



CITY COUNCIL

MEETING AGENDA

February 20, 2020

Marc D. Tall, Mayor
Peggy O'Connell, Mayor Pro Tem
Ralph B. Blasier, Council Member
Tyler D. DuBord, Council Member
Karen S. Moore, Council Member

Patrick S. Jordan, City Manager
Phil DeMay, City Clerk
John Bergman, 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, February 20, 2020, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 6, 2020

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Public Hearing – Citizen Participation – 2020 / 2021 Fiscal Year Budget Preparation.

Explanation: A public hearing will be conducted to facilitate input from citizens for the City's next fiscal year budget. This is the second of five (5) scheduled public hearings.

2. Second Reading, Public Hearing and Adoption of the Bay de Noc PILOT Ordinance No. 1223 - An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba.

Explanation: Administration is requesting the City Council to consider approval and adoption of the Bay de Noc PILOT Ordinance No. 1223, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City of Escanaba.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval - Municipal Services Agreement for the Bay de Noc Apartments Project – Woda Cooper Companies.

Explanation: Woda Cooper Companies is requesting City Council approval of a Municipal Services Agreement for the property located at 500 North 26th Street.

2. Approval – Set Public Hearing for March 5, 2020 for the Residential Planned-Unit Development Re-Zoning – Planning & Zoning.

Explanation: Administration is recommending that the property at 500 North 26th Street be rezoned from F – Light Manufacturing to C2 – Residential Planned Unit Development. Administration is further requesting to set a public hearing at the regularly scheduled City Council meeting scheduled for March 5, 2020.

3. First Reading of Ordinance No. 1224, An Ordinance to Amend Chapter VIII of Appendix A as Codified Under the Code of Ordinances – Building Height Change – Planning & Zoning.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1224, An Ordinance to Amend Chapter VIII of Appendix A as Codified Under the Code of Ordinances – Building Height Change. Administration is requesting that the City Council set March 5, 2020, for the second reading, public hearing and adoption of Ordinance No. 1224.

4. Presentation – New City of Escanaba Website and Logo.

Explanation: Administration, along with City Council, will unveil the New City of Escanaba Website and Logo.

5. Presentation - 2019 Planning Commission Annual Report – Planning & Zoning.

Explanation: In accordance with the Municipal Planning Enabling Act, P.A. 33 of 2008, Section 125.3819, the Planning Commission Annual Report and Work Plan will be presented for consideration by the City Council.

6. Approval - Public Participation Plan - Redevelopment Ready Communities Program – Planning & Zoning.

Explanation: Administration is seeking Council approval of a revised Public Participation Plan, which outlines how the City of Escanaba will engage the public throughout a planning and development process. On January 9, 2020, the Escanaba Planning Commission conducted a public hearing on the proposed plan and is recommending Council approval of the plan as part of the community master plan update and as required by the Redevelopment Ready Communities Program certification process.

7. First Reading of Ordinance No. 1225, An Ordinance to Amend Chapter IV of Appendix A as Codified Under the Code of Ordinances – ReZoning Map of Selected Parcels – Planning & Zoning.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1225, An Ordinance to Amend Chapter IV of Appendix A as Codified Under the Code of Ordinances – Zoning Map to rezone selected parcels in the North Lincoln Road corridor and Northtown areas. Administration is requesting that the City Council set March 5, 2020, for the second reading, public hearing and adoption of Ordinance No. 1225.

8. Discussion/Approval – Moratorium for New Hotel Construction.

Explanation: Proxima has requested a 3-year moratorium on any new hotel/motel construction within the City of Escanaba for a period of 3 years.

9. Approval – Professional Services for DWRP Loan Application – Water.

Explanation: Administration is seeking approval to hire C2AE Engineering of Escanaba, MI to conduct the work as specified in the attached proposal; to prepare and submit documents in order to apply for loan from the Drinking Water Revolving Loan Fund (DWRP) at a cost not to exceed \$30,000.00. Money is currently budgeted and available for professional services, within our current 19-20 fiscal year.

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 6, 2020**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ralph B. Blasier, Tyler D. DuBord, Karen S. Moore, and Peggy O'Connell

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.

Blasier moved, O'Connell seconded, **CARRIED UNANIMOUSLY**, to approve Work Session Meeting minutes from January 9, 2020, Special Joint Meeting minutes from January 9, 2020 and Regular Meeting minutes from January 16, 2020, as submitted.

ADJUSTMENTS TO THE AGENDA

Blasier moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to add New Business Item 10, a discussion on the method of appointments to boards, commissions, and committees.

Blasier moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as amended.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT – None

PUBLIC HEARINGS

PH-1 Public Hearing – CDBG IR Grant Application - Engineering.

A Public Hearing was held regarding the City's proposed application for a Community Development Block Grant Infrastructure and Resiliency (CDBG IR) Grant. The proposed application is funding improvements to the aging water, sewer and storm water lines under Ludington Street from the lift station near 1st Street to 5th Street as well as street repaving.

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

Ed Legault – DDA Executive – discussed the grant opportunity and recommended approval.

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

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Approval – Resolution of Support – CDBG IR Grant - Engineering.

Administration requested a Resolution of Support to apply for a Community Development Block Grant Infrastructure and Resiliency (CDBG IR) Grant.

“NB-1 Resolved by Council Member O’Connell, seconded by Council Member Blasier;

RESOLUTION NO. 20-04

**AUTHORIZING RESOLUTION
Ludington Street Infrastructure and Resiliency Project
CDBG Program**

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its CDBG-Infrastructure and Resiliency (CDBG-IR) Competitive Funding Round; and

WHEREAS, the City of Escanaba desires to request \$1,700,000 in CDBG funds for improvements to the aging water, sewer and storm water lines under Ludington Street from the lift station near 1st Street to 5th Street with street repaving along with resiliency options related to identified storm water problems; and,

WHEREAS, the City of Escanaba commits local funds from its Major Street Fund, Wastewater Fund and Water Fund in the amount of \$804,310; and,

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and,

WHEREAS, the proposed project will benefit all residents of the project area and 57.60 percent of the residents of the City of Escanaba are low- and moderate-income persons as determined by census data provided by the U.S. Department of Housing and Urban Development; and,

WHEREAS, local funds and any other funds to be invested in the project have

not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Escanaba hereby designates the Mayor as the Environmental Review Certifying Officer and the person authorized to certify the Michigan CDBG Application, and the City Manager as the person authorized to sign the Grant Agreement, payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

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

Ayes: O’Connell, Blasier, Moore, DuBord, Mayor Tall
Nays: None

RESOLUTION DECLARED ADOPTED.”

NB-2 Approval – Redevelopment Ready Communities (RRC) Recertification Intention - Planning & Zoning.

In 2016 the City of Escanaba was certified as a Redevelopment Ready Community (RRC) by the Michigan Economic Development Corporation (MEDC). This certification is due to expire on April 13, 2020. Administration sought Council approval to move forward in the re-certification process.

NB-2 Blasier moved, DuBord seconded, to approve to move forward in the re-certification process.

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

Ayes: Blasier, DuBord, Moore, O’Connell, Mayor Tall
Nays: None

MOTION CARRIED.

NB-3 Approval – Rate Increase for both Seasonal and Transient Slip Fees - Marina.

Administration sought Council approval for a rate increase for both seasonal and transient slip fees for the 2020 boating season.

NB-3 O’Connell moved, Moore seconded, to approve a rate increase for both seasonal and transient slip fees for the 2020 boating season.

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

Ayes: O’Connell, Moore, Blasier, DuBord, Mayor Tall
Nays: None

MOTION CARRIED.

NB-4 First Reading of Payment In Lieu of Taxes Ordinance No. 1223 the Bay De Noc Apartments.

Craig Patterson, VP with the Woda Cooper Companies requested the City Council to authorize a payment in lieu of taxes Ordinance No. 1223 which would allow them to seek funding from the State of Michigan Low Income Housing Tax Credit Program for the construction of the development. Administration further requested Ordinance No. 1223 be set for a second reading, public hearing and adoption at the regularly scheduled City Council meeting scheduled for February 20, 2020.

Craig Patterson presented a slide show to council. (See Attachment – A).

NB-4 Blasier moved, O’Connell seconded, to consider this the first reading of Ordinance No. 1223, An Ordinance to Amend Chapter 26 – Taxation of the Code of Ordinances of the City Escanaba and to set February 20, 2020, for the second reading, public hearing and adoption of Ordinance No. 1223.

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

Ayes: Blasier, O’Connell, Moore, DuBord, Mayor Tall
Nays: None

MOTION CARRIED.

NB-5 Approval – Color Your Faith 5k Run/Walk.

Bethany Lutheran Church requested approval to hold a Color Your Faith 5k Run/Walk Event on Saturday, May 16, 2020. Administration recommended approval of the request provided: proper liability insurance was filed with the City naming the City as an additional insured.

NB-5 Blasier moved, O’Connell seconded, **CARRIED UNANIMOUSLY**, to approve a request from Bethany Lutheran Church to hold a Color Your Faith 5k Run/Walk Event on Saturday, May 16, 2020, provided: proper liability insurance was filed with the City naming the City as an additional insured.

NB-6 Approval – Engineering Services to Investigate Odor Complaints on 19th Avenue North – Wastewater.

Administration requested City Council’s authorization to retain the services of Trimedia Environmental & Engineering Services, LLC; of Marquette, MI to investigate the cause and source of the odors on 19th Avenue North (AKA the Landfill Road) as specified within the attached proposal at a cost not to exceed \$12,350.00. Money for this purchase was budgeted in the 2019/2020 FY Budget.

NB-6 O’Connell moved, Moore seconded, to approve to retain the services of Trimedia Environmental & Engineering Services, LLC; of Marquette, MI to investigate the cause and source of the odors on 19th Avenue North (AKA the Landfill Road) at a cost not to exceed \$12,350.00.

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

Ayes: O’Connell, Moore, Blasier, DuBord, Mayor Tall
Nays: None

MOTION CARRIED.

NB-7 Approval – Solar Project Expansion - Electric.

Administration sought City Council approval to add solar panels, inverters, racking and related equipment for a not-to-exceed cost of \$580,000. On January 15, 2020, the Electrical Advisory Committee approved recommending this request.

NB-7 O’Connell moved, Blasier seconded, to approve to add solar panels, inverters, racking and related equipment for a not-to-exceed cost of \$580,000.

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

Ayes: O’Connell, Blasier, Moore, DuBord, Mayor Tall
Nays: None

MOTION CARRIED.

NB-8 Approval – Capacity Contract Modification - Electric.

Administration sought City Council approval for the modified capacity contract. On January 15, 2020, the Electrical Advisory Committee approved the modified capacity contract.

NB-8 Blasier moved, O’Connell seconded, to approve the modified capacity

contract.

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

Ayes: Blasier, O’Connell, Moore, DuBord, Mayor Tall

Nays: None

MOTION CARRIED.

NB-9 Approval – Tree Trimming Bid - Electric.

Administration sought City Council approval to award the contract to Bugle Contracting of Cornel, MI for an amount not-to-exceed \$25,000.

NB-9 O’Connell moved, Moore seconded, to approve to award the contract to Bugle Contracting of Cornel, MI for an amount not-to-exceed \$25,000.

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

Ayes: O’Connell, Moore, Blasier, DuBord, Mayor Tall

Nays: None

MOTION CARRIED.

NB-10 Approval – Resolution to Appointments to Boards, Commissions, and Committees

City Council requested a Resolution on the method of appointments to boards, commissions, and committees.

“**NB-10** Resolved by Council Member Blasier, seconded by Council Member O’Connell;

RESOLUTION 20-05
Appointments to Boards, Commissions and Committees

Whereas; The Mayor has the authority to appoint persons to the Escanaba City Board and Commissions, and;

Whereas, The Mayor has the authority to extend the terms of termed-out members, for good reason, such as when there are insufficient number of actual volunteers; and

Whereas, The Mayor has the discretion to appoint only Escanaba residents to the Escanaba City Boards and Commissions (with the sole exception of the

Downtown Development Authority, and then the Mayor can make an exception only for an applicant who has a business in Escanaba), and;

Now therefore be it Resolved, This resolution does not require a confirmatory vote of Escanaba City Council to ratify the Mayor’s choices.

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

Ayes: Blasier, O’Connell, Moore, Mayor Tall

Nays: DuBord

RESOLUTION DECLARED ADOPTED.”

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

Kelly Walch appointed to the Harbor Advisory Committee, term expiring June 1, 2020.

Mary Blasier appointed to the Housing Commission, term expiring June 1, 2023.

Elmer Bessonon appointed to the Housing Commission, term expiring June 1, 2020.

William DeHaan appointed to the Housing Commission, term expiring June 1, 2022.

BOARD, COMMISSION, AND COMMITTEE REPORTS

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

GENERAL PUBLIC COMMENT

Ed Legault – DDA Executive – discussed the Resolution of Support that was approved at the DDA meeting. Legault spoke about comparable moratoriums in the State of Michigan that exist and asked for the council’s support of Proxima’s proposed moratorium.

Kelly Van Ginhoven – discussed her involvement in many of the boards, commission, and committees she attended. She mentioned it has sparked a passion for her in to be more involved in her community.

ANNOUNCEMENTS

- Elks fundraiser Saturday February 8th, 2020;
- Father Daughter Dance Saturday February 8th, 2020;
- Flannel Fest on February 24, 2018 7:00 pm - 11:00 pm at the Bonifas Arts Center;
- Card Board Classics at the Gladstone Ski Park.

Hearing no further public comment, O'Connell moved, the Council adjourned at 8:20 p.m.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____

Marc D. Tall, Mayor

DRAFT

BAY DE NOC

70 UNITS FOR SINGLES, FAMILIES & SENIORS

TOTAL INVESTMENT: \$14,500,000

EXPECTED CONSTRUCTION JOBS: 100 OR MORE

BAY DE NOC SITE

BAY DE NOC APARTMENTS

500 N 26th St.
Escanaba, MI 49829

CONCEPTUAL SITE PLAN

AERIAL PLAN

PROJECT INFORMATION

PROPOSED 70-UNIT NEW CONSTRUCTION APARTMENT BUILDING

ZONING INFORMATION: ZONED: F - LIGHT MANUFACTURING
PROPOSED ZONING: ZONED: CO-RESIDENTIAL

UNIT BREAKDOWN:	1BR	2BR	3BR	TOTL
1ST FLOOR:	3	0	3	6
2ND FLOOR:	0	0	4	4
3RD FLOOR:	0	0	3	3
4TH FLOOR:	23	30	14	70 UNITS
TOTAL:				

TOTAL PARKING: (144) PARKING SPACES

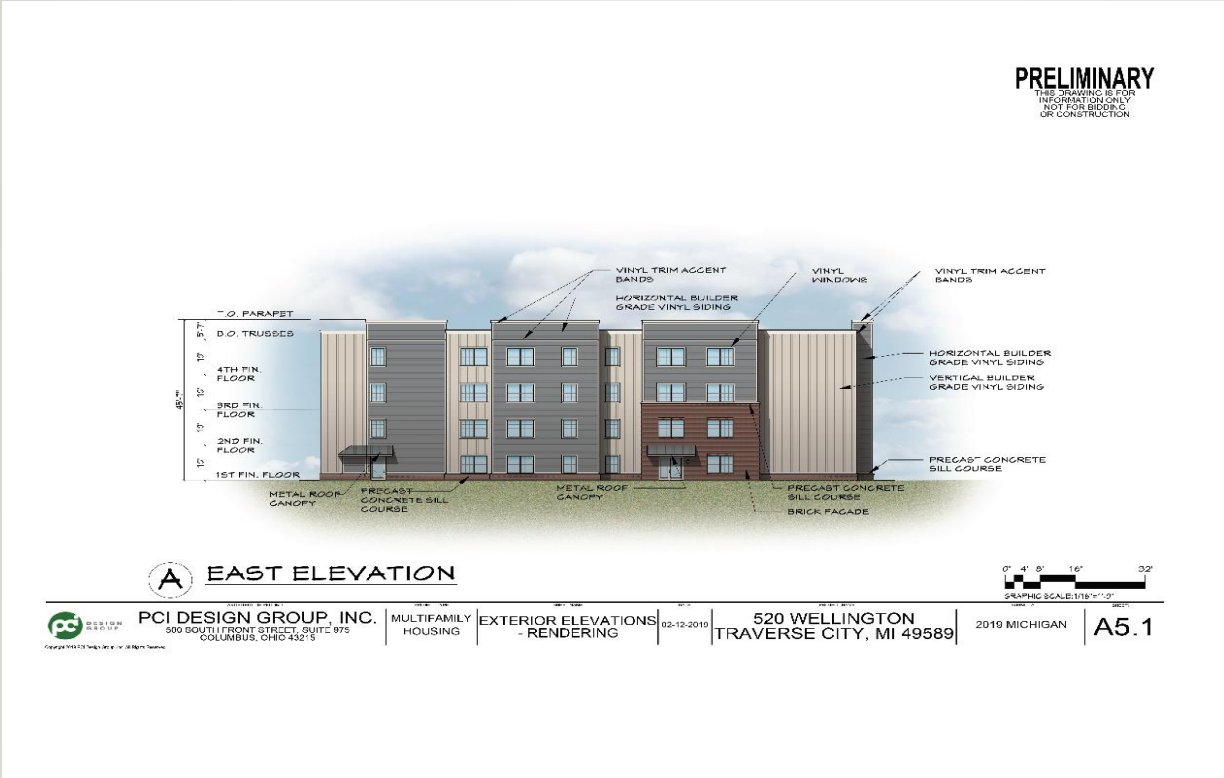
SQ. FT. BREAKDOWN:	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	TOTAL
1ST FLOOR:	18,726				18,726
2ND FLOOR:		18,726			18,726
3RD FLOOR:			18,726		18,726
4TH FLOOR:				30,726	30,726
TOTAL:					76,904

4-STORY (70) UNIT CONCEPTUAL SITE PLAN | CSP.1

BAY DE NOC APARTMENTS

500 N 26th St.
Escanaba, MI 49829
ZONING PERMIT APPLICATION - JANUARY 30, 2020

BAY DE NOC: PRELIMINARY ELEVATION



BAY DE NOC; STATS

Targeted to singles, families and seniors

70 units; elevator, total accessibility

Unit Mix: 21 one BR, 35 two BR, 14 three BR

144 parking spaces; 7 barrier free spaces

Enterprise Green Certification or LEED Silver

BAY DE NOC-HIGHER INCOMES

- 26 units allow incomes up to 80% AMI
- 37% of units above 60%
- Delta County Area Medium Income: \$58,700
- Top Income Range at 80%: \$34,240 to \$48,800 to \$52,800
- Broader Incomes; Demographic and Greater Economic Strength!

BAY DE NOC: PAYMENT IN LIEU OF TAX

- Current Tax on 10 acre parcel: \$5,620.00
- 5% PILOT: \$21,500 per year
- Municipal Services Agreement: \$16,500 per year
- TOTAL: \$38,000 per year on 2.5 acres

Agenda Item: PH-2
Date: 02-20-20

City Council Agenda Item Request

Date: February 7, 2020

Name: Patrick Jordan

Department: Administration

Item: Request from Bay de Noc Apartments for PILOT Ordinance No. 1223

Meeting date requested: February 20, 2020

Explanation for request:

A second reading on a request from Craig Patterson, VP with the Woda Cooper Companies will be conducted which authorizes a payment in lieu of taxes on their proposed project for the construction of the development of property located at 500 North 26th Street.

ORDINANCE NO. 1223

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

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 26 - Taxation of the Escanaba Code of Ordinances is hereby amended by adding Division 9, Sponsor Bay de Noc Apartments Limited Dividend Housing Association Limited Partnership, to read as follows:

CHAPTER 26 - TAXATION

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

**DIVISION 9, Sponsor Bay de Noc Apartments Limited Dividend Housing
Association Limited Partnership**

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 affordable housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et seq, MSA Section 116.114(l) et seq).. 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 persons of low income is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuation of the provisions of this article 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 housing developments which are constructed and financed in reliance on such tax exemption.

The city acknowledges that Sponsor Bay de Noc Apartments Limited Dividend Housing Association Limited Partnership has offered, subject to receipt of the allocation under the LIHTC Program by the Michigan State Housing Development Authority to construct, own and operate a housing development identified as Bay de Noc Apartments on certain property located at 500 N. 26th Street in the City to serve low income persons and families, and that the Sponsor has offered to pay the City on account of this housing development an annual service charge for public services in lieu of all ad valorem property 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. *Act* means the State Housing Development Authority Act, being Michigan Public Act of 1966, as amended.
2. *Annual shelter rent* means the total collections, including rental subsidy, during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, late fees, or other utilities furnished to the occupants.

3. *Authority* means the Michigan State Housing Development Authority.
4. *Housing development* means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.
5. *Low Income or Moderate Income Persons* means families and persons eligible to move into a housing development.
6. *Mortgage loan* means a loan to be made by the authority to the sponsor for the construction and/or permanent financing of the housing development.
7. *Sponsor* means Bay de Noc Apartments Limited Dividend Housing Association Limited Partnership and any entity that receives or assumes a mortgage loan.
8. *Utilities* means charges for gas, electric, water, sanitary sewer service and other utilities furnished to the occupants of the housing development.

Section 26-92, Class of housing development.

It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing developments for low income persons and families that are financed or with a mortgage loan. It is further determined that Bay de Noc Apartments is of this class.

Section 26-93. Establishment of annual service charge.

The housing development known as Bay de Noc Apartments and the property on which it is located shall be exempt from all property taxes as of or effective on the December 31st of the year the certified notification of exemption was filed with the City Assessor prior to November 1st. The city acknowledges that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this ordinance and the qualification of the housing development for the 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 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 or IRS Section 42 Low Income Housing Tax Credits (LIHTC), the annual service charge shall be equal to 5% of the Annual Shelter Rents actually collected by the housing development 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 development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which shall be paid on that portion of the housing development if the housing development were not tax exempt.

Section 26-95. Contractual effect of this article.

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 article.

Section 26-96. Payment of service charge.

The service charge in lieu of taxes as determined under the article 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 on or before July 1st 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 article shall remain in effect and shall not terminate so long as the mortgage loan remains outstanding and unpaid or the authority and the housing development remains subject to income and rent restrictions under the LIHTC Program but in no case longer than sixteen (16) years.

CHAPTER II
SEVERABILITY

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 and 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 in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency of conflict.

CHAPTER IV
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication, as provided in the City Charter.

APPROVED:

APPROVED:

John Bergman, City Attorney

Marc D. Tall, Mayor

ATTEST:

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 of _____, 2020, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on _____, 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.

Phil Demay, City Clerk

Agenda Item: NB-1
Date: 02-20-20

City Council Agenda Item Request

Date: February 7, 2020

Name: Patrick Jordan

Department: Administration

Item: Municipal Services Agreement - Bay de Noc Apartments.

Meeting date requested: February 20, 2020

Explanation for request:

Woda Cooper Companies is requesting City Council approval of a Municipal Services Agreement for the property located at 500 North 26th Street.

MUNICIPAL SERVICES AGREEMENT

THIS MUNICIPAL SERVICES AGREEMENT entered into this ____ day of _____, 2020 between BAY DE NOC APARTMENTS LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership of 500 South Front Street, 10th Floor, Columbus, Ohio 43215, (hereinafter referred to as the “OWNER”) and Escanaba, a Michigan municipal corporation, of 410 Ludington Street, Escanaba Michigan 49829 (hereinafter referred to as the “CITY”).

RECITALS

- A. The OWNER intends to purchase and develop a housing project for low to moderate income families, to be known as Bay de Noc Apartments, financed in part by Low Income Housing Tax Credits (LIHTC), administered by the Michigan State Housing Development Authority (MSHDA) on land legally described on 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 Taxes (hereinafter referred to as the “PILOT”) Ordinance for this PROJECT is in place, such municipal services to exclude normal water, sewer, and other utility charges as well as special assessment charges (which must be paid separately and at duly established rates) and similar charges and to include only:
 - 1. Emergency services, including police and ambulance (at normal published rates) and fire service specifically administered through the CITY;
 - 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 payment for Municipal Services shall be computed as follows: Sixteen Thousand Five Hundred Dollars (\$16,500.00) will be paid concurrent with the annual PILOT payment for Bay de Noc Apartments. Each year the annual MSA payment shall be adjusted by 2%.
2. Payment for Municipal Services shall commence at the time the first PILOT payment is made and will remain in effect for as long as a payment-in-lieu-of-taxes ordinance is in place for the project.
3. The OWNER shall utilize individual city metering for water and electric services to all residential units.

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

WITNESSES:

BAY DE NOC APARTMENTS LIMITED
 DIVIDEND HOUSING ASSOCIATION
 LIMITED PARTNERSHIP, A Michigan
 Limited Partnership

By: BAY DE NOC APARTMENTS GP,
 LLC,
 An Ohio limited liability company
 Its General Partner

By: Woda Cooper General Partner, LLC
 An Ohio limited liability company
 Its Sole Member

By: Woda Cooper Communities, LLC
 An Ohio limited liability company
 Its Sole Member

By: _____
 David Cooper Jr., Vice President &
 Associate General Counsel

CITY OF ESCANABA

By: _____
 Its: City Manager

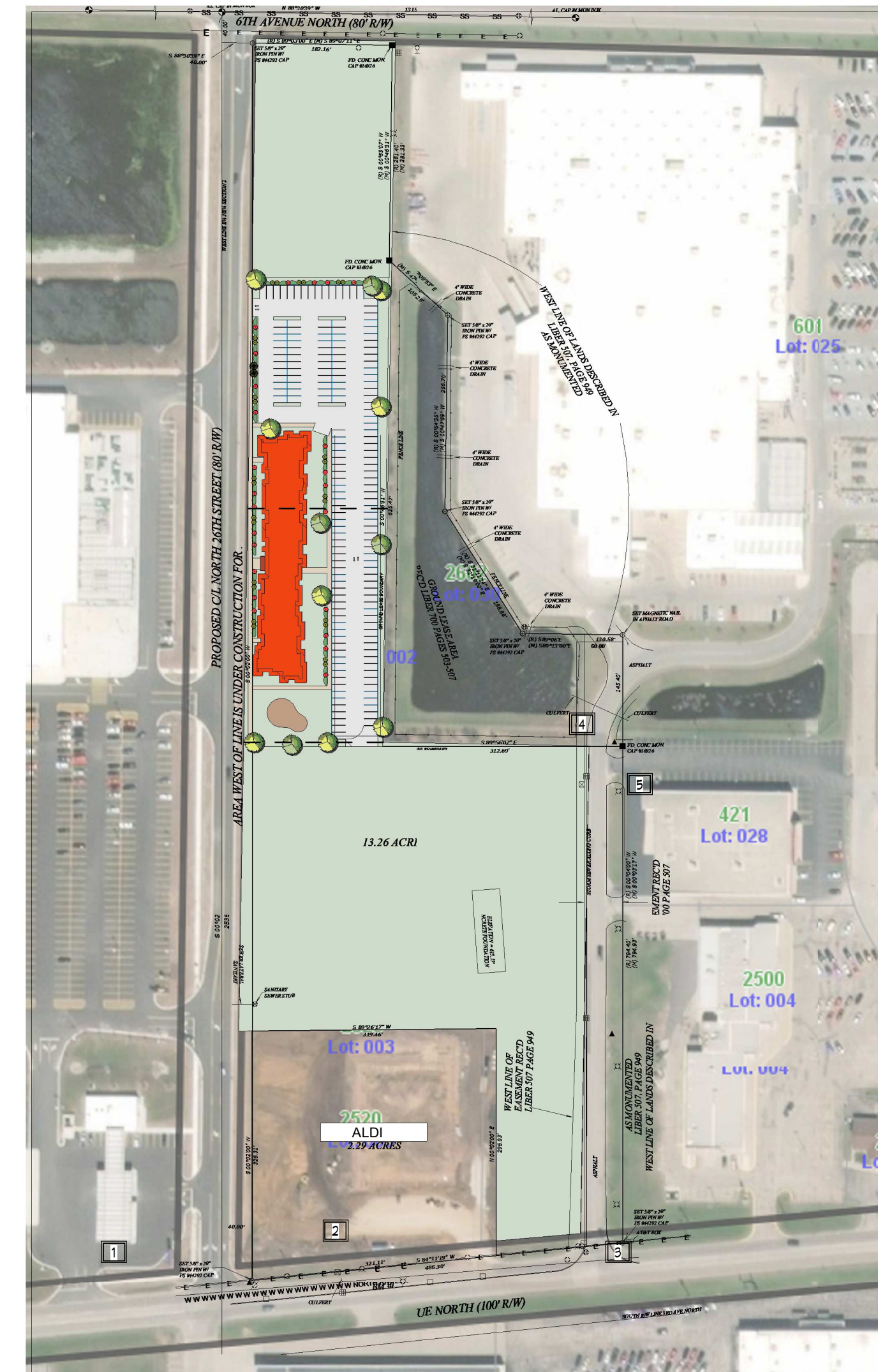
EXHIBIT A

ASSESSORS SUBD NO 1 To Be Completed

BAY DE NOC APARTMENTS

500 N 26th St,
Escanaba, MI 49829

JFLANDS DES-
BER 507, PAGE 9-49
AS MONUMENTED



AERIAL PLAN

PROJECT INFORMATION

PROPOSED 70-UNIT NEW CONSTRUCTION APARTMENT BUILDING

ZONING INFORMATION: ZONED: F - LIGHT MANUFACTURING

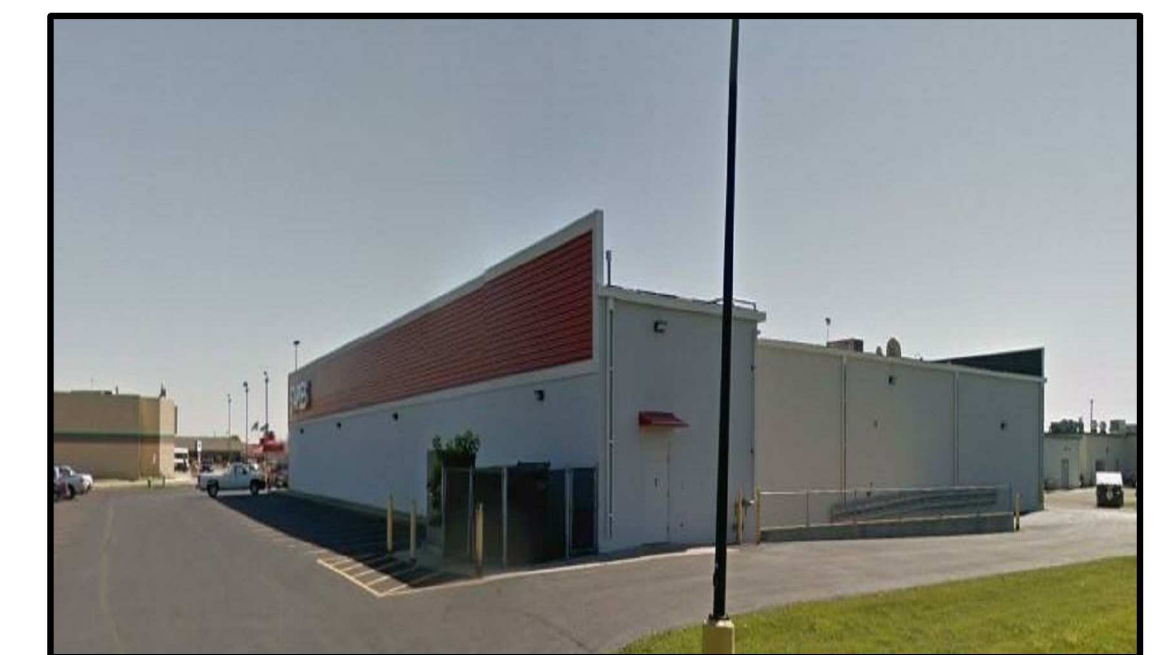
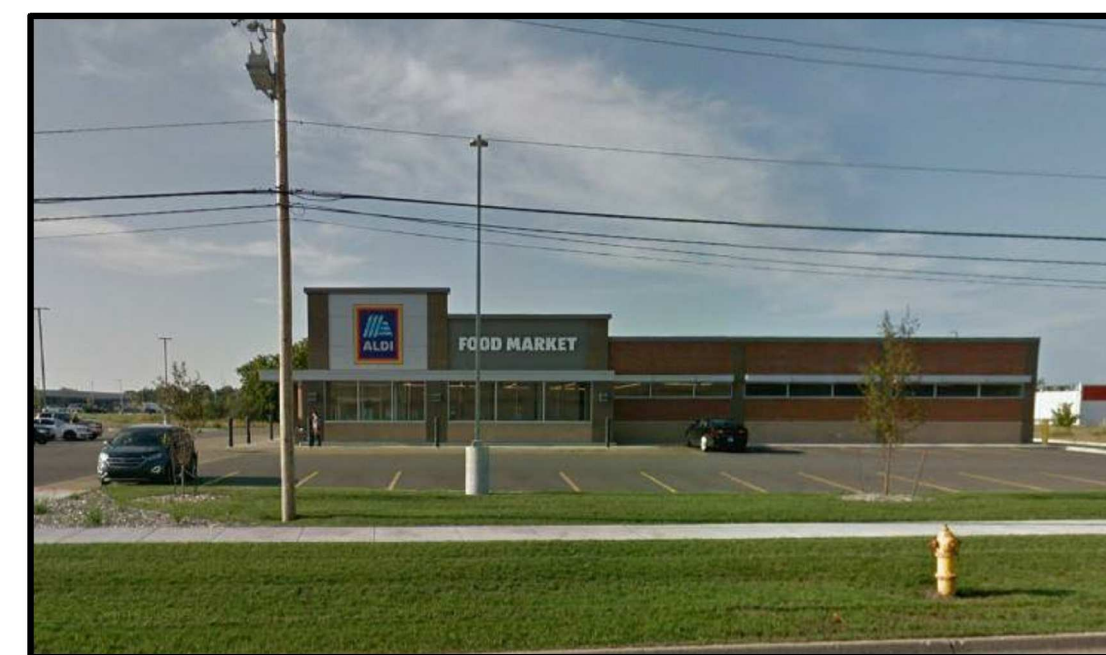
UNIT BREAKDOWN:	1BR	2BR	3BR	TOT.
1ST FLOOR:	3	8	3	16
2ND FLOOR:	6	9	4	18
3RD FLOOR:	6	9	4	18
4TH FLOOR:	6	9	3	18
TOTAL:	21	35	14	70 UNITS

TOTAL PARKING: (140) PARKING SPACES

SQ FT BREAKDOWN:

1ST FLOOR:	18,725
2ND FLOOR:	18,725
3RD FLOOR:	18,725
4TH FLOOR:	18,725
TOTAL:	74,900

EXISTING PHOTOS: SEE AERIAL PLAN



ENLARGED CONCEPTUAL SITE PLAN | CSP.2



Agenda Item: NB-2
Date: 02-20-20

City Council Agenda Item Request

Date: 2/14/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Residential Planned-Unit Development Re-Zoning

Meeting date requested: 2/20/20

Explanation for request:

Administration recommends that the property at 500 North 26th Street be re-zoned from F - Light Manufacturing to C2 - Residential Planned Unit Development and requests that a Public Hearing be set for March 5, 2020.

