



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 5, 2022
SUBJECT: 03-REZ-05-22 – 595 Forestville Basin Trail (PIN: 1170101)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 595 Forestville Basin Trail which is zoned **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

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 03-REZ-05-22, 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) 03-REZ-05-22 (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 #: 03-REZ-05-22

Date: May 5, 2022

Project/Application: Rezoning request from **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

Location: 595 Forestville Basin Trail

Parcel ID: 1170101

Available Utilities: There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

Year Built: Vacant property (1.5 Acres)

Current Zoning: CR – Conservation and Recreation

Surrounding Zoning:
 North: Marquette Township
 South: BLP- Board of Light and Power
 East: CR – Conservation and Recreation
 West: BLP- Board of Light and Power

Zoning Districts and Standards:

Current Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
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.

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

Proposed Zoning

Section 54.307 LDR, Low Density Residential

(A) Intent	
The LDR district is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low to medium density and compatible residential land uses. Some additional non-commercial, compatible uses may be allowed. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> Accessory Building or Structure Accessory Use, Non-Single Family Residential Lots Accessory Use, Single-Family Residential Lots Adult Foster Care, Family Home Child or Day Care, Family Home Dwelling, Single-Family Detached Food Production, Minor Foster Family Home Home Occupation Home Office Homestays and Vacation Home Residential Limited Animal Keeping 	<ul style="list-style-type: none"> Adult Foster Care, Small Group Home Cemetery Child Care Center or Day Care Center Child or Day Care, Group Home Dwelling, Accessory Unit Dwelling, Intentional Community Dwelling, Two-Family (Duplex) Foster Family Group Home Public or Governmental Building Recreational Use, Public Religious Institution School, Primary or Secondary
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>	8,100	<i>Front Yard (ft.)</i>	20 (B)
<i>Min. Lot Width (ft.)</i>	60	<i>Side Yard (one) (ft.)</i>	10 (K)
<i>Max. Impervious Surface Coverage (%)</i>	(Q)	<i>Side Yard (total of 2) (ft.)</i>	20 (K)
<i>Max. Building Height of Primary Building (ft.)</i> (O)	31.5	<i>Rear Yard (ft.)</i>	30 (K)
<i>Max. Building Height of Accessory Building</i>	(K)		
<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

(B) Reduced Minimum Front Yard Setback in the LDR and MDR Districts. If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.

(K) Accessory Buildings and Structures. For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).

(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.

(Q) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts: The maximum impervious surface coverage of a lot in the LDR and MDR Districts shall be based on the lot areas as follows:

Maximum Impervious Surface Coverage Based on Lot Area
60% of the lot area up to 8,712 sq. ft. (1/5 acre or less); plus
50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); plus
40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre); plus
30% of the area of the lot over 1 acre

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
LDR and MDR	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.

(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, May 10, 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 May 10, 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.

To be determined.

- (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 *Conservation and Recreation* on the *Future Land Use Map* and the *Proposed Zoning Map* of the Community Master Plan (CMP). The 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.

There is no City street system adjacent to this parcel. The road access to the property is and would remain privately owned (by the homeowners association) – via Blue Heron Bluffs Rd. – which Marquette Township officials considered “substandard” at present.

- (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 City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

- (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 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 itself not incompatible with the environmental features, as much of the City of Marquette was built in similarly situated terrain. The uses allowed by the proposed zoning may or may not be compatible with site’s physical, geological, hydrological and other environmental features, considering the relative remoteness of the property, thus the specific uses of the property would determine compatibility. This is the subject of the next standard.

- (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 surrounding zoning districts in the City of Marquette are Conservation and Recreation and Board of Light and Power. In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. This parcel does not adjoin a public street, and Marquette Township officials consider Blue Heron Bluffs road “substandard” for the existing use level, therefore there may be negative traffic and road maintenance impacts with the addition of residential uses if this were to be rezoned. Residential use of the property are not necessarily more incompatible here than at other locations that are occupied by homes in the City, but homes would increase impacts on the land for septic waste treatment and potentially by energy production, glare and aesthetics, and nuisances like noise. As well, for detached residential use at the maximum or near-maximum density allowed in an LDR district for detached single-family homes, the homes could be at substantial risk for wildfire unless the homesites are carefully designed. How these potential impacts affect existing or future property values is indeterminate with certainty, as property values are influenced in multiple ways.

- (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.

In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. The surrounding zoning districts in the City are Conservation and Recreation and Board of Light and Power.

This parcel is 1.5 Acres, so there is adequate space to meet the LDR dimensional regulations for construction.

- (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.

To be determined the Planning Commission. Per the Future Land Use Map in the Community Master Plan, the intent was for this to be used

and zoned as a Conservation and Recreation 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.

Yes, rezoning would be preferable, as adding residential to the Conservation and Recreation zoning district land use options would not comply with the intent of the Conservation and Recreation districts.

- (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.

To be determined by the Planning Commission.

- (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.

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. MQT Township Zoning Map
10. *Rezoning Information for Planning Commissions* document
11. *Spot Zoning Considerations*
12. Correspondence

CITY OF MARQUETTE REZONING APPLICATION



FEE \$550

CITY STAFF USE

Parcel ID#: 1170101 File #: 03-REZ-05-22 Date: 4-12-22
Hearing Date: 5-10-22 Application Deadline (including all support material): 4-12-22
Receipt #: 819544 Check #: 2083 Received by and date: 4-12-22 AC

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. Please refer to 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

Name: Cedar Point Family Trust
Address: 10670 NE Hwy 314
City, State, Zip: Silver Springs, FL 34488
Phone #: 906-360-3030
Email: brucepesola@yahoo.com

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Ironshore Development, LLC
Address: 137 W Michigan St
City, State, Zip: Marquette, MI 49855
Phone #: 231-420-1473
Email: jim.t.conlin@gmail.com

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

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: 595 Forestville Basin Trail Property Identification Number: 1170101

Size of property (frontage / depth / sq. ft. or acres): 1.5

Surrounding Zoning Districts: North Condo & RP (Twp) East Condo & RP (Twp) South BLP West BLP

Legal Description: Blue Heron Bluffs Condominium Unit 1 Portion in City of Marquette

PROPOSAL

Current Zoning District: CR (in condo)

Proposed Zoning District: LDR

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

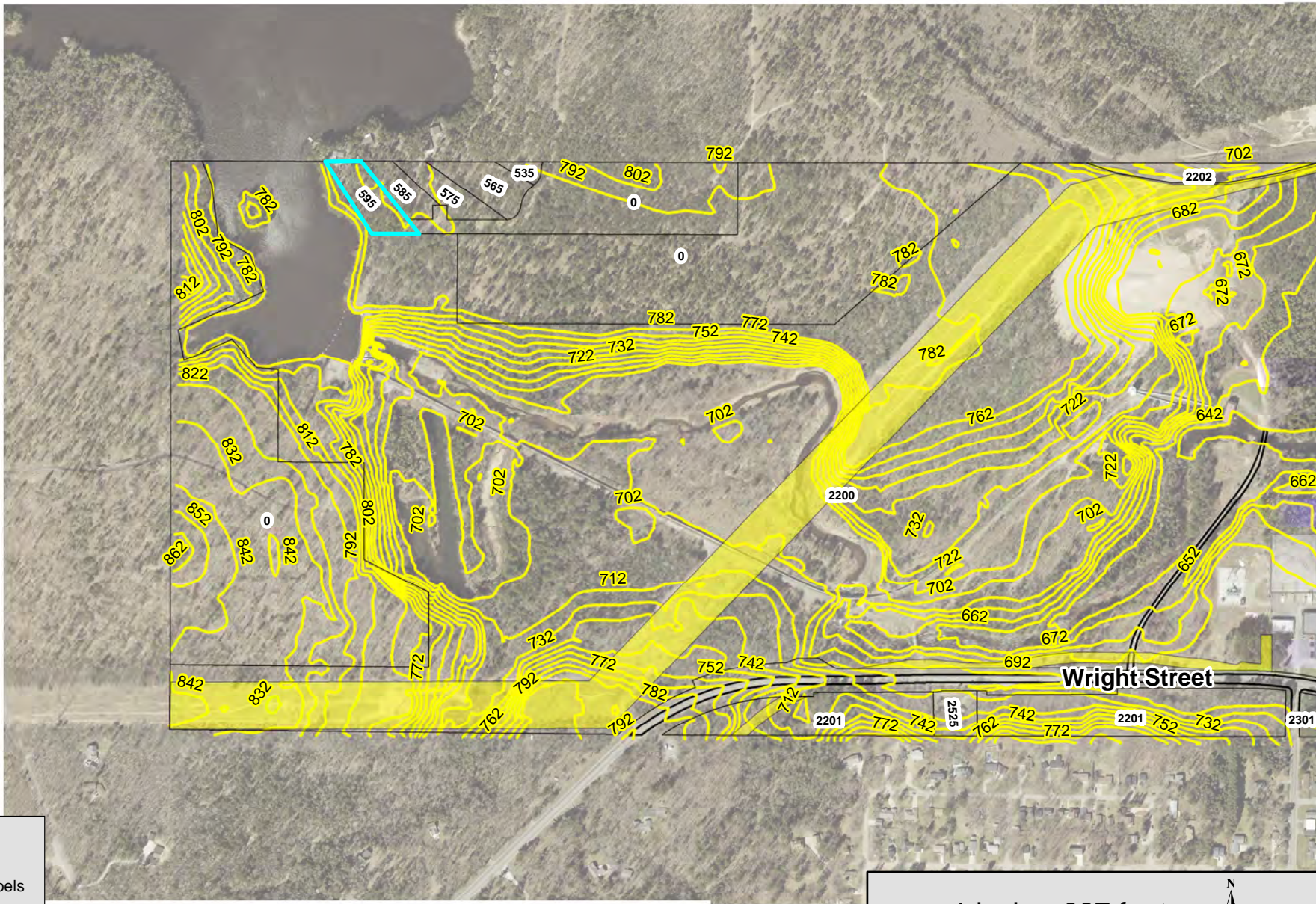
I hereby certify the following:

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: Jim Condo, IRONSHOBE DEVELOPMENT Date: 3.23.22

JIM CONDO ON BEHALF OF BLUE PESOLA

03-REZ-05-22 Area Map




LEGEND

-  Easements_Update
-  Parcels_Address Labels
-  Contours10FT
-  Street Labels
-  Streets
-  Building FootPrints

1 inch = 667 feet

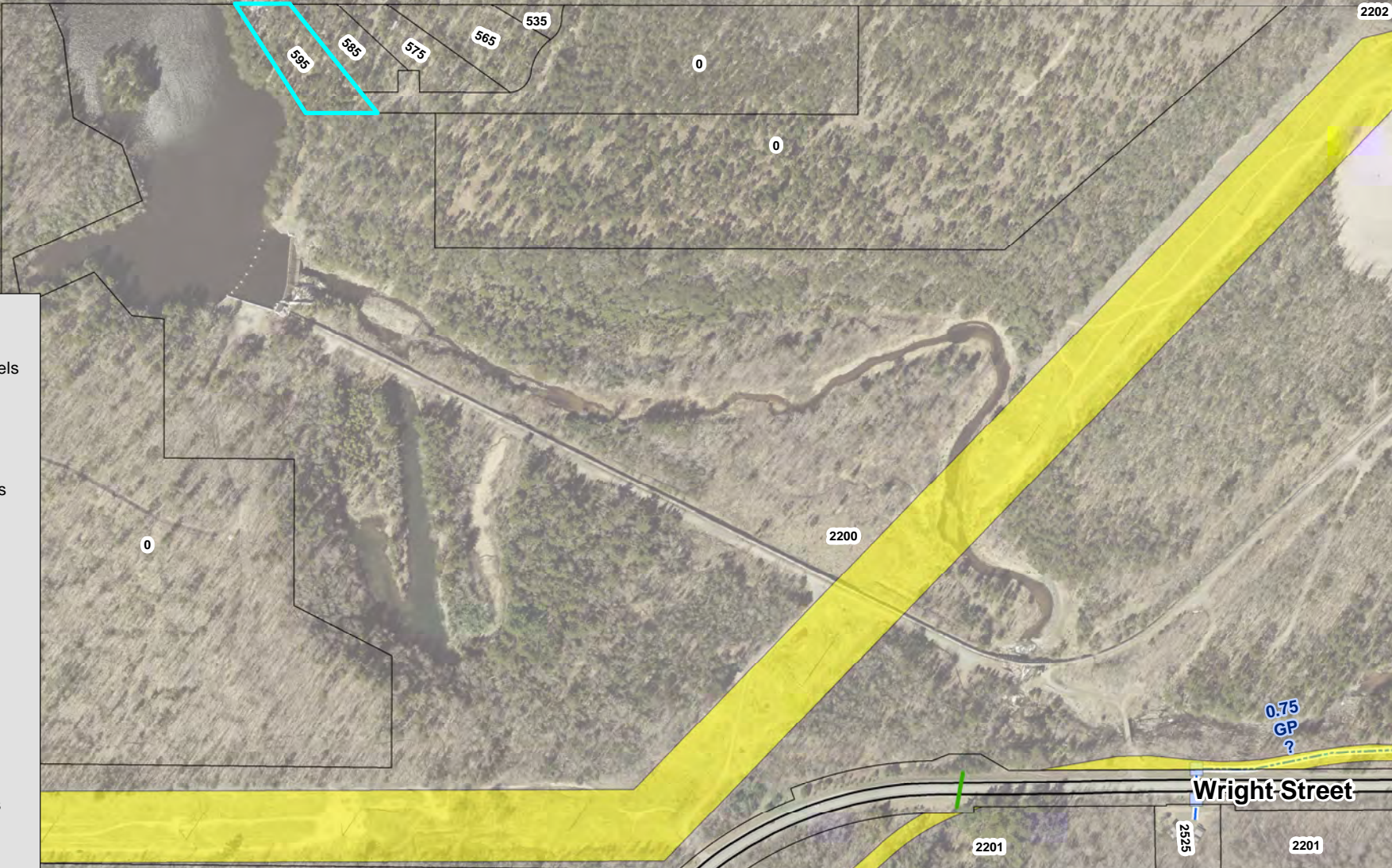


 City of Marquette
Geographic Information Systems (GIS)

03-REZ-05-22 Block Map

LEGEND

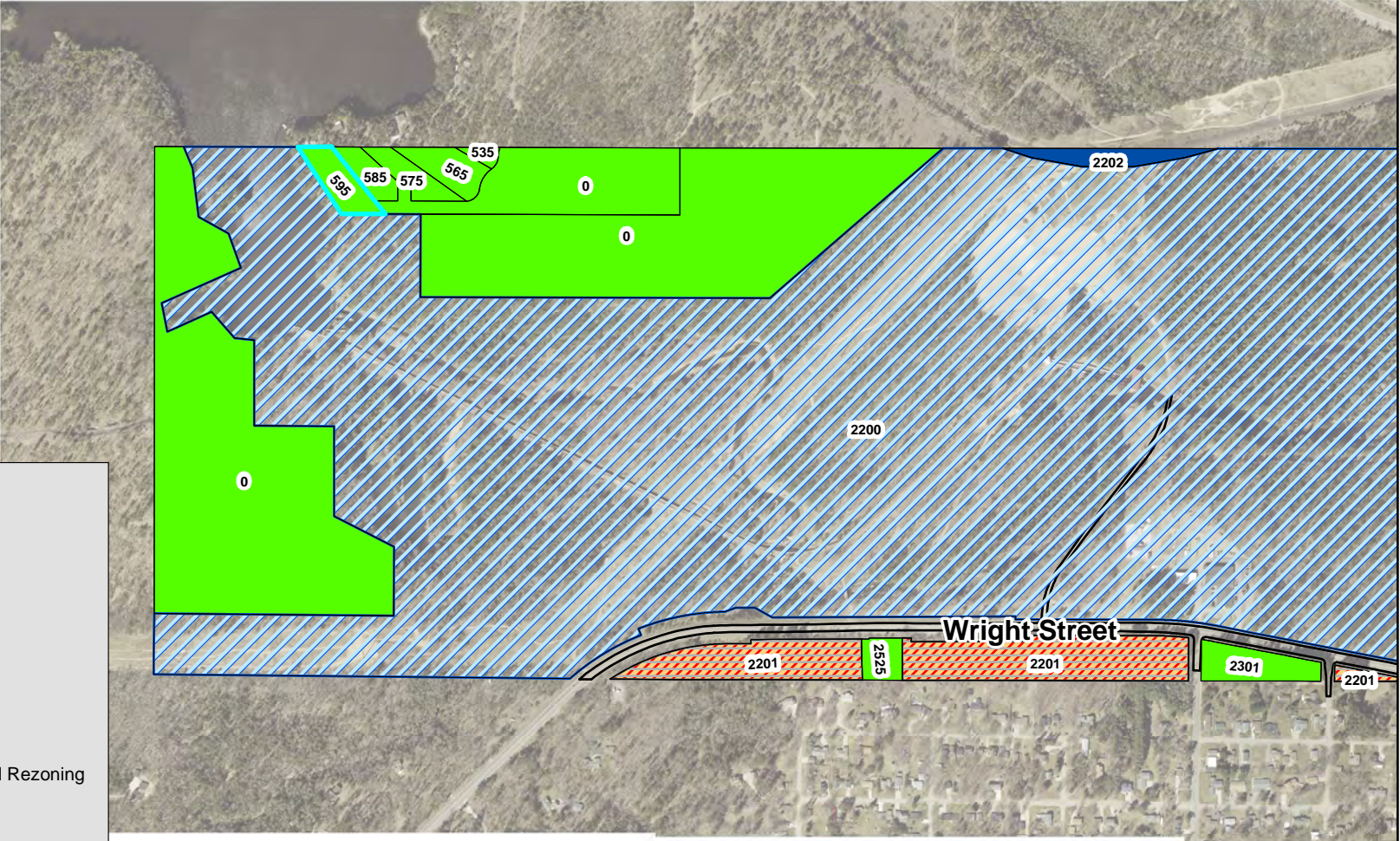
- Easements_Update
- Parcels_Address Labels
- Storm Manholes
- Storm Catch Basins
- Storm Pipes
- SewerCleanOuts
- Sewer System Valves
- Sewer Manholes
- San Flow Direction**
- FLOW_DIR**
- EAST
- NORTH
- SOUTH
- WEST
- Sewer Lateral Lines
- Sew Not Slip Lined
- Sew Slip Lined
- Fire Hydrants
- WaterShutOff
- Water Valves & Gates
- Water Lateral Lines
- wMain**
- wMain
- Watermains
- Water Structures
- Street Labels
- Streets
- Building FootPrints



1 inch = 468 feet

City of Marquette
Geographic Information Systems (GIS)

03-REZ-05-22 Zoning Map



LEGEND

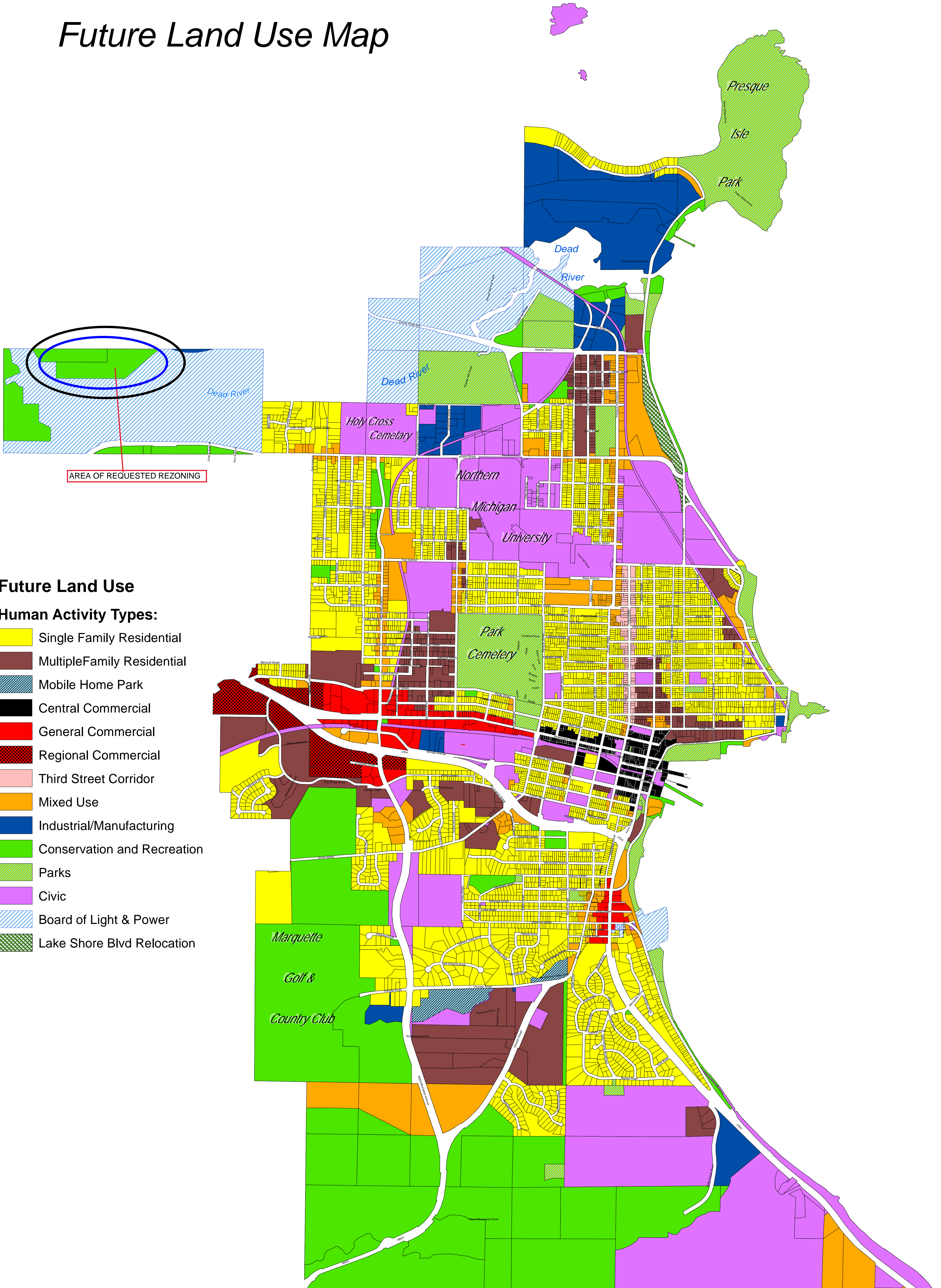
- Parcels_Address Labels
- Street Labels
- Streets
- Zoning Districts**
- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- ▨ Mobile Home Park
- Central Business District
- General Commercial
- ▨ General Commercial with Conditional Rezoning
- ▨ Regional Commercial
- ▨ Third Street Corridor (FBC*)
- ▨ Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- ▨ Planned Unit Development
- Industrial/Manufacturing
- ▨ Municipal
- Conservation and Recreation
- Civic
- ▨ Board of Light & Power

1 inch = 833 feet

City of Marquette
Geographic Information Systems (GIS)

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map

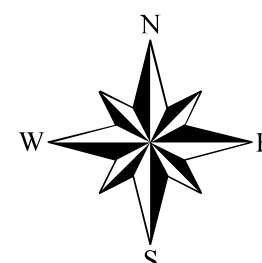


Future Land Use

Human Activity Types:

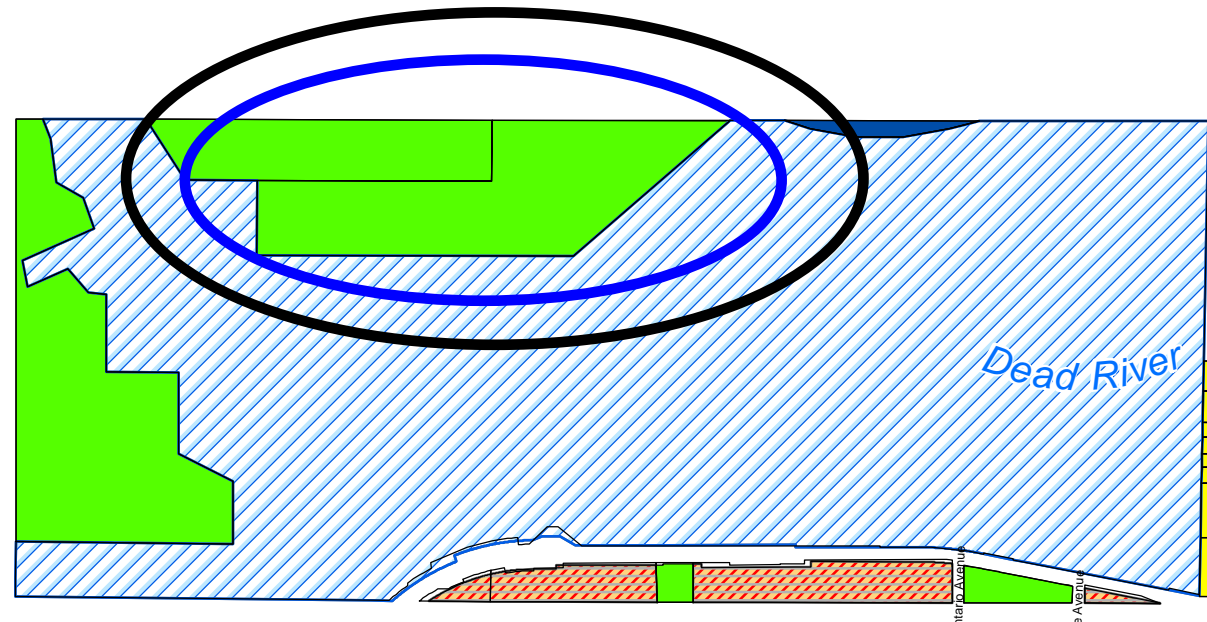
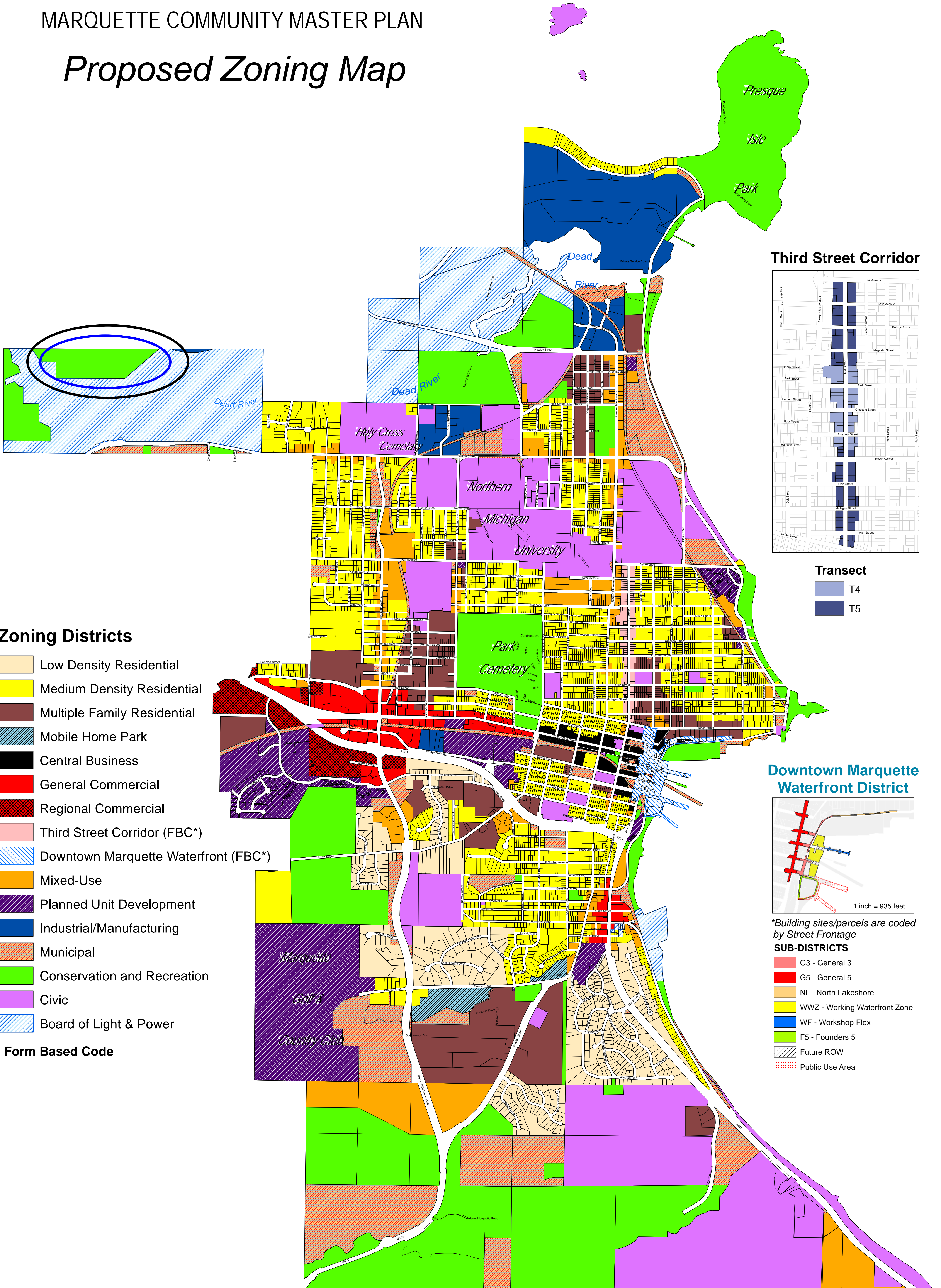
-  Single Family Residential
-  Multiple Family Residential
-  Mobile Home Park
-  Central Commercial
-  General Commercial
-  Regional Commercial
-  Third Street Corridor
-  Mixed Use
-  Industrial/Manufacturing
-  Conservation and Recreation
-  Parks
-  Civic
-  Board of Light & Power
-  Lake Shore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

0 0.25 0.5 1 Miles

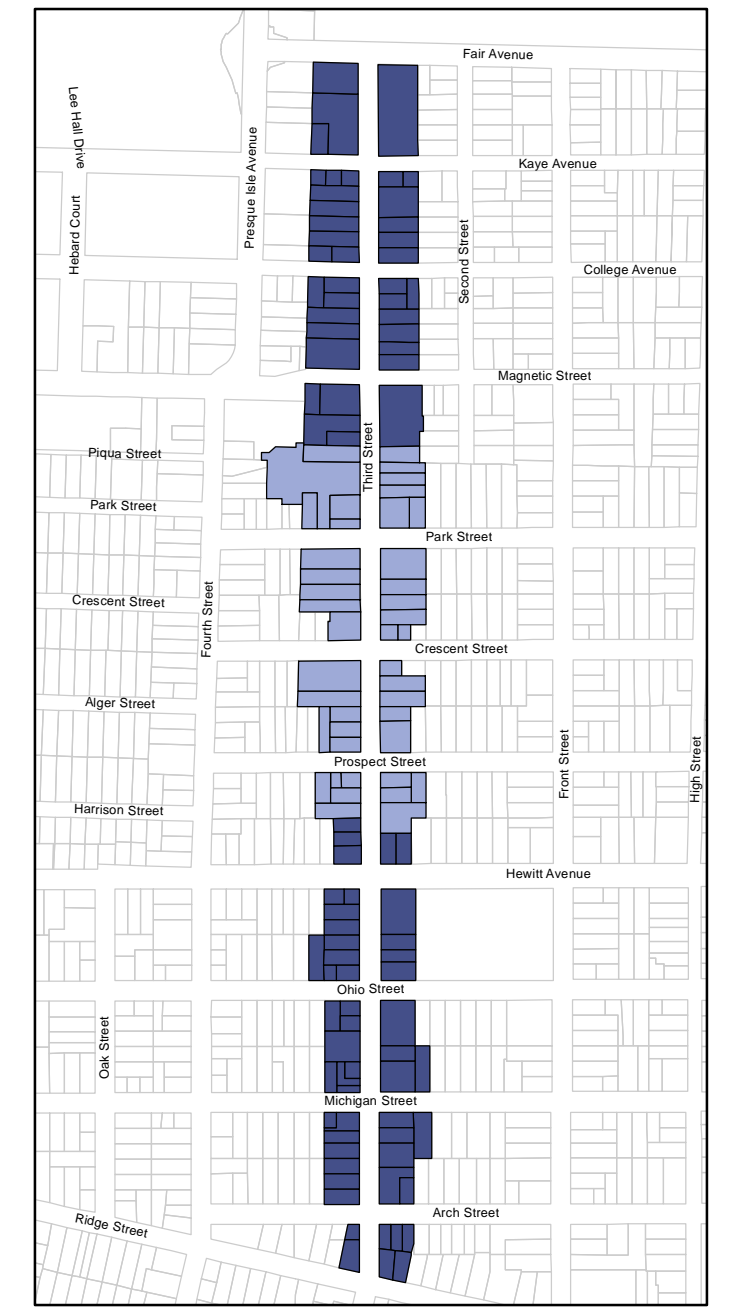


MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map



Third Street Corridor



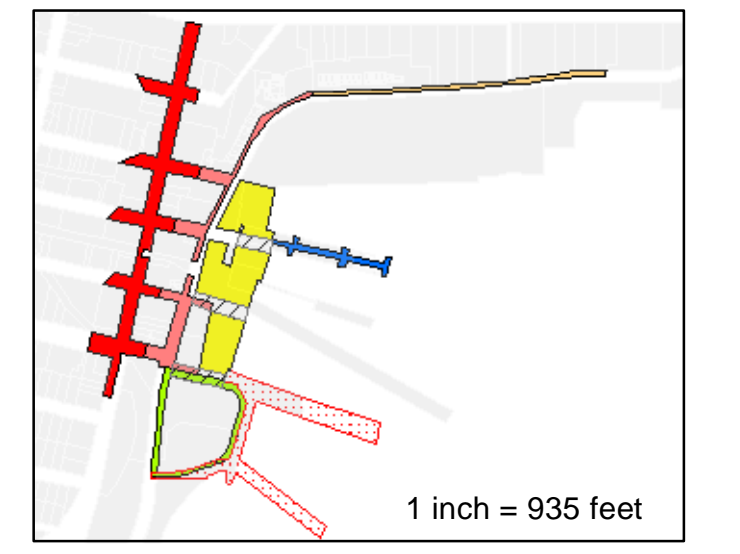
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 T4
 T5

Zoning Districts

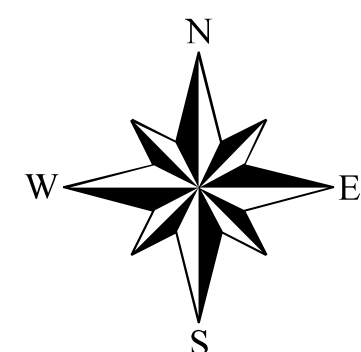
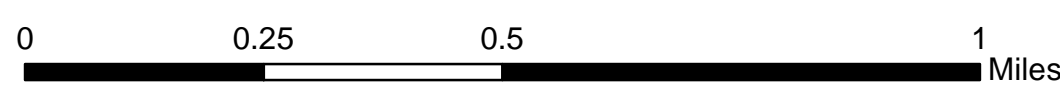
- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Third Street Corridor (FBC*)
- Downtown Marquette Waterfront (FBC*)
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing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

* Form Based Code

Downtown Marquette Waterfront District



- 1 inch = 935 feet
- *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





Region

tional anthem.

The orchestra is a "college-community hybrid," Neves said: about half are Tech students, while the other half are Tech faculty, community members and music educators.

"It's the cream of the crop of the Keweenaw and the U.P. and so they're very talented musicians and artists," Neves said. "What's most satisfying is their spirit. They're just wonderful human beings, and collaborating with them every week is a true joy."

During Tuesday's rehearsals, Neves acknowledged returning alumni, who were greeted with the sound of stomping feet. One performer, Gene Purdum, was an original member of the orchestra. He graduated from Tech in 1975 with a degree in nuclear physics and later

different sections as well."

The oldest orchestra in the Upper Peninsula, the KSO has toured and made numerous recordings. It's also won national acclaim, most recently winning second place for best orchestral performance by a small college last year in the American Prize in Orchestral Performance.

"We're very proud of that distinction, to be one of the best orchestras in the United States," Neves said. "Not bad for a place that's mostly engineers and STEM people, but we're able to combine our talents and create something special."

Tickets are \$19 for adults, \$6 for youth, and free for MTU students (and a guest) with Experience Tech Fee. They are available at events.mtu.edu or (906) 487-1906. The concert will also be livestreamed.

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-STR-05-22 - Petition to vacate a portion of Center Street.
The City of Marquette has received a petition to vacate a portion of the Center Street public right-of-way. The following is the legal description: Center Street located between lots 1 through 3 of the Marquette Company's Addition No.2 and Lots 26 and 27 of Ayer's Addition

02-REZ-05-22 - Forestville Basin Trail (PIN: 0510156): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at Forestville Basin Trail - PIN: 0510156 which is zoned Conservation & Recreation (CR) to be zoned Low Density Residential (LDR)

03-REZ-05-22 - 595 Forestville Basin Trail (PIN: 1170101): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at 595 Forestville Basin Trail which is zoned Conservation & Recreation (CR) to be zoned Low Density Residential (LDR).

The public hearing for these requests will be at 6:00 P.M. on Tuesday, May 10, 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. Written submissions will be accepted until 12:00 p.m. on May 10, 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. You can also view the Land Development Code on our website at www.marquettemi.gov. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Marquette County, Michigan (All Jurisdictions)

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Marquette County, Michigan (All Jurisdictions). These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Marquette County, Michigan (All Jurisdictions). These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/BFE_States/bfe_main.asp, or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

ADVERTISEMENT FOR BIDS

The City of Munising Downtown Development Authority is seeking bids for the construction of the "Downtown Resurfacing Project" that includes the following major items of work:

HMA surface milling, paving, ADA sidewalk upgrades, concrete crosswalks and pavement markings.

The Contract Documents may be examined at the following locations:

City of Munising
301 E. Superior Street
Munising, MI 49862

Coleman Engineering Company
635 Circle Drive
Iron Mountain, MI 49801

The contract documents may be viewed and downloaded at www.coleman-engineering.com by selecting "Bid Information". Interested parties may view the contract documents at no cost on the website prior to becoming a plan holder. Downloading and printing the contract documents will require registering with QuestCDN online (www.questcdn.com). A non-refundable fee of \$15.00 will be charged to download the contract documents. Sealed bids marked "Downtown Resurfacing Project" are to be submitted to the office of:

Mr. Devin Olson, City Manager
City of Munising, City Hall
301 E. Superior Street
Munising, MI 49862

Bids must be received by 2:00 p.m. (local time) on May 9, 2022 at the City of Munising, City Hall. Bids will be publicly opened and read out loud at this time.

The City of Munising Downtown Development Authority reserves the right to accept or reject any and all bids at its discretion.

CITY OF NEGAUNEE INVITATION TO BID

DIVISION ST LIFT STATING BLASTING AND PAINTING

The City of Negaunee is accepting bids for the blasting and painting of the Division Street lift station.

For bidding information and specs please see our website at: www.cityofnegaunee.com

Volume 136, No. 93

THE MINING Journal

228-2500

Serving the Lake Superior Region since 1846

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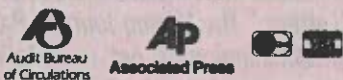
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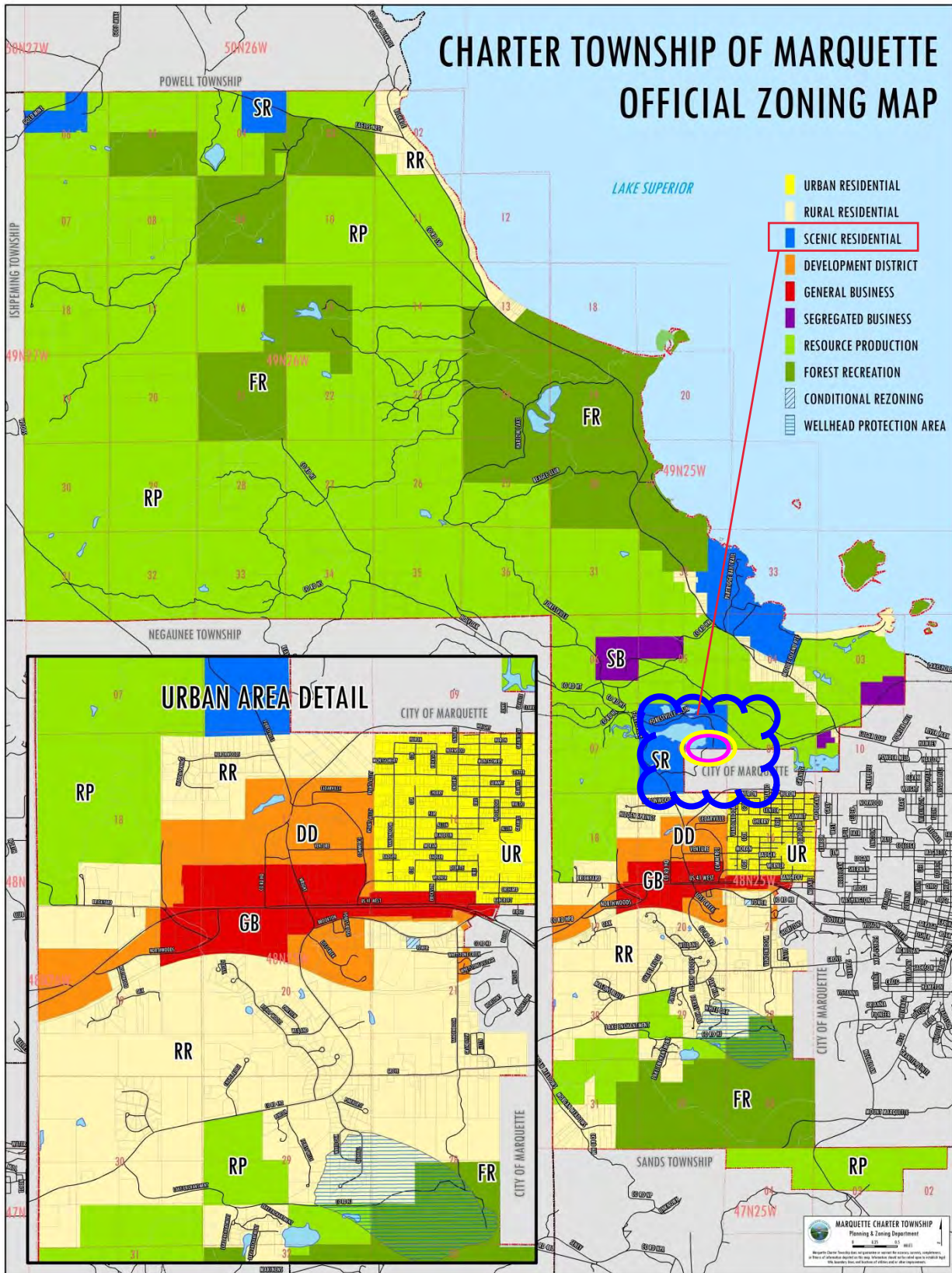
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ARTICLE 3 – ZONING DISTRICTS AND MAP

SECTION 3.08: OFFICIAL ZONING MAP



Rezoning

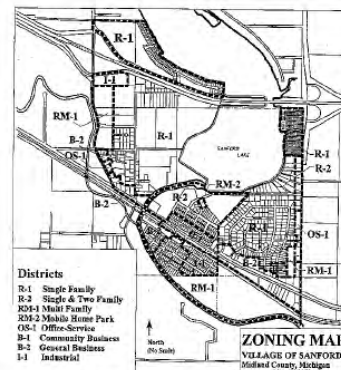
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific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

22

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.

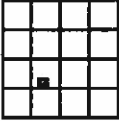
23

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?

**Correspondence
Received prior to
posting the Agenda**

Blue Heron Bluffs Zoning

Blue Heron Bluffs I
Blue Heron Bluffs II
Forestville Basin Trail
Marquette, MI 49855

April 9, 2022

City of Marquette
Board of Zoning Appeals
1100 Wright St.
Marquette, MI 49855

Dear Marquette Zoning Appeals,

We are residents living on Forestville Basin Tr road in Marquette Township with an interest in the proposed zoning change by Bruce Pesola. This zoning change will effect access to that parcel by way of an easement through Forestville Basin Tr road which has shared use to all involved in this letter. We are, therefore, affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

The access to the proposed development is from Forestville Rd through Forestville Basin Tr, which is a private road and maintained by residents along that road. The road is gravel and only part of the road is built to county standards. Development will add traffic for construction equipment, traffic for builders and traffic from families when lots are sold.

During the winter snowy months, sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snow banks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas.

During the spring the road has deep pot holes and cannot be graded until road restrictions are lifted. This will further be exacerbated with heavy equipment and added traffic on the road.

With summer the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and increase the residents dust control problem.

Blue Heron Bluffs Zoning (cont.)

Currently the school bus picks up children at the intersection of Forestville Rd and Forestville Basin Tr. Because the road is private children have to walk on the road from their homes to this intersection which can be very dangerous. This is especially problematic in the winter and early spring with snow and ice covered roads. With blind curves, narrow road and high snow banks a child could easily be killed. Children in the new development would need to walk 1.5 to 2 miles to the bus stop. While we do understand that the Township has grandfathered the existing older section of this road there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We do understand the developer wishing to make money by developing residential lots. However, when the new section of Forestville Basin Tr, was developed the developer was required to bring the road to a higher standard. We also understand that the older section of our trail road has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change not be approved or only be granted if the following takes place:

The first part of the road which includes the residents of Blue Heron Bluffs I & II Condominium Association should be paved by the developer in order to control dust, manage deteriorating conditions and handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

For the remaining part, the road should be improved by the developer to accommodate two way traffic in all seasons and handle the added construction and residential traffic. This would ensure access to emergency services and the safety of children.

Thank you for your consideration and addressing these concerns.

Sincerely,

Residence of Blue Heron Bluffs I&II
Nate Loewen, President BHBI

Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101.

MaryandGary Bourdeau <[REDACTED]>

Wed 4/13/2022 1:38 PM

To: Andrea Landers <alanders@marquettetemi.gov>

Cc: David Staples <[REDACTED]>; Ryan Staples <[REDACTED]>; Tom Centko <[REDACTED]>; John & Donna Fegan <[REDACTED]>; Steve Embree <[REDACTED]>; Maggie MacDevitt <[REDACTED]>

It has come to our attention that Bruce Pesola (Cedar Point Family Trust) has requested rezoning of Blue Heron Bluffs Condominium Unit 1. His portion in the city of Marquette split on 02/26/2008 from 0510154. There are five units in that split. Bruce Pesola, Unit 1; Don Seppanen (now John Fegan) Unit 2; Dave Staples, Unit 3; Gary Bourdeau, Unit 4; David Staples (now Ryan Staples), Unit 5. As well as a wooded area of common land.

Currently we were CR. Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101. As an owner of Unit 4, We have two concerns. First, there are deed restrictions and second, the possibility that the rezoning may be a blanket decision involving all five sites and the wooded area.

We acquired this property as a resolution to site depth and boundary issues. Upon receipt of our first summer tax bill of 2008, four of us involved in this boundary adjustment went into sticker shock. We appealed to the board of review and the S.E.V. was adjusted on all five sites. We were pleased with this outcome. We have been living with it since 2008.

Bruce Pesola pleaded the most hardship or burden since his site involved the largest portion. Bruce was firm about devaluating the parcel because of the restrictions on expansion and development. We couldn't do anything with the property. That split was to adjust the depth of the sites Units 1 through 5 and providing room for a road.

Contrary to his arguments at the appeal in 2008, he soon began to build multiple auxiliary buildings. Ignoring the the zoning restriction and our by-laws. Now he is allowing mobile home residents as well as rent out his house as two apartments. Some time ago, years even, I called the zoning department of the city for advice. Unfortunately his property wasn't viewable from a city street. So no one could review the property regarding the zoning infractions. Even our board has been unsuccessful in stopping his activities.

Bruce Pesola continues to ignore our by laws and remains deaf to our concerns. Prior to this filing for rezoning, he requested the board of Blue Heron Bluffs Condominium Association to split Unit 1. Attorneys became involved. Our deed has restrictions on expansion, use of the property, and no additional residential units. We cannot split his unit into 2 sites. Regardless of receiving this information contained in our Master Deed, Mr. Pesola (Bruce) is adamant about splitting Unit 1. Thus his request for rezoning.

He may try to use this to force us to split his Unit. We will again deny his request because of our deed restrictions.

As the owner of Unit 4, I am concerned that it may be a blanket rezoning and include all within that portion in the city of Marquette split on 02/26/2008 from 0510154. After the rezone, Bruce still will not get his split of Unit 1 but if it is a blanket rezoning to LDR, our land valuation and taxes will still be affected. We want to remain as Conservation Recreation. Rezoning to LDR would be a hardship. We would have to appeal to rezone our sites back to CR. We don't want to go there. I am sure the Planning Board or zoning board wouldn't appreciate this either.

Since Bruce does what he pleases, if he were to get this rezoned, he just may build another residence regardless. He will disregard all of our efforts, objections, consolidated master deed, bylaws, MCL559.101 et sec. He will do what he wants.

We are appealing to the zoning board to take our concerns into consideration. We, as property owners and as condominium association members, hope you decide not to rezone property 1170101 to Low Density Residential.

On his application form, I noted two items that merit inclusion in my letter. Item 3. "The requested rezone does not violate any deed restriction etc. " On the contrary. Doesn't his request for Low Density Residential zoning indicate his total disregard of our consolidated master deed that clearly states no additional residences may be developed on any unit. Also Item 8. By application, he has given permission to inspect the site. Please do.

I look forward to appearing at the meeting when his zoning appeal is presented. If there are any questions on anything in my letter please call me at [REDACTED]

In the meantime, thank you for your attention.

It is sincerely appreciated,
Mary and Gary Bourdeau P/N 1170104
Unit 4 of Blue Heron Bluffs Condominium Associatiion.

565 Forestville Basin Trail, Marquette

Sent from my iPad

Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101.

MaryandGary Bourdeau <[REDACTED]>

Tue 5/3/2022 2:21 PM

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

Cc: Maggie MacDevitt <[REDACTED]>; Mary Bourdeau <[REDACTED]>

Survey sketch will be delivered tomorrow.

It has come to our attention that Bruce Pesola (Cedar Point Family Trust) has requested rezoning of the back lot portion of Blue Heron Bluffs Condominium Unit 1. His portion in the city of Marquette split on 02/26/2008 from 0510154.

We acquired parcel 0510155 because of the boundary issues for sites 1, 2, 3, 4 and 5 shown on the aerial map. I have included a copy of the surveyor sketch for the area that shows the shallow depth of the campsites in the township.

On that survey in 2001, the shallow campsites at the property nearest the dam became shockingly evident. The boundary issue was compounded by Bruce cutting of large pines from Unit 1 on the property belonging to Marquette Board of Light and Power (BLP). Longyear and BLP opened negotiations, and Longyear acquired both parcels 0510155 and 0510156 from Mqt. BLP.

Longyear then offered parcel 0510155 as an expansion property to us to resolve the boundary of 5 campsites and a wooded parcel as common land. We were very pleased and relieved with their offer. The parcel added depth to our shallow sites. With the added parcel, our individual units had an acceptable width to depth ratio for land development. Longyear made a consideration for the amounts we already paid as our share of the acreage for the site condominium and sold this parcel 0510155 for less than \$100 to the Blue Heron Bluffs Condominium Association.

Contrary how this property was acquired. Bruce Pesola's request for rezoning of parcel 1170101. If it is granted, he will request that we split unit 1. For Bruce it's a matter of personal gain regardless of our associations restrictions. This entire issue of splitting unit one is disrespectful, bordering on unethical. It would be a mockery to the city of Marquette and to Longyear for their resolution to our boundary issue.

We respect Longyear's reasons for placing these restrictions upon this parcel. Our consolidated master deed includes the Grantor's (Longyear's) and specifically states this added parcel was strictly to resolve the boundary issue. It cannot be used to create a new unit. No additional residence are to built on any of the parcels. **Consolidated Master Deed, 2097R-00309 Recorded 01/10/2007. Ref. Pg 12 Restrictions on Expansion.**

We want this unit to remain as one unit and zoned as CR as are the other portions in this parcel. The residences are all in the township and zoned Scenic Residential. We are appealing to the zoning board to review our concerns. We hope they merit value when making your decision. We hope you decide not to rezone property 1170101 to Low Density Residential.

On his application form, I noted with interest that Item 3. "The requested rezone does not violate any deed restriction etc." On the contrary. His request for Low Density Residential zoning indicates his total disregard of our consolidated master deed.

Also Item 8. By application, he has given permission to inspect the site. Please do. I look forward to appearing at the meeting when his rezoning appeal is presented. If there are any questions on anything in my letter please call me at [REDACTED].

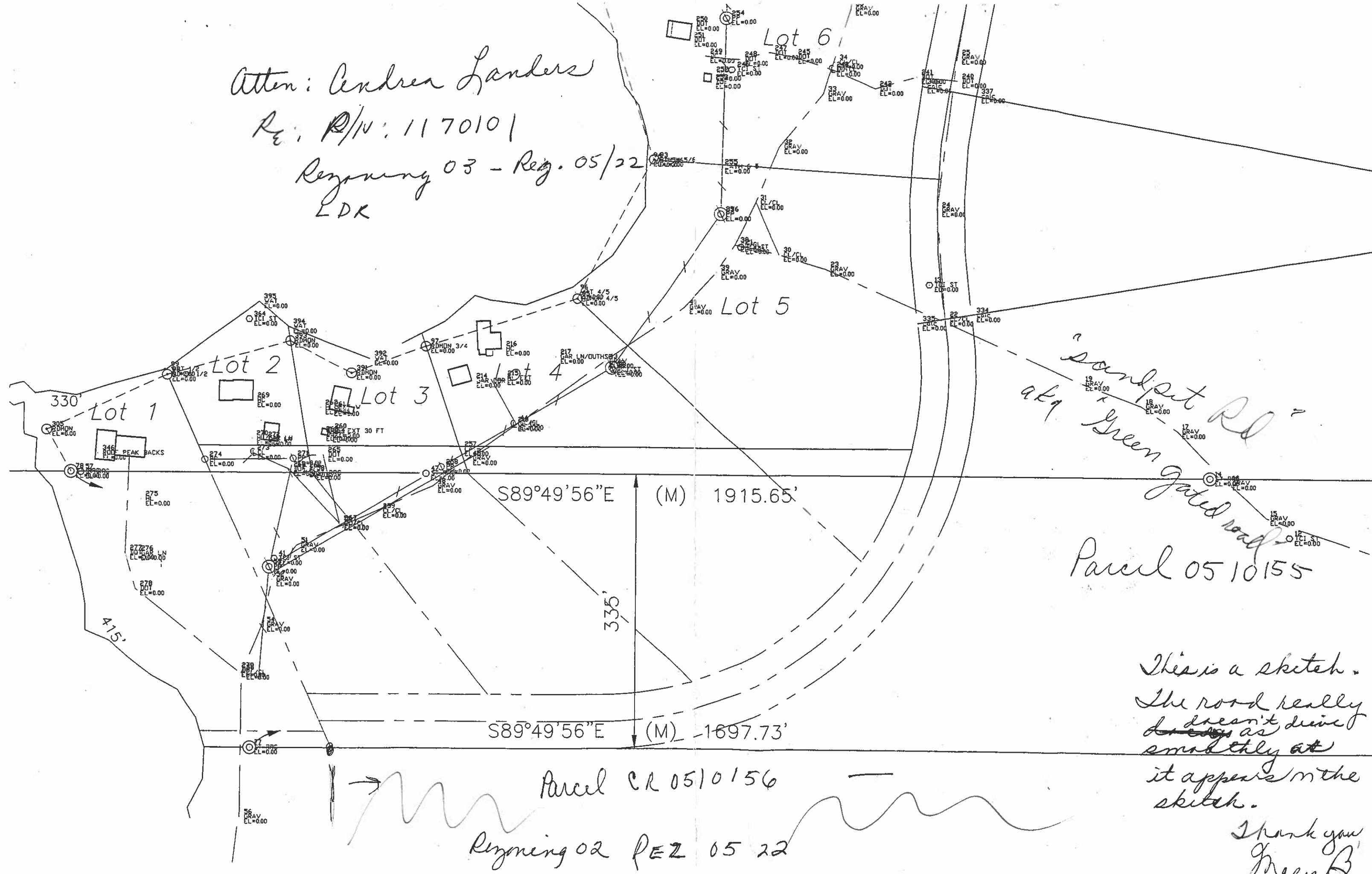
In the meantime, thank you for your attention.

It is sincerely appreciated,
Mary and Gary Bourdeau
P/N 1170104 Unit 4 of Blue Heron Bluffs Condominium Association
565 Forestville Basin Trail, Marquette

Atten: Andrea Landers

Re: P/N: 1170101

Reopening 03 - Reg. 05/22
LDR



"Sandpit Rd"
aka "Green Gated road"
Parcel 0510155

Parcel CR 0510156
Reopening 02 PEZ 05 22

This is a sketch.
The road really
~~doesn't~~ doesn't drive
smoothly at
it appears in the
sketch.
Thank you
Mark B

Stephen Embree

395 Forestville Basin Tr , Marquette, MI 49855 [REDACTED]

May 4, 2022

RECEIVED
MAY 04 2022

Marquette Civ.
Community Development Office

Andrea Landers
City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification 1170101

The zoning request for lot 1 in the Blue Heron Bluffs Condominium Association which would change the zoning to low density residential should be approved. Objections have been raised by individual noting issues with the condominium master deed. Zoning changes are not prohibited in the Master Deed and resolution of any future changes to unit 1 would have to be resolved with the condominium association. I do not believe that it is the work or responsibility of the Planning Commission or the City Council to negotiate, resolve or litigate the matter.

In addition, the zoning as low density residential is in line with the nature and activities of the surrounding area which is residential.

I am in support of the rezoning plan as outline at this time.

Respectfully,

Steve Embree



Ms. Andrea Landers
Zoning Official
Marquette City Planning Commission

May 3, 2022

Ref: Property Identification Numbers: 0510156 and 1170101

Dear Ms. Landers,

My husband and I purchased a home on Forestville Basin Trail in Marquette County in October, 2021. We recently learned about proposed zoning changes related to the property IDs listed above that has the potential to negatively impact our neighborhood. Our concerns center on two issues: 1) the impact of the proposed development at the end of the private Forestville Basin Trail Road that as members of the Blue Heron Bluff Condominium Association (BHBCA) we contribute to maintaining; and, 2) a precedent that could be set with the request to subdivide one of the lots in the BHBCA.

With regards to the first concern, the road was not meant to take on the significant wear and tear that would be created by an increase in traffic from construction vehicles and later from occupants of the proposed new development. This wear and tear would end up being shouldered unfairly by the members of our community and potentially contribute to a decrease in the quality of life in our area due to increased noise and dust pollution, as well as potential safety issues due to deterioration of road conditions, e.g in difficulty of emergency service vehicle access. We therefore respectfully ask that the Planning Commission please consider these impacts and only grant approval of the development if they can be resolved in such a way that the developer takes responsibility for the additional costs that may be associated with improving and maintaining the road to handle the increase in traffic, also taking into account community concerns and environmental considerations.

With regards to the second concern, according to our BHBCA Master Deed, members are not allowed to split their lots or build a second house on them. We entered into this condominium association with the understanding that its regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected green space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood for our family. If this subdivision were allowed, it would set a precedent for others to ignore the Master Deed and do the same, violating the character of our neighborhood.

Thank you very much for your consideration of this request.

Sincerely,

Handwritten signatures of Holly Ferrette and Ricardo Roca Steverlynck.

Holly Ferrette, Ricardo Roca Steverlynck
415 Forestville Basin Trail
Marquette, MI 49855



May 2, 2022

To: Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Reference: Property ID# 1170101

I understand that Bruce Pesola wants to change the zoning on his lot (595 Forestville Basin Trail) so he can build a second home on it. According to our Blue Heron Bluffs Condominium Association (BHBCA) Master Deeds, he is not allowed to split his lot or build a second house on it.

Bruce Pesola's efforts to build a second house on his lot violates our Master Deeds and also the common understanding that led to my building in this neighborhood. I entered into this Condominium Association with the idea that Association Regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected Green Space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood.

When Longyear sold this land to BHBCA, they insisted that our Master Deed documented that we were only to divide the parcel we bought from them into 19 lots, to preserve the wild space in the neighborhood. The only purpose of Bruce Pesola rezoning his lot is to allow him to build and sell a second home. This sets a precedent for others to ignore the Master Deed and do the same, violating the character of our Association. Please help us maintain the history and beauty of this special area.

Sincerely,

Mary Hupfer
325 Forestville Basin Trail
Marquette, MI 49855

Property id #: 1170101

Maggie M <[REDACTED]>

Fri 4/15/2022 7:09 AM

To: Andrea Landers <alanders@marquettemi.gov>

Regarding Property Id #, 1170101

We all know Bruce Pesola wants to change the zoning on his lot (595 Forestville Basin Trail) so he can build a second home on it. He has been very upfront about that to several in our neighborhood. But according to our Blue Heron Bluffs Condominium Association (BHBCA) Master Deeds, he is not allowed to split his lot or build a second house on it.

Bruce Pesola's efforts to build a second house on his lot not only violates our Master Deeds, but also violates the common understanding that led to our building in this neighborhood. We entered into this Condominium Association with the appreciation that Association Regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected Green Space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood.

When Longyear sold this land to BHBCA, they insisted that our Master Deed documented that we were only to divide the parcel we bought from them into 19 lots, to preserve the wild space in the neighborhood. The only purpose of Bruce Pesola rezoning his lot is to allow him to build and sell a second home. This sets a precedent for others to ignore the Master Deed and do the same, violating the character of our Association. Please help us maintain the history and beauty of this special area.

Sincerely,

Maggie MacDevitt
505 Forestville Basin Trail
Marquette, MI 49855

Patricia Olson

435 Forestville Basin Trl , Marquette, MI 49855 ♦ [REDACTED]

May 4, 2022

Andrea Landers
City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification: 1170101

The zoning request for Lot 1 in the Blue Heron Bluffs Condominium Association which would change the zoning to low density residential should be approved. Objections have been raised by individual noting issues with the condominium master deed. Zoning changes are not prohibited in the Master Deed and resolution of any future changes to unit 1 would have to be resolved with the condominium association. I do not believe that it is the work or responsibility of the Planning Commission or the City Council to negotiate, resolve or litigate the matter.

In addition, the zoning as low density residential is in line with the nature and activities of the surrounding area which is residential.

I am in support of the proposed rezoning plan.

Respectfully,

Patricia Olson

April 22, 2022

Ms. Andrea Landers
Zoning Official
City of Marquette

Re: Property ID# 1170101

Dear Ms. Landers and City of Marquette:

We are writing you about the rezoning application regarding 595 Forestville Basin Trail, Unit 1 within Blue Heron Bluffs Condominium Association (BHBCA).

It is our understanding our BHBCA Master Deed prohibits splitting of lots and building more than one single-family home per lot.

The BHBCA Master Deed indicates there are 19 parcels in our community-- 18 lots allowing one home on each lot and an additional lot that is our legally protected shared Green Space.

Please help us maintain the integrity of our BHBCA Master Deed and Bylaws by denying this rezoning request.

Sincerely,

Michaeleen OSullivan and Todd Carter
355 Forestville Basin Trail
Marquette, MI 49855

Bruce Pesola request for rezoning, 1170101

Patrick St. Germain <[REDACTED]>

Wed 4/13/2022 1:30 PM

To: Andrea Landers <alanders@marquettemi.gov>

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Property Identification #: 1170101

As a member of Blue Heron Bluffs Condominium Association, I am opposed to a proposed change in zoning to the part of our Association that is in the City of Marquette. The proposal is being put forth by one of our members, Bruce Pesola. I believe that Bruce wants this zoning to split his lot and build on it which is in direct violation of our Condominium Master Deeds. (Refer to Master Deed quotes below.)

Bruce is already in violation of our Association Bylaws by renting out his house on Condominium property. This is a practice he promised to stop, but at the time of this writing Bruce has an advertisement for renting his condominium house on apartments.com.

