

**MINUTES  
MARSHALL CITY PLANNING COMMISSION  
WEDNESDAY, JANUARY 13, 2021**

In a regular session, Wednesday, January 13, 2021 at 7:00 p.m. via Zoom the Marshall Planning Commission was called to order by Chair Banfield.

**ROLL CALL**

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

Members Absent: Commissioner Zuck

Staff Present: Trisha Nelson, City Clerk & Planner  
Eric Zuzga, Director of Special Projects

**AGENDA**

**MOTION** by McNiff, supported by Reed, to accept the agenda for the Wednesday, January 13, 2021 as submitted. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MINUTES**

**MOTION** by Davis, supported by McNiff, to accept the minutes from the December 9, 2020 regular meeting. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PUBLIC HEARINGS**

Chair Banfield opened the Public Hearing on Planning Commission Draft Capital Improvements Plan 2021-2027. Hearing none, Chair Banfield closed the public hearing on Planning Commission Draft Capital Improvement Plan 2021-2027.

**NEW BUSINESS**

**MOTION** by Burke-Smith, supported by McNiff to recommend the Planning Commission Draft Capital Improvements Plan 2021-2027 to City Council.

Banfield stated that there was a comment after the last meeting about wanting to see the entire plan, which has now been presented. He further stated that the Planning Commission only looks at projects with a priority ranking of 2 or above. Nelson stated that Directors meet with staff to come up with projects that are needed within departments that are then ranked 1-4 with 1 being the highest ranking. Once budget allows, projects can then move forward based on the plan.

**MOTION** by Burke-Smith, supported by McNiff to recommend the Planning Commission Draft Capital Improvements Plan 2021-2027 to City Council. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by Davis, supported by McNiff to receive Zoning Amendment Request #RZ21.01 from the Calhoun County Land Bank Authority to rezone 410 East Drive from POSD (Professional Office Service District) to R-2 (Suburban Residential District).

Nelson stated that this is the first step in getting the property moving forward. She further stated that once it is rezoned, they intend to seek a Planned Urban Development. Krista Trout-Edwards of the Calhoun County Land Bank stated that this is a project that has been in the works since 2017 when the former State Farm building was demolished. She further stated that in 2019 they worked with the MEDC to put together a plan and a showcase was held right before COVID hit in 202 with many interested developers, but after the shutdown many didn't want to go through the whole process, just the building portion. The current concept places 6 homes on East Dr this year. E Zuzga stated that part of the reason that the City and Land Bank are taking this step is to help jump start the project. East Drive is scheduled for a road project this year and the City would like to take advantage of the opportunity to install services while the road is already under construction.

Banfield questioned if the Land Bank was acting as the developer. Trout-Edwards stated that the Land Bank is acting as the developer of the subdivision, but not of the actual construction of the homes. Banfield questioned the narrowness of the lots. Trout-Edwards stated that this will increase the density of the area while still keeping them single family homes. Banfield questioned if the homes would face East Drive or the new alley that will be installed. Trout-Edwards stated that the alley will be used to access to the homes, and the front facing East Drive will be all green space. They are looking at sidewalk to connect to the school and surrounding area and a long-term plan to increase the walkability for the area.

**MOTION** by Davis, supported by McNiff to receive Zoning Amendment Request #RZ21.01 from the Calhoun County Land Bank Authority to rezone 410 East Drive from POSD (Professional Office Service District) to R-2 (Suburban Residential District). On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by Davis, supported by McNiff to Schedule a Public Hearing for February 10, 2021 for Zoning Amendment Request #RZ21.01 from the Calhoun County Land Bank Authority to rezone 410 East Drive from POSD (Professional Office Service District) to R-2 (Suburban Residential District). On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by McNiff, supported by Reed to receive Special Land Use Request #SLU21.01 for 1717 Pratt Avenue from MPM-C Marshall LLC.

Nelson stated that the city recently adopted the ordinance change that adds hoop houses as a Special Land Use in areas zoned I1 and I2. This is just for receiving the application, and the actual decision will be made at the February 10 meeting. She further stated that City Attorney Revore is working with staff to come up with an agreement that will be presented at that meeting. C Zuzga stated that she had a few concerns with items on the site plan that don't comply with the zoning ordinance and questioned whether they should be discussed at this meeting or at the February meeting. Nelson stated that staff is working with the petitioner on issues with the site plan to have them addressed. Davis stated that receiving the site plan starts a timeline for the petition and that he feels it is helpful to let the petitioner know of any potential concerns now. Banfield stated that in the past the commission has offered their concerns upon receiving the site plan to allow the petitioner to address those concerns before the next meeting.

