PLANNING COMMISSION MINUTES

August 14, 2024
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Wednesday, August 14, 2024 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Planning Commission was called to order by Vice Chair Banfield.

2) ROLL CALL

Roll was called:

Present: Vice Chair Banfield, Bright, Fitzgerald, Hodo, and Stewart

Also Present: Council Liaison Wolfersberger, Director Zuzga, Director Davenport, Jeff Keesler from Mckenna, and Deputy Clerk Pickford.

Absent: Chair McNiff, ~~Burke-Smith~~, Longyear, Zuck.

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

A. AUGUST 14, 2024 AGENDA APPROVAL

Moved by Ian Stewart, supported by Tim Fitzgerald to approve the agenda as presented On a voice vote: **MOTION CARRIED.**

4) CONSENT AGENDA - Items can be added or deleted from the Agenda by board action.

Moved by Tim Fitzgerald, supported by Aron Hodo to approve the consent agenda with the amendment to the June 12, 2024 meeting minutes to reflect the correct spelling of a name held within. On a voice vote: **Motion carried.**

A. MINUTES OF JUNE 12, 2024 PLANNING COMMISSION MEETING

Moved by Ian Stewart, supported by Tim Fitzgerald

B. PLANNING COMMISSION RULES OF PROCEDURE UPDATE

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.

Andrea Hall of 1102 O'Keefe began by thanking for the revisions to the site plan to include trees on each lot, but emphasized the importance of mature foliage in addition to the smaller trees being added. Mrs. Hall also spoke on the expansion of lot 25 to meet the minimum requirements. Mrs. Hall spoke about the high-density of the proposed neighborhood not meeting the surrounding community esthetics. Mrs. Hall further voiced concern about the drainage, requesting the future HOA be held responsible for upkeep and maintenance to ensure timely repairs. Further, Mrs. Hall requested plans in place for hazard control and future inspections to prevent issues. Mrs. Hall voiced her disappointment in not knowing about the speaking time being depleted from five (5) minutes to three (3) minutes. Lastly, Mrs. Hall suggested each lot have cisterns and plans for mosquito control. She concluded by requesting further clarification on personal liability vs City responsibility, citing the possibility for issues with up-keep due to the responsibility not being clear.

Dustin Hall of 1102 O'Keefe voiced his disappointment in the approval of the preliminary site plan after the questionable practices of the engineer and developer, which he stated the board did recognize at the previous meeting. Mr. Hall stated that the developer did not meet the July 20th deadline to present the plan changes and that according to the deadline the plan would need to be proposed for approval at the September meeting.

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

7) OLD BUSINESS

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. COMMUNITY ENGAGEMENT PLAN UPDATE

Staff Zuzga presented the Community Engagement Plan to the board.

<u>Staff Findings and Recommendations</u>

A component of the Redevelopment Ready Communities program is the requirement that each certified community have a community engagement strategy and report on the engagement activity (new to the program). Staff have worked with our consultants from Progressive Companies to review our current plan and update to meet RRC standards and best practices. The document was reviewed by the Master Plan Steering Committee at their meeting on July 20th and the City Leadership Team earlier in July. The Planning Commission should review and approve the Plan at the August 14th meeting.

Approve the updated Community Engagement Plan and forward to the City Council for final approval.

Moved by Ian Stewart, supported by Carter Bright to Approve the updated Community Engagement Plan and forward to the City Council for final approval. On a voice vote: **Motion Carried**

B. ORDINANCE 2024-09- SIGN ORDINANCE

Staff Zuzga presented the staff findings and recommendations to the board.

Tim Banfield spoke on the previous sign ordinance update taking 6 years to be approved by the board. Further, Tim spoke about the efficient development of the ordinance this time.

<u>Staff Findings and Recommendations</u>

After the public hearing at the last meeting, Jason Ball and I took your direction and have provided an updated ordinance. The requested changes on the LED signs that were discussed have been included. The ordinance is ready for a final recommendation for the City Council.

Approve Ordinance 2024-9, which would update the City's sign regulations and remove them from Article 5- Site Standards and create Article 9-Signs.

Moved by Tim Fitzgerald, supported by Aron Hodo to Approve Ordinance 2024-9, which would update the City's sign regulations and remove them from Article 5- Site Standards and create Article 9-Signs. On a voice vote: **Motion Carried**

C. SP #24.02 16500 DIVISION DR SITE PLAN

Director Zuzga presented the storm water plans to the board and concluded by briefly describing the staff recommendation.

Director Davenport explained the plans were reviewed and approved by our City consultant. Director Davenport further validated the staff recommendation and voiced her approval of the plan as presented. Director Davenport continued by explaining the county Technical Reference Manual (TRM) and how the developer would be required to meet the County standards held in the TRM per the City's ability to enforce the regulations held therein. Director Davenport explained the plans submitted are a detention plan to keep water from every impervious surface on-site.

Commissioner Stewart questioned which of the guidelines were more stringent when comparing the city to the county.

Director Davenport explained the county regulations are more stringent.

Vice Chair Banfield questioned Director Davenport on the possibility to build pipeline out to the site.

Director Davenport confirmed the ability to build pipeline citing the high cost as a deterrent.

Commissioner Stewart commented on the development meeting the current requirements, while emphasizing the board's previous suggestion to go above and beyond the minimum. Commissioner Stewart cited the current storm trends and the intensifying weather patterns in the last year versus historical trends. Concluding that doing more now that goes above the minimum would be easier than fixing issues later.

Director Davenport validated the severe weather trends confirming that the county TRM will adopt updated requirements to meet those trends.

Council Liaison Wolfersberger explained that the City has the builders held culpable for the storm water and requested Director Davenport speak on some of the pros and cons of that policy.

Director Davenport explained the largest challenge for municipalities is funding. The maintenance costs for the ever-growing and developing systems are typically received from the general fund. Director Davenport detailed the purpose of Act 51 dollars and the lack of billing to support continuous funding. She explained that the HOAs and developers are creating the impervious services requiring the draining and the City believed they should be responsible for maintaining what they created.

Vice Chair Banfield spoke about the geographical soil differences throughout the area. Referencing the four inches of local rainfall recently and how it was absorbed in hours locally where other surrounding municipals would hold the standing water for weeks.

Commissioner Bright questioned the responsibility of maintenance of the system in 20 years and if that would differ from now.

Director Davenport explained that the responsibility of the maintenance is tied into the deed. Furthering that as the property ownership evolves over time, the responsibility of the storm water system remains with the property instead of a specific entity.

Vice Chair Banfield referenced the biggest and best example of this system in action is at the current Blue Oval Battery Park site.

Director Davenport further described how the detention system is designed so the water will not discharge, but will remain on site.

Staff Findings and Recommendation

Case #: SP#24.02
Address: 16500 Division Drive
Parcel #: 53-003-025-00
Zoning District: Research and Technical District (I-1), pending conditional rezoning to Mulltiple Family Residential (MFRD)
Surrounding Zoning: Township Rural Agriculture (RA) to the north, I-1 to the west, south and east
Surrounding Uses: Single family residential to the north; industrial to the west, south, and east
Previous Action: Conditional Rezoning recommended at June 10, 2024 Planning Commission meeting and approved by Council at July 15, 2024 meeting.

Integra Homes has submitted a site plan for the development of two duplex units on this parcel.

Development Review Team
The City Development Review Team has reviewed the site and have provided the following comments:
1. The site information shows 'number of stories: 1' but is being called Duplexes. – Verify number of stories.
2. The closest fire hydrant appears to be east of Brooks Drive and across the street – Identify need to extend hydrant(s) service into complex. To be fitted with 5" Storz.
3. Establish Fire Lane – No Parking along 116.7' NE face of driveway, from the 46.2' center width to the eastern driveway border. Other drive dimensions appear okay.
4. Identify fire separation and / or suppression requirements within and between addresses.
5. Identify if electric service will create overhead obstruction.
6. Identify if gap between buildings allows access to gas shut-off at rear of buildings.
7. Out of curiosity, is there a requirement to fence off the marsh area?
8.There is no existing sanitary sewer lateral serving the property. Contractor will need to connect at the manhole shown on sheet C103. Sanitary forcemain shall remain the responsibility of the property owner. City will have no responsibility for the forcemain or sanitary pumps from the building to the manhole.
9. Water will need to connect to a shut-off in the Brooks Drive ROW.

Storm Water Review
The City has contracted with the Spicer Group to complete storm water review on all site plans. The following comments and recommendations were provided by Chris Mattson, PE, our Project Manager for these reviews:

We have the following comments that we recommend be addressed prior to approval.

1. The water treatment volume needs to be calculated and a BMP needs to be designed to address this volume. This volume is the larger of (1) runoff from the first inch of rain over the site and (2) the increased runoff volume of the proposed site when compared to the existing during the 2-year, 24-hour storm.

2. It appears that the site is proposing a retention basin without a positive outlet. It is not clear what storm event this is sized for with the provided stormwater calculations.
    a. If a retention design is proposed, storage volume shall be calculated and provided for the 100-year 24-hour storm event.
    b. Test pit and infiltration testing shall be provided for the underlying soils to prove that infiltration is possible.
    c. A *No Outlet Certificate* shall be provided to demonstrate that no positive outlet is available.
3. The site drains directly to a wetland area on-site and does not appear to have an available public outlet. It is difficult to evaluate this design as an approvable option without an understanding of the likelihood that the wetland area will overtop Division Drive or negatively impact the home at 16722 Division Drive.
    a. Does this wetland area have a hydraulic connection to an area downstream of it?
    b. The volume of this wetland area should be determined.
    c. The contributing area of the wetland area should be delineated to calculate the amount of runoff it will receive from adjacent properties.
4. A review of the adjacent wetland should be performed to understand if it is regulated by EGLE. This project may require a wetlands permit from EGLE.

Spicer is still working with the applicant's engineer to address these issues. I will provide an update at the meeting on their progress.

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:

Two-family dwellings and boarding houses shall be subject to the following:
1. The size and architectural design shall be in harmony with the surrounding neighborhood and shall not be detrimental to the future use or development of adjacent lots.
2. Any refuse and garbage collection area or devices shall comply with Chapter 50 of the City Code of Ordinances.
3. The Planning Commission may limit the density of such units in a single neighborhood upon determining that additional uses of this type would undermine the purpose
The proposed plans meet all of these standards.

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 site is developed to maximize the amount of developable land and minimize the impact on the wetlands that comprise a majority of the property.

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.
There are no sidewalks or pedestrian pathways in the area. Pedestrian access is not provided to the site. The Planning Commission will have to provide a waiver to the sidewalks' requirement.

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.
Access to the site is limited to one driveway off of Division Dr. The site as designed provides more than enough drive and parking spaces. The design should minimize conflicts with the surrounding parcels.

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 is in compliance with the ordinance.

6. Building composition. Building design and architecture are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
The design and architecture of the building have been submitted and are attached. Staff believe that the proposed site will be harmonious with the neighborhood.

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.
LAndscaping provided as required.

8. Exterior lighting. All exterior lighting fixtures are designed and arranged to minimize glare and light trespass, prevent vision impairments, and maximize security.
Exterior lighting will be minimal and is not a primary issue for residential units.

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.
The impact of the project on public services is expected to be minimal.

Approve SP #24.02- 16500 Division Dr to allow for the construction of two duplexes on the property per the findings listed above.

Moved by Aron Hodo, supported by Tim Fitzgerald to Approve SP #24.02- 16500 Division Dr to allow for the construction of two duplexes on the property per the findings listed above with the condition of final review by City Engineer. On a roll call vote: **Motion**

Carried.

Ayes: Tim Banfield, Tim Fitzgerald, Carter Bright, Ian Stewart, Aron Hodo
Nays: None
Abstain: None

D. VALLEY VIEW SITE CONDOMINIUM PLAN REVIEW

Staff Zuzga presented the people in attendance to speak on the Valley View Development including the following. City attorney, Joe Colaianne from Clark-Hill law firm, developer, Ben from Allen Edwin Homes, as well as engineer, Dan Lewis from VK Civil. Director Zuzga addressed the due date referenced during public comment. He stated that the July 20th deadline was for internal review only and that it was not held as a hard deadline. Director Zuzga introduced Jeff Keesler with Mckenna, who will be attending meetings moving forward, and his team will provide staff level reviews and will be working as the acting Zoning Administrator for the City projects in the interim of Eric's absence.

Jeff Keesler greeted the board and advised that he and his team will be stepping in as the review team in the interim of Eric's absence. Jeff reported that he and his team would send a review and recommendation to the board via Jennifer, one week prior to the September meeting. When reviewing the plans for Valley View, Jeff presented the reported concerns by his team. The first concern Jeff proposed to the board and developers was the lack of continuity between the two developments. Jeff proposed the development of a walking path to connect both developments. The second concern was that the entrance comes from the wide/busy road and then continues to narrow drastically. He requested additional information on this decision in the plan.

Dan Lewis, engineer, reported that the road meets the standards and the 50' taper was referenced from the recent development wit the same approach on Rebecca Street.

Jeff Keesler voiced concerns on street parking interfering with the maneuverability of emergency vehicles.

Dan Lewis explained the plans for a sidewalk discouraging pedestrian travel in the street.

Director Davenport explained the ability for a bond to fund the infrastructure of Mann road to narrow and tie into the development. Director Davenport further cited Mann road's poor condition being due to the long term use going above what it was intended for.

Jeff Keesler asked for updates on the retention pond from the developer or engineer.

Dan Lewis commended the recommendation to pull soil bore samples from the pond location on site. Mr. Lewis explained the detention pond and the updated plans submitted on piping. Mr. Lewis also detailed the new landscape plans meeting current requirements.

Vice Chair Banfield questioned if on-street parking would be allowed in the development.

Directors Zuzga nd Davenport clarified that street parking would be allowed but not overnight.

Vice Chair Banfield questioned who would be responsible for the street parking signage and the maintenance of the proposed connecting sidewalk.

Dan and Ben both commented on the water main easement at the proposed sidewalk location and that the maintenance of seasonal care and upkeep would be the responsibility of the HOA.

Director Davenport clarified that if the water main needed to be accessed for repair, then the City would remove and replace it at their cost.

Vice Chair Banfield questioned the staff and developers about the requirement for screening of the neighboring residential homes.
Staff Zuzga clarified that there are no mandates at this time and the current requirements are being met by the plan submitted.
Director Davenport provided information on part of the bond being for a sidewalk.
Commissioner Stewart questioned if any sidewalk was planned for Mann Road.
Staff Zuzga and Director Davenport confirmed that a sidewalk on Mann Road was not planned at this time. However, he explained that as the County continues a project with the State Farm project, a reassessment will take place. Staff Zuzga explained that the goal, at this time, is to develop the easiest path to Gordon.
Commissioner Stewart asked Dan if there were berms planned on the north edge of the development during construction since they were not reflected in the submitted plans.
Dan Lewis confirmed that there is no berm planned but that the plan is for a ditch on the developers' side that would collect and move to the pond with overage going to the city's storm water system.
A further discussion was had between Vice Chair Banfield, Dan Lewis, Commissioner Stewart, and Director Davenport detailing the water track and process of creating swales at the beginning of construction. Further discussion by Director Davenport was had emphasizing the county-level requirement to maintain the swales throughout construction.
Vice Chair Banfield questioned the total timeline for the proposed site.
Dan Lewis confirmed the total timeline of 2-3 years with the start being spring for Valley View 1.
Staff Zuzga requested the board hear from Joe, attorney with Clark-Hill, regarding the deed verbiage mentioned earlier.
Joe Colaianne spoke on his previous qualifications and other pertinent background information while introducing himself to the board. He spoke in agreement of Staff Davenport's previous statements about the funding being a prominent hurdle for municipals. Mr. Colaianne, referenced the master deed verbiage and its application to the public comments/concerns for liability and maintenance. If maintenance is not held to standards, the City would provide the HOA with a 30-day notice to repair, then the City would fix the issues and bill the HOA. If left unpaid, the fees would move onto the taxes. Joe also explained the master deed provides safeguards to keep the HOA to the same standards regardless of changing hands over time.
Commissioner Stewart questioned the City guidelines changing over time and how the development would be required to meet the new standards or if there would be grandfather laws for them and if these questions would be addressed before approval.
Vice Chair Banfield asked what the staff was recommending from the board at this time.
Staff Zuzga and Jeff Keesler Staff Zuzga stated that at his time no action is being asked of the board, only discussion. Jeff advised that a plan would be available to the board one week before the September meeting. Eric also encouraged the board to reach out to staff. Director Davenport also created a pager to keep everyone updated on the City website.
Vice Chair Banfield explained that Director Davenport is a wonderful resource for specific questions and encouraged the board to utilize her knowledge.

<u>Staff Findings and Recommendation</u>

The revised Valley View Site Condominium plan is attached for your consideration. City staff and our consultants will be in attendance to discuss the plans with the Planning Commission. I am not asking the Planning Commission for approval at this meeting, it is just being scheduled for discussion and review. Final approval consideration is anticipated at the September 11, 2024 Planning Commission.

Schedule Final Approval of the Valley View Site Condominium for the September 11, 2024 Planning Commission meeting.

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.

Eric Zuzga of ___________ thanked the board and Liaison Wolfersberger for the last 5 years explaining how much had been learned from everyone. Mr. Zuzga spoke about his love and appreciation for Marshall and the City staff. He explained that his new opportunity is better for his family and was not expected or planned. Concluding, Mr. Zuzga offered for those with questions on projects to reach out to him.

10) BOARD REPORTS

Member Stewart spoke about the exchange st, copper bar, & library parking lot being an improvement to the community.

Vice Chair Banfield spoke on the positive involvement of the City in the farmer's market and the great use of space to host the weekly market.

Liaison Wolferberger spoke about the positive overview of the upcoming election and those running for positions.

Vice Chair Banfield addressed Mr. Zuzga on his importance to the Board and thanked him for all the guidance to the members of the board. Contributing the success of the planning commission to the contribution and effort Eric put into making them better.Tim also asked Eric to pass along his thanks to Eri'cs wife for her time serving on the board. Concluding by wishing Eric luck on his future position.

11) ADJOURNMENT

The meeting was adjourned at 8:16PM.

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk