



Keweenaw County Planning & Zoning

Public Hearing: January 14, 2025

County Board of Commissioners Meeting January 15, 2025

STAFF PLANNING REPORT

Rezoning

Case 001-24 A request to rezone from RRB (Single Family Residential) to RS2 (Resort Services)

Location Section 33, T58N R29W
Parcel 307-33-150-005 and Parcel 307-33-150-002

Applicant Black Bear Inc. representative Trina Anderson

Existing Conditions

| Zoning | Land Use | Property Size |
|--------|----------|----------------------------|
| RRB | Vacant | 36.56acres and +/- 40acres |

Site Context

| | North | East | Southeast | South | West |
|-----------------|-----------------|--------|-------------|----------|-----------------|
| Existing Zoning | RS2 | CEP | RRB | Lake N/A | RS2 |
| Land Use | Resort Services | Vacant | Residential | N/A | Resort Services |

Future Land Use

Keweenaw County's Future Land Use Map shows this property is appropriate for Resort Service land use which is consistent within the immediate area and with the request

Transportation

| Streets with access | Classification | Right-of -way width |
|---------------------|---------------------|---------------------|
| Bete Gris Road | County Primary Road | 66 feet |

STAFF ANALYSIS

CONSISTENT WITH POLICIES OF THE KEWEENAW COUNTY COMPREHENSIVE PLAN

The request is consistent with the comprehensive plan, “Blue Print For Tomorrow”, adopted February 2017, specifically the goals, policies, and future land use.

Goal 1-Future Growth and Development lists 5 policies, the first of which states:

“Through land use regulation ensure new developments function as extensions of existing development patterns including Copper Harbor, Lac La Belle, Gay, and Eagle River as extended vacation, seasonal, and permanent residential communities; Allouez, Ahmeek, Mohawk, Fulton, each as a focus for permanent business/residential development; and Copper Harbor and Lac La Belle as tourist-oriented business/residential communities.”

The Future Land Use Plan for Resort Service zones states:

“The purpose of the RS use is to provide recreation or vacation services (restaurants, lodging, small gift shops, outdoor outfitter, etc.) for families living in or using resort or vacation areas. Development should be limited to those uses that are compatible with the wilderness/resort character of the County. The RS future land use is focused in Copper Harbor, Lac La Belle, and Delaware with small amounts of RS along M-26 in Eagle River and Eagle Harbor, and along US41 in Allouez and south of Mohawk. It is recommended that RS be carefully defined to include only those goods and services that are compatible with the character of Keweenaw County or a new more restrictive use be developed that provides for more guidance to future development throughout the County.”

THE SUITABILITY OF THE PROPERTY FOR USES TO WHICH IT HAS BEEN RESTRICTED

The current RRB zoning is consistent with those parcels to the southeast on Sand Point Road, however it is inconsistent with RS2 zoning to the north and west, and CEP zoning to the east. This property is owned/leased by Black Bear Inc, and the contiguous north and west RS2 areas are also owned/leased by Black Bear Inc. The areas leased from TNC (The Nature Conservancy) are protected wetlands and TNC states that they do not object to the requested rezoning from RRB to RS2. The 200 feet of both named parcels adjoining the residential parcels to the southeast are not included in this requested zoning change and will remain zoned RRB.

The current RRB zoning restricts land use to Single Family Residential, which is inconsistent with the majority of Black Bear, Inc. holdings as a provider of resort services.

The requested change specifically points to this inconsistency as the reason for the request.

“This requested zoning amendment aims to ensure consistency with the current zoning uses across the entire Black Bear, Inc. properties, promoting better uniformity and suitability within the area.”

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The proposed zoning change will have minimal impact on nearby properties. This is vacant property where no development has occurred, nor has any development or conditions been proposed. In addition, the southeastern 200 feet of land bordering the neighboring RRB parcels is exempt from the proposed change in zoning.

DISCUSSION

A change in zoning to RS2 restricts Black Bear, Inc. to those activities already offered in the area.

RS2 uses allowed by right include:

Food and Drink Establishments, General Retail, Indoor Entertainment, Lodging, Medical Services, Ski Slopes and Resorts, Personal Services, Religious Institutions, Repair Services, Single Family Dwellings, Two Family Dwellings, Convenience Retail, and Educational Institutions.

RS2 uses allowed with Conditions or by Special Use include:

Marinas and Multifamily Dwellings.

Currently this is vacant property, and no development is proposed with this request.

Should future development be proposed, Keweenaw County has mechanisms in place to ensure proper land use through the Keweenaw County Zoning Ordinance, including Site Plan Review and standards for lighting, setbacks, building height, environmental protections, and parking, among others. Site Plan Reviews include public input.

Black Bear, Inc. has 74 years remaining on the leased lands from TNC which are included in this application. TNC does not object to the zoning change, and those areas are protected wetlands which cannot be developed.

STAFF RECOMMENDATION

As this request ensures the needs of the landowner are met, is consistent with the Future Land Use Plan of the area, vacant land poses minimal impact on neighboring residential property, and any future development must meet all requirements of the standards and controls of the Keweenaw County Zoning Ordinance Staff recommends that this rezoning change from RRB to RS2 be approved.

ATTACHMENTS

Application

Maps



September 27, 2024

VIA EMAIL: johnnygparsons@gmail.com; Julie A. Carlson, clerk@keweenawcountymi.gov; EC: Susan Hockings, planning@keweenawcountymi.gov; Lonie Gliberman, Lonieg2@yahoo.com

Mr. John G. Parsons, Chairman
Keweenaw County Planning Commission
5095 4th St
Eagle River, MI 49950

RE: PETITION FOR ZONING AMENDMENT

Dear John,

Per our discussion, Black Bear, Inc. requests a rezoning of approximately 80.00± acres of the Mt. Bohemia resort properties from Resort Residential RRB to Resort Service RS2. The parcels are in Section 33, T58N-R29W, and combine owned and leased land by Black Bear from The Nature Conservancy (TNC). Attached is a letter from TNC expressing their full cooperation and support for the zoning change.

The rezoning request involves Black Bear's Tax Parcel No. 370-33-150-005 and all those portions of TNC's Tax Parcel No. 307-33-150-002 lying within Section 33. As shown on the map attached hereto, a 200-foot buffer, scheduled to be surveyed, will be excluded from the proposed zoning change to reassure neighboring properties that this area will not be used for Resort Service purposes.

This requested zoning amendment aims to ensure consistency with the current zoning uses across the entire Black Bear, Inc. properties, promoting better uniformity and suitability within the area.

Upon the Planning Commission's full review, you will determine the following findings of fact:

1. There are no identifiable conditions related to the petition.
2. There are no errors in judgment, procedure, or administration in the original Ordinance.
3. The revision will not establish a precedent or have effects of precedent as a result of approval.
4. The change will not impact the County's ability, and that of any other governmental agencies, to provide adequate public services, facilities, and/or programs.
5. The zoning change will not adversely affect the environmental conditions or value of the surrounding property.
6. There are no significant negative environmental impacts that would reasonably occur with the petitioned zoning change.
7. The petitioned zoning change complies with the policies and uses for the area.
8. The petitioned zoning change is compatible with other zoning and uses in the surrounding area.
9. The petitioned zoning change would be equally suited or better for the area.
10. The petitioned property can be put to reasonable economic use with the petitioned zoning change.

We kindly request that the necessary process begin and, ultimately, that the Planning Commission promptly approve the rezoning request.

Sincerely,

Trina L. Anderson

Trina L Anderson
Real Estate Consultant
for Black Bear Inc.



nature.org/michigan
nature.org/greatlakes

Office
César E. Chávez Ave.
3, MI 48906
316-0300

Upper Peninsula Office
220 W. Washington St., Ste. 330
Marquette, MI 49855
(906) 225-0399

Detroit Office
4219 Woodward Ave., Ste. 302
Detroit, MI 48201
(517) 316-2271

September 20, 2024

Sara Heikkila
Keweenaw County
Zoning Administrator
5095 4th Street
Eagle River, MI 49950

Dear Ms. Heikkila,

The Nature Conservancy (“TNC”) is the fee owner of parcel ID #307-150-022 located in Grant Township, Keweenaw County, Michigan (“Parcel”). The Parcel is approximately 74-acres. TNC acquired the Parcel in 2022. At the time TNC acquired the Parcel, it was subject to a long-term Ground Lease with Black Bear, Inc. (f/k/a Black Bear Entertainment Adventure and Recreation Company) (“Black Bear”), and the Parcel continues to be subject to the same Ground Lease with Black Bear as the tenant.

Under the Ground Lease, Black Bear, as the tenant, is responsible to ensure that its use of the Parcel — to the extent the use is permitted by the Ground Lease — complies with applicable law. To this end, under the Ground Lease, Black Bear may pursue changes to the Parcel’s zoning designation so that Black Bear’s permitted use of the Parcel complies with applicable zoning laws. Black Bear is responsible for all costs associated with such zoning changes. Under the Ground Lease terms, TNC, as the landlord, is obligated to reasonably cooperate with such zoning changes when requested by Black Bear to do so.

The Parcel is currently zoned as Rural Residential District (RR-B) and TNC understands Black Bear, as the tenant under the Ground Lease, desires to change the zoning classification to Resort Service District (RS). Pursuant to the Ground Lease, TNC does not object to this specific zoning change as this change, is not in of itself, inconsistent with the Ground Lease and — to the extent TNC’s consent is required by law as the fee owner of the Parcel — TNC consents to this specific zoning change.

The sole purpose of this letter is to fulfill TNC’s obligations under the Ground Lease with respect to a zoning change sought by Black Bear for the Parcel. Nothing in this letter serves as an amendment to or a change to the Ground Lease and TNC reserves all its rights under the Ground Lease. This letter shall only be applicable to the specific requested zoning change identified above and shall not be applicable to any other proposed zoning change. This letter shall not be used or construed as evidence of TNC’s approval or consent to any actions or activities by Black Bear, on the Parcel or otherwise, including any proposed use of the Parcel. Further, in no manner shall this letter be used or construed as an endorsement by TNC of Black Bear or any of Black Bear’s activities or actions, on the Parcel or otherwise.

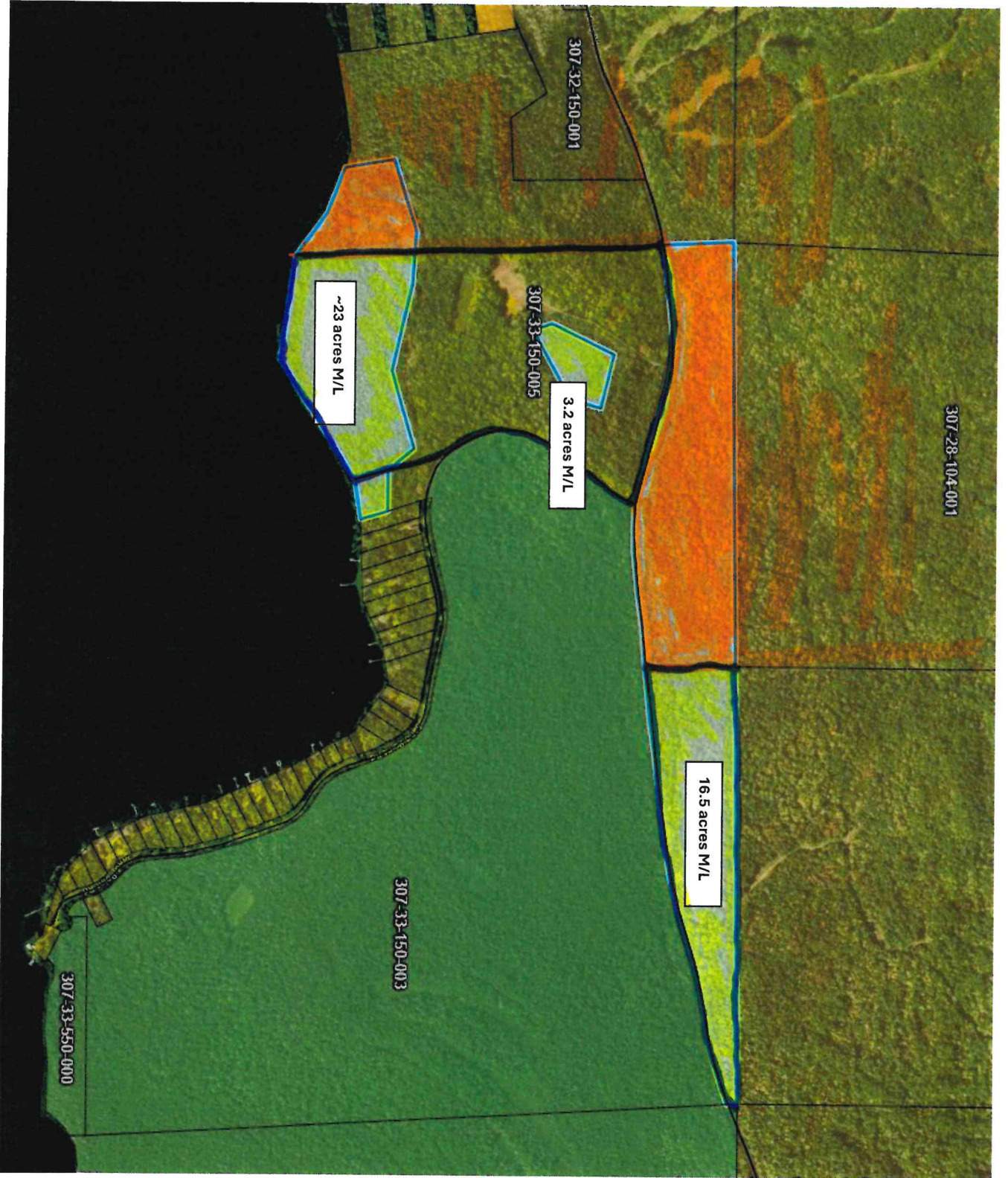
Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Tuzinsky".

Richard Tuzinsky
The Nature Conservancy



- Black Bear Boundary
- Butler Boundary
- TNC Leased Boundary



RS2

RRB