



**PLANNING COMMISSION
REGULAR MEETING AGENDA
June 11, 2013, at 6:00 p.m.**

*Thomas Warstler, Chairperson
Patrick Connor, Vice-Chairperson
Roy Webber, Secretary
Brian Black, Commissioner
Todd Milkiewicz, Commissioner
Kel Smyth, Commissioner
Christine Williams, Commissioner*

*James V. O'Toole, City Manager
Pete Baker, City Council Liaison*

Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829

Tuesday, June 11, 2013, at 6:00 p.m.

CALL TO ORDER
ROLL CALL
APPROVAL/CORRECTION(S) TO MINUTES – May 9, 2013
APPROVAL/ADJUSTMENTS TO THE AGENDA
CONFLICT OF INTEREST DECLARATION
UNFINISHED BUSINESS – None

PUBLIC HEARING

1. **O'Reilly Automotive Stores, Inc. Site Plan – 521 North Lincoln Road.**
Explanation: The Planning Commission will conduct a site plan hearing on a proposed 7,735 s.f. retail store being proposed by O'Reilly Automotive Stores, Inc., of Springfield, MO.

NEW BUSINESS.

1. **Update – Central U.P. Micropolitan Economic Development Project.**
Explanation: An update will be provided on the progress being made in amending the Next Michigan Development Act for the creation of the Central U.P. Micropolitan Economic Development District.
2. **Project Updates:**
 - a. Zoning Board of Appeals Hearings/Decisions.
 - b. Delta County Planning Commission Update. The Planning Commission will be updated on the activities at the latest Delta County Planning Commission Meeting.
 - c. Ordinance and Policy Review/Development
 - d. Zoning/Land Use Permit Update.
 - e. Various.

GENERAL PUBLIC COMMENT
PRESENTATION:
COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS
ADJOURNMENT

The City of Escanaba will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling City Hall at (906) 786-9402.

Respectfully Submitted,

Thomas Warstler, Chairperson
Planning Commission

**PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
MAY 9, 2013**

A regular meeting of the Escanaba Planning Commission was held on Thursday, May 9, 2013, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairperson Stephen Buckbee, Vice Chairperson Patrick Connor, Boardmembers Tom Warstler, Roy Webber, Todd Milkiewicz, Brian Black and Christine Williams.

ALSO PRESENT: City Manager Jim O'Toole, Executive Secretary Kim Peterson, and Confidential Secretary Amy Peltin

ABSENT: Commissioners Kel Smyth and Brian Moravec.

Chairperson Stephen Buckbee called the meeting to order at 6:01 p.m.

Roll Call

Executive Secretary Kim Peterson conducted the roll call.

Approval/Correction of the March 14, 2013, Planning Commission Meeting Minutes

Commissioner Black stated his name was misspelled in the March 14, 2013 meeting minutes – it was spelled Blake instead of Black.

A motion was made by Chairperson Stephen Buckbee, seconded by Commissioner Tom Warstler, to approve the March 14, 2013, Meeting Minutes with the correction of Brian Black's name. Ayes were unanimous.

Approval/Adjustments to the Agenda

A motion was made by Chairperson Stephen Buckbee, seconded by Commissioner Tom Warstler, to approve the meeting agenda. Ayes were unanimous.

Conflict of Interest Declarations

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

AutoZone Site Plan – 405 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.

Wesley Berlin of Professional Engineering Associates, Project Representative, was present on behalf of AutoZone. Mr. Berlin thanked the staff and the Commissioners in advance for their

consideration of the site plan. He stated he believes they have a very good plan that works well for the City, AutoZone, and makes good use of the site area. All aspects of the site plan meet the City Zoning Ordinance requirements.

Commissioner Williams stated the site plan shows one receptacle for trash which is screened in and asked if there was going to be any sort of recycling as there should be a container for cardboard recycling.

Mr. Berlin indicated that they will be doing recycling and may have the containers located inside the building.

Commissioner Williams felt the garbage area might grow slightly to accommodate the recycling receptacles based on City Ordinance Chapter 14, Solid Waste and Refuse which states businesses will cooperate with recycling and refuse in our area.

Commissioner Williams questioned the proposed vegetation. Her main concern was the types of vegetation that has been chosen. One concern is the density of which they are planted, the soil, and their eventual size.

Mr. Berlin indicated there will be an irrigation system for the landscape and they will be maintaining the property.

Commissioner Webber asked why AutoZone settled with 405 North Lincoln Road and questioned whether there were any other locations they were looking at. The reason Commissioner Webber asked this was immediately south there is almost an identical business and they will be side by side. Commissioner Webber stated if you look at the Standards and Questions (Finding of Facts) asks if the development is designed to integrate well with adjacent developments. He stated he can't say 100% that it would be because the business would be obviously a direct competitor selling the same products. He feels there might be an identity issue where customers come to your business by mistake.

Mr. O'Toole stated it is a use permitted by right so the Planning Commission cannot dictate use and the City doesn't dictate commerce.

Vice Chairperson Connor asked if it was standard not to have fire protection and is a standard practice.

Mr. Berlin and Mr. O'Toole indicated it is standard for a building of this size not to require a sprinkler system.

Vice Chairperson Connor asked if a DEQ permit was obtained for crossing the sewer lines.

Mr. Berlin stated there was a question as to whether they needed to get a MDEQ permit for the storm sewer crossing sanitary line and Mr. O'Toole indicated that has been resolved and no MDEQ permit is needed.

Vice Chairperson Connor asked if the land division application was submitted and approved.

Mr. O'Toole stated it was applied for and the City Assessor has given approval.

Chairperson Buckbee noticed there are front doors and two side doors, but no back entrance on the west side. He questioned whether this met fire code requirements.

Mr. O'Toole stated this meets egress and all requirements as per building code.

Chairman Stephen Buckbee opened the meeting to Public Hearing

Richard Meyer, employee of Advanced Auto Parts which will be AutoZone's neighbor directly to the south. He stated he realizes the Planning Commission does nothing with commerce, but it is a Planning Commission and you would have something to say about stacking businesses that do the same thing on top of each other. Mr. Meyer has concerns on the following:

1. How does AutoZone plan on doing their snow removal? Currently, Advanced Auto Parts snow removal is done by pushing the snow banks up to the front of the lot alongside US2 & 41. Super One directly to the north of Advanced Auto Parts pushes all their snow to the south and builds a 30 foot bank directly to the north.
2. Concerns of water from AutoZone's roof and parking lot as there is already a drainage problem in the parking lot. After a hard rain storm there is a lake that forms in that parking lot at the storm drain which will be located directly west of Advanced Auto Parts. According to AutoZone's site plan, they are going to change the grading of the lot to push more water into our parking lot. Mr. Meyer stated the water goes to the center of Super One's parking lot as there is one large storm drain in the middle of that parking lot. He stated they have watched cars stall out in the parking lot after good hard rain storm from the water being so high.
3. There will be six new parking spots AutoZone plans on putting in because their lot is too small to have an appropriate amount of parking spots for the building per square foot, per City of Escanaba Ordinance. AutoZone is planning on six shared and new parking spots to be put in and will they actually fit at the east side row of parking spots in between that and the existing light pole that's there. The last parking space will be right where the current storm drain is located.
4. AutoZone's loading zone will be located on the south end of the building. When AutoZone brings a semi in to unload, are they going to block off their driveway and their parking lot or are they going to hang out into what they are calling a north and south driving lane on the edge of that parking lot. Mr. Meyer stated if you go to the parking lot and take a look, it is a south only driveway with south facing parking spaces and there are no north facing parking spots. When AutoZone parks their approximate 80' semi, are they going to block off the entire front of their building or are they going to hang out into Northland Center's parking lot, which is Super One's parking lot, through their six shared parking spots. How is the semi going to park and are they going to be a nuisance to Northland Center and make their employee/delivery persons move or are they going to pull in and block off the entire front of their building and trap their customers in their parking lot until trucks are done unloading. Mr. Meyer questioned whether the shared parking, employee parking, and delivery parking will be using the shared parking because AutoZone's lot is too small.
5. Mr. Meyer questioned the effect on other businesses. He stated currently between 11:30 a.m. and 1:30 p.m. is being used by Super One and Pizza Hut customers as this is the area where AutoZone's building will be constructed. Super One also rents out that part of the lot, which is owned by Dial Properties, to a Fireworks Dealer, Christmas Tree Dealer, and a local farmer. A car club also meets there every Tuesday and Thursday.
6. Mr. Meyer states there will be an impact on traffic as he went to MDOT and got the crash statistics, however, the data is too broad to indicate that it is actually just that corner.

- Drivers cut through the parking lot to avoid the light all the time. When people are traveling from the south and try to turn into the first entrance, which they show on their plans as the divided driveway, semi-trucks jump the curb all the time at that entrance.
7. Mr. Meyer has concerns about the types of vegetation around the proposed construction and what kind of upkeep is AutoZone going to be held to because if the 65 spruces are planted, they will run out of room.
 8. Mr. Meyer stated in the Lincoln-Ludington Corridor Management Plan, any new construction will take care of any existing bad curb cuts. So the two-way driveway should be turned in to an “In Only” to southbound traffic because the northbound traffic is already a problem.
 9. Mr. Meyer stated in the Escanaba Master Plan for Economic Development, it states that the Planning Commission can consider whether the use of the property meets the criteria and keeps the economics of the current community up and going. He stated there are currently five car dealerships and four independent auto part stores, so customers have nine places to buy auto parts. He questioned whether it was a really good idea to bring in another auto parts store and there is rumors of another auto parts (O’Reilly Auto Parts) coming to Escanaba.

Mr. O’Toole addressed Mr. Meyer’s concerns.

1. Discussion was held on snow removal and there are minimum green space requirements that are used for snow storage area. Mr. O’Toole stated if their proposed plan is not adequate and it is proven not to be adequate they will be required to haul the snow away.
2. Mr. O’Toole stated there was considerable discussion with the City Engineer and the Wastewater Department on drainage and the storm sewer there is adequate in size. Mr. Berlin stated the current parking lot does drain to the existing catch basin with the amount of grass cover that he is proposing for the site, he anticipates reducing the amount of storm water runoff. Mr. Berlin further stated they are reducing the amount of surface by just over 2% and any impacts to the existing system capacity will only benefit AutoZone.
3. Mr. O’Toole stated there is an agreement with Dial Enterprises for six new parking spots in the shared parking lot. Mr. O’Toole stated he calculated all the minimum parking needs of all the uses on the Dial property and what they currently have are in excess of what they need so AutoZone entered into an agreement for sharing some parking spots.
4. Mr. Berlin stated the loading space size meets the City’s criteria and is not part of the 24’ two-way drive isle and not part of the parking area. The area is 10’ x 80’ and trucks fit on the south end and there is a 4’ loading mechanism.
5. Mr. O’Toole stated it wasn’t a concern for the Planning Commission that various vendors set up in the parking lot area throughout the year as they are doing it by permission of the property owner and will cease to happen.
6. Mr. O’Toole stated when Advanced Auto Parts was built, considerable time was spent designing and eliminating curb cuts on that particular stretch of road and the entrance and exit that is currently there would be between Advanced Auto Parts and AutoZone and was designed to allow a retail use on the property that AutoZone is proposing to build on. This was done in accordance with the Lincoln Road Corridor Management Plan.
7. Vegetation will be planted and it must be maintained, if it is not maintained it will become a zoning violation and orders will be issued for none compliance.

Commissioner Williams questioned the distance from Advanced Auto to AutoZone and Mr. Berlin stated it was 155’.

Mr. Berlin stated a question was raised on whether there would be sufficient room in the parking lot and he believes there is as the parking area is a huge and is more than ample room to add six parking spots.

Commissioner Warstler questioned whether AutoZone would be resurfacing their parking area and Mr. Berlin responded yes as there is a good chance the area will be concrete everywhere, however, bids will be sent out to include asphalt.

Mr. O'Toole stated O'Reilly Parts purchased the Great Northern Buffet and believes they will present their site plan at the June Planning Commission Meeting.

A motion was made by Vice Chairperson Connor, seconded by Commissioner Black, to approve AutoZone's site plan as submitted. Ayes were unanimous.

NEW BUSINESS

Update – 2013-18 Planning Commission Capital Improvement Plan and the Budget

Mr. O'Toole gave an update on the upcoming fiscal year budget and funded capital improvements. The DDA did fund \$15,000 for design services for the Downtown Building Façade Improvement Program. The DDA changed the funding for the Downtown District Corner Street Sign Replacement as the project was going to be over the course of three years and now the entire Ludington Street corridor from Lincoln Road to Beaumeir Way will be completed entirely by July 1, 2013, with costs being under \$18,000. The DDA funded the Commercial Weatherization Optimization Program for \$3,000. Property Acquisition, Purchase and Demolition Program for \$50,000 was in the budget and the DDA is in negotiation with UPPCO to buy their vacated building on Stephenson Avenue for an historic renovation for a year round farmer's market. Power Pole Replacement for \$250,000 was approved. Street Light Replacement for \$100,000 was approved with the advancement of LED street lighting. The unions have agreed to fund and construct a project for Monument to Labor which will go before the Planning Commission for site plan review with the proposed site being Rose Park on the north side near the roundabout and will be part of the Esky 150. The Liberty Tree Project at Veteran's Park and funding is being worked on for putting in a victory garden around the liberty Elm tree that was planted about three years ago and will be part of Esky 150. The Esky 150 Trees and Neighborhood Planting Parties are progressing. The Westside ORV Trail Connector from Escanaba to Hermansville Trail was approved for \$5,000 which is part of a \$240,000 project being done from a State of Michigan Recreational Grant. Downtown National Register of Historic Places to become a local certified government was approved and the DDA and the Historic District Committee is working on such and \$500 that was budgeted is mainly for outreach public meetings. Parking Lot Beautification for the 1200 Block of 1st Avenue North was approved for \$5,000. The Farmer's Market Incubator and Preservation and Upgrade for Engineering Services were approved \$50,000 and a site plan will go before the Planning Commission. A New Electrical Substation for \$2.5 million is being planned. Major Street Resurfacing and Curb Repair Citywide was originally \$187,500 through a State of Michigan Grant was doubled for \$365,000 which should be enough to complete Sheridan Road. Resurfacing and Curb Repair Citywide for Local Streets was approved for \$100,000. Sidewalk Repair and Maintenance Program Citywide was approved \$5,000 and another \$5,000 for the Non-Motorized Recreational Trail Upgrades on the west side of town. The DDA District Curb Repair Program funded \$18,000 at a yet to be determined site. The City met with MEDC for another \$400,000 grant for Downtown Building Façade Improvement Program with 20 applicants being interested for such. Chip Seal Project for South 32nd Street from 3rd Avenue

South to 4th Avenue South which was \$20,000 is no longer included in the proposed plan because 51% of the property owners did not sign the petition, however, the City is looking at alternatives. The John D. Besse Park of \$280,000 has started breaking ground for the pavilion and the area is cleared with \$180,000 of playground equipment being ordered. A grant was submitted to the State of Michigan Passport Grant for the Ludington Park Tennis Courts, Basketball Courts and Sidewalk at the Pavilion and there is a match of \$13,000. The Marina Water Basin Management Plan Phase II of the Treatment was budgeted for \$15,000 to complete this year. The Marina Entrance Dredging and Harbor Basin Dredging received funding of \$262,500 and the project will start in the fall because piping plovers are nesting in the area.

Commissioner Williams questioned whether additional grant opportunities for facades by becoming a National Historic Register. Mr. O'Toole stated potentially but from another funding source.

Update – Central U.P. Micropolitan Economic Development Project

Mr. O'Toole gave an update on the progress being made in amending the Next Michigan development Act for the creation of the Central U.P. Micropolitan Economic Development District. He stated the City of Escanaba, City of Gladstone, City of Marquette, Delta County and Marquette County are working together to create a central upper peninsula economic zone. Received twenty-one Resolution of Supports from units of government, school entities in Delta County and another nine from governmental entities and schools in Marquette County. The drafting of the amendment to the Next Michigan Act is completed and the final version was received today and will be introduced to the senate next week. The following week Jim O'Toole, Marquette County Administrator and Marquette's City Manager will be meeting in Lansing to testify before the commerce committee and meeting with several chairs of various other committees to try and get this bill passed. Meetings will also be held with representative of the Michigan Economic Development Corporation in Lansing in that they are the overseer of the Michigan Strategic Fund which this would come from.

Election - Chairperson

Mr. O'Toole stated the Planning Commission needs to elect a new Chairperson as Stephen Buckbee has term limited out and this will be his last meeting.

A motion was made by Chairperson Buckbee, seconded by Commissioner Webber, to appoint Commissioner Warstler as the new Chairperson. Ayes were unanimous.

Project Updates:

- a. Zoning Board of Appeals Hearings/Decisions
Board of Appeals for April 2013 was cancelled due to lack of agenda items.
- b. Delta County Planning Commission Update
Vice Chairperson Connor stated he attended the Delta County Planning Commission meeting and an issue was tabled for splitting a 20 acre parcel into two 10 acre parcels in Garden on the waterway. Concern was with ordinance requirements of a parcel having to be located off a public road and currently there is only an easement for the property.

c. Ordinance and Policy Review/Development

Mr. O'Toole stated there hasn't been a lot of activity with the Ordinance and Policy Review/Development as work was being done with the City Budget.

d. Zoning/Land Use Permit Update

Mr. O'Toole distributed an update on the Zoning/Land Use Permits with 15 permits being issued at a total construction value of \$1,509,300.

e. Various

Mr. O'Toole reminded the Planning Commission that the next meeting will be June 11, 2013. Bell's Manufacturing will be constructing a facility in Whitetail Industrial Park and the site plan will go before the Planning Commission. No official word on the Memory Care use off of Willow Creek Road, however, their permit is good for a year. Bishop Noa Project was delayed due to the sequester and the way they are paying for the project. Fleet Maintenance is working through Brownfield plans and they have been submitted to the State of Michigan and the original plan was to repurpose the soil on the property for berming and the State of Michigan wanted it hauled away to the landfill. No word on the Besse Project as the project was halted due to equipment costs being higher than anticipated.

GENERAL PUBLIC COMMENT

None.

PRESENTATION

Chairperson Steve Buckbee was presented with a Certificate of Appreciation for his time served on the Planning Commission. Commissioner Moravec will be mailed his Certificate of Appreciation for his time served on the Planning Commission.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

Mr. O'Toole stated Delta County is well positioned for Aquaculture Fish Farming and was briefly discussed with the feasibility study being currently conducted. The Planning Commission will have before them over the next few months is what is taking place at Basic Marine with their expansion. If the Next Michigan Development designation is approved, it will open up the door for a lot of programs that the City would otherwise not have access to.

Adjournment

A motion was made by Chairperson Stephen Buckbee, seconded by Commissioner Warstler, to adjourn the meeting. The meeting adjourned at 7:15 p.m. Ayes were unanimous.

Stephen Buckbee, Chairperson
Escanaba Planning Commission

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

Roy Webber, Secretary
Escanaba Planning Commission

P.H. #1
6/11/13.

**CITY OF ESCANABA
SITE PLAN REVIEW REPORT
CASE NO. PC 061113-01**

REFERENCE: 521 North Lincoln Road, Escanaba, MI 49829

DATE: June 4, 2013

PROPERTY OWNER/APPLICANT ADDRESS:

Mr. Tim Williams
O'Reilly Automotive Stores, Inc.
233 South Patterson Avenue
Springfield, MO 65802

TYPE OF REQUEST:

In accordance with Section 1801.3 Site Plan Required of Escanaba's Zoning Ordinance, a site plan review for Land Use Permit must be conducted prior to the use permit issuance.

CURRENT ZONING:

Light Manufacturing "F"

ORDINANCE:

Ordinance No.1028 Escanaba Zoning Ordinance

DESCRIPTION OF PROPOSED PROJECT:

Mr. Tim Williams of O'Reilly Automotive Stores, Inc. has submitted an application for zoning land use approval for property they own and/or control at 521 North Lincoln Road, Escanaba, MI. In the application, Mr. Williams proposes to construct a 7,735 s.f. retail building.

COMPLIANCE WITH DEVELOPMENT STANDARDS:

1. The proposed construction (building) will be located on property which is zoned Light Manufacturing "F".
2. The proposed construction will meet setback standards of a Light Manufacturing "F" District.
3. The proposed construction site plan diagram complies with Chapter 18. Site Plan and Sketch Plan Standards, Section 1802 Site Plan Diagram/Requirements; paragraph 1802.2 Site Plan Diagram Requirements, subparagraphs A-X.

4. In accordance with the requirements found in Chapter 18., Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.1.1.1. Pre-Application Conference, the applicant's met on June 4, 2013, with the City of Escanaba to review the proposed project, the City of Escanaba Code of Ordinances, and the City Comprehensive Plan. Attending this meeting was Community Preservation Department Director James O'Toole, Director, Electric Department Electrical Superintendent Mike Furmanski, PE City Engineer and Director of Public Works Bill Farrell, Water/Wastewater Superintendent Jeff Lampi, City Assessor Diana Norden, Executive Secretary Kim Peterson, and Associate Adam Herberg and Associate Tim Guilliot, Architect Craig Schneider and Civil Engineer Dylan Gideon from Anderson Engineering all called in.
5. In accordance with the requirements found in Chapter 18., Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph Section 1803.1.1.2 Application, the applicant applied for site plan consideration as required.
6. All fee and notification requirements of the Ordinance have been accommodated.

DUTIES OF THE PLANNING COMMISSION

In accordance with Chapter 18. Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.2 Public Hearing Requirement, prior to voting on a final site plan, the Planning Commission must hold a public hearing so as to facilitate public review and understanding of the proposed development.

In accordance with Chapter 18., Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.3. Planning commission Review, once a site plan is forwarded to the Planning Commission, the Planning Commission is required to review the site plan according to the standards and requirements of Chapter 18., Site Plan and Sketch Plan Standards. The Planning Commission must approve or deny the site plan according to the standards and requirements of the Zoning Ordinance within 45 days of submission of said plan.

In accordance with Chapter 18., Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.4. Site Plan Approval, should the Planning Commission approve the site plan, the applicant, the owner of record, or the legal representative thereof, the Planning Commission Chairperson and one other member of the Planning Commission shall each sign four copies of the approved site plan. The Planning Commission shall transmit one signed copy of the plan and any conditions attached to the Code Official, and one signed copy each to the office of the City Clerk and the applicant. One signed copy shall be retained in the Planning Commission file.

In accordance with Chapter 18., Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.5.1 Site Plan Rejection, should the Planning Commission reject the site plan, the property owner may appeal the decision to the Zoning Board of Appeals.

SITE PLAN APPROVAL STANDARDS

In accordance with Section 1804. Site Plan Approval Standards of Escanaba's Zoning Ordinance, the proposed site conforms to the following site development standards:

- A. The main entrance faces the street upon which the lot fronts.
- B. All roof mounted equipment will be screened.
- C. Reasonable and visible sound mitigation measures have been taken.
- D. The building is arranged to permit adequate emergency access to all sides.
- E. The development has legal access to the public street.
- F. The development provides for vehicular and pedestrian circulation.
- G. A pedestrian circulation system is provided.
- H. All parking areas are designed to facilitate safe and efficient vehicular and pedestrian circulation.
- I. Unnecessary curb cuts were eliminated
- J. All loading and unloading areas and outside storage areas shall be adequately screened.
- K. Exterior lights shall be reflected downward and away from adjacent properties and right of ways.
- L. Adequate utilities will be provided and placed underground.
- M. All premises shall be graded to prevent accumulation of stagnant water.

STAFF FINDINGS, COMMENT, GENERAL PLAN GOALS AND CONDITIONS OF APPROVAL:

Staff is recommending approval of the site plan diagram 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.

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.

Staff report was posted on the City of Escanaba website for public review.

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

STANDARDS AND QUESTIONS (FINDING 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?

ALTERNATIVES:

Not applicable.

ENFORCEMENT HISTORY:

None.

OTHER CONSIDERATIONS:

None.

BACK-UP INFORMATION:

1. Application for Zoning Land Use Approval
2. Site Plan Diagram
3. Assessor's Property Information Card
4. Zoning Review Ordinance Site Plan Review Correction Punch List
5. Sign Ordinance Review Punch List
6. Site Photographs
7. 300' radius property owner/tenant notification letter
8. 300' radius labels

NOTES/COMMENTS:

APPLICATION FOR ZONING LAND USE APPROVAL
CITY OF ESCANABA, ESCANABA, MI 49829

pd ch # 14299
\$12063

We, the undersigned, owner(s)/agent(s) of the following described property hereby apply to you for a Zoning Land Use Permit with a sketch drawn to scale, showing actual dimensions and shape of the lot, exact sizes and locations of existing buildings on the lot, and locations and dimensions of the proposed buildings or alterations. The property owner(s) shall verify any existing easement(s) and/or right-of-way(s). The applicant certifies the information submitted is accurate. The applicant states that he/she has the property owner's authority to execute this agreement and permit. **Any certificate issued upon a false statement of any fact which is material to the issuance hereof, shall be void. All questions must be answered.**

LEGAL DESCRIPTION OF PROPERTY: NWC of the NWC (NW1/4, NW1/4), Section 30, Township 39 North, Range 22 West ASSESSOR #: _____

LOT INFORMATION:

PROPERTY OWNER(S): O'Reilly Automotive Stores, Inc.

PHONE NUMBER: (417) 829-5702 E-MAIL ADDRESS: twilliams10@oreillyauto.com

PROPERTY ADDRESS: 521 North Lincoln Road

TYPE OF LOT: (circle one) Corner Lot Interior Lot Other: _____

*Please note the dimensions on your site plan as well

SIZE OF LOT: 64,641 SF LENGTH OF LOT: 316' WIDTH OF LOT: 191'

IRREGULAR LOT: _____ PROPERTY ZONED: F (Light Manufacturing)

BUILDING INFORMATION:

TYPE OF BUILDING: (please check one)

Construction, alteration or addition of/to a single-family, two-family or multiple-family dwelling with three (3) to four (4) residential dwellings or accessory structures

A building addition of 20% or less of an existing building not to exceed 5,000 square feet

A building addition up to 5,000 square feet that does not modify any other site characteristics such as parking, traffic circulation and drainage

A mobile home park

A parking lot or addition containing five (5) or more spaces

A garage or accessory structure over 100 square feet in size Other: New 7,735 SF Commercial Building

SIZE OF BUILDING: 7,735 SF EXISTING FLOOR AREA: none

PROPOSED PERCENTAGE OF LOT COVERED BY STRUCTURE(S) 12%

PROPOSED USE: Mercantile

OF STORIES: 1 HEIGHT OF BUILDING: (feet and stories) 19'

GARAGE: (circle one) Attached Detached

ROOF TYPE: (circle one) Gambrel Mansard Flat Gable Hip

SETBACKS: (from property line) FRONT: 20' SIDES: 19' and 19' REAR: 20'

IS THE PROPERTY IN A 100 YEAR FLOOD PLAIN? NO YES _____ PANEL # _____ PANEL DATE _____

ESTIMATED VALUE OF CONSTRUCTION: \$556,920

APPROVED VARIANCES: _____

*In Residence "A", "B", and "C" no buildings or structures can occupy more than 35% of the area of the lot. *All building lots must be buildable as defined by the State of Michigan Subdivision Control Act and City of Escanaba Zoning Ordinance. *The Escanaba Zoning Code requires a six (6) foot wide public sidewalk be installed along streets/avenues adjacent to the property on which a building is erected or moved. A Certificate of Occupancy will not be issued by the Delta County Building and Zoning Department until sidewalks are installed.

