

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING
COMMISSION
WHICH TOOK PLACE ON TUESDAY,
JANUARY 10, 2012, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini, and Young

ABSENT: None

OTHERS PRESENT: Cindy Winland, Contract Planner, Cheri King, Community Development Specialist, and 17 others.

2. Approval of Minutes

Moved by Hanna, seconded by Heying, to approve the minutes of the regular meeting of December 13, 2011. Motion passed unanimously.

3. Public Hearings

- a. **Site Plan No. 309** – Initiated by Kloha Properties for site plan review and approval for Autumn Brooke Townhomes, a 68 unit residential townhome development, located at 405 Joseph Drive on 9.82 acres.

Cindy Winland explained that this is listed as a public hearing but it is really a public meeting as there was an error in the notification requirements. One property was missed and another property could have been missed for notification so we will have a public meeting tonight and an official public hearing on February 14th.

The Autumn Brooke Town Homes are a use by right, subject to site plan review. It is being proposed by Kloha Development at 405 Joseph Drive on 9.82 acres. The property is zoned Residential B, Multiple Family Residential. Sixty-eight units are proposed, with private 2-car garages, divided into at least two phases. This development will consist of one and two story townhome units. The actual location of each type of floor plan is undetermined at this time. The footprint of the structures shown on the site plan will fit the largest structure proposed for that location.

The property is located north of Joseph Drive, east of Jefferson. It is east of Bickford Cottage, north of The Village at Joseph's Run. A plan was displayed showing 68 units with a variety of building sizes and locations. There is lighting on the front of each of the structures. There are bike racks shown on the site plan and there will be sidewalks on Joseph Drive as well as throughout the development. This property has been through all the internal reviews at the staff level. There is one style with a one-car garage and the remainder of the styles have 2-car garages.

All site plan criteria have been met. Standard contingencies include storm water management, lighting, landscaping, signage and soil and sedimentation control. The parcel is currently vacant with some scrub grass on it. There is nothing desirable from a vegetation standpoint that will remain on the site. The proposed landscaping far exceeds that required by the city ordinance. There is a fair amount of natural land cover on the private lots behind this development. The fire department has approved access and turn-around radii on all the right-of-ways proposed. There is a 4-foot walkway on the interior of the site and a 5-foot walkway on the exterior of the site. There is parking permitted in driveways and there are extra areas of parking throughout the development.

John Billette, the engineer for the petitioner, stated there is a drainage ditch at the north of the property. Ms. Winland stated that there is street lighting as well as lighting on the front of each of the structures. There is vacant land to the east and west and an institutional use to the west. Additional screening is not required by the ordinance. No health or safety concerns have been identified. The eastern units will most likely be phase I. The western units would be built at a later date. Staff recommends that this site plan be recommended for approval by City Council.

Mrs. Hanna asked about the depth of the detention pond, what will surround it, and how will it be protected. Mr. Billette stated the slope is 1:6. This is the maximum allowed without fencing. The maximum depth will be about five feet deep. They are intended to be dry basins. The detention basin is about 250 or 270 feet long. There will be no standing water in it.

Mr. Heying asked about fire hydrants. There are already a few along Joseph Drive. They are planning on adding an additional three hydrants in the interior of the site plan. Mr. Senesac asked about the garages. Chad Kloha, the developer responded. Unit A is a 2-bedroom unit with a one car garage. The driveway is 25 feet long. If it is a couple and they each have a car, any company would have to park in the public parking spots. There are 20 public parking spots for 68 units. They are going to require that the tenants park in the garages and not use them for storage. That will be in the lease. They have some guest parking but that is limited. Mr. Billette stated the number of parking spaces for each of the units was specified in the ordinance. There will be "no parking" signs along both sides of the drives.

Mr. McLaughlin asked about snow removal. Where will they pile the snow? Chad Kloha stated perhaps they would put it in the detention pond. This is not the maximum density for this property. You could put more units on this property if the units were moved further to the south. There is a rear yard requirement of 25 feet plus an additional foot for every five feet of the width of the building along the property line.

They are going to leave the property to the north in its natural state.

