



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION

Regular Meeting Agenda – Thursday, February 8, 2024, 6:00 PM

Council Chambers, Rm. C101 – Escanaba City Hall – 410 Ludington Street, Escanaba, MI 49829

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION TO MINUTES – Regular Meeting: January 11, 2024

APPROVAL/ADJUSTMENT TO AGENDA

CONFLICT OF INTEREST DECLARATIONS

PUBLIC COMMENT ON AGENDA ITEMS

PUBLIC HEARINGS

PH1: Special Land Use – 200 Ludington Street

The Commission will conduct a public hearing on a Special Land Use Application. This application is for a two-building, three-story condominium.

PH2: Zoning Map Amendment – 2730 Lake Shore Drive

The Commission will conduct a public hearing on a proposed Zoning Map amendment. The applicant seeks to move their property from an “A” district to a “D” district.

UNFINISHED BUSINESS

NEW BUSINESS

NB1: Site Plan Review – 200 Ludington Street

The Commission will conduct a review of a proposed Site Plan. This review is being done in connection with the Special Land Use under agenda item PH1.

NB2: Annual Report Review

The Commission will review their annual report to the City Council.

NB3: General Updates

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

NB4: Training Updates

Commissioners will report any training which they have done since the last regular meeting.

GENERAL PUBLIC COMMENT

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

ADJOURNMENT

Respectfully submitted,

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



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION

Public Participation Procedures

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.

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 material shall be made available without cost to members of the public by request before the meeting.

During the agenda item, when the floor is opened for public comment by the chair, individuals wishing to comment should:

1. Approach the podium.
2. Speak into the microphone.
3. State your full name and address for the record (providing spelling as necessary)
4. Direct all comments/questions to the Chairperson only.
5. 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 Minutes – Thursday, January 11, 2024**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, January 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.....	Present
Commr. James Hellermann.....	Absent	Commr. Mark Sadowski.....	Present
Commr. Michael Harris	Absent		

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

City Administration:

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid, Confidential Secretary
- Ronald Beauchamp, City Council Liaison

No other individuals were present.

MINUTES

Webber moved to approve the December 14, 2023 regular meeting minutes as proposed. Sadowski seconded.

A voice vote was taken. MOTION PASSED.

AGENDA

Connor asked if there were any adjustments to be made to the addenda. Anthony noted that there was an error which needed to be corrected. The Commission’s review of their annual report did not make it into this meeting, and it was moved to the next regular meeting. In error, it was not removed from the agenda. Anthony also suggested that another sub-item be added to the “General Updates” agenda item, being a mention of the Michigan Association of Planning’s annual report.

Sadowski moved to accept the recommended changes and approve the agenda. Nelson seconded.

A voice vote was taken. MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

None.

PUBLIC COMMENT ON AGENDA ITEMS

None

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

NB1: Delta County Planning Commission Liaison (DCPC) Committee

Anthony introduced the item. He then handed out to Commissioners and Beauchamp a final draft copy of the letter to the DCPC. Connor asked for a few moments to read over the letter. After this review, Connor solicited a motion to accept the draft letter as proposed.

Sadowski moved to approve the draft letter, sign it, and send it to the DCPC, the Delta County Board of Commissioners, and the Delta County Prosecutor’s Office. Webber seconded.

A voice vote was taken. MOTION PASSED.

NB2: Master Plan RFP Review

Anthony introduced the item, explaining what a Request for Proposals (RFP) is and how it works. He and Connor then briefly discussed whether CUPPAD (Central Upper Peninsula Planning and Development Regional Commission) was involved in the new Master Plan’s creation at that point; they weren’t, but they did express interest to Anthony a few weeks prior.

Connor asked for a motion to accept the RPF as presented. Sadowski interjected politely, asking to have further discussion before any action was taken. He wanted to know what kind of company the City was looking for, if this company was to be Michigan-based, what information was to be expected of them, and a cost estimate of this scope of work. Anthony explained that it was very likely that a Michigan-based firm was to be chosen, since such companies were normally very experienced with State law-compliant plans. He admitted that no price estimate was in hand, as those were supposed to be received in the bids after posting the RFP.

Anthony then read from the draft RFP to better answer Sadowski’s questions. He added that this process was going to be a long, but necessary one. Sadowski noted that point #5 under the “scope of work” header was extremely important to this project.

Connor offered, Reynolds seconded:

RESOLUTION NO. 24-01

RESOLUTION TO APPROVE AND DIRECT THE POSTING OF A MASTER PLAN RFP

RESOLVED, that the Planning Commission approves of the Master Plan RFP as prepared by its staff; and

RESOLVED, that the Planning Commission’s staff shall, jointly with City administration, fill in the blanks, add any necessary rules or language, and post the RFP for bid.

A voice vote was taken. RESOLUTION PASSED.

NB3: General Updates

a. Delta County Planning Commission Report

Nelson reported that the DCPC held their first regular meeting of the year on January 8th. They re-elected their then-current slate of officers, approved the previous meeting’s minutes, tabled all the other business, then adjourned. According to Nelson, the meeting lasted only 8 minutes.

b. Zoning Board of Appeals (ZBA) Report

Anthony explained that a special meeting of the ZBA, which was scheduled for 15 December 2023, was canceled by the applicant. Their next regular meeting was rescheduled from 2 January to 16 January, since a quorum was not available for the former date. No new business was scheduled.

c. Zoning/Land Use Permit Report

Anthony presented the monthly permit report, noting that the Delta County Building & Zoning Department’s December permit list was included as a new piece of information to Commissioners. Sadowski asked how the 2023 permit numbers and collected fees looked when compared to the previous year. Anthony could not directly answer, but he did say that they were similar.

d. Michigan Association of Planning (MAP) Annual Report

Anthony reported that the MAP’s 2023 Annual Report had just been released, and that it was a good read for Commissioners. He noted that a link to this report was provided in the packet.

e. Zoning Text Amendment – Chickens and Ducks

Anthony informed the Commission that the City Council had declined their request to revisit the proposed Chickens and Ducks Ordinance. Reynolds asked if any reason was given as to why they declined, and Anthony said that none was provided.

NB4: Training Updates

Reynolds reported ½ hour of self-guided training on “spot zoning”. From that training, she performed a deep dive on the subject, and reviewed the Master Plan for any local concerns.

GENERAL PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

None.

ADJOURNMENT

A motion was made by Nelson to adjourn the meeting. Connor seconded.

A voice vote was taken. MOTION PASSED.

The meeting adjourned at 6:25 PM.

EXHIBITS TO THESE MINUTES

- A. Draft: Letter to the Delta County Planning Commission, Final

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 January 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

Roy Webber

Roy Webber, Secretary
City of Escanaba Planning Commission

Draft reviewed on: 1/22/24

Draft available on: 1/23/24 TA

I, Patrick Connor, Chair of the City of Escanaba Planning Commission, hereby 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:

Patrick Connor, Chair
City of Escanaba Planning Commission

Final approved on: _____

Final available on: _____

Friday, 12 January 2024

To:
Delta County Planning Commission
c/o Building & Zoning Department
2910 College Avenue
Escanaba, MI 49829

Cc:
Delta County Board of Commissioners
c/o County Clerk's Office
310 Ludington Street
Escanaba, MI 49829

Delta County Prosecuting Attorney
310 Ludington Street
Escanaba, MI 49829

To the members of the Delta County Planning Commission,

We, the duly appointed members of the City of Escanaba Planning Commission, write to you, the Delta County Planning Commission, regarding some recent concerns. These concerns were brought to us by our liaison to the County Planning Commission.

One of our members, Commissioner Patrick Connor, served as liaison until recently. Commr. Connor resigned from this position at our October 12, 2023 meeting. At that meeting, he reported a series of encounters with the County Planning Commission and its staff that he viewed as retaliation for earlier public comments he made as a private citizen. Because these concerns involve some possible violations of the Michigan Open Meetings Act, the Delta County Planning Commission Ordinance, and your Bylaws, we wish to bring them to your attention.

At the regular meeting on May 16, 2023 – before he was a member of the City Planning Commission – Patrick Connor appeared before the Delta County Board of Commissioners as a private citizen. During that meeting, he spoke during the public comment period for agenda items. Per the official minutes, “[He] addressed the Board with his concerns regarding annexation, recusing a commissioner and the [County] Planning Commission.”

The Escanaba City Council appointed Connor to the City Planning Commission on June 15. On June 29, he was appointed by motion as our liaison with the County Planning Commission. After that appointment, the first and only County Planning Commission meeting he attended was the one held on October 2. At that meeting, now-Commr. Connor was informed that he could not participate in discussions with the County Planning Commission. He was also told that he could not speak during public comment. This was told to him by John Denholm, the County Planning Commission Chair, who claimed to cite the current Bylaws (see attachment 1). Both restrictions seemed to nullify his status as liaison with you.

When pressed for details, Chair Denholm told Commr. Connor that the Bylaws had been changed in “May or June”. However, the current Bylaws were adopted on March 2, 2021, and there is no evidence of any newer version than that. These Bylaws explicitly state that liaisons, including the City’s liaison, can indeed speak at meetings and participate in discussions. And of course, all individuals in attendance must be permitted to speak during public comment under the Open Meetings Act. MCL 15.263(5):

A person must be permitted to address a meeting of a public body under rules established and recorded by the public body.

Further, Commr. Connor reported that the County’s staff refused to provide a copy of the County’s Master Plan to him. He was told both that there were no copies available, and that such copies were only available to members of the County Planning Commission. In fact, this Master Plan is available online – something that could easily have been communicated to Commr. Connor, thus enabling him to participate meaningfully as our liaison. Commr. Connor perceived that these actions were in response to his remarks as a private citizen at the Delta County Board of Commissioners’ May 16 meeting.

While investigating Commr. Connor’s claims, it was found necessary to secure copies of the proposed minutes of the October 2 meeting. This was made difficult by the fact that such proposed minutes were not made available for 14 business days after the meeting (see attachment 2). Per the Open Meetings Act, such proposed minutes must be made available within 8 business days of the meeting at which they were taken. It is also worth noting that the November 6 meeting’s proposed minutes were not made available for over 30 business days after the meeting (see attachment 3).

In sum, we are concerned that the County Planning Commission denied our liaison the ability to participate, in violation of the Bylaws, and denied him the ability to speak during public comment, in violation of the Open Meetings Act. And finally, we are concerned that you failed to make the proposed minutes available within 8 business days after the meeting, as required by the Open Meetings Act.

The City Planning Commission values its relationship with the County Planning Commission. We wish to ensure that our liaison can participate meaningfully in future meetings as part of this relationship. We trust that you will address these items and ensure that they do not recur in the future.

Signed by the members of the City of Escanaba Planning Commission:

Patrick Connor, Chair

Kasja Nelson, Commissioner

Roy Webber, Secretary

Christiana Reynolds, Commissioner

Michael Harris, Commissioner

Mark Sadowski, Commissioner

James Hellermann, Commissioner

Attachments:

1. General Affidavit
2. Email thread – October Proposed Minutes
3. Email thread – November Proposed Minutes



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

PH1: Special Land Use – 200 Ludington Street

Background

The Commission will conduct a public hearing on a Special Land Use (SLU) Application. This application is for a condominium, which is a land use allowed by SLU permit in “E-3” zoning districts.

Issues and Questions Specified

The Zoning Ordinance does not specify requirements or standards for approving a SLU permit. This is required by the Michigan Zoning Enabling Act.¹

Master Plan References

- Action E1 “Compatible Maritime and Waterfront Uses”
Seek, encourage, and foster a balance of uses and activities on the waterfront that are compatible with a working port and the broader goals of the community. Opportunities for waterside public access, open space, and the expansion of public use of the waterfront include improvements such as viewing platforms, piers, street ends, and non-motorized trails where feasible, or other physical improvements to improve the character and utilization of the waterfront should be explored. Develop form-based zoning [sic] standards that support waterfront redevelopment due to the irregular property line layouts.²
- Action E2 “North Shore Property Acquisition”
Should property within the near north shore zone within the downtown area become available, and the should the City have an opportunity to acquire it, steps should be taken to purchase or acquire the property and work with the community and the private sector on a development and infrastructure plan which will meet the needs of maritime and recreational water dependent activities that has the potential to increase the overall economic value of the community with new investment that will stimulate the revitalization of the waterfront, provide new jobs, revenues, public amenities and other benefits to the community.³
- Action E8 “Downtown Organization”
The downtown should continue to be organized into functional zones in order to create a critical mass, for not only retail businesses, but for professional offices and services that support downtown living. The encouragement of retail and entertainment anchors in the downtown ties into the reorganization of the downtown in definable districts. Downtowns such as Escanaba have a difficult time competing with regional and franchise stores, but often times excel in specialty retail,

¹ State of Michigan, *Michigan Zoning Enabling Act*, “Special land uses; review and approval; application; notice of request; public hearing; incorporation of decision in statement of findings and conclusions” MCL 125.3502(1)

² City of Escanaba, *2016 Master Plan*, 103

³ City of Escanaba, *2016 Master Plan*, 104



restaurants, and entertainment type uses. A modification to the Zoning Ordinance encouraging the reorganization of the downtown from Ludington Park to Lincoln Road into definable districts is recommended. Zoning Ordinances should be revised to enhance street traffic by limiting non-retail first floor uses where practical. Additionally, form-based zoning standards should be adopted to reinforce desired use patterns within the downtown district. The ground floor of downtown buildings should be limited to retail uses and professional services with a retail element when located within the Central Retail District. Where possible, upper floors should be utilized for professional offices and residential units.⁴

Possible Options for Action

1. Approve the SLU permit. Sample language:

"I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter "the Applicant") submitted an application for a special land use permit (hereinafter "the Permit");

Whereas, The Applicant applied for the Permit for the following described property (hereinafter "the Property"):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records, Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Permit at a duly noticed public hearing which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Permit based upon the following facts:

[provide numbered list of facts]."

2. Conditionally approve the SLU permit. Sample language:

"I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter "the Applicant") submitted an application for a special land use permit (hereinafter "the Permit");

Whereas, The Applicant applied for the Permit for the following described property (hereinafter "the Property"):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records, Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Permit at a duly noticed public hearing which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Permit based upon the following facts:

[provide numbered list of facts]; and

RESOLVED, That the Planning Commission imposes the following conditions on the Permit:

[provide list of conditions]."

⁴ City of Escanaba, 2016 Master Plan, 105



3. Deny the SLU permit. Sample language:

"I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter "the Applicant") submitted an application for a special land use permit (hereinafter "the Permit");

Whereas, The Applicant applied for the Permit for the following described property (hereinafter "the Property"):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records,

Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Permit at a duly noticed public hearing which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission denies the Permit based upon the following facts:

[provide numbered list of facts]."

Attachments

1. Special Land Use Permit Application: SLU23001
2. Staff Report
3. Public Hearing Notice
4. Affidavit of Newspaper Publishing for Public Hearing Notices
5. Affidavit of Mailing for Public Hearing Notices
6. Mailing List

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SPECIAL LAND USE PERMIT APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

PROPERTY IDENTIFICATION

Address

200 LUDINGTON ST., ESCANABA, MI 49829

Parcel #

051-010-2929-328-003

GENERAL. All construction or addition to buildings in the City of Escanaba requires a zoning permit, whether a building permit is required or not. If you are unsure if you need a building permit, please call the Delta County Building & Zoning Department at (906) 789-5189. It is the responsibility of all parties involved to review the zoning ordinance for standards which may affect their project. These conditions are not exclusive.

PROPERTY LINES. It is the property owner's responsibility to know where their property lines are. The City Engineering Department may help locate and stake existing corner markers upon request. This service is not a legal survey and is not guaranteed to be accurate. The City assumes no responsibility for property corner markings, measurements, or errors thereof. If better accuracy is desired, contact a surveyor for a legal survey.

SETBACKS. A setback is the minimum distance required between a lot line (property line) and a building's wall or roof edge. There are some exceptions, but no new building or addition may violate these distances. Setbacks differ from one zoning district to another, and from lot to lot. On corner lots or through lots, all street-side lot lines are considered front lot lines, and setbacks are taken accordingly. The line opposite the street address is considered the rear lot line, with exceptions for lots pointed at the rear. Any remaining lines are side lot lines.

EASEMENTS. No structures are permitted in any legal easement. New or existing structures found to be in an easement will be evaluated for violation. If a violation is found, structures may need to be moved or demolished.

PENALTIES FOR WORK DONE BEFORE APPROVAL. It is illegal to begin construction work before a zoning permit is obtained. If such work is done, citations and fines may be issued. Additionally, if the work violates any provision of the zoning ordinance, that work must be moved or altered to achieve compliance.

ACCESS BY CITY EMPLOYEES. Staff from the Planning & Zoning Dept. may visit the property for zoning permit inspections. Staff from the Assessing Dept. may visit the property for tax purposes.

PROJECT INFORMATION

Special Land Use Type (as defined in zoning code)

*Please complete the following information as fully as possible. Staff can help find some information. Submit this form with **one print copy and one digital copy** of a site plan compliant with zoning ordinance sec. 1802.2.*

Project Description

THIS PROJECT IS TO CONSTRUCT TWO BUILDINGS ON THE SITE TO PROVIDE FOR 23 RESIDENTIAL CONDOMINIUM UNITS. INDOOR PARKING TO BE PROVIDED UNDER BOTH BUILDINGS WITH ACCESS FROM THE ALLEY TO NORTH AND WEST OF THE SITE. THE BUILDINGS ARE STORIES ABOVE THE PARKING LEVELS. THE FIRST FLOOR WITH RESIDENTIAL USE IS A HALF STORY ABOVE LUDINGTON STREET.

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SPECIAL LAND USE PERMIT APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

FEES

Your actual fee is based on your lot's area in acres. To find that amount, multiply the lot area by the indicated area factor, input that amount, add the base amount, then input the actual fee. **Max actual fee is \$2,000.**

Lot Area (i.e.: 0.164)	Area Factor	Area Amt	Base Amt	Actual Fee
Fee =	x \$250	= \$	+ \$500	= \$


CONTACT INFORMATION & AGREEMENT

I, the undersigned, have read and understand the statements on page 1 of this application. I acknowledge that the information in this application is true, and if found not to be true, any issued zoning permit 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 and not a permit. I understand 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.

If any of these entities are a company and not an individual, write: "Company Name (Contact's Name)"

Owner Name NORTHSHORE FLATS DEVELOPMENT, LLC (MATTHEW SVILAND)	Email swaneeinc@gmail.com
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Address, City, State, ZIP 1121 LAKESHORE DRIVE ESCANABA, MI 49829	Phone 906-420-4461
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Signature 	Date 12/22/2023
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Applicant (if not the Owner) Name BARRY J. POLZIN	Email BPOLZIN@BJPARCHITECTS.COM
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Address, City, State, ZIP 101 N. LAKESHORE BLVD. MARQUETTE, MI, 49855	Phone 906-226-8661
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Signature 	Date 12/22/2023
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Contractor (if not the Owner) Name	Email
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Address, City, State, ZIP	Phone
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Signature	Date
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Architect/Engineer (if not the Contractor) Name BARRY J. POLZIN ARCHITECTS	Email BPOLZIN@BJPARCHITECTS.COM
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Address, City, State, ZIP 101 N. LAKESHORE BLVD. MARQUETTE, MI, 49855	Phone 906-226-8661
---	------------------------------

Signature 	Date 12/22/2023
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Other (please specify) Name	Email
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Address, City, State, ZIP	Phone
----------------------------------	--------------

Signature	Date
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***** THIS SECTION FOR STAFF USE ONLY *****

Date Submitted 12/26/2023	Application correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Corner lot? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Zoning Code E-3	Receipt # 9371332	Permit # SLU23001
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Easements/ROWs No known easements.



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION

Staff Report

REQUEST OVERVIEW

Case # SLU23001

Property Address: 200 Ludington Street

Applicant: Northshore Flats Development LLC

Property Owner: City of Escanaba

Tax Parcel # 051-010-2929-328-003

Zoning District: E-3 (Central Commercial)

Property Description:

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock.

