

**City of Escanaba  
PLANNING COMMISSION – OFFICIAL PROCEEDINGS  
January 12, 2023**

**MEETING CALLED TO ORDER**

A regular meeting of the Escanaba Planning Commission was held on Thursday, January 12, 2023 at 6:00 pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

**ROLL CALL**

<b>Name</b>	<b>Present</b>	<b>Absent</b>	<b>Name</b>	<b>Present</b>	<b>Absent</b>
Chair James Hellermann	X		Comm. Mark Hannemann	X	
Secretary Kelli Van Ginhoven	X		Comm. Roy Webber	X	
Comm. Nevin Naser	X		Comm. David Mason	X	
Comm. Dominic Benetti	X				

With 7 in attendance, a quorum of the Planning Commission was present.

**ALSO PRESENT**

**City Administration:**

Tyler Anthony, Planning & Zoning Administrator  
Heather Calouette, Administrative Assistant

Ronald Beauchamp, Council Liaison  
Karen Moore, Council Liaison

**Others:**

Nilsson Davis, Upper Shelf Farms, LLC.

Craig Woerpel, DDA Director

41 other unnamed individuals were present.

**MINUTES**

**A motion was made by Hannemann, seconded by Mason, to approve the December 8, 2022 minutes as submitted. A roll call vote was taken, and the MOTION PASSED unanimously.**

**AGENDA**

Hellermann recommended combining Unfinished Business 1 (Discussion—Bay de Noc Community College and Marihuana Facilities/ Establishments) with New Business 2 (Discussion- Marihuana Provisioning Centers/ Retailers).

**A motion was made by Hannemann, seconded by Webber, to move New Business 2 (Discussion – Marihuana Provisioning Centers/Retailers) under Unfinished Business 1 (Discussion – Bay de Noc Community College and Marihuana Facilities/Establishments). A roll call vote was taken, and the MOTION PASSED unanimously.**

**CONFLICT OF INTEREST DECLARATIONS –**

None

**PUBLIC COMMENT ON AGENDA ITEMS –**

Bonnie Hakkola stressed that she believes the city’s main draw for marihuana establishments must be revenue, adding that money isn’t everything. Hakkola indicated that careful community planning is most important to maintain a healthy city where family wants to live, and where businesses want to locate. She noted that Hobby Lobby and Marshalls attract a lot of people and noted that, if marihuana establishments are allowed to enter the City, only certain business will locate in Escanaba. She noted that zoning provisions are used to protect family,

business, and churches. She believes that the city is acting prematurely as there are many residents in this community with conservative ideas.

Stephanie Carpenter questioned how many marihuana establishments are coming into town, and who is funding these marihuana establishments. Carpenter asked whether economic benefit is seen by the whole community.

Hellermann reminded all present that the Planning Commission does not have the authority to reject a proposed project that conforms to city ordinances. The purpose of a site plan review is to assure that those ordinances are being followed in the proposed plan. He asked the audience to keep this in mind when making comments on the project.

Sema Deeds shared that it took three years to figure out where she and her husband wanted to live for the rest of their lives. Deeds noted that they had lived in multiple states to figure out which one was the best, and they determined that Michigan, specifically Escanaba, was the best choice. She indicated that the City's character is changing so quickly in Escanaba, and that she hopes that things won't change too quickly.

Donna Richer noted that she had heard conversations and comments relating to marihuana and wanted to thank the Commission for their service. Richer recalled a point made during previous comments and stressed that Planning Commissioner's role is to influence the placement of establishments within the community. She concluded by questioning how marihuana establishments fit in our community.

Hellermann read into the record letters from the following citizens: Dorothy Olson (Exhibit A), Debbie & Ken Jussila (Exhibit B), and Holly Thompson (Exhibit C).

Karen Moore addressed the Commission's comments regarding not being able to change the Zoning Ordinance. Moore noted that Ordinance recommendations can be made to the City Council and indicated that the Commission and Council could freeze applications or create a buffer between establishments. She noted that the city is receiving 45 calls a day with concerns regarding marihuana establishments. Moore expressed understanding that the Commission must honor the zoning ordinance, but the Planning Commission can make a recommendation to change it based on public input.

## **PUBLIC HEARINGS**

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

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 Upper Shelf Farms, LLC. for a recreational marihuana provisioning center/retail establishment to be located at 923 Ludington Street.

#### ***Hellermann Opened the Public Hearing***

Bonnie Hakkola indicated that the Planning Commission has an opportunity to address zoning concerns and make recommendations in the E3 District. Hakkola stressed that, in the Planning & Zoning Department, flexibility is a necessity. She continued, questioning whether the community wants eight marihuana establishments and noted that residents don't want marihuana establishment located next to residential homes and churches. Hakkola indicated that the Planning Commission could freeze or cap the number of establishments, further suggesting that the City look at capping. She explained that as a community member, she wasn't aware of the marihuana ordinance being discussed, and noted that the community needs to get aware and involved.

Jesse Traub explained that he doesn't have any issues with Upper Shelf Farms, LLC. He thanked the Planning and

Zoning Office Department for sending out a notification to residents with 300' of the proposed establishment. He stated that it's up to the market to decide how many establishments will survive.

Elizabeth Schlenvogt noted that she lives near the proposed establishment and indicated that it is a high crime area. She is concerned with the extra traffic that will come with the establishment and the odor. She is also concerned about children traveling past the establishment during community events such as parades, where children will be standing outside the facility. She highly recommends placing marijuana establishment somewhere other than Ludington Street.

Sonia Warner indicated that she is not opposed to dispensaries, but has an issue with location and the number of such establishments coming into our area. Warner claimed that she was blind-sided by all this. She explained that she had spoken with Planning & Zoning Administrator Anthony about her concerns, and was given the number to contact Hobby Lobby, noting that she felt a little dismissed in that interaction. Warner indicated that she would pay more attention to what's going on in the community moving forward.

### ***Hellermann Closed the Public Hearing***

Planning & Zoning Administrator Anthony presented the Planning Commission with the staff report. Points which required attention were limited to the following: 1) Rear setback was found to be less than required 25'. 2) Existing se balcony/gallery projects well beyond property line on Ludington and 10<sup>th</sup> Streets. 3) Existing exterior materials are in poor repair and are not compatible with – or satisfactory for downtown commercial buildings. 4) No recognizable “base” or “top” treatment is provided, and existing conditions are lacking. 5) The loading & unloading area behind the building is entirely visible from the alley and partially visible from 10<sup>th</sup> Street, but is not visible from any residential district.

Hannemann indicated that he is in favor of proper screening for the loading and unloading area. Anthony explained that the building doesn't have any existing violations, nor has it had any violations previously. Mason noted that the building is an eye sore and needs a total renovation. Nilsson Davis, representative of Upper Shelf Farms, LLC. Indicated that Upper Shelf will continuously monitor the entire premises on which they are operated with surveillance system that includes security cameras. Video recordings from the security cameras will be maintained in a secure, off-site location for a period of 14 days. Davis noted that the state requires establishments to maintain at least 30 days of security footage.

**A motion was made by Van Ginhoven, seconded by Mason to approve the site plan for Upper Shelf Farm's LLC. at 923 Ludington Street conditioned upon the applicant providing screening for the loading and unloading area and working with administration to attain compliance with exterior building materials requirements. A roll call vote was taken, and the MOTION PASSED unanimously.**

**A motion was made by Webber, seconded by Van Ginhoven, to approve the special land use permit for Upper Shelf Farms, LLC. at 923 Ludington Street. A roll call vote was taken, and the MOTION PASSED unanimously.**

### **UNFINISHED BUSINESS-**

#### **1. Discussion—Bay de Noc Community College and Marijuana Facilities/Establishments, Marijuana Provisioning Centers/ Retailers**

The Planning Commission determined that it would be in the city's best interest to ask for a moratorium from City Council due to the amount of public concern regarding marijuana establishments. The Planning Commission advised the public to attend the next City Council meeting, during which they may participate in the

review of ordinances regulating marihuana facilities/establishments. Van Ginhoven reiterated that just because the Planning Commission and City Council is reviewing the marihuana ordinance it doesn't necessarily mean it will change. Van Ginhoven advised the public to contact Randy Childers, Senior VP of Real Estate and Brian Reilly, Manager of Delta Plaza Mall and explain that they would like Hobby Lobby to remain in Escanaba.

**A motion was made by Hellermann, seconded by Hannemann to request a moratorium from City Council while the Planning Commission regulates the zoning and regulatory marihuana ordinance. A roll call vote was taken, and the MOTION PASSED unanimously.**

Hannemann suggested applying the 750' school buffer around the college as it fits with any other educational facility. He strongly recommended having work group to discuss the marihuana ordinance and possibly discussing the concerns at the joint meeting with the Planning Commission and City Council in February. The Planning Commission asked Anthony to form a work session as the primary agenda item for the next Planning Commission Meeting. The Planning Commission noted that public input is welcome.

**A motion was made by Benetti, seconded by Van Ginhoven, to have administration plan a marihuana work session ideally with public input prior to the Joint meeting with City Council and Administration in February. A roll call vote was taken, and the MOTION PASSED unanimously.**

#### **NEW BUSINESS-**

##### **1. Annual Report Review**

Administrator Anthony presented a draft of the Planning Commission's Annual Report to City Council for review and comment. Anthony highlighted key sections of the report and asked for input before the report is forwarded to City Council. Anthony indicated that several items on the master plan have made progress in 2022. Hannemann believes the Planning Commission needs to work on the master plan. The Planning Commission asked that Anthony add the conflicting corner lot language to the next Planning Commission meeting, and that he add a master plan review to the 2023 goals.

Anthony explained the Annual Report will be presented at the Joint Meeting which is tentatively scheduled for February 23, 2023. The City Council, Historic District Commission, Zoning Board of Appeals and DDA will be invited to attend. It is intended that this meeting serve not only as a venue for presenting the report, but also as a time for all boards and commissions to intentionally consider Master Plan goals and to strategically plan for implementing them. It was noted that, while the Planning Commission has responsibility for carrying out some of the Master Plan goals, it does not have the authority to carry out all of them.

**A motion was made by Webber, seconded by Hannemann to approve the Planning Commission Annual Report as presented and submit to City Council. A roll call vote was taken, and the MOTION PASSED unanimously.**

##### **2. Project Updates**

- A.) Delta County Planning Commission: Van Ginhoven discussed the election of officers that were appointed after the meeting adjourned.
- B.) Zoning Board of Appeals: The next ZBA meeting is scheduled for April 4, 2023. During the last ZBA meeting Anthony presented a case study.
- C.) Zoning/Land Use Permits: The Planning Commission reviewed submitted year-to-date reports of permit activity and other zoning processes.

### 3. 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 four hours of training is required annually.

#### GENERAL PUBLIC COMMENT –

Ed Legault, Executive Director of Delta County Alliance, explained that he was involved with the master plan and RRC. The master plan was put together by CUPPAD and the public was engaged. He noted that the residents need to give the Planning Commission a break, they do a great job. Legault feels the main reason that many of these decisions have been made was from a lack of revenue or revenue gap by our city. He noted that charging an application and license fee gave the city an opportunity to make revenue based on the elections. He indicated that budget hearings are going on right now. Legault suggested raising taxes rather than obtaining revenue from marihuana establishments. He reminded all present that over the last 4 years, there have been many vacancies on boards and commissions, and the public should become engaged. He advised the public to take advantage of that.

Karen Moore discussed the 5-year plan and advised the staff to put ideas together even if they seem impossible as the city can apply for grants. She explained that there are grants out there for things you don't realize.

Bonnie Hakkola thanked the Planning Commission for offering a moratorium on marihuana establishments for review of the ordinance and allowing public input. She noted that she is happy to influence zoning language.

Susan Micheau indicated that she is not opposed to marihuana establishments and noted that some of it's the community fault for not being involved. She noted that Escanaba is pushing for tourism and the first thing people will see when they drive through town is marihuana establishments. She stressed that she is not opposed to revenue and doesn't believe that traffic issues were considered in some of these locations. Families are going be standing in front of marihuana establishments while waiting for parades. She showed concern about growing zones, problems with odor, and how many facilities are going to be allowed.

Sonia Warner stated that she wants to make sure that she heard the Planning Commission correctly on whether the old Saykly's building and the Fire Station were approved for marihuana retailers. Warner then asked if there was anything the public can do to convince Hobby Lobby to stay.

Stephanie Carpenter again questioned the Planning Commission's point of view for marihuana establishment revenue for the City. She asked why the City of Escanaba is bringing in drug stores and expressed confusion over why these establishments could be perceived as creating a positive effect for the community.

#### COMMISSION/STAFF COMMENTS –

Hellermann answered a few questions the public had during public comment; He explained that the Planning Commission didn't set any of the taxing rules, nor does the Commission have any such powers. He noted that Industrial areas are approved for grow areas and noted that the Planning & Zoning Office has only received application for marihuana retailers. Anthony indicated that he denied one marihuana application last week due to the project not meeting required buffering from one-family dwellings. Higher Love was approved, Grams Club was approved, and the Fire Station is conditionally approved. Hellermann reiterated that there is no cap currently in the regulatory ordinance. He then suggested to the public that they let Hobby Lobby know that they want the store to stay and let Fire Station know that they're not interested. Hannemann noted that the attorney which was contracted to assist in marihuana ordinance creation advised the City to not put caps on marihuana establishments.


Hannemann suggested that administration add language to the 300' neighbor notification letter akin to the statement which Hellermann read earlier in the meeting. Such language is hoped to help clarify the limits and intent of public comment periods and hearings.

Anthony apologized to LeGault for any notion of insult on the Master Plan work as it was not his intention, and he genuinely appreciates the body of work. He also noted that growers are not allowed to create odors. Otherwise, these establishments will be penalized with fees and citations.

Webber thanked the public for attending the meeting. He indicated that he is troubled by Hobby Lobby's stated intent to leave. He questioned why, since they have hundreds of loyal customers, they would be ready to leave Escanaba because of potential neighboring development.

**ADJOURNMENT**

The meeting adjourned at 8:10 pm.

  
James Hellermann, Chair  
Escanaba Planning Commission

  
Tyler Anthony, Planning & Zoning Administrator  
City of Escanaba

Minutes approved at the February 9th, 2023 meeting. HC

January 3, 2023

Dear Mr. MatNeil

The mall is finally starting to bring or keep people in Escanaba for shopping. Now the council says we must allow four marijuana shops in prime locations and one of the main stores is threatening to move out of the mall.

Surely there is some way to prevent this. Put out some press releases and inform people of what is happening. Hopefully they will take action.

Sincerely  
Dorothy Olson

Note:

Ms. Dorothy Olson  
Resident of [REDACTED]

Received 1/5/2023

**Tyler Anthony**

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**From:** Debbie Jussila [REDACTED]  
**Sent:** Friday, December 23, 2022 5:34 PM  
**To:** Tyler Anthony  
**Subject:** Hobby Lobby

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

We couldn't agree more to Dave Moyle's letter to the editor with regard to Hobby Lobby and the proposed marijuana shops near the mall area. The Planning Commission and the City Council MUST do everything in their power to see that Hobby Lobby stays in our community. This retail store has been absolutely one of the best additions to our mall and city. It draws many people from outlying areas to shop and, subsequently, dine. This, along with all the positive changes and additions to our mall has been wonderful! If they were to decide to leave, it would have a devastating impact to our town and possibly other mall additions.

There are other areas within the City which could provide retail space for this type of store without causing such negative effect to our mall.

Please vote to keep marijuana stores away from our family friendly mall.

Thank you,

Ken and Debbie Jussila



Exhibit C.

**Tyler Anthony**

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**From:** Holly Thompson <[REDACTED]>  
**Sent:** Thursday, January 5, 2023 1:04 PM  
**To:** Tyler Anthony  
**Subject:** Marijuana Dispensary 923 Ludington St

Mr. Anthony,

I am opposed to the dispensary. I have no problem with a dispensary any where else. I don't think it should be located near Safe Harbor and I side with Hobby Lobby. Hobby Lobby brought more jobs than the dispensary will and we need the arts and crafts company more than a dispensary, considering Lume is not far and the Firestation has a large shop by the casino. Its not like having to drive all the way to Nahma or to Marquette.

Thank you.

Holly Thompson