

**PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
JUNE 11, 2013**

A regular meeting of the Escanaba Planning Commission was held on Tuesday, June 11, 2013, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairperson Tom Warstler, Secretary Roy Webber, Commissioners Brian Black, Kel Smyth and Christine Williams

ALSO PRESENT: City Manager Jim O'Toole and Confidential Secretary Amy Peltin

ABSENT: Vice Chairperson Patrick Connor and Commissioner Todd Milkiewicz

Chairperson Tom Warstler called the meeting to order at 6:01 p.m.

Roll Call

Secretary Roy Webber conducted the roll call.

Approval/Correction of the May 9th, 2013, Planning Commission Meeting Minutes

A motion was made by Secretary Roy Webber, seconded by Commissioner Brian Black, to approve the May 9, 2013, Meeting Minutes. Ayes were unanimous.

Approval/Adjustments to the Agenda

A motion was made by Secretary Roy Webber, seconded by Commissioner Brian Black, to approve the meeting agenda. Ayes were unanimous.

Conflict of Interest Declarations

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

O'Reilly Automotive Stores, Inc. Site Plan – 521 North Lincoln Road

City Manager O'Toole stated a site plan review is being done in accordance with 1801.3 of the Escanaba Zoning Ordinance. A site plan hearing on a proposed 7,735 s.f. retail store being proposed by O'Reilly Automotive Stores, Inc., of Springfield, MO.

Mr. O'Toole indicated this project is a proposed building located at the former Northern Buffet commonly referred to as the Northern Buffet Real Estate between Taco Bell and McDonald's. Site plan is in accordance with the City's Zoning Ordinance. The zoning at the location is Light Manufacturing "F". This is an allowable use of the property. Proposed construction site plan diagram complies with Chapter 18 Site Plan and Sketch Plan Standards. In accordance with the requirements found in Chapter 18 a pre-application conference was conducted with

representatives from O'Reilly on June 24, 2013. All fee and notification requirements have been accommodated.

Site plan approval standards are in compliance.

In regards to unnecessary curb cuts in between the current building and McDonald's, there is a driveway that goes on the south side of the property to a rear property, which is not part of this property. The rear driveway is actually part owned by O'Reilly Automotive and part owned by the Michigan Land Bank. In meeting with MDOT, the developers and the City of Escanaba; every effort possible was made to eliminate curb cuts but by doing so the property would be land locked in the back. It would also have to be figured out how to deal with at the Land Bank in the State of Michigan. The site plan shows no access from the O'Reilly property onto this property. Plans are to pursue the Michigan Land Bank in either trying to get them to sell the property to each business or vacate the property in order to vacate the curb cut ultimately. However, not knowing what is going to go into that back piece of property further complicated things.

Chairperson Warstler asked Mr. O'Toole to explain the Michigan Land Bank. Mr. O'Toole stated the State of Michigan through the years acquired these properties and it was put into a trust, as were many of the driveways including the Wal-Mart driveway at one time. They are held in trust for public use. Within the last two weeks the Michigan Land Bank transferred over to the Michigan State Housing Development Authority and trying to find someone to talk to has been difficult with in the bureaucracy. Every effort is being made to ultimately address the issue and MDOT is on board with the site plan you have before you this evening.

Staff is recommending approval of Site Plan for the following reasons:

- A. The use is a permitted use by right in the zoning district. Additionally, the proposed use is consistent with the surrounding uses of the area.
- B. In accordance with the Comprehensive Plan, Page 31, Goals and Policies, paragraph 2, Land Use, the use of the property will meet the needs of the people of the City and surrounding region, in a manner that will not degrade the existing community character.
- C. Staff is recommending approval of the site plan as submitted with the condition the abandoned water service is terminated at the main.

Mr. O'Toole explained there is a 6" water line coming in off the back site that is going to be abandoned. There was discussion about abandoning it in place; the City of Escanaba wants it abandoned at the main with a new service line coming off of that.

FISCAL IMPACT

The construction value of the building is estimated to be \$556,920. Once the building is built expected City tax revenue is expected to be approximately \$16,614 annually. Eight (8) jobs are being projected.

PUBLIC CONTACT

Notice of Public Hearing was published in the Escanaba Daily Press Newspaper and meeting notices were mailed to the adjacent property owners of the project site within a 300' radius of the affected property as well as being posted on the City website and Facebook.

STANDARDS AND QUESTIONS (FINDINGS OF FACTS):

In accordance with Chapter 18., Site Plan and Sketch Plan Standards, Section 1801 General, paragraph 1801.1. Purpose, the Planning Commission must ensure that the plan outlines the use and development of the property and is designed to provide for the future growth and development of business that seek and aesthetically attractive working environment.

1. Is the development designed to integrate well with adjacent developments?
2. Is the development designed to minimize nuisance impacts on adjoining parcels?
3. Is the development designed to ensure safe and functional traffic access and parking?
4. Is the development designed to minimize impacts on sensitive environmental resources?

One of the things Mr. O'Toole wanted to talk about regarding #2 was the problem that currently exists at the Taco Bell drive thru which has no separation. Under this site plan there will be a physical separation. This will eliminate people cutting through the parking lots. Many people think the Wal-Mart driveway is a public street and it is Wal-Mart's driveway. Over the last two weeks Wal-Mart has been doing some extensive drainage and curbing work on the driveway to fix a problem.

Mr. O'Toole introduced Mr. Nicholas Heatherly who is an engineer representing Esterly Schneider Associates Inc., who have been involved with the design and planning of this project, to come and explain the project with the commission.

Mr. Nicholas Heatherly introduced himself stating he is here representing Craig Schneider, the architect, and their client O'Reilly Automotive. Mr. Heatherly stated what they are proposing for the community is a retail, commercial business, a little over 7700 s.f.. O'Reillys has been in business for a while and anticipates doing well here within the community.

Chairperson Warstler asked in terms of size will this store be similar to the stores in Marinette and Oshkosh. Mr. Heatherly stated they will be very close within a few 100 s.f..

Secretary Webber stated last month the Planning Commission approved an Auto Zone coming in, so with O'Reilly being located where they are proposing, it will be the third auto part dealer within 500+ feet. Secretary Webber questioned if O'Reilly's did a market study before coming here? He also asked if they were aware that an Auto Zone was also coming in?

Mr. Heatherly stated that's what is great about this country is competition. He also stated O'Reilly's is their client and they do not confide in him their business practices. His experience is that O'Reilly's is not afraid of the competition.

Commissioner Williams asked where trash receptacle will be placed and, if it all possible, to incorporate recycling for cardboard. She stated the community recycles and the City of Escanaba has an ordinance that any corporation or residence comply, or at least try and comply with that ordinance. Mr. Heatherly stated he will pass that information along.

Chairperson Warstler asked Mr. O'Toole if in the future the recycling issue can be vetted in the application site plan approval process.

Chairperson Warstler opened to the public for comment and there was none.

Mr. O'Toole asked Mr. Heatherly if there was an estimated time of ground breaking. Mr. Heatherly was not aware of a specific date.

Commissioner Williams asked Mr. O'Toole to explain where the curb is exactly on the diagram, which he indicated on the large digital screen.

Commissioner Warstler asked who utilizes the parking now? Mr. O'Toole believes it is currently used by the McDonald's employees.

Commissioner Black inquired about any consideration of a drive connecting Wal-Mart to McDonald's to minimize going back onto the highway. Mr. O'Toole stated it is in the Corridor Improvement Plan should McDonald's ever come in for re-permitting.

Commissioner Smyth motioned to approve site plan, Mr. O'Toole motioned with conditions as stated by Administration, seconded by Secretary Webber. Ayes were unanimously.

NEW BUSINESS

UPDATE – Central U.P. Micropolitan Economic Development Project

Mr. O'Toole stated on May 21, 2013, himself and City of Marquette's City Manager Bill Vajda traveled to Lansing and met with several state representatives and senators and the Michigan Economic Development Alliance about the possibility of amending the Next Michigan Development Act. The Act was created in 2010 and designated five (5) districts within the State of Michigan, none of which are in the U.P. Mr. O'Toole stated they were lobbying to have the law amended to a new 6th District created specific to the U.P. In doing this, if it does get amended, it would allow the pursuit of that designation and, if successful, access to economical incentives otherwise unavailable or be eligible for. To that end, they met with ten senators and representatives. The following week House Bills were introduced and referred to committee as was a Senate Bill. Copies of such were included in the Planning Commission packets. They were introduced on May 29, 2013, first reading was the same day, and referred to the Commerce Committee for review on the same day. This is very unusual to have it all happen on the same day. If you look at the bills, especially the House Bill 4782, when they walked into this there were two sponsors for this Bill, Representative McBroom and Representative Kivela. The House Bill has a number of co-sponsors and half of these are people they met with. Mr. O'Toole was contacted Friday about the possibility of testifying before the Commerce Committee in Lansing, but this was not possible due to scheduling conflicts. So they are going to try to have the committee hearings in the U.P. being that it is U.P. project. The hearings will take place later this summer and go to vote. They are hoping this is completed by September. Upper MI Source News did a very nice article on the topic, which is included. There was also a nice MERS article about all the State Representatives, either Republic or Democrat, getting together for the good of the home teams here in the U.P. MEDC is onboard.

PROJECT UPDATES:

- a. Zoning Board of Appeals Hearings/Decisions – there was no meeting.
- b. Delta County Planning Commission Update – Mr. Connor was not present.
- c. Ordinance and Policy Review Development – Mr. O'Toole stated he has not been working on that with the onslaught of projects in the spring and early summer, it will be picking up at a later date.

- d. Zoning/Land Use Permit Update – three new residential homes, nine residential remodels, six new commercial, three commercial remodels, two changes of uses, and one home occupation. Construction value of \$2,570,952. One garage was demolished and one was moved. One storage unit was built.
- e. Various – there is a Special Planning Commission Meeting scheduled for June 24, 2013, at 6:00 p.m. On the agenda will be a site plan approval for Bell's Brewery. In addition, there will be a site plan review for OSF St. Francis who is proposing a new medical office building rehabilitation center on 400 Willow Creek Road. Chairperson Warstler asked where is that in relation to the existing hospital? Mr. O'Toole indicated it would be the next lot north (going towards Ludington).

The assisted living/Alzheimer's unit is understood to be given back to Mr. Hawkinson as financing could not be secured.

GENERAL PUBLIC COMMENT

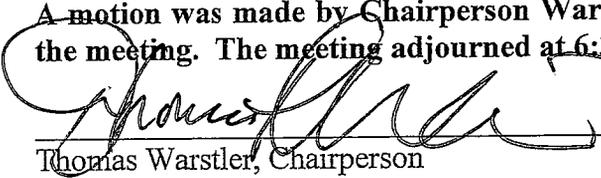
None

COMMISON/STAFF COMMENT AND ANNOUNCEMENTS

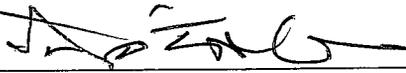
There will not be a July Planning Commission meeting as it is being moved up to June 24, 2013, as it would otherwise be in the heart of the Esky 150 Celebration.

ADJOURMENT

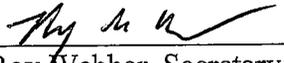
A motion was made by Chairperson Warstler, seconded by Secretary Webber, to adjourn the meeting. The meeting adjourned at 6:30 p.m. Ayes were unanimous.



Thomas Warstler, Chairperson
Escanaba Planning Commission



James V. O'Toole, City Manager
City of Escanaba



Roy Webber, Secretary
Escanaba Planning Commission