

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, December 9, 2014

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: November 11, 2014
4. People from the Floor
5. Announcements
6. Regular Business
 - A. Resolution No. 2014-07 – A Resolution Approving a Preliminary and Final Site Plan to the Construction of a New AutoZone Retail Auto Parts Retail Building at 222 South Cedar Street
 - B. Resolution No. 2014-08 – A Resolution Approving a Preliminary and Final Site Plan to Allow the Construction of a New Office and Garage Building for Jerico Construction at 851 Kim Drive
 - C. Discussion – Michigan Medical Marihuana Ordinance Amendment
7. Unfinished Business
8. New Business
9. Correspondence
10. Liaison Reports
11. Director Report
12. Administrator Report
 - Master Plan Implementation – Sub-area Plan Steering Committee
13. Adjournment

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 11, 2014**

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

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

APPROVAL OF MINUTES:
Regular Minutes of October 14, 2014

The regular meeting Minutes of October 14, 2014, were approved as submitted.

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

No announcements at this time.

REGULAR BUSINESS

Report – Current Status of Michigan Medical Marihuana Case Law and Pending Legislation

Haywood elaborated on his submitted memorandum and attachments regarding Medical Marihuana and the current status of Michigan case law and pending legislation.

Report – Master Plan Implementation – Sub-Area Plan Steering Committee Notes

Haywood elaborated on his submitted memorandum and attachments regarding Master Plan implementation strategy and sub-area plans. He read the meeting notes of the September 9, 2014 and October 1, 2014 Sub-Area Steering Committee.

UNFINISHED BUSINESS

No unfinished business at this time.

NEW BUSINESS

No new business at this time.

CORRESPONDENCE

No correspondence was distributed.

LIAISON REPORTS

No report at this time.

DIRECTOR REPORT

Haywood informed the Commission regarding current Zoning & Development business.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business. He thanked City Clerk Cwierniewicz, and her great crew of Election Workers, for their dutiful administration of the General Election.

ADJOURNMENT

The meeting adjourned at 7:06 p.m.

Deborah J. Cwierniewicz, City Clerk

Seth Waxman, 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
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TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Planning & Development Director 

SUBJECT: Site Plan Review – 222 S. Cedar St. (AutoZone)

DATE: December 1, 2014

The applicant is requesting approval for concurrent preliminary and final site plan review to construct a 7,381 square foot retail auto parts building on property located at 222 South Cedar Street. The property is currently occupied by Kerr Hardware. The parcel is zoned C-2 (General Commercial). Section 94-222 states that any use within the C-2 zoning district requires a site plan review. The applicant has, therefore, made application for site plan approval.

LAND USE AND ZONING:

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning	Future Land Use
North	Commercial	C-2 (General Commercial)	Commercial
East	Commercial	C-2 (General Commercial)	Commercial
South	Commercial	C-2 (General Commercial)	Commercial
West	Residential	RM (Multiple Family Residential)	Residential

SITE PLAN REVIEW:

As was mentioned earlier, the applicant has requested concurrent preliminary and final site plan approval. The following sections address compliance with site plan requirements.

Height, Bulk, Density, and Area Requirements:

The applicant is proposing to construct a 7,381 square foot structure on the subject property. The lot comprises approximately 1.059 acres. 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.

Table 100-2 sets the maximum height for accessory structures at 15 feet. The parking lot poles are shown at 28 feet in height. Staff recommends approval with the condition that a revised site plan be submitted that shows the light poles at 15 feet in height or shorter.

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. Retail uses must be provided with one parking space for every 150 square feet of usable floor area. The site plan estimates that there will be 5,536 square feet of usable floor area. Therefore, based on the required parking ratio indicated previously, 37 parking spaces are required. The site plan shows a total of 39 spaces provided. All spaces provided meet the minimum area and dimension requirements as well as the Americans with Disabilities Act requirements for number of barrier-free spaces, location and dimensions.

Section 94-176(f)(6) states that “where a proposed parking lot is adjacent to an existing parking lot of similar use, or of a differing use, and traffic flow between the two uses is anticipated, there shall be a vehicular connection between the two parking lots where determined physically feasible by the site plan approving body”. The applicant has proposed a connection between their parking lot and the parking lot to the south. However, no connection is shown to the north. Although there is no current requirement for the north property owner to provide a connection, staff would recommend the applicant provide a revised site plan that shows a future connection to be installed at the time the requirement is triggered for the north property owner to connect.

Landscaping:

Division 2 of Article VII lists the requirements for buffer zones and landscaping. Division 2 refers to Table 100-4 of the Code and describes where landscape buffer zones are required. Applicant provides an analysis of the code requirements on Sheet L1.0, which appears to adequately cover the landscape requirements.

Signs:

The site plan shows one proposed sign freestanding sign located near the site entrance along Cedar Street. No specifications are given regarding the size, area or height of the sign. Approval is recommended with the condition that future signs comply with the regulations for signs listed in Chapter 58.

The plans also provide details regarding wall signs. The plans propose three wall signs, one on each of the north, south and east facing exterior walls of the building. Section 58-127(3)a permits one wall sign on a wall facing a street. A second wall sign is permitted if the property is on a corner and a second wall faces another street. In this circumstance there is no second street. Therefore, the two wall signs facing north and south are not permitted. Staff recommends approval with the condition that Sheet A-2 be revised to remove the north and south wall signs from the elevation drawings. The applicant also reserves the right to apply for a variance.

Construction Schedule:

The applicant anticipates that the site improvements for the proposed use will be begin in late winter/early spring 2015 and be complete by mid-summer 2015.

PUBLIC SERVICES AND FACILITIES:

Streets and Traffic:

The site has frontage on South Cedar Street. Cedar Street is a four-lane State highway (M-36) with concrete curb and gutter and is under the jurisdiction of the Michigan Department of Transportation (MDOT). As of the writing of this report, no comments were received from MDOT. The City Engineer indicates that a permit for work in the right-of-way of M-36 will require a permit from MDOT and should be secured prior to the commencement of work.

