

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING COMMISSION  
November 17, 2020**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, November 17th, 2020 by remote means (due to the COVID-19 pandemic).

**ROLL CALL**

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

Absent: J. Koehs, A. Andres, E. Brooks, A. Ruiz

**AGENDA**

*It was moved by M. Larson, seconded by M. dunn, and carried 5-0 to approve the agenda with the change to add a work session item - 7.A - as requested by the City Planner.*

**MINUTES**

*The minutes of 11/10/2020 were not yet available for review.*

**CONFLICT OF INTEREST**

No certain or potential conflicts of interest were expressed.

**PUBLIC HEARING**

**A. 02-ZOA-11-20 - Land Development Code Amendments**

City Planner and Zoning Administrator D. Stensaas stated that the Planning Commission has discussed the attached draft amendments to the Land Development Code, and he quickly reviewed the contents from the beginning to the end. He stated that in Article 6 there is one change in the section on Accessory Dwelling Units (ADUs) that was modified since the last work session, and that he had informed the Planning Commission of this recommendation from himself and the City Attorney for the recording of a covenant regarding occupancy requirements prior to the issuance of a Zoning Compliance Permit.

S. Mittlefehldt stated that she knows that it has been discussed quite a bit, but she is wondering if there has to be a permit for rooftop solar units when there is no permit required for installation of shingles or a metal roof. A. Landers stated that with these changes to the Code there would be no permit required for shingles that integrate solar technology, but if the panels are attached they would have to be permitted as accessory structures. D. Stensaas stated that we do have to verify if the units meet the setback and height requirements since they are attached to the roof. He also stated that in communities that have a building codes office in the same agency as the zoning office they may elect to have only one fee for both offices to review the permit, but that isn't the case in Marquette and if they review a permit they are required to charge a fee to cover the cost of the average effort for review of the permit, or an estimate of that effort.

J. Cardillo stated that the cost of the permit isn't in the Code and so we would need to address this separately as a recommendation to the City Commission. A. Landers stated that that is something you could address in the annual report with the City Commission. S. Mittlefehldt stated that we have talked about this and I think we should make the recommendation in the annual report to the City Commission.

J. Cardillo stated that if we are done with the presentation and if there is nobody to speak on this, she is comfortable with moving forward with these amendments and would welcome a motion on the amendments unless there are any other comments or questions.

M. Dunn stated that in relation to the solar issue at some point, in another round of revisions to the LDC, he would like to see if we could get a comprehensive plan together to make it as easy as we can for solar and any sort of efficiency and environmental conservation measures and see if we are doing everything we can to promote that, that would be on my wish list as well.

J. Cardillo stated that we could add that as well to our presentation to the City Commission, and if anyone hears about community grants that would apply to codes that we could bring to the city, it would be great to

have a professional consultant that specializes in that, and she thinks that would be a great way to fine-tune our code to make it more accessible for those kind of things.

*It was moved by S. Mittlefehldt seconded by M. Dunn, and carried 5-0 that after review of the draft Land Development Code (LDC) amendments presented as case 02-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code and therefore are justified, appropriate and should be approved by the City Commission.*

**B. 02-REZ-11-20 – 908 Center St. (PIN: 0461120), 1700 Tracy Ave. (PIN: 0461130), 1705 Schaffer Ave. (PIN: 0461090), 1706 Schaffer Ave. (PIN: 0461330), 1829 Van Evera Ave. (PIN:0460240)**

Zoning Official A. Landers stated that Planning Commission is being asked to evaluate attached information regarding the zoning district assignment of the five subject properties, both before and after the adoption of the Land Development Code (LDC) in early 2019, and make a recommendation to the City Commission regarding rezoning the properties. She stated that all five of the properties have been used for single-family dwelling units and were formerly zoned as such, and this rezoning is a correction to re-establish the appropriate zoning for the properties. She stated that these properties are privately owned and were formerly zoned General Residential (RG), and that they were mistakenly rezoned to the new Civic (C) district category in February of 2019 along with many properties owned by Northern Michigan University (NMU). She also stated that the mistake came about because these properties were mistakenly identified as NMU properties during the Community Master Plan (CMP) in update process, ending in 2015, of identifying properties within the recommended Civic zoning district, on the Future Land Use Map and the Proposed Zoning Map. She also stated that somehow these five properties were not identified as privately owned when the LDC rezoning process was being conducted, and as the five properties were RG prior to the LDC and are still being used as single-family residences with no change in that use foreseen they should be rezoned to Medium Density Residential (MDR) – the new analogue to the defunct RG zoning district. She also stated that the CMP will also need to be updated to correct this oversight, but that process is not critical to be done now even though there is an inconsistency between the CMP and the LDC for the zoning of these properties.

She also stated that the recommended action for the Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning with conditions of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

M. Dunn stated that he doubts this would be the case but is wondering if there are going to be any non-conformities that we would be agreeing to by approving this, and are any of the properties non-conforming now with the standards for the MDR zoning. A. Landers stated that by making them Civic zoning we have made them non-conforming and by rezoning back to residential they would be brought back into conformance. M. Dunn stated that he is just wondering about setbacks and the like and if any of the lots would be out of conformance in the MDR. A. Landers stated that if they are they probably would have been out of conformance with the former General Residential standards because the MDR standards are not as strict for some of the setbacks. D. Stensaas stated that this issue came to attention because of a permit submitted for one of the properties and the only way we could allow the request is for me to create an administrative interpretation, in agreement with the Planning Director, that the current zoning was applied in error and that residential standards of the MDR district should be applied until the issue could be resolved via a correction to the Zoning Map. He also stated that legally this is a bad situation because

S. Mittlefehldt stated that she was wondering if anyone wanted to speak on this, or could she make a motion.

W. Premeau stated that if anyone is wondering why those homes are scattered in there with the other NMU properties, he stated it is because in the 1950s NMU used eminent domain to take homes from people in the area in order to build dorms, and those homes belonged to the people that put up a fight and kept their

homes.

S. Mittlefehldt stated that they can't do anything about that, but they can try to make the recent mistake right.

*It was moved by S. Mittlefehldt, and seconded by M. Larson, and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-11-20, the Planning Commission finds that the proposed rezoning is justified but not consistent with the Community Master Plan due to an error in the Community Master Plan that led to the error in the rezoning during the process of a blanket rezoning of multiple properties when the Land Development Code was adopted in February of 2019, and that the proposed rezoning otherwise meets the requirements of the Land Development Code Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-11-20 as presented.*

## **NEW BUSINESS**

### **2021 Street Reconstruction Projects**

City Planner and Zoning Administrator D. Stensaas stated that City Engineer Mikel "Mik" Kilpela and his staff have prepared proposed street cross-sections and associated utility replacements for the street reconstruction projects that will be constructed in 2021. He stated that the adjacent property owners have all been sent details about the proposals. He stated that these projects have been subject to a comprehensive analysis process that evaluates several characteristics of the street, including the surface condition of the pavement – via the Pavement Surface Evaluation and Rating System (PASER) – as well as the type, age, and condition of utilities and their likelihood of failure, and that the projects are prioritized as a function of the City of Marquette's Capital Improvements Plan (CIP), which includes a 6-year program for implementation of civil infrastructure projects that is implemented annually and updated regularly. He showed a pie-chart illustrating the categories of projects that are included in the CIP. He also stated that via the City's annual budget process, the City Manager projects an amount of funds that will be available for CIP projects, and from that the City Engineer selects the highest priority street reconstruction projects from the CIP that will fit into the projected budget. He also showed a spreadsheet for the street reconstruction, maintenance, and sidewalk projects selected for this year and their associated costs, and stated that the entire process is outlined in the City Charter.

#### **4. A. 05-STR-11-20: Washington St. Street Reconstruction Project (Front St. to Third St.)**

D. Stensaas stated that he would not belabor the points made in the attached memo since the board knows the planning analysis is provided there. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case and that would like to turn it over to Mr. Kilpela.

City Engineer Mikel Kilpela stated that is a streetscape project for Washington St. between Front St. and Third St. He reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that this project started out as a project by the DDA to replace the brick pavers in that were failing and replace them with stamped concrete, and in the process we discovered that much of the sidewalk is not ADA compliant, as well as the grade on the brick pavers. The proposal is to raise the level of the roadway to allow for the sidewalks and the stamped concrete boulevard to be ADA compliant, as well as to keep the asphalt width the same, but change the 2 ft.-wide curbing to a 1.5 ft curbing, which would change the back-of-curb to back-of-curb width by 1 foot, but the asphalt width would remain the same. He stated that we are planning to do some minor utility work, with replacement of some storm drains, but that this is mainly a streetscape project that will replace some sidewalk, install the stamped concrete and new curbing, and adding some asphalt to raise the road, and along with proposing to replace some street trees and they will probably add additional street trees, and the DDA is planning to add some parking kiosks to replace the meter system. He showed pictures to illustrate the issue with the excessive grade of

the sidewalk and pavers. He also stated that the plan will keep the bump out at the intersection of Front St. He stated that just informationally, they will try to begin the project as early as possible, by late May, and hopefully it will be finished by mid-June

M. Dunn stated that he is wondering for his own information, is it typical to do these projects one block at a time. He stated that it probably doesn't matter as much in residential neighborhoods but that downtown it seems when you go to the trouble to block traffic and you are trying to get a cohesive look from block to block that it would make sense to do them in bigger chunks and he is wondering why so many of these projects seem to be just one block.

M. Kilpela stated that it is nice to do projects in a larger scope, but with this particular project this is what the DDA had funding for, to replace the brick pavers on this specific block, and that on the block to the west of this one and on Front St. the pavers have already been replaced with stamped concrete, so this is just filling in the gaps.

J. Cardillo stated that she has a couple of questions, and that she is curious about why they wanted to do this now, that the PASER rating isn't so bad, but she understands wanting to make the sidewalk more ADA compliant. She stated that she is wondering about the communications with the DDA, as she knows that the businesses there are dependent on that sidewalk space and she is wondering if the businesses are okay with losing that space in the spring and if the Engineer has been in contact with the DDA about this.

M. Kilpela stated that yes, he has been in contact with the DDA, even this week. He also stated that the DDA is fully aware and in support of the project. He stated that the asphalt isn't in bad shape, that they are mainly working on the sidewalk and replacing the pavers with stamped concrete in the terrace, and the only reason they are doing anything with the curbing and the roadway is to raise the road enough that they can make that sidewalk and terrace area ADA compliant.

J. Cardillo stated that her other question is with the infrastructure. She stated the Planning Commission is recommending a greater maximum building height downtown and though we don't expect that once that is adopted everyone will be rushing to build 74-foot buildings, but since they are looking at allowing more density downtown she is wondering if the existing infrastructure is capable of handling that and she wants to make sure that as they are considering the engineering aspects of the public infrastructure and discuss the possibility of increasing any of the infrastructure as we do these projects.

M. Kilpela stated that the infrastructure is fairly recent, that they have a 12-inch ductile iron water main that runs through there and the sanitary main is sufficiently sized, so in my opinion those could handle many more customers without any issues. J. Cardillo stated that if there are a couple of significantly larger buildings built in the next 15-20 years that infrastructure will be adequate. M. Kilpela stated yes and as far as the water main goes, domestic users only used a fraction of what the system is sized for – which is for fire flows – and so that domestic use isn't going to present issues.

W. Premeau stated the problem now is that the sidewalks drop off quickly and if you are walking around people on the sidewalks it is difficult at best, and this should be a big improvement to the walkability on that block.

M. Larson asked if this would be a good time to bring in the person that was in the waiting room.

D. Stensaas stated that nobody is in the waiting room anymore. M. Larson stated that he would make a motion in that case.

*It was moved by M. Larson, and seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 05-STR-11-20 - the Washington St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.*

#### **4. B. 06-STR-11-20: Newberry St. Street Reconstruction Project (Division St. to east end)**

D. Stensaas discussed the memo for the case and showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

M. Kilpela stated that this is a very small project and he explained the proposal as detailed in the fact sheet, and he showed the existing and proposed street cross sections. He stated that there are no sidewalks and no curbing on the block and it allows parking on both sides and that the primary factor driving this project is that all of the homes are served by a 1 ½ inch water line. He also stated that the proposal will replace the street structure and add curbing and smooth out the shape of the cul-de-sac and the sanitary sewer and the services will be replaced and they will run a new water main to the end and put a hydrant at the end. He stated that the proposal is for a yield street with parking on both sides and because it is a low-volume dead-end street they are including the gutter pan in the parking area calculation and he said they will get rid of the sharp corner at the dead end and smoothen it out. He stated there is no storm sewer and that storm water sheet flows over the hill to the south and runs down to Division Street.

J. Cardillo stated that there is no public waiting to speak on this.

M. Dunn stated that he understands why there wouldn't be sidewalks here, and he is wondering if there is a threshold, like a certain street density, for adding sidewalks to a project and how is that decided.

D. Stensaas stated that there is no specific threshold, but if there is funding available sidewalks would typically be designed and installed if that is a possibility with funding, but that year to year I think it sometimes requires considering the total funding available and weighing the overall benefits for each project that might need sidewalks.

M. Kilpela stated that if there is a gap to fill that would be a good reason to add sidewalks, but that on this project, being a dead end and low volume street, it wasn't considered.

D. Stensaas stated that also he has had experience in his job prior to coming to work here and in this job with working in a lot of different neighborhoods to retrofit sidewalks into subdivisions where they weren't installed with the street and in some neighborhoods, including in Shiras Hills here in Marquette, we have seen sidewalks that were designed into a project be opposed by the adjacent property owners. He stated that it's a goal of the Community Master Plan is to always add sidewalks if it's possible and they will always try to do that.

J. Cardillo stated that she has also seen that in some of their projects here.

*It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 06-STR-11-20 - the Newberry St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.*

#### **4. C. 07-STR-11-20: Shiras Dr. Street Reconstruction Project**

D. Stensaas also read the memo for the case and discussed the Master Plan compatibility section in detail. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

City Engineer Mikel Kilpela reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that there is parking allowed on both sides of the street and there is no water main, no sanitary sewer or storm sewer, and the road is in very rough shape. He also stated that there is no sanitary sewer but all the homes are served off side streets, and there is no storm sewer to tie

into. The proposal is to reconstruct the street with a 28-foot wide cross section from back-of-curb to back-of-curb, and parking is proposed to be on only one side of the street and not both because this is a main entrance to Shiras Hills and there are mailboxes on the east side of the road. He also stated that the plan for the water main is planned, and would be connected by a directional boring under US 41 to a main on the east side, and that would significantly help fire flows that are currently lower than what they should be. He also stated they plan to replace the asphalt curbing with concrete curbing and that stormwater would be accommodated with curb cuts and shallow swales and maybe some retention for water quality purposes. He also showed diagrams of the curbing and the cross-section layout, discussing the rationale to only allow parking on one side, including more space being available for emergency vehicles.

J. Cardillo asked M. Kilpela to identify which side the parking would be on. M. Kilpela stated on the opposite side as the mailboxes, which is the north-west side.

M. Larson asked if there have been any issues with the on-street parking or are we going to cause more issues by removing the parking, and are we trying to address an issue that doesn't exist.

M. Kilpela stated that on some other streets like this that we've done recently, and some others like this in Shiras Hills, we allow parking on both sides. He stated it could cause bottlenecks, but they could leave it with parking on both sides.

J. Cardillo stated she thinks that it would be an improvement, because there are bottlenecks on narrower streets like this, and this really isn't changing the street section either way so much as changing the traffic controls.

M. Dunn stated that the parking most of the homes down below, he doesn't think that they park up on Shiras Dr. because of the street hill, so we are probably only talking about a couple of houses and can't imagine there is much parking there.

S. Mittlefehldt stated that her thoughts is there isn't the density of parking needs there as closer to town, and she wishes someone from the neighborhood could speak about the parking demand because she can't tell for sure but it doesn't seem like there would be much demand area for on-street parking.

M. Larson stated that he is okay with it but wants to make sure they think about if historically it's had parking and there haven't been issues, and if you lived there and came to rely on that then this would come as a change, but that if it becomes an issue the people could come back to the City and ask to have it put back the way it was.

J. Cardillo stated that she agrees with M. Larson.

M. Kilpela stated that he and D. Stensaas had a sidebar conversation and think that it might be best to approve the cross-section as presented and that parking would not be affected, and that the Parking and Traffic Advisory Committee may have interest in signing one side or the other.

*It was moved by M. Dunn, seconded by M. Larson, and carried 5-0 that after review of the proposed cross-sections and associated background information for 07-STR-11-20 - the Shiras St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction with the on-street parking allowed to be continued on both sides.*

## **WORK SESSION**

### **A. Annual Report to the City Commission**

D. Stensaas stated that he just wanted to touch on the annual report that will be presented to the City Commission on December 21<sup>st</sup>, which is the same meeting at which they will be holding the public hearing for the draft LDC amendments, which is a nice coincidence. He stated that he has the presentation on the laptop downstairs that he was going to show it, but since he can't he just wants to let the members know that it's going to be a work session item at the next meeting and ask that they consider any goals for the

next year and any accomplishments since the last presentation, which was almost 18 months ago as the scheduled June presentation was postponed. He also stated to let him know of any issues that might be appropriate to include before the next meeting. He also stated that if anyone has photos that they might want to add to circulate those to him as well and that he wanted to make the presentation as heavy on graphics and light on text as possible.

J. Cardillo stated that the permit fee for rooftop solar might be one thing to include.

#### **COMMISSION AND STAFF COMMENTS**

M. Larson stated that he's wondering if Zoom meetings will continue indefinitely, is that allowed under the state directives. D. Stensaas he believes that is the case and stated that is the plan until he hears otherwise.

W. Premeau stated that regarding the permit for solar installations, don't forget that people have to get a county permit for electrical work for solar panels and there isn't for metal rooves and shingles.

D. Stensaas stated that when the internet went down earlier and he was talking to himself for a while without realizing it, he was talking about the fact that some communities have combined zoning and building departments in the same agency, like Traverse City does, and there they have worked out one fee for the zoning and building codes review. He stated that they can't do that with the Building Codes office being in a County department here. He also stated that they are required to estimate the average cost of processing the various permits and unless there is an exception made by the City Commission well ahead of budget time the staff has to use the fee that represents the average cost to process that permit.

#### **ADJOURNMENT**

The meeting was adjourned by Chair Cardillo at 7:25 p.m.

Prepared by:

*David Stensaas*

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