

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING
COMMISSION
February 6th, 2024**

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

ROLL CALL

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

PC Members absent: A. Andres, D. Fetter, Vice-Chair N. Williams.

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 7-0 to approve the agenda as presented.

MINUTES

The minutes of 1-16-24 were approved as presented.

CONFLICT OF INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 01-REZ-02-24 756 W. Washington St. – Request to Rezone from Gen. commercial to Mixed Use

Chair S. Mittlefehldt said that we will now conduct a public hearing for 01-REZ-02-24, property at 756 W. Washington St., which is a request to rezone the property from General Commercial to Mixed Use. She asked staff to provide the background information.

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property at 756 W. Washington St. to Mixed Use, and that it is currently zoned as a General Commercial district.

She said that attached to the agenda is the Staff Report and referenced the report contents and showed on-screen the report and said that it provides the existing conditions of the site, the current zoning district and its standards, the proposed zoning district and its standards, the zoning ordinance amendment procedures information, the attachments of the application submitted by the applicant, the area map, block map, and existing zoning map – all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report the Future Land Use Map and the Proposed Zoning Map from the Community Master Plan (CMP) showing the parcel as General Commercial on both maps. And she said that there was an excerpt from a draft of the Future Land Use chapter of the Community Master Plan update that is being completed by consultants Beckett and Raeder currently, which the Planning Commission had on their agenda as a work session item recently and said that Dave might want to discuss that.

D. Stensaas said:

I just wanted to make sure that you're aware of this. We went over this before, and our Community Master Plan is looking at changing how we look at this area to allow for mixed uses. I also sent minutes from the discussion that we had in late December on this particular piece of property and this concept that we're probably going to see adopted into our Community Master Plan soon.

A. Landers also said there were rezoning and spot zoning considerations for the Planning Commission to consider, and she showed that, and the correspondence received before posting the agenda, and said that staff had not received any additional correspondence since then.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Eric Berg, of 613 Lake St. in Negaunee, stated:

Hello. You've seen this before. I'm hoping to move to Marquette. I'd like to live where I work. It's a convenient location and (inaudible). I'm excited to do more of the same, more efficiently. Anything else?

S. Mittlefehldt asked if any of the members had any quick questions for Mr. Berg. Nobody spoke.

S. Mittlefehldt opened the public hearing.

Jean Temple, of 93 Cedar Lane in Negaunee, stated:

I have a business down the street. She asked where exactly the subject property is. It was shown by staff using the location map, in the room monitor. She said she was just curious about the type of business it is. Mr. Berg spoke to Ms. Temple directly and said it will be a bakery. Ms. Temple said, "that will be good on that side of town".

S. Mittlefehldt said that if there were any more comments to please use the microphone. She asked if anyone else wished to make a comment or had questions. Seeing none she closed the public hearing and said it was time for Commission discussion and asked the other members if anyone wanted to make a motion.

It was moved by K. Clegg, seconded by C. Gottlieb and carried 6-0 to suspend the rules for discussion.

K. Clegg stated:

It appears that this is not consistent with our Future Land Use Map, but it is consistent with our future Future Land Use Map – the proposed one, so it's going to take some thinking on our part to change how we've done business. The future Future Land Use Map is intentionally vague.

S. Mittlefehldt said:

Okay, so thinking about all the things that are allowed in Mixed-Use, our questions about rezoning are all the different permitted uses that are allowable in Mixed-Use, like I hope the bakery is very successful, but...are we good with all of the uses that are allowed in Mixed-Use?

S. Lawry stated:

I think most of the uses that would be allowed under Mixed-Use are already under General Commercial, there are only a few differences.

S. Mittlefehldt said:

Is everyone good with that? What about other factors to consider. Would rezoning be consistent with the area? It does have a residential area just to the north of it, commercial on either side. That seems good to me. Anything else on that?

S. Lawry said:

This is slightly removed the nearest Mixed-Use are, which I think was on Ridge and Morgan (streets), or thereabouts, but it's still a known type of development – creating a walk-in type of business, which is what we were trying to accomplish with those [Mixed-Use] nodes.

S. Mittlefehldt said:

Any other thoughts, comments, or further discussion? It looks like the correspondence that we did receive was very positive.

S. Lawry stated:

I went through the current Community Master Plan recommendations and tried to identify those recommendations that this is consistent with. So, I can go through those.

- Encourage development of higher density housing in close proximity to downtown, in established neighborhoods.
- Modify zoning provisions to allow for diversity of housing types, densities, and mixed uses.
- Facilitate and incentivize development of housing near downtown as well as more working-class housing options.
- encourage a diversity of new housing options.
- Create incentives for the development of affordable, sustainable, and infill housing projects as alternatives to greenfield development.
- Craft or amend guiding and regulatory documents so the community can support the strengthening of the local food system after evaluating existing policies and regulations that are obstacles to that support. Right now, there seems to be an obstacle that we can try to remove.
- This is in the recommendations section but not a recommendation – “Commercial and residential uses can be compatible and complimentary and mixing those uses is an age-old practice that can boost urban activity and walkability. Downtown and N. Third St. corridors are areas where there is generally healthy mixing of residential and commercial uses.

So, I think all of those recommendations support an action to change this, even if it isn't consistent with the existing Future Land Use Map, there is plenty of support within the recommendations to justify the change.

S. Mittlefehldt said:

Excellent. Thank you, Commissioner Lawry, I appreciate that. Any other comments?

D. Stensaas stated:

I might add that referring to those items that commissioner Lawry outlined is a good finding of fact for a motion.

S. Mittlefehldt said:

With that, would anybody like to make a motion?

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 6-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-02-24, the Planning Commission finds that the proposed rezoning is consistent with recommendations of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City commission approve 01-REZ-02-24 as presented.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

TRAINING

A. Article – *Making sound and Defensible Land Use Decisions* (Mich. Assoc. of Planning, Nov./Dec. 2023)

Staff and the Planning commission discussed the article. D. Stensaas said this is mainly intended as a refresher and I think Sarah, you went to a course with me a few years ago that had the same title as the

article. What we just talked about – finding of facts in your motions is very important and making thorough findings like “not consistent with the map but consistent with many recommendations of the Plan” – those are important. Another thing to keep in mind is that when you’re having these kinds of zoning deliberations is not bring up personal opinions. At this level of importance, with rezoning, it changes the laws that apply to the property so keep your personal opinions out of it, like good bread is something everybody likes, but it’s not related to your approving it or not. And when talking to the media, and we had a member speak with the media about a month ago and said something along the lines of “we approved this because we think this is a good use of the property”. Well, that’s not why you approved it – you approved it because it met all the standards of the Land Development Code and you basically at that point don’t have a choice because you have to approve site plans that meet all of the standards. It’s a bonus that you think it’s a great use of this property, but it’s not accurate to say that you approved it because you all think it’s a great use of the property. That’s not how it works for the Planning Commission, and you shouldn’t give the public the impression that the board makes decisions based on opinions.

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:

- Specific Use standards that staff drafted for Day Care Group Homes, covering licensing and permit requirements, caregiver parking and child drop off, noise, and signage for such facilities. Amendments to Articles 6 (54.608) and 9 (54.903).
- Specific Use standards that staff drafted for Day Care Centers (commercial use/buildings), covering licensing and permit requirements, caregiver parking and child drop off, noise, signage, and allowance for such facilities to be an accessory use to “institutional” uses like churches. Amendments to Articles 6 (54.609) and 9 (54.903).
- Amendment to Section 54.706 for fences in the M-U and CBD districts to allow a wall or fence in the side or rear yard of an approved commercial outdoor Alcoholic Beverage Service use and for outdoor Entertainment and Community Events may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use. And to allow a wall or fence in the front or side yard that has a commercial off-street parking lot abutting a residential use to be up to six feet (6) in height.
- Amendment of Section 54.332C.4 (iv): A solid/screening fence along the lot line that has a commercial off-street parking lot abutting a residential use – may be up to six (6) feet in height in the side yard.
- Amending the definition (54.202) of Family to state that no more than five (5) unrelated persons may live together as a single housekeeping unit. A decision on this was postponed, pending requested data to support such a change, which is a recommendation of the Draft Community Master Plan Update.
- Amendment of Section 54.708 – Solar Energy Ground-Mounted Solar Energy Systems (Less than 20kw). To potentially allow ground-mounted and freestanding solar energy systems of less than 20kw for on-site use to be placed in front yard areas. Conditions for this “exception” to the current requirement that such accessory structures cannot be placed in a front yard area were requested and will be proposed at a later time.

- Revisiting the subject of commercial parking lots as a new Special Land Use. The use does not exist in the LDC and the Draft Community master Plan Update recommends only allowing parking lot development on private land as a Special Land Use in commercial, industrial, Third St. Corridor, and multiple-family zoning districts, and some Downtown Marquette Waterfront subdistricts.
- Amendment of Section 54.306 to include a new category of land use, for *Restaurants, Outdoor Food and Alcohol Service* to allow this as a Permitted Use in the Third St. Corridor and Mixed-Use districts. It is already a permitted use in other zoning districts. The Planning Commission does not want to extend the allowance to Mixed-Use districts but recommends to extend the option to the Third St. Corridor district in consideration of precedents and the Social District application there.
- Amendment of Section 54.306 to allow Accessory Uses as a Permitted Use in several non-single-family residential zoning districts where this is currently a Special land Use. Examples are outdoor recreation facilities at a restaurant in the CBD, and pool/clubhouse facilities in a multi-family housing development.
- Amendment of Section 54.1003 to relax the screening/enclosure standards that currently apply to dumpsters, and to allow more options for material used to construct enclosures, and to make gates for enclosures optional.

A consensus was reached on some of these issues and others will require more research and/or study.

COMMISSION AND STAFF COMMENTS

W. Premeau said he had a question for D. Stensaas, and he asked for clarification about a situation that could be construed as an unannounced meeting, where four Planning commission members were in attendance at an event at the same time in one room.

D. Stensaas stated that it would be a meeting if you were all sitting together talking about Planning commission business, otherwise just being present in the same room at the same time is not a problem.

D. Stensaas said that due to an unusual calendar this month, the City Commission is meeting on the same night as the scheduled second Planning Commission (PC) meeting, and since the presentation of the completed draft of the entire Community Master Plan is going to be the focus of that PC meeting, staff and Russ Soyring from Beckett & Raeder have made arrangements to move the PC meeting to Wednesday, February 21st, at the Citizens Forum in Lakeview Arena. He said that the meeting will begin at 6:00 p.m. and it is important that City Commission members are able to attend that presentation and staff wanted to make sure we have a large room for what hopefully will be a large public turnout.

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