



JOINT PLANNING COMMISSION AGENDA

November 14, 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.
 - A. **APPROVAL OF NOVEMBER 14, 2023 JPC AGENDA**
- 4) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.
 - A. **MINUTES OF SEPTEMBER 12, 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. **SLU #23.03- Tractor Supply Company**
- 7) **OLD BUSINESS**
- 8) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
 - A. **SP #23.09- TRACTOR SUPPLY COMPANY**
- 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

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

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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



ITEM 6.A

TO: Joint Planning Commission
FROM: Eric Zuzga, Director of Community Services
DATE: November 14, 2023
SUBJECT: SLU #23.03- Tractor Supply Company

Tractor Supply Company is requesting a special land use approval for the outdoor storage/display of equipment, propane tanks, greenhouse space, plants, trees, and hay. Outdoor display of items are a special land use in the B-4 zoning district. As required, a public hearing notice was published in the Advisor and notices were mailed to all property owners within 300' of the site. A site plan for the project is also on this agenda and is included in the packet.

The following standards are to be used in considering whether to approve the special land use request:

A. The proposed use shall be in accordance with the City Master Plan and the intent and purpose of this subchapter

The proposed use meets the intent of the subchapter and the city master plan.

B. A documented and immediate need exists for the proposed use within the community.

The proposed use has been a requested use in community surveys and partially fills a need for retail in the plaza.

C. The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

The use is compatible with the character of the surrounding properties and ensures the long term viability of the shopping center, ensuring we don't have a vacant building that continues to degrade. No adverse impact on the enjoyment of neighboring parcels or development of the neighborhood is expected.

D. The proposed use shall be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands.

The proposed use is consistent with the design and construction of the property and surrounding retail uses. The proposed outdoor storage/display should not negatively impact the site as there is adequate room for ingress/egress/traffic flow.

E. The proposed use shall be compatible with the natural environment.

There is no expectation that there will be a negative impact on the environment.

F. The proposed use shall be adequately served by essential public facilities and services,

such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

There is no expectation that the use will have an impact on the items in this section. Traffic should be consistent with the former Kmart on this site which is served by a major street and a state trunkline. The proposed use will not have any adverse impact on water, sewer, schools, or refuse. The impact on police and fire is expected to be minimal.

G. The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or unreasonable or offensive odors.

The City Development Review Team found that there would be no detriment to public health, safety, or welfare. The proposed propane tank will need to be at least 25' from the hydrant near its proposed location. There is no expectation that the site will cause unreasonable traffic as it was designed to serve the retail environment.

BUDGET IMPACT:

RECOMMENDATION:

Based on the findings above, staff recommends approval of Special Land Use #23.03 for outdoor storage/display of equipment, propane tanks, greenhouse space, plants, trees, and hay.

SPECIAL LAND USE APPLICATION

City of Marshall
Fee \$250.00

Section 6.2 of the Marshall City Zoning Ordinance gives citizens the opportunity to file for a Special Land Use Permit when it is required by zoning district.

Process

- ☐ Application, fee, and all required materials are submitted by due date. Once found to be complete, the application is placed on the Planning Commission agenda for acceptance.
- ☐ **Planning Commission meeting #1:** At this meeting, a public hearing is scheduled for the following month.
- ☐ Neighbors within 300 feet of the property seeking special land use are notified of the public hearing.
- ☐ **Planning Commission meeting #2:** Public hearing is held and discussion takes place. A recommendation on the application is given for City Council.
- ☐ **City Council meeting:** Item is placed on the agenda, a staff report and Planning Commission comments are offered for review and City Council grants final approval, disapproval, or approval with conditions.

Address of subject property 15861 Michigan Avenue, Marshall, Michigan 49068

Applicant's name BR Great Northern Mall, LLC Phone (312) 894-7621

Applicant's address 150 N. Riverside Plaza, Suite 2800 City Chicago Zip 60606

Owner's Name BR Great Northern Mall, LLC Phone (312) 894-7621

Owner's Address 150 N. Riverside Plaza, Suite 2800 City Chicago Zip 60606

Explain need for a Special Land Use permit at the subject property (attach more if necessary):

See attached

Applicant's Signature  Date 10/11/2023

Owner's Signature  Date 10/11/2023

The following items MUST be submitted for the application to be complete:

- ☒ A plot plan showing property boundaries and legal description
- ☒ Existing structures, uses and zoning on subject and adjacent properties
- ☒ Location of all abutting streets, easements, and similar public areas
- ☐ Proposed compliance plan (if applicable) including hours, signs, parking, etc.

BR Great Northern Mall, LLC – Application for Special Use Permit and Site Plan

Narrative:

BR Great Northern Mall, LLC (“Owner”), located in Chicago, Illinois, purchased a portion of the former K-Mart plaza property from KC Holding Corporation on February 1, 2022, and the property is described as follows:

A PARCEL OF LAND BEING PART OF THE NE ¼ SEC 27, T2S R6W OF MARSHALL TOWNSHIP IN THE CITY OF MARSHALL DESCRIBED AS FOLLOWS: COM AT NE COR SD SEC; TH N 89 DEG 40' 25" W 70.04 ALG N SEC LN TO INTERSEC OF SD N LN WITH W LN OF WEST DR; TH S 1 DEG 41' 50" E 785.00 FT ALG W LN OF WEST DR ; TH S 74 DEG 49' 36" W 590.00 FT PAR TO N LN OF MICHIGAN AVE TO POB. THENCE S 15 DEG 10' 24" E 115.00 FT PERP TO THE N LN OF MICH AVE; TH S 74 DEG 49' 36" W 113.67 FT PAR WITH N LN OF MICH AVE; TH S 15 DEG 10' 24" E 509.58 FT PERP TO N LN OF MICH AVE TO SD N LN; TH S 74 DEG 49' 36" W 415.98 FT ALG N LN MICH AVE; TH N 69 DEG 10' 24" W 86.96 FT; TH N 15 DEG 10' 24" W 626.47 FT PERP TO N LN OF MICH AVE; TH N 74 DEG 49' 36" E 550.00 PAR W N LN MICH AVE; TH S 58 DEG 30' 18" E 72.86 FT TO POB. TOG W AN EASEMENT DESCRIBED IN L1227/P976 AND MODIFIED IN L1549/P365 AND FURTHER MODIFIED IN L1559/P897. TOGETHER WITH AN EASEMENT DESCRIBED IN L1558/P955 (“the Parcel”)

The County GIS information showing the general layout of the Premises is attached as Exhibit A. An ALTA survey showing existing easements, lot coverage, existing easements, lot dimensions, proposed drives, walkways, existing parking area is attached as Exhibit B.

The zoning of surrounding parcels is shown on Exhibit C.

Additional information:

Driving lanes: single lane 20'; double lane 34.2'.

Sizes of parking spaces: 9' wide x 20' deep

Driveway widths: rear drive: 33.6'; side 31'; front 32.3/48.36; south parking lot: 39.75'

Ingress and egress of drives: South entrance 33.6'; southeast side: 28'5; northeast side: 36'

Owner plans to lease a portion of the Premises to Tractor Supply Company (“TSC”) for a store that will be located on the west portion of the Premises. The remainder of the Premises will be eventually leased to another Tenant (or Tenants).

Likely the members of the Joint Planning Commission are familiar with TSC stores located in adjoining communities. TSC plans to have several outdoor display and sales areas as detailed on Exhibit D.

A proposed site plan is attached as Exhibit E. Additional information relative to site plan:

Height of neighboring building: 30.5' – peak of building.

Sight lighting will remain as was present for K-Mart.

Drainage will remain as was present for K-Mart.

Dumpster location will be as shown and will be constructed to current Zoning requirement.

Pylon sign will be located off Michigan Avenue.

A special use permit is being sought pursuant to Section 4.24 of the Ordinance which provides as follows:

4.24 OPEN AIR BUSINESSES&, OUTDOOR DISPLAY AREAS, AND DEALERSHIP SALES LOTS In the B-2, and B-4 districts open air businesses, and outdoor display areas for sale, exhibition, rental or leasing of equipment, machinery, automobiles and other motor vehicles, recreational vehicles and trailers, boats, building supplies, hardware and other items are permitted as a special land use and shall be subject to the following:

1. Location requirements. All sales activity and the display of all merchandise shall be limited to the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in a street right-of-way or required setback area.
2. Setback requirements. Open air businesses and outdoor display areas shall be set back a minimum of ten feet from any parking area, driveway or access drive, and 20 feet from any residential district or use.
3. Sidewalk standards. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation. A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
4. Maintenance standards. Open-air businesses and outdoor display areas shall be kept clean, litter-free, with outdoor waste receptacles provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
5. Surface. Sales and display areas shall be provided with a permanent, paved surface of bituminous asphalt, concrete or similar paving materials, and shall be graded and drained so as to dispose of all surface water. All areas for display of motor vehicles, recreational vehicles, and similar items shall be paved.
6. Screening. Such uses and associated site improvements shall be separated from any required parking areas by landscaping, a decorative wall or other architectural feature, and shall be screened from street rights-of-way and abutting residential districts or uses in accordance with Section 5.15.8.

7. Hours of operation. Operational hours for open-air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.

Owner is applying for the following components for its special use permit:

A. Outdoor Display of Merchandise in the Permanent Sidewalk Display Area

4.24 and 6.2

The proposed location is noted in light green on the Site Plan.

B. Outdoor display of merchandise inside the Fenced Outdoor Display Area

4.24 and 6.2

The proposed location is noted in yellow on the attached site plan. This was granted to the former K-Mart and would exist with the proposed TSC use.

C. Green House within Fenced Outdoor Display Area – permitted in this zoning district.

D. Outdoor display of merchandise in the Permanent Trailer & Equipment Display Area

The proposed location is noted in pink on the Site Plan.

4.24 and 6.2

E. Outdoor display and sale of bulk propane from a 1,000 gallon tank, welding gas, live plants, shrubs, flowers, trees, etc.

The proposed location is noted north of the pink area on the Site Plan.

Special use permit – Section 4.24 and 6.2

F. Display and sale of hay and forage - special land use 4.24 and 6.2

The proposed sales area would be within the location noted in yellow on the Site Plan.

Each of the proposed special uses meets the requirements of Section 4.24 and 6.2 of the Ordinance. The uses are substantially similar to what K-Mart had done in the past. The uses are not adjacent to any residential areas and are bordered by parking lot on one side and by the I-69 corridor on the west side.

The Owner requests that the Special Use permit be granted as set forth in the Site Plan.

EXHIBIT A – GIS MAP INFORMATION



Calhoun GIS

Parcel Report: 53-002-592-00

10/20/2023

7:52:29 AM



Property Address

15861 W MICHIGAN AVE

MARSHALL, MI, 49068

Owner Address

BR GREAT NORTHERN MALL LLC

-

875 N MICHIGAN AVE SUITE 3900

CHICAGO, IL 6011

Unit:

53

Unit Name:

CITY OF MARSHALL

General Information for 2023 Tax Year

Parcel Number:

53-002-592-00

Property Class:201

Class Name:COMMERCIAL

School Dist Code:13110

School Dist Name:MARSHALL

PRE 2022:0%

PRE 2023:0%

Assessed Value:\$1,529,500

Taxable Value:\$1,529,500

State Equalized Value:\$1,529,500

Prev Year Info			
Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2022	\$1,463,400	\$1,463,400	\$1,387,573
2021	\$1,521,700	\$1,521,700	\$1,343,246

Land Information

Acreage:7.93

Zoning:B-4

Legal Description

A PARCEL OF LAND BEING PART OF THE NE ¼ SEC 27, T2S R6W OF MARSHALL TOWNSHIP IN THE CITY OF MARSHALL DESCRIBED AS FOLLOWS: COM AT NE COR SD SEC; TH N 89 DEG 40' 25" W 70.04 ALG N SEC LN TO INTERSEC OF SD N LN WITH W LN OF WEST DR; TH S 1 DEG 41' 50" E 785.00 FT ALG W LN OF WEST DR; TH S 74 DEG 49' 36" W 590.00 FT PAR TO N LN OF MICHIGAN AVE TO POB. THENCE S 15 DEG 10' 24" E 115.00 FT PERP TO THE N LN OF MICH AVE; TH S 74 DEG 49' 36" W 113.67 FT PAR WITH N LN OF MICH AVE; TH S 15 DEG 10' 24" E 509.58 FT PERP TO N LN OF MICH AVE TO SD N LN; TH S 74 DEG 49' 36" W 415.98 FT ALG N LN MICH AVE; TH N 69 DEG 10' 24" W 86.96 FT; TH N 15 DEG 10' 24" W 626.47 FT PERP TO N LN OF MICH AVE; TH N 74 DEG 49' 36" E 550.00 PAR W N LN MICH AVE; TH S 58 DEG 30' 18" E 72.86 FT TO POB. TOG W AN EASEMENT DESCRIBED IN L1227/P976 AND MODIFIED IN L1549/P365 AND FURTHER MODIFIED IN L1559/P897. TOGETHER WITH AN EASEMENT DESCRIBED IN L1558/P955

Sales Information

Sale Date: 02-01-2022

Sale Price: 2400000

Instrument: WD

Grantor: KC HOLDING CORPORATION

Grantee: BR GREAT NORTHERN MALL LLC

Terms of Sale: 03-ARM'S LENGTH

Liber/Page:

Sale Date: 04-30-2015

Sale Price: 5450000

Instrument: CD

Grantor: AGREE LIMITED PARTNERSHIP

Grantee: KC HOLDING CORPORATION

Terms of Sale: 19-MULTI PARCEL ARM'S LENGTH

Liber/Page: 3970/94

Sale Date: 04-22-1994

Sale Price: 6002395

Instrument: WD

Grantor: K-MART CORPORATION-TAX DEPT.

Grantee: AGREE LIMITED PARTNERSHIP

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 1744/117

Tax History

*Total Due as of settlement date

Tax Details 2022 Winter

EXHIBIT B – ALTA SURVEY

16 VICINITY MAP

[illegible]

7 POSSIBLE ENCROACHMENTS

The data shown in this survey is the same as that disclosed in First American's 100 Insurance Company Commitment, Inc. (NAC) 100-2020-2021 effective date October 29, 2021 at 8:00 AM.

The Title Description and Schedule B items herein are from First American Title Insurance Company, Commitment No. NGS-101223-C42, effective dated October 29, 2021 at 8:00 AM.

7—The terms and provisions contained in the document entitled "Agreement" recorded as Libert 262, Page 419 of Official Records, DOES NOT APPEAR TO AFFECT THE SUBJECT PROPERTY.

361 Standard Spaces

Not provided at the time of survey.

4 SURVEYOR CERTIFICATION

345,505 Square Feet (7.83 Acres), more or less.

8 ZONING INFORMATION

80,605 SQ. FT.±

12. PROPOSING IMPROVEMENT

22.34 Pork Hogs

the Northw'ly right of way line of West Michigan Avenue (Business Route 84).

VICINITY MAP
NO SCALE

- [illegible]

Key to CDS ALTA Sum

7 Handicap Spaces

4 SURVEYOR CERTIFICATION

345,505 Square Feet (7.83 Acres), more or less.

8 ZONING INFORMATION

80,605 SQ. FT.±

12. PROOFING THE PROPOSITION

22.34 Pork Hogs

Project Name: Kmart-Marshall, N

Expires: September 23, 2023

21-10-0725

Page 19 of 34

N 1/4 COR
SECTION 27
ROAD PK NML
L 2270, P 228



19 SURVEY DRAWING

NE CORNER
SECTION 27
L 2270, P 228

FOUND IRON IN
MONUMENT BOX
NE CORNER

SCALE: 1" = 40'

17 NORTH ARROW / SCALE

9 LEGEND

- FOUND MONUMENT
- FOUND IRON
- FOUND BENCH MARK
- FOUND 1/4 CORNER
- FOUND 1/2 CORNER
- FOUND 3/4 CORNER
- FOUND 1/8 CORNER
- FOUND 1/16 CORNER
- FOUND 1/32 CORNER
- FOUND 1/64 CORNER
- FOUND 1/128 CORNER
- FOUND 1/256 CORNER
- FOUND 1/512 CORNER
- FOUND 1/1024 CORNER
- FOUND 1/2048 CORNER
- FOUND 1/4096 CORNER
- FOUND 1/8192 CORNER
- FOUND 1/16384 CORNER
- FOUND 1/32768 CORNER
- FOUND 1/65536 CORNER
- FOUND 1/131072 CORNER
- FOUND 1/262144 CORNER
- FOUND 1/524288 CORNER
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EXHIBIT C – ZONING OF ADJACENT PARCELS



SAZ-1

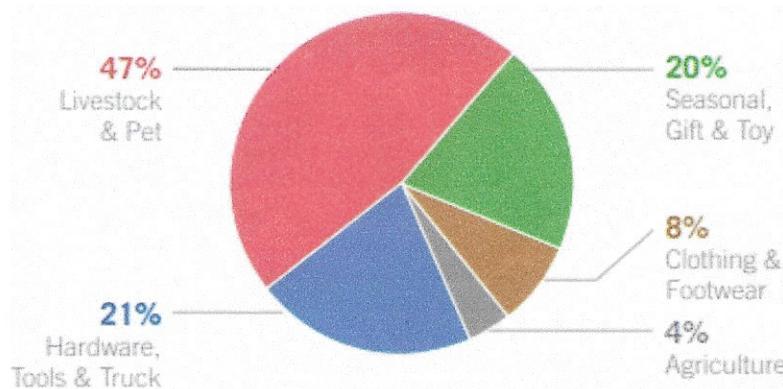
EXHIBIT D – TSC OVERVIEW



Tractor Supply Company (NASDAQ: TSCO), the largest rural lifestyle retailer in the United States, has been passionate about serving its unique niche, targeting the needs of recreational farmers, ranchers and all those who enjoy living the rural lifestyle, for more than 80 years.

