

**MARSHALL CITY PLANNING COMMISSION**  
**Wednesday, April 13, 2022 at 7:00 p.m.**  
**City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI**

**Call to Order**

**Roll Call**

**Approval of Agenda**

Regular Meeting of the Planning Commission, April 13, 2022

**Approval of Minutes**

Minutes from the Special Meeting of March 2, 2022

Minutes from the Regular Meeting of March 9, 2022

**Public Comments on Agenda Items**

**Public Hearings**

**New Business**

**1. Discussion on Creation of a new Industrial Zoning District**

Staff has invited Marshall Township representatives to join in for a preliminary discussion regarding the creation of an I-3 Zoning District. No action is needed at this time.

**Old Business**

**Public Comment on Non-Agenda Items**

**Reports**

**Adjournment**

**MINUTES  
MARSHALL CITY PLANNING COMMISSION  
WEDNESDAY, MARCH 2, 2022**

In a special session, Wednesday, March 2, 2022 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 Vice Chair McNiff.

**ROLL CALL**

Members Present: Commissioners Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga and Council Liaison Wolfersberger

Members Absent: Chair Banfield

Staff Present: Trisha Nelson, Planning & Zoning Administrator  
Eric Zuzga, Director of Community Services

**AGENDA**

**MOTION** by Zuck, supported by Burke-Smith, to accept the agenda for the Wednesday, March 2, 2022 special meeting as presented. On voice vote; **MOTION CARRIED.**

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PUBLIC HEARINGS**

Vice Chair McNiff opened the Public Hearing on Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District. Hearing no public comment Vice Chair McNiff closed the Public Hearing on Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District.

Vice Chair McNiff opened the Public Hearing on Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD-Professional Office Service District to R-3 Traditional Residential. Hearing no public comment Vice Chair McNiff closed the Public Hearing on Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD-Professional Office Service District to R-3 Traditional Residential.

**NEW BUSINESS**

**MOTION** by Burke-Smith, supported by Fitzgerald to recommend Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District to City Council.

Nelson stated that the petitioner, Janet Ostrum, would like to put an addition on to her building at 108 N Park and that due to the number of variances that would be needed for the project and the use of the building that rezoning the parcel is better suited for their needs. She further stated that the addition would include a

garage with an apartment over the top. She stated that the reason for rezoning 302 W Michigan is to bring it in line with the area and to avoid an instance of spot zoning. McNiff questioned if parking would be expanded. Nelson stated that there are 2 parking spots on the property and a public parking lot across the way. Fitzgerald questioned where customers are currently parking. Ostrum state that they will sometimes park in the spots on the property and sometimes in the parking lot. She further stated that when Park was turned into a one-way street in front of her property that it made the traffic situation more streamlined. McNiff questioned what the maximum number of people that are in the petitioner's business at any one time. Ostrum stated that on the high end there may be 8-10, but not generally all at the same time. She further stated that they do receive deliveries but that with the way traffic moves it has never been an issue and that the proposed garage addition would help with the receiving and storage of deliveries.

Reed questioned how the new zoning would fit better. Nelson stated that POSD is for different types of office buildings, including medical, accounting and law, and the petitioner's business is predominately retail, so rezoning to B3 is a better fit for the combined retail and living space which is being sought. Wolfersberger stated that chair Banfield had some stated in the past that he had some reservations about the distances between the new addition that just went in to Bud's and the proposed new addition on Park. Nelson stated that there has been discussion with both builders and it was determined that it would be up to the building department to determine distances. She further stated that there would be fire walls on both properties due to the close proximity of the buildings. Ostrum stated that they have also moved their project back one foot from the property line. McNiff questioned if Bud's was ok with the rezoning happening on their behalf. Nelson stated that they are for it.

The commission went over the rezoning criteria.

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. *The commission agreed that for the Park St property it is more appropriate than the what is currently there and that on the W Michigan property, it allows for more opportunities in the future, while eliminating a possible spot zoning.*

B. The property cannot be reasonably used as zoned. *The commission agreed that it could be used as zoned, but that the nee zoning would put the parcels to better use.*

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. *The commission agreed that it is consistent with the land use map and that conditions have changed in that there is a house shortage at the moment, and changing to B3 would allow more to be created.*

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. *The commission agreed that it is compatible, as it's not changing the use other than to add residential space to 108 Park, while leaving the possibility for a combined residential space open at 302 W Michigan.*

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features. *The commission agreed that it is compatible, as there will be no real changes.*

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. *The commission agreed that there would be no changes that would make any impact.*

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. *The commission agreed that rezoning both at the same time eliminates a potential spot zoning issue, while extending the current B3 district.*

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. *The commission agreed it is consistent with the existing uses, and that even with the short setbacks, the construction that is desired could be accomplished.*

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. *The commission agreed that there was no mistake, but that the rezoning brings it in line with the neighboring area and adds needed residential space.*

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *The commission agreed that there is not enough space for residential in the city.*

**MOTION** by Burke-Smith, supported by Fitzgerald to recommend Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District to City Council. On a roll call vote; ayes- Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by Burke-Smith, supported by Reed to recommend Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD -Professional Office Service District to R-3 Traditional Residential to City Council.

