



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989-835-2717 FAX ♦ www.cityofmidlandmi.gov

## REGULAR MEETING OF THE MIDLAND CITY COUNCIL

August 10, 2020

7:00 PM

**Due to Governor Gretchen Whitmer's current Executive Orders requiring social distancing and allowing meetings of public bodies to be held electronically, this meeting will be conducted via videoconference. The City of Midland will utilize Zoom to conduct this videoconference meeting.**

### AGENDA

#### **To join via videoconference, go to:**

<https://zoom.us/join> ~ Webinar ID: 878 4728 8963 ~ Password: 973161

#### **To join via telephone, dial:**

**1 (312) 626-6799 ~ Webinar ID: 878 4728 8963 ~ Password: 973161**

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Pamela Hall  
Marty A. Wazbinski

CONFLICT OF INTEREST DISCLOSURE STATEMENT

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. \*Approve minutes of the July 27 regular City Council meeting. ARMSTRONG

PUBLIC HEARINGS:

2. Accept a gift from the Charles J. Strosacker Foundation and amend the 2020-21 General Fund budget for Thrune Park maintenance. MURPHY
3. Zoning Text Amendment No 161 - Amendments to the Site Plan Review Process. MURSCHEL

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

RESOLUTIONS:

4. Site Plan No. 402 - request by William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road. MURSCHEL
5. \* Authorization to amend water service agreements for neighboring properties. SCHWARZ

Considering purchases and contracts:

6. \* Purchase of Police Vehicles. MURPHY
7. \* Purchase of two single axle dump trucks with snow and ice removal equipment. MURPHY
8. \* Purchase of a wheeled backhoe and two mini front-end loaders. MURPHY
9. \* Plymouth water tank and lime silo painting, Bid No. 4104. SCHWARZ

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION

Citizen Comment Line:	837-3400
City of Midland website address:	<a href="http://www.cityofmidlandmi.gov">www.cityofmidlandmi.gov</a>
City of Midland email address:	<a href="mailto:cityhall@midland-mi.org">cityhall@midland-mi.org</a>
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

To provide written comment to City Council regarding items on this agenda, please e-mail: [CityHall@midland-mi.org](mailto:CityHall@midland-mi.org). These communications will be shared with members of the public body. Comments are accepted until 4 p.m. on the day of the meeting. Comment can also be made during the public comment portion of the agenda.

For the hearing impaired, please call 711 to access the FCC's phone relaying service and provide the call-in information above.

**File Attachments for Item:**

\*Approve minutes of the July 27 regular City Council meeting. ARMSTRONG

July 27, 2020

A regular electronic meeting of the City Council was held on Monday, July 27, 2020, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 882 8166 6805 ~ Password: 634979. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall,  
Marty Wazbinski

Councilmen absent: None

### MINUTES

Approval of the minutes of the June 13, 2020 regular electronic meeting was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm. (Motion ADOPTED by a Roll Call Voice Vote.)

### PUBLIC COMMENT

No public comments were made.

### PURCHASING ORDINANCE AMENDMENT

Assistant City Manager Dave Keenan presented information on an ordinance amending the City's purchasing ordinance by adding Section 2-28 to Chapter 2 of the Code of Ordinances establishing policies and procedures for Federal Emergencies and Disasters to provide special consideration to allow the use of federal procurement guidelines for purchases related to federal disasters. The following ordinance was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

#### ORDINANCE NO. 1839

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY ADDING SECTION 2-28 TO ARTICLE II OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Section 2-28 to Article II of Chapter 2 is hereby added to read as follows:

#### **Sec. 2-28. Establishment of Policies and Procedures for Federal Emergencies and Disasters.**

The City Manager, or its designee, shall create, implement and maintain current policies and procedures for procurement of goods and services and reimbursement of costs paid for said goods and services through federally funded programs, in compliance with federal rules and regulations. The purpose of these policies and procedures shall be to afford city staff the ability to use federal procurement policies in place of standard city procurement policies to procure goods and services in a manner that is both compliant with federal procurement policies, and consistent with timing requirements as determined by the city. This ability shall only apply to Federal emergencies and disasters.

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED by a Roll Call Voice Vote.)

### MAIN STREET PEDESTRIAN PLAZA CLOSURE

Director of Community Affairs Selina Tisdale provided a follow up report regarding the pedestrian plaza closures on Main Street and requested an extension of the closure through September 27, 2020. Paige Fryzelka (Health Hut) 359 W. Center Rd, Sanford, Nancy Carney, 1002 W. Park Dr., Jenifer Acosta 204 E. Mockingbird Lane, and Diane Middleton (MBA), 1267 W. Midland St., Auburn commented on the request. The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the request from the Downtown Development Authority to extend the "Bringing Back Downtown Midland – Safely" street closures, utilizing the public right-of-way, amplified

## UNAPPROVED

sound, and the addition of event signage is hereby extended to September 27, 2020 subject to the continued following conditions:

- The responsible party and contact number for the event date is Selina Crosby Tisdale 989-837-3304.
- Continuation of event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The updated certificate must be submitted to the City Engineer's Office. You may fax it to 989-837-5708.
- Engineering will update the Traffic Control Order for street closures.
- Department of Public Services barricades will remain for the street closures per Engineering's TCO.
- Parks Department will continue to provide the 12 picnic tables and additional trash receptacles.
- A minimum 15' fire lane shall be maintained on one side of the street.
- A minimum 3' clearance shall be maintained around fire hydrants, with clear access from the hydrants to the street.
- Any barricades shall be easily removable to facilitate the passage of emergency vehicles should access be required.
- Event may extend until September 27, 2020. (Motion ADOPTED by a Roll Call Voice Vote.)

### **SOCIAL DISTRICTS DOWNTOWN MIDLAND PEDESTRIAN PLAZA**

Director of Community Affairs Selina Tisdale provided information to City Council regarding a request of the Downtown Development Authority to add social districts to the pedestrian plaza areas of Main Street. Paige Fryzelka (Health Hut) 359 W. Center Rd, Sanford, Jenifer Acosta 204 E. Mockingbird Lane, and Diane Wilcox, 1101 E. Park Dr. commented. The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the Midland Downtown Development Authority has submitted a request to establish two Social Districts on Main Street as provided for in House Bill 5781 of July 1, 2020; and WHEREAS, said social districts will be established on Main Street between Ashman Street and McDonald Street and between McDonald Street and Rodd Street; and WHEREAS, the hours of operation for the social districts will be daily, noon until midnight; and WHEREAS, these social districts will remain in effect for the duration of the Main Street closures for pedestrian plazas; now therefore RESOLVED, that Midland City Council hereby approves the establishment of two social districts in downtown Midland. (Motion DENIED by a Roll call Voice vote. Yeas: Wazbinski Nays: Arnosky, Brown Wilhelm, Donker, Hall)

### **DDA BOARD APPOINTMENTS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

RESOLVED, that in accord with Chapter 30-6 of the Code of Ordinances, the City Council hereby confirms the City Manager's appointment of Sean Squires and Chris Moultrup to the Downtown Development Authority to fill terms ending May 1, 2024 and May 1, 2022 respectively. (Motion ADOPTED by a Roll Call Voice Vote. Yeas: Donker, Wazbinski, Brown Wilhelm Nays: Arnosky, Hall)

### **SITE PLAN NO. 388**

Director of Planning and Community Development Grant Murschel presented information on Site Plan No. 388 – a 62 unit residential townhouse development, located at 7702 Sturgeon Avenue. Mike Rybicki, MLR Engineering commented on behalf of the petitioner. Jim Elmore, 3101 Camberly Lane, Dave Pasek, 5109 Drake Street, and Amanda VanHoey, 2811 Saint Mary's Drive

## UNAPPROVED

also commented regarding the petition. The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 388, initiated by MLR Engineering on behalf of Osmond Rentals, LLC, for site plan review and approval of Osmond Townhouses, a sixty-two (62) unit residential townhouse development, located at 7702 Sturgeon Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 388 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 388, contingent upon the following:

1. A final stormwater management plan and permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Public utility easements to the satisfaction of the City Engineering Department and City Attorney's Office. (Motion ADOPTED by a Roll Call Voice Vote Yeas: Arnosky, Brown Wilhelm, Donker, Wazbinski Nays: Hall)

#### **SITE PLAN NO. 401**

Director of Planning and Community Development Grant Murschel presented information on Site Plan No. 401 – a storage facility totaling 19,600 square feet, located at 916 Waldo Avenue. The following resolution was offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 401, initiated by DGR Properties, LLC, for site plan review and approval of a storage facility, totaling 19,600 square feet, located at 916 Waldo Avenue; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 401 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 401, contingent upon the following:

1. A final stormwater management plan, permit and easements to establish the common stormwater management system are needed to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. The fire hydrant lead must be eight (8) inches in diameter and include the public easement to the satisfaction of the City Fire and Engineering Departments.
4. Parking space striping on-site must comply with the requirements of Article 5.00 of the Zoning Ordinance to the satisfaction of the City Planning Department. (Motion ADOPTED by a Roll Call Voice Vote.)

City Council took an intermission from 10:09-10:14 p.m.

#### **IMPACT OF DAM FAILURES ON CITY UTILITIES**

Director of Wastewater Services Patrick Frazee presented information to Council regarding the Impact of Dam Failures Report related to the May 2020 dam failures events. City Engineer Josh Fredrickson supplemented information provided to Council regarding this report. John Muste commented on the report via presentation to City Council regarding the May 2020 events, and Jen Miller, 5004 Bristlecone Drive, and Dave Pasek, 5109 Drake Street also commented regarding the report. The following resolution was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

## UNAPPROVED

WHEREAS, the Wastewater Department has reported on the 2020 dam failures and associated flood impacts to the City of Midland utility infrastructure; now therefore  
RESOLVED, that City Council hereby receives and files the Impact of Dam Failures Report. (Motion ADOPTED by a Roll Call Voice Vote.)

**BOOK ORDERING AND PROCESSING SERVICES**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for book ordering and processing services for the Grace A. Dow Memorial Library in April 2016; and

WHEREAS, the proposal submitted by Baker & Taylor has been determined to be the lowest cost to the City with the purchasing and processing of books for the Library; and

WHEREAS, Baker & Taylor has agreed to extend the same terms and conditions of the current contract into fiscal year 2020/2021; and

WHEREAS, funding is available in the 2020/2021 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the current contract with Baker & Taylor for book ordering and processing services for the Grace A. Dow Memorial Library be extended through fiscal year 2020/2021 in an amount not to exceed \$125,000 and the necessary purchase order authorized. (Motion ADOPTED by a Roll Call Voice Vote.)

**PURCHASE OF SUBSCRIPTION SERVICES FROM OVERDRIVE, INC.**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Overdrive, Inc. provides subscription services, eBooks and eAudiobooks for the Grace A. Dow Memorial Library; and

WHEREAS, funding is available in the 2020/2021 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the City Council hereby determines that sealed proposals are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived and the purchase of subscription services, eBooks and eAudiobooks from Overdrive, Inc. is hereby approved in an amount not to exceed \$85,000 and the necessary purchase order authorized. (Motion ADOPTED by a Roll Call Voice Vote.)

**2020 AIRFIELD LANE & CONCORD STREET; CONTRACT NO. 16**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the street reconstruction of Airfield Lane & Concord Street; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Airfield Lane & Concord Street Reconstruction; Contract No. 16" project, in the amount of \$528,045.40, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

## UNAPPROVED

**2020 BROOKFIELD DRIVE RECONSTRUCTION; CONTRACT NO. 15**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the street reconstruction of Brookfield Drive; and

WHEREAS, funding for this project is provided by the Local Street Fund; now therefore RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2020 Brookfield Drive Reconstruction; Contract No. 15" project, in the amount of \$369,736.00, is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$35,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

**PURCHASE OF STREET SWEEPER**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, bids for construction and street maintenance equipment are solicited bi-annually by the Sourcewell Cooperative Purchasing Program, and the City of Midland is authorized to make purchases from this program; and

WHEREAS, funding for a street sweeper is included in the FY 2020/21 Equipment Revolving Fund budget for Capital Outlay – Vehicles; now therefore RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Sourcewell's selected vendor, MTech Equipment Company of Cleveland, Ohio, in the amount of \$230,736.00 for the purchase of a three-wheeled street sweeper in accordance with the Sourcewell Cooperative Purchasing Program proposal and specifications; and RESOLVED FURTHER, that staff is authorized to sell existing City unit 488, a 2009 Elgin Eagle street sweeper, via online auction. (Motion ADOPTED by a Roll Call Voice Vote.)

**WASTEWATER BIOSOLIDS TO LAND APPLICATION SERVICES**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, on March 14, 2017, bids were received for Bid No. 3852, Biosolids to Land Application Services, in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, purchase orders for two years beginning July 1, 2017 were authorized by City Council on June 26, 2017 to the low bidder, Michigan AgriBusiness Solutions, at a unit price of \$0.0389 per gallon of biosolids, for a total annual extended cost of \$136,150.00 (\$0.0389 x 3,500,000) for the land application of biosolids for a two-year period, with options of up to three (3) one (1) year extensions at the same unit price; and

WHEREAS, staff has been satisfied with the services provided for prior fiscal years and would like to exercise the second extension; and

WHEREAS, funds have been appropriated in the fiscal 2020-21 Wastewater Enterprise Fund budget; now therefore

RESOLVED, that a purchase order in an amount not to exceed \$136,150.00 to Michigan AgriBusiness Solutions of Saginaw is hereby authorized for biosolids to land application services for the fiscal year 2020-21; and

RESOLVED FURTHER, that the City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00. (Motion ADOPTED by a Roll Call Voice Vote.)

## UNAPPROVED

**WASTEWATER INTERMEDIATE PUMP HOUSE PUMPS, BID NO. 4095**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, The Intermediate Pump House at the Wastewater Treatment Plant was constructed in 1962, and consists of eight pumps, running on variable frequency drives that have been in service for over 30 years; and

WHEREAS, staff intends to replace all eight pumps over the next several years; and

WHEREAS, the sole bid received from Kennedy Industries, Inc. meets city specifications; and

WHEREAS, funding has been budgeted for this purpose in the 2020/21 Wastewater Enterprise Fund Capital Budget; now therefore

RESOLVED, that a purchase order in the amount of \$70,230.00 be issued to Kennedy Industries, Inc., of Wixom, for two Flygt model 3202 dry pit submersible pumps each rated at 35 horsepower with a duty point of 2,200 gpm at 35' head pressure. (Motion ADOPTED by a Roll Call Voice Vote.)

**SET PUBLIC HEARING FOR ZONING PETITION NO. 631**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, July 14, 2020 for property located at 400 S. Sandow Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Township Zoning to RC Regional Commercial zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, August 24, 2020, at 7:00 p.m. in the Council Chambers, City Hall, or virtually due to the Coronavirus pandemic for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before August 7, 2020 and to publish said notice on August 8, 2020.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE AN RC REGIONAL COMMERCIAL ZONING DISTRICT, WHERE A TOWNSHIP ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED THE WEST 392 FEET OF OUTLOT A OF STARK'S SUBDIVISION, A PART OF THE WEST 112 OF THE NORTHWEST 1/4 OF SECTION 24, TOWN 14 NORTH, RANGE 1 EAST, TOWNSHIP OF HOMER, MIDLAND COUNTY, MICHIGAN, AS PER PLAT THEREOF RECORDED IN LIBER D OF PLATS ON PAGES 41 AND 42 OF MIDLAND COUNTY RECORDS, EXCEPT BEGINNING AT A POINT ON THE NORTH LINE OF OUTLOT A WHICH IS 30 FEET EAST OF THE NORTHWEST CORNER OF OUTLOT A; THENCE WEST ALONG THE NORTH LOT LINE A DISTANCE OF 30 FEET; THENCE

## UNAPPROVED

SOUTH ALONG THE WEST LOT LINE A DISTANCE OF 30 FEET; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING

Be, and the same is hereby changed to RC Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED by a Roll Call Voice Vote.)

**SET PUBLIC HEARING TO ACCEPT GIFT FOR THRUNE PARK**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

RESOLVED, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, August 10, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, to accept a gift from the Charles J. Strosacker Foundation and amend the General Fund budget for fiscal year 2020-2021 for Thrune Park maintenance.

RESOLVED FURTHER, in the event the meeting is held virtually, information on how to participate via phone or videoconference will be provided within the agenda posting for said meeting. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 11:26 p.m.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

2. Accept a gift from the Charles J. Strosacker Foundation and amend the 2020-21 General Fund budget for Thrune Park maintenance. MURPHY

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Accept a gift from the Charles J. Strosacker Foundation and amend the 2020-21 General Fund budget for Thrune Park maintenance improvements

**INITIATED BY:** Karen Murphy, Department of Public Services

**RESOLUTION SUMMARY:** This resolution amends the 2020-2021 General Fund budget to recognize a gift from the Charles J. Strosacker Foundation by increasing revenues and expenditures by \$29,500 to provide maintenance at Thrune Park.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**COUNCIL ACTION:**

1. Public hearing required
2. 3/5 vote required to approve resolution

Karen Murphy  
City of Midland Department of Public Services



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August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

In 2009, the Charles J. Strosacker Foundation provided the City with a generous gift of \$350,000 to completely renovate Thrune Park. As part of their ongoing commitment to keep the park up-to-date and in good repair, the foundation agreed to review the park every five years and help financially with needed maintenance and updates.

Foundation members and City Parks staff agreed this year upon a list of current improvements needed that includes repainting the restroom building, restraining the concrete letters and the blue walking path, expanding the irrigation system to the outlawn area and replacing a picnic table that is showing wear. The foundation has generously offered a grant for \$29,500 to make these improvements. The Parks and Recreation Commission voted unanimously at their August 5 meeting to pass a recommendation on to City Council to accept this generous gift and shared their appreciation for the Strosacker Foundation's continued commitment to Thrune Park. The maintenance improvements are scheduled to be made this fall.

In order to move forward with the updates to the park, the General Fund budget must be amended to recognize the incoming revenue and to allocate the appropriate expenses. Amending a budget requires a public hearing and Council involvement at two separate meetings: the first meeting to set the date for a public hearing, and the second to hold the public hearing. City Council set August 10 as the date for the public hearing, and the attached resolution accepts the gift and amends the budget accordingly.

