

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
May 16, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 16, 2023, in the Commission Chambers at City Hall.

ROLL CALL

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

PC members absent: none

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

AGENDA

It was moved by S. Lawry, seconded by D. Fetter, and carried 9-0 to approve the agenda as presented.

MINUTES

The minutes of 05-02-23 were approved by consensus with two corrections pointed out by S. Lawry.

NEW BUSINESS

A. 04-SPR-05-23 1200 & 1220 Wilson St. – Site Plan Review for Best Western Hotel

Zoning Official A. Landers read the memo for the case and presented visuals from the agenda packet including the application and staff comments, consultant replies to staff comments, the area and block map with the parcel outlined in blue, photos of the site, the site plan that was submitted including the civil plans and architectural plans and the items of correspondence.

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

Mr. Andrew Kemper, said that he is here for Moyle Construction of 46702 Hwy. M26 up in Houghton, for the Marquette Hotel LLC project, and that they have contracted with civil engineer Brian Savolinen. Like Andrea said, we are looking at an 81-room hotel, three stories developing this site from the state it currently is to a completed site with parking lot, dumpster enclosure, retaining wall and site utilities. We did receive staff comments regarding MDOT curbing at the right of way. We've been engaged with the Michigan Department of Transportation engineer, and we've contracted with Brian Savolinen here locally, a civil engineering Consultant. Brian has been working with the MDOT permitting agents on the traffic impact assessment that they required. I personally discussed with both parties that ongoing process. Brian estimates that he's 60 to 70% complete with that. When we complete that study, we'll submit that to MDOT for their review and further correspondence. They also will be requiring some simple storm water calculations that I believe we've already completed. We just got that correspondence this afternoon, but we'll work diligently to submit that information to them as well, because we're tying into the state's stormwater system at McClellan. Their requirements have not changed in the past several years. We had previously done those calculations and submitted them, so I believe it's just a formality of digging up that prior information and resubmitting that to the state. My understanding is that we should have all the information to MDOT by the middle part of next month, and

we anticipate a fairly short turnaround with their permit process based on our preliminary conversations with them.

S. Lawry said that he noticed the sanitary sewer lateral from the Secretary of State's office runs across the corner of this lot. It may be written somewhere, but I didn't see in Glen Van Neste's descriptions an easement for that. Is there a recorded easement?

Mr. Kemper said that he can't speak to if there's currently a recorded easement. The owners of both properties are related properties, they're both owned by one of the companies. If that would be a requirement of the city, and I don't think that's a bad requirement, we would certainly record that easement so that would be taken care of for any future landowners in that area.

S. Lawry stated:

I do know that the city has found itself in the middle of some battles in other parts of this community, because properties changed hands after something like that was allowed and there was no easement, and a new owner would've had a lot of trouble with the existing lateral, and so I would highly recommend that be a condition that we put on this that that lateral, in particular, is protected by a utility easement. Not necessarily to the city, but to the private parties. Also, I had a question about MDOT – I know in the staff report, Mr. Kemper said they're dealing with MDOT. Do either of you know whether U.S. 41 Corridor Access Committee has actually reviewed this site plan?

D. Stensaas stated:

They have not. It'll be on the agenda for their next meeting, but my experience with the committee is that they can make some recommendations, but it's probably not going to make any difference, because MDOT has already reviewed this, it's exactly the same project they reviewed a few years ago. And to clarify, it's not just MDOT that is requiring the TIS, it's also the city engineer, and so I would recommend a condition of approval that if either the city engineer or MDOT requires any improvements related to or any changes in infrastructure related to the outcome of that, that those are incorporated into the amended site plan.

S. Lawry stated:

One more comment, regarding what I believe is a change from the site plan that was previously reviewed - the runoff storage area infiltration system that's being proposed for under the parking lot, I'm not a soils engineer, so I don't want to question the design of it if it's been reviewed properly - but the City has experienced a couple of problems up in this area in the past, because of the hydraulics in that bank and to east of there, it's very highly erosive and so you're adding water underground and I just wouldn't want to see a slip plane or something created underneath the building because of that. So I just recommend that your hydraulic engineer is asked to review that issue particularly.

Mr. Kemper stated:

I appreciate that. I'm not an expert, I'll be the first to admit that. But we've engaged with GEI to perform site inspections throughout the construction of the retaining wall, building and site development including the installation of the utilities so that we have assurances below that things are constructed correctly. I have a lot of faith in their abilities and their team, so I think I would probably leave it at that that our plan is to make sure we have the experts involved and its constructed in the proper manner.

C. Gottlieb stated:

Has there been any significant change between the 2019 proposal and the current, will those also be met

here? It was still a three-story building in 2019?

A. Landers said that these are the exact same plans that were submitted for final review from the plans submitted back in 2019.

C. Gottlieb asked:
So, it was approved in 2019?

A. Landers said yes.

S. Mittlefehldt stated that if there are no more questions for the applicant at this time, the Planning Commission can now make a motion or suspend the rules for discussion.

It was moved by C. Gottlieb, seconded by D. Fetter, and carried 7-0 to suspend the rules for discussion.

S. Lawry stated:

Well, with regards to the traffic, the hotel will certainly generate some additional traffic at an intersection that's already becoming congested, but I think a far larger impact will come from the total buildout on Harlow Farms, further development of the old Marquette Mall site that's connected through here and certainly the housing that is being developed on S. McClellan and further south into Sands Township. Traffic is going to get worse at that intersection, but not necessarily because of the hotel.

S. Mittlefehldt stated:

I don't know if this is true, Andrea or Dave, in the letter that received from the landowners, it said that it's 45 miles per hour on McClellan St. in that stretch?

A. Landers said that is correct.

S. Mittlefehldt stated:

I mean, that does seem very fast and not appropriate for given how many intersections are there and the traffic. Again, that's probably out of our jurisdiction, but maybe that's part of the study that MDOT is working on to turn in.

D. Stensaas said he doubts they're not going to have anything to say about the speed limit.

S. Mittlefehldt stated:

My understanding is this is, and you guys probably know, but this is probably one of the more dangerous intersections in our city limits, right. Again, this is irrelevant for this case and I know we're supposed to stick to this case, but at some level it would affect this project and others that are going to be coming. It does seem – reducing that speed limit might be an important consideration for increased traffic use that's going to be at that site.

D. Fetter stated:

I do have a question regarding the traffic and also the retaining walls, with increased traffic exiting onto Wilson St. - I drove there today, and I have a lower profile vehicle, and I wasn't able to see what was coming around the corner or the bend there. I'm curious, I didn't take into account if that was a current sidewalk there or if that's something that's planning to be built, and if there's a retaining wall that's also

going along those lines and if that's going to be considered - the sight that you have when you're about to exit onto Wilson St.

Mr. Kemper asked:

Are you asking about the driveway from the site onto Wilson St.?

D. Fetter said yes.

Mr. Kemper stated:

There's no planned retaining wall there. The retaining wall would be in the front at O'Dovero and McClellan, at that intersection.

D. Fetter said okay.

Mr. Kemper stated:

So, the existing drive entrance into that existing parking lot would essentially remain the same, and the sidewalks that are there, again, would essentially remain the same. There may be some minor improvements made just due to construction, but any significant grade changes or anything like that won't be taking place as part of this plan at that location.

M. Rayner stated:

I'm out there all the time because the North Care Board meets out there. The issue isn't Wilson, it's where you come out on McClellan and seeing around to the right on McLellan, because those cars come faster. Of the two intersections, that would be my greater concern. Not the one off of Wilson. There's very little traffic coming up from the right as you pull out onto Wilson. Because the Secretary of State comes out of there too and the other way. There's also that back road that drops down and goes by Econo as well, that's another exit out of there. It's at the end of the parking lot for the Secretary of State.

D. Fetter stated:

I think what we're saying is it's kind of in the same realm. It's the intersection of McClellan and Wilson and also right onto Wilson, because you can't see around that bend.

Ms. Rayner asked – do you mean from coming off of McClellan?

D. Fetter said yes.

Ms. Rayner stated:

Okay, I thought you meant the other direction.

S. Mittlefehldt stated:

That's in the code, right? The clear vision triangle is something that they would've had to meet.

M. Rayner stated:

You just need to make sure you pull all the way up to the edge of it before you turn to see around to the left.

S. Mittlefehldt stated:

Okay. Any other questions, comments? Anybody ready to make a motion?

C. Gottlieb asked if there have been any significant changes in zoning or codes that would've affected this between 2019 and now?

A. Landers stated:

No, and I did a review of all the changes, and the only thing was the parking space calculation, and that was in my staff comments when they made that.

D. Fetter stated:

I know that there are additional parking spaces than what's necessary, and I'm curious, is that going to be utilized for snow removal or if there is a plan for snow removal?

Mr. Kemper:

I believe there's a snow storage calculation that's required. Is that -

A. Landers:

Yep, and the areas are shown in the site plan in the landscape areas.

D. Fetter:

Is there a certain drawing that that's showing?

A. Landers:

What was that, I'm sorry?

D. Fetter:

Is there a certain drawing additionally?

A. Landers:

Yeah. Showed the site plans and pointed out the snow storage areas.

M. Rayner:

You said there were two exits?

Mr. Kemper:

I believe I said that there's one exit on the Wilson St. and there's two exits from the parcels onto the shared drive access, business partnership.

M. Rayner:

Okay. I was trying to figure out where did the other road come from.

Mr. Kemper:

Regarding the comments on traffic. That's, you know, the state and the city engineer are requiring us to do the study, and we've hired professionals to do the study, right.

D. Fetter: Would you mind describing a little bit of what the study is that they're doing?

Mr. Kemper:

I, honestly, only know enough to be dangerous. I read the requirements that the state puts on the civil engineer, and he has to go out there and monitor existing traffic counts at multiple times. He has to do it at 7:00 in the morning, at noon, and at next time and line time, and he has to do that over multiple scenarios. Then he has to use his best judgment to interpolate what he thinks based on what studies say the hotel is going to do to the intersection use. And then he asked the hotel operator what they think of that peak, what employee counts are going to be at certain peak holiday times or what anticipated occupancy rates are of the hotel based on past experience with other hotel properties. He takes all that information into account and does what he trained to do, I guess, right. And my experience with MDOT is they will scrutinize the reports.

A. Landers stated:

On screen is the snow storage area. They have it hashed out on the site plan. See these two bullets here? This is the minimum snow storage area, and they provide the calculation down here.

D. Stensaas: If I may, I think one thing Andrew probably left out of the description of the traffic study is the ITE, The International Transportation Engineers studies are brought into the analysis. So ITE publishes studies that we use ourselves at the City for looking at every kind of imaginable type of property usage. They have a record of studies. If you put in different variables for like a two-story office building that's used as a one tenant office and it's a certain square footage; you put the square footage of the building in, the location, the type of neighborhood, it'll give you - from all the studies they have of that type of building - an average. They'll plot it out on a graph, where the average parking spaces that should be required for that kind of use, based on what they've seen over time. So that should be incorporated into what they're doing for this analysis too, it wouldn't just be them asking Best Western what do you think you need, they'll look at more unambiguous, unbiased kind of data.

S. Mittlefehldt: Any other questions, just amongst ourselves or for the applicant, who is very patiently waiting. Anybody prepared to make a motion? Considering there's a couple things we heard, right, securing the utility easement across the property. We're just ensuring that this MDOT study is done and that any additional infrastructure must be included in the amended site plan. Those are the two things we talked about.

A. Landers stated:

And then a revised plan is submitted to meet staff comments.

S. Mittlefehldt stated:

Yes, of course, "and the revised plan", that's in there, but just mainly on top of the things in the agenda, the things that we've talked about. Is anybody prepared to make a motion?

D. Stensaas stated:

If you're going to mention the Traffic Impact Study, mention the Traffic Impact Study

S. Mittlefehldt stated:

We'll get the right title, yeah, Traffic Impact Study.

It was moved by C. Gottlieb, seconded by S. Lawry, and carried 9-0 that after review of the site plan and the supplemental documentation dated 02-18-20, and the STAFF REPORT/ANALYSIS

for 04-SPR-05-23, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code and hereby approves the site plan with the following conditions:

- 1) that an amended Site Plan is submitted to meet staff comments.*
- 2) that the Traffic Impact Study recommendations are incorporated into the Site Plan.*
- 3) that a utility easement be recorded across the property as requested.*

Correspondence

A. Site Plan Review Cases of 2023

D. Stensaas stated:

So, this is what we promised you we would develop for your agendas. This is a truncated version of the document that we have, which has several more form fields than this one, but I paired it down to kind of the basic information, so you can see this and understand what is going on with this. Here we have two cases pending review, at the bottom - the two bottom rows, and then the top row shows we had one site plan that was withdrawn, they cancelled the request and removed it from your agenda very shortly before the meeting. We don't expect to see that site plan back again. So that's what we came up with. Do you like it?

S. Mittlefehldt stated:

Is there a way to get this on the Website? I think we talked about that. I think this is great. It's a nice distilled thing that's useful for us, but I bet there would be people in the community that would love to have access to it too.

A. Landers stated:

They do through the agenda, just so you know.

S. Mittlefehldt asked:

So it would be in the agenda, they would need to go dive into that?

A. Landers stated:

It's on your agenda cover and then it's in the agenda.

S. Mittlefehldt said okay.

D. Stensaas stated:

We can add a form field on our zoning page of the community development page.

S. Mittlefehldt said that would be great.

D. Stensaas stated:

We can do that. That's kind of like all public information we put out there that people typically don't go that deep to look for it, but we can put it there and we will.

S. Mittlefehldt stated:

I think they'd be more likely to do that. They did that for the agenda.

D. Stensaas said yeah, either one is kind of a chore.

S. Mittlefehldt said yeah, but it's great information. Thank you for that.

S. Mittlefehldt asked if there were any other thoughts on this.

D. Stensaas stated:

I would think we'd update this maybe once a month for the website, every agenda though.

M. Rayner stated:

I think it's very helpful to block it out like that. I think that makes it much easier to do an overview of it and kind of get a feel. Kwik Trip is not going to come here then?

D. Stensaas stated:

Well, they're not going to probably be working at getting a Kwik Trip store built at that site anymore with those property owners. They definitely would love to dominate the gas market in Marquette, if they can find a spot to.

M. Rayner said they already did out at the west end, they just put one in Ironwood.

D. Stensaas said they are looking for a spot and their requirements for their stores are something like two-acre minimum site, which is going to be hard for them to pull together in Marquette on a street where there is a highway, where they're interested.

C. Gottlieb stated:

Obviously, there's a lot more building anticipated that just haven't come to the office yet, so this is what you guys are dealing with right now.

A. Landers stated:

This is since January, 2023. So, for 2022, everyone's either been approved or denied. So these are everything since January that's been submitted.

C. Gottlieb stated:

I'm thinking specifically of the old hospital site, for instance.

A. Landers stated:

We haven't seen any, no. These are only the plans that we get official submittals for.

C. Gottlieb said that's what I'm asking.

D. Stensaas stated:

So, people can work on site plans for months and months before they submit something to us. Since we put this together, we've probably gotten a couple more. There are people working on other site plans, but the beginning of the year is typically slow for getting site plans, but just like permits from residences, they're starting to hit us like a tsunami.

C. Gottlieb stated:

That's what, I guess, my question was. I know there's more plans out there, but they're just not to your desks yet?

A. Landers stated:

No, they don't get to us until they're developed or until the plans are ready, because you have to meet so many requirements. So, anything in the concept phase we're not going to see, and you're not going to see on there, because it's not an official submittal unless they want to submit as a concept then they have that opportunity, but most people are submitting for final site plans.

D. Stensaas stated:

To expand on that just a bit, people submit site plans that get kicked back that don't get accepted on a regular basis. They don't meet all requirements, and sometimes that's deliberate. The consultants will submit stuff to us knowing Andrea is really good at what she does, and she's going to go through and give them a list of everything they missed. Isn't that convenient? Give it to Andrea and let her tell us what we need to do. That happens a lot.

C. Gottlieb stated:

Does Andrea get to charge for the city's time?

A. Landers:

That's why a site plan review cost what it does. If those people wouldn't do that, we'd actually have lower fees.

C. Gottlieb asked, so they are paying for your time when we do that?

A. Landers said to the average of it, yeah.

D. Stensaas said but then there's just sloppy work too.

A. Landers said yeah, if somebody is really bad they're getting my time for free.

D. Stensaas stated:

Or they've openly missed something or hoping we'll look the other way or just let it slide.

A. Landers stated:

Or that we'll get worn down.

S. Mittlefehldt asked if there were any other thoughts, comments or questions.

TRAINING

A. Article – Better Plans, Fewer Stands - Michigan Planner March-April 2023

D. Stensaas stated:

This issue of the magazine starts with talking about how master plans are really important, especially with housing development becoming such a crisis issue in a lot of communities that you really need to have good plans so that you can counter Nimbyism - that is one of the big points of emphasis areas of this [article], because there is a lot of Nimbyism. We saw that with the proposal for housing on the north end of McClellan Avenue last year. Nobody in that neighborhood wanted to see 60 or 70 housing units built near them. Part of that is understandable as it was an undeveloped tract of land that would've been used for it, and I don't fault anyone for not wanting undeveloped land turned into anything. But Nimbyism is common, and it doesn't matter if it's developed or undeveloped or whatever. So that's kind of the point of the article.

This particular article kind of takes off on that a little bit and just emphasizes the importance of certain things within the master plan and then within the administration of the plan and so on and so forth. So, I guess this could be a point for discussion some of things if you guys want to discuss any of this. It's really just in there for a kind of education. There are recommendations in here that are great. Some of this stuff will be very hard for us to do. We do compile written responses to, well, consultants, but it says for public hearings. I don't know how we would deal with that, especially when we have one where there's a lot of comments on something with a lot of public opposition and public turnout for it. A lot of it gets down to the fact that we're kind of always struggling to keep up with the portfolio and workload that we already have.

S. Mittlefehldt: Any questions or comments about the reading? Okay, moving on.

COMMISSION AND STAFF COMMENTS

D. Stensaas stated:

When W. Premeau came in he said something about that he got the memo from staff that we've just got to approve this. That wasn't the intent of my message where I made several suggestions, it was just a reminder – because we have several new Planning Commission members on the board, and even a commissioner that has been on the board for over six years asked me today if Site Plan Review requires a public hearing. So, part of our job as staff is to keep educating Planning Commissioners and to remind you of the parameters of the cases we're dealing with. The Planning Commission doesn't have a lot of discretion in Site Plan Review cases. You can't say "what color is the building going to be, and we'd like it to be green". You are limited by what is in the Code, they are in the staff report and those are in the Site Plan Review standards.

My point about comments during case is just a reminder that when we send these cases for transcription it is really difficult sometimes because sometimes the transcriptionists obviously have never been to a public meeting, they don't know what a sewer lateral is, and they hear things on the recording they don't understand and they write all kinds of things that we have to correct and if we have a lot of extra commentary during the meeting or questions that aren't necessary, and at this time of the year we are getting really busy and so our time is getting more and more valuable trying to get everything done that we've got to get done in a week it can be challenging when you have to edit these minutes for three or four hours sometimes to get things right. Every paragraph can have things all screwed up and it begs the question should we even send the minutes out for transcription. Well, we have got to the point where we don't unless its going to be several pages, because it is a value proposition and the transcription is just not that good.

A. Andres asked if there are better transcriptionists than others.

D. Stensaas said yes, and you can tell they are using different methodologies too, you can tell sometimes they are typing what they hear and sometimes they're using voice-to-text transcription, and each has its own problems, so there's no way not to read every word if we want to get it close to accurate.

M. Rayner asked if they have to put the discussion phase in the minutes? I didn't think you did.

D. Stensaas stated that there is stuff that they will leave out, it depends on the case it's a judgement call – what is necessary for understanding the context of the discussion? Robert's Rules say all you have to have in the minutes are the motions, who made them, and roll call, but everything else is discretionary. And that is how the City Commission does minutes, but the PC has a long history of trying to be detailed because if things end up in court or there is an appeal we have a detailed record and a fairly clear picture of what transpired at the meeting.

A. Landers stated:

And that is your findings of facts, how you came to your decisions.

D. Stensaas stated:

So, we're not trying to squash your fun or anything, we're just trying to make things more streamlined. And that brings up that at the beginning of the meetings please say your name. We do try to keep a ordered record of who spoke and then prep an outline of that for the transcriptionist.

But, you all did a good job tonight and asked good questions.

S. Mittlefehldt said that the Chair can help by saying each member's name before they speak.

S. Lawry stated:

Just related to what is our purview and what isn't, I had some qualms about bringing up the issue of the drainage system that was designed there and I know that had created issues, not just for the property owners but for the City, the City has paid out huge claims because of soil conditions and erosion in that area and its not really a Planning Commission issue but it is a public safety issue related to that site and just wanted them to be aware to double check some things of that nature.

D. Stensaas said that is a good point and it's good to get that kind of thing on record in case it becomes an issue later.

A. Lander stated that for June 6th you will have a Preliminary site plan review for a PUD.

S. Mittlefehldt stated that it may be a cost savings for the City to invest in transcription software. For research purposes there is a lot of different software that can do that quickly. You would still need to edit it, but I'm just putting it out there.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 6:50 p.m.

Prepared by: kw/iMedat

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