

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
July 19, 2022**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, July 19, 2022, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, A. Andres, Vice-Chair M. Larson, N. Williams, N. Frischkorn

Absent: S. Mittlefehldt, Chair J. Cardillo (both recused themselves due to perceived conflicts of interest)

AGENDA

It was moved by A. Andres, seconded by N. Frischkorn and carried 5-0 to approve the agenda with addition of a comment about the received shortly before the meeting.

CONFLICT OF INTEREST and EX-PARTE CONTACT

No conflicts were stated.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

Sandy Gluski, of 212 W. Hewitt Ave, stated:

The last two nights that Mr. Rowan has had music he has been respectful. I do want to clear up one thing, I didn't think I saw it in here...he's supposed to turn the lights off at 10:00 p.m., since it's not in writing I thought it should be in writing, and that if clean-up should start maybe 15 minutes ahead of time so the lights are out at 10:00 and won't encourage patrons to linger longer than they need to. And that for me is it. Thank you.

Linda Popovich, of 216 W. Hewitt Ave, stated:

I was slightly disappointed at the outcome of the last meeting...I still really don't agree with the outcome. To me, it's a mixed area, whether the codes are being met and all that, but that's up to the Commission, so obviously we'll abide by what you all decided. I would have thought we would had more than two Fridays to say how things have been going. The last two Fridays have been, I will agree with Sandy, the noise level was fine. I didn't have a problem, I can't hear it in my house, which is awesome. Of course you could hear it outside, but that's to be expected. Like we said the last time, unless you're all enclosed, it's going to carry, no matter what, so I just appreciated all of that. I guess I just hope that things would continue in the same way and that all of a sudden the noise level doesn't kick up. I might ask that maybe a consideration would be that we review again...since it was such a short amount of time and for whatever reason that it took two months to get going outdoors. It was not until just two weeks ago that everything started happening, though maybe we can review again towards the end of the season to see how the entire season went, to see if we're able to continue, that would be a suggestion that I would appreciate, just to make sure everything was okay. I don't really know what our recourse would be if anything were to change and the noise level were to go off or the timing was to go over 9 o'clock or if the music is alive outside, so maybe just clarification on that is who do we contact. I hate to just call the police if it's just a quarter after 9:00 and music is still going, it seems like a waste of police's time. Would I just call and we can register a complaint that way? Just more questions I guess that I would like the Commission to address for me, I'd appreciate it. Other than that, thank you, Alex. I appreciate the noise coming down. The last thing, I know nobody talked about it last time - I guess my only concern would still be, and I don't really know what the plans are because I don't think this really was talked about - was the outside. There's an outdoor balcony that's elevated off the top second floor. If people are going to be allowed to be out there, what the timing is on that and just some clarification on what's going on up there would be nice. Thank you very much.

OLD BUSINESS

A. 04-SUP-06-21 – 717 N. Third Street

Zoning Official A. Landers read the memo and presented visuals from the agenda packet including the revised site plan and photos of the site. She also presented the decision letter from the April 19th meeting and an excerpt of the minutes of that meeting. She said that no complaints had been received and that staff had spoken with the Police Department about that today. She also stated that a site plan meeting all of the conditions for approval of outdoor entertainment had been submitted and she had issued a zoning compliance permit last week. She then read an item of correspondence from Susan Bohor and Ron Sundell in opposition to the use of the 717 N. Third St. property for outdoor music and entertainment.

It was moved by N. Frischkorn, seconded by A. Andres, and carried 5-0 to suspend the rules for discussion.

N. Frischkorn stated:

So, I guess first thing is in response to a comment, is that in the outdoor food and beverage permit, all outdoor operations in the backyard cease by 10:00. And just to clarify, and to my understanding, that would include the lights, so that the lights should be off by 10:00 is part of that outdoor operation to the backyard being done by 10:00. And I guess another question raised by...would we need an automatic review to revisit or is it something where, if there are complaints, that the condition is being violated, that we could review at that time to enforce.

M. Larson stated:

I think that's probably question for staff to have them weigh in on how that might work.

D. Stensaas stated:

I think there's a number of reasonable alternatives. We could have staff present you with any complaints that we've received, on a certain date, and if you want to set the date tonight so that everybody knows when we're going to do that, I think that would be a reasonable way to go about this. Of course, if there's any significant complaints, we'll bring that to your attention before then, but if you're generally satisfied with everything, just having us set a date where we present you with information as we have before would probably be adequate.

N. Frischkorn stated:

Yes, I guess that answers it. It seems to me like there would be a more effective way to do this than having to come back on the same permit every six months, but if that's what we need to do and set a date in the fall.

A. Andres stated:

I would welcome the review period, whatever we want to set it is fine. Given to see how everything is going and to make sure everything's going well, and make sure that everyone's being neighborly and everything is fine and we're good to go.

M. Larson asked Mr. Alex Rowland to come up and provide an update.

Mr. Rowland stated:

I was attempting to get everything open as soon as I could in the summer. There wasn't any claim to just

have it so they're going to be [here] two Fridays before, this is just kind of how construction timelines and everything has gone for us. We have a lot of new management plans in place. We have spreadsheets galore that all employees are filling out on a daily basis - what time the outdoor is getting shut down, what time the lights are going off, we're monitoring decibel levels throughout the performances when we do have them on Friday nights, and everything's going to be cataloged in and databased in our own systems. I think that things are going relatively smoothly thus far and we've definitely been booking music according to what we know we need to follow, in order to kind of continue receiving these kinds of comments about what we've been doing back there cause we'd like to keep it going as long as we can and obviously that's the way we're going to do this. I don't necessarily have any particular comments on anything other than that. We're going to do everything that we can and hope that we can work everything out kind of internally between ourselves and the neighbors if there are any issues, but we're doing everything in our power to make sure that nobody's conditions are going to be violated.

A. Andres stated:

I was just wondering, is there a decibel level you're trying to hit or range, you're trying to stay in?

M. Rowland stated:

Well, it's highly variable because it obviously depends on where we are taking this from, so the last time, the last Friday that I was doing those I was doing walk-arounds of the entire yard and also my own audio check. Obviously that's very subjective, but just kind of making sure things seem like they're at a reasonable level from on the other side of the fence and from the back of the yard and from the road and kind of just taking those and averaging them just so I have something in my own records, but it's somewhat of a difficult place unless they pick a particular spot to monitor and that's semi-arbitrary considering what they're experiencing.

W. Premeau asked Mr. Rowland:

Who came up with the sound deadening stuff that you installed?

M. Rowland stated:

I have been talking to a company based out of Virginia that has been helping me work through this and there's more that I can do down the line but obviously it takes cash flow to make all of this happen, but I finally have a company that I'm working with that has been giving me straightforward answers on everything. Basically, what I did last year with this fence, that is all sound blocking equipment. It is a good first step but now we have to space where the sound is kind of bouncing around but then so what we're trying to do now is install more sound absorbing equipment and that's what we've done with the curtains on the sidewalls at the stage and the curtains that we've been hanging on the fence line itself. So, this is the company I've been ordering things through and there's infinite amounts of things but obviously it all takes a lot of capital and we will continue to increase this over time if we can keep investing in our back yard and maintaining profit from it, but there's only so much you can do at a given time.

N. Frischkorn asked Mr. Rowland:

Just to clarify, you said you plan on keeping adding more sound dampening materials over time?

M. Rowland stated:

I would like to. I would like to be able to have control of this and mitigate it even more so that I don't have all eyes on me and kind of maintain these levels and reduce any issues that we have in the future. I mean it is something that I would keep investing into this space, but obviously it needs to be producing for myself in order for me to do that.

N. Frischkorn stated:

One other question, can you just clarify this about the upper balcony that was mentioned?

M. Rowland stated:

This will probably come up down the line here when I actually get to the point of submitting -- I'll be submitting materials in order to be changing the zoning of the upstairs unit into a commercial unit and basically expanding our chatroom space, and that's a residential unit. It has a backyard or a back deck and I'm assuming that we would kind of get into all this and where that fits within the plan when we get to that project, but as of right now it's outside the scope of what we're looking at right now. The upstairs is still my personal residence.

N. Frischkorn stated:

Okay, so the upper balcony is currently not part of the business?

M. Rowland stated: Correct.

A. Landers stated:

One thing to add though, in the pictures, about the landscaping.

M. Rowland stated:

Yes, so in the pictures on the west side of the site plan, basically there were seven arborvitaes that went in and there's absolutely no sun back there. They were on the site plan and they all died. And I don't think I'm going to get anything to grow back there because the tree cover is so thick. So basically, I was asking if we could wipe those from the site plan.

M. Larson stated:

I guess a question to staff, is a situation like this where were installed per the site plan but are no longer thriving.

D. Stensaas stated:

I would say try again with some shade-tolerant shrubbery.

Mr. Rowland stated:

There's almost no light, there's a little bit of residual, but I'd like to get something. I mean, I think it's like old bone, and so more beautification and cleaning up, the yardwork and what not, but, yeah, I don't necessarily have a green thumb.

D. Stensaas stated:

Summer is not the best time to be planting anything, but I think it's still reasonable that it could be installed in the fall. Obviously, some plants that are very shade tolerant.

M. Larson stated:

I would largely agree that having put this plan forth in April and having just two Fridays, it's a very limited snapshot of what kind of music is going to be happening there, and I think, per Commissioner Frischkorn and some other folks, the suggestion of revisiting this, just so we have a wider picture. With this July piece we intended to be able to see four, five, six weeks of concerts or music at that timeframe moving forward, so if we want to look at that. I'll ask staff, as far as if we look into October, or the first meeting in November even, I guess that would get us through essentially the whole season.

D. Stensaas stated:

I would recommend November, to get past Halloween.

A. Landers stated:

November 1st would be the first meeting, or November 15th.

N. Frischkorn stated:

I like the idea of November. That will give us a whole season to look at. I would also suggest that if we need to, if the permit is being violated and we get a lot of complaints, that maybe we review it sooner, if that's necessary.

M. Larson stated:

Yes, and I think staff said they could keep us apprised of that situation if it arose, and if need be we probably can make a motion. We probably can put that on the agenda sooner than later.

N. Williams stated:

A question for staff, can a Special Land Use permit be revoked at any time or does have it to be during a review?

D. Stensaas stated:

According to the code it can be, when there are code violations, and this started as we were looking at code violations and confirmed there were, and instead of revoking the permit you elected to take another course, which allowed the applicant to try another means to keep the noise down.

N. Williams stated:

So, I guess based on that, if all we're going to look at is if there's complaints and then we'll decide how we're going to react to those complaints, why do we really need a review at all? That's kind of like a no news is good news kind of thing.

M. Larson stated:

Understood. I think from my point of view anyway, having it as a noticed item on the agenda, it provides an opportunity for folks to come in and let us know what's happening. If staff would say "hey, we've had 10 complaints" I guess we could add that item to an agenda at that point in time, but I don't know if we need to have a more formal process. Having an agenda, we can actually invite folks to come forward and say yep, doing great, or no.

A. Andres stated:

Should it be towards the end of November or the first.

M. Larson stated:

We could make it the second meeting of November, but we still need to decide that.

A. Landers stated:

So that would be November 15th.

Mr. Rowland stated I highly doubt we'll have anything going. If we make it to the end of October I'd be surprised. It's possible, but we definitely won't have anything outside in November. I don't know if the climate is going to curse us, but other than that, we'll be well done with the season by October.

M. Larson stated:

Understood. So, I guess it's up to the Commission. We have up to November 1st or November 15th.

A. Andres stated:

Just in case they have activity that would lend itself to having the whole season be monitored, to see what happens, would be my idea.

M. Larson stated:

I'm okay with that, so if we need to make a motion to include that timeframe in there, I think that would be appropriate. We need also, saying that staying with the site plan for another attempt at the landscaping...

D. Stensaas stated:

We will want to revisit that certainl, and we have a suggested motion here for conditions being met for both of these, the two different permits again. And you can certainly add to that to have a specific date for a review.

N. Frischkorn stated:
I'll make a motion.

It was moved by N. Frischkorn, seconded by A. Andres, and carried 5-0 that after review after review of the memo attachments for 04-SUP-06-21-INT & 05-SPR-06-21, the Planning Commission finds that conditions of approval of the Special Land Use Permit granted for Outdoor Entertainment and Community Events to Superior Culture LLC have been met, and are in accordance with Section 54.635 of the City of Marquette Land Development Code and hereby approves 04-SUP-06-21 and 05-SPR-06-21 with the following condition – that there will be a review on Nov. 15 2022.

M. Larson stated that we have one more motion that needs to be made.

*It was moved by N. Frischkorn, seconded by A. Andres, and carried 5-0 that after review of the memo attachments for 04-SUP-06-21-INT & 05-SPR-06-21, the Planning Commission finds that conditions of approval of the Special Land Use Permit granted for Outdoor Food and Beverage Service to Superior Culture LLC **have been met**, and are in accordance with Section 54.636 of the City of Marquette Land Development Code and hereby approves 04-SUP-06-21 and 05-SPR-06-21 with the following conditions - that we will hold a review on November 15, 2022, and that the lights are included in the condition that outdoor operations are to cease by 10:00 p.m.*

TRAINING

A. Article: “Tools to Expand Housing Choice, Supply, and Affordability”, *Planning*, Spring 2022

D. Stensaas stated:

This is a good article and we've been reading a lot about this from different sources. I think this one brings together a lot of good options, and the city has already implemented a lot of those things in the 14 tools that they present. One of the ideas that I really liked and I think we should keep in mind as we approach the master planning process and look at the possibility that expands duplexes as used by right, which I think that hearing we had at the Municipal Service Center shows is not going to go down easy with a lot of residents, especially residents in the higher-end subdivisions, but the idea of duplexes being a permitted use on corner lots in residential neighborhoods - they make a case that it can work pretty well and if you consider each block in the city with four corners, that would potentially add a lot of duplexes as used by right without changing anything else.

M. Larson stated:

Are you suggesting it could be an intermediary step?

D. Stensaas stated:

Yes, it could be, or just that. Based on that recent hearing we had for the duplex, I see there's a lot of push-back to having duplex used by right and there's a lot of problems with having duplexes as a use by right and that's why we haven't done it before. In a small college town, that gets pretty hard to manage, especially with out-of-town landlords that rent a duplex lot to eight different people in two units, it is a lot of impact on a small lot with all the different vehicles and visitors. It might be easier in a city that didn't have a college as one of the main features of the town, but we do. Just thinking of the number of houses on a block, if some neighbors are allowed to have duplexes on each corner, that is probably 30% of the houses in residential zoning districts. So, it's something to consider, but there's some other good ideas that are looked at, and we've already done a lot of it, which is I think shows that we've been on top of this for a while

and making some headway in what we can do, at least the tools that the Planning Commission has at its disposal.

M. Larson asked if there were any other comments from the commission?

W. Premeau stated:

Well, I think it's going to be a real problem. It wasn't that many years ago they said they cut down on parking in front yards. You know, those lots would still have to meet the standards for having parking available. I ride through the old neighborhoods I grew up in and there are very few actual residents there, they're maybe 90% college rentals. We say you've got a hard surface. Well, I can drive by and show you there's no hard surface and they're parking there all summer and all winter long.

D. Stensaas stated:

You don't have to have hard surface parking behind the front of the house, hard surface is only required for parking between the front of the house and the street.

M. Larson stated:

So thinking about duplexes and parking, would other regulations have to potentially be changed to go along with duplexes on corner lots?

D. Stensaas stated:

Possibly the size of the lot, the area, but they've already been reduced to 6,000 square feet. Adequate parking is a problem for a lot of them, and our rules about parking only say you have to have a hard surface when the car is parked in front, between the front of the house and the street. Anywhere behind the front of the house, it can be on whatever, it doesn't have to be hard surface. So, you still see a lot of houses around town that don't have hard surface parking behind the front of the house.

COMMISSION AND STAFF COMMENTS

A. Andres stated: September 10th there is a cornhole tournament for SAIL. I'd like to encourage everyone to come out to support the disabled community.

N. Frischkorn stated: I just wanted to commend the commenters and the applicant today at how well things seemed to be going and the words that were shared between them, I think that's a great example of when things can go right.

ADJOURNMENT

The meeting was adjourned by Vice-Chair M. Larson at 6:40 p.m.

Prepared by:

David Stensaas, City Planner and Zoning Administrator
Planning Commission Staff Liaison
Transcribed by iMedat/Edited by D. Stensaas