

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Monday, September 27, 2021 – 6:30 P.M.

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Recording Secretary Molly Hier

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Secretary Fear, Commissioners Jenkins, Law, Morris, Robertson

MEMBERS ABSENT: Commissioner Taylor

OTHERS PRESENT: Justin Sprague, CIB Planning
Planning and Building Director Tanya Buckelew

APPROVAL OF AGENDA:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER ROBERTSON TO APPROVE THE AGENDA FOR September 27, 2021.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY SECRETARY FEAR TO APPROVE THE MINUTES FOR THE July 26, 2021 MEETING.

YEAS ALL. MOTION CARRIED.

ELECTION OF OFFICERS:

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER MORRIS TO ELECT WILLIAM WASCHER AS CHAIRMAN, FRANK LIVINGSTON AS VICE-CHAIR AND JANA FEAR AS SECRETARY FOR THE 2021-2022 FISCAL YEAR.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS:

1. Rezoning Request – PREZ 2021-01 SUTTON - 715 S Washington Street
2. Rezoning Request – PREZ 2021-02 SUTTON - 703 S Washington Street
3. Rezoning Request – PREZ 2021-03 SUTTON - 702 S Park Street
4. Rezoning Request – PREZ 2021-04 SUTTON - 801 S Washington Street

Opened the Public Hearing at: 6:35 pm

The following commented:

1. Mr. Sutton (property owner) spoke on plan for redevelopment of the properties listed above.
2. Justin Sprague corrected an error in his letter stating the above properties are a total of 2.3 acres.
3. Commissioner Morris inquired about sizes of units fitting into 715 S. Washington St. (the old church).
4. Secretary Fear inquired about price for units at 715 S. Washington St. Sutton states \$600-\$700.

5. Justin Horvath of 818 S. Washington St. and the SEDP spoke in support of redevelopment.
6. Mr. Sutton advised the facade of church is to be kept the same except minimal repairs where needed.

Closed the Public Hearing at: 6:45 pm

The following review is from Justin Sprague, City Planner with CIB Planning:

In considering any petition for an amendment to the official zoning map, the planning commission and city council shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies, and future land use map of the City of Owosso Master Plan. If conditions upon which the master plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the master plan was adopted, as determined by the city, the planning commission and council shall consider the consistency with recent development trends in the area.

Finding – While the current future land use map identifies this area as industrial, it is important to highlight what is proposed in the city’s new master plan. The following text describes the intent for this area.

Washington and Monroe Street - Located south of Downtown and Corunna Avenue, this 5.5-acre site is located in a transitional zone between commercial and industrial uses and a residential neighborhood to the south. The site includes multiple parcels including a city-owned property along the railroad corridor and the Former Grace Church, 715 S. Washington (built in 1950). The site is connected to public water/sewer. In the near term, the site provides an opportunity for infill residential. The adaptive reuse of church building for condominium development may be considered, however, the building does not have architectural or historical significance and could be demolished as part of the redevelopment. A desirable future use for the site is single-family attached residential. Infill development should be compatible with the existing neighborhood incorporating front porches/stoops, alley access, parking in the rear, and building heights between 2-3 stories. Existing street trees should be preserved.

It is our belief that this rezoning would significantly improve the neighborhood and would not be in conflict with the overall goals of the Master Plan, nor impact the intent of the Zoning Ordinance.

2. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.

Finding – This site would be compatible with the host of uses permitted under the RM-1 Zoning Classification.

3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) use permitted under the current zoning.

Finding – To our knowledge, no evidence exists showing that the applicant could not receive a reasonable return on investment through developing the property as commercial, however the proposed development directly reflects the intent of this area within the Master Plan.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

Finding – It is our belief that land uses within the RM-1 district are more compatible with this site and its location to the neighborhood to the south than if the site were to be developed as commercial.

5. The capacity of the city's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare."

Finding – There should be no issues with existing infrastructure being able to accommodate and service this site.

6. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand.

Finding – We find that there is high demand for new housing throughout the City of Owosso and surrounding areas.

7. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.

Finding – This application has not been previously before the City.

RECOMMENDATION

Based upon the above comments, we recommend approval of the rezoning request for 715, 703 and 801 S. Washington Street as well as 702 S. Park based on the following items;

- That the request is not in overwhelming conflict with the Master Plan or the Zoning Ordinance;
- The site is compatible with uses in the proposed RM-1 Zoning District;
- The applicant is not rezoning to increase the return on investment of the property;
- That the Planning Commission understands that the proposed use may be more compatible with surrounding land uses;
- Infrastructure to the site is appropriate for the proposed use; and
- The request has not been previously submitted to the City for consideration.

MOTION BY SECRETARY FEAR SUPPORTED BY COMMISSIONER LAW TO APPROVE THE REZONING OF THE FOLLOWING PROPERTIES:

ADDRESS	PARCEL ID NUMBER	APPROVED REZONING
715 S WASHINGTON ST	050-651-032-001-00	RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT
703 S WASHINGTON ST	050-652-005-001-00	RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT
702 S PARK	050-652-005-002-00	RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT
801 S WASHINGTON ST	050-651-037-001-00	RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT

YEAS: COMMISSIONER JENKINS, LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER MORRIS, ROBERTSON, SECRETARY FEAR AND CHAIRMAN WASCHER

NAYS: NONE

RCV MOTION CARRIED.

OLD BUSINESS: NONE

SITE PLAN REVIEWS

403 STATE ST Marijuana Grow Facility

Approximately 1.40 acres, located on the east side of State Street, south of Lyon Street. Zoned I-1, Light Industrial. Refurbish existing buildings for new marijuana growing facility and will be accessed from both State and Lyon Streets

REVIEW COMMENTS – from Justin Sprague City Planner

1. **Information items.** The site plan meets the informational requirements of the ordinance.
2. **Area and Bulk.** The proposed site was reviewed in accordance with Article 16, Schedule of Regulations, as described in the following table.

	Required	Provided	Comments
Front Yard Building Setback	40 ft.	90 ft.	In compliance
Side Yard Building Setback	50 (abutting residential)	0' & 14' ft.	Not in compliance, but existing non-conforming
Rear Yard Building Setback	50 ft.	80 + ft.	In compliance
Maximum Building Height	40 ft.	19 ft.	In compliance

3. **Building Design & Materials.** The ordinance states that durable building materials which provide an attractive, quality appearance must be utilized. **The applicant will be upgrading siding but matching original siding**
4. **Building Height.** The proposed building complies with the maximum building height.
5. **Mechanical Units.** No new mechanical units are proposed on the plan. **The applicant is proposing to provide screening by planting arborvitae around all exterior mechanical equipment, which is an acceptable option instead of fencing. We would recommend as a condition of approval that all screening landscaping shall be up kept and in good condition, and that fencing could be required as a future option for screening if the landscaping material should not survive or does not provide enough screening.**
6. **Dumpster.** The proposed dumpster meets ordinance requirements.
7. **Parking Lot Requirements.** This requirement has been met.
8. **Landscaping.** The landscaping plan is in compliance with the ordinance.
9. **Buffering.** Per Section 38.389, a buffering wall of durable and high-quality materials is required along the property line separating the industrial district from the residential district. The property has an existing fence and the applicant is proposing an additional row of landscaped screening along the existing fence. **The Planning Commission will need to approve the utilization of existing fence with additional landscaping as an alternative to replacing the fence with a screening wall.**

10. Lighting. Site lighting appears to meet the ordinance standards. **It is noted that all new lighting should be shielded and fixed at 90-degree angles toward the ground, not at a 45 degree or other degree angle from the pole or building.**

11. Other Approvals. The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

RECOMMENDATION

Based upon the above comments, **we recommend approval of the 403 State Street Site Plan, conditioned upon the following:**

1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval;
2. Use of materials consistent with the ordinance that are acceptable to the Planning Commission;
3. Planning Commission does not approve what was presented in the site plan but instead approves **a white vinyl fence of at least 6 feet in height to the area abutting the residential district.**
4. That all light fixtures are fixed in a 90 degree to the ground, downward facing position; and
5. Review and approval by the appropriate city departments, consultants, and agencies.

