

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, May 10, 2017**

In a regular session, Wednesday, May 10, 2017 at 7:00 p.m. at City Hall, Council Chambers, 323 West Michigan Avenue, Marshall, Michigan, the Marshall Planning Commission was called to order by Chair Banfield.

ROLL CALL

Members Present: Chair Banfield, Commissioners, Bomia, Burke Smith, Davis, Collins, McNiff, Meservey, Zuck, Rodgers, and Council Liaison Metzger.

Members Absent: None

Staff Present: Natalie Dean

MINUTES

MOTION by McNiff, supported by Collins, to accept the minutes of the April 12, 2017 regular meeting with the following change:

- Page 3, 4th paragraph, change applications to application

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

AGENDA

MOTION by Bomia, supported by Burke-Smith, to accept the agenda for the Wednesday, May 10, 2017 as submitted. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Public Hearing for #RZ17.02 to rezone 500 S. Kalamazoo Street from I-1 (Research and Technical District) to B-4 (Regional Commercial District)

Public hearing open

Eldon Vincent, owner of 500 S. Kalamazoo, stated he is seeking to expand his business and is requesting to rezone the property from I-1, Industrial, to B-4, Commercial.

Commissioner McNiff asked why petitioner is not seeking a use variance. Staff stated it is easier, and it is preferential to the community for the property to be rezoned. The property has a strong history of being retail, which is a B-4 use.

Public hearing closed.

Public Hearing for #RZ17.03 to rezone 1002 Mann Road R-2 (Suburban Residential) to MFRD (Multi-Family Residential District)

Public hearing open

Jerry Clifton, 17 ½ Mile Road, Marshall. Mr. Clifton stated that he owns Caldwell Banker and has made numerous rezoning requests over the years. He believes his zoning request would be a great opportunity for the City of Marshall. Mr. Clifton owns 11 acres of land behind the old State Farm Building. The adjoining neighbors are a trailer park, cemetery, nursing home, and family dwellings. Mr. Clifton stated that he has contributed a lot in the area and has sold and built homes in the neighborhood and on O'Keefe Road. Mr. Clifton believes that the city is in need of more multi-family dwellings, and would like to see ½ of the vacant land in the Industrial Park area be rezoned for multi-family dwellings. Mr. Clifton promised the residents on O'Keefe that the multi-family dwellings would not affect their property values and would like Commissioners to have a positive outlook on the rezoning of his property.

In favor of rezoning request: none.

Opposed to rezoning request:

John Farhrenbruch, 401 Julia's Place, stated that his property backs up to 1002 Mann. He stated that he has a good relationship with Mr. Clifton over the years, but he is concerned with what the developer is promising. Mr. Farhrenbruch said that sometimes after a zoning request is approved, those promises get forgotten. He is concerned with the possible influx in traffic, drainage problems, and entrances to the property. Mr. Farhrenbruch stated there are already problems with the intersection of Mann and Allen, the City would have to be willing to address the problems and if holding ponds are used for drainage, they will only attract animals and become a breeding area for mosquitoes. He said he is not against condominiums being built there but would like to see a site plan before zoning approval, this will allow the community to see what would be built.

Kevin Patrick, 915 O'Keefe, stated that he and his wife bought their home because of the natural area around the neighborhood. Mr. Patrick discussed the unfinished Pratt Park development and is afraid that Mr. Clifton's development will end up like Pratt Park, unfinished. He is concerned about the traffic flow in the

neighborhood. Mr. Patrick would like to see single family homes being built rather than an apartment complex.

Joyce Soebing, 1102 O'Keefe, stated that she lives at the corner of the proposed entrance to 1002 Mann Road, and without a site plan she does not want the rezoning request approved. She stated that she wanted to protect her property and did purchase the land behind her house. She is also concerned with possible traffic issues and can't support the rezoning request.

Sue Barenowski, 403 Julia's Place, stated that approving the rezoning of 1002 Mann to multi-family would allow the owner to develop anything that fits into the broad multi-family definition. She stated that she bought into the neighborhood because the area is all single family homes. She is concerned with the unknown possibilities and can't support the rezoning.

Joan Bujdos, 412 Allen Rd, stated that she agrees with the other comments made tonight. She doesn't think there needs to be another apartment complex since the Polo Club apartments are in the area. Ms. Bujdos discussed the deteriorating Start Farm building, the lack of lawn maintenance, and she is concerned that any new apartment complex will not be taken care of. She is concerned that her property value will go down if the rezoning is passed. Her property values have already decreased due to the State Farm building being vacant and is against anything else potentially damaging to land values in the neighborhood.

Jerry Kline, 407 Allen Rd., stated that he needs to have more information regarding the development and renters so he knows what is going on. Mr. Kline said there is still space available in Pratt Park that needs to be developed. He is also concerned with who will be responsible for the paving and maintenance of Mann Rd. Mr. Kline asked why Forest Street is only paved to a certain point.

Charlotte Werpy, 1008 O'Keefe, agreed with the comments that have been made already.

Jerry Clifton (Rebuttal), stated that he has had problems over the past 60 years trying to make changes and it is the reason why our community is in the situation it is in today. The new group of residents living in Marshall expect change and new things to happen. Mr. Clifton stated that the roads in Marshall are bad, businesses downtown are moving out and the city is losing money. He asked Commissioners to recommend approval to City Council of his rezoning request if they want to see change and have better things happen in Marshall.

Public hearing closed.

Public Hearing for #RZ17.04 to rezone 417 Locust from R-2 (Suburban Residential) to MFRD (Multi-Family Residential District)

Public hearing open.

Kelly Williams, 208 W. Prospect, owns the property at 417 Locust and the neighboring properties, he wants to build a small 6 unit rental property. He stated he is planning on upgrading the current conditions of the properties and making them aesthetically pleasing for the neighborhood.

In favor of rezoning request:

Scott Fleming, Economic Developer, stated that Mr. Williams is not developing a typical rental unit. He stated that there is a Target Analysis that was completed that states there is a housing shortage in Marshall. Mr. Fleming commented that the units will be 1,200 square feet and will have a garage. They will be very nice units that will bring in quality people.

Opposed to rezoning request: none.

Public hearing closed.

Public hearing for changes to Sign Ordinance

Public hearing open.

Staff discussed 3 changes to the sign ordinance. She stated that political, off premises, and vehicle signage wording will be deleted from the sign ordinance.

No public spoke.

Public hearing closed.

NEW BUSINESS

Presentation for Young Professionals group

Ian Stuart, 120 W. Mansion, Chair of Young Professionals Committee, discussed what demographic the group is trying to reach and went over the committee members. Mr. Stuart stated that the goal of the group is to promote, grow, and connect the young professionals within the city and create support mechanisms to unlock further opportunities. Our vision is “to be the small town in Southwest Michigan for youngish professionals to develop and hone their professional and

technical skills, to collaborate, to start and grow a business, to celebrate risk and reward, and to feel personally and socially fulfilled”. He stated that the group wants to preserve the history of Marshall, the past, but not have the past hold them back. The young professionals of Marshall are looking for diversity, night life, and shopping within the city. Mr. Stuart states that there are focus groups that are meeting and have a lot of ideas and strategies. More research will be conducted which will give the groups further understanding on what changes or goals need to be made.

Receive and consider approval of site plan amendment #SPA 16.02 for PS Food Mart Car Wash at 1002 W. Michigan Ave.

MOTION by McNiff, supported by Zuck, to receive and approve site plan amendment #SPA 16.02 for PS Food Mart Car Wash at 1002 W. Michigan Ave.

Staff went over her report and addressed the requested changes to the site plan. She stated Planning Commissioners are being asked to approve the building footprint to be moved 10’ south, the edge of pavement along the north end of the property to be moved 8’ south, the car wash que lane has been adjusted to accommodate the above changes, the proposed retaining wall along the north edge of the pavement has been eliminated, and there is now contiguous pavement along the lot line between the car wash and the Food Mart.

Commissioners questioned the edged beds around the trees and the aprons and flow of traffic entering and exiting from Michigan Ave. and Fountain St. and between the Food Mart and car wash.

Andrew Rossell, AR Engineering, representing MERCER Construction and PS Food Mart, answered Commissioner’s questions regarding the changes to the landscape plans and the flow between the car wash and the Food Mart. He stated that the edged beds will be looked at and any problem areas will be addressed. The apron and concrete to Fountain St. will be adjusted and the one along Michigan Ave. will remain. There will now be space for 2 way traffic. The guardrail will be removed to help with traffic flow. There will be directional signage for the cars moving in and out of the car wash. Mr. Rossell stated that making the cars move in a one way direction may cause confusion around the car wash, making it two ways will make it less confusing and easier to exit.

Discussion regarding safety issues with traffic entering and exiting the car wash off Michigan Ave., took place. It was determined that a directional arrow will be painted to show where to enter and exit the car wash.

AMENDED MOTION by McNiff, supported by Zuck, to receive and approve site plan amendment #SPA 16.02 for PS Food Mart Car Wash at 1002 W. Michigan

Ave. with a right turn arrow painted on the que exiting onto Michigan Ave. On a voice vote; **MOTION CARRIED.**

OLD BUSINESS

Recommendation for Zoning Amendment Application #RZ17.02 to rezone 500 S. Kalamazoo Street from I-1 (Research and Technical District) to B-4 (Regional Commercial District)

MOTION by Meservey, supported by Bomia, to recuse Commissioner Burke Smith for participating in discussions regarding #RZ17.02 due to conflict of interest. On a voice vote; **MOTION CARRIED.**

MOTION by Davis, supported by McNiff, to recommend that City Council approves #RZ17.02 to rezone 500 S. Kalamazoo Street form I-1 to B-4.

Commissioners discussed and went over the Rezoning Criteria Finding of Fact.

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.

Commissioners stated that the petitioner spoke to this and it is appropriate and goes along with zoning district.

2. The property cannot be reasonably used as zoned.

Commissioners stated that the property can currently be used as zoned, but not for petitioner's current intentions. The property has been used for business in the past.

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.

Commissioners determined that the trend toward retail is more consistent with the River District Overlay. Retail uses are encouraged.

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.

Commissioners agreed that the impact will be mild and it fits in well in the area.

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

Commissioners agreed that all uses are compatible for this district.

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.

Commissioners agreed that there will be no impact to public services or compromise of health, the function will remain about the same.

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.

Commissioners agreed that the rezoning will not create 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.

Commissioners stated the petitioner is not changing the footprint of the building.

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

Commissioners stated there was not mistake in the original zoning.

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

Commissioners agreed that there are other adequate sites available but none that are already owned by the petitioner.

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

MOTION by Meservey, supported by Davis, to bring back Commissioner Burke Smith. On a voice vote; **MOTION CARRIED.**

Recommendation for Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road R-2 (Suburban Residential) to MFRD (Multi-Family Residential District)

MOTION by McNiff, supported by Bomia, to recommend that City Council approves #RZ17.03 to rezone 1002 Mann Road from R-2 to MFRD.

Commissioners discussed possible issues in the neighborhood if the property were to be rezoned. Commissioner McNiff is concerned with the density change in the neighborhood but stated there is also a housing need. Commissioner Davis believes there will be a negative effect on housing values if the apartments were to be developed. Commissioners stated there is a need for additional housing, but the need should be handled in a different way, there are other ways to approach the housing need. Commissioner Burke Smith stated that the rezone does not go along with the Master Plan and agrees that it will bring property values down.

Commissioners went over the Rezoning Criteria – Finding of Fact.

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.

Commissioners agreed that the proposed zoning district is not more appropriate.

2. The property cannot be reasonably used as zoned.

Commissioners stated that the property can currently be used as zoned.

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.

Commissioners agreed that the proposed is not consistent with the Master Plan. The Master Plan calls for single family housing.

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.

Commissioners agreed that the proposed zoning change is not compatible with the surrounding zoning; there will be traffic impacts and impacts on property values.

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

Commissioners stated that all the MFRD uses are possibly compatible. High density development requires on site water storage, detention ponds may cause issues.

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.

Commissioners agreed that the change will have significant impact.

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.

Commissioners stated that the rezoning would create an isolated and 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.

Commissioners agreed that without a site plan they will not know.

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

Commissioners stated there was not mistake in the original zoning.

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

Commissioners agreed that there are other adequate sites available and have been identified through Marshall's economic development department.

On roll call vote: ayes; none. Nays; Davis, Burke Smith, Collins, Bomia, McNiff, Meservey, Zuck, Rodgers, and Banfield.

Recommendation for Zoning Amendment Application #RZ17.04 to rezone 417 Locust R-2 (Suburban Residential) to MFRD (Multi-Family Residential District)

MOTION by Davis, supported by Rodgers, to recommend that City Council approves #RZ17.02 to rezone 417 Locust from R-2 to MFRD.

Some Commissioners stated that they are in favor of the development because they are aware of the density and the project enhances the neighborhood.

Commissioners went over the Rezoning Criteria - Finding of Fact.

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.

Commissioners agreed that MFRD is appropriate for this area given the density of the project. There is also a 100 unit senior center in the area.

2. The property cannot be reasonably used as zoned.

Commissioners stated that the property can currently be used as zoned, but has not been.

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.

Commissioners determined that the proposed change is not consistent with the Master Plan however, conditions have changed and recent development trends show that the City needs this type of development.

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.

Commissioners agreed that the proposed zone change is compatible for this district.

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

Commissioners agreed that all potential uses would be compatible and the City will have to review the storm water and lot coverage requirements.

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.

Commissioners agreed the impacts will not be severe.

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.

Commissioners stated that the rezoning will create 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.

Commissioners stated that the boundaries will include the City's vacated land on Hamilton Street.

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

Commissioners stated there was not mistake in the original zoning.

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

Commissioners agreed that there are other adequate sites available but none that are already owned by the petitioner.

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

Recommendation for changes to Sign Ordinance

MOTION by Zuck, supported by Burke Smith, to recommend that City Council approves changes to Sign Ordinance.

Commissioners discussed the changes and agreed that the changes are necessary. On a voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS

Jack Reed, Mayor, thanked Commissioners for their service and discussed how Commissioners are recommended by him. Mayor Reed talked about the next 5 years and how Marshall will be seeing a lot of changes and new developments. He is thrilled that there will be 4 recommendations from Commissioners at the next City Council meeting.

REPORTS

Commissioner Collins is looking forward to Jeff Hobson, Master of Ceremonies of Vegas, performing at the American Museum of Magic on July 22, 2017.

Commissioner McNiff announced that she is engaged.

Chair Banfield stated that Natalie will be missed and he is looking forward to meeting Jacqueline Slaby at the next meeting.

ADJOURN

The Planning Commission adjourned at 9:05 p.m.

Submitted by,

Colleen Webb