

City of Marshall and Marshall Township

Joint Planning Commission Minutes

January 14, 2020 7PM

In a regular session, Tuesday, January 14, 2020 at 7:00 p.m. at Marshall City Hall, 323 W Michigan Ave, Marshall, Michigan, the City of Marshall and Marshall Township Joint Planning Commission was called to order by Chair Lyng.

ROLL CALL

Members Present: Chair Lyng, Commissioners Burke-Smith, Kiessling, Reed, Walsh and alternate Gresly

Members Absent: Commissioner Davis and Rodgers

Staff Present: Paul Anderson, Marshall Township

Trisha Nelson, City of Marshall Planning and Zoning

Eric Zuzga, City of Marshall, Director of Special Projects

AGENDA

MOTION by Walsh, supported by Burke Smith to accept the agenda for the Tuesday, January 14, 2020 as submitted. On a voice vote; **MOTION CARRIED.**

MINUTES

MOTIONS by Walsh, supported by Kiessling, to accept the minutes from the Tuesday, December 10, 2019 as submitted. On a voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

Bryan Fish, 15515 A Dr N, Marshall Township, stated that he lives approximately one mile southwest of the property being discussed tonight. He stated that he and his wife are retired from the Department of Natural Resources, and Department of Environmental Quality and have a background in environmental sciences. He stated that when the grow operations started in Colorado they were called upon with numerous citizen complaints. He stated that they share the same watershed as the property and was curious if they planned to stay on well and septic or if with the 425 agreement were they going to be on City water and sewer as they will need a lot of water. Lyng stated that as of this time there have not been any requests to extend the utilities at this time. Fish stated that to use the amount of water they would need it would need to be permitted if it was with a well, and there are no exemptions for this type of property. The discharge would be another issue, as he is concerned the city is nearing capacity in the treatment plant and if they go with a septic system, they would need a permit for that as well. He stated that the largest complaint that was received from the Colorado grow operations was the odor that was released into the community. The toxins from fertilizers and insect treatments could escape and would need to be regulated. He is also concerned that the waste from the building may be used for composting, which would create a tremendous odor that would blow towards his home. Walsh stated that in the previous meeting that the concern with odor was brought up and was assured by Doug Stewart of Delta One that there are carbon filters in each room, and that the city addresses odor in the City Ordinance.

Walsh further stated that as of now, they are just dealing with the zoning of the property as there are no site plans that have come forth. Fish questioned if this meeting was conditional on appropriate permits being obtained. Lyng stated that this meeting is for rezoning only and there is no contract of sale for the property. Lyng further stated the rezoning for tonight is an I-1 specifically for marihuana, and that should that not go in there the zoning would expire and go back to a B-4 zoning. Nelson stated that in order for a site plan to be approved, any water and waste water permits would have to be obtained and approved.

PUBLIC HEARINGS

Chair Lyng opened the public hearing on the conditional rezoning request #JPCRZ20.01 for 15325 W Michigan Ave, parcel #16-270-018-03 owned by Michael-Samuel Corporation to rezone from the township zoning of HS-Highway Services Commercial to the City zoning of I-1 Research and Technical District for the exclusive use of a Marihuana Facility as permitted by City Zoning Ordinance. Hearing no comment, Chair Lyng closed the public hearing.

NEW BUSINESS

MOTION by Walsh, supported by Kiessling to receive JPCRZ#20.01 Conditional Rezoning Request for 15325 W Michigan Ave from the township zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District for the exclusive use of a Marihuana Facility as permitted by the City Zoning Ordinance. On a voice vote; **MOTION CARRIED.**

Lyng questioned when the 6 months for vacancy would start. Nelson stated that as soon as City Council approves the rezoning

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. Lyng stated that there is no zoning for it in the Master Plan. Nelson stated that for what they want to accomplish with the property it is the most appropriate, as a special land use cannot be used for marihuana grow.
- B. The property cannot be reasonably used as zoned. Kiessling and Lyng agreed that is could be used as zoned. Burke-Smith stated that the lack of sale shows that the current zoning could be a problem.
- 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. Walsh stated that it is consistent with the goals of the city. Burke Smith stated that it is not part of the Master Plan it is irrelevant. Lyng stated that I-1 is not in this area of the city or township. Burke Smith stated that it could be considered spot zoning, which is typically not well received/
- 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. Burke Smith stated that the established land use pattern does not include grow facilities. She further stated that when you

look at the surrounding area it may not be compatible. Lyng stated that it would be the only industrial out there.

- E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features. Lyng stated that until they determine how they are going to handle the water and sewer there is not a real answer as a well and septic would have a different impact than city water and sewer. Burke Smith questioned if any City water currently crosses I69. Zuzga stated that there is no water currently run, but that there are 2 casings currently under I69 that would work as service lines, but no costs have run. Lyng stated that at one point there was concern that one of the casings would not be large enough to service the area, and that direction boring would have to be used. Walsh stated that without a site plan there is not enough information available to answer this question.

Zuzga stated that conditional rezoning is legal spot zoning and that any uses in that area would be spot zoning as it is an island in the city. He further stated that while he believes it would be expensive to run water to the area it would not be in the millions, and other utilities would also come in underground. He believes it would have as big of an impact as some other uses could on the property. Burke-Smith questioned what the Arbor Inn and the Oaklawn Life Improvement Center were zoned. Paul Anderson stated that the Oaklawn campus is community services and the Arbor Inn is Highway services and that most of Michigan Ave in that area is Highway Services. Walsh stated that this would be spot zoning than. Anderson stated that conditional rezoning is not spot zoning as you are specifying exactly what can go in there otherwise the underlying zoning takes effect.

- 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 would not have any major impacts.
- 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. Lyng stated that this is what the conditional rezoning allows, and Burke Smith stated that someone else could come in and make the same request, so it is 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. Burke Smith stated that the building size will not be altered and would be consistent with the existing uses. Walsh stated that any expansions would have to come before the commission.
- I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. Lyng stated that there was no mistake and Reed stated that the conditions have changed.
- J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. Zuzga stated that there is no more eligible properties for this use in the city as there is a half mile buffer between grow facilities.

Lyng stated that it appears to meet the rezoning criteria.

MOTION by Walsh, supported by Reed to recommend JPCRZ#20.01 Conditional Rezoning Request for 15325 W Michigan Ave from the township zoning of HS-Highway Service Commercial to the City Zoning

of I-1 Research & Technical District for the exclusive use of a Marihuana Facility as permitted by the City Zoning Ordinance to City of Marshall City Council. On a roll call vote, Ayes: Burke-Smith, Kiessler, Lyng, Reed, and Walsh, Nays: none; **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry VanAdams, 622 W Green, City of Marshall, questioned at what point do jurisdictions lose their meaning. When the local governments start combing and working together you produce centralization, and the centralization process is against what the founding fathers wanted, and imitates fascism. He feels we are about 60% of the way into centralization and that if people want to maintain their constitutional government they shouldn't descent into corporate fascism.

REPORTS

None

ADJOURN

The Joint Planning Commission adjourned at 7:32 p.m.

Submitted by,

Michelle Eubank