

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING
COMMISSION
WHICH TOOK PLACE ON TUESDAY,
MARCH 9, 2010, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Brown, Eyre, King, Mead, Pnacek, Senesac and Stewart

ABSENT: Hanna

VACANCY: One

OTHERS PRESENT: Keith Baker, Planning Director, Cheri King, Community Development Specialist, Cindy Winland, Contract Planner, and 6 others.

2. Approval of Minutes

Moved by Pnacek, seconded by Stewart, to approve the minutes of February 23, 2010 as written. Motion passed unanimously.

3. Public Hearing

- a. **Site Plan No. 294 from Fisher Contracting Company** for site plan review and approval for a 20,932 square foot contractor office, shop and yard located at 94 Waldo Avenue.

Shawn Pnacek disclosed that the company he works for has the contract for construction of the facility to be located on this property. Motion by Senesac, seconded by King, that Mr. Pnacek is allowed to abstain from deliberations on this petition. Motion carried 6-0.

Mr. Baker showed an aerial photograph of the subject property. It is located a mile south of Bay City Road. It backs up to Fast Ice Drive. The Apothecary Shop is to the east as is the jail, and industrial uses to the south and west along Schuette Drive. The site is approximately 58 acres, much of which (the eastern $\frac{3}{4}$) will be a heavy equipment storage yard. The property is accessed by Contractor Court, which was built last year. The property is east of Waldo Avenue and it is zoned Industrial B. However, it does encompass some area that is zoned Industrial A. The future land use that is proposed for this property by the Master Plan is Heavy Industrial.

Most of the development is located at the southwest corner of the site on the corner of Waldo Avenue and Contractor Court. The development of the site includes an office facility, a 600 sq. ft. shop, an access point for customer use, another access for employee use and an access point on Waldo Avenue which is for heavy truck purposes. The storm water detention pond is to the east of this development. The site is in the Industrial B zoning district. The closest point of the building to the street is 27

feet. This property has been utilized in the past by Dow but it is currently undeveloped. The building and site development have been laid out in such a way as not to interfere with the surrounding properties. There is security fencing that has landscaping on the outside of it. With the three points of access, there is sufficient emergency vehicle access. It meets the requirements of the Fire Department. The petitioners have requested three commercial driveways, including one on Waldo Avenue and two on Contractor Drive. According to the Zoning Ordinance, one driveway is allowed and additional ones are permitted if certain conditions are met. This parcel is located on a corner lot that would allow an additional driveway. In addition, the petitioners are requesting an additional driveway on Contractor Drive. This is permissible if the frontage of the property is greater than 300 feet, which this property is. This property has 808 feet of frontage. The petitioners want to separate their customer and employee parking.

There is no required public sidewalk in this area. Vehicular and pedestrian systems are separated. This site plan identifies 35 parking stalls, two of which are barrier free. The ordinance requires one space per employee and they will have 32 employees. This is in the range of what is allowed by the Zoning Ordinance. Drainage is a significant issue on this site. There is another storm water detention area on the north side of the gravel area. A photometric plan has been submitted that meets the city's Zoning Ordinance. A soil erosion and sedimentation control plan has been submitted and will be reviewed by the Engineering Department. Storage areas have been screened as well as the frontages along the detention pond. This site plan is projected to be built in a single construction phase. No signs have been proposed at this time.

No correspondence has been received by the Planning Department either in favor of or in opposition to this site plan. Ms. Brown asked about the proposed fence. Will it go just along the north side? Mr. Baker stated the entire site will be fenced but they have to have additional fencing to separate their storage area.

Steven O'Mara, Fisher Contracting, Essexville. Fisher Contracting has been in Midland since 1957. They have always had a dream of consolidating their shop and yards into one location and this also would allow for growth. Mr. Senesac asked Mr. O'Mara to discuss the reason they want the three driveways. Mr. O'Mara stated they have a lot of people who come into the office that are not used to heavy equipment. At their current location, they have one drive that comes in and it is an extremely dangerous situation to have deliveries and equipment movement crossing in front of their office. They want to allow one driveway for office employees and customers. Shop traffic would use the driveway to the east off Contractor Drive. Their heavy equipment would use the drive off of Waldo Avenue. This is set up this way for safety purposes.

Rich Fosgitt, Wilcox Professional Services, stated they are working on behalf of Fisher Contracting. The area they have obtained from Dow Chemical also includes some area north of the railroad tracks and their property does go all the way out to Bay City Road. Dow is retaining a right to have access to the railroad in this area. The landscaping plan is extremely nice and it will provide a nice visual for surrounding properties. The entire site will be fenced by a chain link fence. The majority of the landscaping will be evergreen trees.

Contingency items include:

1. The stormwater detention system is designed and constructed in accordance with the City of Midland Engineering Department specifications.
2. All landscaping shall comply with Article 6 of the Zoning Ordinance.
3. All exterior lighting shall comply with Section 3.12 of the Zoning Ordinance.
4. All exterior signage shall comply with Article 8 of the Zoning Ordinance.
5. All parking spaces shall comply with Section 5.01D of the Zoning Ordinance and be delineated by the "box" style striping.
6. The location, access and flow of any proposed fire hydrants and water service shall be in accordance with the City of Midland Fire Department and City of Midland Utility Department specifications.
7. All irrigation systems will comply with the City of Midland Water Department specifications.
8. That three driveways are permitted in accordance with Section 3.10 of the Zoning Ordinance.

No one spoke against or in favor of the petition.

The public hearing was closed.

- b. Tentative & Final Preliminary Plat of Countryside Estates No. 3 and 4, SBI Limited Partnership, a residential subdivision of 31 lots on 21.91 acres west of Dublin Avenue south of Countryside Drive.**

Mr. Baker showed an aerial photograph of the subject site. This is for an entirely new plat. It is approximately 22 acres, located on Countryside Drive and Plumtree. Dublin Avenue runs north and south and goes out to Saginaw Road on the north and the Tittabawassee River to the south.

A preliminary plat is the first opportunity for the municipality to review preliminary plats under the Subdivision Control Act. The Land Division Act does provide the opportunity for the developer to skip the tentative preliminary plat step and move on to the Final Preliminary Plat of the subdivision. That is what the petitioner has done tonight.

The aerial photograph shows this property is zoned RA-2, single family with a minimum lot requirement of 9,000 square feet. Plumtree Lane will be extended to serve this subdivision. The Master Land Use Plan shows this area as low density residential. The preliminary plat shows the proposed location of the roadway, of the utilities, the location, size and width of lots, and the storm water detention pond. Wetlands have been delineated on the site plan. There is some property in the 100-year flood plain on some of these lots to the south. The wetland area, the flood plain property and the detention pond would all be held in a common area. Topography is shown on the drawings.

Mr. Eyre asked about the notification requirements for the County Road Commission, County Drain Commissioner, Dept. of Transportation, Dept. of Environmental Quality,

Health Dept., and the DEQ. Mr. Baker stated these agencies have all been notified and we have received no comments from any of these agencies.

Keith Schroeder, Okemos, Michigan. They have been working in the City of Midland building homes since 1983. He has nothing further to add.

No one else spoke in favor of or in opposition to the petition. The public hearing was closed.

4. **Public Comments (unrelated to items on the agenda)**

None

5. **Old Business**

- a. **Zoning Petition No. 564 initiated by Fast Ice Drive, LLC**, for property located at 218 Fast Ice Drive from Agricultural zoning to Limited Commercial, Manufacturing and Research (LCMR).

Mr. Baker stated this petition was initiated by Fast Ice Development, LLC. The property is located at 218 Fast Ice Drive. It encompasses approximately 4.0 acres. It is currently zoned Agricultural and they are requesting it be rezoned to LCMR. The city's ice arena is in this area, along with the Apothecary Shoppe and the Midland County Jail. There is an outpatient medical building on the north side of the Civic Arena site. The site is currently vacant. The surrounding area has seen significant change within the past two to three years. The Planning Commission shall review this petition in accordance with Section 30.03(D) of the Zoning Ordinance. There have been no further public comments on this petition. The one primary criterion is that the rezoning is consistent with the Future Land Use map which identifies the area as appropriate for "Light Industrial" development. Staff recommends approval.

The public hearing was held two weeks ago. The City Council will set a public hearing for March 22, 2010 and hold the public hearing on April 12th.

Elaine Rapanos, 1400 Avalon Street, has no further comments.

Motion by Mead, seconded by Eyre to recommend to City Council amending the zoning of the property located at 218 Fast Ice Drive from Agricultural zoning to Limited Commercial, Manufacturing and Research (LCMR) zoning classification.

Mr. Eyre stated it is pretty straight forward. Mr. Mead stated it fits in with the zoning in the area and with the other uses of property in this area. Mr. Senesac states it meets all the criteria and he will support it. Ms. Brown also supports the petition.

Vote:

YEAS: Brown, Eyre, King, Mead, Senesac and Stewart

NAYS: None

VACANCY: One

ABSENT: Hanna
ABSTAIN: Pnacek

Motion carried 6-0.

b. 2010 Annual Zoning Ordinance Text Amendment Update

Ms. Winland presented the 2010 proposed Zoning Ordinance text changes. Proposed changes include adding a definition for an "agent", adding four definitions of animals, clarifying the definition of a front lot line, adding a definition of an outdoor wood burner, deleting the definition of "pet" and cross reference the term to "domestic animal". It would add a definition of "small wind facilities, definite solar power generating facilities, amend the definition of "Yard, Front" to clarify the orientation of a house on a lot. It is proposed to amend the list of accessory structures to prohibit outdoor wood burners, and amend the list of accessory structures to include "Small Wind Energy Systems" with some height restrictions. These changes also include a revision to the sign regulations for RC, IA, IB, and LCMR to permit two ground signs if one is a monument sign. It would amend all districts to permit wind generation structures as accessory uses for on site use. It is proposed to delete "Group Day Care Homes" from the uses permitted as a conditional land use in all residential districts and permit them by administrative review. Ms. Brown stated that if their hours were before 7:00 a.m. and after 6:00 p.m. they would also have to be reviewed. These changes would amend all districts to permit wind generation structures as accessory uses for on site use in all districts. It would add Solar Power as a use by right to the LCMR district and the RC District.

Under Site Plan Review, these changes would amend the site plan review provisions to require provisions for bike racks. They would change the time period for legal notices to make all requirements for notifications the same – 15 days.

Motion by Senesac, seconded by Eyre, to recommend to City Council amending the Zoning Ordinance with the 2010 annual Zoning Ordinance Text Amendment Update.

Vote:
YEAS: Brown, Eyre, King, Mead, Pnacek, Senesac and Stewart
NAYS: None
VACANCY: One
ABSENT: Hanna

Motion carried 7-0.

6. New Business

None

7. Communications

None

8. **Report of the Chairperson**

Ms. Brown reminded the Planning Commission of their next work session on March 23rd at 5:00 p.m.

9. **Report of the Planning Director**

The City Council, at their meeting on March 8, 2010, forwarded for public hearing Zoning Petition No. 565 by CGX Consolidated Graphics for a public hearing on April 12, 2010.

The City Council conducted seven interviews for applicants for the Planning Commission opening. The new person will be seated at the April 13 meeting.

10. **Adjourn**

Adjournment at 8:20 p.m. was unanimously approved.

Respectfully submitted,



Keith Baker, AICP
Director of Planning & Community Development

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