



**CITY COUNCIL**  
**MEETING AGENDA**  
March 5, 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, March 5, 2020, at 7:00 p.m.**

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 20, 2020

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

**1. Second Reading, Public Hearing and Adoption of Ordinance No. 1224, An Ordinance to Amend Chapter VIII of Appendix A as Codified Under the Code of Ordinances.**

**Explanation:** Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1224, An Ordinance to Amend Chapter VIII of Appendix A as Codified under the Code of Ordinances – Building Height Change.

**2. Second Reading, Public Hearing and Adoption of Ordinance No. 1225, An Ordinance to Amend Chapter IV of Appendix A as Codified Under the Code of Ordinances.**

**Explanation:** Administration is requesting the City Council to consider approval and adoption 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.

UNFINISHED BUSINESS

**1. First Reading – Residential Planned-Unit Development Re-Zoning – Planning & Zoning.**

**Explanation:** Administration is requesting the City Council to consider this the first reading regarding the property at 500 North 26<sup>th</sup> Street be rezoned from F – Light Manufacturing to C2 – Residential Planned Unit Development. Administration is further requesting that the City Council Set March 19, 2020, for the second reading, public hearing and adoption of the Residential Planned-Unit Development Re-Zoning.

NEW BUSINESS

**1. Discussion/Approval – Sidewalk Infill Plan – Planning & Zoning.**

**Explanation:** Administration is requesting City Council to approve the Sidewalk Infill Plan submitted by the Planning Commission.

**2. Discussion/Approval – Defense Against Removing Section 1803.2 – Public Hearing Requirement – Planning & Zoning.**

**Explanation:** Administration is requesting discussion and direction on a proposed written defense against the removal of Section 1803.2 – Public Hearing Requirements from the Zoning Ordinance.

**3. Brownfield Redevelopment 381 Plan – Northland Centers, 501 North Lincoln Road (Super One), Escanaba, Michigan.**

**Explanation:** Administration is requesting City Council to amend the City of Escanaba's Brownfield Redevelopment Act 381 Plan by including the Brownfield Redevelopment 381 Plan for property located at 501 North Lincoln Road, Escanaba, Michigan. The plan includes eligible activities, costs and estimated tax capture for reimbursement of eligible expenses under Public Act 381, of the Brownfield Redevelopment Financing Act. On February 18, 2020, the Escanaba Brownfield Redevelopment Authority conducted a public hearing and has recommended Council approval.

**4. Approval – Traffic Signal Design Service – Contract Approval – Recreation.**

**Explanation:** Administration is seeking City Council approval to enter into a contract with OHM for the traffic signal design at Danforth Road and North 30<sup>th</sup> Street in the amount of \$13,000. This project is funded through various grants already awarded.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS – Election News Update

ADJOURNMENT

**Respectfully Submitted**

A handwritten signature in blue ink that reads "Patrick S. Jordan". The signature is fluid and cursive, with the first name "Patrick" being the most prominent.

**Patrick S. Jordan  
City Manager**

**OFFICIAL PROCEEDINGS  
CITY COUNCIL  
CITY OF ESCANABA, MICHIGAN  
Regular Council Meeting  
Thursday, February 20, 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.

O'Connell moved, Blasier seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from February 6, 2020, as submitted.

**ADJUSTMENTS TO THE AGENDA**

O'Connell moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to approve the City Council Agenda as submitted.

**CONFLICT OF INTEREST DECLARATION** – None

**BRIEF PUBLIC COMMENT**

Mary Levesque – discussed the Bay de Noc Apartment project.

Rebecca Bender – discussed the Bay de Noc Apartment project.

William Gasman – discussed the Bay de Noc Apartment project.

**PUBLIC HEARINGS**

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

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

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

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

**PH-2 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.**

Administration requested 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.

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

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

Craig Patterson, of Woda Cooper, addressed council members concerns on this project.

**PH-1** Blasier moved, no second, to adopt Ordinance No. 1223, An Ordinance to Amend Chapter 26.

**MOTION FAILED *due to a lack of a second.***

DuBord moved, Moore seconded, to postpone the Bay de Noc PILOT Ordinance No. 1223 until they receive the information back from the third party market research and make a final decision on March 19, 2020 at the regularly scheduled City Council Meeting.

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

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

**MOTION CARRIED.**

**UNFINISHED BUSINESS** – None

**NEW BUSINESS**

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

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

**NB-1** Blasier moved, O’Connell seconded, **CARRIED UNANIMOUSLY**, to



postpone the Municipal Services Agreement for the property located at 500 North 26th Street until March 19, 2020 regular City Council Meeting.

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

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

**NB-2** Blasier moved, DuBord seconded, **CARRIED UNANIMOUSLY**, to postpone the first reading until March 5, 2020 and set a public hearing at the regularly scheduled City Council meeting for March 19, 2020, regarding the property at 500 North 26<sup>th</sup> Street be rezoned from F – Light Manufacturing to C2 – Residential Planned Unit Development.

**NB-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.**

Administration requested 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 requested that the City Council set March 5, 2020, for the second reading, public hearing and adoption of Ordinance No. 1224.

**NB-3** Blasier moved, DuBord seconded, 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 and to set March 5, 2020, for the second reading, public hearing and adoption of Ordinance No. 1224.

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

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

**MOTION CARRIED.**

**NB-4 Presentation – New City of Escanaba Website and Logo.**

Administration, along with City Council, unveiled the New City of Escanaba Website and Logo.

City Clerk/ IT Administrator Phil DeMay presented and provided a quick tour of the new website.

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

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

Christine Williams – Chair of Planning Commission- presented the Planning Commission Annual report and Work Plan.

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

Administration sought 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 recommended Council approval of the plan as part of the community master plan update and as required by the Redevelopment Ready Communities Program certification process.

**NB-6** O’Connell moved, Moore seconded, **CARRIED UNANIMOUSLY**, to approve of a revised Public Participation Plan, which outlines how the City of Escanaba will engage the public throughout a planning and development process.

**NB-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.**

Administration requested 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 requested that the City Council set March 5, 2020, for the second reading, public hearing and adoption of Ordinance No. 1225.

**NB-7** Blasier moved, O’Connell seconded, 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 and to set March 5,

2020, for the second reading, public hearing and adoption of Ordinance No. 1225.

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

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

Nays: None

**MOTION CARRIED.**

**NB-8 Discussion/Approval – Moratorium for New Hotel Construction.**

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

“**NB-8** Resolved by Council Member Blasier, seconded by Council Member O'Connell;

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

**RESOLUTION DECLARED ADOPTED.”**

**NB-9 Approval – Professional Services for DWRF Loan Application – Water.**

Administration sought 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 (DWRF) at a cost not to exceed \$30,000.00. Money was currently budgeted and available for professional services, within our current 19-20 fiscal year.

**NB-9** O’Connell moved, Moore seconded, to approve 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 (DWRF) at a cost not to exceed \$30,000.00.

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

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

**MOTION CARRIED.**

**APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES** – None

**BOARD, COMMISSION, AND COMMITTEE REPORTS**

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

**GENERAL PUBLIC COMMENT**

Craig Taylor - discussed the Bay de Noc Apartment project and concerned about who is providing the market survey.

Mary Levesque - discussed the Bay de Noc Apartment project and recommends retirement / senior living apartments.

Rebecca Bender - discussed the Bay de Noc Apartment project and recommends approval.

Craig Patterson – discussed the third party study and said it will be independent of Woda Cooper Company.

Craig Taylor – stated that local rental properties should be considered for input on the market study.

William Gasman – discussed the Bay de Noc Apartment project and the market study. Gasman also discussed the sale and use of recreational marihuana in the City of Escanaba. Mr. Gasman advocates that educating yourself when it comes to sale/use of recreational marihuana.

**ANNOUNCEMENTS** – None

Hearing no further public comment, O’Connell moved, the Council adjourned at 8:59 p.m.

Respectfully submitted

Phil DeMay  
City Clerk

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

Agenda Item: PH-1  
Date: 3/5/20

## City Council Agenda Item Request

Date: February 21, 2020

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Ordinance No. 1224

Meeting date requested: March, 5, 2020

Explanation for request:

Administration is requesting the City Council to consider approval and adoption of Ordinance No. 1224, An Ordinance to Amend Chapter VIII of Appendix A as Codified under the Code of Ordinances – Building Height Change.

**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:

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**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan at a Regular Meeting held on the \_\_\_\_\_ day 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.

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**Phil DeMay**  
City Clerk



Agenda Item: PH-2  
Date: 3/5/20

## City Council Agenda Item Request

Date: February 21, 2020

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Ordinance No. 1224

Meeting date requested: March, 5, 2020

Explanation for request:

Administration is requesting the City Council to consider approval and adoption 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.

**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:

<b>Parcel #</b>	<b>Physical Address</b>	<b>Zoning District</b>
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

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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

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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

Ordinance No. 1225

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

Ordinance No. 1225

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

Ordinance No. 1225

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

Date Approved:

Attest

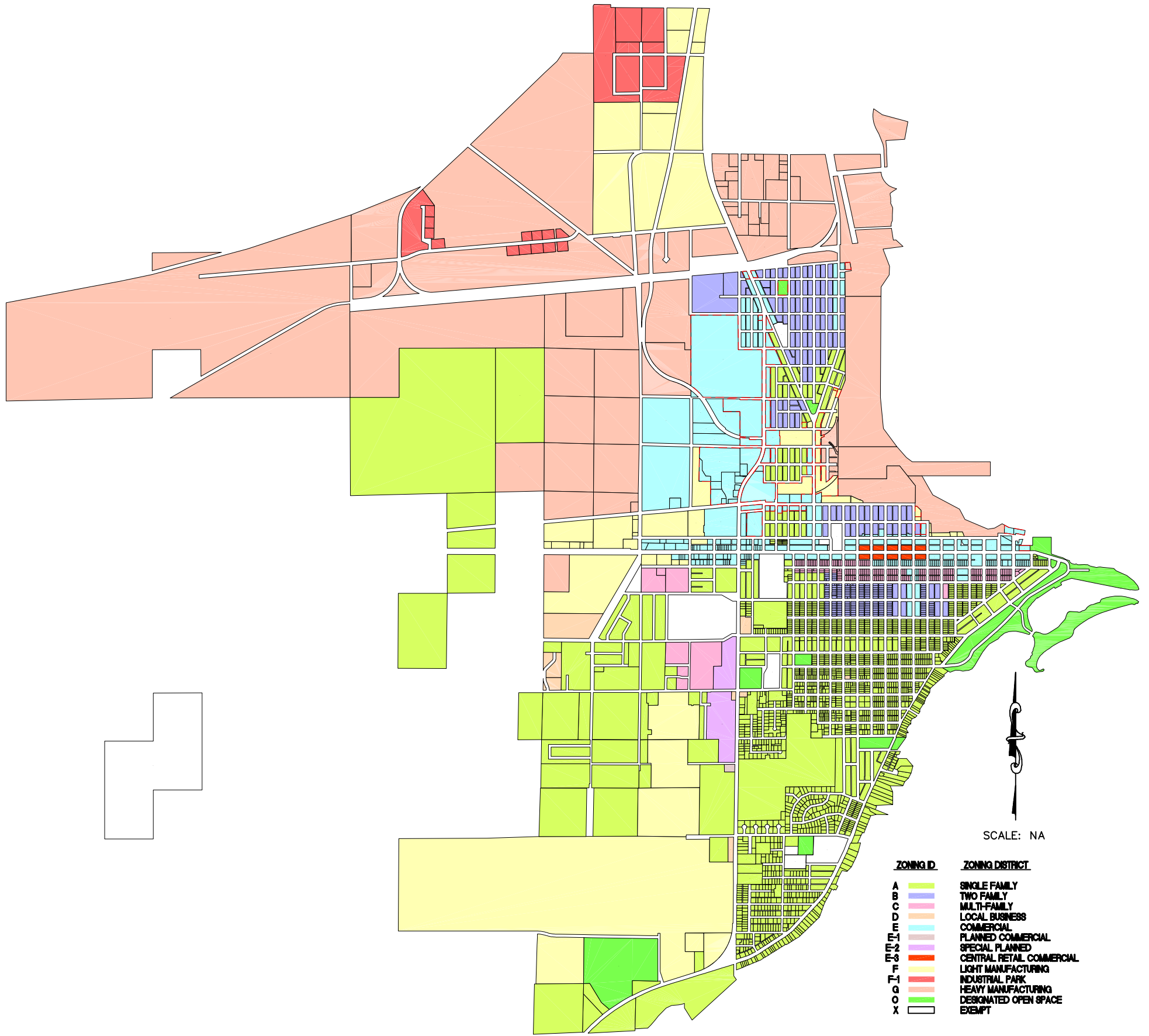
Date Published

\_\_\_\_\_  
**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.

