

**AGENDA**  
**JOINT PLANNING COMMISSION**  
Marshall City Hall – 323 West Michigan Avenue  
Tuesday – January 14, 2020 - 7:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES – Minutes from December 10, 2019**

**AUDIENCE PARTICIPATION**

**Items on the agenda--** Citizens who wish to speak on a matter on the agenda may do so when called upon by the Chairman. Those people addressing the Board are required to give their name and address for the record and shall be limited to speaking for a maximum of five (5) minutes on a given matter. Rebuttals shall be limited to one (1) minute when called upon by the Chairman.

**PUBLIC HEARINGS**

Conditional Rezoning Request #JPCRZ20.01 for 15325 W. Michigan Avenue, parcel #16-270-018-03 owned by the Michael-Samuel Corporation to rezone from the Township Zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District for the exclusive use of a Marihuana Facility as permitted by the City Zoning Ordinance.

**OLD BUSINESS**

None

**NEW BUSINESS**

1. Discuss and give recommendation on case #JPCRZ20.01 Conditional Rezoning Request for 15325 W. Michigan Avenue from the Township Zoning of HS – Highway Service to the City Zoning of I-1 Research & Technical District for the exclusive use of a Marihuana Facility as permitted by the City Zoning Ordinance.

**PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA –** Citizens who wish to address the Board on items not on the agenda may do so at this time. When called upon by the Chairman, please state your name and address for the record. Members of the public shall be limited to speaking for a maximum of two (2) minutes.

**REPORTS**

**ADJOURN**

**City of Marshall and Marshall Township**

**Joint Planning Commission Minutes**

**December 10, 2019 7PM**

In a regular session, Tuesday, December 10, 2019 at 7:00 p.m. at Marshall Township Hall, 13551 Myron Avery Dr, Marshall, Michigan, the City of Marshall and Marshall Township Joint Planning Commission was called to order by Chair Lyng.

**ROLL CALL**

Members Present: Chair Lyng, Commissioners Burke-Smith, Kiessling, Reed, Rodgers and Walsh

Members Absent: Commissioner Davis

Staff Present: Paul Anderson, Marshall Township

Trisha Nelson, City of Marshall Planning and Zoning

Eric Zuzga, City of Marshall

**ELECTION OF OFFICERS**

**MOTION** by Walsh, supported by Kiessling to nominate Lyng for Joint Planning Commission Chair for a one year term. On a voice vote; **MOTION CARRIED.**

**MOTION** by Walsh, supported by Burke-Smith to nominate Rodgers for Joint Planning Vice Chair for a one year term. On a voice vote; **MOTION CARRIED.**

**AGENDA**

**MOTION** by Kiessling, supported by Walsh to accept the agenda for the Tuesday, December 10, 2019 as submitted. On a voice vote; **MOTION CARRIED.**

**PUBLIC HEARINGS**

Chair Lyng opened the public hearing on the Zoning Amendment for JPCRZ#19.01 for 15325 W Michigan, parcel #16-270-018-03 owned by the Michael-Samuel Corporation to rezone from the township zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District.

Doug Stewart of Delta One at 1120 Industrial, stated that they are an interested party in the property at 15325 W Michigan if the property were to be rezoned industrial. He stated that in areas in the state where they have opted out of Marijuana for all purposes, it has continued to be have an underground presences, which poses a risk to consumers, as there may be unknown additives when it is not regulated. He further stated that Delta One wishes to make the property an inside industrial grow operation and would bring 50-100 jobs to the area.

Commissioner Walsh questioned if there was a purchase agreement between the parties. Stewart stated there is a tentative agreement based on the rezoning. Walsh questioned how many jobs would remain after construction is completed. Stewart stated between 50 and 75 jobs would remain. Walsh further questioned is there was an agreement for the property. Stewart stated that there was a written

agreement between the parties conditional on the rezoning. Walsh questioned how the utilities for the property would work. Trisha Nelson stated that there has been a meeting with the utilities and water and sewer would be able to be connected to the city system, but that the electric would remain Consumer's Energy. Lyng questioned whether the grow operation would need City water or if a well would work. Stewart stated that the city water would be nice, but not entirely necessary. Lyng questioned if they were prepared for the cost of connecting to the City system. Stewart stated that they are currently adding pumping stations to another property in City limits to allow them to connect to the sewer system, so they are aware of the costs. Stewart further stated that this would be entirely contained inside, with nothing visible to the exterior, no signs or exterior grow, it would all be in a secure facility.

Walsh stated that the township is in favor of the 425 agreement, but not in favor of the I-1 use group designation. He stated that it allows more uses than the township would like to have at that site. He further stated that they are ok with a grow operation, but not with other I-1 uses.

Lyng stated that the zoning is a separate issue from the 425 agreement. He stated that this is the first time he can remember that there wasn't a site plan coming to the Joint Planning Commission with a rezoning request, and that the way it stands there is no guarantee that it the property would be a grow operation without a purchase agreement. He further stated that he is not in favor of many of the uses in the I-1 zoning district, such as a junkyard, commercial compost center or a water/waste water treatment plant. He stated that he feels the B-4 zoning district is more compatible to the current zoning of Highway services, and that other properties with the zoning of Highway Services in the past have gone to B-4, such as the hotels on the north side of the City.

Walsh stated that the zoning doesn't match the surrounding area if the tentative offer falls through and that a B-4 zoning is more compatible. Nelson stated that the rezoning application that was submitted was for an I-1 zoning and that is the commission votes to decline that it will then come back to the commission to determine the correct zoning for the parcel. Nelson further stated that a site plan should have no bearing on the zoning of a property, as it is based on all potential uses, not just a specific project. Nelson continued stating that the advice from the City Attorney is to not allow a special land use to allow a grow if it is rezoned B-4, as that would open up the entire city to that possibility.

Walsh questioned if there was any smell from the grow operation. Stewart stated that there are carbon filters used in each room, and that each room contains many pods, which essentially creates rooms in rooms. Nelson stated that the City Ordinance address concerns with smells.

Burke-Smith stated that she is concerned the zoning opens up the township to things they have voted not in favor of. Lyng stated that the township has voted to opt out of all cannabis and after a meeting with the townships attorney they still feel ok with that decision. The city has allowed for all uses except provisioning and retail within city limits. Lyng further stated that he is concerned with an I-1 use if the proposed falls through, then it could go to uses the township definitely does not want to see. Lyng stated that this area is the major artery coming in to the township and that many of the other uses would not look good as you are coming in to the township.

Lyng closed the public hearing.

## **NEW BUSINESS**

**MOTION** by Rodgers, supported by Burke-Smith to receive JPCRZ#19.01 Zoning Amendment for 15325 W Michigan Ave from the township zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District. On a voice vote; **MOTION CARRIED.**

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 no it is not more appropriate.
- B. The property cannot be reasonably used as zoned. The commission agreed that it could 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. Rodgers questioned what the zoning would be once the 425 agreement is in effect. Anderson stated it is Highway Services. Lyng stated it most closely resembles the City's zoning of B-4. Burke-Smith stated that the parcel was not included in the City's master plans. Anderson stated that in the Township Master Plan that it is part of a commercial sector.
- 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 not compatible with surrounding uses.
- 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 all potential uses are not compatible.
- 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 stated that it depends on what use goes in to the property.
- 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 it would create an isolated and unplanned district as the surrounding area is all commercial.
- 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. The commission agreed that there was no mistake in the original zoning.
- 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 plenty of I-1 properties are available, but not for cannabis, as they need to be a half mile apart for grow facilities.

Lyng stated that it doesn't meet the rezoning criteria. Burke-Smith stated that it is spot zoning, which shouldn't be done.

**MOTION** by Reed, supported by Walsh to recommend JPCRZ#19.01 Zoning Amendment for 15325 W Michigan Ave from the township zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District to City of Marshall City Council. On a roll call vote, Ayes: none, Nays: Lyng, Kiessling, Walsh, Reed, Burke-Smith and Rodgers; **MOTION DEFEATED.**

**MOTION** by Rodgers, supported by Burke Smith to accept the 2020 Joint Planning Commission meeting schedule. On a voice vote; **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None

**REPORTS**

None

**ADJOURN**

The Joint Planning Commission adjourned at 7:50 p.m.

Submitted by,

Michelle Eubank

**JOINT PLANNING COMMISSION**  
**Staff Report**

**Report To:** Joint Planning Commission Members

**From:** Trisha Nelson, Planning & Zoning Administrator

**Re:** Conditional Rezoning Request # JPCRZ20.01 - 15325 W. Michigan Avenue (Backroads Saloon) from Township Zoning Highway Service to City Zoning I-1 Research & Technical District for the exclusive purpose of a Marihuana Facility.

**Date:** January 7, 2020

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Owners of the former Backroads Saloon property at 15325 W. Michigan Avenue, parcel #16-270-018-03, requested to bring the parcel into the City through a 425 Agreement and the request was granted by both the township and city. Subsequently, city staff received a zoning amendment application on November 19, 2019. The owner rescinded the original rezoning request. The new conditional rezoning request is attached. Through discussions between staff and the property owner regarding the desired use of the property as a Marihuana growing and processing facility, the I-1 zoning district is the only zoning district to allow such a use. The Joint Planning Commission discussed the concerns regarding all of the permitted uses that would be allowed on the property with a zoning change to I-1.

After research and consideration, the attached Conditional Rezoning Agreement was submitted by the property owner. The agreement states the property would be zoned I-1 Research and Technical District for the exclusive purpose of a Marihuana facility as allowed by the City Zoning Ordinance. If a Marihuana facility ceases to exist, the property would revert to B-4 Regional Commercial District, which is the zoning district closest to that of the Township Zoning of Highway Service.

The JPC is being asked to consider the Conditional Rezoning Request for 15325 W. Michigan Avenue for I-1 Research and Technical District for the exclusive purpose of a Marihuana facility as allowed by the City of Marshall Zoning Ordinance. A recommendation should be made to the City Council for consideration at the January 21, 2020 and February 18, 2020 meetings.

**ZONING DISTRICT AMENDMENT APPLICATION**  
For Changing Zoning District Designation  
Fee: \$200

PROPERTY OWNER NAME: Daniel J. Stulberg, President  
Michael-Samuel Corporation

12-23-19

ADDRESS: 508 Orchard Road  
Marshall, MI 49068-8210

PHONE: 269.274.2543 (Dan's cell)

EMAIL: dstulb@gmail.com

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I would like to rezone my property from B-4 Commercial to Conditional I-1 for medical and commercial marijuana operations as allowed by City of Marshall Zoning Ordinances.

LEGAL DESCRIPTION (See attachment)

ADDRESS OF SUBJECT PROPERTY: 15325 W. Michigan Ave., Marshall, MI 49068

EXISTING AND PROPOSED USE OF PROPERTY: Property was developed in 1995 in what was vacant, somewhat-wooded land. From 1996 it served as a Recreation & Banquet Center under the name Marshall Activity Center. Mid 2014 it became a Dance Hall/Bar/Concert Venue called Backroads Saloon. Mid 2018 it ceased to operate as a Music/Dance venue, but continued to be used 1-2 times a week as a rental facility through November 2019. It is now closed. I have 2 parties seeking to buy it for marijuana operations (as allowed by Marshall City Zoning Ordinances).

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

OWNER'S SIGNATURE: *Daniel J. Stulberg*

DATE: 12-23-19

**EXHIBIT A**

**LEGAL DESCRIPTION of Property**

ADDRESS: 15325 W. Michigan Ave., Marshall, MI 49068      PROP.#: 16-270-018-03

MARSHALL TWP T2S-RSW SEC 27 COMM AT THE N 1/4 PST OF SEC 27 TH S ODEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TO THE POB. TH S ODEG 31'41" E 687.59 FT TH S 87DEG 01'11" W 250.23 FT TH S ODEG 31'41" E 400 FT TO NLY ROW LI OF W MICH AVE. TH S 87DEG 01'11" W ALONG ROW LI 150.14 FT TH N 1109.62' TH E 400.03' TO POB    ALSO COMM AT THE N 1/4 PST TH S 1332.66' TH N 89DEG 49'36" W 915.14' TH S 687.59' TO BEG TH S 164.50' TH S 87 DEG 01'11"W 240' TH N 235.95' TH E TO BEG. TH E TO BEG. {ALSO: COMM AT THE N 1/4 PST OF SEC 27 TH S ODEG 32'35" E 1332.66 FT TH N 89DEG 49'36" W 915.14 FT TH S ODEG 31'41" E 852.09 FT TO POB. TH S ODEG 31'41" E 234.18 FT TO NLY ROW LI OF W MICH AVE TH WLY 60.82 FT ALONG ROW LI AND ARC OF A CURVE TO THE RIGHT, RADIUS 1399.36 FT CHORD S 85DEG 46'28" W , 60.82 FT. TH S 87DEG 01'11" W ALONG NLY ROW LI 151.48 FT TH N 07 DEG 16'52" W 235.95' TH N 87DEG 01'11" E FT TO POB, COMBINED 4/04/2017 }

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

The property is owned by Michael-Samuel Corporation (MSC). Ownership of MSC is as follows:

- 33.1125% Daniel J. Stulberg, 508 Orchard Rd., Marshall, MI 49068 269.274.2543
- 14.4442% Nancy A. Stulberg, 508 Orchard Rd., Marshall, MI 49068 269.274.2574
- 13.1108% Alan J. Stulberg, 153 W. Hamilton Ln., Battle Creek, MI 49015 269.245.7597
- 13.1108% Sue Ann Stulberg, 153 W. Hamilton Ln., Battle Creek, MI 49015 269.967.3999
- 13.1108% Irving Ian Stulberg, 4467 Sunnycrest Dr., Los Angeles, CA 90065 323.356.5085
- 13.1108% Robert J. Berman, 4467 Sunnycrest Dr., Los Angeles, CA 90065 323.528.9338



### **PROPERTY BACKGROUND EXPLAINING REASONS FOR ZONING REQUEST**

As president of Michael-Samuel Corporation, I'm submitting this letter to request a zoning amendment for our family-owned property at 15325 W. Michigan Avenue, which is currently located in Marshall Township, but scheduled to become City property on January 1, 2020, pursuant to a 425 Land Transfer agreement already approved by both the Township and City Boards.

In an initial zoning application submitted 11/19/19, I explained that our family tried unsuccessfully for over two years to sell this property with only 3 informal offers that were about 60% of the appraised value and requesting land contract terms that our bank wouldn't even consider. In September, with the bank threatening foreclosure action, I was approached by two parties seeking a property to conduct marijuana operations. I received two offers very close to appraised value, but both offers came with contingencies requiring the property be zoned for marijuana operations. In speaking to Township and City officials I learned the only way that could happen was to have the property transferred into the City via the 425 Land Transfer Agreement, and then to request an Industrial zoning amendment that would allow marijuana operations under City Zoning Ordinances. That is what initiated our family seeking a 425 transfer and why we recently applied for the Industrial zoning amendment.

It was reported to me that at the 12/10/19 Joint Zoning Commission meeting, objections were raised by commissioners stating that a blanket Industrial zoning left open the possibility of the land being used for operations that were *not* appropriate for this location if the initial proposed usage changed. I further learned there was some support for the proposed usage if Conditional Rezoning could be utilized to assure that the property would revert to B-4 (Commercial) status if our proposed usage changed.

I pursued the Industrial zoning because I thought that was the only way to get the property approved for my potential Buyer's use. I feel the objections that the commissioners made about opening the door to future inappropriate uses are reasonable and I'm willing to pursue the Conditional Rezoning route in a manner that will satisfy the JPC and City Council. Therefore, I'm writing this letter to request Conditional Rezoning to I-1 for medical and commercial marijuana operations as allowed by City of Marshall Zoning Ordinances and am willing to commit to the attached proposed Conditional Rezoning Agreement.

I believe this Conditional Rezoning request addresses the following Rezoning criteria:

A) I've attempted to sell the property for over two years with no success. Marijuana property values are running well above typical commercial values and with improvements and possible expansion, the taxable value with a marijuana sale is only going to increase for the foreseeable future. I explored the question of doing this via a special land use and City officials said that couldn't work.

B) Conditional Rezoning of this property is the only option that can facilitate this usage without opening the property to inappropriate uses should owners and/or operations change.

C) The zoning ordinances would require all operations to be carried on indoors causing little, if any, external changes, though there would be capital for improved care of the grounds.

D) The proposed use would not negatively impact the environment, aesthetics, or potential property values. It would eliminate periodic traffic and parking hazards that the current bar/concert use had, as well as occasional excessive noise levels that some bands presented.

E) The proposed use won't have any negative impact on the geological or hydrological land features.

F) This usage would favorably impact traffic; would not tax any utilities, would bring the City's high-speed internet service into the area. It presents no unusual health or safety issues and will provide more jobs at higher wages than previously existed at this location.

G) Since the rezoning would be externally neutral, and meet acceptable conditions agreed upon by the City, it wouldn't appear to create a district contrary to the City Master Plan, nor a special privilege that others would be denied.

H) The change will not impact current boundaries and or negatively alter external appearance, and any construction can meet zoning regulations.

I) N/A

J) No other area sites are currently zoned for this usage, though that may change if this convenient "test site" goes as well as anticipated.

This Conditional Rezoning is our only viable option to find a suitable new owner that allows us to meet our financial obligations with the bank, and we're grateful to both City and Township officials for exploring this potential amendment to the current zoning in order to bring about what we believe can be a win / win / win resolution.

Dan Stulberg, President  
Michael-Samuel Corporation

**CONDITIONAL REZONING AGREEMENT**  
(Stulberg/MSC & City of Marshall)

P. 1 of 3

THIS AGREEMENT, made and entered into by and between Michael-Samuel Corporation, a Michigan corporation referred to as "Owner," and the City of Marshall, a Michigan Municipal Corporation, hereinafter referred to as "City."

*RECITALS:*

1. This Agreement is made pursuant to the authority granted to the City under Sec.405 of the Zoning Enabling Act, MCL 125.3405.
2. This Agreement relates to the property described in Exhibit A, hereinafter "the property."
3. Owner wishes to have the property Conditionally Rezoned as I-1, Light Industrial for the exclusive use of a Marihuana facility as allowed by the City Zoning Ordinance.

**NOW, THEREFORE,** it is agreed as follows:

1. The effective date of this Agreement is the date of enactment by the City Council of an amendment of the Zoning Ordinance and Zoning Map, zoning the property to the I-1 Light Industrial District. Such rezoning shall be a conditional rezoning, pursuant to MCL 125.3405, subject to this agreement and the conditions set forth below.
2. Owner shall maintain the property in conformity with the existing approved operational site plan (not any conditionally approved "expansion" site plans) or provide a Preliminary Site Plan that the Planning Commission approves and deems lawful, conforming in compliance with the Zoning Ordinance.
3. The City Zoning Administrator shall timely issue to Owner Final Site Plan Approval and the City and its officers and employees shall timely issue such building permits and other permits and approvals as may be necessary to allow the development and use of the property in conformity with the Preliminary Site Plan and in accordance with this Agreement and with applicable ordinance requirements that are not inconsistent with this Agreement.
4. In the event Owner does not complete the construction as provided in any conditions that accompany an approved site plan, the City shall have the right to revoke the Conditional Rezoning I-1 Light Industrial zoning classification at which point it would revert to the current B-4 Commercial zoning classification. The City Commission may provide extensions for good cause shown, including delays caused by circumstances not within Owner's control. In the event a petition for referendum on the rezoning or litigation challenging the rezoning of any portion of the property is filed, the period above shall not commence to run until the referendum and/or litigation has been defeated.

5. In the event the property ceases to exist as a Marihuana facility and the use is vacated, after 6 months the property would automatically revert to B-4-Regional Commercial District.
6. Revisions to the plans necessitated by engineering considerations, required by requirements of governmental authorities having approval authority with respect to revisions that the City Commission determines are minor, may be approved by resolution by the City Commission, which shall not unreasonably withhold approval. No such revision shall require amendment of the Zoning Ordinance or of this Agreement. Applications for revisions shall be made to the City Commission only, and no other board, commission or other agency of the City shall have any review or approval authority with respect thereto.
7. **Issuance of Approvals or Permits.** No approvals or permits shall be granted for any use or Development contrary to this Agreement. In the event of conflict between the provisions of this Agreement and the provision of any ordinance or regulation of the City, the provisions of this Agreement shall prevail.
8. Failure to satisfy a Rezoning Condition incorporated into this Conditional Rezoning Agreement constitutes a violation of the Zoning Ordinance, subjecting Owner to the applicable penalties and remedies provided by law.
9. This Agreement constitutes the entire agreement between the parties with respect to the subject of this Agreement, and it may not be amended, or its terms varied, except in writing and signed by the parties.
10. This Agreement shall run with the property and shall bind and inure to the benefit of the parties and their successors and assigns.
11. **Recording.** Upon execution of this Agreement by the parties, this Agreement shall after the Effective Date, be recorded with the Calhoun County Register of Deeds. Any amendment to the Agreement shall be recorded with the Calhoun County Register of Deeds.
12. **Voluntary Offer.** The Rezoning Conditions incorporated into this Agreement for the conditional rezoning have been voluntarily proposed by Owner. If Owner elects not to proceed with this Conditional Rezoning prior to its approval by the City, Owner's rights under the Zoning Enabling Act, the Zoning Ordinance, the City's ordinances, and other applicable laws of this state shall not be affected.
13. **Counterparts.** This Agreement and any amendments to it may be executed by the parties in one or more counterparts, each of which shall be deemed to be an original, and it shall not be necessary for the same counterpart of this Agreement or any amendment to be signed by all signatories in order for this Agreement or any amendment to this Agreement, to be binding upon all parties. When counterparts have been executed by all parties, it shall have the same effect as if one original had been signed by all parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set beside their signatures.

Owner: MICHAEL-SAMUEL CORPORATION

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Daniel J. Stulberg, President

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by Daniel J. Stulberg, President of Michael-Samuel Corporation.

\_\_\_\_\_  
Notary Public: \_\_\_\_\_  
My commission expires \_\_\_\_\_

CITY of MARSHALL, MICHIGAN

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Tom Tarkiewicz, City Manager

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Trisha Nelson, City Clerk

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF CALHOUN    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by Tom Tarkiewicz, City Manager and Trisha Nelson, City Clerk of the City of Marshall, on behalf of said City.

\_\_\_\_\_  
Notary Public, Calhoun County, MI  
My commission expires \_\_\_\_\_

## **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.

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B. The property cannot be reasonably used as zoned.

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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.

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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.

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

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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.

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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.

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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.

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

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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.

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# City of Marshall



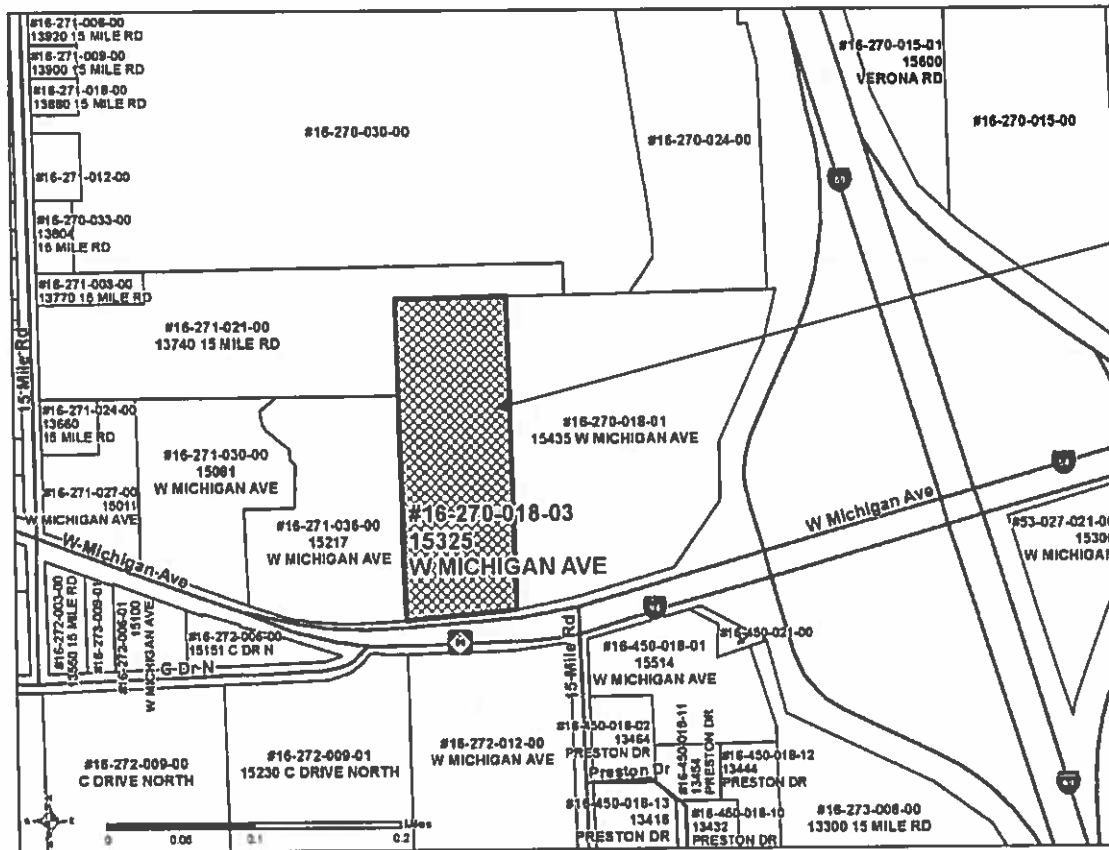
Marshall Town Hall ca. 1857

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

**Dear Property Owner:**

The City & Township of Marshall Joint Planning Commission will hold a public hearing on **Tuesday – January 14, 2019 at 7:00 p.m.** AT THE MARSHALL CITY HALL, located at 323 W. Michigan Avenue, Marshall, MI 49068 to hear public comments regarding:

Conditional Zoning Amendment request #JPCRZ20.01 for 15325 W. Michigan Avenue, parcel #16-270-018-03 owned by the Michael-Samuel Corporation to rezone from the Township Zoning of HS-Highway Service Commercial to the City Zoning of I-1 Research & Technical District for the exclusive purpose of a Marihuana Growing or Processing Facility.



15325 W. Michigan Avenue

The documents may be viewed at City Hall, 2<sup>nd</sup> Floor, 323 W. Michigan Ave. between the hours of 8:00 am and 5:00 pm, Monday through Friday or by emailing: [TNelson@cityofmarshall.com](mailto:TNelson@cityofmarshall.com). Those wishing to comment may do so in person at the meeting or may send written comments to the attention of the Planning & Zoning Administrator, Trisha Nelson, City of Marshall, 323 W. Michigan Ave., Marshall, Michigan 49068.