

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 Marihuana 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 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 if 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, Kiessler, 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