

JOINT PLANNING COMMISSION AGENDA

April 25, 2023 Regular Meeting - 7:00 PM

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) APPROVAL OF AGENDA Items can be added or deleted from the Agenda by Board action.
 - A. Approval of April 25, 2023 JPC Agenda

4) APPROVAL OF MINUTES

- A. Minutes of October 18, 2022 JPC Meeting
- 5) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.
- 6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes.
 - A. RZ #23-01 13700 West Michigan Avenue Rezoning
- 7) OLD BUSINESS
- 8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS
- 9) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.
- 10) BOARD REPORTS
- 11) ADJOURNMENT

City of Marshall and Marshall Township

Joint Planning Commission Minutes

October 18, 2022

In a regular session, Tuesday, October 18, 2022 at 7:00 p.m. in the Council Chambers at Marshall City Hall, 323 W Michigan Ave, the City of Marshall and Marshall Township Joint Planning Commission was called to order by Chair Banfield.

ROLL CALL

Members Present: Banfield, Burke-Smith, Gresley, Hoffman, Lyng, and Reed

Members Absent: None

Staff Present:Eric Zuzga, City of Marshall Director of Community ServicesPaul Anderson, Marshall Township Zoning Administrator

AGENDA

MOTION by Lyng, supported by Reed to approve the agenda as presented. On a voice vote; **MOTION CARRIED**.

MINUTES

MOTIONS by Reed, supported by Lyng, to accept the minutes from the Tuesday, September 13, 2022 as submitted. On a voice vote; **MOTION CARRIED**.

PUBLIC COMMENTS ON AGENDA ITEMS

None

PUBLIC HEARINGS

1. Rezoning Application RZ 22.04 for Parcel #13-16-260-003-00, currently 902 South Kalamazoo Avenue

Public hearing opened at 7:03 PM. Zuzga presented the rezoning application for 902 South Kalamazoo/550 West Hughes. The request is due to an approved 425 agreement with the Township. The owners are requesting a rezoning to Multifamily Residential from the current Township zoning.

Paul Anderson indicated that the Township had just updated their Master Plan and Future Land Use map to allow this property to be multifamily. They anticipated a development coming to this parcel and were encouraging development around the city. Ryan Schmidt and Joe Elias are the potential developers of the property. They indicated that Marshall was a very attractive market and one that they had studied in depth before offering to purchase this property. They feel that Marshall has a need for multifamily housing, especially with the age of its current housing stock.

Greg Potter, 906 S Kalamazoo Street, indicated that he is supportive of housing projects in general and that Marshall has a need. He posed several questions (# of units, impact to water/sewer, etc.) to City staff and the developer on items that will be addressed under site plan review. He strongly urged the developers to respect the riverfront and for all parties to review the environmental impact of any and all development, especially in regards to the river and Rice Creek.

Schmidt and Elias indicated that they intend to developer the property with respect to the riverfront and did not plan to cut trees or open up the riverfront. They want to keep it natural and add trail down to the river.

Public hearing closed at 7:26 PM.

2. Rezoning Application RZ 22.05 for Parcel #13-16-273-024-01, 15998 West Michigan Avenue

Public hearing opened at 7:26. Zuzga presented the application for rezoning at 15998 West Michigan. The rezoning was necessary due to an approved 425 agreement with Marshall Township.

With no comments, the public hearing closed at 7:27.

NEW BUSINESS

1. Discuss and give recommendation on Rezoning Application RZ 22.04 for Parcel #13-16-260-003-00, currently 902 South Kalamazoo Avenue, to rezone from Township Zoning Agricultural (AR) to City Zoning of Multi-Family Residential (MFRD)

Zuzga presented the staff report (attached) which summarized the proposed rezoning and its alignment with the standards for approval in the zoning ordinance. The Commission reviewed this information and determined that the proposed rezoning was consisted with the standards for approval in the zoning ordinance.

MOTION by Burke Smith, supported by Hoffman to recommend approval of Zoning Amendment request #JPCRZ22.05 to rezone property coming in to the City on a 425 Land Transfer at 550 W Hughes to Multifamily Residential (MFRD). On a voice vote; **MOTION CARRIED 5-1**. **2.** Discuss and give recommendation on Rezoning Application RZ 22.05 for Parcel #13-16-273-024-01, 15998 West Michigan Avenue, to rezone from Township Zoning Highway Service (HS) to City Zoning Regional Commercial (B-4)

Zuzga presented the staff report (attached) which summarized the proposed rezoning and its alignment with the standards for approval in the zoning ordinance. The proposed rezoning was consistent with the Master Plan and is currently surrounded by properties in the B-4 District.

MOTION by Burke Smith, supported by Hoffman to recommend approval of Zoning Amendment request #JPCRZ22.05 to rezone property coming in to the City on a 425 Land Transfer at 15998 West Michigan Avenue to Regional Commercial (B-4). On a voice vote; **MOTION CARRIED 6-0**.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

REPORTS

None

ADJOURN

The Joint Planning Commission adjourned at 7:51 p.m.

Submitted by,

Eric Zuzga, Director of Community Services



ITEM #7A

<u>TO:</u>	Joint Planning Commission Members					
FROM:	Eric Zuzga, Director of Community Services					
DATE:	April 25, 2023					
SUBJECT:	Rezoning Request- RZ #23-01					
	13700 West Michigan Avenue					
	Parcel #53-281-021-00					

<u>Summary</u>

Subsequent to approval of a 425 Conditional Land Transfer by the Marshall Township Board and Marshall City Council, the Marshall Area Economic Development Alliance (MAEDA), owner of 13700 West Michigan Avenue (Parcel #53-281-021-00), has submitted a Rezoning Application for said property to Industrial and Manufacturing Complex (I-3) Zoning District, pursuant to M.C.L. 125.3401.

Please note, the only issue that the Joint Planning Commission is considering at this time is the rezoning request. If the Rezoning request is approved, the applicant would then file a site plan application and building/ trades permits to construct a new facility, parking lots, driveways, and associated on-site utility improvements; site development review and determinations would be addressed through their own processes at a later date.

Background

This parcel was recently transferred to the City of Marshall ("City") under PA 425 Conditional Land Transfer from Marshall Township ("Township") in the last three months. The bulk of the parcel subject to this rezoning application has been zoned "Industrial" since the 1960's, under the Township's jurisdiction. After several decades of planning by Marshall Township for the development of this large industrial area, the Township took action to update their Master Plan and Future Land Use map to reflect this intent for the purposes of attracting prospective industrial businesses.

Prior to commencing the PA 425 land transfer, the City determined that a new zoning district was necessary to address anticipated issues or concerns that could potentially arise from development in this area of the township. A meeting was held in April 2022 with the City Planning Commission and members of the Township Planning Commission to discuss issues of joint interest relative to the development of a new ordinance. One item that the township requested was to prohibit cannabis uses in areas developed

under this ordinance. (The City's current ordinance allows cannabis in its two current Industrial zoning districts.)

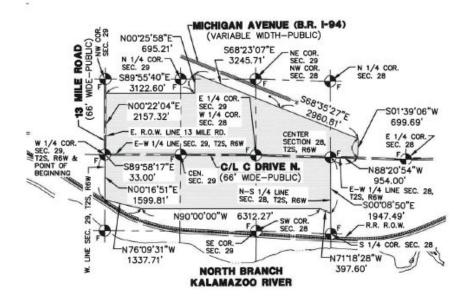
After this meeting, City staff worked with a planning consultant, Progressive AE, to develop a new zoning district that would govern the development of large industrial sites to be transferred to the City from the Township. After several months of Planning Commission meetings and public hearings, the City Council approved a new I-3 zoning ordinance on January 18, 2023.

Starting in January of 2023 and continuing through April 2023, the City and Township approved several PA 425 agreements which transferred authority over acreage intended for industrial development from the Township to the City. Subsequently, MAEDA requested these parcels to be combined into one parcel and then split to meet any proposed development's needs. Once the lots were combined, a split was requested of approximately 741 acres for a proposed development.

With the creation of this new parcel, a request was submitted by MAEDA to rezone the property to Industrial and Manufacturing Complex (I-3). City staff then set a date for the Joint Planning Commission to meet and consider this request.

Property/Neighborhood Description

The subject site, 13700 Michigan Avenue, is located south of West Michigan Avenue between 13 mile and 15 mile roads. The site subject to this rezoning application is identified in the map below:



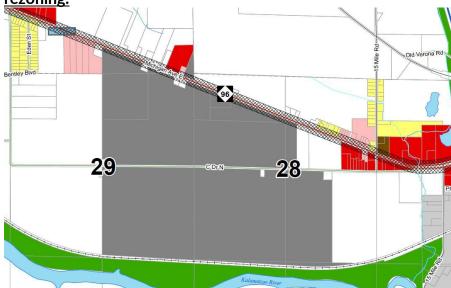
SURVEY OF A 731.40 ACRE PARCEL OF LAND LOCATED IN SECTIONS 20, 28 & 29, T2S, R6W, MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN The new 741-acre parcel proposed for rezoning is comprised of relatively flat farmland and contains nine (9) houses, for which demolition permits have been issued. Other structures on the site are either being used by the development team, contemplated for other uses, or may be demolished at a later date. The site abuts another parcel of land, owned by the petitioner, to be used as a buffer from surrounding parcels and public rights-of-way, and to address storm water management.

Development in the surrounding area could be characterized as semi-rural, with a majority of the parcels housing single family residences or farm property. There are small neighborhoods to the northwest and east of the site with a commercial area to the north and east. South of the site is a MDOT/Norfolk Southern rail line and the Kalamazoo River. West of the site is the unincorporated Village of Ceresco.

Neighborhood Zoning

All of the site's existing zoning is currently based on the Marshall Township Zoning Ordinance. As noted earlier, the bulk of the parcel has been zoned for Industrial development since the 1960's. The following Marshall Township zoning.

The 2018 Township Zoning Map (below), shows that the site considered for rezoning was split between Industrial (IP) and Agricultural (AR). Parcels to the immediate east, west, and north of the parcel were zoned Agricultural (AR). The southern boundary of the site is bordered by an MDOT owned rail line. Immediately to the south, there are several parcels zoned Open Space Waterbody (OC). There were six (6) parcels zoned Community Service Commercial (CS) and thirteen (13) zoned Highway Service Commercial (HS) in the immediate area.



<u>February 22, 2018, Township Zoning Map- section covering parcel proposed for</u> rezoning.



Marshall Township's most recently adopted zoning map reflects this site as "PA 425 Agreement" as it was updated after the Conditional Land Transfer's approval.

Marshall Township Master Plan

As required by the Michigan Planning Enabling Act, Marshall Township has adopted and maintained a Master Plan to governs land use decisions in the Township. The current Master Plan was adopted on November 21, 2022. The Master Plan contains goals around land use, economic development, public utilities/facilities, housing, and natural resources. The proposed rezoning addresses the following goals in the current Master Plan:

Chapter 4 Goal (Economic Development)- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall. Additionally, smaller-scale businesses are supported along Michigan Avenue East.

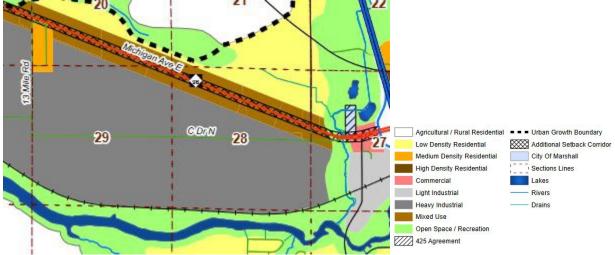
Earlier in the section, the township states that, "recent economic development efforts in cooperation with the City of Marshall and the Michigan Economic Development Corporation will put the Township and City on the map as a premier site for private investment and job creation." It is very clear that the intention of the Township was to develop this site for the type of development proposed in this rezoning.

Chapter 5 (Public Services, etc.) Goal- The Township shall strive to maintain excellent public facilities, services, and infrastructure to serve the needs of its residents and business. As part of this goal, the township has adopted the following principles: Plan for new connecting roadways through planned industrial areas; and cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.

Chapter 6 Goal (Land Use)- Future land use within the Township shall be developed in a manner that is sensitive to agricultural areas, existing neighborhoods, and natural resources, and the Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.

Within this section, the township references an Urban Growth Boundary where more intensive, dense growth will be targeted. This is described in the following section (page 27) from the chapter: "Inside the boundary, commercial and industrial developments and higher residential densities are considered to be more appropriate and feasible in these areas from an environmental, development, and utility feasibility perspective."

A major part of the Master Plan is the adoption of a Future Land Use map. The section of the current Future Land Use Plan that covers the proposed rezoning is as follows:



2022 Township Future Land Use Plan- section covering parcel proposed for rezoning.

The Future Land Use map shows that the entire area covered by the rezoning is included in the Heavy Industrial classification. Previous Future Land Use maps adopted in prior Master Plans also contain a future industrial land use designation.

City of Marshall Master Plan

As required by the Michigan Planning Enabling Act, the City of Marshall has adopted and maintained a Master Plan to govern land use decisions in the city. The current Master Plan was adopted on June 10, 2015, and reviewed in 2020 with confirmation by the Planning Commission that it was still relevant. As in the Township's Master Plan, there are goals that support the type of development that is being proposed. The following goals support the type of development that is proposed at this site:

- Goal 5: Ensure the long term strength of the city's employment base.
- Goal 6: Strengthen cooperation and coordination with neighboring townships and community partners to ensure the long term success of the City, its neighbors, and institutions.

These goals encourage collaboration with Marshall Township to encourage economic development in areas targeted for development through the use of PA 425 agreements.

Specific language encourages the use of the Joint Planning Commission to make land use decisions.

With both entities adopting language surrounding collaboration in land use decisions and economic development activities, it is evident that both communities have jointly strategized and planned for this type of development.

Applicable Ordinance Provisions

City of Marshall Zoning Ordinance

Pursuant to Section 3.6 of the City Zoning Ordinance, properties transferred from another governmental unit are assigned a zoning classification to whatever district most closely conforms with the previous zoning designation; this ordinance also allows for City Council to adopt a new zoning map by holding a public hearing and upon receiving a recommendation from the Planning Commission.

The Michigan Planning and Zoning Enabling Acts, case law, and local ordinance outline the criteria by which a rezoning request is reviewed, and a determination made. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to the extension of City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

Another area of the City Zoning ordinance that addresses issues in the proposed rezoning is that the requested zoning district (I-3) was developed to address issues in this area of Marshall Township and the type of development that would be developed from this proposed rezoning. The I-3 purpose, and intent is as follows:

The proposed rezoning is also intended to address issues that cannot be remedied or accommodated by Marshall Township in a manner that would advance the Township's Future Land Use vision. In this case, it is the need for significant public infrastructure to facilitate site development. The Purpose, and Intent of the Industrial and Manufacturing Complex (I-3) zoning district is to:

"Provide for the siting of larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and community utilities and may include multiple supporting ancillary services such as storage, daycare, cafeteria, gym, or other supportive amenities. This district may be established in areas that are;

- i. comprised of an extensive amount of contiguous land area that is greater than two hundred (200) acres;
- ii. served by major highways, rail or air service, or secondary road improved to state standards;
- iii. served by public water and sewer, and
- iv. clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development."

The site under consideration for rezoning meets these standards as it is greater than 200 acres, it is served by a state trunkline with direct access to two expressways, and will be served by public water and sewer.

As stated earlier, the I-3 District was developed to limit uses that were not desirable in this highly visible property in Marshall Township. Uses allowed in the I-1 and I-2 zoning districts, such as cannabis and adult and sexually oriented businesses would not be appropriate in an area designated for major manufacturing facilities.

Rezoning Process, Standards

The following criteria are to be used as a guide in determining whether the rezoning should be approved:

- 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.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Marshall Advisor and Chronicle on Saturday, April 8, 2023. Notices of the public hearing were also sent by regular mail to the owners/ occupants of properties located within 300' of the subject parcel. Fifty parcels were identified within 300' of the parcel, with 17 notices sent out due to individuals/organizations owning and occupying multiple parcels. To date, the city has not received any comments from individuals in this area. Any written comments received before the end of day Tuesday, April 24, will be forwarded to the JPC members via email. Any written comments received after the close of business on April 24, will be presented at the meeting on April 25, 2023.

Recommendation

Staff recommends in support of the requested rezoning/zoning designation of Industrial and Manufacturing Complex (I-3) and makes the findings listed below, as a result of the review and analysis of the rezoning application; analysis of the neighboring land uses and existing conditions; and also finds the project consistent with the objectives of City and Township Master Plans and intent of the City and Township Zoning Ordinances.

Findings

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.

This site has been zoned industrial in the township for many years, in anticipation of industrial development. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map, again demonstrating the intent to provide for industrial development.

The new zoning district was developed in accordance with Township Master Plan and future land use map, ensuring land uses that both the City and Township found potentially unsuitable (i.e., marihuana, adult sexually oriented businesses), would not be allowed.

B. The property cannot be reasonably used as zoned.

The property was zoned industrial in the township, but without public utilities, could not be reasonably used for industrial purposes. A PA 425 is required to transfer the property to the City, which will extend public services and allow the property to be used as it has been zoned for several decades.

With a rezoning, the City Zoning Ordinance allows property to transfer to the city with the underlying township zoning district intact, which in this case is industrial. The ordinance also provides an opportunity for the City Council to adopt a new map which requires a public hearing before the Joint Planning Commission and City Council.

In order to limit the nature of future end uses to those acceptable to the Township, a new district was created to target uses included in the I-3 Zoning District.

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.

As identified earlier, the City Master Plan encourages collaboration with the Township (Goal #6) in encouraging development through the use of PA 425 agreements and in collaboration through the Joint Planning Commission. In addition, another goal (Goal #5) seeks to ensure the long term strength of the city's employment base.

The proposed zoning is consistent with the goals, policies, and future land use map adopted in the Township Master Plan. As identified earlier in this report, the following goals support the proposed rezoning:

- Economic Development- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall
- Public Utilities- Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.
- Land Use-Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.

These goals listed in both the Township's and City's master plan clearly support the rezoning and are reinforced by decades old past and present Future Land Use maps that have identified this area for industrial uses.

While this site is not specifically listed on the City of Marshall Future Land Use map, it is a result of changing conditions that allowed for the attraction of a top tier automaker to the area. The need for public utilities had prompted the transfer from Township to City, which is why the future land use for this site is not indicated on the City's Future Land Use Map.

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 is consistent with the current Township Zoning Ordinance and the Future Land Use map. The bulk of the property is used as agriculture including large scale commercial farms with scattered residential uses. Due to the size of the development and land acquisition efforts by MAEDA, it is expected that there will be a significant distance between any proposed buildings and any remaining homes. Additionally, due to landscaping, buffering, and stormwater management requirements, the industrial development will have a significant setback from any road rights-of-ways with green space to accommodate these elements. While the development of farmland and other natural spaces will be viewed as a negative to many in the area, the proposed zoning district requires any development to add buffering to address the loss of agrarian character and provide a visual buffer that respects the natural environment where viewed from public rights of way and residential properties. The project will also maintain the land between the railroad and Kalamazoo River leaving a highly attractive natural area that will provide additional buffering for those that use the river and properties to the south of the river.

While some concern has been expressed around impacts on the environment, State, local, and regional organizations are required to monitor these impacts and address any potential issues. State and local permitting efforts are already underway, and the proposed development will meet these standards which have been developed to protect the surrounding environment. Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a state trunkline. Two expressway interchanges are in close proximity and provide a high level of capacity and access for freight and heavy trucks. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address any needed improvements identified through the studies have been committed by the State of Michigan and will be developed as necessary.

The site has been identified for development due to its location along Michigan Avenue and the distance from the City of Marshall's infrastructure. The city is working with the State of Michigan and other regional partners to develop a comprehensive infrastructure approach to serve the site which will benefit the entire region. This plan will increase the benefits to public safety and the reliability of public utilities in the region.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify economic development and the attraction of jobs to the community as a priority.

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

Since 2019, the Calhoun County Community Development Department has completed master planning on the proposed site in order to be ready for development. During that time, consultants that are experts in their fields were contracted to provide reports on the potential land use/ site development issues identified in this specific rezoning criteria. The following reports were completed and have indicated that the site can support the proposed development:

- Archeological Survey
- Geodynamic Testing & Evaluation Report
- Kalamazoo River Sample Results
- Phase I Environmental Site Assessment Report
- Protected Species Habitat Assessment
- Supplemental Preliminary Geotechnical Evaluation Report
- Temporary Construction Stormwater Management Narrative
- Traffic Impact Study & Preliminary Project Scoping Report
- Vibration Monitoring & Analysis Report
- Wetland Delineation Report

In addition, permits have been issued by the County Drain Commission and County Road Department in relation to temporary stormwater management and soil erosion. Additional permitting with state and local agencies will be underway as a site plan is fully developed and submitted to the City, which will address permanent stormwater management amongst other issues.

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.

While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a state trunkline and in the vicinity of two expressway interchanges already provides a high level of capacity and access. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address these needed improvements have been committed by the State of Michigan and will be developed as necessary.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city will negotiate a public services agreement with the development to cover the increased cost of serving the site. Other public facilities (e.g., Marshall District Library and Marshall Public Schools) will receive additional resources from the State of Michigan due to the proposed Renaissance Zone tax exemption.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, sanitary sewer, and potable water. The proposed development will be a utility customer of the City of Marshall. The City is partnering with other local units of government to supplement the City's water supply with a wholesale water purchase agreement with the City of Battle Creek. This will allow increased water reliability and provide additional capacity to the site. The City also expects increased public safety benefits will also be realized through this interconnect.

There will be a change to the natural characteristics of the site as a large manufacturing building will be built on the site of former farmland. However, required greenbelt buffering will attempt to improve the viewshed of surrounding properties and the proposed conservation easement on the property south of the railroad tracks will protect major natural characteristics.

Studies completed by third parties indicate that this development expects to attract employees from surrounding counties. The city expects to see additional development from people interested in moving to the community and is already working to add various housing options. However, we do not expect to capture every employee and their respective families. Employees will commute from surrounding cities (Battle Creek, Kalamazoo, Jackson, Coldwater, etc.) and rural areas in the surrounding counties.

The proposed development is required to meet health and safety standards of several state and federal agencies. This site will be monitored by these agencies to protect the health of the surrounding community and natural resources.

As described through each of the subject areas above, the City does not believe that the proposed development will threaten the health, safety, and welfare of the community.

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 rezoning is not contrary to the Township Master Plan and was in fact planned over several decades as shown in their current and past Master Plans. As stated earlier, there have been changes in the conditions in the area around the need for public services, which required the transfer to the City, which was anticipated in 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.

As stated, the proposed zoning change is consistent with the surrounding uses as identified in the Township Zoning Ordinance and Master Plan. The redeveloped site would be required to meet all zoning requirements for this parcel in this zoning district. Site development standards take into consideration issues such as setbacks, buffering,

landscaping, stormwater management, and lighting. Developments complete an independent review by a multi-disciplinary development review team to ensure all regulations will be met prior to their approval, and inspections will be completed during construction to ensure compliance with state and local codes and ordinances.

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

The Township had consistently zoned the property as an industrial use since the 1960's. As stated in both Master Plans, properties that required connection to public water and sewer would be transferred to the City of Marshall through a PA 425 agreement, which has now been completed. The proposed development requires connection to public utilities so there has been a change in conditions that support the proposed rezoning.

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

While there are industrially zoned parcels within the City, there are none of sufficient size to serve the proposed development. The land transferred into the city under the recent 425 agreements are the only properties that meet the size threshold within the city for this type of development.

Therefore, based on the above findings and pursuant to Section 7.1-Amendments and MCL 125.3101 et seq., staff recommends that the Joint Planning Commission recommend to the City Council adoption of the Rezoning Application #RZ23-01 from Township Zoning to City Zoning District- Industrial and Manufacturing Complex (I-3). If the Joint Planning Commission agrees with the findings presented by staff, the following motion could be used."

The Joint Planning Commission recommends approval of the proposed rezoning request of 13700 West Michigan Avenue (Parcel #53-281-021-00) to Industrial and Manufacturing Complex (I-3) based on the findings included in the staff report on this matter.

If the Joint Planning Commission finds that the criteria above are not met, and chooses to deny the rezoning, statements related to the above criteria justifying how this request does not meet the rezoning standards must be made.

Attachments

The following information is attached and made part of this Staff report:

- Rezoning Application Form and Material (Application #RZ23-01)
- Vicinity Map
- Map of MAEDA Owned Parcels
- Township Zoning and Future Land Use Maps

ZONING DISTRICT AMENDMENT APPLICATION For Changing Zoning District Designation Fee: \$400

PROPERTY OWNER NAME (Last, First): MAEDA

ADDRESS (House Number and Street): 323 West Michigan Avenue

CITY, STATE, ZIP: Marshall, MI 49068

TELEPHONE: 269-781-5163 EMAIL ADDRESS: james@choosemarshall.com

I would like to rezone my property from Township **to** ^{I-3} **because** 425 transfer from Marshall Township to City for development purposes

ATTACH A LEGAL DESCRIPTION OF PROPERTY TO THIS FORM

ADDRESS OF SUBJECT PROPERTY: multiple. See attached

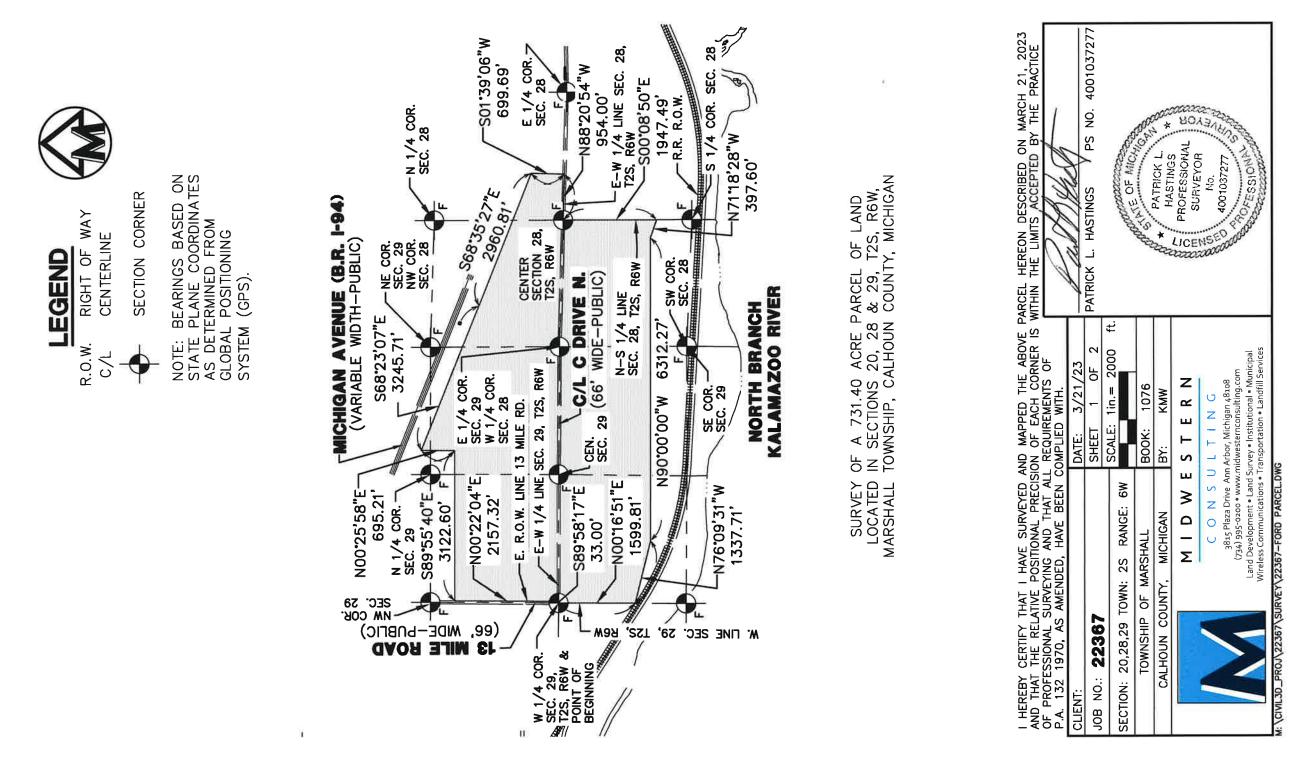
EXISTING AND PROPOSED USE OF PROPERTY: Agriculture/residential to Industrial

NAME, ADD	RESS &	PHONE NUM	BER OF	ALL OTHER	PERSONS, FIRM	IS, etc.
HAVING A	LEGAL	CONNECTIO	N TO TH	E SUBJECT	PROPERTY:	

OWNER'S SIGNATURE:	Austin	DATE:	3/16/23

CASE # R2#23. FILING DATE 4-5-23 FEE PAID \$400 RCD BY E2

APPROVED FOR PC MEETING DATE 4-2-5-23



OF LAND & 29, T2S, R6W, COUNTY, MICHIGAN	S, R6W, Marshall Township, Calhoun	W 1/4 line of said Section 29 to the East right-of-way;	E-W 1/4 line of Section 28, T2S, R6W, n & the centerline of nter of said Section 28; N-S 1/4 line of said Section 28;	the West line of said Section 29 to the tions 20, 28 & 29, T2S, R6W, Marshall d containing 731.40 acres of land, more or he public over that portion of land as wide). Being subject to easements and	PARCEL WITHIN	PATRICK L. HASTING PS NO. 4001037277	P ALC	ACC PROFESTIONAL C SURVEYOR No.	SSIONA
LEGAL DESCRIPTION (LOCATED IN SECTIONS 20, 28, MARSHALL TOWNSHIP, CALHOUN	BEGINNING at the W 1/4 corner of Section 29, T2S, County, Michigan,	thence S 89°58'17" E 33.00 feet along the E-W East right-of-way line of 13 Mile Road; thence N 00°22'04" E 2157.32 feet along said E thence S 89°55'40" E 3122.60 feet; thence S 89°55'40" E 3122.60 feet; thence N 00°25'58" E 695.21 feet; thence S 68°23'07" E 3245.71 feet; thence S 68°35'27" E 2960.81 feet; thence S 01°39'06" W 699.69 feet:	N 88°20'54" W 954.00 feet along the shall Township, Calhoun County, Michiga rive North (66.00 feet wide) to the Ce S 00°08'50" E 1947.49 feet along the N 71°18'28" W 397.60 feet; N 90°00'00" W 6312.27 feet; N 76°09'31" W 1337.71 feet:	N 00°16'51" E 1599.81 feet along NT OF BEGINNING. Being a part Sec nship, Calhoun County, Michigan an Being subject to the rights of t upied by C Drive North (66.00 feet rictions of record, if any.	BY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE AT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS DFESSIONAL SURVEYING AND THAT ALL REQUIREMENTS OF 2 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.	DATE: 3/21/23 22367 SHEET 2 0F 2 SCALE: 1in.=	SECTION: 20,28,29 TOWN: 2S RANGE: 6W BOOK: 1076 TOWNSHIP OF MARSHALL BOOK: 1076 CALHOUN COUNTY, MICHIGAN BY: KMW	Σ	M: CIVL3D_PROJ/22367/SURVEY/22367-FORD PARCELLDWG

April 24, 2023

Sent via E-mail Eric Zuzga Director of Community Services City of Marshall 323 W. Michigan Avenue Marshall, Michigan 49068

> Re: MAEDA – Rezoning Criteria for BlueOval Battery Park of Michigan Parcel Consideration on April 24, 2023

Dear Mr. Zuzga:

The Marshall Area Economic Development Alliance ("MAEDA") has submitted a request to have property which was formerly located in Marshall Township rezoned to I-3 (the "Premises"). The Premises have been acquired by MAEDA over the last three months. MAEDA has engaged a general contractor to perform land balancing in preparation for the start of construction. This letter is in support of the request for rezoning of the Premises to I-3 under the City of Marshall Zoning Ordinance.

BACKGROUND:

MAEDA is making the request as the owner of the Premises. After a number of missed opportunities for large development projects, MAEDA was formed in 2012 as a Michigan non-profit corporation. MAEDA is Economic Development Organization ("EDO") for the City of Marshall, through a services agreement. It also provides Chamber of Commerce and Tourism services for the Marshall Community. MAEDA's diverse activities include organizing the annual Christmas parade, providing the downtown tree lights, providing small business support, and providing a variety of training for local business owners, and a variety of other activities.

The MAEDA board is made up of the Marshall City Manager, two current Marshall City Council members, two former Mayors, a Township representative, the County Administrator/Controller, and representatives of small and large employes. As EDO for the City and Township, it receives grants for economic development projects from the Michigan Economic Development Corporation, the Cronin Foundation, the Marshall Community Foundation, and numerous other businesses and individuals.

Planning for a project on the Premises was underway dating back to the late 1960s when most of the Premises in question was zoned industrial. Over the years the section which was most recently owned by Ceres was zoned industrial and then light industrial and was confirmed in Marshall Township and County Master plans on numerous occasions. It was also recognized in the City master plan as part of the zoning of townships adjoining the City. In 2018, working with township, County, and City officials, the Michigan Economic Development Corporation began to fund property and option acquisition of the three main parcels, Ceres, Glotfelty, and Bauer, which make up the parcel which is being requested to be rezoned. The County began a process to develop a master plan for the site:

- **2018: Option Agreements:** MEDC provides funding for land acquisition and the owners of Ceres, Glotfelty and Bauer agree to enter option agreements.
- **2019: MAEDA Website:** Webpage and MEDC video was posted on MAEDA website and the site is highlighted at Chamber meetings.
- November 7, 2019: Calhoun County Board of Commissioners hold public hearing on application for Site readiness grant description of megasite, studies of needed improvements, etc.
- May 6, 2021: Calhoun County Board of Commissioners in public meeting retained Burns & McDonnell for mega site study.

The Township engaged in an extensive process to seek public input as part of the revision of its master plan:

- **December 1, 2021:** Township begins master planning process by sending out with every tax bill a notice of the Township Master Plan update and a survey regarding future land use that is available online and in paper form at the Township hall.
- May 3, 2022: Township Planning Commission ("PC") agenda item discussion of revision of master plan
- May 23, 2022: Front page article in the Detroit News: Marshall Area In Mich. Plans for Big Projects"
- June 7, 2022: Township PC agenda item discussion of revision of master plan; mega site discussed.
- July 2022, 2022: Township sends out enclosure to all residents with summer tax bills regarding Master Plan update includes link to website where a draft of the plan is available or specifies that it can be viewed at the township offices
- July 15, 2022: Township PC agenda item discussion of master plan. Mailing to be sent out to specified jurisdictions for comment. Ad to be placed in Advisor. 18 letters sent out to local jurisdictions and authorities for input.
- September 6, 2022: Township PC Public hearing on amended master plan. One Citizen opposed. Sackrider representative spoke in favor of adding Sackrider property to mega site area. No comments opposed to mega site as proposed. Township PC unanimously approves recommendation of Draft Master Plan to Township Board.
- September 26, 2022: County Planning Commission considers and approves draft township master plan. Discussion in staff recommendation and in meeting minutes re: mega site and expanding coverage to reflect the area actually being marketed.
- August 25, 2022: Crains Article "Michigan Invests \$5M to turn 3 properties into 'build-ready' mega sites
- November 11, 2022: Township Board adds additional property to cover entire mega site area except the Glen Eden subdivision and unanimously approves Master Plan.

As of November 11, 2022, through this extensive process, the Township Master Plan, with the support of the County Planning Commission and in accordance with the County Master Plan, recognized that the entire site requested for rezoning would be designated as Industrial for master planning purposes.

As part of the work performed by Burns & McDonnell, numerous studies were completed in order to determine whether the site was appropriate for development. These records can be viewed on the MAEDA website and include the following:

- <u>Archeological Survey</u>
- Geodynamic Testing & Evaluation Report
- Kalamazoo River Sample Results
- Phase I Environmental Site Assessment Report
- Protected Species Habitat Assessment
- Supplemental Preliminary Geotechnical Evaluation Report
- Temporary Construction Stormwater Management Narrative
- Traffic Impact Study & Preliminary Project Scoping Report
- Vibration Monitoring & Analysis Report
- Wetland Delineation Report

The complete Burns & McDonnell report is being submitted with this letter and in support of the rezoning request.

FORD BLUEOVAL BATTERY PARK OF MICHIGAN:

This rezoning is part of the much-discussed BlueOval Battery Park of Michigan project to eventually be owned by Ford Motor Company (the "Project"). Numerous media reports on this project and be found linked on the ChooseMarshall webpage. The Project is slated to have the following impacts on the region:

Direct Impacts:

- The project is expected to create up to 2,500 direct jobs between 2023 and 2025, with annual average wages of just over \$45,000 (\$62,000 annual salary at \$30).
 - The types of jobs that are anticipated include managerial, professional/technical, skilled, and semi-skilled jobs, which typically require either a 4-year college degree, 2-year certificate, or moderate-term to long-term on-the-job training
- Ford has projected private investment of \$3.5B over the first three years (same time period as the direct job creation), including:
 - \$2.5B in construction of a new plant and
 - \$1.0B in machinery and equipment for plant operations

Spin-Off and Total Impacts:

Construction Phase (first three years)

• During the construction period (2023 through 2025), in addition to the direct jobs created, the Project could create an average of up to 15,000 indirect and induced jobs. These would largely be due to construction and support workers.

20-Year Span (modeling timeframe 2023 – 2042)

- Over a span of 20 years, Ford is expected to create an annual average of 11,700 jobs in multiple sectors of the economy, such as manufacturing, retail trade, personal services, construction, education, health care, arts, entertainment, accommodations and food services, among others. Total jobs are broken down in the following ways:
 - o 2,500 direct jobs,
 - o 4,636 indirect jobs (these are mainly comprised of manufacturing jobs), and
 - 4,568 induced jobs (these are mainly comprised of local service and support jobs)
- During the last five years of our 20-year-modeling results (we look at those years because the project has reached peak job creation and a stable operations period), there is an average jobs multiplier of 4.38, which means that for every one direct job created, up to an additional 3.38 jobs may be created in other sectors of the economy statewide. These jobs would be mostly concentrated in southwest Michigan.
- Over 20 years, this project is expected to generate total personal income of \$29.7B (gross, nominal), according to model estimates (Remi assumes a growth rate of 2.5% annually).
- Over 20 years, MEDC estimates that this project will generate up to \$1.57B in state tax revenue (this estimate does not include any local/property taxes the project may produce).

This project has the support of the State of Michigan which through Public Act 5 of 2023, appropriated the sum of \$299,700,000.00 for mega site development. Pursuant to Section 706 of that Act, the Michigan strategic fund was directed to grant funds for land acquisition and predevelopment work for the Marshall mega site located in the City of Marshall. In making the appropriation, the legislature declared:

The legislature finds and declares that appropriations described in section (1) for mega-strategic site development are for a public purpose and serve the health, safety and general welfare of the state.

These funds have in part been used in part by MAEDA to assemble and prepare the Premises for the Project.

Over the last several months, using grant funds from the State of Michigan, MAEDA has purchased the individual parcels which now make up the Premises. The parcels were transferred from Marshall Township to the City of Marshall with the approvals of the City Commission and the Township Board and combined into a master parcel. The Premises have been legally defined as a separate City of Marshall parcel and MAEDA will eventually deed the Premises to a designated subsidiary of Ford Motor Company as part of the Project.

REQUEST FOR REZONING:

The Joint Planning Commission is, on April 25, 2023, considering the sole question of whether the Premises should be rezoned to the I-3 designation under the City of Marshall Zoning Ordinance. Section of 7.8 of the Ordinance contains the applicable rezoning criteria and each of them will be addressed sequentially below:

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.

RESPONSE:

The I-3 Zoning classification was specifically developed by the City of Marshall for this Parcel. The district is designed to encompass the needs for a large industrial development and balancing those needs with adjoining properties. Based on the size and proposed use of the parcel, there is no other more appropriate zoning district.

B. The property cannot be reasonably used as zoned.

RESPONSE:

Most of the property is already zoned industrial under the Township Ordinance and therefore the change is in keeping with the zoning classification which is nearest to that classification. The parcel as it sits cannot reasonably be used for industrial because it lacks city services, specifically water and sewer. The Master PA 425 Agreement between the City of Marshall and the Township explicitly recognized the limitations on using the industrially zoned area without it being transferred into the City of Marshall. It also cannot reasonably be used for agricultural purposes as prices from 2 to 7 times market value have been paid to acquire and assemble this parcel. The property would not be usable going for agricultural as that would no longer be the highest and best use for the premises based on the parcel value and associated taxable value.

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.

RESPONSE:

The City of Marshall through prior master planning and through the Master 425 Agreement with the City of Marshall has recognized that this parcel was slated for eventual development for one or more large industrial site(s). The City and Township entered into the Master 425 Agreement over a decade ago specifically for an eventual project on this parcel. They again amended that agreement last year in anticipation of the development of this parcel for large scale industrial use. Planning for this project has extended back to the late 1960s and has included along the way the

performance of extensive water studies to determine water need for industrial uses on the parcel, sewage access and disposal. The numerous and various studies are listed above and collectively make this the most studied piece of property in Calhoun County, perhaps the State of Michigan. All of these studies were done with the full knowledge and participation of the City of Marshall and Calhoun County. In anticipation of this eventual development, vaults were added during I-69 improvements so that water and sewer service could be provided to the parcel without disrupting the traffic on I-69.

The Township, as set forth above, went through an extensive process in 2021 - 2022, to revise its Master Plan and to recognize that the entire parcel should be zoned industrial for planning purposes. This request is consistent with the Township Master Plan. It is also consistent with the 2005 County Master Plan, as amended.

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.

RESPONSE:

As established by the extensive master planning process engaged in by Marshall Township and unanimously approved by both the Marshall PC and the Marshall Board of Trustees, this proposed land use is appropriate.

In regard to impacts on the City of Marshall, this Parcel is separated from the City of Marshall proper by I-69. Impacts on the City of Marshall other than as set forth relative to the analysis by Marshall Township are anticipated to be minimal and appropriate for the area under consideration.

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

RESPONSE:

As set forth above, numerous studies have been completed that address all of the sites features and Ford and the State of Michigan have committed to invest nearly \$5 billion in the site based on the satisfactory results of those studies.

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.

RESPONSE:

Extensive studies have been done by the City of Marshall, Burns & McDonnell, MAEDA, and others to ensure that all of these factors have been answered. A preliminary traffic study has been performed and MDOT is completing a follow up study as part of its M-96 improvement plans.

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.

RESPONSE:

This district has been planned extensively with local, regional, and state partners and this criterion does not apply.

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.

RESPONSE:

This is a change to property which has been brought into the City pursuant to PA 425 agreements. The Township master plan recognizes that the use is appropriate in relation to existing uses. The planned use for the Premises will meet all regulations for the proposed I-3 zoning.

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

RESPONSE:

Not applicable.

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

RESPONSE:

The parcel is part of the Marshall mega site and there is no other site in the City of Marshall that is either properly zoned or available to accommodate this use. The former Eaton Site is far too small. The Brooks Industrial Park is also far too small and is interspersed with wetlands that make it impossible to assemble a parcel as large as the Premises. The Premises are part of a site that is one of three megasites in the State of Michigan and has been recognized for its unique quality through state legislation providing the resources to move forward with the Project.

CONCLUSION:

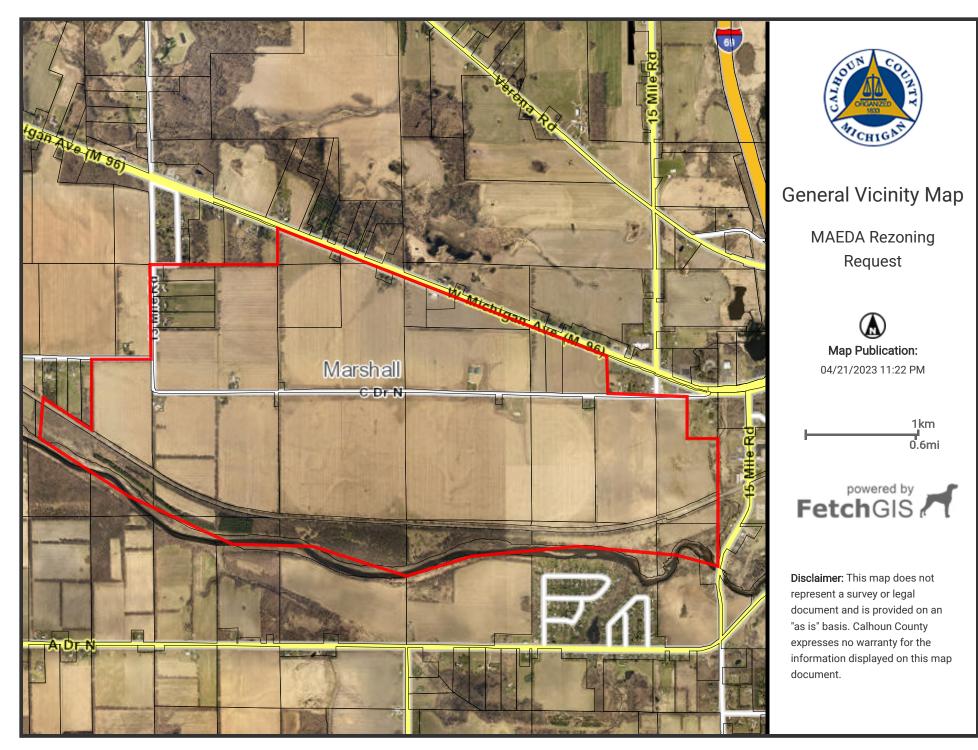
Based upon the above, MAEDA's request for the rezoning of the Premises meets the rezoning criteria set forth in Section 7.8 of the Zoning Ordinance. MAEDA respectfully requests

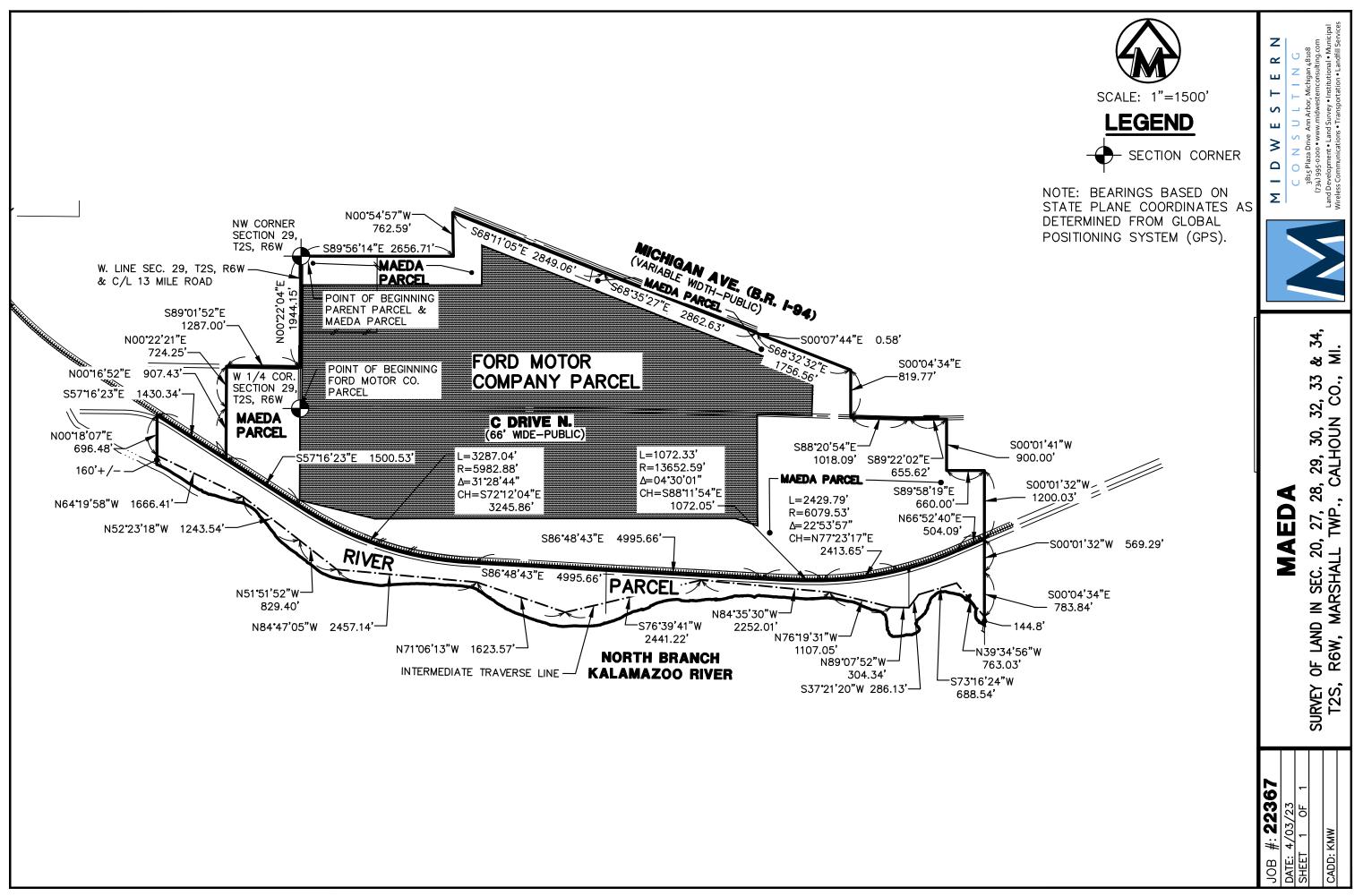
that the Joint Planning Commission recommend the rezoning of the Parcel to I-3 to the Marshall City Council.

