

# 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, November 12, 2013

6:30 p.m.

### Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: October 15, 2013
4. People from the Floor
5. Announcements
6. Public Hearing
  - A. 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 No. 2013-11 – A Resolution Recommending 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
7. Regular Business
  - A. 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
  - B. Resolution No. 2013-13 – A Resolution Approving a Preliminary and Final Site Plan for the Expansion of a Commercial Building at 309 North Street
  - C. Discussion – Used Vehicle Sales at Auto Body Repair Shops Throughout the Community
8. Unfinished Business
9. New Business
10. Correspondence
  - Planning & Zoning News, September 2013
  - Master Plan – Notice of Public Hearing/Notice of Available Draft for Public Comment
11. Liaison Reports
12. Director Report
13. Administrator Report
14. Adjournment

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF OCTOBER 15, 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, Waxman, Waltz  
Absent: Commissioner: Barna (excused) Trotter (excused)  
Also present: Martin A. Colburn, City Administrator  
Deborah J. Cwiertniewicz, City Clerk

**APPROVAL OF MINUTES: Regular Meeting Minutes of September 10, 2013**

The Regular Meeting Minutes of September 10, 2013, were approved as submitted.

**PEOPLE FROM THE FLOOR**

None.

**ANNOUNCEMENTS**

- Community Garden Update

**PUBLIC HEARING**

**Operation of a Bed and Breakfast at 604 South Barnes Street**

Reeser opened the public hearing at 6:32 p.m. Being there were no comments, Reeser closed the public hearing at 6:33 p.m.

**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**

MOTION by Naeyaert, second by Waxman,  
to take Resolution No. 2013-10 from the table.

**MOTION APPROVED UNANIMOUSLY**

Resolution No. 2013-10 was introduced by Waxman, and seconded by Green at the September 10, 2013 meeting. It was stated that proper notification was given for the public hearing and that no written comments were received. A brief discussion was held regarding bedroom and bathroom ratios as well as parking sufficiency.

Jettie Finetuch, applicant and resident of 604 South Barnes Street, stated that her request complies with Mason Code regarding the ratio of bedrooms to bathrooms and parking spaces.

MOTION by Naeyaert, second by Sabbadin,  
to approve the special use permit and preliminary site plan with the amendment to Resolution No. 2013-10 as follows:

- Approval is granted with the condition that the total number of rooming units be limited to four, and compliance with the standards listed in Section 94-192(7).

**MOTION APPROVED UNANIMOUSLY**

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2013-10  
A RESOLUTION APPROVING A PRELIMINARY SITE PLAN AND SPECIAL USE PERMIT  
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 compliance with the standards listed in 94-192(7); and

**THEREFORE BE IT RESOLVED**, that the Mason Planning Commission does hereby approve a preliminary site plan special use permit 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**

**REGULAR BUSINESS**

**Master Plan Recommendation**

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

**MOTION APPROVED UNANIMOUSLY**

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

Naeyaert informed commissioners regarding current City Council business.

**DIRECTOR REPORT**

Colburn 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 7:06 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Jim King, Secretary

# 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

A handwritten signature in black ink, appearing to be "DA", is written over the name "David E. Haywood" in the "FROM:" line.

Re: 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

DATE: November 8, 2013

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Darrell Benedict of Benedict Auto Body is proposing a text amendment to the zoning ordinance by adding subsection (4) to Section 94-151(d) to the M-1 (Light Manufacturing) zoning district to allow the sale of repaired, used vehicles, by special use permit as an accessory to a paint and body shop.

This ordinance was originally introduced to the City Council in September of this year. The reason that staff recommended this new procedure goes back to February of this year involving a rezoning request on North Mason Street. It was staff's understanding that Council wanted to see ordinance amendments (including rezoning) prior to the Planning Commission's recommendations, so as not to be "caught off guard". Since that time, the City Council has clarified their desire to have ordinance amendments, including rezoning, follow the past practice of starting with a Planning Commission recommendation. In the interest of time, Council did introduce the ordinance and read it for the first time on October 7, 2013.

### **TEXT AMENDMENTS:**

**This request is not a REZONING.** This request is a text amendment. A text amendment affects all land that is currently within the zoning district affected by the request, in this case the M-1 (Light Manufacturing) zoning district. Please refer to the current Mason Zoning Map and the Future Land Use Map for location of existing and planned light manufacturing lands.

The request would add subsection (4) to Section 94-151(d) as described above. The allowance for auto sales would be only "behind the scenes" and not publicly visible as an accessory use, limited to 18 vehicles per year and controlled via means of special use permit,

among other restrictions. Please refer to the attached ordinance for the full proposed amendment.

**MASTER PLAN:**

Section 94-396(a) provides the following standards that the Planning Commission must consider when evaluating an amendment to the zoning ordinance:

**1. *Compliance with the Master Plan of the city.***

**Industrial Development Goal**

The following is the Goal and Objectives for Industrial Development listed in Chapter Two, Planning Issues, Goals and Objectives of the Master Plan.

***GOAL:*** *Provide opportunities for the reasonable expansion of light industrial development in a manner that is sensitive to the predominant small-town character of the community, minimizes new public service costs, and protects the viability and desirability of residential and commercial areas.*

**Objectives**

- 1) Recognize the significance of key corridors such as U.S. 127 and the Conrail Railroad as potential opportunities for the location of new industrial development.
- 2) Emphasize industrial development that is in character and scale with surrounding land uses and the City as a whole, considering such features as building size and height, architectural design, setbacks, signage, lighting, landscaping, and open spaces.
- 3) Encourage industrial development to be located in targeted areas rather than indiscriminately encroach into residential and commercial areas.
- 4) Emphasize industrial uses that have comparatively low public services and infrastructure needs.
- 5) Emphasize industrial uses that minimize negative impacts upon adjacent land uses, taking into consideration such factors as noise, traffic, lighting, fumes and shadow patterns.
- 6) Encourage industrial uses to locate within well-designed industrial parks, characterized by ample open spaces, landscaping and buffering, and interior road systems.

- 7) Ensure through site plan review proceedings that new industrial uses reflect a visual character that is complementary to the City as a whole.
- 8) Encourage the redevelopment and upgrading of deteriorating and unsightly industrial properties.

Staff suggests that 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.

#### **Future Land Use Strategy – Industrial Areas**

Chapter Three of the Master Plan, Future Land Use Strategy, describes the intent of the Industrial Areas classification. The Industrial Areas component lists specific strategies for three distinct areas of the city. The closest industrial area described is the Mason Elevator Site, which is described as the following:

**Mason Elevator Site:** The Plan identifies the Mason Elevator site for industrial use. However, the circumstances surrounding this site are unique and the Future Land Use Strategy establishes special policies addressing the future use of this site. The grain elevator facility has been part of the Mason community since its early development and adds a special historical dimension to the community as a whole. Situated just northwest of the Downtown Center Area and adjacent to the railroad on which its viability depends, operations continue today. However, the Plan also recognizes that the use of this site for industrial purposes, located in the midst of a predominantly residential and retail area, is not the ideal situation. While the use of the site as a grain elevator may be reasonable in light of its operational characteristics and the site's historical significance, re-use of the site for alternative industrial uses may be unreasonable (depending upon their specific character and operational characteristics).

The proposed amendment does not appear to 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.

#### **Industrial Development Implementation Strategy**

Chapter Four of the Master Plan provides the implementation strategy for industrial development within the City as follows:

- 1) Collaborate with county, regional, and state economic development organizations to identify opportunities for attracting new industrial development and for expanding existing Mason industries. (Planning Commission, City Council)

- 2) Prioritize “clean” industries for City economic development efforts. (Planning Commission, City Council, and Downtown Development Authority)
- 3) Seek to limit encroachment of commercial and residential land uses into those areas identified in the Master Plan for industry. (Planning Commission, City Council)
- 4) Consider infrastructure needs of future industrial expansion when opportunities arise, especially as related to electronic information transmittal and rail and highway transport. (Planning Commission, City Council)
- 5) Participate in “brownfield” programs to facilitate the redevelopment of abandoned industrial sites. (Planning Commission, City Council)

The proposed amendment appears to support 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. Staff feels that 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?*** Whether the request adversely affects the value of the surrounding property is up to the discretion of the Planning Commission.
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.

**ANALYSIS:**

Section 94-151(d)(4)f states that a fence shall be required where the use abuts a residentially zoned property. Staff would suggest an amendment to the ordinance that requires a fence where the use abuts and residentially zoned or *used* lands, thus securing the screened interest of any potential residential neighbors.

In summary, the text amendment request is generally consistent with the Master Plan as it is consistent with Objective #2, 3, 4, 5 and 7 of the Industrial Development Goal of Chapter Two, consistent with Industrial Areas, Mason Elevator Site, component of the Future Land Use Strategy in Chapter Three.

**Legal Analysis**

The City Attorney, Dennis McGinty, has provided an opinion on the proposed text amendment and lists his concerns recommendations in the attached memorandum dated September 16, 2013. Mr. McGinty also provided a copy of the proposed Ordinance No. 195 with his recommended changes shown in edited form. A copy of McGinty's edited ordinance is attached for your reference.

Mr. McGinty recommends deleting the prohibition of off-premise advertising citing potential first amendment conflicts. He also suggests recommends changing the term of the special use permit from one year to indefinite and recommends several grammatical changes shown on the edited ordinance. Staff supports the recommendations of the City Attorney.

**RECOMMENDATION:**

**The Planning Commission approve Resolution No. 2013-11.**

Introduced:  
Seconded:

**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 at subsection 94-151(d)(4)f to read as follows:

“f. If and to the extent that real estate used for purposes herein abuts any residentially zoned or used property, the applicant shall have installed a “privacy fence” to obscure the view of the accessory use permitted herein.”; 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

Yes ( )

No ( )

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Planning Commission at its regular meeting held Tuesday, November 12, 2013, the original of which is part of the Planning Commission minutes.

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

Introduced: October 7, 2013  
First Reading: October 7, 2013  
Second Reading: \_\_\_\_\_, 2013  
Adoption: \_\_\_\_\_, 2013  
Effective: \_\_\_\_\_, 2013

CITY OF MASON  
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.

**THE CITY OF MASON ORDAINS:**

Section 94-151 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

**Section 94-151. M-1: Light manufacturing district.**

- (a) Intent and purpose. It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials.
- (b) Uses permitted by right.
  - (1) Industrial parks.
  - (2) Research, development, and prototype manufacturing facilities and offices.
  - (3) Warehousing, grain elevators, grain storage, refrigerated storage, bulk storage of petroleum products, and general storage.
  - (4) Local and regional transit and passenger transportation facilities, and trucking terminals, maintenance and service facilities.
  - (5) Laundry services.
  - (6) The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, and food products.

- (7) Assembly of merchandise such as electrical appliances, and electronic or precision instruments.
- (8) Printing, lithographic, blueprinting, copying, and similar uses.
- (9) Light manufacturing activity which, by the nature of the materials, equipment, and processes utilized, is to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials:
  - a. Furniture and fixtures.
  - b. Paper and paperboard products.
  - c. Jewelry, silverware and plated ware.
  - d. Musical instruments and parts.
  - e. Toys and sporting goods.
  - f. Signs, advertising displays and canvas products.
  - g. Office computing and accounting equipment.
  - h. Jobbing and repair machine shops.

(10) Body and paint shops for automobiles and other vehicles.

(c) Permitted accessory uses. Accessory uses and structures as defined in this chapter.

(d) Uses authorized by special use permit.

- (1) Day care facilities serving the principal uses in the M-1 district if the planning commission determines that the nature of the principal use and/or the relative location of the principal use or other uses to the day care facility does not pose any significant threat to the safety of children attending the day care facility (refer to section 94-192(8)).
- (2) Public buildings for governmental utility or public service use, including storage yards, transformer stations, and substations (refer to section 94-192(8)).
- (3) Communication towers and antennas (refer to section 94-173(d)).
- (4) Sale of repaired, used vehicles, by special use permit as an accessory use (refer to section 94-151(c)) to a paint and body shop for automobiles and other vehicles (refer to section 94-151(b)(10)) which meets and complies with the following conditions and criteria.

- a. Only the sale of vehicles which have been purchased in a state of disrepair and then repaired at the premises operated as a body and paint shop pursuant to section 94-151(b)(10).
- b. The sale of the repaired vehicles shall not exceed a total sum of eighteen (18) per calendar year.
- c. No advertising shall occur or be placed on the premises indicating the sale of used vehicles. This shall include no "for sale" signage on the vehicle itself unless such vehicle is located on the premises where it is not readily visible to the general public from any nearby roads.
- d. No "off premises" advertising of any kind or nature which would impute or imply that the premises is being used as a used car dealership. This shall not restrict newspaper or other publication advertising any individual vehicle for sale, and so long as such advertising does not impute or imply that the business owner is primarily engaged in the business of the sale of used vehicles.
- e. No repaired vehicles shall be kept or stored at the front of the site or at any location on the site where they are reasonably visible to the general public from abutting roadways.
- f. If and to the extent that the real estate used for purposes herein abuts any residentially zoned property, the applicant shall have installed a "privacy fence" to obscure the view of the accessory use permitted herein.
- g. The owner maintains accurate records reflecting the following regarding each vehicle purchased for repair: date of purchase, purchase price, brief description of repairs accomplished, and sale price.
- h. Compliance with all other provisions of these Ordinances including the requirements for a Special Use Permit as well as section 94-151(e).
- i. The owner complies with any federal, state, or county ordinances or requirements relative to the sale of repaired vehicles, obtains all required licenses and/or permits and maintains them in good standing at all times.
- k. For purposes of this section 94-151(d), the following definitions shall apply:
  1. "Vehicles" shall mean and refer to automobiles, trucks, motorcycles, and similar items.
  2. "State of disrepair" shall mean that the vehicle in question had such damage or necessitated repairs to its power

train, chassis, other non-exterior visible items and/or body work and where the necessary repairs, at normal retail pricing would exceed twenty-five percent (25%) of the retail value of the vehicle, after repair.

- i. The planning commission shall have the responsibility of the determination of granting a special use permit pursuant to this section. The special use permit granted pursuant to this section shall be valid for a calendar year. The owner shall reapply no later than October 15th of each calendar year for a renewal of the special use permit, which application shall include an affidavit from the business owner that it has complied with the terms and provisions of this section 94-151(d)(4) during the current calendar year, to date, and will continue to comply with the terms and provisions through the remaining and the next calendar year. Renewal shall occur administratively, if there appears to have been full compliance during the existing calendar year by the applicant. If there appears to be a failure of the applicant to have complied with the requirements of this section 94-151(d)(4), the matter shall be set before the planning commission at the earliest opportunity.
  
- m. The city shall establish such reasonable fees regarding the filing of the application, and any renewals thereof.

(e) Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

**Effective Date.** Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_ with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_\_\_ day of \_\_\_\_\_, 2013.

Mason Codes declared adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Leon Clark, Mayor

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Deborah J. Cwierniewicz, City Clerk

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

MEMORANDUM

TO: David Haywood, Zoning & Development Director  
FROM: Dennis E. McGinty, City Attorney *DEMcG*  
RE: **PROPOSED ORDINANCE NO. 195**  
**SUP FOR SALE OF REPAIRED USED VEHICLES**  
DATE: September 16, 2013



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This is in response to your memo dated September 12, 2013, requesting that I review draft Ordinance No. 195 which will add a new subsection (d)(4) to the use district regulations for the M-1: Light Manufacturing District found at section 94-151 to allow the sale of repaired used vehicles by Special Use Permit.

It is my understanding that this draft ordinance has been prepared by an attorney for a local property owner who wishes to undertake this new business in the M-1 District and it will be introduced by the City Council Monday, September 16, 2013, and referred to the Planning Commission for review and recommendation. I have made a few drafting changes which I believe are helpful to the proposed ordinance and have deleted the first sentence of new subparagraph (j) on page 4 since this is covered elsewhere in Chapter 94. My editorial changes are highlighted on the enclosed ordinance.

I also have two substantive issues with respect to the draft ordinance. My first concern is with respect to subparagraph (4)(d), which prohibits "off-premises" advertising of any kind or nature for the permitted activity. I believe that a blanket prohibition against any off-premises advertising for this permitted business would be in violation of the First Amendment as an unconstitutional infringement upon freedom of commercial speech. Similar prohibitions were once proposed by the Michigan Liquor Commission with respect to the advertising for alcoholic liquor off the licensed premises. In OAG No. 6051 (April 6, 1982) (copy attached), the Michigan Attorney General held that such regulation against off-premises advertising is unconstitutional on two grounds. First, it analyzed the rule under the due process clause. Here there must be a legitimate public purpose to be served by the regulation and the regulation itself must directly advance the public interest in a real and substantial way. Such rules must, when applied to regulate speech, also be drafted to regulate through the least restrictive means permissible. Under this analysis, the Michigan Attorney General found such a rule to be invalid as an improper exercise of the commission's police power and as an unconstitutional infringement upon the licensee's freedom of commercial speech. I have not done an exhaustive search of case law on this issue, but I am well convinced that a blanket prohibition of

“off-premises” advertising such as this would clearly be found to be an over broad and unnecessary restraint on commercial speech. I would recommend that the entire subparagraph (d) be deleted.

My second concern has to do with new subparagraph (j), which places a one-year term limit on the SUP and requires the owner to seek annual renewals thereafter. Special use permits are generally considered to create rights in the land when the use is first established which thereafter run with the land for an indefinite period of time. Michigan courts have generally not looked with favor upon efforts by local communities to place time limits on special land uses. “Conditions limiting the time duration of a special land use attached to approval of an adult foster care facility, to allow the city to see the actual affect of the use on the neighborhood were invalidated in *Room and Board Homes and Family Care Homes*, 67 Mich App 381.” ICLE, Michigan Zoning, Planning & Land Use, March, 2010 Update, § 3.33, p 110. However, in the case of *Whitaker and Gooding Co v Co Twp*, 122 Mich App 538 (1983), the Court did approve a five-year time limit on an SUP for a mining operation. The Court distinguished its earlier ruling in room and board on the basis that a mining operation was, by its very nature, time-limited and therefore a time limitation in the SUP was reasonably related to the use of the land.

If challenged, I believe it may be difficult to defend a time limitation here since there does not seem to be any natural time limit for such use as proposed by the amendment. Nevertheless, there is some authority for time limits and, if the Planning Commission wishes to go forward with an SUP for this use with a one-year time limit, I have made a few changes to this section which I think would make it more defensible. I have changed the language to require that the zoning official shall renew the permit administratively on an annual basis unless there is a finding that the applicant has failed to comply with the requirements of the code and permit; if not, then the matter would be referred to the Planning Commission for further review. With this change, the permit can be considered to be issued for an indefinite term, subject to administrative review by the zoning official for compliance and by the Planning Commission in the case where full compliance was not obtained. In this way, the property owner has an expectation that the permit will continue indefinitely and may plan his business affairs accordingly with the understanding that he may be reviewed annually for compliance.

Please let me know if you have any further questions regarding these changes or whether you would like us to conduct a more in-depth research and review of these two legal issues.

bks  
Enclosures  
cc Marty Colburn w/enc



2 of 50 DOCUMENTS

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF MICHIGAN

Opinion No. 6051

*1982 Mich. AG LEXIS 63; 1981-82 Op. Atty Gen. Mich. 607*

April 6, 1982

**SYLLABUS:**

[\*1]

**ADVERTISING:**

Alcoholic liquor, beer and wine -- brand advertising

**CONSTITUTIONAL LAW:**

First Amendment guarantee of free speech -- advertising restrictions of Liquor Control Commission

**INTOXICATING LIQUORS:**

Prohibition against brand advertising

**LIQUOR CONTROL:**

Prohibition against brand advertising

Administrative Code 1979, R 436.1309(2) and (3), R 436.1315(2) and R 436.1327(1), which prohibit advertising of alcoholic liquor, violate the First Amendment to the Constitution of the United States.

**REQUESTBY:**

Thomas F. Schweigert, Chairman  
Liquor Control Commission  
7150 Harris Drive  
Lansing, Michigan 48909

**OPINIONBY:**

FRANK J. KELLEY  
Attorney General

**OPINION:**

You have requested my opinion as to whether the following administrative rules promulgated by the Liquor Control Commission, all of which affect advertising, are legally valid:

Administrative Code 1979, R 436.1309(2);

"Advertising in newspapers and periodicals, by all licensees except retail licensees, shall be limited to those published not less than quarterly and having a second class mailing permit, except upon written order of the commission."

Administrative Code 1979, R 436.1309(3):

"Alcoholic liquor shall not be advertised [\*2] in a publication or program for a special occasion, except upon written order of the commission 30 days in advance of the event."

Administrative Code 1979, R 436.1315(2):

"Alcoholic liquor shall not be advertised on the licensed premises by placing the alcoholic liquor or an advertisement of alcoholic liquor in a window facing outside the licensed premises."

Administrative Code 1979, R 436.1327(1):

"Advertising of a brand of alcoholic liquor shall not be placed or erected on the outside of the licensed premises of a retail licensee."

OAG 1981-1982, No 6033, p 561 (February 4, 1982, considered the constitutionality of Administrative Code 1979, R 436.1333, an administrative rule of the Liquor Control Commission which prohibited licensees of the Commission from advertising the price of alcoholic liquor off the licensed premises. The opinion concluded that the advertising ban contained in said administrative rule was invalid on two separate and distinct grounds. First, it held that the Commission's absolute ban on price advertising by its licensees was invalid as an improper exercise of the police power vested in the Commission by Const 1963, art 4, § 40 and by 1933 Ex Sess PA [\*3] 8, as amended; *MCLA 436.1 et seq.*, MSA 18.971 *et seq.* Secondly, the Commission's ban on price advertising was also determined to be invalid as an unconstitutional restraint upon the freedom of commercial speech guaranteed by the First and Fourteenth Amendments to the United States Constitution and by Const 1963, art 1, § 5.

The bases for these two holdings were similar. In order for a regulation to be sustained under the police power, there must be a 'real and substantial relationship' between the regulation and the public purpose which it is to share. *Grocers Dairy Co. v. Department of Agriculture Director* 377 Mich 71, 75-76; 138 NW2d 767 (1966). A substantially similar requirement is found in the test established by *Central Hudson Gas & Electric Corp v. Public Service Commission of New York*, 447 US 557, 566; 100 S Ct 2343, 2351; 65 L Ed 2d 341, 351 (1980), for determining the validity of restrictions upon commercial speech. That test requires a four-part analysis in such cases:

"[1] At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at [\*4] least must concern lawful activity and not be misleading. [2] Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine [3] *whether the regulation directly advances the governmental interest asserted*, and [4] whether it is not more extensive than is necessary to serve that interest." [Emphasis supplied.]

The primary public purpose or governmental interest which could be asserted in support of the Commission's ban on advertising was the promotion of temperance. Because the Commission's ban on advertising not only failed to effectuate this purpose, but actually ran contrary to another express policy of this State, that of fostering commercial competition, it was concluded that Administrative Code 1979, R 436.1333 failed to satisfy the foregoing standards for either the exercise of the police power or the regulation of commercial speech.

This is not to say that the Liquor Control Commission is totally without authority to regulate advertising by its licensees. Although the United States Supreme Court has repeatedly rejected absolute bans upon price advertising, see, e.g., *Virginia State Board of Pharmacy* [\*5] *v. Virginia Citizens Consumer Council, Inc.*, 425 US 748; 96 S Ct 1817; 48 L Ed 2d 346 (1976) and *Bates v. State Bar of Arizona*, 433 US 350; 97 S Ct 2691; 53 L Ed 2d 810 (1977), the Court has made it equally clear that reasonable regulations upon commercial speech, if consistent with the four-part test established by *Central Hudson, supra*, may be sustained. This point was most recently reaffirmed in *In re RMJ* US ; 102 S Ct 929, 939; 71 L Ed 2d 64, 76-77 (1982), a case involving state imposed restrictions upon the form and content of advertising by attorneys. Although rejecting the regulations involved in that case on the ground that they were unduly restrictive, the Court stated:

"We emphasize . . . that the States retain the authority to regulate advertising that is inherently misleading or that has proven to be misleading in practice. There may be other substantial state interests as well that will support carefully drawn restrictions. But although the states may regulate commercial speech, the First and Fourteenth Amendments re-

quire that they do so with care and in a manner no more extensive than reasonably necessary to further substantial [\*6] interests. . . ."

Turning to the questions of whether the four administrative rules you have cited comply with the foregoing standards for the exercise of the police power and the regulation of commercial speech, the central factor to be considered must be the public purpose or governmental interest which is served by those rules. In order to be sustained under the Commission's police power, there must be a "real and substantial" relationship between each of these rules and that public purpose. Similarly, because each of the cited *supra* rules restricts truthful commercial speech, each rule may be sustained, under the test set forth in *Central Hudson, supra*, only if the governmental interest is substantial and is directly advanced by the rule and, finally, if the rule is no more extensive than is necessary to serve the governmental interest.

Your staff indicates that the purpose of the four administrative rules here in question is identical to that of Administrative Code 1979, R 436.1333 and that the primary purpose of these four rules was simply to implement the general ban on price advertising contained in Administrative Code 1979, R 436.1333. A review of the hearing [\*7] transcripts and other documents compiled during the promulgation of these rules confirms this conclusion. Inasmuch as OAG, 1981-1982, No 6033, *supra*, has concluded that the latter rule is deficient, it must follow that these four additional rules, intended to implement and to serve the same public purpose as Administrative Code 1979, R 436.1333, are also invalid.

It is my opinion, therefore, that Administrative Code 1979, R 436.1309(2) and (3), R 436.1315(2), and R 436.1327(1) are invalid as an improper exercise of the Commission's police power and as an unconstitutional infringement upon the freedom of commercial speech.

#### Legal Topics:

For related research and practice materials, see the following legal topics:

Constitutional LawBill of RightsFundamental FreedomsFreedom of SpeechCommercial SpeechAdvertisingConstitutional LawBill of RightsFundamental FreedomsFreedom of SpeechCommercial SpeechMisleading SpeechLegal EthicsLegal Services MarketingAdvertising

Introduced: \_\_\_\_\_, 2013  
First Reading: \_\_\_\_\_, 2013  
Second Reading: \_\_\_\_\_, 2013  
Adoption: \_\_\_\_\_, 2013  
Effective: \_\_\_\_\_, 2013

CITY OF MASON  
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.

**THE CITY OF MASON ORDAINS:**

Section 94-151 of Chapter 94 of the Mason City Code is hereby amended to read as follows:

**Sec. 94-151. M-1: Light manufacturing district.**

- (a) Intent and purpose. It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials.
- (b) Uses permitted by right.
- (1) Industrial parks.
  - (2) Research, development, and prototype manufacturing facilities and offices.
  - (3) Warehousing, grain elevators, grain storage, refrigerated storage, bulk storage of petroleum products, and general storage.
  - (4) Local and regional transit and passenger transportation facilities, and trucking terminals, maintenance and service facilities.
  - (5) Laundry services.
  - (6) The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, and food products.

- (7) Assembly of merchandise such as electrical appliances, and electronic or precision instruments.
  - (8) Printing, lithographic, blueprinting, copying, and similar uses.
  - (9) Light manufacturing activity which, by the nature of the materials, equipment, and processes utilized, is to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials:
    - a. Furniture and fixtures.
    - b. Paper and paperboard products.
    - c. Jewelry, silverware and plated ware.
    - d. Musical instruments and parts.
    - e. Toys and sporting goods.
    - f. Signs, advertising displays and canvas products.
    - g. Office computing and accounting equipment.
    - h. Jobbing and repair machine shops.
  - (10) Body and paint shops for automobiles and other vehicles.
- (c) Permitted accessory uses. Accessory uses and structures as defined in this chapter.
- (d) Uses authorized by special use permit.
- (1) Day care facilities serving the principal uses in the M-1 district if the planning commission determines that the nature of the principal use and/or the relative location of the principal use or other uses to the day care facility does not pose any significant threat to the safety of children attending the day care facility (refer to section 94-192(8)).
  - (2) Public buildings for governmental utility or public service use, including storage yards, transformer stations, and substations (refer to section 94-192(8)).
  - (3) Communication towers and antennas (refer to section 94-173(d)).
  - (4) Sale of repaired, used vehicles, by special use permit as an accessory use (refer to section 94-151(c)) to a paint and body shop for automobiles and other vehicles (refer to section 94-151(b)(10)) which meets and complies with the following conditions and criteria.

- a. Only the sale of vehicles which have been purchased in a state of disrepair and then repaired at the premises operated as a body and paint shop pursuant to Sec. 94-151(b)(10).
- b. The sale of the repaired vehicles shall not exceed a total sum of eighteen (18) per calendar year.
- c. No advertising shall occur or be placed on the premises indicating the sale of used vehicles. This shall include no "for sale" signage on the vehicle itself unless such vehicle is located on the premises where it is not readily visible to the general public from any nearby roads.
- d. ~~No "off premises" advertising of any kind or nature which would impute or imply that the premises is being used as a used car dealership. This shall not restrict newspaper or other publication advertising any individual vehicle for sale, and so long as such advertising such does not impute or imply that the business owner is primarily engaged in the business of the sale of used vehicles.~~
- e. ~~No repaired vehicles shall be kept or stored at the front of the site or at any location on the site where they are reasonably visible to the general public from abutting roadways.~~
- ef. If and to the extent that the real estate used for purposes herein abuts any residentially zoned property, the applicant shall have installed a "privacy fence" to obscure the view of the accessory use permitted herein.
- fg. The owner maintains accurate records on the premises for each vehicle purchased for repair reflecting the following regarding each vehicle purchased for repair: date of purchase, purchase price, seller, a brief description of repairs accomplished, and sale price. Such records shall be made available for inspection by the zoning official upon request.
- gh. Compliance with all other provisions of these Ordinances including the requirements for a Special Use Permit as well as Sec. 94-151(e).
- hi. The owner complies with any federal, state, or county ordinances or requirements relative to the sale of repaired vehicles, obtains all required licenses and/or permits and maintains them in good standing at all times.
- jk. For purposes of this §subsec. 94-151(d)(4), the following definitions shall apply:
  - 1. "Vehicles" shall mean and refer to automobiles, trucks, motorcycles, and similar items.

2. "State of disrepair" shall mean that the vehicle in question had such damage or necessitated repairs to its power train, chassis, other non-exterior visible items and/or body work and where the necessary repairs, at normal retail pricing would exceed twenty-five percent (25%) of the retail value of the vehicle, after repair.

jl. ~~The City Planning Commission shall have the responsibility of the determination of granting a Special Use Permit pursuant to this Section. The Special Use Permit granted pursuant to this~~ Subsection shall be valid for a calendar year. The owner may shall reapply no later than October 15th of each calendar year for a renewal of the Special Use Permit, which application shall include an affidavit from the business owner that it has complied with the terms and provisions of this Subsec. 94-151(d)(4) during the previous calendar year. The zoning official shall Renewal shall occur administratively approve the application for renewal; if he finds there appears to have been full compliance during the existing calendar year by the applicant has fully complied with the requirements of this subsection and the Special Use Permit during the existing calendar year. If there appears to be a failure of the applicant to have complied with the requirements of this Subsec. 94-151(d)(4), the matter application for renewal shall be set before the Planning Commission at the earliest opportunity.

km. The City Council shall establish such reasonable fees regarding the filing of the application, and any renewals thereof.

(e) Development standards. Any use of land or structures in this district shall comply with the general development standards of section 94-121(c) of this chapter.

**Effective Date.** Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_ with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_\_ day of \_\_\_\_\_, 2013.

Mason Codes declared adopted this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Leon Clark, Mayor

\_\_\_\_\_  
Deborah J. Cwierniewicz, City Clerk

**APPLICATION - ZONING ORDINANCE AMENDMENT**

**City of Mason**

Zoning & Development Department • 201 W. Ash Street, Mason, MI 48854

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

www.mason.mi.us



Applicant- Please indicate the following:	
Current Zoning District(s):	
Requested Zoning District(s):	
Text Amendment	SEC. 94-151. U-2: LIGHT MANUF. DISTRICT

ZONING & DEVELOPMENT DEPT. USE ONLY	
Application Received:	Sept. 11, 2013
Tax ID:	N/A
Fee:	N/A
Receipt #:	N/A

**I. APPLICANT INFORMATION**

Name DARRELL BENEDICT, BY: LEE J. KLEW, JME CONSULTANTS INC.

Organization BENEDICT AUTO BODY

Address 2958 CRESTWOOD DR., EAST LANSING, MI 48823

Telephone Number 517-332-2388 Facsimile Number 517-332-2374

Interest in Property (owner, tenant, option, etc.) OWNER REP.

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

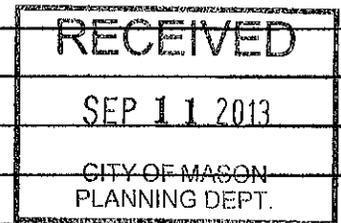
**II. PROPERTY INFORMATION (for rezoning only)**

Owner DARRELL BENEDICT Telephone Number 517-676-4970

Property Address 246 W. MAPLE ST., MASON, MI 48854

Legal Description: If in a Subdivision: Subdivision Name \_\_\_\_\_ Lot Number \_\_\_\_\_

If Metes and Bounds (can be provided on separate sheet): \_\_\_\_\_



**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 to determine compliance with the requirements of the zoning code district requested by the applicant and compliance with conditions precedent to the granting of the zoning district change/text amendment requested.

Signature Darrell Benedict

Date 9-11-13

III. **REQUEST DESCRIPTION**

**A. Text Amendment Description (if applicable, attach additional sheets as necessary)**

SEE ATTACHED.

**B. Site Area (for rezoning only)**

Indicate the size of the site subject to the request for change of zoning:

In square feet (if under one (1) acre): 8,064 sq. ft.

In acres (if over one (1) acre): \_\_\_\_\_

**B. Master Plan (for rezoning only)**

Future Land Use Designation (from Master Plan): AUTO BODY REPAIR & LIMITED REPAIRED VEHICLE SALES.

Does the proposed Zoning District conform to this designation?  YES  NO

**C. Available Services (for rezoning only)**

Public Water  YES  NO

Public Sanitary Sewer  YES  NO

Paved Road(s) (Asphalt or Concrete)  YES  NO

Public Storm Sewer  YES  NO

Note: Health Department Certification may be required where public water and/or sanitary sewer are not available

**D. Current Use (for rezoning only)**

Are there any structures currently on the property?  YES  NO

If so, describe the number of structures and how the structures are used (attach additional sheets, if necessary):

BODY SHOP-AUTO REPAIR AND PAINTING, PAINT BOOTH, FRAME MACHINE

BODY REPAIR WELDING WAREHOUSE FOR STORAGE

**E. Soils Data (for rezoning only)**

Has soil bearing capacity and septic suitability of the ground been tested?  YES  NO

If so, attach 30 copies. Note: such testing may be required if conditions warrant.

IV. **APPLICATION MATERIALS**

The following is a checklist of items that generally must be submitted with applications for Rezoning. The applicant must submit 30 copies of plans or drawings larger than 11" x 17". Incomplete applications will not be processed.

- Completed application form
- Plot Plan of area proposed for Rezoning (see "A" below)
- Legal description of area proposed for Rezoning
- Proof of ownership or owner authorization to request Rezoning
- Fee (see "B" below)
- Any other information deemed necessary

**A. Plot Plan**

The Plot Plan shall be drawn to a readable scale and shall show all of the following information:

1. Existing structures and parking areas, with setback dimensions from property lines
2. Survey pins or monuments

3. All easements on the property
4. Overhead and underground utilities
5. Floodplain and wetlands
6. Topography (where land characteristics have a bearing on the request)
7. Surface drainage indicated by directional arrows
8. Existing zoning and use of surrounding properties

**B. Application Fee (for rezoning only) \$300.00** All requests must be accompanied by a fee, as established by City Council.

**Engineering Review Fee (for rezoning only) \$220.00** – Minimum Two-hour fee for projects increasing demand on public utilities. Actual fees incurred are billed to applicant upon completion of review.

#### **V. APPLICATION DEADLINES**

Complete applications must be received at least one week in advance of a City Council meeting. A public hearing will be scheduled at the next Planning Commission meeting. At that time the Planning Commission will make a recommendation to the City Council, which has the final authority to approve or deny an application for Rezoning.

Planning Commission meetings are held on the second Tuesday after the first Monday of every month. The City Council will consider recommendations from the Planning Commission at their regular meeting on the third Monday of the month. If any Monday is a City recognized holiday, the meeting is held on the following day (Tuesday).

#### **VI. STAFF REPORT**

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Rezoning/Text Amendment. The report will explain the request and review whether it complies with the standards in the Zoning Code and the Master Plan. 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 Planning Commission meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

# **J.M.E. Consultants, Inc.**

Business Consultants  
Contract Negotiations  
Real Estate Planning  
Development & Financing  
Property Management  
Construction Management

**Lee J. Klein, President**  
2958 Crestwood Drive  
East Lansing, Michigan 48823  
517-332-2388 - Telephone  
517-332-2374 - Facsimile  
517-490-1310 - Cellular  
j.m.e@comcast.net

Projections & Pro-Formas  
Sales & Acquisitions  
Licensing & Zoning  
Commercial Market Analysis  
Business/Commercial Arbitration  
Divorce Mediation

September 10, 2013

Mr. David Haywood  
City of Mason  
201 W. Ash Street, P.O. Box 370  
Mason, MI 48854

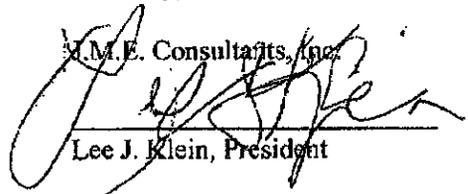
**Re: Darrell Benedict; Benedict Auto Body**  
246 W. Maple Street, Mason, Michigan

Dear Mr. Haywood:

Please be advised that this office has been retained by Darrell Benedict and Benedict Auto Body to represent them in connection with the possible amendment to the City of Mason Ordinances. By signature hereon below, Darrell Benedict, individually, and as the owner of Benedict Auto Body, does hereby authorize JME Consultants, Inc. and, in particular, Lee J. Klein, President of JME Consultants, Inc, to act on his behalf and on behalf of his company in connection with all matters with the City of Mason, including, but not limited to, possible amendments to the City Ordinances and any applications for Special Use Permits.

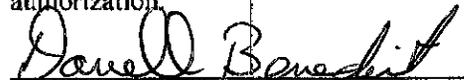
Thank-you for your attention to this matter.

Sincerely,

J.M.E. Consultants, Inc.  
  
Lee J. Klein, President

LJK/dss  
benedict-authorization ltr-091013.spd

I do hereby acknowledge and confirm the above authorization.

  
Darrell L. Benedict, Individually and  
as Owner of Benedict Auto Body  
246 W. Maple Street  
Mason, Michigan 48854  
Dated: September 11, 2013

**PROPOSED AMENDMENT TO MASON CODE ORDINANCE  
SECTION 94-151. M-1: LIGHT MANUFACTURING DISTRICT**

The following is the proposed Amendment to Section 94-151. M-1: Light Manufacturing District and, in particular, 94-151(d) to add a new Section (4) to 94-151(d):

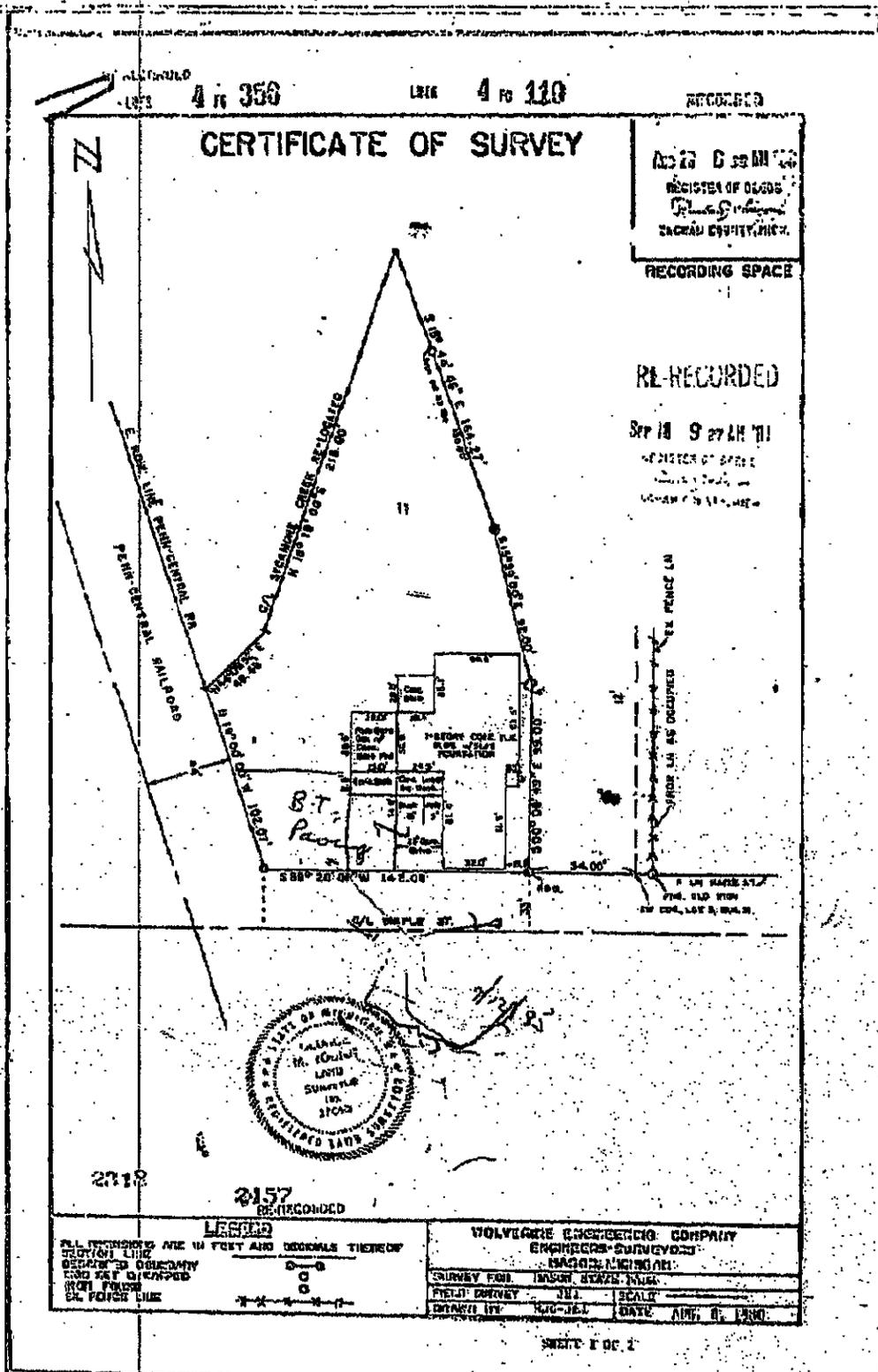
Sec. 94-151(d)(4) Sale of repaired, used vehicles, by Special Use Permit as an accessory use (refer to Sec. 94-151(c)) to a body and paint shop for automobiles and other vehicles (refer to Sec. 94-151(b)(10)) which meets and complies with the following conditions and criteria:

- (i) Only the sale of vehicles which have been purchased in a state of disrepair and then repaired at the premises operated as a body and paint shop pursuant to Sec. 94-151(b)(10).
- (ii) The sale of the repaired vehicles shall not exceed a total sum of eighteen (18) per calendar year.
- (iii) No advertising shall occur or be placed on the premises indicating the sale of used vehicles. This shall include no "for sale" signage on the vehicle itself unless such vehicle is located on the premises where it is not readily visible to the general public from any nearby roads.
- (iv) No "off premises" advertising of any kind or nature which would impute or imply that the premises is being used as a used car dealership. This shall not restrict newspaper or other publication advertising any individual vehicle for sale, and so long as such advertising such does not impute or imply that the business owner is primarily engaged in the business of the sale of used vehicles.
- (v) No repaired vehicles shall be kept or stored at the front of the site or at any location on the site where they are reasonably visible to the general public from abutting roadways.
- (vi) If and to the extent that the real estate used for purposes herein abuts any residentially zoned property, the applicant shall have installed a "privacy fence" to obscure the view of the accessory use permitted herein.
- (vii) The owner maintains accurate records reflecting the following regarding each vehicle purchased for repair: date of purchase, purchase price, brief description of repairs accomplished, and sale price.
- (viii) Compliance with all other provisions of these Ordinances including the requirements for a Special Use Permit as well as Sec. 94-151(e).
- (ix) The owner complies with any federal, state, or county ordinances or requirements relative to the sale of repaired vehicles, obtains all required licenses and/or permits and maintains them in good standing at all times.
- (x) For purposes of this Sec. 94-151(d), the following definitions shall apply:
  - (A) "Vehicles" shall mean and refer to automobiles, trucks, motorcycles, and similar items.
  - (B) "State of disrepair" shall mean that the vehicle in question had such damage or necessitated repairs to its power train, chassis, other non-exterior visible items and/or body work and where the necessary repairs, at normal retail pricing would exceed twenty-five percent (25%) of the retail value of the vehicle, after repair.

(xi) The City Planning Commission shall have the responsibility of the determination of granting a Special Use Permit pursuant to this Section. The Special Use Permit granted pursuant to this Section shall be valid for a calendar year. The owner shall reapply no later than October 15th of each calendar year for a renewal of the Special Use Permit, which application shall include an affidavit from the business owner that it has complied with the terms and provisions of this Sec. 94-151(d)(4) during the previous calendar year. Renewal shall occur administratively, if there appears to have been full compliance during the existing calendar year by the applicant. If there appears to be a failure of the applicant to have complied with the requirements of this Sec. 94-151(d)(4), the matter shall be set before the Planning Commission at the earliest opportunity.

(xii) The City shall establish such reasonable fees regarding the filing of the application, and any renewals thereof.

