

**PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
August 15, 2017**

A Special Meeting of the Escanaba Planning Commission was held on Tuesday, August 15, 2017, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairperson Kel Smyth, Vice-Chairperson Christine Williams, Deputy Secretary Brian Black, Commissioner Richard Clark, and Commissioner Craig Gierke

ALSO PRESENT: Jail Administrator for the Delta County Sheriff's Department Lt. Jason Thibeault, Mayor Marc Tall, City Manager Patrick Jordan, Code Inspector Blaine DeGrave, and Executive Assistant Lisa Glish

ABSENT: Commissioner James Hellerman and Commissioner Paul Caswell

Chairperson Kel Smyth called the meeting to order at 6:00 p.m.

ROLL CALL

Executive Assistant Lisa Glish conducted roll call.

APPROVAL/CORRECTION OF THE JUNE 8, 2017 PLANNING COMMISSION MEETING MINUTES

Deputy Secretary Black asked that the minutes be revised in the Conflict of Interest section to state that he had not been involved in any conversations pertaining to the jail addition.

Vice-Chairperson Williams noted that Joe Pacheco's name was spelled incorrectly, and to change "presents" to "presence" in the Conflict of Interest section.

A motion was made by Deputy Secretary Black, seconded by Vice-Chairperson Williams, to approve the June 8, 2017 Planning Commission meeting minutes with adjustments. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE MAY 10, 2017 PLANNING COMMISSION MEETING AGENDA

Blaine DeGrave stated that item #2 under New Business an adjustment needs to be made to change "Change of Use" to "Home Occupation Change".

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

None.

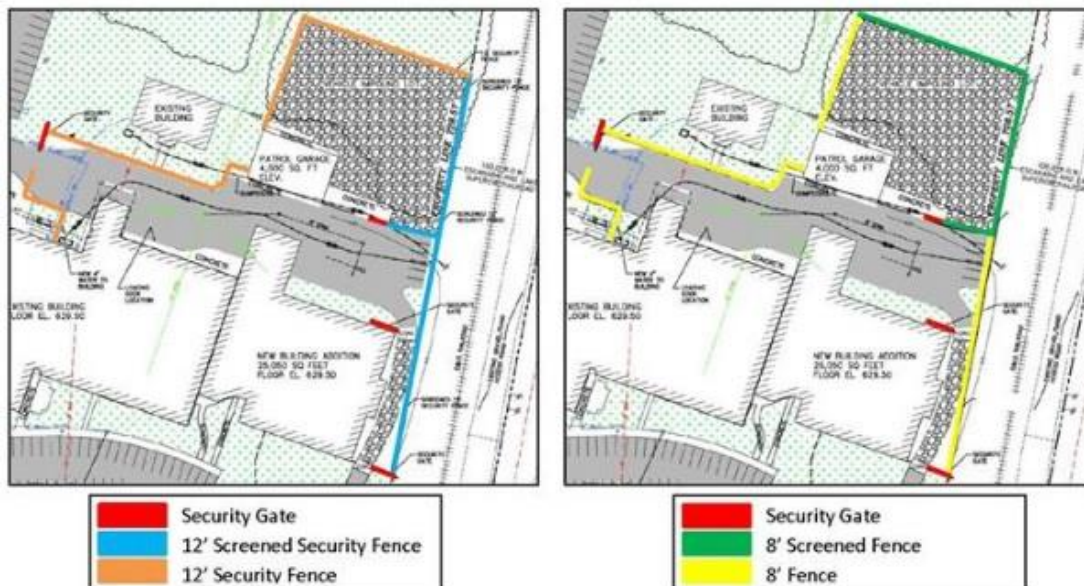
NEW BUSINESS

1. Site Plan Review/Special Land Use – Delta County Correctional Institution Addition – Addendum.

Blaine DeGrave stated that a discussion will take place concerning the screened fence requirement for the Delta County Correctional Institution Addition. Mr. DeGrave went onto state that he had been approached by Delta County about the possibility to amend the Correction Institution fencing from what was originally approved on June 8, 2017 which was a 12' screened security fence to an 8' non-security fence with screening only in certain areas. He went onto state that this revision was being requested due to cost assessments for the project coming in \$100,000+ over budget.

Blaine DeGrave went onto to explain that the 12' screened security fence was part of the original plan due to it being a topic of discussion during the pre-site plan meeting that took place for the Correctional Institution addition on May 9, 2017. He went onto quote from those meeting minutes: “Jim O’Toole (City Manager) stated that the impound lot fence will need to be screened fence. He went onto note that anything within public view will need to be screened. A discussion took place concerning which areas of the plan should be screened verses open chain-link fencing. It was determined that all the fencing from the front of the building to the back will be screened fencing.”

Lt. Jason Thibeault stated that they originally agreed to a 12' meshed fence, but after they got the bids back for the fence from the fencing company, that bid pushed the project \$191,000 over budget. Lt. Thibeault went onto explain that the recreation yard is a recreation area, any recreation that the inmates will be doing will be done inside the building, recreation will not take place outside ever. The only way inmates would be allowed outside would be during an emergency situation. Lt. Thibeault then requested that the Planning Commission consider reducing the fence to be an 8' non-security fence that would only have screening in specified areas. He went onto state the new fence would fit into the project budget. Lt. Thibeault then went onto explain that the gate placements would not be changing, but the areas where screening will be installed will be. He went onto explain that the only areas that would include screening would be the North (facing the FedEx facility), Southeast (facing the train tracks), and the small area in the front to the gate of the impound lot.



Vice-Chairperson Williams made the suggestion to Lt. Thibeault to use vegetation for screening. Lt. Thibeault stated that it would take a long time for that vegetation to grow, and once it did there would have to be maintenance/upkeep of it, in which they would not be looking to do.

Commissioner Clark asked why the original plan had 12' fencing verses the 8' fencing. Lt. Thibeault stated that it was an item on a "wish list" from the Delta County Sheriff's Department when the original plans were being created before actual bids were sought after, but after the bids came in for the 12' fencing it was decided that that was too unrealistic and it would be more logical to lower it to 8' for costing purposes. Commissioner Clark then asked if they are sure the 8' fencing would come in under budget. Lt. Thibeault responded that they have already had it quoted and it will.

Chairperson Smyth asked Blaine DeGrave if since the original approval required to be done during a Public Hearing, does any amendment to that approval also need to be done during a Public Hearing? Mr. DeGrave stated that he did not feel as though a Public Hearing was required due to the original approval included fencing on the property, this approval would be adding an addendum to the original for just the fence height. Blaine went onto state that the meeting agenda was posted on the City of Escanaba's Website, along with the City's Facebook page, so he felt as though the public was notified of the meeting.

Deputy Secretary Black asked for the recommendation of the Administration. Blaine DeGrave stated that there isn't anything in the Zoning Ordinance stating that the 12' fence is a requirement. Deputy Secretary Black then asked what the City Mayor and City Manager's opinions are. City Manager Patrick Jordan stated that he had taken a ride with Blaine DeGrave that afternoon to review the property/project, he then questioned Lt. Thibeault if the Department of Corrections (DOC) have any requirements when it comes to fence heights and barbed wire? Mr. Jordan then went onto state that if there aren't any requirements then he doesn't see why the fence height could be set at 8'. Lt. Thibeault stated that he was not aware of any. Mayor Marc Tall stated he had no issues.

Deputy Secretary Black then went onto ask what kind of fencing the current correctional facility has and if they feel that is adequate, and if there is anything screened on that fence. Blaine DeGrave stated that he took a ride past there that day and he did not recall any areas of that fence screened. Black then asked if there have been any complaints about the fencing on the current facility. Blaine DeGrave stated that they have not, as far as he knows.

City Manager Jordan asked if there are any site and sound concerns with the facility having the Bay Pines facility across the street. Lt. Thibeault stated that he can hear the youth when they are outside, but it wouldn't be an issue with noise coming from the jail to them because all of the inmates will be inside, never outside.

Blaine DeGrave clarified with Lt. Thibeault that the proposal is for an 8' non-barbed wire fence with screening only around two sides of the impound lot and a small section the front of it? Lt. Thibeault stated that Mr. DeGrave was correct in that statement.

A motion was made by Vice-Chairperson Williams, seconded by Deputy Secretary Black, to accept the revised plan to reduce the fence height to 8', require screening on the Southeast and North sides of the Impound Lot, no screening is required on the drive which is located on the South and East sides of the property. Adjacent property owners are to be notified of this modification and given 14 days to make comment/concern to City Hall. Ayes were unanimous.

2. Home Occupation Change – 310 South 8th Street

Blaine DeGrave stated a discussion will take place concerning a Home Occupation Change application that was submitted by the tenant located at 310 South 8th Street to allow operation of a home based business not specified within Chapter 6, Residence “B” District, Section 602.1 – General Uses and Section 602.1.K – Home Occupations, of the Escanaba Zoning Ordinance.

Blaine DeGrave stated that the applicant of the permit was not present at the meeting. He went onto state that he did notify the individual personally about the meeting taking place, but they did not attend.

Blaine DeGrave explained that the applicant applied to run a Massage Spa as the home based business. Mr. DeGrave went onto state that due to Section 602.1.11.a – Permitted Home Occupations of the Zoning Ordinance not listing “Massage Spa” specifically, he denied the permit. Mr. DeGrave went onto state that in that same section of the ordinance it states “Similar types of business as approved by the Planning Commission” as an item, this is why this item is being brought before the Planning Commission.

Commissioner Gierke asked what the parking and occupancy requirements for the area. Blaine DeGrave stated that there are specific items you are and are not allowed to do for a home occupancy situation, one specific one is you are not allowed to have excessive traffic flow.

Deputy Secretary Black made reference to Section 602.1.K.4 – “The home occupation shall not generate vehicular traffic beyond eight-tip-ends per day.”, he questioned if this type of business would generate more than that eight allotted trips. Lisa Glish explained that when the applicant dropped off their application she had a conversation with him and he had explained that the business would be so his partner could do massages for clients in a room of the residence, probably in one-hour intervals, so in conclusion she stated she does not feel this would create that amount a traffic in a day.

Vice-Chairperson Williams stated she was concerned if they will be selling any goods in addition to a massage. She went onto reference Section 602.1.K.9 – “No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.”

Commissioner Clark stated he is not in support of approving the permit that evening due to the applicant not being present to get a solid definition of what a spa is to them.

Commissioner Gierke stated he was also concerned that the applicant was not present at the meeting to support his application.

A motion was made by Commissioner Gierke, seconded by Commissioner Clark, to table the Home Occupancy Permit Application for 310 South 8th Street until the Planning Commission meets again at their regularly scheduled meeting on September 14, 2017. Ayes were unanimous.

GENERAL PUBLIC COMMENT

None.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

None.

ADJOURNMENT

Chairperson Smyth adjourned the meeting at 6:44 p.m.

Kel Smyth, Chairperson
Escanaba Planning Commission

Blaine DeGrave, Code Inspector
City of Escanaba

Christine Williams, Vice-Chairperson
Escanaba Planning Commission