JOINT PLANNING COMMISSION AGENDA

September 12, 2023
Regular Meeting - 7:00 PM

1) **CALL TO ORDER**
2) **ROLL CALL**
3) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by Board action.
4) **APPROVAL OF MINUTES**
   - A. **MINUTES OF APRIL 25, 2023 JPC MEETING**
5) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.
6) **PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**
   - A. **RZ #23-04 WEST HUGHES PA 425 PROPERTIES REZONING**
7) **OLD BUSINESS**
8) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
9) **PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.
10) **BOARD REPORTS**
11) **ADJOURNMENT**

JOINT PLANNING COMMISSION MINUTES

April 25, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Tuesday, April 25, 2023 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Joint Planning Commission was called to order by Chair Banfield.

2) ROLL CALL

Roll was called:

Present: Banfield, Burke-Smith, Gresley, Lyng, Reed, and Johnson

Also Present: Eric Zuzga, City of Marshall Director of Community Services
Paul Anderson, Marshall Township Zoning Administrator
Jennifer Pickford, City of Marshall Deputy Clerk

Absent: Hoffman

3) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by Board action.

A. Approval of April 25, 2023 JPC Agenda

Moved Burke-Smith, supported Lyng to approve the agenda as presented. On a voice vote: **MOTION CARRIED**

4) APPROVAL OF MINUTES

A. Minutes of October 18, 2022 JPC Meeting

Moved Reed, supported Gresley to accept the minutes from Tuesday October 18, 2022 as submitted. On a voice vote: **MOTION CARRIED**

5) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

Glenn Kowolski of Marshall Twp stated that Lyng should be removed and replaced, as he believes his position is a conflict of interest. Mr. Kowalski stated that in a previous meeting on January 16th Mr. Lyng stated a site plan would be available and the public would have a voice on the site plan, but that staff indicated the contrary. He further stated that the change from Agricultural to Industrial zoning was poorly kept by Township. He questioned the Master Plan being developed by members of MAEDA who sit on board for Marshall Township and stated 425 Plans go against state statute.

Barry Wayne Adams of 622 W Green Street questioned government authorities to zone property. He further stated that it is unconstitutional to act as zoning authority over land as it is part of martial law and that by rezoning the property in question the board is committing treason.

Victoria McGuffin of Marshall Twp stated that she is a professor at MSU with 45 years in

environmental studies. She objected to the rezoning, stating the Kalamazoo watershed is the largest in the State of Michigan with 2.5 miles of direct coastline for the proposed industrial site.She spoke about the devastating pollution of the original ford plant due to water transportation, and stated that no manufacturing should be conducted near open water to reduce any environmental impact. She further stated that at an April board meeting Josh Hunt, executive VP, stated the development would be subject to permitting and site plan review and questioned that statement due to other super-sites developed in the state. She concluded with her concern over readily available waivers to fund development of sites.

Wayne Wright of Marshall Twp was concerned with Part D of the criteria, specific standards for rezoning, stating that the proposed change is not compatible with the current land use. He stated the community readily highlights the agricultural heritage, not large manufacturing, and voiced his concern over watershed pollution as a science professional. He further stated that he moved to Marshall for the agricultural small town community.

Matt Eggleton of 435 N Linden voiced his support for the small town agricultural feel of the area, stating that jobs are everywhere that pay more than what the proposed site would pay, and that the median income will decrease with the development of Megasite. He further stated that the environmental risks as stated by previous speakers are vast, that the plant will take away resources from other local businesses, and compared the proposed site to Flint and Hyland Park, showing a trend of poverty that follows previous Ford locations. He voiced his concern that transparency is not in place and stated that the public does not want this development.

Laura Bartlett of 435 N Linden voiced her concern about the site being only 1.5 miles from the fountain, the residential areas in close proximity to the site, the lack of restrictions on urban development that could follow, and that heavy industrial zoning had never been indicated previously. She further stated her concern about pollution of the local environment, indicating that a postponement of the development should be in place until further restrictions are in place for the safety of the environment and the community, stating that if development moves forward, it would be a gross breach of duties.

Regis Klingler of 334 N Grand Street addressed standards for I-3 zoning, stating his concern for pollution due to porous soil, the increase in traffic and its impact on the community, the severe need for housing that currently exists and that a population boom would be a hindrance to the community finding available homes. He further stated concerns that wind and air pollution would vastly impact the town, that the buffering setback would be delayed in effectiveness due to the timing of vegetation growth, and that it would be visible from Squaw Creek due to size. He further stated that state and county permits currently underway do not protect local forestry and the upkeep of setbacks would be impacted overtime due to lapse of care and change in management.

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes.

A. RZ #23-01 13700 West Michigan Avenue Rezoning

Chair Banfield opened the Public Hearing at 7:42 p.m.

Director Zuzga gave background on the rezoning, the staff analysis of the proposal, and provided the city staff's input.

James Durian, CEO MAEDA, and Richard Lindsay, MAEDA attorney, stated that MAEDA was formed in 2012 as a non-profit organization to serve the community and that the JPC is looking at the sole qualifications for the property to meet the zoning requirements. They stated that MAEDA supports the move to industrial I-3 zone, as it follows the Township Master plan and that the land has been zoned industrial for decades. They further stated that there are no other parcels in the area to accommodate the size needed for this project and that Calhoun County has had experts studying the site since 2019 with the reports and findings from those experts on the MAEDA website.

Director Zuzga placed a written comment from Mark Robinson in opposition to rezoning on the record.

Stephanie Fries, Ford Local Government Relations, stated that the zoning is supported by Ford, with a 3.5 billion dollar investment to build the project, which will be a solely Ford owned subsidiary, Blue Oval Battery Park Michigan, which will employ 2,500 people when the plant begins production in 2026.

Jerry Bosserd of Marshall Twp. wants a vote for the public to be heard, as he believes people are being forced into this, that the local government is treating people like they are not smart enough, and that he is not against the development but believes it should be up to the people to vote and decide.

Chris Buck, representative of MEDC, stated that MEDC supports rezoning of the site to I-3, as the zoning follows along with goals set forth in the City Masterplan and Township planning.

Virgie Ammerman, CEO of Albion Economic Development Corporation, stated her support for the project, stating the City of Albion is ready to support and partner in the development and growth of the community, that the State of Michigan has been a net zero state for years and AEDC sees this as an opportunity to increase the population. She further stated that this rezoning and subsequent development would be a pivotal part of rebuilding Albion back to its past population and generating a positive partnership between the two cities.

William Voles of 784 N Kalamazoo-Marshall Twp, questioned the make-up of the batteries, as he believed they were cobalt based. It was clarified they are lithium.

Connie Warman of Marshall Twp, voiced her concerns that no one in support of the project is local, that light and sound pollution will be much worse, and that it cannot be without damage to the environment when destruction to animal habitats is already happening. She further stated that Ceresco residents are not in favor, and voiced her concern over the voices of the public not being heard by the members voting, that there

is no transparency, which shows corruption, and water and air pollution. She asked for a referendum, as she likes Marshall as it is and the township promotes the community as agricultural. She advised there should be input from Livnonia on their Ford development before promoting this development here.

Holly Harnden of 401 E Mansion, stated that while the land had been zoned light industrial for 50 years, it had not been used as anything other than agricultural in that time and that the loss of farmland is a national problem, with 1/3 of the farmland in Marshall township being lost. She stated that Michigan farmland is a finite resource with its diversity of crops due to resources and climate and the land cannot go back once it has been used as a heavy industrial site. She stated that no farms means no food, and that this would make Marshall the largest industrial city in the state, with the loss of historic Marshall being imminent with this change.

Glenn Kowolski of Marshall Twp, stated that the appropriate zoning is agricultural, as there are no township documents to prove the change in zoning to industrial, the land use has been primarily farmland and light residential, and the location being the worst for industrial due to the Kalamazoo watershed, as damage to river will be forever. He further voiced his concern that the rezoning would favor one landowner, MAEDA, over others and that he had obtained documents through FOIA that show several mistakes by Marshall Township, and that the concerns over high millage rates and high taxes that cause people to leave the area should be addressed first.

Barry Wayne Adams of 622 W Green St stated that this is a misuse of constitutional authority by the board, and that the 425 Acts are part of the corruption. He addressed Richard Lindsey that multiple lawsuits will come from this rezoning and development, stating that class actions and federal court are to follow due to the misuse of constitutional authority. He stated that the job of the government is to listen to the instructions of the public.

Wayne Wright of Marshall Twp stated that while the Master plan includes this zoning, others have been asking and the township has been unable to provide information. He stated that a 1987 Ordinance from Marshall Township struck down the previous ordinance and spoke on light industrial use. He further stated that changes being made are conducive to people profiting from the decision and he wants it on record that he is opposed to the rezoning and development.

Victoria McGuffin of Marshall Twp, voiced her concern over environmental contamination, stating that she is not opposed to a Megasite or battery plant development, but is opposed to the current site due to the environmental impact and suggested a site with more clay-like soil, like those being grated by I94 and I69.

Sandra Sinkie of Marshall Twp asked the board to take into account the potential contamination and compared the potential to the previous Enbridge pipe break in the river. She stated that clean water is more important and is a more precious resource and voiced opposition to the 15 year tax abatement, as well as her fear that Ford will leave to avoid taxes in the future. She stated that technological advancement would be a necessity for the plant in the future.

Julie Bryant of Squaw Creek stated that she is opposed to the rezoning and is angry

about the NDAs and recommendations from people who are not local. She stated that signing an NDA is not American, that it is unconstitutional to have FOIA requests denied, and that she feels no one is listening to the public. She voiced her concern over having a Chinese-affiliated company in close proximity to the Air Base in Battle Creek and made statements about America's current crisis of industrial growth over agriculture.

Rick Sadler of Squaw Creek stated that he is angry and frustrated by the lies of the government and requested for laws to be put in place to stop corruption or profitability of board members. He requested a review be conducted of the various boards who have had dealings with the Megasite development. He also stated that he had contacted Ford previously and was not given a name for Megasite until tonight. He expressed his frustration over the lack of transparency in the process.

Gretchen Esser of 219 N Eagle St stated her opposition to the Blue Oval Project, voicing her disappointment with the lack of voices heard, that she wants a vote from taxpayers on Megasite development and fears the factory will leave before the tax break is up to avoid taxes. She voiced concerns about environmental pollution and questioned if plans are in place for if and when the factory leaves, as well as the long-term plan. She expressed concern over foreign ties and their proximity to the federal center and air base in Battle Creek, as well as the lack of transparency and communication from local units.

Lee Rathbun of 12 Mile Rd in Ceresco expressed her concern over the environmental impact and voiced her opposition to the rezoning, as well as questioned the township's intentions due to lack of paperwork and records of past rezoning to industrial at township level. She voiced her concern over the ethics of rezoning, her disapproval of NDA signing, and her concern over accountability for the decisions being made.

Jerry Bossard of Marshall TWP, Member of MAEDA, voiced his frustration over what had been done and stated that everyone associated with it should be fired. He further stated that business people don’t want it, and that they’re being forced into it or face retaliation. He questioned who the people are that are making these decisions about the development.

Mike Holcomb of 406 High St voiced his concern over the impact on the people, questioning the impact on property values due to the Blue Oval development. He further stated that traffic will be increased, which is already an issue, and that historical homes will be cut up into apartments. He stated that the proposed pay of $19 an hour is an insult to the community and requested a long-term impact review before any further action is taken.

Emily Emerson Rich of 616 Union St. spoke on behalf of her wife as well who couldn't be there. She stated that no one had addressed what Jim had said earlier in the year, that the water source would be from Battle Creek, where, as now, it’s being said that Marshall will supply water with Battle Creek as a back up. She stated that with city water, she needs a water softener, and it still tastes horrible and is concerned about the water supply impact when supplying a facility like Blue Oval. She stated her concern over the impact on resources moving forward, how the taxes are being offset, as she doesn’t want taxes to be raised again, and requested it be put to a vote.

Chair Banfield closed the public hearing at 8:56 p.m.

Johnson questioned the term "bulk" used in the verbiage of the packet when referring to the parcel. Anderson stated that the previous zoning maps show industrial in that area from 2018 and that he is not sure if that is, in fact, the bulk of the Megasite, but believes that the 2018 map is the definition behind the term "bulk." Johnson stated that on page 6 of the packet it states the majority of standards are met at this site and asked staff to define majority and what does not meet. Director Zuzga stated that the fourth standard when discussing physical characteristics of the site, such as soil, was beyond his expertise and that he was relying on studies that had been performed by experts at the site. Johnson asked for clarification that the site would be brought into the City of Marshall by 425 agreement and that the City of Marshall would then subcontract to the City of Battle Creek for utilities. Director Zuzga stated that there would be a connection at the township line and that the City of Marshall would purchase that water, if necessary, from Battle Creek as a back up. Johnson asked for clarification of the Subsidiary, stating that she believes Ford's representative answered that question as being Blue Oval. Director Zuzga confirmed that was accurate. Johnson questioned the purpose of NDAs for MAEDA and asked Mr. Lindsey to comment. Mr. Lindsey questioned if it was pertinent to the rezoning and declined to comment.

Lyng questioned the traffic impact. Director Zuzga stated that an MDOT traffic study was done with different scenarios of employment on site, that an environmental review process was not complete at that time and that final designs of improvements will not be known until the review process is completed. Lyng stated that MDOT stated it could take 12-18 months for the review process. Director Zuzga advised he cannot comment on the exact timeframe but that the review process is extensive and a 2+ year road construction schedule is expected, which would be inline with the development timeline. Lyng stated that he hopes MDOT will get the review completed in a timely manner.

Johnson stated that everyone is passionate and loves the community. She clarified that she was not aware of any proposed development prior to the master plan, and that she does not believe NDA signing should be allowed. She stated that the process is a learning experience and believes this process could be done better. She thanked staff and citizens for professional conduct and time spent on the project.

Chair Banfield opened the discussion on the findings.

A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a social land use in the existing zoning district.

Staff findings: ***This site has been zoned industrial in the township for many years, in anticipation of industrial development. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map, again demonstrating the intent to provide for industrial development.***

The new zoning district was developed in accordance with Township Master Plan and future land use map, ensuring land uses that both the City and Township found potentially unsuitable (i.e., marihuana, adult sexually oriented businesses), would not be allowed.

Burke-Smith stated she is not in agreement with staff findings and that the City Planning Commission was not made aware of the intentions for the property when deciding the Master Plan. Burke-Smith further spoke on Johnson's previous comment on the lack of transparency. Chair Banfield stated that it would not have been in the City Master Plan, as it was not yet brought in under a 425 agreement, so during the Master plan review for the City, the property was still part of the Township. Director Zuzga clarified that the goals for the City Master Plan try to plan for areas outside the City for when development opportunities are brought forward, as the City Master plan clearly states that a partnership with the township will be created when development opportunities are available. Anderson stated that during the recent Master Plan review for the Township, there was discussion about development in the area, but no particular development had shown real interest until the tail end of the process for updating the Master Plan. He further stated that there had been possibilities for other development in the area previously, but that the Master Plan does not take into account any specific company when being developed. Johnson asked for clarification that the I-3 zoning is new to the City as of January. Director Zuzga confirmed that was correct.

B.The Property cannot be reasonably used as zoned.

Staff Findings: The property was zoned industrial in the township, but without public utilities, could not be reasonably used for industrial purposes. A PA 425 is required to transfer the property to the City, which will extend public services and allow the property to be used as it has been zoned for several decades.

With a rezoning, the City Zoning Ordinance allows property to transfer to the city with the underlying township zoning district intact, which in this case is industrial. The ordinance also provides an opportunity for the City Council to adopt a new map which requires a public hearing before the Joint Planning Commission and City Council.

In order to limit the nature of future end uses to those acceptable to the Township, a new district was created to target uses included in the I-3 Zoning District.

No further discussion by Board

C. The proposed zone change is supported by the consistent with the goals, policies, and the 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.

Staff Findings:*As identified earlier, the City Master Plan encourages collaboration with the Township (Goal #6) in encouraging development through the use of PA 425 agreements and in collaboration through the Joint Planning Commission. In addition, another goal (Goal #5) seeks to ensure the long term strength of the city's employment base.*

The proposed zoning is consistent with the goals, policies, and future land use map adopted in the Township Master Plan. As identified earlier in this report, the

following goals support the proposed rezoning:

1. ***Economic Development- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall***
2. ***Public Utilities- Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.***
3. ***Land Use-Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.***

These goals listed in both the Township's and City's master plan clearly support the rezoning and are reinforced by decades old past and present Future Land Use maps that have identified this area for industrial uses.

While this site is not specifically listed on the City of Marshall Future Land Use map, it is a result of changing conditions that allowed for the attraction of a top tier automaker to the area. The need for public utilities had prompted the transfer from Township to City, which is why the future land use for this site is not indicated on the City's Future Land Use Map.

Johnson asked staff for clarification on any changes to the future land use map for the City and what conditions would have to be brought forward to initiate those changes. Director Zuzga clarified that an inquiry for rezoning put in for the property would prompt the review.

D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land sustainability, impacts on the environment, density, nature of use, traffic impacts, aesthetic, infrastructure, and potential influence on property values, and is consistent with the needs of the community.

Staff Findings: The proposed zoning is consistent with the current Township Zoning Ordinance and the Future Land Use map. The bulk of the property is used as agriculture including large scale commercial farms with scattered residential uses. Due to the size of the development and land acquisition efforts by MAEDA, it is expected that there will be a significant distance between any proposed buildings and any remaining homes. Additionally, due to landscaping, buffering, and stormwater management requirements, the industrial development will have a significant setback from any road rights-of-ways with green space to accommodate these elements. While the development of farmland and other natural spaces will be viewed as a negative to many in the area, the proposed zoning district requires any development to add buffering to address the loss of agrarian character and provide a visual buffer that respects the natural environment where viewed from public rights of way and residential properties. The project will also maintain the land between the railroad and Kalamazoo River leaving a highly attractive natural area that will provide additional buffering for those that use the river and properties to the south of the

river.

While some concern has been expressed around impacts on the environment, State, local, and regional organizations are required to monitor these impacts and address any potential issues. State and local permitting efforts are already underway, and the proposed development will meet these standards which have been developed to protect the surrounding environment. Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a state trunkline. Two expressway interchanges are in close proximity and provide a high level of capacity and access for freight and heavy trucks. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address any needed improvements identified through the studies have been committed by the State of Michigan and will be developed as necessary.

The site has been identified for development due to its location along Michigan Avenue and the distance from the City of Marshall's infrastructure. The city is working with the State of Michigan and other regional partners to develop a comprehensive infrastructure approach to serve the site which will benefit the entire region. This plan will increase the benefits to public safety and the reliability of public utilities in the region.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify economic development and the attraction of jobs to the community as a priority.

Anderson clarified that there is a 75' right of way along Michigan Ave to expand the road, if needed, to accommodate any traffic influx and that the buffer had been in place for years.
Burke-Smith stated that she does not see the compatibility of the proposed zone change, as it does not align with the established use pattern of the site, and that she does not believe this is an appropriate project for the City. Johnson stated that she stands by previous comments, restating that more reporting is necessary to make an informed decision.

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

Staff Findings: Since 2019, the Calhoun County Community Development Department has completed master planning on the proposed site in order to be ready for development. During that time, consultants that are experts in their fields were contracted to provide reports on the potential land use/ site development issues identified in this specific rezoning criteria. The following reports were completed and have indicated that the site can support the proposed development:

- ***Archeological Survey***

- ***Geodynamic Testing & Evaluation Report***
- ***Kalamazoo River Sample Results***
- ***Phase I Environmental Site Assessment Report***
- ***Protected Species Habitat Assessment***
- ***Supplemental Preliminary Geotechnical Evaluation Report***
- ***Temporary Construction Stormwater Management Narrative***
- ***Traffic Impact Study & Preliminary Project Scoping Report***
- ***Vibration Monitoring & Analysis Report***
- ***Wetland Delineation Report***

In addition, permits have been issued by the County Drain Commission and County Road Department in relation to temporary stormwater management and soil erosion. Additional permitting with state and local agencies will be underway as a site plan is fully developed and submitted to the City, which will address permanent stormwater management amongst other issues.

Lyng asked when a site plan was expected. Director Zuzga advised it had been received at 5:02pm and would be posted on the City website on Monday. Johnson asked what final report was mentioned and who created it. Director Zuzga clarified that the Calhoun County Community Development Department released a draft report of their studies on the site and it can be found on their website.

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.

Staff Findings: While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a state trunkline and in the vicinity of two expressway interchanges already provides a high level of capacity and access. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address these needed improvements have been committed by the State of Michigan and will be developed as necessary.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city will negotiate a public services agreement with the development to cover the increased cost of serving the site. Other public facilities (e.g., Marshall District Library and Marshall Public Schools) will receive additional resources from the State of Michigan due to the proposed Renaissance Zone tax exemption.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, sanitary sewer, and potable water. The proposed development will be a utility customer of the City of Marshall. The City is partnering with other local units of government to supplement the City's water supply with a wholesale water purchase agreement with the City of Battle Creek. This will allow increased water reliability and provide additional capacity to the site. The City also expects increased public safety benefits will also be realized through this interconnect.

There will be a change to the natural characteristics of the site as a large manufacturing building will be built on the site of former farmland. However, required greenbelt buffering will attempt to improve the viewshed of surrounding properties and the proposed conservation easement on the property south of the railroad tracks will protect major natural characteristics.

Studies completed by third parties indicate that this development expects to attract employees from surrounding counties. The city expects to see additional development from people interested in moving to the community and is already working to add various housing options. However, we do not expect to capture every employee and their respective families. Employees will commute from surrounding cities (Battle Creek, Kalamazoo, Jackson, Coldwater, etc.) and rural areas in the surrounding counties.

The proposed development is required to meet health and safety standards of several state and federal agencies. This site will be monitored by these agencies to protect the health of the surrounding community and natural resources.

As described through each of the subject areas above, the City does not believe that the proposed development will threaten the health, safety, and welfare of the community.

Burke-Smith expressed her disagreement with the staff analysis, as she believes that it would directly impact all areas in question in the report.

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.

Staff Findings: The rezoning is not contrary to the Township Master Plan and was in fact planned over several decades as shown in their current and past Master Plans. As stated earlier, there have been changes in the conditions in the area around the need for public services, which required the transfer to the City, which was anticipated in the City Master Plan.
No board discussion

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.

Staff Findings: As stated, the proposed zoning change is consistent with the surrounding uses as identified in the Township Zoning Ordinance and Master Plan. The redeveloped site would be required to meet all zoning requirements for this parcel in this zoning district. Site development standards take into consideration issues such as setbacks, buffering, landscaping, stormwater management, and lighting. Developments complete an independent review by a multi-disciplinary development review team to ensure all regulations will be met prior to their approval, and inspections will be completed during construction to ensure compliance with state and local codes and ordinances.

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

Staff Findings:The Township had consistently zoned the property as an industrial use since the 1960's. As stated in both Master Plans, properties that required connection to public water and sewer would be transferred to the City of Marshall through a PA 425 agreement, which has now been completed. The proposed development requires connection to public utilities so there has been a change in conditions that support the proposed rezoning.

No board discussion

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

Staff Findings: While there are industrially zoned parcels within the City, there are none of sufficient size to serve the proposed development. The land transferred into the city under the recent 425 agreements are the only properties that meet the size threshold within the city for this type of development.

Johnson stated that Mr Wright provided information during the public hearing about the use and intention of the site at the time of rezoning by Township. Anderson stated that in his research of previous maps as far back as 1966 show the Ceres parcels as industrial, and that upon a FOIA request to the Township clerks office, the maps were shown to provide consistency.
Lyng stated that the parcel may have been looked at as industrial, but it had been used as agricultural since the 1970s. Johnson stated that some of the proposed property may have been zoned as both industrial and agricultural over time.

Reed thanked the public for their comments and time.

Moved Lyng, supported Johnson to approve I-3 zoning recommendation to the City Council . On a roll call vote:

Ayes:Lyng, Banfield
Nays: Burke-Smith, Gresley, Reed, Johnson
Abstain: None
Motion failed.

7) OLD BUSINESS

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

9) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

Glenn Kowalski of Marshall Twp. stated that he had received copies of NDA's signed by the City Manager and Mayor and stated that he believes that no information can be

shared by those who have signed but info can be given to them. He further voiced his concern of 425 plans put in place by the heads who facilitated them and had signed an NDA. He further believes that the 2019 Master Plan was heavily influenced by the County, MEDC, and MAEDA.

Connie Warman of Marshall Twp. questioned if it is in any plans to remove the fountain due to possible traffic impediment so close to Megasite development.

Jerry Bossard of Marshall Twp. stated he has court tomorrow for a previous Marshall Township meeting and that he wants the public's voice heard. He is discouraged by laws protecting the development, but feels encouraged by discussion and board members' decisions. He questioned the transparency of the process and voiced his frustration at not knowing people he sees at the local level.

Victoria Mcguffin of Marshall Twp. thanked the board for their time and reiterated her opposition to the planned site and not the opposition to development of the Ford Blue Oval plant.

Emily Emmerson Rich of 616 Union St. voiced her concern over City Council meetings and Marshall Township meetings being held in conflict with one another and would like more communication for planning so people can attend both.

Barry Wayne Adams of 622 W Green St. voiced his appreciation of the board hearing concerns, reiterated his concerns about pollution from Lithium, the sustainability of longterm EV battery usage, and where that would leave the necessity for the development of the site.

Lee Rathbun of 12 Mile Rd thanked the board for taking into account the concerns of the community and questioned if maps were made with the watershed being taken into account.

Holly Harden of 401 E Mansion thanked the board again for listening to the concerns of the community.

10) BOARD REPORTS

11) ADJOURNMENT

The meeting was adjourned at 10:06PM.

Respectfully submitted by,

Jennifer Pickford

ITEM 6.A

TO:	Joint Planning Commission
FROM:	Eric Zuzga, Director of Community Services
DATE:	September 12, 2023
SUBJECT:	**RZ #23-04 WEST HUGHES PA 425 PROPERTIES REZONING**

Summary

Subsequent to approval of a 425 Conditional Land Transfer by the Marshall Township Board and Marshall City Council, GCC 550 Hughes, LLC, owner of three parcels on West Hughes Street (Parcels 16-260-006-00,16-350-006-00, 16-260-003-00), submitted a Rezoning Application for said parcels to Multiple Family Residential (MFRD) Zoning District, pursuant to M.C.L. 125.3401.

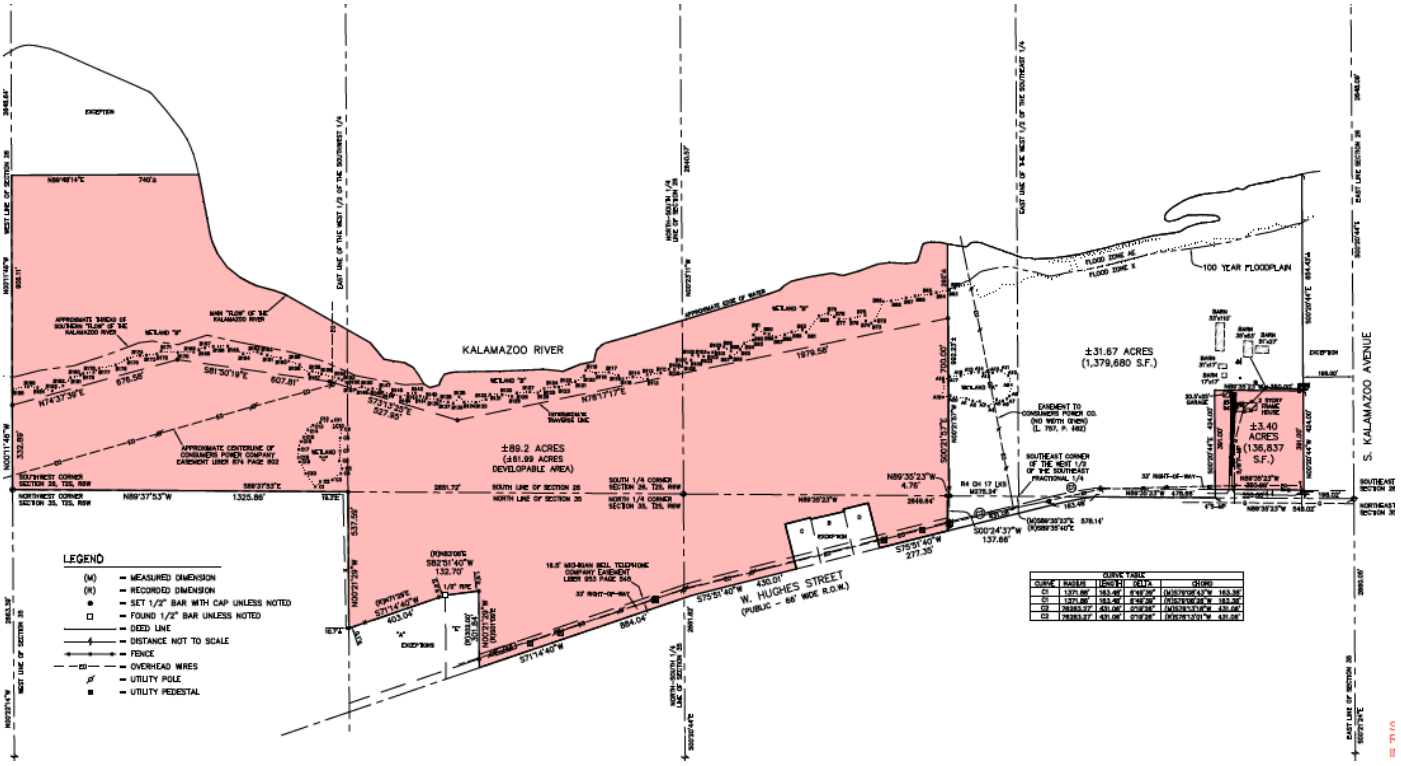
Please note, the only issue that the Joint Planning Commission is considering at this time is the rezoning request. If the rezoning request is approved, the applicant would then file a site plan application and building/trades permits to construct a new facility, parking lots, driveways, and associated on-site utility improvements; site development review and determinations would be addressed through their own processes at a later date. The Site Plan would be reviewed and approved by the Joint Planning Commission at a future meeting.

Background

These parcels were recently transferred to the City of Marshall ("City") under PA 425 Conditional Land Transfer from Marshall Township ("Township"). The owners have requested rezoning of the parcel to MultiFamily Residential as that district provides the ability to provide the various types of housing that they intend to build on the site. Rezoning of these parcels would add to the parcel rezoned MFRD by the Joint Planning Commission in 2022, approx. 32 acres (former Kelly Farm), and allow for a unified development on the parcels. The City Planning Commission will consider the rezoning of the far west parcel on the application (in blue on the vicinity map) as it is already a city parcel and was not transferred via a 425 agreement.

