# PLANNING COMMISSION MINUTES

June 11, 2025
Regular Meeting - 7:00 PM

**1) CALL TO ORDER**

IN A REGULAR SESSION held on Wednesday, June 11, 2025 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: Tim Banfield, Carter Bright, Tim Fitzgerald, Aron Hodo,Ian Stewart, Ryan Underhill

Also Present: Director of Community Development Strange and Deputy Clerk Cary

Absent:Chair Lisa McNiff, Karl Sievertsen, Jim Zuzk

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

**Moved** by Tim Fitzgerald, supported by Aron Hodo to approve the May 14, 2025, Planning Commission minutes On a voice vote: **Motion Carried**

**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.**

**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.

Grace Larder, owner of 1112 W Michigan Ave, spoke on the Consumer's Credit Union Site Plan, Barry Wayne Adams of 622 W Green St spoke about the Consumer's Credit Union Site Plan and the Draft Mast Plan, and Dan Larder, co-owner of 1112 W Michigan Ave, spoke on the Consumer's Credit Union Site Plan.

**A.** Communication received by Staff regarding Consumer's Credit Union

Letter received by Staff prior to the meeting is in the packet.

**6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**

none

**7) OLD BUSINESS**

none

**8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS**

**A.** 2025 City of Marshall Master Plan Draft to City Council

Julie Tschirhart of Progressive Companies gave a presentation on the Draft 2025 Master Plan. She discussed what a Master Plan is and why we create one. She discussed what the process has been to this point, which included pop-up events, online surveys and multiple open houses over the past year. She stated that there has been a steering committee comprised of many different stakeholders in the community including planning commission members, county staff, and business owners, among others.

The commission discussed the possibility of an accessory dwelling unit on a property that is proposed in the master plan, and the process that would need to be taken to make that happen.

**Moved** by Aron Hodo, supported by Ian Stewart to move the draft 2025 Master Plan to City Council. On a voice vote: **Motion Carried**

**Moved** by Aron Hodo, supported by Ian Stewart to set the public hearing for the 2025 Master Plan for September 10, 2025. On a voice vote: **Motion Carried**

**B.** 210 Winston Drive - Hotel

Director Strange introduced and gave background on the Spring Hill Suites project at 210 Winston Dr. She stated that the lot coverage, height and setbacks all meet the ordinance and condo agreement in that area. She stated that staff had met and reviewed the project and no departments have expressed any concerns. The hotel has a place for additional parking if the need arises with their meeting room. They will have screening facing the senior living facility in the neighborhood. The electrical department will review the loads once they have construction documents. There is an MDOT right of way permit for storm water discharge.

Rayhon Rana spoke on behalf of the petitioner. He stated that it would be a 4-story building with 106 rooms. Commissioner Banfield questioned the lack of curb. The petitioner stated that it was originally designed for storm water run off, but the design has been changed to add a curb as required in the ordinance. The petitioner stated that they are working with MDOT to use the adjacent detention pond. Commissioner Banfield pointed out that a revised Landscape Plan is needed to reflect the island changes in the Civil drawings.

The commission stated that they would like to make sure that there is adequate lighting for the parking lot and walkways.

**Moved** by Ian Stewart, supported by Aron Hodo to approve the site plan for 210 Winston Dr. On a voice vote: **Motion carried.**

**C.** 1114 West Michigan Avenue - Consumers Credit Union Site Plan Amendment Request

Director Strange introduced SP25.6.2 for Consumer's Credit Union located at 1114 W Michigan Ave. She stated that this is a request to amend SP23.09, which was approved in December 2023 by the Planning Commission. She further stated that in the approved site plan there was a connection between the 1114 W Michigan Ave parcel and the 1112 W Michigan Ave Parcel and, based on the minutes from that meeting, the intent of the site plan and the Planning Commission was to keep the access between the parcels that had been historically in place. She stated that after the site plan was approved by the Planning Commission, the petitioners sought MDOT approval and were told they needed to widen the throat of their drive. There was discussion between the owners of 1112 W Michigan Ave and 1114 W Michigan Ave about the use of some of the frontage of 1112 W Michigan Ave for the widening of the drive, which the owners of 1112 W Michigan Ave declined. Petitioners shifted the throat of the drive to the west, which eliminated 2 parking spaces to allow for the new drive, and closed the access between the two parcels without seeking approval from the Planning Commission. The petitioner was notified by staff that the layout of the parking lot as built did not meet the approved site plan. The petitioner is now asking to amend the site plan to meet the built design.

