

**City of Escanaba  
PLANNING COMMISSION – OFFICIAL PROCEEDINGS  
October 11, 2018**

**MEETING CALLED TO ORDER**

A regular meeting of the Escanaba Planning Commission was held on Thursday, October 11, 2018, 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. Paul Caswell	x	
Sec. Brian Black	x		Comm. Richard Clark	x	
Dep. Sec. James Hellerman	x		Comm. Craig Gierke	x	
			Comm. Stephen Davis		x

**ALSO PRESENT**

City Administration	Others
Blaine DeGrave, Planning & Zoning Administrator	Al Wegge, U.P. Engineers & Architects
Roxanne Spencer, Confidential Secretary	Kyle Blomquist, Blomquist Architects
Patrick Jordan, City Manager	

4 other unnamed individuals in attendance.

**MINUTES**

**A motion was made by Deputy Secretary Hellerman, seconded by Commissioner Gierke to approve the August 9, 2018 minutes as submitted. Ayes were unanimous.**

**AGENDA**

Chairperson Smyth indicated that Blaine DeGrave had requested that the two discussion items listed under the Unfinished Business section be tabled until the next meeting due to extended travel following the meeting. No objections were raised.

**CONFLICT OF INTEREST DECLARATIONS**

Vice-Chairperson Williams indicated that she is the applicant for Site Plan Review, Public Hearing #2 (Bay College Locker Room Addition) and so will step out of the meeting when that agenda item begins.

Secretary Black stated that he is an employee of Bay College and was uncertain if that would be a conflict of interest. The discussion following resulted in the determination that it should be considered a conflict of interest.

Chairperson Smyth indicated that those two individuals declaring conflicts of interest would sit out of Public Hearing #2 [of the Bay College site plan review].

**PUBLIC HEARINGS**

**1. Site Plan Review – 1027 North Lincoln Road – Delta County Chamber of Commerce**

Planning and Zoning Administrator Blaine DeGrave stated that in accordance with Escanaba Zoning Ordinance Section 1803.3, a site plan review of an 18,000 sq. ft. building for an office/veteran museum/meeting space to be located at 1027 North Lincoln Road, Escanaba will take place.

DeGrave then explained that the current zoning is Residential B – Two Family for the entire fairgrounds property, for which the proposed use was not allowed. However, knowing that the Planning Commission has been in discussion regarding the need to update properties along the North Lincoln Road corridor to Light Manufacturing F, the project could potentially be regarded to be under this zoning designation, preventing the necessity of having to deny the permit and take it to the Board of Appeals for a variance prior to coming back before the Planning Commission for site plan review. Via email, Commissioner Clark indicated his concern that the Planning Commission did not have the authority to make the decision that the Board of Appeals should make. Upon further review of the zoning code, DeGrave discovered that under Residential B – Two Family districts, museums and community buildings are allowed under a Special Land Use Permit, which is essentially the same process as a site plan review, requiring the same public hearing notices which have been completed, allowing the Planning Commission to go ahead with the Special Land Use/Site Plan review at this time.

DeGrave then read the following report into the record:

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**CITY OF ESCANABA  
LAND USE PERMIT REVIEW REPORT  
CASE NO. PC-101118-01  
REFERENCE: Chamber of Commerce Building**

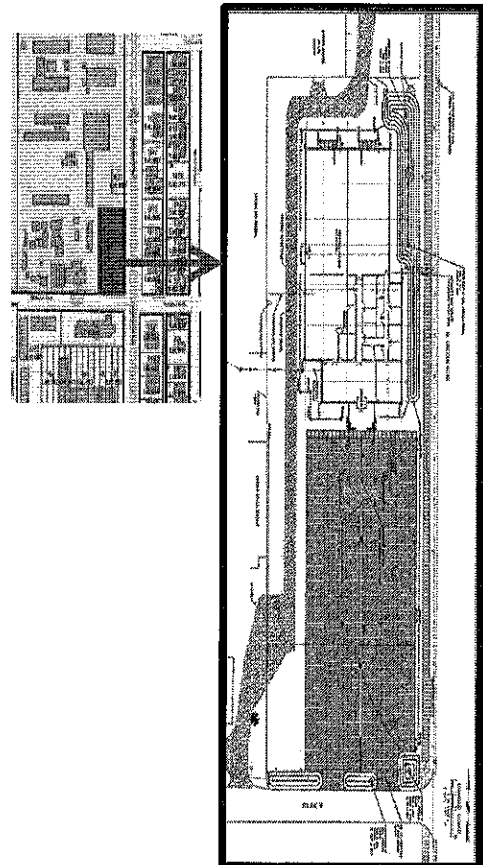
**DATE:** October 11, 2018

**PROPERTY OWNER/APPLICANT ADDRESS:**

<b>Property Owner:</b> Delta County 310 Ludington Street Ste. 171 Escanaba, MI 49829	<b>Applicant:</b> UP Engineers & Architects 100 Portage Street Houghton, MI 49931 Ken Dillinger
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**TYPE OF REQUEST/ DESCRIPTION OF PROPOSED PROJECT:**

The applicant is requesting a permit to construct an 18,000 sq. ft. Delta Chamber of Commerce and Veteran Museum Visitor Center within the property owned by the County and known locally as the fairgrounds with an address of 1027 North Lincoln Road.



**CURRENT ZONING:**

Residential "B" District  
Section 603 Uses Allowed by Special Land Use Permit  
(F) museum and (G) Community building

**ORDINANCE:**

Ordinance No.1028 – Escanaba Zoning Ordinance.

**COMPLIANCE WITH DEVELOPMENT STANDARDS:**

1. The proposed construction will be located on property which is

zoned Residential "B" – Two Family. Chapter 6. The use is (F) Museum and (G) Community building. allowed by a Special Land Use Permit as outlined in Section 603.1.

2. The proposed construction meets the setback standards of the districts.
3. The preliminary proposed construction site plan diagram complies with Chapter 18. Site Plan and Sketch Plan Standards, Section 1802 Site Plan Diagram/ Requirements, paragraph 1802.2 Site Plan Diagram Requirements, subparagraphs A - X.
4. Section 1803.1.1.2. Application: The applicant applied for site plan consideration as required.
5. Section 1803.1.1.3. Official Review: An official City administration preliminary review was conducted for comments as to the proposed development's conformance to all applicable standards and requirements on September 21, 2018.
6. Section 1803.1.1.4. Approval; Referral: City administration has deemed the site diagram to be complete.
7. All fees and notification requirements of the Ordinance have been accommodated.

#### **REQUIREMENTS AND DUTIES OF THE PLANNING COMMISSION**

1. In accordance with Chapter 18 Site Plan and Sketch Plan Standards, Section 1803.3 Planning Commission Review. Once a site plan is forwarded to the Planning Commission, the Planning commission shall review the site plan according to the standards and requirements of this chapter. The Planning Commission shall approve or deny the site plan (not the use) according to the standards and requirements of this Code within forty-five (45) days of submission of said plan.
2. Section 1803.4. Site Plan Approval, should the Planning Commission approve the site plan, the applicant shall supply four copies of the final approved plans to the City of Escanaba/Planning Commission.
3. Section 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.

#### **SITE PLAN APPROVAL STANDARDS:**

In accordance with Section 1804 – Site Plan Approval Standards of Escanaba's Zoning Ordinance, the proposed site conforms to the following site development standards:

- A. The main entrance faces 9<sup>th</sup> Avenue North upon which the lot fronts.
- B. There is no roof mounted equipment per plan.
- C. Reasonable and visible sound mitigation measures have been taken.
- D. The building is arranged to permit adequate emergency access to all sides.
- E. The development has legal access to the public street, that being 9<sup>th</sup> Avenue North.
- F. The development provides for vehicular and pedestrian circulation.
- G. A pedestrian circulation system is provided within the footprint of the plan.
- H. All parking areas are designed to facilitate safe and efficient vehicular and pedestrian circulation.
- I. Proposed curb cuts are needed to properly enter and exit the site with no shared drives available.
- J. There are no loading and unloading areas and outside storage areas needing to be screened.

- K. Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.
- L. Adequate utilities will be provided and placed underground.
- M. All premises shall be graded to prevent accumulation of stagnant water.

**STAFF FINDINGS, COMMENT AND CONDITIONS OF APPROVAL:**

Staff is recommending approval of the site plan diagram for the following reasons:

- A. The proposed use is consistent with the zoning designation for the district.
- B. The proposed use is an approved use by right in accordance with the zoning ordinance.
- C. The proposed project meets all setback and area requirements of the district.

**FISCAL IMPACT:**

The construction value of the accessory building is estimated to be \$2,000,000.

**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.

**ENFORCEMENT HISTORY:**

None.

**OTHER CONSIDERATIONS:**

None.

**BACK UP INFORMATION:**

1. Application for Zoning Land Use Approval
2. Assessor's Property Information Card
3. 300' radius property owner/tenant notification letter
4. 300' radius labels

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 DeGrave then indicated there was a representative here from U.P. Engineers & Architects, Al Wegge, to answer any questions regarding the project.

Williams stated that it appears that grading work has already begun on the project, a prohibited act in the absence of having site plan approval by the Planning Commission. She asked for an explanation for public information. DeGrave noted that the work had begun prior to approval, but by the time he was aware of it, the work had stopped.

Caswell asked what percentage of the work would be done by local contractors and laborers. Wegge indicated their target was 99%.

Hellerman asked for clarification on the purpose of the retention ponds. DeGrave noted the ponds would be located in front of the building along the highway. Wegge responded that they are needed for drainage and fire protection.

DeGrave noted that at the Pre-Site Review meeting with city staff that he raised a concern about the potential safety hazard of having no fence or other barrier between the sidewalk and ponds and that UPEA was going to be reviewing the issue with the Chamber. Williams noted that there is no ordinance requiring fencing to be installed around a retention pond. Gierke stated that it would be a sound business decision to protect themselves from liability. DeGrave noted fencing could be a condition of the Planning Commission's approval.

DeGrave then noted that he has been in communication with MDOT regarding the project since it does run along the highway frontage. Vehicle traffic coming off the highway would turn onto 9<sup>th</sup> Avenue North for access to two driveways currently in the plan. MDOT is recommending (but not requiring) the plan be changed to have only one driveway access point to be moved further down away from the highway to allow for increased traffic queuing on 9<sup>th</sup> Avenue North and keeping the back-up off the highway. Black commented that 9<sup>th</sup> Avenue North is in poor condition, with flooding currently occurring and asked if it would be addressed concurrently with this project. Hellerman responded that it is more of a City Council issue. DeGrave indicated that there is no one present from Public Works to address that issue at this time. Gierke asked if the retention ponds would solve the water issue. DeGrave responded that the ponds will mostly receive water coming off the parking lot and the property itself, but probably would not solve the street water issues, but that Public Works staff had indicated at the Pre-Site Plan Review meeting that 9<sup>th</sup> Avenue North could potentially be widened and corrected in the future, but no plans are in place regarding this specific project.

Clark asked DeGrave if he was comfortable that all administrative requirements for a Special Land Use Permit hearing have been satisfied. DeGrave noted that the basic requirements are the same for a Site Plan Review and a Special Land Use Permit, with the only difference being the basic form on which each is submitted and that the public hearing notices and neighbor notifications have been fulfilled.

Gierke asked when the issue of re-zoning areas as F – Light Manufacturing will be brought back before the Planning Commission. Smyth asked DeGrave to identify locations that need to be addressed. DeGrave responded that he would do so, and suggested reviewing key sections of the map one portion at a time in upcoming meetings.

*Chairperson Smyth opened the public hearing. No public comments were made.  
Chairperson Smyth closed the public hearing.*

**Commissioner Gierke made a motion, seconded by Commissioner Caswell, to approve the site plan for the Chamber of Commerce at 1027 North Lincoln Road as presented, with the requirement that the pond be separated from the bike path by fencing.**

Clark noted for the record that he was initially concerned that with the property being zoned Residential B, but being treated as Light Manufacturing, was ill-advised because of incorrect process. He believes that although it was not publicized as a Special Land Use Permit, the public hearing notice in the newspaper and letters to neighbors as a site plan hearing sufficiently satisfied the public notice requirements.

Williams raised concerns about the project having been started prior to approval, citing Zoning Ordinance 1801.4, Prohibition Prior to Site Plan Approval: "Any violation of this prohibition shall be subject to the legal and administrative procedures and penalties cited in Chapter 2, Administration, Enforcement and Penalty, Section 212, Violations." She recommended that penalties should be imposed as it was in violation of the code. DeGrave stated that he would check with the City attorney. Black stated that there seems to be ignorance about the City's zoning codes and questioned how long it should be allowed to continue when it impacts the community. DeGrave noted that being relatively new in his position as Zoning Administrator,

he is still learning the process himself. In regards to this project, he did not realize they had started the grading process and by the time he learned of it, they had completed that portion of the work. He stated that with other projects coming up, he is highlighting the prohibition of doing any work until the site plan is approved.

Williams questioned whether there need to be any further requirements outlined in the motion as to the height, type, or aesthetic of the fence. Gierke stated that he believes that City administration and the developer can come to a reasonable solution to address safety and aesthetic factors, with which the remainder of the Commissioners agreed.

**Chairperson Smyth called for a voice vote on the above-stated motion to approve the site plan. Ayes were unanimous.**

**2. Site Plan Review – 2001 North Lincoln Road – Bay de Noc Community College**

*Vice-Chairperson Williams stepped out of the room due to a conflict of interest.*

DeGrave noted that as Black also stated a conflict of interest, he should also step out of the meeting. Gierke questioned whether Black needed to step out, or simply abstain from voting. Chairperson Smyth ruled that recent Planning Commission training suggests that Black should step out.

*Secretary Black stepped out of the room due to a conflict of interest.*

Smyth stated that in accordance with the Escanaba Zoning Ordinance Section 1803.3, a site plan review for a 6,100 sq. ft. addition to a building for athletic locker rooms to be located at 2001 North Lincoln Road, Escanaba will take place.

DeGrave then read the following report into the record:

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**CITY OF ESCANABA  
LAND USE PERMIT REVIEW REPORT  
CASE NO. PC-101118-02  
REFERENCE: Bay Area College Addition**

**DATE:** October 11, 2018

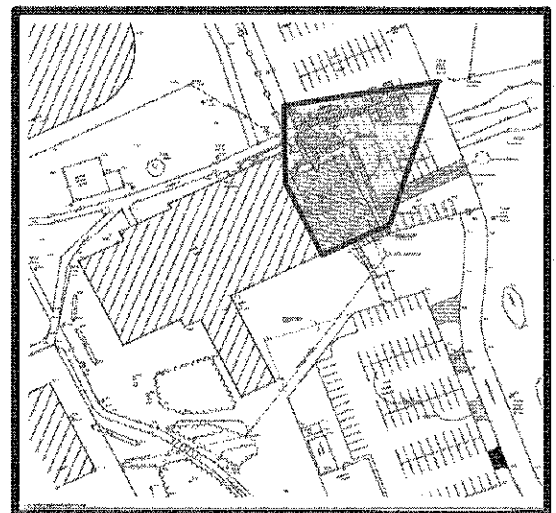
**PROPERTY OWNER/APPLICANT ADDRESS:**

**Property Owner:**  
Bay de Noc Community College  
College  
2001 North Lincoln Road  
Escanaba, MI 49829  
Williams

**Applicant:**  
Bay de Noc Community  
College  
2001 North Lincoln Road  
Submitted By: Christine  
Williams

**TYPE OF REQUEST/ DESCRIPTION OF PROPOSED PROJECT:**

The applicant is requesting a permit to construct a 6,100 sq. ft. addition to expand the Athletic Facility on the Escanaba Campus.



**CURRENT ZONING:**

Light Manufacturing District "F"

**ORDINANCE:**

Ordinance No.1028 - Escanaba Zoning Ordinance.

**COMPLIANCE WITH DEVELOPMENT STANDARDS:**

1. The proposed construction will be located on property which is zoned Light Manufacturing District (F). Chapter 13. The use is a Permitted Use By Right as outlined in Section 1302.1. (L) College.
2. The proposed construction meets or exceeds the setback standards of the districts.
3. The preliminary proposed construction site plan diagram complies with Chapter 18. Site Plan and Sketch Plan Standards, Section 1802.2 Site Plan Diagram Requirements.
4. Section 1803.1.1.2. Application, the applicant applied for site plan consideration as required.
5. Section 1803.1.1.3. Official Review, an official City administration preliminary review was conducted on September 27, 2018 for comments as to the proposed development's conformance to all applicable standards and requirements.
6. Section 1803.1.1.4. Approval; Referral, City administration has deemed the site diagram to be complete.
7. All notification requirements of the Ordinance have been accommodated. Fees have not been paid as of this date.

**REQUIREMENTS AND DUTIES OF THE PLANNING COMMISSION**

1. In accordance with Chapter 18 Site Plan and Sketch Plan Standards, Section 1803.3 Planning Commission Review, once a site plan is forwarded to the Planning Commission, the Planning commission shall review the site plan according to the standards and requirements of this chapter. The Planning Commission shall approve or deny the site plan (not the use) according to the standards and requirements of this Code within forty-five (45) days of submission of said plan.
2. Section 1803.4. Site Plan Approval, should the Planning Commission approve the site plan, the applicant shall supply four copies of the final approved plans to the City of Escanaba/Planning Commission.
3. Section 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.

**SITE PLAN APPROVAL STANDARDS:**

In accordance with Section 1804 - Site Plan Approval Standards of Escanaba's Zoning Ordinance, the proposed site conforms to the following site development standards:

- A. Primary structures shall be oriented so that their main entrance faces that street upon which the lot fronts.
- B. All roof-mounted equipment, including satellite dishes and other communication equipment must be screened from recreation trails or from public sidewalks
- C. Reasonable and visible sound mitigation shall be provided.
- D. Every principal building shall be arranged to permit adequate emergency access to all sides.
- E. The development has legal access to the public or private street.
- F. The development provides for vehicular and pedestrian circulation.
- G. A pedestrian circulation system is provided within the footprint of the plan.
- H. All parking areas are designed to facilitate safe and efficient vehicular and pedestrian circulation.

- I. Where the opportunity exists, developments shall use shared drives.
- J. Loading and unloading areas and outside storage areas needing to be screened.
- K. Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.
- L. Adequate utilities will be provided and placed underground.
- M. Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- N. All premises shall be graded to prevent accumulation of stagnant water.
- O. Proof that all other provisions of the code have been met.

As the addition is located within the campus grounds, the site plan meets or exceeds the Development Standards "A-O".

**STAFF FINDINGS, COMMENT AND CONDITIONS OF APPROVAL:**

Staff is recommending approval of the site plan diagram for the following reasons:

- A. The proposed use is consistent with the zoning designation for the district.
- B. The proposed use is an approved use by right in accordance with the zoning ordinance.
- C. The proposed project meets or exceeds all setback and area requirements of the district.

**FISCAL IMPACT:**

The construction value of the accessory building is estimated to be \$1,200,000.

**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.

**ENFORCEMENT HISTORY:**

None.

**OTHER CONSIDERATIONS:**

None.

**BACK UP INFORMATION:**

- 1. Application for Zoning Land Use Approval
- 2. Assessor's Property Information Card
- 3. 300' radius property owner/tenant notification letter
- 4. 300' radius labels

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DeGrave stated Kyle Blomquist, representative from Blomquist Architects, was present to answer any questions on the project.



Caswell commented that it appeared the project would eliminate some of the current parking spaces and if there was a plan to create more spaces. Blomquist responded that an area to the south of the building that used to be tennis courts would be striped to create more parking spaces.

DeGrave asked Blomquist to elaborate on the phases this project will encompass. Blomquist explained that they have been working with the YMCA and Bay College to design future building plans which will include a large addition in the future to the south of the current building to be used primarily for the Bay College athletics program, as well as additional parking.

Commissioner Benetti asked for clarification on how far out the new addition would extend. Blomquist replied that it would be about 60 feet from the north end.

Smyth commented that he reviewed the geo-technical report submitted and asked for a layman's summary about the findings on the 9-foot water table. Blomquist stated that he has been working on a different segment of the project, but that his father has been the principal architect working with City administration to work out details, but that he believes part of that plan includes that a lift station will be necessary. DeGrave noted that Jeff Lampi, Director of Water/Wastewater, has been reviewing plans and updates to make sure they meet the City's specifications and has given his approval to the plan presented.

Caswell noted that while he does not believe it necessary for a community college to have a sports program as it takes away from academics, he would not vote against the plan.

*Chairperson Smyth opened the public hearing. No public comments were made.  
Chairperson Smyth closed the public hearing.*

**Commissioner Gierke made a motion, seconded by Deputy Secretary Hellerman, to approve site plan of the Bay de Noc Community College athletic facility expansion as presented. Motion passed following a voice vote with unanimous ayes.**

*Vice-Chairperson Williams and Secretary Black re-entered the meeting.*

**NEW BUSINESS**

**1. Project Updates**

- a. **Zoning Board of Appeals Hearings/Decisions**
  - DeGrave reported there are no updates.
- b. **Delta County Planning Commission Update:**
  - Williams stated that the Delta County Planning Commission hasn't met since June, so there were no updates.
- c. **Zoning/Land Use Permit Update:** Blaine DeGrave updated the Planning Commission with the following information:

**ZONING PERMITS REPORT  
January 01, 2018 thru End Date, 2018**

4	NEW RESIDENTIAL HOME	\$	1,282,000
16	RESIDENTIAL REMODEL	\$	225,189
2	NEW COMMERCIAL	\$	1,735,000
5	COMMERCIAL REMODEL	\$	425,000

1	CHANGE OF USE	\$ -
1	HOME OCCUPATION	\$ -
1	LAND USE PERMIT	\$ -
6	DEMOLITION PERMIT	\$ 70,200
36	<b>TOTAL</b>	<b>\$ 3,737,389</b>

d. Various – None.

**GENERAL PUBLIC COMMENT**

None.

**COMMISSION/STAFF COMMENTS**

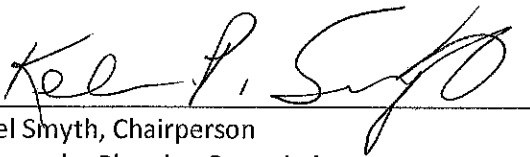
Gierke thanked Williams for sending out a sample ordinance on windmills for review. He indicated that Mayor Tall had also sent him some additional sample ordinances, and asked that DeGrave contact the Mayor to get the information to pass on to all Planning Commission members to review setback and height requirements for creating our own windmill ordinance. DeGrave noted that a study had been conducted at one time that indicated that the wind velocity in the area was generally not enough to generate electricity, so it may not be an issue. Gierke noted his concerns that we have no ordinances at all to control any type of windmill development on any scale and would like for it to be added to next month's agenda.

Commissioner Caswell questioned whether it would have been a conflict of interest for newly appointed Commissioner Stephen Davis to be on the Planning Commission and also be on the Board at Bay College. As Commissioner Davis was not present at the meeting, no conflict of interest existed.

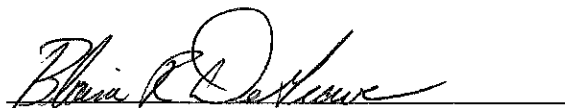
**ADJOURNMENT**

**A motion was made by Deputy Secretary Hellerman, seconded by Chairperson Smyth, to adjourn the meeting. Ayes were unanimous.**

The meeting adjourned at 6:58pm.



Kel Smyth, Chairperson  
Escanaba Planning Commission



Blaine DeGrave, Planning and Zoning Administrator  
City of Escanaba