

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, August 14, 2013**

In a regular meeting session, Wednesday, August 14, 2013 at 7:00 p.m. at City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI the Marshall Planning Commission was called to order by Chair Collins.

ROLL CALL

Members Present: Chair Collins and Commissioners Banfield, Davis, Zuck, Burke Smith, Meservey and Council Liaison Mankerian

Members Absent: Commissioner Fleming

Staff Present: Natalie Huestis, Director of Community Services

MINUTES

MOTION by Davis, supported by Burke Smith, to accept the minutes of the July 10, 2013 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AGENDA

MOTION by Zuck, supported by Meservey, to accept the agenda for the August 14, 2013 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

Continuation of July 10, 2013 Public Hearing on Existing Hospital Campus Overlay District (HCO) Text and Map (previously adopted Ordinances 2013-02 and 2013-03)

Public Hearing Open

Staff stated that this is a continuation of the public hearing that was held on July 10, 2013 regarding Planning Commissioner's recommendation of the previously adopted (rescinded) HCO Ordinance and also to gather any new ideas from the public.

Martin Overhiser, 215 N. Marshall, President Marshall Neighborhood Association (MNA), stated that Planning Commissioners were presented with an alternative plan that was agreed upon between the MNA and the hospital. Mr. Overhiser went over the plan with Commissioners and further stated that if this plan is submitted to City Council, and City Council approves the alternate plan, the law suit would be dropped.

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Mr. Overhiser discussed with Commissioners their role as a planning commission. He stated that there is a process that needs to be followed with the development of a district. He would have liked to see the Commissioners be more involved in the process from the beginning.

Ginger Williams, CEO/President of Oaklawn Hospital, stated that she agrees with what Mr. Overhiser stated regarding the alternative plan. She discussed the HCOD process and confusion over the past few years. Ms. Williams stated that Oaklawn Hospital agrees with the alternative plan that was presented last month to Commissioners.

Holly Harnden, 401 E. Mansion, thanked Oaklawn Hospital and the MNA for working together and compromising. Ms. Harnden hopes this is the start of a community partnership now and for the future.

Glenda Jackson, 16053 18 Mile Rd., Marshall and has a business on Mansion Street. Ms. Jackson is very pleased with the agreement presented by MNA and Oaklawn Hospital. She stated she likes that the hospital has listened to the neighborhood's concerns. Ms. Jackson thanked the Commissioners for their work on this process.

Public Hearing Closed.

Public Hearing for Addition of "Off-Premises Sign" to Sign Ordinance §152: Appendix A: (B) 6

Public Hearing Open.

No public comments were made.

Public Hearing Closed.

NEW BUSINESS

Appoint 2 New Members to the Joint Planning Commission

Staff discussed with Commissioners that there will be at least four JPC meetings in the next four months for the new Emergency Services Building.

MOTION by Banfield, supported by Burke Smith, to appoint Commissioner Davis for the 3 year term on the Joint Planning Commission. On a voice vote; **MOTION CARRIED.**

MOTION by Burke Smith, supported by Zuck, to appoint Commissioner Banfield for the 2 year term on the Joint Planning Commission. On a voice vote; **MOTION CARRIED.**

Receive Addition to Ordinance Language § 156.421 (E) Zoning Permits: Collection Boxes

MOTION by Davis, supported by Zuck, to Receive Addition to Ordinance Language § 156.421 (E) Zoning Permits: Collection Boxes.

Staff went over her report and stated that she has been in contact with the city attorney and went over the language for the ordinance. She stated that before there gets to be too many collection boxes in the City, the language needs to be approved by Commissioners so they can be regulated.

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Commissioners discussed if they wanted to keep the collection boxes out of certain zones, the size of the containers and if the name on the container would be considered a sign. Commissioners also discussed if the collection containers are really needed in the City. They stated that since there is already a location within the City that does a very good job of receiving donations, does the City need to have collection containers.

After further discussion Commissioners decided to have staff add changes to the proposed language to include the following:

- Prohibited in B-3 and residential zoning districts
- 5000 feet apart
- Emptied more than two times a month
- Add an expiration date to the permit (ie; 1 month, 90 days)
- Add “collection containers” to the sign ordinance

Commissioners then discussed that they would like staff to bring back language stating that unattended collection containers are prohibited in the City of Marshall. Staff stated she will work on this and bring the changes back for the September meeting.

A motion for the public hearing was not needed. The public hearing will be scheduled for a future date.

OLD BUSINESS

Discuss and Develop Recommendation on Existing Hospital Campus Overlay District (HCO) Text and Map (previously adopted Ordinances 2013-02 and 2013-03)

Staff went over the recommendation to City Council and explained that Commissioners can choose which wording they wish to use or come up with their own. She stated that the recommendation she provided was just examples of what could be used. Staff further stated that she presented it in this format due to the timeline for City Council to receive the recommendation as the City Council meeting is scheduled for Monday, August 19th.

Commissioner Davis stated that since Oaklawn Hospital and MNA have presented an agreement, the recommendation should not be a difficult process.

