

Ishpeming Planning Commission
Meeting Minutes for November 05, 2018
(Agenda items are in bold text)
6:30 P.M. @ Ishpeming City Hall

A. Call to Order for the Ishpeming Planning Commission was by Chairperson Gabe Seelen at 6:30 P.M.

B. Roll Call

Present: Planning Commissioners Gabe Seelen, Diane Gauthier, Bruce Houghton, Jim Bertucci, Mike Tonkin, Brooke Routhier, Larry Bussone and Harry Weikel.

Absent: Angelo Bosio.

Public present: Kathy Sylvester, Thyra Karlstrom, Char Spruce, Anne Giroux and several Marquette County Land Bank Authority members, City Manager Mark Slown and Al Pierce, Zoning Administrator.

C. Public Comment: None, closed at 6:31 P.M.

D. Approval of Agenda – Al desired to add item G.5. Future rezoning in January 2019 of the “NW ¼ NE ¼ of Section 4, T47N-R27W, except the West 150’ thereof “ to the agenda. The Agenda was approved unanimously as amended upon a motion by Bruce Houghton supported by Jim Bertucci.

E. Approval of Previous Meeting Minutes –The meeting minutes of October 01, 2018 were unanimously approved upon a motion by Larry Bussone supported by Brooke Routhier.

F. Presentations / Reports – Community Foundation of Marquette County (CFMC) – Ishpeming Community Assessment.

This assessment was supported by the Council of Michigan Foundations and involved an intense day of a community tour, four focus group meetings facilitated by consultants, and an evening community wide meeting which functioned as a vision and working session that broke out into small groups for discussions, ideas, realization of assets and volunteerism. The assessment was a 29 page report that meticulously documents all the thoughts, ideas, comments, observations, resources, problems, assets, and volunteers produced by an intense day. It’s a thoughtful document to refer back to in the future for action / ideas. Each Commissioner received a copy of the Assessment.

G. Public Hearings

1. CU 2018 – 03 / Conditional Use – Hematite Art Park

Gabe read the letter from the Marquette County Resource Management Department who is assisting the Marquette County Land Bank Authority in establishing the Hematite Art Park as a Conditional Use in the GR (General Residential) district. The Land Bank has numerous partners in this venture which will replace two demolished blighted homes. Art panels, pathway, benches, gazebo and landscaping are planned. Artwork will be inspired by the local heritage and be created by Ishpeming Middle and High School students. The High School shop class will be involved in the design and construction.

Kathy Sylvester of 410 E. Division spoke of her desire to purchase part of the East side of Land Bank property in order to repair a crack in the West side of her foundation which is about 3’ from the West property line. It is not known if the foundation crack existed before or after demolition of the adjacent home. Thyra spoke regarding the future proposed placement of a fence along the Eastern portion of Land Bank ownership. Mike noted

the small size of the parcels in this area with the lot in question (Lot 93) being only 30' in width. Al spoke regarding possible methods and timing of excavation, space requirements and repair. Debbie Pellow, Land Bank board member, was supportive of a resolution. Thyra indicated that the CUPPAD grant was good till June, 2019. Mark stated that this location was a good fit for the project and that it is desired for the community. Anne mentioned that several parties are involved with donations of time and funding. Brooke was in favor of the involvement of kids and art. Debbie mentioned giving 3' to the adjacent parcel and that the crack was an unknown factor. Gabe felt a construction easement could be beneficial to allow room for repairs without ownership conveyance. Carrie Meyer, School Superintendent, spoke in support indicating that this would be a good student project on many levels. Brooke also spoke in support of the project and the assets that it could bring to the involved student body. Mike Tonkin commented on the many small service projects that could be created for the student body.

**FINDINGS OF FACT FOR PLACEMENT OF THE HEMATITE ART PARK
CASE NO. CU 2018 – 03**

Applicant: Marquette County Land Bank Authority (MCLBA)

1. All notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lots 93 & 94 of the Cleveland Iron Co.'s Addition, A.K.A. 402 & 406 E. Division St., Ishpeming, MI. The subject parcels are located in the GR (General Residential) District where the requested use is a Conditional Use. There are no structures on the parcels presently and the site is directly across the street from the Ishpeming High School.
3. The applicant proposes to construct Art Panels, a pathway, gazebo, benches and landscaping. No lighting is presently proposed. Construction is anticipated to occur over the next couple of years. The existing structure to the East (home) has some foundation damage and the MCLBA may provide some level of support for repair of the foundation.
4. The project is partnered, in part, by the City of Ishpeming, Marquette County, Ishpeming Public Schools, mBank and CUPPAD.
5. The Artwork, including sculpture, is proposed to be created by Ishpeming Middle and High School students through a contest. The High School shop class will design and construct benches. Park maintenance will be performed by the School district.
6. A future fence is proposed to be installed on the East side of the Site. Construction is proposed to commence in the Spring of 2019.