SPECIAL LAND USE PERMIT

The Planning Commission, as outlined in Zoning Ordinance (ZO) secs. 102.5 and 205, is responsible for conducting a public hearing to review requests for Special Land Use (SLU) permits. This review covers the application, maps, drawings, and any other documents which support the request. This also includes any public comments received. The Commission must identify and evaluate all relevant factors, including criteria listed in the ZO.

Following the public hearing, the Commission must decide whether to approve, approve with conditions, or deny the SLU request. Their decision must include a statement of findings and conclusions relative to the case, which specifies the decision’s basis and any imposed conditions.

These steps ensure a thorough and transparent evaluation of SLU reviews and approvals. It also ensures public input and adherence to established criteria throughout the decision-making process.

APPLICATION HISTORY

An SLU permit application was received on Tuesday, December 26, 2023 from Barry J. Polzin Architects (Architect). The Zoning Administrator then processed the application in the usual way per the ZO. This request was then placed on the February meeting agenda. This allowed time to make public hearing notices, and to hold internal review meetings.

PUBLIC HEARING NOTICES

The Zoning Administrator shall set, advertise, and give notice of a public hearing in accordance with sec. 201.5. Public hearing notification requirements have been fulfilled as follows:

- 300’ Radius to NeighborsMonday, January 22, 2024
- Daily Press NewspaperWednesday, January 24, 2024
- City of Escanaba Website & FacebookThursday, January 25, 2024

ZONING COMPLIANCE AND HISTORY

No zoning compliance cases can be found for this property.

April 1925:

The City of Escanaba acquired the property.

November 28, 2023:

A special meeting of the Zoning Board of Appeals (ZBA) was scheduled for December 15. At that meeting, the ZBA was set to hold a public hearing and review a variance request from the Applicant. Under review was a variance request of 2' from the maximum front setback in the "E3" zoning district, which would have created a total front setback of 7'. Front setback is limited to 0' minimum – 5' maximum per ZO sec. 2105.1.

December 11, 2023:

The ZBA's special meeting was cancelled four days before it was held. This was because the Applicant rescinded their variance request.

January 31, 2024:

To the best of the staff's knowledge, the land sale by the City to Northshore Flats Development LLC is currently pending.

SPECIAL LAND USE REVIEW CRITERIA

The Commission must consider certain requirements and standards in their decision to approve an SLU request.¹ However, the ZO does not establish any such guidelines for any land uses except for Sexually-Oriented Businesses and Marijuana Retailers, Growers, Processors, & Safety Compliance Facilities. Therefore, there are no requirements or standards in the ZO against which this SLU request can be reviewed.

STAFF ANALYSIS

This case finds itself in a rather strange place. Without any standards for review, the SLU request has no bar to meet. Because of this, we staff find ourselves asking these questions:

- What does a lack of requirements and standards mean for an SLU request?
- Does the lack of such things mean that an SLU should be automatically approved?
- Conversely, does that lack of guidelines mean that no approval should be made?

More questions spring to mind, but we must remain focused on the case at hand.

FACT FINDING

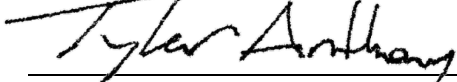
Per the *Bylaws*, all decisions made by the Commission must include findings of fact. The following is a recommended finding of fact:

1. The Property is in an "E-3" zoning district.
2. The Permit specifies a *Condominium* land use.

¹ State of Michigan, *Michigan Zoning Enabling Act*, "Special land uses; review and approval; application; notice of request; public hearing; incorporation of decision in statement of findings and conclusions" MCL 125.3502(1).

3. *Condominium* is listed as a special land use allowed in “E-3” zoning districts.
4. The Zoning Ordinance does not specify any requirements or standards for *Condominium* special land uses.

Respectfully submitted,



Tyler Anthony,
Planning & Zoning Administrator

1/31/2024

Date



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the City of Escanaba Planning Commission will conduct a public hearing on **Thursday, February 8, 2024 at 6:00 p.m.** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

Special Land Use Application – 200 Ludington Street

A condominium, consisting of two buildings, is proposed. The two buildings will each be three stories tall, with a semi-below-grade story dedicated to parking. Together, a total of 23 dwelling units are planned for the site, which will occupy 16,495 square feet of the 46,609 square-foot site.

All interested persons are invited to attend this public hearing to express their views concerning the proposed Special Land Use Application.

Copies of the proposed Special Land Use Application are available for review at the Planning & Zoning Department (ph. 906-489-7302), Escanaba City Hall, second floor, during regular business hours.

Individuals requiring special accommodations to attend and participate in this meeting should contact the City Clerk's Office (ph. 906-786-1194) at least five days in advance.

Tyler Anthony
Planning & Zoning Administrator
City of Escanaba

DAILY PRESS
600 Ludington Street
Escanaba, Michigan 49829
906-789-9122
Federal ID# 38-3365439

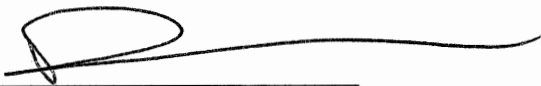
I RACHEL ROBINETTE being an authorized representative of THE DAILY PRESS/ UP ACTION NEWS

Escanaba Michigan, do hereby affirm that PUBLIC HEARING NOTICE - SPECIAL LAND USE ad(s) for
CITY OF ESCANABA of ESCANABA, MI


were inserted first on the following dates:

01/24/24 THE DAILY PRESS
NOT IN THE TMC WEEKLY and
01/24/24 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 NINTH day of JANUARY


Notary Public, Delta County, Michigan

My commission expires _____

KARLA J SHANN
NOTARY PUBLIC-STATE OF MICHIGAN
DELTA COUNTY
MY COMMISSION EXPIRES MAR. 30, 2027
Acting in the County of Delta

AFFIDAVIT OF MAILING FOR PUBLIC HEARING NOTICES

The undersigned Affiant deposes and states as follows:

- 1. The Affiant is an employee of the City of Escanaba and is familiar with certain facts regarding the following described Property.

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records.
Parcel No. 051-010-2929-328-003,
Commonly known as 200 Ludington Street.

- 2. That the Property was subject to a Public Hearing, which was set for 8 February 2024 at 6:00 PM before the Planning Commission, regarding the following described subject.

Permit No. P-SLU23001, Special Land Use Application: A condominium, consisting of two buildings, is proposed. The two buildings will each be three stories tall, with a semi-below-grade story dedicated to parking. Together, a total of 23 dwelling units are planned for the site, which will occupy 16,495 square feet of the 46,609 square-foot site.

- 3. That a Notice was prepared for the Public Hearing, in satisfaction of MCL 125.3103. A List of all persons, which either held real property or occupied structures, within a radius of 300 feet from the Property was also prepared.
- 4. That the Affiant did deposit with the United States postal service, First-Class Mail, on 22 January 2024, copies of the Notice for the Public Hearing which were addressed to all persons included in the List.
- 5. That this Affidavit is being executed and will be recorded to provide a record of mailing for the Notice.

City of Escanaba

By: Tyler Anthony
Tyler D.L. Anthony
Its: Planning and Zoning Administrator

STATE OF MICHIGAN)
) ss
COUNTY OF DELTA)

The foregoing instrument was acknowledged before me this 23 day of January, 2024 by Tyler D.L. Anthony, Planning and Zoning Administrator, on behalf of the City of Escanaba, a Michigan municipal corporation.

Brianna J. Ecklid
Brianna J. Ecklid
Notary Public, County of Delta
Acting in Delta County
State of Michigan
My commission expires January 19, 2029

This document was prepared by: Tyler Anthony, City of Escanaba, 410 Ludington Street, Escanaba, Michigan.

Mailing List: Special Land Use - 200 Ludington Street

Address_Owners	City_Owners	State	ZIP_Cod	Address_Physical	Name_Owners
E5027 State Highway M35	Escanaba	MI	49829	117 South 2nd Street	George & Robert Bonefeld
510 1st Avenue South	Escanaba	MI	49829	128 1st Avenue South	Jimmie Chase
310 Ludington Street Suite 171	Escanaba	MI	49829	111 North 3rd Street	County of Delta
614 South 17th Street	Escanaba	MI	49829	201 Ludington Street	Gina M Davidson
223 Ludington Street	Escanaba	MI	49829	223 Ludington Street	Edward & Suzell Eisenberger
209 Ludington Street	Escanaba	MI	49829	209 Ludington Street	Darren & Victoria L Feuerbach
1827 9th Avenue North	Escanaba	MI	49829	109 South 2nd Street	Craig Gouin
6800 Miller Creek Road	Missoula	MT	59803	101 South 2nd Street	Eric & Christina Henderson
7508 Club House Drive	Gladstone	MI	49837	110 North 3rd Street	Herbert D & Marcia M Iverson
225 Ludington Street	Escanaba	MI	49829	225 Ludington Street	JACL
212 1st Avenue South	Escanaba	MI	49829	212 1st Avenue South	Jeffrey Keller
328 North 10th Street	Escanaba	MI	49829	114 North 3rd Street	Claude Kobasic
208 1st Avenue South	Escanaba	MI	49829	208 1st Avenue South	Stephen R & Lee Ann LE Messimer
205 Ludington Street	Escanaba	MI	49829	205 Ludington Street	Pablo Inc
117 South 3rd Street	Escanaba	MI	49829	117 South 3rd Street	Daniel F Samson
107 Chocolay River Trail	Marquette	MI	49855	111 South 2nd Street	Eric J & Kathryn S Rose
107 Chocolay River Trail	Marquette	MI	49855	107 South 2nd Street	Eric J & Kathryn S Rose
310 Ludington Street Suite 171	Escanaba	MI	49829	310 Ludington Street	County of Delta
PO Box 30028	Lansing	MI	48909	305 Ludington Street	State of Michigan Attn: Land Records
122 1st Avenue South	Escanaba	MI	49829	122 1st Avenue South	Steven M Vosters
116 South 2nd Street	Escanaba	MI	49829	116 South 2nd Street	Christopher & Lisa Warden
223 Ludington Street	Escanaba	MI	49829	216 1st Avenue South	Edward & Suzell Eisenberger
117 South 2nd Street	Escanaba	MI	49829	117 South 2nd Street	Current Occupant
128 1st Avenue South	Escanaba	MI	49829	128 1st Avenue South	Current Occupant
111 North 3rd Street	Escanaba	MI	49829	111 North 3rd Street	Current Occupant
201 Ludington Street	Escanaba	MI	49829	201 Ludington Street	Current Occupant
109 South 2nd Street	Escanaba	MI	49829	109 South 2nd Street	Current Occupant
101 South 2nd Street	Escanaba	MI	49829	101 South 2nd Street	Current Occupant
110 North 3rd Street	Escanaba	MI	49829	110 North 3rd Street	Current Occupant
114 North 3rd Street	Escanaba	MI	49829	114 North 3rd Street	Current Occupant

Mailing List: Special Land Use - 200 Ludington Street

Address_Owners	City_Owners	State	ZIP_Cod	Address_Physical	Name_Owners
111 South 2nd Street	Escanaba	MI	49829	111 South 2nd Street	Current Occupant
107 South 2nd Street	Escanaba	MI	49829	107 South 2nd Street	Current Occupant
305 Ludington Street	Escanaba	MI	49829	305 Ludington Street	Current Occupant
216 1st Avenue South	Escanaba	MI	49829	216 1st Avenue South	Current Occupant



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

PH2: Zoning Map Amendment – 2730 Lake Shore Drive

Background

The Commission will hold a public hearing on a proposed Zoning Map Amendment. This was filed by Kenneth & Donna Linder to move their property from an “A” district to a “D” district.

Master Plan References

None.

Possible Options for Action

1. Recommend that City Council adopt the amendment. Sample Language:
“I move to adopt the following resolution:
Whereas, Kenneth and Donna Linder (hereinafter “the Applicant”) submitted an application for a zoning map amendment (hereinafter “the Petition”);
Whereas, The Applicant submitted the Petition for the following described property (hereinafter “the Property”):
Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records,
Parcel No. 051-210-3606-303-005,
Commonly known as 2730 Lake Shore Drive;
Whereas, The Planning Commission considered the Petition at a duly noticed public hearing which took place on the 8th Day of February 2024; and
Whereas, The Planning Commission, after reviewing the proposed amendment, all reports and recommendations from staff, consultants, other reviewing agencies, & any public comments, identified and evaluated all factors relevant to the Petition; therefore, be it
RESOLVED, That the Planning Commission adopts a Recommendation to the City Council that they consider the adoption of this Amendment based upon the following facts: [provide numbered list of facts]; and
RESOLVED, that staff shall file this Recommendation with the City Council and transmit the following thereto:
1) A summary of the comments received at the hearing held on this Amendment,
2) The Amendment itself, and
3) A map depicting this Amendment.”
2. Recommend that City Council reject the amendment. Sample Language:
“I move to adopt the following resolution:
Whereas, Kenneth and Donna Linder (hereinafter “the Applicant”) submitted an application for a zoning map amendment (hereinafter “the Petition”);
Whereas, The Applicant submitted the Petition for the following described property (hereinafter “the Property”):
Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records,
Parcel No. 051-210-3606-303-005,
Commonly known as 2730 Lake Shore Drive;



Whereas, The Planning Commission considered the Petition at a duly noticed public hearing which took place on the 8th Day of February 2024; and

Whereas, The Planning Commission, after reviewing the proposed amendment, all reports and recommendations from staff, consultants, other reviewing agencies, & any public comments, identified and evaluated all factors relevant to the Petition; therefore, be it

RESOLVED, That the Planning Commission adopts a Recommendation to the City Council that they reject the adoption of this Amendment based upon the following facts: [provide numbered list of facts]; and

RESOLVED, that staff shall file this Recommendation with the City Council and transmit the following thereto:

- 1) A summary of the comments received at the hearing held on this Amendment,
- 2) The Amendment itself, and
- 3) A map depicting this Amendment.”

Attachments

1. Zoning Map Amendment Application: ZMA23001
2. “New D – Local Business Zoning District Ordinance of 2024” (Draft)
3. Amendment Map
4. Staff Report
5. Public Hearing Notice
6. Affidavit of Newspaper Publishing for Public Hearing Notices
7. Affidavit of Mailing for Public Hearing Notices
8. Mailing List

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ZONING MAP AMENDMENT APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

PROPERTY IDENTIFICATION

Address	Parcel #
2730 Lake Shore Dr	051-210-3606-303-005

AMENDMENTS. The Council may from time to time on its motion or on petition, amend, supplement, or change the district boundaries or regulations herein established in the manner prescribed by the Michigan Zoning Enabling Act 110 of 2006. Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof shall present to the Council a petition in writing, duly signed, requesting an amendment, supplement, change, or repeal of the provisions prescribed for such district or part thereof, it shall be the duty of the Council to vote upon said petition within ninety (90) days after filing of the same by petitioners with the Council. If any area is hereafter transferred to another district by a change in district boundaries by an amendment as above provided, the provisions of this Ordinance, relating to buildings or uses of buildings or premises existing at the time of passage of this Ordinance shall apply to buildings or uses of buildings or premises existing at the time of passage of such amendment in such transferred area.

PUBLIC HEARING NOTICE. Public hearings for map amendments are required and shall be noticed accordingly. Notice of the public hearing will be made to certain persons and published in the newspaper not less than 15 days before the hearing so that they may appear before the Planning Commission to voice any objections, support, or to further inquire. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

AMENDMENTS AFFECTING TEN OR FEWER PARCELS. If the proposed map amendment will impact 10 or fewer adjacent parcels, notice shall be given to 1) the owners of the property for which approval is being considered; 2) all persons to whom real property is assessed within 300 feet of the property, regardless of jurisdiction; and 3) to the occupants of all structures within 300 feet of the property, regardless of jurisdiction.

AMENDMENTS AFFECTING ELEVEN OR MORE PARCELS. If a map amendment is proposed that will impact 11 or more adjacent parcels, notice need not be given to those stated for amendments affecting ten or fewer parcels. *Further information regarding the process is outlined in Chapters 2 and 5 of the City Zoning Ordinance. The Ordinance can be found on our website at escanaba.org.*

AMENDMENT DESCRIPTION

Please describe the proposed map amendment, the reasons therefor, and any other relevant information. Attach a scaled drawing indicating what property/ies are proposed for change, and the current zoning district(s) of the property/ies and adjacent property/ies. You may also attach any evidence in support of your proposed amendment to this application.

Description of Amendment
 We ask that the property - lot 8 of Block 6, and lot 9 of Block 6, of Lake Shore Drive Addition #1 be designated as commercial in accordance with its continued history of usage as commercial property in the city of Escanaba, or at least consider and establish the property as local Business District "D" property. It presently is located in a residential zone.

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ZONING MAP AMENDMENT APPLICATION

Planning & Zoning Department – City of Escanaba
 906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

FEE, CONTACT INFORMATION, & AGREEMENT	
Fee due upon submittal: \$500	
I certify that the information contained in this application is true and correct to the best of my knowledge and belief at the time of the application. I acknowledge that I understand and have complied with all the submittal requirements and procedures, and that this application is complete. I further understand that an incomplete submittal may cause my application to be deferred.	
If any of these entities are a company and not an individual, write: "Company Name (Contact's Name)"	
Owner Name	Email
Kenneth & Donna Linder	Kendonnalinder@yahoo.com
Address, City, State, ZIP	Phone
W5991 34 Road	906-399-5678
Signature	Date
Kenneth Linder Donna Linder	Nov. 21, 2023
Applicant or Representative (if not the Owner) Name	Email
Address, City, State, ZIP	Phone
Signature	Date
***** THIS SECTION FOR STAFF USE ONLY *****	
Date Submitted	Application correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
11/22/2023	
Receipt #	Case #
9363951	2MA23001

ORDINANCE NO. _____

NEW D – LOCAL BUSINESS ZONING DISTRICT ORDINANCE OF 2024

WHEREAS, The People of the City of Escanaba did establish “An Ordinance to Amend Chapters I-XXII of The Zoning Ordinance as Codified Under Appendix A of the Code of Ordinances” on the 5th day of May 2022, with subsequent amendments thereto, hereinafter “the Zoning Ordinance”, and it is now desired to amend the Zoning Map established therein by adding another zoning district of the class known as “D – Local Business”, NOW THEREFORE, THE PEOPLE OF THE CITY OF ESCANABA HEREBY ORDAIN:

CHAPTER I

The Zoning Ordinance, section 401.3, established the Zoning Map. Said Zoning Map shall now be amended through the addition of a new district of an existing class. The boundaries of said new district shall contain only the following described property:

Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records;
Parcel No. 051-210-3606-303-005;
Commonly known as 2730 Lake Shore Drive.

Said new district shall be classified as “D – Local Business”. The surrounding districts’ boundaries shall be adjusted to reflect those of said new district. Further interpretation of district boundaries shall comply with the Zoning Ordinance.

CHAPTER II
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER III
CONFLICTING ORDINANCES REPEALING CLAUSE

All Ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

CHAPTER IV
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

Ordinance No. _____

APPROVED:

APPROVED:

Laura Genovich,
City Attorney

Mark Ammel,
Mayor

Ordinance No. _____

ATTEST:

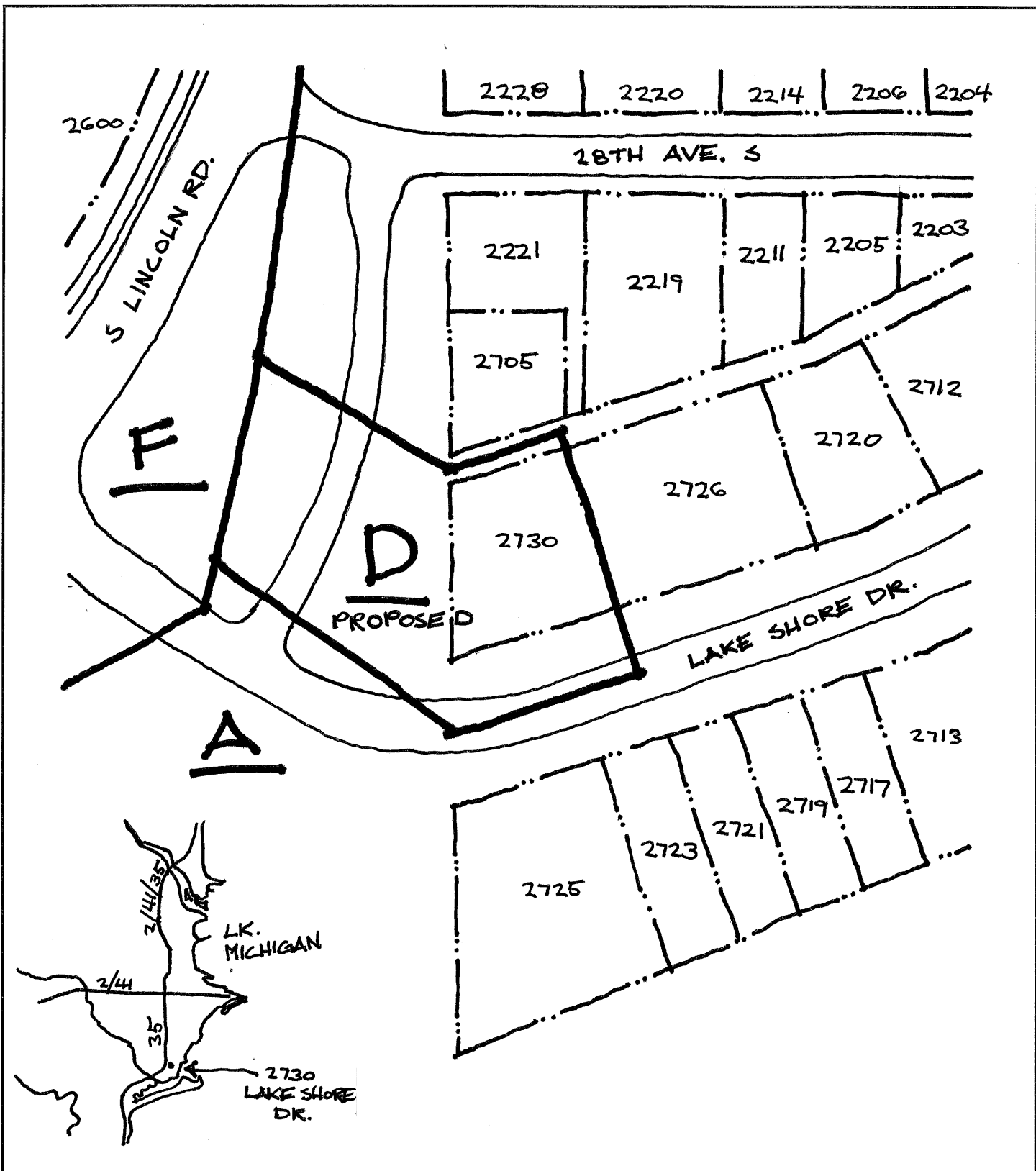
Date Approved: _____

Date Published: _____

Phil DeMay,
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, State of Michigan, at a regular meeting held on _____. Said meeting was conducted, with public notice given, pursuant to and in full compliance with the Open Meetings Act, being MCL 15.261 et seq. Further, said ordinance was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on _____. The minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay,
City Clerk



CITY OF ESCANABA
 PLANNING & ZONING DEPT.
 410 LUDINGTON ST.

MAP OF
 NEW D-LOCAL BUSINESS ZONING
 DISTRICT ORDINANCE OF 2024

DRAWN: T. ANTHONY DATE: 2/1/2024
 NOTE: ALL LOCATIONS ARE APPROXIMATE. CONTACT A PROFESSIONAL SURVEYOR IF LOCATIONS OF
 PROPERTY LINES AND STRUCTURES ARE NOT POSITIVELY KNOWN.



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION Staff Report

REQUEST OVERVIEW

Case # ZMA23001	Property Address: 2730 Lake Shore Drive
Applicant: Kenneth & Donna Linder	Property Owner: Kenneth & Donna Linder
Tax Parcel # 051-210-3606-303-005	Zoning District: A (Single-Family Residential)
Property Description: Lots 8 & 9 of Block 6 of the Lake Shore Drive Addition no. 1.	

ZONING MAP AMENDMENT

The Planning Commission, as outlined in Zoning Ordinance sec. 103, is responsible for conducting a public hearing to review petitions for zoning ordinance or zoning map amendments. This review covers both the application and/or proposed amendment and any reports & recommendations from staff, consultants, or other reviewing agencies. This also includes any public comments received. The Commission must identify and evaluate all relevant factors, including criteria listed in the Ordinance.

Following the public hearing, the Commission must report its findings to the City Council. This report must include a recommendation for approval or denial of the amendment. Upon receipt of this report, the City Council can either schedule a public hearing or deny the amendment. The City Council's decision-making is limited to debate on criteria stated in the Ordinance. If deemed necessary, the City Council has the authority to instruct the Commission to conduct further proceedings.

These steps ensure a thorough and transparent evaluation of zoning ordinance or map amendments. It also ensures public input and adherence to established criteria throughout the decision-making process.

APPLICATION HISTORY

A zoning map amendment (rezoning) application was received on Wednesday, November 22, 2023 from Kenneth & Donna Linder (owners). The Zoning Administrator then processed the application in the usual way per the Zoning Ordinance, but then neglected to place it on the December meeting agenda. After realizing this mistake, the Zoning Administrator then placed the rezoning on the February meeting agenda. This allowed time to make public hearing notices.

PUBLIC HEARING NOTICES

The Zoning Administrator shall set, advertise, and give notice of a public hearing in accordance with sec. 201.5. Public hearing notification requirements have been fulfilled as follows:

- 300' Radius to Neighbors..... Friday, January 19, 2024
- Daily Press Newspaper Wednesday, January 24, 2024
- City of Escanaba Website & Facebook..... Thursday, January 25, 2024

ZONING MAP AMENDMENT CRITERIA

The Commission shall consider the following criteria in their decision. Included below each standard is a staff response to that criterion.

A. Are there substantial reasons why the property cannot be reasonably used as currently zoned?

This refers to allowed uses in the zoning district, and whether the land can accommodate such activity.

Staff Response:

No, the property is perfectly capable of being used as currently zoned.

B. Is the use more appropriately handled as a permitted use by right, or as a special land use, in the existing district or another district?

Refer to the allowed uses in associated zoning districts.

Staff Response:

Irrelevant; no use is directly proposed here. This question is better suited to Special Land Use cases, where an actual land use is required as part of the process.

C. Is the zone change supported in the master plan?

See Map 32: “City of Escanaba Future Land Use” in the Escanaba Master Plan for more clarity.

Staff Response:

Yes and no. According to the Future Land Use map, the property is set to remain in a “moderate density residential” development area. However, there is an area projected to become a “general business district [sic]” across the highway to the northwest.

Per the Master Plan (p. 122): “The purpose of [these] areas ... is to accommodate a wide range of retail, office, and service uses that are compatible with residential neighborhoods. [It] exists within the fabric of a traditional residential neighborhood and serves as a transition between residential areas and more intensively developed zones.”

Being that such an area is designated on the *opposite* side of a 50-mph highway from the residential area – with no traffic signals or guarded crosswalks – it is hard to claim that it exists within that neighborhood. Allowing for some such Local Business District area on the highway’s near side would satisfy its intent.

D. Would a change of present district boundaries be compatible with existing land uses in the area? Would it adversely affect property values?

Staff Response:

Yes, it would be compatible; no, it would not adversely affect property values. The land uses on this property have been commercial in nature for as far back as can be reached. Property values wouldn’t be swayed one way or the other in the short term – although, if a small business moves in and succeeds, property values may rise over time.

E. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?

Again, this refers to allowed uses in a given zoning district.

Staff Response:

No. Currently, there are only four “D” zoning districts in the entire City, containing six properties in total. Only one of them is currently vacant, and it is located on the opposite side of the highway from the residential neighborhood such a district is intended to serve. While, again, no use is directly proposed here, there are not enough available sites to accommodate the uses listed for “D” zoning districts.

F. Would the rezoning constitute a spot zone granting special privileges to one landowner not available to others?

A zoning ordinance or amendment ... creating a small zone of inconsistent use within a larger zone is commonly designated as spot zoning (Penning v. Owens 1954).

Staff Response:

Yes and no. It would certainly constitute a spot zone, if adopted. However, all other “D” zoning districts qualify as spot zones. That is exactly the intent of this class of districts: to be woven into residential areas sparingly, allowing for some of the once-common businesses necessary for the vitality of such areas.

It is the Staff’s opinion that the “D” zoning district was created specifically to solve – albeit unartfully – a problem common to our chosen zoning style: the homogenization of vast areas of cities, where nothing but single-family dwellings are found. No ill will is harbored against such a land use here, but saturating a district with it and not allowing for some neighborhood self-sufficiency does no good.

G. Was there a mistake in the original zoning classification?

Staff Response:

Possibly. However, there is conflict between the different historical zoning maps on whether the property has always been in an “A” district, or if it was in a “D” district at some point.

H. Has there been a change of conditions in the area supporting the proposed zoning?

The conditions cited here refer only to physical characteristics and land use practices.

Staff Response:

Technically, no. But the need was always there, and it was usually satisfied by whatever use was present at this property at any given time.

I. Would the change severely impact traffic, public facilities, and the natural characteristics of the area, or significantly change population density?

Staff Response:

It would have zero impact.

J. Is the proposed change out of scale with the needs of the community?

Refer to sec. 5.3 of the Escanaba Master Plan for more clarity.

Staff Response:

Not at all. In fact, the mixing of uses is encouraged by that section.

K. If the change is approved, what would be the probable effect on stimulation of similar zoning requests in the vicinity? Would this secondary effect negatively impact community plans and public services?

Staff Response:

No stimulus of similar requests is expected, which would maintain a neutral effect.

L. Is the proposed change precedent setting?

Staff Response:

No; the precedent is already there. See the staff response to Question F above.

M. Is the proposed boundary appropriate?

Staff Response:

Yes. It's one parcel.

STAFF ANALYSIS

This case roughly mirrors one which the Commission heard last year – roughly.

In fact, that case had an intent opposite to that which is under consideration here. That case (1801 Ludington Street) sought to move a commercially-zoned property – with a then-recently discontinued commercial use – into a residential zoning district so that a residential use could be established there. Without rezoning the property, a residential use would be illegal.

This case seeks to move a residentially-zoned property – which has only hosted commercial uses – into a commercial zoning district so that such uses can be established there once again. Without rezoning the property, a commercial use is illegal.

The owners have been trying to sell this property for some years. No sale has been made, almost entirely because of a conflict between the property's zoning district classification and its tax classification. It's zoned residential, but it's taxed commercial. Because no commercial uses are allowed on the property, no businesses wish to buy it. And because the building currently on the property would be very expensive to convert into a dwelling, or to demolish and replace, no homebuyers wish to pick it up, either. Because the property once hosted a motor vehicle fueling station, potential buyers are also worried about environmental issues.

Staff believe this to be a very reasonable request. Its core purposes are to 1) make practices legal which have existed outside the Zoning Ordinance for decades; 2) done no harm to the neighborhood zoning-wise, through its commercial land uses; and 3) create an opportunity establish amenities which any residential district needs to function. The Commission would be doing right by the community if they were to recommend adoption of this rezoning amendment.

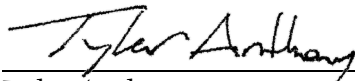
FACT FINDING

Per the *Bylaws*, all decisions made by the Commission must include findings of fact. The following is a recommended finding of facts:

1. There are no substantial reasons why the Property cannot be reasonably used as currently zoned.
2. There is no land use proposed in the Petition, and therefore the question of whether the use is more appropriately handled as a permitted use by right, or as a special land use, in the existing district or another district, is irrelevant.
3. The zone change is supported in the master plan.
4. A change of present district boundaries would be compatible with existing land uses in the area since previous uses already had, and it would not adversely affect property values.
5. While no specific use is proposed, there are not enough adequate sites available elsewhere already properly zoned to accommodate the use associated with the proposed zoning.

6. While the rezoning would constitute a spot zone, granting special privileges to one landowner not available to others, that is the apparent intent of this specific zoning, and it would satisfy an existing need in the area.
7. There may have been a mistake in the original zoning classification.
8. The conditions in the area have, currently and historically, supported the proposed zoning.
9. The change will not severely impact traffic, public facilities, or the natural characteristics of the area, nor will it significantly change population density.
10. The proposed change is not out of scale with the needs of the community.
11. If approved, there will probably be no effect on stimulation of similar zoning requests in the vicinity, and there will be a neutral effect on community plans and public services.
12. The proposed change is not precedent setting.
13. The proposed boundary is appropriate.

Respectfully submitted,



Tyler Anthony,
Planning & Zoning Administrator

1/26/2023

Date



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the City of Escanaba Planning Commission will conduct a public hearing on **Wednesday, February 8, 2023 at 6:00 p.m.** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

Zoning Map Amendment – 2730 Lake Shore Drive

The Commission will hold a public hearing on a proposed Zoning Map amendment. The applicant seeks to move their property from an A (Single-Family Residential) district to a D (Local Business) district.

All interested persons are invited to attend this public hearing to express their views concerning the proposed Zoning Map Amendment.

Copies of the proposed Zoning Map Amendment are available for review at the Planning & Zoning Department (ph. 906-789-7302), Escanaba City Hall, second floor, during regular business hours.

Individuals requiring special accommodations to attend and participate in this meeting should contact the City Clerk's Office (ph. 906-786-1194) at least five days in advance.

Tyler Anthony
Planning & Zoning Administrator
City of Escanaba

DAILY PRESS
600 Ludington Street
Escanaba, Michigan 49829
906-789-9122
Federal ID# 38-3365439

I RACHEL ROBINETTE

being an authorized representative of

THE DAILY PRESS/ UP ACTION NEWS

Escanaba Michigan, do hereby affirm that

PUBLIC HEARING NOTICE - ZONING MAP AMENDMENT

ad(s) for

CITY OF ESCANABA

of

ESCANABA, MI

were inserted first on the following dates:

01/24/24

THE DAILY PRESS

NOT

IN

THE TMC WEEKLY

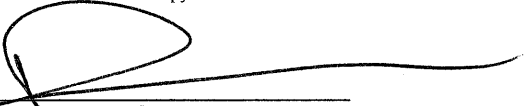
and

01/24/24

ON

THE DAILY PRESS WEBSITE

that the attached is a true copy thereof.



signature of authorized representative

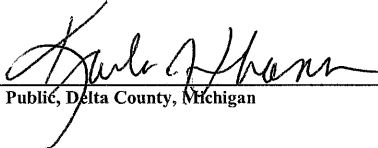
Subscribed and sworn to before me this

TWENTY NINTH

day

of

JANUARY



Notary Public, Delta County, Michigan

My commission expires

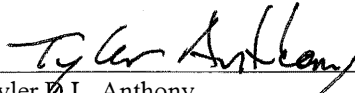
KARLA J SHANN
NOTARY PUBLIC-STATE OF MICHIGAN
DELTA COUNTY
MY COMMISSION EXPIRES MAR. 30, 2027
Acting in the County of Delta

AFFIDAVIT OF MAILING FOR PUBLIC HEARING NOTICES

The undersigned Affiant deposes and states as follows:


1. The Affiant is an employee of the City of Escanaba and is familiar with certain facts regarding the following described Property.
 Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records.
 Parcel No. 051-210-3606-303-005,
 Commonly known as 2730 Lake Shore Drive.
2. That the Property was subject to a Public Hearing, which was set for 8 February 2024 at 6:00 PM before the Planning Commission, regarding the following described subject.
 P-ZMA23001, Zoning Map Amendment: The applicant seeks to move their property from an A (Single-Family Residential) district to a D (Local Business) district.
3. That a Notice was prepared for the Public Hearing, in satisfaction of MCL 125.3103. A List of all persons, which either held real property or occupied structures, within a radius of 300 feet from the Property was also prepared.
4. That the Affiant did deposit with the United States postal service, First-Class Mail, on 19 January 2024, copies of the Notice for the Public Hearing which were addressed to all persons included in the List.
5. That this Affidavit is being executed and will be recorded to provide a record of mailing for the Notice.

City of Escanaba

By: 
 Tyler D.L. Anthony
 Its: Planning and Zoning Administrator

STATE OF MICHIGAN)
) ss
 COUNTY OF DELTA)

The foregoing instrument was acknowledged before me this 23 day of January, 2024 by Tyler D.L. Anthony, Planning and Zoning Administrator, on behalf of the City of Escanaba, a Michigan municipal corporation.


 Brianna J. Ecklid
 Notary Public, County of Delta
 Acting in Delta County
 State of Michigan
 My commission expires January 19, 2029

This document was prepared by: Tyler Anthony, City of Escanaba, 410 Ludington Street, Escanaba, Michigan.

Mailing List: Zoning Map Amendment - 2730 Lake Shore Drive

Address_Owners	City_Owners	Stat	ZIP_Cod	Address_Physical	Name_Owners
2228 26th Avenue South	Escanaba	MI	49829	2228 26th Avenue South	Ronald T & Lori A Stankowicz
2220 26th Avenue South	Escanaba	MI	49829	2220 26th Avenue South	William Leveille
2214 26th Avenue South	Escanaba	MI	49829	2214 26th Avenue South	James & Rhonda Beaudoin
2219 26th Avenue South	Escanaba	MI	49829	2219 26th Avenue South	Jon & Kerri Lancour
2211 26th Avenue South	Escanaba	MI	49829	2211 26th Avenue South	Alfred L Kommes
2205 26th Avenue South	Escanaba	MI	49829	2205 26th Avenue South	Clinton B & Danielle Marie Travis
2704 Lake Shore Drive	Escanaba	MI	49829	2203 26th Avenue South	Jamie A St Jacques
2726 Lake Shore Drive	Escanaba	MI	49829	2726 Lake Shore Drive	Lee & Melody Morrison
2720 Lake Shore Drive	Escanaba	MI	49829	2720 Lake Shore Drive	Dale P & Linda M Stannard
2712 Lake Shore Drive	Escanaba	MI	49829	2712 Lake Shore Drive	Brian P Stefl
342 Camino Del Mundo	Fort Collins	CO	80524	2221 26th Avenue South	Regina R Thompson c/o Terry N Thompson
2705 South Lincoln Road	Escanaba	MI	49829	2705 South Lincoln Road	Brian B & Diane C Donovan
4684 D Road	Bark River	MI	49807	2725 Lake Shore Drive	Carl & Therese Stenberg
4485 10.75 Lane	Bark River	MI	49807	2723 Lake Shore Drive	Joseph Kaplan & Christine Williams
4485 10.75 Lane	Bark River	MI	49807	2721 Lake Shore Drive	Joseph Kaplan & Christine Williams
2203 26th Avenue South	Escanaba	MI	49829	2203 26th Avenue South	Current Occupant
2221 26th Avenue South	Escanaba	MI	49829	2221 26th Avenue South	Current Occupant
2723 Lake Shore Drive	Escanaba	MI		2723 Lake Shore Drive	Current Occupant
2721 Lake Shore Drive	Escanaba	MI	49829	2721 Lake Shore Drive	Current Occupant
2719 Lake Shore Drive	Escanaba	MI	49829	2717 Lake Shore Drive	Anthony K Westerberk
2717 Lake Shore Drive	Escanaba	MI	49829	2717 Lake Shore Drive	Current Occupant
PO Box 48	Escanaba	MI	49829	2713 Lake Shore Drive	Elementary Rentals LLC
2713 Lake Shore Drive	Escanaba	MI	49829	2713 Lake Shore Drive	Current Occupant
2711 Lake Shore Drive	Escanaba	MI	49829	2711 Lake Shore Drive	Zachary Jennings
2719 Lake Shore Drive	Escanaba	MI	49829	2719 Lake Shore Drive	Anthony K Westerberk
PO Box 30028	Lansing	MI	48909	2801 Lake Shore Drive	State of Michigan - DNR
W5991 Number 34 Road	Carney	MI	49812	2730 Lake Shore Drive	Kenneth A & Donna R Linder



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

NB1: Site Plan Review – 200 Ludington Street

Background

The Commission will conduct a review of a proposed Site Plan. This review is being done in connection with the Special Land Use under agenda item PH1.

Master Plan References

- Action E1 “Compatible Maritime and Waterfront Uses”
Seek, encourage, and foster a balance of uses and activities on the waterfront that are compatible with a working port and the broader goals of the community. Opportunities for waterside public access, open space, and the expansion of public use of the waterfront include improvements such as viewing platforms, piers, street ends, and non-motorized trails where feasible, or other physical improvements to improve the character and utilization of the waterfront should be explored. Develop form-base zoning [sic] standards that support waterfront redevelopment due to the irregular property line layouts.¹
- Action E8 “Downtown Organization”
The downtown should continue to be organized into functional zones in order to create a critical mass, for not only retail businesses, but for professional offices and services that support downtown living. The encouragement of retail and entertainment anchors in the downtown ties into the reorganization of the downtown in definable districts. Downtowns such as Escanaba have a difficult time competing with regional and franchise stores, but often times excel in specialty retail, restaurants, and entertainment type uses. A modification to the Zoning Ordinance encouraging the reorganization of the downtown from Ludington Park to Lincoln Road into definable districts is recommended. Zoning Ordinances should be revised to enhance street traffic by limiting non-retail first floor uses where practical. Additionally, form-based zoning standards should be adopted to reinforce desired use patterns within the downtown district. The ground floor of downtown buildings should be limited to retail uses and professional services with a retail element when located within the Central Retail District. Where possible, upper floors should be utilized for professional offices and residential units.²
- Action E21 “Brownfield Plan Implementation”
Continue to implement the City’s brownfield redevelopment plan. Seek grant funding for brownfield redevelopment as needed.³
- Action H1 “Housing Variety Modifications - New Development”
Housing variety modifications to the City’s Zoning Ordinance should be made which encourages the development of a variety of housing types such as owner-occupied townhomes, owner-occupied condominiums, and mixed uses. A variety in the housing styles will allow all

¹ City of Escanaba, 2016 Master Plan, 103

² City of Escanaba, 2016 Master Plan, 104

³ City of Escanaba, 2016 Master Plan, 107



age groups to find housing based on lifestyle conditions and remain in the City. The 2016 Target Market Analysis done for Delta County by Land Use USA indicates the market for single-family homes in Escanaba is saturated and that there is an unmet demand for owner-occupied townhomes, condominiums, and mixed-use housing units.⁴

- Action NI “Green Infrastructure”
Revise site development guidelines to improve stormwater management practices. Although development standards already require stormwater management, additional guidelines that encourage impervious surfaces and low-impact development practices would improve environmental sustainability.⁵

Possible Options for Action

1. Approve the Site Plan. Sample language:

“I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter “the Applicant”) submitted an application for a site plan review (hereinafter “the Site Plan”);

Whereas, The Applicant applied for the Site Plan for the following described property (hereinafter “the Property”):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records,

Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Site Plan at a regular meeting which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Site Plan based upon the following facts:

[provide numbered list of facts].”

2. Conditionally approve the Site Plan. Sample language:

“I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter “the Applicant”) submitted an application for a site plan review (hereinafter “the Site Plan”);

Whereas, The Applicant applied for the Site Plan for the following described property (hereinafter “the Property”):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records,

Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Site Plan at a regular meeting which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Site Plan based upon the following facts:

[provide numbered list of facts]; and

⁴ City of Escanaba, 2016 Master Plan, 109

⁵ City of Escanaba, 2016 Master Plan, 110



RESOLVED, That the Planning Commission imposes the following conditions on the Site Plan:
[provide list of conditions].”

3. Deny the Site Plan. Sample language:

“I move to adopt the following resolution:

Whereas, Northshore Flats Development LLC (hereinafter “the Applicant”) submitted an application for a site plan review (hereinafter “the Site Plan”);

Whereas, The Applicant applied for the Site Plan for the following described property (hereinafter “the Property”):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records,

Parcel No. 051-010-2929-328-003,

Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Site Plan at a regular meeting which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission denies the Site Plan based upon the following facts:
[provide numbered list of facts].”

Attachments:

1. Site Plan Review Application: SLU23001
2. Drawings
3. Staff Report

9

SITE PLAN REVIEW APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

PROPERTY IDENTIFICATION

Address

200 LUDINGTON ST., ESCANABA, MI 49829

Parcel #

051-010-2929-328-003

GENERAL. All construction or addition to buildings in the City of Escanaba requires a zoning permit, whether a building permit is required or not. If you are unsure if you need a building permit, please call the Delta County Building & Zoning Department at (906) 789-5189. It is the responsibility of all parties involved to review the zoning ordinance for standards which may affect their project. These conditions are not exclusive.

APPLICATION. Site Plan review ensures that developments integrate well with adjacent uses, minimize nuisance to adjoining land, provide safe and functional traffic access and parking, and reduce impacts on the environment. Site plan review applications shall be received not less than 21 calendar days before a scheduled Planning Commission review. All site plans shall be submitted to the Zoning Administrator for administrative review, who shall determine whether the site plan is complete and ready for Commission review.

STANDARDS. A site plan shall conform to all applicable local, State, and federal laws and ordinances. Approval may be conditioned upon the applicant receiving necessary local, State, and federal permits before final site plan approval. In addition, a development shall conform to the site development standards cited in City of Escanaba Zoning Ordinance sec. 1907, which shall be reflected on the site plan.

NOTICE TO NEIGHBORS. On all developments requiring site plan review by the Planning Commission, regardless of whether a public hearing is required, the City shall notify property owners within 300' of the site plan parcel of the date, time, location of the review and give information on how comments may be submitted.

PENALTIES FOR WORK DONE BEFORE APPROVAL. It is illegal to begin construction work before a zoning permit is obtained. If such work is done, citations and fines may be issued. Additionally, if the work violates any provision of the zoning ordinance, that work must be moved or altered to achieve compliance.

ACCESS BY CITY EMPLOYEES. Staff from the Planning & Zoning Dept. may visit the property for zoning permit inspections. Staff from the Assessing Dept. may visit the property for tax purposes.

PROJECT INFORMATION

What are you building? Please check only one.

<input checked="" type="checkbox"/> NEW BUILD or ADDITION: Multi-family residential building (5 units or more)	<input type="checkbox"/> NEW BUILD or ADDITION: Industrial building	<input type="checkbox"/> NEW BUILD or ADDITION: Any building within zoning district C-2: Residential <input type="checkbox"/> Planned-Unit Development, E-1: Planned Commercial Development, or E-2: Special Planned Development
<input type="checkbox"/> NEW BUILD or ADDITION: Commercial building of 5,000 s.f. or more in lot coverage	<input type="checkbox"/> NEW BUILD or ADDITION: Communications tower <input type="checkbox"/> CHANGE OF USE: 200 to 2299 Ludington Street	

*Please complete the following information as fully as possible. Staff can help find some information. Submit this form with **one print copy and one digital copy** of a site plan compliant with zoning ordinance sec. 1802.2.*

Project Description

THIS PROJECT IS TO CONSTRUCT TWO BUILDINGS ON THE SITE TO PROVIDE FOR 23 RESIDENTIAL CONDOMINIUM UNITS. INDOOR PARKING TO BE PROVIDED UNDER BOTH BUILDINGS WITH ACCESS FROM THE ALLEY TO NORTH AND WEST OF THE SITE. THE BUILDINGS ARE STORIES ABOVE THE PARKING LEVELS. THE FIRST FLOOR WITH RESIDENTIAL USE IS A HALF STORY ABOVE LUDINGTON STREET.

E-3 CENTRAL COMMERCIAL

61,485 S.F.

4

52'-11"

Zoning Use Type

Area
(s.f.)

of Floors
Above Grade

Max Height
(ft)

New utility services to be provided by the City:



Electric



Water



Sanitary Sewer



Storm Sewer

n/a

9

SITE PLAN REVIEW APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

FEES

Your actual fee is based on your lot's area in acres. To find that amount, multiply the lot area by the indicated area factor, input that amount, add the base amount, then input the actual fee. **Max actual fee is \$2,000.**

Lot Area (i.e.: 0.164)	Area Factor	Area Amt	Base Amt	Actual Fee
Fee =	x \$150	= \$	+ \$400	= \$


CONTACT INFORMATION, AFFIDAVIT, AND SIGNATURES

I, the undersigned, have read and understand the statements on page 1 of this application. I acknowledge that the information in this application is true, and if found not to be true, any issued zoning permit 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 and not a permit. I understand 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.

If any of these entities are a company and not an individual, write: "Company Name (Contact's Name)"


Owner Name NORTHSHORE FLATS DEVELOPMENT, LLC (MATTHEW SVILAND)	Email swaneeinc@gmail.com
--	-------------------------------------

Address, City, State, ZIP 1121 LAKESHORE DRIVE ESCANABA, MI 49829	Phone 906-420-4461
---	------------------------------

Signature 	Date 12/22/2023
---	---------------------------

Applicant (if not the Owner) Name BARRY J. POLZIN	Email BPOLZIN@BJPARCHITECTS.COM
---	---

Address, City, State, ZIP 101 N. LAKESHORE BLVD. MARQUETTE, MI, 49855	Phone 906-226-8661
---	------------------------------

Signature 	Date 12/22/2023
---	---------------------------


Contractor (if not the Owner) Name	Email
---	--------------

Address, City, State, ZIP	Phone
----------------------------------	--------------

Signature	Date
------------------	-------------

Architect/Engineer (if not the Contractor) Name BARRY J. POLZIN ARCHITECTS	Email BPOLZIN@BJPARCHITECTS.COM
--	---

Address, City, State, ZIP 101 N. LAKESHORE BLVD. MARQUETTE, MI, 49855	Phone 906-226-8661
---	------------------------------

Signature 	Date 12/22/2023
---	---------------------------

Other (please specify) Name	Email
------------------------------------	--------------

Address, City, State, ZIP	Phone
----------------------------------	--------------

Signature	Date
------------------	-------------

***** THIS SECTION FOR STAFF USE ONLY *****

Date Submitted 12/26/2023	Application correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Corner lot? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Zoning Code E-3	Receipt # 9371332	Permit # SLU23001
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Easements/ROWS No known easements.

NORTHSHORE FLATS

200 LUDINGTON ST., ESCANABA, MICHIGAN 49829
JANUARY 26, 2023

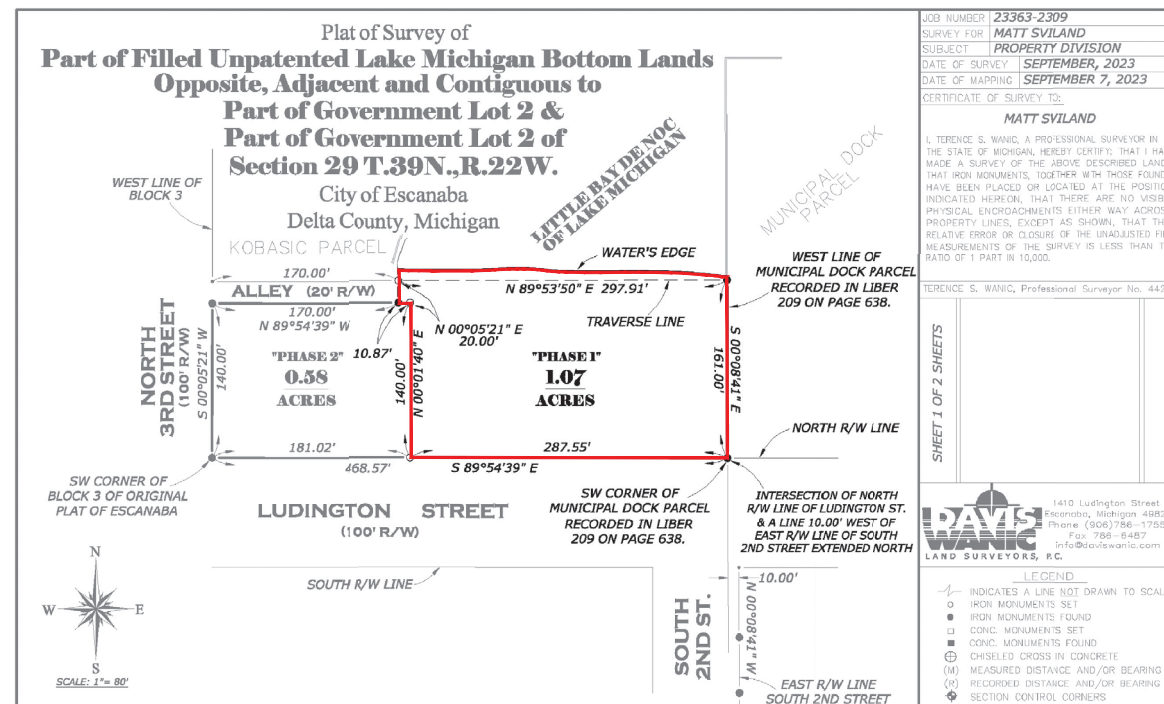
OWNER:
NORTHSHORE FLATS DEVELOPMENT LLC
1121 LAKESHORE DRIVE
ESCANABA, MI 49829

ARCHITECT:
BARRY J. POLZIN ARCHITECTS
101 N. LAKESHORE BLVD.
MARQUETTE, MI 49855
906-226-8661



CONCEPTUAL RENDERING ONLY: SEE FOLLOWING SHEETS FOR ACCURATE REPRESENTATION OF PROJECT

NEIGHBORHOOD SITE PLAN
SCALE: 1" = 60'-0"



SURVEY
SCALE: 1" = 80'-0"

JOB NUMBER	23363-2309
SURVEY FOR	MATT SVILAND
SUBJECT	PROPERTY DIVISION
DATE OF SURVEY	SEPTEMBER, 2023
DATE OF MAPPING	SEPTEMBER 7, 2023
CERTIFICATE OF SURVEY TO:	MATT SVILAND
I, TERENCE S. WANIG, 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 THIS SURVEY IS LESS THAN THE RATIO OF 1 PART IN 10,000.	
TERENCE S. WANIG, Professional Surveyor No. 442596	

LEGAL DESCRIPTION
NORTHSHORE FLATS PHASE 1: FROM THE SW CORNER OF BLOCK 3 OF THE ORIGINAL PLAT OF ESCANABA AS RECORDED IN LIBER 'A' OF DEEDS ON PAGE 74 MEASURE S.89°54'39"W. A DISTANCE OF 10.87 FEET, THENCE N.00°05'21"W. A DISTANCE OF 20.00 FEET TO A TRAVERSE LINE ALONG THE SHORE OF LITTLE BAY DE NOC, THENCE N.89°53'50"E. ALONG SAID TRAVERSE LINE A DISTANCE OF 297.91 FEET TO A POINT ON THE WEST LINE OF THE MUNICIPAL DOCK PARCEL AS RECORDED AT LIBER 209 OF DEEDS ON PAGE 638, THENCE S.00°08'41"E. ALONG SAID WEST LINE A DISTANCE OF 161.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID LUDINGTON STREET, THENCE N.89°54'39"W. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 287.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.07 ACRES.

NOTES

- A SEDIMENTATION AND EROSION CONTROL PERMIT APPLICATION WILL BE MADE PRIOR TO CONSTRUCTION. SILT FENCE TO BE PLACED AT EDGES OF BUILDABLE SITE.
- ANY LOCAL, STATE, OR FEDERAL PERMITS THAT ARE REQUIRED WILL BE OBTAINED PRIOR TO CONSTRUCTION.

SITE DATA

ZONING:	E-3 CENTRAL COMMERCIAL
SITE AREA:	46,609 S.F. (1.07A)
BUILDING FOOTPRINT AREA:	16,495 S.F.
LOT COVERAGE:	35% (85% MAXIMUM ALLOWED)

BUILDING DATA

USE GROUP	R2	
FIRST FLOOR:	BUILDING 'A' 7,166 S.F.	BUILDING 'B' 9,329 S.F.
SECOND FLOOR:	5,863 S.F.	7,718 S.F.
THIRD FLOOR:	5,863 S.F.	7,718 S.F.
PARKING:	7,645 S.F.	10,163 S.F.
TOTAL:	2,6537 S.F.	34,948 S.F.

THE ENTIRE BUILDING IS PROTECTED BY AN AUTOMATIC FIRE SUPPRESSION SYSTEM.

INDEX TO DRAWINGS

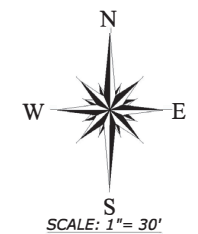
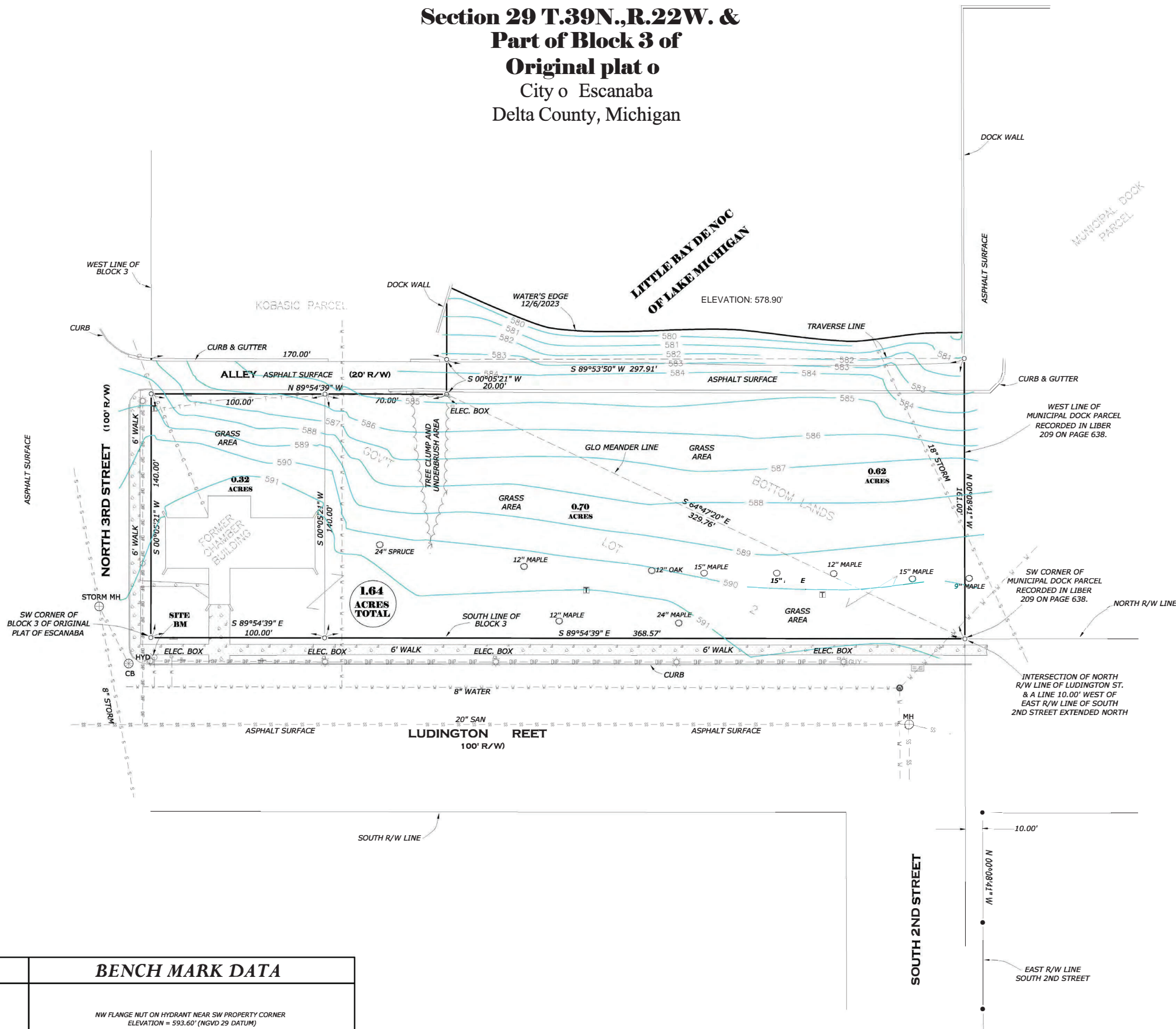
- COVER
- C1.0 PARCEL SURVEY
- AS1.0 ARCHITECTURAL SITE PLAN
- AS1.1 UTILITY/GRADING SITE PLAN
- L1.0 LANDSCAPE PLAN
- A1.0 FLOOR PLANS/EXTERIOR ELEVATIONS
- R1.0 RENDERINGS



BARRY J. POLZIN
ARCHITECTS

COPYRIGHT © 2022 BY BARRY J. POLZIN ARCHITECTS INC. ALL RIGHTS RESERVED.

Plat o Survey of
Part o Filled Unpatented Lake Michigan Bottom ands
Opposite, Adjacent and onti guous to
Part of overnment Lot 2 of
Section 29 T.39N.,R.22W. &
Part of Block 3 of
Original plat o
 City o Escanaba
 Delta County, Michigan



LEGEND

- ⊕ INDICATES A GUARD POST
- ⚡ INDICATES A SIGN
- ⊕ INDICATES AN IRON MONUMENT'S SET
- ⊕ INDICATES IRON MONUMENTS FOUND
- ⊕ INDICATES A TELEPHONE JUNCTION BOX
- ⊕ INDICATES A LIGHT POLE
- ⊕ INDICATES A UTILITY POLE
- ⊕ INDICATES A WATER VALVE
- ⊕ INDICATES A CATCH BASIN
- HYD ⊕ INDICATES A MAN HOLE
- ⊕ INDICATES PROPERTY SETBACKS
- ⊕ INDICATES UNDERGROUND FIBER LINE
- — — — — INDICATES A WATERMAIN
- — — — — INDICATES UNDERGROUND POWER
- — — — — INDICATES OVERHEAD POWER / CABLE
- — — — — INDICATES UNDERGROUND GAS LINE
- — — — — INDICATES UNDERGROUND TELEPHONE
- — — — — INDICATES SANITARY SEWER LINE
- — — — — INDICATES GUY WIRE
- — — — — INDICATES STORM LINE
- ⊕ INDICATES CONCRETE SURFACE

SURVEY TESTS:

1. UNDERGROUND UTILITY LOCATION WERE LOCATED FROM EXISTING ON GROUND MARKING OR CITY UTILITY MAPPING.
2. ELEVATIONS ARE IN NGVD 29 DATUM.
3. HORIZONTAL COORDINATES ARE REFERENCED TO LOCAL SITE.
4. CONTOUR INTERVAL IS 1.0'.

NOTE: THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. BEFORE ANY CONSTRUCTION OCCURS, CONTACT MISS DIG FOR THE ON-SITE STAKING OF ALL UTILITIES (800) 482-7171.

BENCH MARK DATA

NW FLANGE NUT ON HYDRANT NEAR SW PROPERTY CORNER
 ELEVATION = 593.60' (NGVD 29 DATUM)

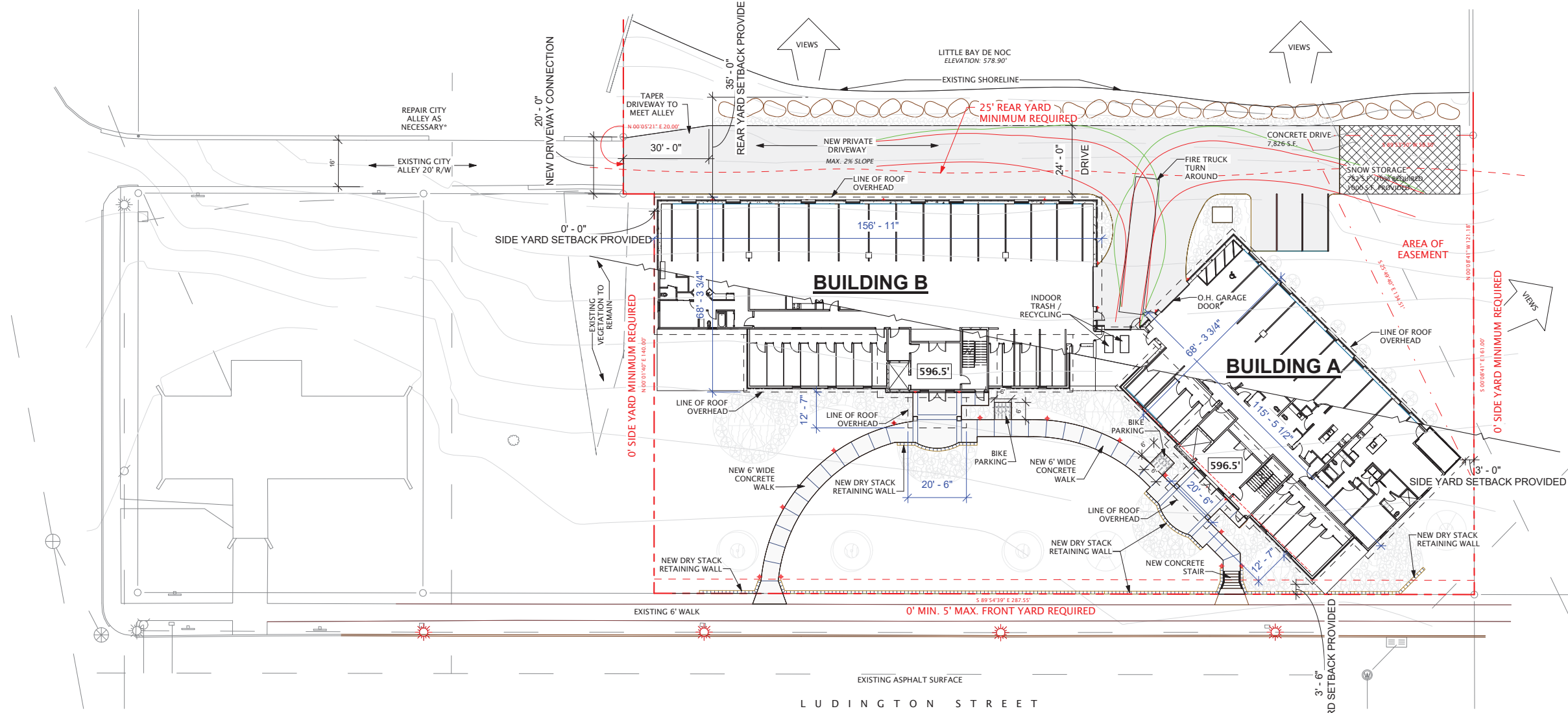
REFERENCE BENCHMARK - C & GS MONUMENT - BM F 203
 ELEVATION = 606.35' (NGVD 29 DATUM)

C1.0

SWANEE
 LAND SURVEY, INC.

1410 Ludington Street
 Escanaba, Michigan 9829
 Phone (906) 786-1755,
 Fax 786-6487

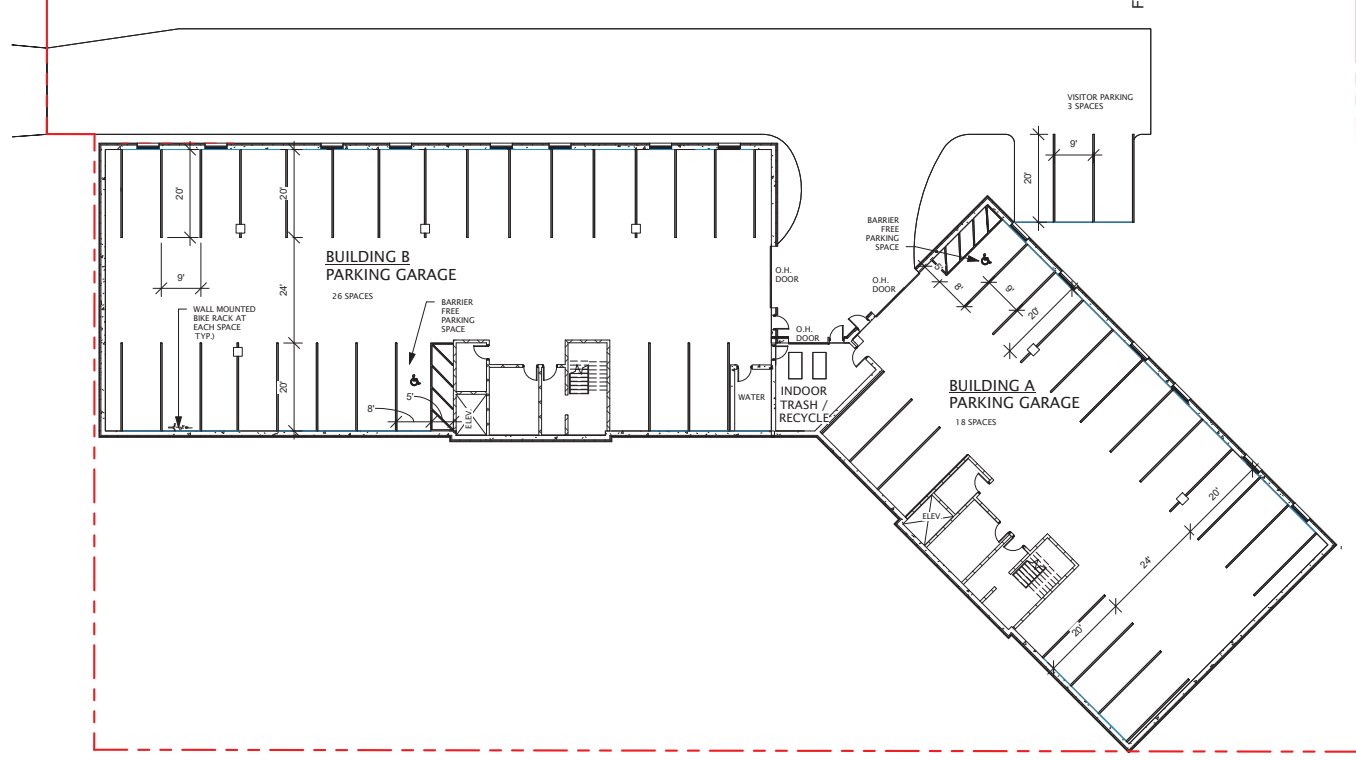
JOB NUMBER	SWANEE INC. TOPO - 23J
SURVEY FOR	SWANEE INC.
SUBJECT	TOPOGRAPHIC SURVEY
DATE OF SURVEY	DECEMBER, 2023
DATE OF MAPPING	DECEMBER 11, 2023



ARCHITECTURAL SITE PLAN
1" = 20'-0"

BUILDING B		
	UNITS	REQUIRED PARKING SPACES
1 BED	2	2
2 BED	9	12
3 BED	2	3
		17 SPACES REQUIRED
2 BIKE PARKING SPACES PER UNIT PROVIDED INDOORS		26 SPACES SPACES PROVIDED INSIDE

BUILDING A		
	UNITS	REQUIRED PARKING SPACES
1 BED	2	2
2 BED	6	8
3 BED	2	3
		13 SPACES REQUIRED
2 BIKE PARKING SPACES PER UNIT PROVIDED INDOORS		20 SPACES SPACES PROVIDED 18 INSIDE / 2 OUTSIDE

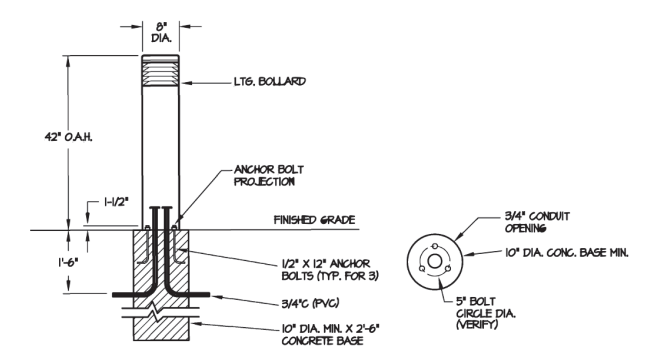
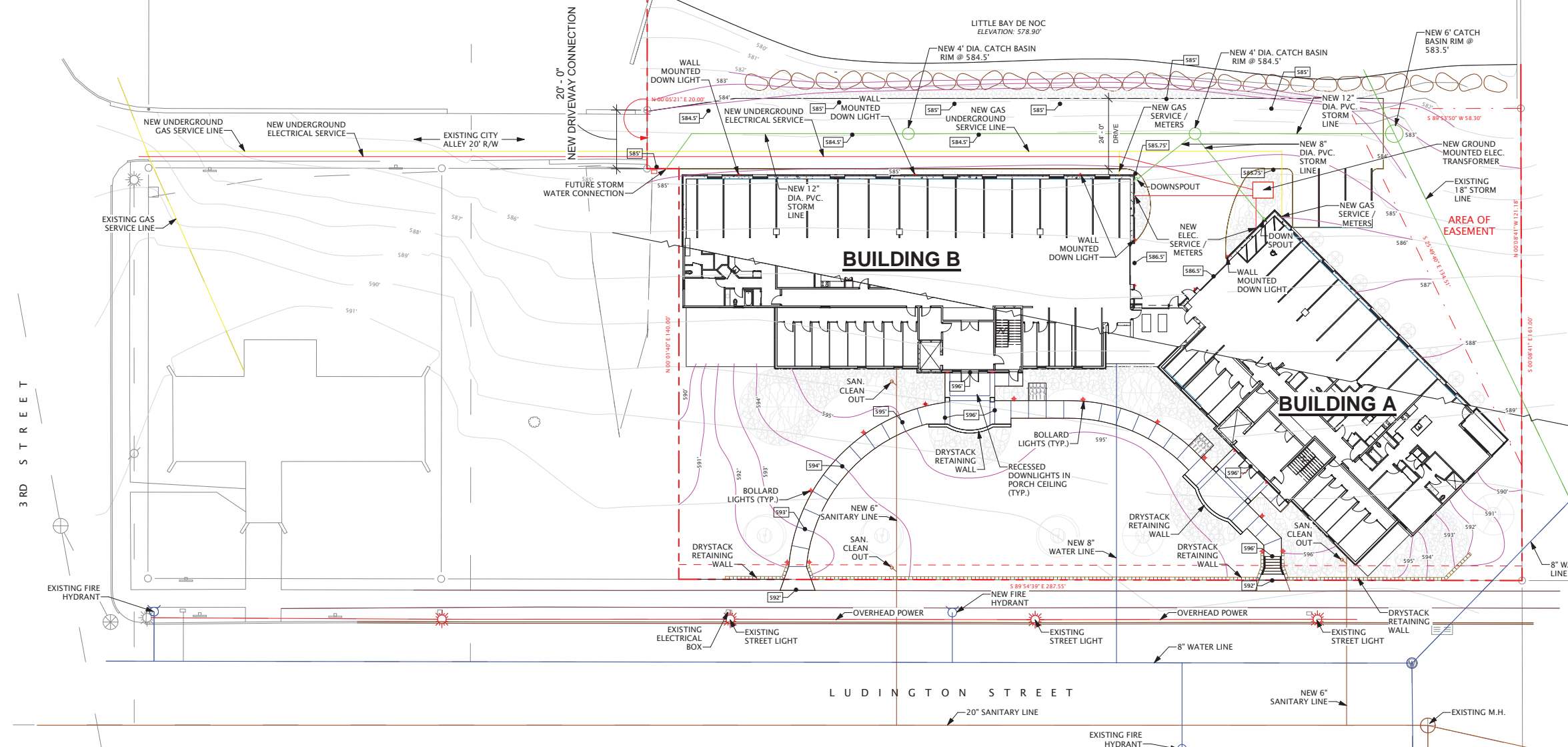


45 of 78
NBI att 2
PARKING GARAGE LEVEL
1" = 20'-0"

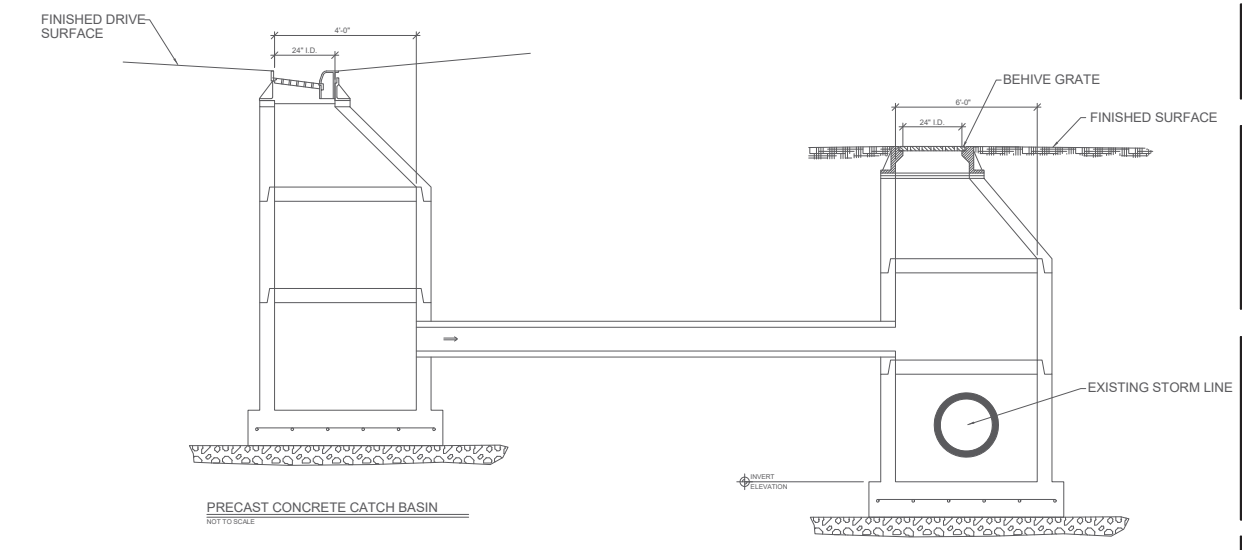
Design: Barry J. Polzin
Drawn By: MRA
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WALL MOUNTED DOWNLIGHT
RAB LIGHTS SLIM 37W FULL CUTOFF
MOUNTED AT 9' ABOVE DRIVEWAY



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- ### IRRIGATION SPECIFICATIONS
- CONTRACTOR SHALL SUBMIT A DETAILED IRRIGATION DESIGN DRAWING FOR THE IRRIGATION SYSTEM, PIPING LAYOUT AND SIZING, LOCATION AND TYPE OF SPRINKLER HEADS, VALVES (NUMBERED, WITH GPM RATES), CONTROLLER AND ELECTRICAL SERVICE, AND A COMPLETE SCHEDULE OF PARTS AND FITTINGS. SUBMIT MANUFACTURER'S PRODUCT DATA FOR ALL SYSTEM COMPONENTS.
 - DO NOT BEGIN WORK UNTIL IRRIGATION DESIGN DRAWING AND MANUFACTURER'S PRODUCT DATA ARE APPROVED BY ARCHITECT.
 - LOCATION OF CONTROLLER SHALL BE CONFIRMED WITH ARCHITECT PRIOR TO INSTALLATION. PROVISIONS FOR 110V ELECTRIC SERVICE FOR CONTROLLER.
 - INDICATE HYDROSTATIC WATER PRESSURE ON IRRIGATION DESIGN DRAWING. HYDROSTATIC PRESSURE SHOULD BE AT LEAST 60 PSI. PROVIDE PUMPS AS REQUIRED TO PROVIDE PRESSURE.
 - SYSTEM SHALL BE DESIGNED FOR HEAD-TO-HEAD COVERAGE WITH CAPABILITY FOR 1" WATER/HOUR COVERAGE OF ALL AREAS. COVERAGE AREA INCLUDES ALL PLANTING BEDS AND LAWN AREAS.
 - KEEP FACE OF BUILDING, WALKS, DRIVES, PARKING AND OTHER PAVED AREAS DRY.
 - PROVIDE SEPARATE ZONES FOR LAWN VERSES PLANTING VERSES ANNUAL/PERENNIAL AREAS.
 - PIPING MUST BE LAID OUT TO AVOID ROOTS OF NEW AND EXISTING TREES. IF HEADS MUST BE LOCATED NEAR EXISTING TREES, THE PIPE ROUTE SHOULD BE AIMED RADIALLY TOWARD THE TREE, NOT ACROSS ITS ROOT ZONE.
 - UPON INSTALLATION OF ALL MAIN LINE PIPE, PERFORM A ONE HOUR 100 PSI PRESSURE TEST IN THE PRESENCE OF ARCHITECT. DO NOT CONTINUE WITH THE WORK UNTIL A SUCCESSFUL PRESSURE TEST HAS BEEN DEMONSTRATED.
 - UPON COMPLETION OF THE INSTALLATION, INSPECT AND FINE TUNE THE ENTIRE SYSTEM. DEMONSTRATE THE SUCCESSFUL OPERATION OF ALL ZONES IN THE PRESENCE OF THE OWNER. SUBMIT COMPLETE OPERATING AND MAINTENANCE INSTRUCTIONS INCLUDING WINTER SHUT DOWN AND SPRING START UP TO THE OWNER.
 - PROVIDE AND INSTALL IRRIGATION METER (CITY ISSUED) AND ANY REQUIRED BACKFLOW PREVENTION.

