

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
ON TUESDAY, MAY 12, 2020 7:00 P.M.**

MEETING HELD ELECTRONICALLY DUE TO THE COVID-19 PANDEMIC

<https://zoom.us/join> | Webinar ID: 869 7592 7298 | Password: 411746

1. The meeting was called to order at 7:05 p.m. by Grant Murschel, Director of Planning & Community Development, as neither the Chair or Vice Chair of the meeting were present.

2. **Roll Call**

PRESENT: Bain, Heying, Koehlinger, Sajbel, and Rodgers

ABSENT: Broderick, Hanna, Mayville, Pnacek

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development; Tadd Underhill, Manager of Information Service (meeting host); and fifteen (15) others.

3. Due to the absence of both the Chair and Vice Chair, Mr. Murschel indicated that a designated acting chair will need to be nominated and approved. Bain motioned to nominate Heying as acting chair of the meeting, Rodgers seconded the motion.

Yeas: Bain, Heying, Koehlinger, Sajbel and Rodgers

Nays: None

Motion carries 5-0.

4. **Approval of Minutes**

Rodgers made a motion to approve the minutes of the regular meeting of April 28, 2020 as written, seconded by Sajbel.

Yeas: Bain, Heying, Koehlinger, Sajbel and Rodgers

Nays: None

Motion carries 5-0.

5. **Public Hearings**

None

Commissioner Broderick joined the meeting at 7:13 p.m.

6. **Old Business**

- a. **Site Plan No. 399** - initiated by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive.

Mr. Murschel noted that this item is not a public hearing, but the Planning Commission was given the directive from City Council to provide another public input opportunity. Mr. Murschel gave an overview of the site plan highlighting the objective criteria that has been met, and paying special attention to the parking and stormwater management standards.

Petitioner:

Patrick Pnacek 2525 N. Eastman Road, Midland, MI representing PKP Properties. Mr. Pnacek indicated that the plan was developed to align with the City's requirements. The property has been zoned for multiple-family residential for over 15 years.

Comments in Opposition:

Adam Bruski, of Warner, Norcross and Judd, LLP, representing Kathy Burwick of 5000 Universal Drive. Mr. Brewsky stated that there was not enough notice given for this public hearing and that the public hearing should not be conducted during the pandemic. He feels that only essential government business should take place and this public hearing does not meet the requirements.

Kathy Berwick, 5000 Universal Drive, stated that when she purchased her home in March, she was not told that there were plans to develop student housing next door. She is very opposed to student housing in this area.

Dwight Lewis, 5004 Raintree Drive, spoke to the definition of *family* and indicated that this site plan does not follow the ordinance.

Ann Marie Pomranky, 5106 Raintree Drive, thinks the overdevelopment of the area is an issue.

Jennifer Novakowsky 5126 Raintree Drive, thinks that the area is oversaturated with multi-family and rentals housing already.

Carol Sanford, 5012 Raintree Drive, stated that she will be looking onto the patios of the development. She thinks this area is too populated with multifamily developments. She also stated that the water retention in the area will not withstand the new development.

Robert Everett, 5103 Raintree Drive, feel that this development does not fit with the area and will create social conflict. He also questioned if all communications in opposition have been transmitted to the Planning Commission and that an in-person public meeting should happen before a vote is taken.

Shirley Brown, 5006 Stephanie Drive, agrees with all comments in opposition, she is especially concerned about the increase in traffic.

James Cherry, Post Leader at the American Legion at 5111 Hedgewood Drive. He is concerned about traffic as well as the water retention issue. He wondered if a fence would be provided separating the new development from the Legion's property.

Murschel confirmed that a new fence is not proposed to be constructed along this property line.

Comments in Support:

None

Petitioner rebuttal:

Patrick Pnacek stated that all of the criteria are being met for this site plan and they have complied with all requirements needed. Other site plans have been approved during the time of the pandemic and that should not be the reason for disapproval or delay.

Hearing no additional comments from the public, Heying moved onto deliberation by the Planning Commission.

Rodgers commented that the board needs to stay focused on the fact that this is a list of objective criteria and a matter of private property rights. Multifamily residential is a description the type of dwelling unit and not a description of who may or may not live in a residence. He pointed out that a recent executive order allowed construction to resume and that the argument that action on site plans is non-essential is irrelevant.

Bain commented that the plan has meet the objective requirements and believes that this is a use by right.

Koehlinger made a motion to recommend approval Site Plan No. 399 the proposal by PKP Properties, LLC for site plan review and approval of a 22-unit multiple family residential development, totaling 50,688 square feet, located at 4908 and 4912 Universal Drive, with the following contingencies. The motion was seconded by Rodgers.

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

2. A final soil erosion and sedimentation control permit to the satisfaction of the City Building Department.

Vote on the motion:

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

Nays: None

Motion carries 6-0

7. **Public Comments** (unrelated to items on the agenda) – None
8. **New Business** – None
9. **Communications** – None
10. **Report of the Chairperson** – None
11. **Report of the Planning Director** - Site Plan No. 399 will move forward onto City Council for the meeting which will be held via virtually on Monday May 18th, 2020. He gave a special thanks to Mr. Heying for stepping in to chair tonight's meeting.
12. **Items for Next Agenda – May 26, 2020**
 - a. **Zoning Text Amendment No. 161** – Amendments to the Site Plan Review Process

13. **Adjournment**

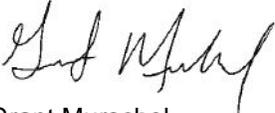
It was moved by Bain and seconded by Rodgers to adjourn at 8:30 p.m.

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

Nays: None

Motion carries 6-0.

Respectfully submitted,



Grant Murschel

Director of Planning & Community Development

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