

MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, July 10, 2013

In a regular meeting session, Wednesday, July 10, 2013 at 7:00 p.m. at City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI the Marshall Planning Commission was called to order by Chair Collins.

ROLL CALL

Members Present: Chair Collins and Commissioners Banfield, Davis, Fleming, Burke Smith, Meservey and Council Liaison Mankerian

Members Absent: Commissioner Zuck

Staff Present: Natalie Huestis, Director of Community Services

MINUTES

MOTION by Davis, supported by Banfield, to accept the minutes of the June 12, 2013 regular meeting with the following change:

- Last page under "Reports": in reference to the new fire station, change Davis to Collins.

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

AGENDA

MOTION by Banfield, supported by Fleming, to accept the agenda for the July 13, 2013 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

Existing Hospital Campus Overlay District (HCOD) Text and Map (previously adopted Ordinances 2013-02 and 2013-03)

Public Hearing Open

Martin Overhiser, 215 N. Marshall, President Marshall Neighborhood Association (MNA), stated that the MNA, Oaklawn Hospital (OH) and DDA met on several occasions to discuss the Hospital Campus Overlay District. He went over the Memorandum that was provided to Commissioners earlier in the day. (This memo is attached) Mr. Overhiser stated that the MNA would drop its opposition to the HCOD and pursue neither a referendum nor a law suit if the High Street properties north of Madison Street are removed from the HCOD; the Prospect Street houses west of Madison Street are removed from the HCOD; and there is some kind of terracing of any new building that will be higher than 2 stories that abuts residentially zoned properties, north of Prospect Street or west of Madison Street. Mr. Overhiser further discussed the intention of continued meetings between the MNA, DDA and OH. He stated that OH also agreed to "hold off" on the site plan for the Prospect Street parking lot and

street vacation until the HCOD was resolved. Mr. Overhiser presented a map of the current HCOD boundaries and described the proposed new boundaries.

Ginger Williams, CEO/President of Oaklawn Hospital, stated that OH and MNA had some productive meetings and she also discussed the joint memo that was presented to Commissioners earlier in the day. Ms. Williams stated that while the hospital agrees to the proposed boundaries in the memo, the hospital can't commit to this proposal being a 20 year plan. Ms. Williams discussed the hospital's future and commitment to Marshall. She stated that the HCOD issue has been going on long enough and the proposed boundaries and zoning in the memo presented to Commissioners is better zoning than what they have now. Ms. Williams again stated that this is not the hospital's 20 year plan.

Commissioners stated that with just receiving the joint memo, they have not had much time to go over the proposal. Commissioners asked for a definition and for more information regarding terracing. Ms. Williams stated that it was agreed between the neighborhood and hospital that any building being added to the HCOD, that is directly abutting residentially zoned property and that will be over 2 stories, will be terraced back anywhere from 2 to 5 feet.

Mr. Overhiser was asked to clarify that he was talking about residentially "zoned" properties and not residentially "used" properties in the decision of any buildings being tiered. Mr. Overhiser stated that he was talking about residentially zoned as opposed to residential use. He further stated that zoning tends to be more permanent than "use". Commissioners asked Ms. Williams, since the hospital can't commit to the proposed HCOD borders as a 20 year plan, how many years does the plan cover? Ms. Williams stated she can't be certain of the time frame.

Commissioners discussed if they should hold a work session to go over the proposed terracing language and whether they are in agreement with the proposal. They also discussed the possibility of recommending to City Council the newly proposed HCOD boundaries and terracing and presenting the terminology at a later date. It was determined that a work session was not needed and staff will work in coordination with MNA and OH to present a definition for "terracing" and terminology to be added into the ordinance during the August meeting.

MOTION by Davis, supported by Meservey, to continue the public hearing for the Existing Hospital Campus Overlay District (HCOD) Text and Map (previously adopted Ordinances 2013-02 and 2013-03) until the August 14, 2013 Planning Commission meeting. On a voice vote; **MOTION CARRIED.**

Public hearing on Special Land Use Request #SLU13.01 for 1210 Comstock, Group Child Day Care

Public Hearing Open.

Chelsy Jones, 1210 Comstock, stated that she is currently licensed to watch 6 children in her home. She would like to increase the number of children she watches to 12. She has been approved by the State and all she needs the City's zoning approval. Ms. Jones stated her hours of operation will be 6:30 am to 6:30 pm, she is not asking for signage, her back yard is large enough and fenced in and her driveway is wide enough to hold 2 cars and there is on street parking.

Commissioners asked if there are any other residential facilities in her neighborhood. Staff stated that there are no other residential facilities within the 1500 foot requirements.

Public Hearing Closed.

NEW BUSINESS

Receive and consider approval of #SP13.04 Renovation and Addition to Marshall City Hall and Fire Station at 323 W. Michigan

MOTION by Banfield, supported by Davis, to receive Site Plan #SP13.04 Renovation and Addition to Marshall City Hall and Fire Station at 323 W. Michigan. On a voice vote; **MOTION CARRIED.**

Commissioners discussed staff's report and Carl Fedders' comments regarding the drainage on site. Commissioners wanted to know the basis of Mr. Fedders findings. John Harvey, C2ae, stated that the building size will increase by 3000 square feet and because of the increase, a lot of the green space will be gone which will cause some increased storm water runoff. Mr. Harvey made 4 suggestions that could correct the drainage: 1) green roof option; 2) pervious pavement; 3) combination of the first 2; 4) underground storage tanks. Mr. Harvey stated the City would probably choose the most affordable option(s).

Staff stated that the City is requesting 3 dimensional variances at the July ZBA meeting. First, is for setbacks, lot coverage and to increase the non-conformity of the structure; second, number of required parking spaces; third, allowing the southwest driveway to be less than 100 feet from the setback. She also stated that the city would like Commissioners to consider the landscaping project on the front lawn and the proposed plantings on the south side as a fulfillment for the landscaping requirements.

Commissioners further discussed the dumpster area on the site plan and questioned how the gates open into two parking spaces. Mr. Harvey stated that this was a mistake on the plans and the gates will open to the east instead of opening into the parking lot.

MOTION by Banfield, supported by Davis, to approve Site Plan #SP13.04 Renovation and Addition to Marshall City Hall and Fire Station at 323 W. Michigan with the following conditions:

- *Contingent on post construction storm sewer discharge being equal to or less than current site conditions storm sewer discharge as determined by City staff*
- *The 3 Dimensional Variances are approved by ZBA*
- *The gates to the dumpster are relocated so they open to the east and not into the parking spaces.*

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

OLD BUSINESS

Discussion and recommendation on Special Land Use Request #SLU13.01 for 1210 Comstock, Group Child Day Care

MOTION by Davis, supported by Burke Smith, to approve Special Land Use Request #SLU13.01 for 1210 Comstock, Group Child Day Care.

Commissioners asked Ms. Jones if she had a chance to talk with her neighbors regarding her group day care. Ms. Jones stated she did talk to her neighbors and no one had an issue with her increasing the number of children she watches. She further stated that almost all the neighbors have children of their own except one. Commissioners suggested Ms. Jones check with Consumers Standards to make sure her playground equipment meets the current standards, for her own knowledge.

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

Review Zoning Ordinance Definition of “Laboratory”

Staff discussed with Commissioners her findings while researching other municipalities’ definition of “laboratory”. Staff stated that she researched the City of Battle Creek, Coldwater and East Lansing and none of them define “laboratory”, they all use description words like medical, dental, veterinary clinics before “laboratory”. Staff further stated that no specific area was defined where a laboratory would be allowed in a down town zoning district.

Staff stated that she spoke with the city attorney and he agrees that even though the wording was changed the meaning has not changed. She mentioned that because there is no real definition, she would like commissioners to discuss which zoning districts they would like to see “laboratory” uses.

Commissioners wanted to know what primary concerns the ZBA had with “laboratory”. Staff stated that the ZBA was charged with determining if a business in the B-3 district that does testing 10% of the time is allowed in the B-3 district. She stated it was just one specific case. They are not asking the Planning Commission to explore the case. Commissioners’ concerns are with the type and quantity of testing being done before they can decide if they should include the “laboratory” as a permitted use in the down town area.

Commissioners agreed that additional discussion is needed. They suggested that staff bring to the next Planning Commission meeting context and conditions so “Laboratory” can be part of a Special Land Use allowed in the B-3 district. Staff requested she bring this language to the September meeting and commissioners agreed.

Set public hearing for August 14, 2013 for Changed to Zoning Ordinance Definition of “Laboratory”

Public hearing does not need to be set at this time more discussion among Commissioners is needed.

Review Addition of “Off-Premises Sign” to Sign Ordinance §152: Appendix A: (B) 6 and set Public Hearing for August 14, 2013

MOTION by Fleming, supported by Banfield, to set a Public Hearing for the Addition of “Off-Premises Sign” to Sign Ordinance §152: Appendix A: (B) 6 and set Public Hearing for August 14, 2013. On a voice vote; **MOTION CARRIED.**

Public Comment for Items not on the Agenda

None

REPORTS

Commissioner Banfield stated that he took his grandson to the fire station and he was very pleased by the way his grandson was treated by the fire men.

(official)

Commissioner Davis stated he is excited on the MEDA progress and looks forward to everything coming together.

Chair Collins discussed the presentation that is being done on the Home Tour. She stated when she took her nephew to the fire station a long time ago, she was impressed on the way the fire men treated them.

Commissioner Burke Smith asked about the progress of Shearman Park. Davis stated the charette went well, had a good turnout.

ADJOURN

The Planning Commission adjourned at 8:30 p.m.

Submitted by,

Colleen Webb