

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF JANUARY 16, 2008**

Tornholm called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Colburn administered the oath of office to Mr. Jeff Taylor and Mr. Jon Droscha.

Present: Commissioners: Boyic, Droscha, Hunt, Johnson, Naeyaert, Reeser, Taylor, Tornholm

Absent: Commissioner: Armstrong

Also present: Martin A. Colburn, Administrator/Clerk
David Haywood, Zoning & Development Director
Deborah Cwierniewicz, Deputy Clerk

APPROVAL OF MINUTES – PLANNING COMMISSION MEETING: December 11, 2007

The Minutes of December 11, 2007, were approved as submitted.

UNFINISHED BUSINESS

None.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Colburn accepted nominations for Chairperson and Vice Chairperson.

NOMINATION by Reeser,
for Neal Johnson as Chairperson.

NEAL JOHNSON ELECTED CHAIRPERSON UNANIMOUSLY

NOMINATION by Taylor,
for Ed Reeser as Vice Chairperson.

ED REESER ELECTED VICE CHAIRPERSON UNANIMOUSLY

PEOPLE FROM THE FLOOR

Mayor Leon Clark introduced newly appointed Commissioner, Jeff Taylor and thanked Commissioner Jon Droscha for accepting to serve another term.

PUBLIC HEARING – Special Use Permit – Coffee Shop with Drive-Thru (Biggby Coffee)

Johnson stated he would be abstaining from the public hearing discussion regarding the special use permit request for a coffee shop and passed the gavel to Vice Chairperson Reeser. Reeser opened the public hearing at 6:39 p.m.

John Stewart of J. E. Corporation stated that he represents the Biggby Coffee Shop.

Tim Gaylord, President and CEO of Mason State Bank, stated they are subletting to Biggby Coffee Shop. He explained that the Michigan Department of Transportation (MDOT) mandates

consolidation of access points on M-36 when a new use is introduced. He asked the Commission to support the special use permit and send a letter of endorsement to Michigan Department of Transportation (MDOT) recommending the site plan be approved as proposed without changing the two access points, with a copy to Senator Garcia's office.

Reeser closed the public hearing at 6:45 p.m. and handed the gavel back to Johnson.

REGULAR BUSINESS

Resolution No. 2007-04 – A Resolution Approving a Final Site Plan for the Mason First Church of the Nazarene to Construct a Youth Activity Center on Property Located at 1706 Dansville Road

Haywood summarized his staff report. Resolution No. 2007-04 was deferred at the August 14, 2007 meeting until such time that the applicant would be able to provide an acceptable alternate storm water management system. A brief discussion ensued.

MOTION by Reeser, second by Naeyaert, to amend Resolution No. 2007-04 by inserting number seven to the 4th "whereas" paragraph as follows:

- 7) The proposed facility and all future facilities to be constructed on the applicant's site shall connect to the sidewalk at such time it is extended, by whatever means, to the west property line of the subject site. The property owner shall extend the sidewalk from the west property line along the right-of-way of M-36 as necessary to connect. All costs associated with the extension along M-36 adjacent to the subject site shall be borne by the property owner responsible for said extension.

MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Boyic, to amend Resolution No. 2007-04 by inserting number eight to the 4th "whereas" paragraph as follows:

- 8) The letter required by the Ingham County Health Department is submitted prior to issuance of the certificate of occupancy.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2007-04
A RESOLUTION APPROVING A FINAL SITE PLAN FOR THE MASON FIRST
CHURCH OF THE NAZARENE TO CONSTRUCT A YOUTH ACITIVITY CENTER ON
PROPERTY LOCATED AT 1706 DANSVILLE ROAD.
January 16, 2008**

WHEREAS, a request has been received from the Mason First Church of the Nazarene, regarding parcel 33-19-10-10-200-016, for a final site plan approval to allow the construction of a 15,380 square foot youth activity center, including gymnasium, on 44.11 acres of property located on the north side of West Dansville Road (M-36) between Dexter Trail and Ives Road; and

WHEREAS, the youth activity center is proposed to be constructed on property described as:

A part of the Southeast ¼ and the Northeast ¼ of Section 10, T2N, R1W, Vevay Township, Ingham County, Michigan, described as beginning on the East-West ¼ line N 89d56'04" W 660.01 feet from the East ¼ corner; thence N 89d56'04" W 677.36 feet along the East-West ¼ line; thence S 00d32'50" E 989.83 feet along the East line of the West ½ of the Southeast ¼; thence N 67d44'53" W 683.76 feet; thence S 28d00'08" W 372.00 feet to the centerline of M-

36 (Dansville Road); thence N 27d35'34" E 1800.93 feet; thence S 89d58'02" E 1072.55 feet; thence S 00d34'10" E 773.93 feet to the point of beginning, containing 44.11 acres of land, more or less, and subject to any easements or rights of way of record; and

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

WHEREAS, approval is granted subject to the following general conditions:

- 1) The applicant shall provide a copy of an approved soil erosion and sedimentation permit from the Ingham County Drain Commissioner prior to the issuance of a building permit; and
- 2) The applicant shall submit a copy of an approved driveway permit from the Michigan Department of Transportation prior to the issuance of a building permit; and
- 3) The proposed facility and all future facilities to be constructed on the applicant's site shall connect to sanitary sewer at such time it is extended, by whatever means, to the west property line of the subject site. The property owner shall extend the sewer main from the west property line along the right-of-way of M-36 as necessary to have adequate pipe length for connection. All costs associated with the main extension along M-36 adjacent to the subject site shall be borne by the property owner responsible for said extension; and
- 4) A traffic impact study will be required in conjunction with future site improvements, including the construction of a sanctuary or other support facilities pursuant to Section 94-176(g); and
- 5) If irrigation is utilized for the site, the appropriate backflow prevention device shall be utilized; and
- 6) An executed drainage facilities maintenance agreement shall be submitted prior to the issuance of an occupancy permit; and
- 7) The proposed facility and all future facilities to be constructed on the applicant's site shall connect to sidewalk at such time it is extended, by whatever means, to the west property line of the subject site. The property owner shall extend the sidewalk from the west property line along the right-of-way of M-36 as necessary to connect. All costs associated with the extension along M-36 adjacent to the subject site shall be borne by the property owner responsible for said extension; and
- 8) The letter required by the Ingham County Health Department is submitted prior to issuance of a certificate of occupancy.

WHEREAS, approval is granted with the condition that the applicant shall submit revised plans that comply with the following prior to the issuance of a building permit:

- 1) The plans shall show the requirements listed in the Fire Department's memorandum dated March 26, 2007, to the satisfaction of the Fire Chief; and
- 2) The plans shall show the entrance drive dimensions in accordance with the Michigan Department of Transportation's letter dated March 27, 2007.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve a final site plan for a 15,380 square foot youth activity center, including gymnasium, located on property situated on the north side of West Dansville Road (M-36) between Dexter Trail and Ives Road based on the plans received on December 21, 2007.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-01 – A Resolution Approving a Special Use Permit and Final Site Plan for a Coffee Shop, with Drive-thru, on Property Located at 661 N. Cedar Street

Motion by Naeyaert, second by Droscha,
to allow Chairperson Johnson to abstain from the conversation and action
regarding the Biggby Coffee Shop due to a financial conflict of interest.
MOTION APPROVED UNANIMOUSLY

Chairperson Johnson passed the gavel to Vice Chairperson Reeser.

Resolution No. 2008-01 was introduced by Naeyaert and seconded by Boyic. Haywood summarized his staff report. Discussion was held regarding the Michigan Department of Transportation (MDOT) general mandate for consolidating site access along the M-36 corridor. Mr. Gaylord was asked to give further information regarding MDOT's mandate; he stated that it is an automatic order ~~that is not~~ [insert] *and no other factors are considered in any manner* by MDOT. He has spoken with Senator Garcia's office, as well. Naeyaert informed the Commission that she recently spoke with State Representative Barb Byrum; she is aware of the mandate and has been in contact with MDOT on behalf of the City. Colburn stated that staff has been addressing the issue; it was the consensus of the Commission to concede to staff oversight and not intervene. Additional discussion ensued.

MOTION by Boyic, second by Naeyaert,
to amend Resolution No. 2008-01 by changing the language in condition #7 to read as follows:

The plan shall show a driveway entrance to M-36 to the satisfaction of the Michigan Department of Transportation (MDOT).
MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2008-01**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT AND FINAL SITE PLAN FOR A
COFFEE SHOP, WITH DRIVE-THRU, ON PROPERTY LOCATED AT 661 N. CEDAR STREET.**

January 16, 2008

WHEREAS, a request has been received from the J.E. Coffee Corp. (Biggby Coffee #244), for a special use permit and final site plan approval to be allowed to operate a coffee shop, with drive-thru, at 661 N. Cedar Street; and

WHEREAS, the subject property is further described as:

BEG ON C/L OF CEDAR ST AT PT 46.9 FT NW OF INTER OF SD C/L & EW 1 /4 LN OF SEC 5, SELY ON CURVE TO RT WITH RADIUS OF 5729.6 FT & CHD BRG S 49-45-21 E 197.7 FT, S 34-18-39 W 292.7 FT, N 51-45-21 W 217.7 FT, N 38-14-39 E 298.9 FT TO BEG. ALSO COM AT W 1/4 COR OF SEC 5, S 89-25-40 E ALG EW 1/4 LN 1108.07 FT, S 46-22-46 E ALG C/L OF CEDAR ST 370.58 FT, S 43-37-14 W 43 FT TO WLY R/W LN OF CEDAR ST, NWLY 155.74 FT ALG CURVE CONCAVE SW, RADO 5686.6 FT, CHD BRG N 47-09-42 W 155.72 FT TO POB, S 51-25-49 W 251.04 FT, N 34-03-14 E 263.59 FT TO SD WLY R/W LN, SELY ALG SD R/W LN TO POB ON SW 1/4 OF SEC 5 T2N R1W CITY OF MASON. 1.87 AC MIL; and

WHEREAS, upon compliance with the conditions listed herein, the plans will comply with the site plan review standards listed in Section 94-227 and the special use permit basis for determination standards listed in Section 94-191(f) of the Mason Code; and

WHEREAS, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of January 16, 2008, with testimony given and public comment solicited; and

WHEREAS, approval is granted with the condition that the applicant submit a revised site plan with the following changes prior to the issuance of a building permit:

- 1) The plan shall show the existing zoning, existing land uses, and street name for the subject property and properties adjacent to the site.
- 2) The plan shall show the lot line dimensions consistent with the legal description.
- 3) The plan shall show the clear vision triangles for the access points on Cedar Street consistent with the standards listed in Section 94-172(d)(3)(a) of the Zoning Ordinance.
- 4) The plan shall show a grease separator and backflow device as required in the Public Works Director's correspondence of January 10, 2008.
- 5) The plan shall show the existing and proposed site lighting, including specifications for the type of lamps proposed and pole heights. Any proposed lighting shall be accompanied by a photometric plan showing the intensity of light consistent with Section 94-293(e) of the Zoning Ordinance.
- 6) The plan shall show future front access drives with a minimum width of 24 feet extending to both north and south property lines.
- 7) The plan shall show a driveway entrance to M-36 to the satisfaction of the Michigan Department of Transportation (MDOT); and

WHEREAS, approval is granted with the following general conditions:

- 1) The applicant shall comply with the regulations listed for signs in Chapter 58 of the Mason Code.
- 2) Any alteration to the landscaping shown on the site plan will require review and approval by the Zoning Administrator.
- 3) The applicant shall submit a copy of the Ingham County Health Department permit for the proposed use prior to the issuance of a building permit.
- 4) The installation of access drives described herein shall be required within 12 months upon the development of access drives on adjacent properties.

NOW THEREFORE BE IT RESOLVED, that the Mason Planning Commission does hereby approve a Special Use Permit and Final Site Plan for a coffee shop, including drive-thru, located on property located at 661 N. Cedar Street based on the site plan dated December 14, 2007.

RESOLUTION APPROVED UNANIMOUSLY

Michigan Planning Enabling Act

Haywood informed the Commission regarding Senate Bill 0206 – Planning Enabling Act currently being considered by the House of Representatives. A brief discussion ensued.

Five-Year Master Plan Review – Smart Growth Readiness Assessment Tool

Haywood informed the Commission regarding the Smart Growth Readiness Assessment Tool (SCRAT) relating to the five-year Master Plan review in 2009.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Naeyaert thanked Commissioner Tornholm for her past leadership as chairperson. Tornholm thanked the current and past Commissions for their support and cooperation she received as chairperson.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed the Commission regarding current City Council business.

ADMINISTRATOR'S REPORT

Colburn informed Commissioners regarding current city business. Haywood informed Commissioners regarding current planning information including the two public meetings scheduled for public review and comment of the Five-Year Update to the Community Recreation Plan on January 17 and 22, at 6:30 p.m. – 8:30 p.m. in the City Hall Community Room located downstairs. A brief discussion ensued regarding cable services and upcoming changes in service.

PEOPLE FROM THE FLOOR

None.

Johnson welcomed Commissioner Taylor to the Planning Commission, thanked Commissioner Droscha for accepting another term of office, and thanked Barb Tornholm for her past leadership.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

Martin A. Colburn, City Clerk