



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

October 05, 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: 848 9016 2474 ~ Password: 499626

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

1 (312) 626-6799 ~ Webinar ID: 848 9016 2474 ~ Password: 499626

#### 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 September 28 regular City Council meeting. ARMSTRONG

PUBLIC HEARINGS:

2. Zoning Petition No 632 - to consider a petition by Nickie Ross to rezone property located a 4203 Bay City Road from RB Multiple Family Residential B to RC Regional Commercial zoning. 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. Sanitary Sewer Basement Backup Resolution Assessment. FRAZEE
4. Zoning Text Amendment No 161 - Amendments to the Site Plan Review Process. MURSCHEL
5. \* Cable Access Advisory Commission Annual Report, 2019/20. RICHARDSON

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION

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

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

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

**File Attachments for Item:**

\* Approve minutes of the September 28 regular City Council meeting. ARMSTRONG

September 28, 2020

A regular electronic meeting of the City Council was held on Monday, September 28, 2020, at 7:00 p.m. online via <https://zoom.us/join>, with Webinar ID: 837 0336 5262~ Password: 034780. 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  
Councilmen absent: Marty Wazbinski

### **MINUTES**

Approval of the minutes of the September 14, 2020 regular electronic meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky. (Motion ADOPTED by a Roll Call Voice Vote.)

### **MIDLAND NEIGHBOR WEEK & CULTURAL AWARENESS MONTH 2020**

Communications Coordinator Katie Guyer presented information on Midland Neighbor Week & Cultural Awareness Month 2020 and introduced Trisha Fenby of the Midland Cultural Awareness Coalition, who accepted the two proclamations. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue proclamations designating the week of September 28 – October 4, 2020 as Midland Neighbor Week and October 1- 31, 2020 as Cultural Awareness Month together in a joint partnership. (Motion ADOPTED by a Roll Call Voice Vote.)

### **FIRE PREVENTION WEEK**

Fire Chief Chris Coughlin presented information on Fire Prevention Week 2020. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Hall:

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the week of October 4-10, 2020, as fire prevention week in Midland. (Motion ADOPTED by a Roll Call Voice Vote.)

### **GROVE PARK PROJECT BUDGET AMENDMENT**

Director of Public Services Karen Murphy presented information on the proposed amendment to the General Fund Budget, the Grant from the Midland Area Community Foundation, and the improvements at Grove Park. A public hearing opened at 7:23 p.m. and recognizing no comments from the public, the hearing closed at 7:24 p.m. The following resolution was then offered by Councilman Hall and seconded by Councilman Brown Wilhelm:

WHEREAS, the City was awarded a grant in the amount of \$100,000 from the Midland Area Community Foundation for improvements at Grove Park based on the 2019 Grove Park Master Plan; and

WHEREAS, the grant funds will cover the installation of the Pine Street Promenade accessible walkway component of the master plan; and

WHEREAS, it is necessary to amend the FY 2020-21 General Fund budget to increase revenue and to allocate expenses in the Parks Capital Outlay to properly account for the recently awarded grant funds; and

WHEREAS, in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, September 28, 2020, on the proposal to amend the FY 2020-21 General Fund Budget to recognize the funds from the Midland Area Community Foundation grant to make improvements to Grove Park; now therefore

RESOLVED, that the City Council accepts this generous grant from the Midland Area Community Foundation to continue improvements at Grove Park; and

## UNAPPROVED

RESOLVED FURTHER, that FY 2020-21 General Fund Budget is hereby amended to increase revenues and expenditures by \$100,000 to recognize the funds received from the Midland Area Community Foundation for the construction of the Pine Street Promenade at Grove Park. (Motion ADOPTED by a Roll Call Voice Vote.)

**PUBLIC COMMENT**

No public comments were made.

**SEPTEMBER 2020 STORM & SANITARY SEWER ACTIVITIES UPDATE REPORT**

Director of Wastewater Services Patrick Frazee presented information on the Storm & Sanitary Sewer Activities Update Report and introduced Time Graeb and Sydney Sherrieb from RedZone Robotics, Inc. who also spoke regarding the Update Report. Laurie Oriel, 3709 Moorland Dr., Jim Elmore, 3101 Camberley Ln., Amanda VanHoeey, 2811 Saint Marys Dr., Allen Pagel, 5411 Campau Dr., and Dave Pasek, 5109 Drake St. commented in response to the report. The following resolution was then offered by Councilman Hall and seconded by Councilman Arnosky:

WHEREAS, the Wastewater Department has reported on the status of the sanitary sewer inspections and associated flood impacts to the City of Midland utility infrastructure; now therefore RESOLVED, that City Council hereby receives and files the September 2020 Storm & Sanitary Sewer Activities Update Report. (Motion ADOPTED by a Roll Call Voice Vote.)

**RACIAL INJUSTICE MARCH**

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

RESOLVED, that the request from Jeremiah Lee, Director of International Student Engagement, Northwood University, seeking permission to conduct a Racial Injustice March on Friday, October 2, 2020, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Jeremiah Lee, 989-513-8297.
- Provide special event liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as Additional Insured and the event specified on the certificate. The certificate must be submitted to the City as soon as possible.
- **No markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces (trees, buildings, sidewalks, roadway, etc.).
- Midland Police Department patrol vehicles will move with the marchers to assist with traffic control. Marchers will be restricted to a single lane of traffic at all times.
- In the event of an emergency, marchers must clear the streets to allow passage of emergency vehicles.
- Due to ongoing health and safety concerns related to Covid-19, the responsible party is to ensure compliance with federal, state and local guidelines and executive orders, including social distancing and group size.
- Be advised that should an executive order or other local, state or federal directive be issued that would necessitate a change or cancellation of this event, the event holder shall strictly comply with said order or directive or notice by the Assistant City Engineer or City Manager.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED by a Roll Call Voice Vote.)

**DISASTER RECOVER SERVICES**

Assistant City Manager Dave Keenan presented information regarding the agreement to purchase services from CSRS Disaster Recovery Management LLC (CSRS). The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Hall:

WHEREAS, in May of 2020 the Tittabawassee River rose to record level of over 35 feet, caused by dam failures along the river, upstream of the City; and

WHEREAS, the dam failures caused devastation throughout the entire region, leading to a federal disaster declaration by the President, which activated the Federal Emergency Management Agency (FEMA) within the City of Midland; and

WHEREAS, while there are certainly financial benefits of having FEMA participate in the region's recovery, there are significant rules and regulations that must be followed in order to maximize the assistance which FEMA will provide; and

WHEREAS, it will take a few years until all FEMA related work is completed and the grants are closed out; and

WHEREAS, given the City's limited staffing resources, it desires to contract with CSRS Disaster Recovery Management, LLC (CSRS), to provide technical expertise to assure that the City is able to maximize the assistance it can receive from FEMA; and

WHEREAS, payments to CSRS are considered reimbursable by FEMA as administrative costs; now, therefore

RESOLVED, subject to the final review and approval of the City Attorney, the City shall enter into an agreement to be signed by the Major and the City Clerk purchase disaster recovery services from CSRS, with annual limits of \$249,900 in the first year and \$124,400 in each of the second and third years. (Motion ADOPTED by a Roll Call Voice Vote.)

**SOFTWARE MAINTENANCE AND SUPPORT SERVICES**

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

WHEREAS, the Tyler Technologies multi-year software maintenance and support services agreement has expired and is due for renewal; and

WHEREAS, software maintenance and support is directly provided by the manufacturer and is considered sole source; and

WHEREAS, sufficient funding exists in the Information Services Operations Fund, and its 2020-21 budget includes sufficient appropriations to pay the 2020-21 expenditures; now therefore

RESOLVED, that the City Council hereby determines that sealed bids are impractical, and in accordance with Section 2-18 of the Code of Ordinances, the requirement for sealed proposals is hereby waived; now therefore authorizes the Mayor and City Clerk to sign the software maintenance and support agreement with Tyler Technologies, authorizes the City Manager to approve additional maintenance items not to exceed 10% of the then-current rate, and hereby approves annual payment to Tyler Technologies for maintenance and support services. (Motion ADOPTED by a Roll Call Voice Vote.)

**CHANGE ORDER FOR MUNICIPAL SERVICE CENTER ROOF PROJECT**

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

WHEREAS, the contractor installing the new roof at the Municipal Service Center has recommended the addition of a heat tape system for the gutters to prevent ice buildup in the winter that could damage the roof; and

WHEREAS, sufficient funds remain in the project to cover the cost of the heat tape system; now therefore

RESOLVED, that the change order in the amount of \$13,440.00 submitted by Kawkawlin Roofing Company of Kawkawlin, Michigan is hereby approved for the installation of a heat tape system in the gutters at the Municipal Service Center. (Motion ADOPTED by a Roll Call Voice Vote.)

