

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
April 28, 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 Frank Livingston, Secretary Tom Kurtz, Commissioners David Bandkau, Brent Smith, Thomas Taylor, Craig Weaver, and Randy Woodworth

MEMBERS ABSENT: Vacancy.

OTHERS PRESENT: Susan Montenegro, Assistant City Manager and Director of Community Development; Ryan Henry, Kincaid Henry Group; Jeff Deason, Shiawassee Regional Chamber of Commerce President/CEO; and Justin Horvath, Shiawassee Economic Development Partnership.

AGENDA APPROVAL:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WOODWORTH TO APPROVE THE AGENDA FOR APRIL 28, 2014.
YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WEAVER TO APPROVE THE MINUTES OF THE MEETING OF MARCH 24, 2014 WITH THE CHANGE THAT COMMISSIONER RON SCHLAACK WAS NOT IN ATTENDANCE AT THAT MEETING.
YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from March 24, 2014
3. Zoning map of East Main from Washington to Gould
4. Overlay District Information
5. Site plan for 601 Clinton Street and Staff Recommendations
6. Site plan for 201 & 215 N. Water Street and Staff Recommendations (to be brought to the meeting)

COMMISSIONER / PUBLIC COMMENTS: NONE

PUBLIC HEARING: NONE

SITE PLAN REVIEW:

1. 601 CLINTON STREET

Ms. Susan Montenegro noted the staff review enclosed in the packet. Commissioner Kurtz asked for a review of the parking issue and what is necessary. Ms. Montenegro noted that two spaces are necessary. This is residential, non-conforming and described the various parking options in the neighborhood for business parking. The resident can park inside the building or there are two spaces on the west side of the building

MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER TAYLOR THAT THE OWOSSO PLANNING COMMISSION HEREBY RECOMMENDS THAT THE OWOSSO CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR 601 CLINTON STREET. YEAS ALL. MOTION CARRIED.

2. 201 & 215 N. WATER STREET

Commissioners Kurtz and Woodworth removed themselves from the discussion and voting as they are members of the Shiawassee Regional Chamber of Commerce Board of Directors.

Mr. Ryan Henry from the Kincaid Henry Group discussed the removal and razing of the chamber building in conjunction with the downtown improvement project with the Armory and DIG Grant. Ms. Montenegro noted that this has already passed through the Downtown Historic District Commission and is getting historic tax credits.

Commissioner Livingston said the entrance is quite high on the building. Mr. Henry said the steps will stay the same, however they will be an elevator installed and there will be an ADA entrance installed on the south side. The DIG Grant has to be completed by the end of 2014, he continued. The windows that have been infilled with bricks will be opened and replicated as the windows that are already there. The brick on the structure is in good shape. They will fully renovate the mechanical, plumbing and electrical. They will infill the old coal chute. The back of the building will have a deck towards the river.

Chairman Wascher asked about lighting. Mr. Ryan stated it will have horseshoe, 36" tall shining up around. There will be lights on the bottom side of the deck. Chairman Wascher asked about the current sculpture/statue new location. Mr. Deason, Chamber President/CEO stated it would be moved wherever the chamber decides at a later time.

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER SMITH THAT THE OWOSSO PLANNING COMMISSIONER HEREBY APPROVES THE SITE PLAN FOR 201 AND 215 N. WATER STREET. COMMISSIONERS KURTZ AND WOODWORTH ABSTAINED 6 YEAS 0 NAYS MOTION CARRIED.

BUSINESS ITEMS:

1. Address Industrial Zoning Language – Creation of I-3 Heavy Industrial Zone

Mr. Greg Jones, TiAL Products, addressed the commission and stated that their business wants to include a small scale foundry and use scrap industrial metal for a process called "investment casting". Commissioner Woodworth is very impressed with what the company is doing, but is also concerned with nearby residents and the gym in the Woodard Loft area.

Mr. Jones wants to maintain the property. The company has spent \$750,000 to landscape and clean up the area. We don't want to look industrial. We are concerned about the restrictions and controls of an I-1 zoning. Commissioner Kurtz understands the possible conflicts of I-1 zoning and didn't know about a possible time frame. Mr. Jones commented that the business parcel is 450 S. Shiawassee, with the front parcel listed as 412 S. Shiawassee. Commissioner Kurtz asked about using a Special Use Permit for this property rather than a rezoning. Discussion about a possible modification under I-1 zoning language.

2. Wireless Tower and Antenna – Planning Stage and Constructing Ordinance.

Discussion of proposed ordinance.

MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER LIVINGSTON THAT THE PLANNING COMMISSION RECOMMEND TO THE OWOSSO CITY COUNCIL TO ADOPT THE FOLLOWING ORDINANCE:

Sec. 38-454. Special uses that may be permitted.

(j) Wireless communication towers. ^[5]

(1) *Purpose and intent.* The general purpose of this section is to authorize wireless communications towers, while still maintaining the community integrity, as well as the general character, property value, and aesthetic quality of the city.

- (a) Wireless communication towers, including their respective transmission towers, relay and/or or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication and similar communication services and facilities, shall be permitted as a special land use in the industrial zoning districts, when found to be needed or desirable to the public convenience or welfare and in conformance with the following requirements: It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such.
- (b) New towers may be located in the I (industrial) zoning districts after special land use approval.
- (c) The development of new structures, stealth, concealed antennas, or such appurtenances on existing buildings or structures may be permitted in exceptional cases in other zoning districts, subject to special land use by the planning commission and the city council. Such approval would require a unique approach with no adverse impacts on the surrounding residential properties or adjacent neighborhoods.
- (d) The co-location of a wireless antenna on an existing tower shall also require special use approval.

(2) *Requirements of the applicant.*

- (a) The applicant shall demonstrate that the tower is required in this general area and shall submit the grid patterns necessary for their system as part of such documentation. The city may also request that the applicant provide a map or overlay identifying all of the tower locations, search rings, or coverage area within the City of Owosso and the nearest adjoining units of government which are within a three-mile radius of the applicant's site. The city may also require the applicant to show why a cable based, fiber optic, or similar system cannot or should not be used in lieu of a wireless communication tower.
- (b) In order to maximize the efficiency of providing such services, while minimizing the impact of such facilities on the city, co-location of such facilities on an existing tower or other existing structure is required, when physically feasible. The applicant shall have reviewed public sites, existing towers, tall buildings, or similar structures which are, or may be, capable of providing adequate service. If collocation is deemed not feasible, the applicant shall furnish written documentation as to why a co-location at another site or facility is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible.
- (c) A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted for all towers and antennas. This technical documentation of any information regarding these concerns may be required by the planning commission or city council.
- (d) The development of any such facility, together with accessory uses, shall be in such a location or be of a size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and

improvement of facilities, as provided for herein, shall also be subject to the following additional requirements:

- i. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the city, and any such tower/antenna shall not exceed 175 feet in height.
 - ii. The tower site shall be landscaped to obscure the view of the tower base, accessory buildings, and/or protective fences from any public right-of-way in accordance with article IX of this chapter. Greenbelts or landscaped berms may also be required along any residential zoning district. A six-foot fence shall enclose the site.
 - iii. The city encourages innovative designs and utility pole camouflage as practical solutions for minimizing the visual pollution impact on residential neighborhoods or the motoring public. Monopole (stealth or equivalent type) antenna structures may be required where such are technologically feasible.
 - iv. Setback requirements will be determined in relation to the tower/antenna design and collapse data as stated in subsection (b)(3). Minimum setback requirements, unless otherwise provided for, are as follows:
 - a. When adjacent to nonresidential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a nonresidential zoning district may be reduced to one-half the overall height of the tower. In no instance shall any tower facility be located within a front yard.
 - b. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus 50 feet. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any residential district may be reduced to the overall height of the tower/antennas. In no instance shall any tower be located within a front yard.
 - c. Further modifications to setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be determined that there will be no adverse impacts as a result of such development.
 - v. All new tower construction should provide for multiple antennas or multiple facilities upon the tower to encourage co-location. Leasing terms or the lease document must be provided (refer to subsection (b)(8)).
 - vi. A visual simulation (rendered drawing to scale) may be required in a district that is within or abuts a sensitive or extremely visible areas as deemed by the planning commission. This simulation should include existing structures and natural elements and the tower's relation to those elements.
- (5) In addition to site plan review for new or reconstructed towers, the planning commission, upon deeming it necessary, shall require an independent third party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid

for by the applicant. The requirement for such a review shall be based on one or more of the following findings:

- i. The applicant has not substantiated a need for a proposed tower to the satisfaction of the commission.
 - ii. The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the commission.
 - iii. The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
 - iv. The data supplied by the applicant is determined to be disorganized, confusing or misleading by the commission.
 - v. The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- (f) All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances, including Federal Aviation Agency and Federal Communications Commission standards and shall be continuously maintained in a safe and complying condition. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the building official.
- (g) The applicant shall submit a letter agreeing that should any tower/antenna facility, approved under this Section, cease to be used for its approved use, for more than 90 continuous days or more than 90 days of any 120 day period it shall be removed from the site within 180 days of such cessation. The lease shall also state such conditions. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three feet of the caisson upon which the tower is located and covering the remaining portion with top soil. The letter of agreement may include a financial guarantee, to insure removal of all facilities approved under the special use permit. Any such agreement, including any financial guarantee, shall be in a form acceptable to the city's attorney. The financial guarantee may also include a provision for periodic adjustments to the guarantee according to changes in the Consumers Price Index or other similarly established and accepted price indexes.
- (h) The applicant shall provide a letter of intent to lease any excess space on a tower facility and commit itself to:
- i. Promptly responding to any requests for information from a potential co-user of their tower/antenna;
 - ii. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
 - iii. Make no more than a reasonable charge for a shared use lease.
- (3) *Planning commission decisions.* The record of the planning commission and city council shall include substantial evidence to support such decision. The written findings and conclusions shall be contained in the minutes of the Commission.

FOOTNOTE(S):

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State Law reference— Special land uses, MCL 125.3502, 125.3504. ([Back](#))

YEAS ALL. MOTION CARRIED

3. EAST MAIN STREET FROM WASHINGTON STREET TO GOULD – CONFIRM POTENTIAL ZONING CHANGES. SET PUBLIC HEARING.

Discussion to remove Section 38-33 Main Street office overlay district from the ordinances.

MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER WOODWORTH THAT THE PLANNING COMMISSION RECOMMEND TO THE OWOSSO CITY COUNCIL TO REMOVE THE FOLLOWING ORDINANCE:

~~SECTION 38-33. MAIN STREET OFFICE OVERLAY DISTRICT.~~

~~*Statement of purpose. The purpose of this chapter is to permit the creation of an office overlay zoning district along major transportation corridors of the city. The development standards set forth in this chapter are designed to:*~~

- ~~(1) — Improve traffic safety and appearance;~~
- ~~(2) — Guide land use so it will be compatible with existing nearby land uses;~~
- ~~(3) — Recognize the value of property for non-residential uses along the corridor due to traffic volumes and accessibility; and~~
- ~~(4) — Permit the redevelopment of existing uses in accordance with the requirements of this chapter.~~

~~(b) — Applicability.~~

- ~~(1) — The development standards contained in this chapter shall apply to the land along both sides of M-21 from the M-21 right-of-way to the rear line of those lots fronting on M-21 for the area between Hickory Street and Gould Street and to the parcel at 106 N. Dewey Street.~~
- ~~(2) — The provisions of this chapter are intended to carry out the recommendations of the 1991 M-21 corridor plan and the findings of the planning commission prior to the adoption of the ordinance amendment. The regulations set forth here are designed to be flexible in order to address the diverse nature of this area yet are based on a number of criteria to ensure appropriate, fair and consistent decision making.~~
- ~~(3) — An office overlay zoning district is applied when a development proposal is submitted for site plan approval to the planning commission, meets the development standards and other pertinent zoning standards, and is approved.~~
- ~~(4) — The overlay district shall not have the affect of rezoning any property described above in subsection (b)(1) in to another zoning district classification. No individual parcel will become nonconforming or any more nonconforming than it is under the current zoning classification.~~

~~(c) — Review procedures. Uses within this zone shall be subject to the review procedures required for the underlying district in which the use is located and as specified in this section. In addition the site plan review shall be conducted in a public hearing format as is provided for in [section 38-552](#)~~

~~(d) — Permitted uses. The overlay zone shall not affect any existing conforming use as is determined by the permitted land use and related standards for the underlying zoning districts. The office overlay district shall permit the uses outlined in [section 38-172](#), principle uses permitted, and [section 38-173](#), principle uses permitted subject to special~~

~~conditions, except that drive-in or drive-through facilities as a principle use or an accessory use shall not be permitted.~~

~~(e) — Development standards. Whenever the provisions of this section are enacted, a permitted use shall be in accordance with the site development standards of the overlay zone. The site development standards listed herein shall apply to all uses and property in this zone unless otherwise noted.~~

~~(1) — Required lot size: The minimum lot width shall be 114 feet except as is provided for in subsection (4)d.3.~~

~~(2) — Setbacks for buildings and parking:~~

~~a. — Front: There shall be a front yard setback of at least twenty-five (25) feet for buildings. This area shall not contain any parking area except for necessary access drives and vehicle maneuvering area and shall be landscaped according to the requirements of this section. Parking area shall not be located in front of the building(s) on the site.~~

~~b. — Rear and side: There shall be setbacks provided in accordance with the requirements of the zoning district in which the use is located.~~

~~(3) — Lighting standards: Lighting in this district used to illuminate any off-street parking area shall be arranged to reflect the light away from adjacent property and street. Specifically, lights with no cutoff-type luminaire shall be no higher than 10 feet and shall have a minimum illumination, measured at the lot line at ground level, of .20 candlepower. Lights with a cutoff-type luminaire shall be no higher than twenty (20) feet with a maximum illumination, measured at the lot line ground level, of .30 candlepower. Lights with a luminaire of less than 90° cutoff shall be no higher than twenty (20) feet, with a maximum illumination, measured at the lot line at ground level, of .50 candlepower.~~

~~(4) — Access standards: The planning commission shall review site plans according to the following standards relating to vehicle access and circulation. The purpose of specific standards is to increase traffic safety, lessen congestion, provide adequate access, promote community character, and ensure orderly development.~~

~~a. — The planning commission shall have the authority to limit the number of driveways for a site, and to require that parking lots on contiguous parcels be connected, driveways for contiguous parcels be shared, and opposite driveways be directly aligned. In determining whether the above access control measures are necessary, the following criteria shall be considered:~~

~~1. — The type and location of uses on the site.~~

~~2. — The location, size and design of existing and proposed parking areas.~~

~~3. — The existing and projected traffic volume on adjacent roadways.~~

~~4. — Compatibility between adjacent land uses.~~

5. — ~~Land ownership and location of lot lines.~~
6. — ~~The recommendations of the M-21 corridor study.~~
7. — ~~Topography and sight distance on-site and along adjacent roadways.~~
8. — ~~Distance from intersections.~~
9. — ~~Location of driveways opposite the site.~~
10. — ~~Width of roadway and number of lanes.~~
- b. — ~~A parcel shall not be denied reasonable access to M-21.~~
- e. — ~~A maximum of one (1) driveway shall be provided to an individual parcel or to a contiguous parcel under the same ownership from M-21 when the property in question has no other reasonable access to another abutting street or access road.~~
- d. — ~~Driveway spacing:~~
 1. — ~~Driveways shall be spaced at least one hundred (100) feet apart with measurements taken from the centerline of each driveway. The planning commission shall have the authority to waive, or modify the following spacing requirements when strict adherence to them would result in unreasonable access to the site. This minimum distance may also be decreased in order to provide for a shared driveway arrangement or to provide for safer traffic or pedestrian circulation. In modifying the driveway spacing requirements the criteria of subsection (e)(4)a. shall be used.~~
 2. — ~~Corner clearance. All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop-sign-controlled intersection be at least forty (40) feet from the perpendicular curb face of the intersecting street. Using a 15-foot driveway radius, the edge of the driveway throat shall be fifty (50) feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius.~~
 3. — ~~Bonus for combining access points. When two adjacent property owners agree to combine access points, the site development will be granted an incentive bonus. The road frontage normally required will be reduced to eighty-eight (88) feet for both landowners.~~
- e. — ~~Rear access: When a lot abuts an alley, access to the alley shall be prohibited unless the lot is located adjacent to a side street or the alley no longer serves residential properties.~~
- (5) — ~~To maintain the original character of this residential corridor and to tie the mixed-use district together, each development shall incorporate deciduous~~

~~hardwood plantings in an area from five (5) to ten (10) feet from the sidewalk in the front yard area. The existing trees and new trees in this area shall maintain a spacing standard of one (1) tree for every thirty (30) feet of frontage. During site plan review the planning commission may revise the spacing to meet sign visibility needs and driveway site clearances. Tree species shall conform to the city arborist's recommended list of street frontage trees as may be amended from time to time and shall conform to the applicable standards of section 38-384~~

~~(6) — No land assembly for the purposes of establishing an overlay district shall result in isolating one interior zoning lot that is less than eighty-eight (88) feet in width. If the development of the overlay district results in a lot less than the required width of one hundred fourteen (114) feet but not less than eighty-eight (88) feet, the planning commission shall authorize an office use if all other standards of this section and chapter are met.~~

~~(Ord. No. 610, § 1, 2-19-02)~~

YEAS ALL. MOTION CARRIED.

MOTION BY COMMISSIONER WEAVER, SUPPORTED BY LIVINGSTON TO SET A PUBLIC HEARING TO REZONE TWELVE PARCELS FOR REZONING PARCELS AT ABOUT 7 P.M. ON TUESDAY MAY 27, 2014 AT THE PLANNING COMMISSIONER MEETING IN THE COUNCIL CHAMBERS. THOSE PARCELS ARE:

Parcel or Area	Current Zoning	Potential Zoning
515 East Main	R2	OS1
615 East Main	RM1	B1
617 East Main	OS1	B1
827 East Main	OS1	B4
831 East Main	OS1	B4
835 East Main	RM1	B4
508 East Main	RM1	OS1
512 East Main	RM1	OS1
830 East Main	RM1	B4
832 East Main	RM1	B4
834 East Main	RM1	B4
910 East Main	B1	B4

Classifications:

R2 – Two-family residential RM1 – Multiple-family residential
 OS1 – Office service district; B1 – Local business district
 B4 – General business district

YEAS ALL. MOTION CARRIED

ITEMS OF DISCUSSION: None

COMMISSIONER / PUBLIC COMMENTS:

Several commissioners noted this was a very productive meeting.

ADJOURNMENT:

**MOTION BY COMMISSIONER WOODWORTH, SUPPORTED BY COMMISSIONER BANDKAU, TO
ADJOURN AT 8:48 P.M.
YEAS ALL. MOTION CARRIED.**

Tom Kurtz, Secretary

mms