Sincerely,

Karen Murphy  
Department of Public Services



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BY COUNCILMAN

WHEREAS, that in accordance with Section 11.6 of the Charter of the City of Midland, a public hearing has been conducted at 7:00 p.m., Monday, August 10, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic; and

WHEREAS, a generous gift of \$29,500 has been offered to the City from the Charles J. Strosacker Foundation for Thrune Park maintenance improvements; now therefore

RESOLVED, that City Council accepts the generous gift from the Charles J. Strosacker Foundation and extends their appreciation for the Foundation's continued support of Thrune Park; and

RESOLVED FURTHER, that the 2020-21 General Fund budget is hereby amended to increase revenues and expenditures by \$29,500 to recognize the gift and allow the improvements to be made at Thrune Park.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

3. Zoning Text Amendment No 161 - Amendments to the Site Plan Review Process. MURSCHEL

**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Zoning Text Amendment No. 161

**INITIATED BY:** City of Midland

**RESOLUTION**

**SUMMARY:** Action to amend Article 27.00 of the Zoning Ordinance.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Article 27.00 with Proposed Amendments
6. Communications

**CITY COUNCIL ACTION:**

1. Public hearing is required.
2. 3/5 vote to approve resolution.

Grant Murschel  
Director of Planning & Community Development

GRM/rmg



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August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, June 23, 2020, the Planning Commission considered Zoning Text Amendment No. 161 to make amendments to the objective site plan review process included within Article 27.00 of the City of Midland Zoning Ordinance.

This petition was initiated by City Planning Department staff in response to the direction given by City Council during their retreat in January 2020. The Planning Commission deliberated on the proposed changes over a number of meetings and ultimately concluded with the proposed changes. While the intention was to have these changes proposed to City Council by spring, the proposal was unfortunately delayed due to COVID-19, the flooding events of May 2020, and their subsequent impacts to the Planning Commission meeting schedule.

After discussion and deliberation by the Planning Commission on June 23, it was moved by Rodgers and supported by Hanna that the Planning Commission recommend unanimously to City Council approval of Zoning Text Amendment No. 161 to make amendments to the site plan review process included within Article 27.00 of the City of Midland Zoning Ordinance.

Vote on the Motion:

YEAS: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers  
NAYS: None  
ABSENT: Koehlinger

Motion approved by a vote of 8 to 0.

No written comments were received ahead of the meeting; there was one (1) public comment made in support during the public hearing on this request and none in opposition. Since the recommendation by Planning Commission, staff has received three (3) written comments in opposition.

The notable changes proposed within include relocating the final approval authority on all site plans from City Council to the Planning Commission and increasing the thresholds by which site plans can be approved administratively at the staff level. As there have been questions surrounding these changes, I would like to address a few of them upfront.

*Why is the City considering this change?*

Changing the final approval authority from City Council to the Planning Commission has been discussed

by the City on many occasions since the early 2000s. This change has been desired by staff as it would align with the best practice across the state for municipalities.

Site plan reviews are objective in nature and are a fixture of the state's Zoning Enabling Act. Site plan reviews are different from other subjective reviews that a City can entertain for new developments such as conditional use permits, rezoning or zoning map amendment requests, and other special requests that impact development of a neighborhood (e.g. the 2015 proposal to relocate the farmers market or the Buttles Street Road Diet study).

Site plans are the means by which a development is approved when the proposed use is permitted by right within the subject zoning district. An example of this would be an office in an OS Office Service zoning district or a new grocery store in an RC Regional Commercial zoning district. If a proposed development meets a City's objective criteria established within its Zoning Ordinance and related codes, it is entitled to approval under state law. Therefore, reviewing a site plan is an administrative task and is suitable for an appointed body to complete with the assistance of City staff.

The reason why elected bodies are discouraged from approving site plans is due to the possibility of subjective, political influence into a decision. Many times such a subjective decision is derived from community opposition to a project. If neighbors do not like a proposed site plan but the site plan meets the City's objective criteria, the site plan is still entitled to approval. This is different from subjective reviews of the City such as conditional use permits which allow for consideration of neighborhood opposition or neighborhood detrimental impacts.

During site plan reviews, the City can only consider items that relate to its objective criteria. When considerations outside the established criteria are considered by City Council, the City risks applying arbitrary standards to a proposed development. Not only does discussing and rendering decisions on arbitrary standards expose the City to legal liability, it also sends a message to the development community that the City entertains and holds developments to standards that can come out of left field at the last minute.

Public comments on site plans are valuable when the comments made are in relation to the objective criteria. Comments made outside the objective criteria are prohibited by state law to be used as a means to render a decision on a site plan. The current process that involves the political body raises expectations that consideration will be given to points outside of the strict review criteria. Such incorrect expectation places the City Council in an awkward position as well as establishes a false belief in the general public about the role of public comment in site plans.

The Redevelopment Ready Communities (RRC) program of the Michigan Economic Development Corporation, of which the City has been engaged in since 2014, underscores the importance of having site plans reviewed and approved by the Planning Commission. The RRC program is designed to establish a set of standards that the community can adhere to. This establishes a set of practices that are consistent and clear so developers can easily understand what it takes to receive approval from the municipality. Another example of a change the City has made to align with the RRC program includes the adoption of the annual six-year Capital Improvement Plan which began in 2016.

*Why are the thresholds for administrative (staff-level) approval proposed to increase?*

The desire to increase the thresholds for administrative approval resulted from close consideration by the Planning Commission and review of the historical site plan data from the last ten (10) years. The Planning Commission reviewed the nature of the developments over the last ten years, the scale of the developments, and their adherence to the City's objective criteria. They also considered the process developers are required to go through for projects that are small in scale, yet above the current thresholds.

Ultimately, the Planning Commission is proposing to increase these thresholds in order to make the approval process more efficient and to allow for staff to focus more attention on other big picture policies.

These thresholds for administrative approval are proposed to increase from 7,500 sq. ft. to 15,000 sq. ft., from 25 parking spaces to 50 parking spaces, and from four (4) site condominium units to 10 site condominium units.

*Are there any exemptions to certain site plans under the new proposed thresholds?*

Yes, there are and the exemptions follow the current exemptions established within the Zoning Ordinance. Site plans will still go thru the Planning Commission process if they are:

- A non-residential use over 1,000 sq. ft. and are adjacent to a single-family residential zoning district,
- Are non-residential and are located in a residential zoning district, and/or
- Include new vehicle driveway access.

All developments that do not meet this exemption criteria and are below the new thresholds will be reviewed and approved by staff.

*Will public hearings still be held by the Planning Commission for site plans?*

A public hearing, and the associated public notices (a mailing to all properties and occupants within 300 feet and a legal ad within the Midland Daily Newspaper), will still be required for site plans that go through the Planning Commission process under the proposed amendments.

*Are the proposals changing the public's opportunity to provide input on new development?*

Under the proposed changes, the number of public meetings that a site plan will be discussed will be cut by one (1) but the opportunities for public input in the City's development process and rules will not change. The public's ability to participate in the future development and growth of the City is far more important during discussions of master planning, rezoning and zoning text amendments. For it is these documents, the Master Plan and the City's Zoning Ordinance, that vastly guide and regulate new development within the City.

The proposed changes simply seek to amend an objective process that the City has established to forward the goals and objectives within the Zoning Ordinance, as guided by the Master Plan. The current Zoning Ordinance, as amended, is the result of action by City Council. Any changes to the playing rules that a development would need to adhere to will remain at the City Council level and are not proposed to change with this proposal.

*Will the proposed amendments make the City procedures more efficient?*

Yes, this change will allow City staff to spend less time preparing agenda items for multiple meetings. A reduction in meeting agenda items will allow staff greater opportunity for high-level policy discussions to be brought forward for City Council considerations. Recently, there have been times at the floor of City Council where individual standards want to be discussed rather than whether or not a site plan has sufficiently met the standards. City Council's role is to set the development standards for the City and more time to bring these matters forward to City Council will be a benefit to the future of the city.

It is estimated that each site plan agenda item sent to City Council takes 4-5 hours of staff time to prepare; this time is increased when there is public interest in a site plan.

*Has City Council overturned any site plan recommendations by the Planning Commission?*

Since 2010, there has only been one (1) site plan that has been denied by City Council following a recommendation of approval by the Planning Commission. This was Site Plan No. 314, the request of

Twilight Motel. The denial followed the recommendation by City staff to deny the proposal, in light of a non-compliant zoning standard that was discovered by staff between the time the Planning Commission reviewed the proposal and City Council's review. All other site plans reviewed during this time, which total 95, have been approved by City Council following a recommendation of approval by the Planning Commission.

*How long has this proposal been discussed this year?*

As mentioned previously, the idea to shift site plan approvals down to the Planning Commission level has been discussed on a number of occasions over the last 15+ years. During 2020, this proposal has been publically discussed four (4) different times by the Planning Commission (January 14, February 11, April 28 and June 23) and once (1) by the City Council (January 4).

City staff's action to forward this proposal to the Planning Commission for deliberation and to reach an agreement on a proposed set of amendments followed City Council's directive given at their goal-setting meeting on January 4.

Staff is planning to present a detailed overview of the proposed changes during the staff presentation ahead of the public hearing on August 10. As agreed to by City Council, a decision on this proposal will not be considered until the August 24 meeting; therefore, a resolution to approve is not offered at this time.

A resolution to approve Zoning Text Amendment No. 161 will be brought forward for consideration during the August 24 meeting.

Sincerely,



Grant Murschel  
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, June 23, 2020 to consider the advisability of amending the site plan review process of Article 27.00; and

WHEREAS, a public hearing was held by the City Council on Monday, August 10, 2020 to consider the advisability of amending the site plan review process of Article 27.00; now therefore

RESOLVED, that City Council receives and files the proposed amendments to the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby given second reading; and

RESOLVED FURTHER, the City Council will act on the proposed amendments during its meeting on Monday, August 24, 2020.

ORDINANCE NO. 1800

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 27.00 THE SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby proposed to be amended as follows:

ARTICLE 27.00

SITE PLAN REVIEW

Section 27.02 -- SITE PLAN REQUIRED

A. Site Plan Required

Except as provided in the following subsection B, the construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional fifteen thousand (15,000) square feet of gross floor space, other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.

- 3. Expansion or paving of off-street parking involving fifty-one (51) or more spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
- 4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
- 5. All site condominium projects where eleven (11) or more detached dwelling units are proposed.
- 6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.
- 7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

**B. Site Plan Not Required**

Notwithstanding the preceding subsection a site plan approval is not required for the following activities:

- 1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
- 2. Construction of any addition to an existing building or structure to create not more than an additional fifteen thousand (15,000) square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.

**Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES**

**A. Review and Approval Authority**

All site plans shall be reviewed and approved by the Planning Commission following the procedures set forth in the following Section 27.04. The Planning Commission shall have the authority to approve, approve with conditions, or deny all site plans.

**27.04 -- REVIEW AND FINAL ACTION**

**B. Planning Commission Review and Approval**

The Planning Commission shall review the site plan proposal together with any public hearing findings, reports and recommendations from the Planning and Community Development Department and any from other reviewing agencies. The Planning Commission shall then approve, approve with conditions, or deny, the proposal as follows:

- 1. **Approval**  
Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the-site plan.–Site plan approval does not exempt the proposed development from any other applicable City Codes.
- 2. **Approval Subject to Conditions**  
Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified in writing.

Conditional site plan approval does not exempt the proposed development from any other applicable City Codes.

3. **Denial**

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall deny the site plan and set forth its reasons in writing.

**C. Recording of Site Plan Review Action**

Each action taken on a site plan review and the grounds for action shall be recorded in the minutes of the Planning Commission.

After final action has been taken on a site plan and all steps have been completed, copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy shall be returned to the applicant and at least one (1) copy shall be kept on file in the Planning and Community Development Department.

**D. Procedure After Site Plan Approval**

1. **Application for Building Permit**

Following final approval of the site plan by the Planning Commission or the Planning and Community Development staff, the applicant may apply for a building permit. The City may require engineering approval prior to issuance of the building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed. The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association

2. **Expiration of Site Plan Approval**

If construction has not commenced within two (2) years of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The applicant may apply in writing to the Planning Commission for an extension of the site plan approval. The Planning Commission may grant an extension of up to twelve (12) months if:

- a. The applicant requests the extension prior to expiration of the previous approval, and
- b. The approved site plan adequately represents current conditions on and surrounding the site, and
- c. The site plan conforms to the current Zoning Ordinance standards.

**E. Modification to Approved Plan**

Minor modifications to an approved site plan may be approved by the Planning and Community Development staff.

**1. Minor Modification Defined**

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, the danger from hazards, or the provision of any bonus item. Examples of minor modifications include:

- a. An addition to an existing commercial or industrial building that does not increase the floor space by more than twenty-five percent (25%) or fifteen thousand (15,000) square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than fifty-one (51) parking spaces.
- d. Substitution of landscaping for equivalent species of landscaping.
- e. Off-site improvements that individually would otherwise be approved administratively by the city and that add to the safety, appearance or functionality of the approved site plan being amended.

The construction of a new building or structure with 15,000 square feet or more of gross floor area, adding fifty-one (51) or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission shall be required.

**2. Recording of Action**

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file. The Planning Commission shall be advised of all minor site plan modifications approved by the Planning and Community Development staff and such modifications shall be noted on the site plan.

Vote on the motion:

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

\_\_\_\_\_  
Erica Armstrong, City Clerk

# Memo



**To:** Midland City Planning Commission  
**From:** Grant Murschel  
 Director of Planning & Community Development  
**Date:** April 24, 2020  
**Re:** Site Plan Review Process

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Following discussion of the site plan review process during the January 10, 2020 and February 10, 2020 meetings, staff has prepared the following proposal regarding amendments to the Site Plan Review Process included within Article 27.00 of the Zoning Ordinance. Also enclosed for consideration is the square footage breakdown of recent site plans for reference.

Staff intends to present the enclosed information during the meeting on April 28, 2020 for Planning Commission consideration and feedback.

## **Proposed Amendments:**

### *Administrative (Staff) Review*

- 1) Developments totaling up to 15,000 sq. ft., up to 50 parking spaces, and/or up to 10 site condominium units will be reviewed administratively and approved by staff.

### *Planning Commission Review*

- 2) Developments totaling more than 15,000 sq. ft., more than 50 parking spaces, and/or more than 10 site condominium units will be reviewed by the Planning Commission. Planning Commission will have final approval following a public hearing on the proposal.
  - a. All property owners and occupants (residents) within 300 feet will be notified by mail and a public notice will be published in the Midland Daily News 15 days prior to the public hearing (as is the current procedure).
  - b. The Planning Commission rules of procedure will be revised to allow for action by the Planning Commission during the same meeting as the public hearing (removing the requirement to waive the rules of procedure).
  - c. If the Planning Commission chooses not to act, the Commission will have the option to table (delay) taking action on the Site Plan until the next meeting.

### *Appeals*

During previous discussion, it was determined that an appeal process involving City Council or the City Zoning Board of Appeals was desirable. While either option is conceivable, staff is continuing to research the best practices across the state on how to handle an appeal. More information on the appeal options will be provided during the meeting on April 28, 2020.

### *Fast-Track Options*

The fast-track options previously discussed involved expediting the process at the staff level and do not require modifications to the process involving the Planning Commission. Therefore, no specific amendments Article 27.00 are required to implement these options.

**MINUTES OF THE REGULAR MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION,  
ON TUESDAY, JUNE 23, 2020 7:00 P.M.**

**MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC**

<https://zoom.us/join> | Webinar ID: 824 8354 2538 | Password: 637733

1. The meeting was called to order at 7:05 p.m. by Chairman Mayville.

2. **Roll Call**

**PRESENT:** Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

**ABSENT:** Koehlinger

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and three (3) others.

3. **Approval of Minutes**

Hanna made a motion to approve the minutes of the regular meeting of May 12, 2020 as written, seconded by Pnacek.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

4. **Public Hearings**

a. **Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process**

Murschel gave an overview of the proposed changes to the Site Plan Review Process as presented in the staff memo. This follows the directive by City Council from January.

The Commission reviewed the proposed changes to the site plan review process, following on previous discussions earlier in the year. Changes to the administrative review, an appeals process and amendments to the bylaws were reviewed. Murschel indicated that if consensus was reached on the nature of the changes.

**Public Comments in support:**

Patrick Pnacek 2525 N Eastman Rd Midland, MI. Mr. Pnacke asked for some clarity on how the process will effect new development. Murschel stated that this change in process will hopefully streamline the process by eliminating questions that are outside of the objective criteria set by the City's ordinances.

**Public Comments in opposition:** None

Mayville closed the public hearing.

Heying made a motion to waive the rules of procedure and render a decision this evening, seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Rodger made a motion to recommend approval on Zoning Text Amendment No. 161 – Amendments to the Site Plan Review Process. The motion was seconded by Hanna.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

**b. Site Plan No. 400 – Request by Archiverde LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue.**

Murschel gave an overview of the site plan. The reason this plan is before the Planning Commission is due to the parking lot space expansion request.

Bain asked about the Photometric Plan being a contingency item, Murschel stated that this is an items that staff is comfortable with this being a contingency item for later staff approval.

Petitioner: Nicholas Lefevre 3900 Centennial Drive Suite C Midland, MI 48642: Mr. Lefevre spoke to the improvement on the site that have been made and the need for additional parking for the proposed use for the building.

**Comments in Support:** Patrick Pnacek 2525 N Eastman is in support of this expansion.

**Comments in Opposition:** None

Mayville closes the public hearing.

Bain made a motion to waive the rules of procedure and render a decision this evening, seconded by Sabjel.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

Hanna made a motion to recommend approval Site Plan No. 400 the proposal Archiverde Design LLC, for site plan review and approval of an expanded parking lot, located at 1320 Waldo Avenue. With the following contingencies:

The motion was seconded by Heying.

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.

2. An updated photometric plan to the satisfaction of the City Planning Department.

Vote on the motion:

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0

5. **Old Business**

6. **Public Comments** (unrelated to items on the agenda) – None

7. **New Business** –

- a. **Nominating Committee for 2020-21 Officers** –

Mr. Murschel asked for three volunteers to create a committee to nominate officers for 2020-2021. Commissioners Pnacek, Rodgers and Broderick volunteered for the committee.

8. **Communications** – None

9. **Report of the Chairperson** – None

10. **Report of the Planning Director** - Murschel stated that the digital meeting format will continue through at least the end of July. Mr. Murschel also spoke about City staff and the flood response.

11. **Items for Next Agenda – July 14, 2020**

- a. **Zoning Petition No. 631** - request by Matt Rapanos to rezone property located at 400 S Sandow Road from Township zoning to RC Regional Commercial.
- b. **Site Plan No. 401** - request by DGR Properties, LLC, for site plan review and approval of a 19,600 square feet self storage facility located at 916 Waldo Avenue.
- c. **Site Plan 388** - initiated by MLR Engineering on behalf of Osmond Rentals, LLC for review and approval of Osmond Townhouses, a sixty-two (62) unit residential townhouse development, located at 7702 Sturgeon Avenue

12. **Adjournment**

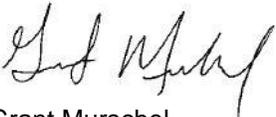
It was moved by Rodgers and seconded by Hanna to adjourn at 8:12 p.m.

