

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall (517) 676-9155
Fax (517) 676-1330

PLANNING COMMISSION MEETING - COUNCIL CHAMBER

Tuesday, October 15, 2013

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: September 10, 2013
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. 604 S. Barnes St. – Bed and Breakfast
Resolution No. 2013-10 – A Resolution Approving A Preliminary Site Plan To Permit The Operation Of A Bed And Breakfast At 604 South Barnes Street
7. Regular Business
 - A. Motion – Master Plan Update – To Recommend the City Council Approve the Final Draft of The Master Plan Dated October 11, 2013 for Public Distribution and Public Hearing as Required by the Michigan Planning Enabling Act
8. Unfinished Business
9. New Business
10. Correspondence
 - Planning & Zoning News, August 2013
11. Liaison Reports
12. Director Report
 - 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
13. Administrator Report
14. Adjournment

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF SEPTEMBER 10, 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, Waxman, Waltz
Absent: Commissioner: Barna (excused)
Also present: Martin A. Colburn, City Administrator
David E. Haywood, Zoning & Development Director
Deborah J. Cwierniewicz, City Clerk

APPROVAL OF MINUTES: Regular Meeting Minutes of August 13, 2013

The Regular Meeting Minutes of August 13, 2013, were approved as submitted.

PEOPLE FROM THE FLOOR

None.

*Mayor Pro Tem Naeyaert arrived at 6:34 p.m.

ANNOUNCEMENTS

- Mason Cares – September 11, 2013 - James M. Pelton Fire Station No. 1
- 9-11 Ceremony – September 11, 2013 – Lower Level of the James M. Pelton Fire Station No. 1
- Pancake Breakfast and Golf Ball Drop – September 21, 2013 - James M. Pelton Fire Station No. 1

PUBLIC HEARING

Operation of a Bed and Breakfast at 604 South Barnes Street

Jettie Finetuch, applicant and resident of 604 South Barnes Street, stated that she is requesting a Special Use Permit to operate a bed and breakfast at her residence, estate of her father, David Feintuch. She gave a brief overview of the plan and stated that a bed and breakfast has not been operated in the city before. Ms. Finetuch showed the site plan for parking and stated that the primary entrance would be the front entrance on Barnes Street.

Reeser opened the public hearing at 6:39 p.m.

Kathy Doig of 603 South Barnes Street stated that she and her husband had questions regarding the proposal as they had not seen the plans. The commission allowed her to ask questions of the applicant.

William Art Wood of 619 South Barnes Street stated that he is not opposed to the proposed use of the property; he would like that the property remain residential and would be opposed to it becoming a rental property.

Reeser closed the public hearing at 6:51 p.m.

REGULAR BUSINESS

Resolution No. 2013-10 – A Resolution Approving a Preliminary Site Plan to Permit the Operation of a Bed and Breakfast at 604 South Barnes Street

Haywood elaborated on his submitted report. Discussion ensued regarding the number of bathrooms planned in consideration of the number of bedrooms and that signage for the business was not proposed.

MOTION by Waltz, second by Sabbadin,
to consider Resolution No. 2013-10 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-10 was introduced by Waxman, and seconded by Green. It was discussed that although the Master Plan designates the establishment of bed and breakfast development, it has not been utilized in Mason.

MOTION by Waltz, second by Green,
to table Resolution No. 2013-10 to enable further research and to resume discussion following the public hearing on October 15, 2013.
YES (6) Green, King, Naeyaert, Reeser, Waltz, Waxman
NO (2) Sabbadin, Trotter
ABSENT (1) Barna
MOTION APPROVED

Master Plan Update – City Council Workshop Comments

Haywood informed the Commission regarding the list of City Council comments on the proposed Master Plan. The Commission reviewed and categorized each comment as follows: Items of Agreement by both bodies, Items of Question for City Council, and Items for Further Discussion between the Commission and City Council. A joint meeting will be scheduled between City Council and the Planning Commission.

A brief recess was taken at 8:50 p.m. and the commission reconvened at 9:00 p.m.

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.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Deborah J. Cwiertniewicz, City Clerk

Jim King, Secretary

City of Mason

201 W. Ash St.
P.O. Box 370
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City Hall 517 676-9155
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TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director *DA*

SUBJECT: Special Use Permit and Preliminary and Final Site Plan Review – 604 S. Barnes St. (Bed & Breakfast)

DATE: October 11, 2013

This memorandum provides supplemental information to the staff report provided at the September 10th meeting. The applicant is requesting a special use permit and preliminary and final site plan approval to operate a bed and breakfast, including four bedrooms, on property located at 604 South Barnes Street.

At the September 10, 2013 meeting, the Planning Commission acted to table the request to afford staff time to notice property owners and applicants within 300 feet of the subject property. Fifty-six notices were sent. At the time of this report, no comments have been received. As discussed at the September meeting a public hearing is required to meet the statutory requirement for public notice. The agenda for this meeting reflects that requirement.

One of the concerns brought up at the last meeting was that the use could grow to a point that would require parking similar to a commercial parking lot. To minimize the impact, the Planning Commission could add a condition of the special use permit that limits the bed and breakfast to four sleeping rooms, as stated by the applicant at the September meeting. This would effectively cap the number of occupants and parking needed for the site. Any additional sleeping units and subsequent parking spaces added to the operation would required an amendment to the special use permit and site plan, which would come before the Planning Commission for review and approval. Alternatively, the condition could approve up to the maximum number of sleeping rooms allowed by ordinance of six rooms (Section 94-192(7)). This would allow the owner to expand into the maximum without having to come back to the Planning Commission for approval of two additional sleeping rooms.

Another concern raised was how the bed and breakfast operation will meet the standards listed in Section 94-192(7). This is a good question and can be addressed by adding an additional condition that requires the operations to pass an initial inspection by the Zoning Administrator for compliance with the conditions of Section 94-192(7) prior to commencing the bed and breakfast operation and that the use be in compliance with said section at all times.

Please refer to the attached memorandum originally distributed at the September meeting for detailed analysis of the request.

RECOMMENDED ACTIONS:

- 1. The Planning Commission vote to remove Resolution No. 2013-10 from the table.**
- 2. The Planning Commission vote to amend Resolution No. 2013-10 to include approval of the Special Use Permit and Final Site Plan.**

- (7) *Bed and breakfast.* It is the intent of this section to provide standards for the utilization of the older large residential structures located in older neighborhoods of the city as bed and breakfast accommodations for tourists while maintaining the character of the surrounding neighborhoods. Bed and breakfast accommodations are subject to the following requirements:
- a. Meals shall only be served to residents, the guests of residents, employees, family members and overnight guests. There shall be no food preparation in any guest sleeping room. Restaurant type operation is prohibited.
 - b. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited including gift shops, antique shops, restaurants, and bakeries.
 - c. Each premises must be occupied and operated by its owner. The dwelling unit in which the bed and breakfast operations take place shall be the principal residence of the operator, who shall live on the premises while the operation is active. The living area for the owner/operator may be separated from the guest rooms. No more than six transient/guest rooms shall be provided.
 - d. Only one sign shall be allowed for identification purposes only. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building or freestanding, and not exceed four square feet in area. The planning commission, in its sole discretion, shall approve the indirect lighting of any sign on the site.
 - e. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
 - f. Additions or modifications to a structure for the purpose of accommodating additional guests shall be allowed only if such additions or modifications maintain the character of the buildings on, and within the neighborhood of, the property operating a bed and breakfast. Physical modifications to the structure may be permitted including the provision of barrier free access in order to meet building code requirements.
 - g. Meals for bed and breakfast patrons shall be prepared using the same kitchen facilities as are used for the residents. Kitchen facilities shall comply with all appropriate city, county and state regulations.
 - h. One off-street parking space per room to be rented shall be provided, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
 - i. All sleeping rooms in the bed and breakfast shall be provided in accordance with the Michigan Residential Code promulgated pursuant to MCL 125.1504 and the additional requirements of MCL 125.1504b.
 - j. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping rooms are located.

- k. Bed and breakfast bedrooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant in that bedroom.
 - l. One bathroom group for every three sleeping rooms shall be provided, with a minimum of two bathrooms for the exclusive use of bed and breakfast guests.
 - m. The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
 - n. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which list shall be available for inspection by the zoning official.
 - o. The bed and breakfast use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
 - p. All dimensional requirements and setbacks shall be maintained for the district in which the bed and breakfast is located. No unique or special equipment or mechanical devices shall be permitted that are not common for single-family dwelling use.
- (8) *Institutional structures and uses.* In recognition of the institutional types of nonresidential uses which may be found compatible with and useful in residential areas, and in recognition of the peculiar and unique functional requirements of certain types of institutional uses, the planning commission may authorize such uses by special use permit when in compliance with the general standards and specific requirements of this article.
- a. Institutional uses include the following:
 - 1. Institutions for human care including hospitals, sanitariums, day care, nursing or convalescent homes, homes for the aged, and philanthropic institutions, but not institutions for substance abuse patients or correctional institutions.
 - 2. Religious uses including churches, or similar places of worship, convents, parsonages, parish houses and other houses for clergy.
 - 3. Education and social uses including public and private schools, auditoriums and other places of assembly, centers for social activities, lodges, fraternities, and sororities.
 - 4. Public buildings and public service uses including publicly owned and operated buildings, public utility buildings and structures, transformer stations and substations, gas regulator stations, radio, television, and microwave towers.
 - 5. Recreation uses including parks, playgrounds, ball fields, public swimming pools, stadiums, community centers, and country clubs.

City of Mason

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MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Preliminary Site Plan Review – 604 S. Barnes St. (Bed & Breakfast)

DATE: September 6, 2013

The applicant is requesting preliminary site plan and special use permit approval to operate a bed and breakfast, including four bedrooms, on property located at 604 South Barnes Street. The parcel is zoned RM (Multiple Family Residential). Section 94-125(d)(6) permits bed and breakfast operations by special use permit. Section 94-192(7) establishes the special use standards for bed and breakfast operations.

LAND USE AND ZONING:

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning	Future Land Use
North	Residential	RM (Multiple Family Residential)	Residential
East	Residential	R2F (Two-Family Residential)	Residential
South	Residential	R2F (Two-Family Residential)	Residential
West	Residential	RM (Multiple Family Residential)	Residential

SITE PLAN REVIEW:

Plan Details:

The application indicates the hours of operation will be 9:00 a.m. to 10:00 p.m., Monday through Friday.

Height, Bulk, Density, and Area Requirements:

No structures are proposed at this time.

Off-Street Parking & Circulation:

Table 100-5 sets the parking requirements for specific uses. Although there is no standard listed for bed and breakfast specifically, it is essentially the same as a rooming house, which requires two spaces per dwelling unit and one space for each rooming unit. The applicant shows a total of four bedrooms, where one is assumed to be designated for the dwelling and the other three for the bed and breakfast. Therefore, five parking spaces are required. The applicant has provided six parking spaces and a two-car garage.

Landscaping:

Table 100-4 requires that uses in the RM zoning district provide a category A landscape buffer yard adjacent to the RM zoning district and a category B landscape buffer yard adjacent to property zoned R2F. Section 94-241(e)(4) allows the Planning Commission to determine the required buffer yard adjacent to streets, which in this case encompasses the north, east and south sides of the site due to its location on the corner of Barnes and Elm and also having an alley. Due to the limited scope of the bed and breakfast, having only four bedrooms, staff recommends that due to the intensity of the use being at or less than a normal family activity no additional landscaping for the north, east and south side be required. There is currently significant landscaping in along the west property line sufficient to buffer the residential properties there. Staff would recommend that the Planning Commission accept the current landscaping as sufficient.

Signs:

No signs are proposed for the proposed activity.

NOTIFICATION:

Fifty-six letters were sent out notifying the public of this request. As of the writing of this report, no responses have been received. However, the notices sent were less than the 15 day statutory timeline. Therefore, staff recommends that the public hearing be opened on September 10, allowing anyone present to speak, and continue the public hearing on October 15 to afford staff time to re-notice owners and occupants within the vicinity of the subject property.

PUBLIC SERVICES AND FACILITIES:

Streets, Traffic, and Site Access:

The site is located at the southwest corner of South Barnes and East Elm Streets, both of which are local two-lane streets. The site also is adjacent to an alley behind the property parallel to Elm Street.

Water, Sanitary Sewer and Storm Water Management:

The site is adequately served by the necessary water and sanitary sewer systems. No changes are proposed at this time.

Additional Agency Comments:

Comments from the remaining agencies are attached. No additional concerns have been received regarding this site plan review at this time.

ANALYSIS:

It appears that the site and proposed use will comply with the site plan review standards listed in Sections 94-227 of the Code, provided the previously noted conditions are met.

In addition to these standards, Section 94-191(f) of the Mason Code provides the Basis of Determination for Special Use Permits. These standards must be met before a Special Use Permit can be approved. The standards and staff commentary regarding compliance follow:

(1) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of adjacent property or the zoning district in which it is proposed.

The location is currently zoned for residential use. The proposed intensity of the bed and breakfast at three bedrooms will not likely cause more activity than a normal household.

(2) Not be hazardous or disturbing to uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

Staff is not aware of any additional conflicts of a hazardous or disturbing nature associated with the proposed use.

(3) Be served adequately by essential facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.

The use does not require public utilities and no changes to the systems in the vicinity are proposed.

(4) Not create additional requirements at public cost for public facilities and services.

It does not appear that the proposed use will create additional public costs.

(5) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by noise, fumes, glare, or odors.

Staff is not aware of any conflicts of this nature.

(6) Not be located such that it will directly or indirectly have a substantial adverse impact on the natural resources of this city.

Staff is not aware of any conflicts of this nature.

(7) Be in compliance with other applicable local, county, state, or federal rules and regulations.

It appears that the proposed use is in compliance, provided the specified conditions of approval are met.

In addition to the site plan and special use permit standards, Section 94-192(7) of the Mason Code lists the requirements related specifically to institutions. These standards must be met before a Special Use Permit can be approved. The applicant has provided an item-by-item explanation as to how her bed and breakfast operation will meet these standards. Please note that item “o)” states that the premises “will cause a disturbance to neighbors”. It is assumed that this was written as an error, that the owner anticipates that the use will not cause a disturbance. Attached are copies of Section 94-192(7) and the applicants response to each item.

RECOMMENDED ACTION:

The Planning Commission approve Resolution No. 2013-10.

Attachments:

1. Resolution
2. Application
3. Owner’s response to requirements of Sec. 94-192(7)
4. Agency Comments
 - a. City of Mason POTW Supervisor
 - b. City of Mason Chief of Police
 - c. City of Mason Fire Chief
 - d. City of Mason Public Works Supervisor
5. Section 94-227, Standards for site plan review and approval, of the Mason City Code
6. Site Plan

Introduced:
Second:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-10**

**A RESOLUTION APPROVING A PRELIMINARY SITE PLAN TO PERMIT THE
OPERATION OF A BED AND BREAKFAST AT 604 SOUTH BARNES STREET**

September 10, 2013

WHEREAS, a request has been received from Jettie Feintuch, for preliminary site plan and special use permit 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

WHEREAS, approval is granted with the condition that the total number of rooming units be limited to four; and

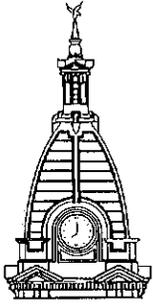
THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a preliminary site plan for a bed and breakfast on property located at 604 South Barnes Street based on the site plan dated August 21, 2013.

