

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING
COMMISSION
January 16th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, January 16th, 2024, in the Commission Chambers at City Hall.

ROLL CALL

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

PC members absent: A. Andres, Vice-Chair N. Williams (both excused).

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

AGENDA

It was moved by S. Lawry, seconded by K. Clegg, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 01-09-24 were approved by consensus, with noted minor corrections to be made.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

There were no public hearings.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

NEW BUSINESS

A. 01-SPR-01-24 - Site Plan Review for a 50-unit Multiple Family building at 1502 W. Ridge St., 1303 and 1400 Grant Ave. (PIN: 0513670, 0513810, 0513811, 0513812)

A. Landers stated:

Staff has reviewed the proposed site plan is for the construction of a three-story building for a total of 50 residential units (Black Rock Crossing's unit mix will be 26 one-bedroom and 24 two bedroom units), new parking lot areas, site grading, dumpster enclosure, landscaping, picnic and grill area, playground area, bike shelters, and site improvements for 1502 W. Ridge St., 1303 and 1400 Grant Ave, and has provided comments regarding the plan. On March 21, 2023, the Planning Commission reviewed a sketch plan for this property. On the screen is the Staff File Report, which is in the agenda packet, the application and the applicant's attached documents, staff comments and the applicant's responses, the area and block map with the parcels outlined in blue, photos of the area, and the site plan set. Staff recommends the following condition of approval – that an amended site plan is submitted meet staff comments.

S. Mittlefehldt asked if the applicant wants to present the project to us, a bit of an overview or background context.

Mr. Craig Patterson, Senior Vice President of Woda-Cooper Companies, stated:

Good evening. We had a change. When I was here a year ago, we talked about the development of 50 units, and it needed to be funded by MSHDA in order to develop the property. At that time, we had two buildings, because we thought two buildings was the best choice for this property. This property is a bit challenging due to topography and so we set back in the northwest corner (inaudible) ...our buildings there. But once we got a

funding reservation letter from MSHDA they said a contingency would be that we'd have to put in elevators. Well, the type of design that we had, the two buildings would have required four elevators. Our budget had been submitted to MSHDA and they approved the budget as is, but when the marketing group at MSHDA required elevators it wasn't that simple, because for four elevators the design change was going to add about \$600,000 and the budget was already locked in. So we did our best to try to challenge MSHDA, we consulted our partners, which is the Keewenaw Bay Indian Community, they're a general partner in it, and they said they felt we were okay. We took some additional steps to add cost, like enclosed stairways. But the short of it is that MSHDA said that we still had to have the elevators. So we quickly responded with the building you see in the site layout. I think it's a better building. It only has one elevator. The only difference between what you see tonight and what you saw a year ago is one building, the unit mix is the same, the square footages of the units are roughly the same. The access drive off of Ridge has been moved a little bit, but it is basically the same. We were dealing with the storm issues on this site before we went to MSHDA with our application with two buildings, and our civil engineer and land consultants have recalculated all the storm, etcetera. Parking spaces are per the required number, and the amenity package is the same - with the playground, outdoor eating area, benches, etcetera. And with that I am asking that you, if there are any points of clarification that you need as to why we did this and what we think the overall benefit is, I'm more than happy to answer those, but I'm hopeful for a vote to go forward. Our goal is to once the frost is off the ground or out of the roadways, to bring in the heavy equipment. We do have a building on the site that needs to be demolished. We have had an environmental group look at that and if we can get approval on a NEPA environmental, which is required before we do any work on the property, and that would be the first thing we'd do - we think we can tear down that building, pile it up, take it out, even before the frost is off the ground so we can find the right way to do that. That will give us an early start, but we're hopeful to be started by May 1st, sooner if we can so we can get framed up before next winter.

S. Mittlefehldt asked if anyone had any questions for the applicant at this time. She also asked if there was any correspondence, and having none she said that the Planning Commission could move on to discussion.

It was moved by K. Clegg, seconded by S. Lawry, and carried 7-0 to suspend the rules for discussion.

