

City of Marquette, MI



Meeting Agenda City Commission

**Monday, April 8, 2024
6:00 PM
Commission Chambers**

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

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

Presentation(s)

1. Traffic-Parking Advisory Committee, by Gerald Kujawa
2. Bicycle Friendly Community Award Designation - Marquette, by City Planner Dave Stensaas

Public Hearing(s)

3. Rezoning of 756 W. Washington Street - Roll Call Vote

4. Consent Agenda

- 4.a. Approve the minutes of the April 3, 2024 Commission work session
- 4.b. Approve the minutes of the March 25, 2024 regular Commission meeting
- 4.c. Approve the total bills payable in the amount of \$603,963.89
- 4.d. Schedule Public Hearing - Rezoning of 600 W. Spring Street

New Business

5. Short-term Rental Resolution- Roll Call Vote

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

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/8/2024

Public Hearing(s)

Rezoning of 756 W. Washington Street - Roll Call Vote

BACKGROUND:

The City recently received a request to rezone 756 W. Washington Street from General Commercial (GC) to a Mixed-Use (M-U) zoning district. On February 6, 2024, the Planning Commission conducted a public hearing and discussed the proposed rezoning, in accordance with procedures established in the Land Development Code for evaluating the merits of rezoning requests and the administrative procedures for processing such a request. The following motion was made:

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 6-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-02-24, the Planning Commission finds that the proposed rezoning is consistent with recommendations of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-02-24 as presented.

FISCAL EFFECT:

None.

RECOMMENDATION:

Adopt Ordinance 728, rezoning 756 W. Washington Street from General Commercial to a Mixed-Use district.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Planning Commission Case File 01-REZ-02-24
- ▣ Minutes of 02-06-24 PC Meeting Minutes
- ▣ Ord. 728



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: January 18, 2024
SUBJECT: 01-REZ-02-24 – 756 W. Washington St. (PIN: 0260110)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 756 W. Washington Street which is zoned **General Commercial (GC)** to be zoned **Mixed-Use (M-U)**.

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 (CMP) 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-02-24, 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-02-24 (as presented / for the following reasons / with the following conditions).

In cases in which the Planning Commission finds that the proposed rezoning is not consistent with the Future Land Use Map of the CMP due to a possible oversight or an apparent lack of attention to the features of the parcel in question, but that is consistent with most of the recommendations of the Plan, the Planning Commission may wish to recommend approval of the rezoning request as *inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan*.



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official
and David Stensaas – City Planner and Zoning Administrator

Case #: 01-REZ-02-24

Date: January 30, 2024

Project/Application: Rezoning request from **General Commercial (GC)** to be zoned **Mixed-Use (M-U)**.

Location: 756 W. Washington Street

Parcel ID: 0260110

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

Current Zoning: GC – General Commercial

Surrounding Zoning: North: MDR – Medium Density Residential
South: GC – General Commercial
East: GC – General Commercial
West: GC – General Commercial

Zoning Districts and Standards:

Current Zoning

Section 54.313 GC, General Commercial District

(A) Intent	
The GC district is intended to provide suitable areas for businesses that cater to both the local and regional market. Uses include offices, retail and wholesale businesses, services, light manufacturing, comparison shopping and land intensive establishments, which may be located so as to utilize a common parking area, or may provide their own parking separately. The GC district also serves as a transition between the urban development character of the CBD and the suburban character of the RC district.	
(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Light Vehicle/Equipment Sales and Display • Medical Hospital Related Accessory Uses 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Hospital • Hostel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Educational Research • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness Class A and Light Manufacturing • Marihuana Processor – Light Manufacturing

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<ul style="list-style-type: none"> • Medical Hospital Related Office or Uses • Office, Medical • Office, Professional • Outdoor Alcoholic Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment 	<ul style="list-style-type: none"> • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Rooming House • Vehicle Repair and Service • Wireless Telecommunications Facilities
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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

(D) Dimensional Regulations			
<i>Lot, Coverage, and Building Height Standards</i>		<i>Minimum Setbacks</i>	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0 (F), (G)
<i>Min. Lot Width (ft.)</i>	24	<i>Side Yard (one) (ft.)</i>	15 (I)
<i>Max. Impervious Surface Coverage (%)</i>	T	<i>Side Yard (total of 2) (ft.)</i>	30 (I)
<i>Max. Building Height of Primary Building (ft.)</i> (Q)	40	<i>Rear Yard (ft.)</i>	20
<i>Max. Building Height of Accessory Building</i> (L)	24	<i>Required Buffer & Greenbelt</i>	U
<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

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

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

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

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

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Waterfront District, or Third Street Corridor District.

(L) 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](#).

(Q) 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.

(T) 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.

(U) Landscape Buffer and Greenbelt Requirements. The minimum setbacks vary in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

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
GC and RC	40 (b)	40 (b)	N/A	N/A	N/A	N/A	N/A	20 (b)

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

Proposed Zoning

Section 54.311 M-U, Mixed-Use District

(A) Intent	
<p>The M-U district is intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the Master Plan:</p>	
<ol style="list-style-type: none"> 1. Locations. The M-U district will be located in many areas of the City, with each area unique based on the character of the area and the objectives of the Master Plan. Therefore, the M-U district may be located along strategic corridors or in a major or minor node, such as crucial neighborhood intersections (for example, corner stores in a residential neighborhood). The M-U district is the recommended zoning district in the following Future Land Uses of the 2015 Master Plan Future Land Use Map: Mixed Use and Neighborhood Commercial. 2. Mix Compatible Land Uses. The M-U district will include areas of the city that are appropriate for many types of residential uses and compatible non-residential uses, including a mix of compatible uses in the same building. Examples of mixed-use buildings include non-residential uses on the lower floors and residential uses on the upper floors. 3. Local Services. The non-residential uses in the M-U district are intended to satisfy the need for basic services of the surrounding residential areas, thus reducing the number of car trips required to these areas. 4. Design. Development must be human-scale through appropriate building location near the street to help create a pedestrian-oriented environment that does not conflict with motorized traffic. 	

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent

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<ul style="list-style-type: none"> • Outdoor Entertainment and Community Events (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only) 	<ul style="list-style-type: none"> • Vehicle Repair and Service
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,800 (C) , (E)	Front Yard (ft.)	0 (E) , (F) , (G)
Min. Lot Width (ft.)	40 (D) , (E)	Side Yard (one) (ft.)	5 (I) , (L) , (N)
Max. Impervious Surface Coverage (%)	(S or T)	Side Yard (total of 2) (ft.)	13 (I) , (L) , (N)
Max. Building Height of Primary Building (ft.) (Q)	44 (N)	Rear Yard (ft.)	20 (J) , (L) , (N)
Max. Building Height of Accessory Building	(L)	Required Buffer & Greenbelt	(U)
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

(D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

(E) Minimum Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

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

- (G) Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (I) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1)** The side walls are of fireproof construction and are wholly without opening.
 - (2)** The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.
- (J) Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (L) 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](#).
- (N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line. The maximum height allowed is 44 feet.
- (Q) 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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (S) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning 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 |
- (T) 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.
- (U) Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

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
M-U	15 (a)	15 (a)	N.A.	N.A.	N.A.	N.A.	N.A.	20 (a)

- (a) Within this buffer area, one (1) tree per 30 linear feet is required.

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, February 6, 2024.

- (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 February 6, 2024.

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

TBD.

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

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

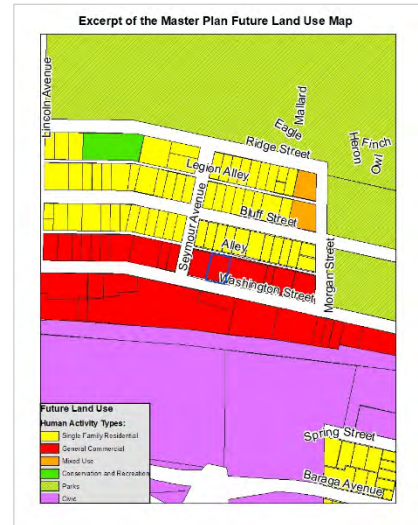
This property is designated for *General Commercial* on the *Future Land Use Map* of the Community Master Plan (CMP) and is designated as a *General Commercial* zoning district on the *Proposed Zoning Map*. These designations were adopted with the 2015 amendments to the CMP. In the view of staff, the designation of this property as strictly commercial for land use and zoning was an oversight at the time of the CMP work and several similar properties between Lincoln Ave. and Morgan St. should have been designated as Mixed-

Use on the Future Land Use Map at that time. That would have resulted in the rezoning of the property to M-U in 2019, at the time of the LDC adoption.

And in the draft amendments to the Community Master Plan that are nearly completed, the Future Land Use Plan chapter includes this area in the “West Washington St. and W. Baraga Ave. Belt” place type, which is envisioned “to support a wide spectrum of uses including multiple-family, commercial, and light industrial. The mix of uses may occur horizontally in single-story buildings or vertically in multi-story mixed-use buildings.” An excerpt of this draft chapter is attached to the staff report.

The Planning Commission will make recommendations for changes to the Future Land Use Map and Proposed Zoning Map in the near future and this is among a short list of properties that would be addressed in those recommendations.

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



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

Please see above - "Zoning District and Standards".

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

This portion of Washington Street is classified as an “urban minor arterial” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are moderate.

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

There are no problems anticipated.

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

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

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

The proposal will not result in any substantial changes that would make exclusionary zoning more likely.

- (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 allow all of the possible land uses for a Mixed-Use zoning district. The Planning Commission must determine the compatibility of the proposal in this location.

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

The existing structure does meet the existing west side setback for GC zoning and would not meet for the M-U zoning as well. It does partially meet the buffer requirement to the north for a 40-ft setback but does not for the tree requirement.

- (10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

The adjacent uses to the west, east, and south are commercial, and zoning is GC, and uses to the north are residential and the zoning is MDR.

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

A text amendment to add residential uses to the GC zoning district would not be appropriate due to the incompatibility of the allowable and special land uses for the zoning district.

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

The Planning Commission must determine if the proposed zoning would create an isolated or incompatible (see item #8 above) zone.

(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.

Additional Comments:

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

Attachments:

1. Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Photos
6. Publication Notice
7. Future Land Use and Proposed Zoning Map from the Master Plan
8. Excerpt from *Draft* Future Land Use Chapter of Community Master Plan Amendment
9. *Rezoning Information for Planning Commissions* document
10. Correspondence

CITY OF MARQUETTE REZONING APPLICATION



CITY STAFF USE

Parcel ID#: 0260110 File #: 01-REZ-02-24 Date: 01-03-24
Hearing Date: 2-6-24 Application Deadline (including all support material): 1-9-24
Receipt #: 830488 Check #: 1600 Received by and date: 1-3-24 (MAIL)

FEE \$1,295 (We can only accept Cash or Check (written to the City of Marquette))

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: Eric S. Berg
Address: 613 Lake St.
City, State, Zip: Negaunee, MI 49866
Phone #: 906-399-3426
Email: bergybread@gmail.com

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

APPLICANT/OWNERS REPRESENTATIVE

Name: _____
Address: _____
City, State, Zip: _____
Phone #: _____
Email: _____

****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: 756 W. Washington Property Identification Number: 52-52-002-601-10
Size of property (frontage / depth / sq. ft. or acres): 0.32 acres
Surrounding Zoning Districts: North Med. Density Residential East Gen Comm South Gen Comm West Gen Comm
Legal Description: Lot 10, Block 1 of Nester's Addition to the City of Marquette
& Lot 11, Block 1, Nester's Addition to the City of Marquette,
State of Michigan

PROPOSAL

Current Zoning District: GC general commercial Proposed Zoning District: M-U mixed use
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).

