JOINT PLANNING COMMISSION MINUTES

September 12, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Tuesday, September 12, 2023 at 7:00 PM in the Council Chambers of Town 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: Chair Banfield, Commissioner Burke-Smith, Commissioner Gresley, Commissioner Hoffman, Commissioner Lyng, Commissioner Reed

Also Present:

Absent:

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

A. APPROVE SEPTEMBER 12, 2023 JOINT PLANNING COMMISSION AGENDA

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

4) APPROVAL OF MINUTES

A. MINUTES OF APRIL 25, 2023 JPC MEETING

Glenn Kowalske opposed minutes from the April 25th meeting. His written comments were placed on record.

Johanna Johnson of Marshall Twp. opposed the minutes from the April 25th meeting. Her written oppositions are placed on the record

Barry Wayne Adams of 622 W Green Street spoke in opposition to the minutes and the lack of capturing the audience atmosphere of the previous meeting.

Jerri Bosserd of Marshall Twp. Spoke in agreement with previously mentioned oppositions and the need to speak loudly and clearly to be heard by the audience.

Commissioner Bob Lyng recited from the Michigan Township Association what minutes should include per state law. Commissioner Lyng quoted that the minutes provide actions taken and not a word for word recital of the meeting.

Commissioner Phyllis Gresley requested the public to recall that the previous vote by the Board was for a 4-2 vote to not accept Ford coming in and that the City Council did not take the recommendation and voted to approve.

Chair Banfield stated he did not think that was what the purpose of the last meeting was.

Commissioner Reed clarified that the previous was not to approve or disapprove of Ford but the rezoning.

Commissioner Lyng stated that the purpose of the board is to provide

recommendations to the City Council on the zoning of the parcels in question.
Chair Banfield additionally clarified that all recommendations are made in a positive way, for example, the recommendation as read from the last meeting would be 2-4, reflecting two members voting for the rezoning to I-3 and four members voting against.

Moved Lyng, supported Reed to approve the minutes as presented. 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.

No items on the agenda

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

A. RZ #23-04 WEST HUGHES PA 425 PROPERTIES REZONING

Chair Banfield opened the public hearing on rezoning RZ23-04 at 6:16 p.m.
Ryan Schmidt of Grand City Capital spoke about the rezoning request, the ongoing process, and the intended plan moving forward after the rezoning for MFRD.

Chair Banfield sought clarification on the total acreage of owned property. He further explained the rezoning process and that the rezoning is not dependent on an intended project.

Barry Wayne Adams of 622 W Green Street spoke in opposition of the rezoning, quoting the law for both providing name and address before speaking at meetings and that rezoning comes from martial law. Additionally, Mr. Adams spoke on martial law authority of zoning and his opposition to the process.

Glenn Kowalske of Marshall Twp spoke on Commissioner Lyng’s citation of the board sending recommendations to Council, stating that his interpretation shows that the board has complete authority. He went on to speak in opposition to rezoning, stating that it showed contradictory findings to those provided by staff. In conclusion, Mr. Kowalske urged board consideration be deferred to area neighbors.

Tom Boers of 901 S Kalamazoo spoke in opposition to the rezoning, citing that the infrastructure of the city is not able to absorb community development.

Jennifer Diepenhorst of 1236 W Hughes spoke in opposition to the rezoning, citing that the nearby intersection of S Kalamazoo and Hughes is currently a concern, that there are other areas in the City zoned MFRD that are not fully developed, and that she encourages review of studies and site plan before making a decision to rezone.

Jerry Bosserd of Marshall Twp. spoke in opposition to the rezoning, stating agreement with previous statements.

Lee Rockwell of Ceresco spoke in opposition to the rezoning, stating concern about old barns and homesteads being demolished. She further spoke about the city's infrastructure and other areas are more apt to absorb this type of development.

John Rockwell of Ceresco stated that there is no rush to judgement and how the zoning would allow for only apartments to be developed on the site and not the proposed single homes.

Pat Chamberlain of 1206 W Hughes spoke in opposition due to the current condition of the road and asked about conditions being placed to improve or maintain the road during and after development.

Ryan Schmidt of Grand City Capital reassured the board and community about the sensitivity to the restriction, requirements, and regulations for MFRD zoning.

Chair Banfield closed the public hearing on rezoning RZ23-04 at 8:01 p.m.

Commissioner Gresley said that a traffic study had been started and engineers are running scenarios for testing. Staff Zuzga noted that the consulting engineer and study would be released when finished. Commissioner Reed questioned if there is concern shown that the study will come back showing no change should be made.

Commissioner Gresley questioned if area residents would be forced to accept city utilities. Staff Zuzga responded that they would not.

Commissioner Reed asked if there was a timeframe for the traffic study. Staff Zuzga stated that he would communicate with Marguerite to verify the timeframe. Commissioner Reed questioned if the traffic studies and site plan would be made public and if the traffic study would be received before the site plan. Staff Zuzga replied that everything will be published to the website for public review in a new module for the project that will be created. Commissioner Lyng verified the classification of Old 27 as MDOT Highway and W Hughes as county maintained and reiterated to the board and public that all considerations are being discussed in the development. Staff Zuzga verified that the impact is being considered in the traffic study Chair Banfield questioned staff if pedestrian traffic is also being included in the traffic study. Staff Zuzga stated that multiple staff are looking into non-motorized traffic throughout the City, and will verify that the traffic study will cover all aspects of traffic.

The Commission reviewed the rezoning criteria.

A. Chair Banfield spoke on the medium density shown at this point, which accounts for staff verbiage, further stating that the board's purpose is not approving rezoning but giving a recommendation and that is how the verbiage should read. Staff Zuzga clarified that there is no current city zoning to match agriculture and, due to bringing it in to the city, the board would need to pick a zoning based off the request.
B.Chair Banfield reiterated that there is no City zoning for Agriculture.
C. Chair Banfield spoke about the zoning for the 33 acres in the corner lot.
Staff Zuzga spoke about the Masterplan goals of 2015 and 2016 and how the housing needs seen in those goals have not been fulfilled.
D. Chair Banfield spoke on MFRD density given as development and site plan approval.
Staff Zuzga explained that developers are considering traffic and utilities, including stormwater collection. He also stated that the township masterplan zoned the area as development for housing.

E. No comment
F. The commission discussed infrastructure handling the expansion, as it is in process for the battery plant currently.

Commissioner Reed spoke on options to be considered for rezoning and how the traffic study is only 1 of 10 considerations. Chair Banfield spoke on the process of a traffic study: engineers first see development plans and then the plans are sent to the City for review. He further stated that when a site plan is presented to the board, it has had multiple entity reviews. Staff Zuzga stated that impact with no change is a problem, but impact with improvement is not the same. Staff Zuzga advised that the county and MDOT will have their own warrants and impact analysis. Commissioner Burke-Smith disagreed with the staff finding that no change would be seen in population density. Staff Zuzga stated that there would be a partnership with the County. Commissioner Burke-Smith voiced concerns about not being controlled by the City. Chair Banfield stated that the agreement is a joint effort between twp and City. Commissioner Hoffman agreed with previous statements that a traffic study and sidewalk plan be addressed before there is site plan approval. Commissioner Lyng verified the mandate for Sidewalks and asked how the sidewalks in the development would tie into existing sidewalk structure. Staff Zuzga stated that sidewalks are required as part of the site plan.
G. Commissioner Reed reiterated that special privileges are given with zoning.

Commissioner Hoffman asked about the progress of the Alwyn Downs development and the current zoning there.
H. Staff Zuzga spoke on the requirement to meet setbacks and the need for ZBA and staff review. Chair Banfield stated that the developers have already spoke on their full intention of respecting the river boundary.
I. No comment
J. Chair Banfield questioned if there were other areas more appropriate in the area for development (as asked by the public). Staff Zuzga explained the current construction projects within the City and that very few areas are MFRD compatible.

Chair Banfield explained the importance of traffic study to the decisions moving forward with Site Plans. Commissioner Lyng asked how site plans will be presented to board as singular or one for each entity.

Moved by Lyng, supported by Johnson to recommend approval to city council 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. On a roll call vote:

Ayes:Chair Banfield, Burke-Smith, Hoffman, Lyng, Reed
Nays:Gresley
Abstain: None
Motion carried.

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.

Jennifer Diepenhorst of 1236 W Hughes spoke in opposition to rezoning due to surrounding zoning like her home not supporting farm animals under current zoning. She spoke in favor of positive impact to property values but stated that it is not a guarantee. Concluding that possible trailer park style development is concerning.

Jerry Bosserd of Marshall Twp voiced frustration with staff reports and statements. Mr. Bosserd spoke on ethics of the board, members personal gain from rezoning, and the disservice of not recording properly.

Pat Chamberlain of 1206 W Hughes spoke on concern over board not seeing site plan before rezoning and stated that the public could be biggest promoters if they are involved.
Julie Bryant of Squaw Creek spoke on the loss of historic homesteads through development of rural land, thanked those that voted against the Megasite, and concluded by advising the board to keep asking questions to keep community safe.

Barry Wayne Adams of 622 W Green Street thanked board for illustrating gaslighting by correcting him previously. Mr. Adams spoke on the time limit for public to speak being an illegal practice concluding that he believes that the board is not upholding their oath.

Lee Rockwell of Ceresco spoke on her concern for not having a completed traffic and river study before moving forward with rezoning as well as that conflictions between MDOT and County will result in bad/worsening road conditions at development site.

10) BOARD REPORTS

Staff Zuzga stated that the board will be made aware of site plan availability and where the info will be able to be found on the website for the project.

11) ADJOURNMENT

The meeting was adjourned at 9:01PM

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk