

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, October 11, 2016

6:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: September 13, 2016
4. People from the Floor
5. Announcements
6. Public Hearing
 - A. Rezoning – 652 Hull Road
Resolution – A Resolution Recommending That the City Council Adopt an Ordinance to Rezone the Property Located at 652 Hull Road from AG Single Family Agricultural to C-2 General Commercial
7. Regular Business
8. Unfinished Business
9. New Business
10. Correspondence
11. Liaison Reports
12. Director's Report
13. Adjournment

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF SEPTEMBER 13, 2016**

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

Commissioner(s) present: Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman
Commissioner(s) absent: Barna (excused), Scott (excused)
Also present: David Haywood, Zoning & Development Director

APPROVAL OF MINUTES:

Commissioner Hude indicated that the vote tallies are not included in the August 1, 2016 minutes. She further clarified that she voted no on the resolution.

Commissioner Waxman indicated that the minutes of August 1, 2016 were held in the 2nd Floor Training Room not the Council Chambers.

MOTION by Sabbadin, second by Waxman,
to approve the regular meeting minutes of July 12, 2016 and the corrected
special meeting minutes of August 1, 2016, as submitted.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

PEOPLE FROM THE FLOOR

None.

ANNOUNCEMENTS

Commissioner Brown honored the life and contributions of the late Commissioner Scott. On behalf of the Planning Commission, Brown wished his family, friends, and colleges the deepest condolences for their loss. Commissioner Brown then read into the record aloud completely a resolution honoring the life and contributions of Commissioner Scott.

Introduced by Brown and seconded by Sabbadin, Planning Commission Resolution – A Resolution in Memory of Commissioner Tim A. Scott

MOTION by Sabbadin, second by Waxman,
to adopt Planning Commission Resolution – A Resolution in Memory of
commissioner Tim A. Scott.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION**

A RESOLUTION IN MEMORY OF COMMISSIONER TIM A. SCOTT

September 13, 2016

WHEREAS, Tim A. Scott was born on March 8, 1972 in Lansing, Michigan; and

WHEREAS, Tim was a devoted employee of the Dart Container Corporation for 19 years serving as an engineer and telecommunications manager; and

WHEREAS, Tim was a volunteer firefighter with the Mason Fire Department for four years and led an effort to secure two thermal imaging cameras donated to the fire department by the Dart Container Corporation; and

WHEREAS, Tim was a valuable and respected member of the Mason Planning Commission for nearly two years, serving on the sub-committee tasked with researching and providing a recommendation on the city's medical marijuana ordinance and participating in activities of the Michigan Association of Planning; and

WHEREAS, Tim passed away on August 8, 2016 at the age of 44; and

WHEREAS, Tim is survived by his parents; his loving wife, Beth Scott; children, Megan and Ryan Scott; step-children, Collin and Jacob Rapsin; and brother, Jeffrey Scott.

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby memorialize and pay tribute to our colleague and friend Tim A. Scott, who faithfully served the City of Mason with honor and distinction; and

BE IT FURTHER RESOLVED, that the Mason Planning Commission expresses its deepest sympathy to the family and friends of Tim Scott at this time of bereavement, and directs that a copy of this resolution be presented to Commissioner Scott's family.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

PUBLIC HEARING

Resolution – A Resolution Recommending that the City Council Adopt an Ordinance to Rezone the Property Located at 127 North Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential

Chairperson Reeser opened the public hearing at 6:45 p.m. Being there were no public in attendance to provide comments, the public hearing was closed at 6:46 p.m.

Haywood gave an overview of the request. Brief discussion was held regarding the possibility of including the residential property to the south that is also zoned M-1 with the request to correct the non-conforming land use on that property as well. Haywood informed the Commission that there was no application and proper notice for the additional property and recommended to not include the property with the current request.

MOTION by Waxman, second by Brown,
to introduce and consider read Planning Commission Resolution – A Resolution Recommending that the City Council Adopt an Ordinance to Rezone the Property Located at 127 North Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2016-08**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE TO REZONE THE PROPERTY LOCATED AT 127 NORTH LANSING
STREET FROM M-1 LIGHT MANUFACTURING TO R2F TWO-FAMILY RESIDENTIAL**

September 13, 2016

WHEREAS, a rezoning request has been received from Thomas Gistingier to rezone 127 North Lansing Street (Parcel # 33-19-10-05-457-017); and

WHEREAS, the area subject to rezoning is legally described as: Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham Co; 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 the Future Land Use Map of the Master Plan.
2. That the subject property is currently served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the R2F (Two-Family Residential) 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 an ordinance to rezone 0.15 acres of land as described from M-1 Light Manufacturing to R2F Two-Family Residential.

Thomas Gistingier, applicant, informed the Commission that he had discussed this rezoning request and informed them that they had the ability and right to apply to rezone their property as well.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

Resolution – A Resolution Recommending the City Council Adopt an Ordinance Amending the Mason City Code by Adding a New Chapter to be Entitled Post Construction Storm Water Management; to Recite Findings and Ordinance Purpose; to Define Terms; to Establish Procedures for Submission and Approval of Post Construction Storm Water Management Plans and Establish Criteria for Such Plans and Projects, and to Designate City Officials and Entities Responsible for Plan Review, Processing, and Approvals; to Require Performance and Maintenance Guarantees and Agreements; to Provide for Civil Fines, Equitable Remedies and Criminal Sanctions and Costs for Violation of this Ordinance, Nuisance Abatement, Cost Reimbursement to the City, and Establishment of Liens; to Establish an Effective Date Hereof; and to Require Site Plan Review and Approval

MOTION by Hude, second by Barna,
to introduce and consider read Planning Commission Resolution - A Resolution Recommending the City Council Adopt an Ordinance Amending the Mason City

Code by Adding a New Chapter to be Entitled Post Construction Storm Water Management; to Recite Findings and Ordinance Purpose; to Define Terms; to Establish Procedures for Submission and Approval of Post Construction Storm Water Management Plans and Establish Criteria for Such Plans and Projects, and to Designate City Officials and Entities Responsible for Plan Review, Processing, and Approvals; to Require Performance and Maintenance Guarantees and Agreements; to Provide for Civil Fines, Equitable Remedies and Criminal Sanctions and Costs for Violation of this Ordinance, Nuisance Abatement, Cost Reimbursement to the City, and Establishment of Liens; to Establish an Effective Date Hereof; and to Require Site Plan Review and Approval

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

MOTION by Waxman, second by Barna,
to table the resolution.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

MOTION by Waxman, second by Sabbadin,
to amend the agenda to include a public hearing under item 7.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

MOTION by Waxman, second by Barna,
to remove the resolution from the table.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

Chairperson Reeser opened the public hearing at 7:03 p.m. Being there were no public in attendance to provide comments, the public hearing was closed at 7:04 p.m.

MOTION by Waxman, second by Barna,
to amend the resolution to correct the date from March 15, 2016 to September 14, 2016.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

A lengthy discussion was held regarding references to the Guidance Manual in the ordinance. Commissioners felt uneasy about requiring compliance with the Guidance Manual without knowing the contents of the manual. Haywood indicated that it was the intent of Section 52-8 to allow the Public Works Director and City Council to develop the Guidance Manual along with the assistance and approval of the Michigan Department of Environmental Quality.

A question was raised regarding the absence of a storm water permit date in the fourth whereas. Haywood reported that the storm water permit was issued in December 2015.

MOTION by Waxman, second by Barna,
to amend the resolution by striking “[date]” and inserting “December 2015”.

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

Yes (7) Brown, Fischer, Hagle, Hude, Reeser, Sabbadin, Waxman

No (0)

MOTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

Planning & Zoning News, July 2016, and Michigan Association of Planning 2016 Annual Conference brochure distributed.

LIAISON REPORTS

None.

DIRECTOR REPORT

Haywood inquired if the Planning Commission’s had any feelings on discontinuing televising Commission meetings. There seemed to be a consensus that the availability to view the proceedings was valuable, but that there may be more efficient ways to record and re-broadcast the recording. Commissioners suggested keeping track of web page counters to monitor view activity.

Haywood reported on the activity of the Zoning Board of Appeals in their approval of parking variances at 227 North Cedar Street regarding the Little Caesars Pizza.

Haywood reported that registration was open for the Michigan Association of Planning Conference in October and that there may be training funds to cover a portion of the expenses for a few Commissioners.

Haywood reported the activity of the Historic District Commissions latest meeting approving a façade proposal for a mixed-use building at 160 East Ash Street.

Haywood reported that staff is in receipt of a rezoning request from Goodwill Industries for property at 652 Hull Road, which will be on the October agenda.

Haywood reported that staff will now be including members of the Planning Commission in public hearing notices in advance of meetings.

ADJOURNMENT

The meeting adjourned at 7:58 p.m.

David E. Haywood, Zoning & Development Director

Seth Waxman, Secretary

City of Mason

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

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: 652 Hull Road – Rezoning

DATE: October 5, 2016

Staff is in receipt of a request from Goodwill Industries to rezone approximately 7.31 acres of land from AG (Single Family Agricultural) to R2F (Two-Family Residential). Legal description of area proposed to be rezoned: All that part of the southeast ¼ of the northeast ¼ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan, lying east of highway US-127 right-of-way, except the south 430 feet thereof and also except the north 150 feet of the east 240 feet of said southeast ¼ of the northeast ¼ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan.

EXISTING LAND USE AND ZONING:

The character of the area in the vicinity is a mix of land uses and zoning. The lot subject to the rezoning request is located on the southwest corner of North Lansing Street and Center Street. The current land uses and zoning for the immediately adjacent properties are as follows:

| | Current Land Use | Zoning | Future Land Use |
|--------------|---------------------------|--|------------------------|
| North | Residential Commercial | AG (Single Family Residential) C-2 (General Commercial) | Commercial |
| East | Industrial | M-2 (General Manufacturing) | Industrial |
| South | Public | AG (Single Family Agricultural) | Public |
| West | Vevay Township | Vevay Township | Vevay Township |

The text of the Zoning Ordinance describes the intent and purpose of the respective zoning districts. The following represents the intent and purpose of the existing AG (Single Family Agricultural) zoning district, as well as the intent and purpose of the requested C-2 (General Commercial) zoning district, as stated in the Code.

AG (Single Family Agricultural) – “It is the primary purpose of this district to provide opportunities for the continuation of agricultural activities while also providing opportunities for single-family residential development patterns and lifestyles of a more rural and suburban character than provided elsewhere in the city. It is also expected that property within this district

may transition to other more intensive uses. It is the intent of this district that development ensure a stable and healthy residential environment with suitable open spaces. The lot area requirements contained herein are minimum requirements but larger lot areas may be required where natural site conditions dictate and/or public sewer or water is not available. Persons considering residing within this district should be aware that the traditional odors, noises, dust, pesticide applications, and other generally recognized agricultural activities associated with farming may continue on a long term basis in this district. However, in light of the comparatively high-density character of the city and the associated concentration of persons and families, including school and religious facilities, intensive agricultural activities such as large concentrated livestock operations are not considered appropriate uses in this district.”

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

The following table provides a “snapshot” comparison of the existing AG and proposed C-2 zoning districts, including the uses allowed in the respective districts. Those uses that are allowed in both districts are **highlighted**.

| | Existing Zoning AG Single Family Residential | Proposed Zoning C-2 General Commercial |
|-------------------------------------|--|--|
| Uses Permitted by Right | <ul style="list-style-type: none"> • Single family dwelling • Agricultural land use • Livestock production facility • Outside open lot livestock facility • Public and private conservation areas • Public areas • Group day care | <ul style="list-style-type: none"> • Offices • Photographic studios • Wholesale businesses • Prof. establishments for human care on outpatient basis • Medical, dental, optical offices • Offices for non-profit organizations • Music, dance and performing arts studios • Offices for prof. practitioners in medical, dental, psychiatry, etc. • Law offices and similar offices • Retail trade • Boarding & rooming houses • Bed & breakfast • Residential use located above a business • Licensed alcohol sales for consumption on or off premises • Outdoor retail sales & service • Wholesale business • Plumbing, heating, retail sales & service, etc. • Farm machinery & implement sales • Nursery, shrubbery, and garden supplies |
| Permitted Accessory Uses | <ul style="list-style-type: none"> • Accessory structures as defined in Section 94-163(g) • Home occupations • Farm animals with exceptions • Roadside produce stands • Boarders and roomers | <ul style="list-style-type: none"> • Accessory structures as defined in Section 94-173(g) |

| | <p align="center">Existing Zoning AG Single Family Residential</p> | <p align="center">Proposed Zoning C-2 General Commercial</p> |
|--|---|--|
| <p>Uses Permitted by Special Use Permit</p> | <ul style="list-style-type: none"> • Religious institutions • Day care and foster care facilities • Public buildings • Public/private education facilities • Cemeteries • Kennels, veterinary hospitals/clinics • Public event facilities, fairs, golf courses, etc. • Planned residential developments | <ul style="list-style-type: none"> • Community commercial centers • Public buildings including non-residential, governmental, utilities, etc. • Public or private educational uses • Vehicle drive-in service • Off-street public or private parking facilities • Communication towers and antennas • Hotels and motels • New and used motor vehicle sales • Automobile service stations • Car washes • Mini-warehouse • Adult businesses • Pub, tavern with outdoor entertainment and food • Any use involving structures greater than 15,000 square feet |

MASTER PLAN:

A request for rezoning is an amendment to the zoning ordinance and Mason Code of Ordinances. Section 94-396(a) provides the following standards that the Planning Commission must consider when evaluating an amendment to the zoning ordinance:

1. *Compliance with the Master Plan of the city.* The proposed zoning district C-2 is consistent with the future land use designation of the future land use map “commercial”.
2. *What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?* There does not appear to be any changes in the vicinity.
3. *What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner’s change in zoning?* There is no known error of this sort.
4. *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?* There does not appear to be a risk of precedent or the effect of a precedent at this location. As mentioned earlier, the requested zoning district is consistent with the land use designation of the Future Land Use Map.
5. *What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?* There appears to be no impact of this type. Public utilities are available to the site within a reasonable distance.
6. *Does the proposed amendment adversely affect the value of the surrounding property?* Whether the request adversely affects the value of the surrounding property is up to the discretion of the Planning Commission.

7. *Are there any significant environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?* There are no known environmental impacts associated with the proposed rezoning request.
8. *The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.* The proposed zoning district is consistent with the Master Plan.

PUBLIC SERVICES AND FACILITIES:

Streets and Traffic:

This site has its frontage on Hull Road, which is under the jurisdiction of the Ingham County Road Department. Hull Road is a four-lane road without center turn lane.

Public Water/Sanitary Sewer/Storm Sewer:

Public water and storm sewer are located on the east side of Hull Road in the vicinity of the site. Sanitary sewer is located approximately 400 feet from the site on Trillium Drive and approximately 1000 feet north of the site on Hull Road.

Additional Agency Comments:

Comments from additional agencies are attached. No additional concerns or objections to the request noted.

NOTIFICATIONS:

Twelve notices were sent to property owners and occupants within 300 feet of the subject site. At the time of this report no written comments were received.

ANALYSIS:

In summary, the request to rezone the property is generally consistent with vicinity and the Master Plan as it is currently used as residential and is consistent with Future Land Use Map.

RECOMMENDATION:

The Planning Commission approve the proposed resolution.

Attachments:

1. Resolution
2. Draft Ordinance
3. Application
4. Plot Plan/Survey
5. Agency comments
 - a. City of Mason Police Department
 - b. City Engineer – Wolverine Engineering
 - c. Ingham County Road Department
 - d. City of Mason POTW
 - e. City of Mason Public Works Department
 - f. Ingham County Drain Commissioner

Introduced:
Seconded:

**CITY OF MASON
PLANNING COMMISSION RESOLUTION**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE TO REZONE THE PROPERTY LOCATED AT 652 HULL ROAD
FROM AG SINGLE FAMILY AGRICULTURAL TO C-2 GENERAL
COMMERCIAL**

October 11, 2016

WHEREAS, a rezoning request has been received from Goodwill Industries of Central Michigan's Heartland, Inc. to rezone 7.31 acres of land located at 652 Hull Road (Parcel # 33-19-10-17-200-026); and

WHEREAS, the area subject to rezoning is legally described as: All that part of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan, lying east of highway US-127 right-of-way, except the south 430 feet thereof and also except the north 150 feet of the east 240 feet of said southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan; 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 the Future Land Use Map of the Master Plan.
2. That the subject property can be reasonably served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the C-2 (General Commercial) zoning district will not adversely affect the value of the surrounding property.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby recommend that the City Council adopt an ordinance to rezone 7.31 acres of land as described from AG Single Family Residential to C-2 General Commercial.

Yes ()
No ()

Mason, MI

Introduced: _____
First Reading: _____
Second Reading: _____
Adoption: _____
Effective: _____

**CITY OF MASON
ORDINANCE**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP,
AS ADOPTED PURSUANT TO SECTION 94-62 OF THE
MASON CODE, TO REZONE 7.31 ACRES OF LAND
LOCATED AT 652 HULL ROAD FROM AG SINGLE
FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL**

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended to rezone the following property from AG Single Family Residential to C-2 General Commercial:

All that part of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan, lying east of highway US-127 right-of-way, except the south 430 feet thereof and also except the north 150 feet of the east 240 feet of said southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T2N, R1W, City of Mason, Ingham County, Michigan; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission, at its October 11, 2016, meeting adopted Resolution No. 2016-___ recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves or are within the vicinity of the site; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member ____ and seconded by Council Member ____ with a vote thereon being: YES () NO (), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the __ day of ____, 2016.

Ordinance No. ____ declared adopted this __ day of ____, 2016.

Mike Waltz, Mayor

Deborah J. Cwierniewicz, City Clerk



APPLICATION – REZONING

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 indicate the following: | |
|---|---|
| Current Zoning District(s): | AG: Single family agricultural district |
| Requested Zoning District(s): | C-2: General commercial district |

| PLANNING DEPARTMENT USE ONLY | |
|------------------------------|---------------------|
| Application Received: | <u>Sep 14, 2016</u> |
| Tax ID: | <u>17-200-026</u> |
| Fee: | <u>\$300</u> |
| Receipt #: | <u>100198018</u> |

I. APPLICANT INFORMATION

Name Kenneth Bauer, President/CEO

Organization Goodwill Industries of Central Michigan's Heartland, Inc.

Address 4820 Wayne Road, Battle Creek, MI 49037

Telephone Number (269) 788-6500, ext. 2000 Facsimile Number (888) 452-5968

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

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

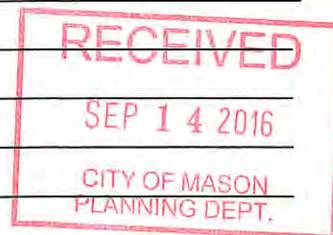
II. PROPERTY INFORMATION

Owner Allen S. Frederick Farm, LLC Telephone Number _____

Property Address 652 Hull Road, 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 plot 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 to determine compliance with the requirements of the Zoning Code district requested by the applicant and compliance with conditions precedent to the granting of the Zoning District change requested.

Signature Kenneth C Bauer, President/CEO Date September 12, 2016

III. REQUEST DESCRIPTION

A. Site Area

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

In square feet (if under one (1) acre): _____

In acres (if over one (1) acre): 7.31 acres

B. Master Plan

Future Land Use Designation (from Master Plan): C-2: General commercial district

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

C. Available Services

Public Water YES NO

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

Public Sanitary Sewer YES NO

Public Storm Sewer YES NO

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

D. Current Use

Are there any structures currently on the property? YES NO

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

One (1) utility pole in SE corner; one (1) billboard in NW corner; and four (4) utility poles along N boundary

E. Soils Data

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

If so, attach 30 copies. Note: such testing may be required if conditions warrant. NOTE: Soils were not tested for septic suitability due to proposed Public Sanitary Sewer connection.

IV. APPLICATION MATERIALS

The following is a checklist of items that generally must be submitted with applications for Rezoning. The applicant must submit 30 copies. Incomplete applications will not be processed.

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

A. Plot Plan

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

1. Existing structures and parking areas, with setback dimensions from property lines
2. Survey pins or monuments
3. All easements on the property
4. Overhead and underground utilities
5. Floodplain and wetlands
6. Topography (where land characteristics have a bearing on the request)
7. Surface drainage, indicated by directional arrows
8. Existing zoning and use of surrounding properties

B. Application Fee \$300.00 All requests must be accompanied by a fee, as established by City Council. (Effective October 16, 2006)

V. APPLICATION DEADLINES

Complete applications must be received at least 45 days in advance of a Planning Commission meeting. A public hearing will be scheduled at the next Planning Commission meeting after the 45 day period. At that time the Planning Commission will make a recommendation to the City Council, which has the final authority to approve or deny an application for Rezoning.

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

VI. STAFF REPORT

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Rezoning. The report will explain the request and review whether it complies with the standards in the Zoning Code and the Master Plan. Staff will present the findings of that report during the Planning Commission meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

(1) Compliance with the master plan of the city.

The master plan's future land use designation for this property is C-2, which is a "general commercial district." The requested zoning district under this application is also C-2. Therefore, the requested zoning district complies with the master plan.

(2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?

This property is currently located in a "single-family agriculture district" (AG). Under section 94-122 of the city of Mason's zoning ordinance, it is "expected that property within this district may transition to other more intensive uses." The requested zoning district (C-2) is just such a transition, and would be entirely consistent with the direction of the surrounding area.

As reflected in the city's master plan, the surrounding area has developed commercially: this property is now bordered by a Meijer store to the north (a/k/a 500 Hull Road), a Gestamp manufacturing facility to the east (a/k/a 200 E. Kipp Road), a water tower to the south, and highway US-127 to the west. The current zoning of this property is an outlier, and as the city of Mason continues to grow, this property becomes less and less usable for its zoned purpose.

(3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?

None.

(4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

None.

(5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?

Approval this petition would have no greater impact on the ability of the city, or any other governmental agencies, to provide adequate public services, facilities or programs than the commercial and manufacturing developments in the area already present.

(6) Does the proposed amendment adversely affect the value of the surrounding property?

No.

- (7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built?**

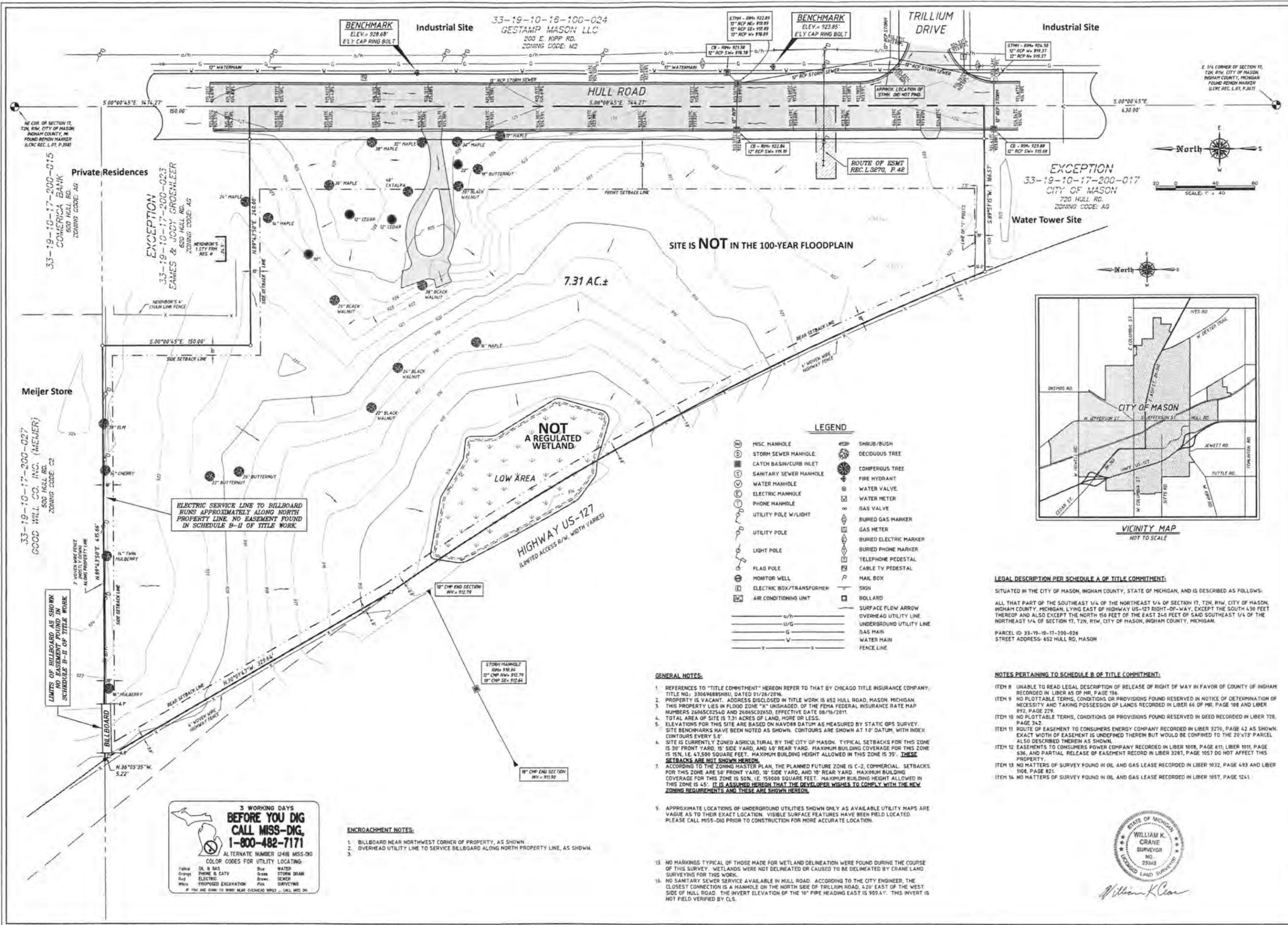
Examples include:

- a. Surface water drainage problems.**
- b. Wastewater disposal problems.**
- c. Adverse effect on surface or subsurface water quality.**
- d. The loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.**

No, there would be no other significant negative environmental impacts than those already present from commercial and manufacturing developments in the area.

- (8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.**

This property is incapable of being put to a reasonable economic use under its current zoning district. This property is currently located in the single-family agriculture district (AG), which permits only (1) single-family dwellings, (2) farms, (3) conservation areas, (4) forest-type recreation areas (*e.g.*, forest preserves, game refuges), and (5) state-licensed residential facilities. None of those uses, however, are likely to be developed in such close proximity to an interstate highway, commercial development and manufacturing facility.



CRANE LAND SURVEYING, P.C.
14250 BEAULIE LAKE ROAD
BATTLE CREEK, MI 49014
PH: (269) 857-7977 • FAX: (269) 857-7008
www.cranesurvey.com

JOB NO: 40642-2
DATE: 03/17/16
SCALE: 1"=40'
CHECKED BY: WKC
REVISION: REVISION
DRAWN BY: MPP
OPRELUINARY
FINAL

PLOT PLAN
OF PART OF THE
TOWNSHIP RANGE 4 WEST 2 OF MASON
MICHIGAN COUNTY, MICHIGAN

GOODWILL INDUSTRIES

SHEET NO.
1/1

NE COR. OF SECTION 17,
T2N, R1W, CITY OF MASON,
INGHAM COUNTY, MI
FOUND REINH. MARKER
ILRIC REC. L. 87, P. 3581

33-19-10-17-200-015
COMERICA BANK
600 HULL RD.
ZONING CODE: AG

EXCEPTION
33-19-10-17-200-023
EAMES & JODDY GROENLEER
600 HULL RD.
ZONING CODE: AG

NEIGHBOR'S 4'
CHAIN LINK FENCE

Meijer Store

33-19-10-17-200-027
GOOD WILL CO. INC. (MEIJER)
500 HULL RD.
ZONING CODE: C2

LIMITS OF BILLBOARD AS SHOWN
NO EASEMENT FOUND IN
SCHEDULE B-II OF TITLE WORK

12" CMP END SECTION
INV. = 922.79

18" CMP END SECTION
INV. = 911.90

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS-DIG,
1-800-482-7171

ALTERNATE NUMBER (248) MISS-DIG

COLOR CODES FOR UTILITY LOCATING:

| | | | |
|--------|---------------------|-------|-------------|
| Yellow | DL & GAS | Blue | WATER |
| Orange | PHONE & CATV | Green | STORM DRAIN |
| Pink | ELECTRIC | Brown | SEWER |
| White | PROPOSED EXCAVATION | Pink | SURVEYING |

IF YOU ARE GOING TO WORK NEAR OVERHEAD WIRES - CALL MISS-DIG

ENCROACHMENT NOTES:

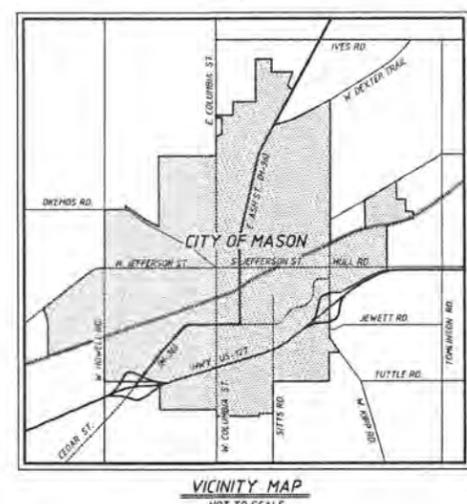
- BILLBOARD NEAR NORTHWEST CORNER OF PROPERTY, AS SHOWN.
- OVERHEAD UTILITY LINE TO SERVICE BILLBOARD ALONG NORTH PROPERTY LINE, AS SHOWN.
-

GENERAL NOTES:

- REFERENCES TO "TITLE COMMITMENT" HEREON REFER TO THAT BY CHICAGO TITLE INSURANCE COMPANY, TITLE NO. 33069685NBL, DATED 01/26/2016.
- PROPERTY IS VACANT. ADDRESS DISCLOSED IN TITLE WORK IS 652 HULL ROAD, MASON, MICHIGAN.
- THIS PROPERTY LIES IN FLOOD ZONE "X" UNSHADED, OF THE FEMA FEDERAL INSURANCE RATE MAP NUMBERS 2605020540 AND 2605020550, EFFECTIVE DATE 08/16/2011.
- TOTAL AREA OF SITE IS 7.31 ACRES OF LAND, MORE OR LESS.
- ELEVATIONS FOR THIS SITE ARE BASED ON NAVD83 DATUM AS MEASURED BY STATIC GPS SURVEY. SITE BENCHMARKS HAVE BEEN NOTED AS SHOWN. CONTOURS ARE SHOWN AT 1' DATUM, WITH INDEX CONTOURS EVERY 5.0'.
- SITE IS CURRENTLY ZONED AGRICULTURAL BY THE CITY OF MASON. TYPICAL SETBACKS FOR THIS ZONE IS 30' FRONT YARD, 15' SIDE YARD, AND 40' REAR YARD. MAXIMUM BUILDING COVERAGE FOR THIS ZONE IS 15%, I.E. 47,500 SQUARE FEET. MAXIMUM BUILDING HEIGHT ALLOWED IN THIS ZONE IS 35'. **THESE SETBACKS ARE NOT SHOWN HEREON.**
- ACCORDING TO THE ZONING MASTER PLAN, THE PLANNED FUTURE ZONE IS C-2, COMMERCIAL. SETBACKS FOR THIS ZONE ARE 50' FRONT YARD, 10' SIDE YARD, AND 10' REAR YARD. MAXIMUM BUILDING COVERAGE FOR THIS ZONE IS 50%, I.E. 159,000 SQUARE FEET. MAXIMUM BUILDING HEIGHT ALLOWED IN THIS ZONE IS 45'. **IT IS ASSUMED HEREON THAT THE DEVELOPER WISHES TO COMPLY WITH THE NEW ZONING REQUIREMENTS AND THESE ARE SHOWN HEREON.**
- APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ONLY AS AVAILABLE UTILITY MAPS ARE VAGUE AS TO THEIR EXACT LOCATION. VISIBLE SURFACE FEATURES HAVE BEEN FIELD LOCATED. PLEASE CALL MISS-DIG PRIOR TO CONSTRUCTION FOR MORE ACCURATE LOCATION.
- NO MARKINGS TYPICAL OF THOSE MADE FOR WETLAND DELINEATION WERE FOUND DURING THE COURSE OF THIS SURVEY. WETLANDS WERE NOT DELINEATED OR CAUSED TO BE DELINEATED BY CRANE LAND SURVEYING FOR THIS WORK.
- NO SANITARY SEWER SERVICE AVAILABLE IN HULL ROAD. ACCORDING TO THE CITY ENGINEER, THE CLOSEST CONNECTION IS A MANHOLE ON THE NORTH SIDE OF TRILLIUM DRIVE, 120' EAST OF THE WEST SIDE OF HULL ROAD. THE INVERT ELEVATION OF THE 10" PIPE HEADING EAST IS 923.41'. THIS INVERT IS NOT FIELD VERIFIED BY CLS.

LEGEND

| | | | |
|-------|--------------------------|-----|--------------------------|
| (M) | MISC. MANHOLE | (S) | SHRUB/BUSH |
| (SM) | STORM SEWER MANHOLE | (D) | DECIDUOUS TREE |
| (CB) | CATCH BASIN/CURB INLET | (C) | CONIFEROUS TREE |
| (SM) | SANITARY SEWER MANHOLE | (F) | FIRE HYDRANT |
| (W) | WATER MANHOLE | (V) | WATER VALVE |
| (E) | ELECTRIC MANHOLE | (M) | WATER METER |
| (P) | PHONE MANHOLE | (G) | GAS VALVE |
| (U) | UTILITY POLE W/LIGHT | (B) | BURIED GAS MARKER |
| (U) | UTILITY POLE | (G) | GAS METER |
| (L) | LIGHT POLE | (B) | BURIED ELECTRIC MARKER |
| (F) | FLAG POLE | (B) | BURIED PHONE MARKER |
| (M) | MONITOR WELL | (T) | TELEPHONE PEDESTAL |
| (E) | ELECTRIC BOX/TRANSFORMER | (C) | CABLE TV PEDESTAL |
| (A) | AIR CONDITIONING UNIT | (M) | MAIL BOX |
| (O) | | (S) | SKIN |
| (O) | | (B) | BOLLARD |
| (A/H) | | (S) | SURFACE FLOW ARROW |
| (U/G) | | (S) | OVERHEAD UTILITY LINE |
| (G) | | (S) | UNDERGROUND UTILITY LINE |
| (W) | | (S) | GAS MAIN |
| (W) | | (S) | WATER MAIN |
| (X) | | (S) | FENCE LINE |



LEGAL DESCRIPTION PER SCHEDULE A OF TITLE COMMITMENT:

SITUATED IN THE CITY OF MASON, INGHAM COUNTY, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, T2N, R1W, CITY OF MASON, INGHAM COUNTY, MICHIGAN, LYING EAST OF HIGHWAY US-127 RIGHT-OF-WAY, EXCEPT THE SOUTH 430 FEET THEREOF AND ALSO EXCEPT THE NORTH 150 FEET OF THE EAST 240 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, T2N, R1W, CITY OF MASON, INGHAM COUNTY, MICHIGAN.

PARCEL ID: 33-19-10-17-200-028
STREET ADDRESS: 652 HULL RD, MASON

NOTES PERTAINING TO SCHEDULE B OF TITLE COMMITMENT:

- UNABLE TO READ LEGAL DESCRIPTION OF RELEASE OF RIGHT OF WAY IN FAVOR OF COUNTY OF INGHAM RECORDED IN LIBER AS OF NR, PAGE 196.
- NO PLOTTABLE TERMS, CONDITIONS OR PROVISIONS FOUND RESERVED IN NOTICE OF DETERMINATION OF NECESSITY AND TAKING POSSESSION OF LANDS RECORDED IN LIBER 66 OF NR, PAGE 188 AND LIBER 852, PAGE 279.
- NO PLOTTABLE TERMS, CONDITIONS OR PROVISIONS FOUND RESERVED IN DEED RECORDED IN LIBER 728, PAGE 342.
- ROUTE OF EASEMENT TO CONSUMERS ENERGY COMPANY RECORDED IN LIBER 3270, PAGE 42 AS SHOWN. EXACT WIDTH OF EASEMENT IS UNDEFINED THEREIN BUT WOULD BE CONFINED TO THE 39'x73' PARCEL ALSO DESCRIBED THEREIN AS SHOWN.
- EASEMENTS TO CONSUMERS POWER COMPANY RECORDED IN LIBER 1008, PAGE 611, LIBER 1011, PAGE 586, AND PARTIAL RELEASE OF EASEMENT RECORDED IN LIBER 3287, PAGE 1057 DO NOT AFFECT THIS PROPERTY.
- NO MATTERS OF SURVEY FOUND IN OIL AND GAS LEASE RECORDED IN LIBER 1032, PAGE 493 AND LIBER 1108, PAGE 821.
- NO MATTERS OF SURVEY FOUND IN OIL AND GAS LEASE RECORDED IN LIBER 1057, PAGE 1241.

STATE OF MICHIGAN
WILLIAM K. CRANE
SURVEYOR
NO. 23343
LICENSED LAND SURVEYOR

William K. Crane



Mason Police Department

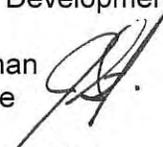
201 W. Ash St.
P.O. Box 370
Mason, MI 48854-0370

JOHN STRESSMAN
Chief of Police

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

MEMORANDUM

To: David Haywood
Planning and Development Director

From: John Stressman
Chief of Police 

Date: September 26, 2016

Ref: Rezoning Request
652 Hull Road, Mason



I have reviewed the 652 Hull Road rezoning request and have no comments at this time.

If you have any questions, please contact me.



Wolverine Engineers & Surveyors, Inc.

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

September 26, 2016

Mr. David Haywood, Zoning & Development Director
City of Mason
201 W. Ash Street
Mason, MI 48854



RE: 652 Hull Road - Rezoning Request

Dear Mr. Haywood:

We are in receipt and have reviewed the request for rezoning an approximately 7.31 acre parcel of land commonly referred to as 652 Hull Road from AG (Single Family Agriculture) to C-2 (General Commercial).

From an engineering perspective we take no exception to the proposed rezoning of this parcel. We received one (1) copy of a site survey and have retained said copy for our files.

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

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.

Donald B. Heck, P.E.

DBH:ood

cc: Ken Baker, Director of Public Works – City of Mason

David Haywood

From: Peterson, Robert [rpeterson@ingham.org]
Sent: Tuesday, September 27, 2016 2:55 PM
To: David Haywood
Subject: 652 Hull Road Rezoning

The Ingham County Road Department has 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: Thursday, September 29, 2016 7:42 AM
To: David Haywood
Subject: 652 Hull Rd Rezoning Request

David. I do not have any issues at this time with the rezoning request at 625 Hull Rd. Sam

Sam Bibler
City of Mason
POTW / MS4 Superintendent
517-676-1166 ext 202



Memo

To: David Haywood, Zoning and Development Director
From: Kenneth Baker, Director of Public Works
Date: October 4, 2016
Re: Rezoning for 652 Hull Road

After reviewing the request to rezone 7.31 acers of single family/Ag to C-2 general commercial I cannot find any reason why it should not be rezoned.

I am available for further discussion

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>



Cara Florence Clos
Deputy Drain Commissioner

Paul C. Pratt
Deputy Drain Commissioner

David C. Love
Chief of Engineering and Inspection

Sheldon Lewis
Administrative Assistant

October 4, 2016

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

RE: Rezoning request – 652 Hull Road, Mason
Conceptual Plan Review; Drain Office #16100

Dear Mr. Haywood:

We are in receipt of a September 30, 2016 request by the City of Mason for review of a proposed rezoning for a parcel on the south of the Meijer Building on Hull Road. The matter will be up for review by the City Planning Commission.

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 does not have storm sewer service.
2. It is located in the Swift Drain Drainage District by means of a culvert crossing the US-127 highway. The site is not located in the 100-year floodplain.
3. The plans must be submitted to the Drain Commissioner's Office for review of stormwater treatment/detention, including Phase II review; and for Soil Erosion Control Permit evaluation.

We appreciate the opportunity to comment on this plan.

Sincerely,

A handwritten signature in cursive script that reads 'David C. Love'.

David C. Love
Ingham County Drain Engineer