



Report No. CUP #38

Date: January 19, 2010

STAFF MEMORANDUM 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

MEMO

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.

CONDITIONAL USE PERMIT EVALUATION

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:

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

1. **Protection of the Public Health, Safety, and General Welfare**
2. **Compatibility With Surrounding Uses**
3. **Detrimental Effects**
4. **Impact of Traffic**
5. **Adequacy of Public Services**
6. **Protection of Site Characteristics**
7. **Compatibility with Natural Environment**
8. **Compatibility with the Master Plan and Intent of Zoning Ordinance**
9. **Public Comments**

One additional letter (in opposition) has been received since the public hearing on January 12, 2010. The majority of public comments to date have expressed opposition to the petition. Concerns expressed include 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 has recommended denial of the request as outlined in the staff report previously distributed to the commission.

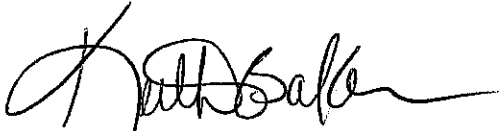
PLANNING COMMISSION ACTION

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,

A handwritten signature in black ink, appearing to read "Keith Baker", with a long horizontal flourish extending to the right.

Keith Baker, AICP
Director of Planning & Community Development
City of Midland

/kb

Barb Vashus
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City of Midland Planning Department
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Dear Commission members:

I was at the meeting of the Planning Commission on January 12, 2010. Even though I had received the mail notices about the public hearing on CUP No. 38, I really did not understand its substance until Mike and Diana Dalton spoke to me and gave me a copy of the letter they sent to you on January 7, 2010.

I did not speak at the Public Hearing, as I felt others presented a very knowledgeable opposition to the petition. I am a relative newcomer to the area. I have now walked Vail Ct. and the parking lot of 222 North Soginaw Road. I'm appalled to see how close that facility is to the homes on Vail Ct, even as an office building. It upsets me to think that this building could be used as a residential facility. Upon reflection of the petitioner's presentation, I do not recall any discussion of outdoor lighting, outdoor speakers, music, or any other activities that could be considered a public nuisance, even down to my street.

I, too, am a single woman - living alone - and do not feel comfortable about CUP No. 38 being approved. Commission members - please view the area in person. I urge you to deny the request of CUP No. 38.

Sincerely,
Barb Vashus