

MARSHALL CITY PLANNING COMMISSION
Wednesday, November 11, 2020 at 7:00 p.m.
City Hall 1st Floor Training Room, 323 W. Michigan Ave., Marshall, MI

Also available via Zoom at the following link:

<https://us02web.zoom.us/j/84819452968?pwd=M0x1QWpHUjJ4Q2dwVm4va0pQTHQ4UT09>

Call to Order

Roll Call

Approval of Agenda

Regular Meeting of the Planning Commission, November 11, 2020

Approval of Minutes

Minutes from October 14, 2020

Public Comments on Agenda Items

Public Hearings

1. Public Hearing on Zoning Ordinance text amendment to define Hoop House and Commercial Greenhouse and define Use Standards for same.

New Business

1. Recommendation on Zoning Ordinance text amendment to define Hoop House and Commercial Greenhouse and define Use Standards.
2. Approve Planning Commission Meeting Dates and Submission Deadlines for 2021.
3. Election of Officers for 2021
4. Joint Planning Commission Membership

Old Business

Public Comment on Non-Agenda Items

Reports

Adjournment

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, October 14, 2020**

In a regular session, Wednesday, October 14, 2020 at 7:00 p.m. at City Hall, Training Room, 323 West Michigan Ave, Marshall, Michigan, the Marshall Planning Commission was called to order by Chair Davis.

ROLL CALL

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

Members Absent: Commissioners Burke Smith and Collins

Staff Present: Eric Zuzga, Director of Special Projects

AGENDA

MOTION by McNiff, supported by Banfield to accept the agenda for the Wednesday, October 14, 2020 as submitted. On a voice vote; **MOTION CARRIED**

MINUTES

MOTION by Reed, supported by Burke Smith, to accept the minutes from the September 9, 2020 regular meeting. On a voice vote; **MOTION CARRIED**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

NEW BUSINESS

City Attorney David Revore stated that the City is now waiving privilege since the meeting was in open session. He stated that the City is considering requests from industry personal to amend the zoning ordinance to allow outdoor growing and hoop houses and that upon further review the city would also need to amend other portions of the ordinances as well. He stated that the definitions in the packet are made up from research from other communities and wording that the state uses. He stated that hoop houses are defined as temporary and enclosed structures, while Greenhouses are permanent glass and metal structures. He stated that City Council and the LDFA are interested in amending the ordinances. The proposed zoning ordinance has rather uncomplicated wording, but there have been setback requirements added among other things. He stated that there was concerns among others that the hoop houses need

to be fully enclosed and not visible from the road. He further stated that the setback and screening requirements should address that. He stated that LARA and MRA have additional rules for outdoor cultivation, and the city is modeling the ordinances after their rules. Both types of grows would be subject to a special land use permit and could be subject to additional requirements at that point. It would only be for I1 zoning districts not I2.

Burke Smith questioned if there was a limit on square footage. Revore replied there was not, it's based on what the parcel can bear based on setbacks. He further stated that the hoop houses and the temporary structures are a concern for a potential blight to the city if they are not taken care of, and he recommends in the special land use permit that at the end of the 3 years the city should hold a bond to remove the temporary structures if the special land use holder does not. He stated that if they set up a hoop house for 3 years and it's successful then the company should take it down and put up a commercial greenhouse. He doesn't believe there is any taxable value to a hoop house, but there is to a commercial greenhouse.

McNiff stated that the weather could be a problem for a hoop house. Revore stated that they would be looking at one grow per year and that the quality tends to be better for processing such as edibles than for drying and smoking. He further stated that if public hearing is set, he would suggest talking about odor as that has been an issue that the city is working on even with the existing buildings.

Davis stated that Delta One owns two properties in city limits so he questions which property they are planning to put the hoop houses on as one of the properties could cause a blight on a heavily trafficked area. Revore stated that 420 spruce doesn't meet the setback requirements and that the property would need to have a fence so that the hoop houses could not be seen.

McNiff stated that odor is going to be an issue, as she has been near a hoop house around harvest time and the smell is outrageous. Revore stated that some of the growers are looking into options on how to mitigate the smell and different ways to filter things out. He further stated that to think there won't be an odor is unrealistic since you can sometimes smell the cereal coming from battle creek. He suspects at some point the right to farm act will come in to play and the smell complaints won't be able to stand, but for now the city will continue to work towards a solution to help mitigate the issue.

MOTION by McNiff, supported by Banfield to set public hearing for November 11, 2020 for Zoning Ordinance text amendment to define Hoop House and Commercial Greenhouse and define Use Standards for same.

McNiff questioned how many people we are expecting to show up and where we would hold the public hearing that would allow social distancing. Revore stated that Council chambers can hold 25 people. Zuzga stated that an additional zoom option can be added to the public hearing and the training room could be used as an overflow room. McNiff stated that she has concerns since there have been a couple super spreader events in Marshall. Burke Smith stated that the county courtroom would allow a lot of people to spread out and commissioners to spread as well. Davis stated that the middle school auditorium may work as well.

Banfield stated that the technical aspect of this could be used for any type of growing, not just for marijuana. He further stated that in his background hoop houses were used over the winter to protect plant material. He stated that no one should be able to see the way the structure looks with the screening requirements so what does it matter what it is made of. Davis stated that it is harder to tax a temporary structure than a permanent greenhouse. Banfield questioned why would we allow a hoop house. Revore stated that it's cheaper to build and can be thrown up on the dirt without a foundation. He further stated that for enclosed hoop houses, the MRA states that the height of the hoop houses can't go higher than the fence. He further stated that according to the MRA there must be a separate building on site for drying purposes.

Davis questioned if there can be a time limit on a special land use. Revore answered that the proposed ordinance states that in 3 years the hoop house must come down. Reed questioned if this is to show proof of profit to get loans for permanent structures. Revore answered that this would allow them to start gaining money to then build something permanent. Banfield questioned if there are dimensions in the ordinance somewhere. Revore stated that he would be hesitant to put dimensions in the ordinance as things change over time and it would be more appropriate to put it in the special land use permit based on what is appropriate for the property at that time than in the ordinance. Rodgers questioned if it is it three continuous years from date to date or if it is only the time it is up and in use that is counted. Revore answered that the special land use would be from a set date to set date for a duration of 3 years. He also stated that if something isn't being maintained then he would suggest letters get sent stating that their SLU may be revoked. Banfield stated that he feels that the fumes may be a cause of concern, but he feels that the ordinance has eliminated the possibility to have people complain about the looks.

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

OLD BUSINESS

None

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

Zuzga stated there are some openings on the commission, including commissioner Collins who is up for reappointment. Davis stated that he would talk to her and get her feelings on if the commission is something she can meaningfully continue. Zuzga stated that there was a NIA south meeting on Monday where they looked at the potential plans for the Alywn Down developments. He further stated there have been some changes, but to expect a site plan in early 2021. Davis stated that the first phase will be 38 2-story attached townhomes with garages and full basements according to the new plan. He further stated that they will be able to maintain 9 holes of golf and the clubhouse and that the new plans have cut the needed

infrastructure in half while only losing 37 planned units, which makes it a more feasible project. Davis stated that when the site plan comes through there needs to be a push for the sidewalks to extend through to downtown for accessibility.

ADJOURN

Planning Commission adjourned at 8:01 p.m.

Submitted by,

Michelle Eubank

MARSHALL PLANNING COMMISSION
Staff report for November 11, 2020

To: Planning Commissioners
From: Trisha Nelson, Planning and Zoning Administrator
Subject: Zoning Ordinance Text Amendment to define Hoop House and Commercial Greenhouse and define Use Standards for same.

October 14, 2020 Planning Commission was presented with an ordinance from City Attorney David Revore that defined hoop houses and commercial greenhouses and defined use standards for the same.

Planning Commission is being asked to recommend to City Council the approval of the changes to the Zoning Ordinance.

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2020-___

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 2.0, DEFINITIONS, SECTION 2.2, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS.

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That Chapter 2.0, Definitions of the Marshall City Zoning Code, Section 2.2 "Definitions", is hereby amended to add the following terms or words as defined as follows:

Hoop House. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

Commercial Greenhouse. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

Section 2. That Chapter 3.0, Zoning Districts of the Marshall City Zoning Code, Section 3.1.12 "I-1 Research and Technical District", is hereby amended to add "hoop houses" to the following Special Land Uses as follows:

- v. Commercial greenhouses, hoop houses, nurseries, and garden centers.

Section 3. That Chapter 4.0 Use Standards of the Marshall City Zoning Code, Section 4.16 "Commercial Greenhouses, Nurseries and Garden Centers", is hereby amended to add requirements for Hoop Houses and Commercial Greenhouses for marihuana cultivation as follows:

Hoop Houses and Commercial Greenhouses for marihuana cultivation are permitted as special land uses in the I-1 district with no limits on square footage.

1. Hoop House. The following shall apply:
 - A. Setbacks shall be 1500 feet from any residential structure, 250 feet from the road right-of-way centerline, and 50 feet from any rear or side property line.
 - B. Limited duration not to exceed three (3) years.

- C. If a Hoop House contains any device subject to the electrical code or any mechanical equipment subject to the mechanical code, a permit shall be required for the device, system or fixture only. If the hoop house is connected to a potable water system, a permit shall be required for the backflow prevention devices only.
- 2. Commercial Greenhouse. The following shall apply:
 - A. Setbacks shall be required under Section 3.1.12(D).
- 3. Hoop House and Commercial Greenhouse cultivation of marihuana. The following shall apply:
 - A. Comply with applicable LARA/MRA rules and regulations, City ordinances and City Zoning Ordinance.
 - B. Subject to a Special Land Use permit under Section 6.2, permit and for special conditions as may be necessary based upon the uniqueness of the property, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2. of the Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the SUP, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the SUP holder and hearing.
 - C. As permitted in this section, the area containing the cultivation of marihuana plants must be completely confined and enclosed in a Hoop House or Commercial Greenhouse made of durable construction to include metal framing materials and durable translucent material on all sides and top of a Hoop House, or glass, glass-like or translucent material on all sides and top of a Commercial Greenhouse. Hoop Houses and Commercial Greenhouses may not exceed 18 feet maximum height.
 - D. Hoop Houses and Commercial Greenhouses must be located on the parcel of the grower establishment or facility, fully enclosed by property security fencing.
 - E. Site Plan approval. Hoop Houses and Commercial Greenhouses are subject to site plan review and must receive approval.
 - F. Screening shall comply with Section 5.15.8, and also include the means, including walls and plantings, to accomplish complete visual screening from the road right-of-way and adjacent property. Hoop Houses and Commercial Greenhouses must have greenbelt barriers that block outside visibility of the marihuana plants from the public view, with no

marihuana plants growing outside the top of the Hoop House or Commercial Greenhouse nor above the fence and barrier that is visible to the public eye and the fences must be secured and comply with the applicable security measures in City ordinances and LARA/MRA rules and regulations, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.

- G. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- H. Hoop Houses and Commercial Greenhouses must meet the security requirements and pass inspections required under City ordinance and LARA/MRA rules and regulations and any necessary building permit pursuant to City ordinance, state statute, code and LARA/MRA rules and regulations.
- I. Order Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

Section 4. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 5. This Ordinance shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 6. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this _____ day of _____, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on _____, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

2021 Planning Commission Submission Deadlines

The Marshall City Planning Commission shall meet on the 2nd Wednesday of the month at 7:00 pm in City Hall Council Chambers at 323 W. Michigan Avenue, Marshall, MI 49068. In the event of no business, the Planning Commission will move to their next regularly scheduled meeting.

Submission Deadline	Meeting Date
December 21, 2020	January 13, 2021
January 18, 2021	February 10, 2021
February 15, 2021	March 10, 2021
March 22, 2021	April 14, 2021
April 19, 2021	May 12, 2021
May 17, 2021	June 9, 2021
June 21, 2021	July 14, 2021
July 19, 2021	August 11, 2021
August 16, 2021	September 8, 2021
September 20, 2021	October 13, 2021
October 18, 2021	November 10, 2021
November 15, 2021	December 8, 2021