

**CITY OF ESCANABA
PLANNING COMMISSION
Official Proceedings – April 13, 2023**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, April 13, 2023, in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Chair Hellermann called the meeting to order at 6:00 PM.

ROLL CALL

Chair James Hellermann:	Present	Comm. Nevin Naser:	Present
Secretary Kelli VanGinhoven:	Present	Comm. Michael Harris:	Present
Comm. Roy Webber:	Absent	Comm. Mark Sadowski:	Present
Comm. David Mason:	Absent		

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

ALSO PRESENT

City Administration:

Tyler Anthony, Planning & Zoning Administrator

Others:

Craig Woerpel, DDA Director

Two other unnamed individuals were present.

Council Liaison, Ronald Beauchamp, was absent from the meeting.

MINUTES

A motion was made by VanGinhoven to approve the March 15, 2023 minutes as presented. Supported by Naser. A voice vote was taken.

MOTION PASSED.

AGENDA

A motion was made by VanGinhoven to move NB1 to the end of the meeting, just before adjournment. Supported by Sadowski. A voice vote was taken.

MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

None.

PUBLIC COMMENT ON AGENDA ITEMS

None.

UNFINISHED BUSINESS**UB1: Discussion: Corner Lot Language in Zoning Ordinance**

Anthony provided the Commission with the second section of two suggested zoning ordinance changes. They were the product of an *ad-hoc* committee of former Comm'rs Hannemann and Anthony (Anthony sat on the commission at that time). As a first section, staff provided a series of definitions changes at the March meeting. That section was approved by motion at that time.

Harris stated appreciation for the *ad-hoc* committee's work and agreed with the changes. Hellermann added that this text would have avoided a court case which originally caused the committee's formation. Anthony explained that these changes were only a fraction of the final work, as the presented text would be used as a model for all zoning district chapters. The example provided only showed chapter 5 (A: Single-Family Dwelling District). Sadowski asked how this work might affect fences, and Anthony explained that it would not apply.

A motion was made by VanGinhoven to approve the recommended text changes for consideration as a zoning ordinance amendment as presented. Supported by Harris. A roll call vote was taken with the following results:

Yes: Hellermann, VanGinhoven, Sadowski, Harris, Naser.

No: None.

MOTION PASSED.

Commissioners thanked the *ad-hoc* committee for their work.

UB2: Discussion – Marihuana Zoning & Regulatory Ordinance

Hellermann opened the discussion. Sadowski repeated traffic impact concerns he had stated at the March meeting. Commissioners discussed where they stood on a distancing restriction (buffer) for Bay de Noc Community College. Hellermann asked Anthony if the City Attorney would review a recommended zoning ordinance amendment if one was produced; Anthony reported that it would be likely.

VanGinhoven recanted hers and Webber's concern for a buffer around Bay College. They worried that a 750-foot buffer would be unreasonably large due to the College's large footprint, which extended from US Hwy 2/41 to a point west of North 30th Street. Commissioners and staff discussed whether they should describe this buffer as being for "Bay de Noc Community College", "higher education institutions", "trade schools", "post-secondary education institutions", or a combination thereof. VanGinhoven indicated a desire to see zoning ordinance sections 205.6.9(7 through 14) removed. Anthony supported this idea. Discussion on this point took place, and general support was expressed.

A motion was made by VanGinhoven to add a distancing restriction of 250 feet between marihuana establishments and higher-education institutions including trade schools. Supported by Harris.

Harris questioned whether 250 feet was chosen and not 500 feet; he recalled that discussion seemed to land on 500 feet at the March meeting. Commissioners explored whether 500 feet would be a better option, considering that a standard city block is 500 feet.

A roll call vote was taken with the following results:

Yes: VanGinhoven, Harris.

No: Hellermann, Sadowski, Naser.

MOTION FAILED.

Hellermann entertained a motion for a 500-foot buffer for the same types of institutions. Anthony asked whether the types used in Sadowski's motion could be changed; Hellermann noted that the City Attorney could change the wording to fit their intent.

A motion was made by Sadowski to add a distancing restriction of 500 feet between marijuana establishments and higher-education institutions including trade schools. Supported by Naser. A roll call vote was taken with the following results:

Yes: Hellermann, Sadowski, Harris, Naser.

No: VanGinhoven.

MOTION PASSED.

Hellermann opened further discussion. The focus then shifted to removing zoning ordinance sections 205.6.2 and 205.6.9(7 - 14). VanGinhoven wanted to see if section 205.6.7 (signs; no marijuana, marijuana-infused products, or paraphernalia) could also be removed. Hellermann explained the history of that section in the ordinance; commissioners discussed possible-but-improbable First Amendment claims against it. At that time, no similar claim had been brought against any group in the State. Sections 205.6.9(7 - 14) were then discussed. Anthony noted that removing them would help avoid conflict between other sections.

A motion was made by Hellermann to remove zoning ordinance sections 205.6.2 and 205.6.9(7 – 14). Supported by VanGinhoven. A roll call vote was taken with the following results:

Yes: Hellermann, VanGinhoven, Sadowski, Harris, Naser.

No: None.

MOTION PASSED.

Hellermann indicated one last action he wished to take on this item; he wanted to see the 100-foot buffer for one-family dwellings be changed to include all permanent dwellings. Further, he sought to remove the E-3 (Central Commercial) district's exemption from that 100-foot buffer. He and VanGinhoven discussed opposition to that exemption which came from both the public and some members of the City Council.

Anthony offered that the language be changed to reflect residential zoning instead of uses. He reasoned this since zoning is controlled by a map and no record of various dwellings City-wide could be reasonably kept. He noted that nonconforming dwellings could be found in nearly every non-residential district, but not without difficulty. If the buffer applied to zones and not uses, the rule's intent would be met, and it could be managed fairly and easily.

Both Hellermann and Harris offered strong support for the idea. Hellermann sought an explanation of where district boundaries were placed. Anthony noted that this buffer was taken only to the property line, not the district line. VanGinhoven was hesitant to pursue further restrictions. She showed interest in adding to the list of dwelling types covered by the buffer.

A motion was made by Hellermann to change zoning ordinance section 205.6.8.3 from its original language to read, “A retailer may not be located within one hundred (100) feet of any residential district”. Supported by Harris. A roll call vote was taken with the following results:

Yes: Hellermann, Sadowski, Harris, Naser.

No: VanGinhoven.

MOTION PASSED.

A motion was made by VanGinhoven to instruct staff to prepare a zoning ordinance amendment based on the action taken on UB2 that evening. Supported by Harris. A voice vote was taken.

MOTION PASSED.

NEW BUSINESS

NB2: Boards and Commissions Updates

Delta County Planning Commission:

VanGinhoven reported that the meeting was cancelled for the second month in a row.

Zoning Board of Appeals:

Anthony reported a variance application regarding sign area in the DDA district.

Zoning and Land Use Permits:

Anthony reported a zoning permit application filed for a new single-family dwelling to be built on a then-vacant lot. He reported that new sign and fence permit applications were rising with the arrival of good weather. Finally, he announced that staff were preparing new permit applications.

NB3: Training Updates

No training was reported.

GENERAL PUBLIC COMMENT

Craig Woerpel, Escanaba DDA Director, announced a meeting for Tuesday, April 18 which was to explore a streetscape and gathering space project. The scope was meant to include redesigning Ludington Street, altering the 100 blocks of North and South 11th Street to be pedestrian plazas, and redesigning the public restrooms at the DDA’s Centre Court building to be more usable.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

Hellermann thanked his fellow commissioners for their good work that evening.

VanGinhoven noted her satisfaction with completing their marihuana work with no moratorium.

NEW BUSINESS

NB1: Training Session

The Planning Commission reviewed the first segment of three in a pre-recorded video workshop. That workshop was provided by the Michigan Association of Planning. The segment fulfilled ½ hour of their annual 4-hour training requirement.

ADJOURNMENT

**A motion was made by Naser to adjourn. Supported by Sadowski.
MOTION PASSED.**

The meeting adjourned at 7:39 PM.

APPROVAL

These minutes were approved at the 5/11/2023 meeting. HK



James Hellermann
Chair, Escanaba Planning Commission



Tyler Anthony
Planning & Zoning Admin., City of Escanaba