

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
July 6, 2021**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 6, 2021, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, S. Mittlefehldt, Vice-Chair M. Larson, E. Brooks, Chair J. Cardillo

Absent: A. Andres, M. Dunn (excused)

AGENDA

It was moved by M. Larson, seconded by S. Mittlefehldt, and carried 5-0 to approve the agenda.

MINUTES

The minutes of June 1st were approved by consensus, with a correction to be made by staff, as noted by W. Premeau.

CONFLICT OF INTEREST

No certain or potential conflicts were stated.

PUBLIC HEARINGS

A. 05-SUP-07-21 –1917 Enterprise St. (PIN: 0810061)

Zoning Official A. Landers stated that LS Properties, LLC are seeking approval of a Marihuana Grower – Class B Special Land Use Permit. She stated 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 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, photos of the site, and the site plans for the proposal. She stated that there were no items of correspondence.

J. Cardillo asked if the applicant wished to speak.

Mr. Matt Treado, of UPEA - the applicants consultant, stated he has worked closely with Andrea through this whole process to make sure that a site was selected that met all the requirements and was indicative of what the city had envisioned for marijuana grow opportunities in Marquette. He stated there were very little changes to the site, basically just meeting the requirements that they need through landscaping requirements and dumpster enclosure. He stated he wanted to address any concerns anyone had.

E. Brooks asked what sort of ventilation was being used. Mr. Ethan Poglese, the property owner, stated it was his understanding they were going to be using a carbon filter on the heating/cooling system that is going to prevent the odor from going out into the neighboring areas.

S. Mittlefehldt stated she was not familiar with the marijuana growing process, but that her understanding with indoor grow operations that there was quite a bit of electrical power required. She stated that she wanted to know if the applicant had to work with Board of Light and Power for any of that. M. Treado stated that they have been coordinating with Sean Seibert with BLP and they have a copy of the plans. He also stated he has a meeting scheduled with him for later this week to discuss the project, and that the BLP did reach out to them, too, in advance just to make sure that the full power requirements necessary around the operation were available.

M. Larson stated his question was around waste water; that it seemed like there was potentially some concern that while it was not indicated that there was going to be any increase, that there could be an increase at some point in time, and he asked if that was foreseeable?

M. Treado stated that it is not, and that Scott [Cambensy, DPW Superintendent] had alluded to testing waste water discharge just to make sure that they were not providing any sort of runoff that was going to be

problematic for the waste water treatment plan. He stated that they are coordinating with BPW to make sure that those requirements are met and that they are monitoring that discharge to make sure it is not something that is harmful.

Jerry Rieckmann, of 607 Menard Street stated that he wanted to know what makes this different from other pot stores in the area. He also stated that he has moral issues with this being approved.

J. Cardillo stated that he would be a grower, so he will only be growing and there would be no retail component of this.

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 5-0 to suspend the rules for discussion.

S. Mittlefehldt stated that everything they put together was consistent with what the board had put together for the marijuana zoning for growers, the zoning for [marijuana] industrial uses. She stated she did not see anything wrong with the application.

M. Larson stated he agreed. He stated it looked like it met all the requirements.

E. Brooks stated that he saw no issues and that it fits into the Land Development Code well and that it would bring more tax dollars to the city.

J. Cardillo asked if any other members wished to speak, and there was no further discussion.

It was moved by M. Larson, seconded by E. Brooks, and carried 5-0 that after review of the site plan set dated June 8, 2021, with supplemental documentation and the STAFF FILE REPORT/ANALYSIS for 05-SUP-07-21, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.628, and hereby approves 05-SUP-07-21 with the following condition - that an amended plan is submitted to meet staff comments.

B. 04-REZ-07-21 – 301 W. Baraga Ave. (PIN: 0111650)

Zoning Official A. Landers stated that that planning commission is being asked to make a recommendation to the city commission regarding a request to rezone the property located to 301 West Baraga Avenue, which is currently zoned medium density (MDR), to be zoned multiple family residential (MFR). She also stated 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 rezoning application with attachments including the area map with the parcel outlined in blue, the block map with parcel outlined in blue, photos of the site, and several items of correspondence, which were shown on the screen. She also stated that two items of correspondence were received after the agenda was posted. She read one letter from W. Pelto.

City Planner-Zoning Administrator D. Stensaas read a letter from M.K. Buckmaster in opposition to the request.

D. Stensaas also stated that he wanted to remind everyone that this is a hearing for a rezoning of the property, not a hearing for any special land use for any purpose, including a halfway house. No matter what the Planning Commission decides, the City Commission will hold a hearing, most likely on August 23rd, which would be the soonest they could consider rezoning the property. At that time, they will consider the Planning Commission's recommendation for the rezoning. He also stated that if the rezoning is approved by the City Commission, the Diocese would need to come back to the Planning Commission and ask for any special land use permits that they wanted.

J. Cardillo asked if the applicant wished to speak.

Mr. Kyle Rambo stated that he is *job title is CEO*, at Catholic Social Services, located at 347 Rock Street.

He stated that he is about 72 yards from the residence that the rezoning request is for, due west and across the street. He also stated that it is a huge piece of property and they are looking at rezoning just the residence, the Bishop residence, not the visitor quarters where the visiting priests typically stay, or the cathedral. He also stated that they are all connected physically as a structure, but that each location has a different purpose. He also stated that he was there on behalf of Bishop John Doerfler, the bishop of the Catholic diocese of Marquette, because the residence - which is an 8-bedroom 5-bathroom enormous facility in impeccable condition - is being completely and totally unutilized by the Diocese of Marquette. He stated that the bishop is aware of that and he is concerned about that and has asked that their board consider rezoning so that they can offer the opportunity to serve the city of Marquette. He also stated that they served over 1500 clients last year alone for substance abuse and mental health issues. He stated he lives, 72 yards away and never had a safety issue, so does not see any potential issues. He also stated that they are not only a nationally-accredited facility, but are state-licensed for both outpatient and child welfare and recovery homes as well. He stated that it is possible, but does not foresee any safety issues because their operations have always been a success.

S. Mittlefehldt asked if they would be rezoning the property that the church is on as well as the residence; that they'd be rezoning the whole chunk. She also asked where the facility that is already servicing people is. Mr. Rambo stated that visiting priests stay on the east end, the corner of Rock and 4th Street, and that the clinic is on the opposite side, on the west end, and that is where they have served well over 1500 people this year. He stated they typically serve more than that. S. Mittlefehldt asked him to explain what happens there. Mr. Rambo stated that it is an outpatient clinic and they have trained professionals, licensed master social workers that help folks who are struggling with addiction and mental health issues, and illness. He stated that they never closed down a single day this year and in fact they were overwhelmed this year and anticipate that will continue.

S. Mittlefehldt stated she had a question about Mr. Rambo's comment concerning underutilized apartments or spaces in that building already, and that they have been around for decades before there was an original zoning code. She asked him to give the board a sense of the deeper history of that space.

Mr. Rambo stated it served to help visiting priests, so accommodated visiting priests, but that also it was the bishop's residence; and then it was a Diocese office for about 8 years, so the entire staff served out of that facility. He also stated they built a new complex at Harbor Hills, so they were able to move into that complex, and since then it's served as maid quarters as well, so it served quite a few people at one time, but since has been vacant. He also stated that if you don't include the apartments, which are 3 separate apartments with their own chapel and workout gym, it is 8 bedrooms and 5 bathrooms.

J. Cardillo opened the public hearing and asked if anyone wanted to speak.

Mr. Maurice D'Herckens, of 342 Rock St. stated he lives right across from where Mr. Rambo talks about the outpatient services are now. He stated that they do not have much trouble there, but that they have had trouble in the past when he had the Room at the Inn service and they brought the people that were spending time at churches over the weekends for a place to sleep. He also stated that on a few occasions there was quite a crowd out there, and at one time he had to call the police to have a guy removed from his front porch that decided he wanted to stay at his house. He stated his question is who is going to be spending the night there in 8 rooms.

J. Cardillo stated that there is no specific proposal of what the use of that property is going to be, so they are considering all of the potential uses that could occur under a multi-family use. She stated that special land uses that would require a separate permit and city staff showed a chart of potential special uses, which would require them to come back before the planning commission with a specific proposal, at which time they would have to meet all the conditions for that use as well. She also stated that the planning commission could apply additional conditions.

Mr. D'Herckens asked if construction would need to be done to the building to protect the people staying there overnight.

Ms. Cardillo stated this was a generic format, so any specific special land use proposals would incorporate

that and at that time, and if they as a commission felt that there were additional things that needed to be put in place that they would. She also stated that in the past they have required certain conditions regarding backyards being enclosed or areas being designated for neighborhood safety, etc., so that would happen at that time. She stated right now we are just talking about this as a generic umbrella of uses that could potentially happen here.

Mr. D'Herckens thanked the board for their time. He also stated that he is not in favor of this and is actually representing his old neighbor who is medically not able to be at the meeting and that he is not in favor of it either.

Mr. Edward Stock, of 2732 Scenic Dr., head of maintenance at the Cathedral, stated that his concern with new zoning on it is that it affects the cathedral itself as well as the neighborhood. He stated that they do house priests now in apartments in the cathedral. He stated his concern was in the future would that open the whole neighborhood up into multifamily where anybody could move in or anybody could own an apartment building. He stated that also the land usage itself, if you were talking about the whole cathedral, there was very little yard space around the cathedral. He stated that there was a garden in the back, and asked if that would be utilized along with the facility when it is rezoned to multifamily, and how that affects the cathedral itself. He also stated there have been problems in the past with security with other facilities that they've had, and had to add extra cameras, extra locks, etc.

Mr. Robert Frak, of 332 Rock St., stated one of his concerns is in the outline it looks like the entire property that the church owns is going to be rezoned, which means he can see where they may not necessarily use the parking lot to build something on, to make another structure to do something in the basement of the church; it is not just the corner facility. He stated the amount of parking that there is available through the parking lot, if that is why they are using the [indiscernible], the yard space for people during the day. He stated the school right across the street, the parking there is normally 100% full all summer long. He stated they received no information from the church that describes what they are planning on doing and that this has happened in the past, where they just kind of tried to go through the City and get things done that way, and they do not address the public in the area. He stated it is a matter of the property values and what they moved into. He stated that the fathers of the city with the zoning the way it has been in the past had an idea in mind to keep certain areas separate from the private residences and he stated he sees that changing and the possibility of changing property values. He also stated that no matter what the use was going to be, if this was approved for multi-residence, that he can foresee the need for fencing. He stated that there was only a garden area and the back yard, if they are going to expand something [indiscernible] church and the basement is really gives them [indiscernible] control of all their property if it is allowed to be rezoned as a complete unit.

Ms. Deb DeMattia, of 244 Rock St., stated she lives right across the street from the cathedral. She stated her parking lot was right across from where Room in the Inn was and that she disagrees—that she had a woman smoking a cigarette in her kitchen. She stated she has 3 children and that she had to get security because of the all the issues that happened when they would come and stay for the weekend. She stated that they are compassionate people and that she understands that this is about rezoning, but she feels like across the street from a school that there are other recovery-type homes very close by. She also stated that the Harbor House is on the other side of her. she stated she has issues with them, they are great, and that she fully supports what they are doing. She also stated they worked together to resolve those issues. She stated they have not had to call the police, but that with Room in the Inn she they did. She stated that she feels like if you had children you would not want to subject them to what happens at these places. She stated that they know what it is going to be. She stated that they have already had to deal with some tough stuff in the neighborhood and she feels like this is the wrong place. She stated she feels like it is a great cause, but that she does not feel it is right for a residential neighborhood.

Ms. Lora Frak, of 332 Rock St., stated that she wanted to clarify, that she sent a letter already and those thoughts are in the letter, but that she wanted to clarify something that Mr. Rambo said when he spoke about the building that is already seeing people that are addicted. She stated that is an office building that is next to the school, so it is on the corner of 5th and Rock and it is an office building that has a back parking lot that sees people by appointment with counselors, whether they are social workers, psychologist, not sure, but that that is a clear difference. She also stated that it is an office building with a lot of other offices

in it and, again, that it is by appointment and not an overnight facility.

Mr. Jerold Rieckmann, the owner of the apartment buildings at 346 and 348 Rock St. - across from the Catholic Social Services building - stated his concern is that he feels there is a lot of congestion on that street and that it would not be proper to have that building multifamily due to the fact that you have the school across the street. He stated that he knows it is going for rezoning tonight, but he is concerned about what would happen in the future to get all these specialized things involved. He also stated that the other thing, if that were to happen, would a letter be sent to all the parents of the students(?) and that they should have an impact on that. He stated that he knows that during rush out at the school Rock St. is busy. He stated that the other thing he is going to make a comment about is that he does not want to see a multifamily because he does not think they need 3rd hot spot in the town like Rooms at the Inn or the orphanage building.

Mr. Robert Frak, of 332 Rock St., stated that this is the start of a process, and he knows that probably once you start here it is kind of a slope downhill as far as once it is approved that it will just keep on moving through. He also stated that he would like to see it possibly just end right here. He also stated that when they were having issues here before, he did have a gentleman trying to enter his home. He stated he stopped him, called the police. He stated he collapsed just 2 houses down from him and they did take him in and he was a part of when they were having Room at the Inn.

Ms. Linda Poole, of 346 Rock St.-Apt. 1, stated her concern was congestion, not enough room, and the school. She stated that you have to time things or else you're just going to be stuck on that street trying to go anywhere south. She stated that changing the zoning is just going to make it worse. She stated she did not know how you could fit any of those things in there without more parking and more people coming and going. She stated it would just be quite a mess. She stated that she thinks it is a slippery slope and that she would prefer that it does not happen, and the church with the parking, they are always in City Hall's parking so that the taxpayers cannot come in. she stated that it takes over the whole area for anything that goes on. She stated that she is opposed because there are too many people in one little area as it is and she does not see how anything, whether it is one or the other, can really get in there and have everything there, so it would be great to stop it here and not have to go on any further.

Mr. Jim Dowling, of 11 Grove Hill Ct., stated he is a parishioner at the cathedral and has been involved with helping Monsignor Stieber with security issues through the years. He stated he is a retired Michigan State police detective sergeant and he particularly wanted to comment on his experience with Room at the Inn, which was hosted for several years at the cathedral. He stated that in his opinion Room at the Inn was hijacked by a criminal element and does suffer from those problems, and he stated they identified those problems at the cathedral, documented the bad behavior that was being introduced into the cathedral, that it was not even debated by the Room at the Inn board of directors or the executive director at the time. He stated it resulted in the cathedral declining participation with Room at the Inn for the last 3 years of the rotating Room at the Inn to the various churches. He stated that they had some particular problems at the cathedral because they were not a typical church. He stated they have a large full-time staff, they have 2, 3, 4 masses a day, etc. He stated they have public performances, concerts, plays to the general public as well as to the faith community. He stated he wanted to make the observation that there is a connection between this issue that Mr. Rambo spoke of, his position as director of Catholic Social Services, there is a connection to Room at the Inn. He stated the director of Room at the Inn, his address is 347 Rock St., 2nd floor of the Catholic Social Services building, and they have a very support relationship. He stated that Catholic Social Services is very supportive of Room at the Inn and the executive director has had his office there. He stated that as far as looking at zoning issues, he wants to recognize the realities of the clientele that they are seeking to serve. He stated that was a great effort, but that he is not sure that this is the right place. He stated to picture the Warming Center on Washington Street being transferred to Rock Street. He stated that is essentially the potential here. He stated it is not just a maybe, it is just a reality. He stated he can go through the characteristics of the individuals that they are seeking to help, and that he just thinks the observation needs to be made that there is the supportive relationship between Catholic Social Services and Room at the Inn. He stated he also wanted to comment about the church, that the parishioners were unaware of this. He stated that Monsignor Stieber was unaware of this. He stated it was not part of the of the effort. He stated that it was not something that the church is pushing or participating in or involved with. He stated that this is coming from the Bishop and Mr. Rambo is an employee of the diocese.

Mr. Ryan Redmond, of 601 W. Baraga St., stated there is a correlation and supportive relationship between Room at the Inn and the Catholic Social Services, and that there is an issue with Room at the Inn. He stated it is not the solution to the problem, and he stated that supportive housing with professionals is. He stated Room at the Inn is not structured. He stated there is no programming. He stated this kind of opportunity would offer all of that. He stated there would be oversight, and person-centered case management, which is not offered at Room at the Inn. He stated that yes there is a supportive relationship, but out of Room at the Inn, these opportunities and chance to correct these problems is birthed and that is what we they are coming with—a solution.

Ms. Mary Buckmaster, of 108 Palms St. and the owner of 401 Rock St., stated she lived at the Rock St. address for 50 years. She stated that her children grew up there and now her son, his wife, and her grandchildren live there. She stated they have had problems with people from Room at the Inn. She stated that her grandchildren are very precious and naïve and they think these people are their friends and that it breaks her heart to think that people won't feel safe if this happens. She asked why the Bishop doesn't live there anymore. She stated this was meant to be the Bishop's home. She stated that she has been a life-long member of the cathedral. She stated her grandmother lived at 328 Rock Street. She stated she was up and down and all around, safe, and that she they all walked to church safe. She stated that she did bring a letter, but that she wanted to come up and tell the board that.

Ms. Judy Lanciani, of 322 Rock St., stated that it was her understanding that to rezone the multifamily residency required a back yard, and she wanted to try to understand if that is part of a special land use, or is that part of the zoning that there has to be a 20-ft backyard to the property.

D. Stensaas stated it is an existing nonconforming use, so what is there does not have to be changed because the zoning changes. He stated the existing footprint to those buildings is not going to be required to be changed.

Ms. Lanciani stated that the multifamily residency zoning when she read through it said there needed to be 15 ft. on each side yard, 15 ft. in the front, and 20 ft. in the back.

D. Stensaas stated that in the zoning district it is in, it probably does not meet the standards for that either.

Ms. Lanciani asked if that applied to this.

D. Stensaas stated that it only applied if they were building a new structure; that new structure would need to meet the requirements, but that if you have an existing structure it is existing nonconforming.

Ms. Lanciani stated that it does not have a backyard. She stated it is confusing because it is attached to the cathedral. She stated the back of the Bishop's residence has a door that leads into a little hallway that leads into the actual cathedral. She stated there is another door that leads out into the courtyard. She stated she works for the cathedral, that she is the secretary and bookkeeper there. She stated that the part that they want to use for the rezoning is right next to her house. She stated that her house and the Bishop's residence driveway and the couple of priest that live there, so her understanding is that just the Bishop's residence wants to be converted for the rezoning. she stated her understanding is that the whole thing needs to be rezoned, but that it is just that one spot that is going to be used. She stated that you are basically breaking up the big property to let it become whatever they want to use it for. She stated there are parking issues as people have talked about. She stated that there is not a yard for people. She stated that there is not a separate private place for those people to be. She stated that they are going to be in the cathedral area, they are going to be basically on the sidewalk of Rock St. because there is no front yard, no side yard, and no backyard. She stated there is no outside place for families or women being treated or whatever they end up using it for. She stated they are going to be using public spaces or cathedral spaces and that concerns her, that parking concerns her. She stated that there are cars up and down, parents, buses, and things like that. She stated she does not know where staff for the residences would park or where the residents themselves or visitors. She stated they cannot use the cathedral parking and the Rock St. parking you can only park on one side of the street. She stated it is narrow, especially in the winter. She stated that she has seen cars crash into poles and plows and things like that. She stated that there have

been no major car accidents, but scrapes because of trying to avoid parked cars already, so it is already congested, and she just would not feel safe. She stated that she thinks there would be issues with the people that are residing there not having a place to go if they can no longer reside there. She stated it is a sober living place and if they are no longer sober, where do they go?

Ms. Linda Bolton, of 348 Rock St., stated her concern is her visitors that visit her around the corner do not have anywhere to park now. She stated there are always people parked on that street, Rock St., in front of the Catholic Services and they have to park halfway down the block and they do not even want to come and visit her because they have nowhere to park. She stated she is also concerned about the school. She stated she went to that school when she was a child and she is concerned with all the school kids being right there in the middle of it all. She stated there are pathways, one walk down, and that she can hear drunks lying on the sidewalk, yelling cuss words that you don't want your kids to hear. She stated that is just one walk down the hill and then is going to have it right across the street from her house; she will have it down the hill on Rock, she will have it across the street, and she is going to have it to the left. She stated she feels like every way she turns there is going to be situations to think about before you let any of your nieces, nephews or kids go outside.

Mr. Maurice D'Herckens, of 342 Rock St. stated why does this have to be here. He stated we are talking about eight units, and at Room at the Inn - which he does not even go downtown anymore because he has been hassled a lot down there - he does not understand how eight units is really going to make a big effect. He stated that what is amazing is you go five blocks from here and you have three square blocks of hospital property and medical buildings that are not being utilized. He stated that he wonders why that is not being brought up about utilizing that area; why is it so important that it is this area and only eight units.

J. Cardillo asked if anyone else would like to speak, and she closed the public hearing.

It was moved by S. Mittlefehldt, seconded by E. Brooks, and carried 5-0 to suspend the rules for discussion.

S. Mittlefehldt stated that there was a lot to think about and thanked everyone who spoke because she really does think it is the best way to make decisions, to be able to hear everyone's perspective and to really try to figure out what to do in a complex situation. She stated that she was curious to hear from staff as it sounded like this building originally essentially served a multifamily purpose and had apartments in it. She stated the planning commission in 2013/2014, who wrote the [current] master plan, who had the proposed zoning maps, was a different set of planning commissioners, so maybe they could go back in time with the zoning and could think about why was this zoned single-family residential, medium density. She stated how did it get zoned to that. She stated essentially it is a multifamily building, it had units in it, so how did it become what it is.

D. Stensaas stated that he thought when the city adopted the first zoning ordinance in 1929, that was a single-family neighborhood. He stated that neighborhood was platted for single-family lots, not sure when, but probably before 1900. He stated he is not sure the date the cathedral was built, but that the standards that were in place then for construction were nothing like today's standards. He stated that there were probably no hearings, no permits, no inspections. He stated the cathedral was built twice as he understands it. He stated this addition that Mr. Rambo mentioned, there was work done 16-ish years ago to expand apartments in that building, and he was not aware that there were 11 apartments in that building. He stated that he too lives on Rock St., not in that part of Rock St., but that he has been by there hundreds of times, and though he is aware that there are apartments there, but had no idea that there were 11 apartments total. He stated he was not here when that reconstruction would have occurred and that Andrea was not here then, so they do not know about that. He stated the planning commission understood that the church used that for auxiliary use and it is an acceptable accessory use to a church to have housing for visiting priests, that's an age-old tradition of churches, so no one had any reason to suspect that this was a multifamily structure previously, but that by any standards, that is a multifamily structure now. He stated this just came to their attention through this request, that this is a multifamily building. He stated if it is going to continue to be used as a multifamily building, it really has to be conforming. He stated it can continue to be used as a nonconforming, the way it has been used, but it is still legally nonconforming as it is and even more legally nonconforming now that they know there is a multifamily building there; as that many units

goes beyond what is typical for a church.

Mr. Dowling stated eight of those are bedrooms in the bishop's residence; there are only three apartments.

A. Landers stated that public testimony was closed, so this is not a group discussion at this point, but that she appreciates his comments earlier.

D. Stensaas stated he is not embellishing, he is repeating what he heard. Mr. Rambo stated yes, three apartments, eight bedrooms, so not 11 apartments.

D. Stensaas stated either way, 11 bedrooms; by anybody's standards, that is a multifamily situation.

J. Cardillo stated she did not know if that was what Commissioner Mittlefehldt was getting at, but that it is sort of provoking the question for her, and that she knows it was kind of addressed in the source material, but is this information coming to light an example of sort of not having a stake in this future land use map or the maps for planning, but now that they have this new information as they sort of look at the spot zoning or where they look at the criteria for doing these rezonings, it sort of asks, she thinks, at some point is this a result of basically a misinterpretation, an error. She stated she is just curious if, as they go through, at a certain point as they look at that does it factor into this.

D. Stensaas stated he kind of leans toward that himself, but it is an open question. He stated it would take the Planning Commission back to 2013/2014 when they were looking at every parcel in the city and trying to decide what the appropriate land uses for those parcels are and then correlate that to the proposed zoning districts that would be implemented, and hundreds of zoning districts were changed in 2019 as a result of that process that occurred in 2013/2014. He stated this parcel may have been changed to multifamily then if the planning commission had known this was an 11 bedroom facility attached to that because really there is almost no standards in the single-family district that changing it to the multifamily district would make vastly different.

Ms. Cardillo was wondering to help in the decision-making process and move forward maybe they should go through and consider the questions. She stated one of the things they have to consider was this a spot zone, which for those folks in the room that may not be familiar with the nuances of zoning and planning, a spot zone is usually when the Planning Commission may sort of get arbitrary capricious decision about one tiny little parcel of land that is totally different from anything around it, and it can be challenged in courts. She stated that one thing they have to do tonight is determine whether or not this is considered spot zoning and so there are questions they have to ask themselves like if the proposed area that is being rezoned is in an appropriate location for not just the halfway house, but everything that is in the category. She stated that they have to as a planning commission say, is this appropriate for those things that are allowed in the multifamily residential zoning or is this so specific to this one spot that that would be spot zoning that could be challenged in courts, so maybe they should move through some of those questions.

S. Mittlefehldt stated do they want to start now with the spot zoning questions.

J. Cardillo stated yes she things that would help and give them a way to move forward, and to reiterate there are four components to it and they have to decide that all four of those are met for it to be spot zoning. She stated if it is spot zoning then they do not want to do it. She stated that he first one is, is it small in size. She stated that she would say it is not small in size; it is a very substantial lot and asked for a consensus on that. There was no disagreement. She stated that it is already pretty much not spot zoning.

J. Cardillo stated that it has multifamily residential right to the east and to the northwest. She stated that in addition to it already having multifamily typology, it is really not a spot zone. She stated right now they have already knocked out two, so they did not need to continue on with the spot zoning because it would not be.

W. Premeau stated he was confused and asked if a church could be built in a residential neighborhood. D. Stensaas stated yes it could be, as a special land use.

W. Premeau stated was this all part of the church; if it was a part of the church activities and part of the

church.

J. Cardillo stated that was kind of what she was trying to get at earlier and that it is a very good question because it is very confusing because it is one lot that will have multiple uses. She stated it will have a church component, it will have this multifamily component.

W. Premeau stated that he thought this use was part of the church.

S. Mittlefehldt stated the weird thing is that the church is non-conforming because it does not have a special land use, so she does not think that is something they need to be concerned about.

J. Cardillo stated that it was a good point and sort of a ball of yard that they are unraveling backward.

S. Mittlefehldt stated that it seems like in 2014 when they did the master plan they should have looked more carefully at this one specific area, but of course when you are doing zoning for an entire city it is easy to gloss over details like that.

E. Brooks stated that he agrees about parking in that area. He stated he lives in South Marquette, not in this particular neighborhood, but drives through that area on a regular basis. He stated that there are parking issues especially when school is in session; that lot is filled. He stated there is a ton of congestion in there. He stated he just does not see how creating this multifamily, how it is going to actually benefit the neighborhood. He stated that he cannot see doing that entire parcel as multifamily because who's to say that maybe some day they could not section out part of that parking lot and that is going to be multifamily, too. He stated that rezoning this entire parcel that they are talking about as multifamily he is 100% against.

J. Cardillo stated that she wanted to point out that whatever future uses, they would have to meet the parking requirements, so they cannot just say they're there and don't need to meet the parking requirements. E. Brooks stated that he understands that, but its just not doing it for me.

M. Larson stated that looking at it from a strictly rezoning portion, right now with the medium-density residential, it could be used as an adult foster care family home, child and day care family home, for food production; special land uses also have adult foster care, child care center, hospital, hospital hospitality house, school, university - and the church could come forth right now and say they would like to have any of those put on there as well - and so as far as congestion and parking, he does not know that necessarily means that much differently from what they already can do. He stated it seems historically it has been used as multifamily for that particular facility. He stated from a strictly rezoning portion of medium density or multifamily, with multifamily directly across the street and to the northwest, it is not out of character. He stated he thinks when the city was doing its complete city rezoning, had this information been there, it would have been rolled in and it would have happened without this portion right here. He stated he thinks it likely was an error back in 2014, just because they did not have all the information at that time.

S. Mittlefehldt stated that she agreed, but that she really empathized with what has been stated today. She stated she shared the concerns about kids' safety and all of the issues that were raised, but that she also thinks that there are voices that were not there that day and that there are a lot of people that need help in the community and that they are people. She stated that when they make decisions, they have to consider those people, too. She stated that it is a complicated decision and that maybe it should go somewhere else, but where?

E. Brooks stated that he does not think this is the proper place for that type of facility. He stated that obviously there is no parking there, and to actually get parking there, they would have to dig up the front of the area. He stated that safety is his biggest concern, you have those children on recess that are right across the street from there. He stated that safety, security, congestion; there are places for a facility like this; you have all that new property where the Beacon House is and the new hospital is; you have the Peninsula Medical Center that is half vacant right now. He stated he did not think it was the proper place to put this and he believes if they go ahead and rezone this it is just going to open up a whole new can of worms. He stated he empathizes with these people, and if he lived on that street, that would be the last thing he would want on that street.

W. Premeau stated that he agrees with Mr. Brooks 100 percent.

M. Larson stated there was not necessarily a proposal before them to weigh a security protocol that they may have in place at some point in time, what their programming is, are there folks on staff, how many people will be housed there; anything they are looking at is conjecture at this point in time from his point of view. He stated they are making a recommendation. He stated the community will still have an opportunity to talk to the City Commission about that rezoning. He stated it does not allow for a halfway house immediately off the bat. He stated they will have to come back at that point in time when there is an actual proposal in front of them to have another hearing whether or not that is an appropriate use of that facility. He stated he thought there were a number of opportunities that are still in place. He stated there is an opportunity for the church, with the Diocese themselves, to have a discussion on whether or not that is an appropriate place with the community that they are in right now.

E. Brooks stated it sounds like they already have, though.

J. Cardillo stated that she has a question for Mr. Rambo, and she asked him to come to the podium. She stated she wanted to understand: This large piece of property that they are rezoning is all under the auspices of the Diocese, so any decisions that are made for a component of that has to be agreed upon; they are not independent pieces functioning separately. She stated her other question is how does the school across the street fit into that decision-making process. She stated if you are functioning as one entity and you have all these different components, it is in your own interest that you do not sort of cannibalize yourself and create a situation where you lose all of your students because you created this other...it would give people a little bit confidence to understand that there is some coordination and unity in how these decisions are getting made.

Mr. Rambo stated there absolutely is. He stated what has not been put out is a public notice to the parishioners and to the community. He stated again a lot of that rested their shoulders before they make that announcement. He read a note from Bishop John: "Safety is one of our top priorities and we very seriously considered this matter as a part of our deliberations. The proposed mission for the house is to serve mothers with children. Children would not reside at the house because the mothers are struggling with addiction and the custody of those children depends on how they do with their struggle with addiction. However, the children would be able to visit their mothers at the house daily. Thus, the house must be safe and secure for the children to visit their moms. This is not just our requirement, but it is also the State of Michigan's requirement and we licensed child welfare workers who understand their requirements; it is critical. It is also critical to the reunification process for these parents with their children. Thus, it means that the house would also be safe and secure for the school across the street and the neighborhood. This is an important outreach to help bring families together. The intent is to emphasize the churches preferential option for the poor and those on the periphery. I see this outreach as communicating symbolically that people on the periphery belong in the heart of the church and the city. Pope Francis has repeatedly stated that our duty is to reach out to the people from the periphery and see this effort as a just one."

Various members of the board thanked Mr. Rambo.

J. Cardillo stated that was a specific question for the applicant, so the public testimony is closed. She stated that her real question was that it sounds like the school and the parish are...(she was interrupted by many people in the room responding with "no" and other comments). She also stated that this part of the meeting is not open to public comment and asked a member to please sit down after getting up to make a comment. D. Stensaas stated that this part of the meeting is for discussion by the Planning Commission.

E. Brooks stated as far as he could tell the parishioners have not been privy to that information. J. Cardillo stated not the parishioners, she was talking about the school. There were many comments at once from people in the room. S. Mittlefehldt stated it sounds like the parishioners have not been notified because they are waiting to get permission to be able to move forward with it. She stated there are several steps involved.

E. Brooks stated he would like to hear the comment [that a person in the room was attempting to make].

Mr. Jim Dowling stated that just for context, the comment was made about coordination between the church and the school, there is one driving force here and that is Bishop Doerfler, and because he is the boss of the Diocese. He stated the school principal and Mr. Rambo are all employees of Bishop Doerfler, so of course he is going to read Bishop Doerfler's statement, he is going to read what he wrote from Pope Francis, and Pope Francis is Bishop Doerfler's boss. He stated yes this outreach to the marginalized is wonderful, it needs to be done...the question is, is this effort proper as far as the Marquette City Planning and Zoning Division goes. So, as far as coordination, you will get Mr. Rambo and other employees who cannot speak freely; they are employees of Mr. Doerfler, who happens to be the bishop, so that has to be born in mind. He stated there is one person here driving this.

J. Cardillo stated that she understands and they have gone off on a tangent, but she wanted to understand a little bit of the structure of the property, but she wants to get back to the more generalized conversation about rezoning. She stated is there any further discussion on this, or questions. She stated does somebody want to make a motion.

It was moved by W. Premeau, seconded by E. Brooks, and not carried 2-3 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning is not consistent with the Community Master Plan and does not meet the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission deny 04-REZ-07-21

Yes: W. Premeau, E. Brooks

No: S. Mittlefehldt, M. Larson, J. Cardillo

J. Cardillo stated that the motion fails, and we can continue discussion, or someone else can make a motion. S. Mittlefehldt stated that she will make a motion.

It was moved by S. Mittlefehldt, seconded by M. Larson, and carried 3-2 that after conducting a public hearing and review of the application and Staff Report for 04-REZ-07-21, the Planning Commission finds that the proposed rezoning 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 04-REZ-07-21

Yes: S. Mittlefehldt, M. Larson, J. Cardillo

No: W. Premeau, E. Brooks

J. Cardillo stated that the rezoning will go to the City Commission. D. Stensaas stated that the rezoning will go to the City Commission which will happen on August 23rd; that they need to schedule the hearing first. He stated they ultimately make the final decision on rezoning. He stated if they rezone the property, the special land use request would come back to the Planning Commission and that will be noticed in the same way that this hearing was noticed.

CORRESPONDENCE

D. Stensaas stated the County Master Plan has been drafted and could be found on their website. He stated there was a very interesting process that they used, and they were on the verge of holding all kinds of public meetings. He stated they did some, but that they were ramping up to do some bigger public engagement meetings and had some things scheduled, like up at Barrel and Beam they were going to have a night to have people ask questions about the county and what the planning department was doing and give people an opportunity to talk about what they wanted to see happen in the county in the next 20-ish years. He stated that fell apart when COVID hit, but they did a lot of surveying, and they got a lot of survey data back. He stated that they divided the county into 4 geographic regions and they have all the data broken down into regions, which he thought was a pretty good approach. He stated that he will put that back on the agenda for the next meeting because they have a 63-day process, just like we do when we update a plan, and August 4th is the deadline for comments. He stated he went through himself and just found a lot of interesting stuff, but the only thing he felt like he might provide comments on is on their

zoning-related and planning-related stuff, that he felt they got a couple of things a bit wrong. He stated their staff does not do zoning, and he felt there were some things that they did not quite get the way they were presented, so thought he might provide his comments on that. He stated it is a very interesting plan and invited others to provide comments, and as a Planning Commission to issue a memo to the County Planning Commission. He stated everyone can email him their comments before the next meeting if they are not going to be there.

S. Mittlefehldt stated would it make more sense to send comments as a Planning Commission or just as individuals, would it carry a different kind of weight. D. Stensaas stated that he thought a letter from their Planning Commission carries weight since it is a planning document and would be good to see it coming from the Planning Commission. He stated they have done that before where they aggregate comments into a memo from the PC.

COMMISSION AND STAFF COMMENTS

S. Mittlefehldt stated that this volunteer job doesn't much easier.

D. Stensaas stated that please remember that comments are supposed to be addressed to the Chair, and things can get out of hand quickly with a room full of people, and he said it's not his job to run the meeting and there are times when he feels that he needs to say something and that is not by the rules, but the rules don't always work well. S. Mittlefehldt stated that when people are standing up and being aggressive it doesn't serve us to feed that.

ADJOURNMENT

The meeting was adjourned by Chair J. Cardillo at 7:30 p.m.

Prepared by:

David Stensaas

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