

Ishpeming Planning Commission
Meeting Minutes for January 07, 2019
(**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 6:33 P.M.

B. Roll Call

Present: Planning Commissioners Gabe Seelen, Angelo Bosio, Bruce Houghton, Mike Tonkin, Brooke Routhier, and Larry Bussone. Jim Bertucci arrived at 6:47 P.M.

Absent: Diane Gauthier and Harry Weikel.

Public present: Matt Willey, Bill Larson, Rod Scott, Nate Chaperon, City Manager Mark Slown and Al Pierce, Zoning Administrator.

C. Public Comment: None, closed at 6:34 P.M.

D. Approval of Agenda –The Agenda was approved unanimously upon a motion by Larry Bussone supported by Angelo Bosio.

E. Approval of Previous Meeting Minutes –The meeting minutes of November 05, 2018 were unanimously approved upon a motion by Bruce Houghton supported by Brooke Routhier.

F. Presentations / Reports – none.

G. Public Hearings

1. Vacation of the alley between 408 & 412 S. Fourth St. Lot 118 & Lot 136, Cleveland Iron Mining Co.'s Addition

Al stated that a letter from Rod Scott, adjacent owner, was received Oct. 23, 2018 requesting the vacation of this alley. The alley does not appear to be paved. The legal description for the alley is: "The Twenty (20) foot wide alley between Lots 118 and 136, Cleveland Iron Mining Co.'s Addition to the City of Ishpeming". Carl Peterson, DPW Director, has indicated that the City has no installed utilities in the alley. Al noted that the westerly extension of this alley already appears to be vacated. Brooke stated that she drove this alley in December and it did not appear to be paved. Gabe asked if there were any other utilities in the alley and Al confirmed that he would check with other utilities (gas and phone) for confirmation. Al informed Commissioners that he initially thought that upon Council vacation of the alley, a deed was required to be conveyed to the adjacent Landowners. Upon checking with Great Northern Title Company, all that is required was recordation of the Council's resolution to vacate the alley.

**Proposed Findings of Fact for the Vacation of an Alley
Between Lots 118 and 136, Cleveland Iron Co.'s Addition to Ishpeming**

1. Rodney and Susan Scott are requesting the vacation of a Twenty (20) foot alley lying South of East Superior Street and West of South Third Street. The alley does not appear to be paved.

2. The proposed legal description for the alley vacation is: The Twenty (20) foot wide alley between Lots 118 and 136, Cleveland Iron Mining Co.'s Addition to the City of Ishpeming.

3. The City of Ishpeming currently has no installed utilities in the alley per Carl Peterson, DPW Director. Upon vacation, one- half of the alley (10') would become owned by the lots on either side. The continuation of this alley to the West appears to be already vacated.

4. The Ishpeming Planning Commission is requested to make a recommendation to the Ishpeming City Council regarding the requested alley vacation. If vacated by the Ishpeming City Council, the City would record a resolution of the Council's action.

5. Legal Notice has been provided to property owners within three hundred (300) feet. Subsequent requested alley or street vacations will be required to pay a fee to cover the cost incurred by the City for vacating streets or alleys.

A motion by Larry Bussone supported by Brooke Routhier that a recommendation to vacate the alley in question be furnished to the City Council was passed unanimously.

3. CU 2019-01 Matt Willey requests a Conditional Use for a Home Occupation to permit firearm customization at 1014 N. Second St.

Nate Chaperon and Matt Willey are partners in Gun Control LLC and have Federal Firearms License No. 4-38-103-07-OH-09959. They are requesting a Conditional Use at 1014 N. Second St. Nate stated that some of their services include sandblasting, cleaning, providing a painted surface and sera coating. Matt added that they do not use hazardous chemicals, only acetone. Typically, customers would make an appointment lasting about 20 minutes in the late afternoon – early evening. All work would be performed in an existing garage at the Southeast corner of the property. The only noise created would come from sandblasting operations which was indicated to be of low volume. Customers would return when their work was completed.

Parking on Second St. with a 47' wide lot is limited. Conditional Uses in the GR district require a driveway which this site does not have. The Site Plan depicts parking for 3 cars at the Northeast corner of the property. Al questioned the Site Plan indication of three parking spots as his site visit left him with the impression that 2 spaces were more likely and would probably be used by the applicants. To address this issue the applicant has furnished a signed letter from his Southern neighbor (Ms. Connie Krook of 1010 N. Second) which grants permission to use the back of her lot for customer parking. Commissioners felt this addressed the driveway/parking issue.

Proposed Findings of Fact for a Conditional Use for a Home Occupation Involving Firearm Customization

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner, with fiancé, of Lot 55 of Cleveland Iron Mining Company's Second Addition, A.K.A. 1014 North Second St., Ishpeming, MI. The subject parcel is located in the GR (General Residential) District where the requested use is a Conditional Use. The current structures on the parcel are a detached single-family dwelling unit and a detached 16' x20' garage.
3. Per the applicant, there will not be random foot or vehicle traffic. Customer interaction will be via telephone and on-site appointments. All firearm customization will be performed in the garage and there will be no discharge of firearms on site. The applicant has also indicated that there will be no retail sales from the home.
4. It's not known if a license, insurance or certification requirements are necessary for customization services of this nature.
5. Parking on Second Street on either side appears to be limited due to traffic volume. There is no driveway on site (See Sec. 25.4.A.1). The site plan furnished shows onsite parking for 3 vehicles at the rear of the lot. This may be optimistic during winter conditions and two spaces are necessary for the applicant's vehicles. The adjacent

Southerly neighbor has provided written permission for the applicant's clients to temporarily park at the rear of her lot on an as-required basis.

6. Operational noise levels, number of employees (if any) / operators, days and times of operation are presently unknown factors.

A motion by Jim Bertucci, supported by Angelo Bosio, to approve the Conditional Use request for a Home Occupation involving a firearm customization operation passed unanimously. Al requested a copy of their FFL for the file.

2. RZ 2019-01 Proposed Rezoning for Bell Memorial Hospital

The rezoning request for this site was initiated by the Zoning Administrator Al Pierce on his own recognizance. Al had received phone calls from a surveyor performing an ALTA (American Land Title Association) Survey for the hospital. These are exacting, detailed and expensive surveys and their undertaking is not done casually. Upon confirming that the present zoning was DD (Deferred Development) to the surveyor, Al realized that while that was fine for an undeveloped site in 2007, it was no longer appropriate for a several million-dollar site with all roadways, utilities, and parking areas installed. On March 05, 2007 the Ishpeming Planning Commission approved a Conditional Use upon the request of Bell Memorial for "structures having a permanent or fixed foundation" to construct a hospital.

At November's 2018 Planning Commission meeting, upon receiving this information, the Commission directed the rezoning to proceed. All statutory requirements for the proposed rezoning, including a phone call to the hospital CEO, have been performed. There was general discussion among Commissioners regarding the rezoning and whether the Medical Use should be a Permitted or Conditional use in the new zoning ordinance.

Proposed Findings of Fact for the Rezoning of Bell Memorial Hospital (RZ 2019-01) from Deferred Development to General Commercial

1. All notification and publication requirements of the Zoning Ordinance have been met. The present owner of the site is Bell Memorial Hospital, LLC.
2. On March 05, 2007 the City of Ishpeming Planning Commission approved a Conditional Use (IPC 2007-1) to allow construction of a hospital at 900 Old Farm Road in the Northwest Quarter Northeast Quarter of Section 4, T47N-R27W, said parcel being located in the DD (Deferred Development) Zoning District.
3. Then, as now, the Ishpeming Zoning Ordinance states:

"17.0 SECTION 17.0: (DD) DEFERRED DEVELOPMENT DISTRICT

17.1 **INTENT:** To place aside larger undeveloped parcels of the City for future development purposes, by limiting unplanned development which tends to divide areas into smaller more difficult to develop parcels. It is also the intent to delay development until utilities and services can be provided to the area.

17.2 Principal Use: (See Section 19.0)

- A. Agriculture. This includes production, for sale or personal use, of plants and animals.
- B. Forestry management and timber production. Restricted to selective cutting only.

17.3 Conditional Use: (Requires Planning Commission approval, See Section 25.0)

- A. **Structures having a permanent or fixed foundation.** (Text bolded to clarify approval authority.)

- B. Recreational facilities such as: riding stables, golf courses, athletic fields, and archery and shooting ranges.
 - C. Cemetery
 - D. Mobile home, mobile home park, mobile home subdivision
 - E. Single family dwelling unit and customary accessory detached uses and structures
 - F. Public utility substations"
4. The site has been developed closely in accord with the Site Schematic submitted on March 05, 2007 with some relatively minor revisions. All required utilities (Municipal water, storm water & sanitary sewer, public roadways and private infrastructure (i.e. electricity, cable, telephone, gas etc.) have been installed and the site is in compliance with commercial zoning ordinance requirements (roadway design and composition, parking requirements, fire safety installations, building construction & maintenance, etc.).

A motion by Brooke Routhier supported by Larry Bussone that to eliminate any future ambiguity and to provide a buffer for adjacent Westerly residential use the Ishpeming Planning Commission unanimously recommends the following actions to the Ishpeming City Council:

That the NW ¼ NE ¼ of Section 4, T47N-R27W, except the West 150' thereof, be rezoned from DD (Deferred Development) to GC (General Commercial); **and** that the following text be added to the proposed revision to the City of Ishpeming Zoning Ordinance in Section 14.3 D. (GC Conditional Uses) "**and (6221) General Medical & Surgical Hospitals**".

H. New Business

1. **Proposed 2019 Planning Commission Meeting Schedule** was adopted unanimously upon a motion by Jim Bertucci supported by Brooke Routhier. If possible, we will try to take off the July 8th meeting for a summer recess.
2. **Informational: Council adopted 2019 Rate and Fee Schedule** - Al presented the Fee Schedule to Commissioners and noted that costs for actions regarding Public Hearings were increased to offset increased publication costs from Legal Ads to Display Ads by changes in Mining Journal policy.
3. **Informational: Ishpeming City Council Meeting Jan. 15, 2019 @ 8:30 AM -Re. Proposed Additions to the Zoning Ordinance** – Al informed Commissioners that he would be at the Council meeting and that all Council members had received a copy of the draft Ordinance with all new text highlighted. This is anticipated to be a question and answer session. The ordinance is receiving the final text revisions from the MEDC Redevelopment Ready group, Ishpeming Fire Department and the Bell rezoning. Al questioned Commissioners regarding their final review process and it was suggested that the same sub-group process and individuals be used for starters.
4. **Proposed Teal Lake Beach Project**

This is a project initiated by the Rotary Club of Ishpeming and would involve the Cities of Negaunee and Ishpeming. Each city is holding several public input sessions for a proposed beach on the West end of the lake. The majority of the lake is in the City of Negaunee with Ishpeming's frontage at the extreme West end. The exact property line is not known. The current beach has limited use at present. Ishpeming has made some improvements in the past but apparently did not involve the proper approval process thru State departments and had to remove some improvements. The DNR and

Fisheries departments must be involved as this is a spawning area for fish. The Teal Lake Lodge is a popular place for rentals for the City of Ishpeming and there should be no public use to impact that aspect. Bruce, as former attorney for Negaunee, made it known that Negaunee is responsible to set a level for the lake, a process that as yet is not accomplished. It was a consensus opinion of Commissioners to support the initial concept of a beach at the West end of Teal Lake.

5. Proposed revisions to CU 2017-01 approved for the Jasperlite Development

This proposed development, CU 2017-01 was initially heard by the Ishpeming Planning Commission on February 06, 2017 on behalf of Community Action Alger Marquette (CAAM) and Hann Development. CAAM is no longer involved and the project is now being promoted by Haan. The Conditional Use initially approved was for Senior Housing consisting of a 16 unit 2-story building with amenities and 5 separate quad-plex townhomes totaling 36 units. It has become necessary to revise the initial Findings of Fact to reflect reduced load carrying capacity of the soil and reuse of some of the Bell Memorial pier footings (up to 50' in depth) as well as a change in the building configuration. Housing is now proposed to be a three (3) story building with amenities (administrative office, community center and 36 senior residential units). There will no longer be any detached units. The parking configuration on Fourth Street may or may not be angled spaces dependent upon bid alternate costs. Direct vehicular access will be only via Cleveland Avenue. Platted lots have been revised, approved by the Zoning Board of Appeals on 12-04-2018 (LS 2018-03 & LS 2018-04 to provide parcels meeting zoning requirements for Great Lakes Recovery Center and the Jasperlite Development. The Planning Commission also unanimously approved the Master Proposed Site Plan dated 02/06/2017, a plan that has now changed substantially as noted above.

A rather long discussion ensued among the Commissioners involving substantial concept changes to the prior plan, angled parking on Fourth Street, trash enclosure location, poor site soils, reuse of Bell Memorial footings, location of proposed Community Center, removal of Townhome concept, Community garden locations, loss of Bus stop and community park area, and no mention of future Iron Ore Heritage Trailhead.

A motion to approve the proposed Site plan dated 01-04-2019 by Jim Bertucci supported by Larry Bussone while seeking the addition of Angled Parking on Fourth Street and relocation of the Trash Enclosure passed on a 5 in-favor to 2 opposed vote.

Al indicated that negotiations regarding the Site Plan were on-going and fluid at present.

I. Old Business – none.

J. Correspondence - none

J. Meeting Adjournment was unanimous upon a motion by Harry Weikel supported by Brooke Routhier at 8:25 P.M.

By: _____
Alan K. Pierce, Zoning Administrator