People speaking in support of the Plan: Mike Pnacek, 2661 Blackhurst Drive, stated his family still owns this property. They are in support of this plan. The drainage ditch was never on their property, as far as they know. The ditch was dug by the adjacent property owner.

Tonya Ross, 3600 Oakbrook Drive, stated the drainage ditch behind them is about 4-5 feet deep. Their property runs along the ditch.

Scott Zimmerman, 3664 Oakbrook Drive, stated he is not really in opposition but he would like some clarification. They live on the south side of Oakbrook Drive so Grace or Hope will be their next-door neighbors. His two concerns are that there are no plans for screening – that's their back yard, and intrusive lighting. Their backyard faces the circle that comes out of Joseph Drive. They see their headlights every time a car comes or goes. He has no opposition to this, but they have a single family house on a one acre lot and they would like to enjoy their property as they have for the past 13 years.

Mr. Billette stated there is some evergreen screening that will go along the north property line. Every car that goes back there will spray the area with lights. The street lighting will be directed downward and they have submitted a photometric plan. Perhaps there could be a 2-foot berm with some evergreens on top at the end of Hope and Grace Streets.

A public hearing by the Planning Commission will occur on February 14, 2012. Planning Commission action will occur on February 14, 2012.

- b. **Zoning Petition No. 577** – initiated by the City of Midland to rezone property at 4515, 4517 and 4521 Dublin Avenue and 5501 North Saginaw Road from Industrial A zoning to Residential A-1 zoning and property at 4411, 4415 and 4505 Dublin Avenue from Limited Commercial Manufacturing and Research zoning to Residential A-1 zoning.

Ms. Winland stated this is a rezoning from Industrial A and LCMR to Residential A-1, single-family residential. It is located southwest of the Rail Trail and Dublin Road. The area is 35.79 acres. The property is located along the Rail Trail, across the street from Trailside Senior Center. Currently there are some structures that are left over from the previous industrial use. The majority of the parcel is vacant. To the west is Homer Township and there is city land to the south.

To the south of this parcel is a medium density residential. The Master Plan shows the northwest tip of the proposed site as regional commercial, but the remainder of the property is shown as medium density residential. In the Master Plan, the two lots at the southeast are shown as commercial.

Winland reviewed the general evaluation criteria as detailed in the staff report.

Teresa Vincent-Dopp, states they own the two lots to remain LCMR. She is concerned with all this area changing to residential. You will have residents all around a manufacturing piece of property. She questioned the value of their property with this change with all the homes around them. There are other businesses on this road. She is concerned with how they will continue to function. The college is on the other side. With Trailside Senior Center and the Rail Trail, there is a lot of traffic in this area. She is concerned about the numbers of people that will be added to this area. Vandemere

and Countryside Drive already provide significant traffic onto Dublin Avenue in this area.

The Planning Commission will make a recommendation on January 24, 2012. The City Council will set a public hearing on January 30, 2012 and hold their public hearing and made a decision on February 20, 2012. Staff recommendation is to recommend approval to the City Council.

C. Preliminary Plat of Hawk's Nest – a residential subdivision of 62 lots on 30.40 acres west of Dublin Avenue and south of North Saginaw Road. The developer is Tim Lyons.

Cindy Winland stated this area is the same area as Zoning Petition #577. The proprietor has asked for the tentative and final preliminary plat review at the same time. The property is approximately 30 acres. There will be 21 acres in lots, 4 acres in conservation and 6 acres in streets.

The main entrance to this area is off Dublin Avenue. The proposed street stubs abut the western property line so they can eventually be extended further to the west. There is a utility easement that has been approved by the city. The Rail Trail is to the northeast. There are no sidewalks that connect to the rail trail. There are sidewalks shown internally on the preliminary plat as these are public streets.

