

**SPECIAL MEETING AGENDA
MARSHALL CITY PLANNING COMMISSION
Wednesday, March 2, 2022 at 7:00 p.m.
City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI**

Call to Order

Roll Call

Approval of Special Meeting Agenda

Meeting of the Planning Commission, March 2, 2022

Public Comments on Agenda Items

Public Hearings

1. 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
2. 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

1. Recommendation 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
2. Recommendation on Zoning Amendment Request #RZ22.02 for 111 N. Grand to rezone from POSD -Professional Office Service District to R-3 Traditional Residential

Old Business

Public Comment on Non-Agenda Items

Reports

Adjournment

MARSHALL PLANNING COMMISSION

Staff report for February 9, 2022

To: Planning Commissioners
From: Trisha Nelson, Planning and Zoning Administrator
Subject: Rezoning Request #RZ22.01 – 108 N. Park Avenue and 302 W. Michigan Avenue from POSD (Professional Office Service District) to B-3 (Neighborhood Commercial District)

SUMMARY

Janet Ostrum is requesting to have the property located at 108 N. Park Avenue rezoned from POSD to B-3. In looking at the request, staff is also requesting to have 302 W. Michigan Avenue rezoned to B-3.

BACKGROUND

Janet Ostrum approached the city with a proposed site plan and wishes to add a two-story carriage house addition to her site. Bud's Auto Shop is located at 302 W. Michigan Avenue and that location has been an auto repair shop for many years. The sites are surrounded by POSD to the north on Grand Street and south across Michigan Avenue and to the west along Michigan Avenue it is predominately B-3. The properties are also located in the DDA District.

The Future Land Use Map contained in the Master Plan has the properties characterized as Downtown Mixed Use, which is defined as retail, office, service, entertainment and dining, and upper floor residential and aligns with the B-3 and PSP zoning districts.

Robert Crisp, owner of 302 W. Michigan Avenue, is in support of the rezoning request and understands that auto repair is not a legal use in the POSD or the B-3 zoning districts. In fact, auto repair is only allowed in the B-4 or FS zoning districts. Ms. Ostrum is asking that the Planning Commission consider a zoning amendment for her site to become B-3, which would be the best zoning designation for her service establishment.

The B-3 zoning designation seems to be the best fit for Ms. Ostrum's property. By adding in Mr. Crisp's property, the corner would be zoned the same and we would not face a spot zoning issue.

The Planning Commission must decide whether the requested zoning classification of B-3 is suitable for the properties and work through the rezoning criteria worksheet. Staff has worked through the worksheet and provided their responses to the questions.

After receiving public comment, commissioners are being asked to give a recommendation to City Council. Council will hold a public hearing on the request on March 7, 2022.



Rezoning Criteria

For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Council shall use the following as a guide:

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 proposed rezoning is the most appropriate district as it fits the future land use map and the proposed uses of the property.

B. The property cannot be reasonably used as zoned.

The property is able to reasonably 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.

The proposed change is more consistent with the future land use map in the Master Plan.

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 proposed zoning change is compatible with the existing land use patter and surrounding uses,

In fact, more compatible than the current district. The proposed use should not impact traffic, aesthetics, or be a negative influence on the surrounding 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.

All proposed uses are consistent with the site's features.

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 proposed change should not impact any of the above items nor should it compromise the Health, safety, or welfare of the city. Fire and Building departments have reviewed the proposal and are in general supportive. Minor changes suggested on fire alarm monitoring and door/windows.

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 proposed rezoning is contiguous to the B-3 district to the east and is consistent with the future land use map in the 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.

The existing use is a use allowed by right in the B-3 district. The potential building expansion would meet the setbacks of the B-3 district.

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

In staff's opinion, POSD was not a great choice for this area, with the exception of the neighboring Bank. Other neighboring properties were changed to a residential zoning from POSD since the current map was approved.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

ZONING DISTRICT AMENDMENT APPLICATION

For Changing Zoning District Designation

Fee: \$200

PROPERTY OWNER NAME (Last, First): Ostrum, Janet

ADDRESS (House Number and Street): 306 N. Marshall Ave.

CITY, STATE, ZIP: Marshall, Michigan 49068

TELEPHONE: 269-781-7777

EMAIL ADDRESS: janet@bayberryhouseint

I would like to rezone my property from office/service to B 3 because I seek to expand my business comporting with 2nd story residential develop in the CBD.

- ATTACH A LEGAL DESCRIPTION OF PROPERTY TO THIS FORM

ADDRESS OF SUBJECT PROPERTY: 108 N. Park Ave., Marshall

EXISTING AND PROPOSED USE OF PROPERTY: Retail/live work space/studio

NAME, ADDRESS & PHONE NUMBER OF ALL OTHER PERSONS, FIRMS, etc.
HAVING A LEGAL CONNECTION TO THE SUBJECT PROPERTY:

OWNER'S SIGNATURE: Janet E Ostrum DATE: January 4, 2022

-OFFICIAL USE-

CASE # _____ FILING DATE _____ FEE PAID _____ RCD BY _____

APPROVED FOR PC MEETING DATE _____

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.			
Property Address		Class: COMMERCIAL-IMPROV		Zoning: POSD	Building Permit(s)	Date	Number	Status			
108 N PARK AVE		School: MARSHALL PUBLIC SCHOOLS				11/18/1998	PB98-5622	COMPLETE			
Owner's Name/Address		P.R.E. 0% Hist.Dist: X		MAP #: 2							
OSTRUM JANET E 108 N PARK MARSHALL MI 49068		2022 Est TCV 87,075 TCV/TFA: 57.74									
Tax Description		X Improved	Vacant	Land Value Estimates for Land Table 102.102-DOWNTOWN COMMERCIAL							
MARSHALL CITY, LOWER VILLAGE W 44 FT OF S 13 FT OF LOT 4 & N 54 FT OF W 44 FT OF LOT 5 BLK 15.		Public Improvements		* Factors *							
Comments/Influences		Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj. Reason	Value		
		Gravel Road		<Site Value A> MIN SITE VALUE				18000 100	18,000		
		Paved Road		MINIMUM SITE	0.00	44.00	1.0000	0.3830	0 100	0	
		Storm Sewer		ACRES BY L USE MINIMUM			0.07	Acres		0 100	0
		Sidewalk					0.07	Total Acres		Total Est. Land Value =	18,000
		Water		Land Improvement Cost Estimates		Description	Rate	Size	% Good	Cash Value	
		Sewer		D/W/P: Asphalt Paving			2.66	1040	68	1,881	
		Electric		Total Estimated Land Improvements True Cash Value =						1,881	
		Gas									
		Curb									
		Street Lights									
Standard Utilities											
Underground Utils.											
Topography of Site											
Level											
Rolling											
Low											
High											
Landscaped											
Swamp											
Wooded											
Pond											
Waterfront											
Ravine											
Wetland											
Flood Plain											
Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
			2022	9,000	34,500	43,500			23,079C		
KW	03/30/2020	DRIVE BY I	2021	9,000	32,800	41,800			22,342C		
SML	12/01/1999	INSPECTED	2020	9,000	30,100	39,100			22,034C		
			2019	8,800	28,200	37,000			21,624C		

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*** Information herein deemed reliable but not guaranteed***



January 4, 2022

City Of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

Trisha Nelson, City Clerk

Dear Trisha,

As you know, I have submitted a site plan and request for rezoning for the property located 108 N. Park Ave., Marshall. I have owned and operated Bayberry House Interiors at that location since 1988. I am the owner of longest duration since the building was erected in 1834.

Currently, I would like to add a 2 story carriage house addition which would include a second story apartment for my personal use. The ground level addition would be a carriage house to the west with studio workspace to the east. This would create a live work setup and additional space to expand my business. Parking and much needed receiving space would be created with the carriage house/garage space.

The vision for growing my business in this location, in this way, has been a longtime goal. Being contiguous to both the central business district and to historic residential is a unique opportunity for planning in Marshall. Obviously, my building was a dwelling in its early life, so it maintains a desirable aesthetic for my residential neighbors.

Having operated a business here for so long, the location is inextricably linked to my customer base awareness and to my branding. No other location in Marshall is as unique in my humble opinion.

Therefore, I believe rezoning to B-3 would be an ideal action at this time. It would allow the expansion of business in downtown as well as follow through with the live/work and downtown residential direction which has been identified as ideal for our central business district.

Kind Regards,

Janet E. Ostrum, owner
108 N. Park Ave
Marshall, Michigan 49068
janet@bayberryhouseinteriors.com
269-781-7777



January 4, 2022

City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068

Trisha Nelson, City Clerk

Rezoning criteria:

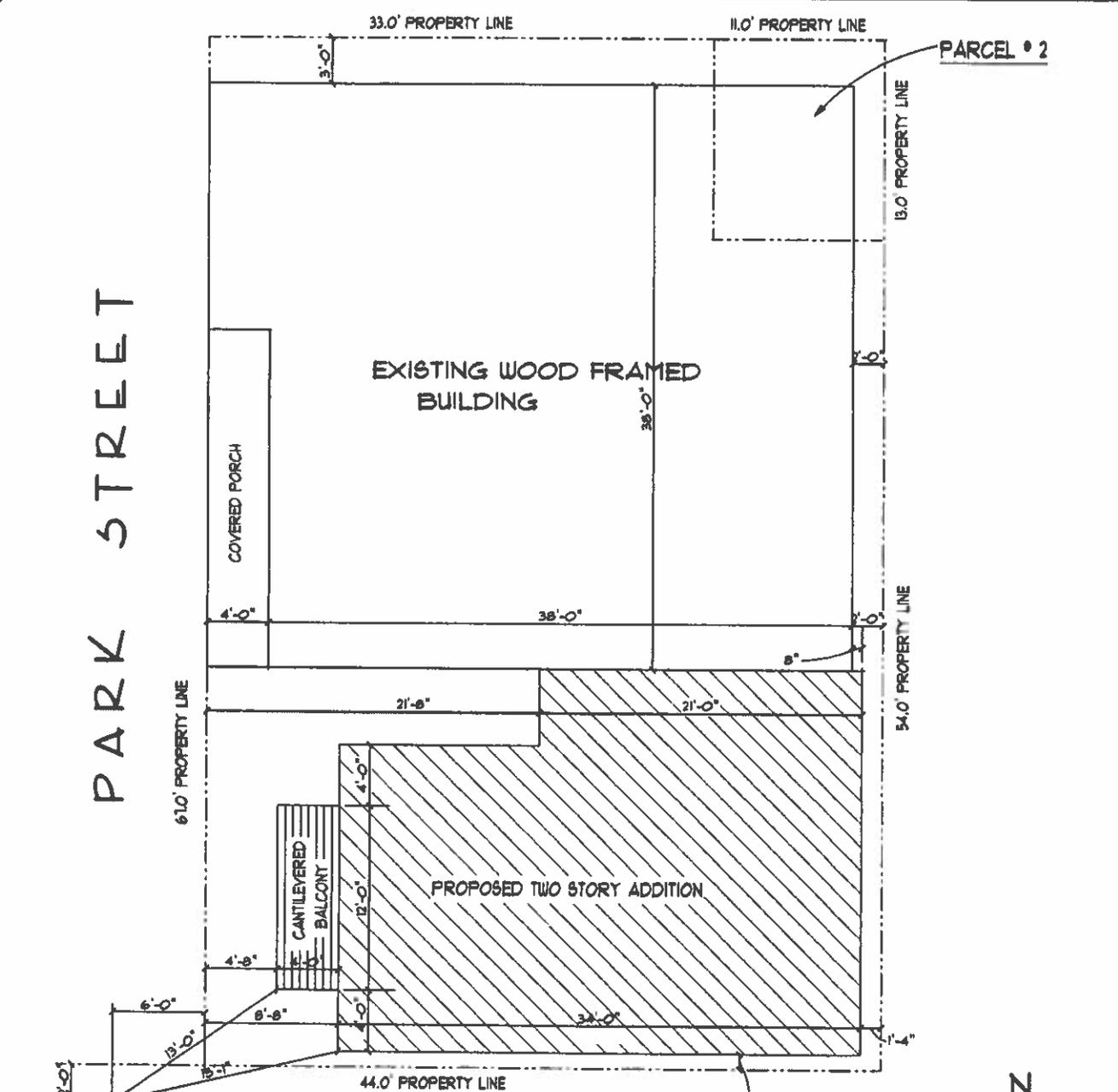
- A. The structure situated at 108 N. Park Ave benefitted from variance for expansion in 1997. Variances were granted for commercial business expansion. Additionally, most adjacent properties used for commercial purposes have been granted variances for dimension or use since that time.
- B. The property has been used commercially for decades. Business has been conducted at the same location, in the same name since 1988. The customer base, business brand are inextricably linked with the location and architecture at this site. Currently, rezoning will serve business expansion and growth at the location while maintaining identity.
- C. The original plat of the City of Marshall holds several unique, repurposed structures. The area around the Brooks Memorial Fountain circle is unique and provides symbolic imagery for residents and visitors. The zoning change proposed would maintain the ability for business to expand while maintaining a complimentary buffer for nearby residential zoned property.
- D. Rezoning will not harm adjacent properties. In fact, great care has been taken to consider the proposed zoning to comport with uses currently allowed which are compatible with the site and neighboring zoning. The overall appeal of the entrance to the community would remain the same or have the potential to be enhanced.
- E. Rezoning would create potential for business expansion and will increase the potential to create value, both real and perceived in the community of Marshall. All while remaining compatible with the features of the site.
- F. Natural character of the area would be maintained.
- G. Rezoning would apply to other commercial establishments in the proposed district which are like the CBD and each other.
- H. Construction on site will better comply with the proposed zoning.
- I. No mistake in prior zoning. Use has changed several times since the site and structure were created in 1834. Progress in the City of Marshall takes place with an eye to future value while maintaining a respect for the past.
- J. See item B.

Respectfully Submitted,

Janet E. Ostrum, owner
108 N. Park Ave.
Marshall, MI 49068
269-781-7777

janet@bayberryhouseinteriors.com

PARK STREET



PARCEL # 2

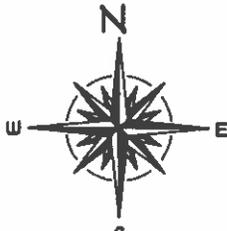
UTILITY POLE

LEGAL DESCRIPTION

PARCEL 1:
 LAND SITUATED IN THE CITY OF MARSHALL, CALHOUN COUNTY MICHIGAN DESCRIBED AS FOLLOWS:
 PART OF LOTS NO. 4 AND 5 BLOCK 15 IN THE VILLAGE (NOW CITY) OF MARSHALL, ACCORDING TO THE PLAN THEREOF RECORDED IN LIBER 3 OF PLATS ON PAGE 7 IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:
 COMMENCING ON THE WEST LINE OF LOT NO. 4 BLOCK OF 15 OF THE CITY OF MARSHALL AT A POINT SITUATED 13 FEET NORTH FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTH ON THE WEST LINE OF THE SAID LOT 4 AND THE WEST LINE OF LOT 5 OF SAID BLOCK, 61 FEET; THENCE EAST 44 FEET TO THE LINE BETWEEN LAND OF EUGENE A. AND MAUD WOELTZEL AND THE LAND FORMERLY OWNED BY STEPHEN F. SNYDER; THENCE NORTH 54 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE NORTH 13 FEET; THENCE WEST 33 FEET TO THE POINT OF THE BEGINNING

PARCEL 2:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF THE VILLAGE (NOW CITY) OF MARSHALL, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS ON PAGE 7, IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 4, 33 FEET TO THE PLACE OF THE BEGINNING; THENCE NORTH 13 FEET; THENCE EAST 4 FEET; THENCE SOUTH 13 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE WEST ALONG SAID SOUTH LINE, 11 FEET TO THE PLACE OF THE BEGINNING



SITE PLAN
 SCALE 1" = 10'-0"