## UNAPPROVED

**DIAL-A-RIDE BUS PURCHASE**

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

WHEREAS, the City of Midland requested replacement of two buses in the Dial-A-Ride fleet under the FY 2017, 2018, 2019 and 2020 5339 Small Urban Capital federal grant program through the Federal Transit Administration; and

WHEREAS, the State of Michigan Department of Transportation and the Federal Transit Administration have approved said request and acquired the necessary state matching funds for the purchase of these replacement buses; and

WHEREAS, sufficient funding for the purchase of the buses is included in the FY 2020-2021 Dial-A-Ride budget along with the corresponding revenue from the Section 5339 capital grants; and

WHEREAS, the two buses will be purchased off the State of Michigan's Extended Purchasing program; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to the State of Michigan's selected vendor, Hoekstra Transportation, Inc. of Grand Rapids, Michigan in the amount of \$155,784 for the purchase of two 8+2 passenger cutaway buses, all in accordance with the State of Michigan's Extended Purchasing Program proposal and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders up to \$4,000 for any unforeseen additional expenses incurred during fabrication of the buses; and

RESOLVED FURTHER, that after the new replacement buses are put into service, the old buses shall be sold in accordance with Code Section 2-22 and 2-23, and the proceeds be used for Dial-A-Ride operational expenses. (Motion ADOPTED by a Roll Call Voice Vote.)

**PURCHASE OF LIGHT DUTY FRONT WHEEL DRIVE VEHICLES**

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

WHEREAS, competitive bids for light duty vehicles and trucks are solicited by the Oakland County Cooperative Purchasing Programs 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 small front wheel drive vehicles are included in the FY 2020/21 Equipment Revolving Fund Capital Outlay account as replacements for existing aging, high maintenance units utilized by the Assessing and Building Departments; now therefore

RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Oakland County's selected vendor, Berger Chevrolet of Grand Rapids, Michigan, in the amount of \$60,507.00 for the purchase of three small front wheel drive vehicles, all in accordance with the associated cooperative purchasing program proposal and specifications. (Motion ADOPTED by a Roll Call Voice Vote.)

**PURCHASE OF ROAD SALT FOR THE 2020-21 WINTER SEASON**

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

WHEREAS, bids for road salt are solicited by the State of Michigan's MiDeal Extended Purchasing Program and the City of Midland is authorized to make purchases from this program; and

WHEREAS, funding is provided in the FY2020-21 Stored Revolving Fund budget for the purchase of road salt as an inventory item that gets charged out upon use to the Major and Local Street budgets for snow and ice control; now therefore

RESOLVED, that the Accounting Manager is authorized to issue purchase orders to the State of Michigan's selected vendor for the Bay Region district, Compass Minerals of Overland, Kansas, in the amount of \$138,360.00 for the early delivery salt and not to exceed \$134,784.00 for the

## UNAPPROVED

purchase of 130% of the seasonal backup salt if needed for snow and ice control based on the State of Michigan's MiDeal Extended Purchasing Program unit prices. (Motion ADOPTED by a Roll Call Voice Vote.)

**WASHINGTON WOODS WEST BUILDING CHILLER REPLACEMENT**

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

WHEREAS, Washington Woods is in need of replacing the original 1978 west building chiller, fluid cooler and chilled water system pump; and  
WHEREAS, capital improvement planning for Washington Woods over the years has anticipated replacement of this system during the current fiscal year; and  
WHEREAS, sufficient funds are included in Capital Outlay Equipment of the approved 2020-2021 Washington Woods budget; now therefore  
RESOLVED, that the low sealed bid proposal meeting City specification submitted by Remer Plumbing, Heating and Air Conditioning, Inc. for the replacement of the west building chiller system to Bid No. 4106 is hereby accepted; and  
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$380,000.00 to Remer Plumbing, Heating and Air Conditioning, Inc. in accord with this resolution and City of Midland specifications; and  
RESOLVED FURTHER, the City Manager is authorized to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$30,400.00, or eight (8) percent of the purchase order; and  
RESOLVED FURTHER, that the City Manager is authorized to execute any associated contracts in accordance with the proposal and City of Midland specifications once prepared by and/or approved as to form by the City Attorney. (Motion ADOPTED by a Roll Call Voice Vote.)

**SET PUBLIC HEARING TO AMEND FY 2020-21 MUNICIPAL SERVICE CENTER BUDGET**

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

WHEREAS, the temperature control system for the HVAC at the Municipal Service Center is antiquated and in need of replacement to prevent future issues with temperature control in various zones of the building; and  
WHEREAS, this replacement was not an anticipated need in the FY2020-21 Municipal Service Center budget; and  
WHEREAS, staff realized savings in the FY2019-20 roof replacement project that will cover the anticipated cost for the replacement of the temperature control system; and  
WHEREAS, the savings from the roof replacement have lapsed into the Municipal Service Center's fund balance requiring a budget amendment to move the funding into the FY2020-21 Municipal Service Center Capital Outlay budget so it can be utilized for the HVAC project; now  
RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, October 26, 2020, in the Council Chambers of City Hall, or virtually due to social distancing guidelines as a result of the coronavirus pandemic, on the proposal to amend the FY2020-21 Municipal Service Center Capital Outlay budget by increasing expenditures by \$25,000 for the replacement of the HVAC temperature control system for the building. (Motion ADOPTED by a Roll Call Voice Vote.)

**SET PUBLIC HEARING TO AMEND THE CDBG BUDGET**

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

WHEREAS, Community Development Block Grant (CDBG) revenues totaling \$680,447 must be programmed to activities that meet federal statutory goals and the City's objectives for the CDBG program, as outlined in the FY 2020-2025 Consolidated Plan; and

## UNAPPROVED

WHEREAS, the CDBG budget required amendment to meet environmental and program timeliness requirements, and

WHEREAS, on September 14, 2020, the Housing Commission unanimously recommended approval of the proposed amendments to the FY 2020-21 CDBG budget, to reallocate the current fiscal years funds, which meets said goals, objectives and requirements of the CDBG program; and

WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds following the required 30-day public comment period that was initiated by City staff on or before October 7, 2020; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., Monday, November 9, 2020, in the Council Chambers of City Hall or virtually due to the coronavirus pandemic on the proposal to amend the 2020-2021 Community Development Block Grant (CDBG) budget. (Motion ADOPTED by a Roll Call Voice Vote.)

**SET PUBLIC HEARING TO AMEND THE FY2020-21 WASHINGTON WOODS BUDGET**

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

WHEREAS, Washington Woods was originally budgeted for a Community Development Block Grant (CDBG) allocation of \$188,055 on April 27, 2020 for the 2020-2021 fiscal year for energy efficiency upgrades and improvements; and

WHEREAS, the Housing Commission recommended approval of an increase in of the CDBG allocation to \$225,646 during its meeting on Monday, September 14, 2020; and

WHEREAS, it is necessary to amend the FY 2020-2021 Washington Woods budget to include the proposed increase of CDBG funding; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted on Monday, November 9, 2020, at 7:00 p.m. in the Council Chambers of City Hall or virtually due to the Coronavirus pandemic for the purpose of considering the proposal to amend the 2020-2021 Washington Woods budget by increasing revenues and expenditures by \$37,591 to recognize the amended allocation from the 2020-2021 CDBG budget for energy efficiency upgrades and improvements. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned at 9:05 p.m.

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Erica Armstrong, City Clerk

**File Attachments for Item:**

2. Zoning Petition No 632 - to consider a petition by Nickie Ross to rezone property located a 4203 Bay City Road from RB Multiple Family Residential B to RC Regional Commercial zoning. MURSCHEL

**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of October 5, 2020

**SUBJECT:** Zoning Petition No. 632 (Rezoning Request)

**INITIATED BY:** Nickie Ross

**RESOLUTION**

**SUMMARY:** Action to amend the City of Midland Zoning Map by rezoning property located at 4203 Bay City Road from RB Multiple Family Residential 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

September 30, 2020

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

Dear Mr. Kaye:

At its meeting on Tuesday, August 25, 2020, the Planning Commission considered Zoning Petition No. 632, the request of Nickie Ross to rezone property located at 4203 Bay City Road from RB Multiple Family Residential zoning to RC Regional Commercial.

During deliberation, the Planning Commission discussed the changes that have been moving forward in this corridor over the last few years. This includes zoning and uses away from residential to commercial and high-tech industrial. The Commission also considered the multitude of public input opportunities relative to these changes including the Master Plan update in 2018, the rezoning considerations for the Savant Group and property at 4501 Bay City Road, and the site plans for Costco and the Savant Group. After deliberation on the petition, the Planning Commission took the following action:

Motion by Koehlinger and seconded by Pnacek to recommend to City Council the approval of Zoning Petition No. 632 initiated by Nickie Ross to rezone property located at 4203 Bay City Road from RB Multiple Family Residential zoning to RC Regional Commercial.

Vote on the motion:

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

The motion was approved 8 to 0.

No written public comments have been received and one (1) public comment in opposition was made during the public hearing on this request.

A resolution to approve Zoning Petition No. 632 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 RB MULTIPLE FAMILY RESIDENTIAL 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 BEG 250 FT E OF CEN OF SEC 24, E 418.1 FT, N 330 FT, E 297 FT, N 99 FT, W 297 FT, N 161.26 FT, W 418.1 FT, S 590.26 FT TO BEG

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, October 5, 2020

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



**Department of Planning & Community Development**

**STAFF REPORT TO THE PLANNING COMMISSION | August 21, 2020**

Subject: Zoning Petition #632 (Rezoning Request)

Applicant: Nickie Ross

Location: 4203 Bay City Road

Area: Approx. 6.18 acres

Existing zoning: RB Multiple Family Residential

Proposed zoning: RC Regional Commercial

Adjacent Zoning: North: RB Multiple Family Residential  
 South: CC Community Commercial & AG Agricultural  
 East: RB Multiple Family Residential  
 West: RB Multiple Family Residential

Adjacent Development: North: Wooded land  
 South: Single-family residential home and medical office  
 East: Wooded land and single-family residential homes  
 West: Wooded land and single-family residential homes

**REPORT**

Zoning Petition No. 631, initiated by Nickie Ross to rezone property located at 4203 Bay City Road from RB Multiple Family Residential 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 is located on the north side of the Bay City Road between the railroad crossing and Rockwell Drive. Currently, the property is wooded and absent of any development. The property has 418 feet of frontage on Bay City Road, making it the widest parcel on the north side of Bay City Road between the railroad and Rockwell Drive.

In the surrounding vicinity, there are sparse residential uses mixed with large wooded, vacant areas of the land. To the south of the property, across Bay City Road, is a medical office facility and a single-family residential home. This portion of the Bay City Road corridor has been transitioning from a mixture of agricultural, wooded and sparse residential uses to one of a mixture of commercial, high-tech industrial, and office uses.

The Bay City Road corridor is a main arterial for traffic into the eastern portions of the city. Bay City Road contains a full vehicle interchange at U.S. 10 to the east of the subject site. To the west of the subject site, across the railroad, there is a collection of medium and high density residential neighborhoods. These uses are connected by the Bay City Road corridor which is a five-lane profile street.

## 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?**

Primarily, yes. The Future Land Use map of the Master Plan designates this property as split between Commercial and Light Industrial. The vision of the Master Plan in this portion of the city is for commercial uses adjacent to Bay City Road with high-tech industrial or other light industrial uses setback from the corridor and adjacent to the active railroad.

While the entirety of the property is not designated as commercial, the exact location of the split between commercial and light industrial was never intended to be definite. Rather, it was understood that this line would provide a contextual understanding that commercial uses should front the corridor with industrial uses set behind.

**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 uses adjacent to heavily trafficked corridors.

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. This area has begun a transition from agricultural and sparse residential to a mixture of commercial, high-tech industrial and office uses over the last few decades. Most recently, additional big box retail development has happened on property to the southeast and a new high-tech industrial headquarters is begin developed to the east at Rockwell Drive.

In 2018, this portion of the Bay City Road corridor, between the railroad crossing and the U.S. 10 interchange, received special attention during the Master Plan updating process. At that time, public comment received in combination with detail study of the nature of the corridor, resulted in a change in the Future Land Use map designations of these lands. The Future Land Use map was amended to remove the high density residential designations and replaced it with a combination of commercial and light industrial.

**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 introduction of the RC zoning district which is a consistent zoning district within the commercial corridor between the railroad crossing to the west and the vehicle interchange at U.S. 10 to the east.

**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 many desires and objectives contained 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 RB Multiple Family Residential to the north, west and east, and CC Community Commercial and AG Agricultural to the south.

**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, most recently updated in 2018 established the subject site and the immediate lands surrounding as a transitional area between commercial and industrial uses. Future zoning of this area is envisioned to be a mix of commercial and industrial.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes, the subject parcel meets 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?**

Yes. As mentioned above, the trends in land development in the general vicinity have been moving away from agricultural and sparse residential towards a mixture of commercial, high-tech industrial, light industrial, and office uses. These changes have taken place over the last few decades and have been encouraged to continue through other recent rezoning approvals and updates to the City Master Plan.

**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 the criteria, staff recommends approval of the rezoning petition for the following reasons:

- RC Regional Commercial zoning district is a reasonable application of a zoning district that is envisioned by the Master Plan.
- The Future Land Use Map of the Master Plan establishes this area as a transitional zone between commercial and industrial land uses.
- The proposed zoning district is considered appropriate given current and anticipated future development patterns in the area.
- The proposed zoning district is appropriate considering the adjacent high traffic, high speed, and increasingly commercial nature of the Bay City Road corridor.

**PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on August 25, 2020 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on September 14, 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 October 5, 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, AUGUST 25, 2020 7:00 P.M.**

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

<https://zoom.us/join> | Webinar ID: 873 9767 7267 | Password: 391215

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

2. **Roll Call**

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

**ABSENT:** None

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and four (4) others.

3. **Approval of Minutes**

Bain made a motion to approve the minutes of the regular meeting of July 28th, 2020 seconded by Broderick.

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

Nays: None

Motion carries 8-0.

4. **Public Hearings**

a. **Site Plan No. 403** - request by Greystone Homes for site plan review and approval of Phase II of the site condominium known as Greystone Woods. The proposed addition is for eight (8) single-family residential site condominium units located at 6201 W Wackerly Street.

Murschel gave an overview of the petition.

Sajbel asked for clarification on the flood plain elevation level and if there are concerns of the possibility of a change in the floodplain due to damn breakage. Murschel stated that FEMA has indicated that they are not planning to change the floodplain map.

Mayville asked about the proposed finished flood elevation of the project, Murschel indicated that this number is not always given to this board but is included at the time of permitting for the homes. Murschel indicated the street elevation is 625 ft, which is above the 100 year floodplain. Mayville also asked if the development is proposing basements, Murschel indicated that because this development is not located in the floodplain, they are within their right to build basements, but it is unknown at this time if they will.

**Petitioner: Kelly Wall with Greystone Homes 6408 W Wackerly**

Mr. Wall spoke about the proximity of the property to the floodplain and his dealings with the DEQ. Mr. Wall also spoke to the contingency items that were questioned.

**Jon Ledy, Engineer on the project**

Mr. Ledy spoke about the elevation of the properties and the water retention level on the proposed development area.

**Public Comments in support:** None.

**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 Sajbel

Vote on the motion:

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

Nays: None

Motion carries 8-0

Heying made a motion to recommend approval on Site Plan No. 403 with the seven (7) listed contingencies the motion was seconded by Rodgers

1. A final stormwater management plan and permit amendment to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. Final approval of the condominium Master Deed and By-Laws to the satisfaction of the City Planning Department.
4. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.
5. Sidewalks must be installed on both sides of each proposed street with proper ADA ramps at the intersections to the satisfaction of the City Engineering Department.
6. All streets must be constructed to City standards, including a standard, non-rolled curb to the satisfaction of the City Engineering Department.
7. Final lot sizes must be compliant with RA-1 Single-Family Residential to the satisfaction of the City Planning Department.

Vote on the motion:

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

Nays: None

Motion carries 8-0

- b. **Zoning Petition No. 632** - request by Nickie Ross to rezone property located at 4203 Bay City Road from RB Multiple Family Residential to RC Regional Commercial

Murschel gave an overview of the petition.

**Petitioner:** Daniel Dwyer Snyder 544 W 5<sup>th</sup> Street Clare MI, Realtor

**Public Comments in support:** None.

**Public Comments in opposition:** Maureen Kelsey of 4109 Bay City Road

Citizen spoke about her feelings in opposition to the development, she does not want this area to become overly zoned for commercial purposes.

Mayville closed the public hearing.

Bain commented on the subject area is changing to more commercial in use, but the decision to make these changes were made during the Master Plan update years ago.

Heying commented about the single family homes in the area. The Master Plan makes sense from a development standpoint, but commented on how the City also needs to protect the interests of the residents in surrounding areas. Pnacek and Rodgers agreed that the changes poss a dilemma.

Murschel commented that it is a dilemma when moving from one use to the next. However, he stressed that the change in this direction has been over a multitude of years and involved a collection of different decisions made by the city that all involved public input opportunities. This includes the 2018 Master Plan update, rezoning considerations for properties along Bay City Road near Rockwell Drive, the Savant Group site plan, the Costco site plan, and the new Fisher Sand and Gravel site plan.

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

Koehlinger made a motion to recommend approval on Zoning Petition No. 632, the motion was seconded by Pnacek.

Vote on the motion:

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

Nays: None

Motion carries 8-0

- 5. **Old Business**- none
- 6. **Public Comments** (unrelated to items on the agenda) – None
- 7. **New Business**
- 8. **Communications** – None
- 9. **Report of the Chairperson** – None
- 10. **Report of the Planning Director** - Murschel gave an update on items that have been approved by City Council at their most recent meeting.
- 11. **Items for Next Agenda – September 8, 2020**
  - a. Master Plan Timeline and Initial Survey Questions

12. **Adjournment**

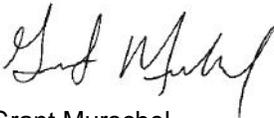
It was moved by Bain and seconded by Rodgers to adjourn at 8:23 p.m.