(Please print)

COMPANY NAME/APPLICANT: O'Reilly Automotive Stores, Inc. / Tim Williams DATE: 4-4-13

SUBMITTED BY: _____

SIGNATURE: Tim Williams PHONE: _____

***** OFFICE

USE ONLY:

DATE RECEIVED: _____ APPROVED: _____ DISAPPROVED: _____

IF APPLICATION IS DENIED, REASON FOR DENIAL: _____

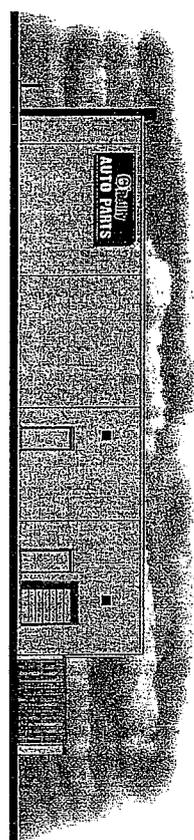
SPECIAL REQUIREMENTS OF APPROVAL: _____

SIGNATURE OF REVIEWER: _____ DATE: _____



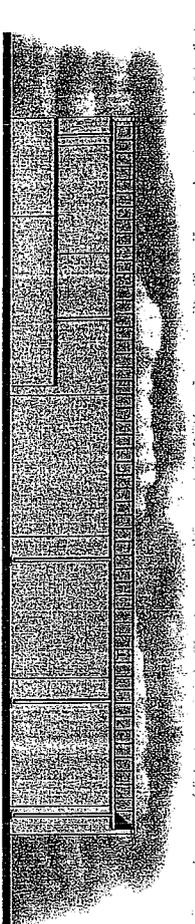
1 EAST ELEVATION
 CE1 SCALE: 1/8" = 1'-0"

STAIRS
 - (SEE CONSTRUCTION) - (SEE PARALLEL)

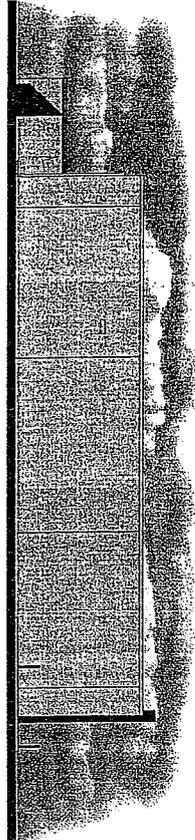


2 NORTH ELEVATION
 CE1 SCALE: 1/8" = 1'-0"

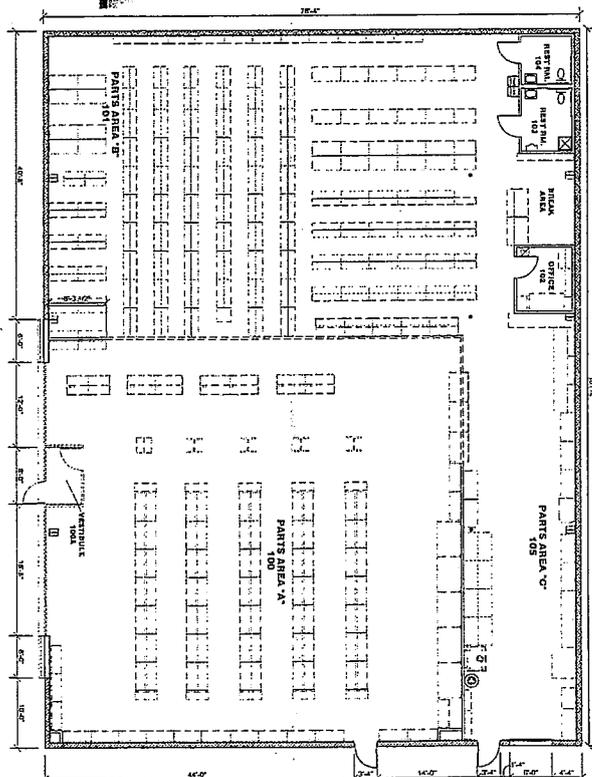
STAIRS
 - (SEE CONSTRUCTION) -



3 WEST ELEVATION
 CE1 SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
 CE1 SCALE: 1/8" = 1'-0"



5 FLOOR PLAN
 CE1 SCALE: 1/8" = 1'-0"

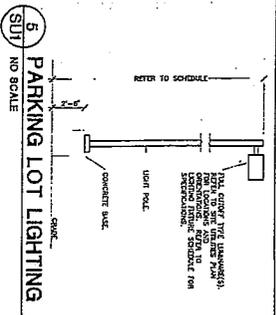
FINISH LEGEND:	
[Pattern]	FIELD BLOCK - SHERWIN WILLIAMS SOFTEN 1/2" SW5411
[Pattern]	PORTEL EPS - DRIVEY O'REILLY RED STATIONARY HIGH PERFORMANCE COLONANT (FACTORY W/RED ONLY)
[Pattern]	STOREROOF - KAWNEER DARK 1/2"

NOT FOR CONSTRUCTION

CE1 of 1
DATE: 4.5.13
REVISIONS:
DATE:
SCALE: 1/8" = 1'-0"

O'Reilly AUTO PARTS
 233 SOUTH PATTERSON
 SPRINGFIELD, MISSOURI 65802
 417-862-2674 PHONE

New O'Reilly Auto Parts Store:
 521 NORTH LINCOLN ROAD
 ESCANABA, MI
 1726 East Souderton, Suite 417
 Springfield, Missouri 65804
CRAIG A. SCHNEIDER, AIA
 ARCHITECT
 417.862.4558
 Fax: 417.862.2665
 e-mail: architect@westcraigarchitect.com



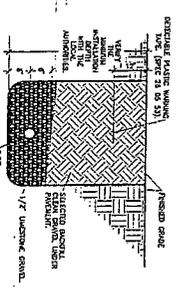
NEW UTILITIES
SHOWN HAVE BEEN FIELD CHECKED TO EXISTENCE

1/2" WATER SERVICE	1/2" WATER SERVICE
1/2" SANITARY SEWER	1/2" SANITARY SEWER
1/2" STORM SEWER	1/2" STORM SEWER
1/2" GAS	1/2" GAS
1/2" TELEPHONE	1/2" TELEPHONE
1/2" CABLE TV	1/2" CABLE TV
1/2" POWER	1/2" POWER
1/2" FIBER OPTIC	1/2" FIBER OPTIC
1/2" OVERHEAD ELECTRIC	1/2" OVERHEAD ELECTRIC
1/2" UNDERGROUND ELECTRIC	1/2" UNDERGROUND ELECTRIC
1/2" UNDERGROUND GAS	1/2" UNDERGROUND GAS
1/2" UNDERGROUND WATER	1/2" UNDERGROUND WATER
1/2" UNDERGROUND SANITARY	1/2" UNDERGROUND SANITARY
1/2" UNDERGROUND STORM	1/2" UNDERGROUND STORM
1/2" UNDERGROUND GAS	1/2" UNDERGROUND GAS
1/2" UNDERGROUND WATER	1/2" UNDERGROUND WATER
1/2" UNDERGROUND SANITARY	1/2" UNDERGROUND SANITARY
1/2" UNDERGROUND STORM	1/2" UNDERGROUND STORM

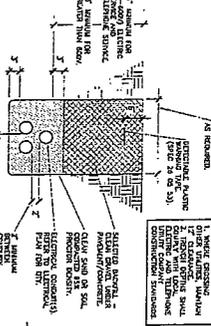


BLANKET NOTES:
1) ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2) ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3) ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
4) ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
5) ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

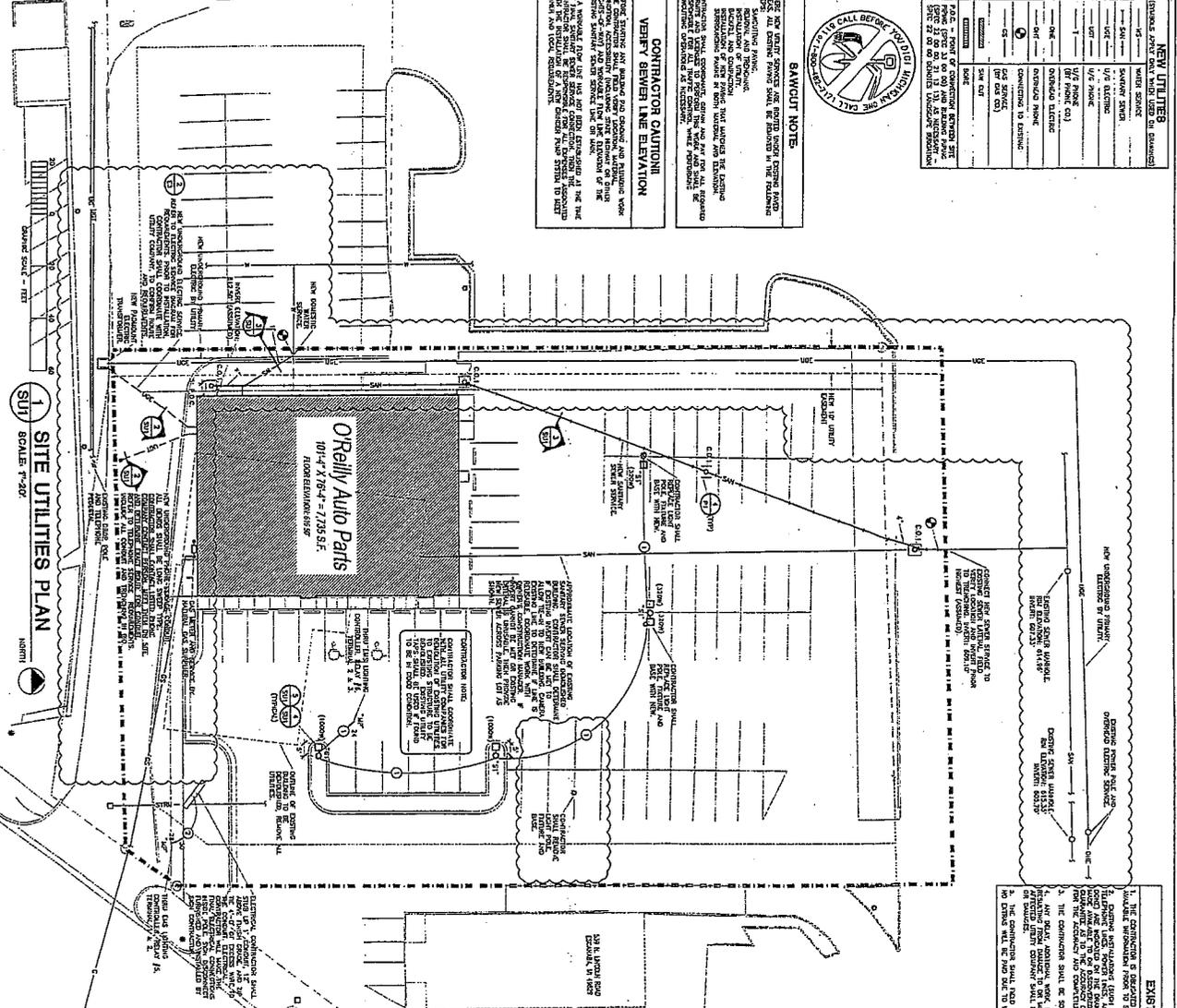
CONTRACTOR CAUTION:
VERIFY BENCHMARK ELEVATION
BEFORE STARTING ANY WORK AND CHECK ALL FINISHED WORK AGAINST BENCHMARK ELEVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL ELEVATIONS SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL ELEVATIONS SHOWN ON THIS DRAWING.



4 CONCRETE POLE BASE DETAIL
NO SCALE



3 PIPE INSTALLATION DETAIL
NO SCALE



EXISTING CONDITIONS NOTES:
1. THE CONTRACTOR IS RESPONSIBLE TO VERIFY THE EXISTENCE OF ALL UTILITIES SHOWN ON THIS DRAWING.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL ELEVATIONS SHOWN ON THIS DRAWING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL ELEVATIONS SHOWN ON THIS DRAWING.

NOTES:
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

UTILITY COMPANY CONTACTS:
ATLANTIC CITY UTILITIES COMPANY
1000 N. LINCOLN RD.
SPRINGFIELD, MISSOURI 65802
PHONE: 417-862-1142

TELEPHONE SERVICE REQUIREMENTS:
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

CITY OF ESCANABA PLANNING COMMISSION PUBLIC HEARING

At a regular monthly meeting of the Escanaba Planning Commission on June 11, 2013, at 6:00 p.m. in the Council Chambers of the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following public hearing will be conducted. The Escanaba Planning Commission is seeking citizen input.

SITE PLAN REVIEW - 521 North Lincoln Road - O'Reilly Automotive Stores, Inc.

The O'Reilly Automotive Stores, Inc. is proposing to construct a 7,735 s.f. retail facility at property owned and/or controlled by O'Reilly Automotive Stores, Inc.

You are cordially invited to attend this meeting should you have any comments concerning any of the agenda items. If you have comments, but are unable to attend this meeting, please submit your written concerns to the City of Escanaba Community Preservation Department, P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829 prior to June 11, 2013. All written correspondence will be read into the public record. A copy of the proposed plans can be viewed at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Thomas Warstler, Chairperson
Escanaba Planning Commission

5/23/13



P.O. Box 948 • Escanaba, MI 49829-0948 • (906) 786-0240 • fax (906) 786-4755

TDD (800) 649-3777

**CITY OF ESCANABA
PLANNING COMMISSION PUBLIC HEARING**

At a regular monthly meeting of the Escanaba Planning Commission on June 11, 2013, at 6:00 p.m. in the Council Chambers of the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following public hearing will be conducted. The Escanaba Planning Commission is seeking citizen input:

**SITE PLAN REVIEW – 521 North Lincoln Road – O’Reilly
Automotive Stores, Inc.**

The O’Reilly Automotive Stores, Inc. is proposing to construct a 7,735 s.f. retail facility at property owned and/or controlled by O’Reilly Automotive Stores, Inc.

You are cordially invited to attend this meeting should you have any comments concerning any of the agenda items. If you have comments, but are unable to attend this meeting, please submit your written concerns to the City of Escanaba Community Preservation Department, P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829 prior to June 11, 2013. All written correspondence will be read into the public record. A copy of the proposed plans can be viewed at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Thomas Warstler, Chairperson
Escanaba Planning Commission

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.



May 20, 2013

ESCANABA PLANNING COMMISSION
ESCANABA MICHIGAN 49829

Dear Property Owner/Occupant:

A regular scheduled meeting of the Escanaba Planning Commission has been scheduled for June 11, 2013, at 6:00 p.m. in the Council Chambers of the Escanaba City Hall/Library Complex, 410 Ludington Street. The following item will be on the agenda:

SITE PLAN REVIEW – 521 North Lincoln Road – O’Reilly Automotive Stores, Inc.

The O’Reilly Automotive Stores, Inc. is proposing to construct a 7,735 s.f. retail facility at property owned and/or controlled by O’Reilly Automotive Stores, Inc.

You are cordially invited to attend this meeting should you have any comments concerning this project. If you have comments, but are unable to attend this meeting, please submit your written comments to the City of Escanaba Planning Commission prior to June 11, 2013. All written and signed comments will be read into the public record.

The City of Escanaba will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five (5) days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling the City of Escanaba at (906) 786-9402. A copy of the proposed site plan for the referenced project can be viewed at City Hall, Second Floor, 410 Ludington Street, Escanaba, MI, Monday through Friday, 7:30 a.m. to 4:00 p.m.

Sincerely,

Thomas Warstler, Chairperson
Escanaba Planning Commission

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.

NORTHLAND CENTERS INC
C/O SUPER ONE FOODS
501 NORTH LINCOLN ROAD
ESCANABA, MI 49829

WELLS FARGO BANK
516 NORTH LINCOLN ROAD
ESCANABA, MI 49829

DAGENAIS REAL ESTATE
601 NORTH LINCOLN ROAD
ESCANABA, MI 49829

MICHIGAN LAND FUND
C/O MI DEPT. OF LABOR
511 NORTH LINCOLN ROAD
ESCANABA, MI 49829

NORTHLAND CENTERS INC
MICHIGAN PIZZA HUT INC
2053 NILES ROAD
ST JOSEPH, MI 49085

HJR REAL ESTATE MGMT LLC
2400 I LANE
BARK RIVER, MI 49807

OREILLY AUTOMOTIVE STORES, INC
521 NORTH LINCOLN ROAD
ESCANABA, MI 49829

MICHIGAN LAND BANK
MICH DEPT OF LABOR
P O BOX 30004
LANSING, MI 48909

UP ENTERPRISES LLC
1505 NORTH LINCOLN ROAD
ESCANABA, MI 49829

NORTHLAND CENTERS INC
C/O SUPER ONE FOODS
415 NORTH LINCOLN ROAD
ESCANABA, MI 49829

DAGENAIS REAL ESTATE INC
1505 NORTH LINCOLN ROAD
ESCANABA, MI 49829

UPPER PENINSULA STATE BANK
430 N LINCOLN ROAD
ESCANABA, MI 49829

GOODWILL
2201 6TH AVENUE NORTH
ESCANABA, MI 49829

ESCANABA REAL ESTATE LLC
GOODWILL
SMET CONST SERVICES CORP
300 N BROADWAY #2B
GREEN BAY, WI 54303-2753

MCDONALDS CORP 021/0187
WILSON TIM/MCDONALDS
503 NORTH LINCOLN ROAD
ESCANABA, MI 49829

OREILLY AUTOMOTIVE STORES INC
233 S PATTERSON
SPRINGFIELD, MO 65802

UP ENTERPRISES LLC
UP ENTERPRISES/WAL-MART
1505 NORTH LINCOLN ROAD
ESCANABA, MI 49829

HJR ENTERPRISES LLC
609 NORTH LINCOLN ROAD
ESCANABA, MI 49829

SCHICK ENT III INC
TACO BELL
539 NORTH LINCOLN ROAD
ESCANABA, MI 49829

SCHICK ENT III INC
TACO BELL
539 NORTH LINCOLN ROAD
ESCANABA, MI 49829

FAMILY VIDEO INC
536 NORTH LINCOLN ROAD
ESCANABA, MI 49829

FAMILY VIDEO INC
536 NORTH LINCOLN ROAD
ESCANABA, MI 49829

CITY OF ESCANABA
ELECTRIC DEPARTMENT

ELECTRICAL NEEDS FOR NEW COMMERCIAL CONSTRUCTION
(To be filed with Zoning Land Use Application)

~~Contractor~~ Developer/Owner: O'Reilly Automotive Stores, Inc.

Please fill in the following information:

Owner Name: O'Reilly Automotive Stores, Inc.

Owner Address: 233 S. Patterson Avenue, Springfield, MO 65802

Owner Telephone Number: (417) 829-5702

Owner E-Mail Address: twilliams10@oreillyauto.com

Contractor/Developer Name: Contractor (TBD) / Developer (same as Owner)

Contractor/Developer Address: _____

Contractor/Developer Telephone Number: _____

Contractor/Developer E-Mail Address: _____

Address of Building: 521 North Lincoln Road

Lot Size: 64,641 SF

What voltage will be needed: 120/240 Single Phase

What amperage will be provided: 400 Amp

Will it be a 1 or 3 phase service: 1 Phase

What is the proposed meter/service entrance location: Southwest Corner (*)

What is the proposed transformer location (only applicable if a new transformer is needed): South

What is the anticipated winter peak demand: 60 kPa

What is the anticipated summer peak demand: 75 kPa

~~Contractor~~ Developer/Owner Signature: Tim Williams

Date: 4-4-13

(*) All electrical services must be underground.

PRE-SITE PLAN REVIEW MEETING
O'REILLY AUTO PARTS
June 4, 2013

A Pre-Site Plan Review Meeting was held at 3:00 p.m. on Tuesday, June 4, 2013, regarding a proposed O'Reilly Auto Parts facility at 521 North Lincoln Road.

PRESENT: City Manager Jim O'Toole, City Engineer Bill Farrell, Electric Superintendent Mike Furmanski, Public Safety Director Ken Vanderlinden, Water/Wastewater Superintendent Jeff Lampi, City Assessor Daina Norden, and Executive Secretary Kim Peterson

CONFERENCE CALL: Associate Adam Herberg and Associate Tim Guillot, Architect Craig Schneider, and Civil Engineer Dylan Gideon from Anderson Engineering

The proposed O'Reilly Auto Parts (7,735 square feet) will be located in what is now the former Great Northern Buffet which will be demolished at 521 North Lincoln Road.

City Manager O'Toole stated previous discussions took place with MDOT in regards to the southern access point which is owned by the State of Michigan Land Bank. As a result of discussions, modifications were made to the drawings to terminate the exit.

Mr. Herberg stated the plans were revised to accommodate for the different provisions that were brought up in previous discussions which shuts off the drive access to the southern road. The access along the east end of the property with Taco Bell makes it so it is no longer a thru street and additional parking would run back along to the connect to the landscaping island to make it so that the traffic flow makes more sense. With these revisions, they are hoping to move the project forward as the current site plan works with the neighboring properties.

City Engineer Farrell questioned where the catch basins would be discharging to. Mr. Herberg stated they have a catch basin tying into the existing system on the south-east corner with an 8" line which would flow to the north. There is also a catch basin to the neighbor to the south and there is a little bit of flow going there as well. The north side of the property would be sheet flowing where it was going originally and they have a reduction of impervious on this site and was the reasoning for not doing anything with the tension. They tried to lead the flow as close to the existing catch basin as possible to reduce flow. City Engineer Farrell stated the road was not the City's road to the north and there is a drainage issue by the Wal-Mart parking lot and may need to be looked at. City Engineer Farrell questioned whether the catch basin in the south-east corner was private or MDOT. Mr. Herberg believed it to be private as it was not in the right-of-way and will make sure.

Water/Wastewater Superintendent Lampi questioned whether the plan was to connect into the existing sewer line if feasible. Mr. Herberg stated that was the intent. Water/Wastewater Superintendent Lampi stated he did not believe there was a concern on the sewer side, however, on the water side there is an existing 6" service line that was a fire line going to the restaurant and the plan shows this line to be stubbed off and come off that line with a 1" service. Mr. Herberg stated they would pull off of the line that came into the property before. No fire system in the building will be placed as the building is not sprinkled. Water/Wastewater Superintendent Lampi stated he would like to see when the demolition takes place, the 6" line removed and abandoned at the main so the 1" service could be tapped off the main. Mr. Herberg stated they would have to get under the adjacent neighbor's parking lot for that

connection and will check on easements. There are rules and regulations for cross-connections and this will be easy as one tap can be made with two meters.

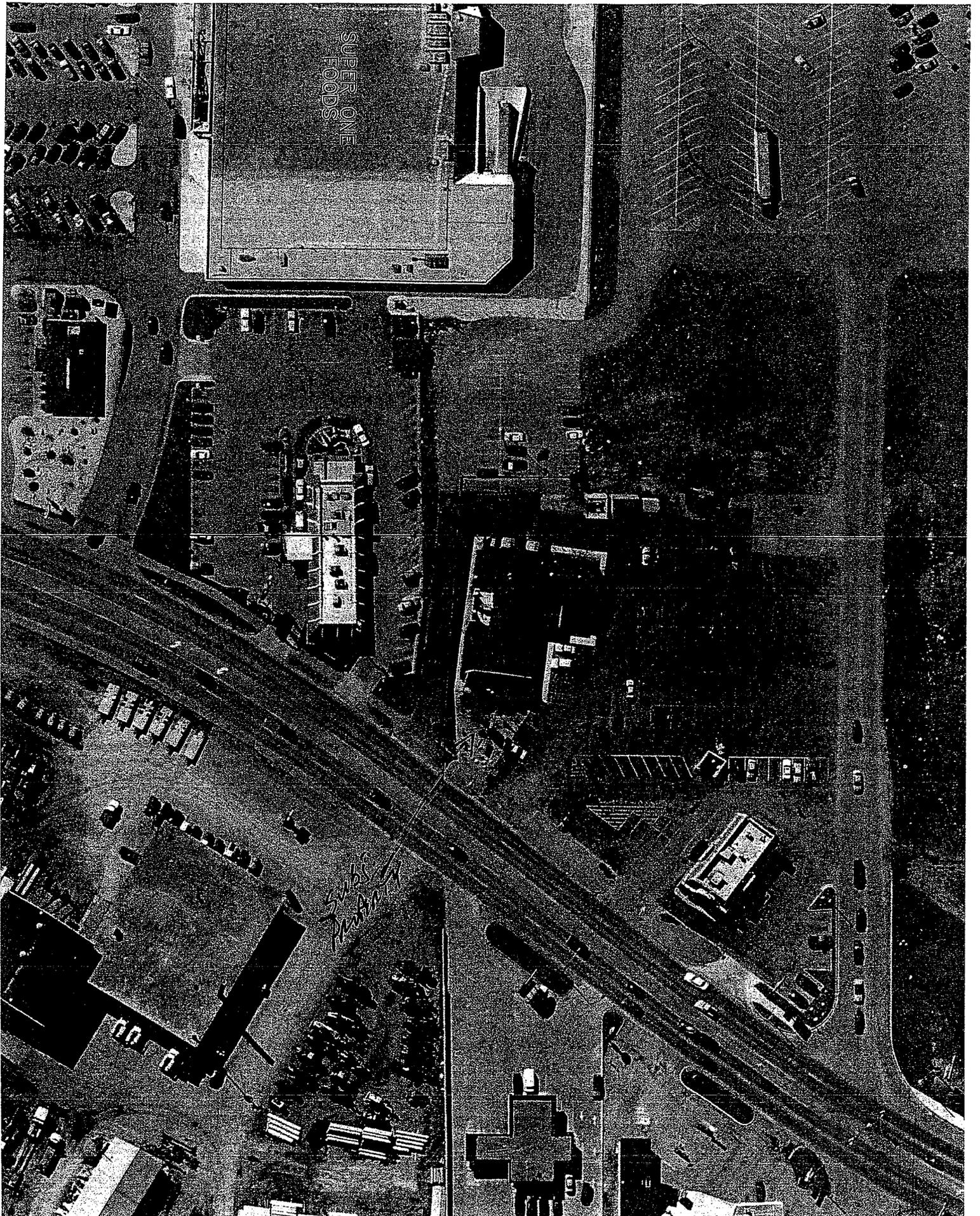
Electric Superintendent Furmanski stated he has had conversations for the electric service on this project. Discussed the padmount transformer that would be used to feed the building being placed on the neighboring property to the south and since the driveway has changed he believes it would be better to place the transformer on O'Reilly's property and it would be in the easement. Mr. Herberg stated looking at he plans, he sees no issue as the padmount transformer would be shifted a few feet onto O'Reilly's property. Electric Superintendent Furmanski stated a junction box would be located there as well (2 structures) adjacent to the padmount transformer. Electric Superintendent Furmanski stated he asked for a 20' easement and looks like they gave 10' easement, but this will be fine.

Public Safety Chief Vanderlinden and City Assessor Norden had no concerns.

City Manager O'Toole stated the site plan is scheduled for a public hearing before the Planning Commission on June 4, 2013, at 6:00 p.m. Agendas will be published on June 7, 2013, and thirteen sets of the revised site plan drawing showing the access point eliminated is needed. The digital site plans will be placed on a screen for the public hearing. Property owners within 300' received notice of the public hearing and an ad was placed in the Daily Press.

City Manager O'Toole stated the entire revised set of site plan drawings did not need to be resubmitted to the Planning Commission, however, conditions of approval would be noted if necessary. After the Planning Commission meeting, if the project is approved, four complete sets of site plan drawings would be needed.

The meeting adjourned at 3:33 p.m.



REGIONAL MICROPOLITAIN ECOMOMIC DEVELOPMENT STRATEGY

On May 21, 2013, Escanaba City Manager James V. O'Toole and Marquette City Manager Bill Vajda traveled to Lansing to meet with several State Representatives, Senators and the Michigan Economic Development Authority about the possibility of having a "Next Michigan Development District" designated in the U.P. under a regional micropolitan economic development strategy. The purpose of the legislative amendment would be to bring one of the state's most powerful economic development incentives to the U.P. region by requiring the Michigan Strategic Fund to designate at least one Next Michigan Development District in the U.P.

We are pleased to report that HB 4782 HB 4783 and its companion set Senate 397 and 398 were introduced On May 29, 2013, had the first reading on the same day and were referred to the Commerce Committee for review.

UPPER MICHIGAN REPRESENTITIVES INTRODUCE BILLS TO HELP U.P.

BY: Ty Czarnopis, Upper Michigan Source .com

LANSING -- Upper Michigan representatives introduced a bill package to the Michigan House on Wednesday that would create an economic stimulus incentive partnership in the Upper Peninsula, similar to partnerships downstate.

Representatives Ed McBroom and John Kivela sponsored the two-bill package to expand the state's Next Michigan Development Act to authorize a sixth partnership. The partnership would allow two or more municipal governments to offer combinations of business tax credits, real and personal property tax abatements, tax increment finance plans and renaissance zones as incentives to stimulate local economies.

"The available economic partnerships all went to regions below the bridge," said Representative McBroom. "Our local communities can definitely use some economic growth and investment to create jobs for families and reenergize our municipal systems."

Representative Kivela hopes to work with Lansing to provide a better life for those living in the Upper Peninsula.

"It is good to see the U.P. delegation working together by placing our priorities on improving the lives of the residents of the Upper Peninsula," added Representative Kivela. "It is my hope that we will continue to work with one another in Lansing to create positive impacts back home in the Upper Peninsula."

House Bills 4782 and 4783 have been assigned to the House Commerce Committee for review.

MeritMail

jotoole@escanaba.org

MIRS Article

From : Jim O'Toole - City Manager
<jotoole@escanaba.org>

Wed, Jun 05, 2013 09:41 AM

Subject : MIRS Article

To : jotoole@escanaba.org

U.P. Lawmakers See Success In Efforts To Work Together

Earlier this year, four lawmakers from the Upper Peninsula sat down to a homemade meal at Rep. John **KIVELA**'s (D-Marquette) house in Lansing.

As Kivela recalled this week, the dinner could have lasted about an hour. But instead, the discussion over spaghetti and meatballs --- that Kivela made himself -- drew the gathering out for more than four hours.

"It's kind of unique. And it's kind of like family," Kivela said of the bond growing among the current team of lawmakers from the U.P. "A lot of it is that we're so remote. We're so far away that we have to lean on each other."

Through dinners, office meetings and policy deliberations, this session's lawmakers from the U.P. are placing a greater emphasis on spending time with one another and working together across party lines. And, so far, they say they're seeing results.

Currently, six lawmakers represent portions of the U.P. at the state Capitol. Of those six, four live in the U.P. Those four are Kivela, Rep. Scott **DIANDA** (D-Calumet), Rep. Ed **MCBROOM** (R-Vulcan) and Sen. Tom **CASPERSON** (D-Escanaba).

Kivela and Dianda are first-term members of the House. McBroom is in his second. And Casperson, the veteran of the group, served in the House for three terms and is now in his first term in the Senate.

Casperson said he would definitely agree that the efforts from U.P. lawmakers to work together have been greater this session than in past years. The current team, Casperson

added, is bringing sincerity to the efforts. The messaging about their work is the same in Lansing as it is in their districts, he explained.

"I'm not used to it," Casperson said.

Together, the U.P. coalition has a broad political reach in the Legislature. McBroom is a member of the majority party in the House. Casperson is a member of the majority party in the Senate. And Kivela and Dianda are members of the minority House caucus.

The four lawmakers say they're using their varied positions to help get things done for the U.P.

The most high profile example of that could be legislation that passed in May to pave the way for hunts to control the wolf population in the U.P.

The bill had heavy Republican support in the Legislature. But Kivela and Dianda successfully worked to garner 15 Democratic votes for the bill in the House.

The U.P. lawmakers are also working together on legislation to ease the Michigan Merit Curriculum (MMC) to produce more career and technical training opportunities for high school students across the state. While some Democrats have questioned the idea, Kivela has helped advocate for the changes to give more flexibility to schools.

And just this week, Casperson, Kivela and McBroom introduced bills to create an economic stimulus incentive partnership in the Upper Peninsula to spur job growth in the region.

Among the co-sponsors were also Dianda, Rep. Frank **FOSTER** (R-Petoskey) and Sen. Howard **WALKER** (R-Traverse City). Foster and Walker also represent portions of the U.P.

This week, McBroom credited Dianda and Kivela for bringing new energy to the U.P. delegation.

One reason the group has been effective so far this session, he added, is because it features members from both the Democratic and Republican caucuses. At times, it's difficult in Lansing for a member of one party to reach across the aisle and gain trust and support from members on the other side.

"When I can have somebody like John go and speak to his caucus himself, they know that he's not going to do something that's going to hurt their caucus," McBroom said.

McBroom said in his experience in the Legislature, the colleagues with whom lawmakers spend the most time are the same ones with whom they have the productive relationships. Since Election Day last year, the U.P. legislators have focused on spending time together.

"It's something that I think can set a good tone for the Legislature," McBroom said.

One detail that helps the dedication of time is that because of the distance, U.P. lawmakers can't drive home to their districts during the week. So while some legislators leave Lansing after session adjourns, those from the U.P. often stay.

McBroom said that can help force them to seek one another out. They also find bonds in their similarities, McBroom said, like the fact that they usually root for the Green Bay Packers and not the Detroit Lions.

On top of that, the U.P. lawmakers say their constituents aren't focused on district lines, and instead reach out to all of the legislators from the U.P. for help. Plus, lawmakers say, U.P. constituents care less about party affiliation than others in the state.

Likewise, Dianda said working with other U.P. lawmakers plays into his belief in putting the U.P. first in Lansing.

Political party affiliation, Dianda continued, comes after the U.P.

"I believe in working with everybody to get things done," Dianda said. "That's why we came to Lansing."

As for whether the teamwork will continue as the 2014 election nears, Casperson said he's convinced it will. But he also noted that many Republicans would like to have Kivela and Dianda's seats swing their way in the next election.

"My job wasn't to get elected and hurt my colleagues," Casperson said. "It was to work on issues."

One thing all of four of the lawmakers can agree on is that Kivela is a good cook.

McBroom gave his spaghetti and meatballs a 9.5 rating out of 10. And Dianda said he's never left Kivela's house hungry.

"I'm an Italian," Dianda added. "And he even impressed me."

James V. O'Toole
City Manager
Escanaba, MI 49829
(906) 786-9402
jotoole@escanaba.org

CITY OF ESCANABA E-MAIL CONFIDENTIALITY NOTICE - This transmission may be:
(1) subject to the Attorney-Client Privilege, or (2) strictly confidential. If you are not the

intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message.

HOUSE BILL No. 4782

May 29, 2013, Introduced by Reps. Kivela, Kosowski, McBroom, Foster, Schor, Dianda, Zemke, Schmidt, Yanez, Driskell, Knezek, Cavanagh, Barnett, Santana, LaVoy, Switalski and Oakes and referred to the Committee on Commerce.

A bill to amend 2010 PA 275, entitled
"Next Michigan development act,"
by amending section 4 (MCL 125.2954).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) An eligible act 7 entity may apply to the board of
2 the Michigan strategic fund for designation as a next Michigan
3 development corporation under this act. An eligible urban entity
4 may apply to the board of the Michigan strategic fund for
5 designation as a next Michigan development corporation under this
6 act. An eligible urban entity may expressly designate an
7 instrumentality of an eligible urban entity or a nonprofit
8 corporation to file the application and act as the next Michigan
9 development corporation on behalf of the eligible urban entity.
10 (2) The territory of a next Michigan development corporation

1 shall be composed of the area within the boundaries of the cities,
2 villages, and townships which are parties to the interlocal
3 agreement as the same may be amended to add or remove parties from
4 time to time or the area of the eligible urban entity. The
5 interlocal agreement may include a division of rights,
6 responsibilities, and duties between and among the local government
7 unit parties as may be determined appropriate by the local
8 government unit parties to implement the purposes of this act and
9 otherwise shall conform to law.

10 (3) Except for an application from or on behalf of an eligible
11 urban entity, the application for next Michigan development
12 corporation status under this act shall be accompanied by a copy of
13 the interlocal agreement creating the eligible act 7 entity and the
14 approval of the governor of the interlocal agreement pursuant to
15 section 10 of the urban cooperation act of 1967, 1967 (Ex Sess) PA
16 7, MCL 124.510.

17 (4) IN DETERMINING WHETHER TO DESIGNATE A NEXT MICHIGAN
18 DEVELOPMENT CORPORATION, THE MICHIGAN STRATEGIC FUND SHALL GIVE
19 PREFERENCE TO AN ELIGIBLE ACT 7 ENTITY THAT IS MADE UP OF NOT FEWER
20 THAN 2 CONTIGUOUS COUNTIES THAT COMBINED HAVE A POPULATION OF MORE
21 THAN 103,000 BUT LESS THAN 106,000 ACCORDING TO THE MOST RECENT
22 DECENNIAL CENSUS AND THE POPULATION OF THE LARGEST CITY OF 1 OF
23 THOSE COUNTIES WHEN COMBINED WITH THE LARGEST CITY OF THE OTHER
24 COUNTY IS MORE THAN 32,500 BUT LESS THAN 35,500.

