

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, July 15, 2014

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: June 10, 2014
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. Special Use Permit – 300 E. Kipp Rd.
Resolution No. 2014-04 – A Resolution Amending the Special Use Permit Established by Resolution No. 2013-05 Allowing the Disposal of Approximately 20,000 Cubic Yards of Soils on Property at 300 East Kipp Road by Extending the Expiration Date to August 1, 2015
7. Regular Business
 - A. Discussion – Master Plan Implementation – Sub-area Plans
 - B. Discussion – Right to Farm Act
8. Unfinished Business
9. New Business
10. Correspondence
 - Planning & Zoning News, May 2014
11. Liaison Reports
12. Director Report
 - Soil Erosion and Sedimentation Program
13. Administrator Report
14. Adjournment

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF JUNE 10, 2014**

Chairperson Reeser called the meeting to order at 6:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Barna, Fischer, Hude, King, Naeyaert, Reeser, Sabbadin, Waxman
Absent: Commissioner: Trotter (excused)
Also present: Martin A. Colburn City Administrator
David Haywood, Zoning & Development Director
Deborah J. Cwierniewicz, City Clerk

APPROVAL OF MINUTES:

Regular Minutes of May 13, 2014

The regular meeting Minutes of May 13, 2014, were approved as submitted.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

- Commissioner King announced that he is resigning from the Planning Commission effective August 1, 2014 due to family obligations and health issues.

REGULAR BUSINESS

Discussion – Master Plan Implementation – Sub-area Plans

Haywood elaborated on his memorandum to the Commission and recommended that the Commission set up an ad hoc committee to formulate goals and objectives to define issues for each planning area. A brief discussion ensued. It was the consensus of the Commission to create an ad hoc committee to review the Sub-area Plans of the Master Plan. Commissioners Hude, Naeyaert, Sabbadin, and Waxman committed to serve on the ad hoc committee.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Sabbadin informed Commissioners regarding the relocation of the shoot site for fireworks. The Fairgrounds has installed an arena that would be in the line of launching fireworks.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed commissioners regarding current City Council business.

DIRECTOR REPORT

Haywood informed the Commission regarding current Zoning & Development business.

ADMINISTRATOR'S REPORT

No report at this time.

ADJOURNMENT

The meeting adjourned at 6:57 p.m.

Deborah J. Cwierniewicz, City Clerk

Jim King, Secretary

City of Mason

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



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

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Preliminary Site Plan Review – 300 East Kipp Road

DATE: July 11, 2014

Staff has received an application from John Fischer of Anderson Fischer Associates Inc. requesting an amendment to the existing special use permit approval established by Planning Commission Resolution No. 2013-05 by extending the expiration date to August 1, 2015. Resolution 2013-05 approved the applicant to fill in depressions and low lying areas with approximately 20,000 cubic yards of clean, compacted clay fill with the purpose of making the area suitable for construction of future buildings and improvements on property located at 300 East Kipp Road. The parcel is zoned M-1 Light Manufacturing. Section 94-177(s) permits the disposal of soils by special use permit. Section 94-192(4) establishes the special use standards for disposal of soils.

The subject site is the former site of the old pallet yard. The applicant has made significant progress in cleaning up the miscellaneous piles of pallet material, rubble, and fill making the site useable and marketable for future development. No fill is proposed within the designated wetland or below water line areas.

The applicant has allowed use of the property as a staging area for ITC Transmission (electric power transmission utility). ITC is currently replacing temporary and damaged electric power poles on the west side of the city and is using the subject site for staging and materials storage. Therefore, Mr. Fischer is requesting extension of his expiration date to accommodate ITC's schedule.

SITE PLAN REVIEW:

No changes are proposed to the approved site plan.

Additional Agency Comments:

Agency comments are attached. No concerns have been received regarding this site plan review at this time.

ANALYSIS:

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 industrial use. As was mentioned before, no changes to the .

- (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.

- (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 timeline 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. Excavation and truck traffic will be limited to the hours of 7am to 5pm, M-F.

- (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(4) of the Mason Code provides seven requirements related specifically to disposal of soil. These standards must be met before a Special Use Permit can be approved. The standards and staff commentary regarding compliance follow:

- (a) *A fence, adequate to protect trespassing children, and at least six feet in height shall be placed around the entire periphery of the property and no closer than 50 feet to the top of any slope.*

No changes to the previously approved SUP are proposed.

- (b) *No slope shall exceed an angle with the horizontal of 45 degrees.*

No changes to the previously approved SUP are proposed.

- (c) *The planning commission shall establish truck traffic haul routes where necessary to minimize traffic hazards and road damage to and from the site.*

No changes to the previously approved SUP are proposed.

- (d) *Depleted or abandoned areas shall be rehabilitated progressively to a condition entirely lacking in hazards, inconspicuous and blended with the surrounding ground topography. A site reclamation plan must be submitted and approved by the planning commission prior to the granting of a special use permit.*

No changes to the previously approved SUP are proposed.

- (e) *All slopes, banks, pits and denuded areas shall be reasonably graded, filled and treated to prevent erosion.*

No changes to the previously approved SUP are proposed.

(f) All materials used for fill for landfill shall be reasonably leveled, covered and graded and no refuse shall be dumped at any location, which might imperil the city water supply or endanger persons or property.

No changes to the previously approved SUP are proposed.

(g) A performance guarantee in accordance with section 94-100 of this chapter may be required to assure compliance with these requirements.

No changes to the previously approved SUP are proposed.

RECOMMENDED ACTION:

The Planning Commission approve Resolution No. 2014-04.

Attachments:

1. Resolution 2014-04
2. Application and cover letter
3. Staff report February 25, 2013
4. Resolution 2013-05
5. Agency Comments
 - a. City of Mason Chief of Police
 - b. City of Mason Fire Chief
6. Site plan

Introduced:
Second:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2014-04**

**A RESOLUTION AMENDING THE SPECIAL USE PERMIT
ESTABLISHED BY RESOLUTION NO. 2013-05 ALLOWING THE
DISPOSAL OF APPROXIMATELY 20,000 CUBIC YARDS OF SOILS ON
PROPERTY AT 300 EAST KIPP ROAD BY EXTENDING THE
EXPIRATION DATE TO AUGUST 1, 2015**

July 15, 2014

WHEREAS, a request has been received from John Fischer, to amend the existing special use permit granted by Resolution No. 2013-05 allowing the disposal of 20,000 cubic yards of soils at 300 East Kipp Road by extending the expiration date to August 1, 2015; and

WHEREAS, the subject property is further described as: All that part of South ½ of SW ¼ of Sec. 9 which lies East of MCRR R/W and West of Barnes St., Sec. 9, T2N, R1W, City of Mason, Ingham County 24.99 acres; and

WHEREAS, no changes are proposed to the approved site plan; and

WHEREAS, all other conditions set forth in Resolution No. 2013-05 remain in full force and effect; and

WHEREAS, the Planning Commission authorizes the Zoning Administrator to grant one or more extensions of time to the expiration date for periods not to exceed 180 days each. Extensions shall be requested in writing and justifiable cause demonstrated.

THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve an amendment to the special use permit established by Resolution 2013-05 to dispose of approximately 20,000 cubic yards of soil on property located at 300 East Kipp Road by extending the expiration date to August 1, 2015.

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 special meeting held Tuesday, July 15, 2014, 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 checked="" type="checkbox"/>	Final Site Plan Review
<input checked="" type="checkbox"/>	Special Use Permit*
* includes Preliminary Site Plan Review	

PLANNING DEPARTMENT USE ONLY	
Application Received:	<u>6/23/14</u>
Tax ID:	<u>09-352-001</u>
Fee:	<u>\$ 275.00</u>
Receipt #:	<u>100161165</u>

I. APPLICANT INFORMATION

Name John P. Fischer

Organization J&J Properties of Mason, LLC

Address 225 E. Kipp Rd Mason, MI 48854

Telephone Number 517-202-6466 Facsimile Number 517-676-0466

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 J&J Properties of Mason, LLC Telephone Number 517-676-5522

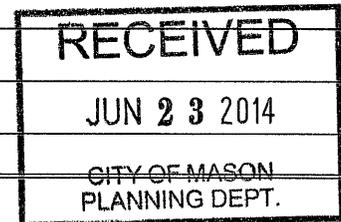
Property Address 300 E. Kipp Rd, Mason, MI 48854

Legal Description: If in a Subdivision: Subdivision Name N/A Lot Number N/A

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

All that part of South 1/2 of SW 1/4 of Sec. 9 which lies East of MCRR R/W and West of Barnes St.,

Sec. 9, T2N, R1W, City of Mason, Ingham County 24.99 acres.



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] Date 6-20-14

III. **REQUEST DESCRIPTION**

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

Fill in depressions and low lying areas with clean, compacted clay fill material with the purpose of making the area suitable for construction of future buildings and improvements. Approx. 10,000 CYD.

Stockpile topsoil for future redistribution.

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 trucking traffic only
Population Increase 0
Hours of Operation 7 AM to 5 PM
Monday through Fri day

Total Employees 2 Shifts 1
Employees in Peak Shift 2
Total Bldg. Area Proposed 0
Parking Spaces Provided existing gravel lot

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 **August 1, 2014 - August 1, 2015**
- Construction calculations for utilities **N/A - no utilities proposed**
- 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.

J & J PROPERTIES OF MASON, LLC

225 E. Kipp Road, Mason, MI 48854
(517) 676-5522 • fax (517) 676-0466



June 6, 2014

David E. Haywood
City of Mason
201 W. Ash Street
Mason, MI 48854

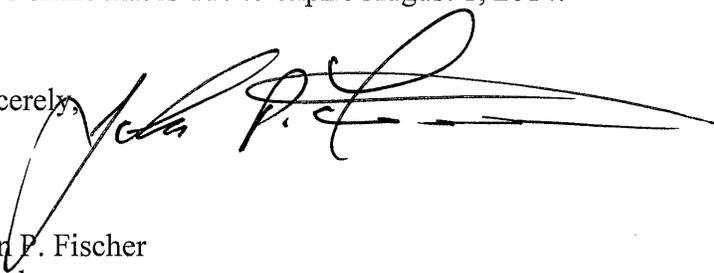
RE: 300 E. Kipp Road, Mason, MI 48843
Special Use Permit

Dear Mr. Haywood:

In 2013, the above-captioned property, owned by J&J Properties of Mason, LLC, was issued a Special Use Permit from the City of Mason, running from March 1, 2013 through August 1, 2014. However, a power company has been using the land at 300 E. Kipp Road for storing materials while they have been building a local power line. Due to the power company's occupancy of this property, J&J Properties has not been able to finalize the clean-up and grading of the site as proposed.

Therefore, J&J Properties of Mason, LLC is seeking a 12 month extension of the Special Use Permit that is due to expire August 1, 2014.

Sincerely,


John P. Fischer
Member

David Haywood

From: David Haywood
Sent: Monday, June 23, 2014 8:57 AM
To: 'John Fischer'
Subject: RE: 300 Kipp RD.

Hi John,

After reviewing your file on this issue, the approving resolution is definitive on the expiration date of August 1, 2014. Since your request is a change to the special use permit provisions, it will require review by the Planning Commission. Unfortunately, I do not have the authority to amend a special use permit.

So, you will need to re-apply and pay the fee for an amendment to your SUP. The next PC meeting is July 15. Your due date for applying is tomorrow June 24. Sorry for the short notice.

In hind sight, if I come across this issue again it might be wise to add some flexibility into the resolution for future extensions by the zoning administrator to avoid having to go to the PC.

Dave

From: John Fischer [<mailto:johnfischer1@hotmail.com>]
Sent: Friday, June 06, 2014 9:16 AM
To: David Haywood
Subject: 300 Kipp RD.