Property/Neighborhood Description

The subject site is located on the north side of West Hughes Street/ A Drive North, just west of South Kalamazoo Avenue. The parcels subject to this rezoning application are identified on the map below:



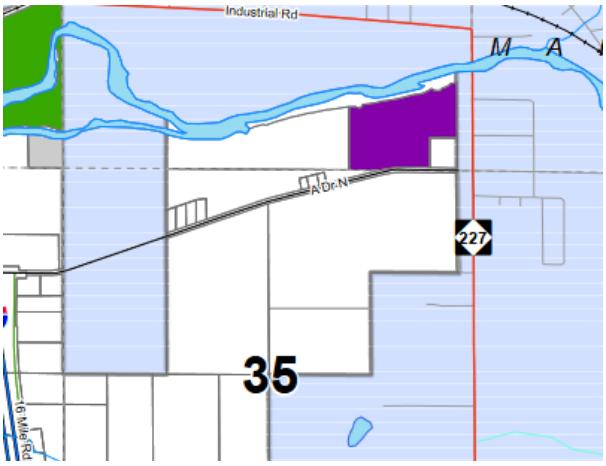
The parcels proposed for rezoning are comprised of slightly rolling farmland, with two ponds on site, and contain one (1) house. The site abuts another parcel of land, owned by the petitioner, which will be included in a future site plan. The Kalamazoo River comprises the north boundary of the parcels. The south side of the parcels are bordered by Hughes Street and several single family homes.

Development in the surrounding area could be characterized as semi-rural, with a majority of the parcels housing single family residences or a large parcel owned by Consumers Energy.

Neighborhood Zoning

The 2018 Township Zoning Map (below), shows that the site considered for rezoning has been zoned agricultural (AR). Parcels to the immediate east, west, and north of the parcel are located in the City of Marshall, with the parcel to the east transferred via 425 and rezoned to Multiple Family Residential. The parcel to the west in the City is zoned Residential Estate District (R-1). The parcels to the south are zoned Agricultural and are single family homes and the Consumers Energy Training Center.

February 22, 2018, Township Zoning Map- section covering parcel proposed for rezoning.



Zoning

OC - Open Space Waterbody	MF - Multiple Family Residence
AB - Agricultural Business	CS Community Service Commercial
AR - Agricultural	HS - Highway Service Commercial
RA - Low Density Residential	LI - Light Industrial
RB - Medium Density Residential	IP - Industrial Park
MHP - Manufactured Home Park	P.A. 425 Agreement
	Additional Setback Corridor

Marshall Township's most recently adopted zoning map reflects these parcels as Agricultural.

Marshall Township Master Plan
As required by the Michigan Planning Enabling Act, Marshall Township has adopted and maintained a Master Plan to governs land use decisions in the Township. The current Master Plan was adopted on November 21, 2022. The Master Plan contains goals around land use, economic development, public utilities/facilities, housing, and natural resources. The proposed rezoning addresses the following goals in the current Master Plan:

Chapter 3 Goal (Housing & Neighborhoods)- The majority of land in Marshall Township shall develop at low rural residential densities, while areas of increased single-family development will be supported in established areas. High-density attached housing, apartments, and senior living will be focused on areas that can be served by infrastructure and services. One of the items cited in this goal is variety and contains the following: "...reasonable and incremental housing density expansion must be considered to support the significant economic development efforts addressed in Chapter Four. Additionally, a variety of housing types in 425 Agreement areas is recommended to accommodate the anticipated regional workforce expansion."

Objectives under this goal that support the rezoning are as follows:
1. Maintain rural densities in the Township and promote higher densities in 425 Agreement areas and areas closer to City services.
2. Plan for a variety of housing types accommodating a range of preferences and incomes, primarily in areas within the Urban Growth Boundary

Chapter 5 (Public Services, etc.) Goal- The Township shall strive to maintain excellent public facilities, services, and infrastructure to serve the needs of its residents and business. As part of this goal, the township has adopted the following principles: Plan for new connecting roadways through planned industrial areas; and cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.

The Section on 425 Agreements states the following: '..Properties within Marshall Township are primarily served by on-site wells and septic systems. However, as discussed in Chapter One, 425 Agreements allow for the expansion of the City of Marshall water and sewer services into Marshall Township, and the City takes control of regulation and public services. This plan prioritizes 425 Agreements for areas within reach of City water and sewer services to accommodate denser residential development and more intensive commercial and industrial development."

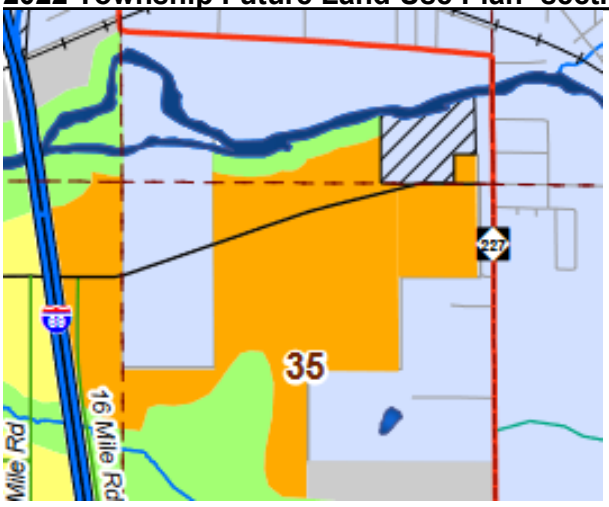
Objectives under this goal that support the rezoning are as follows:
3. Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.
4. Major new developments, along with areas with failing septic systems or that are close to watercourses or groundwater recharge areas, will be prioritized for collaboration with the City of Marshall for services.

Chapter 6 Goal (Land Use)- Future land use within the Township shall be developed in a manner that is sensitive to agricultural areas, existing neighborhoods, and natural resources, and the Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.

Within this section, the township references an Urban Growth Boundary where more intensive, dense growth will be targeted. This is described in the following section (page 27) from the chapter: “Inside the boundary, commercial and industrial developments and higher residential densities are considered to be more appropriate and feasible in these areas from an environmental, development, and utility feasibility perspective.”

A major part of the Master Plan is the adoption of a Future Land Use map. The section of the current Future Land Use Plan that covers the proposed rezoning is as follows:

2022 Township Future Land Use Plan- section covering parcel proposed for rezoning.



The Future Land Use map shows that the entire area covered by the rezoning is included in the Medium Density Residential for a majority of the parcel, with Open Space/Recreation along the river.

City of Marshall Master Plan
As required by the Michigan Planning Enabling Act, the City of Marshall has adopted and maintained a Master Plan to govern land use decisions in the city. The current Master Plan was adopted on June 10, 2015, and reviewed in 2020 with confirmation by the Planning Commission that it was still relevant. As in the Township's Master Plan, there are goals that support the type of development that is being proposed. The following goals support the type of development that is proposed at this site:

- *Goal 3: Ensure the long term stability of Marshall's neighborhoods- Objective: Provide for a variety of housing choices to meet the needs of existing and future residents of all ages, needs and abilities.*
- *Goal 6: Strengthen cooperation and coordination with neighboring townships and community partners to ensure the long term success of the City, its neighbors, and institutions.- Objective: Encourage dialogue and collaboration with neighboring townships regarding land use and development issues. Consider the appropriateness of additional 425 Agreements.*

These goals encourage collaboration with Marshall Township to encourage economic development in areas targeted for development through the use of PA 425 agreements. Specific language encourages the use of the Joint Planning Commission to make land use decisions.

With both entities adopting language surrounding collaboration in land use decisions and economic development activities, it is evident that both communities have jointly strategized and planned for this type of development.

<u>Applicable Ordinance Provisions</u>

City of Marshall Zoning Ordinance
Pursuant to Section 3.6 of the City Zoning Ordinance, properties transferred from another

governmental unit are assigned a zoning classification to whatever district most closely conforms with the previous zoning designation; this ordinance also allows for City Council to adopt a new zoning map by holding a public hearing and upon receiving a recommendation from the Planning Commission.

The Michigan Planning and Zoning Enabling Acts, case law, and local ordinance outline the criteria by which a rezoning request is reviewed, and a determination made. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to the extension of City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

The site under consideration for rezoning meets these standards as it is greater than 200 acres, it is served by a state trunkline with direct access to two expressways, and will be served by public water and sewer.

Rezoning Process, Standards
The following criteria are to be used as a guide in determining whether the rezoning should be approved:

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.

Public Hearing and Notice Requirements
As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Marshall Advisor and Chronicle on Saturday, August 26, 2023. Notices of the public hearing were also sent by regular mail to the owners/ occupants of properties located within 300' of the subject parcel. To date, the city has not received any comments from individuals in this area, but have received several questions from one resident. The majority of the comments were issues that would be addressed in the site plan. Any written comments received before the close of business on September 12, 2023, will be presented at the meeting that night.

Recommendation
Staff recommends in support of the requested rezoning/zoning designation of Multiple Family Residential District (MFRD) and makes the findings listed below, as a result of the review and analysis of the rezoning application; analysis of the neighboring land uses and existing conditions; and also finds the project consistent with the objectives of City and Township Master Plans and intent of the City and Township Zoning Ordinances.

Findings
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.

This area has been targeted for increased density in the Township Master Plan. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map and in an area targeted for PA 425 agreements. In fact, the Joint Planning Commission approved the rezoning of an adjacent parcel that is owned by the same group. Approving this rezoning is consistent with the decision that was made by the JPC in that decision.

B. The property cannot be reasonably used as zoned.

The property was zoned under the township zoning ordinance, so there is no existing city zoning. With a rezoning, the City Zoning Ordinance allows property to transfer to the city with the underlying township zoning district intact, which in this case is agricultural. The ordinance also provides an opportunity for the City Council to adopt a new map which requires a public hearing before the Joint Planning Commission and City Council.

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.

As identified earlier, the City Master Plan encourages collaboration with the Township (Goal #6) in encouraging development through the use of PA 425 agreements and in collaboration through the Joint Planning Commission. In addition, another goal (Goal #3) seeks to provide for a variety of housing choices to meet the needs of existing and future residents of all ages, needs and abilities.

The proposed zoning is consistent with the goals, policies, and future land use map adopted in the Township Master Plan. As identified earlier in this report, the following goals support the proposed rezoning:

1. *Housing and Neighborhoods- reasonable and incremental housing density expansion must be considered to support the significant economic development efforts addressed in Chapter Four. Additionally, a variety of housing types in 425 Agreement areas is recommended to accommodate the anticipated regional workforce expansion.*
2. *Public Utilities- Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.*
3. *Land Use-Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.*

These goals listed in both the Township's and City's Master Plan clearly support the rezoning.

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 proposed zoning is consistent with the current Township Zoning Ordinance and the Future Land Use map. The property is used as agriculture and one residential property. The project will also maintain the land near the Kalamazoo River as is, leaving a highly attractive natural area.

Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a County major road and a state trunkline. A Traffic Study has been commissioned and the city is working to finalize the study with its consultant so that necessary improvements can be identified. This study is a joint effort with MDOT and the County so that impact can be modeled for all area roads.

The site is near city infrastructure and within the Township's Urban Growth Boundary.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify housing as a priority to address, especially different housing types.

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 site is able to be developed for all potential uses in the zoning district. The developer would need to work with state, county, and city agencies to address any impacts to the environment. Permits in relation to temporary stormwater management and soil erosion would need to be approved by the City and County.

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.

While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a County Major road and near a state trunkline provides an increased level of capacity and access. A traffic study has been commissioned to address the potential growth on this site and in nearby areas in the city. Results of this study are expected in the near future.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city is working with MDOT, County Road Department, and developers on potential road improvements on Hughes and Kalamazoo.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, sanitary sewer, electric, and potable water.

There will be a change to the natural characteristics of the site as a major housing project will be built on the site of former farmland. The developers have committed to maintaining the riverfront and having minimal impact on the river.

As described in each of the subject areas above, the City does not believe that the proposed development will threaten the health, safety, and welfare of the community.

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 rezoning would add to the Kelly Farm rezoning already completed by the Joint Planning Commission. Changes in local conditions support the rezoning of the parcel to MFRD.

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 redeveloped site would be required to meet all zoning requirements for this parcel in this zoning district. Site development standards take into consideration issues such as setbacks, buffering, landscaping, stormwater management, and lighting. Developments complete an independent review by a multi-disciplinary development review team to ensure all regulations will be met prior to their approval, and inspections will be completed during construction to ensure compliance with state and local codes and ordinances.

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

There is no mistake in the original zoning classification, but a new zoning designation is necessary due to the recently approved 425 agreement. The addition of 2500 jobs through the development of the Ford site has changed conditions since the Master Plan was approved. Additional housing units are necessary to serve the expected increase in residents and the existing parcels with MFRD zoning are not sufficient in number to serve this increase.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate

the proposed uses permitted in the requested zoning district.

Existing sites zoned MFRD are not sufficient to meet the expected demand.

Attachments
The following information is attached and made part of this Staff report:

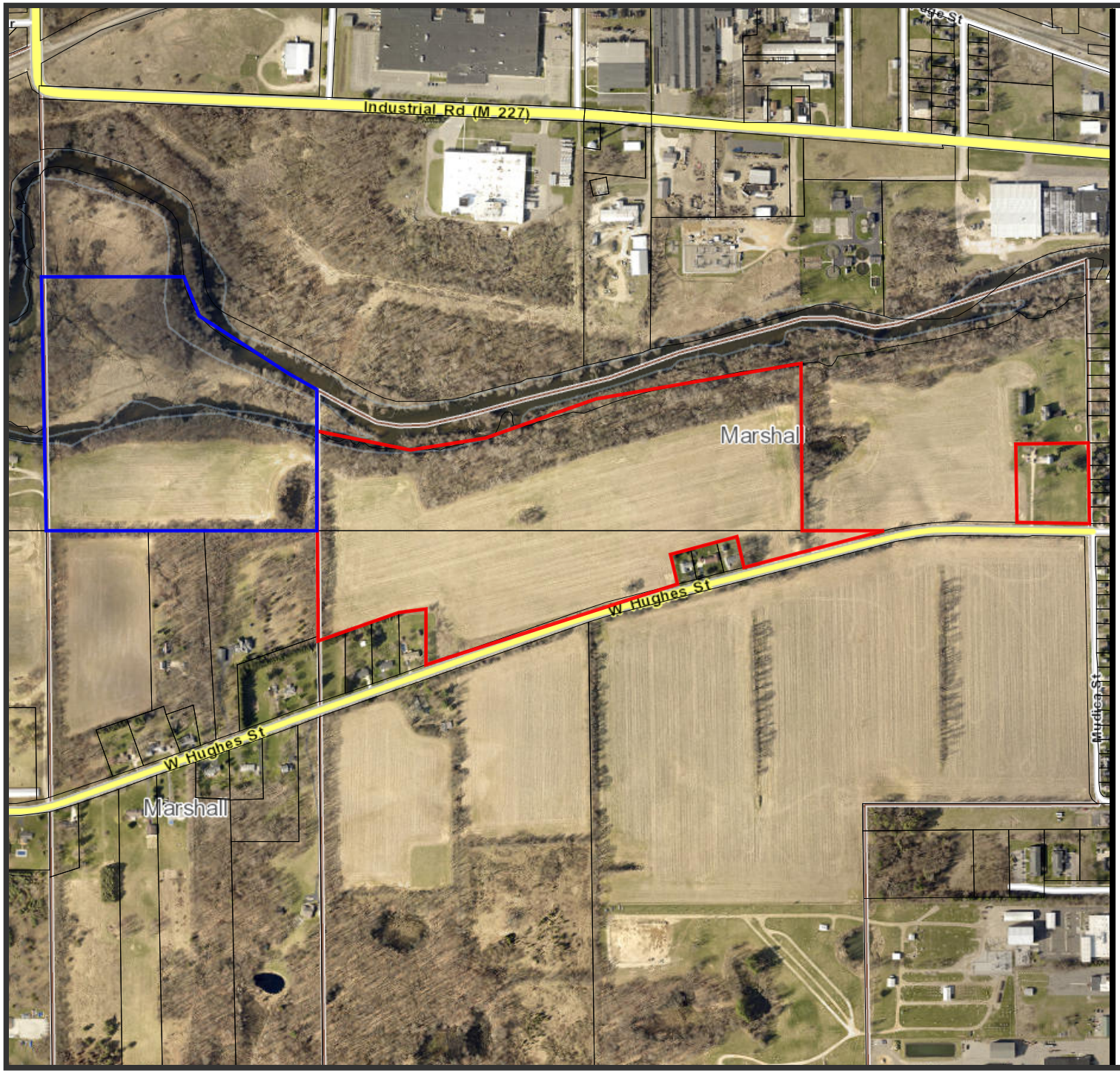
- Rezoning Application Form and Material (Application #RZ23-04)
- Vicinity Map

BUDGET IMPACT:
N/A

RECOMMENDATION:
Therefore, based on the above findings and pursuant to Section 7.1-Amendments and MCL 125.3101 et seq., staff recommends that the Joint Planning Commission recommend to the City Council adoption of the Rezoning Application #RZ23-04 from Township Zoning to City Zoning District- Multiple Family Residential District (MFRD). If the Joint Planning Commission agrees with the findings presented by staff, the following motion could be used."

The Joint Planning Commission recommends approval of the proposed rezoning request of the following parcels: 16-260-006-00,16-350-006-00, 16-260-003-00 to Multiple Family Residential District (MFRD) based on the findings included in the staff report on this matter.

If the Joint Planning Commission finds that the criteria above are not met, and chooses to deny the rezoning, statements related to the above criteria justifying how this request does not meet the rezoning standards must be made.



CITY OF Marshall MICHIGAN

GCC 550 Hughes LLC Rezoning

Map Publication:
09/06/2023 2:45 PM

0.2km
1000ft

Property Rezoning Request

Applicant: GCC 550 Hughes, LLC (Grand City Capital and Indigo Design + Development)

Contact: Ryan Schmidt, Partner
rschmidt@liveindigo.com 616-574-6474

GCC 550 Hughes, LLC has the following properties under contract to purchase and is requesting a rezoning to multi-family residential (MFRD):

Street Address	*Parcel #*	*Current Zoning*
913 Industrial Road, Marshall, MI 49068	**53-002-562-00**	**City of Marshall**
(OWNER/SELLER: MARK, MATTHEW & TINA OLINYK, WENDY BERRY)		**R-1 Residential Estate**
**** No Assigned Street Address****	**16-260-006-00**	**Marshall Township**
(OWNER/SELLER: MARK, MATTHEW & TINA OLINYK, WENDY BERRY)		**AR - Agricultural**
**** No Assigned Street Address****	**16-350-006-00**	**Marshall Township**
(OWNER/SELLER: MARK, MATTHEW & TINA OLINYK, WENDY BERRY)		**AR – Agricultural**

A parcel of land in the South 1/2 of Section 26 and the North 1/2 of Section 35, T2S, R6W, Marshall Township, Calhoun County, Michigan, the surveyed boundary of said parcel described as: Beginning at the Southwest corner of said Section 26; thence N00°11'46"W along the West line of said Section 26 a distance of 332.89 feet to a point on an intermediate traverse line; thence along said intermediate traverse line the following four courses: N74°37'39"E 676.58 feet, S81°50'19"E 607.81 feet, S73°13'25"E 527.95 feet and N78°17'17"E 1979.58 feet; thence S00°21'57"E 700.00 feet; thence N89°35'23"W 4.76 feet; thence S00°24'37"W 137.66 feet to the centerline of Hughes Street; thence S75°51'40"W along said centerline 277.35 feet; thence N14°21'15"W 182.59 feet; thence S75°52'48"W 99.85 feet; thence S10°36'16"E 9.51 feet; thence S77°15'59"W 134.70 feet; thence N12°47'18"W 6.32 feet; thence S75°46'56"W 102.89 feet; thence S14°12'41"E 182.61 feet to said centerline; thence S75°51'40"W along said centerline 430.01 feet; thence S71°14'40"W continuing along said centerline 884.04 feet; thence N00°21'29"W 301.84 feet; thence S82°51'40"W 132.70 feet; thence S71°14'40"W 403.04 feet to the East line of the West 1/2 of the Northwest 1/4 of said Section 35; thence N00°21'29"W along said East line 537.59 feet to the South line of said Section 26; thence N89°37'53"W along said South line 1325.86 feet to the point of beginning; said parcel containing 89.2 acres, more or less, including lands lying between the intermediate traverse line and the water's edge of the Kalamazoo River; said parcel subject to right of way for road purposes along Hughes Street; said parcel subject to all other easements and restrictions, if any.

440 W. Hughes St, Marshall, MI 49068 **16-260-003-01** **Marshall Township**

(OWNER/SELLER: STEPHAN & DONNA SANCHEZ TRUST) **AR - Agricultural**

A parcel of land in the Southeast 1/4 of Section 26, T2S, R6W, Marshall Township, Calhoun County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southeast corner of said Section 26; thence N89°35'23"W along the South line of said Section 26 a distance of 198.02 feet; thence N00°20'44"W parallel with the East line of said Section 26 a distance of 33.00 feet to the North line of Hughes Street and the point of beginning of this description; thence N89°35'23"W along said North line 350.00 feet; thence N00°20'44"W parallel with said East line 391.00 feet; thence S89°35'23"E parallel with said South line 350.00 feet; thence S00°20'44"E parallel with said East line 391.00 feet to the point of beginning; said parcel containing 3.14 acres, more or less; said parcel subject to all easements and restrictions, if any.

Zoning of Adjacent Properties

The properties to the north across the Kalamazoo River are currently zoned I-2 (General Industrial).

The properties to the southwest that are currently in the City of Marshall are zoned R-1 (Residential Estate).

The properties to the south across Hughes Street are in Marshall Township and are zoned AR (Agricultural).

The properties to the east along Kalamazoo are zoned R-3 (Traditional Residential).

The property that we own at the northeast corner of our land assembly (550 Hughes) recently received a PA 425 agreement and has already been rezoned to MFRD.

Rezoning Criteria

Our team has been working to address the housing shortage in the City of Marshall over the last year. We have focused our efforts to the southern part of the city where we believe a multi-family residential development will fit well into the context of the community and where enough land was available to purchase to allow for the quantity and variety of housing that we would like to bring to Marshall.

A. The current zoning (primarily agricultural) is no longer the highest and best use for this property and the proposed zoning district of MFRD is more appropriate than any other zoning district.

B. The property cannot reasonably be used as currently zoned as commercial farming on that small scale is not sustainable long term. Furthermore, this property can be much better utilized to address the housing needs in the surrounding community as evidenced by its designation in the future land use maps.

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.

The three parcels included in this rezoning application that are (were) in Marshall Township are shown as Medium Density Residential in their future land use map. The fourth parcel that is already in the City of Marshall is shown as R1 on the future land use map, but rezoning it to MFRD would be consistent with recent development trends in the area.

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.

This site will complement the nearby residential uses while also providing more variety and availability of housing options for the community. There will be minimal impact on the environment as we intend to leave as much of the existing tree canopy as possible, especially along the river frontage. We know how important that river edge is and we hope to possibly activate it will a walking path and gazebos while still keep the majority of trees in place. We also are working with very experienced local civil engineers who will be developing an appropriate system to properly and effectively manage stormwater from our site.

A traffic study was recently performed for Hughes and Kalamazoo with our development in mind. It is our understanding that the traffic engineers have come up with an acceptable solution to address the additional cars that will come into that intersection once our development is complete and occupied.

This development will certainly address the housing needs in the Marshall community and we look forward to bringing a new high-quality option to area residents.

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

Our site is gently rolling with a large amount of river frontage. Our design, engineering and implementation will respect the property's features and will be compatible to the surrounding area, especially in relation to the river.

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.

Our concept aligns with the future land use planning for this area and would not negatively impact the heath, safety or welfare of the city. We intend to provide housing options for area residents that obviously would increase the density from the existing farmland, but it will be done in a respectful manner that complies with local zoning and building code and Marshall's site plan review process.

G. The rezoning would not constitute and/or 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.

Our plan aligns with the City and Township's master planning for this area. In addition, an adjacent property that we own was recently approved for multi family rezoning so this will in no way create an isolated and unplanned 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 development that will result from the new zoning district boundaries will be respectful to adjacent uses, especially our single-family residential neighbors, through proper landscape buffering and land use design. We will be able to meet all dimensional regulations in the new zoning district and look forward to the site planning process to dig into the details of our design.

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

This question does not apply to our rezoning request.

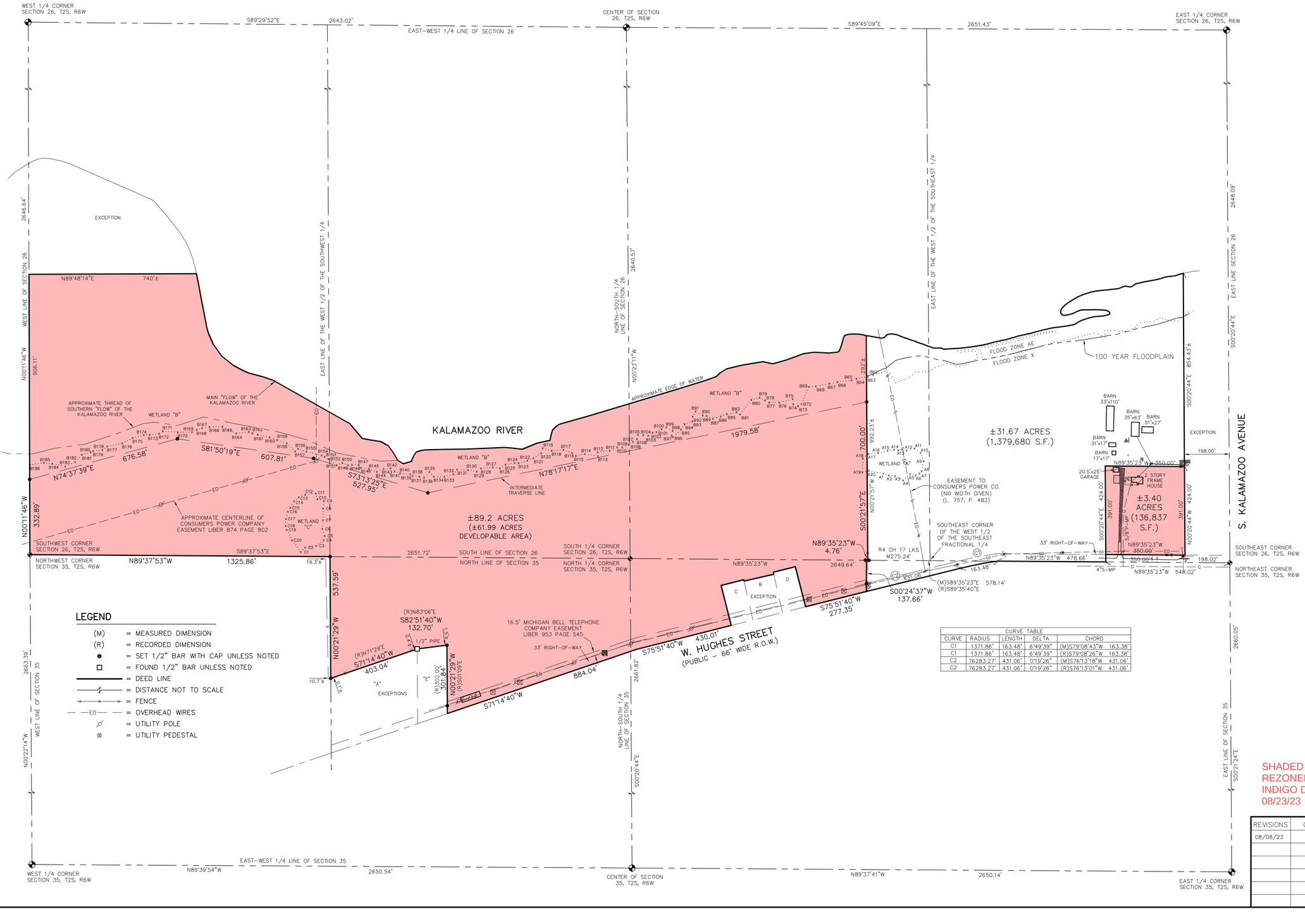
J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

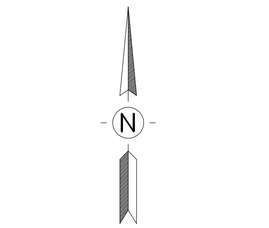
This site is perfectly situated for a multi-family development being in close proximity to the downtown business district and also within a very short distance to existing and new employers in the City of Marshall. There are no other sites available to accommodate a housing plan such as ours.

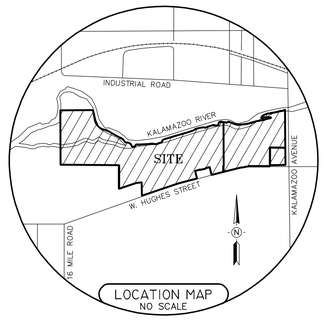
COMBINED SKETCH PLAN OF SURVEYS

FOR: GRAND CITY CAPITAL, LLC

"VACANT & 440 W. HUGHES STREET, MARSHALL, MI 49068"







LEGEND

(M)	= MEASURED DIMENSION
(R)	= RECORDED DIMENSION
●	= SET 1/2" BAR WITH CAP UNLESS NOTED
□	= FOUND 1/2" BAR UNLESS NOTED
———	= DEED LINE
——/——/——	= DISTANCE NOT TO SCALE
-×-×-×-	= FENCE
—EO—	= OVERHEAD WIRES
⌀	= UTILITY POLE
⊠	= UTILITY PEDESTAL

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	
C1	1371.86'	163.48'	6°49'39"	(M)S79°08'43"W	163.38'
C1	1371.86'	163.48'	6°49'39"	(R)S79°08'26"W	163.38'
C2	76283.27'	431.06'	0°19'26"	(M)S76°13'18"W	431.06'
C2	76283.27'	431.06'	0°19'26"	(R)S76°13'01"W	431.06'

SHADED REGIONS REPRESENT AREAS TO BE REZONED AND WERE ADDED FOR CLARITY BY INDIGO DESIGN + DEVELOPMENT 08/23/23

REVISIONS	COMMENTS
08/08/23	ORIGINAL

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DRAWN BY KDB	SECTION 26&35, T2S, R6W
FIELD WORK BY MJG	JOB NUMBER: 101251.ALT-COMB
SHEET 1 OF 1	