

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF FEBRUARY 12, 2013**

Reeser called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Green, King, Naeyaert, Reeser, Sabbadin, Trotter
Absent: Commissioners: Barna, Cotter, Waltz (all excused)
Also present: Martin A. Colburn, City Administrator
David Haywood, Zoning & Development Director
Deborah J. Cwiertniewicz, City Clerk

APPROVAL OF MINUTES: JANUARY 15, 2013

The Minutes of January 15, 2013, were approved as submitted.

UNFINISHED BUSINESS

None.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

None.

PUBLIC HEARING

Special Use Permit – 1140 South Jefferson Street (MSUFCU) – Drive-thru

Reeser informed the public that due to a publication error, the public hearing for the proposed drive-thru credit union at 1140 South Jefferson Street and South Cedar Street is deferred to the regularly scheduled Planning Commission meeting of March 12, 2013, to afford time for proper notice.

Rezoning – 114 North Mason Street – R2F (Two Family Residential) to RM (Multiple Family)

Reeser opened the public hearing at 6:35 p.m. and invited the public to speak on the issue.

Jeanette Feintuch (applicant), 604 South Barnes Street spoke in favor of the rezoning request and offered the following comments:

- The unit is currently a single family home
- That three units are desired to make the property marketable
- The subject property had been a three-unit fifteen years ago
- That there are multiple family units in the vicinity
- That there will not be any adverse impacts on the public utility systems serving the site

Matthew Campbell spoke in opposition to the rezoning request and stated the following concerns:

- That the applicant has an outstanding water bill that remains unpaid
- That since he purchased his home in 2009, the neighborhood has changed from two-family to multiple family by identifying a five-unit, a four unit and two three-unit dwellings in the immediate vicinity
- That multiple family developments have the potential for criminal activity

- That allowing the rezoning will create a precedent for more multiple family in the neighborhood
- That although the applicant is only interested in three units now, the requested zoning district allows the current and future owners to add additional units

Being there were no further comments, Reeser closed the public hearing at 6:40 p.m.

REGULAR BUSINESS

Resolution No. 2013-03 – A Resolution Approving a Preliminary Site Plan to Construct a 7,900 Square Foot Credit Union Facility, Including Drive-thru, Located at 1140 South Jefferson Street and South Cedar Street

Haywood provided a summary of his staff report and detailed description of the conditions of approval as presented in the resolution.

MOTION by Sabbadin, second by Naeyaert,
to consider Resolution No. 2012-03 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2012-03 was introduced by Green and seconded by Sabbadin.

Gregory McKenzie of Daniels & Zermack spoke on behalf of the applicant and provided an overview of the proposed site improvements, indicating that they take no exception to the conditions listed in the resolution, with the exception that they request to remove the limitation on the hours of operation.

Discussion ensued regarding many aspects of the proposal, primarily related to site buffering, canopy setback and hours of operation.

MOTION by Naeyaert, second by Sabbadin,
to approve Resolution No. 2013-03 and defer action on the hours of operation to the March 12, 2013 regularly scheduled Planning Commission meeting.

MOTION APPROVED UNANIMOUSLY

CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-03
A RESOLUTION APPROVING A PRELIMINARY SITE PLAN TO CONSTRUCT A
7,900 SQUARE FOOT CREDIT UNION FACILITY, INCLUDING DRIVE-THRU,
LOCATED AT 1140 SOUTH JEFFERSON STREET AND SOUTH CEDAR STREET
February 12, 2013

WHEREAS, a request has been received from Michigan State University Federal Credit Union, for preliminary plan and special use permit approval to be allowed to construct a new credit union facility, with drive-thru, at 1140 South Jefferson Street and South Cedar Street; and

WHEREAS, the subject property is further described as:

Overall Legal Description: The Original Monuments On The Boundaries Of Parcels 1 And 2 Were Recovered In The Field And The Overall Exterior Boundary (Based On Found Original Monuments) Being More Particularly Described As Follows: A Parcel Of Land Lying Within The Southeast 1/4 Of The Southeast 1/4 Of Section 8, Township 2 North, Range 1 West, City Of Mason, Ingham County, Michigan, Described As: Commencing At The Southeast Corner Of Said Section 8; Thence North 89°55'35" West 297.33 Feet Along The South Line Of Said Section 8; Thence North 00°09'05" East 201.52 Feet Parallel With The East Line Of The Southeast 1/4 Of The Southeast 1/4 Of Said Section 8 To A Found Capped Iron #28414 And The Point Of Beginning; Thence North 89°56'17" West 197.98 Feet To A Found 1/2" Rod; Thence North 00°03'03" East 201.47 Feet Along The Easterly Right-Of-Way Line Of Cedar Street To A Found 1/2" Rod; Thence South 89°57'02" East 198.06 Feet

To A Found 1/2" Rod; Thence South 89°55'11" East 297.61 Feet Through A Found 1/2" Rod; Thence South 00°09'05" West Along The East Line Of Said Section 8; Thence North 89°54'57" West 297.34 Feet Through A Capped Iron #28414 To A Found Capped Iron #28414; Thence South 00°08'28" West 30.55 Feet To The Point Of Beginning.

WHEREAS, upon compliance with the conditions listed herein, the plans will comply with the site plan review standards listed in Section 94-227 of the Mason Code; and

WHEREAS, due to a publication error, the public hearing for the requested special use permit is deferred to the regularly scheduled Planning Commission meeting on March 12, 2013; and

WHEREAS, approval is granted with the following **general conditions**:

- 1) The hours of operation for the drive-thru (not including ATM) be limited to the hours of 7am to 6pm Monday through Friday and 9am to 3pm Saturday, and
- 2) The installation of access drives described herein shall be required within 12 months upon the development of access drives on adjacent properties, and
- 3) That a special use permit is granted prior to or concurrently with final site plan approval, and
- 4) That a minimum of 11 parking spaces shall be maintained as pervious surface for the duration of the special use permit, and
- 5) That a City of Mason soil erosion and sedimentation permit will be required prior to the issuance of a building permit, and
- 6) The applicant be granted a special use permit prior to or concurrently with final site plan approval, and

WHEREAS, approval is granted with the condition that the applicant shall submit a revised site plan with the following changes **prior to final site plan approval**:

- 1) The plan shall show the zoning and current land uses on adjacent properties to the west and east of the subject property, and
- 2) The plans shall address the expectations of the Public Works Supervisor as stated in his memorandum of February 7, 2013, and
- 3) The plans shall address the expectations of the City Engineer as stated in his letter of January 28, 2013, and
- 4) The plans shall address the expectations of the Fire Chief as stated in his memorandum of February 3, 2013, and
- 5) The plan shall show a 20 foot side yard setback adjacent to the residential property to the south, and
- 6) The plan shall show a method of obscuring the parking lot light pole marked LB-25 that adequately screens light for the residential property to the south by use of vegetation or alteration to the light pole or source, and
- 7) The plan shall show the required landscape buffer yard dimension on the perimeter of the entire site and the required landscaping materials along the north property line consistent with the standards in 94-241(f)(1)a, and
- 8) The plan shall show 7 additional replacement trees as a result of site disturbance (one tree per 10,00 square feet) pursuant to Section 94-241(c)(8) of the Zoning Ordinance, and
- 9) The plans shall show a reduction in the number of wall signs for both the principal building and the ATM canopy to one wall sign each, or be granted a variance by the Sign Board of Appeals prior to the issuance of a building permit for signage, and

WHEREAS, approval is granted with condition that the applicant provide the following **prior to the issuance of an occupancy permit**:

- 1) An executed Drainage Facilities Maintenance Agreement, and
- 2) The two subject parcels having parcel numbers 33-19-10-08-476-002 and 33-19-10-08-476-039 shall be combined to a single parcel.

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a Preliminary Site Plan to construct a credit union facility, including drive-thru, located on property located at 1140 South Jefferson Street and South Cedar Street based on the site plan dated January 15, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-04 – A Resolution Recommending the City Council Adopt an Ordinance to Rezone 0.258 Acres of Land Located at 114 North Mason Street from R2F Two-Family Residential to RM Multiple-Family Residential

Haywood elaborated on his report regarding the request to rezone and provided an analysis of how the request is consistent with the standards of approval listed in Section 94-396(a) of the Zoning Ordinance.

MOTION by Sabbadin, second by King,
to consider Resolution No. 2013-04 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-04 was introduced by Green and seconded by Sabbadin.

A lengthy discussion ensued regarding the rezoning request with the following findings of fact being made:

- The surrounding zoning is R2F Two-Family Residential
- That allowing higher density zoning will upset the single- and two-family land use patten in the immediate vicinity
- That multiple family will negatively impact the neighborhood by generating an increase the number of vehicle trips in the area
- That the applicant has an outstanding water bill that remains unpaid
- That multiple family will negatively impact the neighborhood by increasing the level of noise in the area
- That multiple family will negatively impact the neighborhood with additional building construction and resulting proximity of multiple family structures

Reeser called for the vote on Resolution No. 2013-04

Yes (0)

No (6) Green, King, Naeyaert, Reeser, Sabbadin, Trotter

Absent (3) Barna, Cotter, Waltz

RESOLUTION FAILED

Discussion – Master Plan Update

Haywood gave a brief update of the Master Plan and spoke regarding the future land use map updates and committee's public outreach campaign to educate the residents on the plan.

UNFINISHED BUSINESS

Reeser introduced new commission members.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed commissioners regarding current City Council business.

DIRECTOR REPORT

Haywood informed the Commission regarding current planning matters.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business.

ADJOURNMENT

The meeting adjourned at 8:19 p.m.

Deborah J. Cwierniewicz, City Clerk

Jim King, Secretary