

# ∞ AGENDA ∞

## **MARQUETTE CITY PLANNING COMMISSION** **Tuesday, March 03, 2026, at 6:00 p.m.** **Commission Chambers at City Hall – 300 W. Baraga Ave.**

### **MEETING CALLED TO ORDER**

- 1) ROLL CALL
- 2) APPROVE AGENDA
- 3) APPROVE MINUTES: **Minutes of 02-17-26**
- 4) CONFLICT of INTEREST



1. PUBLIC HEARINGS
2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
3. OLD BUSINESS
4. NEW BUSINESS
5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
7. TRAINING

#### **A. Article – Redesigning the Rules, Michigan Planner (MAP), Nov.-Dec. 2025**

8. WORK SESSION ON REPORTS/PLANS/ORDINANCES

#### **A. Land Development Code Amendments**

9. COMMISSION AND STAFF COMMENTS
10. ADJOURNMENT

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### **PUBLIC COMMENT**

A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes. Time does not need to be reserved for an item of business listed on the agenda, or otherwise addressed under Item #2, as time is provided for public comment for each item of business.

### **PUBLIC HEARINGS**

The order of presentation for a public hearing shall be as follows:

- a. City Staff/Consultants
- b. Applicant
- c. Correspondence
- d. Public Testimony
- e. Commission Discussion (Commissioners must state any Ex-Parte contact or Conflicts of Interest prior to engaging in any discussions), if it occurred, prior to entering into discussion or voting on a case).

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, February 17, 2026, in the Commission Chambers at City Hall. This meeting is also available as a video recording on the City's website.

**ROLL CALL**

Planning Commission (PC) members present (7): M. Rayner, J. Guter, N. Vermaat, D. Fetter, J. Fitkin, S. Lawry, Vice-Chair A. Wilkinson.

PC Members absent: Chair Kevin Clegg.

Staff present: City Planner and Zoning Administrator D. Stensaas; Zoning Official A. Landers.

**AGENDA**

*It was moved by J. Guter, seconded by M. Rayner, and carried 7-0 to approve the agenda with the addition of the item of late correspondence received for the public hearing, item 1.A.*

**MINUTES**

*The minutes were approved by consent, as presented.*

**CONFLICT OF INTEREST**

Nobody stated a conflict.

**PUBLIC HEARINGS**

**A. 01-REZ-02-26 – 1308, 1400, 1402 Division St. (PIN: 0040071, 0040190, 0020840).  
Request to rezone parcels from Mixed-Use to General Commercial**

A. Wilkinson announced the public hearing and asked Staff to proceed with the Staff comments.

A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the properties located at 1308, 1400, and 1402 Division Street that are zoned Mixed-Use (M-U) to be zoned General Commercial (GC). She then explained the various attachments to the Staff report, and discussed the report while scrolling through it, showing it on the monitors in the room. She said that an item of correspondence was received after the agenda was posted, in opposition to the request, and read the letter aloud. She also said that the Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning of the above properties is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures and make a recommendation to the City Commission.

A. Wilkinson asked if any of the members had questions for the Staff.

J. Guter asked if there were any options aside from voting to recommend approval or denial.

D. Stensaas and A. Landers both said there are no other options.

A. Wilkinson invited the applicant to provide testimony.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

Mr. Dave Hallinen, of 405 Meeske Ave., stated:

I am here representing JJAD Rentals and we would like to get it rezoned. It was general commercial at one time and we're hoping to get it back to that. 1308 Division is a storage lot. We did make an error putting up the hoop house that is there now. I thought because it wasn't a permanent structure we could do it. That was my fault. But a lot of the businesses down there are general commercial, I don't think it's an unusual request to try and get it back to that. So, I'm hoping we can work with the City on that, as far as getting that storage lot approved in whatever form that may be. Williams building, JJAD, Mares-Z-Doats, and Safelite, those are all commercial businesses. That puts that area and several other businesses, Silas, Carpenter's Union, Peace Pie Company, Code Electric, so there's a lot of commercial in that area as well as residential and there's a lot of rentals I believe. I'm just hoping that you can work with us and we can work with you all. Thank you.

There was no public testimony offered.

*It was moved by J. Fitkin, seconded by J. Guter, and carried 7-0 to suspend the rules for discussion.*

J. Guter stated:

A lot of the area within a block of this property is zoned general commercial, typically along the highway there. I know the Master Plan designates a lot of this area, well, the Master Plan doesn't really define the zoning per parcel, it's a general indication of what it's looking for, and I don't in my opinion, going to general commercial is not that big of stretch. If I look around at what's adjacent in that area and what the current uses are in that area, I guess I'm starting out to be inclined to approve the rezoning.

J. Fitkin stated:

I think it's important to recognize that we saw a conditional rezoning request recently for a property nearby to where this is, about a block and a half away. I don't know if I'm supposed to say this, but I'm surprised that there aren't more folks in the audience tonight. I appreciate that we have received some correspondence from the neighbors. I drove over to this spot today to look around. Remembering back to what a lot of the neighbors, the people who live in this area, had said the last time we looked through rezoning, a lot of the sentiment was that South Marquette is actively been trying to become more residential, more neighborhoodly, and that the last time we redid the Master Plan, that was why a lot of these parcels were zoned Mixed Use. It was pretty intentional to aid in South Marquette's evolution into a more neighborly area. Now, Mares-Z-Doats has been here for a long time. It's a really appreciated business in the community, and I'm not against them having storage there, but I do question if a rezoning to general commercial is the right way to go about it. I think there are other opportunities. I know we can't consider them tonight but I would maybe encourage us and the applicant to look at either a text amendment or add a special land use or a conditional rezoning to just add this to that property because I can't help but worry about if anything were to change in ownership of that property, what it could look like if it's zoned general commercial in the future.

S. Lawry stated:

As was mentioned, this is a long-established business. It's operated within the City's previous zoning for the property and serves the South Marquette area as well as a much larger geographic area. I believe it's the only pet supply store between Harvey and W. Washington Street. According to the Master Plan, we're trying to have businesses that minimize automobile trips. I think this meets the standard of the Master Plan. When the City changed the zoning in 2019, I don't believe it was with the intent of making existing businesses non-conforming or push them to other locations. It was to further promote the mix of residences and businesses that exist along Division Street. I wasn't here in 2019, but I was as we were developing that section of the Master Plan and I'm the one who proposed Mixed Use zoning for this area

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

without realizing it would impose some hardships on the way existing businesses were operating. It was actually to allow for residences to remain there, but to allow for reuse of some of those existing buildings. Some of which I think have switched back and forth between residents and businesses a couple times. The Master Plan says that Division Street should have the look and feel of a village main street. Division Street dates back to the mid to late 1800's and still has much of the look and feel of the main street it was for South Marquette for over 150 years. I think this property was occupied by a sausage manufacturing plant for decades. When that plant closed, it left a large, difficult-to-reuse building that could have become a blight for the neighborhood and the City. The existing business put the property back into productive use without demolishing the existing buildings. I think it's important to work with them to find ways to allow them to continue to operate on the site in a manner that does not impose on their immediate neighbors anymore so than the other businesses that have operated along this corridor for 150 years. I don't know that rezoning is the best answer, but I think it's what we have to decide on tonight. Looking at the property, I don't think the temporary structure put up really contributes to the neighborhood. I'm sure some of the neighbors do have a problem with the visual effects of that. A more permanent building might solve the issues, but I don't know if the property owner is in a position to provide that at this point. Yes, alternate uses on the property could result if we change the zoning. It could result if people pursue rezoning in the future or a special land use or something as well. Just because we rezone it doesn't leave it wide open, I don't think, to some unacceptable uses of the property either. That's all I have right now, thank you.

D. Stensaas stated:

For some background, when Andrea and I first met with the Hallinens, to talk about what they could do to resolve the issue with the unauthorized buildings, where they did have an authorized storage lot, we thought about other options. There are problems with Conditional Rezoning for the one property, and these properties were under different business names, and now they're combined under the same business name. The 1308 lot was where the outdoor storage and parking were approved, and I'll let Andrea explain this, as she can explain a little better than I can. But there are a variety of problems that come up when you look at trying to rezone this single parcel, even conditionally.

A. Landers stated:

Basically, the 1308 parcel is tied to the Mares-Z-Doats parcel. They requested to add a parking lot in there and requested the outdoor storage to the Mares-Z-Doats parcel. They also can't have an accessory structure without having a main structure. So, it's all tied together. The 1308 here and the 1400 are tied together. But also looking through all my stuff, the 1402 [parcel] also contains storage from the Mares-Z-Doats parcel, so they're all tied together. The existing, legal non-conforming uses aren't really tied, so it makes sense they're applying for all three.

D. Stensaas thanked A. Landers and stated:

Another thing is that as a single parcel being rezoned, it does create a spot zone, even though it's conditional rezoning. You can kind of overlook spot zoning, you're kind of allowed to look past spot zoning [with conditional rezoning]. I think of it as more logical to have all three in one zone. As you go through the spot zoning considerations, I think you find it's not a spot zone when you look at three parcels. It is when you look at one. If it's conditional, you could overlook that, but there are problems with doing it as a single parcel because it's so tied into the other parcels. These [storage and parking] are accessory uses to the main uses, and those don't really stand up on their own as a parcel because the uses are accessory to the main retail business.

A. Wilkinson began discussing the Standards of Review in section 54.1405(D) of the Land Development Code. He said that item #1 is about consistency with the recommendations, goals, policies and objectives of the Master Plan.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

J. Guter stated:

Again, I would point to the fact that the Master Plan looks at this area as a whole geographic area with a lot of different zoning within it and it doesn't prohibit the idea of general commercial within this area. And I think there is general commercial zoning very close by. I don't think this activity is inconsistent with what the Master Plan is trying to accomplish here. That's my thoughts on it.

S. Lawry stated:

Just as I mentioned earlier, I think it meets the Master Plan goals of trying to provide a basic service to that neighborhood, which I'm sure is needed. Also, it is part of the mix for a main street that the Master Plan calls out for Division Street as well.

D. Fetter stated:

I have a question about an earlier comment saying that this is for the community. I can understand that Mares-Z-Doats is great for the location, but adding that extra parcel, which is the one that is bringing this here, is that actually supporting the community or is it supporting the business specifically?

S. Lawry stated:

I think it's a vital part of the way the business is operating right now. If they scaled way back on their product lines or something like that, I'm not sure they would be able to run a sustainable business on just the single parcel on the 1400 block. I realize that at some point, the business expanded from the 1400 block to over there. I don't recall when that happened, but as the Staff mentioned, they did go through and get permits to make that site compliant with the zoning ordinance in place at the time. They did not request the rules to be changed; the City just went ahead and changed them, on a large scale move that may not have even been brought to the direct attention of the property owners or the ventures. If they had objections at the time, they may not have been aware that they had an opportunity to raise them.

J. Guter stated:

We're looking at rezoning that parcel as well as the main Mares-Z-Doats building looking at it as one whole thing. We're not looking at that property by itself. So, I think that's the way to look at it.

D. Fetter stated:

I actually had a question for the City on this one. Why are all three parcels being reviewed at once? Is it just because they're within the same business or because they're all looking at each other?

A. Landers said:

What I stated earlier...is that the 1308 and the 1400 are tied together, and the 1402 has some of the outdoor storage tied to 1400 as well. Their uses are all tied together.

D. Fetter stated:

So if I had a business on separate lots tied together, I would have to do some of those things?

A. Landers stated:

If you wanted to rezone it, it would make sense to rezone it all together. You wouldn't rezone just one [parcel] and not do them all if they're all the same uses. Per the Staff report, they all have outdoor storage, so they're all legally non-conforming right now. They're all tied together.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #2, *Intent and Purpose of the Zoning Ordinance*, is met.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

J. Fitkin stated:

In reading the intent for the General Commercial zoning district, I feel it pretty well describes Mares-Z-Doats' use. So, in that case, I do think it's consistent with the intent of the zoning ordinance. But again, all the uses come along with zoning it General Commercial.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #3, the capability of the street system to accommodate this use, is met.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #4, the capacity of the City's utilities and services to accommodate the proposal, is met.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #5, *Changed Conditions*, since the zoning ordinance was adopted, or errors to the zoning ordinance, is met.

The Planning Commission agreed that no conditions had changed, that there was no error, and that the standard was met.

A. Wilkinson asked if item #6, *No Exclusionary Zoning*, is met.

The Planning Commission agreed by consensus that the standard was met, and it was noted that the Staff report stated that the proposal would not result in exclusionary rezoning.

A. Wilkinson asked if item #7, *Environmental Features*, is met. He said that City Staff says the zoning is generally compatible with the site's physical, geological, hydrological and other environmental features with the permitted uses in the proposed zoning.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #8, *Potential Land Uses and Impacts*, is met. He said that Staff comments say the proposed rezoning would allow all of the possible land uses for a general commercial zoning district. He said the Planning Commission must determine the compatibility of the proposal in this location.

J. Fitkin stated:

That's where I take a little bit of issue, because anything could happen in the future. I know and appreciate Mares-Z-Doats as a business, and I hope that their use of those parcels would never change, but we have to know they could. I would just caution us to be reverting a neighborhood back to past uses when it's been intentionally moving towards more residential uses.

D. Stensaas said that he would like to point out that you can look back at the page that shows the permitted principal and the special uses for GC [zoning]. He also said that special uses have a much more intense process, but it's worth thinking about, if any of those uses really conflict in that area. He said a lot of them already exist in that area.

J. Guter stated:

In my review of the permitted principal uses, I did not see anything that really seemed incompatible with that area, other than perhaps large-scale equipment sales and display, which typically you would need a

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

larger area for. It seemed to me that most of these activities were already going on in that area. We're not introducing anything new. Some of the special land uses could pose more concerns, but I don't think we'd be out of line if we were to approve this or recommend approval.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #9, *Relationship to Surrounding Zoning Districts and Compliance with the Proposed District*, is met. He said that City Staff report that parcels to the west and south are in the Medium Density, and parcels to the east and north are Mixed Use, and that the LDC requires a buffer between commercial and non-commercial uses. He read the rest of the comment from the Staff Report: "These parcels would be considered existing legal non-conforming for not meeting 10-ft. wide landscape buffer requirements..." and "The Existing structures at 1400 and 1402 have been in place for many decades and do not meet side and rear setbacks...which is legally non-conforming..." and "This would not change if the request is approved, as the setbacks would not conform with the proposed GC zoning district and likewise would..." legally not conform.

S. Lawry said that he had a question for Staff about the way some of the outdoor storage is handled at present. He asked if there is any record of neighborhood complaints about rodents or anything that might be attracted to the types of materials that are stored outside?

A. Landers stated:

Enforcement has been entered in the computer system since 2004 and no cases have been reported since then.

D. Stensaas said if this is approved, these outdoor structures, the new temporary structures, would need to be brought into compliance with the setbacks.

Steve Lawry asked:

At present, it's not just the fabric building that is out of compliance; the shipping containers are as well?

D. Stensaas said that's right.

A. Landers said that they have to supply a zoning compliance permit and show that they are in compliance.

S. Lawry asked a clarifying question:

At this point, non-compliance is based on the lack of a permit and possibly the setbacks, and not types of structures, or size of structures, or anything else that you're aware of?

D. Stensaas said that it's possible that there could be a height issue. I'm not sure, but don't think so.

D. Fetter stated:

Along those lines, that would also include garbage enclosures and things like that, which would then have to be built to what's being used on that site?

A. Landers said that if any garbage enclosure was new, it would have to be, but anything existing remains non-conforming.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #10, *Alternative Zoning Districts*, is met. He also said that the Staff Report says this is to be determined by the Planning Commission, and that the Future Land Use Plan provides

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

guidance for development within each place, while recognizing that each property is unique and thus offers flexibility for new designations and zoning districts.

S. Lawry stated:

I wonder if Staff could refresh us on why form-based zoning was considered inappropriate for Division Street.

D. Stensaas said that the form-based zoning attempted to make the Division Street corridor more like North Third Street or downtown. He related that the fenestration requirements, as seen in the Waterfront district, are an example of how that code didn't fit the area. He said that the Courtyard's building is a good example of that, on the corner of Genesee and Champion Street. He explained that when that building was remodeled, the owners had to comply with the form-based code's fenestration requirements, which are for quite extensive openings in buildings. He said it became a beautiful building when it was completed, but those requirements were not welcomed, and that level of requirement met a lot of resistance, and the owners had to get variances. He said that Mares-Z-Doats also dealt with the unwelcome requirements for their parking lot screening. He said that there is a lot of commercial use in that area and that it was sort of asking too much, and we came to an agreement as Staff that with the number of variance requests we had, and the comments we got from different business owners and potential developers, was that those standards were not well-suited for that area. He also said that we were looking at places all around town to add mixed-use districts where it seemed to make sense, and he thought that there was general agreement on the Planning Commission, too, that the form-based districts were appropriate for North Third Street, and the part of downtown that's on the waterfront...but they weren't working well for South Marquette. He said that we need to periodically evaluate whether the districts we have are working for the people that live in them, do business there, and for the rest of the community, and that he thought it was the right decision [to rezone the area], but that not all the choices that we made were correct.

S. Lawry said that in reality, the form-based code is more suited to building new structures and buildings than it is to the reuse of some very old buildings that we don't advocate being torn down. Thank you.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #11, rezoning preferable to text amendment where appropriate, is met. He said that the Staff comment says a text amendment to add outdoor storage uses permitted in the Mixed-Use zoning district would affect all Mixed-Use districts.

N. Vermaat asked:

When the Mixed-Use district was developed, why was outdoor storage not added as a permitted or special land use?

A. Landers said that it's the same reason why, during the last text amendments, that indoor storage was not [added], that self-storage facilities were not [added] – because they [the Planning Commission] felt that it was more industrial, and they didn't want [that in] the Mixed-Use [districts] because the idea was between commercial and residential, they wanted it more of that type of feel.

J. Guter stated:

I go back to some other previous comments, that if we amend the Mixed-Use zoning district to include outdoor storage, we are sort of opening a can of worms in lots of other areas without really understanding all the implications. I don't think that would be a good approach in this instance.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

S. Lawry stated:

We designated Mixed-Use in areas that already had a lot of residential construction, with the idea that the existing homes would be converted into small businesses. They would use the small residential lots to provide neighborhood businesses. And I could foresee a lot of problems if we allowed outdoor storage on everything that is currently zoned Mixed-Use. In this neighborhood, this is not the only outdoor storage. There is considerable outdoor storage, but it's zoned General Commercial, right around the corner from here. There may be others down there as well. Thank you.

The Planning Commission agreed by consensus that the standard was met.

A. Wilkinson asked if item #12, *Isolated or Incompatible Zone Prohibited*, is met. He read the Staff Report comment saying that "The Planning Commission will need to determine if the proposed zoning would create an isolated or incompatible zone."

J. Fitkin stated:

Just noting that there is not General Commercial directly adjacent to any of these parcels, which is something that we considered in our last rezoning request and something that I think is important to consider now. It is in the neighborhood, but it's not directly adjacent.

J. Guter stated:

That's correct, it's not immediately adjacent, but it's within a block away. It's very close by. It doesn't seem to me that this would be a completely isolated activity within that area [and] incompatible with what's adjacent.

S. Lawry stated:

I think in hindsight, perhaps the parcel that the Silas Automotive currently occupies should have been left as General Commercial as well, then it would be an abutting property. As Commissioner Guter was pointing out, he didn't think it was an area for large equipment sales. That's what that building previously was, it was a large truck dealership. I've asked before, and we can't change the scope of a rezoning request to include some other properties that we think should be part of it. So, I wouldn't recommend that at this point, but like I said, I think in hindsight it's still an automotive repair business (inaudible) zoning district, but it probably should have been left as general commercial.

D. Fetter said she has a question for the City. She stated:

Can we rezone something as General Commercial, especially when it's been something there before the changes started taking place, and maybe once it exchanged hands, then it changed to what the zoning was going to be updated to, to be able to get away from these kinds of situations? If it was General Commercial before, why did it change to Mixed-Use when the property owners didn't change, the business didn't change, it didn't change. How did it change to something else?