# Legal Land description



09:54a

Benedict Auto Body

5176769959

p.18

# INGHAM COUNTY

SEP 12 2012

OWNER/TAXPAYER/OTHER PARTY OF RECORD:

BENEDICT DARRELL L

248 W MAPLE  
MASON, MI 48854

TAX YEAR	BASE TAX	TOTAL DUE IF PAID BY 11/30/12	TOTAL DUE IF PAID BY 12/31/12	TOTAL DUE IF PAID BY 01/31/13
2011	5,216.95	7,040.16	7,102.33	7,164.49

### PARCEL INFORMATION

PARCEL NUMBER: 33-19-10-08-231-008

PARCEL ADDRESS: 248 W MAPLE  
MASON MI 48854

### LEGAL DESCRIPTION:

BEG AT PT 54 FT W OF SW COR LOT 5 BLOCK 51 -  
S89D20'01"W 142.08 FT TO E R/W LW PENN CENRR  
N19D09' 52"E 49.48 FT -  
N18D19'E 215 FT-S18D44'46"E 154.27 FT -S15D  
29'E 92 FT -S00D06'49"E 99 FT TO POB SEC 8  
T2NRIW CITY OF MASON

<b>TOTAL</b>	<b>6,216.95</b>	<b>7,040.16</b>	<b>7,102.33</b>	<b>7,164.49</b>
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Unpaid 2011 real property taxes were turned delinquent to the Ingham County Treasurer's Office on March 1, 2012. If the 2011 delinquent tax, interest, penalties, and fees are not paid on or before March 31, 2014, after an uncontested judgment has been entered by a circuit court judge, absolute title to the property shall vest in the foreclosing governmental unit. All redemption rights will expire on March 31, 2014.

The Ingham County Treasurer will accept partial payments for the delinquent tax. Very low income households may qualify for State or Local hardship, contact the Michigan Department of Human Services at (517) 877-9400 or visit them at 5303 S. Cedar St. in Lansing for possible State hardship assistance, or call your local assessor and request a poverty exemption application.

Payments may be made in our Lansing Office at 313 W. Kalamazoo St. in the Veterans Memorial Courthouse

PLEASE DETACH ALONG PERFORATION ABOVE. KEEP THE TOP PORTION FOR YOUR RECORDS.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

### SEND PAYMENT TO:

ERIC SCHERTZING  
INGHAM COUNTY TREASURER  
PO BOX 215  
341 S JEFFERSON ST  
MASON, MI 48854-0215  
(517) 678-7220

TAX IS FOR PARCEL NUMBER:  
33-19-10-08-231-008



**\*\*POSTMARKS WILL NOT BE ACCEPTED AS DATE OF PAYMENT\*\***

NEW! ACE payment option available on our website. Please visit  
<http://www.inghamcounty.org/aces/aces-implementation.aspx>

Due if paid by 11/30/12	7,040.16
Due if paid by 12/31/12	7,102.33
Due if paid by 01/31/13	7,164.49

PARCEL ADDRESS:  
248 W MAPLE  
MASON MI 48854

BENEDICT DARRELL L

248 W MAPLE  
MASON, MI 48854

MAKE CHECK OR MONEY ORDER PAYABLE TO:  
INGHAM COUNTY TREASURER

AMOUNT REMITTED:

## David Haywood

---

**From:** j.m.e@comcast.net  
**Sent:** Thursday, September 12, 2013 9:44 AM  
**To:** David Haywood  
**Subject:** Re: Amendment to City Ordinance Sec. 94-151 Allowing for Sale of Repaired Vehicles as Ancillary Use to Body & Paint Shop

David - Please make the following changes to the proposed Ordinance Amendment. References are to lettered section numbers.

(d) Please remove the word "such" after the word "advertising" in the second to last line.

(l) Please change the 8th line by removing the words "previous calendar year" at the end of the third sentence and put the following in its place: "...current calendar year, to date, and will continue to comply with the terms and provisions through the remaining and the next calendar year".

-----  
That covers it. Thanks for your help. Keep me posted as matters progress.

Lee

-----  
Lee J. Klein, President  
JME Consultants, Inc.  
2958 Crestwood Drive  
East Lansing, Michigan 48823  
517-332-2388 - Telephone  
517-332-2374 - Facsimile  
517-490-1310 - Cellular  
[j.m.e@comcast.net](mailto:j.m.e@comcast.net) - Email

---

**From:** "David Haywood" <[davidh@mason.mi.us](mailto:davidh@mason.mi.us)>  
**To:** "j m e" <[j.m.e@comcast.net](mailto:j.m.e@comcast.net)>  
**Sent:** Thursday, September 12, 2013 9:17:45 AM  
**Subject:** RE: Amendment to City Ordinance Sec. 94-151 Allowing for Sale of Repaired Vehicles as Ancillary Use to Body & Paint Shop

Lee, this is what I have proposed to go to Council. It is due to the City Clerk today, so any comments would be appreciated as soon as possible. I had to re-number your version to fit the City's outline format and some minor formatting. Otherwise it is verbatim. I cut and paste from the attachment in your email of 9/10/13.

---

**From:** [j.m.e@comcast.net](mailto:j.m.e@comcast.net) [<mailto:j.m.e@comcast.net>]  
**Sent:** Tuesday, September 10, 2013 9:51 AM  
**To:** David Haywood  
**Cc:** [autodarrell@hotmail.com](mailto:autodarrell@hotmail.com)  
**Subject:** Amendment to City Ordinance Sec. 94-151 Allowing for Sale of Repaired Vehicles as Ancillary Use to Body & Paint Shop

David - I was waiting to hear back from you. I went back and looked at your last email, and realized that you were probably waiting for me to provide you with the changed language. I thought when we spoke I indicated I had no problems with those changes but now realize you needed the actual language from me. Therefore, it is attached. I have "edited" it for your convenience in reviewing the changes. Please call with any questions.

Thanks,  
Lee

-----  
Lee J. Klein, President  
JME Consultants, Inc.  
2958 Crestwood Drive  
East Lansing, Michigan 48823  
517-332-2388 - Telephone  
517-332-2374 - Facsimile  
517-490-1310 - Cellular  
[j.m.e@comcast.net](mailto:j.m.e@comcast.net) - Email  
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# City of Mason

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TDD 1-800-649-3777

## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

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

DATE: November 6, 2013

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This memorandum provides supplemental information to the staff reports provided at the September 10<sup>th</sup> and October 15<sup>th</sup> meetings. The applicant is requesting final site plan approval to operate a bed and breakfast, including four bedrooms, on property located at 604 South Barnes Street. The applicant received special use permit and preliminary site plan approval at the October 15<sup>th</sup> meeting.

A concern raised at the October meeting was that the property be inspected for compliance with the standards for bed and breakfasts listed in Section 94-192(7). The applicant has stated that the property would not be ready for an inspection prior to the November meeting. Staff would recommend that the final site plan approval be approved with the condition that an inspection be performed and the property found in compliance before the final site plan approval is effective. Please keep in mind that final site plan approvals are good for 12 months, with a possible 12 month extension. If the applicant does not meet the standard within that time period the approvals for the site plan and special use become null and void.

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

### RECOMMENDED ACTIONS:

**The Planning Commission approve Resolution No. 2013-12.**

Introduced:  
Second:

**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.

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, November 12, 2013, the original of which is part of the Planning Commission minutes.

---

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



**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

www.mason.mi.us

Applicant- Please check one of the following:	
<input type="checkbox"/>	Preliminary Site Plan Review
<input type="checkbox"/>	Final Site Plan Review <span style="float: right;">X</span>
<input type="checkbox"/>	Special Use Permit*
* includes Preliminary Site Plan Review	

PLANNING DEPARTMENT USE ONLY	
Application Received:	<u>Nov. 6, 2013</u>
Tax ID:	<u>09-154-004</u>
Fee:	<u>\$100.00</u>
Receipt #:	<del>100151463</del>

100151463

**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**

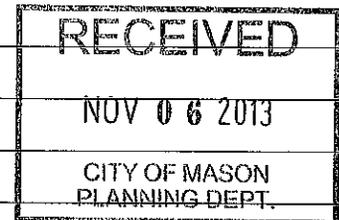
Owner Estate of David Feintuch Telephone Number 51-881-4106

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 *[Handwritten Signature]* SEANNETTE FEINTUCH Date 11/5/13

**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

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**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.

# City of Mason

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TDD 1-800-649-3777

## MEMORANDUM

TO: Planning Commission

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

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 10<sup>th</sup> 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 a an additional condition that requires the operations to pass an initial inspected 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.**

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TDD 1-800-649-3777

## 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:

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

# City of Mason

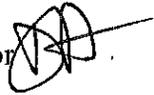
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## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Site Plan Review – 309 North Street (Jeff Taylor)

DATE: November 7, 2013

---

The applicant is requesting approval for a concurrent preliminary and final site plan to construct a 1,568 square foot commercial building addition on property located at 309 North Street. The purpose of the building is for storage of rental equipment. The parcel is zoned C-1 (Central Business District). Section 94-222 states that any use within the C-1 zoning district requires a site plan review. The applicant has, therefore, made application for site plan review.

### LAND USE AND ZONING:

**Current Use:** Residential/Commercial  
**Current Zoning:** C-1 (Central Business District)

The property is currently used for a private residence and equipment rental (e.g. tables, chairs, tents, coolers, coffee chaffers, etc.). The surrounding land uses and zoning are as follows:

	<b>Current Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Office	O-1 (Office)	Commercial
<b>East</b>	Institutional (Maple Grove Cemetery)	AG (Single Family Residential)	Public
<b>South</b>	Commercial	C-1 (Central Business District)	Commercial
<b>West</b>	Residential	C-1 (Central Business District)	Commercial

**SITE PLAN REVIEW:**

**Site Plan:**

The site plan indicates that there is an alley along the south edge of the site. Although there may be in that vicinity, there is no public street, including alley, in that vicinity.

**Height, Bulk, Density, and Area Requirements:**

The site plan appears to comply with the lot area, width and setback requirements listed in Tables 100-1 and 100-2, of Chapter 100 of the Mason Code.

**Off-Street Parking & Circulation:**

Article IX of Chapter 94 Zoning of the Mason Code establishes the requirement for off-street parking for the respective uses. Section 94-292(h)(1) lists the parking requirements for uses located in the C-1 zoning district and states, "There shall be no off-street parking space requirements in the C-1 district for those uses which require 20 or less off-street parking spaces". The building will be used exclusively for storage of tables, chairs, tents, etc., therefore, 0.33 parking spaces are required for each 100 square feet of building space. Therefore, three spaces would normally be required for the proposed 2,336 square foot building; being less than 20, no off-street parking is required for the site.

**Site Easements:**

The applicant currently uses the driveway located on property to the south of the subject site (labeled alley) for access to his property. Currently, there is no known easement for this use, nor has the applicant provided proof of easement for use of the adjacent property for access to the site. Approval is recommended with the understanding that the Planning Commission does not grant authority to use off-site property for access to the site.

**Signs:**

The applicant is not proposing signage at this time.

**PUBLIC SERVICES AND FACILITIES:**

**Streets, Water, Sanitary Sewer and Storm Sewer:**

The applicant is not proposing any new connections to the City's utilities 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 Preliminary and Final Site Plan Review standards listed in Sections 94-226 and 94-227 of the Code, provided the previously noted conditions are met.

**RECOMMENDATION:**

With the findings and analysis described above, the following action is recommended for consideration by the Planning Commission:

**That the Planning Commission approve Resolution No. 2013-13.**

**Attachments:**

1. Resolution
2. Application
3. Agency Comments
  - a. Mason City Administrator/Public Works Director
  - b. Mason POTW Supervisor
  - c. Mason Police Chief
  - d. Mason Fire Chief
  - e. Mason Superintendent of Public Works
4. Site Plan

Introduced:  
Seconded:

**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.

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, November 12, 2013, the original of which is part of the Planning Commission minutes.

---

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



**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

www.mason.mi.us

**Applicant– Please check one of the following:**

<input checked="" type="checkbox"/>	Preliminary Site Plan Review
<input checked="" type="checkbox"/>	Final Site Plan Review
<input type="checkbox"/>	Special Use Permit*

\* includes Preliminary Site Plan Review

**PLANNING DEPARTMENT USE ONLY**

Application Received: 10/17/13

Tax ID: 05-478-021

Fee: \$300.00

Receipt #: 100150806

**I. APPLICANT INFORMATION**

Name Jeff Taylor

Organization \_\_\_\_\_

Address 309 North st

Telephone Number 517 775-3666 Facsimile Number \_\_\_\_\_

Interest in Property (owner, tenant, option, etc.) Owner

**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 Jeff Taylor Telephone Number 517 775-3666

Property Address 309 North st

Legal Description: If in a Subdivision: Subdivision Name \_\_\_\_\_ Lot Number \_\_\_\_\_

If Metes and Bounds (can be provided on separate sheet): \_\_\_\_\_



**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 11-17-13

III. **REQUEST DESCRIPTION**

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

Warehouse & ~~INSPECTION~~  
Rental Service Warehouse  
\* See Last page

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 0  
Population Increase -0-  
Hours of Operation 9AM AM to 5PM PM  
M day through F day

Total Employees 0 Shifts \_\_\_\_\_  
Employees in Peak Shift 2  
Total Bldg. Area Proposed See Address  
Parking Spaces Provided YES

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 is larger than 11" x 17" (**30 copies for Special Use Permits**)
- 1 – 11" x 17" copy of the site plan
- Plans submitted on CD (Commercial only)
- 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 (includes preliminary site plan review)</u>	\$275.00
<u>Engineering Review</u>	\$220.00*

\*Two-hour minimum fee for projects increasing demand on public utilities. Actual fees incurred 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.

Addition

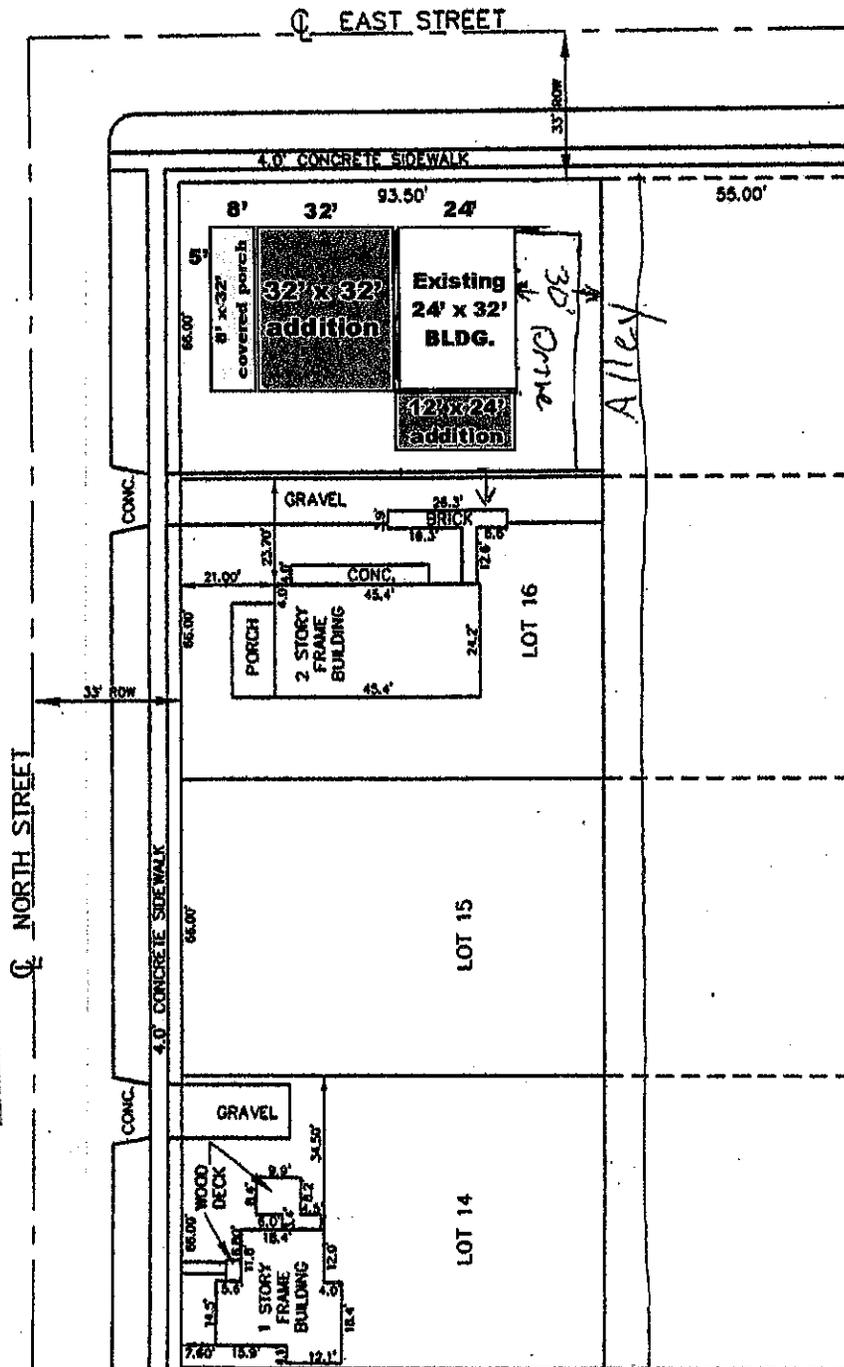
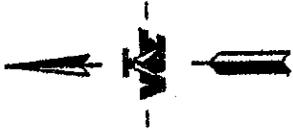
32' x 32' to the North  
12' x 28' to the West

Covered Porch

8' x 32' to the North

309 North St Mason Jeff & Lorraine Taylor

# MORTGAGE INSPECTION REPORT



309 North St

RECEIVED  
 OCT 17 2013  
 CITY OF MASON  
 PLANNING DEPT.

RECEIVED  
 DEC 02 2009  
 CITY OF MASON  
 PLANNING DEPT.

Lots 14, 15, 16, and 17, Block 2, Smith and Pease Addition, City of Mason, Ingham County Michigan.

I certify that this MORTGAGE INSPECTION REPORT shows the improvement or improvements as located on the premises described, that the improvements are entirely within lot lines and that there are no encroachments upon the premises described by the improvement or improvements of any adjoining premises, except as shown hereon.

I further certify that this MORTGAGEE'S REPORT was prepared for IDENTIFICATION PURPOSES ONLY for Jeff Taylor in connection with a mortgage and is not intended or represented to be a land or property line survey; that no property corners were set; and is not to be used, or relied upon, for the establishment of any fence, building or other improvement lines. No responsibility is extended herein to the present or future land owner or occupant.

## MEMORANDUM

**To:** David Haywood, Zoning and Development Director  
**From:** Marty Colburn, City Administrator & DPW Director  
**Date:** October 22, 2013  
**Re:** Site Plan Review, 309 North Street



This property is within the C-1 District - Central Business District. This district's lot line maintains a zero lot line, which this application and project is within. It is my understanding that the application is providing additional space for current uses, including rental services and warehousing for rental items.

Under Section III of the application, I am interpreting that the listing of Total Employees is 0, but "Employees in Peak Shift List 2" means that there are no FTE's on location at all times. The applicant may want to clarify that point for the Commission.

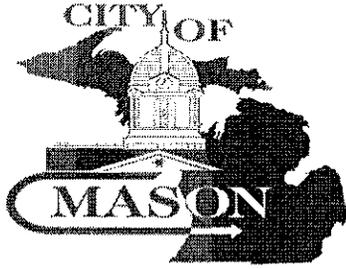
Section III. Applicant states that parking is provided, but the site map does not demonstrate the location or number of parking spaces. This should be defined as the applicant has referenced parking.

The applicant demonstrates on the site map that there is an alley. There are no alleys with or adjacent to those parcels in accordance of the plat maps. This may be a drive for their use, but clarification should be made on this item.

It is my understanding that the address listed on the application has the same address for both structures. Since they are for separate uses, should the business warehouse have a separate address? According to the City of Mason Address Map, the current address is 208 North Street.

I see no additional concerns regarding demands placed on water, sanitary or street demands.

MAC/icn



# Memo

**To:** David Haywood, Zoning and Development Director  
**From:** Kenneth Baker, Superintendent of Public Works  
**Date:** November 5, 2013  
**Re:** Site plan review for 309 North Street building expansion

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My comments on the proposed site plan dated Oct 21, 2013.

## Storm Water

The storm water for this site will need a storm water maintenance agreement to maintain the storm from this site.

## Potable Water

There is no expansion to the water system so there will not be a water fees.

## Sewer

There is no expansion to the sewer system so there will not be a sewer tap fee.

There are no other concerns from the Public Works Department.

I am available for further discussion.

## David Haywood

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**From:** Sam Bibler  
**Sent:** Tuesday, October 22, 2013 10:08 AM  
**To:** David Haywood  
**Subject:** 309 North Street Site Plan

David, The construction of a 1,568 square foot building should not cause any operations problems at the Wastewater Treatment Plant. If you have any questions or concerns, please contact me. Sam



# CITY OF MASON FIRE DEPARTMENT

KERRY J. MINSHALL, CHIEF  
221 W ASH  
MASON, MI 48854  
PH: 517-244-9025  
FAX: 517-244-9028

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To: David E. Haywood  
Zoning & Development Director

From: Kerry Minshall  
Fire Chief

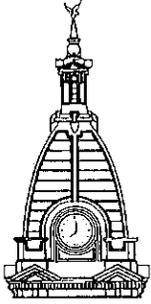
Date: October 29, 2013

Re: Site Plan Review Request  
309 North Street, Mason



I have reviewed the request for the additions to the property located at 309 North Street. I do not have any concerns at this time.

If you have any questions, please contact me.



# Mason Police Department

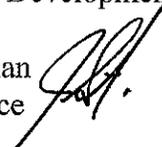
201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370

JOHN STRESSMAN  
*Chief of Police*

Office: (517) 676-2458  
Fax: (517) 244-9024  
MASON\_PD@ingham.org

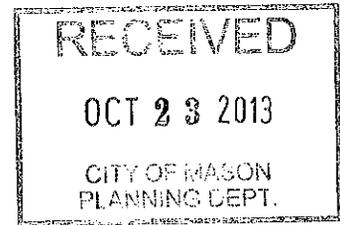
## MEMORANDUM

To: David Haywood  
Planning and Development Director

From: John Stressman   
Chief of Police

Date: October 21, 2013

Ref: 309 North Street Site Plan Review



Based on the Site Plan Review Application, dated November 11, 2013, I have no comment at this time.

If you have any questions, please contact me.

# 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: Discussion - Used Vehicle Sales as an Accessory Use to Auto Body Shops

DATE: November 8, 2013

### ISSUE

As a result of the discussions around Ordinance No. 195 involving auto sales as an accessory use to an auto body repair shop, staff has been requested to look into the implications of the ordinance relative to other auto body shops in the City, to analyze the impact of allowing used vehicle sales as an accessory use to auto body shops in other zoning districts in the City.

### BACKGROUND

Staff was able to identify five known body shops within the city limits. The table below shows the number of auto body shops in each respective zoning district and whether used vehicle sales are permitted in the zoning district:

<u>Zoning District</u>	<u>Number of Businesses</u>	<u>Vehicle Sales Permitted</u>
C-1 (Central Business)	1	No
C-2 (General Commercial)	3	Yes – SUP
M-1 (Light Manufacturing)	1	No

Please refer to the Mason Zoning Map for current boundaries of the zoning districts listed above.

The following is the intent and purpose for the C-1, C-2, and M-1 zoning districts as listed in the Mason Zoning Ordinance:

C-1 (Central Business) – “It is the primary purpose of this district to provide opportunities for business establishments in the area generally referred to as the Downtown Center in the city master plan that address the local day-to-day office, retail, and service needs of residents of, and visitors to, the city. It is the intent of this district to prohibit uses that draw from a regional population causing excessive traffic levels or that may otherwise undermine the intended function and character of the historic business area of the city.”

C-2 (General Business) – “It is the primary purpose of this district to provide opportunities for business establishments that address the retail and service needs of both local and regional populations, including the highway traveler and uses that draw from a regional market or which uniquely benefit from close proximity to the US-127 interchanges.”

M-1 (Light Manufacturing) – “It is the purpose of this district to provide opportunities for a variety of industrial activities that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and resulting in limited demands for additional public services. Manufacturing operations in this district are generally intended to utilize previously prepared materials as opposed to the use, alteration, or manipulation of raw materials.”

### **CONSIDERATIONS**

Assuming the Planning Commission and Council are comfortable with adopting Ordinance No. 195 and the fact that vehicle sales is a permitted land use in the C-2 district, there remains only one issue to explore, the appropriateness of vehicle sales in the C-1 zoning district.

Planning Commissioners should keep in mind that auto body repair shops are not currently a permitted land use in the C-1 district. Therefore, the body shop located in the C-1 district is considered a non-conforming use. In order for the body shop to legitimately be permitted to sell used vehicles, it would first require an amendment to the zoning ordinance permitting auto body shops in the C-1 district.

There are many implications associated with such an amendment. Since the C-1 district abuts the Courthouse square, the community would need to be comfortable with, and very careful, about how this land use is permitted. The implications include, but are not limited to the following:

- Screening to adjacent residential uses
- Impact to the historic square
- Loss of opportunity for retail trade and service
- Impact on existing surrounding land values
- Compatibility with the Master Plan for the downtown planning area
- Other?

### **Master Plan**

Chapter Three describes the future land use strategy for the downtown area as the following:

“Development should be designed of such scale, architecture and amenities to preserve the Downtown Center as a historic and pedestrian-friendly commerce center. Development and redevelopment efforts should be

coordinated with the desired small-town character and identity of the area, considering such features as building size and height, façade treatments, lighting, signage and related development features. **Uses should primarily address the day-to-day retail, office and entertainment needs of the local population and visitors, including restaurants.** *[emphasis added]* Opportunities for complementary institutional and civic uses compatible with the intended character of the Downtown Center should remain. Uses that are characterized by the generation of traffic patterns that may undermine pedestrian safety should be discouraged.”

**RECOMMENDATION**

No action is necessary at this time. The Planning Commission should be prepared to hold a discussion as to the appropriateness of permitting vehicle auto sales in the C-1, C-2, and M-1 and zoning districts.

# City of Mason

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## NOTICE OF PUBLIC HEARING ON PROPOSED MASTER PLAN NOTICE OF SUBMITTAL FOR PUBLIC COMMENT

October 31, 2013

Vevay Township Planning Commission  
c/o Gary Howe, Supervisor  
Vevay Township  
780 Eden Road  
Mason, MI 48854

*Example*

Dear Vevay Township Planning Commissioners:

In accordance with the requirements of the Michigan Planning Enabling Act, this is to notify you that the Mason Planning Commission will hold a public hearing on Tuesday, January 14, 2014 beginning at 6:30 p.m. or as soon thereafter as possible, in the Council Chambers at City Hall, 201 West Ash Street, Mason, MI.

The purpose of the hearing is to receive comments from interested persons on a proposal by the Planning Commission to adopt an updated Master Plan for the City of Mason. The Planning Commission hereby welcomes public comment on the Master Plan. The updated Mason Master Plan describes the Planning Commission's proposal for the long-range future development of the community. The updated Master Plan has been prepared under the authority vested in the Planning Commission by the Michigan Planning Enabling Act. A Master Plan is a long-range policy plan for land use that helps guide the city officials when making development decisions. The Master Plan is not a zoning map and does not change the zoning of individual properties.

A complete draft of the proposed Master Plan may be publicly inspected Monday through Friday, 8:00 a.m. to 5:00 p.m. at the Reception Desk at City Hall, 201 West Ash Street, Mason, Michigan, 48854 or on the City's website at [www.mason.mi.us](http://www.mason.mi.us). Questions may be directed to the Zoning and Development Department at (517) 676-9155. Written comments will also be received at the Zoning and Development Department in person, by mail, or may be placed in the drop box located near the front doors of City Hall.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Haywood", is written over a white rectangular area.

David E. Haywood  
Zoning & Development Director