

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, MARCH 2, 2022**

In a special session, Wednesday, March 2, 2022 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 Vice Chair McNiff.

ROLL CALL

Members Present: Commissioners Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga and Council Liaison Wolfersberger

Members Absent: Chair Banfield

Staff Present: Trisha Nelson, Planning & Zoning Administrator
Eric Zuzga, Director of Community Services

AGENDA

MOTION by Zuck, supported by Burke-Smith, to accept the agenda for the Wednesday, March 2, 2022 special meeting as presented. On voice vote; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

Vice Chair McNiff opened the Public Hearing on Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District. Hearing no public comment Vice Chair McNiff closed the Public Hearing on Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District.

Vice Chair McNiff opened the Public Hearing on Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD-Professional Office Service District to R-3 Traditional Residential. Hearing no public comment Vice Chair McNiff closed the Public Hearing on Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD-Professional Office Service District to R-3 Traditional Residential.

NEW BUSINESS

MOTION by Burke-Smith, supported by Fitzgerald to recommend Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District to City Council.

Nelson stated that the petitioner, Janet Ostrum, would like to put an addition on to her building at 108 N Park and that due to the number of variances that would be needed for the project and the use of the building that rezoning the parcel is better suited for their needs. She further stated that the addition would include a

garage with an apartment over the top. She stated that the reason for rezoning 302 W Michigan is to bring it in line with the area and to avoid an instance of spot zoning. McNiff questioned if parking would be expanded. Nelson stated that there are 2 parking spots on the property and a public parking lot across the way. Fitzgerald questioned where customers are currently parking. Ostrum state that they will sometimes park in the spots on the property and sometimes in the parking lot. She further stated that when Park was turned into a one-way street in front of her property that it made the traffic situation more streamlined. McNiff questioned what the maximum number of people that are in the petitioner's business at any one time. Ostrum stated that on the high end there may be 8-10, but not generally all at the same time. She further stated that they do receive deliveries but that with the way traffic moves it has never been an issue and that the proposed garage addition would help with the receiving and storage of deliveries.

Reed questioned how the new zoning would fit better. Nelson stated that POSD is for different types of office buildings, including medical, accounting and law, and the petitioner's business is predominately retail, so rezoning to B3 is a better fit for the combined retail and living space which is being sought. Wolfersberger stated that chair Banfield had some stated in the past that he had some reservations about the distances between the new addition that just went in to Bud's and the proposed new addition on Park. Nelson stated that there has been discussion with both builders and it was determined that it would be up to the building department to determine distances. She further stated that there would be fire walls on both properties due to the close proximity of the buildings. Ostrum stated that they have also moved their project back one foot from the property line. McNiff questioned if Bud's was ok with the rezoning happening on their behalf. Nelson stated that they are for it.

The 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. *The commission agreed that for the Park St property it is more appropriate than the what is currently there and that on the W Michigan property, it allows for more opportunities in the future, while eliminating a possible spot zoning.*

B. The property cannot be reasonably used as zoned. *The commission agreed that it could be used as zoned, but that the nee zoning would put the parcels to better use.*

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. *The commission agreed that it is consistent with the land use map and that conditions have changed in that there is a house shortage at the moment, and changing to B3 would allow more to be created.*

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. *The commission agreed that it is compatible, as it's not changing the use other than to add residential space to 108 Park, while leaving the possibility for a combined residential space open at 302 W Michigan.*

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features. *The commission agreed that it is compatible, as there will be no real changes.*

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. *The commission agreed that there would be no changes that would make any impact.*

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. *The commission agreed that rezoning both at the same time eliminates a potential spot zoning issue, while extending the current B3 district.*

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. *The commission agreed it is consistent with the existing uses, and that even with the short setbacks, the construction that is desired could be accomplished.*

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. *The commission agreed that there was no mistake, but that the rezoning brings it in line with the neighboring area and adds needed residential space.*

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *The commission agreed that there is not enough space for residential in the city.*

MOTION by Burke-Smith, supported by Fitzgerald to recommend Zoning Amendment Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue to rezone from POSD-Professional Office Service District to B-3 Neighborhood Commercial District to City Council. On a roll call vote; ayes- Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

MOTION by Burke-Smith, supported by Reed to recommend Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD -Professional Office Service District to R-3 Traditional Residential to City Council.

Nelson stated that the two properties directly to the north of this property had both been rezoned to R3 within the last year and a half, so this brings it in line with the district. McNiff stated that it will be moving from a group home to a single family home, but that the accommodations currently in the structure will be helpful to the family moving in. Fitzgerald questioned if it could revert back to an adult foster care building if that is desired at some point. C Zuzga stated that if it is a family home with 6 or less residents it would not need to be rezoned.

The 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. *The commission agreed that this would take it from a legal nonconforming property to a conforming use, so it would be more appropriate.*

B. The property cannot be reasonably used as zoned. *The commission agreed that the building that currently exists on the property could not be used for commercial purposes.*

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. *The commission agreed that it is following the trends of the neighboring parcels that have all been rezoned and that there is current need for more residential properties in the City.*

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. *The commission agreed that it is compatible.*

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical. geological. hydrological and other environmental features. *The commission agreed that there will be no impact, as this will be a less intense use.*

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. *The commission agreed that there will be no impact, as this will be a less intense use.*

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. *The commission agreed that this would bring the property in line with the surrounding area.*

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. *The commission agreed it is consistent with existing uses and that there is no construction planned for the property to meet setbacks.*

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. *The commission agreed that there was no mistake,*

but that the rezoning brings it in line with the neighboring area and adds needed residential space.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. *The commission agreed that there are not adequate sites for residential properties in the city.*

MOTION by Burke-Smith, supported by Reed to recommend Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD -Professional Office Service District to R-3 Traditional Residential to City Council. On a roll call vote; ayes- Burke-Smith, Fitzgerald, Hall, Longyear, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

OLD BUSINESS

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

Burke-Smith stated that she is still concerned about needing to put something about electric vehicle charging stations in large scale building site plans. She is also concerned about the possibility of marijuana consumption lounges that she had seen in Colorado and Nevada. McNiff stated that there are ordinances against them. Burke-Smith stated that she had seen some that were combined with retail space and others that we stand alone smoking lounges. E Zuzga stated that the city ordinance does not allow for consumption facilities or for any special event usage in the city.

Nelson stated that there will be the regular meeting on March 9 for another rezoning and a special land use request. She further stated that on April 13 there will be a training session for commissioners for an hour before the meeting that will cover the basics and that more training will be scheduled as needed.

ADJOURN

Planning Commission adjourned at 7:40 p.m.

Submitted by,

Michelle Eubank