Banfield stated that when they were developing the ordinance it only allowed the hoop houses to be 8 feet tall with an 8-foot fence, which would have screened it entirely, but it was changed to allow 18-foot hoop houses with 8 foot fences. He further stated that the ordinance goes on to say that the hoop houses must be entirely screened and the site plan states that since it is in the woods it would meet this screening requirement. He stated that while this would be true during the summer, that area is mainly deciduous, so for the majority of the year it would not be screened unless some evergreen trees were planted. He questioned where the run off from the structure would go. He further questioned how lighting would work for the structure. Nelson stated that they do not have plans for lighting and will use natural light for growing. She further stated that staff has addressed the need for some lighting for security.

C Zuzga questioned if fire suppression would be needed given the size of the structure and that they are hoop houses. She stated that the minimum setback requirements are not being met and that only the area around the buildings is set to be paved, but the ordinance requires parking to be paved as well. She further stated that one of the six factors that must be considered for a Special Land Use pertains to smell and that she would like to know what their plan is to mitigate any odors. C Zuzga further questioned if the building code would require the hoop houses to be attached to the ground and that if there were concrete slabs involved that it would change the run off. E Zuzga stated that he would check with the City Building Inspector. Banfield stated that traditionally hoop houses are put straight into the ground without a foundation. C Zuzga stated that with the number of structures and them being right next to each other they may need to be attached somehow. Davis questioned if the building code applies as they are only temporary structures.

Hall questioned what would happen after the three years of the Special Land Use is up. Revore stated that the intent is to not renew any hoop houses and that removing them is part of the Special Land Use process. He further stated that the intent is to not have any blighted structures after the useful life is up. Banfield stated that he would be interested to hear what would be done with the plastic after the 3 years is up. He further stated that the intent is to allow a company to grow and make money for a permanent structure. McNiff questioned if the commission can require a bond to ensure removal after the 3 years. Davis stated that he believes that is in the ordinance and that it is something that has been done in other situations in the past. Revore stated that he doesn't believe it is in the ordinance, but that it was discussed and he doesn't believe it is unreasonable to include. He further stated that this is a more complicated Special Land Use and having a performance bond is not a bad idea.

**MOTION** by McNiff, supported by Reed to receive Special Land Use Request #SLU21.01 for 1717 Pratt Avenue from MPM-C Marshall LLC. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by McNiff, supported by Burke-Smith to set a Public Hearing for February 10, 2021 for Special Land Use Request #SLU21.01 for 1717 Pratt Avenue from MPM-C Marshall, LLC for the construction of Hoop Houses. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by McNiff, supported by Burke Smith to receive Site Plan application #SP21.01 for 1717 Pratt Avenue for MPM-C Marshall, LLC. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none; **MOTION CARRIED.**

**MOTION** by Davis, supported by McNiff to receive and approve Site Plan application #SP21.02 for 343 Mulberry Street, Delta One.

Mike Johnson of Delta one stated that this is for the 343 S Mulberry St and that with the vacating of the road on Sycamore, the plan is to make a campus between this site and 420 Sprue. The plan is to eventually divert all traffic to come in from the east. He further stated that there will be screening and minimal traffic on the Mulberry side of the project. He stated that they have changed construction method to include sealing the building and adding metal panels to create a better vapor barrier and revitalize the building. Banfield questioned if the roof would need to be replaced. Johnson stated that the flat roof portion that had been leaking was replaced but the rest of the roof is still in decent shape. Banfield questioned what would be coming out of the double gate on Mulberry Street and how often it would be used. Johnson stated that it would be used for deliveries in small van style vehicles approximately twice a month. He further stated that the plan is to have all deliveries going to the 420 Spruce site once construction is completed and that they are looking at changing the address of the campus to have trafficked directed in from the east. Banfield questioned if there were two different types of fencing in the plan. Johnson state that there is a screening fence on the Mulberry side of the campus and a traditional chain link fence. Banfield questioned if the fence would look uniform when the fence was closed. Johnson replied that it would.

Ron Goodwin of 330 S Mulberry stated that the neighbors and he have several concerns. His first concern is why there needs to be 2 gates. He is fine with the gate in the cul-de-sac as it isn't even big enough for a car to turn around in, but is concerned with the second gate as he doesn't want trucks to be coming out of that drive and having to drive on neighbors' grass to get out of the gate. He further stated that he would like to see where there is gravel for a parking lot to be planted with grass opposed to having it be for deliveries. He stated that the site plan shows a door off of Sycamore that is currently a garage style door that they are converting into a double door, but that he believes it would make more sense for the trucks to be on the Sycamore side opposed to the Mulberry side. He is concerned with the property values for the area and the look of the business in the residential neighborhood. He stated that his biggest concern is the smell as it is a residential neighborhood. He stated on the south side of the building there is a large pile of dirt near the fire hydrant that he believes poses an issue for future emergencies. He reiterated that his biggest concerns are the smell, the traffic and having two gates on the Mulberry side. He believes all traffic could be diverted to the Sycamore side with the Mulberry side being strictly for emergencies. He would also like for the gravel to be removed as it gets brought out with the run off and creating a gravel road.

Banfield questioned if the fence on the Mulberry side would be 8 feet tall. Johnson replied that it would be. C Zuzga questioned if there only being 2 trucks a month being brought in on the Mulberry side if it was possible for them to be brought in on the Sycamore side. Johnson stated that is the long-term goal, but for the short term to get the site operational during construction of the campus it is needed access. It would not be a long term of heavily used entrance. C Zuzga questioned if there is an ordinance in the city that only allows trucks on certain roads or at certain times. E Zuzga stated that there is a City Ordinance but there is a coordination clause that was being used to allow the trucks on other roads. Goodwin stated that there is a sign on the road that states no truck traffic.

Johnson stated that the area where there is currently gravel, will be paved with asphalt. Goodwin questioned where the storm water will go. He stated that the storm water will go into a detention pond on the east side of the property. Banfield questioned how the water from the west side of the building will get to the detention pond. C Zuzga stated that there appears to be a drywell on the west side of the property. Davis stated that the approval of the site plan should be subject to the review of the City Engineer that the storm water will be detained on site and not overflow on to Mulberry Street.

Banfield questioned the need for 2 gates on the Mulberry side. Johnson stated that the curb is currently cut to allow 2 access points, so they kept both for emergency vehicles. Banfield questioned if they would be able to maneuver without the second gate. Johnson stated that he believes they would. Banfield questioned if there was a condition to eliminate one of the gates and what Johnson felt was an acceptable timeframe in

which they could divert traffic off of Mulberry completely. Johnson stated that he believes all the traffic could be converted within 18 months, and that they could eliminate one of the gates.

C Zuzga questioned if there will be any outdoor storage or operations on the property. Johnson stated that construction material may be stored outside, but nothing operational or storage beyond construction materials.

Goodwin stated that his main concern is still the smell. Johnson stated that there will be a 4-inch-thick metal panel and foam sprayed on the interior of the building. Banfield stated that the ordinance addresses odor issues. Nelson stated that if there is an odor complaint it will be handled as a code violation.

Banfield stated that the commission should add conditions to the approval of the site plan. The first condition should be that the South Mulberry gate will only be used until July 30, 2022 at which point it will be used for emergency vehicles only. The second condition being that they eliminate the second northerly gate on the Mulberry side. C Zuzga added the third condition being that there is a storm water management plan that maintains all storm water on site approved by the city engineer. Banfield questioned Johnson if he felt that these are conditions that could be met by Delta 1. Johnson replied that his main concern falls with the Mulberry side becoming emergency only as there is mechanical equipment on that side of the building that may need to be serviced. Banfield questioned if that was the only way to access the equipment. Johnson replied they could walk through the building or property. McNiff questioned if fire access would be an issue with the gate. Banfield replied that there would be a Knox box for the fire department to gain access.

**MOTION** by Davis, supported by McNiff to receive and approve Site Plan application #SP21.02 for 343 Mulberry Street, Delta One with the following conditions

- 1) The Northerly gate on South Mulberry will be eliminated from the plans.
- 2) The remaining gate on South Mulberry will only be used until July 30, 2022 at which point it will be for emergency vehicle access only.
- 3) The City Engineer approves a storm water management plan that maintains all storm water on site.

On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, C Zuzga; nays- none;  
**MOTION CARRIED.**

## **OLD BUSINESS**

None

## **PUBLIC COMMENTS NOT ON AGENDA**

None

## **REPORTS**

Chair Banfield welcomed Council Liaison Wolfersberger to the Commission. Wolfersberger stated that he is also on the Northeast Neighborhood Improvement Authority Board and the zoning board of appeals he is looking forward to seeing more of the planning process. He further stated that the information from the meetings will be great to bring back to council.

Davis stated that the South Neighborhood Improvement authority approved the development agreement for phase one of Alwyn Downs, which will include 19 duplexes, for a total of 28 residences off of Circle Drive. He further stated that Marshall will be the first municipality to take advantage of the tax capture opportunity

offered by the state. The first phase is already zoned and plated and they will be within all the setback limitations. E Zuzga stated that there will be a phased PUD for the rest of the development.

Nelson stated that the February meeting will have another full agenda. She further stated that Love's Truck Stop is looking at a couple small additions to their building, but there haven't been any plans submitted yet.

**ADJOURN**

Planning Commission adjourned at 8:43 p.m.

Submitted by,

Michelle Eubank