Yeas: Bain, Pnacek, Broderick, Heying, Hanna, Mayville Sajbel, and Rodgers

Nays: None

Motion carries 8-0.

Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

## ARTICLE 27.00

# SITE PLAN REVIEW

### Section 27.01 -- INTENT

The site plan review procedures and requirements in this Section are intended to achieve the following:

1. Provide a consistent and uniform method of review of certain proposed development plans;
2. Ensure full compliance with the regulations and standards in this Ordinance and other applicable ordinances and laws, including the Building Code enforced by the City;
3. Ascertain that significant redevelopment complies with current standards;
4. Create an accurate record of approved development;
5. Achieve efficient use of the land;
6. Protect natural resources; and
7. Mitigate adverse impact on adjoining or nearby properties.

### Section 27.02 -- SITE PLAN REQUIRED

#### A. Site Plan Required

Except as provided in the following subsection B, the construction of any new structures, development of any new use, and all other building or development activities shall require site plan approval pursuant to this Section. Site plan review shall be required for the following activities:

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional ~~seventy five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor space, other than a single family dwelling or two family dwelling.
2. Development of all non-single family residential uses permitted in single family districts, regardless of the building square footage.
3. Expansion or paving of off-street parking involving ~~twenty six (26)~~ **fifty-one (51) or more** spaces. All proposed parking lots and parking lot expansions are subject to the parking lot review and approval process in Section 5.01.D(1).
4. Mobile home parks shall be reviewed in accord with the standards set forth in this Article unless contrary to provisions of the Mobile Home Commission Act 1987, PA 96, as amended, and the Mobile Home Commission Rules.
5. All site condominium projects where ~~four (4)~~ **eleven (11)** or more detached dwelling units are proposed.
6. Erection, relocation, conversion or structural alteration to a building or structure that will result in a change in access provisions to adjoining streets.
7. Erection, or structural addition of at least one thousand square feet (1,000) of gross floor area to a commercial, industrial or office building or structure when located directly adjacent to RA-1, RA-2, RA-3, or RA-4 Residential Zoning districts.

**B. Site Plan Not Required**

Notwithstanding the preceding subsection a site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. Construction of any addition to an existing building or structure to create not more than an additional seven ~~thousand five hundred (7,500)~~ **fifteen thousand (15,000)** square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.

**C. Administrative Site Plan Review**

All activities, which meet the criteria listed in subsection B(2) shall still-require an administrative site plan review by city staff to determine compliance with this ordinance and other city codes and ordinances. Submission requirements for administrative site plans shall be the same as other site plans, except that this review shall only be conducted by city staff and approved by the Planning and Community Development Department. Applicable review fees may be required per Chapter 21 of the Midland Code of Ordinances.

## **Section 27.03 -- SITE PLAN REVIEW APPLICATIONS AND PROCEDURES**

**A. Review and Approval Authority**

All site plans shall be reviewed **and approved** by the Planning Commission ~~and approved by the City Council~~ following the procedures set forth in the following Section 27.04. ~~The City Council~~ **Planning Commission** shall have the authority to approve, approve with conditions, or deny all site plans.

**B. Submission of Site Plan for Formal Review and Approval**

In order to initiate formal review by the Planning Commission, the applicant shall submit the following materials:

1. One (1) completed and signed copy of the Application for Site Plan Review,
2. Six (6) legible copies of the site plan on sheets at least 24 inches by 36 inches, two (2) copies of the site plan on sheets at least 11 inches by 17 inches, and one (1) digital copy of the site plan that includes a colored rendering of the site plan and elevations when available.
3. Evidence shall be submitted to show that the plans have been submitted to governmental agencies that have jurisdiction over any part of the development, including, but not necessarily limited to: Midland County Road Commission, Midland County Drain Commissioner, and Midland County Health Department, Michigan Department of Transportation, Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
4. The required review fee as established by Chapter 21 of the City of Midland Code of Ordinances.

These materials shall be submitted to the City at least twenty-eight (28) days prior to the Planning Commission meeting at which the review is requested.

**C. Determination of Compliance**

The Planning and Community Development Department and other City Departments shall review the site plan and may solicit review and comments by other professionals and agencies. Upon

review of the site plan proposal, the Planning and Community Development Staff may require the applicant to complete revisions required to comply with this ordinance or other regulations and submit the plans for further review prior to formal action being taken.

## 27.04 -- REVIEW AND FINAL ACTION

### A. Public Hearing

1. Upon receipt of a complete application for a site plan review in accordance with Section 27.04, a public hearing before the Planning Commission will be set. Notice of said public hearing shall be published in the local newspaper at least fifteen (15) days prior to the date of the hearing, and all property owners within three hundred (300) feet of the area shall be notified by mail.
2. Site plans involving uses that are subject to Conditional Land Use Approval require a public hearing, pursuant to the requirements in Section 28.02.

### B. Planning Commission Review and Approval by City Council

The Planning Commission shall review the site plan proposal together with any public hearing findings, reports and recommendations from the Planning and Community Development Department and any from other reviewing agencies. The Planning Commission shall then ~~recommend that the City Council~~ approve, approve with conditions, or deny, the proposal as follows:

#### 1. Approval

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the ~~City Council~~ **Planning Commission** shall approve the site plan.—Site plan approval does not exempt the proposed development from any other applicable City Codes.

#### 2. Approval Subject to Conditions

Upon determination that a site plan is in compliance except for minor modifications, the ~~City Council~~ **Planning Commission** may impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified **in writing**, and the applicant shall be given the opportunity to correct the site plan.

~~If a plan is recommended for approval by the Planning Commission subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant may re-submit the site plan to the City Council for approval after conditions have been met.~~

Conditional site plan approval does not exempt the proposed development from any other applicable City Codes.

#### 3. Denial

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the ~~City Council~~ **Planning Commission** shall deny the site plan and set forth its reasons in writing.

### C. Recording of Site Plan Review Action

Each action taken on a site plan review and the grounds for action shall be recorded in the minutes of the Planning Commission ~~and City Council~~.

After final action has been taken on a site plan and all steps have been completed, copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy shall be returned to the applicant and at least one (1) copy shall be kept on file in the Planning and Community Development Department.

## **D. Procedure After Site Plan Approval**

### **1. Application for Building Permit**

Following final approval of the site plan by the **Planning Commission** ~~City Council~~ or the Planning and Community Development staff, the applicant may apply for a building permit. The City may require engineering approval prior to issuance of the building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed. The Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association

### **2. Expiration of Site Plan Approval**

If construction has not commenced within two (2) years of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The applicant may apply in writing to the **Planning Commission** ~~City Council~~ for an extension of the site plan approval. The **Planning Commission** ~~City Council~~ may grant an extension of up to twelve (12) months if:

- a. The applicant requests the extension prior to expiration of the previous approval, and
- b. The approved site plan adequately represents current conditions on and surrounding the site, and
- c. The site plan conforms to the current Zoning Ordinance standards.

### **3. Monuments Requirements for Condominium Projects**

All condominium projects shall be marked with monuments as required by Condominium Rules promulgated to the Michigan Department of Commerce, Corporation and Securities Bureau, and as may also be required by the engineering standards enforced by the City of Midland.

### **4. Recorded and As-Built Condominium Documents**

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

- a. One (1) copy of the recorded Master Deed, and
- b. One (1) copy of any Condominium Bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the City with the following:

- c. Two (2) copies of an "as built survey", and
- d. One (1) copy of the site plan.

## E. Modification to Approved Plan

Minor modifications to an approved site plan may be approved by the Planning and Community Development staff.

### 1. Minor Modification Defined

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, the danger from hazards, or the provision of any bonus item. Examples of minor modifications include:

- a. An addition to an existing commercial or industrial building that does not increase the floor space by more than twenty-five percent (25%) or ~~seventy five hundred (7,500)~~ **fifteen thousand (15,000)** square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than **fifty-one (51)** ~~twenty six (26)~~ parking spaces.
- d. Substitution of landscaping for equivalent species of landscaping.
- e. Off-site improvements that individually would otherwise be approved administratively by the city and that add to the safety, appearance or functionality of the approved site plan being amended.

The construction of a new building or structure with ~~7,500~~ **15,000** square feet or more of gross floor area, adding ~~twenty six (26)~~ **fifty-one (51)** or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission ~~and City Council~~ shall be required.

### 2. Recording of Action

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file. The ~~City Council~~ **Planning Commission** shall be advised of all minor site plan modifications approved by the Planning and Community Development staff and such modifications shall be noted on the site plan.

## Section 27.05 -- REQUIRED INFORMATION ON SITE PLANS

Where applicable, the following information shall be included on all site plans or supporting documentation:

### **A. Application**

The application shall contain the following information at minimum:

1. Applicant's name, address, phone number, fax number, and e-mail address.
2. Name, address and signature of property owner, if different from applicant.
3. Common description of property and complete legal description including the Tax Identification number.
4. Dimensions of land and total acreage.
5. Existing zoning of applicant's parcel and surrounding land.
6. Existing use of the applicant's parcel and surrounding land.
7. Proposed use of land and name of proposed development, if applicable.
8. Proposed buildings to be constructed, including square feet of gross and usable floor area.
9. Number of permanent employees, if applicable.
10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
11. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

### **B. Descriptive and Identification Data**

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Planning and Community Development staff. The following descriptive and identification information shall be included on all plans:

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. North point.
5. Dates of submission and revisions (month, day, year).
6. Location map with north point.
7. Legal and common description of property, including acreage.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Proximity to driveways serving adjacent parcels.
13. Proximity to nearest cross street.
14. Proximity to the Tri-City Joint Airport Zoning Ordinance approach zones.
15. Notation of any variances which have been granted or will be sought.
16. Net acreage (minus rights-of-way and bodies of water) and total acreage, to the nearest 1/10 acre.

### **C. Site Data**

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within fifty (50) feet of the site.
2. Front, side, and rear setback dimensions.

3. Topography on the site and within fifty (50) feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
7. The location of all driveways on all adjacent and abutting properties within 300 ft. of the property lines.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location of wetland boundaries, if state-regulated and name of person who staked the boundaries and his /her qualifications.
11. Location of existing and proposed interior sidewalks and sidewalks in the road right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Photometric plan showing all lighting on the site (including decorative lighting).
14. Trash receptacle locations and method of screening, if applicable.
15. Transformer pad location and method of screening, if applicable.
16. Parking spaces, typical dimensions of all spaces (including barrier-free spaces), indication of total number of spaces, drives, and method of surfacing.
17. Information needed to calculate required parking in accordance with Zoning Ordinance standards (e.g., building square footage, number of employees).
18. Information needed to determine compliance with all sign regulations, if applicable, as set forth in Article 8.00.
19. The location of lawns and landscaped areas.
20. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material and the location, sizes, and types of existing trees five (5) inches or greater in caliper, measured at four (4) feet above native grade, before and after proposed development.
21. Cross-section or slope of proposed berms.
22. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
23. Designation of fire lanes.
24. Loading/unloading area.
25. The location of any outdoor storage and the manner by which it will be screened.
26. The location of bike racks.

#### **D. Building and Structure Details**

1. Location, height, and outside dimensions of all proposed buildings and structures.
2. Indication of the number of stores and number of commercial or office units contained in the building, if applicable.
3. Total floor area.
4. Location, size, height, and lighting of all proposed signs.
5. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
6. Building facade elevations.
7. Sign elevations and locations.

#### **E. Information Concerning Utilities, Drainage, and Related Issues**

1. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, water mains, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.

2. General indication of site grading and drainage patterns.
3. Types of soils and location of floodplains and wetlands, if applicable.
4. Soil erosion and sedimentation control measures.

## **F. Information Concerning Residential Development**

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.)
2. Density calculations (dwelling units per acre).
3. Lot coverage calculations.
4. Impervious surface calculations.
5. Floor plans of typical buildings with square feet of floor area.
6. Garage and carport locations and details, if proposed.
7. Sidewalks and trail locations and widths.
8. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the adjacent public roads.
9. Community building locations, dimensions, and facade elevations, if applicable.
10. Swimming pool fencing detail, including height and type of fence, if applicable.
11. Location and size of recreation open areas.
12. Indication of type of recreation facilities proposed for recreation area.
13. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.

## **G. Information Applicable to Manufactured or Mobile Home Parks**

1. All information required by Section 16.03.A.1

## **H. Additional Information**

### **1. Information Related to Condominium Development**

The following information shall be provided with all site plans involving condominium development:

- a. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
- b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

### **2. Items Not Applicable**

If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

- a. A list of all items considered not applicable. Planning and Community Development staff shall have the authority to determine items that may be waived from the site plan review.
- b. The reason(s) why each listed item is not considered applicable.

### **3. Other Data Which May Be Required**

Other data may be required if deemed necessary by the City staff or the Planning Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic

impact studies (in accordance with Section 3.10 I), environmental assessment and evaluation of the demand on public facilities and services.

## **Section 27.06 -- STANDARDS FOR SITE PLAN APPROVAL**

### **A. Standards**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

#### **1. Adequacy of Information**

The site plan shall include all required information in sufficiently complete and understandable form to provide and accurate description of the proposed uses and structures.

#### **2. Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

#### **3. Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

#### **4. Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

##### **a. Site Condominiums**

In the case of site condominiums, the boundaries of each condominium unit may encompass an area that is at least equivalent to the minimum lot area requirements. Alternatively, these regulations may be applied by requiring that the site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed (equivalent to a building envelope) and there shall be a limited common element associated with each site condominium unit so that said condominium unit and associated limited common element shall be at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as described in the Zoning Ordinance and other applicable local county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

##### **b. Detached Condominiums**

In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 26.00.

In addition, detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as

described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance. Provisions shall be made for bike racks according to the standards contained in Planning and Urban Design Standards, APA, 2006 as amended.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

15. **Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

**16. Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

**17. Health and Safety Concerns**

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations. Sites within the jurisdiction of the Tri-City Joint Airport Zoning ordinance.

**18. Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

**19. Coordination with Adjacent Sites**

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

**20. Signs.**

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance.

## **Section 27.07 -- FILING FEES**

All applications shall be accompanied by a filing fee which shall be established by resolution of the City Council, found in Chapter 21 of the City of Midland Code of Ordinances.

I live in Harcrest Woods Condominiums here in Midland. It is 58 units on 28 acres. There are two entrances, one on Oakfield from Schade Drive, the other from the intersection of Thornberry and Harcrest. Because of this layout, drivers who wanted to avoid the traffic lights on Wackerly, were using our property for a high speed short cut. It had gotten so bad there were from 50 to 100 cars, and trucks of all sizes, racing through our private property daily.

In the summer of 2007 I made a presentation to the Planning Commission requesting a SITE PLAN CHANGE so we could install gates at the east entrance. This would prevent drivers from using us as thoroughfare, but allow anyone with legitimate purpose to enter at any time from the west entrance off Schade Drive.

It was immediately obvious during my presentation that there were people on the Planning Commission who were biased against a "gated" community in Midland. The highlight of the opposition was one member who suggested we do a traffic study. Can you imagine? A traffic study of people racing through private property for their own convenience. This is certainly at odds with your description of the Planning Commission today. What has changed? They are still appointed people who answer to no one.

I subsequently made a presentation to the City Council in August and they approved the request. We installed the gates within a couple of months at a cost of \$20,000. It is almost impossible to describe the change in the quality of life in Harcrest Woods that this has made. In fact, with increased development to the west and north of the city, it would be unimaginably worse today.

Unless there is something in the proposed amendment that would NOT give the Planning Commission final say in this kind of situation in the future, I plan to give a presentation to the City Council of the facts described above.

Before that time, I would be more than willing to discuss any aspect of this with you.

Sincerely,

Michael Cronenberger

7 / 27 / 2020

I am writing to the members of the City Council of Midland, MI to comment on a proposed Zoning Text Amendment. On June 23, 2020, NO. 161 was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm. This amendment proposed a number of changes to the site plan review process of Article 27.00. I have several concerns about the proposed changes.

1. I am deeply concerned about the apparent efforts to expand -by doubling- the size and number of condominium structures that can be built *before* site plan approval is required.
2. I am also concerned with the proposed change that would also double the size of allowed additions to an existing building or structure before approval is required.
3. And I further have very deep concerns to the subsequent sections of the amendment, specifically, Section 27.03 --SITE PLAN REVIEW APPLICATIONS AND PROCEDURE. This section specifically REMOVES the ability of members of the City Council to provide final authority for approval of plans which are developed by members of the Planning Commission.

Depending on who the members of the Planning Commission are and where their interests and motives lie, these proposed changes allow a small group of people to decide - without input and approval of City Council members, who tend to represent the broader and more diverse concerns and interests of all community members and who may be impacted by any new building proposals.

I believe it is imperative that the members of the City Council continue to have final rights to review and approve proposed projects of the Planning Commission. Concentrating decision making power in the hands of a few Planning Commission members for all new building projects *without* the review and approval power of City Council members forfeits the rights of Midland citizens to have their needs and interests heard and respected.

The City of Midland should not consider revising their procedures and policies at the expense of appropriate, timely and effective citizen representation by members of the City Council. As the elected representatives of our community, the members of the City Council must have the final review and approval authority for subcommittees and commissions.

I firmly believe that the proposed amendment change to Ordinance # 1585 must NOT pass as currently written. And furthermore, I believe that it is imperative that members of Midland City Council have the final authority to review and approve all proposals of the Planning Commission and all other subcommittees and commissions of the City of Midland.

Thank you

Sincerely,

  
Marie Johansen  
1032 Scott Street  
Midland, MI 48642

**From:** [Murschel, Grant](#)  
**To:** [Guentensberger, Rachel](#)  
**Subject:** FW: [senderbase] Site Plan Review  
**Date:** Friday, July 24, 2020 11:49:02 AM

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-----Original Message-----

From: Judith Timmons [<mailto:timmonsj45@icloud.com>]  
Sent: Friday, July 24, 2020 11:17 AM  
To: Murschel, Grant <[gmurschel@midland-mi.org](mailto:gmurschel@midland-mi.org)>  
Subject: [senderbase] Site Plan Review

I am strongly against reducing the current public hearing opportunities for new site plans to only one. I want to be able to have input at both public hearings, at the planning commission and at the city council.

Please don't change the current process. I am currently residing in an ongoing development neighborhood and want to be able to continue to monitor this development.

Thank you.

Judy Timmons  
5511 Red Tail Lane  
Midland, MI 48642  
989-948-8850

**File Attachments for Item:**

4. Site Plan No. 402 - request by William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road. MURSCHEL

**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Site Plan No. 402

**INITIATED BY:** William A. Kibbe & Associates

**RESOLUTION**

**SUMMARY:** This resolution will approve a petition initiated by William A. Kibbe & Associates on behalf of Bakus Self-Storage for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Location maps
6. Site Plan
7. Communication

**CITY COUNCIL ACTION:**

1. Public hearing not required.
2. 3/5 vote required to approve resolution.

Grant Murschel  
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, July 28, 2020, the Planning Commission held a public hearing for Site Plan No. 402, by William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road. The proposal is for the third phase of this self-storage development.

