

**CITY OF ESCANABA  
PLANNING COMMISSION  
Official Minutes – Thursday, April 11, 2024**

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**CALL TO ORDER**

A meeting of the Escanaba Planning Commission was held on Thursday, April 11, 2024 at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

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

**Attendance**

Membership:

|                              |         |                                 |         |
|------------------------------|---------|---------------------------------|---------|
| Chair Patrick Connor .....   | Present | Commr. Kasja Nelson .....       | Present |
| Secretary Roy Webber .....   | Present | Commr. Christiana Reynolds..... | Absent  |
| Commr. Michael Harris .....  | Present | Commr. Mark Sadowski.....       | Present |
| Commr. James Hellermann..... | Present |                                 |         |

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

Others:

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid-LaVigne, Confidential Secretary
- Ronald Beauchamp, City Council Liaison
- Rick Kell, 1400 14<sup>th</sup> Avenue South
- Three other unnamed individuals

**Pledge of Allegiance**

Anthony led the Commission in the Pledge of Allegiance.

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**PUBLIC BUSINESS**

**PB1: Agenda Public Comment**

Kell commented on HK2. He asked to have the Commission add an item to the agenda; Kell wished to make a brief presentation regarding an amendment to the Zoning Ordinance that he felt had caused issues for residents.<sup>1</sup> Commissioners discussed if this was possible and at what point during the meeting he could present; some felt that this was an appropriate point in the agenda. Webber noted that they could add him to the agenda under New Business; the current item was only meant for public comment on the agenda, not for presentations.

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**HOUSEKEEPING BUSINESS**

**HK1: Approval of Minutes**

Anthony noted a suggested change; he referred to the first paragraph of NB2, where he felt that the word “date” should be added after the word “meeting” to clarify the sentence’s meaning.

**Connor moved to approve the March 14, 2024 regular meeting minutes with the addition of the word “date” after “meeting” on line 12, page 4. Webber seconded.**

**A roll call vote was taken with the following results:**

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<sup>1</sup> See Planning Commission, *Official Minutes – February 8, 2023*, NB3; *Official Minutes – March 15, 2023*, UB3; *Official Minutes – April 13, 2023*, UB1; *Official Minutes – June 8, 2023*, PH1; and City of Escanaba, *Ord. No. 1283*.

**Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski**

**No: None**

**MOTION PASSED.**

### **HK2: Approval of Agenda**

**Hellermann moved to approve the agenda with the addition of a new item, being “NB3: Presentation and Discussion on Corner Lots”. Nelson seconded.**

**A roll call vote was taken with the following results:**

**Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski**

**No: None**

**MOTION PASSED.**

### **HK3: Announcements**

None.

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## **UNFINISHED BUSINESS; REPORTS**

### **OR1: Delta County Report**

Nelson presented the Delta County Liaison’s report.<sup>2</sup> She explained that the Delta County Planning Commission’s April 1<sup>st</sup> regular meeting was canceled due to a lack of quorum. Connor asked about the letter that the Commission had sent.<sup>3</sup> He recalled Nelsons last report, where she reported that the Delta County Planning Commission had planned to send a reply to the letter. Nelson felt that they did intend to respond by way of a letter from the Delta County Administrator, Ashleigh Young, but that such a response had clearly not yet been made.

### **OR2: Historic Districts Report**

Webber reported on the March 18<sup>th</sup> regular meeting of the Historic District Commission (HDC). The meeting’s focus was on an idea to propose a Historic District Study Committee (Study Committee). Vice-Chair Judith Fouts had to preside over the meeting since Chair Don Curran was absent. Webber described the meeting as out of hand, and it had quickly become a messy debate between the HDC and some vocal audience members; one person spoke for about a half hour.

