PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
September 10, 2015

A meeting of the Escanaba Planning Commission was held on Thursday, September 10, 2015, at 6:00 p.m. at the City Hall/Library Complex, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairman Patrick Connor, Commissioners Paul Caswell, James Hellerman, Stephen Buckbee, Thomas Warstler, and Christine Williams

EXCUSED: Vice Chairperson Kelvin Smyth and Commissioners Brian Black and Roy Webber

VIA PHONE CONFERENCE: Peter Jobson, Excel Realty President

ALSO PRESENT: City Manager Jim O'Toole, Council Liaison Ronald Beauchamp, Mayor Marc Tall, and Executive Assistant Buffy Smith

Meeting called to order at 6:00 p.m. by Chairman Patrick Connor

ROLL CALL

Executive Assistant Buffy Smith conducted the roll call.

APPROVAL/CORRECTION OF THE JULY 9, 2015 PLANNING COMMISSION MEETING MINUTES

A motion was made by Commissioner Buckee, seconded by Commissioner Williams, to approve the July 10, 2015 Meeting Minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE AGENDA

None.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

The site plan review/special land use permit for 223 Ludington Street and 216 1st Avenue South is being reviewed. Mr. Peter Jobson, President of Excel Realty Group, is requesting a site plan review and special land use approval as required by the Zoning Ordinance, Section 1801.3.2 and Section 1003.1.D uses allowed by special land use permit for a 34 dwelling unit senior/elderly affordable housing project with an adjoining off-street parking lot.

City Manager Jim O'Toole brought to the Boards attention that two (2) requests are being presented tonight, one for the site plan approval and the other for special land use approval. To

date, the parking issues have been met, exceeding the parking variance requirements by two (2) spaces.
Jim O'Toole began discussion with the staff overview of the project:

The proposed project is a 34 unit senior/elderly housing development utilizing the existing building footprint along with an off-street parking lot to be located on property located at 216 1st Avenue South. Elderly/Senior housing is defined by the Michigan State Housing Development Authority to mean a household consisting of one (1) single person who is fifty-five (55) years of age or older or a household which at least one (1) member is 55 years of age and all other members are at least 50 years of age or older. On August 28, 2015, the City of Escanaba was advised that the developer was in the process of purchasing property located at 216 1st Avenue South, which would be used as a parking lot for the facility. Because the property is located on a separate parcel in a commercially zoned district, the parking lot will require a special land use permit from the Planning Commission.

In order to finance the proposed project, the developer is proposing to apply to the State of Michigan Tax Credit Program for funding of the proposed project. Without this funding, which is granted on a competitive basis, the project will not advance. Congress established the Low Income Housing Tax Credit Program in 1986.

The Internal Revenue Service administers the LIHTC through Section 42 of the IRS Code. The LIHTC Program provides investors with an incentive to invest (they receive credits that go towards reducing their tax liability) and results in an affordable housing program for individuals and families with low or moderate incomes.

Elderly/senior residents living in "tax credit" housing development are provided with a newly constructed or rehabilitated rental home and they pay less than the rental rate typically charged in the area. Because the rental rates for Low Income Tax Credit Housing projects can be substantially less than the market rates in the area, applicants for the housing must be determined to be income eligible.

An applicant's eligibility is based in part on the Area Median Income for the county in which the tax housing is located. The Area Median Incomes are established by the Department of Housing and Urban Development (HUD) and may change annually.

In order to be eligible to live in a Low Income Housing Tax Credit development, a tenant must be income eligible and qualify under the Resident Selection Criteria and other program requirements.

To be eligible, the total household income, including income from assets, must be less than or equal to the preset income limit for the area (Area Median Income).

The LIHTC Program does not provide a direct subsidy to the resident and should not be confused with the Section 8 Rental Housing Program or other similar programs. Each resident is responsible for the full amount of his or her rent each month.

The Low Income Housing Tax Credit Program is a federal government sponsored program. Management is responsible for determining resident income eligibility and the process is monitored by the Michigan State Housing Development Authority (MSHDA). The LIHTC Program provides affordable housing to persons within the market area. Income limits apply.

The income limits for the proposed housing project, if approved by the State of Michigan, through the Michigan State Housing Development Authority and the Michigan Economic Development Authority are:

1 person $23,280 annual income
2 person $26,580 annual income
3 person $29,880 annual income

The rental rates maximums for the proposed housing project, if funding is approved by the State of Michigan Housing Development Authority and the Michigan Economic Development authority are:

1 bedroom $582 a month (utilities included)
2 bedroom $664 a month (utilities included)

The proposed project will be located in part on property which is zoned Commercial with an existing use of a restaurant, apartment building, and lodging house. As previously stated, an off-street parking lot is being proposed at 216 1st Avenue South. Historically, the existing uses have been an allowable use by right under Section 1002.1. General, Sections B, K, and Z, the Planning Commission will need to determine if the proposed use of an all residential dwelling unit with parking lot is consistent with the intent of the zoning ordinance and various master plans. As previously stated, the proposed building construction is existing so it does not conform to modern building setbacks. In accordance with Section 202.2. additions, alterations, or repairs are permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building. In the case of the building and use at 223 Ludington Street, the proposed remodeled use could be partially interpreted as a permitted use in that the building historically and currently has had dwellings uses within the structure throughout its history.

Although the area and footprint of the building is not being increased, the layout and dedicated use of 34 one (1) and (2) bedroom apartments will change the overall building use. Currently the uses at the building include: eleven (11) guest rooms, four (4) one (1) bedroom apartments, six (6) two (2) bedroom apartments, one (1) three (3) bedroom apartment, with the remaining space being approximately 11,090 square feet of commercial space.

A land use permit (zoning approval) is required before a building or structure is built, rebuilt, converted, enlarged, demolished, or structurally altered and before land clearing (as defined in the Zoning Ordinance). A land use permit is also required before a parking area is constructed, reconstructed, or enlarged. It shall be unlawful to use or to permit the use of any building or premises or part thereof hereafter created, erected, or altered, or to change or enlarge the use of any building or premises or part thereof until a properly endorsed land use permit is issued by the Code Official. Additionally, a special land use permit will be required for the proposed parking lot should that concept be included in the development plan.

The Planning Commission will be responsible for performing a site plan review, which is intended to ensure developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, ensure safe and functional traffic access and parking, and minimize impacts on sensitive environmental resources.

At a later date, if site plan and use for the primary proposed project and off-street parking lot is approved by the Planning Commission, the developer will require a "Payment in Lieu of Services Agreement - PILOT" and a "Municipal Services Agreement". The developer needs these agreements for the State of Michigan as part of a funding request. In general terms, a

PILOT is a payment in lieu of taxes, made by the developer to the City to compensate for some or all of the tax revenue that it loses because of the nature of the ownership or use of a particular piece of real property. Usually it relates to the foregone property tax revenue. The City Council is tentively scheduled to hear and decide on the PILT request at their regularly scheduled City Council meeting scheduled for September 17, 2015 and a second reading for September 24, 2015.

If the City Council approves a Payment in Lieu of Taxes Ordinance (PILT) and Municipal Services Agreement, this project must remain an elderly/senior affordable housing project in its entirety as long as the authority's mortgage loan remains outstanding and unpaid or the authority has any interest in the property. As previously stated, the developer is proposing an elderly/senior affordable housing project with off-site parking as defined by the Michigan State Housing Development Authority and as understood by the City of Escanaba. Again, an elderly/senior affordable housing project for this project is defined to mean a project/household consisting of one (1) single person who is fifty-five (55) years of age or older or a household which at least one (1) member is 55 years of age and all other members are at least fifty (50) years of age even if the Michigan State Housing Development Authority were to change the definition in the future.

Notwithstanding the foregoing, the use, PILT and Municipal Services Agreement would also terminate if (i) the owner fails to rehabilitate the existing project and serve qualified elderly and senior tenants as presented to the City of Escanaba, Michigan State Housing Development Authority and Michigan Economic Development Corporation, (ii) the project ceases to serve low income elderly persons as defined, or (iii) that the developer does not acquire the project and/or project funding and begin rehabilitation on or before November 1, 2018. The PILOT and Municipal Services Agreement must be approved by the City Council and if approved by Council remain in effect as long as the Federally-aided or Authority aided mortgage is outstanding, but no more than thirty-five (35) years.

Jim O'Toole stated the proposed findings:

- Edward and Suzell Eisenberger are the owners of record for the property. In accordance with the requirements of Section 204.2 Permit required of the Zoning Ordinance, the property owners have given the Excel Realty Group authorization to obtain a Zoning Land Use permit for a potential 34 unit affordable senior/elderly housing project

- In accordance with Section 1803.1.1.2 Application, the property owners/developer applied for site plan consideration before the Planning Commission and will be submitting a revised preliminary drawing of the proposed project.

- In accordance with Section 1803.2 Public Hearing Requirement, all fee and notification requirements of the Zoning Ordinance have been accommodated for. Meeting notices were placed in the Escanaba Daily Press (August 18, 2015) indicating the nature of the site plan review and the date of the hearing at least fifteen (15) days before the actual hearing date. Letter notices were sent out to all property owners within 300 feet of the property indicating the nature of the site plan review and the date of the hearing on August 17, 2015. A meeting notice was also placed on the City Website and on the City Facebook page on August 19, 2015.

- In accordance with requirements found in Section 1803.1.1.1, a pre-application conference with the property owners and developer was conducted to review the proposed project. The pre-application conference is a vehicle intended to provide the property owners and

developer with general guidance prior to the expenditure of large amounts of time and money in the planning effort.

- Within the existing Downtown Development Authority Master Plan (2011), community members were asked to rate the importance of community recommended goals as obtained through a community survey and planning charrette. Each goal was prioritized and numerically rated as "Mandatory", "Necessary", or "Desired". Currently a goal exists, which calls for the creation of an upper story residential redevelopment program. This goal was prioritized as "Desired" with 53.8% of the vote. Lastly, the Community Master Plan (2006) addresses a need for additional housing, particularly apartment, condo, and senior housing. The Master Plan speaks of the increased desire for housing that is part of mixed use and suitable for younger people starting out or seniors who are ready to give up the responsibilities of owning a home.

- In addition to the Downtown Development Authority Master Plan, the Downtown Development Authority created a "Downtown Development Authority 2020 Vision" in 2000. The purpose of the visioning plan was to have a strategy for implementing and coordinating the vision plan once opportunities arise. Within that plan there is a recommended direction under vision themes that the Escanaba Downtown Development Authority works to enhance conditions that will allow higher density residential developments such as condominiums and townhouses. A recommendation also exists to create a redevelopment plan to define potential reuses of building space and building improvement plans that will encourage reinvestment into the properties through Obsolete Property Rehabilitation and similar programs. There is also a goal to plan and initiate funding programs that facilitate improvements to facades of downtown businesses and provide for architectural and landscape guidelines for improvement.

- In 1990, the House of Ludington became a registered Michigan Historic Site with the State of Michigan. In 2012, the City of Escanaba applied to the United States Department of the Interior – National Park Service, to have the entire downtown placed on the National Register of Historic Places. On April 21, 2014 the City of Escanaba was notified by the National Park Service that the City of Escanaba downtown was awarded a historical designation and registered on the National Register of Historic Places. In the City of Escanaba filing a report was completed, which inventoried all building uses in downtown Escanaba to include the property located at 223 Ludington Street.

- Historically the existing property and use has had no existing off street parking spaces for the current use of a restaurant, retail space, banquet facility, apartment complex, and lodging rooms. Currently all parking is provided on publically owned right of way. On January 6, 1977, the City Council approved an off-street parking exemption for the House of Ludington with respect to Winter Parking Regulations. Under this exemption the House of Ludington was permitted to use both sides of the City right of way for winter off street parking. (See Attachment 11) On August 25, 2015, the developer appeared before the Zoning Board of Appeals with a request for a dimensional variance to Section 1702 Parking Space Requirements and Table 1702 of the Escanaba Zoning Ordinance. The developer requested a dimensional variance be granted which would allow them to reduce the number of required off street parking spaces for a proposed 34 unit senior/elderly housing project.

- On August 25, 2015, the Board of Appeals approved a variance to minimum parking requirements provided a minimum of one (1) parking space was provided for each dwelling unit for a total of 34 parking spaces.

- On August 4, 2015, the developer appeared before the Escanaba Historical Commission to pitch and review the project concept. The Escanaba Historical Commission recommended the project be advanced for further consideration by the Escanaba City Council, Zoning Board of Appeals, and Escanaba Planning Commission.

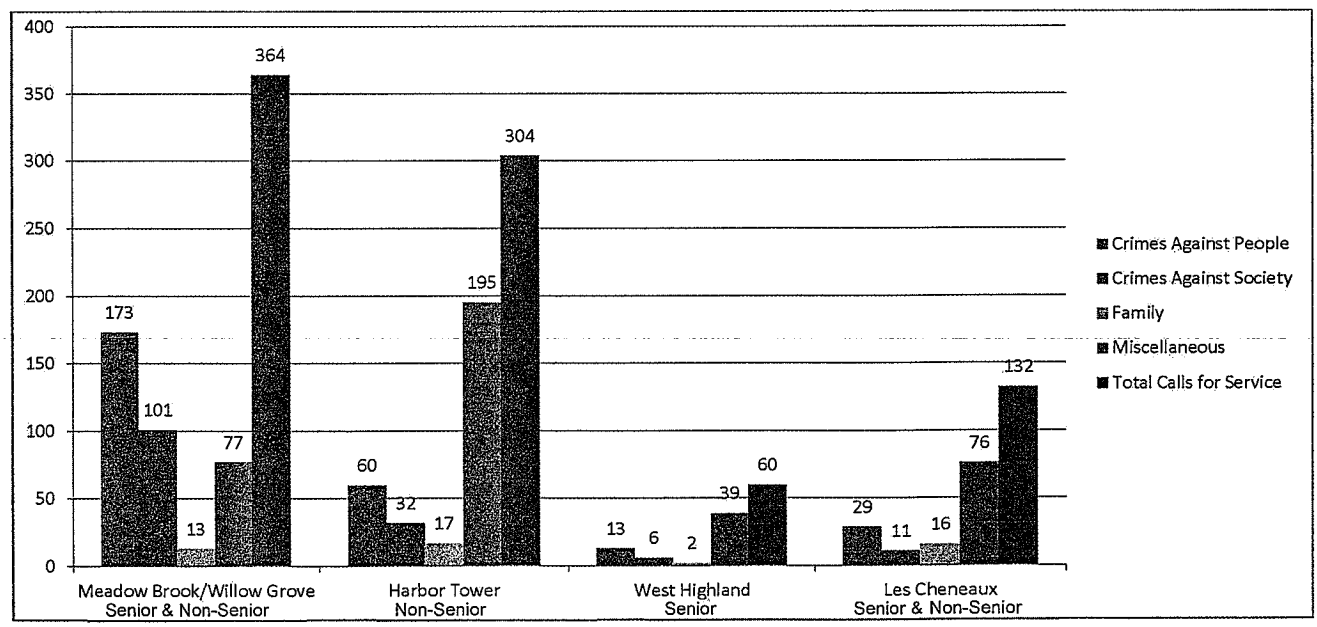
- On August 5, 2015, the developer appeared before the Escanaba Downtown Development Authority to pitch and review the project concept. The Escanaba Downtown Development Authority recommended the project be advanced for further consideration by the Escanaba City Council and Escanaba Planning Commission.

- On August 6, 2015, the developer appeared before the Escanaba City Council to pitch and review the project concept. The Escanaba City Council recommended the project be advanced to the Zoning Board of Appeals for parking requirement review and the Escanaba Planning Commission for site plan review.

- Recently an online petition was initiated by a private interest asking for people to oppose the potential project at 223 Ludington Street. Nothing within the petition or comments made have been verified or validated by the City. Copies of the petition signatures' along with copies of emails received by the City Manager's Office are attached.

- Public Safety Service Call Summary for "PILT" projects of a similar nature.

Payment in Lieu of Taxes
Projects in Escanaba
"Public Safety Service Calls"
January 1, 2010 – August 20, 2015



The above graph is an illustration of the calls for service at the various properties from 1/1/2010 to 8/20/2015.

- **For the purposes of this illustration categories are defined as listed:**
  - **Crimes against persons are all crimes which we can identify a specific person or group of people as victims. Examples include: assault, larceny, identity theft, breaking and entering, and harassment.**
  - **Crimes against society do not have an identifiable group as they affect all people. Examples include: trespassing, operating a vehicle while intoxicated, drug crimes, disorderly conduct, and warrant arrests.**
  - **Family Civil are calls that are not criminal i.e. property disputes, status offenses like run-a-way complaints, truancy, the somebody owes me money complaints, family member failing to return borrowed property, and loose dogs.**
  - **Miscellaneous are calls for service which no crime was identified but service was required, such as lift assist, fire calls or alarms, request to speak with police officer.**

Jim O'Toole explained the Powers and 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 (4) 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.

Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Jim O'Toole explained the staff summary:

The Planning Commission has the authority to approve the site plan and use provided that the project is consistent with the intent of the Zoning Ordinance, Master Plan, Downtown Master Plan or the Downtown 2020 Vison Plan. In accordance with Section 1803.3 Planning Commission Review, the Planning Commission must approve or deny the site plan according to standards and requirements of the zoning ordinance within forty-five (45) days of submission of the plan. Should the site plan be rejected, the property owner may appeal the decision of the Planning Commission to the Board of Appeals.

In that the purpose of a site plan review is to ensure that the proposed plan outlines the use and development of the property and is designed to provide for future growth and development that seek an aesthetically attractive environment, the following standards and questions should be considered:

1. Can the property be reasonably used as zoned?
2. Is the development designed to integrate well with adjacent developments?
3. Does the proposed use alter the essential character of the area?
4. Is the development designed to minimize nuisance impacts on adjoining and neighboring properties?
5. Will the proposed use have an adverse effect upon property values in the immediate vicinity or in the district in which the proposed project is located?
6. Does the development, if approved, impair or conflict with the intent and purpose of the Zoning Ordinance use criteria, Zoning Ordinance standards, the Master Plan, the Downtown Master Plan, or the Downtown 2020 Vision Plan

Without site plan approval a zoning land use permit cannot be issued nor can a building permit be issued by the Delta County Building and Zoning Department. If a zoning land use permit is approved by the Planning Commission for both the proposed elderly housing project and remote parking lot and all other approvals are received from the City Council including a payment in lieu taxes ordinance and Municipal Services Agreement, a full and detailed building, electrical, mechanical and fire safety review of all local and state codes would have to be conducted by the Delta County Building and Zoning Department and the State of Michigan before building permits, electrical permits, mechanical permits and plumbing permits will be issued.

