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 24, 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: 810 3661 0458 ~ Password: 971715
To join via telephone, dial:

1 (312) 626-6799 ~ Webinar ID: 810 3661 0458 ~ Password: 971715

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 August 10 regular City Council meeting. ARMSTRONG

PUBLIC HEARINGS:

2. Zoning Petition No. 631 - to consider a petition by Matt Rapanos to rezone property located at 400 S. Sandow road from Township zoning to RC Regional Commercial (also see material sent in the July 27 agenda packet). 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:

3. Zoning Text Amendment No 161 - Amendments to the Site Plan Review Process (also see material sent in the July 13 and August 10 agenda packets). MURSCHEL

4. * Boards and Commissions Appointments. TISDALE

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION

Citizen Comment Line:	837-3400
City of Midland website address:	www.cityofmidlandmi.gov
City of Midland email address:	cityhall@midland-mi.org
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. 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 FCCs phone relaying service and provide the call-in information above.

File Attachments for Item:

* Approve minutes of the August 10 regular City Council meeting. ARMSTRONG

A regular electronic meeting of the City Council was held on Monday, August 10, 2020, at 7:00 p.m. online via https://zoom.us/join, with Webinar ID: 878 4728 8963 ~ Password: 973161. 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 July 27, 2020 regular electronic meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED by a Roll Call Voice Vote.)

2020-2021 GENERAL FUND BUDGET AMENDMENT THRUNE PARK MAINTENANCE

Director of Public Services Karen Murphy presented information regarding the gift from the Charles J. Strosacker Foundation and related budget amendment for Thrune Park maintenance. A public hearing opened at 7:12 p.m., recognizing no public comments, the hearing closed at 7:13 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

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. (Motion ADOPTED by a Roll Call Voice Vote.)

ZONING TEXT AMENDMENT NO. 161 – SITE PLAN REVIEW PROCESS

Director of Planning and Community Development Grant Murschel presented information on the proposed amendments to the site plan review process. A public hearing opened at 8:02 p.m., Tony Stamas, President and CEO of the Midland Business Alliance, spoke in favor of the proposed amendment. Mike Cronenberger, 6208 Pebble Stone Dr., Ron Parmele, 5415 Walbridge Ln., Nancy Carney, 1002 W. Park Dr., Nancy Janoch, 1806 Wyllys St., Eric Anders, 1408 Lee St., Jan Lanter, 5811 Stillwater Ln. Cindy Weir, 900 Crescent Dr., spoke in opposition to the proposed amendments The public hearing closed at 8:34 p.m.

PUBLIC COMMENT

Eric Anders, 1408 Lee St. inquired about if item #5 was removed from the consent agenda and when it would be addressed.

SITE PLAN NO. 402

Director of Planning and Community Development Grant Murschel presented information on the proposed site plan of an 11,200 sq. ft. addition to the existing self-storage facility located at 5911 Stark Road. The petitioner, Jason Backus commented regarding the proposed site plan. The following resolution was then 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. 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. (Motion ADOPTED by a Roll Call Voice Vote.)

WATER SERVICE AGREEMENTS

Director of Water Services Peter Schwarz presented information regarding the proposed authorization to amend water service agreements. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

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. (Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF POLICE VEHICLES

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

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. (Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF DUMP TRUCKS WITH SNOW AND ICE REMOVAL EQUIPMENT

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

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. (Motion ADOPTED by a Roll Call Voice Vote.)

PURCHASE OF WHEELED BACKHOE AND TWO MINI FRONT END LOADERS

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

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. (Motion ADOPTED by a Roll Call Voice Vote.)

PLYMOUTH WATER TANK AND LIME SILO PAINTING, BID NO. 4104

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

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. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 9:32 p.m.

_____

Erica Armstrong, City Clerk

File Attachments for Item:

2. Zoning Petition No. 631 - to consider a petition by Matt Rapanos to rezone property located at 400 S. Sandow road from Township zoning to RC Regional Commercial (also see material sent in the July 27 agenda packet). MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of August 24, 2020

SUBJECT: Zoning Petition No. 631 (Rezoning Request)

INITIATED BY: Matt Rapanos

RESOLUTION SUMMARY: Action to amend the City of Midland Zoning Map by rezoning property located at 400 S. Sandow Road from Township zoning to RC Regional Commercial.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report
4. Planning Commission Minutes
5. Location Map

CITY COUNCIL ACTION:

1. Public hearing is 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

August 19, 2020

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

Dear Mr. Kaye:

At its meeting on Tuesday, July 14, 2020, the Planning Commission considered Zoning Petition No. 631, the request of Matt Rapanos to rezone property located at 400 S. Sandow road from Township zoning to RC Regional Commercial.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Sajbel to recommend to City Council the approval of Zoning Petition No. 631 initiated by Matt Rapanos to rezone property located at 400 S. Sandow road from Township zoning to RC Regional Commercial.

Vote on the motion:

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

The motion was approved 8 to 0.

No written public comments have been received and no public comments were made during the public hearing on this request.

A resolution to approve Zoning Petition No. 631 is enclosed for City Council consideration.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg

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 REGUL 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 A 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 T14N R1E W 392 FT OF OUTLOT A STARK'S SUB. EXC COM 30 FT E OF NW COR OF OUTLOT A, TH W 30 FT, S 30 FT, NELY TO POB

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.

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 24, 2020

_____

Erica Armstrong, City Clerk

Department of Planning
and Community Development

CITY OF Midland

STAFF REPORT TO THE PLANNING COMMISSION
JULY 14, 2020

Subject:	Zoning Petition #631 (Rezoning Request)
Applicant:	Matt Rapanos
Location:	400 S. Sandow Road
Area:	Approx. 2.49 acres
Existing zoning:	Township Zoning
Proposed zoning:	RC Regional Commercial
Adjacent Zoning:	North: RC Regional Commercial South: Township Zoning East: RB Multiple Family Residential West: OS Office Service and Township Zoning
Adjacent Development:	North: Wooded land, Auto repair, and residential homes South: Single-family residential homes East: Multi-family housing West: Office and single-family residential homes

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REPORT

Zoning Petition No. 631, initiated by Matt Rapanos to rezone property located at 400 S. Sandow road from Township zoning to RC Regional Commercial. There are no conditions offered by the applicant; therefore, the full content and permitted uses within the RC Regional Commercial zoning district must be considered.

Aerial location maps, current zoning, and Future Land Use designation maps are enclosed.

BACKGROUND

This parcel was recently annexed into the City of Midland from Homer Township. As such, City zoning must be applied. The applicant is requesting RC Regional Commercial due to the location at the intersection of Sandow Road and Isabella Street (M-20). The property is largely void of any development but contains an electrical power easement on the western portion. The site is largely a grassy area with some trees.

To the immediate north of the property is the high traffic corridor of Isabella Street (M-20). A commercial node exists surrounding the intersection of Isabella Street and Sandow Road on the northwest and northeast corners. The southwest corner is office in use. This places the subject property within an subarea of the city that contains office or commercial uses around the intersection.

ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. **Is the proposed amendment consistent with the City's Master Plan?**
While the Future Land Use map of the City's Master Plan identifies the subject property as High Density Residential, context must be given to the surrounding future land use designations and the concept of a *commercial node* that is established within the City's Master Plan. The commercial node that is established around this intersection is primarily on the northern side of Isabella Street (M-20) with office service designated on the southwest corner.

   Considering the extent of this portion of the M-20 corridor in the City limits, it is a mixture of Commercial, High Density Residential and Office Service designations. This is common given the high traffic and high speed nature of M-20 which is more compatible with higher intensity and more auto-oriented kind of uses.

2. **Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**
"Section 1.02 B Intent : It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards."

   In staff's opinion, the proposed rezoning would promote the basic intent of the zoning code through reclassification of the parcel as stated (outlined above) in the City's Zoning Ordinance, especially as it relates to establishing commercial nodes around heavily trafficked intersections.

3. **Have conditions changed since the Zoning Ordinance was adopted that <u>justifies</u> the amendment?**
The property was recently annexed into the City of Midland therefore City zoning must be applied. This warrants consideration of a zoning map amendment for this property.

4. **Will the amendment merely grant special privileges?**
No, the immediate area, there is a mixture of commercial, office-service and medium to high density residential uses. While this particular property is designated as High Density Residential within the Future Land Use Map of the City's Master Plan, the property is also within a commercial node and alongside a high traffic and high speed automotive corridor.

5. **Will the amendment result in unlawful exclusionary zoning?**
No. The zoning amendment will continue a pattern of zoning that is consistent with the general pattern of development in the area and in a manner that would not be considered exclusionary. The specific zoning request has been fashioned as an extension of the existing RC zoning district to the north.

6. **Will the amendment set an inappropriate precedent?**
No. The proposed amendment is not grounds for an inappropriate precedent as the proposal is aligned with a multitude of desires and objectives within the City's Master Plan.

7. **Is the proposed zoning consistent with the zoning classification of surrounding land?**
Primarily, yes. Surrounding lands exhibit a pattern of mixed use and mixed zoning. The surrounding properties are zoned RC Regional Commercial to the north, OS Office Service to the west and northeast, and RB Multiple Family B to the east.

8. **Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**
Primarily, yes. The current Master Plan, adopted in 2007 and most recently updated in 2018 established the subject site and the immediate lands surrounding as a transitional area between residential, office-service, and commercial uses.

9. **Could all requirements in the proposed zoning classification be complied with on the subject parcel?**
Yes, the subject parcel could meet all requirements of the RC Regional Commercial zoning district.

10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
Primarily, yes. While very little new development has taken place surrounding this intersection in recent years, there has been much commercial development along M-20 during this time. The high traffic and high speed nature of M-20 lends the surrounding properties to auto-oriented uses. Commercial uses, and certainly RC Regional Commercial, are intended to cater to auto-oriented design and uses.

ADDITIONAL STAFF COMMENTS
No written comments have been received at this time.

STAFF RECOMMENDATION
Per the staff comments above, this application does not satisfy every one of the criteria that are to be considered during a zoning petition. That said, a positive response to every criteria is not necessary. With that in mind, and considering the totality of both the criteria and the circumstances, staff recommends approval of the rezoning petition for the following reasons:

- RC Regional Commercial zoning district is a reasonable extension of the zoning district that is immediately adjacent to the north of the subject site.
- The Future Land Use Map of the Master Plan establishes this area as a transitional zone between residential, office-service, and commercial land uses.
- The proposed zoning district is considered appropriate given anticipated future development patterns in the area.
- The proposed zoning district is appropriate considering the commercial node surrounding the intersection of Isabella Street (M-20) and Sandow Road and the high traffic and high speed nature of the M-20 corridor.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on July 14, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on July 27, 2020 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for August 24, 2020 at which time a decision will be made on the proposed zoning change. Please note that these dates are 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 14, 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 Director of Planning & Community Development Grant Murschel.

2. **Roll Call**

PRESENT: Mayville, Broderick, Rodgers, Koehlinger, Sajbel, Heying, Bain, and Pnacek

ABSENT: None

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and six (6) others.

3. **Election of Officers :**

The Nominating Committee comprised of Commissioners Broderick, Pnacek and Rodgers came to a decision to nominate Greg Mayville to a second term as Chairperson. Bain made a motion to nominate Greg Mayville for Chairperson, Rodgers seconded the motion.

Vote on the motion:

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

Nays: None

Motion carries 8-0.

Mayville begins to chair the meeting from this point forward:

The Nominating Committee nominated Andrew Koehlinger for the position of Vice Chair. Heying made a motion to nominate Andrew Koehlinger for Vice Chairperson, Sajbel seconded the motion.

Vote on the motion:

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

Nays: None

Motion carries 8-0.

4. **Approval of Minutes**

Heying made a motion to approve the minutes of the regular meeting of June 23, 2020 as written, seconded by Rodgers.

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

Nays: None

Motion carries 8-0.

5. **Public Hearings**

a. **Site Plan No. 401 –** the request by DGR Properties, LLC, for site plan review and approval of a 19,600 square foot self-storage facility located at 916 Waldo Avenue.

Murschel gave an overview of the petition.

Bain asked about the about the need for an easement for the stormwater retention area, Murshcel explained that this will be needed in the event that the property is sold in the future.

Koehlinger asked about the number of spaces needed in the proposed zoning district.

Petitioner: David Rapanos 16 Pinehaven Circle Midland, MI. Petitioner spoke about the specifics of the plan.

Public Comments in support: None

Public Comments in opposition: Andy Erber 3413 Henry Street, Midland MI. Citizen spoke about his concerns in regards to the security of the facility.

Petitioner rebuttal:

Mr. Rapanos spoke to the lighting on the building that will comply with the City standards. The placement of a security gate with a pass code as well as video system for the complex will add to the overall security of the facility.

Mayville closed the public hearing.

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

Rodger made a motion to recommend approval on Site Plan No. 401 with the four (4) 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.
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.

Vote on the motion:

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

Nays: None

Motion carries 8-0

b. **Site Plan No. 388 -** request 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.

Murschel gave an overview of the site plan. Murschel reminded the board that this proposal was seen by this body in November of last year. At that time there was discussion about the 100-year floodplain and how it is mapped on the site, that discussion will continue this evening.

Petitioner: Mike Rybicki, 134 S Main Street, and and Freeland MI: Mr. Rybicki spoke to the elevations of the townhouses in regard to the floodplain. Mr. Rybicki also spoke about the fact that there is no basements planned for any of the townhomes.

Comments in Support: None

Comments in Opposition:

Amy Shifflett, 7728 Winding Creek Drive Midland, MI. Questions about the LOMA, when it was granted. Comment was made that the flooding from 2020 did impact the homes surrounding this proposed area.

Wade Live say, 7716 Winding Creek Drive, Midland MI. Concerns about the Winding Creek area flooding and the development of this land may cause additional flooding for the surrounding area.

Petitioner rebuttal: Mr. Rybicki answered the questions about the flow of the Sturgeon Creek and how it will not be disrupted; it may actually slow the flow of the water coming into the Strugeon Creek from the site.

Mr. Murschel spoke about the stormwater management and detention on this site and how City staff reviews developments within the floodplain and under the City's stormwater management requirements.

Mayville closed the public hearing.

Bain commented that this site plan meets the objective criteria and is compliant with the contingencies.

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, Broderick, Rodgers, Koehlinger, Sajbel, Heying, Bain, and Pnacek

Nays: None

Motion carries 8-0

Pnacek made a motion to recommend approval Site Plan No. 388 the proposal 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 with the following contingencies:

The motion was seconded by Rodgers.

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

c. **Zoning Petition No. 631** - request by Zoning Petition No. 631, the request by Matt Rapanos to rezone property located at 400 S. Sandow Road from Township zoning to RC Regional Commercial.

Murschel gave an overview of the Zoning Petition. Bain asked about the concerns for RC Regional Commercial zoning and the residential properties in the surrounding area.

Petitioner: Matt Rapanos Midland, MI. Mr. Rapanos spoke about the mostly commercial feel to the proposed area, with billboards and businesses.

Comments in Support: None.

Comments in Opposition: None.

Mayville closed the public hearing.

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

Bain commented on the existence of the electrical easement and how that will function as a buffer from surrounding residential.

Vote on the motion:

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

Nays: None

Motion carries 8-0

Heying made a motion to recommend approve Zoning Petition No. 631, the request by Matt Rapanos to rezone property located at 400 S. Sandow Road from Township zoning to RC Regional Commercial. Sajbel seconded the motion.

Vote on the motion:

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

Nays: None

Motion carries 8-0

6. **Old Business**
7. **Public Comments** (unrelated to items on the agenda) – None
8. **New Business** –
9. **Communications** – None
10. **Report of the Chairperson** – None
11. **Report of the Planning Director** - Murschel gave an update on items that have been approved by City Council at their most recent meeting.
12. **Items for Next Agenda – July 28, 2020**
    a. **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.
    b. **Updates on City Master Planning Process**
13. **Adjournment**

It was moved by Heying and seconded by Bain to adjourn at 9:12 p.m.

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

Nays: None

Motion carries 8-0

Respectfully submitted,

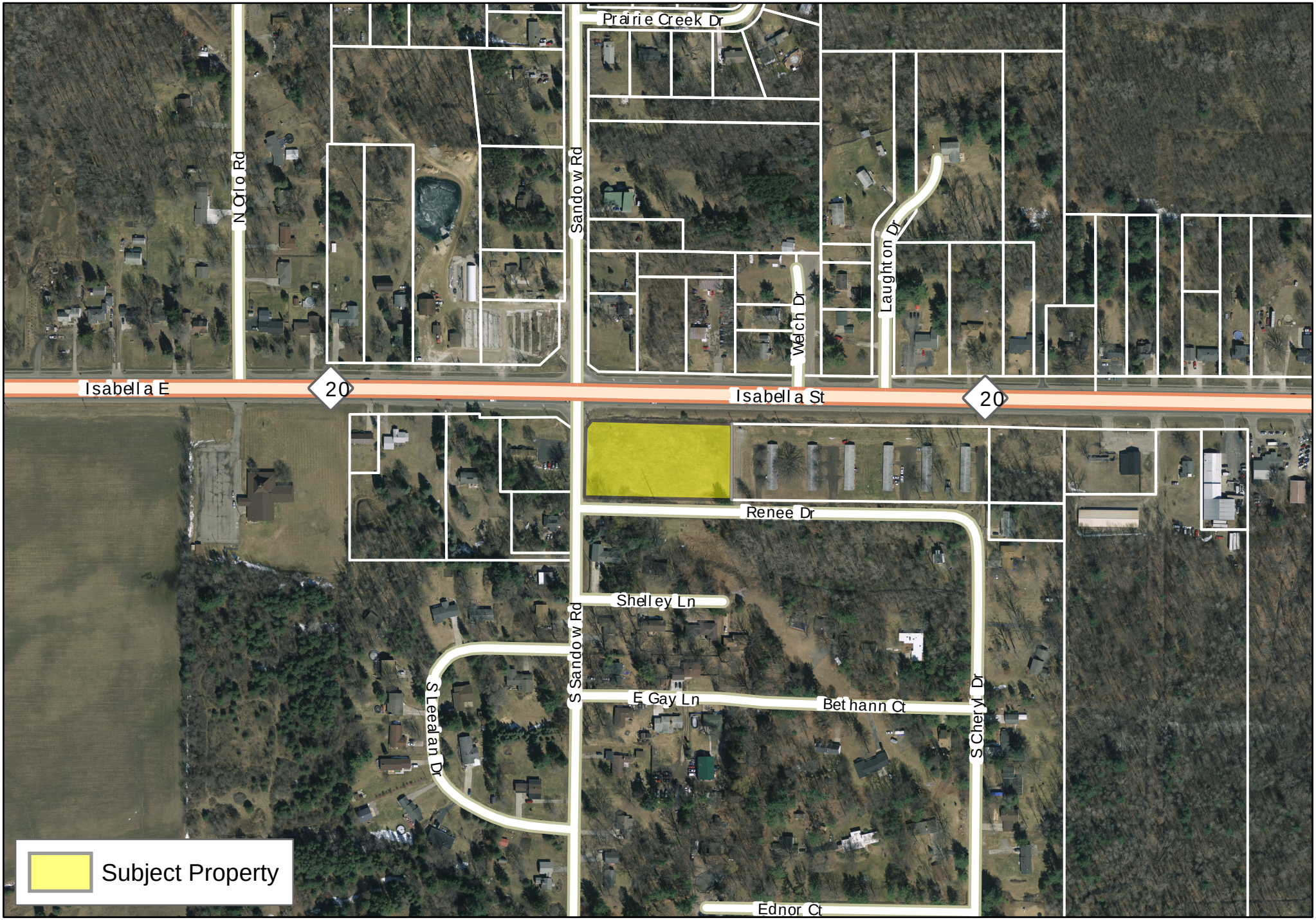
Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

ZP # 631 | 400 Sandow Road

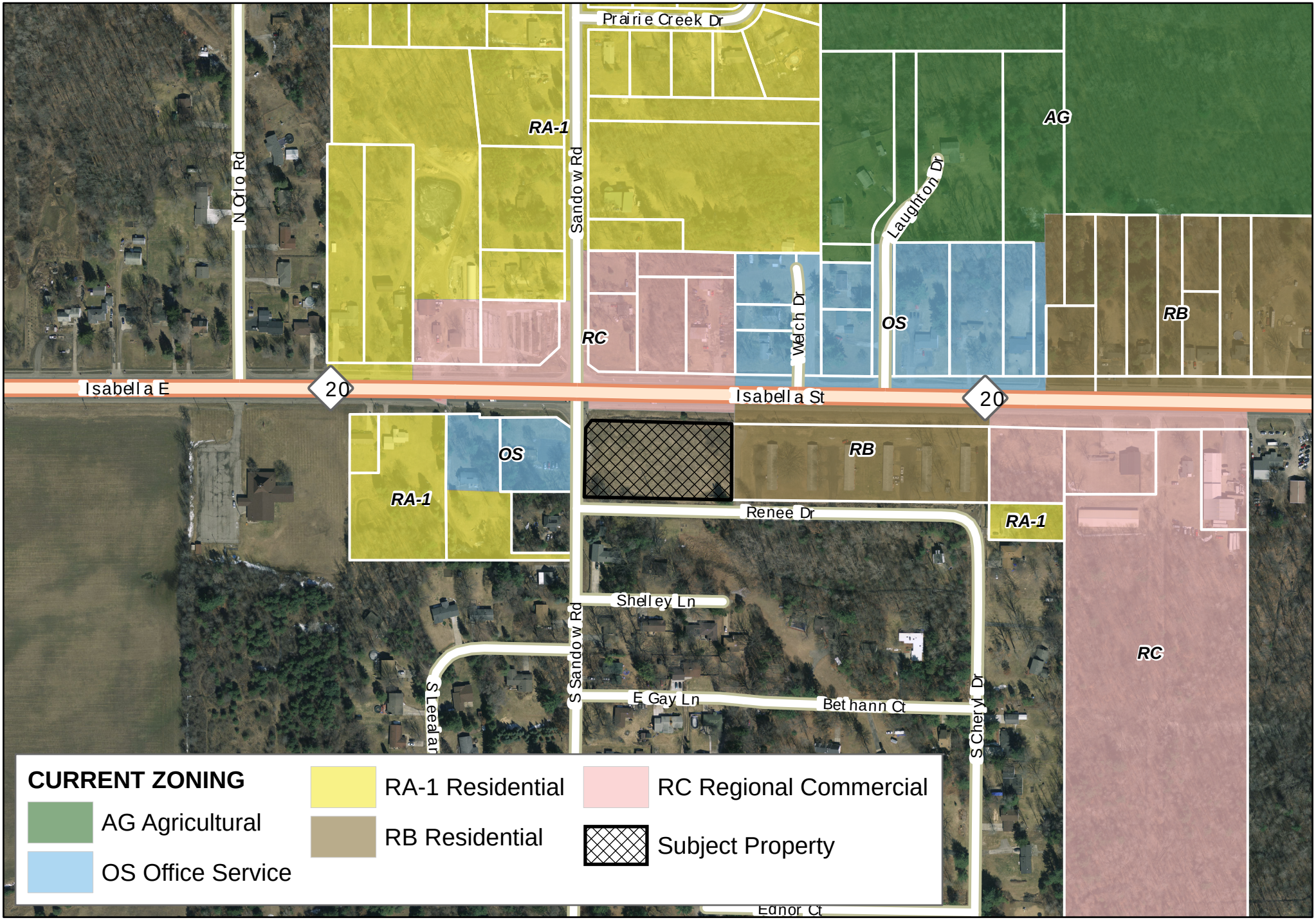
20

> Township Zoning to RC Regional Commercial



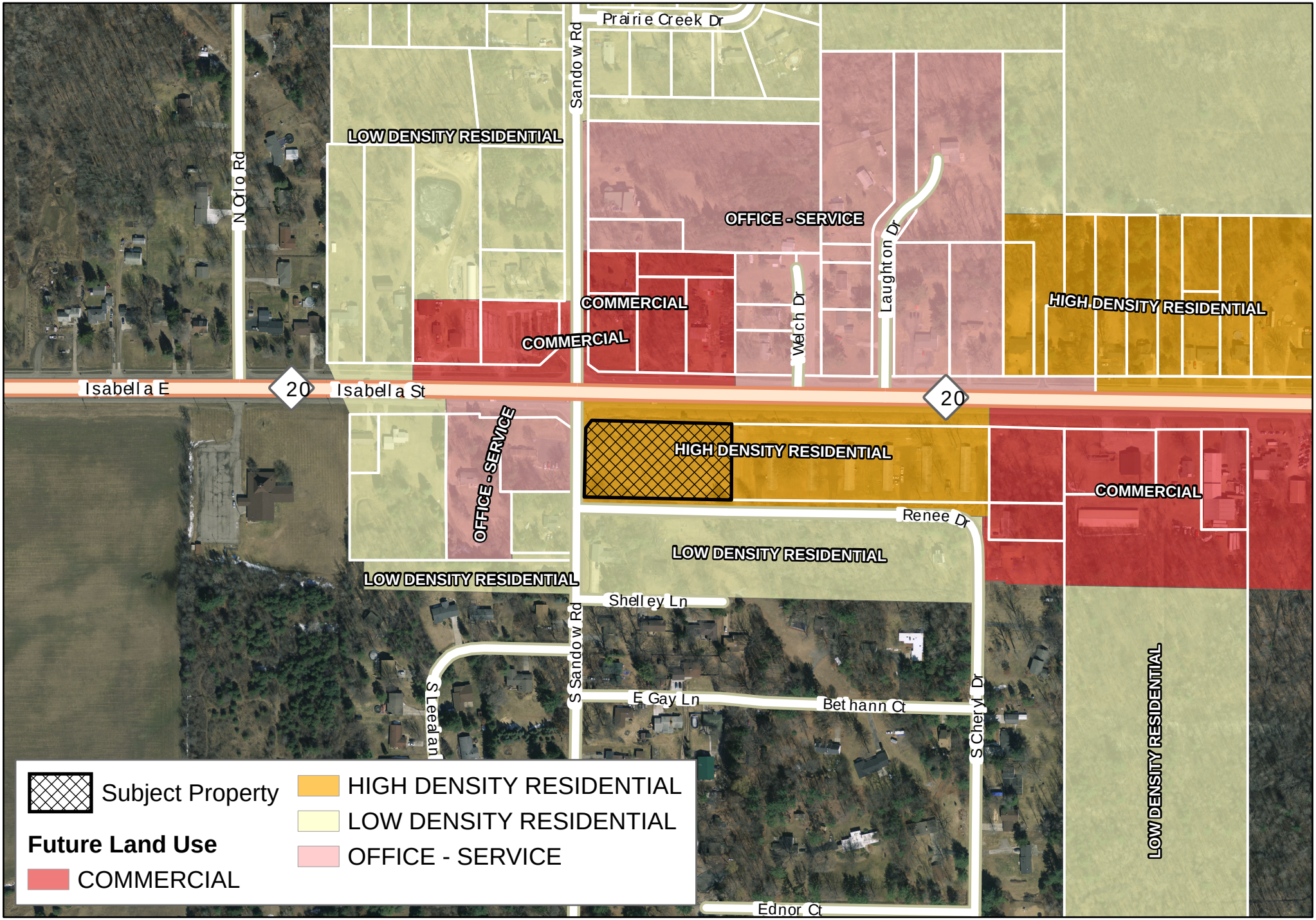
ZP # 631 | 400 Sandow Road

> Township Zoning to RC Regional Commercial



ZP # 631 | 400 Sandow Road

> Township Zoning to RC Regional Commercial



File Attachments for Item:

3. Zoning Text Amendment No 161 - Amendments to the Site Plan Review Process (also see material sent in the July 13 and August 10 agenda packets). MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of August 24, 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. 3/5 vote 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

August 19, 2020

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

Dear Mr. Kaye:

At its meeting on Monday, August 10, 2020, the City Council held a public hearing on Zoning Text Amendment No. 161, the proposal to make amendments to the objective site plan review process including within Article 27.00 of the City of Midland Zoning Ordinance. This public hearing followed the public hearing and subsequent recommendation by the City Planning Commission on June 23. During its meeting on June 23, the Planning Commission unanimously recommended approval of the proposed changes.

Additional information was previously transmitted to City Council within the agenda packets of July 27, 2020 and August 10, 2020. The intention of this letter is to build upon the information that has been previously transmitted. This letter is not intended to cover the entirety of the information that has been discussed and previous questions that have already been answered.

During the August 10, 2020 public hearing, there were a number of questions that were raised from members of City Council and the public as it relates to this proposal; many of these questions were answered by staff following the public hearing. Questions that required further elaboration are explained below.

What makes the proposed amendments a best practice for a municipality?
It has been discussed that having site plans approved by the Planning Commission or administratively is a best practice for a municipality, as articulated by the Michigan Economic Development Corporation's Redevelopment Ready Communities (RRC) program. In order to best understand this, the perspective must be from both the community and the developer. Certainly, the RRC program discusses the experience of a developer but the program is also designed to help communities further its own goals.

The goals of a community, when it comes to new development, are established within the City's Master Plan and the Zoning Ordinance. While the Master Plan is a visionary document that establishes a guide to new development, the Zoning Ordinance is the laws that must be followed when new development takes place. The City's current Zoning Ordinance advances the City's current Master Plan in a multitude of ways through its various requirements that are contained within the articles. These requirements include non-use and use standards. Non-use standards include elements like setback distances, landscaping, and building heights. Use standards are established by zoning district and include uses by right and conditional uses.

When a use is permitted by right, this use has been determined to be acceptable in all areas of the subject zoning district. An example of this would be a single-family home within one of the City's Single-

Family Residential zoning districts (RA-1, -2, -3, or -4) or an office use within the OS Office Service zoning district. Uses by right are reviewed under the site plan review procedures. Conditional uses are given special consideration. As mentioned above, Conditional Use Permit (CUP) approvals are not proposed to be changed within the proposed amendments. CUPs would still be given final approval only by City Council.

The current system to develop the City's Master Plan, the Zoning Ordinance, and the site plan review process includes multiple opportunities for public engagement. The proposed amendments to the site plan review process would still include an opportunity for public engagement within this process. This would be done via the public hearing at the Planning Commission level. Public engagement would still happen when consideration is given to the City's Master Plan and any changes to the Zoning Ordinance, including rezoning requests.

From a developer's perspective, the proposed amendments will make the City's site plan process more concise and consistent. While these changes will benefit all developers looking to invest in Midland, small-scale, local and non-profit developers will see the most benefit through the leveling of the playing field. To small-scale developers, a more concise and predictable process will eliminate the perception that Midland can be challenging to new development. For any project, every new challenge is a cost to their project which increases the expenses to build within the city.

The proposed amendments would also simplify the public engagement process for new site plans. While the intent of the current process may be to provide citizens more opportunities to weigh in, the effect can dilute engagement: a citizen who cannot follow the process or be available for multiple meetings may find their interests lost in the process. The current system also exacerbates a problem common to civic engagement. That it privileges a small minority of residents with the time and means to engage a project at multiple steps over the citizens who may only be able to engage a project once.

As proposed, all site plans will still need to meet all of the City's objective criteria. Members of the public will still have the opportunity to engage in the process via a public hearing at the Planning Commission. The Planning Commission will be able to modify site plans following public comment, as allowed within the objective criteria.

The proposed amendments will remove legal mismatch and reduce the City's exposure to risk. As discussed previously, the Michigan Zoning Enabling Act designates site plan approvals to be administrative in nature. Placing an administrative task on the agenda of City Council implies and invites a legislative role instead. This mismatch of expectations creates a situation where the City Council either invites legal action if it rejects a site plan that complies with the City's objective criteria, or it disappoints citizens who expected a more legislative action from City Council.

Staff and City Council attention to systemic, policy-level changes will also improve with the proposed amendments. Currently, staff must dedicate time to individual projects over and over, across each cycle in the review process, and site plans account for a substantial portion of many of the recent the City Council's meetings that have been very lengthy. Much of the discussion within these lengthy deliberations related to legislative considerations that should not have been discussed within the confines of a specific site plan project. Changes to this process will free up staff capacity and City Council attention for proactive, systemic fixes to the issues that currently frustrate the community.

Have other communities modified their site plan review procedures as part of the Redevelopment Ready Communities program?
Yes, many other communities have removed their legislative body's review of site plans to place final approval at the Planning Commission or staff level. Examples include City of Swartz Creek, Village of

Cassopolis, Village of Pinckney, City of Oak Park, and City of Charlevoix.

It must be noted, however, that the majority of municipalities across the state already have their Planning Commission or staff approve site plans. Some examples of these cities include Bay City, Saginaw, Mt. Pleasant, Holland, Petoskey, Traverse City, Kalamazoo, Muskegon, Grand Rapids, Grand Haven, Lansing, Battle Creek, Rochester Hills, Jackson, and Novi.

How would these proposed amendments change the City's review for proposals like the controversial senior housing apartments on Eastman Avenue in 2011?
The proposed senior housing apartments was a Conditional Use Permit (CUP) proposal, it was not a site plan. CUP reviews, involving subjective criteria in addition to objective criteria, are not proposed to be changed. With the proposed amendments, City Council will still have final reviews on all CUPs.

How would these proposed amendments change the City's review for proposals like the controversial rezoning request at 4710 Eastman Avenue in 2013?
The proposed rezoning that was adjacent to Burrell Court was not a site plan. Rezonings, or Zoning Map Amendment requests as they are formally known, are not proposed to change with these amendments. City Council will still have final reviews on all rezoning petitions.

What would the appeal process be for a site plan under the proposed amendments?
Because the site plan process is defined as an administrative task by the Michigan Enabling Act, the City Zoning Board of Appeals is the only entity authorized by the Act to hear appeals after a final decision has been made. An appeal to the ZBA may be taken by a person aggrieved by an administrative decision. To be an aggrieved person, one must allege and prove that he or she has suffered some special damages not common to other property owners similarly situated (*Joseph v. Grand Blanc Twp.*, 5 Mich. App. 566 (1967)). If not an aggrieved person, the City Council can appeal a decision made by its own staff or Planning Commission to the ZBA.

It has been asked if certain criteria could be established that would allow the Planning Commission to approve site plans under specific conditions with all other site plans requiring City Council approval. Such a process has been conceptually explored by staff and many concerns have been identified in how such criteria would be established. If the criteria would include public opposition, one concern would be in defining what constitutes public opposition.

Ultimately, the objective of these amendments is to make the City's site plan process more clear, concise and efficient. Introducing an additional set of criteria that would divide out Planning Commission approvals versus City Council approvals would make the process more complex.

How often does the City update its Master Plan or its Zoning Ordinance?
The City's Master Plan was most recently updated in 2018. The Michigan Planning Enabling Act requires cities to review their plans every five (5) years. The City reviews and updates its plan every 2-3 years. The Zoning Ordinance was most recently updated in April of this year when Zoning Petition No. 630 was approved. Both documents are considered up to date at this time.

How can members of the public learn about the City's objective criteria for site plans so that they can appropriately comment?
The City's objective criteria for site plans are outlined within Article 27.00 of the Zoning Ordinance. Article 27.00 references the Zoning Ordinance itself as well as other applicable rules and regulations that apply. An example of a regulation that is outside the Zoning Ordinance is the City's stormwater management ordinance which is found within the Code of Ordinances. Both the Zoning Ordinance and the Code of Ordinances in their entireties are found online on the City's website.

Part of the review process for the Redevelopment Ready Communities program was ensuring that all applicable regulations for new development were publicly available online. While much of this information has been online for many years, since 2014, staff has ensured that all of the applicable information is readily available and up to date.

Will the proposed changes remove the public's ability to comment on proposed site plans?
No. Site plans that will go in front of the Planning Commission will still include a public hearing. The Planning Commission will take comments in support and opposition of these site plans just like they do today. If members of the public comment on issues of non-compliance with the objective criteria, the Planning Commission will be responsible for ensuring the applicant complies.

The Planning Commission's rules of procedure require action on a site plan to be at the next meeting following the public hearing. If there are concerns with the site plan following the public hearing, these rules will allow for time for the applicant to address the concerns. If there are no concerns, the Planning Commission can vote to waive the rules of procedure and act on the site plan that same evening.

Summary of public comments received on the proposed amendments:
To date, the City has received thirteen (13) individual comments and one (1) petition in opposition of the proposed amendments. Two (2) comments in support of the proposed amendments have also been received. All written comments received are enclosed.

A resolution to approve Zoning Text Amendment No. 161 is enclosed for City Council consideration.

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 approves the proposed amendments to the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby given third reading.

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 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.

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.

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 24, 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

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 volenteers to create a committee to nominate officers for 2020-2021. Commisoners 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 l), 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.

From: "ptr kayvala.com" <ptr@kayvala.com>
Date: August 19, 2020 at 12:55:53 PM EDT
To: "Wazbinski, Marty" <mwazbinski@midland-mi.org>
Subject: Re Zoning Text Amendment No. 161

Dear Councilman Wazbinski-

I understand that the Zoning Text Amendment No. 161 would give authority for city zoning to an appointed Planning Commission. As a home-owner in your district I find that having no recourse to elected officials on zoning decisions is neither fair nor democratic.

If the Commission has a member with vested interests – say a real estate developer – they could sway its decisions without fear of public opposition. Citizens can only challenge these decisions meaningfully if the Commission answers to the public as our City Council does presently.

For these reasons I urge you to vote NO on Zoning Text Amendment No. 161.

Respectfully yours,

Peter Anders PhD
4416 Andre St Midland, MI 48642

From: Cathy Anders <cathyanders080454@gmail.com>
Date: August 19, 2020 at 12:27:42 PM EDT
To: "Wazbinski, Marty" <mwazbinski@midland-mi.org>
Subject: Please vote no - Zoning Text Amendment 161

Dear Mr. Wazbinski, please vote no on the this amendment to give the Planning Council sole control of development decisions which effectively would deny the people of Midland a voice in development decisions.

From: Kathy Curell <kcurell@gmail.com>

Sent: Wednesday, August 19, 2020 9:29 AM

To: Hall, Pam; Arnosky, Steve; Wazbinski, Marty; Brown Wilhelm, Diane; Donker, Maureen

Subject: Keep public hearings

Midland City Council members,

I am writing to urge you to vote no on the proposed changes to our Zoning ordinance. We should continue to hold public City Council hearings before deciding on future buildings within the city of Midland.

Kathleen Curell

1907 Laurel Lane

Midland

From: Michael Curell <mcurell@gmail.com>

Sent: Wednesday, August 19, 2020 9:47 AM

To: Wazbinski, Marty; dbrown@midland-mi.org.org; Arnosky, Steve; Donker, Maureen; Hall, Pam

Cc: Michael Curell

Subject: Zoning Amendment 161

Good Morning,

The purpose of my email is to let you know of my opposition to Zoning Text Amendment 161. City Council, as representatives of the people of Midland has a responsibility to be involved in considering zoning decisions. Council needs to continue providing the opportunity for citizens to voice our concerns on decisions that impact our city, our safety and our quality of life. All voices should be heard and considered, please vote no on 161. Thank you.

Mike Curell

1907 Laurel Lane

From: Susan Weitz <sifw1967@gmail.com>

Date: August 18, 2020 at 12:21:35 PM EDT

To: "Wazbinski, Marty" <mwazbinski@midland-mi.org>

Subject: Zoning Text Amendment No. 161

Mr. Wazbinski--

I write this to you as Mayor Pro Tem and the Councilman for Ward 5 asking for your "No" vote on Zoning Text Amendment No. 161.

I very much appreciated being able to read the thoughtful and carefully researched piece prepared by Nancy Janoch for the public hearing on this matter earlier in August.

You've been on the Council a long time, spent lots of late nights listening carefully during contentious hearings, and I certainly understand that Council members may appreciate time for a good night's sleep after meetings for what is really a voluntary job.

But for ordinary citizens the ability to talk to Council members about a project they do not want to have approved--or that they would like to see tweaked before it's approved--is part of the basis of democracy. Authorizing Planning Commission, even with public hearings, to make final decisions for somewhat smaller parcels may be great for business, but speed is not good for democracy. When more time is involved between submission and Council hearing, more people may be alerted to an issue, and therefore wish to be heard--and perhaps the Midland Daily News would devote more space to the issue.

Demanding that citizens get involved in the Master Plan is tasking them to become clairvoyant if that is where you expect, or even allow, citizen input. Among other issues, the people living around the proposed development, or even in our larger community, may not even have been in Midland at the time the master plan was last updated. And as I'm sure everyone understands, crystal balls into the future are often wrong. Future plans are necessary, but always with the ability to change them when circumstances warrant.

My husband and I strongly urge a No vote on Zoning Text Amendment No. 161. In advance, thank you for reading this and for considering our request.

Respectfully submitted,

Susan and Alex Weitz

5409 Sunset Dr.,

Midland

6 Burrell Court
Midland, MI 48640
August 16, 2020

Mayor Maureen Donker, City of Midland
333 W. Ellsworth St.
Midland, MI 48640

Opposition to Zoning Text Amendment 161

Dear Mayor Donker:

You may not recall, but a few years ago in connection with a petition that would have affected land on the north of Burrell Court, you even took the time to come to my house to see what some of the impacts of such a change would be. In the end, the Council voted this down, and I, along with my neighbors, were grateful for this Council decision.

Now in Zoning Text Amendment 161, Council approval would no longer be necessary for parcels below a certain square foot size. Instead the final decision would be made by the Planning Commission, an unelected body. I think this would be a big mistake.

I believe there is far more press coverage of City Council—and I know you cannot control this. But hiding decisions by giving staff oversight or by moving it to Planning Commission, where you are promising a public hearing, is not the same as having our Ward Council person impact this. Good governance, I think, means as much sunshine on a matter as possible.

This proposal is being spearheaded by the business community so projects can be moved along quickly. But speed is exactly the opposite of what is needed for democracy to succeed by allowing more people time to learn about and give input into a project.

Please Vote No and urge others on the Council to do the same.

Respectfully,

Sally J Stebleton

Sally Stebleton

Page 2-- Opposition to Zoning Text Amendment 161

Other Midlanders who are joining me in asking Council to vote no on zoning text amendment 161

Name	Address
Rodrigo R. Barassi	23 BURRELL CT
Matthew D. Siler	10 Burrell Ct.
Stephanie Siler	10 Burrell Ct.
[illegible]	11 Burrell ct
Debra Patton Rapucci	11 Burrell Ct.
Derek Beemer	14 Burrell Ct
Meredes Beemer	14 Burrell Ct
Christina M. [illegible]	18 Burrell Ct
[illegible]	18 Burrell CT.
Zygmond Kozicki	27 Burrell Ct
Stephanie Baiyer DVM	27 Burrell Ct.
[illegible] Pete Belej	22 Burrell CT.
Linda Kyn-Stalumbl	15 Burrell Ct
Roberta L. Barassi	23 BURRELL CT.

Opposition to Zoning ~~Text~~ Amendment 161

Karen L Fales 7 Burrell Ct
Michael M Fales 7 Burrell Ct

Sally B Stebbins

6 Burrell Court

Jan Haberman 15 Burrell Ct.

From: Patrick McElgunn [mailto:patrick.mcelgunn88@gmail.com]
Sent: Tuesday, August 18, 2020 3:25 PM
To: Hall, Pam; Kaye, Brad
Subject: A Letter in Support of the Proposed Planning Commission Amendments

Dear Councilwoman Hall & City Manager Kaye,

My name is Patrick McElgunn and I am a proud, life-long resident of Midland and co-owner of Grove Tea Lounge. I understand that the city is considering reviewing some proposed amendments to the Site Plan review process, and I am writing to you today to voice my support in favor of shifting the final approval down to the Planning Commission level and increasing the level for which staff can approve the site plan. Having consulted for hundreds of entrepreneurs/small business owners during my time at the SBDC (Small Business Development Center) and being a small business owner myself, I am confident that my sentiments are shared by most of them as well.

I have experienced first-hand the complexity, difficulty, and time-consuming process of submitting requests to the City of Midland for variances and use permits (one for the allowance of our drive-thru and a second for the allowance of outdoor seating). I have also experienced the nervousness and fear knowing that the success and fate of my business could rest in the hands of people whose only objection is to that of change and growth (as opposed to keeping things like they have always been – never growing, never evolving) – or worse, be beholden to those who wish to extract favors or in-kind tokens as a way to keep them from writing a letter of objection or showing up in person to object in an attempt to sabotage our request (yes, this actually happened to us when pursuing the drive-thru variance).

While I truly believe that there is an appropriate time and place for more thorough review and the allowance for public input, I do not believe that the proposed amendments to increase thresholds put forth by the Planning Commission warrant that level of scrutiny and public input.

The time, energy, effort and resources it takes us as small business owners to navigate the requirements for site plan reviews puts us at a significant disadvantage when compared to larger companies and corporations which have experienced people (and sometimes teams of them) who know and better understand how to maneuver through this. For many of us local entrepreneurs and small business owners, these are resources that we do not have in excess – our livelihoods rest on our ability to be creative, move quickly, adapt swiftly. Simplifying and streamlining this process, mitigating against political interference, leveling the playing field for small businesses, and providing a process that is more consistent and precise by increasing the thresholds for the Planning Commission will make a tremendous positive impact on the entrepreneurial ecosystem in Midland and, in turn, pay dividends economically.

Midland is the City of Modern Explorers – I urge you to please approve the proposed amendments so that we can continue living up to that name and giving all current and would-be explorers the ability to keep creating, innovating, and investing in Midland

Thank you for all you do for our city!
Patrick McElgunn
989-859-6438

Subject: [text] Support for Zoning Amendment

Dear City Council,

It's encouraging to see the zoning amendment being considered for a site plan review process that allows city staff and the planning commission to administer approvals for site plan approvals. It may seem minimal or unnecessary but in my work as faculty for the Incremental Development Alliance, a national not-for-profit where our work is to train small-scale developers in how to invest in their communities, policies like this help encourage local investment by leveling the playing field. Your policy is only allowing approvals for projects properly zoned and allowed to be built "as of right" so it will not give these smaller investors any special treatment but being that it's often their first time, going through a public process can be very intimidating. In addition to the public pressure, it is often harder for them to access financing and longer approval processes will make it more difficult to get the financing needed in order to acquire and invest locally. Often when I work in other communities, small developers are taking vacant abandoned buildings and empty lots that no one wants. However, here in Midland it's difficult to buy land unless you can close quickly and have the financing in place. If we want to encourage diversity, equity, and inclusion, this more administrative policy will support that initiative with a less political approval process and will ease the path for financing.

Locally, I'm Vice President of Infuse Great Lakes Bay who has hired the Incremental Development Alliance and offered technical assistance to new developers and investors in the Midland area. One building has been purchased with the intent to locate her business within it already. Another local is ready to reinvest in his family's properties. On their behalf, I'd like to thank you for the consideration of this best practice because a simple zoning amendment will help them move forward with greater ease.

For those of you who do not know me personally, I've attached my biography. I am proud to call Midland home and live at 2041 E Mockingbird Lane. It is exciting to see our town remain innovative and supportive of everyday citizens working to improve the community.

thank you,
jenifer acosta
real estate developer
community development consultant
jen@jeniferacosta.com
m. 305.505.8850
www.jeniferacosta.com

From: Walter and Ann Buzanowski <wabuzanowski@sbcglobal.net>
Date: August 14, 2020 at 3:50:23 PM CDT
To: "phall@midland-mi.org" <phall@midland-mi.org>, "mdonker@midland-mi.org" <mdonker@midland-mi.org>, "sarnosky@midland-mi.org" <sarnosky@midland-mi.org>, "dbrown@midland-mi.org.org" <dbrown@midland-mi.org.org>, "mwazbinski@midland-mi.org" <mwazbinski@midland-mi.org>
Subject: Zoning Amendment 161
Dear City Council Representatives,

On August 24, you will have an opportunity to vote on Zoning Text Amendment 161. I encourage you to vote NO on this amendment. Midland citizens should have a right to address the council about issues that concern them regarding City Planning and zoning modifications. As our elected representatives, you should continue to provide a clear, transparent planning process. Our city is unique because so many citizens care.

Once again, please vote NO on Zoning Text Amendment 161.

Sincerely,
Ann Buzanowski
1807 Brookfield Drive
Midland 48642

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

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

-----Original Message-----
From: Judith Timmons [mailto:timmonsj45@icloud.com]
Sent: Friday, July 24, 2020 11:17 AM
To: Murschel, Grant <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

Subject: Proposed Planning Ordinance Changes
2816 Ronan St.
Midland, MI 48642
August 8, 2020

Marty Wazbinski, Mareen Donker, Steve Arnosky, Diane Brown, Pam Hall
Midland City Council

RE: Proposed Changes to Zoning Ordinance

I believe that the proposed changes to Midland's Zoning Ordinance Number 2585 will greatly lessen the available opportunities for Midland citizens to give their input on proposed site plans, developments, and changes. Less involvement of local citizens is not beneficial to the City, but maybe it is to developers. There will be less transparency in the new process. City Council members, our elected representatives, will not hear citizen comments on the proposals, as these proposals would not be presented at the open Council meetings.

The Planning Commission members are appointed persons, not elected officials. They would make the final decisions on buildings, developments, etc. Elected representatives of the citizens should make these decisions.

Thank you for your service to our community.

Best Regards,

Bill Pike
989-631-6038
989-225-5522 (cell)
pikewc@att.net

From: Larry Woiderski <lawoiderski7@gmail.com>
Date: August 10, 2020 at 12:53:16 PM CDT
To: "mdonker@midland-mi.org" <mdonker@midland-mi.org>
Subject: Zoning and zoning changes
Namaste, Mayor

As a resident of Midland, Ward 2 I am requesting you vote NO on the motion to have only the committee review proposed site changes or any other such matters that involve zoning or zoning changes. We, the public, need multiple opportunities for input.

Thank you for your efforts to ensure public knowledge and input.

Shalom,
Larry

Larry A. Woiderski, MA, LPC, NCC

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 as well as all other subcommittees and commissions of the City of Midland.

Thank you.

Sincerely,

Marie Johansen

1032 Scott Street

Midland, MI 48642

Dear Mr. Brad Kaye:

I'm writing today to urge the Midland City Council to vote against agenda #3 - Amendments to the Site Plan Review Process at the August 10, 2020 council meeting.

For a myriad of reasons, it's difficult enough for citizen engagement at the local level. Adding another meeting for citizen engagement is only another hurdle separating the citizenry from the decision makers.

Additionally, allowing a commission of appointed (not elected) planners and developers have sole decision-making for city building development is a recipe for self-dealing and corruption. At the very least, even the impression of possible corruption is not beneficial for Midland - perception is reality.

Again, I'm urging a "No" vote against changes to the site plan review process.

Sincerely,
Heather Mapes Clifford
253-221-5969
7200 Peach Blossom Ln
Midland, MI 48642

I respectfully urge you to vote "No" on the proposed change to the site plan approval process.

I support the arguments expressed in the Midland Daily News letters to the editor by Mike Shope (Aug 5), Michael Cronenberger (July 24), and Nancy Janoch (July 15).

Given that Mr. Murschel indicated in the MDN on Auguts 8 that the best time for citizens to have a voice is during the Master Plan updating process, which is currently stalled by a pandemic, it seems hasty to push a change through now which deals directly with the public's ability to make their voices heard in the future.

I question the timing and urgency of this proposal, given all that our community is focused on this summer. But more importantly, for the many reasons so cogently presented by the individuals I referenced above, I strongly object to the change regardless of the hasty process.

Respectfully yours,

Nancy Carney
1002 W PARK DR

File Attachments for Item:

4. * Boards and Commissions Appointments. TISDALE

SUMMARY REPORT TO MANAGER
for City Council Meeting of August 24, 2020

SUBJECT: Boards and Commissions Appointments

INITIATED BY: Communications

RESOLUTION SUMMARY: The attached resolution appoints new members to the Aviation Advisory Commission and the Library Board.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Selina Crosby Tisdale
Community Affairs Director

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

August 19, 2020

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

Dear Mr. Kaye:

More than 100 City of Midland residents serve on the various City Council appointed and City Manager appointed boards and commissions that provide City Council with valuable information involving many aspects of our community, from Aviation to Zoning. Several of these boards and commissions have vacancies with current terms that need to be filled.

Attached is a resolution which appoints two new members to the Aviation Advisory Commission and the Library Board.

Please contact me if you have any questions.

Sincerely,

Selina Crosby Tisdale
Community Affairs Director
(989) 837-3304

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

BY COUNCILMAN

RESOLVED, that City Council hereby appoints Linda Langrill as a pilot representative of the Aviation Advisory Commission to fill a three-year term ending June 30, 2023; and

RESOLVED FURTHER, that City Council hereby appoints Thomas Meyer as a citizen-at-large member of the Library Board to fill a three-year term ending June 30, 2023; and

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 24, 2020.

_____

Erica Armstrong, City Clerk