

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
December 8, 2014 – 7:00 pm

CALL TO ORDER: Meeting was called to order at 7:00 p.m. by Chairman William Wascher.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all in attendance.

ROLL CALL: Roll Call was taken by Recording Secretary Marty Stinson.

MEMBERS PRESENT: Chairman William Wascher, Vice-chairman Francis Livingston; Secretary Tom Kurtz, Commissioners David Bandkau, Brent Smith, Thomas Taylor, Craig Weaver, and Randy Woodworth.

MEMBERS ABSENT: Commissioner Mike O’Leary.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development; Mr. Ryan Henry of Henry Kincaid Group; Paul Weisberger and Jeff Nemeth of Bright Leaf.

AGENDA APPROVAL:
MOTION BY COMMISSIONER BANDKAU, SUPPORTED BY COMMISSIONER LIVINGSTON, TO APPROVE THE AGENDA FOR DECEMBER 8, 2014.
YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:
MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER WEAVER, TO APPROVE THE MINUTES FOR THE MEETING FOR OCTOBER 27, 2014.
YEAS ALL. MOTION CARRIED.

SYNOPSIS APPROVAL:
MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER BANDKAU, TO APPROVE THE SYNOPSIS FOR THE MEETING FOR NOVEMBER 24, 2014.
YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from October 27, 2014.and November 24, 2014
3. 100-300 block of Corunna Avenue
4. M-71 FLU Map
5. Mueller Project site plan and staff review
6. Special use Permit for Mueller Project.
7. Bright Leaf – Medical Marihuana Dispensary information

COMMISSIONER / PUBLIC COMMENTS:

Commissioner Bandkau commented that Treasurer’s Restaurant which requested the application to split the property at 109 N. Washington has asked that it be tabled indefinitely as there are many unresolved issues.

PUBLIC HEARING: None

SITE PLAN REVIEW: & SPECIAL USE PERMIT:

1. Mueller Project

Ms. Montenegro, Assistant City Manager and Director of Community Development, stated at the last zoning class that she took, it was recommended that anyone with a conflict should step out of the meeting because even body language or facial expression can influence. Mr. Woodworth objected to leaving the room.

Commissioner Kurtz stated he felt a building owner should be allowed to stay in the meeting.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WEAVER, THAT MR. WOODWORTH BE ALLOWED TO SPEAK ON HIS OWN BEHALF AS BUILDING OWNER BECAUSE IT IS SUCH A BIG PROJECT, BUT HE CANNOT PARTICIPATE AT THE COMMISSIONER LEVEL DISCUSSION

COMMISSIONER BANDKAU QUESTIONED THE LEGALITY OF THIS SITUATION.

YEAS ALL. MOTION CARRIED.

Mr. Woodworth moved to the back of the room.

Mr. Ryan Henry introduced himself as a member of the Henry Kincaid group of 934 Clark Street, Lansing. They are ready to move forward with the final financing of this project. The property is vacated except the Cook Family Foundation which will be moving into Armory when that is ready. The brewery is now branded into Mueller. It was called Matthews Building for a long time.

It has five buildings. First is the waterfront; next is called the annex. This will be redeveloped into the brewery. The waterfront will be the restaurant and brewery/serving. The other 3 buildings are being used for commercial mixed use on main floor. The middle building and the two to four story building will have 17 apartments and there will be a major overhaul redevelopment. Part 1 and part 2 will be funded with national historic money and with MSHDA. The Brownfield Plan will also help with funding. This is a \$6,000,000 project.

There will be outdoor seating for gastro/brew pub. There will be different entrances. On the river side there is a proposed deck. To highlight the river, look at dam and castle, it extends over sidewalk. There is a loading area on north side of brewery. This is also trash area. This serves the whole structure – it will be covered and enclosed. The alley will have trucks and be walkable. – this is will be service vehicles only. The north is a mixed use bldg. – four garage doors; four parking spaces and will have bike racks inside for residents.

There is a lot of brick on the buildings. Northern façade will have Hardie panel. Some will have plain brick; some will have painted brick; glazed brick; some metal siding will be removed and Hardie paneling will be added. The canopy on the two story building will be removed.

Commissioner Kurtz asked him to address city zoning for parking which is one parking spot per unit. Mr. Henry said he would request leased parking spaces from the city. Ms Montenegro stated that parking spaces are waived in the downtown area for restaurants / bars.

Commissioner Taylor asked Mr. Henry to describe the dumpster area, but he didn't see it on the plans. Mr. Henry replied to look at first level furniture plan, where it says waste next to cooler/freezer. He anticipates a daily pickup.

Chairman Kurtz commented on the views on west side over the river. The deck that comes out over the city sidewalk; out and over the water. The clearance is 7ft, 10 inches. Mr. Henry noted that the legal description of the property goes out into the river and city has an easement for the sidewalk. It is polluted and contamination in the building and it does qualify for brownfield.

Chairman Wascher asked if there is going to be an easement for the pathway by the river. Henry said he's not the owner.

Ms. Montenegro commented that currently there are two light posts along the river. Has the lighting been addressed under the deck? Henry said that is a good question. I think we will need to light that.

Commissioner Bandkau noted that the lot directly to the north has been changed to a 72 hour parking lot so we'll have to look into the leased parking. Commissioner Kurtz asked if it had handicap parking. Commissioner Bandkau wasn't sure.

Ms. Montenegro said the city would like to see plans for posts going to the river and see plans with DEQ. City engineer also wanted to see plans prior to plan review time.

Commissioner Taylor commented that there are special considerations because the water and drainage and staff comments. Ryan said there would be all new utilities; electrical; and fire suppression; handicap accessibility. There will be two elevators in the full structure. 51% of rental units are rent controlled & 49% are market rated. We want to start the project in the spring.

**MOTION BY COMMISSIONER BANDKAU, SUPPORTED BY COMMISSIONER KURTZ, THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE APPLICATION FOR THE SITE PLAN REVIEW OF THE MUELLER PROJECT, 300 W. MAIN STREET, PARCEL # 050-470-024-001-00 AS APPLIED AND ATTACHED HERETO IN PLANS DATED OCTOBER 14, 2014 WITH THE FOLLOWING CONTINGENCIES:
STAFF REPORT COMMENTS; LIGHTING UNDER THE DECK; AND OFF STREET PARKING.**

Comments before voting: lighting at the back of the building and the front of the building – not to shine into the traffic on Main Street; and easement of deck.

Timeframe per Mr. Henry of 12 – 14 months once work is begun.

MEDC and MSHDA have already been done. He is now working on financing and the DEQ with the river per Mr. Henry. If it all at starts the same time, Mr. Henry said if there is a choice, they will try to finish the brewery first.

ROLL CALL VOTE:

YEAS: BANDKAU; KURTZ, LIVINGSTON, SMITH, TAYLOR, WASCHER, WEAVER

ABSENT: O'LEARY

ABSTAIN: WOODWORTH (PROPERTY OWNER)

NAYS: NONE

Special Use Permit – Mueller Building

Per Ms. Montenegro, a Special Use Permit is not applicable and not required and the fee will be refunded.

Ms. Montenegro suggested that the agenda be changed to accommodate members in the audience from Wild Bill's Tobacco.

MOTION BY COMMISSIONER BANDKAU, SUPPORTED BY COMMISSIONER TAYLOR TO CHANGE THE AGENDA AND MOVE ITEM OF DISCUSSION # 1 AHEAD OF BUSINESS ITEM #1.

YEAS ALL. MOTION CARRIED.

ITEM OF DISCUSSION:

1. Wild Bill's Tobacco – Jeff Nemeth – Medical Marihuana Dispensary

Paul Weisberger introduced himself and began a presentation about House Bill 4271 which will authorize dispensaries for medical marihuana and also allow dispensing it in food items. Wild Bill's Tobacco wants to be with the part of business that is reputable. This bill would allow up to 2.5 ounces dispensed every ten days to a patient.

Jeff Nemeth (also in the audience) is a representative of a laboratory that would test the product for mold, pesticides, and possibly test for heavy metals someday.

The law is passed by the house. What kind of crime is associated with dispensaries? None. Has some sample ordinances. Looking at B-2 zoning. We know it a controversial issue, but we're looking forward to being a part of your community.

Commissioner Bandkau asked about a smoking on the premises. Mr. Weisberger said they are not going to set up a lounge.

Commissioner Bandkau: asked is there any requirement for a smoke-free exemption? Mr. Weisberger replied there is a five to one caregiver ratio. A lot of people grow it in their basements. This brings it out of the houses – “above ground”. Let’s put them in industrial districts. When they grow medical marihuana for each patient, there is excess. Let’s put is in light industrial and bring people in to regulated areas like going to a pharmacy legitimately. To a dispensary instead of all the makeshift areas.

BUSINESS ITEMS:

1. Discuss future land use and potential rezoning in the 100 -300 blocks of Corunna Avenue.

Ms. Sue Montenegro reviewed current zoning on a map and presented suggested zonings. The planning Commission discussed various zoning changes for the following properties:

<u>Parcel Address</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>
330 Division	I-2	I-1
514 Division	I-2	I-1
515 S. Saginaw	I-2	I-1
509 S. Saginaw	I-2	I-1
514 Saginaw	I-2	B-4
510 S. Saginaw	I-2	B-4
515 S. Park	I-2	B-4
517 S. Park	I-2	B-4
S Park St	I-2	B-4
E. Howard	I-2	I-1
S. Washington	I-2	I-1

2. Consider dates for a public workshop to discuss potential zoning changes.

It was decided to have the public workshop to discussion potential zoning changes at the February Planning Commission meeting.

COMMISSIONER / PUBLIC COMMENTS:

Discussion that they are already selling marihuana paraphernalia in tobacco store. Discussion about marihuana being permitted in B-2 district

Commissioner Bandkau read Section 38-217 – (2) medical marihuana ordinance. Ms. Montenegro recommends that the city attorney reviews whatever the Planning Commission recommends. We can draft a document, and have Mr. Brown review before going to council.

ADJOURNMENT:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER SMITH TO
ADJOURN AT 8:44 P.M. UNTIL NEXT MEETING ON JANUARY 26, 2015.
YEAS ALL. MOTION CARRIED.**

Tom Kurtz, Secretary

mms