

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF JUNE 12, 2018**

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

Present: Commissioners: (8) Barna, Droscha, Feintuch, Hagle, Howe, Reeser, Sabbadin, Waxman*
Absent: Commissioners: (0)
Also present: Elizabeth A. Hude, AICP, Community Development Director
*Arrived after roll-call at 6:33 p.m.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Howe requested a correction that the vote on page four reflect six members as Hagle was absent during that vote.

VOTE

MOTION by Howe, second by Barna to approve the minutes of May 15, as amended.

Yes (7) Barna, Droscha, Feintuch, Hagle, Howe, Reeser, Sabbadin

No (0)

Absent (1) Waxman*

MOTION PASSED

PUBLIC HEARING

A. Resolution 2018-09** - Eric Harter, Mason Motorcars LLC is requesting a special use permit and site plan approval for used motor vehicle sales at 700 North Cedar Street, parcel 33-19-10-05-152-017.

*** A clerical error was corrected which changed the resolution number from 2018-08 to 2018-09.*

OPEN: 6:33 P.M.

CLOSED: 6:37 P.M.

Public comments received from Jeff Kirkpatrick, property owner, and Eric Harter, applicant.

Public comments/Discussion:

Jeff Kirkpatrick, property owner of 700 N. Cedar St, handed out an aerial view of the property highlighting the parking area that would be dedicated to the display of used cars on the lot. Since purchasing the property he has made several improvements to the building and parking area.

Howe asked if State Farm Insurance was also inside the building besides the used car dealer. Mr. Kirkpatrick stated that Tom Thasier, Insurance Agent, utilized the back ½ of the building and that Mr. Harter would occupy the front half.

Eric Harter, 1720 Ives Rd, Leslie shared that after closing his business across the street he wanted to relocate and stay in Mason. He stated there would be no broken or junk cars in the

lot, he anticipated having 20 cars on hand and that he would be the only employee as he intends to keep it a small operation.
Howe asked if the business would be open on the weekend and Mr. Harter stated that business hours would include Monday-Friday and from 10 am – 2 pm on Saturday. A state law prevents him from being open on Sunday.

PC Discussion:

Staff provided an overview of the staff report, application and explained the need for a Special Use Permit. She discussed the methodology for the parking calculation and that the site provided sufficient parking. She reviewed comments from other agencies and departments and recommended approval.

Reeser stated that after hearing the applicant's presentation and his history with the previous site he sees no reason not to approve. There will be no blight or change. Howe stated he also supports the application and thanked the applicant for staying in Mason.

VOTE

MOTION made by Reeser, second by Howe to approve Resolution 2018-09**.

Yes (8) Barna, Droscha, Feintuch, Hagle, Howe, Reeser, Sabbadin, Waxman

No (0)

Absent (0)

MOTION PASSED

UNFINISHED BUSINESS

- A. Resolution 2018-06/Ordinance 219: Introduction and First Reading of Ordinance 219 to Amend Chapter 94 – Zoning – of the Code of the City of Mason by repealing and replacing Article XI Zoning Board of Appeals (ZBA)

Staff provided an overview on action to date – a public hearing opened and closed at the May 15 meeting and no comments were received from the public at that time. The matter was continued until today's meeting to allow additional time to receive comments from the City Attorney. Comments from the City Attorney have been received and incorporated as noted in the packet, no other changes were made.

VOTE

MOTION made by Waxman, second by Droscha to approve Resolution 2018-06 recommending that City Council approve Ordinance 219 as amended.

Yes (8) Barna, Droscha, Feintuch, Hagle, Howe, Reeser, Sabbadin, Waxman

No (0)

Absent (0)

MOTION PASSED

- B. Update - Ordinance 218 - to Amend Section 94-131 and Subsection 94-132 of Chapter 94 –

Zoning – of the Code of the City of Mason to allow residential uses

Staff provided an update to Commissioners that a change was made to the Ordinance during City Councils second reading. The changes are tracked in the current meeting packet – in the O1 General Office District, the two-family residences were removed from the list of uses allowed by right and moved to a use allowed by Special Use Permit; Multi-family residences were removed as a use allowed by Special Use Permit. The amended ordinance was adopted.

C. Development Updates – The Administrators Report was distributed.

D. Workplan Update:

- a. Staff shared that the Food Truck ordinance has expired and City Council is revisiting whether or not to renew it. Sabbadin asked how many permits were issued. Staff stated that no permits were issued but the city did receive one phone call. Droscha provided historical information on how the ordinance developed. Waxman stated that word of mouth among vendors and the fees were high which pushed food trucks out of range for a profit. He believes Good Bites was operating under a peddler permit and that the ordinance exempted the need for a permit if it was operating on private property.
 - b. CENSUS update – staff is working to meet deadline at the end of June for updating the City's address records needed for the next CENSUS
 - c. Special Use Permit received – 154 W. Maple
 - d. Library Feasibility Study
 - e. Ingham County Trails
 - f. Building permits, code enforcement – currently in peak season
 - g. The position for Community Development Assistant has been posted
- E. Sidewalks – Staff has reviewed the Goodwill site plan and the sidewalk will be installed on the private property side; ordinances allow for the ability to require sidewalks but has not found the ordinance that specifies it as a requirement for site plan approval; sidewalks are required as a part of subdivision development. There are chapters addressing sidewalk assessments that she is reviewing and working with the City Administrator and DPW to coordinate future action.

NEW BUSINESS

None.

LIAISON REPORT

Droscha reported that at the last City Council meeting he was elected as the representative for the MML conference, and they approved items in the consent calendar – 4th of July fireworks, car show, farmers market starting on July 7. Tri-County Office on Aging made a presentation requesting support for Meals on Wheels; a discussion took place on a potential littering ordinance, no action was taken as it appears unenforceable, a lawsuit resulted in Orion County with Council members being sued \$5m each after adopting a related ordinance. While it is frustrating, community members are encouraged to pick them up and use or dispose of them. Feintuch asked if City Council considered anything other than an ordinance, distributors are paid by the number they deliver and she receives multiple papers at her residence; she asked if

city residents can file complaints with the police? Droscha stated that requests to stop service can be made with the Lansing State Journal but it is a first amendment issue and hard to regulate.

Howe questioned if the City could donate to a cause like Meals on Wheels, seems like a slippery slope? Droscha stated that no, it could not donate. Barna asked if the city could pay for services, ie, seniors receiving meals. Droscha said they could but cautioned the non-profit status would be a question. There are 157 non-profits legally registered in 48854 zip code.

Barna stated that she will be absent at the July meeting.

ADJOURN

The meeting adjourned at 7:03 p.m.



Lori Hagle, Secretary