

MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, May 8, 2013

In a regular meeting session, Wednesday, May 8, 2013 at 7:04 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, Burke Smith, Fleming, Zuck and Council Liaison Mankerian

Members Absent: Commissioner Oates

Staff Present: Natalie Huestis, Director of Community Services

MINUTES

MOTION by Davis, supported by Banfield, to accept the minutes of the April 10, 2013 regular meeting as submitted. On a voice vote; **MOTION CARRIED.**

AGENDA

Chairperson Collins stated that she received a phone call from Ginger Williams, Oaklawn Hospital, CEO / President, asking that the Planning Commission remove the discussion of site plan #SP13-02 for Oaklawn North Parking Lot from the agenda.

MOTION by Davis, supported by Zuck, to accept the agenda for the May 8, 2013 regular meeting with the following changes:

Under Old Business remove:

- Number 1, Site Plan #SP13.02 for Oaklawn North Parking Lot

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

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

Rezoning Request #RZ13.01 for 624 W. Mansion Street – former Shearman School (PUD) to Shearman Park (PSP)

Public Hearing open.

No public comments were made.

Public Hearing closed.

Proposed text changes to §156.231: Wireless Communications Facilities

Public Hearing open.

No public comments were made.

Public Hearing closed.

NEW BUSINESS

None

OLD BUSINESS

Consider recommendation of rezoning request #RZ13.01 for 624 W. Mansion Street – former Shearman School (PUD) to Shearman Park (PSP)

MOTION by Davis, supported by Fleming, to approve rezoning request #RZ13.01 for 624 W. Mansion Street – former Shearman School (PUD) to Shearman Park (PSP).

Carl Fedders, Director of Utilities and Infrastructure, was present to answer questions. He told commissioners that there are currently 5 designated parks in the City and Shearman Park is a much needed neighborhood park on the northwest side of the City. The goal of the steering committee is to create the park for low-impact, neighborhood use. Commissioner Banfield, also a member of the steering committee, remarked that the park will be used for a resting destination for walkers, bikers, etc. After the rezoning is complete, the next step in the process will be to move forward with public design charrettes.

The 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 allows for a resource which can only benefit the neighborhood. The park will be a city property and therefore, should be zoned as such.

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

The Planned Unit Development (PUD) was designed for a school and although it would allow for open space, there is no new development to base the PUD on; therefore, the property cannot be re-developed according to the PUD standards approved prior.

(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.

In the Master Plan, this property is marked PUD and also as a school. The school is a community use, as is a community park.

(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.

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This neighborhood park is being designed as a low-impact park. There should be mild if any negative effect on the surrounding neighborhood.

(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 intended use for this property is very compatible with the site's physical features. A large amount of the former use was open space, recreational as well.

(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 however commissioners as well as steering committee members feel that the residents in this area will want parking addressed. This will be a factor addressed in the design charrettes.

(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.

The park is a similar, yet lower-impact use than the prior school.

(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.

The rezoning is not seeking to extend beyond the boundaries of the original PUD. According to Carl Fedders, the park will be planned within PSP boundaries.

(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. The major change of conditions is that the school structure is no longer standing.

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

There is a need for a park in this quadrant of the City. The only other city-owned open space property in this area is on Union Street and there are plans for this area.

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

Consider recommendation of proposed text changes to §156.231: Wireless Communications Facilities

MOTION by Banfield, supported by Zuck, to approve the Proposed Text Changes to §156.231: Wireless Communications Facilities and Services.

Staff went over her report and stated that the reason for the text change and additions are to bring the City ordinance in compliance with the Michigan Zoning Enabling Act 125.3514. City staff with the City Attorney have reviewed the Michigan Zoning Enabling Act of 2006 and agree that the Wireless ordinance (§156.231) requires a change in text. The Zoning Enabling Act has very strict standards which govern when a municipality can regulate a wireless tower or communication facilities. Likewise, The Middle Class Tax Relief and Job Creation Act of 2012 also dictates that local government "may not deny, and shall approve" any request for collocation, removal, or replacement

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of transmission equipment on an existing tower or base station so long as it does not constitute a “substantial change”.

Commissioners asked if any permit will be required to be pulled by the company if changes are going to be made. Staff stated that they will need to pull an electrical permit if they will be adding any new equipment and if a new tower were to be proposed, it would need to be submitted for the site plan review process.

The following language should be added to the City’s Ordinance §156.231: Wireless Communications Facilities and Services.

Permitted uses (B)

(1) Attached wireless communication facilities in all districts at locations where a wireless communication facility currently exists, provided that the existing structure or facility shall not:

- a. *increase in height by more than 20 feet or 10% of its original height, whichever is greater.*
- b. *increase in width by more than the minimum necessary to permit collocation.*
- c. *existing equipment area compound will not increase by more than 2,500 square feet.*

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

Public Comment for Items not on the Agenda

Martin Overhiser, President of the Neighborhood Committee, stated how happy he was that the site plan for the hospital’s parking lot was removed from tonight’s agenda. Mr. Overhiser discussed his email (attached) that was sent to City staff and Planning Commissioners. He stated that Planning Commissioners have an obligation to protect the citizens of Marshall from the impact the hospital’s proposed parking lot will have on the neighborhood. Mr. Overhiser stated that the Planning Commission did not ask enough questions to protect the surrounding neighborhood and did not follow proper procedure.

REPORTS

None

ADJOURN

The Planning Commission adjourned at 7:41 p.m.

Submitted by,

Colleen Webb