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

Nays: None

Motion carries 8-0

Respectfully submitted,

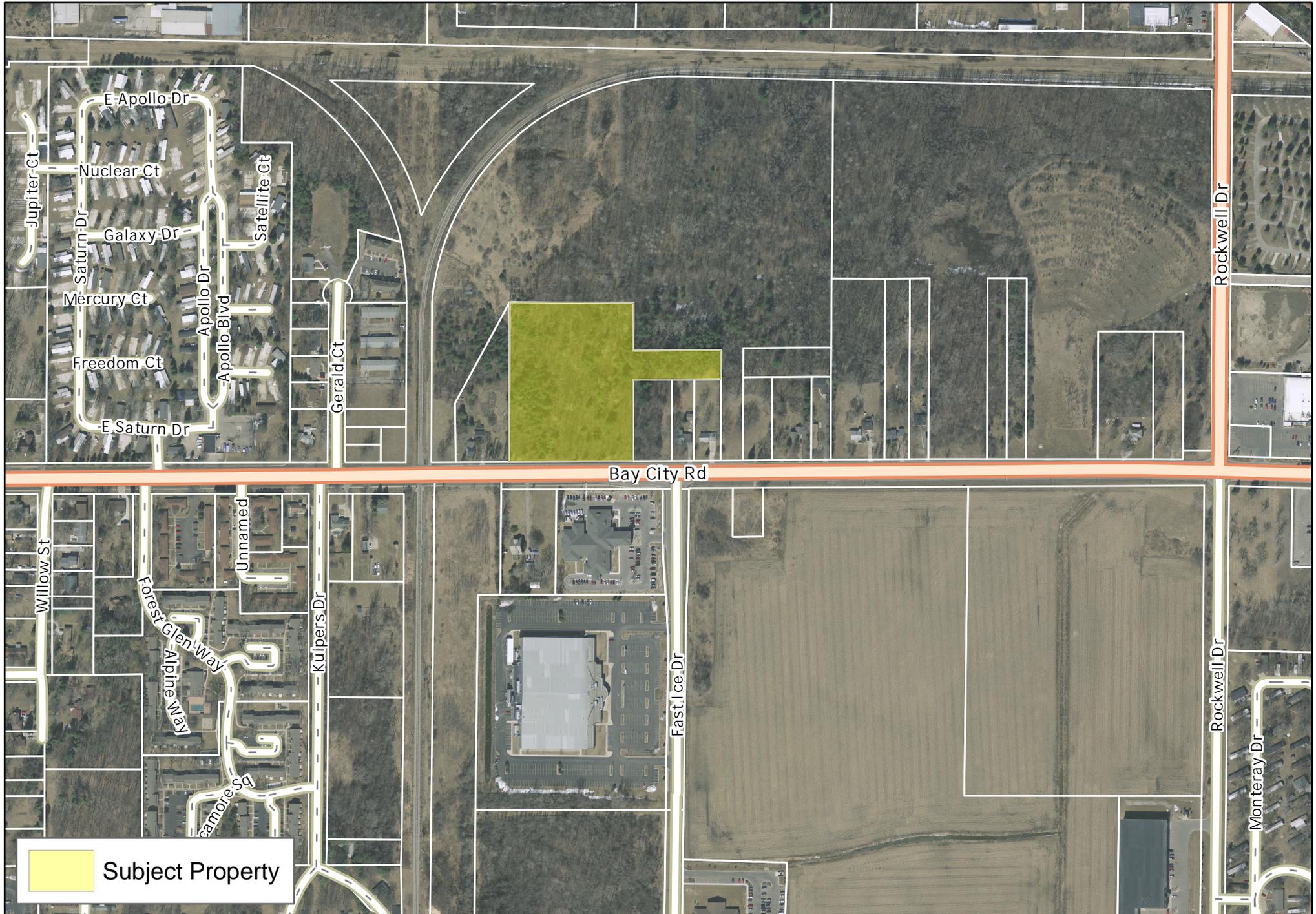


Grant Murschel  
Director of Planning & Community Development

# ZD # 632 | 4203 Bay City Road

21

> RB Multiple Family Residential B to RC Regional Commercial

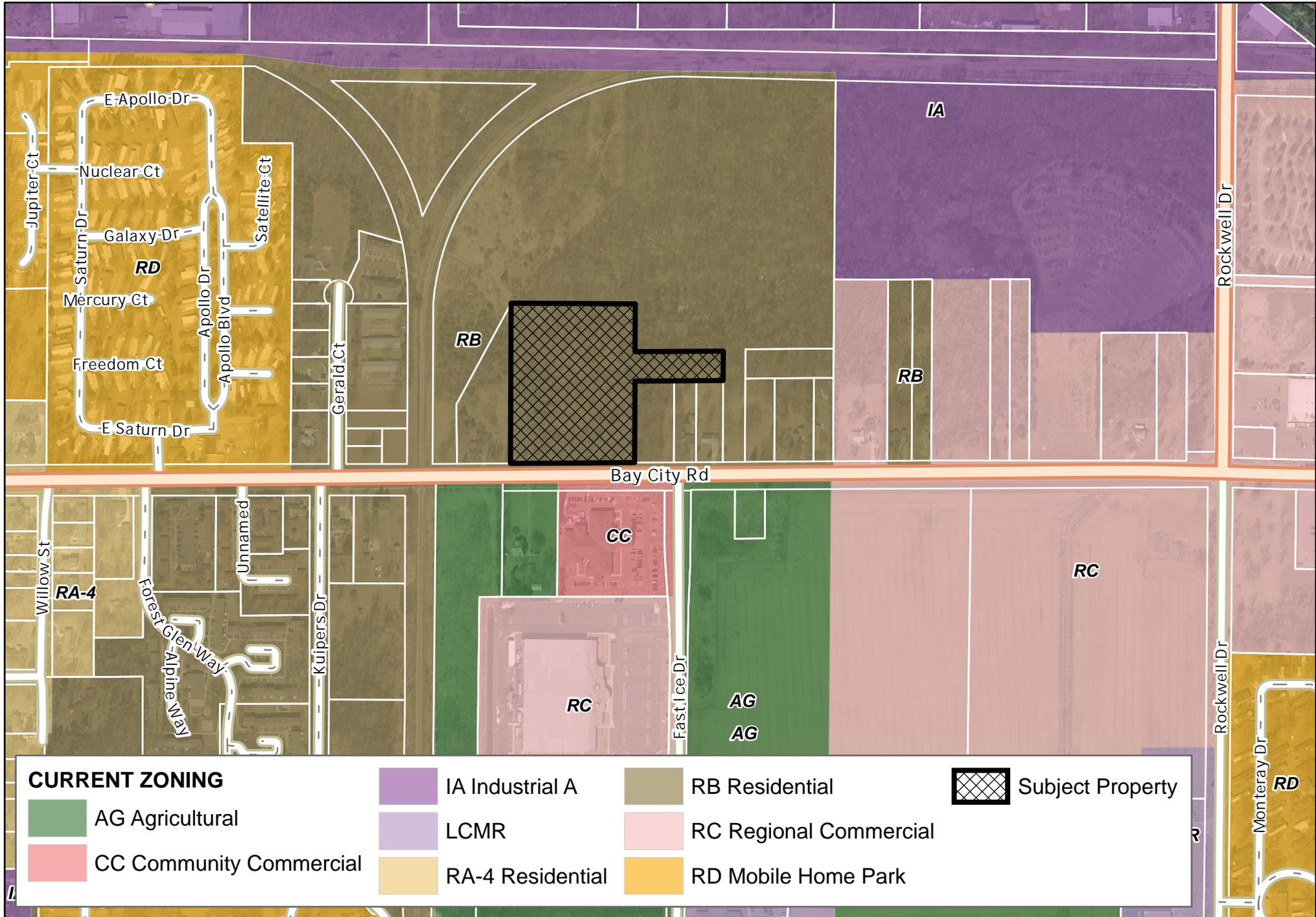


 Subject Property

# ZP # 632 | 4203 Bay City Road

22

> RB Multiple Family Residential B to RC Regional Commercial



### CURRENT ZONING

AG Agricultural

CC Community Commercial

IA Industrial A

LCMR

RA-4 Residential

RB Residential

RC Regional Commercial

RD Mobile Home Park

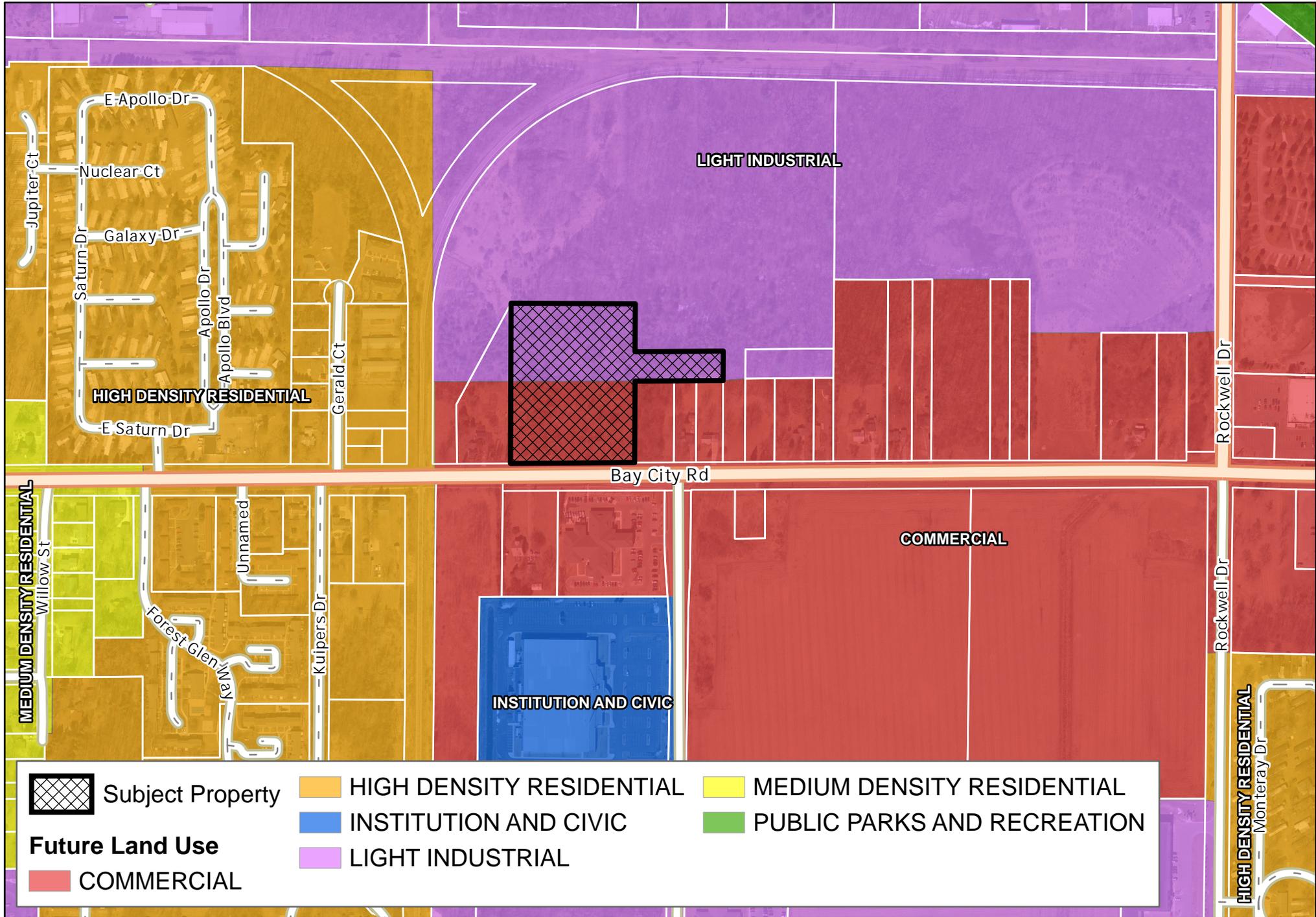


Subject Property

# ZD # 632 | 4203 Bay City Road

23

> RB Multiple Family Residential B to RC Regional Commercial



**File Attachments for Item:**

3. Sanitary Sewer Basement Backup Resolution Assessment. FRAZEE

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of October 5, 2020

**SUBJECT:** Sanitary Sewer Basement Backup Resolution Assessment

**INITIATED BY:** Wastewater Treatment Plant

**RESOLUTION**

**SUMMARY:** This resolution receives and files the Sanitary Sewer Basement Backup Resolution Assessment.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

Patrick Frazee  
Director of Wastewater Services



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org*

September 30, 2020

Mayor Donker and Members of City Council,  
City of Midland  
Midland Michigan

Dear Council:

### **Origin**

At the Monday, September 14, 2020 City Council meeting, Councilman Arnosky proposed that the City Council adopt a resolution speaking to sanitary sewage basement backups. The resolution proposed by Councilman Arnosky would explicitly state and commit the City of Midland to the objective of becoming a sewage backup-free community. After a lengthy discussion, City Council directed staff to review the request and return to City Council with resolution language that could be used to consider adopting such a goal. Council discussion and deliberation would follow staff presentation of such language.

### **Considerations**

At first glance, the requested resolution would be consistent with the past, current and ongoing activities of the City as we try to address and minimize sanitary sewer flood risks across the city. As discussed at length on September 14<sup>th</sup>, it is a somewhat easy thing to say that we will continue to do what we can within our financial means to move forward TOWARDS being a sewage backup free community because we are already doing so.

As proposed, however, the resolution requested would be an explicit statement that the city WILL become a backup free community. Adopting it in resolution form would constitute a policy initiative of City Council, thereby requiring (potentially) consistency in all City actions with such policy. This would therefore be a high-level commitment on the part of City Council.

Looking in greater depth at a resolution proclaiming that the City WILL become a backup free community, it quickly becomes apparent that such a policy statement would be at odds with numerous current standards of the City. A discussion of some of those standards, ordinances and even recent actions of City Council follows to help put this all in context.

### **Considerations and Adopted Standards**

Whenever discussions of flood risk mitigation take place, they are inextricably linked to targeted level of service (LOS). Council has heard this message consistently from City Staff and hired consultants in every discussion since the 2017 flood. While some external community discussions have tried to separate these, there is simply no responsible way to do so.

When discussing objectives and determining the feasibility of removing all basement backups in the City, the current LOS for both the sanitary and storm sewer systems must therefore be taken into consideration. This LOS is critical to City staff in both the Wastewater and Planning Departments respectively. For Wastewater Staff, identifying the LOS is necessary to properly design and bid any sanitary sewer improvement project, including potentially upsizing the wastewater treatment plant. For Planning Staff, this information is critical in terms of Master Plan policies, development objectives, regulatory standards and ordinances, floodplain management and development approvals. Also critical is that the City standards be clearly articulated and understood to ensure consistency in application and predictability for all.

### **2017 Flood Study Results**

On October 29, 2018 City Council accepted the Storm and Sanitary Sewer Report Recommendations. Included in that report were a number of specific recommendations, including:

- Over \$118 million of improvements in both the sanitary and storm sewer collections systems in a long range capital improvement plan.