DATE
 11-30-21
 S1

FRANK MASON & ASSOCIATES
 P.O. BOX 42 MARSHALL MI 49068

BAYBERRYHOUSE INTERIORS
 108 NORTH PARK AVENUE
 MARSHALL MI 49068

City of Marshall



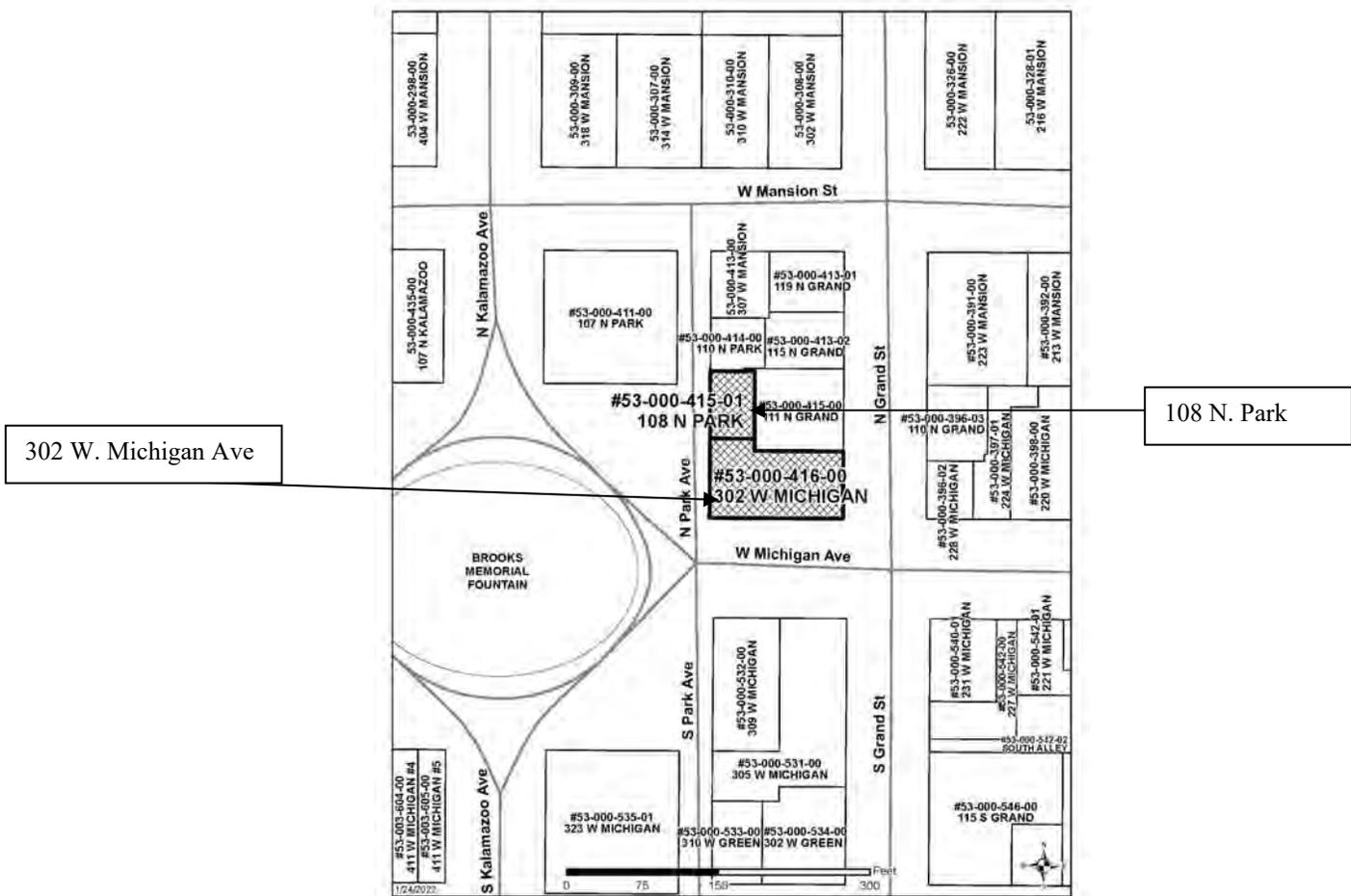
323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

Marshall Town Hall ca: 1857

Dear Property Owner:

The City of Marshall Planning Commission will hold a public hearing to hear public comments regarding Rezoning Request #RZ22.01 for 108 N. Park Avenue and 302 W. Michigan Avenue from POSD - Professional Office Service District to B-3 Neighborhood Commercial District.

March 2, 2022 at 7:00 p.m.
AT CITY HALL, 323 W. MICHIGAN AVENUE
MARSHALL, MI 49068



Any property owner or their representative, or any interested person is invited to participate in the meeting to be held as noticed above. Written response can be sent to or hand delivered to the drop box at City Hall to the attention of the Planning Commission, 323 W Michigan Ave., Marshall, Michigan 49068. Please direct any questions to Trisha Nelson (269) 781-5183, or by emailing nelson@cityofmarshall.com

Rezoning Criteria

For amendment requests to change, create, extend or reduce a mapped zoning district, the Planning Commission and City Council shall use the following as a guide:

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.

B. The property cannot be reasonably 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.

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.

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

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.

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.

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.

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

MARSHALL PLANNING COMMISSION
Staff report for February 9, 2022

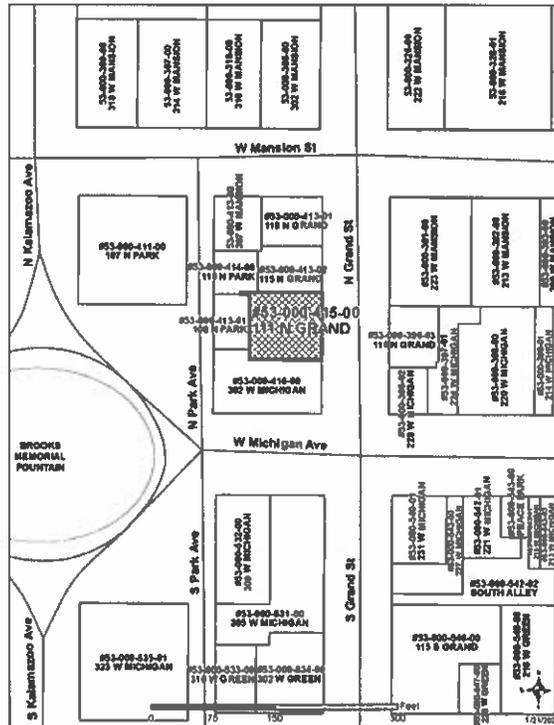
To: Planning Commissioners
From: Trisha Nelson, Planning and Zoning Administrator
Subject: Rezoning Request #RZ22.02 – 111 N. Grand. Rezone from POSD (Professional Office Service) to R-3 (Traditional Residential)

SUMMARY

Dustin Damon is seeking to rezone the property located at 111 N. Grand Street from POSD (Professional Office Service) to R-3 (Traditional Residential).

BACKGROUND

The owner approached the City to rezone the property for residential use. A rezoning of the property will allow the property to be sold as a residential home and assist with the sale of the property. In 2020, Planning Commission and City Council approved the rezoning of the neighboring properties at 119 N. Grand and 115 N. Grand.



Previously, the property has been utilized as an Adult Foster Care residence. Directly to the north of the property, the properties have recently been rezoned to R-3 and the

zoning along W. Mansion Street is R-3; however, according to the Future Land Use Map in the City Master Plan it is characterized as "Downtown Mixed Use".

The Planning Commission must decide whether the requested zoning classification of R-3 Traditional Residential is suitable for the property and work through the rezoning criteria worksheet.

RECOMMENDATION

After hearing public comment, it is recommended the Planning Commission formulate a recommendation to City Council. The Council will receive the recommendation at their March 7, 2022 regular meeting.



ZONING DISTRICT AMENDMENT APPLICATION

For Changing Zoning District Designation

Fee: \$200

PROPERTY OWNER NAME (Last, First): Dustin Damon

ADDRESS (House Number and Street): 111 North Grand

CITY, STATE, ZIP: Marshall, MI 49068

TELEPHONE: 269-317-0988

EMAIL ADDRESS: dustindamon@remax.net

I would like to rezone my property from **POSD** to **R3** because

- **ATTACH A LEGAL DESCRIPTION OF PROPERTY TO THIS FORM**

ADDRESS OF SUBJECT PROPERTY: 111 North Grand Street

EXISTING AND PROPOSED USE OF PROPERTY:

Vacant Traumatic Brain Injury Licensed Care home. The proposed use is residential for a family with an 8 year old TBI Injured, wheel chair bound child.

NAME, ADDRESS & PHONE NUMBER OF ALL OTHER PERSONS, FIRMS, etc. HAVING A LEGAL CONNECTION TO THE SUBJECT PROPERTY:

OWNER'S SIGNATURE: DocuSigned by:
Dustin Damon
CDDF257951F3468... DATE: 1/25/2022

-OFFICIAL USE-

CASE # R2 22.02 FILING DATE _____ FEE PAID PA. RCD BY JM

APPROVED FOR PC MEETING DATE 2/9/22



Calhoun GIS

Parcel Report: 53-000-415-00

1/25/2022
10:17:37 AM



Property Address

111 N GRAND ST
MARSHALL, MI, 49068

Owner Address

NORTH SLOPE PROPERTIES, LLC
--
504 E COLUMBIA AVE
BATTLE CREEK, MI 49014

Unit:	53
Unit Name:	CITY OF MARSHALL

General Information for 2021 Tax Year

MARSHALL CITY, LOWER VILLAGE PART LOT 5 BLK 15 BEG SE COR LOT 5, W ALG S LOT LINE 88. 38 FT, N PARL W LINE GRAND ST 66 FT, W ON STRAIT EXT OF N LOT LINE 11 FT, N PARL W LINE SD ST 16 FT, E PAR N LOT LINE 99.38 FT TO W LINE GRAND ST, S TO BEG.; EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 15, TH E ALNG S LINE OF LOT 4, 33 FT TO THE POB OF THIS EXCEPTION; N 13 FT, E 11 FT, S 13 FT TO THE S LINE LOT 4, TH W ALNG S LINE 11 FT TO THE BEG.

Sales Information

Sale Date: 10-21-2020

Sale Price: 200000

Instrument: WD

Grantor: HEALTH PARTNERS GROUP HOMES INC.

Grantee: NORTH SLOPE PROPERTIES, LLC

Terms of Sale: ARMS LENGTH

Liber/Page: 4469/0541

Sale Date: 10-11-2001

Sale Price: 220000

Instrument: WD

Grantor: KONN DAVID & REID SUSAN

Grantee: HEALTH PARTNERS GROUP HOMES INC.

Terms of Sale: ARMS LENGTH

Liber/Page: 2461/915

Sale Date: 04-13-2000

Sale Price: 185000

Instrument: WD

Grantor: CRAFT DENNIS D & LORI

Grantee: KONN DAVID & REID SUSAN

Terms of Sale: ARMS LENGTH

Liber/Page: 2213/779

Sale Date: 12-01-1987

Sale Price: 56000

Instrument: WD

Grantor:

Grantee:

Terms of Sale: WARRANTY DEED (OLD)

Liber/Page:

City of Marshall



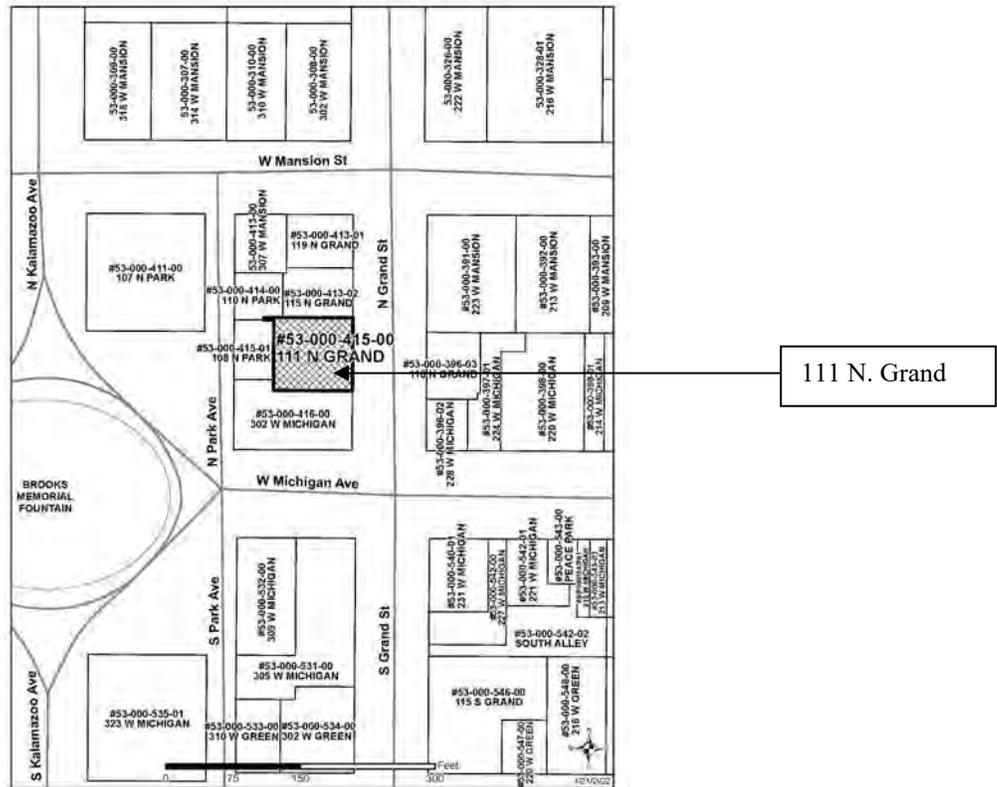
323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

Marshall Town Hall ca: 1857

Dear Property Owner:

The City of Marshall Planning Commission will hold a public hearing to hear public comments regarding Rezoning Request #RZ22.02 for 111 N. Grand, parcel # 53-000-415-00, to rezone from POSD - Professional Office Service District to R-3 Traditional Residential.

March 2, 2022 at 7:00 p.m.
CITY HALL, 323 W. MICHIGAN AVENUE
MARSHALL, MI 49068



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J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.
