



Patrick Connor, Chairperson
Kel Smyth, Vice-Chairperson
Roy Webber, Secretary
Brian Black, Commissioner
Tom Warstler, Commissioner
James Hellermann, Commissioner

**PLANNING COMMISSION
REGULAR MEETING AGENDA
February 12, 2015, at 6:00 p.m.**

Christine Williams, Commissioner
Steve Buckbee, Commissioner
VACANCY

James V. O'Toole, City Manager
Ronald Beauchamp, City Council Liaison

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

Thursday, February 12, 2015, at 6:00 p.m.

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION(S) TO MINUTES – January 22, 2015

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

UNFINISHED BUSINESS - None

PUBLIC HEARING(S) - None

NEW BUSINESS

1. Discussion – Community Master Plan Process.

Explanation: The Community Master Plan planning process and schedule will be discussed.

2. Project Updates:

- a. Zoning Board of Appeals Hearings/Decisions.
- b. Michigan (MEDC) Redevelopment Ready Communities Program/Superior Trade Zone Update/ MSHDA/SHPO Certified Local Government Program Update.
- c. Delta County Planning Commission Update. The Planning Commission will be updated on the activities at the latest Delta County Planning Commission Meeting.
- d. Zoning/Land Use Permit Update.
- e. Various.

GENERAL PUBLIC COMMENT

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,

Patrick Connor, Chairperson
Planning Commission

**PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
January 22, 2015**

A meeting of the Escanaba Planning Commission was held on Thursday, January 22, 2015, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairperson Patrick Connor, Vice Chairperson Kelvin Smyth, Commissioners Roy Webber, Brian Black, James Hellermann, Stephen Buckbee and Tom Warstler

ALSO PRESENT: City Manager Jim O'Toole, City Council Liaison Ron Beauchamp, Executive Secretary Kim Peterson, Daily Press Representative Jenny Lancour, WDBC Representative Craig Woerpel and CUPPAD Representative Rhiannon Haller

EXCUSED ABSENT: Commissioner Christine Williams

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

Roll Call

Executive Kim Peterson conducted the roll call.

Approval/Correction of the December 11, 2014, Planning Commission Meeting Minutes

A motion was made by Commissioner Black, seconded by Commissioner Webber, to approve the November 11, 2014, Meeting Minutes. Ayes were unanimous.

Approval/Adjustments to the Agenda

A motion was made by Commissioner Smyth, seconded by Commissioner Hellermann, to accept the meeting agenda as submitted. Ayes were unanimous.

Conflict of Interest Declarations

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

None.

PUBLIC COMMENT

None.

NEW BUSINESS

Discussion – Year in Review/Goal and Objective Setting – 2014 Planning Commission Plan of Work and 2015 Planning Commission Plan of Work.

City Manager O'Toole stated the Planning Commission is being asked to review the activities and accomplishments of the Commission over calendar year 2014. Additionally, the Planning Commission is being asked to recommend Planning Commission goals and objectives for the upcoming 2015 Planning Commission Plan of Work. If a recommendation is made, the report and goals will go before the City Council at their regularly scheduled meeting on January 5, 2015, with Chairperson Connor making such presentation.

The 2014 Year-End Report of the Planning Commission was reviewed (attached to meeting minutes). One correction was made on Page 11, the address should be 109 South Lincoln Road not 109 South 9th Street.

City Manager O'Toole stated the SHPO Certified Local Government certification is moving along. The City Council adopted a resolution accepting the terms of the program and all paperwork has been submitted to the State of Michigan. SHPO has the paperwork for signature and then the agreement will be forwarded to the National Park Service for concurrence. Once the National Park Service signs off on it that process will begin. When the federal government gives the State of Michigan historical preservation money, 10% of that money is set aside for the twenty-two communities. This could be a significant amount towards historic preservation for the community.

City Manager O'Toole stated the Attorney General signed off on the Interlocal Government Agreement which is the Articles of Incorporation. The Governor's Office said everything is in line with the Act and the intent. The Governor sent a letter accepting such and invitations were sent to file a formal application which will go to the MEDC and forwarded to the Michigan Strategic Fund. Anticipate getting a first draft agreement on 01/23/15. Acuitas is working on the application. Once the application is submitted and approved, eligibility for some marketing dollars takes place. The process will then start with creating a Board of Directors, bylaws and project selection criteria. Hope to have this program running by summer and the Planning Commission will be involved with respect to projects and identifying priorities within the City that should be included in the Superior Trade Zone.

A motion was made by Chairperson Connor, seconded by Commissioner Webber, to recommend the adopted 2014 Year-End Report of the Planning Commission to the City Council at their regularly scheduled meeting on February 5, 2015. Ayes were unanimous.

A motion was made by Commissioner Warstler, seconded by Commissioner Smyth, to adopt the Goals and Objectives for calendar year 2015. Ayes were unanimous.

A motion was made by Commissioner Warstler, seconded by Commissioner Black, to have Chairperson Connor attend the regularly scheduled City Council Meeting on February 5, 2015, to present the 2014 Year-End Report of the Planning Commission and the Goals and Objectives for calendar year 2015. Ayes were unanimous.

Discussion – Community Master Plan Update.

City Manager O'Toole stated administration and the Planning Commission will discuss a proposal submitted by the Central Upper Peninsula Development Regional Commission (CUPPAD) to update the City of Escanaba's Master Plan and review the City of Escanaba's Zoning Ordinance. The Master Plan is required by law. CUPPAD is proposing to update the Master Plan for \$12,600 as the City of Escanaba is a member. In 2006 the cost was \$30,000 to update the Master Plan. Work will begin this upcoming winter 2015 and completed during spring 2016. A joint meeting of all Boards and Commissions will be held and various public input meetings will take place. The Zoning Ordinance will also be reviewed and updated where necessary.

CUPPAD Representative Rhiannon Haller stated CUPPAD currently employs six staff members to provide guidance to local units of government and private enterprises for land use planning, transportation planning, ordinance development, economic development, census data, mapping and technical assistance. In updating the Master Plan and reviewing the Zoning Ordinance, compliance with the Michigan Planning and Zoning Enabling Acts will be included.

City Manager O'Toole stated the Plan Showcase is a pilot project, at no cost to the City, CUPPAD will develop high-impact materials that summarize the Master Plan, emphasizing community ownership of the process and outlining the goals, objectives, and implementation actions developed as part of the plan update. These materials include a summary document, slideshow, and brief video, and can be used by the City to market the plan and the community of Escanaba. The goal of this showcase is to ensure that the plan remains a living, actionable document that reflects the community's vision so it can be used as a key tool for decision-making.

Commissioner Hellermann stated it would be good to see a summary page on the things that did and did not work in the Master Plan of 2006.

Discussion took place on ensuring all data would be updated and social media would be included. Parts of the current Master Plan will be carried over.

Commissioner Black stated Bay College is working on their Strategic Planning this April and would be a strong alignment. City Manager O'Toole stated working with other entities would be beneficial such as the City doing community data surveys and being used elsewhere versus everyone paying for their own data research.

City Manager O'Toole stated the Master Plan is used as a checklist and every year the goals and objectives are reviewed. The Master Plan information is used in the Five-Year Capital Improvement Plan which then is used for the budget.

Commissioner Warstler stated UPCAP is looking at the livability of Escanaba to include housing, health care, walkability, transportation, etc. and will also provide a lot of useful information when complete. Ms. Haller stated she is in contact with Johnathan Mead.

A motion was made by Vice Chairperson Smyth, seconded by Commissioner Warstler, to recommend to City Council approval of CUPPAD's proposal to update the City of Escanaba's Master Plan, to include review of the City of Escanaba's Zoning Ordinance, for \$12,600. Ayes were unanimous.

Project Updates:

- A. Zoning Board of Appeals Hearings/Decisions – None.
- B. Michigan (MEDC) Redevelopment Ready Communities Program – City Manager O’Toole received a message from MEDC last week stating Escanaba is the next community on the list to be evaluated by the Redevelopment Ready Communities Team. They are finishing up an evaluation for the City of Marshall and anticipate beginning the City of Escanaba within the next several weeks. A land development tool box was put together and is located on the City’s website www.escanaba.org.
- C. Delta County Planning Commission Update – Chairperson Connor stated a meeting was held and a discussion took place on the wind mill ordinance as it relates to flicker and noise.
- D. Zoning/Land Use Permit Update – Nothing to date yet.
- E. Various – None.

GENERAL PUBLIC COMMENT

None.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

None.

ADJOURNMENT

A motion was made by Commissioner Warstler, seconded by Commissioner Webber, to adjourn the meeting. The meeting adjourned at 6:40 p.m. Ayes were unanimous.

Patrick Connor, Chairperson
Escanaba Planning Commission

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

Roy Webber, Secretary
Escanaba Planning Commission

2014



2014 YEAR-END REPORT

Planning Commission

January 9, 2015

Dear City Council Members and Residents of the City of Escanaba:

It is with pleasure that the Escanaba Planning Commission submits to you this 2014 Year-End Report on issues and matters brought before the Planning Commission in Calendar Year 2014.

In carrying out the duties and responsibilities of the Planning Commission conveyed under the Municipal Planning Act, Act 285 of 1931, as amended, the City and Village Zoning Act, Act 207 of 1921, as amended and Chapter 21 of the Escanaba Code of Ordinances, the Planning Commission hereby submits the 2014 Planning Commission Year-End Report for your review and consideration.

ROLE OF THE PLANNING COMMISSION

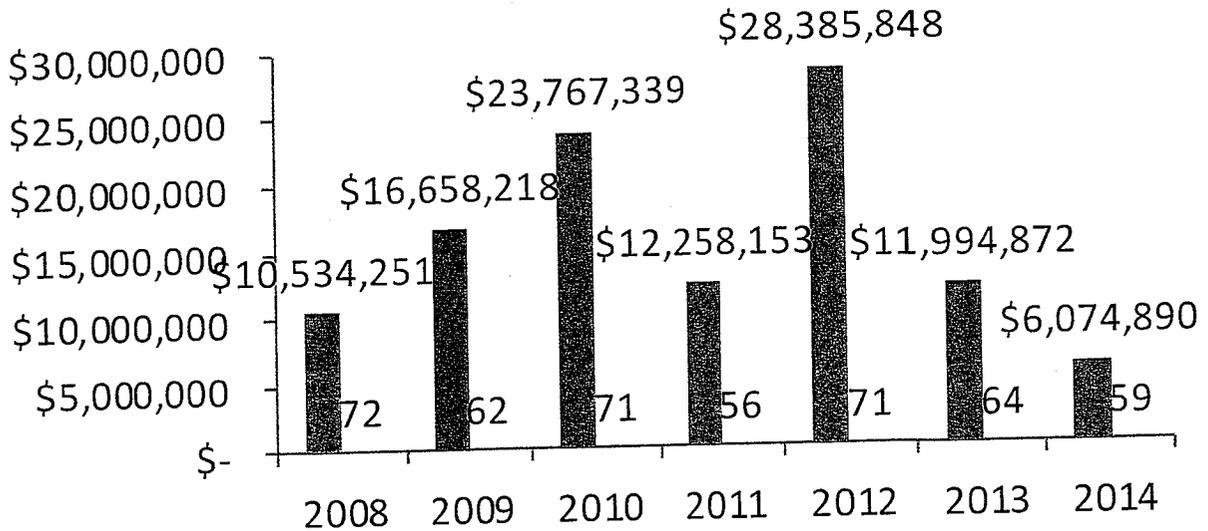
The roles of the Planning Commission include some functions in addition to the statutory duties and responsibilities. The role of the Planning Commission includes the social or cultural expectation that citizens have of the service that the Planning Commission provides in helping to set and implement local land use and development policy. There are eight (8) key roles of the Planning Commission:

- A. Educate the public about local planning issues, the master plan and land use regulations.
- B. Cooperate and coordinate with other units of government on planning matters.
- C. Prepare, adopt and maintain a master plan.
- D. Review other community's draft master plans when submitted for that purpose, and provide coordination of planning and zoning in other units of government.
- E. Draft and present to the City Council a zoning ordinance and amendments and advise on various zoning actions.
- F. Review and comment on proposed public works projects.
- G. Prepare and annually adopt a capital improvement program.
- H. Prepare subdivision regulations and advise on proposed plats.

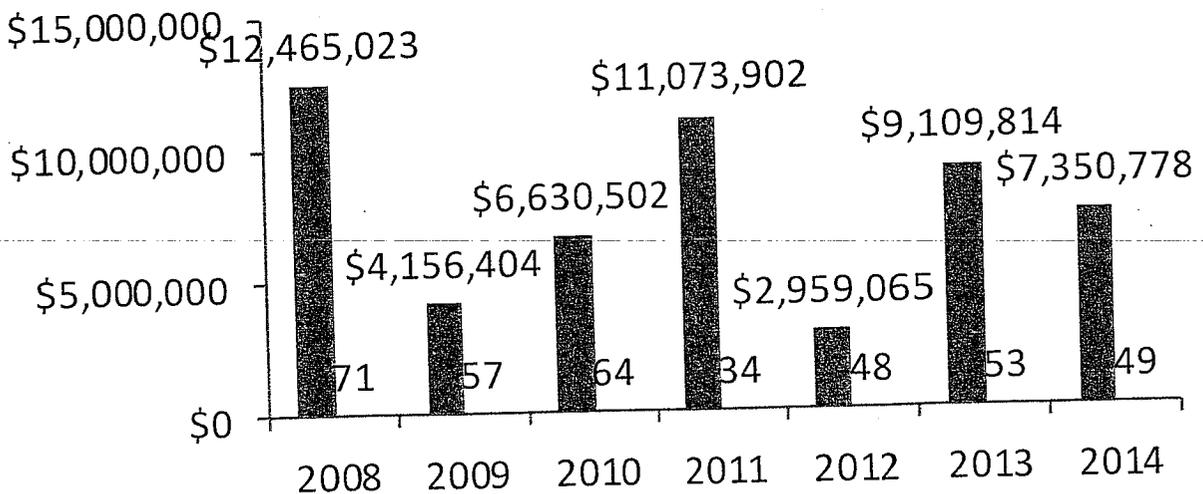
Respectfully Submitted,

Patrick Connor
Planning Commission Chairman

City of Escanaba Zoning Permits and Declared Values



Delta County Building Permits and Declared Values

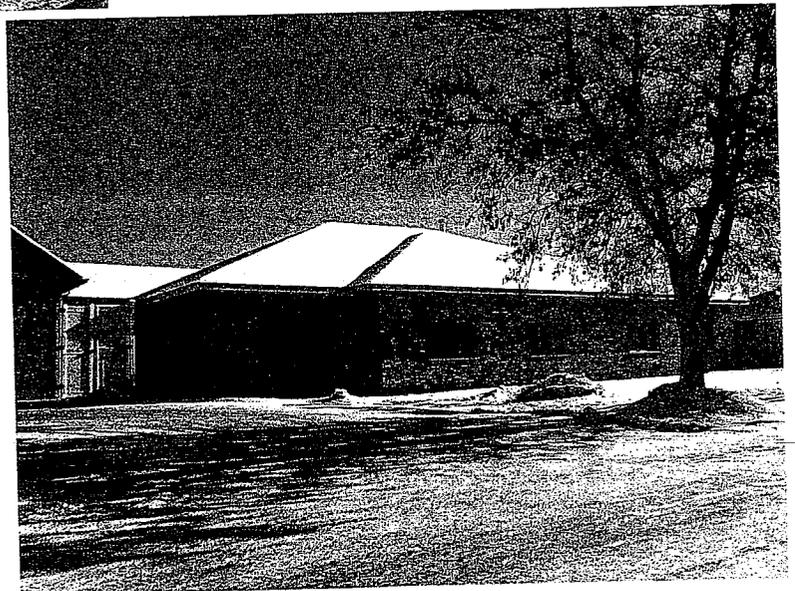
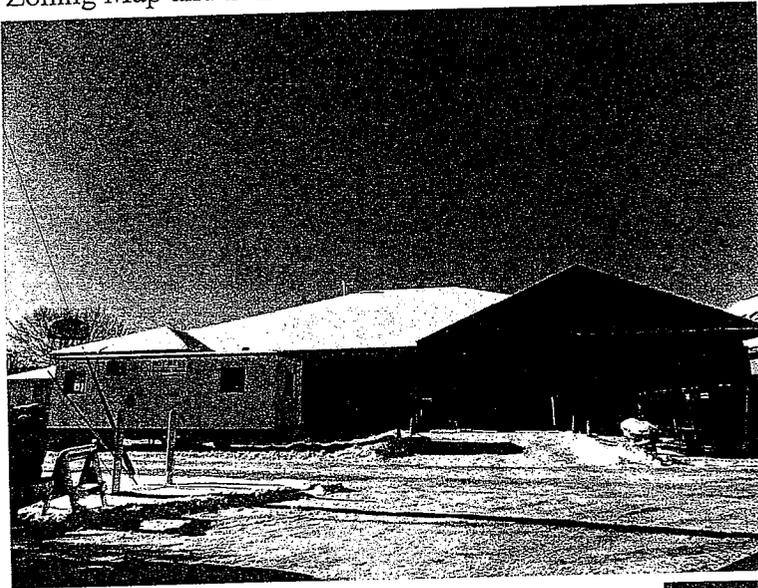


NOTE: The figures on the bottom of both charts reflect how many Zoning Land Use Permits were issued for each year.

SITE PLAN REVIEW/SPECIAL LAND USE PERMITS

NORTHERN MICHIGAN BANK AND TRUST—1921 3RD AVENUE NORTH

Amendment to the Zoning Map and Site Plan Review—1921 3rd Avenue North—Northern Michigan Bank and Trust. The Planning Commission conducted a Public Hearing and approved an Amendment to the Zoning Map and Land Use Permit to allow Northern Michigan Bank and Trust to expand their operation.



PERFORMANCE MATTERS—INDICATOR KEY:



INCREASING



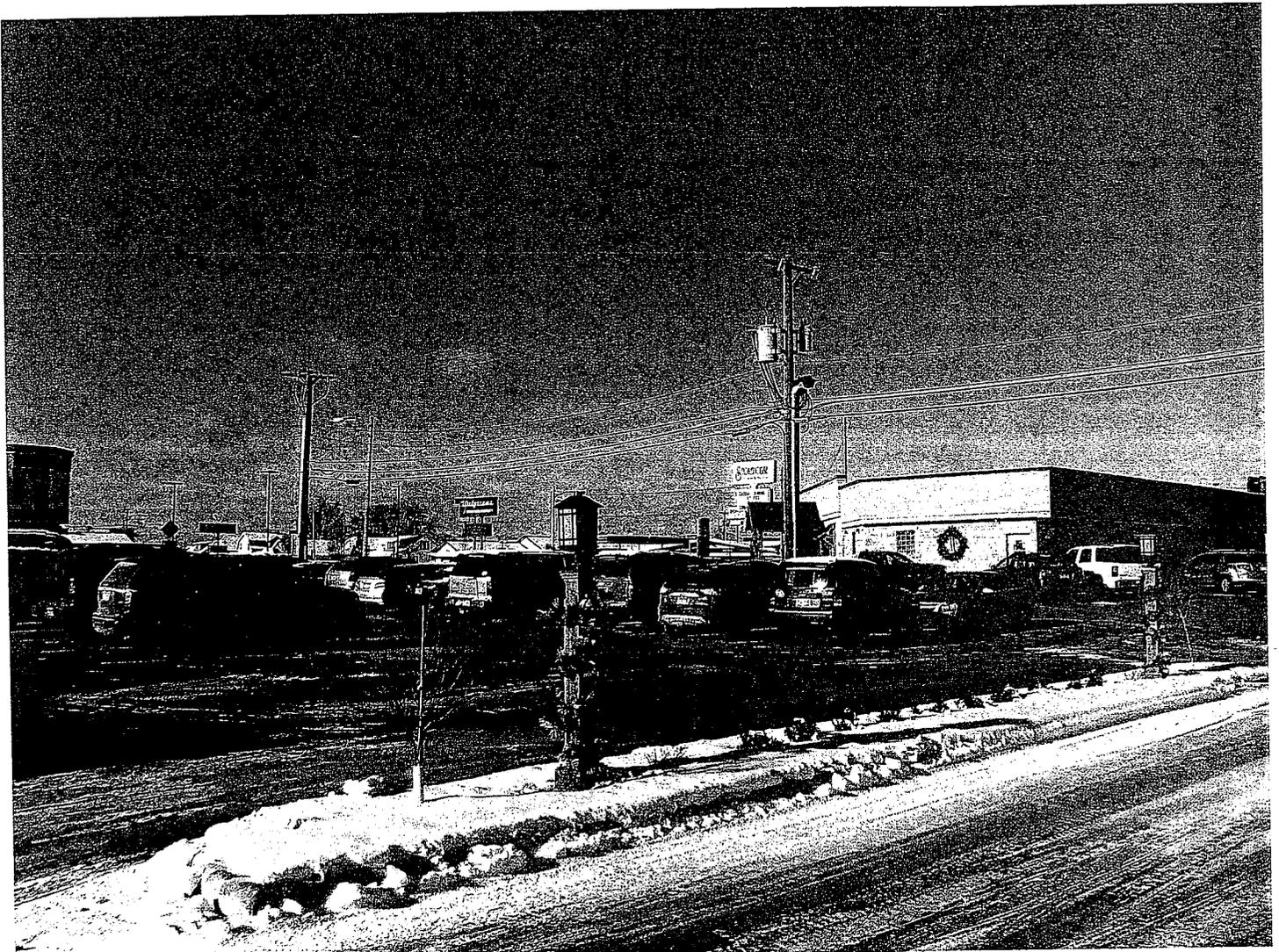
STAYING ABOUT THE SAME



DECLINING

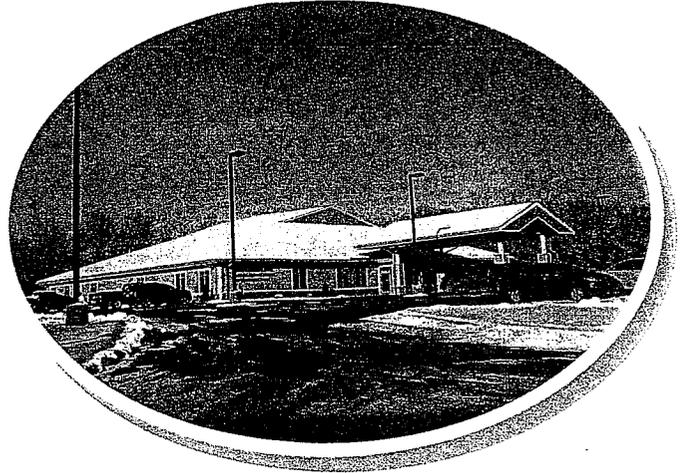
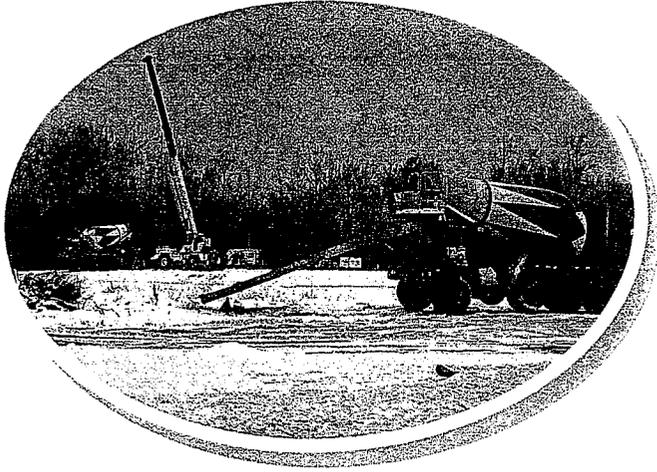
ROMPS FAMILY LLC (AKA STONEHOUSE RESTAURANT)
VACATE PART OF ALLEY—2223 LUDINGTON STREET/109 SOUTH LINCOLN ROAD

Site Plan Review and Request to Vacate Part of Alley—2223 Ludington Street/109 South Lincoln Road—Romps Family LLC (aka Stonehouse Restaurant). The Planning Commission conducted a Public Hearing and approved a Land Use Permit to allow vacating part of the alley for additional parking.



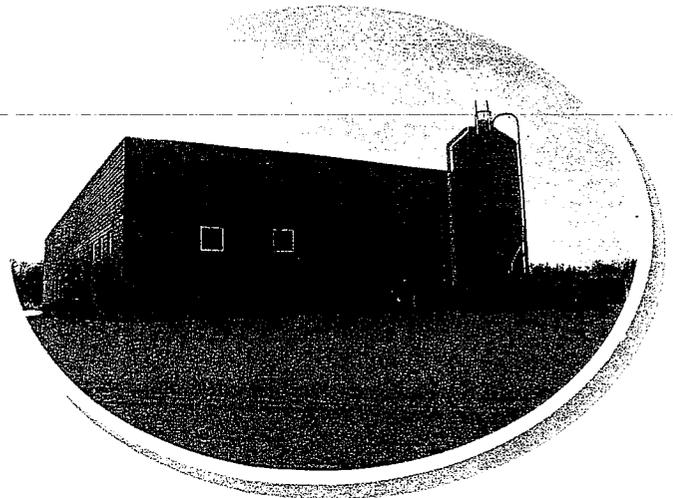
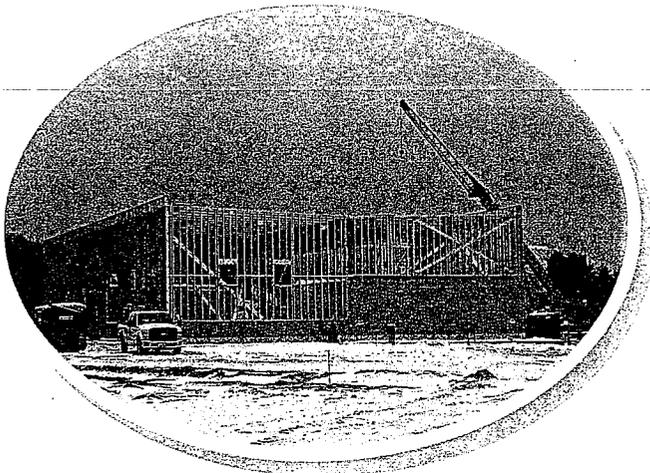
OSF HEALTH CARE SYSTEM/OSF ST. FRANCIS HOSPITAL—300 WILLOW CREEK ROAD

Site Plan Review/Approval—OSF Health Care System/OSF St. Francis Hospital—300 Willow Creek Road. The Planning Commission conducted a Public Hearing and approved a Land Use Permit request to allow construction of a 14,513 square foot physical therapy, occupational therapy and office building.



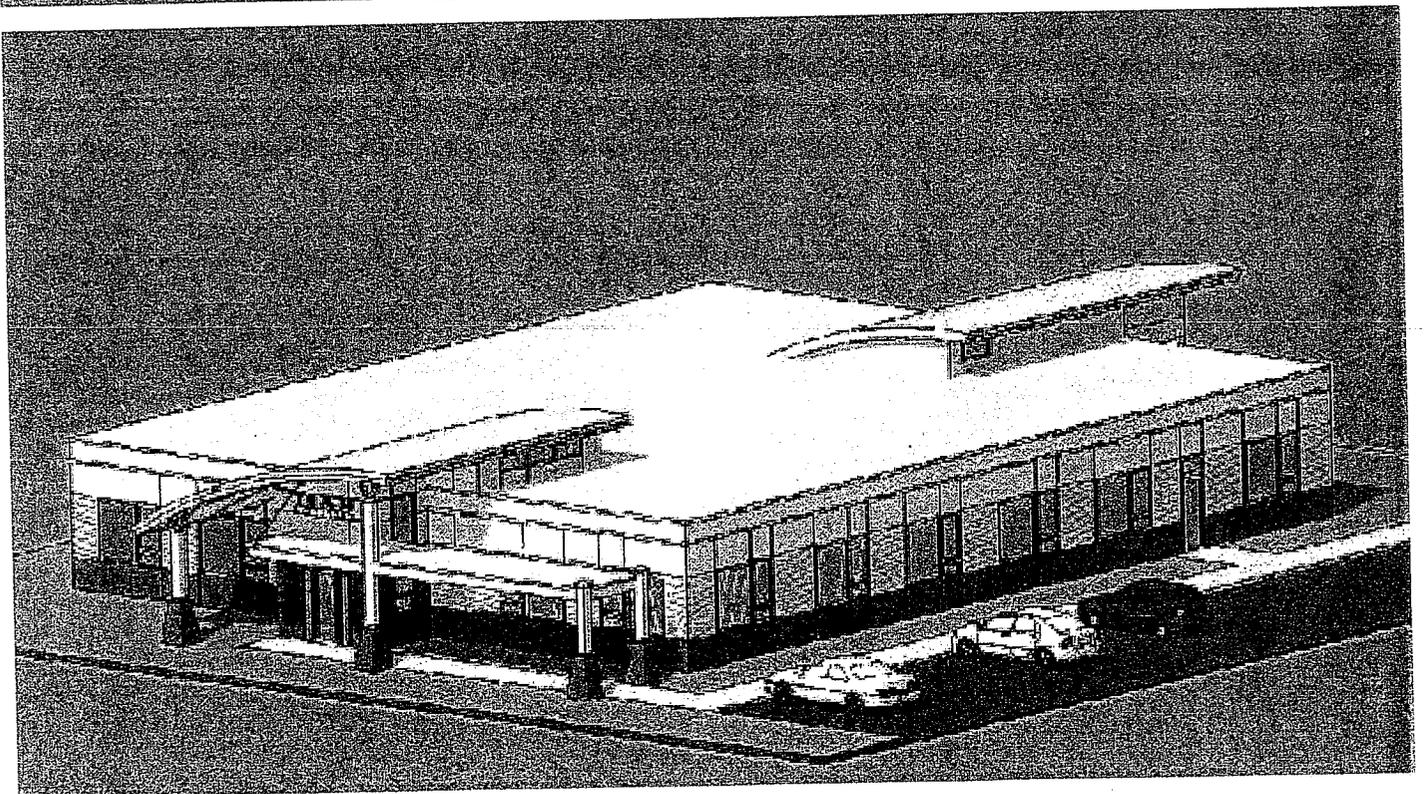
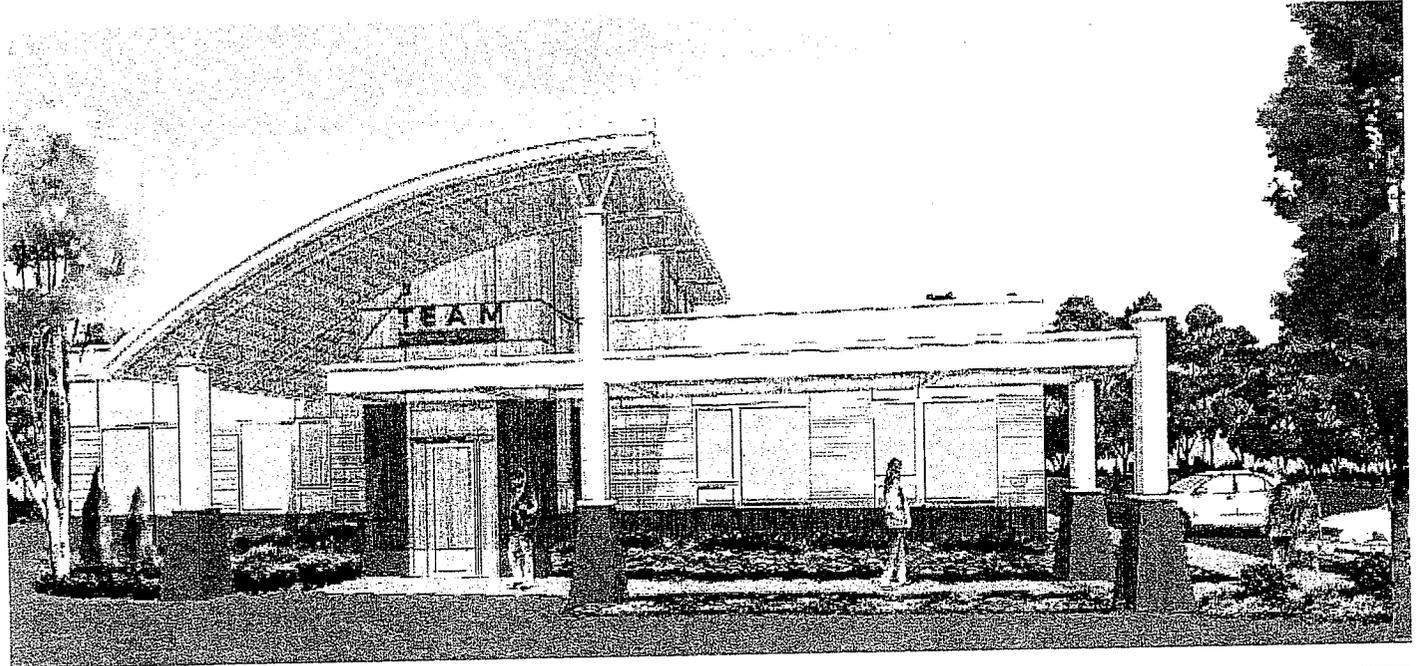
BELL'S UPPER HAND BREWERY—DELTA COUNTY RENAISSANCE ZONE

Site Plan Review/Approval—Bell's Upper Hand Brewery—Delta County Renaissance Zone. The Planning Commission conducted a Public Hearing and approved a Land Use Permit request to allow construction of a 11,500 square foot bottling manufacturing plant.



JERRY BOUCHER AKA GEEPAPA ENTERPRISES INC.—1008 NORTH 30TH STREET AND ADJACENT PROPERTIES (11.20 ACRES +/-)

Site Plan Review/Zoning District Use Change and Special Land Use Permit—Jerry Boucher aka Geepapa Enterprises, Inc.—1008 North 30th Street and Adjacent Properties (11.20 acres +/-). The Planning Commission conducted a Public Hearing and approved a Land Use Permit to allow for Team Wireless to have Verizon headquarters at this site.



JOE KNAUF—1401 NORTH 26TH STREET

Special Land Use Permit Request—Joe Knauf—1401 North 26th Street. The Planning Commission conducted a Public Hearing and approved a Special Land Use Permit to allow 1401 North 26th Street to operate as an Adult Day Care Facility.



January 1, 2014, to December 31, 2014

3 New Residential Zoning Permits Were Issued

New Residential Homes—Value \$735,000



700 Willow Creek Road



1615 20th Avenue South



1720 21st Avenue South

NEW RESIDENTIAL HOMES		
	2013	2014
New Residential Zoning Permits	8	3
New Residential Value	\$2,283,800	\$735,000



January 1, 2014, to December 31, 2014

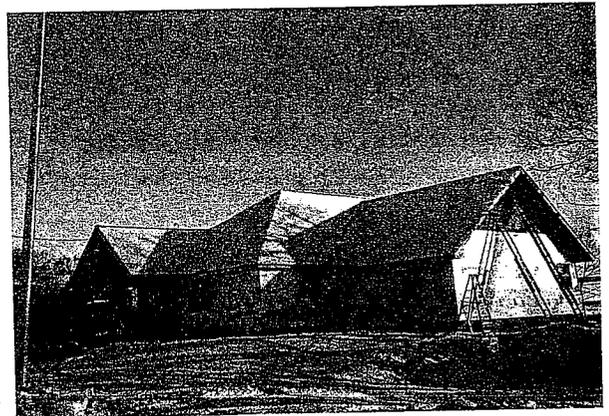
36 Residential Remodel Zoning Permits Were Issued

Residential Remodel—Value \$624,140

248 Lake Shore Drive	1322 Sheridan Road	520 3rd Avenue North
3127 6th Avenue South	225 South 10th Street	911 South 11th Street
2107 5th Avenue South	806 North 19th Street	1415 Lake Shore Drive
627 South 17th Street	2300 Lake Shore Drive	1210 12th Avenue South
3101 Lake Shore Drive	1034 South 30th Street	2303 Lake Shore Drive
1130 South 30th Street	1218 12th Avenue South	1903 Park Avenue
1408 Lake Shore Drive	1716 Grand Avenue	1715 10th Avenue South
1302 North 18th Street	1005 Lake Shore Drive	1300 South 15th Street
901 Willow Creek Road	2100 Lake Shore Drive	1002 South 12th Street
812 1st Avenue South	1621 South 16th Street	925 6th Avenue South
1210 South 16th Street	1723 7th Avenue South	407 1st Avenue South
1615 Sheridan Road	921 Lake Shore Drive	421 South 11th Street



901 Willow Creek Road



2303 Lake Shore Drive

RESIDENTIAL REMODEL		
	2013	2014
Residential Remodel Zoning Permits	29	36
Residential Remodel Value	\$714,752	\$624,140