- Accepting the LOS for the sanitary sewer system as being at a 25 year/24 hour level and the storm water collections system LOS at a 10 year/24 hour event.
- Early action items that included a televised inspection of the sanitary sewer system, sanitary sewer flow metering and sanitary sewer model refinement.

### **Ten State Standards**

The Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (GLUMRB) in 1950 created a Water Supply Committee consisting of one associate from each state represented on the Board. This group has created what is commonly referred to as “Ten State Standards”. These standards for water and wastewater facilities are intended to serve as a guide in the design and preparation of plans and specifications for public water supply systems. These standards are exclusively used by engineers and contractors as a way of ensuring proper construction and operation of sanitary sewer systems.

Specifically, the Ten State Standards express about flooding “Wastewater pumping station structures and electrical and mechanical equipment shall be protected from physical damage by the 100 year flood. Wastewater pumping station shall remain fully operational and accessible during the 25 year flooding event. Regulation of state and federal agencies flood plain obstructions shall be considered.”

The City of Midland sanitary sewer system was built to conform to the Ten State Standards, and all new developments in the City are held to these same standards.

### **Level of Service and Expectations**

As stated above, LOS standards and flood risk mitigation are inextricably linked together. If City Council is to consider adoption of a resolution stating that the City WILL BE eliminating further basement backups in the city, then qualification of that statement relative to the LOS design standards for our sanitary and storm systems would be necessary. At a very basic level, the policy statement contained in the resolution should not exceed the design standard threshold that City Council is prepared to support and begin moving towards in your actions henceforth.

To do otherwise would create an inconsistency between Council adopted policy (the resolution) and Council adopted regulations (stormwater and sanitary sewer LOS, land use and other development regulations, development approvals, etc).

At a minimum, adopting a resolution with a goal greater than current ordinance standards (25 year/24 hour LOS for sanitary sewer and 10 year/24 hour LOS for stormwater) would require alignment to a specific numeric level for the respective LOS. At the very least, a new LOS would be needed to determine the extent to which the collections system must be upgraded as well as the extent that new development standards must change within the City.

Some items to consider when determining the new LOS would be:

- The cost of the improvements needed for the collection systems to reach the new LOS.
- Impacts the new LOS will have on development in the City. Will these new LOS create burdens on developers or discourage new development? Will they impact development in the City in other ways?
- How will changes to LOS position the City relative to surrounding communities in terms of attracting economic investment into the City?
- Will the new LOS require capacity improvements?
- If a LOS of greater than 100 years is selected, how will the homes within the selected flood plains be impacted? Will those homes have to be either raised or eliminated? Is the City prepared to remove or otherwise encourage the removal/loss of these homes?
- According to the Michigan Department of Environment, Great Lakes and Energy it is impossible to remove all sanitary sewage basement backups from collections systems.

### **Options**

As should be evident from the above discussions, this is a much more challenging request than it may have first appeared to be when presented. There is no simple answer to the question asked. That said, there are options City Council can consider. These options include:

#### **Option A: Using Existing LOS Targets**

*It shall be the objective of the City of Midland to eliminate all sanitary sewer backups that occur as a result of the public system design during a 25 year/24 hour rain event.*

- This statement would be consistent with the current City Council approved LOS recently accepted on September 18, 2018.
- The flood study of 2017 was designed around this LOS and contained improvements totaling over \$100 million.
- The City would continue to move forward with current plans and processes towards this LOS design standard, as finances allow us to do so.
- This objective would not address basement backups during storm events of greater magnitude and would not address flood events such as that which took place in 2017.
- This statement could be adopted without the need for further review.

**Option B: Using Increased LOS Targets (100 or 500 year/24 rain events for example)**

*It shall be the objective of the City of Midland to eliminate all sanitary sewer backups that occur as a result of the public system design during a 100 year/24 hour rain event.*

- This would require a new study to be undertaken to determine the number of improvements needed for both the collections system and the WWTP.
- Using the estimates for the 25 year improvements, totals for this LOS could reach up to \$400 million for the collections system and up \$70 million for the WWTP.
- To recognize consistency between Council’s statement of policy and City action, this policy statement would require changes to the City’s implementation methods including our stormwater management ordinance, zoning ordinance and other regulatory ordinances.
- This objective would not address basement backups during storm events of a magnitude beyond a 100 year/24 hour rain event.
- This objective would not address catastrophic flood events such as the dam failure that occurred in May of 2020.
- The potential rebuilding of the dams could have an impact on the City. These have not yet been assessed or determined.
- This statement should not be adopted without further review of all implementing City standards and the changes needed to bring those into compliance with this type of policy statement. The effects on individuals, businesses and the development community would also require assessment as increased regulatory and economic hurdles for all of these groups would result.

*It shall be the objective of the City of Midland to eliminate all sanitary sewer backups that occur as a result of the public system design during a 500 year/24 hour rain event.*

- This statement would be needed if City Council truly wishes to approach the goal and state that you “plan to become a basement backup-free community”. Since our recent dam failure approximated a 500 year flood and was the most extensive recorded floodwaters in the history of Midland, this statement would cover all flooding that has previously occurred in Midland.
- This would require a new study to be undertaken to determine the number of improvements needed for both the collections system and the WWTP.
- Using the \$100 million estimate for the 25 year/24 hour improvements as a baseline, the costs to improve the LOS to a 500 year event could top \$2.5 billion. This would not include improvements to the WWTP, for which we have no cost estimates.
- The potential rebuilding of the dams could increase the potential of the 500 year event occurring again.
- To recognize consistency between Council’s statement of policy and City action, this policy statement would require changes to the City’s implementation methods including our floodplain management standards, stormwater management ordinance, zoning ordinance and other regulatory ordinances.

- This statement should not be adopted without further review of all implementing City standards and the changes needed to bring those into compliance with this type of policy statement. The effects on individuals, businesses and the development community would also require assessment as increased regulatory and economic hurdles for all of these groups would result.

**Option C: General Statement of Policy without Specific LOS Targets**

*The City of Midland shall adopt as a policy objective the goal of eliminating sanitary sewer backups and becoming a sewage backup-free community. In pursuing this policy objective, the City shall establish level of service design standards that reflect community conditions and the financial means of the community.*

- This statement is generic in nature and would not specifically establish any LOS for design purposes.
- Changes to the City’s implementation methods including our floodplain management standards, stormwater management ordinance, zoning ordinance and other regulatory ordinances would not be required unless higher LOS standards are adopted.
- Work currently underway would continue based on the flood study of 2017.
- The City would continue to move forward with current plans and processes, as finances allow us to do so.
- This statement could be adopted without the need for further review.

**Conclusion**

None of the available options presented above are ideal, with each having both strengths and weaknesses. On balance, Option A most closely reflects the actions previously taken by City Council and the ongoing activities of the City. Any version of Option B could be financially prohibitive and would require extensive review and changes to existing City standards. Option C is more aspirational in nature and aligns well with the discussion held by the City, but may be perceived as less clear, forthright and transparent than the others unless City Council is prepared to pursue an increased LOS standard.

Sincerely,



Patrick Frazee  
Director of Wastewater



C. Bradley Kaye, AICP CFM  
City Manager



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org*

BY COUNCILMAN

WHEREAS, Midland City Council is committed to ongoing improvements in the sanitary sewer system that will minimize basement sewage backups; and

WHEREAS, Midland Council wishes to put forward an expression of this intent that is consistent with its ongoing and anticipated future activities, and

WHEREAS, Midland City Council requested City Staff to review and submit proposed language expressing this objective for City Council consideration, and

WHEREAS, the Wastewater Department has put together an assessment of potential resolutions based on various levels of services; now therefore

RESOLVED, that City Council hereby receives and files the Sanitary Sewer Basement Backup Resolution Assessment Report of City Staff; and

FURTHER RESOLVED that the City of Midland shall adopt as a policy objective the goal of eliminating sanitary sewer backups and becoming a sewage backup-free community. In pursuing this policy objective, the City shall establish a level of service design standards that reflect community conditions and the financial means of the community.

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, October 5, 2020.

---

Erica Armstrong, City Clerk

**File Attachments for Item:**

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

**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of October 5, 2020

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

**INITIATED BY:** City of Midland

**RESOLUTION**

**SUMMARY:** Action to amend Article 27.00 of the Zoning Ordinance with the reduced changes: including only the final approval of site plans and excluding the changes to the administrative (staff-level) approvals.

**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



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September 30, 2020

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

Dear Mr. Kaye:

During the meeting on August 24, 2020, the City Council deliberated on the proposed Zoning Text Amendment No. 161 to make amendments to the objective site plan review process included within Article 27.00 of the City of Midland Zoning Ordinance. This deliberation followed the public hearing and discussion held by City Council on August 10, 2020.

During the most recent deliberation on the proposed changes, City Council gave the following direction to staff:

1. Remove the proposed changes to the administrative (staff-level) approvals and only include the change in final approval being delegated to the Planning Commission.
2. Explore the City's public notice activities to encourage comments from the general public.
3. Explore the options for an appeal process in greater detail.
4. Provide comments relating to how members of the Planning Commission and the Zoning Board of Appeals are interviewed and selected.

*Staff Directive No. 1*

The enclosed resolution approves a simplified version of the proposed changes. The amendment no longer includes the changes to the administrative or staff-level approvals. It only includes the delegation of final approval to the Planning Commission on site plans.

*Staff Directive No. 2*

In reviewing the public notice efforts of the City it is important to place them within the context of the Michigan Zoning Enabling Act that enables municipalities to review and approve site plans. For site plans, the Zoning Enabling Act has no requirement for public notices and no requirement for a public hearing. This is an intentional design within the law as site plans are designed to be objective in nature and outside the influence of subjective or political discussion. Understanding this, the City's current efforts for public notice are all a courtesy to the public.

Currently, the Zoning Ordinance requires that a public hearing is held by the Planning Commission for site plans. Notice of this public hearing is mailed to all owners and occupants (e.g. renters) within 300 feet of the subject property and is also placed as a classified ad within the newspaper. These ads are consistent with most of the City's public notices as text-only display ads have proven to be unfeasible given their high cost and relatively low notice rate.

In addition to the requirements of the Zoning Ordinance, the City's communication teams also prepare the following items that are sent to scores of residents and other people within the city, ahead of each

Planning Commission meeting, during each meeting, and after each meeting:

- Prior to meetings:
  - o Mailchimp
    - Link to agenda posted in City Hall News email Friday prior to meeting
    - Link to City Hall News email posted on City of Midland Twitter and Facebook
  - o Agenda Center
    - Subscribers receive an email when agenda is posted
  - o Electronic meetings site
    - Link to agenda posted on [cityofmidlandmi.gov/emeetings](http://cityofmidlandmi.gov/emeetings)
- During meetings:
  - o Available LIVE on MGTV-188 and 99 (Uverse) and streaming online at [cityofmidlandmi.gov/video](http://cityofmidlandmi.gov/video)
- After the meetings:
  - o MCTV
    - Meeting video available on demand 24/7 – [cityofmidlandmi.gov/video](http://cityofmidlandmi.gov/video)
    - Replays of meetings on MGTV-188 and 99 (Uverse)
    - Podcasts (audio-only recordings) of all Planning Commission meetings available on MCTV’s “Community Voices” podcast on Apple, Stitcher, and other podcast platforms.
  - o What’s Up in the City! Planning
    - Posted on City’s social media channels
      - YouTube
      - Facebook
      - Twitter
      - Sent as “Video news” in the City Hall News

The City has used the 300 foot rule for mailing notices as this mirrors the Zoning Enabling Act requirements for Zoning Map Amendments (rezoning) and Conditional or Special Use Permits. City Council has deliberated the idea of increasing this distance but has chosen against that on a number of occasions. Increases beyond the 300 foot rule are difficult to defend as the argument can easily be made by aggrieved persons as to why an additional number of feet wasn’t chosen to include their properties.

The final approval on any action will always receive the most attention compared to an advisory board. Changing the final approval on site plans to the Planning Commission will change the way people understand the role of that body and will cause the public to engage with that body more than they are currently. As such, staff is not recommending any changes to the way the public is noticed ahead of public hearings on site plans at the Planning Commission level.

#### *Staff Directive No. 3*

The idea of an appeal process from the Planning Commission to City Council based upon a split vote at the Planning Commission has been discussed further by staff. It is important to note that the Planning Commission acts as one body based on a vote of the majority. If the vote is approved unanimously or by a split vote, the action is still the same: the motion passes. Creating an appeal process based on a split vote or when there were one or more dissent votes undercuts the majority rule and the democratic process.

Therefore, the amendments as proposed place the City Zoning Board of Appeals (ZBA) as the only body that would have authority to hear an appeal of a decision by the Planning Commission on a site plan. An appeal to the ZBA would only be able to be taken by a person aggrieved. 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.

*Staff Directive No. 4*

The City Council is the body authorized with making appointments to the Planning Commission and Zoning Board Appeals. With the amendments as proposed, the authority of the Planning Commission and the ZBA increases. Appointment of new members to these bodies is at the sole discretion of City Council. The proposed amendments do not change the appointment process. If changes to the appointment process are desired by City Council, they can be considered separately from the proposed amendments to the administrative process.

This letter is intended to be supplemental information to the letters ahead of the August 10 and August 24 City Council meetings.

Enclosed is a resolution to approve the simplified amendments to the site plan review and approval process to change the final approval authority from the City Council to the Planning Commission.

Sincerely,



Grant Murschel  
Director of Planning & Community Development

GRM



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

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 27.03 -- 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 seventy-five hundred (7,500) square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than 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 square feet or more of gross floor area, adding twenty-six (26) 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, October 5, 2020.

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

# Memo



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

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

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

## **Proposed Amendments:**

### *Administrative (Staff) Review*

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

### *Planning Commission Review*

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

### *Appeals*

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

### *Fast-Track Options*

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

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

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

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

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

2. **Roll Call**

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

**ABSENT:** Koehlinger

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

3. **Approval of Minutes**

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

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

Nays: None

Motion carries 8-0.

4. **Public Hearings**

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

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

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

**Public Comments in support:**

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

**Public Comments in opposition:** None

Mayville closed the public hearing.

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

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

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

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

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

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

**Comments in Opposition:** None

Mayville closes the public hearing.

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

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

The motion was seconded by Heying.

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

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

Vote on the motion:

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

Nays: None

Motion carries 8-0

5. **Old Business**

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

7. **New Business** –

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

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

8. **Communications** – None

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

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

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

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

12. **Adjournment**

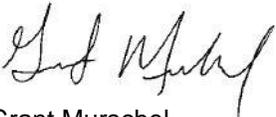
It was moved by Rodgers and seconded by Hanna to adjourn at 8:12 p.m.

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

Nays: None

Motion carries 8-0.

Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

## ARTICLE 27.00

# SITE PLAN REVIEW

### Section 27.01 -- INTENT

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

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

### Section 27.02 -- SITE PLAN REQUIRED

#### A. Site Plan Required

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

1. Erection, relocation, conversion or structural alteration to a building or structure to create an additional seventy five hundred (7,500) 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) 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) 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) 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) square feet, whichever is less.
- b. Changes to building height that do not add an additional floor.
- c. Alterations or modifications involving less than 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 square feet or more of gross floor area, adding twenty six (26) fifty-one (51) or more parking spaces, or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor. If the modifications are not deemed minor by the Planning and Community Development staff, then full review and approval by the Planning Commission ~~and City Council~~ shall be required.

### **2. Recording of Action**

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

## Section 27.05 -- REQUIRED INFORMATION ON SITE PLANS

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

### A. Application

The application shall contain the following information at minimum:

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

### B. Descriptive and Identification Data

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

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

## C. Site Data

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

## D. Building and Structure Details

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

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

1. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, water mains, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.
2. General indication of site grading and drainage patterns.
3. Types of soils and location of floodplains and wetlands, if applicable.
4. Soil erosion and sedimentation control measures.

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

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

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

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

## **H. Additional Information**

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

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

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

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

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

- a. A list of all items considered not applicable. Planning and Community Development staff shall have the authority to determine items that may be waived from the site plan review.

- b. The reason(s) why each listed item is not considered applicable.

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

Other data may be required if deemed necessary by the City staff or the Planning Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic impact studies (in accordance with Section 3.10 I), environmental assessment and evaluation of the demand on public facilities and services.

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

### **A. Standards**

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

**1. Adequacy of Information**

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

**2. Site Design Characteristics**

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

**3. Appearance**

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

**4. Compliance with District Regulations**

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

**a. Site Condominiums**

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

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

**b. Detached Condominiums**

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

project is located, as determined on the basis of minimum lot size standards in Article 26.00.

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

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

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

6. **Privacy**

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

7. **Emergency Vehicle Access**

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

8. **Ingress and Egress**

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

9. **Pedestrian Circulation**

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

10. **Vehicular and Pedestrian Circulation Layout**

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

11. **Parking.**

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

12. **Drainage**

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

13. **Soil Erosion and Sedimentation**

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

**14. Exterior Lighting**

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

**15. Public Services**

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

**16. Screening**

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

**17. Health and Safety Concerns**

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

**18. Sequence of Development**

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

**19. Coordination with Adjacent Sites**

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

**20. Signs.**

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

**Section 27.07 -- FILING FEES**

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

**From:** Cathy Anders <[cathyanders080454@gmail.com](mailto:cathyanders080454@gmail.com)>  
**Date:** August 19, 2020 at 12:27:42 PM EDT  
**To:** "Wazbinski, Marty" <[mwazbinski@midland-mi.org](mailto: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:** "ptr kayvala.com" <[ptr@kayvala.com](mailto:ptr@kayvala.com)>  
**Date:** August 19, 2020 at 12:55:53 PM EDT  
**To:** "Wazbinski, Marty" <[mwazbinski@midland-mi.org](mailto: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:** Stephanie Baiyasi <[stephaniebaiyasi@yahoo.com](mailto:stephaniebaiyasi@yahoo.com)>

**Date:** August 24, 2020 at 6:48:30 PM EDT

**To:** "[phall@midland-mi.org](mailto:phall@midland-mi.org)" <[phall@midland-mi.org](mailto:phall@midland-mi.org)>, "[mdonker@midland-mi.org](mailto:mdonker@midland-mi.org)" <[mdonker@midland-mi.org](mailto:mdonker@midland-mi.org)>, "[sarnosky@midland-mi.org](mailto:sarnosky@midland-mi.org)" <[sarnosky@midland-mi.org](mailto:sarnosky@midland-mi.org)>, "[dbrown@midland-mi.org](mailto:dbrown@midland-mi.org)" <[dbrown@midland-mi.org](mailto:dbrown@midland-mi.org)>, "[mwazbinski@midland-mi.org](mailto:mwazbinski@midland-mi.org)" <[mwazbinski@midland-mi.org](mailto:mwazbinski@midland-mi.org)>

**Subject: Zoning Ordinance issue**

Hello Midland Commissioners,

Please do not change the Zoning Ordinance. I ask that City Council public hearings remain regarding building requests and do not want this to be turned over to the Planning Commission alone. Residents need to be able to provide input to decisions that potentially affect their property value. I plan on attending the meeting tonight and hope to voice some of my concerns.

Thank you,  
Stephanie Baiyasi  
27 Burrell Ct., Midland, MI 48640

[phall@midland-mi.org](mailto:phall@midland-mi.org)  
[mdonker@midland-mi.org](mailto:mdonker@midland-mi.org)  
[sarnosky@midland-mi.org](mailto:sarnosky@midland-mi.org)  
[dbrown@midland-mi.org](mailto:dbrown@midland-mi.org)  
[mwazbinski@midland-mi.org](mailto:mwazbinski@midland-mi.org)

**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 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 August 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

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:** 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**

**Kaye, Brad**

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**Subject:** FW: [bcc] Fw: ZONING TEXT AMENDMENT NO. 161

**From:** Eileen Grew <[bookmetravel@sbcglobal.net](mailto:bookmetravel@sbcglobal.net)>  
**Sent:** Sunday, August 23, 2020 5:16 PM  
**Subject:** [bcc] Fw: ZONING TEXT AMENDMENT NO. 161

Dear Council member,

My apologies for bothering you with a resend of my previous email, but I should have added why this issue is so important to me.

Every time that I go by the mall and see those displaced geese, what bothers me is that there was a failure of local government. The other day I saw these geese in the Kohls parking lot leaving a lot of excrement while they wandered around this parking lot. Doesn't it bother you?

I wondered how John Rapanos was able to do this to precious wetlands??? The failure had to have had zoning approval???

Please keep the City Council attached to zoning issues in the current way. It will be hard if not impossible to get this reversed if necessary.

Thank you,  
Eileen Grew

----- Forwarded Message -----

**From:** Eileen Grew <[bookmetravel@sbcglobal.net](mailto:bookmetravel@sbcglobal.net)>  
**Sent:** Thursday, August 20, 2020, 12:16:39 PM EDT  
**Subject:** ZONING TEXT AMENDMENT NO. 161

Dear Council person,

I have become aware about the proposed changes to change the Midland zoning regulations. Please proceed with more public meetings and input before adopting such a drastic change.

Having only the planning commission approve future development is an opportunity for corruption. It encourages those with special interests(financial and business) to become a part of the commission or to influence it unchecked. It is like having the fox guard the hen house. With some tweaking a commission can weaken or change requirements for input. If that happens, the council will not be effective to stop or amend bad decisions.

