



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda City Commission

**Monday, August 9, 2021
6:00 PM
Commission Chambers**

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Presentation(s)

1. Marquette Brownfield Redevelopment Authority, by Chair David Allen
2. **Consent Agenda**
 - 2.a. Approve the minutes of the July 26, 2021 regular Commission meeting
 - 2.b. Approve the minutes of the July 26, 2021 Commission work session
 - 2.c. Approve the total bills payable in the amount of \$1,240,823.83
 - 2.d. 2022 BCBSM Medicare Advantage PPO Group Contract
 - 2.e. Conditional Rezoning Agreement for 616 Fisher Street
 - 2.f. Night of Hope - Special Event Permit
 - 2.g. Ore to Shore - Special Event Permit
 - 2.h. Rotary Club of Marquette West - Special Event Permit
 - 2.i. Schedule Public Hearing- Rezoning of a Portion of 213 S. Front St.
 - 2.j. Schedule Public Hearing- Rezoning of a Portion of 2700 Lakeshore Blvd.
 - 2.k. Schedule Public Hearing- Rezoning of 301 W. Baraga Avenue
 - 2.l. Upper Peninsula Community Rowing Club - Facility Lease
 - 2.m. Vango's Inc. - Concession Lease Agreement

Unfinished Business

3. City of Marquette Strategic Plan for Fiscal Years 2021-23

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Approve the minutes of the July 26, 2021 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ July 26 CC Minutes



City of Marquette, MI

300 West Baraga Avenue
Marquette, Michigan 49855

Meeting Minutes City Commission Meeting

**Monday, July 26, 2021
6:00 PM
Commission Chambers**

Call to Order, Pledge of Allegiance and Roll Call

Present: Mayor Smith. Mayor Pro Tem Hill. Commissioners: Bonsall, Davis, Hanley and Stonehouse.

Approval of the Agenda

Commissioner Jessica Hanley moved to Approve the agenda, with the removal of Item 3, the Parks and Recreation Advisory Board presentation, seconded by Commissioner Evan Bonsall and Carried Unanimously.

Announcements

Mayor Smith had no announcements.

Boards and Committees

1. Appointments

Jerry Irby, MBRA, for an unexpired term ending 2-1-24
Lori Nelson, PWPL Board, for an unexpired term ending 5-1-26
Ryan Stern, DDA, for an unexpired term ending 1-1-23
Jon Teichman, ACAC, for an unexpired term ending 6-1-24
Carl Gordon, LOCC, for an unexpired term ending 8-1-27

Commissioner Sally Davis moved to Approve all appointments as listed, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

2. Reappointments

Alan Sherbinow, TPAC, for a term expiring 5-30-24
Todd Leigh, HAC, for a term expiring 6-1-24
Claire Ellis, ACAC, for a term expiring 6-1-24

Commissioner Evan Bonsall moved to Approve all reappointments as listed, seconded by Commissioner Cody Mayer and Carried Unanimously.

Public Comments - Comments may not exceed three minutes per person. Please state

your name and physical address when making public comments.

Steve Grugin spoke about the Marquette City Band and the City bandshell. He said the bandshell is in clear need of repairs and he hopes the Commission can prioritize the work.

Muriel Kangas wrote in to express frustration with garbage that has been left outside in her neighborhood.

Presentation(s)

3. Parks and Recreation Advisory Board, by Leah Nygard

This item was removed from the agenda and the presentation will be held at a later date.

4. Consent Agenda

Commissioner Fred Stonehouse moved to Approve the consent agenda as presented, seconded by Mayor Pro Tem Jenn Hill and Carried Unanimously.

- 4.a. Approve the minutes of the July 12, 2021 regular Commission meeting**
- 4.b. Approve the minutes of the July 19, 2021 Commission work session**
- 4.c. Approve the total bills payable in the amount of \$3,291,495.27**
- 4.d. Application for Waiver-MERS Defined Benefit Pension Plan**
- 4.e. College Avenue Reconstruction - SHPO Section 106 Application Assistance and Cultural Resources Review**
- 4.f. DS Tech Telephone System Lease Agreement Extension**
- 4.g. MERS Officer Delegate Appointment**
- 4.h. Sanitary Manhole Rehabilitation**
- 4.i. Storm Water System Catch Basin Rehabilitation**
- 4.j. Upper Peninsula Community Rowing Club - Facility Lease**

New Business

5. City of Marquette Strategic Plan for Fiscal Years 2021-23

Commissioner Fred Stonehouse moved to Approve suspending the rules for discussion, seconded by Commissioner Cody Mayer and Carried Unanimously.

Commissioners discussed the proposed Strategic Plan, commenting on the content and form of the document. Commissioners talked about whether to include Ad Hoc Housing Committee recommendations, how to best represent the City's economic development goals and how to most appropriately organize the document.

Commissioner Sally Davis made a motion to Approve the City of Marquette Strategic Plan for Fiscal Years 2021-23 and adopt the Strategic Plan Resolution as presented. There was no second and the motion died for lack of support.

Commissioners continued to discuss changes that they would like to see in an updated draft of the Strategic Plan, focusing on the topics of housing and economic development, and touching on ideas for organizing the presented information.

6. Port Infrastructure Development Grant

Commissioner Fred Stonehouse moved to Authorize the City Manager to direct the application for the Port

Infrastructure Development Grant, seconded by Commissioner Sally Davis and Carried Unanimously.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no public comment at this point in the meeting.

Comments from the Commission

Commissioner Hanley urged residents to get involved in City government by applying to be a member of an advisory board or committee.

Mayor Pro Tem Hill praised the work of City staff and said she is looking forward to seeing an updated draft of the strategic plan. She complimented the City Band and then reminded residents of next week's glass recycling.

Commissioner Mayer had no comments.

Commissioner Stonehouse asked City Manager Kovacs to look into the garbage- related issue mentioned during tonight's public comment period. He commented on the aims of the strategic plan.

Commissioner Bonsall reiterated the glass recycling schedule and commented on the work that has gone into the strategic plan to this point. He said he is familiar with the amount of work needed on the bandshell, and he hopes it can be done sooner, rather than later.

Commissioner Davis said the bandshell is important and the city should be sure it is a safe place for the public. She also said she has heard other garbage complaints recently and she stated that a tourism plan would not necessarily be a bad thing.

Mayor Smith had no comments.

Comments from the City Manager

City Manager Karen Kovacs said the City is looking into the bandshell issue and is being very cautious. She also noted that the City has received a designation as a Redevelopment Ready Community; this is a statewide program that she said could prove incredibly valuable.

Adjournment

Mayor Smith adjourned the meeting at 7:17 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, provide advanced notice to City ADA Coordinator Eric Stemen at 906-225-8978 or by email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Approve the minutes of the July 26, 2021 Commission work session

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ July 26 Work Session Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda City Commission

WORK SESSION

Monday, July 26, 2021

5:15 PM

Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Bonsall, Davis, Hanley, Mayer, Smith, Stonehouse
Absent: Hill

Announcements

Mayor Smith had no announcements.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no public comment.

1. Presentation - FY 2020 Audit by Mike Grentz, Anderson Tackman & Co.

Mike Grentz, from Anderson, Tackman & Company, PLC, gave a brief overview of the City of Marquette's FY 2020 audit.

Commissioners discussed the results of the audit, as well as the upcoming City Commission budget meetings.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no public comment.

Adjournment

Mayor Smith adjourned the work session at 5:50 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

2022 BCBSM Medicare Advantage PPO Group Contract

BACKGROUND:

The City of Marquette carries a group Medicare Advantage contract through Blue Cross Blue Shield of Michigan for eligible management retirees aged 65 and older to continue to participate with the City's group health insurance coverage. Annually rates are quoted for implementation of a new plan year to begin with the new calendar year.

The City is able to renew with no rate change this year. The renewal rates are effective from Jan. 1, 2022 through Dec. 31, 2022. Premiums shown include MA (medical services) and PDP (pharmacy services).

FISCAL EFFECT:

The cost of the Medicare Advantage plan is roughly \$17,100 per month and adequate funds are included in the FY 2022 budget. The exact cost per month fluctuates slightly as the covered population changes.

RECOMMENDATION:

Approve the 2022 BCBSM Medicare Advantage PPO Group Contract, and authorize the City Manager or her designee to sign and execute the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 2022 Medicare Advantage Renewal

20
22

Medicare PLUS BlueSM PPO



Blue Cross
Blue Shield
of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association.

Group Benefit and Rate Summary

City of Marquette

January 01, 2022 to December 31, 2022
(12 Months)

Active | MAPD | Option 0 | 60679-600/601



Medicare PLUS BlueSM PPO



Blue Cross
Blue Shield
of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association.

City of Marquette

	2022 MAPD PPO
Quote Date	07/15/2021
Coverage Effective Date	01/01/2022
Coverage End Date	12/31/2022
Coverage Length (Months)	12
Plan Type	MAPD
Estimated Membership	40
Option Number	0
Option Description	-
Group Number(s)	60679
Group Suffix(es)	600/601

MEDICARE ADVANTAGE GROUP RATES		
2022 Medical (MA) Rate PMPM		\$192.87
2022 Pharmacy (PD) Rate PMPM		\$197.10
2022 Total MAPD Rate PMPM		\$389.97
2021 Total MAPD Rate PMPM		\$389.97
Rate Change PMPM		0.0%

Notes and Conditions	
1) The renewal rates are effective from January 1, 2022 through December 31, 2022, for 12 months.	
2) The above premiums include BCBSM's estimates of applicable federal fees and assessments. BCBSM's estimates are subject to change. BCBSM will not reconcile or settle any amounts collected with actual amounts owed for such federal fees and assessments.	
3) The premiums shown above include MA (medical services) and PDP (pharmacy services). Other lines of coverage, such as dental and vision, are not included.	
4) BCBSM reserves the right to modify this renewal if there are changes to the - benefit design included in the proposal, - effective date, - covered population (+/- 10%), - subsequent CMS funding levels, - regulatory changes, or if any of the above conditions are not met.	
5) Rate calculations were made based upon CMS funding projections known at this time. If significant changes are made to funding levels, BCBSM reserves the right to alter the rates appropriately.	
6) To meet the expected implementation date of January 1, 2022 this Benefit Rate Schedule must be signed by the customer and returned to BCBSM by September 17, 2021.	

Medicare PLUS BlueSM PPO



Blue Cross
Blue Shield
of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association.

City of Marquette

		2022 MAPD PPO	
	Quote Date	07/15/2021	
	Coverage Effective Date	01/01/2022	
	Coverage End Date	12/31/2022	
	Coverage Length (Months)	12	
	Plan Type	MAPD	
	Estimated Membership	40	
	Option Number	0	
	Option Description	-	
	Group Number(s)	60679	
	Group Suffix(es)	600/601	
Medicare Advantage Group Pharmacy Benefits		Schedule B, continued	
	Formulary	Comprehensive Enhanced Formulary	
	Prior Authorization/Step Therapy/Clinical Edits	Yes	
	Pharmacy Deductible	\$0	
		Preferred Cost-Shares	Standard Cost-Shares
Tier 1 (Preferred Generic)		\$3	\$10
	32-90 Day Supply Mail Order Copay Multiplier	2.0	2.0
	Minimum / Maximum Charge per Claim (applies only to coinsurance cost-shares and is subject to copay multipliers)	Minimum: N/A / Maximum: N/A	
Tier 2 (Generic)		\$3	\$10
	32-90 Day Supply Mail Order Copay Multiplier	2.0	2.0
	Minimum / Maximum Charge per Claim (applies only to coinsurance cost-shares and is subject to copay multipliers)	Minimum: N/A / Maximum: N/A	
Tier 3 (Preferred Brand)		\$20	\$25
	32-90 Day Supply Mail Order Copay Multiplier	2.0	2.0
	Minimum / Maximum Charge per Claim (applies only to coinsurance cost-shares and is subject to copay multipliers)	Minimum: N/A / Maximum: N/A	
Tier 4 (Non-Preferred Drug)		\$30	\$40
	32-90 Day Supply Mail Order Copay Multiplier	2.0	2.0
	Minimum / Maximum Charge per Claim (applies only to coinsurance cost-shares and is subject to copay multipliers)	Minimum: N/A / Maximum: N/A	
Tier 5 (Specialty)		\$30	\$40
	32-90 Day Supply Mail Order Copay Multiplier	Not Applicable - Tier 5 Unavailable for 32-90 Day Mail Order	
	Minimum / Maximum Charge per Claim (applies only to coinsurance cost-shares and is subject to copay multipliers)	Minimum: N/A / Maximum: N/A	

Medicare PLUS BlueSM PPO



Blue Cross
Blue Shield
of Michigan

Blue Cross Blue Shield of Michigan is a nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association.

2022 BCBSM Medicare Advantage PPO Group Contract (Schedule A)

Group Name	City of Marquette
Option Number	0
Option Description	-
Contract Effective Date	01/01/2022
Contract End Date	12/31/2022
Funding Type	Fully-Insured
MA Group Number(s)	60679
MA Group Suffix(es)	600/601

MA Rate	\$192.87
PD Rate	\$197.10
MAPD Rate	\$389.97

Your signature below serves as approval for the implementation of the rates and Medicare Advantage PPO benefit plan as shown in this document.

Group Representative(s):

BCBSM Representative(s):

Signature: _____

Signature: DocuSigned by:
Julia Watson
C: B53C76733B73400...

Name: _____

Name: Julia Watson

Title: _____

Title: Account Representative, Medicare Sales

Date: _____

Date: 7/30/2021

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Conditional Rezoning Agreement for 616 Fisher Street

BACKGROUND:

On June 14, 2021 the City Commission approved a Conditional Rezoning request for the property located at 616 Fisher St., from Medium Density Residential (MDR) to Mixed Use with Conditional Rezoning (M-U/CR). However, the Conditional Rezoning Agreement that is required per section 54.1405(H)(1) was not presented by the applicant at the time of the meeting and must be approved for the Conditional Rezoning to be completed and effective. Conditional Rezoning approvals have a two-year expiration period, but in the future staff will ensure that such agreements are presented at the time of the public hearing.

The City Planner-Zoning Administrator and City Attorney have verified that the Agreement meets the requirements of LDC section 54.1405(H)(1).

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the Conditional Rezoning Agreement, and direct the Mayor and City Clerk to execute the document.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Draft Conditional Rezoning Agreement
- ▣ Planning Commission Meeting Minutes Excerpt of 05-04-21
- ▣ City Commission Meeting Minutes- 6-16-21

Freda Michelle Halley

Attorney, P.C.

July 8, 2021

City of Marquette Planning Department
1100 Wright Street
Marquette, MI 49855

Re: 616 Fisher Street

Dear Mr. Stensaas:

Please find enclosed Conditional Rezoning Agreement relevant to the above mentioned property, with notarized signatures of Superior Housing Solutions' representative as well as of Tena and John Bender. Please contact Ms. Halley if you have any questions.

Yours truly,



Emily Belinski
Administrative Assistant

Enclosure

CONDITIONAL REZONING AGREEMENT

This Conditional Rezoning Agreement is entered into regarding property located at 616 Fisher Street in the City of Marquette, Michigan (Property) by Superior Housing Solutions, a Michigan corporation of 616 Fisher Street, Marquette, Michigan 49855, and Tena and John Bender, of 18039 Lois Smith Dr. Foley, AL 36535 (the Lessee and Owner of the Property, the "Applicants") and the City of Marquette ("City"), the municipality with zoning authority over the Property (the "Parties"), of 300 W. Baraga Ave., Marquette, Michigan 49855. The City Commission approved the rezoning of the Property from "Medium Density Residential" to "Mixed Use with Conditional Rezoning" at its meeting held on June 14, 2021.

The Parties hereby agree and understand:

1. that the rezoning with conditions was proposed by the Applicants to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further the Parties agree and acknowledge that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City; and
2. that the Property shall not be developed or used in a manner inconsistent with the conditional rezoning agreement; and
3. that the approval and this Agreement shall be binding upon and inure to the benefit of the property owner, Lessee and City, and their respective heirs, successors, assigns, and transferees; and
4. the date upon which the rezoning with conditions may become void, as specified in Section 54.1405(H)(3) of the City of Marquette Land Development Code, and that if an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded; and
5. that, if this rezoning with conditions becomes void in the manner provided in Section 54.1405(H)(3), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established; and

6. that each of the requirements and conditions in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted; and
7. that the legal description of the property affected by the rezoning with conditions is:

the south 150 feet of lot number fourteen (14) of Hiram Burt's Addition to the City of Marquette, County of Marquette, State of Michigan, according the plat thereof; and
8. that development regulations affected by the conditions of rezoning are, as recommended by the Planning Commission and adopted by the City:
 - a) the proposed conditional rezoning is contingent upon retaining all land uses [Permitted and Special Uses] allowed in the Medium Density Residential District and the permitted uses in the Mixed-Use district that have been identified by the applicant (dwellings, health services, and medical hospital related uses), and that Special Land Uses for the Mixed-Use District be confined to Accessory Use, Non-Single Family Home, Bed and Breakfast, Bed and Breakfast Inn, Child or Day Care-Group Home, Domestic Violence Center, Intentional Community Dwelling, Accessory Dwelling Unit, Foster Family Group Home, and Rooming House; and
 - b) that 6' fencing in the rear yard will be repaired and maintained; and
 - c) that all socializing by residents and staff happens in the rear yard; and
 - d) that resident capacity meets the requirements set by the Fire Department; and
9. that the City revokes the approved provisions returning the property to its original zoning designation if the Applicant violates the terms of this Agreement in accord with the City of Marquette Land Development Code Effective: January 21, 2021 14-23 Article 14: Administrative Procedures Section 54.1405: Zoning Ordinance Amendment Procedures.

IT IS HEREBY AGREED:

July
June 7, 2021


Ryan Redmond, RYAN T. REDMOND
Superior Housing Solutions

State of Michigan }
 }
County of Marquette }

The foregoing instrument was acknowledged before me this 7TH day of July, 2021,
by Ryan Redmond, _____, of Superior Housing Solutions, a Michigan
corporation.

Law W. Chappell
_____, Notary Public
Marquette County, State of Michigan
My commission expires: 3-21-2028
Acting in Marquette County

July 1, 2021

Tena Bender
Tena Bender, Owner

July 1, 2021

John Bender
John Bender, Owner

State of Michigan }
 }
County of Marquette }

The foregoing instrument was acknowledged before me this first day of July, 2021, by Tena
Bender and John Bender.

KIM D. WINOKUR
Notary public, Washtenaw County, Michigan
My commission expires December 23, 2023.
Acting in the County of Marquette

Kim D. Winokur
Kim D. Winokur, Notary Public
State of Michigan, County of Washtenaw.
My commission expires December 23, 2023.
Acting in the County of Marquette

CITY OF MARQUETTE

_____, 2021

Jennifer A. Smith, Mayor

_____, 2021

Kyle Whitney, City Clerk

State of Michigan }
 } SS.
County of Marquette }

The foregoing instrument was acknowledged before me this ____ day of _____, 2021,
by Jennifer A. Smith, Mayor and Kyle Whitney, Clerk, of the City of Marquette.

_____, Notary Public
Marquette County, State of Michigan
My commission expires: _____
Acting in Marquette County

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

Karen M. Kovacs, City Manager

Suzanne C. Larsen, City Attorney

Drafted by:

F. Michelle Halley, Attorney P.C.
375 N. McClellan Avenue
Marquette, MI 49855

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
May 4, 2021**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 4, 2021 by remote means (due to the COVID-19 pandemic).

ROLL CALL

Present: A. Andres, M. Dunn, S. Mittlefehldt, Vice-Chair M. Larson

Absent: Chair J. Cardillo, W. Premeau, E. Brooks (excused)

AGENDA

It was moved by A. Andres, seconded by S. Mittlefehldt, and carried 4-0 to approve the agenda.

MINUTES

The minutes of April 20th were approved by consensus.

CONFLICT OF INTEREST

No certain or potential conflicts were stated.

PUBLIC HEARINGS

A. 02-SUP-05-21 – 1103 and 1107 N. Fourth St. (PIN: 0320320 & 0320330)

Zoning Official A. Landers stated that that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the applicant's Special Land Use Permit application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, and photos of the site. She stated that on screen, she has the memo for the staff report. She read into the record the memo for the staff report, which stated staff has reviewed the special land use permit for a duplex dwelling use, and with the special land use, you have your requirements, the four requirements that you have to meet and then the standards for a special land use review.

She stated that there was one item of correspondence that is in the agenda and another item of correspondence that was received today, from Margaret Jacich, and she read the correspondence. She stated that that was the only additional correspondence she received for this.

M. Larson stated that that they can hear from their applicant now.

Mr. John Myefski stated that he and Josh Dawson are here to speak about, specifically, what they are trying to do is pretty much that neighbor wrote a very nice letter, which is pretty much exactly hits what they are trying to do. He stated that he is originally from Marquette. He stated that he grew up on Magnetic Street, and he saw the destruction of the neighborhood and never really fully understood why it was happening... so piecemeal, he got the idea they were trying to create parking lots. He stated that he also understands why that kind of had to happen, but when the opportunity came about to think about what would happen after the new hospital was built, they actually did a master plan for this area and that master plan was used by several different entities that were looking at the hospital, and that fell apart for many different reasons, basically the demolition cost of the hospital, the environmental cleanup of the hospital, things associated with that, so that led to, he thinks, the hospital deciding to sell some of these lots. He stated that he only saw it when he was home for Christmas, and at that point, he bought five lots, he bought everything that was remaining and that was still available, and that is a lot at 362 Park St., a lot at 368, two lots with two weird addresses, but it is really just one parcel on Magnetic Street right across from the emergency entrance. He stated that this corner lot, which had two addresses, but let us just call it 1103, and then there is one just down the block from this at 1115 N. Fourth Street. He also stated that his goal is to put the houses back to where they really belong and kind of restore in this neighborhood. He stated that he grew up in this neighborhood, so he knows it and he really wanted the opportunity to just find a way to put the homes back in a sense, in a scale that was something that was appropriate for the neighborhood, in scale with the surrounding homes, not trying to do anything too large, but he is trying to find the right

be Airbnb and not the short-term rental, but if a person is building an ADU and they have a permit to do Airbnb at that property, her understanding is they cannot rent out the ADU. She asked A. Landers if that is correct. A. Landers stated that is correct. She stated that she can show her here on the screen. She stated that Item K under the requirements is duration of the lease or rental. She stated that leasing or rental of the ADU for less than 30 days is prohibited. S. Mittlefehldt stated that okay. A. Landers stated that the applicant "understood." S. Mittlefehldt stated that okay. She stated that that is what she thought. She stated that she just wanted to clarify that was what she assumed, and that is something - different can of worms, not related maybe right now, but just something to think about.

M. Dunn stated that he is wondering about, he guesses it is the Standard for Approval H for the attachment options, he thinks it was probably just an oversight or lack of creativity on their part, but the actual verbiage in that Letter H there for the attachment option says that if it is a detached structure that the ADU is located in, it needs to be on the second floor. He stated that this one appears to be on the lower level, which, in his opinion, meets the intent of what they are trying to do there, but they may want to go back and look at that verbiage how they have it in the code.

City Planner and Zoning Administrator D. Stensaas stated that he thinks that this was an oversight, and if this case presents an opportunity to demonstrate that there is a completely viable first-story ADU, then he thinks that bears upon them to make an interpretation that that was an oversight in the code, and they could move forward with that interpretation. A. Andres stated that he would be in favor of that since, particularly with the accessibility issues as well. M. Dunn stated that he is in favor of that as well. He stated that he fully believed that the intent of that statement was to make sure that it was part of the structure. He also stated that he does not think that anyone intended to mandate that it was only on a second floor and it couldn't be on, especially in a situation like this where the second floor is the only viable option for vehicle parking. He stated that, again, he thinks that the intent is certainly met. M. Larson stated thank you and asked A. Andres if he has anything else to add. A. Andres stated that no.

M. Larson stated that as for himself, he is happy to see that we have an application before us for an ADU that looks as though it does meet everything in the Land Development Code, and he would also be in favor of making that interpretation. He stated that given that, it seems to be pretty straightforward. He stated that he certainly would entertain a motion on this item.

It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 4-0 that after conducting a public hearing and review of the application and Staff Report for 03-SUP-05-21, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403 and 54.612, and hereby approves 03-SUP-05-21 as presented.

C. 02-REZ-05-21 – 616 Fisher St. (PIN: 0130101)

Zoning Official A. Landers stated that that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the applicant's Conditional Rezoning application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, the zoning area map with parcel outlined in blue, existing photos of the site, the Mining Journal Notice, the excerpt of the Master Plan showing the Future Land Use map indicated with the location, and, again, the excerpt of the Master Plan with the Proposed Zoning Map, rezoning considerations for planning commissioners, and the correspondence that was received prior to the agenda being posed.

She stated that there was one item of correspondence that is in the agenda and another item of correspondence that was received today, from Michael Lenten, and she read the correspondence.

Ms. Michelle Halley, attorney for the applicant, stated that she wants to provide a little bit of background to the Commission. She stated that she is the attorney for Superior Housing Solutions and put together the application. She stated that Mr. Redmond will be able to answer any questions about what is actually occurring at the home as far as the services that are being provided to the residents and so on and so forth, but she thinks it is important for the Commission to understand that this application is requesting nothing

more than what has been going on at this home for almost 40 years now. She stated that she thinks it began in 1982. She stated that the home was licensed as an adult care facility, and then in 1992, that transitioned to basically a boarding home as it was considered under the City's ordinance at that time, and 16 residents were allowed at that point through the use of a Variance, and the Variance specifically states that the owner at that time cannot sell the home with the Variance traveling along to the new owner. She stated that Tina Bender is the owner and is here with us, and she is ready to sell the home. She stated that Superior Housing Solutions, the co-applicant with Tina, is ready to purchase the home. She stated that they have not done so yet, but they would like to do so, but their interest in the home certainly is to continue running the home essentially as it has been operating for approximately 40 years, so because of that Variance language, really the Rezoning is the most appropriate method the City has to address this particular conundrum. She stated that she submitted the application, and in it, we walk through the parameters set out in Section 54.1405H, which is the Conditional Rezoning Section, and she would be happy to answer any questions about that, but probably their questions really go more to the operation of the home, and Ryan is the person to answer those question, but she just wanted to make sure that they were thinking about this application in the context of the property's history and the historical use that has been going on there for literally decades.

Mr. Ryan Redmond, the applicant and founder of Superior Housing Solutions, stated that as Michelle said, we are just continuing the use of the house with additional supports to ensure the participants' success. He stated that they have ongoing support at the location from ACT, which is a community team through Pathways that checks in daily with about half of the residents that are there. He also stated that they have community health workers that are there probably three to four times a week, considering the workload. He stated that the community health workers deal with the *social determinants of health*. He stated that they do everything from provide the primary care physician to transportation to that to rehab facilities and treatment centers. He stated that they have people with diabetes in there, that they have actual care that takes place in the house. He also stated that they have a doctor that comes to the house as well for one of their participants because of his shortcomings and his reclusiveness.

Ms. Tina Bender stated that her mother-in-law owned the home for many, many years, ran it, and she passed in 2011, so her husband and she took over, and they wanted to move, so they started hunting and it took about probably a year and a half to get to where they could make some sort of a deal with Ryan to at least keep it going for them until they could get to this point. She stated that they want to help people and that her mother-in-law and father-in-law helped people, and so they did not want to just sell it as an ordinary house. She stated that it is not an ordinary house. She stated that it has got eight bedrooms and three bathrooms, and that it is pretty large, and a standard family would not work, so it would be their dream and their desire to keep it as it is and rezone as it should have been properly a long time ago maybe.

M. Larson stated that he understood. He stated that he thinks they are going to withhold their questions at this particular time, so if there's nothing else she wants to add at this at this moment, he thinks they will withhold their questions. He also stated that as it is a public hearing, they will invite anybody who wants to get public testimony in. He stated that after public testimony takes place, at that point in time, the Commissioners will come back to discuss, and they will ask questions to the applicant group at that point in time. He asked A. Landers if she would not mind bringing in all the folks that would like to make public testimony, that would be super.

Mr. Nick Emmendorfer of 609 Pine St., stated that he just wanted to speak in support of the rezoning for the Fisher Street House the hearing is for today. He stated that he has worked closely with Superior Housing Solutions since they've opened and their executive director, Ryan Redmond, and their board. He stated that they are a great organization, and they are filling a lot of gaps in service, and as you know, he works as Executive Director for Room at the Inn, and they opened their permanent shelter, which was a great step for this community, but if we really want to address homelessness, we need other agencies like the one before you tonight to fill other gaps and to give outlets from the shelter so that we have places to move individuals into, out of homelessness, so he thinks this would be a great use for the Fisher Street location for another housing option for people in our community, and he thinks it is run by a great organization, so he appreciate the Committee tonight having this hearing, and he hopes they vote in the favor to approve the rezoning.

Mr. Jim Barowski of 107 Lakeshore Dr. (Ishpeming) stated that he is President and CEO of Goodwill Industries, and he is calling in in support of 616 Fisher Street. He stated that there have been many studies going on right now concerning affordable housing. He stated that is one of the issues going on in Marquette, but a bigger issue is the homeless and the disadvantaged, and 616 Fisher Street has been a solution for those folks that have had the inability due to mental illness or addiction, and it is about time that we provide some support and housing for those people. M. Larson stated that if he is complete, thank you for his comments, and we will bring in the next individual to speak.

Ms. Kayla West, of 6022 10th St. in Kenosha, WI, stated she does not live in Marquette anymore, so she is not even sure she can testify. She stated that she used to live in Marquette, and she has been involved in Room at the Inn and Spare Housing Solutions, and I also want to give a shout out to Tina Bender. She stated that she has worked with her in the past when she was living in Marquette. She also stated that she just wants to also speak in support. She stated that she knows both Nick and Ryan. She also stated that she knows that the Fisher House is doing a good service. She stated that it is able to step in in emergencies when there is no other place to step in. She stated that the residents there are really in (inaudible). She stated that she thinks when Tina Bender was there, it was pretty much Tina Bender all by her lonesome trying to do (inaudible) work, and now with Spare Housing Solutions, there are quite a number of entities also involved, and she think it is very healthy. She stated that the location for what Spare Housing Solutions does is ideal, being where it is on that side of town near the hospital, near other social services. She stated that she is done and thanked them all for considering. M. Larson stated that he thanked her for her testimony and appreciates that.

Ms. Michelle Metz, of 400 College Ave., stated that she works with Superior Housing Solutions and is one of the community health workers that works with the guys that live at Fisher Street, and she wanted to speak in support of the rezoning because they have a really great home at Fisher Street right now for the men who live there and are able, as Nick stated, to offer a place to catch some of the overflow when the shelter has more guests than they can currently accommodate, and, also, many of the men who live there are not able to get housing in any of the other public housing facilities in Marquette, and so their house actually is really their last option. She also stated that that many of them have been living there for a long time. She stated that it has a family atmosphere. She also stated that they have a house manager who he cooks dinner for them, and they also give the guys opportunity to do service work in the community, and she thinks it would be really unfortunate if they if they lost the house, and there would be 13 people with nowhere to go, and we would lose it as a second support after the homeless shelter, so she is hoping that they will take all that into consideration as well as the fact that the house has been used for a very similar purpose for the last several decades and vote to rezone so they can continue providing the service that they are providing in Marquette. M. Larson stated all right and thanked her.

Mr. Rick Bissonnette, of 601 Fisher St., stated that his wife Pat and he have lived at 601 Fisher which is right across the street from 616 Fisher. He stated that they both oppose the rezoning because as it stands now, the house has to be run by people, from what he understands, that live in the house. He also stated that the Benders, who he thinks own the house still and he is not sure, have not lived there for about a year and a half, but now from what he understands, they want to have an outside firm hire managers to take care of the place versus having the owners live there, and he wants to oppose that for a lot of reasons. He stated that they have lived across the street for a long time, and even though his family - he raised his two granddaughters and his kids and everybody there - they have had endless problems with the people across the street. He also stated that a lot of these are documented with the city police, everything from public urination, exposure, stalking by a criminal sex offender of his daughter years ago. He stated that recently they had the police over because one of the tenants at the house kept harassing his daughter and running up to the car when his granddaughter and her were getting out of the car and asking if he can help, and his daughter actually had to lock the windows and then they called the police. He also stated that they have had damaged property, stuff stolen out of their garage, including tools. He stated that he came home one day, and one of them was urinating against the side of his garage. He also stated that they have had things thrown at our house. He stated that they spent \$400 or \$500 on of flowers to come home and have all the flowers all cut up. He stated that they have had all these things, so he feels, and so does his wife, that if an owner lives there, which currently the Benders do not live there - he does not know who really runs the place because they keep to themselves - but he feels that if an owner that lives in the house runs it, they have more control over what goes on there versus an endless turnover of different managers run by an

outside firm. He also stated that he feels that the problems that they encounter would only become worse under that scenario, and he personally would rather have the house go to a family or an individual than to have it be a group home, but that is not what's being discussed, and he understands that, but he currently thinks that if the way it is now, if the Benders were still living across the street, which they have not for a year and a half, he feels they would have better communication as to make a lot of this stuff stop. He also stated that they have endless streams of cop cars and ambulances and fire trucks and things biweekly or weekly, or at least monthly over at the house, so it is kind of an interruption. He stated that he asked his grandkids to not speak to the people across the street. He also stated that he cannot let his grandkids go out there and play by themselves. He stated that he has to be out there with them or his daughter or somebody has to be, and he just does not feel that it would be better for him or the neighborhood or for the City to have an outside influence with an endless turnover of managers. He stated that is why he opposes the rezoning. M. Larson stated he thanks him for his comments.

Ms. Kim Frost, of 292 Town Hall Rd. in Skandia, stated that she works in Marquette for Lutheran Social Services, and she has worked with the homeless population for about 15 years now and worked with the Bender House when it was Bender's and since then as it has transitioned into the Fisher Street House, and like so many of the people have attested to, that home provides such an essential service to some of the most marginalized citizens that we have in our community. She stated that they are people who are incredibly vulnerable to homelessness, and without the home operating as it is for that population of the people, you will have 13+ people who will be homeless and, as Michelle stated, would not be able to move into the traditional housing programs that we normally think of. She stated that they do not meet the criteria. She also stated that they would not be eligible, so it is essential that they maintain that home and also maintain the level of support and all that that comes with Superior Housing Solutions and what it provides, so she is in great support of the approval of the rezoning and hopes that they as a community recognize the essential role that programs like this play in housing their most vulnerable citizens. She stated that is it and thank you. M. Larson stated thank you.

It was moved by S. Mittlefehldt, seconded by A. Andres, and carried 4-0 to suspend the rules for discussion.

S. Mittlefehldt stated that she had a question for Mr. Redmond. She stated that she heard a couple of the folks who were just providing some testimony mention that the clients or the people who live at the Fisher Street House do not have other options because they don't qualify for other maybe subsidized housing. She asked if he could elaborate a little bit on that, just to kind of educate them a little bit because she does not know that much. She stated that she knows they have a significant homeless population and affordable housing crisis in Marquette, but she does not really know much about the details of the population.

Mr. Redmond stated that what they mean by *there is no other options* is that a lot of the time, a lot of these chronically homeless folks that we support in the Fisher Street location, they do not have rental history, they maybe have felonies on their background that prohibits them from getting in public housing, they have a lack of ability to maintain traditional housing. S. Mittlefehldt stated that okay, thanks.

A. Andres stated that he was just wondering - he knows one of the conditions of rezoning is to have somebody actually living at the home, and he has just been wondering - he knows they have vendors coming in and out, but do they actually have someone operating that is living there.

Mr. Redmond stated yes. He stated that during the day, it is supported with community health workers and/or a recovery coach who is there during business hours, and typically their house manager is there throughout the day, but he is there from evening to morning every day. A. Andres asked if there is a gap when the residents are by themselves. Mr. Redmond stated that there is no gap. He also stated that there is 24-hour coverage there at all times.

M. Larson stated that from his perspective, there are a couple things that he has a bit of interest in discussing. He stated that one of them is in the application when they are looking at rezoning this to mixed use, he has crossed off several items on the permitted principle uses for the property to make this a conditional rezoning. He stated that personally, he thinks he would like to see that also on the special land uses, so if this were to transfer again in the future to another owner, those special land uses that are that

are also out there would then also be up for consideration at some at some future need, and so he thinks there are several of those Special Land Uses that should be crossed off here that kind of come more in line with what your permitted uses of that property are, to do that and where some of those likely do not fit anymore, and so with the conditional rezoning would potentially run with the land, just to make sure that those special land uses do not kind of follow through as well, if that makes sense. He asked staff, everything being equal, if that is something they need to walk through right now as far as which ones we would recommend. D. Stensaas stated that he would recommend walking through that right now because it is not an extensive list. M. Larson stated that yes, and he knows there is a variety of other questions that are associated with it, but this was his first thought, and if the rest of the Commission wants to entertain that, let's walk through that one at a time. He asked if that would be alright with them. A. Andres stated yes.

M. Larson stated that there are certain uses that come to mind that make it easy that they would remove, but let's just go straight down from the top. He stated that non-single-family residential lots is an accessory use. He stated that D. Stensaas might have to chime in here on this this one here. He stated that it is accessory used for a non-single-family residential lot. A. Landers stated that it would be an accessory use to a commercial use. M. Larson stated that okay, and this is essentially becoming - if they do this, this would become kind of an official commercial venture, he believes, because he thinks this is kind of falling under a little bit of that community health care services with this, so that one likely stays. He stated that adult foster care, they already have that one crossed off, and he thinks that one would go away. He stated that he thinks bars would go away. He stated that bed and breakfast, bed and breakfast inn, childcare/daycare group home, they have those crossed off. He stated that he thinks those go away, and then he guesses they tell him whether or not domestic violence abuse shelter if they would be really interested in having something like that remain on the list. He stated that he would be interested to hear from them on that. Mr. Redmond stated that he would say domestic violence abuse shelter. He stated that they have helped male individuals who have been in a domestic violence situation. He also stated that that is not what their primary use would be. M. Larson stated that he understands, and they are just thinking about future uses that they just want to make sure that special land uses also line up with kind of the permitted uses which he is suggesting. He stated that intentional community, maybe that stays, and that foster family group home, that may be in that same vein. He stated that he thinks fraternity house likely goes away. He stated that homeless shelter, he knows it is not exactly a homeless shelter, but it provides some of those terms. He asked commissioners if that would potentially stay. A. Andres stated that he would say that it does not fall in that category, but that is just him. M. Larson stated that okay. He stated that it is not a homeless shelter, so maybe that also goes away. He also stated that is not a hospital and goes away. He stated that hospital hospitality house, he does not think that is in there. He stated that hotel or motel, light manufacturing, marijuana safety compliance facility, nursing home, convalescent home, extended care facility, assisted living likely go away. He also stated that outdoor entertainment and community events, food and beverage service, recreational use, and then he guesses the only one left on this list here is really a rooming house as that was its original intention, but he thinks it is a relatively very few in the special land uses that he thinks should stay in it, and he guesses fellow commissioners will tell him if he is off base here. A. Andres stated that he does not think he is off base.

M. Dunn stated that he thinks that's making sense to narrow it down as much as they can. He also stated that he is not familiar with what the specifics of a rooming house is. He stated that he thinks sometimes this type of use would also be called a halfway house, but he does not know that they even have that in their list of land uses. D. Stensaas stated that that would probably be the the closest thing to this in any other zoning district where halfway houses are only allowed in, he thinks, in multifamily residential districts and some of the waterfront form-based area, but the rooming house allows - it is much different than the way this particular facility was operated, and that is one reason it is a legal, nonconforming rooming house because the current definition of rooming house is a dwelling occupied where rooms in excess of those used by the immediate family unit can be leased to persons outside of the family with no attempt to provide the cooking or kitchen facilities because that gets to be a bed and breakfast, and in that case, the rooming house now, the model is in a single or two-family home where you can rent up to three rooms to outside persons. M. Larson stated that is right, and, again, he knows this is not what they are applying for over, however, just narrowing it down if there is going to be a conditional rezoning, narrow it down as far as you can would be one of the things that he would be after. D. Stensaas stated that on their list, they have domestic violence abuse shelter, intentional community, foster family group home, and rooming house, if he got that correct. M. Larson stated yes. D. Stensaas stated that it sounds like a reasonable list for special uses. Ms. Larson

asked the applicant if he would be okay with this list being changed to having those crossed off on special land uses or including those four items. He stated that, again, D. Stensaas could say that out loud again one more time. He stated that he thinks it was rooming house, foster family group home. D. Stensaas stated the domestic violence abuse shelter, and intentional community. M. Larson stated yes. Mr. Redmond stated that they would be okay with that. M. Larson stated all right, and he thinks that was one of the first things that he thought about and was just making sure they have that. He stated that he does have one other question him as far as permitting principal uses, so now their rezoning will certainly come with changes that they potentially have make, and then within these permitted principle uses, he guesses this is kind of health services or it is a little bit of a combination of health services as well as, he guesses, not exactly multifamily. He asked of those permitted uses, where they see themselves falling. Mr. Redmond asked if it was the permitted uses that that Mr. Stensaas just said. M. Larson stated that yes, so those are the land use, and asked A. Landers if she would not mind bringing up the application one more time so he can see the items that they have crossed off. He stated that they left a variety of dwellings and then health services, and then home office, and these other related uses, and so he thinks they kind of fall into a number of categories as far as health services and then dwelling services, but asked if that presents him with any additional hurdles that you have to get over and asked where he sees this business falling.

S. Mittlefehldt stated that she does not mean to interrupt, but asked if he could maybe clarify for Mr. Redmond because people who are not enmeshed in zoning and planning might not be really familiar with the difference between a special land use and maybe Mr. Redmond does, but if she was coming to this process and was not enmeshed, I might not know the special land use permit and how is that different than permitted uses, so maybe could he just give a little explanation on it. M. Larson stated that he apologized and thanked S. Mittlefehldt. He stated that kind of looking at this process, he is applying for a permitted principle use for this property for this business as a change from where the property stood previously. He also stated that in the application, he has crossed off several items with his organization and with his attorney for which you do not wish to operate this facility as, so he has that this facility could operate under any of these items that are not cross out. He stated that this is this is going to be that principle use. He also stated that what he is talking about with special land uses is that in the future, if this property were to ever change hands again, as it stands right now is you own this for five years, decide you want to sell it to another party, another party could come in and suggest that they wanted to open a bar, a bed and breakfast, so on and so forth down that line, and they want to limit the scope as necessary in changing out of the original variance that is there when we do this rezoning process, so the issue that he just went through, talking about trying to limit the special land uses, really speak to future uses that are beyond him, beyond his group likely here, but it is to narrow the use of this property down to what he intends to use it for because it is a conditional rezoning for Mixed Use, and if his attorney wants to speak to this as, that is perfectly fine, and, again, from what it seemed, he was just asking if this falls under Health Services, for example, does that change the structure, does that change any of the permitting that he has to go through internally with Pathways or so on. He asked if there is additional permitting that needs to go into compliance to operate a kind of an official service center like he is suggesting here because previously, like he said, this was operating under a Variance, but by changing zoning, does he have to go through any other compliance issues like with Pathways Mental Health that may not previously have been required by changing zoning. He asked the commissioners if that makes sense what he is trying to ask, and if it does not, maybe somebody can help clarify.

Ms. Halley stated that she thinks it makes sense. She stated that Health Services seems to be the most appropriate primary use category for this organization, although as they pointed out, it is providing a place to live, so some of the dwelling categories, there is some overlap. She stated that it is not a neat and tidy situation necessarily. She also stated that is why they kept all of the dwelling categories, most of them anyway, open. She stated that as far as the special land uses, she does not anticipate this group seeking a special land use permit for what they are currently doing or want to do, and so they could see this home at some point maybe if it gets resold 10 years down the road, who knows what somebody would want to do with it, but certainly Superior Housing Solutions has no problem with limiting the special uses that are allowed under this rezoning to leave just the four categories that D. Stensaas listed off. She stated that it is certainly no conflict with the use that is anticipated in the near to mid, to long term future. She also stated that as far as additional licensing, Mr. Redmond understands that he may need to talk with the Building Code folks and things like that. She stated that she does not think that this will trigger necessarily any state licensing needs for the uses that they are currently utilizing, but certainly, he is aware of different uses that

require state licensing and would obtain those licenses if they become a requirement of what the house is doing. She also stated that they are not talking about becoming licensed Adult Foster Care facility in the way that it is defined by DHS, for example, at this point. M. Larson stated that he understands, and he is glad she followed what he was asking. He stated that he appreciates the comments there.

M. Dunn stated that his primary question right now, he guesses, is up for discussion among the commissioners, but he is trying to understand how or whether this is an appropriate use of the conditional rezoning, and, he guesses, he still has not come to form an opinion, and it is just his own lack of knowledge in what constitutes an appropriate use of the conditional rezoning and what does not, and it is hard for him to come to a decision without doing some more studying on this. He also stated that he wishes he had an opinion or had more to say on it, but he is just not educated enough on it.

M. Larson asked D. Stensaas if he would like to weight in really quickly because conditional rezoning certainly has its own set of rules under statute, and it does not necessarily fall under the same rules as spot zoning and otherwise, so this is a special process that they have used in the past as well, if he recalls, with their conditional rezoning that they did over on U.S. 41 in South Marquette for the old - he asked to be reminded of the building - previously. D. Stensaas stated its the Union Grill. M. Larson stated that they have gone through this previously as far as that goes, but if D. Stensaas wants to make a comment on that, please do so. D. Stensaas stated that he would first go back a little bit to the explanation that he was talking about for the various land uses in the list that was provided by the applicant, that they are willing to go forward with, and another level of explanation is that rezoning runs with the land, and that is why it is important for the Planning Commission to establish right now to make a recommendation on those uses because nobody knows what the future is going to hold and this property could change hands in three years, and that rezoning will run with the land, so if that future owner wants to operate something on that list, that is fine, and if they don't, then they might have issues to contend with to see if they can go back for another rezoning because he is setting that up for long-term, decades of the specified uses for this land unless the City approves another rezoning, and, honestly, the City approves very few rezonings. He stated that it is not very often that the City deals with rezoning cases, and the conditional rezoning is a new tool for the City of Marquette. He also stated that other communities have had it for a bit longer, but the City just adopted this process when the Land Development Code was adopted in 2019, and this is a very different process, being that the applicant is suggesting what they are looking for and will accept, in terms of it is basically a tradeoff. He stated that they are not going to negotiate that with the applicant, but that this process is somewhat of a negotiation, and whatever is decided here on that list, that list of uses is going to be what goes forward to the City Commission. He also stated that the spot zoning that normally is a big issue with looking at whether rezoning should be approved or not, that does not apply to a conditional rezoning because this is by definition a spot zone. He stated that this is creating a zoning district that does not necessarily fit the area, or some uses of a zoning district that do not fit the character of the area, and in this case, a bar would not, so just adopting the Mixed-Use district here would not fit this zoning district. He also stated that looking back at those uses, he thinks why would a bed and breakfast not be an acceptable special use for that list, and there may be a couple other things, but this is a long-term process they are talking about, not just for Superior Housing Solutions necessarily. M. Larson stated that he thanked D. Stensaas.

M. Dunn asked if he could chime in a question there. M. Larson stated that yes. M. Dunn asked D. Stensaas if he can explain to him - one of his concerns is how this conditional rezoning sort of short circuits the community input. He stated that he looks at the community input as the Master Plan, and what they are doing is going to change what was indicated in that Master Plan, and it is a public hearing, so he guesses people can contribute that way, but he is just wondering if there are any issues there or any logic behind when that is a good thing to do or not because in this case they are not correcting an error or they are not correcting an oversight in the Master Plan, so he understands it is a historic use. D. Stensaas stated that it is a good question, it is very perceptive, and he is not even sure if Mr. Dunn he was living in Marquette when the Master Plan was overhauled in 2015, and he is not sure if it was in the 2015 or the 2018 update, but conditional rezoning was a recommendation of the zoning portion of the Community Master Plan, so that is why it was adopted into the Land Development Code. He stated that that came as a recommendation from the Community Master Plan because it is a very useful tool in some circumstances. He also stated that they do not want it to become an end-around for the standard zoning processes, but there are some exceptions. He stated that they all know there are too many laws where it is cookie-cutter,

and things do not fit, and that is why conditional rezoning for some properties might be the perfect tool, and in this case it is probably the only tool that would accomplish this request.

M. Larson stated that they would have Commissioner Andres speak next, and then they will have S. Mittlefehldt. A. Andres stated that he thinks D. Stensaas answered his question.

S. Mittlefehldt stated that she was just going to say to kind of address Commissioner Dunn's comment about why are we getting into the weeds with narrowing the special land use permit for this case, but she thinks if they go back to the questions that we need to ask ourselves with the conditional rezoning, the first thing is if this is where they get to be pragmatic and we really look into the nuances of this particular piece of property and think is this an appropriate location for this zone, but we see, like D. Stensaas was saying, maybe not a bar, but it certainly seems like it has been operating as has been mentioned for decades as this rooming house, and it is serving this important function for our community now, so she is kind of in favor of the conditional rezoning because they know they have all been involved in conversations about the importance of affordable housing and supporting our homeless members of our community, so she thinks she would be in favor of going this route. She also stated that she understands the neighbors' concerns, and she can imagine how stressful some of those encounters must be, but thinking like as the Planning Commission for the Community as a whole, and thinking about the goals of the Master Plan and how it fits into the Land Development Code, she thinks we have an opportunity to try to figure this out, and Commissioner Larson started to help us go down that road a little bit... "Okay, let's say we do make this a mixed use zone." She stated that here we have an opportunity to say, "Well, which of those mixed uses might be appropriate moving forward." She stated that she thinks they are heading in that direction. She also stated that it is something that takes some thought, though, obviously.

M. Larson stated that he would just like to point out here as well, they are making a recommendation to the City Commission, so they are making a recommendation for either the conditional zoning for or against it, and whatever way they go, they are not the final decision on this. He stated that it will go to the City Commission, and so just keep in mind when they do make a recommendation, there are a variety of things that may need to go into that recommendation as far as why it is being made. He stated that he would like Mr. Redmond or Ms. Bender to just address the community concerns that we heard tonight, whether or not they know that that was happening or what safeguards can they put into place or are in place that can help mitigate some of those scenarios that are happening, and they can appreciate the concern that is there and can also appreciate the need for facilities like this in the community, but this is an opportunity to chat about that or just have a response.

Ms. Bender stated that she will respond to their comments. She stated that almost everything that they said happened when Evelyn Bender and Fred Bender were still alive, so those are things that happened way in the past. She also stated that those people are no longer there, have not been allowed there for 15, 20 years. M. Larson stated thank you, and asked Mr. Redmond if he would not mind mentioning some of the kind of safeguards that he may have in place, or what are the situations and how you may deal with those issues moving forward. Mr. Redmond stated that moving forward they are implementing a nice patio area in the backyard, which will be the congregation area, where they tend to hang out in the back. He stated that previously, they were kind of allowed to smoke out front, but they are making the area in the back yard to where they can be. He also stated that that as far as the ambulances being there, and the police - and they can look at the records - but most of the time, it is medical. He stated that they have people with pancreatic issues. He also stated that they have people with severe mental illness in the house, and there are some times where they will call the ambulance for healthcare purposes we have. He stated that they have a security system put in place to cut down on other people coming there. He also stated that they do not allow visitors that do not reside in the residence any longer, so that will cut down on traffic in the area, and they have community health workers and recovery coaches in there working on the harmonization of the house daily. M. Larson stated thank you for that. He stated to fellow commissioners he does not know if you have any other discussion or questions for the applicant here.

M. Dunn stated that he does not have a question for the applicant, but another one for commissioners and staff. M. Larson stated that he was just going to kind of move to that, so if they can move out of the kind of the question phase and into just a little bit of their continuing discussion to help move this towards a resolution one way or the other, he thinks that is where they would like to be headed.

Ms. Bender stated that she does have one other question, and she put it in chat, but she has not gotten anything back from anybody, but in regards to the special use permits, would it be better to leave all of the items there minus the bar, of course, with nothing crossed off so that if something were ever to happen where Superior Housing Solutions had to dissolve or moved elsewhere, something of that nature, that it could become a home daycare with somebody living in there or it could be the bed and breakfast. She asked if it is better just to leave all those things in there or not. M. Larson stated that he thinks when they make a recommendation, that is one thing that they will have to kind of have a final discussion on amongst the commissioners here, so he appreciates her bringing that up and pointing that out. He stated that he was not looking at the chat box. He stated to Commissioner Dunn that if they do not have any other questions for the applicant and if they have discussion amongst themselves and for staff, let's see what they can make happen.

M. Dunn stated that one of the questions that he keeps coming back to is where this ongoing use fits in and what the proper definition is for this particular use. He asked if it fits under health services or if it fits under, and he is not sure on that, but he is also wondering whether that even needs to be their focus or if they just focus on if this is the appropriate location for mixed use with the limited amount of uses that they have presented here and if it is appropriate location for that zoning and not worry about what use they may define the historical use as, so he is looking for input on. He asked if he just limits to specifically the criteria that they have got listed here, or does he need to try and figure out whether this is going to achieve the applicants' goal?

D. Stensaas stated that he thinks because this is a very specific use that has been stated, it has been defined to some extent, that it makes sense for them to clearly understand that the use is going to meet one of those in the list of uses, one of those land uses, and health services - again, he will just repeat the definition of the establishment engaged in providing diagnostic services, including general medical services, medical labs, outpatient care facilities, and the definition may include an inpatient/outpatient mental health or substance abuse treatment facility. That is probably as close as they are going to get in their zoning in the Land Development Code for a definition, and just for comparison, this might have been called a halfway house in certain other conditions. He stated that is defined as a house license by the State Agency for continued care, treatment, and counseling of individuals who successfully completed institutional treatment and who would benefit from a controlled atmosphere in a residential setting.

S. Mittlefehldt stated that she did not have her hand up, but she was just going back to the four that we had talked about with the special land use permit. She stated that those were the domestic violence abuse shelter, the two different dwelling uses and then rooming house. D. Stensaas stated intentional communities, foster family group home, and rooming house. S. Mittlefehldt stated that okay. She also stated that she thinks she is okay with that if that seems like that aligns with the functions of this particular situation if it meets the bill.

A. Andres stated to correct him if he is wrong, but this sounds like an awful lot of it is spot zoning, and spot zoning seems to be illegal, if he is not mistaken. M. Larson stated that this is a separate piece because when you do conditional rezone, it is not across the board everything within the permitted and special land use piece, and so it falls out of spot zoning - and stated to D. Stensaas that he can correct him if he is wrong - is that by limiting the number of permitted uses that are in there, they fall into a conditional zoning situation, which moves away from the spot zoning issues that are there, so they are saying that there is a limited use. He stated that it is not across the board use for this multi-use. He stated that right now, they are talking about limiting it to these specific pieces, which he believes brings them out of any spot zoning situation that may be there.

D. Stensaas stated that is right, so it is almost a limited review. He also stated that spot zoning is not completely out of the equation, but you are kind of taking a modified version of it into account and basically making a judgment of what is being proposed, does it meet the character of the area, and not looking at those other criteria in the spot zoning list of criteria, but to Ms. Bender's point, he thinks it does bear looking at the possibility of this property being used differently in just a few years. He also stated that there is no reason not to look at things like the daycare or a bed and breakfast, but the exercise that they went through probably did eliminate most of the things that would not fit the character of the residential

area. M. Larson stated that revisiting after hearing that, he thinks he would be able to - and with S. Mittlefehldt's explanation, saying, "Hey, this is our chance to look at what is appropriate here in the future." He stated, again, special land uses, if for some reason five years from now it changed hands, they would still have to come before us with special land use, so you have a second opportunity to talk about whether it would be appropriate for a bed and breakfast. He also stated that the community would have a second opportunity to chime in to say if that would be appropriate or not there as well, but he does think potentially adding in those which might be compatible like a bed and breakfast or a child daycare. He stated that maybe that would be a fine expansion, but still limiting it to rule out bar and school and other, vehicle repair, things along with lines.

M. Dunn stated that along that same line, he is wondering if it would not make sense to include most if not all of the uses that would be in the medium-density residential since that is what they are moving away from, and that is what most of the surrounding properties are. He asked if they would not want to include most of those uses. D. Stensaas stated that those are all still allowed in addition to those uses identified in the mixed use. M. Dunn asked if they allow duplex and MBR. A. Landers stated yes. D. Stensaas stated that there is some overlap. He stated that he sees what he is saying. M. Dunn stated just using that as an example, he does not why they would exclude duplex when that is already - and he understands they need to make it fairly specific, but at the same time, he does not want to exclude a lot of the things that are in the current zoning and in the adjacent property zoning. He stated that they want to keep it as compatible as we can, he would think. M. Larson stated that he understood, and maybe whoever is making that recommendation, he does not know if they can add that or they can say including what is allowed in current zoning in the residential zone. D. Stensaas stated that would be fine.

M. Larson stated that because they are making a recommendation to the City Commission on this, they have gone through it, if there is any final discussion amongst them, but otherwise, he would entertain a motion from somebody, and if we need some additional help on that list again, we can make that make that happen, but he would certainly entertain a motion one way or the other, and if they do not want to make a motion, if there are issues unresolved, they can still talk about that as well.

M. Dunn stated that one of his unresolved issues is the fact that a lot of the oversight and management in the past has been because it was owner occupied and it was someone that lived there and cared about the neighborhood, and he understands that there will be someone on staff there 24/7, but that is still different than having it be owner occupied, so he is struggling with number 10 and number 12 as far as the standards, so that is sort of what he is thinking about for number 10, but then number 12, he does not know that it is incompatible, but it seems to him that a lot of the adjacent zones are residential, and he sees that there is one mixed-use parcel back behind there, but the effects are going to be felt by all of the residents, and he is sure they already are. He also stated that obviously this is an ongoing situation, so he is just kind of thinking out loud here. He stated that he is still a little bit concerned with standard number 12 there. M. Larson stated that he understood. He asked if either A. Andres or S. Mittlefehldt have any comments. A. Andres stated that he is concerned about 12. M. Larson asked A. Landers to bring up the zoning map just for clarity's sake, so they can look at all sides of the property. D. Stensaas asked if he can suggest something while they are waiting for that. M. Larson stated to please do. D. Stensaas stated that he does not know if capacity is an issue that Mr. Dunn wants to discuss, but that could be related to some of the concerns he has. M. Dunn stated that is definitely one of the things he is thinking about. M. Larson asked M. Dunn if he wanted to speak more to that. M. Dunn stated yes. He asked as it stands right now if they know what the total capacity is because he saw several different things, something from the Fire Department, and he saw a bunch of different numbers in different places, and he is wondering what the occupancy will be going forward. M. Larson stated that they would ask applicant.

Mr. Redmond stated to Ms. Halley to correct him if he is wrong, but they went for 16 and was that not their ask in the application. Ms. Halley stated right, and that is what the Variance allowed, she believes, and so that is why they stuck with the number of 16. M. Larson stated that he had one follow-up question to that. He asked if they have remained at 16 individuals. Mr. Redmond stated that it has fluctuated, but from 13 to 16, yes. M. Larson stated thank you. D. Stensaas stated that the 1992 Variance allowed up to 12 renters. Ms. Halley stated right and then the four family members, and asked if that was right. D. Stensaas stated for family living on a separate floor. Ms. Halley stated that now her understanding is that the ground floor, which used to be allocated for family use, is now being used for residents, she thinks. She stated to Mr.

Redmond that he does not have to clarify that, but that is her basic understanding that with the total of 16, it is utilizing the upper floor and the ground floor. She asked if that was right. Mr. Redmond stated yes, and the live-in manager that is there all the time also stays on that floor as well. M. Larson stated that he guesses one comment there is that it does look like there was some information from the Marquette Fire Department, the Fire Marshal stating that it is only the second floor that is allowed for residents. He asked D. Stensaas if he was reading correctly. D. Stensaas stated that he believes so if that is in the memo. M. Larson stated yes. He stated that it says, "The second floor of your rooming house is the approved area for overnight capacity. You can house additional clients on the second floor as long as you have available beds and your client capacity is at below the maximum state capacity of 16." He stated that as the memo from the Fire Marshal states is that it is only on the second floor that folks are allowed to be for overnight capacity.

A. Andres asked that in terms of the renters or whatever they have there if it is client based or - he is just having a question of why are these ads on the Internet for rooms, and this is how much you can get per room and all this stuff. Mr. Redmond stated that he is not really sure of the question. He stated that they do not run ads for this house. He stated that this is all referrals. A. Andres stated that there were ads on, he thinks Facebook or something else. M. Larson stated that he thinks he is referencing an ad that seemed to be on an online classified site. Mr. Redmond stated that they have never ran any classifieds, but as far as the rent goes, it is rent, but they also offer housing first. He also stated that it is an initiative for the homeless and for people that are in between maybe an SSI or SSDI payment, or in the application process. He stated that they allow them to live with them, and they support them. He also stated that they help them through the process to obtain some type of income. He stated that a lot of their clients have mental illness with no past criminal history. He also stated that it is a real mix of people and program participants, as they call them.

Ms. Bender stated that she would like to add a couple things if she could. She stated that one of the people that live there have been there for at least 20 years, 25 years maybe. She also stated that another has been there nearly 20, and they are still there even after they have left. She asked Mr. Redmond if that is correct. She stated that some of them are very long term, some of them are not, but, also, the land backs up to the hospital on the backside, and on the other side is Wright Electric, and then the City owns the two lots on the corner where they bulldozed the houses down for the road construction when the hospital was going in and the roundabout was built, so there are not other houses that are backing right up to it. M. Larson thanked her for clarification. He asked Commissioner Dunn if he has other concerns as far as number 10 goes. He also stated that, again, if they are looking at a potential rezoning to continue to allow this to happen, this is from his point of view likely the most appropriate zoning that they have on their list if they are going to consider that this has been there for this long and with the character of the neighborhood, if it has been there for this long, he feels like it is kind of part of that, so as far as number 10 goes, he certainly understands his concern about the number 12 here, and he thinks the conditional rezoning, allowing it within that to saying, "Hey, with multi-use, we also want to confer all the rights as to medium-density residential into that site as well." He stated that it allows future use of that site if this organization were to sell or something were to happen that would potentially allow it to move on to medium-density residential or to a limited number of multi-use pieces there, especially neighboring with Wright Electric that is right next to it and the hospital. He stated that he does not know that it is incompatible, but he certainly thinks this may be the most appropriate zoning that they have, and, again, he does think that the City Commission will certainly be hearing this again, and the public will also have the opportunity to restate some of their concerns at that point in time, so if this does serve as kind of this first volley of sorts at that Commission, the public will be able to kind of state their concerns one more time after looking at the public record through this particular meeting.

M. Dunn stated that does help him. He stated that he is still thinking on number 10 how he does not know all of the permitted uses that are allowed, but it seems like without the owner being there, this is more of a commercial use, and he understands that there are some commercial uses, but that that is what he was thinking about specifically for number 10 as whether GC would be a more appropriate zone district. He also stated that it certainly would not be by compatibility with the surroundings, but he is wondering if that would be a more appropriate zone for this particular use. M. Larson stated that is fair enough. He stated that he appreciates that, and he does think that giving the flexibility of the multi-use zoning, he thinks the multi-use, in his opinion, is a better zoning that allows for more flexible future use of that site that does allow for single

family or otherwise, but if they turned it to commercial, he thinks you have a greater issue in reverting it back into the residential property. He stated that is certainly of his thoughts there. He stated to D. Stensaas that if he wants to respond to him, then that is fine. He stated that otherwise, S. Mittlefehldt had hers first here. S. Mittlefehldt stated that she was going to go attempt to make a motion, but S. Stensaas can talk, and she thinks she has got a motion that we can pass or fail or got an idea. D. Stensaas stated that an important point on that topic is that because there are three planning commissioners absent tonight, a vote that is not unanimous is not a vote for recommending this because they have to have at least a majority of the seated members of the Planning Commission voting in favor of something for it to be considered passing, so they have seven members at present, and so they need at least four to have a vote that is passing, so they have to have a unanimous vote. He also stated that the other thing he was going to bring up was he thinks part of the concerns maybe that are unexpressed here that Commissioner Dunn is concerned with, and he is certain that is not just Commissioner Dunn, but is that a use like this, where you have maybe 16 unrelated adults in a house that is in a residential district, is that it does not function like another house in the district. He stated that it is not typical for that area, and so you are going to have a different look and it is going to feel different and that it is going to look different. He stated that one of the questions probably in the back of their mind is what you can do to create this situation where it doesn't look and feel out of place. He stated that maybe it looks a little different, but maybe it blends in better and does not have those nuisance issues that might occur with - we have a lot of duplexes in the city where you have four college students in each unit, and that is eight on a small lot - and that this is maybe a little bigger than an average lot, and those uses tend to be the ones where you have the most police visits, and you put a lot of people and a lot of cars on a small lot, especially people with a lot of energy, and they tend to create more problems than a typical family would - so he is just thinking about that related to this property. He stated that he does not see in the photos...he cannot tell if there is a fence all the way around the property., but he can see that there is a fence along the east side. He stated that a fence around the back yard is one thing because it does butt up to two other residential properties that are occupied. He also stated that the other thing he was thinking - Mr. Redmond has talked about building the patio in the back yard. He stated that maybe if the front yard is sort of off limits to kind of hanging out, maybe that helps. He stated that he is just kind of riffing, but he thinks that the character of the house in the in the area is really an issue that is probably in the back of people's minds a little bit.

M. Dunn stated that that would address his concerns perfectly if they could somehow include a condition for a fence and especially for some sort of ongoing rule or requirement that the socializing or outdoor activities are confined to the back yard. He stated that he went by the site visit today, and there were a couple of guys hanging out out front, which is totally fine, but when you have got three guys out front smoking, it is not your typical residential neighborhood. He stated that it feels more commercial. He stated that yes, for whatever that is worth, if they could work that in as a condition, he would be happy. S. Mittlefehldt stated that this is a question for staff. She asked if they can we specify where people can hang out on property. She stated that she likes where he is going with that, but it seems like she does not remember them ever making rules about that kind of like where they can socialize. She asked D. Stensaas if they can do that. D. Stensaas stated that Planning Commission can recommend conditions on any approvals, and the case of a special land use permit you could require it. Mr. Redmond stated that they have no issues with any of that, and it is the direction that they were going. He also stated that once that patio was completed, it was going to be mandated that was the area to socialize in outside. He stated that they have no issue with that. He also stated that they plan on fixing - the fence needs mending in the back, but it is a six-foot-high fence, and they will definitely repair the fence and make sure that that is in place. M. Larson stated thank you, and he does think as far as the number of people are concerned, he thinks falling to making sure just to reiterate the Fire Marshal's memo in there with limiting the capacity of 16, and then where they are labeling the floors and where sleeping quarters are in there. He also stated that was included by staff, so he thinks they will probably want to include that as well. He stated that he guesses the only other question there is if they want to think about the way it was originally set up, if it is 16 or if it is 12 plus four related persons, and maybe it has not been operated like that for awhile, but that would change the nature of it as well, but right now, he thinks, with the Fire Marshal's suggestion of 16 that is perfectly fine. Ms. Bender stated that her understanding from the Fire Marshal when they lived there was that the first-floor level had not ever been looked at because the family was living there, so, therefore, they never looked at it as a possibility of having anybody live there, so she knows they always did it somewhere between April and June where the Fire Marshal came out, and so she thinks that would be a quick, easy, like, okay, we are going to do it this way now. M. Larson stated the information that they have from the Fire Marshal as it stands states that it is on

the second floor, and so whether or not following Fire Marshal guidelines is kind of put into that into any recommendation that is being made. Ms. Bender stated yes. M. Larson stated that is just a suggestion on his part.

A. Landers stated that if she may add, though, this is a rezoning request, but if this were to be approved by the City Commission, they would still have to go through the right permitting process for the Health Services, so not only would Zoning, the County Building Department and the Fire Department would have to review it at that time, too, M. Larson stated thank you for that to A. Landers. He also stated that he was merely referring to the Fire Marshal as the capacity of 16 only on the second floor as it is currently stated. He asked Commissioner Andres if he had any final comments on - he says final comments. He stated that he was just trying to move them to concluding it here. He asked Commissioner Dunn if he had any final comments. He asked Commissioner Mittlefehldt if she had any final comments.

S. Mittlefehldt stated that she was ready to make a motion.

It was moved by S. Mittlefehldt, seconded by A. Andres, and carried 4-0 that after conducting a public hearing and review of the application and STAFF REPORT/ANALYSIS for 02-REZ-05-21, the Planning Commission finds that the proposed rezoning with conditions is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 02-REZ-05-21 with the following conditions – that 1) the proposed conditional rezoning is contingent upon retaining all land uses [Permitted and Special Uses] allowed in the Medium Density Residential District and the permitted uses in the Mixed-Use district that have been identified by the applicant, and that Special Land Uses for the Mixed-Use District be confined to Accessory Use, Non-Single Family Home, Bed and Breakfast, bed and Breakfast Inn, Child or Day Care-Group Home, Domestic Violence Center, Intentional Community Dwelling, Accessory Dwelling Unit, Foster Family Group Home, and Rooming House; and 2) that 6' fencing in the rear yard will be repaired and maintained; and 3) that all socializing by residents and staff happens in the rear yard; and 4) that resident capacity meets the requirements set by the Fire Department.

M. Larson stated that this is that we are recommending to the City Commission, and he does not know what the date that will go before City Commission. M. Larson asked D. Stensaas if they have a date in which it would go before the Commission. D. Stensaas stated that he believes the earliest it could go to the Commission would be either the first meeting or the second meeting of June. He stated that it is definitely one of those. He also stated that this first would be on the City Commission's agenda to schedule a public hearing based on the Planning Commission's hearing, and they have to advertise that public hearing for a minimum of 15 days, so he is assuming then that puts this at the end of June because you just cannot move it faster than they can schedule and appropriately notice a public hearing, and at their first meeting where they get this, they have to agree to schedule the public hearing, so there is extra delay in that. He also stated that if it was at all possible to get this squeezed into their agenda for the 10th, he can try to do that tomorrow. He stated that he just cannot promise it because all the items are supposed to be on the agenda by now for that meeting next Monday, but he can see if he can make that happen. M. Larson stated thanks to D. Stensaas and thanks to the applicants to kind of sitting through this long discussion here, and D. Stensaas and/or A. Landers will be in touch.

COMMISSION AND STAFF COMMENTS

M. Dunn stated that he is so sorry. He stated that he always has questions. He stated that on the motion that they just approved - this hit him right after - but asked if they include all of the mixed use permitted uses or if it was just limited to those that were not included. S. Mittlefehldt stated that she thought she said in her practice run, she said it was limited to what they filed in their application, but asked if she said that. D. Stensaas stated that he has to go back and listen to the recording. S. Mittlefehldt stated that that is what I meant. M. Dunn stated that that is why he brought it up now so that as a recommendation to the City Commission, we can clarify as to what they meant. He stated that that is why he was stalling on voting. He stated that it was because he was thinking he was not sure if he heard it right or not. S. Mittlefehldt stated

that in her head, that is what she was saying, but it is possible she did not say the mixed use as presented as the applicant submitted. M. Dunn stated that he does not know for sure. D. Stensaas stated they will clear it up. S. Mittlefehldt asked if they are all good with the original draft, mixed use as presented. M. Dunn stated yes. He stated that he thinks that is what they all meant. He asked if that was right. M. Larson stated that is certainly the intent that he heard. M. Dunn stated okay, he just wanted to clarify. S. Mittlefehldt stated thanks for that clarification.

A. Andres stated that he has another thought. He asked that because they did not have all the official members here, could we have suggested that we postpone or give them the option to postpone until we had more members than present, not that it matters because we already did. M. Larson stated that right, so clarification there, D. Stensaas, is that he knows they would like to keep trying to move things along even if we have members that are absent, but asked if they can allow the applicant to make that decision if they wish to delay. D. Stensaas stated that we do not really do that at the Planning Commission level. He stated that it is done at the BZA level. A. Landers stated that no, it used to be something in the bylaws, but that got removed. She stated that if you want to postpone a case, you have to state why and your reasons for it and the date for continuation, so that is what she would suggest. She stated that if it seems like they need more answers on something, they can do that. M. Larson stated that he understood. D. Stensaas that you have postponed cases and the decision on cases in the past, which you can do. He stated that is an option. He stated that it was done with the cell tower project last year on Ridge Street, but there are a number of issues that come up when you postpone. He stated that they have to re-notice the hearing if you are going to say we want to give them that option, if they want to take an option. He stated that that is not really in your bylaws to do that. He asked A. Landers when they postponed that decision on the hearing, they did not have to re-notice that. A. Landers stated no. She stated that they do not. She stated that during this meeting because when you postpone, you have to clarify what date you are postponing it to, and you have to clarify what information that you are requesting and the reason for the postponement, so it cannot be because of the board, they do not have enough people, but say it could be maybe we need to talk to the Fire Department regarding occupancy and maybe we would want the Fire Department to be here or to go through the bottom floor, something like that where you need more additional information and you feel like you cannot make an educated motion at this time without that information. D. Stensaas stated that he guesses the applicant could always bail before we reach a decision and say, "Hey, wait. We want to re-apply before you make a decision." He stated but that is what they have to do, he thinks. He stated that they would have to re-apply.

M. Larson stated thanks to everyone for sticking the long situation out and thanks for helping him clarify his thought, trying to get around some of these issues. He stated that he thinks it was tricky; however, with this being a recommendation to the City Commission, he does think it does provide ample opportunity for other folks to step forward and offer additional community input if need be.

ADJOURNMENT

The meeting was adjourned by Vice-Chair M. Larson at 8:48 p.m.

Prepared by:


David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
nb/ lmedat



City of Marquette, MI
300 West Baraga Ave
Marquette, Michigan 49855
Meeting Minutes
City Commission Meeting
June 14, 2021

Call to Order, Pledge of Allegiance and Roll Call

Present: Ayes: Bonsall, Davis, Hanley, Hill, Smith, Stonehouse

Absent: Mayer

Mayor Pro Tem Jenn Hill moved to excuse the absence of Commissioner Mayer, seconded by Commissioner Evan Bonsall and Carried Unanimously.

Approval of the Agenda

Commissioner Fred Stonehouse moved to Approve the agenda as presented, seconded by Commissioner Sally Davis and Carried Unanimously.

Announcements

Mayor Smith noted that both the City Commission and members of the public are in the room tonight for the first time in months. She said the Commission, for the time being, was still receiving written public comment, which will be read during the meeting.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Margaret Brumm spoke in person, stating that it felt good to be back in chambers. She noted that the City Commission has done good work during the last year.
Paul Schloegel wrote in to praise the Commission for the recent decision to accept the lakeshore property donation from WE Energies. He requested the Commission direct staff to investigate the feasibility of using that property as a dog beach or a summer dog park and added that his family would be willing to kickstart a fundraising effort for this project by donating \$1,000.

Presentation(s)

1. Peter White Public Library Board, by Library Director Andrea Ingmire

Peter White Public Library Director Andrea Ingmire shared an update on library operations, funding, programs and offerings, and future plans.

Commissioners thanked Ms. Ingmire and the library staff for their work, especially during the pandemic-related closures. The library, commissioners said, allowed the community to maintain some level of regularity, especially for children, during a

rough time.

Public Hearing(s)

2. Public Hearing-Conditional Rezoning of 616 Fisher Street - Roll Call Vote

Mayor Smith opened the public hearing on this item.

Ryan Redmond spoke in person, representing Superior Housing Solutions, and said the group completed a fire inspection today and planned to make the required changes as soon as possible.

As there was no one else waiting to speak, Mayor Smith closed the hearing.

Commissioner Jessica Hanley moved to Approve the Conditional Rezoning of the subject property at 616 Fisher Street to Mixed-Use with Conditional Rezoning as recommended by the Planning Commission and in compliance with Land Development Code Section 54.1405, seconded by Commissioner Sally Davis and Carried Unanimously by Roll Call Vote.

3. Consent Agenda

Commissioner Evan Bonsall moved to Approve the Consent Agenda as presented, seconded by Commissioner Sally Davis and Carried Unanimously.

3.a. Approve the minutes of the May 24, 2021 regular Commission meeting.

3.b. Approve the total bills payable in the amount of \$986,521.53

3.c. Application for License to Use City Property Adjacent to Street

3.d. 2021 Fireworks Display Permit

3.e. International Food Fest - Special Event Permit

3.f. Proclamation - Arbor Day

3.g. Schedule Public Hearing to Consider the Proposed Rezoning of 1651 S. Front Street

3.h. Schedule Public Hearing for Planned Unit Development Amendment Request

New Business

4. Appointment of City Treasurer

Commissioner Fred Stonehouse moved to Confirm the City Manager's appointment of Terra Bahrman as City Treasurer, effective July 1, 2021, seconded by Commissioner Evan Bonsall and Carried Unanimously.

5. Resolution Accepting MNRTF Kids Cove Grant Agreement - Roll Call Vote

Commissioner Fred Stonehouse moved to Approve the resolution of acceptance for the Michigan Natural Resources Trust Fund Grant Agreement, TF20-0199, authorize Mayor and Clerk to sign the resolution, and authorize the City Manager or her designee to sign the Grant Agreement, seconded by Commissioner Jessica Hanley and Carried Unanimously by Roll Call Vote.

6. Short-term Rental Resolution- Roll Call Vote

Commissioner Bonsall called the bills, House Bill 4722 and Senate Bill 446, "uniquely terrible" and said the proposed legislation could bar municipalities from limiting the numbers of short-term rentals and would greatly inhibit the ability of local government to regulate the process at all.

Other commissioners agreed, indicating that the City of Marquette spent several months discussing how to best handle short-term rentals locally, and that the process had been created, adopted and amended with the specific interests of the local community in mind.

Commissioner Evan Bonsall moved to Approve the Resolution opposing House Bill 4722 and Senate Bill 446, and authorize the Mayor to sign the Resolution, seconded by Commissioner Fred Stonehouse and Carried Unanimously by Roll Call Vote.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Margaret Brumm complimented City staff on organizing and presenting hundreds of written public comments during the last Commission meeting. She welcomed new City Manager Karen Kovacs and offered to have a one-on-one conversation to share information about the history of the City. Ms. Brumm also indicated that she is working to curb pollution in the City.

Comments from the Commission

Commissioner Hanley said the City is lucky to have two groups that have stepped up to organize a parade and a fireworks display for the 4th of July holiday on short notice. Funds are still needed for the fireworks display and to go toward next year's fireworks and she urged people to donate.

Mayor Pro Tem Hill shared information about the upcoming Wednesday Farmer's Market, City Art Week and the Ride for Pride scheduled for later this month.

Commissioner Stonehouse noted that the command is changing at the Coast Guard station at the end of this month and he shared information about that process. He praised the Coast Guard and the history of the life-saving service.

Commissioner Bonsall welcomed new City Manager Karen Kovacs and said he has been impressed. He thanked the City Clerk for reading the written public comments while the City Commission meetings were closed to public attendance during the pandemic. Commissioner Bonsall also praised the civic pride that allowed the community to organize so many summer events on such short notice and asked

residents to apply to join some of the City's advisory boards and committees. He also said a sticker will be coming in City utility bills and will detail the glass recycling weeks. Finally, he said the Ad Hoc Housing Committee's work is completed, and the final report is now available online at www.marquettemi.gov.

Commissioner Davis also welcomed new City Manager Kovacs and said she is looking forward to many successes. She mentioned the American Legion display during Flag Day, which is today, and noted that Ms. Kovacs would be planting a new tree tomorrow in honor of Arbor Day. Commissioner Davis also thanked staff for the work at Hurley Park this year.

Mayor Smith said that she thinks Ms. Kovacs' first few days in the job have gone well, and welcomed her to the City. Responding to the public comment about the dog beach idea, she said this was discussed briefly during the strategic planning sessions, and that staff would be looking at options. She thanked Mr. Schloegel and his family for the offer to contribute to a possible fundraising effort. Said the commission will have further conversations. Mayor Smith said she is happy to have everyone back in person and praised the work of staff, volunteers and commissioners during the last 15 months.

Comments from the City Manager

City Manager Karen Kovacs thanked the commission and staff for the warm welcome, and said she also appreciates the welcome from the community. She said she has come to the City at a good time and this is a great time to be involved with Marquette.

Adjournment

Mayor Smith adjourned the meeting at 7:07 p.m.

Kyle Whitney, City Clerk

This meeting will be live on Marquette Charter Cable Channel 191 and will be broadcast (subject to temporary programming) as follows: Tuesday at 11a.m. and 6p.m.; Wednesday at noon and 8 p.m.; Thursday at 4 a.m. and 1 p.m.; Friday at 6 p.m.; Saturday at noon; and Sunday at 8 a.m. and 4 p.m.

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda **Night of Hope - Special Event Permit**

BACKGROUND:

Ten9 Ministries of Fenton is requesting the City Commission enter into a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Tourist Park Day Use Area for the purposes of the Night of Hope event on August 21, 2021 until August 22, 2021. Staff has worked with the City Attorney to develop the permit.

FISCAL EFFECT:

The Tourist Park Fund would realize \$1,940 in revenue from the event.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with the Ten9 Ministries of Fenton, Michigan, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Permit and Insurance

**SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS**

THIS AGREEMENT, made this _____ day of _____, 2021 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and TEN9 MINISTRIES, a Michigan corporation of 9039 Bennet Lake Rd Fenton, MI 48430, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

- (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

TOURIST PARK DAY USE AREA

- (2) Term. The term of this Permit shall be for the period:

August 21, 2021 from 8:00 a.m. until August 22, 2021 at 10:00 p.m.

- (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.

- (4) Use. PERMITTEE may use and occupy the premises for:

"NIGHT OF HOPE"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

- (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Tourist Park Day Use Area	1 day Exclusive Use \$1,045
Tourist Park Day Use Area	2nd day Exclusive Use \$895
Trash drum liners (@ current cost)	\$ _____ **

All user fees may be increased to annually based on CITY's standard increases. CITY shall provide notification to PERMITTEE of any increase in fees at least 45 days prior to the event each year.

****PERMITTEE may pickup thirty (30) or more 55 gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.**

- (6) **Clean-up, Repairs, Maintenance and Damage.** PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

- (7) **Clean-up and Damage Bond.** PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of \$250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

- (a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.
- (b) the term of the Permit has expired;

(c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

- ☐ (8) **Electrical Permits.** For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.
- ☐ (9) **All Utilities.** The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

- ☐ (10) **Reimbursement of Utility Costs.** PERMITTEE shall reimburse the CITY the sum of \$300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.
- (11) **Signs.** PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.
- (12) **Insurances.** CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARNCNE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ **General Liability**

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less \$1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

☐ **Liquor Liability.**

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

☐ **Motor Vehicle Liability**

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of \$500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

■ Food

PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

■ Other insurance.

If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its

operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death, to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

- (14) **Right of Inspection and Access.** The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.
- (15) **Compliance With Rules and Regulations.** PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.
- (16) **Concessions.** PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 10:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:
 - (a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.
 - (i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.
 - (ii) Proof that the fire extinguisher has been serviced within the last year is required.
 - (iii) The extinguisher shall be tagged with the date and service provider.

(iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

- ☐ (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;
from _____ a.m. / p.m. until _____ a.m. / p.m. on _____ 20__;

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20__. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

- (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.
- ☐ (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.

- (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.
- (21) Parking and Traffic. PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.
- (22) Health and Sanitation Facilities. PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.
- (23) Compliance with PERMITTEE'S Representations. PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit
- ☐ (24) Equipment and Services. The CITY agrees to have the following equipment and services available during the term of this Permit:

- (25) Security. It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.
- (26) Bleachers, Booths, Fencing and Tents. PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event, except that CITY shall be responsible for booths located within the Arena.
- (27) Reimbursement of Other Costs. PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping

fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

- (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

- (a) Name and address of the owners of the tent or air supported structure.
- (b) Date the fabric was last treated with flame resistant solution.
- (c) Trade name of kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

- (29) Fire.
 - (a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.
 - (b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.
 - (c) All seating capacity and room arrangements shall be approved by the Fire Department.

(d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.

(e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

- (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

- (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE must have all items removed from the park by 5:00 p.m. on August 23, 2021. PERMITTEE will be charged \$265.00 for each day after 5:00 p.m. on required date that any equipment, trailer, vehicle, tent or other item remains in the Tourist Park.

PERMITTEE is required to comply with Tourist Park camp ground rules and accordingly shall ensure that all music and noise from all participants at the event is quieted by 10:00 p.m.

- (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.

- (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.

- (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.

- (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.

- (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERNING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

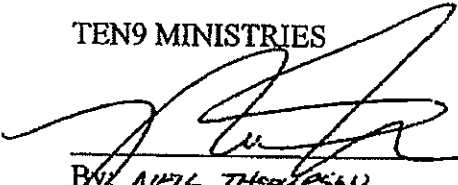
Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

TEN9 MINISTRIES


By: NEIL THOMPSON
As: DIRECTOR OF OPERATIONS
TEN9 MINISTRIES



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/03/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Armor Insurance Agency, LLC. PO Box 150 Flushing MI 48433	CONTACT NAME: Tony Mills PHONE (A/C, No, Ext): 810.487.9748 FAX (A/C, No): E-MAIL ADDRESS: tony@armor-agency.com														
INSURED The Rock Church of Fenton 11400 Linden Rd Fenton MI 48430	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Brotherhood Mutual</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Brotherhood Mutual		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Brotherhood Mutual															
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	Y		21M5A0177352	05/31/2019	05/31/2022	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC						GENERAL AGGREGATE \$ 3,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
	☐ SCHEDULED AUTOS						
	☐ NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	☐ OCCUR						
	☐ CLAIMS-MADE						
	DED RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Marquette is named as an Additional Insured on policy 21M5A0177352 for the praise and worship service that is taking place at the City park on August 21-22, 2021. Coverage for Additional Insureds is strictly subject to all the terms of the policy.

CERTIFICATE HOLDER

CANCELLATION

City Marquette 300 W Barage Ave Marquette MI 49855	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Anthony D Mills</i>
--	--

© 1988-2015 ACORD CORPORATION. All rights reserved.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda **Ore to Shore - Special Event Permit**

BACKGROUND:

Ore to Shore is requesting the City Commission enter into a Special Event Permit for Parks, Streets, Buildings and Grounds to use Lakeview Arena - Russell Arena for the purposes of the Ore to Shore Mountain Bike Epic Aug. 13-14, 2021. Staff has worked with the City Attorney and Ore to Shore to develop the permit.

The event is taking COVID-19 precautions, including holding their awards ceremony outside.

FISCAL EFFECT:

Ore to Shore was approved for a Promotional Fund Credit totaling \$4,500.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with the Ore to Shore, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Permit
- ▣ Insurance

**SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS**

THIS AGREEMENT, made this _____ day of _____, 2021 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and ORE TO SHORE, a Michigan corporation of 710 Cherry Creek Road, Marquette, Michigan 49855, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

- (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

RUSSELL ARENA in LAKEVIEW ARENA

- (2) Term. The term of this Permit shall be for August 13, 2021 from 12:00 p.m. (noon) until August 14, 2021 at 11:00 p.m.
- (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.
- (4) Use. PERMITTEE may use and occupy the premises for:

"ORE TO SHORE MOUNTAIN BIKE EPIC"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

- (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Russell Arena: 1 ½ days	\$2,100
Tables:	\$8 staff set up
	\$4 user set up

Chairs:	\$4 staff set up
	\$1.50 user set up
Pipes and Drape	\$10/8 foot section
Staging	\$20/section

- (6) Clean-up, Repairs, Maintenance and Damage. PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

- (7) Clean-up and Damage Bond. PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of \$250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

- (a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.
- (b) the term of the Permit has expired;
- (c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

☐ (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

■ (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

■ (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of \$300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

■ (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

■ (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARANCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property

which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less \$1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

■ Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

□ Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of \$500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes

in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

■ Food

PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

■ Other insurance.

If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death,

to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

- (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.
- (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.
- (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 10:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:
 - (a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.
 - (i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.
 - (ii) Proof that the fire extinguisher has been serviced within the last year is required.
 - (iii) The extinguisher shall be tagged with the date and service provider.
 - (iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

- (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

from 5:00 p.m. until 9:00 p.m. on August 13, 2021;
from 12:00 p.m. (noon) until 8:00 p.m. on August 14, 2021.

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20___. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

- (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.
- (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.
- (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

- (21) **Parking and Traffic.** PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.
- (22) **Health and Sanitation Facilities.** PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.
- (23) **Compliance with PERMITTEE'S Representations.** PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit
- (24) **Equipment and Services.** The CITY agrees to have the following equipment and services available during the term of this Permit:

The Genie Boom will be available if prearranged by PERMITTEE at least 48 hours prior to the event.

- (25) **Security.** It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.
- (26) **Bleachers, Booths, Fencing and Tents.** PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event, except that CITY shall be responsible for booths located within the Arena.
- (27) **Reimbursement of Other Costs.** PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.
- (28) **Tents.** All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible

material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

- (a) Name and address of the owners of the tent or air supported structure.
- (b) Date the fabric was last treated with flame resistant solution.
- (c) Trade name of kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

■ (29) Fire.

- (a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.
- (b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.
- (c) All seating capacity and room arrangements shall be approved by the Fire Department.
- (d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.
- (e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

■ (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast.

The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

- (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE and its vendors, if any, may be in the arena beginning at 12:00 p.m. (noon) on August 12, 2021 for set up. Additionally, PERMITTEE has until 11:00 p.m. on August 15, 2021 to remove all items and restore the condition of the arena.

- (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.
- (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.
- (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.
- (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.
- (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERNING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS

SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE
THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above
written.

CITY OF MARQUETTE

Jennifer A. Smith, Mayor

ORE TO SHORE

By: _____
Its:

Kyle Whitney, City Clerk

By: _____
Its:

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

By: RACHEL COORDINATOR
Its:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/26/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER U.P. Insurance Agency, Inc. 400 U.S. HWY 41 E Suite 103 Negaunee MI 49866		CONTACT NAME: Chris Katona PHONE (A/C, No, Ext): 9064755410 E-MAIL ADDRESS: ckatona@upins.com FAX (A/C, No):	
INSURED Ore to Shore 710 CHERRY CREEK RD MARQUETTE MI 49855-8913		INSURER(S) AFFORDING COVERAGE INSURER A: WEST BEND MUT INS CO INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 15350	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:	Y	A953051	08/14/2021	08/15/2021	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000					
	MED EXP (Any one person) \$ Excluded					
	PERSONAL & ADV INJURY \$ 1,000,000					
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$
						BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$ ☐					EACH OCCURRENCE \$
						AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE ☐ OTH-ER ☐
						E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is listed as Additional Insured

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

City of Marquette

300 W Baraga Ave

Marquette MI 49855

© 1988-2015 ACORD CORPORATION. All rights reserved.

ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Additional Insured Person(s) Or Organization(s):

City of Marquette, its officers and employees
300 W Baraga Ave
Marquette, MI 49855-4712

Location(s) of Covered Operations:

Various Locations

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;
in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

If the name of the person or organization stated above includes any architect, engineer or surveyor, the following applies:

The insurance with respect to such architects, engineers, or surveyors does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:

- a. The preparing, approving, or failing to prepare or approve maps, drawings, opinions, reports, surveys, change orders, designs or specifications; and
- b. Supervisory, inspection, or engineering services.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

- D. If a written contract between you and the additional insured specifically requires that this insurance be primary, then the insurance afforded by this endorsement is primary insurance and we will not seek contribution from any other insurance available to the additional insured named in this schedule unless the other insurance is provided by a contractor other than the named insured. Then we will share with that other insurance by the method described below.**

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

If no contract between you and the additional insured requires that this insurance be primary, then the coverage granted to the additional insured under this endorsement shall be excess over any other valid and collectible insurance.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Rotary Club of Marquette West - Special Event Permit

BACKGROUND:

The Rotary Club of Marquette West is requesting the City Commission enter into a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Mattson Lower Harbor Park for the purposes of the Harbor Festival on August 26, 2021 until August 28, 2021. Staff has worked with the City Attorney to develop the permit.

FISCAL EFFECT:

The Rotary Club of Marquette West was approved for Promotional Funds credit totaling \$3,600. Based on the permit, the general fund will receive no reimbursements.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with the Rotary Club of Marquette West, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Permit and Insurance

**SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS**

THIS AGREEMENT, made this _____ day of _____, 2021 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and THE ROTARY CLUB OF MARQUETTE WEST, a member of Rotary International, of 550 County Road 492, Marquette, Michigan 49855, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

- (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

MATTSON LOWER HARBOR PARK

- (2) Term. The term of this Permit shall be for August 26, 2021 from 8:00 a.m. until August 28, 2021 at 11:00 p.m.
- (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.
- (4) Use. PERMITTEE may use and occupy the premises for:

"HARBOR FESTIVAL"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

- (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Mattson Park

\$775 1st day

\$665 2nd day

\$590 3rd day

Staging/stairs

\$20/section

Trash drum liners (@ current cost)

\$_____**

****PERMITTEE may pickup 55-gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.**

- (6) **Clean-up, Repairs, Maintenance and Damage.** PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

- (7) **Clean-up and Damage Bond.** PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of \$250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

- (a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.
- (b) the term of the Permit has expired;
- (c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

- (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

- (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

- (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of \$300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

- (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

- (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARANCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

- **General Liability**

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property

which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less \$1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

■ Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

■ Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of \$500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes

in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

■ Food

PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

■ Other insurance.

If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death,

to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

- (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.
- (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.
- (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 11:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:
 - (a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.
 - (i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.
 - (ii) Proof that the fire extinguisher has been serviced within the last year is required.
 - (iii) The extinguisher shall be tagged with the date and service provider.
 - (iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

- (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

from 12:00 p.m. (noon) until 11:00 p.m. on August 27, 2021; and
from 12:00 p.m. (noon) until 11:00 p.m. on August 28, 2021.

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20___. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

- (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.
- (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.
- (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

- (21) **Parking and Traffic.** PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.
- (22) **Health and Sanitation Facilities.** PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.
- (23) **Compliance with PERMITTEE'S Representations.** PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit
- ☐ (24) **Equipment and Services.** The CITY agrees to have the following equipment and services available during the term of this Permit:

- (25) **Security.** It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.
- (26) **Bleachers, Booths, Fencing and Tents.** PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event.
- (27) **Reimbursement of Other Costs.** PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

- (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

- (a) Name and address of the owners of the tent or air supported structure.
- (b) Date the fabric was last treated with flame resistant solution.
- (c) Trade name of kind of chemical used in treatment.
- (d) Name of person or firm treating the material.
- (e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

- (29) Fire.

- (a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.
- (b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.
- (c) All seating capacity and room arrangements shall be approved by the Fire Department.
- (d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.
- (e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

- (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

- (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE has permission to begin setting up on August 21, 2021 at 8:00 a.m. and must have all items removed from the park by 10:00 p.m. on August 29, 2021.

- (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.
- (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.
- (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.
- (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.
- (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERNING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF

THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

THE ROTARY CLUB OF
MARQUETTE WEST

Jennifer A. Smith, Mayor

By: Richard Orr
Its: PARK INFRASTRUCTURE, FOR
PIERCEBOR FET

Kyle Whitney, City Clerk

By:
Its:

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07-30-2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY FAX (A/C, No): 630-283-4062 E-MAIL ADDRESS: rotary@ajg.com														
INSURED All Active US Rotary Clubs & Districts ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A : Lexington Insurance Company</td> <td>19437</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Lexington Insurance Company	19437	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Lexington Insurance Company	19437														
INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ <u>Liquor Liability Included</u> GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		015375594	7/1/2021	7/1/2022	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$2,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$500,000</td></tr> <tr><td>MED EXP (Any one person)</td><td>\$</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td>\$2,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td>\$4,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td>\$4,000,000</td></tr> <tr><td></td><td>\$</td></tr> </table>	EACH OCCURRENCE	\$2,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000	MED EXP (Any one person)	\$	PERSONAL & ADV INJURY	\$2,000,000	GENERAL AGGREGATE	\$4,000,000	PRODUCTS - COMP/OP AGG	\$4,000,000		\$
EACH OCCURRENCE	\$2,000,000																				
DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000																				
MED EXP (Any one person)	\$																				
PERSONAL & ADV INJURY	\$2,000,000																				
GENERAL AGGREGATE	\$4,000,000																				
PRODUCTS - COMP/OP AGG	\$4,000,000																				
	\$																				
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2021	7/1/2022	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$2,000,000</td></tr> <tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr> <tr><td></td><td>\$</td></tr> </table>	COMBINED SINGLE LIMIT (Ea accident)	\$2,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
COMBINED SINGLE LIMIT (Ea accident)	\$2,000,000																				
BODILY INJURY (Per person)	\$																				
BODILY INJURY (Per accident)	\$																				
PROPERTY DAMAGE (Per accident)	\$																				
	\$																				
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			NOT APPLICABLE			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$</td></tr> <tr><td>AGGREGATE</td><td>\$</td></tr> <tr><td></td><td>\$</td></tr> </table>	EACH OCCURRENCE	\$	AGGREGATE	\$		\$								
EACH OCCURRENCE	\$																				
AGGREGATE	\$																				
	\$																				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	NOT APPLICABLE			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>PER STATUTE</td> <td>OTH-ER</td> </tr> <tr><td>E.I. EACH ACCIDENT</td><td>\$</td></tr> <tr><td>E.I. DISEASE - EA EMPLOYEE</td><td>\$</td></tr> <tr><td>E.I. DISEASE - POLICY LIMIT</td><td>\$</td></tr> </table>	PER STATUTE	OTH-ER	E.I. EACH ACCIDENT	\$	E.I. DISEASE - EA EMPLOYEE	\$	E.I. DISEASE - POLICY LIMIT	\$						
PER STATUTE	OTH-ER																				
E.I. EACH ACCIDENT	\$																				
E.I. DISEASE - EA EMPLOYEE	\$																				
E.I. DISEASE - POLICY LIMIT	\$																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is included as an additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

CANCELLATION

City of Marquette as additional insured 300 W. Baraga Ave. Marquette MI 49855	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

© 1988-2015 ACORD CORPORATION. All rights reserved.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Schedule Public Hearing- Rezoning of a Portion of 213 S. Front St.

BACKGROUND:

The Planning Commission (PC) held a public hearing on July 20, 2021 for the consideration of a request for rezoning of a portion of property located 213 S. Front Street. The sale of this property is currently being negotiated by the City Manager to Ore Dock Real Estate, LLC, in coordination with the Ore Dock Brewing Company, LLC, as approved by the City Commission at the regular meeting held on April 26, 2021. The property is a former railroad grade and is mostly vacant except for a licensed ADA entrance/exit platform and ramp utilized as a rear egress from Ore Dock Brewing Company, LLC and an abutment located next to the building at 214 S. Front Street. According to the letter of intent and discussions with the Ore Dock Real Estate, LLC, they are planning to “develop the premises into an urban beer garden, utilizing a placemaking philosophy to transform this underutilized space into a community asset”.

The property is currently zoned Municipal and will be rezoned to Central Business District (CBD) to fit the intended commercial use of the property. The final approval of the sale will be presented on the same agenda as the public hearing.

After conducting a public hearing the following motion was made:

It was moved by E. Brooks, seconded by A. Andres, and carried 4-0, that after conducting a public hearing and review of the application and Staff Report for 06-REZ-07-21, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 06-REZ-07-21 as presented.

Yes: W. Premeau, E. Brooks, A. Andres, M. Larson

No: none

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommended amendments to the City Commission for final approval. A hearing must be scheduled in accordance with section 54.1406 of the Land Development Code. The hearing will be scheduled for the regular City Commission meeting on August 30, 2021.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for this proposed rezoning for the August 30, 2021 City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ 06-REZ-07-21



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: July 6, 2021
SUBJECT: 06-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the portion of 213 S. Front Street that is zoned **Municipal (M)** to be zoned **Central Business District (CBD)**.

Please see the attached Staff Report for more specific information regarding the application.

RECOMMENDED ACTION:

The Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

After conducting a public hearing and review of the application and Staff Report for 06-REZ-07-21, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 06-REZ-07-21 (as presented / for the following reasons / with the following conditions).



STAFF FILE REPORT/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 06-REZ-07-21

Date: July 8, 2021

Project/Application: Rezoning request from Municipal (M) to Central Business District (CBD).

Location: Portion of 213 S. Front Street

Parcel ID: Portion of 0151030

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Current Zoning: M – Municipal for this portion

Surrounding Zoning:
 North: CBD – Central Business District
 South: CBD – Central Business District
 East: MDW G5– Marquette Form Based Code District General 5
 West: CBD – Central Business District

Zoning Districts and Standards:

Current Zoning for this Portion of the Property

Section 54.315 M, Municipal District

(A) Intent
The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

STAFF FILE REPORT/ANALYSIS

Page 2 of 8

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	None
<i>Min. Lot Width (ft.)</i>	None	<i>Side Yard (one) (ft.)</i>	None
<i>Max. Impervious Surface Coverage (%)</i>	(R)	<i>Side Yard (total of 2) (ft.)</i>	None
<i>Max. Building Height of Primary Building (ft.)</i> (O)	None	<i>Rear Yard (ft.)</i>	None
<i>Max. Building Height of Accessory Building</i>	None		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(R) City of Marquette Design and Construction Standards. Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

Section 54.1003 Landscaping Design Requirements**(D) Buffer and Greenbelt Requirements.**

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
M	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

STAFF FILE REPORT/ANALYSIS

Page 3 of 8

Proposed Zoning for this portion of the Property

Section 54.312 CBD, Central Business District

(A) Intent	
The CBD is the historic hub of city commerce and intended to provide suitable regulations for the business-oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential.	

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Food and Beverage Service • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	0
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	5 (H)
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	10 (H)
Max. Building Height of Primary Building (ft.) (O)	60	Rear Yard (ft.)	10 (L)
Max. Building Height of Accessory Building	18		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(H) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts. In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:

- (1) The side walls are of fireproof construction and are wholly without opening.
- (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.

(I) Modified Rear Yard Setbacks in the M-U and CBD Districts. In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(R) City of Marquette Design and Construction Standards. Refer to the City of Marquette Design and Construction Standards for limits on impervious surfaces.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
CBD	15 (b)	15 (b)	N.A.	N.A.	N.A.	N.A.	N.A.	10 (a)

(a) Within this buffer area, one (1) tree per 30 linear feet is required.

(b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):**Section 54.1405 Zoning Ordinance Amendment Procedures**

- (A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

Application accepted.(C) Amendment Review Procedures.

- (1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, July 20, 2021.

- (2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

The Planning Commission is being asked to make a recommendation at their meeting on July 20, 2021.

- (3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the

STAFF FILE REPORT/ANALYSIS

Page 6 of 8

Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

TBD.

Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (4) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

Conditions have changed since the Master Plan was adopted. The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

- (5) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

- (6) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

This portion of Front Street is classified as an "urban minor arterial" per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are moderate.

- (7) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.

- (8) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

- (9) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning, due to being the same as surrounding parcels to the north, west, and south of the site.

- (10) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is compatible with site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

- (11) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed zoning is compatible with surrounding uses and zoning.

- (12) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The proposed zoning is the same as the surrounding zoning to the north, west, and south of the site.

- (13) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

Since the surrounding zoning districts to the north, west, and south are CBD, and it is within the downtown development district, the proposed zoning district is more appropriate than another zoning district.

- (14) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The rezoning is not being requested for a specific use, except that if the zoning district remained Municipal than the only allowable uses would be for public use. The City of Marquette is tentatively selling this property to an adjacent property owner, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

- (15) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The proposed zoning will not be creating an isolated or incompatible zone due to the surrounding zoning districts to the north, west, and south are CBD, and it is within the downtown development district.

- (D) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
- (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
- (3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission this section will be met.

Additional Comments: The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and then provide a recommendation to the City Commission.

Attachments:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Rezoning Application with map attachment 2. Area Map 3. Block Map 4. Area Zoning Map 5. Future Land Use Map from the Community Master Plan (CMP) 6. Proposed Zoning Map, CMP | <ol style="list-style-type: none"> 7. Photos of the site 8. Publication Notice 9. <i>Rezoning Information for Planning Commissions</i> document 10. <i>Spot Zoning Considerations</i> |
|--|---|

**CITY OF MARQUETTE
REZONING APPLICATION**



CITY STAFF USE			
Parcel ID#: <u>Portion of 0151030</u>	File #: <u>06-REZ-07-21</u>	Date: <u>6-22-21</u>	
Hearing Date: <u>7-20-21</u>	Application Deadline (including all support material): <u>6-22-21</u>		
FEE \$540	Receipt #: _____	Check #: _____	Received by and date: <u>N/A City</u>

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the following information:

- ☐ Planning Commission page for filing deadline and meeting schedule
- ☐ Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER
Name: <u>City of Marquette</u>
Address: <u>300 W Baraga Ave</u>
City, State, Zip: <u>Marquette, MI 4855</u>
Phone #: <u>906-225-8104</u>
Email: <u>shobbins@marquettemi.gov</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

APPLICANT/OWNERS REPRESENTATIVE
Name: <u>Sean Hobbins</u>
Address: <u>300 W Baraga Ave</u>
City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>906-225-8104</u>
Email: <u>shobbins@marquettemi.gov</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

PROPERTY INFORMATION	
Location (Street Address): <u>Portion of 213 S Front</u>	Property Identification Number: <u>0151030</u>
Size of property (frontage / depth / sq. ft. or acres): <u>11,216 sq ft</u>	
Current Zoning District: <u>This portion M</u>	Proposed Zoning District: <u>This portion CBD</u>
Surrounding Zoning Districts: North <u>CBD/G5</u> East <u>G5</u> South <u>CBD/G5</u> West <u>CBD</u>	
Legal Description: <u>See attachments.</u>	

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a rezoning. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

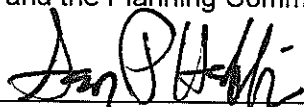
The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that is does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

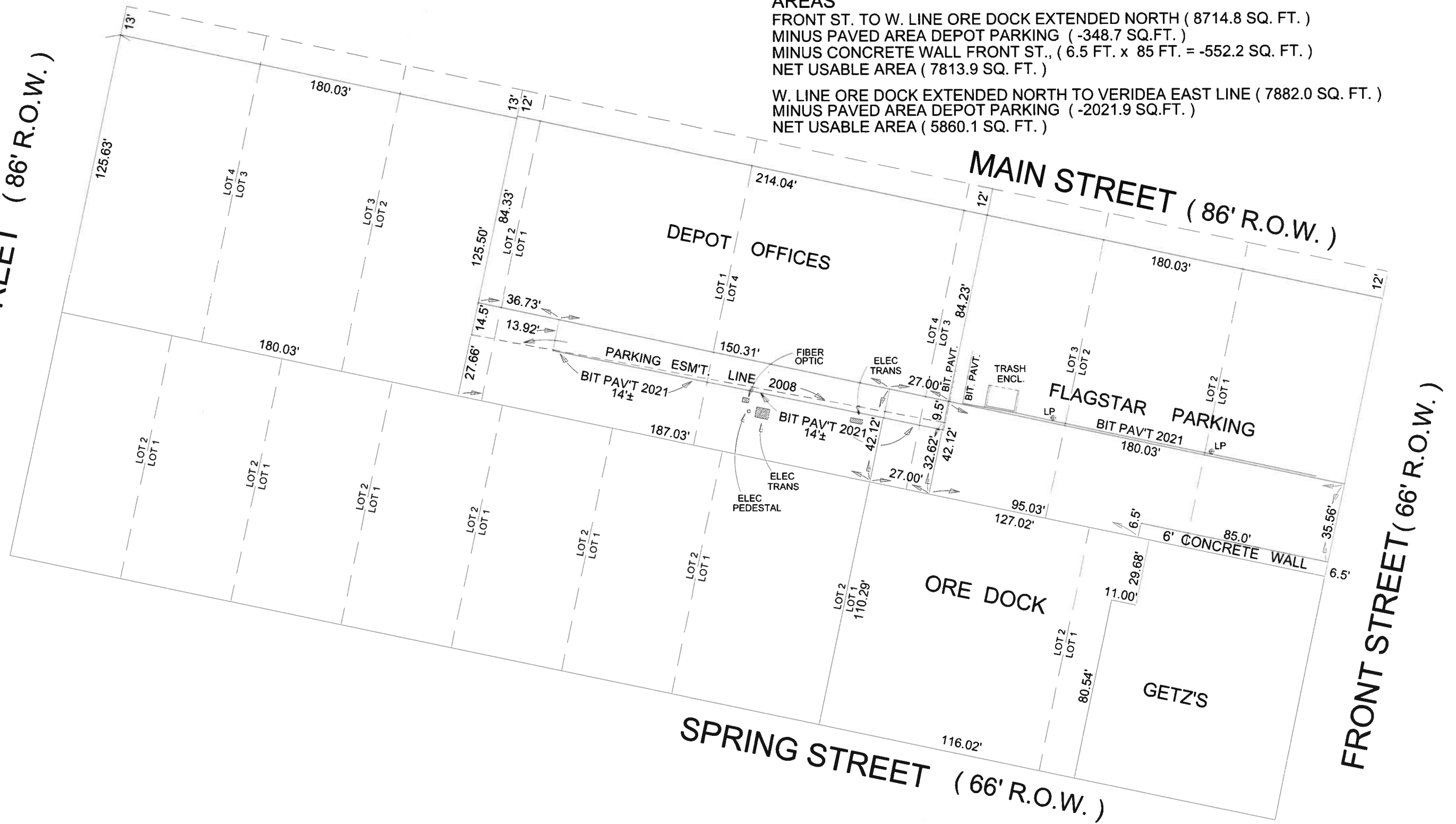
Property Owner Signature: _____



Date: _____

6-22-21

THIRD STREET (86' R.O.W.)



AREAS
 FRONT ST. TO W. LINE ORE DOCK EXTENDED NORTH (8714.8 SQ. FT.)
 MINUS PAVED AREA DEPOT PARKING (-348.7 SQ.FT.)
 MINUS CONCRETE WALL FRONT ST., (6.5 FT. x 85 FT. = -552.2 SQ. FT.)
 NET USABLE AREA (7813.9 SQ. FT.)
 W. LINE ORE DOCK EXTENDED NORTH TO VERIDEA EAST LINE (7882.0 SQ. FT.)
 MINUS PAVED AREA DEPOT PARKING (-2021.9 SQ.FT.)
 NET USABLE AREA (5860.1 SQ. FT.)



Section 54.1405 Zoning Ordinance Amendment Procedures

- (A) **Initiation of Amendments.** The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) **Application for Amendment.** Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.
- (C) **Amendment Review Procedures.**
- (1) **Public Hearing.** The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.
- (2) **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.
- (3) **City Commission Consideration of the Proposed Amendment.** The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
- (D) **Standards of Review for Amendments.** In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.
- (1) **Master Plan.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan

Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

was adopted, consistency with recent development trends in the area shall be considered.

- (2) Intent and Purpose of the Zoning Ordinance.** Consistency with the basic intent and purpose of this Zoning Ordinance.
 - (3) Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - (4) Utilities and Services.** The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
 - (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance.** That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
 - (6) No Exclusionary Zoning.** That the amendment will not be expected to result in exclusionary zoning.
 - (7) Environmental Features.** If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
 - (8) Potential Land Uses and Impacts.** If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District.** If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
 - (10) Alternative Zoning Districts.** If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
 - (11) Rezoning Preferable to Text Amendment, Where Appropriate.** If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 - (12) Isolated or Incompatible Zone Prohibited.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (E) Notice of Adoption of Amendment.** Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice

Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
 - (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
 - (3) The effective date of the ordinance or amendment.
- (F) **Protest Petition of Amendment.** An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:
- (1) **Petition Submittal Requirements.** The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:
 - (a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - (b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - (2) **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.
- (G) **Referendum.** Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.
- (H) **Rezoning (Zoning Map Amendment) with Conditions.** Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such

Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

- (1) Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:
- (a)** A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.
 - (b)** Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
 - (c)** Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
 - (d)** The date upon which the rezoning with conditions becomes void, as specified in [Section 54.1405\(H\)\(3\)](#), below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
 - (e)** Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in [Section 54.1405\(H\)\(3\)](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
 - (f)** Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - (g)** A legal description of the property affected by the rezoning with conditions.
 - (h)** Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.
 - (i)** Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

- (j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.
- (2) **Amendment to Conditional Rezoning Agreement.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- (3) **Period of Approval.** Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
 - (a) **Expiration or Extension.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
 - (b) **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:
 - (i) The property owner may seek a new rezoning of the property; and/or
 - (ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.
- (4) **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "CBD Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "CBD CR."
- (5) **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 54.1405\(C\)](#), with the exception that the conditional rezoning agreement shall be

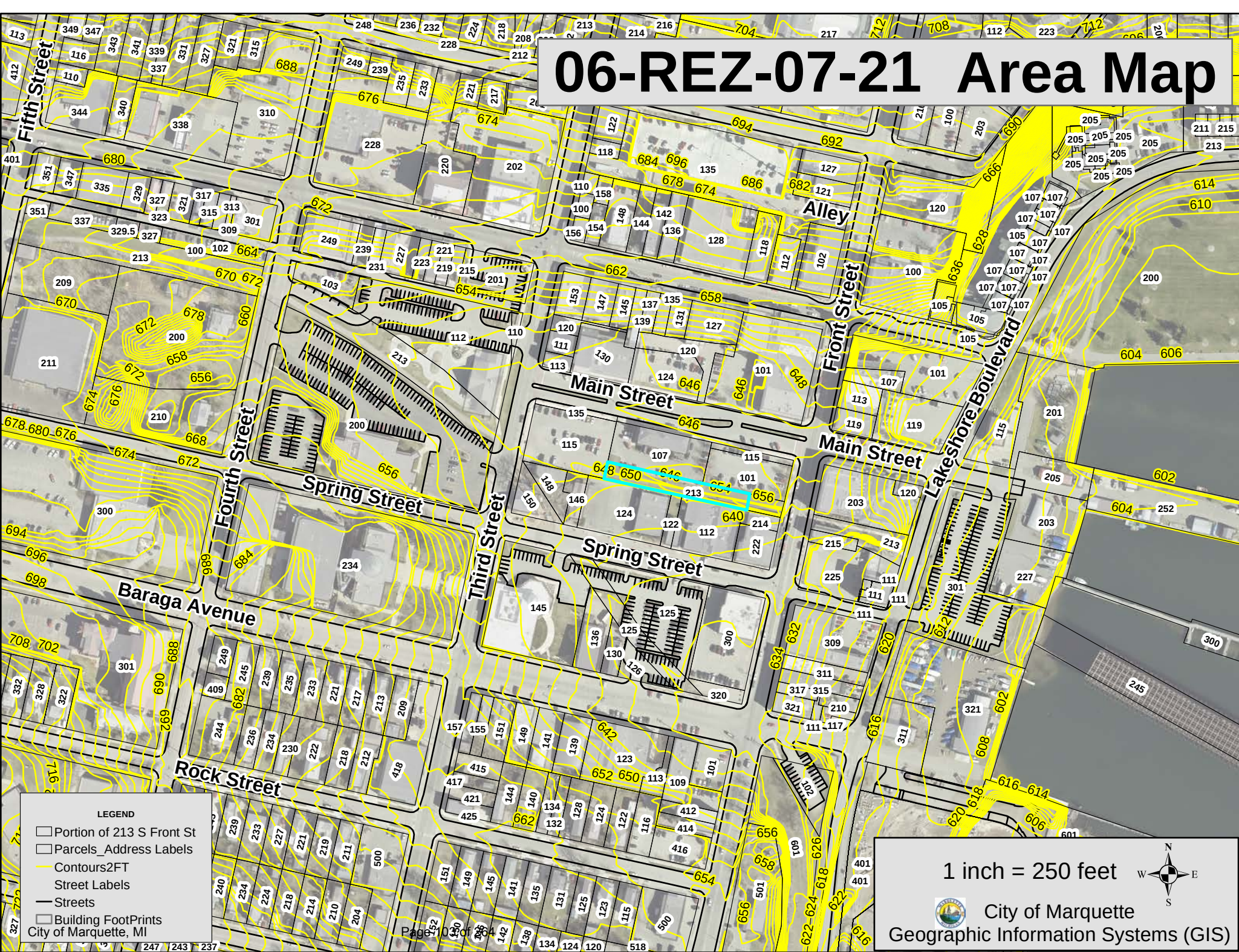
Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

- (6) Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

06-REZ-07-21 Area Map



LEGEND

- Portion of 213 S Front St
 - Parcels_Address Labels
 - Contours2FT
 - Street Labels
 - Streets
 - ▒ Building FootPrints
- City of Marquette, MI

1 inch = 250 feet



City of Marquette
Geographic Information Systems (GIS)

06-REZ-07-21 Block Map

LEGEND

□ Portion of 213 S Front St

□ Parcels_Address Labels

● Storm Manholes

■ Storm Catch Basins

— Storm Pipes

■ SewerCleanOuts

■ Sewer System Valves

● Sewer Manholes

San Flow Direction

FLOW DIR

— EAST

— NORTH

— SOUTH

— WEST

— Sewer Lateral Lines

— Sew Not Slip Lined

— Sew Slip Lined

■ Fire Hydrants

■ WaterShutOff

● Water Valves & Gates

— Water Lateral Lines

wMain

Representation: wMain_Rep

— Cast Iron

— Copper

— Ductile Iron

— Galvanized Pipe

— High Density Polyethylene

— Polyvinyl Chloride

— Sand Cast

— Steel

— Unknown

— Watermains

— Water Structures

— Street Labels

— Streets

— Building FootPrints

City of Marquette, MI

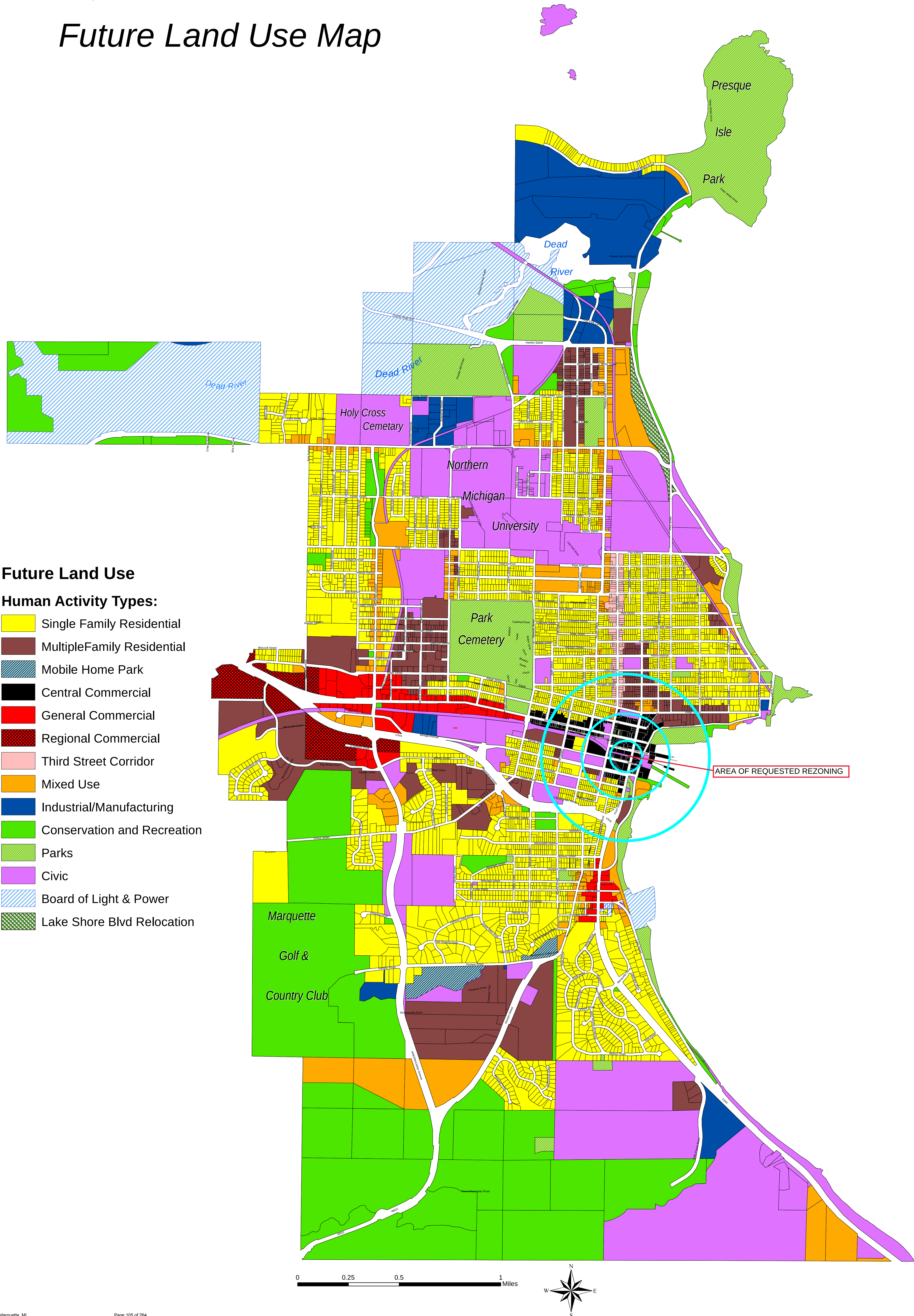
1 inch = 104 feet



City of Marquette
Geographic Information Systems (GIS)

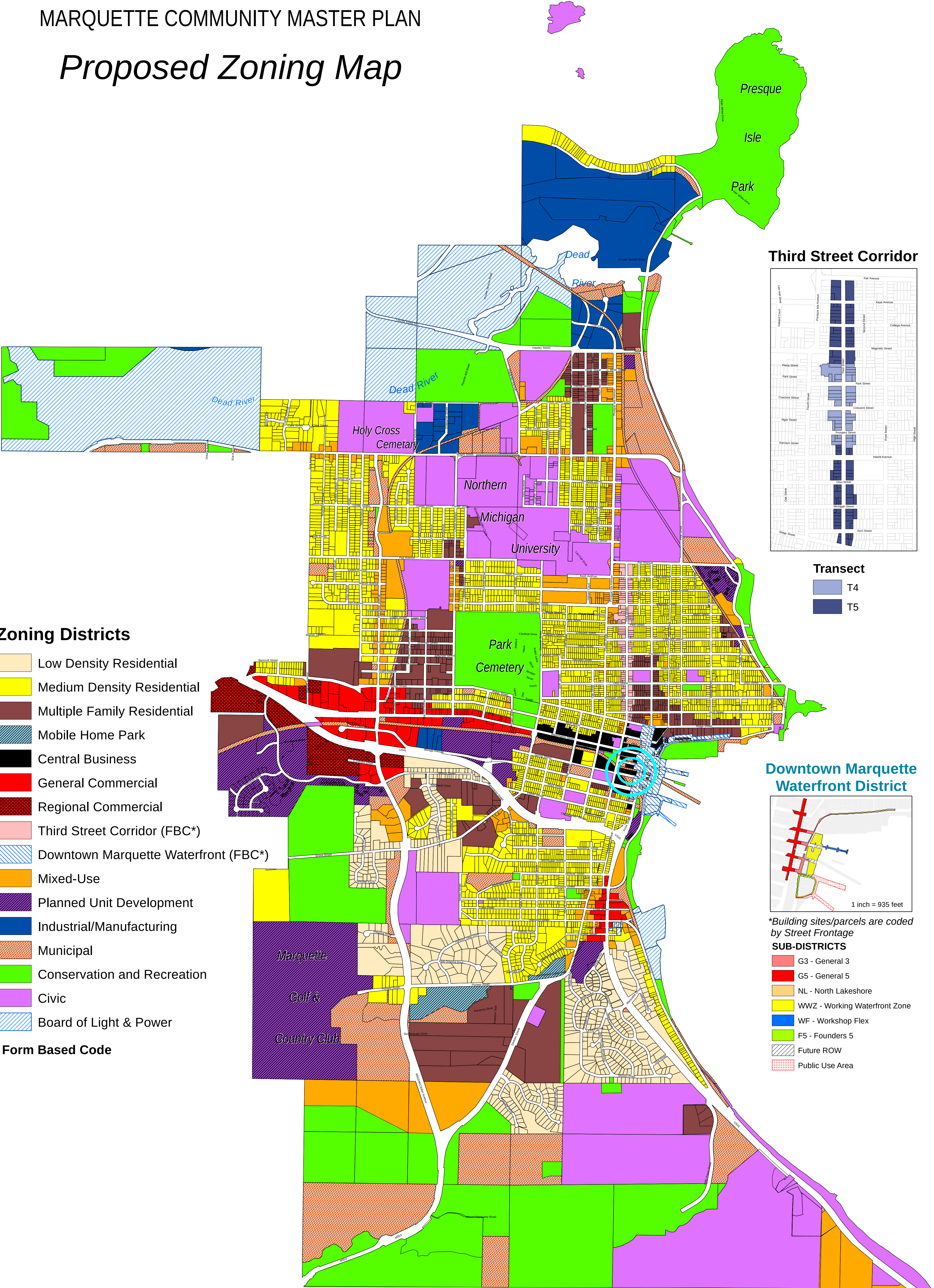
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

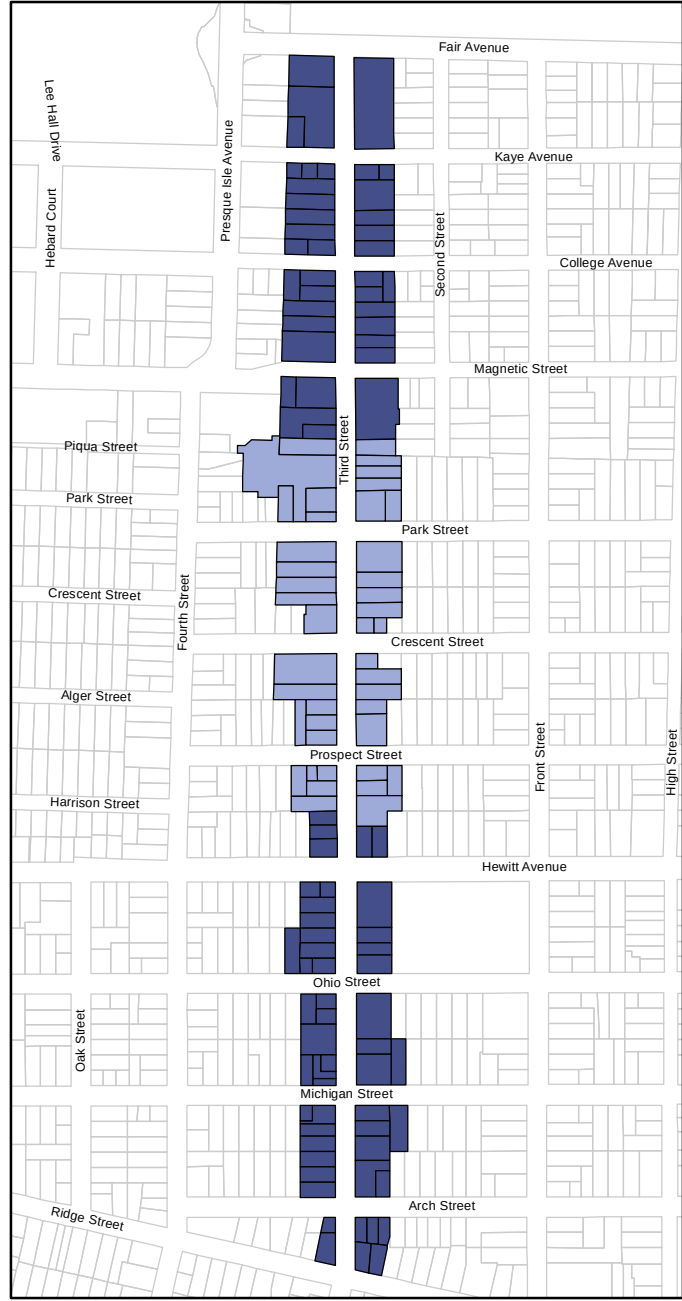


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC*)
- Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

* Form Based Code

Third Street Corridor

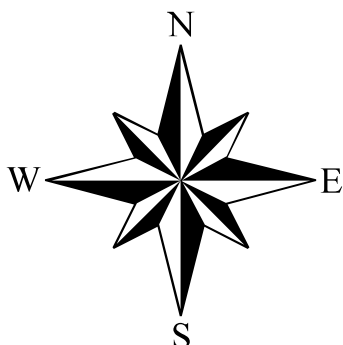
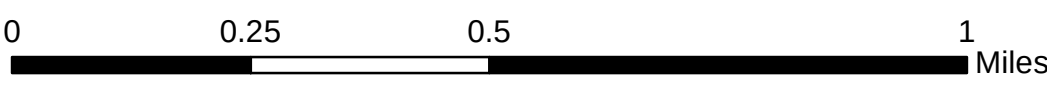


- Transect**
- T4
 - T5

Downtown Marquette Waterfront District



- *Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS**
- G3 - General 3
 - G5 - General 5
 - NL - North Lakeshore
 - WWZ - Working Waterfront Zone
 - WF - Workshop Flex
 - F5 - Founders 5
 - Future ROW
 - Public Use Area





Local

Highlen's work can be found at Zero Degrees Art Gallery in Marquette, Open Wings Pottery and Gallery in Munising, Art in Abundance in Grand Marais Township, Michigan, and by contacting Highlen directly. In addition, the artist plans to participate in the Outback Art Fair in Marquette this summer, as well as the plein air painting competition in Grand Marais, Minnesota, this fall.