Nick Loeks of Bosch Architecture Engineering & Interior Design spoke on behalf of Consumer's Credit Union. He stated that there are 2 different MDOT rules for driveways, which the original submittal met the requirements of the administrative rules for driveways, with the exception of encroaching on the neighboring parcel by approx 5 feet. Upon submittal to MDOT, they were told they needed to meet the requirements of the other MDOT driveway rules, GEO 6080, which requires a wider drive, which must be entirely within their property. They met with MDOT and the owners of 1112 W Michigan Ave in October 2024 to discuss the proposed driveway and keeping the current access between the parcels. MDOT agreed to lower the requirements of the driveway and the owners of 1112 W Michigan asked for a plan to be submitted to them. They presented the plan to the owners of 1112 W Michigan Ave in November 2024, which the owners declined. MDOT required a traffic study to prove that the existing drive would suffice for their use only. The traffic study was conducted and it was found that the existing drive would suffice. As a result of the study, they removed the access as the study was done for their use only, and as it wasn't listed as a condition of the original approval, they did not believe they needed to return to the Planning Commission. He stated that the owners of 1112 W Michigan Ave stated that they could see upwards of 75–100 cars a day, while the traffic study showed the credit union having a maximum of 60 cars a day, and questioned who would be responsible for the maintenance of the driveway, as the bank may be considered a secondary user on their own property. He additionally stated that the credit union feels that, as they had to remove two parking spaces for the drive which were the closest spots to the building at 1112 W Michigan, there is now a safety concern, as people may be crossing the drive to get to the business at 1112 W Michigan Ave. He questioned the liability if there was an accident and if there was any way to guarantee that the parking lot would only be used by patrons of 1114 W Michigan Ave during their business hours and not patrons of 1112 W Michigan. He stated that there would potentially be an issue with stacking backing up behind the parking spaces. He further questioned how a neighboring use with more traffic per day on an unsafe site solely relies on a neighboring site for egress and ingress.

Lindsey McCall, the COO of Consumer's Credit Union, stated that Consumer's Credit Union is excited to come to Marshall. She stated that there are already 500 members of the Credit Union in Marshall, as well as Marshall residents hired to work at the new facility. She stated that they are looking to be good partners, and have offered to promote the business at 1112 W Michigan Ave, but that they now have concerns about safety and wear and tear of the drive, among other things.

Vice Chair Banfield questioned where the original 5' encroachment was, the right of way or the parcel proper. Nick stated that it was in the right of way. He stated that the driveway requirements are going to be an issue for any property on Michigan Ave based on the way the road is set up. Vice Chair Banfield questioned if Nick was the creator of the original site plan with the encroachment. Nick stated that he was and that the MDOT is now enforcing larger drives in the cities where they haven't in the past. He stated that the owners of 1112 W Michigan Ave were not in agreement with encroachment on their property due to potentially developing the site further in the future. He stated that he had to get approval from the regional traffic director to even do the traffic study. Banfield questioned if the petitioner had the document stating that the MDOT wouldn't allow any other business to use the drive based on the traffic study. Nick stated that the traffic study was only based on credit union traffic, not that there was anything specific from MDOT prohibiting the use of the drive by another business. He did state that adding more traffic to the study would have put the drive into a different use. Banfield questioned why Nick allowed the work to proceed without getting permission from the Planning Commission to amend the site plan. Nick stated that they took away the access as it wasn't a condition of the approval, so he thought it was ok to proceed. Banfield stated that in the minutes from the previous meeting it was noted that Nick had stated that not only was the cross-connection access going to remain, but that they would allow the patrons of the business at 1112 W Michigan Ave to use the parking lot during non-business hours. Nick stated that it wasn't listed as a condition of approval per the ordinance, and there is no easement agreement in place.

Commissioner Bright questioned what the peak hours are. Nick stated that the peak hours are typically 9am and 5pm, right at open and close. Bright questioned what the number was for the afternoon rush. Nick stated that it was 27 cars, but that there would never be that many leaving the credit union in an hour. Bright questioned the peak hours of the neighboring business. They stated it was about 4-7, but typically after the dinner hour.

**Motion** by Aron Hodo, supported by Tim Fitzgerald to approve the amended site plan for 1114 W Michigan Ave.

Commissioner Hodo stated that it appeared the removal of the cross cut was retaliatory and that although it was not conditioned, the original plan showed it being maintained. Fitzgerald agreed that it seemed retaliatory. Commissioner Bright stated that it was corporate America going after a small business and that Marshall was built on being good neighbors. Commissioner Hodo agreed that it was not neighborly and that it essentially renders the 1112 W Michigan Ave parcel useless. Commissioner Banfield stated that it could have been handled with a legal agreement before it came to the Planning Commission and that there are multiple examples of shared crossovers throughout the city. Fitzgerald asked if there were agreements in place for the other crossovers. Banfield did not believe so, unless there were some on file he was not aware of. He continued to say that the commission doesn't handle cross-overs in general, and that when it came before the commission previously it potentially should have been closed off that night as there was no legal agreement in place. Banfield stated that the 1112 W Michigan Ave site is inadequate and that there isn't room on that parcel to do anything additional within the current ordinances. The current drive is built with zero setbacks to the neighboring parcels. He stated that the 1112 W Michigan Ave parking lot is maneuverable with a large vehicle as long as people are not double-parked, but it's not safe with the parking spaces on the side. If the three spots in the drive were removed at 1112 W Michigan Ave, they would still maintain the required parking on that lot. He restated that there wouldn't have been an issue if a legal agreement had been in place, and that owners of a property are allowed to do what they please with their property, for instance, in this case, close off a cross-cut, if there is no legal agreement. Banfield stated that he felt the commission was intentionally ignored, as the petitioners poured concrete before asking for an amendment to their site plan.

Director Strange stated that 5 affirmative votes were required for this to pass, per the Planning Commission Rules of Procedure.

Nick stated that the amendment also includes the relocation of the driveway and questioned what happens if the Planning Commission denies the amendment. Director Strange stated that typically MDOT approval is typically not received before a site plan comes to the Planning Commission. She suggested potentially having 2 votes, one for the driveway to be considered as a separate item. Banfield stated that the petitioner would need to submit a new amended application for just the driveway changes. He further stated that he knows MDOT is in control, and that the Planning Commission has no control over MDOT. The Planning Commission is only approving how the driveway connects to the MDOT approved opening. Nick questioned if the driveway would be able to remain in its current location. Banfield stated that he would need to come back and ask for an amendment for just that piece. Nick questioned if it could be handled tonight. Banfield stated that the motion could be created to include conditions that may allow portions of the amended site plan, while others are not allowed. Nick requested that if the Planning Commission chooses not to approve the amended petition as a whole, to put conditions on approval tonight to allow for the driveway to be kept where it is.

**Commissioner Hodo rescinded his motion and Commissioner Fitzgerald rescinded the second.**

Chair Banfield asked Director Strange for potential conditions on the amended site plan, allowing the driveway as amended and keeping the cross-cut. Director Strange presented for consideration that a shared access agreement be put in place between the two parcels and the cross connection be put in place. Commissioner Stewart questioned who would create the shared access agreement and when it would be completed as he did not want loose ends. Director Strange stated she wasn't sure what parameters the commission was allowed to require, as both parties may have different stipulations they would like to have, including but not limited to maintenance, timing, signage. Banfield suggested staying generalized as opposed to getting specific to allow the parties to come to their own agreement. Underhill questioned if the changes now are not infringing on the 1112 W Michigan Ave property. Banfield stated that was correct. Underhill stated that now it's just an aesthetic question. Banfield stated that it's a question of the cross-over.

**Motion** by Carter Bright to enforce the original site plan. Hearing no second, the motion died.

Chair Banfield stated that the motion needed to be on the site plan before the commission, not the original site plan.

**Motion** by Ian Stewart, to approve the amended site plan with the reinstatement of the connecting drive and to ensure a shared access agreement is in place between 1114 W Michigan Ave and 1112 W Michigan Ave. Hearing no second, the motion died.

Director Strange stated that she feels the motion should approve a portion of the amendment, but require the shared drive to be reinstated, if that is the intent of the commission. Stewart stated that he would like to meet MDOT requirements and maintain the shared access. Director Strange stated that the commissions motion should be to approve the amendment with the condition that the shared access drive be reinstated. Bright and Hodo stated that they don't feel that the commission can dictate a legal agreement.

**Motion** by Ian Stewart to approve the amended site plan with the condition that the shared access drive is reinstated in its original position. Hearing no second, the motion died.

Chair Banfield called the question on the original motion by Aron Hodo to approve the amended site plan to 1114 W Michigan Ave. Clerk Cary stated that the motion had been rescinded.

**Motion** by Aron Hodo, supported by Fitzgerald to approve the amended site plan to 1114 W Michigan Ave. On a roll call vote:

Ayes: None
Nays: Bright, Fitzgerald, Hodo, Stewart, Underhill, and Banfield
Abstain: None

**Motion fails.**

**Motion** by Ian Stewart, supported by Carter Bright to approve the provided amended site plan with the condition that the shared access drive be restored to the original site plan. On a roll call vote
Ayes: Hodo, Stewart, Banfield, Bright, and Fitzgerald
Nays: Underhill
Abstain: None
**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 St gave public comment.

10) **BOARD REPORTS**

none

11) **ADJOURNMENT**

The meeting was adjourned at 8:59pm.

Respectfully submitted by,

Brandie Cary
Deputy Clerk