JOINT PLANNING COMMISSION CITY OF MASON AND VEVAY TOWNSHIP

TUESDAY, FEBRUARY 12, 2019 Sycamore Room– 1st Floor - 6:30 P.M. 201 West Ash Street, Mason MI

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. ELECTION OF LEADERSHIP
 - A. Elect Officers for 2019- Chair, Vice-Chair and Secretary
- 4. PUBLIC COMMENT
- 5. APPROVAL OF MINUTES
 - A. Approve Minutes of Regular City of Mason and Vevay Township Joint Planning Commission Meeting February 7, 2017.
- 6. PUBLIC HEARING
 - A. Resolution 2019-01: Goodwill Industries of Central Michigan's Heartland, Inc. is requesting a special use permit for permission to construct a new 15,772 square foot commercial building for a Goodwill retail store at 652 Hull Road.
- 7. ADJOURN

CITY OF MASON/VEVAY TOWNSHIP JOINT PLANNING COMMISSION

Regular Meeting Tuesday, February 7, 2017

MINUTES

Members Present: Vice Chair John Sabbadin	n, Secretary Jack Cady, Seth Waxmen, a	ınd Jim
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Minster

Members Absent: Chair Ilene Thayer, Jon Droscha, and Mark Howe

Staff Present: David Haywood, Director of Zoning and Development for the City of

Mason and Vevay Township Scribe Brett Linsley

The meeting was called to order by Vice Chair Sabbadin at 6:40 p.m. and followed by the Pledge of Allegiance.

<u>Approval Minutes.</u> A correction was made to the minutes after the Commission received their packet. David Haywood and Brett Linsley are now listed as "Staff Present" instead of "Others Present."

MOTION Waxman, seconded Cady, to approve the meeting minutes from January 23, 2017 as presented.

Motion Approved Unanimously.

People from the Floor. None

Meeting was adjourned at 6:42 p.m.

Jack Cady, Secretary

Transcribed by Brett Linsley February 7, 2017 Mason Vevay Joint PC Minutes.docx



City of Mason Planning Commission Staff Report

TO: Planning Commission

FROM: Elizabeth A. Hude, AICP, Community Development Director

SUBJECT: 652 Hull Rd – Goodwill

DATE: February 7, 2019

Goodwill Industries of Central Michigan's Heartland Inc. is requesting a special use permit and simultaneous preliminary and final site plan approval to construct a new 15,772 square foot commercial building for a Goodwill retail store at 652 Hull Road. The parcel is zoned C-2 General Commercial District. The development was previously approved on January 23, 2017. The permits were valid for two years, have expired, and do not qualify for an extension.

The proposal is shown on the following plans and documents submitted on January 14, 2019:

- Letter from Matthew B. Van Dyk dated January 11, 2019
- Plan set dated January 11, 2019:
 - o Existing Topographic Plan, page V 101
 - o Demolition Plan, page CD 101
 - o Site Plan, page C 101
 - o Utilities, page C 102-103
 - o Grading and Storm Sewer Plan, page C 104
 - o Soil Erosion and Sedimentation Control, page C 105
 - o Details, page C 501
 - o Site Landscape Plans (North, Central, South), pages L 100, 110, 120
 - o Floor Plan and Perspective Preliminary, page A 101
 - Exterior Elevations Preliminary, page A 301

20Joint%20Planning%20Commission%20Packet%20Jan%2023%202017.pdf

o Electrical Site Plan, ES 101

The records for prior meetings and approvals can be viewed at the links provided below:

January 23, 2017 – Joint Vevay/Mason Planning Commission: Special Use Permit and Site Plan

APPROVED https://www.mason.mi.us/document_center/Governments/Planning%20Commission/03f%20Previous%

CONSTRUCTION SCHEDULE

In the submission letter dated January 11, 2019, it states Goodwill plans to bid out the project in February 2019, and anticipates beginning construction in June 2019. The store expects to open in the summer of 2020.

LAND USE AND ZONING

The site is located and fronts on both Hull Road, which is under the jurisdiction of the Ingham County Road Department and on US 127 which is under the jurisdiction of the Michigan Department of Transportation (MDOT). This is a 'property in fee' to the centerline of the road, which means that the property line is in the middle of the road and within the County road right of way.

The property is under the jurisdiction of both Vevay and Mason Planning commission per the Mason and Vevay Township 425 Agreement, Section 4.01 (excerpt attached).

The surrounding land uses and zoning are as follows:

	Current Land Use	Zoning	Future Land Use
North	There are two properties that share the property line along the north: Commercial (Meijer) and Residential	C-2 General Commercial District AG Single Family Agricultural District	Commercial
West	US 127 - Interstate Right of Way - Michigan Department of Transportation (MDOT)		
South	City of Mason Water Tower	AG Single Family Agricultural District	Public (Water Tower)
East	Industrial	M-2 (General Manufacturing District)	Industrial

COMMENTS – DEPARTMENTS AND AGENCIES

Staff circulated the application and plans to city staff and agencies with jurisdiction over the project. In addition to comments received in 2017, the following were received.

BUILDING INSPECTOR	Checklist for commercial construction and the information regarding special inspections was forwarded to applicant.
INGHAM COUNTY ROAD DEPARTMENT	The Ingham County Road Department (ICRD) reviewed and accepted the project plan set dated December 14, 2016. Any subsequent changes to the plan set shall be indicated on the plans or otherwise made apparent for another ICRD review. Ultimately, the proprietor will have to apply and be issued an ICRD permit for any proposed work within the public road right-of-way of Hull Road. Said permit will be issued based on an acceptable construction plan set, including proposed traffic control schemes. (e-mail 1-17-19)
MICHIGAN DEPARTMENT OF TRANSPORTATION	Since the proposed drainage changes may affect the US-127 right of way the applicant would need to submit for a MDOT right of way permit, site plan and the attached 2484 drainage calculation form for MDOT review. MDOT permits can be applied for at the Michigan Permit Gateway (MPG), and the information for accessing the MPG portal is located at www.michigan.gov/mdotmpg. (email 1-18-19)
MICHIGAN DEPARMTENT OF ENVIRONMENTAL QUALITY	The site does not appear to be in a regulated floodplain under the State's floodplain provisions found in Part 31, Water Resources Protection, of the NREPA, as amended. (email 1-18-19)

SIDEWALK

Staff has reviewed the prior discussion concerning the requirement for sidewalk and requested deferment. Staff recommends that the condition requiring the installation of a sidewalk by the property owner be removed and instead an easement will be granted to the City for future installation based on the following:

Sidewalks are defined in Sec. 1-2 Definitions of the City Ordinance as that portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Sidewalks are required to be installed during the development of a site in accordance with Sec. 94-227(10)a and the City of Mason Development Standards:

- (10) Site plans shall meet the driveway, traffic safety, and parking standards of the city in such manner as necessary to address the following:
- a. Safe and efficient vehicular and non-vehicular circulation, including parking areas, non-motorized linkages to abutting parcels, uses, sidewalks, and trails.

The property owner's boundary is within the County road right of way and the County has jurisdiction over work within the County road right of way. The City will be developing a non-motorized plan (NMP) for sidewalks, trails and bike lanes as part of it Parks and Recreation Plan update this year. An NMP is a policy document that is required in order to request funding in a Capital Investment Program (CIP), and is also required when working with other agencies like ICRD and MDOT.

Currently there is no connectivity to the existing City of Mason sidewalk system. As referenced in the NMP and congruent CIP, the City will begin to address the missing portions of connectivity and allocate resources (special assessments, etc.) to construct these benefits. In the future, the City can coordinate with the County to install a future sidewalk along Hull Rd in accordance with its NMP and County requirements. The property owner could be special assessed in accordance with the jurisdictional agency's policy.

Staff corresponded with the applicant's representative on February 7, 2019 by email to make them aware that it will likely cost more when the City does the assessment for the sidewalk than if they were to install it as a part of the project. The City's assessment will include costs for restoration, mobilization and other items that would likely be reduced if they added the sidewalk during their construction. They acknowledged the potential for higher costs, but still prefer to defer construction of the sidewalk.

STAFF REVIEW

Staff finds that the Site Plan appears to meet the standards for a Special Use Permit, Preliminary and Final Site Plan Approval. This is based upon a review of the materials submitted which remain consistent with the plans approved in 2017 with the exception of the items listed in the application cover letter dated January 11, 2019. The plan now reflects a 20-foot-wide sanitary sewer easement, the vestibule reduced in size from 16,680 sq. ft. to 15,772 sq. ft. (reduction of 908 sq. ft.), and an additional catch basin has been added along the east side of the detention basin.

§94-227. **Standards for site plan review and approval**. In reviewing an application for site plan review and approval the following standards shall apply:

STATUS/NOTE	REQUIREMENT
	uirements; I = Information Needed; R = Recommendation
M	(1) The site shall be developed so that all elements shall be harmoniously and efficiently organized in relation to the size, shape, type and topography of the site and surrounding property.
M	(2) The site shall be developed so as not to impede the normal and orderly development, improvement, and use of surrounding property for uses permitted in this chapter.
M	(3) All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sites.
M	(4) Every structure or dwelling unit shall have direct access to a public street or indirect access to a public street via an approved dedicated private street.
M	(5) Appropriate measures shall be taken to ensure that the addition or removal of surface waters will not adversely affect neighboring properties, that controls are in place to minimize sedimentation and erosion, and that topographic alterations are minimized to accommodate storm water management.
M/R - See	(6) Provisions shall be made for the construction of storm sewer facilities including
condition 3.	grading, gutters, piping, on-site storage, and treatment of turf as required to handle stormwater and prevent erosion.
M	(7) Secondary containment for above ground areas where hazardous substances are stored or used shall be provided as required by the city fire chief.
M	(8) Exterior lighting shall be designed and located so that the source of illumination
	is directed away from adjacent properties, the intensity of lighting is the minimum necessary, and the direction of lighting is downward as much as is possible and appropriate for the project.
M	(9) All loading and unloading areas, outside storage areas, and refuse receptacles shall be screened from casual view from the public rights-of-way and adjoining land uses.
M/R – see condition 2	(10) Site plans shall meet the driveway, traffic safety, and parking standards of the city in such manner as necessary to address the following:
for sidewalks.	a. Safe and efficient vehicular and non-vehicular circulation, including parking areas, non-motorized linkages to abutting parcels, uses, sidewalks, and trails.
	b. Shared driveways and service drives.c. Adequate and properly located utilities.
M	(11) Provisions shall be made for proposed common areas and public features to be reasonably maintained.
M/R - See	(12) The site plan submittal shall demonstrate compliance with all applicable
condition 1 and 4.	requirements of this chapter, chapters 58 and 74, the building code, and county, state, and federal law.

In addition to these standards, Section 94-191(f) of the Mason Code provides the Basis of Determination for Special Use Permits. These standards must be met before a Special Use Permit can be approved. The standards and staff commentary regarding compliance follow:

- (1) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of adjacent property or the zoning district in which it is proposed.
 - The location is currently zoned for commercial use. The use appears to be harmonious with the general surroundings and character of the immediate vicinity.
- Not be hazardous or disturbing to uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 Provided the conditions listed in the resolution are met, staff is not aware of any additional conflicts of a hazardous or disturbing nature associated with the proposed use.
- (3) Be served adequately by essential facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools. The use is proposed in an area currently served by public water and planned for sanitary sewer extension. The City will coordinate with the County to install sidewalk at a future date in accordance with the City's sidewalk/non-motorized plan. The property will be special assessed in accordance with the appropriate jurisdiction's policy on special assessments.
- (4) Not create additional requirements at public cost for public facilities and services. It does not appear that the proposed use will create additional public costs.
- (5) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by noise, fumes, glare, or odors.
 - Staff is not aware of any conflicts of this nature.
- (6) Not be located such that it will directly or indirectly have a substantial adverse impact on the natural resources of this city.
 - Staff is not aware of any conflicts of this nature.
- (7) Be in compliance with other applicable local, county, state, or federal rules and regulations. It appears that the proposed use is in compliance, provided the specified conditions of approval are met.

ACTION

§94-191. General standards and requirements. (d, g, i)

- (d) Review and decision. The planning commission may approve, approve with conditions, or deny an application for special use permit. The review of a special use permit application and the associated site plan shall be made by the planning commission in accordance with the procedures and standards specified in this chapter.
- (1) An application for special use permit and the associated preliminary site plan shall be approved if both are found to be in compliance with the requirements of this chapter, and other applicable local, county, state, or federal laws, rules or regulations. The planning commission may defer a decision in order to obtain that information deemed necessary to making an informed decision.
- (2) The applicant may make changes to the application and site plan in order to achieve compliance with this chapter. Such changes shall be noted on the application or site plan or the planning commission may require that these documents be resubmitted incorporating said changes.
- (3) Approval and issuance of a special use permit shall signify concurrent approval of the application and preliminary site plan, therefore any subsequent authorized modification to the site plan shall become part of the special use permit and shall be enforceable as such.
- (4) The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specifies the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the chapter, and any conditions imposed with approval.
- (5) Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit unless a change conforming to chapter requirements is approved by the planning commission.
- (6) The concurring vote of a majority of the members appointed to and serving on the planning commission shall be necessary to approve a special use permit.
- (7) The planning commission shall defer all proceedings on an application for a special use permit upon the request of the applicant when less than eight members of the planning commission are present for consideration of and voting on said special use. The right of deferment shall be considered waived by the applicant if deferment is not requested immediately upon the opening of the hearing conducted pursuant to section 94-191(c). When deferment is requested as required, the planning commission shall, at that time, determine the date of a future regular or special meeting for the continuation of the hearing and consideration of the matter. Notice previously given for the original hearing date shall constitute notice of the future hearing date with no further notice required.
- **(g)** Conditions. The planning commission may impose such reasonable conditions upon the approval of a special use permit as are deemed necessary to protect the general welfare, protect individual property rights, and insure that the intent and objectives of this chapter will be satisfied.
- (1) The conditions may include those necessary to insure that public services and facilities affected by a proposed use will be capable of accommodating the increased service and facility loads caused by the use.
- (2) The conditions may include those necessary to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses, and to promote the use of land in a socially and economically desirable manner.
- (3) The conditions shall be designed to protect natural resources, the public health, safety, and welfare, as well as the social and economic well-being of those who will use the land or engage in the activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (4) The planning commission may require a performance guarantee in accordance with section 94-100 of this chapter.

- (5) The special use permit may be limited for a specified period of time only where the subject use has some naturally limiting factor.
- (6) The conditions may include that a specified percentage of the authorized construction and/or development be completed within a specified period of time. Failure to meet this requirement shall invalidate special use authorization for only that portion of the project not developed as required.
- i) Transfer and expiration of special use permit. The city shall notify the applicant, in writing mailed to the address listed on the application, that a special use permit has become invalid.
- (1) A special use permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein unless otherwise stated in the special use permit. If the use permitted by the special use permit is not established in compliance with the terms of the special use permit within 12 months from the date of its issuance, then the special use permit shall automatically expire and be of no further effect or validity. This period of time may be extended by the planning commission for good cause for an additional six months.
- (2) Approval of a special use permit shall be valid regardless of change of ownership provided that all terms and conditions of the permit are met by subsequent owner.
- (3) If the use permitted under the special use permit ceases or is vacated for 12 months, the special use permit shall automatically expire and be of no further effect or validity.

§94-226. Final site plan review and approval.

The planning commission shall have the authority to approve, approve with conditions, or deny an application for final site plan review and approval.

§94-229. Extension of site plan approval.

Approvals of a final site plan are valid for a period of 12 months. Only one extension of a final site plan may be granted for an additional 12 months at the sole discretion of the approving authority. A final site plan is deemed to have expired if a building permit has not been obtained for the development within 12 months of approval of the final site plan. A request to extend preliminary or final site plan validity shall be submitted prior to the expiration of the preliminary or final site plan.

§94-230. Conformance to approved site plan.

A development project shall conform to the approved final site plan. Failure to conform to the approved final site plan shall constitute a violation of this chapter.

However, amendments to an approved site plan can be made subject to the provisions of §94-228 Amendments to an approved site plan.

§94-231. Review standards for planning commission decision.

- (a) A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.
- (b) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.

The applicant has submitted a Final Site Plan that, with the conditions listed, appears to contain the information required by the zoning ordinance, and will meet the standards for approval of a Special Use Permit and Preliminary/Final Site Plan review.

Therefore, the following motion is offered for consideration:

MOTION

Motion to approve Resolution 2019-01 for a Special Use Permit, Preliminary and Final Site Plan Approval which includes the following conditions:

- 1. That the applicant will secure prior authorization from the necessary agencies prior to the issuance of a building permit MDOT (storm water discharge), ICRD (curbs), ICDC (soil erosion).
- 2. The applicant will provide the necessary easements to the City of Mason for the future installation and maintenance of sidewalks and public utilities including but not limited to water, sewer, and storm drainage. Such utility easement shall be 20' in width and shall run immediately adjacent to and westerly of the westerly right-of-way line of Hull Road for the full length of the Property, to be depicted on the Site Plan when submitted for a building permit. Similarly, such sidewalk easement shall be 10' in width and shall run immediately adjacent to and westerly of the westerly right-of-way line of Hull Road for the full length of the Property.
- 3. The applicant will provide a drainage facilities maintenance agreement prior to the issuance of an occupancy permit.
- 4. The applicant will provide a record drawing for the site documenting conformance with the approved special use permit and site plan, utility and easement locations, prior to the issuance of a certificate of occupancy.

Attachments:

- 1. Proposed Resolution 2019-01
- 2. Mason and Vevay Township 425 Agreement, Section 4.01 (excerpt)
- 3. Application
- 4. Link to packet with materials for previously approved SUP/SP: https://www.mason.mi.us/document_center/Governments/Planning%20Commission/03f%20Previous%20Joint%20Planning%20Commission%20Packet%20Jan%2023%202017.pdf

CITY OF MASON AND VEVAY TOWNSHIP JOINT PLANNING COMMISSION RESOLUTION No. 2019-01

A RESOLUTION APPROVING A PRELIMINARY SITE PLAN AND FINAL SITE PLAN AND SPECIAL USE PERMIT TO CONSTRUCT A NEW 15,772 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 652 HULL ROAD

February 12, 2019

WHEREAS, a request has been received from Goodwill Industries of Central Michigan's Heartland, Inc. for a Special Use Permit, Preliminary and Final Site Plan Approval to construct a new commercial building at 652 Hull Road; and

WHEREAS, the subject property is further described as:

THE LAND 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.

