATIONS NOR SHOULD THEY BE ASSUMED TO BE THE ONLY UTILITIES IN THE AREA.



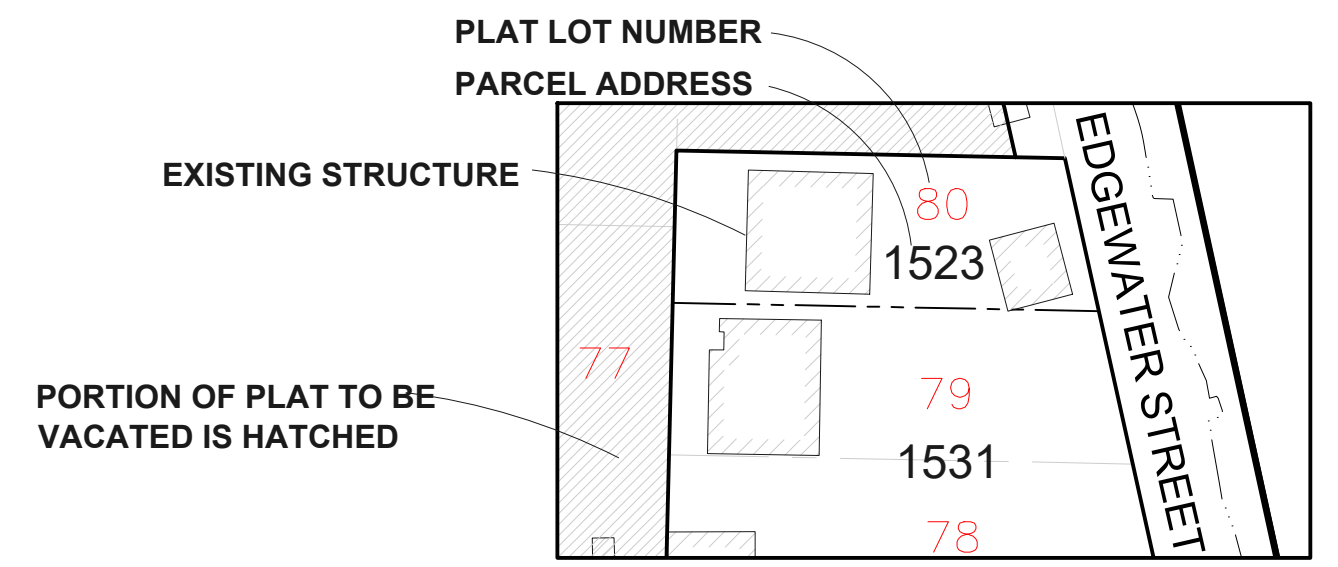
 <b>PARADIGM DESIGN</b> ARCHITECTS   ENGINEERS 550 3 Main, NW, Suite B Grand Rapids, MI 49544 (616) 785-5658 <a href="http://www.paradigm.com">www.paradigm.com</a>	 DAVID E. HENDERSHOTT PROFESSIONAL ENGINEER No. 38725 State of Michigan 3-10-2020	<b>PROJECT</b> THE DOCKS	<b>DEVELOPER</b> DAMFINO DEVELOPMENT, LLC	APPROX. 3400 WILCOX AVE. MUSKEGON, MI 49440	(231) 722-8691 580 MART ST. MUSKEGON, MI 49440
<b>PROJECT</b> 1806064	<b>DATE</b> 02/20/20	<b>RELEASE DATE</b> 02/20/20	<b>DESCRIPTION</b> ALTERNATE PUD SUBMITTAL		
<b>SHEET</b> LANDSCAPE PLAN AND SITE AMENITIES L-101					