The artwork was installed on May 19 and will be on display through July 6.

Travel Marquette is open from 9 a.m. to 5 p.m. weekdays, visitors are invited to view Highlen's paintings that reflect the world of Marquette through her eyes and the stroke of her brush.

Negaunee City band to perform

NEGAUNEE — The Negaunee City Band plays its first concert of the 2021 season at 7:30 p.m. Wednesday at the Outdoor Performing Arts Center at the east end of Iron Street.

The band invites the public to this free concert, the first they have performed since the end of the 2019 summer season. The concert celebrates the Independence Day holiday with patriotic songs from throughout the country's history.

Director Brandon Nelson has chosen to begin the concert with Carmen Dragon's arrangement of "America the Beautiful." The program features four marches: "Americans We" by Fillmore, "Emblem of Unity" by Richards, and two Sousa marches, "The Liberty Bell" and "The Glory of the Yankee Navy."

Also, "American Sketches" by Pierre LaPlante includes "The Erie Canal" and "Shoo Fly." "Irving Berlin's Songs for America" includes "This Is the Army, Mr. Jones," and "God Bless America." A final medley is "The Blue and the Gray," which has strains of many familiar tunes, such as "Marching through Georgia," "The Yellow Rose of Texas," "Dixie" and "Battle Hymn of the Republic."

Following the custom of past years, the concert will conclude with "Just a Closer Walk with Thee."

There is some seating available at the venue, but attendees may wish to bring their own chairs. This is the first of six Wednesday evening concerts, with the final one scheduled for Aug. 11.

3:10 p.m., property damage accident, U.S. 41 near South Lake Street

• 3:31 p.m., weapons other, U.S. 41 near South Lake Street

• 3:33 p.m., hit-and-run property-damage accident, Fisher Street

• 3:34 p.m., hit-and-run property-damage accident in parking lot, no suspects, 100 block South Street

• 3:45 p.m., boat driver had throttle "wide open" in the harbor, complainant just wanted it noted, driver gone on arrival, Peter White Drive

• 4:18 p.m., assistance, North Fourth Street

• 4:55 p.m., property inspection, East Fair and Pine streets

• 5:03 p.m., property-damage accident, McClellan Avenue near West Washington Street

• 5:15 p.m., property inspection, 500 block North Lakeshore Boulevard

• 5:40 p.m., harassment complaint, Whetstone Road

• 5:52 p.m., traffic enforcement, 1.5 hours, U.S. 41 South

• 5:59 p.m., property check, 200 block North Lakeshore Boulevard

• 6:06 p.m., caller reports a disorderly subject running in



Lakeshore Boulevard

• 11:23 p.m., four property Parkway

PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, July 20, 2021:

06-SUP-07-21 – 501 S. Lake Street (PIN: 0020040): Pensco Trust Co Custodian and Marquette Brewing Cooperative are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, and a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use to be located at 501 S. Lake St.

07-SUP-07-21 – 505 N. Lakeshore Blvd. (PIN: 0171000): Lakeshore Depot L3C and Lakeshore Park of Marquette Inc. are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use, and a Special Land Use Permit for Light Manufacturing for beverage and food production that would include alcoholic and nonalcoholic beverages and to prepare and sell food products to be located at the parcel address of 505 N. Lakeshore Blvd. and the Lakeshore Depot address is 560 Fern Place.

05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130): The City of Marquette is requesting to rezone a portion of 2700 Lakeshore Blvd that is zoned Industrial/Manufacturing (IM) to be zoned Conservation and Recreation (CR). Legal Description of the property: A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as: Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

05-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030): City of Marquette is requesting to rezone the portion of 213 S. Front Street that is zoned Municipal (M) to be zoned Central Business District (CBD).

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, July 20, 2021. If you wish to comment on this matter you may do so at that time.

Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on July 20, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers - Zoning Official
alanders@marquettemi.gov
225-8383

Rezoning

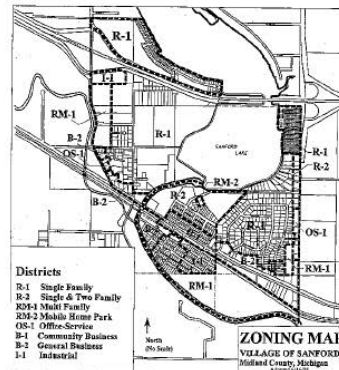
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

20

Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING



Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

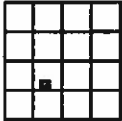
The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

SPOT ZONING

Characteristics

- * **Small in Size**
- * **Inconsistent Uses**
- * **Special Benefit**
- * **Contrary to Master Plan**

MSPO Basic Program: _____



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

REZONING CASE STUDY



**Willis Township - Proposed Rezoning
A-1 to C-2**

Use proposed - Shopping Center
Permitted in C-2, Special Use in C-1
10-Year Master Plan - Residential
No opposition
Major arterial road

**WHAT ARE THE APPROPRIATE
FACTORS TO CONSIDER?**

MSPO Basic Program

Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

WILLIS TOWNSHIP Zone Districts

C-1 Neighborhood Commercial

Permitted Uses

1. Grocery stores
2. Drug stores

Special Land Uses

1. Shopping centers

C-2 Community Commercial

Permitted Uses

1. Automobile services
2. Shopping centers

Special Land Uses

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Schedule Public Hearing- Rezoning of a Portion of 2700 Lakeshore Blvd.

BACKGROUND:

The Planning Commission (PC) held a public hearing on July 20, 2021 for the consideration of a request for rezoning of a portion of property located at 2700 Lakeshore Boulevard. This property is the beach received by the City of Marquette from WE Energies.

The property is currently zoned Industrial/Manufacturing (IM) and is recommended to be rezoned Conservation and Recreation (CR). The City is requesting this rezoning to match the adjoining public lakeshore and to fit the intended future use of the property which will be entirely for public enjoyment.

After conducting a public hearing the following motion was made:

It was moved by E. Brooks, seconded by A. Andres, and carried 4-0, that after conducting a public hearing and review of the application and Staff Report for 05-REZ-07-21, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 05-REZ-07-21 as presented.

Yes: W. Premeau, E. Brooks, A. Andres, M. Larson

No: None

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommended amendments to the City Commission for final approval. A hearing must be scheduled in accordance with section 54.1406 of the Land Development Code. The hearing will be scheduled for the regular City Commission meeting on August 30, 2021.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for this proposed rezoning for the August 30, 2021 City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- PC Case 05-REZ-07-2021_072021 agenda materials



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: July 6, 2021
SUBJECT: 05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone a portion of 2700 Lakeshore Blvd that is zoned **Industrial/Manufacturing (IM)** to be zoned **Conservation and Recreation (CR)**. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021. The city would like this rezoned so it can be a part of their conservation and recreation parcels that are adjacent to Lake Superior.

Please see the attached Staff Report for more specific information regarding the application.

RECOMMENDED ACTION:

The Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

After conducting a public hearing and review of the application and Staff Report for 05-REZ-07-21, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 05-REZ-07-21 (as presented / for the following reasons / with the following conditions).



STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 05-REZ-07-21

Date: July 8, 2021

Project/Application: Rezoning request from **Industrial/Manufacturing (IM)** to be zoned **Conservation and Recreation (CR)**.

Location: A portion of 2700 Lakeshore Blvd

Parcel ID: A portion of 0510130

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Year Built: This portion of the land only has a parking lot.

Current Zoning: Industrial/Manufacturing (IM)

Surrounding Zoning: North: CR – Conservation and Recreation
South: M- Municipal
East: Lake Superior
West: IM – Industrial/Manufacturing

Zoning Districts and Standards:

Current Zoning

Section 54.317 IM, Industrial/Manufacturing District

(A) Intent	
It is the intent of the Industrial/Manufacturing district to regulate the establishment of industrial uses in the city in such a way as to prevent the deterioration of the environment to protect the desired qualities of adjoining districts and to exert a minimum nuisance on adjacent uses within this district.	
(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment	• Accessory Use, Non-<u>Single Family</u> Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing

STAFF FILE REPORT/ANALYSIS

Page 2 of 14

- Storage, Open - Vehicle Repair and Service - Veterinary Clinic (Domestic Animals Only) - Warehousing - Wholesale Trade Establishment - Wholesaling Operations - Wireless Telecommunications Facilities	- Marihuana Retailer - Marihuana Safety Compliance Facility - Marihuana Secure Transporters - Manufacturing, Heavy - Pet Boarding Facility - Retail Business, Outdoor Permanent - Storage, Bulk
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	40
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	20
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	40
Max. Building Height of Primary Building (ft.) (O)	80 (N)	Rear Yard (ft.)	40
Max. Building Height of Accessory Building	60 (N)		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(N) Modified Height and Setback Requirements in the IM District. The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#).

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(R) Storm Water Management. For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
I-M and BLP	40 (c)	40 (c)	40 (c)	25 (c)	25 (c)	25 (b)	N.A.	N.A.

- (b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.
- (c) A staggered double row of evergreen trees spaced 15 feet on center. The planting shall be in a manner where the evergreen trees provide 80% opacity within three (3) years of planting, measured at six (6) feet above the grade. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or evergreen shrubs must be planted to achieve 80% opacity at the time of their planting. Where an I-M or BLP district abuts any residential district the Planning Commission may require a screening fence, not to exceed 12 feet in height to be erected on the industrial property pursuant to [Section 54.706](#) to obscure the industrial use and storage from the adjacent residential property.

Proposed Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-<u>Single Family</u> Residential Lots • Natural Resource Extraction Operations • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

STAFF FILE REPORT/ANALYSIS

Page 4 of 14

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	15
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	50
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	100
Max. Building Height of Primary Building (ft.) (O)	36.5	Rear Yard (ft.)	20 (P)
Max. Building Height of Accessory Building	18		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(P) Increased Rear Yard Setbacks for Lots in the CR District. Lots in the CR district must have a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.

(R) Storm Water Management. For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
CR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):**Section 54.1405 Zoning Ordinance Amendment Procedures**

- (A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

Application accepted.**(C) Amendment Review Procedures.**

- (1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, July 20, 2021.

- (2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

The Planning Commission is being asked to make a recommendation at their meeting on July 20, 2021.

- (3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an

amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

TBD.

- (D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

Conditions have changed since this is no longer a privately owned parcel. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021. Most of the City-owned land that is adjacent to the Lake Superior and used as a public area is zoned Conservation and Recreation.

- (2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

- (3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

This portion of Lakeshore Boulevard is classified as "Scenic Corridor" per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are high.

- (4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.

- (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

There was no error in the Zoning Ordinance, however, conditions have changed since this is no longer a privately owned parcel. The Wisconsin Electric Power Company quit-claimed this property to the City of Marquette on June 4, 2021.

- (6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning.

- (7) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is compatible with site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

- (8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed zoning is the same as the surrounding zoning to the north and southwest of the site. This portion of the parcel has an existing parking lot with two driveways.

- (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The proposed zoning is the same as the surrounding zoning to the north and southwest of the site.

- (10) Alternative Zoning Districts.
If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

Since most of the zoning districts in this area along the lakeshore is CR, the proposed zoning district is more appropriate than another zoning district.

- (11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

It is the plan of the City to have it be used as conservation and recreation which the proposed rezoning is the only appropriate zoning district.

- (12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The proposed rezoning is the same as the existing zoning district of the adjacent parcel to the north.

- (E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments.

The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
- (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
- (3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

- (H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and provide a recommendation to the City Commission.

Legal Description for this portion of the property:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South $\frac{1}{4}$ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way

STAFF FILE REPORT/ANALYSIS

Page 9 of 14

line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

Attachments:

1. Rezoning Application
2. Quit-Claim deed to the City of Marquette
3. Area Map
4. Block Map
5. Area Zoning Map
6. Future Land Use Map from the Master Plan
7. Proposed Zoning Map from the Master Plan
8. Photos of the site
9. Publication Notice
10. *Rezoning Information for Planning Commissions* document
11. *Spot Zoning Considerations*

**CITY OF MARQUETTE
REZONING APPLICATION**



CITY STAFF USE			
Parcel ID#: <u>portion of 0510130</u>	File #: <u>05-REZ-07-21</u>	Date: <u>6-22-21</u>	
Hearing Date: <u>7-20-21</u>	Application Deadline (including all support material): <u>6-22-21</u>		
FEE \$540	Receipt #: _____	Check #: _____	Received by and date: <u>N/A City</u>

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the following information:

- ☐ Planning Commission page for filing deadline and meeting schedule
- ☐ Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER
Name: <u>City of Marquette</u>
Address: <u>300 West Baraga Ave</u>
City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>906-225-8104</u>
Email: <u>shobbins@marquettemi.gov</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

APPLICANT/OWNERS REPRESENTATIVE
Name: <u>Sean Hobbins</u>
Address: <u>300 West Baraga Ave</u>
City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>906-225-8104</u>
Email: <u>shobbins@marquettemi.gov</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

PROPERTY INFORMATION	
Location (Street Address): <u>2700 Lakeshore Blvd</u>	Property Identification Number: <u>0510130</u>
Size of property (frontage / depth / sq. ft. or acres): <u>A portion of 2700 Lakeshore Blvd - see legal desc.</u>	
Current Zoning District: <u>IM</u>	Proposed Zoning District: <u>CR</u>
Surrounding Zoning Districts: North <u>CR</u>	East <u>N/A</u> South <u>M</u> West <u>IM</u>
Legal Description: <u>Attached</u>	

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a rezoning. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

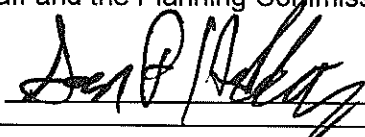
SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that is does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature: _____

Date: _____

 6/17/21

Legal Description for Proposed Rezoning:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South $\frac{1}{4}$ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

Section 54.1405 Zoning Ordinance Amendment Procedures

- (A) **Initiation of Amendments.** The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) **Application for Amendment.** Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.
- (C) **Amendment Review Procedures.**
- (1) **Public Hearing.** The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.
- (2) **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.
- (3) **City Commission Consideration of the Proposed Amendment.** The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
- (D) **Standards of Review for Amendments.** In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.
- (1) **Master Plan.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan

Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

was adopted, consistency with recent development trends in the area shall be considered.

- (2) Intent and Purpose of the Zoning Ordinance.** Consistency with the basic intent and purpose of this Zoning Ordinance.
 - (3) Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 - (4) Utilities and Services.** The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
 - (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance.** That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
 - (6) No Exclusionary Zoning.** That the amendment will not be expected to result in exclusionary zoning.
 - (7) Environmental Features.** If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
 - (8) Potential Land Uses and Impacts.** If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 - (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District.** If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
 - (10) Alternative Zoning Districts.** If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
 - (11) Rezoning Preferable to Text Amendment, Where Appropriate.** If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 - (12) Isolated or Incompatible Zone Prohibited.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (E) Notice of Adoption of Amendment.** Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice

Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
 - (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
 - (3) The effective date of the ordinance or amendment.
- (F) **Protest Petition of Amendment.** An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:
- (1) **Petition Submittal Requirements.** The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:
 - (a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - (b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
 - (2) **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.
- (G) **Referendum.** Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.
- (H) **Rezoning (Zoning Map Amendment) with Conditions.** Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such

Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

- (1) Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:
- (a)** A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.
 - (b)** Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
 - (c)** Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
 - (d)** The date upon which the rezoning with conditions becomes void, as specified in [Section 54.1405\(H\)\(3\)](#), below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
 - (e)** Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in [Section 54.1405\(H\)\(3\)](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
 - (f)** Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - (g)** A legal description of the property affected by the rezoning with conditions.
 - (h)** Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.
 - (i)** Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

Article 14: Administrative Procedures
Section 54.1405: Zoning Ordinance Amendment Procedures

- (j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.
- (2) **Amendment to Conditional Rezoning Agreement.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- (3) **Period of Approval.** Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
 - (a) **Expiration or Extension.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
 - (b) **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:
 - (i) The property owner may seek a new rezoning of the property; and/or
 - (ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.
- (4) **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "CBD Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "CBD CR."
- (5) **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 54.1405\(C\)](#), with the exception that the conditional rezoning agreement shall be

Article 14: Administrative Procedures

Section 54.1405: Zoning Ordinance Amendment Procedures

executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

- (6) Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

City clerk

8 0 7 9 9 4 6
Tx:4049677
6/15/2021 2:45:00 PM

2021R-07806
CARLA A L'HUILLIER
REGISTER OF DEEDS
MARQUETTE COUNTY, MI
RECEIVED ON
06/15/2021 02:45 PM
RECORDED ON
06/15/2021 02:53 PM
PAGES: 3

QUIT CLAIM DEED

The Grantor, Wisconsin Electric Power Company, a Wisconsin corporation, of 231 W. Michigan Street, Milwaukee, WI 53203, quit-claims to the Grantee, the City of Marquette, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, all of its interest in the following parcel of land located in the City of Marquette, County of Marquette, and State of Michigan described as follows:

A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as:

Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

Subject, however, to any and all rights, reservations, restrictions, conditions, and easements appearing in the recorded chain of title.

for the sum of NO ACTUAL CONSIDERATION. MCL 207.505(a) 207.526(a)

THE GRANTOR QUIT-CLAIMS THE PROPERTY TO THE GRANTEE ON AN 'AS IS, WHERE IS' BASIS, WITH GRANTEE ACKNOWLEDGING THAT THE GRANTOR OPERATED THE PRESQUE ISLE POWER PLANT ON LANDS ADJACENT TO THE PROPERTY.

Grantor hereby reserves unto itself, its successor and assigns (as owners of the adjacent property) an appurtenant easement on the property hereby conveyed for the continued use, repair, replacement and enjoyment of the existing underground intake and discharge pipes together with any related facilities associated with Grantor's easement recorded in Liber 85MR, Pages 375-381 and assigned to Grantor in Liber 122, Page 94.

As a material inducement for Grantor to convey the property to Grantee, Grantee for itself, its successors, and assigns, forever releases and covenants not to sue Grantor, its successors and assigns, with respect to any and all losses, expenses, costs, claims (whether at law, contract or equity), liabilities, causes of action, or matters concerning, arising out of or related to any and all environmental, health or safety conditions of the property and/or the presence or suspected presence of hazardous substances or materials, or the presence of coal or ash, thereon or thereunder, regardless of whether such environmental, health or safety conditions of the property or presence or suspected presence of hazardous substances or materials is known or unknown.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make No divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Neither the legal description nor a title search of the subject premises has been provided by the drafter. Further, the drafter does not warrant compliance under the Michigan Land Division Act.

[Signature on Following Page]

Dated this 4th day of June, 2021.

Wisconsin Electric Power Company

By: Tonip m fcters
Its: manager of Property management

State of WISCONSIN }
County of MILWAUKEE } SS.

The foregoing instrument was acknowledged before me this 4TH day of JUNE, 2021, by TONYA PETERS, the MANAGER OF PROPERTY MGT. of Wisconsin Electric Power Company.




Robert J. Bokowski, OR Notary Public
MILWAUKEE County, State of WISCONSIN
 My commission expires: 11-16-2024
 Acting in MILWAUKEE County

Drafted by:
Suzanne C. Larsen (P57017)
KENDRICKS, BORDEAU, KEEFE,
SEAVOY & LARSEN, P.C.
128 West Spring Street
Marquette, MI 49855
(906) 226-2543

05-REZ-07-21 Area Map



1 inch = 417 feet




 City of Marquette
 Geographic Information Systems (GIS)

05-REZ-07-21 Block Map

LEGEND

□ Parcels_Address Labels

● Storm Manholes

■ Storm Catch Basins

— Storm Pipes

■ SewerCleanOuts

■ Sewer System Valves

● Sewer Manholes

San Flow Direction

FLOW_DIR

— EAST

— NORTH

— SOUTH

— WEST

— Sewer Lateral Lines

— Sew Not Slip Lined

— Sew Slip Lined

■ Fire Hydrants

■ WaterShutOff

● Water Valves & Gates

— Water Lateral Lines

wMain

Representation: wMain_Rep

— Cast Iron

— Copper

— Ductile Iron

— Galvanized Pipe

— High Density Polyethylene

— Polyvinyl Chloride

— Sand Cast

— Steel

— Unknown

— Watermains

— Water Structures

— Street Labels

— Streets

□ Building FootPrints
City of Marquette, MI

WE Energies Service Road

Lakeshore Boulevard

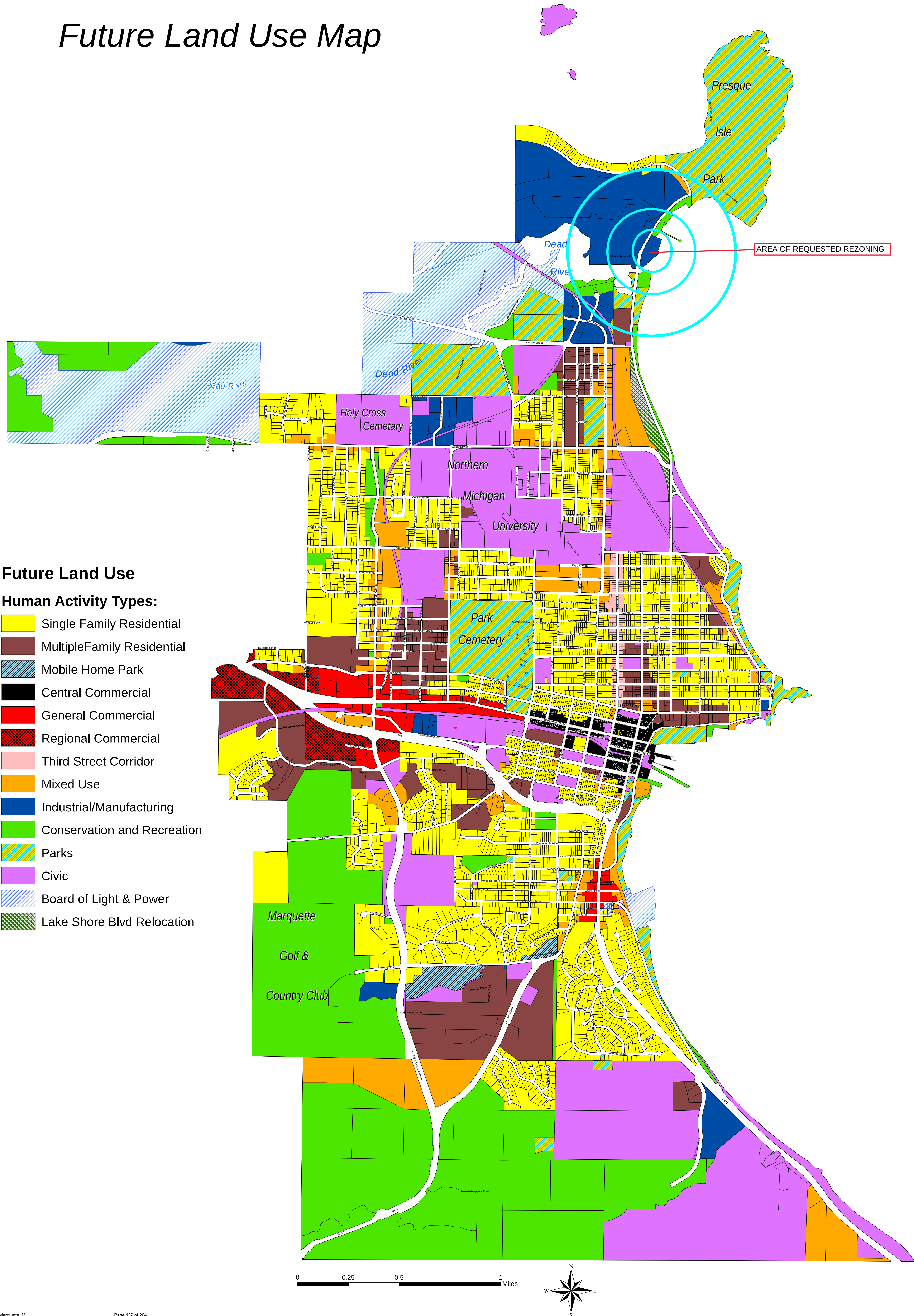
1 inch = 333 feet



City of Marquette
Geographic Information Systems (GIS)

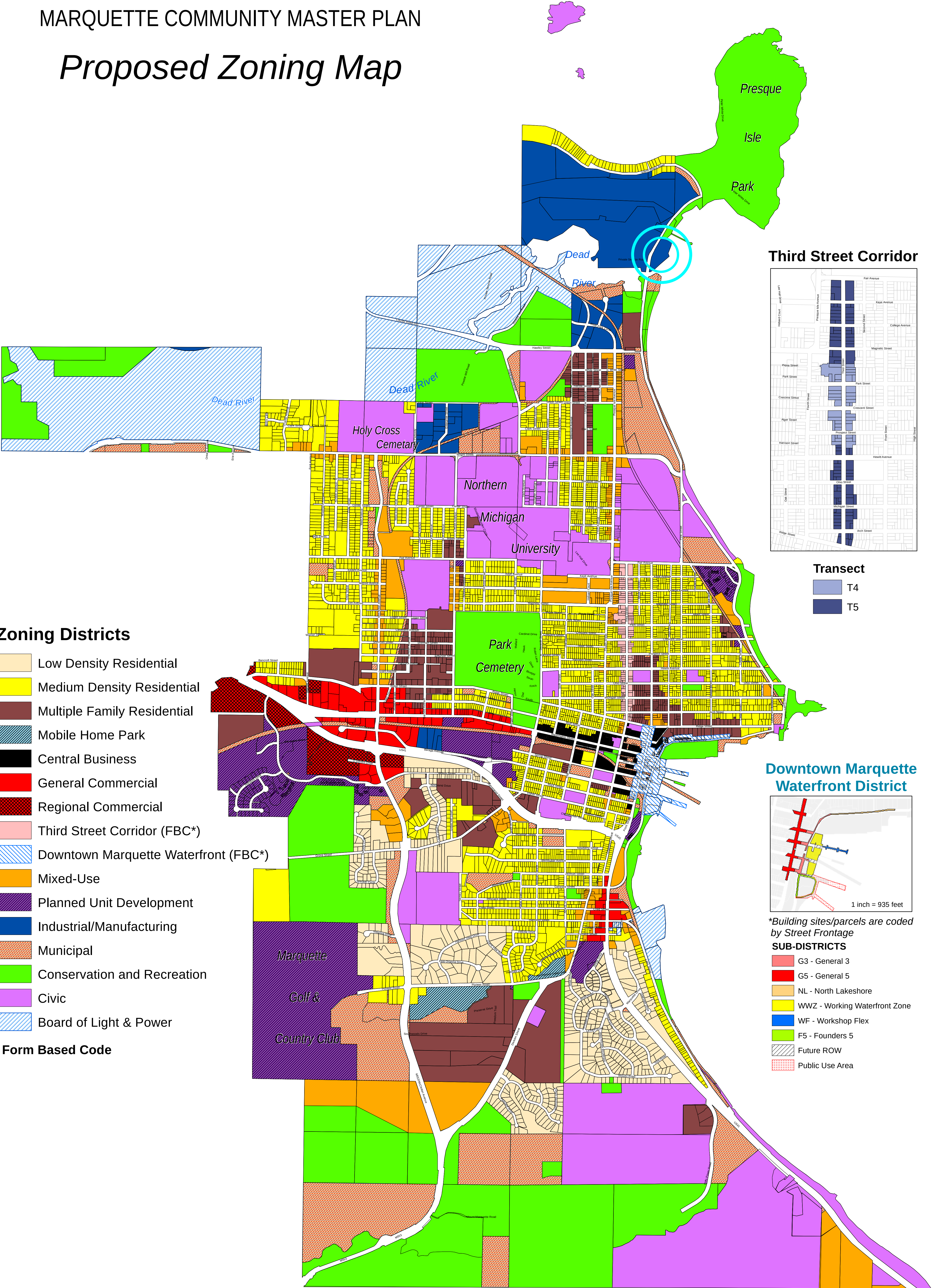
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

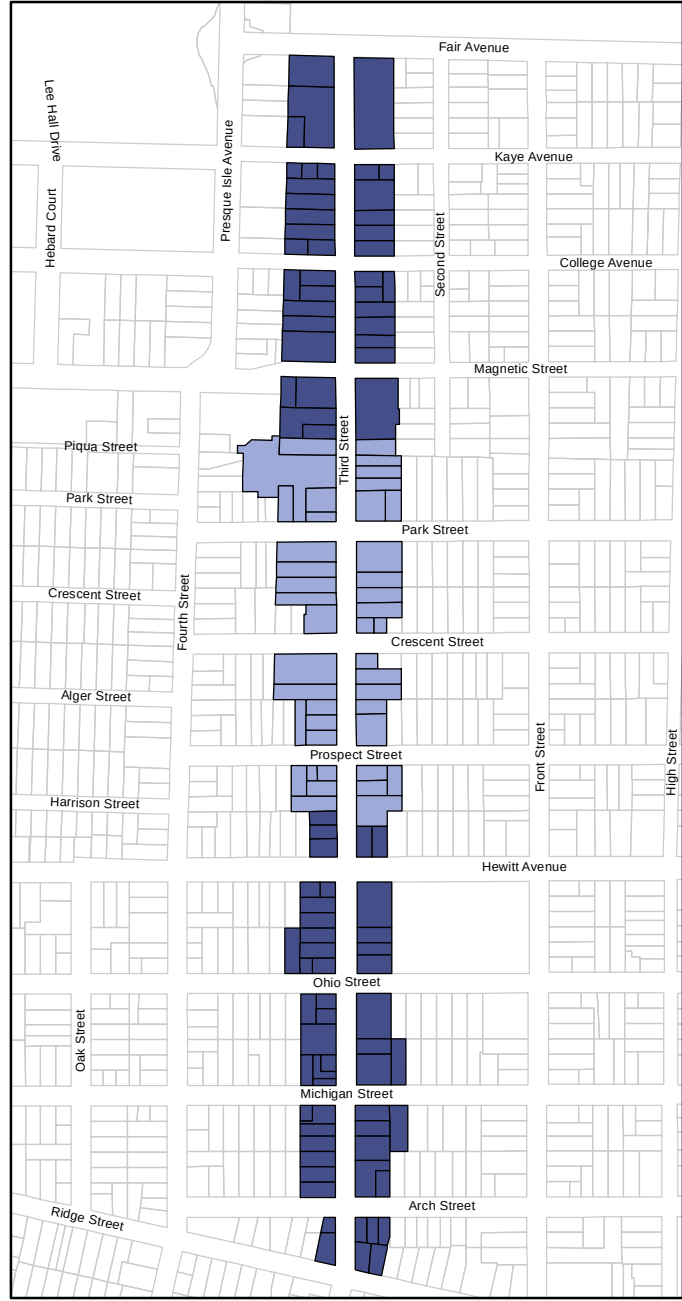


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC*)
- Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

* Form Based Code

Third Street Corridor



- Transect**
- T4
 - T5

Downtown Marquette Waterfront District



- *Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS**
- G3 - General 3
 - G5 - General 5
 - NL - North Lakeshore
 - WWZ - Working Waterfront Zone
 - WF - Workshop Flex
 - F5 - Founders 5
 - Future ROW
 - Public Use Area



Local

Highlen's work can be found at Zero Degrees Art Gallery in Marquette, Open Wings Pottery and Gallery in Munising, Art in Abundance in Grand Marais Township, Michigan, and by contacting Highlen directly. In addition, the artist plans to participate in the Outback Art Fair in Marquette this summer, as well as the plein air painting competition in Grand Marais, Minnesota, this fall.

The artwork was installed on May 19 and will be on display through July 6.

Travel Marquette is open from 9 a.m. to 5 p.m. weekdays, visitors are invited to view Highlen's paintings that reflect the world of Marquette through her eyes and the stroke of her brush.

Negaunee City band to perform

NEGAUNEE — The Negaunee City Band plays its first concert of the 2021 season at 7:30 p.m. Wednesday at the Outdoor Performing Arts Center at the east end of Iron Street.

The band invites the public to this free concert, the first they have performed since the end of the 2019 summer season. The concert celebrates the Independence Day holiday with patriotic songs from throughout the country's history.

Director Brandon Nelson has chosen to begin the concert with Carmen Dragon's arrangement of "America the Beautiful." The program features four marches: "Americans We" by Fillmore, "Emblem of Unity" by Richards, and two Sousa marches, "The Liberty Bell" and "The Glory of the Yankee Navy."

Also, "American Sketches" by Pierre LaPlante includes "The Erie Canal" and "Shoo Fly." "Irving Berlin's Songs for America" includes "This Is the Army, Mr. Jones," and "God Bless America." A final medley is "The Blue and the Gray," which has strains of many familiar tunes, such as "Marching through Georgia," "The Yellow Rose of Texas," "Dixie" and "Battle Hymn of the Republic."

Following the custom of past years, the concert will conclude with "Just a Closer Walk with Thee."

There is some seating available at the venue, but attendees may wish to bring their own chairs. This is the first of six Wednesday evening concerts, with the final one scheduled for Aug. 11.

3:10 p.m., property damage accident, U.S. 41 near South Lake Street

• 3:31 p.m., weapons other, U.S. 41 near South Lake Street

• 3:33 p.m., hit-and-run property-damage accident, Fisher Street

• 3:34 p.m., hit-and-run property-damage accident in parking lot, no suspects, 100 block South Street

• 3:45 p.m., boat driver had throttle "wide open" in the harbor, complainant just wanted it noted, driver gone on arrival, Peter White Drive

• 4:18 p.m., assistance, North Fourth Street

• 4:55 p.m., property inspection, East Fair and Pine streets

• 5:03 p.m., property-damage accident, McClellan Avenue near West Washington Street

• 5:15 p.m., property inspection, 500 block North Lakeshore Boulevard

• 5:40 p.m., harassment complaint, Whetstone Road

• 5:52 p.m., traffic enforcement, 1.5 hours, U.S. 41 South

• 5:59 p.m., property check, 200 block North Lakeshore Boulevard

• 6:06 p.m., caller reports a disorderly subject running in



Lakeshore Boulevard

• 11:23 p.m., four property Parkway

PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, July 20, 2021:

06-SUP-07-21 – 501 S. Lake Street (PIN: 0020040): Pensco Trust Co Custodian and Marquette Brewing Cooperative are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, and a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use to be located at 501 S. Lake St.

07-SUP-07-21 – 505 N. Lakeshore Blvd. (PIN: 0171000): Lakeshore Depot L3C and Lakeshore Park of Marquette Inc. are seeking a Special Land Use permit for an Outdoor Food and Beverage Service, a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use, and a Special Land Use Permit for Light Manufacturing for beverage and food production that would include alcoholic and nonalcoholic beverages and to prepare and sell food products to be located at the parcel address of 505 N. Lakeshore Blvd. and the Lakeshore Depot address is 560 Fern Place.

05-REZ-07-21 – portion of 2700 Lakeshore Blvd. (PIN: portion of 0510130): The City of Marquette is requesting to rezone a portion of 2700 Lakeshore Blvd that is zoned Industrial/Manufacturing (IM) to be zoned Conservation and Recreation (CR). Legal Description of the property: A parcel of land being part of Government Lot 6, Section 2, and part of Government Lot 4, Section 11, Town 48 North, Range 25 West described as: Commencing at the South ¼ corner of Section 2; thence South 89 degrees 54 minutes 38 seconds East, 861.30 feet along the South line of Section 2 to the Easterly right of way line of Lakeshore Boulevard which is the Point of Beginning; thence North 30 degrees 54 minutes 44 seconds East, 255.14 feet along the Easterly right of way line; thence North 30 degrees 41 minutes 59 seconds East, 3.70 feet along the Easterly right of way line; thence South 62 degrees 24 minutes 31 seconds East, 59.70 feet to a traverse line on the Southerly shore of Lake Superior; thence South 16 degrees 36 minutes 14 seconds West, 797.20 feet along the traverse line; thence South 58 degrees 47 minutes 53 seconds West, 184.82 feet along the traverse line to the Easterly right of way line of Lakeshore Boulevard; thence North 07 degrees 52 minutes 03 seconds East, 288.21 feet along the Easterly right of way line to a curve; thence 183.24 feet along the Easterly right of way line on a curve to the right having a radius of 533.06 feet and a chord bearing North 17 degrees 42 minutes 56 seconds East, 182.34 feet; thence North 27 degrees 33 minutes 49 seconds East, 100.00 feet along the Easterly right of way; thence North 62 degrees 26 minutes 11 seconds West, 9.89 feet along the Easterly right of way line; thence North 30 degrees 54 minutes 44 seconds East, 131.54 feet along the Easterly right of way line to the Point of Beginning. Plus the land between the traverse line and the water's edge of Lake Superior as this parcel extends to the water's edge of Lake Superior.

05-REZ-07-21 – portion of 213 S. Front St. (PIN: portion of 0151030): City of Marquette is requesting to rezone the portion of 213 S. Front Street that is zoned Municipal (M) to be zoned Central Business District (CBD).

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, July 20, 2021. If you wish to comment on this matter you may do so at that time.

Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on July 20, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers - Zoning Official
alanders@marquettemi.gov
225-8383

Rezoning

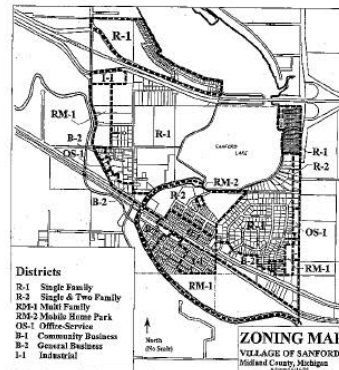
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

20

Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING



Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

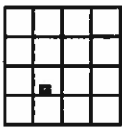
The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

SPOT ZONING

Characteristics

- * **Small in Size**
- * **Inconsistent Uses**
- * **Special Benefit**
- * **Contrary to Master Plan**

MSPO Basic Program: _____



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

REZONING CASE STUDY



**Willis Township - Proposed Rezoning
A-1 to C-2**

Use proposed - Shopping Center
Permitted in C-2, Special Use in C-1
10-Year Master Plan - Residential
No opposition
Major arterial road

**WHAT ARE THE APPROPRIATE
FACTORS TO CONSIDER?**

MSPO Basic Program

Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

WILLIS TOWNSHIP Zone Districts

C-1 Neighborhood Commercial

Permitted Uses

1. Grocery stores
2. Drug stores

Special Land Uses

1. Shopping centers

C-2 Community Commercial

Permitted Uses

1. Automobile services
2. Shopping centers

Special Land Uses

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Schedule Public Hearing- Rezoning of 301 W. Baraga Avenue

BACKGROUND:

The Planning Commission (PC) held a public hearing on July 06, 2021 for the consideration of a request for rezoning of the property at 301 Baraga Avenue from Medium Density Residential (MDR) to be zoned Multiple Family Residential (MFR). After conducting a public hearing, the following motion was made:

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 3-2 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 04-REZ-07-21

Yes: S. Mittlefehldt, M. Larson, J. Cardillo

No: W. Premeau, E. Brooks

Under procedures in accordance with section 54.1405 of the Land Development Code, the Planning Commission is offering the recommended amendments to the City Commission for final approval. A hearing must be scheduled in accordance with section 54.1406 of the Land Development Code.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for this proposed rezoning for the August 30, 2021 City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 04-REZ-07-21 301 W. Baraga Ave.
- ▣ Planning Commission Meeting Minutes of 07-06-21



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: July 1, 2021
SUBJECT: 04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 301 W. Baraga Avenue which is zoned **Medium Density Residential (MDR)** to be zoned **Multiple Family Residential (MFR)**.

Please see the attached Staff Report for more specific information regarding the application.

RECOMMENDED ACTION:

The Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

After conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 04-REZ-07-21 (as presented / for the following reasons / with the following conditions).



STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 04-REZ-07-21

Date: June 30, 2021

Project/Application: Rezoning request from **Medium Density Residential (MDR)** to be zoned **Multiple Family Residential (MFR)**.

Location: 301 W. Baraga Avenue

Parcel ID: 0111650

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Year Built: There is no year-built information in Assessing documents.

Current Zoning: MDR – Medium Density Residential

Surrounding Zoning: North: M – Municipal
South: MDR – Medium Density Residential and C - Civic
East: MDR – Medium Density Residential and MFR – Multiple Family Residential
West: MDR – Medium Density Residential

Zoning Districts and Standards:

Current Zoning

Section 54.308 MDR, Medium Density Residential

(A) Intent	
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character	
(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home	• Adult Foster Care, Small Group Home • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building

STAFF FILE REPORT/ANALYSIS

Page 2 of 14

• Home Occupation • Home Office • Homestays and Vacation Home • Residential Limited Animal Keeping	• Recreational Use, Public • Religious Institution • School, Primary or Secondary • School, University
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	4,500 (C)	<i>Front Yard (ft.)</i>	15 (A) , (B)
<i>Min. Lot Width (ft.)</i>	37.5 (D)	<i>Side Yard (one) (ft.)</i>	5 (K)
<i>Max. Impervious Surface Coverage (%)</i>	(Q)	<i>Side Yard (total of 2) (ft.)</i>	13 (K)
<i>Max. Building Height of Primary Building (ft.)</i> (O)	31.5	<i>Rear Yard (ft.)</i>	20 (K)
<i>Max. Building Height of Accessory Building</i>	(K)		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.

In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.

(B) Reduced Minimum Front Yard Setback in the LDR and MDR Districts. If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR District, the minimum lot area for a two-family dwelling (duplexes) is:

- (1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
- (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR District, the minimum lot width for a two-family dwelling (duplex) is:

- (1) 50 feet for lots created prior to the adoption of this Ordinance.
- (2) 75 feet for lots created after the adoption of this Ordinance.

(K) Accessory Buildings and Structures. For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

(Q) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts: The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

Maximum Impervious Surface Coverage Based on Lot Area
60% of the lot area up to 8,712 sq. ft. (1/5 acre or less); plus
50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); plus
40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre); plus
30% of the area of the lot over 1 acre

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

- (1) Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.
- (2) Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
LDR and MDR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Proposed Zoning

Section 54.309 MFR, Multiple Family Residential District

(A) Intent
The MFR district is intended to establish and preserve high density residential neighborhoods that will provide at least the minimum acceptable residential environment. Uses include higher density single-family residential developments and multi-family developments. Because of the range of uses allowed in the MFR district and the unique area that abut the MFR district, developments must be compatible with their adjacent residential and non-residential uses. It is intended that various sizes of residential accommodations, of ownership and rental, shall be provided to meet the need of the community.

STAFF FILE REPORT/ANALYSIS

Page 4 of 14

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home	• Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Large Group Home • Adult Foster Care, Small Group Home • Bed and Breakfast • Cemetery • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Accessory Unit • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Hospital • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	15,000 (C)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	100 (D)	Side Yard (one) (ft.)	15 (G) , (K) , (L)
Max. Impervious Surface Coverage (%)	(R)	Side Yard (total of 2) (ft.)	30 (G) , (K) , (L)
Max. Building Height of Primary Building (ft.) (O)	36.5 (L)	Rear Yard (ft.)	30 (K) , (L)
Max. Building Height of Accessory Building	(K)		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.

In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR and MFR District, the minimum lot area for a two-family dwelling (duplexes) is:

- (1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
- (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts. In the MDR and the MFR District, the minimum lot width for a two-family

STAFF FILE REPORT/ANALYSIS

Page 5 of 14

dwelling (duplex) is:

(1) 50 feet for lots created prior to the adoption of this Ordinance.

(2) 75 feet for lots created after the adoption of this Ordinance.

(G) Separation Distance of Multiple-Family Structures in the MFR District. In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings).

(K) Accessory Buildings and Structures. For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in Section 54.705.

(L) Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District. For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.

(O) Height Exemptions. There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
MFR	30 (a)	N.A.	N.A.	35	35	35	N.A.	40 (a)

(a) Within this buffer area, one (1) tree per 30 linear feet is required.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):

Section 54.1405 Zoning Ordinance Amendment Procedures

- (A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

Application accepted.

- (C) Amendment Review Procedures.

- (1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, July 6, 2021.

- (2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.

The Planning Commission is being asked to make a recommendation at their meeting on July 6, 2021.

- (3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria

contained in this Ordinance.

TBD.

(D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

This property is designated for *Single Family Residential* on the *Future Land Use Map* of the Community Master Plan and is designated as a *Medium Density Residential* zoning district on the *Proposed Zoning Map*. These designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP.



Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions*, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

- (2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

- (3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

These portions of Baraga Ave and Rock Street are classified as "Urban

Local Street” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are low. This portion of Fourth Street is classified as “Urban Major Collector”, therefore vehicular traffic volumes are moderate.

- (4) Utilities and Services. The capacity of the City’s utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.

- (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

No conditions have changed nor was there an error in the Zoning Ordinance. However, it was unknown to staff, and probably the Planning Commission on the whole, that there were eleven (11) apartments in the building at the corner of Rock/Fourth streets. That many apartments, if being utilized, may constitute a multi-family use situation.

- (6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning.

- (7) Environmental Features. If a rezoning is requested, compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is compatible with site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

- (8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed rezoning would be compatible with the adjacent northeast parcels across Fourth Street.

- (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The proposed zoning is the same as the surrounding zoning to the

northeast across Fourth Street.

(10) Alternative Zoning Districts.

If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

Since the surrounding zoning to the northeast across Fourth Street is MFR, the proposed zoning district is more appropriate than another zoning district.

(11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The rezoning is evidently being requested to support a specific, new land use that would utilize the apartments that are in the building at the corner of Rock and Fourth Streets.

(12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The proposed zoning is the same as the surrounding zoning to the northeast across Fourth Street.

- (E) Notice of Adoption of Amendment.** Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments.

The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
- (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
- (3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

- (H) Rezoning (Zoning Map Amendment) with Conditions.** Pursuant to MCL 125.3405, the City Commission, following a public hearing and

recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, and provide a recommendation to the City Commission.

Attachments:

1. Rezoning Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the site
8. Publication Notice
9. *Rezoning Information for Planning Commissions* document
10. *Spot Zoning Considerations*
11. Correspondence

**CITY OF MARQUETTE
REZONING APPLICATION**



CITY STAFF USE

Parcel ID#: 0111650 File #: 04-REZ-07-21 Date: 6/7/21
Hearing Date: 7-6-21 Application Deadline (including all support material): 6/8/21
FEE \$540 Receipt #: 235313 Check #: 7780 Received by and date: AS 6/7/21

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the following information:

- ☐ Planning Commission page for filing deadline and meeting schedule
- ☐ Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

Please review the attached excerpts from the Land Development Code

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: CATHOLIC DIOCESE OF MARQUETTE
Address: 300 ROCK STREET
City, State, Zip: MARQUETTE, MI 49855
Phone #: (906) 227-9115
Email: jdoerfler@dioceseofmarquette.org

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

APPLICANT/OWNERS REPRESENTATIVE

Name: KYLE RAMBO
Address: 347 ROCK STREET
City, State, Zip: MARQUETTE, MI 49855
Phone #: (906) 227-9116
Email: KRAMBO@CSSUP.ORG

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

PROPERTY INFORMATION

Location (Street Address): 301 W. Baraga Ave Property Identification Number: 011650
Size of property (frontage / depth / sq. ft. or acres): 1/2 AC
Current Zoning District: MED. DENSITY RESID. Proposed Zoning District: MFR
Surrounding Zoning Districts: North M East MOR+MFR South CIVIC West MED. DEN. RESID.
Legal Description: Cleveland Iron Mining Company Replat lots 1 thru 4 the E. 28' of Lot 11, and all of lots 12 thru 20, Block 9

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a rezoning. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

SIGNATURE

I hereby certify the following:

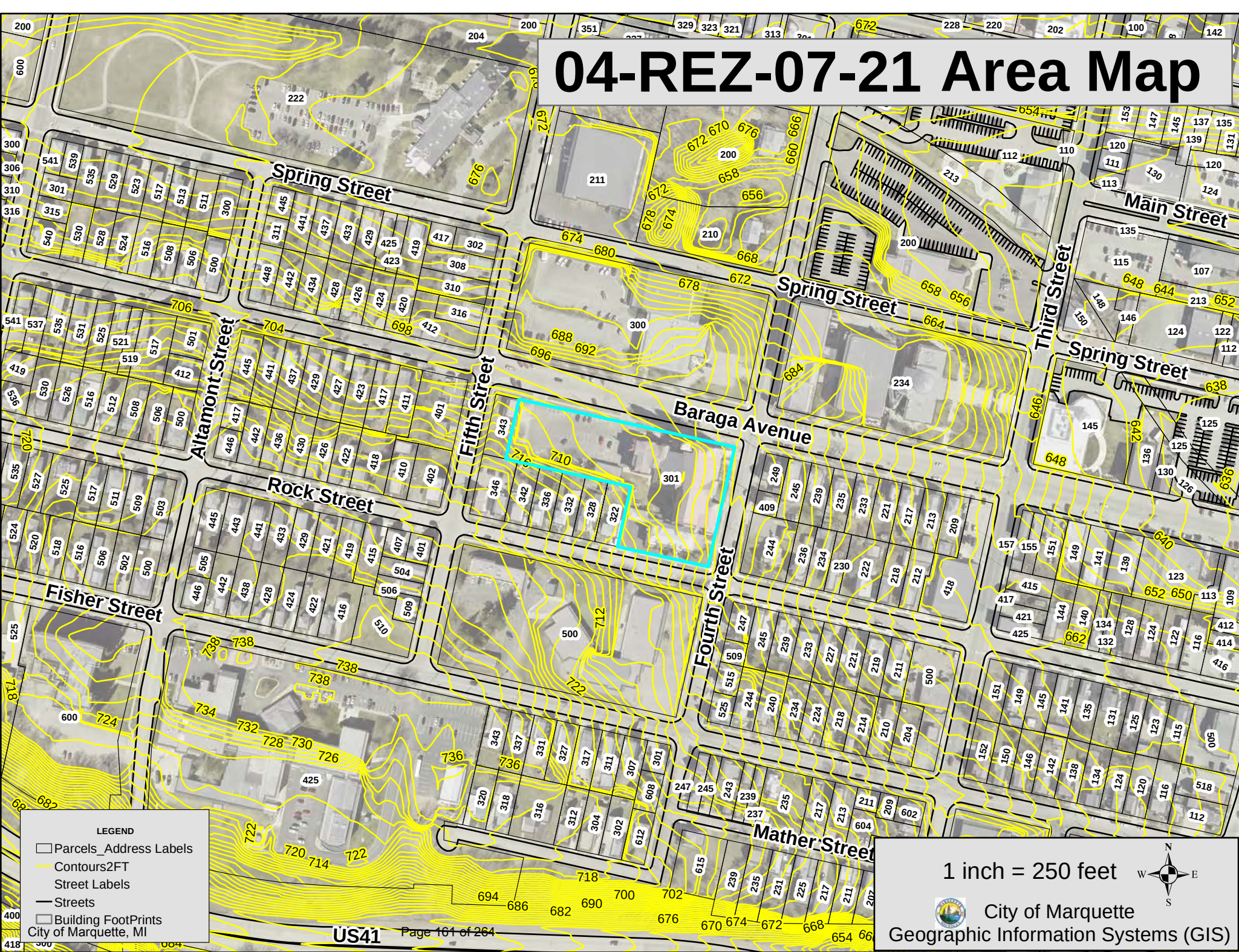
1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature: _____



Date: 7 JUNE 2021

04-REZ-07-21 Area Map



LEGEND

- Parcels_Address Labels
- Contours2FT
- Street Labels
- Streets
- ▭ Building FootPrints
- City of Marquette, MI

1 inch = 250 feet



City of Marquette

Geographic Information Systems (GIS)



04-REZ-07-21 Block Map

LEGEND

□ Parcels_Address Labels

● Storm Manholes

■ Storm Catch Basins

— Storm Pipes

■ SewerCleanOuts

⊕ Sewer System Valves

● Sewer Manholes

San Flow Direction

FLOW_DIR

— EAST

— NORTH

— SOUTH

— WEST

— Sewer Lateral Lines

— Sew Not Slip Lined

— Sew Slip Lined

■ Fire Hydrants

■ WaterShutOff

● Water Valves & Gates

— Water Lateral Lines

wMain

Representation: wMain_Rep

— Cast Iron

— Copper

— Ductile Iron

— Galvanized Pipe

— High Density Polyethylene

— Polyvinyl Chloride

— Sand Cast

— Steel

— Unknown

— Watermains

— Water Structures

— Street Labels

— Streets

— Building FootPrints

City of Marquette, MI

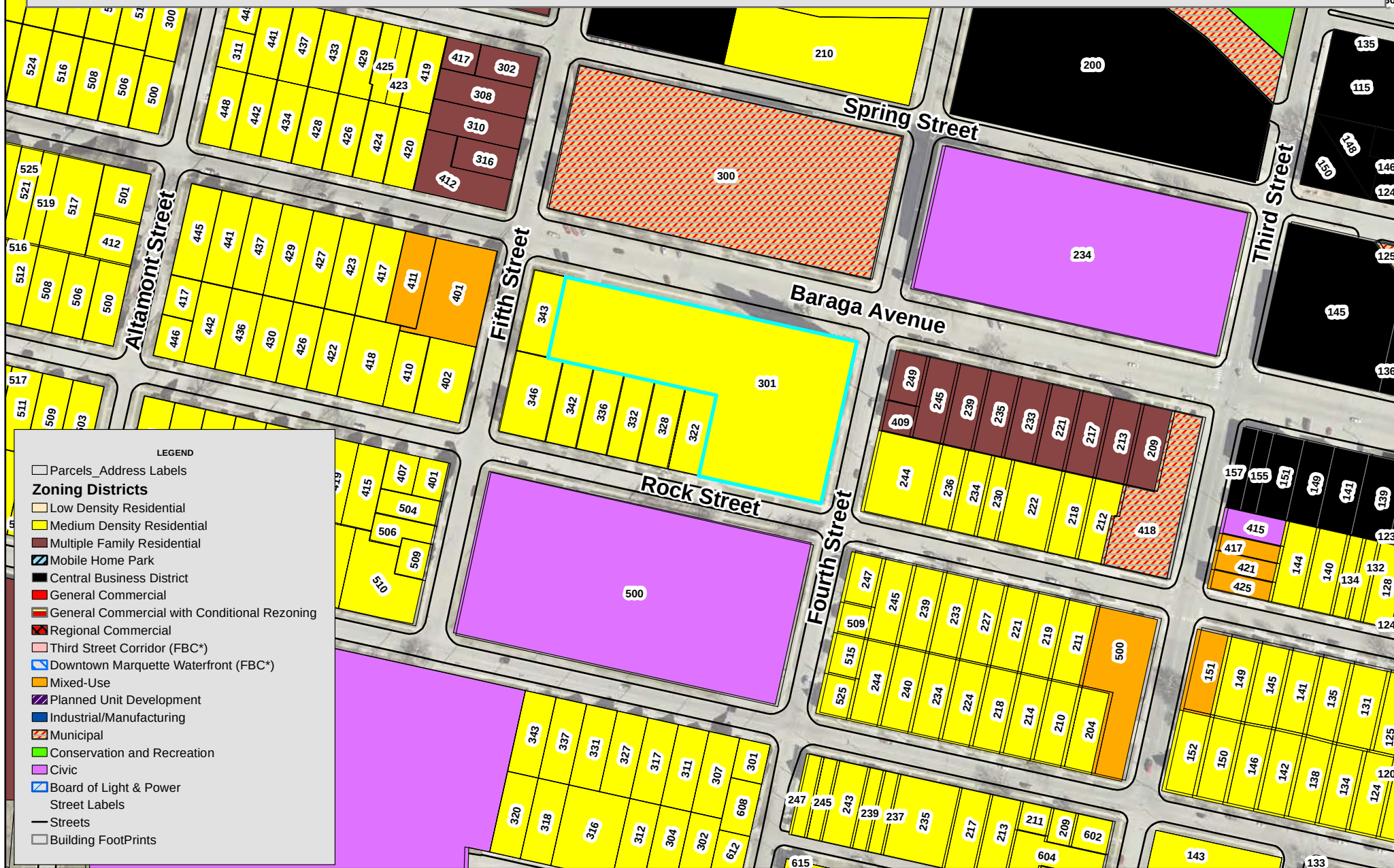
1 inch = 125 feet



City of Marquette
Geographic Information Systems (GIS)



Existing Zoning Map - Parcel Outlined in Blue Proposed to be Rezoned to MFR



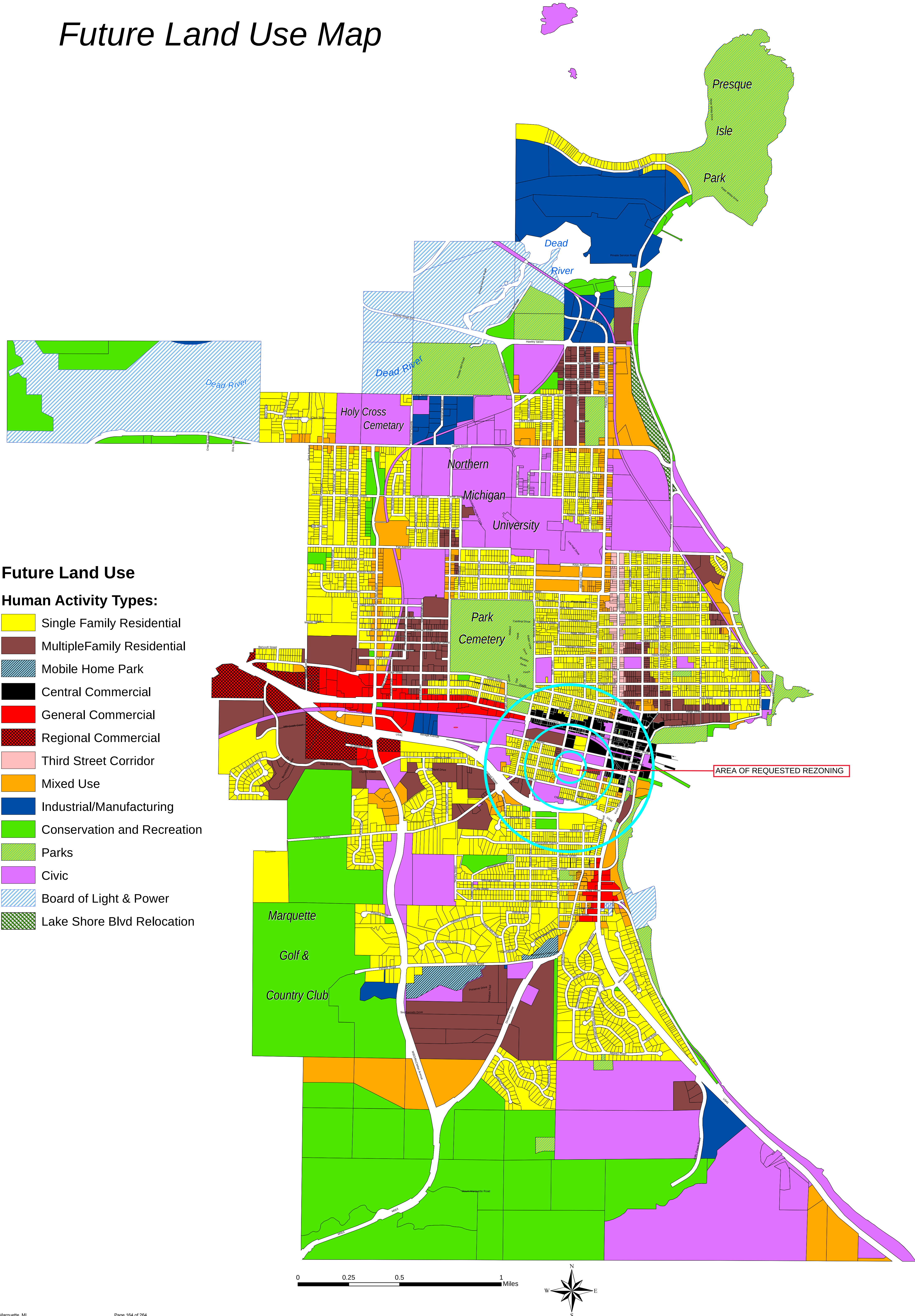
In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information source. In no event shall the City of Marquette be liable for any damages, direct or consequential, from the use of the information.



1 inch = 208 feet

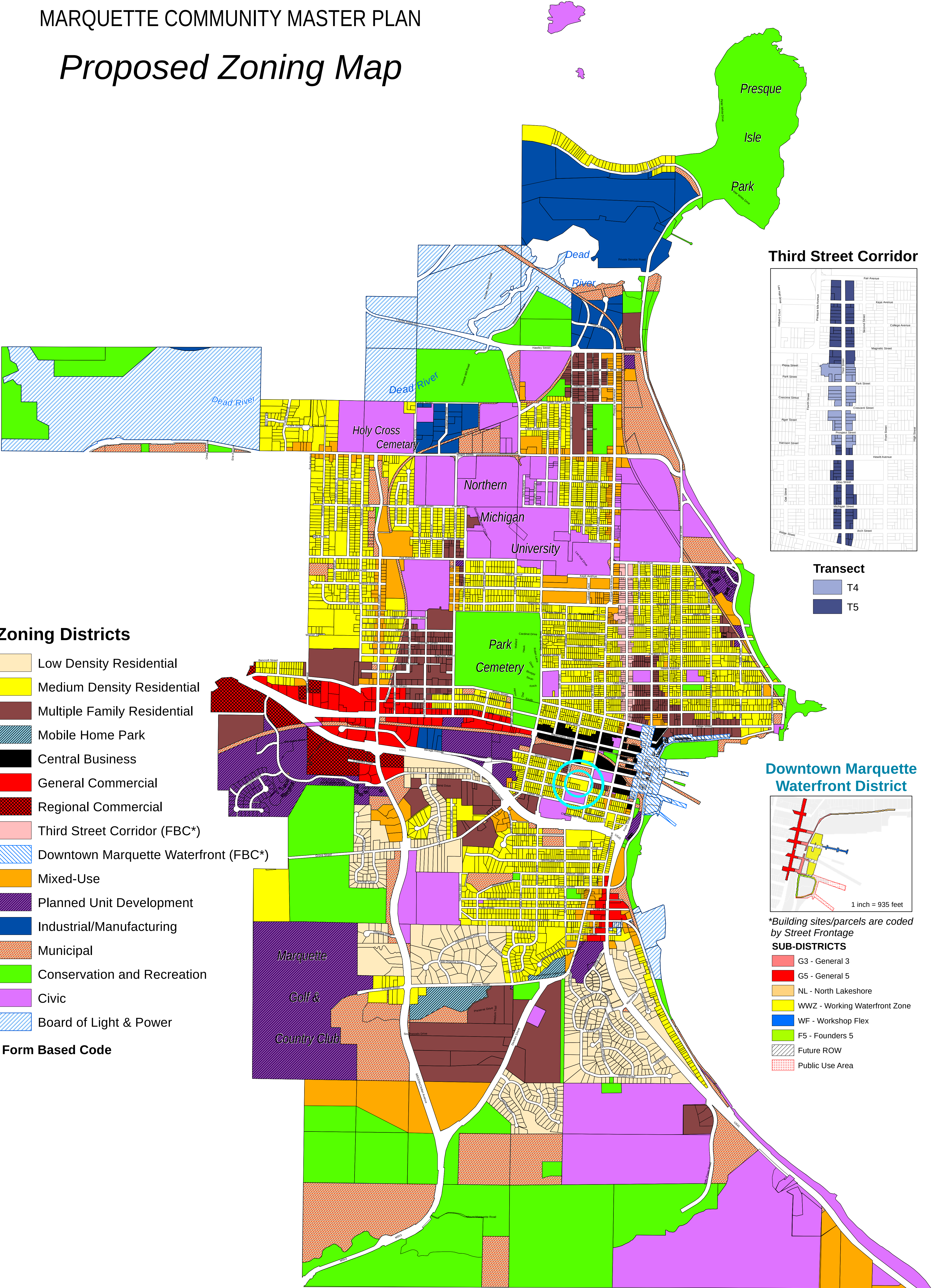
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

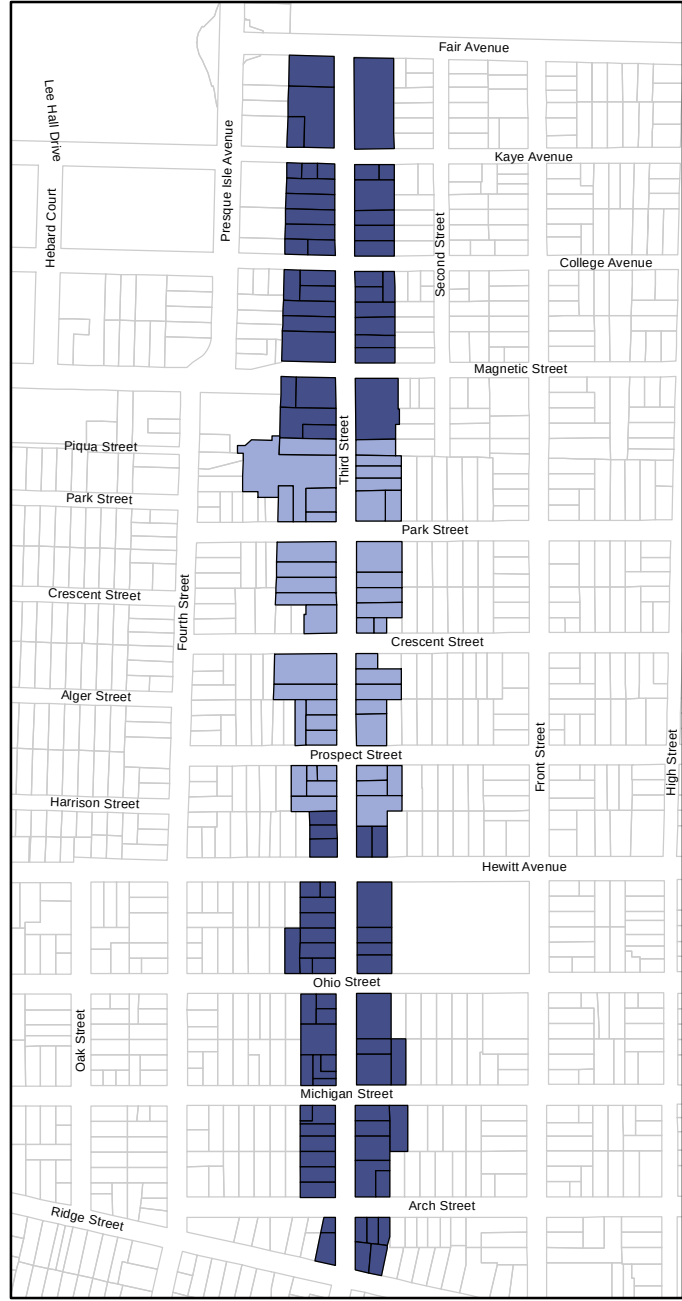


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC*)
- Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

* Form Based Code

Third Street Corridor

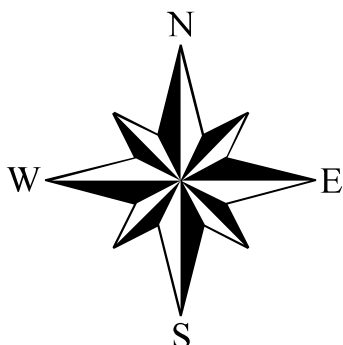
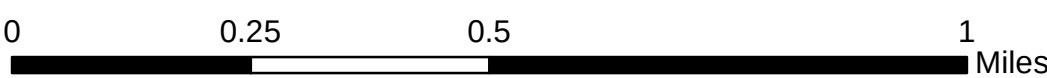


- Transect**
- T4
 - T5

Downtown Marquette Waterfront District



- *Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS**
- G3 - General 3
 - G5 - General 5
 - NL - North Lakeshore
 - WWZ - Working Waterfront Zone
 - WF - Workshop Flex
 - F5 - Founders 5
 - Future ROW
 - Public Use Area









Friday, June 18, 2021

Region



**This is
MAX.**

He found his
very own
bachelor pad.
He found it
fast in the
Classifieds.

People like Max,
People like you,
People like...

THE MINING
Journal
CLASSIFIEDS
906-228-2500

PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, July 6, 2021:

05-SUP-07-21 - 1917 Enterprise Street (PIN: 0610061): LS Rentals LLC and North Coast Cultivators are seeking a Special Land Use permit for a Marihuana Grower - Class B located at 1917 Enterprise Street. Per the Land Development Code, "Marihuana Grower - Class B: Marihuana Grower - Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments."

04-REZ-07-21 - 301 W. Baraga Ave. (PIN: 0111650): Catholic Diocese of Marquette and Roman Catholic Church are requesting to rezone the property located at 301 W. Baraga Avenue which is zoned Medium Density Residential (MDR) to be zoned Multiple Family Residential (MFR).

The public hearing for these requests will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, July 6, 2021. If you wish to comment on this matter you may do so at that time.

Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettemi.gov.
Written submissions will be accepted until 12:00 p.m. on July 6, 2021.

Materials submitted by the applicant and the Land Development Code language pertaining to the request are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials submitted by the applicant e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Marquette City Commission will hold two Public Hearings on the following recommended items:

CONSIDERATION OF REZONING AT 1651 FRONT STREET

03-REZ-06-21 - 1651 S. Front St. (PIN: 0020251): TDK LLC and Tranquility Fields are requesting to rezone the property located at 1651 S. Front Street which is zoned General Commercial with Conditional Rezoning (GC CR) to be zoned General Commercial (GC).

CONSIDERATION OF PUD AMENDMENT REQUEST

01-PUD-05-09-A8 - Amendment to the Picnic Rocks Planned Unit Development located at 1001 Lakeshore Blvd. and 1301-1317 Picnic Rocks Drive (PIN: 0370070, and 1300010 to 1300150): Julie Bowerman, Lakeshore Residences LLC, and Picnic Rocks Pointe Association are seeking approval of an amendment to their previously approved Planned Unit Development (PUD) consisting of 15 residential units in the form of single-family dwellings. They are requesting to revise paragraph 7.6 Codes and Ordinances of the PUD Master Deed. It states that "In addition to the construction requirements in this section, all buildings and other structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected." They would like it to read that "In addition to the construction requirements in this section, all buildings and other structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected with an exception to permit the existing six-foot high closed construction vinyl fence on Lot #9 to remain in place."

The public hearings will be held in City Commission Chambers at City Hall, 300 West Baraga Avenue at 6:00 p.m. on Monday, July 12, 2021. Any person wishing to comment on the proposed items may do so at that time. Written comments may be submitted to the City Clerk's Office prior to the hearing. Materials relating to these requests may be viewed at the Community Development Department at the Municipal Service Center weekdays from 7:30 a.m. to 4:30 p.m. However, please call 906-225-8383 to schedule an appointment. You can also request a digital copy of the materials submitted by the applicants by emailing alanders@marquettemi.gov.

If you require assistance to participate in these hearings, please provide advance notice to the office of the City Clerk. Kyle Whitney
Marquette City Clerk

Volume 135, No. 135

**THE MINING
Journal**

228-2500

Serving the Lake Superior Region since 1846

Ann Troutman, Publisher / Advertising Director
(atrouman@miningjournal.net) Ext. 299

Jerry Newhouse, Circulation Manager
(jnewhouse@miningjournal.net) Ext. 204

Dud Sargent, Managing Editor (dsargent@miningjournal.net) Ext. 244

Justin Marietti, News Editor (jmarietti@miningjournal.net) Ext. 245

Cecilia Brown, City Editor (cbrown@miningjournal.net) Ext. 270

David Bond, Graphics Manager (dbond@miningjournal.net) Ext. 255

Office Hours: Mon.-Fri.: 8:00 a.m.-5:00 p.m.
Fax: Advertising, 228-3273; News Dept., 228-2617
Web: <http://www.miningjournal.net>

Audit Bureau
of Circulations

Associated Press

Marquette Office:

City of Marquette / Marquette - (906) 228-2500

TO SUBSCRIBE CALL: 906/228-2500

ALL ACCESS SUBSCRIPTION RATES

★ IN STATE MAIL ★

52 Weeks	26 Weeks	13 Weeks	1 Month
\$254.80	\$130.00	\$65.00	\$21.67
Easy Pay - \$21.67 per month			

★ OUT OF STATE MAIL ★

52 Weeks	26 Weeks	13 Weeks	1 Month
\$429.00	\$214.50	\$107.25	\$36.85
Easy Pay - \$36.85 per month			

Print only rates are available, call the Circulation Department.
All subscriptions are non-refundable.

The Mining Journal, USPS 351-029, ISSN 0890-8894, is published daily Monday through Saturday, except Federal holidays by The Mining Journal at 240 W. Washington Street, Marquette, Michigan 49855, and is especially devoted to Upper Peninsula interests. Periodical postage paid at Marquette, Michigan. Postmaster: Send address changes to The Mining Journal, P.O. Box 430, Marquette, MI 49855.

All advertising is subject to approval by the Publisher. The Mining Journal reserves the right to reject, alter or omit part or all of any advertising copy or artwork at any time, even though the same shall have been previously published or funded. The advertiser agrees that the Publisher shall not be liable for damages arising out of errors in advertisements beyond the amount paid for space actually occupied by that portion of the advertisement in which the error occurred, whether such error is due to the negligence of the Publisher's employees or otherwise, and there shall be no liability for non-insertion of any advertisement beyond the amount paid for such advertisement. This newspaper will not knowingly accept or publish illegal material of any kind. Advertising which expresses prejudice on the basis of race, sex, or other personal characteristics is not acceptable. All subscriptions are non-refundable.

For delivery errors or to subscribe to

The Mining Journal, call our
Circulation Department at 906/228-2500 between
8:00 AM - 5:00 PM, Monday through Friday

TO ADVERTISE, CALL 228-2500

EDITORIAL DEPARTMENT

General.....	228-2500
Lifestyles.....	Ext. 245
Church.....	Ext. 238
Sports.....	Ext. 252
News.....	Ext. 270
Photos.....	Ext. 243
Features/Business.....	Ext. 245
Obituaries.....	Ext. 210

Rezoning

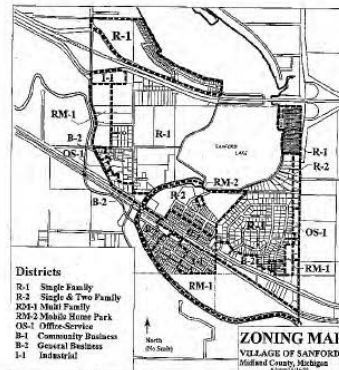
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

20

Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING



Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

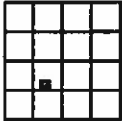
The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

SPOT ZONING

Characteristics

- * **Small in Size**
- * **Inconsistent Uses**
- * **Special Benefit**
- * **Contrary to Master Plan**

MSPO Basic Program: _____



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

REZONING CASE STUDY



**Willis Township - Proposed Rezoning
A-1 to C-2**

Use proposed - Shopping Center
Permitted in C-2, Special Use in C-1
10-Year Master Plan - Residential
No opposition
Major arterial road

**WHAT ARE THE APPROPRIATE
FACTORS TO CONSIDER?**

MSPO Basic Program

Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

WILLIS TOWNSHIP Zone Districts

C-1 Neighborhood Commercial

Permitted Uses

1. Grocery stores
2. Drug stores

Special Land Uses

1. Shopping centers

C-2 Community Commercial

Permitted Uses

1. Automobile services
2. Shopping centers

Special Land Uses

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

June 18, 2021

RECEIVED
JUN 18 2021

Marquette City
Community Development Office

Dear Planning Commission:

It has come to my attention that the Diocese of Marquette has proposed a zoning change to their property that abuts my property. I strongly object to this proposal.

I understand the Diocese of Marquette and Catholic Social Services would like to rezone the Bishop's residence from Medium Density Residential to Multi-Family Residential as they intend to open a Women's Recovery Center/Halfway House.

I object to this rezoning. The MFR zoning allows for potential special land use as a Women's Recovery Center/Halfway House and also opens up many possible potential future uses including use as a Domestic Violence Shelter, Fraternity/Sorority House, and Rooming House which all pose significant concerns for the nature of the neighborhood in terms of traffic, parking, safety, noise, and property values.

1. Traffic and Parking: Rock St. is fairly narrow and parking on the street in front of the proposed property is restricted by driveway access to Father Marquette School. Thus, once the halfway house driveway is full, workers and visitors would need to park further west on the street, where in fact, there is already crowding from teachers, parents, and the school bus... making it difficult for residents on Rock St. to park on the street when they need to and making it very narrow especially in the winter when there are snowbanks. The proposed rezoning would further crowd parking and increase traffic on a narrow road.

2. Safety and Noise: Many children (including my own) play in this neighborhood, walk to bus stops for public schools, or go to Father Marquette School. The Halfway House would bring in people with addiction and also their visitors. Recovery is often associated with relapse, mental illness, criminal behavior, depression, and anger. These issues would not be maintained within the walls of the building but would be displayed on the street, sidewalk, yard, and driveway. I envision people smoking cigarettes on the sidewalk/driveway next to my house, having domestic disputes, swearing, etc. This will be witnessed by my children and the children of the neighborhood and school. It will not be safe. This is the type of behavior we already witness outside the women's center, the warming center, and even at St. Peter Cathedral when it hosted Room at the Inn. I work for St. Peter Cathedral and I know many parishioners did not feel safe when the Room at the Inn was hosted there, and eventually the Cathedral withdrew from hosting it as the police had to be called for drugs and violence. The current Warming Center/Room at the Inn houses many of the woman that will be potential members of the halfway house. The Cathedral is a historic landmark of Marquette but it cannot maintain itself financially if it loses funding from parishioners who decide to no longer support it because they do not feel the environment is safe. I believe adding a recovery center/halfway house or any of the potential future uses of a multi-family residence rezoning in the neighborhood will make the neighborhood much less safe and will affect the safety of the parishioners of the cathedral as well as the residential neighbors.

Those who relapse at a halfway house would possibly become homeless if they have no family or family is no longer willing to help. The halfway house would bring women from all over the Upper Peninsula to Rock St. Marquette, treating them hoping for success, but if there is failure, they will likely be out on the street, in our residential neighborhood.

4. Zoning Requirements: The proposed halfway house property has no back yard. The building back door leads into the St. Peter Cathedral courtyard which would not be part of the halfway house as it is a place for quiet prayer. The side yard on the west is only a driveway adjacent to my own driveway. This does not seem to meet the zoning criteria of 30 feet backyard and 15 feet on each side yard.

5. Property values in the neighborhood will inevitably go down if this property becomes a treatment center, thus taxes will go down for the city. Please see the study done by the Journal of Sustainable Real Estate http://www.josre.org/wp-content/uploads/2014/12/9830-63_92.pdf of which I have attached the first page. Property values typically go down 8 to 17% in neighborhoods located near abuse treatment centers.

Overall, I think we need to look at the types of land use that a multi-family residential rezoning would allow and their compatibility with the current neighborhood which includes a church, a school, and residential houses with families. Essentially, the rezoning opens up this area to be used to house large numbers of people in one building, and potentially a halfway house for people with many issues not compatible with families, school children, and church parishioners. I do not believe the city would be looking after the best interests of its citizens by allowing this rezoning.

Sincerely,

Jodi Lanciani
322 Rock St

Enc. Page 1 of "NIMBY" Article

“Not in My Backyard”: The Effect of Substance Abuse Treatment Centers on Property Values

Authors Claire R. La Roche, Bennie D. Waller, and Scott A. Wentland

Abstract Residential treatment centers offer the most intense form of treatment for substance abuse and are often embedded in residential neighborhoods. As a result of the Patient Protection and Affordable Care Act, the number of treatment centers has been forecasted to burgeon. We examine the external effect of residential rehab centers on nearby real estate. As addiction treatment centers are planned, a common response of nearby property owners is “not in my backyard” (NIMBY). Using a large MLS dataset from central Virginia, we estimate the impact of substance abuse treatment centers on nearby home prices and liquidity (as measured by time on market). We find that a neighboring treatment center is associated with an 8% reduction in nearby home prices, and that this discount is magnified for treatment centers that specifically treat opiate addiction (as much as 17%).

The primary residence is perhaps the greatest single investment made by an individual and the mantra “location, location, location” is an ever-present concern of a prospective buyer. Before purchasing a home, a savvy buyer will frequently research the community and the school system, as well as the crime statistics. When homeowners are made aware of an application for a special use permit for the possibility of an addiction treatment center being located in their neighborhood, initial concern for personal and household safety, followed by the stark realization that home values in their neighborhood may be adversely affected, almost always lead homeowners to the universal response of “not in my backyard” (NIMBY). The typical opposition to a proposed substance abuse treatment facility is based on two visceral concerns: an increase in crime risk and a related decrease in property values. The primary purpose of this paper is to examine the latter claim empirically, determining whether there is significant evidence that treatment centers have a negative impact on nearby real estate.

Ex ante, it is not clear that substance abuse treatment centers will adversely impact neighboring real estate, which motivates our empirical examination of this externality. On one hand, there may be a priori reasons to suspect that treatment facilities will not have much of an impact on neighboring real estate. Locating addiction treatment centers in residential areas has become commonplace.



Northern Skies District

927 W. Fair St.
Marquette, MI 49855
906-228-4644
dbyar@michiganumc.org

The Michigan Annual Conference The United Methodist Church

Rev. Scott A. Harmon, District Superintendent
Diana Byar, Administrative Assistant

Monday, June 14, 2021

Marquette City Planning Commission

RE: Re-zoning of 300 Rock Street (Bishop's Residence)

Dear Planning Commission Members,

I write on behalf of United Methodists across the Upper Peninsula in offering my upmost support for the request of a zoning change to the residence at 300 Rock Street.

It is hard to overstate the positive impact the work of Catholic Social Services of the Upper Peninsula has had in the health of our communities. Addiction, mental health, and recovery issues have long been significant contributors to the fraying stability of individuals and families, and I applaud the vision CSS has cast in their effort to make transformative addiction care available in the Marquette area.

The use of the former Bishop's Residence of the Marquette Diocese is a powerful witness to the care and protection these women will receive on their journey. Inspiring Hope will offer stability and support to these women at a time in which they are most vulnerable, and as a leader in the faith community I encourage us to support these efforts in all the ways we can.

Faithfully,

Rev. Scott Harmon

RECEIVED

JUN 21 2021

Marquette City
Community Development Office

June 22, 2021



Marquette City
Community Development Office

Dear Zoning Committee:

I am in receipt, and very appreciative, of your notice to rezone the property located at 301 W. Baraga to multi-family residential.

My family resides at 244 Rock Street, (directly across the street from 301 W. Baraga) parishioners of St. Peter Cathedral, and we strongly object to this proposal for a number of reasons.

We have learned that the Catholic Diocese – Catholic Social Services has requested the rezoning to open a women's (with possibly children) addiction recovery house at 301 W. Baraga. The decision was made not long ago to withdraw the Cathedral from the Room at the Inn program due to troubling drug and alcohol behavior, which led to numerous complaints from concerned citizens and visits from the police.

Do you have children or grandchildren? If so, I cannot image you would subject them to lewd conduct, profanity, and exposure to drug abuse, or want them to live across the street from a drug recovery home.

Our driveway meets the Cathedral doors to where Room at the Inn guests congregated. Many were intoxicated, used foul language and were very intimidating as they watched our family come and go. We have three children, and it was very uncomfortable to go outside. It went as far as finding a woman, smoking a cigarette, obviously on drugs of some kind, IN OUR HOUSE! We have since installed a security system and keep all doors locked at all times, even when we are home.

While we understand the need for such programs and helping the homeless, we are compassionate people, but do not agree with this location which most importantly, is directly across the street from an elementary school, and would be the **FIFTH RECOVERY/HOMELESS USE PROPERTY within 3 blocks of 301 W. Baraga, with 616 Fisher Street just being approved for the same thing, this month, per the June 14, 2021 public hearing agenda:**

- 245 W. Baraga – 56 Feet – From legal address of 301 W. Baraga – Harbor House
- 146 Spring Street – 3 blocks Janzen House
- 616 Fisher Street – 3 blocks Fisher House
- 347 Rock Street and 447 W. Washington Street – Room at the Inn

Enough is enough. Father Marquette's administration is aware of Catholic Social Services intent, however the information, to my knowledge, had not been shared with families who attend Father Marquette, and I find it deceitful, to purposefully withhold information that directly affects its families of the school, who are neighbors in our community.

The request to accommodate the current Bishop, who wants to live at his lake house, is not a compelling reason to add additional adverse consequences into the neighbor's environment, which he no longer has to live in.

Hundreds if not thousands of tourists come to Marquette to visit the historic landmark of St. Peter Cathedral, who expect to arrive at a safe establishment, to enjoy quiet prayer in a safe environment, as do the Cathedral parishioners.

For zoning purposes, this property is connected to the Cathedral through the church's prayer courtyard, therefore has no backyard and the side lot sits feet from 4th Street and the driveway on Rock is adjacent to the neighbor's lot.

Our south side neighborhood has become a desired location in Marquette, with front yard views of Lake Superior and minutes to downtown shops, bike baths and community events. With four similar recovery houses already in the area, I would ask Catholic Social Services to find a more suitable location for their project – no more in our backyard.

As parents, grandparents, homeowners and community members, we take pride in the work we have done to increase our property values that help to further beautify Marquette. Adding **another** homeless/recovery center in this location, increases safety concerns, prohibits children from safe play, as well as noise, violence, policing and parking issues that come with it.

Again, my family strongly opposes the zoning change to multi-family residential, which is not in the best interest of the city, the Cathedral, or its residents.

Respectfully,

A very concerned community member,

A handwritten signature in black ink, appearing to read "Debra DeMattia".