Site Plan No. 402 was recommended for approval by City Planning staff. It was moved and seconded to recommend to City Council for approval of Site Plan No. 402 contingent upon:

1. A final stormwater management plan and permit amendment to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

Vote on the Motion:

YEAS: Mayville, Koehlinger, Heying, Bain, and Pnacek  
NAYS: None

Motion approved by a vote of 5 to 0.

Prior to the public hearing, the applicant submitted a compliant photometric plan which satisfied the third noted contingency recommended within the staff report. This is why only two contingencies were recommended by the Planning Commission.

One (1) written comment in support was received ahead of the meeting; there were three (3) public comments made in opposition during the public hearing on this request. The comments in opposition indicated concerns with lighting, security and area stormwater drainage. As mentioned previously, the site plan has an approved photometric plan that has been complied with during the first two phases of the project development. The property is also properly fenced as required during the first phase of the development.

As is relates to stormwater management, the City Engineering Department has paid particular attention to this development to ensure the subject site is compliant with the City's stormwater ordinance. The subject site has been developed at a higher grade than the surrounding residential properties. The site is designed to manage its own stormwater as well as the water draining from the north.

The residential properties to the southwest sit slightly lower than the subject site as well as N. Saginaw Road that abuts the properties. City staff has been able to pinpoint that the ongoing stormwater issues faced by the residential properties are due to their own properties no longer being able to drain across the subject site. This issue is compounded by the current state of the ditch alongside N. Saginaw Road.

This portion of N. Saginaw Road is under the jurisdiction of the Midland County Road Commission. The City Engineer has reached out to the Road Commission to see how this drain may be improved or better maintained to alleviate the stormwater issues faced by these residential properties. Staff will continue to persevere to address these issues through means available but it must be noted that individual properties have a responsibility to manage their own stormwater drainage and that reliance on draining via other properties is not a suitable solution.

Enclosed is a resolution to approve Site Plan No. 402 for City Council consideration with the two (2) contingencies.

Sincerely,



Grant Murschel  
Director of Planning & Community Development

GRM/rmg



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

**BY COUNCILMAN**

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 402, initiated by William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 402 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 402, contingent upon the following:

1. A final stormwater management plan and permit amendment to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

---

Erica Armstrong, City Clerk



Site Plan SP #402

Date: July 23, 2020

**STAFF REPORT TO THE PLANNING COMMISSION**

SUBJECT: Bakus Self-Storage Phase III

APPLICANT: William A. Kibbe & Associates

LOCATION: 5911 Stark Road

ZONING: RC Regional Commercial

ADJACENT ZONING: N: OS Office Service  
W: RA-1 Residential  
E: Township Zoning  
S: RC Regional Commercial

ADJACENT DEVELOPMENT: N: Vacant  
W: Residential single family home  
E: Residential single family home  
S: Self-Storage facility

**REPORT**

Site Plan No. 402 is the proposal of William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road. The proposal is for the third phase of this self-storage development.

The subject property is zoned RC Regional Commercial by the City of Midland Zoning Ordinance. Mini-storage units or self-storage are uses permitted by right. Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: "The following criteria shall be used as a basis upon which site plans will be reviewed and approved:"

**BASIS FOR ACTION**

- Adequacy of Information**  
The site plan shall include all required and requested information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

This site plan contains all of the required information within its site plan. As is standard practice, the following items remain outstanding and will be addressed at the time of permitting:

- A final stormwater management plan and permit amendment to the satisfaction of the City Engineering Department.

- 2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
- 3. A final photometric plan to the satisfaction of the City Planning Department.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The proposed site plan elements are efficiently organized within the parcel, with the buildings oriented north to south to allow for efficient use of the parcel and appropriate access to the storage units with adjacent parking and necessary stormwater management. This phase is in line with the original vision of the site.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

The design and layout of the proposed development is consistent with the appearance of the other storage buildings on the site. The two new buildings are proposed within the interior of the site, away from surrounding road systems. The proposed development is seen as adequate given the proposed nature of the use and the surrounding development.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

The project meets all setback, lot area, height and other dimensional requirements for the proposed use.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

The subject area of the site as exists today is undeveloped and vacant. No notable natural features exist on the parcel and this portion of the property has been planned for additional storage units since the development was conceived during the first phase.

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

The site is already enclosed by an appropriate and compliant fence. No additions or alterations are required.

7. **Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The proposed site plan has been arranged to permit appropriate access for emergency vehicles and equipment into the interior of the parcel from Stark Road and N. Saginaw Road. The proposed additions are part of the planned development since the beginning and are designed in a manner that provides adequate and sufficient emergency vehicle access.

8. **Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

Adequate means of pedestrian access is available within the paved area of the units. Adequate vehicle ingress and egress is also provided via the existing driveway connections.

9. **Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation internal to the site is handled via the low-speed lanes between the storage buildings. No connection via pedestrian means is proposed to the exterior of the fence line.

10. **Vehicular and Pedestrian Circulation Layout**

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Adequate means of vehicular ingress and egress are provided via the existing driveways and maneuvering isles. Additional isles will be provided around the new storage buildings in a sufficient manner.

11. **Parking.**

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

Proposed parking will be compliant and located adjacent to the buildings as part of the dual-parking and vehicle driving lane. This design is consistent with the other portions of the site and in line with City standards for mini-storage unit developments.

12. **Drainage**

The project must comply with the City's Stormwater Ordinance.

As is consistent practice, preliminary plans have been submitted, and the final stormwater plan and permit amendment must be approved by the City Engineering Department. The original design of the site included a stormwater management basin that is sized to handle this additional development.

13. **Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

As is consistent practice, a final soil erosion and sedimentation control permit is required at the construction permitting stage of development. Preliminary information submitted to date is adequate at this time.

14. **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

An updated photometric plan has not been provided and is required. Previous phases have been

compliant with site lighting standards and it is anticipated that this phase will be as well; however, an updated photometric plan is still required to document compliance.

**15. Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

Adequate public services and utility capacity exists in the public system as evaluated through the Departmental Site Plan Review process. As mentioned previously, a final stormwater management plan and permit remains outstanding but is usually accomplished during final engineering design and review.

**16. Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

Screening to the proposed development is accomplished via the existing fence and surrounding vegetation that has been retained. No outside refuse or storage areas are proposed.

**17. Health and Safety Concerns**

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

No health and safety concerns have been identified in the review of this site plan.

**18. Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The proposed phase is proposed to be completed at one time. This of course is the third phase of the development. An additional phase is likely in the future within the portion of the property that fronts onto Stark Road.

**19. Coordination with Adjacent Sites**

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

The proposed development is self-contained and does not require any coordination with surrounding or adjacent sites.

**20. Signs.**

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

The site plan does not include any changes to the signage on the site.

**CONTINGENCY ITEMS**

Based on evaluation of the site plan as proposed, staff is of the opinion that the proposal meets the City's requirements and is designed in a manner to fit harmoniously into this area of the city. That said, inclusion of the following contingencies should be maintained in order for the plan to fully satisfy City requirements:

1. A final stormwater management plan and permit amendment to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. A final photometric plan to the satisfaction of the City Planning Department.

### **PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on July 28, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on August 10, 2020 the City Council will consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



Grant Murschel  
Director of Planning & Community Development

**MINUTES OF THE REGULAR MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION,  
ON TUESDAY, JULY 28, 2020 7:00 P.M.**

**MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC**

<https://zoom.us/join> | Webinar ID: 848 7712 7168 | Password: 349333

1. The meeting was called to order at 7:05 p.m. by Chairman Mayville

2. **Roll Call**

**PRESENT:** Mayville, Koehlinger, Heying, Bain, and Pnacek

**ABSENT:** Broderick, Rodgers and Sajbel

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and eleven (11) others.

3. **Approval of Minutes**

Heying made a motion to approve the minutes of the regular meeting of June 14, 2020 with one (1) amendment, seconded by Bain.

Yeas: Mayville, Koehlinger, Heying, Bain, and Pnacek

Nays: None

Motion carries 5-0.

4. **Public Hearings**

a. **Site Plan No. 402** - request by William A. Kibbe & Associates, for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road.

Murschel gave an overview of the petition.

Bain asked for clarification on the screening of the property, Murschel stated that there is requirement for fencing.

**Petitioner:** Jay Wheler with Kibbe and Associates.

**Public Comments in support:** None.

**Public Comments in opposition: Stacy and Robert Stacy 7004 N Saginaw Rd. Midland MI**

Citizens spoke about the water retention on the property. The callers stated that they now have water in their basement and backyard that they did not have before the development. Caller also stated concerns about the security of the development and the light trespass from the storage unit facility onto their property.

**Larry Stacy 7004 N Saginaw Rd Midland, MI**

Caller spoke to the water issues on the property since development. Mr. Stacy spoke about his need to add to the sanitary drain field on his property.

**Todd and Valorie McCloy 7022 N Saginaw Rd Midland, MI**

Caller spoke about the need to clean the ditches near the development to help with the water displacement and draining.

Mr. Murschel spoke to the public comments, and questions. He spoke about the intent of the storm water basins and how they work and also touched on the question about the ditches near

the development. The Midland County Road Commission is in charge of those ditches, and he would reach out to them in regard to the clearing of them. Mr. Murschel spoke about the checks on the photometric plans and that it is in line with development standards.

**Petitioner rebuttal:** Jason Bakus 5911 Stark Road. Mr. Bakus spoke about the condition of the fencing as well as the security of the property. Mr. Bakus believes that the activity on the property with children on four-wheelers, etc. He did not notice anything that would warrant any action on his part.

Mayville closed the public hearing.

Pnacek made a motion to waive the rules of procedure and render a decision this evening, seconded by Heying

Vote on the motion:

Yeas: Mayville, Koehlinger, Heying, Bain, and Pnacek

Nays: None

Motion carries 5-0

Heying made comments that the petition meets the requirement of the development standards. Koehlinger stated that all development has meet the criteria.

Bain made a motion to recommend approval on Site Plan No. 402 with the two (2) listed contingencies the motion was seconded by Heying.

1. A final stormwater management plan, permit and easements to establish the common stormwater management system are needed to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

Vote on the motion:

Yeas: Mayville, Koehlinger, Heying, Bain, and Pnacek

Nays: None

Motion carries 5-0

- 5. **Old Business**- none
- 6. **Public Comments** (unrelated to items on the agenda) – None
- 7. **New Business**

**a. Master Plan Timeline Update and Discussion**

Murschel spoke about the need to delay the kick-off of the Master Planning process due to the inability to meet in person because of COVID-19 and the ongoing social distancing requirements. He indicated that Planning & Parks and Recreation Departments will be working to do an online survey and that there will be questions that relate to the Master Plan on it. These draft questions will be presented to the Planning Commission for review and comment before the survey is launched.

- 8. **Communications** – None
- 9. **Report of the Chairperson** – None
- 10. **Report of the Planning Director** - Murschel gave an update on items that have been approved by City Council at their most recent meeting.

**11. Items for Next Agenda – August 11, 2020**

None

**12. Adjournment**

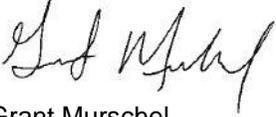
It was moved by Heying and seconded by Bain to adjourn at 8:19 p.m.

Yeas: Mayville, Koehlinger, Heying, Bain, and Pnacek

Nays: None

Motion carries 5-0

Respectfully submitted,



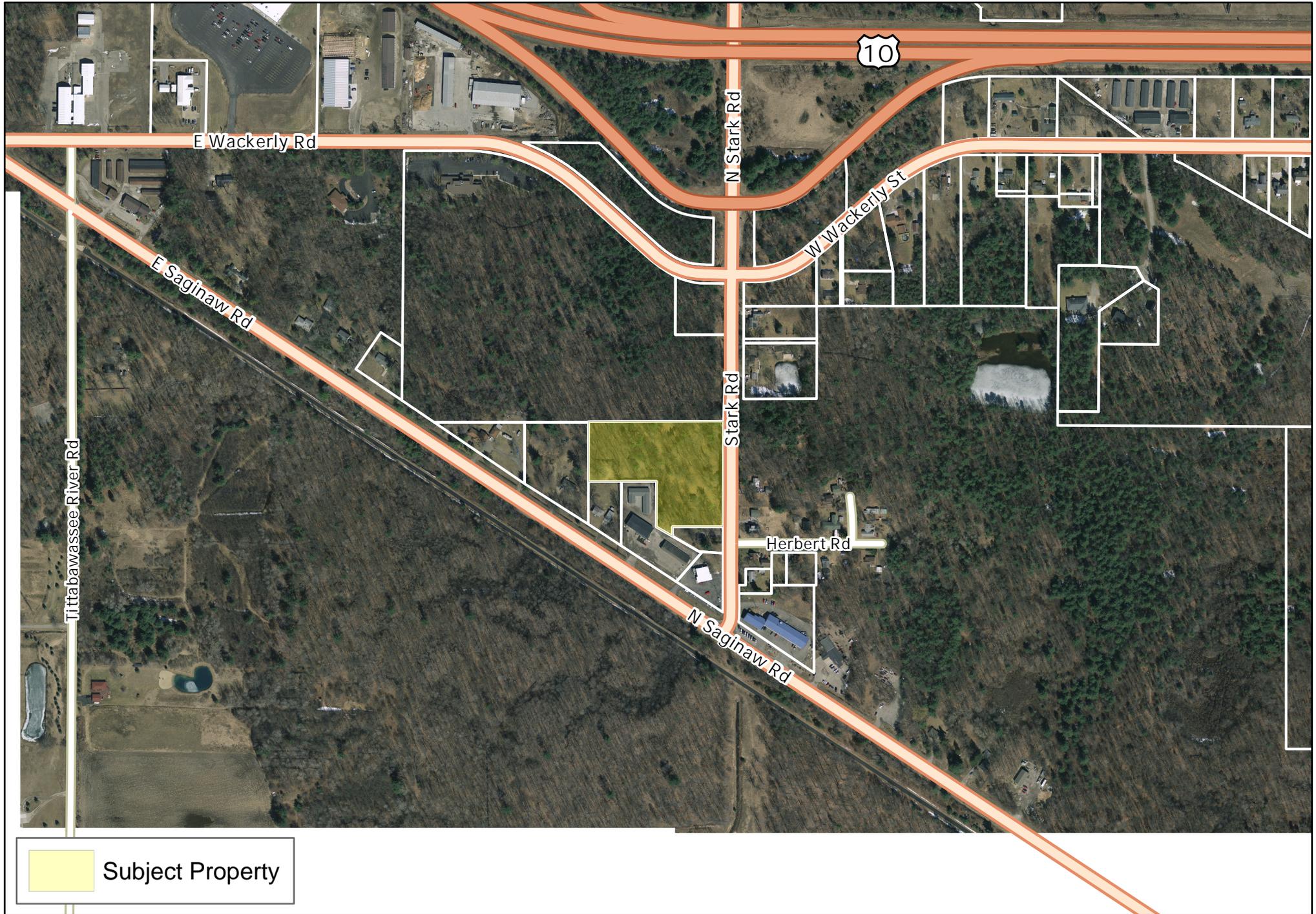
Grant Murschel  
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

# Site Plan # 402 | Self-Storage Facility Expansion

> 5911 Stark Rd

56



Subject Property

# Site Plan # 402 | Self-Storage Facility Expansion

> 5911 Stark Rd

57



Stark Rd

N Saginaw Rd

Frank Rd

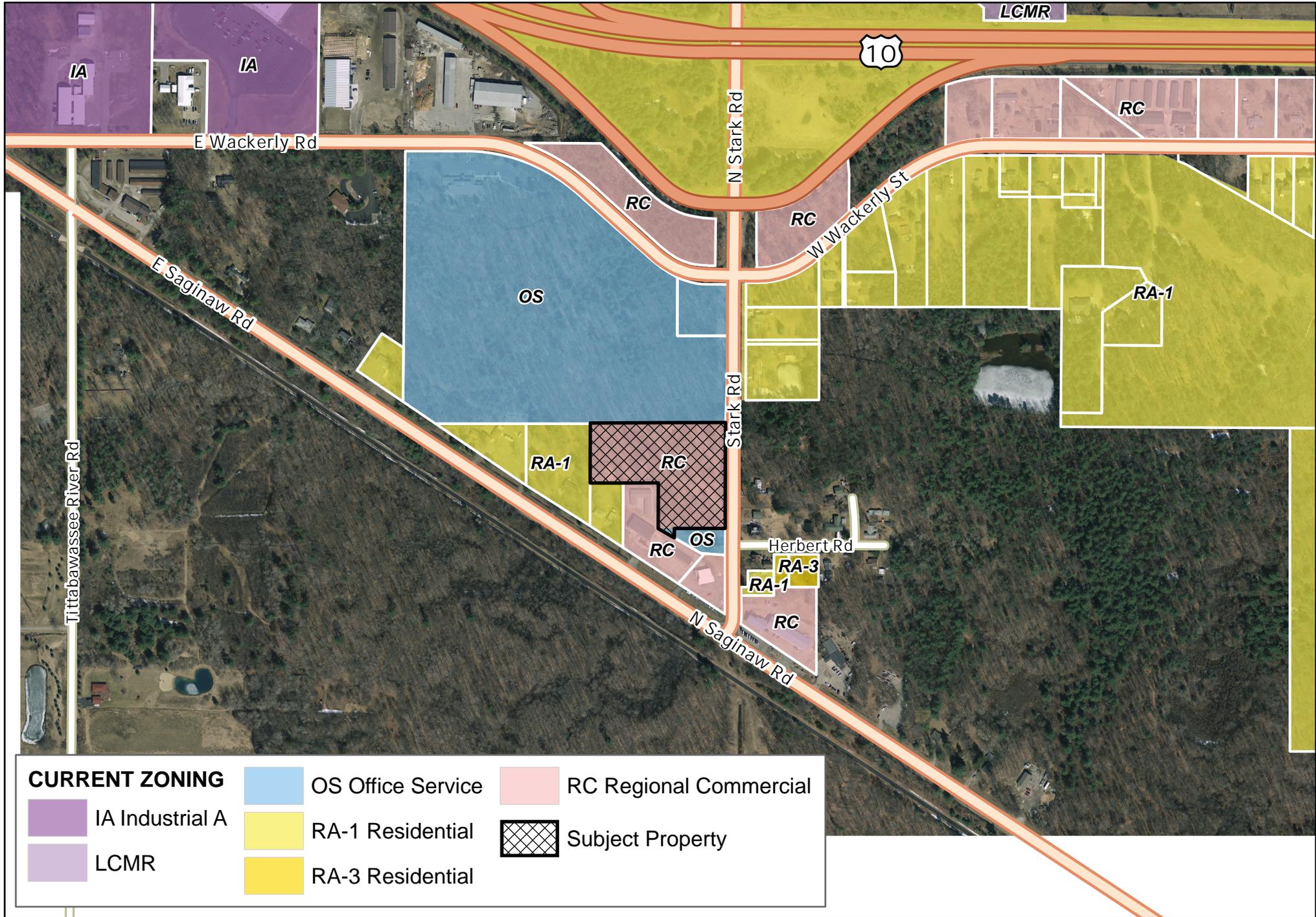
Herbert Rd

Subject Property

# Site Plan # 402 | Self-Storage Facility Expansion

58

> 5911 Stark Rd



## CURRENT ZONING

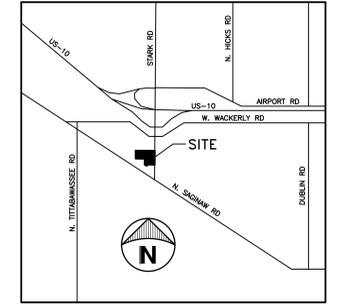
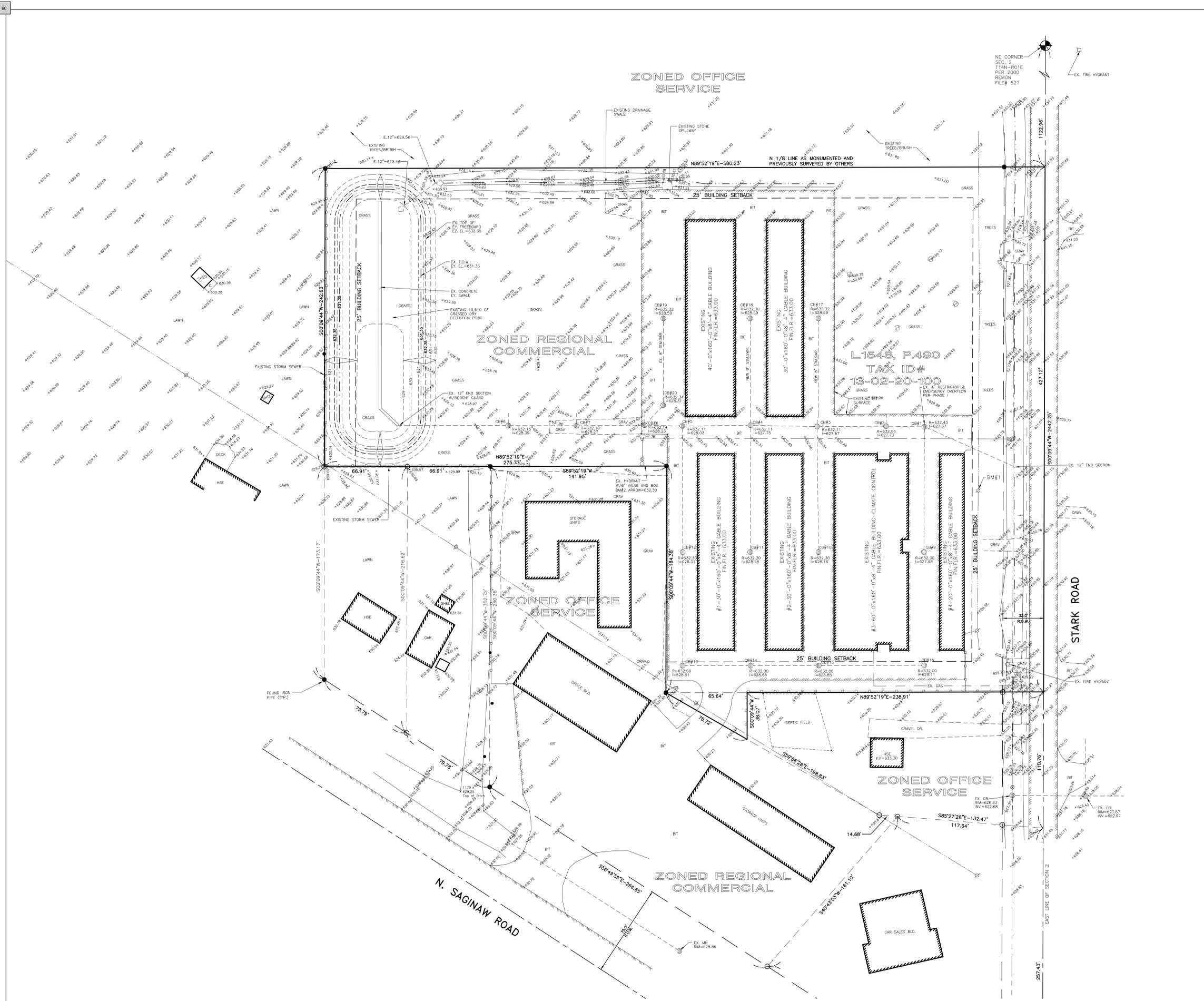
- IA Industrial A
- LCMR

- OS Office Service
- RA-1 Residential
- RA-3 Residential

- RC Regional Commercial
- Subject Property



DATE	5-26-20
ISSUED FOR	6-15-20
STATUS/REVISIONS	
ISSUED TO OWNER	
ISSUED FOR REVISIONS	
CHECKED BY:	JCW
DESIGNED BY:	TAG
DRAWN BY:	TAG
PROJ.#	20-2302-019



**LEGEND**

- EX. SPOT GRADE
- EX. CENTERLINE DITCH
- EX. SANITARY SEWER W/MANHOLE
- EX. STORM SEWER
- EX. WATERMAIN
- EX. ELECTRIC LINE
- EX. CHAINLINK FENCE
- EX. WOOD FENCE
- EX. GAS LINE
- EX. TELEPHONE LINE
- EX. OVERHEAD UTILITY WIRES
- EX. SIGN WITH POST
- EX. BUILDINGS
- EX. BITUMINOUS PAVEMENT
- EX. CONCRETE PAVEMENT (C. OR CONC.)
- EX. GRAVEL PAVEMENT
- EX. STEEL POST
- EX. STORM CURB INLET
- EX. STORM CATCH BASIN/MANHOLE
- EX. HYDRANT
- EX. WATER OR GAS VALVE
- EX. UTILITY POLE
- EX. SEWER CLEANOUT
- EX. WATER WELL
- EX. LIGHT POLE
- EX. UTILITY RISER

**OWNER**  
JASON BAKUS  
5407 COYOTE RIDGE CIRCLE  
MIDLAND, MI 48842  
PH. (989) 259-2245

**UTILITY NOTE**  
THE UTILITY LOCATIONS AS HEREIN SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE SIZE, LOCATION, DEPTH, PRESSURE, OR ANY OTHER CHARACTERISTICS OF UNDERGROUND UTILITIES, TANKS OR SEPTIC FIELDS WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OF COMPLETENESS OF THE BURIED UTILITY INFORMATION HEREIN SHOWN. THE CONTRACTOR SHALL CALL "MISS DIG" AT 811 A MINIMUM OF THREE WORKING DAYS PRIOR TO ANY EXCAVATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THESE LOCATIONS PRIOR TO CONSTRUCTION AND MAKE EVERY EFFORT TO PROTECT AND/OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF DESIGN AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND.

**UTILITY CONTACTS**

ZONING/UTILITIES/STREETS  
MIDLAND CITY HALL  
333 W. ELLSWORTH ST.  
MIDLAND, MI 48840  
TEL: 989-837-3374

TELEPHONE SERVICES  
A.T. & T. c/o  
ENGINEERING DEPT.  
ROOM 525  
309 S. WASHINGTON AVENUE  
SAGINAW, MICHIGAN 48607

**BENCHMARK**

NO.1  
RAILROAD SPIKE ON WEST SIDE OF EXISTING POWER POLE LOCATED APPROXIMATE 531 FEET NORTH OF INTERSECTION OF STARK AND N. SAGINAW ROADS AND APPROXIMATE 41 FEET EAST OF WEST EDGE EDGE OF STARK ROAD.  
ELEVATION = 631.49 NAVD 88

NO.2  
ARROW ON HYDRANT LOCATED ONSITE APPROXIMATE 311 FEET WEST OF STARK ROAD AND 20 FEET SOUTH OF ONSITE ACCESS AISLE.  
ELEVATION = 632.30

FOR CITY DATUM ADD 1.9 FEET

**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 2, TOWNSHIP 14 NORTH, RANGE 1 EAST, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2; THENCE SOUTH 0°09'44" WEST, 1122.96 FEET ALONG THE EAST LINE OF SECTION 2 TO THE NORTH 1/8 LINE AS PREVIOUSLY SURVEYED AND MONUMENTED BY OTHERS AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID 1/8 LINE;

SOUTH 89°52'19" WEST, 580.23 FEET; THENCE SOUTH 0°09'44" WEST, 242.63 FEET PARRALLEL WITH THE EAST LINE OF SECTION 2; THENCE NORTH 89°52'19" EAST, 275.77 FEET PARRALLEL WITH SAID NORTH 1/8 LINE; THENCE SOUTH 0°09'44" WEST, 184.38 FEET PARRALLEL WITH THE EAST LINE OF SECTION 2; THENCE SOUTH 59°56'28" EAST, 75.72 FEET; THENCE NORTH 0°09'44" EAST, 38.07 FEET PARRALLEL WITH THE EAST LINE OF SECTION 2; THENCE NORTH 89°52'19" EAST 238.91 FEET TO THE EAST LINE OF SECTION 2; THENCE NORTH 0°09'44" EAST, 427.12 FEET ALONG SAID EAST SECTION LINE TO THE POINT OF BEGINNING, CONTAINING 4.55 ACRES OF LAND MORE OR LESS AND SUBJECT TO THE EASTERLY 33 FEET THEREOF FOR ROAD PURPOSES.

**FLOODPLAIN/WETLAND**

THE PARCEL DOES NOT LIE WITHIN ANY DESIGNATED FLOODPLAIN OR WETLAND AREAS PER CITY OF MIDLAND GIS.

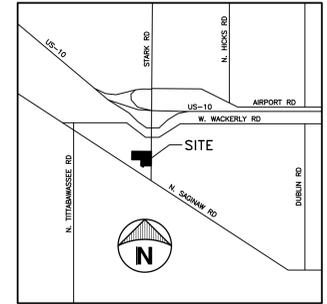
**DATUM**

ADD 1.9 FEET TO ALL ELEVATIONS SHOWN ON PLAN TO MEET CITY OF MIDLAND DATUM.

**EXISTING TOPOGRAPHIC SITE LAYOUT PLAN**  
SCALE: 1" = 30'



DATE	5-27-20
ISSUED TO OWNER	6-15-20
ISSUED FOR REVIEWS	
NO.	
CHECKED BY:	JCW
RESD BY:	TAG
DRAWN BY:	TAG
PROJ #	20-2302-019



LOCATION MAP  
NOT TO SCALE

LEGEND

- EX. SPOT GRADE
- EX. CENTERLINE DITCH
- EX. SANITARY SEWER W/MANHOLE
- EX. STORM SEWER
- EX. WATERMAIN
- EX. ELECTRIC LINE
- EX. CHAINLINK FENCE
- EX. WOOD FENCE
- EX. GAS LINE
- EX. TELEPHONE LINE
- EX. OVERHEAD UTILITY WIRES
- EX. SIGN WITH POST
- EX. BUILDINGS
- EX. BITUMINOUS PAVEMENT
- EX. CONCRETE PAVEMENT (C. OR CONG.)
- EX. GRAVEL PAVEMENT
- EX. STEEL POST
- EX. STORM CURB INLET
- EX. STORM CATCH BASIN/MANHOLE
- EX. HYDRANT
- EX. WATER OR GAS VALVE
- EX. UTILITY POLE
- EX. SEWER CLEANOUT
- EX. WATER WELL
- EX. LIGHT POLE
- EX. UTILITY RISER
- PROP. STORM CATCH BASIN/MANHOLE
- PROP. STORM SEWER
- PROP. BITUMINOUS PAVEMENT
- PROP. BUILDING

GENERAL SITE NOTES:

- THE CONTRACTOR SHALL CALL "MISS DIG" (811) 3 WORKING DAYS BEFORE DIGGING ON THE PROJECT TO VERIFY EXISTING UNDERGROUND UTILITIES.
- THE EXISTING UTILITIES SHOWN ON THESE PLANS HAVE BEEN DRAWN IN ACCORDANCE TO THE INFORMATION PROVIDED. ALL UTILITIES SHALL BE FIELD LOCATED BY THE CONTRACTOR PRIOR TO CROSSING. ANY CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
- DURING THE LIFE OF THE PROJECT, THE CONTRACTOR SHALL CONFORM TO ACT NO. 451, PUBLIC ACTS OF 1994, RELATIVE TO THE SOIL EROSION AND SEDIMENTATION CONTROL ACT.
- CLEANUP SHALL INCLUDE DEBRIS REMOVAL, ROUGH GRADING, MINIMUM 4" TOPSOIL PLACEMENT, SEEDING, AND FERTILIZING OVER ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS.
- CONTRACTOR TO SUPPLY ALL MATERIALS AND EQUIPMENT NECESSARY TO COMPLETE THE WORK.
- THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR PROTECTION OF ALL EXISTING UTILITIES DURING CONSTRUCTION. ALL COSTS FOR LOCATING, REMOVING, REPLACING OR RELOCATING THESE UTILITIES SHALL BE INCIDENTAL TO CONSTRUCTION. ALL UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED WITH LIKE MATERIAL AT NO ADDITIONAL COST TO THE OWNER.
- CONTRACTOR SHALL NOTIFY PROPER GOVERNMENTAL INSPECTION AGENCY AT LEAST 48 HOURS PRIOR TO STARTING CONSTRUCTION.
- THE CONTRACTOR SHALL BE REQUIRED TO COMPLETE ALL WORK IN AN EXPEDITIOUS MANNER AND SHALL NOT STOP CONSTRUCTION FOR EXTENDED PERIODS ONCE CONSTRUCTION HAS BEGUN.
- THE CONTRACTOR SHALL MAINTAIN IN SERVICE, ALL EXISTING SANITARY SEWER, WATER OR STORM SEWER SERVICE CONNECTIONS WHENEVER POSSIBLE. COORDINATE WITH LOCAL UTILITY COMPANY AND OWNER BEFORE ANY UTILITIES TO BE OUT OF SERVICE FOR A PERIOD OF TIME.
- CONSTRUCTION OPERATIONS SHALL BE SCHEDULED AND PERFORMED SO THAT PREVENTATIVE EROSION CONTROL MEASURES ARE IN PLACE PRIOR TO EXCAVATION AND TEMPORARY STABILIZATION MEASURES ARE IN PLACE IMMEDIATELY FOLLOWING BACKFILLING AND/OR GRADING OPERATIONS.
- SEE GRADING AND UTILITY PLAN FOR PAVEMENT GRADES AND UTILITY NOTES.
- SEE ARCHITECTURAL PLANS PROVIDED BY TRACHTE FOR EXACT BUILDING LAYOUTS, DIMENSIONS AND DETAILS PERTAINING TO ALL STORAGE BUILDINGS.

ZONING INFORMATION

ZONED REGIONAL COMMERCIAL  
CURRENT USE: STORAGE FACILITY  
PROPOSED USE: NO CHANGE

PARKING

OFFICE BARRIER FREE SPACE = 1  
REGULAR SPACE = 1  
TOTAL SPACES = 2

EXISTING PHASE 1 STORAGE BUILDINGS (NO MARKINGS REQUIRED)  
(9) BUILDINGS WITH PARKING AREA BOTH SIDES OF BUILDING  
6 SPACES PER SIDE  
REGULAR SPACES = 108 SPACES  
(2) BUILDINGS WITH PARKING AREA ONE SIDE OF BUILDING  
6 SPACES A SIDE  
REGULAR SPACES = 13

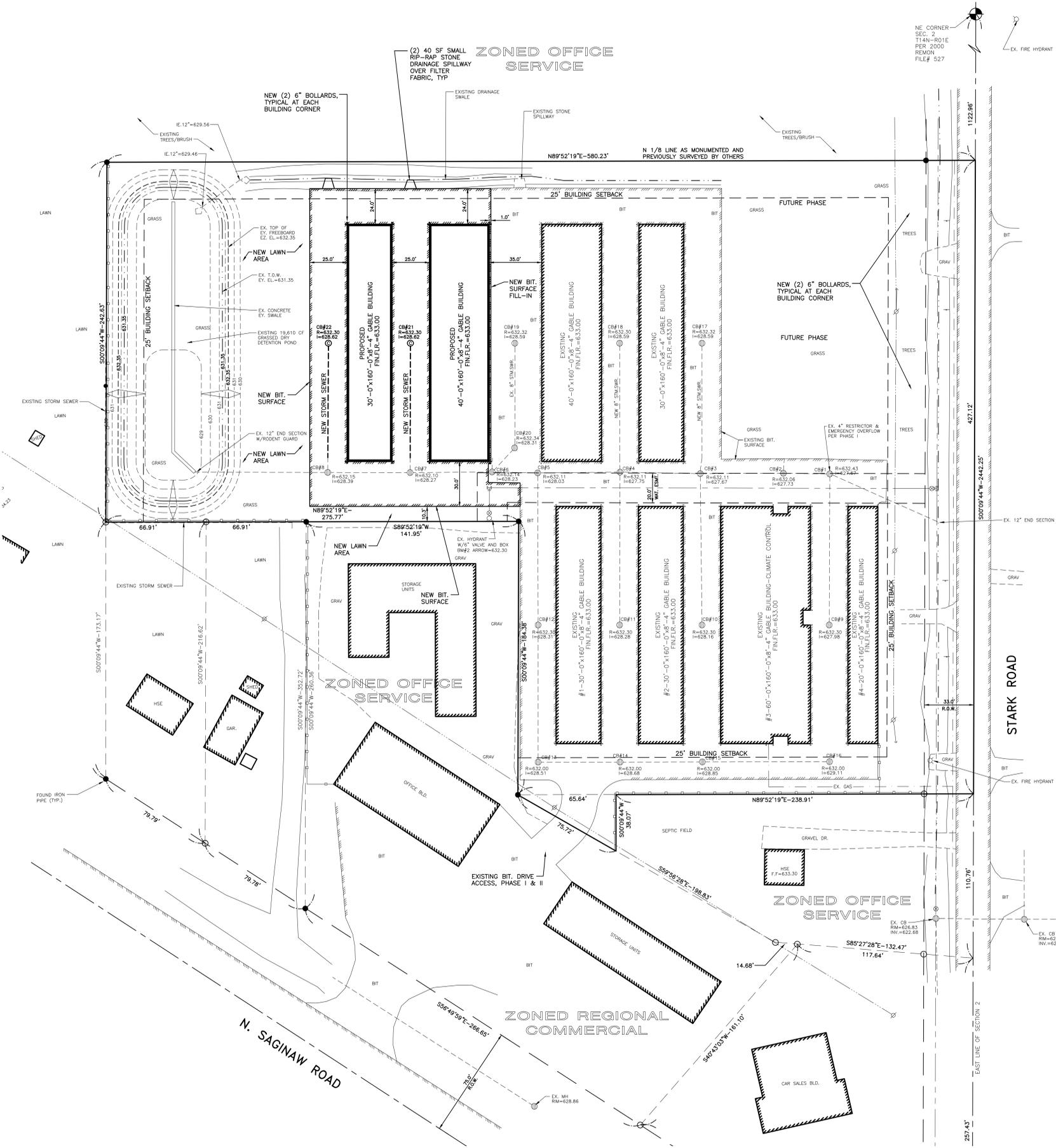
PHASE 2  
(2) BUILDINGS WITH PARKING AREA BOTH SIDES OF BUILDING  
6 SPACES PER SIDE  
REGULAR SPACES = 12 SPACES

PHASE 3  
(2) BUILDINGS WITH PARKING AREA BOTH SIDES OF BUILDING  
6 SPACES PER SIDE  
REGULAR SPACES = 12 SPACES  
GRAND TOTAL SPACES = 145

LIGHTING  
ALL SITE LIGHTING FIXTURES TO BE BUILDING MOUNTED. NO LIGHT POLES PROPOSED.  
ALL LIGHTING SHALL BE DIRECTED IN A DOWNWARD MANNER

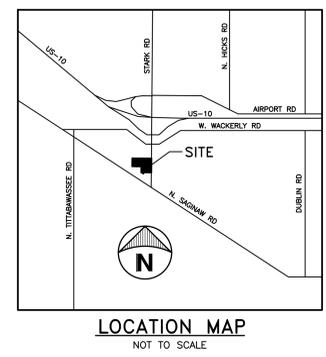
SCHEDULING (2020)  
START OF PHASE III CONSTRUCTION - LATE JULY.  
END OF PHASE III CONSTRUCTION - FALL 2020

LANDSCAPING  
ALL EXISTING TREES TO REMAIN ALONG STARK ROAD FRONTAGE UP TO THE BUILDING SETBACK LINE.



