



## MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

**DATE:** December 11, 2024  
**TO:** Mayor Teich and the Owosso City Council  
**FROM:** Tanya S. Buckelew, Planning & Building Director  
**SUBJECT:** Rezoning Request 108 N Chipman St Recommendation and Setting the Public Hearing

### RECOMMENDATION:

The Planning Commission does not recommend amending the zoning ordinance to rezone the following parcel:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
108 N Chipman St	050-660-017-001-00	CBD Central Business	I-1 Light Industrial

The City Council is required to hold a Public Hearing prior to approving or not approving the rezoning request to amend the zoning ordinance. The Public Hearing shall be scheduled for Tuesday, January 21, 2025 at 6:30 pm.

### BACKGROUND:

The City is in receipt of a rezoning request from JABB Management to rezone the above listed parcel. The proposed use is a marijuana processing facility.

- This property was originally zoned I-1 Light Industrial and was rezoned to B-3 in 2012 because of its frontage along W. Main Street. (In 2012, the Westown Main Street corridor was rezoned to B-3).
- The property was split into two parcels (approved at the 11/01/2021 City Council meeting), one with frontage on W. Main Street, and the other frontage on N. Chipman Street.
- The applicant will keep the CBD zoning on the parcel fronting W. Main Street. Future development will be determined later.
- This request only pertains to the building and parcel at 108 N. Chipman Street.

*(Side note – B-3 zoning designation was used in the previous zoning ordinance and with the newly adopted ordinance, CBD is now the zoning designation)*

The Planning Commission, after mailing notices and holding a public hearing, voted at its regular meeting on December 9, 2024, to recommend that City Council deny the rezoning request.

**FISCAL IMPACTS:** None.

**RESOLUTION NO.**

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING  
TO AMEND CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES  
TO REZONE ONE PARCEL OF REAL PROPERTY AT 108 N. CHIPMAN STREET  
AND AMEND THE ZONING MAP**

WHEREAS, the City of Owosso adopted a master plan in 2021 which includes a future land use plan; and

WHEREAS, the City of Owosso received a request from Jabb Management, LLC, owners of the property located at 108 N. Chipman Street, parcel #050-660-017-001-00, to rezone the parcel from CBD, Central Business District, to I-1, Light Industrial District; and

WHEREAS, the Planning Commission published and mailed notices for the request, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the Planning Commission finds that the requested rezoning does not meet the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the Planning Commission, with reservations, does not recommend the rezoning of said parcel; and

WHEREAS, City staff recommends, without reservation, the rezoning of the following parcel:

<b>Parcel Address</b>	<b>Parcel Number</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
108 N Chipman St	050-660-017-001-00	CBD Central Business	I-1 Light Industrial

and

WHEREAS, a public hearing by the City Council is required before any such ordinance amendment can be approved or denied.

NOW THEREFORE, BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

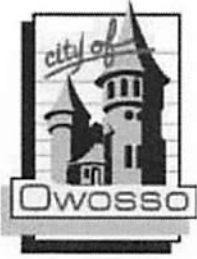
SECTION 1. OFFICIAL ZONING MAP AMENDMENT. That Chapter 38, Zoning, Sec. 38-27, *Zoning Districts and Map*, is proposed to reflect the following changes, to be noted on the official map and filed with the city clerk:

<b>Parcel Address</b>	<b>Parcel Number</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
108 N Chipman St	050-660-017-001-00	CBD Central Business	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Tuesday, January 21, 2025 at 6:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed ordinance amendment.

SECTION 3. NOTICE. Council hereby directs staff to supply a public notice concerning the rezoning to a newspaper of general circulation within the city.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.



**APPLICATION FOR REZONING**

City of Owosso  
301 W. Main Street, Owosso, MI 48867  
Phone: (989) 725.0535  
building@ci.owosso.mi.us

- Refer to the City of Owosso Zoning Ordinance Chapter 38 Article XXI for additional information
- Application must be filed at least 25 days prior to a scheduled Planning Commission meeting for staff review and proper notices (see last page for submittal deadlines)
- Payment of fees including escrow fees
- The Applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request
- City Council will address the rezoning at the following meeting Council meeting after Planning Commission makes its recommendation

I, (we), the undersigned, do hereby respectfully make application and petition the City of Owosso Planning Commission and City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested:

**1. PROPERTY TO BE REZONED:**

Address: 108 N. CHIPMAN, OWOSSO, MI 48867

Parcel ID #: 050-660-017-001-00

Legal Description:

Frontage in feet:

Depth in feet:

**2. PROPERTY OWNERSHIP:**

Name: BRIAN J BRAMSTEWICZ

Address

Phone

**3. ZONING REQUEST:**

Current Zoning: B3-CENT BUS

Requested Zoning: I1-IND LT

**4. PROPOSED USE OF THE PROPERTY: PROCESSING**

Indicate why, in your opinion, the requested change is consistent with the ordinance in prompting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso: The surrounding properties on Chipman, N. Lyon, + Bebler St are zoned I1. This property is a former factory surrounded by a gated chain link fence and will have state of the art security camera system + odor filtration.

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

Signature of Applicant: [Signature]

Date: 11/14/2024

1. Application fee is \$575.00 + \$10.00 per acre.

2. Escrow fee (Hourly rate of Staff/Consultant involved) is \$1,500

- A cash deposit of \$1,500.00 shall be placed with the City of Owosso
- The City will let the applicants know when additional funds are needed (typically when about 25% is remaining).
- Should there be funds remaining in the account after completion of the project, the balance will be returned

To Whom this may concern:

11/13/2024

**Application for Re-zoning:**

We are requesting a re-zoning of the property located at 108 N. Chipman St. in Owosso, MI. The following is in support of the request of re-zoning the property. The property itself is located in a secluded isolated area that is completely fenced in with no residential neighbors for a stretch of distance. There is currently a tenant that is using one of our spaces, but the contract will become null and void upon approval for rezoning. We are requesting for a rezoning of this commercial site to build a Marijuana processor, we currently own/operate Homegrown Owosso and adding a processor is detrimental to our future success and longevity for the community.

**Proposed Use Type of Business:**

Processor:

Processing consists of multiple levels of manufacturing. The main objective is the complete use of plant material, biomass, and distillate that results in creating other items such as pre-rolls, concentrates, vaporizers, gummies, and other forms of consumable as well as inhalation of marijuana products. These products are vital to the marijuana industry as a whole, they are the back bone of the industry. Homegrown – Owosso is owned by the applicant, to which the processing is a major contributor for longevity of the business.

The primary goal for this processor in Owosso would be to support the business of Homegrown – Owosso. Packaging of Bulk materials, both flower and pre-rolls with use of specialized marijuana machinery and kitchen will be installed to achieve this goal. Air filtration system installation to catch odors that may arise from the manufacturing processes. The lively hood of Homegrown- Owosso is a vital part of this operation as both businesses will support each other, creating job opportunities and more business across the board bringing revenue in the city.

The operational aspects of the processor pose no threat to any of the neighboring businesses or community. The odor aspect is not a concern either, as the proprietary purpose is to create products. There will be air handlers installed to which left keep fresh air flowing thru the building and processing rooms. Odors can be eliminated with proper air regulation machinery that scrubs the stale odor air that may be lingering. The processes are very eco friendly and bring passive income to the city, by hiring of employees and sale of goods at the local retailer level.

Best Regards,

James Tolston  
&  
Brian Brzustewicz

**2024 Meeting Date**

**2024 Submittal Deadline**

January 22	December 28, 2023
February 26	February 1
March 25	March 1
April 22	March 28
May 28	May 3
June 24	May 30
July 22	June 28
August 26	August 1
September 23	August 29
October 28	October 3
November 25	November 1
December 9	November 14

FOR OFFICIAL USE ONLY

Case # <i>PREZ2024-02</i>	Planning Commission Hearing Date <i>12/9/2024</i>
Receipt # <i>630190</i>	Action Taken
Date Filed <i>11/13/2024</i>	City Council Hearing Date
Description Checked <i>[Signature]</i>	Action Taken



December 3, 2024

Planning Commission  
 City of Owosso  
 301 W. Main Street  
 Owosso, Michigan 48867

**Subject:** REZONING  
**Location:** 108 N Chipman Street  
**Size of Site:** 3 acres  
**Request:** To rezone roughly 3 acres at 108 N Chipman Street from CBD, Central Business, to I-1 Light Industrial.  
**Applicant:** City of Owosso

Dear Planning Commissioners:

At your request, we have reviewed the above application from the City of Owosso to rezone 3 acres from B-3 Commercial to I-1, Light Industrial. The property has previously been split into two parcels, one with frontage on W. Main and the other with frontage on Chipman. This property was originally zoned industrial and was rezoned to CBD in the past 2 years when the new Zoning Ordinance was adopted. The applicant is not proposing to change the zoning designation along Main.

Our comments are based on a review of the information submitted by the applicant, a site visit, meetings with the applicant, discussions with the Planning Commission, and conformance to the City’s Master Plan and Zoning Ordinance. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, relevant input from the public, additional information provided by the applicant, and your own findings based on ordinance standards as part of your deliberation and recommendation to City Council.

**LOCATION AND DESCRIPTION**

The subject parcel is located along the east side of N. Chipman Street, adjacent to the rail line. The property is identified in the master plan as an area for redevelopment but did not specifically state what redevelopment should be. The applicant would like to potentially locate a marijuana processing facility on this property.

**EXISTING LAND USE, ZONING AND FUTURE LAND USE**

	Existing Land Use	Zoning	Master Plan
<b>Subject Site</b>	Existing 26,000 SF Ind. Building	CBD	Commercial
North	Industrial & Commercial	CBD	Commercial

South	Commercial	CBD	Commercial
East	Commercial	CBD	Commercial
West	Industrial and Commercial	B-4, General Commercial and I-1, Light Industrial	Local business and industrial

**\*The map below is the existing zoning map for the City of Owosso**



## DISCUSSION

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 commercial, this property was previously industrial, and a marijuana processing facility would not be considered too intense for the surrounding commercial uses.

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 I-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.

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 I-1 district are more compatible with this site given former industrial uses on this site and the proximity to the rail line.

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 industrial property in Owosso for potential marijuana processing facilities.

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 for the requested processing facility.

## **RECOMMENDATION**

Based upon the above comments, **we recommend approval of the rezoning request for 108 N. Chipman based on the following items;**

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

We look forward to discussing this with you at your November Planning Commission meeting

Sincerely,



City of Owosso Planning Commission

**108 N. Chipman Rezoning Review**

December 3, 2024

Page 4

**CIB Planning**





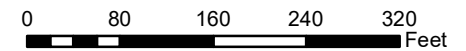
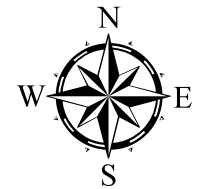
Justin Sprague  
Vice President

# City of Owosso

## 300' Buffer Zone Map

Subject Parcel:  
108 N. Chipman St.

-  Subject Parcel
-  Area within 300' of Subject Parcel



**MINUTES**  
**REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION**  
**Monday, December 9, 2024 – 6:30 P.M.**

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

**PLEDGE OF ALLEGIANCE:** Recited

**ROLL CALL:** Tanya Buckelew

**MEMBERS PRESENT:** Secretary Fear, Commissioner Law, Chairman Livingston, Commissioner Owens, Vice-Chair Robertson, Commissioners Schlaack and Taylor

**MEMBERS ABSENT:** Commissioner Osika

**OTHERS PRESENT:** Tanya Buckelew, Planning & Building Director; Justin Sprague, CIB Planning

**APPROVAL OF AGENDA:**

**MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY SECRETARY FEAR TO APPROVE THE AGENDA FOR December 9, 2024.**

**YEAS ALL. MOTION CARRIED.**

**APPROVAL OF MINUTES:**

**MOTION BY VICE-CHAIR ROBERTSON SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE October 28, 2024 MEETING.**

**YEAS ALL. MOTION CARRIED.**

**PUBLIC HEARING:**

**1. REZONING REQUEST FOR 108 N CHIPMAN STREET:**

The applicant has submitted a request to rezone the property from CBD, Central Business District to I-1, Light Industrial for the purpose of a marijuana processing facility.

The applicant stated they would need about 2,000 to 3,000 square feet of the building for processing. The interior build out would be similar to a commercial kitchen with indoor storage. There is less odor with processing and air scrubbers with carbon filters would be installed to control any odors emitting from the building. The business would be open Monday through Friday between 9 am and 5 pm and no weekends. No additional traffic would occur.

Justin Sprague, CIB Planning, provided comments and reviewed his letter submitted for the Planning Commission.

The property has been previously split into two parcels, one with frontage on W. Main and the other with frontage on Chipman. The property was originally zoned industrial.

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 commercial, this property was previously industrial, and a marijuana processing facility would not be considered too intense for the surrounding commercial uses.

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 I-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.

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 I-1 district are more compatible with this site given former industrial uses on this site and the proximity to the rail line.

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 industrial property in Owosso for potential marijuana processing facilities.

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 for the requested processing facility.

