

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING COMMISSION  
September 6, 2022**

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

**ROLL CALL**

Present: S. Mittlefehldt, N. Frischkorn, W. Premeau, Chair J. Cardillo, D. Fetter, Vice-Chair M. Larson, N. Williams

Absent: A. Andres (excused)

**AGENDA**

J. Cardillo stated:

Due to the large turnout this evening, and the fact that we received 51 items of correspondence after the point of publishing the agenda, which should be read, we are going to let the public hearing happen before the correspondence is read and then we will read the correspondence, but we will not read the letters received late from people that make a public comment, in order to avoid redundancy. The structure of the meeting is that staff and then the applicant will speak, and then we will hear public testimony, which will be the time for anyone who wishes to get up and talk for up to three minutes, stating your name and address and comments, and when the public hearing is closed there will be Commission discussion and that is not an open conversation. It is important that we are able to have a discussion amongst ourselves and at that point we have heard all of the public testimony, and I just ask that you respect our process as we have a lot of information to process this evening. We are going to take our time and listen to you all respectfully and so we just ask that you act respectfully during our discussion period. There may be questions asked directly to the consultant at that time and the answers should be directly in response to the question and not opening up to further debate.

*It was moved by S. Mittlefehldt, seconded by M. Larson and carried 7-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 8-16-22 were approved by consent.

**CONFLICT OF INTEREST**

No conflicts were stated.

**PUBLIC HEARINGS**

**A. 05-REZ-09-22 – 1.1225 Acres of 1321 Wright Street (PIN: portion of 0511530)**

Zoning Official A. Landers read the memo for the case and presented visuals from the agenda packet including the application, the area and block map with the parcel outlined in blue, photos of the site, legal notices, rezoning considerations and spot zoning documents, and the rezoning “decision tree” from the Community Master Plan. She stated that no correspondence was received for this request.

J. Cardillo invited the applicant to come up and speak about the request.

Mr. Jim Thams, the applicant’s representative, stated I think, I’m not sure what I can add to what Andrea has stated. This is our former president’s house. It’s a residential, it will be a residential lot, a residential home. It’s located on, the home itself is located on Center Street just east of Lincoln Avenue, west of Lincoln Avenue,

excuse me, and we're just, we're looking to sell the house off, so that's, that's the reason for the request. I'm happy to answer any questions you may have.

*No commissioners had any specific questions for Mr. Thams. No public correspondence.*

*J. Cardillo opened the public hearing. No one wished to comment. J. Cardillo closed the public hearing.*

*It was moved by S. Mittlefehldt, seconded by N. Frischkorn, and carried 7-0 to suspend the rules for discussion.*

S. Mittlefehldt stated:

I have a question for Mr. Thams. I noticed just on the boundary there of the parcel that's being proposed for the rezoning doesn't like go fully west to the edge, so that it would be abutting the other residential area there, the Medium Density Residential. Is that little strip there going to remain Civic [zoning]?

Mr. Thams stated:

Yes, it will. That, that is not part of the split, so we'll retain ownership. It's about a 70 foot swath through there.

S. Mittlefehldt stated:

Okay, I haven't walked over there. Is it, is it just wooded?

Mr. Thams stated:

It's wooded, yeah. Everything west of the Kaye house to the first residential houses there, it's all wooded there.

S. Mittlefehldt stated:

Thanks. I just have another just general question too, it's not as much related to this. But when there is a public entity selling to a private homeowner potentially, does that money just go to the general fund for Northern or where does the money go?

Mr. Thams stated:

I'm not sure I know the answer to the question. I would assume it would go to the general fund.

J. Cardillo asked S. Mittlefehldt if she had anything else. S. Mittlefehldt had no other questions. J. Cardillo asked N. Frischkorn if he had anything.

N. Frischkorn stated:

No, I was curious about the same thing, about that little strip next to the lot.

J. Cardillo asked if anybody else wanted to talk. She stated:

Does anybody want to go through just to make sure we do our due diligence? Our spot zoning and our decision tree.

M. Larson stated:

I think it makes sense, it makes sense to do our due diligence, but you know, just looking at it, it has been used as residential property. I don't really see a whole lot at issue with this, moving through the rezoning, back from civic into residential.

J. Cardillo stated:

So, it's appropriate, it's consistent with other zones, and essentially it's going to be used for the same use as it has been. Correct? And then I guess just one other thing I kind of want to point out is if we go to the proposed *rezoning decision tree*, just so that it's on the record, does the proposed rezoning comply with the city Master Plan? No, it doesn't. The city Master Plans shows it as civic. So, then we're asked the question: "Was there an error in the plan that would make the proposed rezoning appropriate despite its noncompliance with the plan?" I would say that's no, there wasn't an error. And the last question is, "Have there been relevant changes in condition since the plan was approved that would make the proposed rezoning appropriate despite its noncompliance with the plan?" And so that's where I'd say based on the fact that the university no longer wishes to own the property, that is a change in the condition and so that would be a yes. Also, "Have there been changes in the community's attitude that impacts the goals and objectives of the plan that would make the proposed rezoning appropriate despite its noncompliance with the plan?" I would say that's yes. In which case, we want to recommend approval of the rezoning. So, I think having gone through that, doing our due diligence, if anybody wants to, if there's no other discussion, I think somebody can make a motion.

*It was moved by M. Larson, seconded by S. Mittlefehldt, and carried 7-0 that after conducting a public hearing and review of the application and Staff Report for 05-REZ-09-22, 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 - Zoning Ordinance Amendment Procedures, and hereby recommends that the City Commission approve 05-REZ-09-22 as presented.*

*It was moved by M. Larson, seconded by S. Mittlefehldt, and carried 7-0 to take a 15-minute recess [to allow time for the meeting audio to be activated in the hallway speakers].*

#### **B. 04-SUP-09-22 – 955 Lakeshore Blvd. (PIN: 0370073)**

J. Cardillo explained how the process of going through this case would proceed.

City Planner and Zoning Administrator D. Stensaas read the memo for the case and stated that after further review of the proposal the staff would like to suggest an additional condition of approval if this request is approved - for a Traffic Impact Statement modeling turning movements at Fair Ave./Lakeshore Blvd. after build-out, be performed and submitted, and that any improvements found to be necessary by the City Engineer, using standard design guidance and cost estimates from the Engineering Dept., are bonded for by the applicant prior to the issuance of a zoning compliance permit.

A. Landers 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, and correspondence received before the agenda was published to the City website on Friday [9/2/22].

J. Cardillo stated that the typical process is to now read correspondence received after the agenda was published, but since there are so many people here to speak, they will be allowed to make comments after the applicant has a chance to speak, and then after the public comment period staff will read the correspondence from those who did not have a chance to speak. She invited the applicant to come up and speak about the project.

Mr. Barry Polzin, 101 Lakeshore Blvd., stated I'm the architect for the project, representing the developer and I'm a long-time resident of Marquette, and I have some prepared remarks so I can keep it really brief so everyone can speak. And if there are questions, you can ask me after the hearing. Is that correct? But I'm here for any questions that come up at any time, when appropriate. Okay. We are here this evening to ask your consideration of this proposed Home2 Suites by Hilton on the former Lakeshore Foundry site. This is a site plan review and a special use request.