If approved, a written and legally binding agreement between the property owner and the City of Escanaba would have to be entered into stating that snow storage on the property could not diminish the number of off-street parking spaces and that all snow would have to be managed by the property owner which could include physically removing snow from the premises at the property owner's expense.

If the site plan and use is approved by the Planning Commission, staff is recommending an additional final review take place once and if funding is approved on the project. As part of that funding, the State Historic Preservation Office may require modifications to the plan as part of their historical review. Additionally, in that approval or denial of the plan isn't expected until late 2015, the time will allow the developer to work with the City Administration in fine tuning the site plan drawing.

Jim O'Toole stated that if this project advances with Planning Commission approval for the two (2) requests, it will advance to City Council on September 17 and 24, 2015. The deadline for the project submittal is October 1st in Lansing.

Jim O'Toole stated that in the 2006 Master Plan, within Chapter three (3), it states that an aging population will be an important element to consider for planning related issues. And as the community ages, an increased demand for senior housing and entertainment facilities will emerge, especially in areas where a high percentage of seniors are located. He stated market research has been conducted to support and validate the findings that senior housing is needed.

Mr. O'Toole stated that in Chapter seven (7) of Public Participation, participants are seeing a need for additional senior housing in Escanaba. Participants state that Escanaba is limited. The Public Participation vision summary includes a goal to increase housing options suitable for seniors, rentals, and condominiums. Also in Public Participation, under neighborhoods, it states neighbors are the foundation of a community and Escanaba is proud of their residential neighbors. However, a few deficiencies were acknowledged. These include inadequate housing

options for seniors, singles, and young adults. The North Shore and downtown were both mentioned as possible good locations for this type of residential development.

Mr. O'Toole stated the objectives by zone within the downtown waterfront, which states a higher density residential development need, including attached townhomes and condominiums.

Mr. O'Toole explained under future land use of the Master Plan that there are some objectives with respect to residential. One (1) encourage new residential development that will fit well with the existing neighborhood, two (2) create housing opportunities for young adults and retirees who are looking for a single family home, and three (3) concentrate housing residents with similar needs where alternative transportation exists.

Commissioner Caswell questioned Mr. O'Toole if there has been a date set to complete this project and if the deadline could be met. Mr. O'Toole replied typically within a twelve (12) month time frame the deadline has to be met and he was given a date for completion of the project within this time frame.

Steve Pense, a developer representative speaking on behalf of Ed and Suzell Eisenberger, took the podium. He stated this community is lacking in iconic structures, that the House of Ludington is all that remains. He respects the citizen opinions and difficult decisions that need to be made. He stated that Ed and Suzell were looking quietly for options and Excel Realty's proposal is a good option. The Eisenberger's children do not live in the area so taking over the family business is not an option. He continued to state that Ed and Suzell did repairs when they first purchased the business but the money coming in doesn't cover the repairs that are needed. During the Board of Appeals meeting parking was mentioned as a concern. Mr. Pense stated the neighbor's parking concerns have been met and a modified plan was proposed to meet these requirements. Mr. Pense likes the plan presented before the Planning Commission, a 34 unit affordable senior housing proposal. It provides a need for this community and that all factors have been met with parking and ordinance. He would like to see this building put to use versus it deteriorating and having to be torn down. He stated that the focus for this evening is the staff summary within the report.

Mr. Pense answered all questions within the staff summary:

Can the property be reasonably used as zoned? He stated it would be difficult to earn a living and make the repairs with this building.

Is the development designed to integrate well with adjacent developments? He stated there is a neighborhood. He stated the building has been in tact before there were neighbors. He believes an approved appearance will fit well in the neighborhood. He also stated that this building has managed this entire time without parking. The proposed project includes parking, making an improvement to this area.

Does the proposed use alter the essential character of the area? The building will have the same foot print. The only change will be the parking, but the structure will remain the same.

Is the development designed to minimize nuisance impacts on adjoining and neighboring properties? He realizes parking was a concern. To correct the concern an additional lot will become parking, plus there is off street parking. Fencing in the parking lot will be built. And creation of an intelligent traffic flow pattern has been well thought out to minimize the effects on the neighborhood.

Will the proposed use have an adverse effect upon property values in the immediate vicinity or in the district in which the proposed project is located? Mr. Pense believes this project will have a positive effect on property value. If a person walks around the property, they would see the buildings poor conditions and deteriorations.

Does the development, if approve, impair or conflict with the intent and purpose of the Zoning Ordinance use criteria, Zoning Ordinance standards, the Master Plan, the Downtown Mater Plan, or the Downtown 2020 Vision Plan? He commented that in our small town we have an aging population so there's a need for senior housing. And in most small towns, there is a need for this type of development. He stated that with this senior housing option, it will attract other retirees to return to this area. This project preserves the historic structure and will provide jobs in the community for refurbishing versus the option of tearing down this building. And to date, no other proposals or options have been presented.

Mr. Peter Jobson, via telephone, explained the project details to the Board. He stated that there is a need for change, whether good or bad. He stated the building needs a lot of repairs, including electrical, plumbing, roofing, etc., all interior and exterior needs, which requires major capital infusion in order to stay historic and functioning. Any other uses for this property such as continuing as it is will not work. He is amazed it's been a hotel for the past twenty (20) years with no parking. The building will deteriorate if nothing is done with it. He would like to see the building in a position to be around another fifty (50) years. The project includes thirty-seven (37) parking spaces using the adjacent lot, which exceeds the requirement by the Zoning Board of Appeals by two (2) spaces. As a developer, they have gone over and above and are delivering a good plan that will fit with the Master Plan and meets the code criteria. The thirty-four (34) senior housing units created will serve the community well. The construction budget to redevelop this property is four (4) to five (5) million dollars. This project will create jobs, consisting of forty (40) temporary construction jobs and one (1) permanent site manager on staff. Market studies have been conducted and they show a need for senior housing. He feels there is no risk in this being built and not being filled. He would be able to provide the capital this building needs. A Michigan State Housing Development Authority tax credit and a Federal Historic tax credit would apply to help with the costs by the October 1st deadline. This property has had some additions built, various things built at different times, and it is time for the property to undergo some change. All modifications and changes will be in conformance with the National Park Service Guidelines. He is asking the Planning Commission Board for review and approval of the project.

Commissioner Caswell questioned Mr. Jobson on what percentage of the construction jobs would be local. Mr. Jobson stated a high percentage.

Dennis Bittner, Engineer for Excel Realty, spoke about the project. He stated that in some ways it is unique but that it has the same principles, traditions, layout, etc. as other projects he has worked on. He believes the site plan is well thought out, will fit the needs of the property, and will fit the project plan well.

Commissioner Williams questioned the features on the outside of the building, if they will remain the same or if the appearance will change. She is hearing a lot of discussion about historical preservation and historical restoration versus new. So she would like to know if this building will remain an iconic structure or whether the exterior will change. Mr. Jobson replied that they would have to follow the guidelines of the National Park Service and Michigan State Preservation office when restoring the exterior of the building. Mr. Jobson believes some of the exterior, such as windows and roofing, will need to be replaced. But all changes have to follow their guidelines and recommendations. Mr. O'Toole used the Lofts on Ludington as an example.

When this project began, they were required to follow all the rules of the National Park Service. Every detail, down to the color, had to be followed.

Commissioner Buckbee questioned Dennis Bittner about the parking and the fence, whether the fence will stay or be replaced because this plays part in the decision process. He also questioned the entrance from the property on to Ludington Street. He commented that if you cannot remove the fence, the Historic Commission approval will be needed, but how can Mr. Jobson be asking for approval this evening if the Board is not sure the outcome of the fence, which would be decided in the near future. He stated that if you cannot remove the fence, but are already planning the parking lot, how would this work. Mr. Jobson replied that on the Eastern Garden, where the fence is located, it is not really considered historic as the building itself. If the fence plans were denied, the plan would have to be revised, and be presented for review at a later date. Mr. O'Toole stated that it may have to be reviewed at a further date regardless. He also commented that the final outcome of this project could be different than what is being proposed currently. He is recommending that if it gets approved, another meeting be held for final site plan review.

Chairman Connor said there is only one (1) handicap parking space per lot and questioned if this is an adequate amount for senior housing. Dennis Bittner replied that two (2) handicap spaces is based on code and based in comparison on other projects. Chairman Connor stated the exit onto Ludington Street will have an increase in traffic coming from the alley. He questioned if this would be an issue for any delivery trucks, such as UPS. Steve Pense stepped in for comment replying that delivery trucks will be less than what currently occur with it being a restaurant and hotel. With fewer events, the need for trucks will decrease. He does realize there will be a more steady flow of traffic in the alley. Mr. O'Toole reminded the Board that off street parking will still be an option. Chairman Connor commented on the East and West traffic in the alley, which will increase. His concern is with the alley itself and feels this area needs to be addressed. Mr. O'Toole stated it is a twenty (20) foot alley right of way and the condition of the alley will have to be re-evaluated. This is something the City, the developer, and the DDA might have to address down the road.

Commissioner Buckbee asked if there would be any businesses located in the building. Steve Pense replied there will not be any.

Chairman Connor questioned the snow removal plans. Steve Pense stated that the Eisenberger's currently have a contract for snow removal and it would be the same for this new development.

Commissioner Warstler commented on the entrance/exit to the property. On the West there is zero visibility. He suggested a different entrance and exit than what is proposed. He thinks concern would be minimized if a different plan layout was proposed. Mr. O'Toole stated that discussion with City Engineer, Bill Farrell had occurred and that the proposed layout is the best option. He confirmed that Commissioner Warstler's idea was already previously researched and discussed. Commissioner Williams asked Mr. O'Toole about the Board of Appeals meeting minutes from August 25, 2015 if Ken Vanderlinden specifically questioned Bill on the flow of parking. Mr. O'Toole stated that the comment was based on the preliminary first drawing.

Commissioner Buckbee questioned Mr. O'Toole on the amount of units. Since there will be so many units, will the City be able to handle this sort of capacity in regards to the storm water. Mr. O'Toole replied the City could.

Commissioner Hellerman stated this project seems comparable to others in the area in regards to traffic and parking.

Commissioner Warstler feels it is different than past projects and conflict increases. Overall he is satisfied with the project as is because he knows it will be reviewed a second time when finalized.

Mr. O'Toole stated signage and mirrors have been discussed with the developer. Mr. Bittner said there is signage currently on the property and that there have been a number of improvements with safety. There will continue to be improvements if this proposed plan is approved. Commissioner Warstler suggested a light or buzzer to alert a pedestrian of an oncoming vehicle from the parking lot.

Jim O'Toole read for the record the three (3) letters received from residents; one from Tom and Kathy Jensen -116 South Second Street, one from Wendy Pepin - 2505 Lake Shore Drive, and one from Darren and Victoria Feuerbach - 209 Ludington Street (see attached).

Commissioner Hellerman asked Jim O'Toole if there will be any changes with winter parking, which he replied there would likely be and that it would have to be evaluated.

Chairman Patrick Connor opened public comment to residents within 300 feet of the project.

Dan Sampson property owner at 117 S 3rd Street and 119 S 3rd Street stated he and his neighbor Jan Lavigne are not opposed to the project. Since he is affected by the fence outcome the most, he would like the four (4) foot current fence to be a six (6) foot or eight (8) foot fence. He would like more green space and questioned if there is a minimum requirement to be met. The green space seems reduced with this project. He is worried about the safety of people visiting the Richard Clark Law Office. The alley will basically become a street with the increase of traffic and it is not fit for two (2) cars wide. He stated the East exit, toward the Lighthouse, won't be used much since most people are heading into town. He offered to sell his property for additional parking or additional green space. Commissioner Hellerman questioned what type of fence he'd like to see, if it is the appearance or material that bothers him. Mr. Sampson replied it is the height which most concerns him. Mr. O'Toole stated a six (6) foot fence would be code compliant. Commissioner Williams agrees that additional green space should be looked into. She stated there is not enough green space as proposed.

Lee Ann Messimer, 208 1st Avenue South, took the podium and read for the record a letter she wrote (see attached).

