

AGENDA

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, APRIL 28, 2020 7:00 P.M.

This meeting will be held electronically due to the COVID-19 pandemic.

The meeting will be broadcasted live on ATT U-Verse Channel 99; MGTV Channel 188 and online at Cityofmidlandmi.gov/video

To join via videoconference, go to:
<https://zoom.us/join> | **Webinar ID:** 919 7527 9448 | **Password:** 077618

To join via telephone, dial:
+1 (312) 626-6799 or +1 (646) 558-8656 | **Webinar ID:** 919 7527 9448 | **Password:** 077618

MEETING AGENDA:

1. **Call to Order**
2. **Roll Call**
3. **Approval of the Minutes**
 - a. [Regular Meeting – April 14, 2020](#)
4. **Public Hearings**

Public Hearing Process

 1. Staff presentation and overview of petition
 2. Petitioner presentation
 3. Public comments in support of the petition
 4. Public comments in opposition to the petition
 5. Opportunity for petitioner rebuttal and final comments
 6. Closing of public hearing
 7. Deliberation and possible decision by Planning Commission
5. **Old Business**
 - a. [Site Plan Review Process](#)
6. **Public Comments (unrelated to items on the agenda)**
7. **New Business**
8. **Communications**
9. **Report of the Chairperson**
10. **Report of the Planning Director**
11. **Items for Next Agenda – May 12, 2020**
12. **Adjournment**

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, APRIL 14, 2020 7:00 P.M.
MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC**

1. The meeting was called to order at 7:00 p.m. by Chairman Mayville.
2. The Pledge of Allegiance was not recited by the members of the Commission due to the electronic format.
3. Roll Call

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

ABSENT: Hanna

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

4. **Approval of Minutes**

Heying made a motion to approve the minutes of the regular meeting of March 10, 2020, seconded by Rodgers. Vote on the motion:

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

Nays: None

Motion carries 8-0.

5. **Public Hearings**

- a. Zoning Petition No. 630 - a rezoning request initiated by DGR Properties, LLC to rezone property located at 1420 Bayliss Street from RC Regional Commercial to RB Multiple Family Residential

Murschel gave the staff presentation for Zoning Petition No. 630.

Bain questioned the access to the property, Murschel stated that would be something that would be fleshed out during the future site plan review processes but that many options for access exist.

Mayville asked for clarification of the types of uses that this zoning change would allow. Murchel gave an overview of the types of uses stated in the City Zoning Ordinance.

Petitioner : Dave Rapanos, 2323 E Wheeler Street Midland, MI

Mr. Rapanos gave an overview of his ideas for the use of the property, access to the site is proposed to be off of Bayliss Street via the commonly owned property that abuts to the west of the subject parcel.

No comments in support or opposition.

Mayville closed the public hearing.

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

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

Nays: None

Motion carries 8-0.

Rodgers made a motion to recommend approval of Zoning Petition No. 630 as proposed. The motion was seconded by Sajbel.

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

Nays: None

Motion carries 8-0.

- b. Site Plan No 398. - initiated by initiated by Fashion Square Investments, LLC to construct a 9,000 square foot medical office and surgery center to be known as Greater Michigan Oral Surgeons and Dental Implant Center for property located at 5220 Eastman Avenue

Murschel gave the staff presentation for Site Plan No. 398

Petitioner Lisa Easterwood with Fleis & VandenBrink Engineering: Ms. Easterwood answered some questions posed about the layout of the proposed building. She also answered inquiries about the placement of fire hydrants and water service and storm water management on the site. She spoke about the relationship with neighboring PNC bank and the possible future connectivity of a shared access driveway. She agreed to the need for the pedestrian connection and a bike rack.

Comments in support – Patrick Pnacek, 2525 N. Eastman Avenue.

Mr. Pnacek indicated his support of this site plan and thinks it will be a great addition to the area.

Comments in opposition – none

Mayville closed the public hearing.

Bain made a motion to waive the rules of procedure and render a decision this evening, seconded by Rodgers. Vote on the motion:

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

Nays: None

Motion carries 8-0.

Bain spoke about the added contingency item relating to a solid masonry wall or an approved alternative along with an amended consent agreement along the eastern property line to the satisfaction of the City of Midland Planning Department.

Bain made a motion to recommend approval of Site Plan No. 398 with the amended contingencies as follows:

1. A final stormwater management plan and permit to the satisfaction of the City Engineering Department.
2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.
3. A pedestrian connection from the public sidewalk into the interior of the site to the satisfaction of the City Planning Department.
4. A solid masonry wall along the eastern property line or to the specification of an amended Consent Agreement to the satisfaction of the City Planning Department.
5. Shared access easement agreement for future connection with the property to the immediate south to the satisfaction of the City Planning Department.

The motion was seconded by Rodgers.

Yeas: Bain, Heying, Mayville, Koehlinger, Pnacek, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 8-0.

- c. Site Plan No. 399 - initiated by PKP Properties, LLC to construct a 22 unit multiple-family residential development, totally 50,688 square feet. The property is located at 4908 and 4912 Universal Drive.

Commissioner Pnacek declared a conflict of interest and asked for him to be removed from the participants in the meeting. The virtual host of the meeting removed Commissioner Pnacek from the list of participants.

Murschel gave the staff presentation for Site Plan No. 399

Heying asked about the state of the current parcels. Murschel explained that previous site plans have been approved for these properties but the projects have been stopped by the developers for a variety of reasons.

Petitioners Scott Bell with Lapham Associates and Patrick Pnacek with PKP Properties LLC
Mr Bell addressed some of the contingency items stated in the staff report and some of the concerns identified by the Commission.

Comments in support – none.

Comments in opposition – Bob Keppin 5010 Stephanie Drive Midland MI and Cheryl King 5005 Stephanie Drive Midland MI.

Both Mr. Keppin and Ms. King are board members of the abutting Raintree Condominium Association. They brought concerns that have been conveyed to them from other condo owners. These items included noise pollution that comes with rental properties as well as water retention concerns for the property and the neighboring properties. Privacy and traffic concerns were also noted, as well as a request from the condo association for an eight (8) foot fence or landscaping barrier to alleviate these concerns.

Petitioner rebuttal:

Scott Bell answered some questions about the storm sewer as well as the vegetation that is currently on the property. Patrick Pnacek spoke about other properties near the proposed site that are also rental properties owned by and run by himself. He spoke to the quality of the management and that there are no complaints or concerns surrounding those properties.

Mr Murschel spoke to the requirements that were being asked of petitioners. The site plan documents tree retention therefore the applicant is committing themselves to do this. A fence is not a requirement of this site plan and could have installation and ongoing maintenance challenges given the location within vegetation.

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: Bain, Heying, Mayville, Koehlinger, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

Rodgers made a motion to recommend approval of Site Plan No. 399 with the following contingencies:

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

The motion was seconded by Heying

Yeas: Bain, Heying, Mayville, Koehlinger, Sajbel, Broderick, and Rodgers
Nays: None

Motion carries 7-0.

6. **Old Business** – None.
7. **Public Comments** (unrelated to items on the agenda) – None.
8. **New Business** – None.
9. **Communications** – None.
10. **Report of the Chairperson** – Mayville commented that he was happy about the format of the meeting and thinks it worked well.
11. **Report of the Planning Director** - Zoning Petition No. 629 was approved by City Council on April 13, 2020.
12. **Items for Next Agenda – April 28, 2020**
 - a. **Site Plan Review Process Further Details**

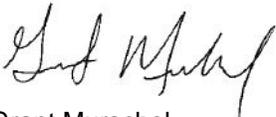
13. **Adjournment**

It was moved by Pnacek and seconded by Heying to adjourn at 9:03 p.m. Vote on the motion:

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

Memo



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

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

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

Proposed Amendments:

