

**OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
September 16, 2025**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, September 16, 2025, in the Commission Chambers at City Hall. This meeting is also available to view on video online at the City's website.

ROLL CALL

Planning Commission (PC) members present (5): K. Hunter, J. Fitkin, Chair Kevin Clegg, D. Fetter, S. Lawry

PC Members absent (2): M. Rayner, Vice-Chair A. Wilkinson

Staff present: City Planner and Zoning Administrator D. Stensaas.

AGENDA

It was moved by S. Lawry, seconded by K. Hunter, and carried 5-0 to approve the agenda as presented.

MINUTES

It was moved by S. Lawry, seconded by J. Fitkin, and carried 5-0 to approve the minutes of the August 19, 2025, meeting with changes to a name and a motion, as noted by S. Lawry and J. Fitkin.

PUBLIC HEARING

A. 01-REZ-09-25 – 1700 Division St. - Request to Rezone w/ Conditions from MU to GC-CR

Chair K. Clegg introduced the item and asked City Staff to present their information for this case.

City Planner and Zoning Administrator D. Stensaas stated:

Tonight the Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property. This is not a development approval or a development request; it's a rezoning request for the property located at 1700 Division Street. It's currently zoned Mixed-Use, requested to be zoned General Commercial with Conditional Rezoning. The materials the Planning Commission is being provided with include a sample motion for this, basic information about the parcel, where it lays, what the adjacent parcels next to it are zoned, the provision of utilities, the current zoning district standards, the intent of the Mixed-Use district, the permitted and Special Land Uses that are currently provided for the Mixed-Use district, the dimensional regulations for the Mixed-Use zoning district, and footnotes that go along with those dimensional regulations. There are a lot of footnotes. Then we have landscaping design standards for that zoning district.

Now, we get to the proposed zoning with conditions. This page is what the applicant provided to the Planning Commission, and per the State Law that regulates zoning, the Zoning Enabling Act, an applicant can propose to rezone the property with conditions that the Planning Commission or City Commission cannot counter. This is not a negotiation. The Planning Commission will either vote up or down. The City Commission will get the recommendation from the Planning Commission and make their own decision. What this sheet shows you, from the applicant, is the uses that are being exempted out of the possibility of use if this rezoning is approved. The Planning Commission has done their homework, but I will say

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this, that our staff has verified that the uses shown here that are left, the ones that are not crossed out and highlighted, are exactly the same as what is now allowed in the Mixed-Use district for both permitted and Special uses - with the exception of these four items for Storage Facilities, Self-Storage and Indoor Storage as principal or accessory uses. These are the only options as a Special Land Use. These are the only things different than what is currently allowed in the Mixed-Use district.

As a Special Land Use, that requires, if this property is rezoned and the applicant chooses to pursue a development proposal for this, they go through a Special Land Use application with site plans submitted for the use, with the specific design and use of that property that they're seeking, and that comes before a hearing of the Planning Commission. This is not the development. There is no development proposal on the table tonight, but there could be in the future with a Special Land Use request.

The rest of this section covers the dimensional requirements for that general commercial district. The main difference is that the lot sizes are a little different, but there is a larger side yard setback requirement. As we get into landscape buffer requirements, that district does have landscape buffer requirements for specific uses, including item (f) Any 24-hour non-residential use of the property, so there are landscape buffer requirements. The rest of the staff file report is the zoning ordinance amendment procedures, which we are going through tonight, and standards for a review of the amendments. We have provided comments to the Planning Commission on our analysis of how this proposal lines up with the requirements, the standards of review, for the Community Master Plan recommendations, which this is the first rezoning under our new land use typology that's recommended in the Community Master Plan, since the Master Plan was adopted last October. It's a completely different type of land use map for the City, which places an emphasis on the general area and not specific parcels in the area. The Master Plan states "the future land use plans not necessarily concern specific uses of each parcel, instead considers the collective uses for each area that establishes a place within Marquette. This Plan prioritizes the function and atmosphere of specific areas or places over discrete land use classification. The future land use map divides Marquette into eleven distinct place types. The boundaries of these places are not drawn at a parcel boundary but instead follow general land use patterns and trends. It leaves the specificity of future land use decisions to the Planning Commission and planning staff while providing overall guidance."

So, the Planning Commission has access to all of the Master Plan recommendations for each place type, as does the community, it's in the Community Master Plan. Then we get into the intent and purpose of the zoning ordinance, the street system, utilities and services, changed conditions since the zoning ordinance was adopted, Land Development Code, exclusionary zoning, environment features, potential land use and impacts, relationship to surrounding zoning districts and compliance with the proposed district, alternative districts, rezoning as preferable to a text amendment to the zoning ordinance, and isolated incompatible zones are prohibited. Then it just gets into the other procedural stuff, notifications that are required, and it does discuss the conditional rezoning agreement, which in this case is much different than the typical rezoning. The applicant provides an agreement which outlines what they are proposing and there are several specific items here that are required to be answered in that rezoning agreement. That can be provided after this hearing but before the City Commission, so the City Commission has that rezoning agreement but it's pretty straightforward, and then some other procedural stuff, expiration of approval. That's the staff report.

