

**PLANNING COMMISSION MEETING  
ESCANABA, MICHIGAN  
September 11, 2014**

A meeting of the Escanaba Planning Commission was held on Thursday, September 11, 2014, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

**PRESENT:** Chairperson Thomas Warstler, Vice Chairperson Patrick Connor, Commissioners Todd Milkiewicz, Christine Williams, Kelvin Smyth, James Hellermann, Brian Black, and Stephen Buckbee

**ALSO PRESENT:** City Manager Jim O'Toole, City Council Liaison Ron Beauchamp, Executive Secretary Kim Peterson and project representatives Joe Knauf and Carol Irving

**EXCUSED ABSENT:** Secretary Roy Webber

Chairperson Warstler called the meeting to order at 6:00 p.m.

**Roll Call**

Executive Kim Peterson conducted the roll call.

**Approval/Correction of the August 14, 2014, Planning Commission Meeting Minutes**

Chairperson Warstler noted on Page 5 Commissioner Williams abstained from voting as the meeting minutes reflect she was opposed to the motion for appointing Chairperson Warstler to the Basic Marine subcommittee. Correction was noted.

**A motion was made by Commissioner Black, seconded by Vice Chairperson Connor, to approve the August 14, 2014, Meeting Minutes with noted correction. Ayes were unanimous.**

**Approval/Adjustments to the Agenda**

**A motion was made by Commissioner Hellermann, seconded by Commissioner Williams, to approve the meeting agenda. Ayes were unanimous.**

**Conflict of Interest Declarations**

None.

**UNFINISHED BUSINESS**

None.

**PUBLIC HEARING**

**Special Land Use Permit Request – Joe Knauf- 1401 North 26<sup>th</sup> Street** – City Manager O'Toole stated Mr. Knauf has applied for a Special Land Use Permit to operate an Adult Day Care Facility at property he owns at 1401 North 26<sup>th</sup> Street. Current zoning at the property is Heavy Manufacturing (G) District. The proposed use would be in a building which is already in

existence and used as office space. The building is located on property which is zoned Heavy Manufacturing (G). A Special Land Use Permit is required in that the use is not specific to the uses permitted by right as found in Chapter 15 of Escanaba's Zoning Ordinance. The Planning Commission may authorize principle and other uses not stated provided that such uses are consistent with the intent of Chapter 15 of the Escanaba Zoning Ordinance. The proposed use is and has been for many years being conducted in the office building located next door to this facility. The use is grandfathered in as an existing use. All fee and notification requirements of the Ordinance have been accommodated.

City Manager O'Toole explained the duties of the Planning Commission:

1. In accordance with Section 205 of the Escanaba Zoning Ordinance, a hearing before the Planning Commission must be conducted on the request.
2. In accordance with Section 205.5 Protest. If a protest of the proposed Special Land Use Permit is presented to the Planning Commission at or before the public hearing date on the request and it is properly signed by the owners of at least 20% of the noticed area of land included in the request, excluding publically owned land, or by owners of at least 20% of the area of land included within an area extending out at least 100 feet from any point on the boundary of land included in the request, excluding publicly owned land, then a request for a Special Land Use Permit must be passed only upon an affirmative vote of  $\frac{3}{4}$  of the members of the Planning Commission.
3. Section 1504.1 of the Escanaba Zoning Ordinance specifically states schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use by right is prohibited. The term human care is typically applied to uses that provide health, medical or rehabilitation services to individuals such as hospitals, convalescent homes, nursing homes, rest homes, orphanages or rehabilitation centers. These are facilities that are normally operated and occupied 24 hours a day, 7 days a week. The proposed use does not provide any of these services and is only in use Monday through Friday during the normal business day.

City Manager O'Toole stated staff is recommending approval of the Special Land Use Permit for the following reasons:

- A. The proposed use is being proposed in an already existing building which has been vacant for a considerable amount of time.
- B. The proposed use is an existing use in the building next door and the City has not received any complaints or inquiries about the use.

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. The meeting agenda was posted on the City's official notice bulletin board and the City of Escanaba's website.

Mr. Knauf appeared before the Planning Commission and stated the Peristar building was the former office building of Harnischfeger Complex. The building next door, which is referred to as the annexed building, which was part of the complex when he purchased the property in 1997. This annexed property was updated approximately ten years ago and for many years housed JB Stiches and ProServ up until two years now and has since been vacant. Prospective Adult Day Care, which is a branch of Community Action Agency, helps people with dementia, alzheimer and people come in throughout the day. People are brought in by relatives, friends or the DATA

bus and is a good location. Prospective is looking at the annexed building for more space and possibly purchasing the property versus leasing.

Commissioner Milkiewicz questioned whether the adult day care was currently located in the Penstar building. Mr. Knauf stated yes and the current location is in compliance with the current Zoning Ordinance and this adult day care is the same exact one who would be moving right next door.

Mr. Knauf stated he is the landlord and Community Action Agency runs Perspectives.

Commissioner Black asked if the Special Land Use Permit would make a difference to the building if it was sold or leased. City Manager O'Toole stated the Special Land Use Permit is for the actual use and would transfer if the building was sold or leased. If Prospectives was to move out, the use would cease to exist under the Special Land Use Permit.

Commissioner Hellermann questioned whether the adult day care needed to obtain a Special Land Use Permit at their current location. City Manager O'Toole stated the adult day care is grandfathered in as it has been there longer than he has been doing zoning.

Chairperson Warstler opened the public hearing up to the citizens and no one appeared.

**A motion was made by Vice Chairperson Connor, seconded by Commissioner Black, to approve the Special Land Use Permit for 1401 North 26<sup>th</sup> Street to operate an Adult Day Care Facility.**

**Roll Call Vote:**

**Ayes: Vice Chairperson Connor, Commissioners Black, Smyth, Buckbee, Williams, Hellermann, Milkiewicz and Chairperson Warstler**

**Nays: None**

**Motion passed unanimously.**

### **PUBLIC COMMENT**

None.

### **NEW BUSINESS**

#### **1. Project Updates:**

- A. Zoning Board of Appeals Hearings/Decisions – No meeting was held.
- B. Michigan (MEDC) Redevelopment Ready Communities Program – A Joint Meeting will be conducted on 09/23/14 with the City Council, Planning Commission, Downtown Development Authority and the Historic District Commission.
- C. Delta County Planning Commission Update – Vice Chairperson Connor stated a meeting was held June 2<sup>nd</sup> and August 4<sup>th</sup> with the discussions being centered on the Garden sawmills.

D. Zoning/Land Use Permit Update – See below:

**ZONING PERMITS REPORT**  
**January 1, 2014 thru September 11, 2014**

3	NEW RESIDENTIAL HOME	\$735,000
31	RESIDENTIAL REMODELS	\$571,640
3	NEW COMMERCIAL	\$830,000
5	COMMERCIAL REMODELS	\$2,142,500
	CHANGE OF USE	\$0
	HOME OCCUPATION	\$0
	LAND USE PERMIT	\$0
2	DEMOLITION PERMIT	\$24,000
	TOTAL	\$4,303,140

E. Various – City Manager O’Toole stated the Basic Marine Subcommittee has met and a draft term sheet of conditions on a possible sale is being put together by the City Attorney and will include milestones.

City Manager O’Toole the Next Michigan Superior Trade Zone was discussed at a Joint Government Meeting yesterday with Delta County, City of Escanaba, City of Gladstone, Marquette County and the City of Marquette. These entities will be filing the articles of incorporation at the end of the month. The City of Escanaba, City of Gladstone, City of Marquette and Marquette County have passed a resolution to be corporate members. Delta County is set to pass on their resolution early next week. Townships were asked yesterday to either adopt a resolution as a township to make them a corporate partner or, if they are not interested in going that far, to give a letter of support for the concept itself.

**A motion was made by Commissioner Black, seconded by Commissioner Smyth, to have Chairperson Warstler sign a letter of support on behalf of the Escanaba Planning Commission on the Next Michigan Superior Trade Zone. Ayes were unanimous.**

City Manager O’Toole stated the City applied for funding under the Urgent Needs Grant for last winter’s freezing as the State of Michigan made available \$6 million. The City applied for just under \$300,000 and was notified we will receive \$11,940.72. City Manager O’Toole was on the phone with MEDC to seek an explanation as to why the low amount. MEDC responded because the City did a majority of work in-house we weren’t eligible for reimbursement and we had inventory on hand that was used (which needs to be replaced). If the City would have contracted work out, they would have been reimbursed for all.

**GENERAL PUBLIC COMMENT**

None.

**COMMISON/STAFF COMMENT AND ANNOUNCEMENTS**

None.

**ADJOURMENT**

A motion was made by Vice Chairperson Connor, seconded by Commissioner Hellermann, to adjourn the meeting. The meeting adjourned at 6:23 p.m. Ayes were unanimous.

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Thomas Warstler, Chairperson  
Escanaba Planning Commission

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

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Roy Webber, Secretary  
Escanaba Planning Commission

Date Application Received: 7/20/14

Permit #: 091114-01 Pd. 8/20/14  
\$200.00  
CL #7143

**Application for Special Land Use Permit  
City of Escanaba, Michigan**

Property Owner's Name: \* Joseph Knauf  
Street Address: 1401 N 26th Street  
City: Escanaba State: MI Zip Code: 49829  
Telephone 906-786-3583 x.116 (work) \_\_\_\_\_ (home)  
Email Address: jknauf@dstech.us  
\* If contract purchase, please provide copy of contract

Owner's Representative: Carol Irving  
Street Address: 1401 N 26th Street  
City: Escanaba State: MI Zip Code: 49829  
Telephone: 906-217-2002 Email Address: cirving@dstech.us

Description of Property  
Location (Street Address): 1401 N 26th Street Sheet: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Existing Zoning Classification: Heavy Manufacturing Distr. - G  
Existing Comp. Plan Designation: \_\_\_\_\_  
Total land area to be utilized: .31 Acres See Att'd Plat Survey  
(please provide a recent survey of the subject property)  
Parcel #: 051-420-2824-200-019  
Legal Description: SEC 21 T39N R23W.....

Special Land Use Permit Purpose: The Special Land Use Permit is being requested for the Permit to grant the landowner or lessee the ability to run a business for human care, such as an Adult Day Care Facility on this property.

Names and Add \_\_\_\_\_ (use separate sheet for additional names)  
North: Joseph Knauf  
South: Joseph Knauf  
East: Fair View Estates Traller Court  
West: E&LS Railroad

Certification:  
I certify that the information contained herein is true and accurate:  
Signed: Joseph Knauf Signed: Carol Irving 8/20/14  
Property Owner Applicant, if different from owner

For Staff Use:  
Checklist  
 Adjacent Property Owners  Property Located on Tax Map  PC Public Hearing Date  
 Completed Application  Officers (If Applicable)  Action by PC  
 Fees Paid  Notice of PC Hearing Date  Notification to City Clerk  
 Survey of Property

OFFICE USE ONLY:  
Date Received: 8/20/14 Approved: 9/11/14 Disapproved: \_\_\_\_\_

If application is denied, reason for denial: \_\_\_\_\_

Special requirements of approval: Planning Commission APPROVED.  
Please see ATTACHED MINUTES.

Signature of Administrator: [Signature] Date: 9/12/14



September 11, 2014

The Honorable Rick Snyder  
Michigan Governor  
2<sup>nd</sup> Floor Romney Building  
P. O. Box 30013  
Lansing, MI 48909

Dear Governor Snyder:

The Escanaba Planning Commission would like to express its support for the formation of the Superior Trade Zone.

This newest addition to the Michigan Strategic Fund's Next Michigan Development Corporation consortium will be sure to foster economic growth and job creation throughout the Upper Peninsula. With the Escanaba Planning Commission being focused in land use and community development, the benefits offered by the regional Superior Trade Zone include coordination, marketing, and economic development incentives that are crucial to support business growth and new investment. We particularly value the Corridor's strategic focus on logistics based manufacturing and multi-modal transportation.

Thank you for acknowledging our support of the Superior Trade Zone. We strongly encourage your continued support of formal approval when the application comes before the Michigan Economic Development Corporation (MEDC) Strategic Fund.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Warstler", written over a large, decorative flourish.

Thomas Warstler  
Chairman  
Escanaba Planning Commission

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**Mission Statement:**



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

*The City of Escanaba is an equal opportunity employer and provider*