

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:

Planning Commission–December 9, 2024, Approved Minutes

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. Westown 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