The City Council should be able to act as a sounding board as well as a deterrent to decisions that are influenced by special interests.

As we all have learned from the "Road Diet", the public should also be included in decisions that affect their neighborhood. I don't see any protections for public input that can be guaranteed. As a Council member who is a representative, I would hope you see a great value in being sure that neighborhoods have a public gathering voice. Even if the voices are contentious or slowing down time to vote, they have great value to our community.

We need the City Council, the Planning Commission and the public to all have significant power to protect our community.

Thank you,  
Eileen Grew  
989 631-7700

7 / 27 / 2020

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

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

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

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

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

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

Thank you

Sincerely,

  
Marie Johansen  
1032 Scott Street  
Midland, MI 48642

**Kaye, Brad**

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**Subject:** FW: site plan review changes #5

**From:** Eckel Lane <[rockhollowln@gmail.com](mailto:rockhollowln@gmail.com)>

**Date:** August 13, 2020 at 11:53:36 AM EDT

**To:** "Arnosky, Steve" <[sarnosky@midland-mi.org](mailto:sarnosky@midland-mi.org)>

**Subject:** **site plan review changes**

I totally agree with Nancy Janoch, that the proposed changes are unnecessary. Having been a realtor in Midland for many years, I have seen several instances that were ok'd by planning that were modified by Council for the benefit of the community.

I oppose the change, and do not buy the need to "align with the best practices of the state—" we have the opportunity to keep what works for us, we should keep it !

E.R. Lane  
7443 Rock Hollow Lane

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

**Subject:** FW: Zoning amendment 161

**From:** RICH MARSHALL <[mrkayack@yahoo.com](mailto:mrkayack@yahoo.com)>

**Sent:** Sunday, August 23, 2020 8:10 PM

**To:** Donker, Maureen

**Subject:** Zoning amendment 161

Good day

I am contacting you regarding the changes that are being proposed to the input level of the general public  
I am not in favor of the proposed changes.

The process works..no need to change...

Thank you for consideration

Rich Marshall  
2011 Ashman  
Midland mi 48640

[Sent from Yahoo Mail on Android](#)

August 8, 2020

2816 Ronan St.

Midland, MI 48642

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](mailto:pikewc@att.net)

**Subject:** FW: new policy gets no from me

**From:** VSTAFFORD <[vstafforddance@sbglobal.net](mailto:vstafforddance@sbglobal.net)>

**Sent:** Sunday, August 23, 2020 10:50 PM

**To:** Donker, Maureen

**Subject:** new policy gets no from me

I understand that the new Zoning Ordinance will allow bigger buildings and bigger *groups* of buildings to be given the "ok" to build by City **Staff** alone. It will allow most buildings to be developed with no more City Council public hearings, but only hearings by the Planning Commissions.

I want people living in these areas where changes are to take place have the right to know about this ahead of time and to be able to have their input.

Sincerely

Vivian Stafford

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 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 P. Barassi	23 BURRELL CT
Matthew D Siler	10 Burrell Ct.
Stephane Siler	10 Burrell Ct.
Jazz	11 Burrell Ct
Olga Patten Borecci	11 Burrell Ct.
Deak Beemer	14 Burrell Ct
Mercedes Beemer	14 Burrell Ct
Christina M. Hill	18 Burrell Ct
Wu H.O	18 Burrell Ct.
Zygmund Kozichi	27 Burrell Ct
Stephanie Baigens DM	27 Burrell Ct.
F C R Pete Belej	22 Burrell Ct.
Lynda Kopp - Malumkhl	15 Burrell Ct.
Roberta S. Baroni	23 Burrell Ct.

Opposition to Zoning Text Amendment 161

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

Sally Steblin

6 Burrell Court

Jan Haberman 15 Burrell Ct.

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

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

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

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

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

Thank you.

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

**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**

**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**

**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](mailto:jen@jeniferacosta.com)  
m. 305.505.8850  
[www.jeniferacosta.com](http://www.jeniferacosta.com)

From: Joan Brausch [mailto:brauschj@att.net]

Sent: Monday, August 24, 2020 8:47 PM

To: Kaye, Brad

Subject: Zoning Amendment 161

Dear Brad,

Please disregard my previous letter to the Council. Please share this with the Council and with Grant.

I want to thank Brad Kaye for his helpful email pointing me to the minutes and agendas of the Planning Commission. Reviewing those was very helpful. I also reviewed the minutes and agendas of the City Council from June to August. That was enlightening as well. I was lucky to stumble on to the website of the City of Bristol, Connecticut, which uses the same process you all are proposing for the site plans.

After a lot of thought, this is where I am today:

- 1) While reviewing the agendas and minutes of the Planning Commission it is clear to me it takes too long for the site plan reviews to be completed. It needs to be more efficient, fair and transparent.
- 2) I understand that, if the process is changed as proposed, that citizens can speak about site plan concerns to the Planning Commission all through the process of approval. However!!! I BEG of you to use every possible method of communication possible to announce meetings and hearings. The newspaper, sadly, is no longer adequate. Use Facebook, Instagram, TikTok, SnapChat, whatever it takes!
- 3) You promise a more transparent and clear process. If the Council is out of the process, the citizens of this city will depend more heavily than ever on the Planning Director, City Manager, staff and members of the Zoning and Planning Commissions. It will be your task, Council (as Grant mentioned), to assure that our commissioners (Planning and Zoning) are diverse and dedicated to the welfare of the community. The staff to should be hired that is diverse and dedicated to the welfare of all: so this new process is truly fair, transparent, and sensitive to the community in which they serve. (Thank you for reiterating my concerns during the meeting)

Addendum: I want to thank Grant for a great presentation. I want to thank the Council for a very good discussion.

Joan Brausch

989-600-0258

**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

**File Attachments for Item:**

5. \* Cable Access Advisory Commission Annual Report, 2019/20. RICHARDSON

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of October 5, 2020

**SUBJECT:** Cable Access Advisory Commission Annual Report, 2019/20

**INITIATED BY:** Matthew Richardson, MCTV

**RESOLUTION**

**SUMMARY:** This resolution accepts the Annual Report to City Council submitted by the Cable Access Advisory Commission for fiscal year 2019/20.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Cable Access Advisory Commission Annual Report, 2019/20

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

Matthew Richardson, MCTV  
Manager of MCTV & Library Communications



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September 30, 2020

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

Dear Mr. Kaye,

In compliance with the duties listed in the ordinance establishing the Cable Access Advisory Commission, the commission requests that the City Council receive and accept the annual report for fiscal year 2019/20.

This report notes the highlights for the commission for the past year.

In recognizing that the Cable Access Advisory Commission performed within the duties established by the ordinance, it is recommended that the Annual Report of the Commission be accepted.

Respectfully submitted,

---

Matthew Richardson  
Manager, MCTV Network



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BY COUNCILMAN

WHEREAS, the Cable Access Advisory Commission has submitted an annual report for fiscal year 2019/20 in accord with Article I of Chapter 15 of the Midland Code of Ordinances; and

WHEREAS, the Cable Access Advisory Commission has identified in the annual report activities that are in compliance with the duties defined in the ordinance; now therefore

RESOLVED, that the 2019/20 Annual Report of the Cable Access Advisory Commission be accepted.

YEAS:

NAYS:

ABSENT:

I, Erica Armstrong, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, October 5, 2020.

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Erica Armstrong, City Clerk

**City of Midland Cable Access Advisory Commission  
Annual Report 2019/20**

**GOALS FOR 2019/20**

The Commission developed and approved the following goals for the fiscal year:

- Quarterly receive a report on the status of the Cable Communications Fund.
- Quarterly receive a report on the activities of the Friends of MCTV.
- Quarterly receive a report on status of video franchising in Midland and Michigan.
- Inform access users and public about the challenges and opportunities facing MCTV.
- Inform the public about the benefits of MCTV.
- Participate in MCTV’s “Honors Night 2019.”

**OUTCOMES**

In the 2019/20 fiscal year, Commissioners were updated on the status of the Cable Communications Fund, Friends of MCTV activities, and changes in MCTV Staff. Presentations were made showcasing the various public, school, and City of Midland video and podcast programs on the MCTV Network.

The commission members were updated on the FCC rules on cable franchise fees and in-kind services.

At “Honors Night” in November 2019, Ron Felzke, Chair of the commission, presented the Rose Marie Byers Community Voice Organization Award to longtime MCTV Access User organization, the First United Methodist Church of Midland. First United Methodist Church began broadcasting their services on MCTV in 1994. Over the next 25 years, the church has provided over 1,300 services to the Midland community via MCTV. This past year, the Church started broadcasting their Contemporary service as well, doubling their reach on the Network. MCTV is proud to have had the opportunity to partner with First United Methodist Church throughout the years!

**COMMISSION MEMBERS**

Ron Felzke served as chair. Cheryl Wizda served as vice-chair. One Access User position remained vacant. Dave Dziedzic represented the Midland Public Schools and Roy Green represented access users in his role as Commissioner

Respectfully submitted,

Cable Access Advisory Commission, 2019 - 2020

Dave Dziedzic, MPS Representative      Ron Felzke, Chair, At-Large

Cheryl Wizda, Vice-Chair, Access User      Roy Green, Access User