WHEREAS, the parcel is zoned C-2 (General Commercial District); and

WHEREAS, Section 94-222 states that any use within the C-2 zoning district requires site plan review; and

WHEREAS, Section 94-142. C2 General Commercial District (d) Uses authorized by special use permit. paragraph 14 indicates that any use permitted in the district involving one or more structures that occupy, either individually or collectively, more than 15,000 square feet of gross floor area requires a Special Use Permit; and

WHEREAS, the Planning Commission accepts the staff report dated February 7, 2018 as findings of fact that, with the conditions listed herein, the plans will comply with the Site Plan Approval Standards listed in Section 94-227 of the Mason Code and with the Special Use Permit basis of determination standards listed in Section 94-191(f) of the Mason Code; and

WHEREAS, approval is granted with the following conditions:

- 1. That the applicant will secure prior authorization from the necessary agencies prior to the issuance of a building permit MDOT (storm water discharge), ICRD (curbs), ICDC (soil erosion).
- 2. The applicant will provide the necessary easements to the City of Mason for the future installation and maintenance of sidewalks and public utilities including but not limited to water, sewer, and storm drainage. Such utility easement shall be 20' in width and shall run immediately adjacent to and westerly of the westerly right-of-way line of Hull Road for the full length of the Property, to be depicted on the Site Plan when submitted for a building permit. Similarly, such sidewalk easement shall be 10' in width and

shall run immediately adjacent to and westerly of the westerly right-of-way line of Hull Road for the full length of the Property.

- 3. The applicant will provide a drainage facilities maintenance agreement prior to the issuance of an occupancy permit.
- 4. The applicant will provide a record drawing for the site documenting conformance with the approved special use permit and site plan, utility and easement locations, prior to the issuance of a certificate of occupancy.

WHEREAS, this site plan approval is valid for 12 months from the approval date listed herein.

NOW THEREFORE BE IT RESOLVED, that the City of Mason and Vevay Township Joint Planning Commission does hereby approve a Special Use Permit, Preliminary and Final Site Plan to construct a new 15,772 square foot commercial building located at 652 Hull Road based on the site plan dated January 11, 2019.

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Planning Commission at its regular meeting held Tuesday, February 12, 2019, the original of which is part of the City of Mason and Vevay Township Joint Planning Commission minutes.

Sarah J. Jarvis, City Clerk City of Mason Ingham County, Michigan of this Agreement shall review the 425 Agreement every 5 (five) years and submit any recommendations for proposed modifications to the City Council and Township Board.

2.05 Covenant to Cooperate. The City and the Township hereby covenant and agree that they will cooperate with each other, and with any other agent or instrumentality of the City, the State or the Township performing or required to perform any action in connection with or pursuant to the terms of this Agreement, and will do all things necessary in a legally sufficient and expeditious manner to legally effectuate the transfer of the Property and cause the development of the Property in accordance with this Agreement.

ARTICLE III

PROPERTY DEVELOPMENT

4.01 <u>Joint Planning</u>. In considering and granting any required special use permit, the application shall be reviewed by a Joint Planning Commission composed of four (4) members of the Mason Planning Commission appointed by the Mayor and approved by the Mason City Council and the three (3) members of the Vevay Township Planning Commission appointed by the Township Supervisor and approved by the Township Board. An appeal from any decision of the Joint Planning Commission shall be decided by a joint meeting of the Mason City Council and the Vevay Township Board of Trustees, sitting "en banc". The Joint Planning Commission shall meet on call and will be staffed by the Building Official of the

City of Mason. Minutes of each meeting shall be taken by a Secretary appointed by Vevay Township, the cost of said service being equally split by the two jurisdictions.

4.02 Tax Increment Financing The City of Mason shall establish a local development finance authority (LDFA) pursuant to 1986 PA 281, and/or create or continue a Downtown Development Authority pursuant to 1975 PA 197 the initial boundaries of which shall include the territory conditionally transferred under PA 425. Of the 11 members appointed to the Board of the LDFA, one member will be appointed by the County Board of Commissioners, one member shall represent Lansing Community College, four members shall be appointed by the City of Mason, three members shall be appointed by the Township, and two members shall be appointed by the Mason Public School District. TIF revenues captured from eligible property shall be used for public facilities to serve eligible property within the TIF district and may include road facilities to and around the eligible property and other public facilities which are necessary to serve the eligible property whether or not located on that eligible property. The Development Plan and Tax Increment Financing Plan and any amendments thereto shall be approved by the Mason City Council and the Vevay Township Board of Trustees. Any tax revenues not required by the LDFA/DDA to finance public facilities to serve the eligible property within the District shall revert proportionally to the respective taxing jurisdictions, and reverted City of Mason tax revenues shall be



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MERITAS LAW FIRMS WORLDWIDE

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269.226.2988 269.978.2969 fax vandykm@millerjohnson.com

January 11, 2019

VIA ELECTRONIC MAIL TO ELIZABETHH@MASON.MI.US

Elizabeth A. Hude, AICP Community Development Director City of Mason 201 W. Ash Street Mason, Michigan 48854

Dear Ms. Hude:

We represent Goodwill Industries of Central Michigan's Heartland, Inc. ("Goodwill"). On January 23, 2017, the City of Mason and Vevay Township Joint Planning Commission (the "Planning Commission") adopted Resolution No. 2017-01, which granted a special use permit and approved a final site plan (the "Approved Site Plan") for Goodwill's construction of a new commercial building at 652 Hull Road. Goodwill is currently on track to bid out the project in February and to start construction in June. Per the Resolution, however, the Approved Site Plan is only valid for a period of 24 months from the approval date, and is scheduled to expire at the end of the current calendar month.

Goodwill, therefore, is resubmitting its application for a special use permit and site plan approval (the "Resubmitted Site Plan") for its project at 652 Hull Road. The Resubmitted Site Plan is *identical* to the Approved Site Plan, with three minor exceptions:

- 1. First, in order to satisfy condition #4 of the Approved Site Plan, the 20-foot-wide sanitary sewer easement that was previously depicted along only a portion of the Hull Road frontage has been extended and is now depicted along the full length of the Hull Road frontage.
- Second, the vestibule on the north side of the building (which is located easterly of the truck bay) has been reduced in size from 16,680 square feet to 15,772 square feet (total reduction of 908 square feet). The floorplan of the building is identical to another building that Goodwill recently constructed in Marshall, Michigan. In the course of constructing the Marshall building, Goodwill discovered that a slightly smaller vestibule area was better for its operations.
- 3. Third, an additional catch basin has been added along the east side of the detention basin for improved drainage. As in the Approved Site Plan, a roof drain runs from the building through the portico/overhang along the west side of the building (which serves as a donation drop-off) and discharges into the detention basin. The additional catch basin will be located where the roof drain intersects with the detention basin (similar to the other basins located further north and further south along the detention basin).

Like the Approved Site Plan, the Resubmitted Site Plan is being submitted for conditional approval. Goodwill requests that approval of the Resubmitted Site Plan be conditioned only on the remaining three conditions of the Approved Site Plan (condition #4 being satisfied above):

- 1. Condition #1: MDOT Authorization for Storm Water Discharge. Goodwill requires authorization from the Michigan Department of Transportation (MDOT) in order to discharge excess storm water runoff into the US-127 right-of-way through the "Outlet Control Structure" and "Emergency Spillway" (shown on the Approved and Resubmitted Site Plans). Although the project has been designed to significantly exceed the minimum requirements for such authorization, MDOT has informed us that the Department will not review Goodwill's request for authorization until it has received a final ROW permit application, which we cannot submit until we have final construction plans prepared, a contractor has been selected, and we are ready to proceed with work in the MDOT ROW. They will not issue a permit for an unidentified contractor and without those construction drawings being completed. Due to the expense involved in getting to that point, in terms of sequencing, that step does not occur until after site plan approval; indeed, it does not generally occur until the building permit application process commences. Therefore, this condition cannot be satisfied prior to approval of the Resubmitted Site Plan.
- 2. Condition #2: Sidewalk for Pedestrian Access. As a nonprofit steward of its donors' funds, Goodwill has a heightened obligation to avoid waste. Although Goodwill is not opposed to building a sidewalk along Hull Road and facilitating pedestrian access, there is currently no sidewalk on either adjoining property, and no obligation or requirement that either owner build one. If Goodwill builds a sidewalk now, it will essentially be a sidewalk to nowhere as it would be inaccessible by pedestrians for the foreseeable future. If, however, the owner of the property to the north becomes required to build a sidewalk, then Goodwill will promptly build a sidewalk from the northern boundary to the pedestrian walkways internal to Goodwill's site. If the owner of the property to the south also becomes required to build a sidewalk, then Goodwill promptly build a sidewalk along the remaining frontage of Hull Road. That notion is what this language accomplishes, and we would request that it remain as-is. Notably, this condition was discussed at length in connection with the development of the Approved Site Plan, it was endorsed by the Staff Memorandum (see page 4 of the January 19, 2017 staff Memorandum) issued in connection with the Approved Site Plan, and it was unanimously agreed to by the Commission as an acceptable compromise. Inasmuch as the underlying facts have not changed, this condition should not be changed.
- 3. Condition #3: Drainage Facilities Maintenance Agreement. As previously discussed with the Zoning Administrator, Goodwill will enter into a drainage facilities maintenance agreement in connection with the building and occupancy permitting process, in accordance with the City's standard practice. Therefore, this condition should not be changed.

Like the previous special use permit under the Approved Site Plan, the special use permit applied for under the Resubmitted Site Plan satisfies the standards set forth in Section 94-191(f) of the Mason Code:

(1) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of adjacent property or the zoning district in which it is proposed. The project site is currently

MILLER JOHNSON

January 11, 2019

Page 3

zoned for commercial use. The proposed use is harmonious with the general surroundings and character of the immediate vicinity.

- (2) Not be hazardous or disturbing to uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole. There are no conflicts of this nature.
- (3) Be served adequately by essential facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools. The proposed use is in an area currently served by public water and planned for sanitary sewer extension.
- (4) Not create additional requirements at public cost for public facilities and services. The proposed use will not create additional public costs.
- (5) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by noise, fumes, glare, or odors. There are no conflicts of this nature.
- (6) Not be located such that it will directly or indirectly have a substantial adverse impact on the natural resources of this city. There are no conflicts of this nature.
- (7) Be in compliance with other applicable local, county, state, or federal rules and regulations. The proposed use is in compliance, provided that the requested conditions of approval are met.

Because the Resubmitted Site Plan is effectively identical to the Approved Site Plan, and no changes are being requested to the conditions previously imposed, we understand that the preliminary and final site plan reviews are being consolidated. As such, please add Goodwill's application for a special use permit and preliminary and final site plan review to the agenda for the next Planning Commission meeting on Tuesday, February 12, 2019. Thank you for your consideration. If you have any questions, please contact my office.

Sincerely,

MILLER JOHNSON

By

Matthew B. Van Dyk

MBV:ges Enclosures

cc: Ken Bauer, CEO, Goodwill Industries of Central Michigan's Heartland, Inc.

Mark Peters, Development Director, Goodwill Industries of Central Michigan's Heartland, Inc.

Michele Rossio, Tower Pinkster

Craig Newhouse, Tower Pinkster

Eric Klompmaker, Driesenga & Associates

John Tenpas, Driesenga & Associates



APPLICATION - SITE PLAN REVIEW/SPECIAL USE PERMIT

City of Mason

Planning Department • 201 W. Ash Street • Mason, MI 48854 Phone: 517/676-9155 • Fax: 517/676-1330

www.mason.mi.us

X Preliminary Site Plan Review X Final Site Plan Review X Special Use Permit* Administrative Review * includes Preliminary Site Plan Review Application Received: Tax ID: Fee: Receipt #: Receipt #:	
X Special Use Permit* Administrative Review Fee:	
Administrative Review Receipt #:	*
Administrative Review	
* includes Preliminary Site Plan Review	
I. APPLICANT INFORMATION Name Ken Bauer	
Organization Goodwill Industries of Central Michigan's Heartland, Inc.	
Address4820 Wayne Road, Battle Creek, Michigan 49037	
Telephone Number 269-768-6500 Facsimile Number 888-452-5968	
Interest in Property (owner, tenant, option, etc.) Owner	
Note: If applicant is anyone other than owner, request must be accompanied by a signathorization from the owner.	gned letter of
II. PROPERTY INFORMATION Goodwill Industries of Owner Central Michigan's Heartland, Inc. Telephone Number 269-768-6500	
Property Address 652 Hull Road, Mason, Michigan 48854	
Legal Description: If in a Subdivision: Subdivision Name Lot Nu	ımber
If Metes and Bounds (can be provided on separate sheet):	
THE LAND SITUATED IN THE CITY OF MASON, INGHAM COUNTY, STATE OF MICHIGAN, AND IS DESCRI	RIBED AS
FOLLOWS:	
ALL THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, T2N, R1W, CITY OF	
INGHAM COUNTY, MICHIGAN, LYING EAST OF HIGHWAY US-127 RIGHT-OF-WAY, EXCEPT THE SOUTH THEREOF AND ALSO EXCEPT THE NORTH 150 FEET OF THE EAST 240 FEET OF SAID SOUTHEAST 1/4	
NORTHEAST 1/4 OF SECTION 17, T2N, R1W, CITY OF MASON, INGHAM COUNTY, MICHIGAN.	4 OF THE
By execution of this application, the person signing represents that the information provided and the addocumentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing replace or she is authorized and does hereby grant a right of entry to City officials for the purpose of in premises and uses thereon to verify compliance with the terms and conditions of any Special Use Perm Plan approval issued as a result of this application. Signature	presents that hispecting the hit and/or Site

III. REQUEST DESCRIPTION

IV.

A. <u>Written Description</u> – Please use this section to pages, if necessary.	to describe the use or uses propos	ed. Attach additional
The existing use of the property is vacant land. The proposed	use is retail and workforce development	· ·
B. Available Services		
Public Water	Paved Road (Asphalt or Concrete) Public Storm Sewer	X YES □ NO □ YES X NO
C. Estimate the Following		
Traffic Generated 50 - 60 vehicles per hour, peak hour	Total Employees ²⁶	Shifts_ ³
Population Increase 0	Employees in Peak Shift 12 - 15	
Hours of Operation 9:30 AM to 8:00 PM Monday through Saturday	Total Bldg. Area Proposed 15,772	SF
11:00 AM to 6:00 PM Sunday	Parking Spaces Provided 109	
D. Project Phasing		
This project will be completed in: Note: The phases of construction for multi-phase p		
APPLICATION MATERIALS		
The following are checklists of items that generally mu Review, Final Site Plan Review, and Special Use Perm 94 of the Mason Code for a complete listing of applicat the requirements of Section 94-226(d) of the Zoning Or	its. Applicants should review Articlestion requirements. All site plan draw	s VI and VII of Chapter rings must comply with
 □ Completed application form □ 20 copies of site plan drawings is larger than 11" x 1" □ 1 - 11" x 17" copy of the site plan □ Plans submitted on CD (Commercial only) □ Legal description □ Proof of ownership/owner authorization □ Construction schedule for proposed project □ Construction calculations for utilities □ Fee (see below) □ Any other information deemed necessary 	7" (30 copies for Special Use Perm	its)
<u>Application Fee</u> – all requests must be accompanie schedule for Preliminary Site Plan Reviews, Final Site I October 16, 2006):		
Administrative Reviews Preliminary Site Plan Reviews Final Site Plan Review Special Use Permits (includes preliminary site plan Engineering Review	\$2 \$1 n review) \$2	70.00 200.00 100.00 275.00 220.00 *

Application: Site Plan Review/Special Use Permit – Page 2 of 3

^{*}Two-hour minimum fee for projects increasing demand on public utilities. Actual fees incurred are billed to applicant upon completion of review.

V. APPLICATION DEADLINES

<u>Preliminary Site Plan/Special Use Permit Review</u> – Applications for Preliminary Site Plan Review may be submitted at any time. Complete applications must be received a minimum four (4) weeks prior to a Planning Commission meeting to be placed on the agenda. Upon receipt of a complete application, a public hearing will be scheduled for the next regularly scheduled meeting (for Special Use Permits only). The Planning Commission has the final authority to approve, approve with conditions or deny an application for Preliminary Site Plan/Special Use Permit Review. The Planning Department staff will issue a letter to the applicant advising of any changes or revisions that may be necessary prior to making application for Final Site Plan Review.

<u>Final Site Plan Review</u> – Complete applications must be received a minimum of four (4) weeks prior to a Planning Commission meeting to be placed on an agenda. The Planning Commission has the final authority to approve, approve with conditions or deny an application for Final Site Plan Review. Planning Commission meetings are held on the second Tuesday after the first Monday of every month, unless the Tuesday is a Township recognized holiday, in which case the meeting is held on the following day (Wednesday).

VI. STAFF REPORT

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Preliminary Site Plan Review, Final Site Plan Review or Special Use Permit. The report will explain the request and review whether it complies with the zoning standards of the Mason Code. 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.

Application: Site Plan Review/Special Use Permit – Page 3 of 3 Rev. 6/25/15

ENDORSE HERE:	
DO NOT SIGN / WRITE / STAMP BELOW THIS LINE FOR FINANCIAL INSTITUTION USAGE ONLY	
	87 8 34.

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GOODWILL OF CENTRAL MI, MASON

GOODWILL INDUSTRIES of CENTRAL MICHIGAN'S HEARTLAND, INC.

Mason, Michigan SITE PLAN APPROVAL

DESIGN TEAM

ARCHITECT/ENGINEER TowerPinkster

242 EAST KALAMAZOO BUITE 200 KALAMAZOO, MICHIGAN 46007 PHONE: 219.343.6133 FAX: 268.343.8633

12330 JAMES STREET,

SUITE H60 HOLLAND, MI 49424 PHONE: 616.398.0256

CIVIL CONSULTANT

DRIESENGAS ASSOCATES INC

DRAWING INDEX

COVER SHEET

EXISTING TOPOGRAPHIC PLAN

CIVIL DEMOLITION

C 101 C 102 C 103 C 104 C 105 BITE PLAN UTILITIES

GRADING AND STORM SEWER PLAN **BOIL EROSION AND SEDIMENTATION CONTROL**

LANDSCAPE BITE PLAN NORTH SITE LANDSCAPLE PLAN CENTRAL L 110 SITE LANDSCAPE PLAN - BOUTH

FLOOR PLAN AND PERSPECTIVE - PRELIMINARY EXTERIOR ELEVATIONS - PRELIMINARY

EA 101 ELECTRICAL SITE PLAN

TowerPinkster

JANUARY 11, 2019

PROJECT TITLE

GOODWILL OF CENTRAL MI, MASON

GOODWILL INDUSTRIES of CENTRAL MICHIGAN'S HEARTLAND, INC.

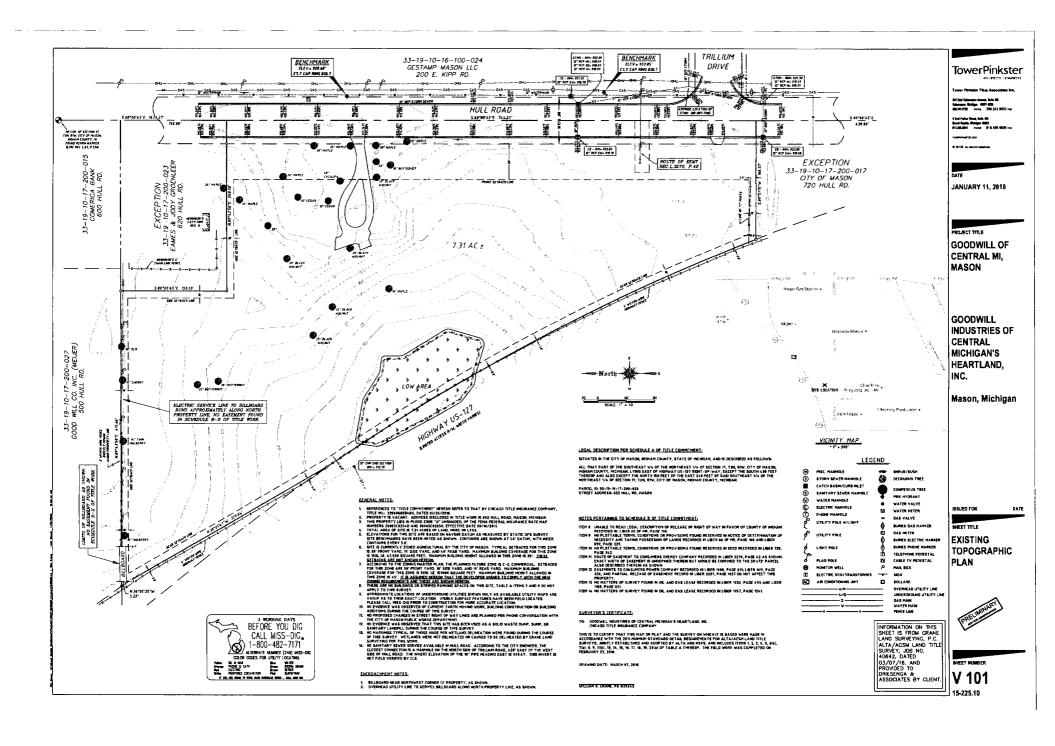
Mason, Michigan

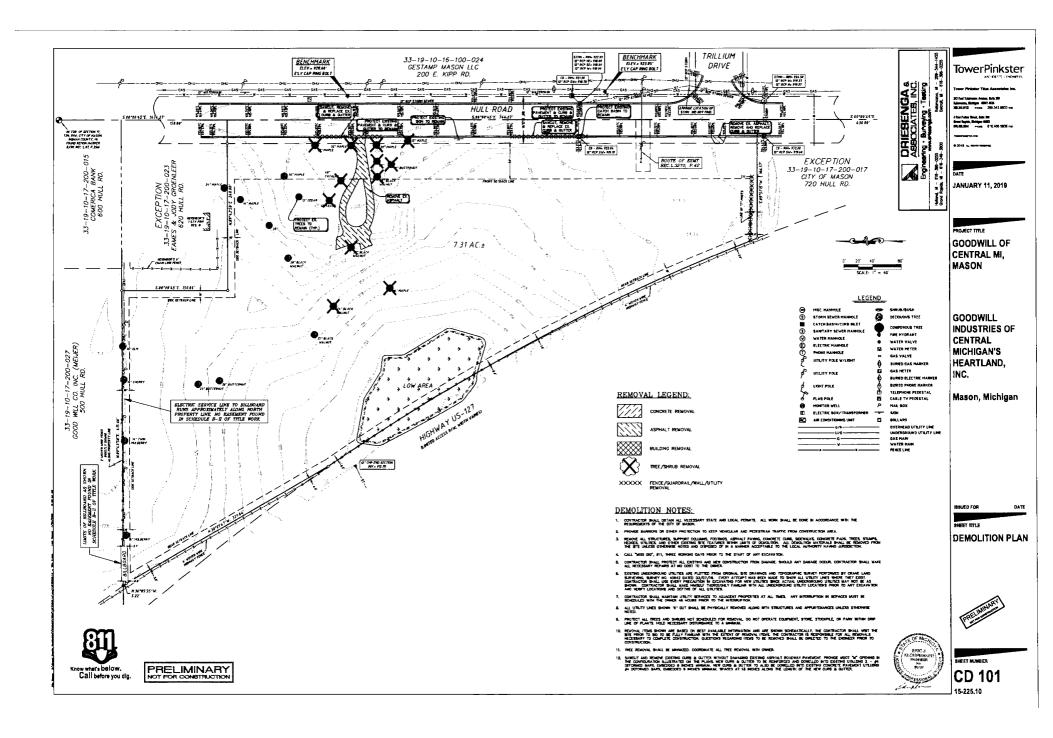
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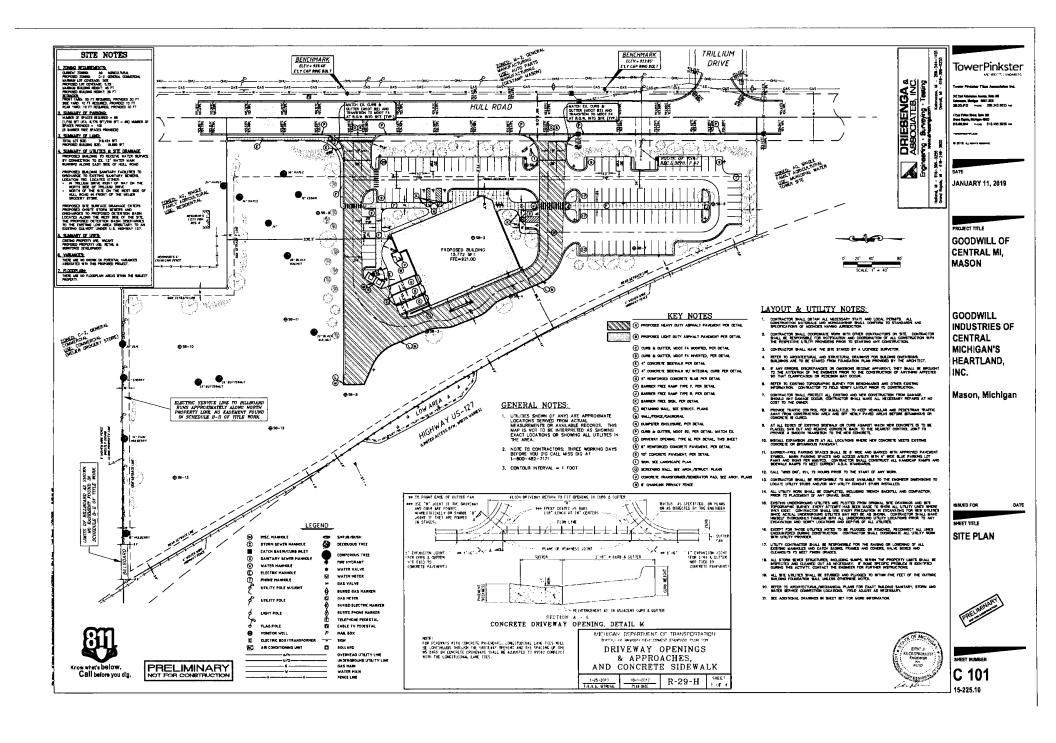


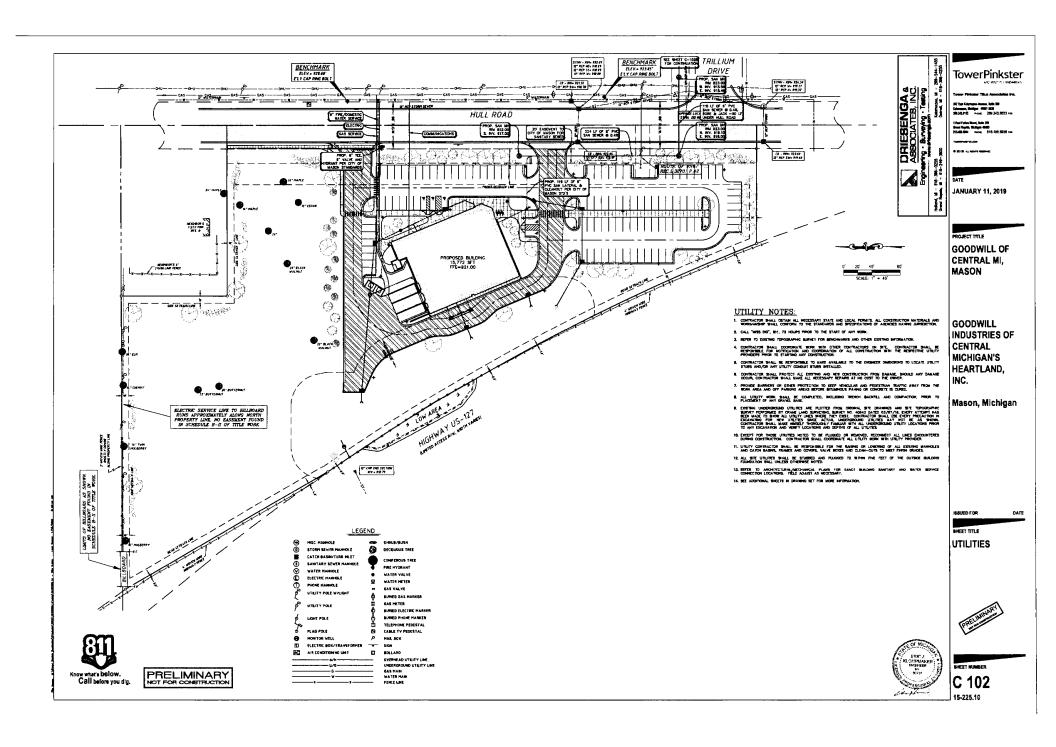
G 001 15-225.10











DRIEBENGA A ABBOCIATER, INC.

ij

PROJECT TITLE GOODWILL OF CENTRAL MI. MASON

JANUARY 11, 2019

TowerPinkster

GOODWILL INDUSTRIES OF CENTRAL MICHIGAN'S HEARTLAND, INC.

Mason, Michigan



<u>BENI (#</u>13601)

UTILITY NOTES:

6 N89'53'1'W 754'DE HST N89'51'02"W . 753.88

CONTRACTOR SHALL OBTAIN ALL RECESSARY STATE AND LOCAL PERMITS ALL CONSTRUCTION MATERIALS AND WORKLANDER PRIVAL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF ADDRESS HAVING LIMITECTION.

DIG", 411, 72 HOURS PROR TO THE START OF MAY WORK.

REFER TO EXISTING TOPOGRAPHIC SURVEY FOR BENCHWARKS AND OTHER EXISTING INFORMATION

TRILLIUM DRIVE

CONTRACTOR SHALL PROTECT ALL EXISTING AND NEW CONSTRUCTION FROM DAMAGE. 1 OCCUR, CONTRACTOR SHALL MAKE ALL NECESSARY REPAIRS AT NO COST TO THE DINNEY.

PROMOE BARRIERS OR OTHER PROTECTION TO KEEP VEHICULAR AND PEDESTRAIN TRAFFIC ARRAY FROM THE WORK AREA AND OUT PARKING AREAS BEFORE BETAINHOUT PANKING OR CONCRETE IS CURRED.

13. RETER TO ARCHITECTURAL/ARCHANCAL PLANS FOR ELECT BURDING SANSTARY AND WATER CONNECTION LOCATIONS. FIELD ADJUST AS RECESSARY.

Know what's below. Call before you dig.

بالأعطيط للأحالا

PRELIMINARY



LEGEND



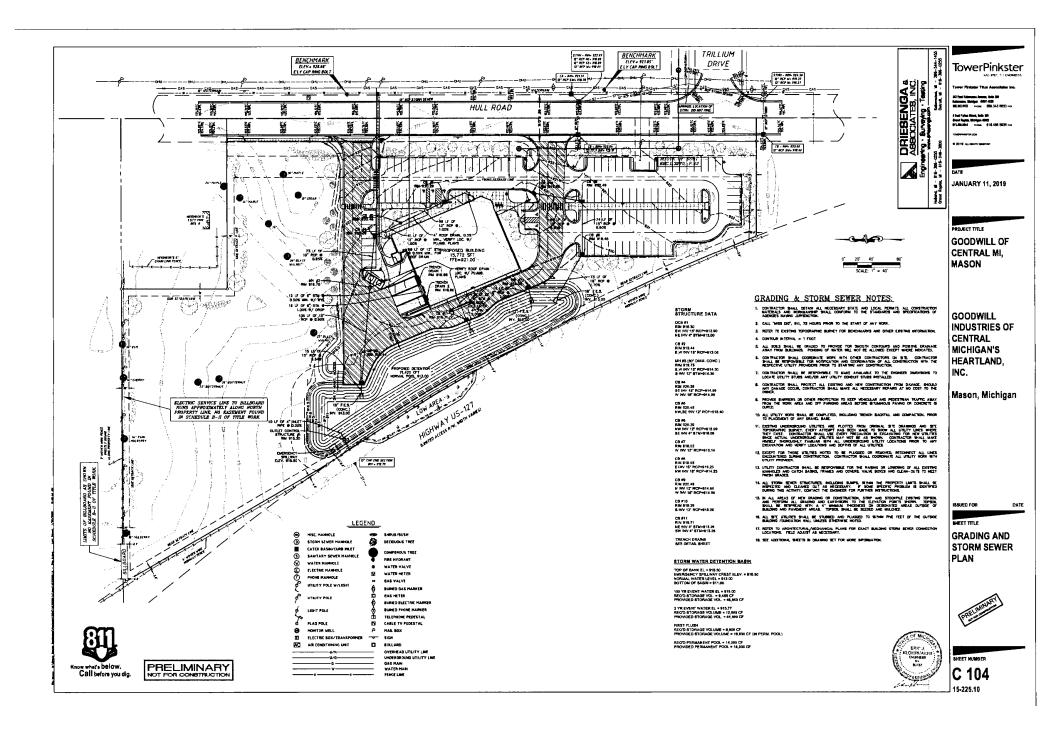


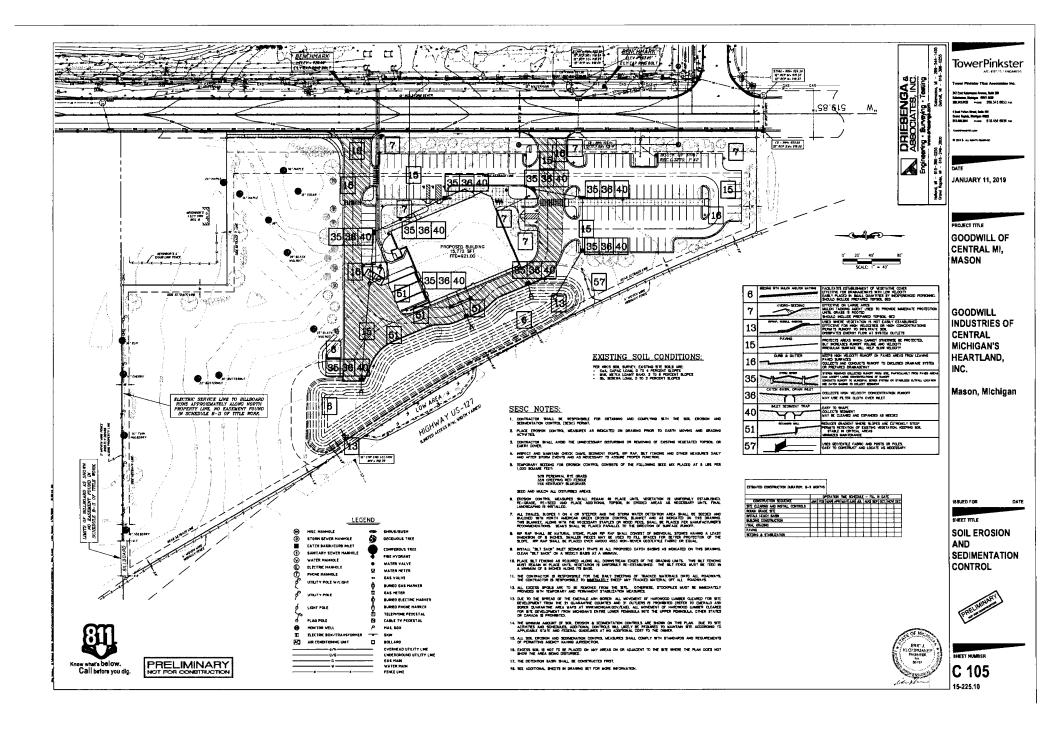
SHEET MUMBER C 103 15-225.10

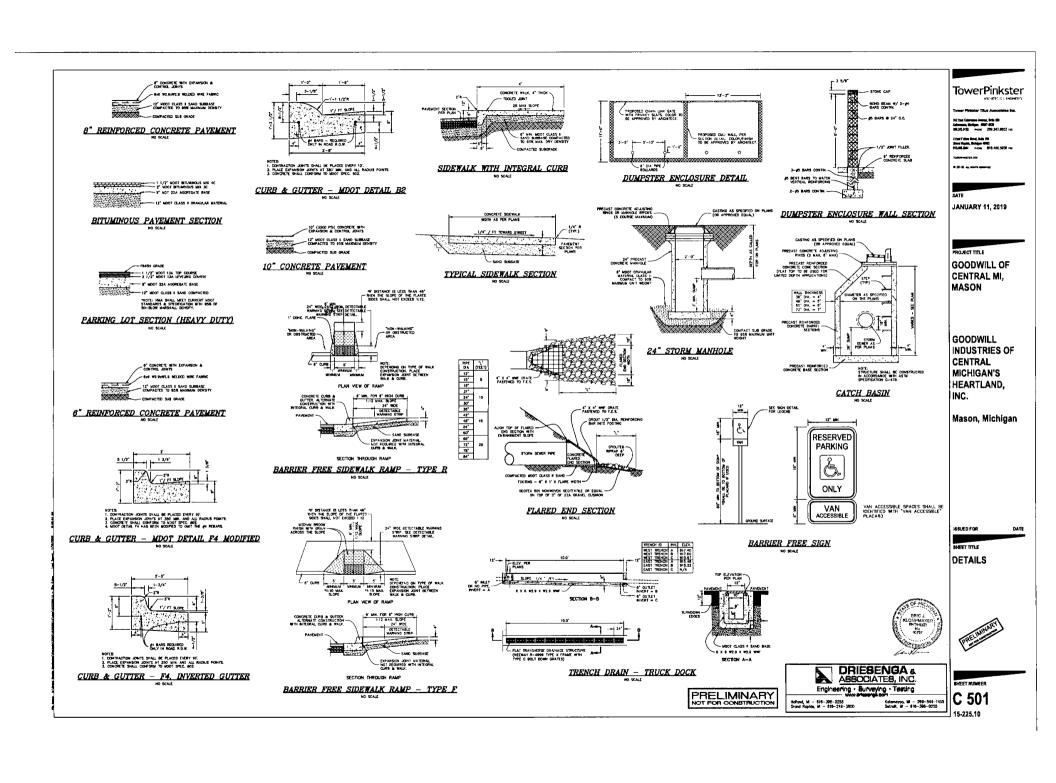
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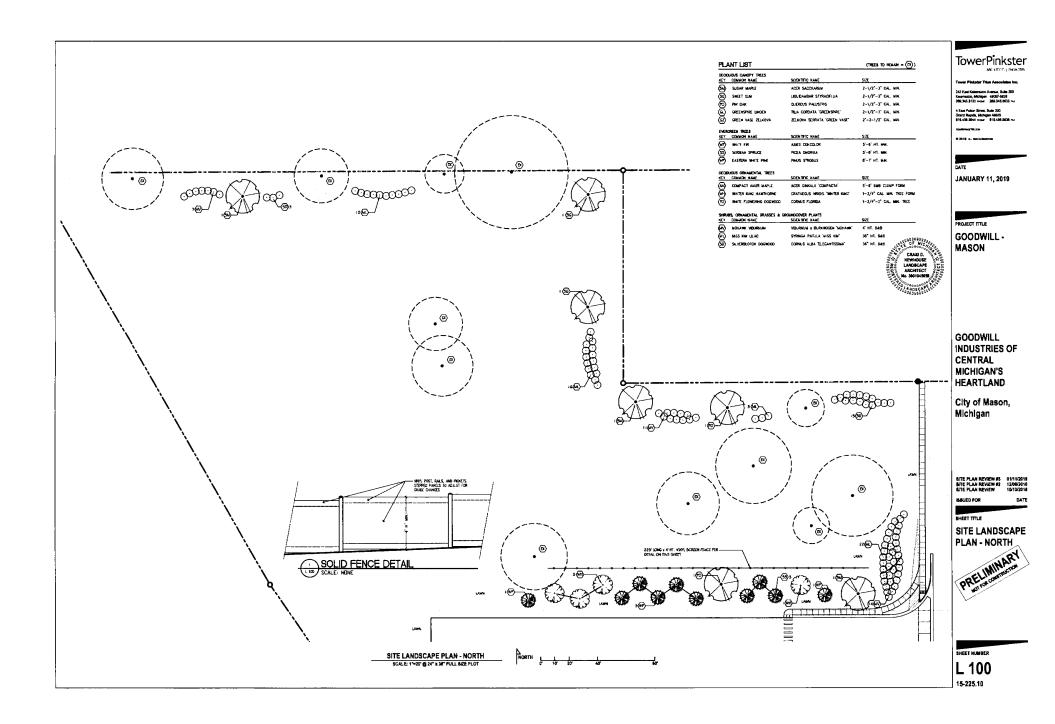
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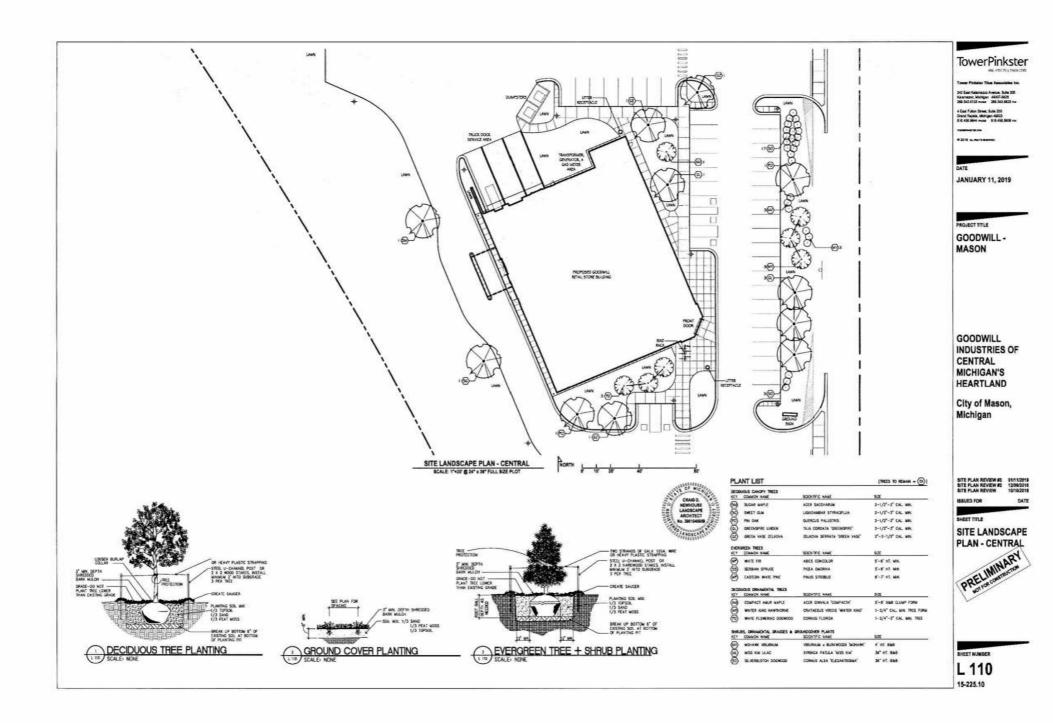
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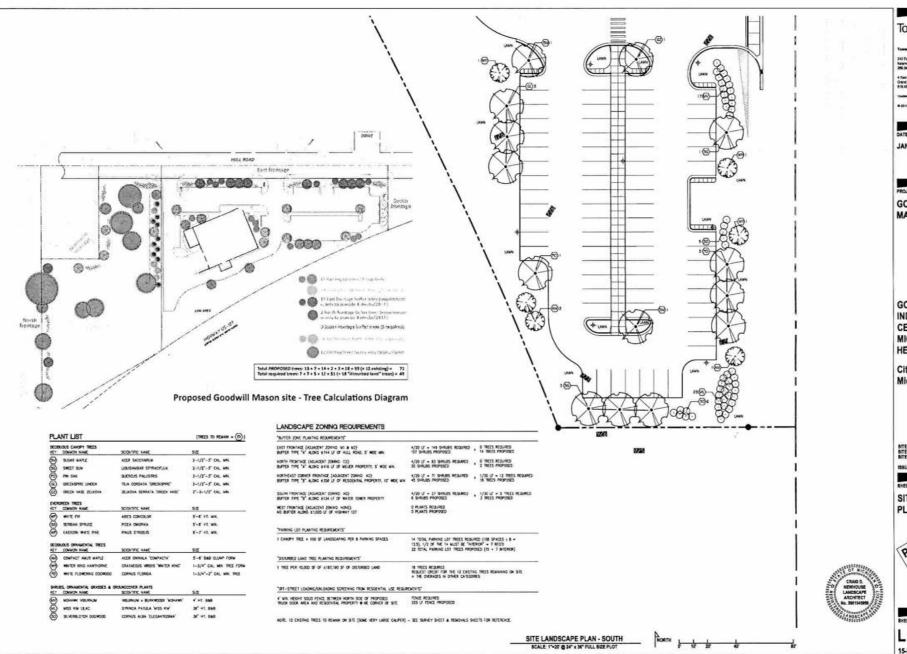












