

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Council Chambers, City Hall
April 9, 2012 – 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 Melvin Renfrow; Commissioners David Bandkau; Tom Kurtz; Cindy Popovitch; Brent Smith; and Thomas Taylor.

MEMBERS ABSENT: Vacancy

OTHERS PRESENT: Adam Zettel, Assistant City Manager and Director of Community Development.

AGENDA APPROVAL:

MOTION BY COMMISSIONER LIVINGSTON, SUPPORTED BY COMMISSIONER KURTZ TO APPROVE THE AGENDA FOR APRIL 9, 2012 WITH THE CORRECTION OF THE NEXT REGULAR MEETING BEING ON APRIL 23, 2012.

YEAS ALL. MOTION CARRIED.

MINUTES APPROVAL:

MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER LIVINGSTON TO APPROVE THE MINUTES OF THE MEETING OF MARCH 26, 2012.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum
2. PC minutes from March 26, 2012
3. Rezoning materials
4. Master plan implementation draft

COMMISSIONER / PUBLIC COMMENTS: NONE

PUBLIC HEARING: ZONING AMENDMENT – AMENDMENT PROCEDURE

Mr. Adam Zettel stated that the current timeline for a zoning amendment is sometimes problematic and doesn't match up with state regulations. This amendment will assist in correcting both issues. Public Hearing was held with no comments.

MOTION BY COMMISSIONER POPOVITCH, SUPPORTED BY COMMISSIONER TAYLOR THAT THE OWOSSO PLANNING COMMISSION, FINDING THE REQUEST TO BE IN CONFORMANCE WITH THE CRITERIA FOR A ZONING CHANGE, HEREBY RECOMMENDS REFERRAL TO OWOSSO CITY COUNCIL FOR APPROVAL OF A PROPOSED AMENDMENT TO CHAPTER 38, ZONING, ARTICLE 23, *CHANGES AND AMENDMENTS*, SECTIONS 38-551 THROUGH 38-556 OF THE CODE OF THE CITY OF OWOSSO, AS ATTACHED, IN ORDER TO SIMPLIFY THE ORDINANCE AMENDMENT PROCESS AND TO BRING THE CURRENT PROCEDURE INTO COMPLIANCE WITH THE STATE OF MICHIGAN ZONING ENABLING ACT.

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO SIMPLIFY THE ZONING AMENDMENT PROCESS

AN ORDINANCE to amend Chapter 38, Zoning, Article XXIII, Changes and Amendments, Sections 38-551 through 38-557 of the Code of the City of Owosso, to simplify the zoning amendment process and bring the current procedure into compliance with the State of Michigan Zoning Enabling Act.

Whereas, the current process for amending the zoning of a parcel is cumbersome and involves unnecessary steps; and

Whereas, it is the desire of the Planning Commission to amend the zoning ordinance to simply this procedure and to bring it into compliance with the Michigan Zoning Enabling Act;

Now, Therefore, Be It Resolved, by the Planning Commission of the City of Owosso, Michigan that the following amendments to Chapter 38, Zoning Code of the City of Owosso be recommended to simplify the zoning amendment process and bring it into compliance with the Michigan Zoning Enabling Act.

THE CITY OF OWOSSO ORDAINS:

Section 1. That Chapter 38, Zoning, Article XXIII, Changes and Amendments, current Sections 38-551 through 38-555 of the Code of the City of Owosso, be repealed in their entirety.

Section 2. That Chapter 38, Zoning, Article XXIII, Changes and Amendments, Sections 38-551 through 38-557 be rewritten to read as follows:

Sec. 38-551. Initiation of amendments.

The city council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map or the provisions of this ordinance. Amendments to the provisions of this ordinance may be initiated by the city council, the planning commission, the zoning board of appeals, the zoning administrator or by petition of one or more residents or land owners. Amendments to the official zoning map may be initiated by the city council, the planning commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this ordinance or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the city council before to action by the city council.

Sec. 38-552. Application procedure.

An amendment to this ordinance or the official zoning map, except those initiated by the city, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form:

- (1) A legal description and street address of the subject property, with a map identifying the subject property in relation to surrounding properties.
- (2) The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- (3) The existing and proposed zoning district designation of the subject property.
- (4) The land use classification for the subject site as illustrated on the city's master plan.

- (5) For of an amendment to this ordinance, other than an amendment to the official zoning map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- (6) A written description of how the requested rezoning meets the amendment criteria of this article.

Sec. 38-553. Amendment procedure; public hearing and notice.

- (1) *Public hearing:* Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the planning commission. If an individual property or ten or fewer adjacent properties are proposed for rezoning, written notice of the public hearing shall be made as follows:
 - a. The notice shall do all of the following:
 - 1. Describe the nature of the request.
 - 2. Identify the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. Individual addresses are not required for an amendment to the zoning ordinance, or the zoning map that affects eleven (11) or more properties.
 - 3. State when and where the request will be considered.
 - 4. State when and where written comments will be received concerning the request.
 - b. The notice shall be published and delivered not less than 15 days before the date of the public hearing as follows:
 - 1. Notice of the request shall be published in a newspaper of general circulation in the city. This shall be the only notice required for an amendment to the zoning ordinance, or the zoning map that affects 11 or more properties or an interpretation by the zoning board of appeals.
 - 2. Where approval is being sought under this ordinance for an individual property or a rezoning affecting ten or fewer properties, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - 3. In addition to paragraph 2 above, notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - c. If 11 or more properties are proposed for rezoning, or if an amendment is proposed to the text of the ordinance, the city shall give a notice of the proposed rezoning in the same manner as required under section 38-553 (1), except for the individual property notices required by subsections (b)(2), and (b)(3) and except that no individual addresses of properties are required to be listed under section (a)(2).

- (2) *Planning commission findings and recommendation:* Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council. The planning commission shall consider the criteria listed in section 38-555 for a requested amendment to the official zoning map, and the criteria listed in section 38-556 for requested amendments to the standards and regulations in the text.
- (3) *City council findings and action:* Following receipt of the findings and recommendation of the planning commission, the city council shall act on the proposed amendment. For a text amendment to this ordinance, the city council may modify or revise the proposed amendment recommended by the planning commission before enactment. For an amendment to the official zoning map, the city council shall approve or deny the amendment, based on the criteria in section 38-355 or 38-356 as applicable.

Sec. 38-554. Required amendments to comply with a court decree.

Any amendment complying with a decree of a court of competent jurisdiction shall be adopted by the city council and published, without necessity of a public hearing or referral hereof to any other board or agency.

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 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 year, unless conditions have changed or new information has been provided.
- (8) Other factors deemed appropriate by the planning commission and city council.

Sec. 38-556. Criteria for amendment to the zoning ordinance text.

The planning commission and city council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the zoning ordinance:

- (1) Documentation has been provided from city staff, or the zoning board of appeals indicating problems and conflicts in implementation of specific sections of the ordinance.
- (2) Reference materials, planning and zoning publication, information gained at seminars or experiences of other communities that demonstrate improved techniques to deal with certain zoning issues, or that the city's standards are outdated.
- (3) The city attorney recommends an amendment to respond to significant case law.
- (4) The amendment would promote implementation of the goals and objectives of the city's master plan.
- (5) Other factors deemed appropriate by the planning commission and city council.

Sec. 38-557. Restrictions on resubmitting a rezoning request.

An application for an amendment to the official zoning that has been denied shall not be reconsidered for one year, unless the applicant demonstrates that conditions have changed.

Section 3. This amendment shall become effective twenty days after passage by the city council.

Section 4. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEW: NONE

BUSINESS ITEMS: NONE

ITEMS OF DISCUSSION:

1. Master Plan

Mr. Zettel asked the Planning Commission for a final review to tie things together for the whole master plan. Commissioners asked several questions involving discussions about wayfinding signs; a pocket park near Baker College; adding signs with an historic nature; zoning changes; complete streets; three or four lanes on state highways; the Right to Farm Act and green goals; a regional community center / regional authority; and Westtown.

Mr. Zettel invited the planning commissioners to attend a meeting about "Urban Farming" on April 25 from 7-9 p.m. He will e-mail more information to the commissioners.

COMMISSIONER / PUBLIC COMMENTS:

Commissioner Smith asked if there was any sort of color enforcement for houses. Mr. Zettel answered at this time, there isn't. If there is a rational public interest, it could be done.

ADJOURNMENT:

**MOTION BY COMMISSIONER KURTZ, SUPPORTED BY COMMISSIONER POPOVITCH TO
ADJOURN AT 7:47 P.M. UNTIL APRIL 23, 2012.**

mms

Melvin Renfrow, Secretary