

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING COMMISSION  
October 3rd, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, October 3rd, 2023, in the Commission Chambers at City Hall.

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, K. Clegg, S. Lawry, Vice-Chair N. Williams, M. Rayner, D. Fetter, C. Gottlieb, Chair S. Mittlefehldt.

PC members absent: A. Andres (excused).

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

**AGENDA**

*It was moved by S. Lawry, seconded by M. Rayner, and carried 8-0 to approve the agenda with the addition of an item of correspondence received today for case 05-SUP-10-23, a letter from the Fire Dept. to the 616 Fisher St. property owner and related to the 06-SUP-10-23 case, and site photos for each of therezoning cases.*

**MINUTES**

The minutes of 09-05-23 were approved as presented, by consensus.

**CONFLICT of INTEREST**

There were no conflicts of interest stated.

**PUBLIC HEARINGS**

**A. 05-SUP-10-23 – 3201 Division St. (PIN: 0515980): Special Land Use Permit for an expansion of their Land Intensive Recreational Use**

A. Landers stated that staff have reviewed a Special Land Use permit for an expansion of a Land Intensive Recreational Use to add a vault toilet structures, parking lot expansion and improvements, pedestrian and bike safety improvements, site improvements, and designate a picnic area, located at 3201 Division Street. She also stated that the Planning Commission should review the Special Land Use application and attachments, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and Land Intensive Recreation Use Standards in Section 54.641.

She discussed and showed on wall monitors the attached Staff Report/Analysis and attachments, the Special Land Use application, Site Plan Review application, site plan, and background information related to previous approval for a Conditional Land Use permit. She expanded on the Staff Report items, showing maps, photos of the site, site plans, and pointed out the area around the driveway entrance that is owned by Cliffs Natural Resources that the NTN is in the process of purchasing. She also read an item of correspondence from Mark and Erin Ellison that was received by email this morning (10/03/23) in opposition to the proposal.

Ms. Lori Hauswirth, Director of the Noquemenon Trail Network (NTN), stated that she and Traci Goebel are here for the NTN. She also stated:

One correction to the staff description is that this is an expansion of an existing parking lot, it's not a new parking lot. Just for clarification on that, it basically is to serve the public, the recreational use is public. We see a lot of use at that trail head, and right now we basically have a temporary toilet that's serviced

monthly, that isn't serving the waste needs of the facility based on the public use that's happening there. We want to make the parking lot flow a little bit better which is part of the design so people are parking in a more organized fashion there, to increase that capacity as well as grading the parking lots, we currently use the entrance for safety for people exiting and entering that spot. As we know, that's a pretty dangerous piece of highway there. There's a lot of discussion around that. We didn't know we didn't own the entrance until we started this process, which was a surprise to us. CCI is actually quit-claiming that piece of property, which you should receive the additional correspondence that that is in the works. They're in the process of filing that (inaudible) have to report that. I will let Tracy speak a little bit to you and make the landscaping of the layout of the design.

Ms. Traci Goebel stated that she was an NTN board member and the engineer of record for the project. She also stated:

So, Lori covered the high points. I would say the parking lot itself is being nominally expanded on the southwest and north end edges by 20 to 40 ft. roughly, to really increase the organization of the parking lot, accommodate one way traffic and a loop around there, also to accommodate some larger vehicles with trailers in the designated parking area for those, because right now they come in and they just park and it prohibits other people from parking there in high use times. We are raising the entrance up at MDOT's recommendation, approximately 3 feet, to improve visibility and improve ingress and egress and also partially paving it, just at their recommendation. Beyond that, I guess I don't have anything to add. We're trying to do I guess a little bit of landscaping, a little bit of aesthetic improvements in the parking lot, and those also double as storm water management.

S. Mittlefehldt asked - Do any Commissioners have any quick questions of clarification while we have the applicants' up?

C. Gottlieb asked - When is the, you said there's a quit-claim deed coming?

Ms. Traci Goebel stated we were provided with their signed copy on Friday and they expected it to be sometime this week that they get the signed copy out, the original.

C. Gottlieb asked - Cleveland-Cliffs have signed a quit-claim deed already and that's being, where is it right now?

Ms. Traci Goebel said - I think we got an electronic copy and they're mailing the final copy, and it needs to be recorded.

D. Fetter said - You mentioned one-way traffic. Will there be signage included to be able to support one-way?

Ms. Goebel stated:

Yes, that's our plan at the entrance island there, it's the green one you see we'll have the (inaudible), NTN South Trails parking lot and then one-way traffic with some indications supporting that.

S. Mittlefehldt said - I just have a question about the paving, so you said it's partially paved?

Ms. Goebel stated:

It's actually shown on the drawing, the darker shaded park off of M-553 where Andrea's operating the mouse right now, just that area just to give it just a little traction.

Ms. Hauswirth stated:

We see people spinning on the gravel is a pretty regular thing, so we wanted to do what MDOT recommended, and that one safety improvement was the elevation, and the paving that they suggested when we've had conversations with them.

C. Gottlieb asked - And there's a culvert that will go in just beyond the paving?

Ms. Goebel stated:

Right now the design shows a culvert, actually it's called an under drain, it goes from that- it's hard for me to-

A. Landers stated the dash lines here?

Ms. Goebel stated:

The dash- well there's a culvert there and it will go across under sort of along the road right of way. That is subject to MDOT approval on sizing and then there's also an under drain that goes to the storm water collection area, which is from the south side of that long island over to the storm water collection area, because basically that is a bioswale kind of similar to what is at the Co-op, if you're familiar with that parking lot, a depression, water flows down and then it collects in a catch basin and goes across.

S. Mittlefehldt said - I know Commissioner Lawry mentioned, but just a follow-up so is that dash line, is that underneath or is that just the drainage from that middle part?

Ms. Goebel stated:

So yes, there's a culvert underneath [inaudible] that goes from storm water detention, a small storage area across to just an existing drainage area right now that ultimately will just be the [inaudible], and there's also one that is underground across to-

S. Mittlefehldt said - Okay, so draining the middle portion?

Ms. Goebel stated: Correct.

S. Mittlefehldt said - Great, and Commissioner Lawry, do you have a question?

S. Lawry stated:

A couple of them, yes, the different regarding the landscape plan it's the packet shows I believe concrete wheel stops aligning the edges of the parking wheel stops outlining the edge of the space which really helps to provide some order to parking, but that's the only place I've seen them and they weren't called out in the notes so I'm wondering are they included or are they not?

Ms. Hauswirth stated: Yeah...because it is going to be a ground parking lot, that'll be the thing that helps define the spots. We need to add some, but yeah.

S. Lawry stated: And how do you intend to define the pedestrian cross-walks that you have there?

Ms. Goebel stated: With some signage in the gravel area.

Ms. Hauswirth stated: It'll be finer gravel, it's all packed surface.

S. Lawry stated:

Okay so visually with a different surface texture and you mentioned one sign indicating the direction of traffic flow at the entrance...so hopefully those are part of any revised plan that you submit, you could indicate your total traffic control system. And I also had a question about is there a water source on site right now?

Ms. Hauswirth stated: There is not.

S. Lawry stated: How do you intend to maintain the vault toilet?

Ms. Hauswirth stated: We will need to haul in the water to do that, if and when it's necessary.

S. Lawry stated: Okay, you will do that with NTN staff, or contract with the service that's providing your toilet service?

Ms. Hauswirth stated: We'll be weighing our cost to that, to see what works best.

S. Lawry stated: Okay, well having maintained a number of them for different municipalities in the past, they do require frequent cleaning.

Ms. Hauswirth stated: We have vault toilets at our Forestville trailhead, so I am well aware of the needs, thank you. [Laughs]

S. Lawry stated: One other question, has SEMCO reviewed these plans at all?

Ms. Hauswirth stated:

Initially, when we were developing the concept for the project, we did meet with SEMCO. They came out to the site and we are aware of their coverage requirements. They have to be on site for all earth moving in the vicinity of the pipeline, that's in the comments for the drawings set, and there's approximately 7 to 8 ft. of cover over that pipeline right now in this area, and they need a minimum of 3 feet, but I think the design, because we're going to do some regrading has 4 to 4-1/2.

S. Lawry stated: They also have some concerns about adding material when traffic is going to be driving over the pipes, so I guess that's something to explore with them as well. Okay, thank you.

S. Mittlefehldt said: Any other questions?

K. Clegg asked: In your drawings, it talks about lights. Are there lights on the property right now?

Ms. Hauswirth stated:

There is one light on the front edge of the parking lot and the building itself has some lights.

K. Clegg asked - Your stated hours of operations are dawn to dusk, just something in addition that you're looking to expand your hours or...?

Ms. Hauswirth stated: No, there are defined hours currently at the location.

K. Clegg stated - Okay.

S. Mittlefehldt stated:

Great, well I think that's all for now. Thank you so much, and correspondence, I think that was it. We heard all the correspondence right, so at this time we can have some public testimony, if there's anyone here who would like to speak on behalf of this project please come up and there's three minutes. She then opened the public hearing. Nobody made comments on the proposal. S. Mittlefehldt closed the public hearing.

*It was moved by C. Gottlieb, seconded by S. Lawry, and carried 8-0 to suspend the rules for discussion.*

S. Lawry asked a question for staff: Are you able to, on the arial photos, show us where the Ellison house is in relation to the trail head?

A. Landers, showing the location on the map being shown on the three monitors on the room walls, said that they are located right here.

C. Gottlieb asked: 2914?

A. Landers said: 2914

S. Mittlefehldt said: So, actually pretty far away from development, right?

A. Landers stated:

And for clarification, after seeing their email that they sent me today, I looked and they never asked me for materials, so I sent out materials and I explained the materials, so I was able to at least provide them that the expansion is down at the site with the vault toilet and whatnot. I don't know what they were referring to of losing walking trails though, because in that neighborhood, those trails have always been open to everybody, it's just non-motorized trails in that neighborhood.

S. Mittlefehldt stated:

I had a question for staff as well, too, in the packet it talks about how Section 54.1003, in the Land Development Code talks about number of deciduous trees and ground cover, can you explain a little bit about what NTN would have to do to make that requirement?

A. Landers stated:

That's going to need a meeting with NTN. They have to call out, what they're going to call out as their interior parking lot and once they call that out and provide me the square footage, each area of that would determine how many trees. I won't know that until I know where they're going to decide to call it out to, because at a minimum of so much square footage in an area that you're calling out, it requires one tree per, so it's all going to be dependent on their design. That's why I said in my comments that we'll meet with them and discuss it with them.

S. Mittlefehldt said: Okay, so if we make a motion to approve with staff comment, that would be-

A. Landers said: That should be covered with that.

S. Mittlefehldt stated:

Great, well another thing we need to discuss as a Planning Commission is I guess in the packet it mentioned the potential for nuisance. Any additional noise, vibration, dust, fumes, or other nuisance that might affect the surrounding area. I don't see any nuisance issues and the results of this. In fact, it might reduce nuisances with the existing inadequate bathroom facilities. It might actually help address those but that is something we need to discuss. Anybody see any potential for a nuisance?

N. Williams said: I think if anything, it's bring order to this site.

S. Mittlefehldt said: Any other comments?

M. Rayner stated:

The lighting - is it downward facing so it wouldn't interfere? I don't know how close the closest house is.

D. Stensaas said: It's required to be downcast.

M. Rayner said: Okay, it's required.

D. Stensaas said: And some of these things are in your site plan standards that you need to go through.

M. Rayner said: I understand. So, I think the light was the only question I had.

C. Gottlieb said: In reality, the closest dwelling is at least a quarter mile away.

S. Mittlefehldt stated that the Planning Commission will now review the Special Land Use Standards in section 54.1403 of the Land Development Code.

*The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards.*

S. Lawry stated, regarding item 54.1403(C)(8):

I still have a bit of a concern with the pedestrian crosswalks, they're channeling people between parked cars, they're probably all scattered throughout the parking lot, going between parked cars at this point, so over existing conditions, it's an improvement.

S. Lawry stated, regarding item 54.1403(C)(13):

One thing, I guess, when we looked at the relationship to the correspondent's home, I guess we couldn't really see how the clearing done for the gas transmission main might have affected their view of this property, but it still didn't appear to be something that put them in close proximity and view-wise. Does anybody have any more information that?

K. Clegg stated: In my experience, they're around the corner. They don't have a direct sight-line, from their lot.

C. Gottlieb said: The SEMCO pipeline is closer to 553...I think they were four houses in off of the intersection, so they're far from the SEMCO pipeline as well.

S. Lawry said, regarding item 54.1403(C)(14): The Community Master Plan promotes sports tourism and has a goal to (inaudible).

S. Mittlefehldt stated: The NTN is highlighted in the Plan as a shining light of what we're hoping to do in the community, and this seems very much in harmony with that.

*It was moved by K. Clegg, and seconded by C. Gottlieb, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 05-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Land Intensive Recreation Use Standards in Section 54.641, and hereby approves 05-SUP-10-23 with the following conditions:*

- 1. That an amended plan is submitted to meet staff comments.*
- 2. That the NTN has ownership of the Cleveland-Cliffs Iron Company property for which they are proposing work prior to construction.*

## **B. 06-SUP-10-23 – 616 Fisher St. (PIN: 0130101): Special Land Use Permit for a Supportive Housing Facility, Permanent and Transitional**

A. Landers stated that staff have reviewed the Special Land Use permit for a Supportive Housing Facility, Permanent and Transitional located at 616 Fisher Street. She discussed and showed on wall monitors the attached Staff Report/Analysis for more specific information regarding the Special Land Use application, Site Plan Review application and attachments, and site plan. The Planning Commission should review the Special Land Use application, Site Plan Review application and site plan, along with the support information provided in this packet, and determine whether or not the proposed Special Land Use is in compliance with the City of Marquette Land Development Code, more specifically, the Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647. She said there was no correspondence received for the proposal.

Emily Belinski said that she and Kim Frost are here to speak on behalf of Superior Connections Recovery Community Organization.

Ms. Belinski stated:

A brief overview, in June of 2021, the City Commission approved the rezoning of the property from medium density residential to mixed-use, for Conditional Rezoning. Since that time, Supportive Housing was added as a Special Land Use and is now allowed under Medium Density Residential zoning. We

probably fit that land use better than the one that we were in under the Conditional Rezoning, so we would like to...we are requesting a Special Land Use Permit to use that property for supportive housing.

Ms. Belinski stated:

We believe it does meet the standards of the Special Land Use review. We believe it is fitting with *medium density residential* as it's within the range of uses, including families of all types. *Use of adjacent lands* - it's surrounded by other MDR properties, a municipal property and there is a Mixed Use property in the vicinity. *Physical appearance* - is that of a house. *Landscaping* - there is consistent grass, concrete and fencing. *Operations of use* - it meets the allowable Special Land Use of supportive housing. Also, further is buffered by a road, an alley and empty lot that has a change in elevation and a sizeable back yard that abuts a wooded portion on the back end of the property on 7<sup>th</sup> Street. *Time of use and physical and economic relationship* - it's a residential house surrounded by other residential houses within your mixed-use property. *Number of persons or employees* - it houses 16 individuals and that is what the Fire Department determined was the occupancy. They typically have one staff on duty with other staff to make visits through the week, but it would be highly unusual to have more than four staff present at a time. Also, our residents generally do not own motor vehicles so [inaudible] traffic. For *vehicular and pedestrian circulation*, again, that typically there isn't much vehicular traffic as the residents don't generally own cars. Some of them do, but not very many. They do use sidewalks, but they're not generally doing so in large numbers. *Physical characteristics* - I've just referred to the site plan. Public services - I understand that the police captain provided some numbers as to visits and he did mention that it's been increased since the Benders were there. We are serving a slightly different population than the Benders served and overall these people being in housing versus being wherever they might be, in jail or homeless, our community is benefiting because these burdens are not overall increased, they're actually decreased. *Environmental factors* - the types and [inaudible] are in keeping with medium density residential property. And for *site area and potential future expansion areas*, I don't really have any notion of expanding it necessarily, but again it is buffered by a road and alley and an empty lot and our back yard. *Additional environmental factors*, it's similar use to what it has been for years, under the ownership of the Benders. As to the *Master Plan*, we think it does fit the Master Plan, it certainly does provide service or opportunities for people who can easily be excluded based on their different abilities and their economic status, as far as improving the quality of life to routine improvements in education, healthcare, civic engagement, employment, opportunities, arts and culture, recreation. We have community health workers that visit the house and they work with our people on exactly those quality of life factors. And then again, as far as improving [inaudible] economic status [inaudible] a tourist destination, I think it's safe to say that several of our residents would be experiencing homelessness if not for the Fisher Street house and I would not say that more homelessness would be a draw for tourists. Also, we did, I believe there was a communication with the Fire Department...with the Fire Chief and the Fire Marshal and it was a positive conversation, and do you want to speak to that, Kim?

Ms. Frost stated:

We met yesterday with Fire Inspector Fawcett as well as the Fire Chief and it was a super positive meeting with lots of support from them to help us continue the compliance and then also make the home safer for all of its residents, and we provided them a lot of documentation that we're going to use to document inspections and stuff within the home. And I think the only thing I wanted to highlight from what was submitted here was just where it was the Police Captain submitting the number of police visits, I think it's important to realize that the vast majority of those are actually general assistance calls, which means medical calls, and we do have medically fragile people that live there and those are the majority of the response calls that happen there.

S. Mittlefehldt said: Are there any comments, questions from the Commissioners while we have our applicants there? Anybody have any questions about logistics or anything that they submitted or just said?

Ms. Frost stated:

Is this inappropriate, because I want to ask if everyone understands what Fisher Street House is?

S. Mittlefehldt stated:

Well, actually my question was how can you, because in the packet it talked about in-home services that are provided there, like the assertive community treatment program as well as like the community health work program, and then there's also the person who's the on-site manager. So, I guess could you give us a sense of a couple of things. Number one, you mentioned the population served is different than it has historically, so if you could give us a narrative history of how that's changed over time, cause it sounds like there has been some issues and it's been sort of been serving this function like a transitional house.

Ms. Frost stated:

So the Benders operated it initially I think back in the 40s or 50s or whatever. It was truly operated as a boarding home for working men in my understanding and then over time became a boarding home for people who might struggle to live independently and such, and so does have some long-term residents, so I think you're going to hear from a couple who are here to speak to you, but we continue to have some, in a sense, permanent residents that reside in the home, but then we also have some people who we might consider more transitional, but it's not like they're coming in and out every month. We have to go through like the ultimate goal might be to often transition into different kind of housing but it's a long-term process. It might be repaying some debts to a former landlord through subsidized housing or it might be developing health plans that allow them to live more independently so we through the support of the assertive community treatment team, through our community health worker program, work really hard to provide supports to 16 humans who are super vulnerable. Many of them, in fact almost all of them, without Fisher Street will be literally homeless and residing on the streets because they do not meet the criteria to live in subsidized housing and because in addition there's no subsidized housing to be had. It's awful and many of these individuals do not meet the criteria, so it provides an incredibly important function and so we have the ACT team coming in. We have the community health worker program and then recently we were awarded a grant which is going to allow us to have a full-time program supervisor to work with the program to continue to develop it and improve the safety of it and improve the wellbeing for the gentlemen that live there.

S. Mittlefehldt said: Can you give us a sense of how much time will the onsite persons that are supposed to be there, be living there all the time?

Ms. Frost stated:

Yeah, so we have an onsite house manager, a gentleman who's also here tonight and he will talk to you. He's relatively new. We had another gentleman and he's working elsewhere now. So he lives there and then we have the community health workers that come in, sometimes several at one time, sometimes independently, all throughout the week, and then the assertive community treatment team which comes in Monday through Friday. And then this new position is going to allow us to have a program supervisor there full-time, so it will be 40 hours a week and I don't see that position being like necessarily Monday through Friday, 9 to 5. I think there's going to be some variability in that, so we have some evening coverage and stuff.

C. Gottlieb asked: There is not necessarily a 24/7 in-house employee?

Ms. Frost stated: There is, there is the onsite house manager, and he is there 24/7.

C. Gottlieb asked: Never leaves?

Ms. Belinski stated: He will be relieved by this 40 hour staffer.

Ms. Frost stated:

So what's going to happen is with the new program supervisor, I mean, when the vendors lived there, they left, too. They weren't always there. They went and took trips actually and went shopping and all that, but that person is there and then we're going to work to have a schedule where the program supervisors will offset each other and make sure that someone is available in the home.

S. Mittlefehldt stated:

Can you tell us a little bit more about, because we did get the memo from the Fire Marshal and as you mentioned several things were out of compliance, everything from smoke alarms and fire extinguishers, the onsite manager wasn't there, the house was not cleaned. We had a whole list of all these things, so it sounds like you talked to them and got things straightened, so is there a plan to make sure that compliance is achieved for some of the safety issues.

Ms. Frost stated:

Yeah, we had, like I said, a really good meeting, and so a lot of those concerns were addressed and some other stuff. It was right during a period of time where there was a transition between the old manager and the new manager. The old manager had left for work. The new manager came and literally was there, the inspection was around 7 [a.m.] and he got there at 8:30 so it was just like that time period. But, we have a very solid plan with them and like I said, Emily drew up inspection, daily, weekly and monthly inspection charts so that we'll be checking per the Fire Marshal's recommendations for smoke detectors, fire extinguishers, etc.

S. Mittlefehldt said: And that would be the onsite manager?

Ms. Frost said: And the program supervisor, yes.

S. Lawry stated:

I think one of your responses to zoning indicated there was going to be a maintenance plan that was submitted for the property, but it wasn't in our packet. I guess I'm just wondering where that is.

Ms. Belinski stated: I didn't submit it, but I do have it.

A. Landers stated: Is that in the narrative?

S. Lawry stated: I believe so.

A. Landers stated: Yeah, so it was in the packet, that was their maintenance plan right after, it was page three.

S. Mittlefehldt stated: The Fire Marshal also mentioned in the comments maybe having a county signal with the plans. I guess this question is for staff, did the county get a chance to look at the plan?

D. Stensaas stated: Well, the county will, as with any project that gets approved for any kind of zoning compliance, when they move on to get a building permit. We've over the years counseled, well, Ryan Redmond in the past, and I think him and their legal counsel, that they should speak with the County Building Codes. This is I think could possibly be a change of use in the county's scheme of things, so the county has some uses that are more residential, some are more commercial. This use might be different, might trigger them to do other fire protection things that our fire department doesn't require. Sometimes the county requires a building be fully sprinklered, whereas our code, the "Life Safety Code" that the City has in its City Code does not require that. So we've counseled that they talked to county building codes and that's all we can do.

S. Mittlefehldt stated: Okay, but the county, their decision would pre-empt our decision, right [inaudible]?

D. Stensaas stated: No.

S. Lawry asked: You said the 16 residents, that it was based on the fire department's determined capacity, do you anticipate that you will keep pretty close to that number?

Ms. Belinski stated: I anticipate that given the housing crisis, we'll stay at 16. Clearly we would not go over if it would violate the fire code but yeah, I anticipate that based on the housing market and housing

crisis that we will stay at or near 16. We sometimes drop down a little bit if someone transitions out but generally we stay, well, at close to 16.

C. Gottlieb stated: It would be 15 plus the resident manager, so it would be 15 plus 1.

Ms. Belinski stated: Correct.

S. Lawry asked: Is it strictly male?

Ms. Belinski said: Yes.

S. Mittlefehldt opened the public hearing.

Amy Hale, of 53 Forrest Park Drive, Marquette, stated:

I work for Pathways and a lot of this is going to be redundant, what was already said, Pathways has been coming into this home - my one co-worker has been there for almost 30 years and Pathways has been coming into that home before he was hired. We go in there Monday through Friday. We prompt meds. We support individuals to doctor's appointments, other [inaudible] care, shopping, community supports. Most of the folks that we see there have a serious persistent mental illness, such as schizophrenia, schizoaffective disorder, we also have our trained psychiatrist. Some of the folks that just cannot leave for various reasons. Our trained psychiatrist from our program will actually go into the home, provide treatment in the home at the Fisher Street. It's been my experience when we've had to place individuals there at the Fisher Street home, they come from either a really bad place, they're getting kicked out of their apartment, and they thrive at Fisher Street. There's the supports, there's the other individuals that necessarily would not talk to them if they lived in their own apartment, so it's always really neat to see how they thrive in that setting. It's been my experience that if it wasn't for the Fisher Street, some of our individuals actually would become homeless, just as we know there's nowhere else in the community for them to go. Some that live there don't want to go anywhere else and I think that's a fantastic thing to consider, that this is their home. Some that live there would like to go elsewhere, they just don't have the resources, the support, background checks, all of that, they would not pass. So, the Fisher Street provides that home as well. And I just also want to say that I just came back from a three week deployment from the American Red Cross providing disaster mental health from Hurricane Idalia. When the shelters were closing there, and there were individuals that had nowhere else to go, we were expected to provide them resiliency kits. Those resiliency kits consisted of a tarp, a tent, and a sleeping bag, and that was inside a wagon, and that's how we had to have them leave the shelter. If Fisher Street were to close, we would be in that same boat, watching those that have lived there for many years be asked to leave. This decision would be devastating for those individuals that use their home of many years. It would also be devastating for their families. As mentioned before, they're already contributing to the homeless concerns. I don't think we need to go down that road. The individuals that live at the Fisher Street home deserve more than a resiliency kit. They deserve a place to call home and that's what we have at Fisher Street. Thank you.

Cindy Lack, of 124 E. Magnetic St., stated:

I am a retired physician, retired almost two years now, and I previously, before I retired, worked at the homeless shelter for a while, so I haven't done it for a few years but speaking from that experience and also from just a health standpoint, we don't need less of this, we need more of these kind of places because these are the people that don't fit in anywhere else. I mean, our whole system of taking care of mentally ill people has changed and it's not been great, the results have not been great. We used to think institutions were bad places, but the other part of working with the homeless is that I've worked with Kim and we've tried to get an apartment for these people and they don't do well. They don't do well. We've done visits and found them deceased. That's how bad they do. And so, they need each other and they need support. They need support of this community and we can't just kick it down the road. That's what we always do, and it doesn't go anyplace better, it only gets worse. So, let's see, I totally agree with what the woman just spoke about, all the benefits of being in this type of environment and it's potentially the perfect spot. It's kind of isolated. There's not a lot of people that might be afraid of these people, because that is definitely a reaction to mentally, and I actually don't, I haven't been recently, but they've

been up there for a reason. They don't fit in society, and so I think as I consider myself a Christian, our job is to take care of these people, not to try to break up what we do have. I mean, it's precious little that we already have and so to have less of that to me is, I would actually call it immoral. I don't mean to be judgmental, but I just think that these people don't have any power. We are their power. They don't have- they have nothing to give us except themselves and most of us stay with them because they give us a lot. They keep us humble. They keep us with gratitude for what we do have and I really don't mean to be judgmental, but I think that they just always get the short end of the stick. This is an opportunity to not do that, so thank you.

Pauline Duren [sp.?], of 580 Cox Ave., Apt. 215, in Marquette, stated:

This is my son Todd. 30 years now, he's been living in this home. There have been several changes during those years, including change of caretakers. I have gone to several home meetings and what I have experienced was a group of residents sharing their thoughts and concerns with their new caretakers as well as for the caretakers listening and addressing their concerns. They are also creating incentives to give the residents a purpose and a meaning, leaving the residents with a feeling of self-worth, which we all need to feel. With that being said, they are one big family, helping each other out, living under the same roof.

Stephanie Bryan, stated:

I'm a case manager for the community (inaudible) program at Superior Connections. I've had the privilege of working with many individuals by including most of the gentleman who resides currently at 616 Fisher. I have worked with most of them in one capacity or another and I've even gotten to know them and their families oftentimes. The men at 616 Fisher are individuals with varying combinations of mental illness, cognitive impairments, physical disabilities and/or substance use disorder. Many of them have criminal backgrounds due to their mental illness, traumas or other variables, and while with all that considered it may seem like the house would be full of chaos, outbursts, mischief - that is just not the case. To deny there are any interpersonal conflicts here and there would be silly, as is the case anywhere, much less when you refer to communal living situations and then mental illness and what have you, but it's just not the case. It's actually really well functioning. When there are struggles within the house, the residents have our phone numbers and access to us as well as, of course, the live-in house manager, so we are all able to help them overcome the moment using guidance and support from trained and compassionate staff. The majority of the days and nights at 616 Fisher are full of laughter, comradery, helpfulness, storytelling, regular house duties and just the normal day to day back and forth of any other household. The residents have created a culture that, like Todd's mother said, really resembles family for many of them. Furthermore, many of these men have lived there for a long time, including Todd, and as you can see, he loves it. For many of the house residents, the reality is if not for Fisher, they would truly have nowhere to go. Not only are we in a housing crisis and the shelters are often at capacity, but these gentlemen have unique barriers, in addition to the costs and lack of availability, so to think that 16 of our community highest, most acute individuals would suddenly be able to access housing is just unlikely. I've been around for over two years and I want to validate I certainly have seen areas that we could improve on regarding the house, but what I've noticed is that most of those deficits were a reflection of our lack of funding and the staff. It was not a reflection of a lack of efficacy or a necessity of the home to exist in the first place. Without this home, like I said, they would be displaced and that is just not a viable solution. I've seen the organization work tirelessly and often at all hours, certainly that's the case for me, to improve the functionality of the house. I have seen a dramatic decrease in incidences, police involvement and overall crises in the last year particularly. And now after Fisher House went unfunded for so long, we have finally received funding for our program supervisor to really just take the bull by the horns, hear your guys concerns, our concerns, and really get this thing on track the way we want it to be, even though it's already really great. We would be able to provide that focused oversight, similarly as we do to our Baraga [Ave.] recovery house that's well received, well respected, and in trust by the same city. In addition to a live-in house manager, like I said, there is nearly daily stops by many of our staff. All our residents are connected with one resource or another, many engaged in the community health work program, peer-recovery coaching and other outside services. As Amy stated, ACT team at Pathways comes into the house Monday through Friday. The Health Department nurses actually come in each Wednesday to perform COVID testing. There are some of our residents, home healthcare nurses that also come on a regular basis, along with their family and friends. While Fisher House is not without flaws,

like any other home or facility, the progress that has been made is a monumental, especially with no funding, and the future looks really, really bright. The community would be making a grave mistake to take away an incredibly vital and unique housing solution. Many other agencies or organizations lean on us consistently to house their clients such as Pathways, Room at the Inn, Janzen House, and more. We have become a sought-after location for many due to our genuine care and commitment to those we serve. I ask you to please know that we are willing to continue to rise to the occasion and are always striving to be better, but removal is not the answer. Support and trust building is the answer and we are ready to begin forging that positive relationship with the city so we can work together to serve our community's most vulnerable and help ameliorate homelessness. These gentlemen deserve as much. Thank you so much.

Steve Miller, of 616 Fisher St., stated:

Fisher House saved my life. I was sleeping in a snowbank. I went to the hospital for a month. Stephanie found me and took me to Fisher House. I now go to the doctor, I get medicine, social security, I've got my license, I drive, I've got CDs, I got movies. I stay to myself. I've got my friends. We've got a TV in the garage, and a stereo. Three meals during the day, we chip in for groceries and Fisher House buys groceries also. There's not a night we go to bed hungry. If you close Fisher House, just barely, because I have no place to go. I lived in Negaunee. I lost my apartment and I wanted to die. And Fisher House found me. Thank you.

Jonathan Hendricks, of 616 Fisher St., stated :

I also live at the Fisher Street. I just want to say, I've only been there for a little while, but I like the people that live there. They welcomed me, they help me out. There's an older gentleman that lives there that I worry about every day, he has nowhere to go, I know that. Sometimes I help him walk around the house or get things for him, like water and food. Like Steve was saying, we have food available to us all day. We usually have pretty good, decent dinners every night. Like I would have nowhere to go. Before I was in Fisher House I was sleeping in the churches and the rotating shelters. I'm diabetic. It was really affecting my diabetes, and I probably wouldn't have made it very far because I'd probably end up dying if I didn't have the proper meds and stuff [inaudible]. Thank you.

Dennis Vandenburg, of 616 Fisher St., stated:

I live at 616 Fisher, I'm the house manager. I've been there for about a month and I just want to say how privileged I feel to be part of this. The guys that I've met there, it's just such an important place for these men, and I think you've heard it from everybody, so thank you.

*It was moved by C. Gottlieb, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.*

C. Gottlieb said: I have a technical question. I just want to make sure I understand what's going on. This is being brought up today because of the Special Land Use. Why is it being brought up today? What is it coming from and where is it heading.

D. Stensaas stated:

I'll take some of those questions. This is a really complicated property use case because when the Benders decided to first turn this over to the organization prior to this - Superior Connections - we didn't have this category of transitional housing or assistive housing facility. We created that because we recognized that there is the need for this in the community, these kinds of facilities. And in the world that we work in here, we have to have specific land uses that are targeted for things like this. There wasn't one when that happened three or four years ago, so basically we accommodated the nearest possible existing land use at the time and that required the property to be rezoned, and we went through this process where the City Commissioner agreed to a Conditional Rezoning of the property with limited use for this to be turned a *Health Facility*. The applicants did not meet all the requirements that were conditions of approval, including having an approved site plan, and in the meantime we created this definition and use standards for this type of facility, specific to this type of facility. So as we came to the deadline for this group to meet the original conditions of the original approval, that time was running out and the City Attorney and I agreed that the use that was originally approved didn't really match up

anymore, because we kind of superseded what was originally approved with now a thing that really legally exists for this type of use, which is what they're applying for as a Special Land Use.

A. Landers stated:

So, the Rezoning with Conditions expired and now they are back to Medium Density Residential, which allows for this as a Special Land Use.

S. Mittlefehldt stated:

So just to clarify, functionally it's been serving this function in the past, so we're just making-

D. Stensaas [interposing] stated: Making it legal.

A. Landers stated:

Yes, it's never been approved for such use. It was only approved for everyone else and that was only approved to be the 2<sup>nd</sup> floor, like the benders living below. So, this is a completely new use but they have been [inaudible 01:03:02].

C. Gottlieb said: So there is no change in functionality between what has been reality.

A. Landers stated: For a couple of years.

D. Stensaas stated: Right, it was just legally untenable to continue down that road.

C. Gottlieb said: Thank you for the clarification. I appreciate that. Thanks very much.

S. Lawry asked staff:

How does this facility differ from the several facilities in the community that are run by community mental health?

D. Stensaas stated:

Well, this facility, as its defined, is for supportive housing. It's not a shelter for short-term, it's not a crisis shelter like our warming center, Room at the Inn, and it's not necessarily something that is for people that have other resources. This is basically somewhere where people that don't have resources, don't have shelter can stay for either short-term or long-term, depending on what's approved, and our definition allows them to be either, depending on what they want to be, how they want to manage it. If they want it to be short-term, that's their choice but it can be a long-term home for people like the, the Janzen House, if we reclassified the Janzen House, it would be the same thing really.

S. Lawry asked: I thought the Janzen House had a time limit on staying there?

D. Stensaas stated: I'm not aware of what their rules are down there, but they've pretty much been operating for 30-something years under the same rules.

S. Lawry stated:

Okay, but I guess what I'm trying to understand is if the government through Community Mental Health operates a number of different facilities, if it will be private homes in the community where they're providing assistance, how does that differ from these people who can't get that type of living arrangement?

D. Stensaas stated: Maybe the applicants can help answer that question.

Amy Hale said:

I think that's a great question. Back in the way past probably when Benders was here, Pathways did have other homes that represented Benders, called the Crescent Home and maybe another home, but since after my time being at Pathways we have no such homes anymore. What Pathways does is Pathways will contract out to ALS (adult learning systems), the human health services, those are...adult

foster homes, and Pathways will contract out with such homes, but Pathways does not have- Community Mental Health does not have, anything like the Janzen, Fisher Street Recovery Home, the Warming Center, that's not what Pathways has right now. I don't know if that answers your question or not.

S. Lawry asked Ms. Hale: What are the two homes on Wright Street?

Amy Hale stated:

Wright Street, I want to say one is owned by ALS and I don't know if the other one is or if that's from Bay Human, so Pathways has nothing like what Fisher Street has.

A. Landers said: And you said the words adult foster care, right?

Amy Hale said: Yes, those homes are for adult foster care.

A. Landers said: And that's a separate use in our code.

S. Lawry asked Ms. Hale: So those people need long-term and more concentrated care than what your...

Ms. Hale [interposing] stated:

Correct, those are what we would classify as specialized residential homes. Those are provided 24/7 staff by para pros that have been trained, usually two staff at a time. They have severe behavior problems. They could have a severe mental illness where they would not be able to live in a place like the Janzen or the Fisher Street home. We've actually taken people out of the Fisher Street home due to their behaviors and Pathways had a contract with AOC [?] that is actually downstate for some of our folks as they would not be able to make it in the Fisher Street home, so its kind of a step down from an ALS, Bay Human, other specialized residential homes.

Ms. Belinski stated:

I can also answer that. Until a few weeks ago I was the Assistant Director of the Janzen House, and there's not a time limit there either.

W. Premeau stated:

I'm confused on this...but this is being sold, correct? They must have rented it previously?

Ms. Belinski said yes to both questions.

W. Premeau stated:

Before, they could have been after the owner, now they'd have to go after her [indicating one of the applicant speakers], correct, unless she's not the owner.

Ms. Belinski stated:

It is currently owned by John and Teena Bender, and we have a contract with them, and pending this decision tonight – if it goes through – we will be able to obtain the financing to be able to purchase it from them.

S. Mittlefehldt said: Thank you, that's helpful. Any other questions before we dive into the Code? She then began to lead the Planning Commission review of the Special Land Use Permit (SLUP) standards in section 54.1403 of the Land Development Code.

*The Planning Commission went through each item one at a time and found that the proposal was in harmony with all fourteen SLUP standards. Specific questions and notable comments on the fourteen SLUP standards follow.*

C. Gottlieb said, in summary to discussion on item 54.1403(C)(5):

My comment would be that we wouldn't anticipate an increase in use over the past two years.

N. Williams stated, in regard to item 54.1403(C)(6): It's residential 24 hours per day, as houses are.

N. Williams stated, in regard to item 54.1403(C)(11): One item for the previous case, Public Services, there were attachments from the Police Department and Fire Department, but for comments for *this* particular case they have none.

*It was moved by S. Lawry, and seconded by M. Rayner, and carried 8-0 that after holding a public hearing and review of the site plan set dated September 5, 2023, with supplemental documentation and the Staff Report/Analysis for 06-SUP-10-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Special Land Use Standards in Section 54.1403, the Site Plan Review Standards in Section 54.1402, and the Supportive Housing Facility, Permanent and Transitional Standards in Section 54.647, and hereby approves 06-SUP-10-23 with the following conditions:*

- 1. That an amended plan is submitted to meet staff comments.*
- 2. Fire Department provides follow-up inspections to assure that the health and safety requirements that they recently cited are being addressed.*

The Planning Commission took a 5-minute recess.

**C. 02-REZ-10-23 – 1025 Osprey Ct. (PIN: 0514370): Requesting to rezone the property located at 1025 Osprey Court which is zoned Planned Unit Development (PUD) to be zoned Multiple Family Residential (MFR)**

D. Stensaas stated these two cases on rezoning came up because these PUDs have expired, and so we're going through this process, which is fairly perfunctory, to rezone the property. I'll just read what the memo says and then I'll add a little. So, City staff is initiating this and we're requesting the Planning Commission first to make recommendations, and the right to develop the property per the site plans, starting with Hawks Ridge, is being terminated due to non-completion of article 54.316 of the City's Land Development Code, which is up on the screen, that says "Within a period of two years following approval of the PUD agreement by the City Commission for an area embraced within a PUD, if such plats or plans have not been submitted within a two year period, the right to develop on the approved plans shall be terminated by the City. Upon the developer showing a good cause, the Planning Commission can recommend, and the City Commission can grant, an extension of up to two years for submission of the preliminary plat or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan in accordance with Section 54.1405 and the Master Plan."

He stated:

The Hawk's Ridge property is shown in the Community Master Plan, on the *Future Land Use Map*, that's for land use - not zoning, as Multiple Family Residential. So, that's the recommendation here because that's one option. The other option is to rezone the property to the previous zoning classification, which at this point is kind of irrelevant. We've adopted a new Code in 2019, and this particular project - as we have documented in our staff report that I'll go through, was approved initially in 2003, went through a lot of different amendments and different situations that changed the outcome of the property. In the most recent era - the last five years - the County Land Bank, which is sort of an arm of the County's Assessing office, they decided that to get this property - in the middle of the development - back on the tax rolls, they wanted to separate it from the rest of the PUD and they went through the legal process of acquiring all the signatures from residents to extract it from the PUD, and then applied for land division, got the land division and so we have a parcel at 1025 Osprey Court, which is in the middle of the former Hawk's Ridge PUD. And they almost had a buyer for this property in the last couple of months that backed out, even though the zoning was not accurate anymore, and that's one of the reasons that this came up, because we realized it was for sale and it was going to possibly sell soon. If we have a developer that wanted to develop this property, if that developer was expecting that they could buy the property and apply for a permit to develop something there, they would have been in a situation where we'd have to go through this first, this process before they could do anything, and so this is sort of a mandated process by the

code, and I'm just going to go back over to the map. This is the online document viewer for the Land Development Code which everybody can find at the bottom of the City's home page. It says Land Development Code, and you click on it and go to these different sections of the Code, but I'm just going to scroll down here to show everybody Section 323, PUD, plan to develop H, and section I - final approval. It says what that process is, that the City requires an agreement with the developer, the applicant can terminate the development, and then it gets to the expiration part of it. So, this is a situation where it says the city shall terminate the contract. There is really not an option to do otherwise, that's the process and this is a legal document. This is not the pirate code or something else, this is what you have to do.

