



# CITY COUNCIL

## MEETING AGENDA

March 7, 2019

**Marc D. Tall, Mayor**  
**Ronald J. Beauchamp, Mayor Pro Tem**  
**Ralph B. Blasier, Council Member**  
**Michael R. Sattem, Council Member**  
**Peggy O. Schumann, Council Member**

**Patrick S. Jordan, City Manager**  
**Phil DeMay, City Clerk**  
**Ralph B. K. Peterson, City Attorney**

[City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba MI 49829](#)

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

### Regular Meeting

**Thursday, March 7, 2019, at 7:00 p.m.**

#### CALL TO ORDER

#### ROLL CALL

#### INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 21, 2019

#### APPROVAL/ADJUSTMENTS TO THE AGENDA

#### CONFLICT OF INTEREST DECLARATION(S)

#### BRIEF PUBLIC COMMENT(S)

#### PUBLIC HEARINGS

**1. Second Reading, Public Hearing of Ordinance No. 1200 - Ordinance to Amend Chapter 18 of the Code of Ordinances.**

**Explanation:** Administration is recommending the Council amend Chapter 18 of the Code of Ordinances to Temporarily Prohibit Marihuana Establishments within the City Limits of the City of Escanaba.

**2. Second Reading, Public Hearing of Ordinance No. 1201 - Ordinance to Amend Chapter 18, Zoning Ordinance of the City Code of Ordinances.**

**Explanation:** Administration is recommending the Council amend Chapter 18 (Site Plan and Sketch Plan Standards), Zoning Ordinance of the City Code of Ordinances.

**3. Second Reading, Public Hearing of Ordinance No. 1202 - Ordinance to Amend Chapter 19, Zoning Ordinance of the City Code of Ordinances.**

**Explanation:** Administration is recommending the Council amend Chapter 19 (Development Standards), Zoning Ordinance of the City Code of Ordinances.

#### UNFINISHED BUSINESS

#### NEW BUSINESS

**1. Presentation – Rick Ballard of Home Renewal Systems.**

**Explanation:** Rick Ballard from Home Renewal Systems will give a presentation on the House of Ludington Senior Apartment project to City Council.

**2. First Reading of Payment In Lieu of Taxes Ordinance No. 1203 & Municipal Services Agreement for the House of Ludington Rehabilitation Project – Home Renewal Systems.**

**Explanation:** Home Renewal Systems is requesting the City Council authorize a payment in lieu of taxes Ordinance No. 1203 and Municipal Services Agreement which would allow them to seek funding from the State of Michigan Tax Credit Program for the renovation of the property. Administration is further requesting Ordinance 1203 and the Municipal Services Agreement be set for a second reading, public hearing and adoption at the regularly scheduled City Council meeting scheduled for March 21, 2019.

**3. Setting Obsolete Property Rehabilitation Exemption Public Hearing – March 21, 2019 – 1601 Ludington Street – District No. 26.**

**Explanation:** Matthew Sviland, owner of 1601 Ludington Street, has requested to be enrolled in the Obsolete Properties Rehabilitation Act (OPRA) (PA 146, 2000) which allows for partial exemption of property taxes for a specified period of time so that certain types of property improvements can be made. The intent of the legislation is to encourage rehabilitation of underutilized or decaying commercial or commercial/residential properties in certain designated communities. Administration is recommending Council set a public hearing date for March 21, 2019, so there is public understanding of the project.

**4. Approval - Pole Replacement Bid - Electric.**

**Explanation:** Administration is seeking Council approval to accept the bid from SPE Utility Contractors, LLC of Port Huron, MI to replace 40 poles for the cost of \$95,000. Funds for this request are included in the current year operating budget.

**5. Informative Discussion - RFQ - Old Jail Site**

**Explanation:** Blaine DeGrave will provide a verbal update on the plans for the developer showcase.

APPOINTMENTS  
BOARD, COMMISSION, AND COMMITTEE REPORTS  
GENERAL PUBLIC COMMENT  
ANNOUNCEMENTS  
ADJOURNMENT

**Respectfully Submitted**



**Patrick S. Jordan  
City Manager**

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, February 21, 2019**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:01 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ronald J. Beauchamp, Ralph B. Blasier, Michael R. Sattem, and Peggy O'Connell Schumann

Absent: None

Also Present: City Manager Patrick S. Jordan, City Clerk Phil DeMay, Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

Sattem moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from February 7, 2019 as submitted.

**ADJUSTMENTS TO THE AGENDA**

Mayor Tall along with Council consensus, moved to add to the agenda **NB-4** a discussion regarding a FOIA request and the destruction of the November 2016 ballots.

Blasier moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to approve the Agenda as amended.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT**

- William Gasman, resident of Escanaba, discussed the proposed ordinance No. 1200 (An Ordinance to amend Chapter 18 of the Code of Ordinances to Temporarily Prohibit Marihuana Establishments within the city limits of the City of Escanaba). Mr. Gasman reached out to many residents from the City of Escanaba to get their thoughts and concerns of ordinance 1200. Mr. Gasman felt that “the proposed ordinance was moving too fast, and the Sunset Clause isn’t necessary.”

**PUBLIC HEARINGS**

**PH-1 Citizen Participation – 2019 / 2020 Fiscal Year Budget Preparation.**

A public hearing was conducted to facilitate input from citizens for the City’s next fiscal year budget. This was the second of five (5) scheduled public hearings.

This being a public hearing, Mayor Tall asked for public comment.

Hearing no public comment, Mayor Tall then closed the public hearing.

**PH-2 Obsolete Properties Rehabilitation District No. 26 – 1601 Ludington Street**

The Obsolete Properties Rehabilitation Act (PA 146 of 2000) allows partial exemption of property taxes for a specified period for certain types of property improvements within a specified area. The intent of the legislation is to encourage rehabilitation of underutilized or decaying commercial or commercial/residential properties in certain designated communities such as Escanaba. The first step in the OPRA process was the establishment of a district consisting of one or more eligible properties. In accordance with program requirements, the owner of 1601 Ludington Street has submitted a request that the City establish an OPRA District, which if approved, would allow for an Obsolete Property Rehabilitation exemption in the future.

This being a public hearing, Mayor Tall asked if there was any public comment.

Hearing no public comment, Mayor Tall closed the public hearing.

**PH-2** “By Council Member Schumann, seconded by Council Member Sattem;

**RESOLUTION 19-05**

**CITY OF ESCANABA, DELTA COUNTY, MICHIGAN  
RESOLUTION TO ESTABLISH  
OBSOLETE PROPERTY REHABILITATION DISTRICT NO. 26**

**Whereas,** Pursuant to P.A. 146 of 2000, the City of Escanaba has the authority to establish “Obsolete Property Rehabilitation Districts” within the City of Escanaba; and

**Whereas,** Swanee Incorporated, has filed a written request with the clerk of the City of Escanaba requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 1601 Ludington Street located in the City of Escanaba hereafter described; and

**Whereas,** The City Council of the City of Escanaba determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

**Whereas,** Written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in the Daily Press and/or public posting of the hearing on the establishment of the proposed district; and

**Whereas,** On February 21, 2019, a public hearing was held and all residents and taxpayers of the City of Escanaba were afforded an opportunity to be

heard thereon; and

**Whereas,** The City Council deems it to be in the public interest of the City of Escanaba to establish the Obsolete Property District Rehabilitation as proposed.

**Now, Therefore, Be It Resolved** by the City Council of the City of Escanaba that the following described parcel(s) of land situated in the City of Escanaba, Delta County, and State of Michigan, to wit:

- Parcel #051-350-2930-333-004; LOTS 1 & 2 OF BLK 7 OF THE S H SELDEN ADDITION

Be and hereby is established an Obsolete Property Rehabilitation District pursuant to the provisions of P.A. 146 of 2000 to be known as Obsolete Property Rehabilitation District No. 26.

Upon a call of the roll the vote was as follows:

Ayes: Schumann, Sattem, Beauchamp, Blasier, Tall

Nays: None

**RESOLUTION DECLARED ADOPTED.”**

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

**NB-1 Three Year Auditing Services Agreement – Controllers Office.**

Administration sought Council approval to retain the Rehmann Group of Traverse City, Michigan, in an amount not exceed \$97,955 for audit services through year-end 2021. This item was included in the current fiscal year budget.

**NB-1** Blasier moved, Beauchamp seconded, to approve to accept the Three Year Auditing Services Agreement bid received from Rehmann Group of Traverse City MI to conduct the auditing services through year-end 2021 required for the City as written in the RFP, at a cost not to exceed \$97,955.

Upon a call of the roll, the vote was as follows:

Ayes: Blasier, Beauchamp, Schumann, Sattem, Tall

Nays: None

**MOTION CARRIED.**

**NB-2 First Reading of Ordinance No. 1200, - An Ordinance to Amend Chapter 18 of the Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1200, An Ordinance to amend Chapter 18 of the Code of Ordinances to Temporarily Prohibit Marihuana Establishments within the city limits of the City of Escanaba. Additionally, Administration requested that the City Council set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1200.

**NB-2** After discussion, Sattem moved, Blasier seconded, to consider this the first reading of Ordinance No. 1200, and to set March 7, 2019 for the second reading, public hearing and adoption of Ordinance No. 1200.

Upon a call of the roll, the vote was as follows:

Ayes: Sattem, Blasier, Schumann, Beauchamp, Tall  
Nays: None

**MOTION CARRIED.**

**NB-3(a) First Reading of Ordinance No. 1201 - An Ordinance to Amend Chapter 18, Zoning Ordinance of the City Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1201 to amend Chapter 18 (Site Plan and Sketch Plan Standards), Zoning Ordinance of the City Code of Ordinances. Additionally, Administration requested that the City Council set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1201.

**NB-3(a)** After discussion, Blasier moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to consider this the first reading of Ordinance 1201, and to set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1201.

**NB-3(b) First Reading of Ordinance No. 1202 - An Ordinance to Amend Chapter 19, Zoning Ordinance of the City Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.**

Administration requested the City Council to consider this the first reading of Ordinance No. 1202 to amend Chapter 19 (Development Standards), Zoning Ordinance of the City Code of Ordinances. Additionally, Administration requested that the City Council set March 7, 2019, for the second reading, public hearing

and adoption of Ordinance No. 1202.

**NB-3(b)** After discussion, Schumann moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to consider this the first reading of Ordinance 1202, and to set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1202.

**NB-4 Council Requesting the November 8, 2016, election for the President of the United States, ballots to be destroyed.**

A FOIA request in August of 2018 for the records in connection with the November 8, 2016, election for the President of the United States was requested by Council to be destroyed. Council Member Beauchamp requested the FOIA coordinator research the request to assure that it has met the deadlines and fulfilled the requirements.

**NB-4** Blasier moved, Schumann seconded, to approve to destroy the ballots of the November 8, 2016 election, for the President of the United States, due to lack of payment, expired timeline, and lack of communication from the FOIA request.

Upon a call of the roll, the vote was as follows:

Ayes: Blasier, Schumann, Beauchamp, Sattem, Tall  
Nays: None

**MOTION CARRIED.**

**APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES**

Mayor Tall, with Council consensus, made the following appointments:

Appointed Susan Corwin to the Traffic Safety Advisory Committee, term expiring June 1, 2019;

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

**GENERAL PUBLIC COMMENT**

- William Gasman, resident of Escanaba, referenced a website in regard to smart approaches of Marihuana. Mr. Gasman discussed the risks the use of Marihuana, especially with our youth. He felt that education was the keyword in

preventing the abuse of Marihuana. Mr. Gasman doesn't think there will be a benefit to the community or in the best interests of the city to allow establishments to sell recreational Marihuana.

- Matt Sviland, resident of Escanaba, discussed the language of ordinance 1200. Mr. Sviland said "we need to decide what is best for our community". He feels that the amount of revenue the sale of Marihuana will bring into our city will not justify the need for "pot shops."

## **ANNOUNCEMENTS**

- Council Member Schumann – The Library has been putting on great programs for the community. She recommends checking out the Historical Society Facebook page. They have some excellent programs coming up in the near future. Also, encouraged student athletes in the community to go out and help those who are physically unable to shovel out their driveways.

Hearing no further public comment, the Council adjourned at 7:50 p.m.

Respectfully submitted

Phil DeMay  
City Clerk

Approved: \_\_\_\_\_  
Marc D. Tall, Mayor



# **Project Description**

## **Redevelopment of The House of Ludington**

### **38 Affordable Senior Apartments**

Escanaba, MI

March 7, 2019

### **Redevelopment Plan**

The House of Ludington is one of a few remaining grand 19<sup>th</sup> Century hotels once so characteristic of the northern Great Lakes region. Over the decades, many have succumbed to fire or obsolescence, but a few remain as local landmarks to their communities' heritage. Built in 1865, the House of Ludington has stood as a landmark at the heart of Escanaba's social and community life for over 150 years.

Under its current ownership, the building continues to serve the community, but its preservation for the future now requires the infusion of millions of dollars—an investment that is simply not economically feasible in the foreseeable future.

An award of affordable housing tax credits will not only provide this essential investment, but it will enable the project to provide high-quality affordable senior housing for persons of moderate means over 55 years old. As a result of recent changes in federal regulations, after completion the House of Ludington will be able to provide apartments for single seniors with incomes up to \$32,880, and couples with incomes up to \$37,600. Rents for a 1-bedroom apartment will range from about \$300 to \$700 per month depending on household income; rents for a 2-bedroom unit will range from about \$350 to \$800 per month. Rents will include all utilities except household electric.

In order to compete for tax credits, ensure long-term affordability commitments, and attract investment in the project's tax credits, the project needs a commitment by the City of Escanaba to a Payment in Lieu of Taxes (PILOT). According to MSHDA rules, the PILT must be established by a city ordinance in a form approved by MSHDA. The ordinance must be in effect by April 1, 2019; however the PILOT would go into effect only if the tax credits are awarded and the property is used for affordable senior housing under the tax credit program.

### **The Project**

Barry Polzin, project architect, has developed a design concept that would create 38 apartments (28 one-bedroom, and 10 two-bedroom).

The property will be rehabilitated according to historic standards set by the Department of the Interior. Under these standards, the "character defining elements" of the building will be preserved-- like the lobby and other public spaces. The property will be refitted with millions of dollars in investment to update it for service to the community, with reasonable maintenance, for the rest of this century and beyond.

The House of Ludington will offer a combination of features not found in any other downtown senior living opportunities in the Escanaba market including:

- High-quality affordable apartments, the majority of which are the 1-bedroom apartments most desired by seniors;

- Historic restoration of the building's elevations, windows and historic interior spaces;
- Community spaces in the historic dining room, reception lobby and fireplace alcove dedicated for resident events;
- Building systems that will offer residents the latest advances in comfort and energy efficiency;
- Easy walkable access to both the scenic waterfront and the amenities of Escanaba's central business district, including such community and commercial services as the public library, city hall, CAA senior services, churches, the Bonifas Fine Arts Center, Secretary of State offices, the social security office, the Escanaba Historical Society, the Elks Lodge, restaurants, and shopping, all within a 15 minute walk.

### **The Developer**

The principals of Home Renewal Systems, LLC (HRS), have extensive experience in housing development and construction, having developed over 15,000 units, ranging from affordable rental housing to upscale single-family homes. Its recent affordable housing projects include:

- **The Gateway Senior Apartments** in downtown Fremont, an adaptive reuse of the historic Fremont High School in the heart of downtown, a mix of 38 low-income housing tax credit and market-rate units. The Gateway has been occupied at an effective 0% vacancy since being placed in service in May 2015; The Gateway was fully leased in 90 days and has about 60 potential tenants on a waiting list. It has proven to be a great success for Fremont.
- **The Grandview Marquette**, an adaptive reuse of the historic Holy Family Orphanage in downtown Marquette, MI, with 56 affordable family units (including 14 permanent supportive housing units); the Grandview Marquette was placed in service in November 2017 and is demonstrating continued operational success in providing this highly needed affordable housing in central Marquette
- **Bridgeview Senior Apartments**, an adaptive reuse of the historic King Street School in Eaton Rapids, Michigan, will provide 36 affordable senior units. Construction on the Bridgeview will begin in the spring of 2019, with occupancy scheduled for summer of 2020. We are committed to maintaining the award-winning standards and innovation of its previous projects in the Bridgeview.

The development team anticipates a high-quality historic restoration, based on the standards set at the Gateway Senior Apartments and the Grandview Marquette. The Gateway was awarded a 2016 Michigan Governor's Award for Historic Preservation and the Michigan Historic Preservation Network Building Award for 2016. The Grandview Marquette also received the Michigan Governor's Award for Historic Preservation in 2018 and has been the subject of national attention as a case study in the adaptive reuse of a local landmark building. In addition, it was recently awarded a national Community Impact Award by the Novogradac Corporation.

## The Grandview Marquette Apartments

For nearly 40 years, the Holy Family Orphanage stood abandoned and blighted on a bluff at the south edge of downtown Marquette. Working with Barry Polzin architect, Home Renewal Systems transformed the crumbling structure into a showcase, preserving its historic chapel as



community space for residents. Providing a mix of 56 1-, 2-, and 3-bedroom apartments for families, the Grandview is less than two blocks from the new Northern Michigan Hospital providing a mix of employment opportunities at all skill levels; several residents of Grandview work at the hospital.



The Historic Chapel has been transformed into community space for residents

Common areas feature exposed building materials, railings and trim copied from the original, and colors and fixtures that evoke the early 20<sup>th</sup> Century.



## The Gateway, Fremont Senior Apartments

The Gateway in Fremont, completed by Home Renewal Systems in 2015, was a downtown high school, repurposed for senior housing and continuing as a multi-use facility, housing the Fremont Area Recreation Center. Like the proposed House of Ludington project, the Gateway was an historic rehabilitation, preserving a valued community landmark. Shown here before the rehabilitation, the windows had been reduced in size to allow for drop ceilings



However, after the project was completed, the windows were restored to their original size. In addition, the building was updated with energy-efficient geothermal heating and air conditioning, ensuring high-quality affordable housing for generations to come.



The same approach is planned for the House of Ludington. The common areas will retain an historic feel, as shown in the former principal's office, now transformed into a reading room (below left); common areas on the main floor will retain their historic feel. The balance of the property will be transformed into airy and modern apartments (below right).



N.B. - #2  
C.C. 3/7/19

MUNICIPAL SERVICES AGREEMENT

THIS MUNICIPAL SERVICES AGREEMENT entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, between 223 Ludington Limited Dividend Housing Association Limited Partnership, a Michigan Limited Dividend Housing Association Limited Partnership, whose main office is located at 23370 Commerce Drive, Farmington Hills, MI 48335 (hereinafter referred to as the "OWNER") and the **City of Escanaba**, a Michigan municipal corporation, located at 410 Ludington Street, Escanaba, Michigan (hereinafter referred to as the "CITY").

**RECITALS**

- A. The OWNER provides housing for low to moderate income individuals and families. The apartment complex known as House of Ludington, Senior Apartments will be financed in part by IRS Section 42 tax credits, on land legally described in *Exhibit "A"*, (hereinafter referred to as the "PROJECT").
- B. The OWNER desires to guarantee that certain municipal services will be provided to the PROJECT during the term that the Payment in Lieu of Tax (hereinafter referred to as the "PILOT") Ordinance for this PROJECT is in place, such municipal services to include:
  - 1. Emergency services, including rescue and fire service;
  - 2. Other miscellaneous services as may, from time to time, be mutually agreed to for the benefit of the PROJECT;
  - 3. Said municipal services shall be provided in the customary way, in a competent and workmanlike manner, and in accordance with all laws, rules and regulations of the United States of America, State of Michigan, County of Delta, and City of Escanaba or other applicable jurisdictions or bodies.(All of the above collectively referred to as "Municipal Services".)

**AGREEMENT**

The parties agree as follows:

1. The City will provide the Municipal Services.
2. The payment for Municipal Services shall be paid annually by the OWNER to the CITY. The payment for the first year shall be in the amount of \$2,000.00. Thereafter said amount shall increase annually by 3%.
3. Payment for Municipal Services shall commence up receipt of a certificate of occupancy for the PROJECT and will remain in place until which time the PILOT Ordinance between the OWNER and the CITY terminates. Payments shall be made on or before May 15th in the year such payment is due.

IN WITNESS WHEREOF, this Municipal Services Agreement is executed as of the day and year first written above.

DATED: \_\_\_\_\_, 2019

**223 Ludington Limited Dividend Housing Association Limited Partnership  
23370 Commerce Drive, Farmington Hills, MI 48335**

By: HOLHRR, LLC, General Partner

\_\_\_\_\_  
By: Jeffrey Katzen, Manager

DATED: \_\_\_\_\_, 2019

**CITY OF ESCANABA,  
410 Ludington Street, Escanaba, MI 49829**

\_\_\_\_\_  
By: Patrick Jordan, City Manager

\_\_\_\_\_  
By: Melissa Becotte, City Controller

**Exhibit A**

**Legal Description of Property**

LOTS 8 THRU 14 & W 1/2 OF LOT 7 OF BLK 4 OF THE ORIGINAL PLAT

**ORDINANCE NO. 1203**

**AN ORDINANCE TO AMEND CHAPTER 26 – TAXATION  
OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA**

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*) (the "Act").

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

Chapter 26 – Taxation of the Escanaba Code of Ordinances is hereby amended by adding Division 9, House of Ludington Senior Apartments, to read as follows:

**CHAPTER 26 - TAXATION**

**ARTICLE III, SERVICE CHARGE IN LIEU OF PROPERTY TAXES  
FOR HOUSING DEVELOPMENT**

**DIVISION 9, House of Ludington Senior Apartments**

**Sec. 26-90. Preamble.**

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to construct, own and operate a housing project identified as HOUSE OF LUDINGTON SENIOR APARTMENTS on certain property located at 223 Ludington Street and 216 1st Avenue South in the City of Escanaba to serve Low Income Persons and Families, and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all *ad valorem* property taxes.

**Land situated in the City of Escanaba, County of Delta, State of Michigan,  
described as follows: Lots 8 thru 14 & W ½ of Lot 7 of Block 4 of the Original  
Plat**

Consisting of 38 units in the city to serve persons of low income and that the sponsor has offered to pay the city on account of this housing development an annual service charge for public service in lieu of taxes.

**Sec. 26-91. Definitions.**

All terms not herein defined shall have the meanings given them in the State Housing Development Authority Act of 1966, being Public Act of 1966, of the State of Michigan, as amended.



1. Authority means the Michigan State Housing Development Authority.
2. Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities.
3. LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.
4. Low Income Persons and Families means persons and families eligible to move into a housing project that are also "Elderly", as defined in the Act. Elderly is defined as a single person who is 55 years of age or older or a household in which at least 1 member is 55 years of age or older and all other members are 50 years of age or older.
5. Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.
6. Sponsor means 223 LUDINGTON LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP and any entity that receives or assumes a Mortgage Loan.
7. Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

**Section 26-92. Class of housing development.**

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that HOUSE OF LUDINGTON SENIOR APARTMENTS is of this class.

**Section 26-93. Establishment of Annual Service Charge.**

The housing project identified as HOUSE OF LUDINGTON SENIOR APARTMENTS and the property on which it is to be located shall be exempt from all ad valorem property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing project for exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the housing project, the City/Township agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 4.0 % of the Annual Shelter Rents actually collected by the housing project during each operating year.

**Section 26-94. Limitation on the payment of the annual service charge.**

Notwithstanding Section 26-93, the service charge to be paid each year in lieu of taxes for the part of the housing project which is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

**Section 26.95. Contractual Effect of Ordinance.**

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

**Section 26-96. Payment of service charge.**

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. The annual payment for each operating year shall be paid on or before May 31<sup>st</sup> of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, et seq).

**Section 26-97. Duration.**

This Ordinance shall remain in effect and shall not terminate for twenty (20) years from the time the affordable housing units in the property are occupied under the LIHTC program so long as the housing project remains subject to income, rent restrictions under the LIHTC Program. In addition, the PILOT will be in effect during this period only as long as the property has a single master electric and water meter, and the property is providing its own refuse collection.

**CHAPTER II**  
**SAVINGS CLAUSE**

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

**CHAPTER III**  
**REPEALING CHAPTER**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

\_\_\_\_\_  
**Marc D. Tall**  
Mayor

Date Approved: (Month) (Day), 2019

ATTEST:

Date Published: (Month) (Day), 2019

\_\_\_\_\_  
**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the (Day) day of (Month), 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Month) (Day), 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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**Phil DeMay**  
City Clerk

N.B. - #3  
C.C. 3/7/19

## Application for Obsolete Property Rehabilitation Exemption

This form is issued as provided by Public Act 146 of 2000, as amended. This application should be filed after the not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may This application is subject to audit by the State Tax Commission.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments with the (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption. A statement from the assessor of the local unit of government, describing the required obsolescence has been met for this building, is required with each application. Rehabilitation may commence after establishment of district.


Applicant (Company) Name (applicant must be the OWNER of the facility) <b>Swanee, Inc.</b>		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP Code) <b>1121 Lake Shore Dr., Escanaba, MI 49829</b>		
Location of obsolete facility (No. and street, City, State, ZIP Code) <b>1601 Ludington St., Escanaba, MI 49829</b>		
City, Township, Village (Indicate which) <b>City of Escanaba</b>		County <b>Delta County</b>
Date of Commencement of Rehabilitation (mm/dd/yyyy) <b>08/31/2019</b>	Planned date of Completion of Rehabilitation (mm/dd/yyyy) <b>12/31/2020</b>	School District where facility is located (include school code) <b>21010</b>
Estimated Cost of Rehabilitation <b>\$1,843,298.00</b>	Number of years exemption requested <b>12</b>	Attach Legal description of Obsolete Property on separate sheet
Expected project likelihood (check all that apply):		
<input checked="" type="checkbox"/> Increase Commercial activity	<input checked="" type="checkbox"/> Retain employment	<input checked="" type="checkbox"/> Revitalize urban areas
<input checked="" type="checkbox"/> Create employment	<input checked="" type="checkbox"/> Prevent a loss of employment	<input checked="" type="checkbox"/> Increase number of residents in the community in which the facility is situated
Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment _____		
Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion.		
<input checked="" type="checkbox"/>		

### APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

**The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by Public Act 146 of 2000, as amended, and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.**

It is further certified that the undersigned is familiar with the provisions of Public Act 146 of 2000, as amended, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) <b>Matthew D. Sviland</b>	Telephone Number <b>(906) 420-4461</b>	Fax Number
Mailing Address <b>1121 Lake Shore Dr., Escanaba, MI 49829</b>		Email Address <b>swaneeinc@gmail.com</b>
Signature of Company Officer (no authorized agents) 		Title <b>President</b>

### LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

The Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 is to be completed by the Assessor.

Signature	Date application received
-----------	---------------------------

FOR STATE TAX COMMISSION USE		
Application Number	Date Received	LUCI Code

## LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application and Instruction Items (a) through (f) on page 1, and a separate statement of obsolescence from the assessor of record with the State Assessor's Board. All sections must be completed in order to process.

### PART 1: ACTION TAKEN

Action Date: _____		
<input type="checkbox"/> Exemption Approved for _____ Years, ending December 30, _____ (not to exceed 12 years)		
<input type="checkbox"/> Denied		
Date District Established	LUCI Code	School Code

### PART 2: RESOLUTIONS (the following statements must be included in resolutions approving)

<p>A statement that the local unit is a Qualified Local Governmental Unit.</p> <p>A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of Public Act 146 of 2000.</p> <p>A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.</p> <p>A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.</p> <p>A statement that a public hearing was held on the application as provided by section 4(2) of Public Act 146 of 2000 including the date of the hearing.</p> <p>A statement that the applicant is not delinquent in any taxes related to the facility.</p> <p>If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.</p> <p>A statement that all of the items described under "Instructions" (a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.</p>	<p>A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.</p> <p>A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.</p> <p>A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district.</p> <p>A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.</p> <p>A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.</p> <p>A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.</p>
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### PART 3: ASSESSOR RECOMMENDATIONS

Provide the Taxable Value and State Equalized Value of the Obsolete Property, as provided in Public Act 146 of 2000, as amended, for the tax year immediately preceding the effective date of the certificate (December 31st of the year approved by the STC).

Taxable Value	State Equalized Value (SEV)	
Building(s)		
Name of Governmental Unit	Date of Action on application	Date of Statement of Obsolescence

### PART 4: CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by Public Act 146 of 2000 may be in jeopardy.

Name of Clerk	Clerk Signature	Date	
Clerk's Mailing Address	City	State	ZIP Code
	Telephone Number	Fax Number	Email Address

Mail completed application and attachments to: Michigan Department of Treasury  
State Tax Commission  
P.O. Box 30471  
Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-2408.

For guaranteed receipt by the State Tax Commission, it is recommended that applications and attachments are sent by certified mail.

RECEIVED

APR 28 2018

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2014



UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 - EVALUATION OF SIGNIFICANCE

MAY 18 2018

TX10-1005  
NPS Project Number 38545

Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. Property Name Richter Brewing and Administration Building P58376

Street 1601 Ludington Street

City Escanaba County Delta State MI Zip 49829-2856

Name of Historic District Escanaba Central Historic District P28766

National Register district  certified state or local district  potential district

2. Nature of request (check only one box)

- certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
- certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
- certification that the building does not contribute to the significance of the above-named district.
- preliminary determination for individual listing in the National Register.
- preliminary determination that a building located within a potential historic district contributes to the significance of the district.
- preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project Contact (if different from applicant)

Name Matthew D. Sviland Company Swanee, Inc.

Street 1121 Lake Shore Dr. City Escanaba State MI

Zip 49829 Telephone (906) 420-4461 Email Address swaneeinc@gmail.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1)  I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 57.2 (2011), and/or (2)  If I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 57.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural whenever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 5 years.

Name Matthew D. Sviland Signature [Signature] Date 04/19/2018

Applicant Entity Swanee, Inc. SSN \_\_\_\_\_ or TIN 26-1817600

Street 1121 Lake Shore Dr. City Escanaba State MI

Zip 49829 Telephone (906) 420-4461 Email Address swaneeinc@gmail.com

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:

- contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.
- contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.
- does not contribute to the significance of the above-named district.

Preliminary Determinations:

- appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
- does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
- appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
- appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
- does not appear to qualify as a certified historic structure.

Date 7/24/18

[Signature] National Park Service Authorized Signature 202-354-2032

NPS comments attached



UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

OMB Approved  
No. 1024-0009  
Form 10-168  
Rev. 2014

HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 – EVALUATION OF SIGNIFICANCE

NPS Project Number

**Instructions:** This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

1. **Property Name** Richter Brewing and Administration Building

Street 1601 Ludington Street

City Escanaba County Delta State MI Zip 49829

Name of Historic District Escanaba Central Historic District

National Register district  certified state or local district  potential district

2. **Nature of request** (check only one box)

- certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
- certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
- certification that the building does not contribute to the significance of the above-named district.
- preliminary determination for individual listing in the National Register.
- preliminary determination that a building located within a potential historic district contributes to the significance of the district.
- preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. **Project Contact** (if different from applicant)

Name Matthew D. Sviland Company Swanee, Inc.

Street 1121 Lake Shore Dr. City Escanaba State MI

Zip 49829 Telephone (906) 420-4461 Email Address swaneeinc@gmail.com

4. **Applicant**

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable] (1)  I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or (2)  if I am not the fee simple owner of the above-described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 87.3(a)(1) (2011). For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Matthew D. Sviland Signature \_\_\_\_\_ Date 04/18/2018

Applicant Entity Swanee, Inc. SSN \_\_\_\_\_ or TIN 26-1817600

Street 1121 Lake Shore Dr. City Escanaba State MI

Zip 49829 Telephone (906) 420-4461 Email Address swaneeinc@gmail.com

**NPS Official Use Only**

The National Park Service has reviewed the Historic Preservation Certification Application – Part 1 for the above-named property and has determined that the property:

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- does not contribute to the significance of the above-named district.

**Preliminary Determinations:**

- appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
- does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
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- appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
- does not appear to qualify as a certified historic structure.

Date \_\_\_\_\_ National Park Service Authorized Signature \_\_\_\_\_

NPS comments attached

**HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 – EVALUATION OF SIGNIFICANCE**

Property name Richter Brewing and Administration Building NPS Project Number \_\_\_\_\_  
Property address 1601 Ludington Street Escanaba Delta MI 49829

**5. Description of physical appearance**

This is a brick, rectangular plan, flat-roofed, two-story commercial building that occupies a corner lot at 16th Street near the west end of the business district. Its elaborate three-bay-wide façade rises from a broad limestone block water table through a masonry course dividing the first and second stories, continuing to a masonry cornice, and culminates in a pedimented parapet. The façade is anchored by the central projecting entry bay. Then aluminum-frame entry door with transom and side panels is set within an arched wood surround that includes a round-arch fanlight. This entrance, which leads to interior steps, is flanked on each side by brick pilasters that rise from the water table to masonry capitals supporting a soldier bond corbelled brick frieze. Above this, a masonry panel imprinted with "RICHTER BREWING CO." is surmounted by a masonry cornice. This is centered above the entry door, which is enframed by an arch constructed of gauged brick anchored by a massive keystone with console. Lateral to this, the masonry spandrels are elaborately embellished with cinquefoil and vine motifs and centrally punctuated by roundel devices. The first story's lateral bays are identical, composed of common bond brick wall planes, each pierced by a single fixed-pane-with-transom window displaying masonry sills and French arch brick lintels anchored by an elaborate masonry keystone. The façade's corners are emphasized by rusticated brick quoins that extend through the simple masonry course beneath the second story. The façade's three second story bays are defined by pairs of round-arched windows with masonry sills that are integrated into the masonry course below. These windows' gauged brick lintels rise from a shared central masonry block capital atop a pentagonal masonry pilaster. Laterally, the window arches rest on a masonry block in the brick wall plane that is identical to the shared capital. Between each of the windows and at the façade corners a large masonry block with fluted design occurs beneath a narrow masonry string course that is surmounted by a square masonry block embellished with a flaring cross motif. These support a corbelled brick header bond and dentilled corbel table that is surmounted by a projecting masonry cornice composed of alternating recessed square panels and projecting pyramid blocks. The masonry-coped parapet that terminates the façade features a central pediment in which is centered a masonry roundel panel imprinted with interlocking script, "RBCO". The first bays of the side elevation are composed of architectural elements identical to those of the façade, diverging only in that the second story fenestration is composed of an arcade of four arched windows. Rearward from the rusticated brick quoins defining these front bays, the brick 16th Street side elevation is six bays, defined on the first story by four paired windows and entry doors laterally, and on the second story by six paired doublehung sash windows. Plain brick panels occur at the junction of the first and second stories, interrupting the wall plane between the windows, all of which have simple masonry sills. This elevation's rear bay is enframed by rusticated brick quoins that rise to vertical paneled linear brick brackets linked by an arcaded corbelled brick cornice. The cornice from these bays forward is constructed of simple corbelled brick. The opposite side elevation that did not face a public thoroughfare is unembellished brick wall plane pierced by functional fenestration consisting primarily of masonry-silled and transomed double-hung sash and fixed-pane windows. The rear elevation displays functional fenestration. This building displays an eclectic mix of architectural styles commonly employed in turn of the century construction. The massing and symmetry evoke classical revivals as do many of the façade elements such as the rusticated corner piers, masonry entablature and window piers and keystones together with the used of dentils. The paired windows on the façade and arcaded windows on the side elevation appear to reference more strongly Tuscan Revival and the motifs employed in the column capitals appear perhaps more Arts & Crafts-inspired than classical.

Exterior stairways were added to the North end and South end of the East facade. An elevator access room was added to the South end of the West facade. On the first level of the building, interior partition walls with a drywall finish were erected, and acoustical drop ceilings were installed. A new cement block stairwell was added for the stairway at the North end of the East facade. On the second level of the building, interior partition walls were erected with drywall and or panel finish, and acoustical drop ceilings were installed.

Date(s) of building(s) 1913-1921 Date(s) of alteration(s) \_\_\_\_\_

Has building been moved?  no  yes, specify date \_\_\_\_\_

**6. Statement of significance**

This building was the administration office building for the large brew house next door at what is now addressed as 1609 Ludington. The brew house complex was listed in the National Register of Historic Places in 2009. (See entry for 1609-1619 Ludington this building for history). Sanborn



**HISTORIC PRESERVATION CERTIFICATION APPLICATION  
PART 1 – EVALUATION OF SIGNIFICANCE**

Property name Richter Brewing and Administration Building NPS Project Number \_\_\_\_\_  
Property address 1601 Ludington Street Escanaba Delta MI 49829

maps reveal this building's site is vacant until the 1921 edition, even though they illustrate that the Richter Brewing Co. Brew House next door was constructed by the publication of the 1906 edition. The Administration Building on the corner of Oak Street (16th), addressed as 1601 Ludington, was built between 1913 and 1921. Its Fire-Proof Construction housed an Office in the bays fronting on Ludington, while the bays behind are identified as Storage in the Basement and second floors and Bottling Works on the first floor. The building is unchanged in the 1929 edition and is still labeled Bottling Works. However, Prohibition has apparently taken effect, because the Brew House complex next door is identified as Upper Peninsula Produce Co., Not in Operation. In the 1929-50 Updates edition, 1601 Ludington is identified as the Catherine Bonifas Technical School. The building's footprint remained unchanged from the 1921 through the 1929-50 Updates editions. City directories reveal that in the 1924-25 edition, this building is included in the 1601-1611 address occupied by the Richter Brewing Co. By 1929, 1601 is occupied by the H&A Bottling Co, A.T. & Co. Hoffman, wholesale grocers. By 1937, 1601 is the address of the Delta Brewing Co., but the building is listed as Vacant by 1941. By 1948 the building as 1601 Ludington is for the first time listed separately from the rest of the former brewery complex, which is identified as the Delta Building at 1609-13. At this time, 1601 is occupied by the Bonifas Catholic Technical School, which continues in operation there through the 1959 edition. By 1963 the building is again listed as Vacant. The following historic summary is from the Lofts of Ludington web page (Lofts of Ludington 2012). The Richter Brewing Company of Escanaba was organized as a manufacturing enterprise in Escanaba on August 11, 1900. The towering stone and brick brewery building was opened in 1901 on 85 feet of frontage on the far west end of the city's main street and covering the front of four city lots. Brewing operations commenced in February with 15 employees and \$17,000 in state-of-the-art brewing equipment from the Vilter Manufacturing Company of Milwaukee, including a 25-ton ice-making machine. After a final adjustment to filtering machinery by Frank Bausch, an "expert brewer employed by Goldman & Co. of Chicago," the first beer was produced on April 23, 1901, with supplies going first to shareholders' establishments followed by sample kegs going to "every saloon in the city," (The Iron Port newspaper, April 27, 1901). Brewed products between 1901 and 1920 were marketed under the labels Richter's Select, Richter's Special Brew and Peninsula Pride as well as Richto, a non-alcoholic brew. But with the inevitability of Prohibition and the Volstead Act, the change to non-alcoholic products marked a turn in the Richter company's fortunes. The building was sold in March, 1925. (City directories reveal that by 1929 the brewery complex is occupied by H & A Bottling Co., A.T. & C. Hoffman, wholesale grocers.) The next known ownership transition for the building came in 1933 with the repeal of Prohibition and the sale of the brewery building to the Delta Brewing Company Inc. On Sept. 24, 1933, the Escanaba Press featured a multi-page congratulatory spread, with articles and advertising touting the values of beer ("beer builds hemoglobin") and the opportunities of again having locally produced beer from the Delta Brewing Co., now offered in wooden kegs, steel kegs and bottles. The city's celebration included "Delta Brewing Co. Day at the Delta Hotel" on Monday, Sept. 25 and a grand opening party at the brewery which featured free beer and sandwiches drawing a crowd of 15,000 to town. Products of the Delta Brewing Co. during its years of operation included Hunter Special Beer, Arctic Club Beer, Buckingham Ale, Delta Special Beer, Hiawatha Draught Beer and Pioneer Beer. That company eventually went into bankruptcy and out of business in 1940.

**7. Photographs and maps.** Send photographs and map with application.

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
MARVIC	BAY DE NOC DEV	170,000	11/07/2002	WD	WD	674/10		0.0

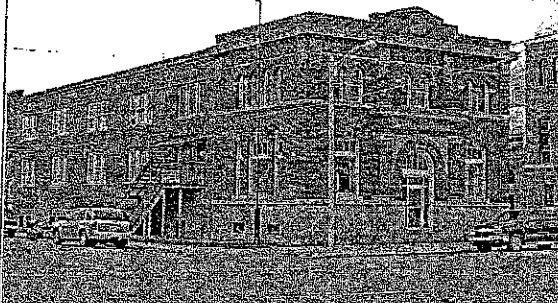
Property Address	Class: COMMERCIAL, 201	Zoning:	Building Permit(s)	Date	Number	Status
1601 LUDINGTON ST	School: Escanaba Schools 21010			11/30/1993	6418	
Owner's Name/Address	P.R.E. 0%	Map #:	2019 Est TCV Tentative			
BAY DE NOC DEV LLC PO BOX 278 ESCANABA MI 49829-0278						

Tax Description	<input checked="" type="checkbox"/> Improved	<input type="checkbox"/> Vacant	Land Value Estimates for Land Table 20.COM 1			
	Public Improvements		Description	Frontage	Depth	Value
LOTS 1 & 2 OF BLK 7 OF THE S H SELDEN ADDITION			E LUDINGTON	66.00	140.00	39,600
			66 Actual Front Feet, 0.21 Total Acres		Total Est. Land Value =	39,600

Comments/Influences	<input checked="" type="checkbox"/> Dirt Road	Land Improvement Cost Estimates	Description	Rate	Size % Good	Cash Value
	<input checked="" type="checkbox"/> Gravel Road		Commercial Local Cost Land Improvements			
	<input checked="" type="checkbox"/> Paved Road	WATER&SEWER	Description	Rate	Size % Good Arch Mult	Cash Value
	<input checked="" type="checkbox"/> Storm Sewer					
	<input checked="" type="checkbox"/> Sidewalk	Total Estimated Land Improvements True Cash Value =				2,350
	<input checked="" type="checkbox"/> Water					
	<input checked="" type="checkbox"/> Sewer					
	<input checked="" type="checkbox"/> Electric					
	<input checked="" type="checkbox"/> Gas					
	<input checked="" type="checkbox"/> Curb					
	<input checked="" type="checkbox"/> Street Lights					
	Standard Utilities					
	Underground Utils.					

Work Description for Permit 6418, Issued 11/30/1993: REMODEL OFFICE						
---	--	--	--	--	--	--

Topography of Site	<input checked="" type="checkbox"/> Level	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
	<input checked="" type="checkbox"/> Rolling							
	<input type="checkbox"/> Low	2018	17,000	88,400	105,400			76,390C
	<input checked="" type="checkbox"/> High	2017	16,995	86,017	103,012			74,819C
	Landscaped	2016	20,394	84,328	104,722			74,152C
	Swamp							
	Wooded							
	Pond							
	Waterfront							
	Ravine							
	Wetland							
	Flood Plain							



Who	When	What	2019	2018	2017	2016
KD	09/14/2018	Data Enter		17,000	16,995	20,394
KD	09/14/2018	Review App				
DRN	02/05/2013	Data Enter				

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Desc. of Bldg/Section: OFFICES Calculator Occupancy: Office Buildings				<<<<<< Calculator Cost Computations >>>>>>													
Class: C Floor Area: 11,040 Gross Bldg Area: 11,040 Stories Above Grd: 2 Average Sty Hght : 10 Bsmnt Wall Hght : 8		Construction Cost <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">High</td> <td style="width:25%;">Above Ave.</td> <td style="width:25%;">X Ave.</td> <td style="width:25%;">Low</td> </tr> </table>		High	Above Ave.	X Ave.	Low	Class: C Quality: Average Stories: 2 Story Height: 10 Overall Building Height: 22 Perimeter: 356									
High	Above Ave.	X Ave.	Low														
Depr. Table : 2% Effective Age : 52 Physical %Good: 40 Func. %Good : 75 Economic %Good: 75		** ** Calculator Cost Data ** ** Quality: Average Heat#1: Hot Water, Baseboard/Radiato 100 Heat#2: Hot Water, Baseboard/Radiato 0% Ave. SqFt/Story: 5520 Ave. Perimeter: 356 Has Elevators:		Base Rate for Upper Floors = 97.28 Storage Basement, Base Rate for Basement = 31.07 (Basement Fireproofing Rate = 0.00)		(10) Heating system: Hot Water, Baseboard/Radiators Cost/SqFt: 19.92 100% Bsmnt Heating system: No Heating or Cooling Cost/SqFt: 0.00 Adjusted Square Foot Cost for Upper Floors = 117.20 Adjusted Square Foot Cost for Basement = 31.07											
1900 Year Built Remodeled		Area: 5520 Perimeter: 356 Type: Storage (No Rates) Heat: No Heating or Cooling		Total Floor Area: 11,040 Basement Area: 5,520		Base Cost New of Upper Floors = 1,293,888 Base Cost New of Basement = 171,506											
22 Overall Bldg Height		* Mezzanine Info * Area #1: Type #1: Office (No Rates) Area #2: Type #2: Office (No Rates)		Eff. Age: 52 Phy. %Good/Abnr. Phy./Func./Econ./Overall %Good: 40 /75 /75 /75 /16.9 Total Depreciated Cost = 247,285		Reproduction/Replacement Cost = 1,465,394 Est. TCv/Floor Area= 15.34											
Comments:		* Sprinkler Info * Area: Type: Average		ECF (20 - COM 1, 25 - COM 2, 30 - IND/COM, 10 - ACREAGE)0.685 => TCv of Bldg: 1 = Replacement Cost/Floor Area= 132.73													
(1) Excavation/Site Prep: X Excavation (in cubic feet)		(7) Interior: X Frame, Offices Buildings, Class C,D,S		(11) Electric and Lighting: X Typical, Office Buildings Class		(39) Miscellaneous:											
(2) Foundation: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">X Poured Conc</td> <td style="width:33%;">Brick/Stone</td> <td style="width:33%;">Block</td> </tr> </table> X Class C, Bearing Walls		X Poured Conc	Brick/Stone	Block	(8) Plumbing: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Many Above Ave.</td> <td style="width:33%;">Average Typical</td> <td style="width:33%;">Few None</td> </tr> </table> Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners		Many Above Ave.	Average Typical	Few None	Outlets: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">X Few Average Many Unfinished Typical</td> <td style="width:50%;">X Few Average Many Unfinished Typical</td> </tr> </table> Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer		X Few Average Many Unfinished Typical	X Few Average Many Unfinished Typical	(40) Exterior Wall: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Thickness</td> <td style="width:50%;">Bsmnt Insul.</td> </tr> </table> X Brick, Block Back-Up, 8"		Thickness	Bsmnt Insul.
X Poured Conc	Brick/Stone	Block															
Many Above Ave.	Average Typical	Few None															
X Few Average Many Unfinished Typical	X Few Average Many Unfinished Typical																
Thickness	Bsmnt Insul.																
(3) Frame: X Bearing Walls, Masonry supports on		X Typical, Office Buildings		(13) Roof Structure: Slope=0 X Wood Joists, Wood or Composition													
(4) Floor Structure: X Concrete, Precast Joists, wood she		(9) Sprinklers:		(14) Roof Cover: X Built-Up Composite													
(5) Floor Cover: X Asphalt Tile		(10) Heating and Cooling: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">X Gas Oil</td> <td style="width:25%;">Coal Stoker</td> <td style="width:25%;">Hand Fired Boiler</td> <td style="width:25%;">X Hot Water, Baseboard or Radiator</td> </tr> </table>		X Gas Oil	Coal Stoker	Hand Fired Boiler	X Hot Water, Baseboard or Radiator										
X Gas Oil	Coal Stoker	Hand Fired Boiler	X Hot Water, Baseboard or Radiator														
(6) Ceiling: X Gypsum Board, Taped and Painted																	

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

# SKETCH/AREA TABLE ADDENDUM

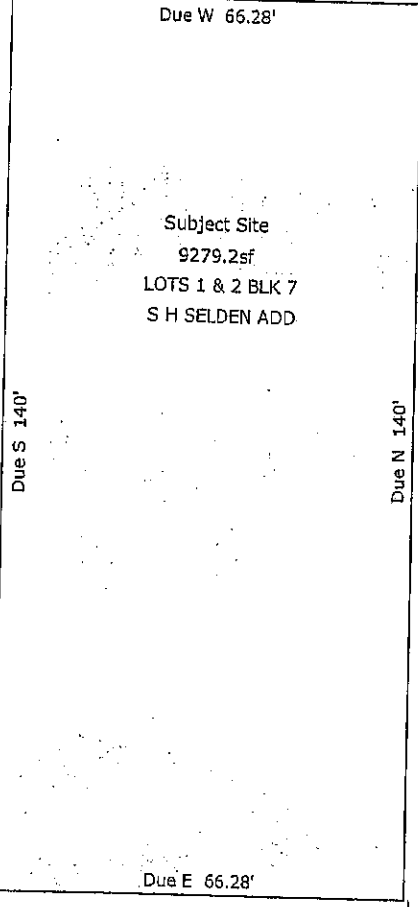
Parcel No 051-350-2930-333-004

File No 1601LUDS-LAND

SUBJECT

Property Address	1601 LUDINGTON ST	
City	ESCANABA	County Delta State MI Zip 49829
Owner	BAY DE NOC DEV LLC	
Appraiser Name	Drawn Date 9-18-18	
Modified By		

1601 LUDINGTON STREET - SITE



Scale: 1" = 30'

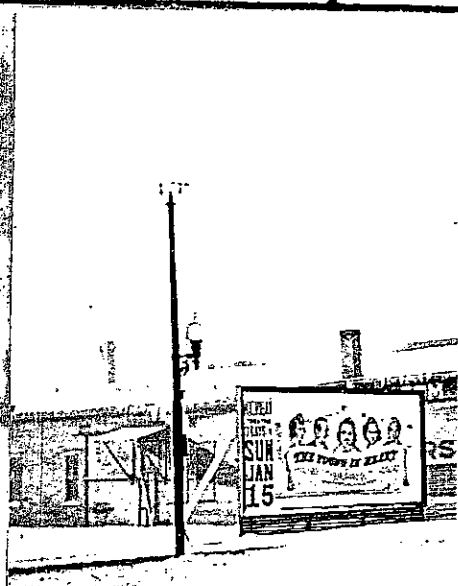
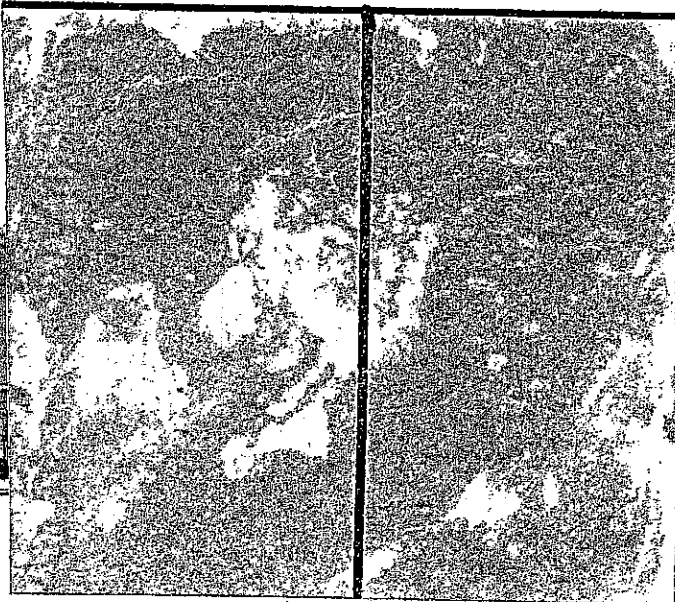
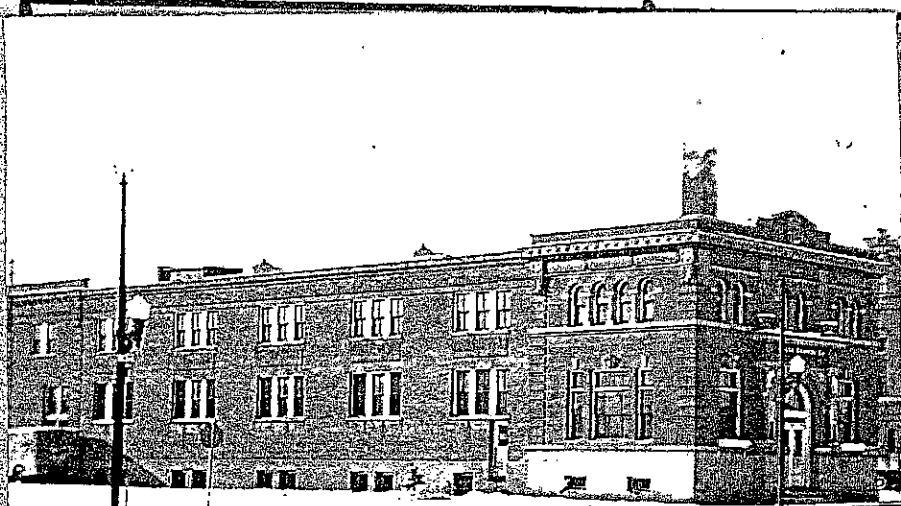
IMPROVEMENT SKETCH

SURVEY DESCRIPTION

Subject Site  
 Beginning at a point of the Tract described by Metes and Bounds as follows:  
 THENCE Due South, a distance of 140.00 Feet;  
 THENCE Due East, a distance of 66.28 Feet;  
 THENCE Due North, a distance of 140.00 Feet;  
 THENCE Due West, a distance of 66.28 Feet to point of beginning;  
 Said tract containing 0.21 acres (9279.20 sf) of land, more or less.  
 Perimeter = 412.56 Feet  
 No significant error of closure.



BUILDING



2983 255

~~2983~~ 2983

2984



# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

## CITY OF ESCANABA

### ADDENDUM TO

#### *Application for Obsolete Property Rehabilitation Certificate*

**Applicant Name:** Swanee, Incorporated

**Location of Facility:** 1601 Ludington Street, Escanaba, MI 49829

**Rehabilitation District Number:** 26

- A. General description of existing facility: Year Built:** 1913 **No. of Stories:** 2  
**Square Footage:** 10,880 **Original Use:** Richter Brewery Bottling Plant and Offices  
**Most Recent Use:** Owner's Warehouse, and U.S.G.S. Laboratory, Workroom, and Offices
- B. General description proposed use:** This building is located at the entrance to Escanaba's traditional downtown district. The rehabilitation of this historic building into a mixed-use project will increase the population density in a downtown setting. We will create 9 residential apartments and ground floor commercial space.
- C. Description of general nature & extent of rehabilitation to be undertaken:** The exterior brickwork and stonework will be rehabilitated according to the Historic Guidelines of the National Park Service. The windows will be replaced with approved energy efficient thermopane units as allowed by The National Park Service. The interior will be redesigned to accommodate 9 residential apartments, and space for the U.S.G.S. offices, laboratory and workroom.
- D. Descriptive list of fixed building equipment that will be part of the rehabilitated facility:** The only equipment that will be retained is the elevator. This elevator will require \$20,000 in upgrades.
- E. Time schedule for undertaking & completing rehabilitation of facility:** Expected purchase date is between May and August of 2019. Demolition would commence immediately following the sale with buildout and exterior rehabilitation requiring 1 ½ years. Completion would be on or before December 1, 2020.
- F. Statement of economic advantages expected from exemption:** By receiving an exemption for this property we will be able to invest more dollars to create the best possible development. The 9 apartments and commercial leasehold space created with this new project are not only meant to provide a new foundation for living in Escanaba, but it will help to lay the groundwork for future growth in our city. The rehabilitation of historic buildings keeps people in their traditional neighborhoods and downtowns, intensifies the use of existing infrastructure, halts sprawl, keeps construction waste out of Michigan landfills, and is one of the most responsible things one can do to conserve energy.

**BARRY J POLZIN ARCHITECTS, INC.**

101 NORTH LAKESHORE BLVD. • MARQUETTE, MICHIGAN 49855  
 906-226-8661 • FAX 906-226-8667  
[www.bjparchitects.com](http://www.bjparchitects.com)

**Flats on Ludington  
 Projection of Probable Cost**

**January 29, 2018**

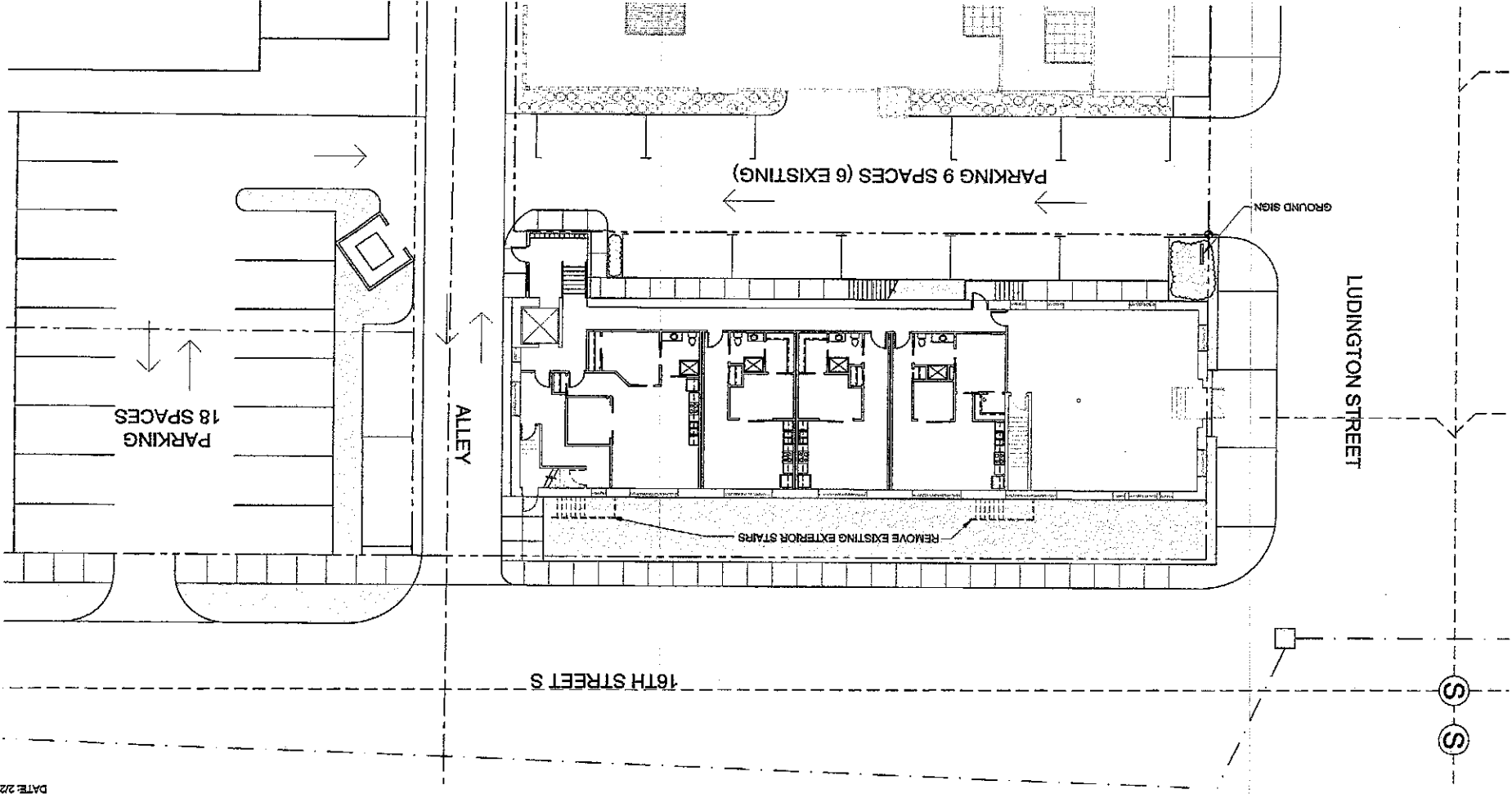
		Common/Commercial/ Exterior	Residential Apartments
Division 1	General Conditions		
	Builder Overhead/Profit/ General Requirements	36,700	59,000
	Permits/Tap Fees/Bond/Cost Certification	26,900	41,000
Division 2	Site Work		
	Site Improvements	8,000	
	Earthwork	4,000	
	Utilities	3,200	
	Parking	4,000	14,000
	Demolition	6,400	47,600
Division 3	Concrete		
	Foundation/Slab	4,800	
Division 4	Masonry		
	New Masonry	4,200	
	Masonry Restoration	48,000	
Division 5	Metals		
	Stairs, handrails, misc. metals	12,000	20,000
Division 6			
	Rough Carpentry	11,400	116,900
	Finish Carpentry	4,700	32,000
Division 7	Thermal/Moisture Protection		
	Roofing	6,000	
	Insulation	21,000	22,200
	Flashing, misc. metal	3,000	
Division 8	Doors and Windows		
	Doors/Frames/Hardware	18,200	48,000
	Windows	14,000	78,300



		Common/Commercial/ Exterior	Residential Apartments
Division 9	Finishes		
	Gypsum Board	36,200	132,400
	Acoustical Ceiling	4,800	
	Flooring	24,300	87,700
	Paint	18,600	38,400
Division 10	Specialties		
	Appliances		24,000
	Cabinets/Countertops		48,000
	Window Treatments	6,000	21,000
Division 14	Conveying Systems		
	Elevator Upgrades	20,000	
Division 15	Mechanical		
	HVAC	36,000	192,200
	Plumbing	6,200	85,100
	Fire Supression	12,200	22,600
Division 16	Electrical	30,400	63,500
Subtotals		431,200	1,193,900
Construction Contingency		36,539	109,265
Architectural Engineering Fees		18,021	50,573
Survey		1,200	
Environmental Testing		2,600	
Subtotals		489,560	1,353,738
Totals			1,843,298

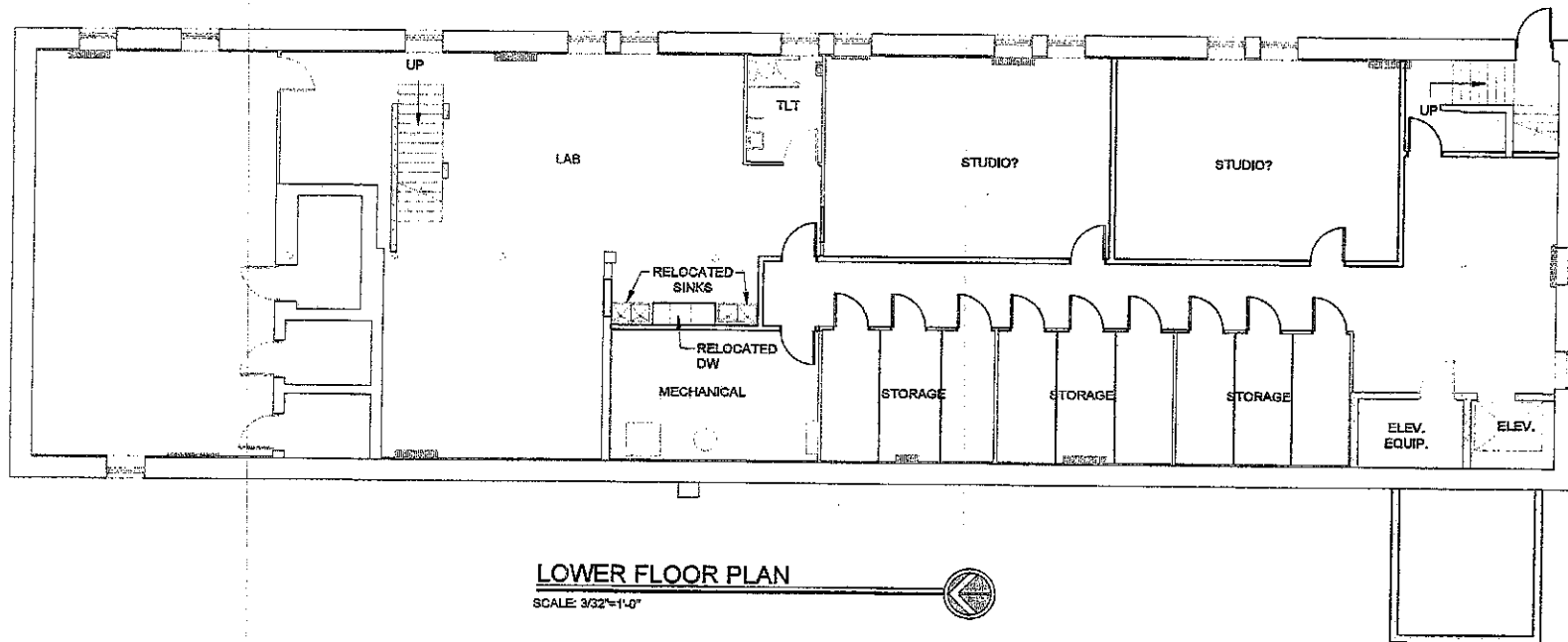


SITE PLAN  
SCALE: 1" = 20'-0"



FLATS ON LUDINGTON  
ESCANABA, MICHIGAN  
DATE: 2/23/2017

# The FLATS on LUDINGTON

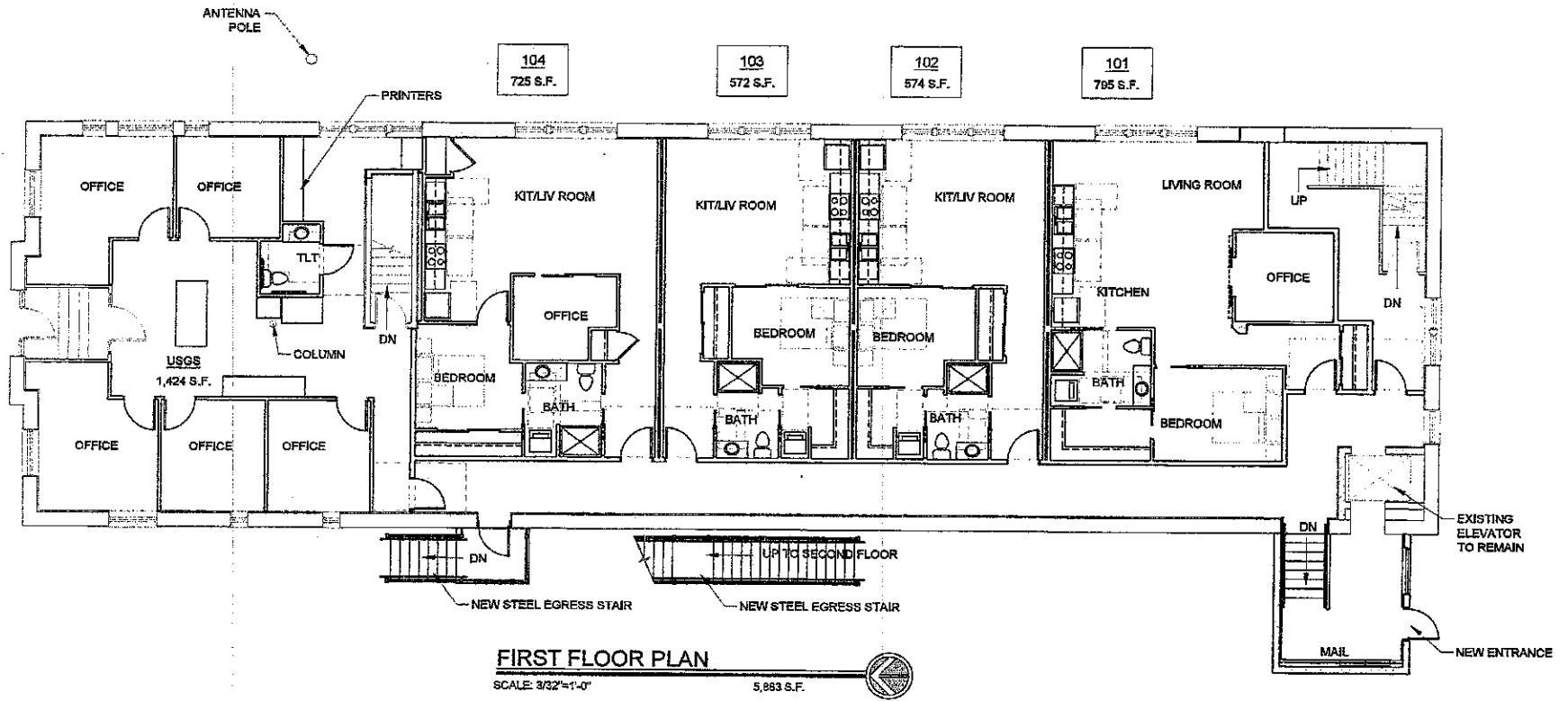


DATE: 2/12/2019



# The FLATS

on LUDINGTON

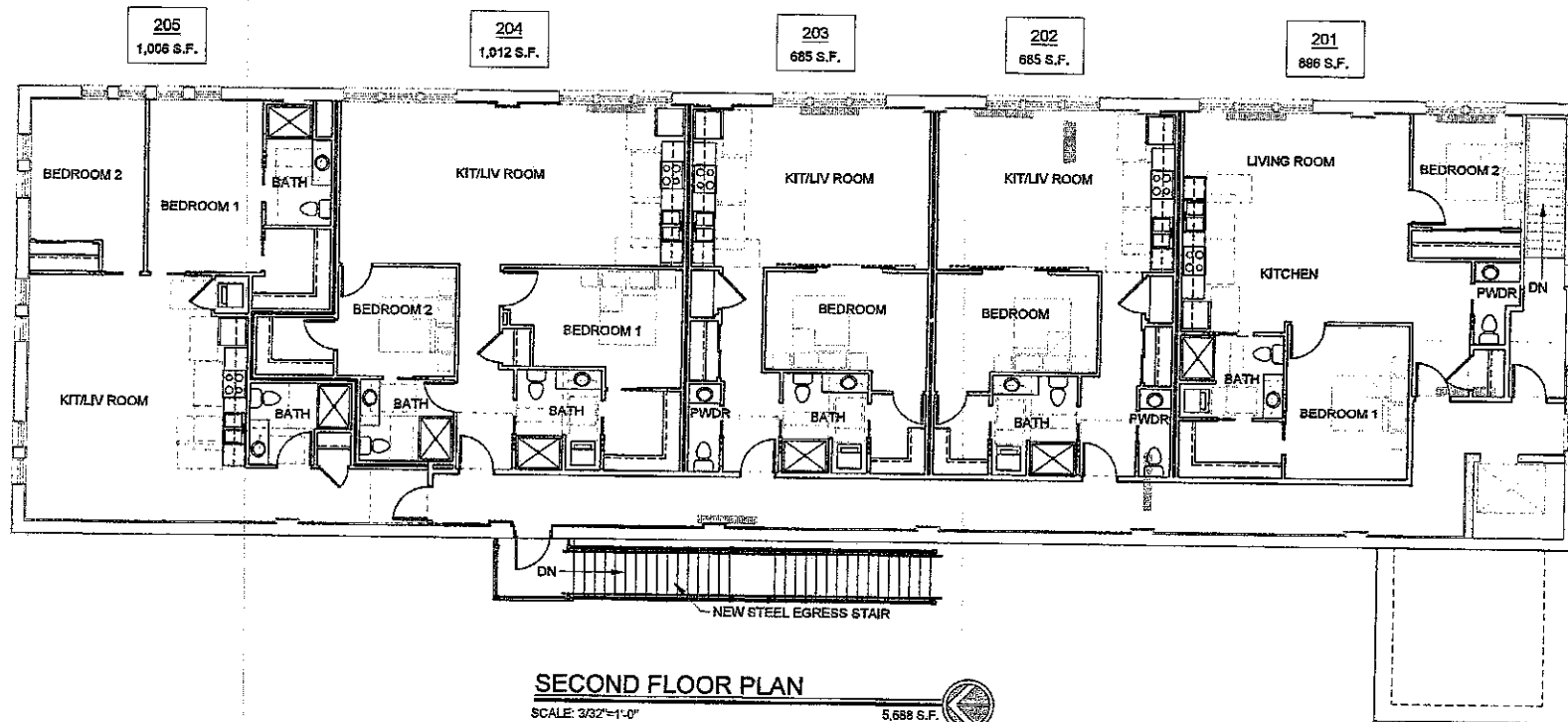


DATE: 2/12/2019



# The FLATS

on LUDINGTON



**SECOND FLOOR PLAN**

SCALE: 3/32"=1'-0"

5,688 S.F.

DATE: 2/12/2019



May 1, 2017

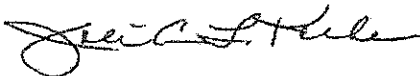
Statement of Obsolescence for 1601 Ludington Street, Escanaba Michigan owned by Bay De Noc Development LLC.

The building that is the subject of this request is a two story brick building built in 1913 and consisting of 10,880 square feet. The building is currently leased to 3 companies and is being used as office space.

The proposed project would convert the existing building into 9 lofts with a retail/office space on the first floor.

The building will require all new mechanicals, heating, cooling, electrical, and plumbing. All windows will need to be replaced to accommodate the new lofts. The partition walls and the floor plan are inappropriate and outdated and hinder the highest and best use of the building. The current elevator will need to update and will require extension upgrades. The masonry on the building needs tucking and some placement bricks.

Obsolescence is apparent in the lack of modern and efficient mechanical systems, the elevator, the interior floor plan and the exterior repairs. The opinion of this Assessor is this property suffers in excess 50% of physical and functional obsolescence.



JuliAnne L. Kolbe, MMAO  
Delta County Equalization Director  
310 Ludington St  
Escanaba MI 49829



**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.*

# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

## Overview

*A means to encourage the rehabilitation of obsolete property and to increase commercial/residential housing available in downtowns or other areas characterized by underused or functionally obsolete properties.*

OPRA provides property tax exemptions for commercial and commercial housing properties that are rehabilitated and meet the requirements of the Act. The property must be located in a qualified local unit, such as the City of Escanaba and be located in an established Obsolete Property Rehabilitation District. Properties must meet eligibility requirements including a statement of obsolescence by the local assessor. Exemptions are approved for a term of 1-12 years as determined by the local unit of government. The property taxes for the rehabilitated property are based on the previous year's (prior to rehabilitation) taxable value. The taxable value is frozen for the duration of the exemption. Additionally, the State Treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed 6 years for 25 applications annually. Applications are filed, reviewed and approved by the local unit of government, but are also subject to review at the State level by the Property Services Division. **Exemptions are not effective until approved by the State.**

Functional obsolescence as defined by the state includes inadequate electrical, heating and plumbing. Oversized or undersized rooms, poor layouts and traffic flow problems, etc.

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***Functionally Obsolete:*** means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

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Antiquated plumbing, heating, and electrical fixtures and connections or spaces that are not conducive to the use of modern equipment and technologies or spaces broken up by poorly planned wall dividers that may have been functional 50 or 100 years ago are examples of deficiencies which could qualify a building. Super adequacies include excessive ceiling height, excessive size, etc. The OPRA legislation requires a statement of obsolescence from a Level III or Level IV certified assessor using this criteria.

Once in the program there will now be three tax bills for the same property. 1) the tax bill on the land taxed at full millage, 2) the taxable value on the building is frozen at the pre-improvement level at full millage, and 3) the tax bill on the improvement which only taxes the School Operating (18 mills) and State Education Tax (6 mills) which could be reduced by ½ by the State Treasurer.

# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

An example of how the OPRA affects property taxes for property with an exemption. Using the 2013 millage rates for the City of Escanaba, the annual rates would be as follows:

The taxable value of the parcel prior to the exemption is \$70,000. Of the total taxable value, assume that \$20,000 is the portion attributable to the land. Assume also that rehabilitation and remodeling result in a total taxable value of \$1,200,000 for the rehabbed property. The tax breakdown would be as follows:

School Oper.	= 18.0000 mills
State Ed Tax	= 6.0000 mills
<b>TOTAL Millage</b>	<b>= 59.8744 mills</b>

Annual Tax Bill	Taxable Value		Millage		Annual Tax Dollars
1) Land	20,000	X	59.8744	=	\$ 1,197
2) Frozen Building TV	50,000	X	59.8744	=	\$ 2,943
3) Non-frozen TV	1,130,000	X	*18.0000	=	\$ 27,120
	1,130,000	X	*6.0000	=	
<b>Total Annual Tax</b>					<b>= \$ 31,260</b>

<i>Annual Tax Without Exemption</i>	\$ 71,849
<i>Annual Savings</i>	\$ 40,589
<i>Savings Over 12-year term</i>	\$ 487,071

\* The State Treasurer can exempt up to 50% of the State Education Tax and the school operating tax for a period of up to 6 years, which would result in additional annual savings of \$13,560 or \$81,360 for the term of the exemption.

The OPRA exemption applies only to existing buildings. Taxable value attributable to increased building size, whether vertical or horizontal, is taxed at the full millage rate.

Additionally, if the rehabbed property is commercial/residential, any portion which qualifies as primary residence would be exempted from the 18 mills of school operating tax, in the same manner as any other homestead.

The entire process is set by statute.

Unlike other exemptions, OPRA exemptions can be transferred to new property owners. The exemption can be transferred to a new owner during or after rehabilitation with the approval of the city council. The process starts at the local assessor's office.



# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

## Definitions Contained In or Referenced In Public Act 146 of 2000

**"Commercial housing property"** means that portion of real property not occupied by an owner of that real property that is classified as residential real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, is a multiple-unit dwelling, or is a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial housing property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to a multiple-unit dwelling or dwelling unit in a multiple-purpose structure, used for residential purposes.

**"Commercial property"** means land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and MCL 211.14, the primary purpose and use of which is the operation of a commercial business enterprise. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise or a multiple-unit dwelling or a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial property does not include any of the following: Land, Property of a utility

**"Facility"**, except as otherwise provided in this act, means a building or group of contiguous buildings.

**"Functionally obsolete"** means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. (See MCL 125,2652).

**Note:** The STC offers the following as examples of functional obsolescence:

- 1) A floor plan which is inappropriate for the highest and best use of the property.
- 2) A heating system which is inadequate for the highest and best use of the property.
- 3) Excessively high or low ceilings for the highest and best use of the property.
- 4) Partition walls which restrict the highest and best use of the property.
- 5) Mechanical systems (e.g. electrical, plumbing, etc) which are inadequate for the highest and best use of the property.

**"Obsolete property"** means commercial property or commercial housing property, that is 1 or more of the following:

- (i) "Blighted property". Blighted property means property that meets 1 or more of the following criteria:
  - a. Has been declared a nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
  - b. Is an attractive nuisance to children because of physical condition, use, or occupancy.

# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

- c. iii. Is a fire hazard or is otherwise dangerous to the safety of persons or property.
  - d. iv. Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
  - e. v. Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of PA 145 of 2000. (MCL 125.2652)
- (ii) A facility as that term is defined below:
- "Facility" as defined in PA 451 of 1994 means any area, place, or property where a hazardous substance in excess of the concentrations which satisfy the requirements of section 20120a(1)(a) or (17) or the cleanup criteria for unrestricted residential use under part 213 has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, or property at which response activities have been completed which satisfy the cleanup criteria for the residential category provided for in section 20120a(1)(a) and (17) or at which corrective action has been completed under part 213 which satisfies the cleanup criteria for unrestricted residential use. (See MCL 324.20101)
- (iii) Functionally obsolete. Please see the definition of "functionally obsolete".

**"Obsolete property rehabilitation district"** means an area of a qualified local governmental unit established as provided in section 3. Only those properties within the district meeting the definition of "obsolete property" are eligible for an exemption certificate issued pursuant to section 6 of PA 146 of 2000.

**"Rehabilitation"** means changes to obsolete property OTHER THAN REPLACEMENT that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the obsolete property to an economically efficient condition. Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the obsolete property.

**"Rehabilitated facility"** means a commercial property or commercial housing property that has undergone rehabilitation or is in the process of being rehabilitated, including rehabilitation that changes the intended use of the building. A rehabilitated facility does not include property that is to be used as a professional sports stadium. A rehabilitated facility does not include property that is to be used as a casino. As used in this subdivision, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

# Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

## City of Escanaba Application Process

These are the steps to follow if you wish to apply for an Obsolete Properties Rehabilitation Exemption (OPRA exemption):

1. **Request in writing** to the city assessor that an Obsolete Properties Rehabilitation District be established for your property. City Council will approve this by resolution. Do not begin structural or cosmetic improvements to the building until after the district is established by City Council. This process may take four to six weeks.
2. **Request that the city assessor inspect** your building to determine if the property qualifies as obsolete property under the legislation. This can be done before council acts on your request for an OPRA district.
3. **Complete the application form and addendum** provided by the city assessor. You must include a letter stating that the rehabilitation project could not be completed without the assistance of the exemption (required by statute). Also include cost estimates of your planned projects and approximate completion schedules. Be as specific as possible. The assessor will bring this before Escanaba City Council and a public hearing will be held to consider your exemption. This process will take an additional four to six weeks.
4. **If approved by City Council the assessor will then send** required documents to the State of Michigan for review and approval/disapproval by the State Tax Commission. Please note that the STC must receive the application by October 1<sup>st</sup> to consider the exemption for the next year's taxes. In order to maintain the necessary timetable, your district request should be started by the end of June with the completed exemption application submitted by the first (1<sup>st</sup>) Thursday of September. An OPRA exemption granted by the state on or before December 31<sup>st</sup> of any year will take effect in the following tax year.

### NOTE:

**An OPRA exemption will result in three separate tax bills** for the exempt parcel: 1) land is assessed and taxed normally, 2) the frozen taxable value for all levies 3) "Non-frozen taxable value" means that the increased taxable value resulting from project improvements will be taxed only the School Operating (18 mills) and State Education Tax (6 mills) which may be reduced by 1/4 by the State Treasurer for up to 6 years.

**You must pay property taxes timely.** Failure to pay taxes before they become delinquent on March 1<sup>st</sup> of each year may constitute a reason for revoking the exemption.

**A Principal Residence Exemption may apply** if you rehabilitate the upper floor(s) of your property into your primary residence.

City of Escanaba  
Phone: (906) 786-9402  
Email: [dnorden@escanaba.org](mailto:dnorden@escanaba.org)

N.B. - #4  
c.c. 3/7/19

MEMORANDUM

To: Patrick Jordan

From: Mike Furmanski *MF*

Date: 27FEB19

Re: Pole Replacement Bid Recommendation

On February 26<sup>th</sup>, 2019, the Electric Department received bids for labor and equipment to replace 40 wooden poles. Bids were sent to 3 pole replacement contractors and 4 bids were received. All contractors that submitted a bid are qualified to do this type of work.

Bidder	40 poles
SPE	\$95,000
Fox Power	\$96,870
MJ Electric	\$115,321
J. Ranck	\$220,300

I am recommending accepting the bid from SPE Utility Contractors, LLC of Port Huron, MI to replace 40 poles for \$95,000.00. This is a budgeted item.

**CITY OF ESCANABA  
RECORD OF BIDS**

DATE BIDS OPENED: 2/26/2019  
DESCRIPTION OF ITEM: Distribution Pole Replacement Project Bid - 2019

NAME OF BIDDER	Lump Sum for Defined Project	Estimated Start Date	Certified Check/Bid Bond
SPE	95,000	4/29/19	9,500
FOX POWER INC.	96,870	5/6/19	9,700
MS Electric	115,321	negotiable	Bid Bond
J RANCK	220,300	4/1/19	Bid Bond

PRESENT: Mike Furmanski  
Phil Dermal

2/6/2019

## Official Bidder's Proposal

Date: 2/25/19

City of Escanaba  
Escanaba, MI 49829

We, the undersigned, agree to furnish the City of Escanaba, Michigan, labor and machinery or equipment, in accordance with the attached minimum specifications, which are part of this proposal, at the following prices:

Lump Sum for defined project:

\$ 95,000.<sup>00</sup>

(If possible, please provide a sum of the individual unit prices listed in Appendix A.)

Estimated Start Date:

4/29/19

CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF:

\$ 9,500.<sup>00</sup>  
(Must be included to qualify)

SUBMITTED BY:

FIRM:

SPE UTILITY CONTRACTORS

ADDRESS:

4400 DOVE ROAD

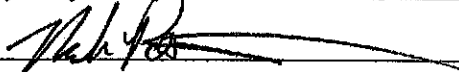
PORT HURON, MI

48060

NAME (PRINT):

MARK POSTILL

SIGNED:



TITLE:

VICE PRESIDENT

2/6/2019

## Official Bidder's Proposal

Date: 02/25/19

City of Escanaba  
Escanaba, MI 49829

We, the undersigned, agree to furnish the City of Escanaba, Michigan, labor and machinery or equipment, in accordance with the attached minimum specifications, which are part of this proposal, at the following prices:

Lump Sum for defined project: \$ 96,870.00

*(if possible, please provide a sum of the individual unit prices listed in Appendix A.)*

Estimated Start Date: May 6, 2019

**CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF:**

\$ 9,700.00  
**(Must be included to qualify)**

**SUBMITTED BY:**

FIRM: Fox Power Inc.

ADDRESS: 400 3rd Ave N

Gladstone, MI 49837

NAME (PRINT): Kayla S Martinucci

SIGNED: 

TITLE: Senior Manager/CFO

2/6/2019

# Official Bidder's Proposal

Date: 2-26-2019

City of Escanaba  
Escanaba, MI 49829

We, the undersigned, agree to furnish the City of Escanaba, Michigan, labor and machinery or equipment, in accordance with the attached minimum specifications, which are part of this proposal, at the following prices:

Lump Sum for defined project: \$ 115,321<sup>00</sup> - see clarifications  
(if possible, please provide a sum of the individual unit prices listed in Appendix A.) upon award

Estimated Start Date: TBD - June 15 exception taken to completion. Schedule negotiated separately, based upon Spring thaw & snow conditions.

**CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF:**

\$ Bid bond included  
(Must be included to qualify)

SUBMITTED BY:

FIRM: MJ Electric, LLC  
ADDRESS: N2023 Greenville Dr or 200 W. Frank Papp Dr  
Greenville, WI 54942 Iron Mountain, MI 49801

NAME (PRINT): Jeff Ullman  
SIGNED: [Signature]  
TITLE: Regional Manager



2/6/2019

# Official Bidder's Proposal

Date: February 21, 2019

City of Escanaba  
Escanaba, MI 49829

We, the undersigned, agree to furnish the City of Escanaba, Michigan, labor and machinery or equipment, in accordance with the attached minimum specifications, which are part of this proposal, at the following prices:

Lump Sum for defined project: \$ 220,300.00

*(If possible, please provide a sum of the individual unit prices listed in Appendix A.)*

Estimated Start Date: April 1, 2019

**CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF:**

\$ Bid Bond 10% of total bid  
**(Must be included to qualify)**

**SUBMITTED BY:**

FIRM: J. Ranck Electric, Inc.

ADDRESS: 1993 Gover Parkway

Mt. Pleasant, MI 48858

NAME (PRINT): Jim Levert

SIGNED: 

TITLE: Estimator

## NOTICE TO BIDDERS

Sealed bids will be received by the City of Escanaba at the office of the City Clerk, on or before 2:00 p.m. - local time – on February 26, 2019.

### **Request for Proposal – Distribution Pole Replacement Project**

The bids will be publicly opened and read in the City Hall, Room C101 at said time and date.

Bidder's proposals and/or specifications may be obtained from the office of the City Clerk, located at 410 Ludington Street, Escanaba, Michigan 49829. No bid will be considered unless the proposal is enclosed in a sealed envelope marked:

### **Request for Proposal – Distribution Pole Replacement Project**

In addition, the City of Escanaba, Michigan, will not consider any proposal which has not been received prior to the published time, date and year of bid opening. FAX transmittals will not be accepted.

A certified check, cashier's check, or Bidder's Bond, drawn payable - without condition - to the City of Escanaba, Michigan, in an amount not less than 10% of the bid will be submitted with each proposal as a guarantee that if the bid is accepted, the bidder will furnish materials or services as stated in his/her proposal. On failure of the successful bidder to fulfill the conditions of his/her proposal, he/she shall forfeit said deposit to the City of Escanaba, Michigan, as liquidated damages. The acceptance of the proposal will be contingent upon the bidder's acceptance of this provision.

The City of Escanaba, Michigan, reserves the right to reject any or all bids, or any part thereof, at its discretion and to waive any irregularities in the bidding. The City of Escanaba, Michigan, may also split bids at its discretion. The City further reserves the right to negotiate directly with any and all bidders concerning any matter related to any bid.

All City of Escanaba, Michigan, bids are prepared so as to afford all vendors the equal opportunity for fair and equitable competition. The City of Escanaba, Michigan, assumes no liability or responsibility for any errors or oversights in the preparation and/or publication of bids.

Any questions concerning this bid should be directed to the City of Escanaba Electric Department Distribution Engineer, Gerald Pirkola at (906) 786-0061 or [gpirkola@escanaba.org](mailto:gpirkola@escanaba.org).

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## Instructions to Bidders

### 1. Scope of the Bid

- 1.1 The City of Escanaba, Michigan invites bids for **Replacement of Power Distribution Poles** hereto referred as "**Work**". The City of Escanaba is seeking quotations and/or proposals covering the labor associated with the replacement, installation, and removal/disposal of power distribution poles. The Work is specified in greater detail later in this document.

### 2. Eligible Bidders

- 2.1 This Invitation for Bids is open both to both local and national (United States of America) bidders.
- 2.2 All City of Escanaba, Michigan bids are prepared to afford all vendors the equal opportunity for fair and equitable competition.
- 2.3 Bidders must submit, as an integral part of their Official Bid, any and all applicable required documents or forms contained within the bid request.
- 2.4 The City of Escanaba, Michigan reserves the right to ask the Bidders to submit additional documents to enable The City of Escanaba, Michigan to fully evaluate the eligibility of the bidder.

### 3. Corrupt, Fraudulent, Collusive, and Coercive Practices

- 3.1 The City of Escanaba, Michigan requires that all bidders, manufacturers, contractors, or distributors observe the highest standard of ethics during procurement and execution of all contracts. The City of Escanaba, Michigan shall reject any Bids put forward by Bidders or, where applicable, terminate their contract if it is determined that they have engaged in corrupt, fraudulent, collusive, or coercive practices. In pursuance of this document, the City of Escanaba, Michigan, defines, for the purposes of this provision, the terms set forth below as follows:
- a. "corrupt practice" means the offering, giving, receiving, or soliciting directly or indirectly anything of value to influence the action of the Procuring/Contracting Entity in the procurement process or in contract execution;
  - b. "fraudulent practice" is any acts or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, the Procuring/Contracting Entity in the procurement process or the execution of a contract, to obtain a financial gain or other benefit to avoid obligation;
  - c. "collusive practice" is an undisclosed arrangement between two or more Bidders designed to artificially alter the results of the tender procedure to obtain a financial gain or benefit;
  - d. "coercive practice" is impairing or harming, or threatening to impair or harm, directly or indirectly, any participant in the tender process to influence improperly its activities in a procurement process, or after the execution of a contract.
- 3.2 The City of Escanaba, Michigan will reject a proposal for award if it determines that the Bidder recommended for award has engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the contract in question.

#### **4. Content of the Bidding Document**

- 4.1 The following documents shall comprise the Official Bidding Documents (hereinafter referred to as the "Documents")
- a. Invitation to Bid
  - b. Instruction to Bid
  - c. Work Description and Technical Specifications
  - d. Official Bid Template
- 4.2 Bidders are expected to fully read and examine the contents of all the documents comprising the Official Bidding Documents and must fully comply with all the requirements set forth in the Documents. The City of Escanaba, Michigan reserves the right to reject any or all bids that do not comply with any provision in the "Documents".

#### **5. Clarification of the Bidding Documents**

- 5.1 All clarification regarding any provision/item in the bidding document should be sent by e-mail to [cityelectric@escanaba.org](mailto:cityelectric@escanaba.org). The City of Escanaba, Michigan will respond by e-mail or phone to requests for clarification received not later than 2 days before the deadline of the submission to bids. The City of Escanaba, Michigan may circulate to all bidders, the questions/clarification request and its answers. Additionally, Bidders should include contact email addresses in the event that the City of Escanaba wishes to release additional details to clarify the Bidding Documents further.

#### **6. Amendments to the Bidding Documents**

- 6.1 At any time prior to the deadline for submission of bids, the City of Escanaba, Michigan, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, may modify the bidding documents by amendment.
- 6.2 All prospective bidders that have received the bidding documents will be notified of the amendment in writing and will be binding to them.
- 6.3 In order to allow prospective bidders reasonable time in which to take the amendment into account in preparing their bids, the City of Escanaba, Michigan, at its discretion, may extend the deadline for the submission of bids.

#### **7. Cost of the Bidding**

- 7.1 Bidders shall bear all costs associated with the preparation and submission of their bid. The City of Escanaba, Michigan shall not bear any responsibility and shall not be held liable for any cost the Bidders may incur while preparing their bid, regardless of the final outcome of the bidding process.

#### **8. Period of Validity of the Bids**

- 8.1 Bids shall remain valid for a period of at least 30 days from the date of bid opening prescribed in this document. The City of Escanaba, Michigan reserves the right to reject any or all bids that do not comply with this requirement.
- 8.2 In exceptional circumstances, prior to expiry of the bid validity, the City of Escanaba, Michigan may request that the bidders extend the period of validity for a specified additional period of 15 days. The request and the bidders' responses shall be made via e-mail or in writing.

## **9. Submission of the Bids & Use of Official Bid Template**

- 9.1 Bidders shall be provided with a hard copy of the Official Bid Template of this project. Additionally, a soft copy will be made available on the City of Escanaba website, [www.escanaba.org](http://www.escanaba.org). Bidders should use the Official Bid Template when preparing their bids in order to avoid errors or miscalculations.
- 9.2 Bidders should submit their official bids using the official bid template, and must be signed by their authorized representative or stamped by the company's official seal. Additional submission information shall be included as an attachment to the Documents.

## **10. Clarification of the Bids**

- 10.1 During the evaluation of the bids, the City of Escanaba, Michigan may, at its discretion, ask the Bidder for a clarification of its bid. The request for clarification and the response shall be in writing or e-mail.
- 10.2 Any effort by a bidder to influence the City of Escanaba, Michigan in its decisions on bid evaluation, bid comparison, or contract award may result in the rejection of the Bidder's bid.

## **11. Bids Evaluation**

- 11.1 The City of Escanaba, Michigan shall conduct a technical evaluation of the bids received and make a recommendation to the City Council for approval.
- 11.2 Bids shall be evaluated using the following factors:
- Prices offered
  - Schedule
  - Payment Terms
  - Technical Compliance of the Work
- 11.3 The City of Escanaba, Michigan reserves the right to accept or reject any or all bids, and to annul the bidding process any time prior to contract award, without thereby incurring any liability to the affected bidders or any obligation to inform the affected bidders of the grounds for the City of Escanaba, Michigan's action.

## **12. Notification of Award and Performance Guarantee**

- 12.1 The City of Escanaba, Michigan shall contact winning Bidder via phone and or e-mail which will serve as the confirmation for the Bidder to start working on fulfilling his contractual obligation under the agreement.
- 12.2 The winning Bidder may be required to provide the City of Escanaba, Michigan a performance security/bond. The details of any bond are included with the Documents of the Bid. The City of Escanaba, Michigan reserves the right to reject the Bid in the case that the Bidder fails to submit the required performance security/bond.

## **13. Purchaser's Right to Alter the Quantity of the Requirement**

- 13.1 The City of Escanaba, Michigan reserves the right at any time to increase or decrease the quantity of materials in the bid.

## Work Specifications

The City of Escanaba is currently replacing identified substandard wood poles in the power distribution system. It is the intent of the City of Escanaba to hire a qualified Contractor to replace power distribution poles separately identified by the City of Escanaba Electric Department. The Work performed by the Contractor is labor only and does not include a request for replacement materials.

In general, the Work requested by the Contractor is as follows:

- Install new power distribution poles identified by the Escanaba Electric Department.\*
- Identify existing equipment unfit for use and replace with new equipment.\*
- Call the Miss Dig system as needed prior to pole replacement.

***\* All power distribution poles, equipment, fixtures, etc. will be provided and supplied by the City of Escanaba Electric Department Inventory. The Contractor is required to supply all labor, tools, and working equipment as needed to perform the Work specified in this document.***

Further detail pertaining to the Contractor's responsibilities and scope of Work are contained in the Technical Specifications section and attached appendices.

## Technical Specifications

A listing of poles for replacement is included in **Appendix A: Pole Identification & Locations**.

The poles to be replaced in this proposal are typical of many distribution systems with a variety of hardware. All cross arms, cross arm brackets, cutouts, arrestors, bolts, and guy attachments shall be replaced with new material. The majority of the poles will be a direct replacement with few materials being reused. Exceptions to this would be: all 35' primary poles must be replaced instead with 40' poles; all 40' poles with two (2) primary circuits must be replaced with 45' poles. Single circuit primary poles should be 40'. Existing poles may be lacking strain insulators or porcelain guy insulators, which must be installed. All new down guys must have both fiberglass strains and porcelain guy insulators installed.

To reiterate, all materials will be provided by the City of Escanaba Electric Department from our warehouse located at 1711 Sheridan Road, Escanaba, MI.

***Many of the poles that will be replaced under this contract will have non-electric utility wires attached to them. The Contractor shall cut and discard the old pole tops down to level with non-electric utility wires. Pole butts with connected non-electric utility wires need not be removed by the Contractor.***

***\*Exception – If pole to be replaced must be in same hole, Contractor shall provide additional cost to transfer non-electric utility wires.***

## **Special Work Conditions**

The Contractor must also abide by or comply with certain special conditions for the work that is being performed. These conditions include but are not limited to:

- a. All work shall be performed between 7:30 am and 4:00 pm, Monday – Friday.
- b. The Contractor must inform the Escanaba Electric Department where they will be working on a daily basis.
- c. The Contractor must provide the Escanaba Electric Department with cell phone number(s) for their crew(s).
- d. Anytime live work is to be performed, the circuit must be placed in a non-reclosing condition.
- e. All power must stay on at all times, unless permission can be obtained by the Electric Department for an outage. All affected customers shall be notified and outages must be as short of duration as possible.
- f. Poles and pole tops that are removed by the Contractor must be disposed of at a location determined by the Escanaba Electric Department.
- g. Final dirt mounds around the newly installed poles shall not exceed 12 inches in height from original grade, and the dirt mounds shall not extend more than 18 inches around the perimeter of the pole. All excess excavated material shall be disposed of by the contractor at a location determined by the Escanaba Electric Department.

## **Materials**

All materials associated with poles that are to be replaced during the Work shall be provided by the City of Escanaba.

## **Equipment**

The Contractor will be responsible for providing all the equipment and tools required to perform the Work and transportation of materials.

## **Schedule**

The Contractor will commence work on a start date determined by the City of Escanaba. Contractors should note the soonest available start date with their proposal. The Contractor shall be expected to complete the Work by June 15, 2019 or as directed by the City of Escanaba and to proceed according to the schedule set by the City. No additional work shall occur beyond that date unless authorized by the City of Escanaba.

## **Requirements Prior to Start of Work**

The Contractor must meet certain requirements set both by the City of Escanaba and any applicable safety standards before starting any part of the Work outlined in this Document. Please see **Appendix C: Insurance Requirements and Conditions** for the necessary forms and/or procedures to meet the requirements for this Work.



## Submitting Proposals

Bidders shall at least use the Official Bidder's Proposal when submitting their bids. The priced proposal or quotation shall be formatted to include the costs and timeline for the replacement of poles. Proposals are due in the Clerk's office by 2:00 pm on or before February 26, 2019.

Please send your proposal to: Phil DeMay, City Clerk  
The City of Escanaba – City Hall  
PO Box 948  
410 Ludington Street  
Escanaba MI 49829

Please contact the Electric Department Distribution Engineer, Gerald Pirkola ([gpirkola@escanaba.org](mailto:gpirkola@escanaba.org)), with any questions pertaining to these bid specifications.

Michael Furmanski  
Electric Superintendent

City of Escanaba  
Electric Department  
1711 Sheridan Rd.  
Escanaba, MI 49829  
[mfurmanski@escanaba.org](mailto:mfurmanski@escanaba.org)  
Office: 906-786-0061  
Cell: 906-280-8757  
Fax: 906-786-0791

Attachments:

- Official Bidder's Proposal
- Appendix A: Pole Identification & Locations
- Appendix B: Pole Photographs
- Appendix C: Insurance Requirements and Conditions

2/6/2019

# Official Bidder's Proposal

Date: \_\_\_\_\_

City of Escanaba  
Escanaba, MI 49829

We, the undersigned, agree to furnish the City of Escanaba, Michigan, labor and machinery or equipment, in accordance with the attached minimum specifications, which are part of this proposal, at the following prices:

Lump Sum for defined project: \$ \_\_\_\_\_

*(If possible, please provide a sum of the individual unit prices listed in Appendix A.)*

Estimated Start Date: \_\_\_\_\_

**CERTIFIED CHECK, CASHIER'S CHECK, OR BIDDER'S BOND ENCLOSED IN THE AMOUNT OF:**

\$ \_\_\_\_\_  
**(Must be included to qualify)**

**SUBMITTED BY:**

FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

## Appendix A: Pole Identification and Locations

Photo	Pole	Location
1	1512	Alley - Ludington & 1st Ave S and S 16th & 17th Street
2	2422	1103 S Lincoln Rd (Stanchina Dentistry)
3	2424	1117 S Lincoln Rd
4	2814	NW Intersection of Lakeshore Dr & 26th Ave S
5	2816	2720 Lakeshore Drive
6	2817	2726 Lakeshore Drive
7	2832	South of Lakeshore Drive and east of M35 (north of address 2827 on M35)
8	2833	
9	2835	
10	2837	2827 LSD M-35
11	2840	2841 LSD M-35
12	2851	3033 LSD M-35
13	2858	3087 LSD M-35
14	2859	3085 LSD M-35 (Pentecostal Church)
15	2865	M35 North of 12th Road (Jaeger) near Portage Creek
16	2866	
17	2870	
18	3007	4028 M-35
19	3008	4020 M-35
20	3009	4012 M-35
21	3011	3990 M-35
22	3012	3976 M-35
23	3014	3960 M-35
24	3015	3952 M-35
25	3017	3946 M-35
26	3146	E-4601 M-35, road south of Meister's
27	3152	Across the highway from Ford River Pub on M35
28	3153	
29	3154	M-35 and 9.9LA Intersection (N of Ford River Pub)
30	3165	4520 9.9LA Ford River
31	3170	North of Ford River Pub on West side of M35
32	3172	E-4586 M-35 (service poles)
33	3197	E-4692 M-35 (service poles)
34	3203	E-4742 M-35 (service pole backyard)
35	3215	E-4862 M-35 (down I34 Road)
36	3219	E-4868 M-35 (down I34 Road)
37	3246	E-4936 M-35
38	3257	E-5114 M-35 (across from E5101)
39	3264	E-5148 M-35 (across from E5139)
40	3286	5262 11th Road

## **Appendix C: Insurance Requirements and Conditions**

### ***Insurance Requirements***

The Contractor shall furnish proof of insurance establishing minimum coverage as follows:

#### Worker's Compensation

Coverage A	Statutory
Coverage B	\$100,000

#### Comprehensive General Liability

Per occurrence	\$1,000,000
General Aggregate	\$1,000,000
Products/completed operations	
General Aggregate	\$1,000,000

#### Comprehensive Automobile Liability

Combined Single Limits	\$1,000,000
------------------------	-------------

Except for the workers compensation coverage, the City of Escanaba shall be named "additional insured" on all certificates. All policies affording coverage required in this section shall further be endorsed to provide a ten (10) day notice to be delivered to the City before any coverage is either reduced or cancelled.

The Contractor shall furnish Performance and Payment Bonds, each in an amount at least equal to the contract price as security for the faithful performance and payment of all the Contractor's obligations under the contract. These bonds shall remain in effect at least until 6 months after the final payment.

## **Conditions**

1. The Contractor is responsible to ensure that employees know and comply with all applicable safety and technical standards, including but not limited to OSHA, NESC, NEC, ASTM, IEEE, MDOT and any other standards applicable to and required for compliance with the safety related work practices and technical standards for the work being performed.
2. The City reserves the right to inspect the contractor for compliance with Items in 1.), above, at any time, for any reason. Non-compliance shall be deemed a failure to uphold the terms of the contract and the City shall notify the contractor immediately.
3. The successful bidder(s) shall represent themselves as contractors for the City; not City employees. Signage to this effect shall be posted at all times.
4. A performance bond shall be required. Liquidated damages of \$200 per day shall be applied for each day the job is not complete after the designated or otherwise agreed upon completion date.
5. No "hot work" clause or "rock" clause will be allowed. Bidders must consider that cost in standard units after review of the work during the field visit. Absolutely no adders e.g. flaggers, traffic control, off road work, etc. of any kind will be allowed.
6. Extra costs for tree trimming will not be allowed. Bidders must take into consideration the cost of tree trimming that is necessary to perform the pole change outs for accessing poles or line clearance.
7. The Contractor shall be responsible for any and all restoration of property damaged as a result of ingress and egress and the execution of the work. Contractor shall be responsible to return yards to original condition. Contractor shall be responsible for any necessary touch up work to yards up to 12 months after completion of entire project.
8. Material shall be provided by the Utility either at a warehouse location or via other mutually agreeable arrangements. The Contractor shall be responsible for the security of materials until the project is inspected, approved and turned over to the Utility.
9. All contractors must comply with OSHA 1910.269 as applicable.
10. The Contractor is responsible to have all underground facilities located. The Contractor is responsible to repair damage to any underground facilities. Contractor responsibility for damaged facilities extends up to 12 months after completion of entire project.



# 111 NORTH 3<sup>RD</sup> STREET ESCANABA, MICHIGAN

*Request for Developer Qualifications*



Development Opportunity..... 5

Site Overview ..... 6

Community Context: Escanaba ..... 7

Site Vision and Preliminary Cost Estimate ..... 8

Preliminary Building Construction Cost Estimate..... 9

Potential Land Uses ..... 10

Market Conditions ..... 12

Development Process ..... 13

Available Incentives..... 14

Selection Process and Criteria ..... 15



111 North 3rd Street viewed from the east. The existing Delta County Administration Building is located immediately south of the former Delta County Jail building. Ludington Street, Escanaba's main street, extends across the photo from bottom to top.



## 111 North 3rd Street, Escanaba

City of Escanaba seeks a development partner for a 3.82-acre waterfront site at the eastern gateway to the historic downtown district. Asking price for this property is negotiable and the city is eager to work with interested respondents deemed qualified on negotiating a mutually beneficial arrangement.





RFQ | Escanaba  
111 North 3rd Street



111 North 3rd Street viewed from the southwest.



## DEVELOPMENT OPPORTUNITY

City of Escanaba, in partnership with Delta County, Mich., seeks developers for a group of city- and county-owned properties at 111 North 3rd Street. These parcels, totaling 3.82 acres, provide an opportunity to offer new-build housing and lodging options with waterfront views, in formats that are currently underserved by the local market.

The subject site—upon a portion of which sits the former Delta County Jail facility—is the eastern gateway to Escanaba’s historic downtown shopping and entertainment district. It includes 265 feet of water frontage on Little Bay de Noc, which empties into Lake Michigan. It is adjacent to Escanaba’s unrivaled recreation district including Sand Point, Ludington Park, and Municipal Dock Park.

The subject site is adjacent to additional development-ready, waterfront real estate parcels to the east. Though not offered as part of this request, the city is open to considering development concepts that have potential to include future phases extending eastward.

The city’s preferred development for this site would:

- Create new residential options in a multiplex or “Missing Middle” housing format;<sup>1</sup>
- Strive to provide a mix of uses to create vibrancy and year-round activation. Complementary uses could

include short-term housing units and/or hotel rooms integrated into long-term housing, restaurant space, or event space offered on a for-rent basis;

- Incorporate a creative design process that respects the historic character of downtown Escanaba and its legacy buildings;
- Preserve the public view-shed of Little Bay de Noc while providing accommodation for public foot access to the water through incorporation of a plaza or similar amenity;
- Include connections to an east/west public bicycle/walking trail that will border the development to the west and south.

The city’s asking price is negotiable, and it is open to all reasonable offers in support of an optimal development plan. A range of incentives, at the local and state levels, may be leveraged as part of a negotiated predevelopment agreement. Preference will be given to projects with a mix of uses, and that creatively incorporate provisions for waterfront access by future residents/patrons of the proposed development, as well as members of the larger community.

Interested development teams are invited to submit qualifications by **Tuesday, May 7, 2019**; please refer to the last page for submittal details.

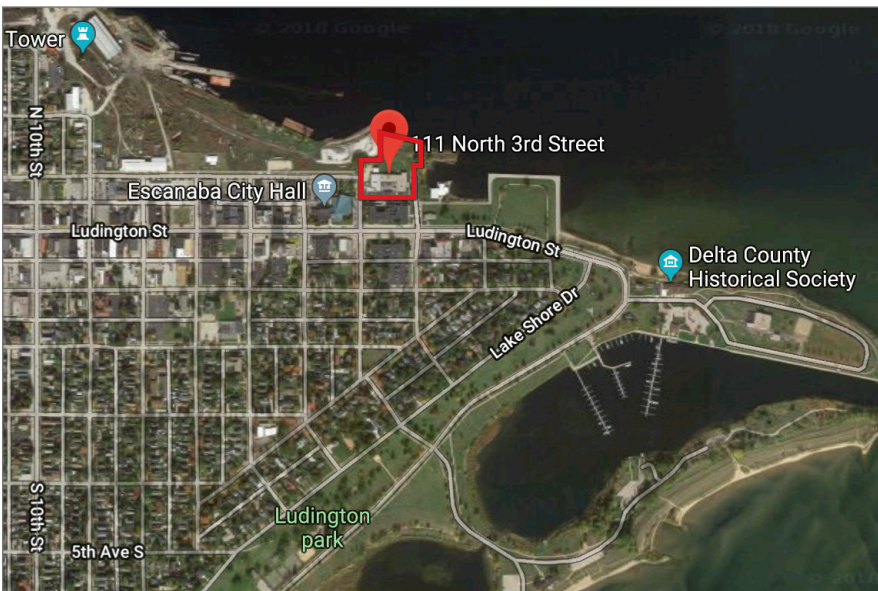
<sup>1</sup> Refer to “Missing Middle: Responding to the Demand for Walkable Urban Living” by Opticos Design, for a detailed description of associated housing formats at <http://missingmiddlehousing.com>

## SITE OVERVIEW

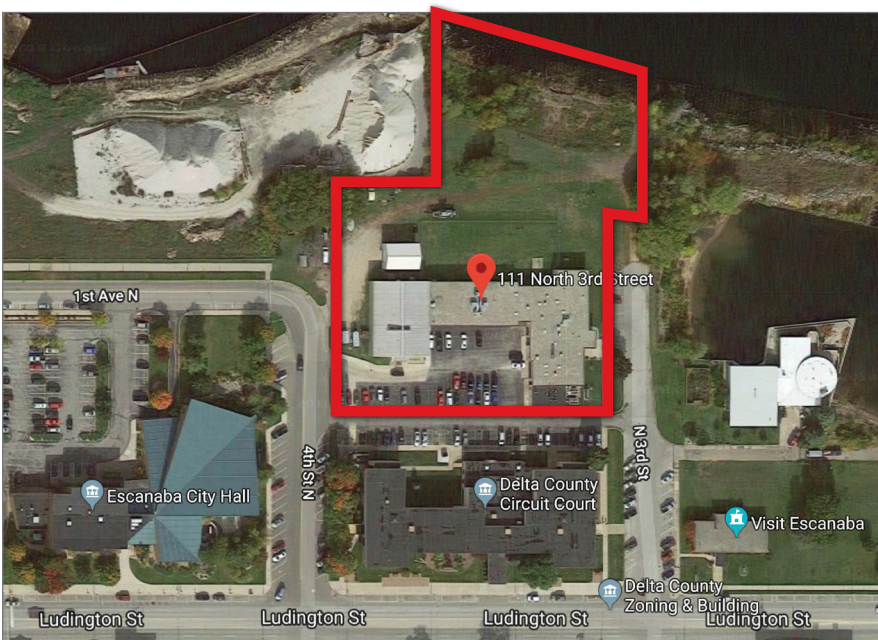
The following aerial photographs show the location of the subject site and parcel boundaries.

In addition, several interactive tools have been made available to provide a detailed understanding of the subject site and its surroundings. Potential respondents are encouraged to view and study the following resources:

- A 3-D interactive photo tour, sourced from commercial drone imagery, is available for viewing at <https://roundme.com/tour/316181/view/1033372/>
- An interactive aerial map, with site analysis tools, is available at <https://bit.ly/2NNMtbM>



111 North 3rd Street is the eastern gateway to downtown Escanaba, and is adjacent to the recreation areas to the east and south.



The site contains the former Delta County Jail building to the south, and 265 feet of waterfront to the north.



## COMMUNITY CONTEXT: ESCANABA

Escanaba is a small, historic port community with roots in the lumber and shipping industries. Located on an outcropping on the western edge of Little Bay de Noc, the city is surrounded by water to the north, east, and south. Escanaba has a population of approximately 12,000; it is located inside Delta County, which has a population of approximately 36,000 and is coterminous with the Escanaba Micropolitan Statistical Area.

In addition to industry, Escanaba is the Delta County seat, and is a hub for arts, culture, and recreation in the southern central Upper Peninsula. Located approximately 100 miles north of Green Bay, Wis., Escanaba attracts tourists interested in boating, maritime culture, history, and sporting. Escanaba notably hosts the annual Upper Peninsula State Fair, the largest festival in Michigan's Upper Peninsula.

Nearby assets include:

- **Downtown Escanaba** historic commercial district, which extends 0.75 mile west from the development site along Ludington Street. This walkable, traditional downtown features historic buildings containing restaurants, a brewery, and a range of retail options;
- **Cultural institutions** and historic sites including the Bonifas Arts Center, Delta County Historical Museum, and Sand Point Lighthouse;
- **Ludington Park**, a municipal waterfront park stretching one mile in length to the south and east of the development site, which contains amenities including a marina, swimming beach, and tennis courts;
- **Escanaba Market Place**, a multiple-use public gathering place opened in 2017. The market place includes performance space and kitchen facilities, and is home to the Escanaba Farmers' Market.
- **Delta County Airport**, which provides daily commercial passenger service to Detroit, in addition to cargo and general aviation facilities;
- **Delta County recreational amenities**, including a comprehensive system of non-motorized and snowmobile trails, and nearly 300 acres of county-maintained parks.

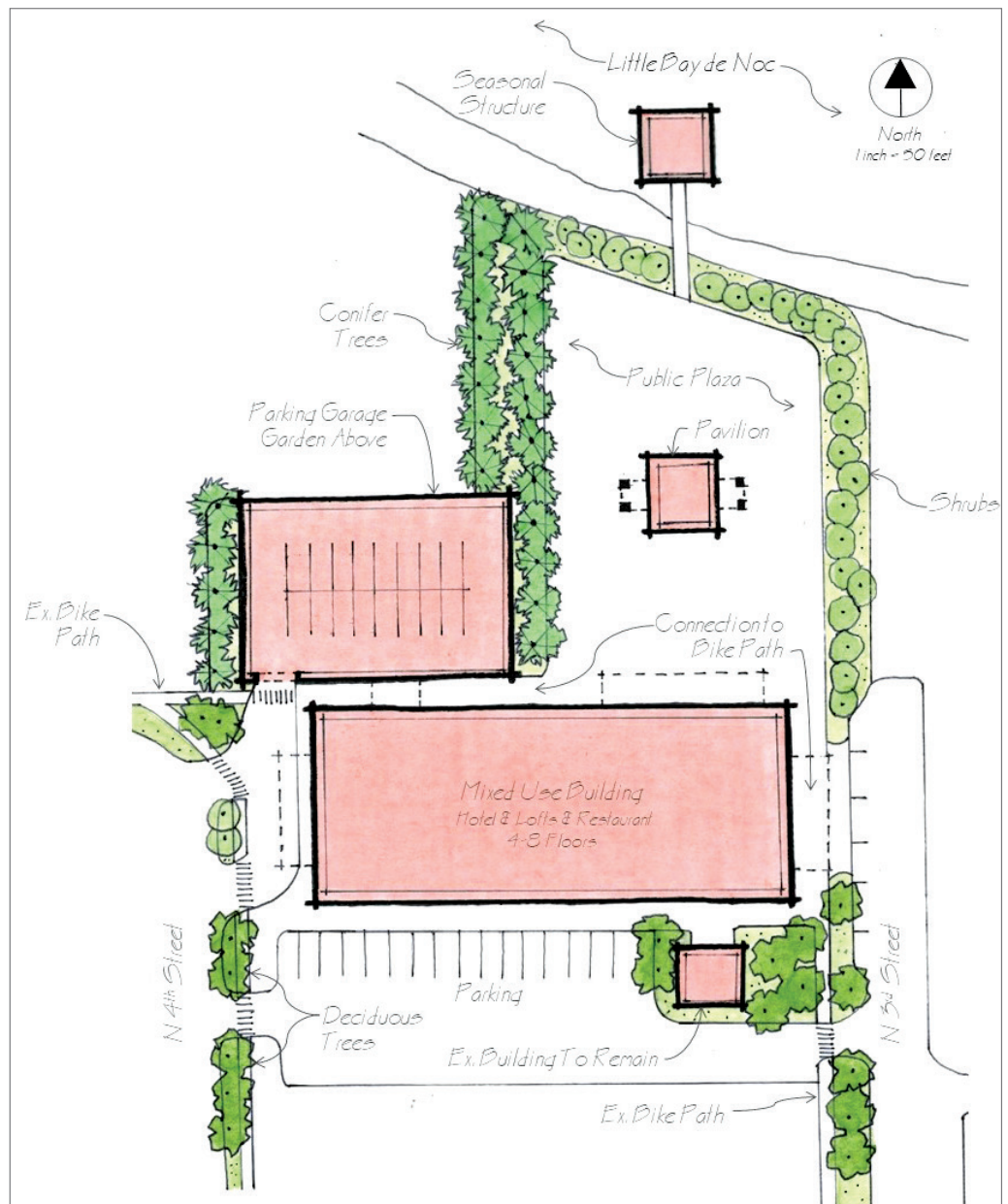
## SITE VISION AND PRELIMINARY COST ESTIMATE

To provide a concept of the type of development, City of Escanaba would like to see on the site, a sample site concept has been prepared. This concept is based on feedback from community stakeholders that was given in a workshop format in July 2018. It is intended to be an illustrative example of the desired level of creativity in design, and range of functional elements included on the site. The city is nevertheless open to receiving alternative approaches that fit the site and neighborhood context in keeping with the parameters expressed in the illustrations.

In addition, several site precedent images are provided. These are images of recently completed projects located in Michigan that embody various aspects of the sample site concept.

Following the images, a preliminary cost estimate has been prepared by East Arbor Architecture of East Lansing, Mich., for two variations of the illustrated sample site concept. The cost estimate is included as a preliminary reference for a project similar in scope to the site vision.

Again, all of these images are intended to be illustrative, and the city is eager to consider alternative approaches that advance the goals for the site and fit the neighborhood context.



Mixed-use building with lofts and/or hotel, above indoor/outdoor waterfront event space.

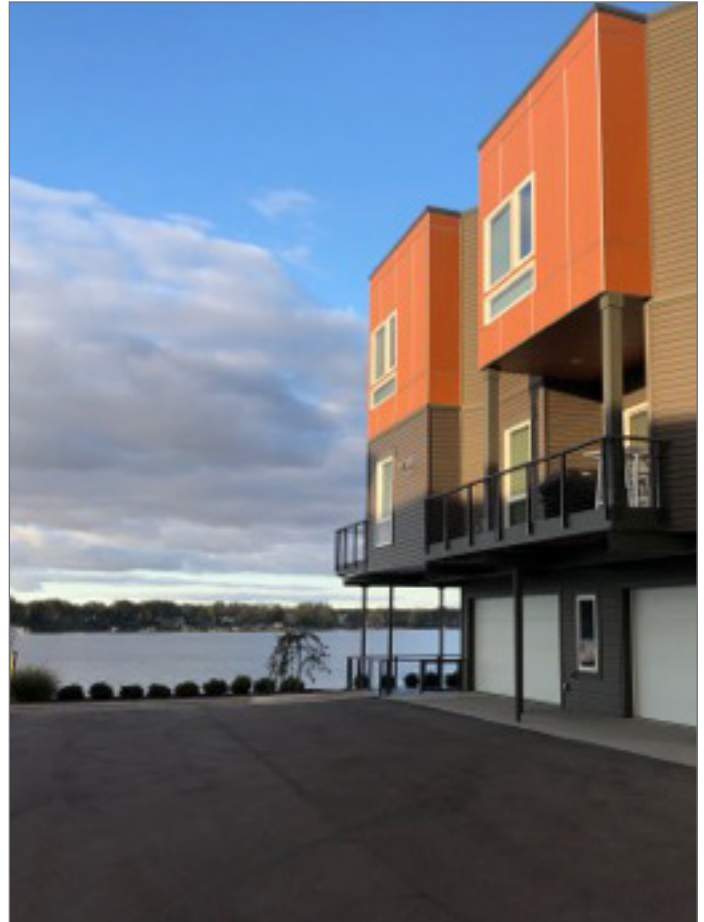


## PRELIMINARY BUILDING CONSTRUCTION COST ESTIMATE

<b>PRELIMINARY BUILDING CONSTRUCTION COST ESTIMATE: \$12.0 million–\$21.1 million (not including site improvements)</b>	
<b>MIXED-USE BUILDING</b>	
<b>OPTION A: Four-floor mixed-use building</b>	
Floor plate: Approx. 26,000 square feet	
Floor 1: Retail + hotel lobby	
Floor 2–3: Hotel rooms	
Floor 4: Lofts	
<b>Preliminary estimated construction cost: \$11.0 million</b>	
<b>OPTION B: Eight-floor mixed-use building</b>	
Floor plate: Approx. 26,000 square feet	
Floor 1: Retail + hotel lobby + restaurant	
Floor 2–5: Hotel rooms	
Floor 6–8: Lofts	
<b>Preliminary estimated construction cost: \$20.0 million</b>	
<b>PARKING GARAGE AND GARDEN</b>	
Floor plate: Approx. 13,000 square feet	
Floor 1: Parking	
Floor 2: Garden	
<b>Preliminary estimated construction cost: \$598,000</b>	
<b>PAVILION</b>	
Floor plate: Approx. 2,000 square feet	
<b>Preliminary estimated construction cost: \$230,000</b>	
<b>SEASONAL STRUCTURE</b>	
Floor plate: Approx. 200,000 square feet	
<b>Preliminary estimated construction cost: \$312,000</b>	
<i>Important note: These costs are intended only as a preliminary guide to possible project cost. Actual project cost may vary greatly depending on many factors. East Arbor Architecture does not make any warranty or guarantee as to the accuracy, correctness, sufficiency or completeness of the data or resulting project cost estimates. East Arbor Architecture shall have no liability for any loss, expense or damage arising out of or in connection with the information contained herein.</i>	



## POTENTIAL LAND USES



South Shore Village in Holland, Mich, is an example of a new waterfront residential community at the gateway to a historic downtown. The scale of the development protects views of Lake Macatawa for existing neighbors, and the character of the architecture is commensurate with the community's history and future vision.



# POTENTIAL LAND USES



Uptown Bay City in Bay City, Mich., is an example of how publicly accessible waterfront can be creatively designed into a privately owned mixed-use development.







## MARKET CONDITIONS

A market analysis pertaining to the development site was prepared in August 2018, and is presented as an attachment to this document. The analysis, prepared by LandUse USA of Laingsburg, Mich., shows these key findings:

- The development site is ideal for revenue-generating activities including multiplex housing, hotel, townhouses, office space, and other niche event space;
- The development site is easily walkable from all nearby waterfront attractions, and can leverage cross-marketing synergies to attract additional visitors;
- Several established lifestyle clusters have been identified with a propensity to choose urban housing formats. Four specific clusters are either currently present in the city, or would otherwise have the inclination to move to Escanaba if the housing market began providing options that met their preferences;
- There are gaps in the local market in the categories of lodging and restaurants. There is market potential in Escanaba for new entrants in these categories who take advantage of creative and trend-setting business practices to serve the existing, unmet demand.

Additionally, LandUse USA completed a residential target market analysis (TMA) study for Delta County in 2016. This study is also presented as an attachment to this document. The TMA showed these key findings:

- In Escanaba, there is a maximum annual market potential for up to 601 units in formats excluding detached single-family homes, for the five-year window of the study (years 2016–2020) (Table 7, page 18).
- When restricting housing formats to those including five or more units (townhouse, rowhouse, and multiplex), there is a maximum annual market potential of 316 units in Escanaba for years 2016–2020 (Table 7, page 18).
- When restricting housing formats to those including five or more units, and examining only upscale target market segments with a propensity to move into or within Delta County, there is a maximum annual market potential of 40 units in Escanaba for years 2016–2020 (Exhibit E1).

## DEVELOPMENT PROCESS

Upon selection of a qualified developer, the city anticipates entering into a letter of intent/predevelopment agreement to allow for due diligence activities and completion of a final development agreement. The city expects this predevelopment agreement to be in effect for six months or until a final development agreement is reached.

### Current Property Ownership

The subject site consists of two legal parcels. The southern parcel, the site of the former Delta County Jail building, is currently owned by Delta County. The northern waterfront parcel is currently owned by the City of Escanaba. Upon execution of any predevelopment agreement, Delta County will transfer ownership of its parcel to City of Escanaba to ensure both parcels can be purchased simultaneously from the city.

### Master Plan and Zoning

**Master Plan:** Multiple established planning documents support the concept of reinvesting into shoreline properties while creating public access to Little Bay de Noc: “2010 Northshore Master Plan,” “2011 DDA Master Plan,” “2016 Master Plan,” and “DDA Vision Plan 2020.” The development site is classified as mixed-use on the future land use map. The aforementioned documents may be accessed at the city’s land development toolbox site at <http://www.escanaba.org/ldt>.

**Zoning:** The portion of the development site immediately adjacent to the waterfront is currently zoned as “Light Manufacturing (F),” while the area to the south containing the former jail site is currently zoned as “Commercial (E).” The city is open to making zoning changes and/or granting variances to support a

development project that is commensurate with the site vision described above. Specifically, the city is amenable to granting a variance for proposed buildings exceeding the current height limitation of fifty (50) feet, given that visual access to the waterfront is not impaired.

### Utilities

The site is served by public streets to the west (North 4th Street), south (Ludington Street), and east (North 3rd Street). Full access to utilities is provided from the adjacent streets.

- **Water/sewer:** City of Escanaba, Water Department, Jeff Lampi, Water Superintendent, tel 906.786.3291, [water@escanaba.org](mailto:water@escanaba.org)
- **Gas/electric:** City of Escanaba, Electric Department, 1711 Sheridan Road, Escanaba, MI 49829; tel 906.786.0061, [cityelectric@escanaba.org](mailto:cityelectric@escanaba.org)
- **Streets, storm sewer and right-of-way:** City of Escanaba, Engineering Department, Robert Becotte, PE, City Engineer, tel 906.786.1842, [rbecotte@escanaba.org](mailto:rbecotte@escanaba.org)

### Redevelopment Ready Community®



Escanaba has been certified in the Redevelopment Ready Communities® program by the Michigan Economic Development Corporation. The RRC certification recognizes the city’s development regulations and processes as up-to-date, clear, and predictable, as determined by a rigorous external assessment.

## AVAILABLE INCENTIVES

The existing building on the southern portion of the subject site has served as the Delta County Jail since its construction in the 1960s. In early 2019, Delta County will open a new sheriff's department complex in the northern portion of Escanaba, and the existing jail facility will be vacated.

**Demolition of Existing Jail Facility:** Demolition of the existing jail building has been estimated to cost \$400,000. While the county does not have funds immediately available to cover the cost of demolition, the city and county are eager to work with respondents to include demolition as part of a predevelopment agreement. The county, city, and Michigan Economic Development Corporation (MEDC) are committed to working together with potential developers to leverage various incentive programs, detailed in the section below, to ensure demolition costs are not a barrier to quality redevelopment on the site.

**Site Assessment:** The city and county have not facilitated completion of a phase i environmental site assessment (ESA) on the subject site. The city and county, through their respective brownfield redevelopment authorities, are open to including the costs of necessary environmental due diligence in a predevelopment agreement with the selected developer. The cost of this due diligence can be leveraged with a variety of incentives, detailed below.

**Additional Incentives:** As noted previously, City of Escanaba, Delta County, and the Michigan Economic Development Corporation (MEDC) are committed to ensure that all available incentives may be leveraged

to ensure the selected developer can achieve a quality outcome commensurate with the site vision and goals. Such incentives include:

- **Negotiable land purchase price** to ensure support of an excellent development proposal.
- **Brownfield assessment grants** are available through the city and county, and may provide up to \$10,000 towards preparation of a baseline environmental assessment (BEA), or Phase I and II ESA.
- **Brownfield TIF** is available through the Escanaba Brownfield Redevelopment Authority (BRA) to support remediation, due care, and other activities for any environmental conditions found on the site.
- Escanaba's designation as a **Core Community** gives further flexibility to use the existing brownfield incentives for functionally obsolete sites with no environmental contamination.
- **Michigan Community Revitalization Program** grants or loans may be available to fill financial gaps. MEDC and the city are committed to partnering with the selected developer to ensure this tool is used effectively.
- The subject site is fully located within Escanaba's **Downtown Development Authority (DDA)** district. The DDA is committed to leveraging its resources, including a TIF program, to ensure the success of the selected developer.



## SELECTION PROCESS AND CRITERIA

City of Escanaba, in cooperation with Delta County, will review and evaluate all complete proposals in response to this request for qualifications (RFQ) to identify and engage with qualified developers for 111 North 3rd Street. An initial response to this RFQ must include the following information:

- **Letter of Interest:** Provide a letter (up to three pages) identifying the development team and providing a brief description of the team’s vision for the site.
- **Concept plans or renderings** of a vision for site development.
- **Development experience/portfolio:** Provide a short description of past projects of a similar nature completed by the development team (up to 10 pages). Include a description of the projects, cost, completion date, and references.
- **Evidence of development team’s fiscal capacity** to undertake the proposed project.
- **Résumés** of firm and lead team members.

City of Escanaba staff may seek additional information upon receipt of a development proposal. Additionally, the city reserves the right to refuse or reject any or all proposals, or to abstain from selecting any proposal.

The RFQ and responses should **not** be considered a legally binding agreement. Upon selection of a qualified development team, City of Escanaba will enter into a predevelopment agreement including purchase price, due diligence period, and other terms.

### Proposal Format

All proposals shall be submitted by email in a PDF format to [bdegrave@escanaba.org](mailto:bdegrave@escanaba.org) by 11:59 p.m., Eastern Daylight Time, on Tuesday, May 7, 2019. Additionally, either a paper copy or digital copy on a CD or USB drive shall be sent to the address below, postmarked no later than May 7, 2019:

City of Escanaba  
ATTN: Community Development Department  
410 Ludington Street, Escanaba, MI 49829

### Schedule for Review and Selection

The schedule for receipt and evaluation of proposals is anticipated to be as follows:

- **RFQ released:** March 8, 2019
- **Site Showcase event:** March 18, 2019  
[Click here to register](#)
- **RFQ proposals due:** May 7, 2019
- **Evaluation period:** May 8–June 20, 2019
- **Finalists teams notified:** June 21, 2019
- **Finalist teams presentation to evaluation committee:** June/July 2019
- **Finalize terms of a development and purchase agreement:** August/September 2019

### Contact/Questions

Questions may be directed to:

Blaine DeGrave  
Community Development Director, City of Escanaba  
410 Ludington Street, Escanaba, MI 49829  
[bdegrave@escanaba.org](mailto:bdegrave@escanaba.org)

**ORDINANCE NO. 1200**

**AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES TO TEMPORARILY PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE CITY LIMITS OF THE CITY OF ESCANABA**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

Chapter 18 of the Escanaba Code of Ordinances is hereby amended by adding Division 4 to Article VII of Chapter 18 to read as follows:

Section 18-230 Division 4 of Article VII of Chapter 18 of the Code of Ordinances shall be known as Marihuana Establishments Temporarily Prohibited.

Section 18-231 Purpose. The purpose of this ordinance is to exercise the City of Escanaba's authority to temporarily prohibit the establishment or operation of marihuana establishments within the city limits as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

Section 18-232 Prohibition. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City temporarily prohibits the establishment or operation of any and all categories of marihuana establishments within its boundaries.

**CHAPTER II**  
**SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**CHAPTER III**  
**CONFLICTING ORDINANCES REPEALING CLAUSE**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV**  
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

**CHAPTER V**  
**SUNSET CLAUSE**

Five hundred and forty-seven (547) days after this Ordinance takes first effect, this Ordinance shall lose all force and effect.

APPROVED:

APPROVED:

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**Ralph B.K. Peterson**  
City Attorney

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**Marc D. Tall**  
Mayor

Ordinance No. 1200

Date Approved: (Month) (Day), 2019

ATTEST:

Date Published: (Month) (Day), 2019

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**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the (Day) day of (Month), 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Month) (Day), 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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**Phil DeMay**  
City Clerk

ORDINANCE NO. 1201

AN ORDINANCE TO AMEND CHAPTER 18, ZONING ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 18 Site Plan and Sketch Plan Standards hereby amended to read as follows:

**SECTION 1801  
GENERAL**

**1801.1. Purpose.** A plan that outlines the use and development of any tract of land on certain properties must be submitted to the City of Escanaba for site plan review. Site plan review is designed to provide for the future growth and development of those multi-family residences, business and industries that seek an aesthetically attractive working environment. Site Plan review is intended to ensure developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, insure safe and functional traffic access and parking and minimize impacts on sensitive environmental resources.

**1801.2. Cross References, as amended.**

- A. Zoning and planning in home rule cities - MCLA 117.4I
- B. Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581.
- C. Regulation of buildings; authority to zone - MCLA 125.582.
- D. Regulation of congested area - MCLA 125.582.
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a.
- F. Duties of Code Official; Chapter 200.Administration, Enforcement and Penalty, Paragraph 212.1

**1801.3. Site Plan Required.** All applications for land use permits and amendments thereto shall be submitted to the Code Official for review and approval prior to the use permit issuance. The Code Official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body. A site plan is required as follows:

**1801.3.1. Land Use Permit, Land Clearing, or Special Land Use Permit, or Building Permit.** Any request for a land use permit, land clearing (see definition), a special land use permit ~~or building permit~~ (other than for single, two-family, three family or four-family) shall be accompanied by a site plan complying with the requirements of this chapter.

**Comment [RS1]:** Delete: Building permits are no longer handled by the City.

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**1801.3.2. Land Uses, Buildings, and Structures Requiring a Site Plan.** Any request for the following land uses, buildings and structures:

- A. All multi-family buildings containing five (5) or more dwelling units.
- B. Building conversions from a commercial use to any other use on Ludington Street between Lincoln Road and 2<sup>nd</sup> Street.
- C. All principal nonresidential buildings or structures permitted in any residential district.
- D. Communication towers.
- E. All commercial buildings 5,000 square feet or more.
- F. All industrial buildings and uses.
- G. All Special Land Use requests.
- H. All Residential Planned-Unit Developments.
- I. All Planned Commercial Developments.
- J. All Special Planned District Developments.

**1801.4. Prohibitions Prior to Site Plan Approval.** The following practices are prohibited for any development for which site plan approval is required until a site plan is approved and is in effect. 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.

- A. Grading activities which; changes the elevation of the site, alter the drainage patterns of the site, increase storm water runoff, cause or are likely to cause soil erosion.
- B. Removal of vegetation which form a visual or sound buffer.
- C. Start of any construction activities which are part of a new development for which a site plan is required. Such activities include but are not limited to; building of access roads or driveways, demolition of existing structures, excavation for foundations, placement of pavement, pouring of concrete, construction of curb cuts, placement of exterior signage, extension or upgrade of sewer or water lines, placement of sidewalks, and building additions.
- D. Exceptions may be granted by the Code Official or referred to the Planning Commission to allow access for surveying, soil testing equipment, removal or cleanup of areas of the sites, removal of dead or diseased vegetation or removal of blighted conditions.

**SECTION 1802  
SITE PLAN DIAGRAMS/REQUIREMENTS**

**1802.1. General.** Any request for a land use permit or zoning clearance as required by Section 1801.3. Site Plan Required shall be accompanied by ~~one (1) copy, fifteen (15) copies~~ of a diagram drawn to scale ~~along with a digital copy~~. The Code Official shall circulate site diagrams to the relevant officials for comment as to conformance of State and federal laws and the City of Escanaba Code.

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**Comment [RS2]:** Large copies of site plan drawings are no longer circulated to staff/PC members, so only 1 copy is needed for reviewing purposes at the Pre-Site Plan Review meeting and at the PC meeting. Digital copies are circulated instead.

**1802.2. Site Plan Diagram Requirements.** A land use permit application shall be accompanied by a filing fee established by resolution of the City Council. Site plans shall be sealed by a registered architect or engineer, except site plans to be referred to the Planning Commission for approval may defer this requirement until receiving Planning Commission approval. Site plans shall be drawn to scale, rendered on a minimum sheet size of 24 inches by 36 inches and shall include the following:

- A. The site plan must consist of an accurate, reproducible drawing at a scale of one (1) inch equals twenty (20) feet or less, showing the site, its zoning classification, location, type and size of structures and/or land on adjacent properties within two hundred (200) feet of the property.
- B. A boundary survey of the property prepared by a registered surveyor showing the location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- C. Location and type of significant existing vegetation as determined by a qualified, city approved authority.
- D. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways.
- E. Location of existing and/or proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable, ~~and the~~
- ~~F.G.~~ I. Location of snow storage areas.
- ~~G.H.~~ Location of existing public roads, rights-of-way, and private easements of record and abutting streets. Dedication of any right-of-way for widening, extension, or connection of major streets as shown on the official Master Street Plan, and granting of easement(s) for public utilities where required.
- ~~H.I.~~ Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
- ~~I.J.~~ Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- ~~J.K.~~ Location, size, and characteristics of all loading and unloading areas.
- ~~K.L.~~ Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- ~~L.M.~~ Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention

**Comment [RS3]:** Move snow storage areas to its own line to highlight the special concern for this item during the site plan review process.



ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.

~~M-N.~~ Location of all other utilities on the site, including but not limited to natural gas, electric, cable TV, telephone and steam.

~~N-O.~~ Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools, if applicable.

~~O-P.~~ Location, size, and specifications of all signs and advertising features.

~~P-Q.~~ Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

~~Q-R.~~ Location, height, size and specifications of all fences, walls, and other screening features with cross sections.

~~R-S.~~ Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

~~S-T.~~ Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.

~~T-U.~~ Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.

~~U-V.~~ Identification of any significant site amenities or unique natural features.

~~V-W.~~ Identification of any significant views onto or from the site to or from adjoining areas.

~~W-X.~~ North arrow, scale and date of original submittal and last revision.

~~X-Y.~~ Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

~~Y-Z.~~ The following additional information if requested by the Code Official:

1. A report describing the soil types and the ability of soils to accommodate the proposed development.
2. A tree location survey signed by an engineer, surveyor, landscape architect, showing all existing tree having a diameter at breast height of six inches or greater, the common and/or scientific names and the diameter at breast height of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominate species represented, the number present and the diameter at breast height range of the group or clump.
3. The existing and proposed topography at two (2) foot contours.
4. Any other information necessary to establish compliance with City Ordinances.

**1802.3. Waiver.** The Code Official may waive site plan diagram requirements when he or she determines that the submission of a site plan would serve no useful purpose.

### **SECTION 1803 SITE PLAN REVIEW**

**1803.1. General.** The following requirements must be met for all site plan reviews:

#### **1803.1.1. Procedure for All Site Plans.**

**1803.1.1.1. Pre-application Conference.** Before submitting an application, an applicant may meet with the Code Official to review the proposed project, the City of Escanaba Code of Ordinances, and the City Comprehensive Plan. A pre-application conference may be held with the Planning Commission for the purpose of establishing general guidelines and eliciting feedback from the members of the Planning Commission regarding specific questions or problems areas. The pre-application conference is a vehicle intended to provide the applicant with general guidance prior to the expenditure of large amounts of time and money in the planning effort. Pre-application conferences shall be scheduled and heard at regular or special Planning Commission public meetings.

**1803.1.1.2. Application.** An applicant shall apply for site plan consideration not less than twenty-one (21) calendar days before the date on which such site plan shall be

reviewed by the Planning Commission. All site plans shall be submitted to the Code Official for review according to the standards and requirements of this Code.

**1803.1.1.3. Official Review.** The Code Official shall circulate site plans to the relevant agencies or officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended.

**1803.1.1.4. Approval; Referral.** Once the Code Official deems the 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. If modifications are recommended, the applicant shall be notified in advance of the Planning Commission meeting so that adjustments can be made prior to such meeting. A site plan shall be deemed approved only upon the signature of the Code Official on a land use permit. No land use permit or building permit shall be issued without an approved site plan.

**1803.1.1.5. Time Limits.** Ten (10) days shall be allowed for departmental review of all site plans and site diagrams (seven (7) days for site plans which have been approved by the Planning Commission). If, for any reason, the Code Official cannot process the plan within these time limits, he or she shall so notify the applicant and shall set a date for finalizing the review.

**1803.2. Public Hearing Requirement.** Prior to voting on a final site plan, the Planning Commission shall hold a public hearing so as to facilitate public review and understanding of the proposed development. Notice of the date, time, location and subject matter of the public hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days before the actual hearing date.

**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.

**1803.4. Site Plan Approval.** Upon Planning Commission approval of a site plan, the applicant, the owner(s) of record, or the legal representative thereof, the Planning Commission Chairperson and ~~the Code Official one (1) other member of the Planning Commission~~ shall each sign ~~two (2) four (4)~~ copies of the approved site plan. The ~~Code Official Planning Commission~~ shall transmit one (1) signed copy of the plan and any conditions attached to ~~the applicant the Code Official, and retain one (1) signed copy, each to the Office of the City Clerk and the applicant. One (1) signed copy shall be retained in the Planning Commission file.~~

**1803.5.1. Site Plan Rejection.** The property owner may appeal a decision of the Code Official or Planning Commission to the Zoning Board of Appeals.

**SECTION 1804  
SITE PLAN APPROVAL STANDARDS**

**1804.1. General.** A site plan shall conform to all applicable requirements of the local, State and federal laws and ordinances and approval may be conditioned upon the applicant receiving necessary local, State and federal permits before final site plan approval or an occupancy permit is granted. In addition, a development shall conform to the ~~following~~ site development standards cited in Chapter 19, Development Standards, Section 1907, Development Standards for Granting Plan Approval which shall be reflected on the site plan.:

- ~~A. Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.~~
- ~~B. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from public sidewalks adjacent to the site by a parapet wall or similar architectural feature.~~
- ~~C. Reasonable visual and sound mitigation shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.~~

**Comment [RS4]:** Changing from having a 2<sup>nd</sup> PC member sign, to having the Code Official sign

**Comment [RS5]:** Reducing the number of signed copies that need to be submitted, as neither the Clerk nor the PC keep separate files from the Code Official. QUESTION: ARE SCANNED DIGITAL COPIES SUFFICIENT, OR DO WE WANT TO KEEP HARD COPIES AND FOR WHAT LENGTH OF TIME?

**Comment [RS6]:** The list found here is a duplicate list of the one found in Ch. 19 which is more defined. Recommend removing this list and simply referring to Ch. 19 so that two lists do not have to be updated any time there is a change.

- ~~D. Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.~~
- ~~E. Every development shall have legal access to a public or private street.~~
- ~~F. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.~~
- ~~G. A pedestrian circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.~~
- ~~H. All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking areas.~~
- ~~I. Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.~~
- ~~J. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height.~~
- ~~K. Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way.~~
- ~~L. Adequate utilities shall be provided to properly serve the development. All utilities shall be 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 and maintained to prevent the accumulation of stagnant water thereon, or onto adjacent property or within any structure located thereon.~~
- ~~O. Proof that all other provisions of the code have been met.~~

**SECTION 1805  
CONDITIONAL APPROVALS**

**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.
  - 2. Would protect the built and natural environment.
  - 3. Would insure compatibility with adjacent uses of land.
- B. The Planning Commission or Code Official may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of this Code and may collect a performance guarantee consistent with these requirements to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:
  - 1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
  - 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands of like or similar benefits enjoyed by other properties in the area.

**SECTION 1806  
SITE PLAN AMENDMENTS**

**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

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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.

**B. Major Amendments.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission.

**SECTION 1807  
EXPIRATION OF SITE PLAN**

**1807.1. Expiration of Site Plan.**

- A. Approval of a site plan shall expire and be of no effect unless a Zoning Permit is issued and a Building Permit is issued within one (1) year of the date of the Planning Commission approval of the site plan. Approval of a site plan shall expire and be of no effect two (2) years following the date of the Planning Commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- B. In the case of a phased development, individual site plans shall be submitted and approved for the initial development phase and, in turn, for each subsequent phase of development.
- C. If any approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of the Chapter have been satisfied.
- D. Site plan approval shall automatically expire with the expiration of the land use permit.

**SECTION 1808  
SKETCH PLANS REQUIRED**

**1808.1. Sketch Plans Required.** The following uses, buildings and structures shall require only a sketch plan as approved by the Code Official :

- A. Construction, alteration or addition of/to a single family, two-family or multiple family dwelling with three (3) to four (4) residential dwelling or accessory structures.
- B. Building additions of twenty percent (20%) or less of the existing building not to exceed five thousand (5,000) square feet for buildings requiring site plan approval, provided that no more than four additional parking spaces will be required or provided. Measurements shall be made based on gross floor area of the ground floor area.
- C. Building additions up to 5,000 square feet that do not modify any other site characteristics such as parking, traffic circulation and drainage.
- D. Mobile Home parks.
- E. All parking lots or additions thereto containing five (5) or more spaces.
- F. Garages, accessory structures, ~~over one hundred (100) square feet~~ and similar uses.

**Comment [RS7]:** As even small projects could potentially break setback codes or put the total building structures on a property over the 35% allowed.

**SECTION 1809  
SKETCH PLAN DIAGRAM REQUIREMENTS**

**1809.1. General.** The following information shall be provided on all sketch plans:

- A. Scale, north arrow, name and date of plan; dates of revisions thereto;
- B. Name and address of property owner and applicant and the name and address of developer and designers;
- C. The applicant's ownership interest in the property and if the applicant is not the fee simple owner, a signed authorization from the owner for the application;
- D. Legal description of the property, dimensions and lot area;
- E. Existing building, structures and other improvements with a clear indication of all improvements to remain and to be removed;
- F. Use and zoning classification of adjacent properties;
- G. Names and right-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property;
- H. Zoning classification of the subject property and total ground floor area;

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- I. Location and exterior dimensions of proposed buildings and structures; with the location to be referenced to property lines; distances between buildings; height in feet and number of stories; and all required setbacks;
- J. Location and dimensions of proposed parking lots, numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; angle of spaces; and areas reserved for storage of snow;
- K. Location, type and size of other improvements such as sidewalks, fencing and screening, outdoor trash containers, signage and landscaping; and
- L. Additional information may be required by the Code Official.

**SECTION 1810  
SKETCH PLAN PUBLIC HEARING**

**1810.1. General.** No public hearing shall be required for sketch plan approvals. The Code Official shall have the authority to approve sketch plans. The Code Official may refer the matter to the Planning Commission if in his/her opinion the Planning Commission should be consulted.

**SECTION 1811  
EXPIRATION OF A SKETCH PLAN**

**1811.1. Expiration of a Sketch Plan.**

- A. Unless the land use permit states differently, a sketch plan expires after twelve (12) months from the date of granting such permit if the activity is not at least seventy-five percent (75%) completed, and after twenty-four (24) months if not one hundred percent (100%) completed. Completion percentages shall be determined in the sole discretion of the Code Official, subject to appeal to the Zoning Board of Appeals.
- B. Sketch plan shall automatically expire with the expiration of the land use permit.

**CHAPTER II  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of that fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**CHAPTER III  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV  
EFFECTIVE DATE**

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

APPROVED

APPROVED

\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

\_\_\_\_\_  
**Marc D. Tall**  
Mayor

Ordinance No. 1201

ATTEST

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**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on (Day) the (Date) day of (Month) 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (date), 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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**Phil DeMay**  
City Clerk

**ORDINANCE NO. 1202**

**AN ORDINANCE TO AMEND CHAPTER 19, ZONING ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.**

**THE CITY OF ESCANABA ORDAINS:**

**CHAPTER I**

**Chapter 19 Development Standards hereby amended to read as follows:**

**SECTION 1901  
GENERAL PROVISIONS**

**1901.1. Purpose.** The intent and purpose of this Section is to maintain an attractive environment, which will ensure development, compliments the existing character of the city and promotes desirable economic development within all zoning districts of the City.

**1901.2. Cross References, as amended.**

- A. Zoning and planning in home rule cities - MCLA 117.4i.
- B. Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581.
- C. Regulation of buildings; authority to zone - MCLA 125.582.
- D. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a.
- E. Duties of Code Official; Chapter 200, Section 203 Power and Duties of the Code Official and Section 204 Administrative Review and Permits.
- F. Chapter 18 Site Plan and Sketch Plan Standards of Escanaba's Zoning Ordinance.
- G. Chapter 5 Residence (A) District, Chapter 6 Residence (B) District, Chapter 7 Residence (C) District, Chapter 9 Local Business District (D), Chapter 10 Commercial (E) District, Chapter 11 Planned Commercial Development District (E-1), Chapter 12 Special Planned District (E-2), Chapter 13 Light Manufacturing District (F), Chapter 14 Industrial Park District (F-1), and Chapter 15 Heavy Manufacturing District (G) of Escanaba's Zoning Ordinance.
- H. Chapter 17 Parking and Circulation Requirements of Escanaba's Zoning Ordinance.
- I. Illuminating Engineering Society of North America Lighting Handbook, 9<sup>th</sup> Edition.

**SECTION 1902  
OBJECTIVES**

**1902.1. General.** The purpose of this Charter is to establish rules, regulations, standards, and procedures for approval of all new development proposals and the expansions of existing businesses and industries in order to:

- A. To conserve and protect the taxable value of land and buildings in the City of Escanaba.
- B. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the community.
- C. To preserve, protect and encourage the development of buildings, groups of buildings and development sites of distinguished architectural character and appearance.
- D. Provide for safe, efficient vehicular, non-motorized and pedestrian circulation.
- E. Provide for screening, landscaping, signage, and lighting.
- F. Ensure efficient, safe, and attractive land development.
- G. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
- H. Develop proper safeguards to minimize the impact on the environment and to encourage energy and water conservation where possible.

- I. Ensure the provision of adequate water supply, drainage, and storm water management, sanitary facilities, snow removal and storage, and other utilities and surveys.
- J. Encourage modern and innovative design, construction, technology, and planning methods.
- K. Advance and promote sound growth and continued development within the City.

**SECTION 1903  
APPLICABILITY**

**1903.1. General.** The requirements of this Chapter shall apply to the following:

- A. All multi-family buildings containing five (5) or more dwelling units.
- B. Building conversions from a commercial use to any other use on Ludington Street between Lincoln Road and 2<sup>nd</sup> Street.
- C. All principal nonresidential buildings or structures permitted in any residential district.
- D. Communication towers.
- E. All Commercial buildings and uses.
- F. All Special Land Use requests.
- A. All Residential Planned-Unit Developments (C-2).
- B. All Planned Commercial Developments (E-1).
- C. All Special Planned District Developments (E-2).
- J. All Light Manufacturing District Building and Uses (F)
- K. All Industrial Park District Building and Uses (F-1)
- L. All Heavy Manufacturing District Building and Uses (G)
- M. All Local Business District Building and Uses (D)

**1903.2. Incentives for Better Design and Creativity.** Excellence in design and planning which may be achieved through appropriate innovation and imaginative concepts is encouraged. To accomplish this, alternative compliance may be proposed to the Escanaba Planning Commission in achieving appearance standard goals, provided that such change will produce a more logical and attractive use of property, in that it will be beneficial rather than detrimental to the surrounding area and the community. Proposed design alternatives acceptable under this process must not represent a waiver of requirements: the alternatives must meet or exceed the "spirit" of the law.

**SECTION 1904  
STANDARD REQUIREMENTS**

**1904.1. General.** The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

**Exception:** Where permitted, site and landscape regulations, building design criteria, off-street parking and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions contained in the City of Escanaba Zoning Ordinance or of any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.

**Exception:** Historically significant buildings. Existing historic buildings that express the history of Escanaba may, with Planning Commission approval, be exempted from the requirements of this section provided the condition of the building is preserved, upgraded, or rehabilitated to its original state and maintained in a safe and defect-free condition.

**SECTION 1905  
ADMINISTRATION, DUTIES AND RESPONSIBILITIES**



**1905.1. General.** The administration of this Chapter shall be vested in the City Manager, Code Official, City Engineer, Building Inspector, Public Safety Fire Official, the City departments identified in Section (B), below and the City Planning Commission.

- A. It shall be the duty of the Code Official to be in charge of the day-to-day administration and interpretation of the development and design standards.
- B. All proposed site plans shall be forwarded to the following City Departments: ~~City Public Works~~/Engineering Department, ~~Water~~/Wastewater Department, ~~Water Department~~, Public Safety Department, Recreation Department, ~~Public Works Department~~ and Electrical Department. These departments shall review each plan and make recommendations to approve, approve with conditions, or reject said plan to the City of Escanaba Planning Commission. These departments shall be responsive to applicants and their possible time constraints and shall expedite the review process to the extent possible.
- C. From time-to-time the design criteria may be amended, changed or deleted. Such action shall take place before the Escanaba Planning Commission in accordance with Public Act 207, 1921, as amended, Section MCL 125.584.a.b.c.d.

**Comment [RS1]:** Changes reflect current City Department structure

**SECTION 1906  
APPEALS**

**1906.1. General.** Unless otherwise provided herein, appeals from the requirements contained in these standards shall be heard by the Escanaba Zoning Board of Appeals.

**SECTION 1907  
DEVELOPMENT STANDARDS FOR GRANTING PLAN APPROVAL**

**1907.1. General.** A site development plan shall conform to all applicable requirements of the City of Escanaba, State and federal laws and local Ordinances and approval may be conditioned upon the applicant receiving necessary local, State and federal permits before final site plan approval or an occupancy permit is granted. In addition, a development shall conform to the requirements of Chapter 18 Site Plan and Sketch Plan Standards of the Zoning Ordinance in addition to the following general development standards which shall be reflected on the site plan:

- A. **Building orientation.** Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
- B. **Roof equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from a public sidewalk adjacent to the site by a parapet wall or similar architectural feature. (Exception: Solar energy collection panels do not require screening to allow maximum effectiveness.)
- C. **Visual and sound mitigation.** Reasonable visual and sound mitigation for all structures shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.
- D. **Emergency access.** Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
- E. **Street access.** Every development shall have legal access to a public or private street.
- F. **Circulation system.** The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
- G. **Non-motorized circulation system.** A pedestrian and/or non-motorized vehicle circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.
- H. **Parking areas.** All parking areas shall be designed to facilitate safe and efficient vehicular, pedestrian and non-motorized vehicle traffic, pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking area.

- I. **Shared drives.** Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted. Shared use access between two (2) or more property owners should be encouraged through the use of driveways constructed along property lines, connecting parking lots and construction of on-site of frontage roads and rear service drives; particularly within three hundred (300) feet of major intersections, for sites having dual frontage, at locations with site distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission through a mutual Access Easement Agreement. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection, rear service drive or shared access drive. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.
- J. **Loading, unloading and storage areas.** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height. Loading docks should be located at the side yard or rear yard of the building.
- K. **Light sources.** Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way so as to promote and enhance “dark-sky” designs.
- L. **Utilities.** Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.
- M. **Environmental issues.** 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, creeks or wetlands.
- N. **Tree Preservation Purpose and Intent.** Trees are a critical part of the vegetation that serves to decrease and filter storm water runoff, to mitigate the urban heat island effect created by paved and other built surfaces, to remove pollutants from the air, to abate visual and noise pollution, and to provide habitat for wildlife. Tree removal thus increases the burden on the community to effectively address these issues. The goals of the tree preservation provisions are to reduce tree loss during development, to reduce damage to standing trees during construction, to provide for replacement of trees lost during construction, to provide for the planting of trees lost during construction, to provide for the planting of trees where none occurred previously, and to provide for the maintenance of preserved trees after construction is completed.
- O. **Canopies.** Canopies covering gas station pumps, bank facilities or other drive-through facilities may have a clearance of no more than fifteen (15) feet and the overall height of canopies may not exceed twenty (20) feet. The square foot area of a canopy may be no greater than 450 square feet per parking space at regular gas pumps. Spaces next to special pumps, including pumps dedicated to diesel or propane, may not be factored into the calculation. Canopy design must match the architectural elements and styles of the main structure and the surrounding features of the area.
- P. **Storm Water Control Plan.** A Storm Water Control Plan shall be designed appropriately to carry storm water away from buildings and adjacent properties into an approved collection system.

**SECTION 1908  
DEVELOPMENT AND DESIGN STANDARDS IN CERTAIN DISTRICTS**

**1908.1. General.** The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.

**1908.2. Compatibility and Integrity.** The City of Escanaba’s overall approach encourages a variety of architectural styles. However, basic harmony is intended to prevail

so that no one structure detracts from the attractiveness of the overall environment. The Escanaba Planning Commission shall review building design in order to ensure architectural compatibility and integrity.

**1908.3. Local Business Districts (D), Commercial Districts (E), Planned Commercial Districts (E-1), Special Planned Districts (E-2), Light Manufacturing District (F), Industrial Park District (F-1), and Heavy Manufacturing District (G).** Colors, materials, finishes, and building form shall be coordinated in a consistent manner on the front, side, and rear exterior walls. Materials shall be one of the following:

- A. Brick, masonry unit, marble aggregate, split face or broke concrete block or other composite materials of similar appearance and texture.
- B. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry unit" or shall be broken faced brick type units with marble aggregate or split face or broke concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
- C. Concrete may be poured in place, tilt-up or precast. Poured in place and tilt-up walls shall have a finish oil stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Pre-cast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten (10) year minimum life expectancy.
- D. Natural Stone.
- E. Glass Curtain walls.
- F. Metal siding may be used only in combination with one of the approved materials and with approval of the Planning Commission. Metal siding may be utilized only on the side and rear of the building walls that do not face an adjacent street. The first twenty five (25) feet of any building wall (vertically and/or horizontally) or 25 percent of the side wall surface, whichever is greater, and 25 percent of the rear wall (excluding door, window or other openings, shall be constructed of the materials listed under (a) through (e), above. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum eight (8) foot (from floor) interior rear wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
- G. In Industrial Park District (F-1) and Heavy Manufacturing District (G), metal siding may be used for the entire side and rear building walls with approval of the Planning Commission.
- H. Other materials approved by the Planning Commission.
- I. The building exterior requirements of this section are intended to be minimum requirements and more stringent requirements may be imposed by the Planning Commission, taking into consideration public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, the size of the proposed structure, the topography of the site, and the proximity of the structure to public right-of-ways.

**1908.4. Residence Districts (C)/Multi-Family Buildings Containing Five (5) or More Dwelling Units and all Residential Planned Unit Developments (C-2).** All buildings hereafter constructed within this district shall be designed in such a manner so they provide basic harmony with and do not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials:

- A. Brick.
- B. Natural stone.
- C. Vinyl siding, composite material, and steel siding may be used only in combination with one of the approved materials and with approval of the Planning Commission. Vinyl siding may be utilized only on the side and rear building walls that do not face an adjacent street or public right-of-way. On a case-by-case basis 100% vinyl siding designs which coordinate with the architectural and/or historic concepts in the neighborhood may be approved by the Planning Commission.

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D. Any other similar material as approved by the Escanaba Planning Commission.

**1908.5. Signage Requirements (All Uses).** Sign materials must be compatible with the appearance of the building's finished materials.

## **SECTION 1909 GENERAL OUTDOOR LIGHTING REQUIREMENTS**

### **1909.1 Definitions.**

**Direct Light.** Lighting emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

**Fixture.** The assembly that holds the lamp and may include as assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

**Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

**Footcandle.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**Full-Cutoff.** A light fixture which cuts off all upward transmission of light.

**Glare.** Direct light emitted by a luminaries that causes reduced vision or momentary blindness.

**HID Lighting.** High intensity discharge lighting, a family of bulb type including mercury vapor, metal halide, high pressure or low pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.

**Horizontal (or vertical) Footcandles.** The amount of light striking a vertical or a horizontal plane.

**Indirect Light.** Direct light that has been deflected or has scattered off of other surfaces.

**Inventory of Lighting.** A list of lamps indicating the bulb type, bulb wattage, and manufacturer through which the rated lumens can be determined.

**Lamp.** The component of a luminaire that produces the actual light.

**Light Source.** The bulb and lens, diffuser, or reflective enclosure.

**Light Trespass.** Light projected onto a property from a fixture not located on that property.

**Lumen.** A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Chapter, the lumen-output values shall be the initial lumen output ratings of a lamp.

**Luminaire.** The complete lighting unit, including the lamp, the fixture, and other parts.

**Luminaire Full-Cutoff.** A luminaire that allows no direct light emissions above a horizontal plane through the luminaries' lowest light-emitting part.

**Outdoor Lighting.** The night-time illumination of an outside area of object by any manmade device located outdoors that produces light by any means.

**Temporary Lighting.** The specific illumination of an outside area of object by any manmade device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

**1909.2. Light Measurement Technique.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

**1909.3. Directional Control.** All luminaries of 1800 or more lumens shall be full-cutoffs as installed. For luminaries under 1800 the bulb must be frosted glass or installed behind a translucent cover, except floodlights which must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff (fco) fixture design, shielding, visors, louvers, or other devices.

**1909.4. Lighting Requirements.** To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, proposed lighting, whether free-standing or building-mounted, shall compliment the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light emitting part of the luminaire. any luminaire with a lamp or lamps rate at a total or more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (d/3)$ , where d is the distance in feet to the nearest property boundary. The maximum height of the luminaries shall not be taller than the building whose area they illuminate nor taller than twenty-five (25) feet whichever is shorter. Lighting plans must include the following information:

- A. A site photometric plan indicating footcandle levels at grade to the lot lines.
- B. Specifications for all luminaries, poles and luminaire mounting arms.
- C. Lighting specifications including footcandle initial averages, and maximum-to-minimum uniformity ratio.
- D. The location, mounting height, lamp intensity for all exterior luminaries..
- E. An estimate of the average and peak energy requirements for the building and grounds.

**1909.5. Architectural Compatibility.** Outdoor lighting fixtures must be compatible with the architectural elements located throughout the development.

**1909.6. Wallpack Fixtures.** All wallpack fixtures shall be cut-off fixtures.

**1909.7. Lighting of Buildings and Landscaping.** Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties in the public street right-of-way.

**1909.8. Prohibition Against Glare (Light Trespass).** Outdoor lighting may not create a glare that may be hazardous for motorist, bicyclist or pedestrians. Unless otherwise stated, the maximum illumination shall be 0.5 maintained footcandles at any property line in a residential district or local business district, and 1.0 maintained footcandles at any property line or public street right-of-way, unless otherwise approved by the Planning Commission. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaries used for area light shall use a cut off luminaire positioned in a way that the cut off effect is maximized.

**1909.9. Fascia Lighting.** Fascia lighting is limited to the street-facing side of the building and may not exceed an area twice the size of the building sign.

**1909.10. Walkway Lighting.** Walkway lighting shall have a height of ten (10) to fourteen (14) feet above grade.

**1909.11. Lighting Context.** Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting. In order to prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures. The maximum allowable total lumens generated on each parcel is 80,000 lumens per net acre with full cut-off lighting. Parcels less than one net acre are allowed full cutoff lighting lumens in a portion equal to the parcel's portion of a net acre.

**1909.12. Light Levels, Luminaire Mounting Position, and Timing of Parking Areas.** Lighting levels, mounting positions and timing of parking areas shall be constructed and installed as follows:

**1909.12.1. District Levels.** Lighting levels for commercial, business, industrial, and natural zones and any roadway adjacent to residential zones may have a level of lighting which does not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line. Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy. Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and non-protruding diffuser.

**1909.12.2. Lighting in Parking Lots and Outdoor Areas.** Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures which are more than 2,000 lumens shall be cut-off fixtures, or comply with the exceptions.

**Exceptions.**

All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non cut-off fixtures shall be coated with an internal white frosting inside the out lamp envelope.

All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

All non-cutoff fixture open-bottom lights shall be equipped with full cut-off fixture shields that reduce glare and limit up light.

**1909.13. Lighting Exceptions.** All temporary lighting needed by the police, fire, or other municipal departments, emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article. All hazard-warning luminaries required by law are exempt from the requirements of this article. Recreational and outdoor event lighting is exempt only during times the lighted area is actually in use. Nonetheless, recreational and outdoor event lighting shall be installed in a way that minimizes light emitted above the horizontal and onto adjacent property. Lighting associated with a holiday IS EXEMPT. Other exceptions as required by law.

**SECTION 1910  
SCREENING OF OUTDOOR STORAGE**

**1910.1. General.** All materials, equipment, and receptacles and containers for refuse and recyclables shall be stored within a building or fully screened as so not to be visible from adjoining properties by using an opaque fence or wall that is architecturally compatible to the building's finished materials or landscaping which will shield all items outdoors, and be located in the side or rear yard, except for construction and landscaping materials currently being used or intended for use on the premises within six (6) months.

**SECTION 1911  
FENCES/HEDGES**

**1911.1. General.** The requirements of this Section shall apply to all land uses, buildings and structures. A fence/hedge plan review is required for all land uses, buildings and structures.

**1911.2. Construction and Maintenance:** Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in good repair and shall not be a danger or nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired or removed. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas. No fence shall be installed, erected or maintained except in strict compliance with the following requirements:

- A. Metal Fences – Shall consist of new materials treated in a manner to prevent rust and corrosion.
- B. Wood Fences – Shall be constructed of new materials and painted, stained or preserved in a manner to maintain the fence in a good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents. For example only, a so-called rustic or stockade fence shall be treated and/or maintained in a manner to represent the best appearance of that type of fence.
- C. Plastic or Other Synthetic Material Fences – Where any of these materials are used as a fence, or part thereof, only new materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents. Further, such materials shall be of a design and constructed or integrated with the fence to which they are a part in a manner that will not be destroyed or torn apart from the fence by climatic elements. For example, only metal or synthetic material slats inserted in a fence shall be done in a manner not to allow them to be blown away, or removed by the wind or other weather conditions.
- D. Masonry Fences – Except as otherwise provided in any other City of Escanaba Ordinance requiring such fences or “walls”, this type of fence shall only be permitted with the written approval of all property owners abutting the sides of the property upon which the fence is to be erected.

**1911.3. Location:** No fence or hedge shall be erected or installed in any yard that will shut-off light or ventilation to any window or opening in a habitable space of a dwelling. A minimum distance of three feet shall be maintained between any solid fence or hedge and any such opening in a dwelling in determining such light and ventilation. No fence or hedge shall be erected or installed nearer than two (2) feet from the inside line of the sidewalk, and, in the case of any corner lot, within the sight distance triangle. No fence or hedge shall be erected or installed on any legal easement and/or right-of-way.

**1911.4. Fence/Hedge Heights.** Fences/hedges shall not exceed the following heights in the specified district:

Zoning District	Fence Height Above Grade	
	Front Yard (Feet)	Side & Rear Yards (Feet)
Residence "A" District	4	6
Residence "B" District	4	6
Residence "C" District	4	6
Residential Planned-Unit Development "C-2"	4	6
Local Business District "D"	4	6
Commercial Development "E"	4*	6
Planned Commercial Development "E-1"	4	6
Special Planned District "E-2"	4	6
Light Manufacturing District "F"	4*	12
Industrial Park District "F-1"	8	12
Heavy Manufacturing District "G"	8	12

\* With a Special Land Use Permit, a front yard fence can be up to six (6) feet in height.

**SECTION 1912  
LANDSCAPING, BUFFERS, AND SCREENING**

**1912.1. General Statement.** The requirements of this Section shall apply to all land uses, structures and buildings. The City of Escanaba finds that it is in the public interest for all developments to provide landscape improvements for the purpose of: complimenting the natural environment; improving the general appearance of the City and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy, abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

**1912.2. Guidelines for Landscaping Buffers.** The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs and/or trees shall be massed in rows or groups to achieve the maximum screening effect.

**1912.3. Landscape Plan.** All applicants for zoning land use permits for Residence Districts (C), Residential Planned-Unit Development Districts (C-2), Local Business Districts (D), Commercial Districts (E), Planned Commercial Development District (E-1), Special Planned District (E-2), Light Manufacturing Districts (F), Industrial Park District (F-1), and Heavy Manufacturing Districts (G) shall submit a landscape plan.

**1912.4. Submittal Procedure.** The following procedure shall be followed for the submittal of landscape plans.

**1912.4.1. Preliminary Consultation.** Prior to the submittal of a landscape plan, it is recommended that the developer meet with the Code Official and/or other appropriate City staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the City.

**1912.5. Plan Submittal.** After the preliminary consultation with City Staff, one (1) copy, along with a digital copy ~~Fifteen (15) copies~~ of all landscape plans requiring approval by the Planning Commission shall be submitted to the Code Official. Landscaping plans ~~may~~ must be ~~submitted separately or~~ included in the Site Plan. All plans shall be drawn to an engineering scale. Plans shall be drawn to scale, rendered on a minimum sheet size of twenty-four (24) inches by thirty-six (36) inches and contain the following information:

- A. The location and dimensions of all proposed open space areas.
- B. Identification of all proposed vegetation:
  - 1. Symbols, quantities, common names, and size of all plant materials, and whether plant is balled burlapped, potted, or bare root.
  - 2. Showing all species to scale of mature crown diameter or spread.

**1912.6. Required Buffers.** Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance and replacement, or maintenance and construction of berms, or utility lines. However, utility line construction must meet the following requirements:

- A. The removal of any tree larger than 8 inches caliper shall require the approval of the City of Escanaba.
- B. If utility lines run longitudinally within a buffer yard, the width of the buffer yard shall be increased by the same amount that is cleared for placement of the utility lines.
- C. To the extent possible, the path cleared for the utility lines shall be replaced with plant materials, which are consistent with those that existed prior in the buffer yard.

**1912.7. Screening Requirements.** The provisions of this Section must be met at the time that land is developed or land and structures are redeveloped. The requirements of this

**Comment [RS2]:** Changes reflect the recommendations made for Ch. 18

**Comment [RS3]:** Recommend all components of the site plan and landscaping plan be considered at the same time, not in separate pieces.



Section do not apply to lots or portions of lots, which are vacant or undeveloped. The following special requirements for certain parking lots, solid waste storage areas, service entrances, loading docks and outdoor spaces must comply with the following:

**1912.7.1. Parking Lots.** Parking lots for more than ten (10) automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadraplex dwellings on a single lot must be screened from abutting properties.

**1912.7.2. Solid Waste Storage Areas.** Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas must be screened from abutting property and from public view from a public street with the use of an opaque fence or wall that is architecturally compatible to the building's finished materials or landscaping which will shield all items outdoors.

**1912.7.3. Service Entrances.** Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures shall be screened from abutting property and from public view from a public street.

**1912.7.4. Loading Docks.** Loading docks or spaces, except in the area where such use abuts other loading docks or spaces shall be screened from abutting property and from public view from a public street. Loading docks should be located at the side yard or rear yard of the building.

**1912.7.5. Outdoor Storage.** Outdoor storage of materials, stock and equipment shall be screened from abutting property and from public view from a public street.

**1912.7.6. Electrical and/or Mechanical.** All electrical and/or mechanical equipment, including roof mounted, shall be integrated into the design of the structure to the extent possible, enclosed or screened as part of the overall architectural design.

**1912.7.7. Additional Screening.** Any other uses for which screening is required under these regulations as determined by the Planning Commission Site Plan Review.

**1912.8. Screening and/or Buffer Areas.** Any screening or buffer areas used to comply with the provisions of this Section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least five (5) feet wide. This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this Section. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance. The composition of the screening material and its placement on the lot must be indicated on the site plan drawing and reviewed and approved by the Planning Commission. The following list contains specific standards to be used in installing screening:

**1912.8.1. Fences or Walls.** Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Code Official. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 1914.8 Screening and/or Buffer Areas. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this Section when abutting residential uses and districts, and public streets.

**1912.8.2. Earth Berms.** Any earth berm used to meet the requirements of this Section must be a minimum of four (4) feet wide with a maximum slope of 2:1.

Berms in excess of six (6) feet in height shall have a maximum slope of 3:1 as measured from the exterior property line.

**1912.8.3. Screening Height.** The minimum height for screening will be whatever is sufficient to separate visually the uses, but not less than four (4) feet.

**1912.8.4. Vegetation Plant Sizing.** Required vegetation shall be of the following minimum planting size:

- A. Deciduous trees – 2.5 inch diameter as measured 6 inches above ground.
- B. Coniferous trees – 6 feet in height.
- C. At least 20% of the required number of trees shall be hardwood deciduous trees.
- D. Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24 inches in height with a minimum spread of 2 feet when planted and no further apart than five feet.
- E. Required trees and shrubs used in site development must be indigenous to Escanaba and/or Delta County.

**1912.8.5. Ground Cover.** The street front yard and the front 1/3 of the side yards abutting the building shall be maintained in an attractive maintained state, either as a natural landscape or plantings with sodded grass areas. All other open space areas shall, at a minimum be seeded. The following deviations from this standard may be granted by the Planning Commission during the review process if it is determined that less water demand is needed or lower maintenance designs will be more effective:

- A. The use of mulch material for shrubs and foundation plantings.
- B. The seeding of future expansion areas delineated on the site plan.
- C. Areas maintained in a natural state that are undisturbed or that are in construction.
- D. Other landscape elements such as decks, patios, stepping stones or landscape stones may be incorporated therein.
- E. Other ground cover uses will be considered on a case-by-case basis by the Escanaba Planning Commission.

**1912.9. Special District Requirements.** Future development within the City shall meet the following minimum requirements:

**1912.9.1. Residence (C) District.** Residence (C) District (all multi-family buildings containing five or more dwelling units) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One (1) indigenous tree per dwelling unit, or two (2) indigenous trees per dwelling unit for every mature tree removed, whichever is greater.

**1912.9.2. Principal Non-Residential Buildings in a Residential District.** All principal nonresidential buildings or structures permitted in any Residential District shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One indigenous tree per 1,000 square feet of gross floor area, in any fraction thereof, for nonresidential uses.

**1912.9.3. US2, 41, and M35 Corridor (North Lincoln Road) and Ludington Street west of Lincoln Road, M35 Corridor (South Lincoln Road) between Lake Shore Drive and Ludington Street shall contain at a minimum:**

- A. Twenty percent of the total lot area shall remain open green space.
- B. One indigenous canopy tree per 10,000 square feet of lot area or fraction thereof.

**1912.9.4. Residential Planned Unit Development Districts (C-2).** Residential

Planned Unit Development Districts (C-2) shall contain at a minimum:

- A. Ten percent of the total parcel area shall remain open green space.
- B. One indigenous tree per dwelling unit, or two (2) indigenous trees per dwelling unit for every mature tree removed, whichever is greater.

**1912.9.5. Commercial District (E), Planned Commercial Development Districts (E-1) and Local Business District (D).** Commercial District (E), Planned Commercial Development Districts (E-1), and Local Business District (D) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One indigenous tree per 1,000 square feet, or fraction thereof, of gross floor area.

**Exception:** Uses on Ludington Street between Stephenson Avenue and 2<sup>nd</sup> Street.

**1912.9.6. Light Manufacturing District (F)/Special Planned District Developments (E-2).** Light Manufacturing District (F)/Special Planned District Developments (E-2) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. Two (2) indigenous trees per every 10,000 square feet of lot area or fraction thereof.

**1912.9.7. Industrial Park District (F-1).** Industrial Park District (F-1) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. Two (2) indigenous trees per every 10,000 square feet of lot area or fraction thereof.

**1912.9.8. Heavy Manufacturing District (G).** Heavy Manufacturing District (G) shall contain at a minimum:

- A. Fifteen percent of the total lot area shall remain open green space.
- B. Two (2) trees per 10,000 square feet of lot area or fraction thereof. Trees shall be deciduous hardwood or approval of an existing tree/shrub disbursement plan which shows an equal distribution of trees surrounding the premises.

### **SECTION 1913 ALTERNATIVE BUFFER AND SCREENING REQUIREMENTS**

**1913.1. General.** In the event that the unusual topography or elevation of a development site, the size of a parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Planning Commission may alter the requirements of this Chapter as long as the existing features of the development site comply with the spirit and intent of this Chapter. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Code Official showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Planning Commission shall not alter the requirements of this Chapter unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening.

### **SECTION 1914 IMPLEMENTATION/REPLACEMENT**

**1914.1. General.** All approved landscaping is to be installed in accordance with the

approved landscape plan and compliance timetable.

**1914.2. Vegetation Replacement.** Any vegetation included on a landscape plan that dies shall be replaced within one (1) planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.

**SECTION 1915  
MAINTENANCE RESPONSIBILITY**

**1915.1. General.** In order for any buffers or screening to fulfill the purpose for which it was established it must be properly maintained. It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plan. All buffers, screening and landscaping areas must be protected from damage by motor vehicles or pedestrians, which could reduce the effectiveness of the screening.

**SECTION 1916  
COMPLIANCE TIMETABLE**

**1916.1. General.** All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed two (2) years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot/use and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the City of Escanaba that a violation of this section exists comply with all requirements or be subject to Section 212, Violations.

**CHAPTER II  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of that fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**CHAPTER III  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV  
EFFECTIVE DATE**

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

APPROVED

APPROVED

\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

\_\_\_\_\_  
**Marc D. Tall**  
Mayor

Ordinance No. 1202

ATTEST

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**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on (Day) the (Date) day of (Month) 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (date), 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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**Phil DeMay**  
City Clerk