CITY OF MASON

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Mason, MI 48854-0370

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PLANNING COMMISSION MEETING - COUNCIL CHAMBER
Tuesday, January 13, 2015

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: December 9, 2014
4. Unfinished Business
5. Oath of Office
6. Election of Chair, Vice-Chair and Secretary
7. People from the Floor
8. Announcements
   - Welcome Incoming Planning Commissioner Lori Hagle
9. Regular Business
   A. Discussion – Medical Marihuana Ordinance
10. Unfinished Business
11. New Business
12. Correspondence
    - Planning & Zoning News, November 2014
13. Liaison Reports
14. Director's Report
15. Administrator Report
    - Mason-Delhi Trail Connector
16. Adjournment

CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF DECEMBER 9, 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, Hude, Naeyaert, Reeser, Scott, Waxman
Absent:	Commissioner: Fischer (excused), Sabbadin (excused), Trotter (excused)
Also present:	Martin A. Colburn City Administrator
	David Haywood, Zoning & Development Director
	Deborah J. Cwiertniewicz, City Clerk

APPROVAL OF MINUTES:
Regular Minutes of November 11, 2014
The regular meeting Minutes of November 11, 2014, were approved as submitted.

PEOPLE FROM THE FLOOR
None.

ANNOUNCEMENTS
None.

REGULAR BUSINESS
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
Mr. Wesley Berlin, of Professional Engineering Associates Inc. stated that he is the Project Manager for Auto Zone. He stated that all structures on the site located at 222 South Cedar Street will be removed and replaced by one building. AutoZone is coming to terms in a purchase agreement, with the condition that this site plan is approved. Mr. Berlin stated that they will lower the light poles, as well as make a future connection to the north property. Also, a storm water agreement is in process. Although it cannot be required, the applicant was asked to consider altering the AutoZone architectural prototype to a design more suitable for Mason, as well as being sensitive to signage for the location. He stated that he would pass the request to the corporate office.

MOTION by Naeyaert, second by Waxman,
to consider Resolution No. 2014-07 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2014-07 was introduced by Naeyaert and seconded by Waxman.

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.

RESOLUTION APPROVED

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

Kim Stewart of Jerico Construction responded to Commission questions stating that the company will be relocating their business to the new office and garage building, the parcel next to the construction site was sold, and construction materials will not be stored in the open on the site. Construction is planned to begin in late spring.

MOTION by Naeyaert, second by Waxman,
to consider Resolution No. 2014-08 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2014-08 was introduced by Waxman and seconded by Naeyaert.

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.

RESOLUTION APPROVED

Discussion – Michigan Medical Marihuana Ordinance Amendment
Haywood informed Commissioners that City Council extended the moratorium on the medical marihuana ordinance for an additional 180 days. Council has requested that the Commission consider the matter to formulate a plan. Discussion was held regarding pending legislation. It was discussed that commissioners can be attentive to news on the matter and would begin contemplating and planning after there has been legislative action.

UNFINISHED BUSINESS
No unfinished business at this time.

NEW BUSINESS
No new business at this time.

CORRESPONDENCE
No correspondence was 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
Colburn informed the Commission regarding current City business.

The Commission recognized Commissioner Trotter for her service to the community. Also, Mayor Pro Tem Robin C. Naeyaert was thanked for her service on the Planning Commission and Council. Mayor Pro Tem Naeyaert stated that she began serving on the Planning Commission in 1999, and shared her joy in serving the City of Mason. She encouraged fellow commissioners in their service and thanked Chairperson Reeser for his leadership. She directed her comments to Zoning and Development Director Haywood, expressing appreciation of his expertise and guidance for the city.

ADJOURNMENT
The meeting adjourned at 7:54 p.m.

Deborah J. Cwiertniewicz, City Clerk

Seth Waxman, Secretary

City of Mason

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MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director

RE: Discussion – Medical Marihuana

DATE: January 6, 2015

On November 17, 2014 the City Council acted to extend the moratorium on medical marihuana operations and dispensaries for an additional 180 days, expiring May 16, 2014. Additionally, they took action to defer the issue to the Planning Commission for further review and recommendation.

At the December meeting, staff recommended that the PC wait until the end of the State Legislature session to see the fate of several pending bills that proposed to legalize and regulate dispensaries (provisioning centers). All of the pending legislation relative to dispensaries failed to pass by the end of the session. Therefore, the status quo of regulation stands in Michigan, meaning dispensaries are illegal.

In light of the current lack of legislation in this arena, staff would suggest moving forward. Staff recommends creating a subcommittee to address the issue or as a committee of the whole. Please keep in mind that there are only five Planning Commission meetings prior to the May 16 deadline.

There is another necessary step that should be taken early in the process, input from City Council and the general public. Input from Council could be in the form of a joint workshop or formal request for comments. Input from the public could take a variety of forms, such as on-line survey, Facebook, twitter, direct email/letter campaign to stakeholders, website information, etc. Both should be done as early in the process as possible. Formulating a committee would be the best approach in staff's opinion as it will have the capacity to meet and formulate an approach more quickly.