



Planning Commission

PO Box 948 - 410 Ludington St., Second Floor
Escanaba, MI 49829
906-789-7302

MEETING AGENDA

Thursday, May 9, 2024, 6:00 PM

Council Chambers (Rm. C101), Escanaba City Hall, 410 Ludington Street, Escanaba, MI

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

PUBLIC BUSINESS

PB1: Special Land Use Hearing, 2730 Lake Shore Drive

The Commission will hear a proposal for – and comments on – a snack & nonalcoholic beverage bar, being for ice cream and coffee.

PB2: Zoning Amendment Hearing, Motor Vehicle Maintenance Ordinance

The Commission will hear comments on a proposed amendment to the Zoning Ordinance related to certain restrictions on maintenance and storage of motor vehicles.

PB3: Draft Capital Improvement Plan Hearing, 2024 CIP

The Commission will hear comments on the draft 2024 Capital Improvement Plan, before recommending it to City Council, as part of the budget process.

PB4: Agenda Public Comment

HOUSEKEEPING BUSINESS

HK1: Approval of Minutes

Regular meeting on April 11, 2024

HK2: Approval of Minutes

Special meeting on April 26, 2024

HK3: Approval of Agenda

HK4: Announcements

UNFINISHED BUSINESS; REPORTS

OR1: Delta County Liaison

OR2: Planning & Zoning Department

NEW BUSINESS

NB1: Site Plan Review, 2730 Lake Shore Drive

The Commission will review the proposed site plan for a snack & nonalcoholic beverage bar, being for ice cream and coffee.

NB2: First Reading, Battery Energy Storage Systems Ordinance

The Commission will review a proposed amendment to the Zoning Ordinance related to the regulation of utility-scale battery energy storage systems.

GENERAL PUBLIC COMMENT

ADJOURNMENT



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Council Chambers (Rm. C101), Escanaba City Hall, 410 Ludington Street, Escanaba, MI

Respectfully submitted,

A handwritten signature in black ink that reads "Tyler Anthony". The signature is written in a cursive style and is positioned above a horizontal line.

Tyler Anthony
Planning & Zoning Administrator

PUBLIC ENGAGEMENT GUIDELINES

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 written material shall be made available without cost to members of the public by request prior to 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 – 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. If a single spokesperson is selected, that individual shall be allowed to comment under the same time limit as a petitioner.

Persons who are unable to attend meetings, but still wish to make comment, may submit them in writing to the Commission. Written comments for any meeting shall be received no later than 1:00 PM on the meeting date.



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AGENDA ITEM REPORT
Thursday, May 9, 2024, 6:00 PM

PB1: Special Land Use Hearing, 2730 Lake Shore Drive

The Commission will hear a proposal for – and comments on – a snack & nonalcoholic beverage bar, being for ice cream and coffee.

Background

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 set criteria throughout the decision-making process.

An SLU permit application was received on Monday, April 1st, 2024 from Dynamic Design Group (Architect). The Zoning Administrator then processed the application in the usual way per the ZO. This request was then placed on the May meeting agenda. This allowed time to make public hearing notices, and to hold internal review meetings.

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..... Thursday, April 25, 2024
- Daily Press Newspaper..... Wednesday, April 24, 2024

Please note that the 300-foot-radius letter was not mailed out on time; staff had an outsized workload during the month of April, and the Zoning Administrator lost track of this notice.

Analysis

The Commission must consider certain requirements and standards in their decision to approve an SLU request. However, the ZO does not establish any such guidelines for any land uses except for Sexually-Oriented Businesses and Marihuana Retailers, Growers, Processors,



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& Safety Compliance Facilities. Therefore, there are no requirements or standards in the ZO against which this SLU request can be reviewed.

This case finds itself in a rather strange place, the same as that of the condominiums decision in February of this year. 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?

Recommendations

1. Determine findings of fact

When the Commission has weighed all relevant information, they must make findings of fact. Sample language:

"I move to adopt the following resolution:

RESOLVED, That the Planning Commission, in the matter of special land use permit no. SLU24002, has made these findings of fact:

- 1. Block Design & Construction Services (hereinafter "the Applicant") submitted an application for a special land use permit (hereinafter "the Permit"),*
- 2. The Applicant applied for the Permit 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,*
- 3. The Property is in a 'D' zoning district,*
- 4. The Permit specifies an ice cream & coffee bar, which may be classified as a 'snack & nonalcoholic beverage bar' land use (hereinafter "the Use"),*
- 5. The Zoning Ordinance states that 'the Planning Commission may authorize principle (sic) and other uses not stated in the district where the land is located, provided that such uses are consistent with the neighborhood, intent of this chapter, and the standards set forth herein' in 'D' zoning districts,*
- 6. The Zoning Ordinance states that '[D] zoning districts are] for the purpose of accommodating a wide range of retail goods and neighborhood services available to the community',*
- 7. The Use would be a service to the neighborhood which is not already available to the neighborhood, and*
- 8. The Zoning Ordinance does not specify any requirements or standards for the Use or any land uses similar thereto."*

2. Make conclusions and issue a decision

Given the facts, the Commission must then make conclusions based on the findings of fact and



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issue a decision on the permit. Sample language:

"I move to adopt the following resolution:

Whereas, The Planning Commission, in the matter of special land use permit no. SLU24002, made certain findings of fact; and

Whereas, The Planning Commission reviewed the Permit at a duly noticed public hearing which took place on the 9th day of May 2024; therefore, be it

RESOLVED, That the Planning Commission finds the Use consistent with the neighborhood, the intent of 'D' zoning districts, and the standards set therefor; and

RESOLVED, That the Planning Commission approves the Permit."

3. (optional) Impose conditions

If the Commission finds it prudent, they may impose certain conditions on the SLU permit. This may be done by adding another clause to the above resolution. Conditions may only be imposed when they would:

- Ensure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facilities loads caused by the land use or activity;
- Protect the built and natural environment; or
- Ensure compatibility with adjacent uses of land.

Sample language:

"... ; and

RESOLVED, That the following conditions are imposed:

[provide numbered list of conditions]."

Attachments

1. Escanaba Planning and Zoning Department. (2024, April 1). *Special Land Use Permit Application: SLU24002.*
2. City of Escanaba, Michigan. (2024, April 23). Public Hearing Notice: Special Land Use Application, 2730 Lake Shore Drive.
3. Affidavit of Publication. (2024, April 23) (testimony of Veronica Racicot).
4. Affidavit of Mailing. (2024, April 30) (testimony of Tyler Anthony).
5. Escanaba Planning and Zoning Department. (2024, April). *Mailing List: Special Land Use Hearing, 2730 Lake Shore Drive.*

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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

Parcel #

2730 Lake Shore Drive, Escanaba, MI 49829 051-210-3606-303-005

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

Ice cream shoppe and coffee bar with minor retail (jewelry, wood furniture, knife knicks). Indoor seating for 11 customers. Two-3 employees. Outdoor yard games such as bean bags, connect four, etc.

You may submit this form in person, by USPS, or by email. Please make checks payable to "City of Escanaba".

Credit cards may be accepted in-person or by phone; an additional processing fee applies.

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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 = .31	x \$250	= \$ 77.50	+ \$500	= \$ 577.50

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

Block Design + Construction Services (Lisa Block) Email Pinkyphotoboothbus@yahoo.com

Address, City, State, ZIP 3685 9th Lane, Bank River, MI 49807 Phone (906) 280-3511

Signature Lisa Block Date 3/27/24

Applicant (if not the Owner) Name Email

Address, City, State, ZIP Phone

Signature Date

Contractor (if not the Owner) Name Email

Address, City, State, ZIP Phone

Signature Date

Architect/Engineer (if not the Contractor) Name Email

Dynamic Design Group, Dan Block dan@ddgi-ddm.com

Address, City, State, ZIP 901st Ave S, Escanaba Phone (906) 786-3300

Signature Date 03/27/24

Other (Please specify) Name Email

Address, City, State, ZIP Phone

Signature Date

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

Date Submitted 4/1/2024 Application correct? Yes No Zoning Code D Receipt # 9383856 Permit # SLU24002

Corner lot? Yes No Easements/ROWS

You may submit this form in person, by USPS, or by email. Please make checks payable to "City of Escanaba". Credit cards may be accepted in-person or by phone; an additional processing fee applies.



PUBLIC HEARING NOTICE

DATED: Tuesday, April 23, 2024

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the Escanaba Planning Commission will conduct a public hearing on **Thursday, May 9, 2024 at 6:00 PM** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

Special Land Use Application – 2730 Lake Shore Drive

A snack & nonalcoholic beverage bar, being for ice cream and coffee, is proposed. This use will be housed inside an existing building with a vehicle parking lot. Seating for 11 customers is planned indoors, and 2-3 persons will be employed. Said building occupies 1,371 square feet of the 15,398 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. 906-789-7302), 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



Mission Statement

Enhancing the enjoyment and livability of our community by providing quality municipal services.

DAILY PRESS

Your Local News Leader

600 Ludington Street, Escanaba, MI 49829 * 906-786-2021 * 1-800-743-0609 Fax: 906-786-3752

AFFIDAVIT OF PUBLICATION STATE OF MICHIGAN

STATE OF MICHIGAN }
Delta County, }

SS.

VERONICA RACICOT

being duly sworn, says that she is a

CLERK

of

DAILY PRESS

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule: That annexed hereto is printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit:

April 24th, 2024

Veronica Racicot

Subscribed and sworn to before me this

24th


day

of April

2024.

Notary Public, Delta Co., Michigan

Dawn LaPine
Notary Public
Delta County
State of Michigan
Comm Expires 2/18/28



PUBLIC HEARING NOTICE
DATED: Tuesday, April 24, 2024

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the Escanaba Planning Commission will conduct a public hearing on **Thursday, May 9, 2024 at 6:00 PM** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

Special Land Use Application - 2730 Lake Shore Drive
A snack & nonalcoholic beverage bar, being for ice cream and coffee, is proposed. This use will be housed inside an existing building with a vehicle parking lot. Seating for 11 customers is planned indoors, and 2-3 persons will be employed. Said building occupies 1,371 square feet of the 15,398 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. 906-789-7302), 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. 906-786-1154) at least five days in advance.

Tyler Anthony
Planning & Zoning
Administrator City of Escanaba

AFFIDAVIT OF MAILING FOR PUBLIC HEARING NOTICES

The undersigned Affiant, being first duly sworn, deposes and states as follows:

- 1. The Affiant is an employee of the City of Escanaba.
- 2. That a Public Hearing was set before the Planning Commission for 9 May 2024 regarding the following described Property.

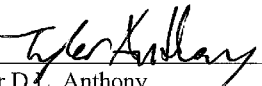
Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records.
 Parcel No. 051-210-3606-303-005,
 Commonly known as 2730 Lake Shore Drive.

- 3. That the Public Hearing was set regarding the following described subject.

Permit No. P-SLU24002, Special Land Use Application: A snack & nonalcoholic beverage bar, being for ice cream and coffee, is proposed. This use will be housed inside an existing building with a vehicle parking lot. Seating for 11 customers is planned indoors, and 2-3 persons will be employed. Said building occupies 1,371 square feet of the 15,398 square-foot site.

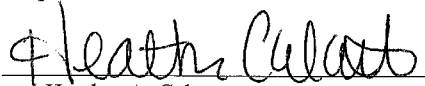
- 4. That a Notice was prepared for the Public Hearing, in satisfaction of MCL 125.3103. A List of all persons, which either held real property or occupied structures, within a radius of 300 feet from the Property was also prepared.
- 5. That the Affiant did deposit with the United States postal service, on 25 April 2024, copies of the Notice for the Public Hearing which were addressed to all persons included in the List.

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 30 day of April 2024 by Tyler D.L. Anthony, Planning and Zoning Administrator, on behalf of the City of Escanaba, a Michigan municipal corporation.


 Heather A. Calouette
 Notary Public, County of Delta
 Acting in Delta County
 State of Michigan
 My commission expires 25 July 2027

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



Planning Commission

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MAILING LIST
Special Land Use Hearing, 2730 Lake Shore Drive

#	Property Address	Owner	Mailing Address
1	2228 26th Avenue South	Ronald T & Lori A Stankowicz	2228 26th Avenue South Escanaba, MI 49829
2	2220 26th Avenue South	William Leveille	2220 26th Avenue South Escanaba, MI 49829
3	2214 26th Avenue South	James & Rhonda Beaudoin	2214 26th Avenue South Escanaba, MI 49829
4	2219 26th Avenue South	Jon & Kerri Lancour	2219 26th Avenue South Escanaba, MI 49829
5	2211 26th Avenue South	Alfred L Kommes	2211 26th Avenue South Escanaba, MI 49829
6	2205 26th Avenue South	Clinton B & Danielle Marie Travis	2205 26th Avenue South Escanaba, MI 49829
7	2203 26th Avenue South	Jamie A St Jacques	2704 Lake Shore Drive Escanaba, MI 49829
8	2726 Lake Shore Drive	Lee & Melody Morrison	2726 Lake Shore Drive Escanaba, MI 49829
9	2720 Lake Shore Drive	Dale P & Linda M Stannard	2720 Lake Shore Drive Escanaba, MI 49829
10	2712 Lake Shore Drive	Brian P Stefl	2712 Lake Shore Drive Escanaba, MI 49829
11	2221 26th Avenue South	Regina R Thompson c/o Terry N Thompson	342 Camino Del Mundo Fort Collins, CO 80524
12	2705 South Lincoln Road	Brian B & Diane C Donovan	2705 South Lincoln Road Escanaba, MI 49829
13	2725 Lake Shore Drive	Carl & Therese Stenberg	4684 D Road Bark River, MI 49807
14	2723 Lake Shore Drive	Joseph Kaplan & Christine Williams	4485 10.75 Lane Bark River, MI 49807
15	2721 Lake Shore Drive	Joseph Kaplan & Christine Williams	4485 10.75 Lane Bark River, MI 49807
16	2203 26th Avenue South	Current Occupant	2203 26th Avenue South Escanaba, MI 49829
17	2221 26th Avenue South	Current Occupant	2221 26th Avenue South Escanaba, MI 49829
18	2723 Lake Shore Drive	Current Occupant	2723 Lake Shore Drive Escanaba, MI 49829



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MAILING LIST
Special Land Use Hearing, 2730 Lake Shore Drive

#	Property Address	Owner	Mailing Address
19	2721 Lake Shore Drive	Current Occupant	2721 Lake Shore Drive Escanaba, MI 49829
20	2717 Lake Shore Drive	Anthony K Westerberk	2719 Lake Shore Drive Escanaba, MI 49829
21	2717 Lake Shore Drive	Current Occupant	2717 Lake Shore Drive Escanaba, MI 49829
22	2713 Lake Shore Drive	Elementary Rentals LLC	PO Box 48 Escanaba, MI 49829
23	2713 Lake Shore Drive	Current Occupant	2713 Lake Shore Drive Escanaba, MI 49829
24	2711 Lake Shore Drive	Zachary Jennings	2711 Lake Shore Drive Escanaba, MI 49829
25	2719 Lake Shore Drive	Anthony K Westerberk	2719 Lake Shore Drive Escanaba, MI 49829
26	2801 Lake Shore Drive	State of Michigan - DNR	PO Box 30028 Lansing, MI 48909
27	2730 Lake Shore Drive	Kenneth A & Donna R Linder	W5991 Number 34 Road Carney, MI 49812



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AGENDA ITEM REPORT Thursday, May 9, 2024, 6:00 PM

PB2: Zoning Amendment Hearing, Motor Vehicle Maintenance Ordinance

The Commission will hear comments on a proposed amendment to the Zoning Ordinance related to certain restrictions on maintenance and storage of motor vehicles.

Background

The Planning Commission, as outlined in Zoning Ordinance sec. 103, is responsible for conducting a public hearing to review zoning ordinance or zoning map amendments. This review covers the 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.

At their regular meeting on March 14th, Commissioners heard a comment by a citizen named Stanley Lemay. Mr. Lemay reported to have been cited for maintaining his own vehicles in his yard at Willow Creek Road. He had spoken with City staff, who affirmed that such work was indeed against the Zoning Ordinance. The Commission seemed interested in exploring the removal of such restrictions.¹ Based on those comments and discussions, Planning Department staff wrote a draft ordinance which would do just that. The Commission reviewed that draft at their regular meeting on April 11th, found it acceptable, and approved of the draft.

1 "Harris moved to [explore] options for removal of language prohibiting maintenance of one's own vehicle city-wide from the Zoning Ordinance. Webber suggested that this portion of the meeting wasn't the proper time for business[, but that it should still be brought up at the next meeting]. Harris withdrew his motion" (Escanaba Planning Commission, 2024, March 14).



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Analysis

The Zoning Ordinance's language under question is currently found in sections 511, 611, 711, 911, and 1701.3. For the most part, they share the same text; 511, 611, 711, and 1701.3 read as follows: "The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited."

Sections 511, 611, and 711 are contained in chapters 5, 6, and 7 respectively. Those chapters in turn regulate the "A" (Single-Family Dwelling), "B" (Two-Family Dwelling), and "C" (Multiple-Family Dwelling) zoning districts. Taken literally – which it should be, given that it is a law – this means that no person can repair or store any vehicle in any standard residential district.

Section 911 is a little different, and reads as follows: "The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited unless a special land use permit is issued by the Planning Commission." The difference here might relate to chapter 9 regulating "D" (Local Business) zoning districts; in these areas, "public garages, repair shops, gasoline service stations, and other motor fueling filling stations" may be allowed by special land use permits.

Section 1701.3 might present the strangest issue. Chapter 17 – titled "Parking and Circulation Requirements" – regulates off-street parking areas, driveways, on-site access routes, and loading & unloading zones. Given its vast control over paved surfaces, the language in this chapter might be construed to cover the entire City. If that were the case, it might mean that no person can repair or store any motor vehicle at their property, anywhere, at any time.

In weighing the text of these sections, it seems that it was intended to serve as some kind of bulwark against illegal uses popping up in residential areas. This is further supported by section 911's exception for special land use permits. If this is the case, then these rules are redundant; if a land use is not listed as allowed in a given district, then it can clearly be stopped through enforcement action. Keeping this bad language in the Zoning Ordinance helps nobody, and this language restricting against motor vehicle maintenance and storage appears to be exactly that.

Turning now to the draft ordinance, it leaves very little to the imagination. This version simply removes sections 511, 611, 711, 911, and 1701.3 from the Zoning Ordinance. Since the language is duplicatory and contradictory, staff cannot foresee any problems which might stem from this.

Recommendations

1. Recommend adoption of the ordinance

The Commission may recommend that the City Council adopt the amendment.



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Sample language:

“I move to adopt the following resolution

Whereas, The Planning Commission considered the Amendment at a duly noticed public hearing which took place on the 9th day of May 2024; and

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

RESOLVED, That the Planning Commission adopts a Recommendation to the City Council that they consider adoption of the Amendment based upon the following facts:

- 1. The Amendment helps reinforce the Master Plan by fostering a more uniform application of code enforcement activities,*
- 2. The Amendment is in keeping with the spirit and intent of the Zoning Ordinance, and has the objectives of valid public purposes,*
- 3. The Amendment intends to remove excess restrictions against the repair and storage of motor vehicles within the City. Said issues are already handled through land use regulation and property maintenance enforcement. Handling said issues through the Zoning Ordinance is not an appropriate response, and*
- 4. The Amendment is easily administered and enforced; and be it further*

RESOLVED, That the Planning Commission 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 the Amendment, and*
- 2. The Amendment itself.”*

2. Recommend rejection of the ordinance

The Commission may also recommend that the City Council reject the amendment.

In that case, the above resolution should be used, with the replacement of the word “adoption” with “rejection” in the first resolving clause. And, where necessary, the list of facts in that same clause may be edited to suit the Commission’s findings.

Attachments

1. Motor Vehicle Maintenance Ordinance of 2024. (2024).
2. City of Escanaba, Michigan. (2024, April 23). Public Hearing Notice: Motor Vehicle Maintenance Ordinance of 2024.
3. Affidavit of Publication. (2024, April 23) (testimony of Veronica Racicot).

ORDINANCE NO. _____
MOTOR VEHICLE MAINTENANCE 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 Ordinance to remove overly-broad restrictions against the maintenance and storage of all motor vehicles, NOW THEREFORE, THE PEOPLE OF THE CITY OF ESCANABA HEREBY ORDAIN:

CHAPTER I
SECTIONS DELETED

The City of Escanaba Code of Ordinances, Appendix A, also known as the Zoning Ordinance, is amended as follows, with deletions in ~~strikethrough~~ text:

~~Section 511. Repair/Storage of Vehicles and Merchandise~~

~~511.1 General. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.~~

...

~~Section 611. Repair/Storage of Vehicles and Merchandise~~

~~611.1 General. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.~~

...

~~Section 711. Repair/Storage of Vehicles and Merchandise~~

~~711.1 General. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.~~

...

~~Section 911. Repair/Storage of Vehicles and Merchandise~~

~~911.1 General. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited unless a special land use permit is issued by the Planning Commission.~~

...

~~Section 1701. Off Street Parking~~

~~1701.3 Vehicle Repairs. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.~~

CHAPTER III
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.

Ordinance No. ____

CHAPTER IV
CONFLICTING ORDINANCES REPEALING CLAUSE

All other Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

CHAPTER V
EFFECTIVE DATE

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

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 [Click or tap to enter a date.](#) 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 [Click or tap to enter a date.](#) The minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay, City Clerk



PUBLIC HEARING NOTICE

DATED: Tuesday, April 23, 2024

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the Escanaba Planning Commission will conduct a public hearing on **Thursday, May 9, 2024 at 6:00 PM** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

Motor Vehicle Maintenance Ordinance of 2024

The Commission will review a proposed ordinance which would amend the Zoning Ordinance. Said Zoning Ordinance Amendment would remove restrictions against the maintenance and storage of all motor vehicles inside the City.

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

Copies of the proposed Zoning Ordinance 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



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AFFIDAVIT OF PUBLICATION STATE OF MICHIGAN

STATE OF MICHIGAN }
Delta County, }

SS.

VERONICA RACICOT

being duly sworn, says that she is a

CLERK

of

DAILY PRESS

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule: That annexed hereto is printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit:

April 24th, 2024

Veronica Racicot

Subscribed and sworn to before me this

24th

day

of April

2024

Notary Public, Delta Co., Michigan



PUBLIC HEARING NOTICE

DATED: Tuesday, April 24, 2024

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Tyler Anthony
Planning & Zoning
Administrator City of Escanaba

Dawn LaPine
Notary Public
Delta County
State of Michigan
Comm Expires 2/18/28

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Planning Commission

PO Box 948 - 410 Ludington St., Second Floor
Escanaba, MI 49829
906-789-7302

AGENDA ITEM REPORT Thursday, May 9, 2024, 6:00 PM

PB3: Draft Capital Improvement Plan Hearing, 2024 CIP

The Commission will hear comments on the draft 2024 Capital Improvement Plan, before recommending it to City Council, as part of the budget process.

Background

Per the Michigan Planning Enabling Act: “To further the desirable future development of the local unit of government under the master plan, a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements. The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission’s judgment will be needed or desirable and can be undertaken within the ensuing 6-year period. The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements.”

Department Heads have submitted their requests for the 2023-2029 period. A CIP committee consisting of the City Manager, the City Controller, Commr. Sadowski, and the Planning & Zoning Administrator reviewed and scored the requests.

This will serve as the Public Hearing on the CIP before its adoption and recommendation to City Council. A draft of this plan must be submitted to the Controller’s Office as soon as reasonably possible for inclusion in budget documents.

Analysis

...

Recommendations

1. Approve the draft ordinance

If the Commission is so inclined, they may offer their approval of the draft ordinance.

Sample language:

“I move to approve the draft ordinance.”

2. Recommend changes to the draft ordinance



Planning Commission

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906-789-7302

Otherwise, the Commission may recommend any number of changes to the draft ordinance.

Sample language:

“I move to recommend the following changes to the draft ordinance: [provide numbered list of changes].”

3. Reject the draft ordinance

Finally, if there is too much to realistically change in the draft ordinance, the Commission may simply reject it. Sample language:

“I move to reject the draft ordinance.”

In this case, the Commission may also recommend another course of action after their rejection.

Attachments

1. City of Escanaba, Michigan. (2024, April). 2024-2029 Capital Improvements Plan: Draft.
2. City of Escanaba, Michigan. (2024, April 23). Public Hearing Notice: 2024 Capital Improvement Plan.
3. Affidavit of Publication. (2024, April 23) (testimony of Veronica Racicot).



City of Escanaba 2024-2029 CAPITAL IMPROVEMENTS PLAN



Prepared for:

City of Escanaba Planning Commission
410 Ludington Street
Escanaba, MI 49829

April 2024

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APPENDIX B: CIP SCORING SHEET	

WHAT IS A CAPITAL IMPROVEMENTS PLAN?

A capital improvements plan (CIP) is a multi-year planning instrument used to identify needs and financing sources for public infrastructure improvements. The purpose of a CIP is to facilitate the orderly planning of infrastructure improvements; to maintain, preserve, and protect the City of Escanaba's existing infrastructure system; and to provide for the acquisition or scheduled replacement of equipment to ensure the efficient delivery of services to the community. The CIP is also used to ensure that capital improvements are fiscally sound and consistent with the goals and policies of the governing body and the residents of the community.

A comprehensive CIP is an essential tool for the planning and development of the social, physical, and economic wellbeing of the community. This process is a necessary step in an organized effort to strengthen the quality of public facilities and services; provide a framework for the realization of community goals and objectives; and provide a sound basis on which to build a healthy and vibrant community.

The CIP informs City of Escanaba residents and stakeholders on how the municipality plans to address significant capital needs over the next six years. The CIP can also influence growth because infrastructure can impact development patterns.

The projects identified in the CIP represent the community's plan to serve residents and anticipate the needs of a dynamic community. Projects are guided by various development plans and policies established by the planning commission, governing body, and administration.

Plans and policies include:

- Master Plan
- Downtown Development Authority Plan
- Corridor Improvement Plans
- Recreation Plan
- Transportation Plans
- Non-motorized Transportation Plan
- Goals and objectives of City Council
- Administrative Policies

Preparation of the CIP is done under the authority of the Michigan Planning Enabling Act (PA 33 of 2008). The goal of the CIP is to implement the Master Plan and to assist in the community's financial planning.

The CIP is dynamic. Each year, all projects included within the CIP are reviewed, a call for new projects is made, and adjustments are made to existing projects arising from changes in the amount of funding required, conditions, or timeline. A new year of programming is also added each year to replace the year funded in the annual operating budget.

WHAT ARE CAPITAL IMPROVEMENT PROJECTS?

As used in the City of Escanaba’s Capital Improvements Plan, a capital improvement project is defined as a major, nonrecurring expenditure that includes one or more of the following:

GROUP A	PURCHASE OF MAJOR EQUIPMENT <ul style="list-style-type: none"> • Vehicles are excluded from the program. • Examples include playground equipment, computer systems, and radio/communications equipment. • Minimum total cost is \$25,000
GROUP B	LAND ACQUISITION FOR A PUBLIC PURPOSE <ul style="list-style-type: none"> • Examples include land for parks, landfill, or acquisition of a former industrial site. • No minimum total cost.
GROUP C	CONSTRUCTION, EXPANSION, OR MAJOR RENOVATION OF A BUILDING OR FACILITY <ul style="list-style-type: none"> • Examples include public safety stations, roads, street lighting, libraries, and sewage treatment plants. • Minimum total cost is \$25,000
GROUP D	PLANNING, ENGINEERING, DESIGN, APPRAISAL, OR FEASIBILITY COSTS <ul style="list-style-type: none"> • Minimum total cost is \$25,000

CIP AND THE BUDGET PROCESS

The CIP plays a significant role in the implementation of a master plan by providing the link between planning and budgeting for capital projects. The CIP process precedes the budget process and is used to develop the capital project portion of the annual budget. Approval of the CIP by the planning commission does not mean that they grant final approval of all projects contained within the plan. Rather by approving the CIP, the planning commission acknowledges that these projects represent a reasonable interpretation of the upcoming needs for the community and that projects contained in the first year of the plan are suitable for inclusion in the upcoming budget.

Priority rankings do not necessarily correspond to funding sequence. For example, a road-widening project which is ranked lower than a park project may be funded before the park project because the road project has access to a restricted revenue source, whereas a park project may have to compete for funding from other revenue sources. A project’s funding depends upon a number of factors— not only its merit, but also its location, cost, funding source, and logistics.

The City of Escanaba strives to maximize resources by maintaining a balance between operating and capital budgets. A continuous relationship exists between the CIP and the annual budget. A direct link can be seen between the two documents, as there should be in a strategic planning environment. Budget appropriations lapse at the end of the fiscal year as the operating budget is funded with recurring annual revenues such as taxes, licenses, fines, user fees, and interest income.

FUNDING SOURCES

Because the capital improvement projects involve the outlay of substantial funds, numerous sources are necessary to provide financing over the life of the project. Most capital funding sources are earmarked for specific purposes and cannot be transferred from one capital program to another. The CIP has to be prepared with some projections as to the amount of money available. The following is a summary of the funding sources for projects included in the CIP.

Enterprise (Reserve) Funds

In enterprise financing, funds are accumulated in advance for capital requirements. Enterprise funds not only pay for capital improvements, but also for the day-to-day operations of community services and the debt payment on revenue bonds. The community can set levels for capital projects; however, increases in capital expenditures for water mains, for example, could result in increased rates. Enterprise fund dollars can only be used on projects related to that particular enterprise fund.

Bonds

When the City of Escanaba sells bonds, purchasers are, in effect, lending the community money. The money is repaid, with interest, from taxes or fees over the years. The logic behind issuing bonds (or “floating a bond issue”) for capital projects is that the citizens who benefit from the capital improvements over a period of time should help the community pay for them. The City of Escanaba issues bonds in two forms:

General Obligation (G.O.) Bonds: Perhaps the most flexible of all capital funding sources, G.O. bonds can be used for the design or construction of any capital project. These bonds are financed through property taxes. In financing through this method, the taxing power of the community is pledged to pay interest and principal to retire the debt. Voter approval is required if the community wants to increase the taxes that it levies and the amount is included in the City of Escanaba’s state-imposed debt limits. To minimize the need for property tax increases, the community makes every effort to coordinate new bond issues with the retirement of previous bonds. G.O. bonds are authorized by a variety of state statutes.

Revenue Bonds: Revenue bonds are sold for projects that produce revenues, such as water and sewer system projects. Revenue bonds depend on user charges and other project-related income to cover their costs. Unlike G.O. bonds, revenue bonds are not included in the community state-imposed debt limits because the full faith and credit of the community back them. Revenue bonds are authorized by Public Act of 1933, the Revenue Bond Act.

Weight and Gas Tax

Based on a formula set by State of Michigan, the City of Escanaba receives a portion of the tax placed on motor fuel and highway usage in the state. The restrictions placed on the expenditure of these funds ensure that they will be spent on transportation-related projects or operations and services. These are commonly called Act 51 funds.

Tax Increment Financing (TIF)

TIF is a municipal financing tool that can be used to renovate or redevelop declining areas while improving their tax base. TIF applies the increase in various state and local taxes that result from a redevelopment project to pay for project-related public improvements. For purposes of financing

activities within the City of Escanaba’s downtown district, the Downtown Development Authority adopted a 30-year TIF plan in 1988 and then amended the plan in 2012. Public Act 281 of 1986, the Local Development Finance Authority Act and Public Act 450 of 1980, the Tax Increment Financing Act authorizes TIF.

Millages

The property tax is a millage that is one of the most important sources of community revenue. The property tax rate is stated in mills (one dollar per \$1,000 of valuation). This rate is applied to a property’s net value, following the application of all exemptions and a 50 percent equalization ratio. Millages are voter-approved taxes that are specifically earmarked for a particular purpose. For example, the Parks Maintenance and Repair millage helps support Parks and Recreation capital projects. The community is authorized to utilize millages under Public Act 279 of 1909, the Home Rule Cities Act.11

Federal and State Funds

The federal and state governments make funds available to communities through numerous grants and aid programs. Some funds are tied directly to a specific program. The community has discretion (within certain guidelines) over the expenditure of others. For the most part, the community has no direct control over the amount of money received under these programs.

Special Assessments

Capital improvements that benefit particular properties, rather than the community as a whole, may be financed more equitably by special assessment, i.e., by those who directly benefit. Local improvements often financed by this method include new street improvements (including pavement, curb and gutter, sidewalks, etc.), sanitary and storm sewers, and water mains.

Developer Contributions

Sometimes capital improvements are required to serve new development. Where funding is not available for the community to construct the improvements, developers may agree to voluntarily contribute their share or to install the facilities themselves so the development can go ahead.

CIP REVIEW & APPROVAL PROCESS

Department Heads review existing projects and submit new projects (December/January).

- Administrative (City Hall/Escanaba Building Authority)
- Downtown Development Authority
- Electric Department
- Public Safety Department
- Public Works Department
- Recreation Department
- Water & Wastewater Department

The CIP Committee, made up of the City Manager, the Planning & Zoning Administrator, and the City Controller, reviews the projects, scores them, and submits a draft of the CIP to Planning Commission for review. (February)

The Planning Commission reviews the CIP Committee's draft, receives public input at a public hearing, makes recommended revisions, adopts the plan, and makes recommendation to the City Council to consider incorporating funding for the first-year projects into the budget plan. (March/April)

City Council uses the CIP as a tool in the adoption of the annual budget process in accordance with the governing body goals and objectives. (April/May)

CIP Scoring Legend

SCORE 1	CONTRIBUTES TO HEALTH, SAFETY, & WELFARE 5 = Eliminates a known hazard (accident history) 4 = Eliminates a potential hazard 3 = Materially Contributes 2 = Minimally Contributes 1 = No Impact	FACTOR x5
SCORE 2	PROJECT NEEDED TO COMPLY WITH LAW 5 = Yes 0 = No	FACTOR x5
SCORE 3	PROJECT CONFORMS TO ADOPTED PROGRAM, POLICY, OR PLAN 5 = Project is consistent with adopted city council plan or policy 3 = Project is consistent with administrative policy 0 = No	FACTOR x4
SCORE 4	PROJECT REMEDIATES AN EXISTING OR PROJECTED DEFICIENCY 5 = Completely remediate problem 3 = Partially remediate problem 0 = No	FACTOR x3
SCORE 5	WILL PROJECT UPGRADE FACILITIES? 5 = Rehabilitates/upgrades existing facility 3 = Replaces existing facility 1 = New facility	FACTOR x3
SCORE 6	CONTRIBUTES TO LONG-TERM NEEDS OF COMMUNITY 5 = More than 30 years 4 = 21-30 years 3 = 11-20 years 2 = 4-10 years 1 = 3 years or less	FACTOR x2
SCORE 7	SERVICE AREA OF PROJECT 5 = Regional 4 = City-wide 3 = Several neighborhoods 1 = One neighborhood or less	FACTOR x2
SCORE 8	DEPARTMENT PRIORITY 5 = High 3 = Medium 1 = Low	FACTOR x2
SCORE 9	PROJECT DELIVERS LEVEL OF SERVICE DESIRED BY COMMUNITY 5 = High 3 = Medium 1 = Low	FACTOR x2

Project Numbering Example & Guide:

21D01

Where...

21 = Last two digits of calendar year in which project was first added to CIP.

D = Department Code Letter.

01 = Number initially assigned to project, starting at "01" for each calendar year.

Department Code Guide:

A: Administration/City Hall

D: Downtown Development Authority

E: Electric Department

P: Public Works

R: Recreation

S: Public Safety

W: Water/Wastewater

Capital Improvement Plan 2024-2029

Administration

Project ID	A2401	DWSRF ARPA 1.0 Non-participating Streets	Dept. Priority	5 - High	24-25	\$1,676,627
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	2024	25-26	\$0
		DWSRF Project Plan			26-27	\$0
		Legally Obligated? <input type="checkbox"/>			27-28	\$0
Water main & LSL replacement. Full-width street reconstruction in water main areas. Non-participating "non-grant" street costs related to DWSRF ARPA 1.0					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$1,676,627.00

Project ID	A2402	DWSRF ARPA 2.0 Non-participating Streets	Dept. Priority	5 - High	24-25	\$1,188,742
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	2024	25-26	\$0
		DWSRF Project Plan			26-27	\$0
		Legally Obligated? <input type="checkbox"/>			27-28	\$0
Water main & LSL replacement. Full-width street reconstruction in water main areas. Non-participating "non-grant" street costs related to DWSRF ARPA 2.0					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$1,188,742.00

Project ID	A2403	CWSRF ARPA 1.0 Non-participating Streets/Storm	Dept. Priority		24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	2024	25-26	\$2,250,000
		Legally Obligated? <input type="checkbox"/>			26-27	\$0
Ludington Street Lift Station, Sanitary, Storm, and Street Reconstruction					27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$2,250,000.00

Project ID	A2404	Municipal Dock Area Restroom Replacement	Dept. Priority	1 - Low	24-25	\$165,000
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	Anticipated Start Date	2024	25-26	\$0
		<input type="checkbox"/> Legally Obligated?			26-27	\$0
	City's Portion of the streetscape and restroom projects.				27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$165,000.00

DDA

Project ID	D2101	Contribution for Local Street Infrastructure in DDA District	Dept. Priority	2 - Medium	24-25	\$366,000
	Other Depts. Involved	<input checked="" type="checkbox"/> In Adopted Plan?	Anticipated Start Date	TBD	25-26	\$0
	Water/Wastewater	2016 Master Plan			26-27	\$0
		Action E13, E15 (p. 106)			27-28	\$0
	Looking for funding of "complete streets"-style streetscape project for Ludington Street. This work would be done in tandem with and contingent upon extensive utility work involving complete or partial removal of the road surface.	<input type="checkbox"/> Legally Obligated?			28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$366,000.00

Project ID	D2102	Marketplace Sliding Doors	Dept. Priority	1 - Low	24-25	\$0
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	Anticipated Start Date	TBD	25-26	\$500,000
		<input type="checkbox"/> Legally Obligated?			26-27	\$0
	During the original construction phase of the Escanaba Marketplace, sliding doors that could be closed to better protect an event from weather and wind were removed from the project based on cost. The ability to add the doors to the pavilion was built into the project for their inclusion at the later date.				27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$500,000.00

Project ID	D2103	Centre Court Park and Building Upgrades	Dept. Priority	3 - High	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	Spring 2023	25-26	\$100,000
		2016 Master Plan			26-27	\$0
		Action E13 (p. 106)			27-28	\$0
		Legally Obligated? <input type="checkbox"/>			28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$100,000.00
		Create an art park at Centre Court and provide renovated restrooms with access from the exterior independent of the DDA office entrance.	Grants			

Project ID	D2401	Movable Stage	Dept. Priority		24-25	\$30,000
Other Depts. Involved		In Adopted Plan? <input type="checkbox"/>	Anticipated Start Date		25-26	\$0
		Legally Obligated? <input type="checkbox"/>			26-27	\$0
					27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$30,000.00
		This is a stage on a trailer that gets set up and taken down as needed. Will be used for City/DDA events.				

Electric

Project ID	E2103	Distribution Improvements	Dept. Priority	3 - High	24-25	\$250,000
Other Depts. Involved		In Adopted Plan? <input type="checkbox"/>	Anticipated Start Date	7/1/2022	25-26	\$250,000
		Legally Obligated? <input type="checkbox"/>			26-27	\$250,000
			This will be an on-going project.		27-28	\$250,000
					28-29	\$250,000
			Electric Utility Fund		29-30	\$0.00
		Improvements to the City's distribution system will increase overall reliability and make better use of all three of the City's substations.			6-Yr Total	\$1,250,000.00

Project ID	E2104	SCADA Replacement	Dept. Priority	3 - High	24-25	\$500,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	7/1/2023	25-26	\$0
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input type="checkbox"/>			28-29	\$0
	Our existing SCADA system is outdated, very basic, and has limited functionality. A new SCADA system will provide for better monitoring of the substations, outage management, and generating daily, monthly, and annual reports.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$500,000.00

Project ID	E2105	Solar Generation Phase 2	Dept. Priority	2 - Medium	24-25	\$0
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	7/1/2024	25-26	\$1,200,000
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input type="checkbox"/>	The Inflation Reduction Act provides for tax incentives for municipal utilities to install solar facilities. Incentives range from 30% to 40%. These funds will allow for about a 1MW solar facility to be installed.		28-29	\$0
	This addition would increase the energy and capacity we produce, thus lowering the amount we would have to buy. Our first solar generating facility has been successful, so it is worthwhile to add more generation.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$1,200,000.00

Project ID	E2108	West Side Substation Improvements	Dept. Priority	3 - High	24-25	\$1,685,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	7/1/2023	25-26	\$0
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input checked="" type="checkbox"/>	Project was approved and kicked off in September 2023 and planned completion is November 2025.		28-29	\$0
	The West Side Substation is over 40 years old and is in need of upgrades. This project will replace the control room to house modern protection equipment to communicate back to the SCADA system. The 69KV circuit switch and transformer will be replaced along with the underground feeder cables leaving the substation.		Electric Utility Fund, Grants		29-30	\$0.00
					6-Yr Total	\$1,685,000.00

Project ID	E2110	Ludington Pole Replacement-Ludington Street	Dept. Priority	2 - Medium	24-25	\$100,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	7/1/2022	25-26	\$100,000
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input type="checkbox"/>	This multiyear project with the plan to replace 4 blocks of streetlight poles per year. The project should be completed in the 2025/26 fiscal year.		28-29	\$0
	The iron streetlight poles on Ludington Street are over 40 years old and are decaying due to road salt use over the years. This is a three year project to replace them with aluminum poles that won't decay like the iron poles.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$200,000.00

Project ID: **E2209** **Equipment Garage**

Other Depts. Involved: In Adopted Plan? Legally Obligated?

Dept. Priority: **2 - Medium**

Anticipated Start Date: **7/1/2024**

Electric Utility Fund

A garage is needed to house the Department's various pieces of equipment. These items are currently stored in the cold storage building, which makes it difficult to access inventory items, like wire spools, transformers, enclosures, and conduit.

24-25	\$250,000
25-26	\$0
26-27	\$0
27-28	\$0
28-29	\$0
29-30	\$0.00
6-Yr Total	\$250,000.00

Project ID: **E2211** **New City Lighting**

Other Depts. Involved: In Adopted Plan? Legally Obligated?

Dept. Priority: **2 - Medium**

Anticipated Start Date: **7/1/2022**

Electric Utility Fund

This project began in summer of 2021. Most comments from the public have been positive, with only a few complaints that some areas are too bright.

24-25	\$50,000
25-26	\$50,000
26-27	\$50,000
27-28	\$50,000
28-29	\$50,000
29-30	\$0.00
6-Yr Total	\$250,000.00

Project ID: **E2301** **Highway Streetlight Poles**

Other Depts. Involved: In Adopted Plan? Legally Obligated?

Dept. Priority: **2 - Medium**

Anticipated Start Date: **7/1/2023**

Electric Utility Fund

Several of the steel and concrete streetlight poles along US 2/41 and M35 within the City limits are deteriorating. The plan for this project is to replace 12 streetlights per year until all of the deteriorating poles are replaced.

24-25	\$40,000
25-26	\$50,000
26-27	\$50,000
27-28	\$0
28-29	\$0
29-30	\$0.00
6-Yr Total	\$140,000.00

Project ID: **E2302** **Security Cameras at Substations**

Other Depts. Involved: In Adopted Plan? Legally Obligated?

Dept. Priority: **2 - Medium**

Anticipated Start Date: **7/1/2024**

Electric Utility Fund

Placing security cameras at the substations would help to deter acts of vandalism and if they occur, there is a higher likelihood that perpetrators will be caught.

Electrical substations are unmanned facilities that house equipment that is very costly to replace and repair. There have been a few attacks at substations across the country that have caused extended outages to its customers.

24-25	\$50,000
25-26	\$0
26-27	\$0
27-28	\$0
28-29	\$0
29-30	\$0.00
6-Yr Total	\$50,000.00

Project ID	E2401	Bathroom/Locker Room Remodel	Dept. Priority	3 - Medium	24-25	\$55,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	1-Jul-24	25-26	\$0
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input type="checkbox"/>			28-29	\$0
	Remodel the Electric Building's existing bathroom and plumbing due to aging plumbing and fixtures.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$55,000.00

Project ID	E2402	Replace Transclosures	Dept. Priority	5 - High	24-25	\$35,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	1-Jul-24	25-26	\$40,000
		<input type="checkbox"/>			26-27	\$45,000
		Legally Obligated?	It is planned to replace one or two enclosures each year until completion.		27-28	\$50,000
		<input type="checkbox"/>			28-29	\$50,000
	Several transclosures were installed in the 70's and 80's that do not meet current Electric Code. A transclosure consists of pole mount transformers inside of an electrical enclosure.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$220,000.00

Project ID	E2404	Underground Conductors	Dept. Priority	5 - High	24-25	\$300,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	1-Jul-24	25-26	\$300,000
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?	Project will continue until all old underground conductors are replaced.		27-28	\$0
		<input type="checkbox"/>			28-29	\$0
	Replace aging underground primary distribution.		Electric Utility Fund		29-30	\$0.00
					6-Yr Total	\$600,000.00

Project ID	E2405	Electric Pole Replacements	Dept. Priority		24-25	\$80,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date		25-26	\$0
		<input type="checkbox"/>			26-27	\$0
		Legally Obligated?			27-28	\$0
		<input type="checkbox"/>			28-29	\$0
	Replacement of deteriorating poles throughout the City.				29-30	\$0.00
					6-Yr Total	\$80,000.00

Project ID	E2406	AMI Meters	Dept. Priority	24-25	\$125,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	25-26	\$0
		<input type="checkbox"/>		26-27	\$0
		Legally Obligated?		27-28	\$0
		<input type="checkbox"/>		28-29	\$0
	Replacement of Electric meters with new AMI meters.			29-30	\$0.00
				6-Yr Total	\$125,000.00

Public Safety

Project ID	S2401	Generator	Dept. Priority	24-25	\$121,000
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	25-26	\$0
		<input type="checkbox"/>		26-27	\$0
		Legally Obligated?		27-28	\$0
		<input type="checkbox"/>		28-29	\$0
	New generator to power the Public Safety building in case of an outage.			29-30	\$0.00
				6-Yr Total	\$121,000.00

Project ID	S2402	Ladder Truck	Dept. Priority	24-25	\$0
	Other Depts. Involved	In Adopted Plan?	Anticipated Start Date	25-26	\$0
		<input type="checkbox"/>		26-27	\$2,000,000
		Legally Obligated?		27-28	\$0
		<input type="checkbox"/>		28-29	\$0
	New ladder truck is needed to replace aging truck.			29-30	\$0.00
				6-Yr Total	\$2,000,000.00

Public Works

Project ID	P2104	3rd Ave/N 30th Roundabout	Dept. Priority	2 - Medium	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input type="checkbox"/>	Anticipated Start Date	7/1/2025	25-26	\$1,200,000
		Legally Obligated? <input type="checkbox"/>	MDOT has potential plans to install a roundabout on the US-2/N 30th St. intersection in conjunction with their 2026 US-2 project throughout the City. This project is submitted for a safety grant from MDOT.			
		North 30th Street is one of the city's heaviest travelled roadways and the truck bypass. A roundabout installed at 3rd Avenue North and North 30th Street will aid traffic congestion at this location.				
		Grants, Major Street Fund (Act 51)				
		6-Yr Total \$1,200,000.00				

Project ID	P2111	Sidewalk Infill Plan	Dept. Priority	2 - Medium	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date		25-26	\$158,169
		Master Plan	Funding to come from Land Development Fund, with Special Assessments being paid back into the fund by the property owners over a 5-year time frame, with an interest rate to be determined by City Council.			
		Page 114 - Action T6	Land Development Fund			
		There are approximately 3.22 miles of missing sidewalks in the city (not including 5.5 miles of area that would be better served by non-motorized pathways). A five-year plan is being proposed for the construction of sidewalks and ramps to infill the gaps in efforts to improve the walkability of the city as cited in the Master Plan.				
		6-Yr Total \$702,973.00				

Project ID	P2202	CIPP Storm Sewer Lining - West of Cemetery Fence	Dept. Priority	2 - Medium	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input type="checkbox"/>	Anticipated Start Date	Spring 2023	25-26	\$0
		Legally Obligated? <input type="checkbox"/>	We plan to line this storm sewer using cast in-place pipe. This is less expensive than traditional excavation and replacement of storm sewer pipe with relatively the same result.			
		A section of the Butcher Creek system, along the cemetery fence on the west side, has an existing 24" storm sewer that is failing. The pipe has an open cut making a total pipe replacement very difficult.				
		Major Street Fund (Act 51)				
		6-Yr Total \$0.00				

Project ID	P2301	Sheridan Road Fuel Station - Tank Replacement and Upgrade	Dept. Priority	3 - Medium	24-25	\$360,000
Other Depts. Involved	Electric	In Adopted Plan? <input type="checkbox"/>	Anticipated Start Date	TBD	25-26	\$0
		Legally Obligated? <input checked="" type="checkbox"/>	EPA, LARA Underground Storage Tank Compliance			
		The City fuel station has two (2) 10,000 gallon underground storage tanks (USTs), one containing unleaded gasoline and one containing diesel fuel. The tanks were installed in 1992. The service life of each of the tanks is 30 years. All options are being considered, including relining the tanks, replacing with new underground tanks, and replacing with aboveground tanks.				
		General Fund, Grants, Motor Vehicle Fund				
		6-Yr Total \$360,000.00				

Project ID: **P2302** **Public Works Building Upgrades and Repairs** Dept. Priority: **3 - Medium** 24-25: \$35,000

Other Depts. Involved: In Adopted Plan? Legally Obligated? 25-26: \$50,000

Anticipated Start Date: **7/1/2023** 26-27: \$50,000

Motor Vehicle Fund 27-28: \$0

The Public Works building is in need of several repairs including: floor repair to the main office, roof repairs, LED lighting in building to save on electricity costs, and a new water heater. 28-29: \$0

29-30: \$0.00

6-Yr Total: \$135,000.00

Project ID: **P2303** **Public Works Salt Dome Replacement** Dept. Priority: **5 - High** 24-25: \$0

Other Depts. Involved: In Adopted Plan? Legally Obligated? 25-26: \$0

State storage guidelines 26-27: \$250,000

The salt dome that protects the road salt has noticeable damage on the roofing. The cost to install a new roof on the dome shaped structure is going to be high. 27-28: \$0

28-29: \$0

29-30: \$0.00

6-Yr Total: \$250,000.00

Recreation

Project ID: **R2102** **Court Resurfacing** Dept. Priority: **3 - High** 24-25: \$0

Other Depts. Involved: In Adopted Plan? Legally Obligated? 25-26: \$30,000

Five-Year Recreation Plan Page 51 26-27: \$30,000

Bid the project in February/March 2024 and complete the work by 06/30/2024. 27-28: \$30,000

General Fund 28-29: \$30,000

29-30: \$0.00

6-Yr Total: \$120,000.00

Follow a regular schedule of resurfacing one or two courts a year as needed. With regular resurfacing, court life should be around 5-7 years depending on weather and usage. Royce tennis courts will be bid out for resurfacing and repair work.

Project ID	R2105	Civic Center - Window Replacement on the West Side	Dept. Priority	2 - Medium	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	1-Jan-26	25-26	\$75,000
		Five-Year Recreation Plan Page 51	Project timing depends on if/when grant funding becomes available. Project was reviewed by the Recreation Advisory Board.		26-27	\$0
					27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$75,000.00

The west side of the Civic Center is in need of window replacement. Grant opportunities are being sought.

Project ID	R2107	Dickson Field Improvements	Dept. Priority	1 - Low	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date		25-26	\$0
		Five-Year Recreation Plan Page 53	Project timing depends on if/when grant funding becomes available.		26-27	\$0
					27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$0.00

Plumbing upgrades need to be addressed to ensure that the concession area can be run properly.

Project ID	R2201	Dedicated Pickleball Court	Dept. Priority	3 - High	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date		25-26	\$50,000
		Five-Year Recreation Plan 51	Estimated cost is \$400,000 with grant dollars and donations being sought to complete the project.		26-27	\$50,000
					27-28	\$50,000
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$150,000.00

There is a need and desire from residents to construct a dedicated six-court pickleball complex. Various grant opportunities are being sought.

Project ID	R2202	Bike Path - 3rd Avenue North	Dept. Priority	3 - High	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date		25-26	\$0
Public Works		Five-Year Recreation Plan 50	The estimated cost is \$265,000. Grant dollars will be sought to complete this section of the project. Recreation Advisory Board has approved the project and it is listed in the Five-Year Recreation Plan		26-27	\$0
					27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$0.00

No. 3 under the Non-Motorized Pathway Improvements would be to have a separated bike path on the north side of 3rd Avenue North from Stephenson Avenue to North 10th Street.

Water/Wastewater

Project ID	W2103	Lake Shore Drive Lift Station Improvements	Dept. Priority	2 - Medium	24-25	\$0
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	7/1/2023	25-26	\$50,000
		Wastewater Plant AMP <input type="checkbox"/>			26-27	\$0
		Legally Obligated? <input type="checkbox"/>			27-28	\$0
					28-29	\$0
		Replace existing lift station structure and install new pumps with a rail-style mounting system.	Wastewater Fund		29-30	\$0.00
					6-Yr Total	\$50,000.00

Project ID	W2105	Sewer Main, Manhole, and Lateral Rehab	Dept. Priority	3 - High	24-25	\$980,000
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	7/1/2022	25-26	\$1,000,000
		Wastewater Plant AMP <input type="checkbox"/>			26-27	\$1,000,000
		Legally Obligated? <input type="checkbox"/>			27-28	\$1,000,000
		Replace or repair sewer main, repair or replace manhole structures, remove inflow and intrusion of the collection system as needed due to age and integrity, according to federal & state-mandated rules and regulations. Focusing on highway crossing & maintenance	Long-term -- ongoing projects to lessen I&I within the collection system. Large-scale repair and replacement efforts shall begin if and when funds become available.		28-29	\$1,000,000
			Grants		29-30	\$0.00
					6-Yr Total	\$4,980,000.00

Project ID	W2106	Water Main & Service Replacements	Dept. Priority	3 - High	24-25	\$500,000
Other Depts. Involved		In Adopted Plan? <input checked="" type="checkbox"/>	Anticipated Start Date	7/1/2022	25-26	\$2,000,000
		Water Plant AMP <input type="checkbox"/>			26-27	\$2,000,000
		Legally Obligated? <input checked="" type="checkbox"/>	Should money become available through grants or other means, it is recommended work is done sooner		27-28	\$2,000,000
		State rules and regulations			28-29	\$2,000,000
		Replace water main and services as needed due to age, integrity, and state-mandated rules and regulations.	Grants, Water Utility Fund		29-30	\$0.00
					6-Yr Total	\$8,500,000.00

Project ID	W2209	Digester Boiler Replacement - Plumbing Restoration		Dept. Priority	3 - High	24-25	\$80,000
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	<input type="checkbox"/> Legally Obligated?	Anticipated Start Date	7/1/2023	25-26	\$0
	Replace or add redundant digester boiler. Replace all plumbing or remove scale in plumbing. Our digester is has begun to show signs of its age. We are investigating the need to replace it or add a second back-up boiler in order to meet State Mandated requirements with out Bio-Solids program.					26-27	\$0
				Wastewater Fund		27-28	\$0
						28-29	\$0
						29-30	\$0.00
						6-Yr Total	\$80,000.00

Project ID	W2210	Digester Garage Roof		Dept. Priority	3 - High	24-25	\$0
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	<input type="checkbox"/> Legally Obligated?	Anticipated Start Date	7/1/2024	25-26	\$60,000
	Restore digester garage roof. The roof is and will be in need of restoration of some type. However, plans and complete project scope is not yet complete.			This roof is and will be in need of restoration of some type, however plans and complete project scope is not yet complete.		26-27	\$0
				Wastewater Fund		27-28	\$0
						28-29	\$0
						29-30	\$0.00
						6-Yr Total	\$60,000.00

Project ID	W2212	Loading Dock Grading, 3-Bay Garage		Dept. Priority	3 - High	24-25	\$0
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	<input type="checkbox"/> Legally Obligated?	Anticipated Start Date	7/1/2023	25-26	\$0
	Level and raise grade at west loading dock, relocate some sanitary sewer, prep site for future garage, build garage.			Water Utility Fund		26-27	\$0
						27-28	\$0
						28-29	\$0
						29-30	\$0.00
						6-Yr Total	\$0.00

Project ID	W2223	Raw Wastewater Influent Fine Screen		Dept. Priority	3 - High	24-25	\$0
	Other Depts. Involved	<input type="checkbox"/> In Adopted Plan?	<input type="checkbox"/> Legally Obligated?	Anticipated Start Date	7/1/2026	25-26	\$0
	Replace existing 1" bar screen for the raw water influent.			Wastewater Fund		26-27	\$500,000
						27-28	\$0
						28-29	\$0
						29-30	\$0.00
						6-Yr Total	\$500,000.00

Project ID	W2302	Carbon Building Roof	Dept. Priority	1 - Low	24-25	\$0
Other Depts. Involved		In Adopted Plan? W-AMP-CIP	Anticipated Start Date	TBD	25-26	\$0
		Legally Obligated?	Cost Breakdown	TBD	26-27	\$0
			Water Utility Fund		27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$0.00

Replace aging roof membrane on Carbon Building.

Project ID	W2303	Lift Station Controls	Dept. Priority	5 - High	24-25	\$0
Other Depts. Involved		In Adopted Plan? WW-AMP-CIP	Anticipated Start Date	7/1/2023	25-26	\$60,000
		Legally Obligated?			26-27	\$0
			Wastewater Fund		27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$60,000.00

Upgrade aging controls for all lift stations.

Project ID	W2304	Improvements for Sludge Site	Dept. Priority	5 - High	24-25	\$50,000
Other Depts. Involved		In Adopted Plan? Residuals Management Plan	Anticipated Start Date	7/1/2023	25-26	\$0
		Legally Obligated? State reg. - bio solids			26-27	\$0
			Wastewater Fund		27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$50,000.00

Harvest trees and clear ground in sludge site.

Project ID	W2310	Replace C12 Scales to 150# tanks	Dept. Priority		24-25	\$65,000
Other Depts. Involved		In Adopted Plan? WW-AMP-CIP	Anticipated Start Date	7/1/2023	25-26	\$0
		Legally Obligated?			26-27	\$0
			Wastewater Fund		27-28	\$0
					28-29	\$0
					29-30	\$0.00
					6-Yr Total	\$65,000.00

Replace C12 equipment. Replace C12 scales to 150# tanks.

Project ID	W2312	Upgrade-Replace Elevator		Dept. Priority	3 - Medium	24-25	\$0
	Other Depts. Involved	In Adopted Plan?	<input checked="" type="checkbox"/>	Anticipated Start Date	7/1/2023	25-26	\$300,000
		Legally Obligated?	<input checked="" type="checkbox"/>			26-27	\$0
		State mandated				27-28	\$0
	Upgrade or replace elevator.					28-29	\$0
				Wastewater Fund		29-30	\$0.00
						6-Yr Total	\$300,000.00

Project ID	W2401	Water Distribution Parts Storage Building		Dept. Priority		24-25	\$550,000
	Other Depts. Involved	In Adopted Plan?	<input type="checkbox"/>	Anticipated Start Date		25-26	\$0
		Legally Obligated?	<input type="checkbox"/>			26-27	\$0
	Building needed to store parts related to main replacement projects and lead line replacements.					27-28	\$0
						28-29	\$0
						29-30	\$0.00
						6-Yr Total	\$550,000.00

Proj. #	Project Name	Score 1	Score 2	Score 3	Score 4	Score 5	Score 6	Score 7	Score 8	Score 9	Total Score
A2401	DWSRF ARPA 1.0	15.0	0.0	17.3	13.0	13.0	8.0	7.3	10.0	10.0	93.7
A2402	DWSRF ARPA 2.0	15.0	0.0	17.3	13.0	13.0	8.0	7.3	10.0	10.0	93.7
A2403	CWSRF ARPA 1.0	15.0	0.0	17.3	11.0	13.0	7.3	5.3	7.3	7.3	83.7
A2404	Municipal Dock Area Restroom Replacement	10.0	0.0	20.0	8.0	11.0	8.7	3.3	2.0	7.3	70.3
D2101	Downtown Street Infrastructure	10.0	0.0	20.0	6.0	11.0	8.0	4.7	6.0	4.7	70.3
D2102	Marketplace Sliding Doors	5.0	0.0	0.0	5.0	15.0	6.7	6.7	2.0	2.0	42.3
D2103	Center Court Upgrades	6.7	0.0	13.3	3.0	15.0	8.7	4.7	10.0	3.3	64.7
D2401	Movable Stage	3.3	0.0	0.0	5.0	3.0	7.3	6.7	5.3	3.3	34.0
E2103	Distribution Improvements	18.3	0.0	6.7	9.0	15.0	8.7	8.7	10.0	7.3	83.7
E2104	SCADA Replacement	15.0	0.0	6.7	11.0	13.0	7.3	8.7	10.0	6.0	77.7
E2105	Solar Generation Phase 2	8.3	0.0	0.0	6.0	7.0	8.0	8.7	6.0	4.7	48.7
E2108	West Side Substation Improvements	18.3	8.3	10.7	15.0	15.0	8.7	8.7	10.0	7.3	102.0
E2110	Ludington Street Pole Replacement	15.0	0.0	0.0	13.0	11.0	9.3	4.7	6.0	4.7	63.7
E2209	Equipment Garage	5.0	0.0	0.0	15.0	3.0	10.0	6.7	6.0	3.3	49.0
E2211	New City Lighting	13.3	0.0	17.3	11.0	3.0	9.3	6.0	6.0	4.7	70.7
E2301	Highway Streetlight Poles	18.3	0.0	0.0	15.0	11.0	9.3	5.3	6.0	4.7	69.7
E2302	Security Cameras at Substations	11.7	0.0	0.0	9.0	15.0	5.3	8.7	6.0	3.3	59.0
E2401	Bathroom/Locker Room Remodel	5.0	0.0	0.0	15.0	15.0	9.3	4.7	6.0	2.0	57.0
E2402	Replace Transclosures	20.0	16.7	6.7	15.0	15.0	9.3	7.3	10.0	10.0	110.0
E2405	Electric Pole Replacements	20.0	0.0	0.0	15.0	13.0	9.3	7.3	10.0	7.3	82.0
E2406	AMI Meters	8.3	0.0	0.0	13.0	13.0	8.0	8.7	6.0	4.7	61.7
E3404	Underground Conductors	20.0	0.0	0.0	15.0	11.0	9.3	7.3	10.0	10.0	82.7
P2104	Roundabout - 3rd Avenue North & North 30th Street & Passing Lane	13.3	0.0	0.0	9.0	13.0	9.3	5.3	6.0	6.0	62.0
P2111	Sidewalk Infill Plan	13.3	8.3	13.3	13.0	7.0	9.3	7.3	4.7	4.7	81.0
P2301	Sheridan Road Fuel Station - Tank Replacement and Upgrade	20.0	16.7	0.0	15.0	11.0	8.7	8.7	6.0	2.0	88.0
P2302	Public Works Building Upgrades and Repairs	6.7	0.0	0.0	15.0	15.0	8.7	6.0	6.0	2.0	59.3
P2303	Public Works Salt Dome Replacement	18.3	16.7	0.0	15.0	9.0	10.0	8.0	8.7	2.0	87.7
R2102	Court Resurfacing	18.3	0.0	13.3	13.0	15.0	4.0	4.7	8.7	6.0	83.0
R2105	Civic Center - Window Replacement on the West Side	8.3	0.0	20.0	15.0	15.0	8.7	6.0	7.3	6.0	86.3
R2107	Dickson Field Improvements	8.3	0.0	20.0	15.0	15.0	8.0	3.3	2.0	2.7	74.3
R2201	Dedicated Pickleball Court	11.7	0.0	20.0	9.0	3.0	8.7	6.7	10.0	7.3	76.3
R2202	Bike Path - 3rd Avenue North	11.7	0.0	20.0	11.0	7.0	8.7	5.3	4.7	3.3	71.7
S2401	Generator	20.0	0.0	0.0	15.0	15.0	10.0	10.0	10.0	10.0	90.0
S2402	Ladder Truck	20.0	8.3	0.0	15.0	9.0	8.7	10.0	10.0	10.0	91.0
W2103	Lake Shore Drive Lift Station Improvements	16.7	0.0	17.3	15.0	15.0	7.3	6.0	6.0	7.3	90.7
W2105	Sewer Main, Manhole, and Lateral Rehab	18.3	16.7	17.3	9.0	13.0	9.3	8.0	10.0	8.7	110.3
W2106	Water Main & Service Replacements	16.7	16.7	17.3	13.0	11.0	9.3	7.3	10.0	8.7	110.0
W2209	Digester Boiler Replacement - Plumbing Restoration	16.7	0.0	0.0	15.0	11.0	8.7	8.0	10.0	7.3	76.7
W2210	Digester Garage Roof	13.3	0.0	0.0	15.0	13.0	9.3	6.0	10.0	2.0	68.7

W2212	Loading Dock Grading, 3-Bay Garage	6.7	0.0	0.0	13.0	11.0	10.0	6.0	10.0	2.0	58.7
W2223	Raw Wastewater Influent Fine Screen	15.0	0.0	0.0	15.0	13.0	7.3	8.0	10.0	7.3	75.7
W2302	Carbon Building Roof	11.7	0.0	17.3	15.0	13.0	8.7	6.0	3.3	2.0	77.0
W2303	Lift Station Controls	16.7	0.0	17.3	15.0	15.0	7.3	8.0	10.0	4.7	94.0
W2304	Improvements for Sludge Site	11.7	25.0	17.3	11.0	15.0	6.7	8.0	10.0	2.0	106.7
W2310	Replace C12 Scales to 150# tanks	10.0	0.0	17.3	15.0	15.0	9.3	8.7	8.7	4.7	88.7
W2312	Upgrade-Replace Elevator	11.7	25.0	17.3	15.0	13.0	9.3	6.0	6.0	2.0	105.3
W2401	Water Distribution Parts Storage Building	6.7	0.0	0.0	13.0	3.0	8.7	6.7	10.0	2.0	50.0

Proj. #	Project Name	Total Score
W2105	Sewer Main, Manhole, and Lateral Rehab	110.3
E2402	Replace Transclosures	110.0
W2106	Water Main & Service Replacements	110.0
W2304	Improvements for Sludge Site	106.7
W2312	Upgrade-Replace Elevator	105.3
E2108	West Side Substation Improvements	102.0
W2303	Lift Station Controls	94.0
A2401	DWSRF ARPA 1.0	93.7
A2402	DWSRF ARPA 2.0	93.7
S2402	Ladder Truck	91.0
W2103	Lake Shore Drive Lift Station Improvements	90.7
S2401	Generator	90.0
W2310	Replace C12 Scales to 150# tanks	88.7
P2301	Sheridan Road Fuel Station - Tank Replacement and Upgrade	88.0
P2303	Public Works Salt Dome Replacement	87.7
R2105	Civic Center - Window Replacement on the West Side	86.3
A2403	CWSRF ARPA 1.0	83.7
E2103	Distribution Improvements	83.7
R2102	Court Resurfacing	83.0
E3404	Underground Conductors	82.7
E2405	Electric Pole Replacements	82.0
P2111	Sidewalk Infill Plan	81.0
E2104	SCADA Replacement	77.7
W2302	Carbon Building Roof	77.0
W2209	Digester Boiler Replacement - Plumbing Restoration	76.7
R2201	Dedicated Pickleball Court	76.3
W2223	Raw Wastewater Influent Fine Screen	75.7
R2107	Dickson Field Improvements	74.3
R2202	Bike Path - 3rd Avenue North	71.7
E2211	New City Lighting	70.7
A2404	Municipal Dock Area Restroom Replacement	70.3
D2101	Downtown Street Infrastructure	70.3
E2301	Highway StreeLight Poles	69.7
W2210	Digester Garage Roof	68.7
D2103	Center Court Upgrades	64.7
E2110	Ludington Street Pole Replacement	63.7
P2104	Roundabout - 3rd Avenue North & North 30th Street & Passing Lane	62.0
E2406	AMI Meters	61.7
P2302	Public Works Building Upgrades and Repairs	59.3
E2302	Security Cameras at Substations	59.0
W2212	Loading Dock Grading, 3-Bay Garage	58.7
E2401	Bathroom/Locker Room Remodel	57.0
W2401	Water Distribution Parts Storage Building	50.0
E2209	Equipment Garage	49.0
E2105	Solar Generation Phase 2	48.7
D2102	Marketplace Sliding Doors	42.3
D2401	Movable Stage	34.0

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PUBLIC HEARING NOTICE

DATED: Tuesday, April 23, 2024

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the Escanaba Planning Commission will conduct a public hearing on **Thursday, May 9, 2024 at 6:00 PM** in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

2024 Capital Improvement Plan

The Commission will review the proposed 2024 Capital Improvement Plan, before recommending it to the City Council, as part of the 2024 fiscal year budget process.

All interested persons are invited to attend this public hearing to express their views concerning the proposed Capital Improvement Plan.

Copies of the proposed Capital Improvement Plan 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



Mission Statement

Enhancing the enjoyment and livability of our community by providing quality municipal services.

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STATE OF MICHIGAN }
Delta County, }

SS.

VERONICA RACICOT

being duly sworn, says that she is a

CLERK

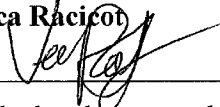
of

DAILY PRESS

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule: That annexed hereto is printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit:

April 24th, 2024

Veronica Racicot



Subscribed and sworn to before me this

24th

day

of April

2024.



Notary Public, Delta Co., Michigan

Dawn LaPine
Notary Public
Delta County
State of Michigan
Comm Expires 2/18/28



PUBLIC HEARING NOTICE

DATED: Tuesday, April 24, 2024

NOTICE IS HEREBY GIVEN, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), that the Escanaba Planning Commission will conduct a public hearing on Thursday, May 9, 2024 at 6:00 PM in the Council Chambers, Rm. C101, Escanaba City Hall, 410 Ludington Street, regarding:

2024 Capital Improvement Plan

The Commission will review the proposed 2024 Capital Improvement Plan, before recommending it to the City Council, as part of the 2024 fiscal year budget process.

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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

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

CALL TO ORDER

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

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

Attendance

Membership:

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

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

Others:

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

Pledge of Allegiance

Anthony led the Commission in the Pledge of Allegiance.

PUBLIC BUSINESS

PB1: Agenda Public Comment

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

HOUSEKEEPING BUSINESS

HK1: Approval of Minutes

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

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

A roll call vote was taken with the following results:

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

Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski
No: None
MOTION PASSED.

HK2: Approval of Agenda

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

A roll call vote was taken with the following results:
Yes: Hellermann, Nelson, Connor, Webber, Harris, Sadowski
No: None
MOTION PASSED.

HK3: Announcements

None.

UNFINISHED BUSINESS; REPORTS

OR1: Delta County Report

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

OR2: Historic Districts Report

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

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

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

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

² See Appdx. 2, exh. A.

³ See Planning Commission, *Official Minutes – January 11, 2024*.

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

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

OR3: Department Report

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

CR1: Consultant Selection Committee Report

Anthony presented the committee’s report.⁵

Connor offered, Webber seconded:

RESOLUTION NO. 24-08

RESOLUTION TO INTERVIEW A PLANNING CONSULTANT

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

A roll call vote was taken with the following results:

Yes: Hellermann, Nelson, Connor, Webber, Harris

No: Sadowski

MOTION PASSED.

NEW BUSINESS

NB1: First Reading, Motor Vehicle Maintenance Ordinance

Anthony introduced the item, reading from the packet’s report.⁶

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

A roll call vote was taken with the following results:

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

No: None

MOTION PASSED.

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

NB2: Discussion, Form-Based Codes

Anthony introduced the item, reading from the packet’s report.⁷

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

⁵ See Appdx. 2, exh. B.

⁶ See Appdx. 1, NB1.

⁷ See Appdx. 1, NB2.

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

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

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

Webber offered, Nelson seconded:

RESOLUTION NO. 24-09

RESOLUTION TO COMPLETE A FORM-BASED CODES TRAINING PROGRAM

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

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

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

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

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

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

Nelson moved for the previous question.

Commissioners expressed surprise over this type of subsidiary motion.

MOTION PASSED by unanimous consent.

A roll call vote was taken with the following results:

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

No: None

MOTION PASSED.

NB3: Presentation and Discussion on Corner Lots

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

⁸ See Appdx. 2, exh. C.

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

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

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

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

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

GENERAL PUBLIC COMMENT

None.

ADJOURNMENT

Hellermann moved to adjourn. Connor seconded.

MOTION PASSED by unanimous consent.

The meeting adjourned at 6:46 PM.

APPENDICES TO THESE MINUTES

Appendix 1: The meeting agenda and packet.

Appendix 2:

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

⁹ Ordinance No. 1283 was adopted August 3rd, 2024.

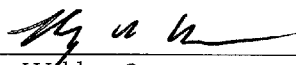
C. Rick Kell, Zoning Ordinance Amendment Request

APPROVAL

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

REVIEWED:

Draft reviewed on: 4-18-24



Draft available on: 4/18/2024

Roy Webber, Secretary
Escanaba Planning Commission

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

APPROVED:

Final approved on: _____

Roy Webber, Secretary
Escanaba Planning Commission

Final available on: _____

**CITY OF ESCANABA
PLANNING COMMISSION
Official Minutes – Friday, April 26, 2024**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Friday, April 26, 2024 at 6:00 PM in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

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

Attendance

Members:

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

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

Others:

- Tyler Anthony, Planning & Zoning Admin.
- Brianna Ecklid-LaVigne, Confidential Sec.
- John Iacoangeli, Principal and Planner, Beckett & Raeder, Inc.
- Alex Wilkinson, Project Professional and Planner, Beckett & Raeder, Inc.
- 1 other unnamed individual

Pledge of Allegiance

Anthony led the Commission in the Pledge of Allegiance.

PUBLIC BUSINESS

PB1: Agenda Public Comment

None.

HOUSEKEEPING BUSINESS

HK1: Approval of Agenda

Hellermann moved to approve the meeting agenda as proposed. Nelson seconded.

A roll call vote was taken with the following results:

Yes: Sadowski, Webber, Connor, Nelson, Reynolds, Hellermann

No: none

MOTION PASSED.

HK2: Announcements

Reynolds announced that she had filed for candidacy to run in the upcoming election for State Representative of the 108th District. She asked what that meant for her seat on the Commission, as she understood that her membership was still valid while running, and that she only needed to give up her seat if she had won. Anthony read from the City Code of Ordinances.¹ He explained

¹ "... To be qualified to be a member and remain a member of the [Planning Commission], the individual shall ... not be a declared candidate for any political office ..." (City of Escanaba, Michigan, Code of Ordinances, Sec. 21-17(a)).

that she did indeed have to resign from the Commission. Hellermann felt that the Commission should have addressed the City Council on this point; he saw the rules as too broad, and they had kept good people off the Commission. Anthony noted that a new Planning Commission ordinance was already on the May 2nd City Council agenda; Hellermann felt that it was important for the Commission to officially bring it to City Council.

Hellermann moved to have City Council/Admin. address rules related to political candidacy and sitting on City boards and commissions. Connor seconded.

A roll call vote was taken with the following results:

Yes: Sadowski, Webber, Connor, Nelson, Reynolds, Hellermann

No: None

MOTION PASSED.

Reynolds then asked what she should do in the meantime; discussion ensued over the proper course of action. Webber asked Reynolds if she felt capable of staying on the Commission and running for office; she felt that she did and, if elected, would resign from the Commission at that time. Anthony explained that, according to the Ordinance, it was best if she resigned, effectively immediately. Reynolds agreed, then thanked her fellow Commissioners for all their hard work.

Reynolds left the meeting at 6:06 p.m.

UNFINISHED BUSINESS; REPORTS

None.

NEW BUSINESS

NB1: Planning Consultant Interview

Anthony introduced the item, reading from the packet's report.² Iacoangeli gave a presentation on Beckett & Raeder, Inc.'s (BRI) proposal on a new master plan for the City. He briefly reviewed the firm's strong history of awards. He noted that community engagement is crucial to planning, and he briefed on how BRI works with residents to understand their needs. By knowing past and present conditions, plans, and studies, BRI was to create a profile and summary of Escanaba. Since the City is a coastal one, shoreline resiliency, climate change data, and natural features were to have special focus.

Data was to play an important role, with focuses on housing, shifting demographics, future needs, and transportation. BRI used a special program to forecast changing industries in an area. They were to use this in planning how the City evolved to serve prospering industry clusters.

Through their research, BRI was to help the City find three focus subjects, around which they were to develop clear action plans. Implementing this work was to be done by collaborating with the Planning Commission and residents. Through this collaboration, BRI expected to create self-guided principles to use as a foundation for later planning policies. They were also to prepare a zoning plan. Over the course of their work, BRI was to put together action programs and coordinate with administrators and Planning Commission to schedule plans and review.

Once Iacoangeli finished his presentation, Connor opened the floor to Commissioners. Webber noted that he had met Iacoangeli when BRI worked with the City in the past. Webber said that,

² See Appdx. 1, NBI.

since the last time Iacoangeli visited, a lot of work had been done; he asked Iacoangeli what he felt were the best changes that had happened so far. Iacoangeli felt that moving the Delta County Jail was a big breakthrough, as were updates to Stephenson Ave., which made it more usable.

He added that Escanaba, like many coastal communities, had its own set of challenges and advantages – seasonal housing and short-term rentals were two of the leading issues. Iacoangeli stated that the outcomes needed now were vastly different from those in 2006.³ Webber asked him how Escanaba compared to other communities in the area. Iacoangeli felt that, as Escanaba had strong retail, financial, and other industries, the City was like Marquette. This isolated the City from some of the problems other communities faced, but it made our issues unique, as well.

Sadowski asked how BRI weighed their demographic data. He had lived in various places around the country, and he found that many communities did not keep realistic planning goals. Iacoangeli explained how the firm analyzed and used demographic data to paint a complete, realistic picture of their subject community; good choices could only be made if realistic data was used.

Sadowski then asked Iacoangeli about what he saw as the future for Escanaba, where that future was focused, and if the City could grow industries – while keeping a safe, family friendly and tourist-focused area. Iacoangeli could not answer that question without seeing the data, but he noted that there were many good questions to be asked. He felt that, from a recreation perspective, Escanaba was where it needed to be. The question to ask, then, was, “who is attracted to Escanaba?” Many other communities were finding new residents that were considered “climate refugees” looking for safe, stable places to live. Another group that was moving in were retirees looking for places that offered cultural amenities and good access to healthcare.

Hellermann noted that he was on the Commission for the 2016 Master Plan, adding that he was the only one to vote against adoption.⁴ He felt that it was not realistic and that, sometimes, residents could not see the big picture; they seemed to get excited often about ideas that were either very difficult or impossible to reach. He also felt that there was a feedback loop from City leaders at the time. He asked Iacoangeli to explain how the firm would help citizens understand the importance of being realistic. Iacoangeli felt that many master plans fell into that trap, and that it was very easy for people to dream big. He said that people need to know what they have, and that some communities simply cannot support their big dreams. The way people plan today was different from how they had in the past; many communities leaned into redevelopment to buffer declining growth, thus learning how to make a big impact with what they already had.

In then-recent years, BRI was using data from county equalization departments, mapping out the taxable value per square foot of communities. They used this to show them which areas held the most taxable value. Many people were shocked by such findings, not realizing where their tax income was coming from. A stable community was one that took limited resources and used them wisely. Hellermann felt that, during his time on the Commission, there had been too much talk about ideas instead of practical options. Iacoangeli understood that these kinds of conversations were difficult to have, but that they were vital for practical solutions.

Connor asked if Iacoangeli had any questions for the Commission. Iacoangeli asked what the City’s timeframe was. Anthony explained that there were no hard and fast deadlines. Hellermann

³ BRI had previously done a master plan for Escanaba in 2006.

⁴ This master plan was done by the Central Upper Peninsula Planning and Development Regional Commission, aka CUPPAD.

asked Iacoangeli what he saw as a reasonable timeline for this project; he felt that the proposed 12-to-14-month timeline was best.

Hellermann moved to recommend Beckett & Raeder, Inc as the planning consultants for the Escanaba Master Plan. Sadowski seconded.

**A roll call vote was taken with the following results:
Yes: Sadowski, Webber, Connor, Nelson, Hellermann
No: None
MOTION PASSED.**

GENERAL PUBLIC COMMENT

None.

ADJOURNMENT

**A motion was made by Connor to adjourn the meeting. Hellermann seconded.
MOTION PASSED by unanimous consent.**

The meeting adjourned at 6:55 PM.

APPENDICES TO THESE MINUTES

Appendix 1: The meeting agenda and packet

Appendix 2:

A. Iacoangeli, J. (2024, April 26). *Community Master Plan Update: City of Escanaba* [PowerPoint Slides]. Beckett & Raeder, Inc.

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

REVIEWED:

Draft reviewed on: _____

Draft available on: _____

Roy Webber, Secretary
Escanaba Planning Commission

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

APPROVED:

Final approved on: _____

Final available on: _____

Roy Webber, Secretary
Escanaba Planning Commission



Planning Commission

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AGENDA ITEM REPORT Thursday, May 9, 2024, 6:00 PM

NB1: Site Plan Review, 2730 Lake Shore Drive

The Commission will review the proposed site plan for a snack & nonalcoholic beverage bar, being for ice cream and coffee.

Background

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, such as those from the special land use public hearing. 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.

Analysis

All site plans meant for Commission review must include certain information. These details are listed in ZO sec. 1802.2. The Zoning Administrator has waived some of the requirements for site plan submittal per sec. 1802.3; explanations for these waivers are as follows:

In some cases, they are entirely irrelevant to the site...

- D: The property does not abut any existing water courses or bodies, including county drains and man-made surface drainage ways.
- U: The site plan does not propose any storage facilities for chemicals, salts, or flammable or hazardous materials, or any containment structures or clear zones therefor.
- V: The property does not have any significant site amenities or unique natural features.

In other cases, they only matter when new buildings are planned...

- E: The primary building on the site plan is an existing one which will not see changes to its dimensions or location on the property,



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- M: The locations and designs of all water supply lines, including fire hydrants and shut-off valves, storm sewers, waste water lines, clean-outs, connection points, and treatment systems are not to be changed.
- N: The locations and designs of all other utilities, including natural gas, electric, cable TV, telephone, and steam, are not to be changed.
- Q: The locations and illumination areas of all exterior lighting are not to be changed.

Two remaining items are better addressed through administrative permits...

- P: No signage was proposed on the site plan, and signs would be better handled through a separate permit.
- R: A separate permit will be pursued for the fence provided on the site plan.

And some items, like those listed below, presented some questions. The Zoning Administrator felt that these should be addressed by the Planning Commission, even if they were waived for the sake of time...

- B: No survey has been conducted yet, but the applicant plans to commission one after they buy the property.
- T: No dimensions or specifications have been provided for the trash receptacle screening proposed on the site plan.
- W: A significant view onto the site exists, being from the northbound lanes of State Highway M35.
- Y: The architect's seal was not provided on the site plan.

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.

The building faces the corners of Lake Shore Dr. and S. 23rd St. Therefore, this standard is met.

B. Roof equipment.

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

C. Visual and sound mitigation.

No sound mitigation is provided. However, it may be necessary to screen the "outdoor yard



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games” area from adjoining properties. Therefore, discussion on this standard is recommended.

D. Emergency access.

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

E. Street access.

Access is made via Lake Shore Dr. Therefore, this standard is met.

F. Circulation system.

The site is so small that there is no opportunity to create paths to which this standard could be applied. However, it is worth noting is a discontinuity in the street sidewalk; it skips the island between the two driveways. Therefore, this standard is not met.

G. Non-motorized circulation system.

Physically separate and insulated pedestrian routes are not provided. See sec. 1711. Therefore, this standard is not met.

H. Parking areas.

The parking area is confusing; the one-way ingress point does not directly lead to the customer parking spaces, and it would likely be ignored. That leads to another point: one-way access points are to be avoided when possible. See secs. 1704, 1706. Therefore, this standard is not met.

I. Shared drives.

Vehicle access is planned to route solely through driveways at the property’s front; no adjacent developments exist with which a driveway could be shared. Therefore, this standard is not applicable.

J. Loading, unloading and storage areas.

An appropriately-sized loading zone is provided. Therefore, this standard is met.

K. Light sources.

No exterior lighting is planned for the site. Therefore, this standard is met.

L. Utilities.

All utilities are already provided underground. Therefore, this standard is met.



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M. Environmental issues.

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.

All of the existing trees are planned to remain. Therefore, this standard is met.

O. Storm Water Control Plan

No stormwater controls were provided in the site plan, and the site's current and future grading is unknown. Therefore, this standard is not met.

Recommendations

1. Determine findings of fact

When the Commission has weighed all relevant information, they must make findings of fact. Sample language:

"I move to adopt the following resolution:

RESOLVED, That the Planning Commission, in the matter of special land use permit no. SLU24002, has made these findings of fact:

- 1. Block Design & Construction Services (hereinafter "the Applicant") submitted a site plan for review by the Planning Commission (hereinafter "the Site Plan") when applying for a special land use permit,*
- 2. The Applicant submitted the Site Plan 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,*
- 3. The Zoning Administrator waived site plan submittal requirements D, U, and V because they do not apply to the Property or to the Site Plan's proposed work,*
- 4. The Zoning Administrator waived site plan submittal requirements E, M, N, and Q because they are only relevant to new construction,*
- 5. The Zoning Administrator waived site plan submittal requirements P and R because the items they address are better handled through administrative permits in this case,*
- 6. The Zoning Administrator waived the requirements of Section 1802.2, Paragraphs B, T, W, and Y because they were found minor but should be addressed before the Planning Commission,*
- 7. The Site Plan meets all other requirements of Section 1802.2,*
- 8. [Provide numbered list of findings related to the Development Standards]."*

2. Make conclusions and issue a decision

Given the facts, the Commission must then make conclusions based on the findings of fact and



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issue a decision on the site plan. If denying the site plan, the word “approves” in the resolving clause below should be replaced with “denies”. Sample language:

“I move to adopt the following resolution:

Whereas, The Planning Commission, in the matter of special land use permit no. SLU24002, made certain findings of fact; and

Whereas, The Planning Commission reviewed the Site Plan at a duly noticed regular meeting which took place on the 9th day of May 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Site Plan.”

3. (Optional) Impose conditions

If the Commission finds it prudent, the may impose certain conditions on the SLU permit. This may be done by adding another clause to the above resolution. Conditions may only be imposed when they would:

- Ensure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facilities loads caused by the land use or activity;
- Protect the built and natural environment; or
- Ensure compatibility with adjacent uses of land.

Sample language:

“...; and

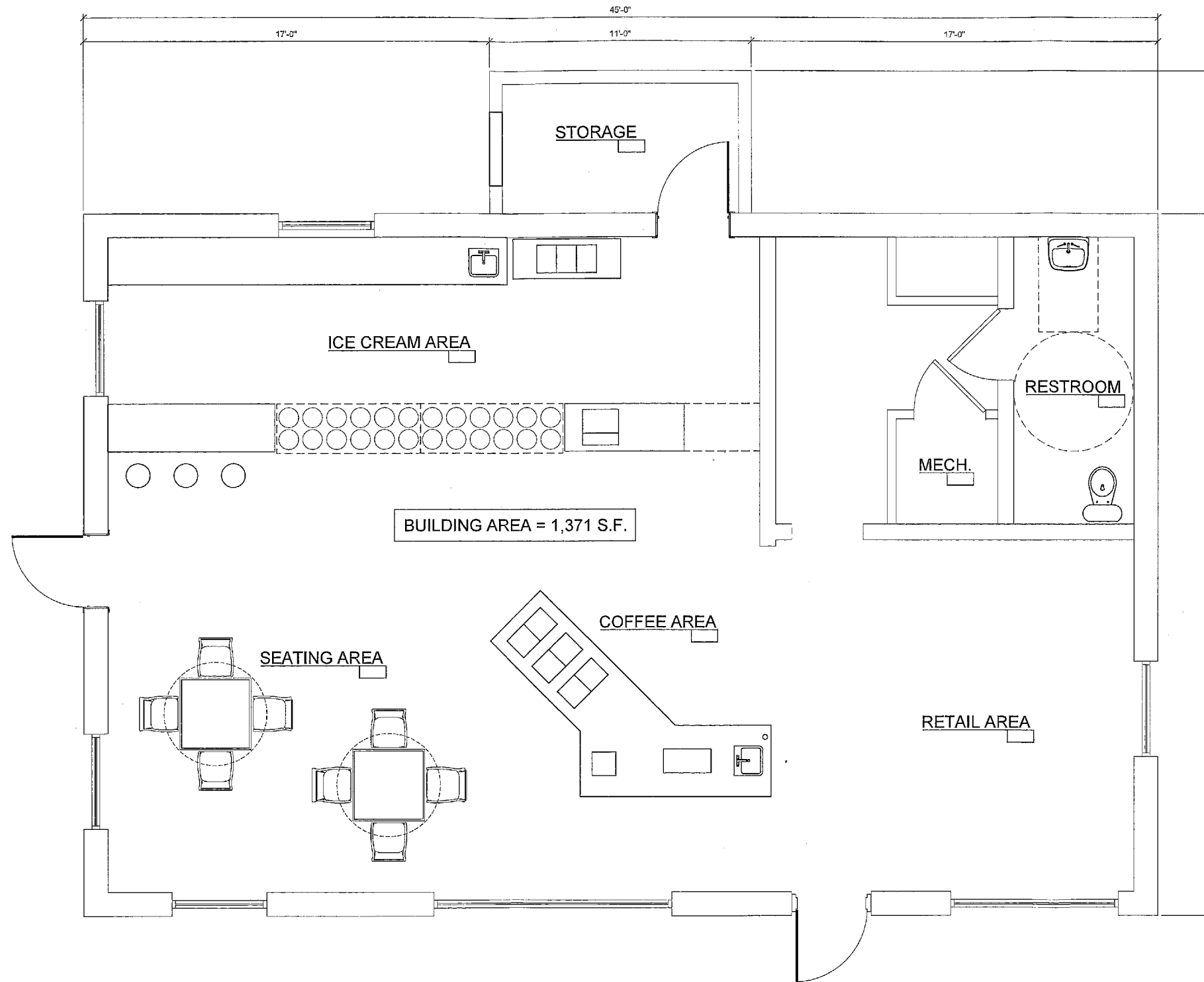
RESOLVED, That the following conditions are imposed:

[Provide numbered list of conditions].”

Attachments

1. Block, D. (2024, March 27). Ice Cream Cafe. (Sheets A1.0, C1.0, and C2.0). [architectural drawings].

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1 PROPOSED FLOOR PLAN
Scale: 3/8"=1'-0"



FOR PLANNING COMMISSION

ICE CREAM, COFFEE AND RETAIL SHOP
ICE CREAM CAFE
 ESCANABA, MI 49829

Project Title
 Date 03-27-2024
 Drawn By DSB
 Checked By DSB

A1.0

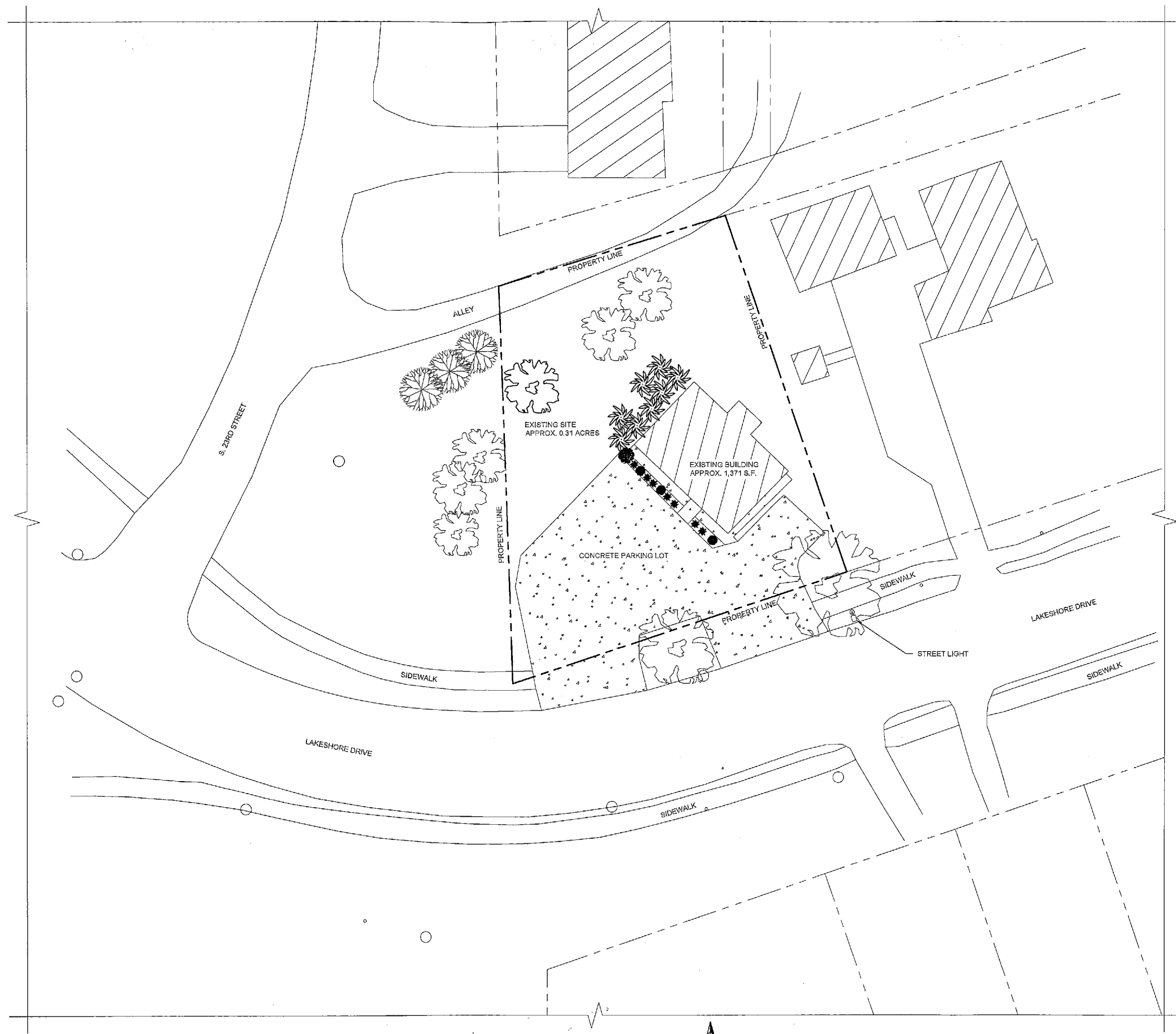
Job No. 00-1000

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 www.ddgi-ddm.com

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1 EXISTING SITE PLAN
Scale: 1" = 20'

FOR PLANNING COMMISSION

ICE CREAM, COFFEE AND RETAIL SHOP
ICE CREAM CAFE
ESCANABA, MI 49829

Project Title
Date 03-27-2024
Drawn By DSB
Checked By DSB

C1.0

Job No. 00-1000

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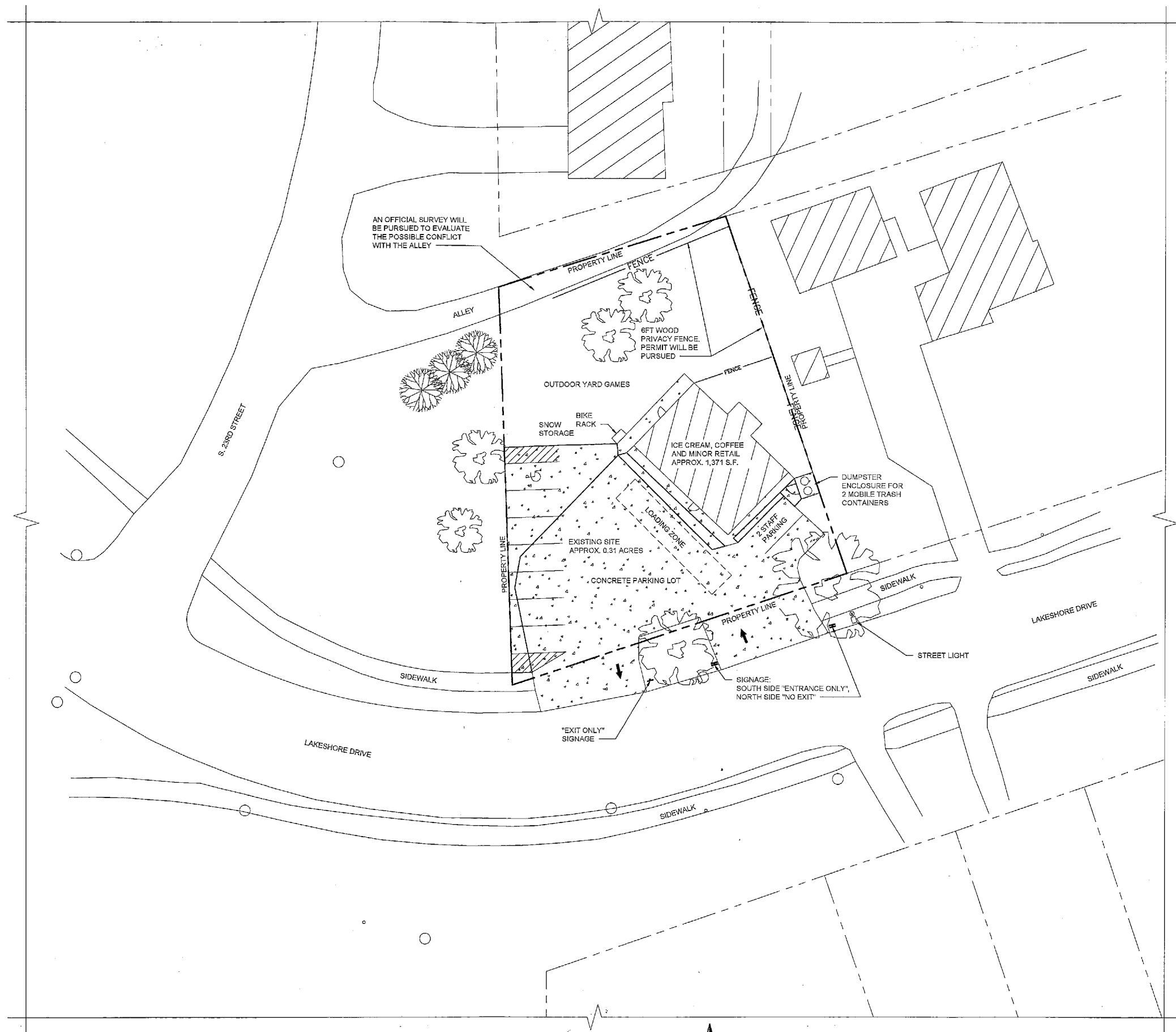
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- NOTES:
1. ZONING: LOCAL BUSINESS DISTRICT "D"
 2. PARKING: 7 CUSTOMER STALLS (1 ADA); 2 EMPLOYEE STALLS.
 3. SIGNAGE:
 - 3.1. BUILDING SIGNAGE WILL BE PLACED ON THE FRONT OF THE BUILDING SIMILAR TO THE CURRENT SIGNAGE. A PERMIT WILL BE PURSUED.
 - 3.2. TRAFFIC DIRECTIONAL SIGNAGE WILL BE PLACED TO DEFINE THE IN AND OUT APPROACHES.
 4. FUTURE DEVELOPMENT:
 - 4.1. AN 8FT DEEP COVERED PORCH ALONG THE FRONT AND/OR NORTH SIDE OF THE BUILDING MAY BE PURSUED IN THE NEAR FUTURE.



AN OFFICIAL SURVEY WILL BE PURSUED TO EVALUATE THE POSSIBLE CONFLICT WITH THE ALLEY

1 PROPOSED SITE PLAN
Scale: 1" = 20'



REVISION	DATE

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FOR PLANNING COMMISSION

ICE CREAM, COFFEE AND RETAIL SHOP
ICE CREAM CAFE
ESCANABA, MI 49829

Project Title: ICE CREAM, COFFEE AND RETAIL SHOP
Date: 03-27-2024
Drawn By: DSB
Checked By: DSB

C2.0

Job No. 00-1000

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AGENDA ITEM REPORT Thursday, May 9, 2024, 6:00 PM

NB2: First Reading, Battery Energy Storage Systems Ordinance

The Commission will review a proposed amendment to the Zoning Ordinance related to the regulation of utility-scale battery energy storage systems.

Background

On November 28, 2023, the State enacted PA 233 of 2023 which provides siting authority to the Michigan Public Service Commission (MPSC) for utility-scale wind, solar, and energy storage facilities under certain conditions. The process laid out in this act supersedes local zoning under certain conditions, and it will become effective on November 29, 2024.

The siting process created in PA 233 applies to solar facilities with a capacity of 50 MW or more, wind facilities with a capacity of 100 MW or more, and energy storage facilities with a capacity of 50 MW or more with a discharge capability of 200 MWh or more.

Under PA 233, an entity may file an application with the MPSC under the following conditions:

- When a local unit of government requests the MPSC to require an electric provider or independent power producer to file an application for a certificate with the Commission under Section 222(2) of Act 233,
- When a local unit of government does not have a compatible renewable energy ordinance (CREO),
- When a local unit of government fails to approve or deny the request in a timely manner,
- When a local unit of government denies an application that complies with the requirements of Section 226 of Act 233, or
- When a local unit of government amends its zoning ordinance after notice of a compatible renewable energy ordinance and the amendment imposes additional requirements on the development of energy facilities that are more restrictive than those in Section 226(8) of Act 233.

PA 233 does not take away control from local landowners. Participating or not participating in a renewable energy or energy storage project is a decision for individual landowners. MPSC approval of a siting certificate under PA 233 does not confer the power of eminent domain or require landowners to participate against their wishes.

In February and March, the City was approached by at least two companies who were exploring



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potential sites at which to install Battery Energy Storage Systems (BESS). From accounts, they would not exceed 30 MW of capacity. Given the recent changes to renewable energy siting laws, City administration felt that it was best to explore adoption of a CREO as an amendment to the Zoning Ordinance (ZO). This way, the City would be prepared for this new type of use, rather than finding ourselves left behind – even if any projects fell below the 50-MW threshold.

Analysis

The presented draft is based upon a sample BESS ordinance, provided to and customized for the City by our attorney, Laura Genovich, and company. The staff had made some edits for organization and clarity, and filled in some blanks, but it remains largely unchanged.

The draft ordinance is laid out in six chapters, with Chapters IV-VI being dedicated to the standard savings & conflicting ordinances repealing clauses and the effective date. Chapter I adds the definition of a BESS to the ZO. Here, staff were careful to avoid setting standards inside definitions – a practice which is not recommended.

Chapter II inserts a new section into the ZO titled, “Battery Energy Storage Systems”. It is organized into five subsections. The first offers a means of classifying BESS, since there is a big difference between utility-scale BESS and those which may be used inside a person’s home for backup power or for charging electric vehicles. This classification idea was posed by officials from New York.¹ Subsection 2 requires all BESS to follow all higher laws and industry standards & guidelines. It also separates out utility-scale BESS – known as Tier 2 BESS – as land uses which require Special Land Use (SLU) permits.

In subsection 3, we see a full list of requirements for any Tier 2 BESS SLU permit application. This includes proof that the proposed BESS will be allowed to connect to the power grid, that the proposed BESS will meet all industrial & environmental requirements, that the City will not be held responsible for any costs or liabilities related to the proposed BESS, and so on.

Subsection 4 lays out all system and location requirements for a BESS which falls below 50 MW of capacity. Included are minimum standards for lot size, setbacks, screening, security fencing, and so on. It also includes maximum allowed lot coverage, lighting standards, and noise levels. The 50’ setback provides a reasonable buffer between the BESS and other properties in case

1 NYSERDA. (n.d.). Battery Energy Storage System Guidebook for Local Governments. In *Battery Energy Storage System Model Law*. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Siting/model-law.pdf>



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of fires; incident rates of such problems are at about 2.9% for utility-scale systems.² Setbacks for BESS commonly range from 50' to 150'; since there is interest in using lots in the Whitetail Industrial Park, where lots are meagerly sized, staff have erred on the smaller side. Noise levels from the BESS – which are mainly produced by inverters, transformers, and HVAC systems – are to be limited at 55 dB, A-weighted scale, over any period of time. For comparison, a normal conversation measures at about 60 dB.

Subsection 5 relates exclusively to those BESS that weigh in at more than 50 MW. Since that is the threshold for MPSC involvement, the standards here are regulated strictly by PA 233.

All said, this draft ordinance is a reasonable approach to a new issue for Michigan communities. If the Commission does not take up this issue, Escanaba will be left to play catch-up again in the future – the same as we did when the City declined to take up marihuana establishments.

Recommendations

1. Approve the draft ordinance

If the Commission is so inclined, they may offer their approval of the draft ordinance.

Sample language:

“I move to approve the draft ordinance.”

2. Recommend changes to the draft ordinance

Otherwise, the Commission may recommend any number of changes to the draft ordinance.

Sample language:

“I move to recommend the following changes to the draft ordinance: [provide numbered list of changes].”

3. Reject the draft ordinance

Finally, if there is too much to realistically change in the draft ordinance, the Commission may simply reject it. In this case, the Commission may also recommend another course of action after their rejection. Sample language:

“I move to reject the draft ordinance.”

Attachments

1. Battery Energy Storage Systems Ordinance of 2024. (2024).

2 Twitchell, J., Powell, D., & Paiss, M. (2023). *Energy storage in local zoning ordinances*. <https://doi.org/10.2172/2204502>

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ORDINANCE NO. _____

THE BATTERY ENERGY STORAGE SYSTEMS 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 provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems, to ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems, to mitigate the impacts of battery energy storage systems on environmental resources, and to guide further growth and diversity of the City’s economy, NOW THEREFORE, THE PEOPLE OF THE CITY OF ESCANABA HEREBY ORDAIN:

CHAPTER I

ADD DEFINITIONS TO CHAPTER 1

Chapter 1 of the Zoning Ordinance, Section 111, is amended by adding the following definitions, which will be placed so that all definitions are in alphabetical order:

BESS means a Battery Energy Storage System, more completely described as one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

CHAPTER II

ADD NEW SECTION TO CHAPTER 2

Chapter 2 of the Zoning Ordinance is amended by adding a new section, numbered 207 and titled “Battery Energy Storage Systems”, with the former section 207 and subsequent

24 *sections renumbered to accommodate the new section. This section reads in its entirety as*
25 *follows:*

26 Section 207. Battery Energy Storage Systems

27 (1) Classification. A BESS is classified as either Tier 1 or Tier 2 as follows:

28 A. Tier 1 BESS have an aggregate energy capacity less than or equal to 600kWh.

29 B. Tier 2 BESS have an aggregate energy capacity greater than 600kWh.

30 (2) General Provisions. All BESS are subject to the following requirements:

31 A. All BESS must conform to the provisions of this Ordinance and all county, state,
32 and federal regulations and safety requirements, including applicable building
33 codes, applicable industry standards, and NFPA 855 “Standard for the Installation
34 of Stationary Energy Storage Systems.”

35 B. Tier 2 BESS are permitted in the City as a special land use in the following zoning
36 districts:

37 i. F

38 ii. F-1

39 iii. G

40 C. The Planning Commission may revoke any approvals for, and require the removal
41 of, any Tier 2 BESS that does not comply with this Section.

42 (3) Application Requirements. The applicant for a Tier 2 BESS must provide the City with
43 all of the following:

44 A. Application fee in an amount set by resolution of the City Council.

45 B. A list of all parcel numbers that will be used by the BESS; documentation
46 establishing ownership of each parcel; and any lease agreements, easements, or

- 47 purchase agreements for the subject parcels.
- 48 C. An operations agreement setting forth the operations parameters, the name and
49 contact information of the operator, the applicant's inspection protocol, emergency
50 procedures, and general safety documentation.
- 51 D. Current photographs of the subject property.
- 52 E. A site plan that includes all proposed structures and the location of all equipment,
53 as well as all setbacks, the location of property lines, signage, fences, greenbelts
54 and screening, drain tiles, easements, floodplains, bodies of water, proposed access
55 routes, and road right of ways. The site plan must be drawn to scale and must
56 indicate how the BESS will be connected to the power grid.
- 57 F. A copy of the applicant's power purchase agreement or other written agreement
58 with an electric utility showing approval of an interconnection with the proposed
59 BESS.
- 60 G. A written plan for maintaining the subject property, including a plan for
61 maintaining and inspecting drain tiles and addressing stormwater management,
62 which is subject to the City's review and approval.
- 63 H. A decommissioning and land reclamation plan describing the actions to be taken
64 following the abandonment or discontinuation of the BESS, including evidence of
65 proposed commitments with property owners to ensure proper final reclamation,
66 repairs to roads, and other steps necessary to fully remove the BESS and restore the
67 subject parcels, which is subject to the City's review and approval.
- 68 I. Financial security that meets the requirements of this Section, which is subject to
69 the City's review and approval.

70 J. A plan for resolving complaints from the public or other property owners
71 concerning the construction and operation of the BESS, which is subject to the
72 City's review and approval.

73 K. A plan for managing any hazardous waste, which is subject to the City's review
74 and approval.

75 L. A transportation plan for construction and operation phases, including any
76 applicable agreements with the Delta County Road Commission and Michigan
77 Department of Transportation, which is subject to the City's review and approval.

78 M. An attestation that the applicant will indemnify and hold the City harmless from
79 any costs or liability arising from the approval, installation, construction,
80 maintenance, use, repair, or removal of the BESS, which is subject to the City's
81 review and approval.

82 N. Proof of environmental compliance, including compliance with Part 31, Water
83 Resources Protection, of the Natural Resources and Environmental Protection Act;
84 (MCL 324.3101 *et seq.*); Part 91, Soil Erosion and Sedimentation Control (MCL
85 324.9101 *et seq.*) and any corresponding County ordinances; Part 301, Inland Lakes
86 and Streams (MCL 324.30101 *et seq.*); Part 303, Wetlands (MCL 324.30301 *et*
87 *seq.*); Part 365, Endangered Species Protection (MCL 324.36501 *et seq.*); and any
88 other applicable laws and rules in force at the time the application is considered by
89 the City.

90 O. Any additional information or documentation requested by the City.

91 (4) System and Location Requirements.

92 A. Minimum Acreage. BESS must be located on parcels of land one (1) acre in size

93 or larger.

94 B. Lot Area Coverage. No more than 50% of the total lot area may be covered by a
95 BESS.

96 C. Setbacks. BESS must be set back at least 50 feet from all lot lines, as measured
97 from the edge of the perimeter fencing. If a single BESS is located on more than
98 one lot, then the setbacks of this subsection do not apply to the lot lines shared by
99 those lots.

100 D. Screening. Greenbelt screening is required around any BESS and around any
101 equipment associated with the system to obscure, to the greatest extent possible,
102 the BESS from any adjacent residences. The greenbelt must be at least 20 feet wide
103 and consist of shrubbery, trees, or other non-invasive plant species that provide a
104 visual screen. In lieu of a greenbelt, a decorative fence that is at least six (6) feet in
105 height and 50% opaque, and that meets the requirements of this Ordinance
106 applicable to fences, may be used if approved by the Planning Commission.

107 E. Lighting. Lighting of the BESS is limited to the minimum light necessary for safe
108 operation. Illumination from any lighting must not extend beyond the perimeter of
109 the lot(s) used for the BESS. The BESS must not produce any glare that is visible
110 to neighboring lots or to persons traveling on public or private roads.

111 F. Security Fencing. Security fencing must be installed around all electrical
112 equipment related to the BESS. Appropriate warning signs must be posted at safe
113 intervals at the entrance and around the perimeter of the BESS.

114 i. The signage must comply with ANSI Z535 and must include the type of
115 technology associated with the battery energy storage systems, any special

116 hazards associated, the type of suppression system installed in the area of
117 battery energy storage systems, and 24-hour emergency contact information,
118 including reach-back phone number.

119 ii. As required by the NEC, disconnect and other emergency shutoff information
120 must be clearly displayed on a light reflective surface. A clearly visible warning
121 sign concerning voltage must be placed at the base of all pad-mounted
122 transformers and substations.

123 G. Noise. The noise generated by a BESS must not exceed 55 dB(A) L_{max} , as
124 measured at the property line of any adjacent parcel / nearest outer wall of the
125 nearest dwelling located on an adjacent nonparticipating property.

126 H. Underground Transmission. All power transmission or other lines, wires, or
127 conduits from a BESS to any building or other structure must be located
128 underground at a depth that complies with current National Electrical Code
129 standards, except for power switchyards or the area within a substation.

130 I. Drain Tile Inspections. The BESS must be maintained in working condition at all
131 times while in operation. The applicant or operator must inspect all drain tile at
132 least once every three years by means of robotic camera, with the first inspection
133 occurring before the BESS is in operation. The applicant or operator must submit
134 proof of the inspection to the City. The owner or operator must repair any damage
135 or failure of the drain tile within sixty (60) days after discovery and submit proof
136 of the repair to the City. The City is entitled, but not required, to have a
137 representative present at each inspection or to conduct an independent inspection.

138 J. Insurance. The applicant or operator will maintain property/casualty insurance and

139 general commercial liability insurance in an amount of at least \$5 million per
140 occurrence.

141 K. Permits. All required county, state, and federal permits must be obtained before
142 the BESS begins operating.

143 L. Decommissioning. If a BESS is abandoned or otherwise nonoperational for a
144 period of one year, the property owner or the operator must notify the City and must
145 remove the system within six (6) months after the date of abandonment. Removal
146 requires receipt of a demolition permit from the Building Official and full
147 restoration of the site to the satisfaction of the Zoning Administrator. The site must
148 be filled and covered with top soil and restored to a state compatible with the
149 surrounding vegetation. The requirements of this subsection also apply to a BESS
150 that is never fully completed or operational if construction has been halted for a
151 period of one (1) year.

152 M. Financial Security. To ensure proper decommissioning of a BESS upon
153 abandonment, the applicant must post financial security in the form of a security
154 bond, escrow payment, or irrevocable letter of credit in an amount equal to 125%
155 of the total estimated cost of decommissioning, code enforcement, and reclamation,
156 which cost estimate must be approved by the City. The operator and the City will
157 review the amount of the financial security every two (2) years to ensure that the
158 amount remains adequate. This financial security must be posted within fifteen
159 (15) business days after approval of the special land use application.

160 N. Extraordinary Events. If the BESS experiences a failure, fire, leakage of hazardous
161 materials, personal injury, or other extraordinary or catastrophic event, the

162 applicant or operator must notify the City within 24 hours.

163 O. Annual Report. The applicant or operator must submit a report on or before January

164 1 of each year that includes all of the following:

165 i. Current proof of insurance;

166 ii. Verification of financial security; and

167 iii. A summary of all complaints, complaint resolutions, and extraordinary events.

168 P. Inspections. The City may inspect a BESS at any time by providing 24 hours

169 advance notice to the applicant or operator.

170 Q. Transferability. A special land use permit for a BESS is transferable to a new

171 owner. The new owner must register its name and business address with the City

172 and must comply with this Ordinance and all approvals and conditions issued by

173 the City.

174 R. Remedies. If an applicant or operator fails to comply with this Ordinance, the City,

175 in addition to any other remedy under this Ordinance, may revoke the special land

176 use permit and site plan approval after giving the applicant or operator notice and

177 an opportunity to be heard. Additionally, the City may pursue any legal or equitable

178 action to abate a violation and recover any and all costs, including the City's actual

179 attorney fees and costs.

180 (5) BESS under PA 233. On or after November 29, 2024, if PA 233 of 2023 is in effect,

181 then the following provisions apply to BESS with a nameplate capacity of 50 megawatts

182 or more and an energy discharge capability of 200 megawatt hours of more. To the extent

183 these provisions conflict with the provisions in Subsections 1-3 above, these provisions

184 control as to such BESS. This subsection does not apply if PA 233 of 2023 does not take

185 effect.

186 A. Setbacks. BESS must be set back at least 50 feet from all lot lines, as measured
187 from the edge of the perimeter fencing. If a single BESS is located on more than
188 one lot, then the setbacks of this subsection do not apply to the lot lines shared by
189 those lots.

190 B. Installation. The BESS must comply with the version of NFPA 855 “Standard for
191 the Installation of Stationary Energy Storage Systems” in effect on the effective
192 date of the amendatory act that added this section or any applicable successor
193 standard.

194 C. Noise. The noise generated by a BESS must not exceed 55 dB(A) L_{max} , as
195 measured at the property line of any adjacent parcel / nearest outer wall of the
196 nearest dwelling located on an adjacent nonparticipating property.

197 D. Lighting. The BESS must implement dark sky-friendly lighting solutions.

198 E. Environmental Regulations. The BESS must comply with applicable state or
199 federal environmental regulations.

200 F. Host community agreement. The applicant must enter into a host community
201 agreement with the City. The host community agreement must require that, upon
202 commencement of any operation, the BESS owner must pay the City \$2,000.00 per
203 megawatt of nameplate capacity. The payment must be used as determined by the
204 City for police, fire, public safety, or other infrastructure, or for other projects as
205 agreed to by the local unit and the applicant.

206 **CHAPTER III**

207 **AMEND SECTIONS IN CHAPTERS 13, 14, AND 15**

208 *Chapters 13, 14, and 15 of the Zoning Ordinance, Sections 1303, 1403, and 1503*
209 *respectively, are amended to add the following use, which will be placed so that all uses*
210 *are in alphabetical order:*

211 (1) Tier 2 BESS.

212 **CHAPTER IV**

213 **SAVINGS CLAUSE**

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

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

220 **CHAPTER V**

221 **CONFLICTING ORDINANCES REPEALING CLAUSE**

222 All other Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to
223 the extent necessary to give this ordinance full force and effect.

224 **CHAPTER VI**

225 **EFFECTIVE DATE**

226 This Ordinance must be in full force and effect ten (10) days after its passage and
227 publication. APPROVED:

228 _____

229 Laura Genovich, City Attorney

230 Ordinance No. _____

231 Date Approved: _____

232 Date Published: _____

233 APPROVED:

234 _____

235 Mark Ammel, Mayor

236 ATTEST:

237 _____

238 Phil DeMay, City Clerk

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

247

248

Phil DeMay, City Clerk