

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
VIRTUAL MEETING
Monday, June 22, 2020 – 6:30 P.M.**

City Manager Nathan Henne announced the meeting would be held as a Virtual Meeting due to the COVID-19 pandemic, under the authority of Executive Order No. 2020-15 of the Office of the Governor of the State of Michigan.

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Recording Secretary Tanya Buckelew

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Secretary Fear, Commissioners Law, Robertson, Taylor and Yerian

MEMBERS ABSENT: Commissioners Jenkins

OTHERS PRESENT: Justin Sprague, CIB Planning, Josh Williard, Josh's Frogs

APPROVAL OF AGENDA:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY SECRETARY FEAR TO APPROVE THE AGENDA FOR June 22, 2020.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE May 26, 2020 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS:

1. 715 S. Washington Street – Rezoning Request – Southeast Corner of S. Washington and Stewart Street. R-2, Single-Family Residential to B-1, Local Business District

The following comments from Justin Sprague, CIB Planning, City of Owosso Planner:

The applicant is proposing to expand his existing business into the vacant church located on the property. Josh's Frogs has been a staple business in the City of Owosso for a number of years, and this site presents the ideal space for growth of this company.

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 at the public hearing, additional information provided by the applicant, and your own findings based on ordinance standards as part of your deliberation and recommendation to City Council.

EXISTING LAND USE, ZONING AND FUTURE LAND USE

	Existing Land Use	Zoning	Master Plan
Subject Site	Vacant Church	R-2, Single Family Residential	Single Family Residential
North	Single Family	R-1 & R-2	Single Family
South	Single Family	R-1 & R-2	Single Family
East	Single Family	R-1 One Family Residential	Residential
West	Commercial	B-4 General Business District	Commercial

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 – It is our opinion that this rezoning would not significantly impact the neighborhood, conflict with the overall goals of the Master Plan, or impact the intent of the Zoning Ordinance.

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 B-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 residential. In this case, the applicant will not be changing any of the exterior facility, or existing signage and would keep all business operations confined within the building. The existing parking lot will provide ample parking for the limited number of employees (15-20) that will be located on site.

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 – The B-1 Local Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The uses in this district are minimal in intensity and are not intended to be a disruption to existing residential areas. The uses in this district are far more compatible and less intense than the B-4 zoning that is located directly east of this property fronting along S. Washington.

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 – Services to this site are sufficient to meet the needs of the proposed use.

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 – There are very few properties within the city that are zoned B-1, which is the lowest commercial zoning district that still permits the proposed use.

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 submitted before the City.

RECOMMENDATION

Based upon the above comments, **we recommend approval of the rezoning request for Josh's Frogs to be located at 715 S. Washington Street based on the following items;**

1. That the request is not in conflict with the Master Plan or the Zoning Ordinance;
2. The site is compatible with uses in the proposed B-1 Zoning District;
3. The applicant is not rezoning just to increase the return on investment of the property;
4. That infrastructure to the site is sufficient; and
5. The request has not been previously submitted to the City for consideration;

PUBLIC HEARING OPENED AT 6:38 PM

The following comments were received:

1. Justin Horvath, SEDP and neighbor of 715 S. Washington St. is in favor of the rezoning. The growth of Josh's Frogs has added jobs and bringing in dollars to the area. As a neighbor, he is in favor as it is a good fit (there are other commercial businesses in the area) and it puts the property back on the tax roll.
2. Josh Williard, owner of Josh's Frogs, stated the traffic would be from 15-20 employees and occasional school group tours.
3. K. Keyes and D. Bjorklund of 709 S. Park St. submitted the following via email (underlined) and includes – *in italic* – *Josh Williard's response:*
The increase in noise and traffic that comes with a business with 15-20 employees.
We feel it will be much less traffic than that which comes with a church. Work will be done inside the building and nothing we do creates much of any noise.
Will they be adding a loading dock with frequent delivery trucks? Where will this be located on the property?
No loading dock, as we will not be sending/receiving any freight. We will have a normal FedEx delivery van picking up boxes at the end of the day Monday-Thursday (the same van delivering packages to the homes in the neighborhood).
What hours will the business be open? Will employees work outside normal business hours?
Most employees will be working between 8am-6pm, with a few occasional exceptions. The business is not a retail location, and will not be open to walk-in customers.
Are there future plans to ever open a retail site as part of the business?
Nope. Possibly will host school field trips on occasion (we do a lot of educational outreach).
What short-term and long-term changes will be made to the property? Is Josh's Frogs planning on staying at this site long term or moving out within the next few years?
The vast majority of the changes will be inside the existing structure. There is talk of adding some picnic tables to the property, as well as improving the landscaping. In order to be ADA compliant, we will be excavating and adding access to the basement from the outside of the building so both floors are accessible.
Are they planning on constructing new buildings or making any additions to the current building?
There will be the ramp mentioned above with no other plans for adding other buildings or adding buildings onto the current Church. There will be some remodeling inside the current building.
How will the business handle waste disposal?
2 dumpsters (trash and recycling) will be located off of the parking lot.
Being unfamiliar with the process of amphibian/reptile/insect breeding, will odors and noise be an issue? How do you control for that?

There will be no odors or noise issues. Some of the frogs will call, but being inside of a glass enclosure and then inside of a building muffles the noise to the extent that I'm not sure you could hear it from the road if there was no other ambient noise.

Is this just a zoning change for the building itself? What will happen with the rest of the property? Zone change is only for the block that the building is on. The other plots of land owned by the church will remain zoned residential.

4. Robert Siddock, 830 S. Park St. spoke of concerns regarding the alley that many of the former church members would use to speed.
 - Josh Williard stated his employees would use the Washington Street entrance and there is plenty of parking on site.
 - Justin Sprague suggested signs stating "Alleyway is not available for commercial traffic."
 - Nathan Henne will refer to DPW.

The public hearing was closed.

Commissioner's Comments:

1. Secretary Fear had concerns with spot zoning. Would there be any screening on the east side and with waste disposal and the noise level.
 - Justin Sprague stated he had considered spot zoning but from a planning standpoint there are other commercial businesses in the area and the future Master Plan shows more commercial in the area.
 - Josh Williard stated he was planning on a dumpster, but could be flexible. The other properties could possibly be homes and is not opposed to screening the east side area from the neighbors.
 - Chairman Wascher stated when the church was there, they had a dumpster on site.

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE REZONING REQUEST BASED ON THE ABOVE FACTS AND FINDINGS, IN ADDITION ANY DUMPSTER(S) ON SITE ARE TO HAVE THE APPROPRIATE SCREENING AS PER ORDINANCE.

YEAS: COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONERS ROBERTSON, TAYLOR, YERIAN AND CHAIRMAN WASCHER

NAYS: SECRETARY FEAR

RCV 6-1 MOTION CARRIED

OLD BUSINESS: NONE

NEW BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS:

1. Justin Sprague stated an updated version of the Master Plan has been submitted to the City. This new draft contains the full economic development chapters. At the July meeting, he will go thru the draft with the board.

ADJOURNMENT

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY VICE-CHAIR LIVINGSTON TO ADJOURN AT 7:11 P.M. UNTIL THE NEXT MEETING ON July 27, 2020.

YEAS ALL, MOTION CARRIED.

Janae L. Fear, Secretary