George Bonefeld, 117 S 2nd Street, said he is not opposed to this project. His first job was a bell boy at the House of Ludington. He had to park cars as part of this job. He believes the plan at hand is a good system to create car accidents with the parking as proposed. There is no visibility. The tree on the corner reduces visibility. The alley will be used more than currently used and not designed for the traffic. He believes this is too much for the small space and that an additional lot or two (2) would be beneficial.

Dave Schwalbach, 212 1st Avenue South, is not opposed to the project. He is not afraid of the parking lot being where it would be with proper fencing. The fence suggestion on height is acceptable with him and to make the fence an attractive six (6) foot vinyl fence is acceptable. He provided a drawing to the Board members (see attached) of what would be a good example. He wants to see the project approved. He feels the little issues still present can be worked out in time. He states that larger vehicles can maneuver around on the property. He has seen this done before. Trucks can drive in and out of the property; it is just a bit more difficult. He approves of the project but just believes the flow of the traffic needs to be reviewed more.

Judy Schwalbach, 212 1st Avenue South, stated the drainage needs to be addressed. The dry well is a problem in regards to Lot 19 parking. It is not adequate. A creek runs between the properties (hers and the proposed parking lot) that need to be taken care of. It needs to be hooked up to City drainage. Parking on 2nd Street is terrible. Traffic driving in and out of the property will not be easy. Alley traffic will be increased and will be a problem. Turning right on to Ludington Street is not a good option. Senior citizens will want to turn left. Going left has poor visibility. The corner where Ludington meets the parking lot will be difficult. A stop sign on the sidewalk is not a good idea. More thought needs to happen in regards to traffic control. Parking has always been a problem in this area. If the City would have previously addressed the parking problem that has existed for many years now, there wouldn't be a problem today. There will be problems when it snows. The area is windy causing problems. Mr. Jobson needs to reconsider the entrances on to the property. If this project passes this evening, it needs to be amended down the road to work out the kinks with safety and parking issues. She believes Mr. Jobson needs to be in person when speaking, not via phone conference. She does not want to see an absent owner.

Craig Taylor stated the project seems rushed. That a lot of people are against this project, which is clear by the comments made from the online petition. He provided the petition information to Mr. O'Toole's office. He hopes the Board takes into consideration all sides and opinions.

Chairman Connor opened the floor for public comment to all other residents:

Peggy O'Connell, 522 2nd Avenue South, owns a historic home in the neighborhood at the corner of 2nd Ave and 6th Street. She also owns a historic building in Escanaba. She would like to see the project happen. She wants more housing in this area. She wants it to remain senior housing and not turn into another Harbor Tower situation. She questioned what will happen when the tax credits go away. She stated she doesn't understand tax credits and would like more detail. Mr. O'Toole replied it is a percentage of tax credits and that this property would be deed restricted for a fifty (50) year time frame. Peggy was satisfied with the answer but would still like the parking to be further researched.

DDA Executive Director Ed Legault stated he has worked closely with Ed and Suzell the past couple (2) of years. The reality of it is that as a small business owner there isn't a grant available without the owners making a substantial contribution. He said this project might not be the best fit for the property, but it needs to be looked at. This option is better than the building being torn down. This building needs to be brought back to life. Tax credits for fifty (50) years will be written. This is really the only way to make this property workable. Ed is a member of Community for a Lifetime, which recently conducted a survey on senior housing needs. About 75% of the participants (175 total participants) stated decent affordable senior housing is needed. More residential opportunities will also grow other business amenities. He understands some issues still need to be looked at but can be done going forward. He feels the project matches the City's Vision Plan and Master Plan.

Lisa Anderson, 218 Lakeshore Drive, stated that she is a taxpayer and she would like to see her tax dollars stay in the community. She believes a lot of the residents are elderly and we as a community should embrace the project. She supports it. She wanted to know why additional parking hasn't been further looked in to. If people are willing to sell their property, then she feels additional parking, if available, should be looked at. Steve Pense replied that they met the parking requirements and there isn't a need for purchasing additional parking. Mrs. Anderson feels it is not necessarily the number of spaces that is a concern; it is the restrictions and flow of traffic. Mr. O'Toole stated that tying up capital in land purchases was part of the Zoning Board of Appeals meeting discussion and that it makes the project financially challenged.

Chairman Connor closed the public hearing.

Commissioner Williams questioned Mr. O'Toole as to why Harbor Towers became low income housing along with senior housing. He commented that the restrictions for that property may have expired allowing them to do so but that he was unsure. She also questioned Mr. Jobson as to why there isn't additional parking and if it was a financial issue. Steve Pense stated that they met the requirements and the proposed parking is a reasonable amount. Commissioner Williams commented that the number of spaces is not the concern, but the flow of traffic and restrictions. Commissioner Hellerman said the parking in Escanaba is not nearly bad if you compare it to other cities such as Chicago, Illinois. He also commented that the Lofts on Ludington works, so this project will work too. He does want to review it one last time when all the little issues have been further looked in to. He does not feel the concerns are a deal breaker. He would like the House of Ludington saved. This is the only option to save this building at this time.

Commissioner Williams questioned Steve Pense about the sale of the property. She never saw a sign stating it was for sale. He replied that a "for sale" sign is bad for business but that all efforts to sell the business have been made. Mr. O'Toole stated he has also approached several developers to the property in the past to look at for purchase.

Commissioner Williams said the flow and safety seem to be the concern, not the spaces, and that more work needs to be done. She stated green space and parking does not meet requirements and more research needs to be done.

Chairperson Connor asked if there were any additional public comments. None were made.

Mr. O'Toole stated this plan will go through an extensive review by the Michigan State Housing Authority and the State Historic Presentation office. October 1st is the deadline to the State of Michigan.

Chairperson Connor asked for a Board motion with conditions to be made if any.

Commissioner Warstler stated he approves the project since there is a need for affordable senior housing. This project offers good rates, modern design, and comfortable housing. This building is an iconic landmark. The use of the building isn't changing too much and it does meet the City's Master Plan. He does have a couple of concerns. He would like it to come back for final review/approval once the kinks have been worked out, including alley improvement, the flow of traffic (the number of parking spots does not concern him), and the fencing. He does like the fencing recommendation from Dave and Judy Schwabach. The drainage for parking in Lot 19 and the one (1) adjacent to the facility needs to be addressed, to have the City Engineer look at the situation. There have been a lot of climate changes and environmental changes and proper drainage is necessary. He does not feel this is a rushed project. He hopes that others would see the time and efforts put into this project and realize it has not been rushed.

A motion was made by Commissioner Warstler, seconded by Commissioner Hellerman, to approve both the site plan as submitted and the special land use permit with the understanding that final approval is contingent upon a final site plan review should funding be approved and the issues as discussed/addressed be answered at that time. Ayes were unanimous.

NEW BUSINESS

1. Public Participation Planning Process Guide Development – As part of the Community Master Planning and the Readiness Development Program, there will be an all Boards and Commissions meeting on October 6, 2015 at 6:00 p.m. at the auditorium of the Bonifas Art Center. The purpose of the Public Participation Plan is to come up with a public policy which outlines how the public will be engaged throughout various planning processes in the City to include the creation of an updated community based master plan.

Project Updates:

A. Zoning Board of Appeals Hearings/Decisions – Jim O'Toole stated that two (2) Zoning Board of Appeals meetings were held. One (1) for a parking variance at 223 Ludington Street, which was discussed extensively at tonight's meeting. The other was for a parking variance for a proposed project at 617/618 Ludington Street and included part of 1st Avenue. The project was denied since new construction was being added versus the existing footprint, which made the need for variance "self-created".

B. Superior Trade Zone – Jim O'Toole stated the next Superior Trade Zone meeting is scheduled for September 24th at Noon in Rock for all Board of Directors.

C. MSHDA/SHPO Certified Local Government Program - Jim O'Toole stated we are working with the DDA and Historic Commission through Ed Legault and Blaine DeGrave, trying to identify 3 – 5 signature buildings in downtown that we want to package for redevelopment. This project is still being worked on.

D. Delta County Planning Commission Update – Commissioner Connor discussed the wind towers decision. The Commission just met last week and verbiage/wording regarding the property line needs to be adjusted.

E. Redevelopment Ready Community Program – Jim O'Toole stated that a one and a half (1 1/2) hour meeting has been scheduled for October 6th.

F. Year to Date Zoning/Land Use Permit(s) – City Manager O'Toole reviewed the below:

2	NEW RESIDENTIAL HOME	$634,000
17	RESIDENTIAL REMODELS	$231,600
3	NEW COMMERCIAL	$7,510,000
23	COMMERCIAL REMODELS	$3,788,920
1	CHANGE OF USE	$0
0	HOME OCCUPATION	$0
0	LAND USE PERMIT	$0
7	DEMOLITION PERMIT	$260,200
53	TOTAL	$12,424,720

G. Community Master Planning Process – A second meeting for all Boards and Commissions joint council is scheduled for November 12th at the Middle School-Courtyard Room. This will be the first Charrette of the master planning process.

GENERAL PUBLIC COMMENT

None.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

None.

ADJOURNMENT

A motion was made by Chairman Connor, seconded by Commissioner Warstler, to adjourn the meeting. The meeting adjourned at 8:42 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

August 21, 2015
Tom and Kathy Jensen
116 South Second Street
Escanaba, Michigan 49829

City of Escanaba Board of Appeals and
City of Escanaba Planning Commission
c/o City Manager James O'Toole
City Hall

To whom it may concern,

First of all, we as neighbors would like to thank the Eisenbergers for all of the work they've put into restoring and maintaining the House of Ludington for the past 18 years. We do appreciate all they've done to keep the hotel open and in the best condition they could.

We do however have concerns about the proposal to change the function of the building to affordable elderly housing. The Escanaba area already has plenty of affordable elderly housing. What our community lacks is condominiums and high or executive rentals, such as the Lofts on Ludington. Better quality rentals are more in keeping with the historic character and elegant nature of this wonderful old hotel. We are personally acquainted with elderly residents that cannot find high quality rentals in the area, and early on having heard the hotel was to be converted were excited thinking their future home would be in a condo in that wonderful old hotel. What a disappointment.

Secondly, while this proposal states that rentals would be for affordable senior housing, we see just three blocks away what has become of Harbor Tower, formerly 'affordable senior housing', now heavily subsidized low income housing, that some of the poor in our community say does not meet ***their*** housing standards. We also see the percentage of low income rentals in our neighborhood increasing and the percentage of owner occupied homes in decline.

Thirdly, the additional traffic that would result from any parking lot that exited into the alley behind the hotel would cause a dangerous situation for neighbors with children and grandchildren. Current traffic in the alley rarely stops before entering onto 2nd street. The current parking proposal has 15 stalls that would exit into the alley which would increase traffic flow while not providing adequate parking for each of the units in the proposed plan. We would want to see a plan that met the parking requirements, provided parking for at least the 30 units, and that did NOT include parking on city streets overnight, and parking that entered from and back onto Ludington Street. Two summers ago we had a fence knocked down by a careless driver entering from 2nd into our alley in the middle of the night. We can just imagine some 15 of the 30 units' renters racing into the alley trying to beat someone else to one of the few available parking places any given evening.

Finally, we see that a dumpster sufficient (probably insufficient, in our experience) for 30 rental units is going to sit in the alley 2 houses away from us and right behind our two neighbors homes, and more garbage trucks coming down the alley more often (we sure HOPE for that much garbage!) stinking up the neighborhood and increasing traffic danger to our grandchildren.

We believe Jobson wants to put too large a project into too small a space, and in a space that is better suited to larger, fewer, higher end rentals and an elegant restaurant and retail space on the first floor.

Thank You, Tom and Kathy Jensen

Tom and Kathy Jensen

Attachment 20

received
9/9/15
SRO.

September 8, 2015

Mr. Patrick Connor
Escanaba Planning Commission
410 Ludington Street
Escanaba, MI 49829

My name is Wendy Pepin and I have been a life-long resident of Escanaba, Michigan, and the owner of several residential properties in Escanaba. I am writing this letter to express my support for the House of Ludington project. I will be out of town on September 10 and unable to speak at the Planning Commission meeting.

I am one of the many so-called baby boomers that have retired or semi-retired. I am an active, involved member of this community and would welcome a senior living facility such as this proposed project. The House of Ludington is close to the library, overlooks the park, is walking distance to restaurants, etc. Many friends my age have also expressed an interest. Contrary to some of the letters and comments I have read on-line, I am only aware of one other independent senior living facility in Escanaba.

As the owner of The DeGrand House, a historical home that I have been renovating for years, I understand the deep emotional connection and the huge capital outlay that comes with even a small project like mine. The Eisenbergers are now ready to retire and are in a position that their historical home needs major capital repairs that are too expensive for them to do. Since the income they have to maintain the building comes primarily from the 13 apartments currently in the building, and because the House of Ludington has never had any off-street parking spots, this project with additional apartments and off-street parking is a viable and workable solution.

To the citizens who want to keep The House of Ludington like it is, without an infusion of millions of dollars it will end up eventually being torn down. We can't live in the past although as we age, we'd like to think we could. The House of Ludington needs help now.

It would be exciting to see the building restored to its full beauty and once again the beautiful "big white house" at the end of Ludington Street, overlooking the bay. If this project does not go through, I'm afraid the city will soon be erecting a historical sign showing where the House of Ludington once stood.

Wendy Pepin
2505 Lake Shore Drive
Escanaba, MI 49829

Darren and Victoria Feuerbach
209 Ludington Street
Escanaba, MI 49829
(906) 789-0125

September 10, 2015

City of Escanaba
C/O Community Planning Commission
410 Ludington Street
Escanaba, MI 49829

received
9/10/15 UMS

RE: 223 Ludington Site Plan Review

After review of the site plan we have three concerns.

We do not feel as though having a four foot high lumber fence is appropriate for the image that Escanaba wants to portray nor the historic significance of the House of Ludington. Perhaps redoing the fence with stone or brick would maintain the historical presence.

The drywells are a concern for their capacity to handle our hard winters and occasional heavy down pours. The overflow will go to the street, alley and neighboring properties. Drainage should be tied into the cities' system to prevent overflow damage to neighboring properties.

The alley traffic flow will increase significantly. This is cause for concern because of its narrow width and the difficulty removing snow.

Thank you for including nearby property owners in the decision making process. We look forward to this being a positive for all involved.

Sincerely,

Darren and Victoria Feuerbach

Darren and Victoria Feuerbach

September 2015

City Council, Mayor Tall, Mr. O'Toole, Board Members, DDA & Commisioners,

My name is Lee Ann Messimer. My husband, Stephen, and I have lived at 208 First Ave. So. for 33 years.
Since we've lived in our home, the House of Ludington has had 3 owners. Previous owners systematically sold off parking structures and sites resulting in todays' problems.

It is a fallacy to think that a minimal number of cars would be necessary for the Residents of the senior apartments based on an assumption that there are plenty of convenient places within walking distance. The reality is, there are **NO** grocery stores, **NO** pharmacies, **NO** banks, **NO** hair dressers , **NO** doctors offices and **NO** restaurants within a mile of the neighborhood. Residents will have to drive to get anywhere. They will also have friends & family members visiting, repairmen, maybe meals-on-wheels and, possibly, even visiting nurses.

In the 34 one and two bedroom apartments, I would suspect there will be spouses, siblings, maybe friends living together. Where is it that at least 50 people and all their incoming visitors will park?

There are 4 businesses, excluding the House of Ludington, that abut the alley, one of which requires semis to unload their products. All of those businesses plow & pile snow within their own parking areas during the winter . Simple courtesies are important when living along and sharing an alley. An alley that has never been meant to be a main thorough fare.

Every few days we, and our neighbors, receive yet another revision of a revision to the site plans regarding the proposed parking areas for the proposed senior living building. Each plan less workable than the previous one.

It is time that all the governing bodies responsible for making decisions about the parking proposals, take some time to drive or walk around the block in question with a site plan in their hands and their eyes and minds open. This is important -- the integrity and cohesiveness of an entire neighborhood is at stake.

Rec'd 9/16/15

Please, walk or drive, past the proposed exit onto Ludington Street. How long before right turns become left turns because people will realize they have to drive around a whole block to get back to Ludington. The exiting cars will be crossing a sidewalk with multiple blindspots.

Turn right onto 2nd Street and approach the alley entrance. Are you aware that parking has been allowed on both sides of that short street in the months when parking restrictions take effect? That creates a narrowed, congested almost impassable street, especially when cars are parked a foot from the curb because of snowbanks.

When you turn into the alley, notice how close buildings are to the edge, how many trash cans, how many potholes and ruts, how many utility poles and how just how narrow the alley is.

Stop at the green-space-turned proposed parking and think about cars entering that spot from both directions. Look at the proposed plans and you tell me if 14 cars can park in there--- 2 of them parallel to the building. How is it that those two drivers will be able to get out of their cars?
Drive a few feet to the next proposed parking. Try parking in the space that is there now. Can you get 6 cars in that space -- think about a total of 21 spaces plus a dumpster?

Then, just across the alley , try parking 4 cars side by side in the spot currently used by the present owners. Pull in and try backing out -- can you see what's behind you? Do four vehicle fit? Will anyone be able to get out of their cars?
Exit the alley onto 3rd street where there is business parking and a boulevard. Use your imagination to add some 10 foot snow mounds to the mix.

In fact, try to imagine that alley and the proposed parking in the winter with snow, ice, sleet or a combination of all with 20mph winds. Think of what a snow plow will do to those parking entrances and exits. How many of those seniors are going to come out after a blizzard and move their cars so the areas can be plowed? And where are they going to move their cars ?
Who's going to help them when they get trapped in snow drifts, can't see where they're going, slip and fall on the ice that accumulates behind the building. Is there going to be live in maintenance or contracted maintenance? Is that whole area including all parking

spaces and the alley between them going to be kept clean enough to safely walk and drive?

Those of us who live or work in that neighborhood and surrounding neighborhoods need intelligent solutions to the problem, not revisions of revisions of nonsensical parking proposals.

I invite all of you to start your tour tonight, after the meeting, with the most recent revision in hand. The block in question is only one block away and quiet enough at this time of the day for some slow driving & thinking. Come back tomorrow for a drive thru when businesses are operating and the area is more active.

Please, take the time to put these parking proposals in perspective and make your decisions with some real facts behind you.

Thank-you for your time tonight.