

**PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday, January 12, 2023 – 6:00pm

Escanaba City Hall, Council Chambers
410 Ludington Street, Escanaba, MI 49829



James Hellermann, Chair
Kelli Van Ginhoven, Secretary
Roy Webber, Commissioner
Mark Hannemann, Commissioner
Nevin Naser, Commissioner
David Mason, Commissioner
Dominic Benetti, Commissioner
Tyler Anthony, Planning & Zoning Admin.
Ronald Beauchamp, City Council Liaison

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – December 8, 2022

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATIONS

PUBLIC COMMENT ON AGENDA ITEMS

PUBLIC HEARING(S)

1. Special Land Use Review—923 Ludington Street— Upper Shelf Farms, LLC.

The Planning Commission will hold a Public Hearing to review a special land use application for a proposed retail marihuana establishment to be located at 923 Ludington Street.

UNFINISHED BUSINESS

1. Discussion—Bay de Noc Community College and Marihuana Facilities/ Establishments

NEW BUSINESS.

1. Annual Report Review

The Planning Commission will review the draft of its Annual Report and make any recommendations for changes before submission to City Council.

2. Discussion – Marihuana Provisioning Centers/Retailers

3. Boards/Commissions Updates:

- a. Delta County Planning Commission Update
- b. Zoning Board of Appeals Hearings/Decisions
- c. Zoning/Land Use Permit Update

4. Training Updates

GENERAL PUBLIC COMMENT

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

ADJOURNMENT

The City of Escanaba will provide all necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon five days' notice to the City of Escanaba Clerk's Office by writing or calling (906) 786-9402.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tyler Anthony".

Tyler Anthony,
Planning & Zoning Administrator
On behalf of the Planning Commission

Planning Commission Public Participation Procedures

- Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time.
- To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
- During the agenda item, when the floor is opened for public comment by the chair, individuals wishing to comment should:
 - Approach the podium
 - Speak into the microphone
 - State your full name and address for the record (providing spelling as necessary)
 - Direct all comments/questions to the Chair
 - Be guided by the following time limits:
 - **Petitioner/aggrieved party – 15 minutes** (unless amended by the Chair)
 - **General public – 3 minutes** (unless amended by the Chair)
 - The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.

**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
December 8, 2022**

MEETING CALLED TO ORDER

A regular meeting of the Escanaba Planning Commission was held on Thursday, December 8, 2022 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 James Hellermann	X		Comm. Mark Hannemann		X
Secretary Dominic Benetti		X	Comm. Roy Webber	X	
Comm. Nevin Naser	X		Comm. David Mason	X	
Comm. Kelli Van Ginhoven	X				

With 5 in attendance, a quorum of the Planning Commission was present.

ALSO PRESENT

City Administration:

Tyler Anthony, Planning & Zoning Administrator
 Ronald Beauchamp, Council Liaison
 Heather Calouette, Administrative Assistant

James McNeil, City Assessor
 Gerald Pirkola, Electric Utility Director

Others:

Karen Moore, City Council
 Ryan Brayak, Lake Effect Distillery
 Joe Rom, Studio RAD (Lake Effect Distillery)
 Laura Coleman, President of Bay College
 Logan Grizzell, Attorney (Gram’s Club)

Zaid Arabo, ZA Design Build (Gram’s Club)
 Matthew Treado, Professional Engineer (Higher Love)
 Ann Babl, CEO Higher Love
 Willard Carne

Six other unnamed individuals were present.

MINUTES

A motion was made by Mason, seconded by Webber, to approve the November 10, 2022 minutes as submitted. A roll call vote was taken, and the MOTION PASSED unanimously.

AGENDA

A motion was made by Mason, seconded by Webber, to approve the agenda as submitted. A roll call vote was taken, and the MOTION PASSED unanimously.

CONFLICT OF INTEREST DECLARATIONS – None

PUBLIC COMMENT ON AGENDA ITEMS –

Laura Coleman, President of Bay College, expressed concerns with the College having no buffer around it prohibiting marihuana establishments. She explained that 35% of students are dual enrolled, totaling about 700 students, and that these students are high school kids. In her opinion, allowing marihuana distribution near the

Bay College campus would put these students at risk. Coleman summarized, asking the Planning Commission to consider establishing a buffer around the College.

PUBLIC HEARINGS

1. Special Land Use Review- 317 North Lincoln Road—Gram’s Club

In Accordance with Zoning Ordinance Section 205, the Planning Commission held a Public Hearing on the application for a Special Land Use Permit as filed by Gram’s Club for a recreational marijuana provisioning center/retail establishment to be located at 317 North Lincoln Road.

Before opening the hearing, Chair James Hellermann noted for all commissioners that, upon advice from the City’s marijuana legal counsel Laura Genovich, two separate motions are required for Special Land Use requests. One for site plan approval, and one for the special land use permit itself.

Hellermann Opened the Public Hearing

No public comments were made.

Hellermann Closed the Public Hearing

Hellermann read a letter from Randy Childers, Senior VP of Real Estate on behalf of Hobby Lobby (Attachment 1) and from Brian Reilly, Manager of Delta Plaza Mall (Attachment 2).

Planning & Zoning Administrator Anthony presented the Planning Commission with the staff report. Anthony indicated that on December 5th, a representative of Gram’s Club submitted a revised site plan including ALTA/NSPS survey prepared by Davis-Wanic Land Surveyors P.C. The revised site plan was added as an addendum to the agenda. On December 7th, Anthony received updated landscaping and sidewalk plans.

Anthony explained the following development standards needed further decision:

- 1907.1.G.- Pedestrian access shall be provided and be physically separated and insulated from the vehicular circulation system. Anthony pointed out with the revised sidewalk plan on December 7th, it appears that Gram’s Club met the standards.
- 1908- Anthony asked that the Planning Commission review the proposed exterior materials, as “composite board” was not a listed material in 1908.3.
- 1909- Anthony noted that existing roof-mounted light fixtures are intended to remain, and the nature of the fixtures was unknown.
- 205.6.9.1: Anthony explained that products may be visible in point-of-sale room from Lincoln Road. He also noted that product may be seen from the exterior.

Logan Grizzell, Attorney (Gram’s Club) explained that marijuana will not be visible from the exterior as it is a restriction in state law as well as Escanaba’s Zoning Ordinance. He explained the shelving can be adjusted to ensure that products are not visible from the exterior. Grizzell also noted that curtains and tinted windows are another option, assuring the Commission that no products would be visible from the exterior.

The project’s architect, Zaid Arabo of ZA Design Build, explained that they added sidewalks to the site plan on the east of the property as well as landscaping. Arabo expressed an appreciation for the existing building – noting that it is a nice-looking building as it is – they would like to use composite board to enhance only the entrance of the building, and that such materials are widely used and accepted.

Arabo noted that the lighting in question is directed away from the right-of-way and the sidewalk. If not, it is adjustable and can be redirected to maintain compliance. Addressing parking lot concerns, he explained that they

proposed closing off one of the two driveways on North Lincoln Road. Their lot has plenty of room for two-way traffic, and using the remaining drive as both an entry and exit is completely reasonable. The access point into the mall's lot isn't necessary and the issue may be addressed at a later date.

The Planning Commission then discussed whether composite board is an acceptable material, with Van Ginhoven noting that precedence would be set by this decision, and Anthony indicating that numerous downtown buildings use it on Ludington Street with success. Afterward, commissioners sought further detail on the easement agreement from the neighboring property.

Commissioner Naser and Hellermann questioned the easement's origins and how it could be considered a temporary agreement. Arabo said as far as the roof overhang on south side of the building he would be more than happy to address if its present a problem. City Assessor McNeil explained that, while these types of agreements are typically permanent, its nature is entirely dependent on how it was written; if it is terminated in the future, that would likely be a civil issue exclusively.

A motion was made by Webber, seconded by Mason, to approve the site plan for Gram's Club at 317 North Lincoln Road conditioned upon: the Code Official amending the site plan to include a sidewalk; the Planning Commission hereby approves use of composite board for this project; and the applicant ensuring that existing parking lot lighting fixtures do not cause light trespass.

**A roll call vote was taken with the following results:
Yes- Hellermann, Webber, Naser, Mason, Van Ginhoven
No- 0
MOTION PASSED 5-0**

A motion was made by Mason, seconded by Webber, to approve the special land use permit for Gram's Club at 317 North Lincoln Road under the condition that product visibility from the exterior be addressed.

**A roll call vote was taken with the following results:
Yes- Hellermann, Webber, Naser, Mason, Van Ginhoven
No- 0
MOTION PASSED 5-0**

2. Special Land Use Review- 421 North Lincoln Road- Higher Love Escanaba

Hellermann Opened the Public Hearing

No public comments were made.

Hellermann Closed the Public Hearing

In Accordance with Zoning Ordinance Section 205, the Planning Commission held a Public Hearing on the application for a Special Land Use Permit as filed by Higher Love Escanaba for a recreational marihuana provisioning center/ retail establishment to be located at 421 North Lincoln Road.

Planning & Zoning Administrator Anthony gave a brief overview of Higher Loves application noting that interior renovations of the existing building will take place along with exterior work such as painting and a new sign. Anthony presented the Planning Commission with the staff report. Reviewing the report, he noted that Higher Love doesn't meet green space requirements as existing conditions are calculated at approximately 0.9%, falling well short of the required 10%. Per 1912.9.5., a minimum of 25 trees are required. Professional Engineer Matthew Treado, designer for Higher Love, explained that parking seemed to be more important of an issue, but

that they are more than willing to add greenspace.

Van Ginhoven reminded the Commission that they should follow the landscaping requirements as it will set a precedent for future developments. Treado expressed an eagerness to achieve compliance and described how they would create interior landscape that makes sense with the traffic flow.

A motion was made by Webber seconded by Van Ginhoven to approve the site plan for Higher Love Escanaba at 421 North Lincoln Road conditioned upon: the 10% greenspace requirement is satisfied; and that a minimum of 25 trees be provided.

**A roll call vote was taken with the following results:
Yes- Hellermann, Webber, Naser, Mason, Van Ginhoven
No- 0
MOTION PASSED 5-0**

Anthony explained the following development standards needed further decision:

- 205.6.7. No signage information has been provided, but all signs requiring a permit shall be processed by staff according to the requirements of Chapter 20 and Section 205.6.7.
- 205.6.9.9 Anthony noted that the façade facing the street is subdivided for 40% of its length by a full height portico, short of the 50% requirement.
- 205.6.9.13. Anthony discussed the base and top treatments indicating that while no base is apparent, a significant top is provided which minimizes the lack of said base.

Anthony noted he is not comfortable requiring compliance with these, explaining that forcing their compliance would cause noncompliance with other sections; Hellermann agreed with this view. Anthony recommended that the Commission waive these requirements for this project. The Commission agreed that addressing these issues is a primary concern and that amending the Zoning Ordinance should be done soon.

A motion was made by Naser, seconded by Mason, to approve the special land use permit for Higher Love Escanaba at 421 North Lincoln Road conditioned upon the Planning Commission waiving requirements of sections 205.6.9.8, 205.6.9.9, and 205.6.9.13 with the intention to amend these sections in the future.

**A roll call vote was taken with the following results:
Yes- Hellermann, Webber, Naser, Mason, Van Ginhoven
No- 0
MOTION PASSED 5-0**

At 7:12 PM, a motion was made by VanGinhoven, seconded by Mason, to recess for 5 minutes.

Hellermann called the meeting back to order at 7:17 PM.

3. Site Plan Review – 723 Ludington Street – Lake Effect Distillery LLC – Distillery with On-site Tasting Room

Hellermann Opened the Public Hearing

No public comments were made.

Hellermann Closed the Public Hearing

Planning & Zoning Administrator Anthony read an email from Ryan Brayak of Lake Effect Distillery regarding updated site plans and project phasing (Attachment 3).

In Accordance with Zoning Ordinance Section 1803, the Planning Commission reviewed a proposed site plan for a craft distillery including a tasting room and a separate barrel-aging building. Due to the nature of the project and its status as a use not mentioned in the Zoning Ordinance, Anthony deemed it appropriate to hold a public hearing for this proposed project. He gave an overview of the staff report, noting issues with proposed rear setback, an ADA-accessible ramp, and comments & concerns from City departments. Said rear setback is 6' as taken from the alley right-of-way which divides the parcel, significantly short of the 25' required setback. Brayak didn't believe he could adjust the proposed design to accommodate that rear setback, considering the storage of essential equipment, supplies, and production materials in that area. He also defended his point by mentioning that neighboring buildings have a 0' rear setback. Anthony relayed comments from Public Works specifically addressing the main entrance's ADA ramp and that damage may be incurred by the City in snow removal efforts; the safety of pedestrians and cyclists was also identified as a concern. Brayak explained that the ramp is designed to be 5 feet wide, allowing 5-7 feet of sidewalk to remain.

Anthony explained the following development standards which needed further discussion:

- 1907.1.H. Anthony noted that parking lot access from Ludington Street is unclear.
- 1907.1. J. Anthony explained that no screening is proposed for the two loading/ unloading zones, but that such screening would likely be impractical.
- 1907.1.L. Anthony explained that the Electric Department would prefer the design to work without encroaching into clearances around existing electric facilities. One clearance specifically outlined would require a minimum of 12 feet from the building to the center of the pole line, with possible exemptions for single story buildings. Additionally, the proposed grain silos would require increased clearances from energized power lines. Detailed drawings showing silo elevations, loading equipment, and existing power lines must be submitted for Electric Department review. If the primary electric lines must be relocated, moving the lines to the south side of the alley would be preferable. The last resort would be to reroute lines underground. Anthony asked the Planning Commission to review provided Water/Wastewater Department concerns (Attachment 4).
- 1909. Anthony noted that proposed walkway light fixtures are shown at an approximate mounting height of 8' or less, while 1909.10 requires such a lighting to be at a height between 10' to 14' above grade. Total lumens generated per acre is limited to 80,000 by 1909.11., which limits this to .636-acre site to 50,880 lumens. The 14 proposed fixtures are estimated to produce 93,688 lumens, nearly double the standard.
- 1910. Anthony expressed concerns with screening proposed around the dumpster, mentioning that no drawings or descriptions had been made yet despite reference being made to them on the site plan.

Addressing specific concerns from Water/Wastewater, James McNeil explained that a proposed geo-thermal well would only be allowed for irrigation and heating & cooling; no potable water or production water use would be allowed. The Water/Wastewater Department further asked that roof drains be disconnected from the sanitary sewer system and suggested that a new sanitary sewer lateral be installed. Brayak said they will focus on the sanitary lateral and tie into Ludington Street when Ludington Street is redone. Water/Wastewater will require a grease trap be included in the kitchen sanitary system, and that oil & sand traps be included for the garage and storage buildings. Further, sump- and elevator shaft pumps shall be connected to the storm water system only.

Architect Joe Rom, working with Lake Effect Distillery, said the lighting concerns will be addressed by specifying fixtures with acceptable ratings, and that the dumpster screening is intended to be provided as a "kit" which would comply with the Zoning Ordinance.

Further discussion took place regarding the rear setback and how to interpret the setback on this particular lot due to the alley. Rom explained that the property is on a corner lot, which has 2 front yards. He suggested that, if the property owner could pick which lot line could be chosen to be the front lot line and/or change the property's address to be on 8th Street, they could accommodate the rear setback without redesigning the addition.

A motion was made by Hellermann, seconded by Webber, to approve the site plan for Lake Effect Distillery at 723 Ludington Street conditioned upon: that no ADA-accessible ramp be built within the sidewalk on Ludington Street; that the property shall be considered a contiguous lot, thereby eliminating the rear setback issue; that the lighting design be amended, which shall be accomplished administratively; that utilities be approved administratively, including review; and that the Planning Commission hereby accepts the accessory building and alternative materials as presented.

**A roll call vote was taken with the following results:
Yes- Hellermann, Webber, Naser, Mason, Van Ginhoven
No- 0
MOTION PASSED 5-0**

NEW BUSINESS-

1. Discussion—Bay de Noc Community College and Marihuana Facilities/ Establishments

Anthony explained that Bay de Noc Community College had contacted the City Administrator regarding a concern over perceived lack of protection of their student body from marihuana facilities and establishments which could potentially be located near their campus. The representative noted that, through dual enrollment programs, students under the age of 18, and as young as 16, are regularly on campus for classes.

A motion was made by Webber, seconded by Van Ginhoven, to table the discussion until next month. A roll call vote was taken, and the MOTION PASSED unanimously.

1. Election of Officers—Chair, Secretary

Hellermann opened discussion for the election of chair.

A motion was made by Webber, seconded by Mason, to re-elect Hellermann as Chair. A roll call vote was taken, and the MOTION PASSED unanimously.

Hellermann opened discussion for the election of secretary.

A motion was made by Hellermann, seconded by Mason, to elect Van Ginhoven as Secretary. A roll call vote was taken, and the MOTION PASSED unanimously.

2. 2023 Planning Commission Regular Public Meeting Schedule

A proposed calendar with regular meetings planned for the second Thursday of each month for 2023 was presented for Commission review.

A motion was made by Mason, seconded by Naser, to adopt the 2023 regular meeting schedule. A roll call vote was taken, and the MOTION PASSED unanimously.

3. Project Updates

- A.) Delta County Planning Commission: Van Ginhoven reported that 9 out of 14 townships will continue to operate under County zoning.
- B.) Zoning Board of Appeals: The ZBA met on October 4, 2022 for training and election of officers. The next

ZBA meeting is scheduled for January 3, 2023, and training is currently the only agenda item.

C.) Zoning/Land Use Permits: The Planning Commission reviewed submitted year-to-date reports of permit activity and other zoning processes.

4. Training Updates

A list of upcoming training opportunities was highlighted. Hellermann reminded commissioners to verify with administration if funds are available before registering for training. Anthony reminded commissioners that 4 hours of training is required annually.

GENERAL PUBLIC COMMENT –

Karen Moore commented on what was described as the Dial controversy, explaining that they are a multi-million-dollar company which owns lots of property within the City and stands as a large economic driver in Escanaba. She stressed that, whether they agree with Hobby Lobby’s politics, the Planning Commission should think about the big picture; approving marihuana dispensaries will cause the loss of a huge asset to our community. Moore indicated that she had spoken with the mall manager during the meeting, and that the manager said Hobby Lobby will leave and future businesses will not come to the mall.

