PLANNING COMMISSION AGENDA

Regular Meeting

November 13, 2024 at 7:00 PM

1) **CALL TO ORDER**
2) **ROLL CALL**
3) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.
    - **A.** Approval of September 11, 2024 Meeting Minutes.
4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by board action.
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**
7) **OLD BUSINESS**
    - **A.** Sign Ordinance Revision Discussion
8) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
    - **A.** First Floor Residential in B-3 Discussion
    - **B.** Marihuana Overlay District Discussion
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**

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 reccomenedations 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

ITEM 7.A

TO:	Planning Commission
FROM:	
DATE:	November 13, 2024
SUBJECT:	Sign Ordinance Revision Discussion

RECOMMENDATION:

CITY COUNCIL MINUTES

September 16, 2024
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, September 16, 2024 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

2) ROLL CALL

Roll was called:

Present: Mayor James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, and Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: None

3) INVOCATION

4) PLEDGE OF ALLEGIANCE

5) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by City Council action.

Moved by Jacob Gates, supported by Scott Wolfersberger to amend the agenda to add the August Power Purchase in the amount of $895,883.27 to the consent agenda and to table item 13A and to approve the agenda as amended. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Barry Wayne Adams of W Green St and Rebekah Sebring of Fredonia Twp gave public comment.

7) CONSENT AGENDA

Moved by Scott Wolfersberger, supported by Joe Caron to approve the consent agenda with the addition of the August power purchase, for a total purchase amount of $3,240,285.69. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, James Schwartz
Nays: None
Abstain: None
Motion carried.

A. <u>City Council Minutes</u>
Regular Session - September 3, 2024

B. **City Bills**

Purchases 8/30/2024	$730,439.00
Purchases 9/6/2024	$1,384,020.61
Purchases 9/10/2024	$229,942.81
August Power Purchase	$895,883.27
TOTAL	**$3,240,285.69**

C. MARSHALL HOUSE PSA TWELFTH AMENDMENT

8) PRESENTATIONS AND RECOGNITIONS

A. PUBLIC POWER WEEK PROCLAMATION

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes per public hearing.

A. ORDINANCE 2024-09 - SIGN ORDINANCE AMENDMENTS

Mayor Schwartz opened the public hearing on Ordinance #2024-09.

Barry Wayne Adams of W Green St and Rebekah Sebring of Fredonia Twp spoke during the public hearing.

Mayor Schwartz closed the public hearing on Ordinance #2024-09.

Council expressed concern about limiting the number of sandwich board signs, as well as the location of sandwich board signs. They stated that they would like to see the length of time for additional yard signs to be extended to at least 45 days, if not 60 days, before an election, to cover the timeline of absentee ballots. They expressed concern over the size of billboard signs, as the current signs on Michigan Ave off the I3 district are 230 sq ft and 28 ft tall, which is outside of compliance. They did support digital signage. There was concern over banner signs. On projecting signs, they would like to see it potentially be one per frontage, and that several existing projection signs do have some lighting. They additionally questioned feather signs and if they should be at least allowed as a temporary sign.

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to return Ordinance #2024-09, An Ordinance to Amend City of Marshall Zoning Code, Repeal of Chapter 5.0 Site Standards, Section 5.1 Signs, the Addition of Article 9, Signs, to Repeal any Ordinances in Conflict Thereof, and to Provide an Effective Date Hereof, to the Planning Commission with notes from council for further review. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Joe Caron
Nays: James Schwartz

Abstain: None

Motion carried.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

13) APPOINTMENTS / ELECTIONS

A. ~~BROOKS NATURE AREA ADVISORY BOARD APPOINTMENTS~~

This item was tabled during the setting of the agenda in item 5.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Rebekah Sebring of Fredonia Twp, Kelly Isaac of N Liberty and Barry Wayne Adams of W Gren St gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 7:58 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk

ITEM 8.A

TO:	Planning Commission
FROM:	Derek N. Perry, City Manager Marcia Strange, Director of Community Development
DATE:	November 13, 2024
SUBJECT:	First Floor Residential in B-3 Discussion

We have had a requests to add first floor residential in Downtown District but current zoning does not allow. Increasing housing stock within the community has been a priority and staff agrees with the attached memo we have worked with McKenna to develop. Staff is seeking input from the Commission before moving forward with any proposed changes.

RECOMMENDATION:
There is no action recommended at this time.

MCKENNA

Memorandum

TO: City of Marshall Planning Commission
FROM: Christopher Khorey, AICP Senior Principal Planner
SUBJECT: **First Floor Rear Apartments in the Downtown**
DATE: November 4, 2024

As the Planning Commission is aware, Section 4.23.1 of the Zoning Ordinance prohibits residential uses "on the first floor" of mixed use buildings in the B-2 District, which covers most of the downtown core of Marshall.

Recently, the City has been approached by property owners and developers interested in creating first floor dwelling units on the rear of downtown buildings. While there is broad agreement that the retail storefronts in the front of the buildings should be preserved, advocates have suggested the following reasons that rear first floor dwelling units should be permitted:

- Many of the buildings in Downtown Marshall are deep, creating very large retail spaces that are not desirable for small retailers, and rent a low rate per square foot. Using a portion of that space for residential would retain sufficient space for retail, while allowing a more efficient use of the existing buildings.

- First floor dwelling units are more easily made accessible for seniors and persons with disabilities. Accessible first floor dwelling units are in high demand, and can attract public subsidies that make the rejuvenation of a historic building more financially viable.

- Marshall, like many communities, is facing a shortage of housing, and allowing first floor rear units would open up another option without sprawling into farmland or altering the character of existing neighborhoods.

McKenna has drafted a proposed amendment, which is on the following page, for consideration and revision by the Planning Commission and City staff.

GRAND RAPIDS
124 East Fulton Street
6th Floor, Suite B
Grand Rapids, Michigan 49503

O 616.226.6375
F 248.596.0930
MCKA.COM

Communities for real life.

DRAFT AMENDMENT

Section 4.23 Mixed Use Development

In the POSD, HCHSD, B-2, B-3, B-4 and FS districts, mixed-use development, with business, commercial, or service uses on the ground floor, residential, and office uses on upper floors, is a permitted use subject to the following:

1. ~~No residential use may be located on the first floor.~~Residential uses shall only be located on the first floor if the following requirements are met:

    A, A commercial storefront must occupy the front of the building, and must extend from the front wall to an interior wall at least 30% of the distance from the front wall to the rear wall.

    B. All requirements of the Building Code must be met for both the residential and commercial spaces, including, but not limited to, egress and windows.

2. No floor used for business or office uses may be located above a floor used for residential purposes.

3. A separate, private entrance shall be provided for the residential uses. Entrances to lobbies, hallways, or stairs that access residential units may be located within the portion of the building required to be occupied by commercial storefronts in Subsection 1.A, but shall not occupy more than 20% of the width of the building.