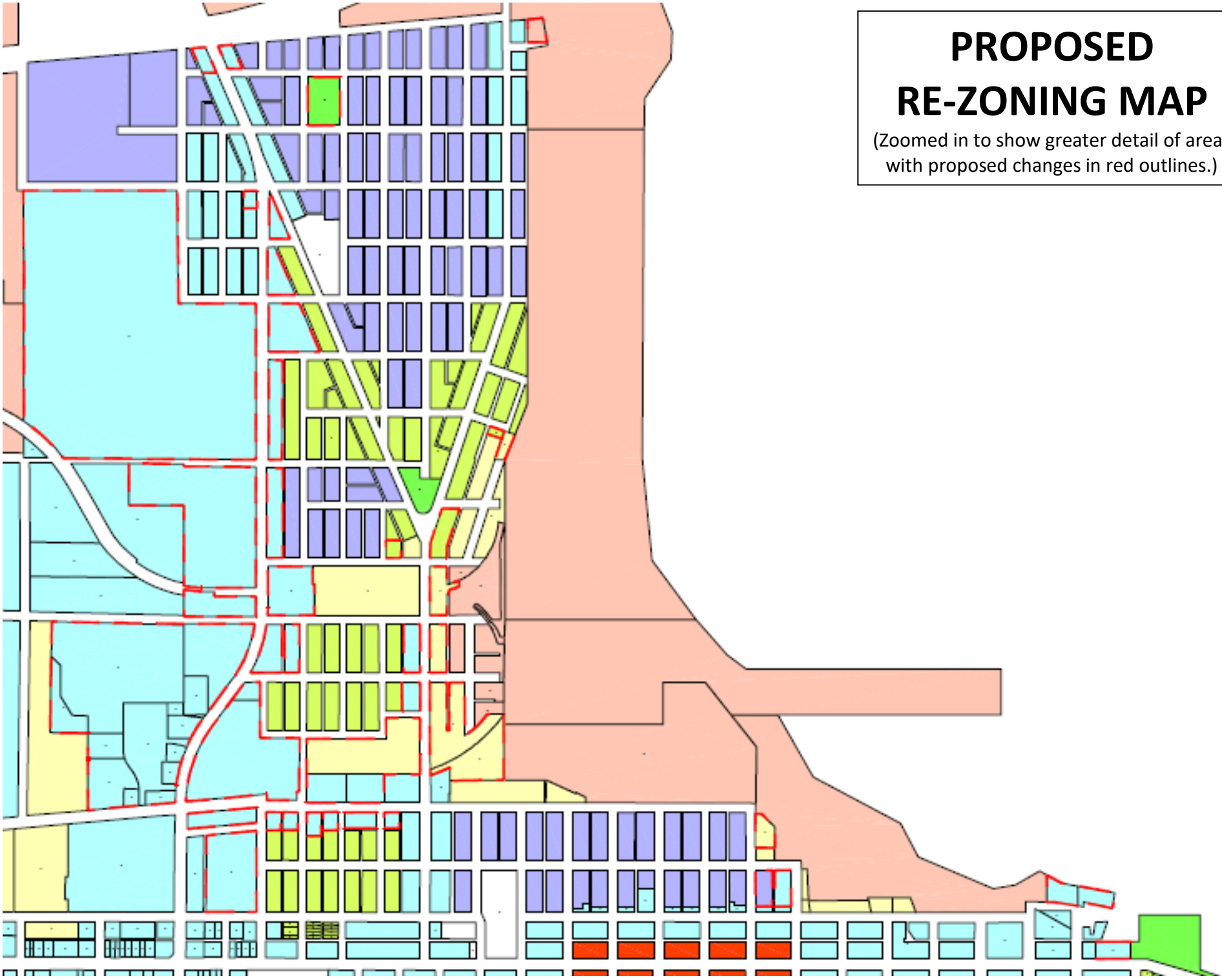
\_\_\_\_\_  
**Phil DeMay**  
City Clerk



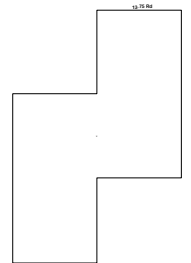
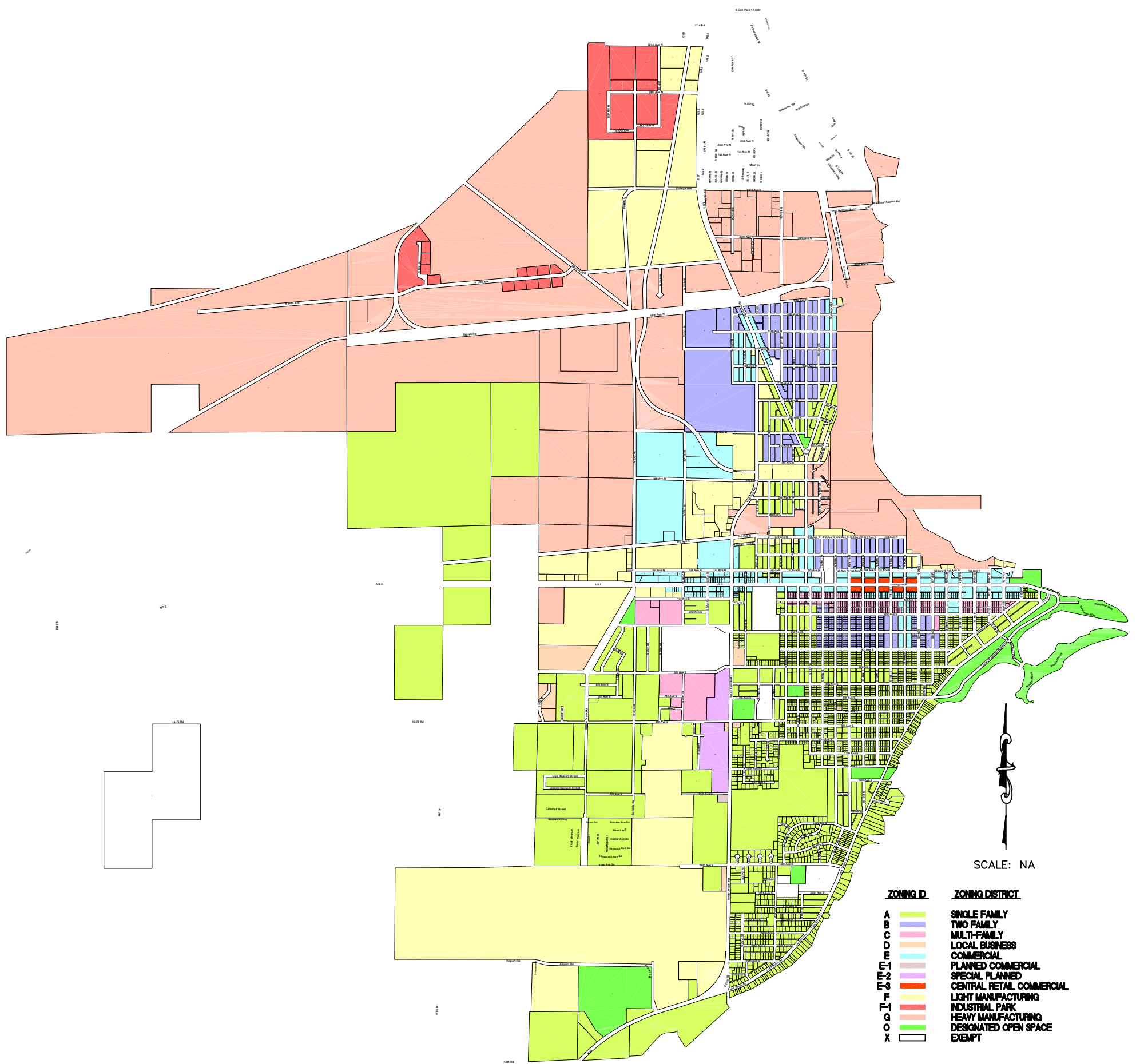


# CITY OF ESCANABA REZONING CHANGES (01/2020)

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 9<sup>th</sup> 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?

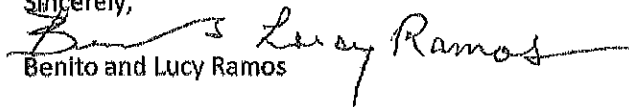
If yes, what areas will possibly be affected?

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  
 6017 Tipton Way  
 Los Angeles, CA 90042-1259

**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).

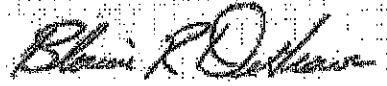
The advantages and disadvantages to individual property owners can only be determined by the property owners themselves, depending on their current and future plans for the property. No changes in use are being dictated by the rezoning, as current uses not allowed under the new designation will be granted 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](http://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 10<sup>th</sup> 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 2<sup>nd</sup> Avenue North and North 9<sup>th</sup> 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 4<sup>th</sup> 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 9<sup>th</sup> 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 2<sup>nd</sup> Avenue North and the west side of the 200 block of North 9<sup>th</sup> Street as F – Light Manufacturing, and only change the east side of the 200 block of North 10<sup>th</sup> 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 2<sup>nd</sup> 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.

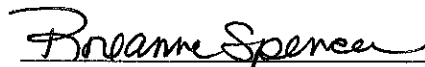
### ADJOURNMENT

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 1<sup>st</sup> 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 2<sup>nd</sup> 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 12<sup>th</sup> 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 19<sup>th</sup> 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: UB-1  
Date: 3/5/20

## City Council Agenda Item Request

Date: 2-21-20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Residential Planned-Unit Development Re-Zoning

Meeting date requested: 3/5/20

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 19, 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 <sup>th</sup> 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 PLACED 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
<b>TOTAL:</b>	<b>21</b>	<b>35</b>	<b>14</b>	<b>70 UNITS</b>

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
<b>TOTAL:</b>					<b>75,000</b>

**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 26<sup>th</sup> 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
<b>North</b>	Vacant Land	F – Light Manufacturing	Regional Retail
<b>East</b>	Retail/Grocery Store (Walmart)	F – Light Manufacturing (Proposed re-zoning in process to E – Commercial)	Regional Retail
<b>South</b>	Vacant Land & Grocery Store (Aldi)	F – Light Manufacturing	Regional Retail
<b>West</b>	Retail/Grocery Store (Meijer)	E – Commercial	Regional Retail

## SITE PLAN REVIEW PROCEDURE

ITEM	COMPLIANCE NOTES
<b>Application</b> Section 1803.1.1.2.	The applicant submitted the complete application and fee for site plan consideration on <b>January 22, 2020</b> , prior to the 21-day deadline.
<b>Official Review</b> 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 <b>January 23, 2020</b> .
<b>Department Head Review</b> 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.
<b>Approval &amp; Referral</b> 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.
<b>Public Hearing Notifications</b>	Notification requirements have been fulfilled as follows:

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

GENERAL ZONING COMPLIANCE																
Use	Finding	<b>MEETS STANDARD</b>														
	Comments	Proposed use as a multi-family dwelling is a permitted use by right under Section 803.1, paragraph B.														
Setbacks	Finding	<b>MEETS STANDARD</b>														
	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	<b>FURTHER DISCUSSION RECOMMENDED</b>														
	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><b>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.</b></p>														
Lot Density	Finding	<b>FURTHER DISCUSSION RECOMMENDED</b>														
	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 – <b>Does Not Meet Standard</b></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.
<b>Zoning History</b> (Variances, Non-Conforming Information, Enforcement, etc.)	The site plan in review is currently part of the larger parcel known as 2510 3 <sup>rd</sup> 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.	

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

Chapter 17	<b>Comments</b>	<b>Section</b>	<b>Required</b>	<b>Proposed</b>
		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.		
<b>Shared Drives</b> Chapter 17	<b>Finding</b>	<b>NOT APPLICABLE</b>		
	<b>Comments</b>			
<b>Loading, Unloading, &amp; Storage Areas</b> Sections 1707 & 1910	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	The dumpster will be screened with a 6' 8" enclosure.		
<b>Light Sources</b> Section 1909	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.		
<b>Utilities</b>	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	Water/Wastewater and Electric Departments have indicated they have no concerns with connecting the proper utilities needs. All utilities will be run underground.		
<b>Environmental Issues</b>	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	There are no known environmental concerns.		
<b>Tree Preservation</b> Section 1912	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	<b>Section</b>	<b>Required</b>	<b>Proposed</b>
		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
<b>Canopies</b>	<b>Finding</b>	<b>NOT APPLICABLE</b>		
	<b>Comments</b>			
<b>Storm Water Control Plan</b>	<b>Finding</b>	<b>MEETS STANDARD</b>		
	<b>Comments</b>	Public Works Department is satisfied that storm water will be carried away from the building and adjacent properties into an approved collection system.		
<b>Special Design Standards – C-2 Construction Materials</b> Section 1908.4	<b>Finding</b>	<b>FURTHER DISCUSSION RECOMMENDED</b>		
	<b>Comments</b>	<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><b>Analysis</b></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"> <li>• 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.</li> <li>• The proximity to retail and job opportunities within easy walking distance would make this a convenient housing location for residents.</li> <li>• 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.</li> <li>• “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)</li> <li>• 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.</li> </ul> <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"> <li>• Rezoning to C-2 Residential Planned Unit Development</li> <li>• Height of the building (3 or 4 story proposal)</li> <li>• Number of units allowed</li> <li>• Construction Materials</li> </ul> <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><b>Conditional Approvals</b> 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"> <li>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.</li> <li>2. Would protect the built and natural environment.</li> <li>3. Would insure compatibility with adjacent uses of land.</li> </ol> <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"> <li>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;</li> <li>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.</li> </ol>
<p><b>Staff Recommendation</b> (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>

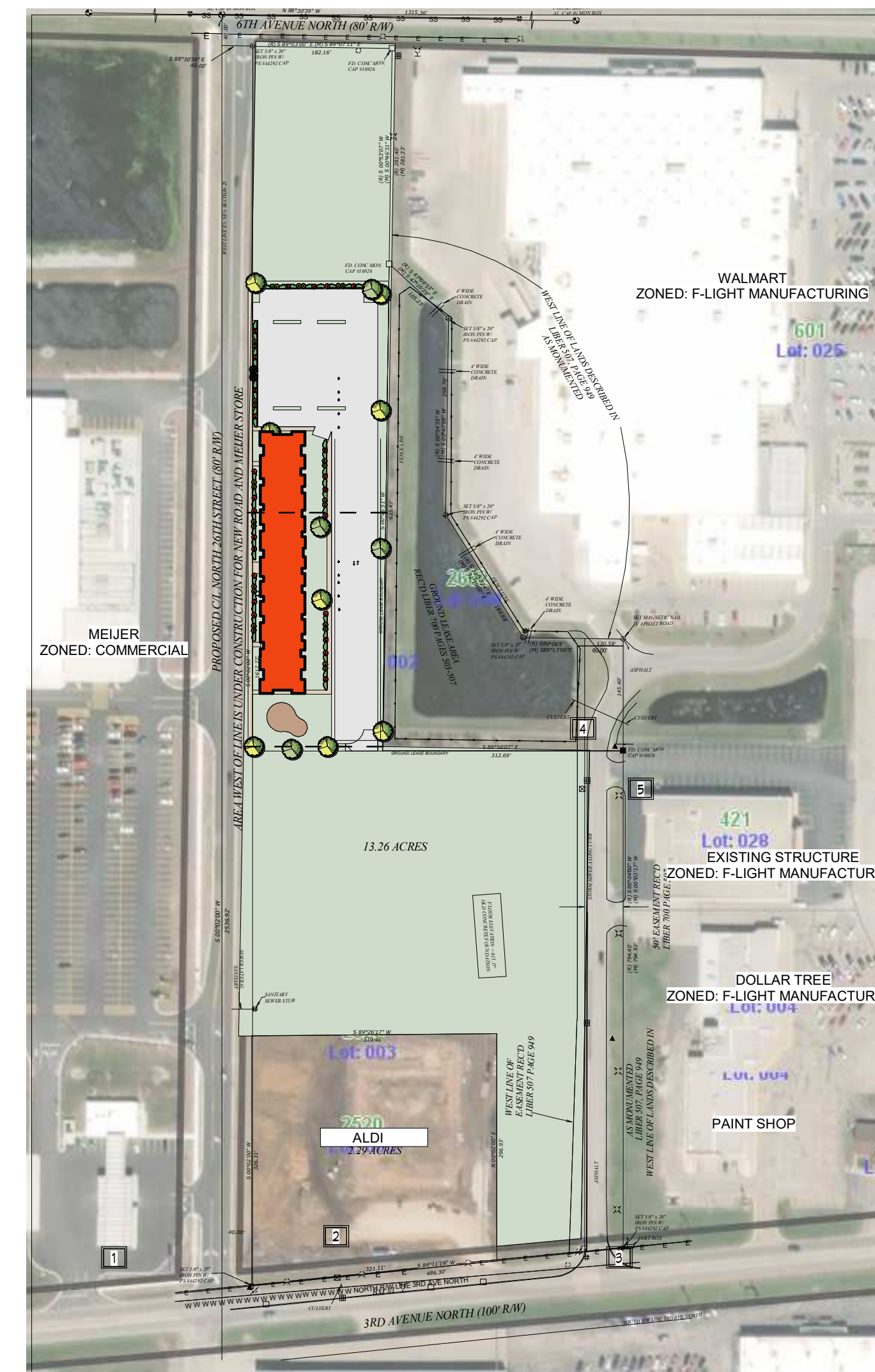
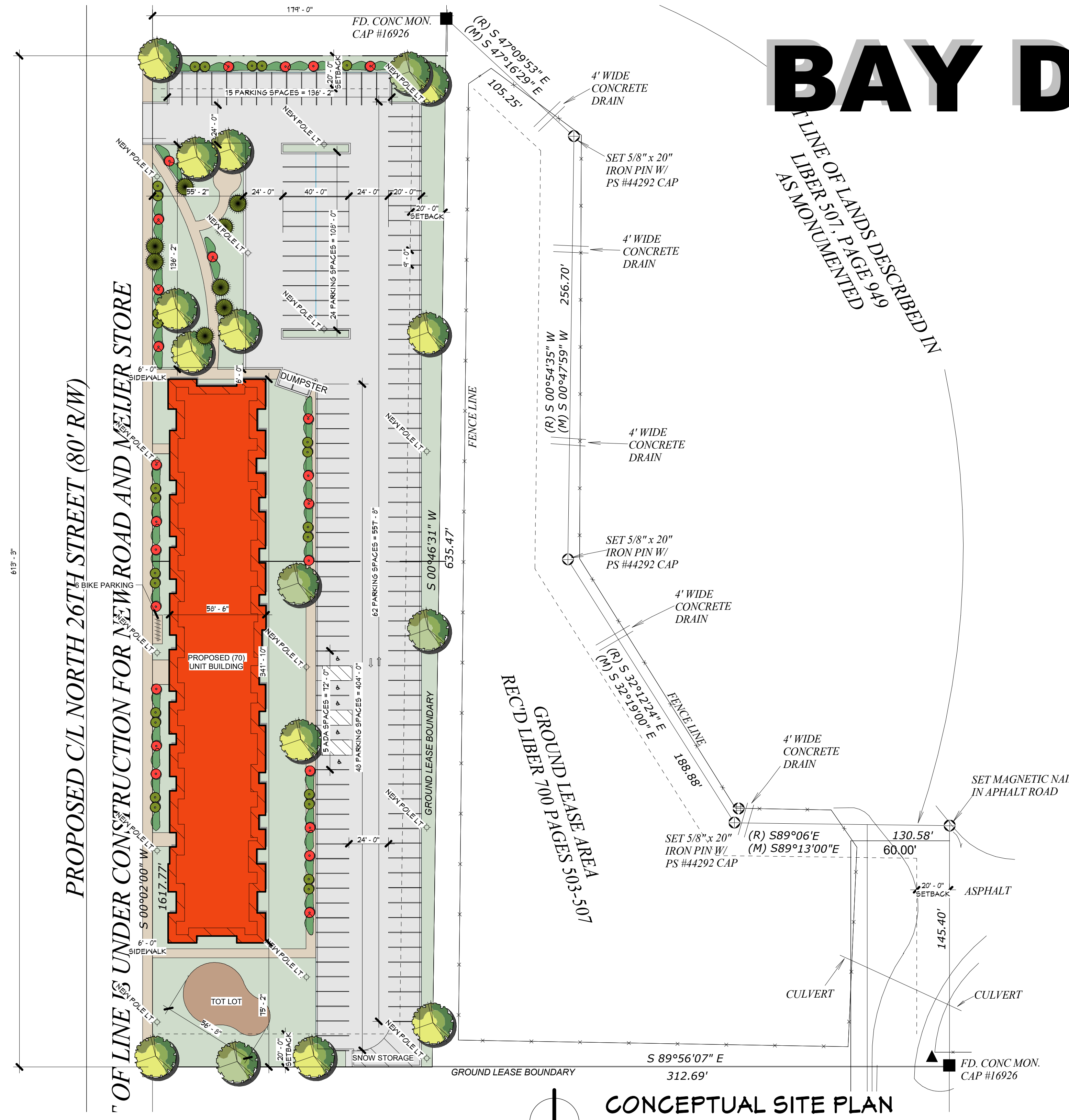
<p><b>APPEAL PROCESS</b> - Section 1803.5.1 &amp; Chapter 3 – Zoning Board of Appeals</p>
<p>If the Planning Commission denies a site plan, the property owner or applicant may appeal the decision to the Zoning Board of Appeals within 15 working days.</p>

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



# 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-1  
Date: 3/5/20

## City Council Agenda Item Request

Date: 2/26/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Sidewalk Infill Plan

Meeting date requested: 3/5/20

Explanation for request:

At a Joint Meeting on May 9, 2019, the City Council and Planning Commission discussed the issue of sidewalk connectivity and walkability. City Council tasked the Planning Commission with researching and forming a plan and timeline to address the issue. At this time the Planning Commission is submitting the Sidewalk Infill Plan for discussion and action by City Council.

