

**Marquette Township Planning Commission – Regular Meeting
Wednesday, October 26, 2016 – 7 p.m.
Marquette Township Community Center**

Chairperson Pelto called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Steve Pelto, Dave Wiegand, Frank Chiodi, Randy Ritari

MEMBERS ABSENT: Jim Johnson (Excused).

STAFF PRESENT: Jason McCarthy, Attorney Roger Zappa

OTHERS PRESENT: Mike Springer, Ryan Jarvi, Mike Sauer, Michele Thomas, Mike Conter, Brad Crimmins, Lyn Durant, Frank Stabile, Marquette Senior High School Government Class Students

APPROVAL OF AGENDA:

MOTION: *To approve the agenda, as amended.*

*Wiegand, Moved
Chiodi, Supported*

Carried: Unanimously

MINUTES FROM PREVIOUS MEETING: September 28, 2016

MOTION: *To approve the meeting minutes from September 28, 2016 as presented.*

*Wiegand, Moved
Ritari, Supported*

Carried: Unanimously

PUBLIC COMMENT:

None.

NEW BUSINESS:

None.

OLD BUSINESS:

Tiny Home, Vacation Rental By Owner (VRBO), Air B&B Definitions – Discussion

McCarthy explained the contents of the staff report. He stated that the proposed definitions that Wiegand suggested have been included along with consideration with regard to general health, safety, and welfare of potential occupants should any zoning language move forward.

Wiegand justified his recommendations on minimum size based on existing zoning ordinance language in Section(s) 18.12-18.20, regarding Tiny Homes. Regarding short-term rentals, the same section addresses eight (8) bedrooms or more, so the Planning Commission should be concerned with seven (7) bedrooms or less.

Pelto stated that he would be in favor of a Special Use Permit requirement in order to ensure that basic life safety provisions are adhered to.

Chiodi asked if the City of Marquette has stipulated where the short-term rentals can exist.

McCarthy explained the City's draft ordinance regarding allowable placement of the rentals.

McCarthy scheduled meetings with the Marquette County Health Department and the Marquette County Building Codes Department to gain their understanding of issues and opportunities regarding tiny homes and short-term rental units. He will present those findings at the next Planning Commission meeting.

Township Board Recommendation on Proposed Amendments to Article XVII, Section 17.07 (6) – Site Plan Review

McCarthy provided a background on the design standards zoning text amendment and read into the meeting minutes a memo from him to the Planning Commission with a staff-recommended design standards zoning text amendment that pertains to pedestrian connectivity:

“Much debate has recently occurred regarding proposed design standards for Marquette Township. Staff would like your consideration of the below background and staff-recommended zoning text amendment pertaining to pedestrian connectivity for our residents, visitors, and business community.”

Background:

In late 2015, the Marquette Township Board of Trustees directed the Marquette Township Planning Commission to draft minimum design standards for the appearance and construction of commercial buildings within the General Business (GB) and Development District (DD) Zoning Districts. The Planning Commission and staff have worked diligently to provide the Township Board with new draft zoning language that will provide the community with attractive and well-built commercial structures that will hold their value over time.

The Planning Commission and staff have also consulted with the local development and real estate professionals in order to gain their insight and expertise on the matter. Initially, these market professionals were not in favor of any changes to the zoning ordinance. However, over time, and through collaboration, the development representatives we worked with understood our concerns and concurred with a final draft that was forwarded to the Township Board for consideration and adoption.

Since that time, additional zoning provisions regarding various forms of pedestrian connectivity have been included in the conversation and they have been recommended to be reconsidered by the Planning Commission. Much debate has been heard at recent meetings and published in local media outlets. It is understandable that pedestrian connectivity be a part of the site plan review process. It is an underscored component of the Marquette Township's Master Plan – our road map to the future.

It should also be known that Marquette Township – at all levels – supports non-motorized transportation and pedestrian connectivity. It is well-documented in community surveys, long-range planning documents, and as a recognized general principle of sustainable community development. What staff has been trying to educate the Planning Commission and Township Board on is the separation between public rights-of-way and private property, as well as the difference between public-use pathways and private development. Recently proposed zoning language to require commercial real estate developers to construct and maintain public pedestrian infrastructure on private property has

been demonstrated to be a legal issue with regard to the term “inverse condemnation” by the Marquette Township Attorney. Further, he has reviewed other provisions in the proposed draft and has made several suggestions that made for a proposed amendment that was legally sound.

With these considerations, and those of community members, the Planning Commission, the Recreation Committee, and the local real estate and development professionals, staff recommends consideration of the below staff-recommended zoning text amendment for Article XVII Site Plan Review, Section 17.07 General Standards For Site Plan Review, (6).

Staff believes that the below, draft language provides a fair compromise and legal basis to initiate the development of additional pedestrian connectivity in the Marquette Township business corridor, while also taking into consideration the desire of our community residents and visitors, with the challenges that each individual site poses to prospective developers within our business community.

Staff Recommendation:

Staff recommends consideration of the following text amendment to Article XVII Site Plan Review, Section 17.07 General Standards for Site Plan Review, (6).