So, we did put together this staff report though as if this was a typical rezoning case. We wanted to provide you all the information about it and for the public to understand what the information we have on the site is. Again, this is the zoning map, the parcel is outlined in blue here and is shown here on the future land use map, which is multi-family residential for that parcel, and that goes back to 2015 when the City rewrote the Master Plan, the last time it was fully revised, and there's a site map showing the utilities in the development area.

That parcel, just for everybody's information, does have utility easements for all the utilities. They are public utilities. They are not private. The road is a private road so any development in the future will have to consider the owners of the PUDs interest in the road. They won't have carte blanche ability to do whatever they want on the road; they'll have to negotiate. And this is from 2021 [showing a sketch], when the county was going to apply for a project here to do, the county itself was going to build with the help of the state. They were going to get a grant to build a pre-fab housing facility there.

A. Landers said: There are two duplexes [in the sketch D. Stensaas showed].

D. Stensaas stated:

Yeah, and they submitted this to us but it never came to the Planning Commission. It fell hard before they even got it to the Planning Commission, but they submitted this map which kind of shows their concept for a development up there and I wanted to show you this with the approximate lines of the parcel outlined there, for what could be developed in the future, I think what the residents of the area could expect to see. I mean, this is certainly possible. Multi-family of course can be a lot of different things, but this is probably about as dense a facility as you could put on a lot and that's what a developer would probably want to do to maximize their investment. So, I just thought I'd throw that in there. And we notified the Director of County Land Bank that we were going through this process, and the neighbors were notified of course, as a typical rezoning process. We lost a lot of digital data that we had for some projects when we had a data breach at the city about 10 years ago, and we lost the original site plans that were submitted for this project, the digital site plans. This was one of the only things that remained that shows the original intent for the PUD [showing a black and white sketch], it seems to be kind of pre-development submittal for the site plan, for the project. So like I said, it did change quite a bit with amendments over the years, but that is what it was supposed to look like in the beginning.

S. Mittlefehldt stated:

Okay, and so since this is coming from city staff, kind of making things right, we don't have an applicant per se. I know you did send notice. Do we have any correspondence to hear from on this topic?

D. Stensaas stated: No.

S. Mittlefehldt stated:

Okay, moving on to public testimony, is there anyone here who would like to come up and provide comment on the potential zoning of this property? Nobody? Then moving onto Commission discussion. We need a motion to suspend the rules for discussing.

*It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.*

M. Rayner stated:

It would just bring it into play with the Master Plan for land use, correct, if I'm understanding this correctly?

D. Stensaas stated:

Right, the future land use map shows Multi-family Residential as the recommended land use for the property.

N. Williams stated:

So, reading Commissioner Bonsall's comments from the time when this case before them in 2021, it sounds like they waived a 2-acre minimum for a PUD.

A. Landers stated:

That was for the County. The thing [sketch] that Dave showed you was actually the last approval that went up, and that isn't the county one. That is the one that we're expiring. The County never finished going through the process. They only went to the Planning Commission for PUD Concept approval, and they only went to the City Commission for a waiver. They never came back because that whole deal fell through. So, that never got rezoned under their PUD, so it's still under the Hawk's Ridge PUD, it's still showing that this would have been a mirror of the multiple family apartment building, or condo building that that was proposed for this last phase, but then they never did it.

N. Williams stated: Got it, and then second, is the Land Bank authority still the owner right now?

A. Landers stated: Currently [yes], but this property is for sale.

W. Premeau stated:

If you look at the topography there, there's very little buildable land there. That drops off in the back straight down so they're limited unless they build a wall like the hotel is doing maybe.

A. Landers stated:

We do have a steep slope ordinance that they would have to follow in the Code for anything in that area that you're referring to, they have to meet all those requirements.

S. Lawry stated:

Regarding that, the drawing up there right now shows a 20 ft. overhang on the building, so there would be 20 ft. of building to be at ground level, or below ground level on the [inaudible]. And I'd like to thank Dave for researching and getting some answers on the utilities. I stopped into his office yesterday to try to get some answers on that. Thank you.

A. Landers stated:

Did you mentioned the access to the site, the new property owner for anyone wanting to develop would have to get approval from the HOAs?

D. Stensaas stated:

Yeah, so this road is privately owned and maintained and so that would be a task that the new buyer would have to contend with, getting permission to use the road, not just to maintain it but for access to, and it's a site that is definitely buildable and usable and hopefully something compatible will be propose there, but it's going to have to come with some negotiation with the Homeowners' Associations.

S. Mittlefehldt asked: Dave, do we need to go through the standards of review for amendments one by one that are in the packet?

D. Stensaas stated: No, I don't really think it's necessary as long as you guys reviewed it and didn't find any issues with it, because this is pretty clear. The Code says this shall be terminated and rezoned.

S. Mittlefehldt stated: Okay, if we don't have to do it and long as everyone is good with this does anyone want to make a motion?

C. Gottlieb stated: I'll make a motion.

*It was moved by C. Gottlieb, and seconded by K. Clegg, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(l)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-05-22 as presented. Approval will change the zoning district to Multiple Family Residential (MFR).*

**D. 03-REZ-10-23 – 905 Lakeshore Blvd. (PIN: 0370190): Requesting to rezone the property located at 905 Lakeshore Blvd. which is zoned Planned Unit Development (PUD) to be zoned Mixed-Use (M-U).**

D. Stensaas stated this is exactly the same situation as the last report. So, 905 Lakeshore Blvd., this is the zoning map. It is just north of Crescent Street so the parcel is on, the south part of the parcel fronts Crescent Street and then meets Lakeshore Blvd. and this parcel was approved for a PUD in 2012, Lakeshore Cottage's PUD. The Future Land Use Map shows this as Mixed-Use and of course when this map was adopted in the Community Master Plan, Mixed Use was still a concept zoning district. We didn't have any and so all of these Mixed-Use districts were approved with the Land Development Code and became Mixed Use zoning district. No matter what they were before, they now are Mixed Use for the most part, and so in this case that's really fortunate because the property owner/developer, if they want to continue with, or pick this up again, and they want to build this project, they can pretty much build this almost exactly as it was presented in the PUD without having to go through the rest of the PUD process. They would start with an application for Site Plan Review and because Mixed-Use is very flexible and the actual dimensional requirements of the Mixed Use district are very liberal for development as opposed to Multi-Family, there's a lot of building separation requirement that doesn't apply in the Mixed-Use district. So, in this case, the developer is the owner, still the same property owner, is not really losing out in the way I see it anyway.

A. Landers stated: And as it is, if they wanted to keep it PUD they'd have to start over the whole process again.

S. Mittlefehldt asked: So Mixed-Use would actually be easier for them to achieve the goal?

D. Stensaas stated: It would be very easy. That wasn't an option of course when they applied for this in 2012. The zoning was a different zoning district and they couldn't do that. So, this is exactly the same situation, the property owner is here and I've talked with her and her husband and notified their neighbors, the same stuff as the last project.

S. Mittlefehldt stated: Okay, so there's no official applicants since this is coming from the City, right?

D. Stensaas stated: Right. I should say add to that that this letter in here [showing letter on screen], the property owner did apply for an extension when they were faced with the expiration and so this was approved in 2017, but that extension expired in 2019. So, they have taken advantage of that part of the Code. Their ability to extend approval.

