

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF SEPTEMBER 10, 2019**

Sabbadin called the meeting to order at 6:30 p.m. in the Sycamore Room 1<sup>st</sup> floor at 201 West Ash Street, Mason MI.

Present: Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

Absent: (0)

Also Present: Elizabeth A. Hude, AICP, Community Development Director

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

MOTION by Waxman second by Barna, to approve the Planning Commission meeting minutes from July 9, 2019.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

**PUBLIC HEARING**

A. Resolution 2019-12: Jamie Robinson, Robinson Realty LLC, has requested a zoning text amendment to add short-term rentals as an allowed use in the C1 Central Business District.

Sabbadin opened the public hearing at 6:32 p.m. for Resolution 2019-12 to add short-term rentals in the C-1 Business District.

Jamie Robinson, 4748 W. Columbia Rd., Mason, Robinson Realty member, owned with husband. They own eight apartments downtown in the C-1 District; above the Vault Deli, Bestsellers and the Ice Cream shop. They would like to turn one of them into a short-term rental listed on AIRBNB as furnished.

Sabbadin asked if there were any questions for Ms. Robinson.

Director Hude shared an article (included in their packets) titled "Short-term Rental Advocates, Foes Work Toward a Deal on Laws in Michigan". She stated there are two issues being debated in Michigan. The first being preserving local control regardless of what the topic is and the second being Short-term rentals. A short-term rental is similar to a hotel in the transient nature of it and bed and breakfasts have been encouraged in the City. Given it is non-owner occupied, there may be some provisions that would need to be in place even though Ms. Robinson's businesses are below.

Director Hude continued through her findings and facts on the subject. She noted that an increase in events is drawing people to visit the downtown area and with the lack of a hotel, this may fill a need in the District. Hude did add a sunset provision for three years to check in and see what the impact has been and if everything is

working as it should. She read through the action options and noted it would go to City Council for a first reading September 23<sup>rd</sup> and a second reading October 7<sup>th</sup> and would go into effect on its date of publication which would be October 13<sup>th</sup>.

Director Hude noted the C-1 Business District map of locations it could apply to and then she read the three locations in the Ordinance that would be amended.

Sabbadin asked with regard to the sunset provision, who is responsible for bringing that back to committee, would it be staff?

Director Hude replied that staff would track the information.

Sabbadin asked if Ms. Robinson would have to come back, if approved, and apply for a Special Use Permit when the Ordinance goes into effect.

Hude replied yes.

Howe asked Ms. Robinson if the sunset provision of three years was reasonable.

Ms. Robinson replied that is fine. She thinks it may increase use as residential areas may want to participate.

Barna added that short term rentals may displace regular renters and we may need to consider the impact of that and mention the concern to City Council. It has happened in Traverse City where low income housing market is already challenged and adding short-term rentals for vacation purposes has caused problems. Barna doesn't necessarily see that happening in Mason, but it should be considered.

Sabbadin closed the public hearing at 6:46 p.m.

MOTION by Waxman second by Droscha, to approve Resolution 2019-12 which is a zoning text amendment to add short-term rentals as an allowed use in the C-1 Central Business District.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

Discussion on the Motion which took place after the motion was offered:

Waxman shared that the sunset provision is reasonable and this will make it easier to regulate. He doesn't believe one to two Airbnb rentals will create too much of an impact as there is one hotel. If there is any impact, it may create a bigger market. Airbnb's and short-term rentals can increase exposure to the community and it can help people determine if they or their children want to live here. He also noted the clerical error on the findings of fact within the Planning Commission Resolution. Waxman encouraged City Council to pass the Resolution and said he looks forward to seeing how it turns out and hopes that it isn't forgotten in three years as things have been in the past. This requires long term vision. He thinks the City needs to keep looking forward, which can be difficult in a small town, but it is important.

Droscha commented that he looks forward to not having to send relatives to Okemos since there is no viable hotel for them to stay in. He asked why the choice of special use permits instead of by rights.

Director Hude answered expressing the need for caution. The use in a Special Use Permit will cover parking and allow for closer look. Another consideration is whether these units need a Building Permit Change of Occupancy process and be inspected to make sure fire alarms and certain code measures are in place. There is one petitioner tonight, but all properties are able to utilize this.

Waxman asked if the provision could be revoked after the three years.

Director Hude replied yes it could or you could decide it is working well and make it a use by right. Currently bed and breakfasts are allowed use by right but they are an owner occupied facility. Given this is non-owner occupied you still may want to grant it with certain conditions.

