

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 6-13-05**

SUBJECT: Conditional Use Permit No. 15 – Commercial Parking Lot.

PETITIONER: Judith Ann Rapanos.

PLANNING COMMISSION PUBLIC HEARING: April 12, 2005.

PLANNING COMMISSION ACTION: Recommendation of approval, with conditions.

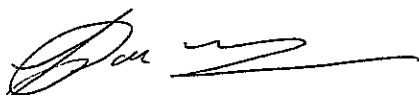
SUMMARY: THIS RESOLUTION WILL APPROVE A REQUEST BY RICHARD FOSGITT OF BARTOW & KING ENGINEERS ON BEHALF OF JUDITH ANN RAPANOS FOR A CONDITIONAL USE PERMIT REVIEW AND APPROVAL FOR A COMMERCIAL PARKING LOT AT 425 WALDO AVENUE.

ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:

- 1. Letter to City Council.
- 2. Resolution for Council action.
- 3. Staff Report to the Planning Commission dated March 29, 2005. (See packet from May 23, 2005 meeting.)
- 4. Memo to Planning Commission dated April 21, 2005, with attached transcript from Planning Commission public hearing of April 12, 2005. (See packet from May 23, 2005 meeting.)
- 5. Communications. (See packet from May 23, 2005 meeting.)
- 6. Map showing location of property.
- 7. (Revised) Site Plan.

CITY COUNCIL ACTION:

- 1. Public hearing is required. Date: June 13, 2005.
- 2. 3/5 vote required to approve resolution.



Jon Lynch, AICP
Assistant City Manager

JL/djm

6-9-05



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June 9, 2005

Honorable Mayor and City Council
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Councilmen:

At its meeting on Tuesday, April 26, 2005, the Planning Commission considered Conditional Use Permit No. 15, the request by Richard Fosgitt of Bartow & King Engineers on behalf of Judith Ann Rapanos for a commercial parking lot at 425 Waldo Avenue. By a margin of 4 to 3 the Planning Commission recommended approval with contingencies.

Upon conclusion of the public hearing conducted by the City Council in consideration of Conditional Use Permit No. 15 on May 23rd the Council tabled action on this request. The intent of tabling action was to provide the petitioner with an opportunity to revise the parking lot design in a manner that adequately addresses concerns raised during the hearings.

On May 25th the petitioner provided a revised site plan that moved the southern edge of the proposed parking lot to the north an additional 18', thereby increasing the setback from the south property line from 10' to 28'. The revised plan also reduces the number of proposed parking spaces south of the catering building from 27 to 23 spaces and eliminates the decorative screen fence along the south berm.

Given the previous recommendation of the Planning Commission I believe the following contingency items remain applicable to the revised plan:

1. Parking space 28 is eliminated if recommended by the Fire Department.
2. A storm water retention plan is approved by the Engineering Department.

A notice indicating that a revised plan will be considered during the June 13th City Council meeting will be mailed to property owners within 300' of the subject site on June 3rd and published in the Midland Daily News on June 4th.

Respectfully,



Jon Lynch, AICP
Assistant City Manager

JL/djm

LETTER OF TRANSMITTAL – Conditional Use Permit #15 PH



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BY COUNCILMAN

WHEREAS, Richard Fosgitt of Bartow & King Engineers on behalf of Judith Ann Rapanos has submitted a request for a conditional use permit review and approval for a commercial parking lot at 425 Waldo Avenue; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval with contingencies, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; and

WHEREAS, the City Council tabled action on the recommended plan during its meeting of May 23rd and has received and reviewed a revised site plan; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 15, in accord with documents received May 25, 2005 conditioned upon the following:

1. Parking space 28 is eliminated if recommended by the Fire Department.
2. A storm water retention plan is approved by the Engineering Department.

YEAS:

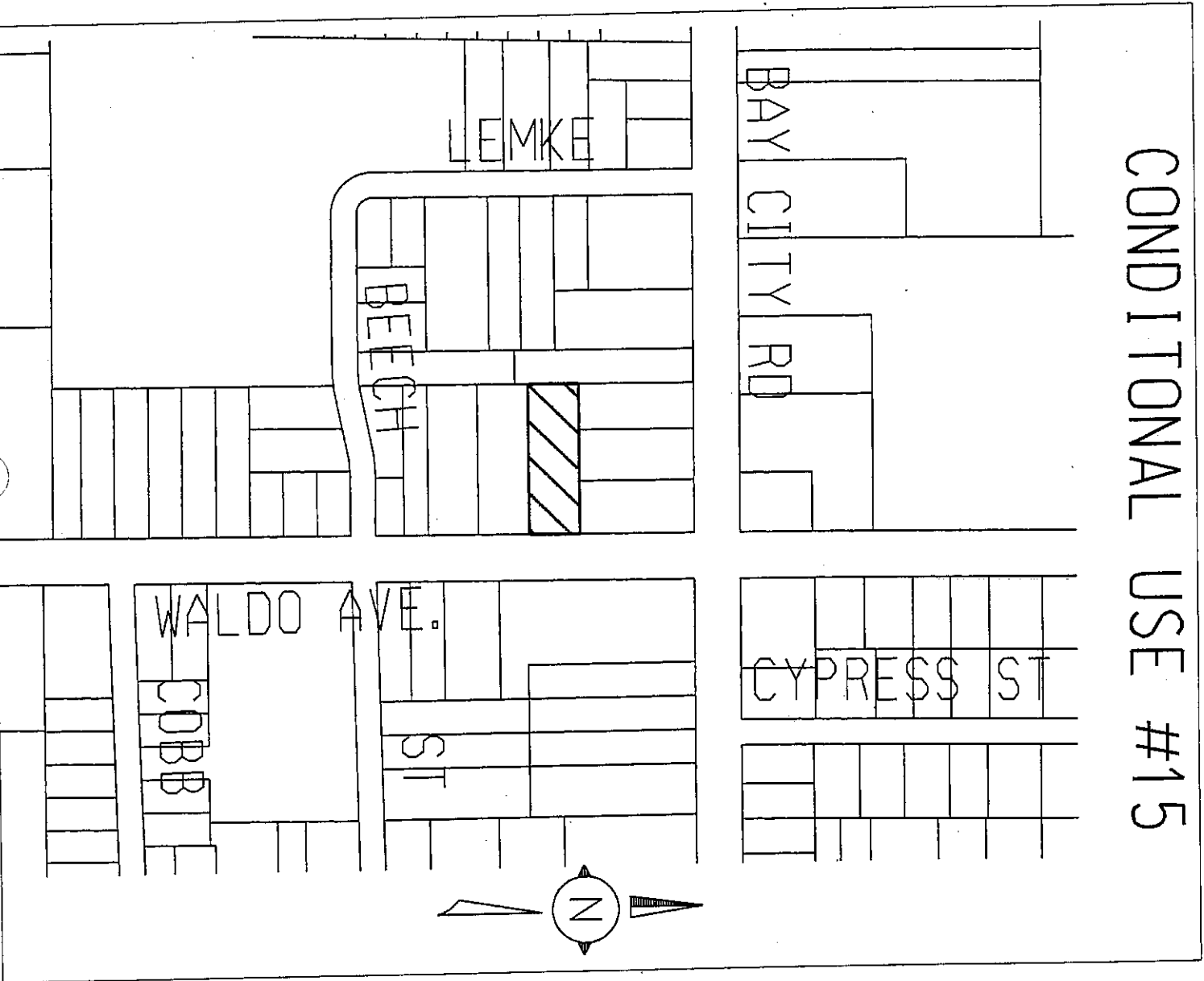
NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, June 13, 2005.

Selina Tisdale, City Clerk

CONDITIONAL USE #15

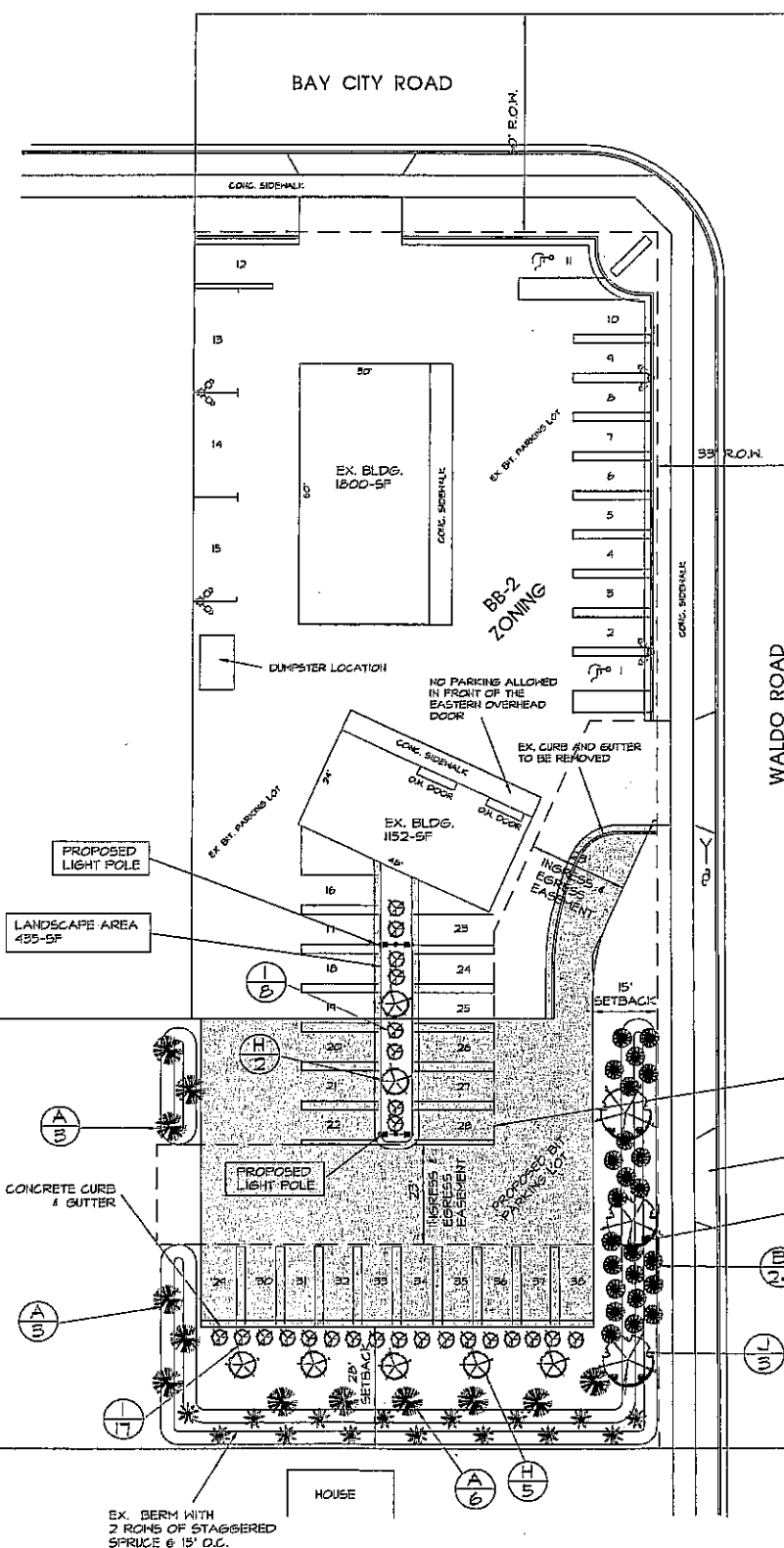
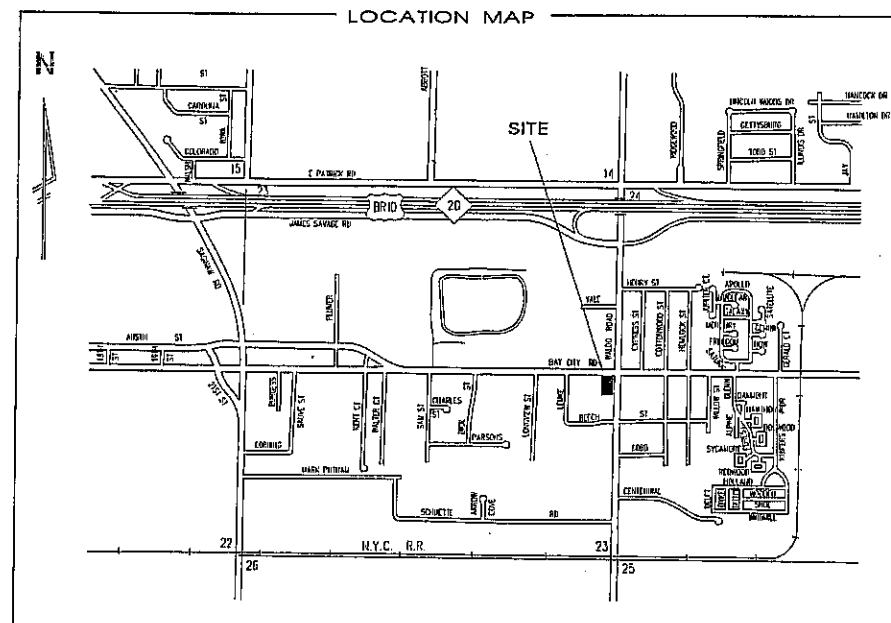




GRAPHIC SCALE



(1/4 INCH = 20 FT)



LEGAL DESCRIPTION

BEGINNING AT THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 28, WEST 140 FT., SOUTH 231 FT., WEST 180 FT., SOUTH 44 FT., EAST 330 FT., NORTH 330 FT. TO THE P.O.B.

PARKING DATA

EXISTING PARKING	= 21 SPACES
PROPOSED HANDICAP PARKING	= 2 SPACES
PROPOSED STANDARD PARKING	= 36 SPACES
TOTAL PARKING PROVIDED	= 38 SPACES

LANDSCAPE REQUIREMENTS

PARKING LOT INTERIOR LANDSCAPING	
18 SPACES X 20-SF REQUIRED	= 360-SF
LANDSCAPE AREA PROVIDED	= 435-SF
(1) SHRUB PER 75-SF	= 6 SHRUBS
(1) TREE PER 300-SF	= 2 TREES
PARKING LOT SCREENING	
2 ROWS EVERGREEN AT 15' O.C. MAX.	
LANDSCAPING ADJACENT TO ROADS	
(1) TREE PER 40-LF - 99/40	= 3 TREES
(8) SHRUBS PER 40-LF - 99/40	= 24 SHRUBS

PLANT MATERIALS LIST				
KEY	QTY.	COMMON NAME	SIZE	ROOT
A	12	AUSTRIAN PINE	6'-8' HT.	B4B
B	24	DENSE YEW	24" SPRO.	B4B
C	0	THORNLESS HONEY LOCUST	2 1/2" CAL.	B4B
D	0	WOOLLY YARROW (GROUND COVER)		
E	0	MAIDEN PINK (GROUND COVER)		
F	0	SKYLINE LOCUST	2 1/2" CAL.	B4B
G	0	BURNING BUSH	2' HT.	B4B
H	7	SERGEANT FLOWERING CRABAPPLE	2-1/2" CAL.	B4B
I	25	LITTLE PRINCESS SPIREA	2 GAL.	CONT.
J	5	NORWAY MAPLE	2-1/2" CAL.	B4B

NOTES:
 1. ALL PLANTING BEDS TO HAVE 3" RIVERBED STONE OR 3"-4" SHREDDED BARK.
 2. ALL PLANTING BEDS TO BE EDGED WITH BLACK DIAMOND EDGING.

A STORM WATER DETENTION PLAN FOR THE PROPOSED PARKING LOT MUST BE APPROVED BY THE CITY OF MIDLAND ENGINEERING DEPARTMENT BEFORE CONSTRUCTION BEGINS.

DEVELOPER:
 JUDITH ANN RAPANOS
 INTER-VIVOS TRUST
 925 EAST WHEELER ST.
 MIDLAND, MICHIGAN 48642
 (489) 834-0541

By	Date	Revisions	CAD	Drawn	RHW	Designed	RLF
RLF	5/24/05	INCREASED SOUTH SETBACK TO 38', ELIMINATED 4 SPACES					
				Checked	RLF	Scale	1" = 20'
				Field Survey	DJ01	Vert. Scale	NONE
				Water Permit Date		Sewer Permit Date	