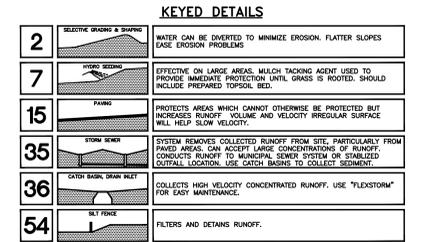
NEW SITE LAYOUT PLAN  
SCALE: 1" = 30'





- SOIL EROSION AND SEDIMENTATION CONTROL NOTES:**
- CONSTRUCTION OPERATIONS SHALL BE SCHEDULED AND PERFORMED SO THAT PREVENTATIVE EROSION CONTROL MEASURES ARE IN PLACE PRIOR TO EXCAVATION AND TEMPORARY STABILIZATION MEASURES ARE IN PLACE IMMEDIATELY FOLLOWING BACKFILLING AND/OR GRADING OPERATIONS.
  - SPECIAL PRECAUTIONS WILL BE TAKEN IN THE USE OF CONSTRUCTION EQUIPMENT TO PREVENT SITUATIONS THAT PROMOTE EROSION.
  - CLEANUP WILL BE DONE IN A MANNER TO INSURE THAT EROSION CONTROL MEASURES ARE NOT DISTURBED.
  - THE PROJECT WILL CONTINUALLY BE INSPECTED FOR SOIL EROSION AND SEDIMENT CONTROL COMPLIANCE. DEFICIENCIES WILL BE CORRECTED BY THE CONTRACTOR WITHIN 24 HOURS.
  - TEMPORARY EROSION CONTROL MEASURES SHALL BE COMPLETELY REMOVED BY THE CONTRACTOR UPON ESTABLISHMENT OF PERMANENT CONTROL MEASURES.
  - COORDINATE WITH ARCHITECTURAL LANDSCAPING PLAN BY OTHERS FOR AREAS OF NEW GRASS, LANDSCAPING AND MULCH DESIGNATIONS.

- CONSTRUCTION SEQUENCE**
- EXCAVATION AND STOCKPILING OF SOIL.
  - IMPLEMENTATION OF TEMPORARY EROSION CONTROL MEASURES; SELECTIVE GRADING, DIVERSIONS AS REQUIRED IN FIELD, PROTECTION OF STORM SEWER FACILITIES.
  - PERIODIC MAINTENANCE OF AFFECTED EROSION CONTROL MEASURES.
  - PERMANENT MEASURES; FINAL GRADING, SEEDING AND MULCHING. (SEE MICHIGAN UNIFIED KEYING SYSTEM FOR EROSION CONTROL KEY NUMBERS)
  - CONTRACTOR TO PROVIDE A STREET CLEANING SCHEDULE AND COORDINATE WITH CITY OF MIDLAND FOR EXACT LOCATION OF CONSTRUCTION ACTIVITY.



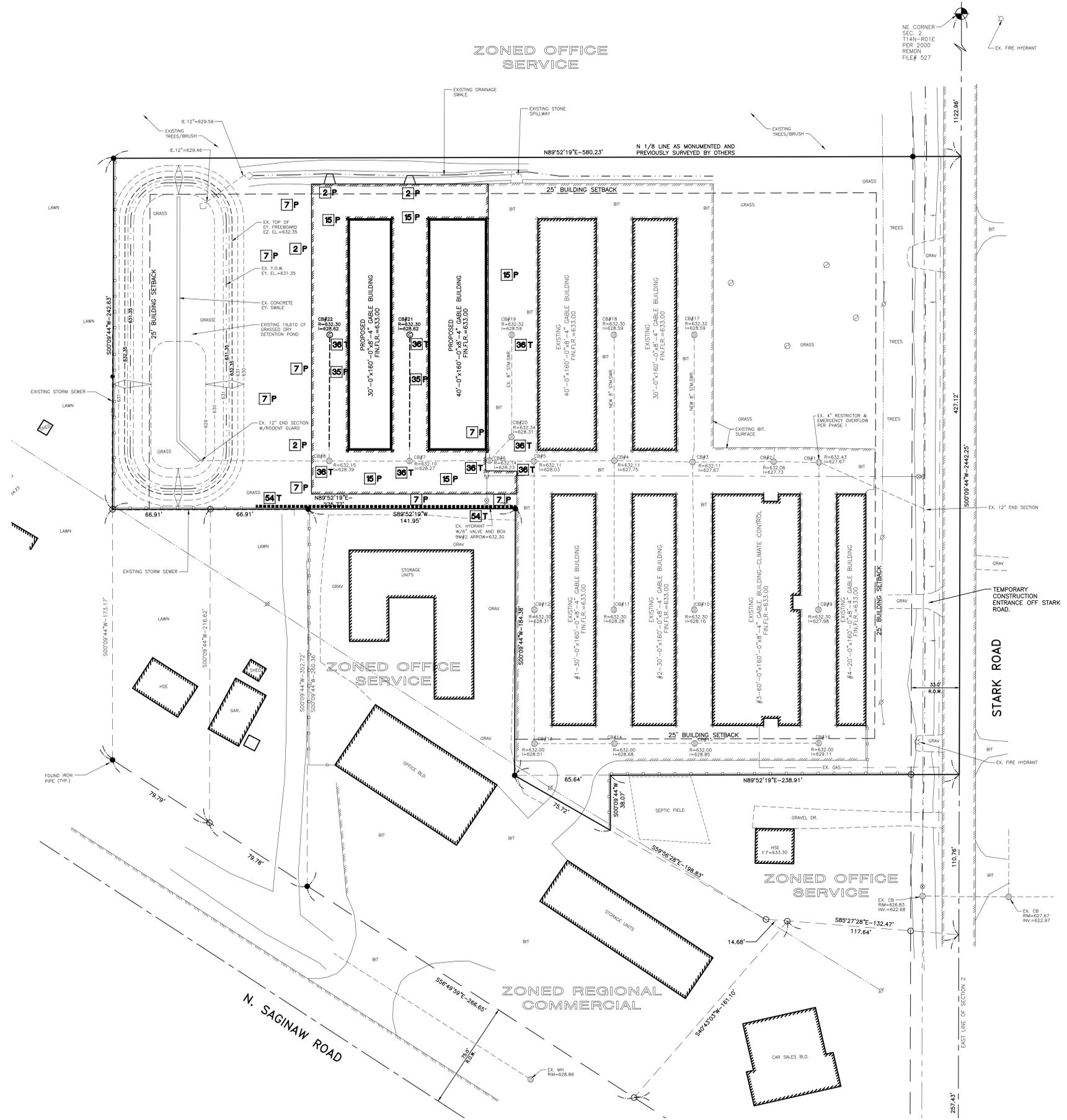
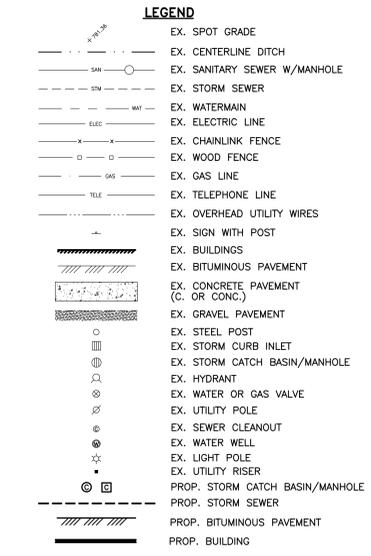
T=TEMPORARY MEASURE  
P=PERMANENT MEASURE  
TOTAL DISTURBED AREA = 0.74 ACRES

**SOIL EROSION / SEDIMENTATION CONTROL OPERATION TIME SCHEDULE**

CONSTRUCTION SEQUENCE	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV
STRIP & STOCKPILE											
ROUGH GRADE / SEDIMENT CONTROL											
TEMP. CONTROL MEASURES											
STORM FACILITIES											
TEMP. CONSTRUCTION ROADS											
FOUNDATION / PILE CONSTRUCTION											
SITE CONSTRUCTION											
PERM. CONTROL MEASURES											
FINISH GRADING											
LANDSCAPING											

TO BE COMPLETED BY THE CONTRACTOR

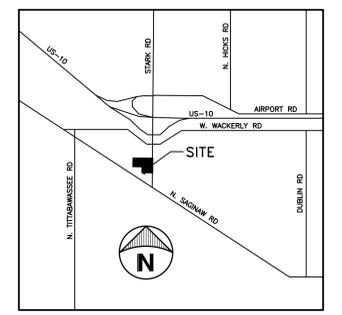
**CONSTRUCTION TIME TABLE**



**NEW SITE SOIL EROSION CONTROL PLAN**  
SCALE: 1" = 30'



DATE	5-27-20
ISSUED TO OWNER	6-15-20
ISSUED FOR REVIEWS	
STATUS/REVISIONS	
NO.	
CHECKED BY:	JCW
RESD BY:	TAG
DRAWN BY:	TAG
PROJ #	26-2302-019



LOCATION MAP  
NOT TO SCALE

**GENERAL GRADING NOTES:**

1. THE CONTRACTOR SHALL CALL "MISS DIG" (811) 3 WORKING DAYS BEFORE DIGGING ON THE PROJECT TO VERIFY EXISTING UNDERGROUND UTILITIES.
2. THE EXISTING UTILITIES SHOWN ON THESE PLANS HAVE BEEN DRAWN IN ACCORDANCE TO THE INFORMATION PROVIDED. ALL UTILITIES SHALL BE FIELD LOCATED BY THE CONTRACTOR PRIOR TO CROSSING. ANY CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER.
3. DURING THE LIFE OF THE PROJECT, THE CONTRACTOR SHALL CONFORM TO ACT NO. 451, PUBLIC ACTS OF 1994, RELATIVE TO THE SOIL EROSION AND SEDIMENTATION CONTROL ACT.
4. MATCH EXISTING BIT. PAVEMENT ALONG NEW WALKS AND PROPOSED NEW BIT. PAVEMENT AREAS WHERE APPLICABLE, UNLESS NOTED OTHERWISE.
5. ALL FILL ON PROPERTY SHALL BE ADEQUATELY COMPACTED BY ROLLING TO PRODUCE A SURFACE SATISFACTORY FOR THE INSTALLATION OF BASE COURSE AND PAVING.
6. THE SITE EXCAVATION CONTRACTOR SHALL VERIFY THE EXISTING SANITARY SEWER, STORM SEWER AND WATERMAIN DEPTH PRIOR TO ANY FOOTING EXCAVATION OR OTHER EXCAVATED AREAS. COORDINATE INVERTS WITH CITY FORCES AT THE PROPERTY LINES.
7. REMOVE EXISTING TOP SOIL FROM AREAS TO BE PAVED AND REPLACE WITH SUITABLE COMPACTED FILL. FILL MATERIAL SHALL BE COMPACTED SAND BACKFILL CLASS II GRANULAR.
8. BACKFILL ALL TRENCHES UNDER SLABS, WALKS AND PAVED AREAS WITH COMPACTED SAND BACKFILL MDOT CL.II. COMPACTION SHALL BE 95% MAXIMUM UNIT WEIGHT AS DETERMINED BY MODIFIED PROCTOR.
9. ALL ON SITE WATER SERVICES SHALL MEET THE REQUIREMENTS OF THE STANDARD DETAILS OF CITY OF MIDLAND, IF APPLICABLE.
10. THE CONTRACTOR SHALL COMPLY WITH ALL STATE AND LOCAL REGULATIONS FOR WORK AT THE SITE. THIS SHALL INCLUDE MIOSHA REGULATIONS.
11. THE CONTRACTOR/DEVELOPER SHALL PAY FOR AND OBTAIN ALL BUILDING PERMITS, LOCAL PERMITS AND PAY ALL CHARGES FOR ANY INSPECTION AND TESTING.
12. THE CONTRACTOR SHALL CONTROL NOISE, CARRY OUT A PROGRAM OF DUST CONTROL AND SHALL ALLOW NO ON-SITE BURNING.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING UP THE PREMISES AND UPON COMPLETION OF THE PROJECT LEAVE THE SITE IN AN ACCEPTABLE CONDITION AS DETERMINED BY THE ENGINEER OR THE OWNER.
14. SEWER AND WATER MATERIALS AND SERVICES MUST BE INSTALLED ACCORDING TO THE CITY OF MIDLAND LATEST STANDARDS RULES AND REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF THESE UTILITIES. PAY ALL FEES AND OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
15. SEWER AND WATER MATERIALS AND SERVICES MUST BE INSTALLED ACCORDING TO THE CITY OF MIDLAND LATEST STANDARDS RULES AND REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF THESE UTILITIES. PAY ALL FEES AND OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
16. ALL PROPOSED ON-SITE HARD SURFACE AREAS SHALL DRAIN TO DRAINAGE STRUCTURES. NO OVERLAND HARD SURFACES TO DRAIN ONTO ADJOINING PROPERTIES.

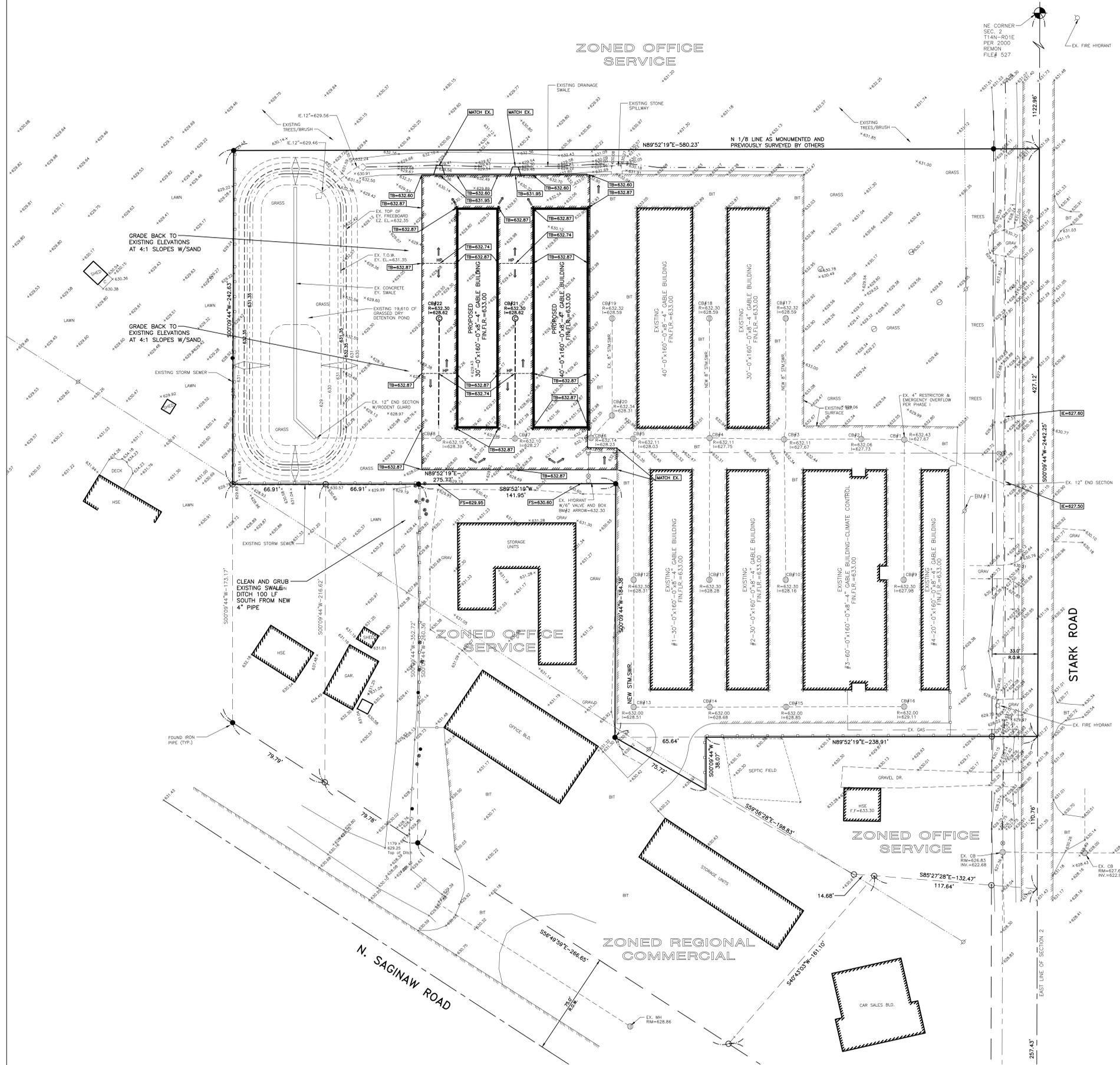
**LEGEND**

- EX. SPOT GRADE
- EX. CENTERLINE DITCH
- EX. SANITARY SEWER W/MANHOLE
- EX. STORM SEWER
- EX. WATERMAIN
- EX. ELECTRIC LINE
- EX. CHAINLINK FENCE
- EX. WOOD FENCE
- EX. GAS LINE
- EX. TELEPHONE LINE
- EX. OVERHEAD UTILITY WIRES
- EX. SIGN WITH POST
- EX. BUILDINGS
- EX. BITUMINOUS PAVEMENT
- EX. CONCRETE PAVEMENT (C. OR CONC.)
- EX. GRAVEL PAVEMENT
- EX. STEEL POST
- EX. STORM CURB INLET
- EX. STORM CATCH BASIN/MANHOLE
- EX. HYDRANT
- EX. WATER OR GAS VALVE
- EX. UTILITY POLE
- EX. SEWER CLEANOUT
- EX. WATER WELL
- EX. LIGHT POLE
- EX. UTILITY RISER
- PROP. STORM CATCH BASIN/MANHOLE
- PROP. STORM SEWER
- PROP. DRAINAGE FLOW
- PROP. BITUMINOUS PAVEMENT
- PROP. BUILDING
- TOP OF NEW BIT SURFACE
- TOP OF NEW CONCRETE
- CENTER OF SWALE
- PROP. SPOT ELEVATION

**DATUM**

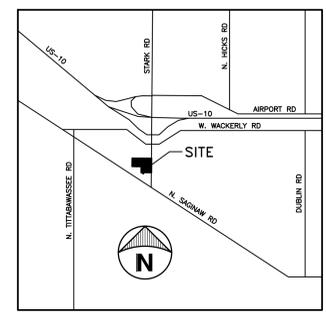
ADD 1.9 FEET TO ALL ELEVATIONS SHOWN ON PLAN TO MEET CITY OF MIDLAND DATUM.

CONTRACTOR TO PROVIDE TOPSOIL BACKFILL AT ANY NEW EDGE OF BIT AND CONCRETE SURFACES AND EXISTING DISTURBED EDGE OF BIT AND CONCRETE SURFACES AT A MINIMUM 1:6H TO EXISTING GRADE, UNLESS NOTED OTHERWISE. SEED AND MULCH.



NEW SITE GRADING PLAN  
SCALE: 1" = 30'

DATE	5-27-20
ISSUED TO OWNER	6-15-20
ISSUED FOR REVIEWS	
STATUS / REVISIONS	
CHECKED BY:	JCW
DESIGNED BY:	TAC
DRAWN BY:	TAC
PROJ #	20-2302-119



LOCATION MAP  
NOT TO SCALE

**STORMWATER & UTILITY NOTES**

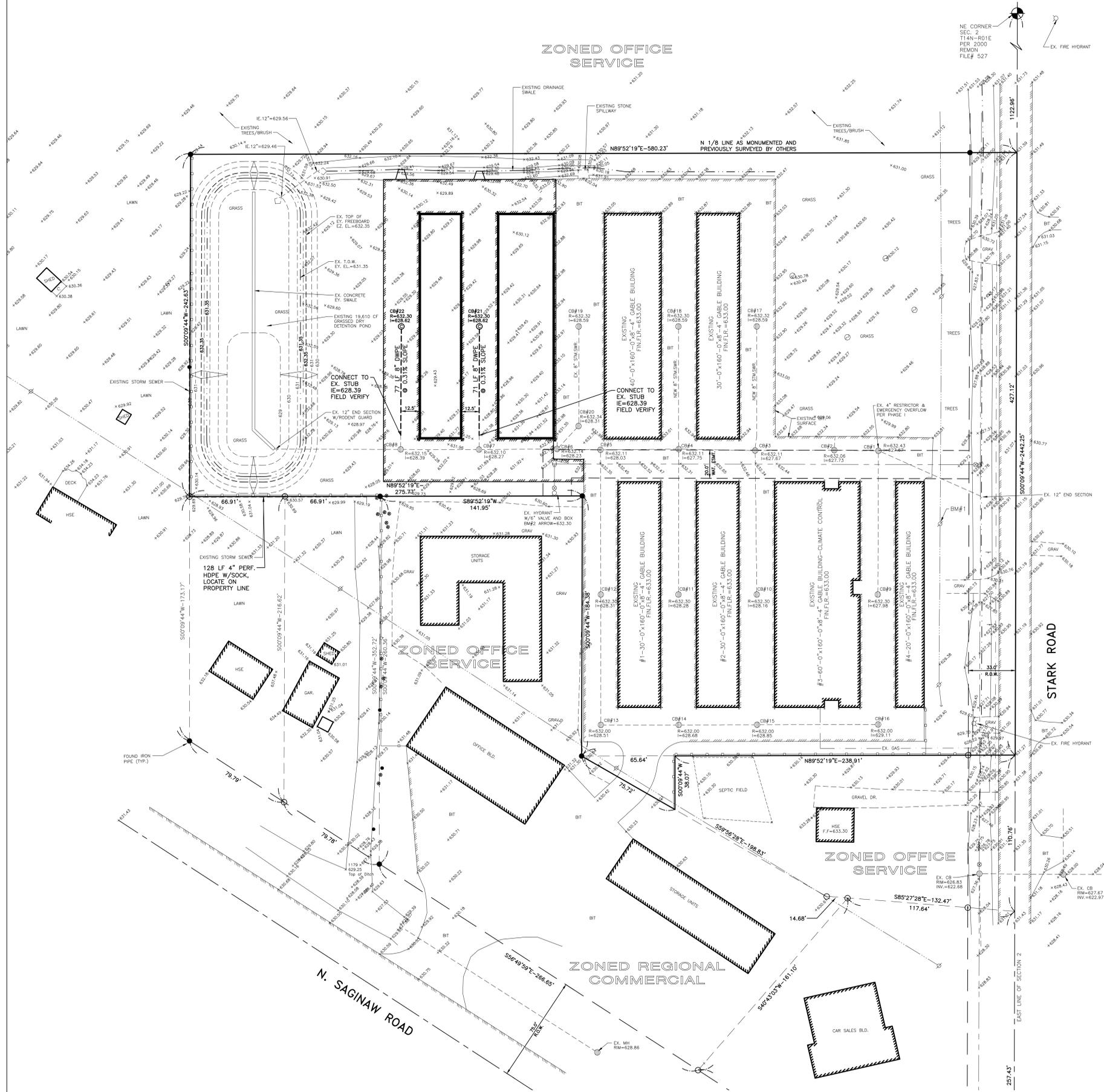
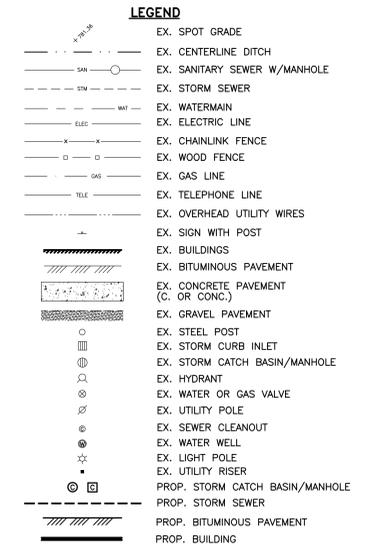
- SEWER MATERIALS AND SERVICES MUST BE INSTALLED ACCORDING TO THE CITY OF MIDLAND LATEST STANDARDS RULES AND REGULATIONS AND DETAILS FOR THE CONSTRUCTION AND MAINTENANCE OF THESE UTILITIES. PAY ALL FEES AND OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO PROVIDE TOPSOIL BACKFILL AT ANY NEW EDGE OF BIT AND CONCRETE SURFACES AND EXISTING DISTURBED EDGE OF BIT AND CONCRETE SURFACES AT A MINIMUM 1V:6H TO EXISTING GRADE, UNLESS NOTED OTHERWISE.
- MAINTAIN POSITIVE DRAINAGE FLOW ALONG EDGES OF NEW BIT ADJOINING EXISTING BIT SURFACES.
- PROVIDE SOD FOR ENTIRE DRAINAGE SWALE FROM CENTERLINE OF SWALE TO TOP OF BANKS LOCATED ALONG NORTH PROPERTY LINE.
- PROVIDE 100% SAND BACKFILL, COMPACTED IN PLACE, OVER PROPOSED WATER MAIN PIPE AT ALL WATER MAIN ROUTES UNDER PAVED AREAS.

**DETENTION REQUIREMENTS**

THE EXISTING DETENTION POND ON SITE WAS DESIGNED TO ACCOMMODATE THIS PHASE OF DEVELOPMENT. CALCULATIONS ARE ON FILE WITH THE CITY OF MIDLAND ENGINEERING DEPARTMENT.  
TOTAL IMPERVIOUS THIS PHASE = 0.59 ACRES  
STORAGE VOLUME REQUIRED = 19,443 CF  
STORAGE VOLUME PROVIDED = 19,610 CF  
EXISTING RESTRICTOR SIZE = 4" (LOCATED IN CB#1)

**STRUCTURE SCHEDULE**

- CB #21  
36" PRE-CAST CATCH BASIN W/2'SUMP  
W/ E.J.I.W. CASTING #1040 W/M1 GRATE  
RIM=632.30  
INV.8"=628.62
- CB #22  
36" PRE-CAST CATCH BASIN W/2'SUMP  
W/ E.J.I.W. CASTING #1040 W/M1 GRATE  
RIM=632.30  
INV.8"=628.62



NEW STORM MANAGEMENT AND UTILITY PLAN  
SCALE: 1" = 30'





RECEIVED

JUL 16 2020

City of Midland  
Planning Department

# PUBLIC HEARING NOTICE

## City of Midland

### SITE PLAN

Please take notice that the Midland City Planning Commission will conduct a public hearing on Site Plan No. 402, the request by William A. Kibbe & Assoc., for site plan review and approval of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road.

As required by Article 30, Section 30.03(A) of Ordinance No. 1585, said hearing is scheduled to take place on **Tuesday, July 28, 2020** at 7:00 p.m. and will be held virtually due to the Coronavirus pandemic.

To access to virtual meeting utilizing Zoom go to <https://zoom.us/join> or dial US: +1 646 558 8656 or +1 301 715 8592  
**Webinar ID:** 848 7712 7168 and **Password:** 349333

A copy of the site plan may be reviewed at the Planning Department, City Hall. If you have any questions, contact the Planning Department at 837-3374.

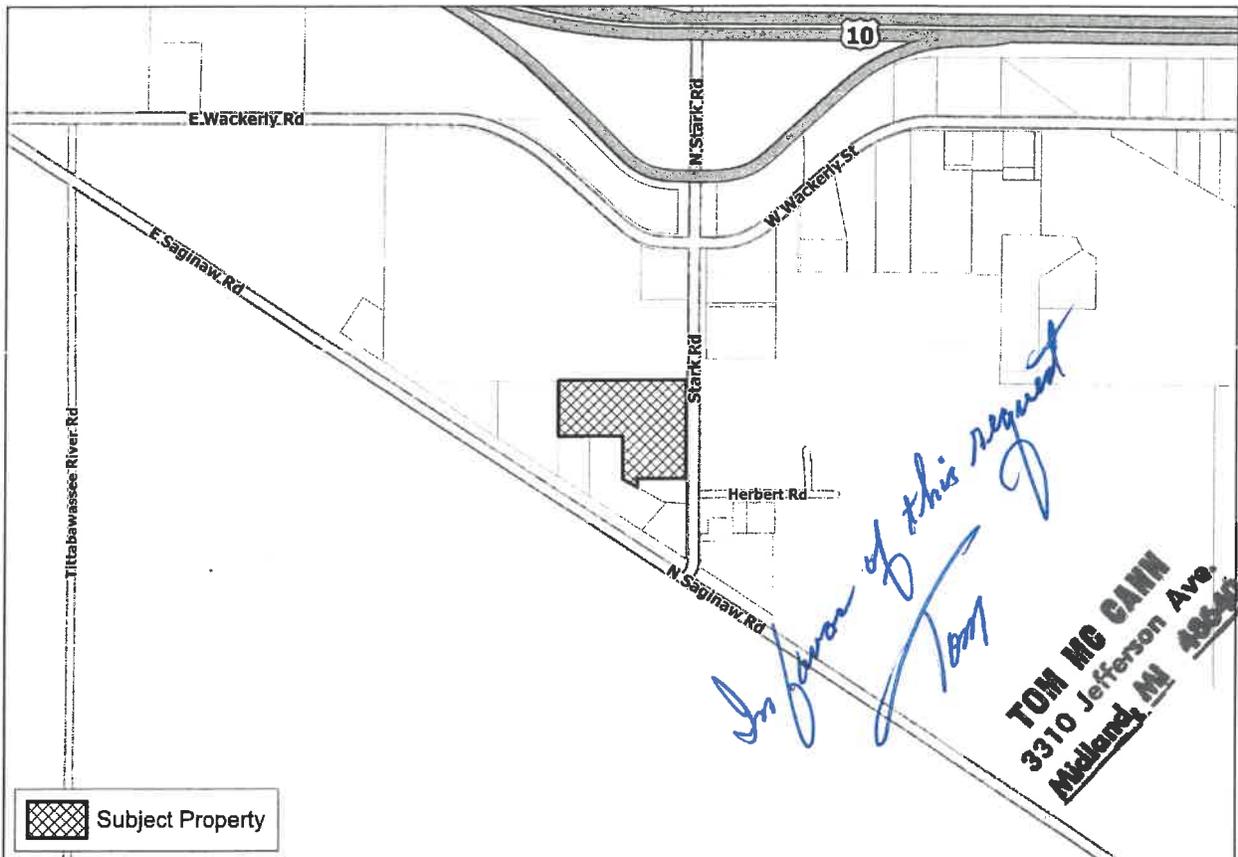
Midland City Planning Commission



Grant Murschel  
Director of Planning & Community Development

### Site Plan # 402 | Self-Storage Facility Expansion

> 5911 Stark Rd



**File Attachments for Item:**

5. \* Authorization to amend water service agreements for neighboring properties. SCHWARZ

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Authorization to Amend Water Service Agreements

**INITIATED BY:** Water Department

**RESOLUTION**

**SUMMARY:** This resolution authorizes the Mayor and City Clerk, subject to approval by the City Attorney, to amend the water service agreements between the City of Midland and the water systems served by the Midland community water system to allow for the connection of properties lying adjacent to the common boundary of an abutting township.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

Peter Schwarz  
Director of Water Services



*Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org*

August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

The City of Midland has entered into water service agreements (WSAs) with many of the local governments in Midland County. Specifically, the City has retail service agreements with Larkin, Mills, Homer, Ingersoll and Midland Townships and wholesale service agreements with the City of Auburn and Midland County Water District No 1. These WSAs have been amended from time to time, most often to allow a customer outside of the jurisdictional boundaries to connect to the water system. Each of these amendments have required individual Council approval. While this process has served its purpose, it can be both cumbersome and time consuming, especially in consideration of situations with immediate water service needs.

Prior to the recent failures of the Edenville and Sanford Dams, Water District No 1 representatives began working with City officials to develop an expedited process allowing for more timely response to situations where residences had their water wells go dry or bad. City Council may recall the last time this occurred, in April of 2018, when the homeowner had to wait for weeks while an agreement was fashioned, approved by the local jurisdictions and ultimately approved by City Council before a water connection could be approved, despite a water line running in the roadway right in front of that home. We are seeking to remove that delay in the system via pre-approval of such connections. In addition to Water District No 1, the Townships of Greendale, Porter and Homer have already passed resolutions supporting this approach. We expect others to join on at some future time.

Since the failures of Edenville and Sanford Dams, additional concerns have arisen as the water table in Gladwin and Midland Counties has dropped. This has caused some homeowners' wells to go dry. The water table continues to fall and new well failures continue to be reported. Other wells have been contaminated and are unsafe to use. Some of these homes are located near existing water mains and the homeowners would like to connect to the Midland water system but are unable to for the same contractual reasons that delayed the 2018 approval noted above.

Considering the above, it is considered to be in the best interests of the City and our neighboring communities to pre-approve connections to existing water mains running along the common boundaries between Townships and/or Water District No 1. Such approvals would be intended to service homes that front existing water mains but are in neighboring jurisdictions, where all parties agree to the connection (City, Township(s) and/or Water District No 1). No additional capacity would be assigned beyond existing contractual limitations.



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

As with the most recent water agreement amendment, enacted in April of 2018, certain criteria are warranted under which future connections would be approved. These criteria are as follows:

- The receiving property must be located within a jurisdiction having an existing water agreement with the City of Midland;
- Both the contributing and the receiving township and/or Water District No 1 must authorize the service;
- Properties permitted to connect must have direct frontage on the common township boundary road;
- Only one connection per parcel shall be permitted;
- Each connection shall be no longer than 1500 feet in depth into the property from the curb box;
- No additional water capacity shall be authorized by this amendment.

The above standards are intended to ensure consistency with the most recent agreement entered into with Homer Township and Water District No 1. They are also intended to ensure that amendments of a more significant nature, such as water service area extensions or the assignment of additional water capacity, may only take place following additional City Council review and approval.

In order to expedite these requests and provide the best service to our citizens, I am proposing that City Council allow these connections generally, subject to approval by the respective water system representatives, including Midland's Director of Water Services. Any amendments would be subject to approval by the City Attorney and signature by the City Clerk and City Mayor.

A 3/5 vote is required to approve the resolution.

Sincerely,

Peter Schwarz  
Director of Water Services



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

BY COUNCILMAN

WHEREAS, the City of Midland has previously entered into water service agreements with the surrounding communities; and

WHEREAS, these water service agreements have been amended numerous times over the years to accommodate service requests from individual property owners; and

WHEREAS, the City of Midland has recently received additional requests for water service connections and expects to receive more in the future; and

WHEREAS, in most situations, the City desires to grant these requests in a timely manner; and

WHEREAS, it is not in the best interest of City Council, the respective Township and the impacted property owner to be delayed by the need for individual review and approval of each of these requests; now therefore

RESOLVED, that the Mayor and City Clerk, subject to final review and approval by the City Attorney, are hereby authorized to execute amendments to the existing Water Service Agreements between the City of Midland and surrounding communities in order to provide water service to properties which do not otherwise have access to City water from their respective townships; and

RESOLVED FURTHER that such agreements shall be authorized to the extent that they permit only one connection per parcel having direct frontage on a common township boundary road with such connection being not more than 1500 feet of depth into the property from the curb box, and that no increase of water connections be permitted.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

6. \* Purchase of Police Vehicles. MURPHY

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Purchase of Police Vehicles

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes the following purchase order based on pricing from the Macomb County #21-18 Cooperative Purchasing Program for the purchase of four police vehicles as replacements for existing units in the Equipment Revolving Fund:

- Signature Ford of Owosso, Michigan, in the amount of \$131,379.00 for the purchase of three Police patrol cars and one Police community relations vehicle.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Karen Murphy  
City of Midland Department of Public Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

The Macomb County #21-18 Cooperative Purchasing Program solicits light duty vehicle bids on a bi-annual basis. Automobile and equipment dealerships statewide, including local dealerships, are eligible to submit bids through this program. Staff experience has shown that the bid prices from the Macomb County Program are lower than what could be solicited locally due to the volume purchasing that occurs under these programs. The City of Midland is authorized to make purchases through this cooperative purchasing program.

Each year the Fleet Manager and the Vehicle Maintenance Supervisor re-evaluate the condition, mileage, utilization and maintenance cost of every vehicle in the fleet to determine whether it is cost-effective to keep the vehicle in the fleet for an additional period of time or if the vehicle needs to be replaced. Through this process the following units were identified as meeting the criteria for replacement:

- Three Police patrol cars: Units #135 (2018 model), #136 (2018 model), #138 (2017 model)
- One Police community relations vehicle: Unit #220 (2011 model)

All of these units have high mileage or are in poor physical condition based on age and regular usage. Funding for the replacement of these vehicles is included in the FY 2020/21 Equipment Revolving Fund's Capital Outlay budget. The three Police patrol cars will become frontline traffic control units, and the units being replaced will be transferred into the school resource officer department with the current school resource cars to be sold via online auction. The fourth unit being replaced is used for community relations. The primary function of the community relation vehicle is to transport equipment to different events throughout the community, including hauling equipment for accident reconstruction and will serve as a travel vehicle for attending department trainings. The replacement community relations vehicle will be transferred down to another department to replace an older vehicle used to transport our seasonal staff to various parks throughout the city, and the older unit will then be sold via online auction.

C. Bradley Kaye  
Page Two  
August 5, 2020

Bids for the Police vehicles came in as follows:

<i>Vehicle Type</i>	<i>Vendor / Cooperative Purchase Program</i>	<i>Unit Cost</i>	<i>Total Cost</i>
3 – Patrol Car	Signature Ford, Owosso, MI Macomb County Program	\$32,881.00	\$98,643.00
1 – Community Relations Vehicle	Signature Ford, Owosso, MI Macomb County Program	\$32,736.00	\$32,736.00
<b>TOTAL BID PRICING:</b>			<b>\$131,379.00</b>

Sufficient funds are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account for the purchase of these four vehicles. Therefore, we recommend that the Accounting Manager be authorized to issue a purchase order to Macomb County’s selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$131,379.00 for the purchase of three patrol cars and one community relations vehicle. The units being replaced will be sold through the online auction process once the replacement units are put into service.

Respectfully submitted,

Karen Murphy  
Department of Public Services

Christina Evans  
Accounting Manager



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BY COUNCILMAN

WHEREAS, competitive bids for light duty vehicles are solicited by the Macomb County Cooperative Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and

WHEREAS, sufficient funding for the purchase of three Police patrol cars and one Police community relations vehicle are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account as replacements for existing aging, high maintenance units utilized by the Police Department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Macomb County's selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$131,379.00 for the purchase of three Police patrol cars and one Police community relations vehicle, all in accordance with the associated cooperative purchasing program's proposals and specifications.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020. Swint

---

Erica Armstrong, City Clerk

**File Attachments for Item:**

7. \* Purchase of two single axle dump trucks with snow and ice removal equipment. MURPHY

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Purchase of two single axle dump trucks with snow and ice removal equipment

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes the following purchase orders based on pricing from the Rochester Hills RFP-13-030 and the State of Michigan's Extended Purchasing Programs:

- D&K Truck Company of Lansing, Michigan in the amount of \$158,766.00 for the purchase of two single axle dump truck chassis.
- Truck & Trailer Specialties of Dutton, Michigan in the amount of \$183,780.00 for the purchase of two stainless steel dump boxes and associated snow/ice removal equipment.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Karen Murphy  
City of Midland Department of Public Services



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August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

Each year the Fleet Manager and the Vehicle Maintenance Supervisor re-evaluate the condition, mileage, utilization and maintenance cost of every vehicle in the City's fleet to determine whether it is cost-effective to keep the vehicle in the fleet for an additional period of time or if the vehicle needs to be replaced. Through this process the following units were identified as meeting the criteria for replacement due to high mileage and poor physical condition based on age and regular usage:

- Two heavy duty single axle dump trucks with snow/ice removal equipment – Unit #370 (2009 model) and Unit #376 (2010 model)

The Department of Public Services uses single axle dump trucks for residential heavy item collection, construction purposes and snow/ice removal. In an effort to increase productivity on residential streets during snow removal, a wing plow will be added to each new unit. The wing plow will be a new feature on a single axle truck for the City's fleet and will increase the plowing width of the truck by five feet. The truck with the wing plow will be more efficient in clearing snow because instead of making four passes down a local street to clear snow from curb to curb, an operator will be able to do this in just two passes down the street. In addition, the wing will be useful in pushing back the buildup of snow over the curb on local streets after multiple storms. The wing plow will be removed after the winter season so the truck can be used for heavy item collection and construction purposes.

The trucks will be purchased through the cooperative purchasing contracts as follows:

- The City of Rochester Hills issued RFP-RH-13-030, a Request for Proposal (RFP) for Single and Tandem Axle Dump Trucks, Parts and Related Equipment on behalf of the City of Auburn Hills, City of Farmington Hills, City of Madison Heights, City of Midland, City of Rochester Hills, City of St. Clair Shores, City of Troy and City of Warren. Proposals were opened and publicly read on July 23, 2013, and the low bid meeting the terms of the RFP for purchase and installation of Snow and Ice Control Equipment was from Monroe Truck Equipment through their local dealer, Truck and Trailer Specialists of Dutton, MI. Monroe Truck Equipment has authorized their local dealers to extend these prices to the City of Midland on like equipment for the current model year through November 2020.

C. Bradley Kaye  
Page Two  
August 5, 2020

- The State of Michigan’s Extended Purchasing Program solicits heavy and medium duty vehicle bids on a bi-annual basis. Automobile and equipment dealerships statewide, including local dealerships, are eligible to submit bids through these programs.

Staff experience has shown that the bid prices from these two programs are lower than what could be solicited locally due to the volume purchasing that occurs under each program and the City of Midland is authorized to make purchases through both of these cooperative purchasing programs.

A single axle dump truck involves the purchase of the dump truck chassis from one vendor and the purchase and installation of the associated snow/ice removal equipment (dump box, underbody and wing plow) from a separate vendor. The dump truck chassis will be purchased from the State of Michigan’s Extended Purchasing Program while the snow/ice removal equipment will be purchased from the Rochester Hills RFP. Bids for these items came in as follows:

<i>Vehicle Type</i>	<i>Vendor / Cooperative Purchase Program</i>	<i>Unit Cost</i>	<i>Total Cost</i>
2 – Single Axle Dump Truck Chassis	D&K Truck Company, Lansing, MI State of Michigan Program	\$79,383.00	\$158,766.00
2 - Stainless Steel Dump Box and Snow Removal Equipment	Truck & Trailer Specialist, Dutton, MI City of Rochester Hills Program	\$91,890.00	\$183,780.00
<b>TOTAL BID PRICING:</b>			<b>\$342,546.00</b>

Sufficient funds are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account for the purchase of these two vehicles. Therefore, we recommend that the Accounting Manager be authorized to issue purchase orders to the State of Michigan’s selected vendor, D&K Truck Company of Lansing, MI in the amount of \$158,766.00 for the purchase of two single axle dump truck chassis; and the City of Rochester Hills’ selected vendor, Truck and Trailer Specialties of Dutton, MI in the amount of \$183,780.00 for the purchase of two stainless steel dump boxes and associated snow/ice removal equipment. The units being replaced will be sold through the online auction process once the replacement units are put into service.

Respectfully submitted,

Karen Murphy  
Department of Public Services

Christina Evans  
Accounting Manager



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

BY COUNCILMAN

WHEREAS, the Department of Public Services has two front line single axle snow/ice removal trucks in need of replacement; and

WHEREAS, to replace such a unit requires the purchase of a truck chassis from one vendor with the purchase and installation of the associated snow/ice removal equipment from a separate vendor; and

WHEREAS, competitive bids for heavy duty trucks are solicited by the State of Michigan's Extended Purchasing Program on a bi-annual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and

WHEREAS, competitive bids for snow/ice removal equipment were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland under a cooperative purchasing agreement; and

WHEREAS, sufficient funding for the purchase of two single axle dump trucks with snow/ice removal equipment is included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account as a replacement for two existing aging, high maintenance units; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor, D&K Truck Company of Lansing, MI, in the amount of \$158,766.00 for the purchase of two single axle dump truck chassis; and the City of Rochester Hills' selected vendor, Truck and Trailer Specialties of Dutton, MI, in the amount of \$183,780.00 for the purchase of two stainless steel dump boxes and associated snow/ice removal equipment, all in accordance with the associated cooperative purchasing programs' proposals and specifications.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

8. \* Purchase of a wheeled backhoe and two mini front-end loaders. MURPHY

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Purchase of a wheeled backhoe and two mini front-end loaders

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order based on pricing from the State of Michigan's MiDeal and the Sourcewell Cooperative Purchasing Programs to AIS/JDE Equipment of Traverse City, Michigan, in the amount of \$303,573.00 for the purchase of a wheeled backhoe and two mini front-end loaders. This resolution also authorizes the City Manager to approve changes to the purchase order not to exceed 5% of the total cost, and authorizes trade-in of City Units #636, #479 and #480 if the online auction bid prices received are less than the vendor's trade-in allowance.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Karen Murphy  
City of Midland Department of Public Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

The State of Michigan's MiDeal and Sourcewell's Cooperative Purchasing Programs solicit bids for heavy and medium duty off-road equipment on a bi-annual basis. Vendors state and nationwide are eligible to submit bids through these programs. Staff research results have shown that bid prices from the State's MiDeal and Sourcewell bids are lower than what could be solicited locally due to the volume of purchases made through these programs. The City of Midland is authorized to make purchases from both of these cooperative purchasing programs.

Each year the Fleet Manager and the Vehicle Maintenance Supervisor re-evaluate the condition, mileage, utilization and maintenance cost of every vehicle in the fleet to determine whether it is cost-effective to keep the vehicle in the fleet for an additional period of time or if the vehicle needs to be replaced. Through this process the following units were identified as meeting the criteria for replacement:

- Wheeled Backhoe – Unit #636 (2009 model)
- 2WD Tractor – Unit #479 (2004 model)
- 2WD Tractor – Unit #480 (2005 model)

City Unit #636, a 2009 John Deere backhoe used by Water Distribution, is currently scheduled for replacement in the Equipment Revolving Fund's FY 2020/21 capital replacement plan. Unit #636 is a frontline machine used by Water Distribution for performing water line replacement, new construction, emergency water main breaks and loading dump trucks to haul material to the job site.

City Unit #478, a 2004 John Deere tractor, and Unit #480, a 2005 John Deere tractor, are also currently scheduled for replacement in the Equipment Revolving Fund's FY 2020/21 capital replacement plan. These units are used by DPS, Parks and the Forestry Department for fall leaf collection. The balance of the year, one tractor is used at the airport for mowing but the second tractor gets minimal use. As such, the tractors are being replaced with 4WD mini front-end loaders that are more versatile for year-round use. The mini loaders can be used for leaf collection as well as snow removal, stock piling yard material, loading dump trucks at the Service Center and used at various parks to perform park and trail maintenance.

The mini loaders are also four-wheel drive as opposed to the current two-wheel drive tractors. During last year's leaf collection with the early snowfall and cold weather, leaf collection was very

C. Bradley Kaye  
Page Two  
August 5, 2020

slow and extremely hard on the 2WD tractors. The tractors were very inefficient given the conditions. The Fleet Manager setup a demo during last year’s leaf collection using the mini 4WD loader to see how it would perform. Using the 4WD loader, production returned to normal even during the extreme weather conditions. Therefore the Fleet Manager is recommending the upgrade from 2WD tractors to 4WD mini loaders.

The bid for the wheeled backhoe and mini front-end loaders came in as follows under the State of Michigan’s MiDeal and Sourcewell Cooperative Purchasing Program:

<i>Vehicle Type</i>	<i>Vendor</i>	<i>Unit Cost</i>	<i>Total Cost</i>
Wheeled Backhoe (Quantity: 1)	AIS/JDE Equipment Traverse City, MI	\$109,758.00	\$109,758.00
Mini Front-End Loader with bucket (Quantity: 2)	AIS/JDE Equipment Traverse City, MI	\$96,907.50	\$193,815.00
<b>TOTAL BID PRICING:</b>			<b>\$303,573.00</b>

Sufficient funds are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account for the purchase of a wheeled backhoe and two mini front-end loaders. Therefore, we recommend that the Accounting Manager be authorized to issue a purchase order to MiDeal’s and Sourcewell’s selected vendor, AIS/JDE Equipment of Traverse City, Michigan, in the amount of \$303,573.00 for the purchase of a wheeled backhoe and two mini front-end loaders. In addition, we are requesting that the City Manager be authorized to approve changes to the purchase order not to exceed 5% of the purchase price for any modifications that need to be made during the production of these units.

The City has been offered the following trade-in values on the existing units: Unit #639 for \$18,000, Unit #479 for \$10,000 and Unit #480 for \$12,000. The City will offer these units being replaced for sale via online auction. If the City receives auction bids higher than the trade-in values, the units will be sold via the auction process. However, if the City does not receive bids over the trade-in values, the units will be traded in to AIS/JDE Equipment of Traverse City as a condition of the purchase agreement.

Respectfully submitted,

Karen Murphy  
Department of Public Services

Christina Evans  
Accounting Manager



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BY COUNCILMAN

WHEREAS, competitive bids for heavy and medium duty off-road equipment are solicited by the State of Michigan's MiDeal and Sourcewell's Cooperative Purchasing Programs on a bi-annual basis and the City of Midland is authorized to make purchases from these two cooperative purchasing programs; and

WHEREAS, sufficient funding for the purchase of a wheeled backhoe and two mini front-end loaders are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account as replacements for three existing aging, high maintenance units utilized by Water Distribution, Public Works and the Parks Department; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to the State of Michigan's MiDeal and Sourcewell's Cooperative Purchasing Programs' selected vendor, AIS/JDE Equipment of Traverse City, Michigan, in the amount of \$303,573.00 for the purchase of a wheeled backhoe and two mini front-end loaders, all in accordance with the associated cooperative purchasing programs' proposals and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders to the purchase order not to exceed 5% of the cost to cover any modifications that need to be done during the production of the units; and

RESOLVED FURTHER, the City has been offered trade-in values on each of the existing units. The City will offer the units being replaced for sale via online auction. If the City receives auction bids that exceed the trade-in values, the units will be sold via the auction process. However, if the City does not receive bids that exceed the trade-in values, the units will be traded-in to AIS/JDE Equipment of Traverse City as a condition of the purchase agreement.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

9. \* Plymouth water tank and lime silo painting, Bid No. 4104. SCHWARZ

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of August 10, 2020

**SUBJECT:** Plymouth Park Water Tank and Lime Storage Silo Painting, Bid No. 4104

**INITIATED BY:** Water Department

**RESOLUTION**

**SUMMARY:** This resolution accepts the bid submitted by Seven Brothers Painting, Inc. of Shelby Township, for the interior and exterior painting and upgrades to the Elevated Storage Tank at Plymouth Park and exterior painting of the Lime Storage Silo at the Water Treatment Plant, and authorizes a purchase order in an amount not to exceed \$498,300.00, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$20,000.00.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

Peter Schwarz  
Director of Water Services



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

August 5, 2020

C. Bradley Kaye, AICP CFM  
City Manager  
City of Midland  
Midland, Michigan

Dear Mr. Kaye:

At the March 23, 2020 City Council meeting, Council approved a contract with Dixon Engineering Inc. of Lake Odessa, Michigan for the preparation of specifications and contract documents, project administration and paint inspection for the Plymouth Park water tank and Water Plant Lime Silo painting projects.

On July 28, 2020 sealed bids were received from contractors and opened for Bid No. 4104, Plymouth Elevated Tank. Bids received were as follows:

Bidder	Base Bid
Industrial Painting Contractors Inc., Taylor, MI	\$488,400
<b>Seven Brothers Painting Inc., Shelby Twp, MI</b>	<b>\$498,300</b>
Viking Painting, Omaha, NE	\$591,700
TMI Coatings Inc, St. Paul, MN	\$697,000
George Kountoupes Painting Co., Lincoln Park, MI	No Bid

Our consulting engineer, Dixon Engineering, reviewed the bid proposals and recommends that we disqualify the low bidder, Industrial Painting Contractors Inc., per Article 3 – Qualification/Prequalification of Bidder, of the bid documents due to insufficient experience. The second low bidder, Seven Brothers Painting, Inc., of Shelby Township, MI meets the bid requirements and has prior City experience, having painted the Larkin Township water tank in 2014. Dixon Engineering has also given a favorable evaluation of their past performance.

City staff, therefore, recommends that the bid be awarded to Seven Brothers Painting, Inc. The attached resolution will authorize execution of a contract and purchase order to Seven Brothers Painting, Inc. of Shelby Township, MI in the amount of \$498,300.00 and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$20,000.00. A 3/5 vote is required to approve the resolution.

Sincerely,

  
Peter Schwarz  
Director of Water Services



Christina Evans  
Accounting Manager



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BY COUNCILMAN

WHEREAS, sealed bids for Bid No. 4104 Plymouth Elevated Tank, to provide interior and exterior painting and upgrades for the Plymouth Elevated Tank, located in Plymouth Park, and exterior painting of the Lime Silo located at the Water Treatment Plant have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, Dixon Engineering, Inc. recommends that the low bid from Industrial Painting Contractors, Inc. be disqualified per Article 3 – Qualification/Prequalification of Bidders of the bid package; and

WHEREAS, Dixon Engineering Inc. along with city staff consider the bid from Seven Brothers Painting, Inc. to be acceptable; and

WHEREAS, funds are available for this purpose in the FY 2020/21 Water Enterprise Fund; now therefore

RESOLVED, that execution of a contract and purchase order is hereby authorized to Seven Brothers Painting, Inc. of Shelby Township, in the amount of \$498,300.00 for interior and exterior painting of the Plymouth Elevated Tank with required upgrades and exterior painting of the Lime Storage Silo located at the Water Treatment Plant; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$20,000.00.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, August 10, 2020.

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Erica Armstrong, City Clerk