As for the site plan review, our proposed site plan is in full compliance with all of the LDC - Land Development Code, requirements for a mixed-use site, as it is zoned. In fact, we are proposing to use far less of the site and build a far smaller building than it could be per the code requirements. Buildings could be built per the LDC to cover 80% of the site, by right. We are proposing 14%. It's a very small footprint. We could be building up to the property line at Lakeshore Boulevard, but we're not, we're sitting it back 180 feet from the street. We could be building 5 feet from the Nestledown property line. We're 73 feet back. We could be 30 feet from the nearest condo building. We are 80 feet from that building. We could be building 8 feet from the city public trail. We're 78 feet back. We positioned the proposed building to minimize its impact on the public space of Lakeshore Boulevard and all of the surrounding neighbors. We set out from the beginning with the purpose to preserve the scenic corridor along Lakeshore Boulevard. The existing stand of oaks, the large spruce, and even the shape of the ground are indeed preserved along Lakeshore Boulevard. The proposed four-story, 44 foot high building is within the maximum height allowed by the LDC. The extra setbacks we have provided minimize the impact to the neighboring properties. The midday sun, this is a couple hours either side of solar noon, from the midday sun on February 21<sup>st</sup> to October 21<sup>st</sup> will not cast a shadow that leaves the property. That's within the property boundary, not on anyone else's. You know, between that there's not a lot of sun the rest of the year. The building will be barely visible from Lakeshore Boulevard and the streets to the west. It's shielded by Nestledown, which is two full stories plus a very steep roof. It will hide the proposed building and the condo buildings as well to the east and north and there's an existing thick tree line to the west shielding it from the, the streets to the west. A full arborvitae hedge along the east and north edges of the property will shield the parking areas from the Nestledown and the condos. You won't be seeing headlights. We have included a dedicated public pathway which will connect the city trail on the old railway to Lakeshore Boulevard and then to the paved bike path along City Beach. This will include the crosswalk that Dave had mentioned. This is a gift. And I will tell you as a child growing up in Marquette on W. Magnetic St., I would walk down by the foundry when it was in full operation and walk the path that we're proposing to give to the city to get to the beach. So, I, I'm very familiar with this area.

Okay. As to the special request, we are proposing a Home2 Suite by Hilton. Hilton is recognized as a leader in the hospitality industry. Hilton has strict standards for design, construction, and operations of all Hilton properties. Maintaining a peaceful, quiet atmosphere is one of them. This will be a quiet hotel. It is for guests only and does not include restaurant or bar that would be open to the public. Home2 Suites are an extended-stay property which is intended to provide an alternative for short-term housing needs. The average stay ranges from 7 to 30 days, some longer, with many repeat guests. Guests treat this as their home. The use of this site as an extended stay hotel in the configuration we are proposing will have far less impact than many of the uses permitted by a right in the mixed-use zone, such as multi-family housing, including purpose-built student housing. This site could include over 200 apartment units and over 500 beds of student housing. This, these uses, as permitted uses, would not require the special use we're requesting tonight and they could not be denied if in compliance with the dimensional LDC requirements. This quiet, extended-stay hotel is a much more gentle use of the property. We are open to all the suggested conditions outlined in the staff report and to any the Commission deems required tonight. This vacant former industrial property will be developed at some point if this request is denied. With what is unknown. We are offering appropriate and considerate design with the development of the site. Thank you.

*J. Cardillo opened the public hearing.*

The following persons spoke in opposition to the proposal:

Al Edgar, 1281 Lakeshore Park Place

Angela Rayhorn, 1025 Second St.

Bryan Fisher, 428 Fisher St.

Brian McVey, 1245 Lakeshore Park Place

Joseph Cline, 1247 Lakeshore Park Place

Carole Poggi, 1020 Spruce St.  
Noah Bauer, 323 W College Ave.  
Jan Cloutier, 1010 Pine St.  
Tula Porterfield, 1937 Van Evera St.  
Patricia Slotterback, 425 E Crescent St.  
Daniel Labar, 3050 Island Beach Rd.  
Joe Sabol, 316 Harrison St.  
William Russneck, 909 N Third St.  
Lisa Elzinga, 1010 Allouez Rd.  
Kaye Payant, 1909 Bancroft St.  
Steve Matt, 1008 Spruce St.  
Gail Brayden, 3114 Island Beach Rd.  
Steph Hyzie, 424 W. Baraga St.  
Marly Wolf, 2214 Longyear St.  
Carla McCord, 124? Lakeshore Park Place  
Tracy Nyberg, 430 W Park St.  
David Nyberg, 430 W Park St.  
Vaughn Rodriguez, 426 Summit St.  
Pat Olson, 122 E. Ohio St.  
Jennifer Ray, 431 E. Ridge St.  
Aaron McCafree, 1321 Second St.  
Alyssa Padden, 118 W Arch St.  
Scott Wanhala, 434 E Crescent St.  
Ian Olmstead, 430 N Lakeshore St.  
Nick Tooma, 430 N Lakeshore Blvd.  
Molly Star, 710 Cherry Creek Rd., Harvey  
Frank Meadow, 1279 Lakeshore Park Place  
Elizabeth Stover, 1023 Spruce St.  
Barb Owdziej, 1324 N Front St.  
Deborah Vezzetti, 1251 Lakeshore Park Place  
Jerry Tuoma, 710 Cherry Creek Rd., Harvey  
Bruce Gustafson, 311 Albert St.  
Roslyn McGrath, 516 W. Michigan St.  
Kyle Kemppainen, 516 E. Hewitt Ave.  
Brian Bouton, 115 W. Magnetic St.  
Evalyn Stock, 327 W. Washington St.  
John Archambeault, 901 Champion St.  
Lynn Berry, 911 Champion St.  
Margaret Brum, 404 E. Magnetic St.  
Tim Scolara, 1023 Spruce St.  
Kathy Horton, 417 E. Magnetic St.  
Sue Schauland, 975 N. Lakeshore Blvd.  
Priscilla Drury, 1107 N Front St.  
Brenda Hershey, 1313 North Bay Ct.  
David Brule, 1308 Picnic Rocks Pointe  
Carl Morrison, 414 N. Front St., Apt. #2  
Amanda Bonestead, 510 Harrison St.

*J. Cardillo closed the public hearing.*

Staff read 47 pieces of correspondence that were received after the meeting agenda was published to the City website.

*It was moved by N. Frischkorn, seconded by M. Larson, and carried 7-0 to take a 10-minute recess.*

J. Cardillo called the meeting to order, again, and stated so we have completed the public testimony and correspondence portion of the evening. Thank you, everybody, we greatly appreciate your input. So now we are at the point where somebody can propose to suspend the rules for commission discussion.

*It was moved by N. Frischkorn, seconded by S. Mittlefehldt, and carried 7-0 to suspend the rules for discussion.*

J. Cardillo stated we're going to start with Commissioner Frischkorn.

N. Frischkorn stated:

All right, so I guess first thing I want to say is it's awesome how many people came out and commented. I especially like the comments that specifically speak to the standards of the Land Development Code because that is what controls our decision. If this was a popularity contest, this would be the easiest decision that this Commission has ever made. But for better or for worse, our decision, the outcome is controlled completely by the standards in the Land Development Code. So, I want to start with that and just start at number one. Land Development Code section 54.1403C1 is Intent of the Zoning District. This is the first standard that must be met. The intent of the zoning district is met and the proposed use is in harmony with appropriate and orderly development of the district, and I'm just going to read a couple sections of that. The intent of this district is found in LDC 54.311(A), and I'm going to read parts 2 and 3. The Mixed-Use district will include areas of the city that are appropriate to many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building and it includes an example of non-residential uses on the lower floor with residential uses above. Subsection 3 says the non-residential uses in the mixed-use district are intended to satisfy the needs for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas. Given that this is the intent of the zoning district as laid out in the Land Development Code, I am having a hard time figuring out how this Special Land Use would meet this standard and I would invite discussion from any of the other commissioners if maybe I'm missing something.

J. Cardillo stated:

So I think it's a great thing by starting with the Code and I think we should go through it. So why don't we, since you started with this one, we can sort have a discussion about this particular piece. So, if anybody, I think it was Commissioner Mittlefehldt that gave our second. So do you want to speak to this initial item?

S. Mittlefehldt stated:

I actually highlighted the exact sections of Section 54.311, the definition of a mixed-use district in addition to the two criteria that Commissioner Frischkorn pointed out, also number 4 on design, states that development must be of human scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with organized traffic. And I think to me, one of the concerns I had when I first saw this project was about the safety of the increased traffic to this site, and that was something that we heard a lot from residents who know this area. So, I also share some concerns about how this might fit the standards for a mixed-use district, which is the first part of the process of determining the intent of the zoning district is under the rules for the Special Land Use permit needed.

J. Cardillo stated:

Can we get somebody else to speak to this standard number one, Intent of the Zoning District? Michael?

M. Larson stated:

I would concur. I really got hung up on "local services" in the intent of the mixed-use district, non-residential uses are intended to satisfy, I know you've already this, intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to those areas. That is the one that I'm most held up by. I think further discussion amongst ourselves on what is human scale and how that matters to the development of this area is something that needs to be considered. But I'd be open to more of what we think that interpretation actually means and then you know, with conflicting with motorized traffic, I think there's another portion - we talked about traffic a little bit more and the number of car trips that may be needed or justified you know, for that area and whether or not that 2014 traffic study is adequate to kind of look at that given the development across the community since that time.

J. Cardillo stated:

Okay. Can we get anybody else to speak? I think it would be really important that we get each commissioner to speak, even to say yea or nay. Commissioner Williams?

N. Williams stated I agree with everything said so far. One, perhaps it's far out, but one local service that could be determined by this use of this space, like people who live have visitors, they have people come stay at hotels. Lakeview Arena might have people and teams stay at the hotel there. Tourists who are on the lakeshore - and we all agree people come for Lakeshore Boulevard - a hotel in this space could lessen the burden of people traveling back and forth because they are situated at this hotel, but primarily a local service, a hotel does provide a service to the local area by giving people who are visiting family on the east side of Marquette or anywhere in Marquette, it gives them a place to stay. That's all.

J. Cardillo asked Commission Fetter if she had any comments.

D. Fetter stated:

I agree with everything I heard so far in trying to understand the basic need that's being satisfied here and how this would reduce the number of car trips to the area. I can see the use for the ice arena that's nearby and the university. I'm trying to also keep in mind the residential areas and how that could potentially increase traffic, not just along Lakeshore, but through the other small streets.

J. Cardillo stated Commissioner Mittlefehldt?

S. Mittlefehldt stated:

Again, the context for when we were planning, I'm really trying to think of what the purpose of the mixed-use district was when we were redoing the Land Development Code and I think I was quoted in one of the letters as pointing to actually a very close project here - the vet clinic - being a great example of what I think we were thinking about when we were thinking about mixed-use district where you have commercial activity that is at it states here you know, a nonresidential use, it's commercial use, in the mixed-use area and satisfying the basic services of surrounding residential areas. So it's something that people in that community use on a daily basis. Another great example, an east-side example, might be The Spot, the little neighborhood store - it's something that's like supplementary and really enhancing the value of the neighborhood. And, and I think there is in the comments, well there have been motels and hotels put in the other mixed-use areas. In the case of the Fairview Inn, I believe was approved before the condos that were built next door were approved and it's all a mixed-use area to begin with. The residential areas are across that four-lane section of Front Street. So it's a little bit different. I think some of the staff comments comparing those two, Fairview Inn, and the one on 3<sup>rd</sup> Street, which the 3<sup>rd</sup> Street corridor functions as a mixed-use district, but it really is its own zoning district that's different, and it also was historically the Beacon House, so it kind of was I think categorically different than what we're looking at here, which would be the third largest hotel in the county.

So I think, I think it is different and that's where I'm kind of hung up on, it doesn't really fit I think the idea that we had when we wanted to incorporate more commercial beneficial uses that would enhance the quality of the residential areas throughout our community. So that's why yeah, number 3, as Commissioner Frischkorn pointed out, I have a hard time thinking that this meets that criteria.

J. Cardillo stated:

One thing I kind of want to add is to that conversation, is that this zoning district was formulated during the 2015 Master Plan process and then it was implemented after that. And as it was discussed when I sort of first came on the board, it was intended to sort of meet a lot of different needs, right, like it's meant to fill in a lot between residential and uses like The Spot. It was meant to do these sort of longer corridors. And I guess the piece of language that keeps coming back to me and I think, it was written in here by the people who drafted this, to give us the flexibility to look at each of these sites and each of these areas on a case by case basis is where it says an M-U district, this is number one, "...be located in many areas of the city with each area unique based on the character of the area and objectives of the master plan." So it's going to be located in all different areas. And so, I think that sort of begs for interpretation, you know one of our speakers spoke to it - we have different mixed-use areas that serve different needs. This specific stretch of mixed-use stitches together our beachfront with all of our residential and I think to me the character of that is that it's a neighborhood and then we're talking about a use which is commercial. Like there's just no, there's no other interpretation of it for me, this is a commercial use at a scale that is intensive and, and a hotel use to me is not neighborhood. It does not promote neighborhood and so we have a neighborhood and so I think this for me would be injurious to the neighborhood by that definition, and I think it's kind of the most important for us to set a precedent about this stretch of land which has its own unique characteristics, so that developers of these properties kind of know what the intention is, so that's kind of the way I see it.

S. Mittlefehldt stated:

I don't want to monopolize the conversation, but it came up a lot in the public comment, and I think it's appropriate given your comments, Commissioner Cardillo. Because seeing what's happening along Lakeshore, we do know that this is our community's front porch. I actually read a great study from 1999, it was a Lakeshore Task Force that was talking about the changes, the value of our Lakeshore going from like our backyard, our, industrial waste pit basically, to being cleaned up throughout the 1990s and now becoming really the front porch of our community. So I think that's something we heard a lot of tonight, that it really is something special about this particular corridor and because of what we heard from community members and we saw the development on the horizon for this Lakeshore, we actually put in the amendments to our community Master Plan in 2017, if you look at Appendix J, the Planning Commission requested a Lakeshore Corridor Boulevard study. I have the language in here. So, and it states that we wanted to have more intensive, a deep dive into looking at the land and transportation development along the corridor between Elwood Mattson Park and Presque Isle, this area's been loved to death and we see that this is really an important place that we need to get right. And so, just because of other priorities the city doesn't have the money to invest in a corridor study, but I do think that it's important that that's right in our Master Plan and in the standards for Special Land Use review in Section 54.1403, the last one, number 14 is compliance with the Master Plan. And so because we have a call for a Lakeshore corridor study to address exactly this kind of issue, I also think that that might be grounds for reconsidering the approval of this.

J. Cardillo stated:

I think that's an interesting point. I just think it's important that we understand that the language of this district, that's what we're working with, and I think that it gives us the discretion based on these items right here to make, to make the decision we need to make. Okay. Does anybody else want to speak to the intent of the zoning district or do we want to move on to item number 2? Nathan, do you want to start?

N. Frischkorn stated:

So, 54.1403(C), subsection 2 is Use of Adjacent Lands. The current use of adjacent lands and neighborhood are compatible with the proposed use. The adjacent lands and adjacent neighborhood are primarily residential with some more neighborhood-focused commercial uses, like the veterinary clinic and the bed and breakfast, and then there is public land as well, but it's primarily residential. That is the overwhelming character of this neighborhood, and again I do not think this standard is met. I do not think a large hotel, the third largest hotel that would be in this county, is compatible with an overwhelmingly residential neighborhood, so I do not think this standard is met as well.

J. Cardillo stated does anybody else want to speak to that item?

M. Larson stated:

I would add, I think it's just restating what we've said is that we've got smaller uses that are in the particular area, including residential. We do have some condominiums and what not just down the road, but it's still primarily residential and so a larger commercial operation likely does not meet this section.

J. Cardillo stated:

This one really speaks to use, and again I just want to point out that a motel is not a neighborhood building commercial product. A veterinary clinic is, a bed and breakfast potentially can be, but...the intent of a hotel is not...(inaudible)...and that is what we have here. Commissioner Williams or Fetter, do you have anything you want to add anything on those items? No? Commissioner Premeau? No? Okay. We should take the next one.

N. Frischkorn stated:

Okay, standard 3 is Physical Appearance of Structures. Is the physical appearance of existing or proposed structure, such as location, height, bulk, as well as construction materials, meets the standards of this ordinance? From reviewing the materials, I think this standard is met. I think the physical appearance you know, it's people have opinions on the aesthetics of it, I think as far as the height, it's not the tallest building there. It's, I, I don't see a problem with this standard, so I do think this one is met.

J. Cardillo stated:

Okay. Any other comments? I guess my only comment on this one would be that I think you know, yes, it does meet the height and bulk as well as location within the site. As far as the construction materials are concerned, I do think this sort of represents the kind of corporate identity of this product, this commercial product more than it represents the identity of the local context. That's more subjective perhaps, but, but I do think it's true. Anybody else? Okay. You want to take standard 4?

N. Frischkorn stated:

All right, number 4 is Landscaping, "The suitability of the proposed landscaping in providing ground cover screening and decoration on the site." Again, based on reviewing the materials, the site plan, I didn't see any inadequacy with the landscaping itself. Beyond the comments that were reflected and then the applicant's response to that comment, I believe those were addressed.

J. Cardillo stated okay. Commissioner Mittlefehldt?

S. Mittlefehldt stated:

I actually have a question for the applicant. Can I ask that now?

J. Cardillo stated yes.

S. Mittlefehldt stated:

Because I think, I can't tell, I guess it's related to landscaping, but it also is related to standard 9 about the physical characteristics of the site. So, Section 54.902.E section 3 requires mixed-use districts kind of want to be closer up into the front street and so there was discussion between staff and the applicant about going from two rows of parking to kind of on the, well that would be the north side of the building to going to a single row of parking in the front yard which is the requirement in mixed-use districts, to which the developer said the balance of the parking, so one row of the parking could be moved quote to the east or side yard, so and we have, I don't think you know, there hasn't been time to like redraw this whole thing, but I guess I was curious if Mr. Polzin could speak a little bit to like where that parking is going to go and how that might affect the local landscaping as well as the physical characteristics of the site.

Mr. Polzin stated:

Yeah, and the, of course the process here is not to resubmit plans once you've submitted the original, so these would become conditions for the set that gets submitted for permit. Yes, there was an area directly east or that's kind of northeast here and on the side here. Can I point?

J. Cardillo stated you can, if you want to go back there.

Mr. Polzin stated:

Sure, I'll point. So, so this, talking about this could be expanded a little, couple more spots and then we're basically going to slide them in back here and cut down a little bit on that outdoor area. So basically it would all fit behind, if this is the front yard and then this becomes the side yard and parking is allowed up there, so we do get the required number.

S. Mittlefehldt stated:

Okay, so the, the additional parking would be kind of on that south side basically?

Mr. Polzin stated:

Well, this, this is oriented, north is up here, so....

S. Mittlefehldt stated right, right.

Mr. Polzin stated:

So it's along this line which runs northwest/southeast, so but basically in this area.

D. Stensaas stated Ms. Chairman, a comment here?

J. Cardillo stated yes.

D. Stensaas stated:

As an observer, this is very confusing, this discussion is very confusing about what the request of the developer was. Two rows of parking in the front is not acceptable in this zoning district, so one row, some of that parking would have to be moved for this to meet the code requirements. He can only have one row of parking in the front yard in a mixed-use district.

S. Mittlefehldt stated:

I guess that's where my, some of the same characteristics, like I really love that they preserve that big old oak tree in the front and the two, and I really appreciated that as well as the kind of natural features of this, of this place, so I was kind of curious is that parking going to interfere with some of those other landscaping elements that are being preserved?

Mr. Polzin stated:

No, I started looking at that as the sacred zone. I mean, it's just, it is visually, when you drive down Lakeshore, it's just what you see, that beautiful oak and that's just so, so such a natural element on the beaches in the north here, so, so it was really important to me that that be preserved. And even the fact that it dips down low, I thought if we just leave the ground alone. You can't save a tree if you touch the ground, so that was really very important to us. The parking we're talking about is behind that area, that's already an area that's been torn you know, so that little yellow stretch that we're kind of calling native ground, that's really the extent of that stand of trees right there, so that, that was our sort of preserve, all that, and work behind it with, with new material.

S. Mittlefehldt stated okay.

J. Cardillo stated and maybe shrink the patios up?

Mr. Polzin stated:

Yes, the patio got, it's a little smaller, the space is smaller, they do fit in there, it's, it really isn't, wasn't that much of a chore, but yeah, so. It, I don't know, I'm not supposed to address anything else, but the, the position of the building you know, the mixed-use is considering it more of an urban setting and really a lot of the mixed-use are like that where you are building to the front property line. It just seemed like a terrible idea in this case, so that's why we, we put the building back far from the road because there really is nothing else. It's on that, that's on the road. It's not really storefronts, it's not really that, what the mixed-use is sort of feeling is that sort of neighborhoody, more street front business sort of thing and none of, none of the businesses do that, so. Anyways, that's not to deviate from the question, sorry.

J. Cardillo stated:

Thank you. Okay. Does anybody else want to, we're on landscaping. Does anybody else have questions regarding landscaping or comments? No?

J. Cardillo stated:

Okay. Commissioner Frischkorn, do you want to take us onto number 5?

N. Frischkorn stated:

Yes, number 5 is Operations of Use, "The nature and intensity of operations involved in or conducted in connection with the proposed use is appropriate for this site and not in conflict with surrounding properties and uses." You know, I think there was a lot of public testimony that spoke to this. A hotel of this size that's going to be a fairly intense operation, both the comings and the goings and again this is a, located in a very quiet and predominantly residential neighborhood, so again I do not think that the nature and intensity of these operations with the proposed use would be appropriate for this site. And I do believe based on you know, that information and the materials and public testimony, I do believe that the operations of use would be in conflict with the surrounding properties and surrounding uses.

J. Cardillo stated:

What are the people's feelings on that item?

M. Larson stated:

One point I have, of course, being the former Iron Works, I think there was very intense work done of course, but I think that has certainly shifted you know, over the years and I think there is, I'd be in agreement with saying the intensity is certainly greater you know, than the surrounding areas, especially with the 24 hour operation.

J. Cardillo stated okay. Commissioner Mittlefehldt?

S. Mittlefehldt stated:

Yeah, I have another question actually for the applicant about maybe potential future uses, um, just so that this is a Special Land Use permit for the hotel operation, but you know, there is a patio and it looks like there's some kind of like breakfast area maybe or some kind of area, like that central zone where I think where the front desk must be. So I guess I'm curious, do the applicants plan to apply for a, like a permit to do food and beverage or outdoor beverage at some point, because there's a patio too, so just wondering.

Mr. Polzin stated well, because it is an extended stay, the, the guests tend to look for food, so the Home2 setup where they're done, having breakfast, they also have an evening kind of food, light food too, and then there is an outdoor grilling area on that patio, so, so guests could grill, and it has little kitchens in all the rooms too, so, but if you want to grill, the, the guests could take it out and grill. And it's just a, it's really the only outdoor area in the property. There is an indoor pool, but you know, it's a place for them to sit out. There are no balconies proposed for the hotel.

S. Mittlefehldt stated:

So is there food service then in...?

Mr. Polzin stated it's not, not like a restaurant. It's just like a typical hotel breakfast sort of thing, but there's also light food, other food that's delivered at different points in the day you know, like a little buffet kind of thing that's set up, so it's, it's just again, it's just guests only.

S. Mittlefehldt stated:

Are there plans to serve alcohol onsite or...?

Mr. Polzin stated it, that's, that's to be determined. I mean it could be, yes, some of these Home2 will have, like it's typically like the Fairfield Inn down here has a beer and wine license, that's it, so a guest can have a beer, but it's not open to the public, so I mean it would be on that scale. Just for the guests.

S. Mittlefehldt stated yeah, we recently had changed it so that the (inaudible), the Special Land Use permit also for alcoholic beverage service, is that something that...

Mr. Polzin stated and outdoor, outdoor alcohol service, right?

S. Mittlefehldt stated:

Yeah. Is that something that might be pursued in the future or that we could make as a condition of...

Mr. Polzin stated it's not the plan and, and I mean, just to be clear, this is, this is a, a prototyped Hilton property and they set the rules and I mean basically you follow what they want to do. In fact, much of the appearance is based upon that.

S. Mittlefehldt stated:

I've not stayed at one, so I'm not familiar with the basic services are.

J. Cardillo stated any other comments?

J. Cardillo stated:

I mean, I guess my feeling on this is that you know, I think there can be other uses on this property that might you know, it's residential, there would be potentially 24 hour use of it, so again for me it just goes back to the

actual nature of the use of this in a specific location.

N. Williams stated I have one comment.

J. Cardillo stated yes, Commissioner Williams.

N. Williams stated:

Although it would be more intense, a bed and breakfast also is 24 hour use in the same manner that a hotel is 24 hour use, directly next door.

J. Cardillo stated yes, I would argue that a bed and breakfast is also in-and-of its nature a mixed-use, because the resident lives on the premises. It's also something of a scale, it's in the case where we have in this, it is much more sensitive and integrated into the neighborhood. Commissioner Frischkorn.

N. Frischkorn stated:

Yeah, I guess I would just say you know, in the comparison to the bed and breakfast, it's you know, the intensity of the operations is orders of magnitude different. So just to flag that point.

J. Cardillo stated anything else, anybody else on operations of use? Point 6 then.

N. Frischkorn stated:

All right. Number 6 is Time of Use and Physical and Economic Relationship, "The proposed or estimated times of use and the physical and economic relationship of one type of use to another are not in conflict with each other or with surrounding properties and uses." I think we kind of touched on this a little bit in discussion of other factors, but again the proposed time of use, 24 hours, 365 days a year. You know, I think it does conflict with the surrounding properties and uses again being primarily residential.

J. Cardillo stated:

I think that makes, to me that's sort of where it does pull away because where it was a residential, you have yes, people use their homes 24 hours a day, but these people who are invested in the community and the neighborhood whereas the people who would be using this 24 hours a day are not part of this neighborhood and so their intentions (inaudible)...are quite different.

S. Mittlefehldt stated:

Yeah, I think, again going back to this patio space and the use of that space, people grilling and possibly drinking out there, and that is quite literally in the very close backyard to the bed and breakfast there, who are residents also, so that proximity and the juxtaposition of those two different uses, I do think is, gives us pause to, to think about whether or not that standard is met.

J. Cardillo stated okay.

N. Williams stated:

I do believe that the bed and breakfast also has an outside place to eat and drink as well.

J. Cardillo stated yeah. Okay. Anybody else or do you want to move on?

N. Frischkorn stated I'm ready. J. Cardillo stated okay.

N. Frischkorn stated:

Factor number 7, Number of Persons or Employees – "The proposed or estimated assembly of persons or

employees shall not be hazardous to the neighborhood or incongruous or conflict with normal traffic or could be in the vicinity." Again, if this is fully booked, this is 107 rooms, so that's at least 107 people anytime it's fully booked. If it's couples, it's 214 people. That's a lot of people in one area that's again located within a residential neighborhood, adjacent to residential uses, to houses, and there's traffic that comes with that, a lot of traffic, which we'll address in the next factor as well, but I do think that this proposed use would be hazardous to the neighborhood or at least potentially hazardous, and I do think it would be incongruous and conflict with normal traffic or it could be in the vicinity just by the nature and intensity of the use that has been proposed.

M. Larson stated:

I think the place that I got hung up on number 7 was what is normal, thinking about normal traffic and you know, any additional use in this area would certainly increase it from normal traffic and so there's a little bit of a you know, a hold up you know, for me just kind of thinking about this, this particular item, whether or not you put a multi-family in that location or otherwise you know, maybe there's not as many, I mean, I'm not a traffic expert, so I mean I don't know if there's going to be as many trips you know, with an apartment complex you know, as there would be you know, with hotel use. However, you know, if you're going strictly by what it says you know, normal traffic, this would indeed cause an increase you know, to that neighborhood.

J. Cardillo stated - Commissioner Frischkorn?

N. Frischkorn stated:

Just to go off that, you know, I think when people are staying in a hotel, whether it's extended stay or otherwise, I think there tends to be a lot more coming and going than there is in multi-family usage. I think you know, whenever I've gone somewhere and stayed at hotels, I tend to leave and come back a lot more. I don't just stay there, so I think you know, 107 apartments may not have the same amount of traffic as this use, so I do think it's significant over the normal, or you know, the current traffic in the vicinity.

J. Cardillo stated:

All right, just one other thing. I kind of wanted to point out is that if we compare that this to any of the other hotels in the mixed-use district, this is the largest, so this would be the largest intensity. So the Fairfield Inn, I believe has 92 rooms and that's in a very different district, neighborhood and district with a different characteristic. The Birchmont Hotel has 29 rooms and the Superior Stay on 3<sup>rd</sup> Street has 39 rooms, so this is, this is a product of a very different scale than the other hotels within our mixed-use districts. Anybody else? Commissioner Williams, Commissioner, Commissioner Premeau? Okay. Next.

W. Premeau stated we're talking about 107 people? But...

J. Cardillo stated 107 units.

W. Premeau stated:

Yeah, so there could be a lot more people, but the point is what's the occupancy rate, the average occupancy rate in our area, and I think it's much lower than 100%.

J. Cardillo stated do we know...

W. Premeau stated I don't know what it is.

Mr. Polzin stated yeah, it's, it's around 60% of, if you look at the entire year and all the properties, which is actually healthy you know, but that's a true, a lot more hotels are a lot of times (inaudible).

J. Cardillo stated Commissioner Frischkorn?

N. Frischkorn stated:

I guess I just want to go off that you know, if we're talking about occupancy you know, it's not, even if it is 100%, it's, it fluctuates a lot throughout the year. Occupancy in a hotel will be much higher in the summer typically than it is in the winter typically. You know, I think that's a, everyone recognizes that it's kind of a pattern of this area.

J. Cardillo stated okay. Commissioner Mittlefehldt.

S. Mittlefehldt stated:

Just to point out that we did get data from Travel Marquette about hotel occupancy. It was a question I had just to try to get my head around the context for the, for this project and, and so we had that data sent to the Planning Commissioners, which shows the average occupancy hotel rate, as Commissioner Frischkorn pointed out, is very seasonal, ranging from I think the lowest is actually in April you know, I won't report the 2020 numbers because that was the pandemic year, but it looks like it ranges anywhere from like the 38% to, and that's in April, low month, to the high being 86% in July of last year. Last year was a big, major year for them and Travel Marquette said this year you know, the occupancy rates have started to come down a little bit and kind of I think a lot of the hotels in the area kind of appreciated just a little bit of a breath of fresh air because it really, last year in 2021, the numbers were a lot higher. But it is, it's, there's a seasonality to it, so it's hard to say like on a given day what the specific numbers, trips in and out of that are going to be, but it'll be, it'll be very high you know, and then other areas not as much of a traffic issue.

M. Larson stated:

I think it's just one more, and I, I'm probably jumping ahead because I mean, I think thinking about whether normal traffic and you know, it comes into the next one and maybe we want to go onto that where we talk about you know, the estimate of 400 trips per day and you know, is that a normal thing or not. I think that's something...that's the next piece that we will consider.

J. Cardillo stated:

Yes. Is that the next item? Vehicular and Pedestrian Circulation. So yeah, so do you want to expand on that?

M. Larson stated:

So, number 8, Vehicular and Pedestrian Circulation..."Proposed or estimated vehicular and pedestrian traffic volumes and patterns, particularly of children as well as vehicular turning movements do not negatively impact traffic flows, intersections, sight distances, and safety." It has been estimated that there's going to be some 400 trips per day and it's just going to, it's a scenic corridor is how it's classified and traffic volumes are already moderate. And so, being moderate traffic volume, does an additional 400 move the needle on that and has that moderate level, as it is based off of 2014 traffic study, has that changed in the more recent years, and I think that's part of that corridor study, just kind of thinking how that has been used given the changing use pattern in the city. I know that's kind of a non-answer, it's just kind of a discussion.

N. Frischkorn stated:

Yeah, and I will say you know, I think that 2014 traffic study, I'm not sure how accurate that is anymore. I feel like there's been a significant growth in tourism since 2014, there's been a lot more development on the southern end of Lakeshore which has increased traffic. So you know, I'm hesitant to pin too much on that study, but yeah, I think 400 trips a day is significant and another part of that is the traffic flows right, where is the access point for this, if they're turning left off of Lakeshore into the hotel or left out of the hotel onto

Lakeshore, what impact does that have on the traffic flows themselves, not just the number of trips, but the turning and the ingress and the egress.

S. Mittlefehldt stated:

Yeah, I also read carefully the traffic study from 2014 and had questions about it. It didn't address the seasonality of traffic, particularly on Lakeshore, it really was focused on traffic volumes you know, pointing out that there were arteries like McClellan where you have a lot of cars on that road and that's a problem just because of the number of cars, and I think a lot of the issues that we see on Lakeshore Boulevard have less to do with maybe the number of cars, but like how that corridor is used in terms of illegal parking that we've heard comments about today, and especially as stated in the standard number 8, vehicular turning movements. So how people kind of come in and out of the flow of traffic along Lakeshore Boulevard. I don't think the traffic study from 2014 really addresses that at all. One of the things also from the traffic study that I did think was interesting and relevant for our discussion tonight was that it said "along Lakeshore Boulevard generally has the highest bicycle volumes than other areas of the city", so again there's not just the vehicular traffic, but now you know, the bicycle traffic, the e-bike traffic, pedestrians, all of the comments we're hearing about kids you know, running across that street. So I think this area has some particular like unique maybe challenges associated not just with the volume of traffic, but the nature of parking, flows, and turning in and out of different establishments along the corridor there. So again, that's why I keep going back to the Lakeshore corridor study that we, we need some traffic expertise, people who have some real understanding around the sort of systemic issues around different forms of transportation to look at this corridor and I don't see how this project would reduce any of those challenges.

J. Cardillo stated:

Can I ask just one question? Dave, you had mentioned I think that there might be the addition, sorry, I caught this at the last minute, but of a turning lane potentially or you want to, the city might want to leave open, and that was something you might want to add as a condition, can you explain that a little bit? And I guess the one question I had was if that is the case, would that require widening the road.

D. Stensaas stated:

Yeah, I think that there's plenty of right of way to add a two-way center turn lane, somewhere between Hewett and Fair Avenue, and that's probably what's going to happen eventually I would estimate. From a traffic engineering standpoint, 400 trips a day added to this, don't throw stuff at me, but it's insignificant, it really is and as that traffic study pointed out, just to be objective, the 2030 no-build scenario - with no changes to Lakeshore Boulevard - was still a level of service A, of A through F just like a grade school report card, with no changes. They estimated it would be A. We're very spoiled in Marquette. We get a 5 second delay, we start to get frustrated, 10 seconds, 20 seconds is unacceptable. And I get that way too, but you know, for people have been to big cities, or the I-95 corridor, or the I-15 corridor through Salt Lake valley, there are traffic delays in many places. Marquette doesn't have many traffic delays, except on busy summer nights. Lakeshore Boulevard is one place where we get some delays. But just from a traffic engineering standpoint, adding 400 trips a day to a road that has 20,000 daily trips isn't that great of an impact and it's not going to reduce the level of service, which is your amount of delay at intersections, very much. I mean, that's just a fact, but we recommended a traffic study. This doesn't look like it's going to get approved, let's all face it, and if it were heading that way though, we'd want to see a traffic study done at the intersection of Fair and Lakeshore to confirm whether or not there's any improvements needed there based on more recent traffic counts, some updated 48-hour traffic counts to see what the average trips per day would look like. But yeah, I could go on, but you're, I don't know what the point is because I think we're beyond, that single issue is not going to make a difference here.

J. Cardillo stated okay. Commissioner Frischkorn.

N. Frischkorn stated:

Yeah, I guess one thing I also wanted to point out is 400 is an average per day, how is that average calculated, is that an annual average?

Mr. Polzin stated may I answer that?

J. Cardillo stated briefly.

Mr. Polzin stated:

This is just industry standard. There's 100 rooms, a guest arrives, that's one trip. They go out for dinner, that's another trip. They come back, that's a third trip. They leave in the morning whenever, that's the fourth trip. So that's the 400 a day. It's simply the guests coming, assuming they're leaving what, now of course you know, it's all averaged, but this is, that's where that came from.

N. Frischkorn stated thank you.

J. Cardillo stated do you want to go on to nine?

N. Frischkorn stated:

Yes. Physical Characteristics of the Site - "The current and proposed physical characteristics of the site such as area, drainage, topography, open space, landscaping, and access to minor and/or major streets will meet the requirements of this ordinance and all other city standards. The use and development shall consider the natural environment and help conserve natural resources." I know there were some concerns raised during testimony as to the drainage. I don't know that a study on that has been done, but that's something you know, that would need to be addressed.

J. Cardillo stated:

Well, I think it has to meet the staff review of the engineer and it did, right, Dave?

D. Stensaas stated:

Yeah, our hydrology engineer reviews all these applications to make sure that the proposed civil infrastructure would meet the standard that there's no more storm water leaving the site than there currently would be, which is a very high standard, considering this is a vacant site.

J. Cardillo stated so it, it meets the standards as they currently exist, whether, whether we think that the Lakeshore should have different standards based on proximity to the lake, that's, that's irrelevant. It's not a non-concern, but it's irrelevant in this argument I would say. So I think, so that would cover the hydrology piece of it, drainage. Any other thoughts on the site?

J. Cardillo stated okay. Public services.

N. Frischkorn stated:

All right, number 10 is Public Services, the "Proposed or estimated demands upon public services such as electricity, water, sewer, police, and fire protection, schools and refuse disposal shall not be overly burdensome based on the readily available information." It's my understanding that there's no issue with this whatsoever, so then this standard would be met.

J. Cardillo stated yeah. Anybody...

J. Cardillo stated no comments, okay. So let's move on to the next one.

N. Frischkorn stated Environmental factors, "The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may be generated by such use shall be minimized and/or properly mitigated." I don't want to spend a lot of time on this personally. I feel like we've touched on a lot of these aspects with, in discussion of other factors.

J. Cardillo stated okay. Commissioner Mittlefehldt?

S. Mittlefehldt stated:

Sorry, guys. I want to dive into this one because I actually reached out to Steve Harrington because I'd done research on some of the historical you know, industrial use of the corridor and I had had the study from 1992 that I saw that you know, indicated some waste pits like pretty much right near where the site's going to go, so I know that they have done remediation work on there, on the site. So I was wondering if maybe the applicant could talk a little bit about the status of remediation and you know, we know that EGLE has their own requirements. I was told by the staff at EGLE that there was a 2020 baseline environmental assessment that was submitted. I submitted my FOIA request to get that information and it's in the mail, but I just thought maybe you could tell us kind of a basic, what's going on on the site.

Mr. Polzin stated:

Yeah, there was a baseline done. We didn't take it to the next level you know, the phase two investigation, because we had to go through this step, so we thought well let's do this first. You did hear the letter from Mark Petri, former Eagle or DEQ back then, explaining what the site really is, and it's really heavy metals and fortunately it's not vaporous, it's not like some of the areas like down at the Fairfield. There we actually had petroleum in the ground and we had to have a vapor intrusion system installed underneath the whole hotel. So, this didn't sound too bad and the few little things that are identified were just spots where there was a tank or spots where, it sounds like that was cleaned up. I know the, the entire condo site was completely, all the dirt was moved and shaped around before they started, so there's still contaminants there, but it's a very simple process in this case from what we know so far. But we wouldn't go forward without a phase two, where we're actually doing new borings, new testing, let's find out exactly what's going on.

S. Mittlefehldt stated:

Yeah, that was great. I had read in one report that there, they did mostly heavy metals, no PCVs which was great, but there were some volatile organic compounds, so that's what I was wondering what their plan was for that. And I guess what a related question is, what kind of excavation work would this require, like how deep is the foundation. There's a pool, so presumably there's going to be some digging. Like how deep are we...

Mr. Polzin stated actually the biggest problem with the site is when the, the billings were tore out and they didn't dig the foundations out, so the first order of business is to actually remove all the foundations and in the original historic foundry building which really I thought was a great building, why'd you tear it down. I want to put a hotel in there. No, that building would have had stone foundations which are not too big a deal to get out. But the, there were buildings built to the east of it that were large metal buildings and they, I'm sure there's lots of concrete, but all that stuff is still down there, so all that has to be excavated out you know, sifted out and then you know, new material brought in, so it's quite an operation to do it. But again, we, we haven't taken that further steps to find out what really has to be done, so.

S. Mittlefehldt stated okay, thanks.

D. Stensaas stated:

I've heard a that the anecdotally concrete there is something on the order of 20 feet thick in places because

the lathes at the engine works building were making fine metal parts that had to be very precision made and the vibration from these lathes, they were so heavy that they had to pour just an extremely deep concrete foundation, so it may be a blessing if this ends up getting denied, because 20 feet of concrete over the span of the area of those buildings is just incredibly massive.

J. Cardillo stated interesting. So that brings us to, where are we at now?

N. Frischkorn stated I think we're on to 12 now.

J. Cardillo stated we're on to 12. Go ahead.

N. Frischkorn stated:

All right. So, number 12 is Site area and Potential Future Expansion Areas, "That the planning commission has determined that there is sufficient site area for the proposed use to prevent nuisances to neighboring uses and that there is a potential for reasonable anticipated expansion of the use without nuisances to neighboring uses." We've already talked a bit about the nuisances of this proposed use. I mean, any future expansion, there'd have to be another hearing.

J. Cardillo stated:

Yeah, I think that's what everybody always gets concerned about with, with a Special Land Use. You can't do anything else unless they come back before the Planning Commission, so it's not like the Wild West where we give you a permit and then you do whatever you want. You have to do what you say you're going to do in the plans presented to us, so that's not really an issue. Okay, next one, 13.

N. Frischkorn stated:

Okay, number 13 is Additional Neighborhood Factors, "Other factors shall be considered as necessary to maintain property values in the neighborhood and guarantee safety, light, air, and privacy to the principal uses in the district." I think safety we've touched on in terms of traffic considerations. There was some testimony about property values, I'm not sure how accurate that is, but there has been testimony that this would affect property values for the homes that are in the vicinity of the hotel. And then there are also concerns raised about light, I don't know if the 16-foot light poles, I don't know how shielded they are, if they just go directly down or what.

J. Cardillo stated I think they have to, they have to down, right, that's the code.

Mr. Polzin stated yeah, right. And 16-feet are very short lights, and it is what the code requires, so we keep it low, we don't mind.

J. Cardillo stated:

But it is on 24 hours a day, correct? The lights.

Mr. Polzin stated well, in the dark.

J. Cardillo stated:

Right, that's true. I do think lights on all night long for a hotel in a residential district is a consideration.

S. Mittlefehldt stated:

Certainly the privacy also, I think was something that we heard in public comment too.

J. Cardillo stated okay. Do we want to move on?

N. Frischkorn stated:

stated okay, factor 14 is Conformance and Harmony with the Master Plan, which Commissioner Mittlefehldt already kind of touched on. So I'll turn it over to Commissioner Mittlefehldt if she wants to continue that comment.

S. Mittlefehldt stated:

Just again going back to the call for a Lakeshore corridor study, I mean that is something we very intentionally added in the update to the Master Plan in 2017. And I think it's something that when we're moving ahead this next year with community master planning process, I'm sure we'll hear more of the conversation we've heard tonight as part of that, so, but you know, we think about Appendix J and that call for a Lakeshore Corridor study and I don't think this project necessarily, we don't really know because the purpose of the study was determined, you know, what development should look like and none of us are, I mean, we all want development, we want to see good development along our Lakeshore, but we really want more public input to say what that should look like and expertise on people on around traffic and you know, other dimensions of development, have that really carefully looked at, so in that sense I don't think it's in harmony with that portion of the Master Plan and other people in the public comments also mentioned other sections of the Community Master Plan that it might not be in harmony with also.

J. Cardillo stated:

I think this item on the Waterfront Activity from Chapter 9, there's something, item number 5, again where it says foster distinctive attractive communities with a strong sense of place that capitalize on the waterfront's heritage. To me again this reinforces the intention of mixed-use which is to have different distinct areas that have different distinct characters with a sense of place, and again this is why I just think that protecting the neighborhood, the existing neighborhood, the character of these residences and commercial uses that serve the local needs and are at a scale that is closer to the residential properties - is in conflict with a hotel use of this scale.

M. Larson stated:

And I think one more thing from the Master Plan, there in chapter 10, I believe there's a section about smart growth where "mix land uses" is you know, advocating for the taking advantage of compact building design to strengthen and direct development towards existing communities and foster distinctive attractive communities with a strong sense of place. And so, I think within that portion, talking about smart growth, compact buildings and structures you know, within mixed land uses, are something that the Master Plan speaks towards.

J. Cardillo stated:

Okay. So, does that complete our 14 items for the standards for the SLU? Yes, it does. So then we additionally have the relationship to site plan review standards and so I guess my question is, do we, should we go through all of these in addition.

D. Stensaas stated you have to determine, if somebody's ready to make a motion or not. You don't necessarily have to.

J. Cardillo stated:

So I think a lot of this is much more of the sort of like nuts and bolts things that relate to you know, what the city has to make sure that these things are being met, so it's, it's definitely not as discretionary as the Special Land Use. So, where are we at, guys? What do we want to do now? We have, is there any additional items we want to review from the agenda? Does somebody want to make a motion?

M. Larson stated:

You know, Barry [Polzin] is certainly right in where he says that you know, other uses can come of this that are not under the Special Land Use. You know, they have taken, trying to take a thoughtful approach to minimize the size on this site, so I mean that's certainly something...they are meeting height requirements and so on. And so the Special Land Use, there is a little bit of you know, I don't want to say interpretation...by the planning commission of what the code says. But you know, I just wanted to point that out, that there could be other land uses that you know, come out of this you know, if this does get voted this may not be the last for this. It could still be apartments, it could be something, something else along those lines. So I mean, that's just a comment you know, more than anything in that it meets dimensional standards and so on.

J. Cardillo stated understood.

N. Frischkorn stated I would be prepared to make a motion, if there was no further discussion.

J. Cardillo stated okay. Is it going to include lots of detailed information?

N. Frischkorn stated it can.

D. Strensaas stated so findings of fact.

J. Cardillo stated findings of fact.

*It was moved by N. Frischkorn, seconded by S. Mittlefehldt, and carried 5-2 that after holding a public hearing and review of the site plan set dated August 8, 2022, with supplemental documentation and the Staff Report/Analysis for 04-SUP-09-22, the Planning Commission finds that the request does not meet the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403 and hereby denies 04-SUP-09-22 for the following reasons:*

- 1. The Planning Commission finds that the proposed land use does not meet the intent of the zoning district.*
- 2. The Planning Commission finds that the proposed land use is incompatible with the adjacent lands.*
- 3. The Planning Commission finds that the operations of use are incompatible.*
- 4. The Planning Commission finds that the type of use and physical and economic relationship incompatible with adjacent lands.*
- 5. The Planning Commission finds that the vehicular and pedestrian circulation would be hazardous to adjoining neighborhoods.*
- 6. The Planning Commission finds that the proposed land use is not in harmony and conformance with the Master Plan.*

*Yes: S. Mittlefehldt, N. Frischkorn, J. Cardillo, M. Larson, and D. Fetter.*

*No: W. Premeau and N. Williams.*

## **CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS**

There were none.

## **CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS**

Priscilla Drury, 1107 N. Front St., stated I just wanted to, you made several allusions to going over the city Master Plan and looking at that again, and when are the meetings for that?

J. Cardillo stated it's happening soon. It's starting, I think they're in the process of selecting their consultant

who will run the process and I believe it's starting in October.

D. Stensaas stated I think in October.

J. Cardillo stated but we haven't, the consultant hasn't been chosen yet.

D. Stensaas stated by the end of the week we'll know.

Ms. Drury stated is that like a criteria thing or is that just interviewer thing or...?

D. Stensaas stated yes, we did a process where we created criteria, questions for the consultants to address and interviewed them with those questions and listened to their proposals and so we're down to two, but by the end of the week we'll have a consultant selected.

Ms. Drury stated thank you.

### **COMMISSION AND STAFF COMMENTS**

S. Mittlefehldt stated just thanks to the members of the public who came out to make, help us make an informed decision and for those of you who stayed to the very end here, kudos to you, so thanks for coming out.

N. Frischkorn stated all right. I would just like to say, seeing as how there's people here, there's not usually anyone here at this point in the meeting, so I would like to say volunteer for commissions. There's a whole bunch of city commissions, and if you want to be involved in local government you know, volunteer for those. I know there's openings on probably every single one of them.

M. Larson stated no comment.

D. Fetter stated well, thank you. I appreciate the nice welcome. Yeah, thank you for having me here and I wanted to be able to serve this community and I'm really happy to see the turnout today, it looks like a lot of people really care about this and what happens in the city and I'm excited to see the future.

N. Williams stated no comment.

J. Cardillo stated I don't really have any comment other than thank you, everybody, for your attendance and this was a hard one. But I, I think we, I think we did a good diligent job. Dave?

D. Stensaas stated he would echo the same on the great turnout, lots of fantastic comments and good information shared.

A. Landers stated just about the next meeting – we will have one on September 20<sup>th</sup>.

### **ADJOURNMENT**

The meeting was adjourned by Chair J. Cardillo at 11:10 p.m.

Prepared by:

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