

**PLANNING COMMISSION SPECIAL MEETING
ESCANABA, MICHIGAN
February 26, 2018**

A meeting of the Escanaba Planning Commission was held on Monday, February 26, 2018, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Vice-Chairperson Christine Williams, Secretary Brian Black, Commissioners Paul Caswell, Craig Gierke and Dominic Benetti

ALSO PRESENT: Planning and Zoning Administrator Blaine DeGrave, Executive Assistant Lisa Glish, Senior Vice-President for the Woda Group Craig Patterson, and City Council Liaison Ronald Beauchamp

ABSENT: Chairperson Kel Smyth, Deputy Secretary James Hellerman, and Commissioner Richard Clark

Vice-Chairperson Williams called the meeting to order at 6:00 p.m.

ROLL CALL

Executive Assistant Lisa Glish conducted roll call.

APPROVAL/CORRECTION OF THE FEBRUARY 8, 2018 PLANNING COMMISSION MEETING MINUTES

A motion was made by Chairperson Gierke, seconded by Secretary Black to approve the February 8, 2018 Planning Commission meeting minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE FEBRUARY 26, 2018 PLANNING COMMISSION SPECIAL MEETING AGENDA

A motion was made by Commissioner Caswell, seconded by Secretary Black, to approve the February 26, 2018 Planning Commission special meeting agenda as submitted. Ayes were unanimous.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

1. Follow-up Site Plan Review – 1401-1419 Ludington Street – 4-Story Multi-Family Apartment Building (a.k.a. Bay de Noc Apartments)

Blaine DeGrave stated that in accordance with the Escanaba Zoning Ordinance Section 1803.3, a site plan review of a 50,768 sq. ft building for a 4-Story Multi-Family Apartment Building to be located at 1401-1419 Ludington Street, Escanaba will take place.

Blaine DeGrave then read the administration's position paper into record:

**CITY OF ESCANABA
LAND USE PERMIT REVIEW REPORT
CASE NO. PC-022618-01**

REFERENCE: Bay de Noc Apartments (previously known as Escanaba Apartments)

DATE: February 26, 2018

PROPERTY OWNER/APPLICANT ADDRESS:

Property Owner:

UP Enterprises, LLC
1505 North Lincoln Road
Escanaba, MI 49829

Applicant:

Bay de Noc Limited Dividend
Housing Association, LP
Submitted By: P. Craig Patterson

TYPE OF REQUEST/ DESCRIPTION OF PROPOSED PROJECT:

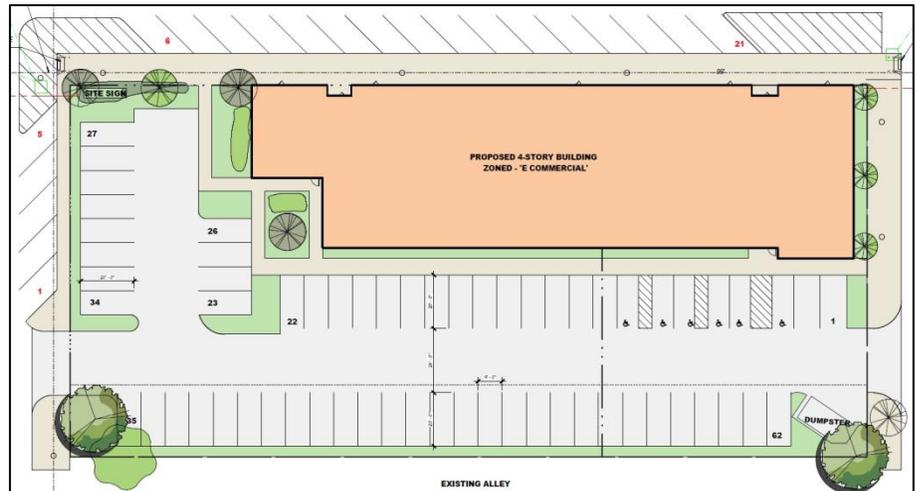
Review the parking requirements and required green space for a 50,768 sq. ft. Multi-Family apartment complex at 1401-1419 Ludington (formerly known as Northern Motors) per the Planning Commission Public Hearing dated February 8, 2018.

CURRENT ZONING:

Light Manufacturing "E"
District.

ORDINANCE:

Ordinance No.1028 Escanaba
Zoning Ordinance.



COMPLIANCE WITH DEVELOPMENT STANDARDS:

1. In accordance with **Chapter 17 Parking and Circulation Requirements Section 1702.2 Combination of Uses.** *Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use .City Administration has determined that by reducing the number of rental units from 45 units requiring 56 parking spaces to 41 units requiring 51 spaces, the project meets or exceeds parking requirements for the projects residential and commercial space respectfully.*
2. In accordance with **Chapter 17 Parking and Circulation Requirements Section 1701.3.3 Change of Use.** *Whenever the use of an existing building is changed to a category or classification which requires more parking than the former established use, the additional demand for parking spaces created by the use change shall be provided for.* City Administration recognizes the areas known as Community Space, Residential Lobby and Indoor Play Area of the page PR1.1 of the Bay de Noc apartment project plans as not being commercial space, therefore shall not be required to commit addition commercial parking for such areas.

3. In accordance with the requirements found in **Chapter 18, Site Plan and Sketch Plan Standards, 1803.1.1.4. Approval; Referral**, *Once the Code Official deems that site plans or site diagram to be complete, the plan shall be referred to the Planning Commission for review with a recommendation to approve, deny, or modify the site plan. City Administration has determined that the site plan diagram is not complete and will recommend conditional approval.*
4. In accordance with the requirements found in **Chapter 18, Site Plan and Sketch Plan Standards, Section 1806.1 Site Plan Amendments**, *A site plan may be amended as follows:*
 - (A) **Minor Amendments:** *Minor amendments are those which will have no foreseeable affect beyond the property boundary, such as minor changes in the alignment of utilities and the reconfiguration of parking areas. Minor amendments for good cause may be authorized by the code official without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the development, significantly reduce useable open space, significantly reduce or increase parking areas, or significantly encroach on natural features proposed by the plan to be protected.*
5. In accordance with the requirement of **Chapter 19, Section 1912.9.5 Commercial District “E”** relating to green space; (A) *Ten percent of the total lot area shall remain open green space. (B) One indigenous tree per 1,000 s.f. or fraction thereof, of gross floor area. WITH Exception: Uses on Ludington Street between Stephenson Avenue and 2nd Street;* City Administration therefore will not require the project to meet all green space requirements but it is highly recommended to meet such standards.

REQUIREMENTS AND DUTIES OF THE PLANNING COMMISSION

In accordance with **Chapter 18. Site Plan and Sketch Plan Standards, 1803.4. Site Plan Approval**, *should the Planning Commission approve the site plan, with conditions, the applicant shall supply four copies of the final approved plans to the City of Escanaba/Planning Commission.*

In accordance with **Chapter 18. Site Plan and Sketch Plan Standards, 1803.5.1 Site Plan Rejection**, *should the Planning Commission reject the site plan, the property owner may appeal the decision to the Zoning Board of Appeals.*

In accordance with **Chapter 18, Site Plan and Sketch Plan Standards, Section 1805.1 Conditional Approvals:**

- (A) *The Planning Commission or Code Official may attach conditions to the approval of a site plan when such conditions:*
 - (1) *Would insure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facilities loads caused by the land use or activity.*

STAFF FINDINGS, COMMENT AND CONDITIONS OF APPROVAL:

In the interest of seeing this proposed project able to move forward to the City Council for further review, staff is recommending conditional approval with the following conditions:

Conditional approval by the Planning Commission, requiring a full scale plan complying with all required details such as water/wastewater connections, electrical supply and connections, etc. which shall be required to again be reviewed by City Administration/Staff for completeness, accuracy and for approval as prescribed under Section 1803.1.1.3 Official Review and shall not be required to be reviewed by the Planning Commission as previously described under Section 1806.1 (A) Minor Amendments.

In addition, any future commercial “Change of Use” for the areas known as the Community Space, Residential Lobby and Indoor Play Area shall at the time of such commercial “Change of Use” will require the creation of addition parking spaces as per Table 1702 Off-Street Parking Schedule for such created use ie; Office, Retail or Restaurant.

PUBLIC CONTACT:

Notice of Public Meeting was published in the Escanaba Daily Press Newspaper.

Staff report was posted on the City of Escanaba website for public review.

The meeting agenda was posted on the City’s official notice bulletin board and the City of Escanaba’s website.

BACK UP INFORMATION:

1. Revised Site Plan Diagram.

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Blaine DeGrave then pointed out the areas on page PR1.1 of the Site Plan drawings that are named “Community Space”, “Residential Lobby”, and “Indoor Play Area”. He went onto state that due to these three areas facing Ludington Street, he originally classified them as Commercial space; however when reading Ordinance Section 1014.1 Prohibited Residential Dwellings, the spaces would be considered residential use. He then read the ordinance: “Section 1014.1 Prohibited Residential Dwellings – Residential dwellings are prohibited from occupying the front 50% ground floor area in any building front on Ludington Street between 3rd Street and Stephenson Avenue.” He went onto explain that he reviewed this wording with the City Attorney, and it was concluded that these spaces are not residential dwellings, they are to be considered residential use; and would not require parking for these areas. However, if these areas would ever be changed into something other than what is currently presented, they would need to be reevaluated for parking requirements.

Vice-Chairperson Williams summarized that if the residents living in the building have parking spots associated with their apartments and they are using this facility, additional parking spaces would not be required to accommodate for the square footage. Blaine DeGrave agreed.

Commissioner Caswell questioned a discrepancy between the originally proposed commercial space square footage of 5,300 sq. ft. that was substantially reduced when calculating for parking.

Blaine DeGrave replied that the calculations are based on the usable square footage of the commercial areas. DeGrave then went onto read the official definition that is listed in the Zoning Ordinance “Usable floor area means the area used for or intended to be used for the sale of merchandise or services, or use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of “Usable Floor Area”. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.” Blaine then stated that the total Commercial Usable Floor Area would then be 1,980 sq. ft., which would result in 10 additional parking spaces - 1:200 sq. ft. He then stated that 51 spots would be required for residential parking, and then with the additional 10 for the commercial, the plan would require 61 spaces, and currently the plan has 62 parking spaces; which was accomplished by the reduction of residential units from 45 to 41.

Craig Patterson introduced himself at the Senior Vice-President of the Woda Group, and that he lives in Mackinaw City. Patterson stated that they (The Woda Group) listened and made changes to the site plan per the original site plan review meeting (that took place February 8, 2018). He went onto note that they changed the elevations of the building to look like a cluster of buildings and reduced the number of units from 45 to 41 to accommodate for parking compliance.

Vice-Chairperson Williams opened the floor to Public Comment.

Matt Svland, owner of Svland Paint and the Lofts on Ludington, stated parking downtown has always been an issue, and that shared parking could not be used for this project; he then stated that what he had prepared for the meeting was done before he saw the updated plans. He went onto state that Escanaba’s downtown has a historic designation, so when the parking regulations were reduced for the area, it was to accommodate for the limited parking availability that comes with the historic buildings. Svland then went onto state that the most energy efficient building project is a reuse of an existing building, and that the most wasteful building project is tearing down a historic building and building new. He went onto state that the Northern Motors building is listed on the United States Department of the Interior National Registry of Historic Places section 7, page 96; and that this project looks at the demolition of this historic structure, in order to construct a new modern building without historic character, and because this would classify as a new structure it would not qualify for reduced parking. Matt Svland went onto state that in 2015 another development was proposed for the Masonic Building / First Bank Building also downtown; he went onto state that that proposal would have had 34 units and 48 parking spaces and that project was turned down. Matt Svland then stated that he was not sure if this plan considered snow storage.

Matt Svland stated that there are already 16 low income housing apartment complexes in Delta County, which are around 1,050 units. He went onto state that the developers of this project will be requesting a PILOT (Payment In Lieu of Taxes); he then when onto state that on September 10, 2015 a chart was presented to the Planning Commission concerning Public Safety Service Calls from January 1, 2010 to August 20, 2015. He went to review that during that time period of 5 years there were 860 callout, equaling 172 per year, which is around one every two days.

Jason Neumeier addressed the Planning Commission stating that he also objects to this development due to the type of housing which is low income/subsidized rent. He went onto state that on Page 28 of the Escanaba Master Plan, in section 4.6 it states “The concentration of poverty in Delta County in the City of Escanaba is a concern as it is associated with a higher level of social problems, negative health outcomes, and a decreased ability for residents to overcome economic hardship.” He then stated that he believes there is enough low-income

housing in this area, and he is encouraging the Planning Commission members to vote “No” on this proposal.

Vice-Chairperson Williams questioned Craig Patterson on plans for snow removal from this development. Craig Patterson replied that he was not sure where the snow storage would be on the plan, but they will work those details out with the City team.

Commissioner Gierke commented that most of the concerns from the last meeting have been addressed.

Blaine DeGrave reviewed the Planning Commission responsibilities are to ensure the Site Plan conforms to the Zoning Ordinance, not to make the decision based on if the development is low-mod income.

Commissioner Gierke stated that the Planning Commissions concerns are based on the requirements of the Zoning requirements of the project, and not on comments that have been made that are of a political nature. He then stated that if the Commissioners are satisfied that the project conforms to the zoning, and then they should allow the administration to negotiate the extra details that will be required of the development.

Commissioner Caswell stated that even though the project complies with the zoning, it does not fit into the City’s Master Plan.

Secretary Black read sections from the Master Plan stating under 5.3 Issues and Opportunities, under Issues “In public surveys, residents indicated that improving the quality of housing, especially in the downtown area, to be a primary concern.”; and then under Opportunities “There is a demand in the local housing market for units often called the ‘missing middle’. This includes market rate multi-family or clustered housing within walking distance to shops and other amenities that can help the City meet the demand from young professionals and retirees for walkable urban living.” He went onto state that those are the two issues and opportunities that were identified in our Master Plan, and he thinks that this development is consistent with those goals in the plan.

A motion was made by Secretary Black to approve the Site Plan as presented with the condition that the City ultimately reviews full-scale plans related specifically to utility connections, snow removal, and any other issues the City deems appropriate.

Support was not giving to the motion, so the motion failed.

Commissioner Caswell stated again that he felt the project did not fit the Master Plan.

Commissioner Benetti stated that even though he also felt the project did not fit the Master Plan, he would second Secretary Black’s Motion.

A motion was made by Secretary Black, seconded by Commissioner Benetti, to approve the Site Plan as presented with the condition that the City ultimately reviews full-scale plans related specifically to utility connections, snow removal, and any other issues the City deems appropriate.

A rollcall vote was called for by Vice-Chairperson Williams, votes were as follows:

Vice-Chairperson Williams – No

Secretary Black – Yes

Commissioner Benetti – No

Commissioner Caswell – No

Commissioner Gierke – No

Vice-Chairperson Williams stated that the motion failed during rollcall vote with four (4) 'No' votes to one (1) 'Yes' vote.

Vice-Chairperson Williams commented that the reason for her "No" vote was because she felt as though this project was not developed enough with SHPO. Blaine DeGrave replied that the only actual "Historic District" that the City of Escanaba has is Matt Svland's Lofts on Ludington, other than that everything else on Ludington Street only have honorary designations.

Blaine DeGrave then stated that the Developer has the right to appeal with the Zoning Board of Appeals.

GENERAL PUBLIC COMMENT

Craig Patterson stated that he is highly disappointed in the decision that was made, and that he is unsure of what their next step will be.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

None.

ADJOURNMENT

A motion was made by Commissioner Caswell, seconded by Commissioner Gierke, to adjourn the meeting. Ayes were unanimous.

The meeting adjourned at 6:48 p.m.



Kel Smyth, Chairperson
Escanaba Planning Commission



Blaine DeGrave, Planning and Zoning Admin
City of Escanaba



Christine Williams, Vice-Chairperson
Escanaba Planning Commission