Yes ()

No ()

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason Planning Commission at its regular meeting held Tuesday, September 10, 2013, the original of which is part of the Planning Commission minutes.

Deborah J. Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan



Mason Police Department

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370

JOHN STRESSMAN
Chief of Police

Office: (517) 676-2458
Fax: (517) 244-9024
MASON_PD@ingham.org

MEMORANDUM

To: David Haywood
Planning and Development Director

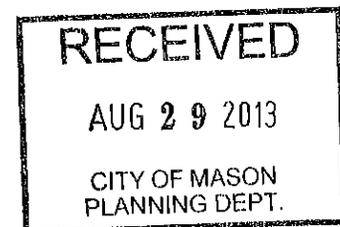
From: John Stressman
Chief of Police 

Ref: Special Use Permit
604 South Barnes Street

Date: August 29, 2013

I have reviewed the Special Use Permit for the use of 604 South Barnes Street as a Bed and Breakfast and have identified at least one concern at this time. The 15th line on the fifth page states: "Premises will cause disturbance to neighbors or neighborhood." This may indeed be the accidental omission of a key word but the quiet and repose of the residents surrounding the multi-occupant facility is a quality of life issue needing to be taken into consideration.

If you have any questions, please contact me.



David Haywood

From: Sam Bibler
Sent: Thursday, August 29, 2013 7:28 AM
To: David Haywood
Subject: Special Use Permit - 604 South Barnes Street (Bed & Breakfast), Mason

David, after reviewing the site plan submitted at 604 South Barnes St , the normal operations of this proposed bed & breakfast should not have any affects on the operations of the City of Mason's Wastewater Treatment Plant. If you have any questions or concerns, please contact me. Thank you.

Sam Bibler / POTW Superintendent.

David Haywood

From: Kerry Minshall
Sent: Friday, September 06, 2013 9:35 AM
To: David Haywood
Subject: RE: 604 S. Barnes St. - Bed & Breakfast

I do not have any comment or concerns about the proposed Bed and Breakfast at 604 S. Barnes Street.
Kerry

From: David Haywood [<mailto:davidh@mason.mi.us>]
Sent: Friday, September 06, 2013 8:59 AM
To: Kerry Minshall; Ken Baker
Subject: 604 S. Barnes St. - Bed & Breakfast

Hey guys, I am putting the packet together for the Planning Commission today and still need your comments for this review. I am available if you have questions or concerns. Thanks,

David E. Haywood
Zoning & Development Director
City of Mason
201 W. Ash Street
Mason, MI 48854
517.676.9155

David Haywood

From: Ken Baker [kenb@mason.mi.us]
Sent: Friday, September 06, 2013 9:58 AM
To: David Haywood
Subject: RE: 604 S. Barnes St. - Bed & Breakfast

Dave:

I do not see any problems with them converting this address to a bed and breakfast.

This change does not affect the water system or the sewer system.

Dave let me know if you want this in a memo format.

Ken Baker

Superintendent of Public Works

From: David Haywood [mailto:davidh@mason.mi.us]
Sent: Friday, September 06, 2013 8:59 AM
To: Kerry Minshall; Ken Baker
Subject: 604 S. Barnes St. - Bed & Breakfast

Hey guys, I am putting the packet together for the Planning Commission today and still need your comments for this review. I am available if you have questions or concerns. Thanks,

David E. Haywood
Zoning & Development Director
City of Mason
201 W. Ash Street
Mason, MI 48854
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APPLICATION – SITE PLAN REVIEW/SPECIAL USE PERMIT

City of Mason

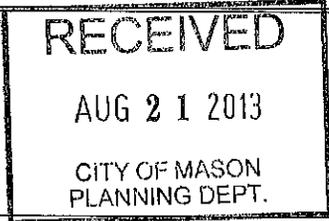
Planning Department • 201 W. Ash Street • Mason, MI 48854

Phone: 517/676-9155 • Fax: 517/676-1330

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Applicant- Please check one of the following:	
Preliminary Site Plan Review	X
Final Site Plan Review	
Special Use Permit*	X
* includes Preliminary Site Plan Review	

PLANNING DEPARTMENT USE ONLY	
Application Received:	<u>Aug. 21, 2013</u>
Tax ID:	<u>09-154-004</u>
Fee:	<u>\$275.00</u>
Receipt #:	<u>100147943</u>



I. APPLICANT INFORMATION

Name Jettie Feintuch
 Organization Estate of David Feintuch
 Address 604 S. Barnes St
 Telephone Number 517-881-4106 Facsimile Number _____
 Interest in Property (owner, tenant, option, etc.) Personal Representative (executor)

Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.

II. PROPERTY INFORMATION

Owner Estate of David Feintuch Telephone Number 51-881-4106
 Property Address 604 S. Barnes St
 Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____
 If Metes and Bounds (can be provided on separate sheet): 33-19-10-09-154-004
Lots 5 & 6, Block 27, Original Plat

APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises and uses thereon to verify compliance with the terms and conditions of any Special Use Permit and/or Site Plan approval issued as a result of this application.

Signature [Signature] Date 8/15/13

III. REQUEST DESCRIPTION

A. Written Description – Please use this section to describe the use or uses proposed. Attach additional pages, if necessary.

Permit for Bed & Breakfast

see attached

B. Available Services

Public Water YES NO
Public Sanitary Sewer YES NO
Paved Road (Asphalt or Concrete) YES NO
Public Storm Sewer YES NO

C. Estimate the Following

Traffic Generated 1-8 people
Population Increase 0
Hours of Operation 9 AM to 10 PM
_____ day through _____ day
Total Employees 0 Shifts
Employees in Peak Shift _____
Total Bldg. Area Proposed _____
Parking Spaces Provided 6 + 2-car garage

D. Project Phasing

This project will be completed in: One Phase Multiple Phases – Total No. of Phases: _____
Note: The phases of construction for multi-phase projects must be shown on the site plan

IV. APPLICATION MATERIALS

The following are checklists of items that generally must be submitted with applications for Preliminary Site Plan Review, Final Site Plan Review, and Special Use Permits. Applicants should review Articles VI and VII of Chapter 94 of the Mason Code for a complete listing of application requirements. All site plan drawings must comply with the requirements of Section 94-226(d) of the Zoning Ordinance. Incomplete applications will not be processed.

- Completed application form
- 20 copies of site plan drawings (**30 copies for Special Use Permits**)
- 1 – 11" x 17" copy of the site plan
- Legal description
- Proof of ownership/owner authorization
- Construction schedule for proposed project
- Construction calculations for utilities
- Fee (see below)
- Any other information deemed necessary

Application Fee – all requests must be accompanied by a fee, as established by the City Council. The fee schedule for Preliminary Site Plan Reviews, Final Site Plan Reviews, and Special Use Permits is as follows (As of October 16, 2006):

<u>Preliminary Site Plan Reviews</u>	\$200.00
<u>Final Site Plan Review</u>	\$100.00
<u>Special Use Permits</u> (includes preliminary site plan review)	\$275.00
<u>Engineering Review</u>	\$220.00*

*minimum fee for projects increasing demand on public utilities, fees are billed to applicant upon completion of review

V. APPLICATION DEADLINES

Preliminary Site Plan/Special Use Permit Review – Applications for Preliminary Site Plan Review may be submitted at any time. Complete applications must be received a minimum four (4) weeks prior to a Planning Commission meeting to be placed on the agenda. Upon receipt of a complete application, a public hearing will be scheduled for the next regularly scheduled meeting (for Special Use Permits only). The Planning Commission has the final authority to approve, approve with conditions or deny an application for Preliminary Site Plan/Special Use Permit Review. The Planning Department staff will issue a letter to the applicant advising of any changes or revisions that may be necessary prior to making application for Final Site Plan Review.

Final Site Plan Review – Complete applications must be received a minimum of four (4) weeks prior to a Planning Commission meeting to be placed on an agenda. The Planning Commission has the final authority to approve, approve with conditions or deny an application for Final Site Plan Review. Planning Commission meetings are held on the second Tuesday after the first Monday of every month, unless the Tuesday is a Township recognized holiday, in which case the meeting is held on the following day (Wednesday).

VI. STAFF REPORT

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Preliminary Site Plan Review, Final Site Plan Review or Special Use Permit. The report will explain the request and review whether it complies with the zoning standards of the Mason Code. Staff will present the findings of that report during the Planning Commission meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

Address: 604 S. Barnes St

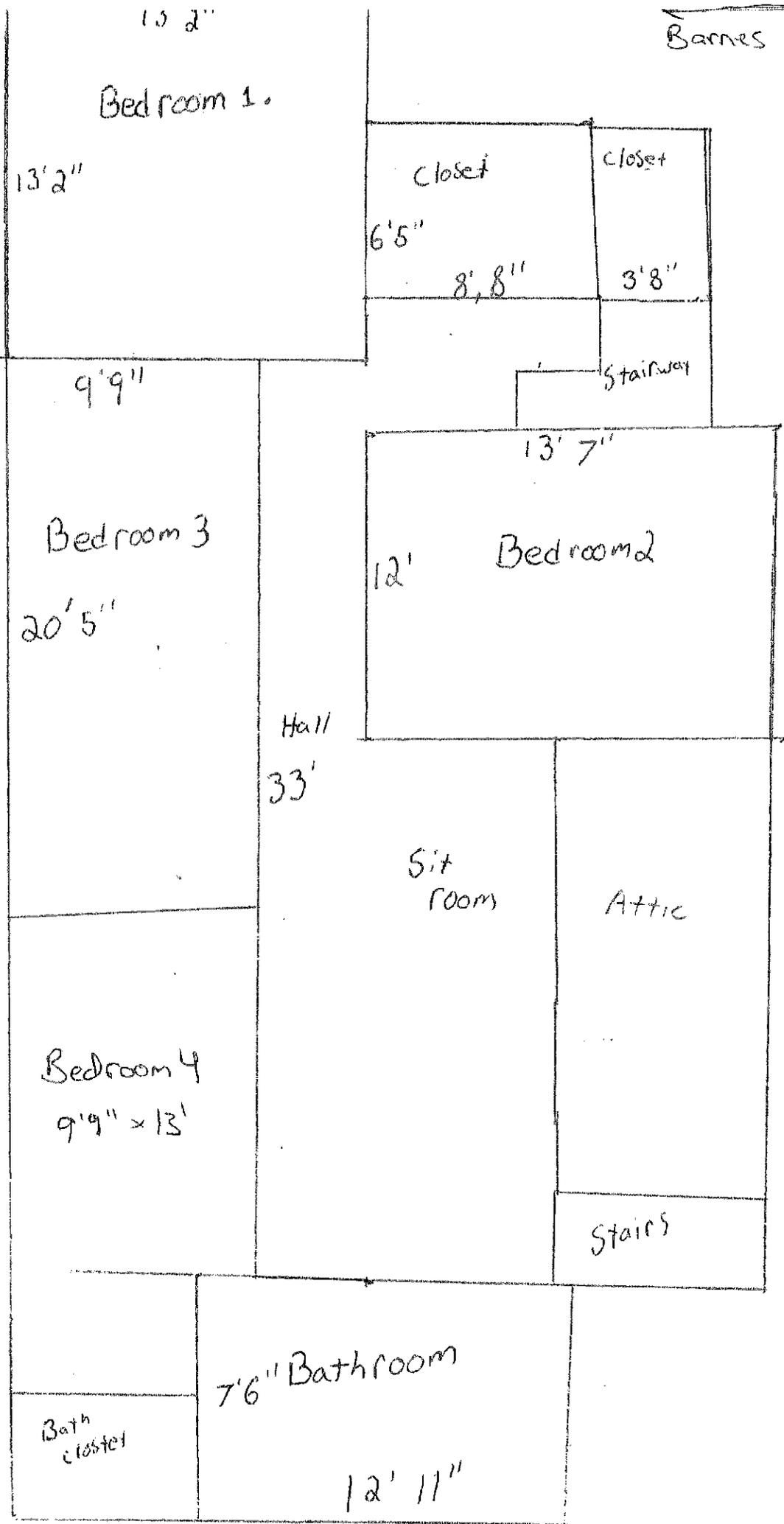
Proposed Use: Bed & Breakfast

Premises satisfy all elements of ordinance 94-192(7):

- a) Kitchen is residential-type kitchen and there is no restaurant use proposed.
- b) Premises will not be a retail establishment
- c) Premises is occupied by Personal Representative (executor) for Estate and will be occupied by same after Estate is closed
- d) Premises will have one exterior identification sign
- e) Extra waste facilities are not necessary
- f) There are no plans for additions or modifications
- g) Meals will be prepared in main kitchen
- h) Premises has 6 asphalt parking spaces plus a 2-car garage
- i) Premises is fit for occupation in regards to building code
- j) Each bedroom will be provided a smoke detector and fire extinguisher
- k) Bedrooms are all larger than 120 sq ft
- l) Premises has sufficient bathrooms, see attached floor plan
- m) Patrons shall not stay more than 14 days consecutively or 30 days total.
- n) Zoning official shall have access to guest list
- o) Premises will cause disturbance to neighbors or neighborhood
- p) Premises shall not infringe on setbacks or other requirements

Barnes St

2nd Floor



62' 8"

Hall
33'

Bed room 1.

13' 2"

15' 2"

closet
6' 5"
8' 8"
3' 8"

stairway

Bed room 3

9' 9"

20' 5"