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Then we have the application itself, and the applicant specified which uses they were excluding from the General Commercial district. As I said, they are everything except those storage uses and uses that are already allowed in Mixed-Use [districts]. The only uses that aren't already allowed in Mixed-Use that the applicant submitted for, which are the Special Land Uses, are for Storage Facility, Self-Storage and Indoor Storage, which are only allowed in the General Commercial districts or Regional Commercial districts or Industrial districts.

He showed the following items on the monitors in the room and described them – the dimensional requirements in the application, the location map with the parcel outlined in blue, the parcel map, showing the location on Division St., the block map with the parcel outlined in blue, showing utilities, the zoning map showing relation to other parcels, the zoning of other parcels in the area, photos of the site, our public notice for this meeting, and the Future Land Use Map. He said that the dark blue section is the South Marquette place type, and showed the rezoning considerations for the Planning Commissions and said that they must consider these for every rezoning that comes before them. He said there were three pieces of correspondence that were provided before the application was published to the City's website and provided to the Planning Commission and in addition to that he received one piece of correspondence and that is the last thing in this packet for this case. He read that piece of correspondence, received on Sunday the 14th:

"Dear Sir/Madam,

We will not be able to attend the rezoning meeting regarding this issue. We are against rezoning this property. Self-storage facility does not fit in our neighborhood. Unlike the small businesses on Division St., a self-storage facility is unstaffed, open to more traffic, more noise and more trouble in our relatively quiet area. In addition, they are ugly. Having lived near a self-storage complex previously, I can attest there are other unpleasanties that go on occasionally at these facilities. Thank you for your consideration. Our response is a big fat NO. Donald and Marty Lacombe, 215 Sandstone Dr."

He said that's all I have.

K. Clegg invited the applicant to speak.

Mr. Logan Stauber, the applicant, stated:

I am requesting a conditional rezoning tonight from Mixed-Use. This property has sat undeveloped for a long period of time, and I strongly feel it fits the character and nature of the area. I am politely requesting rezoning with conditions. As Dave said and is highlighted, I took the Mixed-Use district and simply transferred everything that is currently allowed in Mixed-Use to this, with the exception for mixed storage. I really appreciate your consideration. And one other note, while tonight's hearing isn't specifically for it, for those of you who sat through the meeting, I'd really like to build a storage facility. If we get through this, the rezoning process, then I will be applying at a later date for that. Thank you for your consideration.

K. Clegg opened the public hearing.

Mr. Robert Jensen, 237 Rockwood Dr., my wife and I reside at 237 Rockwood Dr., directly across the street from the subject parcel. We object to the rezoning and installation of a self-storage facility on this site.

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1. It does not fit in with the neighboring properties usage. There are several established commercial businesses along Division Street, however they are primarily standalone buildings with one or two tenants. These businesses conduct their business during the daytime hours and do not draw traffic outside these daytime hours.
2. Most buildings in the area are homes.
3. No information has been provided to us or our neighbors about the size, scope or hours of operation. We do not feel that 24 hour self-storage, with associated car and truck traffic and noise is conducive to our neighborhood. We wonder what kind of security will be afforded such a business to prevent nighttime theft, etc.

To summarize, we object to the rezoning to allow for a self-storage facility.

Mr. Daniel Meaney, of 400 Stone Quarry Dr., stated:

Me and my wife Tanya Jennings are right across from the creek. My front window will look right into this complex. Currently, there are full blown trees there. And this protected Orianna Creek, I'm concerned about. But my front yard will look directly into this complex. My neighbor's back yards are going to be fifty feet from this complex. They have decks there and their children play there. I don't know who gave the approval of putting up the monstrosity power poles. So, you are now going to add this into our neighborhood. So, we have the power poles and now we're going to have black asphalt, buildings of what height has not been determined. Another thing that hasn't been determined is how much hesitation you are going to take out at the crossing of the two creeks there. This will significantly affect our standard of living, our resale value and our taxable value by having this type of complex there. I understand it's a quiet business but that doesn't negate the fact of what we would have to look at 24/7, a piece of property like this. From now we see beautiful birch trees, pine trees, and the streams going through there. I don't know what access you are talking about, two entrances? One entrance on a corner? You would think there might be a safety issue. I totally oppose this development in our neighborhood and I'm wondering whether all of you have walked that property. And literally walk and looked at that property and across the stream and all of my neighbor's back yards. I would like you to vote no. Thank you.

Mr. Mark Miller, of 474 Stone Quarry Dr., stated:

I live with my wife Laura, and we own our house. I'm sure she will want to talk. First, I want to thank the Planning Commission members for volunteering for what can be a thankless job at times. I am opposed to the conditional rezoning. I am somewhat familiar with conditional rezoning. The conditions have to be proposed by the owner/developer. From where I stand, there is no certainty what the development could like. There are no plans submitted with it. And I feel that the self-storage proposal per the application is not really compatible with the neighborhood. Some of the uses which are permitted in the existing zoning district, like drive-throughs, I don't feel are appropriate for that neighborhood. We are against the proposal. Thank you.

Mr. Richard Hartwig, of 217 Sandstone Dr., stated:

We are with the opening of our fence directly across. My concern is 1. Lighting. I have never owned storage facilities in the past. We could be really flooded with light at night and that's a big concern of ours. Also, this would be an ideal spot for Mar-Z-Dotes to store materials, this kind of thing. If it's just on the street, we would have signs out there all night long. A 40' building, the lighting is what really concerns us. So, I just wanted to mention that that's what our opposition is. We have no idea other than

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this proposal for this and until we hear more about it, we're going to stand in opposition to it. Thank you for your time.

Mr. Thomas Solka, of 221 Sandstone Dr., stated:

I live with my wife Elizabeth off of Division St. Gratefully appreciate the Planning Commission's service and the decisions you have to make are never easy. Simply said, I stand in support of the other property owners in this area, residential uses. I second everything that was said. And I also stand in support of condo association board of directors that you received written communication. I understand there will be another opportunity to have input on the development plan when and if it comes, but I do join the other speakers here and question the appropriateness of this use on the rezoning request. Thank you for your fair consideration of all that you have heard. Thank you.

Ms. Laura Miller, of 474 Stone Quarry Dr., stated:

I don't know anything about this, but I just moved here. I didn't really want to move to South Marquette. There's not a lot of stuff to do in that area. I would like to see maybe something more friendly to the community. I don't even know how they are going to fit these in that little section, that little piece of land. It's just a narrow, narrow strip. That's an eyesore, it's so unfriendly to the community and I would really like to see that space opened up to people that live there. Whether it's maybe a double family house even or something that brings the community in or opens that space up more to the use of the people that live in that area. Seems rather neglected compared to the rest of Marquette. Marquette is a beautiful city, I would just like to see that come this way a little bit. And I don't think those are beautiful.

Mr. Brian Zinser, of 217 Crestview Drive, stated:

I am a member of the Board of Directors of the Shiras Point Condominium Association which represents thirty-three residential units directly across the street. Many of our residents have already spoken tonight. I just want to reiterate what our Board submitted in writing. We are totally against this. Unanimously against this proposed rezoning. I don't know if you have been in South Marquette, but we've got utility poles and I don't even know how that got approved, why they didn't go underground. I know that's not up to you here but between these industrial utility poles and work related lighting which somebody mentioned, will most likely be flooding the area. The other question that I would have is does that mean that the billboard that's on that side would also remain on site if it was rezoned.

Ms. Paula McCormick, of 468 Stone Quarry Dr., stated:

Thank you for serving on the Commission. I'm just coming up to support what all of these people have just said. I don't even have to say anything because they have already said it for me for various reasons. I'm in favor of that for that for most of the reasons that they gave. Thank you.

Seeing no other commenters, K. Clegg closed the public hearing.

It was moved by J. Fitkin, seconded by D. Fetter, and carried 5-0 to suspend the rules for discussion.

J. Fitkin stated :

I recognize we are looking at a rezoning request and not a site plan proposal. I hear all the public comments. I notice that I think that this particular parcel is kind of on like a boundary. I think it would be

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clearly a compatible use if it was one block over. It's definitely on the fence whether it's a compatible use in the area. The Master Plan talks about the South Marquette neighborhood and specifically notes Division Street will have the look and feel of a village main street with buildings close to the walks and parking hidden behind the buildings or permitted on street with sandstone buildings and what not. It's hard not knowing exactly what the project is that would go there. Seeing the crossing of the two streams does present concerns. I don't think a self-storage unit would have significant run off into those streams and I think that our Overlay District would likely protect those areas from encroaching on a stream too closely.

Mr. Stauber said that to protect the rivers it's twenty five feet.

K. Clegg stated I have a question regarding the Riparian Overlay. So, it's twenty five feet for both side yard and back yard?

D. Stensaas stated the Riparian Overlay requires a minimum of twenty-five feet plus a slope factor that might add a little bit of extra distance from the edge of the stream bank to any buildings that could be built. So that would apply to both Orianna Brook and Billy Butcher Creek.

K. Clegg asked if we have any idea how much square footage remains on that parcel after the twenty-five feet and the front yard setback?

D. Stensaas stated that's probably a better question for Mr. Stauber because I know he's had an engineer looking at the parcel and that kind of thing.

Mr. Stauber stated it's roughly an acre, maybe towards an acre and a half, but a full acre.

S. Lawry said if we rezone this, obviously the billboard that is there now is grandfathered into the existing zoning, but if we rezone it, does it maintain that grandfathered status or does it have a specific deadline to be removed?

D. Stensaas said that it does retain its status as a legal non-conforming sign and it will continue to be a legal non-conforming sign until it basically falls apart and can't be structurally maintained anymore, or until the property owner chooses to get rid of it.

S. Lawry said to address a couple of the concerns that we heard from the public, the current zoning ordinance and the riparian buffer strips that were mentioned here, will pretty much require that all of the trees that presently border the streams remain during whatever development occurs there, no matter what type of development it is, so those screens will stay in place from the opposite sides of the streams and you're not going to see much of whatever type of development occurs there. He also said that as far as lighting, the zoning ordinance requires whatever type of development occurs, no lighting can leave the property. Any lights on the property have to shine down, the cone of light has to stay within the property boundaries. So, it's not going to be a glare across the street or something of that nature, and that would be the case no matter what zoning or type of development should occur.

He also stated:

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I did want to bring up the fact that the Planning Commission did discuss this issue a year or so ago. Mr. Stauber had at least explored the idea of a text amendment to zoning ordinance. I think they would have allowed for self-storage in the Mixed-Use district zoning, and we have Mixed-Use district zoning throughout the entire community, scattered along most of the major streets. The Planning Commission discussed that. I don't know if it was a formal application, I think it was discussed informally. It was discussed at an open meeting and it was determined that while there may be a few Mixed-Use sites in the City where it would not be a problem, that most of those sites in the City would not support self-storage units, so we were indicating that perhaps this one was isolated enough that it might support something. That's no commitment from a Planning Commission, but there was an indication to him that it might be something that would evolve to that, but that we weren't interested in changing the zoning ordinance to allow them in other Mixed-Use areas. There are some in the City right now in Industrial areas, I think there's two in Industrial zoned areas, and one in a Mixed-Use area.

Mr. Stauber stated there are two currently in Mixed-Use districts. There's Lock and Leave Storage off of Presque Isle, and right by Wright St., across from Tourist Park is also Mixed-Use.

S. Lawry stated:

The project has at least been under consideration for a while and does have other options. There's a lot of development that could take place within the Mixed-Use district, and you saw earlier the list of options that property owners have. I believe the last actual productive use of this property was by Mr. Daryl Hawker who had a mobile home sales business on the property, and typically had about three mobile homes for people to inspect there, as well as an office trailer. That probably closed about fifty years ago. So, it sat there pretty much vacant for the last fifty years. I do know that the large power poles that the public has mentioned certainly seem like they would probably devalue this property or at least make it far less attractive for residential development than it was previously, and it wasn't attracting residential development during that fifty years either. So, I think it's likely to see some type of non-residential development, whether it's this proposal or something else. I think we need to consider it from that standpoint. There are a number of non-residential uses that could take place under our current zoning ordinance on the property, but this one that is being proposed if it's rezoned. The other point I have is that the General Commercial zoning district abuts Shiras Point Condominium property on the north, directly abuts it and the street separating (inaudible) barrier, and there's warehousing in place there, so I think that's also something else to consider. Thank you.

K. Clegg stated that we do need to consider all the potential uses of the zoning district, but the parcel at 1604 Division is currently zoned Mixed-Use, and if we rezone this with conditions, is that not affording this parcel at 1700 rights and privileges that are not afforded to that at 1604?

D. Stensaas stated well yes, but that's why there is the conditional rezoning option. It is an exception to the normal rezoning process. So, a lot of things that would apply in the spot zoning consideration don't apply here because it is a different process.

K. Clegg stated but then this becomes an isolated zone according to our Land Development Code.

D. Stensaas stated that that's a matter of interpretation. That's completely an interpretation if it's isolated zone or not. What's isolation? As a Mixed-Use district, is it isolated now from other Mixed-Use districts?

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Maybe a little bit. It would be isolated from most of the General Commercial district so that's something you've got to consider, whether that's enough of a factor to rule that it's incompatible. I would remind everyone that prior to the rezoning of many of these parcels in 2019, most of Division St. was General Commercial, or a lot of these properties were General Commercial. The Planning Commission rezoned much of the Division St. area and Hampton St. to Mixed-Use to promote more mixing of residential and commercial instead of just solidly commercial uses that were only allowed in those General Commercial districts.

K. Clegg stated correct me if I'm wrong but our intention with the Mixed-Use zoning district was to promote that neighborhood feel, which we have seen evidence of in our Master Plan.

D. Stensaas stated I wouldn't necessarily say that is true. As Mr. Lawry talked about before, the Planning Commission decided they didn't want to change the Mixed-Use district standards or land uses to allow for storage because they wanted to promote the residential aspect of Mixed-Use more than the commercial aspect in most of the areas of the city that have been rezoned to Mixed-Use. Which didn't exist, Mixed-Use districts did not exist before 2019. This is a brand new zoning district as of 2019. So Mixed-Use, like N. Third St, and downtown is the Central Business district but it's a Mixed-Use district. The Downtown Waterfront district where you have working waterfront uses like Thill's and the Dock Association, that's a Mixed-Use district. It is to promote the mixing of uses, but as Steve said, with storage uses, the Planning Commission decided those are more suitable for General Commercial.

K. Clegg stated regarding the conditional rezoning of a property, my understanding is it will run with the land if Mr. Stauber decides to sell it, and would a parcel owner simply be able to strike all unapplicable uses of the land in order to achieve a different conditional zoning? If he wants to do a storage unit but if somebody else is applying for something else elsewhere, it's not super applicable, I'm just trying to understand conditional rezoning as a process.

D. Stensaas stated this is by the book. We wouldn't be having this hearing if he didn't do it right. We accepted his application because he provided what was required, which is to take everything out of the proposal that you aren't intending to pursue as a development option. So, it takes completely off the table, if it gets approved, all of those things that were struck through. I'm not sure if I missed something in your question. Somebody else could propose a different set or different use that would be in a different zoning district potentially than this one. The mobile home park could propose to expand into that property for instance.

Mr. Stauber stated I just want to say thank you for the comments. In my exploration of self-storage and zoning in general, I found a lot of municipalities classify specifically, these type of uses in their Recreational districts, which I know Marquette doesn't have one that is specific to that, but some that are in that Mixed-Use district because they're low for example, most facilities are low-impact. Currently in Mixed-Uses there is Light Duty Manufacturing, Drive Throughs, and I believe Gas Stations currently zoned in Mixed-Use district, so just concerns of what could be there. And this parcel, I just wanted to say, driving through the area, what led me to that was the look and the feel of the area is very much General Commercial, whether it be grandfathered nature or just what's taking place, for example Mare-Z-Doats having large shipping containers and storage than just on the other side that Mr. Stensaas has said, that there's basically a snow plowing business that has storing of vehicles, etc. that very much fits the area.

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One thing I would say, if I do go for something like that, it's a very low-impact use. It would not impact the rivers or streams. In terms of lighting, all lighting would be facing downwards, and it would be a fortress build where you can't see the facility. I understand there's a healthy amount of concern, and nobody wants to see the character of their neighborhood, and I can assure this Planning Commission and the general public everything I've done in my entrepreneurial career I've done to the highest level and professional standard, and I would do the exact same with this project. Thank you.

K. Clegg said that if there was no more discussion, the Commission will turn to the standards of review (and he began reading the standards for discussion).

(D) Standards of Review for Amendments. Because Conditional Rezoning is an alternative to standard rezoning, the required analyses for "compatibility with the Community Master Plan" and "spot zoning" for a standard rezoning request are not applicable. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions*, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

(1) Master Plan

(2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance. Please see above - "Zoning District and Standards".

(3) Street System. The capability of the street system to safely and efficiently to accommodate the expected traffic generated by uses permitted in the requested zoning district. "Division Street is classified as an "Minor Arterial" per the Community Master Plan; therefore, vehicular traffic volumes are moderate.

(4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City. "There are no problems anticipated."

(5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment. "No conditions have changed nor was there an error in the Zoning Ordinance."

(6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning. "The proposal will not result in any substantial changes that would make exclusionary zoning more likely."

(7) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. "The proposed zoning is generally compatible with site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. A Riparian Overlay district is applicable to this parcel, as Orianna Creek and Billy Butcher Creek are on the property."

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K. Hunter asked with the riparian zone and having that space to have landscaping done, is it 25 feet?, and including the riparian zone, would there be enough footage for the development? She also stated: I'm trying to figure out, I know that you said an acre, but an acre mapped out in a square is one thing different than something at an angle, so I have some concern of the riparian zone as well as the landscaping that's going to be necessary so I'm just trying to wrap my head around that and make sure on that.

D. Stensaas stated that the riparian buffer area would accomplish what it's intended to protect those streams from immediate encroachment of buildings, so no structures could be built within the 25 feet. I would imagine there's no reason to remove existing vegetation within that 25 feet, otherwise there is a buffer requirement for a vegetative strip to be built in that area if there wasn't existing vegetation, but being that there is, it just makes sense that the existing vegetation would be left in place. The remainder of the property, I don't know what the square footage of that buffer area is going to be around the property, but it's considerable being that it's at least 25' wide and adjacent to the rivers. Mr. Stauber has had some modeling done on different design options for the property and access in and out of it, and I don't think he'd be here if he didn't think it was still a reasonable option to build on it.

(8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values. The proposed conditional rezoning would allow all of the possible land uses for a General Commercial zoning district that the applicant did not strike through in the permitted principal uses and Special Land Uses list provided in the application. The uses remaining as permitted principal uses in the applicant's proposed list are all uses that are currently allowed in the Mixed-Use (MU) district. Special Land Uses may only be approved if found to be in harmony with several special use and specific use standards and are subject to a Planning Commission public hearing before a decision is rendered to approve or deny the request.

S. Lawry stated he just wanted to clarify something from earlier. It was my understanding with riparian buffer strips that basically those become a no-touch area, and that's why I indicated to the public that whatever trees were there would stay as a screen. Am I incorrect with that? They can't put a building there, but that does count as part of the side yard setback, and they could relandscape that area or perhaps put a drive area over part of it?

D. Stensaas stated:

Let's look at the code (he navigated online to the Land Development Code portal and opened section 54.320, showing it on the monitors and reading from it). So, these are classified as waterways. The buffer applies where a portion of parcel is within the district, any portion of it. A waterway, including the top of the bank, and 25 feet perpendicular away from the bank, plus any additional buffer width as specified. The additional buffer is what would be added depending on the slope of that waterway to the top of the bank, where the flow of water can be detected. That is *Section (E)*. For the vegetative strip, if it is required, a buffer for the areas delineated in *Section (E)* consists of a vegetated strip of land extending along both sides of the waterway and its adjacent wetlands or steep slopes. It shall contain undisturbed native vegetation. Permitted species must comply with *Section (H)(5)*. If it's existing vegetation, it's accepted as is. You're not going to have to necessarily cut down the trees because there

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was an ornamental tree or something planted in there that's not our list, but there are some exceptions to what's allowed within the riparian buffer area. There are exceptions for roads, bridges, and paths, utility right of ways, flood control access, stream restoration, water quality monitoring. My interpretation of undisturbed native vegetation is that of existing trees, shrubs, and ground cover is acceptable as the vegetation for that buffer. Unless it was all occupied by invasive species, this is probably perfectly acceptable.

K. Clegg said they need to finish item number 8, which says "The Planning Commission must determine the compatibility of the proposed rezoning in this location." He said this is the crux of the matter.

D. Fetter stated I find it to be consistent. The zone is Mixed-Use. These are just additions, slight changes that are approved with this zoning change.

J. Fitkin asked if it was said that Mixed-Use has only been a zoning district since 2019, so what was it zoned prior to that?

D. Stensaas stated:

I believe it was commercial zoning. Whether it was Community Business or General Commercial, I'm not entirely sure.

(9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relation to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district. The parcel to the west forms the majority of the border with the subject parcel, and it is a Mobile Home Park (MHP) district, while the other bordering parcels are in Medium Density Residential (MDR) zoning. There is a residential Planned Unit Development to the east, directly across Division St. General Commercial zoning is in place along Furnace Street to the northeast of this property.

D. Fetter stated this is where it kind of goes against what I just said for it, in number eight (8), because all the surrounding zoning is mostly residential, this would be commercial. It's not changing too much from (inaudible) Mixed-Use; it's not necessarily in compliance with all those surrounding zoning districts.

J. Fitkin stated I feel that it's not consistent with the directly adjacent zoning uses. But not necessarily inconsistent with the general surrounding area.

K. Clegg said that with the South Marquette typology, if we had not adopted the Mixed-Use zoning district in 2019, this use would currently be allowed.

(10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district. He asked if there is anyone that would find that a different zoning district would apply more to this (inaudible).

J. Fitkin stated:

I also respond with a "kind of", because it is surrounded directly, adjacently by residential, and I've seen

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the public say it would be a good residential use, but then with the slope and size, would it actually turn into a residential use? It hasn't in the last 50 years despite the other surrounding properties converting to residential. So, kind of.

(11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or Special Land Uses in the current zoning district to allow the use. A text amendment to add the proposed uses permitted in the M-U zoning district would affect all M-U districts. TBD.

K. Clegg said that this was pursued about a year ago. The Planning Commission found that a text amendment to allow this in the Mixed-Use districts city-wide was not appropriate.

(12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood. The Planning Commission must determine if the proposed zoning would create an isolated or incompatible zone. The land use of this site has been *vacant* and undeveloped, except for a billboard sign that has been in place for more than 20 years. An incompatible zone cannot be approved, while isolation of a land use is unacceptable to the degree that it may create incompatibility or an otherwise undesirable outcome following development.

S. Lawry stated:

I don't feel it would be isolated, in that it currently, as Mixed-Use, it's an individual parcel and it was done that way as part of the entire Division St. corridor, and applying to parcels that were not already in residential use. The Master Plan speaks of that being the entry corridor to South Marquette and that should have a mix of businesses use of residences. If you take the corridor to mean Division St. and Furnace St., you already have General Commercial on Furnace St., as well as Hampton and Genesee. So, (inaudible) it's extending that corridor, rather than creating an isolated parcel.

D. Fetter stated:

I have a question for the City on this one. When you say the word isolated, are you talking about zoning itself, or isolated as though it's not truly compatible (inaudible) to the local neighborhood.

D. Stensaas said I would say the latter. It talks about an incompatible zone in the neighborhood.

D. Fetter said so my question here is, I don't know that it's been brought up yet, is the benefit given to the neighborhood?

D. Stensaas said that yes, that's how I read it, incompatible zone in the neighborhood. If you looked at the spot zoning criteria and said is this creating a spot zone, you might say yes because it is not directly adjacent to another General Commercial zone. But is it incompatible in the neighborhood? That's a different question. How far do you extend the neighborhood to be, in your mind?

K. Hunter stated:

I think that what that's that last sentence [of item #12] is referring to, in that "an incompatible zone cannot be approved, while isolation of a land use is unacceptable to the degree that it may create incompatibility or an otherwise undesirable outcome following development" (inaudible).

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D. Fetter stated:

I'm curious, this one being physically, zoning-wise somewhat (inaudible) and how it relates to the rest of the (inaudible) neighborhood, and if it's isolated by itself, and if it's actually giving back to that local community.

D. Stensaas stated it's not clear.

Someone in the public seating speaking to the point they think that it is clear.

D. Stensaas stated:

I think judges make decisions all the time on grey areas that one might think is clear and another might not.

K. Clegg stated if we do approve this, it goes to the City Commission, and then the applicant would have to go through a Special Land Use permit. There are many steps in order for this to be complete. He asked if anyone had any findings of fact on this. He also said that for the standards of review, we found yes, for number one, because it is a conditional rezoning; two – Intent and Purpose, is a yes; three – Street System – yes; number four – Utilities and Services, yes; five – yes, that is no conditions, number six – No Exclusionary Zoning, yes; Seven - Environmental Features, is it generally compatible, yes; number eight – Potential Land Uses and Impacts, that one was a maybe; number nine – Relationship to Surrounding Zoning Districts and Compliance with the Proposed District, that one was a maybe; number ten – no alternative zoning districts are appropriate, that is a yes; number eleven – Text Amendment is not appropriate to this parcel, that is a yes; and number twelve – we need to determine if it's an incompatible zone, and I think we need more discussion on this one unless someone is ready.

J. Fitkin stated:

I'm looking at permitted and Special Land Uses in the Mixed-Use district, and Light Manufacturing is a permitted use which means that it has to be totally enclosed and looks like a retail business from the front. In Mixed-Use, medium impact Light Manufacturing, which can have outdoor visibility, glare, etc., is a Special Land Use in the Mixed-Use, so that is just a consideration. It is currently permitted by Special Land Use permit in the current zoning district.

S. Lawry stated:

I've already addressed whether it was isolated by its zoning, but if you look at isolated because of the neighborhood uses, I agree it could be more isolation and therefore not compatible with the neighborhood uses. If we look strictly at the area across the street, it probably is compatible with the trailer park, as most people there probably have the need for additional storage. And there are other businesses extending to the north. I can't recall if self-storage was allowed under Light Industrial previously, but it seems to me it was. But as Dave mentioned, this probably wasn't zoned for light industrial or Mixed-Use at the time, but the building that is now occupied by the landscaping company was a manufacturing/fabricating shop, and the next building has been an accounting and tax office for a long time, but it was formerly a welding shop. It was an industrial area. It's evolved into something different

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or is in the process of evolving. If we're going to follow that as a natural course, then we probably don't want to see it go back in the opposite direction of the way most of the area is developing at this point. So I would say there is some compatibility with the other uses.

K. Clegg said that sounds like a fact to me. He asked if anyone wanted to make a motion on this.

It was moved by S. Lawry, seconded by D. Fetter, and carried 5-0 that after conducting a public hearing and review of the application and STAFF REPORT/ANALYSIS for 01-REZ-09-25, the Planning Commission finds that the proposed rezoning with conditions is consistent with 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-09-25 as presented.

D. Stensaas related the process for how a public hearing would be scheduled for this item by the City Commission for a hearing that would take place no sooner than October 27th due to public noticing requirements, and that development of the parcel could only be approved if the City Commission approves the request and the applicant then applies for a Special Land Use Permit (SLUP) and receives approval for the SLUP after a public hearing for that request.

B. 02-REZ-09-25 – 480 River Park Circle - Expired PUD rezoning

K. Clegg introduced the item and asked City Staff to present their information for this case.

City Planner and Zoning Administrator D. Stensaas stated:

Unfortunately, the Shophouse Park project did not receive the backing the applicant was seeking and so the plans are not going forward, and the PUD has expired, per City Code. The applicant did not get final site plan approval, so as it is shown here, highlighted in yellow (referring to the agenda packet materials being shown on the monitors in the room) – “if such plans are not submitted within a two-year period, the right to develop shall be terminated, and if the right to develop under the approved plan is terminated by the City, the City shall commence to rezone the property to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with Section 54.1405. We have prepared a staff report that explains the existing zoning, and it is a PUD because the preliminary plan was approved, but it's an expired PUD, and so it's sort of in limbo. We're proposing that it be returned to Industrial-Manufacturing zoning, which is what the other [adjacent] parcels are. That is an industrial park in which it is located, so we're simply proposing that it goes back to that classification. And my understanding from the applicant, who has been in touch with us regularly, is that he...intends to submit an application for a development once the rezoning goes through. I don't have a lot to add. This is pretty straightforward, compared to the last rezoning in particular, and there's not a lot of question marks about this rezoning.

K. Clegg asked if there was any correspondence for the item.

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D. Stensaas said there was no correspondence and then showed and described all of the items in the packet that staff assembled for the Planning Commission.

K. Clegg acknowledged that there were no members of the public present to provide testimony. He then asked if there was any discussion.

D. Fetter asked if they could leave it as a PUD instead of changing the zoning.

D. Stensaas said that it can't remain a PUD, per the LDC, which says that it must be rezoned if the PUD expires.

D. Fetter asked if it must be rezoned, why are we voting?

D. Stensaas said this is the procedure that is required, we have to have a hearing.

S. Lawry said that the City developed this industrial park, with a lot of federal and local funds, platted it, put the utilities in, because they wanted it zoned industrial. He also said that now we have a chance to try to prepare it for another business that needs the Industrial classification, and there are very few opportunities for those businesses to locate and I think we should open this one back up.

K. Clegg asked if anyone wants to make a motion.

It was moved by D. Fetter, seconded by J. Fitkin, and carried 5-0, that after conducting a public hearing and review of the application and Staff Report for 02-REZ-09-25, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 02-REZ-09-25 as presented.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

Nobody wished to comment.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

Nobody wished to comment.

COMMISSION and STAFF COMMENTS

J. Fitkin said that she was thankful for the public that came out and they raised valid concerns. She also said that she was looking forward to seeing the Special Land Use application if the City Commission approves the request, and to seeing what can be done to retain the neighborhood feel there within that application process.

K. Hunter said that she was grateful to the public for their comments, and it's interesting that after you move into an area and nothing has happened for fifty years, you just want it to stay the same. She said it will be interesting to see what comes of that, and making sure the creeks are taken care of.

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D. Fetter said that happy to see the turnout tonight and the feedback from the residents, and also happy there is a potential new business coming to South Marquette and to see where it goes, and hoping it will fit well.

S. Lawry said that he thinks it is always difficult to accept change in your neighborhood, especially if its something you don't already know the details of, and that's where we have an opportunity to make it fit later when we have that Special Land Use Permit request in front of us. He also said it is a parcel that, especially with the new power poles that are on it, that I can't see being developed for any type of residential uses as the neighbors are asking for. So, I think the task ahead of us, if this is approved, is to try to make it fit. He said that we've heard most of their concerns and didn't think they would be impossible to overcome or that it's an incompatible business there, and that hopefully they will see that we have enough restrictions on development in this community already that we shouldn't rule things out before we even get a chance to try make them fit.

D. Stensaas said that he wanted to say that the City didn't have anything to do with the placement of the new power poles in S. Marquette, and that the Board of Light and Power is empowered by statute to place utility poles in public right-of-way areas, and they are putting up the new poles where they like. He also stated that there will not be a meeting on 10/07, as there was nothing submitted for that meeting, but a meeting is scheduled for 10/21.

K. Clegg said that he was glad to see the public turn out, and glad to see people are passionate about the places that they live – that is an asset of our community. He also said he is looking forward to see what happens in the process, and thinks the proposal could also be an asset to the community. He also thanked the members for doing the hard work and that it was not an easy meeting.

ADJOURNMENT

Chair K. Clegg adjourned the meeting at 7:38 pm

Prepared by A. Cook, Administrative Assistant, and D. Stensaas, Planning Commission Staff Liaison.