A motion by Bruce Houghton supported by Diane Gauthier that a Conditional Use be approved for the Hematite Art Park passed unanimously.

The time frame for completion was discussed, as permits are good for a year, and this project will probably take longer. The consensus was to stay with a one-year completion timeframe with a revisit when, and as required.

2. Marquette County Planning Division – Issues and Opportunities with Ishpeming's Master Plan

Thyra Karlstrom, Senior Marquette County Planner informed commissioners that the County has begun the process of rewriting the master plan. They are seeking community involvement in a number of ways including an online survey (www.mqtcoplan.org). It's a challenging process in the largest county in Michigan and they will be going to all units in the County.

Char Spruce, County Planner presented a handout with some facts about the Iron Core Planning Region and Ishpeming in particular. The median age in Ishpeming is about 4 years higher than the county median age. Land ownership is concentrated in mining companies and “top 10” landowners and population has been static for the last seven years. Eight bullet points summarized the 2010 Master Plan with facts and opportunities. Commissioners were encouraged to be involved in the process.

3. NCL 2018-01 Class A Non-conforming Lot—inadequate width (Parcel A)

4. NCS 2018-02 Class A Non-conforming Structure—inadequate setback (garage on Parcel A)

(Both Hearings were conducted con-currently as they involved the same lot, structure and owner.)

Gabe opened the hearings, indicated that they would be conducted simultaneously, and read correspondence from Eugene and Jean Bilkey dated 11-02-2018 in which their strong opposition to the request was stated. They feel that as the original permit was for a garage (accessory structure), then it should “not be used for any residential, commercial or business purposes.” Mr. & Mrs. Bilkey again stated their opposition to commercial / business use.

Al spoke to the issue indicating present and future use would only be residential, that a Class A lot designation would allow the lot to be sold and used residentially despite its smaller size, and that a Class A structure designation would allow the structure to be rebuilt for residential purposes, in the event of destruction, in its present location despite being too close to the lot line. Nothing is changing the residential nature of the use. A wide-ranging orderly discussion ensued with comments by all parties.

The following findings of fact were noted for each issue:

CASE NO. NCL 2018 – 01

FINDINGS OF FACT FOR CONSIDERATION OF A CLASS A NON-CONFORMING LOT DESIGNATION FOR A PROPOSED LOT IN THE SR (SINGLE RESIDENTIAL) ZONING DISTRICT

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of two lots described as a parcel (PIN 52-51-324-009-00) at 1837 Hewitt Street, Ishpeming, MI. The legal descriptions are Lots 9 and 10 of Block 4 of Cliff’s Eighth Addition to the City of Ishpeming.
3. The Northern lot containing a house with an attached garage is proposed to be described as Lot 10 and the North 25’ of Lot 9, Block 4 of Cliff’s Eighth Addition to the City of Ishpeming and will be a conforming lot meeting all Zoning requirements.
4. The Southern lot containing a garage is proposed to be described as the South 50’ of Lot 9, Block 4 of Cliff’s Eight Addition to the City of Ishpeming and will be a non-conforming lot not meeting all Zoning requirements as the minimum width required is 80’.
5. The applicant desires to protect their investment by securing a Class A Non-conforming Lot designation for the proposed revised lot and permit rebuilding of a structure in the event of building destruction.
6. Continuance of the use of this revised lot for residential purposes would not be contrary to the public health, safety, welfare or intent of this ordinance; the revised lot does not or is not likely to significantly depress the value of nearby properties; and no useful purpose would be served by a strict application of the provisions of this ordinance.

CASE NO. NCS 2018 – 02
FINDINGS OF FACT FOR CONSIDERATION OF A CLASS A NON-CONFORMING STRUCTURE
DESIGNATION FOR AN EXISTING GARAGE IN THE SR (SINGLE RESIDENTIAL)
ZONING DISTRICT

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of two lots described as a parcel (PIN 52-51-324-009-00) at 1837 Hewitt Street, Ishpeming, MI. The legal descriptions are Lots 9 and 10 of Block 4 of Cliff's Eighth Addition to the City of Ishpeming.
3. The Northern lot containing a house with an attached garage is proposed to be described as Lot 10 and the North 25' of Lot 9, Block 4 of Cliff's Eighth Addition to the City of Ishpeming and will be a conforming lot and meet all Zoning requirements.
4. The Southern lot containing an existing garage is proposed to be described as the South 50' of Lot 9, Block 4 of Cliff's Eighth Addition to the City of Ishpeming and the garage would be a non-conforming structure not meeting all Zoning requirements as the side yard setback is 6' instead of the required 10'.
5. The garage, presently considered an accessory structure, is in the process of being converted to living space with water and sewer utilities in the upper level in accordance with County Codes.
6. The applicant desires to protect their investment by securing a Class A Non-conforming Structure designation for the existing converted garage and permit rebuilding in the event of building destruction.
7. Continuance of the use of this revised structure for residential purposes would not be contrary to the public health, safety, welfare or intent of this ordinance; the revised structure does not or is not likely to significantly depress the value of nearby properties; and no useful purpose would be served by a strict application of the provisions of this ordinance.

Larry Bussone made motions, supported by Brooke Routhier, to approve (1) a Class A Non-conforming Lot Designation described as the South 50' of Lot 9, Block 4 of Cliff's Eighth Addition to the City of Ishpeming and to approve (2) a Class A Non-conforming Structure Designation for a 28' by 40' building at 1837 Hewitt St. conditioned upon subsequent approval by the Zoning Board of Appeals on November 07, 2018 of Lot Split (LS 2018-01) and Side Yard Variance (ZV 2018-01). Both motions passed unanimously with Jim Bertucci abstaining.

5. Future Rezoning of the NW1/4 NE1/4 of Section 4, T47N-R27W except the West 150' Thereof

Al relayed information that he had just become aware of due to an ALTA Survey being performed for the UPHS - Bell Memorial complex. The Bell Memorial complex is presently zoned DD (Deferred Development). A Conditional Use permit hearing to build a new Hospital was approved by the Ishpeming Planning Commission on March 05, 2007. Apparently, the C. U. permit to construct a multi-million dollar facility was based upon the Zoning Ordinance's Section 17.3 - "A. Structures having a permanent or fixed foundation". Al shared his thoughts with Commissioners as to the present appropriateness (or lack thereof) of that zoning classification and proposed to Commissioners that the NW ¼ NE ¼ of Section 4, T47N-R27W except the West 150' thereof be advertised for rezoning to GC (General Commercial). The 150' would act as a buffer for existing residential use to the West. Some minor text revisions to the GC district text due to the NAICS coding would have to also be made. It was the consensus of Commissioners to proceed with the proposed changes at the January 2019 regular PC meeting.

H. Old Business

1. **Updated Zoning Ordinance** – Draft Ordinance is being printed. It will probably be sent to several entities for review / comments around the middle of November and will be posted on our web site.
2. **CBD District - Intensive Use – Small Sites** - Al had provided Commissioners with two Assessing Parcel Maps highlighting Walsh’s Magic Touch Collision Repair, Home Town Service, and Rock Barn Warehouse at the request of the City Manager. All sites are in the Central Business District, have been established for some time, are rather small in area, and have very intensive exterior uses at times due to the nature of their businesses. Mark raised the question of What to Do? Each site at various times has tires, vehicles, construction debris etc. that can become unsightly. There was general discussion of how to control blight without harming business’s in the central core of Ishpeming. While all agreed it was a matter of concern, there was no consensus of what, if any, action could be undertaken without causing harm to the businesses.

I. Correspondence

1. Requested Vacation of Alley between Lots 118 and 136, Cleveland Iron Mining Co.’s Addition

Al indicated that he’d received a request for an alley vacation by a private party for what appears to be private purposes. He stated that most of the time there is a public or business purpose for a street or alley vacation. There appears to be no public purpose in this request, only private interests. There are costs incurred by the City for newspaper Ad placement, 300’ mailing notice for parcels in the vicinity, and preparation by the City Attorney and recording of deeds to adjacent parties upon City Council action. While an after the fact fee would not be appropriate in this case, it was a consensus opinion of Commissioners that the City Council adopt an appropriate fee for vacation of streets and alleys in the 2019 Rate and Fee Schedule under the Planning and Zoning category.

J. Meeting Adjournment was unanimous upon a motion by Brooke Routhier supported by Bruce Houghton at 7:52 P.M.

By: _____
Alan K. Pierce, Zoning Administrator