

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

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

ROLL CALL

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

Absent: None

AGENDA

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

MINUTES

Minutes of 11-15-22 were approved by consensus.

CONFLICT OF INTEREST

None were stated.

PUBLIC HEARINGS

07-SUP-12-22: 725 Altamont St. (PIN: 0080200)

A. Landers stated:

Staff has reviewed the Special Land Use permit for the conversion of a single-family home to a duplex dwelling located at 725 Altamont Street. The Planning Commission should review the Special Land Use application and location sketch, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403 and Section 54.613 for Duplex Dwellings. Visuals of the agenda packet were shown. No correspondence was received.

Chair Cardillo invited the applicant to speak.

Megan Hornbogen, one of the property owners for 725 Altamont St., stated:

We bought this property assuming it was a legal residence and there were definitely two families living there. And so we assumed it had all been cleared with the City, all the renovations and all that, but it became apparent very quickly when we applied to rent it that it was illegal, and so as soon as that happened we started working through the processes for what we had to do to make it right within the City and comply with all the rules and regulations and that's how we got here today, and so if you have any questions please ask them. It's not really changing anything, because it has been used that way, obviously, for however many years until we purchased it. Obviously adding more parking really helps out with duplexes (inaudible) in the back and I understand why the City requires that because it does make the neighborhood look nicer, you don't want cars in front of the house. And backing onto Altamont Street can be very dangerous depending on the time of day, so the fact that the cars can now turn around and come out forward I think is a great addition to the site.

J. Cardillo asked if there were any questions for the applicant.

S. Mittlefehldt stated:

I'm not sure if this question is for the applicant or staff, but one of the recommended motions talks about snow removal, the snow might interfere with the parking plan.

A. Landers clarified that the statement applies to the site work to complete the required parking spaces by June if snow causes delays this year and said you all might want to discuss that to see if that should be added.

S. Mittlefehldt stated:

Okay, following up on that, what is the schedule for developing the parking.

Ms. Hornbogen stated:

We'd love to do it as soon as possible, but obviously (inaudible) having snow on the ground in the city. I don't know when road restrictions come on, or if they are on, and we could do it with a pickup truck, but it would be way faster with a big truck to dump the gravel. So, as soon as possible. But, when we scheduled this meeting and it was December, we just don't know in the UP if we'll have snow on the ground and we wanted to make sure it would be okay.

J. Cardillo stated thank you. She also stated:

I have a quick question, and this is related to our community master planning. Did your realtor give you any information about the legality of this duplex?

No, and anytime I've gone with a realtor they have no idea, they just sell the properties. You know, there were pictures of the apartment downstairs and...

J. Cardillo stated:

They didn't advise you in any way before...

Ms. Hornbogen stated no.

J. Cardillo stated:

Okay, I don't want to get off track.

D. Stensaas stated:

That it seem like a disclosure that should be required of the realtor, because people get mad at us when they find this situation and it's the realtors that should disclose this or understand what's legal and what's not.

J. Cardillo stated:

I agree.

Ms. Hornbogen stated:

I think the homeowners as well should have (inaudible).

J. Cardillo stated:

Yes, I do think it is due diligence, so one should always check these things, but I would certainly look to my realtor to be an authority on at least how to find out. Okay, that is irrelevant to this situation (inaudible). Thank you, if we have any other questions we'll call you back.

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

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

M. Larson stated:

Frankly, I don't see an issue with this proposal. It was being used as a duplex, it seems to fit within the neighborhood, and it seems to meet the Special Land Use criteria as well.

S. Mittlefehldt stated:

It meets all of the standards in section 54.1403 for the Special Land Use review process, they've met it all and so unless others want to discuss it I'm ready to make a motion.

A. Andres stated:

I have a question about the process in general. I see nothing wrong with the project, I'm just wondering what kind of recourse is available – or is this the recourse? - to hold the former property owner accountable for their illegal modification of the building.

J. Cardillo stated:

I think this is the recourse to make it legal. I don't think there is any recourse in terms of holding the previous owner responsible.

A. Landers stated:

That would be a civil matter between the two parties.

W. Premeau stated:

You can't back the car out of a parking space and in fourteen feet and I think Andrea would know that.

A. Landers stated:

We don't have maneuvering lane requirements for single-family [zoning districts].

W. Premeau stated:

Okay, but you still can't back the car out. Anyway, this sits alongside of a road right of way that hasn't been abandoned. There are three or four rights-of-ways there, some are 66-feet wide and some are a little narrower, but you could turn them into lots. But that's what they could do to get out of their driveway, they turn onto the road and come back down the designated driveway.

A. Landers showed the area in question on the map and stated:

That is an unimproved road right of way and they couldn't use that without a license.

W. Premeau stated:

They are all using it, up and down the street. All I'm saying is, it doesn't matter if it's residential or commercial, you can't back a car up and turn in fourteen feet, out of a parking space. But if you say it's okay, I don't care. I don't know why they can't move the parking spaces forward.

S. Mittlefehldt stated:

Maybe the paved portion is fourteen feet, but if there's no shrubbery beyond that...I'm confident that they could find a solution without us regulating more specifically what's required of them. Possibly that strip of green beyond the fourteen foot paved section.

J. Cardillo stated:

Okay, do we have any other comments or does somebody want to make a motion?

It was moved by S. Mittlefehldt, seconded by A. Andres, and carried 7-0 that after review of the STAFF REPORT/ANALYSIS for 07-SUP-12-22, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403 and Section 54.613 for Duplex Dwellings, and hereby approves 07-SUP-12-22 with the following condition - that if the required parking cannot be completed due to snow, then the required parking must be completed by June 1, 2023.

NEW BUSINESS

01-SPR-01-22: First Extension Request for 200 S. Fifth Street

A. Landers stated:

In the agenda packet was the attached correspondence from David Meikle, 484 Bennaville, LLC. He is requesting an extension to the previously approved site plan for the construction of commercial interior renovations and one and two-story additions to the existing structure with a roof top patio that will have interior stair and elevator access, solar panels on roof, new parking lot, dumpster enclosure, landscaping, and site improvements for 200 S. Fifth Street. Also attached was an excerpt of the January 18, 2022, Planning Commission minutes. Visuals of the agenda packet were shown.

Chair Cardillo invited the applicant to speak.

Megan Hornbogen, representing the applicant, stated that the developer went out for bids and they came in 40% high, which is what we've been seeing across the construction world lately and so he is trying to find a contractor that will be more reasonable so that he can go ahead with this project. When a project is supposed to be \$2 million and it comes in at \$4 million it just doesn't go. That's why he's asking for more time, and he still want to do the project exactly as designed and its going to be great, he just can't do it for \$4 million.

A. Andres asked staff if this was the first or second extension request.

A. Landers stated that it was the first.

J. Cardillo asked if anyone wanted to discuss it or make a motion.

S. Mittlefehldt stated:

It seems pretty straightforward and I'm happy to make a motion unless anyone wants to discuss it further.

N. Williams stated:

I just have a question. When does the Community Development Dept. decide that a blighted building need to be addressed?

D. Stensaas stated:

When it poses a public safety hazard.

N. Williams stated okay.

It was moved by S. Mittlefehldt, seconded by A. Andres, and carried 7-0 to approve the first extension request for case 01-SPR-01-22 with the expiration date to be January 18, 2024.

Zoning Plan Subcommittee for CMP Renewal Project

The Planning Commission and staff discussed the subcommittee's responsibilities and the likely timeframe for the work.

D. Stensaas stated that work could begin at the January 3rd scheduled meeting with the entire PC participating.

It was moved by M. Larson, seconded by A. Andres, and carried 7-0 to create a Zoning Plan Subcommittee with four seated members to serve on the committee, with the members being Commissioner Premeau, Commissioner Williams, Commissioner Mittlefehldt, and Commissioner Fetter, with Commissioner Larson serving as an alternate or substitute.

TRAINING

“Article” on Takings (excerpt from Land Use and Society, 1996, R. Platt, Island Press)

The Planning Commission and staff discussed the article and related issues.

COMMISSION AND STAFF COMMENTS

A. Andres stated that he will be out of state during the first part of March and will miss the first March meeting.

D. Stensaas stated that there is no business for the next two meetings. He asked the board what they thought about cancelling one of the meetings and having a work session on the Zoning Plan at the other meeting, and if that is okay, which meeting should be cancelled. The Planning Commission elected to cancel the December 20th meeting and hold a work session at their January 3rd meeting.

J. Cardillo asked if they would look at maps at that meeting.

D. Stensaas said yes, and also that the board could begin looking at the Future Land Use Map in the Community Master Plan, as reviewing and updating the land use designation for all of the parcels in the city is where the work should begin.

S. Mittlefehldt asked about the timing of the Future Land Use Map and asked if it occurred concurrently with the Community Master Plan that was adopted in 2015.

D. Stensaas stated yes, and also said that in addition to updating the Future Land Use Map and the Proposed Zoning Map, we will also need to consider the zoning districts and whether or not the existing zoning districts still make sense. He said maybe there should be tweaks, but we should also think about whether we should get rid of any districts or add new districts. He said he hasn't considered that much because he doesn't think we've had any serious problems since making many changes to the zoning districts with the last overhaul of the CMP, but that changes can be made, and maybe some changes to the residential districts and mixed-use district would be good to consider.

J. Cardillo said she thinks this is a really good opportunity to look at mixed use and what the intention was and is it doing what we wanted it to do.

ADJOURNMENT

The meeting was adjourned by Chair J. Cardillo at 6:50 p.m.

Prepared by:

David Stensaas

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