The Planning Commission has approved the principle of the preliminary plan for an apartment building to be located at the site.

A summary of the R-PUD process (which is fully outlined in Chapter 8 of the Zoning Ordinance) is as follows:

- Planning Commission Public Hearing, preliminary concept approval, and recommendation for re-zoning of the property to a C-2 R-PUD district.
- City Council approval of re-zoning to a C-2 R-PUD district (with Public Hearing for Zoning Map amendment).
- Planning Commission approval of final plan.
- City Council approval of final plan.

As the property under consideration for re-zoning is a portion of a larger parcel which would not be legally split until the after final approval by Planning Commission and City Council as a component of the funding structure, it cannot yet be defined by a parcel number and legal description that would normally accompany a re-zoning request and therefore no ordinance can be drawn up yet.

If approval is recommended after the Public Hearing on March 5th, it is recommended that the re-zoning occur at the time of final plan approval by Council at which time an official ordinance will be submitted.

Attachments:

1. Staff Report on project considered at February 13, 2020 Planning Commission meeting
2. Site Plan Drawings & Renderings

PLANNING COMMISSION – STAFF REPORT

February 13, 2020

Review: Roxanne Spencer, Planning & Zoning Administrator



PROJECT OVERVIEW	
Case Number	PC-021320-01
Location	500 North 26 th Street
Tax Parcel Number	051-420-2825-200-002
Zoning District	F - Light Manufacturing
Future Land Use Map	Regional Retail
Property Dimensions/Info	613' 3" x 179' = 109,772 s.f.
Proposed Use	Multi-Family Residential (4-Story, 70-Unit Apartment Building)
Estimated Value	\$7,268,000
Property Owner	Dagenais Real Estate, Inc.
Developer	Woda Cooper Companies, Inc. – Craig Patterson
Applicant	Hooker DeJong (Architect/Engineer/Planner) – Patrick Kelderhouse

OVERVIEW PHOTO/DRAWING

CONCEPTUAL SITE PLAN

BAY DE NOC APARTMENTS

500 N 26th St.
Escanaba, MI 49829

IF LANDS DES. BE NOT FOLG'D AS DOCUMENTED

PROJECT INFORMATION

PROPOSED TO UNIT NEW CONSTRUCTION APARTMENT BUILDING

ZONING INFORMATION ZONED: F - LIGHT MANUFACTURING
*PROPOSED ZONING ZONED: G2 RESIDENTIAL

UNIT BREAKDOWN:	1BR	2BR	3BR	TOT
1ST FLOOR:	3	8	3	16
2ND FLOOR:	6	9	4	19
3RD FLOOR:	6	9	4	19
4TH FLOOR:	6	9	3	18
TOTAL:	21	35	14	70 UNITS

TOTAL PARKING: 144) PARKING SPACES

FLOOR BREAKDOWN:	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	TOTAL
1ST FLOOR:	18,725				18,725
2ND FLOOR:		18,725			18,725
3RD FLOOR:			18,725		18,725
4TH FLOOR:				18,725	18,725
TOTAL:					75,000

AERIAL PLAN

BACKGROUND INFORMATION

The applicant is requesting a Residential Planned Unit Development (R-PUD) approval to construct a 4-story, 70-unit apartment building at 500 North 26th Street. An R-PUD approval is governed by Chapter 8 of the Zoning Ordinance, which includes the following key components in the process:

- Planning Commission Public Hearing, preliminary concept approval, and recommendation for re-zoning of the property to a C-2 R-PUD district.
- City Council approval of re-zoning to a C-2 R-PUD district (with Public Hearing for Zoning Map amendment).
- Planning Commission approval of final plan.
- City Council approval of final plan.

See attached Zoning Ordinance Chapter 8 –Residential Planned Unit Development for a complete description of the process and guidelines.

This zoning approval method was chosen over a straight re-zoning to a C – Multi-Family district to avoid a spot-zoning situation of having a single multi-family parcel in the middle of a commercial/light manufacturing district. With an R-PUD, the re-zoning is tied to the specific project, so that if the project is not developed, the original zoning district (in this case, F – Light Manufacturing) will remain in place. Additionally, an R-PUD has more layers of approval involving two different reviews by the Planning Commission and two by the City Council. This more complex process allows for greater flexibility in applying development standards that will ensure neighborhood compatibility, especially in this cases where the development use may be out of alignment with the Future Land Use Map in the Master Plan, but still may be considered a desirable development.

SURROUNDING LAND USES/ZONING

	Current Use	Current Zoning	Future Land Use Map
North	Vacant Land	F – Light Manufacturing	Regional Retail
East	Retail/Grocery Store (Walmart)	F – Light Manufacturing (Proposed re-zoning in process to E – Commercial)	Regional Retail
South	Vacant Land & Grocery Store (Aldi)	F – Light Manufacturing	Regional Retail
West	Retail/Grocery Store (Meijer)	E – Commercial	Regional Retail

SITE PLAN REVIEW PROCEDURE

ITEM	COMPLIANCE NOTES
Application Section 1803.1.1.2.	The applicant submitted the complete application and fee for site plan consideration on January 22, 2020 , prior to the 21-day deadline.
Official Review Sections 1803.1.1.3. & 1802.2	A preliminary review was conducted by the Planning & Zoning Administrator for comments as to the proposed development’s conformance to all applicable standards and requirements on January 23, 2020 .
Department Head Review Sections 1803.1.1.3 & 1905.1	A Pre-Site Plan Review was not held with Department Heads for the preliminary plan, as many details were not available at the this stage. A Pre-Site Plan Review will be scheduled with Department Heads prior to the Final Plan approval. However, the preliminary plans were submitted for review to the Department Heads individually. It was noted that there are no specific concerns relating to the connection of appropriate utilities. Public Safety did express some concerns regarding traffic control in the already-congested area.
Approval & Referral Section 1803.1.1.4. & 1803.3	Being deemed complete, the preliminary plan proposal is referred to the Planning Commission for approval/denial within 45 days of submission.
Public Hearing Notifications	Notification requirements have been fulfilled as follows:

Sections 1803.3 & 814	Daily Press Newspaper	January 28, 2020
	300' Radius to Neighbors	January 24, 2020
	City of Escanaba Website & Facebook	February 6, 2020

GENERAL ZONING COMPLIANCE																
Use	Finding	MEETS STANDARD														
	Comments	Proposed use as a multi-family dwelling is a permitted use by right under Section 803.1, paragraph B.														
Setbacks	Finding	MEETS STANDARD														
	Comments	<p>Section 808 – Peripheral Yards requires setbacks to the same as the Front Yard setbacks in adjoining zoning district.</p> <table border="1"> <thead> <tr> <th></th> <th>North</th> <th>East</th> <th>South</th> <th>West</th> </tr> </thead> <tbody> <tr> <td>Required</td> <td>F – Light Man. 20'</td> <td>F – Light Man. 20'</td> <td>F – Light Man. 20'</td> <td>E – Commercial 0'</td> </tr> <tr> <td>Proposed</td> <td>20'</td> <td>20'</td> <td>20'</td> <td>0'</td> </tr> </tbody> </table>		North	East	South	West	Required	F – Light Man. 20'	F – Light Man. 20'	F – Light Man. 20'	E – Commercial 0'	Proposed	20'	20'	20'
	North	East	South	West												
Required	F – Light Man. 20'	F – Light Man. 20'	F – Light Man. 20'	E – Commercial 0'												
Proposed	20'	20'	20'	0'												
Height	Finding	FURTHER DISCUSSION RECOMMENDED														
	Comments	<p>Section 810.1 states “In a Residence C-2 District, no building shall exceed thirty-five (35) feet in height.” The developer is proposing a 4-story building that will be 45’ in height.</p> <p>Section 804 grants the Planning Commission and the City Council the ability to grant a variance in cases where a conflict exists with other part of the Code. In this case, it should be noted that the height maximums in the surrounding zoning districts are 70’ in E – Commercial and 50’ in F – Light Manufacturing. Additionally, the height maximum in a C – Multi-Family district is 50’.</p> <p>A 3-story version of the building with a height of 35’ was submitted as an alternative if necessary. This version is <u>not</u> preferred by the developers or city staff as it requires a less desirable layout of the building and site plan features such as parking and buffering distances from neighboring parcels, but could be considered for approval if Planning Commission or City Council feels strongly about it.</p>														
Lot Density	Finding	FURTHER DISCUSSION RECOMMENDED														
	Comments	<p><u>Section 807.1 – Area</u></p> <p>Parcel Size x 35% = Max. Area to be occupied by structures 109,772 s.f. x 35% = 38,420 s.f. Proposed (4-Story) = 18,725 s.f. – Meets Standard Proposed (3-story) = 24,552 s.f. – Meets Standard</p> <p><u>Section 807.2.1 – Residential Density</u></p> <p>Net Dev. Area / 5,000 = Units Allowed 109,772 s.f. / 5,000 = 22 Units Allowed Proposed (Both versions) = 70 units – Does Not Meet Standard</p> <p>Section 807.3 gives the Planning Commission the ability to grant additional dwelling units and greater density of the location if, in its sole discretion, it deems that the plan is extraordinary in planned land use and design.</p> <p>The inclusion of the playground on the south end and the open space on the north</p>														

		end which serve as buffers from neighboring parcels could be considered in this determination. Additionally, there is a large retention pond on a parcel immediately to the east, so no development will ever take place in that area, reducing the overall residential density in the region.
Zoning History (Variances, Non-Conforming Information, Enforcement, etc.)	The site plan in review is currently part of the larger parcel known as 2510 3 rd Avenue North. The parcel would need to be legally split before the development moves forward. Review of zoning and development standards was based on the section proposed for development and not the parcel in its entirety. The parcel is currently vacant land. Files contain no other zoning history.	

SITE PLAN REVIEW – Section 1907		
Building Orientation	Finding	MEETS STANDARD
	Comments	The main entrance faces North 26th Street upon which the lot fronts.
Roof Equipment	Finding	MEETS STANDARD
	Comments	All equipment will be roof-mounted and screen by a parapet wall.
Visual & Sound Mitigation	Finding	MEETS STANDARD
	Comments	Green screening is proposed around the perimeter.
Emergency Access Chapter 17	Finding	MEETS STANDARD
	Comments	The building is arranged to permit adequate emergency access to all sides. Two fire exit doors are proposed.
Street Access Chapter 17	Finding	MEETS STANDARD
	Comments	The development has legal access to North 26 th Street.
Circulation System Chapter 17	Finding	MEETS STANDARD
	Comments	One curb cut on North 26 th Street is proposed for ingress/egress. A six-foot wide public sidewalk will be installed along the entire length of the property on North 26 th Street. Private sidewalks connecting from the rear entry to the public sidewalks on the north and south sides of the building.
Non-Motorized Circulation System Chapter 17	Finding	MEETS STANDARD
	Comments	See comments above under “Circulation System”.
Parking Areas	Finding	MEETS STANDARD

Chapter 17	Comments	Section	Required	Proposed
		1704.4 – Accessible Spaces	5	5
		1702.2 – Total Parking Spaces	140	144/143
		1703.1 – Stall Width	9'	9'
		1703.2 – Stall Length	20'	20' *
		1703.3 – Maneuvering Aisle Width	24'	24'
		1709.1 – Bicycle Parking	6	6
		Green screening separates the parking lot both from the street and from private sidewalk areas. * Drawings show 18' stall length, but it will actually be 20' as required. Correction will be made on the final site plan drawings.		
Shared Drives Chapter 17	Finding	NOT APPLICABLE		
	Comments			
Loading, Unloading, & Storage Areas Sections 1707 & 1910	Finding	MEETS STANDARD		
	Comments	The dumpster will be screened with a 6' 8" enclosure.		
Light Sources Section 1909	Finding	MEETS STANDARD		
	Comments	Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.		
Utilities	Finding	MEETS STANDARD		
	Comments	Water/Wastewater and Electric Departments have indicated they have no concerns with connecting the proper utilities needs. All utilities will be run underground.		
Environmental Issues	Finding	MEETS STANDARD		
	Comments	There are no known environmental concerns.		
Tree Preservation Section 1912	Finding	MEETS STANDARD		
	Comments	Section	Required	Proposed
		1912.9.4 A – Green Space	10% (11,557 s.f.)	28% (4-story) 18% (3-story)
		1912.9.4 B - Trees	70 (1/unit)	70
Canopies	Finding	NOT APPLICABLE		
	Comments			
Storm Water Control Plan	Finding	MEETS STANDARD		
	Comments	Public Works Department is satisfied that storm water will be carried away from the building and adjacent properties into an approved collection system.		
Special Design Standards – C-2 Construction Materials Section 1908.4	Finding	FURTHER DISCUSSION RECOMMENDED		
	Comments	<i>"Must be constructed of brick, natural stone, or other material approved by the Planning Commission. Vinyl siding, composite</i>		

		<p><i>material, and steel siding may be used only in combination with brick and natural stone on sides which do not face and adjacent street or public right-of-way. 100% vinyl siding designs which coordinated with the architectural and/or historic concepts in the neighborhood may be approved.”</i></p> <p>Exact building materials haven’t been finalized yet, but will most likely be brick, fiber cement siding, and asphalt shingles.</p>
--	--	--

STAFF ANALYSIS & RECOMMENDATION	
<p>Analysis</p>	<p>While the Future Land Use Map depicts this area as Regional Retail and does not show any projected residential use in the immediate area, several factors may support the approval of a residential planned unit development at this location.</p> <ul style="list-style-type: none"> • A paragraph in the Regional Retail description refers to the underutilized properties in decline in the area which could be re-purposed to accommodate new uses. In keeping with that idea, developing a long-vacant parcel into any use, even a residential use, may be preferable to leaving the land vacant. • The proximity to retail and job opportunities within easy walking distance would make this a convenient housing location for residents. • One of the Master Plan goals is to attract new housing developments by modifying the Zoning Ordinance to allow a variety of housing types. There is a documented shortage of housing in the Escanaba area at all levels. • “There is a demand in the local housing market for units often called the ‘missing middle’. This includes market rate multi-family or clustered housing within walking distance to shops and other amenities that can help the City meet the demand from young professionals and retirees for walkable urban living.” (2016 Master Plan, p. 37) • This parcel is located in a federal/state designated “Opportunity Zone” which provides three different types of tax incentives to investors in low-income communities like Escanaba, which have historically been cut off from capital and business growth. It has been recommended that our Master Plan and Zoning Ordinance be revised to allow greater mixed use of areas in the Opportunity Zone so that the community is better prepared to process incoming development proposals such as this one. <p>While most development standards have been met during this first phase of concept approval, several items need specific direction from the Planning Commission in its decision:</p> <ul style="list-style-type: none"> • Rezoning to C-2 Residential Planned Unit Development • Height of the building (3 or 4 story proposal) • Number of units allowed • Construction Materials <p>The Planning Commission may outline additional details and conditions that need to be included in the Final Plan Review (see next section for guidance).</p>

<p>Conditional Approvals Section 1805.1</p>	<p>A. The Planning Commission or Code Official may attach conditions to the approval of a site plan when such conditions:</p> <ol style="list-style-type: none"> 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. <p>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:</p> <ol style="list-style-type: none"> 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 of similar benefits enjoyed by other properties in the area.
<p>Staff Recommendation (Potential motion wording)</p>	<p>To recommend to City Council 1) to conditionally-approve-in-concept the preliminary plan for the development of a multi-unit apartment building at 500 North Lincoln Road consisting of 70 units, 4 stories, and a maximum height of 50 feet (add in any other specifics required) and 2) to recommend re-zoning of the project portion of the parcel to C-2 Residential Planned Unit Development.</p>

APPEAL PROCESS - Section 1803.5.1 & Chapter 3 – Zoning Board of Appeals

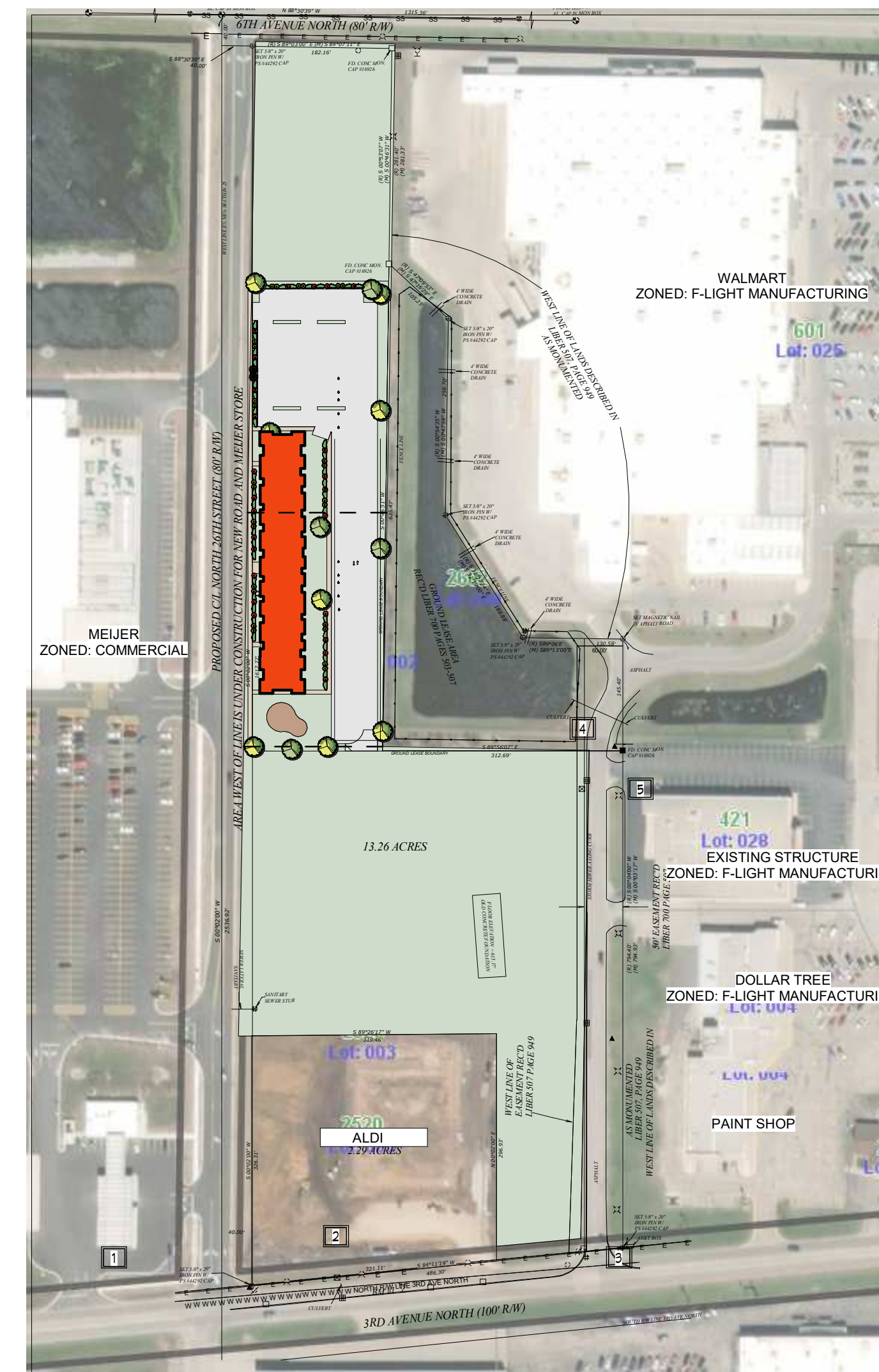
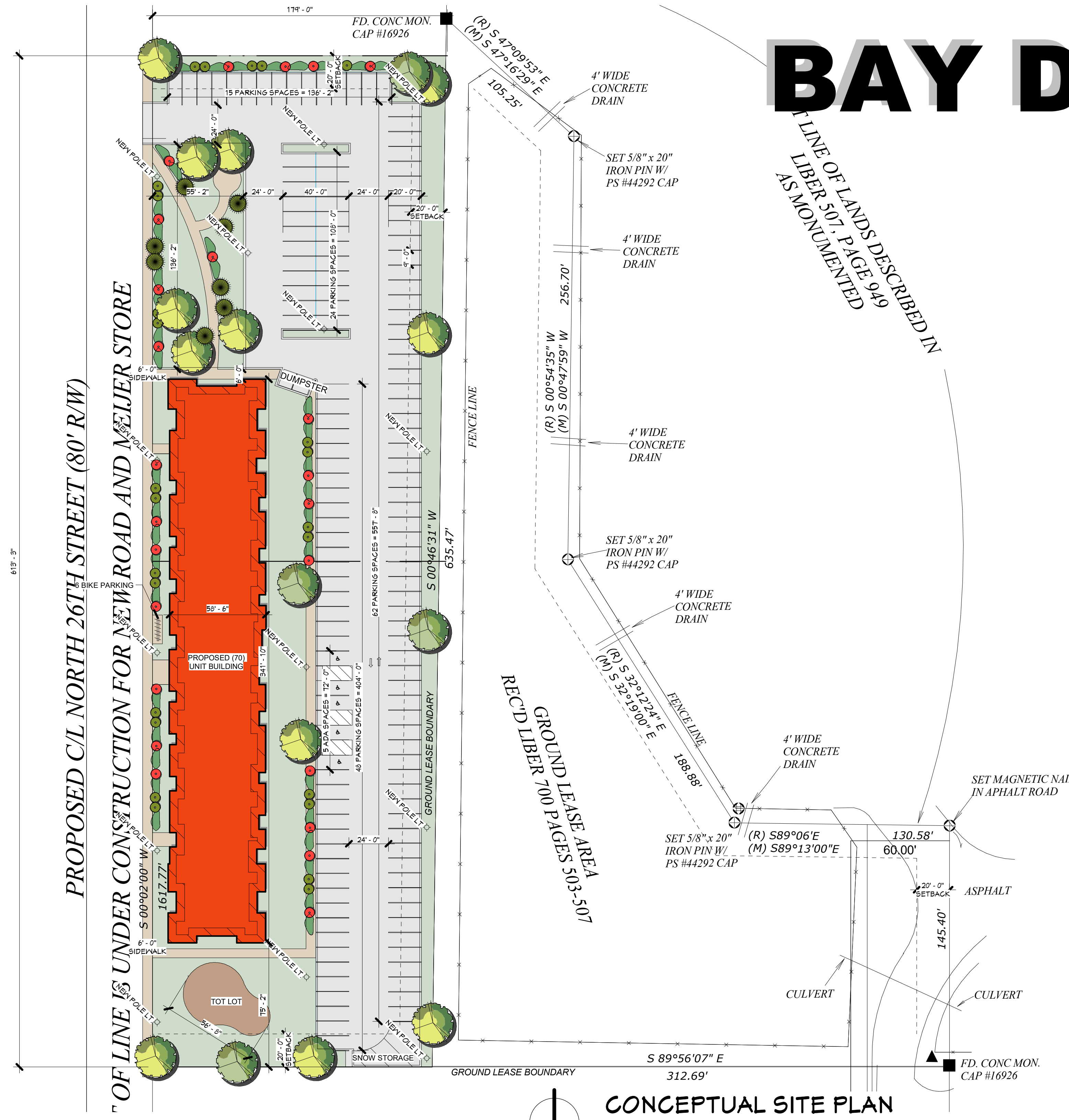
If the Planning Commission denies a site plan, the property owner or applicant may appeal the decision to the Zoning Board of Appeals within 15 working days.

DOCUMENTATION ATTACHMENTS

- | |
|--|
| 1. Zoning Permit Application |
| 2. Site Plan Drawings |
| 3. Assessor’s Property Information Card |
| 4. Daily Press Public Hearing Notification |
| 5. Letter to Property Owner/Occupant Within 300' Radius & Address List |
| 6. Zoning Ordinance Chapter 8 – Residential Planned Unit Development C-2 |

BAY DE NOC APARTMENTS

500 N 26th St,
Escanaba, MI 49829



AERIAL PLAN

PROJECT INFORMATION	
PROPOSED 70-UNIT NEW CONSTRUCTION APARTMENT BUILDING	
ZONING INFORMATION: ZONED: F - LIGHT MANUFACTURING *PROPOSED ZONING: ZONED: C2-RESIDENTIAL	
UNIT BREAKDOWN:	1BR 2BR 3BR TOT.
1ST FLOOR:	4 9 4 16
2ND FLOOR:	6 9 4 18
3RD FLOOR:	6 9 4 18
4TH FLOOR:	5 8 2 18
TOTAL:	21 35 14 70 UNITS
TOTAL PARKING:	(144) PARKING SPACES
SQ FT BREAKDOWN:	
1ST FLOOR:	18,939
2ND FLOOR:	18,939
3RD FLOOR:	18,939
4TH FLOOR:	16,335
TOTAL:	73,152
SITE INFORMATION:	
179' X 613' - 3" = 106,634 SQ FT	
GREEN SPACE REQUIRED: 10%	
GREEN SPACE PROVIDED: 28%	

EXISTING PHOTOS: SEE AERIAL PLAN



4-STORY (70) UNIT CONCEPTUAL SITE PLAN | CSP.1

BAY DE NOC APARTMENTS

500 N 26th St,
Escanaba, MI 49829



4 STORY ELEVATION CONCEPT
3/32" = 1'-0" 3 STORY CONCEPT SIMILAR

Agenda Item: NB-3
Date: 02-20-20

City Council Agenda Item Request

Date: February 14, 2020

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Zoning Ordinance Amendment - Chapter 8

Meeting date requested: February 20, 2020

Explanation for request:

The Planning Commission is recommending an amendment to the Zoning Ordinance, Chapter 8 - Residential Planned Unit Development District (C-2), Section 810 - Building Height to change the maximum height allowance to fifty (50) feet.

This change would make the maximum height the same in both the C-Multi-Family Residential District and the C-2 Residential Planned Unit Development District.

ORDINANCE NO. 1224

AN ORDINANCE TO AMEND CHAPTER VIII OF APPENDIX A AS CODIFIED UNDER THE CODE OF ORDINANCES

THE CITY OF ESCANABA HEREBY ORDAINS:

CHAPTER I

Chapter 8 of Appendix A, Residential Planned-Unit Development of the Escanaba Code of Ordinances is hereby amended under Section 810 to state the following:

Section 810. – Building Height

810.1. General

General. In a Residence C-2 District, no building shall exceed fifty (50) ~~thirty-five (35)~~ feet in height.

Exceptions:

- A. Steeples and clock towers may be erected to a height not exceeding twice the height of the attached building.
- B. Parapet walls may be used to screen existing equipment may be erected if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.

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.

APPROVED:

APPROVED:

John M. A. Bergman
City Attorney

Marc D. Tall
Mayor

Date Approved:

Attest

Date Published:

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 of _____, 2020 and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on _____ 2020, and 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.

Phil DeMay
City Clerk

Agenda Item: NB-4
Date: 02-20-20

City Council Agenda Item Request

Date: 2/13/2020

Name: Phil DeMay

Department: City Clerk/ IT

Item: Presentation of New City of Escanaba Website and Logo

Meeting date requested: 2/20/2020

Explanation for request:

Administration, along with City Council, will unveil the new City of Escanaba website and Logo.

Agenda Item: NB-5
Date: 02-20-20

City Council Agenda Item Request

Date: 1/13/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: 2019 Planning Commission Annual Report

Meeting date requested: February 20, 2020

Explanation for request:

In accordance with the Michigan Planning Enabling Act, PA 33 of 2008, Section 125.3819, the Planning Commission Annual Report and Work Plan will be presented for consideration by the City Council.



Planning Commission

Annual Report

2019



I. MEMBERSHIP

Planning Commission Members		Term Expiration	Attendance	Training Hours Logged (4 required)
Chair	Kelvin Smyth	06/01/21	9/14 = 64%	12
Vice Chair	Christine Williams	06/01/19	11/14 = 79%	12
Secretary	James Hellermann	06/01/21	12/14 = 86%	3
Deputy Secretary	Craig Gierke	06/01/22	13/14 = 93%	6
Commissioner	Dominic Benetti	06/01/20	7/14 = 50%	4.5
Commissioner	Brian Black	06/01/21	11/14 = 79%	0
Commissioner	Paul Caswell	06/01/20	10/14 = 71%	6
Commissioner	Richard Clark	06/01/22	10/14 = 71%	9
Commissioner	Stephen Davis	06/01/20	12/14 = 86%	6

II. MEETING SCHEDULE

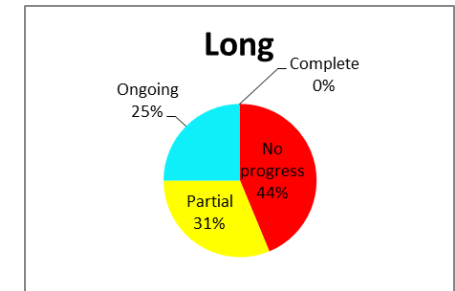
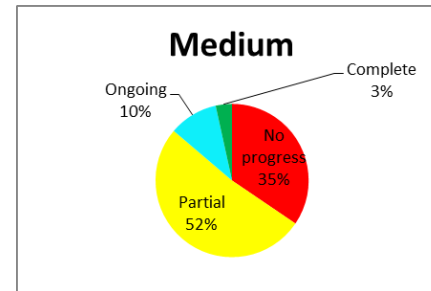
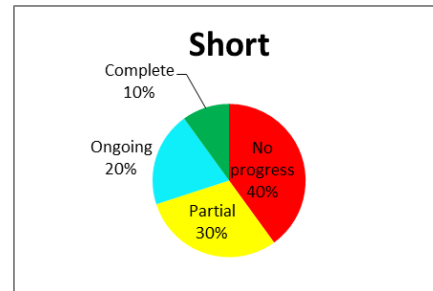
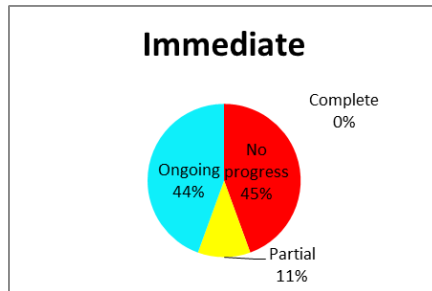
Meeting Type	Jan 10	Feb1 4	Feb2 6	Mar 11	Apr 11	May 9	Jun. 27	Jul. 11	Aug 8	Aug 21	Sep 12	Oct. 10	Nov 14	Dec 12	Total
Quorum	Q	Q			Q	Q	Q	Q	Q		Q	Q	Q	Q	11
No Quorum				NQ											1
Canceled															0
Special Meeting			SM							SM					2
TOTAL MEETINGS															14

III. MASTER PLAN REVIEW

Since the adoption of the Master Plan in 2016, there has not been adequate effort to intentionally review and implement the recommended action items within the plan. To begin to remedy this lack of attention to the Master Plan, Administration began including cover pages for each Planning Commission agenda item which contained direct references to the Master Plan as applicable to that item. Additionally, Administration gave a presentation to the Planning Commission a presentation on Master Plan purposes and processes, including ways to keep the Master Plan as a focal point in the short term and long term activities of the Commission. The next formal review for Master Plan is due in 2021.

