

**MINUTES  
MARSHALL CITY PLANNING COMMISSION  
WEDNESDAY, April 13, 2020**

In a regular session, Wednesday, May 13, 2020 at 7:00 p.m. via Teleconference Call the Marshall Planning Commission was called to order by Chair Davis.

**ROLL CALL**

Members Present: Chair Davis, Commissioners Burke Smith, Banfield, McNiff, Reed, Rodgers and Schwartz, and Council Liaison Metzger

Members Absent: Commissioner Collins

Staff Present: Trisha Nelson, City Clerk & Planner

**ESTABLISH RULES FOR REMOTE MEETINGS**

**MOTION** by Banfield, supported by McNiff to adopt resolution #20.01 to establish Rules for Remote Meetings. Burke Smith stated that on Page 2 Section B should say Marshall Planning Commission, not Joint Planning Commission. On a roll call vote; ayes- Davis, Burke Smith, Banfield, McNiff, Reed, Rodgers and Schwartz; nays- none; **MOTION CARRIED**

**AGENDA**

**MOTION** by McNiff, supported by Banfield to accept the agenda for the Wednesday, April, 13, 2020 as submitted. On a roll call vote; ayes- Davis, Burke Smith, Banfield, McNiff, Reed, Rodgers and Schwartz; nays- none; **MOTION CARRIED**

**MINUTES**

**MOTION** by Rodgers, supported by Banfield, to accept the minutes from the March 11, 2020 regular meeting. On a roll call vote; ayes- Davis, Burke Smith, Banfield, McNiff, Reed, Rodgers and Schwartz; nays- none; **MOTION CARRIED**

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PUBLIC HEARINGS**

Chair Davis opened the public hearing on Rezoning Request #RZ20.01 for 119 N Grand from POSD Professional Office Service District to R-3 Traditional Residential. Hearing no public, Chair Davis closed the public hearing

**NEW BUSINESS**

**MOTION** by McNiff, supported by Banfield to recommend Rezoning Request #RZ20.01 for 119 N Grand from Professional Office Service District to R-3 Traditional Residential to City Council.

Nelson stated that the owner wants to sell the property and were under the impression that it had already been rezoned since. Properties across the street are R3, Masterplan shows it being mixed use. Banfield questioned if it was a recommendation to council. Davis stated that was correct, they will have the final decision.

The Planning Commission went over the Rezoning Criteria.

**A. The proposed zoning district is more appropriate than any other zoning district or more appropriate than adding the desired use as a special land use in the existing zoning district. Banfield questioned if a special land use could be used instead for residential.** Nelson stated that residential is not a permitted or a special land use in the POSD zone. Davis stated that it isn't more appropriate but we can't use a special land use. McNiff stated that it is a weird property with the size and there is no parking for a business. Metzger questioned if it was a rental before. Eldon Vincent stated that it was a rental before they it was purchased in 2007. They turned it into an office at that time, and then eventually turned it into a home in 2012. Reed stated that it is more appropriate to rezone it than to use it as special land use. Banfield stated that with it being on the edge of a zone it would be appropriate to change it back to residential.

**B. The property cannot be reasonably used as zoned.** Davis stated he doesn't believe it could be. McNiff stated parking would be an issue. Banfield stated that it was used as an office space, so it can be again.

**C. The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.** McNiff stated that mix use isn't practical for that property, as there can't be a business and residential. Banfield stated that the property could be if there was a new structure, but not with the existing structure. McNiff stated that even if you put up a 2 or 3 structure they wouldn't have parking for that. Davis stated that it's unfortunate that there is no option for an either or for the zoning of a property, as there are several that could be both businesses or residential. Schwartz stated that the house nearby that Vincent bought on Mansion had to be converted from a B3 to residential as well. Nelson stated that B3 allowed for the property to revert to residential if it had been before. Nelson stated there is no clause like that for POSD. Banfield stated that this shows that we need to look at the master plans, as the master plan showed it should be higher density, and that if someone wants to develop the rest of the block you would have a resident in the middle of the district.

**D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment. Density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.** Banfield stated that residential is compatible with the established land use pattern. Davis stated it also is consistent with the needs of the community.

**E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.** Commissioners agreed it is.

**F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the City.** Commissioners agreed it would not.

**G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.** Banfield stated it does. Rodgers agreed. McNiff stated that she agrees, especially considering that it would have a residential in that block that is zoned POSD. Davis doesn't disagree and that he doesn't believe it is a special privilege.

**H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.** Davis stated it doesn't apply.

**I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.** Davis stated no, Banfield stated that it could be considered a change in conditions and that since we need more residents that could be considered a change. McNiff stated that we need residents now, and that when it was originally zoned there may not have been as much pressure to find residential properties.

**J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.** Commission agreed.

Vincent stated that the whole side of Grand is residential and the other side of Grand is mixed use and the neighbors all get along well.

On a roll call vote; ayes- Davis, Burke Smith, Banfield, McNiff, Reed, Rodgers and Schwartz; nays- none; **MOTION CARRIED**

#### **OLD BUSINESS**

None

#### **PUBLIC COMMENTS NOT ON AGENDA**

None

#### **REPORTS**

Banfield stated that in the future he would prefer a zoom meeting over the phone conversation. Nelson stated that there is no business on the agenda currently for June, but that in the future it would be Zoom if not in person.

Nelson stated that she has started the citizen planner course through MSU and will be working on it for the next 6 weeks.

McNiff questioned how the elections were going to be. Nelson stated that finding workers will be a problem, and that most of her workers are currently older in age, so it could be an issue. She's expecting more absentee voters this year.

Davis stated that MAEDA currently is trying to figure out how to help out the local businesses and have been having a weekly call which has been very informative. They did receive some strong resumes for the CEO position and will be moving forward on interviews.

Banfield questioned how the local public safety is doing with COVID19. Schwartz stated that he talked to McDonald and said that they are wearing masks and gloves and are trying to do more complaints by phone. They've been trying to bond people out if possible to not overcrowd the jail, but have a positive attitude.

**ADJOURN**

Planning Commission adjourned at 7:55 p.m.

Submitted by,

Michelle Eubank