



MEMORANDUM

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

DATE: November 23, 2021
TO: Mayor Eveleth and the Owosso City Council
FROM: Planning Commission
SUBJECT: Rezoning Request 108 N Chipman St Recommendation

RECOMMENDATION:

The Planning Commission recommends 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	B-3 Central Business	I-1 Light Industrial

BACKGROUND:

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

This property was originally zoned I-1 Light Industrial and was rezoned to B-3 in 2012 due to being combined with W Main Street frontage. (In 2012, the Westown Main Street corridor was rezoned to B-3).

The applicant will keep the B-3 zoning on the parcel fronting along W. Main Street. Future development will be determined later.

The Planning Commission, after mailing notices and holding a public hearing, voted at its regular meeting on November 22, 2021 to approve the rezoning request.

FISCAL IMPACTS:

There are no direct fiscal impacts to the City

Document originated by: Tanya S. Buckelew, Planning & Building Director

RESOLUTION NO.

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

WHEREAS, the City of Owosso received a request from JABB Management LLC, owner of the property located at 108 North Chipman Street, parcel # 050-660-017-001-00, to rezone the parcel from B-3 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 proposed rezoning meets the intent and criteria for a zoning amendment as it relates to the master plan and the zoning ordinance; and

WHEREAS, the City staff and Planning Commission recommend, without reservations or conditions, the rezoning of the following parcel:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
108 N Chipman St	050-660-017-001-00	B-3 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.

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*, reflect the following changes, to be noted on the official map and filed with the city clerk:

Parcel Address	Parcel Number	Current Zoning	Proposed Zoning
108 N Chipman St	050-660-017-001-00	B-3 Central Business	I-1 Light Industrial

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, January 3, 2022 at 7:30 p.m. in the City Hall Council Chambers, 301 West Main Street, Owosso 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 proposed 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.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

PREZ-2021-05
10-18-2021

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, MI 989-725-0535
building@ci.owosso.mi.us

TO THE OWOSSO CITY COUNCIL:

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

1. PROPERTY TO BE REZONED:

Address: 108 N. Chilman Owosso, MI. 48867

Description: (lot, block or metes and bounds)

Frontage in feet:

Depth in feet:

2. PROPERTY OWNERSHIP:

Name: JABB Management LLC

Address: 115 N. Shiawassee St. Corunna, MI 48817

Phone Number: 248-952-4777

E-mail: adam@woodworthcommercial.com

3. ZONING REQUEST:

Current Zoning: B3-Cont Bus

Requested Zoning: I1 - IND LT

4. PROPOSED USE OF THE PROPERTY:

Marijuana Cultivation Facility
(Medical + Recreational)

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 Chilman, N. Lyon and Beecher St are all zoned I1. This property is a former factory surrounded by a gated chain link fence.

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:

Date:

10/18/2021

- LEGAL REPRESENTATIVE
- OWNER
- OPTION TO PURCHASE

1. The applicant must completely fill in the application.

2. Application fee is \$550.00 + \$5.00 per acre.

2.64 x 5

3. Escrow fee is \$1,500

4. Consultant Fees for Planning, Zoning, Engineering & Related Reviews:

- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis.
- To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
- A cash deposit of \$1,500.00 shall be placed with the City of Owosso to retain qualified consultants.
- 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 remitted to the depositor.

5. 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.
6. Application must be received by the end of the previous month before Planning Commission meeting. City Council will address the rezoning at the following Council Meeting after Planning Commission makes its recommendations for the rezoning.

<u>2021 Meeting Date</u>	<u>Submittal Deadline</u>	<u>2021 Meeting Date</u>	<u>Submittal Deadline</u>
January 25	December 30	July 26	July 1
February 22	January 29	August 23	July 30
March 22	February 27	September 27	September 2
April 26	April 1	October 25	September 30
May 24	April 30	November 22	October 29
June 28	June 3	December 13	November 19



FOR OFFICIAL USE ONLY

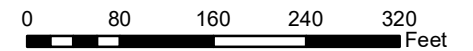
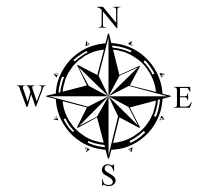
Case #	PREZ2021-05	Planning Commission Hearing Date	11-22-2021
Receipt #	24866	Action Taken	
Date Filed	10-18-2021	City Council Hearing Date	
Description Checked	✓	Action Taken	

City of Owosso

300' Buffer Zone Map

Subject Parcel:
108 N. Chipman St.

-  Subject Parcel
-  Area within 300' of Subject Parcel





November 16, 2021

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 B-3, 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 is currently being 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 B-3 in the past 5 years. The applicant will keep the B-3 zoning on the parcel fronting along W. 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 draft 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 growing facility on this property.

EXISTING LAND USE, ZONING AND FUTURE LAND USE

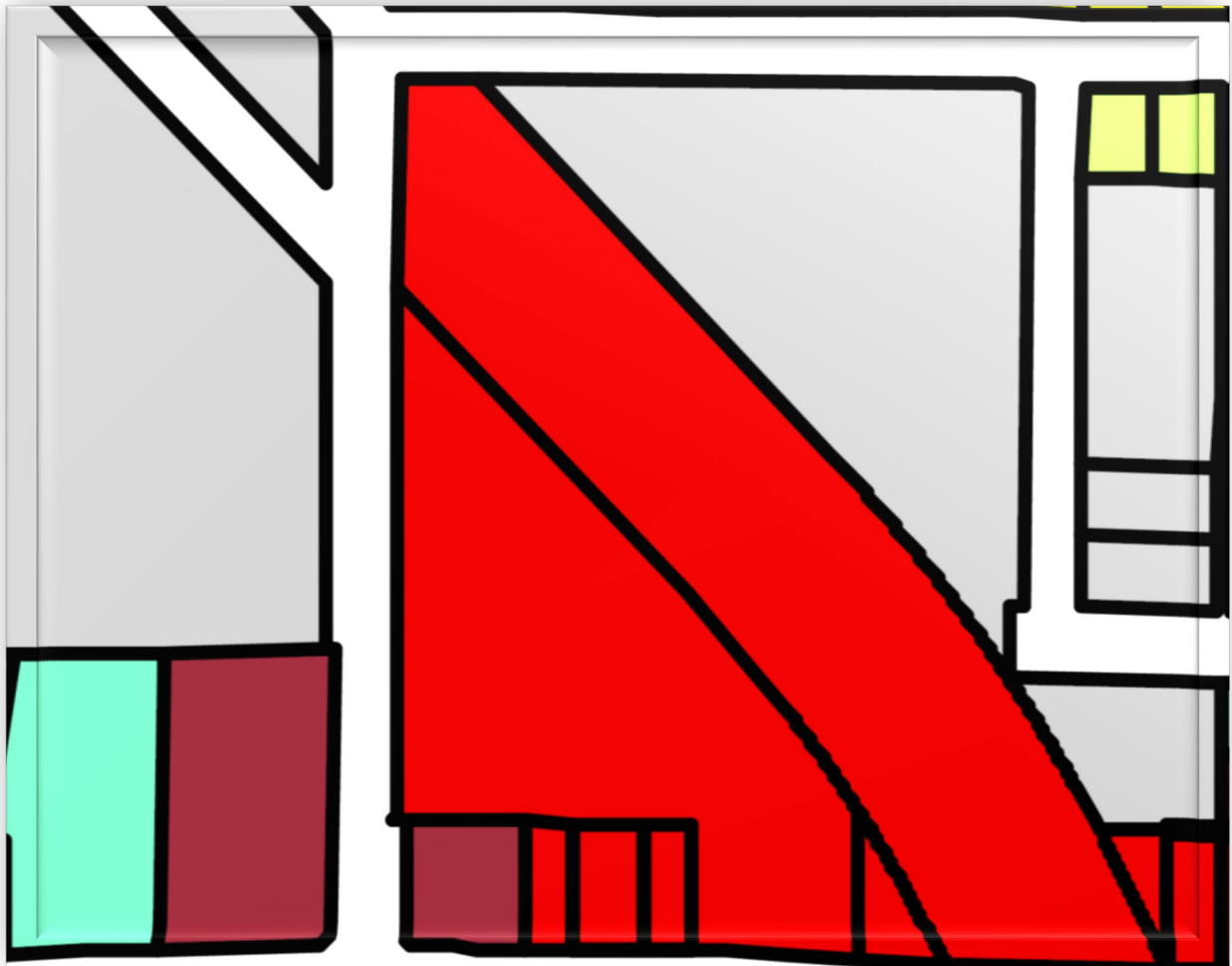
	Existing Land Use	Zoning	Master Plan
Subject Site	Existing 26,000 SF Ind. Building	B-3 Commercial	Commercial
North	Industrial & Commercial	B-3 Commercial	Commercial

17195 Silver Parkway, #309
 Fenton, MI 48430

Phone: 810-734-0000
 Email: sprague@cibplanning.com

South	Commercial	B-3 Commercial	Commercial
East	Commercial	B-3 Commercial	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 grow 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 grow facilities. There is already an approved facility across the street on Hathaway Drive and this site makes sense to revert back to its industrial nature.

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 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. If you have any further questions, please contact us at 810-734-0000.

Sincerely,

CIB Planning



Justin Sprague
Vice President



P2021-017
10/8-2021

Application Fee:
Single \$225
Multiple - \$225 each +
\$35/resulting lot

APPLICATION TO DIVIDE PLATTED CITY LOTS

The State of Michigan Land Division Act and City of Owosso Subdivision Regulations prohibit the division of platted City lots without prior approval of the City Council.

Step-By-Step Guide

- Staff will assist the applicant by explaining the parcel split process, provide site information, review the application and inform that a survey may be required
- Applicant submits application with fee
- Departmental review of application
- Staff prepares memo for next City Council meeting
- Send notice to applicant with the date of the City Council meeting
- City Clerk notifies the Building Department and Assessor of Council approval or denial
- Final approval or denial notice sent to applicant

- Requests for parcel splits can only be approved if the request meets the requirements of the Zoning Ordinance. The resulting split cannot create a parcel that does not meet the minimum dimensional requirements for the district (street frontage and parcel area). If there are structures on the parcel they must meet the side yard and/or rear yard setback as applicable.
- It is the owner's responsibility to verify that there are no issues/objections to the request by any persons, firms, or corporations having a legal or equitable interest in the land. **The City does not conduct a title search for the property.**
- If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor to update their Homestead Exemption.
- The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.
- ALL DELINQUENT TAXES/SPECIAL ASSESSMENTS/LIENS MUST BE PAID ON ANY PARCEL BEFORE THE DESCRIPTION OF THE PARCEL CAN BE CHANGED.**

Applicant Information

Name: JABB Management LLC
 Affiliation if Not Owner:
 Address: 115 N. Shawnee St. Owosso MI. 48867
 Phone: 248-952-4777

Land Division Information

Parcel Address: <u>108 N. Chipman St. Owosso MI 48867</u>	Parcel Number: <u>050-660-017-001-00</u>
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Proposed Use

Residential Commercial Industrial Institutional Other

Describe the division being proposed

We want to remove the portion of the property that touches main st. leaving the rear of the property for a potential rezoning.

Affidavit and Permissions:

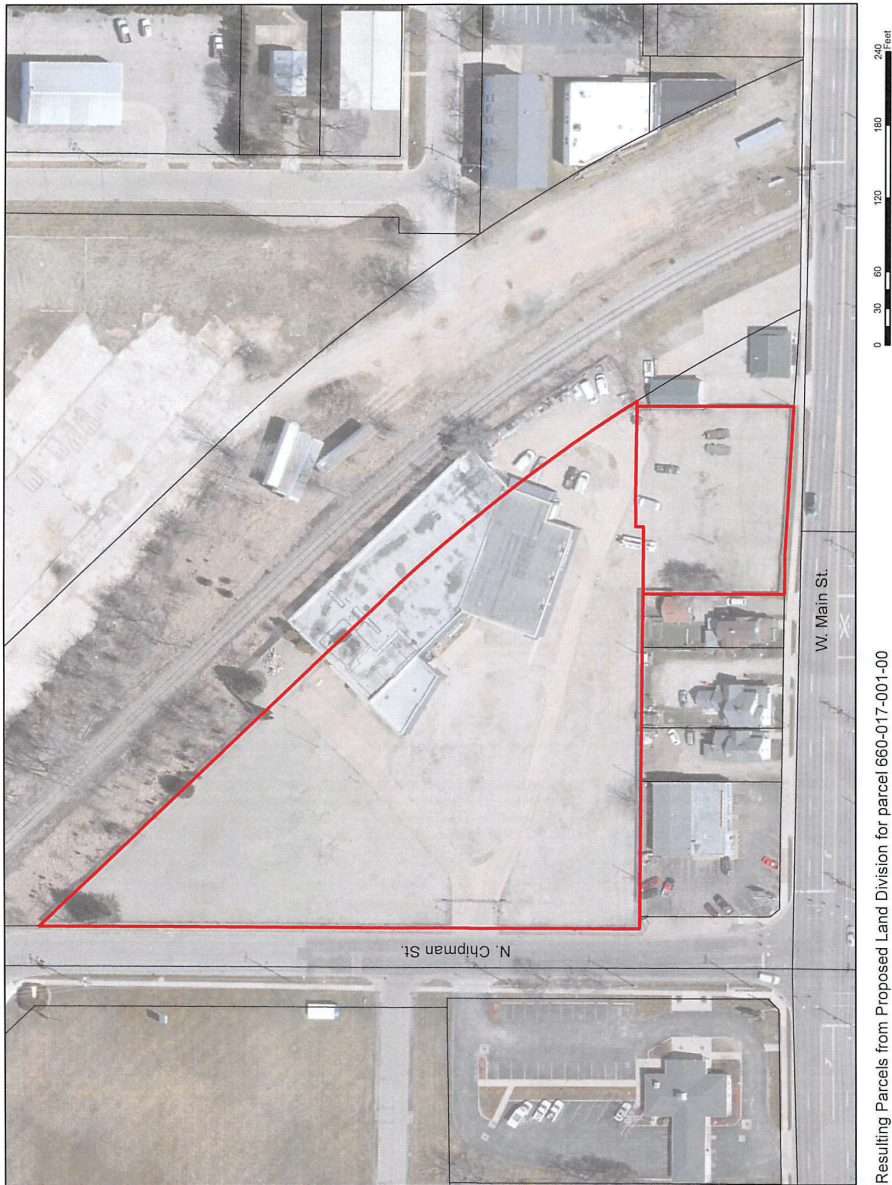
- I agree the statements made on this document are true, and if found not to be true, this application and any approvals will be void
- I agree to give permission for officials of the municipality to enter onto property involved in this application for purposes of inspection, to verify that the information provided on the application is correct
- I understand that any approval hereunder only constitutes approval of requested legal descriptions and does not provide, constitute, infer or imply build ability or compliance with any applicable statute, law, building code, deed restriction, or property right
- I agree to comply with the conditions and regulations provided with this parcel division
- I understand that the land division application may take up to 30 days to be processed
- I understand that property tax bills may be issued using the parent parcel(s) and I agree to have the tax bills and other city of Owosso liens charged/billed during this period paid by the appropriate party
- I understand that if property is being conveyed between the parties, requested land division will only take place on city records after recording of deed
- Divisions require all taxes, special assessments and outstanding invoices be paid in full before the division can be processed**

ARA 10/18/21
 Applicant Signature Date

City of Owosso Lot Split Ordinance Sec. 30-5. - Lot division.

The division of a lot in a recorded plat is prohibited, unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. The city council may request review and comment by the city planning commission. The division to be approved by the city council shall have the suitability of the land for building purposes approved by the city zoning administrator, who may require submission of a professionally prepared boundary survey report. No building permit shall be issued, nor any building construction commenced, prior to the city council's approval. No lot in a recorded plat shall be divided into more than four (4) parts, and the resulting lots shall be not less in area than permitted by the city zoning ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form. (Ord. No. 456, § 1, 12-19-88)

ASSESSOR TO ATTACH LOT SPLIT FORM WITH CURRENT AND NEW DESCRIPTIONS, ASSESSED AND TAXABLE VALUES



Resulting Parcels from Proposed Land Division for parcel 660-017-001-00

10/19/2021

JABB MANAGEMENT LLC

LOT SPLIT APPLICATION

CURRENT TAX DESCRIPTION
108 N CHIPMAN STREET
050-660-017-001-00

LOTS 1 2 3 16 17 & 18 OF BLK 17 ALSO LOT 2 & 3 OF BLK 16 & THE VACATED PORTION OF STATE ST N OF MAIN ST PART OF A L & B O WILLIAMS ADD EXC COM AT SE COR LOT 2, TH W 154', TH N 11', TH SE'LY TO PT WHICH IS 2.44' N OF SE COR OF SD LOT, TH S TO POB, INCL 1/2 CLSD ALLEY

CALCULATED AREA OF 2.42 ACRES AND FRONTAGE OF 400 FEET

PROPOSED TAX DESCRIPTION LOT SPLITS

Portion fronting on W Main St:

LOT 2 BLK 16 & E 1/2 ADJ VAC STATE ST; ALSO LOT 3 BLK 17 & W 1/2 ADJ VAC STATE ST, ALSO S 1/2 ADJ VAC ALLEY, A L & B O WILLIAMS ADDITION TO THE CITY OF OWOSSO L29/P499; EXC THAT PT LYG WITHIN PCL DESC AS BEG @ SW COR SEC 13 T7N R2E, TH ALG W SEC LN N03°08'32"E 11 FT, TH S86°23'20"E 308 FT, TH S83°12'33"E 198.31 FT, TH S03°36'40"W 33 FT, TH N86°23'20"W 506.09 FT TO W LN SEC 24 T7N R2E, TH N03°43'08"E 33 FT TO POB

CALCULATED AREA OF .435 ACRE AND FRONTAGE OF 154.30 FEET

Portion fronting on N Chipman St:

LOT 3 BLK 16 & LOTS 1, 2, 16, 17, 18 BLK 17, INCL VAC STATE ST ADJ TO SD LOTS 1, 2 BLK 16 & LOT 3 BLK 16, ALSO INCL N 1/2 VAC ALLEY ADJ TO SD LOTS 2 & 16 BLK 17, A L & B O WILLIAMS ADDITION TO THE CITY OF OWOSSO L29/P499

CALCULATED AREA OF 2.603 ACRES AND FRONTAGE OF 400 FEET

Date for City Council Review:	11-01-2021	Date notice sent to applicant:	10-25-2021
City Council action:	<input checked="" type="checkbox"/> Approved as submitted	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved with attached conditions
Date results sent to applicant:	11-02-2021		

Building Department Checklist

Application Reviewed	<input checked="" type="checkbox"/>
Fee paid	<input checked="" type="checkbox"/>
Return all materials to Building Department	<input checked="" type="checkbox"/>
Send copy of application to applicant with date of Council Meeting	<input checked="" type="checkbox"/>
Prepare memo and submit with original application to Clerk's Office	<input checked="" type="checkbox"/>
After Council approval or denial, notify applicant with copy of completed application	<input checked="" type="checkbox"/>
Notify Assessor of approval or denial	<input checked="" type="checkbox"/>
Scan to BS&A file and file hard copy	<input checked="" type="checkbox"/>
Staff Initials	Y.S.B.

10/19/2021 Please review, sign, Return to Tanya by 10/25/2021

City of Owosso Division of Platted City Lots Departmental Review

1. Building Official Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: All Reviewed Looks to be in order		
Signature: Brad [Signature] 10/21/2021		
2. Assessor Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: New Parcel Number for Lot Facing main street will be 050-660-017-006-00 Address for New Parcel will be 1010 W. MAIN ST.		
Signature: Michael Daut 10-20-2021		
3. Treasurer Tax Information:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
County Drain Office Special Assessments:	N/A per Cathy Co. Drain <input type="checkbox"/> Paid	<input type="checkbox"/> Unpaid
County Treasurer's Office Delinquent Taxes:	per Sharon @ Co. Treasurer <input checked="" type="checkbox"/> Paid	<input type="checkbox"/> Unpaid
Special Assessments:	N/A <input type="checkbox"/> Paid	<input type="checkbox"/> Unpaid
Comments:		
Signature: Kerry Jagan 10-21-21		
4. Public Utilities Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: SEE ENGINEERING COMMENTS BELOW...		
Signature: Ryan E. Sutherland		
5. Engineering Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments: There is an existing water main in the closed State St Right-of-Way north of Main St. Any future development on site will need to address the water main. Site has no driveway approach. Any future development will need to install driveway approach on Main St. Signature: Clayton Wehner MDOT Permit will be required		
6. Zoning Administrator Recommends:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
Comments:		
Signature: [Signature] 10-21-2021		

11.4.2021.

Dear Council Members,

I read in the Argus the article regarding a future grow facility: I urge you to consider what a grow facility has caused in Chesaning and other communities across the country: **GROW FACILITIES CAUSE BAD ODOR!** Residents are complaining. Odors are degrading quality of life in Chesaning. We do not want that to happen to Owosso!

A friend described a recent furniture delivery to her Chesaning home. The driver got out and asked, "What stinks?" She told him it was the marijuana facility. His comment? "That smells awful? You have to deal with that every day? I would never want to live here."

Her experience is not unique. The Chesaning Village Council has been hearing from citizens for many months regarding the odor. Please take note of these disturbing comments:

- The smell is daily and we complain often. Our garage smells of marijuana.
- We have a strong smell **of marijuana at Big Rock school**. I have called in complaints several times. Two days later I call back and they do nothing. What is the process, continue to call? How many people have called? My entire home smells like it.
- Our friends and neighbors are talking about moving if they can afford it.
- High Life agreed to install an odor monitor months ago. On Easter Sunday, my wife and I took a bike ride and smelled marijuana the whole way.
- Two years ago, we were told the odor would be sent into the atmosphere.
- The marijuana developers appear to be free to do what they want with no accountability.
- We came to Chesaning to live in someplace quiet and not have to deal with skunk smell.
- For those who live upwind of grow facilities, buffering criteria may not seem very important; but for those who live nearby or have respiratory issues, there is a point where good health is more important than financial gain.

Clearly, the so-called mitigation procedures have done nothing to stop this odor problem. The council ignores the pleas of the citizens, seemingly only concerned about money generated from these facilities. **MONEY** is not all a community needs! **CLEAN, FRESH** air should matter more. I hope **OUR** council will be more aware of the odor problem, as homeowners (taxpayers) deserve our viewpoints to be considered.

Countless articles from other cities tell the same story. Facilities get "cited" for odor, but ... it continues to be an issue. The best way to avoid the issue is to **NOT HAVE** the facility in the city to begin with.

Thank you.

Julie Wenzlick. 1101 Riverside Drive

989-723-2084. juliewenzlick@gmail.com