

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 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: Barna, Green, Naeyaert, Reeser, Sabbadin, Trotter, Waxman, Waltz
Absent: Commissioner: King (excused)
Also present: Martin A. Colburn, City Administrator
David Haywood, Zoning & Development Director
Deborah J. Cwierniewicz, City Clerk

APPROVAL OF MINUTES: Regular Meeting Minutes of October 15, 2013

The Regular Meeting Minutes of October 15, 2013, were approved as presented.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

- Light Parade and Fireworks – November 29, 2013

PUBLIC HEARING

Amendment of Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

Reeser opened the public hearing at 6:32 p.m.

Stan Jordan of 310 East Sycamore Street stated support for amending Mason Code, Chapter 94 – Zoning, Section 94-151.

Being there were no further comments, Reeser closed the public hearing at 6:33 p.m.

Resolution No. 2013-11 – A Resolution Recommending that the City Council Adopt Ordinance No. 195 – An Ordinance to Amend Section 94-151 of Chapter 94 – Zoning – of the Code of the City of Mason to Amend Subsection (D) to Add a New Subsection (4) to Permit the Sale of Repaired, Used Vehicles, by Special Use Permit as an Accessory Use to a Body and Paint Shop for Automobiles and Other Vehicles

MOTION by Waltz, second by Naeyaert,
to consider Resolution No. 2013-11 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-11 was introduced by Waltz and seconded by Naeyaert.

Discussion ensued regarding annual fees for special use permits, whether the privacy fence requirement should be included, and to eliminate the language that would prohibit “off-premises” advertising.

Mr. Lee Klein, President of JME Consultants Inc., stated he was representing the applicant, Darrell Benedict, who was also present to answer questions, if needed. He spoke regarding the amendment Mr. Benedict is proposing for the M-1 District.

MOTION by Waltz, second by Naeyaert,
to amend Resolution No. 2013-11 to accept the city attorney's edited version by striking
the language requiring an annual Special Use Permit renewal fee, striking the
requirement for a privacy fence, and, strike the advertising language.
Yes (7) Green, Naeyaert, Reeser, Sabbadin, Trotter, Waxman, Waltz
No (1) Barna
Absent (1) King
MOTION APPROVED

CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-11

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 195 –
AN ORDINANCE TO AMEND SECTION 94-151 OF CHAPTER 94 – ZONING – OF THE CODE OF
THE CITY OF MASON TO AMEND SUBSECTION (d) TO ADD A NEW SUBSECTION (4) TO
PERMIT THE SALE OF REPAIRED, USED VEHICLES, BY SPECIAL USE PERMIT AS AN
ACCESSORY USE TO A BODY AND PAINT SHOP FOR AUTOMOBILES AND OTHER VEHICLES
November 12, 2013

WHEREAS, Darrel Benedict of Benedict Auto Body has submitted a petition to amend the Mason Zoning Ordinance to amend the M-1 (Light Manufacturing) zoning district to permit the sale of used vehicles by special use permit as an accessory use to a body shop; and

WHEREAS, the Planning Commission recommends that the City Council amend Ordinance No. 195 to include the recommendations from the City Attorney described in his memorandum of September 16, 2013 as shown in his edited ordinance attached thereto; and

WHEREAS, the Planning Commission further recommends that the City Council amend Ordinance No. 195 by striking subsection 94-151(d)(4)f; and

WHEREAS, the Planning Commission further recommends that the City Council amend Ordinance No. 195 by accepting the City Attorney's edits as shown in his memorandum dated September 16, 2013; and

WHEREAS, the Planning Commission further recommends that the City Council amend Ordinance No. 195 by recommendation of the City Attorney by striking subsections 94-151(d)(4)l and m; and

WHEREAS, the Planning Commission finds that proposed Ordinance No. 195, including the amendments recommended herein, is consistent with the Section 94-396(a) and offers the following as findings of fact:

1. Compliance with the Master Plan of the city. The proposed amendment supports Objectives #2, 3, 4, 5, and 7 of the Industrial Development Goals of listed in Chapter Two, Planning Issues, Goals and Objectives, of the Mason Master Plan.

The proposed amendment does not significantly strengthen the position of industrial in the vicinity of the Elevator Site listed in the Industrial Areas component of the Future Land Use strategy of Chapter Three, Future Land Use Strategy, to the extent that it undermines or adversely affects the adjacent commercial center and adjacent residential neighborhoods.

The proposed amendment supports strategy #1 of the Industrial Development Implementation Strategy component of Chapter Four, Implementation Strategy, of the Mason Master Plan, in that it provides a new opportunity for local industrial business expansion.

2. What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment? There does not appear to be any changes in the vicinity.

3. What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning? There is no known error of this sort.

4. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition? The precedents and possible effects might be additional vehicles, limited to 18 per year, on site in various states of repair. However, the proposed amendment proposes to shield any visual affect via fencing from casual view. The effect will be negligible compared to the current activity related to auto repair facilities.

5. *What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?* There appears to be no impact of this type. The site is currently served with the necessary public utilities.

6. *Does the proposed amendment adversely affect the value of the surrounding property?* The proposed amendment will not adversely affect the value of the surrounding property.

7. *Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?* There are no known environmental impacts associated with the proposed amendment.

8. *The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.* There is no proposed change in zoning district. The only proposed change is a limited expanded use; and

WHEREAS, the Planning Commission did properly notice and conduct a public hearing on the proposed amendment at its regular meeting held November 12, 2013.

NOW THEREFORE BE IT RESOLVED, that the city of mason planning commission does hereby recommend that the city council adopt ordinance no. 195 – an ordinance to amend section 94-151 of chapter 94 – zoning – of the code of the city of mason to amend subsection (d) to add a new subsection (4) to permit the sale of repaired, used vehicles, by special use permit as an accessory use to a body and paint shop for automobiles and other vehicles

RESOLUTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2013-12 – A Resolution Approving a Final Site Plan to Permit the Operation of a Bed and Breakfast at 604 South Barnes Street

MOTION by Naeyaert, second by Waxman,
to consider Resolution No. 2013-12 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-12 was introduced by Naeyaert and seconded by Waltz.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-12
A RESOLUTION APPROVING A FINAL SITE PLAN TO PERMIT THE OPERATION OF A BED AND
BREAKFAST AT 604 SOUTH BARNES STREET
November 12, 2013**

WHEREAS, a request has been received from Jettie Feintuch, for final site plan and approval to be allowed to operate a bed and breakfast at 604 South Barnes Street; and

WHEREAS, the subject property is further described as: Lots 5 & 6, Block 25, Sec 9 T2N R1W, City of Mason, Ingham Co; and

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

THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a final site plan for a bed and breakfast on property located at 604 South Barnes Street based on the site plan dated August 21, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2013-13 – A Resolution Approving a Preliminary and Final Site Plan for the Expansion of a Commercial Structure at 309 North Street

MOTION by Naeyaert, second by Waxman,
to consider Resolution No. 2013-13 read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-13 was introduced by Waltz and seconded by Naeyaert.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-13**

**A RESOLUTION APPROVING A PRELIMINARY AND FINAL SITE PLAN FOR THE
EXPANSION OF A COMMERCIAL STRUCTURE AT 309 NORTH STREET**

November 12, 2013

WHEREAS, a request has been received from Jeff Taylor for a concurrent preliminary and final site plan approval to be allowed to construct an addition to the existing commercial building at 309 North Street for the purpose of providing rental service and storage of rental equipment; and

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

WHEREAS, approval is granted with the following general conditions:

- 1) Future site and exterior structure lighting shall be consistent with Section 94-293(e) of the Zoning Ordinance. All light sources shall be shielded from direct view, and
- 2) This site plan approval does not permit the applicant to use the property adjacent to the south as a means of access to the site. Any future easements or agreements for site access from this direction shall be brought to the Zoning Administrator for review and approval, and
- 3) Future signage shall comply with the regulations listed for signs in Chapter 58 of the Mason Code, and

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a preliminary and final site plan to construct a new commercial structure on property located at 309 North Street based on the site plan received November 12, 2013.

RESOLUTION APPROVED UNANIMOUSLY

Discussion – Used Vehicle Sales as an Accessory Use to Auto Body Shops

Staff was requested to provide information regarding the implications of Ordinance No. 195 involving auto sales as an accessory use to auto body repair shops, to analyze the impact of allowing used vehicle sales as an accessory use to auto body shops in other zoning districts in the City

A brief discussion ensued. It was the consensus of the Commission to request Mr. Haywood to elaborate further on the memorandum he provided by evaluating the different zoning districts involved, the current uses allowed, and what the allowed uses would be under a special use permit.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed commissioners regarding current City Council business.

DIRECTOR REPORT

Haywood informed the Commission regarding current zoning and development business.

Waltz reported on the Mason – Holt – Lansing Non-Motorized Trial Workshop he attended.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business.

ADJOURNMENT

The meeting adjourned at 7:42 p.m.

Deborah J. Cwierniewicz, City Clerk

Jim King, Secretary