Comments were received from the Mason Chief of Police indicating a concern that the driveway entrance is directly across Sycamore Street and may create a potential conflict. He did not give any further details.

Water and Sanitary Sewer:

The applicant is proposing to connect to the existing municipal water and sewer systems. The City Engineer provided comments indicating that the sanitary sewer lead could be redesigned to reduce its length and number of cleanouts. The Engineer also indicated that frost-free hydrants must meet the requirements of the Michigan Department of Environmental Quality. Staff spoke with the Superintendent of Public Works who agreed with the Engineers analysis.

Storm Water Management:

The site plan proposes to manage storm water in two areas, where the parking areas drain via surface to the property to the north as it currently does and also via a swale along the south and west property line with an ultimate discharge to the property to the north.

The City Engineer commented that the proposed storm water system would likely be less of an impact than the existing site conditions, but that the applicant should provide a written statement

from the adjacent land owner acknowledging the proposed storm water discharge. Staff spoke with the Superintendent of Public Works who agreed with the Engineers analysis.

Comments were received from the Ingham County Drain Commissioner indicating that the system does not impact a county drain and gave recommendations to the applicant regarding easements, pre-treatment standards, low-impact development design techniques and soil erosion permit.

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 approval 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. 2014-07.

Attachments:

1. Resolution
2. Application
3. Agency Comments
 - a. City of Mason Fire Department
 - b. Ingham County Drain Commissioner
 - c. City of Mason Police Department
 - d. City of Mason POTW Supervisor
 - e. Wolverine Engineers & Surveyors
4. Site Plan

Introduced:
Seconded:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2014-07**

**A RESOLUTION APPROVING A PRELIMINARY AND FINAL SITE PLAN TO
THE CONSTRUCTION OF A NEW AUTOZONE RETAIL AUTO PARTS
BUILDING AT 222 SOUTH CEDAR STREET**

December 9, 2014

WHEREAS, a request has been received from AutoZone Development, LLC for concurrent preliminary and final site plan approval to be allowed to construct a 7,381 square foot retail auto parts building on property located at 222 South Cedar Street having parcel number 33-19-10-08-130-005; and,

WHEREAS, the subject property is further described as: COM SW COR BLK 48, W 66 FT TO W LN CEDAR ST FOR POB, N 132 FT, W 297 FT, S 155.92 FT, E 297 FT, N 23.92 FT TO POB, SEC 8 T2N R1W CITY OF MASON, INGHAM CO. 1.06 ACRES; and

WHEREAS, upon compliance with the conditions of approval, the plans will comply with the site plan review standards listed in Sections 94-226(c) and 94-227 of Chapter 94, Zoning, of the Mason Code; and,

WHEREAS, approval is granted subject to the following conditions:

- 1) That future signage shall comply with the regulations for signs listed in Chapter 58; and
- 2) That a revised site plan be submitted showing parking light poles at a height no greater than 15 feet prior to the issuance of a building permit; and
- 3) That a revised site plan be submitted showing a future vehicular connection to the site to the north to be installed upon the requirement that the property to the north is triggered to install a similar vehicular access prior to the issuance of a building permit; and
- 4) That a revised site plan be submitted showing Sheet A-2 with one wall sign facing Cedar Street prior to the issuance of a building permit. Alternatively, the applicant may apply for a variance for additional wall signs; and
- 5) The applicant provide a written statement from the adjacent land owner to the north acknowledging the proposed storm water system or an

easement for storm water discharge prior to the issuance of a building permit; and

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve a preliminary and final site plan to allow the construction of a retail auto parts building located on South Cedar Street based on the plans dated November 10, 2014, and received by the Planning Department on November 12, 2014.

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, December 9, 2014, 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 type="checkbox"/>	Final Site Plan Review
<input type="checkbox"/>	Special Use Permit*
* includes Preliminary Site Plan Review	

PLANNING DEPARTMENT USE ONLY	
Application Received:	<u>11/12/14</u>
Tax ID:	<u>08-130-005</u>
Fee:	<u>\$200.-</u>
Receipt #:	<u>100167932</u>



I. APPLICANT INFORMATION

Name JEFF KAUERZ

Organization AutoZone Development, LLC

Address 123 S. Front Street 3rd Floor, Memphis, TN 38103

Telephone Number 901-495-8771 Facsimile Number 901-495-8300

Interest in Property (owner, tenant, option, etc.) Developer / Future Landowner

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 Kerr Hardware Inc Telephone Number _____

Property Address 222 S. Cedar Street, Mason MI 48854

Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____

If Metes and Bounds (can be provided on separate sheet): See attached ALTA/ACSM Land Title Survey submitted w.th Concept Plans.

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] JEFF KAUERZ for AutoZone Date 11-10-14

III. **REQUEST DESCRIPTION**

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

Auto Parts Retail Sales, Associated Access Drive and
Parking Areas.

B. **Available Services**

Public Water YES NO
Public Sanitary Sewer YES NO

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

↳ Not adjacent to site

C. **Estimate the Following**

Traffic Generated less than 450 trips/day

Total Employees 8-12 Shifts 2-3

Population Increase _____

Employees in Peak Shift 5-6

Hours of Operation 8 AM to 9 PM

Total Bldg. Area Proposed 7,381 (GFA)

(general, varies by store) Mon day through Sat. day

Parking Spaces Provided 39

D. **Project Phasing** 10AM-7PM Sunday

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



CITY OF MASON FIRE DEPARTMENT

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

To: David E. Haywood
Zoning & Development Director

From: Kerry Minshall
Fire Chief

Date: November 26, 2014

Re: Site Plan Review – Auto Zone – 222 S. Cedar Street



I have reviewed the site plan for the proposed new Auto Zone building to be located at 222 South Cedar Street in the City of Mason.