He felt that many opposed any new historic district due to worries and falsehoods on the topic, and that the HDC failed to address them well. With that, the HDC postponed the item until the end of the meeting. When it came back up, they then directed staff to explore options for creating a citizen committee to explore options for creating a Study Committee.<sup>4</sup>

The next item was an article series about the importance of local historic districts. The HDC and some audience members felt them to be too dry, and that they were not applicable to Escanaba. HDC member Rebecca McIntyre offered to help staff write a new set of articles. Webber summarized the meeting as chaotic and terribly long.

Commissioners briefly discussed Webber’s report. Hellermann asked if there were tax breaks for

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<sup>2</sup> See Appdx. 2, exh. A.

<sup>3</sup> See Planning Commission, *Official Minutes – January 11, 2024*.

<sup>4</sup> The redundancy here is not an error; see Historic District Commission, *Official Minutes – March 18, 2024*, p. 3, ll. 31-36, p. 4, ll. 1-10, 29-35, p. 5, ll. 1-9.

people in such districts; he thought there to be a total property tax exemption. Anthony explained the property tax credits which could be had for doing qualified rehab work, and that there were no property tax exemptions.

**OR3: Department Report**

Anthony reported that permit and enforcement activity was in full swing with the advent of good weather. He added that some zoning enforcement had run into some problems due to old easement issues. The Zoning Board of Appeals was to meet the following Tuesday to hear a variance request. The applicant wished to place a shed in the property’s front yard space, as there appeared to be no usable side or rear yards.

**CR1: Consultant Selection Committee Report**

Anthony presented the committee’s report.<sup>5</sup>

**Connor offered, Webber seconded:**

**RESOLUTION NO. 24-08**

**RESOLUTION TO INTERVIEW A PLANNING CONSULTANT**

**RESOLVED**, That the Planning Commission will, upon invitation, hold an interview with Beckett & Raeder, Inc. in accordance with the previously set planning consultant selection timeline.

**A roll call vote was taken with the following results:**

**Yes: Hellermann, Nelson, Connor, Webber, Harris**

**No: Sadowski**

**MOTION PASSED.**

**NEW BUSINESS**

**NB1: First Reading, Motor Vehicle Maintenance Ordinance**

Anthony introduced the item, reading from the packet’s report.<sup>6</sup>

**Harris moved to approve the draft ordinance as presented. Connor seconded.**

**A roll call vote was taken with the following results:**

**Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski**

**No: None**

**MOTION PASSED.**

Hellermann quipped that he had come out ready for a discussion. Joking and discussion ensued.

**NB2: Discussion, Form-Based Codes**

Anthony introduced the item, reading from the packet’s report.<sup>7</sup>

Hellermann was glad to see this business come up; he had been pushing for this kind of training for many years, and he was happy to see it finally happen. Commissioners agreed that form-based

<sup>5</sup> See Appdx. 2, exh. B.

<sup>6</sup> See Appdx. 1, NB1.

<sup>7</sup> See Appdx. 1, NB2.

codes were one of the best zoning options for the City's future. The piecemeal way of introduction used in other places had some appeal; work could also be done little by little, instead of changing the whole City over at once.

Connor asked about the available training options, and if any were shorter sessions or if they could be done in short parts. Nelson explained that the training sessions she had taken were all online, that they were self-paced, and that each was about half an hour in length. The platform she used had many different sessions; she felt it to be a good option for the Commission to look at. Ecklid-LaVigne added that she had emailed the platform's link to all commissioners at Nelson's request.

Connor began to move on to the next item of business; commissioners and the staff were caught off-guard. They all felt that there was still more discussion and action to be taken on this item.

**Webber offered, Nelson seconded:**

**RESOLUTION NO. 24-09**

**RESOLUTION TO COMPLETE A FORM-BASED CODES TRAINING PROGRAM**

Whereas, The Planning Commission seeks to adopt form-based zoning codes, herein "FBCs" within the City;

Whereas, A need for more understanding of FBCs has been expressed by the Planning Commission; and

Whereas, Commissioner Nelson has completed an appropriate training program on FBCs; therefore, be it

**RESOLVED**, That the Planning Commission's membership, excluding Commissioner Nelson, shall complete the training program titled 'Form-Based Codes 101' provided by the Form-Based Codes Institute; and

**RESOLVED**, That the membership shall complete said training program within one year.

Webber asked if it would make sense for different commissioners to do different training modules so that they would have a better understanding of Form-Based Codes. Further discussion ensued.

