

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

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PLANNING COMMISSION MEETING - COUNCIL CHAMBER

Tuesday, May 12, 2015

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: April 14, 2015
4. People from the Floor
5. Announcements
6. Regular Business
 - A. Report – Medical Marihuana Ordinance Subcommittee Activity
 - B. Report – Sub-area Planning Subcommittee Activity
7. Unfinished Business
8. New Business
9. Correspondence
10. Liaison Reports
11. Director's Report
12. Administrator's Report
13. Adjournment

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF APRIL 14, 2015**

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

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

APPROVAL OF MINUTES:

Regular Minutes of March 10, 2015

The regular meeting Minutes of March 10, 2015, were approved.

PEOPLE FROM THE FLOOR

Norman Austin of 331 West Ash Street stated that he arrived at 5:30 p.m. in response to the rezoning notice he received stating that the public hearing would be held at 5:30 p.m. He asked if it would be necessary to reschedule the meeting to allow fulfilling the publishing requirements due to the typographical error. Haywood stated that since Mr. Austin was the only resident present at 5:30 p.m. and remained present until 6:30 p.m., it would be safe to say there was not anyone else wishing to speak; as Mr. Austin is present to speak at 6:30 p.m. there would not be an issue.

ANNOUNCEMENTS

- Spring Fling Swing Thing – Rayner Park – May 2, 2015
- Annual Fire Department Association Pancake Breakfast – May 2, 2015
- Car Show – Downtown – May 2, 2015

PUBLIC HEARING

Rezoning – 368 South Park Street (Dart Bank)

Don Burt of Harmon Management, and Tammy Foster of Ziemnick Foster Engineering, LLC, commented on the rezoning request for 368 South Park Street. It was stated that the rezoning the parcels is necessary to allow construction of the structure in one zoning district, preferably C-1 which allows drive-through uses.

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

Norman Austin of 331 West Ash Street stated support for the rezoning request from Dart Bank.

Reeser closed the public hearing at 6:52 p.m.

Planning Commission Resolution No. 2015-01 – A Resolution Recommending That the City Council Adopt Ordinance No. 199 (Dart Bank Rezoning)

MOTION by Waxman, second by Sabbadin,
to consider Resolution No. 2015-01 as read.

MOTION APPROVED

Resolution No. 2015-01 was introduced by Sabbadin and seconded by Hude.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2015-01
A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL
ADOPT ORDINANCE NO. 199 (DART BANK REZONING)
April 14, 2015**

WHEREAS, a rezoning request has been received from Dart Bank to rezone 222 W. Ash St. (Parcel # 33-19-10-08-235-026), 237 W. Maple St. (Parcel # 33-19-10-08-234-004), 241 W. Maple St (Parcel # 33-19-10-08-235-003), 245 & 247 W. Maple St. (Parcel # 33-19-10-08-235-002), and Lots 4 and 5, Block 44 Original Plat Of The City Of Mason, Ingham County, Michigan, according to the plat thereof as recorded in Liber 37 of Deeds, page 234, Ingham County records from O-1 Office to C-1 Central Business; and

WHEREAS, the area subject to rezoning is legally described as: Lots 1, 2, 3, 4 and 5, Block 44, Original Plan of the City of mason, Ingham County, Michigan as recorded in Liber 37 of Deeds, page 234, Ingham County records; and

WHEREAS, The request to rezone is consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, based on the following findings of fact:

- 1. That the request to rezone the property is consistent with Objective #4 and #13 of the Commercial Development Goal of Chapter Two of the Master Plan.
- 2. That the request to rezone the property is consistent with "downtown center" area description of the Commercial Areas component of the Future Land Use Strategy in Chapter Three of the Master Plan.
- 3. That the subject property is currently served by the necessary public utilities
- 4. That there are no significant negative environmental impacts related to the rezoning request.
- 5. That the land uses permitted in the C-1 Central Business zoning district will not adversely affect the value of the surrounding property; and

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby recommend that the City Council adopt Ordinance No. 199 to rezone 1.09 acres of land as described from O-1 Office to C-1 Central Business.

RESOLUTION APPROVED

Special Use Permit 368 South Park Street (Dart Bank)

Reeser opened the public hearing at 7:23 p.m.

Norman Austin of 331 West Ash Street stated concern regarding storm water. Ms. Foster explained the water would discharge to a catch basin in the road. She added that the discharge will decrease.

Darryl Benedict of Benedict Auto Body stated concerns of water discharge to Maple Street. Ms. Foster assured Mr. Benedict that the location has not changed; the capacity has been increased by enlarging the pipes.

Celeste Hude of 411 West Maple Street inquired about the lighting. Ms. Foster explained the lighting to Ms. Hude's satisfaction.

Reeser closed the public hearing at 7:43 p.m.

Planning Commission Resolution No. 2015-02 – A Resolution Approving A Preliminary and Final Site Plan and Special Use Permit to Construct A 29,040 Square Foot Bank Facility, Including Drive-Thru, Located at 368 South Park Street

MOTION by Waxman, second by Sabbadin,
to consider Resolution No. 2015-02 as read.
MOTION APPROVED

A brief discussion ensued on the plans for the construction and site.

Resolution No. 2015-02 was introduced by Sabbadin and seconded by Hude.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2015-02
A RESOLUTION APPROVING A PRELIMINARY AND FINAL SITE PLAN AND SPECIAL
USE PERMIT TO CONSTRUCT A 29,040 SQUARE FOOT BANK FACILITY, INCLUDING
DRIVE-THRU, LOCATED AT 368 SOUTH PARK STREET
April 14, 2015**

WHEREAS, a request has been received from Dart Bank, for preliminary and final site plan and special use permit approval to be allowed to construct a new bank facility, with drive-thru, on multiple properties having principle address 368 South Park Street; and

WHEREAS, the subject property is further described as:

368 S. Park St. (parcel # 33-19-10-08-235-025), 222 W. Ash St. (parcel # 33-19-10-08-235-026), 235 W. Maple St. (parcel # 33-19-10-08-235-005), 237 W. Maple St. (parcel # 33-19-10-08-234-004), 241 W. Maple St (parcel # 33-19-10-08-235-003), 245 & 247 W. Maple St. (parcel # 33-19-10-08-235-002), and lots 4 and 5, block 44, original plat of the City of Mason, Ingham County, Michigan, according to the plat thereof as recorded in Liber 37 of Deeds, page 234, Ingham County records.

WHEREAS, upon compliance with the conditions listed herein, the plans will comply with the site plan review standards listed in Section 94-227 of the Mason Code; and

WHEREAS, approval is granted with the condition that the applicant shall submit a revised site plan with the following changes **prior to final site plan approval**:

- 1) That the lands currently zoned O-1 be rezoned to a suitable zoning district that permits drive-through facilities and accommodating setback standards for the proposed use and structures, such as C-1, and
- 2) The plans show building lighting consistent with Section 94-177(e) and that light poles do not exceed 15 feet, and
- 3) The plans demonstrate that there will not be a vision obstruction consistent with Section 94-172(d)(3) at driveway entrances, and
- 4) That the applicant be granted a variance to be permitted parking space size of nine feet by 18 feet, and
- 5) That the site shows the easement for the public sanitary sewer at the west end of the site, and
- 6) That the plans address the concerns expressed by the City Engineer in his letter of March 31, 2015, are adequately addressed to the satisfaction of the City Engineer, and
- 7) That the plans address the concerns of the Jackson and Lansing Railroad as stated in their letter dated March 27, 2015, and

WHEREAS, approval is granted with condition that the applicant provide the following **prior to the issuance of an occupancy permit**:

- 1) The all of the individual parcels shown in the site plan be combined to a single parcel, and
- 2) An executed Drainage Facilities Maintenance Agreement, and

- 3) In the event that an easement does not exist for the public sanitary sewer at the west end of the site, the applicant shall prepare and provide an acceptable grant of easement for the utility to the Mason City Council, and

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a Preliminary and Final Site Plan and Special Use Permit to construct a bank facility, including drive-thru, located on property with a principle address of 368 South Park Street based on the site plan dated March 17, 2015.

RESOLUTION APPROVED

REGULAR BUSINESS

Report - Medical Marihuana Ordinance Subcommittee

Haywood gave a brief update of the Medical Marihuana Ordinance Subcommittee. The subcommittee discussed researching ordinances in effect from other communities and will compile a statement paper preparing for public input on the matter prior to drafting an ordinance.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion was held to consider compiling a form base code for downtown.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Brown informed commissioners regarding current City Council business.
- Commissioners Scott and Hagle attended the Planning and Zoning Essentials Workshop Michigan Association of Planning.

DIRECTOR REPORT

Haywood informed the Commission regarding current zoning and development business.

ADMINISTRATOR'S REPORT

Colburn informed the Commission regarding current City business.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

Deborah J. Cwierniewicz, City Clerk

Seth Waxman, Secretary

City of Mason

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MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director

A handwritten signature in blue ink, consisting of several loops and a final flourish, positioned to the right of the 'FROM:' line.

RE: Medical Marihuana Committee Activity Report

DATE: May 8, 2015

The medical marihuana committee has been active in the past month developing a program for public input and conducting research on background information related to national and local trends. The following are the items the committee is tasked to develop:

- Explore/study ordinance examples
- Explore/study Colorado statistics/experience
- Coordinate with Townships
- Public presentation/input (outline attached)
- Public survey
- Map of schools
- Stakeholders for focus group
 - Schools/PTA
 - Chamber of Commerce
 - Downtown Development Authority
 - Police Department
 - Pharmacy
 - Service Organizations
 - Library
 - Courts?
 - Landlords
 - Faith-based organizations
 - Day-care centers

Also attached are preliminary statistics showing the number of registered medical marihuana patients and caregivers as compared to Ingham County and the State of Michigan.

MEDICAL MARIHUANA PRESENTATION OUTLINE

The Michigan Medical Marihuana Act – What it allows

- Qualifying Patient – means a person who has been diagnosed by a physician as having a debilitating medical condition.
 - Must be registered by State of Michigan
 - Shall not be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with the act...
 - May possess 2.5 oz. of usable marihuana
 - 12 marihuana plants – must be in a enclosed, locked facility
- Primary Caregiver – means 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.
 - Must be registered by State of Michigan
 - Shall not be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting qualifying patient to whom he or she is connected though the departments registration process with the medical use of marihuana in accordance with the act...
 - A caregiver is limited to 5 patients
 - May possess 2.5 oz. of usable marihuana for each qualifying patient (12.5 oz.)

Significant Michigan Court Cases

- Ter Beek (Feb. 2014) – Michigan Supreme Court rules that local municipalities cannot prohibit medical marihuana land uses (caregivers)
- McQueen (Aug. 2011) – patient to patient sales are illegal (essentially making dispensaries illegal)

Pending Michigan legislation

- HB4209/SB0142 – Provisioning centers (dispensaries)
- HB4210/SB0140 – Marihuana infused products (edibles)
- SB0072 – Allows landlord to prohibit smoking in rental units
- SB0080 – Decriminalizes the possession of 1.0 oz. or less

Marihuana Statistics

- National trends
- Local trends
- The Colorado experience

Issues to consider (formulated by the City Council and Planning Commission)

- Recognize that dispensaries are not currently legal
- Study Colorado marihuana statistics
- Recognize that cash businesses are targets of crime
- Consider location of uses carefully
- Explore the scope and consequences of high level of regulation vs. little or no regulation
- Allow care-givers only in areas that the community accepts
- Explore if we should require care-givers to be registered with the City
- Recommend additional moratorium as necessary
- Coordinate with outlying communities and townships
- Explore other ordinance examples
- Recognize that 59 percent of Mason votes were in favor of the original act
- Seek public input to help guide ordinance creation
- Consider the enforceability of any draft ordinance
- Utilize the Mayor Pro-tem as a conduit between City Council and Planning Commission
- Realize that a moratoriums are not indefinite and that progress must be made
- Explore County statistics with regard to number of State registered patients and care-givers

Michigan Medical Marihuana Program Data

	Patients	Rate of Patients per 1000 people	Caregivers	Rate of Caregivers per 1000 people	Total Population
Ingham	3,713	13.0	975	3.4	284,582
Eaton	1,374	12.7	425	3.9	108,579
Clinton	536	6.9	170	2.2	77,297
Livingston	1,536	8.3	361	1.9	185,596
Michigan	96,408	9.7	22,966	2.3	9,909,877

Michigan Medical Marihuana Program Data are from FY 2014

Source: https://www.michigan.gov/documents/lara/BHCS_MMMP_MCL_333.26426i12345_11-12-14_474028_7.pdf

Total Population data are from calendar year 2014

Source: <http://www.census.gov/quickfacts/table/PST045214/00>

The numbers that follow are estimates, based on extrapolating from county or state rates.

IF THE RATE IN MASON IS SIMILAR TO THE RATE IN INGHAM COUNTY AS A WHOLE...

	Estimated # Patients	Rate of Estimated Patients per 1000 people	Estimated Caregivers	Rate of Estimated Caregivers per 1000 people	Total Population*
Mason (city)	108	13.0	28	3.4	8,267
MASON AREA: City of Mason + Alaiedon, Aurelius, and Vevay Townships	241	13.0	63	3.4	18,487

IF THE RATE IN MASON IS SIMILAR TO THE RATE IN MICHIGAN AS A WHOLE... (which seems more likely)

	Estimated # Patients	Rate of Estimated Patients per 1000 people	Estimated Caregivers	Rate of Estimated Caregivers per 1000 people	Total Population*
Mason (city)	80	9.7	19	2.3	8,267
MASON AREA: City of Mason + Alaiedon, Aurelius, and Vevay Townships	180	9.7	43	2.3	18,487

* Total Population is: MASON: the US Census Estimate from 2013, as 2014 unavailable
AURELIUS, VEVA, ALAIEDON TOWNSHIPS: 2009-2013 ACS Estimate

