

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
December 19th, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, December 19th, 2023, in the Commission Chambers at City Hall.

ROLL CALL

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

PC members absent: D. Fetter, Vice-Chair N. Williams (both excused).

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

AGENDA

It was moved by C. Gottlieb, seconded by M. Rayner, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 11-14-23 were approved with a noted correction to be made, by consensus.

CONFLICT of INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 08-SUP-11-23 – 1917 Enterprise St. (PIN: 0810061): Special Land Use Permit for Marijuana Grower Class C

Chair S. Mittlefehldt explained, for the benefit of people in attendance, how the process for the public hearing would progress, and then asked staff to proceed with providing the case information.

Zoning Official A. Landers stated:

Staff has reviewed the Special Land Use permit for a Marihuana Grower – Class C located at 1917 Enterprise Street. Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments. They are currently an approved Marihuana Grower – Class B, which means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments. Attached to the agenda is the staff report, the Special Land Use application submitted by the applicant, their required narrative answering the requirements in the Code for this request, their Notice of Determination for Prequalification Letter, their business location plan, their site plan review application, staff comments, their responses to the staff comments, the area and block maps with the parcel outlined in blue, photos of the site, and the site plan. We did not receive any correspondence prior to the agenda being posted or prior to today's deadline.

S. Mittlefehldt asked if the applicant wished to speak.

Mr. Matt Treado said that he is representing the applicant as the engineer and a minority owner for the project, and also stated:

Basically, we are at a point in our operations where we are ready to expand the amount of plants we have in the facility. Unfortunately, the state doesn't have a 1,000 plant license option, so we have to go all the way from 500 to 2,000, but the overall use of the space is going to change only slightly with trying to maximize the efficiency of the grow process just to make sure that we stay financially competitive in an increasingly challenging market. And so, there's not really any changes from our previous application

that was approved by the Planning Commission back in 2021. So not really any changes to the site or the building, just some minor changes to how we're orienting the plants within the space, and trying to increase our overall efficiencies within the space.

S. Mittlefehldt asked if any members had questions for the applicant.

W. Premeau stated:

One thing, the floor should be 6 inches thick. We built that building for Brumm in the early '70s.

Mr. Treado stated:

Yeah, it's a very well-built building. It has certainly served our purposes well. You know, we picked the site for its industrial zoning, where it's located and our neighbors and wanted to make sure it made sense and certainly, we've been very happy with the building we selected.

S. Mittlefehldt opened the public hearing. Nobody provided comments. S. Mittlefehldt closed the public hearing.

It was moved by S. Lawry, seconded by K. Clegg, and carried 7-0 to suspend the rules for discussion.

S. Lawry asked [directed to staff]:

Is it a City requirement that they submit all of their security planning in the packet and make it part of the public record?

A. Landers stated:

That is part of the state requirements, I'm sure that [inaudible]...so they wanted to give you guys all the information that they had.

S. Lawry stated: It just seems like if you're going to have a security plan you don't really want to make it part of the public record.

Mr. Treado stated: Fair comment.

S. Mittlefehldt asked the members if there were any other questions or comments. She then stated that the Planning Commission would go through each of the Special Land Use standards in Section 54.1403.

The Planning Commission went through each one of the fourteen standards in section 54.1403 of the Land Development Code one at a time and found that the proposal was in harmony with all fourteen SLUP standards.

S. Mittlefehldt stated:

Okay, is there any further discussion on this or does anyone want to make a motion?

W. Premeau stated:

I've got a question. Look at [sheet] C-100 and the dumpster enclosure. It's all masonry, but I don't think it exists, right?

Mr. Treado stated:

That was an oversight on our part and we've had follow-up inspections by the City, who did notice that and bring to our attention that we were lacking some landscaping. They sent us a formal letter and we did the landscaping, and it wasn't until we resubmitted that we were informed that we needed a dumpster enclosure that we still needed to move forward with, and so to meet the requirements of zoning we still have to put that in and it is our full intent for us to meet that requirement, now that we've been reminded that needs to be done.

A. Landers stated [directed to Mr. Treado]:

To add to this, you submitted the same plans basically that you submitted for the Class B, which had that dumpster enclosure, but as I said [to Mr. Premeau] they can choose from the list, you don't have to do masonry, vinyl was an option as well.

W. Premeau stated:

Well, I was curious why – it's a very expensive dumpster enclosure and it's behind the building and it's also hidden by the two big units you've got there. So really it's a lot of money...

Mr. Treado interjected: Can the Planning Commission approve a change?

A. Landers stated:

If he says that you can change it to any of the other approved materials then yes you can.

Mr. Treado interjected: That's fantastic.

A. Landers stated:

That's why I brought it up in there [staff comments] to see if you wanted to change it or not.

W. Premeau stated:

Well, I'm not trying to save him money. I'm just saying it's very costly for all the businesses that are trying to do something in Marquette. And I don't understand but they all seem to pick the masonry option.

Mr. Treado stated:

I know a lot of it has to do with standard details and sometimes as an engineer you get tunnel vision and if you know that standard detail worked last time you'll slap it on the next one...as opposed to stepping back and evaluating what all your real options are, and this is a good example of that. So, thank you, Wayne.

W. Premeau stated: I'm just saying this is an industrial site.

S. Mittlefehldt stated:

I have a question about marijuana waste...I'm kind of curious about what kind of waste is produced in this process?

Mr. Treado stated:

So, we have stalks that will be ground up and have to be put into a lockable dumpster, and the CRA follows up and monitors the process that you're following specific to that. And that prevents people from coming in and trying to steal marijuana waste, even though it's pretty much useless at that point.

S. Mittlefehldt stated: So, it's mostly just organic matter?

Mr. Treado stated:

Yep, it's mostly just stems and stuff that has no value, and they get ground up in a big industrial grinder, put in a bag and then in a lockable dumpster.

S. Mittlefehldt stated:

Okay, thanks. Are there any other questions or Commission discussion?

M. Rayner said that she would make the motion.

S. Mittlefehldt stated:

If we do have the motion we should include the language about being okay with the changing of the [dumpster] materials.

D. Stensaas stated:

If I may interject, the applicant can change an element of the site plan at any time before its submitted to us, before construction - if its something that is approvable administratively, we can approve it anyway. That is one of those things that is approvable administratively.

S. Mittlefehldt said okay, then we don't need to mention that.

It was moved by M. Rayner, seconded by A. Andres, and carried 7-0 that after review of the site plan set dated December 8, 2021, with supplemental documentation and the STAFF FILE REPORT/ANALYSIS for 08-SUP-12-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.629, and hereby approves 08-SUP-12-23 with the following condition that an amended plan is submitted to meet staff comments.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

TRAINING

A. Article “The Business Case for Dropping Parking Minimums” (Planning, American Planning Assoc., Summer 2022)

D. Stensaas said:

We're going to be working on, and you're going to be starting to look at staff's proposed LDC amendments soon, and there are a lot of them, but parking is one we keep coming back to and fiddling with, and after rereading this article you should be comforted by the fact that we're doing it right. We are making incremental changes, we are shown in a map in the article as one of the cities – the only one in the U.P. – that has implemented parking reforms at the city center/district level. And we've gone beyond that. The City did away with parking minimums in the downtown, except for residential uses, in 2008 or so, and then we expanded that to the Third Street Corridor in more recent years. And then we did further reforms on specific uses like retail and office uses to basically create no minimums. The minimum for retail and office use is 2 spaces, that is far less than you'd typically have, and then we instituted parking maximums for a lot of uses.

So what I'm thinking maybe the next step is, aside from the residential use and assembly uses - like churches, galleries, funeral homes – that we make all of the parking requirements recommendations rather than requirements. We have to keep the residential requirements with our snow situation here. A lot of cities have done away with residential parking requirements, but a lot of cities have on-street parking available year-round and we do not. So, in my opinion I think it's worth a try at this point to make all the minimums recommendations.

S. Lawry stated:

I think I read in there somewhere that the American Community Survey indicated that 47 percent of the households in Marquette County only have one vehicle, but I would think that probably a large number of those cases that is the government subsidized housing units and I think in those instance we have the option of applying a different standard, when its low income housing, that we could develop a different standard for that as well.

C. Gottlieb stated:

When I read this I was thinking, and I've only been in this group for a little bit, but we were talking about the new hotel around the corner that didn't have enough parking on site and they had to arrange for parking off site almost a quarter-mile away. What do you think of that?

D. Stensaas stated:

Hotels are a lodging use and I think all of the residential and lodging uses should still have a minimum.

C. Gottlieb stated:

That was my specific question, if that would fall into that recommendation or not.

D. Stensaas said:

I think that would fall out of that recommendation, and not to go with a recommendation but to have a minimum.

C. Gottlieb stated:

I agree with that. Hotels by definition, they are going to have a car there, at least for now. Other than that, I think the recommendation is a good idea and it encourages people to ride their bicycles, walk into town, or use a bus, if we only had a decent mass transit system.

S. Mittlefehldt stated:

Are there any other thoughts on that? Yeah, I agree. At least with the case studies they profiled in this article it didn't seem like it had any dramatic negative consequences. I don't know if there's been any research into the downside, but from this article it doesn't seem like there is much of a downside.

D. Stensaas stated:

I don't think we've seen much of a downside yet. I think with the Third St. Corridor, we know there's going to be some spillover into the adjacent neighborhoods, and that's going to be the biggest negative of not having a parking requirement there. But unless there's something that becomes a lot more of a draw or a destination than what is there now, I don't know that its going to become that much of a problem. We'll talk a lot more about this in the future, but the Sandpoint, Idaho comparison is good. Sandpoint is a lot like Marquette, I spent a lot of time there, and it's a mountain town on a big glacial lake, it's a little bit smaller than Marquette but its very similar and so the case study is encouraging.

M. Rayner stated:

And they have a railroad coming through passengers too.

D. Stensaas said that is the Orient Express, I think.

S. Mittlefehldt said that if there are no other comments, we can move on to the work session.

WORK SESSION

A. Community Master Plan

D. Stensaas said:

I'm going to pull up the two chapters that we're going to talk about and I sent these to you in email, but didn't want to put them in the record since there are a lot of embedded comments and the document is going to change a lot. Starting with the Housing and Neighborhoods chapter, I hope everyone had a chance to read through this. Its really interesting, they put a lot of good data in this chapter and I think they did a good job of finding information that was relevant to our situation.

S. Mittlefehldt said:

One thing that I said in the written comments that I sent to Dave was that I thought they made a compelling case about how the housing cost burden is particularly acute for young people. And I think we've all known how its hard when you're young and you have to share a room, but I think its gotten actually worse, so I was wondering if there is any historical data on the housing burden by age demographic. I'm curious how that has changed over time and those patterns about the cost burden.

D. Stensaas said:

I don't have an answer for you on that, but I would concur with you and your feeling about that. So, we have a very unaffordable housing situation, like most cities at this point in time. But they did a really did a good job on drilling down into the reasons for the cost crisis. What they didn't address was the fact that a lot of houses didn't get built after the sub-prime mortgage scandal crisis-recession around 2008 and the fact that wages were stagnant for about 20-30 years and that has a lot to do with the fact that a lot of people don't have the money for housing as its increased in price.

S. Lawry said:

I don't think that I can support all of their recommendations for solving it. One of the big factors in the City's current budget balancing problem is the number of Brownfield TIF districts that have been created and postponing taxes on things, and its become an almost expected thing from developers. Commissioner Premeau has probably developed more housing in this town than probably anyone else still alive, pretty close to it anyway, and as far as I know he didn't get any government breaks on it. He got charged for every brick, and every manhole, every nut and bolt on the water main because it was all done through the special assessment process or through the subdivision process where he had to build everything to City specs and then after he paid for it all, including the purchased land, he had to turn it over to the City without compensation for it. And he was able to develop housing, both single family and multi-family that people were able to afford. I don't think its totally out of the question that people could do that still, its just that we've competing with sections of the state and the world where somebody else will pay for your development costs, so nobody here wants to do it without the same incentives. I think that Brownfield Authorities have their place, and if there's a contaminated parcel that needs to be cleaned up that is a legitimate use of those funds, but not necessarily to give 20 to 30 year tax breaks for stuff beyond cleanup. And as far as the county getting into community land trusts, that sounds like another step to stay away from. To me it would make more sense to, if government money is available, is to work with the local financial institutions and channel the money through them and make it available directly to the homebuyers in a reduced mortgage rate. It's the 7-8 percent or higher mortgage rate that people can't afford that keeps them from buying now, and if you could get that down to 3 or 4 percent again by subsidizing or using the government money to reduce the interest rate on the mortgages, that would seem to be more effective to me and I don't know what kind of program that you'd have to support to do that. I think I've heard of similar programs being done for funding business development in the area. I don't know that I've heard of it being done for home mortgages, but that would be more directed at where it's needed. So, hopefully before we actually adopt the whole Master Plan a little more thought can be given to the recommended solutions.

D. Stensaas said:

Well, the minutes of this meeting will go to our consultants. They are preparing a draft of the entire document to be available and go to the Planning Commission next month.

S. Lawry stated:

Well I know that they're listing a group of options there and we don't have to use all of the options. So I guess I'd like to see that one added – to work with financial institutions on reducing interest rates for home mortgages.

C. Gottlieb stated:

I noticed that the map on page 2 does not really separate the South Marquette neighborhoods from the Late Century neighborhoods in the same way that the discussion does. Also that same map bisects the Shiras neighborhood and Lake Street.

S. Mittlefehldt said:

I think you're on the Future Land Use chapter and we're still on the Housing chapter. She asked if anyone else had comments on the Housing chapter. She also said that one thing she thought that should be highlighted more is our work on ADUs in the section of things that have been done.

D. Stensaas stated:

They also mistakenly recommend that we should make ADUs a use-by-right, which we already have.

S. Mittlefehldt said:

As a visioning document for the future, even in that little section about ADUs, I think that talking more about that as a housing strategy would be useful, because ideally, we will see more of that even though it hasn't been utilized widely.

A. Landers said:

They also say that "If there is resistance to permitting these uses by right, they could be administratively reviewed by city staff.", but only a use-by-right by can be reviewed administratively.

D. Stensaas said:

So, duplexes, triplexes and quadplexes are a focus that we're going to be working on when we get to the Land Use and Zoning part of this. We don't have the Zoning Plan part of this yet, but we're on the same page and I think what we're going to end up with is a higher-density overlay district where we could allow maybe just the corner lots could be developed as duplexes by right - up to so many units per acre - if they can make everything work on the lot - the parking and whatever open space requirement is adopted.

K. Clegg stated:

I thought it was interesting that there is a recommendation to change the definition of family to include more people. I know that I'm asked that all the time when we put house up for rent, people want to put five people in a house, but we can't allow it. But that would solve maybe twenty percent of the problem, obviously.

A. Landers said that for that one we'll need to work with the Fire Department as well.

S. Mittlefehldt said:

I have a question about the [recommendation for] fee waivers and how they are making the point that developers costs are factored into the final price of the housing unit and the suggestion is for waiving fees for projects that are within the City's goals. I'm a little concerned about questions around equity there, because who decides which projects get fees waivers and which don't. So if this is a goal maybe it could include language about some kind of review process...to ensure there is an equitable way to make that decision.

M. Rayner stated:

And their opinion is not necessarily the next person's opinion.

D. Stensaas stated:

One good thing for the Planning Commission is that fee waivers won't be a Planning Commission decision, because waiving fees is up to the City Manager and City Commission.

S. Mittlefehldt said:

Once we get into waiving the fees it feels like a bit of a rabbit hole.

D. Stensaas stated:

The fact is that we're operating like a business – the City isn't a charity and it's not a for-profit institution, but we have bills to pay. The operational mode has been to operate like a business. So, for the time we spend processing permits, the fees we charge have to be equitable to the average time staff spends on those. But I like that idea as a temporary measure for some housing projects, if we were going to try to encourage larger housing projects, but then again the fees aren't that much. I mean our fees aren't that much - I know when you add up all the different fees from the county and all the different agencies that have a hand in it, it is significant. But our fees still don't add up to that much so I don't know that its going to be seriously considered.

W. Premeau stated:

All the houses in Marquette are eligible for Brownfield funding. The other comment I've got is that we pay taxes, but nobody explains what we get for our taxes. Years ago, our taxes covered everything, but now it doesn't seem like it covers anything. So, when we're talking about fees, if you're paying taxes and you want to put a chicken in your back yard and you have to pay extra, I don't get it. If you paid the taxes that I pay you'd understand.

S. Lawry stated:

I have a comment about the Pattern Book homes, and they may have a place as well, but Marquette gets complimented regularly because of its architecture – and not just residential but commercial as well. I think it's the variety that makes a neighborhood attractive. Patterns get boring in a big hurry when you look at residential, and I'm not sure that we even need that as a recommendation in here because I think what they're speaking of as far as having a pattern approved is mostly an issue with the County Building Codes office. For the most part all we do here for residential is just site plan review. When we approve PUDs maybe that is a fine place for them, but for a neighborhood development outside of a PUD they are more of a detriment than an asset. Perhaps you could look at Harlow Farms as an example, the duplexes all look the same in one section, but if you want to see some attractive homes you go into the single family area where all the homes are different designs. Also, in one of these chapters it recommended using something so planners can get what they want, and that just struck me as wrong. We're not supposed to be doing things so that the planners, be it the Planning Commission or City staff gets what they want, it's supposed to be the public that gets what they want, as long as it's not interfering with their neighbors. I really think that is a bad statement to leave in the plan.

D. Stensaas asked if everyone is ready to move on to the Future Land Use chapter.

S. Mittlefehldt said sure.

D. Stensaas stated that there is one specific issue about Land Use and Zoning that he would like to talk about later, but the framework that they came up with is interesting. Without seeing the accompanying zoning plan I'm not sure what to make of it specifically. I commented to them about the map - the University district includes the Municipal Service Center and doesn't include the Jacobetti center, which I pointed out. I can't really comment a lot without the accompanying Zoning Plan, but its an interesting

framework. I know the zoning recommendations are going to be that within these areas certain uses should be allowed and types of development would be appropriate, and as long as what is being proposed it should be developable by right in these area.

S. Mittlefehldt said:

My first reaction when I saw the categories was that, when I think of land use I think of functions, like what is the functional goal of these particular areas and so with the Mid-Century and Late-Century neighborhoods I thought it was interesting that the names are historically connected to when they were developed, but it tells us nothing about the functionality or identity of those areas.

M. Rayner stated:

I did not feel comfortable with that. I wondered why they included your building in the University district.

S. Mittlefehldt said:

It makes sense to have the Historic Core, I get that.

D. Stensaas said:

The names are one thing, and among my comments included one that the locals should probably have a crack at giving these places names. I think your comment about functionality, Sarah, was really good. They do talk a lot about what happens in these areas, but it's more about recommendations I think.

M. Rayner said that the terms are confusing.

C. Gottlieb stated:

My comments echo what you and the Chair already said, that the maps don't necessarily correlate with the descriptions, and I don't want to use the word amateurish, but there are silly mistakes and I was surprised. There are also grammatical things that bother me, like capitalization. Do you want comments like that forwarded to you? This is stuff the word editor button should have picked up. For substantive comments do want those in email or now?

D. Stensaas said that email would probably be best so that we can just forward those directly.

S. Lawry stated:

Just looking at the map again, it seems to me that the Marquette Industrial Park should be lumped together with the Washington St. corridor. When you're trying to define a separate character district, they may not be identical but the industrial park is certainly a lot closer to that than it is to the residential area to the north. And as far as the titles go again, Shiras hills is shown as Late-Century Neighborhood and its older than a lot of what is within the Mid-Century Neighborhood.

D. Stensaas asked S. Lawry what he was referring to by the Marquette Industrial Park near the Washington Street Corridor. To confirm what he was thinking 😊

S. Lawry stated:

They are defining the W. Washington St. corridor as a separate district, but to the south of that there is the hospital, Premeau construction, the auto dealership, the new Airstream dealer, etc., and that all seems like it should be part of the business district that they are outlining along Washington Street.

- All of the above are along W. Baraga Ave., west from the hospital property to the cul-de-sac end.

D. Stensaas said:

That is one of the parts of this that I wasn't totally on board with either, because we talked a lot about this area with the last Master Plan update and we recommended some new Mixed-Use areas that were implemented with the adoption of the Land Development Code, but they seem to want to see it all as a Mixed-Use area and it doesn't really lend itself to that. We're seeing the redevelopment of two of the largest retail lots in the city in that area now and those are not going to be mixed-use. Almost all of the businesses fronting Washington St. from Lincoln Ave. are commercial, so I don't really see where that makes a lot of sense right now.

S. Mittlefehldt said:

So, do you think that is intentionally aspirational, that it would eventually be similar to downtown?

M. Rayner said:

There again it's very confusing, it's not really stating what's happening there.

D. Stensaas said:

We looked at that more granularly than they have and that's why we recommended that these lots in particular could be Mixed-Use in this area and then we could create a Mixed-Use corridor up McClellan Avenue. Because I think we all would like to see more housing available wherever there is walkable retail use in areas where you can maximize the land for both.

S. Lawry stated:

Another comment I have on the map is that it seems like the commercial docks in the upper harbor should be part of the Industrial zone that they've outlined up there, not just for function but because they are part of the assets that make that a prime industrial area. The coal unloader doesn't show on there but the other two are both industrial use, and those extensions into the water should be shown in black.

S. Mittlefehldt said:

I have a comment on the Recreation Corridor. I'm not sure if you've had further conversation with Russ about the idea that we bounced around at one meeting about a scenic corridor.

D. Stensaas said:

Yeah, I think that's going to be in the Zoning Plan. It was mentioned in the Land Use chapter wasn't it?

S. Mittlefehldt said:

Not really, but I thought that the place to do it would be the Recreation Corridor section.

D. Stensaas said:

I think they're going to have a recommendation in the Zoning Plan, about keeping hotels out of there.

S. Mittlefehldt said:

Okay, so that would be something elaborated in the Zoning Plan? Stay tuned for that then.

D. Stensaas said:

Yes, that should be coming anytime. It would have been nice if those had been presented together to get a better picture of their recommendations.

S. Lawry asked D. Stensaas if he got a reply to the question of what a "mat" street was?

D. Stensaas said no, he just put in the comments that he didn't understand what they were talking about.

S. Mittlefehldt asked if anyone had any other thoughts or comments on the Future Land Use document? She also said that she had a few other ones and asked D. Stensaas if it was preferable to send those to him by email, to which he responded affirmatively.

D. Stensaas said that he had another issue that he needed to talk with the Commission about, regarding the W. Washington St. corridor. He showed on the monitors the recommended "Place Types" map from the draft Future Land Use chapter and said that the consultants are envisioning a Mixed-Use district along the corridor from Seventh Ave. to the intersection of US-41/M-28. He also said:

One of the things we did when we were reviewing properties last summer to create a more accurate chart of land use by parcels and land use by zoning district and as a percentage of lots in the city, etcetera, was to try to identify multi-family uses in single-family districts to see if we could create new multi-family districts and I think we came up with a list of over 30 properties and then analyzed those and came up with about 14 that would be candidates for rezoning as they are large enough to meet the current lot size standards we have for multi-family districts.

He went on to say:

Another issue is mixed-use, and back to the Washington St. corridor, it has about a dozen parcels between Lincoln Ave. and Morgan St. that have houses on them and showed a map with the 756 W. Washington St. parcel outlined in blue and said that it is a property that was recently purchased for use as a mixed-use building, and we have an issue there because it is General Commercial and not zoned for mixed-use. I mentioned to Russ Soyring from Beckett & Raeder last summer that several of the properties in this two-block area should probably be considered for rezoning to mixed use, and the ones that have homes on them don't have anything like industrial uses. He also said that their Future Land Use Plan draft doesn't have parcel-level specificity, and that's one thing about this Land Use Plan that is radically different than what we have now – and he likes the concept that certain parts of the city lend themselves to certain types of use and they have yet to specify those uses in the draft Zoning Plan that is still being prepared. He said that we have the owner of the 756 property here tonight and I told him that we would discuss this tonight because he intends to remodel the building on the lower floor for commercial use and when he can – through rezoning one way or another – remodel the upper floor for residential use. He also said:

This is like the situation at 1501 Division St., as I would say we sort of did the same thing with these properties, when we maybe overlooked that as another possible Mixed-Use district, because right from the corner of Lincoln to the east we have six properties in a row that have homes on them that could have been rezoned to Mixed-Use and then there are a handful of other ones, and our staff recommendation to the consultants was that we rezone these [W. Washington St. properties] to Mixed-Use and that the land use [categories] be changed, and they're recommending the whole district be changed so I don't see what I'm saying as conflicting. I don't that a lot of these commercial businesses - we have a car dealership in there at 722 – is not going to become a mixed-use property, and neither are some of the other ones like the doctor's office and other offices at 700, but several of these would lend themselves to mixed use. I don't know if you want to allow the owner of the 756 property to come up and talk about this, but he is here.

S. Lawry asked: Is that the house that had the accounting business in it?

D. Stensaas said that he wasn't sure.

S. Lawry said: I think so, for quite a few years. So, I think it was in a mixed use. I don't know if there was anyone actually living in it, I believe there was, and it has an accounting firm on the lower level.

S. Mittlefehldt asked [directed to staff]:

Is there anything use that would be affected negatively if it was changed to Mixed-Use? Because it seems like Mixed-Use is pretty broad and would allow everything there anyway, right? It only just also allows for some residential development as well, correct?

D. Stensaas said:

The only negative thing is maybe people moving into those properties expecting something that's not commercial are going to have to deal with the reality that it is a commercial district, its not going to be a residential district. As long as your expectations are realistic. Its kind of the opposite of what the Right to Farm Act was designed for, to prevent people from suing farmers after they bought a house in an agricultural district, complaining about the odors and other stuff.

M. Rayner said:

Wouldn't it be like the apartments downtown though, it really [inaudible], they know when they're looking to rent or to be on that second story.

D. Stensaas said:

I think for the most part there wouldn't be any issues except for that, I mean you might not get a good night's sleep if you're on Washington Street.

C. Gottlieb said:

But wouldn't they know that when they're walking in the door?

D. Stensaas said:

I don't know, we deal with all kinds of weird stuff. The Right to Farm Act was created because people were suing farmers after they moved next to a farm.

C. Gottlieb said: Fair enough.

S. Lawry said:

If we zoned the whole area Mixed-Use though, doesn't that put some extra restrictions on or make the tire dealership and the car lot non-conforming?

D. Stensaas said:

Well, we don't know what the LDC is going to look like, what we're going to do with the recommendations from the Master Plan for this district, but if we did end up making it all Mixed-Use then it might make some things non-conforming, and so we might not want to do that.

M. Rayner said:

Yeah, because there a number of businesses that are businesses, but you've also got these older homes that are really kind of perfect for the two uses.

D. Stensaas said:

And that's why its good to have a rezoning process that looks at the lot and not just the area. We have done a lot of blanket rezoning when we adopted the LDC and some of those we had to go back and rezone them, like the properties over by NMU [on Center St. and Schaffer Ave.], and that's why its better to do each lot individually so that you can see if you're creating any non-conformities or other unintended consequences.

S. Lawry said:

For the current Zoning Map, we went through and tried to create Mixed-Use corridors along the major arteries and if they're going to take these neighborhoods or areas of the city and apply a zoning recommendation like Mixed-Use here and not there, it just reverses everything we did already.

M. Rayner said: And that's why I didn't like the Washington corridor the way they have it set up.

D. Stensaas said:

So that's why it's really up to the local Planning Commission to make decisions or recommendations on zoning.

S. Mittlefehldt said:

Didn't we talk about having two different categories of Mixed-Use, one emphasizing residential and the other type maybe more commercial. I feel like we sort of talked about that and I don't know if that conversation has come up with the consultants or not.

D. Stensaas said:

Yeah it has, with the [Lakeshore Blvd.] Scenic Corridor specifically. So we may see that as a recommendation in the Zoning Plan.

M. Rayner stated:

I just think you have to individually look at that because of the type of structures you have there.

D. Stensaas said:

So, the Master Plan is one thing – implementing it and changing the LDC is a whole different thing and you have some decisions to make about how you want to implement any recommendations of the Plan, but in this particular case it sounds like the Planning Commission would be comfortable - if a Rezoning application was submitted in the near future - probably recommend approving it.

Most or all of the Planning Commission members gave affirmative body language cues, nodding heads.

M. Rayner said: I think that's a good idea.

D. Stensaas said:

But Mr. Berg, who owns the [756 W. Washington St.] property is here if you want to hear from him.

S. Mittlefehldt asked: Mr. Berg, do you want to talk with us? We don't want to waste your time.

Eric Berg, owner of 756 W. Washington St., said:

I've been a farmer's market baker going on ten years – Bergy Bread – I bake baguettes here in Marquette. I purchased this building fully intending to invest in the community and serve my clientele and Marquette at large. And then move above eventually, that's my hope. So I need to work irregular hours as a baker, and that's all.

S. Mittlefehldt asked: Okay, any questions or comments.

S. Lawry stated:

Part of the discussion we had regarding the Division St. property [1501] is whether it had been vacant for [at least] six months. If this had been mixed-use for years, has it been vacant for six months and does that enter into the need to rezone it? It's a change of use but its still a mixed use.

D. Stensaas said:

Well, it's been zoned General Commercial.

M. Rayner said:
Even though it wasn't used as that.

D. Stensaas said:
I'm not sure how it was used before. Do you know, Mr. Berg?

Mr. Berg stated:
General commercial, a tax-prep office.

D. Stensaas asked: So, just an office?

Mr. Berg stated:
Yes. Originally it was a duplex, built in 1920.

D. Stensaas said:
It has to be rezoned for the residential part of it, to be able to be remodeled and used for residential.

S. Lawry asked [directed to Mr. Berg]: So there were offices upstairs with the tax prep?

Mr. Berg indicated that was correct.

M. Rayner said: Oh, I thought he said that it was housing.

D. Stensaas said: A long time ago.

S. Mittlefehldt said:
So, if this rezoning came during this process we could deal with that outside of the Master Plan update.

D. Stensaas said:
Yes. And he is eager to move on with the process, and there is no telling how long it going to be until we update the LDC [zoning] map again.

S. Mittlefehldt said:
Yeah, and I don't think it would be fair to a property owner to get caught up in the City's revisioning its Master Plan.

D. Stensaas said:
The text of the LDC is one thing, all the sections of text and dimensions that we're going to update, but the map is different ball of wax. Once we start talking about implementing any parts of the Master Plan we could spend a year before we make any big moves on that, so a Rezoning application for this is the way to go if you want to remodel by the spring.

S. Lawry stated:
That's not really solving some of the other issues on that same block that really appear to have been overlooked last time. Could we look at doing those all in the same rezoning.

D. Stensaas stated:
The individual landowner has to apply and the only time the City can rezone someone else's property is when there are eleven or more parcels and it's done through a strategy, like when we rezoned all those properties when we adopted the Land Development Code, that was part of a plan that was illustrated and explained in the Community Master Plan.

S. Lawry said: Okay, thank you.

S. Mittlefehldt asked if anyone had any other thoughts or comments on the Land Use map or document? If not we can move on to Commission and staff comments.

COMMISSION AND STAFF COMMENTS

A. Andres stated that the Michigan Independent Living Council, which is one of the councils I'm on through the Governor's office, is doing their three year update to the statewide independent living plan, and their current needs assessment and survey is on the website – misilc.org. We would love anybody's input regarding the statewide independent living plan and its needs for improvement.

D. Stensaas said that the next meeting we have is going to be video-recorded and if that works out well enough we are going to start videorecording all of the meetings, which will allow us to stop having to produce verbatim minutes for all of the meetings. If we have a video and audio record that people can access like the City Commission does, we will not have to produce detailed minutes for every meeting. He also made some comments about possible upcoming business for January.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:20 p.m.

David Stensaas

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