- ### LANDSCAPE NOTES
- CONTRACTOR SHALL STAKE OUT ALL TREES AND PLANTING BED CONFIGURATIONS PRIOR TO ACTUAL CONSTRUCTION FOR APPROVAL BY ARCHITECT.
 - ENSURE THAT ALL PLANTING BEDS AND LAWN AREAS HAVE POSITIVE DRAINAGE AWAY FROM BUILDING. CONTACT ARCHITECT IF PROBLEMS ARISE.
 - ALL SHRUBS AT EDGE OF PLANTING BED SHALL BE PLANTED IN LINE AND FOLLOWING THE EDGE OF THE PLANTING BED. PLANTS TO BE SET BACK FROM EDGE OF PLANTING BED. 1/2 THE DISTANCE OF O.C. PLANT SPACING.
 - INSTALL SOD IN ALL AREAS AS INDICATED. SOD TO BE KENTUCKY 31 FESCUE. SOD SOIL LAYER TO BE FLUSH WITH ADJACENT PAVEMENT. SOD TO BE PLACED OVER 4" TOPSOIL (MINIMUM).
 - ALL PLANTING BEDS TO BE BOUNDED BY EDGING. EDGING TO BE 3/16" X 4" STEEL EDGING PAINTED DARK GREEN, BY JOSEPH RYERSON & SONS, ST. LOUIS, MISSOURI (314) 231-1020 (OR EQUAL). INSTALL EDGING IN CONSISTENT STRAIGHT OR CURVED ALIGNMENT. TOP OF EDGING TO BE 1" - 1.5" ABOVE ADJACENT GRADE.
 - INSTALL FLAT MULCH RING AROUND TREES IN ALL SOD AREAS. MULCH TO BE 3" THICKNESS, 2" BEYOND TRUNK.
 - MULCH AT BEDS IN PARKING LOTS TO RECEIVE 3" OF STONE MULCH.

- ### LANDSCAPE SPECIFICATIONS
- ALL PLANT MATERIAL SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS, CURRENT EDITION.
 - ALL PLANTING BEDS FOR SHRUBS, GROUND COVER, AND ANNUALS/PERENNIALS SHALL HAVE CONTINUOUS BED PREPARATION. EXISTING SOIL SHALL BE MIXED WITH SOIL AMENDMENTS AND/OR CONDITIONERS CONSISTENT WITH THE BEST LOCAL PRACTICES OF THE REGION, TO A DEPTH OF 2" - 4" BELOW AND 12" WIDER THAN THE ROOT BALL OR CONTAINER.
 - ALL PLANTING BEDS SHALL BE MULCHED WITH 2" - 3" DEPTH OF MULCH.
 - ALL LANDSCAPE AND IRRIGATION WORK SHALL BE GUARANTEED FOR ONE (1) YEAR BEGINNING ON THE DATE OF ACCEPTANCE OF THE COMPLETE INSTALLATION BY THE OWNER OR PROJECT DESIGN CONSULTANT.



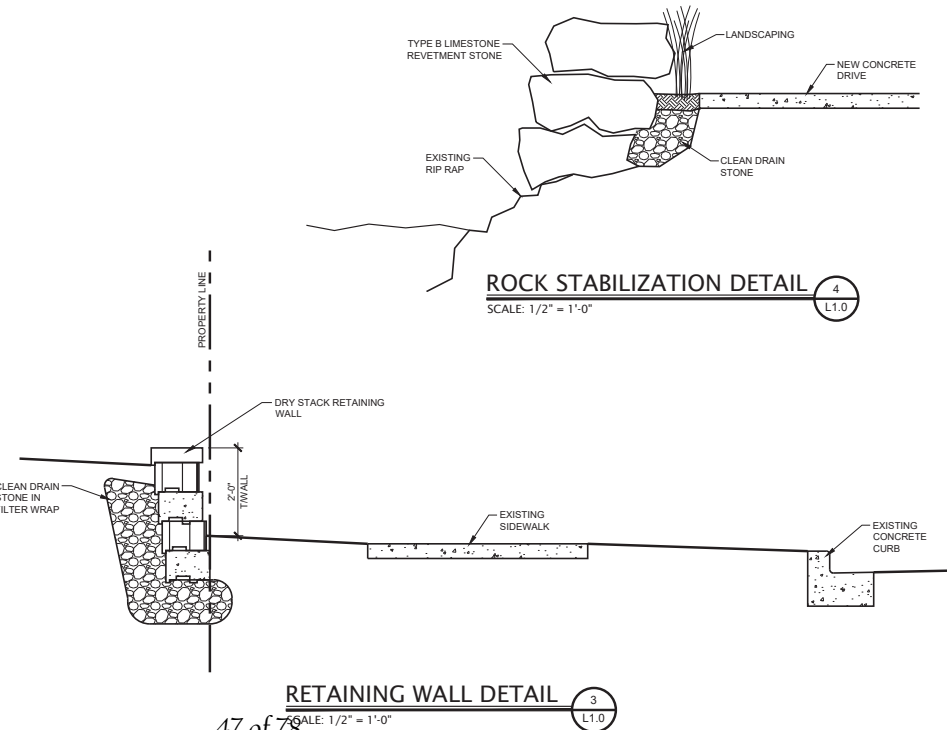
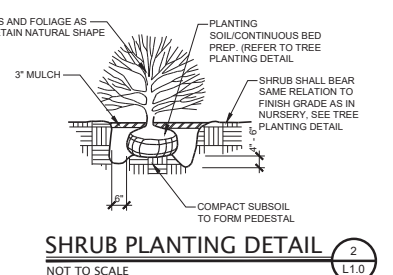
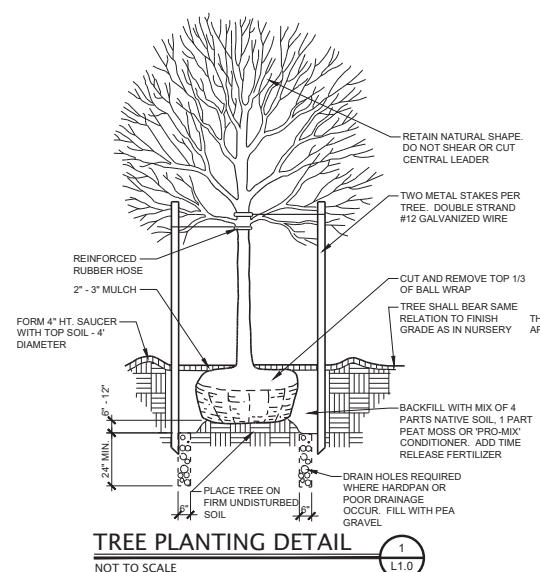
LANDSCAPE PLAN
SCALE: 1" = 20'-0"

- ### TREE REPLACEMENT PLAN
- EXISTING VEGETATION TO BE REMOVED FROM THE SITE FOR CONSTRUCTION AND REGRADING REQUIRED.
 - 8 EXISTING TREES OF 8"Ø OR GREATER TO BE REPLACED WITH 8 NEW TREES (5 NATIVE BIRCH, 3 NATIVE SPRUCE)

PLANT LEGEND

SYMBOL	TAG	COMMON NAME	BOTANICAL NAME	PLANTING SIZE	MATURE SIZE
	L-1	PAPER BIRCH	BETULA Papyrifera	3"Ø	50'
	L-2	WHITE SPRUCE	PICEA GLAUCA	8"	25'
	L-3	RED OSER DOGWOOD	CORNUS SERICEA	3"	3'-9"
	L-4	NORTHERN WHITE CEDAR	THUJA ACCIDENTALIS	6"	8'
	L-5	GROUND JUNIPER	JUNPERUS COMMUNIS	24"	5'
	L-6	BIG BLUESTEM	ANDROPOGON GERARDII	2 GAL.	5'-7"

PLANT SPACING AS SHOWN ON PLAN
 SOD AREAS
 WOOD MULCH



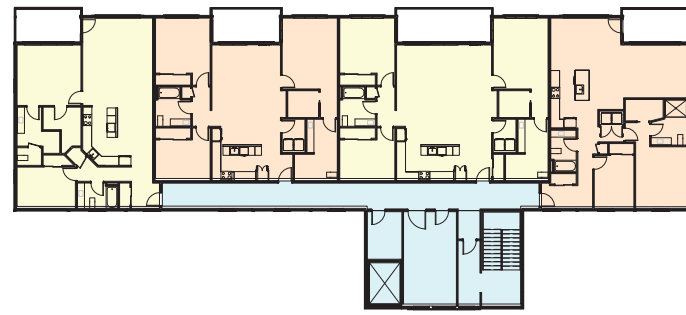
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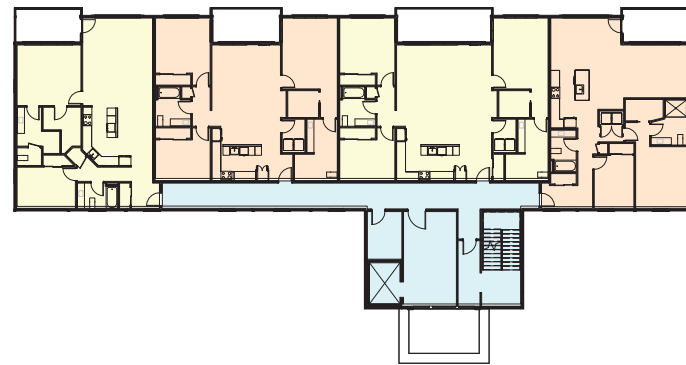
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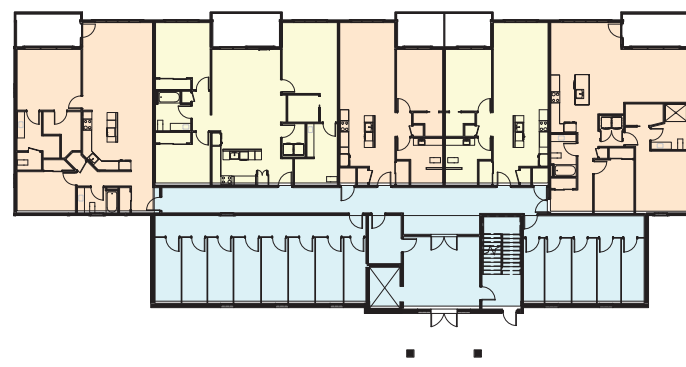
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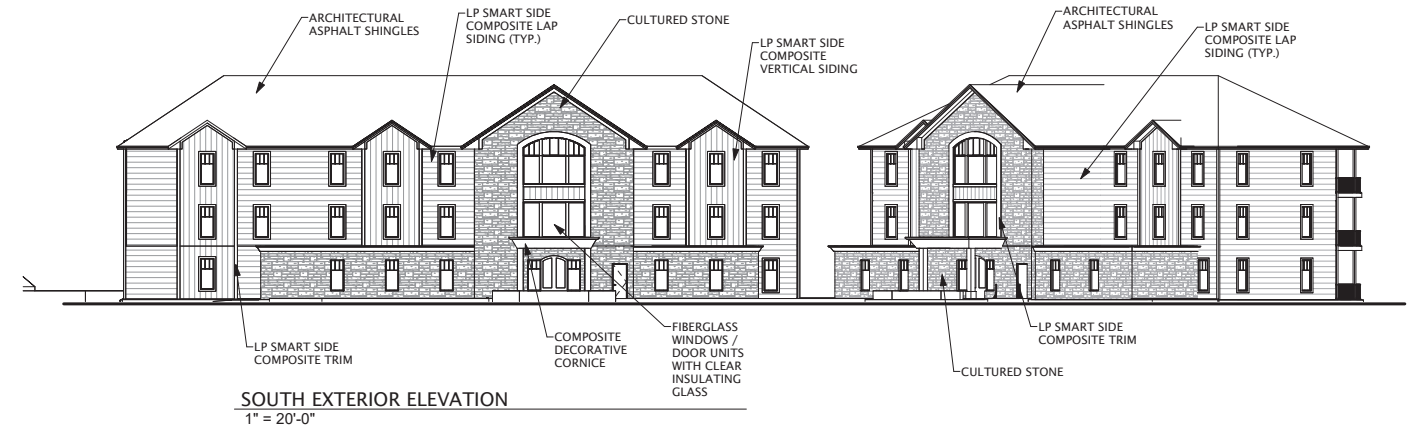
THIRD FLOOR PLAN
1" = 20'-0"



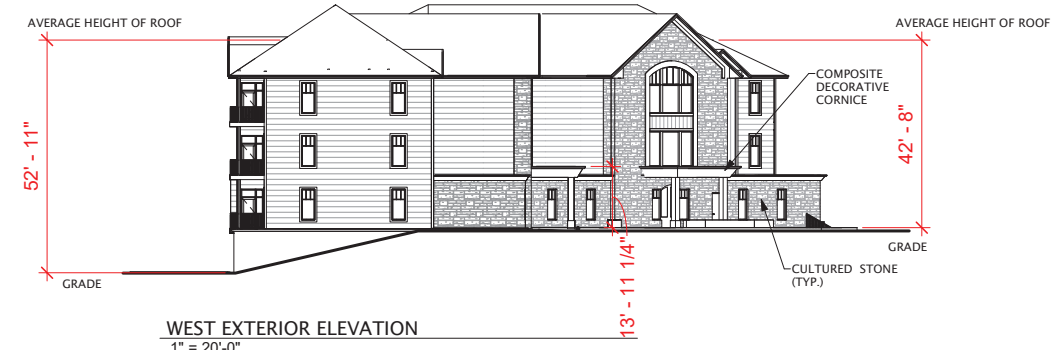
SECOND FLOOR PLAN
1" = 20'-0"



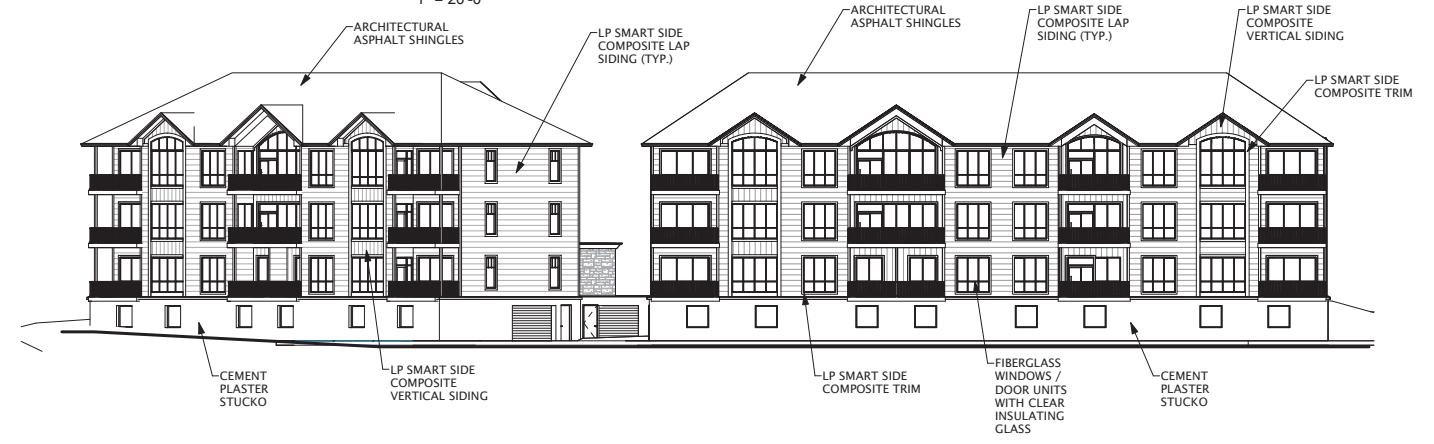
FIRST FLOOR PLAN
1" = 20'-0"



SOUTH EXTERIOR ELEVATION
1" = 20'-0"



WEST EXTERIOR ELEVATION
1" = 20'-0"



NORTH EXTERIOR ELEVATION
1" = 20'-0"



EAST EXTERIOR ELEVATION
1" = 20'-0"

BUILDING B			
	1 BED	2 BED	3 BED
1 BED	2	3	-
2 BED	-	3	1
3 BED	-	3	1
	2	9	2
			13

BUILDING A			
	1 BED	2 BED	3 BED
1 BED	2	2	-
2 BED	-	2	1
3 BED	-	2	1
	2	6	2
			10

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CONCEPTUAL RENDERINGS ONLY: SEE OTHER SHEETS FOR ACCURATE REPRESENTATION OF PROJECT

Design: Barry J. Polzin
Drawn By: MRA
Date of Issue: 1/26/24

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Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION

Staff Report

REQUEST OVERVIEW

Case # SLU23001

Property Address: 200 Ludington Street

Applicant: Northshore Flats Development LLC

Property Owner: City of Escanaba

Tax Parcel # 051-010-2929-328-003

Zoning District: E-3 (Central Commercial)

Property Description:

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock.

SITE PLAN REVIEW

The Planning Commission, as outlined in Zoning Ordinance (ZO) sec. 1803.2, is responsible for reviewing Site Plans for all land use requests listed in sec. 1801.2.2. This review covers only the application, maps, and drawings required as part of the request. This also includes any public comments received. The Commission must identify and evaluate all relevant factors, including criteria listed in the ZO.

Following the review, the Commission must decide whether to approve, approve with conditions, or deny the Site Plan. Their decision must include a statement of findings and conclusions relative to the case, which specifies the decision’s basis and any imposed conditions.

These steps ensure thorough and transparent Site Plan reviews and approvals. It also ensures public input and adherence to established criteria throughout the decision-making process.

APPLICATION HISTORY

On Wednesday, September 6, 2023, a pre-application meeting was held. Attendees included the Applicant, City Manager James McNeil, and Planning & Zoning Department staff. A second meeting was held on Thursday, November 16, 2023, with the same attendance as the first meeting, but included Barry J. Polzin Architects (Architect) virtually.

A Site Plan review application was received on Tuesday, December 26, 2023 from the Architect. The Zoning Administrator then processed the application in the usual way per the ZO. This request was then placed on the February meeting agenda. This allowed time to make public hearing notices, and to hold internal review meetings.

Two internal review meetings were held. The first took place on Thursday, January 11, 2024, and was attended by City Manager James McNeil, City Engineer Terry Flower, Public Works Director Kent Dubord, Electric Utility Director Gerald Pirkola, Water/Wastewater Superintendent Jeff Lampi, Chief of Police John Gudwer, and Planning & Zoning Department staff. The second meeting was held on Thursday, January 18, 2024. Attendees were relatively the same as the first

meeting, but added in were Rental and Fire Code Inspector Jude VanDamme and the Applicant. The Architect attended this meeting virtually, as well.

