

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
May 02, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 02, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, M. Rayner, K. Clegg, C. Gottlieb, S. Lawry, Chair S. Mittlefehldt, and Vice-Chair N. Williams

Absent: A. Andres, D. Fetter (both excused)

AGENDA

It was moved by S. Lawry, seconded by K. Clegg, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 04-18-23 were approved by consensus with the correction of an error pointed out by C. Gottlieb and a correction to a comment attributed to S. Mittlefehldt.

PUBLIC HEARING

A. 01-REZ-05-23 – 1501 Division St. (PIN: 0020470) – Rezoning Request

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property at 1501 Division St., which is currently zoned Medium Density Residential, to be rezoned to Mixed-Use.

She said that attached to the agenda is a staff report and referenced and showed on-screen the rezoning application; the area map, block map, and existing zoning map - all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report the Future Land Use Map from the Community Master Plan (CMP) outlining the parcel as single-family residential, and the Proposed Zoning Map from the CMP showing this parcel as Medium Density Residential (MDR). She said there were also rezoning items for the board to consider, and that the memo attached includes a history of the zoning of this property, which was General Business and then it became Traditional Neighborhood-Commercial Residential, then rezoned to MDR, but it has been a commercial use. She also said that at their April 18th meeting, the Planning Commission discussed potential changes to the Future Land Use Map and Proposed Zoning Map, and they discussed that this property be changed to Mixed-Use. She said that we did not receive any correspondence for this case.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Patty Barton, 260 Chapel Ridge Rd. (Marquette Township), stated:

She and Scott Knaffla are owners of the building, having bought it in 2015 and then opened a financial services office. She said that she has retired, and Mr. Knaffla has purchased the practice but had to move for more space, and when she put the building up for sale she learned that it had been rezoned to residential. When a potential buyer wanted to know if it would be guaranteed that he would be able to sell it as an office space, of course he talked to Andrea and there's no way they can guarantee it, so I

continued to run my LLC out of that which (inaudible) building. When it didn't sell I decided that since it was residential maybe I could turn it into a residence, but there were all kinds of costs like tearing out the parking lot. So, I decided to keep it and we put it into our LLC, which we own some properties and rentals – Method Real Estate Partners - and along the way we found a renter that wants to put a pie shop in there and it also affords me the opportunity to help someone with their business and cook at the same time. And that is where we're at right now, and now that its zoned residential that is why we're applying for the rezoning.

S. Mittlefehldt stated that the Planning Commission members may ask questions now.

K. Clegg asked if Ms. Barton had a lease agreement in place with Peace Pies.

Ms. Barton stated - yes.

K. Clegg stated:

Ms. Barton - as far as you know or can recall, has this been used as a residential building?

Ms. Barton said that she had been here a long time and that when she was in college it was King's Party Store, and then when the O'Neill's bought it Menze put an addition on, and the parking lot. She said she didn't know what it was after the party store.

S. Lawry said there was a hair salon there.

Ms. Barton said yes, it has always been commercial as far as she knew.

C. Gottlieb asked Ms. Barton - as long as you have owned the building it has never been used as a residence?

Ms. Barton stated - no.

S. Lawry asked Ms. Barton if she has had a business operating there continuously with your LLC?

Ms. Barton stated - yes.

K. Clegg asked Ms. Barton if she were aware in 2019 that the zoning was being updated?

Ms. Barton stated – no, and that she found out when she spoke with A. Landers about this.

A. Landers said that just so you know, there was a rezoning that covered the entire city in 2019.

City Planner and Zoning Administrator D. Stensaas stated that hundreds of parcels were rezoned and individual property owners were not necessarily notified, but the recommendation goes back to 2015, in the Community Master Plan – that is where this zoning recommendation came from.

S. Mittlefehldt opened the public hearing.

Mr. Rob Dendel, of 535 W. Ridge St., stated:

I'm a contractor, I've built many commercial kitchens, restaurants, wineries through the years. And I'm looking at that building and it, for me as a builder, I look at it as a commercial property, I don't see a

residence at all. I see handicapped access already there and I would like to support the future business and highly recommend that we move it into what the building already is. I mean it has professionally done accesses and you don't see that everywhere in businesses right now. And to keep it simple, it makes more sense to keep it commercial than to spend thousands of dollars to move it back to residential. There's not even a place for a garden or yard, it's all parking lot. It looks commercial and I would have never guessed it was residential. The business that's going in is something that will have quiet hours, its not going to be late-night like a liquor store or a pot shop...it's a quiet business. I want to say that I support your decision to make a proper change to a commercial property, and I don't think you're going to see they have to do a bunch of construction to make it a commercial property, I think its on the road to success already. Thanks.

Bryan Sromalski, 214 W. Hogan Alley, stated:

My property is not adjacent, but pretty close to this property. I was born and raised on Hampton St. and have been a resident of south Marquette my whole life. I fully support this even though it's going to be a pie company and I'm probably going to get really fat from it. Obviously that building is a commercial building and as long as I remember it always has been. I don't see any negative impacts on the neighborhood and believe that most of the properties on that stretch of Division St. would be better off as Mixed Use for businesses and the future development of Marquette. Thank you.

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

K. Clegg stated:

It seems to me it was an oversight on the Future Land Use Map, per our discussion two weeks ago, that we made a mistake when it was rezoned and that it has always been commercial. These people have been continuous in their use, as continuous it has been legal-nonconforming and now there is a good business slated to go in and it could become an anchor business in the S. Marquette community. I would like to fully support that. I'm not entirely certain how to go about that in our rules but I want to support that.

S. Lawry stated:

I was on the Commission in 2015 and can attest that it is an oversight because we were going through maps street by street and any of the major streets like this, basically we were trying to create Mixed Use districts. Following those streets, wherever there was existing business or had been a history of corner stores or other types of businesses like that it was an attempt to try to reestablish that type of neighborhood along just about all the major traffic corridors. And perhaps this was in a form-based district that allowed commercial at that time, maybe that is why it got overlooked. I don't know, but I wasn't around in 2019 when the rezoning finally happened, but I do know that the intent and all of the goals that we're supposed to be comparing it to in the Master Plan were to create Mixed Use in that type of neighborhood, including any parcels that were already in a mixed-use type of status.

S. Lawry said that he does have a question for staff. He stated that on the decision tree from page 3-32 of the Master Plan – is that a regulation or a guideline.

D. Stensaas stated:

Yes, that's more of a guideline. Inasmuch as the Community Master Plan itself is a guide, and we went over this before, but the recommendations of the Master Plan aren't binding in the state of Michigan. It's recommended that you follow it, but there's always going to be something that requires an appeal

process or a variation and that's why I included that phraseology in the memo that you got on this case to address this, because you're absolutely correct - that somehow this parcel fell through the cracks when we were reassigning, looking at the parcels back in 2015. There are only seven-thousand parcels in the city, so it's a shame that we missed one, but we did.

S. Mittlefehldt stated:

So just a point of procedure, Dave, do we need to go through the amendment procedures listed in section 1405 and get consensus on each one?

D. Stensaas stated:

I don't think you necessarily need to do that, but the spot zoning criteria are worth looking at.

S. Mittlefehldt stated:

Sure. And also maybe look at the Mixed-Use zoning - I think we're all excited about the pie shop - but maybe think about twenty years from now it's still Mixed Use and are we still okay with that? Maybe we should look at that just to make sure. Okay, so for the issue of spot zoning, there are the MSU Extension guidelines on the sheet in the packet that has factors to consider. I don't see this as a spot zoning issue, because it does have Mixed Use just to the north, and as Commissioner Lawry said, it was the intention in 2015 to create these nodes along (inaudible).

M. Rayner stated:

I didn't view it as spot zoning at all and don't think it meets the criteria.

D. Stensaas stated:

It would have to meet all four of the criteria to be a spot zone. But it's good to clarify this decision and get it on the record.

S. Lawry stated:

I believe this is an expansion of the existing district across the street.

S. Mittlefehldt stated:

The other main question is "Is it an appropriate location for the zone, for Mixed-Use". So, can we zoom up to the Mixed-Use [land use] standards in section 54.311 just to consider if there is anything listed as a principal use that as some future point in time that we would think is inconsistent with this site. Hopefully you've had a chance to look at this, and we have Mixed-Use districts in other areas so we are familiar, but just to dot our i's and cross our t's with this and make sure there is nothing here that would be of concern at some point. Anybody?

K. Clegg stated:

Nothing major jumps out to me as contradictory to that property as a Mixed-Use zone.

C. Gottlieb asked - Special Land Uses would have to come back to the Planning Commission?

S. Mittlefehldt stated:

Yes, and there would be a public hearing. If people are good with Mixed-Use as an appropriate district and are supportive of this zoning amendment process, unless there is more discussion does someone want to make a motion?

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 7-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-05-23, the Planning Commission finds that the proposed rezoning is inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-05-23 as presented.

NEW BUSINESS

A. 03-SUP-06-22 – 442 McMillan Street (PIN: 0514960) – Extension Request

Zoning Official A. Landers stated:

Attached in the agenda is correspondence from Geoffrey Murray, who owns 442 McMillan Street. He is requesting an extension to a previously approved new duplex dwelling. The project will currently expire on June 21st, 2023. And also attached are the June 21, 2022, Planning Commission meeting minutes. If action is not taken to implement a Special Land Use within a year it shall expire, so he is asking for a one-year extension, and the Commission may, at its discretion, schedule a public hearing, and not more than two extensions may be granted.

S. Lawry asked to clarify that a public hearing is discretionary and not required.

A. Landers said that is correct.

C. Gottlieb asked if anything has changed regulation-wise since last year when he first applied.

D. Stensaas stated:

That is a good question. There were some amendments to the Land Development Code that were just approved that will change some of the allowances for duplexes, such as now allowing parking spaces to be in the front on a driveway, but I don't think that those would have any impact on what is proposed in this particular spot, which is a 20,000 sq. foot undeveloped parcel with plenty of space for the driveways and everything.

C. Gottlieb asked if anything is now more stringent.

D. Stensaas said that if anything, the rules for duplexes are now more relaxed.

S. Lawry stated that the main objection from the neighbors seemed to be traffic-related and since all the children on the cul-de-sac are going to start driving at the same time – I think that is where the traffic problems are going to occur and not by the construction of the duplex.

S. Mittlefehldt asked if anybody had other thoughts on this or wanted to make a motion.

It was moved by S. Lawry, seconded by M. Rayner, and carried 7-0 to approve the request for an extension for case 03-SUP-06-22 with the expiration date to be 06-21-24 for the reasons laid out in the applicant's correspondence that the duplex would not be able to be owner-occupied until another year and a half.

WORK SESSION

A. Community Master Plan – Land Use Data

D. Stensaas stated:

A. Landers has been working hard to get this data compiled and she's going to show us what she has assembled and we are going to pass it off to our consultants, and while she is getting it on screen I'll share with you that Director Stachewicz and I will be meeting with Russ Soyering from our consulting team this Thursday for a tour of the sites that the community has identified as being possible transformative redevelopment sites. There are three sites that they want the community to weigh in on a bit more.

A. Landers said that they are looking at the "existing land activity" data and that she went through each and every parcel, but the parcel count doesn't add up correctly because we found that some of them were being double-counted. She said some condos were showing up as a unique parcel for each condo when there is only one parcel and so she had to fix those, and there are splits and combinations that have occurred over the years. The other thing you may have noticed is in the way that we've determined each category has been written out and explained so that it will be the same from going forward. She also said that many vacant and undeveloped parcels were listed as the same land use as the previous zoning, instead of vacant, and that is why we only showed 8 acres as undeveloped previously but it's actually 342 acres that are undeveloped. So, that's why you see a lower count now for some uses like commercial, and we don't have office as a land activity anymore, and I found a lot more Mixed-Use by going parcel by parcel and doing the research with it. She said that for the Open Space it includes the municipal land designated as park space, municipal and private land zoned as Conservation and Recreation, and BLP land used for recreation and city parks was not included in that since several of those places aren't approved parks yet. She then showed a map of existing land activity/uses with undeveloped land shown in gray.

The Planning Commission asked several questions about items of interest on the map and to identify specific businesses, proposals and ideas.

S. Lawry asked why the north and south Peninsula Medical Center parking lots were shown as different.

A. Landers said because the north is different than the south, which is a Mixed-Use zone.

D. Stensaas stated that he is reminded now of the parcel at the corner of Crescent St. and Lakeshore Blvd. that is bisected by the old railroad corridor, so it is on both sides of that corridor and is currently a PUD with a business in the building on Crescent. He said that the owner of that parcel has been inquiring about rezoning it to Mixed-Use, which is what is shown on our Future Land Use Map. He said he thinks that is a good idea if he wants to be able to also have residential in the building he owns. He said that the Zoning Map erroneously shows the eastern parcel as Mixed-Use. So, that is something to consider recommending to our consultants for the new FLUM and Proposed Rezoning Map.

M. Rayner asked how many acres of undeveloped land is there that could be used, is it 300 acres?

A. Landers stated it is 342 acres.

S. Lawry asked does that include the Heartwood Forestland?

A. Landers stated that is any of it that is undeveloped and owned by somebody else (not Municipal) and not in Conservation and Recreation zoning.