W. Premeau said that he noticed that the dumpster enclosure changed from a chain link fence with slats, and that disappeared and became a big masonry structure. And then there was a point that it still doesn't meet the Code because the gates are slightly forward, which would allow people to squeeze in and throw their stuff in the dumpster even though you can walk in the back.

A. Landers said that is incorrect.

W. Premeau said the other thing, again, is a deciduous tree. They have (inaudible), and one of them is a 36-inch tree, so there's some good-sized trees there but they still have to plant another one. To me, that's a little on the ridiculous side, because all that stuff costs and adds to the per-unit cost. When they've got 50 its divided by 50, but a lot of people building four-unit buildings in residential area - we maintain the same rules and you know, they're going to have four-or-five-thousand dollars added to their cost. And then the other one that I asked Commission Lawry about, is a 6-inch line feeding an 8-inch line. He doesn't seem to think there is a problem, and he would know, I don't.

S. Mittlefehldt said that maybe we could stick to, our task then is to see if this meets the standards of section 54.1402, and I think that some of your issues [directed to W. Premeau] might be in here, so maybe we could look through these and see if we agree if they've met the standards or not.

A. Landers stated that if she may speak, she would like to correct some incorrect statements.

S. Mittlefehldt said yes, please.

A. Landers stated that for dumpster enclosures, one of the enclosures doesn't meet the code and one does, so they just need to match, whatever they wish to do to meet Code. And that's what they said they would do, match it to meet the Code, and then as far as the deciduous trees - they have them on the plan, they just need

to call out the areas so that I know which areas they are calling interior. So that's all they need to do for that. The only thing that they have to add is screening for mechanical equipment, which is a requirement because its next to residential. I've talked to them about that, and they will be adding the shrubs to screen the mechanical equipment.

S. Mittlefehldt said let's quickly run through these standards. She began reading the subheadings of Section 54.1402(E), starting with the with (1) Health, Safety and Welfare. She also said that you can see how the applicant has responded to these, but we'll go over them to make sure we're all in agreement on these. She and the Planning Commission went through all eleven items.

S. Mittlefehldt said that she was curious about Storm Water Management (item 5) and mentioned the consultants comments in the Staff Report, that they said they would comply and provide further information about their calculations. She asked Mr. Patterson if he could explain a bit about how stormwater is going to be managed on the site.

Mr. Patterson stated:

Well, there's a couple areas where water is flowing from the northwest, underneath the dog park that is there at Tourville, it just flows off and puddles there. We always knew that was there and we knew we had to have some sort of detention. When we moved the building, we realized the building was going to go in that corner and the civil engineers designed a way to catch that storm there and then pipe it down in a way to this retention basin. That retention basin was recalculated and is now larger than what we had originally. We also know, a little bit east of the parking lot, at about the eastern edge of that parking lot, there's some water coming off of the ridge, and they've taken that into account in their storm calculations and how they're running their piping through. My understanding is there are still more calculations that they have to do in their final engineering which is required for permitting and it will all be calculated out and it will meet the standards.

The other thing, just as an FYI, there is a drainage easement that runs from the west that comes across from Tourville, and I was out there today, and they stack up all their snow on the property line. Well, I made sure today when I talked to our main engineer, and I took pictures – and I saw it last year too, it gets bigger, that pile will get bigger and when it melts its going to flow the way of that easement. We're respecting the easement and maintaining it and all of the calculations will take into account that flow. I might mention one thing about trees, I'm glad you brought that up and thank you for your comments because that is a cost (directed to W. Premeau), we are trying to save as many of those beautiful trees as we can. There are some towering Whites and some of the trees have to come down where the building is, but we're trying to save as many of those as we can. So, that is on the list of things to do, the (inaudible) looked and we tried to set in our driveway to leave as much of that as we can.

S. Mittlefehldt said okay, thank you - appreciate that. She continued asking if anyone had questions or concerns about section 54.1402(E) standards, from Emergency Vehicle Access (#6) to City Engineering Design and Construction Standards (#11).

S. Lawry said that their narrative mentions that Light and Power to install the lighting, and typically their lighting is area-wide lighting, it's not really focused, downcast. But we were provided with a lighting-footcandle diagram of the whole lot, even though we didn't have the information that you usually see on specific fixtures. That lighting plan certainly meets the standards, so I think we can accept that as long as the desired fixtures meet that lighting plan that should be fine.

S. Lawry said that he had a comment that is directed primarily to staff and that is it was noted on the surveyor's plan that he found evidence of the vacation of those two parcels of Grant Ave. beyond the West End Addition and that was part of our discussion last time we looked at this. I think he dates it as September 16, 2006, and yet the City's GIS system is not reflecting that vacation.

A. Landers stated that is in the queue for them to fix it.

S. Lawry stated that he would like to make sure that gets done before we get the new Master Plan.

A. Landers said it was on the surveyor's to-do list.

S. Lawry said that's wonderful, great.

S. Lawry said that, as Commissioner Premeau pointed out, the City installed a 6-inch fire hydrant leading into the Hancock St. right of way back in 1978 when that area was developed, and 6-inch was considered adequate at that time for all means. The State's drinking water division has upgraded that to an 8-inch minimum, but as long as their fire protection people have done the calculations to make sure that that short section of 6 inch is not going to hamper their flows and pressures, I guess its on them to make sure they're getting what they need at the sprinklers in the buildings and its entirely possible to do that through that short section of 6-inch, somebody just has to verify it with calculations.

S. Mittlefehldt said okay, excellent point.

S. Mittlefehldt said that she had a general question that isn't relevant to these standards. She said she noticed in the packet it mentioned that the project may meet LEED [Leadership in Energy and Environmental Design] status of that and if it is going to be LEED certified?

Mr. Patterson stated that it will be LEED Silver, net zero energy (inaudible), that's what we planned. That's what we committed to MSHDA and our investors and we've already had preliminary discussions on how to facilitate all that with our third party.

S. Mittlefehldt said that's great, we don't see many of those in Marquette and that could be a nice demonstration site. She asked if anyone had any other questions.

W. Premeau said he was just curious about how MSHDA property and Brownfield stuff play together, do they at all?

D. Stensaas stated that is a question that he can't answer the question because he doesn't know if there is any linkage on this project and that he isn't aware of any Brownfield involvement.

Mr. Patterson stated that our funding comes strictly through MSHDA, through housing tax credits. We did nothing with Brownfield, we don't expect to initiate anything related to Brownfields. (inaudible) that was granted by the City Commission had no tie to Brownfield at all.

W. Premeau said he was just curious about how they mesh together.

S. Mittlefehldt stated:

I know that you can't pinpoint right now because the cost of construction might change the price on these, but do you have any sense how much one of the one- or two-bedroom units might go for?

Mr. Patterson stated:

I don't have my rent matrix handy, but between 30 and 80 percent of the AMI incomes for the county, which means that a family of four could be earning up to probably \$65,000/year and still qualify to live there. And the rents range is sometimes on the low end, in the 30-percents they range around \$400 net rent, which means that's what we collect, but there's a buffer in there that allows them to pay their utilities, so there's less rent to us so they can pay their utilities, that's low end. And I would suspect there could be some rents at the 80-percent AMI that could be approaching \$1100 for the two-bedrooms. But many of them range in the \$600-\$800 range, which makes them very affordable and achievable. One of the advantages that the Keewenaw Bay Indian Community has said about our partnership is we've set aside nine units for tribal members and their descendants that desperately need affordable housing. That means nobody can go into those units until prequalified tribal members can go in, but the good thing about it is that right now within the City, in their own housing they have units where there's maybe a couple in a two-bedroom or a senior in a three-bedroom and they won't move them out because there's no place in the City they can go. So, the way our rent structure is, is such that those individuals that they choose will be able and live in a new unit and that opens up the higher capacity units for those who need larger units. So, it's a win-win I think not only for our prospective tenants but

the tribal members and the community at large because this new housing will be accessible for those who pre-qualify and need it.

S. Lawry stated:

I think there was one other point I noticed where there appeared to be maybe a misunderstanding between the City and the developer. It's on page 51 of the packet, I think the last response to the Engineering Department's comments. The Engineering Department was asking for an additional valve to be placed on the water service at the property line and that was basically to be the terminal point for the City's responsibility and from that point onto the property would be the developers for ownership and maintenance, yet the response kind of indicates that they're willing to accept ownership on the City right-of-way. And they're also showing on their maps a 20-ft. wide easement over the water main. I believe the policy is still the same as it was when I worked here 20 years ago, that the City ownership will end at the right of way line and they will not accept ownership within (inaudible) easement over the water main that is on private property, so that will be theirs to maintain. The narrative kind of indicated there was some confusion about that.

S. Mittlefehldt asked if there was anything else.

D. Stensaas stated that the Code allows them to keep existing trees and substitute them for required vegetation in specific circumstances, so hopefully they'll be able to do that, and that's an administrative approval in all likelihood, and so is the dumpster issue. So if the LDC is revised before they get to that point they can submit site plan changes for the dumpster.

S. Mittlefehldt said, okay, great. Does anyone else have anything or does someone want to make a motion?

It was moved by S. Lawry, seconded by K. Clegg, and carried 7-0 that after review of the site plan and the supplemental documentation dated 12-18-23, and the Staff Report for 01-SPR-01-24, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code, the Site Plan Review Standards in Section 54.1402(E), and the Multiple Family Dwelling and Apartments standards in Section 54.616, and hereby approves the site plan with the following condition that an amended plan is submitted to meet staff comments.

B. Planning Commission Member to Serve on the Board of Zoning Appeals

A. Landers stated that N. Williams is currently the representative of the Planning Commission (PC) serving on the Board of Zoning Appeals, as required by the PC bylaws, and that he will not be reapplying to serve on the PC when his term ends next month. Some questions were asked of staff by PC members and after a short discussion K. Clegg volunteered to fill the position.

It was moved by C. Gottlieb, seconded by M. Rayner and carried 7-0 to nominate K. Clegg to serve as the Planning Commission representative to the Board of Zoning Appeals.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

WORK SESSION

A. Land Development Code 2024 Amendments

The Planning Commission and staff continued work on a comprehensive update to the Land Development Code (LDC) by discussing several items from the LDC that staff has annotated and prepared for amendments. The items discussed were:

- Whether to recommend an exception to the standard that requires parking to be at least 20 feet behind the property line, for 1-and-2 family residential units only, in the Third St. Corridor

District.

- The creation of a 2-space minimum parking space standard for Supportive Housing facilities.
- Increasing the minimum gross floor area for an ADU to a size that makes more sense for dimensional lumber and other building materials – 768 square feet. Section 54.612.
- Clarifying some confusing text regarding monument and wall sign allowances in the charts for certain zoning districts.
- Adding reference language from the City Code about “dog runs” to the fencing section of 54.706 and 54.322 (C)(4) to clarify that dog runs cannot be placed in front yards.
- Changes to simplify and clarify the definition of Lot Coverage/Ground Coverage.
- Adding a standard for the expiration timeframe for Zoning Compliance Permits, in section 54.1401.
- Inserting text to clarify provisions for Violations and Penalties, in section 54.1503.
- Parking area requirements for vehicles being displayed for sale, in section 54.628.
- Whether or not changes should be made to the length of time that temporary structures may be permitted and also for text that describes exceptions that may allow for an administrative 60-day extension period.

A consensus was reached on all of these issues and the amendments will be re-presented with all other amendments as a package for a work session with the City Commission prior to hearings for final approval.

COMMISSION AND STAFF COMMENTS

There were no comments provided.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:30 p.m.

David Stensaas

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