

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
VIRTUAL MEETING
Monday, November 23, 2020 – 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: Recording Secretary Tanya Buckelew

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

MEMBERS ABSENT: Commissioners Jenkins and Robertson

OTHERS PRESENT: Justin Sprague, CIB Planning, City Manager Nathan Henne

APPROVAL OF AGENDA:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR November 23, 2020.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER LAW TO APPROVE THE MINUTES FOR THE August 24, 2020 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS:

1. WASHINGTON PARK SMART HOMES DEVELOPMENT SITE PLAN REVIEW

Site Plan Review for approximately 2.36 acres located at the intersection of North Washington and Wesley Streets. The proposal is to develop a 14-unit, single-family residential Planned Unit Development.

City Planner Justin Sprague had the following review comments:

- 1. Information items.** The applicant has provided a complete detail of informational requirements; however, some clarification is needed on the site plan. While the property is being developed as a PUD Site Condominium, the plan should delineate specifically what areas of the development are common areas and what areas are for purchase units. The current plan identifies structure locations, and we are led to assume that the ownership of the unit is only from the wall-in and all land outside of the unit is common area. The applicant has since provided information clarifying which areas will be common and which areas will be owned as requested.
- 2. Area and Bulk.** The proposed site was reviewed in accordance with Article 16, Schedule of Regulations, as described in the following table:

Residential PUD Development	Required	Provided	Comments
Front Yard Building Setback (Wesley)	30 ft.	15 ft.	Requires PC Waiver per PUD
Front Yard Building Setback (Washington)	20 ft.	12 ft.	Requires PC Waiver per PUD
Rear Yard Building Setback	30 ft.	83 ft.	In compliance
Maximum Building Lot Coverage (Impervious surface)	25%	40%	Requires PC Waiver per PUD

3. Building Design & Materials. The proposed homes have an attractive design and utilizes multicolor and multi-design vinyl siding with traditional windows, shutters and front porches. We will require as part of the PUD that side egress for the homes have fixed porches or fixed steps as part of the home structure per building code. Additionally, per the PUD we would highly recommend traditional detached garages opposed to car sheds or ports and will included that recommendation in any final development agreement for the property. **The applicant would like to offer both car ports as well as a garage as an option to buyers. It is still our belief that garages should be required as a condition of approval to meet site plan standards for maintaining essential neighborhood character.**

Lastly, as part of the development agreement and the master deed for the condominium, we will require that any home which may be damaged or destroyed as an act of god (fire, storm damage or other) which requires replacement of an existing structure, that a new structure shall be the only appropriate replacement on the unit site. **The applicant has agreed with this request.**

Further, a waiver will be required from the Planning Commission per the PUD Standards from the requirement buildings be separated by a minimum of 20-feet. This is a requirement typically applied to apartment buildings and is only a 10-foot requirement for single-family, detached units.

4. Building Height. The maximum building height for the district will not be exceeded for this project.

5. Parking Requirements. The following table lists the requirements for parking requirements for the proposed development.

PARKING SPACE REQUIREMENTS	Required	Provided	Comments
Parking Spaces	28	28	In compliance

6. Landscaping. A landscaping plan has been provided that meets the intent of the ordinance.

7. Lighting Plan. No street lighting is proposed for this development.

8. Fencing. The site plan does not indicate any fencing for the development, but we recommend if fencing is permitted per the condominium bylaws, that it be high quality fencing such as vinyl, wood or other material and that chain link fencing be prohibited. **The developer will add a clause to the master deed prohibiting chain link fencing.**

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

Chairman Wascher opened the Public Hearing and the following commented:

1. Tom Cook and Anna Owens (Bailey Park Homes) stated they have hired a special engineer to address the flow of water on the property and storm water run-off. Also, would like to leave the option open to the buyer to choose a garage or carport due to the cost difference.
2. Christy Summers (Beckett & Raeder, Inc.) commented on the water run-off and rain gardens that move water quicker and are engineered to drain to storm sewer. They are shallow, about 2 – 3' and have a light flow and not considered unsafe. A rain garden is a landscaping feature that absorbs more water compared to a concrete retention pond.
3. Justin Horvath (SEDP) spoke in support of the project.
4. Brad Hissong (Building Official) commented on the garages vs. carports and carports tend to turn into storage and becomes an enforcement issue.
5. Tim Atkinson (Owosso Township resident) would rather have the garages to keep car/personal items out of site along with a landscaping company and snow removal.

City Planner Justin Sprague recommends approval of the Washington Park Smart Home Condominium Development, conditioned upon the following:

1. That waivers are granted by the Planning Commission for front yard setbacks along Washington and Wesley Streets;
2. That a waiver is granted by the Planning Commission for total lot coverage;
3. That a waiver is granted by the Planning Commission for minimum distance between buildings to be allowed at less than 20-feet;
4. That the Planning Commission require traditional detached garages opposed to car ports or sheds to preserve neighborhood character;
5. That side egress on the homes have fixed porches or stairs attached to the structure;
6. That the Master Deed require any homes to be replaced due to an act of God, be replaced by a new structure and not a previously used structure;
7. That the by-laws for the condominium development strictly prohibit chain link fencing; and
8. That all other agencies, departments and reviewing entities grant approval prior to the issuance of any building permits.

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER MORRISTO APPROVE THE SITE PLAN REVIEW FOR THE WASHINGTON PARK SMART HOME CONDOMINIUM DEVELOPMENT WITH THE FOLLOWING CONDITIONS:

1. That waivers are granted by the Planning Commission for front yard setbacks along Washington and Wesley Streets;
2. That a waiver is granted by the Planning Commission for total lot coverage;
3. That a waiver is granted by the Planning Commission for minimum distance between buildings to be allowed at less than 20-feet;
4. That side egress on the homes have fixed porches or stairs attached to the structure;
5. That the Master Deed require any homes to be replaced due to an act of God, be replaced by a new structure and not a previously used structure;
6. That the by-laws for the condominium development strictly prohibit chain link fencing; and
7. That all other agencies, departments and reviewing entities grant approval prior to the issuance of any building permits.

NOTE: THIS MOTION DOES NOT INCLUDE THE REQUIREMENT OF TRADITIONAL DETACHED GARAGES.

YEAS: COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONERS MORRIS AND TAYLOR

NAYS: COMMISSIONER YERIAN, SECRETARY FEAR AND CHAIRMAN WASCHER
RCV 4-3 MOTION CARRIED

THIS SITE PLAN REVIEW GOES BEFORE CITY COUNCIL FOR FINAL REVIEW.

2. 210 MONROE STREET – PROPOSED REZONING OF CITY OWNED PROPERTY

At the request of City Manager Nathan Henne, this 2.46-acre parcel is owned by the City of Owosso and is currently zoned I-1, Light Industrial. City Manager Henne has requested the zoning be changed to R-2 Two-Family Residential for potential future residential development as outlined in the draft Master Plan for the City. This could include row-housing, townhouses, apartments or higher-density detached one-family residential.

	Existing Land Use	Zoning	Master Plan
Subject Site	Vacant	I-1 Light industrial *	Industrial
North	Industrial	I-1, Light Industrial	I-1, Light Industrial, General Commercial
South	One-family residential and commercial	R-1, One-Family Residential, B-1, Local Business (Josh’s Frogs)	Residential
East	Industrial and Rail	I-1, Light Industrial	Industrial
West	Industrial and Commercial	B-4, General Commercial and I-1, Light Industrial	Local business and industrial

While the area is a mish-mash of zoning districts including R-1, R-2 Commercial and Industrial, it is important to consider what land uses could be utilized on these properties should the Planning Commission approve the rezoning -R-2, Two-Family Residential. A full list of uses is provided below:

In an R-2 district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

1. All uses permitted and as regulated in the one-family residential districts. The standards of the "schedule of regulations" applicable to the R-1 one-family residential district shall apply as minimum standards when one-family detached dwellings are erected;
2. Two-family dwellings;
3. Accessory buildings and uses customarily incident to any of the above permitted uses and subject to the conditions of section 38-379, accessory buildings;
4. A dwelling constituting the home for not more than three (3) aged and physically handicapped persons provided such use is in accordance with all state and local requirements;
5. Bed and breakfast operations as a subordinate use to single-family dwelling units subject to city licensing provisions and a determination by the city planning commission that the applicant has shown proof of historic significance of the dwelling unit. In making the determination, the planning commission shall reference the historic criteria developed and adopted by the commission.
6. Family day care home, foster family group homes and foster family homes shall be permitted subject to the following provisions:

- a. For family day care homes only, a minimum of four hundred (400) square feet of usable outdoor play area in the rear or side yard shall be available on the premises.
- b. Such uses are duly licensed by the state department of social services or other equivalent public agencies authorized to license these uses.
- c. Building and lots so used shall conform to all state and local code requirements, except that such uses or structures shall be permitted in buildings and lots which are nonconforming uses or structures as defined in this chapter.

Commissioner Wascher opened the Public Hearing and the following commented: NONE

City Manager Nathan Henne discussed the environmental history of this property. The underground storage was removed in 1999/2000. Soil samples were taken and results of contamination being present. This vacant lot is now a part of the Brownfield Redevelopment Study and if developed would require a list of action items before construction can begin. PCBs are the main source of contamination and this site is considered a 201 Site (1994-PA 451) and will always be tracked for any development.

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.

Finding – While the current future land use map identifies this area as industrial, it is important to highlight what is proposed in the city’s new draft master plan. The following text describes the intent for this area.

Washington and Monroe Street - Located south of Downtown and Corunna Avenue, this 5.5-acre site is located in a transitional zone between commercial and industrial uses and a residential neighborhood to the south. The site includes multiple parcels including a city-owned property along the railroad corridor and the Former Grace Church, 715 S. Washington (built in 1950). The site is connected to public water/sewer. In the near term, the site provides an opportunity for infill residential. The adaptive reuse of church building for condominium development may be considered, however, the building does not have architectural or historical significance and could be demolished as part of the redevelopment. A desirable future use for the site is single-family attached residential. Infill development should be compatible with the existing neighborhood incorporating front porches/stoops, alley access, parking in the rear, and building heights between 2-3 stories. Existing street trees should be preserved.

It is our belief that this rezoning would significantly improve the neighborhood and 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 R-2 Zoning Classification.

- 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 industrial, however the City of Owosso is generally not in the position to be the developer of this property.

- 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 R-2 district are more compatible with this site and its location to the neighborhood to the south than if the site were to be developed as industrial.

- 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.

- 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. While there is no imminent development proposed for this site, the city is positioning itself to have vacant, city-owned property available for redevelopment as opportunities present themselves.

- 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 before the City.

City Planner Justin Sprague recommends approval of the rezoning request for 210 Monroe Street based on the following items;

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

MOTION BY SECRETARY FEAR SUPPORTED BY COMMISSIONER LAW TO APPROVE THE AMENDMENT TO THE ZONING ORDINANCE BY REZONING 210 MONROE STREET (050-652-001-004-00) FROM I-1, LIGHT INDUSTRIAL TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT BASED ON THE ABOVE FACTS AND FINDINGS.

YEAS: VICE-CHAIR LIVINGSTON, COMMISSIONERS MORRIS, TAYLOR, YERIAN, SECRETARY FEAR, COMMISSIONER LAW AND CHAIRMAN WASCHER

NAYS: NONE

RCV 7-0 MOTION CARRIED

THE REZONING GOES BEFORE CITY COUNCIL FOR FINAL APPROVAL.

OLD BUSINESS: NONE

NEW BUSINESS:

1. MEMORIAL HEALTHCARE PARKING LOT SITE PLAN REVIEW

The existing parking lot for the business will be repaved as part of the hospital expansion project and was reviewed and approved administratively. In addition, there is an area of approximately 10,000 square feet that must go through Planning Commission.

City Building Official Brad Hissong submitted the following:

This office has reviewed the site plan application for subject project (Phase II). The plan is for expansion of parking area. Construction features renovation to existing lots and design of new areas of parking within both phases, this office has reviewed this as drawn. Work includes removal/replacement of an existing surfaced area and grade changes/filling of other areas that include the earth changes and measures of landscaping and retention as required. After careful review this office offers the following:

1. Severe grade changes have already taken place well in excess of your submitted drawing. The condition that exist is severe and will not provide protection from run off using boulders. The recently received drawing suggests a retaining wall (drawings fourth coming) as planned previously if retaining wall was to be constructed it would extend easterly from west end of parking lot to the light pole shown on plan, existing conditions, with excessive elevations will require expansion of this wall approximately 70' east of light pole. Please see drawing area noted as previously approved Neuro/Ortho/Wellness Center parking white colored area of parking lot. Retaining wall plans to be reviewed and approved by City Staff/CIB Planning once received.

City Planner Justin Sprague submitted the following:

1. **Information items.** The site plan meets the informational requirements of the ordinance.
2. **Parking Lot Requirements.** The applicant is adding 20 new parking spaces which is in compliance with the ordinance.
3. **Lighting.** The site plan does not show or propose any new lighting in the development area. If lighting is proposed, it must be shown on the plan to ensure conformance with the ordinance.
4. **Landscaping.** A landscaping plan has been submitted for review. The plan includes new evergreen trees, shrubs, a boulder retaining wall for slope preservation and a vinyl screening fence. The landscaping plan is in conformance with the ordinance, however; it is our understanding that the boulder wall will be replaced by interlocking blocks to create the retaining wall which will be as high as 7-8 feet from grade in certain areas. This plan will need approval from the city engineering department prior to construction.
5. **Other Approvals.** The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

Doug Scott, Civil Engineer from Rowe Engineering, stated the retaining wall will be 2' to 9' tall, block wall, ready rock wall that is decorative and will prevent erosion. Will also include landscaping and a vinyl privacy fence.

Charlie Thompson, Memorial Healthcare, stated they have moved everything back to meet with the southern property line (referred to as the 1950's lot line that the neighbors have been used to).

Per the City Planner Justin Sprague, the Planning Commission has a couple of options. First would be to deny the requested expansion until all of the outstanding site plan requirements are met including lighting and the retaining wall approval from city engineering.

The second path would be to conditionally approve the site plan with the following conditions and grant staff the ability to approve outstanding site plan items administratively

1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval including;
2. The proposed lighting plan;
3. Approval of the retaining wall by city engineering; and
4. Review and approval by the appropriate city departments, consultants, and agencies prior to issuance of a building permit.

MOTION BY SECRETARY FEAR SUPPORTED BY VICE-CHAIR LIVINGSTON TO CONDITIONALLY APPROVE THE SITE PLAN REVIEW FOR ADDITIONAL AND EXISTING PARKING AREAS AT MEMORIAL HOSPITAL, PENDING ADMINISTRATIVE APPROVAL AND MEET THE FOLLOWING CONDITIONS:

1. **SUBMISSION OF A REVISED SITE PLAN THAT SATISFACTORILY ADDRESSES THE ITEMS IN THIS LETTER, FOR ADMINISTRATIVE REVIEW AND APPROVAL INCLUDING;**
2. **THE PROPOSED LIGHTING PLAN;**
3. **APPROVAL OF THE RETAINING WALL BY CITY ENGINEERING; AND**
4. **REVIEW AND APPROVAL BY THE APPROPRIATE CITY DEPARTMENTS, CONSULTANTS, AND AGENCIES PRIOR TO ISSUANCE OF A BUILDING PERMIT.**

YEAS: COMMISSIONERS MORRIS, YERIAN, SECRETARY FEAR, COMMISSIONER LAW, VICE-CHAIR LIVINGSTON AND CHAIRMAN WASCHER
NAYS: COMMISSIONER TAYLOR
RCV 6-1 MOTION CARRIED

2. MASTER PLAN SURVEY RESULTS

City Planner Justin Sprague reviewed the survey results. There were 19 responses and main concerns including downtown and the Matthews Building. No specific changes to the master plan were suggested. The next step is for the Planning Commission to formally send the Master Plan Draft to City Council and City Council's action would be to set the 63-day period for distributing the plan publicly. After the 63 days, the Planning Commission will hold a public hearing and proceed to adopt a formal resolution accepting the Master Plan.

MOTION BY SECRETARY FEAR SUPPORTED BY VICE-CHAIR LIVINGSTON TO APPROVE THE MASTER PLAN DRAFT AND SEND TO CITY COUNCIL FOR APPROVAL AND AUTHORIZATION OF THE 63 DAY PERIOD FOR DISTRIBUTING THE PLAN PUBLICLY.

YEAS: COMMISSIONERS TAYLOR, YERIAN, SECRETARY FEAR, COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER MORRIS AND CHAIRMAN WASCHER
NAYS: NONE
RCV 7-0 MOTION CARRIED

OTHER BOARD BUSINESS: NONE

PUBLIC COMMENTS AND COMMUNICATIONS:

1. Jim Slingerland, Campbell Drive, concerned the retaining wall would require the removal of pine trees.
2. Karen Harris, Campbell Drive, asked where the retaining wall would be placed. City Planner Justin Sprague answered with it is allowed to be on the property line.

ADJOURNMENT

**MOTION BY COMMISSIONER MORRIS SUPPORTED BY COMMISSIONER LAW TO ADJOURN AT 8:33 P.M. UNTIL THE NEXT MEETING ON December 14, 2020.
YEAS ALL, MOTION CARRIED.**

Janae L. Fear, Secretary