HOUSE BILL No. 4783

May 29, 2013, Introduced by Reps. McBroom, Kivela, Foster, Schor, Dianda and Schmidt and referred to the Committee on Commerce.

A bill to amend 2010 PA 275, entitled
"Next Michigan development act,"
by amending section 5 (MCL 125.2955).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The board of the Michigan strategic fund, upon the
2 filing of an application under section 4, may designate the
3 applicant as a next Michigan development corporation. No more than
4 5-6 next Michigan development corporations may be designated in
5 this state. The president of the Michigan strategic fund shall
6 develop the form of application for designation as a next Michigan
7 development corporation within 49 days of the effective date of
8 this act provided that an application from an eligible act 7 entity
9 or an eligible urban entity which otherwise meets the requirements
10 of this act may be filed with the board of the Michigan strategic

1 fund at any time ~~following the effective date of this act, AFTER~~
2 DECEMBER 15, 2010, and any such application shall be considered by
3 the board of the Michigan strategic fund under subsections (2) ~~7~~
4 AND (3). ~~7 and (6).~~ The Michigan strategic fund shall use its best
5 efforts to develop the application process jointly with eligible
6 act 7 entities and eligible urban entities.

7 (2) The board of the Michigan strategic fund shall apply the
8 following criteria in determining to designate a next Michigan
9 development corporation:

10 (a) The nominal level of unemployed workers within the county
11 or counties which are parties to the interlocal agreement creating
12 the applicant eligible act 7 entity, if the applicant is an
13 eligible act 7 entity, or within the applicant eligible urban
14 entity, if the applicant is an eligible urban entity, in each case
15 as publicly reported by the state department of energy, labor, and
16 economic growth as of the month preceding the filing of the
17 application on an adjusted or unadjusted basis, whichever is
18 greater.

19 (b) The number of local governmental unit parties to the
20 applicant's interlocal agreement if the applicant is an eligible
21 act 7 entity.

22 (c) Whether the application demonstrates evidence of
23 significant job creation potential of a regional or state asset or
24 combinations of enterprises, facilities, or obsolete facilities
25 within the territory of the applicant, as documented by a
26 comprehensive business plan and a third-party study or studies
27 quantifying the job creation potential, and the degree of the job

1 creation potential.

2 (d) Whether the application is supported by public and private
3 commitment and the degree of the commitment.

4 (e) The extent to which the interlocal agreement or the
5 eligible urban entity creates the possibility of streamlined
6 permitting.

7 (3) ~~Subject to subsection (6), the~~ THE board of the Michigan
8 strategic fund shall grant or deny designation to an applicant
9 within 49 days of receipt of the application. If the board of the
10 Michigan strategic fund does not grant or deny the designation
11 within 49 days of receipt of the application, the application shall
12 be considered approved. If the application is denied, the board
13 shall provide the applicant with the specific reasons for the
14 denial by reference to the criteria set forth in subsection (2). An
15 applicant may amend the application to take into account the
16 reasons for the denial and thereafter may resubmit the application
17 to the board of the Michigan strategic fund.

18 (4) The board of the Michigan strategic fund shall not
19 designate more than 2 next Michigan development corporations in a
20 calendar year. However, the board of the Michigan strategic fund
21 may designate 3 next Michigan development corporations in a
22 calendar year if 1 or more of the next Michigan development
23 corporations designated is located entirely north of 43° 49' in
24 this state.

SENATE BILL No. 398

May 29, 2013, Introduced by Senators CASPERSON and WALKER and referred to the Committee on Economic Development.

A bill to amend 2010 PA 275, entitled
"Next Michigan development act,"
by amending section 4 (MCL 125.2954).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) An eligible act 7 entity may apply to the board of
2 the Michigan strategic fund for designation as a next Michigan
3 development corporation under this act. An eligible urban entity
4 may apply to the board of the Michigan strategic fund for
5 designation as a next Michigan development corporation under this
6 act. An eligible urban entity may expressly designate an
7 instrumentality of an eligible urban entity or a nonprofit
8 corporation to file the application and act as the next Michigan
9 development corporation on behalf of the eligible urban entity.
10 (2) The territory of a next Michigan development corporation

1 shall be composed of the area within the boundaries of the cities,
2 villages, and townships which are parties to the interlocal
3 agreement as the same may be amended to add or remove parties from
4 time to time or the area of the eligible urban entity. The
5 interlocal agreement may include a division of rights,
6 responsibilities, and duties between and among the local government
7 unit parties as may be determined appropriate by the local
8 government unit parties to implement the purposes of this act and
9 otherwise shall conform to law.

10 (3) Except for an application from or on behalf of an eligible
11 urban entity, the application for next Michigan development
12 corporation status under this act shall be accompanied by a copy of
13 the interlocal agreement creating the eligible act 7 entity and the
14 approval of the governor of the interlocal agreement pursuant to
15 section 10 of the urban cooperation act of 1967, 1967 (Ex Sess) PA
16 7, MCL 124.510.

17 (4) IN DETERMINING WHETHER TO DESIGNATE A NEXT MICHIGAN
18 DEVELOPMENT CORPORATION, THE MICHIGAN STRATEGIC FUND SHALL GIVE
19 PREFERENCE TO AN ELIGIBLE ACT 7 ENTITY THAT IS MADE UP OF NOT FEWER
20 THAN 2 CONTIGUOUS COUNTIES THAT COMBINED HAVE A POPULATION OF MORE
21 THAN 103,000 BUT LESS THAN 106,000 ACCORDING TO THE MOST RECENT
22 DECENNIAL CENSUS AND THE POPULATION OF THE LARGEST CITY OF 1 OF
23 THOSE COUNTIES WHEN COMBINED WITH THE LARGEST CITY OF THE OTHER
24 COUNTY IS MORE THAN 32,500 BUT LESS THAN 35,500.

SENATE BILL No. 397

May 29, 2013, Introduced by Senators CASPERSON and WALKER and referred to the Committee on Economic Development.

A bill to amend 2010 PA 275, entitled
"Next Michigan development act,"
by amending section 5 (MCL 125.2955).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The board of the Michigan strategic fund, upon the
2 filing of an application under section 4, may designate the
3 applicant as a next Michigan development corporation. No more than
4 5-6 next Michigan development corporations may be designated in
5 this state. The president of the Michigan strategic fund shall
6 develop the form of application for designation as a next Michigan
7 development corporation within 49 days of the effective date of
8 this act provided that an application from an eligible act 7 entity
9 or an eligible urban entity which otherwise meets the requirements
10 of this act may be filed with the board of the Michigan strategic

1 fund at any time ~~following the effective date of this act, AFTER~~
2 DECEMBER 15, 2010, and any such application shall be considered by
3 the board of the Michigan strategic fund under subsections (2) ~~7~~
4 AND (3). ~~7 and (6)~~. The Michigan strategic fund shall use its best
5 efforts to develop the application process jointly with eligible
6 act 7 entities and eligible urban entities.

7 (2) The board of the Michigan strategic fund shall apply the
8 following criteria in determining to designate a next Michigan
9 development corporation:

10 (a) The nominal level of unemployed workers within the county
11 or counties which are parties to the interlocal agreement creating
12 the applicant eligible act 7 entity, if the applicant is an
13 eligible act 7 entity, or within the applicant eligible urban
14 entity, if the applicant is an eligible urban entity, in each case
15 as publicly reported by the state department of energy, labor, and
16 economic growth as of the month preceding the filing of the
17 application on an adjusted or unadjusted basis, whichever is
18 greater.

19 (b) The number of local governmental unit parties to the
20 applicant's interlocal agreement if the applicant is an eligible
21 act 7 entity.

22 (c) Whether the application demonstrates evidence of
23 significant job creation potential of a regional or state asset or
24 combinations of enterprises, facilities, or obsolete facilities
25 within the territory of the applicant, as documented by a
26 comprehensive business plan and a third-party study or studies
27 quantifying the job creation potential, and the degree of the job

1 creation potential.

2 (d) Whether the application is supported by public and private
3 commitment and the degree of the commitment.

4 (e) The extent to which the interlocal agreement or the
5 eligible urban entity creates the possibility of streamlined
6 permitting.

7 (3) ~~Subject to subsection (6), the~~ THE board of the Michigan
8 strategic fund shall grant or deny designation to an applicant
9 within 49 days of receipt of the application. If the board of the
10 Michigan strategic fund does not grant or deny the designation
11 within 49 days of receipt of the application, the application shall
12 be considered approved. If the application is denied, the board
13 shall provide the applicant with the specific reasons for the
14 denial by reference to the criteria set forth in subsection (2). An
15 applicant may amend the application to take into account the
16 reasons for the denial and thereafter may resubmit the application
17 to the board of the Michigan strategic fund.

18 (4) The board of the Michigan strategic fund shall not
19 designate more than 2 next Michigan development corporations in a
20 calendar year. However, the board of the Michigan strategic fund
21 may designate 3 next Michigan development corporations in a
22 calendar year if 1 or more of the next Michigan development
23 corporations designated is located entirely north of 43° 49' in
24 this state.