



MEMORANDUM

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

DATE: June 17, 2016

TO: Mayor Frederick and the Owosso City Council

FROM: Susan Montenegro
Asst. City Manager/Community Development Director

SUBJECT: Set Public Hearing to rezone S. Park Street, parcel 050-652-011-006-00

RECOMMENDATION:

Staff recommends setting a public hearing for Tuesday, July 5, 2016 to consider request for rezoning of S. Park Street, parcel 050-652-011-006-00.

BACKGROUND:

A letter was sent to Mr. Crowe informing him of planning commission's decision to deny the request and his right to appeal that decision to city council. Since that time it has come to light that an appeal is not necessary as planning commission is an advisory board to city council in rezoning matters. All rezoning petitions are to come before city council for approval or denial since they are the legislative body, even if planning commission denies the request at their level. It is at that point city council has the right to uphold or overturn the planning commission decision. Please see details below.

Planning commission held a public hearing at its regularly scheduled meeting on May 23, 2016 to hear a petition to rezone parcel 050-652-011-006-00, also known as S. Park Street from R-1, single family residential to B-4, general business. This particular parcel is attached to parcel 050-652-011-013-00, known as 1007 S. Washington Street, which was rezoned by council from B-1, local business to B-4, general business, on May 16, 2016. The purpose of rezoning this property was so that the owner of Sheridan Realty, Troy Crowe, could obtain a dealer's license through the State of Michigan to sell cars at auction on the parcel.

The Planning Commission, after mailing notices and holding a public hearing, voted to deny the rezoning request at its regular meeting on May 23, 2016 after hearing objections from several residential neighbors along S. Park and S. Saginaw Streets. The denial stops any further expansion and prohibits current use.

Additional facts of finding council should consider in determining rezoning request:

- Baker College was the previous owner, which allowed the R-1, single residential zoning of the back lot and use as a parking lot. All schools and churches in Owosso are zoned R-1, which is a common practice throughout the State of Michigan.
 - Parking lot was built in 2000 with intention of business use, although current zoning was left intact. (Per planning commission meeting minutes from June 1998).
 - The dealer's license Mr. Crowe obtained for the front parcel will only allow him to park cars for auction on that lot (please see attached map for clarification).
-

City Code Section 38-555 lists the criteria when considering the rezoning of a property as follows:

Sec. 38-555. Criteria for amendment of the official zoning map.

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.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- (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.
- (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.
- (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."
- (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.
- (7) The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- (8) Other factors deemed appropriate by the planning commission and city council.

Document originated by: Susan Montenegro

RESOLUTION NO.

**TO SET A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 38 ZONING
OF THE CODE OF ORDINANCES
TO REZONE PARCEL NO. 050-652-011-006-00, S. PARK STREET
AND AMEND THE ZONING MAP**

WHEREAS, the city council of the city of Owosso received a petition from Crowe Properties, LLC, owner of real property identified as South Park Street, parcel number 050-652-011-006-00, to rezone the parcel from R-1 Single Family Residential District to B-4 General Business District; and

WHEREAS, the planning commission subsequently published the request and mailed notices of the request to surrounding property owners, held a public hearing on the request, and deliberated on the request; and

WHEREAS, the planning commission recommends denial of the rezoning of South Park Street, parcel number 050-652-011-006-00, as petitioned; and

WHEREAS, the item must now be considered by the city council and a public hearing by the council is required before any such ordinance amendment can be acted upon.

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 change, to be noted on the official map and filed with the city clerk:

Parcel Address	Current Zoning	Amended Zoning
South Park Street	R-1, Single Family Residential District	B-4, General Business District
Description		
LOTS 8 THRU 13 BLK 11 A L WILLIAMS 2ND ADD INCLDG ½ CLSD ALLEY		

SECTION 2. PUBLIC HEARING. A public hearing is set for Tuesday, July 5, 2016 at or about 7:30 p.m. 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 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.

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, TX 989-725-0540, FX 989-723-8854

Note to Applicants:

1. In order that this application may be processed, the applicant must completely fill in the application and make a non-refundable payment of Three Hundred Dollars (\$300) to the Treasurer's Office, to cover costs associated with the processing.
2. 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.

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: Street Address 1007 S. WASHINGTON ST OWOSSO
Description: (lot, block or metes and bounds) LOTS 22, 23, 24, 8, 9, 10, 11, 12, 13
Frontage in Feet 88' Depth in Feet 264'
2. PROPERTY OWNERSHIP: (Name, Address, and Phone Number)
CROWE PROPERTIES LLC PO BOX 1627 OWOSSO MI 989-666-6339
3. ZONING REQUEST Current Zoning B-1 Requested Zoning B-4
Proposed Use of the Property _____

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:

OUR AUCTION BUSINESS REQUIRES US TO HAVE A DEALERS LICENSE TO SELL VEHICLES BY AUCTION, SO WE NEED TO HAVE THE LICENSE.

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)

PO BOX 1627 OWOSSO MI
(Address)

(Signature of Co-Applicant)

989-666-6339
(Phone)

- ☐ Legal Representative
☒ Owner
☐ Option to Purchase

FOR OFFICIAL USE ONLY

Case # _____
Receipt # _____
Date Filed _____
Description Checked _____

Planning Commission Hearing Date _____
Action Taken _____
City Council Hearing Date _____
Action Taken _____

S. Park Street



May 2, 2016

City of Owosso

Parcel 050-652-011-006-00

S. Park Street



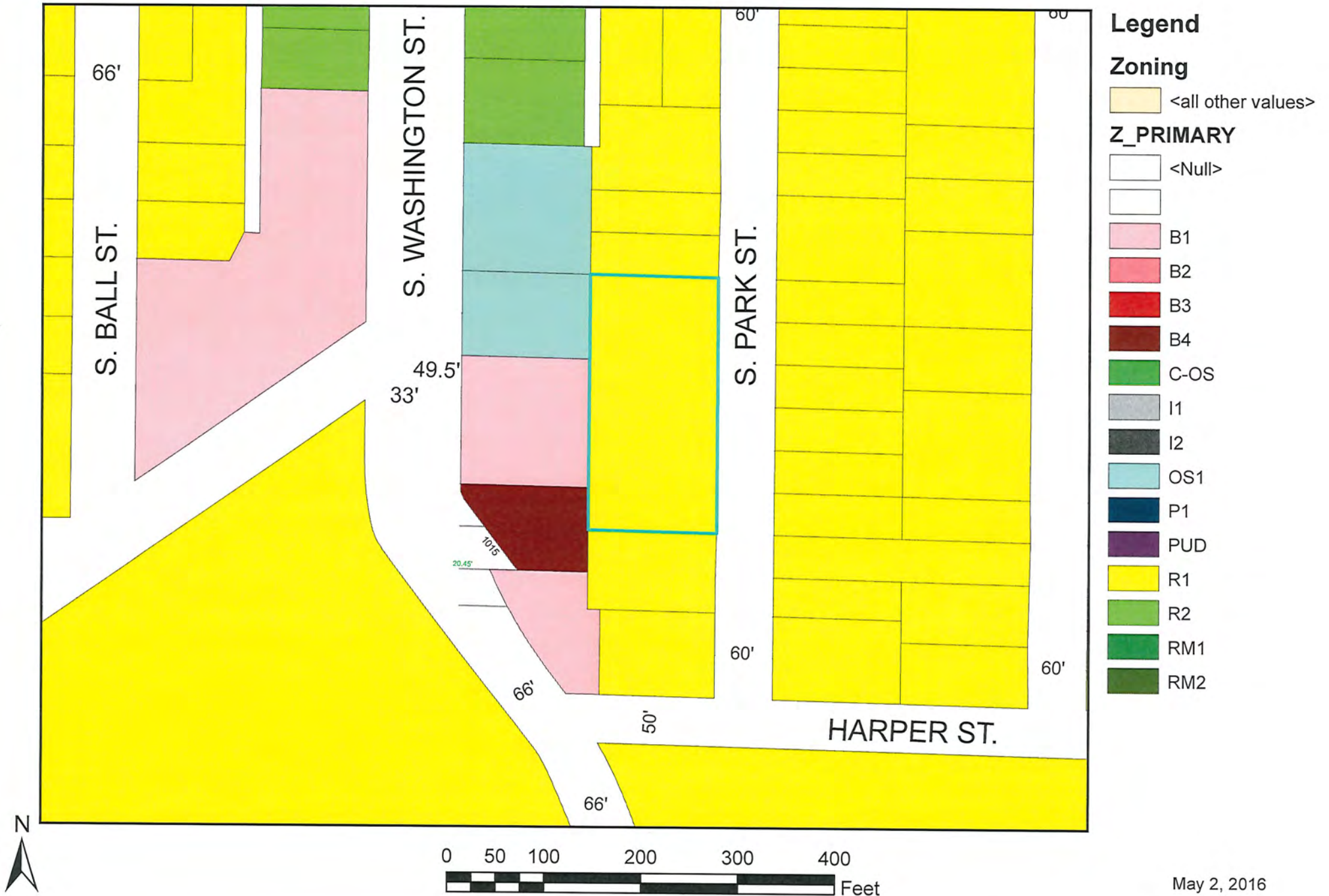
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Feet

May 2, 2016

City of Owosso

Parcel 050-652-011-006-00

S. Park Street



**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY, MAY 23, 2016 – 7:00 P.M.**

CALL TO ORDER: Chairperson Bill Wascher called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Was recited.

ROLL CALL: Roll call was taken by Recording Secretary Roxane Cramer.

MEMBERS PRESENT: Chairman Bill Wascher, Commissioners Tom Taylor, Janae Fear, Frank Livingston, Michael O'Leary (7:12 p.m.) and Garfield Warren.

MEMBERS ABSENT: Vice-Chair Craig Weaver, Commissioners Michelle Collison and Brent Smith.

OTHERS PRESENT: Several persons against rezoning of the South Park Street parcel; Neil Frank, Wolgast; Eric Spitler, OHM Advisors; David Duryea, O.D.; Tyler Lepannen, Housing Program Manager, Don Crawford, City Manager.

APPROVAL OF AGENDA:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR, TO APPROVE THE AGENDA FOR MAY 23, 2016.
YEAS ALL. MOTION CARRIED.**

APPROVAL OF MINUTES:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES OF APRIL 25, 2016 WITH THE FOLLOWING CHANGE: REMOVE COMMISSIONER LIVINGSTON'S NAME FROM MEMBERS PRESENT.
YEAS ALL. MOTION CARRIED.**

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from April 25, 2016.
3. Rezoning application packet – 1007 S. Washington.
4. Site Plan application packet for 123 S. Shiawassee
5. Sign ordinances from: Owosso, Grand Haven, Greenville, Holland and Traverse City.

COMMISSIONER/PUBLIC COMMENTS

None.

PUBLIC HEARINGS:

1. Rezoning of S. Park Street, Parcel 050-652-011-006-00 from R-1 to B-4

Mr. Lepannen presented Chairman Wascher with a letter from Bob Moberg. Chairman Wascher stated the resident was against the rezoning.

Bob Moberg, property owner on South Saginaw Street, stated that he was the one that sent the letter. He feels that this should not be rezoned. It is a residential area and should remain that. He doesn't believe this is in the best interest of the community or the neighborhood. He believes there isn't any

area for a pole building of any size on the property. He believes it would hurt the value of the homes in that neighborhood.

Jack Desantis, resident at 971 South Park Street, stated it is a nice quiet neighborhood. He also expressed concern that his taxes would be raised due to the change. He said he is still against it. He believes it would cause more traffic on South Park Street.

Mr. Lepannen explained to the commission if they approve the rezoning and Sheridan wanted to build a pole building he would have to come before the commission for a site plan review and at that time they could also address a traffic plan.

Joseph Smith, former property owner of 942 South Saginaw Street said that while he had quit claimed his property to his son he was against the rezoning.

Keith Smith, 942 South Saginaw, stated he was against the rezoning.

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER WARREN THAT THE OWOSSO PLANNING COMMISSION HEREBY DENIES THE REZONING OF THE PROPERTY LOCATED ON SOUTH PARK STREET, PARCEL NUMBER 050-652-011-006-00 FROM R-1 TO B-4.

Roll Call Vote.

AYES: Commissioners Taylor, Fear, O'Leary, Livingston, Warren and Chairman Wascher.

NAYS: None.

ABSENT: Vice-Chair Weaver, Commissioners Collison and Smith.

SITE PLAN REVIEW:

1. 123 South Shiawassee – Advanced Eye Care.

Neal Frank with Wolgast, located at 1494 North Graham, Freeland, Michigan, presented the plan for his client. Dr. David Duryea wants to demolish the current building on the site and build a 4,325 square feet single story space. The building will be used as an office for Advanced Eye Care. The building will include a partial basement. The current building will remain during the building of new one.

Chairperson Wascher expressed his disappointment that the plans indicated the sidewalk that they will be replacing on Clinton Street will only be 3 ½ feet wide. He feels sidewalks should be at least 4 or 5 feet wide that are replaced in the City.

MOTION BY COMMISSIONER O'LEARY, SUPPORTED BY COMMISSIONER TAYLOR THAT THE OWOSSO PLANNING COMMISSION HEREBY APPROVES THE APPLICATION FOR SITE PLAN REVIEW FOR ADVANCED EYE CARE, 123 S.SHIAWASSEE STREET PARCEL # 050-700-001-014-00 AS PROPOSED IN PLANS DATED APRIL 2016.

AYES: Commissioners Livingston, Warren, Taylor, Fear, O'Leary, and Chairman Wascher.

NAYS: None.

ABSENT: Vice-Chair Weaver, Commissioners Collison and Smith.

BUSINESS ITEMS:

None.

ITEMS OF DISCUSSION:

1. **Sign Ordinance Update.**

Mr. Lepannen indicated he has been working on an update for the ordinance. Discussion was tabled until the June 2016 meeting.

COMMISSIONER/PUBLIC COMMENTS:

The commissioners had a discussion about the width of sidewalks in the city.

Commissioners also discussed the denial of the rezoning of the South Park Street.

ADJOURNMENT:

**MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO
ADJOURN AT 8:01 P.M. UNTIL THE NEXT MEETING ON JUNE 27, 2016.
YEAS ALL, MOTION CARRIED.**

Janae Fear, Secretary

rc



*Susan Montenegro
Assistant City Manager
Director of Community Development*

301 WEST MAIN STREET • OWOSSO, MICHIGAN 48867-2958

June 7, 2016

Mr. Troy Crowe
Sheridan Realty & Auction Company
1007 S. Washington Street
Owosso, MI 48867

Dear Troy:

At their regular meeting on May 23, 2016, the Owosso planning commission reviewed your petition to rezone the parcel of land you own on S. Park Street (parcel 050-652-011-006-00 from R-1 Single Family Residential to B-4 General Business District. Unfortunately, planning commission denied your rezoning request for this particular parcel. You have the right to appeal this decision to the Owosso City Council. If you wish to proceed with an appeal you must do the following:

- Contact my office at the number listed below
- Provide a written statement asking to appeal the decision
- Attend the council meeting on the date the appeal will be heard

This item would require a public hearing and will need to be placed on the consent agenda to set a public hearing date. The proposed public hearing date, should you decide to appeal, will be set for Tuesday, July 5, 2016 at 7:30 p.m.

All official records and correspondence concerning this rezoning petition denial is on file with the City of Owosso and is available upon request. Please keep a copy of this letter for your records.

Sincerely,

Susan Montenegro,
Assistant City Manager/Director of Community Development
City of Owosso
susan.montenegro@ci.owosso.mi.us
(989)725-0544

June 13, 2016

Susan Montenegro
301 W. Main St.
Owosso, MI. 48867

Dear Susan,

We have received the letter stating the decision of the Owosso planning commission denying the request for rezoning our land on S. Park Street, Parcel 050-652-011-006-00. We understand there are concerns from people in the neighborhood and we would like to take a moment to clarify some of these.

All expressed concern about:

- Increased traffic on Park Street

****Our driveway is off from Washington St, we have a fence that runs along Park St with no access panels to Park St, we currently do not have any plans to gain access to Park St.

- Afraid of changes that will result

****Not sure what this comment means.....

- Don't like the look coming in on Gute Street

****I would need to know what this means....since most of the items that we sell are inside however we do have trailers and automobiles that are parked in the parking lot.

- Changing the residential feel of the neighborhood

****We are already zoned commercial in the front lot, we have businesses surrounding us which have been here long before we started.

- Hours of operation, including late nights and weekends

****Current hours are 8-5 with Wednesday evening being open until 8PM, we currently do not have hours on the weekends and do not plan on having hours on the weekend at this point. Baker College, which is located directly across the street holds classes until 10PM.

- Storage of items for lengthy periods of time

****Most of the items are inside however our trailers that we need to operate our business are kept outside.

· What happens to items that don't sell

****The items that are not sold, which are very few, are picked up by the seller after the auction.

· Semi-trucks rolling in at all hours

****Currently one semi truck comes once a month is on site for less than 2 hours and it is during normal business hours.

· Diesel smell

****Please see above.....

· Riff-raff gathering on Park Street to see items in your lot


****Not sure why the RIFF RAFF would be gathering back on Park St since they can gain access to our lot from Washington St that is not gated.

· Increase in property taxes

****This will have no bearing on the residential lots once the zoning changes to commercial...

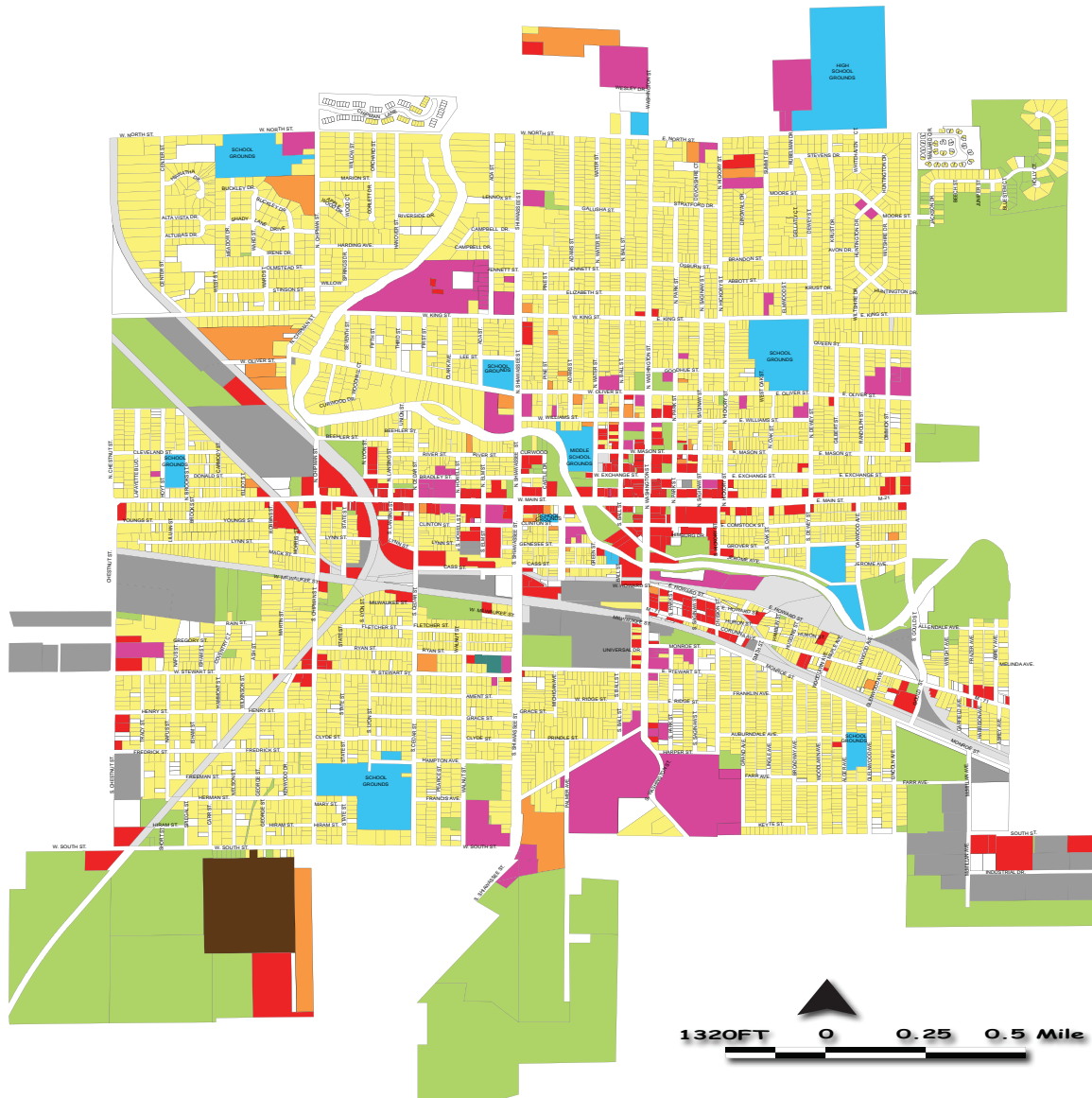
As you can see, we have valid response to most of the stated concerns and would like to request an appeal of the decision made by the planning commission. If you need more information, please do not hesitate to contact me.

Sincerely,



Troy Crowe,
Sheridan Realty & Auction Co.
troy@sheridanauctionservice.com
989-666-6339

City Of Owosso 2012 Master Plan Map 9: Existing Land Use



Land Uses

-  Vacant
-  Low Density Residential
-  High Density Residential
-  Mobile Home Park
-  Commercial
-  Industrial
-  Utility/Railroad
-  Institutional: Public
-  Institutional: Private
-  Public Schools



July 24, 2012

City Of Owosso 2012 Master Plan Map 16: South East Future Land Use

Land Uses

-  One Family Residential
-  Two Family Residential
-  Multiple Family Residential
-  Multiple Family - High Rise
-  Office
-  Local Business
-  Mixed Use/Traditional Commercial
-  General Commercial / Office
-  Industrial
-  P-1 Parking
-  Conservation/Flood Plain
-  PUD Planned Unit Development



July 24, 2012

November 19, 2012



7.6 MULTIPLE FAMILY RESIDENTIAL – HIGH RISE

This classification reflects the intent of the multiple family residential district while permitting structures as high as 70 feet. This classification is further intended to place the city's highest permissible form of residential development in close proximity to the city center and major thoroughfares. Senior housing, student housing, low-income housing, and non-specific housing are all candidates for this classification. Structures of this scale are very efficient financially, are visually pronounced, and can generate high volumes of vehicle and pedestrian traffic. Such uses would be best suited in transition zones between commercial areas and parks, the river, non-single family housing, and institutional spaces. The corresponding zoning classification is RM-2.

7.7 MOBILE HOME PARK

The mobile home park classification is intended to provide suitable locations for this type of high intensity residential land use. Generally, it is important for this type of use to have direct access to a major thoroughfare, be served by public sewer and water, and be in close proximity to public facilities (schools, parks) as well as be convenient to area shopping, education, and employment opportunities.

Site design standards for new mobile home parks are governed by the Mobile Home Commission Act and the rules promulgated by the commission. Currently, there is only one mobile home park in the city, located on the south west side. Because of the design of this development, expansion is not likely. No other areas are designated for future mobile home parks. There is a zoning classification specific to mobile home parks.

7.8 OFFICE

The office use is intended to accommodate destination office space for corporations, professional services, banks and similar uses. This classification is ideal for areas that do not have direct access to a vehicle thoroughfare or high visibility but are still in a transitional area between high intensity commercial zones and all other uses. This classification corresponds to the OS-1 office zoning classification that is prevalent on the north side of downtown.

7.9 LOCAL BUSINESS

This classification is intended to provide for retail, service, and office needs that serve residents and employees within the neighborhood or vicinity. The food and convenience stores located in Westtown, near Baker College, and on King Street are good examples. Local business is intended to integrate completely with the residential neighborhood around it and be of a very low impact. Outside of a mixed-use project this use can function on an iso-

lated parcel without being considered a spot zone, provided that the location is on a collector street intersection or is otherwise planned to integrate and/or provide a transition within a neighborhood. This use reflects the B-1 local business zoning classification.

In areas where a larger area is to be served by multiple businesses that can share a common entrance or parking area, the B-2 planned shopping center district may apply. This use is utilized in only one instance on North M-52, and should probably be eliminated and/or consolidated entirely.

7.10 MIXED USE TRADITIONAL COMMERCIAL

This classification is designed to provide for office, retail, hotel, restaurant, service, upper floor residential, and related business activities that serve an immediate, local, and regional area. The intent of this classification is to provide for walkable areas that promote 'placemaking' and a mixture of uses and activities. This designation applies primarily to downtown and other areas of historic and/or traditional and walkable commercial development, including Westown.

This classification corresponds to the B-3 central business district zoning district. This use relies heavily upon shared elements and area planning to ensure adequate parking, design, and function. Consideration should be given to a form-based code or design standards that further detail building placement, minimum building heights, and first floor uses. It is expected that this classification remain in force downtown and be applied to Westown as well.

7.11 GENERAL COMMERCIAL/OFFICE

This district is intended to provide for commercial activities that are incompatible with the local and mixed use commercial zones. Such uses often serve a regional market and are dedicated to high volume automobile use, large lot uses, or other quasi-commercial trade functions. Examples include those places of business that are comprised of or are identified as wholesale trade, outdoor storage, fueling stations, car lots, and clinics. This should also be considered as the primary classification for commercial and institutional uses with substantial needs for assembly.

The corresponding zoning classification is the B-4 general business district. This use is zoned for much of M-21 and the western portion of M-71. Given the regional land use pattern that places much of this activity east of the city, as well as the goals of the city, these areas should be limited moving forward so that a general land use pattern conducive to pedestrians and mixed-use prevails.