COMMISSION/STAFF COMMENTS –

Anthony discussed the letter from Hobby Lobby referring to 317 North Lincoln Road (Gram’s Club) noting that Dial is under the impression that Gram’s Club is located on the same lot as Dial which is not the case. Van Ginhoven recalled that City Council had wanted marihuana establishments to locate on North Lincoln Road rather than elsewhere in the City, and now that the zoning has been completed and establishments are submitting applications, some councilmembers and others from the public want them to move elsewhere. She continued, asking that once these establishments are moved somewhere else in town, will people in that area want them to move elsewhere again. Hellermann agreed, identifying the “not in my backyard” nature of these complaints. He added that, in conversation with Delta Plaza Mall Manager Brian Reilly, Mr. Reilly admitted that they had missed their opportunity to provide feedback on proposed zoning ordinances. Van Ginhoven reiterated that they don’t want retailers to leave. Both the Commission and staff expressed frustration with a lack of engagement from both the public and concerned businesses throughout the drafting of the current ordinance. Anthony indicated that the letters from Hobby Lobby made no tangible case for their value to the community; specifically, no sales figures, employment numbers, or other contributions were described. Hellermann explained that, personally, the letter felt degrading to the businesses, people, and character of Escanaba. Webber and Anthony expressed skepticism over the promises of new restaurants and stores being drawn to the city, noting that Escanaba is too small to draw in many of the chains mentioned and rumors of their arrival have persisted for many years.

ADJOURNMENT

The meeting adjourned at 8:29 pm.

James Hellermann, Chair
Escanaba Planning Commission

Tyler Anthony, Planning & Zoning Administrator
City of Escanaba

Minutes approved at the _____ meeting.

HOBBY LOBBY.

Real Estate

December 6, 2022

SENT VIA EMAIL ONLY: mammel@escanaba.org; tanthony@escanaba.org

Hon. Mark Ammel
Mayor, City of Escanaba
410 Ludington Street
Escanaba, MI 49829

WITH A COPY TO:

Mr. Tyler Anthony
Planning & Zoning Administrator
Escanaba Planning Commission
410 Ludington Street
Escanaba, MI 49829

Re: Special Land Use Review- 201 North Lincoln Road
The Grams Club- Marihuana Retail Establishment

Dear Mayor Ammel,

As we advised in our prior notice dated November 7, 2022, Hobby Lobby Stores, Inc. (“Hobby Lobby”) is currently operating Store #856 in the Delta Plaza Mall located at 2400 1st Avenue North, Escanaba, Michigan under that certain Lease Agreement dated July 26, 2018, as amended by that certain Addendum to Lease dated October 1, 2018, and as further amended by that certain Second Addendum to Lease dated April 27, 2022 (collectively the “Lease”) between Dial Escanaba Outlots, LP (as “Landlord”) and Hobby Lobby. Hobby Lobby is now in receipt of the City’s notice of a second (2nd) proposed marijuana dispensary at the Mall. Hobby Lobby objected to the first (1st) proposed marijuana dispensary, but the Planning Commission conditionally approved the marijuana dispensary over Hobby Lobby’s objection.

Again, notice is hereby given that Hobby Lobby objects to the proposed special land use. As predicted, once the City is willing to open the door to a dispensary, the overall quality of the tenants starts to decline. Despite Hobby Lobby’s prior objections, the City has made its priorities clear. Hobby Lobby will re-evaluate its position in the market accordingly.

Sincerely,



Randy Childers
Senior VP of Real Estate

DP
MANAGEMENT, LLC
LEASING, SALES & DEVELOPMENT

To: Escanaba Planning Commission
Subject: Former Saykly's building - application for marijuana special use
Date: December 08, 2022

Dear Planning Commission Members,

Thank you for your careful consideration of the issue at hand. Our position regarding the application for marijuana special use permit for the former Saykly's building remains the same as for the former Hudson's. We are protesting this use per Sec 205.5:

205.5. Protest. If a protest of the proposed special land use permit is presented to the Planning Commission at or before the public hearing date on the request and it is properly signed by the owners of at least twenty (20) percent of the noticed area of land included in the request, excluding publicly owned land, or by owners of at least twenty (20) percent of the area of and included within an area extending out at least one hundred (100) feet from any point on the boundary of land included in the request, excluding publicly owned land, then such request for special land use permit approval shall be passed only upon an affirmative vote of three-fourths (¾) of the members of the Planning Commission.

To reiterate our position:

- It was a difficult challenge to bring several tenants to Escanaba that are unique to the Upper Peninsula, among them Marshall's, Hobby Lobby and others. Retailers of this echelon are very specific about the environment for new locations. They came here without the expectation of certain uses nearby, among them marijuana.
- By contrast, many of the new tenants at Delta Plaza Mall came with the full expectation of co-tenancy with Hobby Lobby. Therefore, anything that threatens Hobby Lobby's status affects the status of the remaining tenants. We ask you to STRONGLY consider the long-term value these tenants bring to Escanaba and give consideration to the objections of Hobby Lobby as a lead tenant.
- Dispensaries also present a substantial hurdle to future retail interest in Escanaba. We have ongoing negotiations with several potential national restaurants and retailers who would like to locate at the mall but have included co-tenancy with Hobby Lobby and exclusion of adult uses as requirements.

A few additional observations:

- The plans note marijuana as an "adult use retailer". In our experience, solely-adult uses are typically not co-located with fashion retailers like Marshall's, Bath & Body, and tenants like Starbucks that draw a significant number of families and teens.
- We also cannot think of an instance where such a use is co-located within 300' of not one but two sporting goods retailers that carries firearms.

11506 NICHOLAS ST. | STE. 100 | OMAHA, NE | 68154
P: 402.493.2800 | F: 402.493.8069
DP-MGMT.COM



Attachment 2

- Finally, this property is even closer to the church who leases space at the mall and has for many years. We find it unfathomable that a solely-package liquor store would be allowed near a church, so we do not understand how a church restriction was not included in Escanaba's marijuana dispensary guidelines.

Regarding the site itself:

- In this case we have received cordial communication from the owner of the Saykly's building.
 - We do have an existing easement for the eave that overhangs our lot.
 - The easement does NOT allow ingress/egress between the properties.
 - The design as proposed appears to require egress via mall property, to which we object. Landlord reserves the right to enforce this provision of the easement if necessary.
 - Unfortunately, when the easement expires, we will be unable to renew it due to our lease with Hobby Lobby and other tenants that exclude adult uses or marijuana.

Again, we know dispensaries are here to stay. We encourage you to exercise careful zoning & licensing discretion and consider the impacts to neighboring institutions. There will be a place for these uses, but co-location with tenants like those at Delta Plaza is not the highest and best option.

I would once again ask that this letter be read into the record. Thank you again for your consideration.


Brian Reilly
Manager, Delta Plaza Mall, LLC

Attachment 3

From: Ryan Brayak <ryan.brayak@gmail.com>
Sent: Thursday, December 1, 2022 8:11 AM
To: Tyler Anthony <tanthony@escanaba.org>
Cc: Heather Calouette <hcalouette@escanaba.org>
Subject: Re: Updated site plans

Tyler

Please see the attached North Elevation and Project Phasing Drawing. I have also decided to break the project into two phases due to our budget and interest rates. Phase 1 would include everything but the elevator/stair structure and not finishing the third floor. Those elements are part of phase 2 which we plan to do in a couple of years. Also the barrel storage building will be done in a year or two as well.

Thank you,
Ryan



List of W-WW concerns for Lake Effect Distillery Project:

Some or most of these items have been addressed.

This list is **not complete** as new issues always come up as construction occurs.

1. Geo-thermal well
 - a. Will only be allowed for irrigation, and heating & cooling
 - b. No potable water or production water use allowed
 - c. If installed- an accelerated cross connection inspection schedule may be required
2. Roof Drains
 - a. Must be removed from the sanitary sewer system
3. New water service shall be installed Currently planned to be 6" DI pipe
 - a. Owner to size according to their needs
 - i. City "curb stop" shall be at the main (live tapping sleeve method of installation planned on 16" water main in alley)
 - ii. Shall be conducted with a PWO from the City
 - iii. City shall provide and charge for the 16x6 tapping sleeve and valve along with T&M for tap on the PWO
 - iv. Owners' contractor shall provide a clean, dry, safe hole for water main tap, in which the city crew will conduct the work
 - v. All testing according to the City's spec shall be conducted before turning on the water
 - vi. Two (2) old water services shall be abandoned
 - vii. Owner shall purchase city meter sized of their choosing
 - viii. City shall approve of all backflow devices planned to be installed
 - b. Shall be a single service split on the inside riser for fire, potable, and irrigation use.
 - i. City shall approve of owner's riser diagram before installation
 - c. Entire building and service shall comply with cross-connection rules with City approved backflow devices installed and maintained as needed throughout the facility
 - i. City suggests dual-parallel RPZ's to enable owner to perform maintenance on one device without impeding water service to building
4. Highly suggest a new sanitary sewer lateral be installed
 - a. If completed abandonment of up to three (3) possible old laterals shall be completed
5. Require grease trap for kitchen area
6. Require oil and sand traps for garage & storage buildings
7. Sump pumps and elevator shaft pumps shall be plumbed to storm water system
8. Sanitary discharge shall comply with wastewater ordinances (All have been provided previously)
 - a. Pretreatment or User Fees may be applied if concentrated discharges are identified
 - b. Discussion on intended pretreatment RO unit shall be requested
 - i. Concerns about concentrated contaminates still being discharged to City via the RO unit
9. Joint concerns with DPW regarding depth of excavation in alley – we need to protect the city water main. (Lake Effect has plans to sheet pile if needed)

AGENDA REPORT – PLANNING COMMISSION

For the meeting agenda of January 12, 2023

PUBLIC HEARING #1

Title: Special Land Use Review- 923 Ludington Street— Upper Shelf Farms, LLC.

Background:

In accordance with Zoning Ordinance Section 205, the Planning Commission will hold a Public Hearing on the application for a Special Land Use Permit as filed by Upper Shelf Farms, LLC. for a Recreational Marihuana Provisioning Center/Retail Establishment to be located at 923 Ludington Street.

Options for Action:

1. To approve the site plan for a provisioning center/ retail marihuana establishment located at 923 Ludington Street. A separate sign application will be required.
2. To conditionally approve the site plan for a provisioning center/ retail marihuana establishment located at 923 Ludington Street. The motion must list standards not met and conditions for approval.
3. To deny the site plan for a provisioning center/ retail marihuana establishment located at 923 Ludington Street. The motion must list standards not met and reasons for denial.

Attachments:

1. Special Land Use Permit Application – Upper Shelf Farms, LLC.
2. Staff Report- 923 Ludington Street—Upper Shelf Farms, LLC.
3. Public Hearing Notice, Neighbor Notification Letter & Mailing List



MARIHUANA SPECIAL LAND USE PERMIT APPLICATION

Planning & Zoning Department – 906-786-9402

Submission Information	
<p>Application Fee: \$500</p> <p>Mail to: Planning & Zoning Department PO Box 948, Escanaba, MI 49829</p> <p>In-Person: 410 Ludington Street 2nd Floor (M-F, 7:30a-4p)</p> <p>Email: permits@escanaba.org</p>	<p>Payment due upon submittal.</p> <p>Cash, check, and credit card are accepted.</p> <p>Make checks payable to "City of Escanaba".</p> <p>Additional processing fee applies to credit card transactions.</p> <p>Payment by credit card is accepted in-person or by phone.</p>

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

City Staff can assist with locating some information, but Applicant is responsible for submitting a complete application.

Property and Facility/Establishment Identification	
Address 923 Ludington Street, Escanaba, MI 49829	Parcel # Lot 6 of Block 55 051-010-2930-431-001
Facility/Establishment Name Upper Shelf Farms, LLC	<input type="checkbox"/> Medical Marihuana Facility <input checked="" type="checkbox"/> Adult Use (Recreational) Marihuana Establishment

Required Components
<p>Did you obtain pre-qualification status from the State of Michigan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Please provide the following documents to submit a complete application:</p> <ul style="list-style-type: none"> ■ Photocopy of a valid, unexpired driver's license or state-issued identification card held by all individuals signing this application and... <ul style="list-style-type: none"> ✓ the applicant if filing as an individual, or ✓ all owners, directors, and officers of the applicant entity if filing as a non-individual. ■ (1) physical copy and (1) digital PDF copy of the complete construction drawings, including a Site Plan drawing and Architectural Floor Plans and Elevations, provided by the architect/engineer. ■ Copies of all documents issued by the Department of Licensing and Regulatory Affairs (LARA) indicating that the applicant has been prequalified for a state operating license under the Medical Marihuana Facilities Licensing Act (MMFLA) or Michigan Regulation and Taxation of Marihuana Act (MRTMA). ■ Any documents required by the Information & Standards Checklist.

Type of Facility/Establishment and Restrictions		
An establishment may not be located within 750' of an existing public or private K-12 school.		
May not be located within 500' of an existing single-family dwelling.	May not be located within 100' of an existing single-family dwelling. <i>Exception: E-3 – Central Commercial.</i>	No additional distance restriction.
<input type="checkbox"/> Grower – Class A <input type="checkbox"/> Grower – Class B <input type="checkbox"/> Grower – Class C <input type="checkbox"/> Excess Marihuana Grower <input type="checkbox"/> Processor <input type="checkbox"/> Safety Compliance Establishment	<input checked="" type="checkbox"/> Provisioning Center/Retailer <input type="checkbox"/> Microbusiness - up to 150 plants (Adult Use Only) <input type="checkbox"/> Designated Consumption Establishment (Adult Use Only)	<input type="checkbox"/> Secure Transporter



MARIHUANA SPECIAL LAND USE PERMIT APPLICATION

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Description of Project Establishing a marijuana provisioning retail center in a preexisting building located on Ludington		
Street.		
Structure Length (ft), Width (ft), Area (s.f.) 22'-6" to 50' wide and 140' long (2981 s.f.)	Number of Stories, Height (ft) 26'-2"	Project Valuation \$ 70,000
New utilities to be incorporated: <input type="checkbox"/> Electric <input type="checkbox"/> Water <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Storm Sewer <input type="checkbox"/> N/A		

Contact Information	
Property Owner Name Alex Bartelt (A2B Holdings, LLC)	Company (if non-individual)
Address, City, State, ZIP [Redacted]	
Phone [Redacted]	Email [Redacted]
Applicant/Owner's Representative Name Nilsson Davis	Company (if non-individual)
Address, City, State, ZIP [Redacted]	
Phone [Redacted]	Email [Redacted]
Architect/Engineer Name Charles J. Meyer	Company Mountain Engineering, Inc.
Address, City, State, ZIP 329 Doraland Street, Kingsford, Michigan 49802	
Phone 906-779-5762	Email mtneengineering@mtneng.net
Contractor Name N/A	Company
Address, City, State, ZIP	
Phone	Email

This Section Staff Use Only	
Date Submitted 11/18/2022	Fee Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Receipt # 9309378	
Lot Type: <input checked="" type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Irregular	Length, Width, Area (s.f.) 50x140 = 7,000
Area of Existing Structures (s.f.) 3,250 4,430	Zoning District: E3-Central Commercial
Easements: No known easements	



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INFORMATION & STANDARDS CHECKLIST

APPLICANT:

Complete the following checklist to verify that the following Site Plan Information, Development Standards, and Marihuana Establishment Special Land Use Standards have been reviewed and incorporated into the plan.

Attach a separate verification sheet referencing each checklist item number. This sheet must include explanations or evidence that would demonstrate compliance with the standard OR why the standard is not applicable to the project. Failure to address these items will delay approval. A site plan review will not be scheduled for hearing by the Planning Commission until a complete application is submitted.

Site Plan Information		Yes	N/A
SP-1	The site plan must consist of a scaled drawing at a scale of one inch equals twenty feet (1"=20') or less, showing the site, its zoning classification, location, type, and size of structures and/or land on adjacent properties within two hundred (200) feet of the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-2	Boundary survey of property prepared by a registered survey showing the location of proposed and/or existing property line, dimensions, legal descriptions, setback lines, and monument locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-3	Location and type of significant existing vegetation as determined by a qualified, city approved authority.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-4	Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-5	Location of existing and/or proposed buildings and intended uses thereof, as well as the length, width, and height of each building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-6	Proposed location of accessory structures, buildings and uses, including but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-7	Location of snow storage areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-8	Location of existing public roads, rights-of-way, and private easements of record and abutting streets. Dedication of any right-of-way for widening, extension, or connection of major streets as shown on the official Master Street Plan, and granting of easement(s) for public utilities where required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-9	Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-10	Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-11	Location, size, and characteristics of all loading and unloading areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-12	Location and design of all sidewalks, walkways, bicycle paths and areas for public use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-13	Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, wastewater lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-14	Location of all other utilities on the site, including but not limited to natural gas, electric, cable TV, telephone, and steam.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-15	Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools, if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-16	Location, size, and specifications of all signs and advertising features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-17	Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-18	Location, height, size and specifications of all fences, walls, and other screening features with cross sections.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-19	Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-20	Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-21	Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-22	Identification of any significant site amenities or unique natural features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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SP-23	Identification of any significant views onto or from the site to or from adjoining areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP-24	North arrow, scale and date of original submittal and last revision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SP-25	Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Standards for Granting Plan Approval		Yes	N/A
DS-1	Building orientation. Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DS-2	Roof equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from a public sidewalk adjacent to the site by a parapet wall or similar architectural feature. Exception: Solar energy collection panels do not require screening to allow maximum effectiveness.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-3	Visual and sound mitigation. Reasonable visual and sound mitigation for all structures shall be provided. Fences, walks, barriers, and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-4	Emergency access. Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DS-5	Street access. Every development shall have legal access to a public or private street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DS-6	Circulation system. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian, and bicycle ways in the area. Travel ways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-7	Non-motorized circulation system. A pedestrian and/or non-motorized vehicle circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-8	Parking areas. All parking areas shall be designed to facilitate safe and efficient vehicular, non-motorized vehicle traffic, pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DS-9	Shared drives. Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted. Shared use access between two (2) or more property owners should be encouraged through driveways constructed along property lines, connecting parking lots and construction of on-site of frontage roads and rear service drives; particularly within three hundred (300) feet of major intersections, for sites having dual frontage, at locations with site distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission through a mutual Access Easement Agreement. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection, rear service drive or shared access drive. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-10	Loading, unloading and storage areas. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height. Loading docks should be located at the side yard or rear yard of the building.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-11	Light sources. Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way to promote and enhance "dark-sky" designs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-12	Utilities. Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DS-13	Environmental issues. Sites at which hazardous substances and potential pollutants are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, creeks, or wetlands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-14	Tree Preservation Purpose and Intent. Trees are a critical part of the vegetation that serves to decrease and filter storm water runoff, to mitigate the urban heat island effect created by paved and other built surfaces, to remove pollutants from the air, to abate visual and noise pollution, and to provide habitat for wildlife. Tree removal thus increases the burden on the community to effectively address these issues. The goals of the tree preservation provisions are to reduce tree loss during development, to reduce damage to standing trees during construction, to provide for replacement of trees lost during construction, to provide for the planting of trees lost during construction, to provide for the planting of trees where none occurred previously, and to provide for the maintenance of preserved trees after construction is completed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DS-15	Storm Water Control Plan. A Storm Water Control Plan shall be designed appropriately to carry storm water away from buildings and adjacent properties into an approved collection system.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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DS-16	Section 1908 reviewed for Additional Development & Design Standards in Certain Districts. (Addresses exterior materials that may/may not be used.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marihuana Establishment Special Land Use Standards		Yes	N/A
ME-1	Facilities and establishments must comply with the MMFLA or MRTMA, as applicable; all Rules; and any other applicable state laws or regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-2	Facilities and establishments must be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-3	Facilities and establishments must take commercially reasonable measures to ensure that odor is not detectable outside of the building or property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-4	Facilities and establishments must comply with all City codes and ordinances, including but not limited to the International Fire Code, as adopted by the City at Section 12-16 of the Code of Ordinances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-5	Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation to minimize the risk of theft or harm resulting from chemical exposure.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-6	No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-7	An establishment may not be located within seven hundred and fifty (750) feet of an existing public or private K-12 school as measured from the nearest point of the property line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-8	The exterior appearance of a provisioning center or retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-9	Building bays shall be a maximum of thirty feet in width. Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers, and fenestration pattern. To add architectural interest and variety and avoid the effect of a single, long, or massive wall with no relation to human size, the following additional standards shall apply: <ul style="list-style-type: none"> No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including at least two of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades shall be prohibited. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-10	Façades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, along no less than fifty percent of the façade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-11	Primary building entrances shall use clear glass and be clearly defined and recessed or framed by a sheltering element such as an awning, arcade, or portico to provide shelter from the inclement weather.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-12	Windows shall have clear glass.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ME-13	Awnings shall be no longer than a single storefront.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-14	All façades shall have: <ul style="list-style-type: none"> A recognizable “base” consisting of, but not limited to: (a) thicker walls, ledges, or sills; (b) integrally textured materials such as stone or other masonry; (c) integrally colored and patterned materials such as smooth-finished stone or tile; (d) lighter or darker colored materials, mullions, or panels; or (e) planters. A recognizable “top” consisting of, but not limited to: (a) cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials; (b) sloping roof with overhangs and brackets; (c) stepped parapets. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ME-15	Encroachments for special architectural features, such as bay windows, decorative roofs and entry features may be considered; however, in no case may such features be below a height of 8 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marihuana Establishment Special Land Use Standards – Provisioning Centers/Retailers		Yes	N/A
MR-1	A retailer may not be located within one hundred (100) feet of any existing one-family dwelling as measured from the nearest point of the property line, except that this distance requirement does not apply in the E-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MR-2	The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR-3	Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating that consumption is prohibited on the premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR-4	Provisioning centers and retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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MR-5	The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR-6	No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR-7	Provisioning centers and retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marihuana Establishment Special Land Use Standards – Growers, Processors, Safety Compliance		Yes	N/A
MG-1	A grower, processor, or safety compliance establishment may not be located within five hundred (500) feet of any existing one-family dwelling as measured from the nearest point of the property line.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MG-2	<p>Marihuana growers must control and eliminate odor as follows:</p> <ul style="list-style-type: none"> The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fans must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filters shall be rated for the applicable CFM. The air scrubbing and filtration system must be maintained in working order and must be always in use. The filters must be changed per manufacturers' recommendation to ensure optimal performance. Negative air pressure must be maintained inside the building. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MG-3	Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MG-4	Cultivation must be conducted in a manner to minimize adverse impacts on the City's sanitary sewer and in compliance with the City's Wastewater Ordinance. The City's Water/Wastewater Department shall review all pertinent information relating to sewer discharges and shall provide any comments to the planning commission.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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All construction or addition to a structure requires zoning approval, whether or not a building permit is required.

- Please call the Delta County Building & Zoning Department at (906) 789-5189 to determine if you will need a building permit in addition to the Zoning Compliance Permit.

Property Access:

- Assessing Staff may visit the property for tax purposes, as applicable.
- Planning & Zoning Staff may visit the property for inspection and verification of compliance with this permit.

Setbacks:

- A setback is the distance required between a property line and a roof edge, excluding allowable projections and encroachments.
- Setbacks vary by zoning district and for corner lots. On corner lots, both street frontages are considered as front lot lines for setback purposes. The side opposite the street address is considered the rear yard. The remaining side is the side yard.

Property Lines:

- It is the property owner’s responsibility to know the exact location of their property lines.
- The City Engineering Department can assist with locating existing property corner markers upon request. This is not a legal survey and is not guaranteed to be accurate. The City of Escanaba assumes no responsibility for property corner markings, measurements, or errors thereof.
- If greater assurance of accuracy is desired, please contact a local surveying firm for a full property survey.

Penalties for Construction Prior to Approval:

- If construction commences prior to obtaining an approved Zoning Compliance Permit, citations for civil infractions may be issued. Additionally, the structure will be required to be moved or altered to bring it to full compliance with the zoning ordinances.

Zoning Ordinance Compliance:

- The above stipulations and requirements are not all-inclusive.
- It is the applicant’s and property owner’s responsibility to review the Zoning Ordinance for all the applicable standards regarding the proposed project.

Easements:

- No structures will be permitted within any legal easement.
- Existing structures that are located within an easement will be evaluated for easement violation and may be required to be moved or removed.

Affidavit and Signature

I, the undersigned, have read and understand the above statements. I acknowledge that the information in this application is true, and if found not to be true, any zoning permit that may be issued may be void. I agree to comply with the conditions and regulations provided with any permit that may be issued and will also comply with all applicable sections of the City of Escanaba Zoning Ordinance. I give permission for officials of the City of Escanaba, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Finally, I understand that this is a zoning permit application (not a permit) and that a zoning permit, if issued, conveys only land use rights, and does not include any representation or conveyance of right in any other statute, building code, deed restriction or other property rights.

Property Owner Signature

Printed Name

Alex Bartelt

Date

11/21/2022

Applicant Signature

Printed Name

Nilsson Dennis

Date

11/21/2022

Marihuana Special Land Use Permit Application
City of Escanaba
Upper Shelf Farms, LLC

Site Plan Information

SP-1	The Site and Zoning Plans show the site, its zoning classification, and the location, type, and size of structures and adjacent properties within 200 feet of the Building.
SP-2	The boundary survey of the Property was prepared by Terence S. Wanic and shows the location of existing property lines, dimensions, and setback lines. A legal description of the property can be found in the deed.
SP-3	This Section is inapplicable as there is no significant existing vegetation on the Property.
SP-4	This Section is inapplicable because there are no water courses and water bodies on the Property.
SP-5	The Building is located at 923 Ludington Street, Escanaba, MI 49829 and is intended to be an adult use marihuana establishment. The Building is between 22.5 feet to 50 feet wide, 140 feet long, and 26 feet and 2 inches tall.
SP-6	This Section is inapplicable because no accessory structures, buildings, and uses will be added to the Property.
SP-7	The snow storage areas will be denoted by the back parking spaces located on the south side of the Building.
SP-8	The Boundary Survey outlines the existing public roads, rights-of-way, and private easements of record and abutting streets.
SP-9	This Section is inapplicable because there are no proposed streets, drives, curb cuts, access easements, or acceleration, deceleration, and passing lanes serving the establishment.
SP-10	There is a gravel parking area in the rear (south side) of the Building and is approximately 80 feet by 9 feet. There is also street parking located outside the Building.
SP-11	The loading and unloading area is located in in the rear (south side) of the Building and is 50 feet by 10 feet.
SP-12	There are sidewalks/walkways located on the north and west sides of the Building. There are no designated bicycle paths surrounding the Building.
SP-13	The water and sewer supply lines are indicated on the Zoning Plan.
SP-14	The electric and gas lines are indicated on the Zoning Plan.
SP-15	This Section is inapplicable because there are no common open spaces or facilities located on the Site.
SP-16	There will be a wall sign on the front of the Building to replace the Treasure Chest sign. The existing sign is approximately 32 feet wide and 3 feet tall but may be replaced by a sign of smaller dimensions.
SP-17	This Section is inapplicable because there is no exterior lighting on the Property.
SP-18	This Section is inapplicable because there are no fences, walls, and other screening features.
SP-19	This Section is inapplicable because no new landscape material will be placed on the Site.
SP-20	This Section is inapplicable because trash will be stored indoors.

SP-21	This Section is inapplicable because there are no storage facilities for chemicals, salts, flammable materials, or hazardous materials on the Property or in the Building. There are also no containment structures or clear zones required by the government.
SP-22	This Section is inapplicable because there are no significant site amenities or unique natural features on the Site.
SP-23	This Section is inapplicable because there are no significant views onto or from the Property to or from adjoining areas.
SP-24	The north arrow, scale, and date of original submittal and last revision are indicated on the Site and Zoning Plans.
SP-25	The seal of the registered engineer is located on the Site Plan.

Development Standards for Granting Plan Approval

DS-1	The primary structure is located on a corner lot, so the main entrance is oriented to face Ludington Street.
DS-2	This Section is inapplicable because there is no roof-mounted equipment on the Building.
DS-3	This Section is inapplicable because there will not be any visual or sound stimulus greater than expected from a normal retailer.
DS-4	The Building is arranged to have emergency access by some practical means from all sides.
DS-5	The Building has legal access to a public street both on Ludington Street and on 10 th Street.
DS-6	This Section is inapplicable because the Building is a preexisting building and no changes will be made to the vehicular and pedestrian circulation systems in the area.
DS-7	This Section is inapplicable because the Building is a preexisting building and no changes will be made to the non-motorized vehicle and/or pedestrian circulation systems in the area.
DS-8	The parking areas surrounding the Building are preexisting and designed to facilitate safe and efficient vehicular, non-motorized vehicle traffic, pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking areas.
DS-9	This Section is inapplicable because there is no agreement or access easement for the shared drive located on the south side of the Building.
DS-10	This Section is inapplicable because there are no loading, unloading, and outside storage areas visible from residential districts or public rights-of-way.
DS-11	This Section is inapplicable because there are no exterior light sources.
DS-12	There are adequate utilities to properly serve the building, which are located underground.
DS-13	This Section is inapplicable because there are no hazardous substances and potential pollutants will be stored, used, or generated on the Property.
DS-14	This Section is inapplicable because no trees on the Property will be removed.
DS-15	This Section is inapplicable because no changes will be made to the existing Storm Water Control System. Runoff drains away from the building to the street stormwater collection system. There will be no increase in runoff from the Building.

DS-16	Section 1908 of the Zoning Ordinance has been reviewed and the Building will comply with the Compatibility and Integrity requirement and Signage requirement of Section 1908.
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Marihuana Establishment Special Land Use Standards

ME-1	Upper Shelf will comply with the MMFLA or MRTMA; all Rules; and any applicable state laws or regulations.
ME-2	This Section is inapplicable because there will not be any light spillage, odor, or noise greater than expected from a normal retailer.
ME-3	Upper Shelf is committed to minimizing the impact of any increased odor on the nearby community and surrounding business and will take commercially reasonable measures to ensure that odor is not detectable outside of the Building or Property, including air filters rated at three hundred (300) CFM or more with ninety to one hundred percent (90-100%) carbon as the activated ingredients and double caulking and/or tightly fitted/secured.
ME-4	Upper Shelf will comply with all City codes and ordinances, including but not limited to the International Fire Code, as adopted by the City at Section 12-16 of the Code of Ordinances.
ME-5	This Section is inapplicable because Upper Shelf will not be cultivating marihuana.
ME-6	No marihuana will be stored overnight outside of the Building.
ME-7	The Building is located at 923 Ludington Street, Escanaba, Michigan 49829, which is more than 750 feet from an existing public or private K-12 school as measured from the nearest point of the property line.
ME-8	The Building where Upper Shelf will be located is a preexisting building and thus is compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
ME-9	This Section is inapplicable because there are no building bays located within the Building.
ME-10	Façades that face the streets (Ludington Street and 10 th Street) are subdivided and proportioned using features, such as windows and entrances, along no less than fifty percent of the façade.
ME-11	The primary entrance to the Building will use clear glass and is clearly defined and recessed or framed by a sheltering element (balcony).
ME-12	The windows of the Building will have clear glass.
ME-13	This Section is inapplicable because there will be no awning.
ME-14	This Section is inapplicable because the Building where Upper Shelf will be located is a preexisting building that already contains a recognizable “base” and “top” and no changes will be made to the exterior of the building. Descriptions of the sheathing are in the Site Plan.
ME-15	No special architectural features of the building will be below 8 feet tall.

Marihuana Establishment Special Land Use Standards – Provisioning Centers/Retailers

MR-1	This Section is inapplicable because the Property is located in Zone E-3.
MR-2	The interior of Upper Shelf will be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.

MR-3	Consumption of marihuana will be prohibited in the retail establishment, and a sign will be posted on the premises of each retail center indicating that consumption is prohibited on the premises.
MR-4	Upper Shelf will continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. Video recordings from the security cameras will be maintained in a secure, off-site location for a period of 14 days.
MR-5	The public or common areas of retail establishment will be separated from restricted or non-public areas of the marihuana establishment.
MR-6	There will be no drive-through window on the portion of the premises occupied by Upper Shelf retail establishment.
MR-7	Upper Shelf will not allow the sale, consumption, or use of alcohol or tobacco products on the premises

Marihuana Establishment Special Land Use Standards – Growers, Processors, Safety Compliance

MG-1	This Section is inapplicable because Upper Shelf will not be growing or processing marihuana.
MG-2	This Section is inapplicable because Upper Shelf will not be growing or processing marihuana.
MG-3	This Section is inapplicable because Upper Shelf will not be growing or processing marihuana.
MG-4	This Section is inapplicable because Upper Shelf will not be growing or processing marihuana.

GRETCHEN WHITMER
GOVERNOR



ORLENE HAWKS
DIRECTOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
VIA ELECTRONIC MAIL

Date: March 15, 2022

Addressee: Upper Shelf Farms, LLC
Address: 9570 M 95
Republic, MI 49879

RE: Prequalification status for your pending application

Dear Applicant:

The Marijuana Regulatory Agency (Agency) considered your partial application for prequalification status and determined that you have prequalification status pursuant to the licensing provisions of the Michigan Regulation and Taxation of Marijuana Act (MRTMA) and associated rules. This letter may be provided to a municipality as documentation of your prequalification status. Please note that this is a pending status until all application requirements of the MRTMA and associated rules are completed. A state license for a marijuana establishment cannot be issued at this stage of the application process. During complete application review, the Agency will consider all information relevant to eligibility including information that has been newly acquired or information that is newly apparent since determination of prequalification status.

If you have not already done so, please submit a marijuana establishment license application (Step 2) for each state license for which you wish to apply. You may submit an application online through the Accela Citizen Access Portal on the Agency website at www.michigan.gov/mra or your application may be submitted by mail or in person as follows:

Mailing Address:

Marijuana Regulatory Agency
Licensing Division
Adult-Use
P.O. Box. 30205
Lansing, MI 48909

In Person:

Marijuana Regulatory Agency
Licensing Division
Adult-Use
2407 North Grand River
Lansing, MI 48906

Sincerely,

Licensing Division
Marijuana Regulatory Agency



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

Reviewer: Tyler Anthony, Planning & Zoning Administrator

Project Information	
Permit # PZCM22-0004	Address 923 Ludington Street
Parcel # 051-010-2930-431-001	Zoning District E3 - Central Commercial
Facility Name Upper Shelf Farms, LLC	
Applicant Name Nilsson Davis	
Property Owner Name Alex Bartelt (A2B Holdings, LLC)	
<input type="checkbox"/> Medical Marihuana Facility <input checked="" type="checkbox"/> Adult Use (Recreational) Marihuana Establishment	
<input type="checkbox"/> Grower – Class A <input type="checkbox"/> Safety Compliance Establishment <input type="checkbox"/> Grower – Class B <input checked="" type="checkbox"/> Provisioning Center/Retailer <input type="checkbox"/> Grower – Class C <input type="checkbox"/> Microbusiness - up to 150 plants (Adult Use Only) <input type="checkbox"/> Excess Marihuana Grower <input type="checkbox"/> Designated Consumption Establishment (Adult Use Only) <input type="checkbox"/> Processor <input type="checkbox"/> Secure Transporter	
Required Documents	
<input checked="" type="checkbox"/> Photocopy of a valid, unexpired driver’s license or state-issued identification card held by all individuals signing this application and... ✓ the applicant if filing as an individual, or ✓ all owners, directors, and officers of the applicant entity if filing as a non-individual.	
<input checked="" type="checkbox"/> (1) physical copy and (1) digital PDF copy of the complete construction drawings, including a Site Plan drawing and Architectural Floor Plans and Elevations, provided by the architect/engineer.	
<input checked="" type="checkbox"/> Copies of all documents issued by the Department of Licensing and Regulatory Affairs (LARA) indicating that the applicant has been prequalified for a state operating license under the Medical Marihuana Facilities Licensing Act (MMFLA) or Michigan Regulation and Taxation of Marihuana Act (MRTMA).	
<input checked="" type="checkbox"/> Any documents required by the Information & Standards Checklist.	
Zoning Compliance and History	
Uses Permitted By Right or By Special Land Use Permit.	<i>Finding:</i> Compliant <i>Comments:</i> Marihuana provisioning centers/retailers are permitted in this zone per §2103.1.F.
Accessory Uses When Located on the Same Lot with the Principal Use.	<i>Finding:</i> Not Applicable <i>Comments:</i> N/A
Setbacks.	<i>Finding:</i> Not Compliant <i>Front:</i> 0’ (5’ max) <i>Left:</i> 0’ (no requirement) <i>Right:</i> 0’ (no requirement) <i>Rear:</i> 0’ (25’ min) <i>Comments:</i> Existing building addition is not included in scope of work. All work done is to the interior of the front retail space.
Encroachments Into Setbacks.	<i>Finding:</i> Not Compliant <i>Comments:</i> Existing false balcony/gallery projects well beyond property line.
Lot Density.	<i>Finding:</i> Compliant <i>Comments:</i> 64% lot density existing (85% max).
Building Height.	<i>Finding:</i> Compliant <i>Maximum Height:</i> 100’ <i>Comments:</i> 26’ existing structure.



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

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Accessory Buildings.	<i>Finding:</i> Not Applicable
	<i>Setbacks & Area:</i> -
	<i>Height:</i> -
	<i>Design & Finish:</i> -
	<i>Comments:</i> -
Previous Violations	<i>Finding:</i> None Recorded
	<i>Comments:</i> -
Development Standards Review	
Is the Information & Standards Checklist complete? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
1802 – Site Plan Diagrams/Requirements.	<i>Finding:</i> Compliant
	<i>Comments:</i> No details on signage are provided, however it must be processed administratively at a later date anyway.
1907.1.A. – Building Orientation.	<i>Finding:</i> Compliant
	<i>Comments:</i> “The primary structure is located on a corner lot, so the main entrance is oriented to face Ludington Street.”
1907.1.B. – Roof Equipment.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No roof-mounted equipment exists, nor is there any proposed.
1907.1.C. – Visual and Sound Mitigation.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No visual and sound mitigation above and beyond that of a typical mercantile use is necessary.
1907.1.D – Emergency Access.	<i>Finding:</i> Compliant
	<i>Comments:</i> Emergency access can be secured to all three sides of the building which do not share a wall with adjacent properties.
1907.1.E – Street Access.	<i>Finding:</i> Compliant
	<i>Comments:</i> The property is directly accessible from Ludington St. and 10 th Ave. S.
1907.1.F. – Circulation System.	<i>Finding:</i> Compliant
	<i>Comments:</i> The property’s limited circulation meshes appropriately with existing patterns common to a downtown area.
1907.1.G. – Non-Motorized Circulation System.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> None required, nor is there a practical application or space for such a system on the property.
1907.1.H. – Parking Areas.	<i>Finding:</i> Compliant
	<i>Comments:</i> Three parking spaces accessible via the adjoining alley are indicated on the drawings, which would be sufficient for employee parking. Public parking may easily be accommodated via street parking at the north and west sides of the property, as well as the numerous parking lots provided by the City and the DDA.
1907.1.I. – Shared Drives.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> None exist, nor are there any proposed.



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

Reviewer: Tyler Anthony, Planning & Zoning Administrator

1907.1.J. – Loading, Unloading, and Storage Areas.	<i>Finding:</i> Further Discussion Recommended
	<i>Comments:</i> The loading/unloading area indicated behind the building is entirely visible from the alley and partially visible from 10 th St., but it is not visible from any residential district. Staff notes that requiring screening would be unreasonable and impractical, especially considering the temporary nature of such activities.
1907.1.K. – Light Sources.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No exterior light fixtures exist, nor are there any proposed.
1907.1.L. – Utilities.	<i>Finding:</i> Compliant
	<i>Comments:</i> Sanitary sewer, water, and natural gas are provided to the site via underground lines. Electric service is provided via an overhead line, entirely standard for properties along Ludington St.
1907.1.M. – Environmental Issues.	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states, “This Section is inapplicable because there are no hazardous substances and potential pollutants will be stored, used, or generated on the Property. [sic]”
1907.1.N. – Tree Preservation Purpose and Intent.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No existing trees are planned to be removed.
1907.1.O. – Storm Water Control Plan.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No concerns expressed during dept. head meeting.
1908 – Development & Design Standards in Certain Districts.	<i>Finding:</i> Not Compliant
	<i>Comments:</i> Nothing is required for this district per §1908, but some standards are listed in §2114. The existing building is currently finished with a deteriorating, brown-painted plywood panel siding, which is not a material compatible with surrounding properties, nor one of a quality satisfactory for a downtown building.
1909 – General Outdoor Lighting Requirements.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No exterior light fixtures exist, nor are there any proposed.
1910 – Screening of Outdoor Storage.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No outdoor storage areas exist, nor are there any proposed.
1911 – Fences/Hedges.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No fences or hedges exist, nor are there any proposed.
1912 – Landscaping, Buffers, and Screening.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> Requirements of this section do not apply to this zoning district.
1913 – Alternative Buffer and Screening Requirements.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> See above.
Special Land Use Review	
205.6.2. – Screening.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No visual and sound mitigation above and beyond that of a typical mercantile use is necessary.



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

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205.6.3. – Odor.	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states, “Upper Shelf is committed to minimizing the impact of any increased odor on the nearby community and surrounding business and will take commercially reasonable measures to ensure that odor is not detectable outside of the Building or Property, including air filters rated at three hundred (300) CFM or more with ninety to one hundred percent (90-100%) carbon as the activated ingredients and double caulking and/or tightly fitted/secured.”
205.6.5. – Disposal.	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states, “This Section is inapplicable because Upper Shelf will not be cultivating marihuana.”
205.6.7. – Signage.	<i>Finding:</i> Not Applicable
	<i>Comments:</i> No signage designs were provided. Regardless, such designs must be approved through a separate permitting process.
205.6.8. – Minimum Distancing Regulations.	<i>Finding:</i> Compliant
	<i>Comments:</i> Proposed establishment is approximately 1,976 ft from the nearest public or private K-12 school as measured to the property line.
205.6.9.1. – Product Visibility from Exterior.	<i>Finding:</i> Compliant
	<i>Comments:</i> The sales area is not visible from the exterior, as it has no windows or exterior doors. A waiting/check-in room is situated between the building entrance, which has storefront windows, and the sales area. Applicant states, “The interior of Upper Shelf will be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.”
205.6.9.2. – On-Premises Consumption.	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states, “Consumption of marihuana will be prohibited in the retail establishment, and a sign will be posted on the premises of each retail center indicating that consumption is prohibited on the premises.”
205.6.9.3. – Surveillance Systems.	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states, “Upper Shelf will continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. Video recordings from the security cameras will be maintained in a secure, off-site location for a period of 14 days.”
205.6.9.4. – Separation of Public Space.	<i>Finding:</i> Compliant
	<i>Comments:</i> Per the drawings, all public areas are physically separate from restricted areas of the establishment. Applicant states, “The public or common areas of retail establishment [sic] will be separated from restricted or non-public areas of the marihuana establishment.”
205.6.9.5. – Drive-Through Windows.	<i>Finding:</i> Compliant
	<i>Comments:</i> No drive-through window is planned.
205.6.9.6. – Alcohol and Tobacco Sales	<i>Finding:</i> Compliant
	<i>Comments:</i> Applicant states. “Upper Shelf will not allow the sale, consumption, or use of alcohol or tobacco products on the premises.”
205.6.9.7. – Design Compatibility with Surroundings.	<i>Finding:</i> Further Discussion Recommended
	<i>Comments:</i> While generally compatible with its surroundings, the ground floor is noticeably more opaque than neighboring structures. This lack of opacity is very



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

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	<p>apparent along Ludington Street, where the easternmost 25’ of façade is a blank concrete masonry wall painted brown. Some landscaping is provided behind a picket fence within a small setback between said wall and the sidewalk to soften the impact of this wall’s large, uninterrupted surface. Despite this gesture, the monotonous wall’s visual impact is still very apparent.</p>
205.6.9.8. – Minimum Building Articulation.	<p><i>Finding:</i> Compliant</p>
	<p><i>Comments:</i> No building bays exceed 30’ in width. No wall that faces a street or walkway has a blank, uninterrupted length exceeding 30’ in width. All sides of the building include material and design characteristics consistent with those on the front of the building.</p>
205.6.9.9. – Facades.	<p><i>Finding:</i> Compliant</p>
	<p><i>Comments:</i> Façades which face streets and connecting pedestrian frontage are subdivided and proportioned along no less than 50% of their length.</p>
205.6.9.10. – Entrances.	<p><i>Finding:</i> Compliant</p>
	<p><i>Comments:</i> The entrance is sheltered by both a false balcony and inset within an alcove in the façade.</p>
205.6.9.11. – Windows.	<p><i>Finding:</i> Compliant</p>
	<p><i>Comments:</i> Applicant states, “The windows of the Building will have clear glass.”</p>
205.6.9.12. – Awnings.	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> No awnings are proposed, nor are there any existing.</p>
205.6.9.13. – Base and Top Treatments.	<p><i>Finding:</i> Not Compliant</p>
	<p><i>Comments:</i> No recognizable “base” is provided. A recognizable “top” is somewhat provided as the sloping roof has some overhangs, but is otherwise not compliant.</p>
205.6.9.14. – Architectural Encroachments.	<p><i>Finding:</i> Compliant</p>
	<p><i>Comments:</i> Existing false balcony/gallery has vertical clearance greater than 8’.</p>
205.6.10.1. – Growers: Odor Control Measures.	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> Not a grower.</p>
205.6.10.2. – Growers: Cultivation Structure	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> Not a grower.</p>
205.6.10.3. – Growers: Cultivation Impact on Sanitary Sewer.	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> Not a grower.</p>
205.6.11.1. – Processors: Cultivation Impact on Sanitary Sewer.	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> Not a processor.</p>
205.6.12.1. – Safety Compliance Facilities: Cultivation Impact on Sanitary Sewer.	<p><i>Finding:</i> Not Applicable</p>
	<p><i>Comments:</i> Not a safety compliance facility.</p>



STAFF REPORT - MARIHUANA SPECIAL LAND USE PERMIT

For review by the Planning Commission on January 13, 2022

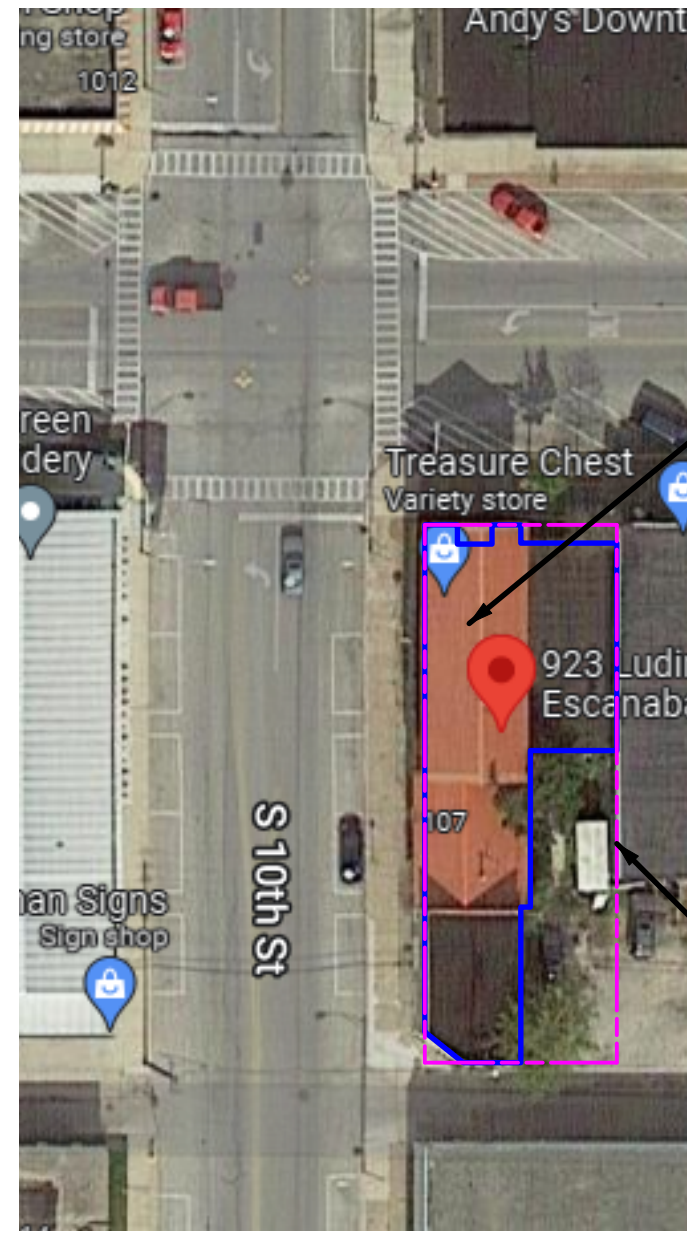
Reviewer: Tyler Anthony, Planning & Zoning Administrator

Review Procedure	
1803.1.1.2. – Application	The applicant submitted the complete application and fee for site plan consideration on or prior to the 21-day deadline.
	Finding: Compliant Date: 11/18/2022
1802.2. – Site Plan Diagram Requirements, 1803.1.1.3. – Official Review	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
	Finding: Compliant Date: 11/28/2022
1803.1.1.3. – Official Review, 1905 – Administration, Duties, and Responsibilities	Plans were circulated to Department Heads for review on the listed date. No concerns or comments were expressed.
	Finding: Compliant Date: 12/1/2022
1803.1.1.4. – Approval; Referral, 1803.3. – Site Plan Approval	Being deemed complete, the proposal is referred to the Planning Commission for approval/denial within 45 days of submission.
	Finding: Compliant Date: 12/21/2022
205.4. – Notices	All notification requirements of the Ordinance have been fulfilled as follows: <input checked="" type="checkbox"/> Daily Press Newspaper Publishing Date: 12/22/2022 <input checked="" type="checkbox"/> All neighbors within 300’ Postage Date: 12/20/2022 <input checked="" type="checkbox"/> City of Escanaba Website and Facebook Page Notice Date: 1/5/2023
	Finding: Compliant
1803.1.1.4. – Approval; Referral, 1803.3. – Site Plan Approval	Being deemed complete, the proposal is referred to the Planning Commission for approval/denial within 45 days of submission.
	Respectfully,  Tyler Anthony, Planning & Zoning Administrator
	Date: 12/22/2022

NILSSON DAVIS BUILDING RENOVATION DISPENSARY 923 LUDINGTON STREET ESCANABA, MICHIGAN 49829

THE OWNER AGREES TO INDEMNIFY AND HOLD MOUNTAIN ENGINEERING, INC. HARMLESS FROM ANY DAMAGE, LIABILITY OR COST, INCLUDING ATTORNEY'S FEES AND COST OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN MOUNTAIN ENGINEERING, INC., OR FROM ANY REUSE OF THE DRAWINGS AND DATA WITHOUT THE PRIOR WRITTEN CONSENT OF MOUNTAIN ENGINEERING, INC.

MOUNTAIN ENGINEERING, INC.
5045 132nd Trail NW, #101
Williston, North Dakota 58801
Phone: (906)779-5762 Fax: (906)779-5769 Email: mtnengr@mteng.net



PROJECT LOCATION

PROPERTY LINE

1 AERIAL PLAN
Scale: 1" = 50'-0"

PROJECT DESCRIPTION / DESIGN NOTES:

THE PROJECT CONSISTS OF THE RENOVATION OF THE EXISTING RETAIL SPACE. THERE WILL BE NO STRUCTURAL CHANGES TO THE BUILDING OR CHANGES TO THE EXTERIOR OR EXTERIOR FOOTPRINT.

BUILDING CODES:

- 2015 MICHIGAN BUILDING CODE
- 2015 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS
- 2017 MICHIGAN PART 8. ELECTRICAL CODE
- 2015 MICHIGAN MECHANICAL CODE
- 2015 MICHIGAN PLUMBING CODE
- 2015 MICHIGAN UNIFORM ENERGY CODE
- ICC/ANSI A117.1-2009
- 2015 NFPA

BUILDING CONSTRUCTION TYPE: VB
EXISTING BUILDING USE GROUP : M
PROPOSED BUILDING USE GROUP : M

TOTAL PROJECT AREA: 2,981 S.F.
OCCUPANT LOAD: 50 PEOPLE

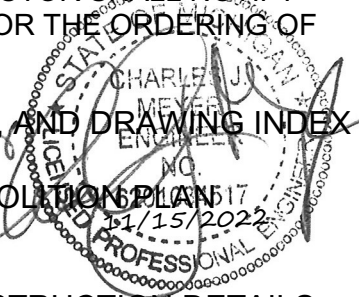
NOTES:

THE CONTRACTOR SHALL FURNISH ALL LABOR, TOOLS, AND EQUIPMENT NECESSARY FOR THE PROPER EXECUTION OF THE WORK IN ACCORDANCE WITH LOCAL, STATE AND NATIONAL CODES AND COMPLETE THE PROJECT IN AN ACCEPTABLE MANNER, READY FOR USE, OCCUPANCY AND OPERATION BY THE OWNER.

THE BUILDING CONTRACTOR SHALL FIELD VERIFY ALL BUILDING DIMENSIONS WITH THE DRAWING DIMENSIONS. IF A CONFLICT IS FOUND OR IF FIELD CHANGES ARE MADE THAT DEVIATE FROM THE PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY, PRIOR TO CONSTRUCTION OR THE ORDERING OF ANY MATERIALS.

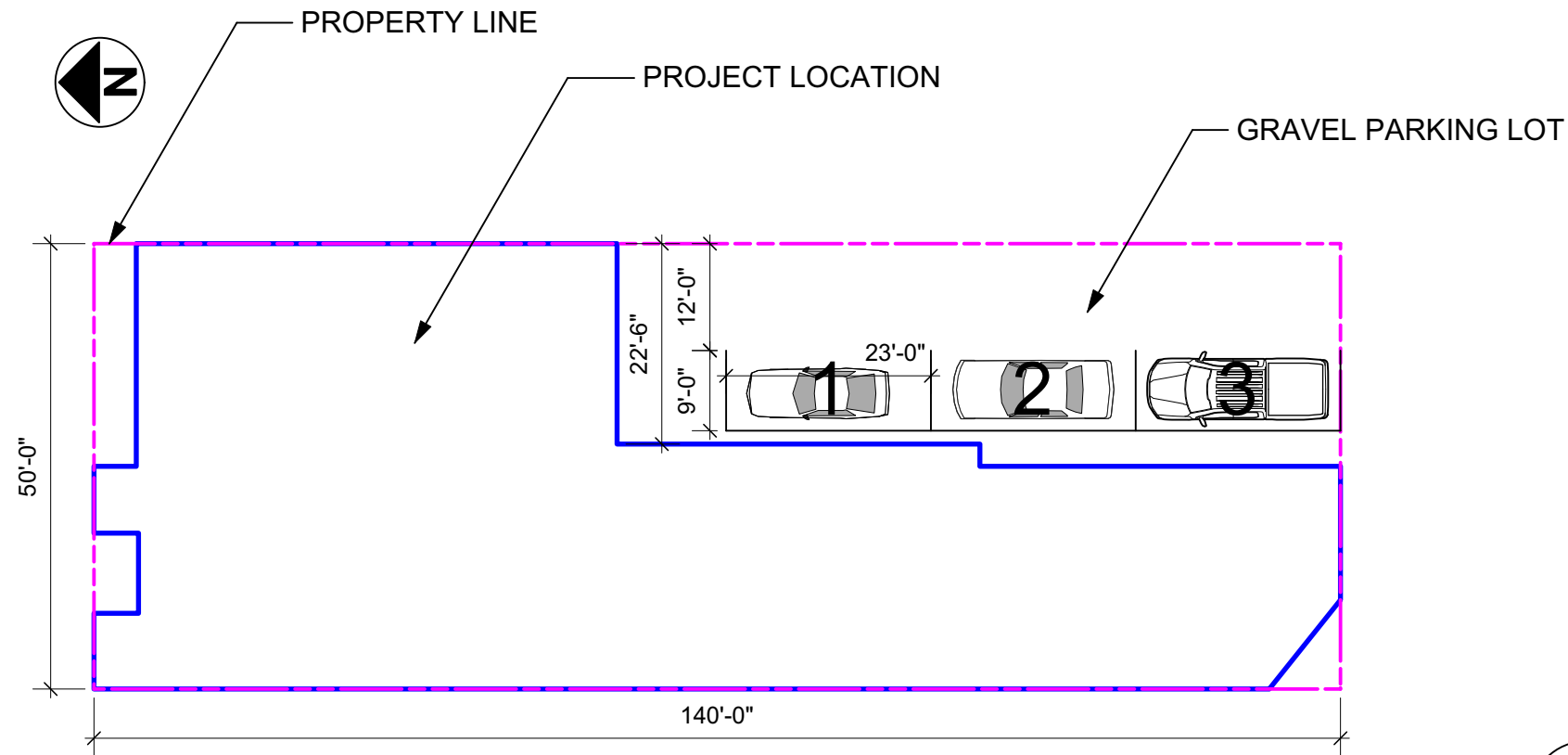
DRAWING INDEX:

1. TITLE SHEET, AERIAL VIEW, AND DRAWING INDEX
2. SITE PLAN AND PARKING
3. EXISTING FLOOR AND DEMOLITION PLANS
4. PROPOSED FLOOR PLAN
5. FURNITURE PLAN
6. WALL SECTIONS AND CONSTRUCTION DETAILS
7. ADA BATHROOM DETAILS
8. ADA DOOR SWING DETAILS



NILSSON DAVIS DISPENSARY 923 LUDINGTON STREET ESCANABA, MICHIGAN 49829	TITLE SHEET, AERIAL VIEW, AND DRAWING INDEX
DRAWING: 221115	
DRAWN BY: CM/JS/MP	
REVIEWED BY: CJM	
DATE: 11/15/2022	
SHEET SCALE: AS NOTED	
SHEET NO.: 1	

THE OWNER AGREES TO INDEMNIFY AND HOLD MOUNTAIN ENGINEERING, INC. HARMLESS FROM ANY DAMAGE, LIABILITY OR COST, INCLUDING ATTORNEY'S FEES AND COST OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN MOUNTAIN ENGINEERING, INC., OR FROM ANY REUSE OF THE DRAWINGS AND DATA WITHOUT THE PRIOR WRITTEN CONSENT OF MOUNTAIN ENGINEERING, INC.



