

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, JUNE 9, 2021**

In a regular session, Wednesday June 9, 2021 at 7:12 p.m. at City Hall, Training Room, 323 West Michigan Avenue, Marshall, Michigan, the Marshall Planning Commission was called to order by Chair Banfield.

ROLL CALL

Members Present: Chair Banfield, Commissioners Burke Smith, McNiff, Reed, and C. Zuzga and Council Liaison Wolfersberger

Members Absent: Commissioner Davis, Hall, and Zuck

Staff Present: Trisha Nelson, City Clerk & Planner

AGENDA

MOTION by McNiff, supported by Reed, to accept the agenda for the Wednesday, June 8, 2021 as submitted. On voice vote; **MOTION CARRIED.**

MINUTES

MOTION by McNiff, supported by Burke Smith to accept the minutes from the April 14, 2021 regular meeting. On voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

None

NEW BUSINESS

MOTION by McNiff, supported by Zuzga to schedule a public hearing for July 14, 2021 for a Zoning Ordinance Amendment to change Marihuana Facilities from a Principal Permitted Use to a Special Land Use.

Nelson stated that Exhibit A shows what staff will be proposing to take to City Council and that the reasoning behind the zoning change is to make it easier to enforce issues with owners, such as odor, and will only apply to new facilities. McNiff questioned if the City was out of licenses. Nelson states that this would change the ordinance to allow for grows to be closer in certain conditions. Banfield stated that the intent of the original ordinance was to allow 5 facilities, so this would change that. Banfield questioned how many potential facilities are there and how many would there be total if they all became facilities. Nelson stated that there are very few and that the City GIS expert has created a map based on the qualifications that show what could be done. Banfield stated that on page 4 another problem that may arise is that it changes the ordinance to say no unreasonable odor opposed to no odor.

Nelson stated that it is going by legislation at the state level and was recommended by City Attorney Revore. Wolfersberger stated that according to Revore the current ordinance of no odor was not enforceable, but unreasonable odor is. Nelson stated that she believes there will be issues with the Mulberry site. McNiff stated that no odor is enforceable and that there was a city in Michigan that won in the court of appeals. Zuzga stated that the problem with saying unreasonable odor is that depending on the time the conditions and odor may change.

MOTION by McNiff, supported by Zuzga to schedule a public hearing for July 14, 2021 for a Zoning Ordinance Amendment to change Marijuana Facilities from a Principal Permitted Use to a Special Land Use. On voice vote; **MOTION CARRIED.**

OLD BUSINESS

None

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

Nelson stated that Love's Truck Stop will be coming in with another site plan amendment at the next meeting as well as potentially receiving a Special Land Use application. She further stated that MPM will not be moving forward with their hoop house project at this time.

Wolfersberger stated that there are negotiations between the land bank and a developer for the

Banfield questioned who the code compliance officer was. Nelson stated that there currently is not just one, that each director has been assigned a portion of the city to look for issues and letters will be sent. Burke Smith stated that there is an issue with an RV parked in the rear yard near her home and that there is also several commercial trailers across the street and they appear to be running a business out of their home. Banfield stated that it had been going on for over a year at this point. Banfield further stated that the city is looking great with trees coming in and coming in to town looks fantastic. He stated that Phil Smith has a great personality.

ADJOURN

Planning Commission adjourned at 7:45 p.m.

Submitted by,

Michelle Eubank