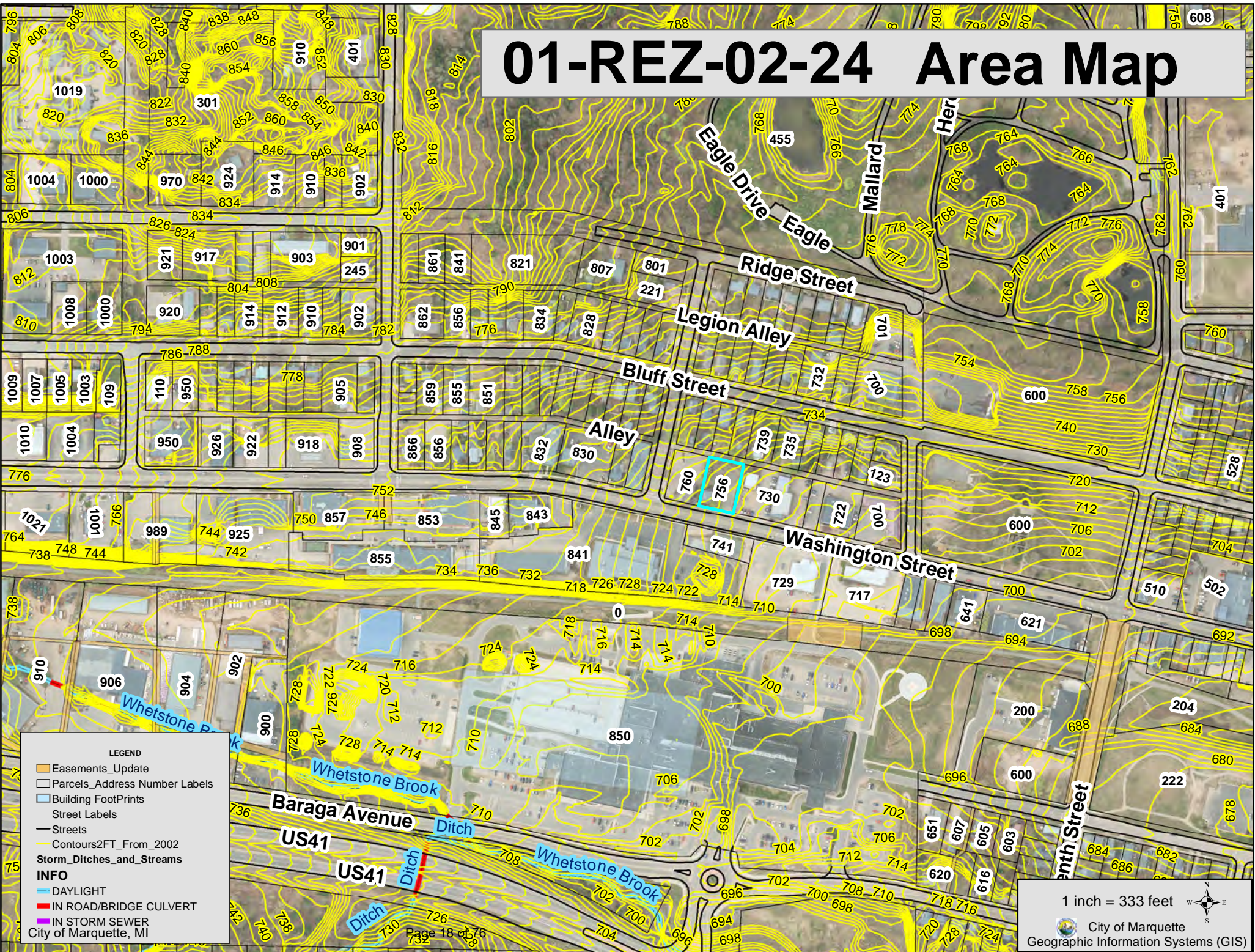
SIGNATURE

I hereby certify the following:

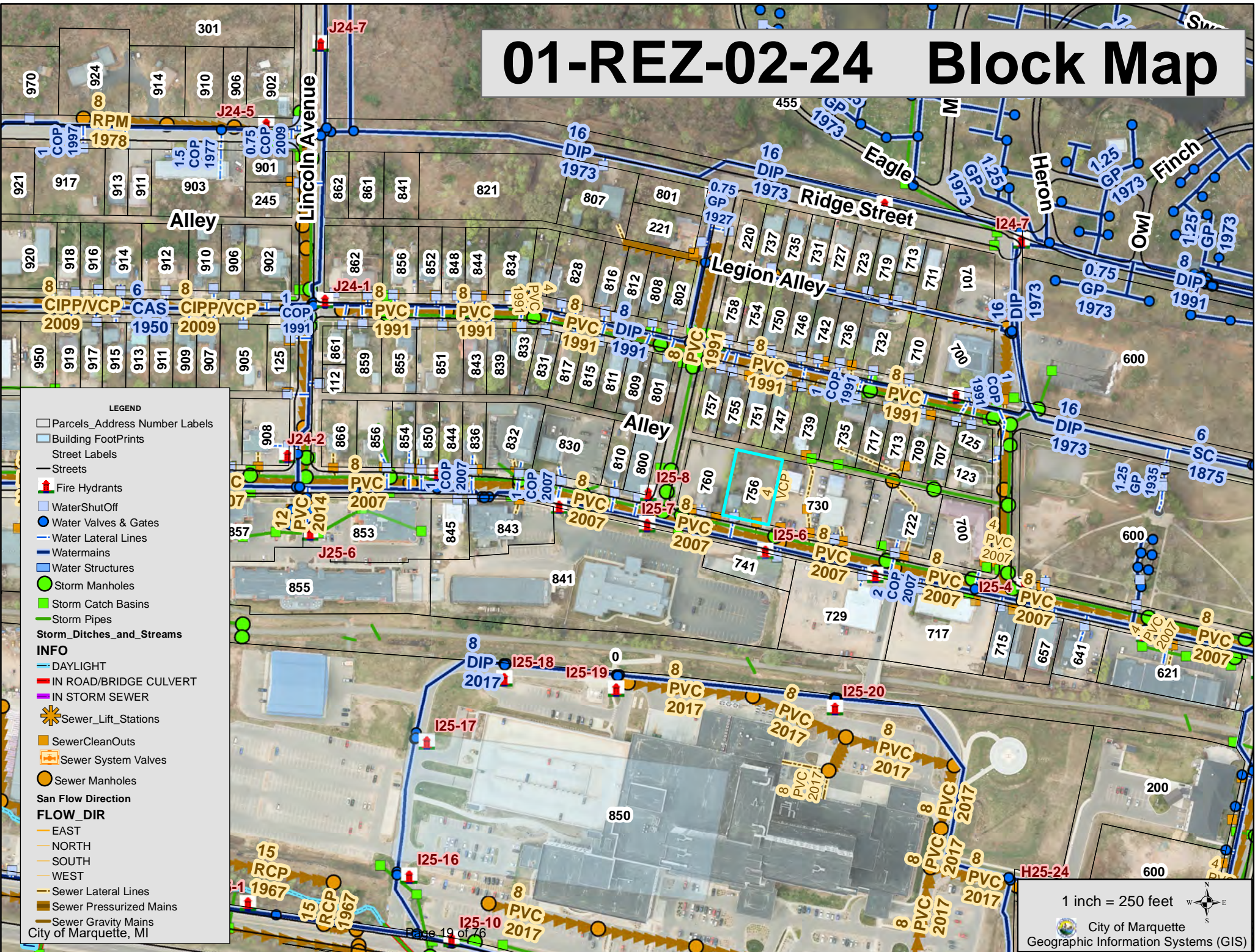
1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the 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: Lois S. Berg Date: 1/2/2024

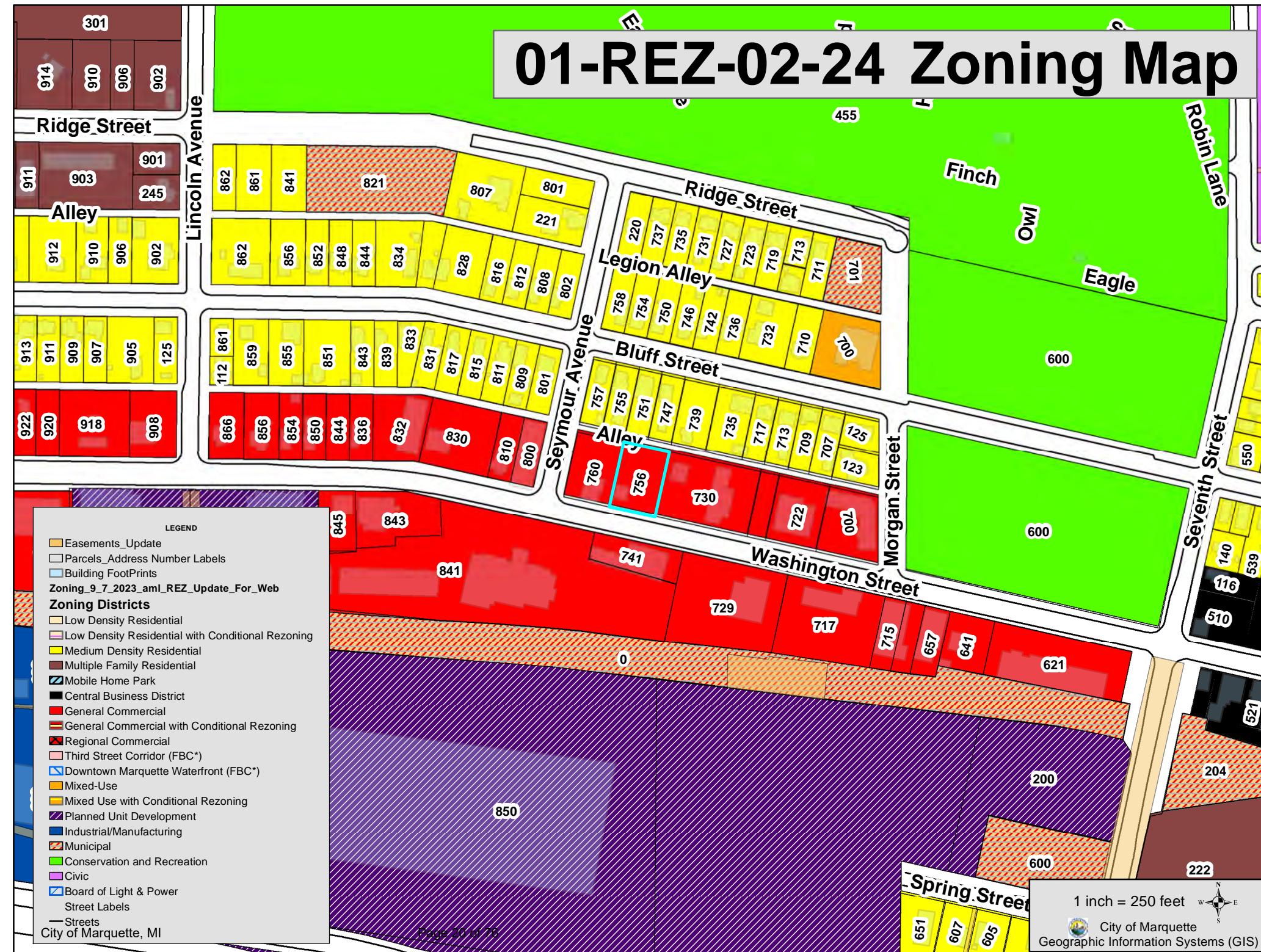
01-REZ-02-24 Area Map



01-REZ-02-24 Block Map



01-REZ-02-24 Zoning Map





Local

Volume 138, No. 15

THE MINING Journal

228-2500

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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-02-24 - 756 W. Washington St. (PIN: 0260110):** Bergy Building, LLC is requesting to rezone the property located at 756 W. Washington Street which is zoned General Commercial (GC) to be zoned **Mixed-Use (M-U)**.