# SIDEWALK INFILL PLAN

Planning Commission Sub-Committee Report

February 13, 2020

## **Master Plan Connection**

The city's 2016 Master Plan contains many references to improving connectivity within this community, with a key component being the need to complete our network of continuous sidewalks. The people of Escanaba, as expressed through *their* master plan, viewed the construction of sidewalks as a "step that will *greatly* enhance the overall quality of life for residents." [emphasis added] In 2021, that master plan will be reviewed and revised, and there is every reason to expect that connectivity and sidewalks will again be foremost in the minds of the citizens. In the language of the 2016 Master Plan, sidewalks "serve the greatest number of individuals, and ,therefore, are a critical asset to the connectivity of the community."

## **History**

At a Joint Meeting of the City Council and Planning Commission in May 2019, the Council directed the Planning Commission to put together a plan and timeline. The Planning Commission subsequently appointed a sub-committee to develop a detailed sidewalk connectivity plan for the Planning Commission's review before submission to the City Council. It is hoped that a program of sidewalk construction can be restarted in earnest in the near future after a two decade dormancy.

## **Project Scope and Cost Estimates**

The Engineering Department has indentified 8.75 miles of missing sidewalks within Escanaba. However, most areas would be better served by "non-motorized pathways" for which grant funding is more readily available, this being an estimated 5.53 miles of the 8.75 miles.

Therefore, the remaining 3.22 miles would be the sidewalks covered by the sidewalk program. The sub-committee recommends a five(5) year schedule of sidewalk construction with the actual work commencing in the spring of 2022. One-fifth of the work would be done in each of the five years from 2022 through 2025. The total cost of the work is an estimated \$850,000. However, because of the yearly 20% pay-back feature of the plan, at the end of the five year span the actual highest cost to the city would be an estimated \$518,000. Within ten years of the plan, all of the money would be recouped by the city and returned to the Land Development Fund from which to would initially be drawn as outlined below.

For each year, the city's Engineering Department would designate which parcels would be required to build sidewalks. The sub-committee was greatly aided by that department's knowledge and guidance, and the department is eager and ready to start the extensive planning and work.

## **Annual Authorization & Timeline**

City Council, as per Sec. 24-21 of the city ordinances, would pass a resolution yearly listing those property owners required to build sidewalks in the subject year. The present ordinance (Sec. 24-21) requires construction "within twenty-one (21) days of the date of notice." This is an unrealistic requirement; the 21 days is simply too short, and the sub-committee recommends that the ordinance be amended allowing for a much longer period. The sub-committee suggests 135 days, which is to say four and one half months, using April 15th as a "start construction" date. This would mean a "notice" date of on or before December 15th of the previous year. The engineering department would have



prepared the coming year's list of "lots and parcels," the project would have been planned, and, by ordinance, construction is to be done "between April 15th and October 15th of each year." (Sec 24-23 (b))

### **Funding/Special Assessment**

While the lot owner is responsible for the cost of construction, it is expected that the majority of owners would opt to allow the city to install the sidewalk and to thereafter be placed on the special assessment track. Such assessments are governed by Sec. 24-27 of the city's ordinances, with the council having the authority to authorize installment payments and to set the rate of interest. The sub-committee suggests a five (5) year payback at a low interest rate. The idea would be to make this five-year process as affordable as possible, and thereby more acceptable to the public.

The interest rate would need to include the prorated cost for the city's "curb and corner" expenses. At this point, and to estimate with caution, 15% of the total construction would be used. (Approximately, \$127,500) A more accurate figure will be provided when weather permits a detailed city-wide assessment.

The initial installation cost would be taken each year from the Land Development Fund. The yearly draw from that fund would be an average of \$170,000. (\$146,000 in year one to \$190,000 in year five) That fund has sufficient assets to cover the life of the project, but would need to be committed for five years so a steady flow will be insured. While the overall total cost is an estimated \$849,400, each year after the first year the property owners are repaying 20% of the costs of installation, thus reducing the strain on the Land Development Fund.

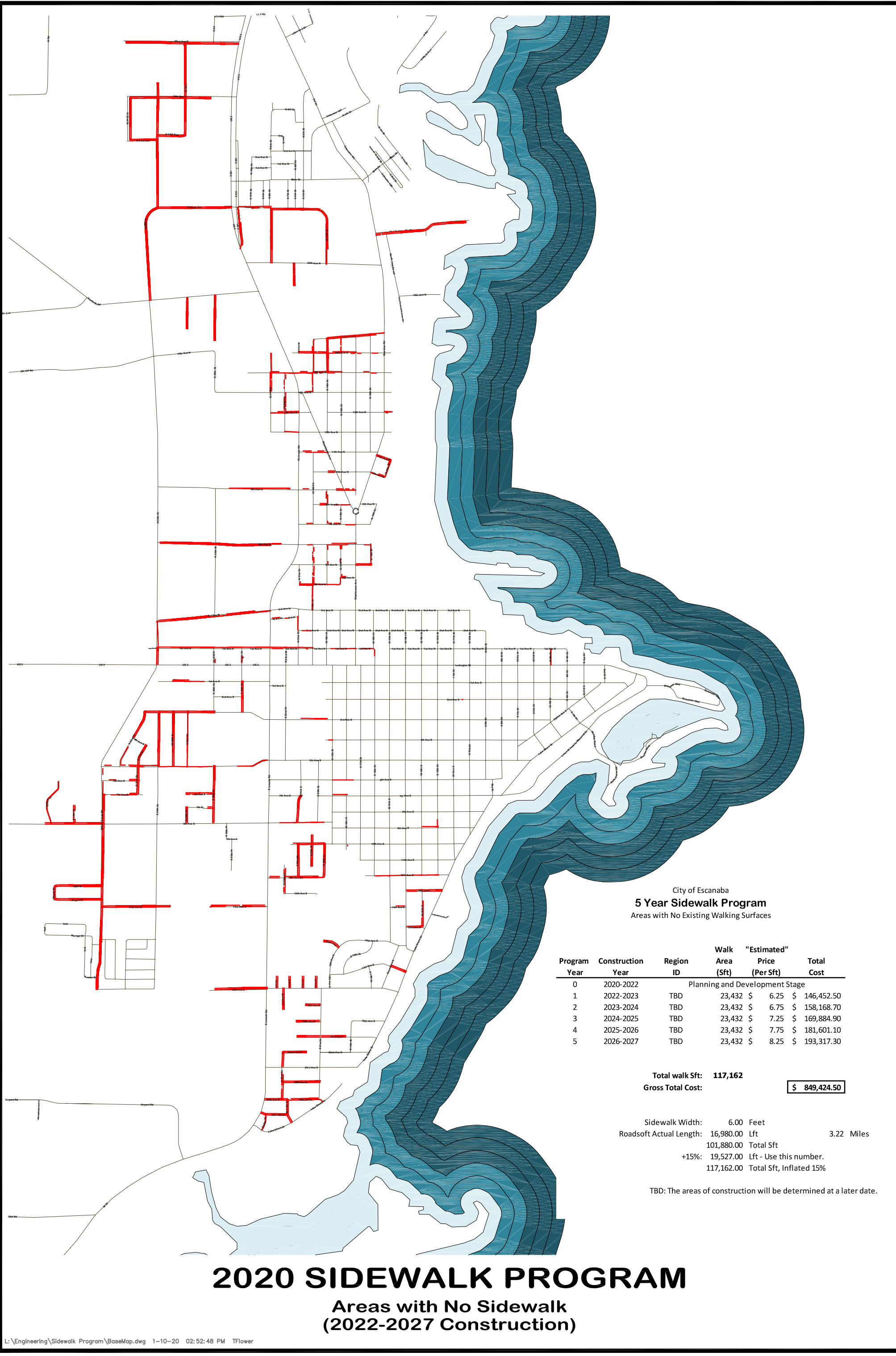
### **Continuance of Sub-Committee**

The sub-committee also recommends that it be authorized to stay in business after this report is given. There are many issues to yet be explored such as finding means to plan and fund non-motorized pathways, finding ways to access the college and the YMCA, examining hardship considerations and appropriate relief, exploring sidewalks for those lots that may be exempt from special assessments such as churches and charities, and ways to access the hospital by sidewalk.

### **A Walkable Legacy**

Some existing sidewalks within the city have lasted nearly 100 years. There is every reason to expect that the new sidewalks built in the five-year span of this project would last the remainder of the 21st century. Thus, except for replacing our older sidewalks on a periodic basis, when we are done this generation will leave a lasting legacy for those to come

"Walkability" is one of the new buzzwords of urban design. It is a measure of how friendly an area is to walking, and thereby to the considerable health, environmental, and economic benefits derived therefrom. Communities across the country seek to create and promote walkability to attract and maintain business and population so as to make an environment that is enjoyable to the people living, visiting, enjoying and spending time in the area. When completed, this five year effort will have gone a long way to make our town totally walkable with all the concomitant health, environmental, and economic benefits.



City of Escanaba  
**5 Year Sidewalk Program**  
 Areas with No Existing Walking Surfaces

Program Year	Construction Year	Region ID	Walk Area (Sft)	"Estimated" Price (Per Sft)	Total Cost
0	2020-2022				Planning and Development Stage
1	2022-2023	TBD	23,432	\$ 6.25	\$ 146,452.50
2	2023-2024	TBD	23,432	\$ 6.75	\$ 158,168.70
3	2024-2025	TBD	23,432	\$ 7.25	\$ 169,884.90
4	2025-2026	TBD	23,432	\$ 7.75	\$ 181,601.10
5	2026-2027	TBD	23,432	\$ 8.25	\$ 193,317.30

Total walk Sft: **117,162**  
 Gross Total Cost: **\$ 849,424.50**

Sidewalk Width: 6.00 Feet  
 Roadsoft Actual Length: 16,980.00 Lft 3.22 Miles  
 101,880.00 Total Sft  
 +15%: 19,527.00 Lft - Use this number.  
 117,162.00 Total Sft, Inflated 15%

TBD: The areas of construction will be determined at a later date.

**2020 SIDEWALK PROGRAM**  
 Areas with No Sidewalk  
 (2022-2027 Construction)

Agenda Item: NB-2  
Date: 3/5/20

## City Council Agenda Item Request

Date: 2/26/20

Name: Roxanne Spencer

Department: Planning & Zoning

Item: Defense Against Removing Section 1803.2 - Public Hearing Requirement

Meeting date requested: 3/5/20

Explanation for request:

Administration is requesting discussion and direction on a proposed written defense against the removal of Section 1803.2 - Public Hearing Requirements from the Zoning Ordinance.

As part of the city's Redevelopment Ready Community re-certification, the MEDC has recommended that Section 1803.2 - Public Hearing Requirement be removed from the Zoning Ordinance to streamline the development process and predictability by not requiring Public Hearings for site plans with permitted uses as they are not required by state law. The Planning Commission is opposed to the removal of the Public Hearing component as they believe it is the only opportunity for public input and dialogue between developers and neighboring property owners to address concerns with the proposed development prior to approval. The MEDC requested a written defense be submitted for consideration by the MEDC to waive this RRC re-certification requirement. The Planning Commission is submitting their written defense to City Council for discussion and direction as to whether to forward the submitted defense to the MEDC as proposed or with changes.

**Proposed Defense Wording Against RRC Recommendation  
to Remove Section 1803.2 Public Hearing Requirement from the Zoning Ordinance**

The RRC's recommendation to eliminate the public hearing from site plan reviews that meet all requirements was reviewed by the Planning Commission. During discussion commissioners expressed concern for this recommendation because currently public hearings are the only avenue for the public to participate and/or express concerns/support for development. The Planning Commission believes public hearings are beneficial to both the community and the developer. The commissioners shared examples of when opinions expressed by the public during hearings resulted in positive outcomes for both the developer and neighboring properties. The hearings have also provided developers an opportunity to clarify misunderstandings. Both the public and the developer benefit from what is shared during the hearings. Providing the public an opportunity to voice concerns or ask questions is an invaluable service and the transparency of the process can result in more people supporting development. The City of Escanaba is a small community with manageable attendance at Planning Commission meetings with the public conducting themselves respectfully and developers having an opportunity for feedback, this process is working well and the Planning Commission recommends it continue.

