

Ishpeming Planning Commission  
Meeting Minutes for September 11, 2017 (**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 6:31 P.M.

**B. Roll Call**

Present: Planning Commissioners Mike Tonkin, Harry Weikel, Gabe Seelen, Jim Bertucci and Brooke Routhier. Angelo Bosio arrived at 6:50 P.M. and Bruce Houghton at 6:55 P.M.

Absent: Diane Gauthier and Larry Bussone.

Public present: Brett French of UPPCO and Al Pierce, Zoning Administrator.

**C. Public Comment** – None – closed at 6:33 P.M.

**D. Approval of Agenda** – The Agenda was approved unanimously as presented upon a motion by Jim Bertucci supported by Harry Weikel.

**E. Approval of Previous Meeting Minutes** – Brooke clarified her statement regarding AR-15 rifles under Item H. 1. and Al proposed a rewording acceptable to the Commissioners. The meeting minutes of June 19, 2017 were approved unanimously as amended upon a motion by Jim Bertucci supported by Brooke Routhier.

**F. Presentations** – none.

**G. Public Hearings**

**2. Recommendation regarding the potential Vacation of part of Industrial Way**

Gabe moved this item to be first as no public was present for the first item and Brett French was traveling from out of town. Brett explained that UPPCO was interested in purchasing the former Joy Global building and property lying South of their Washington St. Substation and Ishpeming Service Center. Their purchase offer was subject to the condition that the affected portion of Industrial Way would be vacated by the City. The former Joy Global building would be utilized for office space and storage. The remaining land area would be utilized as an extension of the Service Center for exterior storage. Upon ending his remarks, he indicated that he was open to any questions.

Mike questioned regarding easements for the existing utilities. Brett indicated that easements were reserved by the City for presently installed utilities upon vacation. This was confirmed by Al and additionally an easement is reserved for emergency access purposes (Fire Department) along the existing road centerline. Brooke questioned about the effect of vacation on snowplowing operations. Brett stated that plowing operations would be aided by UPPCO's plan to install a gate at the end of un-vacated Industrial Way. Al also informed those present that snow storage in adjacent Outlot B (immediately West of the vacated part of Industrial Way) could also occur as required. No further questions were forthcoming.

Brooke Routhier made a motion, supported by Jim Bertucci, that the Planning Commission recommend to the City Council that the Easterly 550.34' of Industrial Way be vacated with easements for installed municipal utilities and emergency access reserved. The motion passed unanimously.

### **1. Transfer of CU 2015-03 (Group Child Care Facility) to a New Site**

Al informed Commissioners of the prior Conditional Use approval and provided copies of the meeting minutes for the approval hearing. The house rented by the Clements is being sold and Danielle desires to transfer the Conditional Use, to her mother-in-law's [Victoria Ricketts] home who has furnished a signed statement that she (as homeowner) concurs with the transfer. Al stated that he has mailed a public notice to everyone within 300' of the parcel and has received no objections.

### **FINDINGS OF FACT FOR TRANSFER OF A GROUP CHILD CARE FACILITY**

1. All notification requirements of the Zoning Ordinance have been met.
2. The applicant, Ms. Danielle Ricketts, received Conditional Use approval for a group child care facility for up to 12 unrelated child care children on November 02, 2015 from the Planning Commission at a different location. The only issue that involved the City over time was temporary blockage of the joint driveway on two occasions and it was resolved expediently. The Ricketts' desire to transfer the prior approval to 411 Michigan Street (52-51-302-083-00) as the prior parcel and home are being sold by the owner, Dan Perkins. The current parcel is owned by Victoria Ricketts and she has provided a signed consent for the home to be used for in-home group daycare. The subject parcel is located in the GR (General Residential) District where the requested use is a Conditional Use. The current structure on the parcel serves as a detached single family dwelling unit.
3. The building contains 2 stories with a basement. Daycare is anticipated to occur principally on the first floor and second floor. The parcel contains a two car garage with a complete concrete driveway access to Michigan Street. Parking for drop-off and pickup is anticipated to be principally on Michigan Street with First Street also available. The backyard is not enclosed.
4. The applicant has stated that with the exception of 6 holidays and Christmas Break, daycare hours are proposed to be Monday – Friday 7:00 A.M. to 6:00 P.M. Late Drop Off and Pick Up provisions are addressed in the furnished Parent Handbook.
5. The applicant is presently licensed by the State for 12 unrelated child care children, which under Ishpeming's Zoning Ordinance is defined as a Group Day Care Facility. One caregiver is required for every six children. Danielle will be the primary caregiver with alternates as required.
6. The State of Michigan requires local zoning approval for up to 12 unrelated child care children. One of the State's considerations will involve the Planning Commission's transfer of a Group Day Care Facility designation to this site.