A. Landers stated:

If it was, it would have been General Business before. General Commercial was a new zoning district. The Planning Commission did a city-wide thing where they...decided what areas might be Mixed-Use, and this was one of the areas that was chosen. And that was just the exercise that was done.

D. Stensaas stated:

I think the logic behind that is if this property were to change to another type of use, you would want it to change to something that's maybe partly residential, partly commercial, or all residential. Those would be compatible uses in that area, rather than a more intense use. But this is basically the continuation of existing uses. I realize you could have some possibly more intense uses in the future with the General Commercial, but as you've said, those uses do exist in this area, so it's not anything that would be drastically different from what's existing.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

D. Fetter stated:

My thought is why couldn't it just stay as it was until it exchanged hands to something else, then (inaudible) changed hands?

A. Landers said that Mixed-Use was a completely new zoning district, and the South Marquette Form-Based Code wasn't a mixed-use code. So, when they were changing these different areas, they were trying to sprinkle more mixed-use [districts] around the city. And this corridor was chosen to be part of it.

D. Fetter stated:

I understand, but I'm concerned about the businesses that are already there that are now going through this process. Why had it changed without any known reason for it, outside of long-term planning?

D. Stensaas stated:

It could have been done better. We could have done better with our rezoning recommendations in that area. That's the bottom line to your question. We could have done better, but we didn't. We did what we did.

S. Lawry stated:

I agree with that. I think we tried to go through, basically parcel by parcel, and try to determine what was the correct zoning, but we also didn't want to create spot zoning by creating alternate zoning districts from one parcel to the next. We tried to make it fit the proposed zoning along the corridors and the neighborhoods. I think that our best try to find the one that we already identified that would best apply to that neighborhood. When you're taking a mixed neighborhood, as Division Street is, as old as it was, and long established, it's hard to find the new zoning district that is just the right one to cover everything.

D. Fetter stated:

My concern is we open up the general commercial, then no longer is it considered spot zoning if somebody in the future wants to also rezone in this area.

D. Stensaas said that this brings up the need to evaluate the spot zoning characteristics related to the request to ensure that approval would not create a spot zone. He said that he handed out another sheet that explains spot zoning a bit better than the item included in the agenda packet, and he referenced the document. He also said that all four characteristics mentioned must be met for the proposal to be considered a spot zone.

A. Wilkinson asked for comments on the four spot zone standards that need to be met [for a rezoning to become an illegal spot zone]: small in size, inconsistent uses, special benefit, and contrary to the Master Plan.

S. Lawry stated:

Even though it says there is no dimensional determination as to what's small in size, I don't feel that three parcels or a whole block and part of the next one constitutes small in this context, so I don't think it meets that one. I don't think it's contrary to our Master Plan in that it says we're supposed to be trying to create a mix of businesses and residences along that street. There are others in the neighborhood that benefit from outdoor storage, that are under different zoning. Other properties could also qualify to rezone if they feel they have a need for outdoor storage, so I don't think it meets all four of these.

J. Guter said he agrees with S. Lawry, that this does not meet all criteria for a spot zone. He said it's a fairly large parcel, a block plus, and it is not inconsistent with the area uses around there, and it seems to meet the intent of the Master Plan and the Future Land Use Plan.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

A. Wilkinson asked if everyone agrees that this does not meet the standards of a spot rezone. He then acknowledged that all members agreed, and asked if anyone wished to make a motion.

*It was moved by J. Guter, seconded by S. Lawry, and carried 7-0 that after conducting a public hearing and review of the application and STAFF REPORT/ANALYSIS for 01-REZ-02-26, 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 01-REZ-02-26 for the following reasons: 1) the Master Plan and the Future Land Use Plan recognizes that this area has unique properties and provides a lot of flexibility; 2) that the general commercial zoning is included in the Master Plan for this area; 3) that it does not meet the criteria for spot zoning; 4) and that it serves a neighborhood and community need in our community.*

**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.

**TRAINING**

**A. Article – No Joke, Improv Helps Build Better Communities, Planning (APA), Winter 2026**

A. Wilkinson asked if anyone has thoughts or comments on the article.

D. Fetter said it is a good comparison: how improv helps you think quickly, pay attention to what is being said and who is speaking, before you think about a reply. She said it was eye-opening to see that comparison, because you would think it's something completely different.

A. Wilkinson said he has had times in other communities, in planning meetings or open houses, and a lot of times I'm thinking about what I'm going to say when people are done talking, and realistically, you should shut up and try to focus on what they're saying. He said it was a good read and thanked the staff for including it.

**WORK SESSION ON REPORTS/PLANS/ORDINANCES**

**A. Land Development Code (LDC) Amendments**

D. Stensaas handed out the draft material staff has created for amendments to LDC section 54.320, and explained the purpose of the effort, which is to provide further clarity in the text and helpful drawings that show how the boundaries of riparian areas are located and measured, for each of the three types of boundaries that exist – wetlands, waterways, and the shoreline of Lake Superior. He said that the City's hydrology engineer developed the drawings and that she is very familiar with the federal rules around these issues, and that she created the drawings so that it's easy for someone using this part of the code to see what we're referencing in the code and how things are measured. He said they are adding the boundary of the FEMA flood zone to the text of section (E), adding the drawing as Figure 9, and add the word "steep slopes" to the first column of Figure 10, the existing Figure 9, to clarify that those are all steep slopes.

**OFFICIAL PROCEEDINGS**  
**MARQUETTE CITY PLANNING COMMISSION**  
**FEBRUARY 17, 2026**

N. Vermaat said he sees EGLE referenced in the wetland drawing, and asked if a reference to EGLE should be placed in the code text as well.

A. Landers said that she just checked [Article 2] and that EGLE is included in the *wetlands* definition.

**COMMISSION and STAFF COMMENTS**

J. Guter said that he attended a webinar with staff yesterday, about data centers. He said it was interesting and it talked a lot about what is happening in communities and the issues that we can address, and after going through that these buildings are quite as scary as they're sometimes made out to be. The biggest thing is they are large. The three biggest takeaways I got are that they do impact water usage, they do draw a lot of power, and that noise is a major factor. He said water and electricity are out of our control, but noise is something that we could impact through zoning.

D. Fetter wished everyone a happy Lunar New Year and said that the discussion was good today.

N. Vermaat asked if a recording of the data center webinar is available. A. Landers said that she will test the link that she just got today and would send it to the commission if it opens in the test.

S. Lawry said he would just point out that for the rezoning we recommended tonight, it doesn't mean that everything is fine down there, as they do have to meet the standards of the General Commercial district if it is approved, and they have a lot of steps to do to meet the standards. He also said that after the last meeting he told the Assistant City Engineer that they might consider updates to the street cross sections in the Master Plan, as it occurred to him after looking at the plans for the Wilson St. multi-use path, that we could accommodate more snow storage and more paths around time if we don't always follow the tradition of placing the road centerlines on the center of the right-of-way all the time. And our adopted cross-sections show that convention, but if we are really going to give other modes of transportation their fair share of the right-of-way, we should stop centering everything on automobiles. I understand that staff is going to look into that to see if it is a feasible option, to provide better balance.

A. Wilkinson said that he appreciates everyone's grace tonight and will be glad for Kevin to be back. He also said that, with the storm coming, he wants to mention that the City should try to expand its sidewalk plowing because many people don't venture out of the house after a storm hits.

D. Stensaas said that he hopes that we can circulate the webinar on data centers, and that one takeaway he had is that we don't necessarily want to create a zoning category for just data centers, but instead for high-impact industrial use category to cover a lot of similar uses. He said that staff has a lot of work to do in relation to that. He said good job and thanked everyone.

A. Landers said that, regarding data centers, the first state-level report on them just came out, so we are at the front of line in looking into the related issues.

**ADJOURNMENT**

Vice-Chair A. Wilkinson adjourned the meeting at 7:15 p.m.

# Redesigning the Rules

## Accessibility as a Zoning Priority

Everyone is one car accident, illness, or injury away from a disability that could profoundly change how they navigate the world. And in that moment, they find out just how poorly the built environment serves anyone who isn't perfectly able-bodied. Across the country, local governments are facing a critical challenge: how to ensure that every resident – regardless of ability – can live, work, and thrive in their community.

### Why it Matters

In the US, more than 28% of adults have a disability, and that will increase as the population ages. Yet most of our cities and towns were built before accessibility standards existed. In many towns, fewer than 5% of homes are accessible to people with moderate mobility challenges, and less than 1% is accessible to wheelchair users.

Many assume that the Americans with Disabilities Act (ADA) has solved these problems. Unfortunately, it has not. The ADA prohibits discrimination against people with disabilities in everyday activities, but its reach is limited. Buildings that haven't been significantly renovated or changed in use can remain permanently non-compliant, and one- and two-family homes are exempt. Moreover, the ADA's framework doesn't yet encompass the full diversity of disabilities or environmental barriers people face.

Meanwhile, demand for “aging in place” housing and walkable, mixed-use communities continues to grow. Communities that fail to plan for inclusivity risk marginalizing residents, losing workforce participation, and missing out on the economic and social benefits of retaining older adults and people with disabilities as active contributors to civic life.



### The Role of Local Zoning and Development Codes

Zoning ordinances and land-use regulations shape how communities grow—and who can live where. Unfortunately, many codes unintentionally reinforce barriers to accessibility. For example, large lot size requirements can make housing less affordable and harder to adapt for accessibility; prohibitions on mixed-use or multi-generational housing can isolate residents who lack vehicles or a support network.

As the ADA has been slow to update the built environment, a growing movement called “universal design” is leading the way. Universal design creates spaces, products, and systems that are usable by people of all ages and abilities—without the need for adaptation or special features. It broadens the focus from minimum compliance to maximum inclusion, benefiting everyone from parents with strollers to veterans, children, and older adults.

Communities can take several key steps to embed inclusivity and accessibility into their community's planning framework:

1. Define accessibility and universal design as policy priorities. Incorporate

clear definitions and guiding principles directly into zoning ordinances. Refer to them throughout planning documents to emphasize their importance.