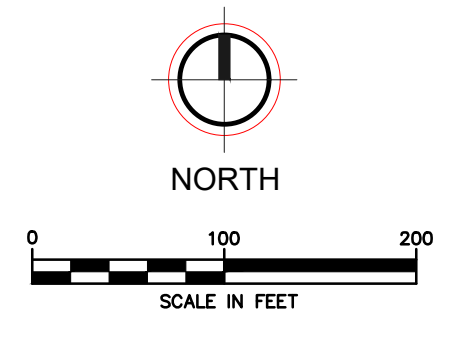
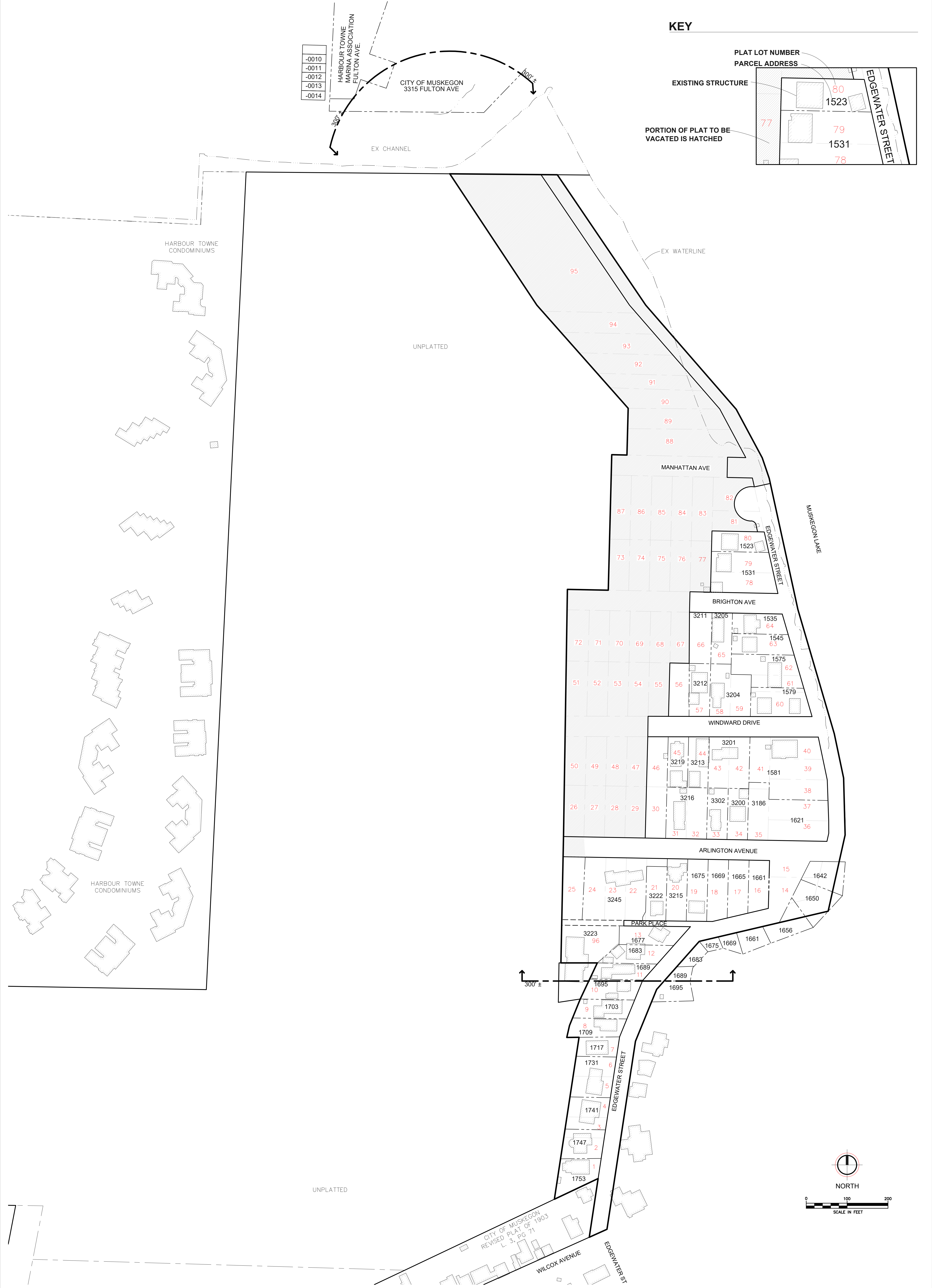
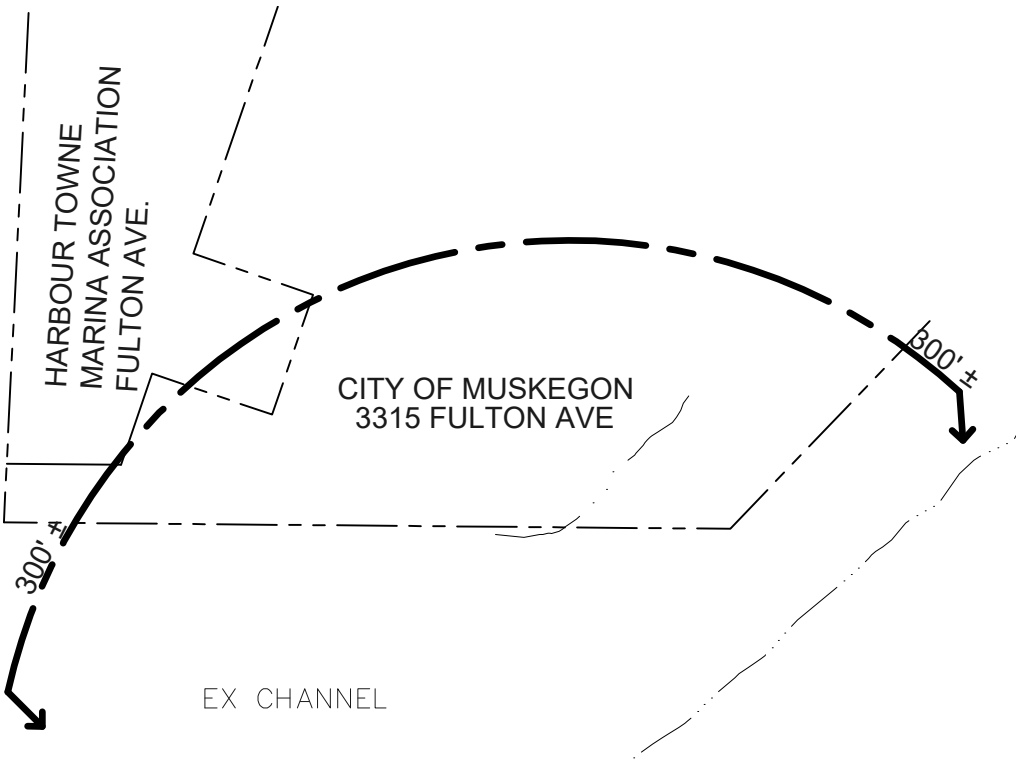
# EXHIBIT C

## Edgewater Plat Amendment

**KEY**



-0010
-0011
-0012
-0013
-0014



**PART OF THE CITY OF MUSKEGON**  
**SECTION 28, TOWN 10 NORTH, RANGE 17 WEST**  
**CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN**  
**PLAT OF EDGEWATER SUBDIVISION VACATION**

DESIGN TEAM  
 CHECKED BY  
 DRAWING INFORMATION:  
 8386 TO Amend/Revised/Plat/Asa, S/AS/CH  
 318 Morris Avenue, Suite 230  
 Muskegon, MI 49441  
 P: 231.728.1000  
 F: 231.728.2200

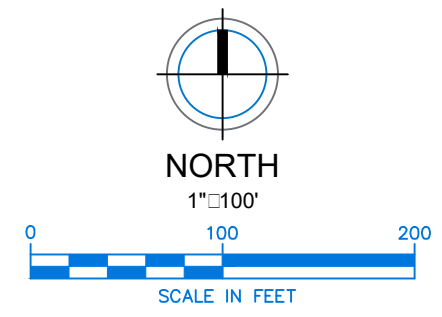
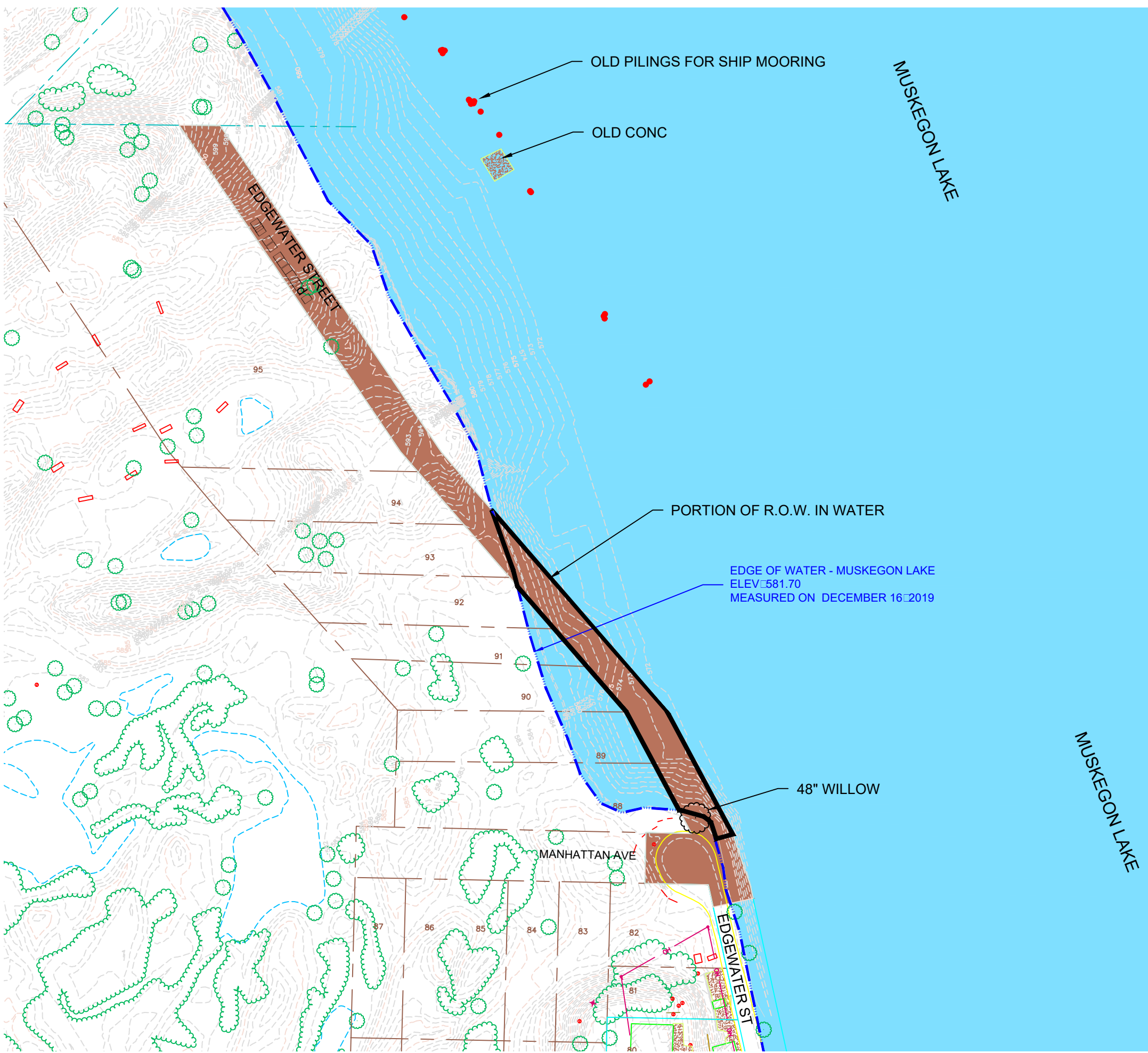


APRIL 2019  
 PROJECT NO.  
 838610

# EXHIBIT D

## Submerged Edgewater Street

shaned/A:\\_Proj\835001-837000\835610 Damfino Survey\Cad\Shoreline Historical Sketches\835610\_topo\_2019.dwg



**AVERAGE WATER ELEVATIONS**

2019	- 581.70	AS-MEASURED DEC 16
2018	- 581.00	AS-MEASURED JUNE 13
2014	- 578.79	
2005	- 578.09	
1997	- 580.99	
1986	- 582.09	
1977	- 579.49	
1962	- 578.49	

2019 LINEAR FEET SUBMERGED = 335

**DAMFINO**  
MUSKEGON, MICHIGAN  
**HISTORICAL SHORELINE SURVEY**

C1 2019

000400  
F&V PROJECT NO.



## EXHIBIT E

Visual - Approaching the Harbour Towne  
and The Docks Channels

