

City of Marquette, MI



Meeting Agenda City Commission

Monday, November 27, 2023
6:00 PM
Commission Chambers

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Boards and Committees

1. Appointment(s)

Emily Tobin-Lavoy, Public Art Commission for an unexpired term ending 2-26-25
Jon Nebel, Parks and Recreation Advisory Board as the Marquette Junior Hockey Representative for an unexpired term ending 1-29-25
Recommend Assistant City Manager Sean Hobbins as the City of Marquette representative on the Marquette County Transit Authority, for a term ending 12-31-26
Recommend Fire Chief Ian Davis as the City of Marquette representative on the Marquette County Central Dispatch Policy Board, for a term ending 12-31-26

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

Presentation(s)

- 2.** Planning Commission, by Chair Sarah Mittlefehldt
- 3.** Lake Superior Community Partnership, by CEO Christopher Germain

Public Hearing(s)

- 4.** Rezoning of 1025 Osprey Court - Roll Call Vote
- 5.** Rezoning of 905 N. Lakeshore Blvd. - Roll Call Vote

6. Consent Agenda

- 6.a.** Approve the minutes of the November 13, 2023 regular Commission meeting
- 6.b.** Approve the total bills payable in the amount of \$3,037,702.79
- 6.c.** Fuel Purchasing
- 6.d.** Master Agreement to Purchase Services (In-Home Services)
- 6.e.** Plowing for Pizza Agreement

6.f. Senior Services - Master Agreement to Purchase Services

6.g. Utilization of State Bid for Annual Salt Purchase

New Business

7. DPW Labor Agreement

8. Request for License to Use City Property for Retaining Wall on Jenny Lane

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: 11/27/2023

Public Hearing(s)

Rezoning of 1025 Osprey Court - Roll Call Vote

BACKGROUND:

On October 03, 2023, the Planning Commission conducted a public hearing for the proposed rezoning of a parcel of land with the address of 1025 Osprey Ct. - from a Planned Unit Development (PUD) district to a Multiple-Family Residential zoning district. This request was brought to the Planning Commission by the City Planner, as the PUD's approval expired and the right to develop per the approved site plans for Hawk's Ridge PUD is terminated per Article 54.323(1)(6) of the City's Land Development Code. The property has been acquired by Marquette County and has been listed for sale in hopes of being developed to produce tax revenue, hence rezoning the property is necessary for development of the property to proceed without undue delay once a developer purchases the property.

After the presentation of the Staff File Review and Analysis, applicant testimony, and a public hearing, the Planning Commission made the following motion:

It was moved by C. Gottlieb, and seconded by K. Clegg, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(1)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-05-22 as presented. Approval will change the zoning district to Multiple Family Residential (MFR).

This public hearing was scheduled at the October 30, 2023 City Commission meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Adopt Ordinance 724 and rezone 1025 Osprey Court from a Planned Unit Development (PUD) district to a Multiple Family Residential (MFR) district.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Ordinance 724
- ▣ Planning Commission case file 02-REZ-10-23
- ▣ Draft Minutes of 10-03-23 PC Meeting Minutes

ORDINANCE #724
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER
54 – ZONING, BY CHANGING THE ZONING DESIGNATION
OF THE PROPERTY AT 1025 OSPREY CT.

The City of Marquette Ordains:

SECTION 1. Zoning Designation.

The zoning of the property located at 1025 Osprey Ct. is hereby changed from Planned Unit Development (PUD) to Multiple-Family Residential (MFR) zoning district.

SECTION 2. Map Revision.

This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Sally Davis, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____



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

MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: September 28, 2023
SUBJECT: Public Hearing – Rezoning of 1025 Osprey Court

City staff is requesting that the Planning Commission conduct a rezoning process for the property at 1025 Osprey Court. The right to develop this property per the site plans for the Hawk's Ridge Planned Unit Development (PUD) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code (LDC):

Expiration. Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats (*Section 54.501*) or final site plans (*Section 54.1402*) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with *Section 54.1405*.

The property is designated as Multiple Family Residential (MFR) on the Future Land Use Map in the City's *Community Master Plan*, and thus that is the proposed zoning district classification that should be applied per Article 54.323(I)(6) of the LDC, and it seems to still be compatible with the current adjacent land uses.

This property has a complicated history, but it was part of the Hawk's Ridge PUD when it was approved initially, in June of 2003. There was an amendment that applied to building on this portion of the PUD in 2005, but the construction did not occur and the developers were later indicted and convicted of defrauding an investor. In recent years, the County Land Bank worked to extract the current 1025 Osprey Ct. parcel from the PUD, legally and physically via land division approval, and they currently are trying to sell the property to get the land. Rezoning the property is thus necessary to prepare for a sale and future development of the property.

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 would be in harmony with considerations required by the Community Master Plan and that the request is in accordance with Section 54.1405 of the Land Development Code - 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 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(I)(6), and that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission (approve / deny) 02-REZ-05-22 (as presented / for the following reasons / with the following conditions). Approval will change the zoning district to Multiple Family Residential (MFR).

STAFF FILE REVIEW/ANALYSIS

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STAFF FILE REVIEW/ANALYSIS

Completed by David Stensaas – City Planner and Zoning Administrator
And Andrea M. Landers – Zoning Official



Case #: 02-REZ-10-23

Date: October 03, 2023

Project/Application: Rezoning from Planned Unit Development (PUD) to be zoned Multiple Family Residential (MFR).

Location: 1025 Osprey Court

Parcel ID: 0514370

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

Current Zoning: PUD - **Expired**

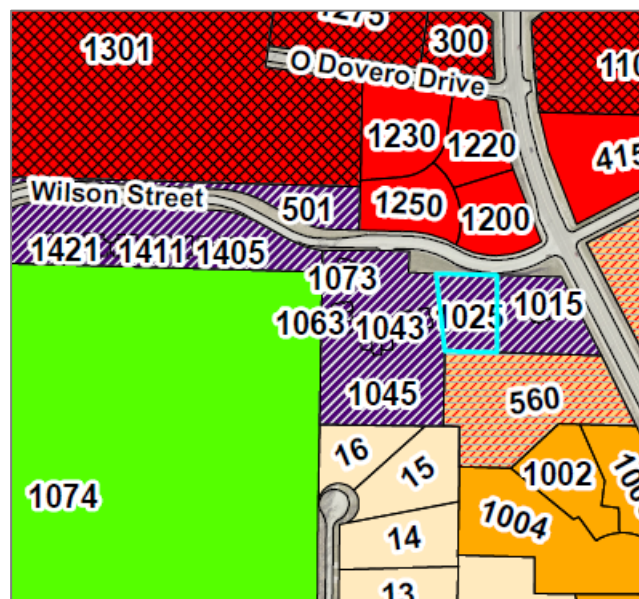
Surrounding Zoning: North: Right of Way, General Commercial
South: Undeveloped – City of Marquette land
East: PUD – Multiple Family Residential only
West: PUD – Multiple Family Residential only

Zoning Districts and Standards:

Existing Zoning

Section 54.323 PUD, Planned Unit Development District - EXPIRED

Parcel 0514370 was a part of the Hawk's Ridge PUD when it was approved, but is no longer part of that PUD. Please see the staff memo for a concise explanation of the parcel and PUD history.



Proposed Zoning

Section 54.309 MFR, Multiple Family Residential

(A) Intent	
The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the Master Plan: 1. Locations. The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial. 2. Mix Compatible Land Uses. The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors. 3. Local Services. The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas. 4. Design. Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic.	
(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • 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 (Temporary)	• Accessory Use, Non-Single Family Residential Lots • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service

STAFF FILE REVIEW/ANALYSIS

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• Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	
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.)	4,800 (C) , (E)	Front Yard (ft.)	0 (E) , (F) , (G)
Min. Lot Width (ft.)	40 (D) , (E)	Side Yard (one) (ft.)	5 (I) , (L) , (N)
Max. Impervious Surface Coverage (%)	(R or S)	Side Yard (total of 2) (ft.)	13 (I) , (L) , (N)
Max. Building Height of Primary Building (ft.) (P)	44 (N)	Rear Yard (ft.)	20 (J) , (L) , (N)
Max. Building Height of Accessory Building	(L)		
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

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

(E) Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

(F) Minimum Front Yard Setback in the M-U and GC Districts. In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

(G) Maximum Front Yard Parking in the M-U and GC Districts. Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.

- (I) **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.
- (J) **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.
- (N) **Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line.
- (P) **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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (R) **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 |
- (S) **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.
- (T) **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

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
M-U	15 (a)	15 (a)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (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, October 3, 2023.

(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 October 3, 2023.

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

This property is designated for *Multiple Family Residential (MFR)* on the *Future Land Use Map* of the Community Master Plan (CMP) and is designated as a *Planned Unit Development* district on the *Proposed Zoning Map* (excerpts attached). Approval of the Rezoning will amend the Official Zoning Map and the CMP's *Proposed Zoning Map* (which is presently being updated via the CMP Renewal Project) will be updated with the new M-U designation.

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.

No problems are anticipated in regard to Osprey Ct. or Wilson St.

- (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 has been a change in conditions as approval for the PUD has expired, and there was no related errors in the Zoning Ordinance.

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

The proposal will not result in any substantial changes that would make exclusionary zoning more likely.

- (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 allow all of the possible land uses for a Multiple Family Residential zoning district.

- (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.

There are no issues anticipated in this regard.

- (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.

The LDC requirement for rezoning an expired PUD on sec. 54.323(I)(6) makes the specified district on the Future Land Use Map the only viable alternative.

- (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.

A text amendment would not be appropriate due to the requirements for rezoning an expired PUD, per LDC section 54.323(I)(6).

- (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 adjacent land use in the Hawk's Ridge PUD is multi-family residential, and to the west along Wilson St. there is a combination of single family and multi-family residences in the Harlow Farms and Mill Creek developments.

- (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.

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. Existing Zoning Map Excerpt
2. Future Land Use Map
3. Location, Site and Utility Map
4. First Site Plan/Site Layout Map of Hawk's Ridge PUD
5. Phase 2 Map for the 1025 Osprey Ct. parcel area of Hawk's Ridge PUD
6. Memo RE Public Hearing to Property Owner
7. Publication Notice

ZONING MAP - 1025 Osprey Ct.
02-REZ-10-23

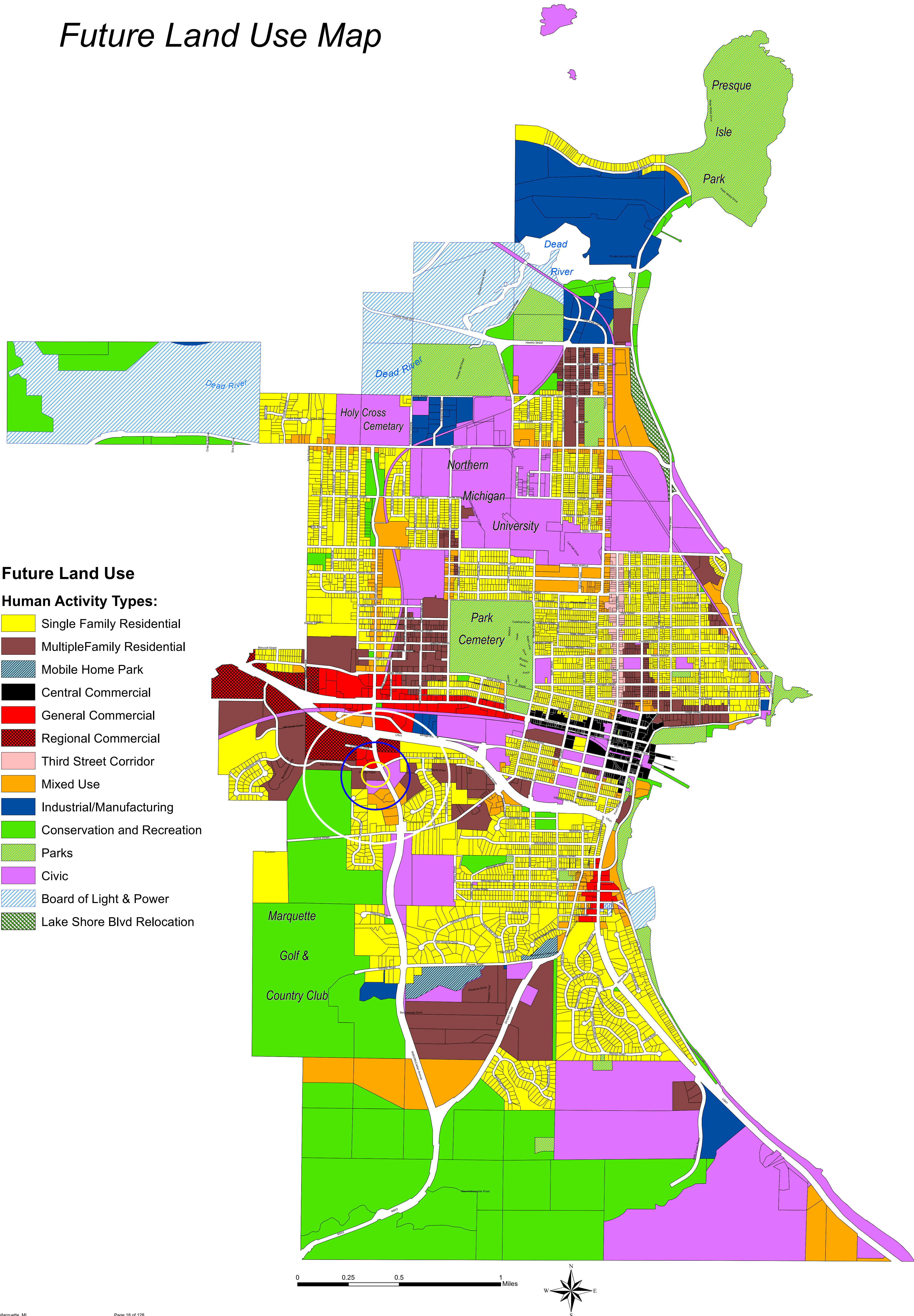
Legend

- Parcels_Address Number Labels
- Third_Street_Corridor_FBC
- Transect**
 - T4
 - T5
- Zoning_6_13_2023_aml_REZ_Update_For_Web
- Zoning Districts**
 - Low Density Residential
 - Low Density Residential with Conditional Rezoning
 - Medium Density Residential
 - Multiple Family Residential
 - Mobile Home Park
 - Central Business District
 - General Commercial
 - General Commercial with Conditional Rezoning
 - Regional Commercial
 - Third Street Corridor (FBC*)
 - Downtown Marquette Waterfront (FBC*)
 - Mixed-Use
 - Mixed Use with Conditional Rezoning
 - Planned Unit Development
 - Industrial/Manufacturing
 - Municipal
 - Conservation and Recreation
 - Civic
 - Board of Light & Power
- Street Labels
- Streets
- City_of_Mqt_Ortho_2012.sid
- RGB**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

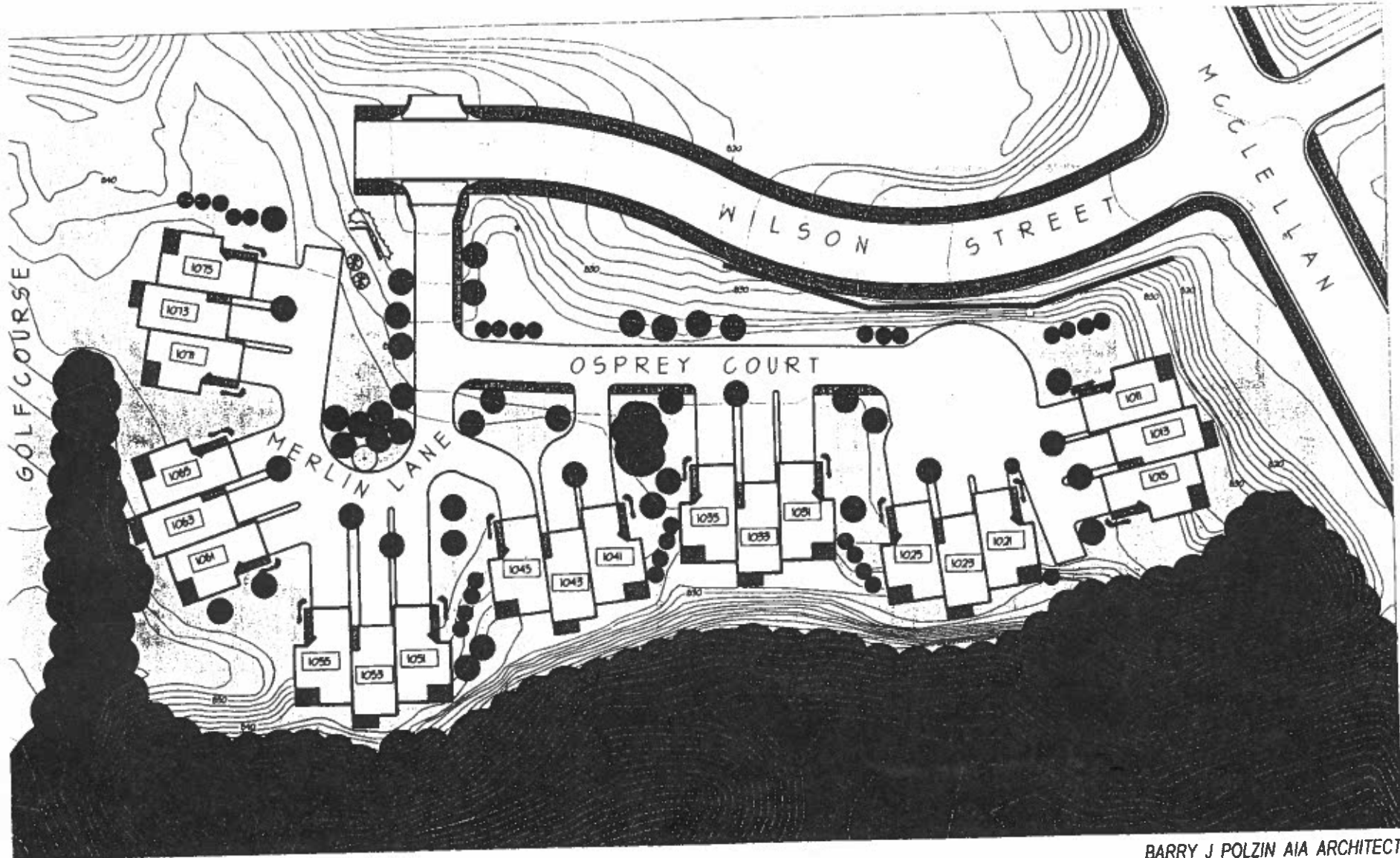
1 inch = 500 feet

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



Original Hawk's Ridge Site Plan
Site Layout Map

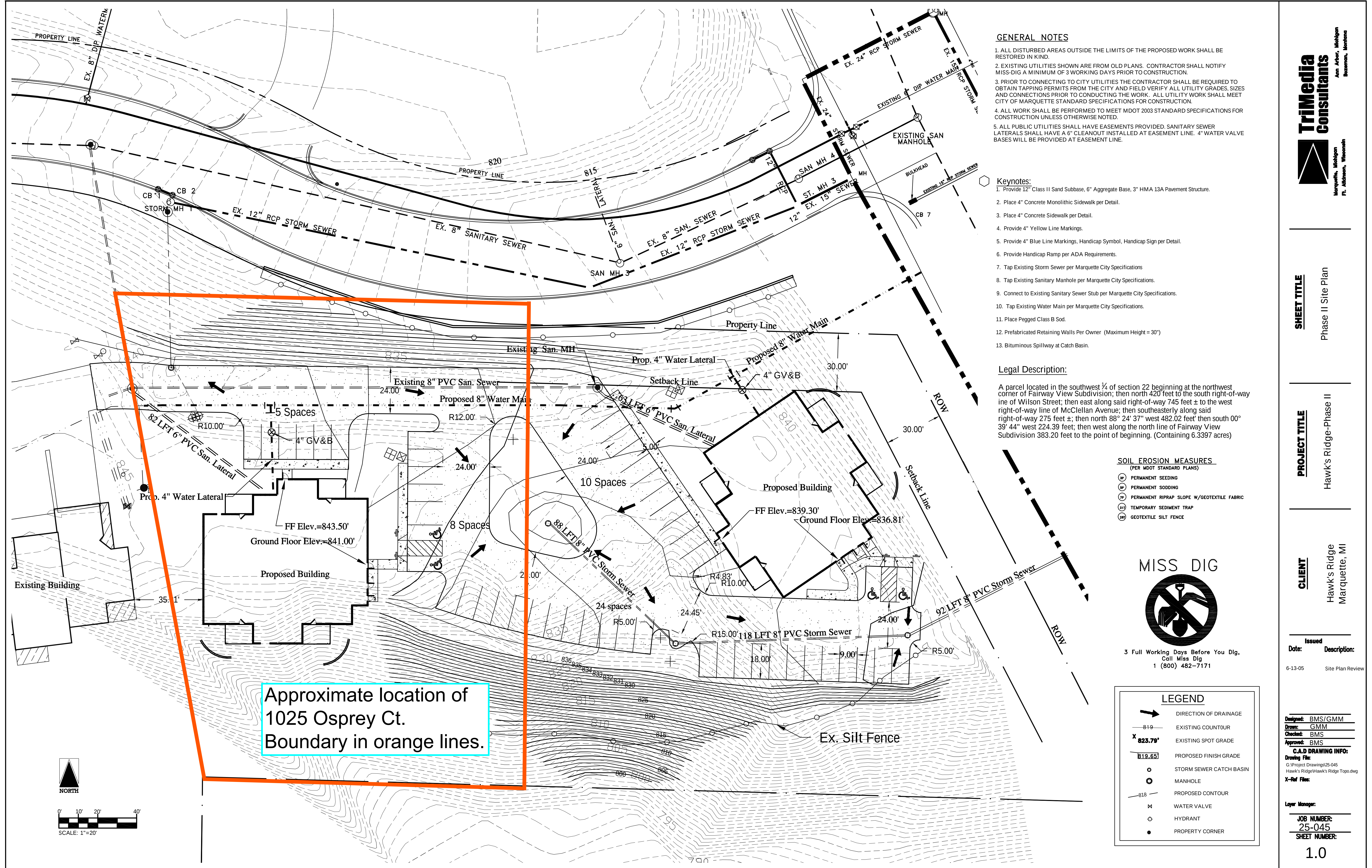


BARRY J POLZIN AIA ARCHITECT

HAWK'S RIDGE
MARQUETTE, MICHIGAN



IRON BAY DEVELOPMENT LLC



- GENERAL NOTES**
1. ALL DISTURBED AREAS OUTSIDE THE LIMITS OF THE PROPOSED WORK SHALL BE RESTORED IN KIND.
 2. EXISTING UTILITIES SHOWN ARE FROM OLD PLANS. CONTRACTOR SHALL NOTIFY MISS-DIG A MINIMUM OF 3 WORKING DAYS PRIOR TO CONSTRUCTION.
 3. PRIOR TO CONNECTING TO CITY UTILITIES THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN TAPPING PERMITS FROM THE CITY AND FIELD VERIFY ALL UTILITY GRADES, SIZES AND CONNECTIONS PRIOR TO CONDUCTING THE WORK. ALL UTILITY WORK SHALL MEET CITY OF MARQUETTE STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 4. ALL WORK SHALL BE PERFORMED TO MEET MDT 2003 STANDARD SPECIFICATIONS FOR CONSTRUCTION UNLESS OTHERWISE NOTED.
 5. ALL PUBLIC UTILITIES SHALL HAVE EASEMENTS PROVIDED. SANITARY SEWER LATERALS SHALL HAVE A 6" CLEANOUT INSTALLED AT EASEMENT LINE. 4" WATER VALVE BASES WILL BE PROVIDED AT EASEMENT LINE.

- Keynotes:**
1. Provide 12" Class II Sand Subbase, 6" Aggregate Base, 3" HMA 13A Pavement Structure.
 2. Place 4" Concrete Monolithic Sidewalk per Detail.
 3. Place 4" Concrete Sidewalk per Detail.
 4. Provide 4" Yellow Line Markings.
 5. Provide 4" Blue Line Markings, Handicap Symbol, Handicap Sign per Detail.
 6. Provide Handicap Ramp per ADA Requirements.
 7. Tap Existing Storm Sewer per Marquette City Specifications.
 8. Tap Existing Sanitary Manhole per Marquette City Specifications.
 9. Connect to Existing Sanitary Sewer Stub per Marquette City Specifications.
 10. Tap Existing Water Main per Marquette City Specifications.
 11. Place Pegged Class B Sod.
 12. Prefabricated Retaining Walls Per Owner (Maximum Height = 30")
 13. Bituminous Spillway at Catch Basin.

Legal Description:

A parcel located in the southwest ¼ of section 22 beginning at the northwest corner of Fairway View Subdivision; then north 420 feet to the south right-of-way line of Wilson Street; then east along said right-of-way 745 feet ± to the west right-of-way line of McClellan Avenue; then southeasterly along said right-of-way 275 feet ±; then north 88° 24' 37" west 482.02 feet then south 00° 39' 44" west 224.39 feet; then west along the north line of Fairway View Subdivision 383.20 feet to the point of beginning. (Containing 6.3397 acres)

- SOIL EROSION MEASURES**
(PER MDT STANDARD PLANS)
- PERMANENT SEEDING
 - PERMANENT SODDING
 - PERMANENT RIPRAP SLOPE W/GEOTEXTILE FABRIC
 - TEMPORARY SEDIMENT TRAP
 - GEOTEXTILE SILT FENCE

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- LEGEND**
- DIRECTION OF DRAINAGE
 - EXISTING COUNTOUR
 - EXISTING SPOT GRADE
 - PROPOSED FINISH GRADE
 - STORM SEWER CATCH BASIN
 - MANHOLE
 - PROPOSED CONTOUR
 - WATER VALVE
 - HYDRANT
 - PROPERTY CORNER

1025 Osprey Court – Site Photos



View looking west across 1025 Osprey Ct., in front of the Lofts at Hawk's Ridge building.



View looking south across 1025 Osprey Ct., with the Lofts at Hawk's Ridge building on the left and Hawk's Ridge buildings at right.



View to the south of Osprey Court adjacent to the 1025 parcel. Wilson St. is just below, with the junction of Osprey Ct. just out of sight on the left side of the photo.



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

MEMORANDUM

TO: Anne Giroux, Executive Director – Marquette County Land Bank Authority
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: September 6, 2023
SUBJECT: Rezoning of 1025 Osprey Court

City staff will be initiating a rezoning process for your property at 1025 Osprey Ct. and bring the request to the Planning Commission on October 3, 2023. The right to develop this property per the site plans for the Hawk's Ridge Planned Unit Development (PUD) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code:

Expiration. Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats (*Section 54.501*) or final site plans (*Section 54.1402*) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with *Section 54.1405*.

The property is designated as Multi-Family Residential (MFR) on the Future Land Use Map in the City's *Community Master Plan*, and that will be the zoning district classification that will be proposed by staff for the rezoning, and that is the only zoning classification that is likely to be found compatible with the current adjacent land uses. Please share this information with the property's prospective buyer.

Cc: City Attorney, Zoning Official, Director of Community Development

September 14, 2023

Dear Property Owner or Occupant:



RE: Notice of PUBLIC HEARING before the Marquette City Planning Commission regarding: **02-REZ-10-23 – 1025 Osprey Ct. (PIN: 0514370)**

The City of Marquette is requesting to rezone the property located at 1025 Osprey Court which is zoned **Planned Unit Development (PUD)** to be zoned **Multiple Family Residential (MFR)**. The right to develop this property per the site plans for the Hawk's Ridge Planned Unit Development (PUD) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code. The property is designated as Multi-Family Residential (MFR) on the Future Land Use Map in the City's *Community Master Plan*.

You are being notified of the public hearing referenced above because you own or occupy property within 300 feet of the property.

The public hearing for this request will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **October 3, 2023**. 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 October 3, 2023.

The Land Development Code language pertaining to the request is 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 material 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.

Please contact me if you have any questions at 906.225.8383 or e-mail alanders@marquettemi.gov.

Sincerely,

Andrea Landers

Andrea M. Landers
Zoning Official

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
October 3rd, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, October 3rd, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, S. Lawry, Vice-Chair N. Williams, M. Rayner, D. Fetter, C. Gottlieb, Chair S. Mittlefehldt.

PC members absent: A. Andres (excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by S. Lawry, seconded by M. Rayner, and carried 8-0 to approve the agenda with the addition of an item of correspondence received today for case 05-SUP-10-23, a letter from the Fire Dept. to the 616 Fisher St. property owner and related to the 06-SUP-10-23 case, and site photos for each of therezoning cases.

MINUTES

The minutes of 09-05-23 were approved as presented, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 05-SUP-10-23 – 3201 Division St. (PIN: 0515980): Special Land Use Permit for an expansion of their Land Intensive Recreational Use

A. Landers stated that staff have reviewed a Special Land Use permit for an expansion of a Land Intensive Recreational Use to add a vault toilet structures, parking lot expansion and improvements, pedestrian and bike safety improvements, site improvements, and designate a picnic area, located at 3201 Division Street. She also stated that the Planning Commission should review the Special Land Use application and attachments, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and Land Intensive Recreation Use Standards in Section 54.641.

She discussed and showed on wall monitors the attached Staff Report/Analysis and attachments, the Special Land Use application, Site Plan Review application, site plan, and background information related to previous approval for a Conditional Land Use permit. She expanded on the Staff Report items, showing maps, photos of the site, site plans, and pointed out the area around the driveway entrance that is owned by Cliffs Natural Resources that the NTN is in the process of purchasing. She also read an item of correspondence from Mark and Erin Ellison that was received by email this morning (10/03/23) in opposition to the proposal.

Ms. Lori Hauswirth, Director of the Noquemenon Trail Network (NTN), stated that she and Traci Goebel are here for the NTN. She also stated:

One correction to the staff description is that this is an expansion of an existing parking lot, it's not a new parking lot. Just for clarification on that, it basically is to serve the public, the recreational use is public. We see a lot of use at that trail head, and right now we basically have a temporary toilet that's serviced

monthly, that isn't serving the waste needs of the facility based on the public use that's happening there. We want to make the parking lot flow a little bit better which is part of the design so people are parking in a more organized fashion there, to increase that capacity as well as grading the parking lots, we currently use the entrance for safety for people exiting and entering that spot. As we know, that's a pretty dangerous piece of highway there. There's a lot of discussion around that. We didn't know we didn't own the entrance until we started this process, which was a surprise to us. CCI is actually quit-claiming that piece of property, which you should receive the additional correspondence that that is in the works. They're in the process of filing that (inaudible) have to report that. I will let Tracy speak a little bit to you and make the landscaping of the layout of the design.

Ms. Traci Goebel stated that she was an NTN board member and the engineer of record for the project. She also stated:

So, Lori covered the high points. I would say the parking lot itself is being nominally expanded on the southwest and north end edges by 20 to 40 ft. roughly, to really increase the organization of the parking lot, accommodate one way traffic and a loop around there, also to accommodate some larger vehicles with trailers in the designated parking area for those, because right now they come in and they just park and it prohibits other people from parking there in high use times. We are raising the entrance up at MDOT's recommendation, approximately 3 feet, to improve visibility and improve ingress and egress and also partially paving it, just at their recommendation. Beyond that, I guess I don't have anything to add. We're trying to do I guess a little bit of landscaping, a little bit of aesthetic improvements in the parking lot, and those also double as storm water management.

S. Mittlefehldt asked - Do any Commissioners have any quick questions of clarification while we have the applicants' up?

C. Gottlieb asked - When is the, you said there's a quit-claim deed coming?

Ms. Traci Goebel stated we were provided with their signed copy on Friday and they expected it to be sometime this week that they get the signed copy out, the original.

C. Gottlieb asked - Cleveland-Cliffs have signed a quit-claim deed already and that's being, where is it right now?

Ms. Traci Goebel said - I think we got an electronic copy and they're mailing the final copy, and it needs to be recorded.

D. Fetter said - You mentioned one-way traffic. Will there be signage included to be able to support one-way?

Ms. Goebel stated:

Yes, that's our plan at the entrance island there, it's the green one you see we'll have the (inaudible), NTN South Trails parking lot and then one-way traffic with some indications supporting that.

S. Mittlefehldt said - I just have a question about the paving, so you said it's partially paved?

Ms. Goebel stated:

It's actually shown on the drawing, the darker shaded park off of M-553 where Andrea's operating the mouse right now, just that area just to give it just a little traction.

Ms. Hauswirth stated:

We see people spinning on the gravel is a pretty regular thing, so we wanted to do what MDOT recommended, and that one safety improvement was the elevation, and the paving that they suggested when we've had conversations with them.

C. Gottlieb asked - And there's a culvert that will go in just beyond the paving?

Ms. Goebel stated:

Right now the design shows a culvert, actually it's called an under drain, it goes from that- it's hard for me to-

A. Landers stated the dash lines here?

Ms. Goebel stated:

The dash- well there's a culvert there and it will go across under sort of along the road right of way. That is subject to MDOT approval on sizing and then there's also an under drain that goes to the storm water collection area, which is from the south side of that long island over to the storm water collection area, because basically that is a bioswale kind of similar to what is at the Co-op, if you're familiar with that parking lot, a depression, water flows down and then it collects in a catch basin and goes across.

S. Mittlefehldt said - I know Commissioner Lawry mentioned, but just a follow-up so is that dash line, is that underneath or is that just the drainage from that middle part?

Ms. Goebel stated:

So yes, there's a culvert underneath [inaudible] that goes from storm water detention, a small storage area across to just an existing drainage area right now that ultimately will just be the [inaudible], and there's also one that is underground across to-

S. Mittlefehldt said - Okay, so draining the middle portion?

Ms. Goebel stated: Correct.

S. Mittlefehldt said - Great, and Commissioner Lawry, do you have a question?

S. Lawry stated:

A couple of them, yes, the different regarding the landscape plan it's the packet shows I believe concrete wheel stops aligning the edges of the parking wheel stops outlining the edge of the space which really helps to provide some order to parking, but that's the only place I've seen them and they weren't called out in the notes so I'm wondering are they included or are they not?

Ms. Hauswirth stated: Yeah...because it is going to be a ground parking lot, that'll be the thing that helps define the spots. We need to add some, but yeah.

S. Lawry stated: And how do you intend to define the pedestrian cross-walks that you have there?

Ms. Goebel stated: With some signage in the gravel area.

Ms. Hauswirth stated: It'll be finer gravel, it's all packed surface.

S. Lawry stated:

Okay so visually with a different surface texture and you mentioned one sign indicating the direction of traffic flow at the entrance...so hopefully those are part of any revised plan that you submit, you could indicate your total traffic control system. And I also had a question about is there a water source on site right now?

Ms. Hauswirth stated: There is not.

S. Lawry stated: How do you intend to maintain the vault toilet?

Ms. Hauswirth stated: We will need to haul in the water to do that, if and when it's necessary.

S. Lawry stated: Okay, you will do that with NTN staff, or contract with the service that's providing your toilet service?

Ms. Hauswirth stated: We'll be weighing our cost to that, to see what works best.

S. Lawry stated: Okay, well having maintained a number of them for different municipalities in the past, they do require frequent cleaning.

Ms. Hauswirth stated: We have vault toilets at our Forestville trailhead, so I am well aware of the needs, thank you. [Laughs]

S. Lawry stated: One other question, has SEMCO reviewed these plans at all?

Ms. Hauswirth stated:

Initially, when we were developing the concept for the project, we did meet with SEMCO. They came out to the site and we are aware of their coverage requirements. They have to be on site for all earth moving in the vicinity of the pipeline, that's in the comments for the drawings set, and there's approximately 7 to 8 ft. of cover over that pipeline right now in this area, and they need a minimum of 3 feet, but I think the design, because we're going to do some regrading has 4 to 4-1/2.

S. Lawry stated: They also have some concerns about adding material when traffic is going to be driving over the pipes, so I guess that's something to explore with them as well. Okay, thank you.

S. Mittlefehldt said: Any other questions?

K. Clegg asked: In your drawings, it talks about lights. Are there lights on the property right now?

Ms. Hauswirth stated:

There is one light on the front edge of the parking lot and the building itself has some lights.

K. Clegg asked - Your stated hours of operations are dawn to dusk, just something in addition that you're looking to expand your hours or...?

Ms. Hauswirth stated: No, there are defined hours currently at the location.

K. Clegg stated - Okay.

S. Mittlefehldt stated:

Great, well I think that's all for now. Thank you so much, and correspondence, I think that was it. We heard all the correspondence right, so at this time we can have some public testimony, if there's anyone here who would like to speak on behalf of this project please come up and there's three minutes. She then opened the public hearing. Nobody made comments on the proposal. S. Mittlefehldt closed the public hearing.

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 8-0 to suspend the rules for discussion.

S. Lawry asked a question for staff: Are you able to, on the arial photos, show us where the Ellison house is in relation to the trail head?

A. Landers, showing the location on the map being shown on the three monitors on the room walls, said that they are located right here.

C. Gottlieb asked: 2914?

A. Landers said: 2914

S. Mittlefehldt said: So, actually pretty far away from development, right?

A. Landers stated:

And for clarification, after seeing their email that they sent me today, I looked and they never asked me for materials, so I sent out materials and I explained the materials, so I was able to at least provide them that the expansion is down at the site with the vault toilet and whatnot. I don't know what they were referring to of losing walking trails though, because in that neighborhood, those trails have always been open to everybody, it's just non-motorized trails in that neighborhood.

S. Mittlefehldt stated:

I had a question for staff as well, too, in the packet it talks about how Section 54.1003, in the Land Development Code talks about number of deciduous trees and ground cover, can you explain a little bit about what NTN would have to do to make that requirement?

A. Landers stated:

That's going to need a meeting with NTN. They have to call out, what they're going to call out as their interior parking lot and once they call that out and provide me the square footage, each area of that would determine how many trees. I won't know that until I know where they're going to decide to call it out to, because at a minimum of so much square footage in an area that you're calling out, it requires one tree per, so it's all going to be dependent on their design. That's why I said in my comments that we'll meet with them and discuss it with them.

S. Mittlefehldt said: Okay, so if we make a motion to approve with staff comment, that would be-

A. Landers said: That should be covered with that.

S. Mittlefehldt stated:

Great, well another thing we need to discuss as a Planning Commission is I guess in the packet it mentioned the potential for nuisance. Any additional noise, vibration, dust, fumes, or other nuisance that might affect the surrounding area. I don't see any nuisance issues and the results of this. In fact, it might reduce nuisances with the existing inadequate bathroom facilities. It might actually help address those but that is something we need to discuss. Anybody see any potential for a nuisance?

N. Williams said: I think if anything, it's bring order to this site.

S. Mittlefehldt said: Any other comments?

M. Rayner stated:

The lighting - is it downward facing so it wouldn't interfere? I don't know how close the closest house is.

D. Stensaas said: It's required to be downcast.

M. Rayner said: Okay, it's required.

D. Stensaas said: And some of these things are in your site plan standards that you need to go through.

M. Rayner said: I understand. So, I think the light was the only question I had.

C. Gottlieb said: In reality, the closest dwelling is at least a quarter mile away.

S. Mittlefehldt stated that the Planning Commission will now review the Special Land Use Standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Lawry stated, regarding item 54.1403(C)(8):

I still have a bit of a concern with the pedestrian crosswalks, they're channeling people between parked cars, they're probably all scattered throughout the parking lot, going between parked cars at this point, so over existing conditions, it's an improvement.

S. Lawry stated, regarding item 54.1403(C)(13):

One thing, I guess, when we looked at the relationship to the correspondent's home, I guess we couldn't really see how the clearing done for the gas transmission main might have affected their view of this property, but it still didn't appear to be something that put them in close proximity and view-wise. Does anybody have any more information that?

K. Clegg stated: In my experience, they're around the corner. They don't have a direct sight-line, from their lot.

C. Gottlieb said: The SEMCO pipeline is closer to 553...I think they were four houses in off of the intersection, so they're far from the SEMCO pipeline as well.

S. Lawry said, regarding item 54.1403(C)(14): The Community Master Plan promotes sports tourism and has a goal to (inaudible).

S. Mittlefehldt stated: The NTN is highlighted in the Plan as a shining light of what we're hoping to do in the community, and this seems very much in harmony with that.

It was moved by K. Clegg, and seconded by C. Gottlieb, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 05-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Land Intensive Recreation Use Standards in Section 54.641, and hereby approves 05-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. That the NTN has ownership of the Cleveland-Cliffs Iron Company property for which they are proposing work prior to construction.*

B. 06-SUP-10-23 – 616 Fisher St. (PIN: 0130101): Special Land Use Permit for a Supportive Housing Facility, Permanent and Transitional

A. Landers stated that staff have reviewed the Special Land Use permit for a Supportive Housing Facility, Permanent and Transitional located at 616 Fisher Street. She discussed and showed on wall monitors the attached Staff Report/Analysis for more specific information regarding the Special Land Use application, Site Plan Review application and attachments, and site plan. The Planning Commission should review the Special Land Use application, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647. She said there was no correspondence received for the proposal.

Emily Belinski said that she and Kim Frost are here to speak on behalf of Superior Connections Recovery Community Organization.

Ms. Belinski stated:

A brief overview, in June of 2021, the City Commission approved the rezoning of the property from medium density residential to mixed-use, for Conditional Rezoning. Since that time, Supportive Housing was added as a Special Land Use and is now allowed under Medium Density Residential zoning. We

probably fit that land use better than the one that we were in under the Conditional Rezoning, so we would like to...we are requesting a Special Land Use Permit to use that property for supportive housing.

Ms. Belinski stated:

We believe it does meet the standards of the Special Land Use review. We believe it is fitting with *medium density residential* as it's within the range of uses, including families of all types. *Use of adjacent lands* - it's surrounded by other MDR properties, a municipal property and there is a Mixed Use property in the vicinity. *Physical appearance* - is that of a house. *Landscaping* - there is consistent grass, concrete and fencing. *Operations of use* - it meets the allowable Special Land Use of supportive housing. Also, further is buffered by a road, an alley and empty lot that has a change in elevation and a sizeable back yard that abuts a wooded portion on the back end of the property on 7th Street. *Time of use and physical and economic relationship* - it's a residential house surrounded by other residential houses within your mixed-use property. *Number of persons or employees* - it houses 16 individuals and that is what the Fire Department determined was the occupancy. They typically have one staff on duty with other staff to make visits through the week, but it would be highly unusual to have more than four staff present at a time. Also, our residents generally do not own motor vehicles so [inaudible] traffic. For *vehicular and pedestrian circulation*, again, that typically there isn't much vehicular traffic as the residents don't generally own cars. Some of them do, but not very many. They do use sidewalks, but they're not generally doing so in large numbers. *Physical characteristics* - I've just referred to the site plan. Public services - I understand that the police captain provided some numbers as to visits and he did mention that it's been increased since the Benders were there. We are serving a slightly different population than the Benders served and overall these people being in housing versus being wherever they might be, in jail or homeless, our community is benefiting because these burdens are not overall increased, they're actually decreased. *Environmental factors* - the types and [inaudible] are in keeping with medium density residential property. And for *site area and potential future expansion areas*, I don't really have any notion of expanding it necessarily, but again it is buffered by a road and alley and an empty lot and our back yard. *Additional environmental factors*, it's similar use to what it has been for years, under the ownership of the Benders. As to the *Master Plan*, we think it does fit the Master Plan, it certainly does provide service or opportunities for people who can easily be excluded based on their different abilities and their economic status, as far as improving the quality of life to routine improvements in education, healthcare, civic engagement, employment, opportunities, arts and culture, recreation. We have community health workers that visit the house and they work with our people on exactly those quality of life factors. And then again, as far as improving [inaudible] economic status [inaudible] a tourist destination, I think it's safe to say that several of our residents would be experiencing homelessness if not for the Fisher Street house and I would not say that more homelessness would be a draw for tourists. Also, we did, I believe there was a communication with the Fire Department...with the Fire Chief and the Fire Marshal and it was a positive conversation, and do you want to speak to that, Kim?

Ms. Frost stated:

We met yesterday with Fire Inspector Fawcett as well as the Fire Chief and it was a super positive meeting with lots of support from them to help us continue the compliance and then also make the home safer for all of its residents, and we provided them a lot of documentation that we're going to use to document inspections and stuff within the home. And I think the only thing I wanted to highlight from what was submitted here was just where it was the Police Captain submitting the number of police visits, I think it's important to realize that the vast majority of those are actually general assistance calls, which means medical calls, and we do have medically fragile people that live there and those are the majority of the response calls that happen there.

S. Mittlefehldt said: Are there any comments, questions from the Commissioners while we have our applicants there? Anybody have any questions about logistics or anything that they submitted or just said?

Ms. Frost stated:

Is this inappropriate, because I want to ask if everyone understands what Fisher Street House is?

S. Mittlefehldt stated:

Well, actually my question was how can you, because in the packet it talked about in-home services that are provided there, like the assertive community treatment program as well as like the community health work program, and then there's also the person who's the on-site manager. So, I guess could you give us a sense of a couple of things. Number one, you mentioned the population served is different than it has historically, so if you could give us a narrative history of how that's changed over time, cause it sounds like there has been some issues and it's been sort of been serving this function like a transitional house.

Ms. Frost stated:

So the Benders operated it initially I think back in the 40s or 50s or whatever. It was truly operated as a boarding home for working men is my understanding and then over time became a boarding home for people who might struggle to live independently and such, and so does have some long-term residents, so I think you're going to hear from a couple who are here to speak to you, but we continue to have some, in a sense, permanent residents that reside in the home, but then we also have some people who we might consider more transitional, but it's not like they're coming in and out every month. We have to go through like the ultimate goal might be to often transition into different kind of housing but it's a long-term process. It might be repaying some debts to a former landlord through subsidized housing or it might be developing health plans that allow them to live more independently so we through the support of the assertive community treatment team, through our community health worker program, work really hard to provide supports to 16 humans who are super vulnerable. Many of them, in fact almost all of them, without Fisher Street will be literally homeless and residing on the streets because they do not meet the criteria to live in subsidized housing and because in addition there's no subsidized housing to be had. It's awful and many of these individuals do not meet the criteria, so it provides an incredibly important function and so we have the ACT team coming in. We have the community health worker program and then recently we were awarded a grant which is going to allow us to have a full-time program supervisor to work with the program to continue to develop it and improve the safety of it and improve the wellbeing for the gentlemen that live there.

S. Mittlefehldt said: Can you give us a sense of how much time will the onsite persons that are supposed to be there, be living there all the time?

Ms. Frost stated:

Yeah, so we have an onsite house manager, a gentleman who's also here tonight and he will talk to you. He's relatively new. We had another gentleman and he's working elsewhere now. So he lives there and then we have the community health workers that come in, sometimes several at one time, sometimes independently, all throughout the week, and then the assertive community treatment team which comes in Monday through Friday. And then this new position is going to allow us to have a program supervisor there full-time, so it will be 40 hours a week and I don't see that position being like necessarily Monday through Friday, 9 to 5. I think there's going to be some variability in that, so we have some evening coverage and stuff.

C. Gottlieb asked: There is not necessarily a 24/7 in-house employee?

Ms. Frost stated: There is, there is the onsite house manager, and he is there 24/7.

C. Gottlieb asked: Never leaves?

Ms. Belinski stated: He will be relieved by this 40 hour staffer.

Ms. Frost stated:

So what's going to happen is with the new program supervisor, I mean, when the vendors lived there, they left, too. They weren't always there. They went and took trips actually and went shopping and all that, but that person is there and then we're going to work to have a schedule where the program supervisors will offset each other and make sure that someone is available in the home.

S. Mittlefehldt stated:

Can you tell us a little bit more about, because we did get the memo from the Fire Marshal and as you mentioned several things were out of compliance, everything from smoke alarms and fire extinguishers, the onsite manager wasn't there, the house was not cleaned. We had a whole list of all these things, so it sounds like you talked to them and got things straightened, so is there a plan to make sure that compliance is achieved for some of the safety issues.

Ms. Frost stated:

Yeah, we had, like I said, a really good meeting, and so a lot of those concerns were addressed and some other stuff. It was right during a period of time where there was a transition between the old manager and the new manager. The old manager had left for work. The new manager came and literally was there, the inspection was around 7 [a.m.] and he got there at 8:30 so it was just like that time period. But, we have a very solid plan with them and like I said, Emily drew up inspection, daily, weekly and monthly inspection charts so that we'll be checking per the Fire Marshal's recommendations for smoke detectors, fire extinguishers, etc.

S. Mittlefehldt said: And that would be the onsite manager?

Ms. Frost said: And the program supervisor, yes.

S. Lawry stated:

I think one of your responses to zoning indicated there was going to be a maintenance plan that was submitted for the property, but it wasn't in our packet. I guess I'm just wondering where that is.

Ms. Belinski stated: I didn't submit it, but I do have it.

A. Landers stated: Is that in the narrative?

S. Lawry stated: I believe so.

A. Landers stated: Yeah, so it was in the packet, that was their maintenance plan right after, it was page three.

S. Mittlefehldt stated: The Fire Marshal also mentioned in the comments maybe having a county signal with the plans. I guess this question is for staff, did the county get a chance to look at the plan?

D. Stensaas stated: Well, the county will, as with any project that gets approved for any kind of zoning compliance, when they move on to get a building permit. We've over the years counseled, well, Ryan Redmond in the past, and I think him and their legal counsel, that they should speak with the County Building Codes. This is I think could possibly be a change of use in the county's scheme of things, so the county has some uses that are more residential, some are more commercial. This use might be different, might trigger them to do other fire protection things that our fire department doesn't require. Sometimes the county requires a building be fully sprinklered, whereas our code, the "Life Safety Code" that the City has in its City Code does not require that. So we've counseled that they talked to county building codes and that's all we can do.

S. Mittlefehldt stated: Okay, but the county, their decision would pre-empt our decision, right [inaudible]?

D. Stensaas stated: No.

S. Lawry asked: You said the 16 residents, that it was based on the fire department's determined capacity, do you anticipate that you will keep pretty close to that number?

Ms. Belinski stated: I anticipate that given the housing crisis, we'll stay at 16. Clearly we would not go over if it would violate the fire code but yeah, I anticipate that based on the housing market and housing

crisis that we will stay at or near 16. We sometimes drop down a little bit if someone transitions out but generally we stay, well, at close to 16.

C. Gottlieb stated: It would be 15 plus the resident manager, so it would be 15 plus 1.

Ms. Belinski stated: Correct.

S. Lawry asked: Is it strictly male?

Ms. Belinski said: Yes.

S. Mittlefehldt opened the public hearing.

Amy Hale, of 53 Forrest Park Drive, Marquette, stated:

I work for Pathways and a lot of this is going to be redundant, what was already said, Pathways has been coming into this home - my one co-worker has been there for almost 30 years and Pathways has been coming into that home before he was hired. We go in there Monday through Friday. We prompt meds. We support individuals to doctor's appointments, other [inaudible] care, shopping, community supports. Most of the folks that we see there have a serious persistent mental illness, such as schizophrenia, schizoaffective disorder, we also have our trained psychiatrist. Some of the folks that just cannot leave for various reasons. Our trained psychiatrist from our program will actually go into the home, provide treatment in the home at the Fisher Street. It's been my experience when we've had to place individuals there at the Fisher Street home, they come from either a really bad place, they're getting kicked out of their apartment, and they thrive at Fisher Street. There's the supports, there's the other individuals that necessarily would not talk to them if they lived in their own apartment, so it's always really neat to see how they thrive in that setting. It's been my experience that if it wasn't for the Fisher Street, some of our individuals actually would become homeless, just as we know there's nowhere else in the community for them to go. Some that live there don't want to go anywhere else and I think that's a fantastic thing to consider, that this is their home. Some that live there would like to go elsewhere, they just don't have the resources, the support, background checks, all of that, they would not pass. So, the Fisher Street provides that home as well. And I just also want to say that I just came back from a three week deployment from the American Red Cross providing disaster mental health from Hurricane Idalia. When the shelters were closing there, and there were individuals that had nowhere else to go, we were expected to provide them resiliency kits. Those resiliency kits consisted of a tarp, a tent, and a sleeping bag, and that was inside a wagon, and that's how we had to have them leave the shelter. If Fisher Street were to close, we would be in that same boat, watching those that have lived there for many years be asked to leave. This decision would be devastating for those individuals that use their home of many years. It would also be devastating for their families. As mentioned before, they're already contributing to the homeless concerns. I don't think we need to go down that road. The individuals that live at the Fisher Street home deserve more than a resiliency kit. They deserve a place to call home and that's what we have at Fisher Street. Thank you.

Cindy Lack, of 124 E. Magnetic St., stated:

I am a retired physician, retired almost two years now, and I previously, before I retired, worked at the homeless shelter for a while, so I haven't done it for a few years but speaking from that experience and also from just a health standpoint, we don't need less of this, we need more of these kind of places because these are the people that don't fit in anywhere else. I mean, our whole system of taking care of mentally ill people has changed and it's not been great, the results have not been great. We used to think institutions were bad places, but the other part of working with the homeless is that I've worked with Kim and we've tried to get an apartment for these people and they don't do well. They don't do well. We've done visits and found them deceased. That's how bad they do. And so, they need each other and they need support. They need support of this community and we can't just kick it down the road. That's what we always do, and it doesn't go anyplace better, it only gets worse. So, let's see, I totally agree with what the woman just spoke about, all the benefits of being in this type of environment and it's potentially the perfect spot. It's kind of isolated. There's not a lot of people that might be afraid of these people, because that is definitely a reaction to mentally, and I actually don't, I haven't been recently, but they've

been up there for a reason. They don't fit in society, and so I think as I consider myself a Christian, our job is to take care of these people, not to try to break up what we do have. I mean, it's precious little that we already have and so to have less of that to me is, I would actually call it immoral. I don't mean to be judgmental, but I just think that these people don't have any power. We are their power. They don't have- they have nothing to give us except themselves and most of us stay with them because they give us a lot. They keep us humble. They keep us with gratitude for what we do have and I really don't mean to be judgmental, but I think that they just always get the short end of the stick. This is an opportunity to not do that, so thank you.

Pauline Duren [sp.?], of 580 Cox Ave., Apt. 215, in Marquette, stated:

This is my son Todd. 30 years now, he's been living in this home. There have been several changes during those years, including change of caretakers. I have gone to several home meetings and what I have experienced was a group of residents sharing their thoughts and concerns with their new caretakers as well as for the caretakers listening and addressing their concerns. They are also creating incentives to give the residents a purpose and a meaning, leaving the residents with a feeling of self-worth, which we all need to feel. With that being said, they are one big family, helping each other out, living under the same roof.

Stephanie Bryan, stated:

I'm a case manager for the community (inaudible) program at Superior Connections. I've had the privilege of working with many individuals by including most of the gentleman who resides currently at 616 Fisher. I have worked with most of them in one capacity or another and I've even gotten to know them and their families oftentimes. The men at 616 Fisher are individuals with varying combinations of mental illness, cognitive impairments, physical disabilities and/or substance use disorder. Many of them have criminal backgrounds due to their mental illness, traumas or other variables, and while with all that considered it may seem like the house would be full of chaos, outbursts, mischief - that is just not the case. To deny there are any interpersonal conflicts here and there would be silly, as is the case anywhere, much less when you refer to communal living situations and then mental illness and what have you, but it's just not the case. It's actually really well functioning. When there are struggles within the house, the residents have our phone numbers and access to us as well as, of course, the live-in house manager, so we are all able to help them overcome the moment using guidance and support from trained and compassionate staff. The majority of the days and nights at 616 Fisher are full of laughter, comradery, helpfulness, storytelling, regular house duties and just the normal day to day back and forth of any other household. The residents have created a culture that, like Todd's mother said, really resembles family for many of them. Furthermore, many of these men have lived there for a long time, including Todd, and as you can see, he loves it. For many of the house residents, the reality is if not for Fisher, they would truly have nowhere to go. Not only are we in a housing crisis and the shelters are often at capacity, but these gentlemen have unique barriers, in addition to the costs and lack of availability, so to think that 16 of our community highest, most acute individuals would suddenly be able to access housing is just unlikely. I've been around for over two years and I want to validate I certainly have seen areas that we could improve on regarding the house, but what I've noticed is that most of those deficits were a reflection of our lack of funding and the staff. It was not a reflection of a lack of efficacy or a necessity of the home to exist in the first place. Without this home, like I said, they would be displaced and that is just not a viable solution. I've seen the organization work tirelessly and often at all hours, certainly that's the case for me, to improve the functionality of the house. I have seen a dramatic decrease in incidences, police involvement and overall crises in the last year particularly. And now after Fisher House went unfunded for so long, we have finally received funding for our program supervisor to really just take the bull by the horns, hear your guys concerns, our concerns, and really get this thing on track the way we want it to be, even though it's already really great. We would be able to provide that focused oversight, similarly as we do to our Baraga [Ave.] recovery house that's well received, well respected, and in trust by the same city. In addition to a live-in house manager, like I said, there is nearly daily stops by many of our staff. All our residents are connected with one resource or another, many engaged in the community health work program, peer-recovery coaching and other outside services. As Amy stated, ACT team at Pathways comes into the house Monday through Friday. The Health Department nurses actually come in each Wednesday to perform COVID testing. There are some of our residents, home healthcare nurses that also come on a regular basis, along with their family and friends. While Fisher House is not without flaws,

like any other home or facility, the progress that has been made is a monumental, especially with no funding, and the future looks really, really bright. The community would be making a grave mistake to take away an incredibly vital and unique housing solution. Many other agencies or organizations lean on us consistently to house their clients such as Pathways, Room at the Inn, Janzen House, and more. We have become a sought-after location for many due to our genuine care and commitment to those we serve. I ask you to please know that we are willing to continue to rise to the occasion and are always striving to be better, but removal is not the answer. Support and trust building is the answer and we are ready to begin forging that positive relationship with the city so we can work together to serve our community's most vulnerable and help ameliorate homelessness. These gentlemen deserve as much. Thank you so much.

Steve Miller, of 616 Fisher St., stated:

Fisher House saved my life. I was sleeping in a snowbank. I went to the hospital for a month. Stephanie found me and took me to Fisher House. I now go to the doctor, I get medicine, social security, I've got my license, I drive, I've got CDs, I got movies. I stay to myself. I've got my friends. We've got a TV in the garage, and a stereo. Three meals during the day, we chip in for groceries and Fisher House buys groceries also. There's not a night we go to bed hungry. If you close Fisher House, just barely, because I have no place to go. I lived in Negaunee. I lost my apartment and I wanted to die. And Fisher House found me. Thank you.

Jonathan Hendricks, of 616 Fisher St., stated :

I also live at the Fisher Street. I just want to say, I've only been there for a little while, but I like the people that live there. They welcomed me, they help me out. There's an older gentleman that lives there that I worry about every day, he has nowhere to go, I know that. Sometimes I help him walk around the house or get things for him, like water and food. Like Steve was saying, we have food available to us all day. We usually have pretty good, decent dinners every night. Like I would have nowhere to go. Before I was in Fisher House I was sleeping in the churches and the rotating shelters. I'm diabetic. It was really affecting my diabetes, and I probably wouldn't have made it very far because I'd probably end up dying if I didn't have the proper meds and stuff [inaudible]. Thank you.

Dennis Vandenburg, of 616 Fisher St., stated:

I live at 616 Fisher, I'm the house manager. I've been there for about a month and I just want to say how privileged I feel to be part of this. The guys that I've met there, it's just such an important place for these men, and I think you've heard it from everybody, so thank you.

It was moved by C. Gottlieb, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.

C. Gottlieb said: I have a technical question. I just want to make sure I understand what's going on. This is being brought up today because of the Special Land Use. Why is it being brought up today? What is it coming from and where is it heading.

D. Stensaas stated:

I'll take some of those questions. This is a really complicated property use case because when the Benders decided to first turn this over to the organization prior to this - Superior Connections - we didn't have this category of transitional housing or assistive housing facility. We created that because we recognized that there is the need for this in the community, these kinds of facilities. And in the world that we work in here, we have to have specific land uses that are targeted for things like this. There wasn't one when that happened three or four years ago, so basically we accommodated the nearest possible existing land use at the time and that required the property to be rezoned, and we went through this process where the City Commissioner agreed to a Conditional Rezoning of the property with limited use for this to be turned a *Health Facility*. The applicants did not meet all the requirements that were conditions of approval, including having an approved site plan, and in the meantime we created this definition and use standards for this type of facility, specific to this type of facility. So as we came to the deadline for this group to meet the original conditions of the original approval, that time was running out and the City Attorney and I agreed that the use that was originally approved didn't really match up

anymore, because we kind of superseded what was originally approved with now a thing that really legally exists for this type of use, which is what they're applying for as a Special Land Use.

A. Landers stated:

So, the Rezoning with Conditions expired and now they are back to Medium Density Residential, which allows for this as a Special Land Use.

S. Mittlefehldt stated:

So just to clarify, functionally it's been serving this function in the past, so we're just making-

D. Stensaas [interposing] stated: Making it legal.

A. Landers stated:

Yes, it's never been approved for such use. It was only approved for everyone else and that was only approved to be the 2nd floor, like the benders living below. So, this is a completely new use but they have been [inaudible 01:03:02].

C. Gottlieb said: So there is no change in functionality between what has been reality.

A. Landers stated: For a couple of years.

D. Stensaas stated: Right, it was just legally untenable to continue down that road.

C. Gottlieb said: Thank you for the clarification. I appreciate that. Thanks very much.

S. Lawry asked staff:

How does this facility differ from the several facilities in the community that are run by community mental health?

D. Stensaas stated:

Well, this facility, as its defined, is for supportive housing. It's not a shelter for short-term, it's not a crisis shelter like our warming center, Room at the Inn, and it's not necessarily something that is for people that have other resources. This is basically somewhere where people that don't have resources, don't have shelter can stay for either short-term or long-term, depending on what's approved, and our definition allows them to be either, depending on what they want to be, how they want to manage it. If they want it to be short-term, that's their choice but it can be a long-term home for people like the, the Janzen House, if we reclassified the Janzen House, it would be the same thing really.

S. Lawry asked: I thought the Janzen House had a time limit on staying there?

D. Stensaas stated: I'm not aware of what their rules are down there, but they've pretty much been operating for 30-something years under the same rules.

S. Lawry stated:

Okay, but I guess what I'm trying to understand is if the government through Community Mental Health operates a number of different facilities, if it will be private homes in the community where they're providing assistance, how does that differ from these people who can't get that type of living arrangement?

D. Stensaas stated: Maybe the applicants can help answer that question.

Amy Hale said:

I think that's a great question. Back in the way past probably when Benders was here, Pathways did have other homes that represented Benders, called the Crescent Home and maybe another home, but since after my time being at Pathways we have no such homes anymore. What Pathways does is Pathways will contract out to ALS (adult learning systems), the human health services, those are...adult

foster homes, and Pathways will contract out with such homes, but Pathways does not have- Community Mental Health does not have, anything like the Janzen, Fisher Street Recovery Home, the Warming Center, that's not what Pathways has right now. I don't know if that answers your question or not.

S. Lawry asked Ms. Hale: What are the two homes on Wright Street?

Amy Hale stated:

Wright Street, I want to say one is owned by ALS and I don't know if the other one is or if that's from Bay Human, so Pathways has nothing like what Fisher Street has.

A. Landers said: And you said the words adult foster care, right?

Amy Hale said: Yes, those homes are for adult foster care.

A. Landers said: And that's a separate use in our code.

S. Lawry asked Ms. Hale: So those people need long-term and more concentrated care than what your...

Ms. Hale [interposing] stated:

Correct, those are what we would classify as specialized residential homes. Those are provided 24/7 staff by para pros that have been trained, usually two staff at a time. They have severe behavior problems. They could have a severe mental illness where they would not be able to live in a place like the Janzen or the Fisher Street home. We've actually taken people out of the Fisher Street home due to their behaviors and Pathways had a contract with AOC [?] that is actually downstate for some of our folks as they would not be able to make it in the Fisher Street home, so its kind of a step down from an ALS, Bay Human, other specialized residential homes.

Ms. Belinski stated:

I can also answer that. Until a few weeks ago I was the Assistant Director of the Janzen House, and there's not a time limit there either.

W. Premeau stated:

I'm confused on this...but this is being sold, correct? They must have rented it previously?

Ms. Belinski said yes to both questions.

W. Premeau stated:

Before, they could have been after the owner, now they'd have to go after her [indicating one of the applicant speakers], correct, unless she's not the owner.

Ms. Belinski stated:

It is currently owned by John and Teena Bender, and we have a contract with them, and pending this decision tonight – if it goes through – we will be able to obtain the financing to be able to purchase it from them.

S. Mittlefehldt said: Thank you, that's helpful. Any other questions before we dive into the Code? She then began to lead the Planning Commission review of the Special Land Use Permit (SLUP) standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards. Specific questions and notable comments on the fourteen SLUP standards follow.

C. Gottlieb said, in summary to discussion on item 54.1403(C)(5):

My comment would be that we wouldn't anticipate an increase in use over the past two years.

N. Williams stated, in regard to item 54.1403(C)(6): It's residential 24 hours per day, as houses are.

N. Williams stated, in regard to item 54.1403(C)(11): One item for the previous case, Public Services, there were attachments from the Police Department and Fire Department, but for comments for *this* particular case they have none.

It was moved by S. Lawry, and seconded by M. Rayner, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 06-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647, and hereby approves 06-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. Fire Department provides follow-up inspections to assure that the health and safety requirements that they recently cited are being addressed.*

The Planning Commission took a 5-minute recess.

C. 02-REZ-10-23 – 1025 Osprey Ct. (PIN: 0514370): Requesting to rezone the property located at 1025 Osprey Court which is zoned Planned Unit Development (PUD) to be zoned Multiple Family Residential (MFR)

D. Stensaas stated these two cases on rezoning came up because these PUDs have expired, and so we're going through this process, which is fairly perfunctory, to rezone the property. I'll just read what the memo says and then I'll add a little. So, City staff is initiating this and we're requesting the Planning Commission first to make recommendations, and the right to develop the property per the site plans, starting with Hawks Ridge, is being terminated due to non-completion of article 54.316 of the City's Land Development Code, which is up on the screen, that says "Within a period of two years following approval of the PUD agreement by the City Commission for an area embraced within a PUD, if such plats or plans have not been submitted within a two year period, the right to develop on the approved plans shall be terminated by the City. Upon the developer showing a good cause, the Planning Commission can recommend, and the City Commission can grant, an extension of up to two years for submission of the preliminary plat or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan in accordance with Section 54.1405 and the Master Plan."

He stated:

The Hawk's Ridge property is shown in the Community Master Plan, on the *Future Land Use Map*, that's for land use - not zoning, as Multiple Family Residential. So, that's the recommendation here because that's one option. The other option is to rezone the property to the previous zoning classification, which at this point is kind of irrelevant. We've adopted a new Code in 2019, and this particular project - as we have documented in our staff report that I'll go through, was approved initially in 2003, went through a lot of different amendments and different situations that changed the outcome of the property. In the most recent era - the last five years - the County Land Bank, which is sort of an arm of the County's Assessing office, they decided that to get this property - in the middle of the development - back on the tax rolls, they wanted to separate it from the rest of the PUD and they went through the legal process of acquiring all the signatures from residents to extract it from the PUD, and then applied for land division, got the land division and so we have a parcel at 1025 Osprey Court, which is in the middle of the former Hawk's Ridge PUD. And they almost had a buyer for this property in the last couple of months that backed out, even though the zoning was not accurate anymore, and that's one of the reasons that this came up, because we realized it was for sale and it was going to possibly sell soon. If we have a developer that wanted to develop this property, if that developer was expecting that they could buy the property and apply for a permit to develop something there, they would have been in a situation where we'd have to go through this first, this process before they could do anything, and so this is sort of a mandated process by the

code, and I'm just going to go back over to the map. This is the online document viewer for the Land Development Code which everybody can find at the bottom of the City's home page. It says Land Development Code, and you click on it and go to these different sections of the Code, but I'm just going to scroll down here to show everybody Section 323, PUD, plan to develop H, and section I - final approval. It says what that process is, that the City requires an agreement with the developer, the applicant can terminate the development, and then it gets to the expiration part of it. So, this is a situation where it says the city shall terminate the contract. There is really not an option to do otherwise, that's the process and this is a legal document. This is not the pirate code or something else, this is what you have to do.

So, we did put together this staff report though as if this was a typical rezoning case. We wanted to provide you all the information about it and for the public to understand what the information we have on the site is. Again, this is the zoning map, the parcel is outlined in blue here and is shown here on the future land use map, which is multi-family residential for that parcel, and that goes back to 2015 when the City rewrote the Master Plan, the last time it was fully revised, and there's a site map showing the utilities in the development area.

That parcel, just for everybody's information, does have utility easements for all the utilities. They are public utilities. They are not private. The road is a private road so any development in the future will have to consider the owners of the PUDs interest in the road. They won't have carte blanche ability to do whatever they want on the road; they'll have to negotiate. And this is from 2021 [showing a sketch], when the county was going to apply for a project here to do, the county itself was going to build with the help of the state. They were going to get a grant to build a pre-fab housing facility there.

A. Landers said: There are two duplexes [in the sketch D. Stensaas showed].

D. Stensaas stated:

Yeah, and they submitted this to us but it never came to the Planning Commission. It fell hard before they even got it to the Planning Commission, but they submitted this map which kind of shows their concept for a development up there and I wanted to show you this with the approximate lines of the parcel outlined there, for what could be developed in the future, I think what the residents of the area could expect to see. I mean, this is certainly possible. Multi-family of course can be a lot of different things, but this is probably about as dense a facility as you could put on a lot and that's what a developer would probably want to do to maximize their investment. So, I just thought I'd throw that in there. And we notified the Director of County Land Bank that we were going through this process, and the neighbors were notified of course, as a typical rezoning process. We lost a lot of digital data that we had for some projects when we had a data breach at the city about 10 years ago, and we lost the original site plans that were submitted for this project, the digital site plans. This was one of the only things that remained that shows the original intent for the PUD [showing a black and white sketch], it seems to be kind of pre-development submittal for the site plan, for the project. So like I said, it did change quite a bit with amendments over the years, but that is what it was supposed to look like in the beginning.

S. Mittlefehldt stated:

Okay, and so since this is coming from city staff, kind of making things right, we don't have an applicant per se. I know you did send notice. Do we have any correspondence to hear from on this topic?

D. Stensaas stated: No.

S. Mittlefehldt stated:

Okay, moving on to public testimony, is there anyone here who would like to come up and provide comment on the potential zoning of this property? Nobody? Then moving onto Commission discussion. We need a motion to suspend the rules for discussing.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

M. Rayner stated:

It would just bring it into play with the Master Plan for land use, correct, if I'm understanding this correctly?

D. Stensaas stated:

Right, the future land use map shows Multi-family Residential as the recommended land use for the property.

N. Williams stated:

So, reading Commissioner Bonsall's comments from the time when this case before them in 2021, it sounds like they waived a 2-acre minimum for a PUD.

A. Landers stated:

That was for the County. The thing [sketch] that Dave showed you was actually the last approval that went up, and that isn't the county one. That is the one that we're expiring. The County never finished going through the process. They only went to the Planning Commission for PUD Concept approval, and they only went to the City Commission for a waiver. They never came back because that whole deal fell through. So, that never got rezoned under their PUD, so it's still under the Hawk's Ridge PUD, it's still showing that this would have been a mirror of the multiple family apartment building, or condo building that that was proposed for this last phase, but then they never did it.

N. Williams stated: Got it, and then second, is the Land Bank authority still the owner right now?

A. Landers stated: Currently [yes], but this property is for sale.

W. Premeau stated:

If you look at the topography there, there's very little buildable land there. That drops off in the back straight down so they're limited unless they build a wall like the hotel is doing maybe.

A. Landers stated:

We do have a steep slope ordinance that they would have to follow in the Code for anything in that area that you're referring to, they have to meet all those requirements.

S. Lawry stated:

Regarding that, the drawing up there right now shows a 20 ft. overhang on the building, so there would be 20 ft. of building to be at ground level, or below ground level on the [inaudible]. And I'd like to thank Dave for researching and getting some answers on the utilities. I stopped into his office yesterday to try to get some answers on that. Thank you.

A. Landers stated:

Did you mentioned the access to the site, the new property owner for anyone wanting to develop would have to get approval from the HOAs?

D. Stensaas stated:

Yeah, so this road is privately owned and maintained and so that would be a task that the new buyer would have to contend with, getting permission to use the road, not just to maintain it but for access to, and it's a site that is definitely buildable and usable and hopefully something compatible will be propose there, but it's going to have to come with some negotiation with the Homeowners' Associations.

S. Mittlefehldt asked: Dave, do we need to go through the standards of review for amendments one by one that are in the packet?

D. Stensaas stated: No, I don't really think it's necessary as long as you guys reviewed it and didn't find any issues with it, because this is pretty clear. The Code says this shall be terminated and rezoned.

S. Mittlefehldt stated: Okay, if we don't have to do it and long as everyone is good with this does anyone want to make a motion?

C. Gottlieb stated: I'll make a motion.

It was moved by C. Gottlieb, and seconded by K. Clegg, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-05-22 as presented. Approval will change the zoning district to Multiple Family Residential (MFR).

D. 03-REZ-10-23 – 905 Lakeshore Blvd. (PIN: 0370190): Requesting to rezone the property located at 905 Lakeshore Blvd. which is zoned Planned Unit Development (PUD) to be zoned Mixed-Use (M-U).

D. Stensaas stated this is exactly the same situation as the last report. So, 905 Lakeshore Blvd., this is the zoning map. It is just north of Crescent Street so the parcel is on, the south part of the parcel fronts Crescent Street and then meets Lakeshore Blvd. and this parcel was approved for a PUD in 2012, Lakeshore Cottage's PUD. The Future Land Use Map shows this as Mixed-Use and of course when this map was adopted in the Community Master Plan, Mixed Use was still a concept zoning district. We didn't have any and so all of these Mixed-Use districts were approved with the Land Development Code and became Mixed Use zoning district. No matter what they were before, they now are Mixed Use for the most part, and so in this case that's really fortunate because the property owner/developer, if they want to continue with, or pick this up again, and they want to build this project, they can pretty much build this almost exactly as it was presented in the PUD without having to go through the rest of the PUD process. They would start with an application for Site Plan Review and because Mixed-Use is very flexible and the actual dimensional requirements of the Mixed Use district are very liberal for development as opposed to Multi-Family, there's a lot of building separation requirement that doesn't apply in the Mixed-Use district. So, in this case, the developer is the owner, still the same property owner, is not really losing out in the way I see it anyway.

A. Landers stated: And as it is, if they wanted to keep it PUD they'd have to start over the whole process again.

S. Mittlefehldt asked: So Mixed-Use would actually be easier for them to achieve the goal?

D. Stensaas stated: It would be very easy. That wasn't an option of course when they applied for this in 2012. The zoning was a different zoning district and they couldn't do that. So, this is exactly the same situation, the property owner is here and I've talked with her and her husband and notified their neighbors, the same stuff as the last project.

S. Mittlefehldt stated: Okay, so there's no official applicants since this is coming from the City, right?

D. Stensaas stated: Right. I should say add to that that this letter in here [showing letter on screen], the property owner did apply for an extension when they were faced with the expiration and so this was approved in 2017, but that extension expired in 2019. So, they have taken advantage of that part of the Code. Their ability to extend approval.

S. Mittlefehldt stated: Okay, and no correspondence on this?

D. Stensaas stated: No.

S. Mittlefehldt opened the public hearing.

Christine Zenti-Emmendorfer, of 900 Lakeshore Boulevard, stated:

I'm the property owner and we've applied for it twice, went through this process. We had a little issue in 2008, well actually a big issue, and then applied again. So, we've gone through this PUD twice and I'm really grateful if you guys go along with this recommendation, then I wouldn't have to go through the PUD again. It's a tedious and I know there's a cost too, so I just want to say I'm grateful and I feel fortunate at this point if this passes. Thank you.

S. Mittlefehldt stated: Do you still have plans to do...

Ms. Zenti-Emmendorfer [interposing], stated:

Well, we have a wonderful plan, for like vintage homes, a beautiful plan I think, but there's just situations that we are not able to proceed right now. I'm happy that we maybe can in the future. I think it would be delightful little kind of neighborhood thing, picket fences, an arbor going into each one, big porches, parking in the back, and making them look like they were built in the early 1900s, the brick-a-brack and that kind of stuff. So, I don't know if it'll ever happen in my lifetime. I'm getting older here but I have some children that might, but thank you. I think I'd said enough.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

K. Clegg stated:

This seems pretty cut and dry, same as the previous one before. We're leaning into the Future Land Use Map, the property owner is in favor, no correspondence in a negative tone.

S. Mittlefehldt stated: Any other thoughts?

S. Mittlefehldt stated:

I don't know how many of us were on the Planning Commission when we saw a proposal for a hotel just north of this site, but for those who were on the Planning Commission you remember that people were pretty adamant they didn't want a hotel built in this area. So I agree that the intent of making this Mixed Use is great and all the permitted principle uses of Mixed Use I think would be great at that site, but some of the Special Land Uses, and specifically the hotel, because that was a big issue that came up very close to this area - not that the current land owner wants to build a hotel there - but if it gets sold some day and it's available to make use, that would be a potential thing that they could do there, so I'm just wondering do we have any authority to say yes, zone it to Mixed Use, but then put-

A. Landers stated [interposing]:

The city cannot do Conditional Rezoning themselves. So, we can't bring forth the same, it has to be brought by an applicant for Conditional Rezoning, but the Planning Commission, for a hotel as applied for before, will always have those Special Land Use requirements and standards to go through that you guys just did for the other two cases.

S. Mittlefehldt stated:

Sure and Mixed Use, we looked at it recently, it does emphasize residential use, local services, as kind of the priority, and then the commercial applications as secondary to the residential, so as long as...we're clear about what a Mixed Use district is, at least how it's defined in our Code, I think I'm comfortable with it. But, several of us around here, we remember the hotel [application]...and I think a lot of us would agree that it's not maybe a great location for a four story hotel, so just wondering how we move forward with permitting this to make it able to do small scale development, residential, but not commercial hotels.

D. Stensaas stated:

We had a meeting with Russ Soyering from Beckett & Raeder today about land use and zoning. He wanted to go through what we've done with zoning compared to what was in the Master Plan's recommendations, the *zoning plan* is still out there, and this is going to come back around. The consultants have not developed that part of the Code where they're recommending changes to zoning and land use. So, you guys still have the ability to say to them, how about on Lakeshore Blvd. we create a second, this is something we've talked to staff before about is the possibility of having a different Mixed Use district for a Scenic Corridor. So if you want to go there and say there's a different set of standards for this part of the city, for Mixed Uses, that they don't include hotels.

S. Mittlefehldt stated:

That would be fantastic, and that's what I had in my notes is, I know it is designed as a scenic corridor. So, a hotel is the most obvious one, but are some of those other Special Land Uses maybe also not appropriate for scenic corridors... but maybe that's a different conversation that would address that.

A. Landers said:

Yeah, because right now legally we can't make that change. The City itself can't do conditional rezoning.

C. Gottlieb said:

This is an academic question and I'm sorry it's an academic question at this hour, but what happens if we don't pass this?

A. Landers said:

Then you have an expired PUD that they can't do anything with.

D. Stensaas said:

You're making a recommendation to the City Commission, so this is going to go to the City Commission and they have the final say in rezonings. The legislative body has the final say on changing laws, and the zoning map is considered a law in itself, so they'll make the final decision on this.

C. Gottlieb said: So this is a perfunctory exercise.

D. Stensaas said:

This is kind of rare - we do have some rezoning cases that are pretty much a slam dunk - but sometimes that's not the case and the Planning Commission really has a lot of work to do, and their recommendation is very important to the City Commission.

C. Gottlieb said: I don't see a problem with this one. I'm wondering why we are voting on this.

D. Stensaas stated: Because it's the process, you guys have to make a recommendation on rezoning, because you're the advisory body on zoning matters.

M. Rayner said: But this keeps us from a spot zoning situation, too, in that this piece of property then would be contiguous with the other pieces north of it.

K. Clegg said:

I think it should also be noted that we already have, like with the previous case, I wasn't on the Commission at the time, but those same backstops that allowed the Commission to deny the previous hotel exist, and we need to trust the Code and the things that we have.

S. Mitlefehldt stated:

Also, for developers, if a developer wanted to put in a hotel at the site, they would see it in the codes, but if there was a secondary designation then they would know it's not worth your time and effort to go through a public hearing process. That's why I'm liking the Scenic Corridor overlay district or additional requirements for Mixed Use areas or something.

D. Stensaas said he will relay that to Russ Soyryng tomorrow and send him the meeting minutes.

K. Clegg stated I'll make the motion.

It was moved by K. Clegg, and seconded by S. Lawry, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 03-REZ-05-22 as presented. Approval will change the zoning district to Mixed-Use.

TRAINING

A. Quick Bites – Music Planning

The Planning Commission and staff briefly discussed the article. D. Stensaas stated that he emailed it to the City's Director of the Arts and Culture office, and she said that she's like the same type of proposal done for theater, art galleries, and other arts. D. Stensaas said that these are things that fit into the Arts and Culture Master Plan and are things that the Arts and Culture Advisory Committee would ideally be able to coordinate, but that they definitely fit into the broad range of community development activities.

COMMISSION AND STAFF COMMENTS

K. Clegg stated:

I'd just like to say I'm glad that we were able to approve the Fisher Street home and serve the potentially homeless population and allow people to have some equity and maintain their dignity in the city while still working together to have a community home.

A. Landers said that there was nothing submitted for the Planning Commission meeting set for 10/17.

D. Stensaas said that if there are no objections he would cancel the 10/17 meeting, as there is not really any need to hold a work session. No objections were stated.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Public Hearing(s)

Rezoning of 905 N. Lakeshore Blvd. - Roll Call Vote

BACKGROUND:

On October 3, 2023, the Planning Commission conducted a public hearing for the proposed rezoning of a parcel of land at the address 905 N. Lakeshore Blvd. from a Planned Unit Development (PUD) district to a Mixed-Use zoning district. This request was brought to the Planning Commission by the City Planner, as the PUD's approval has expired, as has a two-year extension of approval granted in 2017, and the right to develop per the approved site plans for the Lakeshore Cottages PUD is terminated per Article 54.323(1)(6) of the City's Land Development Code (LDC). The same portion of the LDC specifies the rezoning procedure and assignment of a new zoning district, which in this case is Mixed-Use, which the land use designation for this property on the Future Land Use Map of the Community Master Plan.

After the presentation of the Staff File Review and Analysis, applicant testimony, and a public hearing, the Planning Commission made the following motion:

It was moved by K. Clegg, and seconded by S. Lawry, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(1)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 03-REZ-05-22 as presented. Approval will change the zoning district to Mixed-Use.

This public hearing was scheduled at the October 30, 2023 City Commission meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Adopt Ordinance 725 and rezone 905 N. Lakeshore Blvd. from a Planned Unit Development (PUD) district to a Mixed-Use (M-U) district.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Ordinance 725
- ▣ Planning Commission case file 03-REZ-10-23
- ▣ Draft Minutes of 10-03-23 PC Meeting Minutes

ORDINANCE #725
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER
54 – ZONING, BY CHANGING THE ZONING DESIGNATION
OF THE PROPERTY AT 905 N. LAKESHORE BLVD.

The City of Marquette Ordains:

SECTION 1. Zoning Designation.

The zoning of the property located at 905 N. Lakeshore Blvd. is hereby changed from Planned Unit Development (PUD) to Mixed-Use (M-U) zoning district.

SECTION 2. Map Revision.

This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Sally Davis, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____



CITY OF MARQUETTE
PLANNING AND ZONING
1100 Wright Street
MARQUETTE, MI 49855
(906) 228-0425
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MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: September 28, 2023
SUBJECT: Public Hearing – Rezoning of 905 Lakeshore Boulevard

City staff is requesting that the Planning Commission conduct a rezoning process for the property at 905 Lakeshore Boulevard. The right to develop this property per the site plans for the Lakeshore Cottages Planned Unit Development (01-PUD-03-12) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code (LDC):

Expiration. Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats (*Section 54.501*) or final site plans (*Section 54.1402*) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with *Section 54.1405*.

The property is designated as Mixed Use (M-U) on the Future Land Use Map in the City's *Community Master Plan*, and thus that is the proposed zoning district classification that should be applied per Article 54.323(I)(6) of the LDC, and it seems to still be compatible with the current adjacent land uses.

The Preliminary Site Plan for the Planned Unit Development proposed for this property was approved by City Commission on 5-29-2012, and an Agreement for the PUD was approved and recorded in 2014. The Planning Commission approved the Final Site Plan for the PUD on July 7, 2015, but a revised site plan, which was required as a stated condition of the Planning Commission's approval, was not submitted for Zoning Compliance Permit approval. The property owner filed an application for an extension of approval in July of 2017, which was approved, extending approval for one year, but it seems that the request should not have been

approved due to a final site plan meeting all requirements not having been submitted, which was required by the Zoning Ordinance within one year of approval of the Agreement. Termination of the PUD should have occurred prior to the extension request, per section 80.30.6(a) of the Zoning Ordinance. Nevertheless, the PUD approval has certainly expired now, and the right to develop is terminated per section 54.323(I)(6) of the Land Development Code and the property must be rezoned to the appropriate zoning district per the same section of the LDC, which is Mixed-Use per the Future Land Use Map of the LDC.

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 would be in harmony with considerations required by the Community Master Plan and that the request is in accordance with Section 54.1405 of the Land Development Code - 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 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(I)(6), and that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission (approve / deny) 03-REZ-05-22 (as presented / for the following reasons / with the following conditions). Approval will change the zoning district to Mixed-Use.

STAFF FILE REVIEW/ANALYSIS

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STAFF FILE REVIEW/ANALYSIS

Completed by Andrea M. Landers – Zoning Official
and David Stensaas – City Planner and Zoning Administrator



Case #: 03-REZ-10-23

Date: October 03, 2023

Project/Application: Rezoning from Planned Unit Development (PUD) to be zoned Mixed-Use (M-U).

Location: 905 N. Lakeshore Boulevard

Parcel ID: 0370190

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

Current Zoning: PUD - **Expired**

Surrounding Zoning:

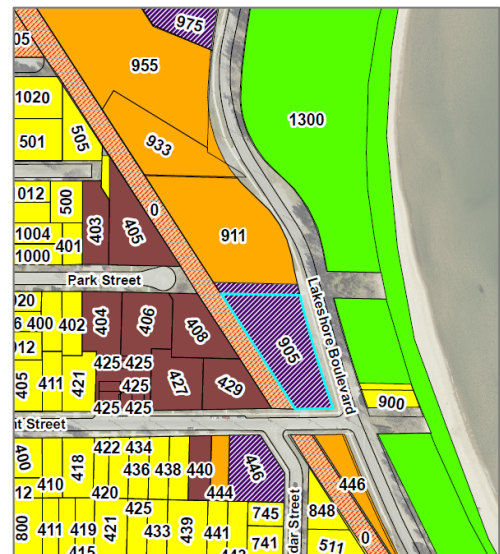
North:	BG – General Residential
South:	RM – Multiple Family Residential
East:	CR – Conservation Recreation & Medium Density Residential (MDR)
West:	RM – Multiple Family Residential

Zoning Districts and Standards:

Existing Zoning

Section 54.323 PUD, Planned Unit Development District – EXPIRED

Parcel 0370190 was property approved for the Lakeshore Cottages PUD in 2012, but that approval expired in 2018. Please see the staff memo for a concise explanation of the parcel and PUD history.



Proposed Zoning

Section 54.311 M-U, Mixed-Use District

(A) Intent
The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the Master Plan: 1. Locations. The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial. 2. Mix Compatible Land Uses. The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors. 3. Local Services. The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas. 4. Design. Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • 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	• Accessory Use, Non-Single Family Residential Lots • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service

STAFF FILE REVIEW/ANALYSIS

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• Outdoor Entertainment and Community Events (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	
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.)	4,800 (C) , (E)	Front Yard (ft.)	0 (E) , (F) , (G)
Min. Lot Width (ft.)	40 (D) , (E)	Side Yard (one) (ft.)	5 (I) , (L) , (N)
Max. Impervious Surface Coverage (%)	(R or S)	Side Yard (total of 2) (ft.)	13 (I) , (L) , (N)
Max. Building Height of Primary Building (ft.) (P)	44 (N)	Rear Yard (ft.)	20 (J) , (L) , (N)
Max. Building Height of Accessory Building	(L)		
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

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

(E) Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

(F) Minimum Front Yard Setback in the M-U and GC Districts. In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

(G) Maximum Front Yard Parking in the M-U and GC Districts. Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.

STAFF FILE REVIEW/ANALYSIS

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- (I) 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.

- (J) 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.

- (N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line.

- (P) 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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.

- (R) 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

- (S) 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.

- (T) Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

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
M-U	15 (a)	15 (a)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (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.

(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, October 3, 2023.

- (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 October 3, 2023.

- (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 *Mixed-Use(M-U)* on the *Future Land Use Map* of the Community Master Plan (CMP) and is designated as a *Planned Unit Development* district on the *Proposed Zoning Map* (excerpts attached). Approval of the Rezoning will amend the Official Zoning Map and the CMP's *Proposed Zoning Map* (which is presently being updated via the CMP Renewal Project) will be updated with the new M-U designation.

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.

Lakeshore Boulevard is classified as a “Scenic Corridor” and it performs as an *urban local road* and in some sections as an *Urban Collector* road, per the Community Master Plan (see p.6-6), 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.

There has been a change in conditions as approval for the PUD has expired, and there was no related errors in the Zoning Ordinance.

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

The proposal will not result in any substantial changes that would make exclusionary zoning more likely.

- (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 allow all of the possible land uses for a Mixed-Use zoning district. The Planning Commission must determine the compatibility of the proposal in this location.

- (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 parcels north of this property.

- (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.

The LDC requirement for rezoning an expired PUD on sec. 54.323(I)(6) makes the specified district on the Future Land Use Map the only viable alternative.

- (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.

A text amendment would not be appropriate due to the requirements of LDC section 54.323(I)(6).

- (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 Planning Commission must determine if the proposed zoning would create an isolated or incompatible (see item #8 above) zone. There are other M-U zoning districts to the north and south of this parcel on Lakeshore Blvd.

- (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.

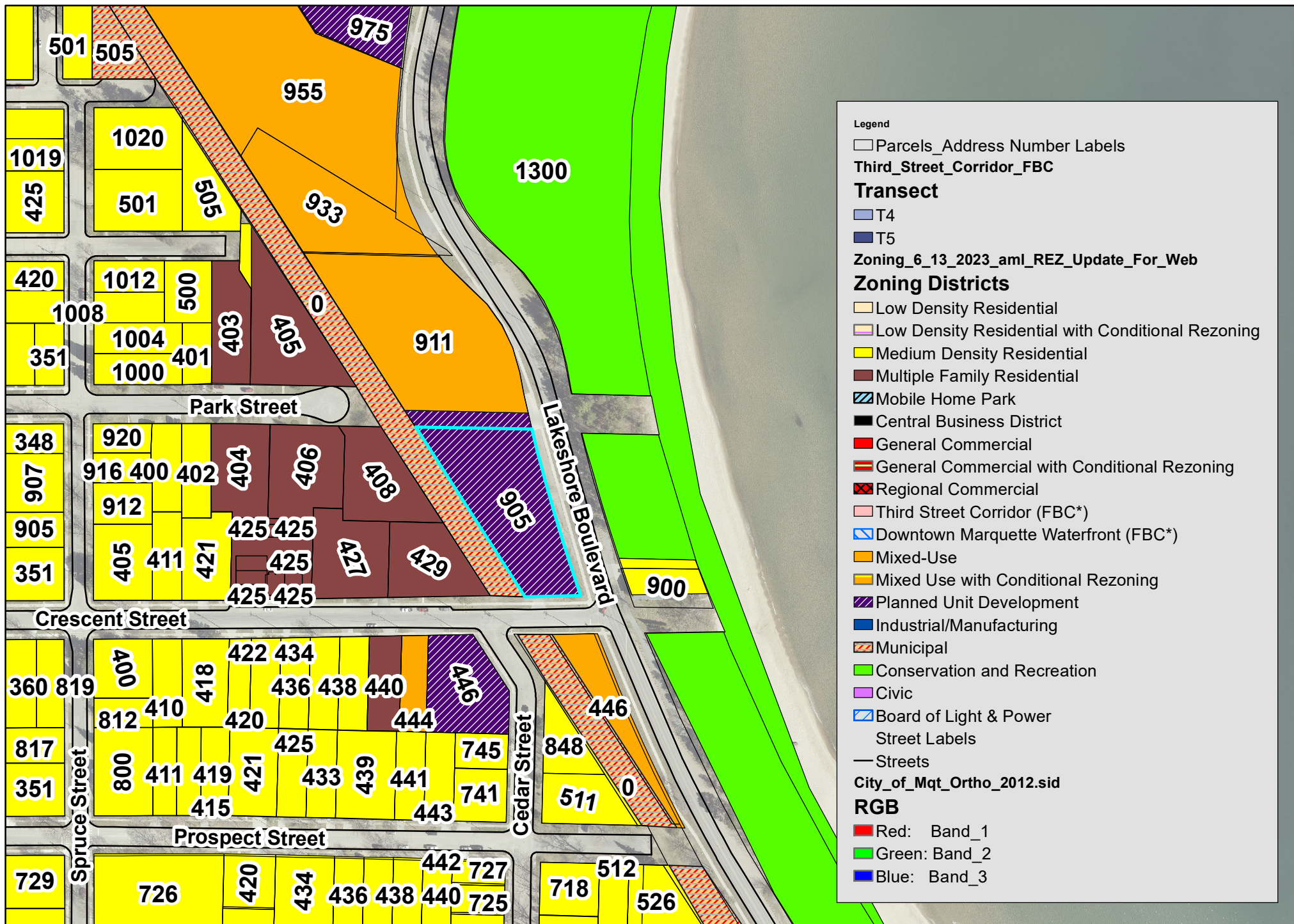
If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, and provide a recommendation to the City Commission via a motion on the proposed rezoning. Refer back to the case memo for a suggested motion format.

Attachments:

1. Existing Zoning and Location Map
2. Future Land Use Map
3. 2017 PUD Extension Request
4. Property owner notification of Public Hearing
5. 300 ft. Notice Memo



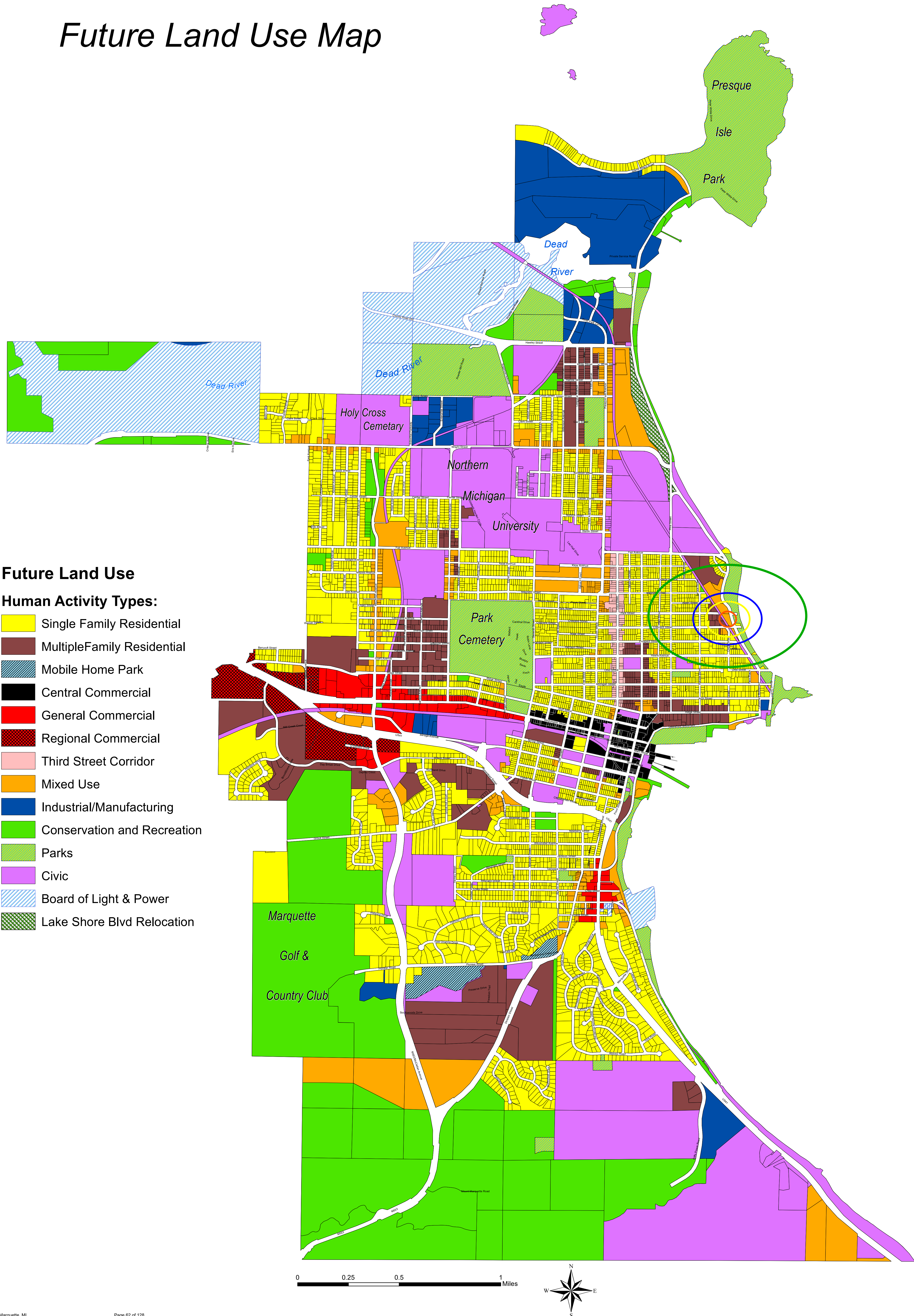
In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. Page 6 of 12



1 inch = 208 feet

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



905 Lakeshore Boulevard – Site Photos



View looking north along Lakeshore Blvd., at Crescent St. (lower left) intersection.



View looking south along Lakeshore Blvd., from north end of 905 parcel and south end of 911 Lakeshore Blvd.



View north across 905 parcel from Crescent St. right-of-way.

RECEIVED

JUL 11 2017

Marquette City
Community Development Office

TO: Members of the Marquette City Planning Commission

FROM: Christine and Daniel Emmendorfer *me* *DE*

RE: 905 Lakeshore Blvd. PUD (Lakeshore Cottages) Timeline

DATE: July 11, 2017

Due to a variety of reasons, we have not yet begun groundbreaking development on the Lakeshore Cottages Development.

Apparently the Planning Department has not received the final site plans addressing staff comments due to miscommunication between the project's architect, engineer, and us. While we thought all final revisions had been submitted apparently they have not. We have every intention of tying up mandated loose ends.

The good news is that we may be able to have all mandatory revisions on the final site plan as soon as possible and possibly before the commission's upcoming July 18th meeting.

We have received estimates for the first phase of the development and will likely be able to schedule that work for the fall of 2017 or spring of 2018. We anticipate moving forward within the next year.

We appreciate your past support and ask for your understanding and patience.



CITY OF MARQUETTE
PLANNING AND ZONING
1100 Wright Street
MARQUETTE, MI 49855
(906) 228-0425
www.marquettetmi.gov

MEMORANDUM

TO: Dan Emmendorfer and Christine Zenti
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: September 6, 2023
SUBJECT: Rezoning of 905 Lakeshore Blvd

City staff will be initiating a rezoning process for your property at 905 Lakeshore Blvd and bring the request to the Planning Commission on October 3, 2023. The right to develop this property per the site plans for the Lakeshore Cottages Planned Unit Development (PUD) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code:

Expiration. Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats (*Section 54.501*) or final site plans (*Section 54.1402*) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with *Section 54.1405*.

The property is designated as Mixed-Use (M-U) on the Future Land Use Map in the City's *Community Master Plan*, and that will be the zoning district classification that will be proposed by staff for the rezoning, and that is the only zoning classification that is likely to be found compatible with the current adjacent land uses.

Cc: City Attorney, Zoning Official, Director of Community Development

September 14, 2023

Dear Property Owner or Occupant:



RE: Notice of PUBLIC HEARING before the Marquette City Planning Commission regarding: **03-REZ-10-23 – 905 Lakeshore Blvd. (PIN: 0370190)**

The City of Marquette is requesting to rezone the property located at 905 Lakeshore Blvd. which is zoned **Planned Unit Development (PUD)** to be zoned **Mixed-Use (M-U)**. The right to develop this property per the site plans for the Lakeshore Cottages Planned Unit Development (PUD) has been terminated due to non-completion, per Article 54.323(I)(6) of the City's Land Development Code. The property is designated as Mixed-Use (M-U) on the Future Land Use Map in the City's *Community Master Plan*.

You are being notified of the public hearing referenced above because you own or occupy property within 300 feet of the property.

The public hearing for this request will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **October 3, 2023**. 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 October 3, 2023.

The Land Development Code language pertaining to the request is 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 material 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.

Please contact me if you have any questions at 906.225.8383 or e-mail alanders@marquettemi.gov.

Sincerely,

Andrea Landers

Andrea M. Landers
Zoning Official

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
October 3rd, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, October 3rd, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, S. Lawry, Vice-Chair N. Williams, M. Rayner, D. Fetter, C. Gottlieb, Chair S. Mittlefehldt.

PC members absent: A. Andres (excused).

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by S. Lawry, seconded by M. Rayner, and carried 8-0 to approve the agenda with the addition of an item of correspondence received today for case 05-SUP-10-23, a letter from the Fire Dept. to the 616 Fisher St. property owner and related to the 06-SUP-10-23 case, and site photos for each of therezoning cases.

MINUTES

The minutes of 09-05-23 were approved as presented, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 05-SUP-10-23 – 3201 Division St. (PIN: 0515980): Special Land Use Permit for an expansion of their Land Intensive Recreational Use

A. Landers stated that staff have reviewed a Special Land Use permit for an expansion of a Land Intensive Recreational Use to add a vault toilet structures, parking lot expansion and improvements, pedestrian and bike safety improvements, site improvements, and designate a picnic area, located at 3201 Division Street. She also stated that the Planning Commission should review the Special Land Use application and attachments, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and Land Intensive Recreation Use Standards in Section 54.641.

She discussed and showed on wall monitors the attached Staff Report/Analysis and attachments, the Special Land Use application, Site Plan Review application, site plan, and background information related to previous approval for a Conditional Land Use permit. She expanded on the Staff Report items, showing maps, photos of the site, site plans, and pointed out the area around the driveway entrance that is owned by Cliffs Natural Resources that the NTN is in the process of purchasing. She also read an item of correspondence from Mark and Erin Ellison that was received by email this morning (10/03/23) in opposition to the proposal.

Ms. Lori Hauswirth, Director of the Noquemenon Trail Network (NTN), stated that she and Traci Goebel are here for the NTN. She also stated:

One correction to the staff description is that this is an expansion of an existing parking lot, it's not a new parking lot. Just for clarification on that, it basically is to serve the public, the recreational use is public. We see a lot of use at that trail head, and right now we basically have a temporary toilet that's serviced

monthly, that isn't serving the waste needs of the facility based on the public use that's happening there. We want to make the parking lot flow a little bit better which is part of the design so people are parking in a more organized fashion there, to increase that capacity as well as grading the parking lots, we currently use the entrance for safety for people exiting and entering that spot. As we know, that's a pretty dangerous piece of highway there. There's a lot of discussion around that. We didn't know we didn't own the entrance until we started this process, which was a surprise to us. CCI is actually quit-claiming that piece of property, which you should receive the additional correspondence that that is in the works. They're in the process of filing that (inaudible) have to report that. I will let Tracy speak a little bit to you and make the landscaping of the layout of the design.

Ms. Traci Goebel stated that she was an NTN board member and the engineer of record for the project. She also stated:

So, Lori covered the high points. I would say the parking lot itself is being nominally expanded on the southwest and north end edges by 20 to 40 ft. roughly, to really increase the organization of the parking lot, accommodate one way traffic and a loop around there, also to accommodate some larger vehicles with trailers in the designated parking area for those, because right now they come in and they just park and it prohibits other people from parking there in high use times. We are raising the entrance up at MDOT's recommendation, approximately 3 feet, to improve visibility and improve ingress and egress and also partially paving it, just at their recommendation. Beyond that, I guess I don't have anything to add. We're trying to do I guess a little bit of landscaping, a little bit of aesthetic improvements in the parking lot, and those also double as storm water management.

S. Mittlefehldt asked - Do any Commissioners have any quick questions of clarification while we have the applicants' up?

C. Gottlieb asked - When is the, you said there's a quit-claim deed coming?

Ms. Traci Goebel stated we were provided with their signed copy on Friday and they expected it to be sometime this week that they get the signed copy out, the original.

C. Gottlieb asked - Cleveland-Cliffs have signed a quit-claim deed already and that's being, where is it right now?

Ms. Traci Goebel said - I think we got an electronic copy and they're mailing the final copy, and it needs to be recorded.

D. Fetter said - You mentioned one-way traffic. Will there be signage included to be able to support one-way?

Ms. Goebel stated:

Yes, that's our plan at the entrance island there, it's the green one you see we'll have the (inaudible), NTN South Trails parking lot and then one-way traffic with some indications supporting that.

S. Mittlefehldt said - I just have a question about the paving, so you said it's partially paved?

Ms. Goebel stated:

It's actually shown on the drawing, the darker shaded park off of M-553 where Andrea's operating the mouse right now, just that area just to give it just a little traction.

Ms. Hauswirth stated:

We see people spinning on the gravel is a pretty regular thing, so we wanted to do what MDOT recommended, and that one safety improvement was the elevation, and the paving that they suggested when we've had conversations with them.

C. Gottlieb asked - And there's a culvert that will go in just beyond the paving?

Ms. Goebel stated:

Right now the design shows a culvert, actually it's called an under drain, it goes from that- it's hard for me to-

A. Landers stated the dash lines here?

Ms. Goebel stated:

The dash- well there's a culvert there and it will go across under sort of along the road right of way. That is subject to MDOT approval on sizing and then there's also an under drain that goes to the storm water collection area, which is from the south side of that long island over to the storm water collection area, because basically that is a bioswale kind of similar to what is at the Co-op, if you're familiar with that parking lot, a depression, water flows down and then it collects in a catch basin and goes across.

S. Mittlefehldt said - I know Commissioner Lawry mentioned, but just a follow-up so is that dash line, is that underneath or is that just the drainage from that middle part?

Ms. Goebel stated:

So yes, there's a culvert underneath [inaudible] that goes from storm water detention, a small storage area across to just an existing drainage area right now that ultimately will just be the [inaudible], and there's also one that is underground across to-

S. Mittlefehldt said - Okay, so draining the middle portion?

Ms. Goebel stated: Correct.

S. Mittlefehldt said - Great, and Commissioner Lawry, do you have a question?

S. Lawry stated:

A couple of them, yes, the different regarding the landscape plan it's the packet shows I believe concrete wheel stops aligning the edges of the parking wheel stops outlining the edge of the space which really helps to provide some order to parking, but that's the only place I've seen them and they weren't called out in the notes so I'm wondering are they included or are they not?

Ms. Hauswirth stated: Yeah...because it is going to be a ground parking lot, that'll be the thing that helps define the spots. We need to add some, but yeah.

S. Lawry stated: And how do you intend to define the pedestrian cross-walks that you have there?

Ms. Goebel stated: With some signage in the gravel area.

Ms. Hauswirth stated: It'll be finer gravel, it's all packed surface.

S. Lawry stated:

Okay so visually with a different surface texture and you mentioned one sign indicating the direction of traffic flow at the entrance...so hopefully those are part of any revised plan that you submit, you could indicate your total traffic control system. And I also had a question about is there a water source on site right now?

Ms. Hauswirth stated: There is not.

S. Lawry stated: How do you intend to maintain the vault toilet?

Ms. Hauswirth stated: We will need to haul in the water to do that, if and when it's necessary.

S. Lawry stated: Okay, you will do that with NTN staff, or contract with the service that's providing your toilet service?

Ms. Hauswirth stated: We'll be weighing our cost to that, to see what works best.

S. Lawry stated: Okay, well having maintained a number of them for different municipalities in the past, they do require frequent cleaning.

Ms. Hauswirth stated: We have vault toilets at our Forestville trailhead, so I am well aware of the needs, thank you. [Laughs]

S. Lawry stated: One other question, has SEMCO reviewed these plans at all?

Ms. Hauswirth stated:

Initially, when we were developing the concept for the project, we did meet with SEMCO. They came out to the site and we are aware of their coverage requirements. They have to be on site for all earth moving in the vicinity of the pipeline, that's in the comments for the drawings set, and there's approximately 7 to 8 ft. of cover over that pipeline right now in this area, and they need a minimum of 3 feet, but I think the design, because we're going to do some regrading has 4 to 4-1/2.

S. Lawry stated: They also have some concerns about adding material when traffic is going to be driving over the pipes, so I guess that's something to explore with them as well. Okay, thank you.

S. Mittlefehldt said: Any other questions?

K. Clegg asked: In your drawings, it talks about lights. Are there lights on the property right now?

Ms. Hauswirth stated:

There is one light on the front edge of the parking lot and the building itself has some lights.

K. Clegg asked - Your stated hours of operations are dawn to dusk, just something in addition that you're looking to expand your hours or...?

Ms. Hauswirth stated: No, there are defined hours currently at the location.

K. Clegg stated - Okay.

S. Mittlefehldt stated:

Great, well I think that's all for now. Thank you so much, and correspondence, I think that was it. We heard all the correspondence right, so at this time we can have some public testimony, if there's anyone here who would like to speak on behalf of this project please come up and there's three minutes. She then opened the public hearing. Nobody made comments on the proposal. S. Mittlefehldt closed the public hearing.

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 8-0 to suspend the rules for discussion.

S. Lawry asked a question for staff: Are you able to, on the arial photos, show us where the Ellison house is in relation to the trail head?

A. Landers, showing the location on the map being shown on the three monitors on the room walls, said that they are located right here.

C. Gottlieb asked: 2914?

A. Landers said: 2914

S. Mittlefehldt said: So, actually pretty far away from development, right?

A. Landers stated:

And for clarification, after seeing their email that they sent me today, I looked and they never asked me for materials, so I sent out materials and I explained the materials, so I was able to at least provide them that the expansion is down at the site with the vault toilet and whatnot. I don't know what they were referring to of losing walking trails though, because in that neighborhood, those trails have always been open to everybody, it's just non-motorized trails in that neighborhood.

S. Mittlefehldt stated:

I had a question for staff as well, too, in the packet it talks about how Section 54.1003, in the Land Development Code talks about number of deciduous trees and ground cover, can you explain a little bit about what NTN would have to do to make that requirement?

A. Landers stated:

That's going to need a meeting with NTN. They have to call out, what they're going to call out as their interior parking lot and once they call that out and provide me the square footage, each area of that would determine how many trees. I won't know that until I know where they're going to decide to call it out to, because at a minimum of so much square footage in an area that you're calling out, it requires one tree per, so it's all going to be dependent on their design. That's why I said in my comments that we'll meet with them and discuss it with them.

S. Mittlefehldt said: Okay, so if we make a motion to approve with staff comment, that would be-

A. Landers said: That should be covered with that.

S. Mittlefehldt stated:

Great, well another thing we need to discuss as a Planning Commission is I guess in the packet it mentioned the potential for nuisance. Any additional noise, vibration, dust, fumes, or other nuisance that might affect the surrounding area. I don't see any nuisance issues and the results of this. In fact, it might reduce nuisances with the existing inadequate bathroom facilities. It might actually help address those but that is something we need to discuss. Anybody see any potential for a nuisance?

N. Williams said: I think if anything, it's bring order to this site.

S. Mittlefehldt said: Any other comments?

M. Rayner stated:

The lighting - is it downward facing so it wouldn't interfere? I don't know how close the closest house is.

D. Stensaas said: It's required to be downcast.

M. Rayner said: Okay, it's required.

D. Stensaas said: And some of these things are in your site plan standards that you need to go through.

M. Rayner said: I understand. So, I think the light was the only question I had.

C. Gottlieb said: In reality, the closest dwelling is at least a quarter mile away.

S. Mittlefehldt stated that the Planning Commission will now review the Special Land Use Standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Lawry stated, regarding item 54.1403(C)(8):

I still have a bit of a concern with the pedestrian crosswalks, they're channeling people between parked cars, they're probably all scattered throughout the parking lot, going between parked cars at this point, so over existing conditions, it's an improvement.

S. Lawry stated, regarding item 54.1403(C)(13):

One thing, I guess, when we looked at the relationship to the correspondent's home, I guess we couldn't really see how the clearing done for the gas transmission main might have affected their view of this property, but it still didn't appear to be something that put them in close proximity and view-wise. Does anybody have any more information that?

K. Clegg stated: In my experience, they're around the corner. They don't have a direct sight-line, from their lot.

C. Gottlieb said: The SEMCO pipeline is closer to 553...I think they were four houses in off of the intersection, so they're far from the SEMCO pipeline as well.

S. Lawry said, regarding item 54.1403(C)(14): The Community Master Plan promotes sports tourism and has a goal to (inaudible).

S. Mittlefehldt stated: The NTN is highlighted in the Plan as a shining light of what we're hoping to do in the community, and this seems very much in harmony with that.

It was moved by K. Clegg, and seconded by C. Gottlieb, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 05-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Land Intensive Recreation Use Standards in Section 54.641, and hereby approves 05-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. That the NTN has ownership of the Cleveland-Cliffs Iron Company property for which they are proposing work prior to construction.*

B. 06-SUP-10-23 – 616 Fisher St. (PIN: 0130101): Special Land Use Permit for a Supportive Housing Facility, Permanent and Transitional

A. Landers stated that staff have reviewed the Special Land Use permit for a Supportive Housing Facility, Permanent and Transitional located at 616 Fisher Street. She discussed and showed on wall monitors the attached Staff Report/Analysis for more specific information regarding the Special Land Use application, Site Plan Review application and attachments, and site plan. The Planning Commission should review the Special Land Use application, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647. She said there was no correspondence received for the proposal.

Emily Belinski said that she and Kim Frost are here to speak on behalf of Superior Connections Recovery Community Organization.

Ms. Belinski stated:

A brief overview, in June of 2021, the City Commission approved the rezoning of the property from medium density residential to mixed-use, for Conditional Rezoning. Since that time, Supportive Housing was added as a Special Land Use and is now allowed under Medium Density Residential zoning. We

probably fit that land use better than the one that we were in under the Conditional Rezoning, so we would like to...we are requesting a Special Land Use Permit to use that property for supportive housing.

Ms. Belinski stated:

We believe it does meet the standards of the Special Land Use review. We believe it is fitting with *medium density residential* as it's within the range of uses, including families of all types. *Use of adjacent lands* - it's surrounded by other MDR properties, a municipal property and there is a Mixed Use property in the vicinity. *Physical appearance* - is that of a house. *Landscaping* - there is consistent grass, concrete and fencing. *Operations of use* - it meets the allowable Special Land Use of supportive housing. Also, further is buffered by a road, an alley and empty lot that has a change in elevation and a sizeable back yard that abuts a wooded portion on the back end of the property on 7th Street. *Time of use and physical and economic relationship* - it's a residential house surrounded by other residential houses within your mixed-use property. *Number of persons or employees* - it houses 16 individuals and that is what the Fire Department determined was the occupancy. They typically have one staff on duty with other staff to make visits through the week, but it would be highly unusual to have more than four staff present at a time. Also, our residents generally do not own motor vehicles so [inaudible] traffic. For *vehicular and pedestrian circulation*, again, that typically there isn't much vehicular traffic as the residents don't generally own cars. Some of them do, but not very many. They do use sidewalks, but they're not generally doing so in large numbers. *Physical characteristics* - I've just referred to the site plan. Public services - I understand that the police captain provided some numbers as to visits and he did mention that it's been increased since the Benders were there. We are serving a slightly different population than the Benders served and overall these people being in housing versus being wherever they might be, in jail or homeless, our community is benefiting because these burdens are not overall increased, they're actually decreased. *Environmental factors* - the types and [inaudible] are in keeping with medium density residential property. And for *site area and potential future expansion areas*, I don't really have any notion of expanding it necessarily, but again it is buffered by a road and alley and an empty lot and our back yard. *Additional environmental factors*, it's similar use to what it has been for years, under the ownership of the Benders. As to the *Master Plan*, we think it does fit the Master Plan, it certainly does provide service or opportunities for people who can easily be excluded based on their different abilities and their economic status, as far as improving the quality of life to routine improvements in education, healthcare, civic engagement, employment, opportunities, arts and culture, recreation. We have community health workers that visit the house and they work with our people on exactly those quality of life factors. And then again, as far as improving [inaudible] economic status [inaudible] a tourist destination, I think it's safe to say that several of our residents would be experiencing homelessness if not for the Fisher Street house and I would not say that more homelessness would be a draw for tourists. Also, we did, I believe there was a communication with the Fire Department...with the Fire Chief and the Fire Marshal and it was a positive conversation, and do you want to speak to that, Kim?

Ms. Frost stated:

We met yesterday with Fire Inspector Fawcett as well as the Fire Chief and it was a super positive meeting with lots of support from them to help us continue the compliance and then also make the home safer for all of its residents, and we provided them a lot of documentation that we're going to use to document inspections and stuff within the home. And I think the only thing I wanted to highlight from what was submitted here was just where it was the Police Captain submitting the number of police visits, I think it's important to realize that the vast majority of those are actually general assistance calls, which means medical calls, and we do have medically fragile people that live there and those are the majority of the response calls that happen there.

S. Mittlefehldt said: Are there any comments, questions from the Commissioners while we have our applicants there? Anybody have any questions about logistics or anything that they submitted or just said?

Ms. Frost stated:

Is this inappropriate, because I want to ask if everyone understands what Fisher Street House is?

S. Mittlefehldt stated:

Well, actually my question was how can you, because in the packet it talked about in-home services that are provided there, like the assertive community treatment program as well as like the community health work program, and then there's also the person who's the on-site manager. So, I guess could you give us a sense of a couple of things. Number one, you mentioned the population served is different than it has historically, so if you could give us a narrative history of how that's changed over time, cause it sounds like there has been some issues and it's been sort of been serving this function like a transitional house.

Ms. Frost stated:

So the Benders operated it initially I think back in the 40s or 50s or whatever. It was truly operated as a boarding home for working men is my understanding and then over time became a boarding home for people who might struggle to live independently and such, and so does have some long-term residents, so I think you're going to hear from a couple who are here to speak to you, but we continue to have some, in a sense, permanent residents that reside in the home, but then we also have some people who we might consider more transitional, but it's not like they're coming in and out every month. We have to go through like the ultimate goal might be to often transition into different kind of housing but it's a long-term process. It might be repaying some debts to a former landlord through subsidized housing or it might be developing health plans that allow them to live more independently so we through the support of the assertive community treatment team, through our community health worker program, work really hard to provide supports to 16 humans who are super vulnerable. Many of them, in fact almost all of them, without Fisher Street will be literally homeless and residing on the streets because they do not meet the criteria to live in subsidized housing and because in addition there's no subsidized housing to be had. It's awful and many of these individuals do not meet the criteria, so it provides an incredibly important function and so we have the ACT team coming in. We have the community health worker program and then recently we were awarded a grant which is going to allow us to have a full-time program supervisor to work with the program to continue to develop it and improve the safety of it and improve the wellbeing for the gentlemen that live there.

S. Mittlefehldt said: Can you give us a sense of how much time will the onsite persons that are supposed to be there, be living there all the time?

Ms. Frost stated:

Yeah, so we have an onsite house manager, a gentleman who's also here tonight and he will talk to you. He's relatively new. We had another gentleman and he's working elsewhere now. So he lives there and then we have the community health workers that come in, sometimes several at one time, sometimes independently, all throughout the week, and then the assertive community treatment team which comes in Monday through Friday. And then this new position is going to allow us to have a program supervisor there full-time, so it will be 40 hours a week and I don't see that position being like necessarily Monday through Friday, 9 to 5. I think there's going to be some variability in that, so we have some evening coverage and stuff.

C. Gottlieb asked: There is not necessarily a 24/7 in-house employee?

Ms. Frost stated: There is, there is the onsite house manager, and he is there 24/7.

C. Gottlieb asked: Never leaves?

Ms. Belinski stated: He will be relieved by this 40 hour staffer.

Ms. Frost stated:

So what's going to happen is with the new program supervisor, I mean, when the vendors lived there, they left, too. They weren't always there. They went and took trips actually and went shopping and all that, but that person is there and then we're going to work to have a schedule where the program supervisors will offset each other and make sure that someone is available in the home.

S. Mittlefehldt stated:

Can you tell us a little bit more about, because we did get the memo from the Fire Marshal and as you mentioned several things were out of compliance, everything from smoke alarms and fire extinguishers, the onsite manager wasn't there, the house was not cleaned. We had a whole list of all these things, so it sounds like you talked to them and got things straightened, so is there a plan to make sure that compliance is achieved for some of the safety issues.

Ms. Frost stated:

Yeah, we had, like I said, a really good meeting, and so a lot of those concerns were addressed and some other stuff. It was right during a period of time where there was a transition between the old manager and the new manager. The old manager had left for work. The new manager came and literally was there, the inspection was around 7 [a.m.] and he got there at 8:30 so it was just like that time period. But, we have a very solid plan with them and like I said, Emily drew up inspection, daily, weekly and monthly inspection charts so that we'll be checking per the Fire Marshal's recommendations for smoke detectors, fire extinguishers, etc.

S. Mittlefehldt said: And that would be the onsite manager?

Ms. Frost said: And the program supervisor, yes.

S. Lawry stated:

I think one of your responses to zoning indicated there was going to be a maintenance plan that was submitted for the property, but it wasn't in our packet. I guess I'm just wondering where that is.

Ms. Belinski stated: I didn't submit it, but I do have it.

A. Landers stated: Is that in the narrative?

S. Lawry stated: I believe so.

A. Landers stated: Yeah, so it was in the packet, that was their maintenance plan right after, it was page three.

S. Mittlefehldt stated: The Fire Marshal also mentioned in the comments maybe having a county signal with the plans. I guess this question is for staff, did the county get a chance to look at the plan?

D. Stensaas stated: Well, the county will, as with any project that gets approved for any kind of zoning compliance, when they move on to get a building permit. We've over the years counseled, well, Ryan Redmond in the past, and I think him and their legal counsel, that they should speak with the County Building Codes. This is I think could possibly be a change of use in the county's scheme of things, so the county has some uses that are more residential, some are more commercial. This use might be different, might trigger them to do other fire protection things that our fire department doesn't require. Sometimes the county requires a building be fully sprinklered, whereas our code, the "Life Safety Code" that the City has in its City Code does not require that. So we've counseled that they talked to county building codes and that's all we can do.

S. Mittlefehldt stated: Okay, but the county, their decision would pre-empt our decision, right [inaudible]?

D. Stensaas stated: No.

S. Lawry asked: You said the 16 residents, that it was based on the fire department's determined capacity, do you anticipate that you will keep pretty close to that number?

Ms. Belinski stated: I anticipate that given the housing crisis, we'll stay at 16. Clearly we would not go over if it would violate the fire code but yeah, I anticipate that based on the housing market and housing

crisis that we will stay at or near 16. We sometimes drop down a little bit if someone transitions out but generally we stay, well, at close to 16.

C. Gottlieb stated: It would be 15 plus the resident manager, so it would be 15 plus 1.

Ms. Belinski stated: Correct.

S. Lawry asked: Is it strictly male?

Ms. Belinski said: Yes.

S. Mittlefehldt opened the public hearing.

Amy Hale, of 53 Forrest Park Drive, Marquette, stated:

I work for Pathways and a lot of this is going to be redundant, what was already said, Pathways has been coming into this home - my one co-worker has been there for almost 30 years and Pathways has been coming into that home before he was hired. We go in there Monday through Friday. We prompt meds. We support individuals to doctor's appointments, other [inaudible] care, shopping, community supports. Most of the folks that we see there have a serious persistent mental illness, such as schizophrenia, schizoaffective disorder, we also have our trained psychiatrist. Some of the folks that just cannot leave for various reasons. Our trained psychiatrist from our program will actually go into the home, provide treatment in the home at the Fisher Street. It's been my experience when we've had to place individuals there at the Fisher Street home, they come from either a really bad place, they're getting kicked out of their apartment, and they thrive at Fisher Street. There's the supports, there's the other individuals that necessarily would not talk to them if they lived in their own apartment, so it's always really neat to see how they thrive in that setting. It's been my experience that if it wasn't for the Fisher Street, some of our individuals actually would become homeless, just as we know there's nowhere else in the community for them to go. Some that live there don't want to go anywhere else and I think that's a fantastic thing to consider, that this is their home. Some that live there would like to go elsewhere, they just don't have the resources, the support, background checks, all of that, they would not pass. So, the Fisher Street provides that home as well. And I just also want to say that I just came back from a three week deployment from the American Red Cross providing disaster mental health from Hurricane Idalia. When the shelters were closing there, and there were individuals that had nowhere else to go, we were expected to provide them resiliency kits. Those resiliency kits consisted of a tarp, a tent, and a sleeping bag, and that was inside a wagon, and that's how we had to have them leave the shelter. If Fisher Street were to close, we would be in that same boat, watching those that have lived there for many years be asked to leave. This decision would be devastating for those individuals that use their home of many years. It would also be devastating for their families. As mentioned before, they're already contributing to the homeless concerns. I don't think we need to go down that road. The individuals that live at the Fisher Street home deserve more than a resiliency kit. They deserve a place to call home and that's what we have at Fisher Street. Thank you.

Cindy Lack, of 124 E. Magnetic St., stated:

I am a retired physician, retired almost two years now, and I previously, before I retired, worked at the homeless shelter for a while, so I haven't done it for a few years but speaking from that experience and also from just a health standpoint, we don't need less of this, we need more of these kind of places because these are the people that don't fit in anywhere else. I mean, our whole system of taking care of mentally ill people has changed and it's not been great, the results have not been great. We used to think institutions were bad places, but the other part of working with the homeless is that I've worked with Kim and we've tried to get an apartment for these people and they don't do well. They don't do well. We've done visits and found them deceased. That's how bad they do. And so, they need each other and they need support. They need support of this community and we can't just kick it down the road. That's what we always do, and it doesn't go anyplace better, it only gets worse. So, let's see, I totally agree with what the woman just spoke about, all the benefits of being in this type of environment and it's potentially the perfect spot. It's kind of isolated. There's not a lot of people that might be afraid of these people, because that is definitely a reaction to mentally, and I actually don't, I haven't been recently, but they've

been up there for a reason. They don't fit in society, and so I think as I consider myself a Christian, our job is to take care of these people, not to try to break up what we do have. I mean, it's precious little that we already have and so to have less of that to me is, I would actually call it immoral. I don't mean to be judgmental, but I just think that these people don't have any power. We are their power. They don't have- they have nothing to give us except themselves and most of us stay with them because they give us a lot. They keep us humble. They keep us with gratitude for what we do have and I really don't mean to be judgmental, but I think that they just always get the short end of the stick. This is an opportunity to not do that, so thank you.

Pauline Duren [sp.?], of 580 Cox Ave., Apt. 215, in Marquette, stated:

This is my son Todd. 30 years now, he's been living in this home. There have been several changes during those years, including change of caretakers. I have gone to several home meetings and what I have experienced was a group of residents sharing their thoughts and concerns with their new caretakers as well as for the caretakers listening and addressing their concerns. They are also creating incentives to give the residents a purpose and a meaning, leaving the residents with a feeling of self-worth, which we all need to feel. With that being said, they are one big family, helping each other out, living under the same roof.

Stephanie Bryan, stated:

I'm a case manager for the community (inaudible) program at Superior Connections. I've had the privilege of working with many individuals by including most of the gentleman who resides currently at 616 Fisher. I have worked with most of them in one capacity or another and I've even gotten to know them and their families oftentimes. The men at 616 Fisher are individuals with varying combinations of mental illness, cognitive impairments, physical disabilities and/or substance use disorder. Many of them have criminal backgrounds due to their mental illness, traumas or other variables, and while with all that considered it may seem like the house would be full of chaos, outbursts, mischief - that is just not the case. To deny there are any interpersonal conflicts here and there would be silly, as is the case anywhere, much less when you refer to communal living situations and then mental illness and what have you, but it's just not the case. It's actually really well functioning. When there are struggles within the house, the residents have our phone numbers and access to us as well as, of course, the live-in house manager, so we are all able to help them overcome the moment using guidance and support from trained and compassionate staff. The majority of the days and nights at 616 Fisher are full of laughter, comradery, helpfulness, storytelling, regular house duties and just the normal day to day back and forth of any other household. The residents have created a culture that, like Todd's mother said, really resembles family for many of them. Furthermore, many of these men have lived there for a long time, including Todd, and as you can see, he loves it. For many of the house residents, the reality is if not for Fisher, they would truly have nowhere to go. Not only are we in a housing crisis and the shelters are often at capacity, but these gentlemen have unique barriers, in addition to the costs and lack of availability, so to think that 16 of our community highest, most acute individuals would suddenly be able to access housing is just unlikely. I've been around for over two years and I want to validate I certainly have seen areas that we could improve on regarding the house, but what I've noticed is that most of those deficits were a reflection of our lack of funding and the staff. It was not a reflection of a lack of efficacy or a necessity of the home to exist in the first place. Without this home, like I said, they would be displaced and that is just not a viable solution. I've seen the organization work tirelessly and often at all hours, certainly that's the case for me, to improve the functionality of the house. I have seen a dramatic decrease in incidences, police involvement and overall crises in the last year particularly. And now after Fisher House went unfunded for so long, we have finally received funding for our program supervisor to really just take the bull by the horns, hear your guys concerns, our concerns, and really get this thing on track the way we want it to be, even though it's already really great. We would be able to provide that focused oversight, similarly as we do to our Baraga [Ave.] recovery house that's well received, well respected, and in trust by the same city. In addition to a live-in house manager, like I said, there is nearly daily stops by many of our staff. All our residents are connected with one resource or another, many engaged in the community health work program, peer-recovery coaching and other outside services. As Amy stated, ACT team at Pathways comes into the house Monday through Friday. The Health Department nurses actually come in each Wednesday to perform COVID testing. There are some of our residents, home healthcare nurses that also come on a regular basis, along with their family and friends. While Fisher House is not without flaws,

like any other home or facility, the progress that has been made is a monumental, especially with no funding, and the future looks really, really bright. The community would be making a grave mistake to take away an incredibly vital and unique housing solution. Many other agencies or organizations lean on us consistently to house their clients such as Pathways, Room at the Inn, Janzen House, and more. We have become a sought-after location for many due to our genuine care and commitment to those we serve. I ask you to please know that we are willing to continue to rise to the occasion and are always striving to be better, but removal is not the answer. Support and trust building is the answer and we are ready to begin forging that positive relationship with the city so we can work together to serve our community's most vulnerable and help ameliorate homelessness. These gentlemen deserve as much. Thank you so much.

Steve Miller, of 616 Fisher St., stated:

Fisher House saved my life. I was sleeping in a snowbank. I went to the hospital for a month. Stephanie found me and took me to Fisher House. I now go to the doctor, I get medicine, social security, I've got my license, I drive, I've got CDs, I got movies. I stay to myself. I've got my friends. We've got a TV in the garage, and a stereo. Three meals during the day, we chip in for groceries and Fisher House buys groceries also. There's not a night we go to bed hungry. If you close Fisher House, just barely, because I have no place to go. I lived in Negaunee. I lost my apartment and I wanted to die. And Fisher House found me. Thank you.

Jonathan Hendricks, of 616 Fisher St., stated :

I also live at the Fisher Street. I just want to say, I've only been there for a little while, but I like the people that live there. They welcomed me, they help me out. There's an older gentleman that lives there that I worry about every day, he has nowhere to go, I know that. Sometimes I help him walk around the house or get things for him, like water and food. Like Steve was saying, we have food available to us all day. We usually have pretty good, decent dinners every night. Like I would have nowhere to go. Before I was in Fisher House I was sleeping in the churches and the rotating shelters. I'm diabetic. It was really affecting my diabetes, and I probably wouldn't have made it very far because I'd probably end up dying if I didn't have the proper meds and stuff [inaudible]. Thank you.

Dennis Vandenburg, of 616 Fisher St., stated:

I live at 616 Fisher, I'm the house manager. I've been there for about a month and I just want to say how privileged I feel to be part of this. The guys that I've met there, it's just such an important place for these men, and I think you've heard it from everybody, so thank you.

It was moved by C. Gottlieb, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.

C. Gottlieb said: I have a technical question. I just want to make sure I understand what's going on. This is being brought up today because of the Special Land Use. Why is it being brought up today? What is it coming from and where is it heading.

D. Stensaas stated:

I'll take some of those questions. This is a really complicated property use case because when the Benders decided to first turn this over to the organization prior to this - Superior Connections - we didn't have this category of transitional housing or assistive housing facility. We created that because we recognized that there is the need for this in the community, these kinds of facilities. And in the world that we work in here, we have to have specific land uses that are targeted for things like this. There wasn't one when that happened three or four years ago, so basically we accommodated the nearest possible existing land use at the time and that required the property to be rezoned, and we went through this process where the City Commissioner agreed to a Conditional Rezoning of the property with limited use for this to be turned a *Health Facility*. The applicants did not meet all the requirements that were conditions of approval, including having an approved site plan, and in the meantime we created this definition and use standards for this type of facility, specific to this type of facility. So as we came to the deadline for this group to meet the original conditions of the original approval, that time was running out and the City Attorney and I agreed that the use that was originally approved didn't really match up

anymore, because we kind of superseded what was originally approved with now a thing that really legally exists for this type of use, which is what they're applying for as a Special Land Use.

A. Landers stated:

So, the Rezoning with Conditions expired and now they are back to Medium Density Residential, which allows for this as a Special Land Use.

S. Mittlefehldt stated:

So just to clarify, functionally it's been serving this function in the past, so we're just making-

D. Stensaas [interposing] stated: Making it legal.

A. Landers stated:

Yes, it's never been approved for such use. It was only approved for everyone else and that was only approved to be the 2nd floor, like the benders living below. So, this is a completely new use but they have been [inaudible 01:03:02].

C. Gottlieb said: So there is no change in functionality between what has been reality.

A. Landers stated: For a couple of years.

D. Stensaas stated: Right, it was just legally untenable to continue down that road.

C. Gottlieb said: Thank you for the clarification. I appreciate that. Thanks very much.

S. Lawry asked staff:

How does this facility differ from the several facilities in the community that are run by community mental health?

D. Stensaas stated:

Well, this facility, as its defined, is for supportive housing. It's not a shelter for short-term, it's not a crisis shelter like our warming center, Room at the Inn, and it's not necessarily something that is for people that have other resources. This is basically somewhere where people that don't have resources, don't have shelter can stay for either short-term or long-term, depending on what's approved, and our definition allows them to be either, depending on what they want to be, how they want to manage it. If they want it to be short-term, that's their choice but it can be a long-term home for people like the, the Janzen House, if we reclassified the Janzen House, it would be the same thing really.

S. Lawry asked: I thought the Janzen House had a time limit on staying there?

D. Stensaas stated: I'm not aware of what their rules are down there, but they've pretty much been operating for 30-something years under the same rules.

S. Lawry stated:

Okay, but I guess what I'm trying to understand is if the government through Community Mental Health operates a number of different facilities, if it will be private homes in the community where they're providing assistance, how does that differ from these people who can't get that type of living arrangement?

D. Stensaas stated: Maybe the applicants can help answer that question.

Amy Hale said:

I think that's a great question. Back in the way past probably when Benders was here, Pathways did have other homes that represented Benders, called the Crescent Home and maybe another home, but since after my time being at Pathways we have no such homes anymore. What Pathways does is Pathways will contract out to ALS (adult learning systems), the human health services, those are...adult

foster homes, and Pathways will contract out with such homes, but Pathways does not have- Community Mental Health does not have, anything like the Janzen, Fisher Street Recovery Home, the Warming Center, that's not what Pathways has right now. I don't know if that answers your question or not.

S. Lawry asked Ms. Hale: What are the two homes on Wright Street?

Amy Hale stated:

Wright Street, I want to say one is owned by ALS and I don't know if the other one is or if that's from Bay Human, so Pathways has nothing like what Fisher Street has.

A. Landers said: And you said the words adult foster care, right?

Amy Hale said: Yes, those homes are for adult foster care.

A. Landers said: And that's a separate use in our code.

S. Lawry asked Ms. Hale: So those people need long-term and more concentrated care than what your...

Ms. Hale [interposing] stated:

Correct, those are what we would classify as specialized residential homes. Those are provided 24/7 staff by para pros that have been trained, usually two staff at a time. They have severe behavior problems. They could have a severe mental illness where they would not be able to live in a place like the Janzen or the Fisher Street home. We've actually taken people out of the Fisher Street home due to their behaviors and Pathways had a contract with AOC [?] that is actually downstate for some of our folks as they would not be able to make it in the Fisher Street home, so its kind of a step down from an ALS, Bay Human, other specialized residential homes.

Ms. Belinski stated:

I can also answer that. Until a few weeks ago I was the Assistant Director of the Janzen House, and there's not a time limit there either.

W. Premeau stated:

I'm confused on this...but this is being sold, correct? They must have rented it previously?

Ms. Belinski said yes to both questions.

W. Premeau stated:

Before, they could have been after the owner, now they'd have to go after her [indicating one of the applicant speakers], correct, unless she's not the owner.

Ms. Belinski stated:

It is currently owned by John and Teena Bender, and we have a contract with them, and pending this decision tonight – if it goes through – we will be able to obtain the financing to be able to purchase it from them.

S. Mittlefehldt said: Thank you, that's helpful. Any other questions before we dive into the Code? She then began to lead the Planning Commission review of the Special Land Use Permit (SLUP) standards in section 54.1403 of the Land Development Code.

The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards. Specific questions and notable comments on the fourteen SLUP standards follow.

C. Gottlieb said, in summary to discussion on item 54.1403(C)(5):

My comment would be that we wouldn't anticipate an increase in use over the past two years.

N. Williams stated, in regard to item 54.1403(C)(6): It's residential 24 hours per day, as houses are.

N. Williams stated, in regard to item 54.1403(C)(11): One item for the previous case, Public Services, there were attachments from the Police Department and Fire Department, but for comments for *this* particular case they have none.

It was moved by S. Lawry, and seconded by M. Rayner, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 06-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647, and hereby approves 06-SUP-10-23 with the following conditions:

- 1. That an amended plan is submitted to meet staff comments.*
- 2. Fire Department provides follow-up inspections to assure that the health and safety requirements that they recently cited are being addressed.*

The Planning Commission took a 5-minute recess.

C. 02-REZ-10-23 – 1025 Osprey Ct. (PIN: 0514370): Requesting to rezone the property located at 1025 Osprey Court which is zoned Planned Unit Development (PUD) to be zoned Multiple Family Residential (MFR)

D. Stensaas stated these two cases on rezoning came up because these PUDs have expired, and so we're going through this process, which is fairly perfunctory, to rezone the property. I'll just read what the memo says and then I'll add a little. So, City staff is initiating this and we're requesting the Planning Commission first to make recommendations, and the right to develop the property per the site plans, starting with Hawks Ridge, is being terminated due to non-completion of article 54.316 of the City's Land Development Code, which is up on the screen, that says "Within a period of two years following approval of the PUD agreement by the City Commission for an area embraced within a PUD, if such plats or plans have not been submitted within a two year period, the right to develop on the approved plans shall be terminated by the City. Upon the developer showing a good cause, the Planning Commission can recommend, and the City Commission can grant, an extension of up to two years for submission of the preliminary plat or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan in accordance with Section 54.1405 and the Master Plan."

He stated:

The Hawk's Ridge property is shown in the Community Master Plan, on the *Future Land Use Map*, that's for land use - not zoning, as Multiple Family Residential. So, that's the recommendation here because that's one option. The other option is to rezone the property to the previous zoning classification, which at this point is kind of irrelevant. We've adopted a new Code in 2019, and this particular project - as we have documented in our staff report that I'll go through, was approved initially in 2003, went through a lot of different amendments and different situations that changed the outcome of the property. In the most recent era - the last five years - the County Land Bank, which is sort of an arm of the County's Assessing office, they decided that to get this property - in the middle of the development - back on the tax rolls, they wanted to separate it from the rest of the PUD and they went through the legal process of acquiring all the signatures from residents to extract it from the PUD, and then applied for land division, got the land division and so we have a parcel at 1025 Osprey Court, which is in the middle of the former Hawk's Ridge PUD. And they almost had a buyer for this property in the last couple of months that backed out, even though the zoning was not accurate anymore, and that's one of the reasons that this came up, because we realized it was for sale and it was going to possibly sell soon. If we have a developer that wanted to develop this property, if that developer was expecting that they could buy the property and apply for a permit to develop something there, they would have been in a situation where we'd have to go through this first, this process before they could do anything, and so this is sort of a mandated process by the

code, and I'm just going to go back over to the map. This is the online document viewer for the Land Development Code which everybody can find at the bottom of the City's home page. It says Land Development Code, and you click on it and go to these different sections of the Code, but I'm just going to scroll down here to show everybody Section 323, PUD, plan to develop H, and section I - final approval. It says what that process is, that the City requires an agreement with the developer, the applicant can terminate the development, and then it gets to the expiration part of it. So, this is a situation where it says the city shall terminate the contract. There is really not an option to do otherwise, that's the process and this is a legal document. This is not the pirate code or something else, this is what you have to do.

So, we did put together this staff report though as if this was a typical rezoning case. We wanted to provide you all the information about it and for the public to understand what the information we have on the site is. Again, this is the zoning map, the parcel is outlined in blue here and is shown here on the future land use map, which is multi-family residential for that parcel, and that goes back to 2015 when the City rewrote the Master Plan, the last time it was fully revised, and there's a site map showing the utilities in the development area.

That parcel, just for everybody's information, does have utility easements for all the utilities. They are public utilities. They are not private. The road is a private road so any development in the future will have to consider the owners of the PUDs interest in the road. They won't have carte blanche ability to do whatever they want on the road; they'll have to negotiate. And this is from 2021 [showing a sketch], when the county was going to apply for a project here to do, the county itself was going to build with the help of the state. They were going to get a grant to build a pre-fab housing facility there.

A. Landers said: There are two duplexes [in the sketch D. Stensaas showed].

D. Stensaas stated:

Yeah, and they submitted this to us but it never came to the Planning Commission. It fell hard before they even got it to the Planning Commission, but they submitted this map which kind of shows their concept for a development up there and I wanted to show you this with the approximate lines of the parcel outlined there, for what could be developed in the future, I think what the residents of the area could expect to see. I mean, this is certainly possible. Multi-family of course can be a lot of different things, but this is probably about as dense a facility as you could put on a lot and that's what a developer would probably want to do to maximize their investment. So, I just thought I'd throw that in there. And we notified the Director of County Land Bank that we were going through this process, and the neighbors were notified of course, as a typical rezoning process. We lost a lot of digital data that we had for some projects when we had a data breach at the city about 10 years ago, and we lost the original site plans that were submitted for this project, the digital site plans. This was one of the only things that remained that shows the original intent for the PUD [showing a black and white sketch], it seems to be kind of pre-development submittal for the site plan, for the project. So like I said, it did change quite a bit with amendments over the years, but that is what it was supposed to look like in the beginning.

S. Mittlefehldt stated:

Okay, and so since this is coming from city staff, kind of making things right, we don't have an applicant per se. I know you did send notice. Do we have any correspondence to hear from on this topic?

D. Stensaas stated: No.

S. Mittlefehldt stated:

Okay, moving on to public testimony, is there anyone here who would like to come up and provide comment on the potential zoning of this property? Nobody? Then moving onto Commission discussion. We need a motion to suspend the rules for discussing.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

M. Rayner stated:

It would just bring it into play with the Master Plan for land use, correct, if I'm understanding this correctly?

D. Stensaas stated:

Right, the future land use map shows Multi-family Residential as the recommended land use for the property.

N. Williams stated:

So, reading Commissioner Bonsall's comments from the time when this case before them in 2021, it sounds like they waived a 2-acre minimum for a PUD.

A. Landers stated:

That was for the County. The thing [sketch] that Dave showed you was actually the last approval that went up, and that isn't the county one. That is the one that we're expiring. The County never finished going through the process. They only went to the Planning Commission for PUD Concept approval, and they only went to the City Commission for a waiver. They never came back because that whole deal fell through. So, that never got rezoned under their PUD, so it's still under the Hawk's Ridge PUD, it's still showing that this would have been a mirror of the multiple family apartment building, or condo building that that was proposed for this last phase, but then they never did it.

N. Williams stated: Got it, and then second, is the Land Bank authority still the owner right now?

A. Landers stated: Currently [yes], but this property is for sale.

W. Premeau stated:

If you look at the topography there, there's very little buildable land there. That drops off in the back straight down so they're limited unless they build a wall like the hotel is doing maybe.

A. Landers stated:

We do have a steep slope ordinance that they would have to follow in the Code for anything in that area that you're referring to, they have to meet all those requirements.

S. Lawry stated:

Regarding that, the drawing up there right now shows a 20 ft. overhang on the building, so there would be 20 ft. of building to be at ground level, or below ground level on the [inaudible]. And I'd like to thank Dave for researching and getting some answers on the utilities. I stopped into his office yesterday to try to get some answers on that. Thank you.

A. Landers stated:

Did you mentioned the access to the site, the new property owner for anyone wanting to develop would have to get approval from the HOAs?

D. Stensaas stated:

Yeah, so this road is privately owned and maintained and so that would be a task that the new buyer would have to contend with, getting permission to use the road, not just to maintain it but for access to, and it's a site that is definitely buildable and usable and hopefully something compatible will be propose there, but it's going to have to come with some negotiation with the Homeowners' Associations.

S. Mittlefehldt asked: Dave, do we need to go through the standards of review for amendments one by one that are in the packet?

D. Stensaas stated: No, I don't really think it's necessary as long as you guys reviewed it and didn't find any issues with it, because this is pretty clear. The Code says this shall be terminated and rezoned.

S. Mittlefehldt stated: Okay, if we don't have to do it and long as everyone is good with this does anyone want to make a motion?

C. Gottlieb stated: I'll make a motion.

It was moved by C. Gottlieb, and seconded by K. Clegg, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-05-22 as presented. Approval will change the zoning district to Multiple Family Residential (MFR).

D. 03-REZ-10-23 – 905 Lakeshore Blvd. (PIN: 0370190): Requesting to rezone the property located at 905 Lakeshore Blvd. which is zoned Planned Unit Development (PUD) to be zoned Mixed-Use (M-U).

D. Stensaas stated this is exactly the same situation as the last report. So, 905 Lakeshore Blvd., this is the zoning map. It is just north of Crescent Street so the parcel is on, the south part of the parcel fronts Crescent Street and then meets Lakeshore Blvd. and this parcel was approved for a PUD in 2012, Lakeshore Cottage's PUD. The Future Land Use Map shows this as Mixed-Use and of course when this map was adopted in the Community Master Plan, Mixed Use was still a concept zoning district. We didn't have any and so all of these Mixed-Use districts were approved with the Land Development Code and became Mixed Use zoning district. No matter what they were before, they now are Mixed Use for the most part, and so in this case that's really fortunate because the property owner/developer, if they want to continue with, or pick this up again, and they want to build this project, they can pretty much build this almost exactly as it was presented in the PUD without having to go through the rest of the PUD process. They would start with an application for Site Plan Review and because Mixed-Use is very flexible and the actual dimensional requirements of the Mixed Use district are very liberal for development as opposed to Multi-Family, there's a lot of building separation requirement that doesn't apply in the Mixed-Use district. So, in this case, the developer is the owner, still the same property owner, is not really losing out in the way I see it anyway.

A. Landers stated: And as it is, if they wanted to keep it PUD they'd have to start over the whole process again.

S. Mittlefehldt asked: So Mixed-Use would actually be easier for them to achieve the goal?

D. Stensaas stated: It would be very easy. That wasn't an option of course when they applied for this in 2012. The zoning was a different zoning district and they couldn't do that. So, this is exactly the same situation, the property owner is here and I've talked with her and her husband and notified their neighbors, the same stuff as the last project.

S. Mittlefehldt stated: Okay, so there's no official applicants since this is coming from the City, right?

D. Stensaas stated: Right. I should say add to that that this letter in here [showing letter on screen], the property owner did apply for an extension when they were faced with the expiration and so this was approved in 2017, but that extension expired in 2019. So, they have taken advantage of that part of the Code. Their ability to extend approval.

S. Mittlefehldt stated: Okay, and no correspondence on this?

D. Stensaas stated: No.

S. Mittlefehldt opened the public hearing.

Christine Zenti-Emmendorfer, of 900 Lakeshore Boulevard, stated:

I'm the property owner and we've applied for it twice, went through this process. We had a little issue in 2008, well actually a big issue, and then applied again. So, we've gone through this PUD twice and I'm really grateful if you guys go along with this recommendation, then I wouldn't have to go through the PUD again. It's a tedious and I know there's a cost too, so I just want to say I'm grateful and I feel fortunate at this point if this passes. Thank you.

S. Mittlefehldt stated: Do you still have plans to do...

Ms. Zenti-Emmendorfer [interposing], stated:

Well, we have a wonderful plan, for like vintage homes, a beautiful plan I think, but there's just situations that we are not able to proceed right now. I'm happy that we maybe can in the future. I think it would be delightful little kind of neighborhood thing, picket fences, an arbor going into each one, big porches, parking in the back, and making them look like they were built in the early 1900s, the brick-a-brack and that kind of stuff. So, I don't know if it'll ever happen in my lifetime. I'm getting older here but I have some children that might, but thank you. I think I'd said enough.

It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.

K. Clegg stated:

This seems pretty cut and dry, same as the previous one before. We're leaning into the Future Land Use Map, the property owner is in favor, no correspondence in a negative tone.

S. Mittlefehldt stated: Any other thoughts?

S. Mittlefehldt stated:

I don't know how many of us were on the Planning Commission when we saw a proposal for a hotel just north of this site, but for those who were on the Planning Commission you remember that people were pretty adamant they didn't want a hotel built in this area. So I agree that the intent of making this Mixed Use is great and all the permitted principle uses of Mixed Use I think would be great at that site, but some of the Special Land Uses, and specifically the hotel, because that was a big issue that came up very close to this area - not that the current land owner wants to build a hotel there - but if it gets sold some day and it's available to make use, that would be a potential thing that they could do there, so I'm just wondering do we have any authority to say yes, zone it to Mixed Use, but then put-

A. Landers stated [interposing]:

The city cannot do Conditional Rezoning themselves. So, we can't bring forth the same, it has to be brought by an applicant for Conditional Rezoning, but the Planning Commission, for a hotel as applied for before, will always have those Special Land Use requirements and standards to go through that you guys just did for the other two cases.

S. Mittlefehldt stated:

Sure and Mixed Use, we looked at it recently, it does emphasize residential use, local services, as kind of the priority, and then the commercial applications as secondary to the residential, so as long as...we're clear about what a Mixed Use district is, at least how it's defined in our Code, I think I'm comfortable with it. But, several of us around here, we remember the hotel [application]...and I think a lot of us would agree that it's not maybe a great location for a four story hotel, so just wondering how we move forward with permitting this to make it able to do small scale development, residential, but not commercial hotels.

D. Stensaas stated:

We had a meeting with Russ Soyering from Beckett & Raeder today about land use and zoning. He wanted to go through what we've done with zoning compared to what was in the Master Plan's recommendations, the *zoning plan* is still out there, and this is going to come back around. The consultants have not developed that part of the Code where they're recommending changes to zoning and land use. So, you guys still have the ability to say to them, how about on Lakeshore Blvd. we create a second, this is something we've talked to staff before about is the possibility of having a different Mixed Use district for a Scenic Corridor. So if you want to go there and say there's a different set of standards for this part of the city, for Mixed Uses, that they don't include hotels.

S. Mittlefehldt stated:

That would be fantastic, and that's what I had in my notes is, I know it is designed as a scenic corridor. So, a hotel is the most obvious one, but are some of those other Special Land Uses maybe also not appropriate for scenic corridors... but maybe that's a different conversation that would address that.

A. Landers said:

Yeah, because right now legally we can't make that change. The City itself can't do conditional rezoning.

C. Gottlieb said:

This is an academic question and I'm sorry it's an academic question at this hour, but what happens if we don't pass this?

A. Landers said:

Then you have an expired PUD that they can't do anything with.

D. Stensaas said:

You're making a recommendation to the City Commission, so this is going to go to the City Commission and they have the final say in rezonings. The legislative body has the final say on changing laws, and the zoning map is considered a law in itself, so they'll make the final decision on this.

C. Gottlieb said: So this is a perfunctory exercise.

D. Stensaas said:

This is kind of rare - we do have some rezoning cases that are pretty much a slam dunk - but sometimes that's not the case and the Planning Commission really has a lot of work to do, and their recommendation is very important to the City Commission.

C. Gottlieb said: I don't see a problem with this one. I'm wondering why we are voting on this.

D. Stensaas stated: Because it's the process, you guys have to make a recommendation on rezoning, because you're the advisory body on zoning matters.

M. Rayner said: But this keeps us from a spot zoning situation, too, in that this piece of property then would be contiguous with the other pieces north of it.

K. Clegg said:

I think it should also be noted that we already have, like with the previous case, I wasn't on the Commission at the time, but those same backstops that allowed the Commission to deny the previous hotel exist, and we need to trust the Code and the things that we have.

S. Mitlefehldt stated:

Also, for developers, if a developer wanted to put in a hotel at the site, they would see it in the codes, but if there was a secondary designation then they would know it's not worth your time and effort to go through a public hearing process. That's why I'm liking the Scenic Corridor overlay district or additional requirements for Mixed Use areas or something.

D. Stensaas said he will relay that to Russ Soyryng tomorrow and send him the meeting minutes.

K. Clegg stated I'll make the motion.

It was moved by K. Clegg, and seconded by S. Lawry, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 03-REZ-05-22 as presented. Approval will change the zoning district to Mixed-Use.

TRAINING

A. Quick Bites – Music Planning

The Planning Commission and staff briefly discussed the article. D. Stensaas stated that he emailed it to the City's Director of the Arts and Culture office, and she said that she's like the same type of proposal done for theater, art galleries, and other arts. D. Stensaas said that these are things that fit into the Arts and Culture Master Plan and are things that the Arts and Culture Advisory Committee would ideally be able to coordinate, but that they definitely fit into the broad range of community development activities.

COMMISSION AND STAFF COMMENTS

K. Clegg stated:

I'd just like to say I'm glad that we were able to approve the Fisher Street home and serve the potentially homeless population and allow people to have some equity and maintain their dignity in the city while still working together to have a community home.

A. Landers said that there was nothing submitted for the Planning Commission meeting set for 10/17.

D. Stensaas said that if there are no objections he would cancel the 10/17 meeting, as there is not really any need to hold a work session. No objections were stated.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Consent Agenda

Approve the minutes of the November 13, 2023 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Nov. 13 Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, November 13, 2023
7:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Schloegel, Smith

City Clerk Kyle Whitney administered the oath of office to Commissioners Jessica Hanley and Cody Mayer, who were re-elected at the November 7, 2023 election, as well as to Commissioner Paul Schloegel, who was elected to the Commission at that time.

The Clerk then oversaw the process by which the City Commission determined who to appoint as the Mayor and Mayor Pro Tem for the coming year.

After one round of voting, Commissioner Jessica Hanley made a motion to appoint Sally Davis as Mayor for the coming year, seconded by Commissioner Cody Mayer and carried unanimously.

Following another single round of voting, Mayor Davis made a motion to appoint Jessica Hanley as Mayor Pro Tem for the coming year, seconded by Commissioner Paul Schloegel and carried unanimously.

The Clerk then administered the oath of office to the incoming Mayor and Mayor Pro Tem and Mayor Davis ran the remainder of the meeting.

Approval of the Agenda

Commissioner Jerney Ottaway moved to Approve the agenda as presented, seconded by Commissioner Michael Larson and Carried Unanimously.

Announcements

Mayor Davis had no announcements tonight.

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

Matt Luttenberger said that Norwood Street should be upgraded, and he said he thinks the City should consider holding elections, rather than appointing to fill the vacancies in elected office.

1. Consent Agenda

Commissioner Jennifer Smith moved to Approve the consent Agenda as presented,

seconded by Commissioner Jerney Ottaway and Carried Unanimously.

1.a. Approve the minutes of the October 30, 2023 regular Commission meeting

1.b. Approve the total bills payable in the amount of \$6,365,924.35

1.c. Marquette Area Public Schools - Ice Contract

1.d. Proclamation - 16 Days of Activism against Gender-based Violence

1.e. The Hockey Mutineers of Marquette - Locker Room Lease Agreement

New Business

2. Approve 2024 City Commission Meeting Schedule

Commissioner Jennifer Smith moved to Approve the 2024 City Commission Meeting Schedule, seconded by Mayor Pro Tem Jessica Hanley and Carried Unanimously.

3. Procedure to Fill BLP Vacancy

Mayor Pro Tem Jessica Hanley moved to Direct the City Clerk to make Marquette Board of Light and Power application forms available online and in the Clerk's Office, and to accept applications from interested parties until 4 p.m. on Friday, November 24, 2023; to then forward all applications to the Board of Light and Power for review; and to then proceed with the appointment of a new board member to the Board of Light at the December 11 regular meeting, seconded by Commissioner Jerney Ottaway and Carried Unanimously.

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

Matt Luttenberger said he plans to apply for appointment to the BLP, and thinks there should be a focus on wind and tidal energy development. He also asked for details about how local recreation facilities are funded.

Comments from the Commission

Mayor Pro Tem Hanley thanked the City voters for their support in her re-election, and thanked the other candidates for running. She also congratulated Mayor Sally Davis on her appointment to that position.

Commissioner Larson congratulated everyone that was elected and re-elected last week and said he is looking forward to serving on the City Commission with Commissioner Schloegel. He thanked Commissioner Mayer for serving as Mayor during the previous year, and he also congratulated the Mayor and Mayor Pro Tem on their appointments tonight.

Commissioner Ottaway thanked Commissioner Mayer for his service as Mayor, and he said he also looks forward to moving forward with the new Mayor and Mayor Pro Tem.

Commissioner Mayer congratulated Mayor Davis and Mayor Pro Tem Hanley, and said he will help if possible and desired. He also congratulated Mayor Pro Tem Hanley

on her re-election to the board and welcomed Commissioner Schloegel.

Commissioner Smith welcomed Commissioner Schloegel back to the City Commission and she congratulated Mayor Pro Tem Hanley and Commissioner Mayer on their re-elections.

Commissioner Schloegel thanked the voters for putting their confidence in him and he said it's an honor to serve on the City Commission. He thanked Commissioner Mayer for the work he did as mayor in the last year and said he has tried to keep up to date on City activities. He also acknowledged outgoing City Commissioner Fred Stonehouse, who he called a legend of a public servant.

Mayor Davis also thanked Fred Stonehouse for his years of service. She congratulated Mayor Pro Tem Hanley on her re-election and appointment, and said she is looking forward to moving forward together. She thanked the Commission for their confidence and support in appointing her Mayor.

Comments from the City Manager

City Manager Karen Kovacs shared information about the BLP application process, shared information about an upcoming Planning Commission public hearing, and responded to the earlier question about funding for recreation facilities. She praised the public works crews for successful execution of this year's curbside leaf and brush collection.

Adjournment

Mayor Davis adjourned the meeting at 7:37 p.m.

Sally Davis, 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: 11/27/2023

Consent Agenda **Fuel Purchasing**

BACKGROUND:

Annually the City purchases approximately 175,000 gallons of fuel for the City fueling depot. The City departments consume approximately 115,000 gallons of fuel annually. The other fuel is sold to other public entities such as Powell Township, the Marquette Downtown Development Authority, Northern Michigan University and Alger Marquette County Action Board. The City holds contracts to supply these entities with fuel at a markup of \$0.22 per gallon to help cover repair and maintenance, replacement and other operating costs of the fuel system.

The current City process as approved at the June 13, 2011 Commission meeting, is using “point sales” or “spot sales.” Bids are obtained from distributors the day of the sale and the sale is awarded to the low bid. This process will be used for fuel purchases at both the Municipal Service Center and Cinder Pond Marina.

FISCAL EFFECT:

Fuel is charged to inventory when it is purchased. As fuel is consumed by the Motor Pool vehicles it is charged to the Fuel System Fund. The Fuel System Fund has \$535,000 budgeted for FY 2024. The other entities purchasing fuel are billed monthly.

RECOMMENDATION:

Reaffirm the current City procedure for purchasing fuel, and authorize the City Manager to approve the purchase of fuel under the procedure.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Consent Agenda

Master Agreement to Purchase Services (In-Home Services)

BACKGROUND:

Approximately one-half of the Marquette Senior Center budget is constituted of revenues derived through purchase of service agreements such as the Master Agreement to Purchase Services (In-Home Services) under consideration. These contracts have been implemented as service reimbursement agreements consistent with the same approach that has been used for more than 30 years.

This agreement funds \$70,885.40 or an estimated 2,953 units of homemaking services at a unit reimbursement rate of \$24.00, \$6,768.35 or an estimated 282 units of General Respite at a unit reimbursement rate of \$24.00, and \$5,943.99 or an estimated 248 units of NFC Respite at a unit reimbursement rate of \$24.00. There is a ten (10%) percent local in-kind match requirement outlined in the agreement that has been budgeted under salaries and wages.

The City received the agreement from the County the first week of November; the effective date is October 1, 2023.

FISCAL EFFECT:

This agreement is consistent with the revenues budgeted for in-home services in Fiscal Year 2024.

RECOMMENDATION:

Approve the Master Agreement to Purchase Services (In-Home Services) for Fiscal Year 2024, and authorize the Mayor and Clerk to sign the Agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Contract

MASTER AGREEMENT TO PURCHASE SERVICES FISCAL YEAR 2024

This Agreement, effective the first day of October, 2023, and ending the 30th day of September, 2024, is by and between the County of Marquette ("County"), 234 W. Baraga Avenue, Marquette, Michigan 49855 and the **City of Marquette**, 300 W. Baraga Avenue, Marquette, Michigan 49855 ("Contractor").

WHEREAS, the County has contracted with the Region XI Area Agency on Aging (UPAAA) through **IN-HOME SERVICES** funds for the delivery of In-home services to older residents of Marquette County; and

WHEREAS, the County desires to purchase these services from the Contractor for elders residing within the City of Marquette, and the Townships of Chocolay, Marquette, and Powell;

NOW, THEREFORE, the parties hereto agree:

1. The Contractor will deliver the following:

HOMEMAKER SERVICE

Estimated Units of Service:	<u>2,953</u>
Estimated Number of Unduplicated Clients:	<u>154</u>
Estimated Number of Low-Income Clients:	<u>40</u>
Estimated Number of Minority Clients:	<u>1</u>

GENERAL RESPITE SERVICE

Estimated Units of Service	<u>282</u>
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NFC RESPITE SERVICE

Estimated Units of Service	<u>248</u>
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2. The Contractor shall provide units evenly over the course of the contract period and adhere to the service definition, record keeping requirements and client eligibility guidelines as established by Marquette County's Aging Service policies, Marquette County contractual obligations with UPAAA, and OSA Operating Standards for In-Home Service Programs. Service reports will be provided to the Aging Services office for reimbursement and contract monitoring of receipts, expenditures, clients served, and units provided on forms issued by the Aging Services office. Reports shall be due to the Aging Services office on the 7th day of the month for the previous month's activity. Technical assistance is available from the Aging Services office for all aspects of service provision, reporting, budgeting, etc.
3. In delivering homemaker services, Contractor agrees to comply with all requirements set forth in the FY2023-2025 Aging Services Master Contract (**Attachment A**).
4. The Contractor shall receive from Marquette County's Aging Services office upon receipt of monthly In-Home Service reports, and signed Agreement by both parties,

funds up to \$70,885.40 at a homemaker unit rate of \$24.00, up to \$6768.35 at the General Respite unit rate of \$24.00, and up to \$5943.99 at the NFC Respite unit rate of \$24.00. In-Home Services are reimbursed using the UPAAA Wellsky system. Reimbursement on significant over production of units will be withheld and findings of non-compliance will be written during Contractor assessment.

5. A local match at a minimum of 10% of the total cost of providing a unit is required by the Contractor. Confidential donations (program income) are to be encouraged, and the funds received used to expand homemaker service.
6. In the event that funds to Marquette County from the UPAAA are reduced, withdrawn or terminated, Marquette County may equally reduce, withdraw or terminate payments upon seven days written notice to the Contractor. In the event that additional funds are received under any grant covered by this Agreement, funds will be allocated depending on the ability of the Contractor to provide additional homemaker service.
7. Any amendments to this Agreement must be reduced to writing and be signed by both parties with 30 days' notice. Marquette County can terminate this Agreement for any or no reason upon seven days' written notice to the Contractor.
8. Insurance and Indemnification: The Contractor will supply proof of and adhere to the provisions contained in the insurance addendum (**Attachment B**) which is incorporated in, and made part of, this Agreement as though fully set forth herein.
9. Relationship of Parties: The parties agree that Contractor will at all times be an independent contractor in performance of the services hereunder, and that nothing in this Agreement will be construed as or have the effect of constituting any relationship of employer/employee, partnership, or joint venture between the County and the Contractor. Likewise Direct Care Workers employed or contracted by the Contractor will not be deemed employees of the County for any purpose.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

COUNTY OF MARQUETTE

CITY OF MARQUETTE

By: _____

Joseph DeRocha, Chairperson

By: _____

~~Cody Mayer~~, Mayor Sally Davis

By: _____

Kyle Whitney, Clerk

Date: _____

10/17/2023

Date: _____

Attachment: Insurance Addendum

ATTACHMENT A: INSURANCE ADDENDUM

LIABILITY INSURANCE

The Contractor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, volunteers, or subcontractors.

INSURANCE REQUIREMENTS

The insurance coverage required shall be at least as broad as:

1. Commercial General Liability ("occurrence" form).
2. Automobile Liability, "any auto".
3. Workers' Compensation insurance as required by the laws of the state of Michigan and Employer's Liability insurance.

LIMITS OF INSURANCE

The Contractor shall maintain limits on said policy of no less than:

1. General Liability: \$1,000,000 combined single limit per accident for bodily injury, personal injury, and property damage.
2. Automobile Liability: \$500,000 combined single limit per accident for bodily injury and property damage.
3. Worker's Compensation and Employer's Liability: Shall be those limits as required by the Worker's Disability Compensation Act for the state of Michigan and Employer's Liability limits of \$500,000 per occurrence.

DEDUCTIBLES

Any deductibles or self-insured retentions must be declared to and approved by Marquette County.

OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverage:

Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to

Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance coverage shall be primary insurance as respects Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers. Any insurance or self-insurance maintained by Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be excess of the Contractor's insurance and shall not contribute to it.

Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. All Coverages:

Contractor hereby releases Marquette County from any claim for recovery for any loss or damage, which is insured under valid and collectible insurance policies to the extent of any recovery collectible under such insurance. It is further agreed that this waiver shall apply only when permitted by the applicable policy of insurance.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after 30 days

prior written notice by certified mail, return receipt requested, has been given to Marquette County.

ACCEPTABILITY OF INSURERS

Unless otherwise approved by Marquette County, the Michigan Insurance Bureau must identify insurers as authorized and eligible. In addition, insurance is to be placed with insurers with a Best's rating of A or better.

CERTIFICATES/ENDORSEMENTS OF INSURANCE

Contractor shall furnish Marquette County with certificates of insurance and with any and all original endorsements affecting coverage required by the contract. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by Marquette County before work commences. Marquette County reserves the right to require complete, certified copies of all required insurance policies, at any time.

Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

A copy of said certificates and endorsements should be forwarded with a signed copy of the Master Agreement to the Marquette County Aging Services office.

ACCEPTANCE OF CERTIFICATE

Acceptance of any certificate(s) and/or endorsement(s) of insurance by Marquette County do not waive the insurance requirements provided in the foregoing paragraphs. Should Marquette County sustain any loss or be required to pay any claim as a result of the Contractor's failure to obtain or maintain insurance as is required by this contract, the Contractor shall indemnify Marquette County for any such loss. This indemnification shall occur regardless of whether or not Marquette County has accepted any certificate(s) and/or endorsement(s) of insurance provided by the Contractor or its carrier.

INDEMNIFICATION

To the fullest extent permitted by law, the Contractor shall indemnify, defend, and hold harmless Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers from and against any and all claims, losses or liability, including attorney's fees, arising from injury or death to persons or damage to property occasioned by any act, omission or failure of the Contractor, its subcontractors, and any officers, agents, employees, and volunteers in performing the work required by this contract. The Contractor's obligation under this provision shall not be limited in any way by any terms of this contract, or the insurance limits.

ADDITIONAL INSURED ENDORSEMENT

It is understood and agreed that Marquette County shall be Additional Insureds, which shall include all elected and appointed officials, all employees, agents and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers. This coverage shall be primary to the Additional Insureds, and not contributing with any other insurance or similar protection available to the Additional Insureds, whether said other available coverage be primary, contributing or excess.

09/30/2019

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Consent Agenda **Plowing for Pizza Agreement**

BACKGROUND:

The City of Marquette was selected by Domino's Pizza, LLC as a partner in their Plowing for Pizza advertising campaign. As part of the agreement, Domino's will provide the City with \$25,000 to assist with winter road maintenance during the period of November 2023 to April 2024. There is no cost to the City and the only requirement is that the funds be used towards snow removal. Due to rising steel prices, staff recommends the funds be applied to offset the cost of underbody cutting blades used on frontline plows. If approved, the ad campaign will begin on December 7, 2023.

FISCAL EFFECT:

All funds received will be credited to the Fiscal Year 2024 Motor Pool Maintenance Fund.

RECOMMENDATION:

Approve the Plowing for Pizza - Partnership Agreement and the Mutual Non-Disclosure Agreement with Work in Progress, LLC, an agent for Domino's Pizza, LLC, and authorize the Mayor and City Clerk to sign the Agreements.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Plowing for Pizza Agreement
- ▣ Mutual Non-Disclosure Agreement

PLOWING FOR PIZZA - PARTNERSHIP AGREEMENT

DOMINO'S "PLOWING FOR PIZZA" AGREEMENT

As we discussed, as part of Domino's Plowing for Pizza Program (the "**Plowing for Pizza Program**"), Domino's would like to help the city of **Marquette, MI** ("Your Town") improve winter road conditions by providing funds to Your Town, subject to the terms below, to be used to help Your Town plow roads and otherwise remove snow from Your Town roads after snowfalls. Accordingly, Your Town and Work in Progress LLC ("**Agency**"), agency for Domino's Pizza LLC. ("**Domino's**"), agree as follows:

1. Funds: Provided that the Conditions (as described below) have been met, upon execution of this agreement by Your Town and Domino's, Domino's will provide to Your Town funds in the amount of \$25,000.00 (the "**Funds**"), on or about **November 27, 2023**.

2. Use of Funds: Your Town agrees to use the Funds solely for the purpose of plowing snow, or otherwise in connection with snow removal, from Your Town streets during the 2023/2024 winter season (*i.e.*, from approximately, November 2023 to approximately April, 2024) (to be referred to as the "**Your Town's Snow Removal**"). As a condition of and prior to receipt of the Funds, Your Town will provide Agency with a writing explaining and showing how the Funds will be used to further Your Town's Snow Removal.

3. Materials/Usage: Your Town agrees to film or photograph Your Town's Snow Removal process and provide the film/photographs (collectively, the "**Images**") to Agency for Domino's use. Your Town agrees that Domino's shall have the right, but not the obligation, to use the Images, identify Your Town as an "official partner" of the Plowing for Pizza Program, and indicate that Domino's provided Your Town with Funds to engage in Your Town Snow Removal, in any and all media and materials, anywhere in the world, in perpetuity, for any lawful purpose, including without limitation for purposes of advertising and trade in connection with Domino's "Plowing for Pizza" campaign.

4. Messaging: Domino's agrees that messaging or other materials that reference Your Town, Your Town's Snow Removal and/or the Paving for Pizza Program (as it pertains to Your Town) (collectively, the "**Materials**"): (a) will not portray Your Town in a negative light, nor will the Materials suggest that Your Town has had difficulty fulfilling Your Town snow removal responsibilities; and (b) will comply with brand protection or compliance guidelines provided by the Your Town to Agency. Accordingly, Agency will provide the Materials to Your Town for its review so that Your Town may confirm that the Materials comply with this "Messaging" provision. Your Town agrees that Your Town will respond to any Agency request for review of Materials within ten (10) business days of receipt of the applicable Materials. If Your Town believes that any Materials do not comply with this "Messaging" provision, Your Town agrees to explain its reasons for this belief in writing and with specificity. If Your Town does not respond within ten (10) business days of Agency's request for review, the applicable Materials will be deemed in compliance with this "Messaging" provision. All Materials may be used as set forth in Section 3 above and shall be and remain the sole and exclusive property of Domino's.

5. Conditions: Domino's has certain requirements that it needs Your Town to fulfill in order to be eligible to receive the Funds, which are referred to in this agreement as the "Conditions". The Conditions shall be as follows: (i) Domino's must receive this agreement and a form non-disclosure agreement ("**NDA**") provided by Agency fully executed by Your Town and returned to Domino's within ten (10) business days of Your Town's receipt of this agreement and the NDA, (ii) Your Town must promptly provide Domino's with a properly and fully completed form W-9 and any other vendor forms required by Domino's, and (iii) Your

Town must be and remain in full compliance with the terms of this agreement. If Your Town fails to fulfill the Conditions, Domino's shall have the right, to terminate this agreement (or if this agreement has not yet been executed by Domino's, to deem this agreement void and of no force or effect), and Domino's shall have no further obligation to Your Town whatsoever (including no obligation to provide the Funds to Your Town). Any documents that are required to be returned to Domino's shall be sent to Domino's c/o Agency as follows: WorkInProgress 2465 Central Ave Suite 110 Boulder, CO 80301.

6. Representations and Warranties: Your Town and the signatory to this agreement for Your Town represent and warrant that the signatory has the right, power and authority to enter into and bind Your Town to the terms of this agreement.

7. Use of Domino's Name and Trademark: Your Town agrees that Your Town shall not use Domino's name or trademark in any public-facing materials unless Your Town obtains Domino's prior written approval in each instance.

8. Release: Your Town agrees that Your Town shall have no claim to compensation or benefits (other than as specifically set forth in this agreement) nor any claim arising out of or in connection with this agreement, including without limitation, any claim in connection with Your Town's use of the Funds, Your Town's Snow Removal, or the use by Domino's and Agency, in accordance with this agreement, of the Images, Your Town's name, or the Materials.

9. Contingency: Your Town understands and agrees this agreement has been fully executed by both parties, Agency/Domino's shall have the right, but not the obligation, to terminate this agreement, and in such event the terms of this agreement shall be deemed null and void and of no force or effect and neither party shall have any obligation to the other party.

10. Confidentiality: Unless otherwise required by public records law or legal process. Your Town will not disclose the terms of this agreement to any third parties other than, on a confidential basis, to its business representatives and legal counsel.

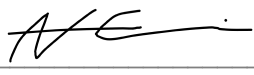
11. Miscellaneous. This agreement contains the entire understanding between the parties and may not be altered or waived except by a writing signed by both parties. No waiver by either party of the breach of any term or condition of this agreement will constitute a waiver of, or consent to, any subsequent breach of the same or any other term or condition of this agreement. In the event any provision of this Agreement is determined to be invalid by a court or tribunal of competent jurisdiction, such determination shall in no way affect the validity or enforceability of any other provision herein. This Agreement may be executed by electronic signature and may be executed in counterparts, each of which shall constitute an original, but all of which when taken together shall constitute a single contract.

ACCEPTED AND AGREED:

CITY OF MARQUETTE, MI

Work In Progress, LLC, agency for Domino's Pizza LLC

By: _____
Authorized Party

By: 
[NAME]

Title: Mayor

Title: **Partner_Account + Strategy**

Date:

Date: **11.8.2023**

CITY OF MARQUETTE, MI

By: _____
Authorized Party

Title: City Clerk

Date:

MUTUAL NON-DISCLOSURE AGREEMENT

THIS MUTUAL NONDISCLOSURE AGREEMENT is made between
WorkInProgress, LLC, with a principal place of business at 2465 Central Ave,
Suite 100, Boulder, CO 80301 and _____.

1. Purpose. The parties are interested in evaluating possible business opportunities and implementing possible business relationships (the "**Purpose**") and in connection therewith may disclose certain Confidential Information (as defined below).

2. "Confidential Information" means any information that one party (the "**Disclosing Party**") discloses to the other party (the "**Receiving Party**"), whether embodied in tangible form or disclosed visually or orally and whether or not designated as "confidential" or "proprietary" or by some similar designation, relating to the prior, current, or prospective business of the Disclosing Party including, without limitation, information contained in, conveyed by, constituting, or concerning business models, business opportunities under consideration by the Disclosing Party, business plans, historical and projected financial performance, market research, marketing plans, pricing and cost data, customers, customer leads, customer lists, customer needs and requirements, suppliers, vendors, employees, independent contractors, ideas, improvements, products and product plans, technologies, and research activities and results, and any other information that should be reasonably understood by the Receiving Party as the confidential or proprietary information of the Disclosing Party. Confidential Information shall not, however, include any information that (i) was publicly known and made generally available in the public domain prior to the time of disclosure by the Disclosing Party to the Receiving Party; (ii) becomes publicly known and made generally available after disclosure by the Disclosing Party to the Receiving Party through no action or inaction of the Receiving Party; (iii) is already in the possession of the Receiving Party at the time of disclosure by the Disclosing Party as shown by the Receiving Party's files and records immediately prior to the time of disclosure; or (iv) is independently developed by the Receiving Party without use of or reference to the disclosing party's Confidential Information, as shown by documents and other competent evidence in the Receiving Party's possession.

3. Non-Use and Non-Disclosure. The Receiving Party agrees not to use any Confidential Information of the Disclosing Party for any purpose other than the Purpose. The Receiving Party agrees not to disclose (in any format or medium) any Confidential Information of the Disclosing Party to (i) any third party other than its legal and financial advisors who are subject to a duty to maintain the confidentiality of any such information and (ii) any of the Receiving Party's employees and consultants other than those having a need to know such information for the Purpose and who have signed confidentiality agreements or are otherwise bound by confidentiality obligations at least as restrictive as those contained herein. The Receiving Party shall not be in violation of this Section 3 with regard to a disclosure that was in response to a valid order by a court or other governmental body or that was otherwise required by law, provided that the Receiving Party (i) gives the Disclosing Party prompt written notice of such requirement prior to such disclosure, provides a letter from counsel confirming that such disclosure is, in fact, required, and provides reasonable assistance to the Disclosing Party in efforts by the Disclosing Party to obtain an order protecting such information from public disclosure or (ii) if such notice is prohibited by law, uses reasonable efforts to seek to obtain confidential treatment for, and otherwise prevent disclosure of, such information.

4. Standard of Care. The Receiving Party agrees that it shall take reasonable measures to protect the secrecy of and avoid disclosure and unauthorized use of the Confidential Information of the Disclosing Party. Without limiting the foregoing, each party shall take at least those measures that it takes to protect its own confidential information.

5. Return of Materials. All documents and other tangible objects containing or representing Confidential Information of the Disclosing Party and all copies thereof that are in the possession of the Receiving Party shall be promptly returned to the Disclosing Party upon the Disclosing Party's written request.

6. Notice. Each party will notify the other party in writing promptly upon the occurrence of any unauthorized use or disclosure of any Confidential Information of the other party or other breach of this Agreement of which the party is aware.

7. No License. Nothing in this Agreement is intended to grant any rights, by license or otherwise, to either party under any patent, patent application, trademark, service mark, mask work right, copyright or other intellectual property right of the other party, nor shall this Agreement grant any party any rights in or to the Confidential Information of the other party except as expressly set forth herein. The Receiving Party shall not remove markings of any kind whatsoever that indicate the proprietary nature of any Confidential Information of the Disclosing Party, including patent and copyright notices, and the Receiving Party shall ensure that such markings are present in identical or equivalent form on each and every copy of any Confidential Information of the Disclosing Party made by or for the Receiving Party. Nothing in this Agreement requires a party to disclose any of its Confidential Information or to proceed with any future transaction or relationship.

8. Disputes. Any claim, dispute or controversy of whatever nature arising out of or relating to this Agreement must be brought in the state or federal courts located in Colorado. Both parties irrevocably consent to exclusive jurisdiction and venue in such courts, and agree to service of process issued or authorized by such courts.

9. Term. The obligations of each party hereunder shall be perpetual.

10. Remedies. Each party agrees that any violation or threatened violation of this Agreement may cause irreparable injury to the other party, entitling the other party to seek injunctive relief in addition to all legal remedies.

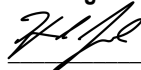
11. Assignment. The Receiving Party may not assign the Receiving Party's rights nor delegate the Receiving Party's obligations under this Agreement, by operation of law or otherwise, without the prior written consent of the Disclosing Party. Any attempted assignment or delegation by the Receiving Party in violation of this section is void and constitutes a breach of this Agreement. The Disclosing Party may assign any of the Disclosing Party's rights or delegate any of the Disclosing Party's obligations under this Agreement. Subject to the restrictions contained herein, this Agreement will inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

12. Miscellaneous. This Agreement shall bind and inure to the benefit of the parties hereto and their successors and assigns. This Agreement shall be governed by the laws of the State of Colorado, without reference to conflict of laws principles. This document contains the entire agreement between the parties with respect to the subject matter hereof, and neither party shall have any obligation, express or implied by law, with respect to trade secret or proprietary information of the other party except as set forth herein. If any provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, that provision will be limited or eliminated to the minimum extent necessary so that this Agreement will otherwise remain in full force and effect. The parties agree to replace any such illegal, invalid or unenforceable provision with a valid provision that most closely approximates the intent and economic effect of the illegal, invalid or unenforceable provision. Any failure to enforce any provision of this Agreement shall not constitute a waiver thereof or of any other provision. This Agreement may not be amended, nor any obligation waived, except by a writing signed by both parties hereto.

COMPANY OR INDIVIDUAL

Signature: _____
Name: _____
Company: _____
Title: _____
Date: _____

WorkInProgress, LLC.

By: 
Name: Harold Jones, Partner for WorkInProgress, LLC

Signature: _____
Name: _____
Company: _____
Title: _____
Date: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Consent Agenda

Senior Services - Master Agreement to Purchase Services

BACKGROUND:

Presented for consideration is the Master Agreement to purchase services for senior service programs for older residents in the City of Marquette and Chocolay, Marquette and Powell townships. Under this agreement, the County of Marquette agrees to expend millage funds to purchase senior services from the City.

In a given year, approximately half of the Marquette Senior Center revenue comes through similar agreements, under which municipalities purchase services from the Center.

The 2024 calendar year millage allocation is \$469,085. This represents an increase of \$53,365, or 12 percent, from the previous year's agreement. The reimbursement will be paid in a lump sum to be allocated monthly.

FISCAL EFFECT:

The Community Services Senior Service fund will realize revenues of \$469,085.

RECOMMENDATION:

Approve the Master Agreement to Purchase Services for calendar year 2024, and authorize the Mayor and Clerk to sign the Agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ Agreement

**MASTER AGREEMENT TO PURCHASE SERVICES
CALENDAR YEAR 2024**

This Agreement, effective the first day of January 2024 and ending the 31st day of December 2024, is by and between **Marquette County**, 234 W. Baraga Avenue, Marquette, Michigan 49855 and the **CITY OF MARQUETTE**, 300 W. Baraga Avenue, Marquette, Michigan 49855 (hereinafter referred to as the "Contractor").

WHEREAS, Marquette County has allocated millage dollars to Senior Centers for the delivery of services to older residents of Marquette County; and

WHEREAS, Marquette County is desirous of purchasing services as listed on the menu of millage priority services from the Contractor for elders residing within the City of Marquette, and the townships of Chocolay, Marquette and Powell;

NOW, THEREFORE, the parties hereto agree as follows:

1. The Contractor will deliver service as need is determined, from the following menu of services:

**Outreach
Case Coordination & Support
Homemaking
Financial Management
Chore
Information & Assistance
Health Promotion**

2. The Contractor shall adhere to the service definitions, record keeping requirements and client eligibility guidelines for these services as defined in the Marquette County Services to Senior Citizens Millage Priority Services (**Attachment A**).
3. Service reports will be provided to the Aging Services office. Service reports will be submitted on a quarterly basis. Service reports shall be due to the Aging Services office on the 10th day of the month following the reporting period. Technical assistance is available from the Aging Services office for all aspects of service provision, reporting, budgeting, etc.
4. The Contractor shall receive from Marquette County upon receipt of Agreement signed by both parties and proof of insurance, funds up to the amount stated:

ALLOCATION FOR SENIOR SERVICES

\$469,085

No match is required from the Contractor for this Agreement.

5. The Contractor will be paid a quarterly advance of funds prior to providing services.
6. The funds for Allocation Senior Services are to offset costs borne by the Contractor for providing services from the menu of priority services to seniors residing in the Townships of Forsyth, Ewing, Sands, Skandia, Turin, Wells, and West Branch.

- a. The allocation is divided into two components:

Priority Services – 70%	\$328,359.00
General Purpose Programming/Administration – 30%	\$140,726.00

- b. The Contractor shall expend at least 70% of this allocation for services from the menu of priority services based on an assessment of the client's needs.
 - c. The Contractor may expend up to 30% of this allocation for general purpose programming and administration. On each report, the Contractor shall state how the money was expended including number of clients served and units of service provided when applicable.
7. Services are to benefit seniors residing within the City of Marquette, and the townships of Chocolay, Marquette and Powell. Providers will meet with representatives from their service areas as needed.
 8. The annual allocation is the maximum reimbursement for services under this Agreement.
 9. The Contractor will identify and account for funds received and expended under this Agreement through the use of separate program or activity account numbers. Service reports shall include the number of seniors served, the services provided, and the cost to provide the service. Reports shall also include the services provided by geographic location. Collaboration between millage funded service providers is encouraged to promote uniform service delivery and reporting.
 10. Program income received as a result of providing priority services funded by this allocation may be used for general purpose programming by the Contractor. Services to a client are not related to or denied for lack of a confidential donation.
 11. In the event that millage dollars to Marquette County are reduced, withdrawn or terminated, Marquette County may equally reduce, withdraw or terminate the contract upon seven days written notice to the Contractor. In the event that millage dollars are increased, Marquette County may at its sole discretion allocate additional funds depending on the ability of the Contractor to provide additional services.
 12. Any amendments to this Agreement must be reduced to writing and be signed by both parties with 30 days' notice. Marquette County can terminate this Agreement

for any or no reason upon seven days written notice to the Contractor. The Contractor may appeal to the County Board.

13. Insurance and Indemnification: The Contractor will supply proof of and adhere to the provisions contained in the insurance addendum (**Attachment B**) which is incorporated in, and made part of, this Agreement as though fully set forth herein.
14. The Contractor understands and agrees that in the performance of this Agreement it is an Independent Contractor with respects to Marquette County, and that it has full authority and discretion with respect to hiring, directing, disciplining and terminating its employees, and in supervising their activities in the performance of the tasks required by this Agreement. The employees of the Contractor shall not be entitled to any of the benefits provided by Marquette County to employees of the County.

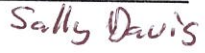
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

MARQUETTE COUNTY

By: 
Joseph DeRocha, Chairperson

Date: 10/17/2023

City of Marquette

By: 
~~Cody Mayer~~, Mayor

By: _____
Kyle Whitney, Clerk

Date: _____

Attachments: 2

**MARQUETTE COUNTY
SERVICES TO SENIOR CITIZENS MILLAGE
PRIORITY SERVICES**

VISION STATEMENT

That all Marquette County seniors have access to services and volunteer opportunities to service which enhances and promotes the highest quality of life.

MISSION STATEMENT

It shall be the mission of Marquette County to use the Services to Senior Citizens Millage to secure and insure the independence and dignity of the county's older population. Said mission to be accomplished through the assessment of needs, resource development, centralized planning, advocacy, and assistance to local service providers in the development and support of necessary programs. The County Aging Services department shall act as a focal point for the provision of information and training on programs and issues related to older adults.

OVERSIGHT/ACCOUNTABILITY/REPORTING REQUIREMENTS

Marquette County is responsible for the oversight and proper use of millage dollars. Millage-funded services are to be provided to seniors throughout Marquette County. Programs receiving millage dollars will be required to report the number of seniors citizens served, the services provided, the areas served and the amount of millage dollars spent on approved services.

ELIGIBILITY

Services shall be provided only to persons 60 years of age and older who reside in Marquette County.

- Substantial emphasis must be given to serving eligible persons with greatest social and/or economic need with particular attention to low-income minority individuals. "Substantial emphasis" is regarded as an effort to serve a greater percentage of older persons with economic and/or social needs than their relative percentage to the total elderly population within the geographic service area.
- Participants shall not be denied or limited services because of their income or financial resources. Where program resources are insufficient to meet the demand for services, each service program shall establish and utilize written procedures for prioritizing clients waiting to receive services, based on social, functional and economic needs.

INDICATING FACTORS

- Social Need – isolation, living alone, age 75 or over, minority group member, non-English speaking, etc.
- Functional Need – handicaps (as defined by the Rehabilitation Act of 1973 or the Americans with Disabilities Act), limitations in activities of daily living, mental or

physical inability to perform specific tasks, acute and/or chronic health conditions, etc.

- **Economic Need** - eligibility for income assistance programs, self-declared income at or below 125% of the poverty threshold, etc.

PRIORITY SERVICES

- **Outreach** - Efforts to identify and contact isolated older persons and/or older persons in greatest social and economic need, who may have service needs, and assisting them in gaining access to appropriate services. Outreach does not include comprehensive assessment of need, development of service plan, or arranging for service provision.
- **Case Coordination & Support** - The provision of a comprehensive assessment of persons aged 60 and over with a complementing role of brokering existing community services and enhancing informal support systems when feasible. Case Coordination and Support (CCS) includes the assessment and reassessment of individual needs, development and monitoring of a service plan, identification of and communication with appropriate community agencies to arrange for services, evaluation of the effectiveness and benefit of services provided, and assignment of a single individual as the caseworker for each client.
- **Homemaking** - Performance of routine household tasks to maintain an adequate living environment for older individuals with functional limitations. Homemaking does not include provision of chore or personal care tasks. Allowable homemaking tasks are limited to one or more of the following:
 - Laundry
 - Ironing
 - Meal Preparation
 - Shopping for Necessities
 - Light Housekeeping Tasks
- **Home Delivered Meals** - Also known as "Meals on Wheels", assists homebound seniors throughout Marquette County in meeting their nutritional needs. "Meals on Wheels" does more than provide hot meals. The meal deliverer also provides an important service by checking on the welfare of the person.
- **Financial Management** - This service assists older persons to expand, conserve or make better use of their personal financial resources. This assistance is to be delivered on a one-to-one basis between the service provider and the individual and may include assistance with such items as budgeting, state tax credit preparation, income tax preparation, bill paying, and general financial planning.

Assisting Seniors with preparing and filing tax credit forms, reviewing and submitting insurance forms/claims, completing applications for assistance programs such as Medicaid, food stamps, etc.

- **Chore** - Non-continuous household maintenance tasks intended to increase the safety of the individual(s) living at the residence. Allowable tasks are limited to the following:
 - Replacing fuses, light bulbs, electrical plugs, and frayed cords
 - Replacing door locks and window catches
 - Replacing/repairing pipes
 - Replacing faucet washers or faucets
 - Installing safety equipment
 - Installing screens and storm windows
 - Installing weather stripping around doors
 - Caulking windows
 - Repairing furniture
 - Installing window shades and curtain rods
 - Cleaning appliances
 - Cleaning and securing carpets and rugs
 - Washing walls and windows, scrubbing floors
 - Cleaning attics and basements to remove fire and health hazards
 - Pest control
 - Grass cutting leaf raking
 - Clearing walkways of ice, snow and leaves
 - Trimming overhanging tree branches
- **Information and Assistance** - Assistance to individuals in finding and working with appropriate human service providers that can meet their needs which may include: information giving (e.g., listing the providers of a particular service category so an individual may make their own contact directly); group presentations; referral (making contact with a particular provider on behalf of an individual); advocacy intervention (negotiating with a service provider on behalf of a client); and, follow-up contacts with clients to ensure services have been provided and have met the respective service need.
- **Transportation** – The RSVP Medical Transportation Program provides frail and/or isolated seniors living in Marquette County with a ride to their non emergency medical appointments. Occasionally this may also include a stop at the pharmacy to pick up needed prescriptions.
- **Health Promotion** - May include some or all of the following: provision of information concerning diagnosis, prevention, treatment, and rehabilitation of age-related disease and chronic disabling conditions; education programs on the availability, benefits and appropriate use of preventive health services; routine health screenings; programs related to prevention and reduction of effects of chronic disabling conditions; reduction of alcohol and substance abuse; smoking cessation; weight loss and control and stress management; nutritional counseling; programs regarding physical fitness and exercise; and recreational activities.

**INSURANCE ADDENDUM
LIABILITY INSURANCE**

The Contractor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, volunteers, or subcontractors.

INSURANCE REQUIREMENTS

The insurance coverage required shall be at least as broad as:

1. Commercial General Liability ("occurrence" form).
2. Automobile Liability, "any auto".
3. Workers' Compensation insurance as required by the laws of the state of Michigan and Employer's Liability insurance.

LIMITS OF INSURANCE

The Contractor shall maintain limits on said policy of no less than:

1. General Liability: \$1,000,000 combined single limit per accident for bodily injury, personal injury, and property damage.
2. Automobile Liability: \$500,000 combined single limit per accident for bodily injury and property damage.
3. Worker's Compensation and Employer's Liability: Shall be those limits as required by the Worker's Disability Compensation Act for the state of Michigan and Employer's Liability limits of \$500,000 per occurrence.

DEDUCTIBLES

Any deductibles or self-insured retentions must be declared to and approved by Marquette County.

OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverage:
Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be covered as additional insured's as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance coverage shall be primary insurance as respects Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers. Any insurance or self-insurance maintained by Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be excess of the Contractor's insurance and shall not contribute to it.

Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. All Coverages:

Contractor hereby releases Marquette County from any claim for recovery for any loss or damage, which is insured under valid and collectible insurance policies to the extent of any recovery collectible under such insurance. It is further agreed that this waiver shall apply only when permitted by the applicable policy of insurance.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after 30 days prior written notice by certified mail, return receipt requested, has been given to Marquette County.

ACCEPTABILITY OF INSURERS

Unless otherwise approved by Marquette County, the Michigan Insurance Bureau must identify insurers as authorized and eligible. In addition, insurance is to be placed with insurers with a Best's rating of A or better.

CERTIFICATES/ENDORSEMENTS OF INSURANCE

Contractor shall furnish Marquette County with certificates of insurance and with any and all original endorsements affecting coverage required by the contract. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by Marquette County before work commences. Marquette County reserves the right to require complete, certified copies of all required insurance policies, at any time.

Contractor shall include all subcontractors as insured's under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

A copy of said certificates and endorsements should be forwarded with a signed copy of the Master Agreement to the Marquette County Aging Services office.

ACCEPTANCE OF CERTIFICATE

Acceptance of any certificate(s) and/or endorsement(s) of insurance by Marquette County do not waive the insurance requirements provided in the foregoing paragraphs. Should Marquette County sustain any loss or be required to pay any claim as a result of the Contractor's failure to obtain or maintain insurance as is required by this contract, the Contractor shall indemnify Marquette County for any such loss. This indemnification shall occur regardless of whether or not Marquette County has accepted any certificate(s) and/or endorsement(s) of insurance provided by the Contractor or its carrier.

INDEMNIFICATION

To the fullest extent permitted by law, the Contractor shall indemnify, defend, and hold harmless Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers from and against any and all claims, losses or liability, including attorney's fees, arising from injury or death to persons or damage to property occasioned by any act, omission or failure of the Contractor, its subcontractors, and any officers, agents, employees, and volunteers in performing the work required by this contract. The Contractor's obligation under this provision shall not be limited in any way by any terms of this contract, or the insurance limits.

ADDITIONAL INSURED ENDORSEMENT

It is understood and agreed that Marquette County shall be Additional Insured's, which shall include all elected and appointed officials, all employees, agents and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers. This coverage shall be primary to the Additional Insured's, and not contributing with any other insurance or similar protection available to the Additional Insured's, whether said other available coverage be primary, contributing or excess.

10/16/18

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

Consent Agenda

Utilization of State Bid for Annual Salt Purchase

BACKGROUND:

Annually, the State of Michigan uses competitive bidding to obtain statewide salt pricing which it then offers to municipalities as part of an extended purchasing program. The City of Marquette will purchase approximately 1,600 tons of early fill salt. The City has an additional 600 tons of back up salt on reserve for FY 23-24. Over the course of the winter, the City will blend the salt with street sand at a ratio of 5 parts sand to 1 part salt. This mixture provides effective winter maintenance ice control and cost containment over using straight salt.

Last year's prices for early fill and reserve salt were \$68.55 per ton and \$85.50 respectively. The current year's prices for early fill and reserve salt are \$73.14 per ton and \$93.20 respectively. The total dollar amounts under this year's contract are \$117,024 for early fill salt and \$55,920 for reserve salt. The contract requires the City to purchase the entire early fill and 70% of the reserve for a total of \$156,168, which is within budget.

FISCAL EFFECT:

Salt is charged to inventory when it is purchased. As salt is consumed by local and major street activities, it is charged to the appropriate winter maintenance street accounts. The local and major street maintenance accounts have \$189,000 budgeted for winter application materials in FY 23-24.

RECOMMENDATION:

Authorize City staff to utilize the State of Michigan Extended Purchasing Program (MI DEAL) to purchase road salt.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

New Business **DPW Labor Agreement**

BACKGROUND:

The City of Marquette has reached an agreement with the Department of Public Works and Utilities Employees' Chapter of AFSCME Local #1852. The bargaining unit has ratified the agreement. Their original agreement was effective Oct. 1, 2021 with contractual wage reopeners for 2022 and 2023, terminating Sept. 30, 2024; however, the City's bargaining team and the DPW and Utilities unit of AFSCME have agreed on wages for 2023 and extending the contract for two years. The agreed upon wages for the length of the extended contract include increases of 5% for 2023 in addition to a one-time \$400 per employee signing bonus, and 3% increases for 2024 and 2025.

The City's bargaining team commends the DPW and Utilities unit of AFSCME for their willingness to work with us to extend the Collective Bargaining Agreement in a way that is fair to the employees and the City.

FISCAL EFFECT:

The total cost for the first year 5% increase to wages in addition to the one-time \$400 signing bonus is approximately \$152,000. This will require a budget adjustment.

RECOMMENDATION:

Approve the Department of Public Works and Utilities Employees' Labor Agreement extension effective October 1, 2023 through September 30, 2026, and authorize the Mayor and City Clerk to sign the Agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 11/27/2023

New Business

Request for License to Use City Property for Retaining Wall on Jenny Lane

BACKGROUND:

The owner of 2005 Jenny Lane has submitted an application for a Grant of License to use a portion of the right-of-way adjacent to his property, where he recently constructed a large retaining wall. Attachments include an application and maps showing the key features of the location, including utilities in the right-of-way, as well as the required staff comment form for a license request and four items of correspondence.

FISCAL EFFECT:

None.

RECOMMENDATION:

Deny the request for a License to Use City Property.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Application for License_Tankka_2005 Jenny Ln_03-PRU-11-23
- ▣ Staff Review-Comments Form_03-PRU-11-23
- ▣ Correspondence

CITY OF MARQUETTE
APPLICATION FOR LICENSE/EASEMENT
OF CITY OWNED PROPERTY



CITY STAFF USE

Date Submitted: 10-17-23 Parcel ID#: 0920070 File #: 03-PRU-11-2023
Property Address/Location: 2005 Jenny Lane
Adequate Legal Description Submitted: Y / N Anticipated Hearing Date: 11/27/23

FEE \$445 (We can only accept Cash or Check (written to the City of Marquette))

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

APPLICANT CONTACT INFORMATION

APPLICANT

Name: Andrew Tankka
Address: 2005 Jenny Lane
City, State, Zip: Marquette, MI 49855
Phone #: 906-362-8883
Fax #: _____
Email: atankka@hotmail.com

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

APPLICANT'S REPRESENTATIVE

Name: _____
Address: _____
City, State, Zip: _____
Phone #: _____
Fax #: _____
Email: _____

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

What is the street address, or nearest street address, to the location of the requested license/easement?

2005 Jenny Lane

Please describe the reason or necessity for the requested license/easement for use of the City property:

The height of the land required a retaining wall, but the city right of way is over double what a normal street is. Its actually unknown why, I work utilities and see no reason for it. Without a retaining wall my driveway would be a hill and backing trailers and other items in garage not possible. The wall makes yard look nice and in return will benefit city taxes

You may attach sketches, maps, photos, or other items that may help to illustrate/visualize your request. Community Development staff will attach a photo-map of the area.

Attachments: _____

LEGAL DESCRIPTION

Legal description of the license/easement area:

See aerial photo/map attachment. If a License is approved a map Exhibit will be created to show area of License approval.

SIGNATURE

I understand that this application itself is not considered an approval and only the Marquette City Commission has the authority to grant an approval for a license/easement for use of property owned by the City of Marquette.

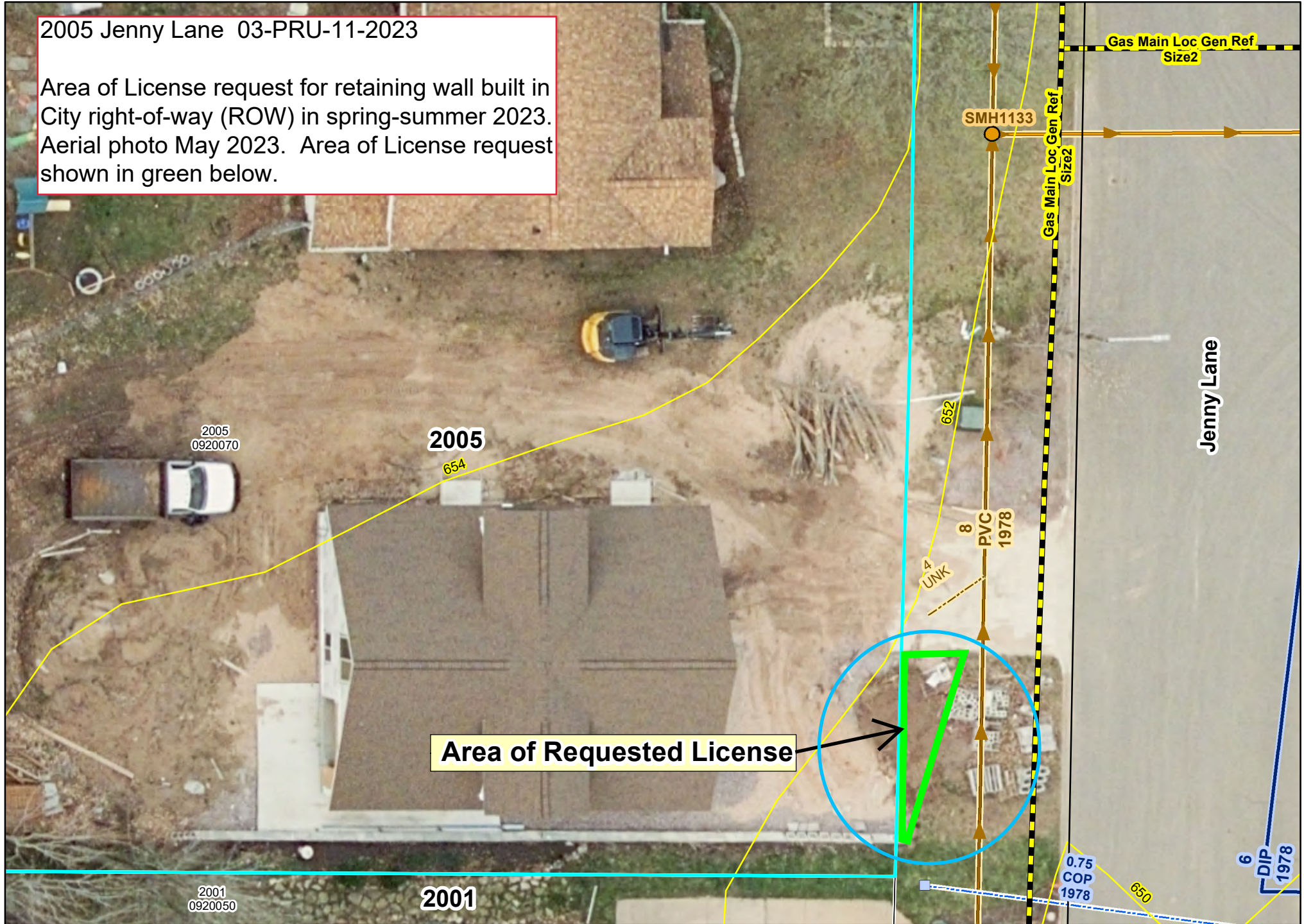
X Signature 

Date: 10-17-23



2005 Jenny Lane 03-PRU-11-2023

Area of License request for retaining wall built in City right-of-way (ROW) in spring-summer 2023. Aerial photo May 2023. Area of License request shown in green below.



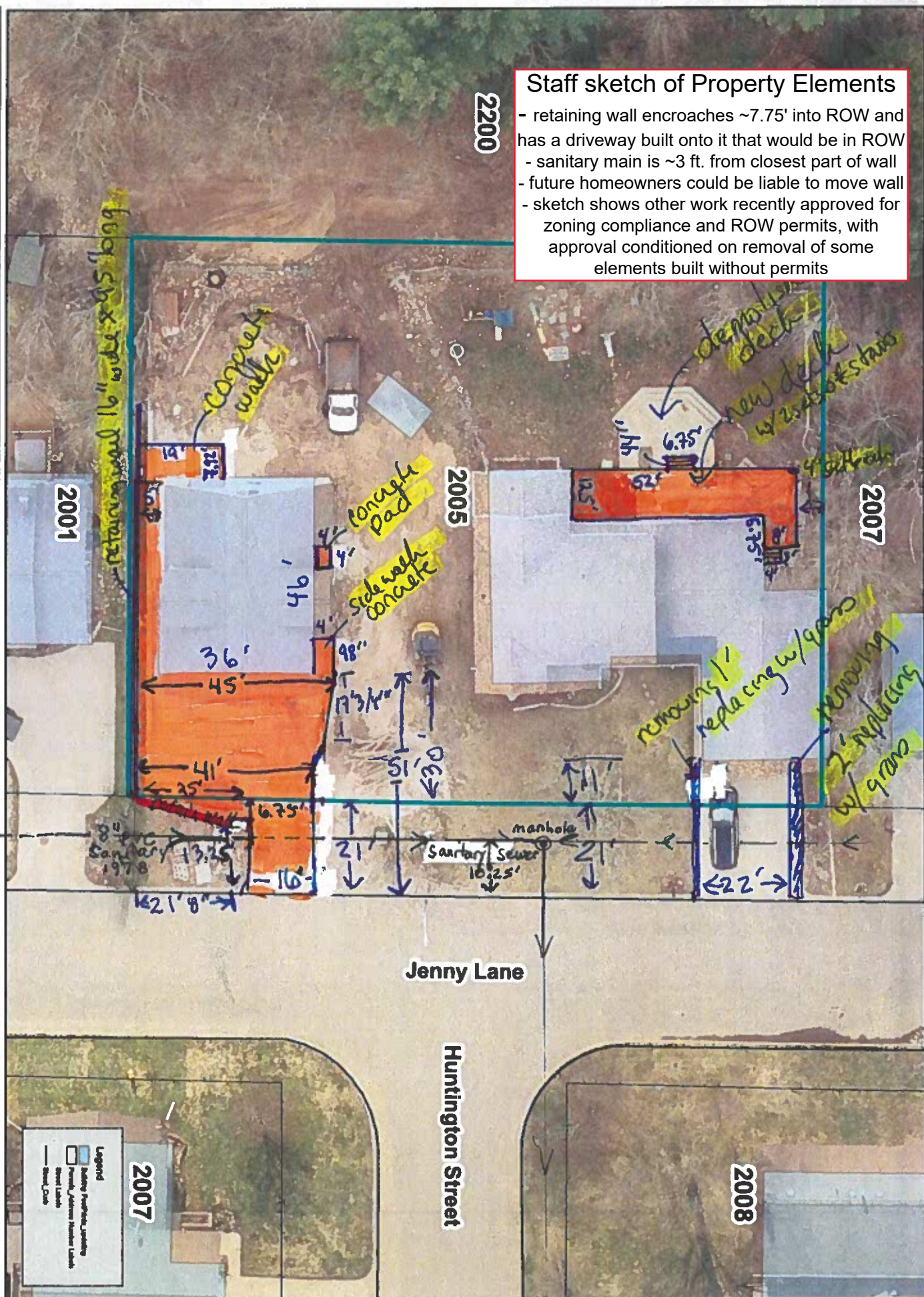
In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. Page 12 of 12
City of Marquette, MI
information.



1 inch = 16 feet

1 inch = 30 feet

- retaining wall encroaches ~7.75' into ROW and has a driveway built onto it that would be in ROW
- sanitary main is ~3 ft. from closest part of wall
- future homeowners could be liable to move wall
- sketch shows other work recently approved for zoning compliance and ROW permits, with approval conditioned on removal of some elements built without permits



2005 Jenny Lane

The sanitary sewer main is constructed of pvc. This material is the industry standard for all new and updated sanitary sewer projects. I do not or would not anticipate failure of this sanitary sewer main. I do not think that a retaining wall would impact the reliability or challenge the structural integrity of this sewer main. See attached GIS map that include depths and measurements.

Chad Hightshoe

Sewer Maintenance Supervisor



File #: _____

Parcel ID#: _____

STAFF REVIEW

- For a sign/object/structure/project encroaching into a public right-of-way or on City property -

Please fill out the form within 48 hours of receiving it.

<u>Reviewing Department</u>	<u>Recommend Approval</u>	<u>Comments</u>
Planning & Zoning-Community Development		Applicant knew where the ROW line was prior to building the retaining wall into the ROW, and unless moved, replacement of sewer main will require extra work for City and could be a costly burden on a future homeowner. Engineering and DPW staff would almost certainly not approve this request if the wall had not been built first.
Date Received: _____		
Treasurer		
Date Received: _____		
Police		
Date Received: _____		
Engineering- Community Development		
Date Received: _____		
DPW		
Date Received: _____		
Fire		
Date Received: _____		
Community Services (Parks & Rec.)		
Date Received: _____		

Mike and Felecia Flack
1999 Jenny Lane
Marquette, MI 49855
November 1, 2023

RECEIVED

NOV 09 2023

Marquette City
Community Development Office

To Whom It May Concern:

We live at 1999 Jenny Lane here in Marquette and we are neighbors of Andy Tankka who lives at 2005 Jenny Lane. Andy has built a garage with a retaining wall. We think the retaining wall looks nice and is a complement to his property. We don't have any issues with Andy's wall or the location of it.

Sincerely,

Felecia Flack
Mike Flack

RECEIVED
NOV 09 2023

Marquette City
Community Development Office

Marquette Zoning Board of Appeals

Subject: Tankka property
2005 Jenny Lane, Mqt

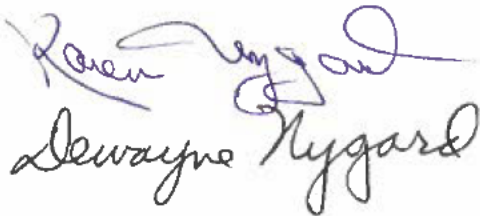
To whom it may concern.

My husband and I have lived at 2001 Jenny Lane for over 30 Years. Until the last few years the lot next to us was wooded and afforded us nice privacy. . Mr Tankka has been very considerate as a neighbor to us as the changes have been made and we appreciate that very much, they have been great neighbors. We would like to see the block privacy wall to remain as it is. Because the lot needed to be raised so high the wall finishes off the area and is aesthetically pleasing along the property line.

I will state again, we would appreciate having the block wall remain as it is. We also appreciate the considerations that Mr Tankka has given us as he has made his changes to his property.

Regards,

Dewayne and Karen Nygard


Karen Nygard
Dewayne Nygard

From: Stephen Mattson
Subject: Retaining Wall at 2005 Jenny Lane
Date: Oct 30, 2023 at 8:06:17 PM
To: Landers Andrea alanders@marquettemi.gov, Stensaas David
dstensaas@marquettemi.gov
Cc: Tankka Andy

We are writing in support of our next door neighbor, Andy Tankka, who built a beautiful retaining wall at 2005 Jenny Lane. Hopefully, you will permit it to remain.

An original survey error on Jenny Lane has forced buildings to be very close to lot lines, and the street right of way to be affected. The wall is actually a more desirable view next to neighbors' property.

There is also a safety issue. It would be better to have a more level drive, which the wall allows, than a steep incline with the chance of large equipment sliding down into the street. Jenny Lane, as short as it is, has almost a dozen children living there.

Thank you for your attention regarding this matter. We appreciate your listening to our concerns and helping Mr. Tankka.

Sincerely,

Steve and Karen Mattson
2007 Jenny Lane
Marquette, MI 49855

Sent from my iPhone

RECEIVED
NOV 09 2023
Marquette City
Community Development Office

← Andrew letter

October 29, 2023

Re: Property at 2005 Jenny Lane building an addition

To Whom It May Concern:

My name is William J. Cooke and I live at 2007 Huntington St. Marquette MI. I write this letter to support Andrew Tankka, a neighbor who is building a garage adjacent to his house at 2003 Jenny Lane. I do not object to the project because it will enhance the neighborhood and will not conflict with our property in any way. Thank you for your consideration.

Sincerely,

William J. Cooke
Property Owner of 2007 Huntington St. Marquette, MI

RECEIVED
NOV 09 2023
Marquette City
Community Development Office