

REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION

March 23, 2009

Meeting was called to order at 7:00 p.m. by Chairman Fox.

The Pledge of Allegiance was recited by all in attendance.

Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Bruff, Butcher, Fitch, Fox, Harvey, Kemp, Livingston, Usher, and Wascher.

MEMBERS ABSENT: None.

AGENDA APPROVAL: Motion by Commissioner Fitch, supported by Commissioner Wascher to approve the agenda with the correction of the date of the minutes of the previous meeting of January 26, 2009.

AYES: All, Motion Carried

NAYS: None

MINUTES:

Motion by Commissioner Bruff, supported by Commissioner Fitch to approved the minutes of the regular meeting of January 26, 2009.

AYES: All, Motion Carried

NAYS: None

COMMISSIONER / CITIZEN COMMENTS:

There were no citizen comments.

Commissioner Butcher stated that this would be her last meeting as she had moved out of town and would be resigning.

Commissioner Kemp asked for clarification regarding the City Council as they set aside the recommendation of the Planning Commission regarding the Rental Registration program. Were there any comments by the Council?

Mr. John Archer, Building and Zoning Official, didn't recall any comments by the Council. They wanted to review it themselves. They discussed it and held a public hearing and made their decision and motion.

Chairman Fox thanked Vice-Chairman Wascher for taking over while he was gone this winter.

PUBLIC HEARING:

**Rezoning Req # 2009-01
1901 W. South Street
Requested by Bruce Kilpatrick
From C-OS, Conservation, Open Space
To I-2, Heavy Industrial**

Mr. Archer stated that several years ago a new zoning district was created and some areas were rezoned open space. This triangle involved today was rezoned C-OS. It is contiguous to I-2 areas and shouldn't have been rezoned to C-OS. It should have been I-2. Mr. Archer had the file which had the affidavit of mailing and the newspaper notice.

Chairman Fox called for public comments – there was none.

Commissioner Harvey asked why the rezoning now?

Mr. Archer stated the City sold approximately three acres of land for an industrial use. This triangle is part of that three acres. To properly use this land, the triangle needed to be zoned I-2. When this triangle was zoned C-OS, it was done as an oversight.

Commissioner Fitch asked the dimensions of the lot.

Mr. Archer stated about 280 feet by about 200 feet. There were no communications to his office either aye or nay on the rezoning.

Commissioner Wascher asked if this notice was mailed to the township.

Mr. Archer stated yes.

Motion by Commissioner Bruff, supported by Commissioner Fitch to rezone the parcel to I-2, Heavy Industrial.

AYES: 9, Motion Carried

NAYS: 1

Commissioner Harvey commented that we didn't discuss the rezoning checklist.

Motion by Commissioner Bruff, supported by Commissioner Fitch to rescind the previous motion.

AYES: All, Motion Carried

NAYS: None

Discussion regarding the rezoning checklist included that there was an error years ago when it was rezoned to C-OS, Conservation, Open Space; it is located next to a railroad track which are mostly I-2; water and sewer and proper drainage is already there. We don't have a future land use as previous leaders didn't feel it was necessary.

Motion by Commissioner Bruff and supported by Commissioner Fitch to approve the rezoning to I-2, Heavy Industrial resulting from findings of fact of the rezoning checklist.

AYES: All, Motion Carried

NAYS: None

Commissioner Harvey had concerns about the conditional use permit and our neighbors in the township.

Mr. Archer stated if there were problems, the conditional use permit could be pulled.

PUBLIC HEARING: **Rezoning Req # 2009-02**
 310, 314 N. Gould Street
 Requested by Geoffrey Dancik
 From RM-1, Multiple Family Residential (low rise)
 To OS-1, Office Service District

Geoffrey Dancik, ProVisions, LLC, addressed the Planning Commission. He stated his company was looking for a building site for their client with about 20,000 square foot green building. He worked with Shiawassee Economic Development. They began their search in the downtown core, but needed 120

parking spaces and a one-level building. That didn't fit the downtown area. This 9.5 acre parcel has challenges. The seller of the property developed the Social Security Building. The original parcels were zoned RM-1, but the Social Security Building was rezoned to OS-1. RM-1 and OS-1 are very compatible neighbors; not high density, 20 foot setbacks. The jobs and economic spin-offs would be great.

Mr. Justin Horvath, Shiawassee Economic Development Director and city resident, wants to show support. He has worked with the city and Mr. Dancik since last May. The new development is environmentally friendly and will be a green type building. It will be good economy for the area.

Chairman Fox brought the meeting back to the Commission. The rezoning is based on the property, not who is going into the building.

Mr. Archer stated the property was annexed to the city in the mid '70's. Foundations were started then and filled in with water and sunk. The swale area is in the rear of the property. RM-1 zoning seemed conducive then, but now with the changes of the businesses in the area, OS-1 is more appropriate. We had a variance for the front yard setback of 15% or 20 feet to match the Social Security Building. The county drain has created problems. He had the affidavit of public notice in the newspaper, and mailing to residents within 300 feet of the property including the township. There were no responses received either negative or positive.

Commissioner Harvey asked if this whole lot would have the same zoning now – this would no longer be spot zoning?

Mr. Archer answered yes. The two southern most lots are already zoned OS-1.

Commissioner Harvey stated that she is on the Zoning Board of Appeals and they did address this and the water issue also. They indicated they would not come back to the city regarding the water issue.

Mr. Archer said they still have to go through the DEQ. There is an extensive amount of fill as they have to be one foot above flood stage. There will be a detention pond to compensate for any fill material brought in.

Chairman Fox stated if we rezone to OS-1 and the plan falls through, it remains OS-1 zoning.

Mr. Archer stated yes.

Commissioner Wascher asked what is the township zoning.

Mr. Archer stated it is agriculture in the township and then residential in town and commercial on M-21.

Commissioner Fitch asked are we rezoning just parcel four.

Mr. Archer stated no. Parcels 3 and 4 are up for rezoning.

Commissioner Butcher stated that increased traffic was her concern including the left turn at the light.

Mr. Archer talked to the City Engineer about this. In the future, it may come to a left turn lane at this corner, but that is an MDOT decision.

The Rezoning Checklist was reviewed. No precedent will be set with this rezoning – it was already set with the Social Security Building; water and sewer are already there; this structure would improve the lot.

Motion by Commissioner Kemp, supported by Commissioner Wascher to approve the request to rezone 310, 314 N. Gould Street to OS-1.

AYES: All, Motion Carried

NAYS: None

**SITE PLAN REVIEW: Preliminary Site Plan Review
310, 314 N. Gould Street
Requested by Geoffrey Dancik, ProVisions, LLC**

Mr. Geoffrey Dancik, ProVisions, stated that their client wants nothing less than 115 parking spaces. They encourage people to walk or use bicycles rather than drive vehicles. There is a large island in the middle of the parking lot to separate employee and visitor parking. This is a bio swale with porous material to gather water and “garbage”. A detention pond will be east of the Social Security Building in the form of a rain garden. That will keep water on site and not flow off the property. The dumpsters will be towards the back of the lot and properly screened. There will be a buffer between the parking lot and the residence to the north of coniferous plants to make a year-round buffer. Handicap spaces will be as close to the building as possible. The lot will be configured to use the least amount of asphalt as possible. They plan to straighten and relocate the drain and replace it with PVC rather than clay and to provide two cleanout drains in case there is ever a plug.

Commissioner Livingston asked about signage.

Mr. Dancik stated that they encourage signage on the building on the south side. Maybe have one landmark sign in front of the building.

Commissioner Harvey commented that the Social Security Building doesn't have a sidewalk.

Mr. Archer commented that because it was a stand alone building, it didn't have to have a sidewalk. With this new building, they will now have to install one.

Commissioner Harvey asked if the back section of parcel number three will now be just drain and vegetation.

Mr. Dancik stated that they have no plans to develop this area. It's still quite a wet area.

Commissioner Harvey would like to make sure it's not a catch-all of junk. Can it be cleaned up a bit?

Mr. Dancik said that they plan to clean it up. In the 50's and 60's there was significant dumping. They did some borings and found a couple empty oil containers and tires. They will clean up the site.

Commissioner Livingston asked about a picnic area.

Mr. Dancik stated between the north wall and the lot line there will be a landscape buffer. The patio area for employees will be placed there.

Board Member Livingston asked for an estimate of employees.

Mr. Dancik said about 70 employees.

Commissioner Fitch asked if there would be a berm or windows on the north end of the building.

Mr. Dancik stated no, it would be an IT room.

Commissioner Fitch asked what the business hours would be.

Mr. Dancik stated 8 to 5, Monday through Friday.

Mr. Archer asked about front elevation drawings.

Mr. Dancik stated not yet, they have several considerations. They are waiting for soil samples to be completed.

Commissioner Kemp asked about the bio swale – will it be a depression or a berm?

Mr. Dancik said it will look like a berm and then trickle down to a rain garden or detention pond.

Commissioner Harvey asked do we need to be concerned about John's memo. [Mr. Archer wrote a memo to the Planning Commissioners after staff reviewed the site plan prior to the Planning Commission meeting].

Mr. Archer stated that Mr. Dancik will have to come back for a final site plan review. We need to look at the footprint. Deputy Fire Director Mike Bradley may require a bigger radius for the platform fire truck. The main thing right now is the building footprint.

Commissioner Fitch asked if the detention pond overflows, does it go into the drain.

Mr. Dancik stated that the engineers are working on that right now. We want to prevent water draining into water that is standing already. How much flood plain compensation would engineering have to make is still being calculated. They will try to accommodate future growth and cleanup parcel one and compliment existing buildings.

Commissioner Kemp asked if the detention pond would always have water in it.

Mr. Dancik stated no, it won't be deep. It may have standing water, but it could be dry at times too.

Commissioner Wascher asked what the elevation is.

Mr. Dancik stated 732.6.

Commissioner Wascher stated that you're one foot above.

Mr. Dancik stated they had decided to raise the grade one foot.

Commissioner Wascher said they would need to see final grade on the final site plan and the nearest residential building so they can see the screen.

The Planning Commission reviewed the memo from Mr. Archer to the Planning Commissioners dated March 23, 2009 regarding the preliminary site plan review by staff.

Commissioner Harvey stated this was very helpful and said another would be helpful at the final site plan.

Chairman Fox stated he wants to see lights in the parking and elevations on the final site plan.

Motion by Commissioner Butcher and supported by Commissioner Kemp to approve the preliminary site plan with the inclusion of the nine items from memo from the department head meeting.

AYES: All, Motion Carried

NAYS: None

ITEM OF DISCUSSION:

Chairman Fox thanked Commissioner Butcher for her service to the Planning Commission and wished her well with her move to the country. He stated that we will need an election at the next meeting for a new secretary. He also stated to Mayor Bruff that we will need another appointment to the Planning Commission.

ADJOURNMENT:

Motion by Commissioner Butcher, supported by Commissioner Harvey to adjourn at 8:54 p.m.

AYES: All, Motion Carried

NAYS: None

Tracy M. Butcher, Secretary