

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 10, 2021**

In a regular session, Wednesday, November 10, 2021 at 7:00 p.m. at City Hall, Council Chambers, 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, Fitzgerald, Hall(late), Longyear, McNiff Reed, and C. Zuzga

Members Absent: Commissioner Zuck and Council Liaison Wolfersberger

Staff Present: Trisha Nelson, City Clerk & Planner
Eric Zuzga, Director of Community Services
Scott McDonald, Director of Public Safety
Tom Tarkiewicz, City Manager
Kevin Maynard, Electrical Director

AGENDA

MOTION by McNiff, supported by Burke Smith, to accept the agenda for the Wednesday, November 10, 2021 as submitted. On voice vote; **MOTION CARRIED.**

MINUTES

MOTION by McNiff, supported by Reed, to accept the minutes from the October 13, 2021 regular meeting. On voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

Chair Banfield opened the Public Hearing on Zoning Ordinance Amendment to repeal “Hoop Houses” and to prohibit such use.

David Revore, City Attorney, stated the ordinance came into effect around a year ago by way of a company wanting to expand their footprint to an outdoor grow. After discussions it was determined that an outdoor grow was not something that the city was interested in at which point hoop houses became a plan. After the ordinance was put in place and a Special Land Use granted to the interested company it was decided that it would be too cost prohibitive, as well as problems finding personnel, and they decided not to move forward with the project. At that point discussions happened with the LDFA, it was determined that there was a lot of land and resources that would be allocated to these grows for minimal taxable value. Revore further stated that while this would prohibit any future use of hoop houses, that the original company that was

granted the SLU would be allowed to have it as a legal nonconforming use, as long as it was within the time period allowed by the original SLU.

McNiff stated that she did not like that the commission was being asked to recommend and then repeal the same ordinance in a year's time and that she did not want to see the issue coming back before the commission. Revore stated that there is no interest on any party's part of this coming back. Burke Smith stated that odor mitigation has been a problem with several of the grows and she doesn't see allowing hoop houses back at any point due to that issue. Revore replied that was a fair statement and that while there has been growth and changes within the industry in Marshall, he does not see this ever coming back.

C Zuzga stated that the SLU was contingent on the site plan receiving approval, which it never did, so it can't be legal nonconforming. Revore stated that City Council did approve the SLR and that at the end of the 3 years from the SLU being approved it would cease to exist. C Zuzga questioned if there was anything in ordinance that stated that is an SLU does not proceed that it ends. Nelson stated that while there is provisions for site plans not moving forward, she did not believe there was for SLUs. Reed questioned if there was still time for the company to fix the conditions and proceed with the grows. C Zuzga stated that she found in the ordinance that if an SLU does not commence within one year that it is null and void. Revore stated that city council is looking to repeal the general law ordinance in reference to Hoop Houses as well.

Chair Banfield closed the Public Hearing on Zoning Ordinance Amendment to repeal "Hoop Houses" and to prohibit such use.

NEW BUSINESS

MOTION by McNiff, supported by Burke Smith, to recommend Zoning Ordinance Amendment to repeal "Hoop Houses" and to prohibit such use to City Council. On a voice vote; **MOTION CARRIED.**

Tarkiewicz stated that the new City Electrical Director, Kevin Maynard, as well as representatives from GRP and ITC who have been working on the project will be speaking on the proposed site plan #SP21.03 for 11301 Old US 27 S from the City of Marshall for the Brooks Substation.

Michael McGeehan, of GRP, stated that the proposed project is a combined project between ITC and the City of Marshall that would put in two substations that would work together. The ITC substation will be bringing in transmission lines to their substation which the city would then bring down the voltage and have distribution lines that leave their substation. The distribution lines would primarily serve the Brooks Industrial Park and the Lyon Lake circuit as well as providing redundancy for the rest of the city. He further stated that a study was done and that the city is in need of this substation to be able to continue to provide the same reliability to customers within the ever-expanding industrial load that is being required. The proposed site will cover a total of 3 acres of the lot with the western side of the parcel being split to allow ITC to own the parcel on which their substation will sit, with both substations being of the typical look for a substation. He further stated that each company will have their own control facility with the City's housing protective equipment and distribution equipment and be similar to the existing substations on Pearl and Brewer.

Hall questioned what would happen if the project did not move forward. McGeehan stated that the study looked at the load growth that was planned to be coming in versus what was currently being used and compared that to how much load we allow the system to carry at any given time. The report showed that if we did not create a new substation there would be minimal redundancy in the system and that additional lines would need to be built. He further stated that if a transformer were to blow on one of the existing substations, the current wait time is 65-125 weeks for a replacement while those customers would be without power. If the new substation does not proceed, we would lose reliability and potentially have a lose

of service for an extended period of time. Hall questioned if there would be any eyesores. McGeehan stated that the tallest structures would be coming in from the rural areas. He further stated that screening on the north would be provided with trees, while the eastern side would leave the natural vegetation and the elevation changes to allow for natural screening. He further stated that given the essential nature of the project, some beauty will need to be given up.

McGeehan stated that there would be a paved driveway with limestone on the ground at the site along with an 8ft chain link fence with site lighting. Banfield questioned if the lights were on at all times. Jim Tedder of ITC stated that it would not be lit at all times, only on an as needed basis, so if no one is working there would be no lights. Banfield questioned if it met FAA standards with the proximity to the airport. McGeehan stated that they had not submitted to the FAA at this point. Burke Smith questioned if they expect any challenges from the FAA. McGeehan stated that he doesn't believe they will come back and say they can't have it given the distance but that they may require additional safety features.

Tedder stated that he had been working on the project for approximately two and a half years and that after working with the townships, they have secured the required easements to put in the towers to get from the existing transmission lines to the new substation. Banfield questioned if they would be crossing I69. Tarkiewicz stated that they would need to as they plan to tie into the existing substation on 15 Mile Road and then proceed the 3 miles from there to the proposed site.

Banfield questioned if this is all the power the city would need, if it would suffice for the next twenty years. McGeehan stated that space is being reserved on both sites should the need for additional transformers for additional power be necessary. Banfield questioned if there are any health or welfare concerns that need to be addressed. McGeehan stated that there are no health concerns and that during normal operations the only noise would be from the transformers, which won't be heard once you get outside the gates.

C Zuzga questioned if there was any screening being providing along the southern property line to allow for residents on the south side across the field to not have to look at the substation. McGeehan stated that there was not at this time.

MOTION by McNiff, supported by Reed, to receive Site Plan Application #SP21.03 for 11301 Old US 27 S from the City of Marshall for the Brooks Substation. On a voice vote; **MOTION CARRIED.**

MOTION by McNiff, supported by Burke Smith, to approve Site Plan Application #SP21.03 for 11301 Old US 27 S from the City of Marshall for the Brooks Substation. On a voice vote; **MOTION CARRIED.**

MOTION by McNiff, supported by Reed, to approve Planning Commission Meeting Dates and Submission Deadlines for 2022. On a voice vote; **MOTION CARRIED.**

MOTION by McNiff, supported by Burke Smith, to nominate Banfield for Chair of the Planning Commission for 2022. On a voice vote; **MOTION CARRIED.**

MOTION by Burke Smith, supported by Fitzgerald, to nominate McNiff for Vice Chair of the Planning Commission for 2022. On a voice vote; **MOTION CARRIED.**

Nelson stated that currently on the Joint Planning commission Banfield is serving until November 2022, Burke Smith until November 2023, McNiff is the alternate ending November 2023, and that Reed is up for reappointment with a term ending in 2024. Banfield reappointed Reed for the new term.

OLD BUSINESS

None

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

Fitzgerald stated that he has lived in Marshall for 25 years. He retired from the Michigan State Police in 2020 and was hired by Consumer's Energy for security.

Longyear stated that he has lived in Marshall since 2003. He has held a few positions including teaching, law enforcement and is currently working for his family business in the industrial park. He stated that he has 2 boys and volunteers for coaching in various sports.

Burke Smith stated that the commission should think about starting to require parking for electric vehicles when private companies come in. She believes that it is coming down the road and is something that should be considered on a small scale.

Hall stated that she has lived in Marshall for 3 years and is currently an RN and a real estate agent. She owns property in Albion but lives in an apartment downtown.

Banfield stated that he went to an open house for the downtown area. He felt it was a great presentation and that everyone should be aware of some of the proposed changes to make is a nice usable space.

ADJOURN

Planning Commission adjourned at 8:08 p.m.

Submitted by,

Michelle Eubank