SITE PLAN REQUIREMENTS

All site plans meant for Commission review must include certain information. These required details are listed in sec. 1802.2, and they are listed below. Included with each requirement is a staff response to that item.

- A. The site plan must consist of an accurate, reproducible drawing at a scale of one (1) inch equals twenty (20) feet 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.**

Staff Response:

The Site Plan consists of many drawings, but most are drawn at a scale of 1" = 20'-0". Included in the drawings are the Property and its zoning district. However, they do not clearly show the location, type, and size of structures and/or land within 200' of the Property.

- B. A boundary survey of the property prepared by a registered surveyor showing the location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.**

Staff Response:

A boundary survey and a topographic survey are both included in the drawings. Both were prepared by Davis Wanic Land Surveyors PC. Together, they show the existing and proposed boundary lines, dimensions, a legal description, and monument locations. Setbacks are shown elsewhere in the drawings.

- C. Location and type of significant existing vegetation as determined by a qualified, city approved authority.**

Staff Response:

This information is included on the topographic survey.

- D. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways.**

Staff Response:

Lake Michigan, being the only adjacent water body, is shown accordingly.

- E. Location of existing and/or proposed buildings and intended uses thereof, as well as the length, width, and height of each building.**

Staff Response:

This information can be found across the drawings, but mostly in the "Architectural Site Plan".

- F. 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.**

Staff Response:

This information is included in the drawings.

- G. Location of snow storage areas.**

Staff Response:

Snow storage is included on the “Architectural Site Plan”.

- H. 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.**

Staff Response:

Adjacent and nearby streets & alleys (Ludington Street, North 3rd Street, unnamed alley) are shown, and so is an existing easement for a storm sewer.

- I. 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.**

Staff Response:

This information is included in the drawings.

- J. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.**

Staff Response:

sdfsdf.

- K. Location, size, and characteristics of all loading and unloading areas.**

Staff Response:

This information is included in the drawings.

- L. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.**

Staff Response:

This information is included in the drawings.

- M. 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.**

Staff Response:

This information is mostly included in the drawings; shut-off valves are not shown. No wells, retention or detention ponds, or septic systems are planned for the site.

- N. Location of all other utilities on the site, including but not limited to natural gas, electric, cable TV, telephone and steam.**

Staff Response:

Only electric and natural gas utilities are shown on the drawings.

- O. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools, if applicable.**

Staff Response:

This information is included in the drawings.

P. Location, size, and specifications of all signs and advertising features.

Staff Response:

No signs or advertising features are proposed.

Q. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Staff Response:

The locations of exterior lighting are shown on the drawings – so are the fixture types – but no areas of illumination are included.

R. Location, height, size and specifications of all fences, walls, and other screening features with cross sections.

Staff Response:

This information is included in the drawings.

S. 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.

Staff Response:

This information is included in the drawings.

T. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Staff Response:

Solid waste receptacles will be kept indoors between the buildings; no screening is required.

U. 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.

Staff Response:

No such facilities or structures are proposed.

V. Identification of any significant site amenities or unique natural features.

Staff Response:

Unique natural features are identified, and there are no significant site amenities.

W. Identification of any significant views onto or from the site to or from adjoining areas.

Staff Response:

See the above response.

X. North arrow, scale and date of original submittal and last revision.

Staff Response:

North arrows and scales are included in the drawings, and so is the current revision's date, but the original submittal date is missing.

Y. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

Staff Response:

This information is included in the drawings.

- Z. The following additional information if requested by the Zoning Administrator:**
- 1. A report describing the soil types and the ability of soils to accommodate the proposed development.**
 - 2. A tree location survey signed by an engineer, surveyor, landscape architect, showing all existing tree having a diameter at breast height of six inches or greater, the common and/or scientific names and the diameter at breast height of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominate species represented, the number present and the diameter at breast height range of the group or clump.**
 - 3. The existing and proposed topography at two (2) foot contours.**
 - 4. Any other information necessary to establish compliance with City Ordinances.**

Staff Response:

None of this information was requested by the Zoning Administrator.

DEVELOPMENT STANDARDS

To achieve the purposes of the ZO, each site plan is reviewed against a common list of standards. These development standards are listed in sec. 1907.1, and they are listed below. A longer description for each standard can be found in that section of the ZO; for brevity, only their titles are shown here. Included below each standard is a staff response to that criterion.

A. Building orientation.

Staff Response:

Both proposed buildings face Ludington Street. Therefore, this standard is met.

B. Roof equipment.

Staff Response:

No roof-mounted equipment is proposed. Therefore, this standard is met.

C. Visual and sound mitigation.

Staff Response:

No sound mitigation is needed or provided. A transformer is sited behind the buildings, but it is visually screened with plantings. Therefore, this standard is met.

D. Emergency access.

Staff Response:

Access can be practically made to both the front and back of both principal buildings. Therefore, this standard is met.

E. Street access.

Staff Response:

Access is made via a public alley to North 3rd Street. Therefore, this standard is met.

F. Circulation system.

Staff Response:

Given that vehicle paths onsite are two-lanes wide (24' minimum), but the ingress/egress path is only wide enough for one lane (16' total), staff are worried about congestion. Therefore, this standard is not met.

G. Non-motorized circulation system.

Staff Response:

Physically separate and insulated pedestrian routes are provided, reflecting the nearby sidewalk patterns. Therefore, this standard is met.

H. Parking areas.

Staff Response:

The parking area itself is well-enough designed, but the only access point is via a 16-foot-wide, 170-foot-long alley. See standard "F" above. Therefore, this standard is not met.

I. Shared drives.

Staff Response:

Vehicle access is planned to route solely through an alley at the property's rear. Therefore, this standard is met.

J. Loading, unloading and storage areas.

Staff Response:

The solid waste loading area is located behind the buildings and is not visible from residential districts or public rights-of-way. Therefore, this standard is met.

K. Light sources.

Staff Response:

Planned wall-mounted exterior downlight fixtures are full cutoff-type fixtures, and the bollard lights will only illuminate the ground. Therefore, this standard is met.

L. Utilities.

Staff Response:

The details of all utilities are still being developed, but all such services will be underground. Therefore, this standard is met.

M. Environmental issues.

Staff Response:

No hazardous substances or potential pollutants will be stored, used, or generated at the site. Therefore, this standard is met.

N. Tree Preservation Purpose and Intent.

Staff Response:

None of the existing trees are planned to remain. However, all will be replaced by new trees. Therefore, this standard is met.

O. Storm Water Control Plan.

Staff Response:

A storm sewer is planned which will divert all stormwater coming from the building roofs into an existing system. Therefore, this standard is met.

STAFF ANALYSIS

In addition to the standards and requirements, there are a few more items which need attention.

All rear and side setbacks are met for the project. However, it is worth noting that only building “A” meets the front setback. Gamesmanship is in play here, as the Applicant poses that, since “A” and “B” are joined by a connector which is not visible from the street, they must be considered as one building. If they are one building, then since “A” meets the front setback, “B” doesn’t need to be concerned with this standard. Commissioners are encouraged to review the ZO’s definitions.

Sec. 2114 of the ZO establishes “special requirements” for the E-3 zoning district. Per sec. 2114.1, “residential dwellings [cannot occupy] the front 50% [of] ground floor area ... unless the ground floor is elevated by [1/2] story.” Building “B” meets this criterion, but building “A” does not.

To find this, it was necessary to fix the elevation at which “grade” was found. By reviewing the drawings against the ZO’s definition of grade, building “A” had a grade at 592’, and “B” had 590.5’.

With this, the definition of “story” had to be considered next. A story which is more than 50% below grade level does not count as a story. The parking level of “A” does not qualify as a story since its elevation is at 586.5’. Given that the floor-to-floor height of this level is 9’, half-story height is 4.25’. So by adding the half-height to the story’s elevation, we see that the 50% threshold is 590.75’. With this being less than the 592’ grade, the parking level does not count as a story, and the first residential level is the ground story.

According to the drawings, the residential levels’ floor-to-floor height is 12’ in both buildings, which gives us a half-story height of 6’. Since the first story of “A” needs to be elevated above grade by 1/2 story, and grade is at 592’, that story’s elevation must be at least 598’. But per the drawings, this story has an elevation of only 596’, falling 2’ short of the minimum. Therefore, building “A” does not meet the standard of sec. 2114.1.

Repeating the foregoing processes for “B” gives us a different result. The parking level of “B” has the same elevation and half-story height as “A”. Since grade for “B” is found at 590.5’, and the half-story height elevation is less than that at 590.75’, the parking level does count as a story.

With the half-story height of the parking level now in control, the floor elevation of the first residential level must be at least 4.5’ above the grade of “B”. With that grade being 590.5’, adding the half-story height gives us 595’. Since the floor elevation of the first residential level is at 596’, it exceeds the minimum by 1’. Therefore, building “B” does meet the standard of sec. 2114.1.

Moving down to sec. 2114.3, we have standards for exterior finish materials to be reviewed. The buildings are to be finished in cultured stone and faux-wood composite siding. The stone finish is listed as acceptable, but the composite is not listed. This section does note that buildings may be finished with “future acceptable building materials compatible with surrounding properties.” This, however, is for the Commission to determine.

The Zoning Administrator now refers this Site Plan to the Commission for review, recommending approval with conditions. The following is a suggested list of conditions:

1. The Applicant shall provide a Traffic Statement, completed by a qualified engineer, to the Planning Commission within two months. Said Traffic Statement must focus on the alley providing access to the Property, consider the impact of future development on the lot adjacent to the Property’s west, and state whether the alley needs to be enlarged or not.

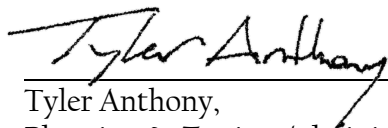
2. All utility and service connections to the site, including cable television and internet services, shall be made underground, ensuring compatibility with adjacent uses of land.

FACT FINDING

Per the *Bylaws*, all decisions made by the Commission must include findings of fact. The following is a recommended finding of facts:

1. The Site Plan, consisting of five (5) separate drawing sheets, complies with sec. 1802.2 of the Zoning Ordinance.
2. Both proposed buildings face Ludington Street, meeting building orientation standards.
3. No roof-mounted equipment is proposed, meeting standards for such equipment.
4. No sound mitigation is needed or provided, and a transformer is sited behind the buildings and visually screened with plantings, meeting visual and sound mitigation standards.
5. Access can be practically made to both the front and back of both principal buildings, meeting emergency access standards.
6. Vehicle access is planned to route solely through an alley at the property's rear, meeting both street access and shared drive standards.
7. Congestion is anticipated to occur at the vehicular access point, where two-way onsite traffic merges down to a single lane of travel, failing to meet both circulation standards and parking area standards.
8. Physically separate and insulated pedestrian routes are provided which reflect the nearby sidewalk patterns, meeting non-motorized circulation standards.
9. The solid waste loading area is located behind the buildings, invisible from residential districts or public rights-of-way, meeting loading, unloading, and storage area standards.
10. Planned wall-mounted exterior downlight fixtures are full cutoff-type fixtures, and the bollard lights only illuminate the ground, meeting light source standards.
11. Utility placement is not completely planned yet, failing to meet utilities standards.
12. No hazardous substances or potential pollutants are stored, used, or generated at the site, meeting environmental issue standards.
13. All the existing trees will be cut down and then replaced by new trees, meeting tree preservation standards.
14. The front setback is not met.
15. Side and rear setbacks are met.
16. Lot coverage and maximum building height limits in the zoning district are not exceeded.
17. The Zoning Administrator referred the Site Plan to the Planning Commission for review with a recommendation to approve with conditions.

Respectfully submitted,



Tyler Anthony,
Planning & Zoning Administrator

2/1/2024

Date



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

NB2: Annual Report Review

Background

According to the Michigan Planning Enabling Act (MCL 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.

With that in mind, the Commission's staff prepares a report each year to satisfy that requirement of the Michigan Planning Enabling Act. Said annual report is then reviewed by Commissioners before transmittal to the City Council.

Issues and Questions Specified

- Does the report accurately reflect the status of planning activities in 2023?
- Will the Commission recommend any City Council actions, in terms of planning and development?
- Are there any additions, revisions, or deletions that should be made in the report?

Possible Options for Action

1. Adopt the report as presented and transmit it to the City Council. Sample language:
"I move to adopt the following resolution: RESOLVED, that the Planning Commission adopts the 2023 Annual Report as prepared by its Staff; and be it further RESOLVED, that the Chair shall present the 2023 Annual Report to the City Council, and that the Staff shall transmit said Report to the City Council beforehand."
2. Adopt the report with changes before transmittal to the City Council. Sample language:
"I move to adopt the following resolution: RESOLVED, that the Planning Commission adopts the 2023 Annual Report as prepared by its Staff with the following changes: [provide numbered list of changes]; and RESOLVED, that the Chair shall present the 2023 Annual Report, including the previously stated changes, to the City Council, and that the Staff shall transmit said Report to the City Council beforehand."
3. Reject the report and have a new report prepared for the next meeting. Sample language:
"I move to adopt the following resolution: RESOLVED, that the Planning Commission rejects the 2023 Annual Report as prepared by its staff; and RESOLVED, that the Planning Commission's staff are directed to prepare a new report for review at the next regular meeting."

Attachments

1. 2023 Annual Report (Draft)

2023 Annual Report

City of Escanaba Planning Commission
February 8, 2024

Introduction

Michigan's planning commissions play a crucial role in guiding community development by evaluating proposals, recommending zoning regulations, and actively engaging the public in decision-making processes. This advisory body ensures that proposed developments align with established ordinances and comprehensive plans, emphasizing sustainable growth strategies. Committed to fostering an inclusive approach, planning commissions seek input from residents through public hearings, ultimately striving to balance the evolving needs of the community with the preservation of its distinctive character. In essence, their work contributes to the creation of vibrant, resilient, and well-planned communities across the state.

As stewards of Escanaba's growth and heritage, our Planning Commission guides development here at the heart of Michigan's Upper Peninsula. Their main responsibilities include:

1. **Reviewing and Approving Development Plans:** The Commission reviews proposed developments, zoning changes, subdivisions, and site plans to ensure they align with city ordinances and comprehensive plans.
2. **Zoning Regulations:** They recommend changes to the zoning ordinance or map to the City Council, ensuring that land use is in line with the city's vision.
3. **Public Engagement:** The Commission often conducts public hearings to gather community input on proposed developments or zoning changes.
4. **Creating and Maintaining Community Plans:** They lead the way in crafting and promoting the use of various plans for the community's use – most notably among them, the Master Plan, which guides Escanaba's long-term development.

To these esteemed Commission members: Your dedication to shaping Escanaba's future is truly commendable. We, your neighbors, extend our appreciation for your hard work and steadfast commitment in guiding our city forward through the 21st century.

This Report

Per the *Michigan Planning Enabling Act*: “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.”¹ Its statutory necessity aside, this report serves many useful purposes. Among these points, the following are the most important:

- Help share information between staff, boards, the Commission, and the City Council.
- Allow for anticipation of upcoming issues and priorities.
- Summarize the vast body of work that the Commission undertakes each year.

With the Commission’s roles and responsibilities established, and the purpose of this report made clear, let us now move into the details...

Membership and Meetings

Our Commission’s members are appointed by the City Council per the “City of Escanaba Planning Commission Ordinance”.² These dedicated individuals work to prioritize the City’s overall wellbeing. Each member is intended to represent distinct community segments, ensuring diverse perspectives in decision-making. This commitment helps meet the goal of fostering inclusive representation for a thorough and thoughtful planning process.

Membership changed quite a lot over the year. Five out of the seven members resigned before their terms of office expired, and new members were appointed to fill those seats. Below is a table of this year’s Commission members – current and former – which includes their terms.

¹ State of Michigan, *Michigan Planning Enabling Act*, “Bylaws; adoption; public record requirements; annual report by planning commission” MCL 125.3819.

² City of Escanaba, Michigan, *City Code of Ordinances*, “City of Escanaba Planning Commission Ordinance” sec. 21-16 et seq.

Seat	Member's Name	Term Expiration Date
1	David Mason	[Resigned 8-16-2023]
	Kasja Nelson	6-1-2024
2	James Hellermann	6-1-2024
3	Kelli VanGinhoven	[Resigned 6-7-2023]
	Christiana Reynolds	6-1-2026
4	Roy Webber	6-1-2025
5	Nevin Naser	[Resigned 4-25-2023]
	Patrick Connor	6-1-2025
6	Dominic Bennetti	[Resigned 2-6-2023]
	Michael Harris	6-1-2024
7	Mark Hannemann	[Resigned 2-3-2023]
	Mark Sadowski	6-1-2026

Meetings and Public Engagement

The Commission met 13 times over the year: 12 regular meetings, and one special meeting. This meets the requirements of the Michigan Planning Enabling Act.³ Total attendance by private citizens peaked at 123. Comments on agenda items came to 16, including written ones. 14 general comments were also received. Nearly all this public engagement came during the first three meetings of the year: January 12, February 9, and March 9. It was at those meetings that most of the marijuana retailers had their public hearings (see the “Development Reviews” section). The Commission also dug into discussion on the first two amendments recommended to the City Council during this period. Because one of them was marijuana-related, it drew very strong attention.

³ State of Michigan, *Michigan Planning Enabling Act*, “Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public” MCL 125.3821.

Master Plan Review

Each year, the Commission reviews progress on the Master Plan. This review stands as a measuring stick of our city's progress from year to year, indicating our development and evolution – physically, socially, and economically. During 2023, Escanaba witnessed massive advancements in infrastructure, community engagement, and sustainable growth initiatives, highlighting our unwavering dedication to crafting a thriving and unified city. Yet, amidst these achievements, a dynamic landscape of challenges and shifting needs has emerged, calling for a flexible reexamination of our objectives and strategies.

This review process serves as the bedrock of our adaptive approach, weaving together insights from the community, analytical assessments, and collaborative discussions to navigate the intricate pathways of urban development. Beyond acknowledging past triumphs, it paves the way for a forward-looking trajectory, assimilating groundbreaking solutions to address burgeoning concerns and dreams. The Master Plan review is our guiding compass, steering Escanaba toward a resilient, fair, and prosperous future.

Progress on Goals

As is the Commission's regular practice, their staff reach out to all parties listed in the Master Plan's Implementation matrix. In this table, a lengthy list of "partners" is delegated various Master Plan objectives.⁴ These partners are then asked to report back on what activities they have engaged in which further each of their associated objectives. Commission staff then compile these responses to gauge progress on the Master Plan's goals.

This year, only two of the partners responded: the Delta County Economic Development Alliance (DCEDA) – represented by Ed Legault, and the Delta County Historical Society

⁴ City of Escanaba, Michigan, *2016 Master Plan*, 116

(DCHS) – represented by Karen Lindquist. Without cooperation from all parties, progress on the Master Plan is not well measured.

DCEDA reported generally good progress on the Master Plan. Out of nine total “actions” assigned to them, they successfully engaged in at least six. This amounts to very reasonable activity on Objective 1.6 of the Master Plan. They also found relative success on Objective 1.9, especially on Action E22 (Technical Assistance). However, general community progress on either of these objectives cannot be measured very well; without cooperation or reporting from all other parties with the same responsibilities as DCEDA, the full picture is missing.

Reporting from DCHS was also good. They share their responsibility for Actions H2([Historic] Asset Inventory) and H3 (Neighborhood Historic Overlay [District]) with three other partners. Despite having so many cooks in so small a kitchen, DCHS provided strong support to the Historic District Commission (HDC) in their work over the last few years. A reconnaissance-level survey of historic resources was completed, with a final report handed over to the HDC by the Michigan State Historic Preservation Office in April 2023. The DCHS Archives were of immeasurable help with this survey. And based on that survey, HDC is exploring options for the City to establish a new historic district under the Michigan Local Historic Districts Act.

In terms of the Commission’s progress, reporting isn’t quite as favorable. Out of 11 total objectives assigned to them, encompassing a staggering 35 individual actions, only Objective 4.1 saw any progress. During the year, the Commission contacted Smart Growth America (SGA), a land use-oriented nonprofit organization. High-level conversations have been taking place, and the Commission expects to partner with SGA’s Form-Based Code Institute. The goal is to develop and adopt a form-based zoning code, applicable to a limited portion of the City, thereby getting our foot in the door of zoning ordinance reform. As for other Master Plan actions, it is

hard to say how the Commission could work on many of them – without being a supporting party to the other partners, at least.

Again: without cooperation from all parties, Master Plan progress is not well measured.

Annual Review Questions

Following a recommended best practice, the series of review questions below are considered each year. These questions help to find whether the Master Plan needs a refresh, an overhaul, or if any sections need to be added or removed.

Question	Yes/No	Comments
Have development patterns changed significantly since the plan was written and adopted?	No	Development patterns have not changed meaningfully since the plan's initial writing and adoption.
Does the adopted zoning ordinance align with the goals of the plan?	No	The zoning ordinance continues to lag far behind what was laid out in the plan. Some progress has been made over the last year, but it is well short of what needs to be done.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	Yes	Significant expansions and repairs/replacements were undertaken with the City's electric, water, and sewer systems. However, no large development approvals were made during the year.
Have there been instances when the Planning Commission or the City Council has departed from the plan?	No	Neither body meaningfully engaged with plan objectives over the year, so neither of them had a chance to depart from it.
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	Yes	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?	Yes	While the plan does address these land uses in a more-or-less effective way, it doesn't exactly handle them the best it can for any given area in the city.
Have there been other studies completed that change the relevancy of the plan?	Yes	Review operations of the 2020 Census were finished in January 2024; many studies, reports, and estimates were released in 2023 which would certainly affect relevancy.

Action Plan

Based on progress reports (or lack thereof), annual review questions, and other work done by the Commission during the year, it is time to overhaul the Master Plan. In the coming months, the Commission expects to have a Request for Proposals (RFP) posted to seek qualified planning consultants to aid in the City’s Master Plan replacement. More details and information will be forthcoming.

Zoning Ordinance Amendments

The Commission holds a crucial seat of power among our other elected and appointed bodies, and – when described in terms of “branches of power” – occupies an executive role. In this context, the other two branches are the City Council (legislative) and the City Zoning Board of Appeals (judicial). Being that the City does not have a “zoning commission”, all the duties typically assigned to such a body are held by the Commission in accordance with the Michigan Zoning Enabling Act.⁵ Because the Commission also has the powers of a zoning commission, they have the authority to recommend changes to the zoning ordinance or map to the City Council.

Specific Changes

In total, three proposed amendments were reviewed by the Commission. All of them were recommended to the City Council. See the table below for details.

Origin	Description	Status	Date of Action
Commission	Modified distancing regulations for marihuana establishments by 1) adding a 500-foot buffer between all establishments and higher-education institutions; 2) adding a 500-foot buffer between	Recommended to City Council	Jun 8

⁵ State of Michigan, *Michigan Planning Enabling Act*, “Zoning commission; creation; transfer of powers to planning commission; resolution; membership; terms; successors; vacancy; limitation; removal of member; officers” MCL 125.3301

Origin	Description	Status	Date of Action
	growers, processors, & safety compliance facilities and all residential zoning districts; and 3) adding a 100-foot buffer between retailers and all residential zoning districts. Also removed conflicting regulations and trimmed some language for length.		
City Council	Modified setback-related definitions and regulations to better control the placement and character of accessory buildings.	Recommended to City Council	Jun 8
Commission	Added new regulations and modified existing ones to allow personal chicken- & duck-keeping in the City.	Recommended to City Council	Nov 9

Rezoning Requests

Only one rezoning request was heard. See the table below for details.

Ord. No.	Description	Status	Date of Action
N/A	Moved a single property from an “E” zoning district along Ludington Street to an unspecified residential zoning district.	Denied	Jun 8

Potential Updates

As mentioned previously in the report, the Commission seeks to implement some form-based zoning in the City. The details of this project are still outstanding, but they are expected to become clear over the coming weeks. The City Zoning Board of Appeals also recommended that the Zoning Ordinance be recodified.

Development Reviews

2023 was a busy year for the Commission in terms of development reviews – they averaged nearly one per month! Seven of these reviews were for Special Land Use permits – the lions share was dedicated to marijuana retailers – and the remaining four were for Site Plans and City Land Sales. See the table below for details.

Project Type	Location	Description	Status	Recommendation to City Council	Date of Action
Special Land Use	923 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Jan 12
Special Land Use	2430 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Feb 9
Special Land Use	1005 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Feb 9
Special Land Use	920 Willow Creek Rd.	Child Care Center	Approved w/ Conditions	N/A	Jun 8
Special Land Use	615 S 30 th St.	Electronic Message Center (EMC) Sign	Approved	N/A	Jun 29
Special Land Use	201 N Lincoln Rd.	Marihuana Retailer	Approved w/ Conditions	N/A	Jul 13
Special Land Use	201 N 30 th St.	Marihuana Retailer	Approved	N/A	Aug 10
Site Plan Review	2020 N 19 th St.	Storage & Maintenance Garage, Accessory to a Contractor's Office	Approved	N/A	Aug 10
Site Plan Review	1500 3 rd Ave. N	Storage & Maintenance Garage, Accessory to a Contractor's Office	Approved	N/A	Sep 14
Land Sale Review	3712 19 th Ave. N	Contractors' office and shop, plus storage	N/A	Recommended the land sale	Oct 12
Land Sale Review	2811 N 32 nd St.	Contractors' office and shop, plus storage	N/A	Recommended the land sale	Oct 12

Zoning Board of Appeals

A zoning board of appeals (ZBA) plays a crucial role in the administration of Michigan local governments' zoning ordinances. The ZBA is responsible for reviewing and deciding on appeals related to zoning decisions made by local authorities. This includes granting variances, interpreting zoning ordinances, and addressing other related matters. Just as they do in every other jurisdiction, Escanaba's ZBA acts independently of the Commission and – when described in terms of “branches of power” – occupy a judiciary role. In this context, the other two branches are the Commission (executive) and the City Council (legislative).

Since it is listed as a duty in their Rules of Procedure, the ZBA made a recommendation to the Commission at their first meeting of 2024: that the Zoning Ordinance be recodified, this being to reduce administrative and regulatory costs induced by the Ordinance. Based on the ZBA's recommendation, the Commission will explore this concept during this coming year.

Variations

As mentioned earlier, the ZBA's duties include granting variations. A variation is official permission to deviate from a requirement of the zoning ordinance. There are two types of variations: Use Variations and Non-Use (Dimensional) Variations. The authority to grant a variation is discretionary and includes the standard of demonstrating a "practical difficulty" for dimensional variations and "unnecessary hardship" for use variations – the Zoning Ordinance does not have provisions for use variations, so only dimensional variations may be granted here.

Dimensional variation requests typically involve buildings and structures that physically cannot be erected in the location required by the zoning ordinance, or if there are other requirements that can't be met. Common dimensional variation requests include front, side or rear yard setbacks, height restrictions, and lot coverage regulations. Some aspect of the property must be unique, not just the applicant's business, family, or financial circumstances. Examples of unique circumstances that can be considered in a variation request include properties with odd dimensions, steep slopes, or unusual easements. The ZBA cannot change its ruling when a new owner buys the business or home. A non-use variation runs with the land in perpetuity.

To demonstrate that a dimensional variation is appropriate, the ZBA must find that there is a practical difficulty which affects the property where compliance with the zoning ordinance would cause an excessive burden to the development of the property. To prove that a practical difficulty exists, the ZBA must review the variation request against specific standards – these standards are contained in our Zoning Ordinance.

The ZBA heard three variance requests in 2023 and nearly heard a fourth – which was rescinded four days before the meeting date. See the table below for details.

Location	Description	Status	Date of Action
536 N Lincoln Rd.	70' reduction of the 100' distancing restriction between marihuana establishments and one-family dwellings.	Denied	Mar 7
517 Ludington St.	6' increase of the maximum copy area allowed for primary wall sign on the building's front wall.	Denied	May 16
2305 1 st Ave. S	17.5' from the required 20' rear setback for a proposed building addition.	Approved	Jul 11
200 Ludington St.	2' increase from the 5' front build-to line/minimum setback for a new condo building.	Rescinded by Applicant	Dec 11/15

Actions by the City Council

Our City Council, just like other similar bodies in Michigan, acts as the legislative branch of power in terms of zoning. They hold the final normal powers of zoning ordinance adoption and amendment, being to hold the last public hearings and the vote of adoption.

Of the four ordinances recommended to the City Council, three of them were adopted and one failed by parliamentary means. That one failure was a point of frustration for the Commission. Per the *Zoning Ordinance*, the City Council “shall approve or deny the amendment based upon its consideration of ... criteria [listed in the Ordinance]”⁶. Those criteria, laid out in the *Ordinance*, were never reviewed.⁷ Further, The *Michigan Zoning Enabling Act* stipulates that “... the [City Council] shall consider and vote upon the adoption of a zoning ordinance [amendment]”⁸ The Commission even moved to send the proposed amendment back to the

⁶ City of Escanaba, Michigan, *City Code of Ordinances*, “Zoning Ordinance” app. A, sec. 103.4.2

⁷ City of Escanaba, Michigan, *City Code of Ordinances*, “Zoning Ordinance” app. A, sec. 103.4.3(II)

⁸ State of Michigan, *Michigan Planning Enabling Act*, “Public hearing to be held by legislative body; conditions; notice; approval of zoning ordinance and amendments by legislative body; filing;

City Council on December 14.⁹ However, the City Council had no interest in bringing the topic back up. See the table below for details.

Ord. No.	Description	Status	Date of Action
1271	Removed an “F” zoning district and expanded the boundaries of an adjacent “E” zoning district to cover that former district’s territory on and around N 30 th St.	Adopted	Jan 5
1282	Modified distancing regulations for marihuana establishments by 1) adding a 500-foot buffer between all establishments and higher-education institutions; 2) adding a 500-foot buffer between growers, processors, & safety compliance facilities and all residential zoning districts; and 3) adding a 100-foot buffer between retailers and all residential zoning districts. Also removed conflicting regulations and trimmed some language for length.	Adopted	Aug 3
1283	Modified setback-related definitions and regulations to better control the placement and character of accessory buildings.	Adopted	Aug 3
N/A	Added new regulations and modified existing ones to allow personal chicken- & duck-keeping in the City.	Failed ^a	Dec 7
a.	Per the approved minutes, “Moore moved to consider this the first reading ... and to set December 21, 2023, for the second reading, public hearing adoption of Ordinance No. 1286. Motion failed due to a lack of a second.”		

Zoning Map

No changes to the Zoning Map were made during the year. However, it was frequently noted that the map fails to accurately reflect both current and future land use patterns.

notice of ordinance adoption; notice mailed to airport manager; information to be included in notice; other statutory requirements superseded” MCL 125.3401.

⁹ City of Escanaba Planning Commission, *Official Minutes – December 14, 2023*, NB4(f).

Training

Just as in previous years, it was a struggle to get minimum training hours done. Most of the members who logged more than 0.5 hours did so through self-guided training. Per the *Bylaws*: “If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission.”¹⁰ The “City of Escanaba Planning Commission Ordinance”, however, is silent on the topic. This section of the *Bylaws* also describes the required nature of these training hours, noting a list of organizations which must provide this training. This was left by the wayside in the interest of reaching the minimum hours count for each member. See the table below for details.

Seat	Member’s Name	Training Hours Accrued	Minimum Hours Met
1	David Mason	0.5	N/A
	Kasja Nelson	1.5	No
2	James Hellermann	1.0	No
3	Kelli VanGinhoven	0.5	N/A
	Christiana Reynolds	0.5	No
4	Roy Webber	4.3	Yes
5	Nevin Naser	0.0	N/A
	Patrick Connor	0.5	No
6	Dominic Bennetti	0.5	N/A
	Michael Harris	1.0	No
7	Mark Hannemann	0.0	N/A
	Mark Sadowski	7.0	Yes

¹⁰ City of Escanaba Planning Commission, *Bylaws*, “Training” sec. 2.D.

Joint Meetings

Considered to be key in carrying out the goals and strategies of all development-related boards, it is recommended that joint meetings be held at least annually. They should include:

- City Council
- Planning Commission
- Zoning Board of Appeals
- Historic District Commission
- Brownfield Redevelopment Authority
- Downtown Development Authority

Such joint meetings can serve as a forum for discussion between these boards. These meetings almost always result in stronger planning and development activity. They serve to inform each board on how they can best work together, and to support the change that a community needs.

No such meeting was held in 2023, despite one being requested by the Commission's staff. However, one joint meeting was held with only the City Council and the Commission on January 23. The purpose of this meeting was limited to discussion on marijuana-related zoning decisions; neither board was able to delve into any long-term planning for the community.



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

NB3: General Updates

Background

The Commission will be updated on the following topics:

- a. Delta County Planning Commission:
Commr. Nelson will report on their February 5 meeting (if any).
- b. Zoning Board of Appeals Report:
Staff will report on their January 16 meeting.
- c. Zoning/Land Use Permit Report:
Staff will report on this year's permit activity to date.

Attachments

1. Year-to-date Permit Report
2. January Permit Report – Delta County Building & Zoning Dept.

Monthly Permit Comparison

02/01/2024

January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits	Total Permits
Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees	Permit Fees
Change of Land Use												
1	0	0	0	0	0	0	0	0	0	0	0	1
\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
1	0	0	0	0	0	0	0	0	0	0	0	1
\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00

Population: All Records

Permit.Category Not = Building AND

Permit.DateApplied Between 1/1/2024 12:00:00 AM

AND 1/31/2024 12:00:00 AM

AND

Permit.Status = ISSUED OR

Permit.Status = HOLD OR

Permit.Status = READY TO ISSUE

Permit List

02/01/2024

Permit #	Address	City State Zip	Owner Name	Parcel No.	Construction Value	Date Issued
PBL-2024-007	3501 D,5 LN	BARK RIVER MI	HONGISTO ADAM & MEGHAN	002-120-004-00	392,000.00	01/19/2024
Category:	RES. MODULAR HOME	Work Description:	28X60 HOME 30X30 ATTACHED GARAGE			
Contractor:	INTEGRITY CUSTOM BUILDERS				380.20	
PBL-2024-004	9252 COUNTY 416 H RD	CORNELL MI 49	BYLER EPHRAIM & ANNA	005-112-006-00	0.00	01/16/2024
Category:	RES. SINGLE-FAMILY	Work Description:	9236 COUNTY 416 H RD32X36 FIRST FLOOR 24X36 SECOND FLOOR BUILDING			
Contractor:					430.40	
PBL-2024-006	5728 COUNTY 420 21ST RD	GLADSTONE MI	RASPOR LARRY & KRISTINE	007-030-014-10	85,000.00	01/23/2024
Category:	ACCESSORY STRUCTURE	Work Description:	30X72 POLE BUILDING			
Contractor:	CLEARY BUILDING CORP				332.80	
PBL-2023-278	7471 COUNTY 426 M.5 RD	GLADSTONE MI	7471 COUNTY 426 LLC	007-135-055-10	140,000.00	01/23/2024
Category:	COMMERCIAL, NEW BUILDING	Work Description:	TNS SAWMILL & LUMBERNEW OFFICE 1227 SQ FT			
Contractor:	MEYER CHARLES J				594.48	
PBL-2024-003	E 5251 STATE HIGHWAY M30	ESCANABA MI 49	DOYLE CHRISTOPHER W	009-550-003-00	0.00	01/09/2024
Category:	ACCESSORY STRUCTURE	Work Description:	36X50 GARAGE			
Contractor:					304.00	
PBL-2024-008	7668 U S HWY 2	RAPID RIVER MI	IRONWOOD OIL LLC	012-169-078-00	29,500.00	01/19/2024
Category:	COMMERCIAL, ADD/ALTER/REPAIR	Work Description:	CIRCLE KINSTALLING AND REFACING SIGNAGE TO REBRAND FROM MOBIL TO CIRCLE K			
Contractor:					225.00	
PBL-2024-002	1620 9TH AVE S	ESCANABA MI 49	BAY VIEW SERVICES LLC	051-090-2931-179-00	15,000.00	01/03/2024
Category:	RES. ALTERATION/REPAIR	Work Description:	REMODEL OF ADDITION			
Contractor:					125.00	

PBL-2024-001	2811 32ND ST	ESCANABA MI 4	WEAVER NOAH	051-420-2813-100-00	75,000.00	01/03/2024
Category:	COMMERCIAL, NEW BUILDING	Work Description: 40X80 POLE BUILDING 14' CEILING				
Contractor:	GARCIA JUAN		776.00			
PBL-2023-268	1607 LAKE SHORE DR	ESCANABA MI 4	KNUDSEN ERIC W & ELIZABETH A	051-420-2931-400-00	45,000.00	01/25/2024
Category:	GARAGE, ATTACHED	Work Description: DEMO EXISTING GARAGE AND BUILDING 24X32 ATTACHED GARAGE				
Contractor:	LIPPENS, JASON THOMAS		307.52			
PBL-2023-200	824 CLARK DRIVE	GLADSTONE M	BRAMCO CONTAINERS INC	052-459-007-00	50,000.00	01/11/2024
Category:	COMMERCIAL, NEW BUILDING	Work Description: 40X50 PRE-ENGINEERED QUONSET STYLE BUILDING				
Contractor:	DURO BUILDING		460.00			
PBL-2024-005	TBD 29TH ST	GLADSTONE M	CITY OF GLADSTONE	052-617-004-00	25,000.00	01/09/2024
Category:	COMMERCIAL, NEW BUILDING	Work Description: U.P. SNOPLYERS32X40 POLE BUILDING FOR STORAGE OF TRAIL GROMMING EQUIPMENT A				
Contractor:	MM ENGINEERING SERVICES		430.40			

Number of Certs: 11

Population: All Records

Permit.PermitType = Building AND

Permit.DateIssued Between 1/1/2024 12:00:00 AM AND

1/31/2024 11:59:59 PM



PLANNING COMMISSION

Agenda Item Report – Thursday, February 8, 2024

NB4: Training Updates

Background

Per the Bylaws, each Commissioner must log at least four hours of training per year. Details of any training which was attended outside of a meeting should be reported at this point in the meeting. A summary of the training should be shared, which focuses on points of interest and possible action which could be taken by the Commission. The cost of any training may be reimbursed by the City. If the training has any cost attached to it, approval must be made in advance with staff to ensure that training funds are available.

Current training hours recorded for each Commissioner are as follows:

Commissioner	# of hrs	Min	# met
Connor	0.0		No
Harris	0.0		No
Hellermann	0.0		No
Nelson	0.0		No
Reynolds	0.5		No
Sadowski	0.0		No
Webber	0.0		No

Training Options

- Michigan Association of Planning Coastal Resiliency Webinars (Free)
January 18, 1:00 – 2:30 pm & February 22, 1:00 – 2:30 pm
<https://www.planningmi.org/coastal-resilience-webinars>
- Sustainability Speaker Series: Sustainable Tourism Strategies Webinar (Free)
May 14, 2024, 12:00 – 1:00 pm
<https://events.anr.msu.edu/SusSpkSpring24>
- Eastern UP Citizens Planner Program (\$250)
Thursdays, April 11 – May 16, 2024, 6:00 – 9:00 pm
<https://events.anr.msu.edu/CPCChippewaCounty24>
- MSU Extension Citizen Planner Online (\$250)
Self-paced course, appx. 15 hours.
https://www.canr.msu.edu/michigan_citizen_planner/
- MSU Extension Articles, Videos, & Other Resources (Free)
<https://www.canr.msu.edu/planning/index>
- Michigan Association of Planning (MAP) Workshops (Price varies)
<https://www.planningmi.org/workshops>