Respectfully submitted,

James Durian

Chief Executive Officer

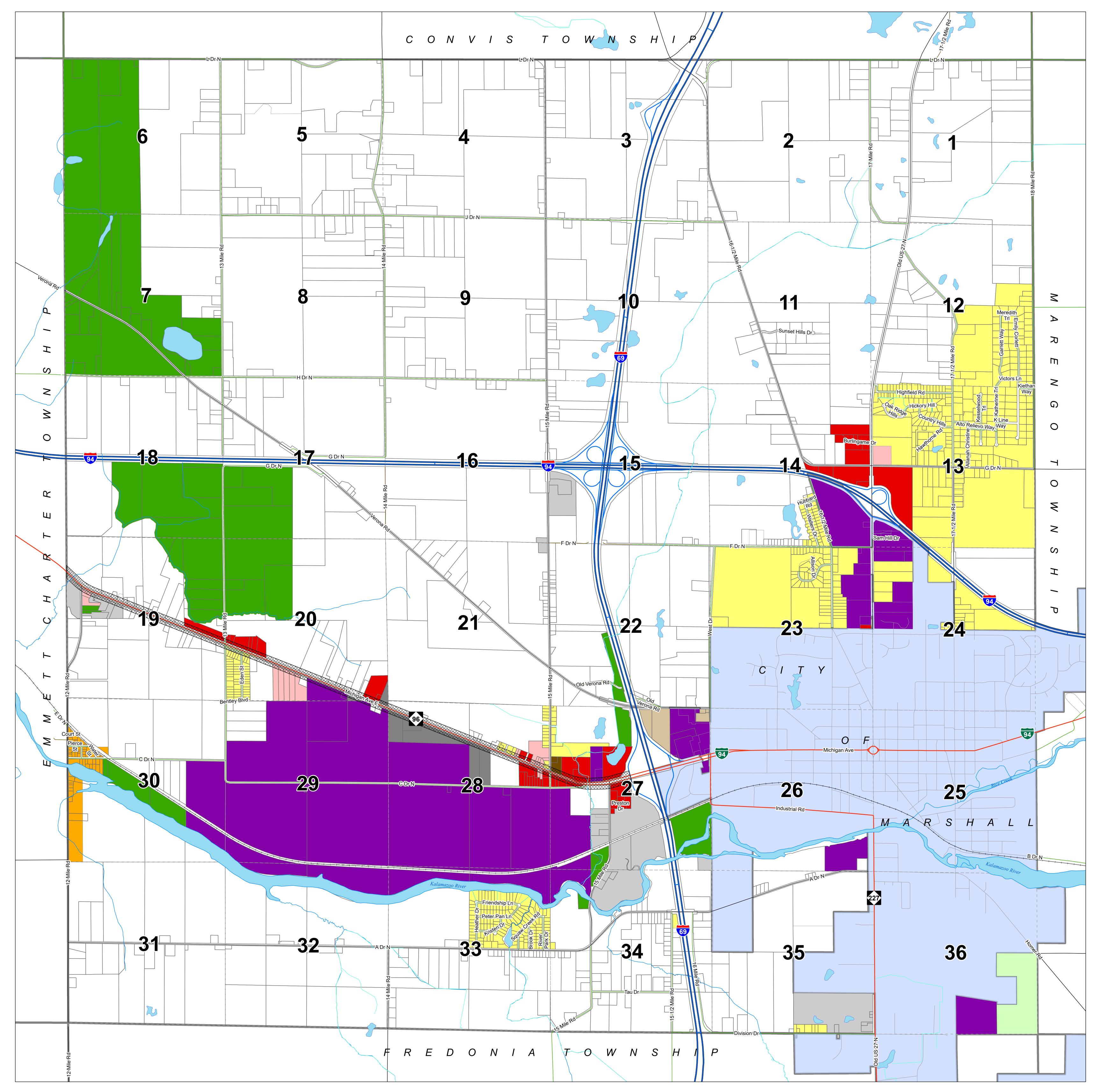




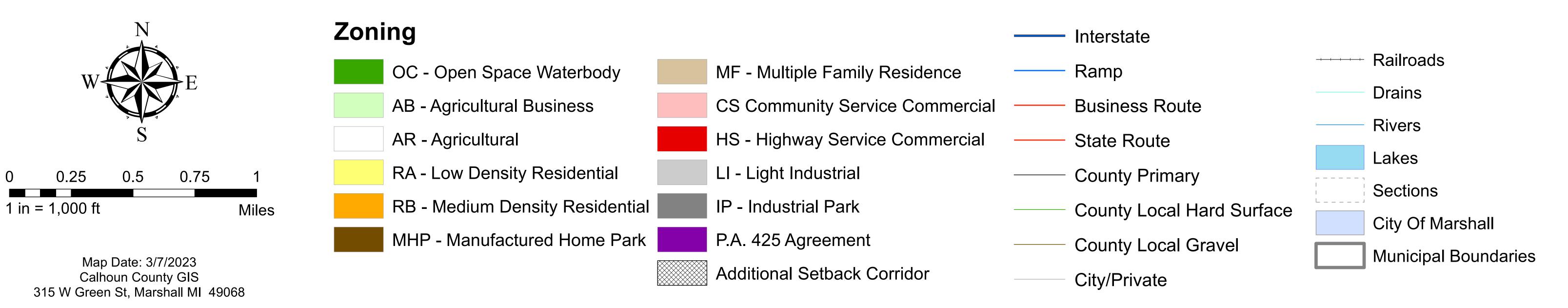
ZONING DISTRICTS

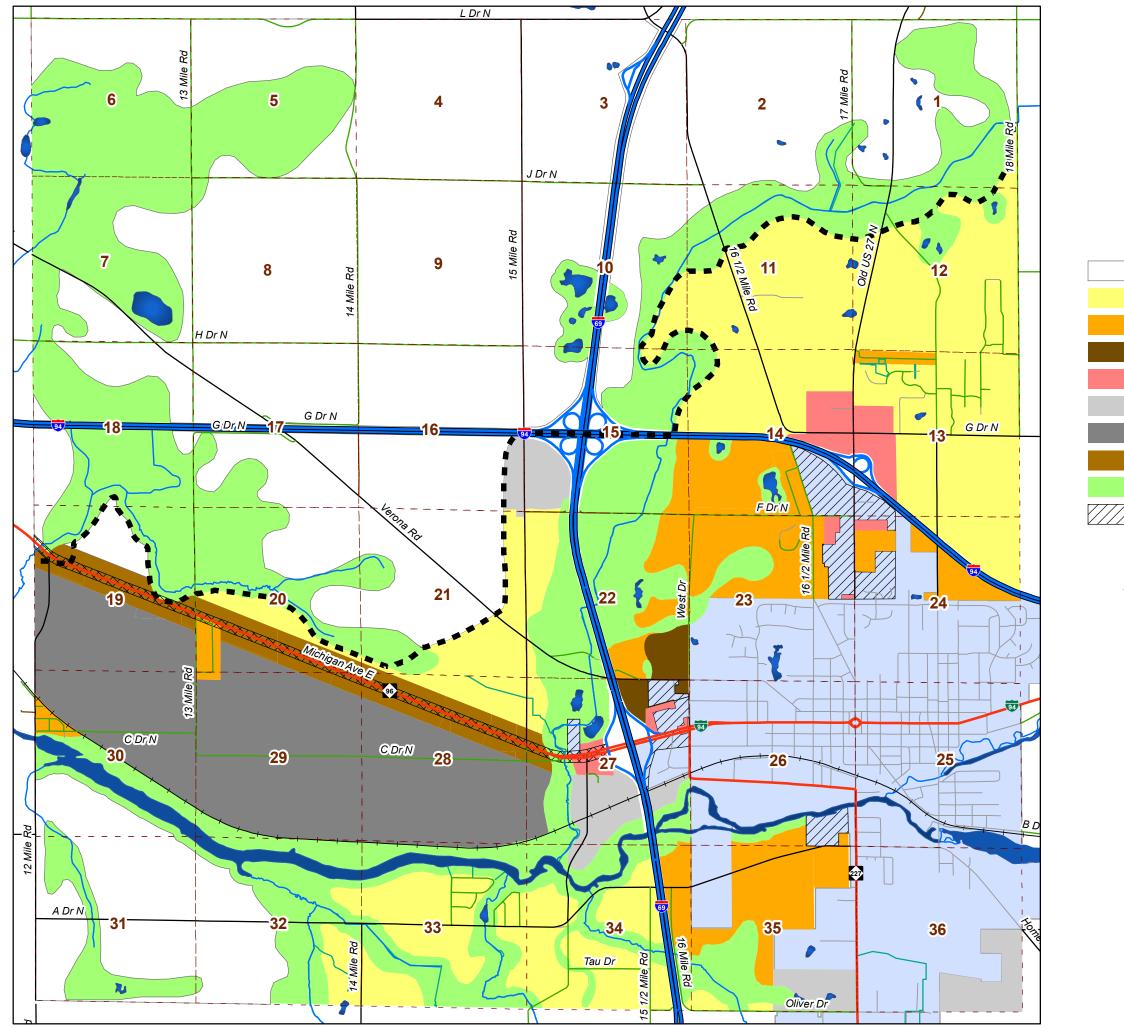
Marshall Township

Calhoun County, Michigan



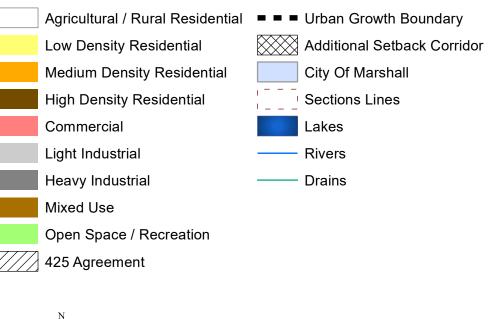
Sources: Calhoun County GIS, Marshall Township - 2018





Marshall Township

Future Land Use





Map Date: 11/21/2022 Calhoun County GIS 315 W Green St, Marshall MI 49068

Bedford	Pennfield	Convis	Lee	Clarence	
of-Springfi Battle Creek	رجبا	Marshall		Sheridan	
Leroy	Newton	Fredonia	Eckford	City of Albi	on
Athens	Burlington	Tekonsha	Clarendon	Homer	