PLANNING COMMISSION MINUTES

September 11, 2024
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Wednesday, September 11, 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 Chair McNiff.

2) ROLL CALL

Roll was called:

Present: Chair McNiff, Vice Chair Banfield, Fitzgerald, Hodo, Stewart

Also Present: Council Liaison Wolfersberger, Jeff Keesler from Mckenna, Manager Perry, and Clerk Eubank

Absent: Bright, Longyear, Zuck.

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

Moved by Tim Banfield, supported by Tim Fitzgerald to approve the amended minutes proposed by Stewart; striking Commissioner Burke-Smith from the record as she resigned from board therefore should not be marked absent on minutes On a voice vote: **Motion carried.**

A. MINUTES OF AUGUST 14, 2024 PLANNING COMMISSION MEETING

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

Moved by Ian Stewart, supported by Aron Hodo to approve the agenda as presented On a voice vote: **Motion Carried.**

A. AGENDA OF SEPTEMBER 11, 2024 PLANNING COMMISSION AGENDA

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 voiced her concern about the approval for Valley View, feeling like a foregone conclusion after comments made to the developer about the need for fairness. Regardless of this feeling, Mrs. Hall wants to point out that the development does not meet the current zoning ordinance for R2 Residential District. She cited the R2 criteria for low density, which this development is not. Furthering, Mrs. Hall cited the lot size per R2 zoning requires an average of 12,000 sq. ft and this development has an average of 10,000 sq. ft. which is not consistent with the surrounding neighborhood and in opposition to another R2 requirement. When discussing how the proposed development does not meet the R2 requirements, Mrs. Hall summarized that the maximum lot coverage is required to be less than 30% and the documentation by Mckenna notes the lot coverage as over 30% but then states the development is ordinance compliant. Mrs. Hall voiced her continued concerns about the storm water development and privately managed system. She urged language to be provided to surrounding homeowners with details on who to contact if they are being negatively impacted due to the runoff from the development or poorly managed system as the current proposed language shows no consistent monitoring by the City or County to ensure functionality. In conclusion, Mrs. Hall also urged the developer to be mindful of the current trees on the property as many are well established and healthy.

Barry Wayne Adams of 622 W Green Street spoke in favor of the minutes provided in the agenda packet, citing the substance of speakers during public comment. Furthering, Mr. Adams voiced concern over the dilution of movement by the City with the minutes housing a pile of statistics. Mr. Adams specifically cited the decision by the Joint Planning Commission not to recommend the change in zoning to I3 at the MAJOR Campus. Mr. Adams cited the management of the storm water run-off at the BOBPM site has been a continued issue and the response by EAGLE has been weak. Mr. Adams advised the board that sometimes they need to rethink their planning and move forward in a new direction. Lastly, Mr,. Adams stated that after the election things will change as they have with Marshall Township.

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

7) OLD BUSINESS

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. 2023 COMMUNITY SERVICES DEPARTMENT ANNUAL REPORT

Manager Perry presented the report completed by previous City of Marshall Zoning Administrator Eric Zuzga.

Commissioner Stewart requested the statement on page 7 be completed before moving for approval.

Moved by Tim Banfield, supported by Aron Hodo to Accept the 2023 Community Services Annual Report as amended On a voice vote: **Motion Carried**

B. VALLEY VIEW SITE CONDOMINIUM FINAL APPROVAL

Jeff Keesler of Mckenna presented the findings by the McKenna team. Mr. Keesler advised that a 9,000 sq. ft. lot would meet the requirements if the home is less than 3,000 sq. ft then the less than 30% is met. Mr. Keesler advised that there were no issues found by the review team with the proposed lot dimensions. Mr. Keesler also spoke on the design meeting the City standards. Mr. Keeselr did request the developer make note of the parking spaces intended for each unit. The assumption by the review team is that there would be 2 spaces per unit but Mr. Keesler would like the developer to clearly note that moving forward. Mr. Keesler also requested a clear outline for the lighting. The assumption is each unit will have a front and rear porch light but a clear plan would need to be put in place. When discussing the subject of roads and infrastructure, Mr. Keesler requested that Master deed reflects ownership of water/sewer in the right-of-way be owned and maintained by the City. He explained this verbiage would need to be clearly outlined in the deeding process to clear any future confusion with ownership over the roads and infrastructure. Mr. Keesler spoke on the storm water system being a private system that connects to the City system. He cites the verbiage provided by the city attorney which clearly defines the rolls and responsibilities of the HOA and City. On the subject of sidewalks, Mr. Keesler requested verbiage be added that all sidewalks must be maintained in compliance with the City ordinances. Mr. Keesler further discussed the need for clear verbiage in the bylaws regarding the two-stall garage and landscaping for each unit. Concluding the report, Mr. Keesler advised of the previous approval of that landscape plan by the board on June 12 and requested the removal of recommendations #2 and #3.

Mike West of Green Development Ventures spoke about the points presented by Mr. Keesler. Mr. West advised on the following points:

1. All the units will have 2 stall garages
2. The planned lighting is in compliance with the current building code, to include a front and rear light
3. The revised master deed and bylaws were received by the City attorney and were accepted pending review by their legal council
4. Landscape packages will be offered but are not required per the discussion with Mr. Zuzga previously, as well as the board in June. The screening in recommendation #2 is not applicable in a residential setting as discussed in the June meeting.

Chair McNiff asked the developer to speak on the concerns made by the public regarding the lot sizes.
Mr. West advised that the lots of the surrounding community being of different ages therefore the lot size being contingent on the age in which the property was developed. Mr. West cited the development to the West on Allen are similar to those proposed for this development of 10,000-12,000sq. ft. and were established in the 1960s. The homes on O'keefe were established in the 80s and 90s and have larger lot sizes. Mr. West advised that sidewalks will be installed for each properly as well.
Council Liason Wolfersberger requested clarification on what counts for lot coverage toward the 30% total allowed. He advised that with a 9,000sq. ft. lot the total coverage is 2,700sq. ft. Mr. West advised that typically the lot coverage varies from community to community and the 30% is referring to the structure.
Commissioner Banfield countered that typically the variation among communities is minimal and any impervious surface such as a patio or pool counts toward the total lot coverage.
Commissioner Stewart questioned the previous discussion about a connecting sidewalk to link the developments and if that is still being considered.
Mr. West advised that there is nothing in their plans for the sidewalk. He furthered the sidewalk option was turned back to the City as it would be maintained by the City due to the location being over City utilities. He advised that the walkway would encumber 4 lots and would compromise the privacy of those homes. Mr West concluded he has not heard from anyone at the City regarding the construction of the sidewalk.
Chair McNiff explained that the new Master Plan being constructed focuses a great deal on walkability throughout the City and the idea of not constructing sidewalks directly opposes that goal.
Commissioner Banfield explained that the city engineer has final approval over the plans provided. Mr. Keesler advised the Mckenna team would facilitate the requirement for the sidewalk if that is something the City requires and wants to move forward with.
Mr. West explained that the their team is not in favor of constructing the sidewalk but that they are also not in complete opposition if that is something that the City requires

moving forward.
Commissioner Banfield asked if the overnight parking prohibitions will be in effect in the development. **Mr. West** advised that they will erect the signage if that is what is required by the City.
Commissioner Banfield also voiced his confusion with a development being created that does not take into account a small amount of landscaping or the establishment of a lawn to prevent run-off. He advised he understood Mr. West provided packages for additional purchasing by homeowners but that as a developer there should be more emphasis on establishing a landscape.
Mr. West explained that part of the master deed for homeowners is to have the lawn seeded within 12 months if they chose not to purchase the lawn package the developer offers.
Chair McNiff voiced the community concern over the established trees being removed for the development. She asked if there is substance to the claims that removing the trees will contribute to drainage issues.
Mr. West clarified the source of these claims being housed in the Forest Street development, which Chair McNiff confirmed. Mr. West then went on to attest to the proposed storm water system being the most developed in the City. Concluding his lack of involvement and knowledge of the Forest Street system and inability to speak on it due to that fact.
Commissioner Banfield voiced his confidence in the City Engineer, Marguerite Davenport, and Spicer to make the final decision regarding the compliance.
Commissioner Fitzgerald spoke on Mrs. Hall's concerns for maintenance for the storm water service. He cited the minutes from the August meeting with detail on the verbiage in the Master deed on the City's 30-day notice to the HOA and subsequent repair of issues which would ultimately be billed to the taxes, if necessary.
Commissioner Stewart requested a friendly amendment for the dimensional standards table to be updated to make the correction for the maximum lot coverage as well as the list of reccomonedations striking #2 and #3 and correcting the bullet numbers to reflect that omission.

Moved by Tim Banfield, supported by Aron Hodo to Approve SC#24.01 the Valley View Site Condominium with the updated conditions:

1) The applicant should confirm that the homes will have two-car garages, and amend the By-Laws to reflect that
fact.

~~2) Front yard landscaping must be added to the landscaping plan to comply with Section 5.15.8.A.~~

~~3) Typical side and rear yard landscaping must be submitted, and added to Section 7.6.f of the By-Laws.~~

4) The applicant should confirm that the homes will be porch or front yard lights, as well as rear entrance lights.

5) Review and Approval of the final Condominium By-Laws and Master Deed by McKenna and the City Attorney,
including revisions to the Master Deed as described in this letter.

6) Review and Approval of Utility Extensions and Connections by the Department of Public Works.

7) Approval of the Road Dedication by the City.

8) Review and Approval by the City Engineer. On a voice vote:

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 voiced his opposition to the City having a recommendation to a private entity constructing on a private land site. He further expressed his opposition to new devleoments citing the historical appeal of Marshall and the developments contradicting that historical character which will result in lost tourism dollars. Mr. Adams further expressed his hypothesis that the battery park will fail with the collapse of EV vehicles. Mr. Adams advised the board he is running for mayor in the November election and upon his election will address the BOBPM. Further, upon being elected, Mr. Adams advised he would require heightened transparency of internal government actions. Lastly, Mr. Adams concluded that it is illegal and unconstitutional to restrict the free speech of the public. Including but not limited to the time and topic of which the public can address any of the boards. Mr. Adams states he will remedy this violation to free speech upon his election to office.

Commissioner Banfield left at 7:44PM

10) BOARD REPORTS

Council Liaison Wolfersberger contradicted the public comment about the lack of turn out to the home tours. Citing his attendance to the event and subsequent visits and feedback to local businesses all reported positively to the event participation.
Chair McNiff validated Liaison Wolfersberger's statements, discussing her observation of a successful event and elevated public participation at the farmers' market.

Commissioner Stewart applauded the City for the new activation zone. He voiced his hope that this project will set a trend for the residents to see future opportunity.

Jeff Keesler advised he will reach back out with the answers to questions on the lot coverage inquired about previously.

11) ADJOURNMENT

The meeting was adjourned at 7:50PM

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk