PLANNING COMMISSION MINUTES

September 13, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Wednesday, September 13, 2023 at 7:00 PM in the Council Chambers of Town Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Planning Commission was called to order by Chair Banfield

2) ROLL CALL

Roll was called:

Present: Chair Banfield, Commissioner Burke-Smith, Commissioner Fitzgerald, Commissioner Reed, Commissioner Zuck, Commissioner Hall arrived late at 7:03PM

Also Present: Council Liason Wolfersberger

Absent: Commissioner Longyear, Commissioner McNiff, Commissioner Zuzga

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

A. APPROVAL OF SEPTEMBER 13, 2023 PLANNING COMMISSION MEETING

Moved Commissioner Zuck, supported Reed to approve the agenda as submitted . On a voice vote: **Motion carried.**

4) APPROVAL OF MINUTES

A. MINUTES OF JULY 12, 2023 PLANNING COMMISSION MEETING.

Moved Reed, supported Zuck to approve the minutes of July 12,2023 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.

Barry Wayne Adams of 622 W Green Street spoke in opposition of zoning. Spoke on corporate fascism as it applies to zoning, that zoning land and traffic enforcement is a violation of rights, and that the board members are public servants.

Lee Rockwell of Ceresco showed concern over JPC recommendation to rezone and how that will affect traffic flow. Concluding with lack of completed studies and pertinent info.

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

A. RZ# 23-02 913 INDUSTRIAL ROAD REZONING

Chair Banfield opened the public hearing RZ#23-02 at 7:12PM

Joe Ellias of Grand City Capital spoke on the goal and process of development. Concluding by explaining the multi-phase over a 5-9 year period to be absorbed.

Chair Banfield explained he process to rezone and how development must stay within terms of rezoning.
Joe explained that that over 30 acres are not buildable due to wetland and flood plain status.

Barry Wayne Adams of 622 W Green Street voiced in opposition of rezoning crediting the continuing degradation of the local community. Spoke on retaliation to those speaking in opposition to BOBPM, quoting MCO10.31 Article 5 Section 12 regarding military authority.
Lee Rockwell of Ceresco spoke in opposition citing impact to traffic, effect on existing homesteads, and concern over population density.

Chair Banfield closed public hearing 7:26PM

Chair Banfield questioned the size of the parcel Confirming with Staff the ±30 acres.
Staff Zuzga Explained the need for housing detailed in the 2016 Masterplan has not been met. Further clarified the nearby utilities and landlocked location around 425.
Chair Banfield Confirmed that only access would be easement or bridge starting over the river.
Commissioner Hall agrees with need for housing but questioned location as neighbors feel pressed by MegaSite nearby.
Chair Banfield spoke on other areas of development in the area and their compatibility and availability.
Commissioner Reed spoke on factors being proposed and how each factor is individual and the decisions by the board should fit within the parameters in front of them.
Commissioner Zuck showed agreement with statement by Reed as well as questions proposed by Hall.
Commissioner Reed spoke on the process and language the board is to follow when considering rezoning and the boards job to follow accordingly.
Chair Banfield and Commissioner Reed both spoke about the importance of the considering all the factors and their impact on the community.
Staff Zuzga explained the road authorities of Hughes and S Kalamazoo.
Chair Banfield stated that in the next part of the process there will be results of area studies, site plans, and road improvement plans presented.
Commissioner Reed added the MFRD housing is not detrimental or incompatible with the area
Chair Banfield confirmed that the safety of Marshall is at the forefront of the Boards concern.
Staff Zuzga impact will be seen however the area is designed to absorb the impact. All three entities will address impact (County, City, and State).
Staff Zuzga explained all requirements will need to be met.
Staff Zuzga spoke on the other areas of development however the lack of owner involvement at other sites.
Commissioner Hall asked if we know the development (site plan).
Chair Banfield and Staff Zuzga verified the total acreage of the development of just over 100 acres.
Counsel Liaison Wolfersberger spoke on development expansion in the future and how lack of available space prevents the expansion of the development.
Chair Banfield spoke on density stipulation on MFRD.
Staff Zuzga verified that developers will submit plans to both boards and have possible

community engagement moving forward.

Moved Commissioner Fitzgerald, supported Commissioner Reed to recommend approval of the proposed rezoning request of 913 Industrial Road (Parcel #53-002-562-00) to Multiple Family Residential (MFRD) based on the findings included in the staff report on this matter. On a roll call vote:

Ayes:Chair Banfield, Commissioner Burke-Smith, Commissioner Fitzgerald, Commissioner Hall, Commissioner Reed, Commissioner Zuck
Nays: None
Abstain: None
Motion carried.