I do not have any concerns or comments at this time.

Patrick E. Lindemann

Ingham County Drain Commissioner

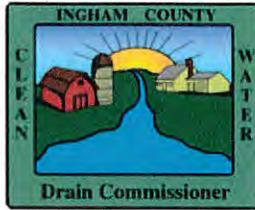
PO Box 220
707 Buhl Avenue
Mason, MI 48854-0220

Phone: (517) 676-8395

Fax: (517) 676-8364

<http://dr.ingham.org>

November 21, 2014



Carla Florence Clos
Deputy Drain Commissioner

Paul C. Pratt
Deputy Drain Commissioner

David C. Love
Chief of Engineering and Inspection

Sheldon Lewis
Administrative Assistant

David E. Haywood, Zoning & Development Director
Mason City Hall
201 West Ash Street
P.O. Box 370
Mason, MI 48854



RE: Site Plan Review Request: 222 Cedar Street, City of Mason
Conceptual Plan Review Drain Office #14082

Dear Mr. Haywood:

We are in receipt of a November 17, 2014 request from the City of Mason for a site plan review of a proposed construction of a 7,381 square foot building in the City of Mason for a new Auto Zone Store. This conceptual review is offered as a courtesy to the City of Mason only and should not be construed by the project owner or others as formal submission to the Ingham County Drain Commissioner for site plan or drainage review.

The Ingham County Drain Commissioner (ICDC) offers the City of Mason the following conceptual review comments on the stormwater system for this project:

1. The site has an existing stormwater runoff to a catch basin on the adjacent property with the outlet to a City of Mason storm sewer and final discharge to the Sycamore Creek. The site is not located in the 100-year floodplain.
2. It appears from the plans that the stormwater is being discharged onto the neighboring property instead of to a public drain. Therefore, it is strongly encouraged that the property owner enters into a stormwater agreement with the adjacent property if one is not in place today.
3. No County Drains are affected by this project.
4. The site is located in a Phase II area and the stormwater discharge should be held to adequate pretreatment standards to protect the receiving waters of Sycamore Creek.
5. Low impact development design techniques (outlined in the ICDC published Standards) for stormwater treatment are strongly encouraged for this site.
6. The developer should come to the Drain Commissioner's Office as soon as possible to be evaluated for a Soil Erosion Permit or a Waiver.

We appreciate the opportunity to comment on this plan.

Sincerely,

David C. Love
Ingham County Drain Engineer



Mason Police Department

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

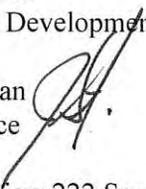
JOHN STRESSMAN
Chief of Police

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

MEMORANDUM

Date: November 19, 2014

To: David Haywood
Planning and Development Director

From: John Stressman
Chief of Police 

Ref: Site Plan Review 222 South Cedar Street



I have reviewed the Site Plan for 222 South Cedar Street and only note one concern. The driveway entrance, according to the plans, is directly opposite Sycamore Street. This may result in some confusion but as Sycamore at this point is residential and two blocks in length, the potential hazards to traffic may be minimal.

David Haywood

From: Sam Bibler
Sent: Wednesday, November 19, 2014 10:42 AM
To: David Haywood
Subject: 222 S. Cedar AutoZone Construction Plan Submittal

David, I have reviewed the plans submitted by AutoZone. I do not see any issues that would effect the operations of the wastewater treatment plant or the CPF divisions. If you have any questions, please contact me. Thank you.

Sam Bibler
City of Mason
POTW / CPF Superintendent
517-676-1166 ext 202



Wolverine Engineers & Surveyors, Inc.

312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

November 25, 2014

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



RE: Site Plan Review - 222 S. Cedar Street

Dear Mr. Haywood:

We have received and reviewed the proposed site plan for the construction of an approximately 7,400 square foot retail automotive space at 222 S. Cedar Street (M-36). The plan set as provided to our office consisted of nineteen (19) plan sheets as prepared by Professional Engineering Associates and dated November 10, 2014.

In general the proposed site development consists of the demolition of the existing Kerr Hardware Store and the construction of a new, approximately 7,400 square foot retail automotive store including new parking, landscaping and site lighting.

Currently the site is nearly 100% impervious surfaces with the exception of a small lawn area located on the south central portion of the property. The proposed development will provide a substantially greater amount of green space along the western portion of the property, extending the full width of the property and approximately 70 feet east into the parcel.

A new water service is proposed to extend from the existing water main in Cedar Street to the rear of the store. The plans also note that a yard hydrant is to be installed at the rear of the building. This yard hydrant must be in compliance with the requirements set forth by the Michigan Department of Environmental Quality (MDEQ) for "*frost free yard hydrants*".

A new sanitary sewer service is proposed to be extended from the existing sanitary sewer located within the Cedar Street right-of-way. This sewer service is noted to be approximately 242 feet long at a slope of 1.2% with clean-outs provided every 50 feet. We would recommend that the sewer's point of exit from the building be reviewed by the design engineer. If the location where the sewer exits the building was relocated to the southerly building wall, the overall sewer length could be reduced by approximately 30 feet. In addition two (2) 90 degree bends and one (1) clean-out could be eliminated.

Based on the provided topographic survey of the existing site it appears that all storm water currently sheet flows across the site and onto the adjoining property. The proposed development, while providing more landscaped area, appears to follow the existing drainage patterns. It is strongly recommended that an agreement with the land owner to the north indicating an acknowledgement and acceptance of said storm water runoff be provided to the City. Since the existing site is fully developed without storm water detention and this site is reducing the impervious area, it is our opinion that storm water detention is unwarranted.

Mr. Haywood
November 25, 2014
Page 2 of 2

The site is proposing a new driveway onto Cedar Street which, at this location, is under the jurisdiction of the Michigan Department of Transportation (MDOT). This driveway, in addition to the other proposed utility connections, will require a permit from MDOT for work with the right-of-way. This permit should be obtained before work is initiated on the site.

In addition to the MDOT permit, all other applicable permits from the local governing agencies having jurisdiction must be obtained prior to the start of construction.

From an engineering perspective we take no exception to the proposed development at 222 S. Cedar Street. We do strongly recommend that the final site plan be approved contingent upon the Applicant providing a memorandum of understanding with the property owner to the north regarding the storm water runoff.

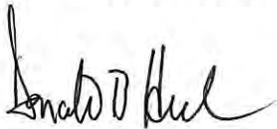
We received one (1) sets of plans for review and have retained said set for our records.

We appreciate the opportunity to assist the City with the site plan review process.

If you have any questions or additional comments, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.



Donald B. Heck, P.E.

DBH:ood

cc: Ken Baker – City of Mason

City of Mason

201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370
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Police 517 676-2458
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TDD 1-800-649-3777

MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Planning & Development Director 

SUBJECT: Site Plan Review – 851 Kim Dr. (Jerico Construction)

DATE: December 1, 2014

The applicant is requesting approval for a concurrent preliminary and final site plan to construct a 5,400 square foot general construction office building and garage on property located on the south west corner of the intersection of Kim Drive and Howell Road. The parcel is zoned M-2 (General Manufacturing). Section 94-222 states that any use within the M-2 zoning district requires a site plan review. The applicant has, therefore, made application for site plan review.

LAND USE AND ZONING:

Zoning and Land Use Pattern: The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning	Future Land Use
North	Undeveloped	Alaiedon Twp.	Alaiedon Twp.
East	Undeveloped	M-2 (General Manufacturing)	Industrial
South	Industrial	M-2 (General Manufacturing)	Industrial
West	Public	M-2 (General Manufacturing)	Industrial

SITE PLAN REVIEW:

Height, Bulk, Density, and Area Requirements:

The lot comprises approximately 8.88 acres of land, including the private streets Kim Drive and Jerico Drive and additional property at the south end of Kim Drive. The site is proposed to share

a storm water management system with the adjacent lands described above and ultimately discharging into a wetland at the south end of Kim Drive. 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. There is no specific category for general construction uses listed in the zoning ordinance. Therefore, staff has applied the general office category to compute the required number of spaces, which requires one parking space for every 200 square feet of usable floor area. The site plan estimates that there will be 1,472 square feet of usable floor area. Therefore, based on the required parking ratio indicated previously, eight parking spaces are required. The site plan shows a total of 12 spaces provided. All spaces are required to meet the minimum area and dimension requirements as well as the Americans with Disabilities Act requirements for number of barrier-free spaces, location and dimensions, which requires a minimum eight feet wide barrier free aisle. The site plan shows a 5.5 foot wide aisle. Approval is recommended with the condition that a revised site plan be provided that shows the correct barrier free aisle width.

Solid Waste Enclosure (Dumpster):

The proposed height and materials of the proposed solid waste enclosure are not provided. Staff recommends approval with the condition that a revised site plan show the solid waste enclosure consistent with the standards listed in Section 94-173(b) of the Mason Code.

Landscaping:

Division 2 of Article VII lists the requirements for buffer zones and landscaping. Division 2 refers to Table 100-4 of the Code and describes where landscape buffer zones are required. The table indicates that the west and south property lines are required to have a 10 foot buffer zone (Zone B) with one tree per 30 linear feet of buffer zone and 4 shrubs per 20 linear feet of berm. The west property line abuts City property that is designated for permanent use as a municipal water well and storage tower. The property is significantly vegetated with mature canopy trees and understory of shrubbery. Staff would suggest and recommend that the west property line is adequately buffered by the existing vegetation.

The south property line is approximately 250 linear feet. Therefore, 9 trees (50% canopy) and 50 shrubs are required. The site plan shows three canopy trees and 12 shrubs, focused on the east half of the south property line. There are also a line of five coniferous trees extending from the south property line to the southwest corner of the building. Whether the proposed landscaping meets the intent of the zoning ordinance is up to the discretion of the Planning Commission.

Section 94-230(i)(1) requires that parking lots be provided with landscaping. The ordinance requires that 1 canopy tree and 100 square feet of landscape area be provided for every eight parking spaces provided for parking lots over 51 spaces. Based on these requirements, the applicant should provide 6 canopy trees and 600 square feet of landscape island space. The plan shows an adequate amount trees and landscape island space.

Section 94-241(i)(1)(f) gives the Planning Commission the authority to require that all parking areas in excess of 120% of the minimum of parking spaces required shall be constructed of pervious surfaces. Based on the parking analysis above, eight spaces are required. Therefore, 120% of eight is 10. The site plan shows 12 parking spaces. It is recommended that the Planning Commission approve the request with the condition that a revised site plan be submitted showing two parking spaces having pervious surfaces. The applicant does reserve the right to eliminate the mentioned two spaces from the site plan.

Sidewalks:

Typically sidewalks are required on parcels adjacent to streets (public or private). Therefore, sidewalk is required along the west side of Kim Drive from Howell Road to the south property line of the subject site (approximately 192 feet). Additionally, sidewalk is required along Howell Road (approximately 316 feet). Recently a Non-Motorized Feasibility Study was prepared for the Heart of Michigan Trails and Greenways Alliance and the Michigan Fitness Foundation to explore and provide the most feasible connection between the City of Mason Hayhoe Riverwalk Trail and the Delhi Township trail system. This study indicates that the most feasible trail route passes directly past the subject property within the Howell right-of-way. Due to this development, it is suggested that instead of requiring the installation of sidewalk in the same location where a trail will be located in the near future that the City should accept payment for the sidewalk. Typical cost for sidewalks is 15\$ per linear foot. At 260 feet (subtracting distance for existing Kim Dr. @ 56 feet (316-56=250feet)), \$3,900 would be due.

Construction Schedule:

The applicant anticipates that the site improvements for the proposed use will be commenced in the spring of 2015 and shall be substantially completed in the fall of 2015.

PUBLIC SERVICES AND FACILITIES:

Streets and Traffic:

The site has frontage on Howell Road to the north and Kim Drive to the east. Howell Road is a two-lane road and is under the jurisdiction of the Ingham County Road Department. Kim Drive is a private street and is currently owned by Viola Cook. There are no changes proposed to either road.

Water and Sanitary Sewer:

The applicant is proposing to connect to the existing municipal water and sewer systems within the Kim Drive easement. The Department of Public Works and City Engineer indicate that the existing systems in Kim Drive are adequate for the proposed facilities and that tap fees will be assessed for connecting a new service to water and sanitary sewer.

Storm Water Management:

The site plan proposes to manage storm water in what appears to be two areas, with most of the undeveloped site, which is virtually flat to slightly sloped westward, and the parking area which will drain to a small detention basin at the south east corner of the site. The detention basin would then discharge to the road-side ditch which eventually discharges to a wetland area at the south end of Kim Drive, approximately 1,000 feet south of the subject site. The City Engineer has provided comment that the basin and roadside ditch be designed in accordance with City of Mason Development Standards. A revised grading plan should be provided including a storm water detention system with calculations in accordance with city standards. Staff spoke with the Superintendent of Public Works and he agreed with the Engineer's comments.

City Council resolution 2005-49 requires that all private developments within the City connecting to the Ingham County Drain System are required to execute a drainage facilities maintenance agreement. Approval is recommended with the condition that a drainage facilities maintenance agreement be executed prior to the issuance of an occupancy permit.

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. 2014-08.

Attachments:

1. Resolution
2. Application for concurrent preliminary and final site plan review
3. Agency Comments
 - a. City of Mason Fire Department
 - b. Ingham County Drain Commissioner
 - c. Ingham County Road Department
 - d. City of Mason POTW
 - e. Wolverine Engineering
 - f. City of Mason Police Department
4. Site Plan

Introduced:
Seconded:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2014-08**

**A RESOLUTION APPROVING A PRELIMINARY AND FINAL SITE PLAN TO
ALLOW THE CONSTRUCTION OF A NEW OFFICE AND GARAGE BUILDING
FOR JERICO CONSTRUCTION AT 851 KIM DRIVE**

December 9, 2014

WHEREAS, a request has been received from Jerico Construction for preliminary and final site plan approval to be allowed to construct a 5,440 square foot general construction office/garage building at 851 Kim Drive having parcel number 33-19-10-05-126-019; and,

WHEREAS, the subject property is further described as:

Proposed Parcel A: A parcel of land in the Northwest 1/4 of Section 5, T2N, R1 W, Vevay Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 5; thence S89°55'18"E along the North line of said Section 5 a distance of 1300.01 feet; thence S00°34'55"E 33.00 feet to the South line of Howell Road and the Point of Beginning of this description; thence S89°55'18"E along said South line 316.00 feet to the East line of Kim Drive; thence S00°34'55"E along said East line 285.42 feet to the North line of Jerico Drive; thence S89°55'18"E along said North line 215.18 feet; thence S19°31'11 "E 70.06 feet; thence N89°55'18"W 237.92 feet to said East line of Kim Drive; thence S00°34'55"E along said East line 415.00 feet; thence S89°55'18"E 195.00 feet; thence N00°34'55"W 150.00 feet; thence S89°55'18"E 134.22 feet; thence S19°31 '11 "E 374.66 feet; thence S89°55'18"E 318.46 feet to the West line of the Penn-Central Railroad Right-of-Way; thence S19°31 '11 "E along said West line 185.60 feet; thence 89°55'18"W 895.51 feet to the West line of said Kim Drive as extended; thence N00°34'55"W along said West line and its extension 952.27 feet; thence N89°55'18"W 250.00 feet; thence N00°34'55"W 192.00 feet to the Point of Beginning; said parcel containing 8.88 acres more or less; said parcel subject to all easements and restrictions if any; and

WHEREAS, upon compliance with the conditions of approval, the plans will comply with the preliminary and final site plan review standards listed in Sections 94-226(c) and 94-227 of Chapter 94, Zoning, of the Mason Code; and,

WHEREAS, approval is granted subject to the following conditions:

- 1) That a revised site plan be submitted showing an van accessible parking space with an access aisle eight feet wide prior to the issuance of a building permit, and
- 2) That a revised site plan be submitted showing a solid waste enclosure that meets the standards listed in 94-173(b) of the Mason City Code prior to the issuance of a building permit, and

- 3) That a revised site plan be submitted showing two (2) parking spaces having pervious surfaces prior to the issuance of a building permit. The applicant does reserve the right to eliminate the mentioned two (2) spaces from the site plan, and
- 4) That a revised site plan be submitted showing a four foot wide sidewalk along the east side of the site prior to the issuance of a building permit, and
- 5) That the applicant provide payment for sidewalk along the north property line in the amount of \$3,900 in lieu of constructing the sidewalk for future pathway use, and
- 6) That a storm water management plan be designed in accordance with the City of Mason standards listed in Chapter 82, including supporting calculations and a positive outlet to the road-side ditch, pursuant to the City Engineer's letter of November 25, 2014, and
- 7) That a drainage facilities maintenance agreement be executed prior to the issuance of an occupancy permit.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve the preliminary and final site plan review to allow the construction of a general contractor's office/garage building located at 851 Kim Drive based on the plans dated October 23, 2014, and received by the Planning Department on November 18, 2014.

Yes ()

No ()

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Tuesday, December 9, 2014 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:	<u>11/14/14</u>
Tax ID:	<u>05-126-019</u>
Fee:	<u>\$200.00</u>
Receipt #:	<u>100168042</u>

I. APPLICANT INFORMATION

Name GERALD COOK
 Organization JERICO CONSTRUCTION
 Address 818 KIM DRIVE
 Telephone Number 517 676 2409 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 VIOLA COOK Telephone Number CONTACT GERALD COOK AT 517 676 2409
 Property Address ~~2721 HOWELL RD,~~ 851 KIM DR. per Kim Stuart 11/18/14 OK, MASON, MI
 Legal Description: If in a Subdivision: Subdivision Name _____ Lot Number _____
 If Metes and Bounds (can be provided on separate sheet): (SEE SITE PLAN)

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 *Viola Cook* Date 11-12-2014

III. **REQUEST DESCRIPTION**

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

CONSTRUCT OFFICE BUILDING & GARAGE FOR JERICO
CONSTRUCTION

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 20 TRIPS/DAY
Population Increase 7
Hours of Operation 8 AM to 5 PM
MON day through FRI day

Total Employees 7 Shifts 1
Employees in Peak Shift 7
Total Bldg. Area Proposed 1840 SFT
Parking Spaces Provided 12

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 (*see site plan*)
- Proof of ownership/owner authorization
- Construction schedule for proposed project
- Construction calculations for utilities (*are none*)
- 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* <i>later</i>

*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 FIRE DEPARTMENT

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

To: David E. Haywood
Zoning & Development Director

From: Kerry Minshall
Fire Chief

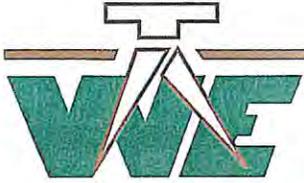
Date: November 26, 2014

Re: Site Plan Review – Jerico Construction 851 Kim Drive



I have reviewed the site plan for the proposed new office building and garage to be located on Kim Drive in the City of Mason.

I do not have any concerns or comments at this time.



Wolverine Engineers & Surveyors, Inc.

312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

November 25, 2014

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



RE: Site Plan Review - 851 Kim Drive

Dear Mr. Haywood:

We have received and reviewed the proposed site plan for the construction of a 3,600 square foot garage space and an adjoining 1,840 square foot office space at 851 Kim Drive. The plan set as provided to our office consisted of five (5) plan sheets as prepared by Enger Surveying and Engineering, dated October 23, 2014.

Based upon our understanding of the area, the existing site is vacant and bounded by a truck terminal to the south; Howell Road to the north; Kim Drive to the east; and the City of Mason well and water tower site to the west.

In addition to the building construction, parking for 13 vehicles, including one (1) barrier free space is proposed as well as a loading zone adjacent to the garage.

The site is to be served with water and sanitary sewer, both extending from the existing utilities located in Kim Drive. Based upon the plan provided it appears that the water service will need to be extended from the easterly side of Kim Drive. The plans do not indicate the method by which the water service will be extended (for example, open cut, directionally drilled, etc.) but since Kim Drive is a private road it is our opinion that the City does not have jurisdiction on methodology.

Based on the proposed grading plan it appears that the undeveloped portion of the property will continue to drain toward the west while the developed portion of the site will be directed to a ditch at the southeast corner of the property. There does not appear to be any provisions for storm water detention. In addition to the site work, a new ditch line along the west side of Kim Drive is proposed to be constructed to provide a positive outlet for the site.

We would recommend consideration be given to providing storm water detention in accordance with the City of Mason Development Standards. Calculations for anticipated storm water runoff, detention basin sizing and outlet control should be provided for review.

Mr. Haywood
November 25, 2014
Page 2 of 2

In accordance with the City's standards and procedures, connections fees and inspections of the sewer and water taps may be required as well as other applicable permits from the governmental agencies having jurisdiction.

From an engineering perspective we take no exception to the proposed development at 851 Kim Drive. We would recommend approval of the final site plan contingent upon addressing storm water detention.

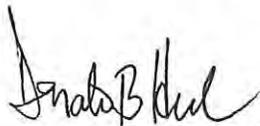
We received one (1) sets of plans for review and have retained said set for our records.

We appreciate the opportunity to assist the City with the site plan review process.

If you have any questions or additional comments, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.



Donald B. Heck, P.E.

DBH:ood

cc: Ken Baker – City of Mason

Patrick E. Lindemann

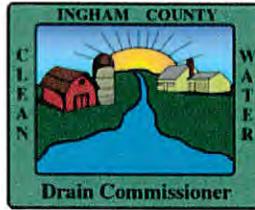
Ingham County Drain Commissioner

PO Box 220
707 Buhl Avenue
Mason, MI 48854-0220

Phone: (517) 676-8395

Fax: (517) 676-8364

<http://dr.ingham.org>



Carla Florence Clos
Deputy Drain Commissioner

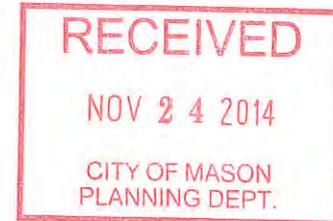
Paul C. Pratt
Deputy Drain Commissioner

David C. Love
Chief of Engineering and Inspection

Sheldon Lewis
Administrative Assistant

November 21, 2014

David E. Haywood, Zoning & Development Director
Mason City Hall
201 West Ash Street
P.O. Box 370
Mason, MI 48854



RE: Site Plan Review Request: 2721 Howell Road at Kim Drive, City of Mason
Conceptual Plan Review Drain Office #14083

Dear Mr. Haywood:

We are in receipt of a November 18, 2014 request from the City of Mason for a site plan review of a proposed construction of a 1,840 square foot building in the City of Mason. This conceptual review is offered as a courtesy to the City of Mason only and should not be construed by the project owner or others as formal submission to the Ingham County Drain Commissioner for site plan or drainage review.

The Ingham County Drain Commissioner (ICDC) offers the City of Mason the following conceptual review comments on the stormwater system for this project:

1. The site has an existing positive outlet for the stormwater runoff to the Sycamore Creek. The site is not located in the 100-year floodplain.
2. No County Drains are affected by this project.
3. The site is located in a Phase II area and the stormwater discharge should be held to adequate pretreatment standards to protect the receiving waters of Sycamore Creek.
4. Low impact development design techniques (outlined in the ICDC published Standards) for stormwater treatment are strongly encouraged for this site.
5. The developer should come to the Drain Commissioner's Office as soon as possible to be evaluated for a Soil Erosion Permit or a Waiver.

We appreciate the opportunity to comment on this plan.

Sincerely,

David C. Love
Ingham County Drain Engineer

David Haywood

From: Peterson, Robert [rpeterson@ingham.org]
Sent: Thursday, November 20, 2014 11:53 AM
To: David Haywood
Subject: Site Plan Review - Jerico Construction

Mr. Haywood:

The construction plans provided don't indicate any work within the Ingham County Road Department public road right-of-way. Therefore, we have no comments.

Sincerely,
Robert H. Peterson, P.E.
Ingham County Road Department
Director of Engineering
County Highway Engineer
(517) 676-9722 ext 2336
rpeterson@ingham.org

David Haywood

From: Sam Bibler
Sent: Wednesday, November 19, 2014 11:04 AM
To: David Haywood
Subject: Jerico Construction Site Plan Review 851 Kim Dr.

David, I have reviewed the site plan for the Jerico Construction Office and Garage. The only concerns I have would be in the garage area. What is the garage going to be used for and are there any contaminants that may enter the sanitary sewer from the garage? If you have any questions, please contact me. Thank you

Sam Bibler
City of Mason
POTW / CPF Superintendent
517-676-1166 ext 202



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

Date: December 1, 2014

To: David Haywood
Planning and Development Director

From: John Stressman
Chief of Police

Ref: Site Plan Review, 851 Kim Drive



I have reviewed the Site Plan for Jerico Construction, 851 Kim Drive and have no comments at this time.

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 blue ink, appearing to be "D. Haywood", is written over the name of the sender in the "FROM:" line.

RE: Discussion – Medical Marihuana

DATE: December 2, 2014

On November 17, 2014 the City Council acted to extend the moratorium on medical marihuana operations and dispensaries for an additional 180 days. Additionally, they took action to defer the issue to the Planning Commission for further review and recommendation. Attached are copies of Ordinance No. 196 (established a regulatory/licensing structure for medical marihuana operations and dispensaries) and City Council Resolution No. 2014-53 (declared a 180 day moratorium on issuance of licenses).

There are currently three bills pending in the State Legislature, only one of which is related to land use, HB4271. This bill proposes to legalize medical marihuana dispensaries (called provisioning centers in the bill). This bill is not expected to make it through the current legislative session which ends December 31.

In light of the current pending legislation, staff recommends that the PC wait until after the first of the year to determine if HB4271 passes. If not, then it would make sense to begin the process of formulating a plan for public input and drafting an ordinance.

Introduced March 17, 2014
First Reading: March 17, 2014
Adopted: March 17, 2014
Effective: March 17, 2014
Posted: March 19, 2014

**CITY OF MASON
ORDINANCE NO. 196**

**AN ORDINANCE TO AMEND CHAPTER 10 - BUSINESSES - OF
THE CODE OF THE CITY OF MASON BY ADDING ARTICLE III
WHICH DEFINES MEDICAL MARIHUANA OPERATIONS AND
DISPENSARIES, REQUIRES A LICENSE AND SETS FORTH
THE REQUIREMENTS TO OBTAIN A LICENSE AND THE
EFFECT OF HAVING A LICENSE WITHIN THE CITY OF MASON**

THE CITY OF MASON ORDAINS:

Article III of Chapter 10 - Businesses - of the Code of City of Mason and sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 are hereby added to the Code of the City of Mason to read as follows:

ARTICLE III - MEDICAL MARIHUANA

Sec. 10-70. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Medical Marihuana Act.

Dispensary means a structure, lot or premises from which two or more primary caregivers sell, deliver or otherwise dispense medical marihuana to patients.

Marihuana means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

Patient means any person to whom a primary caregiver delivers marihuana pursuant to the Act.

Primary caregiver means a person who is licensed and defined under the act as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means a structure, lot or premises from which a primary caregiver sells, delivers or otherwise dispenses medical marihuana to a patient.

Qualifying patient means a person who has been diagnosed by a physician as

having a debilitating medical condition.

Registry identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Sec. 10-71. Required; fee; application.

(a) No person shall operate a primary caregiver operation or operate or assist in the operation of a dispensary without having first obtained and without being in possession of a valid license issued by the city clerk.

(b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name and date of birth of each caregiver and address of the intended location of the primary caregiver operation or dispensary, a copy of each caregiver's registry identification card, the number of registered patients for each caregiver and the maximum amount of usable marihuana and maximum number of marihuana plants the caregiver operation or dispensary may have on the property at any one time. The application shall state whether any electrical devices designed to assist in the growing of medical marihuana will be used in conjunction with the license, whether any structural modifications have been made or are intended to be made in conjunction with the license. The application shall be accompanied by any required building, electrical or plumbing permits.

(c) The initial application fee shall be \$100.00 for each primary caregiver operation and \$100.00 per caregiver for each dispensary. Renewal fees shall be established by annual budget resolution of the city council.

Sec. 10-72. Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

(a) A completed application has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.

(b) Proof that an annual inspection has been conducted by the Mason police department and the police department certifies that the facility is in conformity with the state law and city ordinances. The police department may, as part of its inspection, require building officials and/or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported or non-permitted structural alterations have been made, unreported or non-permitted electrical modifications have been made, unreported or non-permitted electrical devices are being used, otherwise

unsafe electrical connections or overloaded circuits are present or unreported or unpermitted plumbing modifications have been made in conjunction with the license.

(c) Where the application identifies electrical devices are being used or intended to be used to assist in the growing of medical marihuana, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.

(d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

Sec. 10-73. Conduct of licensee.

(a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.

(b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

(c) The premises shall at all times be operated in compliance with all applicable provisions of this code and the act.

(d) The licensee shall immediately notify the city clerk of any changes in the names or additions and reductions in the number of primary caregivers operating from any structure, lot or premises within the city and pay the appropriate application fee for each increase in the number of primary caregivers.

Sec. 10-74. Effect of license; suspension, penalty.

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(b) Conducting a primary caregiver operation or a dispensary is a violation of federal law. A license does not prohibit prosecution by the federal government of its laws. Nor does a license prohibit prosecution by state authorities for violations of the act or other violations not protected by the act. A valid license shall not be construed as providing any protection beyond prosecution by the city of Mason for conducting a primary caregiver operation or a dispensary without a license.

(c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the

cause of the suspension or any other code violations not protected by this act.

(e) No person who has not been identified as a primary caregiver on an application with the city clerk, or subsequent filing with the city clerk pursuant to the requirements of this article, shall be deemed to be licensed.

(f) Any changes to the act or any decisions by a court of competent jurisdiction which would render a license issued under this article void or otherwise ineffective, shall result in the immediate expiration of any license issued under this section.

(e) Each day that a person shall conduct a primary caregiver operation or a dispensary without a license shall constitute a separate offense.

Sec. 10-75. Confidentiality.

Names and addresses of applicants and any licensed primary caregivers under this article shall be confidential information and shall be maintained as confidential records not subject to disclosure, except to other authorized employees of various city departments as is necessary to perform their official duties under this article. No records or information shall be released except upon order of a court of competent jurisdiction.

Declaration of need to be effective immediately

This ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and shall be effective upon adoption.

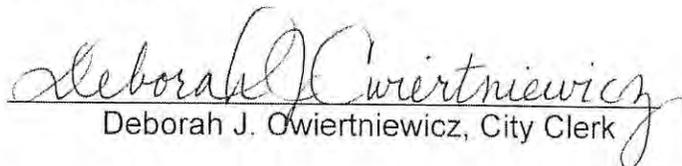
Number of council members present 6.

Number of affirmative votes 6.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and seconded by Council Member Droscha with a vote thereon being: YES (6) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of March, 2014. Ordinance No. 196 declared adopted this 17th day of March, 2014.



Leon R. Clark, Mayor



Deborah J. Owertniewicz, City Clerk

City of Mason

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



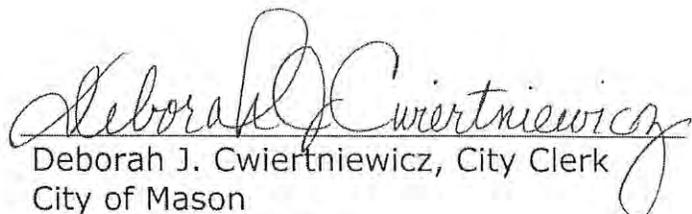
City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

CERTIFICATE OF POSTING

I, Deborah J. Cwierniewicz, City Clerk of the City of Mason, do hereby certify that on March 19, 2014 at approximately 12:00 p.m. Ordinance No. 196 was posted at the following conspicuous locations in the City of Mason, Michigan.

- | | |
|---|----------------------------|
| ▪ Bestsellers Bookstore | 356 South Jefferson Street |
| ▪ Kean's Store | 412 South Jefferson Street |
| ▪ Mason State Bank | 322 South Jefferson Street |
| ▪ Dart Bank | 368 South Park Street |
| ▪ Quality Dairy | 173 West Maple Street |
| ▪ Mason Area Chamber of Commerce | 148 East Ash Street |
| ▪ Dairy Hill | 601 East Ash Street |
| ▪ Mason Bowling Center | 801 North Cedar Street |
| ▪ City Hall | 201 West Ash Street |
| ▪ Capital Area District Library(Mason Branch) | 145 West Ash Street |

Date: March 19, 2014


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

Introduced: Droscha

Second: Naeyaert

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2014-53

A RESOLUTION DECLARING AN ADDITIONAL TEMPORARY MORATORIUM ON THE ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND DISPENSARIES IN THE CITY OF MASON

November 17, 2014

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City had previously adopted an ordinance which was understood to have the effect of prohibiting primary caregiver operations and dispensaries within the City; and

WHEREAS, the Michigan Supreme Court has determined such ordinances to be in conflict with the Act but also has stated that the use of Marihuana pursuant to the Act may be regulated; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, in light of pending legislation, court rulings, and position statements of the Michigan Attorney General, the Michigan Sheriffs' Association, and the Michigan Association of Chiefs of Police, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregiver operations until the process is concluded to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary care giver operation licenses and dispensary licenses shall be effective for 180 days from passage.

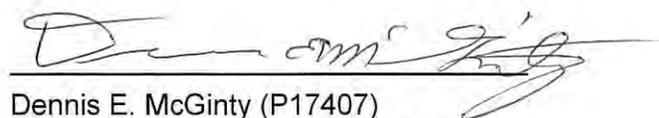
Yes (5) Brown, Droscha, Ferris, Mulvany, Naeyaert

No (2) Bruno, Clark

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Mason City Council at a public meeting held on November 17, 2014, the original of which is part of the Council's minutes.


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

Drafted by and approved as to form:


Dennis E. McGinty (P17407)
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East Lansing, MI 48823