D. Stensaas stated that most of that land is in Conservation and Recreation zoning.

C. Gottlieb asked if any City-owned property is in the vacant category.

A. Landers stated that any vacant municipal, county, state and federal land that is vacant and not a park is in the Civic category for land activity. She said that the Conservation and Recreation [zoning] is within the Open Space category for land activity.

The Planning Commission and staff discussed some issues that the data revealed, including the large percentage of land area in the city that is non-taxable (about half) and of the taxable land area that single-family zoning districts take up about forty percent of that area.

D. Stensaas said that the large area dedicated to single-family housing brings us back to the discussion about should so much of the land area be dedicated to detached single-family housing when we need more missing-middle housing and building in greenfield areas is not economically viable at this time unless they are larger multi-family projects.

S. Lawry stated that from the minutes of the hearings last year on McMillan Street, that is pretty reflective of most single-family neighborhoods – they don't even want duplexes much less rentals or anything else and I think that's why people want to live in the city of Marquette. And, maybe it gets filled and maybe there isn't room for more, but housing changes hands all the time anyway. I know it's good for a city to grow, but it's also not good to build it in a way that residents don't want to live there anymore.

D. Stensaas said that we did see from the visual-preference survey results from the [Community Master Plan] open house that the majority of people that voted on those liked duplexes and triplexes, and that they didn't like townhomes. He also said that there are strategies we've talked about that can be used to chip away a little of the single-family zoning districts into allowing for some missing-middle housing.

S. Mittlefehldt stated that I have lived next to a pretty large multi-family apartment complex and it's been great, we've had friends that have lived there over the years and I think it's just, it's out of our purview, but the management of the multi-family structures, but they get a bad reputation when they aren't managed well. She said there is a fear of things that are different...but things are changing in other communities and change comes slowly to Marquette.

D. Stensaas stated that historically a lot of the single-family neighborhoods had a real mix of different types of housing, there weren't just single-family homes, and you can see that across Ridge Street, there are several buildings that were multi-family or duplexes when they were built.

S. Lawry stated that we must have lost a lot of duplexes to single-family homes or conversions into rentals for multiple students. He said both of his sets of grandparents lived in duplexes in the city, and had large families, and that he thinks it was fairly common to find duplexes on just about every block except E. Ridge St. before a lot of the big single-family lots existed. He also said that going back generations that people started out with – renting a duplex and then maybe owning a duplex, and I don't see them as bad like the minutes have reflected.

S. Mittlefehldt said that we had issues and some people don't want duplexes in their single-family neighborhood, it was very eye-opening.

S. Lawry said that duplexes were pretty consistently owner-occupied in the past too.

D. Stensaas said that he thinks since the expansion of NMU after the end of World War II there were more and more homes bought and turned into rentals and eventually a lot of students living off campus in duplexes, and there are still streets in Marquette where there are a lot of problems with poor property management. He said that it is also striking how much more property is being used for single-family than multi-family, it is unbalanced. He also said that there are a lot of housing units in the pipeline and in the next several months you'll be seeing site plans for some projects, but that still isn't necessarily going to meet the demand that is here once those units are built in a few years.

M. Rayner asked about vacant properties on the block of McClellan Ave. and Ridge St. Staff provided information on the developments that are in planning stages for the former Shunk's and Shopko sites.

D. Stensaas stated that we still have the zoning data to look at, and that staff will send this out to the board soon.

C. Gottlieb asked that a key be added to the chart for the zoning district acronyms.

Staff and the Planning Commission discussed the various subdistricts of the Downtown Marquette Waterfront form-based code district and the purposes of some of the subdistricts.

S. Mittlefehldt asked what staff needs the Planning Commission to do with this information.

A. Landers stated that tonight they just wanted to explain the data, but they will clean it up per the Commission's requests and Dave will send it out after he checks it. She also said that she included the 2014 data in the document for comparison and explanation, we don't have to include that with the revisions.

D. Stensaas said he thought it would be good to keep that 2014 data in the document to show the consultants for their analysis. He also stated that is all they have for this, and staff wanted to show the Commission the data and explain it and let them know they are almost done with it.

S. Mittlefehldt stated that's great, and if there are no other questions or comments we can move on to comments.

COMMISSION AND STAFF COMMENTS

K. Clegg stated that he was excited for the rezoning request tonight.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:10 p.m.