

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

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

ROLL CALL

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

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

AGENDA

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

MINUTES

The minutes of April 20th were approved by consensus.

CONFLICT OF INTEREST

No certain or potential conflicts were stated.

PUBLIC HEARINGS

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

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

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

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

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

balance for what the neighborhood might need, what the people want to live in that neighborhood are going to be looking for, and the ability to kind of meet the market conditions that are out there right now, so the homes that they are looking at for this particular lot, when they focus in on this one, this is the only one that they know they have plans to put a duplex on it, and it is because it is a larger site and it meets the criteria that would allow it to be a duplex. He stated that they have had conversations with people at the City about the potential for other sites, but the sites that he listed off, the addresses on Park Avenue, their intention is just to put a single-family home on those locations. He also stated that they are all smaller lots. He stated that they are not big, beautiful lots, but they are 45, 46, 47 feet, so they are generally narrower in width, and they would not permit the idea of a duplex.

He also stated that the reason they are here tonight is the opportunity to create a duplex. He stated that the purpose of them doing a duplex is this is a very large lot for this neighborhood, and there is a great opportunity for them to help keep the cost down to do two homes on one larger lot, which at one point actually was two parcels, but both of those parcels were long and narrow, and they fronted on Fourth Street. He stated that originally, they thought maybe they could just have them front on Fourth Street, but that didn't really feel very neighborhoody on Fourth Street, so they really liked the idea of having the homes front Park, and for that reason, that is why they ended up with this plan. He stated that they have gone through it and worked with Andrea to kind of come up with things that generally would be conforming in nature. He stated that it is their understanding that as a duplex, there has to be some part of the units that actually adjoin each other, so that is basically what they have done with these two units next each other. He stated that what they are showing them is two homes that probably will have a basement, but they do not have to have a basement, but they would end up being around 2000 square foot each. He also stated that they would have a two-car garage, and they are envisioned to be a three-bedroom home with all three bedrooms being on the second floor and all the living areas being on the first floor. He stated that they think they actually fit really nicely on this particular parcel.

M. Larson asked A. Landers to bring that up on the screen. Mr. Myefski stated that the architectural sense of what they are trying to create with these is really to keep the strong gable shape that they might see with a traditional home, but actually do it in a more clean and consistent way with something that might be a little bit more transitional architecturally, and he thinks it still will be something that can be relatively considered timeless as time would go on, but when you have a duplex next to each other, what they did want to make sure is that each owner has a bit of character and a bit of charm with their individual home, even though these two homes generally are basically very similar, exactly just the flip-flop on either side of each other. He stated that is effectively how they got here. He stated that he thought he did want to take this opportunity to answer a couple of the questions. He stated that going to the first page might be best because it has got that rendering. He stated that their intended use for these duplexes and for all the homes that they are building is to build them to resell, and they are trying to do this in the most affordable way they possibly can, and to do that, they have to try to keep things efficient in the use of materials, the way that they build it, the design, and also the construction types of how things come together, and square footage, and so in fact these are not huge homes, but they are not small. He stated that 2000 square feet, with 1000 square ft. of living area he thinks is really decent size, and to be 100% honest with them, of the homes they are intending to do, these will probably be the larger of those homes.

He stated that because they are doing the duplex, they want to be able to offer a little bit more opportunity for a little more space inside on these lots and especially because the lots are a little bit larger in size, so the intent is to sell these. He also stated that he will never preclude the idea that we would have the possibility to rent them, but they are not being built as rentals. He stated that they will all be built for sale, and when they would sell them, the new owner obviously has the right to do whatever they would want to do with it. He stated that there are fair housing guidelines, so he always wants to be careful about what he is saying when it comes to that, but their intent is to build to sell. Whether we build these first or we build one of the single-family, his gut feeling is they will actually build the one that is behind this, that is conforming on a lot smaller lot, but it'll be a smaller home. He stated that is going to be the first one that will happen with the site. He also stated that that they understand that the neighborhood is concerned about rentals and students, and they support their concern 100 percent. He stated that they do not have anything against students, but they are not going to help the neighborhood improve. He stated that what they are really hoping to do is to bring people back into this neighborhood who want to live here. He stated that it could be empty-nesters, it could be families, we cannot control who moves into it, but they certainly can

design towards what they are looking for, and right now that will split from families to empty-nesters. He stated that is kind of the focus of what they are looking at. He also stated that these are two stories, so they probably are more transitional for families, and they are looking at doing some that would be a single-level home, and that would obviously be more available to empty-nesters and seniors because everything will be on the same floor, so, again, for sale, not for rent. He stated that they will do anything they can to help improve the neighborhood in that regard, but the best thing they think they can do is just to add to the housing stock and build new housing. He also stated that another question that came up is they are not aware of any remediation that needs to happen on this site. He stated that he that he talked it over with his mother and the furthest they can go back is they know this used to have a grocery store on it. He stated that he cannot tell them that they are not going to find a fuel tank or something, but it is not a commercial site, so they do not have any concerns of environmental cleanup, but they will go through the process and follow all the guidelines that are required to clean up this site if anything were to be discovered, so effectively, that is the overall goal.

He stated that he knows some people are probably wondering what these things and what these different homes might cost, and that is a really tricky question right now. He also stated that these are being bid out. He stated that this particular one is not going to be bid out until he has a chance to make sure that they can do it and get it approved, but some of the smaller ones that they are doing are being bid out, and they got numbers back, and their goal on their smallest home is to actually offer it at around the \$225,000 range, and they know this neighborhood has kind of a limit on where they can go with costs, but they know there is a strong desire for people associated with the University, people who just want to kind of move back into the city, and that is the market and the target that they are going after, so they think basically compared to the values of some of the things that are out there right now that that should be considered affordable. He also stated that it is not really super inexpensive, but it is a market that does not exist right now, so a lot of these homes that sold by the hospital that were around here, many of them are listed \$125,000, \$135,000, \$140,000. He stated that they all sold in the upper hundreds, so they sold for far more than market or what they were asking for, so he thinks getting above that \$200,000 mark for a brand-new home is something that seems quite reasonable, and they kind of hope that by doing this, it will bring more people back to the neighborhood. He stated that every home that they are going to do will either have a two-car garage, or if it is a very small home, they would potentially look at doing a single-car garage. He also stated that there would always be parking available in front of the garage, so there should not be any on-street parking issues, and with that, he can kind of turn back to any questions. He stated that their intentions are 100% to just be able to do something that is kind of good for everybody. He also stated that they are doing this as something where we want to make a profit, but he will be honest - their profits are going to be very low and maybe on the few houses very low, but their longer-term goal is to do this, and they had approached the hospital to purchase all of the lots and parking lots along Magnetic Street on this side of Magnetic Street, so the south side of Magnetic Street, and, unfortunately, they were not willing to sell them all of those parking lots at this point, but they will still keep working on them, and hopefully, they are able to kind of work that back, and if they are able to do that, that would be the same intention. He stated that they would still want to do single-family homes, but they might come back to them at some point because that is much a large parcel and see if there is the opportunity to do duplexes on that location as well. He stated that, again, the intent is not to jam homes in or to have anything be too tight, but it is just to keep costs down as much as possible. M. Larson stated thank you and asked Mr. Dawson if there was anything that he wanted to add. Mr. Dawson stated that not at this time. M. Larson stated all right, thank you. He stated that they will hold their questions until they get to their kind of their discussion point here if that is all right and asked A. Landers if they have anybody for public testimony.

A. Landers stated that there are 11 people in the waiting room and asked if he wanted her to bring each one in one by one to find out if they are for this case, and then if they are for another, that is how they will find out. M. Larson stated either that or bring them all in at once and then just ask them. Nobody waiting commented on this case.

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

A. Andres stated that he just wanted to keep the conversation moving.

S. Mittlefehldt stated that she is just wondering if Mr. Myefski could speak to - they saw another piece of correspondence in their documentation from a neighbor that was generally really supportive of it. She stated that she thinks everything she has read and what he presented looks excellent and does not really meet a lot of the different aspects of the Community Master Plan, but one thing that the resident who wrote the letter was concerned about or just curious about was about landscaping, she believes, and the replanting of trees. She stated that she knows on the site plan that was submitted, it looked like existing trees would be preserved if possible, but if he could maybe address the landscaping plans and trying to make it not just architecturally fit into the neighborhood, but thinking about the landscaping plans as well. Mr. Myefski stated that he thinks that is excellent point to bring up, and they fully intend to do a great job on the landscaping. He also stated that one of the things they wanted to do is just put a fence around it to give the neighbors some privacy on both sides of that, and they do need to do a little bit of buffering on the back of the landscaping from that brown house because that is full of college students. He stated that he has nothing against that, but it is something that will be an issue for them, so they will probably be buffering with landscaping, most likely arborvitae and a couple of extra trees that would give them a little bit of density, and then they will do planting along Park Street and a little bit along Fourth Street all around the outside perimeter of the fence. He stated that they will probably leave some of the heavy-duty landscaping within the fence. He stated that it will all be lawn, so they would intend to sod it all, but they will leave some planting beds that will be available within the fence, and that is really intended just for the purchasers to have their ability to kind of do their own landscaping within, so there are a few trees. He stated that they are disappointed always when they have to take any trees down. They are trying to keep basically four of them on the site that are there, but several of those trees are directly in the center of the lot, and they will, unfortunately, need to be removed. He stated that there is just really no way around them to develop the site. He stated that, basically, they sit right in center, and he thinks overall, the idea of the landscaping and the fronting, and the fence, and the way that they would do it is to be a good neighbor at Park, and so that they look like they are two new homes on Park that are kind of something that is in the scale with the rest of the homes that are there, whereas if they fronted Fourth Street, they would kind of have their side, a very long side, facing that part of the property, and then they would have two houses that front a busy street, so they think this is kind of a win-win situation where they can improve this particular piece of property, and if people feel that what we are doing helps to improve the neighborhood, he thinks it certainly does, and that will be slowly filling in the missing teeth that exist in the neighborhood on these lots. S. Mittlefehldt stated that was great and asked another question too - staff noticed that there was a six-foot-high privacy fence listed in there on a side yard and they were asking if that could be reduced to a four-foot-high to comply with the (inaudible). Mr. Myefski stated yes. S. Mittlefehldt asked if that is a problem. Mr. Myefski stated that it is no problem. He stated that they will do that. He stated that they just wanted on that one side to reduce the height on effectively the north side or to get as much height as they could for the fence because of the home that is there, but what they will do is they will just do the four-foot fence and then they will landscape within our property to give them a little bit better buffer, most likely with evergreens and arborvitae. S. Mittlefehldt stated great, thank you.

M. Dunn stated that he had a question regarding the canopy and if either of the applicants could chime in on this, but he is kind of curious as to why the canopy was not an extended around to the south-facing elevation just to try and get a little bit of a benefit from shading the high summer sun and letting in the winter sun, just having a little bit of overhang over the first-floor windows. Mr. Myefski stated that it is a great question, and they did look at that. He stated that what it felt like it kind of started to do was really pull the two homes together a little bit stronger than they would like and it kind of made it feel a little bit more like one building than kind of giving them some separation and privacy between the two, so they just thought that that was a better element because they understand the shading for sure, but because they are in a northern climate, they wanted to really fill the room with as much sun as possibly we could, so they will be using argon-filled glass with all the solar possibilities that they can get out of glazing for it, but that is really the only reason, and then the idea is that it just connects the front door and the back door, so they are trying to do things as minimal as possible, again, just to keep the costs down. M. Dunn stated that it makes sense. He asked another kind of design question that is - again, it is not really relevant to the approval, but just for his understanding of the design and such - but it seems like the Park Street elevation is going to be great, but he is wondering what the view is going to be from Fourth Street. He stated that it looks like it is going to be looking at the side of the barn, and he has seen those elevation drawings. He also stated that he is having a hard time kind of seeing what they are going to be like together, and he is wondering if with the fence and then the garage without really any glazing and then he is just kind of

wondering if that is going to be a fairly industrial sort of look there from that side and wondering if there is anything in the landscaping plan that - he might have just even missed it - but if there is anything in the landscaping plan that might kind of soften that up a bit. Mr. Myefski stated that their intention is to actually have that side, it is basically somewhat of a side yard, but he is 100% right that it is the front yard for Fourth, and so their intention is in front of the fencing areas to landscape. He stated that they do have to deal with this corner, this double corner angled setback for the landscaping and the view corridor, but they can actually still use the landscaping that we want to soften that, so the first idea is the fence kind of is somewhat of a buffer, and then the second idea is to have plantings that go up above that. He stated that the garage is simple on its side, there is no question, but the front he thinks are going to have this contrasting wood element, and so that what they are looking at there is that is actually intended to be a stained cedar on the front and the back, and so it does have some contrast, but there is some simplicity to that, and they are hoping that is really just that simple, clean design coupled with the layering of going from the fence, landscaping to the garage to then the house setback at the furthest point to it and some of the trees that they have will really help to soften that blow, so well aware of it, and they definitely will going to be going out of their way there to improve that.

M. Dunn stated that is awesome and thanked him, and then stated his last question is totally irrelevant for approval, but just out of curiosity, is if they are going to be able to hold on to that that big, huge evergreen on the southwest corner. Mr. Myefski stated that he is not sure if they actually can, to be honest with him. He stated that it is pretty close and asked Mr. Dawson if that is right. Mr. Dawson stated that yes, that that one is pretty close to where they are placing some of the elements with the garage. M. Dunn asked maybe the garage. Mr. Dawson stated yes. M. Dunn stated that you got to do what you got to do - just curious. Mr. Myefski stated that if they can, they certainly will, but they do not want to chop half the branches off and have it look odd as well. M. Dunn stated thank you.

M. Larson stated that from his point of view, he thinks it makes sense. He stated that he is glad to see some potential development in this neighborhood and bringing some family housing back into the neighborhood. He also stated that it is certainly good to see. He asked if we have any more questions or discussion amongst commissioners. He stated that if not, he would entertain a motion one way or the other.

It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 4-0 that after conducting a public hearing and review of the application and Staff Report for 02-SUP-05-21, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403 and 54.613, and hereby approves 02-SUP-05-21 with the following conditions – that an amended plan is submitted with the fencing moving from 6 feet to 4 feet in height and fifty-percent open construction.

B. 03-SUP-05-21 – 450 E. Ohio St. (PIN: 0171945)

Zoning Official A. Landers stated that that the Planning Commission has received agenda packets which included the staff report and analysis and showed that on the screen, and she also showed the applicant's Special Land Use Permit application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, and photos of the site. She stated that on screen, she has the memo for the staff report. She read into the record the memo for the staff report, which stated staff has reviewed the special land use permit for a duplex dwelling use, and she did receive two pieces of correspondence for this after the agenda was posted, and she read the correspondence from Babette Welch and Greg Seiple at 424 Cedar, and then they had another piece of correspondence from Adrian Fure at 415 Cedar St.

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

S. Mittlefehldt stated that she has a question that she feels like they might have talked about in the past, but she just wanted to get clarity on this. She stated that she is excited to see an ADU application come across their desks, and she thinks they will see more of them. She stated that she was wondering about how the short-term rental process fits in, so let's say she believes this property will be part of it anyway is going to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSION AND STAFF COMMENTS

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

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

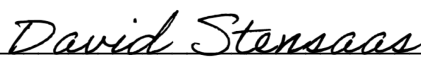
A. Andres stated that he has another thought. He asked that because they did not have all the official members here, could we have suggested that we postpone or give them the option to postpone until we had more members than present, not that it matters because we already did. M. Larson stated that right,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

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

ADJOURNMENT

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

Prepared by:



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