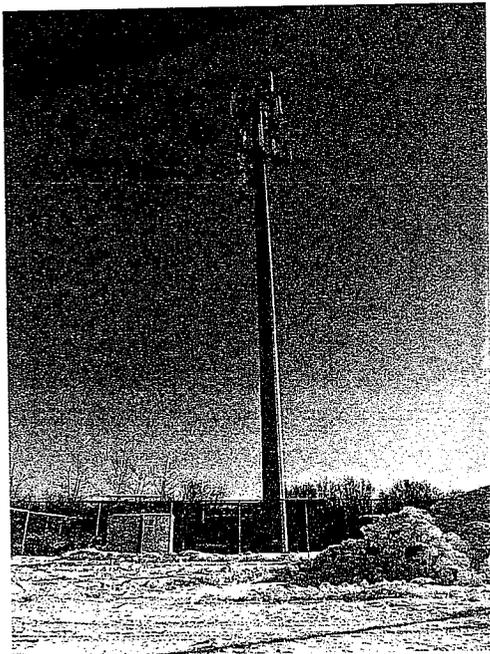


January 1, 2014, to December 31, 2014

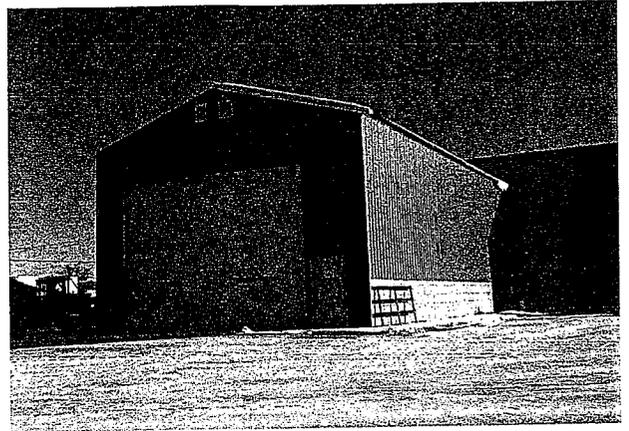
5 New Commercial Zoning Permits Were Issued

New Commercial — Value \$1,140,000

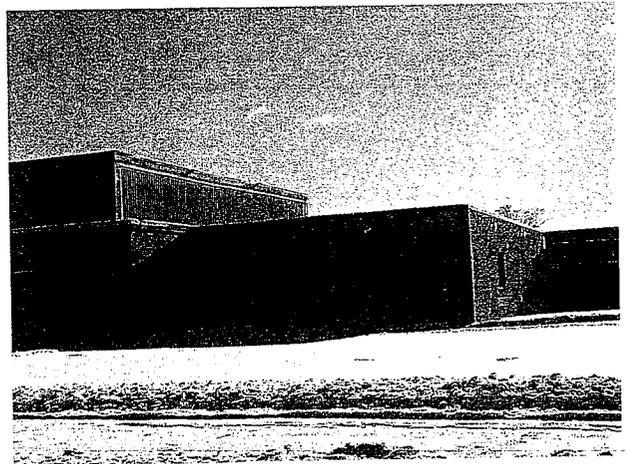
- 202 North 30th Street
- 5211 19th Avenue North
- 1701 North 28th Street
- 1008 North 30th Street
- 409 South 22nd Street



202 North 30th Street



1701 North 28th Street



409 South 22nd Street

NEW COMMERCIAL		
	2013	2014
New Commercial Zoning Permits	10	5
New Commercial Value	\$6,749,620	\$1,140,000

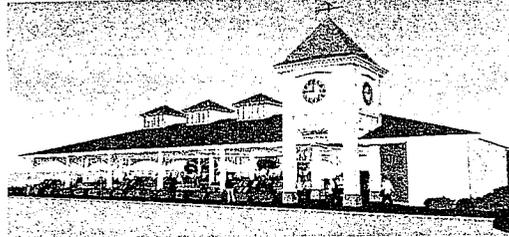


January 1, 2014, to December 31, 2014

4 Commercial Remodel Zoning Permits Were Issued

Commercial Remodel — Value \$2,835,000

1921 3rd Avenue North
 1422 Ludington Street
 1st Avenue North/North 9th Street
 109 South Lincoln Road



Escanaba
Market Place

COMMERCIAL REMODEL		
	2013	2014
Commercial Remodel Permits	8	4
Commercial Remodel Value	\$2,095,000	\$2,835,000



8 Demolition Permits—Value \$40,500

117 Stephenson Avenue—Shed
 109 South Lincoln Road—Commercial Building
 1210 South 16th Street—Shed
 323 North 19th Street—Residential Home
 1403 Lake Shore Drive—Residential Home
 1715 10th Avenue South—Garage
 1210 South 16th Street—Garage
 1901 Lake Shore Drive—Residential Home

DEMOLITION		
	2013	2014
Demolition Permits	4	8
Demolition Value	\$46,400	\$40,500



January 1, 2014, to December 31, 2014

Change of Use—Value \$250

1630 Ludington Street—Car Lot

1801 Ludington Street—Installing Handicap Ramp

CHANGE OF USE		
	2013	2014
Change of Use Permits	2	2
Change of Use Value	\$105,300	\$250

19 SIGN PERMITS

- | | |
|-------------------------|-------------------------|
| 1636 Ludington Street | 1711 Ludington Street |
| 3300 Airport Road | 301 North Lincoln Road |
| 1814 North Lincoln Road | 300 Willow Creek Road |
| 2504 3rd Avenue North | 2001 North Lincoln Road |
| 1801 Ludington Street | 2950 College Avenue |
| 1900 6th Avenue North | 428 South Lincoln Road |
| 1200 North Lincoln Road | 2900 27th Avenue North |
| 423 Ludington Street | 2625 Ludington Street |
| 1606 Ludington Street | 501 South Lincoln Road |
| | 917 Ludington Street |

SIGN PERMITS		
	2013	2014
Sign Permits	18	19

January 1, 2014, to December 31, 2014

50 Fence Permits Were Issued

- | | |
|------------------------|-------------------------|
| 1432 Stephenson Avenue | 1428 North 16th Street |
| 901 South 19th Street | 606 South 19th Street |
| 941 Washington Avenue | 1204 10th Avenue South |
| 1900 14th Avenue North | 1203 Willow Creek Road |
| 508 South 9th Street | 615 Ogden Avenue |
| 1416 11th Avenue South | 1010 Washington Avenue |
| 226 South 22nd Street | 522 2nd Avenue South |
| 605 North 19th Street | 3401 Ludington Street |
| 521 South 13th Street | 2105 5th Avenue South |
| 803 South 12th Street | 208 North 10th Street |
| 601 North 18th Street | 1512 North 19th Street |
| 1222 8th Avenue South | 2106 5th Avenue South |
| 3101 14th Avenue South | 1107 Stephenson Avenue |
| 1410 North 20th Street | 329 South 14th Street |
| 602 South 8th Street | 1301 North Lincoln Road |
| 1129 North 18th Street | 629 South 15th Street |
| 314 South 9th Street | 1031 Sheridan Road |
| 1216 North 19th Street | 1402 Ludington Street |
| 1504 Lake Shore Drive | 215 Ogden Avenue |
| 123 South 22nd Street | 519 South 8th Street |
| 1427 North 18th Street | 711 Stephenson Avenue |
| 1100 7th Avenue South | 901 Willow Creek Road |
| 518 1st Avenue South | 2115 6th Avenue South |
| 200 North 10th Street | 1608 17th Avenue South |
| 1412 2nd Avenue North | 311 North 13th Street |

FENCE PERMITS		
	2013	2014
Fence Permits	82	50



MAJOR DEVELOPMENT PLANS/PROJECTS/CAPITAL IMPROVEMENTS

MEDC Redevelopment Ready Communities Program. In 2014, the City of Escanaba was approved to participate in the MEDC Redevelopment Ready Communities Program. On May 29, 2014, a joint meeting of the Escanaba City Council, Escanaba Planning Commission, Escanaba Historical Commission and the Escanaba Downtown Development Authority was conducted with the MEDC to review the purpose of the program and to go over what the City of Escanaba could expect from the program. Under this program the City will obtain a comprehensive review of the City's Master Plan and Land Development Plans, and will also assess the City's business and residential opportunities, parking, downtown corridors, public input, targeted investments, redevelopment plans and other economic practices. Administration is recommending the Planning Commission adopt the completion of this review as a goal for 2015.

Certified Local Government. In 2014, the City of Escanaba was approved to be a "Certified Local Government" Community through the Michigan State Housing Development Authority. Under this program the City will be eligible for assistance with finances and technical support for specific projects that enhance and promote historic neighborhoods and commercial districts in the City by identifying specific preservation projects for grants administered by the Michigan State Historic Preservation Office. The City will be the second community in the U.P. to have this status and would also allow the City to apply for Historic Preservation Grants. Administration is recommending the Planning Commission adopt the implementation of this program as a goal for 2015.

Historical Registry Nomination. In 2014, The City of Escanaba's Downtown was placed on the National Registry of Historic Places through the Michigan Historic Preservation Board and the U.S. National Park Service.

Historical Façade Design Guideline. In 2014, the Planning Commission worked with the Escanaba Historic Commission, Escanaba Downtown Development Authority and Escanaba City Council on finalizing a "Downtown Façade Design Guideline". The guidelines provide guidance to property owners undertaking work within an established Historic District that is subject to review by the Historic District Commission or façade work undertaken as part of the Downtown Façade Incentive Program.

Next Development Michigan Act—Superior Trade Zone. The City of Escanaba, along with the various units of government in Delta and Marquette Counties created and submitted a proposed intergovernmental agreement to create the U.P. Next Michigan Development Corporation, also known as the "Superior Trade Zone". The agreement establishes the Superior Trade Zone as a separate legal entity having the same boundaries as the participating parties. The purpose of the agreement is to take advantage of the provisions of state law for economic development activities and the attraction of facilities and employment to the area. Administration is recommending the Planning Commission adopt the continuation for finalizing the Superior Trade Zone as a goal for 2015.

Resurfacing and Curb Repair City Wide – Major Streets/Local Streets—This included streets such as Lake Shore Drive, Ludington Street, Sheridan Road and Stephenson Avenue. Funding for Major Streets has been significantly cut by the State of Michigan. The Local Streets is classified as neighborhood streets and is included in the Major Street funding. The amount of money spent on snow removal will impact the street repairs that will be done in the following year. Once spring arrives, the City Engineering Department, along with a number of other agencies, all get together and rate every street in Escanaba using what’s called a PASER System, which is how the City determines what streets need the most work and how much money is needed for repairs. Amount budgeted was \$400,000. Sheridan Road was redone from 10th Avenue North to 17th Avenue North with a significant amount of Small Urban Grant money along with monies from the City’s Major Street Fund for a total of \$450,000.



Major Streets—Priority

5th Avenue South—Alley between South 15th, 16th and 14th Streets
 12th Avenue North/North Lincoln Road at North 23rd Street—Fairgrounds Entrance

Local Streets—Priority

7th Avenue South—Lake Shore Drive
 South 15th Street—9th Avenue South—10th Avenue South
 14th Avenue South—Willow Creek Road/South 30th Street (chip seal)
 North 16th Street—11th Avenue North and 12th Avenue North
 South 15th Street—6th Avenue South and 7th Avenue South
 10th Avenue South—South 14th Street and South 15th Street

Sidewalk Repair and Maintenance Program - City Wide—Routine repair and maintenance of existing sidewalk is needed City wide. Amount budgeted was \$5,000.

Non-Motorized Recreational Trail Upgrades – Year-Round Trail—This is the cross-country ski trail and snowshoe trail. The trail head was moved from North 30th Street to an area behind the Comfort Inn Suites as there is plenty of parking and lighting. Amount budgeted was \$5,000.

Civic Center Cement Entrance—The north side entrance was replaced with new cement slab. Amount budgeted was \$7,000.

DDA District Curb Repair Program—Funding was allocated to repair most critical infrastructure repairs in the DDA District which could include curb, brick pavers, sidewalk, and tree related problems for removal/replacement. Project evaluations, prioritization and ranking determined the east corner of the 100 block of South 13th Street and Ludington Street were in need of repair.

Power Pole Replacement— Power poles are being replaced throughout the City.

Street Light Replacement—There have been great advancements made in LED street lighting over the past few years. These advancements resulted in better products and more affordable fixtures. Continued replacement of the existing HID street lights and dusk-to-dawn lights with LED equivalents is being done. This project will take multiple years to complete. The City has approximately 1,550 street lights and 300 dusk-to-dawn lights on the distribution system.

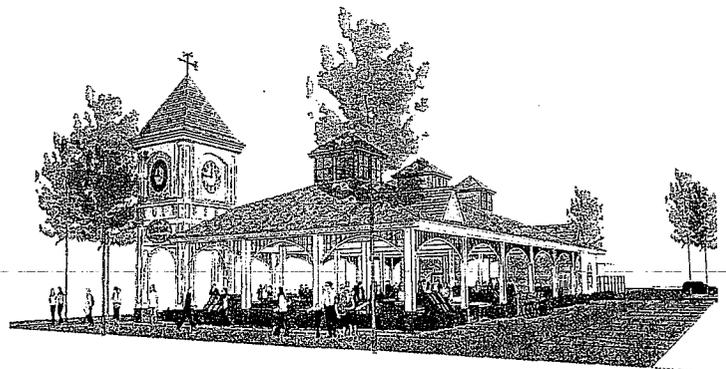
Ludington Street Resurfacing Funds—**Description:** In the Fall of 2014, the City of Escanaba received a Small Urban Grant for \$375,000 with a 20% local match to mill and resurface Ludington Street from 3rd Street to 9th Street. This grant is for the State fiscal year beginning October 2015.

Parking Lot Improvements – Reline, Landscaping, Signage in Line With Identity/Theme – 1100 Block of 1st Avenue North—The DDA is currently in the process of finalizing bid specifications to be sent out on the parking lot improvement.

Market Place Project - Escanaba Downtown Development Authority—The Downtown Development Authority obtained site plan approval for a new Market Place Facility to be located at the current Farmer’s Market on North 9th Street and 1st Avenue North. Since that time, the DDA has decided to revisit the concept with respect to location and is in the process of obtaining cost estimates (land purchase and construction) to possibly relocate the facility to a site located on Ludington Street, South 15th Street and 1st Avenue South, commonly known as the “Northern Motor’s Outdoor Car Display” lots. The DDA Administration is seeking public comment on the new location with the belief that the property is more centrally located in downtown which should help with future business attraction in the surrounding neighborhood and in drawing people to downtown. Additionally, the “new” location would have more parking availability than the current Farmer’s Market location and allow for an additional outdoor theater or an enclosed neighborhood playground.



INITIAL PLAN—North 9th Street Location



REVISED PLAN—Potential Relocation Ludington Street

Ludington Street Drainage Study—The DDA contracted with C2AE to perform an assessment of Ludington Street’s (approximately from 9th to 14th Streets) storm sewer system and the outlet from this area to the Bay. This area was chosen because of the flooding problems that occur during high intensity, short duration rain storms, which over the years have occurred more frequently. This study will look at the existing infrastructure and assess the condition and capacity of it. The ultimate goal of the study is to develop a conceptual plan and estimated cost of a permanent fix.

ZONING BOARD OF APPEALS

VARIANCE FOR 1300 SOUTH 15TH STREET

Public Hearing for a variance request at 1300 South 15th Street. The Zoning Board of Appeals conducted a Public Hearing and approved a variance request to the minimum side yard requirement to allow for an addition to an attached garage to the main structure.



RECOMMENDED 2015 PLANNING COMMISSION GOALS/OBJECTIVES

1. Continue work on the MEDC Readiness Re-development Community Program.
2. Continue work on the MSHDA/SHPO Certified Local Government Program.
3. Continue work on the Next Michigan Development District, also known as the “Superior Trade Zone”.
4. Update the Community Master Plan which will serve as a guide to help manage the future growth of Escanaba and as a tool that will shape and maintain the community as growth occurs.

PLANNING COMMISSION MEETINGS			
	2013	2014	
Regular Planning Commission Meetings	8	8	↔
Special/Joint Planning Commission Meetings	2	2	↔

CHAPTER FOUR – THE MASTER PLAN

Legal Background

Primary Responsibility of the Planning Commission

“A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction....” Sec. 31. (1), Michigan Planning Enabling Act, PA 33 of 2008.

“At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan.” Sec. 45 (2), Michigan Planning Enabling Act, PA 33 of 2008.

As the above quotes indicate, the planning commission must make, approve and maintain a master plan. Doing so is the primary responsibility of the planning commission. If a local unit of government wishes to have a master plan, or any part of a master plan, it must first have a planning commission. Adoption of a master plan cannot be done without a planning commission. Without an up-do-date master plan, then zoning regulations, subdivision regulations and capital improvement programs cannot be properly prepared and implemented.

The planning commission rarely prepares a master plan independently. They usually do so with the assistance of professional planning staff and/or planning consultants. In some charter cities, the planning department prepares the master plan and amendments, but the planning commission must still adhere to all the public notice, hearing, coordination and adoption requirements established in the MPEA; and the master plan itself, must still adhere to the requirements of the MPEA (see Sec. 49).

What is a Master Plan?

As indicated in the first chapter, a *master plan* is a land use and infrastructure plan that sets forth local goals, objectives and policies for community growth and/or redevelopment over the next 20-30 years. It may also be referred to as a comprehensive plan, future land use plan, basic plan, general plan or other term. The master plan serves as the basis for the local zoning ordinance, subdivision regulations, other local land use regulations, and for ensuring that capital improvements are consistent with the community goals and policies expressed in the master plan.

The MPEA also indicates in the definition of “*master plan*” in Sec. 3 (g) and in Sec. 81 (1) that the master plan can also serve as the required plan that must be the basis for the zoning ordinance prepared and adopted under the Michigan Zoning Enabling Act (MZE), PA 110 of 2006, as amended. Previously, only the Township Planning Act (PA 168 of 1959) had this provision. However, to properly serve that purpose the local master plan must have all the required elements of a master plan as specified in the MPEA. These include a future land use map and a zoning plan. These required elements and other optional elements are discussed in detail later in this chapter and in the next chapter.

Purposes for Creating a Master Plan

The sidebar on the next page presents the purposes for which a master plan can be created as provided in Sec. 7 of the MPEA. These are time-honored public health, safety and general welfare purposes for local land use planning. This list of purposes is a synthesis of the purposes in the three original planning enabling acts being repealed by the MPEA.

Purposes of a Master Plan

“Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.

(2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:

(a) Is coordinated, adjusted, harmonious, efficient, and economical.

(b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.

(c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.

(d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:

(i) A system of transportation to lessen congestion on streets.

(ii) Safety from fire and other dangers.

(iii) Light and air.

(iv) Healthful and convenient distribution of population.

(v) Good civic design and arrangement and wise and efficient expenditure of public funds.

(vi) Public utilities such as sewage disposal and water supply and other public improvements.

(vii) Recreation.

(viii) The use of resources in accordance with their character and adaptability.”

Michigan Planning Enabling Act, PA 33 of 2008.

The purposes of the local master plan focus heavily on physical features of development and on the infrastructure necessary to serve that development. They also focus on creating healthy, safe, efficient, and economical communities.

If the master plan is also to serve as the basis for the zoning ordinance, then the master plan must also meet the purposes established in Sec. 203 (1) of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. See also Chapter Four of the *Michigan Zoning Guidebook*.

“Sec. 203 (1) The zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state’s residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. The zoning ordinance shall be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.”

Master Plans May be Adopted in Parts

Sec. 35 of the MPEA permits the creation of various subplans as parts of a master plan. Subplans focus in more detail

on specific geographic areas of the community. Many communities also prepare special plans which focus on functional infrastructure such as roads and streets across the entire jurisdiction. Subplans and special plans are either inserted as parts or chapters of the master plan, or adopted as separate documents. The next chapter discusses subplans and special plans in detail.

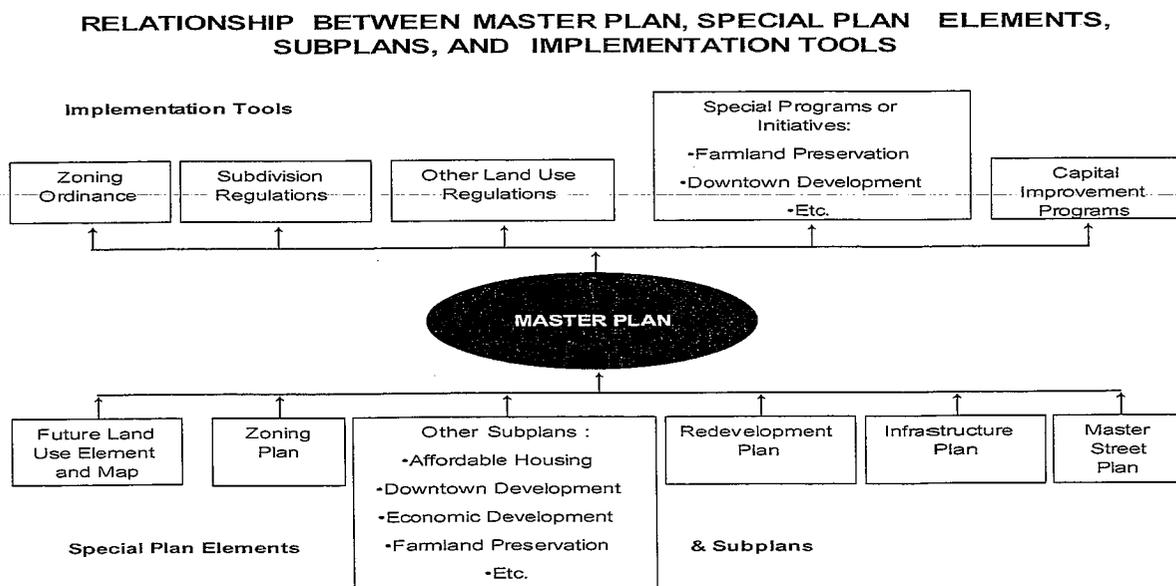
Sec. 39 (1) of the MPEA permits a master plan to “be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.” This is in order to permit subplans and special plans to be adopted after the master plan. This option has existed since the creation of the Standard State Planning Enabling Act, the model planning statute created in 1928, and enacted in Michigan as the Municipal Planning Act in 1931. It presents an effective way for the community to always be working on updating the master plan and/or subplans, instead of trying to do all the work at once (which can be costly and overwhelming).

For example, if the master plan (with the zoning plan element) is adopted in year one, the master streets plan can be prepared in year two, neighborhood and/or corridor plans in years three and four, and a special infrastructure or resource study in year five. Then at the start of year six, it will have been five years since the master plan was prepared and it will be due for review and possible updating. Be sure to include the review of the master plan and findings in the minutes of the planning commission (Sec. 45 (2) of the MPEA). The other subplans and special plans should also be reviewed at their five year mark.

Relationship of Master Plan to Implementation Tools

Figure 1 illustrates the important relationship of subplans and special plans to the master plan and of the master plan (including subplans and special plans) as a foundation to the major implementation tools: zoning, subdivision regulations, special programs, and capital improvements. Clearly, without a good master plan, implementation tools will lack a solid legal foundation and this could unnecessarily put the community at risk of future litigation.

Figure 1



Important Role of the Legislative Body

Remember, as noted at the start of Chapter Two, the legislative body has the option to adopt the master plan and that should be the goal of the planning commission. This is because when the plan is adopted by the elected representatives of the people, it has considerably more policy weight, than if it were adopted solely by the planning commission. This also means that the planning commission needs to carefully coordinate all aspects of the plan making process with the legislative body, beginning with creation of the budget and work program, and continuing with the process of notifying adjacent jurisdictions of the start of the planning process.

Legal Role of Master Plan

The master plan has several legal roles to play. These include:

- To provide a rational, foresighted, comprehensive, long-term oriented foundation for implementing tools: zoning (including map, districts, schedule of regulations, and supporting text); subdivision and land division regulations; special initiatives (like a farmland protection program or affordable housing program); and capital improvements program.
- To protect against challenges of arbitrariness.
 - To create public goals, objectives and policies for future growth and/or redevelopment based on broad public input.
 - To allow for discussion of pros and cons of alternative actions and documentation of public interests.
- To document public interests in private land development and to declare public intentions for infrastructure improvements, in some cases long before the public has the means to act. This will permit the private sector to make decisions that effectively takes these

public interests and intentions into account.

- To establish where the geographic boundaries for different types of development will be permitted/promoted.

Courts have long recognized that boundaries between certain land uses must be drawn somewhere and that there needs to be a reasonable basis for distinguishing. Courts also recognize that some property will benefit from higher values as a result of zoning based upon a plan, and that some may have lower values. The master plan should provide a reasonable basis for such distinctions. Documented data and research that occurs as part of the planning process is a key part of establishing reasonableness.

The master plan and zoning ordinance must ensure that every parcel of property has some reasonable use. This means an economically viable use. That is not necessarily the highest valued use.

Courts usually defer to the local unit of government where there is evidence of forethought and reasonable action. The local government is presumed to have acted in a valid manner and the burden is on the challenger to prove otherwise. This presumption of validity is a major asset in a court case. This presumption is hard to overcome, except on certain types of housing and family issues (mobile home parks or nontraditional families), if a community attempts to exclude a lawful land use, or on land uses involving the first amendment (adult entertainment facilities or signs). A well-prepared master plan can go a long way to demonstrate forethought and a reasonable scheme for land use and infrastructure improvement in the community.

Legal Role is Most Significant with Rezoning

The legal role of the master plan is perhaps most apparent when a community is considering a rezoning request. This is

because a rezoning involves the exercise of one of the strongest zoning powers (after establishing the original zoning ordinance and map).

One of the most important factors to consider on any rezoning is the relationship of the proposed rezoning to the master plan. If the master plan anticipated a particular land use category or class of use in that location, and if the timing is right (usually because adequate public services and facilities necessary to serve development of that class of use in that location are in place), then a rezoning would be approved. If not, then it would be denied. It is important to be sure that if denial is necessary, that the existing zoning permits a reasonable use of land, if not, then it should be rezoned to a different use class or district that does permit a reasonable use. It may be necessary for public notices on the zoning amendment to indicate the possibility that more than one new district might be considered in order for this option to be exercised. Consult with the municipal attorney before using this approach.

Most communities require that rezoning requests conform to both the future land use map and the policies in the master plan. This places the master plan front and center in the most important of zoning decisions.

In order to protect the integrity of the master plan, and its utility in guiding future land use decisions, it is important to always rezone consistent with the master plan. If the community relies on the master plan as a reason to deny a rezoning only when it does not like the land use or developer, then the plan is not an effective policy tool, it is merely a means of unlawful exclusion that is being used arbitrarily. Inconsistent application of the master plan is a sure way to lose the right to use the plan to guide future land use decisions.

If the community finds after appropriate study that a proposed rezoning or proposed development that would require a zoning

amendment is inconsistent with the master plan, and yet would be appropriate in that location, then it should propose an amendment to the master plan. The master plan amendment should be processed first, before rezoning. That will ensure that the master plan is consistently applied. Failure to amend the master plan will undermine the integrity of the master plan as a guide for zoning decisions and could result in the court invalidating the master plan, along with the zoning ordinance. See also Chapter Four in the *Michigan Zoning Guidebook*.

Master Plan Focus & Basic Contents

Geographic Coverage of Plan

Three separate sections of the MPEA address the issue of “*planning jurisdiction*” for a local unit of government. These are sections 3(j), 31(1) and 47 (1) (2) and are reproduced in the sidebar.

While it may seem like it, the structure in the MPA is neither complicated, nor new. The system remains the same under the MPEA as it was under the original planning enabling acts. Townships whose planning commission was created under the Township Planning Act (most townships in Michigan) can plan for the whole area of the township outside the boundaries of incorporated cities and villages. Townships, cities, and villages with a planning commission organized under the Municipal Planning Act can plan for the area within their municipal boundaries and “*any areas outside of the municipal boundaries that, in the planning commission’s judgment, are related to the planning of the municipality.*” Counties can plan for the whole jurisdiction of the county, but they must do so in cooperation with the municipalities in the county—as has always been the case.

However, if a county prepares a county-wide plan that includes incorporated areas, the portions of the plan that relate to those incorporated areas can only be used as the “*official*” plan for those areas by the cities and villages involved, if these cities and

villages adopt the relevant portions of the county plan following the adoption procedures in the MPEA. See Sec. 47 (1). The adoption requirement is waived if the municipality is subject to county zoning and has a proper intergovernmental contract in place. See Sec. 47 (2). This is a new provision.

Planning Jurisdiction of Master Plans

“Sec. 3 (j). ‘Planning jurisdiction’ for a county, city, or village refers to the areas encompassed by the legal boundaries of that county, city, or village, subject to section 31(1). Planning jurisdiction for a township refers to the areas encompassed by the legal boundaries of that township outside of the areas of incorporated villages and cities, subject to section 31(1).

Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:

(a) For a county, the master plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission’s judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

(b) For a township that on the effective date of this act had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission’s judgment, are related to the planning of the municipality.

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.”

Michigan Planning Enabling Act, PA 33 of 2008.

Coordination of Plans/Planning

Obviously, the most effective local planning is that which does not take place in isolation. Roads do not end at jurisdiction boundaries; nor do many planning and zoning issues. In order for communities to be successful in building places that last, that are healthy, economically, environmentally, and socially sustainable, they must have a quality working relationship with all their neighbors.

The most significant changes to the planning enabling acts over the last six years have related to expanding and strengthening the intergovernmental cooperation and coordination requirements for planning by local units of government. In 2002, the procedures for notifying neighboring jurisdictions about the start of the planning process and giving them an opportunity to review and comment on a draft plan were added to the original planning enabling acts. Now those provisions are found in Sections 39-43 of the MPEA.

By consolidating similar provisions from the original planning enabling acts, the MPEA in Sec. 31 (2) and (3) is very clear about the obligation of local units of government to cooperate and coordinate not only with each other to avoid planning and zoning conflicts, but also to seek “*the maximum coordination*” with various agencies of the state and federal government (see sidebar).

Coordination with other bodies will typically revolve around maps, data, reports and projects that are of mutual interest (such as floodplain studies or transportation improvement projects). Sections 31 (2) and 25 (2) of the MPEA declares the intent of the legislature that cooperation is a two-way street. Not only must planning commissions seek the “*maximum coordination*” with various agencies, the agencies are supposed to also cooperate in return.

“Sec. 25 (2). For the purposes of this act, a planning commission may make

use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions and furnish such other technical assistance and advice as they may have for planning purposes.” (Underline added.)

Cooperation and Coordination with Other Governmental Units and Agencies

“Sec. 31 (2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.

(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(c) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government’s programs with these agencies.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.” (Underline added.)

Michigan Planning Enabling Act, PA 33 of 2008.

Planning and zoning by a single jurisdiction in isolation is a sure recipe for being left behind. This is especially true with regard to economic development and dependent infrastructure expansion which increasingly take place on a multi-jurisdictional basis. If your community does not presently have strong planning ties with its neighbors, now is the time to make a

change. Nothing less than the long term viability of your community may be at stake.

Joint Municipal Planning Act

Public Act 226 (MCL 125.131 *et seq.*) became effective December 18, 2003. It allows two or more municipalities (cities, villages, or townships) to form a joint planning commission. In order to create this joint planning commission, each member municipality must enter into an agreement and adopt an ordinance which approves the agreement.

The agreement must specify the composition of the joint planning commission as well as the qualifications, selection by election or appointment, and the terms of office of the members. The conditions and procedures for removal from office and filling of vacancies must also be included in the agreement. The way the operating budget of the commission is to be shared, the jurisdictional area, and the procedures for a withdrawing municipality to follow must be included in the agreement as well.

This act originally specified that a particular planning act and a particular zoning act be chosen, applicable to at least one of the participating municipalities, for this joint planning commission. The new Michigan Zoning Enabling Act and the even newer Michigan Planning Enabling Act make choosing an act unnecessary, but it will still be necessary to choose which organizing and procedural provisions to follow (i.e. those applicable to cities, villages or townships). The Joint Municipal Planning Act also allows joint zoning. If only a portion of a municipality is in the jurisdiction of a joint planning commission, a zoning ordinance may be adopted for just that part of the municipality. All other powers and duties of a planning commission, under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act, apply to joint planning commissions.

Joint planning commission meetings are subject to the Open Meetings Act and writings by the commission are subject to the Freedom of Information Act. Each municipality within the jurisdiction of a joint planning commission need not allocate land for all uses provided each use is allocated in at least one of the participating municipalities. [Note: amendments to this Act were pending as this guidebook went to press. For the most recent provisions, please check www.michiganlegislature.org.]

A rule of thumb is to think in terms of planning at the same geographic scale as the topic or issue, the plan focuses on. For example, one community may have good provisions for surface water quality protection, but doing so has little impact if the next community upstream does not have comparable provisions. Planning and implementation needs to involve the entire watershed. The same is true for economic development; with planning being done at the labor market or regional economic scale.

Joint Planning

There is another formal option for cooperation and coordination of local planning that is not referenced in the MPEA, but is available under the Joint Municipal Planning Act, PA 226 of 2003 (MCL 125.131 *et seq.*). That is the creation of a joint planning commission. The sidebar summarizes the key provisions of this act.

Basic Plan Contents

According to Sec. 33 (1) of the MPEA, “A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission’s recommendations for the physical development of the planning jurisdiction.” (Underline added).

The balance of Sec. 33 (see sidebar) includes elements of the master plan that shall be included if they “reasonably can be considered as pertinent to the future development of the planning jurisdiction.” The first two of these elements (Sec. 33 (2) (a) and (b)) on future land use and infrastructure needs, correspond to the requirement in Sec. 33 (1). Recommendations for redevelopment (Sec. 33 (2) (c)), may or may not be included as pertinent, and a zoning plan (Sec. 33 (2) (d)) will be included in all master plans except for jurisdictions without zoning. All jurisdictions should have a section detailing recommendations for implementation (Sec.

33 (2) (e)). Only those jurisdictions with a master street plan need include such an element (Sec. 33 (3)). Each of the elements of a master plan, above, should incorporate goals, objectives, policies, and strategies to be employed in fulfilling the plan.

A future land use map is required as a part of the land use plan element of the master plan and if the community has zoning, the “zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.” (Sec. 33 (2) (d)). This is a new statutory requirement designed to help solve a common problem. Since the master plan has traditionally been the plan used to serve as the basis of the zoning ordinance and is relied upon for guidance on rezoning, it is important that everyone understands how the land use categories on the future land use map relate to the districts in the zoning ordinance. Often they are quite different and this leads to considerable potential for disagreement as to conformance or nonconformance of a rezoning request to the master plan. It is not necessary for the categories to be the same, often there are good reasons to have different categories on the future land use map from the zoning ordinance, but the relationship needs to be clearly spelled out in the zoning plan section of the master plan. Perhaps the master plan is calling for the creation of some zoning districts that have not yet been created, or perhaps it generalizes all commercial categories, but the zoning ordinance has many separate commercial districts. These kinds of differences are fine as long as they are clearly explained in the zoning plan section. In the end, anyone reading the master plan should know what land uses are desired in different parts of the community, and in the zoning plan section, how those land uses translate into zoning districts.

The future land use plan element (illustrated in Figure 2) is usually directly related to a number of common master plan contents that may or may not be presented

as a part of the future land use plan element. For example, there is usually a section that details existing land use by category, or by planning area (neighborhood) or both. Change over time and recent trends in development are emphasized. Also, there are often sections on population change, economic conditions, etc. Some plans have this detailed information organized into separate chapters. Other communities organize this data into separate background documents. Goals, objectives and policies may be sprinkled throughout the master plan, but often they appear as a separate single

chapter that is linked to various chapters, and especially to the chapter on future land use. A future land use map and accompanying text rounds out the rest of the common material in the future land use element.

Other master plan elements and subplans may be similarly organized or quite differently, depending on the needs of the community. Much more detail on subplan elements and special plans, like the zoning plan and master street plan, are included in the next chapter.

Master Plan Focus and Contents

“Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission’s recommendations for the physical development of the planning jurisdiction.

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

(a) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.

(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) Recommendations for implementing any of the master plan’s proposals.

(3) If a master plan is or includes a master street plan, the means for implementing the master street plan in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.”

Note: pursuant to Sec. 81 (1), a master plan is not subject to the requirements of Sec. 33 until it is first amended under the Michigan Planning Enabling Act, PA 33 of 2008.

Planning Principles and Optimal Plan Contents

Quite apart from required plan contents is the broader issue of the kind of policy orientation to be followed in the construct of the master plan itself. How will the most important local issues be addressed and will they shape the form and content of the master plan? What additional elements will the master plan include in order to adequately meet local needs? What principles will guide the development of the master plan?

There are many different approaches that can be taken to address the pressing local planning issues of a local unit of government. In suburban and urban communities the plan often needs to be very comprehensive in scope to address the many different land use and infrastructure issues facing the community. In these communities, it may be desirable to organize the master plan and subplans around the elements in Land Use Series: “Checklist #1F; What Should be in a Master Plan” and Land Use Series “Checklist #1H; The Five Year Plan Review.” Both are available at www.msue.msu.edu/lu, then click on “pamphlets.”

Section 31 of the MPEA suggests two parts of the planning process are especially important. First, the planning process involves studies and surveys of present conditions. Second, the planning process involves consultation with adjacent governments, cooperation with adjacent governments, cooperation with departments within your government, other public agencies, and the general public. This means, through the planning process, there needs to be a balance between facts, data and public participation.

Much of the process of developing a master plan is a process of creating a fact-based community consensus on what the community wants to be in 20-30 years in the future. The master plan (and supporting

documents) then, is the record of those facts and the consensus. For more information on this approach to planning, see Land Use Series; “*Planning Under Michigan Planning Enabling Acts: The Wexford County Example*,” www.msue.msu.edu/lu, then click on “pamphlets.”

A less formal and less comprehensive approach is to organize the master plan around a set of principles that are consistent with local goals and objectives as established with broad public input. A Michigan-specific list of community planning principles was prepared by the Michigan Society of Planning Officials (now the Michigan Association of Planning—MAP). This set of principles is reproduced in Chapter Eight. Nearly a hundred communities have committed to implementing these principles in local land use and infrastructure planning. The MAP list is followed by the ubiquitous Ten Smart Growth Tenets as well as a list of online references to other sets of contemporary planning principles addressing each of the following:

- Active Living Communities;
- Communities by Design;
- Green Communities;
- Healthy Communities;
- LEED Neighborhood Design;
- Livable Communities;
- New Urbanism;
- Strategic Growth;
- Sustainable Communities.

Assessment Tools

If your community is uncertain as to what set of principles to use to organize the master plan around, you may benefit from use of a self-assessment tool like the Smart Growth Readiness Assessment Tool (SGRAT), prepared by researchers at the MSU Land Policy Institute. It is an online tool with about two dozen questions for each of the Ten Smart Growth Tenets. The questions are answered relative to the particulars in the existing master plan and zoning ordinance of a community. A score is tallied which represents how far along the

Smart Growth continuum a community is at a particular point in time. There is immediate feedback to the answer to each question and a large set of resources and case examples are made available to each registrant that submits answers. As this guidebook was being written, there was an effort underway to expand SGRAT into a broader assessment tool to address a wider range of local planning issues. For more information on SGRAT, other assessment tools, and many online resources, visit www.landpolicy.msu.edu/sgrat.

Ultimately, the choice of what information and analysis to include in the master plan should be made based on what is needed to help the community attain its goals and objectives, both in the near term and twenty or thirty years into the future. The principles used to select and develop plan content should be consistent with identified community needs and desires, and should help motivate people to adopt, implement and maintain the plan.

Examples of Master Plan Strategies

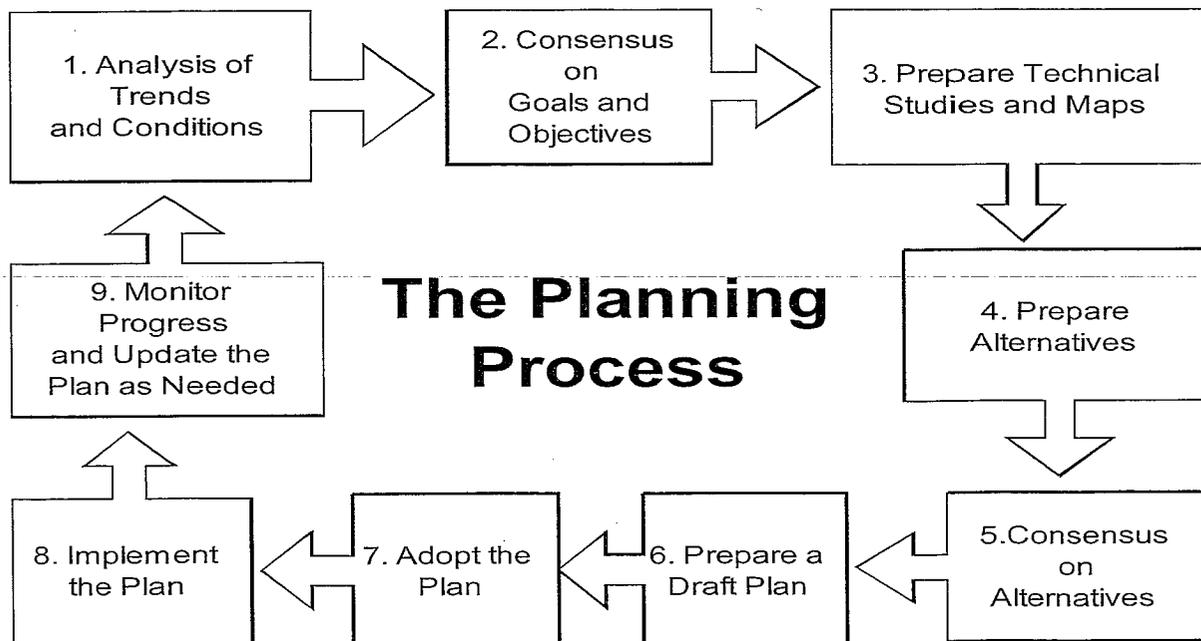
Once a community selects the basic principles that it wants to follow in the implementation of its goals and objectives, then it must select (or create) one or more strategies to guide development of the policies, regulations and programs proposed to implement the master plan. Many communities without professional planning staff or consultants really struggle with this step. Part of the problem is that they may not have any idea of the common elements of planning strategies that are appropriate in a rural, suburban or urban place. Following sample planning principles in Chapter Eight are a series of sample master plan strategies.

Plan Adoption & Amendment Process

The Planning Process

There are a number of ways to describe the steps in the typical local planning process used to create a master plan. Figure 2 illustrates a common nine-step process.

Figure 2



1. Analysis of Trends and Conditions: Depending on whether the community has engaged in a public participation process involving surveys, futuring or visioning town meetings, advisory groups or some other method to identify local problems, issues or opportunities, the first step may be broadly representative, or a purely technical one if performed solely by planning professionals. Analysis of basic trends and conditions is critical to identification of the key issues to focus planning staff and resources on.

2. Consensus on Goals and Objectives: Once issues are clear, a draft set of goals and objectives can be formulated. These are rarely finalized until after the next step.

3. Prepare Technical Studies and Maps: Research and analysis into issues, and to provide a better foundation for goals and objectives is essential to understanding the problems and opportunities and for identification of alternatives. There are often many background tables, charts and GIS maps prepared at this stage on everything from land use and demographic change, to employment and infrastructure needs analyses.

4. Prepare Alternatives: It is rare for there to be only one or two ways to satisfactorily address the major planning issues and it is therefore important to carefully prepare and analyze alternatives. This includes analysis of the pros and cons of each alternative.

5. Consensus on Alternatives: Once planning commissioners, elected officials and citizens can debate the pros and cons of various alternatives, preferred alternatives usually emerge that is some combination of previously identified alternatives.

6. Prepare a Draft Plan: Consensus on a preferred alternative future land use arrangement makes it possible to complete drafting of the master plan so that the strategies and policies necessary to

implement the plan, are consistent with earlier established goals and objectives.

7. Adopt the Plan: This is where the statutorily required adoption process really takes over (see next section of this chapter, Sections 39-43 of the MPEA and Figure 3).

8. Implement the Plan: There is not much value in preparing a master plan if there is no intention of implementing it. This is the step where this activity receives the greatest attention, but implementation is really an ongoing process.

9. Monitor Progress and Update the Plan as Needed: Monitoring and evaluating progress with master plan implementation is essential to ensuring that the plan and all associated implementation tools (like the zoning ordinance, subdivision regulations and capital improvement programs) are working as planned and are being implemented as planned. If they are not, then changes need to be identified to resolve any identified glitches and these need to be addressed immediately, or fed into the master plan updating process, depending on when they are discovered in the process.

Remember earlier in this chapter there was discussion of two key parts of the planning process that are especially important. First the plan and planning process involves studies, surveys, of present conditions, and second, the planning process involves consultation with adjacent governments, cooperation with departments within your government, other public agencies, and the general public (Section 31 MPEA).

There is a way to maximize public participation while still retaining a technical, or fact basis for the plan, which maximizes coordination between adjacent governments, minimizes negative public comment on the plan toward the end of the process, and produces community buy-in to the plan by local civic groups. When preparing a list of entities that receive the

notice of intent to prepare or update the plan, include more than just the MPEA-required entities. Also include civic, environmental, economic, property owner, other government agencies (MDOT, DNR, DEQ, Road Commission, etc.) which also get this initial notice. When sending the notice, also include in the notice an invitation to each asking them to appoint an individual to represent their organization on the Planning Commission's committee to prepare the plan. Members of the Planning Commission, as well as representatives of the legislative body, are also on this committee.

After inviting them, you have to empower the participants with creation of the plan. People will step up to the plate when involved from the "ground floor," rather than making comment on a draft already written toward the end of the process. With that empowerment, not only is there more participation, but the final product is more likely to have buy-in by various groups. The result is some of the implementation may be adopted as a project by a local civic group, such as Rotary Club.

If you bring these groups together after staffs have completed steps 1 and 3, and you then present all this information, before doing step 2, you will have a lively group that is empowered with a meaty task. Some communities include these background studies, etc., in a fact book, data book, or series of white papers or working papers.

The rest of the process proceeds pretty much as illustrated in Figure 2, but because so many groups have been involved from the beginning, when the time comes for coordination and review, it is easy. Coordination and cooperative planning already took place, and comments at this point are more likely to be positive and supportive of the plan. The same is likely to occur with comments at the public hearing, with many interested parties who were directly involved in preparing the plan, resulting in comments at this point more

likely to be positive and supportive of the plan.

For more information on this approach to planning see Land Use Series: "Planning Under Michigan Planning Enabling Acts: The Wexford County Example," www.msue.msu.edu/lu.

Steps for Adoption of a Master Plan

The statutorily required process for adopting a master plan in whole or in part focuses on the respective roles of the planning commission, legislative body, citizens, and adjoining units of local government, the county and various governmental agencies. These are described in detail in Sections 39-43 of the MPEA. The key elements of this process are illustrated in Figure 3.

Note that procedures related to extension, additions, modifications or other amendments to a master plan or subplan, are shorter than for plan adoption. See Sec. 45 (1) in sidebar below. Much of this section is new. Also note that Sec. 45 (2) requires that the master plan be reviewed at least once each five years, and then updated if necessary.

Plan Amendments

"Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

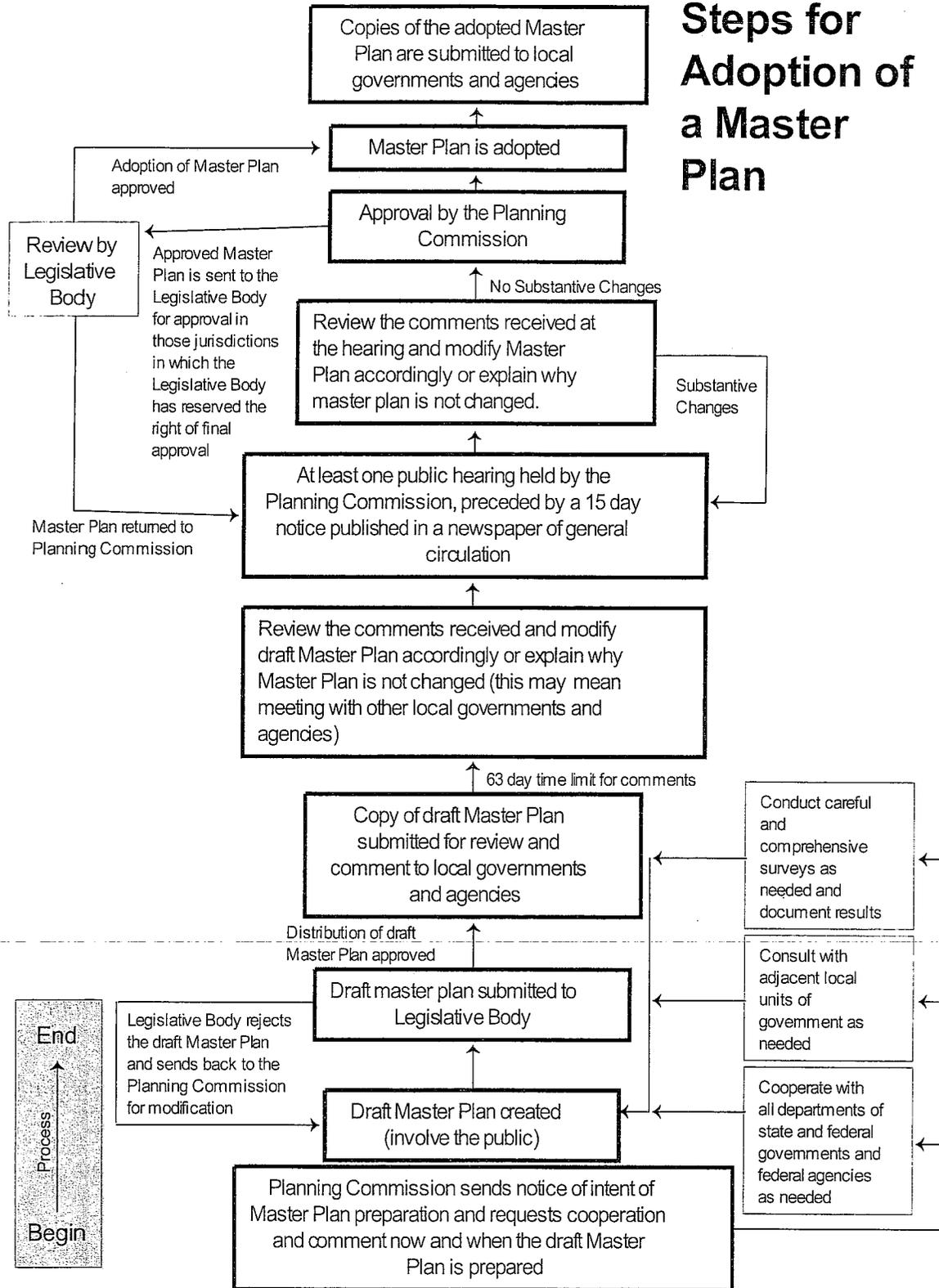
(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days."

