

**PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
September 14, 2017**

A Regular Meeting of the Escanaba Planning Commission was held on Thursday, September 14, 2017, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

COMMISSIONERS PRESENT: Chairperson Kel Smyth, Vice-Chairperson Christine Williams, Deputy Secretary Brian Black, Commissioner Richard Clark, Commissioner Craig Gierke, and Commissioner James Hellerman

COMMISSIONER(S) ABSENT: Commissioner Paul Caswell

PRESENT FROM CITY: City Councilman Ralph Blaiser, Planning and Zoning Administrator Blaine DeGrave, and Executive Assistant Lisa Glish

PRESENT FROM PUBLIC: Dale Beauchamp - Tenant of 310 South 8th Street, Tom O'Neil – Representative for Menards Inc. #3256, Charles Lawson – C2AE Architect/Engineer, Kelly Jefferson – Vice President of Operations for OSF Hospital and Medical Group, Terry Sanders – Representative for Re-Entry and Recovery Facility (Catholic Social Services of the U.P.), Local Business Owners: Will Carne, Jr., Rachael Stone, Peggy O'Connell-Schumann, Curt Spaulding, Kelly Spaulding, Summer Watson, Jim Kirby, and Lynn Fitzpatrick

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

ROLL CALL

Executive Assistant Lisa Glish conducted roll call.

APPROVAL/CORRECTION OF THE AUGUST 15, 2017 SPECIAL PLANNING COMMISSION MEETING MINUTES

A motion was made by Commissioner Gierke, seconded by Deputy Secretary Black, to approve the August 15, 2017 Special Planning Commission meeting minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE SEPTEMBER 14, 2017 PLANNING COMMISSION MEETING AGENDA

None.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

1. Home Occupation Change – 310 South 8th Street.

Blaine DeGrave stated that a discussion will take place concerning a Home Occupation Change application that was submitted by the tenant located at 310 South 8th Street to allow operation of

a home based business not specified within Chapter 6, Residence “B” District, Section 602.1.K – Home Occupations, of the Escanaba Zoning Ordinance.

Blaine DeGrave read the Staff Position Paper into record:

**CITY OF ESCANABA
APPLICATION FOR ZONING PERMIT-CHANGE OF USE/HOME OCCUPATION
CASE NO. PC-091417-04**

REFERENCE: HOME OCCUPATION/MASSAGE SPA

DATE: September 14, 2017

PROPERTY LOCATION: 310 South 8th Street Escanaba, MI 49829

PROPERTY OWNER ADDRESS:

Elvin Hixon
8838 North 75 Lane
Gladstone, MI 49837

APPLICANT ADDRESS:

Dale Beauchamp
310 South 8th Street
Escanaba, MI 49829

TYPE OF REQUEST:

In accordance with Chapter 6 Residence “B” District - Section 602 - Principal Uses Permitted by Right 602.1 General. (K) Home Occupations: The applicate is requesting a zoning permit to allow a massage spa to be run out of their home.

CURRENT ZONING:

Residential “B” District

ORDINANCE:

Ordinance No. 1028 City of Escanaba Zoning Ordinance

PRICIPAL USES PERMITTED BY RIGHT

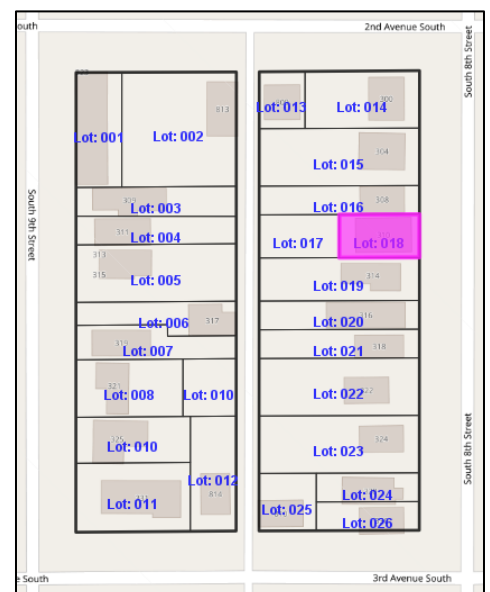
(K) Home Occupations: As use in this article, a home occupation is an accessory use of the main dwelling that shall constitute either entirely or partially the livelihood of a person living in the dwelling, provided it complies with all applicable performance standards set forth in this article. Home Occupations are subject to the conditions listed 1-11. (See Attachment 1)

SECTION 602.1 General. (K) Subparagraph 11a. Permitted Home Occupations: The following are permitted home occupations provided they do not violate any of the provisions of the “B” District, and that they are consistent with State and local licensing requirements. (See Attachment 2)

Section 11a. (28) Similar types of businesses as approved by the Planning Commission. List is not exclusive.

STAFF FINDINGS, COMMENT

Staff is recommending approval of the proposed Massage Spa Home Based business for the following reasons:



Staff believes that the request is consistent with Section K. Home Occupations in that it is an accessory use of the main dwelling and it constitutes either entirely or partially the livelihood of a person living in the dwelling and is consistent with other service orientated businesses listed within the permitted home occupations.

PUBLIC CONTACT:

Notice of the Public Hearing was published in the Escanaba Daily Press Newspaper on August 28, 2017 and meeting notices were mailed to the adjacent property owners of the project site on August 25, 2017.

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

The public hearing notice and site plan was posted on the City of Escanaba's Facebook Page.

ENFORCEMENT HISTORY:

None.

BACK UP INFORMATION:

1. Application for Zoning Land Use Approval.
2. Assessor's Property Information Card.

NOTES/COMMENTS:

If approved, this business must comply with all applicable performance standards set forth in this article as listed under K. Home Occupations 1-11 (See Attachment 1)

ATTACHMENT 1

K. Home Occupations. As used in this article, a home occupation is an accessory use of the main dwelling that shall constitute either entirely or partially the livelihood of a person living in the dwelling, provided it complies with all applicable performance standards set forth in this article. Home Occupations subject to the following conditions:

1. A home occupation shall be conducted within the dwelling unit which is the bona fide residence of the principal practitioner of the occupation.
2. All business activity and storage shall take place within the interior of the dwelling unit.
3. No alteration to the exterior of the residential dwelling or yard that alters the residential character of the exterior premises is permissible.
4. The home occupation shall not generate vehicular traffic beyond eight-trip-ends per day.
5. Only off-street parking facilities customary for a residential use and located on the premises may be used.
6. No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
7. Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.
8. One (1) sign identifying a home occupation may be used provided it is wall mounted on the principal residence and is not more than three (3) square feet with no side dimension exceeding thirty-six (36) inches.

9. No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
10. Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
11. The use shall not generate noise, vibration or odors detectable beyond the property line.

ATTACHMENT 2

11. The use shall not generate noise, vibration or odors detectable beyond the property line.

(a) **Permitted Home Occupations.** The following are permitted home occupations provided they do not violate any of the provisions of the “B” District, and that they are consistent with State and local licensing requirements.

- (1) Beauty/barbershop, single chair.
- (2) Bed and breakfast operation.
- (3) Catering, home cooking and preserving.
- (4) Family day care home.
- (5) Computer programming and services.
- (6) Contractor or decorator.
- (7) Direct sale product distribution, e.g. Amway, Avon, Mary-Kay.
- (8) Taxidermy.
- (9) Dressmaking, sewing and tailoring.
- (10) Drafting and graphic services.
- (11) Flower arranging.
- (12) Gardening, landscaping maintenance.
- (13) Home crafts such as model making, rug weaving, lapidary work, jewelry making, woodworking and upholstery.
- (14) Individual musical instrument instruction provided that no instrument is amplified.
- (15) Interior designers.
- (16) Janitorial and cleaning services.
- (17) Laundry and ironing services.
- (18) Locksmith.
- (19) Mail order catalog services.
- (20) Office of minister, rabbi, or priest.
- (21) Offices such as an accountant, architect, bookkeeper, broker, consultant, counselor, dentist, engineer, investment and financial planner, land surveyor, lawyer, physician, psychologist, psychiatrist and real estate broker.
- (22) Office of a sales representative or manufacturer’s representative.
- (23) Painting, sculpturing, photography or writing.
- (24) Repair service for small items.
- (25) Secretarial services.
- (26) Telephone answering or solicitation work.
- (27) Tutoring or educational instruction.
- (28) Similar types of businesses as approved by the Planning Commission.

The above list is not exclusive.

Dale Beauchamp and Yao (girlfriend) stated that they will not be selling any retail items. Dale went onto state that he feels as though his request most closely relates to a (1) Beauty/Barbershop, single chair since there will only be one table with Yao being the only employee. He then went onto state that they are fully licensed and do not plan to exceed the eight (8) traffic events per day.

Commissioner Hellerman asked for clarification that it will be taking place in a single designated room in the home. Mr. Beauchamp stated that the home they are renting has four (4) bedrooms, one will be used as the massage room, and another will be used as a waiting/lounge area.

Commissioner Gierke asked about off-street parking, he went onto ask how many spaces will they have, other than the ones that they use themselves, would there be for patrons. Mr. Beauchamp stated that they could accommodate two (2) additional vehicles in the driveway along with street parking that is available in front of the residence.

Commissioner Hellerman asked the Staff if the permit is issued does it stay only with this person at this residence. Blaine DeGrave stated that it would.

Vice-Chairperson Williams asked if the list of Permitted Home Occupations will be augmented to include Massage Spa if the permit is granted. Blaine DeGrave answered that if a lot of requests were coming in for a Massage Spa then it would be wise to get it added to the list, but he does not feel this would be beneficial at this time to do so.

Commissioner Gierke stated that any future applications of this request will receive equal treatment as to the outcome. Commissioner Gierke then went onto ask about exterior signage for the business. Blaine DeGrave stated that they are allowed to have a non-lighted 3' x 3' sign.

A motion was made by Commissioner Hellerman, seconded by Commissioner Clark, to approve the Home Occupation application for a Massage Spa at 310 South 8th Street as requested. Ayes were unanimous.

PUBLIC HEARINGS

1. Site Plan Review – 3300 Ludington Street – Menards

Blaine DeGrave stated in accordance with the Escanaba Zoning Ordinance Section 1803.3, a site plan review of two additions ((1) 8,828 sq. ft. and (1) 10,080 sq. ft.) and new detention pond (27,750± sq. ft.) to the existing Menards property and land located at 3300 Ludington Street, Escanaba will take place.

Blaine DeGrave read the Staff Position Paper into record:

**CITY OF ESCANABA
LAND USE PERMIT REVIEW REPORT
CASE NO. PC-091417-01**

REFERENCE: Menards (2) Building Additions and Detention Pond

DATE: September 14, 2017

PROPERTY OWNER/APPLICANT ADDRESS:

Menards Inc. #3256
3300 Ludington Street
Escanaba, MI 49829

TYPE OF REQUEST/ DESCRIPTION OF PROPOSED PROJECT:

In accordance with section 1801.3 Site Plan Required of Escanaba’s Zoning Ordinance, the applicant is requesting a land use permit to construct an 8,828 sq. ft. addition to the North end of the exterior warehouse building, a 10,080 sq. ft. addition to the South end of the exterior warehouse building and a 27,750 sq. ft. Detention Pond to be located on the newly purchased property formally owned by Wally Flynn at 107 North 30th Street.

CURRENT ZONING:

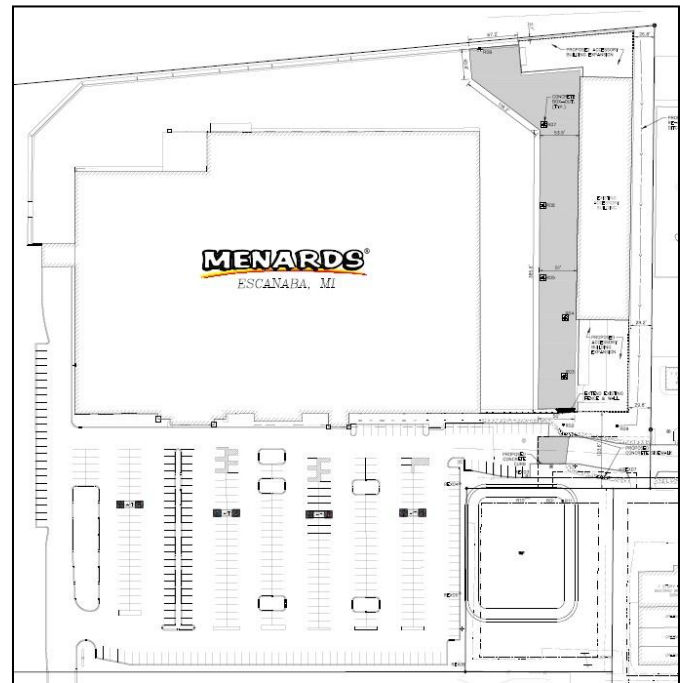
Light Manufacturing “F” District.

ORDINANCE:

Ordinance No. 1028 Escanaba Zoning Ordinance.

COMPLIANCE WITH DEVELOPMENT STANDARDS:

1. The proposed constructions ((2) Additions and Detention Pond) will be located on property which is zoned Light Manufacturing “F”.
2. The proposed construction for the additions and detention pond meet setback standards of a Light Manufacturing “F” District. As submitted, the additions and detention pond will meet the setback standards of the existing area.
3. The proposed construction site plan diagram complies with Chapter 18, Site Plan and Sketch Plan Standards, Section 1802 Site Plan Diagram/Requirements; paragraph 1802.2 Site Plan Diagram Requirements, subparagraphs A-X.
4. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.1.1.1 Pre-Application Conference, the applicant’s met on June 27, 2017, with the City of Escanaba to review the proposed project, the City of Escanaba Code of Ordinances, and the City Comprehensive Plan. Attending this meeting was: City Manager Patrick Jordan, Electrical Distribution Engineer Gerald Pirkola, City Engineer/Public Works Superintendent Bill Farrell, Public Safety Director Rob LaMarche, Water/Wastewater Superintendent Jeff Lampi, Planning and Zoning Administrator Blaine DeGrave, and Executive Assistant Lisa Glish.
5. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan



Standards, Section 1803 Site Plan Review, Section 1803.1.1.2. Application, the applicant applied for site plan consideration as required.

6. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, Section 1803.1.1.4. Approval; Referral, City Administration has deemed the site diagram will be completed and is referring the plan to the Planning Commission for review.
7. All fee and notification requirements of the Ordinance have been accommodated.

DUTIES OF THE PLANNING COMMISSION:

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

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

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

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

SITE PLAN APPROVAL STANDARDS:

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

- A. All roof-mounted equipment, if any, shall be screened from recreation trails or from public sidewalks.
- B. Reasonable and visible sound mitigation measures have been taken.
- C. The building addition is arranged to permit adequate emergency access to all sides.
- D. The development provides for vehicular circulation.
- E. All loading and unloading areas shall be properly screened which are visible from public rights-of-way.
- F. Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.
- G. All premises shall be graded to prevent accumulation of stagnant water.

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

Staff is recommending approval of the site plan diagram for the following reasons:

The proposed use is consistent with the surrounding uses in the area and is a permitted use by right.

The proposed construction site plan complies with zoning requirements as listed in Chapter 13, Light Manufacturing District (F).

FISCAL IMPACT:

The construction value of the building additions and detention pond is estimated to be \$500,000.

PUBLIC CONTACT:

Notice of Public Hearing was published in the Escanaba Daily Press Newspaper and meeting notices were mailed to the adjacent property owners of the project site.

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

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

STANDARDS AND QUESTIONS (FINDING OF FACTS):

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

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

ALTERNATIVES:

Not applicable.

ENFORCEMENT HISTORY:

None

OTHER CONSIDERATIONS:

None

BACK UP INFORMATION:

1. Pre-Site Plan Review Meeting Minutes.
2. Application for Zoning Land Use Approval.
3. Site Plan Diagram.
4. Assessor's Property Information Card.
5. Site Photographs.

6. 300' radius property owner/tenant notification letter.
7. 300' radius property owner/tenant name and address list.

Tom O'Neil from Menards Inc. stated he was there to request approval of their proposed site plan. He went onto state that they purchases the old Flynn property to facilitate the proposed project. In the project they plan to move relocate their storm water detention pond to the newly acquired property, and add two (2) additions into the warehouse area.

Vice-Chairperson Williams asked why they decided to locate the new detention pond where they are proposing. Tom O'Neil stated because the property has a naturally lower elevation and they wanted to leave the hard corner parcel open for residual out lot use.

Commissioner Hellerman asked if the building on the corner parcel will be demolished to the slab. Tom O'Neil stated that the greenhouses will be removed from the property by the end of October, as for the main building on the corner lot that will remain at this time.

Vice-Chairperson Williams questioned if the detention pond will have a 4' fence around it, due to during the pre-site plan meeting it is noted that this was an item that required more research. Tom O'Neil stated that Menards would prefer not to have to install a fence around the pond because they are worried it can become an attractive nuisance for kids. Vice-Chairperson Williams stated that it would be more visually appealing if there wasn't a fence built around it. Blaine DeGrave stated that there is nothing in the City Zoning Ordinance that states a fence is required.

Kel Smyth opened the floor for Public Comments.

Will Carne Jr., owner of Nanoseconds, and Tom O'Neil had a short discussion concerning the current east side detention pond.

Ralph Blasier, property owner of 700 Lake Shore Drive, stated that he feels that it is unethical for Menards to be adding to their property that they once noted was worth the value of an unoccupied relic when they sued the City for the return of taxes.

Vice-Chairperson Williams asked if they plan to clean-up the left-over property from the previous Flynn's property to make it more visually appealing. Tom O'Neil stated that they plan to adhere to City requires for lawn care, weed abatement, etc.

A motion was made by Commissioner Clark, seconded by Commissioner Gierke, to approve the Land Use Permit / Site Plan for Menards, Inc. #3256 at 3300 Ludington Street for two (2) additions and a detention pond as requested. Ayes were unanimous.

2. Site Plan Review – 3401 Ludington Street – OSF St. Francis Hospital

Blaine DeGrave stated in accordance with the Escanaba Zoning Ordinance Section 18033, a site plan review of a 15,000 sq. ft. Medical Staff Parking Lot to the existing OSF St. Francis Hospital property located at 3401 Ludington Street, Escanaba will take place.

Blaine DeGrave read the Staff Position Paper into record:

**CITY OF ESCANABA
LAND USE PERMIT REVIEW REPORT
CASE NO. PC-091417-02**

REFERENCE: OSF HEALTHCARE SYSTEM

DATE: September 14, 2017

PROPERTY OWNER/APPLICANT ADDRESS:

OSF St. Francis Hospital
3401 Ludington Street
Escanaba, MI 49829

TYPE OF REQUEST/ DESCRIPTION OF PROPOSED PROJECT:

In accordance with Chapter 13 - Light Manufacturing District (“F”), Section 1310 – Parking; the applicant is requesting a Land Use Permit to construct a 15,000 s.f. Medical Staff Parking Lot.

CURRENT ZONING:

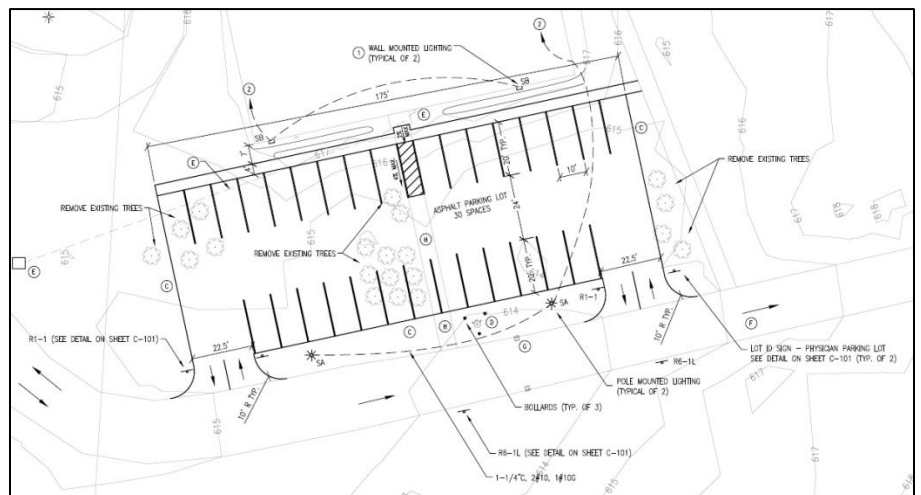
Light Manufacturing “F” District

ORDINANCE:

Ordinance No. 1028 Escanaba Zoning Ordinance

COMPLIANCE WITH DEVELOPMENT STANDARDS:

1. The proposed construction (parking lot) will be located on property which is zoned Light Manufacturing “F”.
2. The proposed construction meets the requirement of Section 1310 Parking; Subsection 1310.1 General. Requirements for parking are contained in Chapter 17, Parking and Circulation Requirements.



3. The proposed construction meets the requirements of Section 1703 Parking Stall Dimension.
4. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, paragraph 1803.1.1.1 Pre-Application Conference, the applicant met on August 31, 2017, with the City of Escanaba to review the proposed project, the City of Escanaba Code of Ordinances, and the City Comprehensive Plan. Attending this meeting was: C2AE Architect/Engineer Charles Lawson, City Manager Patrick Jordan, Electrical Superintendent Mike Furmanski, City Engineer Terry Flower, Public Safety Director Rob LaMarche, Water/Wastewater Superintendent Jeff Lampi, Planning and Zoning Administrator Blaine DeGrave, and Executive Assistant Lisa Glish.
5. The proposed construction site plan diagram complies with Chapter 18, Site Plan and Sketch Plan Standards, Section 1802.2 Site Plan Diagram Requirements, of all applicable subparagraphs of A-X.

6. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, Section 1803.1.1.2. Application, the applicant applied for site plan consideration as required.
7. In accordance with the requirements found in Chapter 18, Site Plan and Sketch Plan Standards, Section 1803 Site Plan Review, Section 1803.1.1.4. Approval; Referral, City Administration has deemed the site diagram completed and is referring the plan to the Planning Commission for review.
8. All fee and notification requirements of the Ordinance have been accommodated.

DUTIES OF THE PLANNING COMMISSION

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

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

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

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

SITE PLAN APPROVAL STANDARDS:

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

- A. A pedestrian circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.
- B. All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation.
- C. Exterior lights shall be reflected downward and away from adjacent properties and right-of-ways.
- D. All premises shall be graded to prevent accumulation of stagnant water.

STANDARDS AND QUESTIONS (FINDING OF FACTS):

In accordance with Chapter 18 - Site Plan and Sketch Plan Standards, Section 1801 General, paragraph 1801.1. Purpose, A plan that outlines the use and development of any tract of land on certain properties must be submitted to the City of Escanaba for site plan review. The Planning Commission Site Plan review is intended to insure the development has safe and functional traffic access to the parking area and minimize impacts on sensitive environmental resources.

1. Is the development designed to insure safe and functional traffic access?
2. Is the development designed to minimize impacts on sensitive environmental resources?

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

Staff is recommending approval of the site plan diagram for the following reasons:

1. The site plan meets the development standards required under Section 17 Parking and Circulation Requirements.
2. The proposed development meets Chapter 18. Site Plan and Sketch Plan Standards and Site Plan Approval Standards.
3. The proposed construction site plan complies with zoning requirements as listed in Chapter 13, Section 1310 Parking, Light Manufacturing District (F).

FISCAL IMPACT:

The construction value of the building addition is estimated to be \$60,000 (Sixty Thousand Dollars).

PUBLIC CONTACT:

Notice of Public Hearing was published in the Escanaba Daily Press Newspaper on August 28, 2017 and meeting notices were mailed to the adjacent property owners of the project site on August 25, 2017.

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

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

ALTERNATIVES:

Not applicable.

ENFORCEMENT HISTORY:

None

OTHER CONSIDERATIONS:

None

BACK UP INFORMATION:

1. Application for Zoning Land Use Approval.
2. Site Plan Diagram.
3. Assessor's Property Information Card.
4. Site Photographs.
5. 300' radius property owner notification letter.
6. 300' radius property owner name and address list.

Charles Lawson, Architect/Engineer for C2AE (Engineer for the project) introduced Kelly Jefferson, Vice President of Operations for OSF Hospital and Medical Group who was there to present the project. Kelly Jefferson stated that this parking would primarily be used for medical physicians parking.

Commissioner Hellerman questioned if this parking would make up for the parking that was eliminated due to the helipad being built. Kelly Jefferson stated that yes it is.

Commissioner Hellerman then asked if this will be secured or anything. Kelly Jefferson stated that there will not be any gate around it, but it will be signed, and the door will require badge access for entrance.

Vice-Chairperson Williams questioned why there wouldn't be any handicap parking in the lot, why there wouldn't be restrictions when entering the lot. Kelly Jefferson stated that there are adequate handicap parking spots in the main staff parking lot that is also on the property.

Chairperson Kel Smyth asked three (3) times if there were any questions or comments from the public, no one came forward.

A motion was made by Commissioner Gierke, seconded by Deputy Secretary Black, to approve the Land Use Permit / Site Plan for OSF St. Francis Hospital at 3401 Ludington Street for a 15,000 sq. ft. Medical Staff Parking Lot as requested. Ayes were unanimous.

3. Special Lane Use – 115 North 13th Street.

Blaine DeGrave stated in accordance with Escanaba Zoning Ordinance Section 205 – Special Land Use Approval, a Public Hearing shall be conducted concerning a Special Land Use Permit Application for 115 North 13th Street, Escanaba. The application is requesting approval for the location to be used as a re-entry and recovery facility for the residents of Delta Count.

Blaine DeGrave read the Staff Position Paper into record:

**CITY OF ESCANABA
SPECIAL LAND USE PERMIT
CASE NO. PC-091417-03**

REFERENCE: RE-ENTRY AND RECOVERY FACILITY

DATE: September 14, 2017

PROPERTY LOCATION: 115 North 13th Street (a.k.a.: 1301 1st Avenue North)

PROPERTY OWNER ADDRESS:

Andrew Simon
410 South 22nd Street
Escanaba, MI 49829

APPLICANT ADDRESS:

Catholic Social Services of the UP
Attn: Kyle Rambo
347 Rock Street
Marquette, MI 49855

TYPE OF REQUEST:

In accordance with Chapter 10 Commercial District (“E”) Section 1003 Uses Allowed by Special Land Use Permit, the applicate is requesting a Special Land Use Permit for a Re-Entry and Recovery Facility.

CURRENT ZONING:

Commercial District (“E”)

ORDINANCE:

Ordinance No. 1028 City of Escanaba Zoning Ordinance

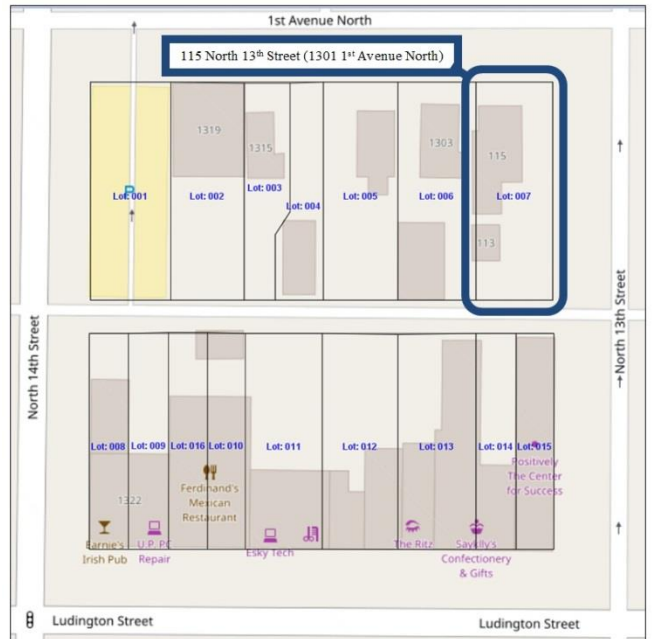
DESCRIPTION OF PROPOSED USE:

The applicant is requesting the approval for the use of the Multi-Plex building located at 115 North 13th Street, Escanaba, MI for re-entry recovery housing in Escanaba, to prepare, empower and support individuals with incarceration stigma and drug/alcohol addiction.

USES PERMITTED IN A COMMERCIAL DISTRICT

Section 1002.1 General. In a commercial district, a building, structure, or premises, may be erected or used for one or more of the following specified purposes:

- (K.) Hotels, boarding houses, club houses with residential facilities, lodging houses, motels, overnight cabins, and other business of a similar nature, in which shelter or lodging are furnished a relatively transient clientele and a charge is made therefor.



USES ALLOWED BY SPECIAL LAND USE PERMIT

Section 1003.1 General. The following uses of land and buildings, together with accessory uses, are allowed in the Commercial District if a special land use permit is issued according to the standards of this chapter:

- (D.) The Planning Commission may authorize principle and other uses not stated in the district where the land is located, provided that such uses are consistent with the intent of this Chapter and the standards set forth herein.

SECTION 205 - SPECIAL LAND USE PERMIT APPROVAL

205.1 General. A hearing before the Planning Commission shall be conducted on all Special Land Use permit requests. The procedure for the Planning Commission public hearing shall be as follows:

205.2. Initiating Request. Request for special land use permits shall be filed with the Code Official.

205.3. Filing Fees. The filing fees for a special land use permit shall be established by resolution of the City council.

205.4 Notices. Notice of a request for a special land use permit will be given pursuant to State stature. The Planning Commission shall fix a reasonable time for the hearing of the request and give notice of such request to the persons to whom real property within three (300) feet of the premises in question is assessed, and to the occupants of single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment role. If a tenant's name is not known, the term "Occupant" may be used. Upon the hearing, the party may appear in person, by agent, or by attorney. All notices shall be mailed or delivered at least ten (10) days prior to the meeting of the Commission and shall include a description of the proposed land use, a description of the subject property, the time and location of the public hearing, and when and where written comments will be received.

205.5 Protest. If a protest of the proposed special land use permit is presented to the Planning Commission at or before the public hearing date on the request and it is properly signed by the owners of at least twenty percent (20%) of the noticed area of land included in the request, excluding publicly owned land, or by owners of at least twenty percent (20%) of the area of and included within an area extending out at least one hundred (100) feet from any point on the boundary of land included in the request, excluding publicly owned land, then such request for special land use permit approval shall be passed only upon an affirmative vote of three-fourths of the members of the Planning Commission.

STAFF FINDINGS, COMMENT

Barring any public comment staff is recommending approval of the proposed re-entry and recovery facility for the following reasons:

1. The request is consistent with Section 1002 Uses Permitted in a Commercial District Subsection 1002.1 General Item (K)

PUBLIC CONTACT:

Notice of the Public Hearing was published in the Escanaba Daily Press Newspaper on August 28, 2017 and meeting notices were mailed to the adjacent property owners of the project site on August 25, 2017.

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

The public hearing notice and site plan was posted on the City of Escanaba's Facebook Page.

ALTERNATIVES:

Not applicable.

ENFORCEMENT HISTORY:

None.

OTHER CONSIDERATIONS:

None.

BACK UP INFORMATION:

1. Application for Zoning Land Use Approval.
2. Assessor's Property Information Card.
3. 300' radius Property Owner notification letter.
4. 300' radius Property Owner name and address list.

NOTES/COMMENTS:

None

Blaine DeGrave then read the Purpose of Special Land Use Permit that was submitted by the applicant with the permit application:

PURPOSE OF SPECIAL LAND USE PERMIT

Overall Purpose of Property: The property located at 115 North 13th Street is intended to serve as a re-entry and recovery facility for the city of Escanaba. This facility would also be available at providing re-entry and recovery services to the residents of Delta County. This facility would serve up to 6 full time and 2 part-time residents dally. This facility is intended to attempt to alleviate the significant shortage of re□entry recovery housing with successful addiction programing In Escanaba and the surrounding Delta County communities.

Management of the Property: The facility will be classified as Level 11 - Monitored - with at least one compensated full-time staff position within the house; setting is primarily a single family residence, with the potential use of the upstairs apartments for graduates of the program, who can serve as part-time mentors. Also conducted at the residence will be peer run support groups, drug screens, and house meetings. The facility is primarily staffed and funded through Catholic Social Services of the UP (CSSUP). CSSUP will provide oversight and direction for the facility by providing a full time manager and administrative support; The full time manager is experienced in substance abuse recovery and incarceration. The full-time manager receives close supervision in recovery facility management. He is also trained in peer recovery coaching through the Michigan Certification Board for Addiction Professionals. Additionally, the facility will receive indirect support from business owners, law enforcement, the drug court, and area churches of all denominations. The State of Michigan has also identified the need for re-entry recovery services in the Upper Peninsula and supports this Escanaba project. As a result, the Michigan Department of Health and Human Services has awarded block grant funding to assist in supporting recovery services at the facility. This funding ensures the sustainability of re-entry recovery housing in Escanaba.

For the re-entry recovery house in Escanaba to be successful it will maintain and enforce the following critical components:

- Maintain an alcohol-and illicit-drug-free environment.
- Maintain a safe; structured, and supportive environment.
- Set clear rules, policies, and procedures for the house and participating residents.
- Establish an application and screening process for potential residents.
- Endeavor to be good neighbors and get residents involved in their community.

The addition of a faith component at the facility reinforces acceptance and community support for each resident. It sends a clear message to residents that recovery is available even to persons who are experiencing the overwhelming sense of abandonment caused by their addiction. The faith component establishes an environment based on mutual dignity and respect, promotes well-being, and encourages positive social contribution.

Goals for Services Provided at Property: The overall intent of re-entry recovery housing in Escanaba is to prepare, empower and support individuals with incarceration stigma and drug/alcohol addiction and achieve the following goals:

- Recognize and fulfill their life long goals
- Establish meaningful relationships
- Participate fully in their communities
- Learn daily living skills that lead to self sufficiency

Entry into the Property: The Escanaba facility will receive resident referrals from various sources including: Delta County Probation and Parole Officers, Clergy, Re-entry Coordinators, the Drug Court, and even Concerned Relatives of potential residents. Additionally, the Escanaba facility will accept residents who are court ordered to live at the house in-lieu-of jail as a final opportunity to change their addictive behaviors or face Incarceration. Entry into the house most often occurs prior to release, as potential candidates are first identified through the prison ministry program or from referrals. In order to be accepted, an applicant must have some connection with the community. Participants must sign a contract and adhere to the rules regarding drugs, alcohol, or weapons of any kind for the duration of their stay. There Is no set length of -stay for full-time residents, but the recommendation is 90 days. The average length of stay in this facility is expected to be 120 days. The population tends to be younger males - ages 18-35.

Additional Services Available for Individuals Residing at the Property: Basic requirements for the facility include but are not limited to a working kitchen where residents take turns preparing meals and a computer system for residents to search for employment. Several businesses in the area are expected to support the employment of the residents so residents are rarely unemployed for more than a few days. Residents will have access to attend AA or NA support group sessions and out-patient counseling with a certified SUD professional. Residents will also conduct weekly contact with case managers.

The reasons why 115 North 13th Street was selected for this purpose. Successful re-entry recovery housing depends on several external factors, but the facility itself also needs to meet the following basic criteria.

- **Safety** - The houses had to be safe or at least within reasonable repairs to reach a state approved level of safety for residential recovery housing.
- **Location** - The facility must be within walking or biking distance to most of the human services in the city since residents will most likely not possess a driver's license or have access to a vehicle.
- **Affordability** - Reasonably affordable and accessible housing limited the search neighborhoods in the city to around Ludington Avenue.
- **Size** - Houses with 5 to 7 bedrooms and multiple bathrooms houses were considered ideal and reduced the need to expand the facility in the future.

Terry Sanders, representative for the project, reviewed that the program would be that the program would be operated under the Catholic Social Services of the U.P. 501.C.3 and be used as a re-entry and recovery facility for a select group of individuals with ties to Delta

County. He went onto state that these individuals would go through an interview process to see if the project would be a fit for their needs. He then stated that the individuals that would be living in the house would be monitored by a full-time staff member, along with visits from Probation Officers and Parole Officers. Terry Sanders then went onto state that he has had conversations with local law enforcement groups and have received support from all of them, the individuals he named were: Rob LaMarche – Director of the Escanaba Public Safety Department, Phil Strom – Delta County Prosecuting Attorney, Judge Steven Parks – Delta County District Court Judge, and Delta County Sheriff Ed Oswald. The goal of the re-entry and recovery facility would be to help people cope with their addictions and ultimately help the individuals find steady employment.

Commissioner Hellerman asked how they can guarantee the individuals would be locals. He went onto state that if a Judge is appointing someone to live in the house, verses going to jail, that makes this house just another form of a jail, and that due to this conflict he does not feel as though the project falls in under the guidelines for the special land use for the zone. He stated that the special land use would be more for a boarding house that charges someone a fare to stay.

Terry Sanders responded that the zone allows doctor offices, dental offices and chiropractic offices for people to get healed, he then stated that would be a treatment facility that he feels would fall in that same group.

Commissioner Clark asked Blaine DeGrave if there is any district in the City where this type of facility would be a good fit. Blaine DeGrave responded that there isn't anything in the zoning codes related to this that would be better fit.

Commissioner Gierke stated that he doesn't feel as though this home location has adequate parking to accommodate for staff parking.

Deputy Secretary Black asked Terry Sanders what happens to the types of individuals that would live in a facility like this in the absence of this facility. Terry Sanders responded that they would be going back to the places that they came from, where a lot of the time means being surrounded by the drugs and/or alcohol that they got tied up with in the first place.

Kel Smyth opened the floor for Public Comment.

City Councilmember Blaiser stated that he has had multiple community members approached him on this topic and they are concerned about bringing a facility like this to the proposed location which is located so close to multiple bars.

Rachael Stone, owner of Stone's Deli, stated that she does not believe that the location would be the best fit due to it being so close to multiple bars where after 2:00AM turns into a Mardi Gras type atmosphere.

Peggy O'Connell-Schumann, owner of Positively and other businesses in town, stated that she does not feel this is a properly fit location due to it being so close to local bars, and due to the other houses in that neighborhood that may or may not have drugs. She also stated that she is concerned that the property values in that area would go down if this facility was allowed to come in.

Curt Spaulding, owner of Catmandos Bar, stated that he agrees with what has been said about the location being a poor idea due to being so close to so many bars.

Kelly Spaulding, co-owner of Catmandos, stated that she also agrees that it is not a good area and that she feels that if the application is approved the facility is only asking for trouble placing it that close to busy bars.

Summer Watson, property owner of multiple properties in the area that houses eight (8) families, stated that if she believes it is a bad area to have a recovery center for addicts because the neighborhood already has multiple issues with addicts. She stated that she believes it is a good idea, but in a bad area.

Deputy Secretary Black asked Blaine DeGrave if these blocks in the downtown are in the center of the eating, drinking, and entertainment district within the City's Master Plan. Blaine DeGrave stated that they are.

Jim Kirby, owner of Saykly's, stated that he has four (4) apartments above his building on Ludington Street, and he needs to look out for his tenants and property value. He stated that he applauds the program but he does not feel the proposed location is the proper place for that to be created.

Terry Sanders stated that there will be policies and procedures in place that when someone breaks the rules they will be out of the program, and that the policy will not allow the facility to take arsons or sexual offenders.

Lynn Fitzpatrick, owner of the Ritz Salon, stated she is also concerned about property values, along with the safety for her employees. She then stated that she also thinks it is a great idea, but not the best location.

Summer Watson stated that she believes what Terry Sanders stated about their policies and procedures is commendable, but she believes it may be too late by the time individuals are caught not following the rules.

Blaine DeGrave then read a letter into record that was received on September 12, 2017 written and signed by Paul Neumeier (owner of Applewood Eatery building)... "Gentlemen: My wife and I are opposed to establishing a Re-Entry and Recovery Facility at 115 North 13th Street. We experienced another such dwelling near our property on North 16th Street and there were ongoing issues."

Chairperson Smyth closed the Public Hearing.

Vice-Chairperson Williams stated that she does not believe all recovering addicts are all criminals, and she feels that making that generalization is harsh. She then stated that she also has concerns concerning the location of the property due to the close proximity to the bars and the general area not being an ideal fit.

Commissioner Clark stated that he is not inclined to accept the plan mainly because he doesn't feel it fits the spirit Master Plan for the area.

Deputy Secretary Black asked Terry Sanders what the plan would be if the project is not granted, what would be the next step. Terry Sanders stated that they would begin searching for another house that would fit their needs, but he fears they will be running into similar feelings in any area. Terry went on to state that he feels this would be a wonderful location

due to its downtown location where individuals will mainly be without driver's license and everything is within reasonable walking distance.

Commissioner Gierke stated that he feels Terry Sanders project is beyond commendable and he feels as though the Commission along with Administration need to work with Mr. Sanders in finding the right zone in the City for this project to be located.

A motion was made by Commissioner Hellerman, seconded by Vice-Chairperson Williams, to deny the requested Special Land Use Permit for the Re-entry and Recovery Facility at 115 North 13th Street. Ayes were unanimous.

NEW BUSINESS

1. Project Updates

- a. **Zoning Board of Appeals Hearings/Decisions:** None.
- b. **Delta County Planning Commission Updated:** Vice-Chairperson Williams stated that the Commission has not met.
- c. **Zoning/Land Use Permit Update:** Blaine DeGrave updated the Planning Commission with the following information:

**ZONING PERMITS REPORT
January 01, 2017 thru September 14, 2017**

| | | |
|-----------|----------------------|----------------------|
| 1 | NEW RESIDENTIAL HOME | \$ 180,000 |
| 25 | RESIDENTIAL REMODEL | \$ 442,330 |
| 1 | NEW COMMERCIAL | \$ 15,674,923 |
| 7 | COMMERCIAL REMODEL | \$ 368,500 |
| 1 | CHANGE OF USE | \$ - |
| 0 | HOME OCCUPATION | \$ - |
| 0 | LAND USE PERMIT | \$ - |
| 5 | DEMOLITION PERMIT | \$ 42,700 |
| 40 | TOTAL | \$ 16,708,453 |

- d. **Various:** Blaine DeGrave followed up that a press release was sent out to all property owners 300' from the proposed jail property concerning the fence height being lowered to 8' from 12' and without any barbed wire on top. He went onto state that no written concerns were submitted within the two-week time frame, or at all, so the Site Plan approval went forward per the motion that was made at the Special Planning Commission Meeting that was held on August 15th.

GENERAL PUBLIC COMMENT

None.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

None.

ADJOURNMENT

Commissioner Hellerman motioned for meeting adjournment. Chairperson Smyth adjourned the meeting at 8:13 p.m.

Kel Smyth, Chairperson
Escanaba Planning Commission

Blaine DeGrave, Code Inspector
City of Escanaba

Christine Williams, Vice-Chairperson
Escanaba Planning Commission