The public hearing for this request will be at 6:00 P.M. on Tuesday, February 6, 2024, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on this matter 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 February 6, 2024.

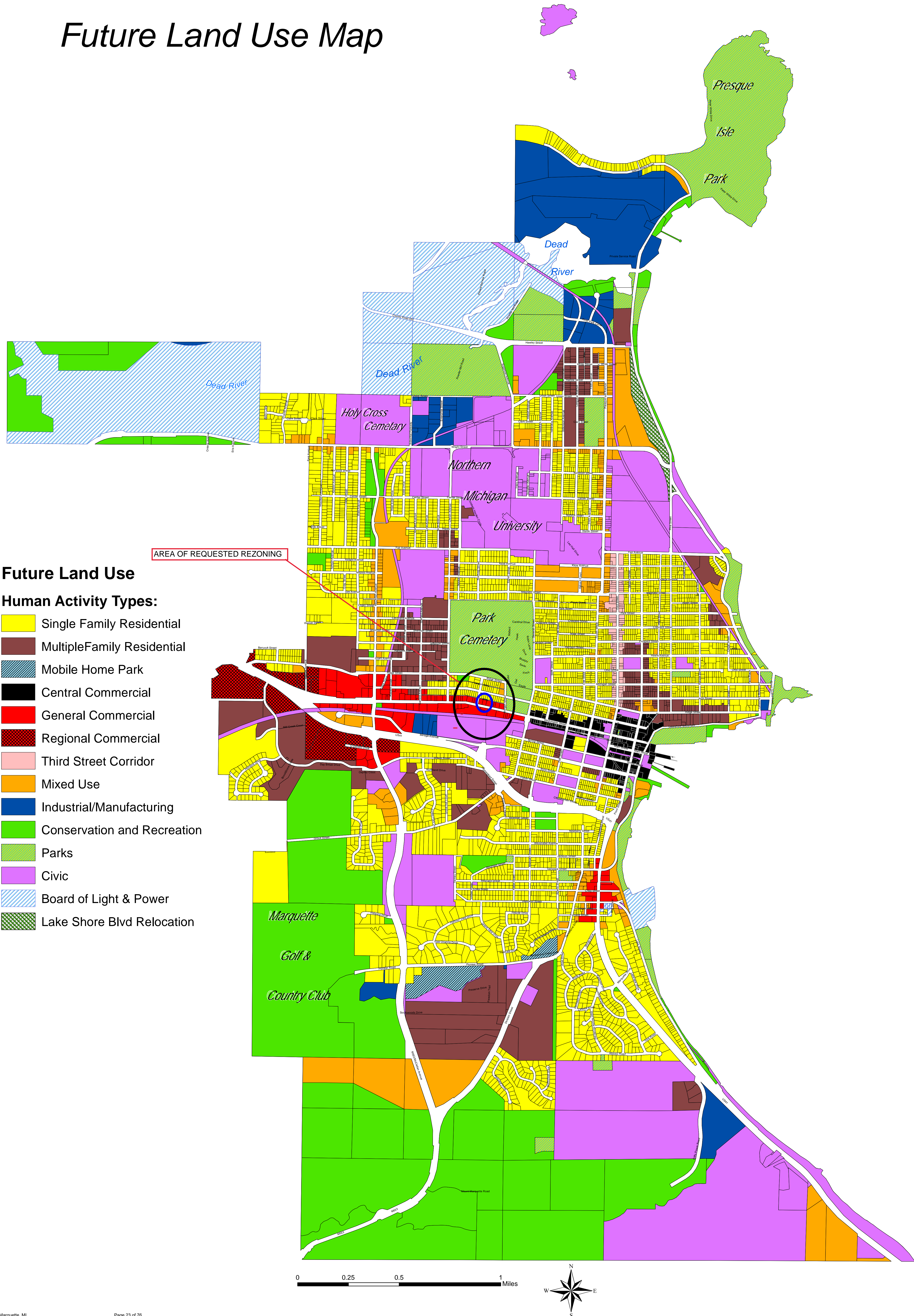
Materials pertaining to the request is available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through

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 Landers, Zoning Official, 225-8383

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



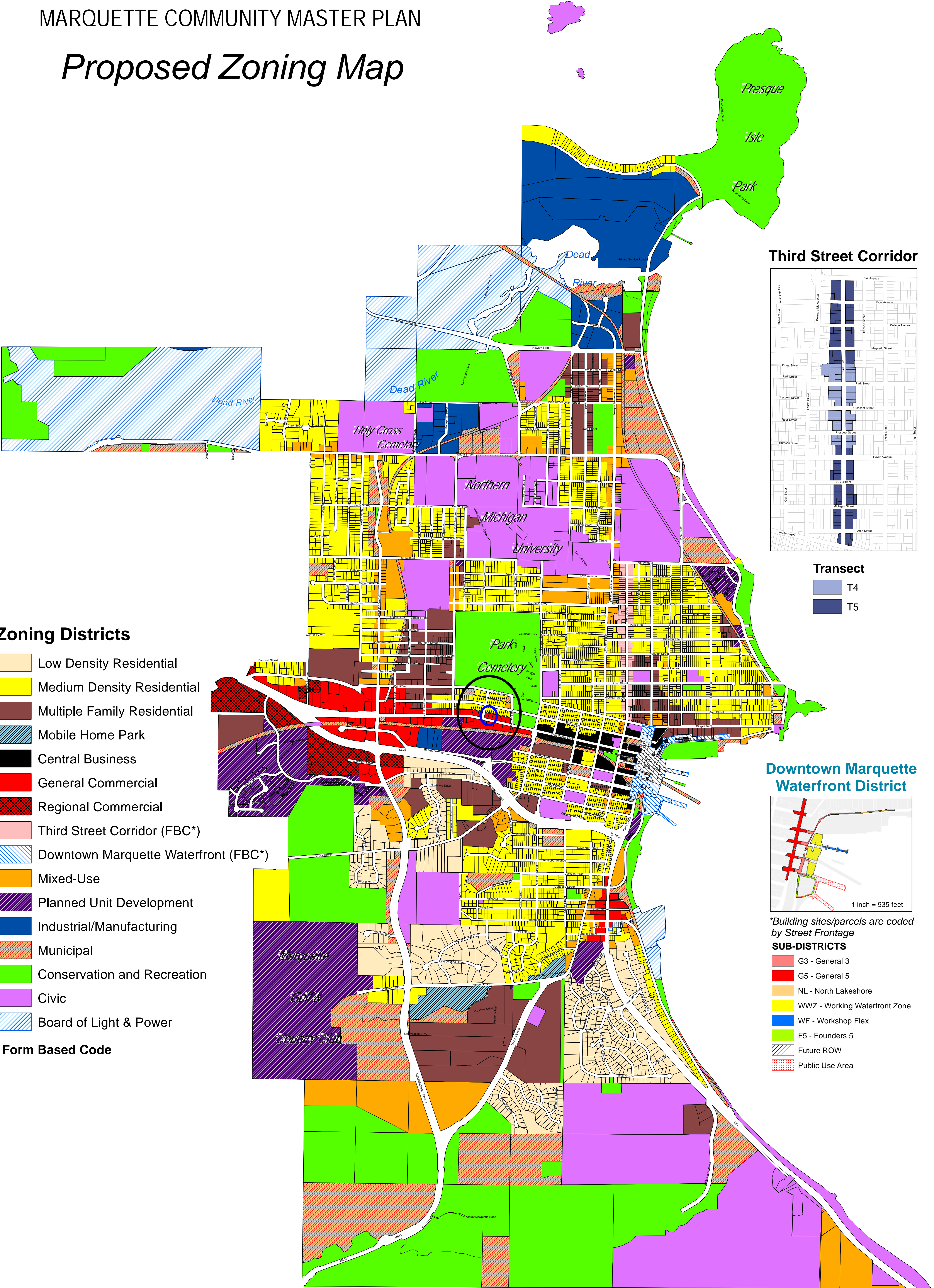
Future Land Use

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

MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

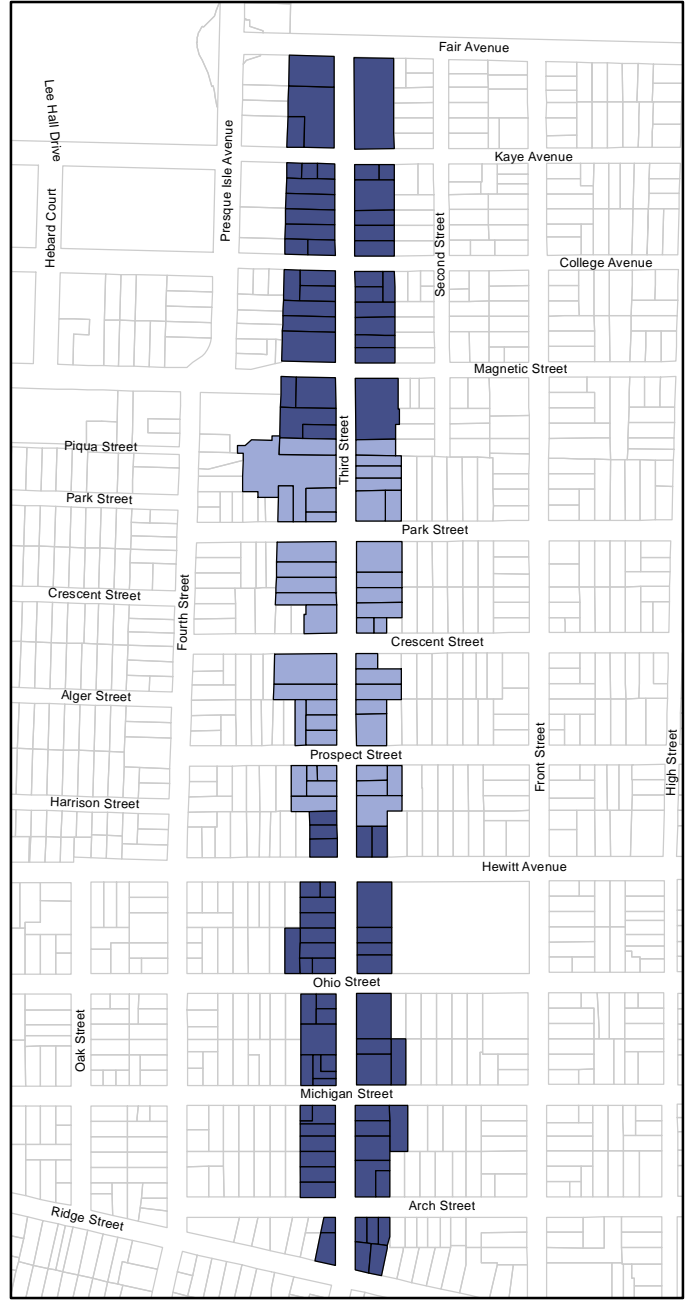


Zoning Districts

- 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

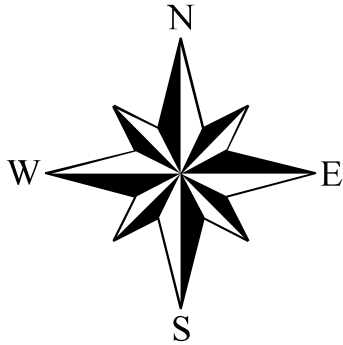
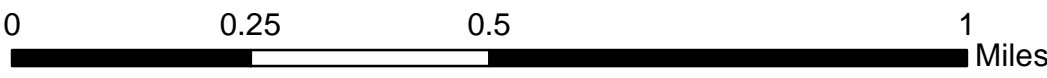