TowerPinkster

9 2015 or management

JANUARY 11, 2019

PROJECT TITLE

GOODWILL -MASON

GOODWILL INDUSTRIES OF CENTRAL MICHIGAN'S HEARTLAND

City of Mason, Michigan

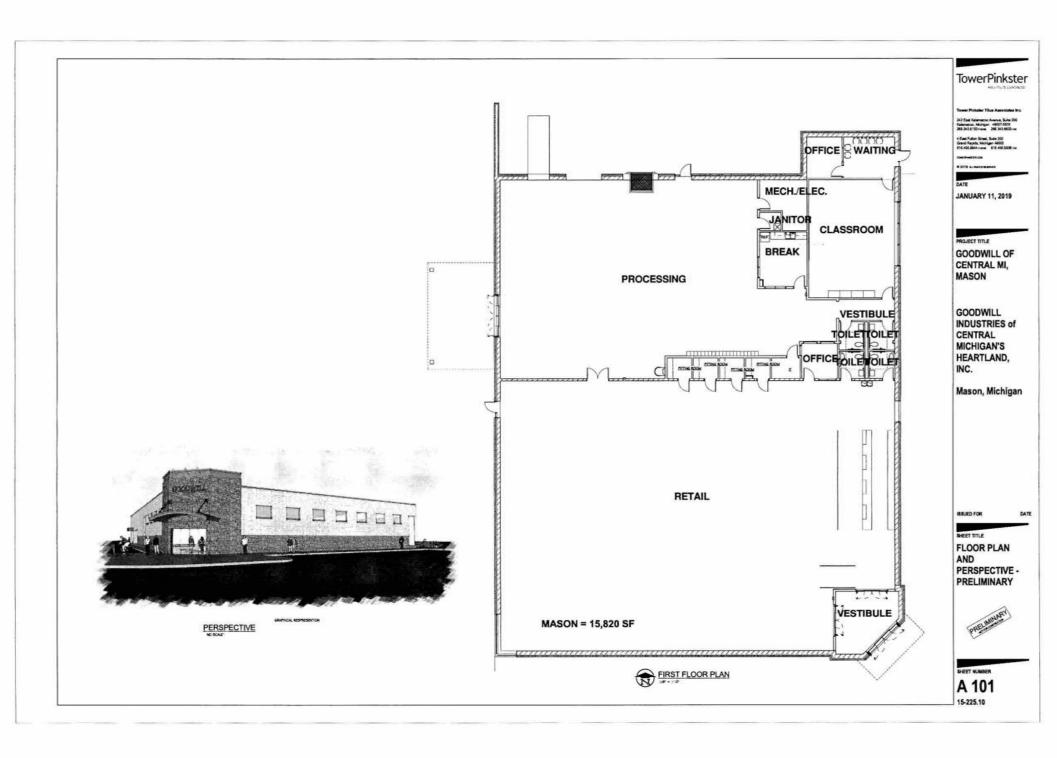
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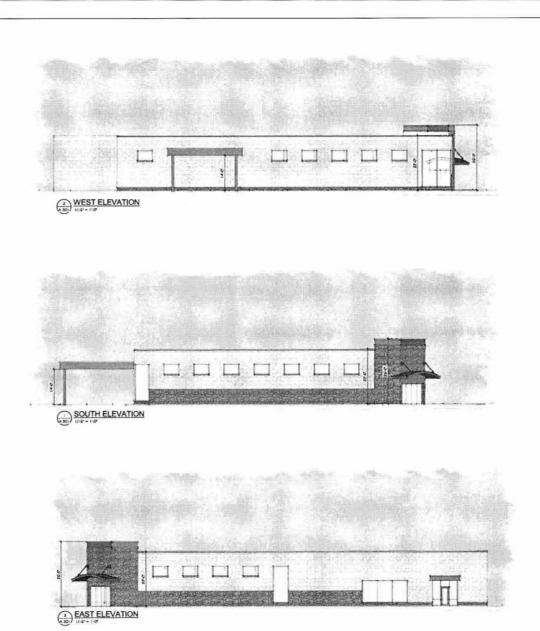
SITE LANDSCAPE PLAN - SOUTH

SHEET NUMBER

L 120

15-225.10





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Tower Pinkaler Titus Associates I

342 East Kalamatoo Avenue, 848 25 Kalamatoo, Michigan 48007 5828 288 342,8120 ~o.e. 289 342,80234

Grand Replote Michigan 46503 (18 496.5644 House | 118 496.5636 Ho

And the second

JANUARY 11, 2019

PROJECT TITLE

GOODWILL OF CENTRAL MI, MASON

GOODWILL INDUSTRIES of CENTRAL MICHIGAN'S HEARTLAND, INC.

Mason, Michigan

ISSUED FOR

SHEET TITLE

DATE

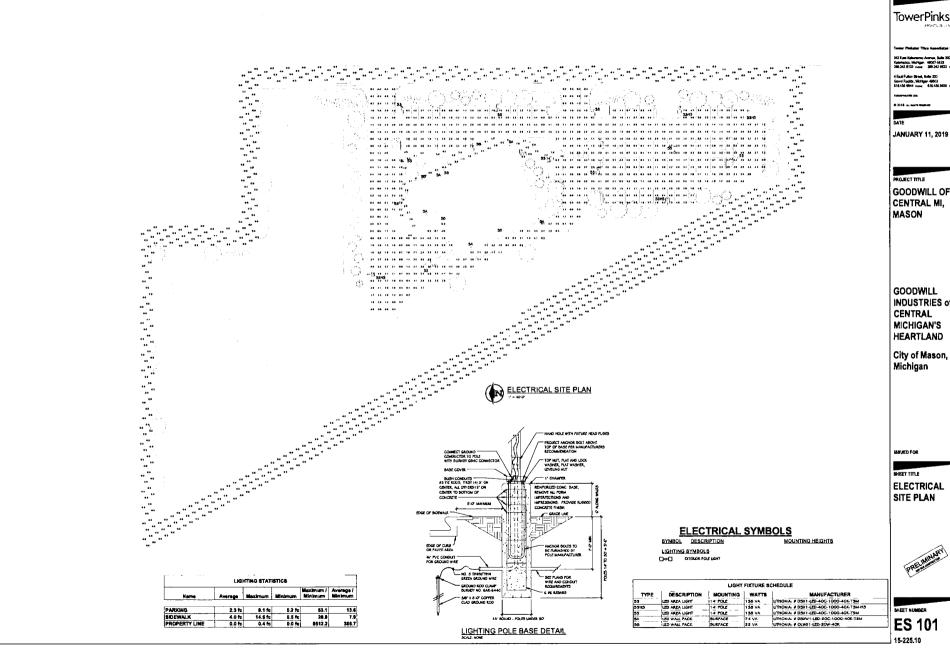
EXTERIOR ELEVATIONS -PRELIMINARY



SHEET NUMBER

A 301

15-225.10



TowerPinkster

GOODWILL OF CENTRAL MI.

GOODWILL INDUSTRIES of MICHIGAN'S

City of Mason,

ELECTRICAL SITE PLAN



ES 101





2017-005401 DERRICK QUINNEY INGHAM COUNTY MICHIGAN REGISTER OF DEEDS RECORDED ON: 02/14/2017 11:29 AM PAGES: 4

INGHAM COUNTY TREASURER'S CERTIFICATE. IHEREBY CERTIFY that there are an TAN LIBNS or TITLES held by the state or any individual against the within description, and all TANES on same are paid for five years previous to the date of this instrument as appears by the records of this office execut as stated.

2/7/17 Eric Schertzing, Ingham County Trensurer Sec. 135, Act 206, 1893 as amended

WARRANTY DEED

GRANTOR:

ALLEN S. FREDERICK FARM, LLC, a Michigan limited liability company

WHOSE ADDRESS IS:

1813 Candlestick Lane, Midland, Michigan, 48642

CONVEYS AND WARRANTS

TO GRANTEE:

GOODWILL INDUSTRIES OF CENTRAL MICHIGAN'S HEARTLAND, INC., a Michigan nonprofit corporation

WHOSE ADDRESS IS:

4820 Wayne Road, Battle Creek, Michigan, 49015

the real estate situated in the City of Mason, Ingham County, Michigan, more fully described on the attached Exhibit A, together with all improvements, tenements, easements, hereditaments and appurtenances associated with the real estate, and together with any and all gas, oil, and mineral rights and interest in and to such real estate, subject only to those matters listed on the attached Exhibit B.

THIS DEED IS GIVEN FOR VALUABLE CONSIDERATION OF: See Real Estate Transfer Tax Valuation Affidavit filed herewith.

The Granter grants to the Grantee the right to make ALL available divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended. The Grantor intends to convey the right to make all available divisions, bonus divisions and redivisions associated with the Property as the Grantor may have under the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This Property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

[SIGNATURES & NOTARIAL ACKNOWLEDGEMENT ON FOLLOWING PAGE]

e-Unicago Title
Portage

Allen S. Fredrick Farm, LLC, a Michigan limited liability company

By: Maryant Frederick

Its: Member

Dated: January 21, 2017

STATE OF MICHIGAN

MIDLAND COUNTY)

The foregoing instrument was acknowledged before me on 25, 2017, by Maryann Frederick, member of Allen S. Frederick Farm, LLC, a Michigan limited liability company, on behalf of the limited liability company.

Prepared by & Return to After Recording: Matthew B. Van Dyk MILLER JOHNSON 100 West Michigan Avenue, Suite 200 Kalamazoo, MI 49007 Printed:

Notary Public, M. PLANP County, Michigan My commission expires: Aug. 11, 2023

Acting in M. OLAND County, Michigan

DRAFTER HAS NOT EXAMINED AND MAKES NO REPRESENTATIONS RESPECTING TITLE TO THE PROPERTY OR THE LAND DIVISION ACT

LAWRENCE J SNYDER

Notary Public - State of Michigan

County of Midland

My Commission Expires Aug 11, 2023

Acting in the County of MIDLANIA

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS 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: 33-19-10-17-200-026

Street Address: 652 Hull Rd, Mason

EXHIBIT B

Permitted Encumbrances

1. Taxes and/or assessments which become a lien or become due and payable subsequent to the date hereof.

MJ_DMS 28463300v1