

MINUTES
REGULAR MEETING OF THE OWOSSO ZONING BOARD OF APPEALS
CITY OF OWOSSO
JANUARY 19, 2016 at 9:30 AM
CITY COUNCIL CHAMBERS

CALL TO ORDER: The meeting was called to order by Randy Horton at 9:30 a.m.

ROLL CALL: Was taken by Recording Secretary Bridget Cannon.

MEMBERS PRESENT: Chairman Randy Horton, Secretary Dan Jozwiak, Board Member Kent Telesz Planning Commission Representative Thomas Taylor, Alternate John Horvath and Alternate Matthew Grubb

MEMBERS ABSENT: Vice-Chairman Christopher Eveleth

OTHERS PRESENT: Ms. Susan Montenegro, Assistant City Manager and Director of Community Development; Doug Scott, Rowe Professional Services Company; Justin Horvath, Shiawassee Economic Development Partnership; Graham Sturgeon, Independent Newspaper Group

AGENDA: IT WAS MOVED BY BOARD MEMBER JOZWIAK, AND SUPPORTED BY BOARD MEMBER TELESZ TO APPROVE THE AGENDA OF JANUARY 19, 2016 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY BOARD MEMBER TELESZ, AND SUPPORTED BY BOARD MEMBER JOZWIAK TO APPROVE THE MINUTES OF OCTOBER 20, 2015 AS PRESENTED.

YEAS: ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. ZBA minutes from October 20, 2015
3. Variance Request – 1509 W. Oliver Street – Cargill, Incorporated
4. Public Notice

COMMISSIONER/PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. VARIANCE – 1509 W. OLIVER STREET – CARGILL, INCORPORATED

Doug Scott, Rowe Professional Services Company – Cargill, Incorporated is proposing development on the 19.11 acre site for an agricultural grain processing facility. The petitioner is seeking a dimensional variance for height at the property. The property is currently zoned I-1 (light industrial) and has a maximum height of 40'. A site plan and elevation views of the proposed accessory structures have been provided. The proposed structure heights of a 109' elevator structure, a 56' storage silo, and a grain handling leg system, which services the silos, will have a height of 94.5' above the current site elevation. The proposed structures heights are crucial to the operation of the facility.

Susan Montenegro, Assistant City Manager & Director of Community Development - During construction, a temporary entrance will be off of Oliver Street. Oliver Street will not be used as point of access after November, 2016. City of Owosso has been in conversation with Sunoco to build a road that will allow access to the site off of N. Chipman.

Mr. Scott states Cargill, Incorporated is expecting to employ 11 full-time employees initially on site, and would eventually like to double the number employed based on sales, etc. Noise level for proposed development will predominantly be result of mechanical equipment, but will also include the loading & unloading of rail cars at site. Cargill is expecting 14 deliveries daily to start from semi-trucks. Delivery

numbers will eventually increase, but by that time the Chipman Street entrance will be in place. No flammable materials will be stored at site, or processed at site. Proposed factory is for mixing grain with molasses and other proteins.

Chairman Horton opens up the meeting to public comments

Jim Etchison – 1484 W. King Street – Owns property across the street from the proposed site. Initial concern included where the main entrance would be located, but board has discussed main entrance will be off of North Chipman. Mr. Etchison inquired how the current woods & wildlife on the property outskirts would be affected by this proposed development. Mr. Etchison has no objections to the proposed construction and believes it will be a good addition to the city of Owosso.

Mr. Scott explained the wooded area that borders King Street would remain. The natural buffers on the outskirts of this site are seen as advantageous to the developer and will remain, for the most part.

David Vaughn – 1210 W. Oliver Street – Mr. Vaughn's main concern was where the main entrance for the site would be located. He does not want to see an excess number of delivery vehicles and trucks using Oliver Street for deliveries. He does not want their adverse effects on the roads.

Mr. Scott explained Oliver Street will not be used as the main entrance for the site after November, 2016. The new drive will allow the trucks to maneuver and provide ease of deliverability to site.

Justin Horvath, Shiawassee Economic Development Partnership – Mr. Horvath contends this site was chosen for this agricultural development because it offers access to rail, water, power, and gas. It also has a natural buffering, a wooded area, on the outskirts of the property lines. This natural buffer will remain.

Board discusses rail traffic and expected number of rail cars that will be dropped off weekly. Cargill is expecting an average of eight rail cars to be dropped off once or twice a week.

MOTION BY BOARD MEMBER TAYLOR, SUPPORTED BY BOARD MEMBER JOZWIAK AFTER REVIEWING THE CASE FOR 1509 W. OLIVER STREET (050-537-000-048-00), THE OWOSSO ZBA HEREBY APPROVES THE PETITION FOR A DIMENSIONAL VARIANCE AT THE PROPERTY LISTED ABOVE WITH THE FOLLOWING BASIC CONDITIONS BEING SATISFIED:

1. Will not be contrary to the public interest or to the intent and purpose of this chapter;

The dimensional variance request from Cargill, Incorporated will not be contrary to the public interest or to the intent and purpose of Owosso Code of Ordinances, Chapter 38.

2. Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required;

The proposed use (animal nutrition processing) is consistent with the uses permitted in the I-1 district-manufacturing, processing, and packaging of food products.

3. Is one that is unique and not shared with other property owners;

The proposed development is the only grain processing facility within the City of Owosso.

4. Will relate only to property that is under control of the applicant;

The proposed development will be entirely contained within the subject parcel. All property will be owned by the applicant.

5. Is applicable whether compliance with the strict letter of the restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

The 40 foot height limitation would prevent the construction of site amenities in question. Without these amenities, the proposed development would not be possible.

6. Was not created by action of the applicant (i.e. that it was not self-created);

Cargill, Incorporated is requesting a dimensional variance that would allow structures to be constructed that exceed the maximum 40' height allowed in I-1. Thus, it is self-created. However, without these structures, the property would be unsuitable for the proposed use.

7. Will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or increase the danger of fire or endanger the public safety;

The proposed structures which exceed the height limitation are generally open truss type structures and do not impede the flow of air or light travel. The structures are contained within the site setbacks and do not impact congestion on public streets.

8. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;

The proposed development is consistent with surrounding properties and will not adversely impact the surrounding property values.

9. Is applicable whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the area, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;

The proposed structure heights are consistent with other similar facilities in the area (grain elevators) and are considered the minimum structure heights for the facility.

SPECIAL CONDITION CLEARLY DEMONSTRATED:

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district.

The strict adherence to the maximum building height would render this property unsuitable for the proposed use. The proposed structures heights are crucial to the operation of the facility.

ROLL CALL VOTE: AYES ALL. MOTION CARRIED.

BUSINESS ITEMS: NONE

COMMISSIONER/PUBLIC COMMENTS:

Board agrees the proposed agricultural facility is both exciting and good for the community. The site plan review will go before the Planning Commission in February, 2016.

ADJOURNMENT:

**MOTION BY BOARD MEMBER GRUBB, SUPPORTED BY BOARD MEMBER HORVATH TO
ADJOURN AT 10:12 A.M.
YEAS ALL. MOTION CARRIED.**

Dan Jozwiak, Secretary

b.a.c.