Michigan Planning Enabling Act, PA 33 of 2008.

Figure 3

Steps for Adoption of a Master Plan



Master Plan

MPEA

- A *master plan* is a land use and infrastructure plan that sets forth local goals, objectives and policies for community growth and/or redevelopment over the next 20-30 years.
- It may also be referred to as a comprehensive plan, future land use plan, basic plan, general plan or other term.
- It is used as the basis for the local zoning ordinance, subdivision regulations, other local land use regulations, and for ensuring that capital improvements are consistent with the master plan.

Master plan purposes

MPEA

- The purposes for preparing a master plan are now uniform. (Sec. 7 (1))
- If the community has zoning, the master plan should also meet the plan purposes in Sec. 203 (1) of the MZEA.



Master plan requirements

MPEA

- The master plan requirements are now the same for all cities, villages, townships and counties;
- There are some differences between municipal master plans (Sec. 31 & 33) and metropolitan county master plans. (Sec. 37).
- These differences are no different than before under the original PEAs.

MPEA

- "Sec. 7. (1) A local unit of government may adopt, amend, and implement a master plan as provided in this act.
- (2) The general purpose of a master plan is to guide and accomplish, in the planning jurisdiction and its environs, development that satisfies all of the following criteria:
 - (a) Is coordinated, adjusted, harmonious, efficient, and economical
 - (b) Considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development.
 - (c) Will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.

MPEA	<p>— (d) Includes, among other things, promotion of or adequate provision for 1 or more of the following:</p> <ul style="list-style-type: none"> ▪ (i) A system of transportation to lessen congestion on streets. ▪ (ii) Safety from fire and other dangers. ▪ (iii) Light and air. ▪ (iv) Healthful and convenient distribution of population. ▪ (v) Good civic design and arrangement and wise and efficient expenditure of public funds. ▪ (vi) Public utilities such as sewage disposal and water supply and other public improvements. ▪ (vii) Recreation. ▪ (viii) The use of resources in accordance with their character and adaptability.
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MPEA	<h2 style="text-align: center;">Geography of master plans</h2> <p style="text-align: center;">(continued)</p> <ul style="list-style-type: none"> ▪ Counties can plan for the whole jurisdiction of the county, but they must do so in cooperation with the municipalities in the county—as has always been the case. ▪ County master plans or general plans do not apply in an incorporated area unless adopted by the city or village, or there is an intergovernmental contract in place because the city or village has selected to be under county zoning. Sec. 47 (1)
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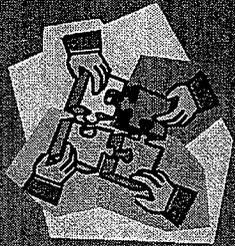
MPEA	<h2 style="text-align: center;">Geography of master plans</h2> <ul style="list-style-type: none"> ▪ In townships with planning commissions organized under the Township Planning Act, <ul style="list-style-type: none"> — The jurisdiction of the township is areas outside the boundaries of incorporated cities and villages. ▪ City, village, and township planning commissions organized under the Municipal Planning Act <ul style="list-style-type: none"> — Can plan for the area within their municipal boundaries and “any areas outside of the municipal boundaries that, in the planning commission’s judgment, are related to the planning of the municipality.”
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MPEA	<h2 style="text-align: center;">Minimum master plan elements</h2> <ul style="list-style-type: none"> ▪ MPEA specifically mentions several different parts of a master plan (Sec. 33 (1)): <ul style="list-style-type: none"> — Master plan itself: focus on physical development of land and infrastructure; recommendations on redevelopment (as pertinent); recommendations on plan implementation — Future land use map — Zoning plan (only if there is local zoning) — Major street plan (optional) — Subplans (optional) ▪ Should be a section on goals, objectives, policies and strategies, if not already found in each respective part of the plan.
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Adoption in parts

Master plans can be adopted in parts (Sec. 39 (1)); e.g.

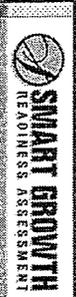
- Background studies
- Future land use map
- Master street plan
- Zoning plan
- Other subplans.



MPEA

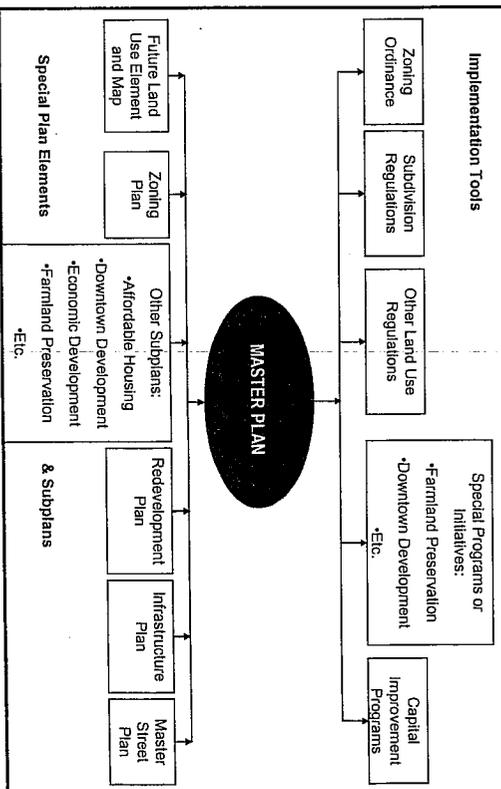
Master plan principles

- MAP principles
- Smart Growth Tenets
- Active Living Communities
- Communities by Design
- Healthy Communities
- LEED Neighborhood Design
- Livable Communities
- New Urbanism
- Strategic Growth
- Sustainable Communities

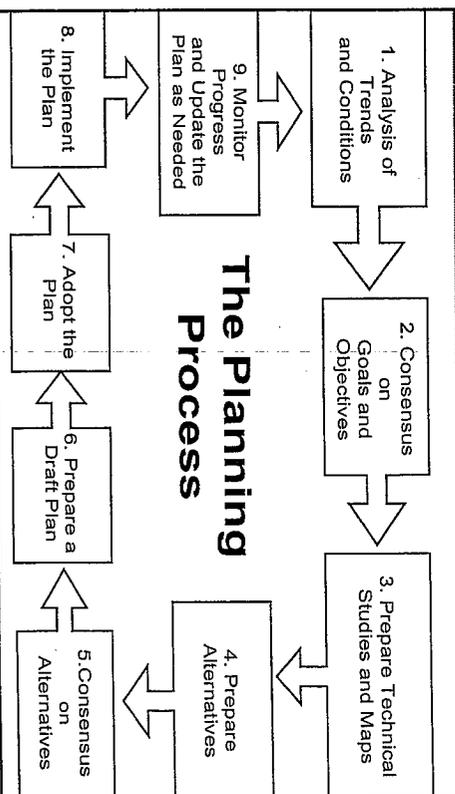


MPEA

RELATIONSHIP BETWEEN MASTER PLAN, SPECIAL PLAN ELEMENTS, SUBPLANS, AND IMPLEMENTATION TOOLS



Sample planning process



The Planning Process



Coordination & cooperation is required

MPEA

- Planning commissions must cooperate with adjoining units of local government in planning. (Sec. 31(2)(b))
- Planning commissions must seek the "maximum coordination" with various agencies of the state and federal government.
- Those agencies in turn must make public information available and furnish technical assistance and advice (Sec. 31(2)(c))

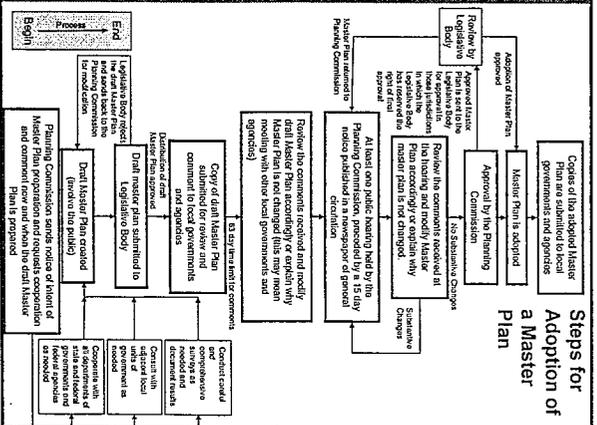
MPEA

Master plans: notice and submission

- Some requirements related to notification of adjoining units of local government and other government agencies about draft master plans and the opportunity to review and comment on draft plans are clarified. (Sec. 39)
- If a planning commission desires to submit the master plan electronically, it must be stated in the notice of preparation. (Sec. 39 (3))
 - If an entity receiving notice does not want to receive the master plan electronically it must be submitted by first class mail.

MPEA

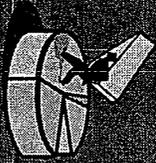
Very Little Change in Steps For Adoption or Amendment of Master Plan (graphic is in Michigan Planning Guidebook, p. 54)



MPEA

Master plans: notice and submission (continued)

- The circumstances under which a master plan amendment requires intergovernmental review are clarified. (Sec. 45 (1))
- Now there is one uniform notification requirement for a hearing on a master plan in all local units of government.
 - One public hearing with not less than 45 days prior newspaper notice. (Sec. 43 (1))
- Minor plan amendments for typos, grammar, title changes and similar editorial changes do not go through the review and comment of adjoining governmental units as required by Sections 39, 41 and 43. (Sec. 45 (1))



Special Plans and Subplans (continued)

MPEA

- Subplan "is an abbreviation for a "subarea plan."
- Subplans are separate elements of a master plan that address "a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 7" (Sec. 35)

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Special Plans and Subplans (continued)

MPEA

- Needs to be a clear statement in the master plan, special plan and subplan that indicates it is an official part of the master plan if it is adopted separately.
- Must be adopted according to the procedures in the MPEA (slightly different than for master plans, see Sec. 45(1)(c)).
 - Notice to adjoining jurisdictions not sent, unless they request the notice.

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Special Plans and Subplans (continued)

MPEA

- Common subplans include:
 - neighborhood plans, corridor plans,
 - historic preservation plans, downtown development plans, redevelopment plans, and wellhead protection plans,
 - can be plans prepared and adopted under other statutes.
- Subplans can be adopted by majority vote, as separate documents, or as chapters or elements of the master plan inside of the master plan.

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Zoning Plan



MPEA

- This is a special plan element or a separate document adopted as part of the master plan.
 - It is not the zoning ordinance.
 - It has been required since the first PEA.
 - It's contents and relationship to the zoning ordinance and rest of the master plan have been clarified in the MPEA.
 - Previously this was clear only in the Township Planning Act. (Sec. 3 (g) & 81 (1))

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