Vercher asked if this would apply to multi-family housing like duplexes and triplexes?

Hude responded that it covers any property in the C-1 District.

Perrault asked how this would be handled in residential areas.

Hude answered that with a Special Use Permit and depending on the district as to what is allowed and not allowed, bed and breakfasts and boarding rooms are all owner occupied properties and could be eligible for Special Use Permits to be used this way. But now short-term rentals are not a use that would be allowed in a residential area.

Perrault commented that this is the area of the city that we would want to do this in. It is a hot area in the law right now and he brought a case study that applied to a residential situation. Ours is different as it is in a commercial district.

Hude stated that in the Master Plan bed and breakfasts are encourage in the C-1 District and this is similar to that with the exception of owner occupied and non-owner occupied. There is a built in security system with nature of the downtown area having people around whereas you don't have that in a residential area.

Ms. Robinson noted that the amendment covers the C-1 District but she also wrote in legal dwelling as there are several one story offices that are not considered legal dwellings. Need to be checked as you don't want people thinking they can add a bed and make some extra money, are these safe dwelling spaces.

Hude reiterated the Special Use Permit requires it to be legal and allows for the check to make sure of that.

- B. Resolution 2019-10: Matt Haenlien, FED Corporation, on behalf of Paul Davis Corporation, has submitted a request for a Special Use Permit and approval of a Preliminary Site Plan for new construction of a 27,000 sq. ft., building to include offices and storage related to their business of home damage restoration services, on property located at the northeast corner of Temple Street and Kipp Road, parcel 33-19-10-09-400-009.

Sabbadin opened the public hearing at 6:56 p.m.

Matt Haenlien, 777 W. Cedar Avenue, Gladwin, Michigan, and they are proposing a new 27500 square foot building at the corner of Kipp and Temple Street. It will be a home renovation company that deals with water, smoke and fire damage. They take the contents and clean and process them so there will be areas in the building for storage, but the main space will be warehouse and about 7000 square feet for offices.

Sabbadin asks for questions or comments.

Director Hude referenced her Staff Report. She did confirm that the land is zoned for Manufacturing but will require a Special Use Permit because it is over 15000 square feet. There are many city wells in this area and special protection needs to be taken to protect the city's water supply. The City Engineer has provided numerous requirements for the water and storm water issues. Hude noted that staff met with the applicant the day before and they are taking measures to address the comments. The Ingham County Drain Commission was present and shared their thoughts on the storm water as they have a project on the adjacent property. One of the major comments discussed at their meeting yesterday was the siting of the building, parking and landscaping and it is important to read the Master Plan and see the vision for this area. So changing the location of the building was discussed to allow the parking and usage to be in the back. Dumpsters will be in the back so you will not drive by and see them. Staff is recommending continuing the Public Hearing for the Special Use Permit to the next meeting to allow the applicant to submit a revised plan in the form of a Final Site Plan with the requested conditions addressed.

Waxman asked if Director Hude wants them to continue the hearing to a future date.

Director Hude replied that they have to be time and date specific, but it could be the next scheduled meeting in October if that works for the applicant.

MOTION by Waxman second by Droscha, continue the Public Hearing for Resolution 2019-10 to October 15 at 6:30 p.m. for consideration of the Special Use Permit only.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

MOTION by Waxman second by Droscha, to amend the Agenda to move the Preliminary Site Plan Review to 7A, New Business.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

#### **UNFINISHED BUSINESS**

None.

#### **NEW BUSINESS**

- A. Resolution 2019-10: Matt Haenlien, FED Corporation, on behalf of Paul Davis Corporation, has submitted a request for approval of a Preliminary Site Plan for new construction of a 27,000 sq. ft., building to include offices and storage related to their business of home damage restoration services, on property located at the northeast corner of Temple Street and Kipp Road, parcel 33-19-10-09-400-009.

Waxman stated that he believes it fits, he notes the issues with the site plan but believes staff is handling it well and he looks forward to seeing the final plan.

MOTION by Waxman second by Droscha, to approve Resolution 2019-10: Approval of a Preliminary Site Plan for new construction of a 27000 sq. ft. building to include offices and storage related to their business of home damage restoration services, on property located at the northeast corner of Temple Street and Kipp Road.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

- B. Resolution 2019-11: James Giguere, Giguere Realty & Development, LLC, is requesting a Preliminary Site Plan Approval for the development of a new residential subdivision containing 20 residential lots and one common area. The subdivision will include paved public streets, public water, public sanitary sewer, and public storm sewer. The new subdivision will be developed on property located north of the intersection of Stratford and Eaton roads, parcel 33-19-10-04-426-002 POLP, City of Mason, Ingham Co.

Discussion on the Motion:

Director Hude noted the Preliminary Site Plan review comes after two Public Hearings and Giguere has addressed many of the comments received through the hearings. Once the Final Site Plan is approved they can build the road and begin to pull Building Permits for homes on the sites. They can't begin to sell the homes and transfer ownership until the third of the plat series is finished, which is the final plat, the document that gets reviewed by the State, filed by the State, and signed off by City Council. However if there any issues related to the construction of the road or anything else, now is the time discuss. One thing staff is looking at, in conjunction with the Parks and Recreation Plan, is that the area is underserved with regards to parks so there is a recommendation for a small neighborhood playground to be installed in the common area.

Waxman asked if the Master Deed issues brought up during the plat review, have been resolved?

Director Hude answered that there is a copy of the Deed and there was correspondence with one of the Associations that they are obligated by the Master Deed to become a member in the area. Assumes if they own property that fronts on the pond, they will need to be a member of the Pond Association as well.

Derek Lisabeth, Giguere Realty & Development, confirmed that they will join the Master HOA or main HOA there and he will look into the pond situation and report back.

Waxman asked if the Resolution contained the park spaces.

Director Hude replied that it is something that has been discussed with Giguere prior. She wanted to attach a visual for the report but it wasn't ready yet as they are still finalizing some of the drawings of the parks but she reviewed the information and knows the area is underserved.

Waxman asked for clarification that the park doesn't exist in the Preliminary Site Plan.

Hude answered that it doesn't, the Site Plan shows a common area and the recommendation is that in that common area there be some very minimal facilities so it can serve as a recreation area.

Waxman asked if that revision needs to be added to the Resolution.

Hude stated he could add a condition if he felt they needed to or she can continue to work with Giguere and it can be conditioned in the Final Site Plan.

Shattuck asked about the schedule as to when will they break ground.

Sabbadin noted the schedule in the packet which shows them starting as soon as they are given approval.

MOTION by Waxman second by Barna, to approve Resolution 2019-11: Approval of Preliminary Site Plan for the development of a new residential subdivision containing 20 residential lots and one common area. The new subdivision will be developed on property located north of the intersection Stratford and Eaton Streets.

Yes (9) Barna, Droscha, Howe, Perrault, Sabbadin, Shattuck, Vercher, Waxman, Wren

No (0)

Absent (0)

MOTION PASSED

Sabbadin brought up new building aesthetics. He noted the Dollar General on Kipp Road where the side and rear walls are unpainted concrete block. He would like the Planning Commission to consider creating an ordinance that would require the painting or finishing of these buildings. It is an eye sore.

Barna noted that they did discuss this issue when Dollar General did their addition. She comments that Mr. Sabbadin may not have been present at that meeting. She had the same concern and doesn't believe it was their intention to leave it that way. We can require aesthetically pleasing exteriors so one of our roles is to look at what they are proposing and determine if it looks good because aesthetics matter.

Director Hude said the same thing came up with the Paul Davis building and the Master Plan is the guide. As Commissioner Barna shared that was discussed with Dollar General after the amended Site Plan came through and is one of the conditions they have to complete is to paint the walls to match the front of the building. As to the aesthetics of the east wall along the river trail, Dollar General has asked for the contact information for AIM (Arts Initiative Mason) to follow through on that.

Waxman added that when the project first came through he mentioned the east wall along the River Trail and had

suggested Art In the Wild a program the Ingham County Drain Commissioner supports.

#### **LIAISON REPORT**

Council Member Droscha informed the commission that City has received a report and recommendation on the playground equipment at Rayner Park and had discussion on the report the night before. Council moved to spend \$10000 immediately and stain it but it did not pass as it was noted that staff would not be available to perform the work. It was suggested that they remove the planking and replace with composite.

Hude informed the commission about the upcoming City Open House, Saturday, October 12, 10:00 a.m. – 2:00 p.m., where the kick-off for Community Engagement for the Parks Non-Motorized Plan and the feedback for the Rayner Park issues will be noted in the plan. There will be numerous meetings over the next couple of months to get as much input from the community on what they want the parks to look like and how it will be paid for. If people can't make it to the Open House, the boards that are being made will be placed online so people can follow the plan and still be able to respond to the survey online.

#### **ADJOURN**

The meeting adjourned at approximately 7:23 p.m.



Anne Barna, Secretary