It is very difficult for a small Association like ours to enforce our Bylaws and keep our Master Deeds from being violated. We think that a zoning change to our City of Marquette property will embolden Bruce Pesola to fly in the face of our Master Deed, knowing that we have very little power to stop him.

The Expansion Property referred to below is the property that Bruce Pesola wants to have rezoned.

2002 BHBCA Master Deed, Liber 448 page 506, Restrictions Upon Expansion B 4 and B 6 which states:

"No additional units may be created. The Expansion Property shall only be utilized to revise the boundaries of Units 1-5 and 18" and

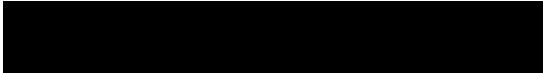
"There shall be no additional residential units located on any portions of the Expansion Property ".

This exact wording is also in the Consolidating Master Deed of 2007 under Article X Expansion of Condominium B 4 and B 6.

Thank you for your consideration,

Patrick St. Germain
505 Forestville Basin Trail, Marquette, MI [REDACTED]

Patrick St. Germain & Maggie MacDevitt
505 Forestville Basin Trail
Marquette, MI 49855



March 1, 2022

Suzanne Curry Larsen
City Attorney
City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855-4712

Dear Ms. Larsen,

We are writing as residents of Blue Heron Bluffs Condominium Association on Forestville Basin Trail in Marquette Township. We have concerns about the ramifications of a proposed zoning change to a property in our neighborhood. We believe that a zoning modification for the intended development does not take into account safety issues and access for service limitations. The property we're referring to (T 48 N, R 25 W sections 8 and 9) is near Forestville Dam in the City of Marquette. The request for a zoning change will be brought before the Zoning Board by Cedar Point Family Trust and Bruce Pesola. We have included a map for clarification.

Forestville Basin Trail (FBT) is a 1.5 mile long private dirt and gravel road, with year round houses and seasonal dwellings. The first half of the road, owned by Blue Heron Bluffs Two Condominium Association, is new and meets County Road Commission Standards. The second half of the road is owned by Blue Heron Bluffs Condominium Association. This section of road is much older and doesn't meet current Road Commission Standards. A zoning change would allow development of eight single family homes on the property in question. Although the property is within Marquette city limits, to access it by car, one must drive out of the city and through Marquette Township for 3.75 miles.

Using the last .75 mile of Forestville Basin Trail for access to this proposed development presents issues that need to be addressed. This section of roadway is very hilly and winding with trees and cut banks close to the shoulders of the road. In the summertime, the road is usually 18.8 feet wide. On February 23, 2022 we measured the road, and found it to be 14 feet wide in most places but as little as 12 feet wide in several spots. 14 feet of width will allow cars to pass each other on the road if they are careful, but at twelve feet of width, one vehicle has to pull into a driveway to let another other vehicle pass by. This becomes a serious problem when a service vehicle or large

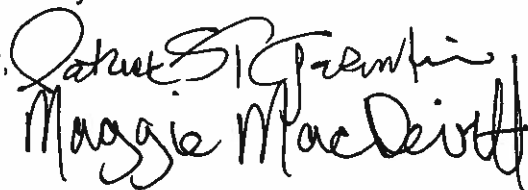
truck is involved. U.S. Mail vehicles and school buses will not drive down this part of the road even in the summer. In addition, with 8 new families living at the end of this road, the children residing there will need to walk 1.5 miles to catch their school bus on the narrow curvy road where winter snowbanks are 4 to 5 feet high. This is obviously a safety hazard that needs to be addressed. (Photo included)

If the zoning is changed as Cedar Family Trust and Bruce Pesola propose, we have the following questions as to how the City of Marquette will provide services to the tax payers residing in those 8 new lots.

1. Will these lots have to be serviced by Township Fire Departments and County Law Enforcement, even though the lots are in the city of Marquette?
2. How will the residents of these new lots have access to city garbage collection?
3. Marquette city taxpayers have their streets maintained and plowed using city tax dollars. How would that work on a private road?
4. How would the city handle the school bus problem?
5. Would the arrangements made for servicing these lots via this private road have to be approved by the landowners of both associations that own the road?
(It should be noted that the City of Marquette has been reluctant in the past to inspect Marquette City land in this area because they have been unsure about using a private road.)

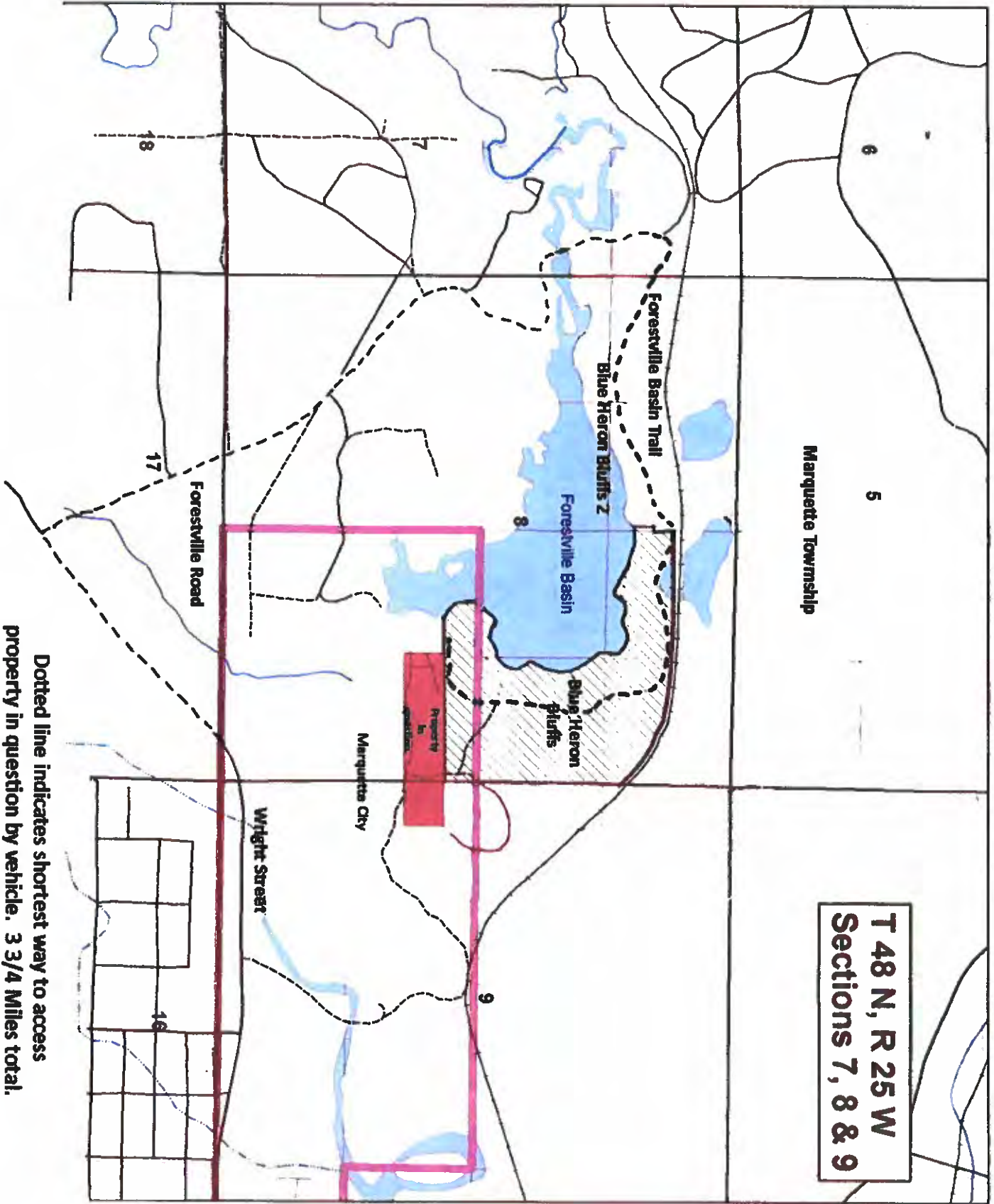
We are asking the City of Marquette to resolve these problems before they allow eight families to build houses on the property in question. We would appreciate your letting us know if you have answers to our questions or if you know who we should address our concerns to.

Thank you for your time.

Sincerely, 

Patrick St. Germain, Maggie MacDevitt

**T 48 N, R 25 W
Sections 7, 8 & 9**



Dotted line indicates shortest way to access
property in question by vehicle. 3 3/4 Miles total.
1 1/2 Miles on private road.
2 1/4 Miles on Marquette Township roads.



Rezoning parcels Cedar Point Family Trust-Forestville Basin

David Staples <[REDACTED]>

Thu 5/5/2022 11:29 AM

To: Andrea Landers <alanders@marquettemi.gov>

As owners of lots 3 & 5 (575 & 535) of Blue Heron Bluffs Condominium Association we do not support the current plan and sequence for the rezoning request.

We feel there are too many unanswered questions regarding documented assurances from Bruce of Cedar Point Family Trust (CPFT).

Additionally, we would like to see a response from the Zoning Department as to what requirements have to be met before approval is granted. We understand that neighborhood support is one factor in the process.

Therefore we recommend that rezoning approval be delayed until more information is provided by Bruce of CPFT and the Zoning Board of Appeals.

Signed

David Staples, Sharon Staples (575)

Ryan Staples, Stephanie Whiton (535)