Attached to this report is a matrix outlining all of the goals, objectives, and actions of the Master Plan. Attempts were made to document progress to date with specific comments from the various departments involved. The following charts show the summarized completion statuses of the 66 action items:

Color	Status	Economy	Housing	Natural Resources	Land Use	Facilities & Services	Recreation	Transportation	Total	%
	No Progress	12	4	3	0	0	1	5	25	38%
	Partial Completion	9	0	2	1	1	10	2	25	38%
	Complete	1	0	0	0	0	1	0	2	3%
	Ongoing (no definable completion point)	5	1	0	0	2	0	5	13	20%
	Undetermined	0	0	0	0	1	0	0	1	2%
	TOTAL ACTION ITEMS	27	5	5	1	4	12	12	66	100%



The following questions are suggested as part of the annual Master Plan review in conjunction with Redevelopment Ready Community (RRC) best practices:

CRITERIA	YES	NO	Comments/Documentation
Have development patterns changed significantly since the plan was written and adopted?		X	
Does the adopted zoning ordinance align with the goals of the plan?		X	Although a number of recommendations were made in the Master Plan in relation to zoning ordinance changes needed, little to no progress has been made to accomplish these goals. However, renewed focus is being given to these matters in 2020.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	X		2019 – Changes to commercial/retail areas in recent years such as Meijer, Aldi, Peninsula Federal Credit Union, and re-development of the Mall area (including Starbucks and Aspen Dental). 2019 – Ongoing upgrades to water lines with Lead Pipe Replacement project.
Have there been instances when the Planning Commission or elected body has departed from the plan?		X	
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	X		
Does the plan address the location and types of land uses frequently requested?	X		Added self-storage units as permitted uses in Light & Heavy Manufacturing districts in 2019.

Have there been other studies completed that change the relevancy of the plan?		X	2017 Recreation Master Plan
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As there has been limited progress toward reaching the goals, objectives, and actions of the Master Plan, and as there do not appear to be any significant issues identified from the annual review questions set forth in the table above, and as a more complete 5-year review of the Master Plan will be undertaken in 2021 (with renewed focus on preparation for such review in 2020), there is no recommendation for amendment at this time.

IV. CAPITAL IMPROVEMENT PLAN REVIEW

STATUS UPDATES ON CIP PROJECTS BUDGETED IN 2019/2020			
Department	Project Description	Budgeted	Status
Water/Wastewater	Sanitary Sewer Repair – Cured in Place Pipe Line - 2nd Avenue South - South 4th Street to South 16th Street The sanitary sewer line (which is 4,187 linear feet of pipe) will be relined by using a cured in place pipe lining.	\$203,250	Contracted with Tunnel Vision. Work currently in progress and to continue over the winter months.
Water/Wastewater	Sanitary Sewer Repair – Cured in Place Pipe Line - South 22nd Street - Lake Shore Drive to 23rd Avenue South The sanitary sewer line (which is 3,085 linear feet of pipe) will be relined by using a cured in place pipe lining.	\$186,600	Contracted prices: \$148,464 \$134,798 <u>\$138,170</u> Total: \$421,432 (total budgeted \$527,050)
Water/Wastewater	Sanitary Sewer Repair – Cured in Place Pipe Line - 22nd Street - 1st Avenue North to 3rd Avenue South The sanitary sewer line (which is 2,808 linear feet of pipe) will be relined by using a cured in place pipe lining.	\$137,200	
Water/Wastewater	Water Main Replacement (1st Ave S - S 7th St to S 8th St) There is a brittle section of old sand cast iron pipe that has had numerous main breaks in the past. This section of main is considered to be our most sensitive and most likely to fail in the future.	\$100,000	Anticipated completion in spring/summer 2020.
Water/Wastewater	Water Meters Current water meters throughout the City have exceeded their life expectancy and require replacement.	\$220,000	Water meters have been delivered and will be installed over the winter.
Water/Wastewater	Sanitary Sewer Replacement 22nd Ave South (25th Ave S to 26th Ave South) This section of sewer is beyond any type of repair and should be replaced.	\$100,000	This project may be completed as part of Tunnel Vision's work for the Cured in Place Pipeline so it may not need to be replaced (see project above).
Water/Wastewater	Phase I Garage Addition at Wastewater Treatment Plant Additional storage space is required to shelter the equipment of both the Water and Wastewater Departments.	\$180,000	Contracted out to Cleary Builders at a cost of approximately \$200,000. Anticipated completion Spring 2020.

Recreation	Non-Motorized Pathway Improvement – North Side City Limits This project aims to connect the gaps in the City’s current non-motorized pathway system on the north side. Connecting to Wells Township and Escanaba Township will be incorporated. Grant funds have all been approved and bids will be taken in early 2020, with project construction and completion to take place in spring 2020.	\$1,063,000	Anticipated completion in spring 2020
Recreation	Ludington Park Tennis Court Replacement/Repair (4 Courts) Ludington Park Tennis Courts are in need of replacement/repair to the four courts. Proposal would be to redo the courts to incorporate two tennis courts and two pickleball courts. Grant sources are being sought, but funding has not yet been secured. Bids were taken in December 2019.	\$125,000	TBD – Pending grant funding availability
Public Works	Sidewalk Repair and Maintenance Program - City Wide Routine repair and maintenance of existing sidewalk is needed City wide.	\$5,000	Ongoing
Public Works	Willow Creek East Subdivision Paving and Curbing (400 Block of South 32nd Street) The curbing and paving of this street will complete the Willow Creek East Phase 2 Subdivision.	\$60,000	Completed. Cost: \$72,000.
Public Works	Resurfacing and Curb Repair City Wide – Local Streets The City has a responsibility to maintain, resurface, and curb streets as they become deteriorated throughout the community. Routine resurfacing and curbing repairs as required. Street evaluation, prioritization, ranking and surface treatment type will be determined at a later date and a public hearing before the Planning Commission will be conducted prior to June 30, 2019.	\$500,000	Completed: North 23 rd St. (20 th Ave N to 23 rd Ave N) - \$68,000 11 th Ave N (Sheridan to Stephenson) - \$63,500 21 st Ave S (Lake Shore to S 18 th St) - \$16,500 Jenkins Drive (400’ near band shell) - \$36,500 South 26 th St. (5 th Ave S to 8 th Ave S) - \$69,000 TOTAL: \$253,500

Public Works	<p>Resurfacing and Curb Repair City Wide – Major Streets</p> <p>The City has a responsibility to maintain, resurface, and curb streets as they become deteriorated throughout the community. Routine resurfacing and curbing repairs as required. Street evaluation, prioritization, ranking and surface treatment type will be determined at a later date and a public hearing before the Planning Commission will be conducted prior to June 30, 2019.</p>	\$700,000	<p>Completed:</p> <p>3rd Ave N (N 30th St. to NLR) - \$207,000 20th Ave. N (N. 19th St. to Sheridan) - \$67,5000 N. 15th St. (Ludington to 1st Ave N) - \$65,000 S. 15th St. (Ludington To 1st Ave S) - \$35,000 S. 13th St. (Ludington to 1st Ave. S) - \$108,000 Ludington St. (S. 22nd St. to Lincoln Rd.) - \$55,000 8th Ave S (Willow Cr. to West City Limit) - \$56,000 5th Ave. S (S. 19th St. to Lincoln Rd) - \$162,000</p> <p style="text-align: right;">TOTAL: \$755,500</p>
Marina	<p>Marina Dock Replacement – Phase 1</p> <p>Docks with the Marina Basin have reached and exceed their designed usefulness. Fund are needed to begin Phase 1 of a multi-phased replacement program.</p>	\$350,000	<p>Completed September 2019. Cost: \$378,897</p>
Electric	<p>Escanaba West Side Substation</p> <p>The underground cables leaving the West Side Substation are nearing the end of their useful life and need to be replaced. Additionally, we need to upgrade the relays and replace the circuit switcher with a breaker.</p>	\$900,000	<p>Project to be moved to 20/21 fiscal year.</p>
Electric	<p>Ford River Underground</p> <p>A portion of the Ford River circuit that is underground is nearing the end of its useful life. The underground cables in this area will be replaced with poles and wire.</p>	\$140,000	<p>Bids due January 2020. Overhead work to be completed by March 20. Underground work to be completed by June 1.</p>
Electric	<p>Bucket Truck</p> <p>We have two large bucket trucks. One is a 1997 and the other is a 2009. We replace them on a 10-12 year rotation. Therefore, the 1997 truck is due for replacement.</p>	\$250,000	<p>Project to be moved to 20/21 fiscal year.</p>
Electric	<p>Electric Department Security System</p> <p>The existing security system has had numerous issues the past few years and a new system is needed.</p>	\$5,000	<p>Project to be moved to 20/21 fiscal year.</p>
Electric	<p>Power Pole Replacement - Ludington Street</p> <p>Some of the steel street light poles on Ludington are very old and are nearing the end of their useful life. Some of the poles have been replaced already. The rest of the original poles need to be replaced.</p>	\$80,000	<p>Project to be moved to 20/21 fiscal year.</p>

Electric	Meter Truck Replacement The meter truck is 12 years old and needs to be replaced. This purchase will replace the current truck that is currently in the Electrical Department's fleet.	\$40,000	Completed. Actual cost: \$32,000.
Electric	Pole Replacement The expected useable life of a wooden power pole is forty years. Within the Escanaba distribution system, many poles are approaching or have exceeded their expected life. Pole inspectors have identified poles within our system that need to be replaced.	\$200,000	Ongoing.
Electric	Street Light Replacement The Electric Department has been changing all of our street lights and dusk to dawn lights over to LED. This project will take multiple years to complete. The City has approximately 1550 street lights and 300 dusk to dawn lights on the distribution system.	\$80,000	Ongoing
Electric	System Wide Meter Replacement An Advanced Metering Infrastructure (AMI) system would allow us to better monitor the system. It would provide automatic outage response, voltage monitoring, load management, and automated meter reading.	\$1,000,000	Project to be moved to 20/21 fiscal year.
DDA	DDA District Curb Repair Program Funding to be allocated to repair most critical infrastructure repairs in the DDA District which could include curb, brick pavers, sidewalk, and tree related problems – removal/replacement. Project evaluations, prioritization and ranking will be determined at a later date at a public hearing before Downtown Development Authority board Trustees and Planning Commission.	\$12,000	Curb repair completed on the 2200 block of Ludington Street in September. Final sidewalk repairs to take place in Spring 2020.
DDA	Parking Lot Improvements - Remaining DDA Parking Lots The DDA-controlled parking lots that did not get resurfaced in the previous fiscal year will be repaired based on costs.	\$4,000	DDA parking lots were re-stripped in 2019. Sealing of the lots is put on hold in order to complete major repairs of the asphalt first, which should be completed in 2020.

- Departments will begin the submission of project requests for the 2020 Capital Improvement Plan in January, with the anticipation of Planning Commission preliminary review in February/March. The scope of the CIP will be extended to six years to comply with the Michigan Planning Enabling

Act. More information will be gathered regarding each proposed project’s connection to the Master Plan to assist the Planning Commission in prioritizing projects before making their recommendations to City Council.

V. ZONING ORDINANCE AMENDMENTS

Ordinance Description	Planning Commission Action	Date
Ch. 18 – Site Plan and Sketch Plan Standards	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 1801 – General • Section 1802 – Site Plan Diagrams/Requirements • Section 1803 – Site Plan Review • Section 1804 – Site Plan Approval Standards • Section 1808 – Sketch Plans Required 	1/10/19
Ch. 19 – Development Standards	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 1905 – Administration, Duties and Responsibilities • Section 1912 – Landscaping, Buffers, and Screening 	1/10/19
Wind Energy Systems Ordinance	New ordinance recommended to City Council.	2/14/19
Chapter 13 – Light Manufacturing District (“F”)	Recommended the addition of Self-Storage Units as a principal use permitted by right under Section 1302.	8/8/19
Chapter 15 – Heavy Manufacturing District (“G”)	Recommended the addition of Self-Storage Units as a principal use permitted by right under Section 1502.	8/8/19
Ch. 21 – Central Retail Commercial District (“E-3”)	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 2112 – Fences and Walls 	11/14/19
Ch. 1 – General Provisions	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 101 – General • Section 102 – Planning Commission/Zoning Commission • Section 103 – Change and Amendments • Section 111 – General Definitions 	11/14/19
Ch. 2 – Administration, Enforcement and Penalty	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 201 – General • Section 202 – Existing Buildings and Uses • Section 203 – Power and Duties of the Code Official • Section 204 – Administrative Reviews and Permits • Section 205 – Special Land Use Permit Approval • Section 207 – General Regulations • Section 208 – Loss of Nonconforming Use Status • Section 211 – Fees and Deposits 	11/14/19

Ch. 3 – Board of Zoning Appeals	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Title • Section 301 – General • Section 303 – Hearings • Section 304 – Rules of Procedure • Section 305 – Powers and Duties of the Zoning Board of Appeals • Section 307 – Court Review 	11/14/19
Ch. 4 – Districts, Boundaries and Zoning Map	Reviewed entire chapter and recommended amendments to: <ul style="list-style-type: none"> • Section 401 – District Classifications 	11/14/19
Marijuana Establishments Ordinance	Continued drafting a new zoning ordinance regulating marijuana establishments (in the event they are allowed in the future).	Feb. – Dec.

- The Planning Commission also deliberated whether to remove Chapter 18, Section 1803.2 regarding the requirement to hold a Public Hearing for all site plans, as such Public Hearings are not required by state law for permitted uses. Removal of the requirement was recommended as part of the Redevelopment Ready Community recertification in support of streamlining the development process. Questions were raised about weighing the desire for public participation against reducing the timelines for developers and reducing cost/time factors related to notification requirements. It was decided to leave the ordinance as it stands and revisit the issue at a later date as necessary. Further discussion of the topic in conjunction with the Zoning Audit findings presented in December resulted in affirmation that the Planning Commission does not wish to remove this requirement.
- In 2020, the Planning Commission plans to review Chapters 5-9 of the Zoning Ordinance. It is anticipated that it will also have a recommendation to amend Chapter 20 – Signs following the completion of the Sign Committee’s work.

VI. DEVELOPMENT APPLICATION REVIEWS

Project type	Location	Description	Status	Date of Action
Site Plan Review	223 Ludington Street	Senior Housing Project Redevelopment	Approved with Conditions	2/26/19
Site Plan Review	2929 3 rd Avenue North	Peninsula Federal Credit Union	Approved with Conditions	2/26/19
Site Plan Review	2900 3 rd Avenue South	Bishop Noa Parking Garage Addition	Approved with Conditions	4/11/19
Special Assessment Project Review	South 32 nd Street	Street Paving, Curb, & Gutter	Recommended addition to Capital Improvement Plan	4/11/19
Special Land Use & Site Plan Review	2005 8 th Avenue South	New Life Church Gym Addition	Approved SLU and site plan with conditions	7/11/19
Sale of City Property	111 North 3 rd Street	Sale of City-Owned Property (Old Jail/Waterfront Project)	Recommended approval of sale	8/21/19
Special Land Use & Site Plan Review	1601 Ludington Street	Flats on Ludington	Approved SLU and site plan with conditions.	10/10/19

VII. PERMIT ACTIVITY

Permit Type	Number Approved	Value	Number Denied	+/- from 2018 (Number Approved)	+/- from 2018 (Value)
Commercial New	2	\$4,242,000	-	- 50%	+ 9%
Commercial Remodel	13	\$3,020,000	1	+ 116%	+ 86%
Residential New	5	\$1,465,259	-	+ 25 %	+ 14%
Residential Remodel	37	\$9,462,875	1	+ 85%	+ 3,004%
Demolition	12	\$304,000	-	+ 50%	+ 277%
Special Land Use	2	\$3,859,306	-	+ 100%	**
Change of Use	1	-	-	- 50%	-
Home Occupation	2	-	-	+ 100%	-
Fence	60	-	-	- 10%	-
Sign	26	-	1	+ 189%	-
Outdoor Dining	3	-	-	+ 50%	-
TOTALS	162	\$22,353,440	3	+ 31%	** + 212%

** No value was assigned to the 2018 Special Land Use permit approval, so a comparison is not available and is not included in total.

VIII. VARIANCES AND INTERPRETATIONS (SUMMARY OF ACTIONS TAKEN BY ZONING BOARD OF APPEALS)

Action type	Location	Request Description	Status	Date
Dimensional Variance	801 North Lincoln Road	To allow two accessory structures (storage units) in front yard space	Approved	1/9/19
Dimensional Variance	1314 12 th Avenue South	To reduce the rear yard setback for detached garage	Denied	8/21/19
Dimensional Variance	601 North Lincoln Road	To exceed maximum copy area permitted for wall sign	Approved	8/21/19

IX. ACTIONS BY LEGISLATIVE BODY (Review actions taken by the legislative body related to planning and development)

Category	Action	Date
OPRA Resolution	Granted an Obsolete Property Rehabilitation Exemption for 1204 Ludington Street.	1/3/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1201 to amend Chapter 18 – Site Plan & Sketch Plan Standards.	3/7/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1202 to amend Chapter 19 – Development Standards.	3/7/19
OPRA Resolution	Granted an Obsolete Property Rehabilitation Exemption for 1601 Ludington Street.	3/21/19
PILOT Resolution	Authorized a Payment in Lieu of Taxes for the renovation of 223 Ludington Street (House of Ludington).	3/21/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1204 to add Chapter 21 – Wind Energy Systems. (Due to a clerical error, the ordinance was re-adopted in December to make the correction to make it Chapter 22, under Ordinance No. 1217)	4/4/19 12/5/19
CDBG Resolution	Authorized an application for Community Development Block Grant funds for blight elimination and	4/4/19

	historic preservation of 1601 Ludington Street.	
Ordinance Amendment	Adopted Ordinance No. 1212 to expand the Richter Brewery Historic District boundaries.	8/15/19
CDBG Resolution	Adopted a resolution to submit an application for the 2018 Façade program.	8/15/19
Purchase, Sale, & Development Agreement	Ratified the Purchase, Sale and Development Agreement with Proxima Group for Old Jail/Waterfront Properties and Adjacent Properties.	9/19/19
Zoning Ordinance Amendment	Adopted Ordinances No. 1215 and No. 1216 to allow Self-Storage Units as permitted uses in the Light and Heavy Manufacturing districts.	11/21/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1218 to amend Chapter 1 – General Provisions.	12/19/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1219 to amend Chapter 2 – Administrations, Enforcement, and Penalty	12/19/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1220 to amend Chapter 3 – Board of Zoning Appeals.	12/19/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1221 to amend Chapter 4 – District, Boundaries, and Zoning Map.	12/19/19
Zoning Ordinance Amendment	Adopted Ordinance No. 1222 to amend Chapter 21 – Central Retail Commercial District	12/19/19

X. ZONING MAP *(Review with listed development and rezoning requests to analyze potential trends)*

- The Planning Commission initiated a review of the entire Zoning Map. In February, a Public Hearing was held on the re-zoning of selected properties along the North Lincoln Road Corridor to E- Commercial designations. The Northtown area was reviewed for potential changes to 100 parcels covering variety of current and proposed districts. Following Public Hearings held on June 27 and September 12, the Commission approved the submission of the recommended re-zonings to City Council for adoption. It is anticipated the re-zonings will be presented to City Council in early 2020 following preparation of the proposed revised Zoning Map.
- In 2020, the Commission has decided to review the Future Land Use Map in the Master Plan to discuss the timing and process for incorporating the recommended new districts for Mixed Use and Waterfront Industrial, as well as a Historic Overlay District. Depending on the outcome of that discussion, the Commission plans to review and make recommendations for re-zoning the remainder of the city.

XI. TRAININGS RELATED TO PLANNING, ZONING, AND DEVELOPMENT

			MSUE Marihuana Webinar – May 23, 2019	Form-Based Code Training – June 17, 2019	MSUE Marihuana Webinar – June 20, 2019	MRA Emergency Rules Webinar – July 16, 2019	MSUE Marihuana Webinar – July 25, 2019	MSUE Marihuana Webinar – Aug. 22, 2019	MEDC Project Intake Training - Part 1 – August 27, 2019	MEDC Project Intake Training - Parts 2 & 3 - September 13, 2019	MHPN Webinar "HDC Process" – September 12, 2019	MHPN Webinar "HDC Defensible Decisions" September 19, 2019	MSUE Marihuana Webinar – September 19, 2019	MSUE Citizen Planner Online – September	MSUE Marihuana Webinar – Oct. 24, 2019	RRC Online Training – October	TOTAL TRAINING HOURS
Group	Name	Title															
Planning Commission	Smyth, Kelvin	Chairperson	1.5	3	1.5	1.5	1.5	1.5							1.5		12
Planning Commission	Williams, Christine	Vice-Chairperson	1.5	3	1.5	1.5	1.5	1.5					1.5				12
Planning Commission	Hellermann, James	Secretary		3													3
Planning Commission	Gierke, Craig	Deputy Secretary				1.5	1.5	1.5					1.5				6
Planning Commission	Benetti, Dominic	Commissioner			1.5	1.5	1.5										4.5
Planning Commission	Black, Brian	Commissioner															0
Planning Commission	Caswell, Paul	Commissioner	1.5	3				1.5									6
Planning Commission	Clark, Richard	Commissioner	1.5	3		1.5	1.5								1.5		9
Planning Commission	Davis, Stephen	Commissioner	1.5	3	1.5												6
City Staff	Jordan, Patrick	City Manager				1.5											1.5
City Staff	DeGrave, Blaine	Planning & Zoning Admin.	1.5	3	1.5												6
City Staff	Spencer, Roxanne	Planning & Zoning Admin.		3	1.5	1.5	1.5	1.5	1.5	3.5	1	1	1.5	24	1.5	8	51
City Staff	Legeault, Ed	DDA Director							1.5	3.5							5
City Council	Tall, Marc	Mayor				1.5											1.5
City Council	Beauchamp, Ronald	Mayor Pro-Tem													1.5		1.5
City Council	Blasier, Ralph	Councilman				1.5											1.5
City Council	O'Connell, Peggy	Councilman															0
City Council	Sattem, Michael	Councilman															0
Historic District Comm.	Curran, Don	Chairperson									1	1					2
Historic District Comm.	Fouts, Judith	Vice-Chairperson									1	1					2
Historic District Comm.	Eisenberger, Suzell	Secretary															0
Historic District Comm.	Keller, Elizabeth	Commissioner									1	1					2
Historic District Comm.	Lindquist, Karen	Commissioner									1	1					2

1 - LOCAL ECONOMY		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	The economy of Escanaba and Delta County has long been dependent on natural resources, waterborne industry and manufacturing. However, these industries have shrunk and the region needs to broaden and diversify its economic base. Job growth in the region has been in sectors that offer lower wages than those in the manufacturing industry. In order to spark growth in new economy industries the region must attract and retain an educated workforce. The waterfront location and historic character of the City should be used as part of an asset-based strategy to attract visitors, residents, and businesses. In particular, the City needs to attract and retain young residents in order to sustain its economy.				
GOAL	BUILD ON THE UNIQUE ASSETS OF THE COMMUNITY TO GROW AND DIVERSIFY THE LOCAL ECONOMY				
Objective 1.1	<p>North Shore Waterfront Redevelopment - Diversify land uses along the industrial waterfront to accommodate public access, mixed-uses, and other waterfront related uses. The north shore waterfront has been repeatedly identified by community members as a priority for enhanced development and redevelopment.</p> <p>Community members felt that measures should be taken to identify new north shore waterfront opportunities which accommodate a diversified mix of land uses that not only enhances and preserves an industrial working port but also enhances the public enjoyment of the Bay, exposure to the working waterfront and provides opportunities for public access, open space an expanded public use. Many expressed concern that the area is underutilized and that some portions of the north shore appear to be blighted in need of clean up and better integrated into the downtown.</p> <p>In 2010, the City adopted a North Shore Redevelopment Plan for the waterfront in which it identified opportunities for enhanced maritime industrial development, potential land re-purposing, increased opportunities for waterfront public access, open space and expanded public use.</p>	<p>Planning Commission DDA Brownfield Authority Business Owners Delta County MEDC</p>	Long		
Action E1	<p>Compatible Maritime and Waterfront Uses - Seek, encourage, and foster a balance of uses and activities on the waterfront that are compatible with a working port and the broader goals of the community. Opportunities for waterside public access, open space, and the expansion of public use of the waterfront include improvements such as viewing platforms, piers, street ends, and non-motorized trails where feasible, or other physical improvements to improve the character and utilization of the waterfront should be explored. Develop form-based zoning standards that support waterfront redevelopment due to the irregular property line layouts.</p>			<p>Some progress on re-development of Old Jail/Waterfront project.</p> <p>No progress on form-based zoning standards.</p>	
Action E2	<p>North Shore Property Acquisition - Should property within the near north shore zone within the downtown area become available, and the should the City have an opportunity to acquire it, steps should be taken to purchase or acquire the property and work with the community and the private sector on a development and infrastructure plan which will meet the needs of maritime and recreational water dependent activities that has the potential to increase the overall economic value of the community with new investment that will stimulate the revitalization of the waterfront, provide new jobs, revenues, public amenities and other benefits to the community.</p>			No progress	
Action E3	<p>Relocate Civic Buildings - The evolution of the waterfront from its beginning to the present reflects Escanaba's colorful history. The waterfront will always serve as a repository for memories of past events, but it must also continue to evolve so that a balance is maintained between continued maritime activities, public activities, and the unique history of the area. Over time, the Delta County Jail and Chamber of Commerce have become less than desirable uses on valuable downtown waterfront property. These facilities should be relocated to a site better suited to these uses and the two (2) properties should be repurposed for private development opportunities and new investment which has the potential to positively impact the revitalization of the downtown area, preserve the maritime water-dependent activities, provide new jobs, increase property values, and provide public amenities and other benefits to the City.</p>			<p>Jail & Chamber of Commerce moved from downtown in 2019.</p> <p>Re-development of the properties into mixed use hotel/condo/retail has been approved in concept and contract negotiations are in progress.</p>	
Objective 1.2	<p>Vibrant Public Spaces - Develop and maintain places for the community to live, work, and play. Investing in public spaces to encourage greater interaction between residents and promote a healthier and more vibrant community is an approach to build communities around places which inspire people to collectively reimagine and reinvent the public spaces they share.</p>	<p>Planning Commission DDA Business owners Community Groups MEDC</p>	Immediate		

Action E4	<p>“Placemaking” Asset Inventory and Assessment - The community should establish placemaking concepts and standards that promote the positive use of public space which has the potential to attract a knowledge-based industry and a talented younger workforce. In recent years the placemaking strategy has been shown to be an effective tool that and catalyst for economic development. Develop an inventory of existing public spaces and assets that capitalizes on community assets, inspiration, and potential for expansion opportunities and improvement opportunities which will contribute to the people’s health, happiness, and well-being.</p>			No progress	
Action E5	<p>Community Festivals and Events - Throughout the year, the City and Downtown Development Authority hold public events and festivals that attract residents and visitors into the downtown and waterfront area. Festivals are important because they can help the community to remember important events, bring family and friends together and educate the youth about the history and culture of the community. Continued community events which utilize City’s parks, including the Municipal Dock area, should be encouraged and built upon.</p>			<p>WATERFRONT: Rock the Dock (since 2014) 906 Day (since 2018) New Year’s Eve Fireworks (since 2012) Fourth of July Celebration Labor Day Parade & Celebration (NEW starting in 2020)</p> <p>DOWNTOWN: Farmers Market (Wed. & Sat. from Memorial Day to Halloween. Started 1877. Fun Run Parade - First Friday in June Sidewalk Sales - Last Sat. in July. Started in 1950s Trunk or Treat - Moved downtown 2 years ago. Christmas Tree Lighting - Since 1980s. Black Friday on Tuesday - Tuesday before Thanksgiving Christmas Parade - Last 50 years.</p>	ONGOING
Objective 1.3	<p>Downtown/Waterfront Linkage - Create strong visual and physical connections between downtown and the waterfront. The Downtown Waterfront area has the strongest potential for mixed use redevelopment which can work in harmony with a working waterfront. The working waterfront along with the public waterfront need to be better connected to the downtown area and surrounding neighborhoods. Development standards are needed which encourage more people to stay longer and visit more often in order to grow and thrive. New development in this area should be integrated into the character of the existing downtown and attractive to the community using “form-based” zoning standards. This would include pedestrian and non-motorized connectors and water uses that rely on the waterfront such retail development, outdoor sporting activities such as fishing and boating or similar uses.</p>	<p>Planning Commission DDA Business Owners</p>	Medium		
Action E6	<p>Public Access - Explore opportunities for constructing a public multi-use facility including viewing area of harbor activities as recommended in the North Shore Master Plan. Connect the viewing platform to non-motorized network. Should the Delta County Jail property be relocated to a different location, that parcel should be developed under this concept.</p>			In progress with the Jail Site Redevelopment Project	
Objective 1.4	<p>Expand Use of the UP State Fairgrounds - Maximize use of the fairgrounds year-round. Collaborate with U.P. State Fair Authority Board to develop a shared vision for the future of the fairgrounds and the surrounding properties.</p>	<p>Delta County Planning Commission</p>	Short		
Action E7	<p>Fairgrounds Expansion and Redevelopment - Develop uses which are designed to keep activity at the fairgrounds on a year-round basis. Efforts to maximize the use of the fairgrounds and their property to a year-round use would be beneficial to not only the City of Escanaba but the Upper Peninsula members which make up the Fairground Board Authority. Work with the U.P. State Fairground Authority Board to establish property uses along the commercial frontage area of the U.P. State Fairgrounds that targets developments and uses, which complement fairground activities such as restaurants, entertainment venues, museums, travel related information centers and specialty small scale, auto dependent retail uses. Work with the Delta County Chamber of Commerce on possibly relocating to this area which is a better suited site for their organizational needs.</p>			<p>Chamber of Commerce/Museum Multi-Use Complex constructed on fairgrounds property in 2019.</p> <p>Events at fairgrounds throughout the year such as RV shows, craft shows, Craft Beer Festival, UP Steam and Gas Engine Show, UPIR races, horse shows, Gun & Knife Show, and more.</p> <p>Planning Commission recommended to City Council the re-zoning of North Lincoln Road to commercial. (Large sections were designation Light Manufacturing previously).</p>	COMPLETED
Objective 1.5	<p>An Attractive and Thriving Downtown - Downtown will be a thriving, vibrant commercial district. Residents have expressed a strong desire for more investment and activity in the downtown.</p>	<p>DDA Business Owners MEDC</p>	Medium		

Action E8	Downtown Organization - The downtown should continue to be organized into functional zones in order to create a critical mass, for not only retail businesses, but for professional offices and services that support downtown living. The encouragement of retail and entertainment anchors in the downtown ties into the reorganization of the downtown in definable districts. Downtowns such as Escanaba have a difficult time competing with regional and franchise stores, but often times excel in specialty retail, restaurants, and entertainment type uses. A modification to the Zoning Ordinance encouraging the reorganization of the downtown from Ludington Park to Lincoln Road into definable districts is recommended. Zoning Ordinances should be revised to enhance street traffic by limiting non-retail first floor uses where practical. Additionally, form-based zoning standards should be adopted to reinforce desired use patterns within the downtown district. The ground floor of downtown buildings should be limited to retail uses and professional services with a retail element when located within the Central Retail District. Where possible, upper floors should be utilized for professional offices and residential units.			Zoning Ordinance Audit in Dec. 2019 confirmed the need to work on this in the near future.	Zoning Ordinance Amendments to expand E3 Central Retail Commercial District, include Mixed Use District, establish front build-to line, and incorporate form-based code elements.
Action E9	Attract Anchor Businesses to Downtown - In order to encourage foot traffic and expand hours, the City in partnership with the Downtown Development Authority should encourage the development of uses and businesses that will attract people into the downtown. This could include retail, entertainment, hotel lodging, owner occupied residential uses such as condominiums and townhomes, convention center, or similar businesses that compliment and support the existing uses in downtown.			-- RaceDriven expanded into downtown location -- Approval of re-development of old jail/waterfront property into mixed use hotel/condos/retail -- Approval of Flats on Ludington multi-family residential	ONGOING
Action E10	Business Incentives - Partner with the State of Michigan in the development and creation of new incentives, such as a point-of-sale tax exemption from sales tax throughout the Downtown Development Central Retail District to encourage and attract new retail businesses to the downtown.			No progress	
Action E11	Re-purpose Signature Building Space -Downtown Escanaba has building designs which are and have been a central and functional part of people's lives for many years after they are built. Should "Signature" properties within the Downtown District become vacant and available, the City in partnership with the Downtown Development Authority, the Delta County Economic Development Alliance and the State of Michigan, should identify opportunities to reclaim and reuse the signature building to increase the overall economic value of the downtown to stimulate and revitalize the downtown.			1 Redevelopment Priority Site Identified & marketing package created (House of Ludington)	Identify at least 2 more Priority Sites for marketing packages
Action E12	Evening Activity - Partner with the Downtown Development Authority on an initiative which encourages businesses to extend hours of operation to meet the needs of residents who work during the day or live in downtown Escanaba. Encourage and recruit new entertainment downtown that will draw people to the area into evening hours utilizing such structures as the former Delft Theater (907 Ludington Street), the former Michigan Theater (811 Ludington Street), the former Northern Michigan Bank (723 Ludington Street), the former Remax Building (623 Ludington Street) and the Caron property (630 1st Avenue South).			Michigan Theater has new owners putting together business plan to access MEDC funding for historical restoration into movie theater/arcade.	Process other listed properties as Redevelopment Priority Sites.
Action E13	Aesthetic Improvements - Continue to pursue opportunities to enhance the downtown streetscape including the side streets from Ludington Street to 1st Avenues North and South from 5th Street to Stephenson Avenue to reflect the vibrant heritage of this Great Lakes City. Improve safety on these local and major streets for pedestrians, bicyclists and motorists; improve movement efficiency for pedestrians, bicyclists and motorists; substantially enhance the aesthetic appeal of the streets for residents, as well as travelers and first-time visitors to the area; improve sidewalks, crosswalks and other structures for pedestrians and bicyclists; including landscaping, lighting, and signage improvements which are in line with the Escanaba's downtown historical designation.			No progress	Apply for CDBG IR project funding by Feb. 14, 2020.
Action E14	Maintain Historic Character - Utilize grants and incentive programs to encourage the maintenance and adaptive reuse of historic structures.			Lofts on Ludington Redevelopment (completed) Flats on Ludington Redevelopment Project (in process) Continued utilization of Façade Program - 6 completed in 2018 - 3 currently in progress Numerous OPRA districts approved (27)	
Action E15	Non-Motorized Infrastructure - Provide safe pedestrian crossings across Ludington Street and implement traffic calming strategies.			No progress	

Action E16	Attract and Retain Young Professionals and Entrepreneurs - Market the City's assets, such as educational system, affordability, cost of living and access to major outdoor recreational opportunities in order to attract and retain people in their prime working years. Expanding the non-motorized network and becoming a greener walkable community would also help to attract a younger workforce.			No progress ???	
Action E17	Escanaba Heritage Walking Tour - Develop a heritage walking tour of the historic downtown area and parts of the City of Escanaba which showcase historic buildings, homes, events and landmarks that make Escanaba special.			No progress	
Objective 1.6	Grow the Tourism and Recreation Sectors - Capitalize on natural resources and local character to attract tourists year-round. Expand tourism resources, grow complementary businesses, and promote the community to attract more visitors to the community throughout the year.	Delta County EDA Business Owners MEDC	Medium		
Action E18	Community Marketing - Promote the City's cultural, historical and natural outdoor recreational resources. Tie marketing to programs such as the State of Michigan's Pure Michigan campaign where possible.			CGI Videos created	ONGOING
Action E19	Community Ambassador Programs - Recruit and train staff and volunteers at tourism related businesses to be ambassadors for the community in order to direct people to local recreational resources, outdoor activities and tourism related uses. Additionally, partner with the Delta County Chamber of Commerce, Delta County Economic Development Alliance and the Escanaba Downtown Development Authority in training local business leaders to be community ambassadors in the promotion of the City when traveling.			No progress	
Objective 1.7	Retrofit Outdated or Underutilized Properties - Encourage alternative uses for outdated, underutilized, or vacant structures. Underutilized commercial spaces could be revitalized through the development of new uses that would bring people and activity into commercial zones.	Planning Commission	?		
Action E20	Reuse Vacant Structures - Revise the Zoning Ordinance to encourage creative reuses for underutilized commercial spaces that have the potential to increase the overall economic value of the community with new investment that will stimulate the revitalization of the City, provide new jobs, revenues, public amenities, and other benefits to the community. This could include increasing density guidelines and pedestrian and green infrastructure development standards.			-- Several vacant storefronts at the mall have been filled (Hobby Lobby, Marshall's, Harbor Freight) -- New Dialysis Center at old Family Dollar --Race Driven in old dealership downtown --Uhaul in old Kmart --PC approved multi-family housing at 1601 Ludington	Inventory all vacant structures (downtown and Lincoln Road Corridor). Decide which to include in Redevelopment Priority Site marketing packages.
Objective 1.8	Brownfield Redevelopment - Utilize tax incentives to promote brownfield redevelopment. Use the incentives associated with the brownfield redevelopment program as a method to redevelop environmentally distressed sites. Use this program in conjunction with the Obsolete Property Rehabilitation Act (OPRA) to increase taxable valuation and job creation opportunities in the City. Because Escanaba is a (core) community, it should continue to use the tax abatement incentives offered through OPRA.	Brownfield Authority	Medium		
Action E21	Brownfield Plan Implementation - Continue to implement the City's brownfield redevelopment plan. Seek grant funding for brownfield redevelopment as needed.			There have been 9 Brownfield plans submitted in recent years, 7 of which have been completed.	ONGOING
Objective 1.9	Support Local Manufacturing Industry - Manufacturing business are a key component of the local economy and provide many jobs to area residents.	Delta County EDA Dept. of Commerce EDA MEDC MTEC Bay College Michigan Works	Immediate		
Action E22	Technical Assistance - Partner with the Delta County Economic Development Alliance, the Downtown Development Authority, Michigan Economic Development Corporation, Central Upper Peninsula Planning and Development organization and the Next Michigan Superior Trade Zone in providing technical assistance and support to businesses and activities that has the potential to increase the overall economic value of the community with new investment that will stimulate and revitalize the local manufacturing base.			EMP & HJR (19th Ave N) have both received Industrial Property Tax Abatements	ONGOING

Action E23	Workforce Development - Promote partnerships between local industry and educational institutions such as Bay College, MTECH and Escanaba Area Public Schools to ensure an adequate workforce pipeline is trained and available to support businesses and activities that have the potential to increase the overall economic value of the community, stimulate and revitalize the local manufacturing base..			No progress	
Action E24	Industry Recruitment - Partner with the Delta County Economic Development Alliance, the Downtown Development Authority, Bay College, MTECH, Michigan Economic Development Corporation, Central Upper Peninsula Planning and Development organization and the Next Michigan Superior Trade Zone to recruit new industry to the community.			No progress	
Objective 1.10	Secondary Business District Development - Enhance business districts throughout the community in order to provide for a wide array of retail, office, and other commercial uses in the city.	Delta County MDOT	Long		
Action E25	Regional Retail - Accommodate big box retail development in the area west of Lincoln Road between 3rd Ave and 9th Ave North.			Meijer & Aldi	Work on street expansion/infrastructure for 9th Avenue North west of North Lincoln Road and North 26th Street between 3rd & 9th Avenues North
Action E26	Next Michigan Superior Trade Zone Business Park at the Delta County Airport – The Industrial Park located at the Delta County Airport should be developed as a Next Michigan Superior Trade Zone Industrial Park which encourages a multi-model mix of uses for private develop opportunities and new investment which has the potential to positively impact the manufacturing base within the community, provide new jobs, increase property values and provide public amenities and other benefits to the City of Escanaba and Delta County. A specialized form- base zoning district should be created for the purpose of accommodating multi-modal transportation, light manufacturing, research and development plants, warehousing, and similar clean industries.			No progress	
Action E27	Northtown Business District Improvements - This neighborhood has an ethnic heritage that should be capitalized on. The area has a defined business district and well-maintained homes. Efforts to improve and enhance the business district should be implemented. Improvements should include the construction of an off-street public parking areas, facade updates, and standardized signage regulations.			No progress	

2 - HOUSING		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	The City's historic and affordable housing make home ownership in the City attainable for young families. Traditional neighborhood design makes the eastern portion of the City highly walkable. Citizens have expressed concern about the growing number of rental properties and their condition. Additionally, while there is ample supply of rental housing, much of it is unattractive for young professionals. The majority of housing in the City is detached single family housing. There is a growing market for additional types of housing including townhomes and condos.				
GOAL	ENCOURAGE THE PROVISION OF AN ADEQUATE SUPPLY OF AFFORDABLE, WELL-MAINTAINED, SAFE HOUSING THAT IS CONSISTENT WITH THE NEEDS OF THE LOCAL POPULATION.				
Objective 2.1	Expand Housing Variety. Attract new housing development that will meet the needs of a changing housing market. More housing choices will attract new residents as well as accommodate an aging population.	MSHDA CUPPAD UPCAP	Immediate		
Action H1	Housing Variety Modifications - New Development - Housing variety modifications to the City's Zoning Ordinance should be made which encourages the development of a variety of housing types such as owner-occupied townhomes, owner-occupied condominiums and mixed uses. A variety in the housing styles will allow all age groups to find housing based on lifestyle conditions and remain in the City. The 2016 Target Market Analysis done for Delta County by Land Use USA indicates the market for single-family homes in Escanaba is saturated and that there is an unmet demand for owner-occupied townhomes, condominiums and mixed use housing units.			No progress	PC goal for 2020 includes discussion on adding mixed use district. Other potential PC discussion for: - Accessory Dwelling Unit expansion - Townhouse/condominium placement
Objective 2.2	Protect the Character of Historic Neighborhoods. The City's historic housing stock is an asset that should be protected. The historic stock of residential structures is an asset to the community and sets it apart from the surrounding townships. Maintaining the quality and unique character of historic homes adds to Escanaba's unique sense of place and should be protected. Include schools in home tours to educate young residents about local history. Efforts to manage this unique resource should be a priority for the community.	Historic District Commission Planning Commission DDA Delta County Historic Society	Short		
Action H2	Asset Inventory - The City's Historic Commission should undertake a formal inventory of historic homes and structures in the community to support the development of various historic districts within the community.			No progress	HDC to undertake inventory & recommend establishment of additional historic districts. HDC is applying in early 2020 for technical assistance in surveying for a residential historic district between Lake Shore Drive, South 7th Street, and 1st Avenue South
Action H3	Neighborhood Historic Overlay - The area between 1st Avenue South, South 7th Street, and Lake Shore Drive should be designated as an historic overlay district, which means it poses a high concentration of historic structures deserving to be preserved for the community. The City's Historic Commission should undertake the task of creating a neighborhood historic overlay district in this area which would provide a basis for the City to manage the appearance of the exterior of new structures and significant additions to structures within this area. The overlay district would not be a local historic district, but a zoning tool used to preserve the architectural and historic integrity of the neighborhoods.			No progress	PC goal for 2020 includes discussion on creating a historic overlay district.
Objective 2.3	Neighborhood Enhancement - Address blight and maintain the quality and stability of residential neighborhoods. Through the public survey, residents expressed a strong desire to see the consistent enforcement of property maintenance codes to reduce blight in residential neighborhoods. In particular, the properties in the first three blocks off of Ludington Street between Ludington Street and 3rd Avenues North and South and between North and South 9th Streets to Lincoln Road are a concern and in need of enhanced code enforcement efforts and infrastructure improvements along with the development of home ownership programs designed to increase the property values and stabilize the older traditional neighborhoods of the community.	City Code Enforcement UPCAP	Short		
Action H4	Neighborhood Code Enforcement - The uniform application of code enforcement activities focused on blight control and exterior maintenance of property has long term benefits for neighborhoods and the community. The key to neighborhood stability is home ownership. The application of a proactive code enforcement program will dampen the trend to convert owner occupied properties to rental properties, which tend to degrade the stability of a neighborhood.			Code Enforcement moved under the umbrella of the Public Safety Department in July 2019. Separation of Code Enforcement from Planning & Zoning allows for more directed blight control efforts.	ONGOING

Action H5	<p>State and Federal Programs - The City should pursue funding and regulatory tools to address blight in the community. The HUD Neighborhood Stabilization Program exists to help stabilize communities that are struggling to maintain high levels of home ownership. Additionally, the State of Michigan also offers grants to address blight and improve the quality. Programs to improve the energy efficiency of local housing could also be a useful strategy to reduce utility consumption costs and thus improve housing affordability for low income residents.</p>			No progress	
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3 - NATURAL RESOURCES AND FEATURES		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	The natural features and beauty of the area contributes to the quality of life enjoyed by local residents. Additionally, the health of the local ecosystems creates benefits enjoyed by area residents, such as a thriving walleye fishery and wildlife populations, clean beaches, clean air and beautiful scenery. The quality of the natural resources of the area also draws recreational tourists to the community.				
GOAL	SUSTAIN THE QUALITY OF THE CITY'S NATURAL RESOURCES FOR THE ENJOYMENT OF FUTURE GENERATIONS				
Objective 3.1	Protect the Quality of Little Bay de Noc - Proactively manage resources to protect the quality of the Bay. The Bay is a vital asset to the region that sustains the economy and quality of life for residents. Expanding the use of green infrastructure to mitigate run-off will sustain the quality of this resource into the future.	Community Groups Planning Commission Public Works	Medium		
Action N1	Green Infrastructure - Revise site development guidelines to improve stormwater management practices. Although development standards already require stormwater management, additional guidelines that encourage impervious surfaces and low-impact development practices would improve environmental sustainability.			No progress	
Objective 3.2	Sustain Healthy Ecosystems. Manage natural systems to promote environmental quality and sustainable economic development.	Planning Commission Community Groups	Medium		
Action N2	Wetland Management - A 2008 study of wetlands in the City identified wetland areas and assessed their quality. The City should develop a formal wetland management plan to guide wetland banking and mitigation.			No progress	
Action N3	Sustainable Resource Management - The integrity of forested areas owned by the City are assets that should be preserved for the enjoyment of future residents.			Westside Recreation Area Natural Resource and Recreation Report completed January 2019	
Action N4	Invasive Species Mitigation and Management - The City should develop a formal plan to manage invasive species in the community.			Currently treating for emerald ash borer. Treatment has been done in the past for phragmites and Eurasian milfoil. Need to develop a formalized plan.	
Action N5	Environmental Education - The City should partner with Bay College to develop educational resources, lectures, and events to increase public awareness of environmental and sustainability issues in the community. In the long term, this could tie into Bay College's development of a sustainability education center.			Bay College offers a certificate in sustainability. City Assessor has certification.	

4 - LAND USE & ZONING		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	Previous plans and regulations for the City have resulted in separated land uses and auto-centric development. Due to the inertia of land use, changing the existing pattern of development to foster pedestrian scale development and economic diversity is a long term goal that will be achieved incrementally.				
GOAL	LAND USE REGULATIONS WILL SUPPORT A WIDE RANGE OF DEVELOPMENT THAT ENCOURAGES A MORE VIBRANT, SUSTAINABLE, AND HEALTHY COMMUNITY				
Objective 4.1	Strengthen Development Standards to Promote High Quality, Sustainable Development . Community residents have expressed a desire to see the City become greener, more walkable, safer, economically diversified, and a bustling, attractive downtown commercial district.	Planning Commission	Short		
Action L1	Zoning Revisions - Include form based or performance standards in the zoning ordinance for some of the City's land-use districts to drive development that is aligned with community goals. This could include the reduction of parking standards and lot setbacks and increasing density around downtown.			PC had Form-Based Code training in June 2019. No actions taken yet to make specific changes to zoning ordinance.	Undertake a major revision of Zoning Ordinance as a result of the Zoning Audit done in 2019

5 - COMMUNITY FACILITIES AND SERVICES		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	The City provides vital services that support both businesses and residents. Although the City has thus far been able to provide efficient, reliable, and safe services, investments into aging infrastructure systems are needed to ensure future use.				
GOAL	THE CITY WILL CONTINUE TO PROVIDE QUALITY AND AFFORDABLE SERVICES THAT SUPPORT ECONOMIC DEVELOPMENT, PUBLIC HEALTH, EDUCATION, AND WELL-BEING.				
Objective 5.1	Ensure the Reliability, Efficiency, and Sustainability of Municipal Utilities.	Public Works Community Partners	?		
Action C1	Infrastructure Funding - Continue to aggressively pursue state and federal funds to maintain the aging water, sanitary and storm water systems. Use results of SAW funded study to guide future investments.			(No updates received)	Applying for CDBG-IR funding for Ludington Street project in 2020
Objective 5.2	A More Engaged Community. Encourage citizens to become more involved in community and economic development.	Community Groups City Boards/Commissions City Council	Immediate		
Action C2	Utilize Person to Person Communication - Ask people who plan on coming to public meetings to reach out and bring others along. Community leaders could hold cottage meetings to talk about a particular issue or opportunity.			Held town hall meetings to help public understand the need to increase water rates.	ONGOING
Action C3	Social Media - Continue to use social media as a tool to communicate with a broad audience.			Planning & Zoning Department starting to use Facebook more to inform public of P&Z-related issues and to collect feedback in surveys.	ONGOING
Action C4	Public Participation Plan – Educate civic leaders, business leaders and community members on the "Escanaba Community Participation Plan."			Currently in the process of being updated.	After adoption, distribute as indicated and implement intentionally

6 - RECREATION		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	The City's parks and recreation are highly valued by residents and contribute greatly to the quality of life in the City. Additionally, the recreation system and community events attract visitors to the City and support recreation based tourism. Continuing to invest in parks and recreation is vital to the future of the community.				
GOAL	ESCANABA'S RECREATION SYSTEM WILL ENHANCE THE ENJOYMENT AND HEALTH OF RESIDENTS AND CONTRIBUTE TO THE UNIQUE CHARACTER OF THE COMMUNITY				
Objective 6.1	Recreation Facilities will Meet Community Needs. Pursue opportunities to expand the uses of recreational facilities to more ages and abilities.	DNR Recreation Advisory Board Planning Commission	Medium		
Action R1	Universal Access - improve the accessibility of recreation sites and facilities in order to meet the needs of an aging community.			Continuing efforts to improve accessibility to West Side Recreation Area (Natural Resource & Recreation Report - January 2019)	Received \$3,000 from Hannahville 2% and will be working on submitting a permit to the DEQ for culverts, boardwalks and bridge work. Permit will be good for 5 years.
Action R2	Regional Resource Coordination - Coordinate the development of recreational facilities and non-motorized paths with other communities and institutions in Delta County.			CUPPAD is working on a Delta County wide non-motorized pathway plan.	Several meetings took place. Grant award of \$3,840 from Hannahville 2% funding - waiting on CUPPAD to complete
Action R3	Placemaking - As stated in Objective 1.2 Vibrant Public Spaces, Action E4 and E5. Utilize recreational and cultural resources to strengthen the City's unique sense of place. Recruit more events in existing parks throughout the year.			Worked with the Chamber of Commerce, Visit Escanaba, DDA and Bonifas Art Center to come up with projects when funding is made available	Continue to work with various groups when funding becomes available.
Action R4	Utilize the Bay - Continue to use Little Bay de Noc and Lake Michigan as bountiful recreation resources. In addition to watersports and fishing, this also includes migratory bird fly-way viewing opportunities.			Commoncoast continues to work with the migratory bird initiative. A kayak lift is listed in the Five Year Recreation Plan.	The marina should also be involved in this project and we will work with them to ensure coordination of efforts.
Action R5	Embrace Winter - Promote winter sports activities along the lakeshore and on the lake. Seek opportunities for winter events.			We tried winter events in the past and the success is always based on the weather.	
Action R6	Youth Activities - Create more recreation opportunities for both young children and teenagers. Develop indoor winter activities for pre-school age children.			The Civic Center is for ages 4th - 12th grades.	
Action R7	Water Access for Non-Motorized Watercraft - Provide non-motorized boat launch access for canoes, kayaks, sailboats, and other non-motorized watercraft.			A kayak lift is listed in the Five Year Recreation Plan. The marina should be involved with this project.	
Action R8	Dog Park - There is a continued popularity and routine requests to have an outside, fenced in area for a dog park that is safe and secure. A dog park should be developed in partnership with K-9 interested community members which will allow secure areas for both small and large dogs and would include features as benches, picnic tables, garbage receptacles, animal waste dispensers and potable water.			Completed in 2019.	COMPLETED
Action R9	Danforth Hill Ski Area - The Danforth Hill Ski area off of 19th Avenue North is being utilized as a temporary parking lot to gain access to the snowshoe trail and cross country ski trail loops. This area should be developed into a more permanent access point with permanent parking which includes amenities such as seating and signage. The access on North 30th Street to the snowshoe trail and loops #1 and #2 of the ski trail should be eliminated due to topographical property restraints (wetlands) and vehicle traffic safety concerns.			The North 30th Street trail access has been terminated. Two trailheads are available at the Comfort Suites parking lot on Ludington Street and the 19th Avenue North access. Grant funds continue to be sought to expand upon this area, along with seeking volunteers for the work. A DEQ permit will be submitted in the near future for trail work.	Ongoing to expand upon the area.

Action R10	<p>Trail Connections - The community would benefit from connections to motorized and non-motorized trail networks in the region. These types of trails are shown to have many benefits, including economic development. A trail to connect central Escanaba to Bay College and to nearby communities would be an asset that would be valued by residents and tourists. Additionally, amenities, such as better signage and parking at trailheads where appropriate, would improve the use of the trail network.</p> <p>As part of the City of Escanaba Non-Motorized Pathway System Master Plan, a 10' wide pathway system should be designed and engineered to include project costs for the following "missing" links:</p> <ol style="list-style-type: none"> 1. Willow Creek Road between 8th Avenue South to 3rd Avenue North approximately 5,200 feet. 2. Municipal Dock to North 4th Street approximately 1,400 feet. 3. North 10th Street from 1st Avenue North to 3rd Avenue North approximately 1,400 feet. 4. 3rd Avenue North from North 10th Street to Stephenson Avenue approximately 2,700 feet. 5. Stephenson Avenue to Sheridan Road, 3rd Avenue North to 8th Avenue North approximately 2,600 feet. 6. Sheridan Road to City limit approximately 7,200 feet. 7. North 26th Street and 16th Avenue North to North 26th Street to Danforth Road approximately 1,500 feet. 8. 5th Avenue South from South Lincoln Road to Ludington Park approximately 6,200 feet. 9. Lake Shore Drive from Ludington Park to M35 approximately 11,000 feet. 			A \$1.1 million project will be completed in 2020 which will tie the entire north side of the City limits together, along with incorporating Bay College. Items number 8 and 9 are complete through a CUPPAD Placemaking grant in 2018.	Sections will continue to be worked upon once grant funding is made available.
Objective 6.2	<p>Pursue Additional Funding to Support the Development and Maintenance of Recreation Sites. Utilize grants, crowdfunding, and other alternative funding sources to support the recreation system.</p>	MDOT DOT MEDC DNR Community Sponsors	Short		
Action R11	<p>Recreation Plan - The City should maintain an up-to-date DNR approved recreation plan in order to remain eligible for state funding sources.</p>			The current Five Year Recreation Plan expires in 2021. Work will be conducted in 2020 to ensure the plan is in place prior to the deadline.	Will be working with CUPPAD to engage the public and finalize the Five Year Recreation Plan.
Action R12	<p>Community Funding - The City should explore opportunities for crowdfunding to support capital projects and a sponsorship program to help support the parks and recreation system.</p>			Consideration of crowdfunding was done with regards to the Ludington Park tennis courts to make them universal use with tennis and pickleball.	Continue to explore.

7 - TRANSPORTATION		PARTNERS	TIMELINE	PROGRESS COMMENTS	NEXT STEPS
Background	Escanaba is a major transportation hub for rail, road, air, and shipping networks. Reduced funding for road maintenance has affected local road quality. Community members have expressed concerns about the safety and connectivity of non-motorized networks.				
GOAL	ESCANABA WILL HAVE A SAFE, EFFICIENT, AND SUSTAINABLE TRANSPORTATION NETWORK THAT MEETS THE NEEDS OF RESIDENTS AND BUSINESSES				
Objective 7.1	Transportation Networks Will Support Efficient Travel and Sustainable Land Use Patterns. Make improvements to the transportation system that promote safety, non-motorized connectivity, transit development, and efficient land use.	MDOT DOT DATA	Long		
Action T1	U.S. 2/41 Plan Implementation - Continue to implement the recommendations identified in the 2009 U.S. 2/41/M-35 Access Management Plan to improve safety and pedestrian connectivity as well as the aesthetic character of the corridor. The plan U.S. 2/41 plan prioritized actions that should be taken along the corridor to improve safety for pedestrians and bicyclists including the installation of pedestrian traffic devices, connections to non-motorized transit network, and the development of commercial clusters that are easily accessible to these types of users.			Ongoing	
Action T2	Expand the Traditional Street Grid - When new development occurs along the fringe areas of the community, the City should take the appropriate measures to extend the traditional street grid pattern into these areas. This pattern has been shown to be the most advantageous means of evenly distributing traffic within a neighborhood and community.			Ongoing	
Action T3	Washington and Lincoln Intersection - Redesign the intersection at Washington and Lincoln Streets as a gateway to Downtown Escanaba. The project could be partially financed through MDOT.			No progress	
Action T4	Danforth and Lincoln Intersection Reconfiguration - Make a geometric change in the intersection configuration at US-2 and Danforth Road to accommodate truck-turning radii, and enhance the intersection to serve as major gateway into the Escanaba community and US-2 regional business district and improve safety for pedestrians, bicyclists and motorists and improve movement efficiency for pedestrians, bicyclists and motorists.			No progress	
Action T5	Railroad Viaducts - Seek funding and permission to redesign railroad viaducts along Lincoln Road to safely accommodate non-motorized users.			Ongoing	
Action T6	Sidewalks - Expand existing sidewalk network. Create pedestrian connections between parks and recreation facilities as well different land use types.			PC & CC met in 2019. PC Sidewalk Committee & Eng. Dept. completed a sidewalk inventory and are forming a plan to present to CC.	Submit Sidewalk Plan to CC
Action T7	Pedestrian Access to Bay College - Create a safe non-motorized connection to the YMCA and Bay College Campus.			Large northside bike path project in 2020	
Action T8	Visual Enhancements: The 2003 U.S. 2 Corridor Visual Enhancement Plan should continue to be implemented to address safety and aesthetic issues along the route. Many of the issues and strategy in the plan are still issues of concern for area residents. The plan includes recommendations to improve the corridor, including reducing curb cuts, providing continuous sidewalks, limiting new billboards, installing distinctive streetlights and banner mounts, planting street trees, developing pocket parks at available parcels, and remove frontage parking where possible. Image 13-7 illustrates a conceptual image of what these improvements would look like.			Ongoing	

Action T9	Construction of 9th Avenue North Connection (Between Lincoln Road and North 30th Street) – The City continues to grow to the west and very developable commercial property needs to be opened up for future larger scale commercial developments. Expansion is needed so that additional property can be developed which adequately and safely can handle increased traffic and traffic congestion away from North Lincoln Road. This is a continuation of a phased approach to construction in developing a grid of streets and utilities for future economic growth in the area. Capital improvement funds, special assessments, grant funds and State of Michigan Act 51 funds should be pursued to achieve this goal.			Insufficient ROW to construct. Would be funded by special assessments/grants	
Action T10	Construction of North 26th Street Connection (Between 6th Avenue North and 9th Avenue North) – The City continues to grow to the west and very developable commercial property needs to be opened up for future larger scale commercial developments. Expansion is needed so that additional property can be developed which adequately and safely can handle increased traffic and traffic congestion away from North Lincoln Road. This is a continuation of a phased approach to construction in developing a grid of streets and utilities for future economic growth in the area. Capital improvement funds, special assessments, grant funds and State of Michigan Act 51 funds should be pursued to achieve this goal.			Waiting on construction of 9th Avenue North first	
Objective 7.2	Seek Alternative Funding Sources. Pursue grants and other non-traditional sources to maintain or enhance roads and non-motorized networks.	MDOT DOT	Short		
Action T11	Street Maintenance Funding - Investigate alternative methods to fund street maintenance programs. Collaborate with other municipalities to seek funds for developing a regional non-motorized trail network.			Ongoing	
Action T12	Corridor Improvement Authority - Institute a corridor improvement authority along U.S. 2/41 , which would function similarly to a DDA to improve the functionality and business climate along the highway.			No progress	

Agenda Item: NB-6
Date: 02-20-20

City Council Agenda Item Request

Date: 1/13/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Public Participation Plan Update

Meeting date requested: February 20, 2020

Explanation for request:

As part of its Redevelopment Ready Community (RRC) Certification and Master Plan update in 2016, the City of Escanaba adopted a Community Participation Plan that outlined the process for the public would be involved in the planning process.

As part of the RRC re-certification process, it was discovered that the 2016 plan was outdated and should have a review. Additionally, a separate Citizen Participation Plan was tacked onto the existing Community Participation Plan in 2017, applying specifically to Community Development Block Grant (CDBG) projects.

The revised and newly named "Public Participation Plan" merges the two separate documents into one streamlined document, following recommendations given in the RRC "Six-Step Guide to Public Participation" with a focus on broadening the scope beyond public participation in the Master Plan process to include public participation at appropriate levels of planning and development .

The revised plan has been preliminarily reviewed and approved by our RRC representative. The Planning Commission reviewed it at their January 9, 2020 meeting and recommended that it be forwarded to City Council for review and adoption.

Attachments:

- 1) 2020 Public Participation Plan
- 2) 2016 Community Participation Plan & CDBG Citizen Participation Plan



PUBLIC PARTICIPATION PLAN
for
PLANNING & DEVELOPMENT PROJECTS

Adopted by the Escanaba City Council

??? February 2020 ???

PUBLIC PARTICIPATION GOALS AND OBJECTIVES

- Evaluate development projects and processes on an individual basis to determine scope, stakeholders, limitations, approving body, points of community impact during the decision-making process, internal and external resources, and level of appropriate community involvement.
- Make information available in a transparent and timely manner to enable interested parties to be involved at various stages of the review and development process.
- Strive to engage a diverse group of stakeholders in planning, land use, and development decisions, especially residents most affected by the proposed projects and persons of Low and Moderate Income in projects incorporating Community Development Block Grant funding.
- Encourage involvement of citizens throughout all stages of the planning and review process such as the Master Plan and Zoning Ordinance updates.
- Record results of public participation, and report all results of records to the citizens/public, analyzing and using the data to inform future citizen engagement efforts.

KEY STAKEHOLDERS

- City Council
- City Boards and Commissions
- City Residents
- Escanaba Area Public Schools
- Bay de Noc Community College
- Delta County Chamber of Commerce
- Central U.P. Planning and Development Regional Commission
- Delta County Economic Development Alliance
- Next Michigan Superior Trade Zone
- U.P. Economic Development Alliance
- Escanaba Downtown Development Authority
- Escanaba Downtown Partners in Business
- Commercial Business Owners
- Commercial Brokers and Real Estate Professionals
- Potential Investors and Developers
- Senior Citizens
- Public Employees
- Major Local Employers
- Civic and Social Organizations
- Students and Student Groups
- Environmental Groups
- Delta Area Transport Authority
- Relevant State Agencies
- Neighborhood Groups
- Religious Groups
- William Bonifas Fine Arts Center
- Any Other Relevant Stakeholders

GOVERNING STATE REGULATIONS & LOCAL ORDINANCES

MICHIGAN OPEN MEETINGS ACT

(PA 267 OF 1976)

The City of Escanaba will hold meetings in City Hall at 410 Ludington Street which is accessible to the general public.

The public will be notified within 10 days of the first meeting a public body in each calendar year. A list stating the dates, times, and places of all its regular meetings will be posted at City Hall, published in the newspaper, and posted on the website.

If there is a change in schedule, within 3 days of the meeting in which the change is made, the public body will post a notice stating the new dates, times, and places of regular meetings.

For special and irregular meetings, public bodies will post a notice indicating the date, time, and place at least 18 hours before the meetings.

Public bodies will hold emergency sessions without a written notice or time constraints if the public health, safety, or welfare is severely threatened and if two-thirds of the body's members vote to hold the emergency meeting.

Any citizen can request to be put on a mailing list so that they are notified in advance of all meetings by contacting the Clerk's Office.

Drafts of public meeting minutes will be posted on the website within 8 business days of the meeting to which they refer.

Approved public meeting minutes will be posted on the website within 5 business days of the meeting at which they are approved.

MICHIGAN PLANNING ENABLING ACT

(PA 33 OF 2008)

This Act regulates planning activities for municipalities, townships, and counties such as:

- the formation and guidelines for Planning Commissions,
- procedures for preparing, adopting, amending, and implementing Master Plans, including requirements for public participation.

MICHIGAN ZONING ENABLING ACT

(PA 110 OF 2006)

This Act authorizes zoning in cities, villages, townships, and portions of counties, and regulates zoning activities, such as:

- The development and use of land
- The adoption of zoning ordinances and districts
- The formation of a Zoning Board of Appeals
- Public participation requirements for various zoning concerns

MICHIGAN FREEDOM OF INFORMATION ACT

(PA 442 OF 1976)

This act provides for public access to certain public records of public bodies and permits certain fees for obtaining this information.

FOIA requests are processed through the City Clerk's office. More information and forms are located on the website at escanaba.org.

LOCAL REGULATIONS

City of Escanaba City Charter

(Adopted August 29, 1921, as amended)

City of Escanaba Code of Ordinances

(Adopted August 29, 1921 as amended)

City of Escanaba Zoning Ordinance

(Adopted October 16, 2003, as amended)

PUBLIC ACCESS TO INFORMATION

Interested stakeholders are encouraged to check the City's website at www.escanaba.org, or the City's Facebook page (<https://www.facebook.com/cityofescanaba>) in order to be kept informed of any meeting/hearing changes or cancellations.

All meetings/hearings that take place in the City Hall Council Chambers are live-streamed through the City's website. In addition, all regularly scheduled Escanaba City Council meetings are televised on Charter Public Channel 191.

Agenda packets are generally available a week before the scheduled meeting on the City's website and Facebook page, or through City Clerk's Office.

Public Hearing Notifications will be published in a newspaper, on the City's website, and on the Facebook page at least 15 days before the scheduled hearing date. Additionally, direct notification of neighbors within 300' of a project will be done via mail for:

- Rezoning of Property
- Special Land Use Applications
- Variance Requests

Notifications will include all required information required by federal, state, and local regulations, such as meeting date, time, and location, project description, process for submitting written comments, etc.

Drafts of the meeting/hearing minutes are posted on the City's website within eight (8) business days after the meeting. Approved meeting/hearing minutes are posted on the City's website within five (5) business days after the meeting at which they were approved.

The City of Escanaba will provide all necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon five days' notice to the City of Escanaba Clerk's Office.



REVIEW OF PUBLIC PARTICIPATION PLAN

This document is intended to be a living document that can adapt to changes in technology and best meet the needs of residents. Therefore, this plan will be reviewed every six (6) months and updated as necessary, as part of the Planning Commission's Annual Report to City Council and then again in mid-summer. Record-keeping and reporting will include items such as the types of public involvement strategies employed, the number of public participants, survey result summaries, group/meeting outcome summaries, analysis of strengths/weakness of efforts, and recommendations for future strategy implementation.

PUBLIC INVOLVEMENT STRATEGIES

There are a number of different public involvement strategies that may be implemented as part of the development process. The table below provides a guide as to when certain methods may be optimal, followed by a listing of the particular considerations for each of the strategies:

	Master Plan	Zoning Amendments	Environmental Projects	Capital Improvement Plan Projects	Parks and Recreation Planning	Major Developments
Pre-Application Meetings						Recommended
Surveys	Recommended	Optional	Recommended	Recommended	Recommended	
Open House Meetings and Communication Workshops	Recommended	Optional	Recommended	Recommended	Recommended	Optional
Charrettes/Design Workshops	Optional				Optional	Optional
Walking Tours	Optional	Optional	Optional	Optional	Optional	Optional
One-on-One Interviews	Optional	Optional	Optional	Optional	Optional	Optional
Focus Groups	Optional	Optional	Optional	Optional	Optional	Optional
Digital Tools of Communication	Recommended	Optional	Optional	Optional	Recommended	Recommended
Local Events (Farmers' Market, school, service clubs, etc.)	Recommended	Recommended			Recommended	Optional
News, Media	Optional	Recommended		Recommended	Optional	Recommended
Public Hearing	Required	Required	Required	Required	Required	Required

Pre-Application Meetings: Before submitting an official zoning permit application, an applicant may meet with the Planning & Zoning Administrator to review the proposed project, applicable sections of the Code of Ordinances, and the Master 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.

Surveys: Surveys are useful for identifying specific areas of interest or concentration from a broad scope of ideas or issues. These areas of interest can then be further explored using other methods like the ones outlined below. A survey may be used to identify where to start in the planning process, or the general climate surrounding a topic. Surveys can be useful to get a general idea of something, but should not be used as the sole method of public input. It is helpful for a municipality to administer surveys with partners. For example, schools can send surveys home with children, churches can have them available to fill out and neighborhood groups can put them in mail boxes.

Community Workshops: These could be as simple as a series of question and answer sessions or as creative as creating a board game. The strategy should identify potential venues, considering access for the disabled and citizens without vehicles. In addition, the strategy should identify how to reach underrepresented groups. Often workshops are a great way to educate the community surrounding a specific topic and hear concerns, questions and ideas.

Charrettes: The charrette differs from a workshop because it is a multi-day event where designers and planners work on a plan in-between what are called “feedback loops.” Usually between three and seven days, citizens can come to the “charrette studio,” which is an office on or near the location of the proposed plan or project. Citizens offer ideas while the charrette team facilitates and observes. From these suggestions, the designers and planners change the plan to suit community input and present their creation the next day where the community offers feedback again. This makes up one cycle of a “feedback loop.” There can be up to five feedback loops, resulting in a final plan shortly thereafter. This process can be completed with many different budgets, depending on the expertise of municipal staff and local residents. Charrettes take much planning beforehand.

Walking Tours: Walking tours offer candid feedback from a variety of stakeholders when discussing a specific area. They can be paired with community workshops or charrettes to measure the perceived safety and comfort of pedestrians in a downtown, neighborhood or corridor. Walking tours are also useful for identifying desired design, problem properties or safety concerns.

One-on-One Interviews: Interviews are a great way to get specifics on a topic. In the stakeholder section of the strategy, specific community leaders may have been identified, making them ideal candidates for an interview. Some communities have individuals that are very vocal about issues in the community. Interviewing them may give some perspective on how to address their concerns. It is important to remember that one interview reflects the opinion of one individual and should not be considered the standing of the entire community.

Focus Groups: Like interviews, focus groups can help to narrow down concepts or get a specific side of the story. Stakeholders groups identified earlier in strategy make ideal participants of a focus group.

Digital Tools of Communication: Technology offers a unique opportunity to give and receive information to a mass of people. Municipalities can post events, share information and even solicit feedback. This public participation method is best used in conjunction with other methods because it excludes those who do not use social media. The strategy should identify the social media venues a community will use, the target audience of these venues and who will be responsible for making posts and monitoring the posts of others. The ability to spread misinformation or post disrespectful comments makes it important to plan for the use of social media.

It should be noted that the City of Escanaba acknowledges the usefulness of the public involvement strategies outlined above, but recognizes that the implementation of these strategies is an evolving process limited by available financial and personnel resources.

The City of Escanaba will continue to explore the increasing utilization of these strategies in its development processes as appropriate.

PUBLIC PARTICIPATION IN BOARDS & COMMISSIONS

The City encourages participation in local government planning and policy decisions. Therefore, all citizens are invited to apply for appointments to City Boards and Commissions. Through these opportunities, civic-minded citizens become involved in their local government groups which provide recommendations to the City Council on a variety of topics and issues. The members of the Boards and Commissions help to analyze options and influence important decisions on behalf of the community. As a result, the City benefits from the vast knowledge, experience, and expertise of its citizens.

In general, depending on the nature and location of the project, many of the Boards and Commissions may review a proposed plan or specific aspect of a land use project. These Boards and Commissions function in two distinct capacities in the public policy process in the City of Escanaba - advisory and administrative. Some will serve in both capacities.

Each advisory Board or Commission makes recommendations to the City Council based on the scope of its particular service area. Typically, advisory Boards and Commissions have a work agenda in place for a calendar year during which it undertakes projects, deliberates on issues, and hosts special events. The City Council is responsible for making the final decisions on most issues or topics, but it will look to these groups for advice, background information, and analysis. As the elected body, the City Council has discretion to accept advice in full, in part, or not at all. Certain Boards and Commissions have an additional administrative role. This means that they are permitted or required by charter, statute, or ordinance to conduct formal reviews and issue administrative decisions.

Board and Commission Member positions are all voluntary and are appointed by the Mayor, with the consensus of City Council. Once appointed, the time commitment for each Board and Commission varies. Some meet on a regular schedule, while others meet on an as-needed basis. Preparation for some meetings may require additional time obligations. Attendance at all regularly scheduled meetings is critical.

How to Apply for Boards, Committees, and Commissions

1. Review information related to Boards, Committees, and Commissions (handbook, application, etc.) to understand the preferred background experiences, time commitments, and other expectations for the desired appointment.
2. Complete a Boards and Commissions Application Form and submit it to: Office of the City Clerk, P. O. Box 948, 410 Ludington Street, Escanaba, MI 49829 or fax (906) 786-4755 or e-mail to clerk@escanaba.org. Be sure to answer all questions thoroughly. A separate application is required for each position desired.
3. As vacancies occur, applications are forwarded to all City Council members for review. Appointments are made by the Mayor with consensus of City Council.
4. Applications will remain on file for the calendar year. A new application is required each year to remain in consideration for a particular board or commission.



DEVELOPMENT REVIEW BODIES

City Council

1st & 3rd Thursdays of the month at 7:00pm

The City Council is comprised of five elected-at-large citizens to serve four-year terms. The Council constitutes the legislative and governing body of the City, possessing all powers and authority to pass ordinances and adopt resolutions as they shall deem proper in order to exercise any or all powers held by the City. For many development-related processes (excluding site plan and variances), City Council is the final approving body.

Planning Commission

2nd Thursday of the month at 6:00pm

The Planning Commission is comprised of nine appointed members who serve for three-year terms.

One of the primary tasks of the Planning Commission is the development and implementation of the Master Plan which governs the physical development of the City. Considerable public engagement is a key component in the development of the Master Plan and it is the duty of the Planning Commission to be guided by it in their deliberations and decisions in efforts to recognize the value of public participation in the planning process.

The Planning Commission holds Public Hearings on a number of land use and development issues (special use permits, rezoning, zoning ordinance amendments, etc.) as required by the Escanaba Zoning Ordinance and other applicable regulations. Notifications of Public Hearings are published in the newspaper not less than 15 days prior to the hearing.

Annually, the Planning Commission and the Administration updates the City Council on planning issues and matters brought before the Planning Commission in the previous calendar year and development –related goals for the upcoming year in the form of a Planning Commission Annual Report. This report will be made available on the City's website as well.

Zoning Board of Appeals

Meets as Needed

The ZBA has the power to hear and decide appeals on matters where the Zoning Ordinance provides for review of an administrative interpretation, exception, or special approval permit. The ZBA can also authorize a variance from the strict application of the Zoning Ordinance according to a set of criteria. Six members are appointed for three-year terms.

Historic District Commission

Meets Quarterly

The HDC was created to regulate the construction, addition, alteration, repair, moving, excavation and demolition of potentially historic resources in historic districts within city limits. Seven members are appointed for three-year terms.

OTHER BOARDS & COMMISSIONS

The Board of Equalization and Review hears appeals from property owners who feel their property has been inaccurately assessed. It has the power to make appropriate corrections in the tax roll. The membership consists of the Mayor and four members, two-thirds (2/3) whom shall be tax-paying electors of the City. Board Members have indefinite terms and are reappointed every two years. Meets annually.

The Brownfield Redevelopment Authority facilitates the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones and to promote the revitalization of environmentally distressed areas in the community served by the City of Escanaba pursuant to Act 381. Five members are appointed for three-year terms. Meets as needed.

The Downtown Development Authority (DDA) established under P. A. 197, 1975, is made up of the Mayor and seven members to be appointed by the Mayor with Council concurrence. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, as the Escanaba area has over 100 people residing within the area. The establishment of the DDA is to correct and prevent deterioration in the business district. The Mayor and City Manager will serve for an indefinite period. The seven members meeting the criteria set forth serve for a four-year period. Meets monthly.

The Electrical Advisory Committee was created to provide continuous information and recommendations to the Escanaba City Council on current electrical trends, operations, and needs in our community. Seven members are appointed for three-year terms. Meets monthly.

The Harbor Advisory Committee was created for the purpose of advising Administration concerning the operation and development of the Municipal Marina. Five members are appointed for three-year terms. Meets monthly.

The Loan Administration Board (LAB) is the City's approval body for economic development loans. Loan requests that meet federal, state, and local requirements are presented to the Loan Administration Board for approval, modification, or denial. Five members are appointed for six-year terms. Meets quarterly.

The Recreation Advisory Board advises the City Council and Administration about all phases of recreation in the City, including current operations, long-term planning, and expenditures. Five members are appointed for three-year terms. Meets monthly.

The Traffic Safety Advisory Committee serves the City Council and Administration in an advisory capacity, particularly for concerns related to vehicular traffic in the City. This includes traffic flow, parking restrictions, street cuts, and sidewalk planning. Five members serve three-year terms. Meets bi-monthly.



CITIZEN AND ADMINISTRATIVE COMPLAINT PROCEDURES

All written citizen complaints that identify deficiencies relative to the City of Escanaba's community development program merit full, prompt consideration, and will be handled with the intention of satisfactorily resolving the complaint at the local level.

- The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

City Manager
410 Ludington Street
Escanaba, MI 49829
(906) 786-9402
citymanager@escanaba.org

- Within 15 calendar days after receipt of the complaint, the City Manager or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City Manager or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Escanaba and offer options for substantive resolution of the complaint.
- If the response by the City Manager or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of within 15 calendar days after receipt of the response to the City Council.
- Within 15 calendar days after receipt of the appeal, the City Council will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Council will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by the City Manager or his designee, appeals to the City Council, and responses from these two offices will be retained by the City of Escanaba for at least three years.

All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination must be forwarded to the Michigan Department of Civil Rights [Michigan Department of Civil Rights, Intake Team, 3054 West Grand Blvd., Suite 3-600, Detroit, MI 48202] for disposition. The complainant must be notified in writing within 10 days that, due to the nature of the complaint, it has been forwarded to the Michigan Department of Civil Rights. Citizens must be made aware that they can forward a complaint alleging discrimination directly to the Michigan Department of Civil Rights, Intake Team, 3054 West Grand Blvd., Suite 3-600, Detroit, MI 48202. Persons wishing to object to the Michigan Strategic Fund's (MSF) approval of an application may make such objection known to the Michigan Economic Development Corporation.

The MSF will consider objections made only on the following grounds:

- The City of Escanaba's description of needs and objectives is plainly inconsistent with available facts and data.
- The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the City of Escanaba.
- The application does not comply with the requirements set forth in the final statement (consolidated plan) or other applicable laws.

Such objections should include both identification of the requirements not met and, in the case of objections relative to the first bullet above, must include the data upon which the objection is based.

COMMUNITY PARTICIPATION PLAN

A GENERAL OUTLINE FOR HOW THE COMMUNITY CAN PARTICIPATE IN THE PLANNING PROCESS FOR THE CREATION OF THE MASTER PLAN

WEBSITE INFORMATION

The following detailed information can be found online:

- ◆ [Property Tax Information](#)
- ◆ [Escanaba GIS Information](#)
- ◆ [Webcast of Live Meetings](#)
- ◆ [City Council Meeting Agendas and Minutes](#)
- ◆ [City Newsletters](#)
- ◆ [News Releases](#)
- ◆ [City Codes and Charter](#)
- ◆ [City Department E-mail Access](#)
- ◆ [Budget Process Explanation](#)
- ◆ [2015-16 City Budget](#)
- ◆ [2010/11, 2011/12, 2012/13 and 2013/2014 Audits](#)
- ◆ [All Board, Commission and Committee Meeting Agendas and Minutes](#)
- ◆ [Calendar](#)
- ◆ [2015 Dollars and Sense—How the City Spends Your Money](#)

www.escanaba.org

INTRODUCTION

Imagine Escanaba in the year 2036 and how different it will be. Then ask yourself these questions, “What kind of City do we want the City of Escanaba to become by 2036 as residents? What do we have to do to become the City we envision? What steps will get us there?”

During 2016 the City of Escanaba will continue updating its Community Master Plan, along with other planning and development processes. Wide reaching representative community involvement is needed so that everyone is included in the various planning processes. It’s our roadmap to the future!

As part of the planning process of designing and developing our community, a Public Participation Plan is also being developed. This Plan is an essential tool for outlining how Elected Officials, Appointed Officials, and Boards and Commissions engage the public throughout the planning and development process. The Plan also acts as a tool for accountability and transparency requiring a municipality to seek public input as well as record the results to the people.

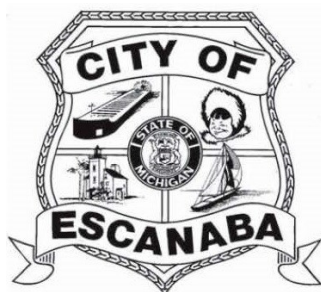


INTRODUCTION (Cont.)

In preparing a Community Master Plan, it is important to work with Citizens to identify the issues and challenges unique to the community. As part of the Community Public Participation Plan, we as a community, must evaluate our current strengths and needs followed by a vision for the future. The City of Escanaba's Public Participation Plan strategy is to encourage community members to take part in the planning process in an effort to gain support for the collective community vision and produce a plan that best reflects the overall vision of the community. In short, the Community Master Plan will express the City's vision short- and long-term, both to make this great city even better over the next 20 years.

PUBLIC PARTICIPATION GUIDING GOALS AND OBJECTIVES

- The City of Escanaba shall oversee all aspects of citizen/public participation in an open manner, by making the participation process accessible to anyone interested in taking part.
- The City of Escanaba shall seek out public participation in each phase of the master planning process.
- The City of Escanaba shall strive to have a diverse group of stakeholders in planning, land use, and development decisions.
- The City of Escanaba shall encourage the involvement of residents most affected by the proposed planning, land use, or development project(s).
- The City of Escanaba shall make all efforts to ensure involvement of citizens throughout all stages of the planning and review process.
- The City of Escanaba shall use all forms of communication possible for distributing information and receiving comments and feedback.
- The City of Escanaba shall support and encourage participation by making information available in a timely manner, allowing the citizens/public to take part in important decisions at various stages of the review and approval processes.
- The City of Escanaba shall record results of public participation, and report all results of records to the citizens/public.
- The City of Escanaba shall seek broad identification and representative involvement of all residents of the community. The diverse characteristics and needs of residents require different communication and outreach techniques.
- The City of Escanaba shall support and encourage continuous improvement in the methods used to meet the public need for information and involvement. Public information and involvement methods are continually evolving. The municipality is committed to seek new and innovative ways to engage and keep the public involved throughout the process.



PUBLIC PARTICIPATION HISTORY

Over the last decade, The City of Escanaba has had an extensive history with on-going public participation in all of their planning work. The public has been actively involved in such things as the City's Downtown Federal Historic Designation Report, the Northshore Master Plan, and the Downtown 2020 Vision Plan to name a few. The City realizes and understands public participation and support is critical in having a good Plan.

PUBLIC ACCESS TO INFORMATION

As required by law, the City of Escanaba will provide the public reasonable and timely access to information and records relating to the Community Master Plan, Public Participation Plan, and Amendments to any of the plans.

Interested stakeholders are encouraged to check the City's website at www.escanaba.org, or social media pages such as Facebook (<https://www.facebook.com/cityofescanaba>) in order to be kept informed of any meeting/hearing changes or cancellations. All meetings/hearings that take place in the Escanaba City Hall Council Chambers are live streamed through the City's website. In addition, all regularly scheduled Escanaba City Council meetings are televised on Charter Public Channel 191. Meeting/hearing agendas and packets are available ahead of time either on the City's website, or through City Clerk's Office. Meeting/hearing minutes are posted on the City's website following approval.

The Escanaba City Council and all other regularly scheduled Boards and Commissions meetings are streamed live. Meeting agendas and packets of the City Council, Planning Commission, and other Boards and Commissions shall be made available on the City's website in advance of the meeting.

Copies of the documents will be available at the following locations:

- Escanaba City Hall - 410 Ludington Street, Escanaba, MI 49829
- Escanaba Library - 410 Ludington Street, Escanaba, MI 49829
- Catherine Bonifas Civic Center - 225 North 21st Street, Escanaba, MI 49829
- On The City's website - www.escanaba.org

Please Note: Documents will be made available in a format accessible to persons with disabilities upon request



<https://www.facebook.com/cityofescanaba>



KEY STAKEHOLDERS

- City Council
- City's Boards and Commissions
- City Residents
- Escanaba Area Public Schools
- Bay de Noc Community College
- Delta County Chamber of Commerce
- Central U.P. Planning and Development Regional Commission
- Delta County Economic Development Alliance
- Next Michigan Superior Trade Zone
- U.P. Economic Development Alliance
- Escanaba Downtown Development Authority
- Escanaba Downtown Partners in Business
- Commercial Business Owners
- Commercial Brokers and Real Estate Professionals
- Potential Investors and Developers
- Senior Citizens
- Public Employees
- Major Local Employers
- Civic and Social Organizations
- Students and Student Groups
- Environmental Groups
- Delta Area Transport Authority
- Relevant State Agencies
- Neighborhood Groups
- Religious Groups
- William Bonifas Fine Arts Center
- Any Other Relevant Stakeholders

PUBLIC INVOLVEMENT STRATEGIES

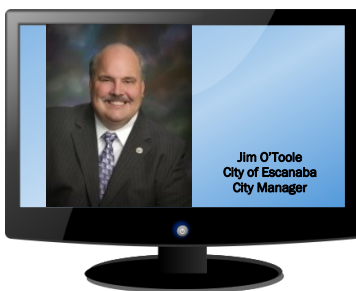
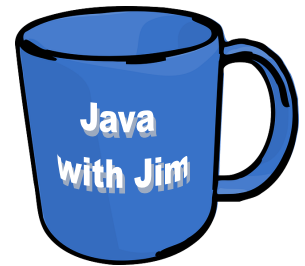
The following traditional public involvement strategies will be used by the City of Escanaba as part of public outreach:

- Public Meetings
- Community Town Hall Meetings
- Community Task Force Meetings
- Newspaper Postings
- Person to Person Communications
- Website Posting and Apps
- Public Announcements
- Utility Bill Notices
- City Cable Television Notices
- Surveys and Public Event Outreach

In addition to the traditional methods used by the City of Escanaba to get citizens involved in the decision making process that will shape the future of the community, the following non-traditional methods will also be used to reach out to the citizens of the community:

Java with Jim

Each month the City Manager will conduct an informal public gathering at a local restaurant. The program is called "Java with Jim", and is scheduled for every third Wednesday of each month from 8:30 a.m. to 9:30 a.m.



Manager's Call

On the first and third Thursday of each month at 6:00 p.m. the City Manager will conduct "Manager's Call", which is broadcast live on the City cable television channel (Charter Community Channel 191) and webcast live through the City website located at www.escanaba.org. The purpose of this program is to disseminate information to the citizens of Escanaba concerning the day-to-day activities in the city, as well as update on upcoming meetings, programs, events, and celebrations.

PUBLIC INVOLVEMENT STRATEGIES (Cont.)

Radio Shows

On the first and third Friday of each month, in the morning, the City Manager will be a guest on two (2) local radio station talk shows to talk about “All Things City”.



Joint Governmental Roundtable Meeting

On the second Wednesday of each month, the City Manager along with representatives from the various local units of the government, schools, and federal agencies in Delta County will meet at 12:00 p.m. The purpose of these informal sessions is designed so that all local units of government schools, and other public agencies can collaborate on items, situations, and projects of a community wide interest. Another purpose of this regularly scheduled meeting is to review forth-coming programs of various entities, receive progress reports on current programs and initiatives, and receive other similar information from various community leaders and citizens.

Social Media

These social media sites will be routinely used to update the citizens of the community as part of the public involvement strategy:

- Facebook (<https://www.facebook.com/cityofescanaba/>)
- Twitter (<https://twitter.com/cityofescanaba>)
- The City of Escanaba’s Website (www.escanaba.org)



Internet Access

The City of Escanaba webpage (www.escanaba.org) will be continually updated throughout the planning process. All documents distributed at meetings and community events will be included on the webpage, including such items as draft maps, the planning process, schedules, frequently asked questions, related links and an interactive page where the public would have an opportunity to provide comments and make suggestions.

Monthly Newsletter

The City of Escanaba issues a monthly newsletter which contains information about upcoming community meetings, and other public involvement / informational opportunities and schedules.



PUBLIC INVOLVEMENT STRATEGIES (Cont.)

Cottage Meetings

The City of Escanaba will also encourage cottage meetings to give the public an opportunity to gather in a comfortable space in the community to share information about the community.

By implementing these programs the overall quality of our plan and the development of our community should result in a partnership which defines the values of the community and a spirit to work together to accomplish our goals.

GOVERNING LOCAL AND STATE REGULATIONS

The City of Escanaba follows the Local and State regulations listed below. This includes a list for the public review process, public participation, and public meetings/hearings.

- Home Rule City Act (P.A. 279 of 1909 as amended)
- The Plant Rehabilitation and Industrial Development Districts Act
(known as the Industrial Facilities Exemption) (P.A. 198 of 1974 as amended)
- Michigan Zoning Enabling Act (P.A. 110 of 2006 as amended)
- Downtown Development Authority Act (P.A. 197 of 1975 as amended)
- The Michigan Open Meeting Act (P.A. 267 of 1976 as amended)
- Brownfield Redevelopment Financing Act (P.A. 381 of 1996 as amended)
- The New Personal Property Exception Act (P.A. 328 of 1998 as amended)
- The Corridor Improvement Act (P.A. 280 of 2005 as amended)
- The Michigan Planning Enabling Act (P.A. 33 of 2008 as amended)
- The City of Escanaba's City Charter (Adopted August 29, 1921 as amended)
- The City of Escanaba's Code of Ordinances (Adopted August 29, 1921 as amended)
- Any Other Local and State Legislations



DEVELOPMENT REVIEW BODIES / PUBLIC MEETINGS AND HEARING

Escanaba City Council

The City Council is comprised of five elected at large citizens to serve four-year terms. City Council elections are held on the first Tuesday following the first Monday in November each odd-numbered year. Candidates must be U.S. citizens and a City of Escanaba resident. They are nominated at large by petitions, signed by not less than 50 qualified electors, and shall be filed with the City Clerk. The Council constitutes the legislative and governing body of the City, possessing all powers and authority to pass ordinances and adopt resolutions as they shall deem proper in order to exercise any or all powers held by the City.

After receiving a recommendation on the Master Plan by the Planning Commission, the Master Plan shall be forwarded to the City Council at the next regular meeting to be introduced and set for public hearing. Furthermore, the City Council shall, on receipt of the report of the Planning Commission, set a date for a public hearing for consideration of any proposed Zoning Code amendment, supplement or change (rezoning). The City Council shall hold public hearings as required for the review of business tax or financial assistance applications, following the notice requirements set in the local and state legislation.

Meeting Dates for 2016: Jan. 7 & 21, Feb. 4 & 18, March 3 & 17, April 7 & 21, May 5 & 19, June 2 & 16, July 7 & 21, Aug. 4 & 18, Sept. 1 & 15, Oct. 6 & 20, Nov. 3 & 17, Dec. 1 & 15

The City of Escanaba Planning Commission

It has been the ongoing practice of the Planning Commission to hold public hearings for all land use and development applications (site plan, special use permit, rezoning, Master Plan updates, etc.) that come before them, as required by the Escanaba Zoning Ordinance, and other applicable regulations. Another primary objective is to develop and oversee a master plan for the physical development of the City. The Commission recommends action to the City Council on preliminary plat applications, reviews and makes recommendations concerning proposed, rezoning, or amendments to the Zoning Ordinance. Nine members are appointed for three-year terms.

The Planning Commission and City Staff schedules and publishes the notification of a public hearing before the Planning Commission in a newspaper of general distribution in the City not less than 15 days prior to the hearing on a site plan application as mandated by the commission's bylaws and the City of Escanaba Zoning Ordinance. Additionally, land use and development application notifications shall be sent by mail to the applicant, the owner of the subject property, and the owners of property within 300 feet of the subject property.

The Planning Commission meeting agenda and meeting packet shall be made available on the City's website (www.escanaba.org), and on the City's Facebook Page (<https://www.facebook.com/cityofescanaba>) in advance of the meeting, usually the Friday the week before the scheduled meeting.

Meeting Dates for 2016: Jan. 14, Feb. 11, March 10, April 14, May 12, June 9, July 14, Aug. 11, Sept. 8, Oct. 13, Nov. 10, Dec. 8

DEVELOPMENT REVIEW BODIES / PUBLIC MEETINGS AND HEARING (Cont.)

The City of Escanaba Planning Commission (Cont.)

Annually, at the regularly scheduled January meeting of the Planning Commission, the Administration will update the Planning Commission on planning issues and matters brought before the Planning Commission in the previous calendar year. Additionally, on an annual basis, at the second regularly scheduled January meeting of the City Council, the Planning Commission Chairperson will present the Planning Commission Year-End Report for review and consideration. This year-end report can be access on the City of Escanaba Website by clicking the following link - [Planning Commission Year-End Report](#).

OTHER BOARDS AND COMMISSIONS

The City encourages participation in local government planning and policy decisions. Therefore, all citizens are invited to apply for appointments to City Boards and Commissions. Through these opportunities, civic minded citizens become involved in their local government, these groups provide recommendations to the City Council on a variety of topics and issues. The members of the Boards and Commissions help to analyze options and influence important decisions on behalf of the community. As a result, the City benefits from the vast knowledge, experience and expertise of its citizens.

In general, depending on the nature and location of the project, many of the Boards and Commissions may review a proposed plan or specific aspect of a land use project. These Boards and Commissions function in two distinct capacities in the public policy process in the City of Escanaba - advisory and administrative. Some will serve in both capacities.

Each advisory Board or Commission makes recommendations to the City Council based on the scope of its particular service area. Typically, advisory Boards and Commissions have a work agenda in place for a calendar year during which it undertakes projects, deliberates on issues, and hosts special events. The City Council is responsible for making the final decisions on most issues or topics, but it will look to these groups for advice, background information, and analysis. As the elected body, the City Council has discretion to accept advice in full, in part, or not at all. Certain Boards and Commissions have an additional administrative role. This means that they are permitted or required by charter, statute or ordinance to conduct formal reviews and issue administrative decisions. These decisions are then sent to the City Council as official recommendations.



Board and Commission Member positions are all voluntary and are appointed by the Mayor, with the consensus of City Council. Once appointed, the time commitment for each Board and Commission varies, some meet on a regular schedule, others on an as needed basis. Preparation for some meetings may require additional time obligations. Once committed, attendance at all regularly scheduled meetings is critical.

OTHER BOARDS AND COMMISSIONS (Cont.)

How to Apply for Boards and Commissions

1. Review the list of preferences and areas of interest and determine your top choices. Every effort will be made to accommodate your first preference, but vacancies vary and demand for some boards may be higher than others.
2. Complete the required Boards and Commissions Application Form online or mail/fax it, along with your resume to: Office of the City Clerk, P. O. Box 948, 410 Ludington Street, Escanaba, MI 49829 or fax (906) 786-4755 or e-mail to clerk@escanaba.org.
3. As vacancies occur, applications are reviewed.
4. All members of Boards and Commissions must be residents of the City of Escanaba, unless directed by the Escanaba City Council to waive the requirement or as specified in the bylaws of the Board or Commission or as mandated by State Law. Members may not serve more than two full, consecutive terms and are expected to attend all regular and special meetings.
5. Applications will remain on file for one calendar year. A new application is required each year.
6. The Application may be access on the City of Escanaba Website by clicking the following link - [Board and Commissions Application](#).

Board of Appeals

The Board of Appeals has the power to hear and decide appeals on matters where the Zoning Ordinance provides for review of an administrative interpretation, exception, or special approval permit. The Board can also authorize a variance from the strict application of the Zoning Ordinance. Six members are appointed for three-year terms.

Meetings: Are called when needed.

Board of Equalization and Review

The Board of Equalization and Review hears appeals from all property owners who feel their property has been inaccurately assessed and has the power to make appropriate corrections in the tax roll. Consists of the Mayor and four members, two-thirds (2/3) which shall be tax-paying electors of the City. Board Members have indefinite terms and are reappointed every two years.

Meeting Date for 2016: March 8

Brownfield Redevelopment Authority

The Brownfield Redevelopment Authority facilitates the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones and to promote the revitalization of environmentally distressed areas in the community served by the City of Escanaba pursuant to Act 381. Five members are appointed for three-year terms.

Meetings: Are called when needed.



OTHER BOARDS AND COMMISSIONS (Cont.)

Citizens' Environmental Advisory Committee

The Citizens' Environmental Advisory Committee accumulates and coordinates citizen concerns as they pertain to environmental impacts within the City of Escanaba. Five members are appointed for three-year terms.

Meetings: Are called when needed.

Downtown Development Authority (DDA)

The Downtown Development Authority (DDA) established under P. A. 197, 1975, is made up of the Mayor and 7 members to be appointed by the Mayor with Council concurrence. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, as the Escanaba area has over 100 people residing within the area. The establishment of the DDA is to correct and prevent deterioration in the business district, as described in P. A. No. 197, 1975. The Mayor and City Manager will serve for an indefinite period. The seven members meeting the criteria set forth serve for a four-year period.

Meeting Dates for 2016: Jan. 6, Feb. 3, March 2, April 6, May 4, June 1, July 6, Aug. 3, Sept. 7, Oct. 5, Nov. 2, Dec. 7

Electrical Advisory Committee

The Electrical Advisory Committee was created to provide continuous information and recommendations to the Escanaba City Council on current electrical trends, operations, and needs in our community. Seven members are appointed for three-year terms.

Meeting Dates for 2016: Jan. 13, Feb. 10, March 9, April 13, May 11, June 8, July 13, Aug. 10, Sept. 14, Oct. 12, Nov. 9, Dec. 14

Harbor Advisory Committee

The Harbor Advisory Committee was created for the purpose to advise Administration concerning the operation and development of the Municipal Marina. Five members are appointed for three-year terms.

Meeting Dates for 2016: Jan. 12, Feb. 9, March 1, April 12, May 10, June 14, July 12, Aug. 9, Sept. 13, Oct. 11, Nov. 1, Dec. 13

Historical District Commission

The Historical District Commission was created to regulate the construction, addition, alteration, repair, moving, excavation and demolition of potentially historic resources in historic district within the City limits. Seven members are appointed for three-year terms.

Meeting Dates for 2016: Jan. 18, Feb. 8, March 21, April 18, May 16, June 20, July 18, Aug. 15, Sept. 19, Oct. 17, Nov. 21, Dec. 19



OTHER BOARDS AND COMMISSIONS (Cont.)

Loan Administration Board (LAB)

The Loan Administration Board (LAB) is the City's approval body for economic development loans. Loan requests that meet federal, state, and local requirements are presented to the Loan Administration Board for approval, modification, or denial. Five members are appointed for six-year terms.

Meeting Dates for 2016: Jan. 21, April 21, July 21, Oct. 20

Recreation Advisory Board

The Recreation Advisory Board advises the City Council and Administration about all phases of recreation in the City, including current operations, long-term planning, and expenditures. Five members are appointed for three-year terms.

Meeting Dates for 2016: Jan. 12, Feb. 9, March 1, April 12, May 10, June 14, July 12, Aug. 9, Sept. 13, Oct. 11, Nov. 1, Dec. 13

Traffic Safety Advisory Committee

The Traffic Safety Advisory Committee serves the City Council and Administration in an advisory capacity, particularly for concerns related to vehicular traffic in the City. This includes traffic flow, parking restrictions, street cuts, and sidewalk planning. Five members serve three-year terms.

Meeting Dates for 2016: Feb. 16, April 19, June 21, Aug. 16, Oct. 18, Dec. 20

PUBLIC ACCESS TO CITY MEETINGS

(Number indicates how many times the specific Board or Committee met)

	2013	2014	2015
Regular City Council	24	24	24
Special / Joint City Council	27	25	23
Regular Planning Commission	8	9	11
Special / Joint Planning Commission	2	2	2
Regular Recreation Advisory Committee	6	6	6
Special / Joint Recreation Advisory Committee	1	0	3
Regular Electrical Advisory Committee	0	0	0
Special / Joint Electrical Advisory Committee	13	12	11
Regular Citizen's Environmental Advisory Committee	0	0	0
Special / Joint Citizen's Environmental Advisory Committee	0	0	2
Regular Downtown Development Authority	12	11	12
Special / Joint Downtown Development Authority	4	3	2
Regular Loan Administration Board	2	3	1
Special / Joint Loan Administration Board	1	0	3
Regular Board of Appeals	0	1	0
Special / Joint Board Appeals	0	0	4

OTHER BOARDS AND COMMISSIONS (Cont.)

PUBLIC ACCESS TO CITY MEETINGS (Cont.)			
(Number indicates how many times the specific Board or Committee met)			
	2013	2014	2015
Regular Traffic Safety Advisory	2	3	0
Special / Joint Traffic Safety Advisory	0	1	2
Regular Harbor Advisory Committee	5	6	4
Special / Joint Harbor Advisory Committee	0	0	2
Regular Public Safety Retirement Board	11	9	7
Special / Joint Public Safety Retirement Board	0	0	2
Regular Board of Equalization and Review	6	5	5
Special / Joint Board of Equalization and Review	0	0	2
Regular Board of Library Trustees	10	10	8
Special / Joint Board of Library Trustees	0	0	2
Regular Brownfield Redevelopment Authority	2	3	0
Special / Joint Brownfield Redevelopment Authority	1	0	2
Regular Historic District Commission	2	6	3
Special / Joint Historic District Commission	1	2	4
Regular Liquor Review Board	2	1	0
Special / Joint Liquor License Review Board	0	0	2

PERTINENT STATE REGULATIONS

Michigan Open Meetings Act

In accordance with the Michigan Open Meetings Act (PA 267 of 1976), the City of Escanaba will hold meetings in the City Hall located at 410 Ludington Street, which is accessible to the general public. The public will be notified within 10 days of the first meeting of the public body in each calendar or fiscal year; the body will publicly post a list stating the dates, times, and places of all its regular meeting at its principle office. If there is a change in schedule, within three days of the meeting in which the change is made, the public body will post a notice stating the new dates, times, and places of regular meetings. For special and irregular meetings, public bodies will post a notice indicating the date, time, and place at least 18 hours before the meeting. Note: A regular meeting of a public body which is



recessed for more than 36 hours, can only be convened if a notice is posted 18 hours in advance. Public bodies will hold emergency sessions without a written notice or time constraints if the public health, safety, or welfare is severely threatened and if two-thirds of the body's members vote to hold the emergency meeting. Any citizen can request that public bodies put them on a mailing list so that they are notified in advance of all meetings by contacting the City Clerk's Office at P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829, by phone (906) 786-9402, or e-mail to clerk@escanaba.org.

PERTINENT STATE REGULATIONS (Cont.)

Michigan Planning Enabling Act

In Michigan, the Michigan Planning Enabling Act determines the rules and regulations local governments must follow when preparing the Master Plan. In accordance with the Michigan Planning Enabling Act (PA 33 of 2008) the following parties will be notified via first class mail, personal delivery, or electronic mail by the Planning Commission of the intent to plan and request the recipient's cooperation and comment:

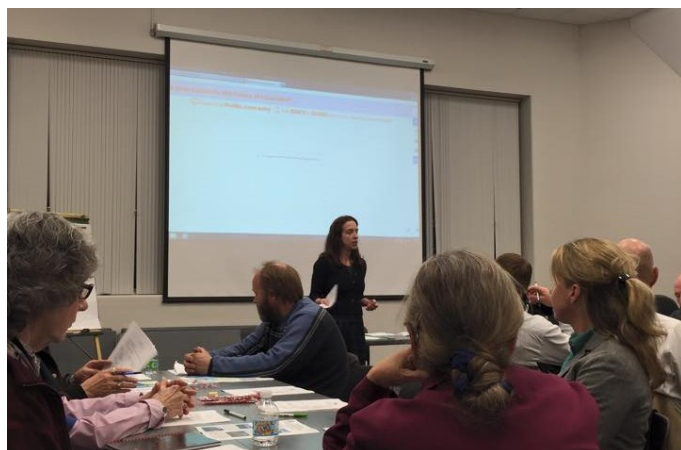
- The county in which the municipality is located.
- The regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.
- The county planning commission, or if there is no county planning commission, the county board of commissioners for the county in which that municipality is located.
- Each public utility company, railroad company, and public transportation agency owning and operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for the purpose with the planning commission.
- If the master plan will include a master street plan, the county road commission and the state transportation department.

MASTER PLAN ADOPTION PROCESS

The City of Escanaba will follow, at a minimum, the provisions of Michigan Public Act 33 of 2008, as amended (the Michigan Planning Enabling Act, M.C.L. 125.3801 et. seq.) for the adoption of a new Master Plan or of an update to the existing Master Plan.

The Planning Commission will send a notice to all stakeholders as listed in the State enabling legislation; the notice will explain that the Planning Commission intends to prepare a plan and request cooperation and comment on the plan now and when the plan is drafted.

The Planning Commission and the City will then begin work on drafting or updating the plan. They shall involve the public through many of the methods listed in the section 'Public Involvement Strategies,' including, but not limited to, steering committees, open houses, community meetings, community walks and tours, website updates, social media, and surveys. The City shall encourage the involvement and participation of all stakeholders, including any marginalized groups that may be typically less involved in the planning process. Stakeholder involvement is encouraged from the beginning and the results of such public participation are made available to the community and participants and incorporated as much as is reasonably possible in the drafted plan or plan amendment.



MASTER PLAN ADOPTION PROCESS (Cont.)

In preparation, studies of existing conditions and probable growth should be done for the basis of the plan. The Planning Commission may make use of expert advice and information from Federal, State, County, and Municipal officials, departments, and agencies having information, maps, and data pertinent to the City. The City may consult with representatives of adjacent local units of government with respect to their planning so that conflicts in master plans and zoning may be avoided. The City may cooperate with all departments of the State and Federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

The City shall encourage and track the public participation through a variety of means, including minutes, public recording of meetings, comment cards, sign-up sheets, and input received verbally, through written correspondence or through website comments, and other means as appropriate.

The Planning Commission will act to submit the proposed plan to the City Council for review and comment. The process of adopting the Comprehensive Plan shall not proceed further unless the City Council approves the distribution of the proposed plan.

The City Council shall act on the proposed plan during a public meeting held in accordance with the Open Meetings Act. The City Council shall decide on the approval of the distribution of the proposed plan to local governments and agencies for review and comments.

If the City Council approves the distribution of the proposed plan, it shall notify the Planning Commission, in the manner provided by the State enabling law a copy of the proposed plan, for review and comment, to all of the units listed in the State enabling law. These entities may submit comments on the proposed plan to the Planning Commission within 63 days after the proposed plan was submitted to that entity.

Before approving the proposed Master Plan, the Planning Commission shall hold not less than one public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within Escanaba. The Planning Commission shall also submit notice of the public hearing to the entities that received initial communication.



MASTER PLAN ADOPTION PROCESS (Cont.)

The proposed plan must be approved by resolution of the Planning Commission carried by the affirmative votes of not less than 2/3 of the members. A statement recording the Planning Commission's approval of the plan, signed by the chairperson or secretary of the Planning Commission, shall be included on the inside of the front or back cover of the Master Plan. Following approval of the proposed Master Plan, the secretary of the Planning Commission shall submit a copy of the plan to the City Council.

Approval of the proposed plan by the Planning Commission is the final step for adoption of the plan, unless the City Council by resolution has asserted the right to approve or reject the plan. In that case, after approval of the proposed plan by the Planning Commission, the City Council shall approve or reject the proposed plan. A statement recording the City Council's approval of the Master Plan, signed by the City Clerk, shall be included on the inside of the front or back cover of the Master Plan if the City Council takes action on the Plan. After the adoption of the Master Plan, the City of Escanaba may publish and distribute copies of the Master Plan, any supporting reports, and employ means of publicity and education.

UPDATE TO THE ZONING CODE

The City Council may of its own motion, or shall upon petition signed by the owners of a majority of the property proposed for rezoning, prepare an ordinance amending or changing the district boundaries or district regulations. In most cases, applications are due 21 days before the next meeting of the Planning Commission in order to meet the public hearing notice requirements.

The ordinance shall be introduced by City Council and then referred to the Planning Commission for review and recommendation. It may be necessary for the Planning Commission and/or the City Council to defer action on the application to one or more subsequent meetings to gather further information or to accommodate additional review and debate. The owner, applicant, or their representative will be advised in advance of any change in the review schedule. If the application involves property which falls within a wetland, historic district, floodplain, or downtown boundaries, review by one or more other boards or commissions will likely be required and may affect the overall review schedule.

Prior to submitting its recommendation to the City Council, the Planning Commission will hold a public hearing. The City Council will, on receipt of the report of the Planning Commission, set a date for a second public hearing for consideration of the proposed amendment, supplement or change. After the public hearing, the City Council may act upon the adoption thereof, with or without amendment. Whenever a written protest against such proposed amendment, supplement or change, signed by the owners of 20 percent or more of the area of land proposed to be altered or by the owners of 20 percent of the area of land within 100 feet of any part of the boundary of the land proposed to be altered, excluding any publicly-owned land from either calculation, shall be filed with the City Council, the rezoning ordinance shall not be passed except by at least a two-thirds vote of all members of the City Council.

The ordinance will be noticed in a newspaper of general distribution in the City at least 15 days prior to the hearing. The notification will also be sent by mail to the applicant, the owner of the subject property, and the owners of property within 300 feet of the subject property.

UPDATE TO THE ZONING CODE (Cont.)

Following adoption of the ordinance to amend, supplement or change the district boundaries or the district regulations, the ordinance will be filed with the City Clerk, and a notice of the ordinance adoption will be published in a newspaper of general circulation in the City of Escanaba within 15 days after adoption. The ordinance will take effect upon the expiration of seven days after its publication, unless a later effective date is specified by the City Council, or unless a notice of intent to file a petition seeking to submit the ordinance to the electors of the City for action is filed with the City Clerk within seven days after publication of the zoning ordinance.

Copies of the proposed plan will be made available for viewing at the City of Escanaba Library, the City Manager's Office, City Clerk's Office and on the City's website (www.escanaba.org), at the time the public hearing notice is published. Any duplication costs will be incurred by the person requesting such duplication.

After the notice of this hearing has been published, written comments on the Plan may be forwarded to the City Manager's Office. Written comments will be accepted up to one week prior of the public hearing and will be address at the hearing.

Any proposed revisions after the Plan has been presented to the Planning Commission hearing or at the first City Council hearing will be held in the meeting minutes and posted on the internet site prior to the final public hearing.

CONCLUSION

The City of Escanaba strives to follow a transparent planning and development review process and share relevant information with community members and any other stakeholders, including the following:

- Published meeting schedules, minutes, and agendas are posted on the City's website.
- Meeting agenda packets are mailed to applicants, in the case of public hearing notices.
- Public hearing notices are sent to applicants and affected stakeholders.
- The City's website includes a variety of topics and information pertaining to the development review process, including the City Charter, the City Code of Ordinances, resolutions, strategies and planning documents, applications and fee information, maps, and much more.
- Individual webpages will be created for significant projects; these webpages will include related information and documents about the proposed projects.

In conclusion, the Public Participation Plan effort is intended to provide opportunities for the citizens of the City of Escanaba to participate meaningfully in the development of the updated Community Master Plan as well as other community driven initiatives. As the process unfolds, the process will be reviewed periodically and revisions may be made to assure that this intent is realized.

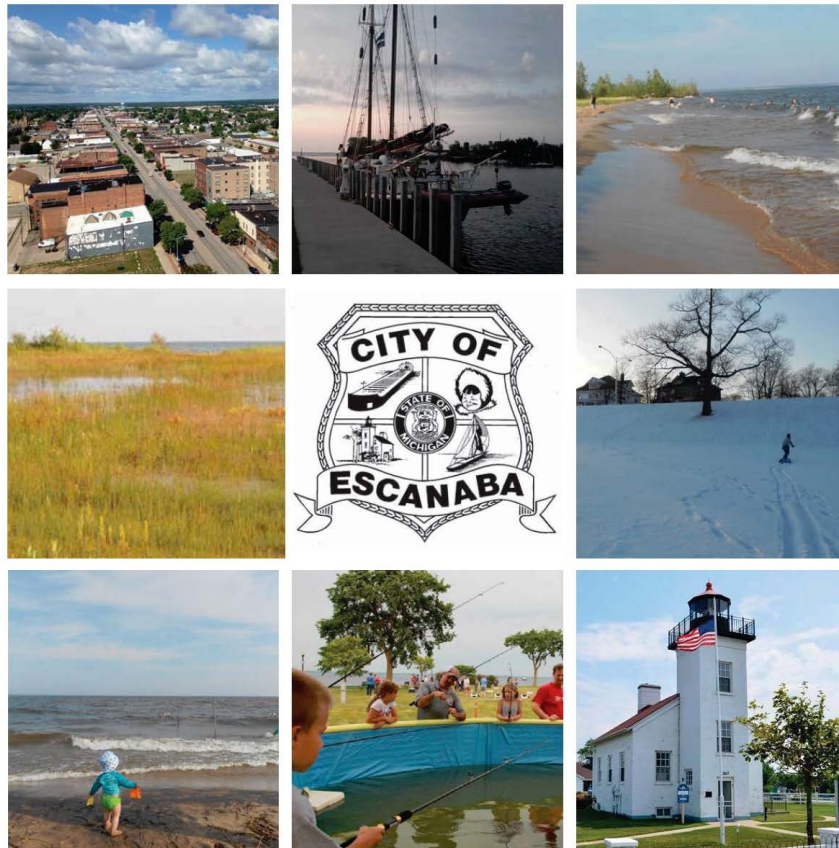


PUBLIC FEEDBACK

In order to serve the citizens of the City of Escanaba better, we require feedback/input regarding how the City’s citizens would like us to communicate information, this information will also be used to help develop the Public Involvement Strategies for the upcoming Master Plan.

This program will be updated as conditions change or additional resources to support outreach activities become available. The City of Escanaba is committed to providing feedback to our citizens by using such tools as personal e-mail, telephone calls, exit surveys and such. To provide feedback on any City program or planning initiative, citizens are encouraged to complete an [Internal Public Participation Evaluation](#) form or [Community Event Satisfaction Survey](#) form located on our website, or by clicking the links.

City of Escanaba 2016 Master Plan





CITY OF ESCANABA CITIZEN PARTICIPATION PLAN

Citizen Participation

The City of Escanaba as a recipient of Community Development Block Grant funding has developed this Citizen Participation Plan to be in compliance with Section 508 of the Housing and Community Development Act of 1974, as amended.

This plan:

- Provides for and encourages citizen participation, with particular emphasis on participation by persons of Low and Moderate Income (LMI) who are residents of slum or blighted area sand of areas in which funds are proposed to be used.
- Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City of Escanaba proposed method of distribution and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended.
- Provides for technical assistance to groups representative of persons of LMI that request such assistance in developing proposals with the level and type of assistance to be determined by the City of Escanaba.
- Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including the development of needs, review of proposed activities, and review of program performance; which hearings shall beheld after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped. At a minimum, two hearings are required: one at the time of application, and one at the end of the grant.
- Provides for a formal written procedure that will accommodate a timely written response to written complaints and grievances, within 15 days where practicable.
- Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be expected to participate.

The City of Escanaba provides citizens with adequate opportunity to participate in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) program. The City of Escanaba will provide adequate information to citizens, hold a public hearing at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the City of Escanaba's community development performance.

Scheduling and Providing Notices of Public Hearings

To provide for adequate notice, a minimum of five calendar days' notice must be given of any public hearings. The initial public hearing must be scheduled early in the planning process to ensure adequate public participation and still permit the City to complete and submit an application. In addition, the City of Escanaba must provide citizens with reasonable and timely access to the hearings. The location and times of these hearings must be scheduled in such a manner as to be convenient to potential or actual beneficiaries with accommodations for the handicapped and non-English speaking persons.

Citizens, with particular emphasis on persons of LMI who are residents of slum or blighted areas, must be encouraged to submit their views and proposals regarding community development and housing needs. Citizens must be made aware of where they may submit their views and proposals should they be unable to attend the public hearing. Where a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking residents. Citizens must be provided with the following information at the public hearing prior to application submittal to the state. The following items must be included in the first public notice:

- The amount of funds available for proposed community development.
- The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit LMI persons.
- The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by persons actually displaced as a result of such activities.
- The City of Escanaba will provide citizens with information regarding the applicant's performance in prior CDBG programs funded by the State.

In addition, the hearing should inform citizens of the proposed objectives, proposed activities, the location of the proposed activities, and the amounts to be used for each activity. Citizens must be given the opportunity to review the application and comment on the proposed application. The notice must state the proposed submittal date of the application and must provide the location at which, and hours when, the application is available for review. The application must be available for review when the notice is published in the newspaper.

Written minutes of hearings and an attendance roster must be submitted to the MEDC Program Specialist and kept for review by State officials.

To satisfy all the requirements of citizen participation, additional information will provided to citizens.

The City of Escanaba will retain as proof of the published public notices in the form of an affidavit or the actual newspaper page showing the published notice with the publication date of each public notice. Such proof will be submitted to the MEDC.

Technical Assistance

The City of Escanaba must provide technical assistance to facilitate citizen participation when requested, particularly to groups' representative of persons of LMI. The level and type of technical assistance will be determined by the City of Escanaba based upon the specific needs of the community's residents.

Complaint Procedures

The City of Escanaba has a written citizen and administrative complaint procedures. All written citizen complaints that identify deficiencies relative to the City of Escanaba's community development program merit full, prompt consideration, and must be handled according to their written complaints procedure. Good faith attempts must be made to satisfactorily resolve the complaint at the local level.

This citizen and administrative complaint procedures is established to meet the requirements of Section 508:

- The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
- The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

James V. O'Toole, City Manager
410 Ludington Street
Escanaba, MI 49829
(906) 786-9402
jotoole@escanaba.org

Within 15 calendar days after receipt of the complaint, James V. O'Toole or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, James V. O'Toole or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Escanaba and offer options for substantive resolution of the complaint.

- If the response by James V. O'Toole or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of within 15 calendar days after receipt of the response to the City Council.
- Within 15 calendar days after receipt of the appeal, the City Council will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Council will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by James V. O'Toole or his designee, appeals to the City Council, and responses from these two offices will be retained by the City of Escanaba for at least three years.

All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination must be forwarded to the Michigan Department of Civil Rights [Michigan Department of Civil Rights, Intake Team, 3054 West Grand Blvd., Suite 3-600, Detroit, MI 48202] for disposition. The complainant must be notified in writing within 10 days that, due to the nature of the complaint, it has been forwarded to the Michigan Department of Civil Rights. Citizens must be made aware that they can forward a complaint alleging discrimination directly to the Michigan Department of Civil Rights, Intake Team, 3054 West Grand Blvd., Suite 3-600, Detroit, MI 48202. Persons wishing to object to the Michigan Strategic Fund's (MSF) approval of an application may make such objection known to the Michigan Economic Development Corporation.

The MSF will consider objections made only on the following grounds:

- The City of Escanaba’s description of needs and objectives is plainly inconsistent with available facts and data.
- The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the City of Escanaba.
- The application does not comply with the requirements set forth in the final statement (consolidated plan) or other applicable laws. Such objections should include both identification of the requirements not met and, in the case of objections relative to the first bullet above, must include the data upon which the objection is based. Performance Hearings Prior to close-out of the CDBG, the recipient must have a public hearing to obtain citizen views and to respond to questions relative to the recipient's performance. This hearing must be conducted after any construction or other significant activity has been completed. It may be conducted during or after the lien period. A copy of the public notice and minutes of the hearing must be submitted with the close-out documents.

Documentation must be kept at the local level to support compliance with the aforementioned requirements.

The City of Escanaba recognizes the importance of adequate public participation in seeking Community Development Block Grant funds and will comply with all appropriate federal regulations.



James V O’Toole
City Manager

March 28, 2017
Date

Agenda Item: NB-7
Date: 02-20-20

City Council Agenda Item Request

Date: 3/10/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Zoning Map Amendment

Meeting date requested: 2/20/20

Explanation for request:

The Planning Commission has reviewed a portion of the Zoning Map and is recommending re-zoning of a number of parcels in the North Lincoln Road and Northtown areas at this time.

In accordance with Section 103.3 of the Zoning Ordinance, Public Hearings were held on 2/14/19, 6/27/19, and 9/12/19 before the Planning Commission made its final recommendations.

In accordance with Section 401.4 of the Zoning Ordinance, the Zoning Map is considered part of the Zoning Ordinance, and as such must be approved by City Council in the same manner as a Zoning Text Amendment (with a first reading and setting of a public hearing for a second reading and ordinance adoption).

Attachments:

1. Proposed Zoning Map (showing re-zoning change areas in red outlines)
2. Proposed Zoning Map - (Zoomed-in version)
3. Current Zoning Map
4. List of parcels to be re-zoned
5. Planning Commission Minutes from Public Hearings on Re-Zonings (3)

ORDINANCE NO. 1225

AN ORDINANCE TO AMEND CHAPTER IV OF APPENDIX A AS CODIFIED UNDER THE CODE OF ORDINANCES

THE CITY OF ESCANABA HEREBY ORDAINS:

CHAPTER I

Chapter IV of Appendix A as codified under the Code of Ordinances shall be amended to read as follows:

CHAPTER 4 - DISTRICTS, BOUNDARIES AND ZONING MAP

Section 401. - District Classifications.

401.4. - *Zoning Map.*

The following parcels of property within the City shall be rezoned in accordance with the Zoning Map in the City Clerk's Office as follows:

Parcel #	Physical Address	Zoning District
051-010-2929-328-003	200 LUDINGTON ST	E - Commercial
051-010-2930-281-001	226 N 10TH ST	B - Two-Family
051-010-2930-281-002	220 N 10TH ST	B - Two-Family
051-010-2930-281-003	218 N 10TH ST	B - Two-Family
051-010-2930-281-005	208 N 10TH ST	B - Two-Family
051-010-2930-281-006	208.5 N 10TH ST	B - Two-Family
051-010-2930-281-007	204 N 10TH ST	B - Two-Family
051-010-2930-281-011	911 2ND AVE N	E - Commercial
051-010-2930-281-012	227 N 9TH ST	E - Commercial
051-010-2930-281-013	225 N 9TH ST	E - Commercial
051-010-2930-281-014	221 N 9TH ST	E - Commercial
051-010-2930-281-015	219 N 9TH ST	E - Commercial
051-010-2930-281-016	217 N 9TH ST	E - Commercial
051-010-2930-281-017	213 N 9TH ST	E - Commercial

051-010-2930-281-018	209.5 N 9TH ST	E - Commercial
051-010-2930-281-019	209 N 9TH ST	E - Commercial
051-010-2930-281-020	207 N 9TH ST	E - Commercial
051-010-2930-281-023	208.5 N 10TH ST ADJ	B - Two-Family
051-050-2919-301-001	1126 North Lincoln Road	E - Commercial
051-050-2919-301-002	1126 North Lincoln Road	E - Commercial
051-050-2919-301-004	2000 11th Avenue North	E - Commercial
051-050-2919-301-005	2000 11th Avenue North	E - Commercial
051-050-2919-303-001	1030 North Lincoln Road	E - Commercial
051-050-2919-303-002	1026 North Lincoln Road	E - Commercial
051-050-2919-303-003	1022 North Lincoln Road	E - Commercial
051-050-2919-303-004	1020 North Lincoln Road	E - Commercial
051-050-2919-303-005	1016 North Lincoln Road	E - Commercial
051-050-2919-303-006	1012 North Lincoln Road	E - Commercial
051-050-2919-303-007	1008 North Lincoln Road	E - Commercial
051-050-2919-303-008	1000 North Lincoln Road	E - Commercial
051-120-2930-151-001	400 North Lincoln Road	E - Commercial
051-120-2930-152-001	2110 3rd Avenue North	E - Commercial
051-120-2930-155-003	2205 3rd Place North	E - Commercial
051-120-2930-155-006	2205 3rd Place North	E - Commercial
051-130-2930-101-001	626 North Lincoln Road	E - Commercial
051-130-2930-101-002	620 North Lincoln Road	E - Commercial
051-130-2930-101-003	2001 6th Avenue North	E - Commercial
051-130-2930-101-004	631 North 20th Street	E - Commercial
051-130-2930-101-005	629 North 20th Street	E - Commercial
051-130-2930-101-007	623 North 20th Street	E - Commercial
051-130-2930-101-008	619 North 20th Street	E - Commercial
051-130-2930-101-009	611 North 20th Street	E - Commercial

051-130-2930-101-010	603 North 20th Street	E - Commercial
051-130-2930-101-011	601 North 20th Street	E - Commercial
051-130-2930-127-010	629 STEPHENSON AVE	E - Commercial
051-130-2930-127-011	627 STEPHENSON AVE	E - Commercial
051-130-2930-127-014	617 STEPHENSON AVE	E - Commercial
051-130-2930-127-015	615 STEPHENSON AVE	E - Commercial
051-130-2930-127-016	613 STEPHENSON AVE	E - Commercial
051-130-2930-127-017	609 STEPHENSON AVE	E - Commercial
051-130-2930-127-018	605 STEPHENSON AVE	E - Commercial
051-130-2930-131-007	521 STEPHENSON AVE	E - Commercial
051-130-2930-131-008	501 STEPHENSON AVE	E - Commercial
051-130-2930-131-010	1705 4TH AVE N	F - Light Manufacturing
051-190-2930-153-001	328 N 21ST ST	E - Commercial
051-190-2930-153-002	324 N 21ST ST	E - Commercial
051-190-2930-153-003	322 N 21ST ST	E - Commercial
051-190-2930-153-009	331 N 20TH ST	E - Commercial
051-190-2930-153-010	327 N 20TH ST	E - Commercial
051-190-2930-153-011	325 N 20TH ST	E - Commercial
051-190-2930-153-012	323 N 20TH ST	E - Commercial
051-190-2930-154-001	1919 3RD AVE N	E - Commercial
051-190-2930-154-001	1919 3RD AVE N	E - Commercial
051-190-2930-154-009	331 N 19TH ST	E - Commercial
051-225-2919-300-831	831 North Lincoln Road	E - Commercial
051-225-2919-300-833	833 North Lincoln Road	E - Commercial
051-225-2919-300-835	835 North Lincoln Road	E - Commercial
051-225-2919-300-837	837 North Lincoln Road	E - Commercial
051-225-2919-300-839	839 North Lincoln Road	E - Commercial
051-225-2919-300-841	841 North Lincoln Road	E - Commercial

051-225-2919-300-843	843 North Lincoln Road	E - Commercial
051-225-2919-300-845	845 North Lincoln Road	E - Commercial
051-225-2919-300-847	847 North Lincoln Road	E - Commercial
051-225-2919-300-901	901 North Lincoln Road	E - Commercial
051-225-2919-300-903	903 North Lincoln Road	E - Commercial
051-225-2919-300-905	905 North Lincoln Road	E - Commercial
051-225-2919-300-907	907 North Lincoln Road	E - Commercial
051-225-2919-300-909	909 North Lincoln Road	E - Commercial
051-270-2919-382-004	810 N 18TH ST	A - Single Family
051-270-2919-382-005	806 N 18TH ST	A - Single Family
051-270-2919-382-006	1715 7TH AVE N	A - Single Family
051-270-2919-382-007	1713 7TH AVE N	A - Single Family
051-310-2919-351-003	918 North Lincoln Road	E - Commercial
051-310-2919-351-004	906 North Lincoln Road	E - Commercial
051-310-2919-351-005	830 North Lincoln Road	E - Commercial
051-310-2919-351-006	826 North Lincoln Road	E - Commercial
051-310-2919-351-008	820 North Lincoln Road	E - Commercial
051-310-2919-351-009	810 North Lincoln Road	E - Commercial
051-310-2919-351-010	800 North Lincoln Road	E - Commercial
051-360-2930-176-001	1818 3RD AVE N	E - Commercial
051-360-2930-178-001	1837 3RD AVE N	E - Commercial
051-360-2930-178-002	1835 3RD AVE N	E - Commercial
051-360-2930-178-003	1829 3RD AVE N	E - Commercial
051-360-2930-178-004	1815 3RD AVE N	E - Commercial
051-360-2930-178-007	1801 3RD AVE N	E - Commercial
051-360-2930-179-001	1723 3RD AVE N	E - Commercial
051-360-2930-179-002	324 N 18TH ST	E - Commercial
051-360-2930-179-003	1721 3RD AVE N	E - Commercial

051-360-2930-179-004	1719 3RD AVE N	E - Commercial
051-360-2930-179-005	1715 3RD AVE N	E - Commercial
051-370-2919-101-003	1615 North Lincoln Road	E - Commercial
051-370-2919-102-001	1608 North Lincoln Road	E - Commercial
051-370-2919-102-002	1608 North Lincoln Road	E - Commercial
051-370-2919-102-003	1606 North Lincoln Road	E - Commercial
051-370-2919-102-004	1604 North Lincoln Road	E - Commercial
051-370-2919-102-005	1602 North Lincoln Road	E - Commercial
051-370-2919-107-001	1506 N 20TH ST	O - Open Space
051-370-2919-156-008	1325 North Lincoln Road	E - Commercial
051-370-2919-156-013	1323 Washington Avenue	E - Commercial
051-370-2919-156-014	1325 Washington Avenue	E - Commercial
051-370-2919-160-001	1230 North Lincoln Road	E - Commercial
051-370-2919-160-002	1224 North Lincoln Road	E - Commercial
051-370-2919-160-003	1222 North Lincoln Road	E - Commercial
051-370-2919-160-004	1220 North Lincoln Road	E - Commercial
051-370-2919-160-005	1214 North Lincoln Road	E - Commercial
051-370-2919-160-007	1200 North Lincoln Road	E - Commercial
051-370-2919-201-005	1408 MCCAULEY PL	G - Heavy Manufacturing
051-370-2919-201-006	1401 MCCAULEY PL	G - Heavy Manufacturing
051-390-2919-383-001	830 SHERIDAN RD	A - Single Family
051-390-2919-383-002	832 SHERIDAN RD	A - Single Family
051-390-2919-383-003	828 SHERIDAN RD	A - Single Family
051-390-2919-383-004	824 SHERIDAN RD	A - Single Family
051-390-2919-383-005	820 SHERIDAN RD	A - Single Family
051-390-2919-383-006	816 SHERIDAN RD	A - Single Family
051-390-2919-383-007	812 SHERIDAN RD	A - Single Family
051-390-2919-383-008	810 SHERIDAN RD	A - Single Family

051-390-2919-383-009	806 STEPHENSON AVE	A - Single Family
051-390-2919-383-010	800 STEPHENSON AVE	A - Single Family
051-390-2919-385-001	718 STEPHENSON AVE	F - Light Manufacturing
051-390-2919-386-001	714 STEPHENSON AVE	F - Light Manufacturing
051-390-2919-386-002	700 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-128-001	628 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-128-002	1619 6TH AVE N	F - Light Manufacturing
051-390-2930-128-003	622 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-128-005	618 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-128-009	602 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-001	524 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-002	522 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-003	514 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-004	1601 5TH AVE N	F - Light Manufacturing
051-390-2930-132-006	(Railroad Property - N. 16th St)	F - Light Manufacturing
051-390-2930-132-007	(Railroad Property - N. 16th St)	F - Light Manufacturing
051-390-2930-132-008	520 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-009	510 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-132-010	500 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-134-001	424 STEPHENSON AVE	F - Light Manufacturing
051-390-2930-134-003 051-420-2930-100-027	426 STEPHENSON AVE (Lot 003 & 027)	F - Light Manufacturing
051-420-2824-200-010	Fairgrounds	E - Commercial
051-420-2824-400-001	Fairgrounds	E - Commercial
051-420-2824-400-004	2301 9th Avenue North	E - Commercial
051-420-2824-400-012	2305 9th Avenue North	E - Commercial
051-420-2824-400-013	2307 9th Avenue North	E - Commercial
051-420-2824-400-014	2311 9th Avenue North	E - Commercial

051-420-2824-400-015	2311 9th Avenue North	E - Commercial
051-420-2824-400-017	2305 9th Avenue North	E - Commercial
051-420-2824-400-018	2303 9th Avenue North	E - Commercial
051-420-2825-200-004	2500 3rd Avenue North	E - Commercial
051-420-2825-200-007	501 North Lincoln Road	E - Commercial
051-420-2825-200-011	401 North Lincoln Road	E - Commercial
051-420-2825-200-018	415 North Lincoln Road	E - Commercial
051-420-2825-200-021	2404 3rd Avenue North	E - Commercial
051-420-2825-200-023	511 North Lincoln Road	E - Commercial
051-420-2825-200-025	601 North Lincoln Road	E - Commercial
051-420-2825-200-026	515 North Lincoln Road	E - Commercial
051-420-2825-200-028	421 North Lincoln Road	E - Commercial
051-420-2825-200-030	2602 3rd Avenue North	E - Commercial
051-420-2825-200-031	405 North Lincoln Road	E - Commercial
051-420-2919-300-001	2401 12th Avenue North	E - Commercial
051-420-2919-300-002	2229 9th Avenue North	E - Commercial
051-420-2919-300-003	821 North Lincoln Road	E - Commercial
051-420-2919-300-004	827 North Lincoln Road	E - Commercial
051-420-2919-300-006	811 North Lincoln Road	E - Commercial
051-420-2919-300-009	1919 7th Avenue North	E - Commercial
051-420-2919-300-011	2226 6th Avenue North	E - Commercial
051-420-2919-300-013	2220 6th Avenue North	E - Commercial
051-420-2919-300-014	701 North Lincoln Road	E - Commercial
051-420-2919-300-015	700 North Lincoln Road	E - Commercial
051-420-2919-300-016	2000 6th Avenue North	E - Commercial
051-420-2919-300-019	2001 7th Avenue North	E - Commercial
051-420-2919-300-025	720 North Lincoln Road	E - Commercial
051-420-2919-300-026	706 STEPHENSON AVE	F - Light Manufacturing

051-420-2919-300-027	801 North Lincoln Road	E - Commercial
051-420-2919-300-028	801 North Lincoln Road	E - Commercial
051-420-2919-300-029	921 North Lincoln Road	E - Commercial
051-420-2919-300-029	928 North Lincoln Road	E - Commercial
051-420-2919-300-030	2220 6th Avenue North	E - Commercial
051-420-2919-300-045	712 STEPHENSON AVE	F - Light Manufacturing
051-420-2919-300-047	718 North Lincoln Road	E - Commercial
051-420-2929-200-001	114 N 3RD ST	E - Commercial
051-420-2929-200-002	N 3RD ST	E - Commercial
051-420-2930-100-002	2201 6th Avenue North	E - Commercial
051-420-2930-100-003	615 North Lincoln Road	E - Commercial
051-420-2930-100-009	521 North Lincoln Road	E - Commercial
051-420-2930-100-010	539 North Lincoln Road	E - Commercial
051-420-2930-100-011	536 North Lincoln Road	E - Commercial
051-420-2930-100-012	516 North Lincoln Road	E - Commercial
051-420-2930-100-013	609 North Lincoln Road	E - Commercial
051-420-2930-100-019	605 North Lincoln Road	E - Commercial
051-420-2930-100-020	408 North Lincoln Road	E - Commercial
051-420-2930-100-021	430 North Lincoln Road	E - Commercial
051-420-2930-100-022	1911 4TH AVE N	F - Light Manufacturing
051-420-2930-100-024	451 STEPHENSON AVE	F - Light Manufacturing
051-420-2930-100-028	416 STEPHENSON AVE	F - Light Manufacturing
051-420-2930-100-029	606 North Lincoln Road	E - Commercial
051-420-2930-100-031	433 STEPHENSON AVE	F - Light Manufacturing
051-420-2930-100-032	503 North Lincoln Road	E - Commercial
051-420-2930-100-035	1900 3RD AVE N	E - Commercial
051-420-2930-100-036	425 STEPHENSON AVE	F - Light Manufacturing
051-420-2930-100-037	412 North Lincoln Road	E - Commercial

051-420-2930-100-038	2224 5th Avenue North	E - Commercial
051-420-2930-200-005	328 N 10TH ST	F - Light Manufacturing
051-420-2930-200-016	1520 3RD AVE N	F - Light Manufacturing

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.

APPROVED:

APPROVED:

John M. A. Bergman
City Attorney

Marc D. Tall
Mayor

Ordinance No.

Date Approved:

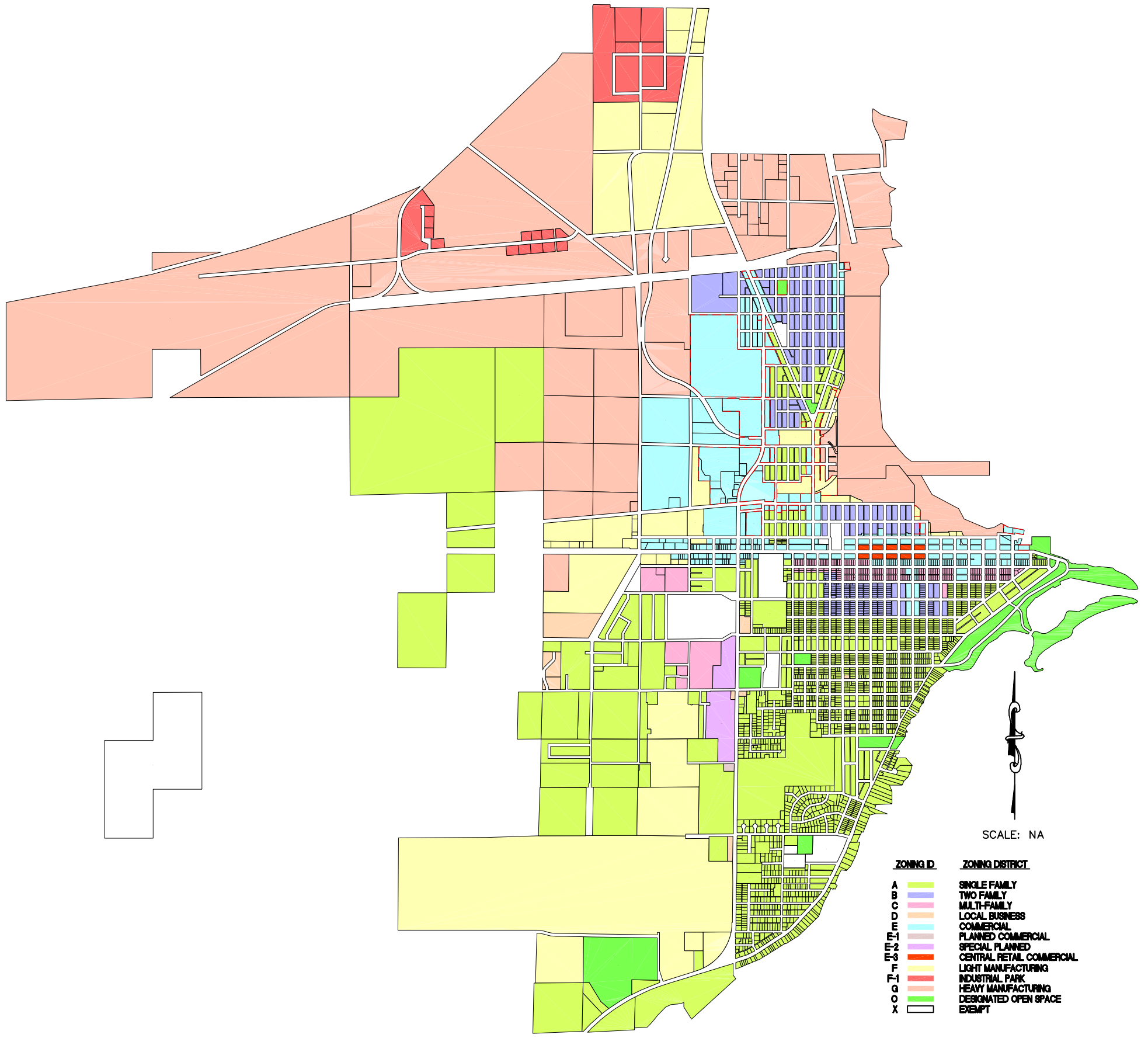
Attest

Date Published

Phil DeMay
City Clerk

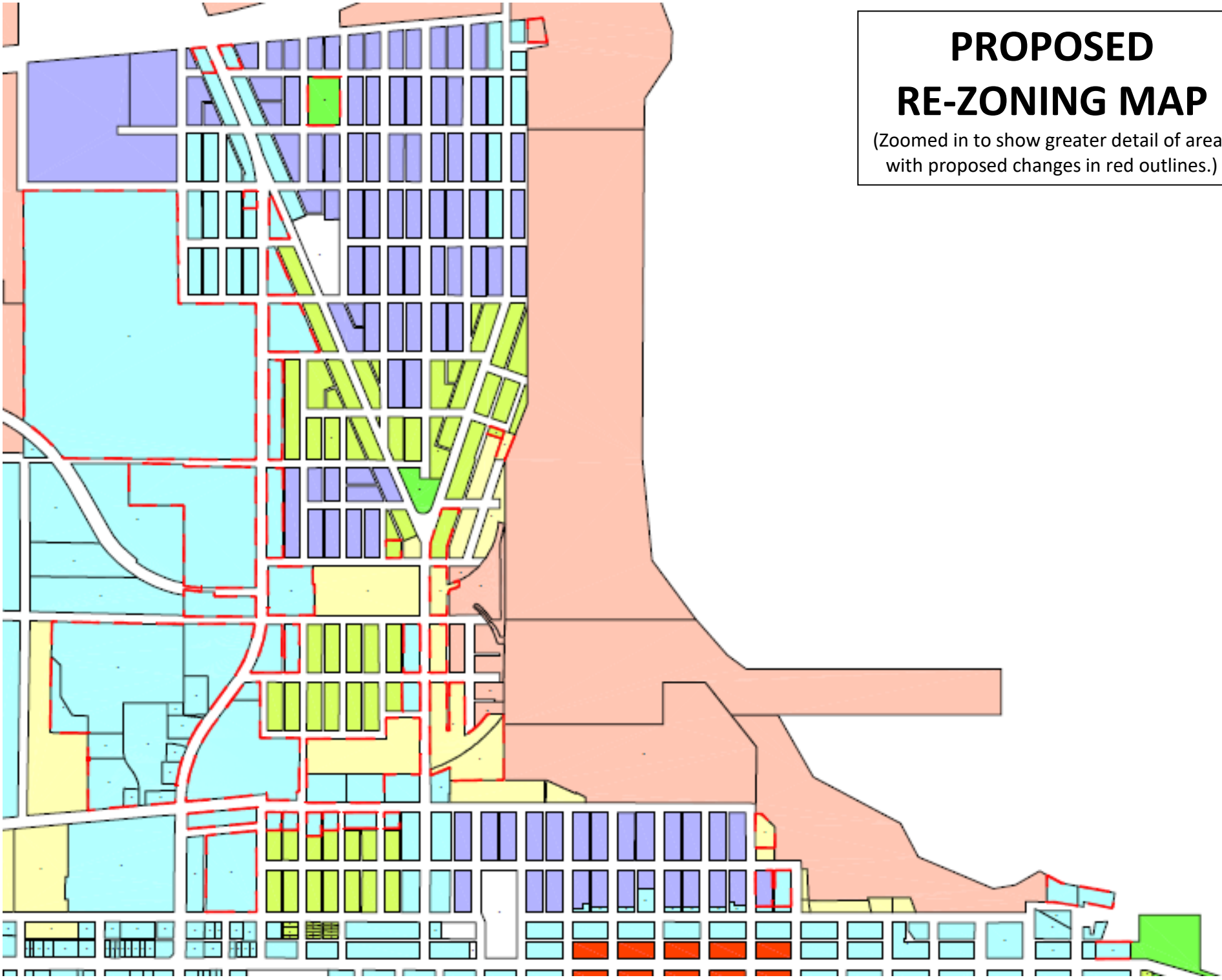
I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the day of , 2020 and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on 2020, and 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.

Phil DeMay
City Clerk

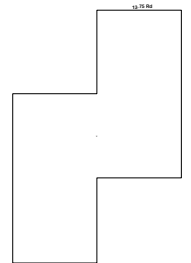
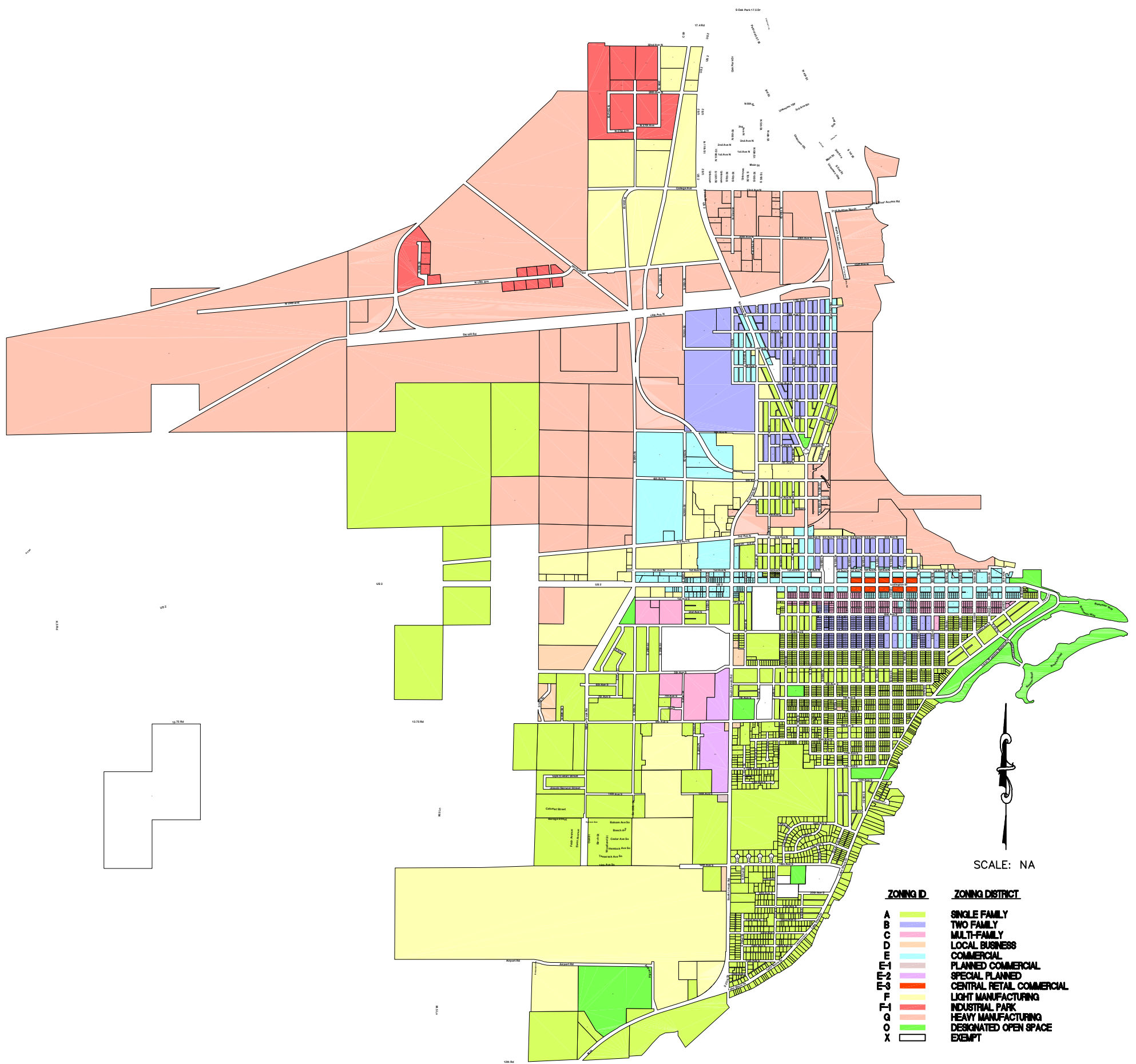


CITY OF ESCANABA REZONING CHANGES (01/2020)

Rev 01/28/2020



**PROPOSED
RE-ZONING MAP**
(Zoomed in to show greater detail of areas
with proposed changes in red outlines.)



ZONING D	ZONING DISTRICT
A	SINGLE FAMILY
B	TWO FAMILY
C	MULTI-FAMILY
D	LOCAL BUSINESS
E	COMMERCIAL
F1	PLANNED COMMERCIAL
F2	SPECIAL PLANNED
F3	CENTRAL RETAIL COMMERCIAL
G	LIGHT MANUFACTURING
H	INDUSTRIAL PARK
I	HEAVY MANUFACTURING
O	DESIGNATED OPEN SPACE
X	EXEMPT

CITY OF ESCANABA ZONING MAP

Rev 01/28/2020

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

MEETING CALLED TO ORDER

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

ROLL CALL

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

A quorum of the Planning Commission was present.

ALSO PRESENT

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

Approximately 8 other unnamed individuals were present.

MINUTES

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

AGENDA

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

CONFLICT OF INTEREST DECLARATIONS – None

PUBLIC HEARINGS

1. Proposed Zoning Map Amendment – North Lincoln Road Corridor

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

Chairperson Smyth opened the public hearing.

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

Chairperson Smyth closed the public hearing.

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

UNFINISHED BUSINESS

1. Wind Turbine Energy Ordinance

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

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

NEW BUSINESS

1. Discussion: Zoning Considerations for Recreational Marihuana

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

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

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

2. Project Updates

a. Zoning Board of Appeals Update

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

b. Delta County Planning Commission Update

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

c. Zoning/Land Use Permit Update

- DeGrave presented the Zoning Report for January 2019.

d. Goal Progress Review

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

e. Training Updates

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

GENERAL PUBLIC COMMENT

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

COMMISSION/STAFF COMMENTS - None

ADJOURNMENT

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

The meeting adjourned at 6:55pm.



Kel Smyth, Chairperson
Escanaba Planning Commission



Blaine DeGrave, Planning and Zoning Administrator
City of Escanaba

Minutes approved at the February 26, 2019 meeting. RLS

January 31, 2018

City of Escanaba

City Planning Commission

P.O. Box 948

Escanaba, MI 49829

Dear Planning Commission,

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

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

What are future land use goals for the corridor?

What are the projected time frames for these goals?

What does the City Master Plan state for future plans?

What is the time frame for this future development?

Does City plan to widen corridor?

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

(Specifically where the exit of city going toward Gladstone)

Will taxes go up because of the Rezoning?

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

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

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

Will there be any changes or plans concerning the tracks?

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

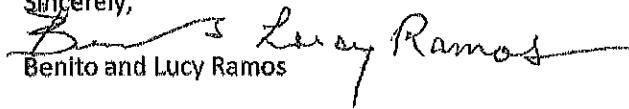
If yes, what areas will possibly be affected?

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

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

Thank you for all your service,

Sincerely,


Benito and Lucy Ramos





February 14, 2019

Benito & Lucy Ramos

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

Dear Mr. & Mrs. Ramos,

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

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

What are future land use goals for the corridor?

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

What are the projected time frames for these goals?

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

What does the City Master Plan state for future plans?

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

What is the time frame for this future development?

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

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

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

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

Current and future taxes will not increase because of rezoning.



Mission Statement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Blaine R. DeGrave
Code Compliance Inspector
City of Escanaba
(906) 786-9402
bdegrave@escanaba.org

City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
June 27, 2019

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on, Thursday, June 27, 2019, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

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

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Blaine DeGrave, Planning & Zoning Administrator	John Anthony, Andex
Roxanne Spencer, Confidential Secretary	Leo Evans, North Shore Marine
Ron Beauchamp, City Council Liaison	Dave Talbert, SuperiorLand Electronics
Marc Tall, Mayor	Ron Houle, resident
	Sarah Hoffmeyer, NAPA/Chatfields
	Kevin Robitaille, Saykly's
	Kelly VanGinhoven, business owner

Approximately 8 other unnamed individuals were present.

MINUTES

A motion was made by Williams, seconded by Benetti, to approve the May 9, 2019 minutes as submitted. **MOTION PASSED** unanimously.

AGENDA - No changes were made to the agenda.

CONFLICT OF INTEREST DECLARATIONS - None

PUBLIC HEARINGS

1. Proposed Zoning Map Amendment – Northtown Area

DeGrave noted there were two letters received from the public: one from Valarie Norman that was included in the agenda packet and one from North Shore Marine received after the agenda packets were mailed, which he read into the record:

North Shore MARINE TERMINAL & LOGISTICS

440 North 10th Street Phone 906-786-7120
Escanaba, MI 49829 Fax 906-786-7168
Email: info@basicmarine.com

June 19, 2019

Blaine DeGrave
Planning & Zoning Administrator
Escanaba Planning Commission

Ladies/Gentlemen

We, here at North Shore Marine Terminal & Logistics, Inc. are in receipt of your June 10, 2019 letter concerning the "Proposed Re-Zoning of Properties in Northtown Area". Our property located at 114 North 3rd St. has been shored up with piling to stop any erosion and has been set up to dock vessels. In a commercial zoning we wouldn't be able to accommodate a vessel and for that reason we're going to stay with the Light Industrial designation. Any questions please don't hesitate to ask.

Regards

Leo J. Evans
Office Administrator

North Shore Marine Terminal
328 North 10th Street
Escanaba, MI 49829
t: 906.786.7120
e: info@northshoremarterminal.com

DeGrave noted that administration did not have any objections to leaving it as F – Light Manufacturing, and not changing it to E as originally proposed. Clark noted that under same ownership, the use can remain as is; but new ownership would mean it would have to comply with new zoning uses. DeGrave noted the reason it was originally proposed to change to E – Commercial was to match the zoning coming up immediately from the south and to align with the future land use intentions for the sale and development of that property as a more commercial area in the near future. Discussion followed on whether the Master Plan identified this area to be more of an industrial “working waterfront” area or more commercial area going forward.

Williams clarified that the statement in the letter regarding not being able to accommodate a vessel was incorrect, as the current use would still be allowed to continue as a non-conforming use if the zoning changed to E-Commercial.

Williams asked about the reasoning behind the proposed changed from F – Light Manufacturing to B – Two-Family for the three parcels on the northwest corner of 2nd Avenue North and North 9th Street. DeGrave

explained that the original thought was to match the current use of the block just to the south with a change for both sections to B – Two Family as most of the properties in the area are residential in nature currently, with a few businesses mixed in. He noted that he would not be against leaving those three properties as F – Light Manufacturing.

Chairperson Smyth opened the public hearing.

John Anthony, president of Andex Industries and resident of Escanaba, noted that the business property is proposed to change from G - Heavy Manufacturing to F - Light Manufacturing. The property was purchased in 1961 and has always had the same use. He is concerned about the differences between the two zoning designations would create barriers to the business. He noted that the 2016 Master Plan did not call for a change to the industrial use and asked for 1911 4th Avenue North be left as G – Heavy Manufacturing.

DeGrave asked about Anthony's specific concerns with a change in zoning. Anthony responded under Heavy Manufacturing, lot density allows up to 85% of lot and Light Manufacturing allows only 50%, which would limit their ability to expand. Anthony is also concerned about the more restrictive references to noise and odor in Light Manufacturing, although they believe they have been good neighbors in this regard already under the less restrictive requirements. Lastly, their current use is heavy manufacturing, rather than light manufacturing. DeGrave noted his concerns about having Heavy Manufacturing Districts located adjacent to residential districts is not good planning. If changed to Light Manufacturing, the business can continue their current use, but any future buyer would have to be light manufacturing in nature, thereby softening the impact on nearby residences. If left as Heavy Manufacturing, a future buyer could use the property for any number of industrial uses that would negatively impact the nearby residences, and it could not be denied if it was an allowed use.

Leo Evans, representing Northshore Marine Terminal, spoke referencing the letter previously read into the record. He noted that ship building is not reference under G – Heavy Manufacturing, so they are concerned they are operating illegally now and asked if there was a reason it was never included as an allowed used. DeGrave noted that it was likely just overlooked, and that there is no underlying motive for the proposed change. Evans also noted his concerns about the noises they produce affecting the proposed change of properties to a B - Two-Family district nearby.

Dave Talbert, owner of SuperiorLand Electronics at 211 North 9th Street. Present building takes up whole lot. Talbert noted that he has purchased the houses on both sides of his business and removed them to create a garage on one side and storage other. He doesn't believe anyone would want build a house in that area because the lots are small. He would like to have his property remain F – Light Manufacturing instead of changing to B – Two-Family.

DeGrave noted that the number of houses in the area already led to the proposed change to B-Two Family. But after hearing these comments, leaving the block as F – Light Manufacturing also makes sense. Williams suggested that it might be an option to leave the three houses on 2nd Avenue North and the west side of the 200 block of North 9th Street as F – Light Manufacturing, and only change the east side of the 200 block of North 10th Street to B – Two-Family.

Ron Houle, owner of 806 Stephenson Avenue (on the roundabout), would like to have his block remain as F – Light Manufacturing because he believes the lots and houses on the block are too small to appeal to future homebuyers and could be sold more easily as Light Manufacturing properties. Discussion took place regarding the fact that by leaving it as Light Manufacturing would cause all residential homes on that block would be non-conforming, requiring an annual form being signed and filed to remain as residential use; but changing it to a residential district would make all the residential homes conforming and no annual letter would be required.

Clark noted that the Planning Commission has to balance the needs of the city at large with the needs of individual residents in making their decisions, giving an example of a business purchasing a lot next door to a residential property and turning it into a tannery would affect value of the residential home. Williams suggested

a possible solution would be to have a break point mid-block to leave F – Light Manufacturing on the south half and the changing the north end to A-Single Family.

Sarah Hoffmeyer ,representing Napa/Chatfields noted their property is proposed to change from G - Heavy Manufacturing to F – Light Manufacturing. They sell industrial welding supplies, oils, petroleum, pipe, and produce a lot of scrap iron as well which they believe would not be allowed under Light Manufacturing. She also noted that the original Chatfields operated a foundry in the back that hasn't been used since the 1950s, but could be in the future as a showpiece. There is also concern that the property does not meet setback and yard requirements. DeGrave noted that on sale of property, the current building could remain as is, but the use and any future building changes would have to comply with the new zoning. Hoffmeyer believes a zoning change would inhibit their growth as a business. DeGrave noted the recommendation was to make the change to F – Light Manufacturing to serve as a buffer between the G – Heavy Manufacturing district to the east and Stephenson Avenue.

DeGrave suggested that due to the amount of feedback received so far from the community, he would recommend that no action be taken now, but to listen to the remaining public comments at this meeting and then generate a revised plan for review at a future meeting. The Planning Commission agreed.

Kevin Robitaille, owner of Saykly's Candies at 910 2nd Avenue North (which is not proposed for re-zoning) also owns a parcel across street that is currently being used as a parking lot. He wants to put a building there in the future, which may not be allowed under the proposed zoning of B – Two Family and so wants to have it remain as F – Light Manufacturing.

Ron Beauchamp, City Council liaison, noted that after hearing the opposition to the proposed changes, he is glad to hear the issue will be reviewed further. He noted his concerns about the upcoming agenda item regarding the removal of the Public Hearing Requirement on permitted uses in relation to making changes to the zoning map with only a handful of the public present, wanting to make sure public participation was still encouraged. Clark asked if Beauchamp had any suggestions for ways to increase public awareness and participation on a very limited budget and suggested the Council may be able to allocate some funds for this purpose. Clarification was made that the waiving of the public hearings would only be for site plans with permitted uses, not for changing of the zoning ordinance or map, which would still have a public hearing requirement.

Chairperson Smyth closed the public hearing.

Discussion followed on the possible format and process for revising the Northtown re-zoning plan before coming back before the Planning Commission. It was also pointed out that another Public Hearing would be held regarding the further recommended changes.

Clark made a motion, seconded by Davis, to set aside the Northtown re-zoning for further review and discussion. MOTION PASSED unanimously.

Smyth and Benetti left the meeting due to personal commitments. Quorum is still met and the meeting can proceed, with Williams chairing.

UNFINISHED BUSINESS

1. Discussion: Marihuana Establishment Zoning Ordinance

Williams noted she has been making modifications to the ordinance based on the webinar trainings that Planning Commission has been viewing. She would like to send a new revision out to commissioners for review. The Planning Commission was in agreement. Davis noted the trainings have been helpful and valuable to the process of creating this ordinance.

2. Discussion: Zoning Districts for Self-Storage Units

DeGrave noted that in the fall of 2018 there were multiple Planning Commission discussions on self-storage units and the lack of specific language in the ordinance relating to being permitted uses. He is requesting that self-storage units be included as allowed uses in F – Light Manufacturing & G – Heavy Manufacturing districts.

Clark made a motion, seconded by Gierke, to recommend to Council to add language to the F – Light Manufacturing and G – Heaving Manufacturing districts to include self-storage units as permitted uses. MOTION PASSED unanimously.

3. Discussion: Sidewalk Connectivity Plan

Discussion took place regarding the previous meeting with City Council which confirmed that there are ordinances in place already to require sidewalks to be constructed on both new construction projects as well as on existing properties and could be assessed to property owners through an established process.

It was suggested that a sub-committee be formed of three people. Gierke, Davis, and Clark volunteered to form a plan and bring it back to the Planning Commission for review in August or September. Gierke will serve as the sub-committee chair.

Discussion followed that the map included in the agenda packet was the priority list from many years ago, but was not necessarily representative of current priorities, nor did it directly represent the most recent Master Plan. Williams noted that the Master Plan should be used for guidance as well. Black noted his preference that connections between commercial and residential areas should be a priority.

NEW BUSINESS

1. Discussion: Removal of Section 1803.2 - Public Hearing Requirement from the Zoning Ordinance

DeGrave explained that as part of the Redevelopment Ready Community recertification process, the MEDC recommended that the public hearings requirement be removed from site plans with allowed uses in order to streamline the development process, which would mean not requiring newspaper and neighbor notifications. It would still come to Planning Commission as a site plan, but not be a public hearing. Special Land Uses would still have a Public Hearing.

Discussion followed on weighing the balance of public information and participation against reduced timelines and cost associated with the required notifications. It was noted that most site plans reviews generate little, if any, public input, with the exception of a few of the larger or more controversial projects. DeGrave noted public opinion cannot legally be a factor in denying site plan approval if the use is an allowed use; the Planning Commission can only approve/deny based on the development standards. It was noted that public comment on any project could still take place at the beginning of a meeting under general public comments.

Clark made a motion, seconded by Davis, to set a public hearing to remove public hearing requirement Section 1803.2 from the Zoning Ordinance. MOTION PASSED, on a ROLL CALL VOTE, as follows:

**Williams – Yes
Gierke – No
Black – Yes
Clark – Yes
Davis - Yes**

2. Discussion: Review of Zoning Ordinance – Chapter 1 – General Provisions and Chapter 2 – Administration, Enforcement, & Penalty

The Planning Commission agreed that everyone had opportunity to review the recommended changes and there were no questions.

Clark made a motion, seconded by Gierke, to recommend revisions to Chapters 1 and 2 of the Zoning Ordinance as submitted, with a Public Hearing and referral to City Council to take place after all five scheduled sections are reviewed for the year. MOTION PASSED unanimously.

3. Project Updates

- Delta County Planning Commission Update – No update
- Zoning Board of Appeals Update – No Update
- Zoning/Land Use Permit Update
 - DeGrave reference the year-to-date zoning report found in the agenda packet, noting a total for the year of 38 zoning permits with a value of more than \$15 million, and 51 other permits.
- Training Updates
 - Tuesday, July 16 @ 10am – Marijuana Emergency Rules Webinar
 - Thursday, July 25 @ 3pm – MSU Extension Marijuana Webinar

GENERAL PUBLIC COMMENT

Ron Beauchamp noted that he didn't explain his concerns well about New Business#1 regarding the removal of the public hearing requirement from allowed uses for site plan submissions. He fears there will not be sufficient opportunities for public comment on development projects.

Kelly VanGinhoven, owner of For the Love of Cupcakes at 801 Ludington Street, thanked the Commission and staff for doing the difficult work of zoning.

COMMISSION/STAFF COMMENTS

DeGrave announced that his position with the City will be changing soon, with him focusing more on Code Compliance and Rental Inspections. Roxanne Spencer will be the new Planning & Zoning Administrator.

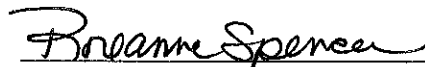
ADJOURNMENT

A motion was made by Gierke, seconded by Black, to adjourn the meeting. MOTION PASSED unanimously.

The meeting adjourned at 7:44pm.



~~Kel Smyth, Chairperson~~ James Hellerman,
Escanaba Planning Commission Secretary



Roxanne Spencer, Planning & Zoning Administrator
City of Escanaba

Minutes approved at the July 11, 2019 meeting. RLS

**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
September 12, 2019**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on, Thursday, September 12, 2019, at 6:00 pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

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

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Roxanne Spencer, Planning & Zoning Administrator	Jim Chase
Marc Tall, Mayor	Tom Jensen
Ron Beauchamp, City Council Liaison	Sarah Hoffmeyer
Kelly McIntyre, Confidential Secretary	

No other individuals were present.

MINUTES

A motion was made by Hellerman, seconded by Davis, to approve the August 8, 2019 minutes as submitted. MOTION PASSED unanimously.

A motion was made by Hellerman, seconded by Davis to approve the August 21, 2019 minutes as submitted. MOTION PASSED unanimously.

AGENDA

A motion was made by Hellerman, seconded by Davis, to approve the agenda as presented. MOTION PASSED unanimously.

CONFLICT OF INTEREST DECLARATIONS

Hellerman stated he has a home across the street from Stephenson Park. Gierke stated he has a home in the Northtown area. Planning Commission agreed neither was a conflict of interest for the rezoning agenda item.

PUBLIC HEARINGS

1. Proposed Zoning Map Amendment - Northtown Area

Vice Chairperson Williams opened the public hearing.

Jim Chase, owner of 128 1st Avenue South, received a letter regarding the zoning and didn't understand why. Spencer explained that the city is required to notify all owners of properties within 300 feet of any property

being considered for rezoning so that they can express their concerns at a public hearing. Chase had no other comments.

Tom Jensen, owner of 116 South 2nd Street, expressed his concerns about rezoning 200 Ludington Street from Open Space to Commercial.

Sarah Hoffmeyer, representative of NAPA/Chatfields, stated she is against changing the zoning of 718 Stephenson Avenue from heavy manufacturing to light manufacturing. She is concerned about not being able to continue to sell their industrial gases or to potentially operate the small on-site foundry in the future if the property is re-zoned to light manufacturing. Discussion following resulted in the determination that there were no use issues with retail sales of gases and that the potential use of a small foundry as a demonstration piece would be acceptable.

Spencer mentioned that the intent of rezoning the block is to create a buffer zone between single family homes and heavy manufacturing. NAPA/Chatfields can continue their business and can sell it in the future to someone who will continue the current uses or any other uses that comply with permitted uses in light manufacturing.

Clarification was sought regarding the parcel between the old Chamber of Commerce building and the Municipal Dock parcel. Spencer explained that the one next to the Chamber is proposed to be rezoned to commercial, but the Municipal Dock is to remain open space.

Vice Chairperson Williams closed the public hearing.

Black made a motion, second by Benetti, to make a recommendation to City Council to rezone Northtown properties as submitted. MOTION PASSED unanimously.

UNFINISHED BUSINESS

1. Discussion: Marihuana Establishment Zoning Ordinance

The Planning Commission continued discussion on the revision of the proposed ordinance, specifically reviewing hours of operation, buffer zones, and local fees. Williams will continue to make revisions, including the addition of the new buy/use establishments.

NEW BUSINESS

1. Discussion: Review of Zoning Ordinance - Chapter 3- Zoning Board of Appeals

Discussion took place about the proposed changes to Chapter 3 of the Zoning Ordinance regarding the Zoning Board of appeals, including removing references to regular meetings, updating the variance review criteria for clarity, and adding a section on circuit court review to conform to The Michigan Zoning Enabling Act. Additionally, Spencer recommended removing Section 305.7A as it conflicted with the variance review criteria.

A motion was made by Davis, seconded by Hellerman, to accept the recommended changes to Chapter 3 of the zoning ordinance as submitted, along with the removal of Section 305.7A, with a Public Hearing to be held in the fall of 2019 before formal recommendation to City Council. MOTION PASSED unanimously.

2. Project Updates

a. Delta County Planning Commission Update

No updates.

b. Zoning Board of Appeals Update Zoning

1. A dimensional variance was granted to Walmart for their wall sign for their pick-up service which would put their total signage over the allowed amount.
2. A request for a dimensional variance to reduce the rear set back to one foot was denied for 1314 12th Avenue South because it did not meet the standards for hardship.

c. Land use Permit Update

The year-to-date permit report included in the packet was reviewed. Spencer noted that total permit activity for August included 14 zoning permits and 13 other permits.

d. Sidewalk Committee Update

A map showing the inventory completed by the Engineering Department depicting areas of the city without sidewalks was presented. The committee will meet in mid-October to review data and begin to set priorities.

e. Sign Committee

Spencer reported that the Sign Committee held its first meeting to review the sign ordinance and make recommendations for changes. The next meeting is scheduled for September 24. Any suggestions by Commissioners can be emailed to Spencer. It was noted that enforcement of obsolete sign removal ordinances already in existence needs to take place, but will be a slow process.

f. Training Update

The next MML Marihuana training session is Thursday, September 19th at 3 pm.

GENERAL PUBLIC COMMENT - None

COMMISSION/STAFF COMMENT - None

ADJOURNMENT

A motion was made by Hellerman, seconded by Williams, to adjourn the meeting. MOTION PASSED unanimously.

The meeting adjourned at 6:59pm.


Kel Smyth, Chairperson
Escanaba Planning Commission


Roxanne Spencer, Planning & Zoning Administrator
City of Escanaba

Minutes approved at the October 10, 2019 meeting. RM

Agenda Item: NB-8
Date: 02-20-20

City Council Agenda Item Request

Date: February 11, 2020

Name: Patrick Jordan

Department: Administration

Item: Discussion and Possible Action on Moratorium for New Hotel Construction

Meeting date requested: February 20, 2020

Explanation for request:

Proxima has requested a 3-year moratorium on any new hotel/motel construction within the City of Escanaba for a period of 3 years.

RESOLUTION NO. 20-03

THE CITY OF ESCANABA NOW RESOLVES A MORATORIUM RESOLUTION TO NOT PERMIT THE DEVELOPMENT OR CONSTRUCTION OF A HOTEL OR MOTEL OR OTHER LODGING OR HOSPITALITY FACILITY.

WHEREAS approving the moratorium is in the general welfare of the Municipality;
WHEREAS supporting current local hospitality ventures will benefit the local economy;
NOW, THEREFORE, be it resolved by the Mayor and City Counsel of the City of Escanaba:

SECTION 1. Moratorium. The Municipality enacts this Resolution to not permit the development or construction of a Hotel or Motel or other lodging or hospitality facility.

SECTION 2. Duration. This Resolution shall remain in effect for a period of no less than thirty-six (36) months after the issuance of the Phase I Certificate of Completion for the hospitality development located at 111 North 3rd Street, Escanaba, Michigan 49829, and in furtherance of the financial ability to current local hospitality ventures, and the general welfare of the Municipality.

SECTION 3. Exceptions. The Municipality may permit the development or construction of a Hotel or Motel or other lodging or hospitality facility for the following situations:

- (i) Current operating Hotels or Motels or other lodgings, such as House of Ludington, located at 223 Ludington St, Escanaba, MI 49829, or
- (ii) Current negotiations regarding development and/or construction at 111 North 3rd Street, Escanaba, Michigan 49829,
- (iii) Current negotiations with Owner/Developer at 501 N. Lincoln Rd., formerly known as Super One, or
- (iv) Expansion of current Hotels or Motels or other lodgings or hospitality facilities.

SECTION 4. Applicability. This Resolution applies to the extent permitted within the boundaries of the City.

SECTION 5. Authority. This Resolution is subject to the maximum amount of time and geography permitted by resolution or ordinance of the City or other governing entity.

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

Ayes:

Nays:

RESOLUTION DECLARED ADOPTED.



December 11, 2019

MEMORANDUM OF UNDERSTANDING
Moratorium on New Development of Lodging and Hospitality Facilities
in Support of the City of Escanaba Downtown Development Authority

TO: Officials of the City of Escanaba

This Memorandum of Understanding addresses the need for a temporary moratorium on the development and construction of a hotel or motel or other lodging or hospitality facility, other than those currently establish or in development, in support of the efforts and financial investment of the City of Escanaba into its Downtown District.

A moratorium on business development may be enacted for the benefit of the municipality and its plans for development. Approving a moratorium should only be for the general welfare of the Municipality.

Act 197 of Public Acts of 1975, the Downtown Development Authority Act, provides the legal mechanism for local officials to address the need for economic development in the central business district. City of Escanaba City Council adopted Ordinance No. 792 which created the Escanaba Downtown Development Authority. Escanaba Downtown Development Authority fosters initiatives to develop the Downtown District (or the Development Area) of the City of Escanaba, approximately 1.5 square miles. This plan for development included, among others, the Waterfront Redevelopment Plan. The City of Escanaba has and will continue to invest significant funds and tax-payer dollars into the development of the Downtown District, and specifically, is investing into the tourism and hospitality contemplated in the Waterfront Redevelopment Plan.

The "City of Escanaba Downtown Development Authority Amended and Restated Development Plan and Tax Increment Financing Plan" states:

"The need for establishing the Escanaba Development District (referred to as "Development Area") is founded on the basis that the future success of Escanaba's current effort to revitalize its commercial area will depend, in large measure, on the readiness and ability to initiate public improvements that strengthen the commercial area and when feasible to participate in the development of new private uses that clearly demonstrate the creation of new jobs, the attraction of new business, and the generation of additional tax revenues."

Pursuant to the Amended and Restated Development Plan and Tax Increment Financing Plan, it is in the best interest for the general welfare of the City of Escanaba to encourage tourism and hospitality in its Downtown District.

The US Census Bureau estimated a total population of the City of Escanaba to be 12,181 people in 2018, approximately 9,708 of which would be adults over the age of 18. Within the limited square miles of the Downtown District and population size of the City of Escanaba, permitting a surplus of hospitality choices will jeopardize the success of the City of Escanaba's investment into its Downtown District. Currently, there is an existing hospitality lodging in the downtown district, the House of Ludington, located at 223 Ludington St, Escanaba, MI 49829, and a hotel development currently in Phase I of construction, located at 111 North 3rd Street, Escanaba, Michigan 49829 (together referenced as "Current Hospitality Facilities").

COUNSEL OF CARR, SKADBERG & KAZMIERCZAK LLC

Isaac@ccsklaw.com

• 57 Michigan Ave, Ste 101, Valparaiso, IN 46383 •

Current Hospitality Facilities rely upon a healthy market share of tourist and employees, but any additional hotels, motels or other lodging or hospitality facilities would decrease the market share relied upon by the Current Hospitality Facilities for their survival. Potential employees would be willing to commute a ten-mile difference for even slightly more pay, and tourists would be willing to commute ten miles, and even over waterfront properties, for a decreased lodging rate. If permitted, the success of the Current Hospitality Facilities would be jeopardized and the purposes driving the Escanaba Downtown Development Authority would be undermined.

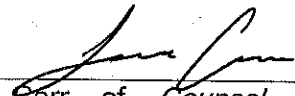
A moratorium to not permit the development or construction of a Hotel or Motel or other lodging or hospitality facility need only be temporary to allow the stabilization of the Current Hospitality Facilities. Generally, hotels require thirty-six (36) month in order to stabilize in a marketplace. This standard is relied upon by lending institutions when funding the development and operations of a new hotel, as well as by the franchisor of the new hotel. If the market share is not substantial enough or the market share is too greatly saturated, the lending institution and/or franchisor will not support the hotel development given the risks associated. A thirty-six (36) month moratorium would support the stabilization of the Current Hospitality Facilities in order to fulfill the efforts and protect the financial investment of the City of Escanaba.

While questions have arose regarding municipalities' authority to enact a moratorium, courts have not ruled against any moratorium in the State of Michigan. *See Cummins v. Robinson Township*, 283 Mich. App. 677, 770 N.W.2d 421 (2009); *Central Advertising Co v St. Joseph Township*, 125 Mich. App 548, 554-555 (1983); *BPA II v Harrison Township*, 73 Mich. App 731, 733-734 (1977); *Heritage Hill v Grand Rapids*, 48 Mich. App 765, 768 (1973). Moratoriums must be temporary with a specific enactment and termination date in order to protect public health, safety, and general welfare.

A moratorium to not permit the development or construction of a Hotel or Motel or other lodging or hospitality facility in the City of Escanaba for a period of thirty-six (36) months after the issuance of the Phase I Certificate of Completion for the hospitality development located at 111 North 3rd Street, Escanaba, Michigan 49829, would be in furtherance of the financial ability to current local hospitality ventures, and the general welfare of the City of Escanaba.

This memorandum of understanding is limited to the facts cited above and is not intended to be used by or relied upon by any person other than the party to whom the opinion letter is addressed. This does not constitute legal, tax, or financial advice, but rather should be considered only informational.

Best Regards,


Isaac Carr of Counsel of Carr,
Skadberg & Kazmierczak LLC



**A RESOLUTION OF THE ESCANABA DOWNTOWN DEVELOPMENT AUTHORITY
SUPPORTING THE LAKEFRONT PROJECT PLAN TO BE DEVELOPED BY
PROXIMA MANAGEMENT GROUP**

Whereas, The Escanaba Downtown Development Authority recognizes the value of lakefront development as an effective tool for economic revitalization; and

Whereas, through the 2011 Escanaba Downtown Development Authority's Developmental plan has prioritized lakefront development as a key next step to enhance the downtown; and

Whereas, the Escanaba Downtown Development Authority's 2020 Vision document stresses that the downtown be reinvented and revitalized by creating a mix of activity nodes focused on retail, residential and entertainment uses; and

Whereas, the Escanaba Downtown Development Authority's 2020 goals list adding lakefront developmental at the former Delta County jail property and adjoining City of Escanaba properties as a top priority; and

Whereas, an agreement between the City & Proxima Management Group will be needed to make the project work; and

Whereas, Proxima Management Group will need requested language on a 3 year moratorium to be part of the agreement with the City; and

Whereas, Proxima's Management Group's site plan for Lakefront Development project will need approval from the Escanaba Planning Commission; and

Now, therefore be it resolved, that the Escanaba Downtown Development Authority hereby supports the Lakefront Development Project Plan to be developed by Proxima Management Group.




Dan Bender, Chairperson

I certify that the "Resolution of Support" was duly adopted at a regular meeting of the Escanaba Downtown Development Authority on January 23, 2020 by the following vote:

Yes: 7

No: 0

Abstain: 1



Ed Legault, DDA Executive Director



January 28, 2020

City Council for the City of Escanaba
410 Ludington Street
Escanaba, MI 49829

RE: The case of a moratorium for new hotel development in the City of Escanaba

Members of the City Council:

Proxima Management Group (Proxima) is requesting a three-year moratorium to limit new hotel construction beginning when the Hotel in the proposed lakefront development opens. This request supports a development that has been identified as high priority by the City of Escanaba through numerous studies and various master plans stretching back almost two decades. A temporary moratorium would support the goals of the City, as well as allow us to proceed with development.

The City of Escanaba has and will continue to invest significant funds and tax-payer dollars into the development of its Downtown District, and specifically, through investing into the tourism and hospitality on the waterfront properties. Proxima's goal is to be the catalyst for that development on the lake front and east end of Ludington Street. Our phased development approach necessitates the Hotel be the anchor for the successive phases of the development. Proxima will use the success of the Hotel to develop the remaining parcels of land within the development agreement with the City and encourage the continued redevelopment of the east end of Ludington Street. Our desire is to work with the local community to reinvigorate the downtown area and deliver a waterfront experience that everyone can be proud of, and one that is uniquely Escanaba. However, other hotels, motels, and lodging facilities entering the market this early would jeopardize those development goals.

A hotel relies upon a healthy market share of tourist and employees to survive, especially for the first three years that are crucial for a hotel to stabilize in that market. There are up to 300 rooms planned to enter the local market through our initial development of the Hotel. Escanaba has historically not seen this level of lodging development in about a decade. Allowing even one additional hotel, motel or other lodging facility would decrease the market share required for the Hotel to survive. Potential employees would commute a ten-mile difference for even slightly more pay, and tourists would commute ten miles, and even over waterfront properties, for decreased lodging rates.

Practically speaking, our investors and lenders funding the development of the Hotel view even the opportunity of other hotels, motels, and lodging facilities entering the market as a risk; if there is a way for us to limit this risk to make the risk ratio more favorable, we believe it is worth exploring. The moratorium shows our investors that the City of Escanaba, the Escanaba Downtown Development Authority & Delta County are committed to making the project a success! We feel the project is one that the community will be proud of for decades.

This request is not unique within the State of Michigan. Municipalities in the past have enacted moratoriums as a show of reciprocal support for the project, the developer, and continued delivery of the goals of the municipality. Given the history of moratoriums in the State of Michigan, as well as Escanaba, the City should feel comfortable discussing a temporary moratorium as a viable option for the future success of the City through our initial efforts in the Hotel.

Sincerely,

Ravi Patel
Proxima Management Group
Executive Principle

Agenda Item: NB-9
Date: 02-20-20

City Council Agenda Item Request

Date: 2-14-2020

Name: Jeff Lampi

Department: Water Department

Item: Professional Services for DWRF Loan Application

Meeting date requested: 2-20-2020

Explanation for request:

Please consider this as a request for authorization to hire C2AE Engineering of Escanaba MI to conduct the work as specified in the attached proposal; to prepare and submit documents in order to apply for loan from the Drinking Water Révolving Loan Fund (DWRF) at a cost not to exceed \$30,000.00.

Money is currently budgeted and available for professional services, within our current 19-20 fiscal year.

February 12, 2020

Mr. Jeff Lampi
Utilities Superintendent
City of Escanaba
PO Box 948
Escanaba, MI 49829

Re: Proposal for Professional Services: DWRF Project Plan

Dear Mr. Lampi,

C2AE appreciates the decision of the City to select us for preparing a project plan for Escanaba water system upgrades. This component to be funded under the state's Drinking Water Revolving Loan Fund (DWRF).

PROJECT UNDERSTANDING

While the twenty year planning period had identified a number of necessary improvements, Escanaba realizes that the state's lead and copper (Pb and Cu) rules require the replacement of PB services where they are encountered on a City's water distribution system. Overall all communities in Michigan must remove all Pb services over the next twenty years. This includes the portion of the service located on private property. This becomes the primary effort the city will pursue.

The procedure to enter the DWRF funding process is two-fold. First, a notice to apply must be sent to EGLE by April 1, 2020. Second, a Project Plan for the project must be prepared and submitted to EGLE by June 1, 2020. The Project Plan requires a public hearing on the completed plan, which should be held in April of 2020.

The DWRF will possibly be increased to facilitate the need the cities are going to experience. The state is also discussing the possibility of principal forgiveness for Pb service replacement projects.

SCOPE

Our scope of services under this proposal is as follows:

1. Prepare and submit the Intent to Borrow form to EGLE in February 2020.
2. Attend the new required meeting with EGLE project manager.
3. Prepare the Project Plan to meet the DWRF requirements.
4. Update AMP and CIP Plans for water system.
5. Delineate a First Phase Project.
6. Issue Project Description to the multiple Environmental Review Agencies.
7. Present at Public Hearing.

8. Submit the Project Plan to EGLE as required.
9. Assist the City with any requests from EGLE.

DELIVERABLES (OPTIONAL)

Our Deliverables include:

1. Completed Notice to Apply
2. Project Plan
3. Updated AMP and CIP Plans

SCHEDULE

The schedule to meet the DWRP timeline is as follows:

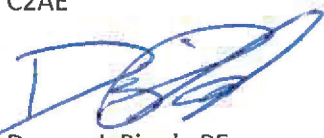
Preparation of Project Plan	Begins February 2020
Submit the Notice to Apply	February 2020
Attend Application Meeting with EGLE	March 2020
Attend Public Hearing on Project Plan	April 2020
Submit Project Plan to EGLE	May 28, 2020
Project Priority List Completed	August 2020

FEE

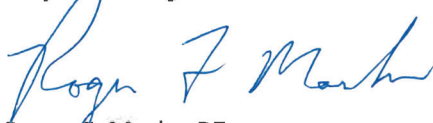
Compensation for the completion of the work scope above shall be a lump sum fee of \$30,000. The fees can be included under the loan proceeds.

We have included our Standard Contract Provisions as part of our proposal. If the terms and conditions as stated are acceptable, please countersign and return one (1) copy to our office. Please do not hesitate to contact us should you have any questions or concerns, or if you need additional information.

Sincerely,
C2AE



Darren J. Pionk, PE
Project Manager



Roger F. Marks, PE
Infrastructure Group Leader

Accepted by:

City of Escanaba

Date

The parties to this agreement, Capital Consultants, Inc., a Michigan Corporation doing business as C2AE in the State of Michigan, hereinafter called the A|E CONSULTANT and the City of Escanaba, Michigan, hereinafter called the OWNER, hereby agree to the following conditions:

- A. Limit of Scope: The services provided by the A|E CONSULTANT shall be limited to those described in the Scope of Services.
- B. Changed Conditions: If, during the term of this Agreement, circumstances or conditions that were not originally contemplated by or known to the A|E CONSULTANT are revealed, to the extent that they affect the scope of services, compensation, schedule, allocation of risks or other material terms of this Agreement, the A|E CONSULTANT may call for renegotiation of appropriate portions of this Agreement. The A|E CONSULTANT shall notify the OWNER of the changed conditions necessitating renegotiation, and the A|E CONSULTANT and the OWNER shall promptly and in good faith enter into renegotiation of this Agreement to address the changed conditions. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.
- C. Additional Services: Additional services not specifically identified in the Scope of Services shall be paid for by the OWNER in addition to the fees previously stated, provided the OWNER authorizes such services in writing. Special services will be billed monthly as work progresses and invoices are due upon receipt.
- D. Standard of Care: In providing services under this Agreement, the A|E CONSULTANT will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. Upon notice to the A|E CONSULTANT and by mutual agreement between the parties, the A|E CONSULTANT will without additional compensation, correct those services not meeting such a standard.
- E. Opinions of Probable Construction Cost: In providing opinions of probable construction cost, the OWNER understands that the A|E CONSULTANT has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the A|E CONSULTANT's opinions of probable construction costs are made on the basis of the A|E CONSULTANT's professional judgment and experience. The A|E CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the A|E CONSULTANT's opinion of probable construction cost.
- F. Schedule for Rendering Services: The A|E CONSULTANT shall prepare and submit for OWNER approval a schedule for the performance of the A|E CONSULTANT's services. This schedule shall include reasonable allowances for review and approval times required by the OWNER, performance of services by the OWNER's consultants, and review and approval times required by public authorities having jurisdiction over the project. This schedule shall be equitably adjusted as the project progresses, allowing for changes in scope, character or size of the project requested by the OWNER, or for delays or other causes beyond the A|E CONSULTANT's reasonable control.
- G. Ownership of Reports, Drawings and Other Materials: The OWNER agrees that all reports, drawings, letters, work sheets, plans, preliminary material tables, supportive data, documents and other materials produced by the A|E CONSULTANT in the course of and for the purpose of meeting this contract are the property of the A|E CONSULTANT, and shall remain in the possession of the A|E CONSULTANT. The OWNER shall have access to the above named material during normal business hours of the A|E CONSULTANT during and after completion of this contract. The OWNER may obtain copies of any of the above named material. Copies of electronic media may be obtained by the OWNER via execution of this Agreement. (See Alteration and Reuse of CAD Information provision of this Agreement.)
- H. Alteration and Reuse of CAD Information: Because computer aided design/drafting (CAD) information stored in electronic form can be modified by other parties, intentionally or otherwise, without notice or indication of said modifications, the A|E CONSULTANT reserves the right to remove all indications of its ownership and/or involvement in the material from each electronic medium not held in its possession. The OWNER may retain copies of the work performed by the A|E CONSULTANT in CAD form. Copies shall be for information and used by the OWNER for the specific purpose for which the A|E CONSULTANT was engaged. Said material shall not be used by the OWNER, or transferred to any other party, for use in other projects, additions to the current project, or any other purpose for which the material was not strictly intended without the A|E CONSULTANT's express written permission. Any unauthorized modification or reuse of the materials shall be at the OWNER's sole risk, and the OWNER agrees to defend, indemnify, and hold the A|E CONSULTANT harmless, from all claims,

injuries, damages, losses, expenses, and attorney's fees arising out of the unauthorized modification of these materials.

- I. Payment Terms: Invoices will be submitted by the A|E CONSULTANT monthly, are due upon presentation and shall be considered past due if not paid within thirty (30) calendar days of the due date.
- J. Disputed Invoices: If the OWNER objects to any portion of an invoice, the OWNER shall so notify the A|E CONSULTANT in writing within ten (10) calendar days of receipt of the invoice. The OWNER shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest at one-and-one-half (1.5) percent (or the maximum rate allowable by law, whichever is less) shall be paid by the OWNER on all disputed invoice amounts that are subsequently resolved in the A|E CONSULTANT's favor and shall be calculated on the unpaid balance from the due date of the invoice.
- K. Abandonment of Work: If any work is abandoned or suspended, the A|E CONSULTANT shall be paid for services performed prior to receipt of written notice from the OWNER of abandonment or suspension.
- L. Errors and Omissions Insurance: The A|E CONSULTANT maintains an errors and omissions insurance policy as part of normal business practice. The OWNER agrees to limit the A|E CONSULTANT's liability to the OWNER and to all Construction Contractors and Subcontractors on the project due to the A|E CONSULTANT's negligent acts, errors, or omissions, such that the total aggregate liability of the A|E CONSULTANT to all those named shall not exceed \$30,000.
- M. Indemnification: The A|E CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER against damages, liabilities and costs arising from the negligent acts of the A|E CONSULTANT in the performance of professional services under this Agreement, to the extent that the A|E CONSULTANT is responsible for such damages, liabilities and costs on a comparative basis of fault and responsibility between the A|E CONSULTANT and the OWNER. The A|E CONSULTANT shall not be obligated to indemnify the OWNER for the OWNER's own negligence.
- N. Consequential Damages: Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither the OWNER nor the A|E CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the OWNER and the A|E CONSULTANT shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.
- O. Dispute Resolution: The OWNER agrees that all claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing per State law and the parties hereto agree to fully cooperate and participate in good faith to resolve the dispute(s). The cost of mediation shall be shared equally by the parties hereto.

If mediation fails to resolve the claim or dispute, the matter shall be submitted to a court of competent jurisdiction.