Nelson stated that the two properties directly to the north of this property had both been rezoned to R3 within the last year and a half, so this brings it in line with the district. McNiff stated that it will be moving from a group home to a single-family home, but that the accommodations currently in the structure will be helpful to the family moving in. Fitzgerald questioned if it could revert back to an adult foster care building if that is desired at some point. C Zuzga stated that if it is a family home with 6 or less residents it would not need to be rezoned.

The commission went over the rezoning criteria.

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. *The commission agreed that this would take it from a legal nonconforming property to a conforming use, so it would be more appropriate.*

B. The property cannot be reasonably used as zoned. *The commission agreed that the building that currently exists on the property could not be used for commercial purposes.*

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. *The commission agreed that it is following the trends of the neighboring parcels that have all been rezoned and that there is current need for more residential properties in the City.*

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. *The commission agreed that it is compatible.*

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical. geological. hydrological and other environmental features. *The commission agreed that there will be no impact, as this will be a less intense use.*

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. *The commission agreed that there will be no impact, as this will be a less intense use.*

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. *The commission agreed that this would bring the property in line with the surrounding area.*

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. *The commission agreed it is consistent with existing uses and that there is no construction planned for the property to meet setbacks.*

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. *The commission agreed that there was no mistake,*

*but that the rezoning brings it in line with the neighboring area and adds needed residential space.*

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *The commission agreed that there are not adequate sites for residential properties in the city.*

**MOTION** by Burke-Smith, supported by Reed to recommend Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD -Professional Office Service District to R-3 Traditional Residential to City Council. On a roll call vote; ayes- Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

## **OLD BUSINESS**

## **PUBLIC COMMENTS NOT ON AGENDA**

None

## **REPORTS**

Burke-Smith stated that she is still concerned about needing to put something about electric vehicle charging stations in large scale building site plans. She is also concerned about the possibility of marijuana consumption lounges that she had seen in Colorado and Nevada. McNiff stated that there are ordinances against them. Burke-Smith stated that she had seen some that were combined with retail space and others that we stand alone smoking lounges. E Zuzga stated that the city ordinance does not allow for consumption facilities or for any special event usage in the city.

Nelson stated that there will be the regular meeting on March 9 for another rezoning and a special land use request. She further stated that on April 13 there will be a training session for commissioners for an hour before the meeting that will cover the basics and that more training will be scheduled as needed.

## **ADJOURN**

Planning Commission adjourned at 7:40 p.m.

Submitted by,

Michelle Eubank

**MINUTES  
MARSHALL CITY PLANNING COMMISSION  
WEDNESDAY, MARCH 9, 2022**

In a regular session, Wednesday, March 9, 2022 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 Vice Chair McNiff.

**ROLL CALL**

Members Present: Commissioners Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga and Council Liaison Wolfersberger

Members Absent: Chair Banfield, Commissioner Zuck

Staff Present: Trisha Nelson, Planning & Zoning Administrator  
Eric Zuzga, Director of Community Services

**AGENDA**

Vice Chair McNiff noted that fourth new agenda item needed to be added to approve an extension for the Oaklawn Hospital Emergency Room renovation Site Plan.

**MOTION** by C Zuzga, supported by Burke Smith, to accept the agenda for the Wednesday, March 9, 2022 as amended. On voice vote; **MOTION CARRIED.**

**MINUTES**

**MOTION** by Reed, supported by Fitzgerald, to accept the minutes from the February 9, 2022 regular meeting. On voice vote; **MOTION CARRIED.**

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PUBLIC HEARINGS**

Vice Chair McNiff opened the Public Hearing for Special Land Use Application #SLU22.01 for a Group Child Care Home at 606 S Marshall Ave. Hearing no comment Vice Chair McNiff closed the Public Hearing for Special Land Use Application #SLU22.01 for a Group Child Care Home at 606 S Marshall Ave.

Vice Chair McNiff opened the Public Hearing on Zoning Amendment Request #RZ22.03 to rezone 423 Mitchell St from MFRD-Multi Family Residential District to I1 Research and Technical District. Hearing no comment Vice Chair McNiff closed the Public Hearing on Zoning Amendment Request #RZ22.03 to rezone 423 Mitchell St from MFRD-Multi Family Residential District to I1 Research and Technical District.

**NEW BUSINESS**

**MOTION** by C Zuzga, supported by Burke Smith to recommend Special Land Use Application #SLU22.01 for a Group Child Care Home at 606 S Marshall Ave to City Council.

Nelson stated that this is currently a child care facility with less than 6 children, but would like to expand to house up to 12 children, which requires a Special Land Use. She stated that there is a map in the packet that explains how vehicles would fit in the driveway and that there is a fence permit in that would meet the required 1,800 Sq Ft of play area and remove the dog kennel. She further stated that she has applied through the state for the larger license, which is pending City approval. She stated that there are no other facilities within 1,500 sq ft of the property. McNiff stated that she was surprised that 15 cars would be able to fit. Tonya Signor, 606 S Marshall, stated that the driveway is long, goes behind the house and there is an additional area where parents can turn around or park, if need be, that they are looking to possibly place gravel on. McNiff questioned if pick up and drop off was staggered. Signor stated that parents tend to stagger themselves, but it is not something that is done intentionally. McNiff questioned if there were any traffic problems with the current families. Signor stated that during the last snow storm there were some issues based on the timing of the plow truck, but there have been no other issues. Wolfersberger questioned with her drive being mostly in the Right of Way if there was a formal arrangement made. E Zuzga stated that it would be treated the same as the Montessori School on Linden, where the city does not maintain it. C Zuzga questioned is the turn around would be on private property or city property. Signor stated that she intends for it to be on private property.

**MOTION** by C Zuzga, supported by Burke Smith to recommend Special Land Use Application #SLU22.01 for a Group Child Care Home at 606 S Marshall Ave to City Council. On voice vote; **MOTION CARRIED.**

**MOTION** by Reed, supported by Burke Smith to recommend Zoning Amendment Request #RZ22.03 to rezone 423 Mitchell St from MFRD-Multi Family Residential District to I1 Research and Technical District to City Council.

Nelson stated that Josh Karaba purchased both 423 and 421 Mitchell St, with 421 Mitchell currently being zoned industrial. She further stated that in 2005 there was a rezoning of Mitchell and S Mulberry to create a buffer zone between the industrial area heading into the commercial and residential areas. She stated that Karaba would like to put a storage facility on the parcels, which is allowed as a Special Land Use in the I1 district. She stated there is currently a pole barn on one of the lots and that eventually the plan is to combine the two parcels into one. McNiff stated that she believes it is a consistent use given the area.

The Commission went over the rezoning criteria.

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. *The commission agreed that it seemed appropriate with the contiguous properties and that a Special Land Use will still be required.*

B. The property cannot be reasonably used as zoned. *The commission agreed while it could be used as zoned it may not be a desirable location for a residence near the industrial area.*

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. *The commission agreed that it was changed in 2005*



*with the anticipation that more residential area would be desired there, but that has not happened.*

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. *The commission agreed that it is compatible with the land use pattern, but that it may be a more intense use. The further agreed that there will be minimal traffic impact to the area.*

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical. geological. hydrological and other environmental features. *The commission agreed that while the paving and water run off may cause a problem, it would still be an improvement over what is currently there with things outside and potentially leaking and contaminating the soil.*

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. *The commission agreed that it may actually improve the potential pollution.*

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. *The commission agreed that it makes it more consistent with the surrounding area.*

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. *The commission agreed it is consistent, but that variances would be needed based on the current proposed blueprint.*

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. *The commission agreed that there was no mistake.*

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *The commission agreed that there are other areas where the proposed business could fit.*

**MOTION** by Reed, supported by Burke Smith to recommend Zoning Amendment Request #RZ22.03 to rezone 423 Mitchell St from MFRD-Multi Family Residential District to I1 Research and Technical District to City Council. On a roll call vote; ayes- Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga; nays-none; **MOTION CARRIED.**