Additional Comments:

- Commissioner Law inquired about employee count. Owner stated 15 employees and parking will be in the rear off of State St.
- Architect spoke on design plans. He will also re-submit plans to reflect fence requirement.
- Commissioner Law inquired about delivery frequency/delivery truck type/size. Owner stated deliveries will be from Lynn St and mostly boxed trucks.
- Chairman Wascher confirmed review of drainage plans by engineering. Justin Sprague read aloud drainage review provided by engineering.

MOTION BY COMMISSIONER MORRIS SUPPORTED BY VICE-CHAIR LIVINGSTON TO APPROVE THE SITE PLAN FOR 403 STATE STREET, MEETING THE RECOMMENDATIONS LISTED 1 – 5 AND FURTHER ADMINISTRATIVE REVIEW BY CITY DEPARTMENTS AS NEEDED.

YEAS: COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER MORRIS, ROBERTSON, SECRETARY FEAR, COMMISSIONER JENKINS, CHAIRMAN WASCHER

NAYS: NONE

RCV MOTION CARRIED.

ITEMS OF BUSINESS:

1. REVIEW THE NUMBER OF ALLOWED MEDICAL AND ADULT USE MARIHUANA ESTABLISHMENTS

As per the city ordinance for both medical and recreational marihuana, the Planning Commission is to review the number of establishments allowed after 1 year, make any recommendations to council and then every 3 years council will review the current number of facilities in the city.

MOTION BY COMMISSION MORRIS SUPPORTED BY VICE-CHAIR LIVINGSTON TO

RECOMMEND TO CITY COUNCIL TO NOT INCREASE THE NUMBER AND GOING FORWARD EVERY THREE YEARS, THE CITY COUNCIL IS TO REVIEW THE NUMBER OF LOCATIONS IN THE CITY.

YEAS: VICE-CHAIR LIVINGSTON, COMMISSIONER MORRIS, COMMISSIONER ROBERTSON, SECRETARY FEAR, COMMISSIONER JENKINS, LAW AND CHAIRMAN WASCHER

NAY: NONE

RCV MOTION CARRIED.

2. ADULT USE MARIJUANA ORDINANCE – EXCESS GROWERS

The city was contacted by Stash Ventures of 1370 E South Street requesting we add Excess Grow License to the city’s recreational marihuana ordinance. A draft amendment is included and a clarification page from MRA. Since this is only for the police power ordinance, the Planning Commission makes a recommendation to City Council to approve and go through the ordinance amendment process.

MOTION BY SECRETARY FEAR SUPPORTED BY COMMISSIONER LAW TO RECOMMEND TO CITY COUNCIL TO ALLOW EXCESS GROW LICENSES IN THE CITY OF OWOSSO AND AMEND CHAPTER 16.6 – ADULT USE MARIHUANA ESTABLISHMENTS LICENSING - POLICE POWER ORDINANCE SEC. 16.6-3. AUTHORIZATION OF FACILITIES AND FEE

(a.) ADD EXCESS MARIHUANA GROWER – UNLIMITED,

(b) SPECIAL LICENSES PROHIBITED – REMOVE EXCESS GROWER LICENSE – PROHIBITED AND

(f) (1) ADD EXCESS MARIHUANA GROWERS.

YEAS: COMMISSIONER MORRIS, ROBERTSON, SECRETARY FEAR, COMMISSIONER JENKINS, LAW, VICE-CHAIR LIVINGSTON AND CHAIRMAN WASCHER

NAYS: NONE

RCV MOTION CARRIED.

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY SECRETARY FEAR TO ADJOURN AT 7: 45 PM UNTIL THE NEXT MEETING ON OCTOBER 25, 2021.

YEAS ALL, MOTION CARRIED

Janae Fear, Secretary