## **RECOMMENDATION**

Based upon the above comments, we recommend approval of the rezoning request for 108 N. Chipman based on the following items;

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

The Planning Commission can recommend to City Council to approve or deny the request. Conditional rezoning could be a possibility. Mr. Sprague referred to the Master Plan and Future Land Use and this lot is in the Centers place type, which allows light production facilities (w/ retail) among other commercial uses and multi-family buildings.

## **CHAIRMAN LIVINGSTON OPENED THE PUBLIC HEARING AT 6:50 PM**

The following spoke during the public hearing:

1. Lynn Back, 630 Clark, asked if they could expand into a grow facility, air scrubbers are stand-alone inside and what about venting for the oven.
2. Bill Byrne, 815 W. Oliver, thanked the planning commission for their time. Is strongly opposed to the rezoning.
3. Jim Slingerland, 908 Campbell, there is a strong odor by the soccer fields near the industrial park. Recommends planning commission does not approve.
4. Sam McLaren, 721 W. Oliver, stated venting and makeup air is required and some equipment is not safe. Requests it not to be rezoned.
5. Gary Morris, 840 Woodlawn, would like to see more businesses for work.
6. Glen Merkel, 4658 S. Morrice Rd., talked about the odor in the SE industrial park.
7. Elizabeth Byrne, 815 W. Oliver, stated it is zoned for business as part of the master plan. Borders business and residential districts and could have a negative impact.
8. Roberto Larrivey, 702 W. Oliver, can't rent a house in Chesaning due to odor. The buffer zone in the public notice is not correct as to how far marijuana odor can travel. Owns a gym on 21 and does not want the odor.
9. Matt Jones, 600 Clark, opposed the rezoning. Enjoys going to Old Town Lansing and Williamston. With grow and processing, the town will stay stagnant.
10. Inita Jones, 600 Clark, there is a pot shop on every corner and is an eyesore. This facility would be an eyesore. What kind of traffic would this bring.
11. Jennifer Larrivey, 702 W. Oliver, we are the caretakers of this community. The master plan is to maintain the integrity of this community. Opposed to the rezoning.
12. Elizabeth Byrne, 815 W. Oliver, used to own a business in Owosso. Westtown is part of this community.

## **CLOSED THE PUBLIC HEARING AT 7:20 PM.**

Discussion was held with the Commissioners in regard to what other uses could go in if the property was zoned industrial. Discussed what neighboring properties are zoned. Discussed working on the master plan, marijuana ordinances and the ordinance in regard to odor control.

**MOTION BY COMMISSIONER OWENS SUPPORTED BY COMMISSIONER LAW TO TABLE THE REZONING REQUEST UNTIL THE JANUARY 2025 MEETING.**

**YEAS: COMMISSIONERS LAW, OWENS AND SCHLAACK**  
**NAYS: SECRETARY FEAR, VICE-CHAIR ROBERTSON, COMMISSIONER TAYLOR AND CHAIRMAN LIVINGSTON**  
**RCV 3-4**  
**MOTION FAILED**

**MOTION BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER LAW TO RECOMMEND THE APPROVAL OF THE REZONING REQUEST TO THE CITY COUNCIL.**

**YEAS: COMMISSIONERS LAW, OWENS AND TAYLOR**  
**NAYS: SECRETARY FEAR, VICE-CHAIR ROBERTSON, COMMISSIONER SCHLAACK AND CHAIRMAN LIVINGSTON**  
**RCV 3-4**  
**MOTION FAILED**

**MOTION BY VICE-CHAIR ROBERTSON SUPPORTED BY COMMISSIONER SCHLAACK TO RECOMMEND THE DENIAL OF THE REZONING REQUEST TO THE CITY COUNCIL BECAUSE IT IS CONTRARY TO THE MASTER PLAN AND IS NOT WITHIN THE PURPOSE OF THE MASTER PLAN.**

**YEAS: SECRETARY FEAR, VICE-CHAIR ROBERTSON, COMMISSIONER SCHLAACK AND CHAIRMAN LIVINGSTON**  
**NAYS: COMMISSIONERS LAW, OWENS AND TAYLOR**  
**RCV 4-3**  
**MOTION PASSED**

**ADJOURNMENT:**

**MOTION BY COMMISSIONER LAW SUPPORTED BY COMMISSIONER TAYLOR TO ADJOURN AT 7:50 PM UNTIL THE NEXT MEETING ON JANUARY 27, 2025.**

**YEAS ALL, MOTION CARRIED**

\_\_\_\_\_  
**Janae Fear, Secretary**