Debra DeMattia
244 Rock Street
Marquette, MI 49855



Evangelical Lutheran Church in America
Northern Great Lakes Synod

1029 N. Third Street, Suite A • Marquette, MI 49855

Phone: 906-228-2300 • Fax: 906-228-2527 • Email: ngls@nglsynod.org

Website: www.nglsynod.org

Rev. Katherine A. Finegan
Bishop
kfinegan@nglsynod.org

Rev. Jim Duehring
Assistant to the Bishop
jduehring@nglsynod.org

Heather Oystl
Office Administrator
hoystl@nglsynod.org

Betsy Koski
Bookkeeper/Secretary
bakoski@nglsynod.org



Companion Relationships:
Eastern & Coastal Diocese
Evangelical Lutheran Church
in Tanzania

Delaware-Maryland Synod
Evangelical Lutheran Church
in America



Cynthia Halvorson
ELCA Regional Gift Planner
cynthia.halvorson@elca.org

June 22, 2021

The City Planning Commission
Municipal Service Center
1100 Wright St.
Marquette, MI 49855

RECEIVED
JUN 25 2021

Marquette City
Community Development Office

Dear Marquette City Planning Commission,

Thank you for your careful consideration of the future of the city of Marquette. This small city is beloved by so many and your attention to what will be most beneficial to current and coming citizens is appreciated.

As you consider the needs of the community, I ask that you give your full attention to the request to re-zone 300 Rock Street so that a substance abuse recovery center for women is possible.

As a transplant from St. Paul, Minnesota, I have often noted and lamented the limited social services in our community. As a pastor in the congregation, I had only a very short list where I could refer people for mental health issues and substance abuse. I am grateful to Catholic Social Services and Bishop John Doerfler for seeking to do what they can to provide a much-needed resource. I continue to apply what pressure I can to Lutheran Social Services to do the same. I believe we best attend to the needs of the most vulnerable by partnering together: people of all faiths, local citizens, city officials, and more so that the most vulnerable among us are given the support they need.

Thank you for all that you do to make Marquette a great place to live and work. A Women's Recovery House at 300 Rock Ave in Marquette would only add to the list of resources available in Marquette and the health of those who need the support it would offer. Please give this request your full consideration.

Sincerely,

Rev. Katherine Finegan

Rev. Katherine Finegan

Bishop of the Northern Great Lakes Synod of the Evangelical Lutheran Church in America.

June 29, 2021

Andrea M. Landers
Zoning Official
Community Development Department
1100 Wright Street
Marquette, MI 49855

RE: Rezoning of Property at 301 W. Baraga Avenue / Rock Street to MFR

Ms. Landers and members of the Zoning Committee,

As a resident on the 200 block of Rock Street for over 60 years, I am giving notice that I object to the rezoning of the property located at 301 W. Baraga Avenue (which also includes property on Rock Street) to Multiple Family Residential (MFR).

I am less than 300 feet from the property and have many concerns about the rezoning to MFR along with its intended use of the property as a Recovery Center / Halfway House.

- **Safety and Noise:** The property is located directly across from a school and playground area and is in an already congested neighborhood consisting of elderly and young families.
- **Traffic and Street Parking:** Rock Street is a narrow street with limited, single-sided parking. It becomes congested in that area with school, church and general flow of traffic.
- **Proximity:** We are already in close proximity to other properties being used for Support Centers/Recovery Centers.

Overall, I object to the rezoning of 301 W. Baraga Avenue / Rock Street.

Sincerely,

Lois Ritari

RECEIVED
JUN 29 2021

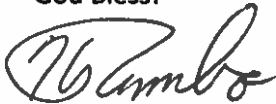
Marquette City
Community Development Office

Re-Zoning Request for 301 Rock Street

Marquette City Commissioners, The Catholic Diocese of Marquette in partnership with Catholic Social Services of the UP is requesting the re-zoning for the property located at 301 Rock Street. This property has been used for various purposes in the past including the Diocese staff offices. For the past 15 years a portion of the property has served and continues to serve as guest quarters for visiting priests. The intent of this re-zoning request is to transition the main residence on the property to serve as multi-family units. This large main residence which contains eight bedrooms and five bathrooms has been underutilized for the past several years. The attached letters of support help convey the need to re-zone this property in order to fill a serious gap in required community services.

We hope and pray that you will also see the need and consider re-zoning this property which will allow us to better serve Marquette.

God Bless!



Kyle Rambo

Director, Catholic Social Services of the UP

RECEIVED
JUN 30 2021

Marquette City
Community Development Office

RECEIVED

JUN 30 2021

Marquette City
Community Development Office

Catholic Social Services
of the Upper Peninsula



INSPIRING HOPE

Executive Summary

Many families in the Upper Peninsula are impacted by drug and alcohol addiction and mental illness. During the Pandemic the employees of Catholic Social Services of the UP remained on the front lines to serve those in need of addiction and mental health treatment. During this period we witnessed the steady increase in addiction behaviors and the severity of mental health symptoms. Our addiction and mental health professionals continued to provide face-to-face services when mental health symptoms or potential relapses from recovery of our clients required it. The demand for our child welfare services also increased in proportion to the increase in substance abuse and mental illness in struggling families. Unfortunately, as demand for these services increased the number of available behavioral health providers decreased. As a result, most days over the past year were simply overwhelming. The employees of CSSUP shared a genuine conviction to continue to serve as a shining light in the darkest days of the Pandemic. We feel truly blessed to have had the opportunity to help so many of our friends, family members and neighbors when they needed us most.

This period also exposed a significant shortage of recovery housing for women. By serving women with addiction and their families we believe we are empowering them and strengthening their communities. Catholic Social Services of the Upper Peninsula (CSSUP) is dedicated at fostering hope and improving lives for those most vulnerable in our community. Women with addictions or mental illness are more likely to have suffered trauma in their life even before becoming involved in drugs and/or alcohol abuse. After prolonged use of substances or untreated mental illness symptoms, they are far more likely to be victims of spousal abuse, domestic violence, rape, and assault than the general population. Women in recovery struggle in all areas – socially, financially, emotionally, psychologically, medically, and spiritually. If they are also trying to raise a family, their challenges are multiplied making them and their families the most vulnerable members of our community family. Our experienced mental health and substance abuse professionals along with the vast network of community partners in the UP, are uniquely qualified to inspire hope and improve lives for this vulnerable population.

This project will help us serve those in need by providing long-term safety and care for our most vulnerable UP families. CSSUP continues to serve as a catalyst to help clients identify possibilities and create new realities – a single point of contact which can corral resources from the larger community to achieve success. CSSUP works with struggling moms and families to set goals, learn new skills, discover strategies for success, and realize the inherent strength that has been hidden. Inspiring Hope will pinpoint specific resources that are appropriate for each family and their situation.



Affiliated with Catholic Charities U.S.A.



Escanaba

1100 Ludington St., Ste. 401, 49829
(906) 786-7212
Fax: (906) 786-0676

Marquette

347 Rock Street, 49855
(906) 227-9119
Fax: (906) 228-2469

Iron Mountain

427 S. Stephenson Ave., Ste 215, 49801
(906) 774-3323
Fax: (906) 774-2556



Since 2013, with the establishment of our first men's recovery house in Iron Mountain and later in 2017, in Escanaba with our second men's recovery house, CSSUP has successfully forged strong partnerships with community team members. We leveraged community team resources to help men better support their family and move toward self-sufficiency. Community team members include but are not limited to behavioral health professionals, medical health systems, The NorthCare Network, MiDHHS Child Welfare Services, faith communities, schools, sobriety courts, law enforcement, and employers.

With the growing demand for women's recovery services in the UP these partnerships will grow even stronger through Inspiring Hope. The program will reduce addiction behaviors and mental health symptoms for mothers and greatly improve the opportunity for them to raise their children in a safe, drug free home environment. One of the most significant barriers to reunifying parents with their children struggling with addiction or mental illness is the absence of a safe, drug free home environment. The reunification process depends on the parent remaining sober which requires an entire community support team. Ensuring the mother has a safe, supportive, loving environment to reduce their addiction behaviors and/or manage their mental illness is critical to reuniting parents with children. A dedicated house for women will provide a safe environment for supervised. It also allows the Mom to begin her journey in recovery by reducing addiction behaviors and/or managing her mental illness. Together we can improve lives and inspire hope for the most vulnerable in our UP communities.

God Bless!

Kyle Rambo

Director, Catholic Social Services of the UP



Affiliated with Catholic Charities U.S.A.



Escanaba

1100 Ludington St., Ste. 401, 49829
(906) 786-7212
Fax: (906) 786-0676

Marquette

347 Rock Street, 49855
(906) 227-9119
Fax: (906) 228-2469

Iron Mountain

427 S. Stephenson Ave., Ste 215, 49801
(906) 774-3323
Fax: (906) 774-2556



RECEIVED
JUN 30 2021

Marquette City
Community Development Office

To whom it may concern:

I write on behalf of Room at the Inn in support of Catholic Social Services' proposal to renovate the Catholic Diocese facility at 311 W Baraga Ave, in downtown Marquette to provide a Women's Recovery House for Recovery and Mental Health services

We strongly support this effort with the belief that establishing the Recovery House would address the desperate need for more recovery and mental health services. In an effort to fill gaps in service for our community members in need, Room at the Inn supports the end goal- to obtain the zoning permits necessary from The City of Marquette to renovate the unit at 311 Baraga St, Marquette MI into a Women's Recovery Residence.

Thank you for your time and consideration.

Best,

A handwritten signature in blue ink, appearing to read "Nick Emmendorfer", written over a horizontal line.

Nicholas Emmendorfer
Executive Director
Room at the Inn

NorthCare Network

1230 Wilson Street
Marquette, Michigan 49855

RECEIVED
JUN 30 2021

April 21, 2021

Michigan Health Endowment Fund
330 Marshall Street, Ste 201
Lansing, MI 48912

Marquette City
Community Development Office

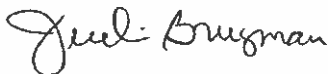
Board of Directors:

Catholic Social Services of the Upper Peninsula has been a valued member of the NorthCare Network SUD provider panel for many years. Under the leadership of Executive Director Kyle Rambo, the agency has been successful with acquiring properties to support the development of much needed recovery housing in Upper Peninsula counties. NorthCare has worked with Kyle and his team to support training and provide funding for the Alpha Omega and Alpha Omega II men's recovery houses in Iron Mountain and Escanaba.

The collaboration with Superior Housing Solutions will allow for strong alignment of recovery support services for the residents. The women's & family project will provide opportunities for mothers and their children to establish strong recovery supports while living in a safe, substance-free setting. There is not currently any recovery housing program in the Upper Peninsula that serves both mother and child. NorthCare will work closely with Catholic Social Services of the Upper Peninsula to assist them with re-certification as a Women's Specialty Provider and looks forward to program development to include on-site childcare, transportation assistance, and consistent recovery support programming.

The Michigan Health Endowment Fund grant will support the program development for this much needed programming. NorthCare will support sustainability for on-going services with its specialty funding allocation for Women and Children providers along with traditional treatment funding.

Sincerely,



Judi Brugman
SAPT Director



City of Marquette, MI

Customer Service: 888-333-8030 or (906) 225-7254

Admin. Fax: (906) 232-1070 Clinical Fax: (248) 408-1287 SUD Fax: (248) 406-1286

www.northcarenetwork.org

To Request Behavioral Health Services Call: 888-906-9060





OSF HEALTHCARE

April 16, 2021

Lynda Zeller
Michigan Health Endowment Fund
330 Marshall, Suite 201
Lansing, MI 48912

RECEIVED
JUN 30 2021

Marquette City
Community Development Office

RE: Inspiring Hope

I am writing on behalf of OSF HealthCare St. Francis Hospital & Medical Group in support of Catholic Social Services of the Upper Peninsula's (CSSUP) Inspiring Hope project. Our organization has partnered with CSSUP for many years in a collaborative care model. Together, we maintain seamless coordination of care for our patients to connect them with area resources to ensure medical and behavioral health services are synchronized and supportive for long-term patient care.

OSF St. Francis Hospital is the sole hospital and emergency department in Delta County. Each year, our emergency department provides care to approximately 17,000 patients. In 2020, 28 patients presented to our emergency department for behavioral health needs, with the majority of these patients experiencing a crisis. In 2020, nearly 20 percent of babies delivered in our OB department were born to mothers using substances. This number does not account for the hundreds more suffering from mental health issues and those in unhealthy relationships.

This data speaks to the need for focus on women's mental health and addiction behaviors. The Inspiring Hope project will provide support to women, pregnant women, children and other at-risk families using approaches that minimize stigma and reduce barriers to care and aim to strengthen existing collaboration within our community. Inspiring Hope will make a positive impact on access to mental health and addiction behavior treatment and recovery support services our patients and community members need. OSF St. Francis Hospital is fully supportive of CSSUP's Inspiring Hope project.

Sincerely,

Dave Lord
President
OSF HealthCare St. Francis Hospital & Medical Group



RECEIVED

JUN 30 2021

1310 S. Front Street
Marquette MI 49855
(906) 225.1346
www.wcmqt.org

June 22, 2021

Marquette City
Community Development Office

Dear Members of the City of Marquette Planning Commission,

The Women's Center, serving both Alger and Marquette Counties, serves survivors of both domestic and sexual violence. The events that survivors go through are traumatic. Much too often there are co-occurring disorders taking place with that person because of the trauma they have encountered.

Our advocates provide supportive services, active listening, safety planning, assistance with personal protective orders, transportation, housing assistance and much more to help them get back to a life that is sustainable for them. We run an emergency shelter and a 24/7 crisis and support phone line. We recently added therapeutic counseling for both domestic violence and sexual assault clients, which is so needed.

We recognize a desperate need for more long-term residential recovery facilities for women in Marquette County. Presently Great Lakes Recovery Center has a six-bed facility located in Marquette and that is the only long-term residential women's recovery house that we are aware exists in Marquette County for women. It really is an injustice to women because we have so many women who suffer and need help.

If I can be of further assistance, please feel free to reach out to me.

Respectfully,

Beth Casady, MPA

Executive Director





The Episcopal Diocese of Northern Michigan
131 East Ridge Street
Marquette, Michigan 49855

Office of the Bishop

June 28, 2021

City Planning Commission
Municipal Service Center
1100 Wright Street
Marquette, MI 49855

Dear Marquette City Planning Commission:

I am amazed at the ongoing support of various faith groups when it comes to the vulnerable in our community. I know the Episcopal Diocese of Northern Michigan has and will continue to support the various projects that come our way as we share the Good News of Jesus' love. We are fortunate to be able to support various feeding programs such as Feeding America West Michigan, which has begun distribution here in the Marquette area as well as supporting the homeless in recent years.

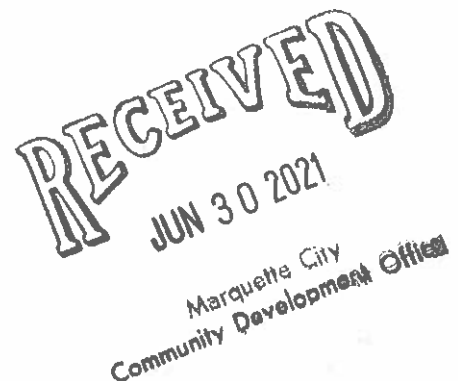
As you consider the needs of the community, I hope you will endorse the rezoning request by the Catholic Social Services of the Upper Peninsula and the Roman Catholic Diocese of Marquette for a Women's Recovery House at 300 Rock St. in Marquette. As a former chaplain and board member of Monarch Recovery Center for Women in Muskogee, Oklahoma, I cannot tell you how much this would benefit the community as a resource for women who are on the road to recovery.

I want to take this time to thank you for considering this zoning request that will benefit the citizens of Marquette County.

Faithfully,

A handwritten signature in blue ink, reading "Rayford Ray", with a long horizontal flourish extending to the right.

The Rt. Rev. Rayford J. Ray
Bishop, The Episcopal Diocese of Northern Michigan



Robert and Lora Frak
332 Rock Street
Marquette, Mi 9855

June 30, 2021

Community Development Department
1100 Wright Street
Marquette, Mi 49855

RECEIVED
JUL 01 2021

Marquette City
Community Development Office

RE: 04-REZ-07-21
301 W. Baraga Ave.

We are writing in opposition of the request by the Diocese of Marquette for a zoning change to the property that sits on Rock Street. Changing the zoning for Multi Family Residential opens the possibility for a Halfway House, Domestic Violence Shelter, Fraternity/Sorority House or rooming house. None of these uses, we feel, are appropriate for a neighborhood of families. Nor for a school which sits directly across the street.

There is currently a parking issue on the 300 block of Rock Street due to Father Marquette Academy. Adding residents and employees would further complicate this issue. My question being, is it required to have enough parking spaces per resident?

The address listed for this property is 301 W. Baraga which is the address for St Peter's Cathedral. This makes for a complicated situation, in our view. The building on Rock Street has no backyard. The side yard on the West is only a driveway. This does not seem to meet the zoning criteria of 30 feet backyard and 15 feet on each side yard.

We are concerned for the decline of our property values for our home which we have lived in, cared for and raised our family in for 34 years. When property values decline so do the assessed value which decreases tax revenue to the city.

If, against our concerns, this property is changed to Multi Family Residential will we have a say in what type of use it becomes? Will the building have to be updated to current code following all fire and disability requirements?

Please perform due diligence when making this decision and consider the concerns of the homeowners.

Thank you,

Robert and Lora Frak

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
July 6, 2021**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 6, 2021, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, S. Mittlefehldt, Vice-Chair M. Larson, E. Brooks, Chair J. Cardillo

Absent: A. Andres, M. Dunn (excused)

AGENDA

It was moved by M. Larson, seconded by S. Mittlefehldt, and carried 5-0 to approve the agenda.

MINUTES

The minutes of June 1st were approved by consensus, with a correction to be made by staff, as noted by W. Premeau.

CONFLICT OF INTEREST

No certain or potential conflicts were stated.

PUBLIC HEARINGS

A. 05-SUP-07-21 –1917 Enterprise St. (PIN: 0810061)

Zoning Official A. Landers stated that LS Properties, LLC are seeking approval of a Marihuana Grower – Class B Special Land Use Permit. She stated that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the Special Land Use Permit application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, photos of the site, and the site plans for the proposal. She stated that there were no items of correspondence.

J. Cardillo asked if the applicant wished to speak.

Mr. Matt Treado, of UPEA - the applicants consultant, stated he has worked closely with Andrea through this whole process to make sure that a site was selected that met all the requirements and was indicative of what the city had envisioned for marijuana grow opportunities in Marquette. He stated there were very little changes to the site, basically just meeting the requirements that they need through landscaping requirements and dumpster enclosure. He stated he wanted to address any concerns anyone had.

E. Brooks asked what sort of ventilation was being used. Mr. Ethan Poglese, the property owner, stated it was his understanding they were going to be using a carbon filter on the heating/cooling system that is going to prevent the odor from going out into the neighboring areas.

S. Mittlefehldt stated she was not familiar with the marijuana growing process, but that her understanding with indoor grow operations that there was quite a bit of electrical power required. She stated that she wanted to know if the applicant had to work with Board of Light and Power for any of that. M. Treado stated that they have been coordinating with Sean Seibert with BLP and they have a copy of the plans. He also stated he has a meeting scheduled with him for later this week to discuss the project, and that the BLP did reach out to them, too, in advance just to make sure that the full power requirements necessary around the operation were available.

M. Larson stated his question was around waste water; that it seemed like there was potentially some concern that while it was not indicated that there was going to be any increase, that there could be an increase at some point in time, and he asked if that was foreseeable?

M. Treado stated that it is not, and that Scott [Cambensy, DPW Superintendent] had alluded to testing waste water discharge just to make sure that they were not providing any sort of runoff that was going to be

problematic for the waste water treatment plan. He stated that they are coordinating with BPW to make sure that those requirements are met and that they are monitoring that discharge to make sure it is not something that is harmful.

Jerry Rieckmann, of 607 Menard Street stated that he wanted to know what makes this different from other pot stores in the area. He also stated that he has moral issues with this being approved.

J. Cardillo stated that he would be a grower, so he will only be growing and there would be no retail component of this.

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 5-0 to suspend the rules for discussion.

S. Mittlefehldt stated that everything they put together was consistent with what the board had put together for the marijuana zoning for growers, the zoning for [marijuana] industrial uses. She stated she did not see anything wrong with the application.

M. Larson stated he agreed. He stated it looked like it met all the requirements.

E. Brooks stated that he saw no issues and that it fits into the Land Development Code well and that it would bring more tax dollars to the city.

J. Cardillo asked if any other members wished to speak, and there was no further discussion.

It was moved by M. Larson, seconded by E. Brooks, and carried 5-0 that after review of the site plan set dated June 8, 2021, with supplemental documentation and the STAFF FILE REPORT/ANALYSIS for 05-SUP-07-21, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.628, and hereby approves 05-SUP-07-21 with the following condition - that an amended plan is submitted to meet staff comments.

B. 04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650)

Zoning Official A. Landers stated that that planning commission is being asked to make a recommendation to the city commission regarding a request to rezone the property located to 301 West Baraga Avenue, which is currently zoned medium density (MDR), to be zoned multiple family residential (MFR). She also stated that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the rezoning application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, photos of the site, and several items of correspondence, which were shown on the screen. She also stated that two items of correspondence were received after the agenda was posted. She read one letter from W. Pelto.

City Planner-Zoning Administrator D. Stensaas read a letter from M.K. Buckmaster in opposition to the request.

D. Stensaas also stated that he wanted to remind everyone that this is a hearing for a rezoning of the property, not a hearing for any special land use for any purpose, including a halfway house. No matter what the Planning Commission decides, the City Commission will hold a hearing, most likely on August 23rd, which would be the soonest they could consider rezoning the property. At that time, they will consider the Planning Commission's recommendation for the rezoning. He also stated that if the rezoning is approved by the City Commission, the Diocese would need to come back to the Planning Commission and ask for any special land use permits that they wanted.

J. Cardillo asked if the applicant wished to speak.

Mr. Kyle Rambo stated that he is *job title is CEO*, at Catholic Social Services, located at 347 Rock Street.

He stated that he is about 72 yards from the residence that the rezoning request is for, due west and across the street. He also stated that it is a huge piece of property and they are looking at rezoning just the residence, the Bishop residence, not the visitor quarters where the visiting priests typically stay, or the cathedral. He also stated that they are all connected physically as a structure, but that each location has a different purpose. He also stated that he was there on behalf of Bishop John Doerfler, the bishop of the Catholic diocese of Marquette, because the residence - which is an 8-bedroom 5-bathroom enormous facility in impeccable condition - is being completely and totally unutilized by the Diocese of Marquette. He stated that the bishop is aware of that and he is concerned about that and has asked that their board consider rezoning so that they can offer the opportunity to serve the city of Marquette. He also stated that they served over 1500 clients last year alone for substance abuse and mental health issues. He stated he lives, 72 yards away and never had a safety issue, so does not see any potential issues. He also stated that they are not only a nationally-accredited facility, but are state-licensed for both outpatient and child welfare and recovery homes as well. He stated that it is possible, but does not foresee any safety issues because their operations have always been a success.

S. Mittlefehldt asked if they would be rezoning the property that the church is on as well as the residence; that they'd be rezoning the whole chunk. She also asked where the facility that is already servicing people is. Mr. Rambo stated that visiting priests stay on the east end, the corner of Rock and 4th Street, and that the clinic is on the opposite side, on the west end, and that is where they have served well over 1500 people this year. He stated they typically serve more than that. S. Mittlefehldt asked him to explain what happens there. Mr. Rambo stated that it is an outpatient clinic and they have trained professionals, licensed master social workers that help folks who are struggling with addiction and mental health issues, and illness. He stated that they never closed down a single day this year and in fact they were overwhelmed this year and anticipate that will continue.

S. Mittlefehldt stated she had a question about Mr. Rambo's comment concerning underutilized apartments or spaces in that building already, and that they have been around for decades before there was an original zoning code. She asked him to give the board a sense of the deeper history of that space.

Mr. Rambo stated it served to help visiting priests, so accommodated visiting priests, but that also it was the bishop's residence; and then it was a Diocese office for about 8 years, so the entire staff served out of that facility. He also stated they built a new complex at Harbor Hills, so they were able to move into that complex, and since then it's served as maid quarters as well, so it served quite a few people at one time, but since has been vacant. He also stated that if you don't include the apartments, which are 3 separate apartments with their own chapel and workout gym, it is 8 bedrooms and 5 bathrooms.

J. Cardillo opened the public hearing and asked if anyone wanted to speak.

Mr. Maurice D'Herckens, of 342 Rock St. stated he lives right across from where Mr. Rambo talks about the outpatient services are now. He stated that they do not have much trouble there, but that they have had trouble in the past when he had the Room at the Inn service and they brought the people that were spending time at churches over the weekends for a place to sleep. He also stated that on a few occasions there was quite a crowd out there, and at one time he had to call the police to have a guy removed from his front porch that decided he wanted to stay at his house. He stated his question is who is going to be spending the night there in 8 rooms.

J. Cardillo stated that there is no specific proposal of what the use of that property is going to be, so they are considering all of the potential uses that could occur under a multi-family use. She stated that special land uses that would require a separate permit and city staff showed a chart of potential special uses, which would require them to come back before the planning commission with a specific proposal, at which time they would have to meet all the conditions for that use as well. She also stated that the planning commission could apply additional conditions.

Mr. D'Herckens asked if construction would need to be done to the building to protect the people staying there overnight.

Ms. Cardillo stated this was a generic format, so any specific special land use proposals would incorporate

that and at that time, and if they as a commission felt that there were additional things that needed to be put in place that they would. She also stated that in the past they have required certain conditions regarding backyards being enclosed or areas being designated for neighborhood safety, etc., so that would happen at that time. She stated right now we are just talking about this as a generic umbrella of uses that could potentially happen here.

Mr. D'Herckens thanked the board for their time. He also stated that he is not in favor of this and is actually representing his old neighbor who is medically not able to be at the meeting and that he is not in favor of it either.

Mr. Edward Stock, of 2732 Scenic Dr., head of maintenance at the Cathedral, stated that his concern with new zoning on it is that it affects the cathedral itself as well as the neighborhood. He stated that they do house priests now in apartments in the cathedral. He stated his concern was in the future would that open the whole neighborhood up into multifamily where anybody could move in or anybody could own an apartment building. He stated that also the land usage itself, if you were talking about the whole cathedral, there was very little yard space around the cathedral. He stated that there was a garden in the back, and asked if that would be utilized along with the facility when it is rezoned to multifamily, and how that affects the cathedral itself. He also stated there have been problems in the past with security with other facilities that they've had, and had to add extra cameras, extra locks, etc.

Mr. Robert Frak, of 332 Rock St., stated one of his concerns is in the outline it looks like the entire property that the church owns is going to be rezoned, which means he can see where they may not necessarily use the parking lot to build something on, to make another structure to do something in the basement of the church; it is not just the corner facility. He stated the amount of parking that there is available through the parking lot, if that is why they are using the [indiscernible], the yard space for people during the day. He stated the school right across the street, the parking there is normally 100% full all summer long. He stated they received no information from the church that describes what they are planning on doing and that this has happened in the past, where they just kind of tried to go through the City and get things done that way, and they do not address the public in the area. He stated it is a matter of the property values and what they moved into. He stated that the fathers of the city with the zoning the way it has been in the past had an idea in mind to keep certain areas separate from the private residences and he stated he sees that changing and the possibility of changing property values. He also stated that no matter what the use was going to be, if this was approved for multi-residence, that he can foresee the need for fencing. He stated that there was only a garden area and the back yard, if they are going to expand something [indiscernible] church and the basement is really gives them [indiscernible] control of all their property if it is allowed to be rezoned as a complete unit.

Ms. Deb DeMattia, of 244 Rock St., stated she lives right across the street from the cathedral. She stated her parking lot was right across from where Room in the Inn was and that she disagrees—that she had a woman smoking a cigarette in her kitchen. She stated she has 3 children and that she had to get security because of the all the issues that happened when they would come and stay for the weekend. She stated that they are compassionate people and that she understands that this is about rezoning, but she feels like across the street from a school that there are other recovery-type homes very close by. She also stated that the Harbor House is on the other side of her. She stated she has issues with them, they are great, and that she fully supports what they are doing. She also stated they worked together to resolve those issues. She stated they have not had to call the police, but that with Room in the Inn she they did. She stated that she feels like if you had children you would not want to subject them to what happens at these places. She stated that they know what it is going to be. She stated that they have already had to deal with some tough stuff in the neighborhood and she feels like this is the wrong place. She stated she feels like it is a great cause, but that she does not feel it is right for a residential neighborhood.

Ms. Lora Frak, of 332 Rock St., stated that she wanted to clarify, that she sent a letter already and those thoughts are in the letter, but that she wanted to clarify something that Mr. Rambo said when he spoke about the building that is already seeing people that are addicted. She stated that is an office building that is next to the school, so it is on the corner of 5th and Rock and it is an office building that has a back parking lot that sees people by appointment with counselors, whether they are social workers, psychologist, not sure, but that that is a clear difference. She also stated that it is an office building with a lot of other offices

in it and, again, that it is by appointment and not an overnight facility.

Mr. Jerold Rieckmann, the owner of the apartment buildings at 346 and 348 Rock St. - across from the Catholic Social Services building - stated his concern is that he feels there is a lot of congestion on that street and that it would not be proper to have that building multifamily due to the fact that you have the school across the street. He stated that he knows it is going for rezoning tonight, but he is concerned about what would happen in the future to get all these specialized things involved. He also stated that the other thing, if that were to happen, would a letter be sent to all the parents of the students(?) and that they should have an impact on that. He stated that he knows that during rush out at the school Rock St. is busy. He stated that the other thing he is going to make a comment about is that he does not want to see a multifamily because he does not think they need 3rd hot spot in the town like Rooms at the Inn or the orphanage building.

Mr. Robert Frak, of 332 Rock St., stated that this is the start of a process, and he knows that probably once you start here it is kind of a slope downhill as far as once it is approved that it will just keep on moving through. He also stated that he would like to see it possibly just end right here. He also stated that when they were having issues here before, he did have a gentleman trying to enter his home. He stated he stopped him, called the police. He stated he collapsed just 2 houses down from him and they did take him in and he was a part of when they were having Room at the Inn.

Ms. Linda Poole, of 346 Rock St.-Apt. 1, stated her concern was congestion, not enough room, and the school. She stated that you have to time things or else you're just going to be stuck on that street trying to go anywhere south. She stated that changing the zoning is just going to make it worse. She stated she did not know how you could fit any of those things in there without more parking and more people coming and going. She stated it would just be quite a mess. She stated that she thinks it is a slippery slope and that she would prefer that it does not happen, and the church with the parking, they are always in City Hall's parking so that the taxpayers cannot come in. she stated that it takes over the whole area for anything that goes on. She stated that she is opposed because there are too many people in one little area as it is and she does not see how anything, whether it is one or the other, can really get in there and have everything there, so it would be great to stop it here and not have to go on any further.

Mr. Jim Dowling, of 11 Grove Hill Ct., stated he is a parishioner at the cathedral and has been involved with helping Monsignor Stieber with security issues through the years. He stated he is a retired Michigan State police detective sergeant and he particularly wanted to comment on his experience with Room at the Inn, which was hosted for several years at the cathedral. He stated that in his opinion Room at the Inn was hijacked by a criminal element and does suffer from those problems, and he stated they identified those problems at the cathedral, documented the bad behavior that was being introduced into the cathedral, that it was not even debated by the Room at the Inn board of directors or the executive director at the time. He stated it resulted in the cathedral declining participation with Room at the Inn for the last 3 years of the rotating Room at the Inn to the various churches. He stated that they had some particular problems at the cathedral because they were not a typical church. He stated they have a large full-time staff, they have 2, 3, 4 masses a day, etc. He stated they have public performances, concerts, plays to the general public as well as to the faith community. He stated he wanted to make the observation that there is a connection between this issue that Mr. Rambo spoke of, his position as director of Catholic Social Services, there is a connection to Room at the Inn. He stated the director of Room at the Inn, his address is 347 Rock St., 2nd floor of the Catholic Social Services building, and they have a very support relationship. He stated that Catholic Social Services is very supportive of Room at the Inn and the executive director has had his office there. He stated that as far as looking at zoning issues, he wants to recognize the realities of the clientele that they are seeking to serve. He stated that was a great effort, but that he is not sure that this is the right place. He stated to picture the Warming Center on Washington Street being transferred to Rock Street. He stated that is essentially the potential here. He stated it is not just a maybe, it is just a reality. He stated he can go through the characteristics of the individuals that they are seeking to help, and that he just thinks the observation needs to be made that there is the supportive relationship between Catholic Social Services and Room at the Inn. He stated he also wanted to comment about the church, that the parishioners were unaware of this. He stated that Monsignor Stieber was unaware of this. He stated it was not part of the effort. He stated that it was not something that the church is pushing or participating in or involved with. He stated that this is coming from the Bishop and Mr. Rambo is an employee of the diocese.

Mr. Ryan Redmond, of 601 W. Baraga St., stated there is a correlation and supportive relationship between Room at the Inn and the Catholic Social Services, and that there is an issue with Room at the Inn. He stated it is not the solution to the problem, and he stated that supportive housing with professionals is. He stated Room at the Inn is not structured. He stated there is no programming. He stated this kind of opportunity would offer all of that. He stated there would be oversight, and person-centered case management, which is not offered at Room at the Inn. He stated that yes there is a supportive relationship, but out of Room at the Inn, these opportunities and chance to correct these problems is birthed and that is what we they are coming with—a solution.

Ms. Mary Buckmaster, of 108 Palms St. and the owner of 401 Rock St., stated she lived at the Rock St. address for 50 years. She stated that her children grew up there and now her son, his wife, and her grandchildren live there. She stated they have had problems with people from Room at the Inn. She stated that her grandchildren are very precious and naïve and they think these people are their friends and that it breaks her heart to think that people won't feel safe if this happens. She asked why the Bishop doesn't live there anymore. She stated this was meant to be the Bishop's home. She stated that she has been a life-long member of the cathedral. She stated her grandmother lived at 328 Rock Street. She stated she was up and down and all around, safe, and that she they all walked to church safe. She stated that she did bring a letter, but that she wanted to come up and tell the board that.

Ms. Judy Lanciani, of 322 Rock St., stated that it was her understanding that to rezone the multifamily residency required a back yard, and she wanted to try to understand if that is part of a special land use, or is that part of the zoning that there has to be a 20-ft backyard to the property.

D. Stensaas stated it is an existing nonconforming use, so what is there does not have to be changed because the zoning changes. He stated the existing footprint to those buildings is not going to be required to be changed.

Ms. Lanciani stated that the multifamily residency zoning when she read through it said there needed to be 15 ft. on each side yard, 15 ft. in the front, and 20 ft. in the back.

D. Stensaas stated that in the zoning district it is in, it probably does not meet the standards for that either.

Ms. Lanciani asked if that applied to this.

D. Stensaas stated that it only applied if they were building a new structure; that new structure would need to meet the requirements, but that if you have an existing structure it is existing nonconforming.

Ms. Lanciani stated that it does not have a backyard. She stated it is confusing because it is attached to the cathedral. She stated the back of the Bishop's residence has a door that leads into a little hallway that leads into the actual cathedral. She stated there is another door that leads out into the courtyard. She stated she works for the cathedral, that she is the secretary and bookkeeper there. She stated that the part that they want to use for the rezoning is right next to her house. She stated that her house and the Bishop's residence driveway and the couple of priest that live there, so her understanding is that just the Bishop's residence wants to be converted for the rezoning. She stated her understanding is that the whole thing needs to be rezoned, but that it is just that one spot that is going to be used. She stated that you are basically breaking up the big property to let it become whatever they want to use it for. She stated there are parking issues as people have talked about. She stated that there is not a yard for people. She stated that there is not a separate private place for those people to be. She stated that they are going to be in the cathedral area, they are going to be basically on the sidewalk of Rock St. because there is no front yard, no side yard, and no backyard. She stated there is no outside place for families or women being treated or whatever they end up using it for. She stated they are going to be using public spaces or cathedral spaces and that concerns her, that parking concerns her. She stated that there are cars up and down, parents, buses, and things like that. She stated she does not know where staff for the residences would park or where the residents themselves or visitors. She stated they cannot use the cathedral parking and the Rock St. parking you can only park on one side of the street. She stated it is narrow, especially in the winter. She stated that she has seen cars crash into poles and plows and things like that. She stated that there have

been no major car accidents, but scrapes because of trying to avoid parked cars already, so it is already congested, and she just would not feel safe. She stated that she thinks there would be issues with the people that are residing there not having a place to go if they can no longer reside there. She stated it is a sober living place and if they are no longer sober, where do they go?

Ms. Linda Bolton, of 348 Rock St., stated her concern is her visitors that visit her around the corner do not have anywhere to park now. She stated there are always people parked on that street, Rock St., in front of the Catholic Services and they have to park halfway down the block and they do not even want to come and visit her because they have nowhere to park. She stated she is also concerned about the school. She stated she went to that school when she was a child and she is concerned with all the school kids being right there in the middle of it all. She stated there are pathways, one walk down, and that she can hear drunks lying on the sidewalk, yelling cuss words that you don't want your kids to hear. She stated that is just one walk down the hill and then is going to have it right across the street from her house; she will have it down the hill on Rock, she will have it across the street, and she is going to have it to the left. She stated she feels like every way she turns there is going to be situations to think about before you let any of your nieces, nephews or kids go outside.

Mr. Maurice D'Herckens, of 342 Rock St. stated why does this have to be here. He stated we are talking about eight units, and at Room at the Inn - which he does not even go downtown anymore because he has been hassled a lot down there - he does not understand how eight units is really going to make a big effect. He stated that what is amazing is you go five blocks from here and you have three square blocks of hospital property and medical buildings that are not being utilized. He stated that he wonders why that is not being brought up about utilizing that area; why is it so important that it is this area and only eight units.

J. Cardillo asked if anyone else would like to speak, and she closed the public hearing.

It was moved by S. Mittlefehldt, seconded by E. Brooks, and carried 5-0 to suspend the rules for discussion.

S. Mittlefehldt stated that there was a lot to think about and thanked everyone who spoke because she really does think it is the best way to make decisions, to be able to hear everyone's perspective and to really try to figure out what to do in a complex situation. She stated that she was curious to hear from staff as it sounded like this building originally essentially served a multifamily purpose and had apartments in it. She stated the planning commission in 2013/2014, who wrote the [current] master plan, who had the proposed zoning maps, was a different set of planning commissioners, so maybe they could go back in time with the zoning and could think about why was this zoned single-family residential, medium density. She stated how did it get zoned to that. She stated essentially it is a multifamily building, it had units in it, so how did it become what it is.

D. Stensaas stated that he thought when the city adopted the first zoning ordinance in 1929, that was a single-family neighborhood. He stated that neighborhood was platted for single-family lots, not sure when, but probably before 1900. He stated he is not sure the date the cathedral was built, but that the standards that were in place then for construction were nothing like today's standards. He stated that there were probably no hearings, no permits, no inspections. He stated the cathedral was built twice as he understands it. He stated this addition that Mr. Rambo mentioned, there was work done 16-ish years ago to expand apartments in that building, and he was not aware that there were 11 apartments in that building. He stated that he too lives on Rock St., not in that part of Rock St., but that he has been by there hundreds of times, and though he is aware that there are apartments there, but had no idea that there were 11 apartments total. He stated he was not here when that reconstruction would have occurred and that Andrea was not here then, so they do not know about that. He stated the planning commission understood that the church used that for auxiliary use and it is an acceptable accessory use to a church to have housing for visiting priests, that's an age-old tradition of churches, so no one had any reason to suspect that this was a multifamily structure previously, but that by any standards, that is a multifamily structure now. He stated this just came to their attention through this request, that this is a multifamily building. He stated if it is going to continue to be used as a multifamily building, it really has to be conforming. He stated it can continue to be used as a nonconforming, the way it has been used, but it is still legally nonconforming as it is and even more legally nonconforming now that they know there is a multifamily building there; as that many units

goes beyond what is typical for a church.

Mr. Dowling stated eight of those are bedrooms in the bishop's residence; there are only three apartments.

A. Landers stated that public testimony was closed, so this is not a group discussion at this point, but that she appreciates his comments earlier.

D. Stensaas stated he is not embellishing, he is repeating what he heard. Mr. Rambo stated yes, three apartments, eight bedrooms, so not 11 apartments.

D. Stensaas stated either way, 11 bedrooms; by anybody's standards, that is a multifamily situation.

J. Cardillo stated she did not know if that was what Commissioner Mittlefehldt was getting at, but that it is sort of provoking the question for her, and that she knows it was kind of addressed in the source material, but is this information coming to light an example of sort of not having a stake in this future land use map or the maps for planning, but now that they have this new information as they sort of look at the spot zoning or where they look at the criteria for doing these rezonings, it sort of asks, she thinks, at some point is this a result of basically a misinterpretation, an error. She stated she is just curious if, as they go through, at a certain point as they look at that does it factor into this.

D. Stensaas stated he kind of leans toward that himself, but it is an open question. He stated it would take the Planning Commission back to 2013/2014 when they were looking at every parcel in the city and trying to decide what the appropriate land uses for those parcels are and then correlate that to the proposed zoning districts that would be implemented, and hundreds of zoning districts were changed in 2019 as a result of that process that occurred in 2013/2014. He stated this parcel may have been changed to multifamily then if the planning commission had known this was an 11 bedroom facility attached to that because really there is almost no standards in the single-family district that changing it to the multifamily district would make vastly different.

Ms. Cardillo was wondering to help in the decision-making process and move forward maybe they should go through and consider the questions. She stated one of the things they have to consider was this a spot zone, which for those folks in the room that may not be familiar with the nuances of zoning and planning, a spot zone is usually when the Planning Commission may sort of get arbitrary capricious decision about one tiny little parcel of land that is totally different from anything around it, and it can be challenged in courts. She stated that one thing they have to do tonight is determine whether or not this is considered spot zoning and so there are questions they have to ask themselves like if the proposed area that is being rezoned is in an appropriate location for not just the halfway house, but everything that is in the category. She stated that they have to as a planning commission say, is this appropriate for those things that are allowed in the multifamily residential zoning or is this so specific to this one spot that that would be spot zoning that could be challenged in courts, so maybe they should move through some of those questions.

S. Mittlefehldt stated do they want to start now with the spot zoning questions.

J. Cardillo stated yes she things that would help and give them a way to move forward, and to reiterate there are four components to it and they have to decide that all four of those are met for it to be spot zoning. She stated if it is spot zoning then they do not want to do it. She stated that the first one is, is it small in size. She stated that she would say it is not small in size; it is a very substantial lot and asked for a consensus on that. There was no disagreement. She stated that it is already pretty much not spot zoning.

J. Cardillo stated that it has multifamily residential right to the east and to the northwest. She stated that in addition to it already having multifamily typology, it is really not a spot zone. She stated right now they have already knocked out two, so they did not need to continue on with the spot zoning because it would not be.

W. Premeau stated he was confused and asked if a church could be built in a residential neighborhood. D. Stensaas stated yes it could be, as a special land use.

W. Premeau stated was this all part of the church; if it was a part of the church activities and part of the

church.

J. Cardillo stated that was kind of what she was trying to get at earlier and that it is a very good question because it is very confusing because it is one lot that will have multiple uses. She stated it will have a church component, it will have this multifamily component.

W. Premeau stated that he thought this use was part of the church.

S. Mittlefehldt stated the weird thing is that the church is non-conforming because it does not have a special land use, so she does not think that is something they need to be concerned about.

J. Cardillo stated that it was a good point and sort of a ball of yard that they are unraveling backward.

S. Mittlefehldt stated that it seems like in 2014 when they did the master plan they should have looked more carefully at this one specific area, but of course when you are doing zoning for an entire city it is easy to gloss over details like that.

E. Brooks stated that he agrees about parking in that area. He stated he lives in South Marquette, not in this particular neighborhood, but drives through that area on a regular basis. He stated that there are parking issues especially when school is in session; that lot is filled. He stated there is a ton of congestion in there. He stated he just does not see how creating this multifamily, how it is going to actually benefit the neighborhood. He stated that he cannot see doing that entire parcel as multifamily because who's to say that maybe some day they could not section out part of that parking lot and that is going to be multifamily, too. He stated that rezoning this entire parcel that they are talking about as multifamily he is 100% against.

J. Cardillo stated that she wanted to point out that whatever future uses, they would have to meet the parking requirements, so they cannot just say they're there and don't need to meet the parking requirements. E. Brooks stated that he understands that, but its just not doing it for me.

M. Larson stated that looking at it from a strictly rezoning portion, right now with the medium-density residential, it could be used as an adult foster care family home, child and day care family home, for food production; special land uses also have adult foster care, child care center, hospital, hospital hospitality house, school, university - and the church could come forth right now and say they would like to have any of those put on there as well – and so as far as congestion and parking, he does not know that necessarily means that much differently from what they already can do. He stated it seems historically it has been used as multifamily for that particular facility. He stated from a strictly rezoning portion of medium density or multifamily, with multifamily directly across the street and to the northwest, it is not out of character. He stated he thinks when the city was doing its complete city rezoning, had this information been there, it would have been rolled in and it would have happened without this portion right here. He stated he thinks it likely was an error back in 2014, just because they did not have all the information at that time.

S. Mittlefehldt stated that she agreed, but that she really empathized with what has been stated today. She stated she shared the concerns about kids' safety and all of the issues that were raised, but that she also thinks that there are voices that were not there that day and that there are a lot of people that need help in the community and that they are people. She stated that when they make decisions, they have to consider those people, too. She stated that it is a complicated decision and that maybe it should go somewhere else, but where?

E. Brooks stated that he does not think this is the proper place for that type of facility. He stated that obviously there is no parking there, and to actually get parking there, they would have to dig up the front of the area. He stated that safety is his biggest concern, you have those children on recess that are right across the street from there. He stated that safety, security, congestion; there are places for a facility like this; you have all that new property where the Beacon House is and the new hospital is; you have the Peninsula Medical Center that is half vacant right now. He stated he did not think it was the proper place to put this and he believes if they go ahead and rezone this it is just going to open up a whole new can of worms. He stated he empathizes with these people, and if he lived on that street, that would be the last thing he would want on that street.

W. Premeau stated that he agrees with Mr. Brooks 100 percent.

M. Larson stated there was not necessarily a proposal before them to weigh a security protocol that they may have in place at some point in time, what their programming is, are there folks on staff, how many people will be housed there; anything they are looking at is conjecture at this point in time from his point of view. He stated they are making a recommendation. He stated the community will still have an opportunity to talk to the City Commission about that rezoning. He stated it does not allow for a halfway house immediately off the bat. He stated they will have to come back at that point in time when there is an actual proposal in front of them to have another hearing whether or not that is an appropriate use of that facility. He stated he thought there were a number of opportunities that are still in place. He stated there is an opportunity for the church, with the Diocese themselves, to have a discussion on whether or not that is an appropriate place with the community that they are in right now.

E. Brooks stated it sounds like they already have, though.

J. Cardillo stated that she has a question for Mr. Rambo, and she asked him to come to the podium. She stated she wanted to understand: This large piece of property that they are rezoning is all under the auspices of the Diocese, so any decisions that are made for a component of that has to be agreed upon; they are not independent pieces functioning separately. She stated her other question is how does the school across the street fit into that decision-making process. She stated if you are functioning as one entity and you have all these different components, it is in your own interest that you do not sort of cannibalize yourself and create a situation where you lose all of your students because you created this other...it would give people a little bit confidence to understand that there is some coordination and unity in how these decisions are getting made.

Mr. Rambo stated there absolutely is. He stated what has not been put out is a public notice to the parishioners and to the community. He stated again a lot of that rested their shoulders before they make that announcement. He read a note from Bishop John: "Safety is one of our top priorities and we very seriously considered this matter as a part of our deliberations. The proposed mission for the house is to serve mothers with children. Children would not reside at the house because the mothers are struggling with addiction and the custody of those children depends on how they do with their struggle with addiction. However, the children would be able to visit their mothers at the house daily. Thus, the house must be safe and secure for the children to visit their moms. This is not just our requirement, but it is also the State of Michigan's requirement and we licensed child welfare workers who understand their requirements; it is critical. It is also critical to the reunification process for these parents with their children. Thus, it means that the house would also be safe and secure for the school across the street and the neighborhood. This is an important outreach to help bring families together. The intent is to emphasize the churches preferential option for the poor and those on the periphery. I see this outreach as communicating symbolically that people on the periphery belong in the heart of the church and the city. Pope Francis has repeatedly stated that our duty is to reach out to the people from the periphery and see this effort as a just one."

Various members of the board thanked Mr. Rambo.

J. Cardillo stated that was a specific question for the applicant, so the public testimony is closed. She stated that her real question was that it sounds like the school and the parish are...(she was interrupted by many people in the room responding with "no" and other comments). She also stated that this part of the meeting is not open to public comment and asked a member to please sit down after getting up to make a comment. D. Stensaas stated that this part of the meeting is for discussion by the Planning Commission.

E. Brooks stated as far as he could tell the parishioners have not been privy to that information. J. Cardillo stated not the parishioners, she was talking about the school. There were many comments at once from people in the room. S. Mittlefehldt stated it sounds like the parishioners have not been notified because they are waiting to get permission to be able to move forward with it. She stated there are several steps involved.

E. Brooks stated he would like to hear the comment [that a person in the room was attempting to make].

Mr. Jim Dowling stated that just for context, the comment was made about coordination between the church and the school, there is one driving force here and that is Bishop Doerfler, and because he is the boss of the Diocese. He stated the school principal and Mr. Rambo are all employees of Bishop Doerfler, so of course he is going to read Bishop Doerfler's statement, he is going to read what he wrote from Pope Francis, and Pope Francis is Bishop Doerfler's boss. He stated yes this outreach to the marginalized is wonderful, it needs to be done...the question is, is this effort proper as far as the Marquette City Planning and Zoning Division goes. So, as far as coordination, you will get Mr. Rambo and other employees who cannot speak freely; they are employees of Mr. Doerfler, who happens to be the bishop, so that has to be born in mind. He stated there is one person here driving this.

J. Cardillo stated that she understands and they have gone off on a tangent, but she wanted to understand a little bit of the structure of the property, but she wants to get back to the more generalized conversation about rezoning. She stated is there any further discussion on this, or questions. She stated does somebody want to make a motion.

It was moved by W. Premeau, seconded by E. Brooks, and not carried 2-3 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is not consistent with the Community Master Plan and does not meet the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission deny 04-REZ-07-21

Yes: W. Premeau, E. Brooks

No: S. Mittlefehldt, M. Larson, J. Cardillo

J. Cardillo stated that the motion fails, and we can continue discussion, or someone else can make a motion. S. Mittlefehldt stated that she will make a motion.

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 3-2 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 04-REZ-07-21

Yes: S. Mittlefehldt, M. Larson, J. Cardillo

No: W. Premeau, E. Brooks

J. Cardillo stated that the rezoning will go to the City Commission. D. Stensaas stated that the rezoning will go to the City Commission which will happen on August 23rd; that they need to schedule the hearing first. He stated they ultimately make the final decision on rezoning. He stated if they rezone the property, the special land use request would come back to the Planning Commission and that will be noticed in the same way that this hearing was noticed.

CORRESPONDENCE

D. Stensaas stated the County Master Plan has been drafted and could be found on their website. He stated there was a very interesting process that they used, and they were on the verge of holding all kinds of public meetings. He stated they did some, but that they were ramping up to do some bigger public engagement meetings and had some things scheduled, like up at Barrel and Beam they were going to have a night to have people ask questions about the county and what the planning department was doing and give people an opportunity to talk about what they wanted to see happen in the county in the next 20-ish years. He stated that fell apart when COVID hit, but they did a lot of surveying, and they got a lot of survey data back. He stated that they divided the county into 4 geographic regions and they have all the data broken down into regions, which he thought was a pretty good approach. He stated that he will put that back on the agenda for the next meeting because they have a 63-day process, just like we do when we update a plan, and August 4th is the deadline for comments. He stated he went through himself and just found a lot of interesting stuff, but the only thing he felt like he might provide comments on is on their

zoning-related and planning-related stuff, that he felt they got a couple of things a bit wrong. He stated their staff does not do zoning, and he felt there were some things that they did not quite get the way they were presented, so thought he might provide his comments on that. He stated it is a very interesting plan and invited others to provide comments, and as a Planning Commission to issue a memo to the County Planning Commission. He stated everyone can email him their comments before the next meeting if they are not going to be there.

S. Mittlefehldt stated would it make more sense to send comments as a Planning Commission or just as individuals, would it carry a different kind of weight. D. Stensaas stated that he thought a letter from their Planning Commission carries weight since it is a planning document and would be good to see it coming from the Planning Commission. He stated they have done that before where they aggregate comments into a memo from the PC.

COMMISSION AND STAFF COMMENTS

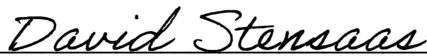
S. Mittlefehldt stated that this volunteer job doesn't much easier.

D. Stensaas stated that please remember that comments are supposed to be addressed to the Chair, and things can get out of hand quickly with a room full of people, and he said it's not his job to run the meeting and there are times when he feels that he needs to say something and that is not by the rules, but the rules don't always work well. S. Mittlefehldt stated that when people are standing up and being aggressive it doesn't serve us to feed that.

ADJOURNMENT

The meeting was adjourned by Chair J. Cardillo at 7:30 p.m.

Prepared by:



David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
nb/ Imedat

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Upper Peninsula Community Rowing Club - Facility Lease

BACKGROUND:

The Upper Peninsula Community Rowing Club has requested the City Commission renew their lease for space in the Founders Landing Observation Deck. Staff has worked with the City Attorney and representatives of the Upper Peninsula Community Rowing Club to develop the agreement. The agreement has a term of three years from June 1, 2021 to May 31, 2024. Rent shall consist of \$6.00 per square foot for a total rental amount of \$2,280.00 per year. The Upper Peninsula Community Rowing Club has requested any lease-hold improvement costs be credited against the rent due.

The first read for this lease was at the July 26, 2021 Commission meeting.

FISCAL EFFECT:

The City will realize \$2,280.00 revenue with this action, minus any fee relief.

RECOMMENDATION:

Approve the Lease Agreement with Upper Peninsula Community Rowing Club, and authorize the Mayor and Clerk to sign.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Lease, Exhibit A and Insurance

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____ 2021, by and between **THE CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, hereinafter “LESSOR”, and **UPPER PENINSULA COMMUNITY ROWING CLUB, INC.**, a Michigan corporation, of 3114 Lakeshore Boulevard, Marquette, Michigan 49855, hereinafter “LESSEE”.

Recitals

- A. Lessor is the owner of the real property located at 655 S. Lakeshore Blvd in the City of Marquette.
- B. Lessee desires to lease and Lessor is willing to lease to Lessee space as shown in Exhibit “A” located on Lessor’s real property in accordance with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1 Leased Premises

- 1.1 Lessor leases to Lessee space known as the retail space of the observation deck located at 655 S. Lakeshore Blvd, Marquette, Michigan 49855, as shown in Exhibit “A”, hereinafter “PREMISES”.
- 1.2 Lessee shall be solely responsible for the development and construction of any and all renovations/remodeling required to meet the specific needs of Lessee for Lessee’s intended uses. Lessee shall obtain Lessor’s written approval of all such plans and specifications prior to beginning any construction activity.

2. Term of Lease

This lease shall run from June 1, 2021 through May 31, 2024.

3. Rent

The rent shall consist of Six and 00/100 Dollars (\$6.00) per square foot, for a total rental amount of \$2280 per year for the term of the lease. Payment shall be made on a monthly basis, in advance, in the amount of \$190.00. The value of actual material and labor for Lease-hold improvement made by Lessee will be applied as a credit (offset) against the rent due. All materials and labor invoices shall be provided to Lessor with appropriate documentation prior to any credit being made toward rent.

The rental amount contained herein may be increased by the Lessor on an annual basis in an amount not to exceed three percent (3%) of the then current rental amount. The Lessor shall provide written notice to Lessee of the increase in rental amount no later than September 1, and the increased rent shall become effective October 1, each year this lease is in effect.

4. Use of Premises

Lessee shall use the Premises for a club house in support of the rowing and human-powered water sport community and for related purposes only.

Lessee shall not use the Premises for any purpose that would:

- a) be deemed hazardous to the public or adjoining premises including, but not necessarily limited to, fire, and environmental type hazards;
- b) constitute a violation of any public law or requirement;
- c) cause damage or injury to the Premises, or any part of it (ordinary wear and tear excepted);
- d) constitute a public or private nuisance;
- e) interfere with other uses of the Premises; or
- f) permit refuse to accumulate in or around leasehold.

5. Use of Common Areas by Lessee

Lessee and its invitees shall have the right in common with Lessor, its invitees, and others to use the public restrooms, public parking, sidewalks, and surrounding area, subject, however, to all rules and regulations regarding the use of those areas.

6. Maintenance and Repair

- 6.1 Lessee shall be responsible for all cleaning of the Premises and all repairs to the Premises of any nature.
- 6.2 Lessee shall be solely responsible for the maintenance and repair of all of Lessee's fixtures, furniture and equipment and keep them in a safe condition and good repair.
- 6.3 Any signage used by Lessee shall be maintained in good condition and repair.

7. Insurance and Indemnity

- 7.1 Lessee shall not permit any activity on the Premises which would invalidate or be in conflict with Lessor's insurance policies covering the Premises.
- 7.2 Lessee shall not permit any activity on the Premises which would cause Lessor's rate for the insurance described herein to be increased.
- 7.3 Lessee at its sole expense shall be responsible for insuring its own tangible personal property, equipment, and fixtures from loss from fire and other casualty and shall at all times provide Lessor with a certificate evidencing such coverage.
- 7.4 Lessee at its sole expense shall maintain liability insurance protecting and insuring Lessee and Lessor from all claims for injury or damage to persons or property arising out of the use of the Premises by Lessee, its employees, agents, invitees, and licensees. The amount

of the insurance shall be not less than One Million and 00/100 Dollars (\$1,000,000.00) per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for property damage. Lessee shall at all times provide Lessor with a current copy of said policies with proof of payment of premium thereon. The insurance policies shall bear endorsements to the effect that the insurer agrees to notify Lessor not less than thirty (30) days in advance of any modification or cancellation thereof. Lessor shall be named as an additional insured on all insurance policies required by this lease.

- 7.5 Lessee will indemnify and hold Lessor harmless from and against all loss, cost, expense and liability whatsoever (including Lessor's cost of defending against the foregoing, such cost to include attorneys' fees) resulting or occurring by reason of Lessee's use and occupancy of the Premises.

8. Assignment/Subletting

- 8.1 Lessee shall not assign or sublet the Premises or any part thereof without the express prior written consent of the Lessor.

- 8.2 Lessor may freely assign its rights and obligations under this Lease Agreement to any third party pursuant to a Purchase and Sale Agreement, Land Contract or similar instrument.

9. Use of Premises by Lessor

Lessor reserves for itself and its contractors and agents the right to enter the Premises at reasonable times for the purpose of inspecting, maintaining, installation, operation and repair services of the Premises or adjacent real property.

10. Covenant of Quiet Enjoyment

Lessor warrants and represents that it has full authority to execute this lease for the above term. Lessor covenants that upon Lessee paying the rents and performing its covenants and duties prescribed herein, Lessee may, except as otherwise described herein, have the non-exclusive and reasonable right to have, hold and enjoy the Premises.

11. Lessor's Right to Perform Lessee's Obligation

If Lessee defaults in the observance or performance of any term or covenant of this lease, Lessor may, without thereby waiving the default, remedy the default at Lessee's expense. If, in connection therewith, Lessor makes any expenditure or incurs any obligation for the payment of money or in instituting, prosecuting, or defending any action or proceeding commenced before or during the term of this lease, or after the expiration or termination of this lease including, but not necessarily limited to, legal expenses and attorneys' fees, Lessee shall pay to Lessor on demand the sums paid or obligations incurred together with legal fees and costs.

12. Default by Lessee

- 12.1 If the Lessee fails to perform any obligation under this agreement within 30 days after receiving written notice of the default from the Lessor; the Lessor may terminate this lease.

- 12.2 In addition to the Lessor's other rights and remedies as stated in this lease, and without waiving any of those rights, if the Lessor deems necessary any repairs that the Lessee is

required to make or if the Lessee defaults in the performance of any of its obligations under this lease, the Lessor may make repairs or cure defaults and shall not be responsible to the Lessee for any loss or damage that is caused by that action. The Lessee shall immediately pay to the Lessor, on demand, the Lessor's costs for curing any defaults, as additional rent under this lease.

- 12.3 The rights and remedies of Lessor shall be cumulative as more particularly provided by law or in equity pursuant to the laws of the State of Michigan.

13. Surrender of Leasehold Upon Termination of Lease

- 13.1 All renovations and improvements shall be at Lessee's expense and shall be considered fixtures and owned by Lessor upon termination of lease. Upon the expiration or termination of the lease, Lessee shall surrender the Premises in good order and condition, ordinary wear and tear excepted, and shall remove all of its property, fixtures, and equipment from the Premises. In removing its equipment, Lessee shall be solely liable for repairing any and all damages to the Premises. In the event that the Lessee fails to remove its equipment, and Lessor is required to do so, all costs and expenses incurred by Lessor in removing same and restoring the leasehold to useable condition shall be the financial responsibility of the Lessee.

- 13.2 If upon termination of the lease, Lessee has failed to remove its furniture, equipment, and fixtures, Lessor reserves the right to deem them abandoned and shall have the legal right to dispose of same, and costs incurred in disposing of same shall be the financial responsibility of Lessee.

14. Miscellaneous

- 14.1 This agreement shall be binding on the parties and inure to the benefit of the Lessor and Lessee and their respective successors and assigns.
- 14.2 This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 14.3 This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated herein.
- 14.4 Any modification of this agreement or additional obligations assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.
- 14.5 Waiver by Lessor of any breach of any covenant of duty of Lessee under this lease is not a waiver of a breach of any other covenant of duty of Lessee or any subsequent breach of the same covenant or duty.
- 14.6 The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full

force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

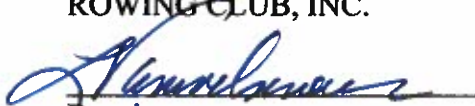
- 14.7 All notices to be given under this lease shall be in writing and mailed, postage prepaid, or by certified or registered mail, return receipt requested, or delivered personally or by courier delivery, or sent by telecopy (immediately followed by one of the preceding methods) to Lessor's address and Lessee's address as above stated or any other place that Lessor or Lessee may designate in a written notice given to the other parties. Notices shall be deemed served on the earlier of receipt or three (3) working days after the date of mailing.

The parties have set their hands on the day and year first above written

CITY OF MARQUETTE

UPPER PENINSULA COMMUNITY
ROWING CLUB, INC.

Jennifer A. Smith, Mayor


By: Lynn Vanwelsenaers
Its: President

Kyle Whitney, City Clerk

By:
Its: Secretary

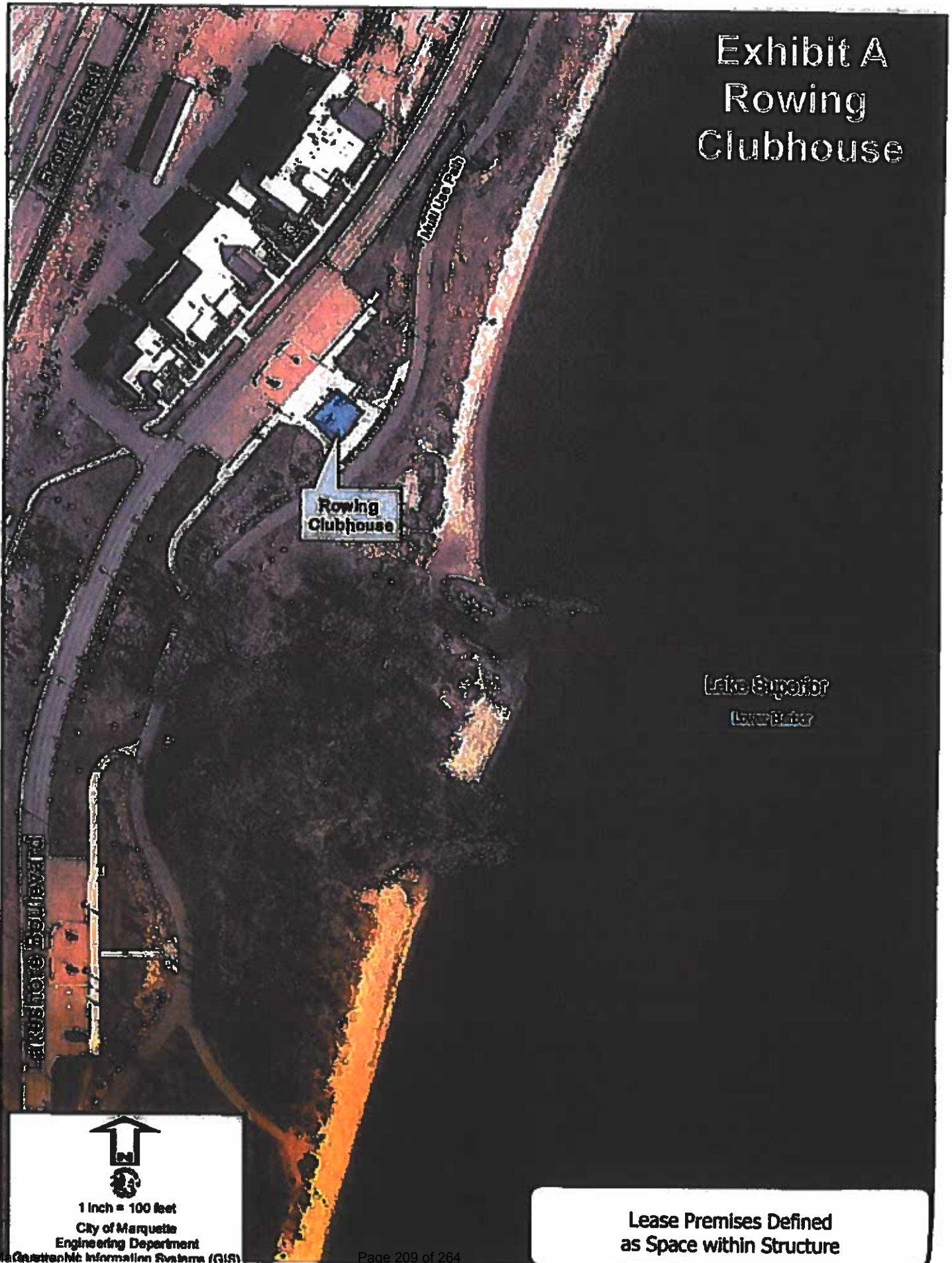
Approved as to Substance:

Approved as to Form:

, City Manager

Suzanne C. Larsen, City Attorney

Exhibit A Rowing Clubhouse



1 inch = 100 feet
City of Marquette
Engineering Department

Lease Premises Defined
as Space within Structure



CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 1

DATE (MM/DD/YYYY)
04/06/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Willis Towers Watson Southeast, Inc.
c/o 26 Century Blvd
P.O. Box 305191
Nashville, TN 37205191 USA

CONTACT NAME: Willis Towers Watson Certificate Center
PHONE (A/C No. Ext): 1-877-945-7378 **FAX (A/C No.):** 1-888-467-2378
EMAIL: certificates@willis.com

INSURED
United States Rowing Association
252 Nassau Street
Princeton, NJ 08542

INSURER(S) AFFORDING COVERAGE	NAIC#
INSURER A: HDI Global Specialty SE UK	D5059
INSURER B: Everest Indemnity Insurance Company	10851
INSURER C: United States Fire Insurance Company	21113
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER: W20658585

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR		TYPE OF INSURANCE		ADDL SUBR INSD WVD		POLICY NUMBER		POLICY EFF (MM/DD/YYYY)		POLICY EXP (MM/DD/YYYY)		LIMITS	
A	☒	COMMERCIAL GENERAL LIABILITY		Y		HDGL19000411	12/31/2020	12/31/2021	EACH OCCURRENCE	\$	1,000,000		
	☐	CLAIMS-MADE	☒						OCCUR	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	1,000,000	
	☒	Watercraft Liability							MED EXP (Any one person)	\$			
	☒	Sexual Abuse: \$1M/\$2M							PERSONAL & ADV INJURY	\$	1,000,000		
	GENL AGGREGATE LIMIT APPLIES PER:		GENERAL AGGREGATE						\$	3,000,000			
	☐	POLICY	☐	PRO-JECT	☐	LOC			PRODUCTS - COMPROP AGG	\$	2,000,000		
		OTHER:									\$		
A	☐	AUTOMOBILE LIABILITY				HDGL19000411	12/31/2020	12/31/2021	COMBINED SINGLE LIMIT (Ea accident)	\$	1,000,000		
	☐	ANY AUTO	BODILY INJURY (Per person)						\$				
	☐	OWNED AUTOS ONLY	☐						SCHEDULED AUTOS	BODILY INJURY (Per accident)	\$		
	☒	HIRED AUTOS ONLY	☒						NON-OWNED AUTOS ONLY	PROPERTY DAMAGE (Per accident)	\$		
	☐		☐								\$		
B	☐	UMBRELLA LIAB	☒	OCCUR		618EX01492-201	12/31/2020	12/31/2021	EACH OCCURRENCE	\$	2,000,000		
	☒	EXCESS LIAB	☐	CLAIMS-MADE					AGGREGATE	\$	2,000,000		
	☐	DED	☐	RETENTION \$						\$			
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		N/A		US1396202	12/31/2020	12/31/2021	☐	PER STATUTE	☐	OTH-ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)							E.L. EACH ACCIDENT	\$				
	If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$				
	Accident Medical Expense incl. volunteers & participants							E.L. DISEASE - POLICY LIMIT	\$				
								Limit	\$25,000				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is included as Additional Insured under the Liability. Coverage is provided under this policy only for the sponsored/supervised Rowing activities of the named insureds for which a premium has been paid. This certificate is issued on behalf of Upper Peninsula Community Rowing Club.

CERTIFICATE HOLDER

City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Consent Agenda

Vango's Inc. - Concession Lease Agreement

BACKGROUND:

Vango's Inc. requests the City Commission consider renewing their lease to provide concession services at Presque Isle Park. Staff has worked with the City Attorney and Vango's to draft a standard lease agreement which provides for the terms and conditions of their proposal. The agreement is a five month lease from May 1 through September 30. The monthly payment during operations shall be \$600.00 including utilities.

FISCAL EFFECT:

The General Fund will receive \$3,000.00 in revenue for Fiscal Year 2021.

RECOMMENDATION:

Move the lease agreement with Vango's Inc. for concession space at Presque Isle Park to the next regular City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Lease and Exhibit A

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ 2021, by and between the **CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, hereinafter ("Lessor"), and **VANGO'S, INC.**, a Michigan corporation of 927 North Third Street, Marquette, Michigan 49855, hereinafter ("Lessee").

Recitals

- A. Lessor is the owner and operator of the concession stand at Presque Isle Park, Marquette, Michigan.
- B. Lessee desires to lease and Lessor is willing to lease to Lessee the concession stand, all equipment currently located within the concession stand, and the cooler located in the Moosewood storage area ("Premises") in accordance with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1. Leased Premises

- 1.1 Lessor leases to Lessee the Premises, as shown on Exhibit A.
- 1.2 Lessee agrees to develop architectural and engineering plans for renovations to the Premises required to meet the specific needs of Lessee for Lessee's intended uses, if needed. Lessee shall be responsible for constructing all renovations as developed by Lessee, and Lessee shall obtain Lessor's written approval of all such plans and specifications prior to beginning any construction activity.
- 1.3 Lessee agrees that only equipment located within the Premises on the date of this Agreement is part of the Premises, and that Lessee takes said Premises and equipment "as is". Any other equipment needed by Lessee to operate the concessions shall be the sole responsibility of Lessee.

2. Term of Lease

- 2.1 The term of this lease is May 1, 2021 through September 30, 2021.

3. Rent

- 3.1 Lessee shall be obligated to pay rent for the Premises, due in advance on the first of each month for the entire term of this lease as established in 2.1, as follows:

Presque Isle concession stand: \$600 per month (utilities included)

Rent shall be prorated for any partial month during the term of this lease.

4. Use of Leasehold Premises

4.1 Lessee shall use the Premises only as a concession stand for food and beverages and not for any purpose that would:

- a) be deemed hazardous to the public or adjoining premises, including but not necessarily limited to fire, and environmental type hazards;**
- b) constitute a violation of any public law or requirement;**
- c) cause damage or injury to the Premises or any part of it (ordinary wear and tear excepted);**
- d) interfere with normal operations of the Premises' heating, air conditioning, ventilating, plumbing, or other mechanical or electrical systems;**
- e) constitute a public or private nuisance;**
- f) alter the appearance of the Premises, except as provided herein, without prior written approval of the Lessor;**
- g) permit noise or odors to be unreasonably dispelled from the Premises;**
- h) place merchandise, materials, supplies, signs, or other things of any kind on the sidewalks or other common areas without Lessor approval;**
- i) permit refuse to accumulate in or around Premises; or**
- j) obstruct entryways.**

4.1 Lessee is solely responsible for obtaining all necessary licenses and permits and otherwise complying with all laws while providing the concessions contemplated by this Agreement.

4.2 Lessee is solely responsible for development of menu items and pricing, for obtaining all supplies and products and for all costs related to its sale of food and beverages.

5. Use of Common Areas by Lessee

5.1 Lessee and its invitees shall have the right in common with Lessor, its invitees, and others to use the public restrooms, public parking, sidewalks, and surrounding area, subject, however, to all rules and regulations regarding the use of those areas.

5.2 Lessee's right to use to Presque Isle - Island Store Pavilion ("Pavilion") is not exclusive. Lessor shall have the right, at all times, to rent the Pavilion to third party users. Lessee shall contact Lessor on a weekly basis in order to determine the dates and times the Pavilion has been rented to a third party user.

6. Maintenance and Repair

- 6.1 Lessee shall be responsible for all ordinary janitorial and cleaning of the Premises as provided in Attachment 1. Lessor shall provide trash receptacles for Premises and shall maintain those receptacles once per day. Any necessary additional refuse collection shall be the responsibility of the Lessee. Any refuse generated from preparation of goods or services shall be the sole responsibility of Lessee.
- 6.2 Lessee shall be solely responsible for the maintenance and repair of all equipment located on the Premises.
- 6.3 Lessee shall be solely responsible for the maintenance and repair of all of Lessee's fixtures, furniture and equipment and keep them in a safe condition and good repair.
- 6.4 Lessee must obtain written consent of Lessor for all signage used by Lessee on the Premises and adjoining premises. All signage approved by Lessor shall be maintained in good condition and repair.
- 6.5 Lessor reserves the right to make any repairs or alterations that it deems necessary and desirable to the common areas. Lessee will be notified of any repairs or alterations to the Premises at least 7 days in advance except in emergency situations.

7. Insurance and Indemnity

- 7.1 Lessee shall not permit any activity on or immediately adjacent to the Premises which would invalidate or be in conflict with Lessor's fire, boiler, sprinkler, water damage, and extended coverage insurance policies covering the Premises and contents therein. Lessor will provide Lessee with a copy of any and all relevant insurance policies.
- 7.2 Lessee shall not permit any activity on or immediately adjacent to the Premises which would cause Lessor's rate for the insurance described herein to be increased. Lessor will provide Lessee with a list of any such activities.
- 7.3 Lessee at its sole expense shall be responsible for insuring its own tangible personal property, equipment, and fixtures from loss from fire and other casualty and shall at all times provide Lessor with a certificate evidencing such coverage.
- 7.4 Lessee at its sole expense shall maintain liability insurance protecting and insuring Lessee and Lessor from all claims for injury or damage to persons or property arising out of the use of the Premises and adjacent areas by Lessee, its employees, agents, invitees, and licensees. The amount of the insurance shall be not less than One Million Dollars (\$1,000,000.00) per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand Dollars (\$500,000.00) for property damage. Lessee shall provide Lessor with a copy of said policies with proof of payment of premium thereon. The insurance policies shall bear endorsements to the effect that the insurer agrees to notify Lessor not less than thirty (30) days in advance of any modification or cancellation thereof. Lessor shall be named as an additional insured on all insurance policies required by this lease.
- 7.5 Lessee will indemnify and hold Lessor harmless from and against all loss, cost, expense and liability whatsoever (including Lessor's cost of defending against the foregoing; such cost to

include attorneys' fees) resulting or occurring by reason of Lessee's construction on, use of, or occupancy of the Premises.

8. Damage by Fire or Other Causes

- 8.1 If the Premises is partially damaged by fire or other peril without the fault or neglect of Lessee or of its servants, employees, agents, visitors, invitees or licenses, the damage shall be repaired by Lessor at Lessor's expense. If the Premises is substantially damaged (herein defined as fifty percent (50%) or more of the cost of replacement), Lessor may elect either to repair or rebuild the leasehold or the pool building, as the case may be, or to terminate this lease upon giving notice of such election in writing to Lessee within ninety (90) days after the event causing the damage. If Lessor elects to rebuild instead of terminating the lease, Lessor will rebuild something substantially similar to the current Premises, and Lessee shall in a timely manner repair or replace its fixtures, furniture, equipment and improvements to at least the condition of same prior to the damage.

9. Assignment/Subletting

- 9.1 Lessee shall not assign this Agreement.
- 9.1 Lessee shall not sublet the Premises or any part thereof without the express prior written consent of the Lessor.
- 9.3 In no event shall a sublease be allowed that would jeopardize the tax-exempt status of the City.
- 9.4 Lessor may freely assign its rights and obligations under this Lease Agreement to any third party pursuant to a Purchase and Sale Agreement, Land Contract or similar instrument.

10. Use of Premises by Lessor

- 10.1 Lessor reserves for itself and its contractors and agents the right to enter the Premises at reasonable times for the purpose of inspecting, maintaining, installation, operation and repair services. This paragraph does not change the parties' obligations with regarding to maintenance and repairs as otherwise set forth herein.

11. Covenant of Quiet Enjoyment

- 11.1 Lessor warrants and represents that it has full authority to execute this lease for the above term. Lessor covenants that upon Lessee paying the rents and performing its covenants and duties prescribed herein, Lessee may, except as otherwise described herein, have the exclusive and reasonable right to have, hold and enjoy the leasehold.

12. Lessor's Right to Perform Lessee's Obligation

- 12.1 If Lessee defaults in any term of this lease, Lessor may, without thereby waiving the default, remedy the default at Lessee's expense. If, in connection therewith, Lessor makes any expenditure or incurs any obligation for the payment of money or in instituting, prosecuting, or defending any action or proceeding commenced before or during the term of this lease, or after the expiration or termination of this lease including, but not necessarily limited to, legal

expenses and attorneys' fees, Lessee shall pay to Lessor on demand the sums paid or obligations incurred together with legal fees and costs.

13. Default by Lessee

- 13.1 If the Lessee fails to perform any other obligations under this agreement within 30 days after receiving written notice of the default from the Lessor; if the Lessee makes any assignment for the benefit of creditors or a receiver is appointed for the Lessee or its property; or if any proceedings are instituted by or against the Lessee for bankruptcy (including reorganization) or under any insolvency laws, the Lessor may terminate this lease, reenter the Premises, and seek to relet the Premises on whatever terms the Lessor thinks advisable. Notwithstanding reentry by the Lessor, the Lessee shall continue to be liable to the Lessor for rent owed under this lease and for any rent deficiency that results from reletting the premises during the term of this lease. Notwithstanding any reletting without termination, the Lessor may at any time elect to terminate this lease for any default by the Lessee by giving the Lessee written notice of the termination.
- 13.2 In addition to the Lessor's other rights and remedies as stated in this lease, and without waiving any of those rights, if the Lessor deems necessary any repairs that the Lessee is required to make or if the Lessee defaults in the performance of any of its obligations under this lease, the Lessor may make repairs or cure defaults and shall not be responsible to the Lessee for any loss or damage that is caused by that action. The Lessee shall immediately pay to the Lessor, on demand, the Lessor's costs for curing any defaults, as additional rent under this lease.
- 13.3 The rights and remedies of Lessor shall be cumulative as more particularly provided at law or in equity pursuant to the laws of the State of Michigan.

14. Surrender of Leasehold Upon Termination of Lease

- 14.1 All renovations and improvements shall be at Lessee's expense and shall be considered fixtures and owned by Lessor upon termination of lease. Upon the expiration or termination of the lease, Lessee shall surrender the Premises in good order and condition, ordinary wear and tear excepted, and shall remove all of its property, fixtures, and equipment from the Premises. In removing its equipment, Lessee shall be solely liable for repairing any and all damages to the Premises. In the event that the Lessee fails to remove its equipment, and Lessor is required to do so, all costs and expenses incurred by Lessor in removing same and restoring the leasehold to useable condition shall be the financial responsibility of the Lessee.
- 14.2 If upon termination of the lease, Lessee has failed to remove its furniture, equipment, and fixtures, Lessor reserves the right to deem them abandoned and shall have the legal right to dispose of same, and costs incurred in disposing of same shall be the financial responsibility of Lessee.

15. Miscellaneous

- 15.1 Lessee, at its sole option, may continue with the current security system at the same cost currently charged to Lessor by contacting Range Corporation directly.
- 15.2 This agreement shall be binding on the parties and inure to the benefit of the Lessor and Lessee and their respective successors and assigns.

- 15.3 This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 15.4 This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated herein.
- 15.5 Any modification of this agreement or additional obligations assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.
- 15.6 Waiver by Lessor of any breach of any covenant of duty of Lessee under this lease is not a waiver of a breach of any other covenant of duty of Lessee or any subsequent breach of the same covenant or duty.
- 15.7 The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.
- 15.8 All notices to be given under this lease shall be in writing and mailed, postage prepaid, or by certified or registered mail, return receipt requested, or delivered personally or by courier delivery, or sent by telecopy (immediately followed by one of the preceding methods) to Lessor's address and Lessee's address as above stated or any other place that Lessor or Lessee may designate in a written notice given to the other parties. Notices shall be deemed served on the earlier of receipt or three (3) working days after the date of mailing.

The parties have set their hands on the day and year first above written.

LESSOR
CITY OF MARQUETTE

LESSEE
VANGO'S, INC.

Jennifer A. Smith, Mayor

By: *Michelle Butler*
Its: *President*

Kyle Whitney, City Clerk

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

Karen Kouaes, City Mgr

Suzanne C. Larsen, City Attorney

EXHIBIT A



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 8/9/2021

Unfinished Business

City of Marquette Strategic Plan for Fiscal Years 2021-23

BACKGROUND:

The City Commission convened two Work Sessions on April 14 and April 28, 2021 in order to give input, review recommendations from Staff and Boards and Committees, and provide guidance for drafting the City of Marquette Strategic Plan for Fiscal Years 2021-23.

The result was the draft Strategic Plan, which was presented to the City Commission for consideration at their July 26, 2021 meeting.

The City Commission had varying opinions on several topics and did not adopt the plan that evening. The Commission then requested that City Staff return with a new version of the plan, based upon the discussion that evening.

The new version of the plan is attached.

FISCAL EFFECT:

None

RECOMMENDATION:

Adopt the Fiscal Year 2021-23 Strategic Plan as presented.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 2021-23 Strategic Plan



Marquette Strategic Plan Fiscal Years 2021-23

Table of Contents

Vision Statement	3
Executive Summary	6
Priorities	10
Arts and Culture Advisory Committee- Arts and Culture Master Plan	11
City Manager- Climate Emergency Response Plan	12
City Manager- Economic Development	13
City Manager- Housing Committee Report Implementation	15
Community Development- Sustainable Tourism Planning	16
Community Development- Housing Affordability- Seek Public/Private Partnerships	18
Community Development- Transit Service	19
Community Services- Additional Soccer Field	21
Community Services- Park Improvements	22
Community Services- Arts and Culture Economic Impact Study	23
Community Services- Cultural Trail	24
Community Services- Senior Center	26
Downtown Development Authority-Branding, Wayfinding, and Signage	27
Downtown Development Authority- Parking Management	28
Downtown Development Authority- Third Street Improvements	29
Financial Services- Long Term Financial Plan	30
Fire - Consolidated Fire Station	32
Harbor Advisory Committee- Cinder Pond Marina Replacement	33
Harbor Advisory Committee- Presque Isle Pier Removal	34
Marquette Public Art Commission- Public Art Administration	35
Planning Commission- North Lakeshore Boulevard Corridor Study	36
Planning Commission- Public Transportation	38
Planning Commission- Winter Cities Initiatives	39
Parks and Recreation Advisory Board- Dog Park	41
Parks and Recreation Advisory Board- Mattson Inclusive Playground	42
Public Works- Winter Sidewalk Maintenance	43
Appendix A	45

Vision Statement



Vision Statement

Per the City Charter of Marquette, Michigan

It is the vision of the City of Marquette to ensure quality of life by remaining an economically sound municipality which embraces growth while making sound decisions. The City continues to support its many educational opportunities and medical care options. The City will promote economic development through tourism, technology, and innovation. The City will strive to maintain an atmosphere of safety and good health, friendliness and a continuing awe and appreciation of beautiful Lake Superior. The City will encourage continued citizen involvement in activities that embrace our past, enhance our present, and plan for the community of our future.

Intent of the City Commission for Fiscal Years 2021-23

The City Commission provides, through this strategic plan, a focus on efforts to deliver a combination of services and infrastructure that have been identified in various community planning documents, while managing the opportunities and challenges of our ever-changing City, using as guidance and in priority order, the following primary goals:

Economic Development

Support and coordinate economic development policies and activities that are identified in the Redevelopment Ready Communities approved Economic Development Strategy. This includes, but is not limited to, improving and diversifying the tax base; increasing and diversifying the employment base; supporting local business and encouraging growth; improving the City's relationship with the local business community and responsiveness; and improving quality of life for citizens.

Climate Change

Support the continued implementation and updating of the previously adopted Climate Adaptation Plan, as well as supporting other efforts to lessen the City's vulnerability to the environmental, economic, and social impacts of climate change through thoughtful planning that considers the ecological and social carrying capacity of the City, Emergency Management, and Infrastructure preparedness.

Housing and Transportation

Support efforts to ensure equitable housing opportunity and mobility for all citizens through implementation of the Ad-Hoc Housing Committee Report and a coordinated effort with local and regional transit agencies.

Focus on Essential Services

Continue providing a high level of essential services, including police, fire, community development, public works, water, and sewer support.

City Facilities and Infrastructure

Maintain infrastructure, including buildings, streets, water and sewer, parks and recreational facilities to ensure the pace of replacement and maintenance is on par with the Capital Improvements Plan as well as seek to become the leader in the use of innovative “green” practices.

Executive Summary



Marquette Visioning and Strategic Planning Process Fiscal Years 2021-23

Executive Summary

The adoption of the revised City Charter in 2012 provided strong endorsement of public expectations for the governance framework of Marquette. A requirement for strategic planning was established to address the short and long-term aspirations of the City. In March 2013, the City Commission appointed a three-member subcommittee to work with the City Manager in creating a process to develop Commission goals and objectives for the Strategic Plan. In August 2013, following considerable effort and deliberation, the City Commission adopted the Marquette Visioning and Strategic Planning Process for use in addressing City Charter mandates.

In March 2021, after a year lost due to the COVID-19 pandemic, the Community Development Director initiated an update to the Fiscal Year 2018-20 Strategic Plan, wherein initial guidance was given to the City Commission, administrative departments, and all Commission boards and committees. All participants coordinated updates and new items with elements of the Community Master Plan (and associated plans referenced within) as well as information and data relating to other known projects and initiatives.

Two City Commission work sessions were held that totaled approximately six hours of deliberative review.

As a result of those work sessions, the resulting collection of material has been compiled and is the basis for this Strategic Plan.

This overview provides a bulleted summary of plans, projects, issues, status, and goals endorsed by the City Commission to be considered as priorities for the current and upcoming fiscal year, while providing a benchmark for progress.

Key Issues and Priorities Summarized by Primary Goal

Economic Development

- Achieve Redevelopment Ready Community Certification.
- Continue implementation of current Economic Development Plan and update the plan as needed.
- Support the Marquette Board of Light and Power effort to become a broadband provider.
- Research legality/feasibility of the City becoming an Economic Development Corporation.
- Consider the benefit of hiring Economic Development Staff versus utilizing partner organizations and the MEDC.
- Support Downtown Development Authority efforts to pursue a TIF Development District expansion to encompass North Third Street.
- Support Downtown Development Authority efforts to develop ideas for physical improvements that will encourage visitors to connect from the Third Street corridor to downtown and enhance the streetscape aesthetic.
- Conduct a strategic branding and wayfinding exercise in conjunction with the Downtown Development Authority.

Climate Change

- A Climate-based Emergency Action Plan is needed.
- A Sustainable Tourism Plan is needed to address the physical, environmental, and social carrying capacity of the City, and the impacts on the lifestyle of the residents and t
- Support Planning Commission efforts to commission a study for land and transportation development in the Lakeshore Boulevard corridor, between Mattson Park and Presque Isle Park.
- Support Planning Commission winter city planning efforts.

Housing and Transportation

- Continue efforts to implement the Ad-Hoc Housing Committee Report
 - o Community review process
 - o Planning Commission review of zoning aspects
 - o Public/Private Partnerships
 - o Sale of Surplus Property
 - o Brownfield Opportunities.

- Continue efforts to work towards the establishment of an intra-City public transportation route.

Focus on Essential Services

- Revisit an updated Senior Center Study to plan for the future of the Marquette Senior Center.
- Develop a study on the long-term financial outlook for the City.
- Continue to monitor the potential impacts of long-term projected City obligations (a.k.a. “Sleeping Dragons”).

City Facilities and Infrastructure

- Continue efforts to implement the Capital Improvements schedule for City parks.
- Continue efforts to work towards the planning, designing, and building of a consolidated Fire Station.
- Seek community engagement to define the level of service for City sidewalks in the winter.
- Support Downtown Development Authority efforts to replace parking meters and plan for additional downtown parking opportunities.
- Support Harbor Advisory Committee efforts to plan for the replacement of docks at the Cinder Pond Marina.
- Support Harbor Advisory Committee efforts to apply for grant funding to remove the decommissioned Presque Isle Marina pier and pave the parking lot.
- Support the efforts of the Marquette Public Art Commission
 - o Establish a formal document for maintenance of the Marquette Public Art Commission collection, including securing a professional conservation inspection and assessment of work
 - o Integrate Marquette Public Art Commission collection into new Marquette Compass
 - o Develop guidelines for unsolicited community-based project submissions to the Marquette Public Art Commission
 - o Support the implementation of the Queen City Courts (Hurley Park) and Creative Neighborhoods (artist grants) programs.
- Support Parks and Recreation Advisory Board efforts to begin planning for a year-round dog park.
- Support Parks and Recreation Advisory Board efforts to oversee the creation of the Mattson Park inclusive playground.

Priorities



Strategic Planning Process Commission Priorities

Issue Title: Arts and Culture Master Plan Implementation

Committee: Arts and Culture Advisory Committee

Plan: Arts and Culture Master Plan and Parks and Recreation Master Plan

Status: Implementation

Issue: The 2014 Arts and Culture Master Plan outlined several objectives: to measure the economic value and contribution of the creative economy and to survey artists and audience every two to three years. And continue to advocate and support local arts and culture stakeholders.

Background: The City Commission approved a ten-year Arts and Culture Master Plan in 2014. The plan defines the City's role in supporting arts and culture and the role of arts and culture in accomplishing the City's broader economic development goals.

Forecast: The plan recommends a range of initiatives and ongoing activities that reposition the City's role and bring it into a higher level of partnership with other players in the city and surrounding areas. The plan calls for engaging more in building the City's role in nurturing and fostering the creative economy. It also calls for more robust partnerships to identify and promote local talent and attract and retain creative business talent. Furthermore, the plan tasks the Marquette Arts and Culture division with measuring and articulating the economic value and contribution of the creative economy.

Year One:

- Support American for the Arts, Arts and Economic Prosperity program to conduct Economic Impact Study. Identify funding sources.
- Work with stakeholders to research and develop Cultural Trail Plan for two mile stretch along the lakeshore's multiuse bike path.
- Support artist and audience survey.
- Support implementation and promote MQTCOMPASS.

Year Two:

- Recommend implementation of Cultural Trail Plan, interpretative signage, public art, and seating.
- Identify new goals and objectives from Arts and Culture Master Plan from Survey results.



Strategic Planning Process Commission Priorities

Issue Title: Emergency Response Plan

Department/Committee: Fire Department/Police Department/City Manager

Plan: Community Master Plan

Status: Ongoing

Issue: Climate Adaptation – Emergency Response Plan

Background: The City Commission has adopted a Climate Adaptation Plan as part of the Community Master Plan.

Found in the Plan are specific recommendations that are based upon concerns for public health with one of the most important being - “Prepare and implement emergency response plans (in concert with the County Hazard Mitigation Plan and coordination with the City Fire Chief) for extreme storms, floods, heat waves, poor air quality days, disease outbreaks.”

Forecast:

Year One:

- Direct the City Manager to be responsible for the drafting/review/update, as applicable, of the City Emergency Response Plan to recognize additional climate-related emergencies and ensure coordination with the County Hazard Mitigation Plan.
- Cost – Estimated 60-80 staff hours for each participant from Police, Fire, City Manager’s Office, and other departments.

Year Two:

- Implement and Evaluate the Plan.



Strategic Planning Process Commission Priorities

Issue Title: Economic Development Planning
Department/Committee: City Manager
Plan: Community Master Plan, Economic Development Plan
Status: Ongoing

Issue: Economic Development

Background: The City currently has an economic development plan a (EDP) approved by the Redevelopment Ready Community (RRC) program and the City Commission.

The stated goals in the EDP include: improving and diversifying the tax base; increasing and diversifying the employment base; supporting local business and encouraging growth; improving the City's relationship with the local business community and responsiveness; and improving quality of life for citizens.

In pursuit of these goals, additional economic development strategies have been identified by the City Commission including exploring broadband internet services as a public utility, researching Economic Development Corporation status, adding economic development focused staff, collaborating with the LDFA on future projects, reviewing the current EDP, and collecting data on the City business community.

Department bandwidth as well as partnering agencies should be considered when moving forward with implementation of the EDP and economic development strategies.

Forecast:

Year One:

- Complete RRC certification.
- Continue implementation of current Economic Development Plan.
- Support the Marquette Board of Light and Power (MBLP) effort to become a broadband provider.
- Research legality/feasibility of the City becoming an Economic Development Corporation.
- Evaluate the addition of an Economic Development Planner to City staff versus utilizing existing infrastructure and the RRC program.

- Cost – 60 to 80 staff hours for both the City Manager's Office and the Community Development Department to study and accomplish the above goals.

Year Two:

- Budget and seek RFPs for a consultant review and update of the City Economic Development Plan which includes a comprehensive evaluation on the growth and management of the tourism economy.
- Work with community economic development groups to obtain data on the status of the City business community, specifically focusing on office space availability/vacancy and the change of landscape as a result of the COVID-19 pandemic.
- Continue support of MBLP broadband internet provider goals.



Strategic Planning Process Commission Priorities

Issue Title: Housing Affordability – Ad-Hoc Housing Committee Plan
Implementation

Department/Committee: City Manager

Plan: Community Master Plan

Status: New

Issue: Housing Affordability

Background: The City Commission established an Ad-Hoc Housing Committee with a charge of understanding the role of the City as it relates to housing affordability and preparing a report of findings.

The Report will identify several recommendations that should be considered for implementation, after community discussion, by the appropriate City departments given the City Commission's desire to address housing.

Emphasis on collaborating with partnering agencies should be considered when moving forward with implementation of the plan.

Forecast:

Year One:

- Receive the Ad-Hoc Committee Housing Report and Recommendations.
- Direct the City Manager to facilitate a community review process.
- Forward the Report to the Planning Commission for adoption as an Appendix into the Community Master Plan.
- Direct the Planning Commission to review any zoning related impacts as a result of implementing the Report.
- Direct the City Manager to implement the Report based upon the outcome of the community process.
- Cost – 60 to 80 staff hours of varying levels is anticipated to support beginning the implementation of the Plan.

Year Two:

- Monitor and Evaluate.



Strategic Planning Process Commission Priorities

Issue Title: Climate Adaptation – Sustainable Tourism Planning
Department/Committee: Community Development/Community Services/ City Manager
Plan: Community Master Plan
Status: New

Issue: Climate Adaptation and Economic/Sociocultural/Environmental/Physical Impacts

Background: The City Commission has adopted a Climate Plan, *Adapting to Climate Change*, as part of the Community Master Plan.

Staff has addressed many of the recommendations found in the Climate Plan regarding water, land use, health, food/agriculture, and forestry, leaving the issue of creating the balance between visitors and a sustainable social, economic, and environmental ecosystem.

The Climate Plan presents specific recommendations that are based upon concerns regarding the impact that temperature changes could have on tourism activities, which could force lifestyle changes upon the community.

More specifically, the Plan identifies the following Sustainable Tourism Recommendations:

- *Engage economic development organizations and tourism-dependent businesses in developing an economic development plan specific to tourism with specific goals to help local businesses minimize economic losses and take advantage of increased tourism opportunities.*
- *Adjust parks and recreation expenditures to support and capitalize on changes to outdoor recreation.*
- *Invest in dredging of harbors and other harbor improvements/adaptations to maintain access to water resources.*
- *Strengthen connectivity between coastal and non-coastal recreational areas to improve resilience of tourism economy.*
- *Capitalize on longer summer tourism season by developing and promoting spring and fall events.*

As well, the summer of 2020 and 2021 have brought an increased tourist season that tested the physical, social, economic, and biophysical carrying capacity of the City. This has led to increased requests from the City Commission to provide

more personnel and dollars in support of an increased public safety presence and public works commitments to maintain assets without reconciliation of funding or assistance from the other potential partners.

Forecast:

Year One:

- Develop a Tourism Task Force/Ad-Hoc Committee
- Hire a consultant to draft a Tourism Plan with the above mentioned committee working as the steering committee for the effort.
- City Manager to ensure coordination of effort between this and any Economic Development Planning initiatives.
- Seek funding from participating organizations or other public sources

Year Two:

- Implement and evaluate the Plan.



Strategic Planning Process Commission Priorities

Issue Title: Housing Affordability – Seek Public/Private Partnerships

Department/Committee: Community Development

Plan: Community Master Plan/ Ad-Hoc Committee Report

Status: New

Issue: Housing Affordability

Background: The City Commission established an Ad-Hoc Housing Committee with a charge of understanding the role of the City as it relates to housing affordability and preparing a report of findings.

The report will identify the need to seek public-private partnerships to develop missing middle housing in the city.

The Community Development Director was tasked with researching such a partnership outside of the scope of the Ad-Hoc Housing Committee and has been assisting the development group and the Marquette Brownfield Redevelopment Authority (MBRA) with the development of a proposal for vacant property that is owned by the City. The vacant property was previously identified through the municipal property inventory and Community Master Plan processes.

It is anticipated that the proposal could be ready for presentation to the City Commission in concurrence with the adoption of the Strategic Plan.

Forecast:

Year One:

- Consider the sale of Surplus City Property to the Developer through the County Land Bank.
- Consider adoption of a Brownfield Plan that would use tax capture on the new development to fund infrastructure and gap financing for prospective homeowners.
- Projected cost is yet to be determined. The City would realize a one-time income for the sale of the property and subsequent tax payments at the end of the Brownfield term which is also to be determined by the MBRA and City Commission.

Year Two:

- Monitor and evaluate.



Strategic Planning Process Commission Priorities

Issue Title: Transportation Network
Department/Committee: Community Development
Plan: Community Master Plan
Status: New

Issue: Transit Service

Background: Transit service has the potential to enhance access for many residents, especially during winter, as well as ameliorate vehicular parking issues, and extend the range of walking and biking for more sustainable travel options.

A comprehensive study of local/regional transit services was conducted for the City of Marquette in 2014 (by Current Transportation Solutions and Smart Growth America - SGA), and a detailed report with recommendations for improving service within the city was completed. During the mobility study, a MarqTran bus was used to assess the feasibility of creating a route with a 30-minute headway that would traverse Third Street from the downtown bus terminal to near the north end of Third Street and around to NMU's campus and the hospital.

In 2019, a Coordinated Public Transit-Human Services Transportation Plan was drafted by our City Planner for MarqTran. This was done as a first step of implementation of the Mobility Strategies report done by SGA, because MarqTran needed to have this type of plan completed to allow the City to apply for Federal Transit Administration grants through MarqTran.

The Planning Commission has identified facilitating work sessions with MarqTran and MDOT to discuss applying for FTA funding for operating and capital (van/bus) expenses for that potential route as one of their goals this year.

Forecast:

Year One:

- Permit the Planning Commission to create an Ad-Hoc Committee to work with MarqTran and MDOT to develop common ground approaches to establish an inner-city transit route and evaluate potential grant funding and other funding options for capital (vehicle) and operating expenses.
- Seek grants and/or other funding to develop, test, and implement an inner-city bus route.

Year Two:

- Planning Commission reviews Land Development Code and City Code to ensure appropriate permissions are in place for necessary infrastructure
- City staff programs any necessary infrastructure into the Capital Improvements Plan – cost per covered bus shelter = \$10,000.00
- Seek grants or commit to funding (see below).
- City Liaison with MarqTran will be responsible for any ongoing coordination

Estimated Costs for inner-city route:

Operating Expenses: \$35 hour = \$1,890 week, \$98,280 year.

Capital Expenses: \$135,000 or cost share of a bus owned by MarqTran.



Strategic Planning Process Commission Priorities

Issue Title: Additional Soccer Field

Committee: N/A

Plan: Recreation Master Plan

Status: Ongoing

Issue: Add an addition soccer field by removing at least one baseball field.

Background: The 2019 Recreation Master plan list the addition of a soccer field to the Kaufman Sports Complex or the North Ballfield Complex. The additional field would replace two of the baseball fields located at the complex. These baseball fields do not experience much use, while the Parks and Recreation Division has seen an increase demand for soccer fields over the past years. This demand is expected to continue to increase. An additional soccer field would make better use of a spacing that sees little use.

Forecast:

Year One:

- Research and identify funding sources and partners.
- Develop a site plan that best utilizes the spaces.

Year Two:

- Convert one or two baseball fields to a soccer field as per the site plan



Strategic Planning Process Commission Priorities

Issue Title: Park Improvements
Department: Community Services
Plan: Recreation Master Plan
Status: Ongoing

Issue: Capital Improvements – park with associated grant funding.

Background: The Five-Year Recreation Master Plan prioritizes improvements by location providing cost estimates and funding sources. Improvements include:

Tourist Park – Pump Track	Local - \$25,000
Tourist Park – Playground (ADA comp.)	Passport – Approved - \$60,000
Williams Park – Courts/ADA Improvement	MNRTF – Approved - \$210,000
Mattson Park – Playground	MNRTF- Approved - \$300,000
Tourist Park – Day Use Road	LWCF Grant - \$300,000 (submit 4/1/22)
Presque Isle Marina – Phase IV	Waterways – \$400,000 (submit 4/1/21)
Presque Isle – Bandshell Replacement	MNRTF/MCACA – \$300,000 (submit 4/1/22)
Hurley Field – Improvements	Rotary Grant/General Fund - \$45,000
Lakeview Arena - Parking Lot	Local/General Fund - \$800,000
Lakeview Arena – Horseshoe Bleachers	Local/General Fund - \$300,000
Bike Path – Wayfinding Signage	Local/General Fund - \$25,000
Founders Landing - Pier Re-Use	Brownfield Redevelopment
Shiras Park – Implement Park Plan	Unknown now.
Lighthouse Park	Enterprise Fund - \$10,000
Athletic Fields – Add Soccer Field	General Fund - \$30,000
Dog Park- Year-Round	Local/General - \$20,000

Forecast:

Year One:

- Tourist Park – Playground
- Founders Landing – Pier Re-Use
- Hurley Field – Playground and Park Improvements
- Williams Park – Tennis Court Improvements
- Bike Path – Wayfinding Signage
- Lighthouse Park – Renovate Captains House
- Lakeview – Plan Parking lot and bleacher project
- Athletic Fields- Work with user groups to maximize field use efficiency additional soccer field.



Strategic Planning Process Commission Priorities

Issue Title: Economic Impact Study
Department: Community Services
Plan: Arts and Culture Master Plan
Status: Ongoing

Issue: The 2014 Arts and Culture Master Plan outlined several objectives: to measure the economic value and contribution of the creative economy; to survey artists and audience every two to three years; and continue to advocate and support local arts and culture stakeholders.

Background: The City Commission approved a ten-year Arts and Culture Master Plan in 2014. The Plan defines the City's role in supporting arts and culture and the role of arts and culture in accomplishing the City's broader economic development goals.

Forecast: The plan recommends a range of initiatives and ongoing activities that reposition the City's role and bring it into a higher level of partnership with other players in the city and surrounding areas. The plan calls for engaging more in building the City's role in nurturing and fostering the creative economy. It also calls for more robust partnerships to identify and promote local talent and attract and retain creative business talent. Furthermore, the plan tasks the Marquette Arts and Culture Division with measuring and articulating the economic value and contribution of the creative economy.

Forecast:

Year One:

- Pursue American for the Arts, Arts and Economic Prosperity program to conduct Economic Impact Study for the City of Marquette. Identify and secure funding sources.

Year Two:

- Promote Economic Impact Study findings to arts and culture non-profits, individual artists, economic development offices (State and Local), City Commissioners, investors and businesses. Make Study available as a resource and tool through presentations both virtual and in-person. Available on-line.

Assist creative sector how to effectively use Study to make their case for the arts.



Strategic Planning Process Commission Priorities

Issue Title: Cultural Trail

Department: Community Services

Plan: Arts and Culture Master Plan and Parks and Recreation Master Plan

Status: Ongoing

Issue: The 2014 Arts and Culture Master Plan and more recent Parks and Recreation Master Plan outlined several objectives: Develop robust public art program, provide interpretation of our historic landmarks and natural environment and to engage residents in outdoor recreation, arts and culture within the City parks.

Background: The City Commission approved a ten-year Arts and Culture Master Plan in 2014. The Plan defines the City's role in supporting arts and culture and the role of arts and culture in accomplishing the City's broader economic development goals. But also, to integrate goals and objectives of Parks and Recreation Master Plan and the Community Master Plan.

Forecast: To develop a two-mile Cultural Trail along the Holly Greer bike path from the Carp River to Presque Isle. The Trail will include interpretive signage, public art and seating areas. This large creative placemaking project will not only benefit residents but serve as a destination for tourists and visitors, benefiting local economy and improving the beauty and interest of the area, attracting and retaining new talent and residents. The trails public art and educational components will enrich quality of life for all residents.

Year One:

- Work with stakeholders to research and develop Cultural Trail Plan for two mile stretch along the lakeshore's multi-use bike path.

Year Two:

- Implement Cultural Trail Plan, building interpretative signage, public art, and seating.

- Dog Park – Identify site, necessary amenities and potential funding sources
- Staff time dedicated toward capital projects: 300 hours from Community Service – Park and Recreation.

Year Two:

- Tourist Park – Bike Playground
- Presque Isle Marina – MDNR Waterways Grant – Phase IV
- Mattson Park – Inclusive playground
- Shiras Park – Implement Park Plan
- Lakeview – Install parking lot and bleachers
- Athletic Fields – Add one soccer field
- Dog Park – Establish dependent upon funding
- Grants – Submit grant applications for Tourist Park Day Use Road and Presque Isle Park Bandshell
- Staff time dedicated toward capital projects: 300 hours from Community Services – Park and Recreation.



Strategic Planning Process Commission Priorities

Issue Title: Senior Center
Department: Community Services – Senior Center
Plan: Senior Center Study
Status: Developing

Issue: Revisit an updated Senior Center Study to plan for the future of the Marquette Senior Center.

Background: The previous Senior Center Study, adopted by the City Commission in December 2012, identified three possible options for the Marquette Senior Center:

1. Relocation to Lakeview Arena
2. Renovating the existing Center
3. Building of a new Center

In 2013, the City Commission established a standing committee – the Aging Services Advisory Committee. The six-member Advisory Committee held monthly scheduled meetings focusing on the interest of seniors within the City as well as providing advice on short-term and long-term goals. Discussion was ongoing identifying service partners, as well as prioritizing both Senior Center services and facility needs. The committee has since disbanded, and staff is continuing the work. No decision has been made in recent years due to changeover in staff, and lack of viable options. We would like to revisit a new Senior Center Study.

Forecast:

Year One: Option Feasibility

- Establish Ad-Hoc Committee for Senior Center Study
- Implement a new Senior Center Study.

Year Two: Option Review/Implementation

- Reviews results of the updated Senior Center Study.
- Determine if local partnerships may allow for a new-build option.
- Determine if existing properties for sale if renovated would satisfy the need.
- Determine if renovating existing facilities that the City owns would satisfy the need.



Strategic Planning Process Commission Priorities

Issue Title: Branding, Wayfinding, and Signage

Committee: Downtown Development Authority

Plan: Community Master Plan: Wayfinding Signage; Downtown Plan: Wayfinding Signage

Status: In Progress

Issue: After hiring consulting firm Arnett Muldrow & Associates to undertake an Identity Enhancement Program study for downtown, the Downtown Development Authority (DDA) is in the process of implementing their strategic branding recommendations.

Background: In 2018, the DDA entered into an agreement with Arnett Muldrow & Associates to conduct an Identity Enhancement Program study for downtown Marquette. The objective was to develop an effective conceptual branding program aimed at better positioning the downtown with a competitive identity for the purpose of economic development. In addition to providing a fresh new logo package, the plan recommended ways to incorporate the brand identity into gateway and wayfinding signage, a comprehensive banner program, and improvements to provide a cohesive graphic identity, strengthen connectivity, and enhance the overall business environment. While significant progress has been made in integrating the brand rollout through print and social media, communications, and banner installation on Third Street, larger scale initiatives remain, including necessary updates to the existing gateway and identity signage. A gateway sign at the intersection of Third Street and Fair Avenue was completed in 2020, with landscaping planned for the spring of 2021.

Forecast:

Year One:

- Update gateway signage at the other entrances to downtown: Washington and Seventh Street intersection, and Front and Rock Street intersection (\$19,000). Purchase and install banners throughout the core downtown (\$4,000).

Year Two:

- Remove existing identity signage and replace with signage made of maintenance-free composite material, featuring current Marquette Downtown Development Authority logo.



Strategic Planning Process Commission Priorities

Issue Title: Parking Management

Committee: Downtown Development Authority

Plan: Community Master Plan: Parking Strategies; Downtown Plan: Parking Management Plan

Status: In Progress

Issue: The loss of the South Main Street Parking Lot due to private development poses a serious threat to the supply of downtown parking, which is already nearing capacity. Additionally, the existing on-street parking meters, which are out of warranty and failing at an alarming rate, are in need of replacement.

Background: Installation of on-street parking meters and pay stations in recent years has increased parking revenue significantly; however, the meters are now failing and in need of an immediate replacement plan. The Downtown Development Authority (DDA) has implemented the Passport pay-by-phone mobile parking app and digital permitting in 2020 and has plans to make necessary maintenance repairs to the Bluff Street Parking Ramp in the summer of 2021. As part of the recently completed Downtown Plan, the DDA has worked with consulting firm, Nelson Nygaard, to update the 2013 Downtown Parking Study. The updated plan identifies recommendations to current parking management practices and suggests options to explore for additional parking facilities downtown, including a second parking structure or addition of a third level to the existing facility. The DDA aims to partner with the City on this initiative.

Forecast:

Year One:

- Replace parking meters and pay stations.
- Implement parking management strategies identified in the Downtown Plan.
- Work with the City Police Department to increase parking enforcement.

Year Two:

- Begin planning process for an additional parking structure or expansion of existing facility.



Strategic Planning Process Template Commission Priorities

Issue Title: TIF Expansion for North Third Street Improvements
Committee: Downtown Development Authority
Plan: Community Master Plan: Economic Development and Downtown Revitalization; Downtown Plan: Third Street Investment
Status: In Progress

Issue: A funding mechanism is needed to be able to implement public improvement projects on North Third Street.

Background: In 2011 the City Commission approved an extension of the Downtown Development Authority district to include the North Third Street corridor. In 2013, the City received a planning grant from MSHDA to develop a long-term sustainability and land-use plan for North Third Street. The plan has been adopted and incorporated into the Land Development Code by the City. In addition, the recently completed Downtown Plan has further recommended improvements to Third Street, including the development of public parking areas, new sidewalks, and the addition of street trees and landscaping. There is currently not an adequate funding mechanism in place to implement large scale development and improvement initiatives on Third Street, as the existing TIF district encompasses only the core downtown area. The Downtown Plan has identified a TIF Development District expansion as the most feasible tool to accomplish this objective.

Forecast:

Year One:

- Pursue a TIF Development District expansion to encompass North Third Street.
- Through the Downtown Plan, develop ideas for physical improvements that will encourage visitors to connect from the Third Street corridor to downtown and enhance the streetscape aesthetic.
- Identify and provide incentives to partner with property owners for improvements.

Year Two:

- Work toward a larger comprehensive street project.



Strategic Planning Process Commission Priorities

Issue Title: Long-Term Financial Plan

Department: Financial Services

Plan: N/A

Status: Ongoing

Issue: Develop a study on the long-term financial outlook for the City.

Background: At a work session held on August 29, 2013, the City Commission set an objective to develop a study on the long-term financial outlook for the City, including plans for dealing with the “sleeping dragon” issues as presented in the annual budget, the aging infrastructure, and the potential for completing a number of major projects that have been identified through the planning process. The projects specifically mentioned were Tourist Park, Fire Hall, Community/Senior Citizen Center, Presque Isle Playground, Coast Guard Station.

The Future Committed Funds List, aka “Sleeping Dragons”, for the FY 2021 Budget were presented as:

Cliffs-Dow Plant Site - Remediation

Unfunded Benefit Liabilities - Other Post-Employment Benefits and Pension

Mattson Park- Seawall Bulkhead and Parking Lot

Lakeshore Blvd - Retaining Wall and shoreline revetment

Lakeview Arena - Parking Lot and Exterior Improvements

City Hall – Roof Replacement

IT – Fiber Optic Cable Ring Replacement

Fire Station - Build a Consolidated Fire Station

Tax Tribunal Cases

Forecast: Most of this work can be done as part of the annual budget process, but extra effort outside of this process may be required.

Year One:

- Develop a comprehensive list of issues and projects to include in the long-term financial plan and assign “best estimate” costs.
- Research possible funding/financing options.
- Establish estimated completion timelines.

Year Two:

- Continue refining the list of issues/projects.
- Begin incorporating the long-term financial plan into the budget.

**Future Committed Funds (aka "Sleeping Dragons")
FY 2021 Budget**

Subject	Description	Amount	Comments
Cliffs-Dow Plant Site	Remediation (Minimum)	\$1,500,000	Ongoing. Testing started. Consultant discussing with EGLE.
Unfunded Benefits-OPEB	Employment Benefits	\$6,858,915	7% funded. Health Care for retirees - GASB 45.
Retirement Liability-MERS	Underfunded Retirement Plan	\$27,742,365	59% funded. Required annual contribution in FY 21 Budget.
Retirement Liability-Fire/Police	Underfunded Retirement Plan	\$12,037,788	75% funded. Required annual contribution in FY 21 Budget.
Tax Tribunal Cases	Smaller cases remain	\$100,000	WE Plant has closed but several smaller cases remain. Others can file not currently aware of.
Mattson Park	Seawall (Bulkhead)	Uncertain	Requires continuous maintenance to address voids under the frontage road. Does not appear to be a structural issue.
Lakeshore Blvd	Shoreline revetment and road realignment	\$12,000,000	Funding has been secured for Phase 1. Still in the process of seeking funding for the remainder.
Lakeshore Blvd	Retaining Wall	Uncertain	Northside of Lakeshore Blvd adjacent to Mattson Park.
Lakeview Arena	Parking Lot	\$500,000	Not an immediate need but will need to schedule replacement.
Lakeview Arena	Exterior Improvements	\$500,000	Not an immediate need.
City Hall	Roof Replacement	\$425,000	Not part of JCI project. Needed within next 3 to 5 years.
IT-Fiber Optic Cable	Replace Fiber Ring	\$50,000	Not an immediate need but within 12 years.
Fire Station	Build a consolidated Fire Station	\$7,000,000	Location to be determined.
Mattson Park	Parking Lot	\$250,000	Not an immediate need but will need to schedule replacement.

\$68,964,068 plus the uncertain costs.



Strategic Planning Process Commission Priorities

Issue Title: Consolidated Fire Station

Department: Fire Department

Plan: N/A

Status: Not completed due to lack of funding.

Issue: With respect to the above; the first step in the process would be conducting a GIS run study to determine the most efficient placement of the station. The GIS study will require \$6,000 in funding. Next, a Needs Analysis would be completed to determine existing and projected space and operational needs. The Needs Analysis will require \$18,500 in funding. The next step would be a Request for Qualifications (RFQ). This is an inquiry made to identify an architectural/engineering firm that will have the ability to design, specify, and manage the project. There is no cost associated with this initiative. The next step in the process would be a Request for Proposals (RFP). This inquiry secures a basic building design and develops specifications thereof. The RFP will require \$20,000 in funding. Completion of the RFP process would not commit the City to a bid/build; however, the information would be time sensitive. Labor and material estimates would become inaccurate in one to two years or less; and unreliable any further out.

Background: Presently, this project will require an estimated six to seven million dollars. Space for vehicles and office personnel are getting tight. However, the current fire stations can be made serviceable for the foreseeable future. This will require replacing or significantly upgrading the furnaces and overhead doors at Station #1, replacing the boiler and repairing the hose tower and siding at Station #2, and general maintenance and repair at both stations at a minimum.

Forecast:

Year One:

- 2021/2022 – Complete the GIS study and Needs Analysis.
– Complete the RFQ and RFP.

Year Two:

- 2022/2023 – Begin the bid/build process.



Strategic Planning Process Commission Priorities

Issue Title: Cinder Pond Marina Replacement

Committee: Harbor Advisory Committee

Plan: Recreation Master Plan

Status: Ongoing

Issue: Cinder Pond Marina Replacement

Background: The Harbor Advisory Committee will begin to discuss the replacement of the Cinder Pond Marina docks and slips in 2025. They will put forth their recommendations for the City Commission.

Forecast:

Year One:

- Discuss possible changes and full scope of what is needed.

Year Two:

- Support submission of Waterways grant application.



Strategic Planning Process Commission Priorities

Issue Title: Presque Isle Marina Pier Removal and Parking Lot Paving

Committee: Harbor Advisory Committee

Plan: Recreation Master Plan

Status: Ongoing

Issue: Implement a plan for removal of the old decommission pier at Presque Isle Marina and marina parking lot repaving.

Background: With the completion of the new Presque Isle Marina, the Harbor Advisory Committee recommended the decommission of the old concrete pier located at Presque Isle Marina. The decommissioning of the pier is the next step in removal. With the pier removal the repaving of the marina parking lot will be completed.

Forecast:

Year One:

- Support application for grant funding to remove the pier and pave the parking lot.

Year Two:

- Support the project to remove the pier and repave the parking lot.



Strategic Planning Process Commission Priorities

Issue Title: Public Art Administration

Committee: Marquette Public Art Commission

Plan: Arts and Culture Master Plan

Status: Implementation

Issue: Maintenance Guidelines, Community Project Review Process, Collection Promotion, Current Projects

Background: September 25, 2017 the City Commission adopted the Marquette Public Art Policy. This Policy went into effect FY 2018. The Policy established a Public Art Commission and annual funding. The Marquette Public Art Commission was approved March 2018 and is tasked with carrying out the Policy as written.

Forecast:

Year One:

- Establish a formal document for maintenance of the Marquette Public Art Commission collection, including securing a professional conservation inspection and assessment of work.
- Integrate Marquette Public Art Commission collection into new Marquette Compass.
- Develop guidelines for unsolicited community-based project submissions to Marquette Public Art Commission.
- Support current projects: Queen City Courts (Hurley Park), Creative Neighborhoods (artist grants).

Year Two:

- Identify new and review plans for future projects, including Marquette Cultural Trail and possible other community collaborations and partnerships.



Strategic Planning Process Commission Priorities

Issue Title: N. Lakeshore Boulevard Corridor Study
Committee: Planning Commission
Plan: Community Master Plan
Status: New

Issue: Planning Commission is concerned that Lakeshore Boulevard is seeing too much development pressure.

Background: There has been increasing visitor pressure on the public spaces adjacent to Shiras Park (McCarty's Cove to Picnic Rocks) during summers, there have been more and more festivals at Mattson Park, the shoreline between Fair Avenue and Wright Street has required significant armoring to preserve motor vehicle passage, and some public and private development proposals in recent years in the corridor have garnered quite a bit of negative public commentary and organized opposition. The Planning Commission has been concerned about this for some time and has laid some groundwork for addressing the scenic corridor through a public process, with the intent of gathering input, evaluating current practices against potential alternatives, and possibly creating updated guidance for development and transportation access to public lands. In the 2018 update to the Community Master Plan, the following was added to the Transportation section:

Lakeshore Boulevard Corridor Study

The Planning Commission is recommending that a study be commissioned for land and transportation development in the Lakeshore Boulevard corridor, between Elwood Mattson Park and Presque Isle, as soon as resources are available. This corridor has begun to suffer from being loved too much, and development of several lots in this segment of the corridor will occur over time. Gathering fresh community input and having expert analysis of the characteristics of the area would help decision-makers with the difficult development choices that are likely to be presented. This is a study that should be conducted as soon as possible once the Land Development Code project has been completed. Northern Michigan University could be engaged as a collaborator or study partner, particularly in gathering community input to this planning process.

Forecast:

Year One:

- Coordinate with potential partners and stakeholders. Organize project and begin public outreach. Seek funding for planning assistance to create a study report and guidance document. Staff would coordinate with Northern Michigan University faculty to potentially partner on public outreach and input to the project, if the Northern Michigan University faculty was willing and able to partner on the project (as was offered in the past).

Year Two:

- Complete public outreach, compile and organize it for analysis. Complete planning work possible without consulting assistance or have consultant prepare study report and guidance document. Potential consulting fees are \$20-\$30 thousand.



Strategic Planning Process Commission Priorities

Issue Title: Public Transportation
Committee: Planning Commission
Plan: Community Master Plan
Status: In Progress – Not Completed

Issue: Development of Transit Service for the City.

Background: Transit service within the city has the potential to enhance access for many residents, especially during winter, as well as ameliorate vehicular parking issues, and extend the range of walking and biking for more sustainable travel options. A comprehensive study of local/regional transit services was conducted for the city of Marquette in 2014, and a detailed report with recommendations for improving service within and outside of the city was completed. The City initiated a planning effort with MarqTran in 2018 and completed a “Coordinated Public Transit-Human-Services Transportation Plan” in 2019. There is now the potential for MarqTran to seek Federal Transit Administration grants on behalf of the City of Marquette for capital and operating expenses associated with an intra-city transit route.

Forecast:

Year One:

- Convene a work session between the City Commission, MarqTran administrators/City representatives, MDOT's regional transit coordinator, and a delegation from the Planning Commission to discuss options for moving forward in terms of a proposed route that has been drafted, a suitable vehicle for the route, and financing. Work with MDOT and MarqTran to explore grant opportunities and new route/service opportunities.

Year Two:

- Continue to work on funding, possibly seeking partners from the private sector, for capital and/or operating expenses. Move forward with implementation if possible.



Strategic Planning Process Commission Priorities

Issue Title: Winter City Initiatives
Committee: Planning Commission
Plan: Community Master Plan
Status: Not Completed

Issue: Enhancement of winter maintenance and programs to improve pedestrian access and increase outdoor winter activity.

Background: Sidewalk maintenance has improved in many areas but declined in others, and progress on the goal of becoming a "Premier Walkable Winter City" (per the 2004 Community Master Plan vision statement) has been minimal. No measurable objectives exist, which is an obvious shortcoming for achieving goals in this area. The mobility of most citizens is compromised to some degree by winter conditions, but for those who are elderly, disabled or impaired, the constraints can be severely limiting and, in some cases, result in both physical and psychological isolation. An example of an initiative that could be undertaken as a community partnership, possibly at very little expense to the City, is the establishment of a "snow angels" program in which volunteers such as honor society and leadership students, are matched with disabled residents and others to provide snow shoveling assistance. This idea has been explored with high-level staff at Northern Michigan University and was received favorably.

As well, city residents and business owners have expressed frustration with a limited set of opportunities for downtown activities during the winter months. More outdoor winter programs and activities would boost the local economy and provide more healthy options for physical and social activity. Design of public spaces with a "winter lens" has also not yet become standard but could be tied into a winter programming plan. Taking a holistic approach to these issues would be an ideal strategy.

Forecast:

Year One:

- Appoint an ad-hoc committee to identify shortcomings and research alternatives to current winter maintenance and design standards as well as for increasing winter activities in public spaces, and to document the gaps between desired outcomes and existing conditions and make recommendations for

improvements. An example might be to establish a meeting of the minds – a "snow summit" - in the fall months, with participation of stakeholders involved in street maintenance and transportation, the public at large, and the Planning Commission, to discuss and plan for winter maintenance activities and programming.

Year Two:

- Develop an action plan with immediate, short-range, and long-range objectives with strategies and funding estimates and potential sources identified to reach plan goals.



Strategic Planning Process Commission Priorities

Issue Title: Goals and Priorities - Year-Round Dog Park

Committee: Parks and Recreation Advisory Board

Plan: Recreation Master Plan

Status: Ongoing

Issue: Year Round Dog Park

Background: Parks and Recreation Advisory Board (PRAB) maintains a Five-Year Recreation Master Plan, to guide discussion in prioritization of policy recommendations. Based on results from the citizen survey for the Parks and Recreation Master Plan, an off-leash year round dog park was listed as the second highest priority. PRAB will need to identify possible locations, necessary amenities, and potential funding solutions.

Forecast:

Year One:

- Identify possible locations and necessary amenities for a year round dog park.

Year Two:

- Seek funding and implement plans.



Strategic Planning Process Commission Priorities

Issue Title: Mattson Park Playground
Committee: Parks and Recreation Advisory Board
Plan: Recreation Master Plan
Status: Awaiting funding.

Issue: Oversee the creation of the Mattson Park inclusive playground.

Background: The inclusive playground project began about six years ago when it was determined that there are no inclusive playgrounds in Marquette County. A consulting firm was hired, public hearings held, a final plan developed, and a site has been approved by the City Commission for playground use. A private group is now in the process of fundraising with a planned construction completion date of summer 2022.

Forecast:

Year One:

- Pursue professional services for design and construction and engage in community input for final design.

Year Two:

- Build the playground and seek reimbursement from the grant.



Strategic Planning Process Commission Priorities

Issue Title: Winter Maintenance of Sidewalks

Department: Public Works

Plan: City Master Plan

Status: Reconciling public expectation with level of service and level of funding.

Issue: Setting levels of service for winter maintenance of sidewalks that balance fiscal responsibility with public expectation.

Background: Currently the City of Marquette has roughly 70 miles of public sidewalk. During the winter months the City maintains roughly 20 miles of public sidewalk and the Downtown Development Authority maintains roughly 4 ½ miles of public sidewalk in the business district. Additionally, 12 ½ miles of bike path is maintained to supplement the sidewalk system. The sidewalks that are currently maintained are part of a safe routes to school plan that was developed with the Marquette Area Public Schools. The level of service for that plan was to remove the bulk of the snow from select sidewalks within a reasonable amount of time following a snow event. The route was designed to be cleared in 8-12 hours following a snow event. The majority of the route is set up along collectors and major streets with the idea of keeping pedestrians out of the street on those roads and minimizing the time they would spend walking in the street on low volume local streets to get to the routes.

The City Master Plan does not go into great detail but it does discuss prioritizing designated pedestrian areas. It also suggests clearing sidewalks through the assistance of residents, local businesses, neighborhood groups or organizations. By City Ordinance, property owners in the business district are required to maintain the sidewalks adjacent to their property.

An option that would decrease the level of City provided service would be to pass an ordinance to have all property owners maintain the sidewalk in front of their property. This is common. Options that would increase the level of City provided service would be to maintain all sidewalks, maintain sidewalks on at least one side of the street, or simply add resources to decrease the amount of time it takes to clear sidewalks. These options would require additional resources. The following costs are provided for discussion. The cost of adding a municipal tractor is approximately \$160,000. The annual operating cost is roughly \$30,000 to \$40,000 for sidewalks. Additional staff are approximately \$92,000 with their benefit package. There would also be additional snow removal costs if sidewalk routes are added which are currently \$1,000-\$1,200 per hour.

Forecast:

Year One:

- Hold a Commission Work Session and Open House to define the level of service for winter maintenance of City sidewalks according to current resources and public expectation.
- Develop alternate strategies and associated costs for implementation.

Year Two:

- Begin implementing the schedule according to the plans, policies, budget and procedures defined in year one.

Appendix A

The adoption of this plan was originally scheduled for the end of FY 20 to lead into FY 21-23. Due to the COVID-19 pandemic, the strategic planning process was put on hold. Upon adoption of the Strategic Plan in August 2021, the following items have been already been accomplished:

- Issue Title: Economic Development Planning
 - Complete RRC certification.
 - Continue implementation of current Economic Development Plan.
- Issue Title: Housing Affordability – Ad-Hoc Housing Committee Plan Implementation
 - Receive the Ad-Hoc Committee Housing Report and Recommendations.