

**MINUTES
MARSHALL CITY PLANNING COMMISSION
WEDNESDAY, March 9, 2016**

In a regular meeting session, Wednesday, March 9, 2016 at 7:03 p.m. at City Hall, Council Chambers, 323 W. Michigan Ave., Marshall, MI, the Marshall Planning Commission was called to order by Chair Banfield.

ROLL CALL

Members Present: Commissioners Banfield, Davis, Dyer, McNiff, Meservey, and Rodgers, and Council Liaison Miller.

Members Absent: Commissioners Burke-Smith, Collins, and Zuck.

Staff Present: Natalie Dean, Assistant City Manager/Director

MINUTES

MOTION by McNiff, supported by Meservey to accept the minutes of the February 10, 2016 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AGENDA

MOTION by Davis, supported by McNiff, to accept the agenda for the March 9, 2016 regular meeting as presented. On a voice vote; **MOTION CARRIED.**

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Public Hearing on Special Land Use #SLU16.01 for an Outdoor Auto Dealer Lot at 1240 S. Kalamazoo.

Public Hearing Open

No public comments were made.

Public Hearing Closed

NEW BUSINESS

Consider approval of Site Plan #SP16.01 for 1240 S. Kalamazoo, Used Auto Dealer.

MOTION by Davis, supported by McNiff, to recuse Commissioner Davis and Banfield from participating in discussion of Site Plan #SP16.01 for 1240 S. Kalamazoo, Used Auto Dealer.

MOTION AMENDED, by Davis, supported by McNiff, to recuse Commissioner Davis and Banfield from participating in discussion of Site Plan #SP16.01 for 1240 S. Kalamazoo, Used Auto Dealer with the following condition:

- Remove Commissioner Davis from the motion for recusal.
- Add recusal for Commissioner Banfield from discussion of Special Land Use #SLU16.01 for an Outdoor Auto Dealer Lot at 1240 S. Kalamazoo.

Banfield stated that he should be recused due to him being under contract with the applicant, Terry Smith. He stated that a decision made by the Planning Commission could potentially be in direct benefit to himself.

Commissioners inquired as to whether or not payment for Banfield's services were contingent on the approval of Site Plan. Banfield stated that payment is not contingent on approval.

On a roll-call vote-ayes: None; nays: Davis, Dyer, McNiff, Meservey, Rodgers.
DENIED.

MOTION by McNiff, supported by Dyer, to recuse Commissioner Davis from participating in discussion of Site Plan #SP16.01 for 1240 S. Kalamazoo, Used Auto Dealer and Special Land Use #SLU16.01 for an Outdoor Auto Dealer Lot at 1240 S. Kalamazoo.

Commissioner Davis stated that he does not feel he should be recused due to there being no contingency on the sale of the lot in either the case of approval or denial of the Site Plan.

On a roll-call vote-ayes: None; nays: Banfield, Dyer, McNiff, Meservey, Rodgers.
DENIED.

MOTION by Dyer, supported by McNiff, to consider approval of Site Plan #SP16.01 for 1240 S. Kalamazoo, Used Auto Dealer.

Staff reported that curbing, light detail, and sidewalks have been added to the plan since last month. She commented that the rest of the plan remains the same. Staff explained that the Used Auto Dealer will convert three of the bays in the building to be used for detailing purposes and that one of the bays will be transformed into an office space. There will be a few spaces for parking in the rear.

Commissioners inquired as whether Smith decided to sign the building or use a post-sign. Smith commented that he will be signing the building.

On a voice vote; **MOTION CARRIED.**

Discuss and consider recommendation for Special Land Use #SLU16.01 for an Outdoor Auto Dealer Lot at 1240 S. Kalamazoo

MOTION by Dyer, supported by Meservey, to discuss and consider recommendation for Special Land Use #SLU16.01 for an Outdoor Auto Dealer Lot at 1240 S. Kalamazoo.

Due to the zoning code only permitting the use of an Auto Dealer in the B-4 Commercial District Zone Staff explained that a special land use is required for this case because there is use of outdoor display areas and an outdoor dealership lot. She explained that the applicant has received a use variance in order to have his dealership in the I-1 District from the Zoning Board of Appeals in January.

On a voice vote; **MOTION CARRIED.**

Discuss changes to Donation Bin Ordinance and set public hearing for April 13, 2016 to hear comments on the new Collection Bin Ordinance.

MOTION by Davis, supported by McNiff, to discuss changes to Donation Bin Ordinance and set public hearing for April 13, 2016 to hear comments on the new Collection Bin Ordinance. On a voice vote; **MOTION CARRIED.**

Commissioners inquired as to why the changes to the current ordinance are being requested. Staff commented that an advocate for charitable donation companies contacted the City about donation bins and felt as though the current ordinance was unfair. Staff explained that there is growing case law in this area, and that updating the ordinance would be in our best interest.

Staff explained that Counsel's recommendation was to amend our current Collection Bin ordinance and adopt St. John's, an ordinance that has already been approved by the federal court. The new, adopted ordinance would be very similar to St. Johns, with a few minor changes:

- No limit on the amount of licensed bins in the City; however, there is a cost to apply for several bins
- No limit to each bin operator—they may apply for several bins
- Fees are changing from \$200 per application to \$125 first application, \$100 renewal
- Stickers are now required on the bins which the City will supply
- It is suggest that the definitions be pulled out of the over-arching ordinance definitions and into this particular area of the ordinance

Staff also commented that in our current ordinance, the allotted bin size (7'x5'x4') is smaller than the industry standard (7'x5'x5').

OLD BUSINESS

None

PUBLIC COMMENTS

None

REPORTS

None

ADJOURN

The Planning Commission adjourned at 8:03 pm.

Submitted by,

Elizabeth Renaud