

**MINUTES OF THE MEETING OF THE PLANNING COMMISSION,
WHICH TOOK PLACE ON TUESDAY, FEBRUARY 22, 2000, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call.

PRESENT: Commission members - Baker, McCann, Geisler, Lind, Rapanos, Sasaki, Senesac, Slicker, Wieland

ABSENT: None

OTHERS PRESENT: James Schroeder, Secretary; Mark Ostgarden, City Planner; Cheri Standfest, Administrative Assistant, and 28 others

2. Approval of the minutes of the meeting of February 8, 2000.

It was moved by Sasaki, seconded by Senesac, to approve the minutes of the meeting of January 25, 2000. Motion carried.

3. Public hearing.

Zoning Petition No. 454 – initiated by the Planning Commission, to zone property recently annexed to the City of Midland on the west side of Vance Road north of Isabella Street (M-20) to Residential A-1 (see transcript).

Chairman Wieland indicated that the Planning commission would take this matter under consideration at its next meeting.

4. Public Comments.

There were no public comments.

5. Old Business.

Consideration of Zoning Text Amendment No. 138A - initiated by the Planning Commission, to consider amending the Zoning Ordinance of the City of Midland by amending Article II—CONSTRUCTION OF LANGUAGE AND DEFINITIONS, Section 2.1(22) FAMILY, to limit to four (4) the number of unrelated persons residing in a dwelling unit, with no roomers or boarders allowed; to allow two (2) or more persons residing in a dwelling unit who are related by blood or marriage; to allow “a collective number of individuals living together in a dwelling unit whose relationship must be of a regular and permanent nature and has a distinct domestic character or a demonstrable and recognizable bond characteristic of a cohesive unit, not including a society, club, fraternity, sorority, association, lodge,” etc., and to provide that “one professional caregiver such as a nurse, nanny, physical therapist, etc., caring for any person residing in the dwelling, may also reside in the dwelling.”

The Planning Director reviewed a memo sent to the Planning Commission describing various parts of the City’s Code of Ordinances pertaining to nuisance-type code violations, as well as parking restrictions found in the Code of Ordinances under the

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Uniform Traffic Code and in the Zoning Ordinance. Options for the Commission's actions were described as consisting of forwarding a recommendation of approval to the City Council, taking no action and withdrawing the Planning Commission's proposal, making modifications to the Planning Commission's proposal, and, in addition, requesting additional information to be provided by the staff prior to deciding on a recommendation to be forwarded to the City Council.

The Commission began a discussion of the proposed amendment. Under additional public comments, Mr. Jack Pulley emphasized the need for enforcement of existing sections of the City's code and challenged the Commission on the reason for the number four versus five for allowable unrelated individuals to occupy a house.

The Planning Director noted that the proposed change in the definition of family applies to all dwelling units in all zoning districts, and further, that the Residential B district allows for other kinds of living arrangements; namely, rooming houses, fraternities, sororities, etc.

Comments from the Commission indicated that there was general acceptance of the proposed reduction to four, without roomers and boarders, for the number of unrelated individuals occupying a residence. A number of comments or questions were raised about the enforcement of other kinds of codes affecting behavior of residents, as well as concern about how the limit of four would be enforced. The Planning Director made some general comments about the enforcement of this kind of an ordinance, noting that it is a difficult process and often relies on complaints for the identification of a possible violation. Commissioner McCann emphasized the need for enforcement rather than a modification of the numbers involved. Commissioner Lind expressed reservations about approving the proposal without having assurances that the changes would be enforced.

It was moved by Senesac, seconded by Sasaki, that the Planning Commission recommend to City Council approval of Zoning Text Amendment No. 138A, with the additional finding that there appears to be a lack of enforcement of existing code provisions regarding the behavior of residents of housing.

A point of order was raised about Commissioner McCann's voting on the subject, and based upon his request to abstain, the Commission granted such approval.

Vote on the motion:

YEAS: Geisler, Lind, Sasaki, Senesac, Slicker, Wieland

NAYS: Baker, Rapanos

ABSENT: None

ABSTENTION: McCann

At this time, the Commission also requested a joint meeting with the City Council to discuss the matter of the definition of family and enforcement of applicable City codes.

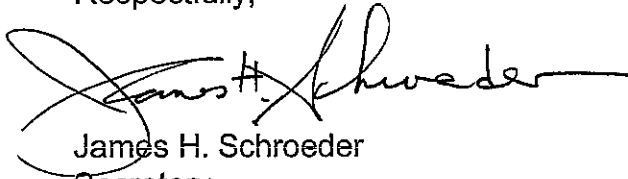
6. New Business.

Zoning of recently annexed property north of Letts Road and east of Perrine Road.

The Planning Director described the area involved and the request of the property owner for a medium-density Residential A-4 zoning classification. After discussion about the need for that type of land use within the City, the Commission decided to defer any consideration of this matter prior to taking up possible changes in the Land Use Plan. At this time, the Commission decided to hold a work session on land use at its meeting on March 14.

It was moved by Senesac, seconded by Baker, to adjourn. Motion carried, and the meeting adjourned at 8:30 p.m.

Respectfully,

A handwritten signature in black ink, appearing to read "James H. Schroeder", written over a circular stamp.

James H. Schroeder
Secretary

JHS:cjr