Tractor Supply offers an extensive mix of products necessary to care for home, land, pets and animals with a focus on product localization, exclusive brands and legendary customer service for the Out Here lifestyle. With more than 45,000 Team Members, the Company's physical store assets, combined with its digital capabilities, offer customers the convenience of purchasing products they need anytime, anywhere and any way they choose at the everyday low prices they deserve. On July 1, 2023, the Company operated 2,181 Tractor Supply stores in 49 states, a customer mobile app and an e-commerce website at www.TractorSupply.com.

Tractor Supply Company also owns and operates Petsense, a small-box pet specialty supply retailer focused on meeting the needs of pet owners, primarily in small and mid-size communities, and offering a variety of pet products and services. On July 1, 2023, the Company operated 192 Petsense stores in 23 states. For more information on Petsense, visit www.Petsense.com.





Fenced Outdoor Display:

Subject to region of the county, season of the year, and customer demand, these are the typical items displayed.

Items that may be displayed on the sidewalk are noted as "(S)".

LAWN AND GARDEN EQUIPMENT

Push Lawn Mowers (S)
Log Splitters (S)
Snow Blowers (S)

Chippers and Shredders (S)
Garden Carts (S)

Riding Lawn Mowers (S)
Mow-n-Vac (S)

FENCING MATERIALS

Fencing and Posts (a small sample of fence/gate types to Gates show selection will be on the sidewalk seasonally)

PET AND LIVESTOCK EQUIPMENT

Dog Kennels (S)
Feeding Equipment
Dog Houses (S)

Round Pens
Horse Stalls and Mats

Corral Panels
Watering Tanks

3-POINT EQUIPMENT

Plows
Cultivators
Scoops
Rotary Cutters
Sprayers with tanks

Fertilizer Spreaders
Rakes
Tillers
Bale Carriers

Box/Grader Blades
Harrows
Seeders
Finish Mowers

OTHER ITEMS

Go Karts (S)
Wheel Barrows (S)
Drainage Tile

Pedal Boats
Bagged Pine Shavings (S)
Culverts

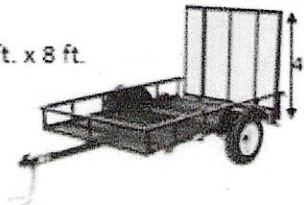
Trailers (parking lot displays)
Bagged Feed or Fertilizer (S)
Water Pipe (Plastic)





Utility Trailer 5 ft. x 8 ft.
example

Ramp - 4'



Trailer Display:

Each store has small trailers for sale. This display is simply parking the trailers in existing parking spaces shown in "pink" on the Site Plan. No change to the parking area is required.



Propane Storage:

- **Overall Tank & Protection Area: 10'x 28'**
- **Tank Size: 1,000 Gallon Capacity typically 16' length x 3.5' height**
- **LPG (Liquid Propane Gas) is regulated by the NFPA (National Fire Prevention Association)**
 - **Tank specifications and installation complies with all NFPA 58 Codes, including:**
 - **Bollard Size, Type, and Layout for protection from vehicles**
 - **Setbacks from Buildings, and Property Lines - 25' minimum separation**
 - **Dedicated Fire Extinguisher**
 - **Use - Trained Employees Only**

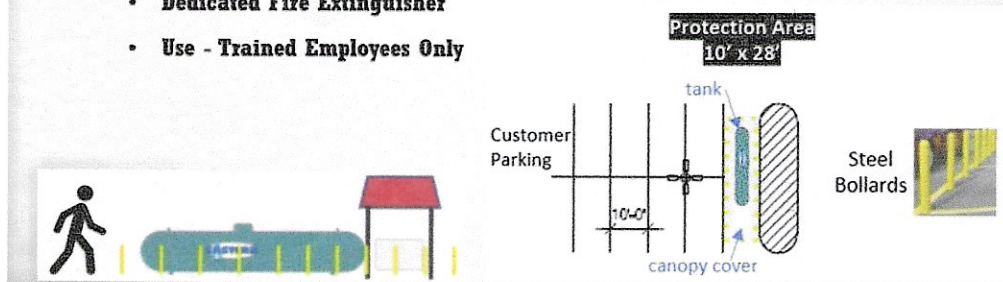
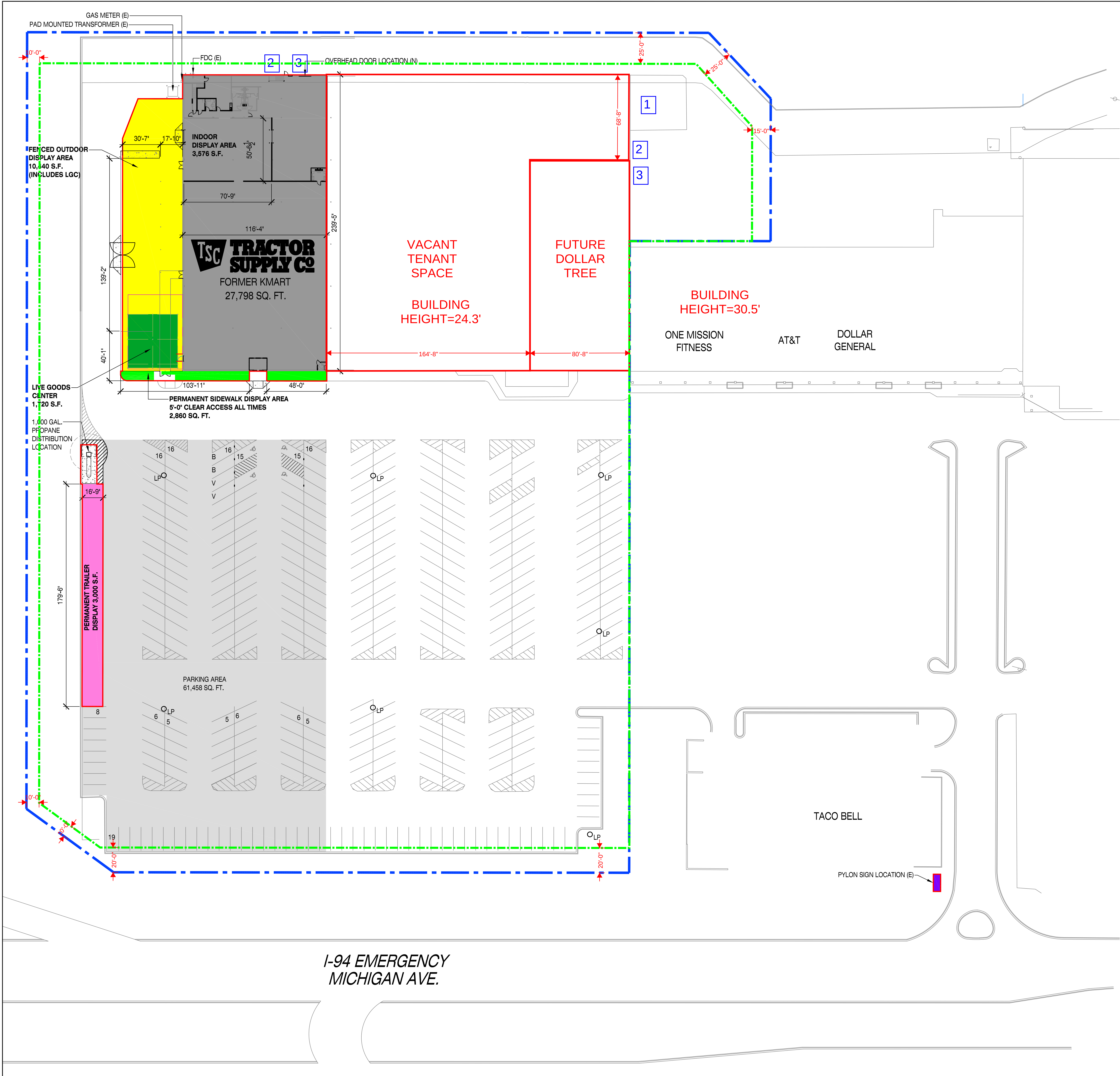


EXHIBIT E – SITE PLAN



SQ. FT. INDEX		
VESTIBULE	=	143 SQ. FT.
SALES FLOOR	=	17,337 SQ. FT.
STOCKROOM	=	4,128 SQ. FT.
INDOOR DISPLAY	=	3,576 SQ. FT.
OFFICE CORE/WALLS	=	2,614 SQ. FT.
TOTAL AREA	=	27,798 SQ. FT.

PARKING AREA	=	61,458 SQ. FT.
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SITE KEYNOTES

- 1 EXISTING LOADING ZONE
- 2 NEW TRASH AREA
- 3 NEW LOADING ZONE

BUILDING SETBACK LINE

LIVE GOODS CENTER

OUTDOOR DISPLAY AREA

PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA

PERMANENT SIDEWALK DISPLAY AREA
W/ 5' CLEAR WALKWAY

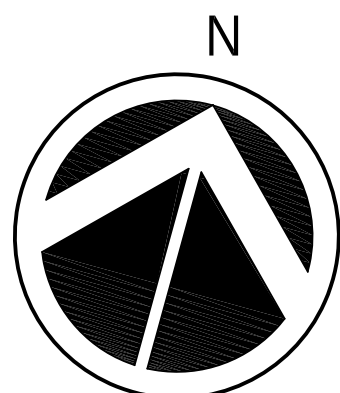
PYLON SIGN

PROPERTY LINE

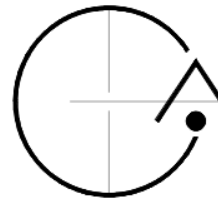
DEMISED PREMISES

SITE PLAN

SCALE: 1" = 30'



chadha + associates
architecture + interiors + design



200 WEST MONROE STREET SUITE 2070 CHICAGO ILLINOIS 60606
T 312.332.2062 | www.chadhaarchitects.com | F 312.332.9894



TRACTOR SUPPLY COMPANY

MARSHALL,
MICHIGAN

Tractor Supply Company shall not be responsible for the payment of any work performed or material supplied by the Contractor or any of its sub-contractors, sub-subcontractors and anyone claiming by through or under any of them which is not identified in writing and signed by one of the following Tractor Supply Company personnel: Vice President, Real Estate, Director of Construction, or a Construction Project Manager. No action, conduct, omission, prior failure, or course of dealing by Tractor Supply Company shall act to waive, modify, change or alter the requirement that all work, whether by contract, change order or change directive, must be in writing and signed by the personnel identified in this provision. Any work performed or material provided by the Contractor, any of its sub-contractors, sub-subcontractors contrary to this provision shall be at its own risk and own expense and Tractor Supply Company shall not be obligated to reimburse or pay the Contractor or any of its sub-contractors, sub-subcontractors for same.

All measurements and items portrayed on this sheet are deemed to be accurate by architect, however all bidding General Contractors should field verify the actual conditions. Any changes to the scope of work, and thus potential change orders, should be identified and communicated in your bid submittal to TSC.

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Job Number: 5504D-01

Date: 10.19.2023

Revisions:

Revisions:

Revisions:

SITE PLAN

Sheet Number: AS1.0

1 TITLE DESCRIPTION

Land in the City of Marshall, Calhoun County, MI, described as follows:

A parcel of land in the Northeast 1/4 of Section 27, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, being described as: Commencing at the Northeast corner of Section 27; thence North 89 degrees 40 minutes 25 seconds West 70.04 feet along the North Section line to the intersection of said North line with the West line of West Drive; thence South 01 degree 41 minutes 50 seconds East 785.00 feet along the West line of West Drive; thence South 74 degrees 49 minutes 36 seconds West 590.00 feet parallel with the North line of Michigan Avenue to the Point of Beginning; thence South 15 degrees 10 minutes 24 seconds East 115.00 feet perpendicular to the North line of Michigan Avenue; thence South 74 degrees 49 minutes 36 seconds West 113.67 feet parallel with the North line of Michigan Avenue; thence South 15 degrees 10 minutes 24 seconds East 509.58 feet perpendicular to the North line of Michigan Avenue to said North line; thence South 74 degrees 49 minutes 36 seconds West 415.98 feet along the North line of Michigan Avenue; thence North 69 degrees 10 minutes 24 seconds West 86.96 feet; thence North 15 degrees 10 minutes 24 seconds West 626.47 feet perpendicular to the North line of Michigan Avenue; thence North 74 degrees 49 minutes 36 seconds East 550.00 feet parallel with the North line of Michigan Avenue; thence South 58 degrees 30 minutes 18 seconds East 72.86 feet to the Point of Beginning.

The land shown in this survey is the same as that described in First American Title Insurance Company, Commitment No. NCS-1101293-CH12, effective date October 29, 2021 at 8:00 AM.

2 TITLE INFORMATION

The Title Description and Schedule B items hereon are from First American Title Insurance Company, Commitment No. NCS-1101293-CH12, effective date October 29, 2021 at 8:00 AM.

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- The terms and provisions contained in the document entitled "Agreement" recorded as **Liber 262, Page 419** of Official Records. **DOES NOT APPEAR TO AFFECT THE SUBJECT PROPERTY.**
- The terms, provisions and easement(s) contained in the document entitled "Declaration of Easement" recorded as **Liber 1227, Page 976**. First Modification of Declaration of Easements as disclosed by instrument recorded in **Liber 1549, Page 365**. Second Modification of Declaration of Easements as disclosed by instrument recorded in **Liber 1559, Page 897**. Supplemental Reciprocal Easement and Restriction Agreement as disclosed by instrument recorded in **Liber 3970, Page 68** of Official Records. **AFFECTS AND BENEFITS THE SUBJECT PROPERTY IN REGARDS TO INGRESS, EGRESS, PARKING AREAS AND UTILITIES OVER COMMON AREAS BEING A PART OF THE SHOPPING CENTER, CONSISTING OF THE KMART PARCEL, RETAIL TRACT AND OUTLOTS AS SHOWN. BLANKET IN NATURE. LIBER 1227, PAGE 976 PARCEL CONFIGURATION REPLACED BY FIRST MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1549, PAGE 365. SCRIVENER'S ERROR IN LEGAL DESCRIPTION CONTAINED IN FIRST MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1549, PAGE 365 WAS CORRECTED BY SECOND MODIFICATION OF DECLARATION OF EASEMENTS RECORDED IN LIBER 1559, PAGE 897.**
- The terms, provisions and easement(s) contained in the document entitled "Grant of Easement" recorded February 4, 1991 as **Liber 1558, Page 955** of Official Records. **BENEFITS THE SUBJECT PROPERTY IN REGARDS TO THE RIGHT TO USE STORWATER RETENTION AREA TO THE NORTH OF THE SUBJECT PROPERTY, AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Easement for Gas Pipeline" recorded February 20, 1991 as **Liber 1559, Page 911** of Official Records. **AFFECTS THE SUBJECT PROPERTY AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Grant and Reservation of Easement" recorded November 8, 1994 as **Liber 1776, Page 64** of Official Records. **BENEFITS THE SUBJECT PROPERTY IN REGARDS TO THE RIGHT OF INGRESS AND EGRESS AS SHOWN.**
- The terms, provisions and easement(s) contained in the document entitled "Grant of Easements" recorded as **Liber 1811, Page 302** of Official Records. **AFFECTS THE SUBJECT PROPERTY AS SHOWN.**
- The terms and provisions contained in the document entitled "Contract for Conditional Transfer of Property" recorded September 29, 1995 as **Liber 1823, Page 532** of Official Records. **AFFECTS THE SUBJECT PROPERTY, BLANKET IN NATURE.**

4 SURVEYOR CERTIFICATION

To BR Great Northern Mall, LLC, a Delaware limited liability company , Commercial Due Diligence and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 13, 14, 16, 19 and 20(a) (graphically depict in relation to the subject property any offsite easements or servitudes benefitting the surveyed property and disclosed to the surveyor as a part of the records search) of Table A thereof.

The field work was completed on December 28, 2021

Date of Plat or Map: _____

PRELIMINARY

Curtis R. Zack
License No.: 4001069464
Expires: September 23, 2023

5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" of the Flood Insurance Rate Map, Community Panel No. 26025C0238C, which bears an effective date of April 4, 2011 and is not in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Zone "X" denotes areas determined not to be in the 500 year floodplain.

6 CEMETERY

There is no visible evidence of cemeteries on the subject property at the time of survey.

7 POSSIBLE ENCROACHMENTS

 — Hydrant appears to fall outside of provided easement as shown.

8 ZONING INFORMATION

Not provided at the time of survey

10 BASIS OF BEARING

Bearings are based on the description provided in Exhibit "A" of the land that is described in First American Title Insurance Company, commitment # 682861, effective date February 23, 2015, which calls for a bearing of South 74°49'36" West for the Northerly right of way line of West Michigan Avenue (Business Route 94).

11 SURVEYOR'S NOTES

- An address of 15861 Michigan Avenue was observed at the time of survey. (Item 2)
- No plans or reports have been provided to the Surveyor by the client in regards to the location of underground utilities existing on or serving the surveyed property. (Item 11a)
- The nearest intersecting street in relation to the subject property is West Drive N which lies adjacent to the easterly line of property. (Item 14)
- No observable evidence of earth moving work, building construction or building additions within recent months. (Item 16)
- No proposed changes in street right of way lines have been made available to the surveyor by the controlling jurisdiction. No evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork. (Item 17)
- Property appears to have access to a Michigan Avenue and West Drive North, both public rights of way, per Liber 1549, Page 365.
- There are no offsite easements or servitudes benefitting the subject property disclosed in Schedule A of the title work. (Item 20a)
- All statements within the certification, and other references located elsewhere hereon, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitudes, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.

12 PARKING INFORMATION

361 Standard Spaces
7 Handicap Spaces
368 Total Parking Spaces

13 LAND AREA

345,505 Square Feet (7.93 Acres), more or less

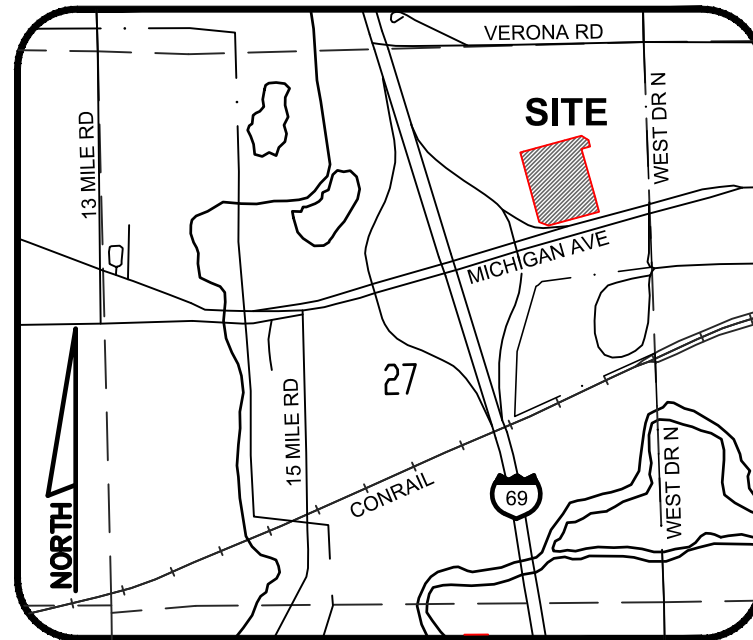
14 BUILDING AREA

89,505 SQ. FT.±

15 BUILDING HEIGHT

22.3'± Peak Height

16 VICINITY MAP



VICINITY MAP
NO SCALE

Key to CDS ALTA Survey

1 TITLE DESCRIPTION

2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

4 SURVEYOR CERTIFICATION

5 FLOOD INFORMATION

6 CEMETERY

7 POSSIBLE ENCROACHMENTS

8 ZONING INFORMATION

9 LEGEND

10 BASIS OF BEARING

11 SURVEYOR'S NOTES

12 PARKING INFORMATION

13 LAND AREA

14 BUILDING AREA

15 BUILDING HEIGHT

16 VICINITY MAP

17 NORTH ARROW / SCALE

18 CLIENT INFORMATION BOX

19 SURVEY DRAWING

20 PROJECT ADDRESS

Sheet 1 of 2

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcdfs.com
Toll Free: 888.322.7371

Drwn By: A. Griffin	Date: Revision:
Surveyor Ref. No.: 212195.421	Date: Revision:
Aprvd By: C. Zack	Date: Revision:
Field Date: 12/28/21	Date: Revision:
Scale: 1" = 50'	Date: Revision:

Prepared For:

Client Ref. No:

20 PROJECT ADDRESS

15885 & 15861 MICHIGAN AVE
MARSHALL, MI 49068

Project Name:
Kmart-Marshall, MI

Job Number:
21-10-0725

Approved CDS Surveyor

williams&works
engineers | surveyors | planners

616.224.1500 phone | http://williams-works.com
549 Ottawa Ave NW | Grand Rapids, MI 49503

N 1/4 COR.
SECTION 27
T2S, R6W
FOUND PK NAIL
L.C.R.C.
L.2270, P.228

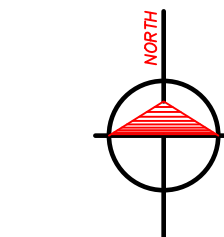
19 SURVEY DRAWING

R=N89°40'25"W 70.04'
M=N89°40'25"W 70.61'

R=S01°41'50"E 785.00'
M=S01°41'50"E 783.28'

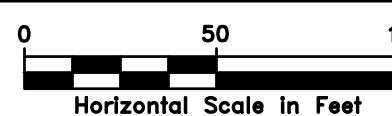
NE CORNER
SECTION 27
T2S, R6W
L.C.R.C.
L.2270, P.221
P.O.C.

FOUND IRON IN
MONUMENT BOX
35'± WEST OF
NE CORNER



SCALE : 1" = 50'

17 NORTH ARROW / SCALE



9 LEGEND

- FOUND MONUMENT
- FOUND IRON
- SET 5/8" REBAR
- SET "X" CUT
- PK NAIL
- HANDICAP PARKING
- MAILBOX
- SIGN
- POST
- GUY ANCHOR
- POWER POLE
- LIGHT POLE
- P.O.B.
- P.O.C.
- R=
- M=
- PL
- HYDRANT
- WATER SHUTOFF
- WATER MARKER
- UTILITY MARKER
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- MANHOLE
- ELECTRIC METER
- TELEPHONE RISER
- GAS VALVE
- ELEC TRANSMISSION BOX
- CONCRETE

Key to CDS ALTA Survey

- TITLE DESCRIPTION
- TITLE INFORMATION
- SCHEDULE 'B' ITEMS
- SURVEYOR CERTIFICATION
- FLOOD INFORMATION
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- ZONING INFORMATION
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- PROJECT ADDRESS

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2021)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcads.com
Toll Free: 888.322.7371

Drwn By:	A. Griffin	Date:	
Surveyor		Revision:	
Ref. No:	212195.421	Date:	
Aprvd By:	C. Zack	Revision:	
Field Date:	12/28/21	Date:	
Scale:	1" = 50'	Revision:	

Prepared For:

Client Ref. No:

20 PROJECT ADDRESS

15885 & 15861 MICHIGAN AVE
MARSHALL, MI 49068
Project Name:
Kmart-Marshall, MI
Job Number:
21-10-0725

Approved CDS Surveyor
williams&works
engineers | surveyors | planners
616.224.1500 phone | http://williams-works.com
540 Ottawa Ave NW | Grand Rapids, MI 49503



ITEM 8.A

TO: Joint Planning Commission
FROM: Eric Zuzga, Director of Community Services
DATE: November 14, 2023
SUBJECT: **SP #23.09- TRACTOR SUPPLY COMPANY**

Case #: SP #23.09
Address: 15861 West Michigan Avenue
Parcel #: 53-002-592-00
Zoning District: Regional Commercial (B-4), Rezoning Request to PSP on agenda
Surrounding Zoning: B-4 to east and south, R-3 to the north, and Township Multifamily
Residential to the west
Surrounding Uses: Retail to the south, private recreation to west, multifamily to north, and
retail to east
Previous Action: N/A

City staff have been working with the new owners of the former Kmart building and Tractor Supply Company on the redevelopment of the structure into three store fronts. TSC will be using the west side of the former Kmart building, including the former outdoor center. The site meets all of the requirements of the ordinance.

Dimensional Requirements (Setback, lot coverage, etc)
The site meets all of the dimensional requirements of the zoning ordinance.

Parking Requirements
Parking requirements are met on the property.

Landscape Plan

Sidewalks
The site is adequately served by sidewalks and the proposed use of sidewalks for display will not infringe on pedestrian access.

Exterior Lighting
The existing property meets the ordinance requirements and a photometric plan was not requested.

Development Review Team
On November 1, 2023, the City Development Review Team met to consider the proposed site plan. The comments received are as follows:

1. Fire Department met on site with the architect and discussed concerns with Knox box, FDC, and

fire lane maintenance.

2. Sewer and water are concerned with how the new owners will connect to the system as there is one connection for each utility. They will need to coordinate the approach to serving the building.
3. FiberNet has service to the property, but will also need to discuss how they internally service the property.
4. Propane tank needs to be at least 25' from the hydrant near its location.
5. Application states that dumpster will meet all local zoning requirements. We will need to verify construction meets standards before C/O is granted.
6. Electric also met with the architect to discuss their issues.

PLANNING COMMISSION CONSIDERATIONS

Staff have reviewed the site plan based on the requirements of the B-4 Zoning District and related sections of the zoning ordinance. As part of our review, we evaluated the proposed facility through the following standards that the Planning Commission will use in the process of reviewing any site plan for approval:

1. Adequacy of information. The site plan information is complete, accurate, and in an understandable form that accurately depicts and describes the proposed development.

The site plan submitted was complete and accurate.

2. Site appearance and preservation. The site layout promotes the normal and orderly development of surrounding lots, and the development layout preserves, to the extent feasible, the site's natural, cultural, and historical features, such as but not limited to significant buildings, wetlands, topography, and woodlands.

The proposed project is a special land use B-4 Zoning District. The expanded facility will be improved aesthetically, which will add to the neighborhood. Very little impact on the balance of the site.

3. Pedestrian access. Existing and proposed sidewalks or pedestrian pathways connect to existing and planned public sidewalks and pathways in the area, and comply with applicable barrier-free access standards.

The site is served by sidewalks with good connectivity to surrounding properties. Barrier-free requirements will be verified during the building permit process.

4. Vehicular circulation. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets, and to promote safe and efficient traffic circulation.

The plans have been reviewed and approved by the Department of Public Services. The site plan maintains the current circulation pattern with the outdoor displays having minimal impact on the current circulation pattern.

5. Parking and loading. Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.

Parking requirements are met on the property with additional parking on neighboring parcels that could be used for the property.

6. Building composition. Building design and architecture are harmonious with the

surrounding neighborhood with regard to scale, mass, proportion, and materials.

The current designs are harmonious with the neighborhood, with the only major change being a new entrance for TSC.

7. Screening. Adequate screening elements have been provided to buffer or separate unlike or conflicting land uses, and to screen off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from abutting residential districts and street rights-of-way.

Required screening is met.

8. Exterior lighting. All exterior lighting fixtures are designed and arranged to minimize glare and light trespass, prevent vision impairments, and maximize security.

The site meets the standards of the zoning ordinance. Staff did not require a photometric plan to be submitted as no new lighting is being proposed.

9. Impact upon public services. The impact upon public services (including utilities, streets, police and fire protection, emergency access, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.

We expect no impact on public services. All departments have reviewed the site plan and have no concerns with the design proposed.

BUDGET IMPACT:

RECOMMENDATION:

Approve SP #23.09 as presented.