Agenda Item: NB-3  
Date: 3/5/20

## City Council Agenda Item Request

Date: 2/24/2020

Name: James McNeil

Department: Assessor

Item: Brownfield Plan Approval

Meeting date requested: 03/05/2020

Explanation for request:

On February 18, 2020, the Brownfield Redevelopment Authority held a public hearing and made a recommendation to approve the brownfield plan for Northland Centers, located at 501 N Lincoln Road (Super One). The City Council may approve this plan by resolution.

**Resolution Adopting Brownfield Plan**

City of Escanaba

**RESOLUTION 20-06**

**RESOLUTION APPROVING A BROWNFIELD PLAN FOR NORTHLAND CENTERS, INC. OF 501 NORTH LINCOLN ROAD PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the City Council of the City of Escanaba, held in the Council Chambers of City Hall, 410 Ludington Street, Escanaba, MI, on the 5th day of March, 2020, at 7:00 p.m.

PRESENT:

ABSENT:

**WHEREAS**, the Brownfield Redevelopment Authority (the "Authority") of the City of Escanaba, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the City Council, a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act; and

**WHEREAS**, the Authority has, at least ten (10) days before the meeting of the City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Financing Plan about the fiscal and economic implications of the proposed Financing Plan, and the City Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan in accordance with Sections 14(4) and (5) of the Act; and

**WHEREAS**, the City Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

**WHEREAS**, as a result of its review of the Plan and upon consideration of the views and recommendations of the Taxing Jurisdictions, the City Council wishes to approve the Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Plan Approved. Pursuant to the authority vested in the City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit "A" to this Resolution.

2. Severability. Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
  
3. Repeals. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES:

NAYES:

ABSTAINED:

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN                    )

ss.

COUNTY OF                                )

I, the undersigned, the duly qualified and acting Clerk of the City of Escanaba, County of Delta, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Escanaba at a regular meeting held on the 5th day of March, 2020, the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IT WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 CLERK  
 CITY OF ESCANABA

**ACT 381 BROWNFIELD PLAN**

**TO CONDUCT ELIGIBLE  
MSF NON-ENVIRONMENTAL  
ACTIVITIES**

**Former Super One Site  
501 North Lincoln Road**

**City of Escanaba  
Brownfield Redevelopment Authority**

**DECEMBER 23, 2019**

**Prepared by**

**Mountain Engineering, Inc  
329 Doraland Street  
Kingsford, Michigan 49802**

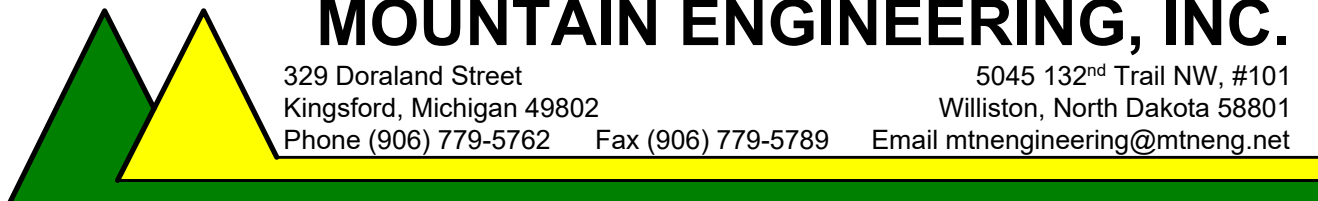
**MOUNTAIN ENGINEERING, INC.**

329 Doraland Street  
Kingsford, Michigan 49802

Phone (906) 779-5762 Fax (906) 779-5789

5045 132<sup>nd</sup> Trail NW, #101  
Williston, North Dakota 58801

Email [mtnengineering@mtneng.net](mailto:mtnengineering@mtneng.net)





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## EXHIBITS

### FIGURES

Figure 1	Property Location Aerial
Figure 2	Property Location GIS Map
Figure 3	Property Location Conceptual

### TABLE

Table 1	TIF Table (Tax Capture/Reimbursement Schedule)
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### ATTACHMENTS

Attachment A	Legal Descriptions
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# ACT 381 COMBINED BROWNFIELD PLAN

## 1.0 INTRODUCTION

### 1.1 Proposed Redevelopment and Future Use for Each Eligible Property

There is one eligible property included in this Brownfield Plan: the former Super One site at 501 North Lincoln Road. The former Super One site is an eligible Brownfield because it is a “Blighted Property” as defined by the Michigan Brownfield Redevelopment Financing Act Act 381 of 1996 as ammended.

The Super One building is being demolished and a 80 room motel, tenatively a Hampton Inn, will be constricted. Asbestos containing material and lead based paint inspections must be conducted. A large porition of the parking lot will need to be removed to configure the space to include a restaurant and a smaller retail establishment.

### 1.2 Eligible Property Information

#### 1.2.1 Property Eligibility – Location/Legal Description –

This Brownfield plan includes one property:

1. Former Super One site at 501 North Lincoln Road is City of Escanaba parcel number 051-120-2825-200-007

The Legal Description for the lot is attached in Attachment A. A legal description for the entire property is:

Township 39 North Range 23 West, Part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 30 and Part of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 25. Commencing at the NE Corner of Section 25, Then South 0 Degrees 04 Minutes West a distance of 981.18 Feet to the Point Of Beginning. Thence North 88 Degrees 48 Minutes East a distance of 67.13 Feet To the Westerly Right Of Way of the Highway, Thence Southwesterly along a 1184.70 Foot Radius Curve to the left with an Arc of 84.2 Feet, Thence Northwesterly along a 448 Foot Radius Curve to the left with an Arc of 171.74 Feet. Thence South 0 Degrees 04 Minutes West for a distance of 150.14 Feet, Thence West 35.5 Feet, Thence South 181.5 FT, Thence South 89 Degrees 42 Minutes East a distance of 120.61 Feet To the Westerly Right Of Way of the Highway, Thence Southwesterly along a 1184.70 Foot Radius Curve to the Left with an Arc of 58.52 Feet, Thence South 88 Degrees 48 Minutes West a distance of 259.34 Feet, Thence South 0 Degrees 04 Minutes West a distance of 120.4 Feet To the North Right Of Way of 3<sup>rd</sup> Avenue North, Thence South 84 Degrees 12 Minutes West a distance of 50.26 Feet, Thence North 0 Degres 04 Minutes East 125.54

Feet to the beginning of a 266.02 Foot Radius Curve to the left, Thence Northwesterly along the Curve 167.73 Feet, Thence North 36 Degrees 03 Minutes 35 Seconds West a distance of 54.22 Feet To the Beginning of a 266.02 Foot Radius Curve to the right, Thence Northwesterly along the Curve 167.73 Feet, Thence North 0 Degrees 04 Minutes East a distance of 380.00 Feet, Thence South 89 Degrees 56 Minutes East a distance of 365 Feet, Thence South 0 Degrees 04 Minutes West a distance of 302.33 Feet, Thence North 88 Degrees 48 Mminutes East a distance of 136.02 Feet To the Point of Beginning, containing 6.576 Acres, more or less

#### **1.2.2 Current Ownership**

The property is owned by Northland Centers, Inc, C/O Dial DP Management.

#### **1.2.3 Proposed Future Ownership**

No change of ownership is anticipated.

#### **1.2.4 Delinquent Taxes, Interest, and Penalties**

There are currently no delinquent taxes.

#### **1.2.5 Existing and Proposed Future Zoning**

The properties are currently zoned commercial. No change is anticipated

#### **1.3 Current Use of Each Eligible Property**

The Property is currently vacant. Formerly it was a supermarket with a parking lot.

#### **1.4 Site Conditions and Known Environmental Contamination Summary**

The property has been vacant since the Store closed. The sewer has been disconnected.

There are no known environmental contamination concerns for the property.

## **2.0 SCOPE OF WORK AND COSTS**

### **2.1 Department of Environment, Great lakes and Energy (EGLE) Eligible Activities**

There are no EGLE Eligible Activities on site.

### **2.2 Michigan strategic Fund (MFS) Eligible Activities**

MFS (Non-EGLE) eligible activities on site will include the demolition of the various building components and the parking lot, the testing for asbestos containing building materials and lead based paints, the abatement of asbestos containing materials and any lead based paints, and the site preparation activities listed below.

#### **2.2.1 Demolition**

Demolition of the building and of the parking lot pavement, as well as disposal of the materials generated, will be eligible expenses under Act 381.

#### **2.2.2 Asbestos Abatement**

The asbestos containing material abatement will occur as required.

#### **2.2.3 Site Preparation**

Site grading will occur as the outlots are developed and the parking lot improved. Clean fill material purchase and placement is an eligible expense.

#### **2.2.4 Interest**

No interest charges are included in this Plan, per City of Escanaba Brownfield Redevelopment Authority policy.

#### **2.2.5 Assistance to a Land Bank Fast Track Authority**

No Land Bank Authority is involved.

#### **2.2.6 Relocation of Public Buildings or Operations–**

No public buildings or operations had to be relocated.

#### **2.2.7 Brownfield Plan Preparation**

The costs for preparing this Brownfield Plan are an eligible cost and are included.

### 2.3 Eligible Activities Costs and Schedule

<b>DEQ Eligible Activities Costs and Schedule</b>		
DEQ Eligible Activities	Cost	Completion Season/Year
DEQ Eligible Activities Total Costs	None	

<b>MSF Eligible Activities Costs and Schedule</b>		
MSF Eligible Activities	Cost	Completion Season/Year
Demolition Sub-Total		
Building Demolition	180,000	
Lead, Asbestos, Mold Abatement Sub-Total		
Asbestos Inspection	6,000	
Asbestos Abatement	150,000	
Lead Paint Inspection	5,000	
Lead Paint Abatement	50,000	
Site Preparation Sub-Total		
Site Grading with erosion control	5,000	
Subgrade Replacement	5,000	
Plan Preparation	5,000	
Engineering, Surveying, Design	10,000	
MSF Eligible Activities Sub-Total	416,000	
Contingency (15 %)	61,650	
Interest (Indicate %)	0	
Combined Brownfield Plan Preparation		
Combined Brownfield Plan Implementation		
MSF Eligible Activities Total Costs	477,650	

The schedule of reimbursement is provided in Table 1.

### **3.0 TAX INCREMENT REVENUE ANALYSIS**

#### **3.1 Captured Taxable Value and Tax Increment Revenues Estimates**

As shown on Table 1, non-school taxes will be captured over a period up to the 30 years allowed to reimburse eligible costs. The current taxable value of the property according to the City Assessor is \$1,004,441.00. This amount is expected to increase with the development of the motel and the out lots to about \$1,645,000 and then at about 3% per year.

#### **3.2 Tax Increment Revenues Capture Period**

Based on the Table attached, the capture period for this project would be 15 years. This assumes the increase in tax value occurs as predicted, that the 3% inflation rate continues.

### **4.0 RELOCATION**

#### **4.1 Current Residents and Displacement**

There are no current residents who will be displaced

#### **4.2 Displaced Persons Relocation Plan**

Not required

#### **4.3 Relocation Costs Provisions**

Not required

#### **4.4 Compliance with Michigan's Relocation Assistance Law**

Not required

# **Figure 1**

**Property Location Aerial**



NOT TO SCALE

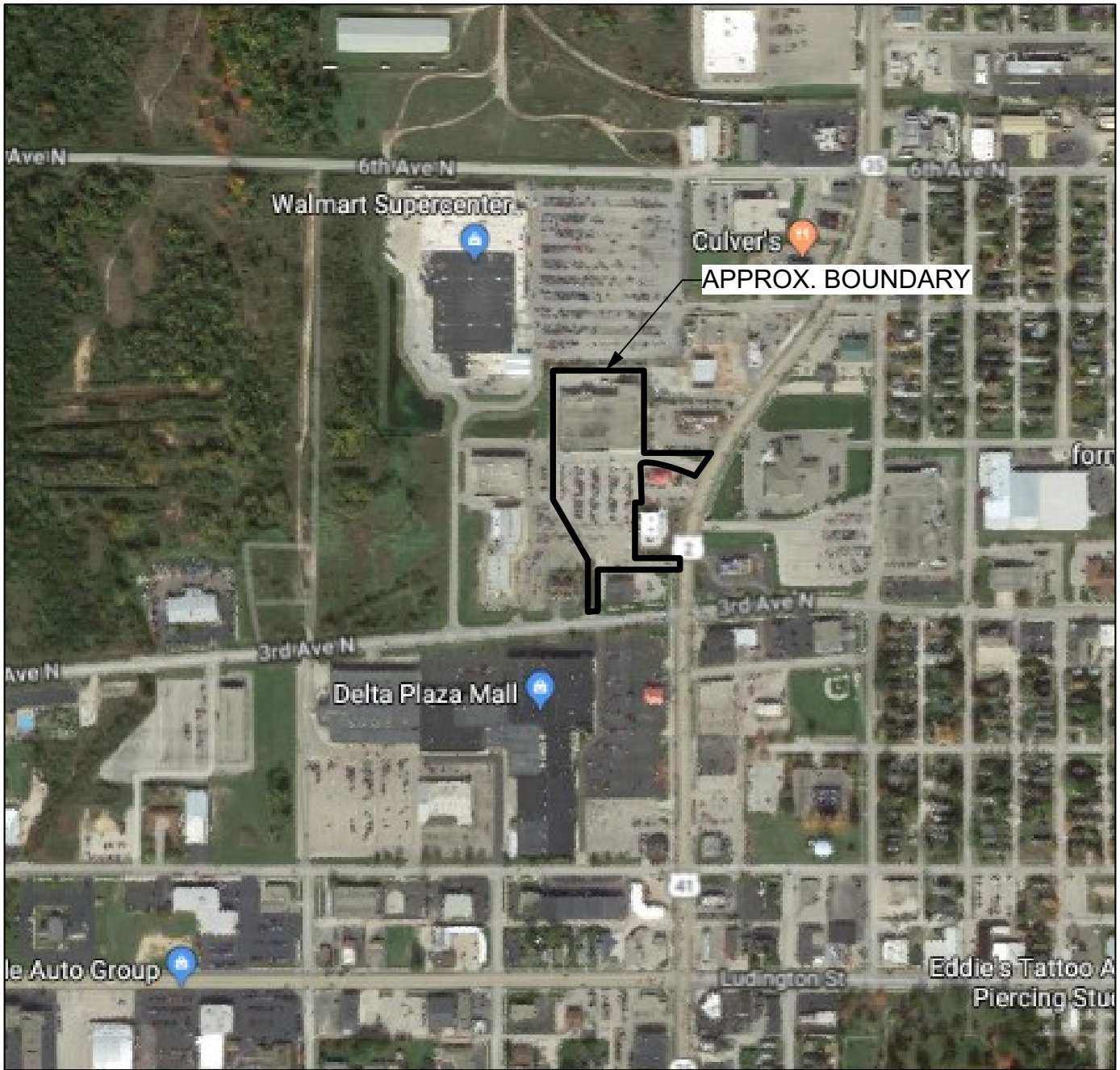
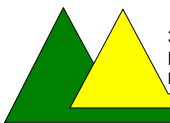


FIGURE 1



**MOUNTAIN ENGINEERING, INC.**

329 Doraland Street Kingsford, Michigan 49802 Phone: (906)779-5762 Fax: (906)779-5789  
5045 132nd Trail NW, #101 Williston, North Dakota 58801 Email: mtnengineering@mteng.net

FORMER SUPER ONE SITE  
BROWNFIELD PLAN  
501 NORTH LINCOLN ROAD  
ESCANABA, MICHIGAN

DATE: 12/18/2019

JOB NO: 191218

PROPERTY LOCATION  
AERIAL

PAGE 1 OF 3

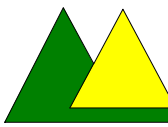
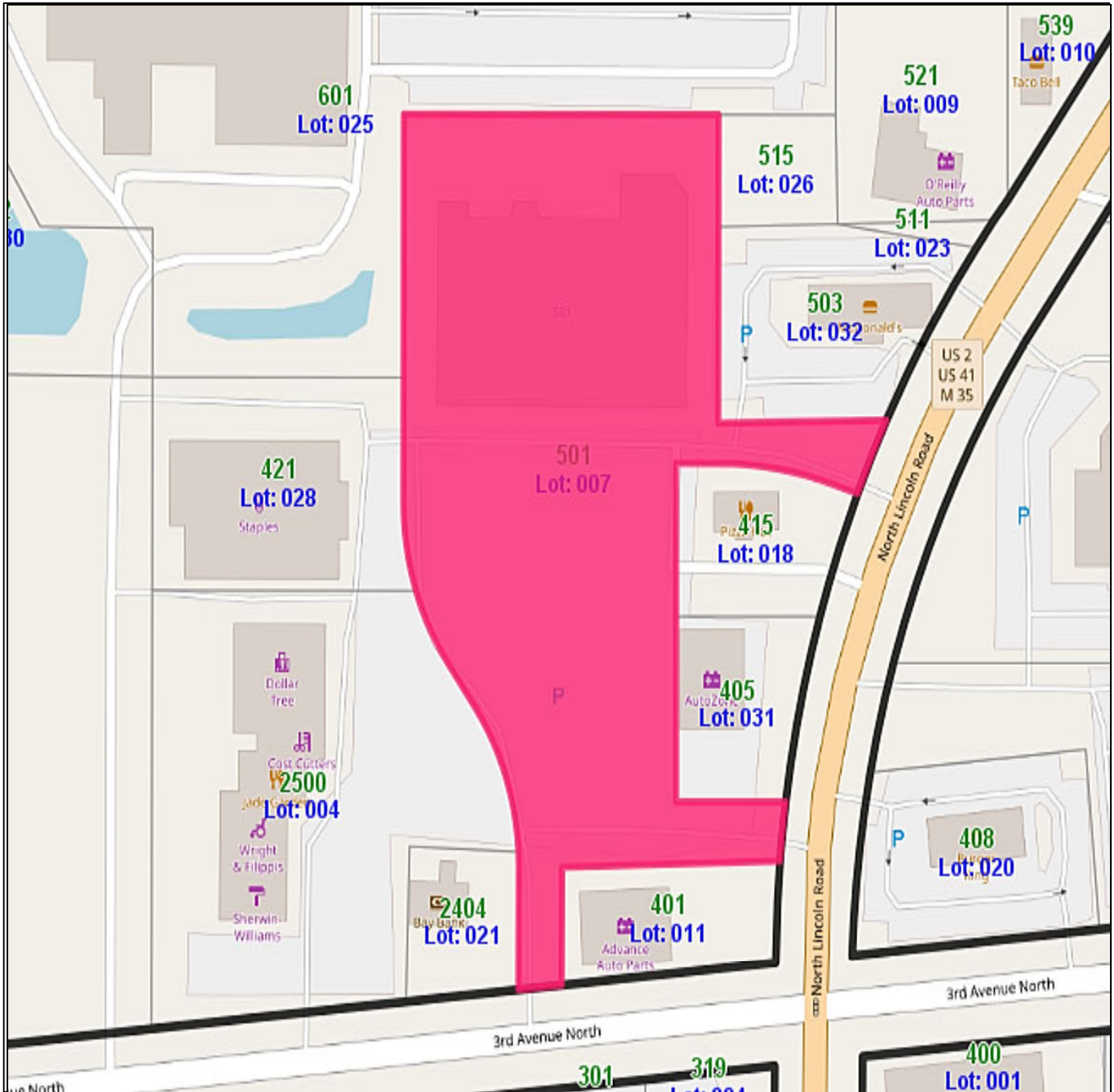


## **Figure 2**

### **Property Location GIS Map**



NOT TO SCALE



**MOUNTAIN ENGINEERING, INC.**

329 Doraland Street Kingsford, Michigan 49802 Phone: (906)779-5762 Fax: (906)779-5789 Email: mtengineering@mteng.net  
5045 132nd Trail NW, #101 Williston, North Dakota 58801 Email: mtengineering@mteng.net

FORMER SUPER ONE SITE  
BROWNFIELD PLAN  
501 NORTH LINCOLN ROAD  
ESCANABA, MICHIGAN

DATE: 12/18/2019

JOB NO: 191218

PROPERTY LOCATION  
GIS MAP

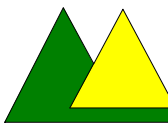
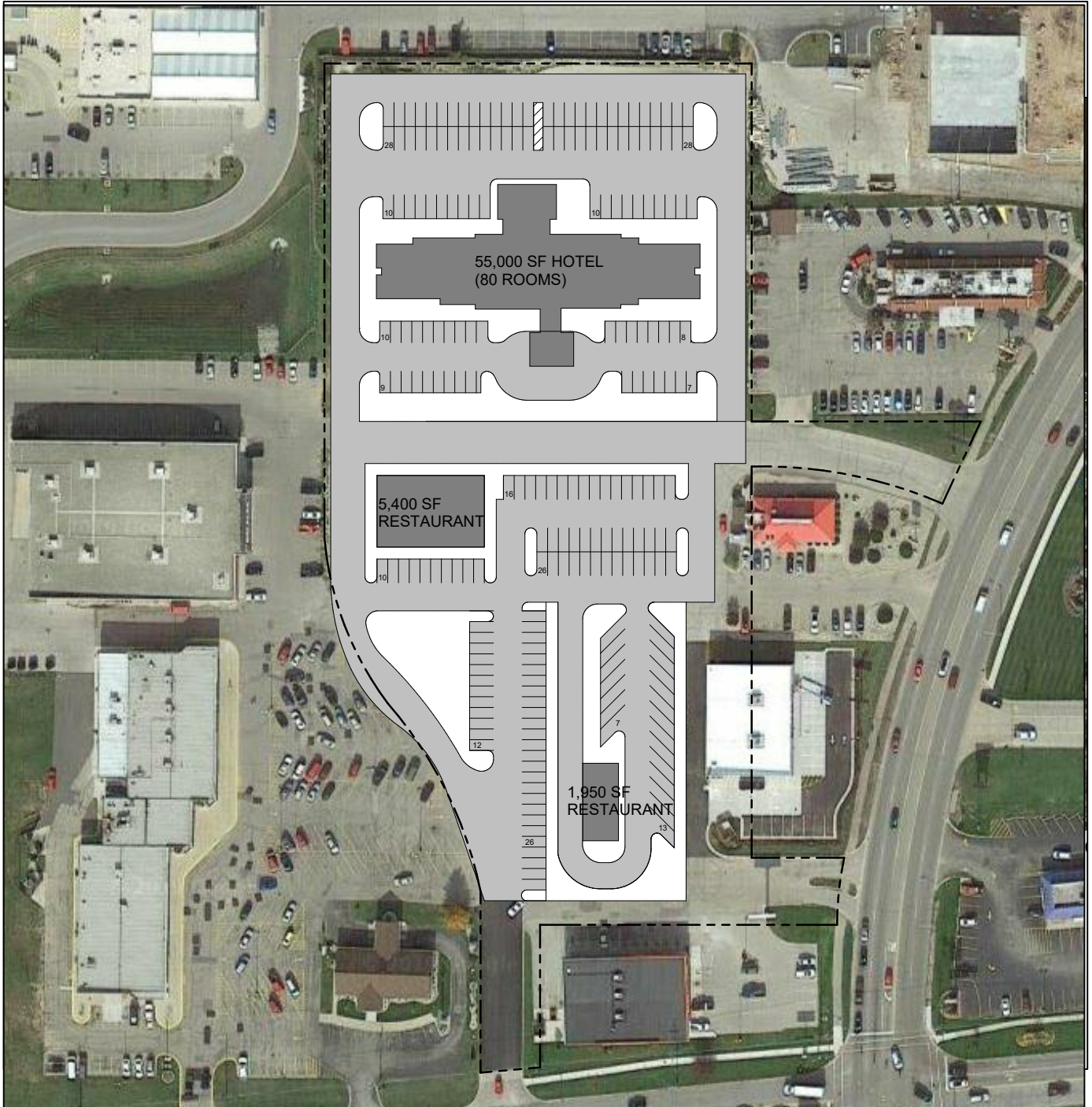
PAGE 2 OF 3

## **Figure 3**

### **Property Location Conceptual**



NOT TO SCALE



**MOUNTAIN ENGINEERING, INC.**

329 Doraland Street  
Kingsford, Michigan 49802  
Phone: (906)779-5762 Fax: (906)779-5789 Email: mtengineering@mteng.net

5045 132<sup>nd</sup> Trail NW, #101  
Williston, North Dakota 58801

FORMER SUPER ONE SITE  
BROWNFIELD PLAN  
501 NORTH LINCOLN ROAD  
ESCANABA, MICHIGAN

DATE: 12/18/2019

JOB NO: 191218

PROPERTY LOCATION  
CONCEPTUAL

PAGE 3 OF 3

# **Table 1**

**TIF Table (Tax Capture/Reimbursement Schedule)**

Act 381 Work Plan  
 Super One Site  
 501 Lincoln Road  
 Escanaba, Michigan

		Base Year	Year 1	2	3	4	5	6	7	8	9	10	11	12	13
Real Property		Taxable Value \$1,018,700	\$1,645,000	\$1,694,350	\$1,745,181	\$1,797,536	\$1,851,462	\$1,907,006	\$1,964,216	\$2,023,143	\$2,083,837	\$2,146,352	\$2,210,742	\$2,277,065	\$2,345,377
Capturable Taxable Value		\$1,004,441	\$640,559	\$689,909	\$740,740	\$793,095	\$847,021	\$902,565	\$959,775	\$1,018,702	\$1,079,396	\$1,141,911	\$1,206,301	\$1,272,624	\$1,340,936
Taxing Jurisdiction	mills levied	Taxes Paid on New Property Value													
County	5.03170	Captured	\$ 3,223	\$ 3,471	\$ 3,727	\$ 3,991	\$ 4,262	\$ 4,541	\$ 4,829	\$ 5,126	\$ 5,431	\$ 5,746	\$ 6,070	\$ 6,403	\$ 6,747
College	2.30760	Captured	\$ 1,478	\$ 1,592	\$ 1,709	\$ 1,830	\$ 1,955	\$ 2,083	\$ 2,215	\$ 2,351	\$ 2,491	\$ 2,635	\$ 2,784	\$ 2,937	\$ 3,094
City Op	17.00000	Captured	\$ 10,890	\$ 11,728	\$ 12,593	\$ 13,483	\$ 14,399	\$ 15,344	\$ 16,316	\$ 17,318	\$ 18,350	\$ 19,412	\$ 20,507	\$ 21,635	\$ 22,796
Recycling	0.30000	Captured	\$ 192	\$ 207	\$ 222	\$ 238	\$ 254	\$ 271	\$ 288	\$ 306	\$ 324	\$ 343	\$ 362	\$ 382	\$ 402
Sheriff	0.90000	Captured	\$ 577	\$ 621	\$ 667	\$ 714	\$ 762	\$ 812	\$ 864	\$ 917	\$ 971	\$ 1,028	\$ 1,086	\$ 1,145	\$ 1,207
Comm Act	0.60000	Captured	\$ 384	\$ 414	\$ 444	\$ 476	\$ 508	\$ 542	\$ 576	\$ 611	\$ 648	\$ 685	\$ 724	\$ 764	\$ 805
DATA	0.60000	Captured	\$ 384	\$ 414	\$ 444	\$ 476	\$ 508	\$ 542	\$ 576	\$ 611	\$ 648	\$ 685	\$ 724	\$ 764	\$ 805
Central Dispatch	0.45000	Captured	\$ 288	\$ 310	\$ 333	\$ 357	\$ 381	\$ 406	\$ 432	\$ 458	\$ 486	\$ 514	\$ 543	\$ 573	\$ 603
ISD	2.38510	Captured	\$ 1,528	\$ 1,646	\$ 1,767	\$ 1,892	\$ 2,020	\$ 2,153	\$ 2,289	\$ 2,430	\$ 2,574	\$ 2,724	\$ 2,877	\$ 3,035	\$ 3,198
School Operating		Not Captured													
State Education Tax		Not Captured													
Downtown Development		Not Captured													
Total Captured	27.18930		\$ 18,944	\$ 20,404	\$ 21,907	\$ 23,455	\$ 25,050	\$ 26,693	\$ 28,385	\$ 30,127	\$ 31,922	\$ 33,771	\$ 35,676	\$ 37,637	\$ 39,657
Expenses Remaining		\$477,650	\$458,706	\$438,302	\$416,395	\$392,940	\$367,890	\$341,197	\$312,812	\$282,685	\$250,762	\$216,991	\$181,315	\$143,678	\$104,021
Expenses Paid			\$18,944	\$20,404	\$21,907	\$23,455	\$25,050	\$26,693	\$28,385	\$30,127	\$31,922	\$33,771	\$35,676	\$37,637	\$39,657
Annual Debt Recovery															
Tax capture by CEBRA			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Eligible Environmental Expenses \$477,650

Act 381 Work Plan  
 Super One Site  
 501 Lincoln Road  
 Escanaba, Michigan

		14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Real Property		\$2,415,738	\$2,488,210	\$2,562,856	\$2,639,742	\$2,718,934	\$2,800,502	\$2,884,517	\$2,971,053	\$3,060,185	\$3,151,990	\$3,246,550	\$3,343,946	\$3,444,265	\$3,547,593	\$3,654,020	\$3,763,641	\$3,876,550
Capturable Taxable Value		\$1,411,297	\$1,483,769	\$1,558,415	\$1,635,301	\$1,714,493	\$1,796,061	\$1,880,076	\$1,966,612	\$2,055,744	\$2,147,549	\$2,242,109	\$2,339,505	\$2,439,824	\$2,543,152	\$2,649,579	\$2,759,200	\$2,872,109
Taxing Jurisdiction	mills levied																	
County	5.03170	\$ 7,101	\$ 7,466	\$ 7,841	\$ 8,228	\$ 8,627	\$ 9,037	\$ 9,460	\$ 9,895	\$ 10,344	\$ 10,806	\$ 11,282	\$ 11,772	\$ 12,276	\$ 12,796	\$ 13,332	\$ 13,883	\$ 14,452
College	2.30760	\$ 3,257	\$ 3,424	\$ 3,596	\$ 3,774	\$ 3,956	\$ 4,145	\$ 4,338	\$ 4,538	\$ 4,744	\$ 4,956	\$ 5,174	\$ 5,399	\$ 5,630	\$ 5,869	\$ 6,114	\$ 6,367	\$ 6,628
City Op	17.00000	\$ 23,992	\$ 25,224	\$ 26,493	\$ 27,800	\$ 29,146	\$ 30,533	\$ 31,961	\$ 33,432	\$ 34,948	\$ 36,508	\$ 38,116	\$ 39,772	\$ 41,477	\$ 43,234	\$ 45,043	\$ 46,906	\$ 48,826
Recycling	0.30000	\$ 423	\$ 445	\$ 468	\$ 491	\$ 514	\$ 539	\$ 564	\$ 590	\$ 617	\$ 644	\$ 673	\$ 702	\$ 732	\$ 763	\$ 795	\$ 828	\$ 862
Sheriff	0.90000	\$ 1,270	\$ 1,335	\$ 1,403	\$ 1,472	\$ 1,543	\$ 1,616	\$ 1,692	\$ 1,770	\$ 1,850	\$ 1,933	\$ 2,018	\$ 2,106	\$ 2,196	\$ 2,289	\$ 2,385	\$ 2,483	\$ 2,585
Comm Act	0.60000	\$ 847	\$ 890	\$ 935	\$ 981	\$ 1,029	\$ 1,078	\$ 1,128	\$ 1,180	\$ 1,233	\$ 1,289	\$ 1,345	\$ 1,404	\$ 1,464	\$ 1,526	\$ 1,590	\$ 1,656	\$ 1,723
DATA	0.60000	\$ 847	\$ 890	\$ 935	\$ 981	\$ 1,029	\$ 1,078	\$ 1,128	\$ 1,180	\$ 1,233	\$ 1,289	\$ 1,345	\$ 1,404	\$ 1,464	\$ 1,526	\$ 1,590	\$ 1,656	\$ 1,723
Central Dispatch	0.45000	\$ 635	\$ 668	\$ 701	\$ 736	\$ 772	\$ 808	\$ 846	\$ 885	\$ 925	\$ 966	\$ 1,009	\$ 1,053	\$ 1,098	\$ 1,144	\$ 1,192	\$ 1,242	\$ 1,292
ISD	2.38510	\$ 3,366	\$ 3,539	\$ 3,717	\$ 3,900	\$ 4,089	\$ 4,284	\$ 4,484	\$ 4,691	\$ 4,903	\$ 5,122	\$ 5,348	\$ 5,580	\$ 5,819	\$ 6,066	\$ 6,320	\$ 6,581	\$ 6,850
School Operating																		
State Education Tax																		
Downtown Development																		
Total Captured	27.18930	\$ 41,738	\$ 43,882	\$ 46,089	\$ 48,363	\$ 50,705	\$ 53,117	\$ 55,602	\$ 58,161	\$ 60,797	\$ 63,512	\$ 66,309	\$ 69,189	\$ 72,040	\$ 75,021	\$ 78,091	\$ 81,242	\$ 84,475
Expenses Remaining		\$62,283																
Expenses Paid		\$41,738	\$62,283															
Annual Debt Recovery																		
Tax capture by CEBRA		\$0	\$0	\$0														

Eligible Environmental Expenses

# **APPENDIX A**

## **Legal Descriptions**



Township 39 North Range 23 West, Part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 30 and Part of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 25. Commencing at the NE Corner of Section 25, Then South 0 Degrees 04 Minutes West a distance of 981.18 Feet to the Point Of Beginning. Thence North 88 Degrees 48 Minutes East a distance of 67.13 Feet To the Westerly Right Of Way of the Highway, Thence Southwesterly along a 1184.70 Foot Radius Curve to the left with an Arc of 84.2 Feet, Thence Northwesterly along a 448 Foot Radius Curve to the left with an Arc of 171.74 Feet. Thence South 0 Degrees 04 Minutes West for a distance of 150.14 Feet, Thence West 35.5 Feet, Thence South 181.5 FT, Thence South 89 Degrees 42 Minutes East a distance of 120.61 Feet To the Westerly Right Of Way of the Highway, Thence Southwesterly along a 1184.70 Foot Radius Curve to the Left with an Arc of 58.52 Feet, Thence South 88 Degrees 48 Minutes West a distance of 259.34 Feet, Thence South 0 Degrees 04 Minutes West a distance of 120.4 Feet To the North Right Of Way of 3<sup>rd</sup> Avenue North, Thence South 84 Degrees 12 Minutes West a distance of 50.26 Feet, Thence North 0 Degrees 04 Minutes East 125.54 Feet to the beginning of a 266.02 Foot Radius Curve to the left, Thence Northwesterly along the Curve 167.73 Feet, Thence North 36 Degrees 03 Minutes 35 Seconds West a distance of 54.22 Feet To the Beginning of a 266.02 Foot Radius Curve to the right, Thence Northwesterly along the Curve 167.73 Feet, Thence North 0 Degrees 04 Minutes East a distance of 380.00 Feet, Thence South 89 Degrees 56 Minutes East a distance of 365 Feet, Thence South 0 Degrees 04 Minutes West a distance of 302.33 Feet, Thence North 88 Degrees 48 Mminutes East a distance of 136.02 Feet To the Point of Beginning, containing 6.576 Acres, more or less

Legal description is from City Property information

Agenda Item: NB-4  
Date: 3/5/20

## City Council Agenda Item Request

Date: 02/27/2020

Name: Kim Peterson

Department: Recreation Department

Item: Traffic Signal Design Service - Contract Approval

Meeting date requested: 03/05/2020

Explanation for request:

As part of the North City Limits Non-Motorized Pathway Project, traffic signal design services for Danforth Road and North 30th Street intersection is required by MDOT.

In September 2019, the Engineering Department had a difficult time in finding bidders for the traffic signal design at North Lincoln Road and Danforth Road as the work must be performed by a MDOT pre-qualified company. One bid was received from Orchard, Hiltz and McCliment, Inc. (OHM) from Hancock, Michigan, for the previous traffic signal design.

City Administration is recommending entering into a contract with OHM for the traffic signal design at Danforth Road and North 30th Street in the amount of \$13,000. This project is funded through various grants already awarded.



February 14, 2020

Wendy Taavola  
Assistant Director of Public Works  
City of Escanaba  
410 Ludington Street  
Escanaba, MI 49829

**RE: Traffic Signal Design Services, 30<sup>th</sup> St at Danforth Rd**

Dear Ms. Taavola:

Thank you for reaching out to OHM Advisors (OHM) to provide engineering services for the Traffic Signal Design Services at the intersection of 30<sup>th</sup> St & Danforth Rd. This proposal represents our understanding of the project, services we are providing, and estimated cost of services.

**PROJECT UNDERSTANDING**

OHM Advisors will provide traffic signal and sidewalk ramp design services associated with the City of Escanaba Non-Motorized Path Project. These design services will consist of preparing plans for installing pedestrian signals and sidewalk approaches in conjunction with the City’s proposed path crossing(s) at the 30<sup>th</sup> St & Danforth Rd intersection.

**SCOPE OF SERVICES**

See attached Scope of Services document.

**COMPENSATION**

OHM proposes to provide the engineering services for a lump sum fee of \$13,000.

**TERMS AND CONDITIONS**

The attached Standard Terms and Conditions, dated March 2003 (Revised Nov. 2012) and shown as Exhibit 1, are incorporated into this proposal by reference.

We thank you for this opportunity to provide engineering services. Should there be any questions regarding our services, please contact me at (734) 466-4415 or [steven.loveland@ohm-advisors.com](mailto:steven.loveland@ohm-advisors.com).

**OHM Advisors**  
CONSULTANT

**City of Escanaba**  
OWNER

  
Steven M. Loveland, PE, PTOE  
Project Manager

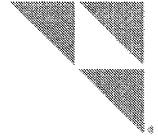
(Signature)

(Title)

February 14, 2020

(Date)

Wendy Taavola  
Traffic Signal Design Services, 30<sup>th</sup> St at Danforth Rd  
February 14, 2020  
Page 2 of 2



Attachments:    Scope of Services  
                      Standard Terms and Conditions



## Scope of Services Traffic Signal Design Services, 30<sup>th</sup> St at Danforth Rd

---

### **A. General**

The scope for this project is for traffic signal design services associated with the City of Escanaba Non-Motorized Path Project. These design services will consist of preparing plans for the installation of pedestrian signals, pavement markings and sidewalk ramps for proposed pedestrian crossing(s) at the 30<sup>th</sup> St at Danforth Rd intersection.

OHM will confirm with the City which leg(s) of the intersection will require pedestrian crossing(s) to coincide with the future non-motorized path. OHM anticipates this to include countdown type pedestrian signals, pedestrian pushbuttons, associated structural supports and infrastructure. The existing signal equipment appears to be up to date and OHM does not anticipate the City to require updates to this equipment. OHM will design ADA compliant sidewalk ramps and landing areas associated with each crossing. OHM anticipates the need for concrete sidewalk ramps and landing areas at the intersection to provide proper grading compliant with ADA guidelines and has included cost in the proposal to provide this design. OHM understands the path design will be done by the City of Escanaba and will generally be HMA. OHM has included topographic survey in its scope. OHM survey will consist of topographic survey of all 4 legs of the intersection including pavement, curb, sidewalk and structures associated with existing signal equipment or utilities. Our survey will also provide elevation data necessary to design the path approaches. OHM will use ROW and utility information depicted on City plans and will assist the City with mitigation of potential utility conflicts.

OHM will utilize the survey data to create a base plan from which concept signal plans will be completed. OHM will coordinate an onsite field meeting inviting the City of Escanaba, and utility representatives. Concept plans will be provided to all participants of this meeting. A Miss Dig ticket will be requested, and proposed signal equipment locations will be staked prior to the meeting. At this meeting the general layout of the pedestrian signals and proposed equipment locations will be compared to utility markings on-site and potential utility conflicts resolved to the extent possible first by adjusting proposed signal equipment locations. OHM will assist the City should further mitigation be necessary.

The information gained from the on-site field meeting will be incorporated into the base plans. Plan notes, wiring diagrams and a materials list will be added and submitted for plan review. OHM will address comments and will provide final plans.

It is OHM's understanding that construction will be completed by City forces and the City will not require special provisions, engineer's estimate, or other bid documents.

## STANDARD TERMS and CONDITIONS

1. THE AGREEMENT – These Standard Terms and Conditions and the attached Proposal or Scope of Services, upon their acceptance by the Owner, shall constitute the entire Agreement between Orchard, Hiltz & McCliment, Inc. (OHM ADVISORS), a registered Michigan Corporation, and the Owner. The Agreement shall supersede all prior negotiations or agreements, whether written or oral, with respect to the subject matter herein. The Agreement may be amended only by mutual agreement between OHM ADVISORS and the Owner and said amendments must be in written form.

2. SERVICES TO BE PROVIDED – OHM ADVISORS will perform the services as set forth in the attached proposal or scope of services which is hereby made a part of the Agreement.

3. SERVICES TO BE PROVIDED BY OWNER – The Owner shall at no cost to OHM ADVISORS:

- a) Provide OHM ADVISORS personnel with access to the work site to allow timely performance of the work required under this Agreement.
- b) Provide to OHM ADVISORS within a reasonable time frame, any and all data and information in the Owners possession as may be required by OHM ADVISORS to perform the services under this Agreement.
- c) Designate a person to act as Owners representative who shall have the authority to transmit instructions, receive information, and define Owner policies and decisions as they relate to services under this Agreement.

4. PERIOD OF SERVICE – The services called for in this Agreement shall be completed within the time frame stipulated in the Proposal or Scope of Services, or if not stipulated shall be completed within a time frame which may reasonably be required for completion of the work. OHM ADVISORS shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this agreement resulting from any cause beyond OHM ADVISORS reasonable control.

5. COMPENSATION – The Owner shall pay OHM ADVISORS for services performed in accordance

with the method of payment as stated in the Proposal or Scope of Services. Method of compensation may be lump sum, hourly; based on a rate schedule, percentage of the construction cost, or cost plus a fixed fee. The Owner shall pay OHM ADVISORS for reimbursable expenses for subconsultant services, equipment rental or other special project related items at a rate of 1.15 times the invoice amount.

6. TERMS OF PAYMENT – Invoices shall be submitted to the Owner not more often than monthly for services performed during the preceding period. Owner shall pay the full amount of the invoice within thirty days of the invoice date. If payment is not made within thirty days, the amount due to OHM ADVISORS shall include a charge at the rate of one percent per month from said thirtieth day.

7. LIMIT OF LIABILITY – OHM ADVISORS shall perform professional services under this Agreement in a manner consistent with the degree of care and skill in accordance with applicable professional standards of services of this type of work. To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability in the aggregate, of OHM ADVISORS and its Officers, Directors, Partners, employees, agents, and subconsultants, and any of them, to the Owner and anyone claiming by, through or under the Owner, for any and all claims, losses, costs or damages of any nature whatsoever arises out of, resulting from or in any way related to the project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of OHM ADVISORS or OHM ADVISORS' Officers, Directors, employees, agents or subconsultants, or any of them shall not exceed the amount of \$25,000 or OHM ADVISORS fee, whichever is greater.

8. ASSIGNMENT – Neither party to this Agreement shall transfer, sublet, or assign any duties, rights under or interest in this Agreement without the prior written consent of the other party.

9. NO WAIVER – Failure of either party to enforce, at anytime, the provisions of this Agreement shall not constitute a waiver of such provisions or the right of either party at any time to avail themselves of such remedies as either may have for any breach or breaches of such provisions.

10. GOVERNING LAW – The laws of the State of Michigan will govern the validity of this Agreement, its interpretation and performance.

11. DOCUMENTS OF SERVICE – The Owner acknowledge OHM ADVISORS' reports, plans and construction documents as instruments of professional services. Nevertheless, the plans and specifications prepared under this Agreement shall become the property of the Owner upon completion of the work and payment in full of all monies due OHM ADVISORS, however, OHM ADVISORS shall have the unlimited right to use such drawings, specifications and reports and the intellectual property therein. The Owner shall not reuse or make any modifications to the plans and specifications without prior written authorization by OHM ADVISORS. In accepting and utilizing any drawings or other data on any electronic media provided by OHM ADVISORS, the Owner agrees that they will perform acceptance tests or procedures on the data within 30 days of receipt of the file. Any defects the Owner discovers during this period will be reported to OHM ADVISORS and will be corrected as part of OHM ADVISORS' basic Scope of Services.

12. TERMINATION – Either party may at any time terminate this Agreement upon giving the other party 7 calendar days prior written notice. The Owner shall within 45 days of termination, pay OHM ADVISORS for all services rendered and all costs incurred up to the date of termination in accordance with compensation provisions in this Agreement.

13. OHM ADVISORS' RIGHT TO SUSPEND ITS SERVICES – In the event that the Owner fails to pay OHM ADVISORS the amount shown on any invoice within 60 days of the date of the invoice, OHM ADVISORS may, after giving 7 days notice

to the Owner, suspend its services until payment in full for all services and expenses is received.

14. OPINIONS OF PROBABLE COST – OHM ADVISORS preparation of Opinions of Probable Cost represent OHM ADVISORS' best judgment as a design professional familiar with the industry. The Owner must recognize that OHM ADVISORS has no control over costs or the prices of labor, equipment or materials, or over the contractor's method of pricing. OHM ADVISORS makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual cost.

15. JOB SITE SAFETY – Neither the professional activities of OHM ADVISORS, nor the presence of OHM ADVISORS or our employees and subconsultants at a construction site shall relieve the General Contractor or any other entity of their obligations, duties, and responsibilities including, but not limited to, construction means, methods, sequences, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and the health or safety precautions required by any regulatory agency. OHM ADVISORS has no authority to exercise any control over any construction contractor or any other entity or their employees in connection with their work or any health or safety precautions. The Owner agrees that the General Contractor is solely responsible for jobsite safety, and warrants that this intent shall be made clear in the Owners agreement with the General Contractor. The Owner also agrees that OHM ADVISORS shall be indemnified and shall be made additional insureds under the General Contractors general liability insurance policy.

16. DISPUTE RESOLUTION – In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the Owner and OHM ADVISORS agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation, unless the parties mutually agree otherwise.