Administrative (Staff) Review

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

Planning Commission Review

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

Appeals

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

Fast-Track Options

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

Site Plan Square Footage Data					
Sq Ft	Date	SP No.	Use Category	Business	
up to 7,499	2,311	10.11.10	296	Office - Dental	McLaren Dental
	2,995	5.9.11	299	Office - Dental	Dr. Skiba, DDS
	3,374	6.9.15	339	Commercial - Fitness Center	Planet Fitness
	3,920	7.18.11	304	Commercial - Addition	Cold Storage - MSARI
	4,600	4.14.15	338	Commercial - Storage	Magnum Construction
	4,800	6.13.1	301	Industrial - Recycling Center	Metal Recycling
	5,500	4.9.18	369	Commercial	Dow Visitor Gate
	6,672	2.29.16	345	Commercial - Restaurant	Lucky's Steakhouse
7,500 to 14,999	7,500	7.16.18	373	Commercial - Warehouse	Fisher Companies
	7,500	6.25.12	310	Commercial - Restaurant	Olive Garden
	7,800	9.30.13	321	Mixed Use (Commercial, Restaurant & Retail)	Noodles & Company
	8,304	6.17.19	387	Office - Medical	Dr. Nash, Dermatology
	8,700	5.23.11	300	Commercial - Retail	Verizon, Fuji Sushi, Aspen Dental
	9,000	11.10.17	363	Commercial - Storage	A-1 Westside Storage
	9,000	5.19.14	330	Commercial - Self Storage	Twilight Self Storage
	9,100	10.14.19	392	Commercial - Retail	Dollar General
	9,600	9.9.19	390	Commercial - Warehouse	Windemuller Electric
	9,902	5.9.16	346	Commercial - Addition	Northwood Hall of Fame
	11,200	12.18.17	365	Commercial - Self Storage	Mini Warehouse
	11,200	5.21.18	371	Commercial - Retail	Waldo Plaza
	11,240	9.30.13	323	Commercial - Addition	Savant Group
	12,936	7.18.11	302	Commercial - Addition	Airgas
	13,600	5.19.14	329	Commercial - Retail	CVS
13,662	8.27.18	374	Commercial - Showroom	Brubaker	
15,000 to 29,999	16,395	4.22.19	383	Commercial - Parking lot	Great Lakes Safety Training
	16,400	2.15.16	344	Commercial - Contractor	Fisher Companies
	16,700	8.26.13	320	Commercial	Midland Country Club - Maintenance
	17,778	6.27.11	303	Commercial - Addition	CPI Engineering
	19,520	5.23.16	348	Commercial-Self Storage	Mini Warehouse
	20,900	2.10.14	325	Commercial - Self Storage	Midland Towne Center
	20,931	4.12.10	294	Commercial - Contractor Office	Fisher Companies
	22,940	5.24.10	295	Office - Medical	Medical Office - Podiatry
	25,073	1.14.19	376	Commercial - Shelterhouse	Shelterhouse
	27,079	1.27.14	326	Industrial	Titan Equipment
27,455	4.27.15	336	Commercial - Education	Northwood University	
30,000 to 99,999	30,000	8.28.17	361	Mixed Use	Ellsworth Place
	30,000	6.10.13	318	Office	Trinseo
	33,630	5.20.19	385	Commercial - Education	Delta College
	39,968	2.20.12	311	Industrial	EcoBioPlastics
	42,198	11.6.17	364	Commercial - Hotel	Fairfield Inn & Suites
	44,198	8.8.11	305	Mixed Use	Three Rivers
	52,419	6.9.14	331	Commercial - Vehicle Dealership	Midland Ford
	53,135	3.5.18	367	Commercial - Warehouse	Moltus
	53,800	9.9.19	391	Office - Laboratory	Savant Group / Donecca
	55,872	5.23.16	347	Office - Medical	Medical Office
	58,635	3.18.19	381	Commercial - Hotel	Home2Suites
	64,132	3.14.11	298	Commercial - Recreation	Northwood - Turf & Auditorium
	69,000	5.19.14	332	Office - Medical	Mid Michigan Health - Education
83,730	1.27.14	328	Mixed Use (Residential, Restaurant & Retail)	Gratzi, H Residences, Northwood Gallery	
100,000 +	101,933	12.16.19	393	Commercial - Recreation	Midland County Fairgrounds
	124,942	2.26.16	243	Commercial-Grocery Store	Kroger
	150,100	7.9.12	313	Industrial	Midland Power Station
	157,682	12.9.19	394	Commercial - Retail	Costco
	166,580	10.5.15	341	Office	Dow
	170,700	6.12.17	358	Office - Medical	Mid Michigan Health CVD&T
	224,255	6.11.12	312	Mixed Use (Commercial - Office)	East End

n/a	O	7.18.16	351	Commercial - Outdoor Venue	Dow Gardens - Whiting Forest
-----	---	---------	-----	----------------------------	------------------------------