

**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
February 14, 2019**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on, Thursday, February 14, 2019, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

Name	Present	Absent	Name	Present	Absent
Chair Kel Smyth	X		Comm. Dominic Benetti	X	
Vice-Chair Christine Williams	X		Comm. Brian Black	X	
Sec. James Hellerman	X		Comm. Paul Caswell	X	
Dep. Sec. Craig Gierke	X		Comm. Richard Clark	X	
			Comm. Stephen Davis	X	

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Blaine DeGrave, Planning & Zoning Administrator	Matt Sviland
Roxanne Spencer, Confidential Secretary	Beth Sviland
Patrick Jordan, City Manager	Tonya Todd
Ron Beauchamp, City Council Liaison	
Marc Tall, Mayor	

Approximately 8 other unnamed individuals were present.

MINUTES

A motion was made by Williams, seconded by Gierke to approve the January 10, 2019 minutes as submitted. MOTION PASSED with unanimous ayes.

AGENDA

A motion was made by Williams, seconded by Gierke to approve the agenda as presented. MOTION PASSED with unanimous ayes.

CONFLICT OF INTEREST DECLARATIONS – None

PUBLIC HEARINGS

1. Proposed Zoning Map Amendment – North Lincoln Road Corridor

DeGrave read into the record the Agenda Report regarding the rezoning of properties along the North Lincoln Road corridor to E-Commercial and explained that this would serve as a public hearing for the proposal. One letter from property owners Benito and Lucy Ramos was received with numerous questions regarding the potential effects on their properties. The letter of response from DeGrave was distributed to the commissioners for review. (2 Attachments)

Chairperson Smyth opened the public hearing.

Tonya Todd, owner of 2301 9th Avenue North, asked whether the use of a business would have to remain the same if sold, or if it could change with new owners. DeGrave explained that it could remain the same, but any new use would have to comply with E-Commercial permitted uses.

Chairperson Smyth closed the public hearing.

Gierke made a motion, seconded by Davis, to refer the proposed re-zoning of the designated properties along the North Lincoln Road Corridor to “E-Commercial” to the City Council for adoption of the Zoning Map amendment. MOTION PASSED with unanimous ayes.

UNFINISHED BUSINESS

1. Wind Turbine Energy Ordinance

Williams explained a first draft and public hearing were held at the January 10, 2019 meeting. Changes were made to the proposed ordinance as a result of public and comments and discussion among the commissioners. Clarifications on height and decibel limits were discussed.

Gierke made a motion, seconded by Williams, to forward to refer the proposed Wind Turbine Energy Ordinance to City Council for ordinance adoption. MOTION PASSED with unanimous ayes.

NEW BUSINESS

1. Discussion: Zoning Considerations for Recreational Marihuana

Commissioners discussed the zoning issues related to the business aspects of marihuana for the drafting of a zoning ordinance. It was clarified that City Council has the right to opt out as a municipality, as they are currently considering, at least on a temporary basis while the state finalizes its regulations. In the meantime, the Planning Commission is tasked with generating a proposed ordinance to govern the business aspects should the city decide to opt back in or if the citizens have a successful initiative.

Discussion followed on how best to approach the topic without the emotional concerns surrounding the marihuana issue. Commissioners agreed that it should be based on looking at the six types of marihuana establishments outlined in the state act as if they were any other type of business and make decisions as to which districts they should be permitted/prohibited based on similar uses of other businesses as well as nuisance factors. Williams noted that her review of the Master Plan for marihuana-related issues revealed that many sections of it promote supporting local manufacturing and tourism.

Williams offered to draft an ordinance for discussion at the March meeting.

2. Project Updates

a. Zoning Board of Appeals Update

- DeGrave reported that at the January 10, 2019 a use variance was granted for U-Haul to place storage units on front yard space at 801 North Lincoln Road.

b. Delta County Planning Commission Update

- Williams reported that they recently elected officers. They also reviewed RFQ submissions for Master Plan and chose OHM out of Hancock.

c. Zoning/Land Use Permit Update

- DeGrave presented the Zoning Report for January 2019.

d. Goal Progress Review

- A planning worksheet showing the potential agenda items for the entire year was presented and discussed.

e. Training Updates

- DeGrave noted that he contacted Brad Neumann from MSU Extension for training on Form-Based Codes at a cost \$450, possibly in April during the day. It was suggested other local communities be invited to join in.

GENERAL PUBLIC COMMENT

Beth Sviland, a resident & business owner in Escanaba, expressed her concerns with allowing marihuana-based businesses in the city, especially downtown. She recommended starting out with greater restrictions such as limiting the number of retail units allowed, extending the prohibition from school zones to a mile from schools, pre-schools, college, restricting signs, prohibiting solicitation of sales outside the business, and possibly not allowing them downtown at all.

COMMISSION/STAFF COMMENTS - None

ADJOURNMENT

A motion was made by Gierke, seconded by Hellerman, to adjourn the meeting. MOTION PASSED with unanimous ayes.

The meeting adjourned at 6:55pm.



Kel Smyth, Chairperson
Escanaba Planning Commission



Blaine DeGrave, Planning and Zoning Administrator
City of Escanaba

Minutes approved at the February 26, 2019 meeting. RLS

January 31, 2018

City of Escanaba

City Planning Commission

P.O. Box 948

Escanaba, Mi 49829

Dear Planning Commission,

As an owner of properties along North Lincoln Road Corridor, we have a few questions that we would like to submit in writing. We are not able to attend the meeting and would also like to request a transcript of the meeting if possible.

These are some questions that have been formulated after reading about your Proposed Zoning Map Amendment for the North Lincoln Road Corridor:

What are future land use goals for the corridor?

What are the projected time frames for these goals?

What does the City Master Plan state for future plans?

What is the time frame for this future development?

Does City plan to widen corridor?

Does City plan on opening road to have traffic flow in a different direction (East or West?)

(Specifically where the exit of city going toward Gladstone)

Will taxes go up because of the Rezoning?

Will there be a future tax increase that will follow after several years because of rezoning?

Can residential property be added on or improved upon after rezoning?

What are the plans for the railroad tracks in the future?

Will there be any changes or plans concerning the tracks?

Is City Planning or exercising Eminent Domain in the future for the Corridor?

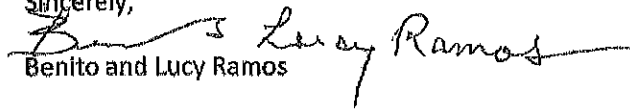
If yes, what areas will possibly be affected?

What does E Commercial designation mean and why is it necessary? What advantages does it give the property owners, and what are its disadvantages?

Thank you for attending to these questions. This is new to us and we would like to be completely informed about how this will affect our properties.

Thank you for all your service,

Sincerely,


Benito and Lucy Ramos

323 600-5238 cell



February 14, 2019

Benito & Lucy Ramos
 6017 Tipton Way
 Los Angeles, CA 90042-1259

RE: Response to Letter to Planning Commission on Proposed Zoning Re-Classification

Dear Mr. & Mrs. Ramos,

I have received your recent letter to the Planning Commission with questions that you submitted to obtain more information regarding the proposed re-zoning of several of your properties along North Lincoln Road. As requested, I will present your letter at the Planning Commission meeting. However, since the Planning Commission will not necessarily be able to answer all of your questions during the actual meeting, I am sending this response.

Below I have included your questions as they were submitted, with my responses beneath each one:

What are future land use goals for the corridor?

According to the Future Land Use Map in the 2016 Master Plan, the properties along North Lincoln Road are proposed to be General Business District and Regional Retail areas. The proposed E-Commercial designation incorporates and allows for both of these types of uses.

What are the projected time frames for these goals?

The Master Plan functions as a long-term planning document that provides a framework for decision-making and investment and as such does not include specific deadlines for implementation.

What does the City Master Plan state for future plans?

One of the stated objectives in the Master Plan (Objective 1.10) is to "enhance business districts through the community in order to provide for a wide array of retail, office, and other commercial uses in the city". Additionally, it states that "the U.S. 2/41 corridor provides a location for large commercial land uses, including supermarkets, hotels, car dealerships, and other large retail stores . . . This area will remain an appropriate place for this type of commercial land use in the future."

What is the time frame for this future development?

There is no specific time frame as it is part of ongoing planning and development review processes.

Does City plan to widen corridor? Does City plan on opening road to have traffic flow in a different direction (East or West?) Specifically where the exit of city going toward Gladstone.

There Michigan Department of Transportation (MDOT); not the City of Escanaba; has jurisdiction over the roadway of US 2 & 41 (North Lincoln Road). Inquiries regarding any plans regarding the roadway itself should be directed to MDOT.

Will taxes go up because of the rezoning? Will there be a future tax increase that will follow after several years because of rezoning?

Current and future taxes will not increase because of rezoning.



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.
The City of Escanaba is an equal opportunity employer and provider.

Can residential property be added on or improved upon after rezoning?

As residential homes are not permitted uses in an E-Commercial district, they would be designated as Non-Conforming Use status and would have to comply with Sections 206-209 of the Zoning Ordinance. The following excerpts of the Zoning Ordinance are applicable to this question:

- *The lawful use of any land or structure, exactly such as existed at the time of enactment of this Ordinance may be continued even though such use or structure does not conform to the provisions of this ordinance, provided, that a Certificate of Occupancy for Non-Conforming Zoning Use is issued for such use on an annual basis.*
- *Structures or uses which are non-conforming by reason of yards, height, area, or off-street parking provisions only, may be extended, enlarged, altered, remodeled or modernized provided that no additional encroachment of the height and area provisions are occasioned thereby.*
- *A non-conforming use shall not be changed, unless changed to a conforming use. A non-conforming use if changed to a conforming use may not thereafter be changed back to the original use or to any non-conforming use.*

What are the plans for the railroad tracks in the future? Will there be any changes or plans concerning the tracks?

The City of Escanaba has no plans related to the railroad tracks.

Is City planning or exercising Eminent Domain in the future for the corridor? If yes, what areas will possibly be affected?

The City of Escanaba does not have any plans to exercise eminent domain relating to the rezoning.

What does E-Commercial designation mean and why is it necessary? What advantages does it give the property owners, and what are its disadvantages?

Designating a property as a E-Commercial means that it will be subject to all the guidelines for development under the City of Escanaba's Zoning Ordinance, Chapter 10 – Commercial District ("E"), including use, setbacks, parking, landscaping, fencing, signs, etc. Properties for which the use is not a Permitted Use by Right under the new E-Commercial designation (such as your residential homes) would be also be subject to Chapter 2, Sections 206-209 of the Zoning Ordinance which govern non-conforming uses. You should have received a letter dated February 6, 2019 that explained which of your properties would be put into a non-conforming use status and included the applicable non-conforming use sections of the ordinance.

Regarding the necessity of the proposed rezoning, the Planning Commission is tasked with reviewing the Zoning Map, Master Plan, and other pertinent documents to make decisions as to the appropriate uses of land throughout the city. They have identified the corridor along North Lincoln Road as priority for updating zoning designations, as many of the current designations are outdated and do not fit the current or future planned use. Their intent is to bring unity to that entire section of the city as a commercial district, and thereby limiting/prohibiting residential, manufacturing, and industrial uses (except those with non-conforming use statuses).

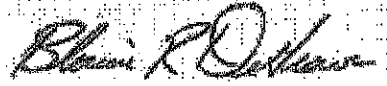
The advantages and disadvantages to individual property owners can only be determined by the property owners themselves, depending on their current and future plans for the property. No changes in use are being dictated by the rezoning, as current uses not allowed under the new designation will be granted non-conforming status and will be allowed to continue in their current state, even through a change in ownership (as long as the annual non-confirming use form is filed).

Regarding your request of getting a transcript of the meeting, a draft of the minutes will be posted on the Planning Commission page of the city's website at escanaba.org within 8 business days of the meeting for you to review or download as desired.

As was explained to you via phone conversation, the Public Hearing at the February 14, 2019 Planning Commission meeting will be a time of gathering information from the public before the Commission makes their recommendation. That recommendation may be made at that meeting or may be tabled for further discussion at a future meeting before they make their recommendation for action to the City Council, which will have another whole set of procedures to follow before final adoption.

I trust that between the previous phone conversations and this response to your letter that all of your questions have been sufficiently answered. If not, please feel free to contact me and we can discuss the matter further.

Sincerely,



Blaine R. DeGrave
Code Compliance Inspector
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