

NOTICE OF POSTING CHARTER TOWNSHIP OF MARQUETTE

In accordance with the requirements set forth in Section 20(2) of the Charter Township Act, P.A. 359 of 1947, as amended, and Section 401 of the Zoning Enabling Act, P.A. 110, 2006, as amended, the Township Board, at their regular meeting on July 7, 2009, completed a first reading of the proposed Amendment No. 1-09 to the Charter Township of Marquette Zoning Map which addresses a Conditional Re-zoning from RR-Rural Residential to DD-Development District of the following described property:

405 Brookton Road, Marquette, MI
(Former Moose Lodge)

Sec. 21 T48N-R25W

Part of N ½ of NW ¼ commencing at the SE corner thereof; thence West along fence line 1,127' to POB; thence West along fence line 400'; thence North 338.4" to South ROW of Brookton Road; thence SE'LY along ROW to a point which is 299.8' North of POB; thence South 299.8' to POB. 2.92 A M/L

The owner has voluntarily proposed the use of the property for "Food Equipment Sales and Repair" as a condition of the Re-zoning.

Information regarding proposed Amendment No. 1-09, as introduced, may be reviewed on the Marquette Township Website - www.marquettetownship.org - and/or at the Marquette Township Office Monday through Friday, 7:30 a.m. to 4:30 p.m. The Marquette Township Board will consider adoption of Amendment No.1-09, after the second reading, at their next regular meeting on August 6, 2009. For questions, contact Tim Haydon, Zoning Administrator at (906) 228-6220, ext. 105.

NOTICE OF PUBLIC HEARING
MARQUETTE TOWNSHIP PLANNING COMMISSION

Notice is hereby given that a public hearing will be held by the Marquette Township Planning Commission on Wednesday, May 13 2009 at 6:30 p.m. at the Marquette Township Community Center, located at 161 County Road 492 in Marquette Township, Marquette County, Michigan to receive public comments on the following:

Amendment #1-09 Amendment to Charter Township of Marquette Zoning Map. A request has been received for a Conditional Re-zoning from RR-Rural Residential to DD-Development District of the following described property:

405 Brookton Road, Marquette, MI
(Former Moose Lodge - parcel # 52-08-021-050-00)

The owner has voluntarily proposed the use of the property for “Food Equipment Sales and Repair” as a condition of the Re-zoning.

The proposed map and text are available for review from 8:00 a.m. – 5:00 p.m. Monday through Friday at the Township Community Center. Written comments regarding the public hearing will be accepted until 4:30 p.m. on May 13, 2009. For questions, contact Tim Haydon, Zoning Administrator at 228-6220 ext 105.

This notice is posted in compliance with Public Act 110 of 2006, as amended, the Open Meetings Act, MCLA 41.72A (2) (3) and the Americans with Disabilities Act (ADA).

The Charter Township of Marquette will provide necessary reasonable auxiliary aids, and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the public hearing, to individuals with disabilities at the meeting or Public Hearing upon 5 days notice to the Township.

FINDINGS OF FACT
Case No. CRZ 021009 / 043009
(Amendment No. 1-09)

John R. Jilbert, P.O. Box 306, 180 Pineview, Marquette, MI 49855

1. All fees, notification, and publication requirements of the Zoning Ordinance have been accommodated.
2. As of June 24, 2005, the applicant, John R. Jilbert, is the owner of record of the subject property, and a Warranty Deed has been recorded in Liber 2005 R, Page 08200, Marquette County Register of Deeds.
3. The subject parcel located in Section 21, T48N-R25W and is a part of the North ½ of the Northwest ¼ described as; Commencing at the Southeast corner thereof, thence West along the fence line 1127' feet to the Point of Beginning; thence West along the fence line 400' feet; thence North 338.4' feet to the South Right-of-Way (ROW) of Brookton Rd.; thence Southerly along the ROW to a point which is 299.8' feet North of the Point of Beginning; thence South 299.8' feet to the Point of Beginning. Contains 2.92 acres, more or less. (Marquette Township Permanent Parcel No. 52-08-021-050-00).
4. The subject property is located at 405 Brookton Road (County Rd "HF"), Marquette Township, Michigan and is known locally as the Old Moose Lodge which ceased operation in January 2005.
5. The subject parcel is located in the Rural Residential (RR) Zoning District, and the adjacent area(s) is also zoned Rural Residential (RR).
6. The applicant is requesting consideration for a Conditional Re-Zoning, in accordance with the Zoning Ordinance requirements as set forth in Article XI - Conditional Re-Zoning for the subject parcel, from the current Rural Residential (RR) District to the Development District (DD).
7. The minimum lot size requirements for the Rural Residential (RR) District are 150 feet in width with a 40,000 square foot area. For the Development District (DD) the minimum lot width is 100 feet and minimum area is 20,000 square feet.
8. The existing on-site structure contains approximately 11,150 square feet, and is designated as a Major Non-Conforming Structure in accordance with the standards as set forth in the current Zoning Ordinance.
9. The structure is vacant and has been temporarily utilized for storage of miscellaneous plumbing equipment and supplies.
10. The proposed use of the building, as noted on the Conditional Re-Zoning Application, is for a Food Equipment Sales & Repair Facility which is allowed as a Special Land Use within the requested Development District Zone.
11. According to the applicant's written statement, "there would be 2-3 employees working at any given time. I estimate traffic to be 10-15 cars per day as a lot of the business would be conducted over the phone and via e-mail".

12. The subject parcel is serviced by the Marquette Board of Light and Power and Township water is provided to the site. Brookton Rd, County Rd. "HF", is a blacktop-paved road.
13. An on-site septic tank and the tile field are located on-site of the subject parcel however, the tile field is currently located beneath the asphalt-paved parking area, and according to Township Officials, may have questionable utility. The applicant's written statement indicates that, "I also intend to remove about 50% of the existing blacktop and plant shrubbery and grass."
14. Since the Moose Lodge discontinued its operations in January 2005, the subject parcel and the on-site building(s) were subsequently sold by the Peninsula Bank to the applicant, John R. Jilbert, in June 2005. The building(s) have remained essentially vacant, except for miscellaneous storage until the present time, and the applicant has stated that, "I have struggled with vandalism and various attempts to sell it".
15. Since the existing on-site buildings appear to be structurally sound, Township Officials have attempted to encourage a re-use for the building which would be compatible with the surrounding Rural Residential (RR) District. The Conditional Re-Zoning request by the applicant attempts to address this concern.
16. The Zoning Ordinance Amendment recently adopted by the Township, provides the necessary enabling legislation for Conditional Re-Zoning. However, it will be necessary for the applicant to provide all of the additional information in accordance with the requirements set forth in the Ordinance, (i.e.: Article XI -Conditional Re-Zoning, Article XVII -Site Plan Review, etc.) prior to approval and/or recommendation by the Planning Commission for Conditional Re-zoning.

AFFIDAVIT REGARDING STATEMENT OF CONDITIONS

STATE OF MICHIGAN

COUNTY OF MARQUETTE

John R. Jilbert, being first duly sworn, says as follows:

1. That I am the owner of real estate located at 405 Brookton Road, Marquette, MI 49855, legally described as:

Sec. 21 T48N – R25W
Part of N ½ of NW ¼ commencing at the SE corner thereof; thence West along fence line 1,127' to POB; thence West along fence line 400'; thence North 338.4" to South ROW of Brookton Road; thence SE'LY along ROW to a point which is 299.8' North of POB; thence South 299.8' to POB. 2.92 A M/L
2. That I execute this affidavit of the statement of conditions to run with the above described land, to be binding on the successor owners of this land.
3. I have requested conditional rezoning from RR-Rural Residential to DD-Development District for the described land in order to use the site for the sale and repair of new and used food service equipment. There would be a maximum of six employees working at any given time, contingent upon Marquette County Health Department approval of the on site septic system. I anticipate this will generate traffic of 10 to 15 cars per day as the bulk of the business would be conducted by phone and via email.
4. I acknowledge that the proposed use is not a Permitted Use by Right in the DD-Development District but a Special Land Use which will require a Special Land Use Permit.
5. That as part of the plan to operate that business, it is my intention to remove about 50 percent of the existing blacktop and plant shrubbery and grass to improve the functioning of the septic system.
6. It is my intention to repair and finish cleaning up the outside of the building and to maintain it in good repair.
7. The Finding of Facts dated May 11, 2009 and supporting documentation are hereby incorporated by reference and may be examined at the office of the Marquette Township Clerk.
8. This affidavit of the statement of conditions shall be recorded by the township clerk with the Marquette County Register of Deeds Office.
9. This affidavit of the Statement of Conditions is freely and voluntarily provided, and I agree to operate the business in accordance with the above provisions if Conditional Rezoning is granted.