1 SITE PLAN AND PARKING
Scale: 1" = 20'-0"



2 REAR AND SIDE (SOUTH) BUILDING VIEW
Scale: N.T.S.



THE FRONT WINDOWS AND DOOR WILL BE SCREENED TO PREVENT PEOPLE FROM SEEING INSIDE THE BUILDING.

3 FRONT (NORTH) BUILDING VIEW
Scale: N.T.S.



THE SIDE WINDOW WILL BE SCREENED TO PREVENT PEOPLE FROM SEEING INSIDE THE BUILDING.

4 SIDE (WEST) BUILDING VIEW
Scale: N.T.S.

MOUNTAIN ENGINEERING, INC.
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E-mail: mtengeering@mteng.net

NILSSON DAVIS
DISPENSARY 923 LUDINGTON STREET
ESCANABA, MICHIGAN 49829
SITE PLAN AND PARKING

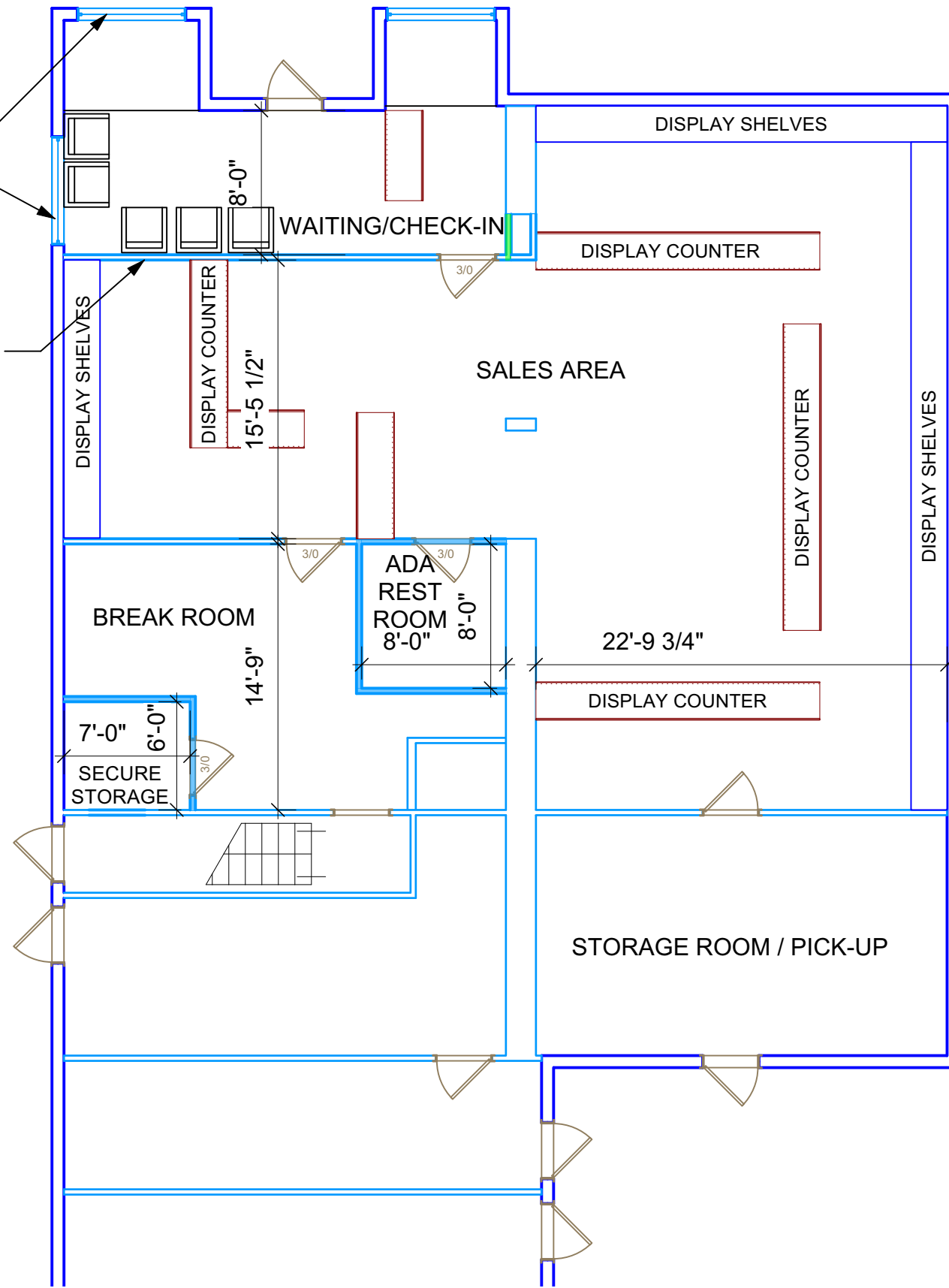
DRAWING: 221115
DRAWN BY: CM/JS/MP
REVIEWED BY: CJM
DATE: 11/15/2022
SHEET SCALE: AS NOTED
SHEET NO.:

THE OWNER AGREES TO INDEMNIFY AND HOLD MOUNTAIN ENGINEERING, INC. HARMLESS FROM ANY DAMAGE, LIABILITY OR COST, INCLUDING ATTORNEY'S FEES AND COST OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN MOUNTAIN ENGINEERING, INC., OR FROM ANY REUSE OF THE DRAWINGS AND DATA WITHOUT THE PRIOR WRITTEN CONSENT OF MOUNTAIN ENGINEERING, INC.



THE FRONT AND SIDE WINDOWS SHALL REMAIN CLEAR

THE SALES AREA WILL BE SCREENED FROM THE EXTERIOR WINDOWS BY THE PROPOSED WAITING/CHECK-IN ROOM WALLS,



NOTES:

1. OWNER MAY CHANGE FURNITURE LAYOUT AS NEEDED.
2. MIN. 36" WIDE EGRESS PATHS TO THE TWO EXITS SHALL BE MAINTAINED.

1 FURNITURE PLAN
Scale: 1/8" = 1'-0"

MOUNTAIN ENGINEERING, INC.
5045 132nd Trail NW, #101
Williston, North Dakota 58801
Phone: (906)779-5769 Fax: (906)779-5769
E-mail: mtengeering@mteng.net

NILSSON DAVIS
DISPENSARY 923 LUDINGTON STREET
ESCANABA, MICHIGAN 49829
FURNITURE PLAN

DRAWING: 221117
DRAWN BY: CM/JS/MP
REVIEWED BY: CJM
DATE: 11/17/2022
SHEET SCALE: AS NOTED
SHEET NO.:

Precision Technology Services, LLC

P.O. Box 911

Iron Mountain, MI 49801

Phone: (906) 221-5395

Email: adamlucas@precisiontechnology.org

To whom it may concern,

This letter is to inform you that Elevated Exotics. has contacted Precision Technology Services, LLC to provide security services for a potential new location in Escanaba, MI. We have worked with Elevated Exotics previously at their Republic, MI location. We have maintained a good working relationship with the State of MI inspectors and are dedicated to meeting and exceeding all State and Local requirements.

Precision Technology Services, LLC is a locally owned and operated security installation company serving Upper Michigan and Wisconsin. As the owner of Precision, I have over 20 years of industry experience and have been proudly in business for over 13 years. With experience in industrial, commercial and residential installations, you can be assured the Precision team will install and service all systems for years to come.

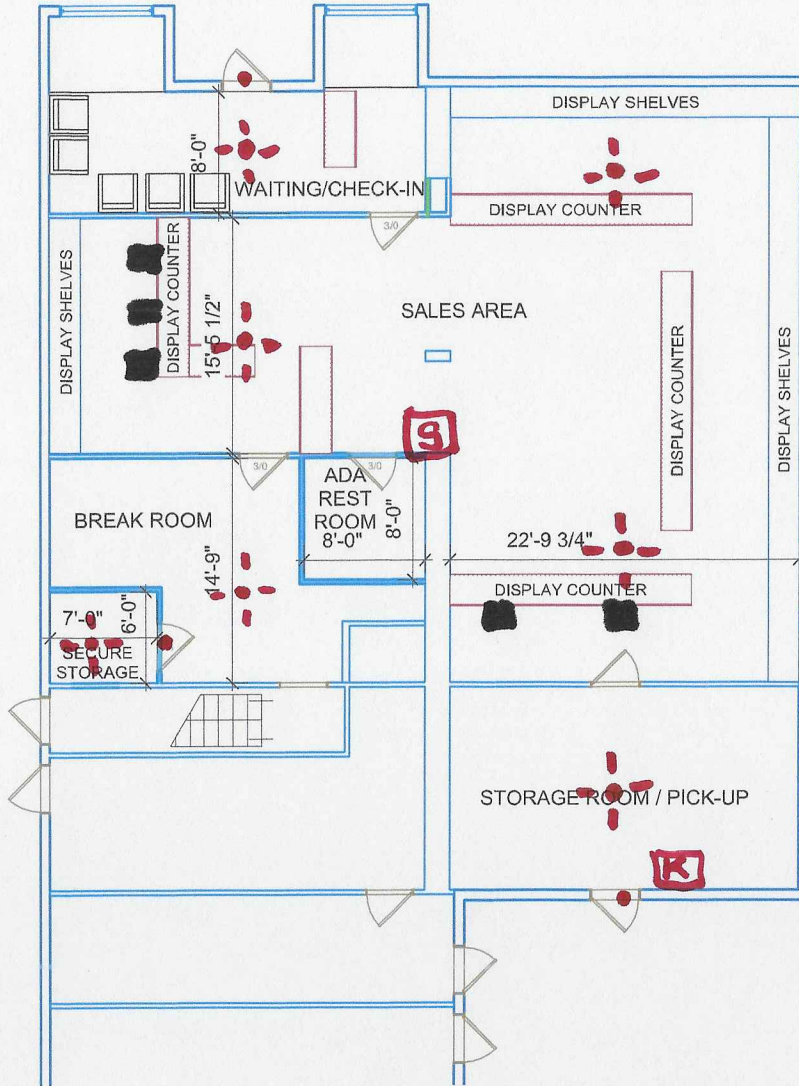
To ensure all security communication is handled professionally, Precision Technology Services has partnered with WH International Response Center out of Rockford, MN. WH is a UL listed monitoring central station that has a 24/7 staff of emergency operators. WH continues to invest in their business to ensure they are staying current with all of the newest technology. You can be assured that in the event of an emergency response, our alarm systems do not rely on an individual to answer the phone but a professional group of people trained to work with local authorities.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam Lucas', with a long horizontal flourish extending to the right.

Adam Lucas
Owner

THE OWNER AGREES TO INDEMNIFY AND HOLD MOUNTAIN ENGINEERING, INC. HARMLESS FROM ANY DAMAGE, LIABILITY OR COST, INCLUDING ATTORNEY'S FEES AND COST OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN MOUNTAIN ENGINEERING, INC. OR FROM ANY REUSE OF THE DRAWINGS AND DATA WITHOUT THE PRIOR WRITTEN CONSENT OF MOUNTAIN ENGINEERING, INC.



1 FURNITURE PLAN
Scale: 1/8" = 1'-0"

Security Alarm

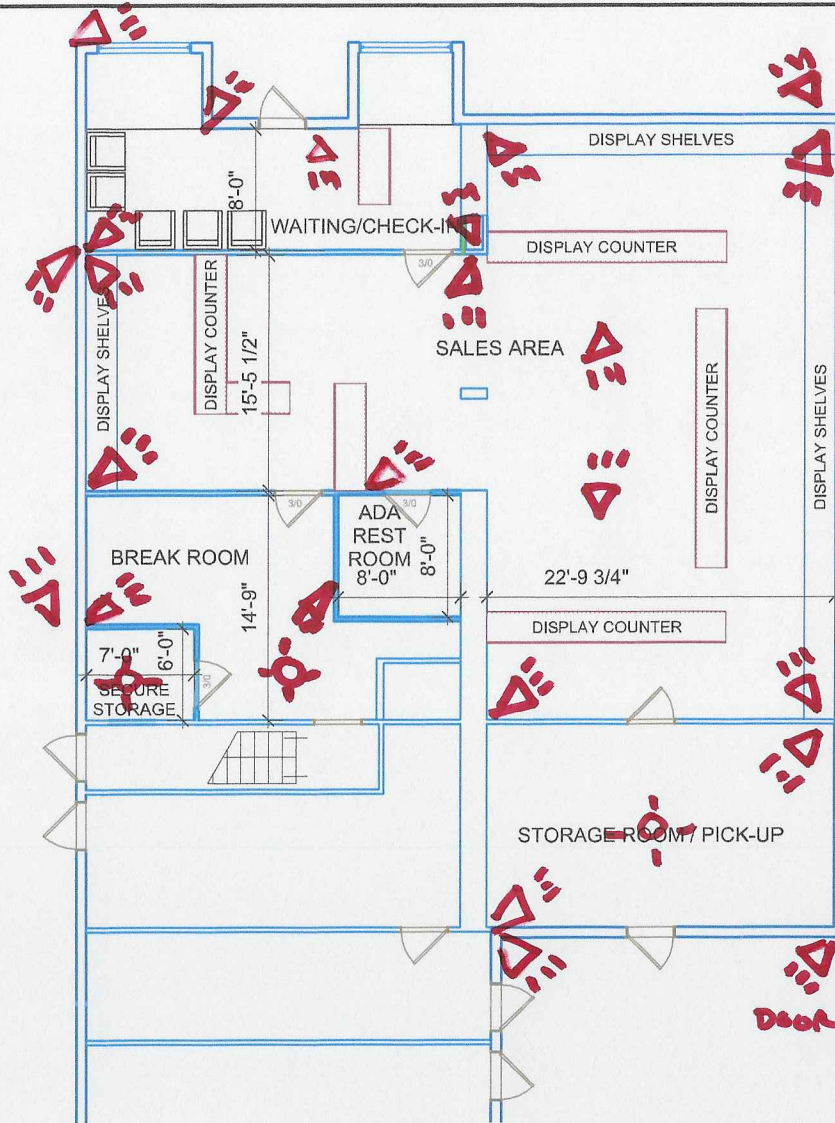
- K Keypad (1)
- S Siren (1)
- ⋈ Motion Detector (7)
- Door Contact (3)
- Panic Button (5)

MOUNTAIN ENGINEERING, INC.
5045 132nd Trail NW, #401
Williston, North Dakota 58901
Phone: (701) 775-5762 Fax: (701) 775-5769
Email: mte@mountaineng.com

NILSSON DAVIS
DISPENSARY 923 LUDINGTON STREET
ESCANABA, MICHIGAN 49829
FURNITURE PLAN

DRAWING: 221115
DRAWN BY: CM/JS/MP
REVIEWED BY: CJM
DATE: 11/15/2022
SHEET SCALE: AS NOTED
SHEET NO.: 5

THE OWNER AGREES TO INDEMNIFY AND HOLD MOUNTAIN ENGINEERING, INC. HARMLESS FROM ANY DAMAGE, LIABILITY OR COST, INCLUDING ATTORNEY'S FEES AND COST OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN MOUNTAIN ENGINEERING, INC., OR FROM ANY REUSE OF THE DRAWINGS AND DATA WITHOUT THE PRIOR WRITTEN CONSENT OF MOUNTAIN ENGINEERING, INC.



1 FURNITURE PLAN
Scale: 1/8" = 1'-0"

△ = Parking

Surveillance

△ = Camera

○ = 360° Fisheye Camera

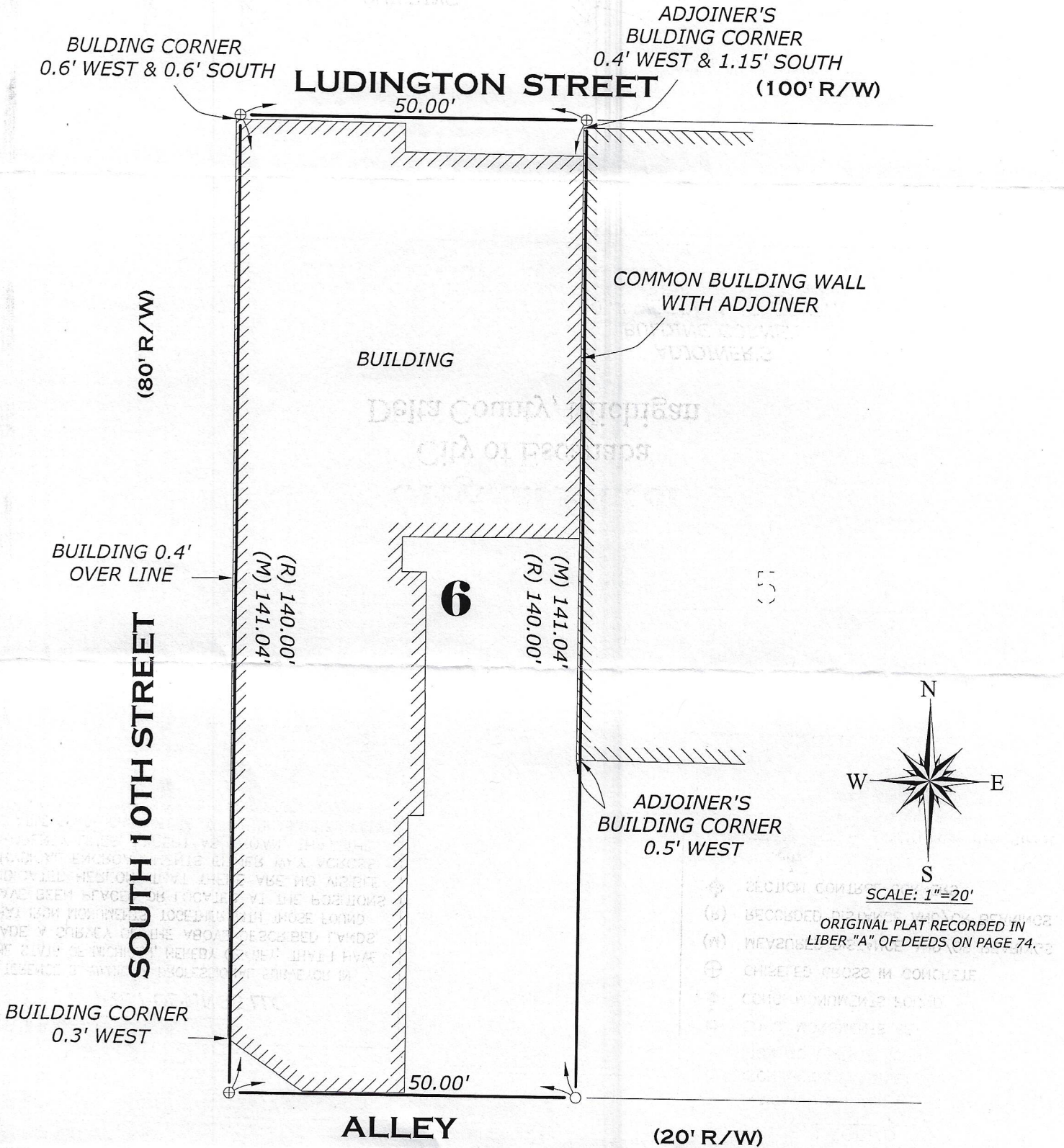
MOUNTAIN ENGINEERING, INC.
329 Paradise Street
Kingsford, Michigan 49802
Phone: (989) 779-5752 Fax: (989) 779-5789 Email: mte@mountaineng.net

NILSSON DAVIS
DISPENSARY 923 LUDINGTON STREET
ESCANABA, MICHIGAN 49829

DRAWING: 221115
DRAWN BY: CM/JS/MP
REVIEWED BY: CJM
DATE: 11/15/2022
SHEET SCALE: AS NOTED
SHEET NO.: 5

FURNITURE PLAN

Plat of Survey of
Lot 6 of Block 55 of
Original Plat of
 City of Escanaba
 Delta County, Michigan

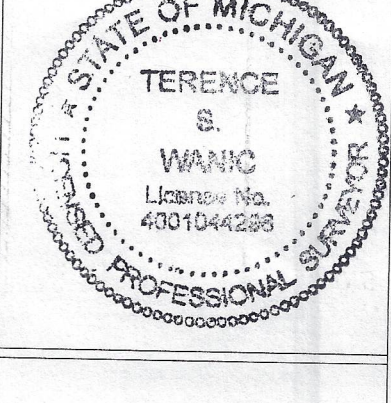


ORIGINAL PLAT RECORDED IN
 LIBER "A" OF DEEDS ON PAGE 74.

SURVEY FOR **A2B HOLDINGS LLC**
 SUBJECT **BOUNDARY SURVEY**
 DATE OF SURVEY **NOVEMBER 10, 2022**
 DATE OF MAPPING **NOVEMBER 10, 2022**

JOB NUMBER **22502-2211**
ORIGINAL

CERTIFICATE OF SURVEY TO:
A2B HOLDINGS LLC
 I, TERENCE S. WANIC, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY; THAT I HAVE MADE A SURVEY OF THE ABOVE DESCRIBED LANDS, THAT IRON MONUMENTS, TOGETHER WITH THOSE FOUND HAVE BEEN PLACED OR LOCATED AT THE POSITIONS INDICATED HEREON; THAT THERE ARE NO VISIBLE PHYSICAL ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES, EXCEPT AS SHOWN, THAT THE RELATIVE ERROR OR CLOSURE OF THE UNADJUSTED FIELD MEASUREMENTS OF THE SURVEY IS LESS THAN THE RATIO OF 1 PART IN 10,000.
Terence S. Wanic 11/10/22
 TERENCE S. WANIC, Professional Surveyor No. 44296



LEGEND

- INDICATES A LINE NOT DRAWN TO SCALE
- IRON MONUMENTS SET
- IRON MONUMENTS FOUND
- CONC. MONUMENTS SET
- CONC. MONUMENTS FOUND
- ⊕ CHISELED CROSS IN CONCRETE
- (M) MEASURED DISTANCE AND/OR BEARINGS
- (R) RECORDED DISTANCE AND/OR BEARINGS
- ⊕ SECTION CONTROL CORNERS

DAVIS WANIC
 LAND SURVEYORS, P.C.

1410 Ludington Street
 Escanaba, Michigan 49829
 Phone (906)786-1755,
 Fax 786-6487
 info@daviswanic.com



December 20, 2022

«Owner_Name»
«Address_Owners»
«City_Owners», «State_Owners» «Zip_Code_Owners»

RE: Public Hearing Notification & Invitation to Comment

Dear Property Owner:

You are receiving this letter because your property at «Address_Physical» is within 300 feet of a project scheduled for a Public Hearing and Site Plan Review before the Planning Commission on **Thursday, January 12, 2023 at 6:00pm** at Escanaba City Hall, 410 Ludington Street.

**Special Land Use Review—923 Ludington Street
Upper Shelf Farms, LLC.—Marihuana Retail Establishment**

One week prior to the meeting, a copy of the project plans can be viewed in the agenda packet on our website at escanaba.org or can also be viewed at City Hall, Second Floor, 410 Ludington Street, Escanaba, MI, Monday through Friday, 7:30am to 4:00pm.

You are invited to attend this meeting should you have any interest in this project. If you have comments, but are unable to attend, please submit your written comments to the Planning & Zoning Department prior to Thursday, January 12, 2023. All written and signed comments will be entered into the public record.

The City of Escanaba will provide all necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon five days' notice to the City of Escanaba Clerk's Office by writing or calling (906) 786-9402.

Sincerely,

Tyler Anthony, Planning & Zoning Administrator
on behalf of the Escanaba Planning Commission

PROOF OF SERVICE – MAILING	
This document was enclosed in sealed envelope, first class postage fully prepaid, and deposited in the U.S. Government Mail.	
Addressee(s):	Assessed Property Owner/Occupant 300' Radius of 923 Ludington Street
Mailing Date:	December 20, 2022
Attested To By:	Heather Calouette City of Escanaba - City Hall

300' Radius from 923 Ludington Street



Address (Physical)	Owner Name	Parcel - Radius Report 2 Address (Owner's)	City (Owner's)	State (Owner's)	Zip Code (Owner's)
112 N 11TH ST	TRIAD INVESTMENT PROPERTIES LLC	5808 G.5 RD	ESCANABA	MI	49829-9733
113 N 10TH ST PARKING AREA	CITY OF ESCANABA	410 LUDINGTON ST	ESCANABA	MI	49829-3924
1016 LUDINGTON ST	BYWAY LLC	505 S 14TH ST	ESCANABA	MI	49829-3324
111 N 10TH ST	DDA	1025 LUDINGTON ST	ESCANABA	MI	49829-3501
1006 LUDINGTON ST	ROGERS DANIEL JR & SHALA	6672 0.65 RD	GLADSTONE	MI	49837
1000 LUDINGTON ST	NC LAUERMAN LLC	9089 BLUEBERRY 23.5 LN	GLADSTONE	MI	49837-2775
1012 LUDINGTON ST	DIOCESAN COUNCIL OF MARQUETTE	2119 PRESQUE ISLE AVE	MARQUETTE	MI	49855-1727
112 N 10TH ST	MICHEAU RICHARD	922 LUDINGTON ST	ESCANABA	MI	49829-3827
919 1ST AVE N	ROGERS STEVEN A	919 1ST AVE N	ESCANABA	MI	49829-3850
919 1ST AVE N	ROGERS STEVEN A	919 1ST AVE N	ESCANABA	MI	49829-3850
915 1ST AVE N	CITY OF ESCANABA	410 LUDINGTON ST	ESCANABA	MI	49829-3924
913 1ST AVE N	CITY OF ESCANABA	410 LUDINGTON ST	ESCANABA	MI	49829-3924
909 1ST AVE N	CITY OF ESCANABA	410 LUDINGTON ST	ESCANABA	MI	49829-3924
922 LUDINGTON ST	MICHEAU RICHARD	922 LUDINGTON ST	ESCANABA	MI	49829-3827
918 LUDINGTON ST	ECONOMOS CHRIS & LEIA LIV TRUST	1652 16TH AVE S	ESCANABA	MI	49829-2046
916 LUDINGTON ST	SULLIVAN ROBERT	2552 US HIGHWAY 41 W STE 100	MARQUETTE	MI	49855-2292
914 LUDINGTON ST	YOOOPER RENTALS LLC	201 S 3RD ST	ESCANABA	MI	49829
908 LUDINGTON ST	TRAUB JESSE & BENDER REBECCA	908 LUDINGTON ST	ESCANABA	MI	49829-3827
906 LUDINGTON ST	LUFT JOHN A & SHANNEN M LE	906 LUDINGTON ST	ESCANABA	MI	49829-3827
904 LUDINGTON ST	JAKL PROPERTIES LLC	6374 DANFORTH M.15 BLVD	ESCANABA	MI	49829-9409
111 N 9TH ST	WENDT KEVIN D & ANN M	517 OGDEN AVE	ESCANABA	MI	49829-3929
900 LUDINGTON ST	MARVIC PAULA A & HURLEY SUE/O % SUE HURLEY	5457 PORTAGE POINT 11.4 LN	ESCANABA	MI	49829-9673
912 LUDINGTON ST	FUCHAMP HOLDINGS LLC	912 LUDINGTON ST	ESCANABA	MI	49829-3827
1017 LUDINGTON ST	QUALITY SEW & VAC LLC	1701 MONTANA AVE	GLADSTONE	MI	49837-1235
1015 LUDINGTON ST	2 LANE PROPERTIES LLC	7722 SUMMIT 19.55 DR	GLADSTONE	MI	49837-2455
1013 LUDINGTON ST	THE BEATEN PATH LLC	1015 LUDINGTON ST	ESCANABA	MI	49829-3559
1011 LUDINGTON ST	JENSEN GREGORY J/O RETAIL	1011 LUDINGTON ST	ESCANABA	MI	49829-3516
1009 LUDINGTON ST	SCHWALBACH KENNETH JR	1009 LUDINGTON ST	ESCANABA	MI	49829-3501
1007 LUDINGTON ST	WOERPEL PROPERTIES LLC/O RETAIL	1007 LUDINGTON ST	ESCANABA	MI	49829-3501
1005 LUDINGTON ST	YOUNG AMBER & BENDER JARED	3947 9TH LN	BARK RIVER	MI	49807-9651
1001 LUDINGTON ST	RENTAL ON LUDINGTON LLC	6435 K.5 RD	ESCANABA	MI	49829-9781
121 S 11TH ST	MARINA COMPANY/O ENGINEER OFFICE	121 S 11TH ST	ESCANABA	MI	49829-3408
1010 1ST AVE S	CITY OF ESCANABA	410 LUDINGTON ST	ESCANABA	MI	49829-3924
112 S 10TH ST	PLAYERS DE NOC INC	PO BOX 45	ESCANABA	MI	49829-0045
114 S 10TH ST	TACKMAN STEVEN J	10 WATERFORD AVE	GLADSTONE	MI	49837-2485
1000 1ST AVE S	SEBECK JAMIE MICHAEL & LORI ANN	1000 1ST AVE S	ESCANABA	MI	49829-3450
923 LUDINGTON ST	PRIES DAVID O & BYUNG SUN/O TREASURE CHEST	923 LUDINGTON ST	ESCANABA	MI	49829-3804
919 LUDINGTON ST	GARTLAND DALE & HEIDI WISHFUL THINKING / SUNSATIONS	4160 12TH RD	ESCANABA	MI	49829-9604
907 LUDINGTON ST	PENCOM DEVELOPMENT CORPORATION	PO BOX 297	ESCANABA	MI	49829-0297
901 LUDINGTON ST	AT & CO ESCANABA REAL ESTATE	901 LUDINGTON ST	ESCANABA	MI	49829-3804
113 S 10TH ST	BITTNER DENNIS & SALLY O	PO BOX 713	ESCANABA	MI	49829-0713
909 LUDINGTON ST	MALMSTEN BRIAN M	11992 US HIGHWAY 41	RAPID RIVER	MI	49878-9737
917 LUDINGTON ST	MOYLE DAVID	917 LUDINGTON ST	ESCANABA	MI	49829-3805
112 S 9TH ST	MEAD JOSEPH D & RACHELLE	13110 NW GERMANTOWN RD	PORTLAND	OR	97231-2710
900 1ST AVE S	COOLMAN PROPERTIES LLC	400 S 10TH ST	ESCANABA	MI	49829-3327
1005 1ST AVE S	MICHIGAN BELL TELEPHONE	1005 1ST AVE S	ESCANABA	MI	49829-3401
205 S 10TH ST	GAGNE MIKL D & MISHA D	325 S 17TH ST	ESCANABA	MI	49829-2633
915 1ST AVE S	SCHLENOGT PETER & ELIZABETH	915 1ST AVE S	ESCANABA	MI	49829-3705
911 1ST AVE S	MCKINLEY MATTHEW	2601 ASHMUN ST	SAULT SAINTE MARIE	MI	49783-3711

Creativity, functionality both matter in playroom decor

By Kim Cook

Associated Press

Go bold. Stay practical. Think long-term.

These are among the tips offered by interior decorators for creating a fresh, fun — even inspiring — playroom for kids.

FOSTER CREATIVITY
“I love bold choices in a playroom,” says Mel Bean, a designer in Tulsa, Oklahoma.

In one client’s theater room, for example, “we used a high-contrast carpet as a real show-stopper,” she says. “Another space uses black and white walls and floors as a backdrop for colorful art supplies, chairs, books and paintings.” Yet another playroom she is working on “includes a stunning, green-marble-slatted wet bar with navy cabinetry, multiple television screens, and something for all ages, from a play kitchen to gaming.”

Los Angeles designer Kate Lester has a similar approach: “Don’t take the space too seriously — have fun with it,” she says. “Wallpaper the whole room, or paint the ceiling.”

Lester favors a light-filled palette and livable furniture. She recently completed a safari-themed play space for a family with 6 and 8 year olds. Papier-mache animal-head sculptures adorn the walls, which are covered in a cool, black-and-white



AP photo

This undated photo provided by Tulsa-based designer Mel Bean shows a playroom she designed in Grand Lake, Okla. Bean maximized this Grand Lake playroom by building in lots of sleepover space around the perimeter. Bean has a tip for families planning playroom spaces. “Avoid themes and plan for versatility and flexibility. Some of the things your kids are into now will be long forgotten within a year or two, so don’t limit your future options. This applies to colors, art, but also furniture layout and selection.”

zebra print. Peel-and-stick carpet tiles make for soft lounging, and individual squares can be replaced if they get stained. The vibe is easygoing, yet the aesthetic is chic.

Lester recommends a “high/low” formula: investing in a good built-in storage piece, for example, and then including affordable pieces from Target, IKEA, etc. She likes to buy fun, printable art

online, as well.

Bean recently completed a teen-friendly room in Grand Lake, Oklahoma, with multiple bunk beds and a communal gathering space.

Jenny Reimold, a designer and former teacher, likes to create playrooms that contain both imaginative spaces and opportunities for learning. She’ll bring in pieces like an industrial-look storage container with labeled basket

liners, so kids can store their reading and writing materials. As in a classroom, she’ll designate areas in a room for art and imaginative play, and include pieces like a wooden lemonade stand.

— — —
KEEP THINGS FUNCTIONAL

Hardiness matters when furnishing a playroom. Lester puts removable floor tiles in almost every

kids’ playroom she designs. They’re a durable and affordable alternative to a traditional rug, she says, and “can be laid out in custom designs.” There are also removable vinyl tiles in a variety of patterns; just peel and stick.

She cautions homeowners to think twice about whether things that look cool are actually practical.

“An 8-by-10-inch chalk wall may look cool on Instagram, but how does it work if you have three toddlers and white sofas?” she asks. “Integrating wow-factor that’s also functional is a must.”

Mixed storage is always helpful, with open bins and drawers.

“Rolling bins are great under a window seat — they can be rolled out for play, then filled up with toys and rolled back under the seat,” says designer Jess Cooney of Great Barrington, Massachusetts.

She’s fine with that chalkboard wall, but advises getting chalk pens to avoid dust.

She also recommends performance fabrics, such as indoor/outdoor rugs, in craft areas. “They can be bleached, or hosed off outside,” she says.

For teens and older kids, being plugged in is key. Cooney tries to incorporate connectivity for video, music and gaming in a stylish but practical way, housing all the tech equipment in a closet that little ones can’t get to,

and having one universal remote for the TV, so you can control the content.

— — —
ROOM TO GROW

Plan for the future use of the space. “Give the room the ability to grow and transition with your children,” says Lester. She suggests “play tables that can turn into homework stations, or pin boards that can display art but also calendars and schedules.”

Wallpaper choices these days include stylized and sophisticated prints that work for kids’ rooms and also any other room in the home.

And consider furniture that kids can grow into too: “A pull-out sofa is great for sleepovers down the road as kids grow,” says Cooney.

While some kid-size furniture can be fun, include normal-size furnishings, like sofas and media units.

Ask a Designer: Closet organization that lasts from day one

By Melissa Rayworth

Associated Press

Most people don’t start out with a messy closet. Even when a closet is carefully organized at the beginning, however, it might not take long for order to turn to chaos.

“It’s common for clients to struggle with keeping the momentum going,” says interior designer Caitlin Murray.

But there are planning and design strategies to help closets stay as organized as they were on day one.

We’ve asked Murray, founder of the Los Angeles-based Black Lacquer Design, and two other experts — Delaware-based home designer and builder Marnie Oursler, and Elena Eskandari, an interior design specialist with Case Design/Remodeling in the Washington, D.C., area — for advice on planning and living with efficient and attractive closet space.

KNOW YOUR STUFF AND YOURSELF

The same closet design doesn’t work for everyone,

so analyze the types of items you need to store. If you’ll be hanging a lot of clothes, are they long or short? You may want two levels of hanging space positioned one above the other to maximize storage, says Oursler. Have a lot of shoes? Consider a row of built-in shoe cubbies along the floor.

Then choose a system you’ll actually stick with. If you plan to put everything on hangers but that’s an extra step that you’ll probably avoid, then you’ll end up with piles of clothes in your bedroom.

While organizing, pare down: Even a well-planned closet may not stay organized if it’s very full. What do you really like and really wear? If you haven’t worn something in a while, Eskandari says, chances are you don’t need to keep it.

Murray agrees: “You really limit what things you’ll actually utilize when you’re dealing with a cluttered closet. If you can’t see anything or find anything, it might as well not even be there.”

SMALL, VISIBLE COMPARTMENTS

“I think the success of any (closet) organization is how you divide stuff and compartmentalize it,” Eskandari says.

She suggests separate spaces for everything, with more shelves fairly close together rather than a few spaced far

apart. “How many sweaters can you fold without them falling over?” she asks. She’s also a fan of shelf dividers to keep one type of clothing or pantry item from another.

If you have compartments for everything, she says, “then everything is going to have its

home.”

These designers acknowledge that built-in shelving and compartments can be expensive, but they say it’s often worth the investment for a really efficient master bedroom closet or kitchen pantry.

DELTA ABSTRACT & TITLE

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CITY OF ESCANABA REGULAR MEETING OF THE PLANNING COMMISSION

At a regular meeting of the Escanaba Planning Commission on Thursday, January 12, 2023, at 6:00pm in the Council Chambers of the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following Public Hearing will be conducted:

Special Land Use – Upper Shelf Farms, LLC.

In accordance with Zoning Ordinance Section 205, the Planning Commission will hold a Public Hearing on the application for a Special Land Use Permit as filed for a Recreational Marijuana Provisioning Center/Retail Establishment named “Upper Shelf Farms, LLC.” to be located at 923 Ludington Street.

The public is cordially invited to attend this meeting should you have any questions, comments, or concerns. If you are unable to attend this meeting, you may submit your written concerns to the City of Escanaba, Planning & Zoning Dept., P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829 by January 12, 2023. All written and signed correspondence will be entered into the public record.

More detailed information related to these agenda items can be viewed at City Hall, 410 Ludington Street, Escanaba, MI 49829 or on the City’s website at escanaba.org under the Planning Commission page one week prior to the meeting.

Escanaba Planning Commission

Featured Property

3 Bdrm, 2 bth home.
Home on 12 acres and the Whitefish River. Large pole building. Rapid River

\$355,900 50087491

Bob Petersen
906-280-4733
bob@statewiderealestate.net

STATE WIDE REAL ESTATE OF ESCANABA

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City of Escanaba MICHIGAN

The City of Escanaba is providing central site locations for individuals to dispose of their Christmas Trees.

THREE LOCATIONS HAVE BEEN DESIGNATED AS CENTRAL COLLECTION AREAS:

1. Lemmer School ballfield off of 8th Avenue South and South 22nd Street.
2. The public parking lot on Jenkins Drive behind the Bandshell.
3. The Delta County compost site.

Trees must be free from decorations, wire and lights.
Wreathes and garland will not be accepted.

SIGNS WILL BE ERECTED TO INDICATE THE LOCATION TO PLACE TREES ON EACH SITE.

*** There Will Be NO Curbside Pickup***

Here’s your chance to Win UP North Roast Coffee!

Win a 16 oz bag of UP North Roast coffee compliments of The Daily Press. Just fill out the entry form below and return it to The Daily Press by December 26th we will put your name in a drawing! Five people will be lucky winners of a bag of coffee! The more you enter the more chances to win! Photo copies will NOT be accepted. Winner will be announced in the following Saturday’s paper.

This Months Flavor is “Peppermint”

Name _____ Address _____

Phone _____ Best Time To Call _____

Get an extra entry in the drawing by checking one/both below.

___ I would like to sign up for home delivery please contact me

___ I already subscribe but would like more information about EZPay

Drop off or Mail to: Daily Press, ATTN: Coffee, 600 Ludington Street Escanaba, MI 49829

DAILY PRESS

Win \$350 Cash!

BINGO!

Your Chance To win \$350 Cash!

Today’s Lucky Number
December cards are Red

**1
21**

Today’s Game Sponsored by:
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906-786-2021

DAILY PRESS
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Escanaba, Michigan 49829
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Federal ID# 38-3365439

I EVAN MCKNIGHT being an authorized representative of THE DAILY PRESS/ UP ACTION NEWS

Escanaba Michigan, do hereby affirm that SPECIAL LAND USE UPPER SHELF FARMS LLC ad(s) for

CITY OF ESCANABA of MICHIGAN

were inserted first on the following dates:

12/22/22

THE DAILY PRESS

NOT

in

THE TMC WEEKLY

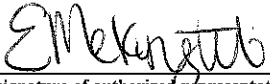
and

NOT

on

THE DAILY PRESS WEBSITE

that the attached is a true copy thereof.



signature of authorized representative

Subscribed and sworn to before me this

TWENTY SECOND

day

of

Dec-22



notary public, Delta County, Michigan

My commission expires

12-Aug-27

Leslie Leisner
Notary Public
Delta County
State of Michigan
Comm Exp: 8/12/2027

AGENDA REPORT – PLANNING COMMISSION

For the meeting agenda of January 12, 2023

UNFINISHED BUSINESS #1

Title:

Discussion – Bay de Noc Community College and Marihuana Facilities/Establishments

Background:

Representatives from Bay de Noc Community College have contacted the City Administrator regarding concern over a perceived lack of protection of their student body from Marihuana Facilities and Establishments which may be built near their campus. These representatives noted that, through dual enrollment programs, students under the age of 18 (as young as 16) are regularly on campus for classes. Planning & Zoning staff have reached out to counsel for guidance.

Issues and Questions Specified:

- Is a buffer zone required for a post-secondary education facility if minors are educated on the premises?

AGENDA REPORT – PLANNING COMMISSION

For the Regular meeting agenda of January 12, 2023

NEW BUSINESS #1

Title: Annual Report Review

Background: According the Michigan Planning Enabling Act, Section 125.3819: “A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”

Administration presents a draft report for review and comment by the Planning Commission before submission to City Council.

A Special Joint Meeting has been proposed for City Council to convene all development-related boards and commissions to review their annual reports, to support implementation of the Master Plan, and to discuss goals and work plans for the year and accompanying fiscal needs. A tentative date of Thursday, February 23rd is suggested for the Commission’s consideration.

Options for Action:

1. Recommend submission of the document as presented to the City Council.
2. Recommend changes to the document before submission to City Council. After changes are made, no further Commission review is necessary.
3. Recommend changes to the document for additional review by the Commission before submitting it to City Council for review.

Attachments:

1. DRAFT – Planning Commission Annual Report - 2022



Planning Commission

Annual Report

2022

INTRODUCTION

The [Michigan Planning Enabling Act](#) (MPEA) allows for the establishment of local Planning Commissions, Master Plans, and other associated activities. The City of Escanaba’s Planning Commission is established in the city code of ordinances in Chapter 21, Article II and consists of 7 members. The Planning Commission is responsible for:

- Developing the community’s Master Plan which provides a framework for orderly growth and redevelopment.
- Creating a zoning ordinance to translate master planning goals to land use regulations.
- Reviewing and approving development requests.
- Drafting a capital improvements plan.
- Studying special topics or conducting other special projects as requested by the governing body.

MEMBERSHIP

Planning Commission members for this reporting period were:

Seat	Name	Member Since	Term Exp.	Attendance		Training Hours Logged (4 required)
1	David Mason	9/2/2021	6/01/2024	10/13	(77%)	1
2	James Hellermann, Chair	1/13/2014	6/01/2024	13/13	(100%)	1
3	Tyler Anthony	12/16/2021	Resigned 9/8/22	9/10	(90%)	2
	Kelli VanGinhoven	12/01/2022	6/01/2025	1/1	(100%)	0
4	Richard Clark	1/19/2017	6/01/2022	3/5	(60%)	2
	Roy Webber	6/09/2022	6/01/2025	7/8	(88%)	0
5	Nevin Naser	1/07/2021	6/01/2023	8/13	(62%)	1
6	Dominic Benetti, Secretary	2/01/2018	6/01/2023	8/13	(62%)	0
7	Mark Hannemann	8/06/2020	6/01/2025	10/13	(77%)	2.5

MEETINGS

The MPEA requires that local Planning Commissions meet at least four times a year. The Planning Commission meets regularly on the second Thursday of each month and held 12 regular meetings and 1 special meeting this year.

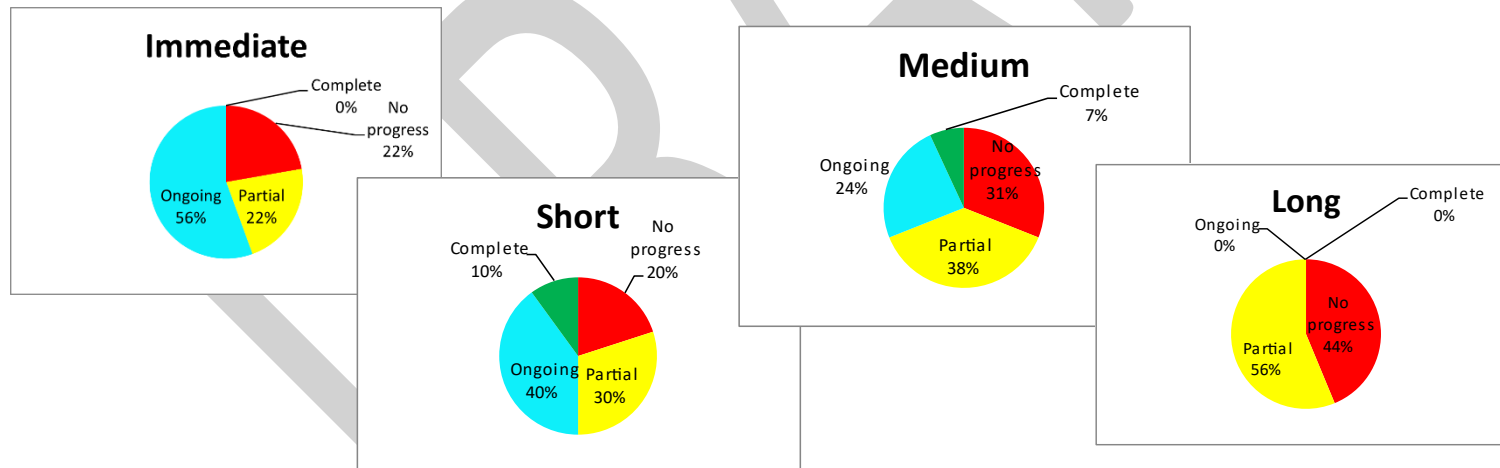
A Joint Meeting with City Council, Planning Commission, Downtown Development Authority, Historic District Commission, and Brownfield Redevelopment Authority took place on February 24, 2022. The agenda included a presentation of the Planning Commission’s Annual Report, a discussion on how to strategically move forward with goals outlined in the Master Plan, and an update on RRC certification progress.

MASTER PLAN REVIEW

The Planning Commission is responsible for regularly reviewing and updating the Master Plan to ensure it continues to be relevant to the community’s needs. The community’s current Master Plan was adopted in 2016. The MPEA requires that a formal review (and update or reaffirmation) occur at least every five years. Most recently, the Planning Commission performed a 5-year review in May 2021 and affirmed that the current plan was adequate.

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

Color	Status	Economy	Housing	Natural Resources	Land Use	Facilities & Services	Recreation	Transport	Total	%
Red	No Progress	9	1	3	0	0	1	6	21	32%
Yellow	Partial Completion	12	3	2	1	0	3	5	25	38%
Green	Complete	1	0	0	0	0	2	0	3	5%
Cyan	Ongoing (no definable completion point)	5	1	0	0	4	6	1	17	26%
	TOTAL ACTION ITEMS	27	5	5	1	4	12	12	66	100%



Meager progress has been reported on several action items in 2022, with three items moving from No Progress to Partial Completion and one item achieving Complete status. The number of actions that have no discernable completion point continues to be problematic. Additionally, the City continues to operate without a strategic plan to achieve these goals in a coordinated way between Council, boards & commissions, departments, and external groups.

ANNUAL MASTER PLAN REVIEW QUESTIONS			
CRITERIA	YES	NO	Comments
Have development patterns changed significantly since the plan was written and adopted?		X	Development patterns have not changed significantly since the plan was written and adopted.
Does the adopted zoning ordinance align with the goals of the plan?		X	Although several zoning district changes were made in 2021 and 2022 to align with the Master Plan, little progress has been made to accomplish these goals overall. Renewed efforts to address these matters will take place in 2023.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	X		<p>The Electric Department has been engaged in consistent efforts to improve reliability and efficiency of electric service and street lighting throughout the City. Construction of a circuit joining multiple distant substations began in Fall 2022, the objective being improvement to service reliability across the City. Over 2021 and 2022, 49 new streetlight poles have been placed throughout Escanaba, including 7 on Loren W. Jenkins Dr., 26 aluminum replacements on Ludington St. (18 of them in 2022), and 16 on various side streets as part of a Council initiative.</p> <p>Public Works also undertook major work in 2022, including the complete roadway replacement of S. 15th St. from 1st Ave. S. to 5th Ave. S.</p> <p>Water/Wastewater is engaged in numerous upgrade projects. Many of W/WW's projects have been spurred on by State requirements, but a great deal of work is necessary due to the age and condition of sections of these systems.</p>
Have there been instances when the Planning Commission or elected body has departed from the plan?	X		While Council's pursuit of the former Delta County Jail site redevelopment holds promise for economic development and the positive reuse of vacant land, it does conflict with the Master Plan. Action Item E6 specifically identifies this property to be developed as waterfront public access. This Action Item references the North Shore Master Plan, which states that "[waterfront development] should be of the proper scale to complement, not compete with the downtown," and that hotels, condominiums, and attached retail space "[do] not appear to be the most appropriate use for waterfront property...".
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	X		While a cohesive effort is certainly absent, many appointed and elected City officials express strong interest in carrying out goals and tasks outlined in the Master Plan.
Does the plan address the location and types of land uses frequently requested?	X		The Plan does address the location and types of land uses frequently requested.
Have there been other studies completed that change the relevancy of the plan?		X	The Five-Year Recreation Plan was last updated in 2021.

CAPITAL IMPROVEMENT PLAN REVIEW

The Planning Commission is responsible for recommending a prioritized Capital Improvement Plan (CIP) to City Council. The CIP ties planning goals to budgetary investments over the next six years.

Annual CIP updates are done in tandem with budgeting processes. Department Heads begin updating existing project information and submitting new project requests in January, then the City Manager, City Controller, and Planning & Zoning Administrator compile, review, and prioritize these requests in February. The Planning Commission reviews a draft CIP in March/April and makes a recommendation to City Council. Finally, Council reviews and adopts the recommended CIP in conjunction with the budget in May.

Listed below are CIP projects which were completed this year:

Department	Project Description
Recreation	Tennis Court Replacement- Ludington Park Rebuilt the Ludington Park Tennis Courts (four courts total). Courts are now able to accommodate both pickleball and tennis.
Water/ Wastewater	Turbidity Meter Replacement Replaced existing turbidity meters (measures suspended solids in liquids) at water plant and integrated with SCADA (supervisory control and data acquisition) system per EPA & state rules and regulations.
Water/ Wastewater	Replace Ludington Street Lift Station Automatic Generator Replaced an existing automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	Effluent/Bypass/ De-Watering Pump Purchased a pump capable of providing capacity requirements (appx. 1.2 million gallons/day) in accordance with the needs of the upcoming WWTP Improvement project. Pump will also double as a by-pass pump in times of sewer repairs, and triple as a de-watering pump for City construction projects in areas of ground water.
Water/ Wastewater	23rd Avenue Lift Station Automatic Generator Purchased and installed an on-site automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	BOD Incubator Replaced an existing unit used for biological testing.
Water/ Wastewater	Locator for Under Ground Pipe/ Cable Purchase a new locator for conducting Miss Dig work.

ZONING ORDINANCE TEXT AMENDMENTS & REZONINGS

Zoning is the legal mechanism which turns planning goals into reality via land use and physical regulations. It is imperative that a community maintain an up-to-date zoning ordinance which aligns with those goals and addresses emerging trends. Throughout the year, the Planning Commission discussed and took action on the following amendments:

Topic	Summary	PC Recommend Date	City Council Approval Date	Ord. #
Zoning Ordinance Amendment: Multiple Chapters	Recommend to City Council for the amendment of multiple chapters. Specifically addressed issues included expanding permitted housing types in various districts, the use of shipping containers, and several other changes throughout the ordinance.	2/10/2022	3/17/2022	1259
Zoning Ordinance Amendment: Adult-Use/ Recreational Marihuana	A motion was made by Webber seconded by Anthony, to remove 9A and 9B on page 6 of the ordinance and defer to council as the regulatory ordinance will govern the hours, BC on page 5 of the ordinance will exclude Zone E-3 from the 100 feet exclusion near one-family residential, microbusiness will be allowed in retail (Zone D, E, E-1, E-2, and E3) and language will be added to the ordinance, an error was found page 5, 8A. An establishment may not be located within 750 feet of an existing public or private K-12 school. The map attached as Exhibit A depicts the areas that are within 700 feet of an existing public or private K-12 school. The 700 feet will be updated to 750 feet.	8/17/2022	9/15/2022	1269
Zoning Map Amendment: Re- Zoning on and adjacent to the N. 30 th St. Corridor.	A motion was made by Webber, seconded by Benetti to recommend to City Council the rezoning of designated properties along the North 30 th Street, 3 rd Avenue North, US Highway 2/41, and Willow Creek Road Corridor—Commercial district as presented. MOTION PASSED unanimously.	11/10/2022	1/5/2023	1272

The Planning Commission is also responsible for making recommendations on rezoning requests. Such requests must align with the master plan’s future land use map. However, no re-zonings that occurred this year.

Based on discussions regarding the need to increase housing options, it has been determined that a mixed-use district would be best suited near-downtown areas, specifically in “Neighborhood enhancement Areas” as indicated in the 2016 Master Plan’s Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district’s purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

DEVELOPMENT APPLICATION REVIEWS

Site plan review is a primary role of the Planning Commission and helps ensure that new development in the community aligns with the zoning ordinance requirements. Prior to Planning Commission review, staff conducts an internal review process as well. Planned Unit Developments (PUDs) have an additional layer of review and approval by City Council.

Project type	Location	Description	Status	Date of Action
Special Land Use	1111 1 st Avenue South (210 South 11 th Street)	Catholic Social Services – Women’s Addiction Recovery Home	Approved Special Land Use Permit for a women’s addiction recovery home.	1/13/2022
Special Land Use	1519 North 26 th Street	North Country Heavy Equipment School – Unconditioned Pole Building	Approved a 7,936 s.f. cold storage building at 1519 North 26 th Street later to be combined with 2927 16 th Avenue North. The metal exterior finish for the entire building has been approved. Landscaping and screening of parking lot from a public way has been waived.	7/14/2022
Special Land Use	201 North Lincoln Road	The Fire Station – Marihuana Retailer	Approved a Special Land Use Permit for a marihuana provisioning center/retailer under the condition that vehicular access to the property be secured.	11/10/2022
Site Plan/ Special Land Use	317 North Lincoln Road	Gram’s Club – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that the site plan be amended to include a sidewalk, that the Commission approved their use of composite board siding, and that exterior lighting be restricted to the property’s boundaries.	12/8/2022
Site Plan/ Special Land Use	421 North Lincoln Road	Higher Love Escanaba – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that greenspace and minimum tree requirements are satisfied, and that the Planning Commission waive requirements of sections 205.6.9.8, 205.6.9.9, and 205.6.9.13 with the intention to amend these sections in the future.	12/8/2022
Site Plan	723 Ludington Street	Lake Effect Distillery LLC – Craft Distillery	Approved a site plan for a craft distillery including a tasting room and barrel aging facility. Conditions of the approval included that no ADA-accessible ramp be built in the sidewalk on Ludington Street, that the property spanning the alley be considered a contiguous lot, that the lighting design be amended, that utilities be approved administratively, and that the Planning Commission accepts the accessory building and alternative materials as presented.	12/8/2022

ZONING BOARD OF APPEALS ACTIVITY

The Zoning Board of Appeals (ZBA) is tasked with hearing appeals, zoning ordinance interpretations, and variance requests. The ZBA consists of six members. There are currently no vacancies on the ZBA that need to be filled.

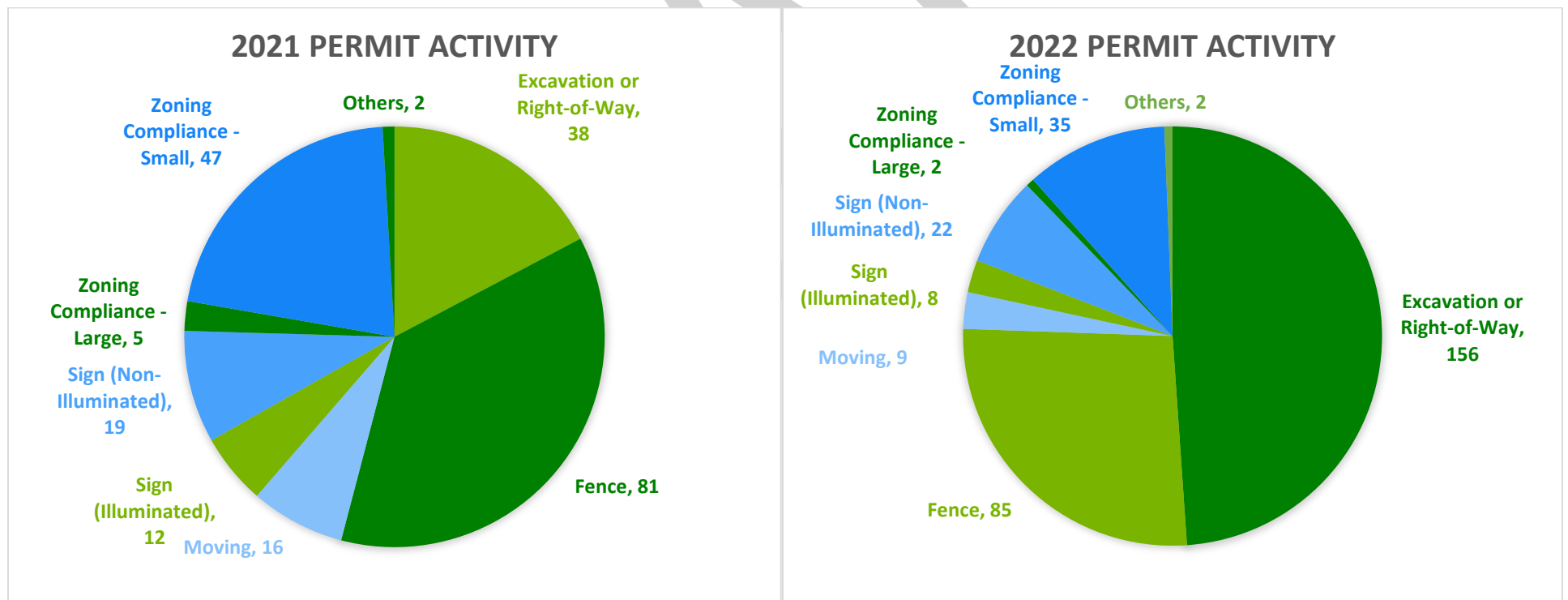
The ZBA meets quarterly on the first Tuesday of January, April, July, and October for regular meetings, and can be called for special meetings between. One regular meeting was held in 2022, in which training and housekeeping business was addressed. There was one appeal, for an interpretation and dimensional variance that was held in 2022.

Appeal Type	Location	Description	Status	Date of Action
Interpretation	949 Sheridan Road	Property owner appealed Zoning Administrator's denial of zoning permit for a shed based on it being in front yard space. Applicant contends it is in side yard space.	A motion was made by Curran, seconded by Liss, to rule that an error <u>was not</u> made by the Zoning Administrator in the interpretation that the shed was built in front yard space of the property and to proceed with Appeal #2 for a variance request.	7/5/2022
Dimensional Variance Request		To request a variance from Section 509.2. to allow accessory structure in front yard space.	A motion was made by Clark seconded by Curran, having satisfied all Standards of Review under Section 305.5, a dimensional variance is granted from Section 509.2. to allow a 10' x 12' accessory structure at 949 Sheridan Road, to be located in front yard space along 10 th Avenue North.	7/5/2022

PERMIT ACTIVITY

While large-scale zoning permits and Special Land Uses are reviewed as site plans by the Planning Commission, the Zoning Administrator is authorized to review and make decisions on most small-scale zoning permits, fence permits, and sign permits. Following is a summary of all land use permit activity for the year.

Permit Type	# Approved	Fees Collected	# Denied	Reasons for Denial
Zoning – Large	3	\$500	N/A	N/A
Zoning – Marihuana	2	\$1,000	N/A	N/A
Zoning – Small	35	\$1,310	1	Proposed porch didn't meet the 25' front setback.
Fence	85	\$3,120	1	Proposed fence was not constructed of new materials or painted, stained, or preserved in a manner to maintain the fence in good structural condition. The application was incomplete, a complete application is required to process the permit request.
Sign	30	\$1,200	1	Proposed sign copy area exceeds the allowed maximum. Previous wall sign was over the allowed maximum and had no permit on file.
TOTALS	155	\$7,130	3	



ZONING VIOLATIONS

Enforcement of the zoning ordinance is critical to maintaining the integrity of the adopted ordinances. It is intended that most violations are handled through a simple owner notification, followed by a voluntary plan to bring the violation into compliance. Serious infractions or prolonged non-compliance may be enforced with municipal civil infraction citations.

Following is a summary of zoning ordinance enforcement cases for the year:

Type	Open	Closed	TOTAL
Easement Encroachment	2	0	2
Fence	4	1	5
Sign	4	2	6
Zoning	9	2	11
Excavation	0	0	0
TOTAL	19	5	24

Citations Issued – 9

District Court Hearings – 0

Sign Ordinance Enforcement:

It has become evident that many signs throughout the city have been installed without a sign permit. With a permit, a sign would be considered legal nonconforming (“grandfathered in”), giving it legal right to continue as approved in the permit even if it did not meet current ordinance regulations. However, without a valid permit on file, a sign cannot be confirmed legal nonconforming (“grandfathered in”), and instead would be considered a violation, meaning enforcement action must be used to bring the sign into compliance with current ordinances through the permit process, or be removed.

Recognizing that:

- Some signs have existed in a state of violation for quite some time;
- The city has not consistently identified nor taken enforcement action on these types of violations in the past;
- The city wants to protect its right to enforce its sign ordinance in the future while continuing to move signs into greater compliance with current ordinances;

An amnesty policy/plan was approved by City Council in 2022 to allow for a grace period to get existing signs (including the re-facing of existing sign structures) permitted and legally protected, within certain parameters. It is anticipated this process will take 12-24 months, after which full enforcement of the sign ordinance will occur.

PUBLIC ENGAGEMENT

Redevelopment Ready Communities Best Practice 1.4 includes an annual summary of public engagement activity in the community, guided by the community's goals and tools outlined in an adopted Public Participation Plan; The City of Escanaba's Public Participation Plan was last updated and adopted in February 2020.

Planning Commission Public Engagement	Jan. 13	Feb. 10	Mar. 10	Apr. 14	May 12	Jun. 9	Jul. 14	Jul. 27	Aug. 17	Sep. 8	Oct. 13	Nov 10.	Dec. 8	Total
Attendance by General Public <small>(not part of commission, staff, or applicants)</small>	3	2	2	0	1	2	5	8	15	0	5	9	11	63
Public Comment on Agenda Items	0	0	0	0	0	0	4	4	0	1	1	1	1	12
General Public Comment	1	0	0	0	1	0	2	3	0	0	1	0	1	9
Zoning Ordinance Amendments														
# of Public Hearings	0	1	0	0	0	0	0	0	1	0	0	1	0	3
# of Comments	0	0	0	0	0	0	0	0	5	0	0	2	0	7
Development Projects														
# of Public Hearings	1	0	0	0	0	0	0	0	0	0	0	1	1	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	2	2	4
Other Public Hearings														
# of Public Hearings	0	0	1	0	0	0	0	0	0	0	0	0	2	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	0	0	0

GOALS AND WORK PLAN – 2022

Below are the goals outlined for 2022 and their status:

2022 Goals	Status
<p>1. Create a mixed-use district for the near-downtown areas, including zoning ordinance text and re-zoning of parcels to form the district boundaries.</p>	<p>No Progress. Long-term planning & zoning projects were put on hold after Roxanne Spencer, the previous P&Z Administrator, left the position in spring.</p>
<p>2. Continue to amend the Zoning Ordinance in small portions to address the 2019 Zoning Audit findings and to continue to improve the clarity, organization, and user-friendliness of it. If funding is made available in the budget, begin the process of hiring a consultant to assist in doing a complete overhaul.</p>	<p>On Hold. Due to budgetary concerns. Instead, recommendations for amendments have been handled internally in smaller portions at a slower pace until funding is made available.</p>
<p>3. Revisit the Sidewalk Infill Plan with City Council to improve walkability throughout the city.</p>	<p>On Hold. A Public Hearing by City Council was held in July 2020, but the project was put on hold due to economic concerns and the COVID-19 pandemic. The Planning Commission requested that approval be made to commence implementation of the plan within the next six months.</p> <p>City Council voted to postpone the sidewalk infill plan until further information was gathered from the Public Works Department and legal advice was obtained to determine if they could add a clause to the current recommendation of the ordinance.</p>

GOALS AND WORK PLAN - 2023

Bearing in mind the difficulties which fell on the Planning & Zoning Department in 2022, a productive schedule is planned for 2023.

1. Continued Zoning Ordinance Amendment

Amendments which should be undertaken include the following topics:

- Improvement and better integration of marihuana-related language into appropriate sections.
- Revision of setback and area requirements the Central Commercial District (E3).
- Optimization of Chapters 17-20 (Parking and Circulation Requirements, Site Plan and Sketch Plan Standards, Development Standards, Signs).

2. Create a Mixed-Use District

This zone should be for near-downtown areas, specifically in “Neighborhood Enhancement Areas” as indicated in the 2016 Master Plan’s Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district’s purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

3. Undertake “Placemaking” Asset Inventory and Assessment

Identified in Action Item E4 of the Master Plan. Preliminary work should be done to establish how to determine placemaking standards and concepts.

AGENDA REPORT – PLANNING COMMISSION

For the meeting agenda of January 12, 2023

NEW BUSINESS #2

Title:

Discussion – Marihuana Provisioning Centers/Retailers

Background:

Due to a resurgence of public concern, the Planning Commission will discuss both the current state of marihuana provisioning centers/retailers and their future within Escanaba. As of January 5th 2023, two retailers have secured a Special Land Use Permit, one retailer is working towards approval, and three more are awaiting Commission approval. None are yet operational. Regardless, numerous concerns have been received by Staff and Administration since the December 8th 2022 meeting about the impact this industry may have on businesses already established in the City. Therefore, Administration requests that the Commission discuss these topics in a format which provides for ample public engagement.

AGENDA REPORT – PLANNING COMMISSION

For the meeting agenda of January 12, 2022

NEW BUSINESS #3

Title: **Boards/Commissions Updates**

Background:

The Planning Commission will be updated on the following topics:

- a. Delta County Planning Commission
- b. Zoning Board of Appeals
- c. Zoning/Land Use Permits

Attachments:

1. Year-to-Date Permit Report
2. Year-to-Date Zoning Process Report

Permits By Type/Month

City of Escanaba - 2022

Permit Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL YTD
Excavation or Right-of-Way	0	0	22	14	8	22	35	22	26	3	3	1	156
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fence	0	2	3	7	27	13	12	9	7	1	4	0	85
	\$0	\$9,070	\$3,250	\$25,630	\$33,160	\$39,575	\$37,187	\$34,214	\$39,083	\$300	\$82,109	\$0	\$303,577
Moving	0	1	0	0	2	5	0	0	1	0	0	0	9
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sign - Illuminated	0	1	1	1	0	1	1	1	0	1	0	1	8
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sign - Non Illuminated	0	2	1	1	5	2	0	1	4	1	3	2	22
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Zoning Compliance - Large	1	0	0	0	0	0	1	0	0	0	0	1	3
	\$1	\$0	\$0	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	\$0	\$6,000,000	\$6,250,001
Zoning Compliance - Marihuana	0	0	0	0	0	0	0	0	0	0	0	2	2
	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,050,000	\$1,050,000
Zoning Compliance - Small	1	3	4	3	4	3	3	9	3	1	1	0	35
	\$1	\$665,000	\$4,952	\$4,302	\$927,501	\$2,071,000	\$8,002	\$1,091,002	\$22,651	\$1,800,000	\$27,000	\$0	\$6,621,411
TOTALS:	2	9	31	26	46	46	52	42	41	7	11	7	320
	\$2	\$674,070	\$8,202	\$29,932	\$960,661	\$2,110,575	\$295,189	\$1,125,216	\$61,734	\$1,800,300	\$109,109	\$7,050,000	\$14,224,989

Population: All Records

Permit.DateIssued Between 1/1/2022 12:00:00 AM AND 12/31/2022 11:59:59 PM

Report Run Date: 01/04/2023

PZE Process Totals by Type

Engineering Callouts	44
Sign Inventory	7
Sign Inventory Inspection	1
Zoning Analysis	41
Zoning Ordinance Text Amendment	1
Zoning Verification Letter	2

Grand Total:	96
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08/29/2022

PlanReview.DateProcessStarted Between 1/1/2022 12:00:00 AM AND 8/29/2022 11:59:59 PM

AGENDA REPORT – PLANNING COMMISSION

For the meeting agenda of January 12, 2022

NEW BUSINESS#4

Title: Training Updates

Background: Per the Planning Commission by-laws, members are required to have four (4) hours per calendar year of training in planning and zoning.

Reporting of Training Hours

Details of other trainings should be reported to the Planning & Zoning Administration for record-keeping purposes at this time.

A brief synopsis of any trainings attended should be shared, with an emphasis on particular components of relevance and potential action by the Planning Commission at that present time or in the future.

Training Opportunities

- MSUE “Great Lakes Coastal Planning & Zoning Email Course” (Free)
<https://www.canr.msu.edu/courses/great-lakes-coastal-planning-zoning-email-course>
- MSUE Citizen Planner Online – Self-paced course, approx. 15 hours. Cost \$295.
https://www.canr.msu.edu/michigan_citizen_planner/
- RRC Online Training – RRC Best Practice & Michigan Main Street Training Series—Free.
<https://www.miplace.org/events/>
- MSU Extension 2023 Zoning Administrator Certificate Program-
January 19, 2023- February 10, 2023. Cost \$550
[MSU Extension 2023 Zoning Administrator Certificate Program - MSU Extension Citizen Planner Program](#)

Please note that costs for any of these trainings may be reimbursable if cleared with the Planning & Zoning Administrator in advance to ensure funds are still available in the Planning Commission training budget.

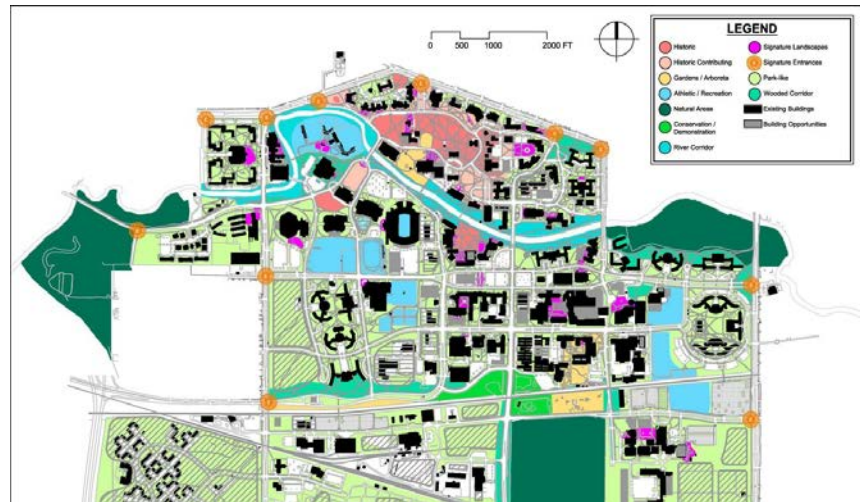


Master Citizen Planner (MCP) 2022 Live Webinar Series

Questions?
Contact us:
MSU Extension,
Citizen Planner
Coordinator:
(517) 353-6472

Email:
cplanner@msu.edu

*All webinars will be
recorded and sent to
registrants.



This webinar series is designed to offer continuing education for Master Citizen Planners in a convenient online opportunity* and is open to all planning and zoning officials. Webinars are offered from 6:30-7:30 PM on the dates below.

2022 Webinar Topics:

- April 21:** Prime Soils, Critical Habitat, and Beyond: The Open Space & Farmland Preservation Toolkit, *Harmony Gmazel, AICP*
- May 19:** Making Defensible Decisions: Discretionary Standards, Conditions, and Procedural Due Process, *Mary Reilly, AICP & Wayne Beyea, JD, AICP*
- June 16:** Stormwater Management at the Rural/Urban Interface, *Brad Neumann, AICP & Sarah Fronczak*
- Sept. 15:** Planning & Zoning for Solar Energy Systems, *Brad Neumann, AICP & Mary Reilly, AICP*
- Oct. 20:** GIS Visualization Tools Land Use Decision Makers, *Tyler Augst*
- Nov. 17:** Leadership in Planning: A Statewide Showcase of 'On the Ground' Projects in 2022, *Master Citizen Planners*

To register or find out more:

Register online: <https://events.anr.msu.edu/MCPWeb2022/>

Cost is \$10 per webinar for MCPs, \$20 per webinar for all others. Registrants may select individual or all webinars.

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