2. Offer zoning incentives for accessible design. Local governments may not exceed state building code requirements, but they can encourage voluntary adoption through incentives such as:
  - a. Density bonuses for projects that meet universal design criteria or exceed minimum ADA standards.
  - b. Reduce parking requirements for developments located near dense, mixed-use areas, accessible transit stops, or that provide accessible car-share options.
  - c. Expedited permitting or reduced fees for developers incorporating a certain percentage of accessible units or adaptable floor plans.
3. Include a “Visitability” or Universal Design section in ordinances. An example of this is Auburn Hills, Michigan. Its zoning ordinance is written to support accessibility by

defining the development of homes using universal design as a public benefit that would qualify for a Planned Unit Development (PUD), which creates custom zoning for that project. It also includes a section on universal design in the zoning ordinance which includes excellent graphics and descriptions.

4. Promote mixed-use, mixed-income, and multi-generational development by allowing accessory dwelling units (ADUs), duplexes, cohousing models, and multi-generational housing to enable people to live independently while staying connected to family and community. People with disabilities can thrive in more dense locations where it is easier to get around, have multiple services within a quarter mile, and a variety of housing sizes and types to accommodate various stages of life. For example, ADUs are private, complete housing units within or adjacent to single-family homes.

They are helpful to older homeowners who can rent the units to family members, or for them to move into while other family members live in the main house. ADUs can be a great resource in areas with rapidly rising property values.

5. Ensure accessibility in public infrastructure. From curb ramps and audible pedestrian signals to universally designed parks, bus shelters, and sidewalks with rest areas—public spaces must be designed for everyone. Commercial developments should include accessible, street-facing entrances that invite all users. (insert playground photo near this paragraph please)
6. Engage stakeholders and build partnerships. Collaborate with disability advocates, seniors, developers, architects, and residents to review current barriers and identify priorities. Public engagement can reveal overlooked challenges, such as inaccessible cross-

walks, missing curb cuts, or accessible housing needs.

7. Measure progress and celebrate success. Track metrics such as the number of accessible units built, the percentage of new developments incorporating universal design, or resident satisfaction with accessibility improvements. Publicizing these successes reinforces community pride, attracts inclusive-minded developers, and builds momentum for further innovation.

#### A Vision for the Future

Creating an inclusive built environment is more than a technical task—it reflects community values. When local governments embrace accessibility and universal design, they send a powerful message: everyone belongs here.

Elected officials are uniquely positioned to lead this change. By modernizing zoning codes, offering smart incentives, and partnering with residents and developers, they can shape communities that are resilient, welcoming, and equitable for generations to come. The path toward universal design does not require a complete overhaul overnight. Small, incremental policy changes—combined with vision and persistence—can yield transformative results. The most livable communities of the future will be those that design not just for some, but for all.

**Kristen Nyht, AICP, AIA, LEED AP, Fitwel Ambassador** is a senior project manager with Fishbeck, a Michigan-based professional consulting firm. She is a certified urban planner and licensed architect who advocates for sustainable, resilient, and accessible development. Kristen is a member of MAP's Inclusive Design Steering Committee and the incoming chair of APA's Sustainable Communities Division.



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## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Dave Stensaas, City Planner and Zoning Administrator  
**DATE:** February 27, 2026  
**SUBJECT: Work Session – Land Development Code Amendments for 2026**

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Staff and the Planning Commission will continue the recent work on potential amendments to the Land Development Code. This effort will continue for the next 2-3 months until all known issues are resolved. Materials for the work session are included, with more likely to be presented at the meeting.

# Land Development Code language for Discussion at the March 3, 2026, Planning Commission meeting

The proposed draft amendments to the **Land Development Code** are formatted in the following way:

1. New subsections and/or language is shown underlined and highlighted, as the example below indicates:

Example) H. Light Manufacturing

2. A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

Example) ~~F. Dwelling units must be located above the first floor.~~

Other text that is neither highlighted or lined-through is included for context.

Some text is highlighted in blue to explain features of the amended text.

**Fix this language to allow for consistency. Our ordinance language creates an unintended consequence by lumping “diminution” (shrinking or reducing a building) into the same category as “alterations,” which then triggers Planning Commission review for projects that arguably shouldn’t need it. Meanwhile, complete demolition only needs a zoning compliance permit, which feels inconsistent. Also fixing other parts of this Figure.**

**(13) Alterations:** Any dimensional or locational change in the structural members of a building, such as walls or partitions, columns, beams or girders, door and window openings/frames; the enlargement or diminution of a building; the moving of a building or structure - the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

**Figure 64. Required Review Process Based on Development Activity**

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New building construction totaling more than either 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units.	●		
Site Condominium development – New, amendment, or expansion	●		

Additions, alterations <b>(excluding any diminution of a building)</b> , non-residential and multi-family accessory structures, and renovations that are more than 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	•		
Filling a parcel of land to an elevation above the established grade of adjacent developed land.		•	
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) dwelling units, and for multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below), unless site plan review is required due to size criteria being met.		•	
<b>Development Activity</b>	<b>Site Plan Review Required by P.C.</b>	<b>Minor/Admin Site Plan</b>	<b>Exempt From Site Plan Review</b>
Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use.		•	
Additions, alterations <b>(excluding any diminution of a building)</b> , non-residential and multi-family accessory structures, Solar Energy Systems ≥20kw to 2 MW – Accessory Use, Solar Energy Systems ≥20kw to 2 MW – Principal Use, and renovations that are more than 10% of the size of the original commercial or multi-family residential building footprint or more than 500 square feet, unless otherwise exempt.		•	
Relocation of a building approved via Site Plan Review, with associated utilities.		•	
Any expansion or change in an existing land use if more parking in addition to that already provided is required.		•	
Any earthwork greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended.		•	
Site improvements of more than 2,000 square feet that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt		•	
<b>New</b> Commercial and non-residential buildings less than 16,000 square feet, unless the activity requires <b>Planning Commission</b> site plan review		•	
Condominium development – New, amendment, or expansion		•	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			•
Single-family dwellings and their accessory facilities on individual parcels			•
Two-family dwellings and their accessory facilities on individual parcels			•
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.			•
Additions, alterations, non-residential and multi-family accessory structures, Solar Energy Systems <20kw – Accessory Use, and renovations that are up to 10% of the size of the original industrial, commercial or multi-family residential			•

building footprint or up to 500 square feet.			
Relocation of a building approved via a site or plot plan, no corresponding utilities.			●
Interior remodeling or interior construction			●
Landscaping that is less than 25% of the parcel size or 2,000 square feet			●
Site improvements that are less than 2,000 square feet, and site lighting, unless the activity requires site plan review or minor site plan review			●
Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint			●
Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout			●
<b>Demolition or diminution of a multi-family residential or non-residential building</b>			●

**Fix this language to reflect the permits that are required.**

## Section 54.1401 Zoning Permits and Zoning Compliance Review

- (A) Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.
- (B) Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:
- (1)** Residential dwellings (one-family, two family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure. Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.
  - (2)** Interior remodeling **and exterior alterations** of a non-residential use provided such remodeling **or alteration** is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
  - (3)** Interior remodeling of a residential use, exempt from Site Plan Review pursuant to [Section 54.1402\(B\)](#), when such remodeling involves interior structural alterations, including but not limited to the removal or addition of interior walls, or any change of use of within interior areas.

(3) **4**) Re-paving of an off-street parking lot provided there are no grading changes and no changes to the configuration of the parking lot layout.

(4) **5**) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

**(6) Demolition of residential, non-residential, and multifamily residential buildings and accessory structures.**

**(C) Required Information for Zoning Compliance Review.** The required form of, and information on, plans shall include:

**(1)** Name and address of the applicant and plan preparation date.

**(2)** Dimensioned property lines of the area included in the plan and a north arrow.

**(3)** The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.

**(4)** The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.

**(5)** All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.

**(6)** For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect. One digital copy of the plan set must also be submitted.

**(7)** Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.

**(8)** If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and applicable codes.

**(D) Zoning Compliance Review Procedure.** Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within fifteen (15) business days, grant approval in writing or

deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this **fifteen** ~~ten (10)~~ **15** business day period if additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.

- (E) **Expiration.** Zoning permits (which includes zoning compliance, fence, and sign permits, etc.) will expire after two (2) years if construction has not commenced. Zoning Staff upon request prior to the expiration date, may grant an extension of not more than one (1) year from the expiration date, upon findings that the conditions of the permit have not changed. Not more than two (2) such extensions may be granted.

**Fix this because Office and retail require no minimum so this would be an occupancy rate to 0.**

**Section 54.322: TSC, Third Street Corridor District Form-Based Code**

**Figure 28. TSC - Parking Requirements (Required Number of Spaces by Use per Figure 26)**

	<b>T4</b>	<b>T5</b>
<b>Residential *</b>	1.125 / dwelling	1.0 / dwelling
<b>Lodging</b>	1.0 / bedroom	1.0 / bedroom
<b>Office</b>	no minimum	no minimum
<b>Retail</b>	no minimum	no minimum
<b>Institutional</b>	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to <a href="#">Figure 29</a> . Parking may be provided by ownership or lease offsite within 1,000 feet.	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to <a href="#">Figure 29</a> . Parking may be provided by ownership or lease offsite within 1,000 feet.
<b>Automotive, Civil Support, Education, Industrial, Other Uses</b>	See Article 9, Section <a href="#">54.903</a> for the specific use parking space requirements	See Article 9, Section <a href="#">54.903</a> for the specific use parking space requirements
* Senior housing or student housing requirements may be reduced by 50%.		

**Figure 29. TSC - Parking Occupancy Rates**

USES	MONDAY THROUGH FRIDAY			SATURDAY AND SUNDAY		
	8AM – 6PM	6PM – 12AM	12AM – 8AM	8AM – 6PM	6PM – 12AM	12AM – 8AM
Residential	60%	100%	100%	80%	100%	100%
Lodging	70%	100%	100%	70%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail	90%	80%	5%	100%	70%	5%
Restaurant	70%	100%	100%	70%	100%	100%
Movie theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference	100%	100%	5%	100%	100%	5%
Civic (non-church)	100%	20%	5%	10%	10%	5%
Civic (church)	20%	20%	5%	100%	50%	5%

Calculation of parking space requirements from [Figure 28](#) may be reduced by the rates above, as they correspond to a particular use and the hours of operation for that use.