

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

In a regular session, Wednesday, February 10, 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, Zuck, and C. Zuzga and Council Liaison Wolfersberger

Members Absent: None

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

AGENDA

Chair Banfield noted that a discussion needed to be added to the end of new businesses for a request for a special meeting from 1120 Industrial Road, Delta One.

MOTION by McNiff, supported by Burke Smith, to accept the agenda for the Wednesday, February 10, 2021 as amended. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

MINUTES

MOTION by Reed, supported by McNiff, to accept the minutes from the January 13, 2021 regular meeting. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

Chair Banfield opened the Public Hearing on 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).

Krista Trout-Edwards of the Calhoun County Land Bank stated that they are looking to rezone 410 East Dr to R2 to match the surrounding area, and that eventually the area with go into a PUD.

Chair Banfield closed the Public Hearing on 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).

Chair Banfield opened the Public Hearing on Special Land Use Request #SLU21.01 for 1717 Pratt Avenue from MPMC Marshall, LLC for the construction of Hoop Houses

Mike Beck of MPMC Marshall, LLC stated that they felt that they had answered everything they possibly could from the previous meeting and that if there were any additional questions, there were several members of the MPMC Marshall team on to answer any further questions on the Special Land Use or Site Plan.

Chair Banfield closed the Public Hearing on Special Land Use Request #SLU21.01 for 1717 Pratt Avenue from MPMC Marshall, LLC for the construction of Hoop Houses

NEW BUSINESS

MOTION by C Zuzga, supported by McNiff to recommend approval of 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) to City Council.

Commissioners 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. Commissioners agreed that it makes sense to zone it as an R2 since the entire surrounding area is zoned as an R2.

B. The property cannot be reasonably used as zoned. Commissioners agreed that after 10 years on the market as a commercial property, it won't be used as zoned.

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. Commissioners agreed that the City Master Plan shows that this area was designated as special project and PUD area that would need to be rezoned, and that the current trends show that we need more housing.

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. Commissioners agreed that it is suitable to the area.

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features. Commissioners agreed that they are.

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. Commissioners questioned the impact on traffic of people entering and exiting the new neighborhood, and how the new neighborhood would impact the infrastructure of the area. Jim Dyer, on behalf of the Calhoun County Land Bank, stated that when it was a commercial property

over 10 years ago, there was significantly more traffic than the new housing would create. E Zuzga stated that there is significant enough capacity in the current infrastructure to accommodate the expansion.

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. Commissioners agreed that this is part of the City Master Plan.

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. Commissioners agreed that as the construction will be in phases, it will not disrupt the area.

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning. Commissioners agreed that it was not a mistake but there has been a change in conditions.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district. Commissioners agreed that there is no area that has the same accommodations with the city.

MOTION by C Zuzga, supported by McNiff to recommend approval of 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) to City Council. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

MOTION by McNiff, supported by Burke Smith to recommend approval of Special Land Use Request #SLU 21.01 for 1717 Pratt Avenue from MPM-C, LLC for the construction of hoop houses.

Nelson stated there had been several meetings since the previous commission meeting working with the applicant to address issues that the commissioners had from the previous meeting. She further stated that they had worked with City Attorney Revore on drafting the SLU that was presented to the committee.

Banfield stated that this was the ordinance that was recently passed and that is was the first request to use this method of growing within City limits. He further stated that MPM had submitted a packet with answers to the SLU criteria, but that the commissioners did not have to agree with what was submitted.

Commissioners went over the Special Land Use Criteria.

(A) The proposed use shall be in accordance with the city master plan and the intent and purpose of this subchapter. Commissioners agreed that the ordinance was written for this purpose.

(B) A documented and immediate need exists for the proposed use within the community. Commissioners agreed that there wouldn't have been a need to change the ordinance if there wasn't a need for it in the community.

(C) The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood. Commissioners McNiff and Reed stated that the odor could be an issue. Chair Banfield

stated that the Special Land Use was just for hoop houses and that they could be used to grow tomatoes and not just marijuana.

(D) The proposed use shall be designed, constructed, operated and maintained so as to be compatible with the use of adjacent lands. Commissioners agreed that the ordinance was written in such a way to make sure it is compatible.

(E) The proposed use shall be compatible with the natural environment. Commissioners agreed that the Special Land Use and Site Plan both work well with the existing natural environment.

(F) The proposed use shall be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities and schools. E Zuzga stated that there are sufficient roads, water capacity, emergency crews and equipment to serve the area.

(G) The proposed use shall not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to public health, safety and welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. McNiff stated she doesn't see any problems other than the potential for odor issues. Reed stated that if this portion of town has been designated for this type of facility, than it's not really contributing anything that other properties are not already. Davis stated that while he is not a fan of the smell either, it is no different than smells coming from other places such as dairy farms or the cereal factories in Battle Creek that can occasionally be smelled in town. McNiff stated that it's simply an odor and while it may bother some people, it won't harm anyone. Banfield stated that there is a certain time during the production that can and does produce an odor. Mike Beck stated that the timing will be around September-October and would last roughly 4 weeks. Banfield stated that he believes that this is written to be a continual odor such as a manufacturing facility, not to a short term odor, such as a harvest. C Zuzga stated that we do live in a city and we need to be cognizant that the odors from this type of grow can be an issue for some people. She further stated that with their already being odor issues from the brick and mortar grow facilities, there needs to be an odor mitigations plan and would like to know what additional work they are doing to get rid of the odor. Beck stated that at their main facility that while they can not speak for other facilities in town, at their main facility they are adding additional carbon filtration and ionizers which they hope will make a significant impact on an odor they are producing. They have been in contact with one of the leading odor mitigation experts on controlling odor in outdoor grows and they are working with the City to stay within the ordinance on controlling the odor. He further stated that they intend to be long term partners within the community and want to get this right. Banfield stated that there is an approved site plan for an electrical facility in the same area that will be letting off it's own effluent as well.

MOTION by McNiff, supported by Burke Smith to recommend approval of Special Land Use Request #SLU 21.01 for 1717 Pratt Avenue from MPM-C, LLC for the construction of hoop houses. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

MOTION by Davis, supported by Burke Smith to consider approval of Site Plan application #SP21.01 for 1717 Pratt Avenue from MPM-C Marshall LLC.

Banfield stated that one of the sheets that was given to commissioners addresses concerns of city staff. The photometric does state that there will be parking lot and safety lighting, but there is no lights coming from the hoop houses. He further stated that as far as the landscape plan, the ordinance regarding screening states that there must be complete screening and that by changing the ordinance to allow 16' hoop houses, that leaves 8' that can be seen through out parts of the year. He stated that there are some evergreen trees in

groups in the plan but that they do not cover everything. Beck stated that they intend to take advantage of the natural forest that is currently there in addition to adding 143 evergreen trees to completely screen it from the road and to the east there are currently wetlands. He further stated that they located trees strategically throughout the property on the chance that someone may occupy adjacent areas. Tim Story, an engineer on the project, states that the emphasis was placed on heavily screening Pratt Ave and they went through the greenbelt and provided what was required with the exception of bushes, which would not be seen regardless. He further states that they intend to place opaque fabric with the fencing to provide complete screening of the facility and with the setbacks being over 50 feet from the fence, they would likely cover more than 8' of the structures.

Banfield stated that the issue with the higher height of the hoop house is obtaining complete screening of the entire structure, as even planting an 8' evergreen tree would likely take 10 years to screen a 16' hoop house and that he can't approve a site plan where portions of the hoop houses would still be seen. Beck stated that given the area there is minimal public that would be out to the east or south given the landscape of the area and that the MEC site is directly to the west. He further stated that with the 50' setbacks it should be well screened. Davis stated that looking at the renderings provided, he questions whether the existing trees will screen out most of what is there, as they show them at peak of season. Banfield stated that the trees would not provide screening in the late fall, winter or early spring. Brandon Sundberg, on behalf of MPM-C, stated that the intent of the view from Pratt Ave that is seen in the renderings is that would be the view you would see when coming upon the property, and that the only other vantage points would be from walking through woods or wetlands.

Banfield questioned if there was a significant cost difference from planting trees to the fabric they intend to use for screening. Story stated that the fabric is significantly cheaper than trees and that he believed the intent of the screening in the ordinance was to screen the plants, which would not be there during the winter.

Banfield stated that a great job was done on the landscaping and screening for Pratt Ave, but not on the rest of the property and that during the previous meeting he was specific that evergreens would need to be planted all the way around. He further stated that the trees would give a more natural appearance than the fabric would. McNiff stated that she believed taller trees were being required to be planted for screening as the hoop houses would be phased out before the trees would screen them. C Zuzga stated that the ordinance does require complete screening and part of the issue she felt was that vegetation that was not on the property was being used for screening. She further stated that she believed where there aren't trees currently there should be such as on the east side where there are few trees.

Banfield questioned if the storm water run off and the integration into the soil had been approved by staff and if it will accommodate the trees. Nelson stated that staff spoke with Story on the issue and has asked for a soil survey to be completed to see how the soil will retain the issue, but no one believes there will be an issue. Davis states that the only place the public can see the property is from the cul-de-sac on Pratt. C Zuzga questioned if the area to the east is where the Brook's Nature Center is. Davis stated that it was but there was significant land separating the two and that there wouldn't be any people or vehicles back there. Story stated that they intend to do a soil infiltration study in the spring and they will make any trenches wider if needed. He further stated that the area to the east is wetlands and he doesn't see anyone being over there.

Banfield stated that while it is logical that no one would be on the other sides, that they need to follow the ordinance. He further stated that he doesn't like the fabric on the fence and feels that evergreens should be added where soil conditions allow them. Davis stated that he is ok if they have to move away from the ordinance a bit if it's an area where no one will see it. He further stated that the commission needs to find ways to make things work, even if it goes against the ordinance. He doesn't believe MPMC should have to spend an inordinate amount of money on trees and screening in an area where it would never be seen as

it's not an area where people go to sight see. He further stated that he felt things were being made unintentionally difficult and that the commission is getting into an area of what is acceptable screening, such as trees, fencing with fabric, or a 16' high something. He stated he felt they need to set aside the exactness of the ordinance use some sense to decide what is best. Burke Smith questioned if they weren't going to follow the ordinance that what was the point in having one. She further stated that she felt trees should be required where they can survive, and she doesn't feel the fabric has the right appeal. McNiff stated that she feels it is difficult to go away from the ordinance.

Davis questioned if they could plant more trees that were smaller for a lower cost and still consider it screening. Banfield state that the ordinance discusses height of trees. Davis stated that he believes planting a shorter tree would be less expensive and a decent compromise. Banfield stated that if they planted White Pines they could be planted further apart, reducing the number of trees needed and that they would grow up to 18" a year.

Beck stated that they do need the fabric for the opacity for the fence to meet MRA regulations. He further stated that they would be willing to sit down and figure out what trees would need to go where and add some extra trees as needed, but they do need an answer on approval tonight to get the SLU approved by City Council. Davis stated that the it needs to be approved tonight with a condition that the petitioner and Chair Banfield come up with an acceptable landscape plan for the property. Banfield stated that they want to make sure the property looks as nice as the rendering when it is completed. C Zuzga stated that there also needs to be a condition on favorable soil borings. Revore stated that the SLU needs to have the site plan approved and questioned whether is would need to come back or if it us up Banfield's approval of the landscape plan and staff approval of the soil borings. Commissioners agreed that staff and Banfield could give final approval.

MOTION by Davis, supported by Burke Smith to approve Site Plan application #SP21.01 for 1717 Pratt Avenue from MPM-C Marshall LLC with the following conditions:

- 1) a landscape plan is approved by Chair Banfield and Clerk Nelson to provide adequate screening to the property.
- 2) Favorable soil borings or a revised plan for water retention approved by staff.

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

MOTION CARRIED.

MOTION by Davis, supported by McNiff to receive and approve Site Plan amendment #SPA05.01 for 18720 Partello Road, Love's Truck Stop. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

Nelson stated that Delta One needs an amendment to their Site Plan for the 1120 Industrial property, but they were not submitted in time for this meeting. She further stated that a special meeting needs to be called for by the Chair or 5 members of the board. She stated that this would be an addition to the front of the building and a change to the parking. Banfield questioned if the meeting was a formality. Nelson stated that the processing containers are already on site, but that they need to be enclosed. E Zuzga stated that they need a special meeting due to business constraints. C Zuzga, Burke Smith, Davis, Hall, McNiff, and Reed all agreed to hold the meeting.

MOTION by McNiff, supported by C Zuzga to hold a special meeting on Thursday February 18 at 7 PM via zoom. On a roll call vote; ayes- Burke Smith, Banfield, Davis, Hall, McNiff, Reed, Zuck, C Zuzga; nays- none; **MOTION CARRIED.**

OLD BUSINESS

None

PUBLIC COMMENTS NOT ON AGENDA

None

REPORTS

None

ADJOURN

Planning Commission adjourned at 9:12 p.m.

Submitted by,

Michelle Eubank