

**CITY OF MASON
PLANNING COMMISSION MEETING
MINUTES OF OCTOBER 15, 2019**

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

Present: Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
Absent: Barna, Shattuck
Also Present: Elizabeth A. Hude, AICP, Community Development Director

MOTION by Waxman second by Howe, to amend the Agenda to move item 7A Resolution 2019-14 up to and inclusive of 5A and then move all other items up one number.

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

MOTION by Waxman second by Howe, to approve the Planning Commission meeting minutes from September 10, 2019.

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

PUBLIC HEARING

- A. Resolution 2019-14: Matt Haenlien, FED Corporation, on behalf of Paul Davis Corporation, has submitted a request for a Special Use Permit 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. Continued from September 10, 2019, to be discussed in conjunction with item 7.A. below.

(moved up from 7.A.) Resolution 2019-14: Matt Haenlien, FED Corporation, on behalf of Paul

Davis Corporation, has submitted a request for a Final 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 re-opened the public hearing at 6:33 p.m. continued from September 10 for Resolution 2019-14 on behalf of Paul Davis.

Matt Haenlien, 777 W. Cedar Avenue, Gladwin, Michigan, FED Corporation shared that since the last meeting they have provided revised site plans based on the preliminary site plan meeting.

Sabbadin asked for questions or comments.

Director Hude presented facts for the record from the staff report confirming Matt Haenlien's statement that they did provide updated plans about one month ago for review. The applicant has addressed most of the items in the previous staff report with a few exceptions:

- The Fire Chief has requested a change to the Fire Department Connection (FDC). Director Hude stated that this can be handled during the building permit process and the Fire Chief would sign off before the permit was issued.
- The sidewalk at the corner of Kipp and Temple should face west, but that can be addressed during the Right of Way permit process.
- Staff noted that with the parking lot reconfiguration the grade was rather steep on the southeast corner and they wonder how that will impact soil erosion and snow storage.
- A few of the deferred parking spaces overlap the area where the dumpster will be placed, but that can be addressed when the time comes with a revised plan.
- Staff noted an observation regarding the location of the vestibule and moving it to the west side facing parking – not required, just a note.
- Ingham County Drain Commission comments were received right before Director Hude came to the meeting. She noted they were standard comments that could be addressed when they get the Soil Erosion permit.
- Road Commission comments focused on requirements for a Right of Way permit and the details surrounding it.
- Director Hude also noted vision clearance triangles should be added to the landscaping plan and inform the location of any signs in the future.
- Parking calculations need to be updated during the construction permit stage if allowed by the Planning Commission. An additional ADA space will be necessary along with an additional deferred space in the future. The front yard parking plan is an improvement, addresses safety issues with traffic for employees/service vehicles and customers. Staff supports the proposal.
- Landscaping plans need to be updated. Director Hude requested that staff handle the review administratively during the construction permit if okay with Planning Commission.
- The applicant addressed the dumpsters being behind the building, the lighting plan was revised, the Police Chief had no comments and the Fire Chief was satisfied with the narrative provided regarding the use of hazardous materials on site.

Overall, staff finds the applicant appears to have met the requirements of the Special Use Permit and recommends approval of the Resolution with the three conditions that the FDC be revised to the Fire Chief's satisfaction, the landscaping plan be revised, and the parking plan be revised to satisfy staff's

comments.

Sabbadin asked if the commissioners had any questions for the applicant while he was present.

Howe thanked the owners for the extra time and money spent to get this done. He feels it will be an asset to the City.

Sabbadin asked Mr. Haenlien if he sees any issues in complying with the three conditions that Director Hude noted in her staff report. Mr. Haenlien said they are very minor items and will be pretty easy to fix.

With no further questions Sabbadin closed the public hearing at 6:41 p.m.

MOTION by Waxman second by Droscha, to approve Resolution 2019-14.

Discussion:

Waxman asked Director Hude if all of the items could be safely administratively handled. Director Hude stated that she believed so. She suggested that they could approve the resolution tonight, and if there are concerns, she can recommend a site plan amendment to address them. This would allow the applicant to move forward through the permitting process.

Waxman is comfortable with allowing Director Hude to handle the issues administratively knowing she will come to them if there is an issue.

Sabbadin reiterated that the motion will approve both the Special Use Permit and the Site Plan together.

VOTE ON MOTION

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

UNFINISHED BUSINESS

None.

NEW BUSINESS

- A. Resolution 2019-13: James Giguere, Giguere Realty & Development, LLC, is requesting a Final 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 streets, parcel 33-19-10-04-426-002 POLP, City of Mason, Ingham Co.

Director Hude stated that this proposal has been presented previously as part of the plat process and as a preliminary site plan; this is a final site plan that, if approved, will allow the developer to move forward constructing the road and installing the utilities to serve 20 buildable lots and one common area. They would also be eligible to pull building permits to start construction on homes. In order to sell the lots and

the homes they would have to finish the plat process which is separate. Plats require site plan review.

As Director Hude reviewed the staff report, she noted the applicants appear to have addressed all the comments. Comments received include:

- City Engineer would like an easement for future water connection between lots 129 and 130 which can be done as a revision to the construction plan.
- The Fire Chief requested construction detail of the cul-de-sac to confirm the B2 standard which allows the fire truck to go up and around and not pop a tire.
- The Drain Commission submitted a letter discussing the need for soil erosion permits.
- The Road Commission noted they do not have jurisdiction over the area and did not see it posing a major impact to the surrounding roads.
- WOW Cable commented they had limited budget for installing the utilities if they were selected to be a part of the project.
- Director Hude stated that she did send a staff report to City Council as they will need to sign off on the final plat; she wanted to make them aware of the upcoming construction. She did receive confirmation that they are aware that construction will begin after this step. Their concern, which the applicant addressed in their narrative, was that the homes built would become part of the existing Homeowners Association and any homes fronting water would become part of the Lake Association. The applicant noted in their narrative that that is required by deed for the property.
- Staff is recommending approval of the site plan with the following conditions:
 - The applicant supply drafts of the Covenants and Deeds and to include language on a revised construction plan and plat noting the Homeowners Association is responsible for the common areas and that the owners within that subdivision will be part of the respective associations.
 - A drain maintenance agreement – some type of schedule of which kinds of maintenance would occur over a twenty year period for the rain garden and drainage easement; this is required by the Drain Commission as well. This would cover the common area, the rain garden, and would show that it is being actively maintained in a manner appropriate for the long term. The Homeowners Association also needs to be made aware that in the 30 foot drainage easement there can be no obstruction to the flow of water and that they are responsible for enforcing that restriction.
 - The revised construction plans would need to include detail on the cul-de-sac to satisfy the Fire Chief's comments, and
 - Prior to signing the final plat, both the City and Drain Commission would need As-Built Drawings.

Sabbadin asked for comments or questions from the board.

MOTION by Waxman second by Droscha, to approve Resolution 2019-13.

Discussion:

Droscha shared that City Council is concerned about the Homeowners Association because they have another development where the homeowners do not want the association anymore and they don't want to maintain the common areas. He believes that this will not be the same situation.

Howe remarked that it is a good question because homeowners associations generally do not have that

kind of money to provide maintenance so who would then be responsible.

Droscha replied that this is what the City is dealing with now. The Homeowners Association is responsible to raise dues to cover what is necessary to maintain the common areas per the deed.

Howe agreed, but noted that the association has to be strong enough to follow through with the home owners and many are not. He can see the Homeowners Association saying the common area is a water feature therefore it is the responsibility of the Lake Association.

Director Hude noted there is an active association for both Homeowners and Lake in this area.

Howe agreed there is an association for both but wondered how you classify an active association. He noted that there are things going on that the association needs to deal with but they do not have the teeth to go after the home owners. They collect the money and maintain the lighting and the cul-de-sacs and that is all. The association board are volunteers.

Director Hude stated that the law is pretty clear on the mechanisms to deal with those problems and associations are required to file reports yearly. She is nervous if homes are going to be built and they come to the final plat and there is no active Homeowners Association willing to take on what is required, that it will cause an issue for City Council in terms of signing the final plat. Another option which some communities have done is that the developer is responsible for those issues for a certain number of years until the association is in place and moving forward.

Waxman asked if it would become a code enforcement issue if it was not maintained. If the grass isn't mowed, do we mow it ourselves and then bill the owners?

Director Hude stated that is how they discovered the last one, it started out as a mowing bill and now we are looking at petitioning the Drain Commission to take over a portion of the area. It is a code enforcement issue that can result in legal action. The City wants to respect the homeowner's property rights and the developer's right to develop the property so everyone needs to honor the responsibilities that come with that. This is a stand-alone property and the developer is clear in their understanding of what is required.

Ron Enger, 4685 W. Columbia Road, Mason, engineer for the project, shared he is not aware that the Homeowners Association and affiliated Pond Association are not active. They showed up to the first public hearing and were adamant that the new home owners become part of the associations as referenced in the deed. He is not aware of any infractions from the City in regards to not maintaining the property. He asked if someone knows of something not happening that is supposed to, to please let him know and they will get it taken care of.

Howe noted again that the people serving are volunteers and they change frequently. He said the association is active and does a very good job maintaining the common areas.

Mr. Enger understands and agrees that the level of service could change with different volunteers. He said that Rayner Ponds has so far proven to be consistent in upholding their duties.

Waxman shared that the concerns of City Council have been heard and that one subdivision isn't necessarily the same as the next. He also understood Commissioner Howe's point that it is a volunteer association, which he believes most are, but he is not concerned that they will not honor their

responsibilities. The City has mechanisms in place that provide the incentive to do that. He understands City Council's concerns but thinks if they would have seen the turnout from the first public hearing they would know they are not sitting idly by as they were concerned about drainage. He sees no reason not to move forward as the resolution states conditions to include those assurances.

Howe is also in support. He does not want to hold it up either, he just thought it was a good point and wondered how you go about making sure it doesn't turn into the other situation. He also noted that not everyone at the public hearing was from the association but were from adjacent properties because they were concerned about the water.

Director Hude commented that in the files for the plat, she has letters on letterhead from the Association that document their request and reference to the deed. The applicant has also supplied deeds and their narrative addresses the issue; the file has the information for the board to reflect on.

Droscha shared that the problem with the other association is that they dissolved and refuse to have an association.

VOTE ON MOTION

Yes (7) Droscha, Howe, Perrault, Sabbadin, Vercher, Waxman, Wren
No (0)
Absent (2) Barna, Shattuck

MOTION PASSED

B. 2020 Meeting Schedule


Sabbadin noted the 2020 meeting schedule in the packet and specifically mentioned the March 17th date being different due to elections. Staff stated that she can send out Outlook appointments to them from the staff calendar. Commissioners agreed this would be helpful.

LIAISON REPORT

Council Member Droscha informed the Commissioners there can now be Short-Term rentals in the C-1 District with a Special Use Permit. Hude informed the commission that staff had received an application from Jamie Robinson and they will see that in November.

ADJOURN

The meeting adjourned at approximately 7:02 p.m.

 12/10/19

Anne Barna, Secretary