- Transect**
- T4
 - T5

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



Future Land Use Plan

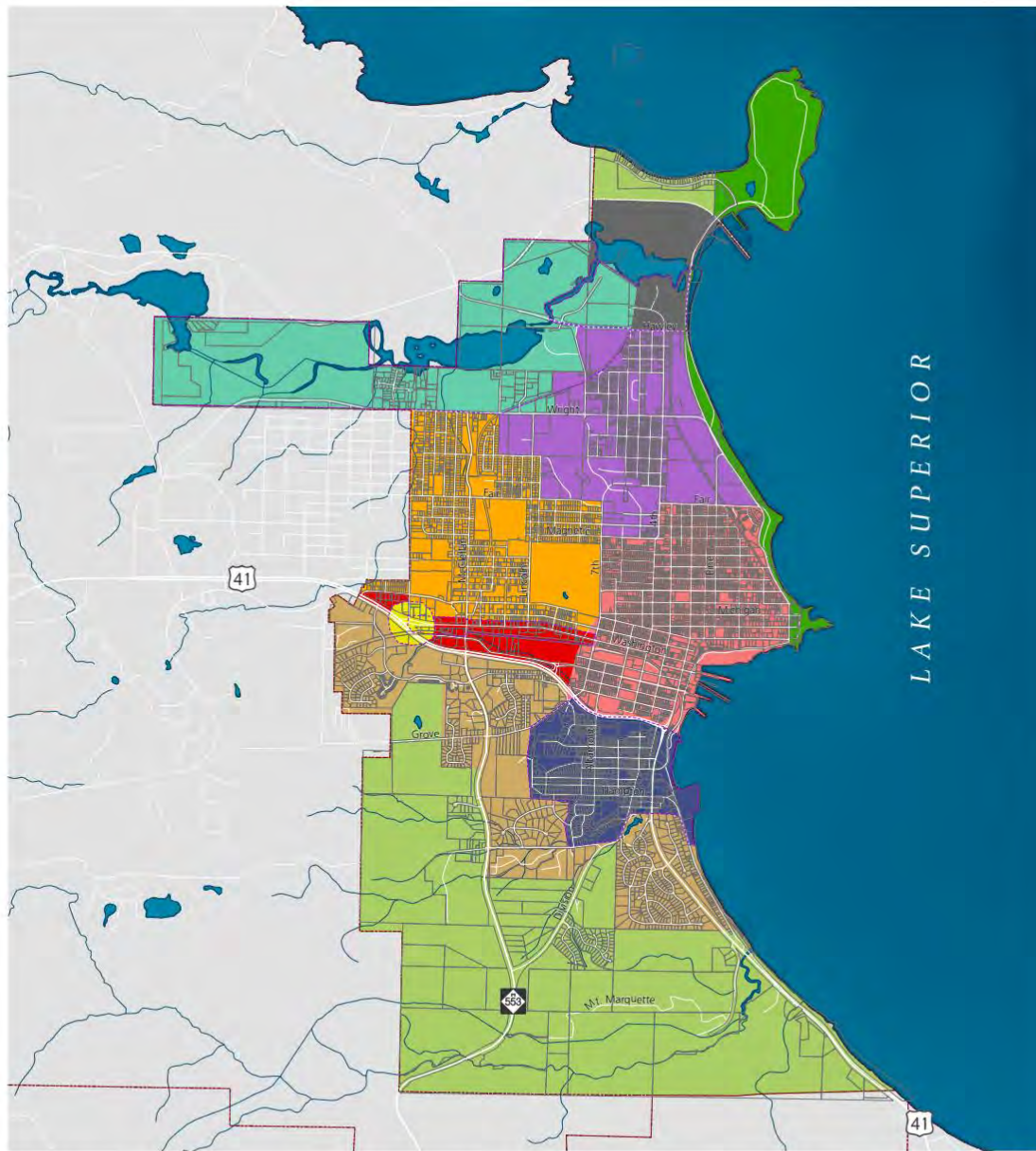
The Future Land Use Plan is the community's agreed-upon development pattern and visual guide to future development. It serves as the basis for public policy decisions, capital project planning and funding, redevelopment, updating the zoning map, or rezoning individual properties. The Marquette Future Land Use Plan is intentionally fluid. Its application is flexible and allows the City to consider individual proposals for innovative approaches to development and redevelopment, that are in line with overarching policies included in the Community Master Plan.

The Future Land Use Plan is not necessarily concerned with the specific use of each parcel. Instead, the Future Land Use Plan considers the collective uses for each area that establish a "place" within Marquette. This plan prioritizes the function and atmosphere of specific areas or "place types" over discrete land use classifications.

The future land use map divides Marquette into eleven distinctive "place types". The boundaries of these places are not drawn at a parcel boundary but instead, follow general land use patterns and trends. It leaves the specificity of future land use decisions to the Planning Commission and Planning Staff while providing overall guidance.

Each place type consists of primary and complementary land uses, development scales, character, and transportation form. Together, the place types provide a land use and development Place Type that defines all areas of the city and supports a wide range of land use types, including residential and commercial neighborhoods, production areas, natural spaces, public facilities, open spaces, and institutions. The Marquette Future Land Use Plan builds on the understanding that establishing desirable places and areas is critical in creating a harmonious and appealing city.

Future Land Use Map



Place Types / Land Use Typologies

Sources: Michigan Open Data Portal, City of Marquette

- | | |
|-----------------------------|--|
| Transformative Area | Dead River Corridor |
| Recreation Corridor | W. Washington St. - W. Baraga Ave Belt |
| Forested Suburban | W. Washington St./Highway Node |
| W. Marquette Neighborhood | University - North Marquette |
| Suburban South Marquette | Industry and Innovation |
| Historic Core and East Side | Historic South Marquette |

0.5 Miles
Beckett & Raeder, Inc.

West Washington Street and West Baraga Avenue Belt

The West Washington Street and West Baraga Avenue Belt runs from Seventh Street west to the US-41/M-28 highway intersection. West Washington Street was part of the US-41 Business Route from 1964 to 2005. In 2005, the highway route was decommissioned and transferred to the city as a local street. Before the bypass opened in 1963, Front and Washington Streets were the highway route traversing the community. Today, West Washington Street remains an important commercial corridor



and serves as the key entryway to downtown. This corridor is envisioned to support a wide spectrum of uses including multiple-family, commercial and light industrial. The mix of uses may occur horizontally in single-story buildings or vertically in multi-story mixed-use buildings.

With its high traffic volumes and narrow right-of-way, the corridor has its challenges, but it also presents opportunities for the growth of businesses and services that can benefit from the high traffic exposure. The central location of West Washington Street and West Baraga Avenue with a high concentration of jobs, including a regional hospital makes it a prime and convenient location for higher-density housing built in the form of multi-story apartments or within mixed-use buildings. To encourage walking to employment venues along the corridor, physical design standards should require sidewalks set back several feet from the street to provide space for a tree lawn planted with canopy trees. Parking is to be relegated to the rear of buildings unless it is physically impractical. In these cases, parking can be accommodated to the side of buildings but still behind the front façade of buildings on the parcel. The reduction or consolidation of driveways along the corridor is also envisioned to reduce conflict points with pedestrians while also helping enhance the street's carrying capacity. Over time, the beltline is envisioned to become a key east/west transit spine which will allow overtime, parking areas to be converted for businesses and places to live.

The changes discussed above can be accomplished by sharing driveways with adjacent businesses and building alleys or service drives where feasible. Additional right-of-way or easements will be necessary where the right-of-way is narrow. For those properties that participate in providing sidewalk easements or land for the construction of alleys and services drives, zoning incentives should be employed, resulting in a win-win for both the community and the private property owner.

The entire belt is envisioned to be intensely developed typically with multi-story buildings. The highest intensities are planned to be on the eastern portion of the corridor. Buildings are to be set next to or near the sidewalk to create a defined street wall and promote an attractive walking and transit friendly

environment to access commerce, services, and shopping from residential areas. These buildings may contain a mix of street-level commercial and residential uses with residential and office uses on the upper floors. Colorful facades are envisioned to brighten up the dark cloudy days that often occur during the cooler seasons. A corridor sub-area plan is recommended to guide the redevelopment of this important community corridor.

Defining Elements:

- Land Uses: A mix of commercial, institutional, multifamily residential, and cottage industries, public art
- Development Scale: Medium to large buildings.
- Character: Buildings are designed to allow uses to change over time. Street ground floor frontages shall encourage pedestrian activity with clearly identified entries. Buildings east of McClellan Avenue are envisioned to be two or more stories. Streetscapes include pavement art at street intersections, special street lighting street tree plantings.
- Street Network: Formal streets with continuous walks and sheltered transit stops with an adjacent multi-use trail just south of West Washington Street. New north-south streets are envisioned to break up long blocks to make walking routes more direct and help diffuse traffic loads. Access is from alleys or service drives. Independent driveways are generally discouraged and always break for public sidewalks. Any driveway must meet the side-yard setback requirements and be accessible to adjacent properties.

Rezoning

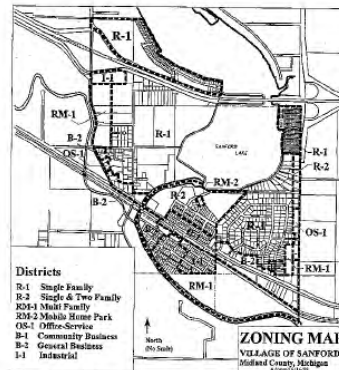
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific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



21

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

01-REZ-02-24 756 W. Washington St. PIN 0260110

Katie Brang <[REDACTED]>

Tue 1/23/2024 1:15 PM

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

[REDACTED]
To the Community Development Department,

My business is located within 300 feet of 756 W. Washington St. I rent at 717 W Washington St. I am in complete support of this zoning change to Mixed-Use. I think this change will benefit the current owner and owners in the future. I am so excited to see the revitalization of this section of Washington St, and I think that Bergy Building LLC is going to bring energy, foot traffic (and fantastic bread) to the area. Please let me know if you have any questions.

Katie Brang

756 w Washington

mike potts <[REDACTED]>

Tue 1/23/2024 12:19 PM

To: Andrea Landers <alanders@marquettemi.gov>

[REDACTED]

Hi,

Regarding pin: 0260110, I am writing to express my support of the requested zoning change from gc to m-u.

I believe this is a good change for this particular property and will help to provide more opportunities for current and future owners of this property.

Thank you

Mike Potts
205 Newberry
Marquette, mi 49855

[REDACTED]

Bergy Building Zoning

Ryan Brang <[REDACTED]>

Fri 1/26/2024 9:53 AM

To: Andrea Landers <alanders@marquettemi.gov>

[REDACTED]
Dear Andrea and the Community Development Department,

I would like to voice my support in favor of the mixed-use request by Bergy Building. As a small business owner myself, I would like to support the continued development and support of more small business owners and I would hope that the city would be supportive of this as well. Eric Bergy offers a great product and the more accommodations that we can make for him, his family and his business, the better in my opinion. Thank you so much for your consideration. If there are any other questions for me or any other ways that I can be of assistance, please let me know.

Sincerely,

Ryan Brang, MD
Family Medicine
NorthCountryHealthMQT.com
717 W Washington St
Marquette MI 49855



Inspired Healthcare

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING
COMMISSION
February 6th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, February 6, 2024, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, K. Clegg, C. Gottlieb, S. Lawry, M. Rayner, Chair S. Mittlefehldt.

PC Members absent: A. Andres, D. Fetter, Vice-Chair N. Williams.

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by S. Lawry, seconded by M. Rayner, and carried 7-0 to approve the agenda as presented.

MINUTES

The minutes of 1-16-24 were approved as presented.

CONFLICT OF INTEREST

There were no conflicts of interest stated.

PUBLIC HEARINGS

A. 01-REZ-02-24 756 W. Washington St. – Request to Rezone from Gen. commercial to Mixed Use

Chair S. Mittlefehldt said that we will now conduct a public hearing for 01-REZ-02-24, property at 756 W. Washington St., which is a request to rezone the property from General Commercial to Mixed Use. She asked staff to provide the background information.

Zoning Official A. Landers stated:

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property at 756 W. Washington St. to Mixed Use, and that it is currently zoned as a General Commercial district.

She said that attached to the agenda is the Staff Report and referenced the report contents and showed on-screen the report and said that it provides the existing conditions of the site, the current zoning district and its standards, the proposed zoning district and its standards, the zoning ordinance amendment procedures information, the attachments of the application submitted by the applicant, the area map, block map, and existing zoning map – all with the parcel outlined in blue; photos of the site; and proof of publication of this hearing as a legal advertisement. She also referenced in the staff report the Future Land Use Map and the Proposed Zoning Map from the Community Master Plan (CMP) showing the parcel as General Commercial on both maps. And she said that there was an excerpt from a draft of the Future Land Use chapter of the Community Master Plan update that is being completed by consultants Beckett and Raeder currently, which the Planning Commission had on their agenda as a work session item recently and said that Dave might want to discuss that.

D. Stensaas said:

I just wanted to make sure that you're aware of this. We went over this before, and our Community Master Plan is looking at changing how we look at this area to allow for mixed uses. I also sent minutes from the discussion that we had in late December on this particular piece of property and this concept that we're probably going to see adopted into our Community Master Plan soon.

A. Landers also said there were rezoning and spot zoning considerations for the Planning Commission to consider, and she showed that, and the correspondence received before posting the agenda, and said that staff had not received any additional correspondence since then.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Eric Berg, of 613 Lake St. in Negaunee, stated:

Hello. You've seen this before. I'm hoping to move to Marquette. I'd like to live where I work. It's a convenient location and (inaudible). I'm excited to do more of the same, more efficiently. Anything else?

S. Mittlefehldt asked if any of the members had any quick questions for Mr. Berg. Nobody spoke.

S. Mittlefehldt opened the public hearing.

Jean Temple, of 93 Cedar Lane in Negaunee, stated:

I have a business down the street. She asked where exactly the subject property is. It was shown by staff using the location map, in the room monitor. She said she was just curious about the type of business it is. Mr. Berg spoke to Ms. Temple directly and said it will be a bakery. Ms. Temple said, "that will be good on that side of town".

S. Mittlefehldt said that if there were any more comments to please use the microphone. She asked if anyone else wished to make a comment or had questions. Seeing none she closed the public hearing and said it was time for Commission discussion and asked the other members if anyone wanted to make a motion.

It was moved by K. Clegg, seconded by C. Gottlieb and carried 6-0 to suspend the rules for discussion.

K. Clegg stated:

It appears that this is not consistent with our Future Land Use Map, but it is consistent with our future Future Land Use Map – the proposed one, so it's going to take some thinking on our part to change how we've done business. The future Future Land Use Map is intentionally vague.

S. Mittlefehldt said:

Okay, so thinking about all the things that are allowed in Mixed-Use, our questions about rezoning are all the different permitted uses that are allowable in Mixed-Use, like I hope the bakery is very successful, but...are we good with all of the uses that are allowed in Mixed-Use?

S. Lawry stated:

I think most of the uses that would be allowed under Mixed-Use are already under General Commercial, there are only a few differences.

S. Mittlefehldt said:

Is everyone good with that? What about other factors to consider. Would rezoning be consistent with the area? It does have a residential area just to the north of it, commercial on either side. That seems good to me. Anything else on that?

S. Lawry said:

This is slightly removed the nearest Mixed-Use are, which I think was on Ridge and Morgan (streets), or thereabouts, but it's still a known type of development – creating a walk-in type of business, which is what we were trying to accomplish with those [Mixed-Use] nodes.

S. Mittlefehldt said:

Any other thoughts, comments, or further discussion? It looks like the correspondence that we did receive was very positive.

S. Lawry stated:

I went through the current Community Master Plan recommendations and tried to identify those recommendations that this is consistent with. So, I can go through those.

- Encourage development of higher density housing in close proximity to downtown, in established neighborhoods.
- Modify zoning provisions to allow for diversity of housing types, densities, and mixed uses.
- Facilitate and incentivize development of housing near downtown as well as more working-class housing options.
- encourage a diversity of new housing options.
- Create incentives for the development of affordable, sustainable, and infill housing projects as alternatives to greenfield development.
- Craft or amend guiding and regulatory documents so the community can support the strengthening of the local food system after evaluating existing policies and regulations that are obstacles to that support. Right now, there seems to be an obstacle that we can try to remove.
- This is in the recommendations section but not a recommendation – “Commercial and residential uses can be compatible and complimentary and mixing those uses is an age-old practice that can boost urban activity and walkability. Downtown and N. Third St. corridors are areas where there is generally healthy mixing of residential and commercial uses.

So, I think all of those recommendations support an action to change this, even if it isn't consistent with the existing Future Land Use Map, there is plenty of support within the recommendations to justify the change.

S. Mittlefehldt said:

Excellent. Thank you, Commissioner Lawry, I appreciate that. Any other comments?

D. Stensaas stated:

I might add that referring to those items that commissioner Lawry outlined is a good finding of fact for a motion.

S. Mittlefehldt said:

With that, would anybody like to make a motion?

It was moved by C. Gottlieb, seconded by K. Clegg, and carried 6-0 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-02-24, the Planning Commission finds that the proposed rezoning is consistent with recommendations of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City commission approve 01-REZ-02-24 as presented.

PUBLIC COMMENT ON AGENDA ITEMS

No comments were provided.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No comments were provided.

TRAINING

A. Article – *Making sound and Defensible Land Use Decisions* (Mich. Assoc. of Planning, Nov./Dec. 2023)

Staff and the Planning commission discussed the article. D. Stensaas said this is mainly intended as a refresher and I think Sarah, you went to a course with me a few years ago that had the same title as the

article. What we just talked about – finding of facts in your motions is very important and making thorough findings like “not consistent with the map but consistent with many recommendations of the Plan” – those are important. Another thing to keep in mind is that when you’re having these kinds of zoning deliberations is not bring up personal opinions. At this level of importance, with rezoning, it changes the laws that apply to the property so keep your personal opinions out of it, like good bread is something everybody likes, but it’s not related to your approving it or not. And when talking to the media, and we had a member speak with the media about a month ago and said something along the lines of “we approved this because we think this is a good use of the property”. Well, that’s not why you approved it – you approved it because it met all the standards of the Land Development Code and you basically at that point don’t have a choice because you have to approve site plans that meet all of the standards. It’s a bonus that you think it’s a great use of this property, but it’s not accurate to say that you approved it because you all think it’s a great use of the property. That’s not how it works for the Planning Commission, and you shouldn’t give the public the impression that the board makes decisions based on opinions.

WORK SESSION

A. Land Development code 2024 Amendments

The Planning commission and staff continued work on a comprehensive update to the Land Development Code (LDC) by discussing several items from the LDC that staff has annotated and prepared for amendments. The items discussed were:

- Specific Use standards that staff drafted for Day Care Group Homes, covering licensing and permit requirements, caregiver parking and child drop off, noise, and signage for such facilities. Amendments to Articles 6 (54.608) and 9 (54.903).
- Specific Use standards that staff drafted for Day Care Centers (commercial use/buildings), covering licensing and permit requirements, caregiver parking and child drop off, noise, signage, and allowance for such facilities to be an accessory use to “institutional” uses like churches. Amendments to Articles 6 (54.609) and 9 (54.903).
- Amendment to Section 54.706 for fences in the M-U and CBD districts to allow a wall or fence in the side or rear yard of an approved commercial outdoor Alcoholic Beverage Service use and for outdoor Entertainment and Community Events may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use. And to allow a wall or fence in the front or side yard that has a commercial off-street parking lot abutting a residential use to be up to six feet (6) in height.
- Amendment of Section 54.332C.4 (iv): A solid/screening fence along the lot line that has a commercial off-street parking lot abutting a residential use – may be up to six (6) feet in height in the side yard.
- Amending the definition (54.202) of Family to state that no more than five (5) unrelated persons may live together as a single housekeeping unit. A decision on this was postponed, pending requested data to support such a change, which is a recommendation of the Draft Community Master Plan Update.
- Amendment of Section 54.708 – Solar Energy Ground-Mounted Solar Energy Systems (Less than 20kw). To potentially allow ground-mounted and freestanding solar energy systems of less than 20kw for on-site use to be placed in front yard areas. Conditions for this “exception” to the current requirement that such accessory structures cannot be placed in a front yard area were requested and will be proposed at a later time.

- Revisiting the subject of commercial parking lots as a new Special Land Use. The use does not exist in the LDC and the Draft Community master Plan Update recommends only allowing parking lot development on private land as a Special Land Use in commercial, industrial, Third St. Corridor, and multiple-family zoning districts, and some Downtown Marquette Waterfront subdistricts.
- Amendment of Section 54.306 to include a new category of land use, for *Restaurants, Outdoor Food and Alcohol Service* to allow this as a Permitted Use in the Third St. Corridor and Mixed-Use districts. It is already a permitted use in other zoning districts. The Planning Commission does not want to extend the allowance to Mixed-Use districts but recommends to extend the option to the Third St. Corridor district in consideration of precedents and the Social District application there.
- Amendment of Section 54.306 to allow Accessory Uses as a Permitted Use in several non-single-family residential zoning districts where this is currently a Special land Use. Examples are outdoor recreation facilities at a restaurant in the CBD, and pool/clubhouse facilities in a multi-family housing development.
- Amendment of Section 54.1003 to relax the screening/enclosure standards that currently apply to dumpsters, and to allow more options for material used to construct enclosures, and to make gates for enclosures optional.

A consensus was reached on some of these issues and others will require more research and/or study.

COMMISSION AND STAFF COMMENTS

W. Premeau said he had a question for D. Stensaas, and he asked for clarification about a situation that could be construed as an unannounced meeting, where four Planning commission members were in attendance at an event at the same time in one room.

D. Stensaas stated that it would be a meeting if you were all sitting together talking about Planning commission business, otherwise just being present in the same room at the same time is not a problem.

D. Stensaas said that due to an unusual calendar this month, the City Commission is meeting on the same night as the scheduled second Planning Commission (PC) meeting, and since the presentation of the completed draft of the entire Community Master Plan is going to be the focus of that PC meeting, staff and Russ Soyring from Beckett & Raeder have made arrangements to move the PC meeting to Wednesday, February 21st, at the Citizens Forum in Lakeview Arena. He said that the meeting will begin at 6:00 p.m. and it is important that City Commission members are able to attend that presentation and staff wanted to make sure we have a large room for what hopefully will be a large public turnout.

ADJOURNMENT

The meeting was adjourned by Chair S. Mittlefehldt at 7:30 p.m.

_____

Prepared by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

ORDINANCE #728
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER
54 – ZONING, BY CHANGING THE ZONING DESIGNATION
OF THE PROPERTY AT 756 W. WASHINGTON STREET

The City of Marquette Ordains:

SECTION 1. Zoning Designation.

The zoning of the property located at 756 W. Washington Street (PIN: 0260110) is hereby changed from General Commercial (GC) to Mixed-Use (M-U) zoning district.

SECTION 2. Map Revision.

This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.

This ordinance shall take effect ten days after adoption but not before publication.

Sally Davis, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/8/2024

Consent Agenda

Approve the minutes of the April 3, 2024 Commission work session

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 04-03-24 Work Session Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda City Commission

WORK SESSION

Wednesday, April 3, 2024

5:00 PM

Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Schloegel, Smith

Announcements

The Mayor had no announcements.

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

There were no public comments.

1. Brownfield Tax Increment Financing for Housing

Assistant City Manager Sean Hobbins led the Commission through a presentation on Brownfield Tax Increment Financing and how it relates to future housing developments. He began with an overview of the general concept of Brownfield Tax Increment Financing. He then went on to explain recent changes in Act 381 which has been updated to include housing development activities as an eligible expense within a Brownfield development. Throughout the presentation the Commission had the opportunity to ask questions.

He explained MSHDA sets the minimum qualifying standards for a development; just one housing unit can qualify a project for brownfield reimbursement under an approved plan. However, the local governing body additionally can refine the parameters when considering what developments may take place within the city.

He spent time focusing on financing gaps for housing developers. These gaps include potential development loss and potential rent loss due to the developer agreeing to sell or rent the housing development at what is deemed to be affordable housing. To clarify these concepts, he provided scenarios to explain how total housing subsidies could close the financing gaps for those developers and how it relates to the Commission's role when approving a development and brownfield agreement. The Commission discussed the potential impact total

housing subsidies could have on taxpayers, and the overall tax revenue for the City.

The meeting concluded with comments from the Commission.

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

Geraldine Nault stated it was a very interesting and complex meeting.

Adjournment

The meeting was adjourned at 6:41 p.m.

Cody O. Mayer, Mayor

Rachel Quayle, Deputy City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/8/2024

Consent Agenda

Approve the minutes of the March 25, 2024 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ 03-25-24 Minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, March 25, 2024
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Schloegel, Smith

Approval of the Agenda

Commissioner Michael Larson moved to Approve the agenda as presented, seconded by Commissioner Jennifer Smith and Carried Unanimously.

Announcements

The Mayor had no announcements.

Boards and Committees

1. Appointment(s)

Robbi Marcelain to the Board of Review for an unexpired term ending 02-01-27

Commissioner Jerney Ottaway moved to Approve the appointment of Robbi Marcelain to the Board of Review for an unexpired term ending 02-01-27, seconded by Commissioner Paul Schloegel and Carried Unanimously.

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

Lisa Jahnke , discussed the removal of overhead utility on Lake Street.

Cary Gottlieb, resident on Lake Street, asked for City support on the removal of City fiber optic line on Lake Street.

Brooke Tharp encouraged the Commission to work toward affordable housing as she believes Marquette's population will continue to grow due to climate migrants.

Margaret Brumm explained the benefits of planting clover compared to grass as it relates to Presque Isle Park.

Presentation(s)

2. Presque Isle Park Advisory Committee, by Dan LaBar

Dan LaBar, member of the Presque Isle Park Advisory Committee, provided the annual presentation on behalf of the committee. He explained the Committee's accomplishments and goals.

A moment of silence was observed to honor and recognize the passing of Tara Gluski, PIPAC Chair.

3. Consent Agenda

Commissioner Jerney Ottaway moved to Approve the consent agenda as presented, seconded by Commissioner Jennifer Smith and Carried Unanimously.

- 3.a.** Approve the minutes of the March 11, 2024 Commission work session
- 3.b.** Approve the minutes of the March 11, 2024 regular Commission meeting
- 3.c.** Approve the total bills payable in the amount of \$1,080,256.04 which excludes \$758.32 in City Commission travel reimbursement, this reimbursement will be New Business item #4.
- 3.d.** Carden International Circus, Inc. - Amended Special Event Permit
- 3.e.** Materials Testing Services for 2024 City Construction Projects
- 3.f.** Ordinance 729 - Downtown Development Authority TIF
- 3.g.** Proclamation- Strengthening Families Month
- 3.h.** Tourist Park Playground - Bid Award, Contract approval and Budget Adjustment

New Business

4. Mayor Davis Travel Reimbursement

Commissioner Michael Larson moved to approve travel reimbursement for Mayor Davis in the amount of \$758.32 for the Michigan Municipal League Capital Conference, seconded by Mayor Pro Tem Jessica Hanley.

Mayor Davis recused herself from the vote. The motion passed 6-0.

5. Presque Isle Bandshell - Design Bid Award and Contract Approval

Mayor Pro Tem Jessica Hanley, moved to award the bid for design services and construction oversight of the Presque Isle Bandshell to AWH Architects, LLC of Minneapolis, Minnesota, and authorize the Mayor and Clerk to sign the contract, seconded by Commissioner Jerney Ottaway and Carried Unanimously.

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

Margaret Brumm reminded the public of the BLP meeting taking place on Tuesday. She

also announced she will be giving a presentation regarding the history of the Cliffs Dow site. The presentation will be held at the Peter White Public Library.

Dan LaBar urged the Commission to keep in mind the character of the former bandshell and the history of Presque Isle Park when considering the design of the new bandshell. Cameron Smith thanked the mayor for traveling to the Michigan Municipal League conference and working with state legislators. He brought attention to a recent bill about dyslexia passed by the State Senate Committee on Education. He spoke on the advancement of education and communication through legislation and the importance of these advancements in the Upper Peninsula.

Brooke Tharp encouraged the Commission to find creative ways to establish rent control within the city.

Comments from the Commission

Mayor Pro Tem Hanley read the Strengthening Families Month Proclamation that was approved within the consent agenda.

Commissioner Schloegel recognized youth sports in the Upper Peninsula and how great it is to see the community come together and support each other. He acknowledged public comment regarding advancing education and communication.

Commissioner Smith spoke on the diversity in local government which was displayed in the variety of topics on the agenda and discussed during public comment. She requested the city manager provide additional information about the utility lines on Lake Street.

Commissioner Larson highlighted the United Way community wide Easter egg hunt.

Commissioner Mayer thanked Cary Gottlieb on his public comment providing information on the utility line project on Lake Street. He also stated he hopes PIPAC and Arts and Culture can be involved in the stakeholder and public engagement process of the new bandshell. He would like to see indigenous people be honored when considering the design on the new bandshell.

Commissioner Ottaway encouraged the public to continue to attend meetings and to share their thoughts and concerns - allowing their voices to be heard.

Mayor Davis appreciates the passion the public has regarding affordable housing and reminded the public of the Commission recently approving Black Rocks Crossing low-income housing development which will begin this spring. She is also impressed with the grass roots effort by the Lake Street neighborhood and thinks underground utility will really add value to the neighborhood. She encouraged the public to review the proposal from AWH Architects.

Comments from the City Manager

City Manager Kovacs spoke on the Lake Street utility project, the neighborhood fundraising for the project and the City's role. She stated if the Board of Light and Power decides to bury or reroute their lines, along with PFN then the City's fiber line would be the last remaining on the poles. This would then make the City responsible for any costs associated with the maintenance of those poles. She explained the City's replacement of the fiber optic lines on that street are part of a much larger project. Funding and timing of the entire project must be taken into considering when discussing this section of line. She stated staff are exploring all options for this project including a Special Assessment or alternative funding sources through a possible grant opportunity.

Lastly, she noted customers of the Board of Light and Power shall expect a change in

the way in which they can pay their electrical bill. This change will ensure their bill is processed in a timelier manner.

Adjournment

The meeting was adjourned at 6:49 p.m.

Sally Davis, Mayor

Rachel Quayle, Deputy City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/8/2024

Consent Agenda

Schedule Public Hearing - Rezoning of 600 W. Spring Street

BACKGROUND:

The City recently received a request to rezone 600 W. Spring Street from Municipal (M) to Medium Density Residential (MDR) zoning district. On April 2, 2024, the Planning Commission conducted a public hearing and discussed the proposed rezoning, in accordance with procedures established in the Land Development Code for evaluating the merits of rezoning requests and the administrative procedures for processing such a request. The following motion was made:

It was moved by C. Gottlieb, seconded by D. Fetter, and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-04-24, the Planning Commission finds that the proposed rezoning is inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 02-REZ-04-24 with the condition that the rezoning be conditioned on the sale to Habitat for Humanity by the City.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for the May 13, 2024 City Commission meeting to consider the proposed rezoning of land at 600 W. Spring Street.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ 02-REZ-04-24



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 26, 2024
SUBJECT: 02-REZ-04-24 – 600 W. Spring St. (PIN: 0240012)

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the property located at 600 W. Spring Street which is zoned **Municipal (M)** to be zoned **Medium Density Residential (MDR)**.

The City Commission approved a resolution of intent to sell this property at their December 12, 2022, regular meeting for residential units. Following this meeting, the City Manager opened negotiations with Habitat and approved a right of entry permit to allow access to the property to conduct an environmental review. Upon completion of this review with minimal findings, and an appraisal, the City Manager has negotiated a purchase price.

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 (CMP) 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 02-REZ-04-24, 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](#)) 02-REZ-04-24 ([as presented / for the following reasons / with the following conditions](#)).

In cases in which the Planning Commission finds that the proposed rezoning is not consistent with the Future Land Use Map of the CMP due to a possible oversight or an apparent lack of attention to the features of the parcel in question, but that is consistent with most of the recommendations of the Plan, the Planning Commission may wish to recommend approval of the rezoning request as *[inconsistent with the Future Land Use Map but consistent with the Recommendations for Land Use of Chapter 3 of the Community Master Plan](#)*.



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official
and David Stensaas – City Planner and Zoning Administrator

Case #: 02-REZ-04-24

Date: March 26, 2024

Project/Application: Rezoning request from **Municipal (M)** to be zoned **Medium Density Residential (MDR)**.

Location: 600 W. Spring Street

Parcel ID: 0240012

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

Current Zoning: M – Municipal

Surrounding Zoning: North: PUD – Planned Unit Development
South: MDR – Medium Density Residential
East: MFR – Multiple Family Residential
West: PUD – Planned Unit Development

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"> • Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities 	<ul style="list-style-type: none"> • Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	None
Min. Lot Width (ft.)	24	Side Yard (one) (ft.)	None
Max. Impervious Surface Coverage (%)	(T)	Side Yard (total of 2) (ft.)	None
Max. Building Height of Primary Building (ft.) (Q)	None	Rear Yard (ft.)	None
Max. Building Height of Accessory Building (L)	24		
Max. Building Height (stories)	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

54.403 Footnotes to Schedule of Regulations

(L) 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](#).

(Q) 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.

(T) 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

Proposed Zoning

Section 54.308 MDR, Medium Density Residential District

(A) Intent
The MDR district is intended to establish and preserve medium density residential neighborhoods that present an environment acceptable to a range of users, including families of all types. Some additional non-residential compatible uses may be allowed. It is important to the community to preserve and enhance the pedestrian-friendly, compact neighborhood types where homes and buildings are of similar scale and character.

(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 • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping 	<ul style="list-style-type: none"> • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent
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>	4,500 (C)	<i>Front Yard (ft.)</i>	15 (A), (B)
<i>Min. Lot Width (ft.)</i>	37.5 (D)	<i>Side Yard (one) (ft.)</i>	5 (L)
<i>Max. Impervious Surface Coverage (%)</i>	(S)	<i>Side Yard (total of 2) (ft.)</i>	13 (L)
<i>Max. Building Height of Primary Building (ft.) (Q)</i>	31.5	<i>Rear Yard (ft.)</i>	20 (L)
<i>Max. Building Height of Accessory Building</i>	(L)		
<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

(A) Permitted Front Yard Setback Encroachments in the MDR and MFR Districts. In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.

- (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 on the same block as the subject lot.
- (C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.
- (D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR M-U, TSC, and MFR Districts.** In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.
- (L) 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](#).
- (Q) 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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.
- (S) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning 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.

- (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
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, April 2, 2024.

- (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 2, 2024.

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

TBD.

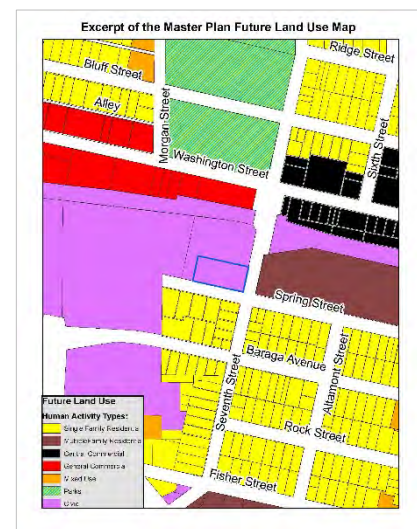
- (D) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Ordinance or to the Official Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and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

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

This property is designated for *Civic* on the ***Future Land Use Map of the Community Master Plan (CMP)*** and is designated as a ***Municipal zoning district*** on the ***Proposed Zoning Map***. These designations were adopted with the 2015 amendments to the CMP.

Conditions have changed since the Master Plan was adopted. The City of Marquette is ***tentatively*** selling this property to Marquette County Habitat for Humanity, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

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



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

Please see above - "Zoning District and Standards".

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

This portion of Seventh Street is classified as an “urban major collector” per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are moderate. This portion of Spring Street is classified as an “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.

The City of Marquette is *tentatively* selling this property to Marquette County Habitat for Humanity, and if the parcel will no longer be owned by the City of Marquette, it cannot retain the Municipal zoning.

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

The proposal will not result in any substantial changes that would make exclusionary zoning more likely.

- (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 the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

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

The proposed zoning is 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.

The proposed zoning is the same as the surrounding zoning to the south of the site.

- (10) Alternative Zoning Districts. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

The adjacent uses to the west and north are commercial, and zoning is PUD. The uses to the south are residential, and the zoning is MDR. The use to the east is Multiple Family Residential and the zoning is MFR.

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

A text amendment to add residential uses to the M zoning district would not be appropriate due to the ownership of the property changing.

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

The Planning Commission must determine if the proposed zoning would create an isolated or incompatible zone (see item #8 above).

- (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.

Additional Comments:

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

Attachments:

1. Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Photos
6. Publication Notice
7. Future Land Use and Proposed Zoning Map from the Master Plan
8. *Rezoning Information for Planning Commissions* document

CITY OF MARQUETTE REZONING APPLICATION



CITY STAFF USE			
Parcel ID#:	<u>0240012</u>	File #:	<u>02-REZ-04-24</u> Date: <u>3-1-24</u>
Hearing Date:	<u>4-2-24</u>	Application Deadline (including all support material): <u>3-5-24</u>	
Receipt #:	<u>830512</u>	Check #:	<u>22498</u> Received by and date: <u>AM 3-1-24</u>

FEE \$1,295 (We can only accept Cash or Check (written to the City of Marquette))

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:

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

Please review the attached excerpt from the Land Development Code.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER	APPLICANT/OWNERS REPRESENTATIVE
Name: <u>City of Marquette</u>	Name: <u>Marquette County Habitat for Humanity</u>
Address: <u>300 W. Baraga Ave</u>	Address: <u>2354 US Hwy 41 S</u>
City, State, Zip: <u>Marquette, MI 49855</u>	City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>906-228-0425</u>	Phone #: <u>906-228-3578</u>
Email: <u>shobbins@marquettemi.gov</u>	Email: <u>director@mqthabitat.org</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING	**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: 600 W Spring St. Property Identification Number: 0240012

Size of property (frontage / depth / sq. ft. or acres): .837 Acres

Surrounding Zoning Districts: North PUD East MFR South MDR West PUD

Legal Description: Attached

PROPOSAL

Current Zoning District: Municipal Proposed Zoning District: MDR

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: 2-29-24

A parcel of land being part of the Southwest Quarter (SW 1 /4) of the Northwest Quarter (NW 1 /4), Section 23, T48N-R25W, City of Marquette, Marquette County, Michigan described as: Commencing at the West 1/4 corner of Section 23; thence N00°52'22"E, 526.58 feet along the West line of Section 23 to the North right of way line of West Spring Street; thence S77°34'00"E, 161.41 feet along the North right of way line of West Spring Street to the Point of Beginning; thence N12°14'59"E, 134.93 feet; thence S77°31'25"E, 270.06 feet to the West right of way line of South 7th Street Street; thence S12°13'24"W, 135.04 feet along the West right of way line of South 7th Street Street to the North right of way line of West Spring Street; thence N77°30'02"W, 270.12 feet along the North right of way line of West Spring Street to the Point of Beginning, containing 0.837 acres and subject to restrictions, reservations, rights of way and easements of record.

02-REZ-04-24 Area Map



LEGEND

- Easements_Update
- Building FootPrints
- Parcels_Address Number Labels
- Street Labels
- Streets
- Contours2FT_From_2002

City of Marquette, MI

1 inch = 250 feet

City of Marquette
Geographic Information Systems (GIS)

729

717

715

701

657

641

02-REZ-04-24 Block Map

0

Seventh Street

537

533

521

519

517

513

509

501

204

200

600

222

LEGEND

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

- Fire Hydrants
- Water Shut Off
- Water Valves & Gates
- Water Lateral Lines
- Water Mains
- Water Structures
- Storm Manholes
- Storm Catch Basins
- Storm Pipes

Storm Ditches and Streams

INFO

- DAYLIGHT
- IN ROAD/BIDGE CULVERT
- IN STORM SEWER

- Sewer Lift Stations

- Sewer Clean Outs
- Sewer System Valves

- Sewer Manholes

San Flow Direction

FLOW DIR

- EAST
- NORTH
- SOUTH
- WEST
- Sewer Lateral Lines
- Sewer Pressurized Mains
- Sewer Gravity Mains

City of Marquette, MI

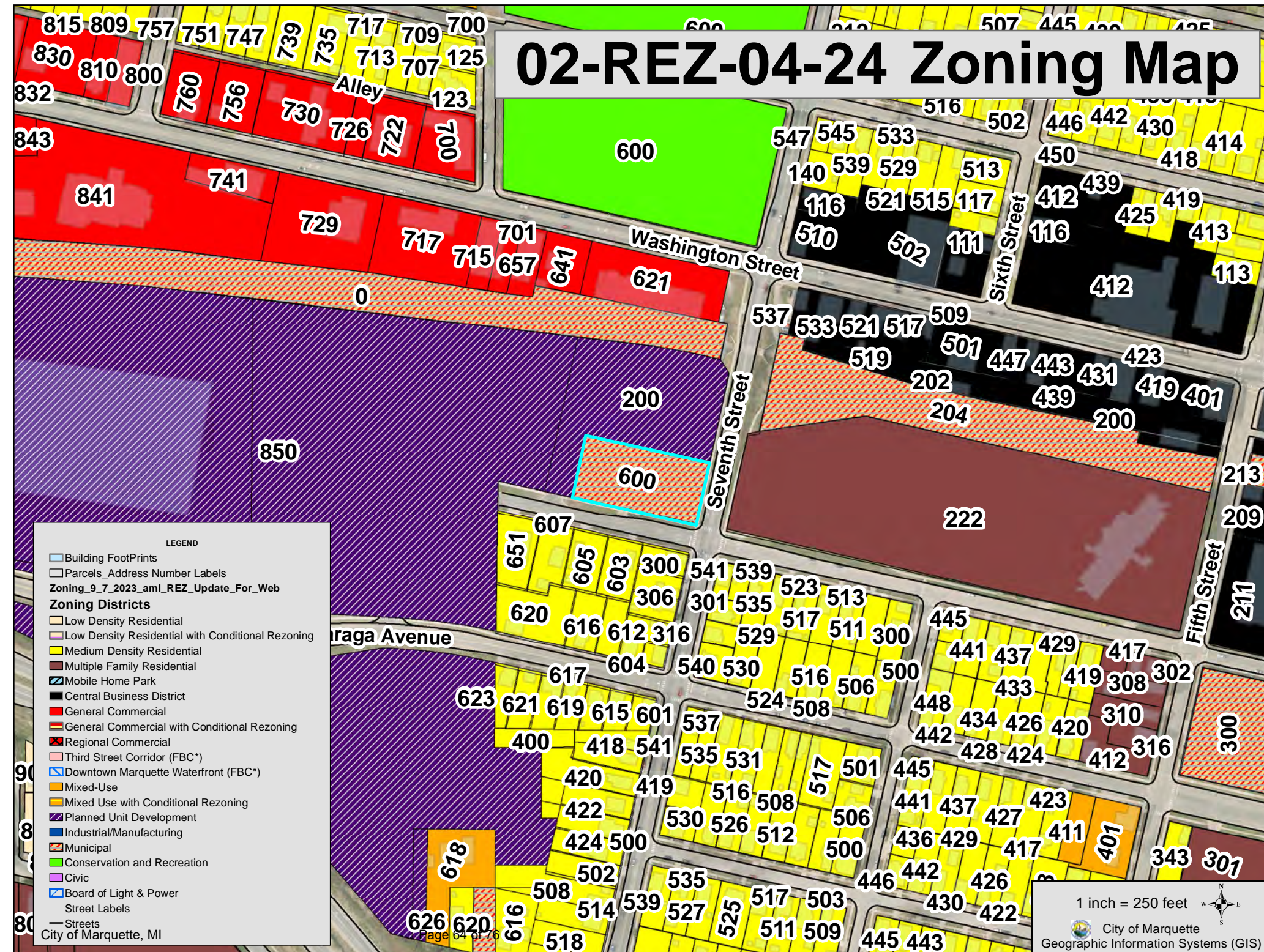
Page 03 of 7

1 inch = 125 feet

City of Marquette

Geographic Information Systems (GIS)

02-REZ-04-24 Zoning Map









Friday, March 15, 2024

Local

The Mining Journal **3A**

Volume 138, No. 62

THE MINING Journal

228-2500

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PUBLIC HEARING NOTICE MARQUETTE CITY PLANNING COMMISSION

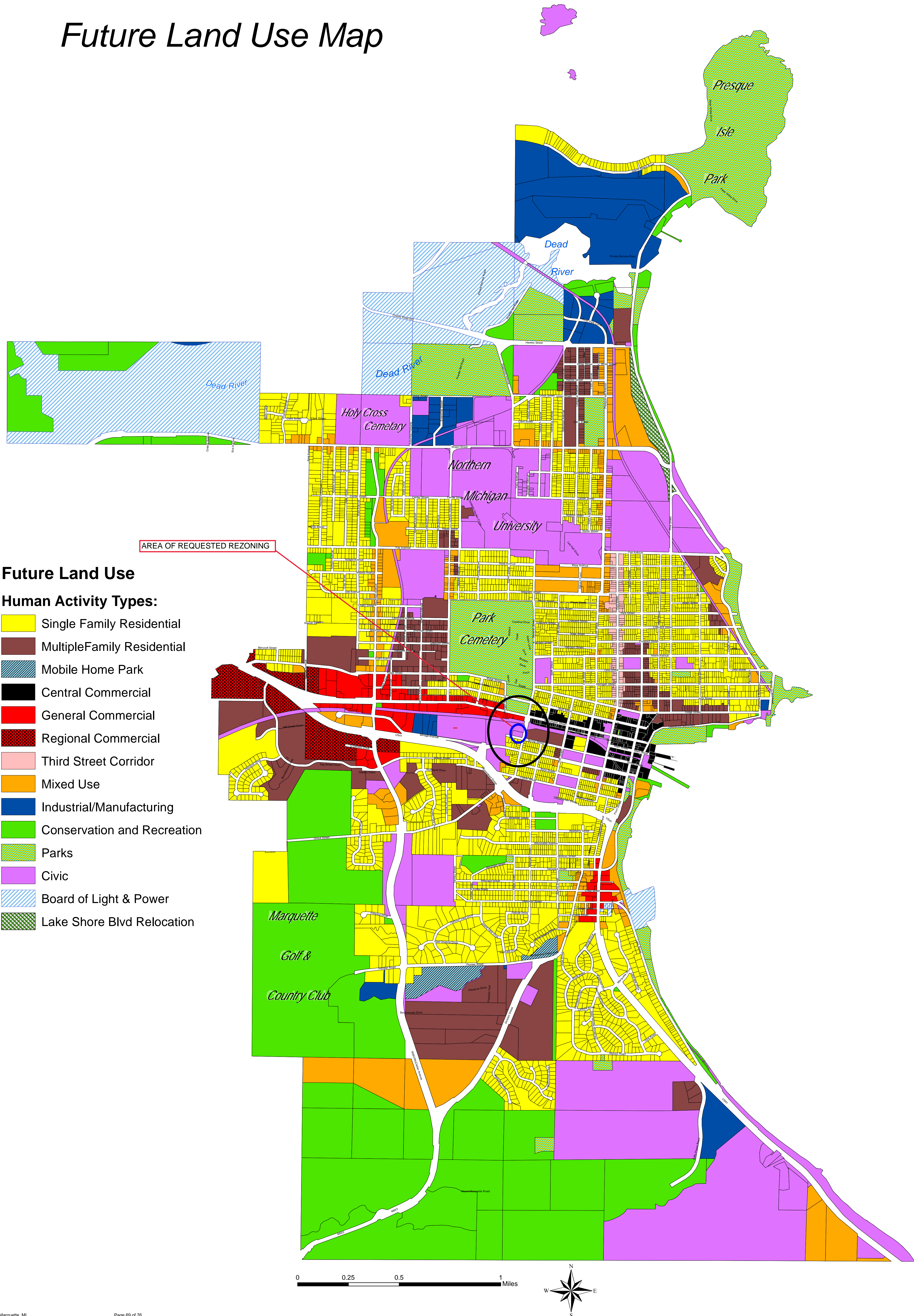
Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following - **02-REZ-04-24 - 600 W. Spring St. (PIN: 0240012):** City of Marquette and Marquette County Habitat for Humanity are requesting to rezone the property located at 600 W. Spring Street which is zoned **Municipal (M)** to be zoned **Medium Density Residential (MDR)**.

The public hearing for this request will be at 8:00 P.M. on Tuesday, April 2, 2024, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on this matter 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 April 2, 2024.

Materials pertaining to the request is 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 Landers, Zoning Official, 225-8383

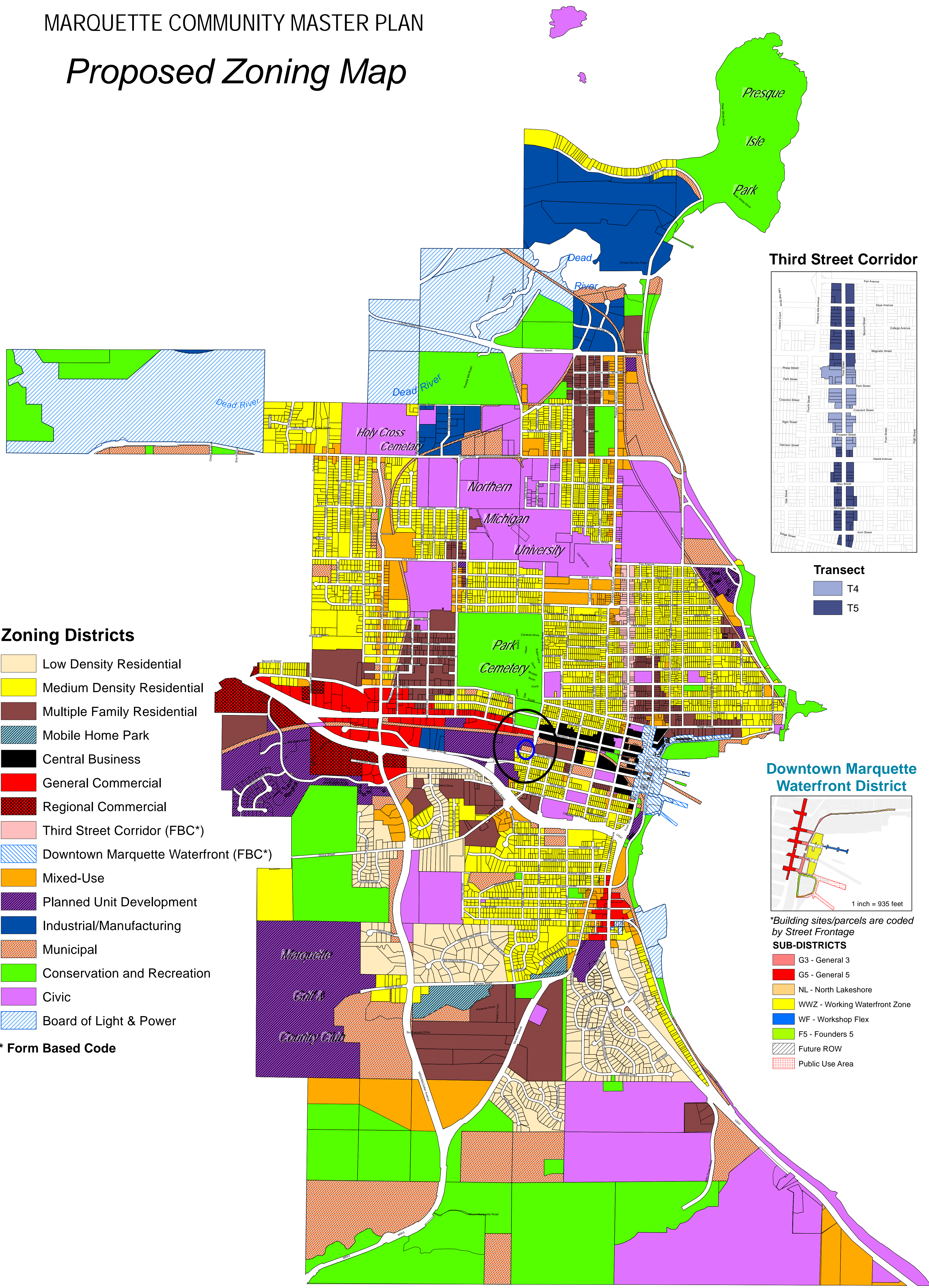
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map



Zoning Districts

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

* Form Based Code

Third Street Corridor

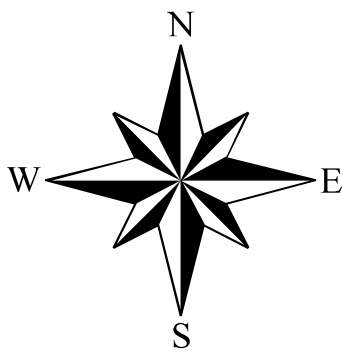
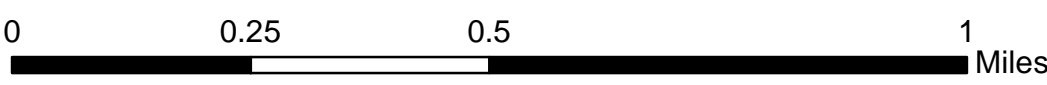


- Transect
- T4
 - T5

Downtown Marquette Waterfront District



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



Rezoning

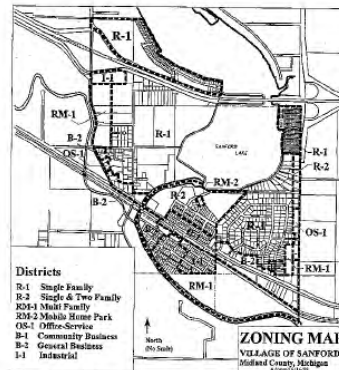
- The main question that must be answered when considering a rezoning is: *“Is that an appropriate location for that zone?”*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific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



21

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

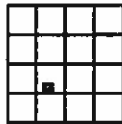
SPOT ZONING CONSIDERATIONS

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**



MSPO Basic Program: _____

What is a Spot Zone?

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

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

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

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

Small in Size

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

Inconsistent Uses

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

Special Benefit

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

Contrary to the Master Plan

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

REZONING CASE STUDY



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

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

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

MSPO Basic Program

Rezoning Case Study

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

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

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

WILLIS TOWNSHIP Zone Districts

C-1 Neighborhood Commercial

Permitted Uses

1. Grocery stores
2. Drug stores

Special Land Uses

1. Shopping centers

C-2 Community Commercial

Permitted Uses

1. Automobile services
2. Shopping centers

Special Land Uses

1. Auto body shops

MSPO Basic Program

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

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/8/2024

New Business

Short-term Rental Resolution- Roll Call Vote

BACKGROUND:

The Marquette City Commission passed an ordinance regulating short-term rentals in 2017. Since that time, the City has enforced local control to place reasonable regulations on short-term rentals to ensure they are balancing the needs of long-term residents and those of visitors to the community.

The current version of HB 5438 allows for local units of government to continue to regulate short term rentals in the aforementioned manner in addition to providing a source of revenue to support City services incumbered by the high level of tourism in this area.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the resolution supporting HB 5438, and authorize the Mayor to sign.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

▣ Resolution



Resolution Supporting HB 5438

WHEREAS, the City of Marquette receives a substantial amount of visitors and tourists requiring a range of lodging options; and,

WHEREAS, the City of Marquette works to protect and enhance its residential neighborhoods while balancing the needs and wants of visitors; and,

WHEREAS, the City Commission adopted an ordinance regulating short-term rentals in 2017 to protect the interests and quality of life for residents and businesses; and,

WHEREAS, the City of Marquette believes that local governments are best positioned to know the unique needs of a community and determine the delicate balance between residential and commercial uses, and between residents and investment property owners; and,

WHEREAS, House Bill 5438 would allow local units of government to maintain authority to regulate short-term rentals in residential neighborhoods, as well as provide revenue to address incurred costs associated with being a destination location with an influx of visitors throughout the year:

NOW THEREFORE BE IT RESOLVED, the Marquette City Commission, in an effort to help retain local control over the ability of local governments to regulate the short-term rental of residential properties, supports House Bill 5438 and urges its representatives to do the same.

Dated this 8th day of April, 2024.

Sally Davis
Mayor
City of Marquette