

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, May 11, 2016**

In a regular meeting session, Wednesday, May 11, 2016 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 Banfield.

ROLL CALL

Members Present: Commissioners Banfield, Burke-Smith, Collins, Dyer, Meservey, Rodgers, and Council Liaison Miller.

Members Absent: Commissioners Davis, McNiff, and Zuck.

Staff Present: Elizabeth Renaud, Public Services Building Receptionist

MINUTES

MOTION by Collins, supported by Burke-Smith to accept the minutes of the April 13, 2016 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AGENDA

MOTION by Burke-Smith, supported by Rodgers, to accept the agenda for the May 11, 2016 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Public hearing on Special Land Use request #SLU16.02 for 224 S. Jefferson for home occupation.

Public Hearing Open

Ann Michaels, resident of 14741 W. Michigan Ave in Marshall, Michigan, and client of Ms. Reynolds, stated that a home occupation would be beneficial for Ms. Reynolds and commented that the proposed location would be easily accessible and pleasant for her clients.

Public Hearing Closed

Public hearing on amendments to § 156.003 and § 156.224 Donation Collection Bins ordinance and consider a recommendation to Council.

Public Hearing Open

No public comments were made.

Public Hearing Closed

NEW BUSINESS

Discuss Special Land Use request #SLU16.02 for 224 S. Jefferson for home occupation and consider a recommendation to Council.

Penny Reynolds, applicant for Special Land Use #SLU16.02 for 224 S. Jefferson for home occupation, discussed that she would like to move her massage business, Graceful Hands Therapies, into the home she will be renting. Reynolds explained that her business was currently located next to the fountain for the past eight months, but she is moving to Marshall and would like to move her business into her new home. Reynolds stated that she has been working as a massage therapist for more than twenty years.

MOTION by Meservey, supported by Burke-Smith, to discuss Special Land Use request #SLU16.02 for 224 S. Jefferson for home occupation.

Council Liaison Miller stated that Reynolds has an extensive background working in massage therapy and wellness and works well with the community. Miller also commented that there would not be a parking issue, in regards to a question that was brought up during last month's meeting. Miller stated that Reynolds only ever has one client at a time and that her driveway holds three vehicles.

Commissioner Collins inquired as to whether Reynolds owns the property at 224 S. Jefferson or if she is planning to rent. Reynolds stated that she will be renting the first-level of the house on the property. Reynolds stated that her landlord is aware of the situation and is in support of her home occupation.

Commissioner Banfield stated that Special Land Uses are granted to pieces of property and not to individuals. Commissioner Rodgers clarified that the Special Land Use would be granted to the whole property, including the second-floor apartment above Reynolds.

Commissioner Collins expressed concern that if the applicant decided to move out of this property and move her business again, the Special Land Use would still be granted to the property, allowing for other home occupations that qualify under the City ordinance to operate out of the home without having to get a separate Special Land Use permit.

Reynolds stated that she does not plan on moving for a while. She stated that she spoke with her landlord about renting the house long-term.

Commissioner Dyer asked the applicant if she was aware of the standards for home occupations, with one of those being that signs not otherwise permitted for the principle residential use are prohibited. Reynolds stated that she was unclear on signage rules. She stated that she would like to have a sign, but would be fine without one.

MOTION by Dyer, supported by Burke-Smith, to recommend to City Council that special land use application #SLU16.02 for 224 S. Jefferson for home occupation, submitted by Penny Reynolds, be approved.

The standards for Home Occupations (customer's visiting the site) were read for the record:

§ 156.195 HOME OCCUPATIONS.

Home occupations shall be subject to the following:

(A) Home occupations shall be conducted entirely within the dwelling or permanent accessory structure on the property and carried on by the inhabitants thereof, not involving more than one employee other than members of the immediate family residing on the premises.

(B) Home occupations shall be incidental and secondary to the use of the dwelling for dwelling purposes.

(C) Home occupations shall not change the residential character of the principal dwelling or zoning lot, and shall not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, heat or other hazards or conditions created or exacerbated by the home occupation.

(D) No article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation.

(E) There shall be no change in the exterior appearance of the structure or premises to accommodate the home occupation, or the other outdoor visible evidence of conduct of the home occupation and there shall be no external or internal alterations not customary in residential areas.

(F) The following activities shall be prohibited: Outdoor storage of materials, equipment, machinery, and vehicles; signs not otherwise permitted for the principal residential use; and delivery of materials except by common ground carrier.

(G) The Planning Commission may regulate the hours of operation.

(H) A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises. For the purposes of this section, a commercial vehicle shall be defined as one with any sign, markings, address, telephone number, or other form of display that advertises or is associated with a home occupation on that premises.

MOTION AMENDED by Dyer, supported by Burke-Smith, to recommend to City Council that special land use application #SLU16.02 for 224 S. Jefferson for home occupation, submitted by Penny Reynolds, be approved with the following conditions:

- Home occupation services limited to massage therapy and wellness.
- Serving no more than one client at any given time.
- Limited to operation by Penny Reynolds, a licensed massage therapist (State of Michigan License Number: L573140), or a business or organization owned by her.

Using the Standards for Special Use Approval Worksheet, the board cited the following items pertaining to this site:

- The proposed use shall be in accordance with the city master plan and the intent and purpose of the subchapter. **Commissioners commented that the city master plan does allow for home occupations within the R-3 Zoning District.**
- A documented and immediate need exists for the proposed use within the community. **Commissioners commented that the petitioner has proven this through her successful first year of business in Marshall.**
- The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood. **Commissioners discussed that the surrounding neighborhood has had multiple home occupations in the past and that it will not have an adverse impact on the area.**
- The proposed use shall be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands. **Commissioners commented that the home occupation use is designed to be within the confines of a residential home.**
- The proposed use shall be compatible with the natural environment. **Commissioners stated that the use is related to health care and wellness.**
- The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. **Commissioners commented that the house is adequately served by the essential public facilities.**
- The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. **Commissioners discussed that the proposed use will not involve any of these activities.**

MOTION RESTATED by Dyer, supported by Burke-Smith, to recommend to City Council that special land use application #SLU16.02 for 224 S. Jefferson for home occupation, submitted by Penny Reynolds, be approved with the following conditions:

- Home occupation services limited to massage therapy and wellness.
- Serving no more than one client at any given time.
- Limited to operation by Penny Reynolds, a licensed massage therapist (State of Michigan License Number: L573140), or a business or organization owned by her.

On a roll-call vote-ayes: Banfield, Burke-Smith, Collins, Dyer, Meservey, Rodgers; nays: **MOTION CARRIED.**

Discuss amendments to §156.003 and §156.224 Donation Collection Bins ordinance and consider a recommendation to Council.

MOTION by Dyer, supported by Meservey, to recommend amendments to §156.003 and §156.224 Donation Collection Bins ordinance to City Council for approval.

Commissioners expressed concern about the large allotted bin size in the St. John's ordinance and discussed standard bin sizes.

Commissioners discussed the fact that there would be no limit on the amount of licensed bins in the City, however there would still be regulations on the allowed location of donation bins.

MOTION RESTATED by Dyer, supported by Meservey, to recommend amendments to §156.003 and §156.224 Donation Collection Bins ordinance to City Council for approval. On a voice vote; **MOTION CARRIED**

OLD BUSINESS

None

PUBLIC COMMENTS

None

REPORTS

None

ADJOURN

The Planning Commission adjourned at 7:50 pm.

Submitted by,

Elizabeth Renaud