“6. *Pedestrian Connection.*

a. *Each development within the General Business (GB) and Development District (DD) Zoning Districts shall provide at a minimum:*

- i. *Pedestrian connection from building entrance points to the parking area.*
- ii. *Pedestrian connection to adjoining or disconnected buildings, if they exist within the site.*
- iii. *Pedestrian connection to pre-existing public walkways.*
- iv. *Pedestrian connections shall be constructed in compliance with the American with Disabilities Act (ADA) guidelines and shall incorporate Universal Design Principles.*

b. *Specific situations may require review by the Zoning Board of Appeals if a variance is requested due to severe grade changes, extreme distance, natural barriers, easement requirements, or other practical difficulty.”*

Zappa provided some background on the opinions he had provided thus far. He explained that he was not in favor of allowing the Planning Commission and/or the Zoning Administrator to allow for exceptions to the ordinance that are variance issues. He also pointed out that he is making no recommendation on whether the Township should have or not have pedestrian walkways. His job is to provide guidance on how the Township implements pedestrian walkways legally.

Wiegand desired to include walkways separated *from* the parking area or driveway, as opposed to being *part* of the driveway or parking area.

Wiegand questioned the inclusion of item Section 17.07 (6)(b).

Zappa replied that there is indeed a procedure for an appeal to a site plan for a variance from the ZBA within the ordinance. He stated that he felt it was necessary to include item (6) (b) because he doesn't want to confuse allowing the Planning Commission or the Zoning Administrator to make the variance determination.

Wiegand clarified that the proposal he made to include additional pedestrian connection provisions was the same proposal that he made at the Planning Commission public hearing.

Chiodi asked why the Township Board keeps sending this agenda item back to us.

Zappa stated it was his opinion that the Board originally charged the Planning Commission with providing them with a zoning text amendment pertaining to the appearance and material used to construct commercial structures.

Ritari agreed with the staff recommendation.

Pelto asked for public comment regarding the agenda item.

Springer apologized for using his title as Recreation Committee Chairperson in an op-ed he submitted to the Marquette Mining Journal on behalf of Marquette Township. He was reminded that he didn't have the ability to do so without the permission of the Township Manager or the Township Supervisor.

Springer explained that the pedestrian connectivity provision was injected into the design standards amendment because he and Road Committee Chairperson Wiegand have been trying to expand non-motorized transportation opportunities in the township. He stated that in writing grants, it is important to show connectivity within the community.

Stabile spoke in support of the design standards regarding commercial structures but questioned the pedestrian connections provision. His belief was that public walkways belong in the public right-of-way. He suggested that there are a lot of details that need to be worked out.

Conter spoke against item 6(b) because it may add uncertainty, time and cost. He supported the other components of the ordinance amendment.

Sauer spoke in support of pedestrian connectivity, accessibility, and ADA compliance. He also spoke about the importance of the highway underpass planning and the accomplishments of the non-profit, Noquemanon Trail Network.

Thomas reiterated what Conter stated regarding the desire of developers to have certainty in their developments and zoning codes. She also provided an example of the challenges that the Country Inn & Suites would face, if these provisions were in place at the time of that development.

Pelto read aloud a comment from Bob Mahaney regarding Section 17.07, 6 (a)(2) in which he suggested amending the pedestrian connectivity from one building to another, on a site, if both buildings served a public purpose.

Pelto suggested getting a group of stakeholders together to work more on this.

MOTION: To place the item on the next meeting agenda on November 9th, 2016.

Ritari, Moved

Wiegand, Supported

Carried: Unanimously

McCarthy read aloud an email from Elizabeth Bates regarding her support of additional trails in the community and enhanced pedestrian connectivity.

CORRESPONDENCE:

McCarthy provided a letter from Trustee Markes regarding potential conflicts of interest and committee appointments.

McCarthy stated that the Planning & Zoning Department would be adding a staff planner in 2017.

McCarthy distributed updated information regarding changes to the Medical Marihuana Facility Licensing Act in Michigan.

REPORTS:

McCarthy provided an update on the MNRTF Development Grant project at Schwemwood Park. There will be a work bee on Monday, October 3rd at 12 PM to install park furniture and other amenities.

McCarthy stated that he will place proper notification into the Mining Journal with regard to the approved zoning text amendment to Article XVIII – Performance Requirements, Section(s) 18.16 Development District table, Footnote E, and Section 18.17 General Business District table, Footnote C Zoning Text Amendment.

ANNOUNCEMENTS:

Ritari stated that the Township Board would appreciate voting on a zoning text amendment that is clear and easily understandable.

PUBLIC COMMENT:

Springer thanked the Planning Commission for working through the design standards text amendment.

ADDITIONAL COMMENTS PLANNING COMMISSIONERS WISH TO MAKE:

None.

ADJOURNMENT: Meeting adjourned at 8:15 PM

MOTION: To adjourn the Planning Commission meeting.

***Ritari, Moved
Chiodi, Supported***

Carried: Unanimously

Randy Ritari, Secretary