



Planning Commission
Annual Report
2022

INTRODUCTION

The [Michigan Planning Enabling Act](#) (MPEA) allows for the establishment of local Planning Commissions, Master Plans, and other associated activities. The City of Escanaba’s Planning Commission is established in the city code of ordinances in Chapter 21, Article II and consists of 7 members. The Planning Commission is responsible for:

- Developing the community’s Master Plan which provides a framework for orderly growth and redevelopment.
- Creating a zoning ordinance to translate master planning goals to land use regulations.
- Reviewing and approving development requests.
- Drafting a capital improvements plan.
- Studying special topics or conducting other special projects as requested by the governing body.

MEMBERSHIP

Planning Commission members for this reporting period were:

Seat	Name	Member Since	Term Exp.	Attendance		Training Hours Logged (4 required)
1	David Mason	9/2/2021	6/01/2024	10/13	(77%)	1
2	James Hellermann, Chair	1/13/2014	6/01/2024	13/13	(100%)	1
3	Tyler Anthony	12/16/2021	Resigned 9/8/22	9/10	(90%)	2
	Kelli VanGinhoven	12/01/2022	6/01/2025	1/1	(100%)	0
4	Richard Clark	1/19/2017	6/01/2022	3/5	(60%)	2
	Roy Webber	6/09/2022	6/01/2025	7/8	(88%)	0
5	Nevin Naser	1/07/2021	6/01/2023	8/13	(62%)	1
6	Dominic Benetti, Secretary	2/01/2018	6/01/2023	8/13	(62%)	0
7	Mark Hannemann	8/06/2020	6/01/2025	10/13	(77%)	2.5

MEETINGS

The MPEA requires that local Planning Commissions meet at least four times a year. The Planning Commission meets regularly on the second Thursday of each month and held 12 regular meetings and 1 special meeting this year.

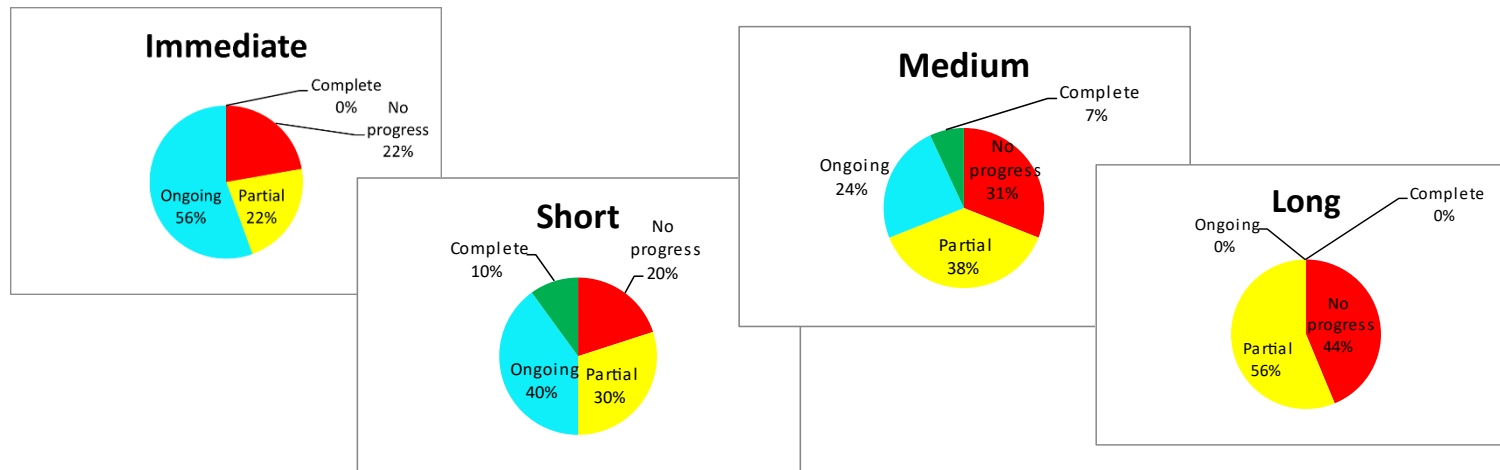
A Joint Meeting with City Council, Planning Commission, Downtown Development Authority, Historic District Commission, and Brownfield Redevelopment Authority took place on February 24, 2022. The agenda included a presentation of the Planning Commission’s Annual Report, a discussion on how to strategically move forward with goals outlined in the Master Plan, and an update on RRC certification progress.

MASTER PLAN REVIEW

The Planning Commission is responsible for regularly reviewing and updating the Master Plan to ensure it continues to be relevant to the community’s needs. The community’s current Master Plan was adopted in 2016. The MPEA requires that a formal review (and update or reaffirmation) occur at least every five years. Most recently, the Planning Commission performed a 5-year review in May 2021 and affirmed that the current plan was adequate.

Attached to this report is a matrix outlining all goals, objectives, and actions of the Master Plan. Attempts were made to document progress to date with specific comments from various departments and external groups involved. The following charts summarize completion statuses of the Plan’s 66 action items:

Color	Status	Economy	Housing	Natural Resources	Land Use	Facilities & Services	Recreation	Transport	Total	%
Red	No Progress	9	1	3	0	0	1	6	21	32%
Yellow	Partial Completion	12	3	2	1	0	3	5	25	38%
Green	Complete	1	0	0	0	0	2	0	3	5%
Cyan	Ongoing (no definable completion point)	5	1	0	0	4	6	1	17	26%
	TOTAL ACTION ITEMS	27	5	5	1	4	12	12	66	100%



Meager progress has been reported on several action items in 2022, with three items moving from No Progress to Partial Completion and one item achieving Complete status. The number of actions that have no discernable completion point continues to be problematic. Additionally, the City continues to operate without a strategic plan to achieve these goals in a coordinated way between Council, boards & commissions, departments, and external groups.

ANNUAL MASTER PLAN REVIEW QUESTIONS			
CRITERIA	YES	NO	Comments
Have development patterns changed significantly since the plan was written and adopted?		X	Development patterns have not changed significantly since the plan was written and adopted.
Does the adopted zoning ordinance align with the goals of the plan?		X	Although several zoning district changes were made in 2021 and 2022 to align with the Master Plan, little progress has been made to accomplish these goals overall. Renewed efforts to address these matters will take place in 2023.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	X		<p>The Electric Department has been engaged in consistent efforts to improve reliability and efficiency of electric service and street lighting throughout the City. Construction of a circuit joining multiple distant substations began in Fall 2022, the objective being improvement to service reliability across the City. Over 2021 and 2022, 49 new streetlight poles have been placed throughout Escanaba, including 7 on Loren W. Jenkins Dr., 26 aluminum replacements on Ludington St. (18 of them in 2022), and 16 on various side streets as part of a Council initiative.</p> <p>Public Works also undertook major work in 2022, including the complete roadway replacement of S. 15th St. from 1st Ave. S. to 5th Ave. S.</p> <p>Water/Wastewater is engaged in numerous upgrade projects. Many of W/WW's projects have been spurred on by State requirements, but a great deal of work is necessary due to the age and condition of sections of these systems.</p>
Have there been instances when the Planning Commission or elected body has departed from the plan?	X		While Council's pursuit of the former Delta County Jail site redevelopment holds promise for economic development and the positive reuse of vacant land, it does conflict with the Master Plan. Action Item E6 specifically identifies this property to be developed as waterfront public access. This Action Item references the North Shore Master Plan, which states that "[waterfront development] should be of the proper scale to complement, not compete with the downtown," and that hotels, condominiums, and attached retail space "[do] not appear to be the most appropriate use for waterfront property...".
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	X		While a cohesive effort is certainly absent, many appointed and elected City officials express strong interest in carrying out goals and tasks outlined in the Master Plan.
Does the plan address the location and types of land uses frequently requested?	X		The Plan does address the location and types of land uses frequently requested.
Have there been other studies completed that change the relevancy of the plan?		X	The Five-Year Recreation Plan was last updated in 2021.

CAPITAL IMPROVEMENT PLAN REVIEW

The Planning Commission is responsible for recommending a prioritized Capital Improvement Plan (CIP) to City Council. The CIP ties planning goals to budgetary investments over the next six years.

Annual CIP updates are done in tandem with budgeting processes. Department Heads begin updating existing project information and submitting new project requests in January, then the City Manager, City Controller, and Planning & Zoning Administrator compile, review, and prioritize these requests in February. The Planning Commission reviews a draft CIP in March/April and makes a recommendation to City Council. Finally, Council reviews and adopts the recommended CIP in conjunction with the budget in May.

Listed below are CIP projects which were completed this year:

Department	Project Description
Recreation	Tennis Court Replacement- Ludington Park Rebuilt the Ludington Park Tennis Courts (four courts total). Courts are now able to accommodate both pickleball and tennis.
Water/ Wastewater	Turbidity Meter Replacement Replaced existing turbidity meters (measures suspended solids in liquids) at water plant and integrated with SCADA (supervisory control and data acquisition) system per EPA & state rules and regulations.
Water/ Wastewater	Replace Ludington Street Lift Station Automatic Generator Replaced an existing automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	Effluent/Bypass/ De-Watering Pump Purchased a pump capable of providing capacity requirements (appx. 1.2 million gallons/day) in accordance with the needs of the upcoming WWTP Improvement project. Pump will also double as a by-pass pump in times of sewer repairs, and triple as a de-watering pump for City construction projects in areas of ground water.
Water/ Wastewater	23rd Avenue Lift Station Automatic Generator Purchased and installed an on-site automatic emergency back-up generator to power the lift station during power failures.
Water/ Wastewater	BOD Incubator Replaced an existing unit used for biological testing.
Water/ Wastewater	Locator for Under Ground Pipe/ Cable Purchase a new locator for conducting Miss Dig work.

ZONING ORDINANCE TEXT AMENDMENTS & REZONINGS

Zoning is the legal mechanism which turns planning goals into reality via land use and physical regulations. It is imperative that a community maintain an up-to-date zoning ordinance which aligns with those goals and addresses emerging trends. Throughout the year, the Planning Commission discussed and took action on the following amendments:

Topic	Summary	PC Recommend Date	City Council Approval Date	Ord. #
Zoning Ordinance Amendment: Multiple Chapters	Recommend to City Council for the amendment of multiple chapters. Specifically addressed issues included expanding permitted housing types in various districts, the use of shipping containers, and several other changes throughout the ordinance.	2/10/2022	3/17/2022	1259
Zoning Ordinance Amendment: Adult-Use/ Recreational Marihuana	A motion was made by Webber seconded by Anthony, to remove 9A and 9B on page 6 of the ordinance and defer to council as the regulatory ordinance will govern the hours, BC on page 5 of the ordinance will exclude Zone E-3 from the 100 feet exclusion near one-family residential, microbusiness will be allowed in retail (Zone D, E, E-1, E-2, and E3) and language will be added to the ordinance, an error was found page 5, 8A. An establishment may not be located within 750 feet of an existing public or private K-12 school. The map attached as Exhibit A depicts the areas that are within 700 feet of an existing public or private K-12 school. The 700 feet will be updated to 750 feet.	8/17/2022	9/15/2022	1269
Zoning Map Amendment: Re- Zoning on and adjacent to the N. 30 th St. Corridor.	A motion was made by Webber, seconded by Benetti to recommend to City Council the rezoning of designated properties along the North 30 th Street, 3 rd Avenue North, US Highway 2/41, and Willow Creek Road Corridor—Commercial district as presented. MOTION PASSED unanimously.	11/10/2022	1/5/2023	1272

The Planning Commission is also responsible for making recommendations on rezoning requests. Such requests must align with the master plan’s future land use map. However, no re-zonings that occurred this year.

Based on discussions regarding the need to increase housing options, it has been determined that a mixed-use district would be best suited near-downtown areas, specifically in “Neighborhood enhancement Areas” as indicated in the 2016 Master Plan’s Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district’s purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

DEVELOPMENT APPLICATION REVIEWS

Site plan review is a primary role of the Planning Commission and helps ensure that new development in the community aligns with the zoning ordinance requirements. Prior to Planning Commission review, staff conducts an internal review process as well. Planned Unit Developments (PUDs) have an additional layer of review and approval by City Council.

Project type	Location	Description	Status	Date of Action
Special Land Use	1111 1 st Avenue South (210 South 11 th Street)	Catholic Social Services – Women’s Addiction Recovery Home	Approved Special Land Use Permit for a women’s addiction recovery home.	1/13/2022
Special Land Use	1519 North 26 th Street	North Country Heavy Equipment School – Unconditioned Pole Building	Approved a 7,936 s.f. cold storage building at 1519 North 26 th Street later to be combined with 2927 16 th Avenue North. The metal exterior finish for the entire building has been approved. Landscaping and screening of parking lot from a public way has been waived.	7/14/2022
Special Land Use	201 North Lincoln Road	The Fire Station – Marihuana Retailer	Approved a Special Land Use Permit for a marihuana provisioning center/retailer under the condition that vehicular access to the property be secured.	11/10/2022
Site Plan/ Special Land Use	317 North Lincoln Road	Gram’s Club – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that the site plan be amended to include a sidewalk, that the Commission approved their use of composite board siding, and that exterior lighting be restricted to the property’s boundaries.	12/8/2022
Site Plan/ Special Land Use	421 North Lincoln Road	Higher Love Escanaba – Marihuana Retailer	Approved a Special Land Use for a marihuana provisioning center/retailer, including approval of its proposed site plan. Conditions for the approval were that greenspace and minimum tree requirements are satisfied, and that the Planning Commission waive requirements of sections 205.6.9.8, 205.6.9.9, and 205.6.9.13 with the intention to amend these sections in the future.	12/8/2022
Site Plan	723 Ludington Street	Lake Effect Distillery LLC – Craft Distillery	Approved a site plan for a craft distillery including a tasting room and barrel aging facility. Conditions of the approval included that no ADA-accessible ramp be built in the sidewalk on Ludington Street, that the property spanning the alley be considered a contiguous lot, that the lighting design be amended, that utilities be approved administratively, and that the Planning Commission accepts the accessory building and alternative materials as presented.	12/8/2022

ZONING BOARD OF APPEALS ACTIVITY

The Zoning Board of Appeals (ZBA) is tasked with hearing appeals, zoning ordinance interpretations, and variance requests. The ZBA consists of six members. There are currently no vacancies on the ZBA that need to be filled.

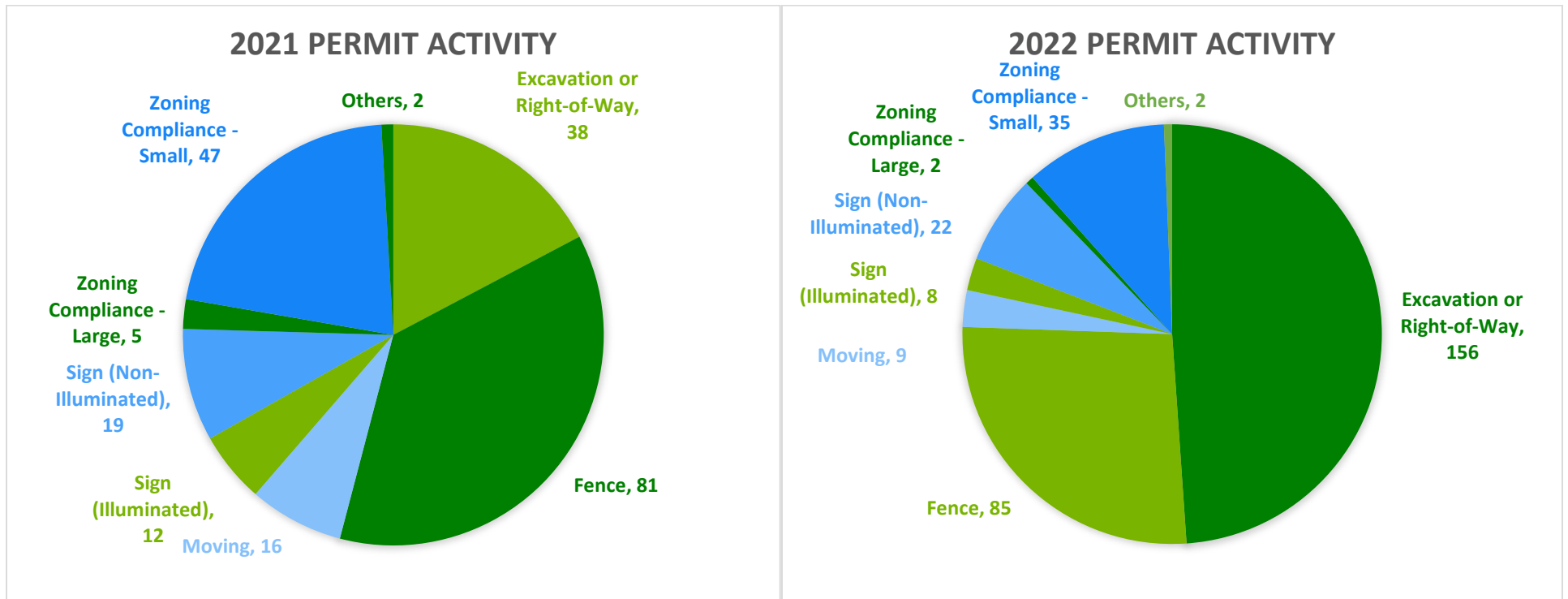
The ZBA meets quarterly on the first Tuesday of January, April, July, and October for regular meetings, and can be called for special meetings between. One regular meeting was held in 2022, in which training and housekeeping business was addressed. There was one appeal, for an interpretation and dimensional variance that was held in 2022.

Appeal Type	Location	Description	Status	Date of Action
Interpretation	949 Sheridan Road	Property owner appealed Zoning Administrator's denial of zoning permit for a shed based on it being in front yard space. Applicant contends it is in side yard space.	A motion was made by Curran, seconded by Liss, to rule that an error <u>was not</u> made by the Zoning Administrator in the interpretation that the shed was built in front yard space of the property and to proceed with Appeal #2 for a variance request.	7/5/2022
Dimensional Variance Request		To request a variance from Section 509.2. to allow accessory structure in front yard space.	A motion was made by Clark seconded by Curran, having satisfied all Standards of Review under Section 305.5, a dimensional variance is granted from Section 509.2. to allow a 10' x 12' accessory structure at 949 Sheridan Road, to be located in front yard space along 10 th Avenue North.	7/5/2022

PERMIT ACTIVITY

While large-scale zoning permits and Special Land Uses are reviewed as site plans by the Planning Commission, the Zoning Administrator is authorized to review and make decisions on most small-scale zoning permits, fence permits, and sign permits. Following is a summary of all land use permit activity for the year.

Permit Type	# Approved	Fees Collected	# Denied	Reasons for Denial
Zoning – Large	3	\$500	N/A	N/A
Zoning – Marihuana	2	\$1,000	N/A	N/A
Zoning – Small	35	\$1,310	1	Proposed porch didn't meet the 25' front setback.
Fence	85	\$3,120	1	Proposed fence was not constructed of new materials or painted, stained, or preserved in a manner to maintain the fence in good structural condition. The application was incomplete, a complete application is required to process the permit request.
Sign	30	\$1,200	1	Proposed sign copy area exceeds the allowed maximum. Previous wall sign was over the allowed maximum and had no permit on file.
TOTALS	155	\$7,130	3	



ZONING VIOLATIONS

Enforcement of the zoning ordinance is critical to maintaining the integrity of the adopted ordinances. It is intended that most violations are handled through a simple owner notification, followed by a voluntary plan to bring the violation into compliance. Serious infractions or prolonged non-compliance may be enforced with municipal civil infraction citations.

Following is a summary of zoning ordinance enforcement cases for the year:

Type	Open	Closed	TOTAL
Easement Encroachment	2	0	2
Fence	4	1	5
Sign	4	2	6
Zoning	9	2	11
Excavation	0	0	0
TOTAL	19	5	24

Citations Issued – 9
District Court Hearings – 0

Sign Ordinance Enforcement:

It has become evident that many signs throughout the city have been installed without a sign permit. With a permit, a sign would be considered legal nonconforming (“grandfathered in”), giving it legal right to continue as approved in the permit even if it did not meet current ordinance regulations. However, without a valid permit on file, a sign cannot be confirmed legal nonconforming (“grandfathered in”), and instead would be considered a violation, meaning enforcement action must be used to bring the sign into compliance with current ordinances through the permit process, or be removed.

Recognizing that:

- Some signs have existed in a state of violation for quite some time;
- The city has not consistently identified nor taken enforcement action on these types of violations in the past;
- The city wants to protect its right to enforce its sign ordinance in the future while continuing to move signs into greater compliance with current ordinances;

An amnesty policy/plan was approved by City Council in 2022 to allow for a grace period to get existing signs (including the re-facing of existing sign structures) permitted and legally protected, within certain parameters. It is anticipated this process will take 12-24 months, after which full enforcement of the sign ordinance will occur.

PUBLIC ENGAGEMENT

Redevelopment Ready Communities Best Practice 1.4 includes an annual summary of public engagement activity in the community, guided by the community's goals and tools outlined in an adopted Public Participation Plan; The City of Escanaba's Public Participation Plan was last updated and adopted in February 2020.

Planning Commission Public Engagement	Jan. 13	Feb. 10	Mar. 10	Apr. 14	May 12	Jun. 9	Jul. 14	Jul. 27	Aug. 17	Sep. 8	Oct. 13	Nov 10.	Dec. 8	Total
Attendance by General Public <small>(not part of commission, staff, or applicants)</small>	3	2	2	0	1	2	5	8	15	0	5	9	11	63
Public Comment on Agenda Items	0	0	0	0	0	0	4	4	0	1	1	1	1	12
General Public Comment	1	0	0	0	1	0	2	3	0	0	1	0	1	9
Zoning Ordinance Amendments														
# of Public Hearings	0	1	0	0	0	0	0	0	1	0	0	1	0	3
# of Comments	0	0	0	0	0	0	0	0	5	0	0	2	0	7
Development Projects														
# of Public Hearings	1	0	0	0	0	0	0	0	0	0	0	1	1	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	2	2	4
Other Public Hearings														
# of Public Hearings	0	0	1	0	0	0	0	0	0	0	0	0	2	3
# of Comments	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TRAININGS RELATED TO PLANNING, ZONING, AND DEVELOPMENT

GOALS AND WORK PLAN – 2022

Below are the goals outlined for 2022 and their status:

2022 Goals	Status
<p>1. Create a mixed-use district for the near-downtown areas, including zoning ordinance text and re-zoning of parcels to form the district boundaries.</p>	<p>No Progress. Long-term planning & zoning projects were put on hold after Roxanne Spencer, the previous P&Z Administrator, left the position in spring.</p>
<p>2. Continue to amend the Zoning Ordinance in small portions to address the 2019 Zoning Audit findings and to continue to improve the clarity, organization, and user-friendliness of it. If funding is made available in the budget, begin the process of hiring a consultant to assist in doing a complete overhaul.</p>	<p>On Hold. Due to budgetary concerns. Instead, recommendations for amendments have been handled internally in smaller portions at a slower pace until funding is made available.</p>
<p>3. Revisit the Sidewalk Infill Plan with City Council to improve walkability throughout the city.</p>	<p>On Hold. A Public Hearing by City Council was held in July 2020, but the project was put on hold due to economic concerns and the COVID-19 pandemic. The Planning Commission requested that approval be made to commence implementation of the plan within the next six months.</p> <p>City Council voted to postpone the sidewalk infill plan until further information was gathered from the Public Works Department and legal advice was obtained to determine if they could add a clause to the current recommendation of the ordinance.</p>

GOALS AND WORK PLAN - 2023

Bearing in mind the difficulties which fell on the Planning & Zoning Department in 2022, a productive schedule is planned for 2023.

1. Continued Zoning Ordinance Amendment

Amendments which should be undertaken include the following topics:

- Improvement and better integration of marihuana-related language into appropriate sections.
- Revision of setback and area requirements the Central Commercial District (E3).
- Optimization of Chapters 17-20 (Parking and Circulation Requirements, Site Plan and Sketch Plan Standards, Development Standards, Signs).

2. Create a Mixed-Use District

This zone should be for near-downtown areas, specifically in “Neighborhood Enhancement Areas” as indicated in the 2016 Master Plan’s Map 13. Tasks which would help achieve this goal include:

- Seek public engagement to further develop the new district’s purpose and requirements.
- Amend the Zoning Ordinance and Map with new zoning district text and boundaries.

3. Conduct Review of Mater Plan

Commissioners and staff alike have expressed interest in performing another review of the Master Plan, which was last evaluated in 2021. The intent of this action is to make the plan more user-friendly and better define goals & action items.

4. Undertake “Placemaking” Asset Inventory and Assessment

Identified in Action Item E4 of the Master Plan. Preliminary work should be done to establish how to determine placemaking standards and concepts.