Good Morning Mr. Haywood,

Please review the attached Letter for special use permit extension.

Thanks

Introduced:

Second:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2013-05**

**A RESOLUTION APPROVING A PRELIMINARY SITE PLAN AND SPECIAL USE
PERMIT TO DISPOSE APPROXIMATELY 20,000 CUBIC FEET OF SOILS ON
PROPERTY AT 300 EAST KIPP ROAD**

February 28, 2013

WHEREAS, a request has been received from John Fischer, for preliminary site plan and special use permit approval to be allowed to dispose 20,000 cubic feet of soils at 300 East Kipp Road; and

WHEREAS, the subject property is further described as: All that part of South ½ of SW ¼ of Sec. 9 which lies East of MCRR R/W and West of Barnes St., Sec. 9, T2N, R1W, City of Mason, Ingham County 24.99 acres; 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 following conditions:

- 1) The hours of operation shall be limited to the hours of 7am to 5pm Monday thru Friday.
- 2) The truck traffic route shall be limited to Kipp Road and U.S. 127 as much as practicable and shall not utilize South Barnes Street.
- 3) That a revised site plan be submitted labeling the site access point for truck and excavation equipment and that truck traffic shall be limited to this single point.
- 4) The applicant shall provide a revised site plan indicating where, what type and in what amount soil will be stockpiled.
- 5) That a City soil erosion and sedimentation permit is required prior to commencement.
- 6) The plans shall address the expectations of the Public Works Supervisor as stated in his memorandum of February 22, 2013.
- 7) The plan shall show 19 additional replacement trees as a result of site disturbance (one tree per 10,000 square feet) pursuant to Section 94-241(c)(8) of the Zoning Ordinance.
- 8) The special use permit shall expire on August 1, 2014, where the site shall be final graded per plan and final soil erosion controls established; now

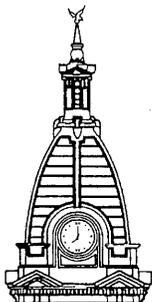
THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a preliminary site plan and special use permit to dispose of approximately 20,000 cubic yards of soil on property located at 300 East Kipp Road based on the site plan dated February 15, 2013.

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 Thursday, February 28, 2013, the original of which is part of the Planning Commission minutes.

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



Mason Police Department

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

JOHN STRESSMAN
Chief of Police

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

MEMORANDUM

To: David Haywood
Planning and Development Director

From: John Stressman
Chief of Police

Ref: Special Use Permit Extension
300 East Kipp Road

Date: June 26, 2014



I have reviewed the Special Use Permit Extension for the use of 300 East Kipp Road and have no comments at this time.

If you have any questions, please contact me.

David Haywood

From: Kerry Minshall
Sent: Monday, June 30, 2014 2:38 PM
To: David Haywood
Subject: 300 E Kipp Road Special Use Permit

Dave,
I do not have any concerns regarding the extension of their Special Use Permit.
Kerry

Chief Kerry Minshall
City of Mason Fire Department
201 West Ash Street
Mason, MI 48854
ph 517-244-9025
fax 517-244-9028

City of Mason

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TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

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

SUBJECT: Preliminary Site Plan Review – 300 East Kipp Road

DATE: February 25, 2013

The applicant is requesting preliminary site plan and special use permit approval to fill in depressions and low lying areas with approximately 20,000 cubic yards of clean, compacted clay fill with the purpose of making the area suitable for construction of future buildings and improvements on property located at 300 East Kipp Road. The parcel is zoned M-1 Light Manufacturing. Section 94-177(s) permits the disposal of soils by special use permit. Section 94-192(4) establishes the special use standards for disposal of soils.

The subject site is the former site of the old pallet yard. The applicant is proposing to clean up the miscellaneous piles of pallet material, rubble, and fill and grade the site to make it useable and marketable for future development. No fill is proposed within the designated wetland or below water line areas.

LAND USE AND ZONING:

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning	Future Land Use
North	Undeveloped	M-1 (Light Manufacturing)	Mixed-use
East	Institutional (Mason High School)	RS-1 (Single Family Residential)	Public
South	Vevay Township	Vevay Township	Vevay Township
West	Industrial, undeveloped	M-1 (Light Manufacturing)	Mixed-use

SITE PLAN REVIEW:

Plan Details:

The application indicates the hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday. Approval is recommended with the condition that the hours of operation for the proposed filling activity be limited to that listed above.

The application indicates that top soil will be stockpiled for future redistribution, however it is not shown on the plan where the topsoil will be located or in what amount. Approval is recommended with the condition that this be shown on the plan.

The application and site plan do not provide enough information regarding the soil type or origin. Approval is recommended with the condition that a revised site plan and/or letter provide a more detailed description of the soil type and origin.

Height, Bulk, Density, and Area Requirements:

No structures are proposed at this time.

Off-Street Parking & Circulation:

There is no proposed use for the site at this time that requires off-street parking.

Landscaping:

Because there is no final land use proposed for this site, staff recommends that no landscaping be required for the proposed activity. However, Section 94-241(c)(8) requires that one tree be planted for each 10,000 square feet of disturbed area of the site, or fraction thereof. At roughly 4.5 acres (as listed on the application for soil erosion and sedimentation permit), 19 trees are required to be planted.

Signs:

No signs are proposed for the proposed activity.

Construction Schedule:

The applicant has provided a construction schedule indicating that the project will commence on March 1, 2013 and be completed August 1, 2014.

PUBLIC SERVICES AND FACILITIES:

Streets, Traffic, and Site Access:

The site is located between the Jackson and Lansing Railroad to the west and South Barnes Street to the East, and East Kipp Road to the south. South Barnes is a two lane street and is under the jurisdiction of the City of Mason. East Kipp Road is a four lane road and is under the jurisdiction of Ingham County. The interchange of South Barnes and Kipp Road is controlled by a four-way blinking light requiring Barnes Street to stop at all times (red) and Kipp Road to pass (yellow). No changes are proposed to either street.

The proposed use will undoubtedly create truck traffic in the vicinity of the site. A primary concern with regard to truck traffic is the safety of school aged children in the vicinity of the Mason High School immediately to the east of the site on South Barnes Street. Staff recommends that a condition of approval be included to limit truck traffic to Kipp Road and US 127 as much as practicable and in no instance shall truck traffic use South Barnes Street.

The plan does not show where the site will be accessed by truck traffic and excavation equipment. It is assuming that the site will utilize the existing entrance on Kipp Road. Staff recommends approval with the condition that truck traffic access the site utilizing the existing entrance and that it shall be labeled on a revised site plan.

Water, Sanitary Sewer and Storm Water Management:

The site is served by a ten inch sanitary sewer line at Kipp Road and an eight inch sewer line at the north east corner of the site on Barnes. The site is served by a ten inch water line at Kipp Road and an eight inch water line along Barnes.

Additional Agency Comments:

The Jackson and Lansing Railroad Company responded with comments indicating concerns relative to drainage, site access distance to railroad, and clear vision between road traffic and railroad.

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 industrial use. As was mentioned before, the purpose of the proposed activity is to clean up the site and make it useable for future development.

- (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. The proposed activity is for a finite period ending in August 2014.

- (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. Excavation and truck traffic will be limited to the hours of 7am to 5pm, M-F.

- (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(4) of the Mason Code provides seven requirements related specifically to disposal of soil. These standards must be met before a Special Use Permit can be approved. The standards and staff commentary regarding compliance follow:

(a) A fence, adequate to protect trespassing children, and at least six feet in height shall be placed around the entire periphery of the property and no closer than 50 feet to the top of any slope.

Since the proposed project is to reclaim and level the site, there will be no open pits or other severe slopes warranting protection of this sort. In addition, much of the site is currently fenced along Kipp Road and South Barnes Street.

(b) No slope shall exceed an angle with the horizontal of 45 degrees.

No slopes of this magnitude are proposed.

(c) The planning commission shall establish truck traffic haul routes where necessary to minimize traffic hazards and road damage to and from the site.

As noted above and included in the resolution is proposed truck route limited to Kipp Road and US 127.

(d) Depleted or abandoned areas shall be rehabilitated progressively to a condition entirely lacking in hazards, inconspicuous and blended with the surrounding ground topography. A site reclamation plan must be submitted and approved by the planning commission prior to the granting of a special use permit.

The purpose of this project is to rehabilitate the site to accomplish the goal of safety and marketability.

(e) All slopes, banks, pits and denuded areas shall be reasonably graded, filled and treated to prevent erosion.

All proposed grading of the site appear to be reasonable.

(f) All materials used for fill for landfill shall be reasonably leveled, covered and graded and no refuse shall be dumped at any location, which might imperil the city water supply or endanger persons or property.

No refuse is proposed to be dumped at this site other than fill dirt.

(g) A performance guarantee in accordance with section 94-100 of this chapter may be required to assure compliance with these requirements.

A performance guarantee will be required as part of the soil erosion permit.

RECOMMENDED ACTION:

The Planning Commission approve Resolution No. 2013-05.

Attachments:

1. Resolution
2. Application
3. Owner Authorization Letter – Mason State Bank, February 5, 2013
4. Revised Construction Schedule, February 5 & 15, 2013
5. MDEQ Wetland Delineation letter, February 7, 2013
6. Agency Comments
 - a. City of Mason POTW Supervisor
 - b. City of Mason Chief of Police
 - c. Ingham County Drain Commissioner
 - d. Jackson & Lansing Railroad Company
 - e. City of Mason Public Works Supervisor
 - f. City Engineer
 - g. City of Mason, City Administrator/Public Works Director
7. Section 94-227, Standards for site plan review and approval, of the Mason City Code
8. Site Plan

City of Mason

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MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Staff Agenda Report – Items 7.A&B

DATE: July 11, 2014

Master Plan Implementation – Sub-Area Plans

The Sub-area Plan Steering Committee met on Wednesday, June 25, to discuss how to approach studying each sub-area and to develop instructions for an ad-hoc committee. Attached are the issues that were identified during the meeting. At this point the list is not much more than a list of brain-stormed issues thrown on the table. As we continue to meet, the list will be refined based on further discussion and PC input.

The next step is to develop a mission statement for each area and a list of “community players” that will be invited to serve on the ad-hoc committee.

Right to Farm Act

As you may have heard, the Michigan Commission of Agriculture and Rural Development recently adopted major changes in the Right to Farm Act (RTFA) Generally Accepted Agricultural Management Practices (GAAMPs). The changes in the GAAMPs is quite complex. In a nutshell, the change removes nuisance lawsuit protection provided under the RTFA for certain “farms” near or within established residential neighborhoods and gives some clarity in local government regulation over certain “farms”.

Staff has discussed this issue in the past with the City Attorney and found that neither the RTFA nor GAAMPs preempts the local government’s control of zoning related to agricultural/farm uses. Which means, the changes in the GAAMPs policy does not require an amendment to the zoning ordinance.

The May 2014 edition of the Planning and Zoning News is entirely devoted to this issue and is very thoroughly examined by a host of area land use experts.

Sub-Area Steering Committee – Meeting Notes of June 25, 2014

Airport & County Fairgrounds East Buffer Planning Areas

- Reference to Airport Zoning
- Traffic/vehicular access points
- Smart growth principles
- Implications of commercial land uses on the downtown central business district
- Impact of development to Fairgrounds
- Impact of planning area development on existing development on Dexter Trail (residential)
- Incentives for shared parking
- Avoid single-story buildings
- Density vs. character
- Transect planning principles
- Local convenience services and entertainment

Cedar Street Interchange Planning Area

- Traffic access
- Character/Form-base code
- Hotel
- City government participation to problem solve (i.e. vehicular access point, ect.)
- Tax incentives for commercial
- Dart to serve on Committee
- Grants for street construction
- Impact on existing neighborhoods and businesses
- Maximize density
- Placemaking