A motion by Jim Bertucci supported by Harry Weikel to transfer a Group Child Care Facility Conditional Use for up to 12 unrelated child care children from 211 W. Euclid St. to 411 Michigan St. passed unanimously.

### **H. New Business**

#### **1. Section 25 - Discussion on Sexually Oriented Business's (SOBS)**

Al relayed to Commissioners his concerns about CUPPADS placement of SOBS in Ishpeming's updated Zoning Ordinance. There are approximately 7 pages of text referencing Sexually Oriented Businesses and their placement within the General Commercial zoning district subject to a 1,000 foot isolation setback from a wide variety of uses (churches, Class C liquor establishments, public parks, schools, residentially zoned lands, etc.). This potentially could place SOBS South of US-41 in the vicinity of Cooper Lake Road or North of the Country Village area. He also indicated that he searched Negaunee, Chocolay, & Marquette Twps., and the City of Escanaba Zoning

Ordinances. The City of Marquette site was not available. Marquette Twp. had about 1 ½ pages of text and the other units had a definition or nothing (Escanaba). Al emphasized that every unit of government should make an attempt to provide for all legal land uses within their jurisdictions and that an ordinance can reflect the community spirit and values. Accordingly, he proposed to define SOBS in the definitions section and place them in the Industrial Zoning District as a Conditional Use subject to off-site dimensional setbacks. This is similar to what Negaunee Township has done. The potential for future legal proceedings is always a risk when uses are sequestered and restricted, but Commissioners were in agreement with this approach.

## **2. PC Review of Updated Sections 13-18 Inclusive of the Present Ishpeming Zoning Ordinance Prior to Return to CUPPAD**

### **Section 13 Neighborhood Commercial District**

Due to 1. above, detail revisions must be made prior to furnishing to CUPPAD. Al explained that he cherry picked selected uses that he felt were appropriate for the Neighborhood Commercial District. No additions were made by commissioners. Gas Station, Convenience Store will be added to Conditional Uses.

### **Section 14 General Commercial District**

Due to 1. above, detail revisions must be made prior to furnishing to CUPPAD

### **Section 15 Central Business District**

Due to 1. above, detail revisions must be made prior to furnishing to CUPPAD. Mobile Food Services were removed as the City has adopted an ordinance wherein the services can be provided City wide. Al stated that Gas Stations, Convenience stores, and Fast Food Restaurants are not allowed in the CBD as proposed.

### **Section 16 Industrial District**

Due to 1. above, detail revisions must be made prior to furnishing to CUPPAD. Al stated that he has tried to provide for all existing uses in the Industrial District, including churches.

### **Section 17 Deferred Development District**

Al stated that this is a rare district based upon his internet searches. He stated that the NAICS are not used in this district to avoid limiting possible future uses.

### **Section 18 Mining District**

This district has essentially been gutted as the City no longer uses surface water for drinking purposes and the Michigan Supreme Court has removed almost all oversight of mining activities unless it can be demonstrated that “very serious consequences” would result from the extraction of natural resources. Al has inserted NAICS numbered mining activities based upon a general assessment of available natural resources.

**3. Initial PC Review of Updated Sections 19-24** – not performed as the sub-committee has not reviewed it yet.

## **I. Old Business**

### **1. Zoning Ordinance Sub-Committee Review**

The next meeting with Mike Tonkin, Bruce Houghton, Harry Weikel and Gabe Seelen will be September 26, 2017 at 4:00 P.M. in City Council chambers. Al stated that he might have a conflict with that date as his fiancé is having foot surgery that morning.

**J. Correspondence** – as an informational item, Al indicated that he had furnished a re-dated letter of support for the proposed Jasperlite development identical to the original correspondence.

**K. Meeting Adjournment** was unanimous upon a motion by Harry Weikel supported by Jim Bertucci at 8:30 P.M.

By: \_\_\_\_\_  
Alan K. Pierce, Zoning Administrator