B. RZ #23-03 - 14555 18 1/2 MILE ROAD REZONING

Staff Zuzga spoke on the current R-2 zoning but PSP is more correct for it's use.
Chair Banfield opened public hearing 7:52PM
Barry Wayne Adams of 622 W Green Street quoted Article 9 Section 18 of the Michigan Constitution in opposition of the zoning. Concluding the community opposition to further development.
Chair Banfield closed public Hearing 08:00PM
Moved Commissioner Reed, supported Commissioner Zuck to recommend to the City Council adoption of the Rezoning Application #RZ23-03 from Public/Semi-Public (PSP). If the Planning Commission agrees with the findings presented by staff, the following motion could be used."

The Planning Commission recommends approval of the proposed rezoning request of 14555 18 1/2 Mile Road (Parcel #53-003-306-00) to Public/Semi-Public (PSP) based on the findings included in the staff report on this matter.

If the 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.. On a roll call vote:

Ayes: Chair Banfield, Commissioner Burke-Smith, Commissioner Fitzgerald, Commissioner Reed, Commissioner Zuck
Nays: Commissioner Hall
Abstain: None

7) OLD BUSINESS

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. SP #23-06 14555 18 1/2 MILE ROAD SITE PLANS- EXPANSION

Dave Bennett, architect of CCYC described plan to expand the Youth Center and parking area to be more residential and less intimidating. He advised that safety is at the forefront of the design and asked for a slight variation to parking are per staff size of facility.
Commissioner Reed questioned the year of the original building construction.
Dave Bennett clarified the new construction in 1957 and the addition in 1967.
Staff Zuzga questioned the availability of handicap spaces.

Dave Bennett verified placement of 1 space in both public and staff parking.

Moved by Zuck, supported by Burke-Smith to Approve SP #23-06 with the condition that the City Council approves the rezoning of the parcel to Public/Semi-Public Zoning District (PSP), the Planning Commission accept the proposed parking plan and that the area of deferred parking be added to the site plan, and that the Planning Commission waive the sidewalk requirement.

On a voice vote: **MOTION CARRIED**

B. SP #23-07 14555 18 1/2 MILE ROAD SITE PLAN- SOLAR

Steve Patterson of Hughes St representing Harvest Solar presented the solar plan for the CCYC. Mr. Patterson spoke on the strict site usage and no generation of solar power to be distributed; seeking a variance for privacy screening for array and ROW. Wanting to matching the employee parking fence and vegetation.
Chair Banfield suggested vine on fence for vegetation
Steve Patterson spoke on meeting with County at 11am tomorrow and will propose the changes of the vine.
Staff Zuzga summarized with condition of adding vine to the 6' chain fence to match the employee parking lot and placement of vines every 5ft for a total of 10 vines.

Moved by Zuck, supported by Burke-Smith to Approve SP #23-07 with the condition that a buffering strip be installed and the City Council approves the rezoning of the parcel to Public/Semi-Public Zoning District (PSP).

On a voice vote: **MOTION CARRIED**

C. SP #23-08 343 SOUTH MULBERRY AMENDED SITE PLAN

Doug Stewart of Delta One spoke on the use of the Mulberry Street gate for limited once per week deliveries lasting 5-10 minutes in box trucks or vans. Adamantly denying use of semis in the area. Mr. Stewart expanded his request to utilize the gate for building repairs citing the location of the loading dock.
Chair Banfield spoke on the stipulations placed previously and how those no fulfillment of those stipulations have been completed, as well as, stating that a letter of opposition was received from neighbor.
Doug Stewart that the landscaping was not completed because the area is still under construction from other projects.
Commissioner Fitzgerald agreed with the need to access the loading dock for maintenance
Commissioner Burke-Smith agreed with Fitzgerald about needing access for maintenance but not for the weekly deliveries as proposed.
Doug Stewart spoke on previous plan being secured by Mike Johnson and that, at the time, deliveries were to divert to out front stating pallets must be dropped in parking lot due to no access to the loading dock from any other entrance. Requests strict variance for 2 pallet deliveries once per week.
Chair Banfield spoke on other points of approval not being met.

Moved by Burke-Smith, supported by Fitzgerald to Approve the use of the Mulberry

Street gates for maintenance of the facility only. Truck traffic/deliveries would still need to use the Kalamazoo/Spruce Street entrance as required by the zoning ordinance and original site plan approval.

On a voice vote: **MOTION CARRIED**

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.

Barry Wayne Adams of 622 W Green Street spoke in opposition to Megasite citing it being unsafe for the community and tactics to buy land being unconstitutional and immoral. Concluding that any money being used in construction of Blue Oval is unconstitutional with ties to the CCP.

10) BOARD REPORTS

Staff Zuzga spoke on the impending resignation of Commissioner Zuzga

11) ADJOURNMENT

The meeting was adjourned at 8:47PM

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk