

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Monday, January 22, 2024 – 6:30 P.M.**

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

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Commissioners Martin, Owens, Schlaack, Taylor, and Chairman Wascher

MEMBERS ABSENT: Secretary Fear, Vice-Chair Livingston, Commissioners Law and Robertson

OTHERS PRESENT: Tanya Buckelew, Planning & Building Director; Justin Sprague, CIB Planning; Nathan Henne, City Manager

APPROVAL OF AGENDA:
MOTION BY COMMISSIONER SCHLAACK, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR January 22, 2024.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER SCHLAACK TO APPROVE THE MINUTES FOR THE November 27, 2023 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARING:
1. REZONING REQUEST FOR 900 ADA STREET

An application was received from Dr. Paul Rangi for a rezoning request for 900 Ada Street to rezone the vacant lot from R-1 Single Family to OS-1 Office Service for the purpose of first floor medical office and residential on the second floor.

Justin Sprague, City Planner with CIB Planning offered the following:

The subject parcel is located at 900 Ada Street at the intersection of Jennett Street. The site is across the street from the new Memorial Hospital Center and is currently vacant.

EXISTING LAND USE, ZONING AND FUTURE LAND USE:

	Existing Land Use	Zoning	Master Plan
Subject Site	Vacant Lot	R-1, One Family Residential	Single Family Residential
North	Single Family	R-1	Single Family
South	Commercial	R-1	Office
East	Single Family	R-1	Residential
West	Commercial	R-1	Residential

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 – While the current future land use map identifies this area as residential, it is important to highlight what is proposed in the city’s new master plan. The following text describes the intent for this area and the intent of Districts within the City.

DISTRICTS

Intent. Districts are parts of the city dedicated to a single type of activity, such as employment centers or educational campuses. Some districts encompass challenging sites and require more detailed study to inform future regulation. Districts are different from the corridors, centers and neighborhoods in that they generally do not involve a mixture of uses.

Description. There are several areas planned as Districts scattered throughout the city. These areas are generally along the edge of the edge of downtown and other commercial areas.

Appropriate Uses. The challenge for regulating any district is to ensure that they serve their intended purpose without compromising the quality of life in the surrounding areas. The City must assure that workers, products and visitors can reach their destinations easily and safely. The districts are sub-categorized into two sub-groups – campuses and industrial. The character of each is dependent upon their use and the impacts of both on their neighborhoods should be mitigated. Campuses are intended for educational and medical uses. Industrial districts are expected to continue to accommodate traditional industrial uses like warehouses, manufacturing, and logistics, but should be open to future transition into more campus-like business park settings with improved site and building design.

Building and Site Design. Districts are typically large areas with like uses. Emphasis should be on buffering between neighborhoods.

Compatible Zoning Districts. OS-1, I-1, I-2, PUD

It is our belief that this would not be in conflict with the overall goals of the Master Plan, nor 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 OS-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, however the proposed development directly reflects the intent of this area within the Master Plan.

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 – It is our belief that land uses within the OS-1 district are more compatible with this site and its location to the other office district to the south than if the site were to be developed as just residential.

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 – There should be no issues with existing infrastructure being able to accommodate and service this site.

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 – We find that there is high demand for new housing throughout the City of Owosso and surrounding areas and this proposed redevelopment includes a housing element.

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 900 Ada Street based on the following items;**

1. That the request is not in overwhelming conflict with the Master Plan or the Zoning Ordinance;
2. The site is compatible with uses in the proposed OS-1 Zoning District;
3. The applicant is not rezoning to increase the return on investment of the property;
4. That the Planning Commission understands that the proposed use may be more compatible with surrounding land uses;
5. Infrastructure to the site is appropriate for the proposed use; and
6. The request has not been previously submitted to the City for consideration.

Chairman Wascher opened the Public Hearing at 6:40 p.m.

The following commented:

Tom Kurtz, Memorial Healthcare, spoke about the hospitals plan in the past and he understood it as the City's plan was to keep it R-1 Single Family. Why now OS-1? Is the spot zoning? Concerned about the number of parking spaces and that Memorial Healthcare is not available for overflow parking.

John Gillingham, 905 N Shiawassee, asked if the parking is enough, the additional daytime traffic and lighting issues at night.

Closed the Public Hearing at 6:43 p.m.

Commissioner Owens asked the Commissioners if anyone has talked to the residents. He stated he did

and the ones he spoke with do not want the rezoning.

Commissioner Martin is concerned with spot zoning.

Justin Sprague stated he does not consider this spot zoning. The lot is just off the corridor, across from the hospital.

Commissioner Schlaack has concerns with additional traffic and no left turn lane on M-52.

Chairman Wascher stated this is not mid-block rezoning. It is a corner lot, adjacent to the corridor.

Commissioner Martin asked why we did not already change the map to reflect office for this lot.

Chairman Washer responded with we do not pinpoint areas on the map, leave it alone, unless someone comes forward.

Justin Sprague stated the future land use does not get spot specific. This location is on the edge of a future office district use. And added that first floor residential is not allowed in the OS-1 District.

MOVED BY COMMISSIONER TAYLOR SUPPORTED BY CHAIRMAN WASCHER TO APPROVE THE REZONING REQUEST FOR 900 ADA STREET TO REZONE THE VACANT PARCEL FROM R-1 SINGLE FAMILY RESIDENTIAL TO OS-1 OFFICE SERVICE DISTRICT FOR THE PURPOSE OF FIRST FLOOR MEDICAL OFFICE AND RESIDENTIAL UPPER UNITS AND RECOMMEND CITY COUNCIL APPROVE THE CHANGE TO THE ZONING MAP.

**YEAS: COMMISSIONER TAYLOR AND CHAIRMAN WASCHER
NAYS: COMMISSIONERS MARTIN, OWENS AND SCHLAACK
RCV: 2-3 MOTION FAILED**

Justin Sprague stated this request will still go to City Council for a Public Hearing and the Council could approve, deny or send the request back to the Planning Commission for further consideration.

SITE PLAN REVIEW:

1. SITE PLAN REVIEW FOR 900 ADA STREET

Because the rezoning did not pass, it was discussed whether to proceed with the Site Plan Review or not.

MOVED BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER SCHLAACK TO TABLE THE SITE PLAN REVIEW PENDING CITY COUNCIL'S ACTION ON THE REZONING REQUEST.

Motion was put on hold to allow the property owner and architect to present the site plan.

Justin Sprague's comments:

Site plan to build a new, roughly 3,700 square foot office/residential mixed-use building at the corner of Ada and Jennett Streets. The applicant is proposing professional office on the first floor and two residential units on the second level. The applicant will also add new parking behind the building and a few other site improvements including some landscaping. The property is currently zoned R-1,

Residential and the applicant is proposing to rezone the property to OS-1, Office where the proposed building and mix of uses is permitted subject to special conditions. The rezoning must be approved in order for this use to proceed.

Section 36-390 of the City of Owosso Zoning Ordinance lists the submittal requirements for site plan review. Based on our review of the proposal, discussions with staff, meetings with the applicant and a visit to the site, we offer the following comments for your consideration:

1. **Information items.** The site plan meets the informational requirements of the ordinance.
2. **Proposed Uses.** The site plan indicates that the first floor will be a professional office but also shows a live/work space in a separate suite with a full kitchen, bathroom, bedroom and private entrance. **Per the special conditions of approval, no dwelling can be on the first floor.**
3. **Area and Bulk.** The proposed site was reviewed in accordance with *Article 16, Schedule of Regulations*, as described in the following table.

	Required	Provided	Comments
900 Ada (R-1 Zoning) (OS-1 Proposed)			
Front Yard Building Setback	15 ft.	20 ft.	In compliance
Side Yard Building Setback	10 ft.	10.6 ft.	In compliance
Side abutting	20 ft.	20.6 ft.	In compliance
Rear Yard Building Setback	30 ft.	42 ft.	In compliance
Maximum Building Height	35 ft.	35 ft.	In compliance

4. **Building Design & Materials.** The ordinance states that durable building materials which provide an attractive, quality appearance must be utilized. **The proposed building materials have not been submitted demonstrating that they are consistent with the City of Owosso Zoning Ordinance, specifically Section 38-397, Commercial Design Requirements.**
5. **Building Height.** The proposed building complies with the maximum building height.
6. **Mechanical Units.** The Zoning Ordinance requires that all exterior mechanical equipment be screened. **The applicant appears to show four A/C units on each corner of the building. These will require further screening than just the proposed shrubs.**
7. **Dumpster.** The proposed dumpster meets ordinance requirements.
8. **Site Lighting.** Proposed lighting is in compliance with the Zoning Ordinance.
9. **Parking Lot Requirements.** This requirement has been met.
10. **Landscaping.** The landscaping plan is in compliance with the ordinance however, **if additional landscaping is needed to screen exterior mechanical equipment, that must be shown on the plan for final approval.**
11. **Screening Wall.** **The site plan shows a proposed 4'6" screening wall as required by the ordinance but wall material details have not been provided. This information should be provided for Planning Commission approval.**

12. **Other Approvals.** The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

RECOMMENDATION:

Based upon the above comments, **we recommend approval of the 900 Ada Site Plan, conditioned upon the following:**

1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval;
2. That the proposed rezoning from R-1 to OS-1 is approved;
3. That there will be no residential dwelling units on the first floor;
4. That building materials are provided to determine compliance with Section 38-397 of the ordinance;
5. That the applicant show on the plan the location and method of screening for any and all proposed exterior mechanical equipment associated with the site development and operation,
6. That the landscaping plan be revised if additional landscaping will be utilized as a method of screening any proposed mechanical equipment;
7. That proposed screening wall materials are provided and approved by the Planning Commission; and
8. Review and approval by the appropriate city departments, consultants, and agencies prior to issuance of a building permit.

Dr. Kenneth Rangi, Pinecrest Animal Hospital, spoke about the plans for the new building.

Jed Dingens, Architect, further explained the details of the project including screening/fencing, parking, lighting and potential uses for the new build.

MOVED BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER SCHLAACK TO TABLE THE SITE PLAN REVIEW PENDING CITY COUNCIL’S ACTION ON THE REZONING REQUEST.

YEAS ALL, MOTION CARRIED

ITEMS OF BUSINESS:

1. DISCUSSION REGARDING THE MARIJUANA ORDINANCES

The City has been approached by one of the medical provisioning centers to review and amend the city ordinance to remove the medical provisioning licensing requirement in order to hold the recreational retail license. Per the letter submitted to the Planning Commission, medical sales have decreased significantly since the legalization of recreational marijuana.

Representative from Lume Cannabis was present to discuss and answer questions.

Tanya Buckelew has been in contact with the three other retail locations and the response from two were in agreement to remove the medical requirement as they have limited or no medical sales. The other location did not respond to the request for their opinion.

Discussion was held about removing the medical licensing requirement from the retail locations but not increasing the number of marijuana retail locations. The number of locations would remain at four. For the growers and processors, the medical licensing is not a requirement to grow and process recreational marijuana.

This would be a loss of \$20,000 annually in licensing fees to the City.

It was agreed to have the attorney draft language to amend the police power ordinances for the next meeting. Planning Commission will review and make recommendations for the City Council on possible amendments to the ordinances.

2. 2023 ANNUAL PLANNING COMMISSION REPORT

Discussion held on the contents of the report.

MOTION BY COMMISSIONER MARTIN SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE 2023 PLANNING COMMISSION ANNUAL REPORT AND REFER TO CITY COUNCIL FOR REVIEW AND APPROVAL.

YEAS ALL. MOTION CARRIED.

3. 2024-2030 COMMUNITY ACTION PLAN (CIP)

Discussion held on the contents of the report. The CIP serves as the city's multi-year planning instrument used to identify the needs and financing sources for public infrastructure improvements. The plan requires approval from both the Planning Commission and City Council prior to the beginning of the budget process.

City Manager Nathan Henne was present to discuss changes to the report by using ClearGov.

This report is a requirement of the Redevelopment Ready Communities (RRC).

The major expenditures has been increased to \$20,000 versus \$10,000 due to the report getting too large.

Mr. Henne explained what a major expenditure includes – Construction of a new facility, rehabilitation of a facility, purchase of equipment (will have a useful life of one year or more), planning, feasibility, engineering or design study and acquisition of land for public purpose.

Mr. Henne further detailed the various funding categories, funding sources, project description and the year and the cost the potential project is being planned.

MOTION BY COMMISSIONER MARTIN SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE 2024-2030 CAPITAL IMPROVEMENT PLAN (CIP) AND REFER TO CITY COUNCIL FOR REVIEW AND APPROVAL.

YEAS ALL. MOTION CARRIED.

4. ADOPTION OF THE ZONING ORDINANCE

Discussion held on the final draft of the ordinance.

MOVED BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER MARTIN TO RECOMMEND THE ADOPTION OF THE UPDATED AND REFORMATTED CITY OF OWOSSO ZONING ORDINANCE AND MAP AND REFER TO THE OWOSSO CITY COUNCIL FOR REVIEW

Planning Commission–January 22, 2024 Approved Minutes

AND ADOPTION.

YEAS: COMMISSIONERS MARTIN, OWENS, SCHLAACK, TAYLOR AND CHAIRMAN WASCHER.

NAYS: NONE

RCV: 5-0 MOTION CARRIED

ADJOURNMENT:

MOTION BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER SCHLAACK TO ADJOURN AT 8:05 PM UNTIL THE NEXT MEETING ON FEBRUARY 26, 2024.

YEAS ALL, MOTION CARRIED

Janae Fear, Secretary