

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Monday, April 24, 2023 – 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: Commissioner Law, Vice-Chair Livingston, Commissioners Martin, Owens, Robertson, Schlaack, and Chairman Wascher

MEMBERS ABSENT: Secretary Fear, Commissioner Taylor

OTHERS PRESENT: Tanya Buckelew, Planning & Building Director

APPROVAL OF AGENDA:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER MARTIN TO APPROVE THE AGENDA FOR April 24, 2023.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER SCHLAACK TO APPROVE THE MINUTES FOR THE March 27, 2023 MEETING.

YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEW:

1. 200 S. Washington – Food Truck Park

Approximately 0.23 acres, located on the west side of S. Washington at the intersection of Comstock. The property is zoned B-4 where mobile food vending is a permitted use with an approved permit.

The site development will include pavement upgrades, water and electrical hookups, spaces for up to 6 food trucks, public seating areas, new landscaping and will utilize an existing refuse container located in the alleyway.

Justin Sprague, City Planner, CIB spoke on the following:

In conjunction with the City of Owosso Zoning Ordinance (Chapter 38), Mobile Food Vending is permitted and regulated by Chapter 16.8 of the Owosso City Code. Both chapters have been utilized for this site plan review.

1. **Information items.** The site plan meets the informational requirements of the ordinance.
2. **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
200 S. Washington (B-4 Zoning)			
Front Yard Building Setback	NA	NA	In compliance
Side Yard Building Setback	NA	NA	In compliance
Rear Yard Building Setback	NA	NA	In compliance
Maximum Building Height	NA	NA	In compliance

3. **Building Design & Materials.** The ordinance states that durable building materials which provide an attractive, quality appearance must be utilized.

As proposed, the applicant notes on the site plan that there will be a future structure on the site used for indoor seating and indicates that it could be a pergola, gazebo or container type structure. We are ok with this and would just recommend that the applicant provide plans to the Planning and Building Department for administrative review when they are prepared to add the structure.

4. **Mechanical Units.** No new mechanical units are proposed on the plan.
5. **Dumpster.** The existing dumpster meets ordinance requirements.
6. **Parking Requirements.** This is a new use for the City of Owosso and is not formally classified within the existing ordinance.

Given the location of the proposed development, the applicant is permitted to utilize on-street and public parking within 300-feet of the site as well as shared parking in private lots with permission from the private lot owner. This area of downtown has a more than adequate number of on-street and public parking available to support the proposed use.

7. **Landscaping.** The site plan does indicate that new landscaping will be provided along S. Washington Street as well as along Comstock that will meet ordinance requirements.
8. **Lighting.** Site lighting is not shown on the plan however the applicant has indicated that all lighting will be “garden style” and will conform to city lighting standards. A formal lighting plan will need to be submitted as a condition of approval.
9. **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 200 S. Washington Street Site Plan, conditioned upon the following:

1. Any future structure or building on the site will need to be reviewed and approved by the Planning and Building Department administratively unless the proposed building or structure exceeds the size requirements for administrative approval;
2. That the applicant and/or any vendors utilizing this site are licensed, insured and have all appropriate city issued permits prior to operation;
3. That a formal lighting plan is required to be submitted for review and approval prior to commencement of any site development; and
4. Review and approval by the appropriate city departments, consultants, and agencies.

The applicants Kevin and Heidi Maurer were present to discuss their plans and answer any questions.

Discussion held regarding lighting, drainage, rain gardens, public restrooms, dumpsters and hours.

MOTION BY COMMISSIONER MARTIN SUPPORTED BY COMMISSIONER ROBERTSON TO APPROVE THE SITE PLAN REVIEW FOR 200 S WASHINGTON STREET FOR A NEW FOOD TRUCK EVENT AREA CALLED STREETS.

YEAS: COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONERS MARTIN, OWENS, ROBERTSON, SCHLAACK AND CHAIRMAN WASCHER.

NAYS: NONE

RCV: 7-0 MOTION CARRIED

ITEMS OF BUSINESS:

1. AMENDMENT TO THE BY-LAWS

Discussion held on the amendments and to bring the by-laws up to date to reflect the Michigan Planning Enabling Act 33 of 2008.

**BYLAWS
CITY OF OWOSSO, MICHIGAN
PLANNING COMMISSION**

ARTICLE I. Purpose. The purpose of the City Planning Commission shall be to oversee the orderly growth of the City, to perform the functions of a Planning Commission as set forth in the City of Owosso Zoning Ordinance, Chapter 38 of the Owosso City Code, Public Act No. 33 of 2008 and Public Act 110 of 2006, as amended, to perform other duties assigned to it by the City Council from time to time.

ARTICLE II. Membership.

Section 3.1 Membership: As provided in the state statute, the Board shall consist of nine (9) members. Two (2) members of the Board may be members of the Council other than the

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Mayor, as ex officio members, to be designated by the Council. One of the regular members of the Board shall be a member of the Zoning Board of Appeals and six (6) other persons who are not officers or employees of the City, having the qualifications of elective officers set forth in the Charter and representing in so far as is possible different professions or occupations to be appointed by the Mayor, subject to the confirmation of the Council.

All ex officio members appointed under this subsection shall have full voting rights.

There shall be no compensation for a member of the planning commission, except that reasonable expenses may be allowed in case of necessity with prior approval of the city council.

Section 3.2 Term of Office: The term of each appointed member shall be three (3) years or until his or her successor takes office.

Section 3.3 Removal from Office. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body.

ARTICLE IV. Officers

Section 4.1 A Chairperson, Vice-Chairperson and Secretary shall be elected by the Commissioners from their members at the first meeting of the commission for each fiscal year which begins July 1.

Section 4.2 If a vacancy shall occur for the Vice-Chairperson or Secretary, Planning Commissioners shall nominate and elect a member of the Commission to serve the remainder of the term of office.

Section 4.3 The Chairperson shall preside at all meetings of the Planning Commission and shall appoint all committees.

Section 4.4 The Vice-Chairperson shall assume the duties and authority of the Chairperson in his absence or incapacity. If the Chairperson resigns or is removed from the Planning Commission, the Vice-Chairperson shall assume the position of the Chairperson for the remainder of the Chairperson's term of office.

Section 4.5 The Secretary shall keep the minutes and records, conduct correspondence and perform such other duties as may be assigned by the Chairperson.

ARTICLE V. Meetings

Section 5.1 The Planning Commission shall hold its regular monthly meetings in the City Council Chambers, located at 301 W. Main St., Owosso, Michigan on the fourth Monday of each month. All meetings shall begin at 6:30 p.m. and must end by 8:30 p.m., unless adjournment is postponed by action of the majority of the Commissioners present. Additional meetings may be scheduled on the city's annual calendar to reflect additional planning needs or conflicts with holidays and other meetings.

Section 5.2 Special meetings may be called by the Chairperson with prior notice to each Commissioner of the meeting's purpose and date; such notice must be made at least five (5) days in advance of the meeting.

Section 5.3 An agenda for each meeting shall be prepared at the direction of the Chairperson or his/her designee and sent to each Commissioner to be delivered in a predetermined format not later than four (4) days before the meeting. This agenda shall indicate any parcels of land for which any action of the Commission is contemplated.

Section 5.4 A quorum of five (5) Commissioners must be present to officially transact business at any regular or Special Meeting of the Commission. A simple majority of Commissioners present and constituting a quorum, shall decide all issues.

Section 5.5 Commissioner's attendance records shall be reviewed as needed with no less than one review completed in each calendar year. The Chairman or his/her designees shall prepare a report, said report to be submitted to the Mayor and Commissioners. Action may be taken in accordance with state statute if attendance or duty becomes an issue of concern for the Chairman or the Mayor and City Council.

Section 5.6 Parliamentary procedure at all meetings of the Commission shall generally be in accordance with the Robert's Rules of Order.

Section 5.7 Order of Business. The secretary or the designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

Call to order.

Roll call.

Approval of agenda.

Approval of minutes from previous meeting.

Election of officers, if necessary.

Public comments (not related to an agenda item).

Public hearings. The Chair will declare a public hearing open and state its purpose.

- 1. The Planning and Building Director and/or the City Planner** present the petitioner's request and factual information concerning the general location area of the case and section of the zoning ordinance that pertain to the petition for rezoning.
- 2. The applicant, through himself or his agent,** may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the petitioner.
- 3. The Chair will then open the floor to public comments or questions.** Based on nature of the hearing or number of those in attendance, the Chair may allow comments freely or direct an orderly approach through any means that expands the ability of all who are interested in expressing their opinion or asking questions.
- 4. Comments Out of Order.** The Chair shall rule out of order: any irrelevant remarks, which are personal about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not pertinent to the petition.
- 5. Rebuttal.** Anyone may ask the Chair questions on presentations or information given at this hearing. The Chair will seek an answer to this question. No discussion shall take place between any two or more people except between the Chair and the individual who has the floor.
- 6. Close the public hearing.** At this point all public participation on the issue ends.

7. **Members of the Planning Commission** may question or request clarification with any interested party on any matter related to the case.
8. **Business section of case**
9. **Discussion:** Commissioners review facts based on all information presented. Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” with those conclusion that are reached. The findings of fact, at a minimum shall answer the following questions as they may pertain to the petition:
 - What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
 - What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - What is the impact of the amendment on the ability of the City and other agencies to provide adequate public services and facilities that might reasonably be required in the future if the petition is approved?
 - Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
 - Does the petitioned zoning change generally comply with adopted Future Master Plan for the City of Owosso?
10. **Motion is proposed on the findings of facts.** (Recess option – see Section 5.8) Support of the motion is required.
11. **Discussion on the motion.**
12. **Action on the motion.**

Site plan reviews. The Planning Commission shall consider site plan reviews after all public hearings and associated actions on those hearings. If members of the public other than the applicant for the site plan review are in attendance, those persons may approach the Commission as provided for in the public hearing format. The Commission and Planning Director shall also follow their respective roles to maintain order during the meeting. The motion to pass on a site plan review must make a finding of conformance to all city ordinances and may attach conditions as provided for in the zoning ordinance. A site plan review may be postponed for cause without the necessity of public posting as required in a public hearing format.

Items of business. This section of the meeting shall consider all items unrelated to elections, rezoning petitions, and site plan reviews.

Commissioner/Citizen comments.

Adjournment.

Section 5.8 Recesses. The Members, through a motion and support may recess a public hearing or a decision on an action of a petition for the lack of sufficient information, insufficient time to consider all viewpoints on a petition, the necessity for a site visit, or elapsed time of the meeting (see Section 5.1). For a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and/or public hearing reconvenes over 36 hours after the action to recess, the reconvened meeting shall be posted at least 18 hours before the time of the reconvened meeting. Upon reconvening a roll call shall be taken as the first order of business.

ARTICLE VI. General Provisions

Section 6.1 Ethical Principles for Public Planning Officials: The following statement of ethics applies to the practices of Owosso public planning officials.

Serve the Public Interest. The primary obligation of planners and public planning officials is to serve the public interest.

Support Citizen Participation in Planning. Because the definition of the public interest is continuously modified, the planner and public planning official must recognize the right of citizens to influence planning decisions that affect their wellbeing. They should advocate a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies in plan making.

Recognize the Comprehensive and Long-range Nature of Planning Decisions. The planner and public planning official must recognize and have special concern for the comprehensive and long-range nature of planning decisions. The planner and official must balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. The planner and official must continuously gather and consider all relevant facts, alternatives, and means of accomplishing them. The planner and official should explicitly evaluate all consequences before making a recommendation or decision.

Expand Choice and Opportunity for All Persons. The planner and public planning official must strive to expand choice and opportunity for all persons, recognize a special responsibility to plan for the needs of disadvantaged people, and urge changing policies, institutions, and decisions that restrict their choices and opportunities.

Facilitate Coordination Through the Planning Process. The planner and public planning official must facilitate coordination. The planning process should enable all those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interest. The planner and official must ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.

Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, the public planning official who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to relations, friends, groups, or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and leave any chamber in which such deliberations are to take place. The official must not discuss the matter privately with any other official voting on the matter.

Render Thorough and Diligent Planning Service. The planner and public planning official must render thorough and diligent planning service. Should the planner or official believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision.

Not Seek or Offer Favors. The public sector planner and public planning official must seek no favor. The planner and official must not directly or indirectly solicit any gift or accept or receive

any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be of their duties or was intended as a reward for any recommendation or decision on their part.

Not Disclose or Improperly Use Confidential Information for Financial Gain. The planner and public planning official must not disclose or improperly use confidential information for financial gain. The planner and official must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner or official has verified the facts and issues involved, has exhausted efforts to obtain reconsideration of the matter and has sought separate opinions on the issue from other planners or officials.

Ensure Access to Public Planning Reports and Studies on an Equal Basis. The public planning official must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to the official must be made available in the same form to the public in a timely manner at reasonable or no cost.

Ensure Full Disclosure at Public Hearings. The public planning official must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.

Maintain Public Confidence. The public planning official must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the official's unit of government, and the official's performance of the public trust.

Respect Professional Codes of Ethics and Conduct. The planner and public planning official must respect the professional codes of ethics and conduct established by the American Institute of Certified Planners (AICP) Commission and by several professions related to the practice of planning. Professional codes commonly establish standards of professional conduct and include provisions that protect the integrity of professional judgment and describe and professional's responsibility to the public, clients, employers, and colleagues.

ARTICLE VII. Adoption and Amendments

Section 7.1 These Bylaws are to be adopted by a simple majority of a quorum of the Commission at a regularly scheduled meeting of the Commission. The proposed Bylaws must be presented to the full membership at least five (5) days prior to the meeting when adoption is scheduled on the agenda. Amendments of the original Bylaws may take place at the meeting(s) of their original adoption; thereafter amendments must follow the procedures outlined in Section 7.2 herein.

Section 7.2 These Bylaws must be amended by a majority affirmative vote of the quorum of Commissioners present at a regular or special meeting of the Commission. Proposed amendments must be presented to all Commission members not later than five (5) days before the meeting of the Commission.

Adopted: October 27, 1986
Amended: January 25, 1993
Amended: April 26, 1993
Amended: January 18, 2011
Amended: October 24, 2016
Amended: April 24, 2023

MOTION BY COMMISSIONER MARTIN SUPPORTED BY COMMISSIONER LAW TO APPROVE THE AMENDMENTS TO THE BY-LAWS PENDING CITY ATTORNEY REVIEW AND RECOMMEND TO THE CITY COUNCIL FOR FINAL ADOPTION.

YEAS: VICE-CHAIR LIVINGSTON, COMMISSIONERS MARTIN, OWENS, ROBERTSON, SCHLAACK, LAW AND CHAIRMAN WASCHER
NAYS: NONE
RCV: 7-0 MOTION CARRIED.

2. ZONING ORDINANCE UPDATES

Discussion held about the residential district changes and reducing to 3 districts and changes to the proposed language. The tentative plan is to have a full draft by the May meeting, public hearing at the June meeting and Council adoption in July.

COMMISSIONER/CITIZEN COMMENTS:

ADJOURNMENT:

MOTION BY COMMISSIONER ROBERTSON SUPPORTED BY COMMISSIONER LAW TO ADJOURN AT 7:40 PM UNTIL THE NEXT MEETING ON MAY 22, 2023.

YEAS ALL, MOTION CARRIED

Janae Fear, Secretary