S. Mittlefehldt stated: Okay, and no correspondence on this?

D. Stensaas stated: No.

S. Mittlefehldt opened the public hearing.

Christine Zenti-Emmendorfer, of 900 Lakeshore Boulevard, stated:

I'm the property owner and we've applied for it twice, went through this process. We had a little issue in 2008, well actually a big issue, and then applied again. So, we've gone through this PUD twice and I'm really grateful if you guys go along with this recommendation, then I wouldn't have to go through the PUD again. It's a tedious and I know there's a cost too, so I just want to say I'm grateful and I feel fortunate at this point if this passes. Thank you.

S. Mittlefehldt stated: Do you still have plans to do...

Ms. Zenti-Emmendorfer [interposing], stated:

Well, we have a wonderful plan, for like vintage homes, a beautiful plan I think, but there's just situations that we are not able to proceed right now. I'm happy that we maybe can in the future. I think it would be delightful little kind of neighborhood thing, picket fences, an arbor going into each one, big porches, parking in the back, and making them look like they were built in the early 1900s, the brick-a-brack and that kind of stuff. So, I don't know if it'll ever happen in my lifetime. I'm getting older here but I have some children that might, but thank you. I think I'd said enough.

*It was moved by M. Rayner, seconded by K. Clegg, and carried 8-0 to suspend the rules for discussion.*

K. Clegg stated:

This seems pretty cut and dry, same as the previous one before. We're leaning into the Future Land Use Map, the property owner is in favor, no correspondence in a negative tone.

S. Mittlefehldt stated: Any other thoughts?

S. Mittlefehldt stated:

I don't know how many of us were on the Planning Commission when we saw a proposal for a hotel just north of this site, but for those who were on the Planning Commission you remember that people were pretty adamant they didn't want a hotel built in this area. So I agree that the intent of making this Mixed Use is great and all the permitted principle uses of Mixed Use I think would be great at that site, but some of the Special Land Uses, and specifically the hotel, because that was a big issue that came up very close to this area - not that the current land owner wants to build a hotel there - but if it gets sold some day and it's available to make use, that would be a potential thing that they could do there, so I'm just wondering do we have any authority to say yes, zone it to Mixed Use, but then put-

A. Landers stated [interposing]:

The city cannot do Conditional Rezoning themselves. So, we can't bring forth the same, it has to be brought by an applicant for Conditional Rezoning, but the Planning Commission, for a hotel as applied for before, will always have those Special Land Use requirements and standards to go through that you guys just did for the other two cases.

S. Mittlefehldt stated:

Sure and Mixed Use, we looked at it recently, it does emphasize residential use, local services, as kind of the priority, and then the commercial applications as secondary to the residential, so as long as...we're clear about what a Mixed Use district is, at least how it's defined in our Code, I think I'm comfortable with it. But, several of us around here, we remember the hotel [application]...and I think a lot of us would agree that it's not maybe a great location for a four story hotel, so just wondering how we move forward with permitting this to make it able to do small scale development, residential, but not commercial hotels.

D. Stensaas stated:

We had a meeting with Russ Soyering from Beckett & Raeder today about land use and zoning. He wanted to go through what we've done with zoning compared to what was in the Master Plan's recommendations, the *zoning plan* is still out there, and this is going to come back around. The consultants have not developed that part of the Code where they're recommending changes to zoning and land use. So, you guys still have the ability to say to them, how about on Lakeshore Blvd. we create a second, this is something we've talked to staff before about is the possibility of having a different Mixed Use district for a Scenic Corridor. So if you want to go there and say there's a different set of standards for this part of the city, for Mixed Uses, that they don't include hotels.

S. Mittlefehldt stated:

That would be fantastic, and that's what I had in my notes is, I know it is designed as a scenic corridor. So, a hotel is the most obvious one, but are some of those other Special Land Uses maybe also not appropriate for scenic corridors... but maybe that's a different conversation that would address that.

A. Landers said:

Yeah, because right now legally we can't make that change. The City itself can't do conditional rezoning.

C. Gottlieb said:

This is an academic question and I'm sorry it's an academic question at this hour, but what happens if we don't pass this?

A. Landers said:

Then you have an expired PUD that they can't do anything with.

D. Stensaas said:

You're making a recommendation to the City Commission, so this is going to go to the City Commission and they have the final say in rezonings. The legislative body has the final say on changing laws, and the zoning map is considered a law in itself, so they'll make the final decision on this.

C. Gottlieb said: So this is a perfunctory exercise.

D. Stensaas said:

This is kind of rare - we do have some rezoning cases that are pretty much a slam dunk - but sometimes that's not the case and the Planning Commission really has a lot of work to do, and their recommendation is very important to the City Commission.

C. Gottlieb said: I don't see a problem with this one. I'm wondering why we are voting on this.

D. Stensaas stated: Because it's the process, you guys have to make a recommendation on rezoning, because you're the advisory body on zoning matters.

M. Rayner said: But this keeps us from a spot zoning situation, too, in that this piece of property then would be contiguous with the other pieces north of it.

K. Clegg said:

I think it should also be noted that we already have, like with the previous case, I wasn't on the Commission at the time, but those same backstops that allowed the Commission to deny the previous hotel exist, and we need to trust the Code and the things that we have.

S. Mitlefehldt stated:

Also, for developers, if a developer wanted to put in a hotel at the site, they would see it in the codes, but if there was a secondary designation then they would know it's not worth your time and effort to go through a public hearing process. That's why I'm liking the Scenic Corridor overlay district or additional requirements for Mixed Use areas or something.

D. Stensaas said he will relay that to Russ Soyryng tomorrow and send him the meeting minutes.

K. Clegg stated I'll make the motion.

*It was moved by K. Clegg, and seconded by S. Lawry, and carried 8-0 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-10-23, the Planning Commission finds that the previously approval Planned Unit Development zoning for the property is invalidated per the standards of Land Development Code (LDC) section 54.323(1)(6), and that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the LDC Section 54.1405, and hereby recommends that the City Commission approve 03-REZ-05-22 as presented. Approval will change the zoning district to Mixed-Use.*

## **TRAINING**

### **A. Quick Bites – Music Planning**

The Planning Commission and staff briefly discussed the article. D. Stensaas stated that he emailed it to the City's Director of the Arts and Culture office, and she said that she's like the same type of proposal done for theater, art galleries, and other arts. D. Stensaas said that these are things that fit into the Arts and Culture Master Plan and are things that the Arts and Culture Advisory Committee would ideally be able to coordinate, but that they definitely fit into the broad range of community development activities.

## **COMMISSION AND STAFF COMMENTS**

K. Clegg stated:

I'd just like to say I'm glad that we were able to approve the Fisher Street home and serve the potentially homeless population and allow people to have some equity and maintain their dignity in the city while still working together to have a community home.

A. Landers said that there was nothing submitted for the Planning Commission meeting set for 10/17.

D. Stensaas said that if there are no objections he would cancel the 10/17 meeting, as there is not really any need to hold a work session. No objections were stated.

**ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.

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Prepared by: kw/iMedat

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