



Report No. CUP #38

Date: January 7, 2010

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #38

APPLICANT: Open Door Youth Outreach Ministry

PROPOSED: Residential Men’s Shelter, Soup Kitchen & Administrative Offices

LOCATION: 222 N. Saginaw Rd.

AREA: 0.98 acres

ZONING: “C” Circle District

ADJACENT ZONING: North – RA-1 Single Family Residential
 East – RA-1 Single Family Residential
 South – C Circle District
 West – C Circle District

ADJACENT DEVELOPMENT: North – Residential
 East – Residential
 South – Commercial
 West – Office/Commercial

REPORT

Conditional Use Permit No. 38, the request of Open Door Youth Outreach Ministry (Open Door) for offices, residential men’s shelter and soup kitchen to be located at 222 North Saginaw Road.

The property is currently occupied by office suites and is a three level (two above ground, one below) building with a total square footage of approximately 8,119 sq. ft. The footprint of the building is approximately 2,815 sq. ft. The property is owned by the Bergstein Family LLC.

Professional offices and multiple family dwellings are identified as permitted uses in the Circle District zoning classification. Boarding houses (equivalent to a men's shelter?), multiple family dwellings, second story dwellings and residential inpatient treatment centers are identified as conditional land uses in the Circle District. The City of Midland does not make any provision for “soup kitchens” in the zoning ordinance.

The Open Door has been approached to sell its properties at their current location of 409 W. Indian and 412 W. Buttles and is looking to relocate their operations. The existing Open Door facilities are zoned OS Office Service which on the spectrum of zoning classifications is more restrictive than "Circle District" classification. However, their current location is located across from a gas station, City Hall and adjacent to a private parking lot, commercial office space and single family residences. While the possible sale of their current facilities has provided the impetus for their seeking to relocate, it should have any bearing on whether or not the proposed uses to be located at 222 N. Saginaw Rd. are appropriate for this parcel under the city's zoning code.

CONDITIONAL USE PERMIT EVALUATION

In accord with Article 28.00 of the City of Midland Zoning Ordinance the Planning Commission shall review the application for conditional land use in accordance with the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

A. Non-Discretionary Standards

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland.

The specific criterion for each of the ordinance sections is outlined below.

2. Compliance with all of the standards in Section 27.06(A).

a. Adequacy of Information

Adequate information has been submitted for conditional use permit review.

b. Site Design Characteristics

The site has an asphalt parking lot, three story building, commercial refuse dumpster (unscreened) and monument sign. All look to be maintained but showing their age. The building was built in 1967. The parking lot was installed in 1969.

c. Landscaping

There are mature existing evergreen trees along the north and east property lines. In addition, there are areas of lawn along the west and south sides of the property.

d. Compliance with District Regulations

The site as it currently exists meets the requirements for building setbacks, building height and parking

e. Preservation of Natural Features

There are no natural features on the site other than a lawn and some older/mature trees.

f. Privacy

See landscaping/screening below.

g. Ingress and Egress

There is one means of ingress and two means of egress to the site (driveway) located on N. Saginaw Rd.

h. Pedestrian Circulation

There is existing public sidewalk along N. Saginaw Rd. There is a private sidewalk leading from the front door of the building to the parking lot.

i. Vehicular Circulation

The property is accessed by two driveways, one providing a single lane of ingress and egress and the second drive marked for exit only. Adequate lane space is provided to traverse the parking lot and the perimeter of the building.

j. Parking

There are approximately 59 existing parking stalls on the property. The layout and design meet current city standards.

k. Drainage

The parking lot is served by on site stormwater management.

l. Soil Erosion & Sedimentation Control

Not applicable.

m. Exterior Lighting

Current exterior lighting would remain unchanged.

n. Public Services

Adequate public services (including utilities) exist to serve the site.

o. Screening

An existing six foot chain link fence woven with slats provides screening of the site from the north and east. The fence appears to be in poor condition. There are also some mature evergreen trees that do not provide very much screening. The adjacent residential property has installed a wooden privacy fence that provides additional screening of between six and eight feet in height.

p. Sequence of development

Only interior renovations are proposed.

q. Coordination with adjacent sites

There is no current or planned coordination with any adjacent parcel. The subject parcel is abutted by three single family residences and vacant city owned greenspace.

r. Signs

Building signage and one freestanding monument or pole sign is permitted in the Circle zoning district. The property has one existing monument sign. Any new signage would be subject to a sign permit and Building Dept. review.

3. Access to the proposed development shall be in accordance with applicable city ordinances.

Property is accessed by a public road. The size, location and spacing of the driveways along a public right-of-way are governed by the city's zoning ordinance for commercial drive approaches.

4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.

The Fire Department has reviewed the proposed plan for adequate emergency vehicle access. The requirements include adequate turning radius, access to all sides of the building and adequate building fire protection measures.

B. Discretionary Standards *(To be determined by the Planning Commission during deliberation on the request)*

1. **Protection of the Public Health, Safety, and General Welfare**
The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.
2. **Compatibility With Surrounding Uses**
The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
 - e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
 - f. Hours of operation shall be compatible with the surrounding neighborhood.
3. **Detrimental Effects**
The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

4. **Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

5. **Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

6. **Protection of Site Characteristics**

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

7. **Compatibility with Natural Environment**

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

8. **Compatibility with the Master Plan and Intent of Zoning Ordinance**

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

The Master Plan identifies this property on the Future Land Use map as being appropriate for Low Density Residential. I believe this may be an oversight or error as this property has been historically used for office occupancies and should at a minimum be considered for continued office uses as a transitional parcel between the mixed use commercial area to the south and single family residential to the north and east. However, until the Planning Commission were to consider an amendment to the Master Plan, this property is considered Low Density Residential on the FLU map and is zoned "Circle District" on the zoning map.

9. **Public Comments**

Public comments to date have expressed opposition to the petition. Questions have been raised about the security of the area if this facility were to locate at the edge of a single family residential neighborhood, the 24 hour nature of the facility and impact upon adjoining property values.

STAFF RECOMMENDATION

Upon careful review of the requested conditional land use permit staff recommends denial of the request for the following reasons:

1. The proposed use is not consistent with the Future Land Use map of the city's Master Plan. The property is identified on the FLU map as being low density residential. (Though this may be an error of the plan)
2. The proposed use is not appropriate for being in such close proximity to adjacent single family residential uses given the nature of pedestrian and vehicular traffic, noise and light.
3. The hours of operation of a men's shelter would not be consistent with the nature of the surrounding development being single family residential.
4. The proposed use would be generally detrimental to the general welfare of the adjacent parcels and neighborhood.

PLANNING COMMISSION ACTION

As a conditional land use petition, the Planning Commission may recommend contingencies and place conditions upon its action that it deems appropriate to address or mitigate any perceived impact of the proposed use on the site or adjoining parcels.

Staff currently anticipates that the Planning Commission will take action on this request, formulating a recommendation to the City Council, during its regular meeting of January 26, 2010. We further anticipate that on February 15, 2010 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council hearing will likely be scheduled for March 8, 2010. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



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City of Midland

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