MOTION by Davis, supported by Meservey, to recommend that the HCO ordinance and map (previous ordinances 2013-02 and 2013-03) be approved as originally adopted by City Council on April 1, 2013 with recommendation for the following items received in mutual agreement from the Marshall Neighborhood Association and Oaklawn Hospital:

- A. It is recommended the boundaries of the overlay district are changed as indicated by the attached map to exclude the four (4) High Street properties (east of existing hospital) and two (2) Prospect Street properties (west of Madison Street).
- B. It is recommended that overlay boundaries should be drawn along property lines to be consistent with other districts on the official City map.
- C. It is recommended that the text change for the HCO District language §156.184 (F) (3) to add:

Any new buildings constructed within the HCO District that abuts residentially zoned property, north of Prospect Street or west of Madison Street, shall have a minimum step-back requirement of ten (10) feet per floor for each floor above the second story. This step-back requirement for a third, fourth or fifth

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floor shall be measured for the exterior wall face of the floor directly below for all sides of the building that directly abuts residentially zoned property.

- D. It is recommended that a portion of text be deleted from the HCO District language §156.184 (H) (a) (4):

~~A tiered height screening approach shall be provided on the side of a lot within the HCO District facing residential property located outside of the HCO District.~~

Commissioners discussed why staff preferred to have the HCOD boundaries drawn on the lot lines and not from the middle of the road. Staff stated that because assessing and the City's GIS mapping software used lot lines, it makes looking up parcels easier when the boundaries are drawn using lot lines.

Commissioners discussed the step-backs of a potential building after it reaches the second story. They asked staff if there is a definition of "story" in the ordinance and if a floor is half below grade, considered basement, and half above grade, when would the first floor begin. Staff stated that this is defined in the ordinance under "story". She stated that the ordinance does define story, just not the height of a story. Staff stated that a story can be any height and usually a story is shown on the building plans. Some Commissioners were concerned that without having a complete definition of story, a new building could be built with the first two stories being greater than 35 feet. If this happens, the step-backs would not start until the third story, and there could potentially be a three story building taller than any of the Victorian homes in the neighborhood.

Commissioners continued discussing at what height to start the step-back of a building.

Mr. Overhiser stated that if a specific height limit was added to the HCOD it will only cause confusion. Commissioners stated that if there is a height limit determined, then an architect will design within the limit requirements. Commissioners further stated that the story requirement would only be for any new building being built that is north of Prospect Street or west of Madison Street.

Ginger Williams stated that if a height limit is set, will that limit make sense 10 years from now? She stated that with the ever changing technology, she was concerned a height limit would not work. Commissioners stated that there is always the option to apply for a variance or build in another location of the HCOD.

Commissioners discussed setting the height limit of a story at either 24 feet or 16 feet. They want to make sure that any building being built within the HCOD that will be north of Prospect Street and west of Madison Street will not be too tall before the step-back starts. Commissioners stated they are more concerned with the external impact of the building.

Staff mentioned that she is concerned that if a specific height limit is placed in the ordinance on stories it has the potential to be unbuildable.

AMENDED MOTION by Burke Smith, supported by Banfield, to amend language in original motion, part C, to say the following:

- C. It is recommended that the text change for the HCO District language §156.184 (F) (3) to add:

Any new building constructed within the HCO District that abut residentially zoned property, north of Prospect Street or west of Madison Street, shall have a minimum step-back requirement of 10 feet after

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the first 24 feet of elevation above average grade. This step-back requirement for additional floors shall be 10 feet back for every floor, at a maximum of 16 feet in height, measured from the roof of the previous floor.

On a voice vote; **MOTION CARRIED.** (Davis opposed)

On a voice vote; **MOTION CARRIED.**

Discussion and Recommendation on Addition of “Off-Premises Sign” to Sign Ordinance §152: Appendix A: (B) 6

Staff stated that although “Off-Premises Sign” is defined in the ordinance it is not included in Appendix A of Chapter 152. Staff added “Off-Premises Sign” to Appendix A: type and location of signs, under prohibited signs in all districts:

(B) *Signs prohibited in all districts.*

- (1) *Abandoned.*
- (2) *Balloon.*
- (3) *Portable.*
- (4) *Roof.*
- (5) *Vehicle.*
- (6) *Off-Premises.*

MOTION by Banfield, supported by Davis, to recommend the Addition of “Off-Premises Sign” to Sign Ordinance §152: Appendix A: (B) 6. On a voice vote; **MOTION CARRIED.**

Public Comment for Items not on the Agenda

Parker Fields, 135 ½ W. Hanover, discussed with Commissioners his plans to rent the old Dairy Queen building and car wash building on W. Michigan Ave. so he can turn his hot dog stand, “Pappy’s Hotdogs”, into a drive-thru family establishment. Mr. Fields stated he would use the old car wash building as a bait and tackle store. He went on to say that he went to school in Marshall, moved away for a while and now he is back. He discussed his business plans and stated how it would be nice to have a family establishment within the city.

Staff stated that she has gone through the site plan application with Mr. Fields and explained what he would need to complete in order to start working on his idea. Commissioners asked Mr. Fields if he will own or lease the property. Mr. Fields stated he is leasing the property and would not have to make any rent payments until he is open for business.

Commissioners wished Mr. Fields good luck and stated they like his idea and hope to see him back with his site plan.

REPORTS

Chair Collins stated that today is her mother’s 93rd birthday.

Commissioner Davis stated that this is the second time that Marty Overhiser had made the suggestion that Planning Commissioners are not doing their jobs. Davis stated that he has an issue with this and believes that all of them did a wonderful job with the HCOD. He further stated that even

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if they disagreed on a subject, they agree to disagree and move on. The Planning Commission doesn't let this interfere with our personal relationships.

Chair Collins stated that she agrees with Davis.

Council Liaison Mankerian stated that her daughter's 29th Birthday is today.

ADJOURN

The Planning Commission adjourned at 9:22 p.m.

Submitted by,

Colleen Webb