13' 7"
12'
Bed room 2

Living room

Attic

Bed room 4

9' 9" x 13'

staircase

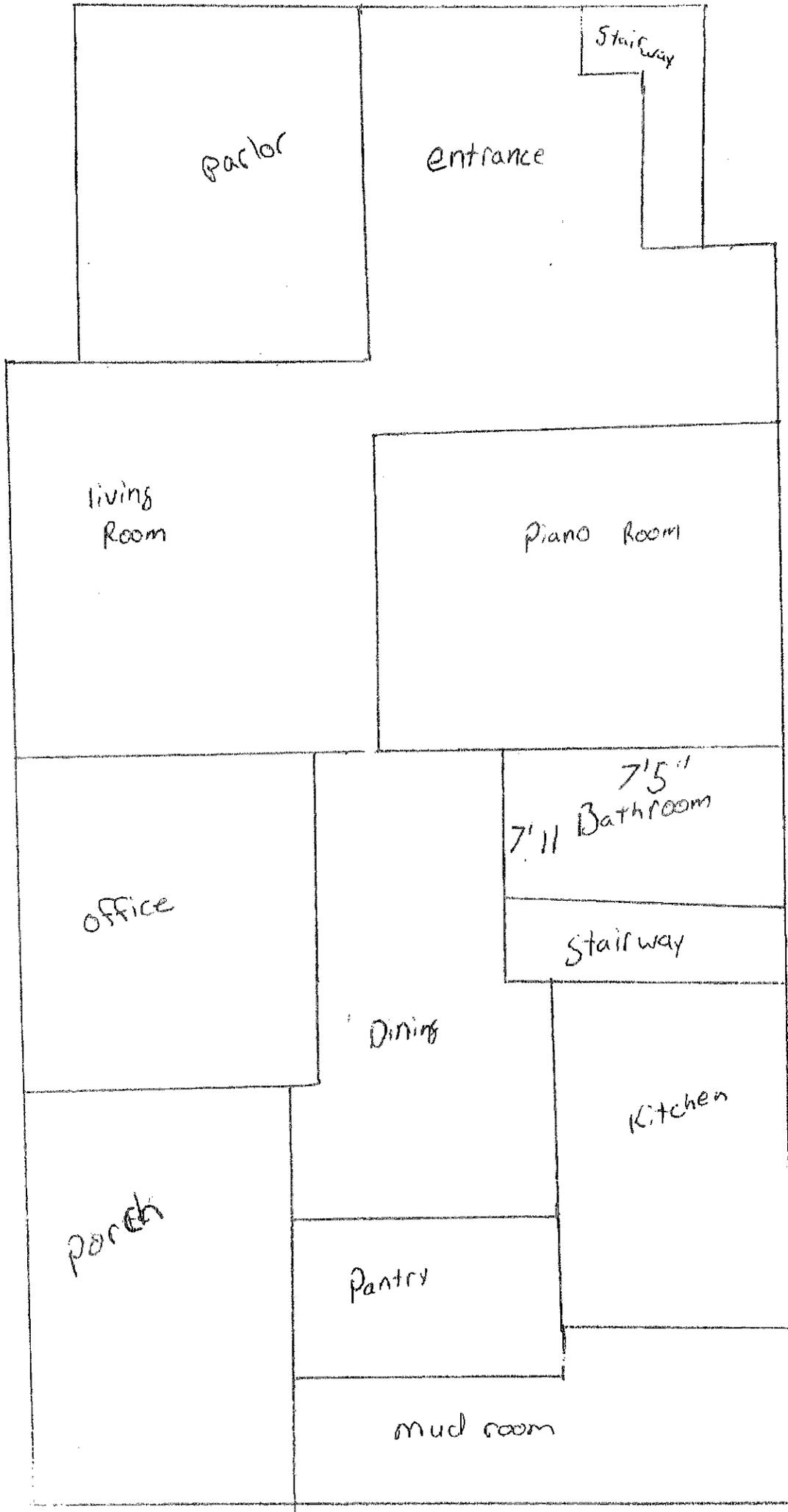
7' 6" Bathroom

12' 11"

Bath closet

↑
E 1st St
↓

← Barnes St →



1st

Floor

STATE OF MICHIGAN PROBATE COURT COUNTY OF INGHAM	LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	FILE NO. 06- 1723 -DE
--	---	--------------------------

Estate of David Feintuch, deceased

TO:

Name, address, and telephone no. Jeanette Anna Feintuch 604 S. Barnes Mason, MI 48854 517-881-4106
--

You have been appointed and qualified as personal representative of the estate on 3-28-06. You are authorized to do and perform all acts authorized by law except as to the following:

- Real estate or ownership interests in a business entity excluded from your responsibilities in your acceptance of appointment
- Restrictions and limitations:

These letters expire: N/A
Date 3-28-06

GEORGE H. STRANDER

Judge (formal proceedings)/Register (informal proceedings) Bar no.

SEE NOTICE OF DUTIES ON SECOND PAGE

George A. Sullivan	P21139
Attorney name (type or print)	Bar no.
160 E. Ash St., P.O. Box 147	
Address	
Mason, MI 48854-0147	517-676-2002
City, state, zip	Telephone no.

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

Date

Deputy register

Do not write below this line - For court use only

A TRUE COPY:
MARY LOGUE
DEPUTY PROBATE REGISTER

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
www.mason.mi.us



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director

RE: Master Plan Update

DATE: October 11, 2013

A handwritten signature in black ink, appearing to be "D. Haywood", is written over the "FROM:" line of the memorandum.

Members of the City Council and Planning Commission met on September 30, 2013 in a joint work shop to discuss the remaining issues conveyed by the Planning Commission from the review of the draft Master Plan on September 10, 2013. In doing so, the two boards reached agreement on the remaining issues.

Staff would like to thank Council members Brown, Bruno, Clark, Ferris, Mulvany and Naeyaert, as well as, Planning Commissioners Green, King, Reeser and Waxman for being present at the work shop and providing constructive input to developing an agreeable list of changes to the draft Master Plan. Attached is the final list of comments agreed to by both parties. All of the items listed as "accepted" have been incorporated into the document.

Attached is the response from the City Attorney commenting on the use of the word "annexation". His recommendation is to use the term "municipal boundary adjustments" as it would be consistent with the term used in the settlement agreement of 1998.

Assuming the Council approves the final draft for distribution, staff will begin schedule a public hearing date and distribute the draft to the appropriate parties.

Due to this file being very large, it is not included in your packet. You may obtain a copy of the draft Master Plan dated October 11, 2013 on the City's website.

Recommended Action

Move to recommend the City Council approve the final draft of the Master Plan dated October 11, 2013 for public distribution and public hearing as required by the Michigan Planning Enabling Act.

Master Plan Update - Joint Workshop Results 9-30-13

Comments Accepted by the Planning Commission

Page #	Comment
1-3	List adjoining twps that were invited to participate
1-4	Strike "dominated by agriculture" and replace with "surrounding is mostly" as worded at beginning of Appx B
1-4	Change reference to MSU as a "premere institution"
1-4	LEAP art grant language - overview of the City
1-5	parapgraph 7, right column - Strike entire paragraph and replace (which supports the objective 7, page 2-4, and objective 3 on page 2-9) with, "Agriculture is a significant part of the economic base of the City and surrounding Townships. It consists of grain farming, livestock farming and forestry. In 2013 the taxable value of agricultural real estate in Alaiedon, Aurelius and Vevay Townships totaled 43.8 million dollars. Mason commercial businesses supply and service agriculture through the sale of fertilizer, chemicals, farm machinery and hardware. It also remains the site of a large grain termianl that receives, processes and stores corn, soybeans and wheat. Mason's strongh rural culture and heritage is evident in two well-attended annual events, the Ingham County Fair and the Steam Threshers Show south of the City".
1-5	Check census data to see if it is consistent with 2010 data
1-5	Rewrite to include all farming areas...
1-5	Last Par. - change Okemos Rd to Okemos St.
1-6	right column, remove the word "annexation"
2-1	flip the flow chart - outline with box as compromise
2-2,3	Combine 2-9 and 1-8
2-3	Add 17th objective for destination restaurant and entertainment
2-3,4	Combine objective #9 with #2
2-4	Objective #6 - encourage as "continued"
2-4	Objective #18 - Move to private sector, end at "...of local arts and culture initiatives."
2-4	Omit creation of a commission in objective 18
2-5	Objective #9 - remove entire objective, or remove "and/or public transit stops"
2-5	Objective #10 - Chamber... "and other local organizations" or strike "Chamber" and replace with "and other local organizations"
2-5	Objective #9 - drop "and/or public transit stops"
2-5	Objective #9 - No residential
2-7	Add language in transportation section to require connection with neighboring street system in new developments where possible.
2-8	Objective #2 - do not discourage high traffic generating land uses
2-8	"maintain healthy balance between new development and adequate infrastructure to support that development"
2-8	Add objective #9 to encourage a main north-south thoroughfare along the City's west side allowing easier access to I-127 for residential developments as a part of residential growth in the area
2-8	Objective #4 - strike "rural"
2-8	Objective #5 - list road type under current system
3-5	Public Areas - County/City land - clean up

3-5	Careful to prevent new building size in conflict with Courthouse (i.e. - don't encourage maximum building height)
3-7	Objective #2 - Don't discourage uses (see mikes notes)
3-8	Objective #4 - strike "large outdoor rec."
4-1	Intent of C-1 should not include the phrase "regional draw"
5-1	Objectives #1,2,4 should be on website
5-2	Objective #6 - a five year review is more reasonable given evidence of slow growth in area
5-2	Objective #7 - Newsletter is not necessary given amount spent on making city business accessible on City website
5-2	Objective #7 - strike "mail"
5-4	Odopt fire code
5-4	Objective #7 - rewrite this objective
5-5	Expand, upgrade or replace POTW
5-5	Objective #4 - Don't strike A/V, technology as these are still issues at new city hall, also add landscaping
5-6	Strike objective #3 in right column under DDA
5-6	Objective #6 - Parks - change "were" to "where"
5-6	Objective #6 - work toward diversifying tree species
5-6	Add under Transportation another link between Sitts/South and Kipp
5-6	Objective #5 - do not mention wind as alternative power source for City, do mention digester for POTW
5-6	Objective #4 (Trans) - leave as is, "continue to develop"
5-6	Parks & Rec - Improve Bond & Hayes bathrooms
5-6	DDA - #3 - include sound system
5-6	Transportation - don't include complete streets #8
5-6	Need for railroad crossing from Elevator property on Zimmerman to North Mason Street to lessen impact of truck traffic at intersection of Curtis and North Cedar
5-8	Strike items #2-11 and keep #1 - (revised to keep #s 1,2,4,7,8,11)
5-6	Library #1 - "Actively continue to research..." to replace "pursue alternatives".
5-8	Objective #9 - recreation - add art commission, or remove objective #9
5-8	Entertainment - add destination restaurant
5-8	Objective #11 - remove "turtle ponds" and other specificity
5-8	Entertainment - add destination restaurant
5-9	Objective #6 - relax "MDOT" and replace with study and explore option
A-1	Appendix does not mention Stevens T. Mason
B-1	Par. 1 - should be in intro
B-4	Update employer # list
B-4,5	Strike "Summit High School"
B-5	Relevance of par. 2 - rewrite to generally supportive and link purpose of centralized facility
B-5	School projections are speculative, meet with Mark Dillingham to discuss
Cover Pg.	Theme for MP to go with cover
E-1	M-36 resurfaced in 2008, Kipp Rd in 2015
E-3	This section should mention LCC at airport
H-2	Page #2 should #1 - Appendix out of date

Comments NOT Accepted by the Planning Commission

Page #	Comment
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1-1	First sentence - grammar
1-2	Issue with last par., right column
1-4	why mention "Tri-County"?
1-5	Strike the term "urban" in paragraph 3
2-2	add "and recreational facilities" instead of "recreation"
2-3	Rank by importance
2-4	Objective #16 - Aren't we already doing this
2-4	Remove objective 18 (in the immediate future, we cannot afford another commissino through administrative support and therefore should not list it as an objective.
3-2,3	Photos would help in paragraph 2 in right column, also in industrial section
5-2	Objective #15 - Bicycles, we don't do it, so why mention it
5-6	Pedestrian protection on railroad crossings, not practical given rail traffic at this time
5-6	Remove item #1 under Library
5-8	Objective #1 (Seniors) - Pluralize senior
5-8	Recreation - City pool
Appx.	Too much information in appendicies (e.g. Hist. overview, utilities, etc.)
D-2	Should this section mention other officers besides the Clerk
Summary	Summary good - create side document up to 5 pages to include: How plan was prepared, outline, powerpoint slides

McGINTY, HITCH, HOUSEFIELD, PERSON,
YEADON & ANDERSON, P.C.

MEMORANDUM

TO: David Haywood, Planning & Development Director
FROM: Dennis E. McGinty, City Attorney *DEM*
RE: **MASTER PLAN**
DATE: October 10, 2013

This is in response to your memo dated October 8, 2013, requesting our comments regarding a draft statement of planning policies. You indicate that the Council is a bit concerned that the use of the term "annexation" in the third paragraph of the draft policy may be overly aggressive and perhaps upsetting to Township residents or officials. First of all, I do not believe that the use of such term is necessarily overly aggressive. In 1998, the City entered into a Settlement Agreement with Vevay Township and a Stipulation and Order which addressed future annexation issues between the City and Vevay Township. Paragraph 8 of the Agreement, captioned Municipal Boundaries, contained several paragraphs which directly address the issues of annexation. In paragraph 8(A), the City agreed that it would not petition or otherwise seek annexation of land within the Township south of Sections 7 through 12 inclusive.

However, in paragraph 8(B), the City and Township agreed that all Township land contained in Sections 3, 4, 5, 6, 7, and 10 inclusive, could be annexed to the City at such time as water and sewer services are to be provided to properties in said sections by the City.

Furthermore, in paragraph 8(C), the Township agreed not to oppose the City's desire to "square off" its boundaries by annexing the smaller area of Sections 3, 4, and 10 of Vevay Township as described in Exhibit B. The City can seek annexation here at any time on its own initiative and the Township agreed not to oppose such annexation. A copy of Paragraph 8 and the attached Exhibit B referenced therein is enclosed.

Thus, the point I make is that the term "annexation" is clearly discussed and provided for as between the City and the Township in this Settlement Agreement and, in my thought, would not be overly aggressive to use the same terms as are covered in the Agreement and court order. This Settlement Agreement likewise provides additional authority for the City to plan for areas of the Township currently outside the municipal boundaries of the city since the Agreement clearly contemplates that large sections of the Township will, indeed, be annexed to the City at some time.

On the other hand, if the term "annexation" is considered to be overly aggressive and the Council would prefer to use a less charged term, I would suggest that the term "annexation" in the draft statement be replaced by the term "municipal boundary adjustments." This would track with paragraph 8 of the Settlement Agreement which is captioned "Municipal Boundaries."

Please let me know if I can provide any further assistance on this matter.

bks
Enclosures
cc Marty Colburn w/encs

the City a connection fee not to exceed one hundred twenty-five percent (125%) of that charged by the City to its residents. Thereafter, Township users shall be billed directly by the City for periodic water service at a rate not to exceed 125% of that paid by City residents for the same service. Total water service capacity to Township users shall be 350,000 gallons per day, subject to such capacity increases as the parties may subsequently agree. This paragraph shall not be construed to prohibit the Township from levying such fees and charges for water service as it may deem appropriate. In exchange, the Township permits the City to install public wells within the Township and the Township agrees to make available all of its streets and rights of way necessary for the installation of necessary water transmission lines from said wells to the water system.

8. Municipal Boundaries.

A. The City agrees that it will not petition or otherwise seek annexation of land within the Township south of Section 7 through 12, inclusive. However, the Township agrees to the inclusion within the boundaries of the City for all purposes the area described in the 425 Agreement as the "425 District" upon expiration and non-renewal of the 425 Agreement on November 3, 2019. It is understood, however, that this paragraph shall not be deemed to bar individual property owners from petitioning for annexation to the City and shall not bar the City from providing sewer and/or water service to property owners if such annexation is approved.

B. The City and the Township acknowledge that land contained in Sections 3, 4, 5, 6, 7 and 10, inclusive, may be annexed by the City when sewer and water services are offered to properties in the said Sections by the City. Nothing in this paragraph shall be construed to affect the rights of such property owners to request or object to annexation.

C. The Township agrees not to oppose the City's desire to "square off" its boundaries by annexing the areas described in Exhibit B. [This area will not include the developed portion of the Township in and around Legion Drive and to the east of Legion Drive along Cedar Street.]

9. Ownership of Sanitary Sewer and Water Mains and Appurtenances Constructed Pursuant to This Agreement. Sanitary sewer and water mains and appurtenances constructed by the Township and/or users of said utilities within the public right-of-way or public easements obtained for said purpose through which the City is to provide sanitary sewer and water service shall be owned and maintained by the City as part of its municipal system, as if said sewer mains and appurtenances were located within the City of Mason.

10. Transfer of Territory. Upon the expiration of the relevant 425 Agreements, the existing 425 Districts created thereunder shall be incorporated into the corporate boundaries of the City for all purposes.

11. Stipulation of Dismissal. That this matter be dismissed, with prejudice, and without cost to either party pursuant to the proposed Order attached hereto and made a part hereof as Exhibit A.

Dated: _____, 1998

CITY OF MASON

By *Russell W. Whyppe*
Its Mayor

By *Patrick M. Piner*
Its City Clerk

TOWNSHIP OF VEVAY

By *Jeff P. Cuthbert*
Its Supervisor

By *Steven C. Keenan*
Its Clerk

Dated: May 14, 1998

APPROVED AS TO FORM:

J. RICHARD ROBINSON, P.C.
By: J. Richard Robinson (P19524)
Attorney for Plaintiff/Counter-Defendant
Township of Vevay

By *J. Richard Robinson*
J. Richard Robinson

THRUN, MAATSCH AND NORDBERG, P.C.
By: Patrick J. Berardo (P10707)
Christopher J. Iamarino (P53616)
Co-Counsel for Defendant/Counter-Plaintiff
City of Mason

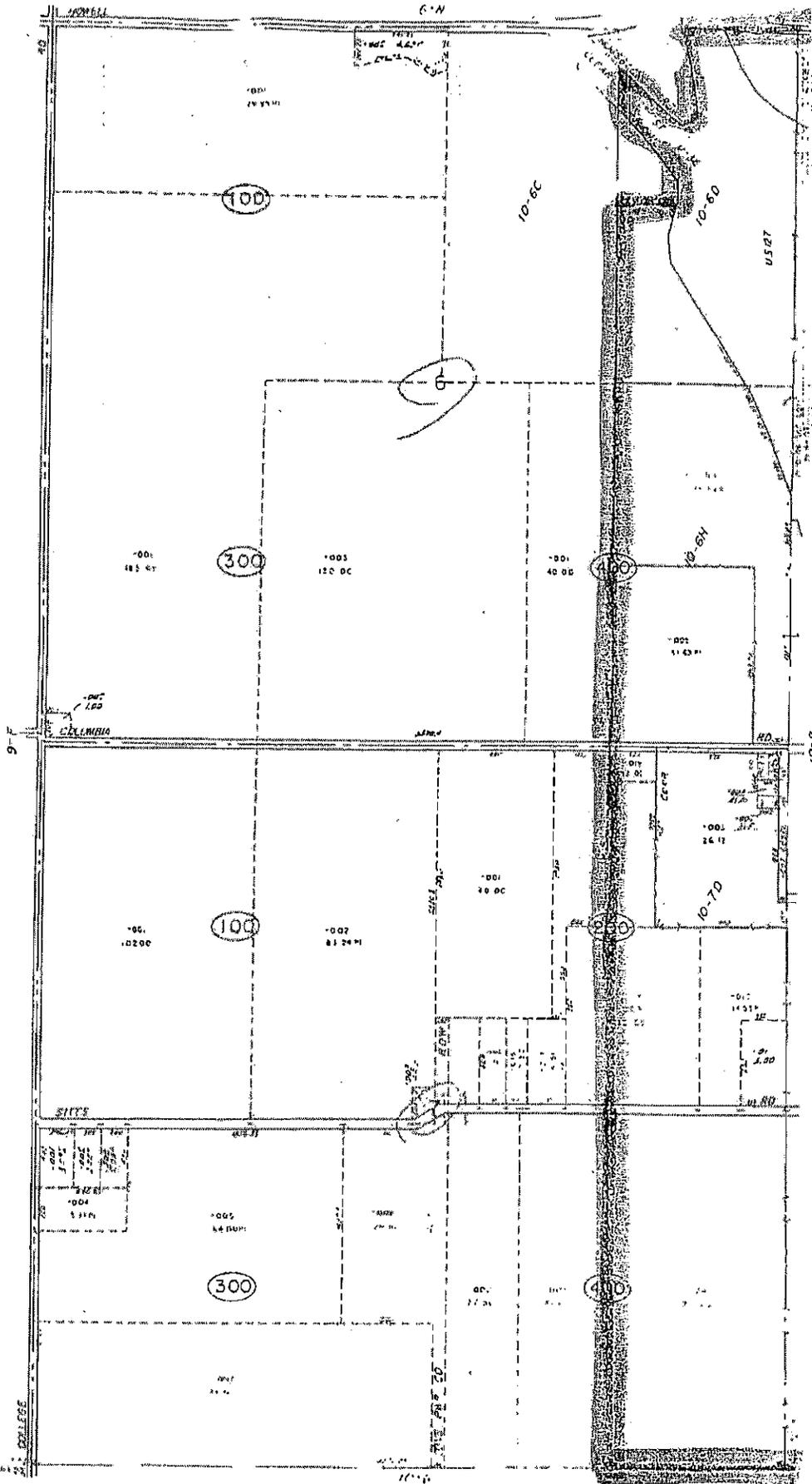
By *Patrick J. Berardo*
Patrick J. Berardo

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Western boundary may be squared to include: The East 1/2 of the NE 1/4 of Section 6 excepting the Mason Heights Subdivisions and parcel 226-003 (Dart Container); the East 1/2 of the SE 1/4 of Section 6; the East 1/2 of the NE and SE 1/4 of Section 7 (Page 2, Exhibit B).

Eastern boundary may be squared to include: All property West of the quarter/quarter section line of Sections 3 and 10, including lands in Sections 4 and 9 not presently within the City and all property South and West of Dexter Trail in Section 10 (Pages 3 and 4, Exhibit B).

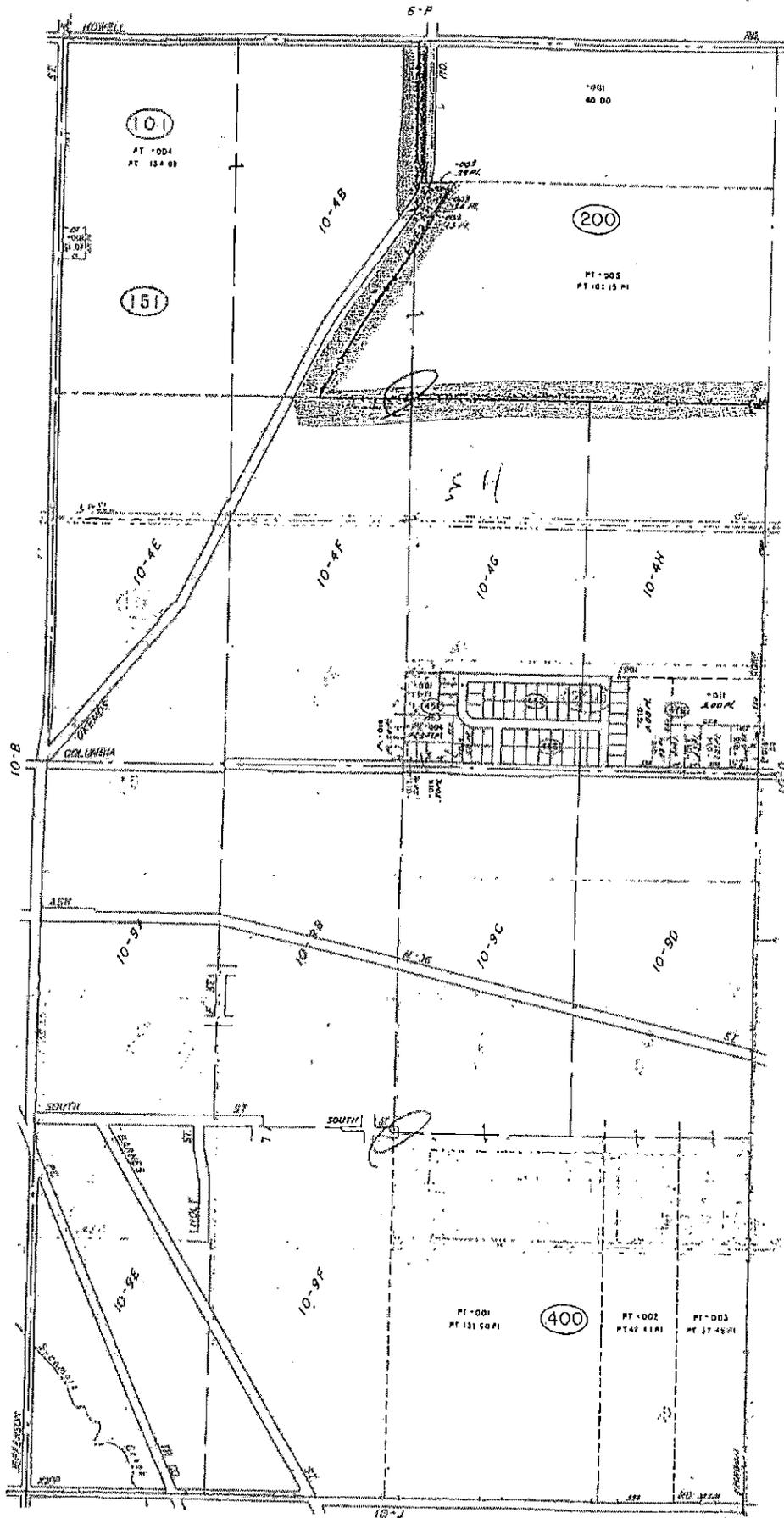
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SCALE 1" = 400'

10-A

MASON & VEVA TWP.
SECS. 6 & 7 T.2N. R.1W.

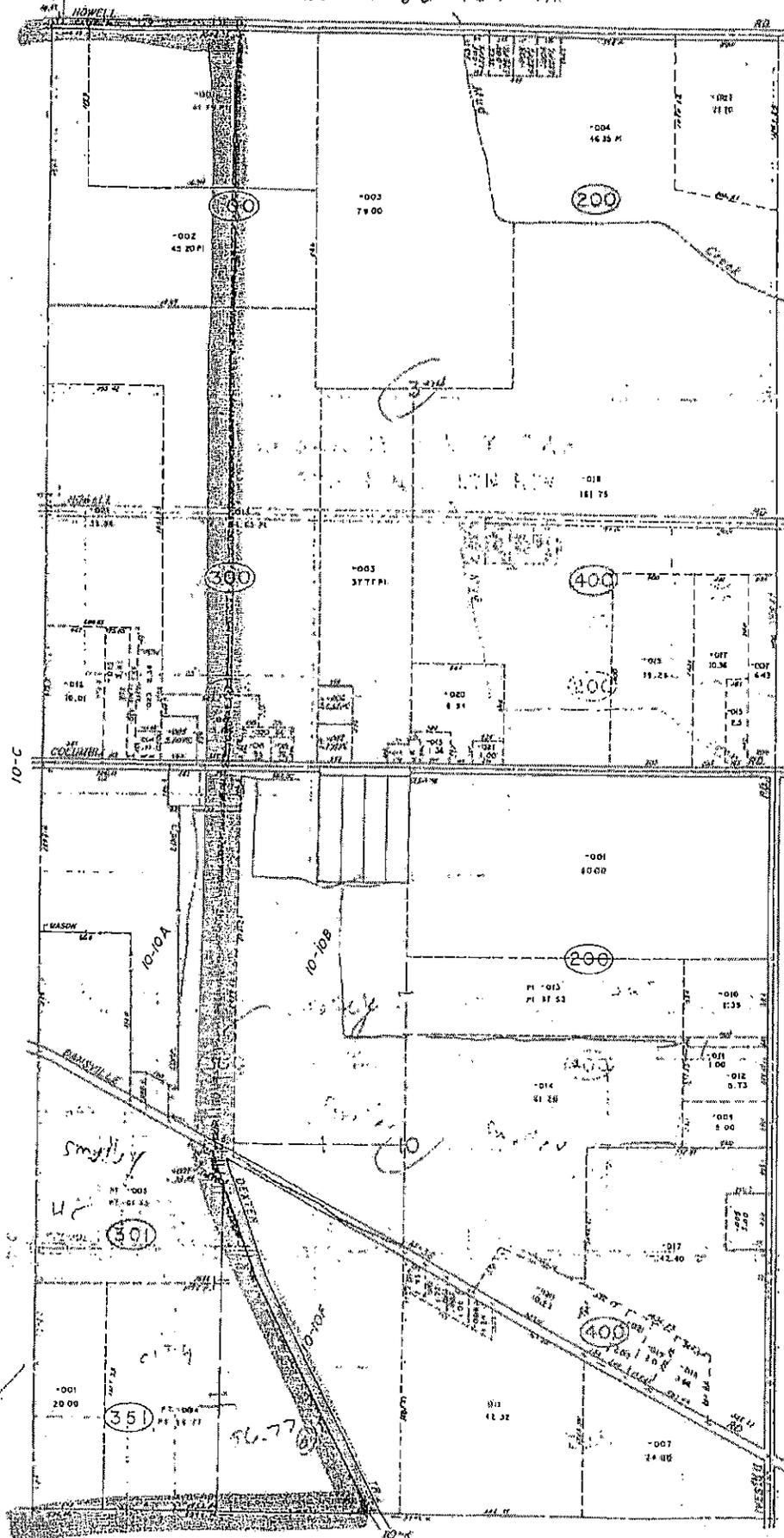


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THE SHELBY COUNTY

SCALE 1" = 400'

MASON & VEVA TWP.
SECTION 4, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

MAISON VEVAY TWP
REC 3 8-6 2011 W



Anderson

smully

VEVAY TWP

100' 0.00
 200' 0.00
 300' 0.00
 400' 0.00
 500' 0.00
 600' 0.00
 700' 0.00
 800' 0.00
 900' 0.00
 1000' 0.00
 1100' 0.00
 1200' 0.00
 1300' 0.00
 1400' 0.00
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 THE BIRWELL COMPANY

SCALE 1" = 400'