

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF AUGUST 12, 2008**

Johnson called the meeting to order at 6:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Boyic, Droscha, Hunt, Johnson, Naeyaert, Reeser, Smith, Tornholm
Absent: Commissioner: Taylor
Also present: Martin A. Colburn, City of Mason Administrator
David Haywood, Zoning & Development Director
Deborah Cwierniewicz, Deputy Clerk

APPROVAL OF MINUTES: July 15, 2008

MOTION by Reeser, second by Tornholm,
To defer the July 15, 2008, Minutes to the next regular meeting, as they had not
been received by the Commission.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

PUBLIC HEARING

Special Use Permit – Green Acres Assisted Living Center – East Ash Street (M-36)

Johnson opened the public hearing at 6:34 p.m. Dennis Johnson of Maas Development/Retirement Living Management stated that they are requesting approval for a special use permit and final site plan review for permission to construct and operate a new assisted living center for adult foster care. The applicant presented the project a couple of months ago. The site plan was revised by moving the development over to the west by two parcels. The project is planned for 20 units on the property located on the north side of E. Ash Street east of Temple Street for a special use permit, including a preliminary site plan review.

Haywood gave a brief overview of the final site plan review for the requested special use permit for construction of an assisted living center site plan. A brief discussion ensued. Johnson closed the public hearing at 6:48 p.m.

Rezoning – West Ash Street from AG Single Family Agricultural to RS-3 Single Family Residential

Johnson opened the public hearing at 6:49 p.m. Eric Schertzing, Ingham County Treasurer, spoke regarding the Ingham County Land Bank's request to rezone approximately 2.58 acres of land from AG Single Family Agricultural to RS-3 Single Family Residential for property located on West Ash Street adjacent to Highway U.S. 127.

Ronald Priest of 303 Katheryn inquired about specific plans regarding the project. Mr. Schertzing took Mr. Priest aside to discuss the project plans in greater detail.

Johnson closed the public hearing at 6:55 p.m.

REGULAR BUSINESS

Resolution No. 2008-06 – A Resolution Approving a Special Use Permit and Final Site Plan for Green Acres Assisted Living Center

Resolution No. 2008-06 was introduced by Hunt and seconded by Boyic.

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2008-06
A RESOLUTION APPROVING A SPECIAL USE PERMIT
AND FINAL SITE PLAN FOR GREEN ACRES ASSISTED LIVING CENTER
August 12, 2008**

WHEREAS, a request has been received from Maas Development/Retirement Living Management, regarding parcel 33-19-10-09-276-004, for a special use permit and final site plan approval to allow the construction of a 20 unit assisted living center on 3.01 acres of property located on the north side of Ash Street (M-36) east of Temple Street; and

WHEREAS, the assisted living center is proposed to be constructed on property described as:

PARCEL 2: A part of the East 1/2 of the Northeast 1/4 of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as commencing at the Northeast Corner of Section 9; thence S00°21'35"W 1662.79 feet along the East Section Line; thence N76°28'12"W 447.85 feet to the point of beginning; thence S13°30'00"W 327.60 feet to the North line of Ash Street; thence N76°36'24"W 220.00 feet along said North line; thence N13°30'00"E 328.12 feet; thence S76°28'12"E 220.00 feet to the point of beginning containing 1.66 acres of land more or less and subject to any easements or rights of way of recorded. PARCEL 3: A part of the East 1/2 of the Northeast 1/4 of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as commencing at the Northeast Corner of Section 9; thence S00°21'35"W 1662.79 feet along the East Section Line; thence N76°28'12"W 267.85 feet to the point of beginning; thence S13°30'00"W 327.17 feet to the North line of Ash Street; thence N76°36'24"W 180.00 feet along said North line; thence N13°30'00"E 327.60 feet; thence S76°28'12"E 180.00 feet to the point of beginning containing 1.35 acres of land more or less and subject to any easements or rights of way of recorded.

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 special use permit does not become effective and until such time that the conditions listed herein have been met; and
- 2) 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 if applicable; and
- 3) An executed drainage facilities maintenance agreement shall be submitted prior to the issuance of an occupancy permit; and
- 4) The applicant shall apply for and be granted a land division for the proposed parcel configuration; and
- 5) Approval of an amendment to the Evergreen Woods site plan to relocate the detention pond shall be submitted for administrative review and approval prior to the issuance of a building permit; and
- 6) The utilities in the Evergreen Woods Condominium development shall be accepted and dedicated as a public utility prior to the proposed development connecting; and
- 7) The water and sewer lines shown on the plans shall be located in a public utility easement and dedicated to the City of Mason with access to manhole structures suitable to support the City's Vector truck prior to the issuance of an occupancy permit.

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 proposed fire hydrant relocated to a more accessible location to the satisfaction of the Mason Fire Chief; and
- 2) The revised plans shall include a full set of construction drawings for all proposed utilities, including water, sanitary sewer, and storm sewer, supporting calculations and data; and

- 3) The City of Mason Standard Detail Sheet shall include the correct material data description for public sewer lines as PVC Truss pipe.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve a special use permit and final site plan review for a new 20 unit assisted living center located on property situated on the north side of E. Ash Street (M-36) east of Temple Street based on the plans received on July 17, 2008.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-07 – A Resolution Recommending Approving a Preliminary Site Plan for a Five Unit Residential Site Condominium Development on West Ash Street

Resolution No. 2008-07 was introduced by Hunt and seconded by Boyic. Commissioner Smith requested to abstain from discussion and voting as his law firm represents the applicant.

MOTION by Naeyaert, second by Boyic,
to allow Commissioner Smith to abstain from discussions and related voting regarding Resolution No. 2008-07 due to a conflict of interest.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2008-07
A RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO.
167 TO REZONE 2.58 ACRES LOCATED ON WEST ASH STREET FROM AG SINGLE
FAMILY AGRICULTURAL TO RS-3 SINGLE FAMILY RESIDENTIAL
August 12, 2008**

WHEREAS, a request has been received from the Ingham County Land Bank Authority to rezone parcel 33-19-10-08-106-001 consisting of 2.58 acres of land located on West Ash Street (M-36) west of Highway U.S. 127 from AG Single Family Agricultural to RS-3 Single Family Residential; and

WHEREAS, the subject property is further described as:

A parcel of land in the Northwest 1 / 4 of Section 8, T2N, R1W, Vevay Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 8; thence S89°59'53" E along the North line of said Section 8 a distance of 663.43 feet to the East line extended of Snyder's Addition to the City of Mason, as recorded in Liber 12 of Plats, Page 47, Ingham County Records; thence S00°16'00" W along said East line and extended East line 442.48 feet to the Westerly limited access right of way line of Highway U.S. 127 and the point of beginning of this description; thence S16°01'26" E along said Westerly line 914.61 feet to the North line of Hunting Meadows Subdivision as recorded in Liber 47 of Plats, Pages 26-28, Ingham County Records; thence N89°59'28" W along said North line 256.56 feet to the East line of said Snyder's Addition; thence N00°16'00" E along said East line 879.04 feet to the point of beginning; said parcel containing 2.58 acres more or less; said parcel subject to all easements and restrictions if any.

WHEREAS, the proposed RS-3 Single Family Residential zoning district complies with the standards of approval listed in Section 94-396; and

WHEREAS, the necessary public facilities, including public water, sanitary sewer and storm sewer are within a reasonable distance from the site, and if extended, would adequately serve the site.

NOW THEREFORE BE IT RESOLVED, the City of Mason Planning Commission does hereby recommend that the City Council approve Ordinance No. 167 to rezone 2.58 acres of land located on West Ash Street from AG Single Family Agricultural to RS-3 Single Family Residential.

Yes (7) Boyic, Droscha, Hunt, Johnson, Naeyaert, Reeser, Tornholm

No (0)

Abstain (1) Smith

Absent (1) Taylor

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2008-08– A Resolution Approving a Preliminary Site Plan for a Five Unit Residential Site Condominium Development on West Ash Street

Resolution No. 2008-08 was introduced by Hunt and seconded by Boyic. Haywood gave a brief overview of his site plan review of the preliminary site plan for a five unit residential site condominium development on West Ash Street. Tornholm briefly commented and provided information regarding issues related to the proposed development.

MOTION by Naeyaert, second by Tornholm, to amend Resolution No. 2008-08 in the fourth *whereas*, Item No. 5, by changing the word “guaranteed” to “guarantee; and inserting the word “public” after *proposed* and before *improvements*.

Yes (7) Boyic, Droscha, Hunt, Johnson, Naeyaert, Reeser, Tornholm

No (0)

Abstain (1) Smith

Absent (1) Taylor

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON
PLANNING COMMISSION RESOLUTION NO. 2008-08
A RESOLUTION APPROVING A PRELIMINARY SITE PLAN FOR A FIVE UNIT RESIDENTIAL
SITE CONDOMINIUM DEVELOPMENT ON WEST ASH STREET
August 12, 2008**

WHEREAS, a request has been received from the Ingham County Land Bank Authority, regarding parcel 33-19-10-08-106-001, for preliminary site plan approval to allow the construction of a five unit residential site condominium development on 2.58 acres of land located on West Ash Street west of Highway US 127; and

WHEREAS, the assisted living center is proposed to be constructed on property described as:

A parcel of and in the Northwest 1/4 of Section 8, T2N, R1W, Vevay Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 8; thence S89°59'53"E along the North line of said Section 8 a distance of 663.43 feet to the East line extended of Snyder's Addition to the City of Mason, as recorded in Liber 12 of Plats, Page 47, Ingham County Records; thence S00°16'00" W along said East line and extended East line 442.48 feet to the Westerly limited access right of way line of Highway U.S. 127 and the point of beginning of this description; thence S16°01'26" E along said Westerly line 914.61 feet to the North line of Hunting Meadows Subdivision as recorded in Liber 47 of Plats, Pages 26-28, Ingham County Records; thence N89°59'28" W along said North line 256.56 feet to the East line of said Synder's Addition; thence N00°16'00" E along said East line 879.04 feet to the point of beginning; said parcel containing 2.58 acres more or less; said parcel subject to all easements and restrictions if any.

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 special use permit does not become effective and until such time that a final site plan is approved and the conditions listed therein have been met; and
- 2) 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, if applicable; and
- 3) An executed drainage facilities maintenance agreement shall be submitted prior to the issuance of an occupancy permit; and

- 4) The applicant shall provide a proposed master deed if a form acceptable to the city attorney prior to final site plan review; and
- 5) The applicant submit a financial guaranteed for 125 percent of the cost of the proposed public improvements prior to the issuance of a building permit; and

WHEREAS, approval is granted with the condition that the applicant shall submit for final site plan review revised plans that comply with the following:

- 1) The plan shall show all electrical and telecommunication wiring underground; and
- 2) The plan shall show an uninterrupted sidewalk along the west edge of the cul-de-sac; and
- 3) The plan shall show the required street trees at a rate of one tree per lot; and
- 4) The plan shall show the required street lighting meeting the current lighting and specifications of the City to the satisfaction of the Public Works Director and/or City Engineer; and
- 5) The plans shall indicate the intended ownership of the proposed street system; and
- 6) The sanitary sewer shall be shown as an eight inch main; and
- 7) The plans shall show water and sewer lines within a public utility easement dedicated to the City of Mason if the roadway is retained under private ownership; and
- 8) Storm sewer leads shall be shown serving each lot to serve footing drains and sump pumps; and
- 9) A swale or storm sewer drain shall be provided along the west property lines adjacent to lots one and five to the satisfaction of the City Engineer.

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby approve a preliminary site plan for a five unit residential site condominium development on property located on West Ash Street west of Highway US 127 based on the plans received on July 3, 2008.

Yes (7) Boyic, Droscha, Hunt, Johnson, Naeyaert, Reeser, Tornholm

No (0)

Absent (1) Taylor

Abstain (1) Smith

RESOLUTION APPROVED UNANIMOUSLY

NEW BUSINESS

Tornholm provided the commission with her research notes regarding Michigan's energy codes for buildings and an article regarding proactive planning from the December 2007 Planning & Zoning News. Smith disclosed to the commission that he and his law firm were involved in the Michigan Home Builder's lawsuit referenced in the notes provided by Commissioner Tornholm regarding Michigan's energy codes for buildings.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed the Commission regarding current City Council business.

ADMINISTRATOR'S REPORT

Colburn informed Commissioners regarding current city business. Discussion ensued regarding the Hayhoe Riverwalk, the Outdoor Seating Ordinance, and the mid-year code enforcement

report. Johnson requested staff to provide the mid-year code enforcement report in the September Planning Commission packet.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 7:54 p.m.

Martin A. Colburn, City Clerk