



CITY OF MARQUETTE  
PLANNING AND ZONING  
1100 WRIGHT ST  
MARQUETTE, MI 49855  
(906) 228-0425  
www.marquettemi.gov

## **MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Andrea Landers, Zoning Official  
**DATE:** May 25, 2021  
**SUBJECT:** 03-REZ-06-21 – 1651 S. Front St. (PIN: 0020251)

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The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 1651 S. Front Street which is zoned **General Commercial with Conditional Rezoning (GC CR)** to be zoned **General Commercial (GC)**.

Please see the attached Staff Report for more specific information regarding the application.

### **RECOMMENDED ACTION:**

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 property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

*After conducting a public hearing and review of the application and Staff Report for 03-REZ-06-21, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 03-REZ-06-21 (as presented / for the following reasons / with the following conditions).*



## STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

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**Case #:** 03-REZ-06-21

**Date:** May 25, 2021

**Project/Application:** Rezoning request from **General Commercial with Conditional Rezoning (GC CR)** to be zoned **General Commercial (GC)**.

**Location:** 1651 S. Front St.

**Parcel ID:** 0020251

**Available Utilities:** Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

**Year Built:** 1987 per Assessing Records.

**Current Zoning:** GC CR, General Commercial with Conditional Rezoning

**Surrounding Zoning:** North: MDR – Medium Density Residential  
South: LDR – Low Density Residential  
East: LDR – Low Density Residential  
West: PUD – Planned Unit Development & GC – General Commercial

**Zoning Districts and Standards:**

### Current Zoning with Conditions

#### GC CR, General Commercial with Conditional Rezoning District

***Eliminated uses are struck-through and highlighted***

(A) Intent
The GC district is intended to provide suitable areas for businesses that cater to both the local and regional market. Uses include offices, retail and wholesale businesses, services, light manufacturing, comparison shopping and land intensive establishments, which may be located so as to utilize a common parking area, or may provide their own parking separately. The GC district also serves as a transition between the urban development character of the CBD and the suburban character of the RC district.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• <del>Bar*</del></li> <li>• Child Care Center or Day Care Center</li> <li>• <del>Drive-Through Uses*</del></li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• <del>Gasoline Service Stations*</del></li> <li>• Health Services</li> <li>• Hospice</li> <li>• <del>Hotel or Motel*</del></li> <li>• Indoor Recreation</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office</li> <li>• Medical Hospital Related Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Food and Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Retail Business, Indoor</li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• <del>Storage, Open*</del></li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• <del>Wholesale Trade Establishment*</del></li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Hospital</li> <li>• Manufacturing, Light</li> <li>• <del>Marihuana Designated Consumption Establishment*</del></li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• <del>Marihuana Grower – Excess*</del></li> <li>• Marihuana Microbusiness Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• <del>Marihuana Secure Transporters*</del></li> <li>• <del>Pet Boarding Facility*</del></li> <li>• Recreational Use, Public</li> <li>• <del>Retail Business, Outdoor Permanent*</del></li> <li>• Vehicle Repair and Service</li> <li>• <del>Wireless Telecommunications Facilities*</del></li> </ul>

Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0 ( <a href="#">E</a> ), ( <a href="#">F</a> )
<i>Min. Lot Width (ft.)</i>	None	<i>Side Yard (one) (ft.)</i>	15 ( <a href="#">H</a> )
<i>Max. Impervious Surface Coverage (%)</i>	<a href="#">(R)</a>	<i>Side Yard (total of 2) (ft.)</i>	30 ( <a href="#">H</a> )
<i>Max. Building Height of Primary Building (ft.)</i> ( <a href="#">(Q)</a> )	40	<i>Rear Yard (ft.)</i>	20
<i>Max. Building Height of Accessory Building</i>	18		
<i>Max. Building Height (stories)</i>	-		

Where there is a discrepancy between [Article 4](#) and this table, [Article 4](#) shall prevail.

#### 54.403 Footnotes to Schedule of Regulations

**(D) Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

**(E) Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to Article 9 for the maximum allowable parking in the front yard of the M-U (Section 54.902(E)(3)) and GC (Section 54.902(E)(4)) districts.

**(H) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:

- (1) The side walls are of fireproof construction and are wholly without opening.
- (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.

**(O) Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.

**(R) Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.

### Section 54.1003 Landscaping Design Requirements

#### (D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

**Figure 50 - Required Buffer and Greenbelt Specifications:**

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
GC	40 (b)	40 (b)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (b)

- (b)** Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

## Proposed Zoning

### Section 54.313 GC, General Commercial District

(A) Intent	
<p>The GC district is intended to provide suitable areas for businesses that cater to both the local and regional market. Uses include offices, retail and wholesale businesses, services, light manufacturing, comparison shopping and land intensive establishments, which may be located so as to utilize a common parking area, or may provide their own parking separately. The GC district also serves as a transition between the urban development character of the CBD and the suburban character of the RC district.</p>	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Bar</li> <li>• Child Care Center or Day Care Center</li> <li>• Drive-Through Uses</li> <li>• Emergency Services</li> <li>• Farmers' Markets</li> <li>• Food Production, Minor</li> <li>• Gasoline Service Stations</li> <li>• Health Services</li> <li>• Hospice</li> <li>• Hotel or Motel</li> <li>• Indoor Recreation</li> <li>• Medical Hospital Related Accessory Uses</li> <li>• Medical Hospital Related Office</li> <li>• Medical Hospital Related Uses</li> <li>• Office, Medical</li> <li>• Office, Professional</li> <li>• Outdoor Food and Beverage Service</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Religious Institution</li> <li>• Restaurant, Indoor Service</li> <li>• Retail Business, Indoor</li> <li>• Retail Sales, Outdoor Temporary</li> <li>• Service Establishment</li> <li>• Storage, Open</li> <li>• Veterinary Clinic (Domestic Animals Only)</li> <li>• Wholesale Trade Establishment</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Non-Single Family Residential Lots</li> <li>• Hospital</li> <li>• Manufacturing, Light</li> <li>• Marihuana Designated Consumption Establishment</li> <li>• Marihuana Grower – Class A</li> <li>• Marihuana Grower – Class B</li> <li>• Marihuana Grower – Class C</li> <li>• Marihuana Grower – Excess</li> <li>• Marihuana Microbusiness Light Manufacturing</li> <li>• Marihuana Processor – Light Manufacturing</li> <li>• Marihuana Retailer</li> <li>• Marihuana Safety Compliance Facility</li> <li>• Marihuana Secure Transporters</li> <li>• Pet Boarding Facility</li> <li>• Recreational Use, Public</li> <li>• Retail Business, Outdoor Permanent</li> <li>• Vehicle Repair and Service</li> <li>• Wireless Telecommunications Facilities</li> </ul>
Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.	

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Max. Building Height (stories)	-		
Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.			

#### 54.403 Footnotes to Schedule of Regulations

**(F) Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.

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#### Section 54.1003 Landscaping Design Requirements

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##### Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
GC	40 (b)	40 (b)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (b)

- (b) Within this buffer area, one (1) tree per 20 linear feet is required, and at least 50% of the trees must be evergreen trees. Where a CBD, GC, or RC district abuts any residential district, a fence at least four (4) feet in height shall be erected within the business district boundary, except where the boundary is a public right-of-way.

**Relationship to Applicable Land Development Code Standards (staff comments in bold text):**

**Section 54.1405 Zoning Ordinance Amendment Procedures**

- (A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) Application for Amendment. Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.

**Application accepted.**

- (C) Amendment Review Procedures.

- (1) Public Hearing. The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.

**The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, June 1, 2021.**

- (2) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.



**The Planning Commission is being asked to make a recommendation at their meeting on June 1, 2021.**

- (3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

**TBD.**

- (D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

**This property is designated for *Mixed Use* on the *Future Land Use Map* of the Community Master Plan and is designated as a *Mixed Use* zoning district on the *Proposed Zoning Map*. These designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP.**



**Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions*, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.**

- (2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic



intent and purpose of this Zoning Ordinance.

**Please see above - "Zoning District and Standards".**

- (3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

**This portion of S. Front Street is classified as an “urban principal arterial” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are high.**

- (4) Utilities and Services. The capacity of the City’s utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

**There are no problems anticipated.**

- (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

**No conditions have changed nor was there an error in the Zoning Ordinance.**

- (6) No Exclusionary Zoning. That the amendment will not be expected to result in exclusionary zoning.

**The proposal would not result in exclusionary zoning.**

- (7) Environmental Features. If a rezoning is requested, compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

**The proposed zoning is compatible with site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.**

- (8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

**The compatibility of adding the following permitted uses: bar, drive through uses, gasoline service stations hotel or motel, open storage, wholesale trade establishment as permitted uses; and the following special land uses: marihuana designated consumption establishment, marihuana grower – excess, marihuana secure transporter, pet boarding facility, retail business – outdoor permanent, wireless**

**telecommunication facilities in this location is an issue that the Planning Commission must determine.**

- (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

**The proposed zoning is the same as the zoning to the northwest across S. Front Street.**

- (10) Alternative Zoning Districts.

If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

**The Master Plan recommendation and the previous zoning of MU was more appropriate as the adjacent zoning districts are all residential, however, the property has been exclusively used for commercial purposes since at least the 1980s.**

- (11) Rezoning Preferable to Text Amendment, Where Appropriate. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

**A text amendment would not be appropriate as the request is to go from GC CR to GC, which is essentially adding the uses that were removed from the GC CR request.**

- (12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

**The Planning Commission must determine if the proposed zoning would create an isolated or incompatible (see item #8 above) zone. The land use of this site has been of a commercial nature for the vast majority of the past four decades, so new commercial uses alone would not create an isolating effect. As well, there is another GC zoning district less than 90' to the northwest of the subject property.**

- (E) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments.

The required notice of adoption shall include all of the following information:

## STAFF FILE REPORT/ANALYSIS

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- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
- (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
- (3) The effective date of the ordinance or amendment.

**If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.**

- (H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

**This section is not applicable, as this is not a rezoning with conditions request.**

**Additional Comments:**

The Planning Commission should consider the request, and the information provided in this analysis, and provide a recommendation to the City Commission.

**Previous Rezoning Request for this Parcel:**

**01-REZ-03-20 – 1651 S. Front St. (PIN: 0020251): TDK LLC is requesting to rezone the property located at 1651 S. Front Street that is zoned Mixed-Use (M-U) to be zoned General Commercial with Conditional Rezoning (GC CR).**

- On March 17, 2020, the Planning Commission conducted a public hearing and discussed the proposed rezoning, in accordance with procedures established in the Land Development Code for evaluating rezoning requests and in the administrative procedures for processing such a request. The following motion was made to recommend approval of the request:
    - It was moved by M. Larson, seconded by M. Dunn, and carried (4-1) that after conducting a public hearing and review of the application and STAFF FILE REVIEW/ANALYSIS for 01- REZ-03-20, the Planning Commission finds that the proposed rezoning with conditions is consistent with the intent of 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-03-20 with the following condition – that the Marijuana Grower-Excess classification is struck from the list of allowable uses proposed by the applicant.
- Yes: M. Dunn, J. Cardillo, W. Premeau, M. Larson; No: A. Andres

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- At their March 30, 2020 meeting, the City Commission directed that a Public Hearing be held for the requested Conditional Rezoning.
- At the April 27, 2020, City Commission meeting the following motion was made:
  - The main motion, as amended, then became to approve the conditional rezoning of 1651 S. Front Street with the stipulation that the Marijuana Grower-Excess and the Designated Consumption Establishment classifications are struck from the list of allowable uses.
  - This amended main motion was then adopted by 5-2 by roll call vote, with Mayor Pro-Tem Hill and Commissioner Schloegel voting no.

**Attachments:**

1. Rezoning Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the site
8. Publication Notice
9. Excerpt from the 3-17-20 Planning Commission minutes
10. Excerpt from the 4-27-20 City Commission minutes
11. *Rezoning Considerations for Planning Commissions* document
12. *Spot Zoning Considerations*
13. Correspondence

**CITY OF MARQUETTE  
REZONING APPLICATION**



**CITY STAFF USE**

Parcel ID#: 0020251 File #: 03-REZ-06-21 Date: 5-4-21

Hearing Date: 6-1-21 Application Deadline (including all support material): 5-4-21

\* **FEE \$540** Receipt #: 235267 Check #: 006431 Received by and date: DAS 5-4-21

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE REZONING REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!**

**If you have any questions, please call 228-0425 or e-mail [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). Please refer to [www.marquettemi.gov](http://www.marquettemi.gov) to find the following information:**

- ☒ Planning Commission page for filing deadline and meeting schedule
- ☒ Section 54.1405 Zoning Ordinance Amendment Procedures from the Land Development Code

**Please review the attached excerpts from the Land Development Code**

**APPLICANT CONTACT INFORMATION**

**PROPERTY OWNER**

Name: TDK L.L.C.  
Address: 1001 ALLOUEZ  
City, State, Zip: MARQUETTE MI 49855  
Phone #: 906.360.0119  
Email: TERRY.DOYLE119@GMAIL.COM

**\*\*APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING\*\***

**APPLICANT/OWNERS REPRESENTATIVE**

RG DESIGN CO. JASON GAUTHIER  
Name: FOR TRANQUILITY FIELDS  
Address: 333 W. KANSANTON ST.  
City, State, Zip: MARQUETTE, MI 49855  
Phone #: 906 273.1041  
Email: JASON@RG-DESIGN.CO

**\*\*APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING\*\***

**PROPERTY INFORMATION**

Location (Street Address): 1651 S. FRONT ST. Property Identification Number: 0020251  
Size of property (frontage / depth / sq. ft. or acres): 200' x 190' +/- 0.697 ACRES  
Current Zoning District: GC-CR Proposed Zoning District: GC  
Surrounding Zoning Districts: North MPR East LOR South LOR West PUD-CONDO  
Legal Description: JOHN & KIM. BURTS ADD., LOTS 37, 38 & 39...  
SEE ATTACHED PROPERTY INFO, INCLUDING  
LEGAL DESCRIPTION

## PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a rezoning. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

## PHASING OF APPLICATION

Public hearings before the Planning Commission are held on the first meeting of the month only. Applications and support materials must be submitted twenty (20) business days prior to the public hearing date.

The Marquette City Commission is also required to hold a public hearing and take final action on a rezoning request. This usually takes two City Commission meetings, one to schedule the public hearing and one to hold the public hearing.

## SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested rezoning would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached excerpt of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Section 54.1405 Zoning Ordinance Amendment Procedures**

- (A) Initiation of Amendments.** The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.
- (B) Application for Amendment.** Each petition by one (1) or more persons for an amendment shall be submitted to the Zoning Administrator. Documents to support the application may be filed with the Zoning Administrator. A fee, as established by the City Commission shall accompany each petition, except those originated by the Planning Commission or City Commission.
- (C) Amendment Review Procedures.**
- (1) Public Hearing.** The staff liaison to the Planning Commission shall set a time and date for a public hearing, and the public hearing shall be noticed in accordance with [Section 54.1406](#). The Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous six (6) months.
- (2) Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section. Following the public hearing, the Planning Commission shall make a recommendation to the City Commission to either approve or deny the petition and report its findings to the City Commission.
- (3) City Commission Consideration of the Proposed Amendment.** The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.
- (D) Standards of Review for Amendments.** In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.
- (1) Master Plan.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan



## **Article 14: Administrative Procedures**

### **Section 54.1405: Zoning Ordinance Amendment Procedures**

was adopted, consistency with recent development trends in the area shall be considered.

- (2) Intent and Purpose of the Zoning Ordinance.** Consistency with the basic intent and purpose of this Zoning Ordinance.
  - (3) Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
  - (4) Utilities and Services.** The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
  - (5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance.** That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.
  - (6) No Exclusionary Zoning.** That the amendment will not be expected to result in exclusionary zoning.
  - (7) Environmental Features.** If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
  - (8) Potential Land Uses and Impacts.** If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - (9) Relationship to Surrounding Zoning Districts and Compliance with the Proposed District.** If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
  - (10) Alternative Zoning Districts.** If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
  - (11) Rezoning Preferable to Text Amendment, Where Appropriate.** If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
  - (12) Isolated or Incompatible Zone Prohibited.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (E) Notice of Adoption of Amendment.** Following adoption of an amendment by the City Commission, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice

**Article 14: Administrative Procedures**  
**Section 54.1405: Zoning Ordinance Amendment Procedures**

shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Amendments shall take effect eight (8) days after publication. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk or his/her designee, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
  - (2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
  - (3) The effective date of the ordinance or amendment.
- (F) **Protest Petition of Amendment.** An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:
- (1) **Petition Submittal Requirements.** The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:
    - (a) The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
    - (b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
  - (2) **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Commission.
- (G) **Referendum.** Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the City Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern.
- (H) **Rezoning (Zoning Map Amendment) with Conditions.** Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such

**Article 14: Administrative Procedures**

**Section 54.1405: Zoning Ordinance Amendment Procedures**

conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

- (1) Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:
- (a)** A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.
  - (b)** Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
  - (c)** Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
  - (d)** The date upon which the rezoning with conditions becomes void, as specified in [Section 54.1405\(H\)\(3\)](#), below. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
  - (e)** Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in [Section 54.1405\(H\)\(3\)](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
  - (f)** Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
  - (g)** A legal description of the property affected by the rezoning with conditions.
  - (h)** Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.
  - (i)** Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

**Article 14: Administrative Procedures**  
**Section 54.1405: Zoning Ordinance Amendment Procedures**

- (j) A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Commission in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.
- (2) Amendment to Conditional Rezoning Agreement.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- (3) Period of Approval.** Unless extended by the City Commission for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
  - (a) Expiration or Extension.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Zoning Administrator before the two (2) year time limit expires. The landowner must provide to the City Commission good cause as to why the extension should be granted. If an extension of approval is granted by the City Commission, a new conditional rezoning agreement with the new expiration date shall be recorded.
  - (b) Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:
    - (i) The property owner may seek a new rezoning of the property; and/or
    - (ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.
- (4) Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "CBD Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "CBD CR."
- (5) Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 54.1405\(C\)](#), with the exception that the conditional rezoning agreement shall be

**Article 14: Administrative Procedures**

**Section 54.1405: Zoning Ordinance Amendment Procedures**

executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions.

- (6) Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

**1651 S FRONT ST MARQUETTE, MI 49855** (Property Address)

Parcel Number: 0020251



Item 1 of 5 3 Images / 2 Sketches

**Property Owner: TDK LLC****Summary Information**

- > Commercial/Industrial Building Summary
  - Yr Built: 1987
  - # of Buildings: 1
  - Total Sq Ft: 2,820
- > Property Tax Information found

- > Assessed Value: \$172,300 | Taxable Value: \$118,853
- > 5 Building Department records found

**Owner and Taxpayer Information**

<b>Owner</b>	TDK LLC 1001 ALLOUEZ MARQUETTE, MI 49855	<b>Taxpayer</b>	SEE OWNER INFORMATION
--------------	------------------------------------------------	-----------------	-----------------------

**General Information for Tax Year 2020**

<b>Property Class</b>	COMMERCIAL	<b>Unit</b>	52 CITY OF MARQUETTE
<b>School District</b>	MARQUETTE PUBLIC	<b>Assessed Value</b>	\$172,300
<b>MAP #</b>	52-52-000-202-51	<b>Taxable Value</b>	\$118,853
<b>D.D.A. DIST.</b>	0	<b>State Equalized Value</b>	\$170,801
<b>BLDG. TYPE</b>	RESTAURANT	<b>Date of Last Name Change</b>	07/17/2008
<b>LAST VISIT</b>	No Data to Display	<b>Notes</b>	Not Available
<b>Historical District</b>	No	<b>Census Block Group</b>	No Data to Display
<b>T.I.F. DIST.</b>	No Data to Display	<b>Exemption</b>	No Data to Display

**Principal Residence Exemption Information****Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2021	0.0000 %	-
2020	0.0000 %	0.0000 %

**Previous Year Information**

Year	MBOR Assessed	Final SEV	Final Taxable
2019	\$172,200	\$172,200	\$116,637
2018	\$154,800	\$154,800	\$113,904
2017	\$150,700	\$150,700	\$111,562

**Land Information**

<b>Zoning Code</b>	GC-CR	<b>Total Acres</b>	0.697
<b>Land Value</b>	\$93,000	<b>Land Improvements</b>	\$77,237
<b>Renaissance Zone</b>	No	<b>Renaissance Zone Expiration Date</b>	No Data to Display
<b>ECF Neighborhood</b>	COMMERCIAL - RETAIL	<b>Mortgage Code</b>	No Data to Display
<b>Lot Dimensions/Comments</b>	IREGULAR; SEE SKETCH	<b>Neighborhood Enterprise Zone</b>	No

Lot(s)	Frontage	Depth
No lots found.		
<b>Total Frontage: 0.00 ft</b>		<b>Average Depth: 0.00 ft</b>

**Legal Description**

JOHN & WM. BURT'S ADD. LOTS-37, 38, & 39 & THAT PART OF LOT-36 LYING W. OF A LINE DRAWN FROM THE N.W. COR. TO THE S.E. COR. OF SAID LOT-36; ALSO THE S. 10' OF THE VAC. ALLEY LYING N. OF SAID LOTS-37 THRU 39. ALSO ALL OF VAC. SANDSTONE ST LYING S. OF SAID LOTS-36 THRU 39 (CONTAINS 0.70 A.)

## Land Division Act Information

<b>Date of Last Split/Combine</b>	<i>No Data to Display</i>	<b>Number of Splits Left</b>	<i>Not Available</i>
<b>Date Form Filed</b>	<i>No Data to Display</i>	<b>Unallocated Div.s of Parent</b>	<i>Not Available</i>
<b>Date Created</b>	<i>No Data to Display</i>	<b>Unallocated Div.s Transferred</b>	<i>Not Available</i>
<b>Acreage of Parent</b>	0.00	<b>Rights Were Transferred</b>	Yes
<b>Split Number</b>	0	<b>Courtesy Split</b>	No
<b>Parent Parcel</b>	<i>No Data to Display</i>		

## Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page	Comments
02/24/2003	\$170,000.00	WD	MICHIGAN PIZZA HUT INC	TDK LLC	ARMS-LENGTH	452/771	
07/07/1987	\$75,000.00	WD	BRISSON, FREDERICK	E & D PROPERTIES	ARMS-LENGTH	361/321	VACANT COMMERCIAL LAND SALE

## Building Information - 2820 sq ft Restaurants - Fast Food (Commercial)

<b>Floor Area</b>	2,820 sq ft	<b>Estimated TCV</b>	\$166,290
<b>Occupancy</b>	Restaurants - Fast Food	<b>Class</b>	D Frame
<b>Stories Above Ground</b>	1	<b>Average Story Height</b>	12 ft
<b>Basement Wall Height</b>	0 ft	<b>Identical Units</b>	1
<b>Year Built</b>	1987	<b>Year Remodeled</b>	<i>No Data to Display</i>
<b>Percent Complete</b>	100%	<b>Heat</b>	Forced Air Furnace
<b>Physical Percent Good</b>	47%	<b>Functional Percent Good</b>	100%
<b>Economic Percent Good</b>	100%	<b>Effective Age</b>	25 yrs

**\*\*Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

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# 03-REZ-06-21 Area Map

Craig Street Craig Street (Vacated)

Hampton Street

Furnace Street

Birch Ridge Drive

Radisson Drive

Brook Street

Front Street

Mite Street

Lake Street

US41

Shiras Drive

## LEGEND

- Parcels\_Address Labels
- Contours2FT
- Street Labels
- Streets
- Building FootPrints

1 inch = 250 feet

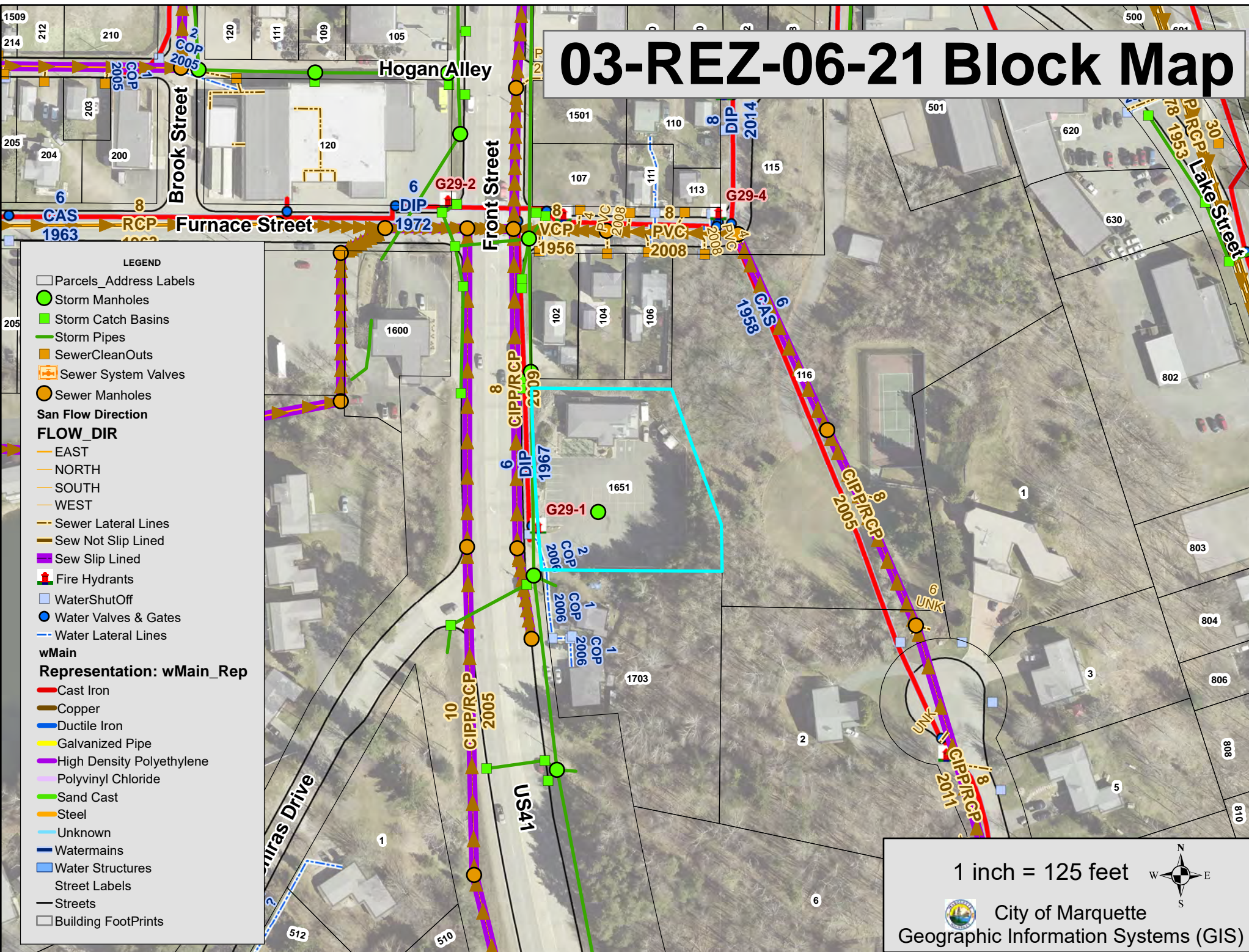


City of Marquette  
Geographic Information Systems (GIS)



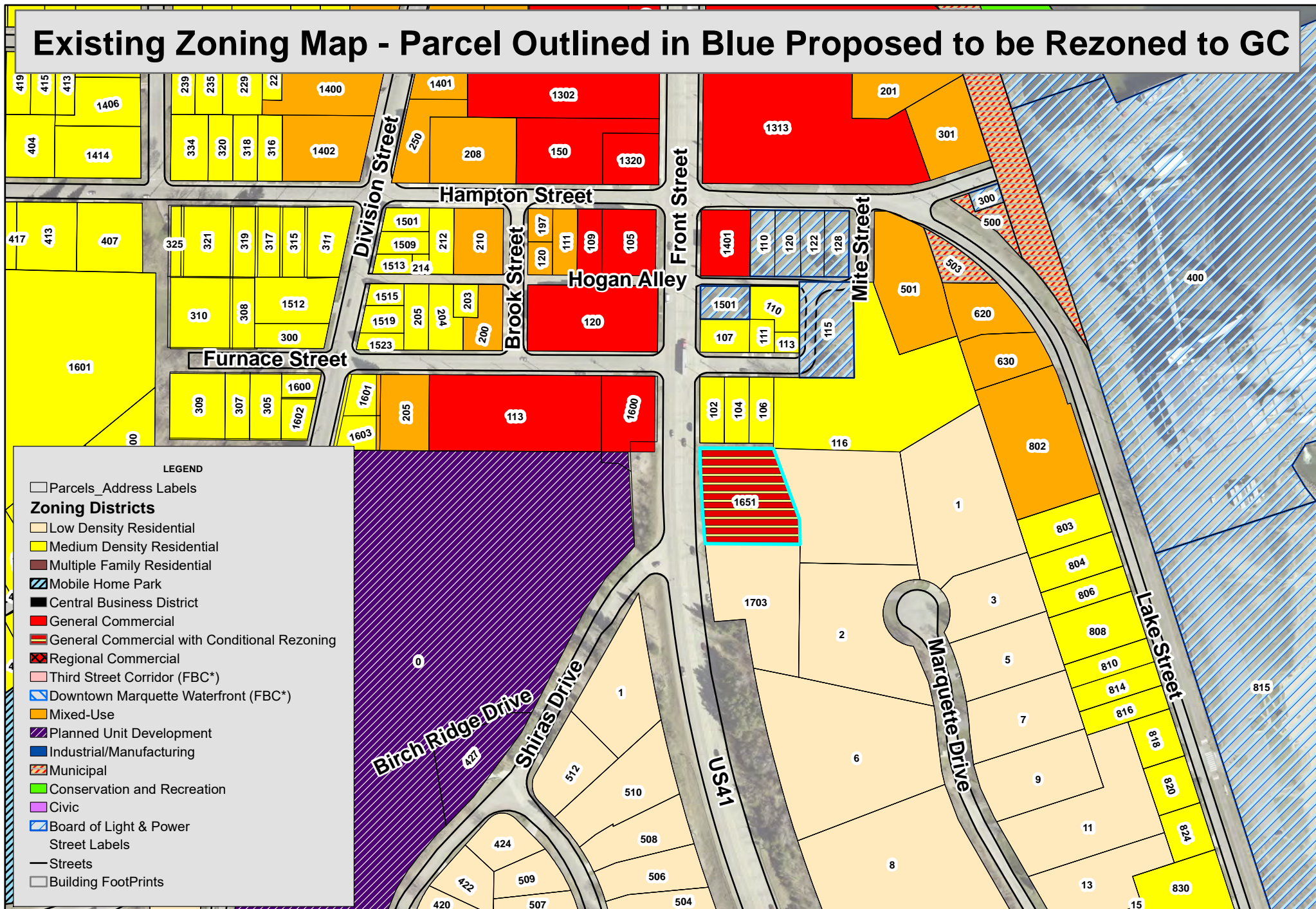


# 03-REZ-06-21 Block Map





# Existing Zoning Map - Parcel Outlined in Blue Proposed to be Rezoned to GC



In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. In no event shall the City of Marquette be liable for any damages, direct or consequential, from the use of the information.

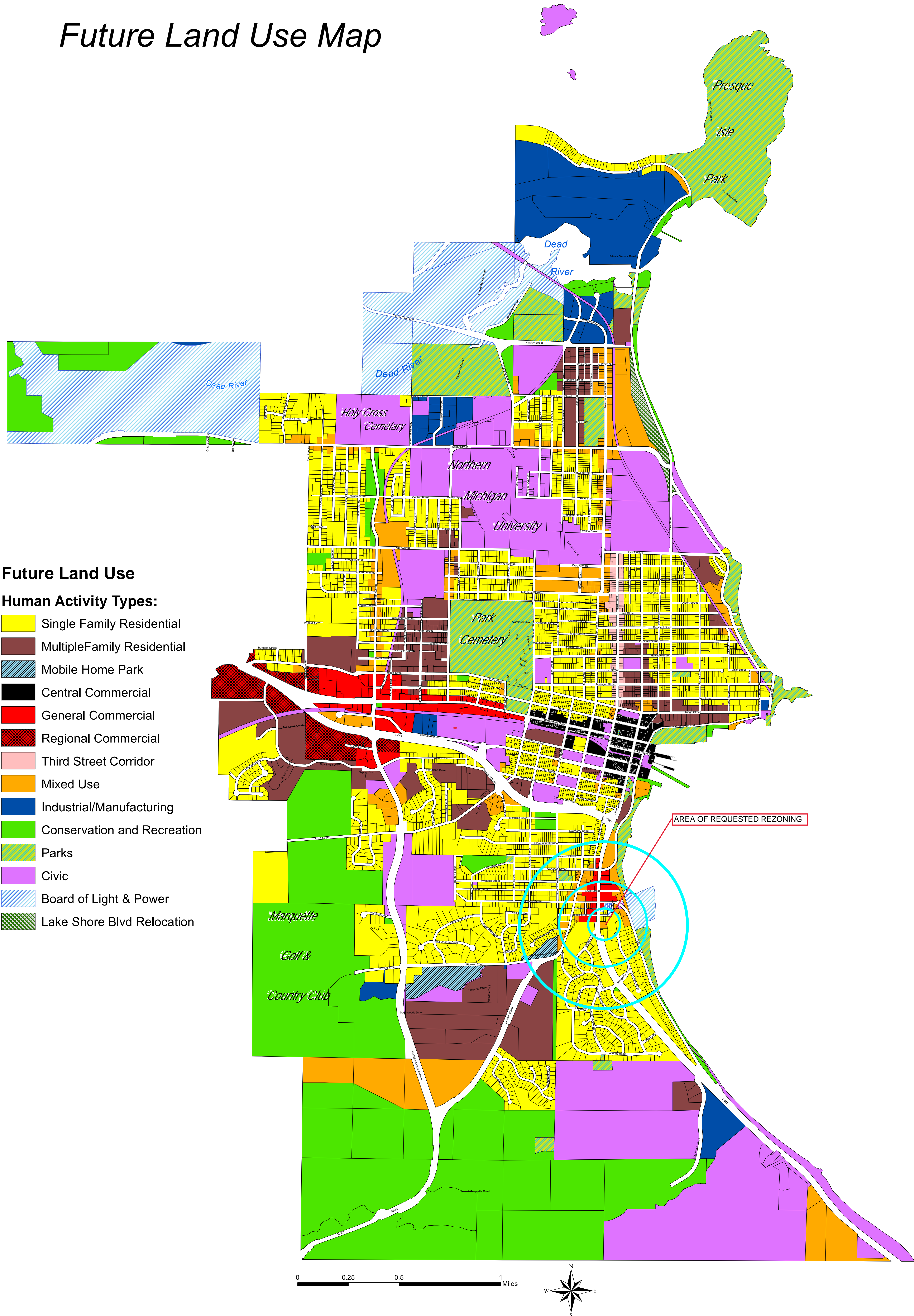


1 inch = 250 feet



MARQUETTE COMMUNITY MASTER PLAN

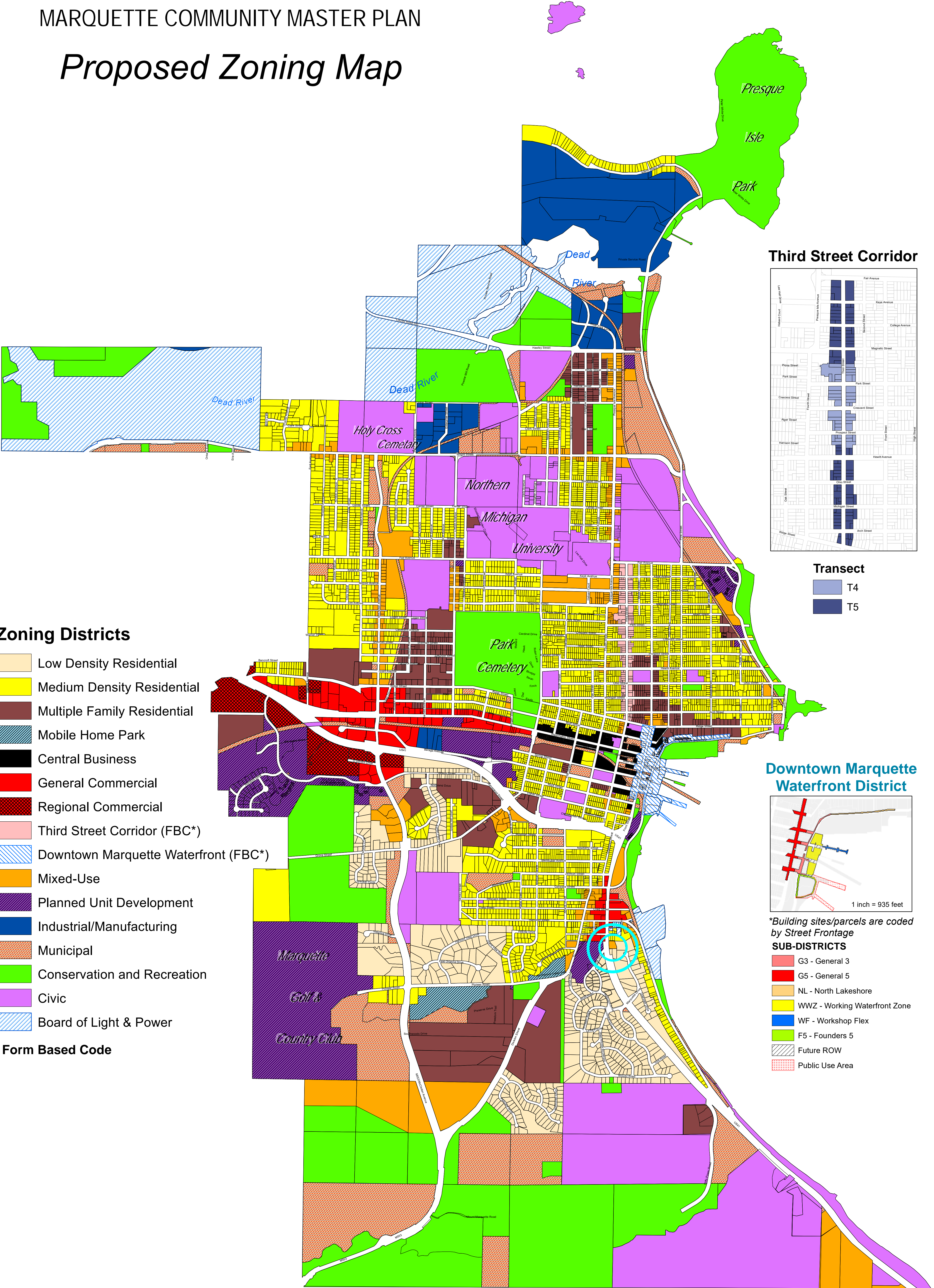
Future Land Use Map





MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

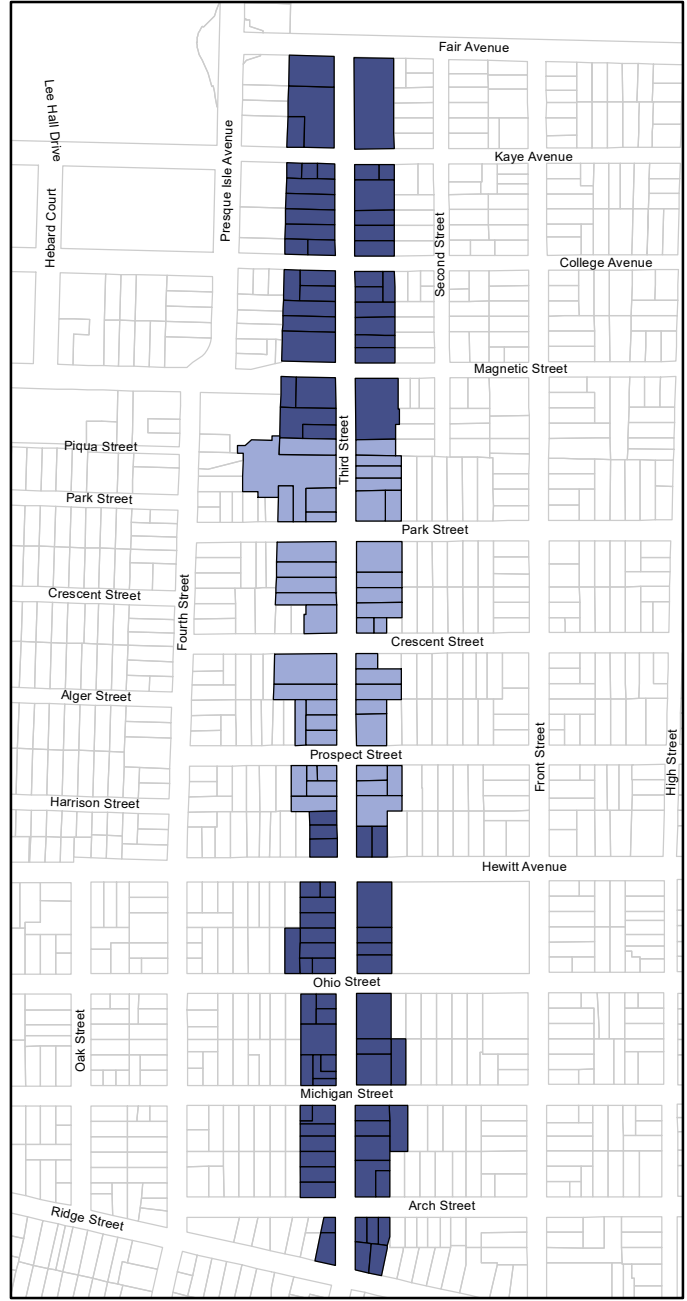


Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC\*)
- Downtown Marquette Waterfront (FBC\*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light & Power

\* Form Based Code

Third Street Corridor

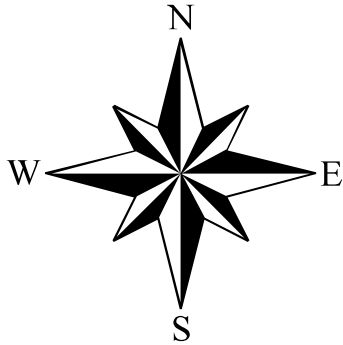
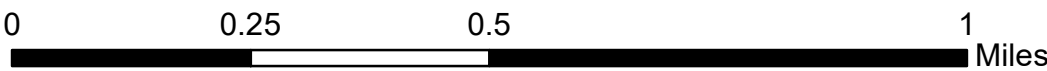


- Transect
- T4
  - T5

Downtown Marquette Waterfront District



- \*Building sites/parcels are coded by Street Frontage
- SUB-DISTRICTS
- G3 - General 3
  - G5 - General 5
  - NL - North Lakeshore
  - WWZ - Working Waterfront Zone
  - WF - Workshop Flex
  - F5 - Founders 5
  - Future ROW
  - Public Use Area













Friday, May 14, 2021

## PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing on the following matters at their regular meeting scheduled for 6:00 P.M. on Tuesday, June 1, 2021:

**01-PUD-05-09-A8 – Amendment to the Picnic Rocks Planned Unit Development located at 1001 Lakeshore Blvd. and 1301-1317 Picnic Rocks Drive (PIN: 0370070, and 1300010 to 1300150):** Julie Bowerman, Lakeshore Residences LLC, and Picnic Rocks Points Association are seeking approval of an amendment to their previously approved Planned Unit Development (PUD) consisting of 16 residential units in the form of single-family dwellings. They are requesting to revise paragraph 7.6 Codes and Ordinances of the PUD Master Deed. It states that "In addition to the construction requirements in this section, all buildings and other- structures must comply with applicable building and other- structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected." They would like it to read that "In addition to the construction requirements in this section, all buildings and other- structures must comply with applicable building and other- structures must comply with applicable building, mechanical, electrical, and plumbing codes of the applicable jurisdictions in effect when the building or structure is erected with an exception to permit the existing six-foot high closed construction vinyl fence on Lot #9 to remain in place."

**04-SUP-06-21 – 717 N. Third St (PIN: 0330420):** Superior Culture LLC and Alex Rowland are seeking a Special Land Use permit for an expansion to their previously approved Outdoor Food and Beverage Service, and a Special Land Use Permit for Outdoor Entertainment and Community Events as a Principal Use to be located at 717 N. Third St.

**03-REZ-06-21 – 1851 S. Front St. (PIN: 0020251):** TDK LLC and Tranquility Fields are requesting to rezone the property located at 1851 S. Front Street which is zoned **General Commercial with Conditional Rezoning (GC CR)** to be zoned **General Commercial (GC)**.

The public hearing for these requests will begin at 6:00 p.m. on Tuesday, June 1, 2021, and the meeting will be held virtually with Commission members and Staff attending remotely. This meeting will be streamed on the City of Marquette YouTube channel, at <https://www.youtube.com/user/CityofMarquetteGov>. Please note that the YouTube livestream will have at least a 20 second delay, and that anyone that wishes to offer public comment via Zoom (directions are provided below) will need to open the livestream to follow along while they wait to enter the meeting. In order to offer a live video comment, you must visit: <https://us02web.zoom.us/j/84127534741>. Members of the public wishing to call in and make a comment over the phone will need to call 312-626-6799 and enter the meeting ID (841 2753 4741).

Written comments, prior to the meeting, may be submitted to the Community Development Department located at 1100 Wright St., Marquette, Michigan 49855 or e-mail [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). Materials relating to this request may be viewed at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday, however, please call 906.225.8383 to schedule an appointment. You can also request to have the materials submitted by the applicant e-mailed to you by e-mailing [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers  
Zoning Official  
[alanders@marquettemi.gov](mailto:alanders@marquettemi.gov)  
225-8383

# Excerpt of the March 17, 2020 Planning Commission Minutes

## **B. 01-REZ-03-2020 1651 S. Front St. - Conditional Rezoning Request (Mixed Use to General Commercial with Conditions)**

Zoning Official A. Landers stated that staff has reviewed the Conditional Rezoning permit application for 1651 S. Front St. and stated that the STAFF FILE REVIEW/ANALYSIS contains specific information regarding the request. She showed the application, staff report, photos and maps of the site, and asked if there were any questions for staff.

Mr. Terry Doyle, 1001 Allouez Dr, stated nothing is going to change and if it were to go back to a normal restaurant there would still be the same amount of traffic if you do a marijuana growing place they are going to have to filter it. He also stated if the neighbors have trouble with that then they can file a complaint and they will shut the place down. He stated in order to have a grow area it is going to have to be totally filtered out. He also stated he does not see any change in what the Union Grill has done. He stated that they started out there in 2003 and opened in 2005, and ran it for ten years very successfully and then they sold it to another entity, and they changed things and it kind of failed and then they got it back. He also stated it was a very viable property and it was very busy there, and there was not one accident coming out of that parking lot, so those arguments are a little bit mute. He stated that the application is a little bit mute at the moment, because he does not think that they would turn it over to a marijuana growing entity at this point because of the economy, and those fears could be alleviated a little bit. He also stated he would just like it to be expanded into more of the commercial side because it went from General Business zoning to Mixed Use, so they are just asking for a little bit more leeway because it is definitely a commercial property.

M. Dunn asked if the intent is to have a grow operation and retail. Mr. Doyle stated that they were just asking to be include into the district right across the street and all of that was designated into the marijuana growing maps and they wanted to have the same leeway that they were afforded. He also stated to be truthful they had an offer and when the zoning kicked them out they could not close the deal. He stated that they would just like to have that afforded to them, and there are no written contacts on the property right now. He also stated with the development in the Lower Harbor, with the big hotel, he can see it turning back into a restaurant which will have as much traffic as retail marijuana would.

*Chair J. Cardillo opened the public hearing. No one wished to speak so Chair J. Cardillo closed the public hearing.*

*It was moved by M. Larson, seconded by M. Dunn and carried 5-0 to suspend the rules for discussion.*

M. Larson stated that he wants to make sure that they are all on the same page since they have not used conditional rezoning yet.

D. Stensaas stated that the option allows for the applicant to propose a set of conditions that the City would approve outright or could possibly approve with further conditions that may not include requesting anything beyond the offer, but maybe to take some things off of the table. He also stated one thing that the City cannot get into with a conditional rezoning is a *quid pro quo* situation by asking for something else. He stated that they have to take it at face value or possibly make a motion where you take something off the table that was offered by the applicant. He also stated the benefit to the applicant is that this is not reviewed as a standard rezoning and it is not reviewed for spot zoning because a conditional rezoning is a unique land use to itself. He stated the Planning Commission does need to consider that the Master Plan made certain recommendations about this area and property specifically, and so the one issue that comes up is the consistency with the Master Plan. He also stated when you are looking at the Future Land Use Map being the main thing that has to jive for a rezoning, as far as the Master Plan is concerned it is not strictly consistent, but that is where a motion would need to address this. He stated that the motion would need to address the consistency issue. J. Cardillo stated because this change would be inconsistent. D. Stensaas stated one of the reasons that conditional rezoning was proposed into the Land Development Code, and adopted in, was to allow for very rare and unique situations where that maybe it makes sense to allow for certain things to transpire on the property that there is no other remedy for. J. Cardillo stated that they do

not want to change the whole district. D. Stensaas stated that is right, and it is up to the Planning Commission to decide if it fits with the rare kind of unique situation where a conditional rezoning might be appropriate.

M. Dunn stated that the majority of the permitted uses would probably be fine considering the nature of the surrounding properties, except Light Manufacturing concerns him being right next door to residential.

J. Cardillo stated what has been highlighted and taken out of the staff packet are things in the General Commercial that are not in Mixed Use. Ms. Landers stated the things that are highlighted and crossed out are the property owners proposed exempted uses. She also stated the applicant is asking to be rezoned and not include those uses. D. Stensaas stated all of those uses are what are allowed in General Commercial that are not allowed in Mixed Use, with one exception and that is a bar is allowed in Mixed Use as a Special Land Use. He also stated the applicant has taken the General Commercial standards and eliminated everything except for the marijuana facilities, and all of the other things that are not crossed out are allowed in Mixed Use. J. Cardillo stated the point is that Light Manufacturing is already allowed in Mixed Use and that this is essentially Mixed Use with adding in the marijuana component and that is the net result of what they are trying to do.

M. Dunn asked to clarify if Light Manufacturing is allowed in Mixed Use. A. Landers stated that is correct. D. Stensaas stated that "marijuana light manufacturing" is not allowed but the regular Light Manufacturing is a Special Land Use in Mixed Use.

J. Cardillo stated that her thoughts on this are that they should go through it in the way that they have done this with the other zones, which is to look at each of these different marijuana uses and decide on a kind of case by case basis. She also stated that they are essentially just adding in the marijuana uses and she personally thinks that some are appropriate and some others she is a bit dubious about.

M. Larson stated that this is actually proposing to take the General Commercial standards and just crossing some of those out so it would no longer be Mixed Use, it would be General Commercial conditional rezoning shown with certain uses. D. Stensaas stated all of the other things are allowed in General Commercial that are not allowed in Mixed Use the applicant has proposed be taken out or omitted.

J. Cardillo stated let's just look at the things that the applicant wants to add in, which is the marijuana, and go one by one reviewing it. She also stated starting with the Designated Consumption, that is the one that she probably has the biggest issue with. She stated it is her feeling that it is a specific condition because it is on the highway and it has historically been commercial and she appreciates that, but she also appreciates that on three sides it is surrounded by residential. She also stated consumption is the only use where people are actually consuming the product and she can understand residential concerns about it. She stated that they were also very, very cautious where they allowed consumption in the community because they want to give it some time to understand what it is all about. She also stated it is her personal feeling to eliminate that one. D. Stensaas stated that they can make a recommendation on that condition. He also stated that they are making a recommendation to the City Commission, and it is up to them to decide what to do with the recommendation of the Planning Commission. He stated that he talked to the City Attorney about this and there is not a lot of guidance out there on Conditional Rezoning aside from do not get into a quid pro quo thing and do not give up any of your zoning powers. He also stated recommending that certain facility types should not get approved by the City Commission is okay, and the attorney seemed to think that is probably okay. He stated that it is a new thing for them and there are not a lot of communities that do conditional rezoning.

J. Cardillo stated they are talking about a specific property and typically they are not with zoning, it is usually generalized. She also stated that here we're talking about one specific property and we can go through the proposed uses and say if they are appropriate at this specific property.

A. Andres stated for consumption he would vote no, it is not appropriate for this site.

M. Larson stated that he can understand the residents immediately surrounding, but General Commercial is also literally across the street right there and it is allowed at that facility directly across the street. He also stated in proximity he feels like to other general business areas it is something to be considered. He stated that does not discount the neighbors that are immediately around it, so he is a little bit torn which side.

M. Dunn stated that he recognized the concerns for the consumption establishment but that is not his top concern, and his biggest concern is some of the larger grow operations being in General Commercial, and he thought they should be in industrial zones only. D. Stensaas stated grower class A is up to 100 plants, class B is not more than 500 plants, class C is not more than 2,000, and the Excess license to cultivate or sell or transfer is five stacked class C licenses - so that is up to 10,000 plants. J. Cardillo asked what the square footage of the property is. Mr. Doyle stated it is about an acre and the building is 2,700-square feet. M. Dunn stated his concern is with the class C and Excess again, not because of the property itself, but because of the residential around it. J. Cardillo stated that she would concur with that.

Mr. Doyle stated with the proposal they had, they were going to tear the building down and build a \$2.2-million facility, so that is why they did not want to exclude. He also stated that they had assured them that they would have all of the ventilation. He stated that anybody would have to have purified air coming out of the building. J. Cardillo stated this is why for her the consumption is the one that is different than everything else because you have people actually consuming the product. She also stated she understands that it is hard to comprehend that a mechanical system is going to be able to handle this, but the reality is that the code states that if you smell it with your nose than you are in violation. M. Dunn stated that he gets the aspect of it that it is allowed in commercial too.

M. Dunn stated that he is okay with consumption.

W. Premeau stated that it is okay with keeping consumption in.

J. Cardillo stated that they will keep that one in. She also asked if everyone is okay with Class A, for a grower, which is 100 plants. Planning Commission members concurred that they all agreed to this. She asked about Class B, which is up to 500 plants. Planning Commission members all agreed to this. She asked about Class C, which is up to 2,000 plants. J. Cardillo stated that if you tear down the building that is there and build something new she feels confident that they could house 2,000 plants. M. Dunn asked about truck traffic at that point. J. Cardillo stated that she does not think that it is an issue. M. Dunn stated if you take odor off, if you assume that the code addresses that properly, then his only other concern is the traffic. J. Cardillo stated that it is all plants and not people. Ms. Landers stated for marijuana you have to have the secure transporter, so it would probably be the vans that are locked. M. Dunn stated that he is okay with Class C. J. Cardillo stated that all members are okay with C.

J. Cardillo asked about excess which is stacking up to 10,000 plants. M. Dunn stated that he is not okay with it, it seems like too big of a jump. M. Larson stated that he thinks that it will likely self-select itself out due to the size of the property, and he would be okay with eliminating it. A. Andres stated he would eliminate this one. M. Dunn stated that he would eliminate this. W. Premeau stated that he would like to eliminate it. J. Cardillo stated that right now the only exclusion is Excess Grower.

J. Cardillo stated the next is Microbusiness. She also stated that it seems appropriate to her as long as it is the Light Manufacturing level. There was no objection from Planning Commission members to Microbusiness establishments.

J. Cardillo stated that marijuana Processor-Light Manufacturing is next. She also stated that the Light Manufacturing level does not have the hazardous materials for extraction. There was no opposition from the Planning Commission on this.

J. Cardillo stated the next to review is marijuana Retailer. She also stated that is the one that might have the most traffic, but she does not think that it would be more than a restaurant or a bar. She also stated that you cannot consume onsite. There was no opposition to this from Planning Commission members.

J. Cardillo stated the last one to review is the Safety Compliance, which is one of the lower impact options. Planning Commission members agreed to this.

J. Cardillo stated that it looks like they are okay with everything except the Excess Grower. Members of the Planning Commission agreed with this.

M. Larson stated had this discussion come up prior to the marijuana issue he thinks that they would have said that it makes sense to be General Commercial. He also stated that because is across the street essentially from General Commercial it fits with being that last commercial entity as you go up that hill and he does think there is a case to be made that it is a General Commercial property and is a like use.

J. Cardillo stated what is a challenge and what makes this a unique property is that it should be commercial, but it is the fact that it is surrounded by these residential properties, but they are anomalies because it is residential properties that are right on the highway. She also stated that they do want to protect those people's rights, but also acknowledge that they are in a fairly commercial location.

*It was moved by M. Larson, seconded by M. Dunn, and carried (4-1) that After conducting a public hearing and review of the application and STAFF FILE REVIEW/ANALYSIS for 01-REZ-03-20, the Planning Commission finds that the proposed rezoning with conditions is consistent with the intent of 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-03-20 with the following condition – that the Marijuana Grower-Excess classification is struck from the list of allowable uses proposed by the applicant.*

Yes: M. Larson, M. Dunn, J. Cardillo, W. Premeau; No: A. Andres

## **CORRESPONDENCE**

### **B. Marquette Township Notice of 63-day Review Period for Master Plan Amendment**

The Planning Commission and staff discussed the letter.

## **COMMISSION AND STAFF COMMENTS**

M. Dunn stated that he lives in the city and expects there to be noise, but there has been tree cutting along streets in the night recently, and a great deal of other noise from garbage pickup to other city vehicles and he is wondering if all of these night operations are necessary when it seems that residential areas and streets are fairly quiet during the day when most people are at work. D. Stensaas recommended that Mr. Dunn contact a member of the City Commission to express his concerns as a resident. A. Landers recommended that Mr. Dunn speak with the Administrative Assistant to the Public Works Dept. as well.

## **ADJOURNMENT**

The meeting was adjourned by Chair J. Cardillo at 9:05 p.m.

*David Stensaas*

Prepared by:

David Stensaas, City Planner and Zoning Administrator

Planning Commission Secretary

Imedat/smc

# Excerpt of the April 27, 2020 City Commission Minutes



**City of Marquette, MI**  
300 West Baraga Ave  
Marquette, Michigan 49855  
**Meeting Minutes**  
**City Commission Meeting**  
**April 27, 2020**

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## **Call to Order, Pledge of Allegiance and Roll Call**

Present: Ayes: Bonsall, Davis, Frazier, Hill, Schloegel, Smith, Stonehouse

## **Approval of the Agenda**

Commissioner Pete Frazier moved to Approve the agenda as presented, seconded by Commissioner Fred Stonehouse and Passed.

## **Announcements**

Mayor Smith had no announcements.

## **Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.**

As the meeting was being held remotely via Zoom, residents were given the opportunity to submit written public comments to be read during the meeting. Deputy Clerk Kyle Whitney read the following comments:

John Braamse wrote to encourage the City to implement a permanent absentee ballot mailing list.

Nathan Larsh wrote to thank the Commissioners for their work throughout the COVID-19 pandemic, and praised Mayor Smith's daily video updates.

Matthew Dawson and Kati Mead wrote in separately, each voicing opposition to a plan to construct a Verizon tower.

Following the written comments, Mary Dawson spoke to the Commission via Zoom, also voicing opposition to the Verizon tower plan.

## **Public Hearing(s)**

### **1. Public Hearing for a Conditional Rezoning Request for 1651 S. Front Street - Roll Call Vote**

Mayor Smith opened the public hearing, and the following citizens commented via Zoom:

Terry Doyle, who owns the subject property, thanked the Commission for taking this item up and said he's available for questions.

Pete LaRue said he owns a property on Furnace Street. He said he is concerned about a marijuana facility operating near his property, and voiced specific concerns

about traffic increases and fumes.

Carrie Roy also lives in the area of this property and voiced concern with having a marijuana business in the area.

With no one else hoping to comment, the Mayor closed the public hearing.

Commissioner Paul Schloegel moved to Authorize suspending the rules for discussion, seconded by Commissioner Pete Frazier and Carried Unanimously.

Commissioner Schloegel asked Planning Commission Chair Joy Cardillo for background on the process to this point. Chair Cardillo and City Community Development Director Dennis Stachewicz discussed the history of this item, as well as the concept of conditional rezoning.

Discussion ensued regarding the conditions proposed to be allowed at this site, the state requirements for marijuana facilities and the next steps in any redevelopment.

Mayor Pro-Tem Jenn Hill moved to approve the conditional rezoning of 1651 S. Front Street with the Planning Commission's recommended stipulation that the Marijuana Grower-Excess classification is struck from the list of allowable uses, seconded by Commissioner Evan Bonsall.

Commissioner Bonsall then moved to amend the main motion by removing the Designated Consumption Establishment classification from the list of allowable uses. This motion was seconded by Commissioner Pete Frazier, and discussion ensued.

Commissioner Bonsall said that after talking with residents, reading the Planning Commission minutes and hearing public comment on this issue tonight, he thinks this is a prudent step.

The motion to amend was adopted 6-1 by roll call, with Mayor Pro-Tem Hill voting no.

The main motion, as amended, then became to approve the conditional rezoning of 1651 S. Front Street with the stipulation that the Marijuana Grower-Excess and the Designated Consumption Establishment classifications are struck from the list of allowable uses.

This amended main motion was then adopted by 5-2 by roll call vote, with Mayor Pro-Tem Hill and Commissioner Schloegel voting no.



## Rezoning

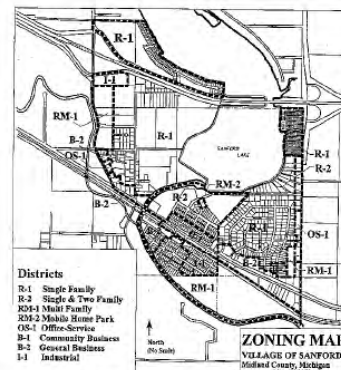
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *“Are the uses permitted in the existing zone reasonable?”*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

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## Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



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## Rezoning Factors to Consider

### RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

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## SPOT ZONING



### Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

### Result

- Typically ruled invalid if challenged in court.

23



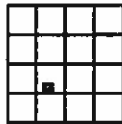
## SPOT ZONING CONSIDERATIONS

The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.

### SPOT ZONING

#### Characteristics

- \* **Small in Size**
- \* **Inconsistent Uses**
- \* **Special Benefit**
- \* **Contrary to Master Plan**



MSPO Basic Program: \_\_\_\_\_

### What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone

districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

### *Small in Size*

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely it will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

### *Inconsistent Uses*

The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

## Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

## Contrary to the Master Plan

The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.

### REZONING CASE STUDY



**Willis Township - Proposed Rezoning  
A-1 to C-2**

**Use proposed - Shopping Center**  
**Permitted in C-2, Special Use in C-1**  
**10-Year Master Plan - Residential**  
**No opposition**  
**Major arterial road**

**WHAT ARE THE APPROPRIATE  
FACTORS TO CONSIDER?**

MSPO Basic Program

### Rezoning Case Study

*Willis Township - Proposed Rezoning A-1 to C-2*

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the

C-2 District. A variance may also be required for a side yard setback.

### WILLIS TOWNSHIP Zone Districts

#### C-1 Neighborhood Commercial

##### Permitted Uses

1. Grocery stores
2. Drug stores

##### Special Land Uses

1. Shopping centers

#### C-2 Community Commercial

##### Permitted Uses

1. Automobile services
2. Shopping centers

##### Special Land Uses

1. Auto body shops

MSPO Basic Program

- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

**WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?**

RECEIVED

MAY 26 2021

Marquette City  
Community Development Office

City of Marquette

To Whom it may Concern,

I agree with the purchase and renovation of 1651 S. Front St. (old Pizza Hut) by the Tranquility Fields Group.

I understand that this proposed facility will have provisions for the consumption of marijuana for adults 21 years and older in accordance with the laws of the State of Michigan.

Name: Colleen Pascoe

Address: 102 E. Furnace

Date: 5-25-2021

Signature: Colleen Pascoe

RECEIVED  
MAY 26 2021


Marquette City  
Community Development Office

City of Marquette

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Name: JEREMIAH BAUMANN  
Address: 110 E. HOGAN AVE MQT MI  
Date: 5/25/21  
Signature: 

RECEIVED  
MAY 26 2021

Marquette City  
Community Development Office

City of Marquette

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Name: Adam Mowafy  
Address: 1703 S. Front Street  
Date: 5/25/21  
Signature: Adam Mowafy

RECEIVED  
MAY 26 2021

City of Marquette

Marquette City  
Community Development Office

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Name: Scott M. Chalst

Address: 111 E FURNACE

Date: 5/25/21

Signature: 



RECEIVED  
MAY 26 2021

Marquette City  
Community Development Office

City of Marquette

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Name: Jeff Michalski

Address: 111 E Furnace Marq. MI

Date: 5-25-21

Signature: Jeff Michalski

RECEIVED

MAY 26 2021

Marquette City  
Community Development Office

City of Marquette

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Name: Gregory Stelkopp  
Address: 1401 S. Front  
Date: May 26<sup>th</sup> 2021  
Signature: [Signature]

RECEIVED  
MAY 26 2021

City of Marquette

Marquette City  
Community Development Office

To Whom it may Concern,

I agree with the purchase and renovation of 1651 S. Front St. (old Pizza Hut) by the Tranquility Fields Group.

I understand that this proposed facility will have provisions for the consumption of marijuana for adults 21 years and older in accordance with the laws of the State of Michigan.

Name: DEAN KANANEN  
Address: 113 E. FURNACE  
Date: 5-26-21  
Signature: Dean Kananen

## Cannabis consumption request

Linda Byers-Blaksmith [REDACTED]

Thu 5/27/2021 1:58 PM

To: Andrea Landers <alanders@marquettemi.gov>

Dear Ms. Landers,

It has come to my attention that there is a request coming before your commission to have cannabis consumption at a proposed business. I am writing to ask that the zoning request that would make that possible be denied. My reasoning is quite simple. There is no way currently to measure for marijuana intoxication while driving and it would be very likely people would be driving to and from this business on Front Street.

Until there is an effective way to measure impaired driving for marijuana as there is for alcohol there should be NO public consumption allowed in our community. Please forward my email to any others and do not hesitate to contact me for further clarity.

Sincerely,

Linda Byers-Blaksmith  
2810 Granite Pointe Drive  
Marquette

## New Pot Store

Daniel Knight <[REDACTED]>

Mon 5/31/2021 4:13 PM

To: Andrea Landers <alanders@marquette.mi.gov>

Andrea Landers,

I am strongly opposed to the sale and consumption of drugs in my neighborhood. The building and parking lot is directly adjacent to my backyard as well as two of my neighbors' backyards. This is definitely not the appropriate location for this business. There are already two dispensaries just down the highway. There's absolutely no need for a 3rd similar business in our neighborhood. Surely, there is an alternative business that would better serve our small neighborhood.

Sincerely,  
Shirley Michelson  
106 E. Furnace Street  
Marquette, MI

Sent from my iPhone

RECEIVED  
JUN 01 2021

Marquette City  
Community Development Office

May 28, 2021

City of Marquette  
Attn: Andrea M. Landers, Zoning Official  
1100 Wright Street  
Marquette, MI 49855

Re: Rezoning of 1651 S. Front Street

Dear Ms. Landers and Planning Commission:

I am the owner of a single family residence located at 104 Furnace Street in the City of Marquette. I purchased this property in 1965, and it is currently occupied by my daughter and her family. My property is located in the Medium Density Residential Zoning District. The south boundary of my parcel abuts the north boundary of the parcel that is subject to a Rezoning Request from General Commercial with Conditional Rezoning (GC-CR) to General Commercial (GC). I am once again corresponding to oppose a rezoning of the 1651 S. Front Street parcel for several reasons.

The Zoning Enabling Act authorizes a property owner to voluntarily propose conditions for use of a specific parcel in exchange for rezoning of the land or an amendment to a zoning map. The intent of this statute is self evident, and is to afford some protection to adjoining property owners from drastic or extreme uses that would otherwise be allowed under a zoning change in the absence of any such conditions. Here, it is my general understanding that the landowner proposed to eliminate certain types of uses that would have been clearly incompatible with this parcel. Those conditions should not be removed. In fact, if the landowner is no longer willing to comply with the conditions that resulted in rezoning in the first instance, the remedy is to revoke the Conditional Rezoning and return the property to its original zoning district, which I understand was Mixed Use (MU).

I have spoken with the property owner and developer who indicates that he hopes to establish a marijuana consumption facility. Patrons would be permitted to consume marijuana on-site. This is a considerably higher use intensity than even marijuana retail sales, and is arguably the equivalent of a bar or tavern. When the landowner originally proposed conditions, a bar was one of the uses that was precluded under the limited conditions presented. In any event, rezoning from GC-CR to General Commercial will expand the potential for more invasive use of

the property immediately adjacent to residential parcels. The standards to be considered in proving or denying this rezoning request, weigh against moving this request forward. For example, "The capability of the street system to safely and efficiently accommodate the expected traffic generated" appears problematic. The sight distances, especially when making a left turn into or out of the property are marginal, at best, especially in the winter. Its single driveway is located on a hill, and a vehicle must cross multiple lanes of traffic to exit to the south or enter from the north. Traffic speeds through this area, especially during rush hour, almost always exceed the posted speed limit. This will be compounded by the fact that drivers leaving the premises will just have ingested marijuana, thereby impacting their reaction times and driving skills.

Potential Land Uses and Impacts must also be considered under the City of Marquette Land Development Code. If the conditions are withdrawn, even more intense uses than those eliminated by the conditions now in effect would potentially be permitted. Assuming, however, for sake of argument that the owners are being forthright in their intent to establish a marijuana consumption facility, this type of operation would also arguably attract a significant bicycle and pedestrian traffic. Other parcels in the GC District are served by sidewalks and/or bicycle paths. The sidewalks end and there is no readily available safe pedestrian or bicycle access to this parcel. Additionally, by its very nature, a consumption establishment will generate considerable smoke and odor. While air filtration systems can reduce the negative odors, it is doubtful that they can be completely eliminated. These factors are critical in determining the effects upon the neighboring families attempting to enjoy a meal at their picnic table in their backyards, or upon children playing in sandboxes.

The relationship to surrounding zoning districts is a separate factor to be considered, but at least in this case, overlaps with evaluation of Potential Land Uses and Impacts. This parcel appears to be approximately two-thirds of an acre. The building structure is located close to the northern boundary of the property. There is little or no effective means to place an additional buffer area between this parcel and the adjoining residential properties. Fencing and heavy vegetation can provide a visual barrier, but will be ineffective to prevent migration of unwelcome odors.

The adjoining residential parcels will also likely be impacted by extended business hours. Again, the nature of the business will likely draw customers at all hours of the night, similar to a bar or tavern, with closing hours well past midnight once COVID restrictions are lifted. This will necessarily result in added noise and extended hours of outdoor lighting that would not normally be necessary for a small office building, political office, or even most family restaurants.

The relevant factors weight against advancing this rezoning request. The proposed new use, as well as other uses that would become permissible, greatly exceed any prior use of this property when it was included within the Mixed Use (MU) zone and would be further expanded if changed from GC-CR to GC. It is doubtful that satisfactory conditions could be implemented even under a Special Use Permit, if the rezoning request is granted.

In summary, as an adjoining landowner, I strenuously oppose this application for rezoning.

Sincerely,



Jerome F. LaRue

Jerome LaRue  
Pete LaRue  
906.250-9934  
906.228-6456



**Rezoning of property-03-REZ-06-21-1651 S. Front St.**

Colleen Pascoe &lt;&gt;

Thu 5/27/2021 8:47 PM

To: Andrea Landers &lt;alanders@marquettetmi.gov&gt;

I noticed a typo in the first line with the address, it should read rezoning of the property at 1651 S. Front St. so sorry. Thank you for your time, Colleen Pascoe

**Rezoning of property-03-REZ-06-21-1651 S. Front St.**

Colleen Pascoe &lt;[REDACTED]&gt;

Thu 5/27/2021 2:28 PM

To: Andrea Landers &lt;alanders@marquettetmi.gov&gt;

On 5/25/2021 I was approached at my property(102 E. Furnace St.) by Mr. Doyle and asked to sign a statement agreeing with the rezoning of the property at 1615 S. Front St. I felt intimidated and signed the agreement. I called Mr. Doyle the next day and informed him I had spoke with my 92 year old father who also resides at and is partial owner of our property at 102 E. Furnace St., I informed Mr. Doyle that my father is against the proposal therefore I was withdrawing my consent. Mr. Doyle stopped at my residence again and had me sign another form withdrawing my consent saying he had already mailed in my prior consent and that he would mail in my withdrawal. This residence has been in our family for approximately 70 years, we have several concerns with any business being located at 1651 S. Front St., there are 10 driveways and street crossings on a very busy highway with limited sight for entering and leaving in this approx. 3 block area. There have been several accidents in this area over the years including a family member being rear ended when pulling into my property. Foot traffic through our yard and the loss of privacy is the norm when this property is open for business. Several neighbors have medical issues which would be a detriment to their health, my father and I included. I ask that you please consider my concerns and I ask you to also consider "would you want this business next door to your family". Thank you, James Fitzpatrick and Colleen Pascoe

**Attached Visual of Traffic Congestion  
received June 1, 2021**

Not to Scale

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JUN 01 2021

Marquette City  
Community Development Office

50 mph

45 mph

house

house

Union  
Grill

Lot line

Garage

House

Furnace St.

House

house

Alley

Signs  
unlimited

5 Lane US 41  
w/ turning lane

Ember

Furnace St

Post

Pump

Hampton St

N

Limited  
Sight  
Exiting  
East side

W

E

RECEIVED

MAY 27 2021

Marquette City  
Community Development Office

WITHDRAWN

City of Marquette

To Whom it may Concern,

I agree with the purchase and renovation of 1651 S. Front St. (old Pizza Hut) by the Tranquility Fields Group.

I understand that this proposed facility will have provisions for the consumption of marijuana for adults 21 years and older in accordance with the laws of the State of Michigan.

Name: Colleen Pascoe

Address: 102 E. Furnace

Date: 5-26-2021

Signature: Colleen Pascoe

5-27-21

To Whom It May Concern,

My name is Carrie Roy and I reside at 104 East Furnace Street in Marquette. I have resided here with my family for the past 26 years.

Recently I received notification that the property located directly behind me is requesting to be rezoned. This property is currently zoned General Commercial with Conditional Rezoning (GC CR) and wants to be zoned General Commercial.

The reason for the rezoning appears to be so the property can be afforded all the rights and privileges of a Marijuana Retailer, Marijuana Grower (Class A, Class B, C and Excess) Marijuana Processor, Light Manufacturing, Marijuana Microbusiness and a Marijuana Designated Consumption Establishment.

As I stated last year during the original hearing, I am opposed to this rezoning for a variety of reasons. Most importantly, I am concerned at how this type of rezoning and business would affect the health and wellbeing of the individuals surrounding it. Being within 300 feet of this location, my major concerns are: air quality, traffic issues, and pedestrian trespassing.

My family and I enjoy spending time in our yard and having our windows open. The neighbors on each side of my home currently have health conditions that affect their breathing. I am unsure how this type of business would affect my neighbors, my family and myself from a health standpoint.

Previously, this property was a restaurant and a market. When the restaurant was open, we did have increased foot traffic. In some instances, individuals would use the residential properties to access the business. With a busy Marijuana Manufacturing/Consumption business, we may see a lot more foot traffic. With this area not having a sidewalk along the highway, trespassing could become an issue.

It seems obvious that automotive traffic would also increase if the proposed business were to go into this location. Over the years, we have witnessed several accidents in the South Front Street/Shiras Hill area. With an increase of vehicles pulling in and out, limited visibility, and possibility of a driver under the influence, this rezoning and type of business seems to be a legitimate concern.

With other businesses located in this vicinity, at times, traffic can get quite busy. (Especially in the turning lane) There are many large vehicles and semi's that pass through this area daily. These vehicles often turn into the businesses on west Furnace Street and both east and west Hampton Street. I was wondering if there has been a traffic study to see how an increase in traffic would affect the businesses and homes already there?

With the business in question being a place of consumption, "driver safety" seems like a big concern. Below is what the Secretary of State, has published in their pamphlet, "What Every Driver Should Know".

"Marijuana is gaining acceptance as having legitimate medicinal applications and as a recreational drug, as evidenced by trends in state laws permitting its use. Although marijuana may be legal for medicinal or recreational use in some states, **it is still not legal, safe or wise to operate a motor vehicle while impaired by marijuana since it tends to distort your perception of time, space and speed.**"

I strongly feel there are more suitable locations for this type of business. The individuals who I have spoken with (whether for or against this type of business) all agreed on one fact, none of them would want this in their backyard either. I ask that you please consider the valid concerns of those residing in this area.

Thank you for your time,  
Carrie Roy

RECEIVED

JUN 01 2021

City Development Office

W. and A. Sramek  
1 Marquette Drive  
Marquette, MI 49855  
May 27, 2021

RECEIVED  
MAY 27 2021

Marquette City  
Community Development Office

Planning Commission  
Marquette, MI

RE: 03-REZ-06-21

Dear Planning Commission:

We are writing regarding the request to rezone the property at 1651 S. Front Street, Marquette, MI. It is our understanding that the building is to be used for the consumption of marijuana. We are concerned that the location of the building in regards to the traffic pattern with an impaired driver and the legality of driving under the influence of a controlled substance. This building is located south of downtown and on a stretch of highway without a sidewalk. Coming from the south there is a curve on a downhill with the speed limit of 50 MPH where we frequently observe cars traveling in excess of the speed limit. The entrance/exit to the property has poor visibility to the south. Without safe access for pedestrians to walk to the location we are concerned that the only way to access the building will be to drive.

MCL 333.27954.1(a) does not authorize operating, navigating, or being in physical control of any motor vehicle while under the influence of marijuana. MCL 257.625(1) states that a person shall not operate a vehicle while intoxicated which means any person under the influence of a controlled substance or other intoxicating substance and according to MCL 257.625(8) this includes any amount of a controlled substance listed in section 1 under section 7212 of the public health code, which includes THC.

According to a study by Dr. Marilyn Huestis and Rebecca Hartman published in March, 2013 in Clinical Chemistry (PMID: 23220273) titled "Cannabis Effects on Driving Skills" recent smoking and/or blood THC concentrations 2-5 ng/mL are associated with substantial driving impairment. Within 30 minutes after smoking THC concentrations drop 80% in the blood to a level of 15-16 ng/mL and after 90 minutes drop to 2-3 ng/mL which is a concentration still associated with significant impairment. Skills necessary for safe driving including reaction times, divided-attention tasks, lane-position variability and critical-tracking tests have been shown to be impaired after use of THC. This includes impairment even for those who regularly use cannabis. Other effects of marijuana include sedation and disorientation.