E Zuzga stated that in the commissioner's packet there is a very rough draft of a proposed new industrial district, which is meant to be the starting point of a conversation, as there are still many changes that need to be made. He stated that there is property west of I69 that has been targeted as a future industrial site and

the City is looking ahead to create a district that encompasses what businesses are asking for and may potentially need if that area develops, based on discussions with potential developers. He stated that any type of marijuana use has been pulled out, as the township does not want that in their area. He further stated that there are other uses that will need to be pulled out, as the intention of this district is for a high-profile manufacturing site. He stated that setbacks for the district will need to be considered as there are nearby residential areas, as well as what the limitations would be on height with the current consideration being 160 ft based on what is being seen in the market for these types of facilities. McNiff questioned if it was needed for smoke stacks and E Zuzga responded that these were already exempt from height limitations. Burke Smith questioned if there would be cranes and E Zuzga stated that it was strictly considering building height. Wolfersberger questioned if the height of the building should be no higher than what the fire departments ladder truck can reach and E Zuzga stated that had been discussed. McNiff questioned having convenience stores as a use. E Zuzga stated that it was in the current Industrial uses and that it would allow people to stop and grab a quick drink or snack before or after work. McNiff stated she would rather see that as a special land use opposed to a permitted use so there doesn't end up being a strip mall type setting. E Zuzga stated that could be discussed along with other listed uses, such as crematoriums and breweries. Hall questioned if we would need to be chosen before this became needed. E Zuzga stated that we would still need to be chosen for the project, but this process is anticipation of being chosen for a project. Burke Smith stated that having this in place will also help market the property. E Zuzga confirmed that it would help with marketing, as currently it is a gamble for companies as to what may or may not be approved in that area. McNiff questioned if use 10 could be taken out as it's similar to 19 and it would be preferential as an accessory use, but not a primary use. E Zuzga stated that this is just a very rough draft and that at the next meeting there will be a more formal draft proposal for the district. McNiff questioned if staff had been looking at other cities with similar districts to mirror theirs. E Zuzga stated that there has been some research of that type, but most of where the standards are coming from is looking at what is being requested at these types of properties and tailoring the district to those needs. McNiff questioned if a zoning company, such as Clear Zoning, would be looking at it and E Zuzga stated that it could be looked into within the confines of the City's budget.

McNiff stated that the City should be completely transparent with the township so that what the township would like to see for the property can also be taken into consideration. Fitzgerald questioned if there was any feedback on what has caused the property to be turned down by developers in the past. Nelson stated that she doesn't believe that there has been anything in particular other than other sites in other states offering better incentives to the company. E Zuzga stated that he has been taking note of everything that has been coming up as a red flag during current discussions. Nelson questioned if the commission would like staff to come up with a draft proposal and to have a work session of April 13 with the township. McNiff stated that if the township is available that would be preferred. C Zuzga questioned if there was any place for the Joint Planning Commission on this. E Zuzga stated that any property that has a 425 agreement between the township and city will have to go through the Joint Planning Commission. Burke Smith stated she would like to see the entire township Planning Commission involved in this process and not just those on the Joint Planning Commission. C Zuzga questioned if staff would any feedback that commissioners have on the current proposal sent to them. E Zuzga responded that staff would appreciate any feedback as that is why the commission was not presented with a final proposal. Hall questioned if there was any idea how big the project could be. E Zuzga stated that there is no concrete on size at this time. McNiff questioned the road capacity in that area to serve a large-scale manufacturing facility. E Zuzga stated that the everyone at the local and state lever are coming together to do planning on the site, so that is being considered.

McNiff stated that she and Commissioner Reed needed to recuse themselves as their law firm represents Oaklawn Hospital.

**MOTION** by Fitzgerald, supported by C Zuzga, to recuse Commissioners McNiff and Reed from the discussion on the Oaklawn Hospital site plan extension request. On a voice vote; **MOTION CARRIED.**

C Zuzga stated that there had been a request from Oaklawn Hospital to extend their site plan which is set to expire in April 2022 as there was an issue with construction costs and getting needed supplies. Nelson stated that they anticipate beginning work soon. She further stated that the airspace agreement has been settled and the canopy will be checked when building plans are submitted.

**MOTION** by Burke Smith, supported by Fitzgerald, to extend the Site Plan for the Oaklawn Hospital ER expansion. On a voice vote; **MOTION CARRIED.**

**MOTION** by C Zuzga, supported by Fitzgerald to allow McNiff and Reed to return to the meeting. On a voice vote; **MOTION CARRIED.**

#### **PUBLIC COMMENTS NOT ON AGENDA**

Derek Perry introduced himself as the new City Manager. He stated that he has an extensive background in public service at different levels and invites the commissioners to come to him at any time with questions, comments or concerns. He further stated that he appreciated all the time the commissioners have volunteered for this commission and their profound impact on the community.

#### **REPORTS**

#### **ADJOURN**

Planning Commission adjourned at 7:50 p.m.

Submitted by,

Michelle Eubank