The area in the center of the development will be held in common. The project is able to meet all lot dimensions, setback requirements and minimum lot sizes. There have been some wetlands identified. However, none of them qualify as "regulated wetlands". The site is proposed to be developed so as not to interfere with adjoining properties. There are all back yards that back up to these properties. None of the parcels require buffering. The Fire Department has reviewed the plat for emergency services. The internal public streets have sidewalks so pedestrian and vehicular circulation are adequately separated. A soil erosion and sedimentation plan is required. An exterior lighting plan is required. The city has determined that it can provide water and sanitary sewer in this area. This plat is proposed to be developed in one phase. That would mean that all of the infrastructure for the entire subdivision would be installed at the same time.

Contingencies include:

1. The Storm water 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. 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.
6. A subdivision contract for detention access and maintenance is executed between the developer and the City.

There was one public comment in writing in opposition to this request. Staff recommends approval of this preliminary plat, pending the zoning approval and pending any reviews by the Engineering Department.

Jon Ledy, Apex Engineers, is representing the proprietor. The lots are smaller to the north and the cul-de-sac was created due to the wetland situation there. There are larger and more exclusive lots on the cul-de-sac. The roads are standard city streets, which are 28 feet wide, curb and gutter, and catch basins all through. The cul-de-sac is large for fire safety purposes. Sidewalks will be around the entire development. Sidewalks along Dublin Avenue will be 5-foot wide, compared with 4-foot wide sidewalks in the internal portion of the site. Storm water will be collected in the center area, which is an easement that will be owned and maintained by surrounding property owners. They do not want it to be wetlands. They want it to be a nice view from the back yards of the surrounding properties. The slopes are 6:1, and even up to 10:1. The south portion of the easement is a wooded area and will remain a wooded area. The easements are between the lot lines. They may have to shift them slightly. The rear yard drains are designed so that they will handle the run-off water from that lot. The ground out there is sandy soil. The wetland areas were considered too small to be regulated wetlands. The area shown as wetland to the south has not been determined if it was connected to another wetland or not so it's official status is not determined. The developer is showing it as wetland so avoid any issues in the future. Sanitary sewer will be connected on Saginaw Road, run down Dublin Avenue and have gravity fed sanitary sewer. There will be two water lines connecting this development to N. Saginaw Road. There will be street lighting as outlined by Consumers Energy.

The depth of the storm water detention area is two to three feet deep. Right now, in a 100 year storm, at the deepest, it will hold two feet of water. Mrs. Hanna requested a traffic study for this development due to the number of lots and the number of potential vehicles.

No one spoke in support of this petition.

People Speaking in Opposition to the Development: Teresa Vincent-Dopp, 4215 Dublin Avenue, stated she is concerned how Mr. Lyons is going to handle this development. He has cut down several trees in the area to the south of this proposed development. The water draw off of Dublin Avenue is a concern. They have had low water pressure over the years and she is concerned about their water pressure if this area is developed.

Robert Dopp, 4215 Dublin, stated his question is about the drain also. He thinks there are wetlands in the southeast corner of this development.

Tim Lyons, Developer, 300 Heckeles, He had stakes installed and lines put in to delineate the property line. He brought in a logging company and they made a mistake taking trees out of the property to the south. The liability is with the logging company and their insurance company is in contact with the property owners to the south.

In summary, the tentative preliminary plat is a concept which requires no outside review. The final preliminary plat will have a review by the County Drain Commissioner, among others. The final plat with the full engineering detail, requires further reviews. Contingencies are detailed in the staff report. At the next Planning Commission meeting they will vote on the preliminary plat and the final preliminary plat. This will go to City Council to set a public hearing on January 30, 2012 and hold their public hearing on February 20, 2012. Staff recommendation is for approval.

Mr. Ledy stated that the Dopps had some concerns about water main pressure. There is a 10-inch water main in Dublin Avenue. That is the one they would be tying into. They will restrict the amount of storm water that gets into the Rose Drain. It will be held in a detention basin until the drain is able to handle the trickle of water from the basin.

4. Old Business

a. Zoning Ordinance Revisions

Cindy Winland presented the 2012 proposed Zoning Ordinance text changes.

