



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:** March 23, 2022  
**SUBJECT:** **01-REZ-04-22 – 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave PIN: 0512453 and 0512454**

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The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the properties located at 1433 Wright St., 1435 Wright St., 1621 Center St., 1505 Fair Ave., 1398 West Ave., 1396 West Ave., 1600 W. Fair Ave., McClellan Ave PIN: 0512453 and 0512454, which are zoned **Municipal (M)** to be zoned **Conservation & Recreation (CR)**.

At the February 14, 2022, City Commission meeting, the Commission made a motion to “Direct the City Manager or her designee to file rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation”.

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 would be in harmony with considerations required by the Community Master Plan and that the request is in accordance with Section 54.1405 of the Land Development Code - 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 01-REZ-04-22, 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) 01-REZ-04-22 (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

- Case #:** 01-REZ-04-22
- Date:** March 30, 2022
- Project/Application:** Rezoning request from **Municipal (M)** to be zoned **Conservation and Recreation (CR)**.
- Location and Parcel ID:** 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave for PIN:0512453 and 0512454
- Available Utilities:** Natural Gas, Electricity, and Garbage Collection. City Installed Municipal infrastructure to include water & sewer mains and laterals to future lots.
- Year Built:** These parcels are vacant land.
- Current Zoning:** M- Municipal
- Surrounding Zoning:** North: MDR – Medium Density Residential & M-U – Mixed-Use  
 South: MDR – Medium Density Residential & M-U – Mixed-Use  
 East: CR – Conservation and Recreation, MDR – Medium Density Residential, & M-U – Mixed-Use  
 West: MDR – Medium Density Residential

**Zoning Districts and Standards:**

**Current Zoning**

**Section 54.315 M, Municipal District**

(A) Intent
The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Cemetery</li> <li>• Farmers’ Markets</li> <li>• Food Production, Minor</li> <li>• Indoor Recreation</li> <li>• Office, Professional</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Non-<u>Single Family</u> Residential Lots</li> <li>• Port Facilities and Docks</li> <li>• Recycling Collection and Transfer Stations</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> </ul>



## Proposed Zoning

### Section 54.318 CR, Conservation and Recreation District

(A) Intent
<p>The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.</p>

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li>• Accessory Building or Structure</li> <li>• Agriculture-Like Operation, including Forestry</li> <li>• Food Production, Minor</li> <li>• Outdoor Recreation</li> <li>• Public or Governmental Building</li> <li>• Recreational Use, Public</li> <li>• Storage, Open</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Use, Non-<u>Single Family</u> Residential Lots</li> <li>• Natural Resource Extraction Operations</li> <li>• Outdoor Entertainment and Community Events (Principal or Accessory Use)</li> <li>• Port Facilities and Docks</li> <li>• Recreational Use, Land Intensive</li> <li>• Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.</li> <li>• Wireless Telecommunications Facilities</li> </ul>
<p>Where there is a discrepancy between <a href="#">Section 54.306</a> and this table, <a href="#">Section 54.306</a> shall prevail.</p>	

(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>	15
<i>Min. Lot Width (ft.)</i>	None	<i>Side Yard (one) (ft.)</i>	50
<i>Max. Impervious Surface Coverage (%)</i>	<a href="#">(R)</a>	<i>Side Yard (total of 2) (ft.)</i>	100
<i>Max. Building Height of Primary Building (ft.)</i> <a href="#">(O)</a>	36.5	<i>Rear Yard (ft.)</i>	20 <a href="#">(P)</a>
<i>Max. Building Height of Accessory Building</i>	18		
<i>Max. Building Height (stories)</i>	-		
<p>Where there is a discrepancy between <a href="#">Article 4</a> and this table, <a href="#">Article 4</a> shall prevail.</p>			

#### 54.403 Footnotes to Schedule of Regulations

- (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.
- (P) Increased Rear Yard Setbacks for Lots in the CR District.** Lots in the CR district must have a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.
- (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.

- (1) 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.

- (2) 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
C, M, and CR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**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.

**The application was submitted by the City Manager upon direction from the City Commission on Feb. 14, 2022 in a scheduled meeting.**

- (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.

**The application was submitted, found complete, and 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, April 12, 2022.**

- (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.

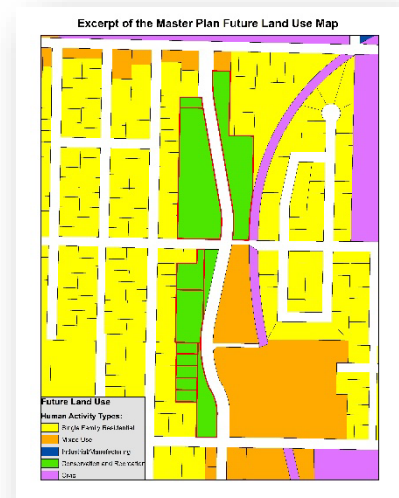
**The Planning Commission is being asked to make a recommendation at their meeting on April 12, 2022.**

- (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.



**These properties are designated for *Conservation and Recreation* on the *Future Land Use Map* of the *Community Master Plan (CMP)* and are designated as *Municipal* 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. See p.3-7 of the CMP for description of the designation for Conservation-Recreation as a land use category.**

**Please see pp.3-30, 3-31, 3-32 of the Community Master Plan (CMP), specifically the section titled “Using the Master Plan for Zoning Ordinance Amendment Review” and Figure 3-5 “Decision Tree for Planning Commission Review of a Proposed Rezoning.” The Planning Commission must review these portions of the CMP and all other 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 McClellan Ave is classified as “Urban Minor Arterial” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are high. This portion of Fair Ave is classified as “Urban Major Collector” per the Community Master Plan, therefore vehicular traffic volumes are moderate. This portion of Center Street is classified as “Urban Local Street” per the Community Master Plan, therefore vehicular traffic volumes are low.**

- (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.

**There was no error in the Zoning Ordinance.**

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

**The proposal will 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 proposed rezoning would be compatible with surrounding uses and zoning.**

- (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.

**Per the application the total square footage of all of these parcels is approximately 570,273 S.F.**

- (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.

**Most of the City-owned parcels are either zoned Municipal or Conservation and Recreation.**

- (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.

**The existing Municipal Zoning District allows for public recreational use so amending the list of permitted uses would not need to be done, unless Land Intensive Recreational Use is the specific use that is wanted for the future, then this would have to be added if remained Municipal.**

- (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.

**Per the application the total square footage of all of these parcels is approximately 570,273 S.F.**

- (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:

- (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, hold a public hearing, and provide a recommendation to the City Commission.

The City Commission recently expressed commitment to updating the Community Master Plan (CMP). As an alternative to recommending rezoning to Conservation-Recreation at this time, the Planning Commission might consider gathering public opinions regarding rezoning these properties and any other City-owned property as part of the land use and zoning work that must go into the CMP-update project. Municipal zoning offers much more flexibility than Conservation-Recreation, and perhaps even a small portion of the overall acreage considered by this proposal should be held as Municipal to serve other community needs aside from open space.

### **City Commission:**

At the February 14, 2022, City Commission meeting, under New Business item, Disposition of 1435 Wright Street (North McClellan Avenue Property):

Commissioner Jess Hanley moved to Direct the City Manager or her designee to file rezoning application for 1435 Wright Street to change the zoning from Municipal to

Conservation/Recreation, seconded by Commissioner Evan Bonsall.

Following discussion, Commissioner Davis moved to amend the motion on the floor to direct the rezoning application be filed for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street. This motion was seconded by Mayor Pro Tem Mayer and carried unanimously.

The Commission then voted on the main motion: to Direct the City Manager or her designee to file rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation. This motion carried unanimously.

**Attachments:**

1. Rezoning Application
2. Area Map
3. Block Maps Part 1 and 2
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 parcels
8. Publication Notice
9. *Rezoning Information for Planning Commissions* document
10. *Spot Zoning Considerations*

**CITY OF MARQUETTE  
REZONING APPLICATION**



0512431

<b>FEE \$550</b>	0511880, 0511840 0512390, 0512454 0512453, 0970041	<b>CITY STAFF USE</b>	
Parcel ID#:	0970021, 0970021	File #:	01-REZ-04-22
Hearing Date:	4-12-22	Application Deadline (including all support material):	3-15-22
Receipt #:		Check #:	
		Received by and date:	N/A City

**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:

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

Please review the attached excerpt from the Land Development Code.

**APPLICANT CONTACT INFORMATION**

PROPERTY OWNER	APPLICANT/OWNERS REPRESENTATIVE
Name: <u>City of Marquette</u>	Name: <u>Sean Hobbins</u>
Address: <u>300 W Baraga Ave</u>	Address: <u>300 W Baraga Ave</u>
City, State, Zip: <u>Marquette, MI 49855</u>	City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>9062258104</u>	Phone #: <u>9062258104</u>
Email: <u>shobbins@marquettemi.gov</u>	Email: <u>shobbins@marquettemi.gov</u>
<b>**APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING**</b>	<b>**APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING**</b>

**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.

PROPERTY INFORMATION

Property Address: See Atch. Property Identification Number: See Atch.

Size of property (frontage / depth / sq. ft. or acres): 570273.4256 ft sq (combined)

Surrounding Zoning Districts: North MDR/MU East MDR/MU South MDR/MU West MDR

Legal Description: See Atch.

PROPOSAL

Current Zoning District: M

Proposed Zoning District: CR

Please note: If proposing a Rezoning with Conditions, please attach a separate sheet(s) with your proposed Conditional Rezoning Agreement that meets the Land Development Code Section 54.1405(H)(1).

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 and recommended sections 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 and City Commission members to inspect the site.

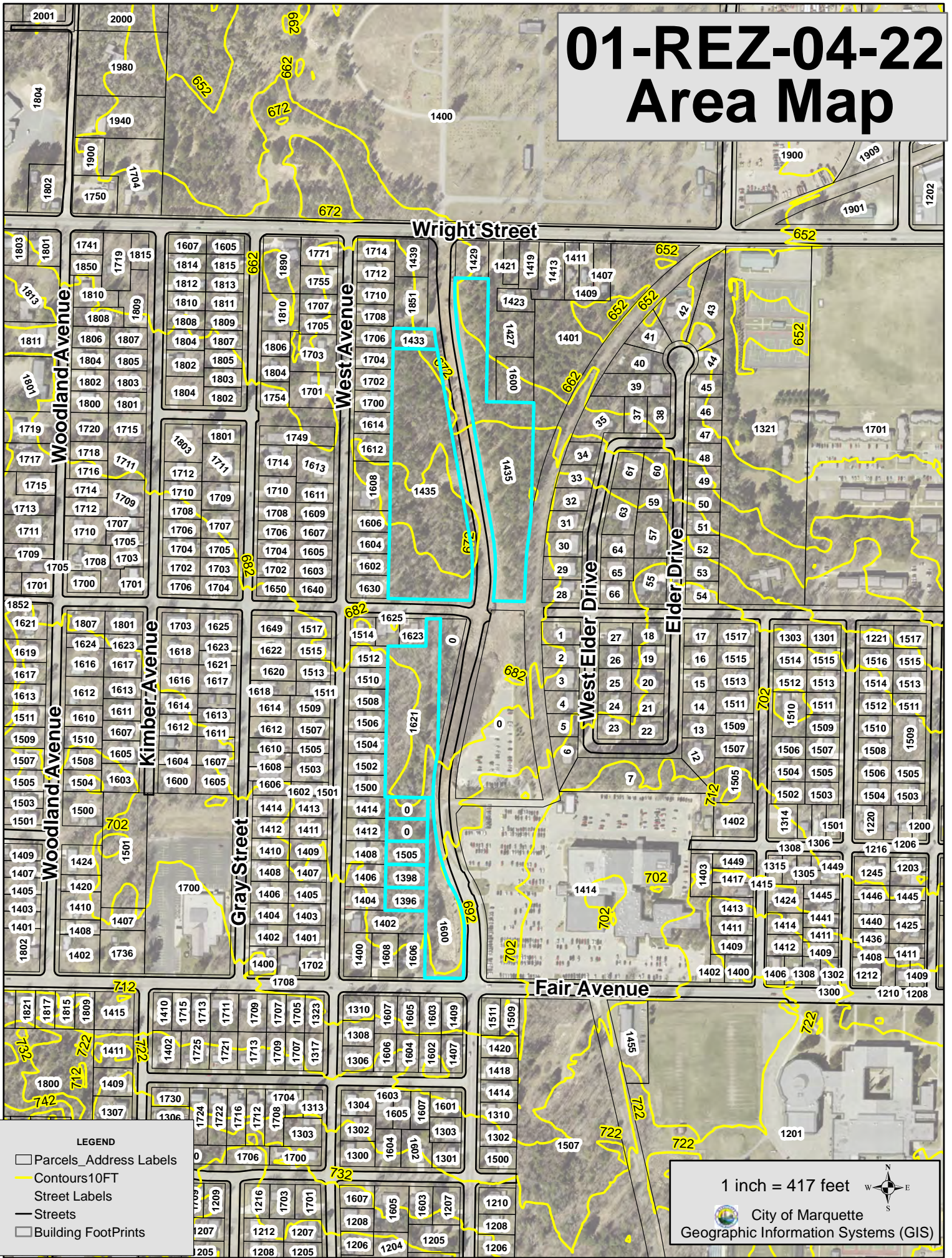
Property Owner Signature:  Date: 03/04/22

**Attachment to Rezoning Application  
for Property Address, Property identification Number (PIN), and Legal Description**

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- **Property Address: 1433 Wright St, PIN: 0511880**
  - **Legal Description:** A PAR. OF LAND LOC. IN THE N.W. 1/4 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, COMM. AT THE N.E. COR. OF SAID N.E. 1/4. TH. S. 33'; TH. W. 363'; TH. S. 312' TO THE P.O.B. TH. S. 84'; TH. W. 132'; TH. N. 84'; TH. E. 132' TO THE P.O.B. (CONT. 11,088 SQ. FT. / .2545 AC.)
- **Property Address: 1435 Wright St, PIN: 0511840**
  - **Legal Description:** A PAR. OF LAND LOC. IN THE N.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, COMM. AT A PT. 33' S. AND 295.52' E. OF THE N.W. COR. OF THE N.E. 1/4 OF THE N.W. 1/4; TH. S. 396'; TH. W. 132'; TH. S. 856.34' TO THE N. R.O.W. LINE OF CENTER ST.; TH. E. 495'; TO THE W. R.O.W. OF THE CITY BIKE PATH; TH. N. 692.34'; TH. W. 165'; TH. N. 428'; TH. W. 132'; TH. N. 132'; TH. W. 66' TO THE P.O.B. EXC MCCLELLAN AVE EXTENSION & CENTER ST EXTENSION. (8.12 A M/L)
- **Property Address: 1621 Center St, PIN: 0512390**
  - **Legal Description:** A PAR. OF LAND LOC. IN THE S.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, DESC. AS COMM. AT THE N.W. COR OF SEC. 15. TH. S. 89 DEG. 19' 0" E. 1315' ; TH. S. 0 DEG. 34' 59" W. 1318'; TH. S. 43 DEG. 47' 14" E. 46.42'; TH. S. 89 DEG. 05' 18" E. 263.99' TO THE P.O.B. TH. S. 0 DEG. 31' 12" W. 96.57'; TH. S. 89 DEG. 55' 28" W. 132' ; TH. S. 0 DEG. 31' 12" W. 525' ; TH. S. 89 DEG. 52' 32" E. 181.01'; TH. N. 0 DEG. 31' 09" E. 620.90'; TH. N. 89 DEG. 05' 18" W. 49' TO THE P.O.B. (CONT. 99762.18 SQ. FT. / 2.290 AC.)
- **Property Address: McClellan Ave, PIN: 0512454**
  - **Legal Description:** SEC 15 T48N R25W .241 A M/L PRT OF SE 1/4 OF NW 1/4 COM AT SW COR, TH N00DEG14'20"E 584.15', TH S89DEG54'E 173' TO POB; TH N00DEG14'20"E 75'; TH S89DEG54' E 140'; TH S00DEG14'20"W 75'; TH N89DEG54"W 140' TO POB (CONT. 10,500 SF)
- **Property Address: McClellan Ave, PIN: 0512453**
  - **Legal Description:** SEC 15 T48N R25W .255 A M/L PRT OF SE 1/4 OF THE NW 1/4 OF SD SEC COMM AT THE SW COR OF SE 1/4 OF NW 1/4, TH N0DEG14'20"E 505', TH S89DEG54'E 173' TO POB; TH N0DEG14'20"E 79.15'; TH S89DEG54'E 140.5'; TH S0DEG14'20"W 79.15'; TH N89DEG54"W 140.5' TO POB (CONT. 11,120.575 SF)
- **Property Address: 1505 W. Fair Ave, PIN: 0970041**
  - **Legal Description:** KAMMEN SUBDIVISION #2 THE E 1/2 OF LOT 11
- **Property Address: 1398 West Ave, PIN: 0970031**
  - **Legal Description:** KAMMEN'S ADD. #2 THE E. 1/2 OF LOT-10
- **Property Address: 1396 West Ave, PIN: 0970021**
  - **Legal Description:** KAMMEN'S ADD. #2 THE E. 1/2 OF LOT-9
- **Property Address: 1600 W. Fair Ave, PIN: 0512431**
  - **Legal Description:** A PAR. OF LAND LOC. IN THE S.W. 1/4 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, DESC. AS COMM. AT THE INT. OF THE N. R.O.W. LINE OF FAIR AVE. & THE S.E. COR. OF LOT-1 OF KAMMEN SUBD., TH. N. 448.09'; TH. S.E.'LY ON THE W. R.O.W. LINE OF MCCLELLAN AVE. EXT. TO THE N. R.O.W. LINE OF FAIR AVE.; TH. W. 137.80' TO THE P.O.B. (CONT. 47,000 SQ. FT. / 1.08 AC.)

# 01-REZ-04-22 Area Map



**LEGEND**

- Parcels\_Address Labels
- Contours10FT
- Street Labels
- Streets
- ▭ Building FootPrints

1 inch = 417 feet

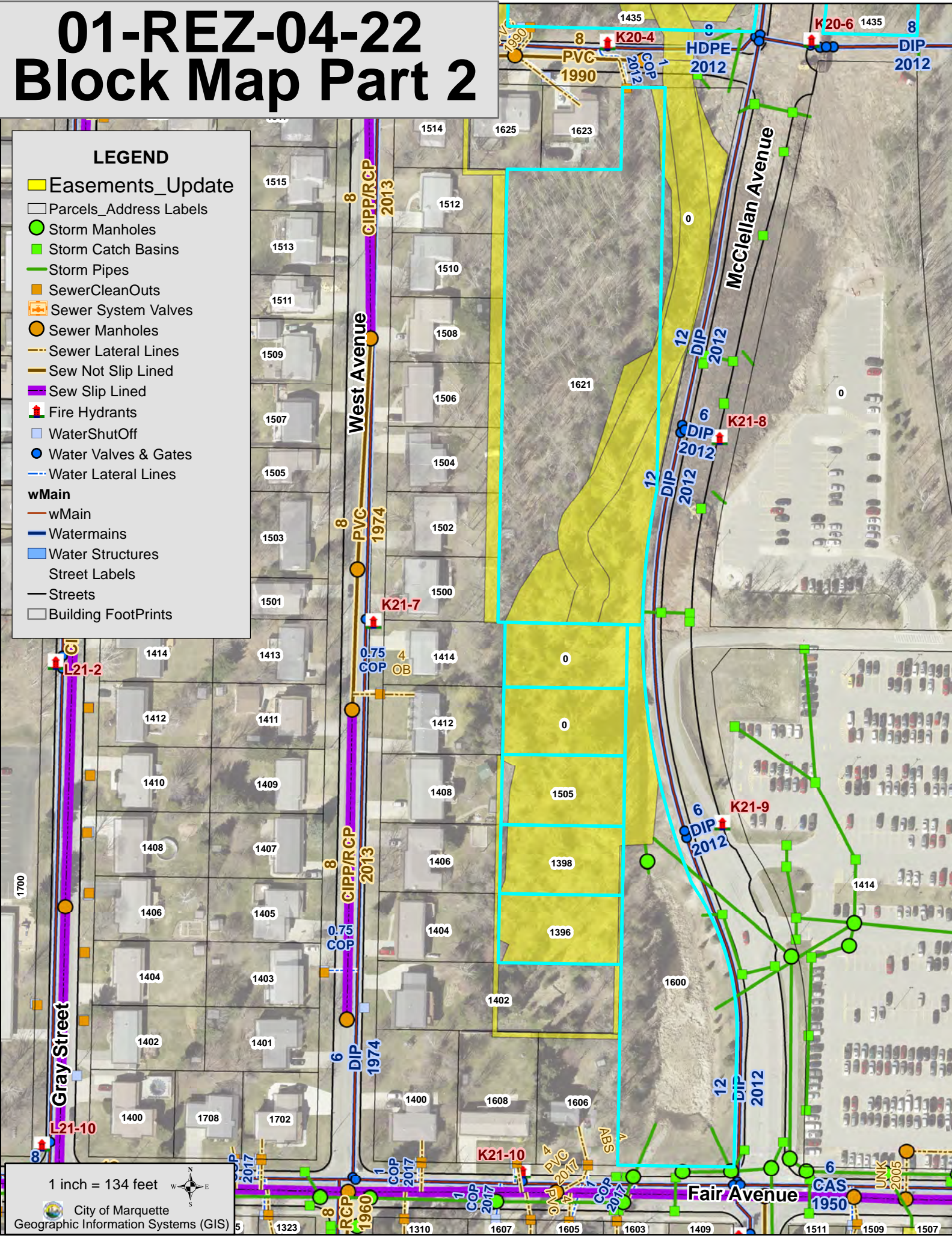
City of Marquette  
Geographic Information Systems (GIS)



# 01-REZ-04-22 Block Map Part 2

## LEGEND

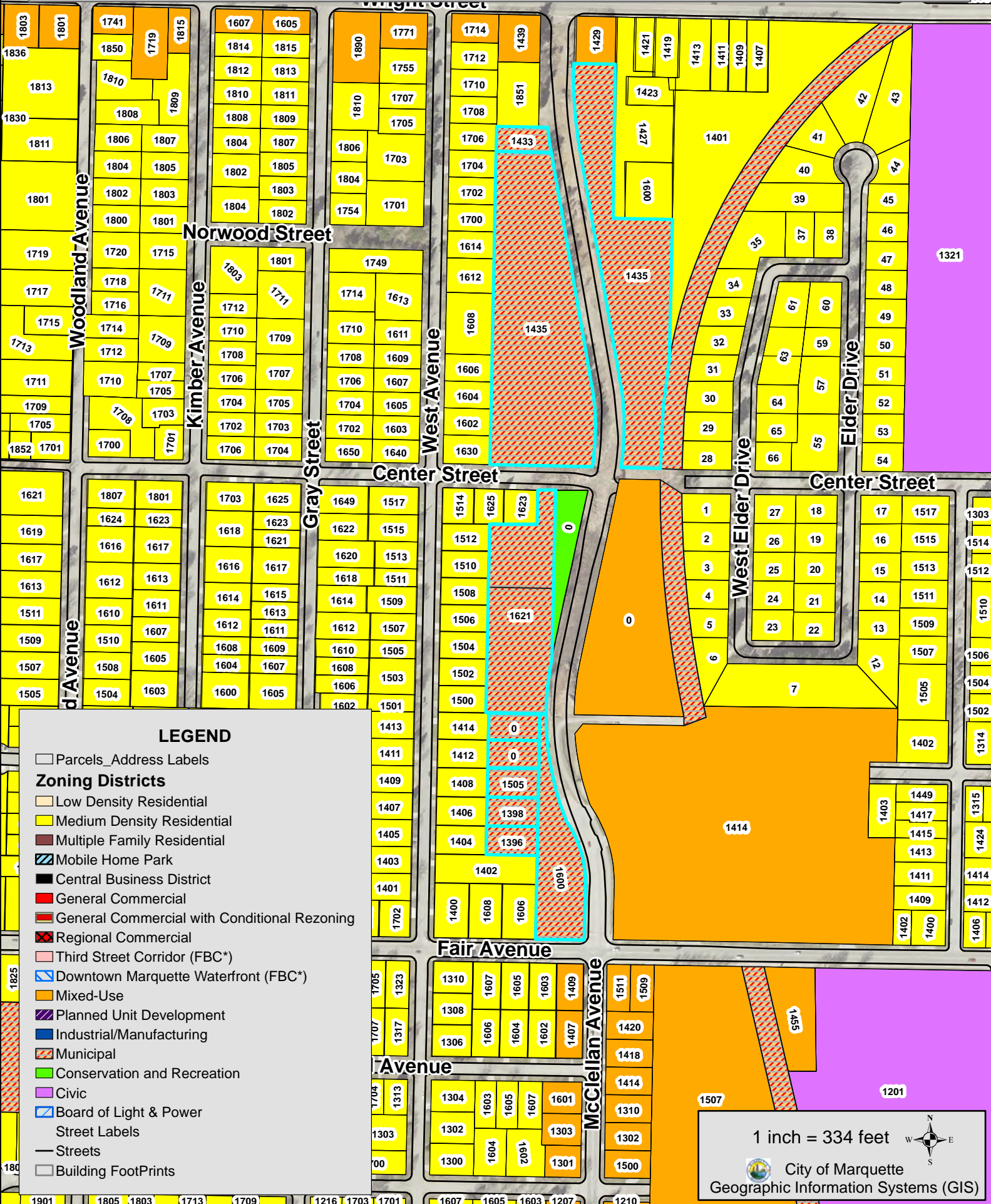
- Easements\_Update
- Parcels\_Address Labels
- Storm Manholes
- Storm Catch Basins
- Storm Pipes
- Sewer CleanOuts
- Sewer System Valves
- Sewer Manholes
- Sewer Lateral Lines
- Sew Not Slip Lined
- Sew Slip Lined
- Fire Hydrants
- Water ShutOff
- Water Valves & Gates
- Water Lateral Lines
- wMain**
- wMain
- Watermains
- Water Structures
- Street Labels
- Streets
- Building FootPrints



1 inch = 134 feet



# 01-REZ-04-22 Zoning Area Map



## LEGEND

- Parcels\_Address Labels
- Zoning Districts**
- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business District
- General Commercial
- General Commercial with Conditional Rezoning
- 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
- Street Labels
- Streets
- Building FootPrints

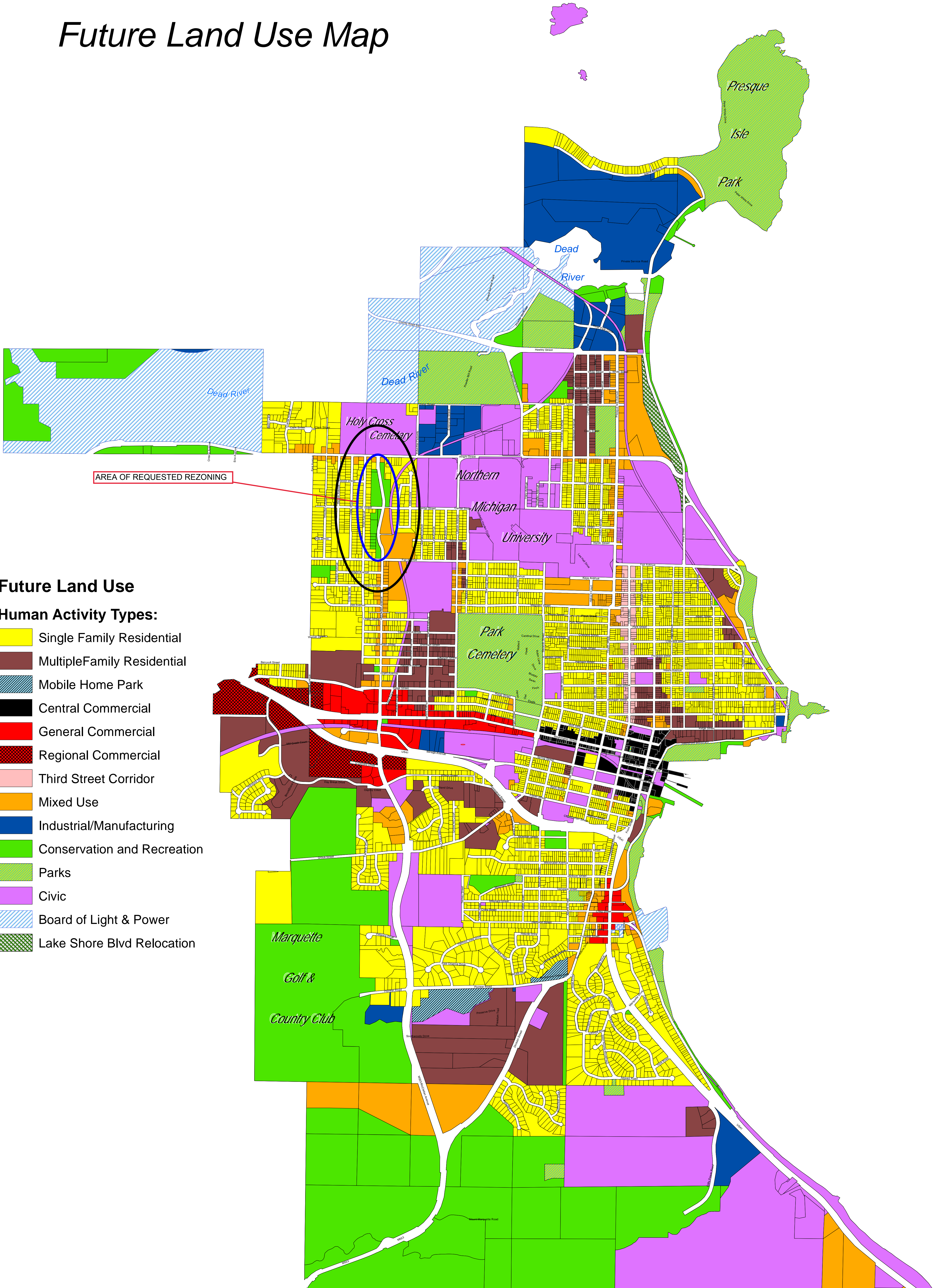
1 inch = 334 feet



City of Marquette  
Geographic Information Systems (GIS)

MARQUETTE COMMUNITY MASTER PLAN

*Future Land Use Map*

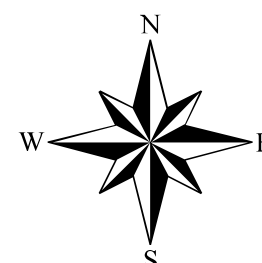


**Future Land Use**

**Human Activity Types:**

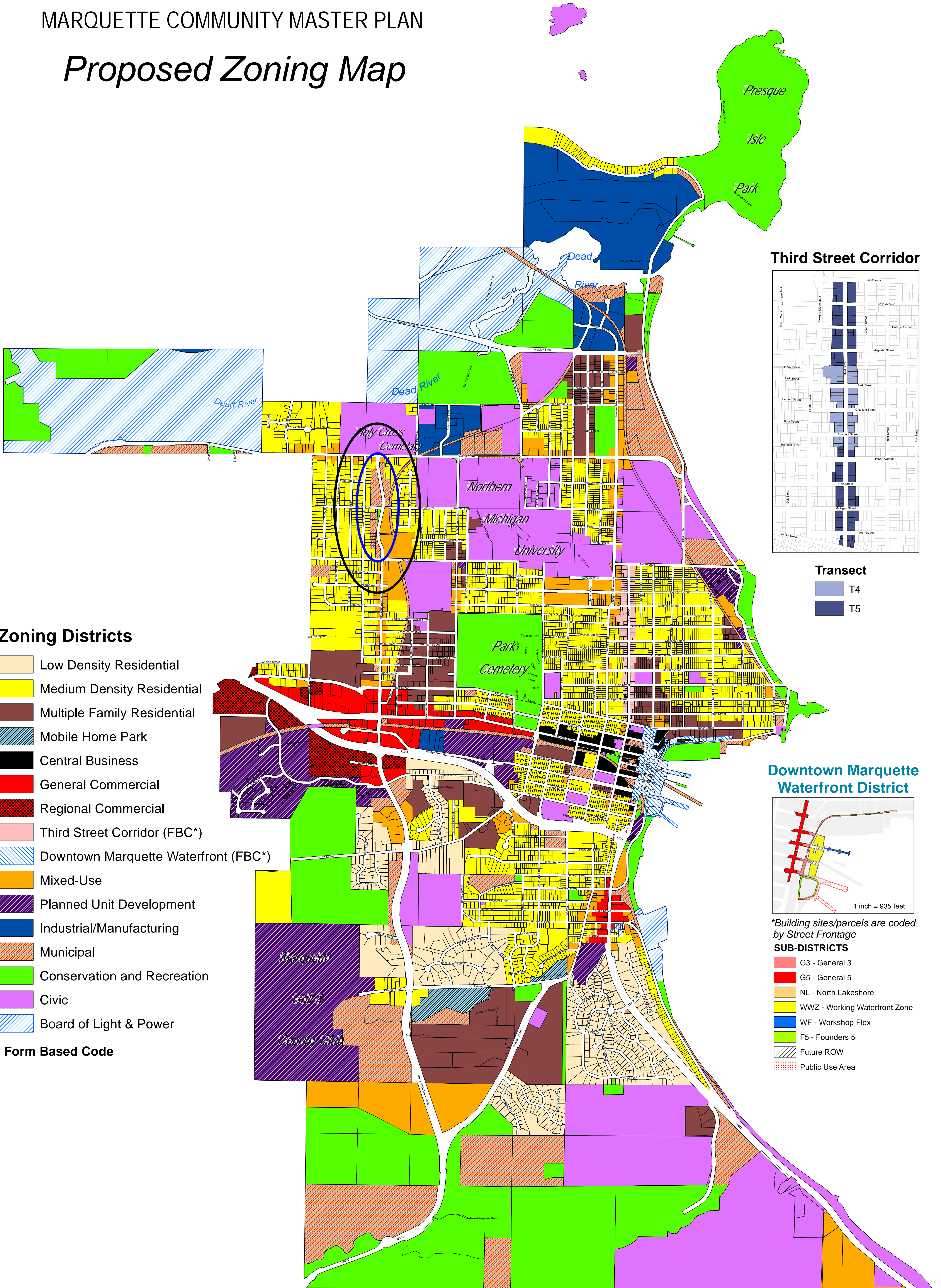
- Single Family Residential
- Multiple Family Residential
- Mobile Home Park
- Central Commercial
- General Commercial
- Regional Commercial
- Third Street Corridor
- Mixed Use
- Industrial/Manufacturing
- Conservation and Recreation
- Parks
- Civic
- Board of Light & Power
- Lake Shore Blvd Relocation

0 0.25 0.5 1 Miles



# MARQUETTE COMMUNITY MASTER PLAN

## Proposed Zoning Map

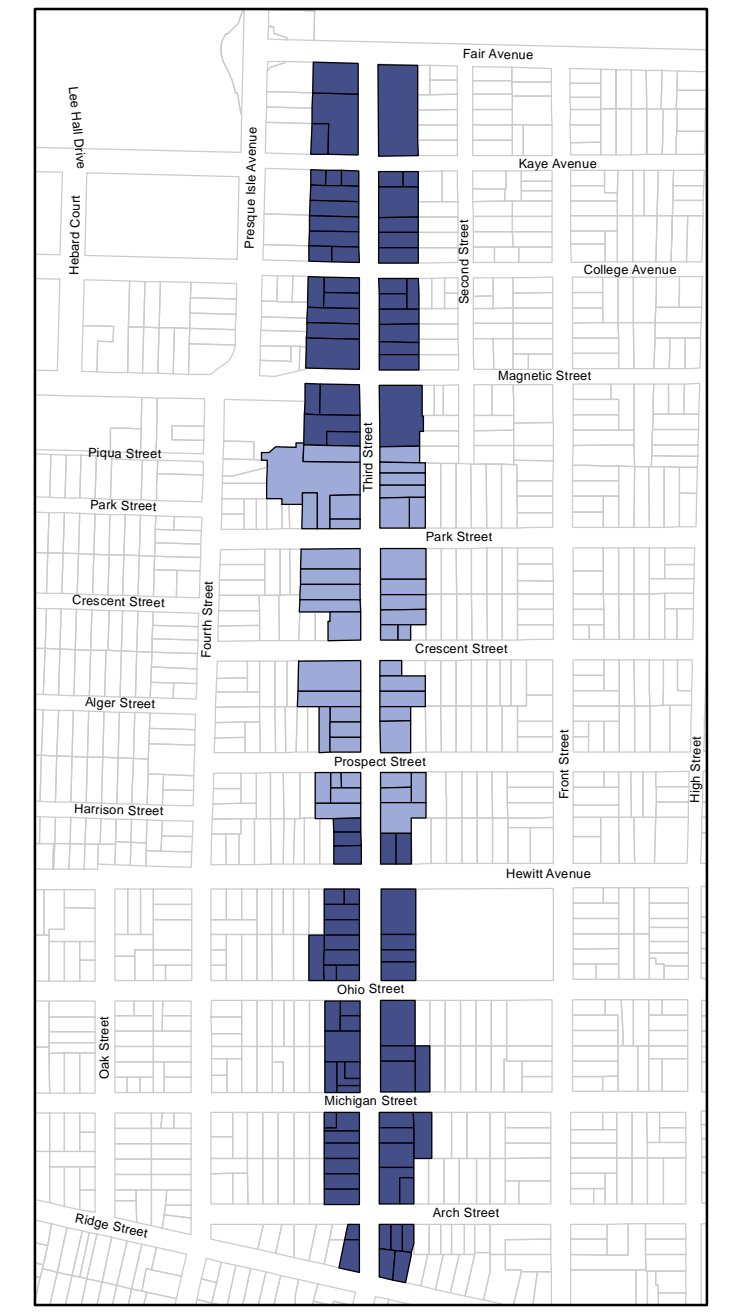


### Zoning Districts

- 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



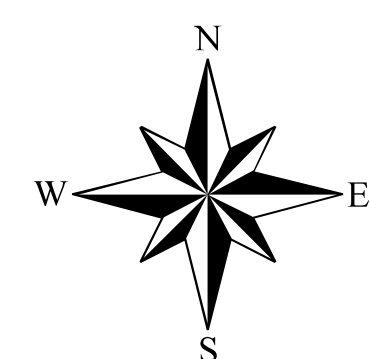
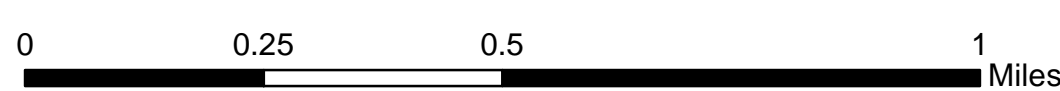
- Transect**
- T4
  - T5

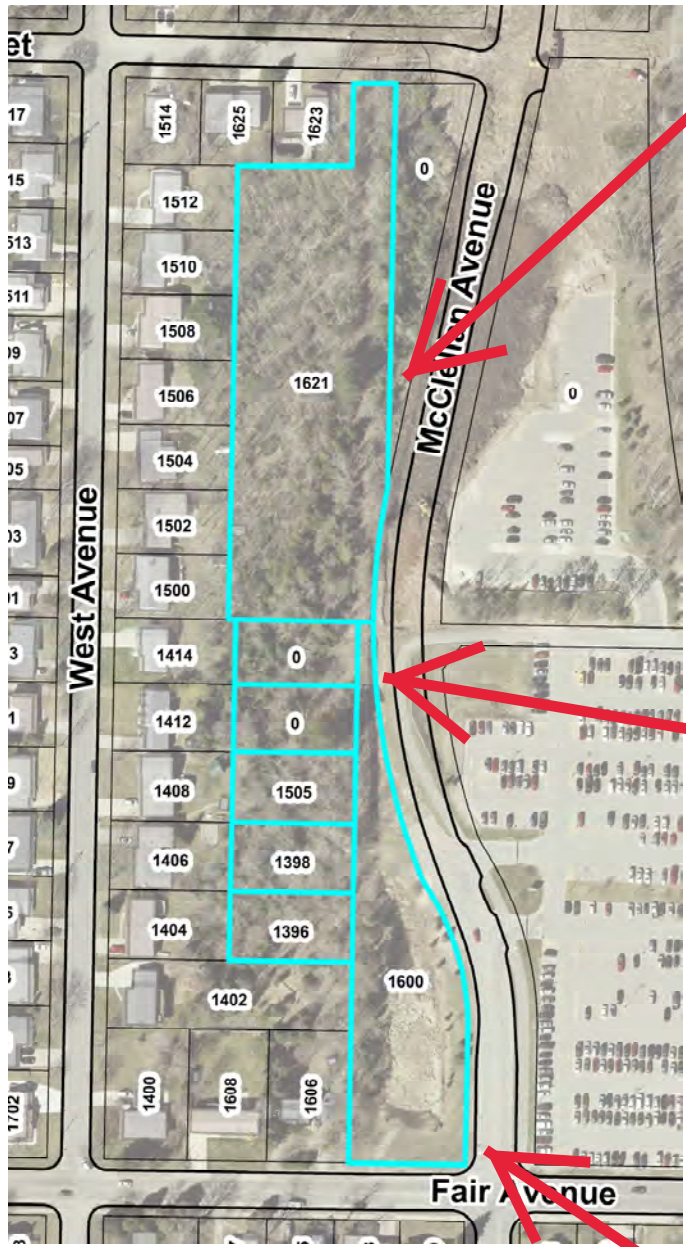
### Downtown Marquette Waterfront District

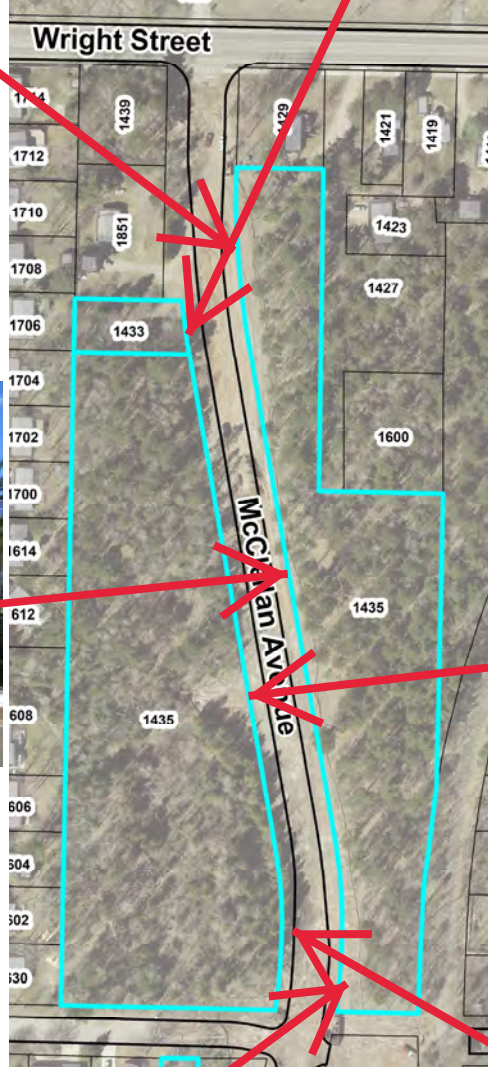


\*Building sites/parcels are coded by Street Frontage

- 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







# Good advice

## PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following:

**01-REZ-04-22:** The City of Marquette is requesting to rezone the properties located at 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431), and McClellan Ave PIN: 0512453 and 0512454, which are zoned Municipal (M) to be zoned Conservation & Recreation (CR).

**01-Z0A-04-22: AN ORDINANCE TO AMEND OR ADD SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:**

TABLE OF CONTENTS; TABLE OF FIGURES; ARTICLE 2 – DEFINITIONS: SEC. 54.202; ARTICLE 3 – ZONING DISTRICTS AND MAP: SECS. 54.306, 54.307, 54.308, 54.309, 54.310, 54.311, 54.312, 54.313, 54.314, 54.315, 54.316, 54.317, 54.318, 54.319, 54.321, AND 54.322; ARTICLE 4 – SCHEDULE AND REGULATIONS: SECS. 54.402 and 54.403; ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS: SEC 54.503; ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES: SECS. 54.603, 54.604, 54.611, 54.612, 54.635, 54.636, 54.637, 54.638, 54.639, 54.640, 54.641, 54.642, 54.643, 54.644, 54.645, 54.646, 54.647; ARTICLE 7 – GENERAL PROVISIONS: SECS. 54.702, 54.705, AND 54.706; ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT: SEC. 54.901, 54.902, 54.903, 54.905; ARTICLE 11 – SIGNS: SECS. 54.1103, 54.1107, 54.1109; ARTICLE 14 – ADMINISTRATIVE PROCEDURES: SECS. 54.1402 AND 54.1403.

**01-MPU-04-22:** An amendment to the Community Master Plan for a new appendix to add the Final Report of the Ad-Hoc Housing Committee and update to the Table of Contents.

The public hearing for these requests will be at 6:00 P.M. on Tuesday, April 12, 2022, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on these matters you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). Written submissions will be accepted until 12:00 p.m. on April 12, 2022.

Materials pertaining to the requests are available for review 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. Otherwise, you can request to have the materials e-mailed to you by e-mailing [alanders@marquettemi.gov](mailto:alanders@marquettemi.gov). You can also view the the amended Master Plan on our website at [www.marquettemi.gov](http://www.marquettemi.gov), and go to the Planning Page. 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

## CITY OF ISHPEMING

### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Ishpeming City Council on Wednesday, April 6, 2022 at 6:00 p. m. in the Council Chambers at Ishpeming City Hall, 100 E. Division Street, to consider oral or written comments regarding the proposed sale of the following described public property in the City of Ishpeming:

The parcel is located on Lot 28 as set forth on the Plat entitled "Assessor's Plat of the Frenchtown Location" as recorded in the Marquette County Register of Deeds Office, Liber 12 of Plats on pages 256A/B and 257A/B also known as the "Frenchtown Pumphouse".

Written comments may be submitted to the City Manager's office at 100 E. Division Street prior to the meeting. Questions may be directed to the City Manager's office at the above address or 906/485-1091, Ext. 203.

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\* Annual Percentage Yield (APY) effective 03/18/2022. CDs offered by Edward Jones are bank-issued and FDIC-insured up to \$250,000 (principal and interest accrued but not yet paid) per depositor, per insured depository institution, for each account ownership category. Please visit [www.fdic.gov](http://www.fdic.gov) or contact your financial advisor for additional information. Subject to availability and price change. CD values are subject to interest rate risk such that when interest rates rise, the prices of CDs can decrease. If CDs are sold prior to maturity, the investor can lose principal value. FDIC insurance does not cover losses in market value. Early withdrawal may not be permitted. Yields quoted are net of all commissions. CDs require the distribution of interest and do not allow interest to compound. CDs offered through Edward Jones are issued by banks and thrifts nationwide. All CDs sold by Edward Jones are registered with the Depository Trust Corp. (DTC).



**Ryan M LaMere**  
Financial Advisor

662 Palms Avenue  
Ishpeming, MI 49849  
906-485-6385



**Lyle Warner**  
Financial Advisor

[edwardjones.com](http://edwardjones.com)

Use your  
time wisely.

You could spend hours driving around town, searching for help wanted signs and picking up job applications, but why bother? Put your time to better use and start your job search online. Check out the classifieds at [www.miningjournal.net](http://www.miningjournal.net) and browse through hundreds of listings updated daily.



## Rezoning

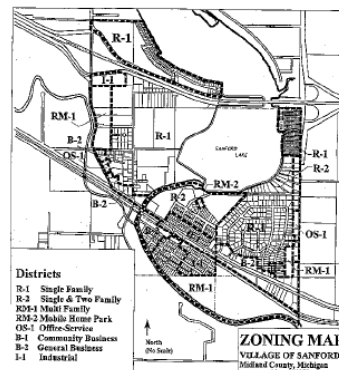
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific 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.

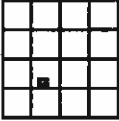
23

## 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**



MSPD 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?**