

MINUTES
MARSHALL CITY TOWNSHIP JOINT PLANNING COMMISSION
Regular Meeting Tuesday, September 17, 2013
7:00 P.M. – Marshall Township Hall

CALL TO ORDER

This meeting was called to order by Chairman Davis at 7:00 p.m.

ROLL CALL

Members Present: Chairman Davis, Commissioners Kiessling, Lyng, Kleinschmidt, Banfield and Alternate Gresly

Members Absent: Commissioner Fleming and Alternate Burke Smith

Staff Present: Natalie Huestis, Director of Community Services, City of Marshall
Susan George, Zoning Administrator, Marshall Township

APPROVAL OF MINUTES

MOTION by Lyng, supported by Kleinschmidt, to accept the minutes of the August 20, 2013 regular meeting as submitted. On a voice vote; **MOTION CARRIED.**

APPROVAL OF AGENDA

MOTION by Banfield, supported by Kiessling, to accept the agenda of the September 17, 2013 regular meeting as submitted. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Rezoning of parcel #13-16-241-003-00 (also known as “Flynn Property”) from the township zoning of Low Density Residential (RA) to the city zoning of Public/Semi-Public (PSP)

Public Hearing Open

Fran Rauth, 372 Westbrook Court, stated she would like to know more about the rezoning process and if there are any advantages for the township on rezoning the property to City zoning. Ms. Rauth also wanted to know who paid for the land and what uses are allowed in the PSP district.

(official)

Staff stated that the PSP district was established for the purpose of accommodating public areas and land uses available to the residents and business of the city. She stated that municipal uses, courthouses, public safety and offices are most common in the PSP district.

Jim Schwartz, Director of Public Safety, stated that the city paid \$325,000.00 for the 10 acre property and the agreement was made between the city attorney and Mrs. Flynn's attorney. Mr. Schwartz went on to discuss the property boundaries, buffers and the proximity of where the building will be built.

Chairman Davis stated that tonight's meeting is just to rezone the property, there will be more information available during site plan review for the buffers, building location and parking areas.

Randy Davis, 576 Orchard Rd., asked Commissioners if drainage and access to the building will also be discussed during site plan review. Commissioners stated yes, city staff does the initial site plan review and their engineer makes sure all drainage issues are taken care of before the site plan gets to the JPC.

Fran Rauth asked when construction would start and what would happen if the State of Michigan doesn't come up with their part of the money. Mr. Schwartz stated that he doesn't have an exact date for the start of construction, but it will take approximately 2 years to build.

Public Hearing Closed.

OLD BUSINESS

Approval of rezoning of parcel #13-16-241-003-00 (also known as "Flynn Property") from the township zoning of Low Density Residential (RA) to the city zoning of Public/Semi-Public (PSP)

MOTION by Banfield, supported by Kiessling to approve and recommend to City Council the rezoning of parcel #13-16-241-003-00 (also known as "Flynn Property") from the township zoning of Low Density Residential (RA) to the city zoning of Public/Semi-Public (PSP).

Commissioner Lyng asked about the schedule of the upcoming JPC meetings. He stated that at the Township Planning Commission meetings a site plan is received and acted upon at the same meeting. Chair Davis stated that it is possible to do the same for this upcoming site plan. The schedule was made out to receive one month and to approve another month so commissioners can have a chance to review and make comments or suggest changes.

Commissioner Lyng asked Mr. Schwartz about the two driveways into the property. Mr. Schwartz stated that the driveway to the north is for staff and officers and the driveway to the south will be for the public.

Commissioners Banfield stated that the rezoning of the property stays with the property not the building. He also suggested the board go through the Finding of Fact worksheet before they vote.

(official)

After hearing public comment, the Joint Planning Commission worked through the rezoning "Finding of Fact" from §156.030 (H):

(1) The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.

The proposed zoning of PSP is appropriate for the proposed project. Other properties available would not be as strategically appropriate to handle City Police business as well as State Police business.

(2) The property cannot be reasonably used as zoned.

The property is currently zoned residential by Marshall Township and could feasibly be used as residential.

(3) The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted city master plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

Marshall Township will be updating their master plan to include commercial uses in this area. The rezoning is supported through the City master plan due to the fact that the PSP zone, like the POSD zone, can be used as "transitional" between commercial and residential areas.

(4) The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.

A Police facility is an essential, needed, and desirable use in the community. As the City grows to the north, there will be a need for more commercial space.

(5) All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.

The site would be appropriate for any of the PSP uses.

(6) The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city.

There will be no impacts on safety, health or welfare unless they are to the positive due to having a public safety facility closer. Traffic will be impacted at a minimal level, especially on Sundays during church times; however, these issues can be solved during the site plan process.

(7) The rezoning would constitute and create an isolated and unplanned district contrary to the city master plan which may grant a special privilege to one landowner not available to others.

(official)

This question specifically speaks to the Marshall Township intention of moving this area to largely commercial. The zoning of PSP is not at-odds with either entities master plan so it is not creating an unplanned district.

(8) The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

This parcel of land will support any use listed in the PSP district.

(9) There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

There was no mistake in zoning.

(10) Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

A police facility would fit in any zoning district in Marshall Township as it is considered an "essential service"; likewise, the City lists PSP as a transitional zone with the ability to fit into many areas. However, there are no other parcels of land so strategically located or large enough to house this joint project.

Fran Rauth asked if water and sewer lines will be installed. Commissioners stated there are already lines that run under Old 27 North, and when construction begins, they will probably just tie into the lines.

Commissioner Banfield stated that if there will be 50 to 60 State Police Troopers, how many Marshall Police Officers are going to be in the new building? Mr. Schwartz stated 18 officers and staff.

Jennifer Caplis, 122 Eastman Court, asked how many total staff and officers will be located at the building. Mr. Schwartz stated anywhere from 70 to 75 employees. He further stated that not all employees will be there at the same time.

Liz Garcia, 376 Westbrook Court, stated that she would not like to lose the green space surrounding the condos. She also asked what the square footage of the building would be and where it will be located on the property. Commissioners stated that the building is 33,000 square feet and there is a 10,000 square foot storage building. The property will maintain the green space to the east and west.

Further discussion regarding when the site plan will be received and reviewed took place. Staff stated that the city does not notice for site plan review. The site plan can be reviewed by the public at the Public Service Building.

Jerry Kelly, 340 Westbrook Court, asked if the Marshall City limits will change. Commissioners stated the city limits will remain the same. The property will remain in the township, but will be a city property and owned by the city in 50 years.

(official)

Discussion took place regarding the proposed storage building. Concerns that with the extra open space there could be issues with seized vehicles or impoundments on the property. Mr. Schwartz stated that it is not the intention of Marshall Police Department to start holding impoundments on the property. The storage building will be used to house evidence and nothing will be left outside.

On a voice vote; **MOTION CARRIED.**

NEW BUSINESS

None

ADJOURN

The Joint Planning Commission adjourned at 8:08 p.m.

Respectfully submitted,

Colleen Webb