- Transitional Housing – Modify the definition to recognize the unique nature of Emergency Shelters. (Article 2 – Definitions). Senesac requested that the words, “...but participation in programs is not mandated.” are deleted.
- Airport Zoning Ordinance – Add reference to Tri City Joint Airport Ordinance as controlling regulations within zoning. (Page 3-1).
- Open Porches – Permit existing uncovered porches to be covered provided they meet setback requirements. (Article 3, Table 3.2, 3.e.)
- ~~Private Road Width – Table 3.8: Minimum paved road widths for private roads would be 24 feet to accommodate fire trucks in case of emergency.~~ (Motion by Hanna, seconded by Heying, to remove this from the list of zoning ordinance revisions. Motion passed unanimously.)
- Parking Cooperation – In the case of new development, permit the Planning Commission to require shared access and/or shared parking to further access management goals. (Page 5-3).
- Parking – Delete regulations for obsolete terms.
- Fences – Change the way the height of a fence is measured (Article 7, 7.02 E.) (Page 7-2).
- Fences – Table 7.1: Required obscuring wall or fence height – The maximum height of a fence would be four feet in height. (Page 7-2)
- Fences – The Planning Director shall have the discretion to ... permit fences up to 6’ in the required street side yard. (Page 7-3)
- Fences – Fences located in required front or side street yards shall not exceed four feet in height above grade. Fences located outside of the required front yard and in front of the principal structure shall be decorative in nature and constructed so as not to create the appearance of a wall in the front of the house. McLaughlin suggested a definition of “decorative” should be added.
- Garage Sale Signs – Revise the zoning text to match the 2008 adopted Garage Sale sign rules (Page 8-7).
- Site Development Standards – Nursing Homes, Convalescent Homes, Residential Treatment Centers, Transitional Housing and Day Shelters – Location and Number:

Nonresidential uses as listed in this section may not be located within one thousand (1,000') feet of a school or Day Care Center, excluding Nursing and Convalescent Homes.

- Downtown Northside Overlay – Make parking locations consistent with Downtown Overlay District. (d) No parking space or maneuvering lane shall be permitted within ten (10) feet of any street property line. (Page 21-19)
- Permit Auto Sales in IA District. (Page 23-3)
- Require Color Renderings – Section 27.03 – Site Plan Review Applications and Procedures.

No one spoke either in favor of or in opposition to these changes.

Motion by Senesac, seconded by Hanna, to recommend to City Council the approval of Zoning Ordinance revisions.

Vote:

YEAS: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart and
Tanzini
NAYS: None
ABSENT: Young

b. Community Development Block Grant process.

Cheri King reported that the City of Midland will be receiving approximately \$217,000 in Community Development Block Grant (CDBG) funds from HUD for the 2012-2013 fiscal year. Public input sessions regarding the allocation of these funds were held at the Salvation Army Building on November 29, 2011 and at City Hall on December 8, 2011. Ten people attended the session on December 8th and provided very good discussion.

On December 7th, funding applications were sent to local agencies. Requests for funding are due to the Planning Department on Friday, January 13, 2012. A special Housing Commission meeting will be held on Monday, January 30th to review the CDBG funding requests. The proposed budget will be recommended to City Council by the Housing Commission at their meeting on March 5th. City Council will approve the 2012-2013 CDBG budget at their first meeting in May as the annual action plan must be submitted to HUD no later than May 15, 2012.

These funds are to be used to help low and moderate-income households. If any of the Planning Commissioners have any recommendations for the use of these funds regarding infrastructure or other proposed projects, please contact the Planning Department prior to Friday's deadline.

5. Public Comments (unrelated to items on the agenda)

None

6. New Business

Mr. Senesac stated two site plans have come before the Planning Commission where he has been concerned about parking. In the site plan presented tonight, it looks like it is approximately 1000 feet from the farthest "A" unit to the public parking area. He would like to talk about this issue at a work session to address this issue in future site plans.

7. Communications

Planning and Zoning News and another brochure on Transportation Planning were included in the packets to Commissioners.

8. Report of the Chairperson

None

9. Report of the Planning Director

City Council
Planning Director Update
Sign Workshop – January 19, 2012

10. Adjourn

Adjourned at 9:17 p.m.

Respectfully submitted,



Cynthia E. Winland, AICP, PCP
Consultant Planner

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION