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**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 12-4-06**

SUBJECT: Zoning Petition No. 540 – 221 West Wackerly Street.

PETITIONER: Earl D. Bennett Construction, Inc.

PLANNING COMMISSION PUBLIC HEARING: November 14, 2006.

PLANNING COMMISSION ACTION: Recommendation of denial.

SUMMARY: ACTION TO SET A PUBLIC HEARING TO AMEND THE ZONING MAP BY REZONING PROPERTY AT 221 WEST WACKERLY STREET FROM OFFICE SERVICE ZONING TO COMMUNITY COMMERCIAL ZONING.

ITEMS ATTACHED:

1. Letter to City Council setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated November 6, 2006.
4. Planning Commission minutes of November 28, 2006.
5. Communication(s).
6. Map showing location of property.

CITY COUNCIL ACTION:

1. Public hearing is required. Date: January 8, 2007.
2. Advertising date: December 16, 2006.
Public Hearing notification to area residents mail date: December 15, 2006.
3. Protest petition requires a 4/5 vote to approve rezoning.

Daryl Poprave
Acting Director of Planning & Community Development

DP/djm

11-29-06



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November 29, 2006

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

Dear Councilmen:

At its meeting on Tuesday, November 28, 2006, the Planning Commission considered Zoning Petition No. 540, the request of Earl D. Bennett Construction, Inc. to rezone property located at 221 West Wackerly Street from Office Service zoning to Community Commercial zoning. Attached is a resolution reflecting the request.

The following action was taken:

The majority of Planning Commissioners felt that the existing Office Service zoning classification is appropriate in this area of West Wackerly. Evidence of this is supported by the recent development of the neighboring MCVI property to the west. Thus no change in the zoning to Community Commercial is warranted.

It was moved and seconded that the Planning Commission recommend to City Council approval of Zoning Petition No. 540.

Vote on the motion:

YEAS: Brown and Gaynor
NAYS: Hanna, Kozakiewicz, Mead, Senesac and Svenson
ABSENT: Eyre and Jocks

The motion was denied.

Respectfully,

Daryl Poprawe
Acting Director of Planning & Community Development

DP/djm

LETTER OF TRANSMITTAL – ZP #540 Set PH



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BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, November 14, 2006 for property located at 221 West Wackerly Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, January 8, 2007, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on December 15, 2006 and to publish said notice on December 16, 2006.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A COMMUNITY COMMERCIAL ZONING WHERE AN OFFICE SERVICE ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 4, T14N R2E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN DESCRIBED AS COMMENCING NORTH 89 DEGREES 46 MINUTES 07 SECONDS WEST 853.69 FEET ALONG THE NORTH SECTION LINE, AND SOUTH 00 DEGREES 35 MINUTES 07 SECONDS EAST 40.00 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS EAST 168.72 FROM THE NORTHEAST SECTION CORNER TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 204.71 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 168.51 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 07 SECONDS EAST 10.45 FEET; THENCE SOUTH 50 DEGREES 54 MINUTES 03 SECONDS EAST 269.39 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 07 SECONDS WEST 196.78 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS EAST 165.00 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 07 SECONDS WEST 224.10 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 07 SECONDS WEST 201.62 FEET PARALLEL TO AND 40 FEET SOUTH OF THE NORTH SECTION LINE TO THE POINT OF BEGINNING.

be, and the same is hereby changed to Community Commercial.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

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, December 4, 2006.

Selina Tisdale, City Clerk



Date: November 6, 2006

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING AMENDMENT ZP #540 BENNETT

APPLICANT: Earl D. Bennett Construction, Inc.

LOCATION: 221 W. Wackerly Street

PROPOSED: CC – Community Commercial

AREA: 2.4 Acres

ZONING: OS – Office Service

ADJACENT ZONING: North: RC – Regional Commercial
East: CC – Community Commercial
South: OS – Office Service
West: OS – Office Service

ADJACENT DEVELOPMENT: North: Commercial/Offices
East: Retail and service center
South: Office/Dental and Medical Offices
West: Office/Dental and Medical Offices

REPORT

Earl D. Bennett Construction, Incorporated has filed a petition requesting rezoning of approximately 2.4 acres of land at 221 West Wackerly Street from Office Service to Community Commercial.

BACKGROUND

In May of 2003 the City Council considered a similar request under Zoning Petition No. 500. In that petition Todd Bennett of Earl D. Bennett Construction, Inc. sought to rezone approximately 2.7 acres of land from Office Service 2 to Business B-1. By a 1 to 7 vote, the Planning Commission recommended denial of the petition and on May 19, 2003, the City Council denied that petition on a 1 to 3 vote.

On April 26, 2005 the Planning Commission considered a similar request under Zoning Petition No. 521 in which Earl D. Bennett Construction, Inc. sought to rezone approximately one acre of land from Office Service to Community Commercial. By a 4 to 3 vote the Planning Commission recommended approval of the petition and on June 13, 2005 the City Council denied that petition on a 2 to 3 vote.

Zoning Petition 540 differs from the two previous petitions because it includes the vacant lot east of the Michigan Cardio Vascular Institute (MCVI) and the water detention pond located south of MCVI and encompasses approximately 2.4 acres of land.

ASSESSMENT

In accord with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. Is the proposed amendment consistent with the City's Master Plan?

No. While Goal 6 of the Master Plan indicates that the retail sector of the local economy should be expanded to retain a larger share of local spending the policy/action states:

The Comprehensive Plan should provide land in suitable areas for expansion of the City's commercial base. Commercial development should be concentrated in the areas shown for such development on the land use map. Sufficient land for commercial use is provided to ensure a competitive land market and a variety of site selection choices.

The present Land Use Plan identifies this area as being compatible with Office Service uses.

2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?

Yes. Article 21 indicates that the Community Commercial District is intended to provide for commercial development that offers a broad range of goods and services to meet the convenience and comparison shopping needs of residents. Because of the variety of business types permitted in the CC District, special attention shall be focused on site layout, building

design, vehicular and pedestrian circulation, and coordination of the site features between adjoining uses. An effort should be made to achieve design compatibility between adjoining commercial uses.

3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?

Yes. Land located east of this site has been fully developed into a retail and service center over the past three years. In addition, several office buildings including MCVI have also been constructed to the west and south of this property.

4. Will the amendment merely grant special privileges?

No. Application of the Community Commercial zoning classification on this parcel will consolidate zoning to the east of this parcel which is presently divided by a zoning district boundary line which separates this parcel from adjacent Community Commercial zoning. This zoning district boundary line runs north and south approximately 30 feet west of the east property line of the parcel.

5. Will the amendment result in unlawful exclusionary zoning?

No. The Community Commercial zoning classification will allow the undeveloped land to be used for a broad range of commercial uses in the same manner that the adjacent commercial property is utilized for.

6. Will the amendment set an inappropriate precedent?

No. The Community Commercial zoning classification, in general, would be consistent with the standards of 30.03(D) of the City of Midland Zoning Ordinance.

7. Is the proposed zoning consistent with the zoning classification of surrounding land?

Yes. The Community Commercial zoning classification would be compatible with both the existing CC District to the east and the Office Service District to the west and south. The intent of Office Service is for this district to serve as a transitional district between less intensive residential uses to the south and the more intensive commercial district to the north and east.

8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?

No. The Land Use Plan identifies this parcel as being utilized for Office Service activities. Therefore, the zoning change is not consistent with the Land Use Plan.

9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

Yes. The parcel is off sufficient size to allow all applicable setback, lot area, and landscape buffering and site plan requirements to be met.

10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

Yes and No. To the north and east, commercial development has taken place but to the west and south office service uses have been developed.

STAFF RECOMMENDATION

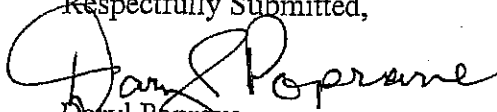
Upon careful review of the requested zoning change staff recommends denial of the request given that it does not comply with the following review criteria of Section 30.03(D) of the Zoning Ordinance:

1. The petition is not consistent with the City of Midland's Master Plan policies.
2. The proposed zoning change is not consistent with the City of Midland's Land Use Plan.

PLANNING COMMISSION ACTION

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 November 28, 2006. We further anticipate that on December 4, 2006 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 January 8, 2007. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

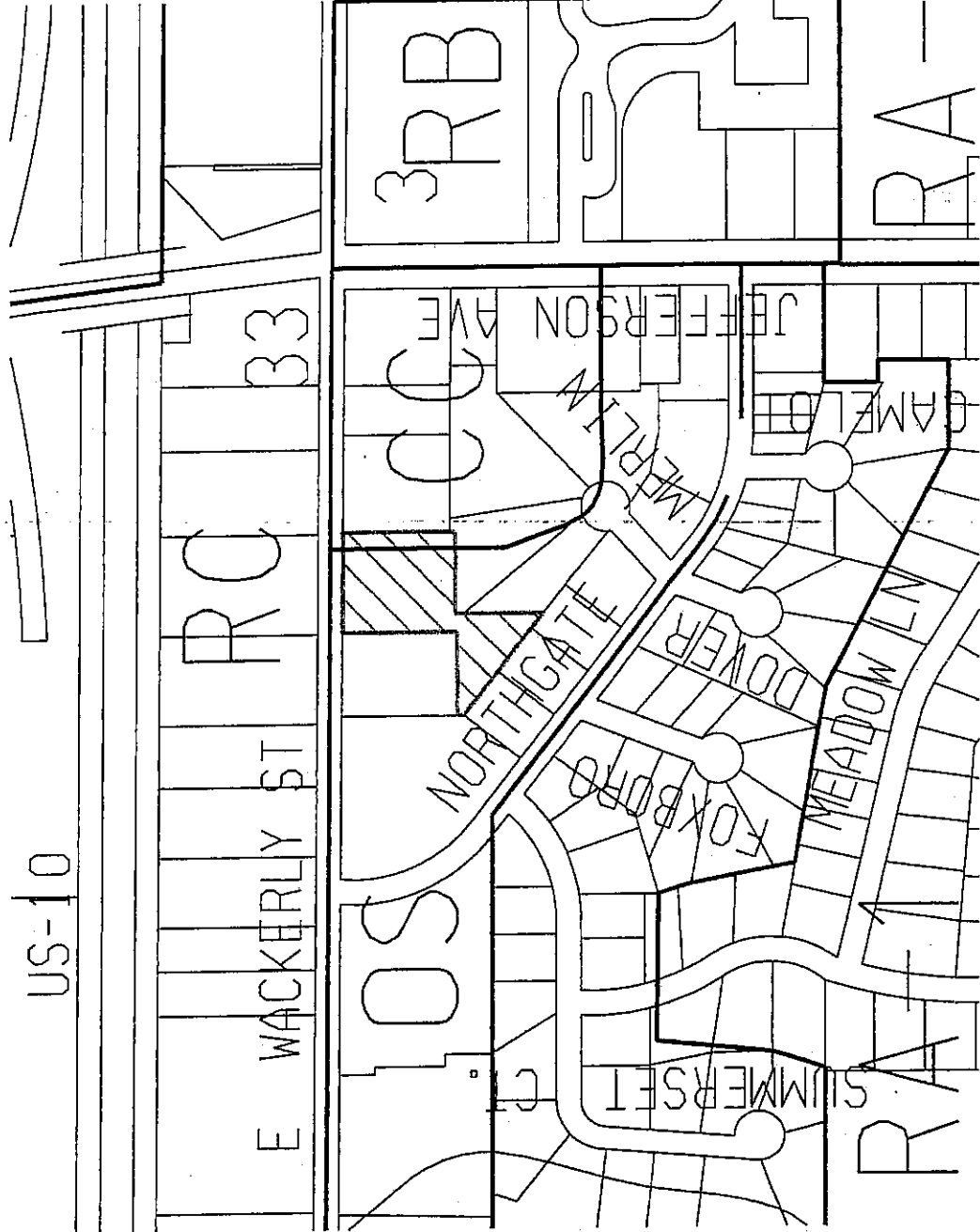


Daryl Poprawe

Acting Director of Planning and Community Development

ZONING PETITION NO. 540

US-10



CITY OF MIDLAND ZONING MAP

LEGEND

UPDATE: 5/11/2006

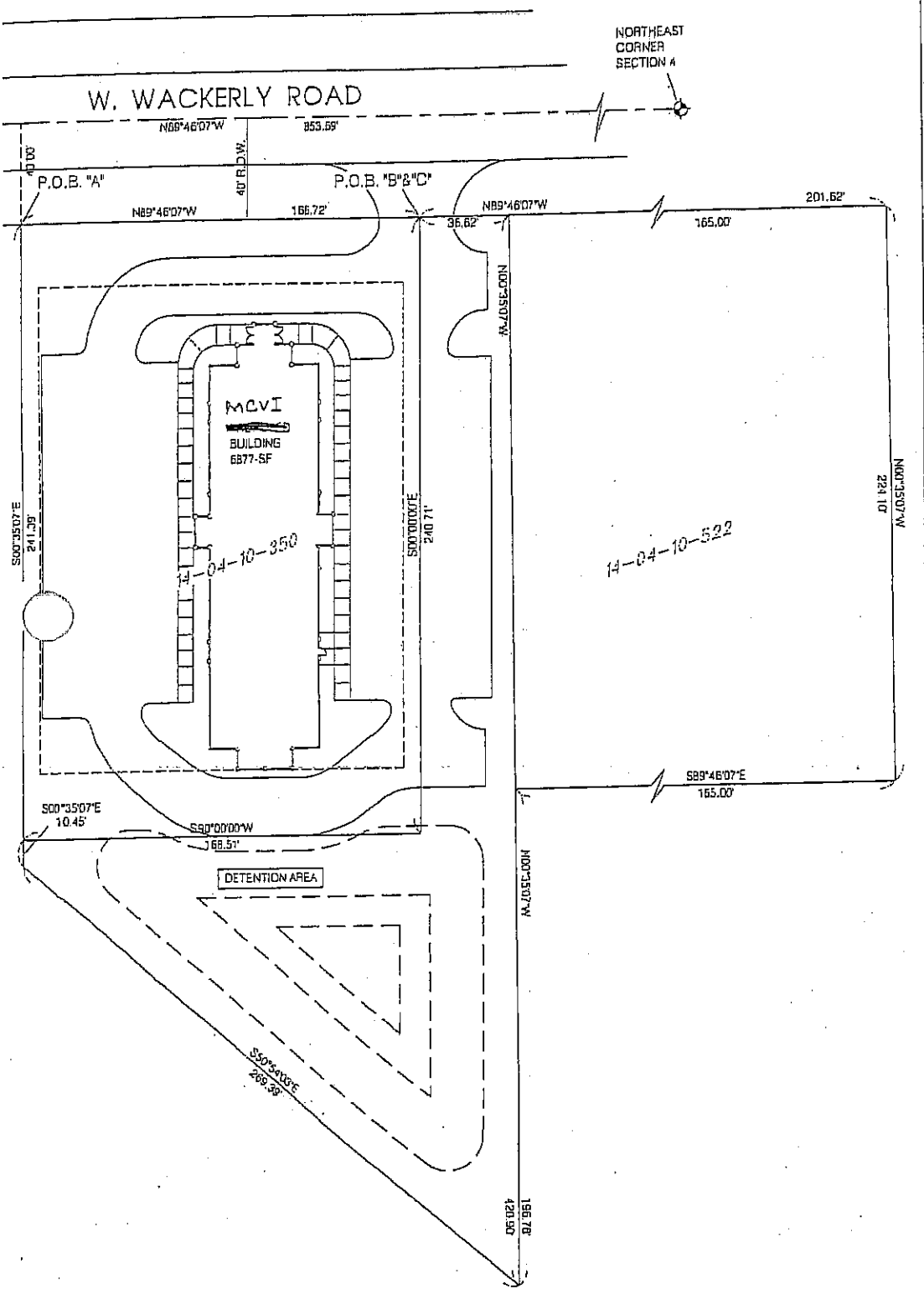
- RA-1 RESIDENTIAL
- RA-2 RESIDENTIAL
- RA-3 RESIDENTIAL
- RA-4 RESIDENTIAL
- RB RESIDENTIAL
- RD MOBILE HOME PARK
- OS OFFICE SERVICE
- COM COMMUNITY
- AG AGRICULTURAL
- NC NEIGHBORHOOD COMMERCIAL
- C CIRCLE DISTRICT
- D DOWNTOWN DISTRICT
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- LCMR LIMITED COMMERCIAL
- MANUFACTURING, RESEARCH
- IA INDUSTRIAL
- IB INDUSTRIAL
- D-O DOWNTOWN OVERLAY
- HP HISTORIC PRESERVATION OVERLAY DISTRICT
- * ZONING IN PROCESS

SURVEY FOR:

Bennett Construction
2981 East Monroe Road
Midland, Michigan 48640



Scale: 1" = 50'



How & King Engineers
1516 Tech Drive, Bay City, Michigan 48706
Tel. (989) 684-8850
Fax. (989) 684-8404

104,974 ± ±
2.4 AC ±

PARCEL DESCRIPTION "A" - MCVI Parcel

Part of the northeast ¼ of the northeast ¼ of section 4, T14N-R2E, City of Midland, Midland County, Michigan described as commencing North 89 degrees 46 minutes 07 seconds West 853.69 feet along the north section line, and South 00 degrees 35 minutes 07 seconds East 40.00 feet from the Northeast section corner to the Point of Beginning; thence South 00 degrees 35 minutes 07 seconds East 241.39 feet; thence North 90 degrees 00 minutes 00 seconds East 168.51 feet; thence North 00 degrees 00 minutes 00 seconds East 240.71 feet; thence North 89 degrees 46 minutes 07 seconds West 168.72 feet parallel to and 40 feet south of the North section line to the Point of Beginning. Containing 0.93 acres.

PARCEL DESCRIPTION "B" - remainder of tax ID #14-04-10-350

Part of the northeast ¼ of the northeast ¼ of section 4, T14N-R2E, City of Midland, Midland County, Michigan described as commencing North 89 degrees 46 minutes 07 seconds West 853.69 feet along the north section line, and South 00 degrees 35 minutes 07 seconds East 40.00 feet; thence South 89 degrees 46 minutes 07 seconds East 168.72 feet from the Northeast section corner to the Point of Beginning; thence South 00 degrees 00 minutes 00 seconds East 240.71 feet; thence South 90 degrees 00 minutes 00 seconds West 168.51 feet; thence South 00 degrees 35 minutes 07 seconds East 10.45 feet; thence South 50 degrees 54 minutes 03 seconds East 269.39 feet; thence North 00 degrees 35 minutes 07 seconds West 420.90 feet; thence North 89 degrees 46 minutes 07 seconds West 36.62 feet parallel to and 40 feet south of the North section line to the Point of Beginning. Containing 0.66 acres.

PARCEL DESCRIPTION "C" - tax ID #14-04-10-522 + remainder of tax ID #14-04-10-350

Part of the northeast ¼ of the northeast ¼ of section 4, T14N-R2E, City of Midland, Midland County, Michigan described as commencing North 89 degrees 46 minutes 07 seconds West 853.69 feet along the north section line, and South 00 degrees 35 minutes 07 seconds East 40.00 feet; thence South 89 degrees 46 minutes 07 seconds East 168.72 feet from the Northeast section corner to the Point of Beginning; thence South 00 degrees 00 minutes 00 seconds East 240.71 feet; thence South 90 degrees 00 minutes 00 seconds West 168.51 feet; thence South 00 degrees 35 minutes 07 seconds East 10.45 feet; thence South 50 degrees 54 minutes 03 seconds East 269.39 feet; thence North 00 degrees 35 minutes 07 seconds West 196.78 feet; thence South 89 degrees 46 minutes 07 seconds East 165.00 feet; thence North 00 degrees 35 minutes 07 seconds West 224.10 feet; thence North 89 degrees 46 minutes 07 seconds West 201.62 feet parallel to and 40 feet south of the North section line to the Point of Beginning. Containing 1.46 acres.

**MINUTES OF THE MEETING OF THE MIDLAND CITY
PLANNING COMMISSION,
WHICH TOOK PLACE ON TUESDAY,
NOVEMBER 28, 2006, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Brown, Gaynor, Hanna, Kozakiewicz, Mead, Senesac and Svenson

ABSENT: Eyre & Jocks

OTHERS PRESENT: Daryl Poprave, Acting Director of Planning & Community Development; Cheri Standfest, Community Development Specialist and 15 others.

2. Approval of Minutes

Regular Meeting of November 14, 2006.

It was moved by Senesac and supported by Hanna to approve the minutes of November 14th. The minutes were unanimously approved.

3. Public Hearing

- a. Site Plan 254** – Three Rivers Corporation, on behalf of Midland Medical Oncology, for site plan review and approval for an 11,409 square foot medical office building at 4500 Campus Ridge Drive.

Dan Kozakiewicz requested to be allowed to abstain as he is employed by Three Rivers Corporation. Moved by Hanna, seconded by Svenson to allow Mr. Kozakiewicz to abstain. Motion passed unanimously.

Mr. Poprave showed an aerial photo. The subject property is located south of Saginaw Road and west of Orchard Drive. The property is zoned community, which allows hospitals and associated uses with hospitals by right. This building will reside on property owned by the hospital. It is a very wooded area and the hospital has taken great steps to ensure the majority of the existing trees will remain. They wanted to ensure that the water detention pond will not impact the existing trees on the site. The site plan has been reviewed by all the departments in the city. There were no major issues raised with the site plan. As of 2005, 2,148 spaces have been constructed on this property. They will add additional spaces which will exceed their requirement for parking by 48 spaces. They will need to extend the water main all the way to McCandless Drive. There is no irrigation shown for landscaping but it is city staff's understanding that there will be irrigation similar to the rest of that around the hospital.

There are 11 contingency items noted in the staff report. These will be required in order for this site plan to be in order with the city zoning ordinance.

Keith Wirth, architect for Three Rivers Corporation, Midland spoke on behalf of the petitioner. They received Mr. Poprave's report today and they do plan to incorporate the contingency items into their site plan. They will extend the water main all the way down to Campus Ridge and will loop to McCandless Drive which will extend out to Saginaw Road. They have increased the parking by four spaces. They will place the mechanical materials on the roof and surround it with sound deadening screening. There will be approximately 25 employees that will require parking for this building. Site lighting will be typical pole lighting. The building itself will be a brick veneer building about 16 feet tall.

No one spoke either in favor of or in opposition to this site plan request.

- b. **Zoning Petition No. 532 (tabled)** – Consideration of a petition initiated by Patrick and Shawn Pnacek to rezone .98 acres of land located at 110 Oakbrook Drive from RA-1 to OS.

This is still tabled and will not be dealt with tonight.

- c. **Zoning Petition No. 533 (tabled)** – Consideration of a petition initiated by Dr. John Pfenninger to rezone 1.19 acres of land located at 101 Oakbrook Drive from RA-1 to OS.

This is still tabled and will not be dealt with tonight.

- d. **Zoning Petition No. 534 (tabled)** – Consideration of a petition initiated by Patrick and Shawn Pnacek to rezone .96 acres of land located at 104 Oakbrook Drive from RA-1 to OS.

This is still tabled and will not be dealt with tonight.

4. Public Comments (not related to agenda items)

Faye Wood submitted a letter regarding rezoning home areas to also allow small business for the convenience of the people living in the area.

5. Old Business

- a. **Zoning Petition No. 535** – Consideration of a petition initiated by the Planning Commission to zone property located at 7304 Jefferson Avenue from township zoning to RA-1 Residential.

Mr. Poprave showed an aerial photo of this area, showing the property is located south of Julie Ann Drive and east of Jefferson, north of Broadhead

Estates. This property is presently zoned Residential A in Larkin Township. The proposal is that this parcel retain a low-density residential status, which is RA-1 in the City's Zoning Ordinance. No additional comments were received by the Planning Department regarding this zoning. No one spoke in favor of or in opposition to this request.

Mr. Mead stated he sees no problem with the proposed zoning. Mr. Gaynor and Ms. Svenson agreed.

It was moved by Mead and supported by Svenson to recommend approving Zoning Petition No. 535 by the Planning Commission to zone property located at 7304 Jefferson Avenue from township zoning to RA-1 Residential.

YEA: Brown, Gaynor, Hanna, Kozakiewicz, Mead, Senesac and
Svenson

NAY: None

ABSENT: Eyre & Jocks

The motion was approved 7-0.

b. Zoning Petition No. 536 – Consideration of a petition initiated by the Planning Commission to zone property located at 6715 and 6719 Herbert Road from township zoning to RA-3 Residential.

The secretary showed an aerial photo which encompasses 6715 and 6719 Herbert Road. It is south of Herbert Road, north of Saginaw Road, east of Stark Road. It is adjacent to regional commercial on the zoning map. The property was annexed in July 2006. The land use shows this land in a general commercial category, however, due to the current uses on the property, it was suggested to retain the residential zoning. No additional public comments were received regarding this zoning petition. No one spoke in favor of or in opposition to this request.

Mr. Gaynor has no objections to this zoning. There is general consensus of the Planning Commission that this is a good zoning classification. Mr. Senesac stated that when this master plan was created it was thought perhaps business might go all the way up to Wackerly Road. However, this property is developed residential and it makes a lot of sense to keep it zoned as it is developed. Mr. Mead agreed.

It was moved by Hanna and supported by Brown to recommend approving Zoning Petition No. 536 by the Planning Commission to zone property located at 6717 and 6719 Herbert Road from township zoning to RA-3 Residential.

YEA: Brown, Gaynor, Hanna, Kozakiewicz, Mead, Senesac and
Svenson

NAY: None

ABSENT: Eyre & Jocks

The motion was approved 7-0.

c. Zoning Petition No. 537 – Consideration of a petition initiated by the Planning Commission to zone property located at 6500 and 6501 Airport Road from township zoning to Industrial A.

Mr. Poprave showed an aerial photo of this area, which was annexed in 2006 from Lincoln Township into the City of Midland. It is bisected by a public street that was put in from Hicks Road to Stark Road, which is the extension of Airport Road. It is east of Stark Road, east of US-10. It is approximately 100 acres in size. The future land use map shows this entire area as light industrial. East of Hicks Road shows a commercial designation. This area has been designated light industrial since the 1991 master plan, even though it had not been annexed into the city until recently. LCMR zoning falls within the light industrial land use category. If this zoning classification were considered tonight, they would not have to advertise for another public hearing as it is similar to the Industrial A classification so far as uses are concerned.

No one spoke in favor of the petition. Kevin Wright, 1120 Sanford Road spoke in opposition to this petition. He lives about 650 feet north of the MUGA boundary. He is the Supervisor for Lincoln Township. His concern is not whether or not the Fisher property fits the Industrial A zoning classification, but whether the Industrial A zoning fits the Fisher property. Most of the Industrial A zoning in the city is located in the southeast portion of the city. The zoning ordinance also states Industrial A should be located in proximity to the Midland Cogeneration Plant. He also stated that the more intensive industrial uses should be located in Industrial B and should be buffered from residential zoning by surrounding land uses. There are neighboring residences all around this Industrial A zoning and these would not be compatible with the surrounding land uses. The areas around to the north, east and west are all occupied by residential land uses. The Inman Drain runs through this area, through the Cook School area, through the hospital area and eventually drains into the Tittabawassee River. Those industrial pollutants could be dumped into this drain and eventually dumped into the Tittabawassee River. He requested the Planning Commission reconsider the zoning to LCMR or to Office Service.

Kathy Fogus, 1797 N. Hicks Road spoke again tonight. This property has been in their family for 50 years. The industrial uses would discharge directly into a flood plain area which would continue south throughout the city. The pollution run-off will hit Sturgeon Creek and continue south into the Tittabawassee River. If this Industrial zoning is allowed, the residents of Hicks Road will be caught between two industrial areas. She recommended this parcel of land be more conducive to the surrounding property uses, and apply a residential zoning classification to this land.

Kathleen Kemp, 1800 N. Stark Road. She and her dad own 40 acres on Stark Road, up to Sanford Road. Her dad purchased the property in 1948. It was one of the original homesteads in Lincoln Township. In 2001, she opened her state licensed day care. This is her source of income. Zoning this area Industrial A would discourage people from bringing their children to her day care. This industrial area would discharge its waste into a natural waterway, which runs through the City of Midland. She is also concerned about the fire hazard of these industrial uses because this area would be surrounded by existing wooded areas. Mr. Fisher is trying to develop his property without DEQ permission and they are currently investigating this use of property, which perhaps includes wetlands according to some of the state maps.

Sheila Messler, 2049 N. Dublin Road, stated she lives just north of Hicks Road and has about 15 acres. She feels the property to the east would never be zoned industrial as there are residential properties there now and they would never agree to anything but residential zoning.

Elizabeth Jackson, 1695 N. Stark Road – She has a small truck terminal nearby her home.

Sandy Dunlap stated she was not at the first hearing. Her mother and dad own the property on N. Stark Road. Years ago, when her dad bought the property, no one knew what would happen with the expansion of the city in the future. It seems now like one person, Mr. Fisher, has plans to move his business out of the city. However, there are a large number of people who live out there and this would make a big difference in their lives. This seems to be one man vs. the entire community. She requested that it not be zoned industrial and that LCMR might be a possibility as it is a lower intensive use.

Mr. Senesac stated he has done a lot of re-thinking about this zoning petition. He keeps looking at that part of town and he feels it is appropriate to have an industrial zone on that part of town. That intersection is the appropriate place to have it. He realizes that wherever they put it, it will have some impact on someone. However, the master plan indicates there should be some industrial zoning in that part of town and he continues to believe the master plan is correct for this area.

Ms. Hanna stated she appreciated the residents taking property right stands and she ensured them that they will be heard. She appreciates their pointing out where that drainage system goes. She feels this is important information.

Mr. Gaynor stated he has thought long and hard about this. It is located along a major highway – US-10. In his opinion, the appropriate place for industrial use is along a major highway. He does think industrial zoning is the appropriate use for this area. Things will be built there and that is the reality of it. It will not remain farmland forever. It is appropriate for industrial

as trucks can exit from the expressway and not have to drive through residential areas to get to the industrial areas.

Ms. Svenson stated that anything allowed by industrial could be built there. She could not support industrial use, but she could perhaps support LCMR or something less intensive use.

Mr. Gaynor stated you can look at any area of the city and find some residential uses. There were residential uses in the area of the mall prior to it being built. However, the mall was still built in that area.

Mr. Mead stated he is leaning toward the LCMR classification. Ms. Brown agreed. Mr. Senesac stated he could support either one. Ms. Hanna stated she could not support either one. Mr. Kozakiewicz stated the master plan that exists was put into place in 1991. He is sure some of these issues came up and were discussed at that time. We are also working on the future master plan at this time and this area is still designated for industrial use. He would support the industrial designation.

It was moved by Gaynor and supported by Svenson to recommend approving Zoning Petition No. 537 by the Planning Commission to zone property located at 6500 and 6501 Airport Road from township zoning to Industrial A.

YEA: Gaynor, Kozakiewicz, and Senesac
NAY: Hanna, Svenson, Mead and Brown
ABSENT: Eyre & Jocks

The motion was denied 3-4.

It was moved by Mead and supported by Senesac to recommend approving Zoning Petition No. 537 by the Planning Commission to zone property located at 6500 and 6501 Airport Road from township zoning to LCMR.

YEA: Gaynor, Kozakiewicz, Svenson, Senesac, Mead and Brown
NAY: Hanna
ABSENT: Eyre & Jocks

The motion was approved 6-1.

d. Zoning Petition No. 538 – Consideration of a petition initiated by the Planning Commission to zone public right of way identified as the Airport Road Extension from township zoning to Industrial A.

This property is basically the road itself. It is the Airport Road extension. The road was constructed to increase circulation in and around the mall area. It was not requested by any individual property owner. This road should share the same zoning as the adjacent parcels. There is property to the east that is currently not in the city. Because of that road being in the

city, properties to the north of the road are now considered contiguous to the city and can be annexed into the city.

Kathleen Kemp, 1800 N. Stark Road. She was not here to hear this petition. She feels this is not a common practice to zone a road in the city. It puts the property owners in a position where they will have to have similar zoning if that is what the road is zoned. It does not give the property owners any choice in the matter.

Elizabeth Jackson, 1695 N. Stark Road. She just wanted to know when these are scheduled to be presented to City Council.

It was moved by Mead and supported by Svenson to recommend approving Zoning Petition No. 538 by the Planning Commission to zone public right of way identified as the Airport Road Extension from township zoning to LCMR.

YEA: Brown, Gaynor, Kozakiewicz, Mead, Senesac and Svenson
NAY: Hanna
ABSENT: Eyre & Jocks

The motion was approved 6-1.

e. **Zoning Petition No. 539** – Consideration of a petition initiated by the Planning Commission to zone property located at 730 Oakbrook Drive from township zoning to RA-1 Residential.

This property is located at the end of Oakbrook Drive, east of Jefferson, north of Oakbrook Drive. It is a little bit odd that the cul-de-sac at the end of the street is located in the city and the property along the rest of the street is located in the township. It is a large lot and already has a home on it. This homeowner wants city water so he has annexed into the city and has already connected to city water.

No one spoke in favor of or in opposition to this request.

It was moved by Gaynor and supported by Hanna to recommend approving Zoning Petition No. 539 by the Planning Commission to zone property located at 730 Oakbrook Drive from township zoning to RA-1 Residential.

YEA: Brown, Gaynor, Hanna, Kozakiewicz, Mead, Senesac and Svenson
NAY: None
ABSENT: Eyre and Jocks

The motion was approved 7-0.

f. **Zoning Petition No. 540** – Consideration of a petition initiated by Todd Bennett on behalf of Bennett Construction to rezone property at 221 West

Wackerly Street, north and east of Northgate Drive from Office Service to Community Commercial.

This lot has been in the city for a while and is a rezoning rather than just applying city zoning to a parcel. This is located east of Wackerly and south of Jefferson. The building to the east is MCVI and a portion of the property to the south currently houses a water retention area. The area around this property is already zoned community commercial. The zoning is not in compliance with the master plan in this area of town. This proposal is to rezone 2.4 acres of land. This property has been before the Planning Commission previously for rezoning and has been denied. This would not be spot zoning; it would be the expansion of an existing commercial area. Community Commercial also allows many office-style uses so this would not significantly change the use in this area. However, office service does act as a buffer between the residential to the south and this property. The land use plan designates the majority of this land as office service. Because it was not consistent with the master plan, staff's recommendation for this petition is denial.

Sheila Messler is representing the petitioner. The reason why the detention pond is on here is so it is the same zoning as the surrounding property. By mere fact that it is part of the property description is why it is in this petition. The parking lot will remain a parking lot. Bottom line, you are talking about 75 feet. In the 1991 and 1997 master plans, this property was already zoned commercial. They want to add two small businesses. What is there will remain there.

Dick Vonkorff, 15 Rosemary Court. Mr. Vonkorff stated he is 91 years old. He is a member of the Unitarian Church across the street from here. He would like to see some nice architecture in some of the new structures being built.

Kim Krantz, 6201 Jefferson, Coffee Chaos. Years ago, the city spent a great deal of money to bring businesses to the Midland area. Here is an opportunity to help bring small businesses to this area. It is a community effort in combination with the office service and residential development in this general area. He does not feel this change would have a significant impact in the area.

Mr. Mead stated his concern is the inclusion of the water detention area and, because this area is included, he would vote against it.

Mr. Senesac stated that the land MCVI is located on was requested to be rezoned and when it was denied, MCVI was built. This property has come before the Planning Commission numerous times. He asks himself what has changed that would make him want to change his vote for this. He does not see anything different than before. He will vote against it.

Mr. Gaynor stated that when he looks at how this area is developing, there is really no commercial within a mile of this area. This is really serving a purpose. There is quite a distance to the nearest commercial area. There is lots of residential in a relatively close area and they do not have to get into their cars and drive to a commercial area to receive services. He feels this has been a successful development and the city should support it.

Ms. Svenson stated she can see nice office service there and nice commercial there. She does not know what would be built there – only what could be built there if the zoning were changed to commercial.

Ms. Brown stated she can see both sides. She will support the proposal.

Ms. Hanna will support this area as office service. She likes the idea of confining the uses in this area to what is allowed in office service. Mr. Kozakiewicz agrees. He will vote to deny the change.

It was moved by Svenson and supported by Mead to recommend approving Zoning Petition No. 540 by Todd Bennett on behalf of Bennett Construction to rezone property at 221 West Wackerly Street, north and east of Northgate Drive from Office Service to Community Commercial.

It was moved by Mead and supported by Hanna to continue the meeting until 9:40 p.m. Motion approved.

YEA: Brown and Gaynor
NAY: Hanna, Kozakiewicz, Mead, Senesac and Svenson
ABSENT: Eyre and Jocks

The motion was denied 2-5.

6. New Business

None

7. Communications

None

8. Report of the Chairman

None

9. Report of the Planning Director

CITY COUNCIL

November 20th

PUBLIC HEARINGS

ZP 531

ACTION ITEMS

ZP 531 – Approved by CC by 5-0 vote

December 4th

PUBLIC HEARINGS

None

ACTION ITEMS

Set public hearings for ZP 535, 536, 537, 538, 539, and 540

Hearings should be scheduled for January 8, 2007.

Remand (3) Street vacations for Bay City Road, Buttles and Midfield Lane to Planning Commission for recommendation on 12/12/06

PLANNING COMMISSION

November 28th

PUBLIC HEARINGS

Site Plan #254 – A 11,409 sq. ft. medical office building on the MidMichigan Medical Center campus located at 4500 Campus Ridge Dr.

ACTION ITEMS

ZP 535, 536, 537, 538, 539, 540

December 7th

SPECIAL MASTER PLAN MEETING

LSL presentation on Transportation and Community Facilities

December 12th

PUBLIC HEARINGS

None

ACTION ITEMS

SP 254

Public property vacations

1. Bay City & Austin from Washington to S. Saginaw
2. Buttles south of Third St.
3. Midfield Lane

ZONING BOARD OF APPEALS

December 19th

Cancelled

PENDING ADMINISTRATIVE SITE PLAN REVIEWS

None

DIRECTOR'S NOTES

The final regular meeting of the Planning Commission for 2006 will be on December 12, 2006 at 7:00 p.m.

The next special meeting on the Master Plan is scheduled for Thursday, December 7, 2006 at 6:00 p.m. in City Council Chambers. Following this meeting the next Master Plan meeting will be: Thursday, January 4, 2006.

The public can view the Master Plan Update by accessing the City's website at www.midland-mi.org and going to the Master Plan Update link on the homepage.

10. Adjourn

Adjournment at 9:40 p.m. was unanimously approved.

Respectfully submitted,

Daryl Poprave
Acting Director of Planning and Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING
COMMISSION

City Planning

11/28/2006

I've wrote to Midland before about rezoning home areas to also small business. I was busy with another problem of Midlanders.

Midland has built more homes and apartment housing on open fields. Those people need to be able to have small stores for kids or grand kids to run buy milk bread, ect. How many times did your mom send down the street for toilet paper. Some things you can't wait for people to buy on way home.

Midland is growing, at one time Enginour rd was country. More homes were built around Midland more businesses were need.

If Midland businesses worrie about losing business, They need to remember - We now have baby boomers children with families needing things. These small businesses make Midland jobs. Look at needs of new centers. I brought this info to City Planning. If I can't speak about this to Council, because I'm busy. Council can make copy of this. And see me tonite if watching.

Happy Holidays and Dreams.

Fray Wood
3581 Cascity rd Midland, Tx
48642-6008



JEFFREY A. DULUDE, D.D.S., P.L.C.

314 Northgate Dr. • Midland, MI 48640 FAMILY DENTISTRY (989) 835-7842

RECEIVED
NOV 9 2006
PLANNING DEPT.

November 2, 2006

RE: Zoning Petition #540

Dear Midland City Planning Commission,

I am writing this letter in opposition to the Re-Zoning of Todd Bennett's property on W. Wackerly. My colleagues and I have been against this rezoning proposal two previous times (see past petitions #521 in June '05 and #500 in Spring '03). Both petitions were defeated by your commission.

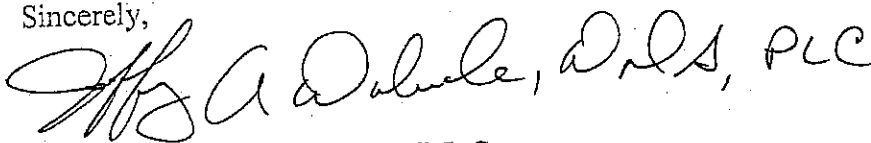
I also disagree with the triangular retention basin (see map) that was to always be zoned office service; which it is currently zoned as such. This parcel of land directly adjoins my property. Bennett Construction said they had no intention of rezoning this portion at the last hearing in June '05. The property was zoned for office service with the master Plan of the City.

The property was zoned for office service with the Master Plan of City before Bennett started to build on this location. There is no need to encroach upon office service with commercial, for there is plenty of space down the street or across US-10 in less developed areas that are currently zoned for commercial use. Please continue to be consistent with the previous defeated petitions. We do not want any more commercially zoned property on this block.

I can not be in attendance November 14th, 2006 because I am out of town!

Thank you for your time.

Sincerely,



Dr. Jeffrey A. Dulude, D.D.S., P.L.C.

November 2, 2006

RE: Zoning Petition #540

Dear Midland City Planning Commission,

We currently own and operate established professional health businesses on the same block as the proposed rezoning of Bennette Construction property located on W. Wackerly. It is proposed to change from office service to community commercialcommercial commerce. This rezoning has been tried twice before and defeated both times by the City Planning Commission.

We all locateu our offices in this location with the understanding that it was initially proposed to be office service. We all feel the rezoning of this property would have a negative effect on our properties. It also goes against the master plan of the city.

This area of Midland has had tremendous growth and is regarded as one of the most desirable locations for professional office service in the city of Midland. It has a reputation of being neat, clean, and well maintained. We feel rezoning this property would take away this reputation. As we all look forward to resale someday, we know the value of professional offices would be negatively affected by this rezoning.

There are many other locations in the immediate area that Community Commercial businesses would be better suited for and serve the community. We are hoping that the planning commission takes another very serious look at this proposal for the 3rd time. This was turned down in the Spring 2003 and again in the Summer 2005. Why would it be any different now? Why not rezone some of the other lots on Wackerly? These lots do not have professional healthcare building adjoining those lots, as ours do. Please send a message for the 3rd time that we do not want Community Commercial any closer to our businesses.

Thank you for your consideration. We are hopeful that the current zoning we have will continue to prevail for not once, not twice, but for a third time.

Sincerely,

Dr. Richard Bartling

Dr. Dale Davis

Dr. Lisa Davis

Dr. Jeff Dulude

Dr. Thomas Johnson

Dr. Chris Jones

Dr. Shelley Jones

Dr. Charles McLaren

Dr. John McLaren

Dr. Richard Poupard

Dr. Larry Skoczlas

Dr. Marqueritte Kuhn

Dr. Michelle Monticello

Dr. John Carter

Dr. Laurence Lang

Dr. David Donahue

REGISTERED

NOV 15 2006

Midland Oral and Maxillofacial Surgery, P.C.

PLANNING DEPT.

Mt. Pleasant Oral and Maxillofacial Surgery

Larry J. Skoczylas, D.D.S., M.S.
Richard J. Poupard, D.D.S.
Richard P. Bartling, D.D.S.
Board Certified, American Board
of Oral and Maxillofacial Surgery



Members
American Association of Oral and
Maxillofacial Surgeons

May 25, 2005

Midland City Council / Planning Commission

RE: Rezoning petition 540, specifically addressing the Bennett property on Wackerly Road in Midland, Michigan.

Midland City Council and/or Mayor Bruce A. Johnson;

The three surgeons of Midland Oral and Maxillofacial Surgery, Dr. Larry Skoczylas, Dr. Richard Poupard, and Dr. Richard Bartling currently have a new surgical facility at 6112 Merlin Court. Our practice has been established and functioning in Midland for 30 years. We were previously in a desirable location on Eastman Avenue. Our practice grew and four years ago we decided we needed a new larger facility. We decided to purchase our own land and build a new office. This was a significant expense for the three of us and a significant investment in this community. Many other businesses have benefited from our decision to build a new office within the Midland City confines.

We did an extensive and exhaustive search of the entire Midland County region prior to deciding to locate our new business in the southwest corner of the intersection of Wackerly and Jefferson Avenue. We built or building and established our practice in this area because it already had a multitude of established healthcare practices. The area had a superb reputation and the general public was used to obtaining their healthcare services in this area. We were sure that the surroundings and the other buildings around us would be maintained in a clean, orderly, and professional manner.

Clearly the three of us expect to get some remuneration for the enormous amount of energy and investment we put into our building as we retire. Our business will retain its value only as long as the entire area is well maintained and professional. Therefore, a significant part of our business investment plan was contingent upon the area remaining zoned for Office Service Professional.

Amazingly, after going through this two times before, it appears that Bennett Construction is trying again to get their property in our backyard rezoned. If they believe that our resolve on this issue will wane or they are attempting to catch us off guard, they are mistaken. I'm told that a new relative within the Bennet Construction family is heading this latest attempt to change established city zoning. I can't see how that should make any difference. Hopefully this issue will be put to rest with baseballs "three strikes and your out" rule.

Nothing in our objection has changed. We do not believe any builder should have a disproportionately large proportion of influence on what are supposed to be long term zoning plans. There is plenty of land available within the city of Midland, which allows for other commercial developments. In fact, just north of Wackerly on both the west and east side of Eastman, there is plenty of property that can be utilized for commercial purposes.

6112 Merlin Court
Midland, Michigan 48640-6748
(989) 839-9979
Fax (989) 839-9553
www.MidlandOMFS.com

4851 E. Pickard
Mount Pleasant, Michigan 48858
(989) 773-8065
Fax (989) 773-3566
www.MidlandOMFS.com

Midland Oral and Maxillofacial Surgery, P.C.
Mt. Pleasant Oral and Maxillofacial Surgery

Larry J. Skoczylas, D.D.S., M.S.

Richard J. Poupard, D.D.S.

Richard P. Bartling, D.D.S.

Board Certified, American Board
of Oral and Maxillofacial Surgery



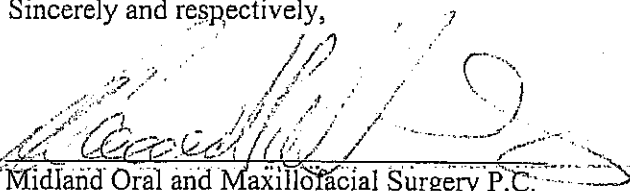
Members
American Association of Oral and
Maxillofacial Surgeons

It would seem to be impossible that numerous established businesses with a multitude of healthcare professionals do not have more influences on the board than a single contractor. Unlike Bennet Construction, we are not trying to change anything that is already established. We are simply asking the Midland City Council to support its own established long term zoning plan.

Making changes is usually far more difficult than keeping the status quo. All the healthcare professionals in the area have invested in this area because we expect that the Midland City Council will keep its promise and leave this zoned as professional service only. We respectfully submit that there are an overwhelming number of people who have objections to the proposed change.

The three of us are assuming that there must be some kind of "statue of limitations" on this issue. We are wondering how many times our tax dollars are going to be squandered re-visiting this same issue. Hopefully, the members of the City Council will finally settle this matter and stop wasting its valuable time on this issue. We will certainly be disappointed if we have to make our objections known again in the future.

Sincerely and respectfully,



Midland Oral and Maxillofacial Surgery P.C.

Larry J. Skoczylas, D.D.S., M.S.

Richard J. Poupard, D.D.S.

Richard P. Bartling, D.D.S., F.R.C.D.C.

Accredited Staff Surgeons of the MidMichigan Medical Center Midland Hospital

Members of the Midland County Medical Society

Members of the Midland, Mount Pleasant and Saginaw Valley Dental Societies

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NOV 13 2006

PLANNING DEPT.

November 2, 2006

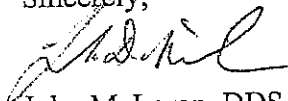
RE: Zoning Petition #540

Dear Mr. Poprave,

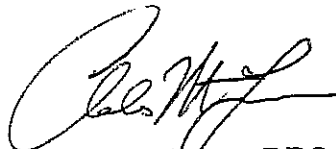
The purpose of this letter is to oppose the proposed rezoning of the Bennett Construction property located on W. Wackerly. This is the second time in two years that we have written to oppose the proposed rezoning. Having purchased our office at our location, we believed that the area would continue to be zoned as office-service, and we have based our future on the confidence that the area would continue to provide a professional setting, free from a gas station, fast-food restaurant, or other business distractions.

Thank you in advance for your consideration on this matter.

Sincerely,



John McLaren, DDS MS
Co-owner, McLaren Dental Associates



Charles McLaren, DDS MS
Co-owner, McLaren Dental

RE:

PUBLIC HEARING NOTICE
City of Midland
Proposed Zoning

Please take notice that the Midland City Planning Commission will conduct a public hearing on Zoning Petition No. 540, initiated by Todd Bennett for property owned by Bennett Construction to zone property on West Wackerly Street, north and east of Northgate Drive from Office Service to Community Commercial.

Said hearing will take place on Tuesday, November 14, 2006, at 7:00 p.m., in Council Chambers, City Hall, Midland, Michigan, as required by Article XXX, Section 30.03(A) of Ordinance No. 1585.

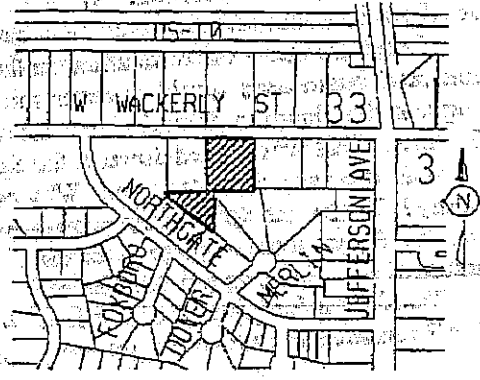
For additional information, contact the City Planning Department at 837-3374.

MIDLAND CITY PLANNING COMMISSION

ZONING PETITION NO. 540

EARL D. BENNETT CONSTRUCTION
Office-Service to Community Commercial

Daryl Poprave
Daryl Poprave, Secretary



[Redacted content]

November 2, 2006

RE: Zoning Petition #540

Dear Midland City Planning Commission,

We currently own and operate established professional health businesses on the same block as the proposed rezoning of Bennette Construction property located on W. Wackerly. It is proposed to change from office service to community commercial/commercial commerce. This rezoning has been tried twice before and defeated both times by the City Planning Commission.

We all located our offices in this location with the understanding that it was initially proposed to be office service. We all feel the rezoning of this property would have a negative effect on our properties. It also goes against the master plan of the city.

This area of Midland has had tremendous growth and is regarded as one of the most desirable locations for professional office service in the city of Midland. It has a reputation of being neat, clean, and well maintained. We feel rezoning this property would take away this reputation. As we all look forward to resale someday, we know the value of professional offices would be negatively affected by this rezoning.

There are many other locations in the immediate area that Community Commercial businesses would be better suited for and serve the community. We are hoping that the planning commission takes another very serious look at this proposal for the 3rd time. This was turned down in the Spring 2003 and again in the Summer 2005. Why would it be any different now? Why not rezone some of the other lots on Wackerly? These lots do not have professional healthcare building adjoining those lots, as ours do. Please a message send for the 3rd time that we do not want Community Commercial any closer to our businesses.

Thank you for your consideration. We are hopeful that the current zoning we have will continue to prevail for not once, not twice, but for a third time.

Sincerely,

Dr. Richard Bartling

Dr. Dale Davis

Dr. Lisa Davis

Dr. Jeff Dulude

Dr. Thomas Johnson

*Dr. Chris Jones

*Dr. Shelley Jones

Dr. Charles McLaren

Dr. John McLaren

Dr. Richard Poupard

Dr. Larry Skoczlas

Dr. Marquerite Kuhn

Dr. Michelle Monticello

November 2, 2006

RE: Zoning Petition #540

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Dr. Dale Davis

Dr. Lisa Davis

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Dr. Shelley Jones

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Dr. John McLaren

Dr. Richard Poupard

Dr. Larry Skoczlas

Dr. Marqueritte Kuhn


Dr. Michelle Monticello

Dr. John Carter

Dr. Laurence Lang

Dr. David Donahue

RECEIVED
NOV 09 2006
PLANNING DEPT.


DAVIS & DAVIS
Practice Limited to Orthodontics
DALE J. DAVIS DDS • LISA M. DAVIS DDS MS

November 7, 2006

RE: Zoning Petition #540

Dear Midland City Planning Commission,

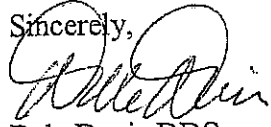
I am writing this letter in opposition to the re-zoning of Todd Bennett's property on West Wackerly Street. My colleagues and I have been against the rezoning in two previous petitions (#521 in June, 2005 and #500 in the Spring of 2003). Both petitions were defeated by your commission.

I also disagree with the triangular retention basin that is zoned office. Bennett Construction said they had no intention of rezoning this portion at the last hearing in June of 2005. This property was zoned for office service with the Master Plan of the City.

There is no need to encroach upon office service with commercial property. There is plenty of space zoned for commercial use elsewhere. Please continue to be consistent with the previous defeated petitions.

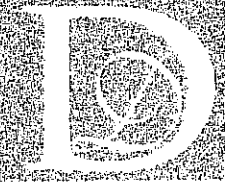
I can not be in attendance November 14th, 2006 meeting.

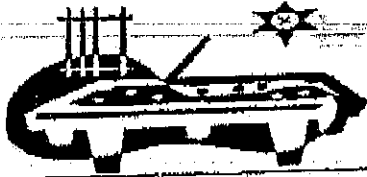
Thank you for your time and consideration,

Sincerely,

Dale Davis DDS



200 NORTHGATE DRIVE
MIDLAND, MI 48640
989.631.1334
FAX 989.631.0309





LEISURE ELEMENTS



104 W. WACKELY STREET
MIDLAND, MI 48640
(989) 633-6000 / FAX: (989) 633-9711

November 09, 2005

Attention: Darrell Poprave

I am writing to encourage the retail expansion of Wackerly Square. As a small business owner of Leisure Elements, here on the corner of Wackerly & Jefferson, I (as well as the others in the area) would benefit from additional retail in the area; therefore, I believe this corner should offer more opportunities for the residents and current small business owners.

I believe this expansion would provide affordable retail on the North side of Midland, which is desperately needed. Bennett Construction has helped many small business owners that cannot afford Joe Mann property prices.

Bennett Construction has done a wonderful job with the current building—they raised the standard of quality with beautification of the area.

Thank you for your consideration,

Rob Gordon, Leisure Elements
104 W. Wackerly Street, Midland



Jet's Pizza of Midland

203 W. Wackerly - Suite A
Midland, MI 48640
(989) 633-9999

November 13, 2006

Mr. Daryl Poprave, Secretary
Midland City Planning Commission

RE: Zoning Petition # 540
Earl D. Bennett Construction
Office-Service to Community Commercial

Dear Mr. Poprave:

I am writing in support of the above petition put forth by Bennett Construction. As a small business owner currently operating in the Wackerly Square Plaza built by Bennett Construction, it is my opinion that a wider variety of retail outlets in this area will be very beneficial to existing businesses and local residents.

The benefit of having additional retail outlets conveniently available to local residents is obvious. As far as businesses are concerned, a wider variety of retailers will attract a larger and more diverse customer cross section to the area which will increase the exposure of **ALL** businesses in the area, including existing Office-Service businesses.

Bennett Construction has built a first class mall on this corner that is affordable, well constructed and architecturally appealing. We hear from our customers every day that this location offers an attractive alternative to the congestion on more heavily traveled streets such as Eastman and Saginaw. If facilities such as this were so well located and available in other areas of the state I would not hesitate to open additional outlets in every one of them.

Thank you for considering my opinion.

Sincerely,


Frank Colagiovanni - Owner
Jet's Pizza of Midland



Michigan CardioVascular
Institute

Robert A. Genovese, M.D., F.A.C.C.
Terri Fullerton, APRN, MSN, FNP-C

Midland Division
301 W. Wackerly Road, Midland, MI 48640
Phone: (989) 832-0900 Fax: (989) 633-0349

Rodney O. Diehl, D.O., F.A.C.C.
Tanveer A. Malik, M.D., F.A.C.C.

November 13, 2006

Mr. Darrell Poprave
Midland City Planning Department
333 West Ellsworth
Midland, MI 48640

Re: Request of Mr. Todd Bennett to rezone property along Wackerly Road

Dear Mr. Poprave:

Michigan CardioVascular Institute owns the property and building at 301 W. Wackerly, Midland, MI 48640, which is adjacent to the property owned by Mr. Bennett, along the south side of Wackerly Road between our building and Jefferson Avenue.

The purpose of this letter is simply to inform you that, as the owners of this particular property, we do not have any objection to the request of Mr. Bennett to rezone this property to commercial from office service.

Our feeling is that the zoning is appropriate and would not adversely affect our business or the value of our property.

Sincerely,

Robert A. Genovese, M.D.

RAG/dkm

November 13, 2006

Fax: Planning Dept
Attn: Daryl Poprave
837-5731

Scrapbooks Galore & More, LLC

104 W. Wackerly, Suite B
Midland, MI 48640

Daryl Poprave, Secretary
Midland City Planning Commission

Dear Mr. Poprave,

I am a brand new small business owner (2 ½ months) of Scrapbooks Galore & More, LLC located at the corner of Jefferson and Wackerly. I feel my store (and the other small businesses in this area) would benefit from more retail stores on this corner, rather than more offices. Therefore I urge that the property on West Wackerly Street, north and west of Northgate Drive be zoned as Community Commercial.

Thank you for your time and support.



Carol Arnosky
Scrapbooks Galore & More, LLC
104 W. Wackerly, Suite B
Midland, MI 48640



6213 Jefferson Ave St C
Midland, MI 48640

11/13/2006

Midland Planning Commission
Attn: Daryl Proprave

I am contacting you regarding the rezoning of the property at the Jefferson/Wackerly Rd intersection. I can see nothing but value to allowing the re-zoning to take place for this property. The city must grow to accommodate the demand for products and services and the Eastman Ave corridor is in no condition to handle the added traffic.

The service and retail industries operate hand in hand in other areas of this community as well as other cities. The aspect of co existence is necessary to allow the proper growth of our area.

The business owners in the area and up coming entrepreneurs need not have to take on the added burden of stifled growth due to shortsighted thinking. The community as a whole benefits from growth and keeps local residence shopping locally.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Thurston'.

Mike Thurston
Owner/Operator
989.839.4143

www.secellular.com

email: serviceexpress@secellular.com

ZONING PETITION NO. 540

