

The electronic public meeting will be held as a telephonic conference. The public may participate in the electronic public meeting by calling **1-866-866-2244** and entering the conference code number **43959476** when prompted. The public will be able to listen to all discussion by Commission members and will be permitted to speak for up to 5 minutes during the public comment section of the agenda.

MARSHALL CITY PLANNING COMMISSION
Wednesday, May 13, 2020 at 7:00 p.m.
Council Chambers, 323 W. Michigan Ave., Marshall, MI

Call to Order

Roll Call

Establish Rules for Remote Meetings

Planning Commission will consider the recommendation to adopt the resolution to establish Rules for Remote Meetings.

Approval of Agenda

Regular Meeting of the Planning Commission, May 13, 2020

Approval of Minutes

Minutes from March 11, 2020

Public Comments on Agenda Items

Public Hearings

1. Public Hearing on Rezoning Request #RZ20.01 for 119 N. Grand from POSD Professional Office Service District to R-3 Traditional Residential

New Business

1. Recommendation on Rezoning Request #RZ20.01 for 119 N. Grand from POSD Professional Office Service District to R-3 Traditional Residential

Old Business

Public Comment on Non-Agenda Items

Reports

Adjournment

MARSHALL PLANNING COMMISSION

RESOLUTION NO. 2020-_____

**A RESOLUTION ESTABLISHING RULES FOR REMOTE MEETINGS FOR
ATTENDANCE BY THE CITY OF MARSHALL PLANNING COMMISSION AND
MEMBERS OF THE PUBLIC
AT REMOTE MEETINGS DUE TO
CORONAVIRUS (COVID-19) PANDEMIC**

The Planning Commission, in the City of Marshall, Calhoun County, Michigan, hereby resolves:

At a regular meeting of the Planning Commission (“Commission”) held by remote telephonic methods, in the County of Calhoun, State of Michigan, on the ____ day of _____, 2020, at _____ o'clock in the [AM/PM].

The meeting was called to order at _____ o'clock in the [AM/PM] by _____.

Present: _____

Absent: _____

The following preamble and resolution were offered by _____ and supported by _____:

WHEREAS, on March 10, 2020, Governor Whitmer, acting under the Michigan Constitution of 1963 and Michigan law, declared a state of emergency across the State of Michigan as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) has issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible and implement social distancing measures, including limiting in-person meetings, and to limit large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow for public bodies to continue to conduct public business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS’s mitigation strategies and allow the Planning Commission Board (hereinafter, the “Board”), and all of its Committees (as applicable) (hereinafter, collectively: “Public Body”) to continue public business, and to allow the public to attend meetings of the Public Body remotely if they desire, consistent and in compliance with Executive Order 2020-15, the Board desires to establish rules to authorize and allow the Public Body and general public to attend Public Body meetings by telephone or other electronic means as set forth in this Resolution; and

WHEREAS: The Board desires to authorize and direct its Chairperson, and those so designated, to take all necessary measures to enable the Public Body to facilitate public meetings as permitted under Executive Order 2020-15, and as may be extended, or by superseding Executive Order of similar effect issued by the Governor.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board authorizes and directs the Chairperson, and those so designated, to take all necessary measures to enable the Public Body to facilitate public meetings as permitted under Executive Order 2020-15, and as may be extended, or by superseding Executive Order of similar effect issued by the Governor.

The Board immediately authorizes its Public Body members and Staff and members of the general public to attend all meetings of the Public Body by telephone or other electronic means and establishes rules that must be followed in order for remote public meetings of the Public Body to be properly conducted:

A. All Public Body meetings may be held electronically consistent with EO 2020-15, and similar Executive Orders issued by the Governor during this unprecedented time of COVID-19.

B. NOTICE OF PUBLIC MEETINGS:

1. For a meeting(s) to be held pursuant to this Resolution, JPC officials or City Staff shall post on the homepage of City’s website in a conspicuous location and at City Hall at 323 West Michigan Avenue, Marshall Michigan, 49068, the following:
 - a. An explanation of why the meeting is being held remotely.
 - b. The Agenda for the meeting at least 18 hours prior to the meeting.
 - c. Contact information for all members of the Public Body along with information about how the public may contact the member(s) to provide input on any business that will come before the Public Body.
 - d. Procedures for public participation, such as: a link to an electronic link for online meeting participation, or a telephone number for conference calling, or both.
 - e. Procedures to allow for participants with disabilities to participate in the remote meeting.

C. CONDUCT OF THE PUBLIC MEETING:

1. The telephone or other electronic technology being utilized to allow the remote

meeting shall allow the Public Body members, Staff, and the general public to communicate.

2. Upon the start of the remote meeting, Board members or Staff shall immediately ensure that that the dial-in number or other means of conducting the meeting remotely is working. If the system is not working properly, the meeting shall either be paused temporarily or adjourned without any decision or deliberation on any matter until such time as the system is working properly.
3. Attendance. Public Body members' remote attendance shall be considered attendance for the purpose of establishing a quorum.
4. Public Body Action. Public Body members may make motions and vote as he or she would during a physical meeting. Any vote by a member participating remotely pursuant to this Resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely. All votes taken during the remote meeting shall be completed by roll call vote so the general public will know how each member voted; this information will then be properly recorded in the meeting minutes.
5. Closed Session.
 - a. The Public Body may conduct a closed session portion of the meeting, if necessary, as regulated by the Open Meetings Act, EO 2020-15 and authorized applicable Executive Orders.
 - b. For closed sessions conducted under this Resolution, each Public Body member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. Except the person designated to keep minutes of the closed session, individual Public Body members and authorized attendees shall not record or cause to be recorded the closed session other than the official closed session meeting minutes.
 - c. All Public Body members and authorized attendees of the closed session shall affirm, before the start of the closed session, that they are in compliance with this Resolution subsection No. 5.
 - d. A separate call-in number or other electronic means of remotely participating shall be available for the Public Body to utilize for closed session that is not available to the public, and that shall not be recorded other than closed session meeting minutes. A Public Body member or Staff shall clearly indicate during the agenda when the closed session will occur and that the general public will not be able to hear or participate or provide comment during the closed session. The Public Body shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.
6. Emails, texting, or other forms of electronic communication by or between Public Body members during the meeting are prohibited.

7. Public Body members receiving electronic communications from a member of the public one-half (1/2) hour prior to the start of the remote meeting related to any item on the agenda for the meeting may be read by the member receiving the communication during the agenda item and it shall be addressed by the Public Body as appropriate during the meeting.
8. Adjournment of a meeting shall require a roll call vote of the Public Body.

D. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. Except for closed session, the general public may tape-record, videotape, broadcast on live radio, or telecast on live television the proceedings of the public meeting without prior approval in accordance with the OMA. Press and other news media are allowed to participate.
2. General public participation will not require registration in order to participate, and names will only be given as is necessary to participate in public comment.
3. Members of the public participating remotely shall be provided an opportunity to provide public comment during a public comment section of the agenda pursuant to the rules of the Public Body on public comment. Such opportunity shall be given by the designated facilitator asking each participant whether they have any public comment.
4. No person may be excluded, unless a breach of the peace is committed during the public meeting and they are excluded by the Public Body under the rules stated under the OMA for disruption.

E. PUBLIC HEALTH, SAFETY, AND WELFARE:

This Resolution is intended to establish rules for and authorize participation by remote access by the Public Body members, Staff, and attendance of the general public in the interest of the public health, safety, and welfare during the Coronavirus (COVID-19) pandemic while preserving meaningful access to meetings and participant communication.

F. CONFLICT:

In the event of a conflict between this Resolution and the Rules of the Public Body, this Resolution shall control.

G. EFFECTIVE:

This Resolution shall be effective immediately and shall remain in effect so long as Executive Order 2020-15 is in effect, extended, or superseded by a similar Executive Order, which shall be acknowledged by the Public Body and the Resolution affirmed at the subsequent public meeting, including remote meetings.

ROLL CALL VOTE:

AYES:

NAYS:

Resolution declared adopted this _____ day of _____, 2020.

Clerk

The undersigned duly qualified and acting Clerk of the Board hereby certifies that the foregoing is a true and complete copy of a Resolution adopted by the Board at a special meeting held on the _____ of _____, 2020, the original of which is a part of the Board's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

Clerk

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, March 11, 2020**

In a regular session, Wednesday, March 11, 2020 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 Davis.

ROLL CALL

Members Present: Chair Davis, Commissioners Burke Smith, Banfield, Rodgers, Schwartz and Mayor Caron

Members Absent: Commissioners Collins, McNiff, Reed, Zuck and Council Liaison Metzger

Staff Present: Trisha Nelson, City Clerk & Planner

AGENDA

MOTION by Burke Smith, supported by Rodgers to accept the agenda for the Wednesday, March 11, 2020 as submitted. On a voice vote; **MOTION CARRIED.**

MINUTES

MOTION by Banfield, supported by Burke Smith, to accept the minutes from the January 8, 2020 regular meeting. On a voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

None

NEW BUSINESS

MOTION by Banfield, supported by Schwartz to receive Site Plan #SP20.01 for Party Time Tents at 800 Industrial Road. On a voice vote; **MOTION CARRIED.**

MOTION by Banfield, supported by Schwartz to review and consider approval for #SP20.01 for Party Time Tents at 800 Industrial Road.

Nelson stated that Party Time Tents has 2 lots they and they would like to develop the corner lot with a 48'x88' warehouse. This structure would require 2 variances to be approved by the Zoning Board of Appeals and any decision by the Planning Commission should be contingent on approval from the ZBA. Banfield question if the variance was for setbacks. Nelson stated one is for a setback on N Linden and the other is for parking.

Schwartz questioned why there is not a paved parking lot. Jason Devine of Party Time Tents stated that parking at this building would not be used except for overflow parking. He further stated that the main building on the adjacent property has ample paved parking to cover both buildings and that for \$35,000 the paving of this lot is not feasible. He stated that any customer parking is paved. Banfield stated that there are several reasons for paving a parking lot, including walking to the building and runoff.

Banfield question what the landscape plan was. Devine stated that it is just a storage shed. Banfield stated that a landscape plan is required. Devine stated that he would be willing to plant trees even though the City just cut 8 trees off the property. Nelson stated that there are no trees on Industrial Dr near the property. Davis questioned whether the site plan needed to be amended. Banfield stated a new site would need to be submitted. Davis questioned if there was parking on the other sites. Nelson stated that there is ample parking on contiguous sites. Burke Smith stated that if the lots were ever split in the future the building would have no parking. Banfield stated that if it were an addition opposed to a separate building it would count for parking.

Davis stated that the motion on the floor is approve Site Plan #SP20.01 contingent on the approval of the variances with the ZBA. Banfield stated that the motion needs to include a need to add a landscape plan. He further stated that the landscape plan does not need to come back to the commission, but Nelson could grant approval. Devine questioned the timing of approval. Davis stated that as long as Devine received approval from the ZBA the following week and Nelson approved the landscape plan they could start work.

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

MOTION by Rodgers, supported by Burke Smith to receive Site Plan #SP20.02 for Delta One Consulting at 420 W Spruce. On a voice vote; **MOTION CARRIED.**

MOTION by Rodgers, supported by Schwartz to review and consider #SP20.02 for Delta One Consulting, 420 W Spruce St.

Nelson stated that this will be a marijuana growing facility and the building is existing. There would be no changes and setback and it has adequate parking. There will be on site fencing and the City is in the process of vacating the corner of Sycamore and Spruce to allow for a contiguous campus.

Rodgers questioned if this was just for the 420 Spruce portion of the property and not the properties near the railroad. Nelson stated that was correct. Burke Smith questioned if the City was in favor of vacating the streets. Nelson stated that the City was in favor and that they are currently working with Legg Lumber to ensure that they would still be able to accommodate their shipping and receiving. Schwartz questioned if there would be fencing on the property. Doug Stewart of Delta One consulting stated there would be fencing on the property. Banfield questioned if this property falls within the distances required between marijuana facilities. Nelson stated that this is the last property currently in the city that could be used as such a facility and fit in the guidelines. Banfield questioned the need to vacate Sycamore and Spruce. Nelson stated that it allows for the several properties that are owned by Delta One on that corner to become one campus. Banfield stated that site plan was fantastic.

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

OLD BUSINESS

None

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

Mayor Caron stated that Eric Zuzga and Scott McDonald are actively monitoring coronavirus in our area. There has been discussion with Oaklawn Hospital on an emergency response plan. They are working on plans for City staff which will include new stringent guidelines. Burke Smith stated that the bank her family owes has Hand Sanitizer stations outside the building with signs asking for people to sanitize before entering and they have generally received a good response. Banfield stated that cruise ships have hand sanitizer everywhere and that the newer ships have wash basins in several locations.

Rogers stated that Joseph and the Technicolor Dream Coat will be playing this weekend.

Davis stated that Scott Fleming of MAEDA took a new job in Jackson and that MAEDA will be posting the job on various sites. They are looking for someone who is well connected and has similar certifications to Fleming.

Banfield questioned Marguerite Davenports, the new Director of Public Works background. Nelson stated that she is local to the area, a graduate of Marshall High School, who then went to the University of Toledo for Engineering.

Nelson stated that the Masterplan is coming up. She further stated that the majority of the plan is in good shape, but that the map needs to be updated. Banfield stated that the changes on the south side of the City give a good reason to update. Burke Smith stated a lot has changed in the 5 years since the plan was created.

ADJOURN

Planning Commission adjourned at 7:30 p.m.

Submitted by,

Michelle Eubank

MARSHALL PLANNING COMMISSION
Staff report for December 11, 2019

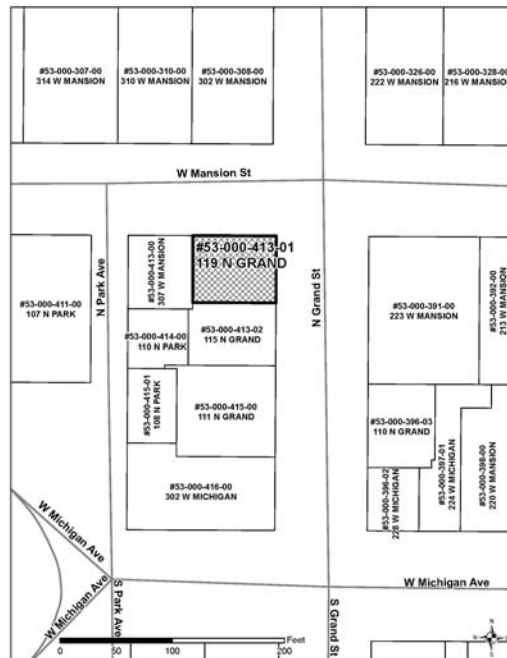
To: Planning Commissioners
From: Trisha Nelson, Planning and Zoning Administrator
Subject: Rezoning Request #RZ20.01 – 119 N. Grand. Rezone from POSD (Professional Office Service) to R-3 (Traditional Residential)

SUMMARY

Eldon and Carrie Vincent are seeking to rezone their property at 119 N. Grand from POSD (Professional Office Service) to R-3 (Traditional Residential).

BACKGROUND

The owners approached the City to rezone the property for residential use. A rezoning of the property will allow the Vincent's to sell the property as a residential home, which is currently under contract pending the approval of the rezoning application.



The property has been utilized as a residence since approximately 2010 since they were under the impression the zoning had been changed. Directly to the north of the property, the zoning along W. Mansion Street is R-3; however, according to the Future Land Use Map in the City Master Plan it is characterized as “Downtown Mixed Use”.

The Planning Commission must decide whether the requested zoning classification of R-3 Traditional Residential is suitable for the property and work through the rezoning criteria worksheet.

RECOMMENDATION

After hearing public comment, it is recommended the Planning Commission formulate a recommendation to City Council. The Council will receive the recommendation quest at their June 1, 2020 meeting.



ZONING DISTRICT AMENDMENT APPLICATION

For Changing Zoning District Designation

Fee: \$200

PROPERTY OWNER NAME (Last, First): Vincent, Eldon & Carrie

ADDRESS (House Number and Street): 119 N Grand Street

CITY, STATE, ZIP: Marshall, MI 49068

TELEPHONE: 269-789-0733

EMAIL ADDRESS: *evincent@evincentlegal.com*
cvincent@evincentlegal.com


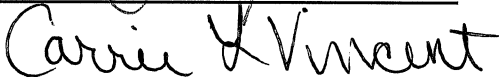
I would like to rezone my property from PSP to Residential
because *It has been used as a residence since approx 2010*
and is currently under contract and being sold as
a residence.

- ATTACH A LEGAL DESCRIPTION OF PROPERTY TO THIS FORM

ADDRESS OF SUBJECT PROPERTY: 119 N. Grand Street

EXISTING AND PROPOSED USE OF PROPERTY: Personal Residence

NAME, ADDRESS & PHONE NUMBER OF ALL OTHER PERSONS, FIRMS, etc.
HAVING A LEGAL CONNECTION TO THE SUBJECT PROPERTY:

OWNER'S SIGNATURE:  DATE: 3-18-2020


-OFFICIAL USE-

CASE # _____ FILING DATE _____ FEE PAID _____ RCD BY _____

APPROVED FOR PC MEETING DATE _____

Legal Description for 119 N. Grand Street, Marshall MI 49068

Marshall City, Lower Village BLK 15 N 60 FT of E 4 ½ RDS of LOT 3

Rezoning criteria

For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Council shall use the following as a guide:

A. 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.

B. The property cannot be reasonably used as zoned.

C. 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.

D. 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.

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

F. 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.

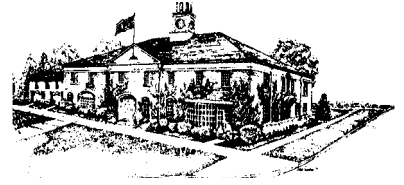
G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

H. 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.

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

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

City of Marshall

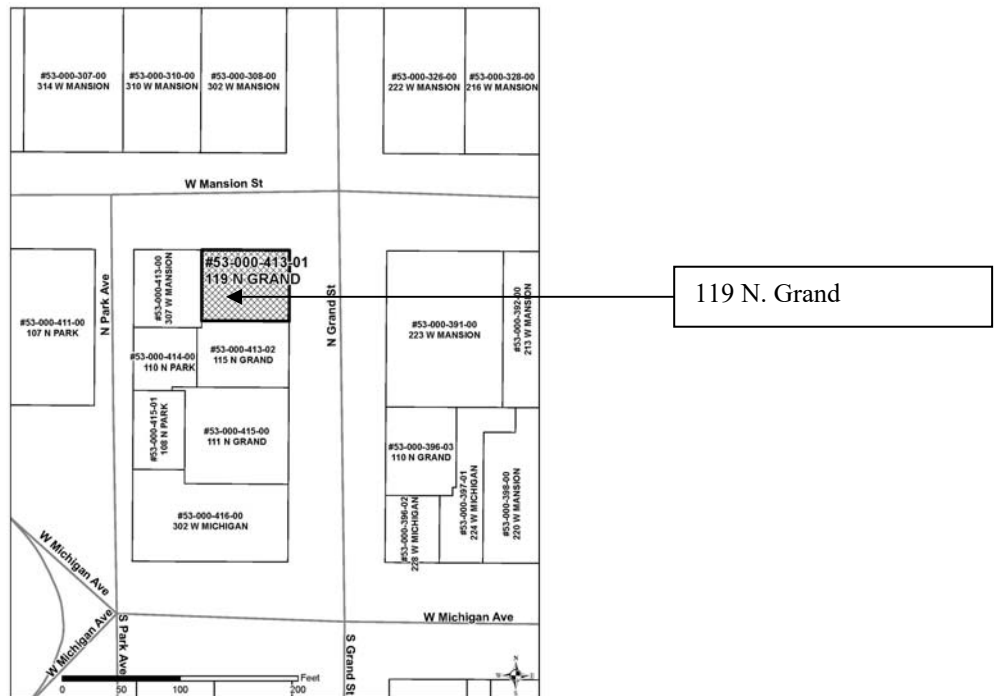


323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

Dear Property Owner:

The City of Marshall Planning Commission will hold a public hearing to hear public comments regarding Rezoning Request #RZ20.01 for 119 N. Grand, parcel #53-000-413-01, to rezone from POSD (Professional Office Services) to R-3 (Traditional Residential).

May 13, 2020 at 7:00 p.m.
Via Telephonic Phone Conference
To participate call 1.866.866.2244, enter Conference Code 43959476



Any property owner or their representative, or any interested person is invited to participate in the meeting to be held as noticed above. Written response can be sent to or hand delivered to the attention of the Planning Commission, 323 W Michigan Ave., Marshall, Michigan 49068. Please direct any questions to Trisha Nelson (269) 781-5183.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact Trisha Nelson, 323 W. Michigan Avenue, by calling (269) 781-5183, or by email tnelson@cityofmarshall.com no later than 3 days prior to the scheduled meeting or event.