

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF AUGUST 15, 2023**

CALL TO ORDER

Sabbadin called the meeting to order at 6:30 p.m. in person at Mason City Hall.

CONFIRMATION OF MEMBER ATTENDANCE

		Present	Absent
Commissioner	Bliesener	X	
Council Liaison	Clark	X	
Commissioner	Kirkby		X
Commissioner	Malczewski	X	
Commissioner	Perrault	X	
Chair	Sabbadin	X	
Vice Chair	Waxman	X	
Commissioner	Wood	X	
Secretary	Wren	X	

Also present: Elizabeth Hude, AICP, Community Development Director

PUBLIC COMMENT

Larry Judge, 240 N. Okemos, is interested in leasing space in the Mason Plaza for a malt house - light industrial manufacturing. This would require a text amendment to the zoning ordinance. Staff recommends an informal discussion to understand any questions or concerns the Planning Commission may have before he proceeds with investing any further.

MOTION by Waxman second by Wren, to amend the agenda and add item 7B – Informal Discussion with Mr. Judge

VOTE

Yes (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren

No (0)

Absent (1) Kirkby

APPROVAL OF MINUTES

MOTION by Waxman second by Clark, to approve the Planning Commission Meeting minutes from May 9, 2023.

VOTE

Yes (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren

No (0)

Absent (1) Kirkby

MOTION PASSED

PUBLIC HEARING

- A. Resolution 2023-07 BAD Brewing Company LLC for approval of a Special Use Permit and Concurrent Preliminary and Final Site Plan to allow outdoor entertainment.

Commissioner Wren disclosed that she had a conflict of interest and requested she be allowed to abstain from voting. Council member Clark noted that in consultation with the mayor and city attorney, and based on the nature of the business before the commission, no conflict existed for Commissioner Wren. No motion was made; Wren will be voting.

Chair Sabbadin opened the public hearing at 6:39 p.m.

Danielle French, 424 Ravenwood, the applicant representing BAD Brewing Company, provided an overview of the proposal as stated in the application.

Director Hude reviewed the supplemental information provided at the meeting which included comments from Commissioner Kirkby, and recommendations stated in the Staff Report.

The following public comments were received:

Judi DeMartin, 409 S. Park St, also submitted comments in writing, is not opposed to the permit but expressed concerns regarding noise. She chose not to call police to file a formal complaint in the past.

Mary Jo Leonard, 419 S. Park St, also submitted comments in writing, expressed concerns regarding noise and the adult content of the shows.

Deborah Eyde, 1102 S. Edgar, Mason, was downtown during the Drag Queen event and observed from across the street; she was concerned about the vulgar language and demeaning comments about women, and discussing children, the sound was heard all the way to Bestsellers and there were kids on the sidewalks that could see.

Deb Cwierniewicz, 785 Foxview Lane, expressed support for the business in general but concern about the nature of the outdoor entertainment involving vulgar language that could be heard from the sidewalk. She encouraged commissioners to take time before deciding.

Janice Wheeler, 3326 Tomlinson, Mason, asked if the Special Use Permit was open-ended and what control the city had over events; expressed concern about the vulgar content of the shows that could be seen and heard by children and families in the area.

Chair Sabbadin closed the public hearing at 7:08 p.m.

MOTION by Waxman second by Wren, to approve Resolution 2023-07.

DISCUSSION:

Commissioners discussed the request at length, with concerns regarding noise, how and who is responsible for monitoring, how noise can be mitigated, and the comments from the public. Staff confirmed that no formal complaints regarding noise were received through the police department in recent years, however, comments have been received at previous City Council meetings and during the

current public hearing for consideration. Questions were asked regarding the type of programming and staff cautioned that regulating content could be challenged under the first amendment. Staff proposed a policy document to assist in translating decibel levels to make them easier to relate to.

The Chair called for a short five-minute recess which took place between 9:33-9:38 p.m.

Seven amendments were proposed as follows:

Amendment #1

MOTION by Perrault second by Clark, to defer the matter to the October 10 meeting for the purpose of gathering more information to include a chart which provides more description on decibel levels listed in the ordinance, baseline decibel readings of ambient noise levels, and decibel readings from the September 16 special event, and any other outdoor events on the property such as trivia and vinyl nights.

VOTE

Yes (4) Bliesener, Clark, Malczewski, Perrault

No (4) Sabbadin, Waxman, Wood, Wren

Absent (1) Kirkby

MOTION FAILED

Amendment #2

MOTION by Clark, second by Perrault, to amend Resolution 2023-07 to replace conditions 2 and 3 with specific language from the staff report recommendations regarding conditions.

VOTE

Yes (3) Clark, Malczewski, Perrault

No (5) Bliesener, Sabbadin, Waxman, Wood, Wren

Absent (1) Kirkby

MOTION FAILED

Amendment #3:

MOTION by Waxman, second by Perrault, to amend Resolution 2023-07, in the last 'whereas' to change 'will' to 'shall comply.'

VOTE

Yes (0)

No (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren

Absent (1) Kirkby

MOTION FAILED

Amendment #4

MOTION by Clark, second by Malczewski, to amend Resolution 2023-07 to add "If two or more complaints are received and confirmed to be in violation, the SUP will be suspended until an investigation is complete."

VOTE

Yes (2) Bliesener, Malczewski
No (6) Clark, Perrault, Sabbadin, Waxman, Wood, Wren
Absent (1) Kirkby

MOTION FAILED

Amendment #5

MOTION by Waxman, second by Wren, to strike #1 of Resolution 2023-07 and replace with “staff will collect data to ensure compliance 94-177D/Chapter 22, Article 2 of the City Noise Ordinance.

VOTE

Yes (1) Sabbadin
No (7) Bliesner, Clark, Malczewski, Perrault, Waxman, Wood, Wren
Absent (1) Kirkby

MOTION FAILED

Amendment #6

MOTION by Wren, second by Waxman, to amend Resolution 2023-07 to “shall work with the property owner for the remainder of 2023 to collect data to ensure compliance with Sec. 94-177(d) and Chapter 22, Article 2 of the City Noise Ordinance.

VOTE

Yes (4) Bliesener, Clark, Malczewski, Perrault
No (4) Sabbadin, Waxman, Wood, Wren
Absent (1) Kirkby

MOTION FAILED

Amendment #7

MOTION by Clark, second by Perrault, to amend Resolution 2023-07 to strike condition #1 and replace it with ‘Staff shall work with the property owner to collect data during outdoor entertainment events for the period of 1 year at which time the SUP will be reevaluated by the Planning Commission and all pertinent data and complaints be presented at that time.’

VOTE

Yes (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren
No (0)
Absent (1) Kirkby

MOTION PASSED

Final Vote on Resolution 2023-07 as Amended:

VOTE

Yes (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren
No (0)
Absent (1) Kirkby

MOTION PASSED

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Resolution 2023-08 Receipt of Final Proposed Master Plan and Release for Public Hearing

MOTION by Waxman, second by Clark, to approve Resolution 2023-08.

VOTE

Yes (8) Bliesener, Clark, Malczewski, Perrault, Sabbadin, Waxman, Wood, Wren

No (0)

Absent (1) Kirkby

B. Informal Discussion: Larry Judge, 240 N. Okemos, is interested in leasing space in the Mason Plaza for a malt house - light industrial manufacturing.

Discussion took place regarding the request. Mr. Judge is seeking guidance on how he might move forward and what information the Planning Commission would require for a decision. He currently operates out of 1870 W. Grand River in Okemos behind Mert's Meats, Mason would be a second location. The operation requires electricity, natural gas, water/wastewater. He uses 2500 gallons of water over 2 days to wet and grow the grain, about 2300 gallons of dirty water would be discharged. Next the grain is in a kiln for 1 day which produces a smell similar to a bakery. He is currently working on a lease with the property owner conditioned on the re-zoning, and with architect Tom Roades, Bergmann Assoc. to evaluate the space and prepare plans. In Michigan, malt is considered food and requires a wholesale license through the state. This allows him to sell to customers in the space but he does not plan to do that right away. The landlord does not wish to invest in heating/cooling which does not affect him. His process is not dependent upon heating/cooling as he uses equipment that controls the temperature. He can sell to customers out of the space.

Commissioners are interested in more information and possibly a site visit to the operation in Okemos. Staff will work with Mr. Judge to prepare a potential text amendment and address the request for information.

LIAISON REPORT

Council Liaison Clark provided a summary of business from the Council meeting on August 7, 2023.

ADJOURN

The meeting adjourned at approximately 10:25 p.m.



Megan Wren, Secretary