**Nelson moved for the previous question.**

Commissioners expressed surprise over this type of subsidiary motion.

**MOTION PASSED by unanimous consent.**

**A roll call vote was taken with the following results:**

**Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski**

**No: None**

**MOTION PASSED.**

**NB3: Presentation and Discussion on Corner Lots**

Kell approached the podium and ensured that a document he had provided was given to all Commissioners.<sup>8</sup> He wished to discuss the effects of recent changes to the Zoning Ordinance as they related to some corner lots in the City.

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<sup>8</sup> See Appdx. 2, exh. C.

The issue Kell saw related to the definitions of front lot lines. He explained that, because of amended definitions, the City defined the primary front lot line as that one contiguous to the street on which a given property was addressed – in the case of corner lots. Property owners were then required to meet setback requirements accordingly. In the past, owners could have chosen which property line they wished to be the primary front, which changed the arrangement of setbacks and yards. The recent definition changes ended this choice which, in Kell's opinion, negatively impacted property owners. He had seen eight homes which might be affected on South 14<sup>th</sup> Street alone, and he felt that there were hundreds of similar cases in the City.

Connor asked when this ordinance was changed; Kell responded that it was in July or August.<sup>9</sup> Hellermann asked Anthony for some background on why the changes were made. He recalled that they came from a zoning enforcement case, and that the Commission's hand was forced into amendment.

Harris asked Kell to explain how this change had impacted him. Kell explained that he had planned on building a small addition to his house, but he was unable to due to the amended definitions. Harris then asked if he had applied for a permit and been denied; Kell replied that he did not apply for a permit. He added that, after previously speaking with Anthony, he learned that the addition was not possible without a variance. Harris noted that, from a real estate point of view, the most logical step would have been to ask for a variance. In Harris's experience, variances tended to always be granted in these situations. He then asked Kell why he had not applied for one; Kell felt that another amendment would have been good for the entire City.

Hellermann explained that, while he agreed with Kell's ideas, he did feel that getting some background on why the amendment was made could have helped the Commission and Kell. Hellermann and Anthony explained the case in which an owner built a shed in their corner lot's secondary front yard. When the dispute reached the 94<sup>th</sup> District Court Magistrate, the City lost because the magistrate found that front setbacks could not be justified that way on corner lots.

Further discussion ensued. Anthony stated that he could bring something to the Commission's next meeting on this issue.

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#### **GENERAL PUBLIC COMMENT**

None.

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#### **ADJOURNMENT**

**Hellermann moved to adjourn. Connor seconded.**

**MOTION PASSED by unanimous consent.**

*The meeting adjourned at 6:46 PM.*

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#### **APPENDICES TO THESE MINUTES**

**Appendix 1:** The meeting agenda and packet.

**Appendix 2:**

- A. Delta County Liaison Report
- B. Consultant Selection Committee Report

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<sup>9</sup> Ordinance No. 1283 was adopted August 3<sup>rd</sup>, 2024.

C. Rick Kell, Zoning Ordinance Amendment Request

**APPROVAL**

I, Roy Webber, Secretary of the City of Escanaba Planning Commission, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 11 April 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

  
\_\_\_\_\_  
Roy Webber, Secretary  
Escanaba Planning Commission

Draft reviewed on: 4-18-24

Draft available on: 4/18/2024

I further certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Planning Enabling Act (MCL 125.3801 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City’s Code of Ordinances, and said Commission’s Bylaws.

APPROVED:

\_\_\_\_\_  
Roy Webber, Secretary  
Escanaba Planning Commission

Final approved on: \_\_\_\_\_

Final available on: \_\_\_\_\_