

**MINUTES  
MARSHALL CITY PLANNING COMMISSION  
WEDNESDAY, October 14, 2020**

In a regular session, Wednesday, October 14, 2020 at 7:00 p.m. at City Hall, Training Room, 323 West Michigan Ave, Marshall, Michigan, the Marshall Planning Commission was called to order by Chair Davis.

**ROLL CALL**

Members Present: Chair Davis, Commissioners, Banfield, Burke Smith, McNiff, Reed, Rodgers and Schwartz, and Council Liaison Metzger

Members Absent: Commissioner Collins

Staff Present: Eric Zuzga, Director of Special Projects

**AGENDA**

**MOTION** by McNiff, supported by Banfield to accept the agenda for the Wednesday, October 14, 2020 as submitted. On a voice vote; **MOTION CARRIED**

**MINUTES**

**MOTION** by Reed, supported by Burke Smith, to accept the minutes from the September 9, 2020 regular meeting. On a voice vote; **MOTION CARRIED**

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PUBLIC HEARINGS**

**NEW BUSINESS**

City Attorney David Revore stated that the City is now waiving privilege since the meeting was in open session. He stated that the City is considering requests from industry personal to amend the zoning ordinance to allow outdoor growing and hoop houses and that upon further review the city would also need to amend other portions of the ordinances as well. He stated that the definitions in the packet are made up from research from other communities and wording that the state uses. He stated that hoop houses are defined as temporary and enclosed structures, while Greenhouses are permanent glass and metal structures. He stated that City Council and the LDFA are interested in amending the ordinances. The proposed zoning ordinance has rather uncomplicated wording, but there have been setback requirements added among other things. He stated that there was concerns among others that the hoop houses need

to be fully enclosed and not visible from the road. He further stated that the setback and screening requirements should address that. He stated that LARA and MRA have additional rules for outdoor cultivation, and the city is modeling the ordinances after their rules. Both types of grows would be subject to a special land use permit and could be subject to additional requirements at that point. It would only be for I1 zoning districts not I2.

Burke Smith questioned if there was a limit on square footage. Revore replied there was not, it's based on what the parcel can bear based on setbacks. He further stated that the hoop houses and the temporary structures are a concern for a potential blight to the city if they are not taken care of, and he recommends in the special land use permit that at the end of the 3 years the city should hold a bond to remove the temporary structures if the special land use holder does not. He stated that if they set up a hoop house for 3 years and it's successful then the company should take it down and put up a commercial greenhouse. He doesn't believe there is any taxable value to a hoop house, but there is to a commercial greenhouse.

McNiff stated that the weather could be a problem for a hoop house. Revore stated that they would be looking at one grow per year and that the quality tends to be better for processing such as edibles than for drying and smoking. He further stated that if public hearing is set, he would suggest talking about odor as that has been an issue that the city is working on even with the existing buildings.

Davis stated that Delta One owns two properties in city limits so he questions which property they are planning to put the hoop houses on as one of the properties could cause a blight on a heavily trafficked area. Revore stated that 420 spruce doesn't meet the setback requirements and that the property would need to have a fence so that the hoop houses could not be seen.

McNiff stated that odor is going to be an issue, as she has been near a hoop house around harvest time and the smell is outrageous. Revore stated that some of the growers are looking into options on how to mitigate the smell and different ways to filter things out. He further stated that to think there won't be an odor is unrealistic since you can sometimes smell the cereal coming from battle creek. He suspects at some point the right to farm act will come in to play and the smell complaints won't be able to stand, but for now the city will continue to work towards a solution to help mitigate the issue.

**MOTION** by McNiff, supported by Banfield to set public hearing for November 11, 2020 for Zoning Ordinance text amendment to define Hoop House and Commercial Greenhouse and define Use Standards for same.

McNiff questioned how many people we are expecting to show up and where we would hold the public hearing that would allow social distancing. Revore stated that Council chambers can hold 25 people. Zuzga stated that an additional zoom option can be added to the public hearing and the training room could be used as an overflow room. McNiff stated that she has concerns since there have been a couple super spreader events in Marshall. Burke Smith stated that the county courtroom would allow a lot of people to spread out and commissioners to spread as well. Davis stated that the middle school auditorium may work as well.

Banfield stated that the technical aspect of this could be used for any type of growing, not just for marijuana. He further stated that in his background hoop houses were used over the winter to protect plant material. He stated that no one should be able to see the way the structure looks with the screening requirements so what does it matter what it is made of. Davis stated that it is harder to tax a temporary structure than a permanent greenhouse. Banfield questioned why would we allow a hoop house. Revore stated that it's cheaper to build and can be thrown up on the dirt without a foundation. He further stated that for enclosed hoop houses, the MRA states that the height of the hoop houses can't go higher than the fence. He further stated that according to the MRA there must be a separate building on site for drying purposes.

Davis questioned if there can be a time limit on a special land use. Revore answered that the proposed ordinance states that in 3 years the hoop house must come down. Reed questioned if this is to show proof of profit to get loans for permanent structures. Revore answered that this would allow them to start gaining money to then build something permanent. Banfield questioned if there are dimensions in the ordinance somewhere. Revore stated that he would be hesitant to put dimensions in the ordinance as things change over time and it would be more appropriate to put it in the special land use permit based on what is appropriate for the property at that time than in the ordinance. Rodgers questioned if it is it three continuous years from date to date or if it is only the time it is up and in use that is counted. Revore answered that the special land use would be from a set date to set date for a duration of 3 years. He also stated that if something isn't being maintained then he would suggest letters get sent stating that their SLU may be revoked. Banfield stated that he feels that the fumes may be a cause of concern, but he feels that the ordinance has eliminated the possibility to have people complain about the looks.

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

**OLD BUSINESS**

None

**PUBLIC COMMENTS NOT ON AGENDA**

None

**REPORTS**

Zuzga stated there are some openings on the commission, including commissioner Collins who is up for reappointment. Davis stated that he would talk to her and get her feelings on if the commission is something she can meaningfully continue. Zuzga stated that there was a NIA south meeting on Monday where they looked at the potential plans for the Alywn Down developments. He further stated there have been some changes, but to expect a site plan in early 2021. Davis stated that the first phase will be 38 2 story attached townhomes with garages and full basements according to the new plan. He further stated that they will be able to maintain 9 holes of golf and the clubhouse and that the new plans have cut the needed

infrastructure in half while only losing 37 planned units, which makes it a more feasible project. Davis stated that when the site plan comes through there needs to be a push for the sidewalks to extend through to downtown for accessibility.

**ADJOURN**

Planning Commission adjourned at 8:01 p.m.

Submitted by,

Michelle Eubank