

AGENDA

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION, TO TAKE PLACE ON TUESDAY, APRIL 12, 2016, 7:00 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll Call
4. Approval of the Minutes Regular
Meeting – March 22, 2016
5. Public Hearings
 - a. Zoning Petition No. 604 – initiated by DGR Developments, Inc. to zone property located at 2705 and 3003 East Wackerly Street and 6001 and 6209 Waldo Avenue from Township zoning to Residential A-3 Single-Family Residential zoning.
 - b. Zoning Petition No. 605 – initiated by Primrose Retirement Communities, LLC to zone a portion of the property located at 5900 Waldo Avenue from Township zoning to Residential B Multiple-Family Residential zoning.
 - c. Zoning Petition No. 606 – initiated by Tower Pinkster on behalf of Northwood University to zone the property located at 4203 West Main Street from Residential A-1 Single-Family Residential and Residential B Multiple-Family Residential zoning to Community zoning.

Public Hearing Process

1. Staff presentation and overview of petition
 2. Petitioner presentation
 3. Public comments in support of the petition
 4. Public comments in opposition to the petition
 5. Opportunity for petitioner rebuttal and final comments
 6. Closing of public hearing
 7. Deliberation and possible decision by Planning Commission
6. Old Business
 - a. North Waldo Road – Future Land Use Map Discussion
 - b. North Saginaw Road – Future Land Use Map Discussion
 7. Public Comments (unrelated to items on the agenda)
 8. New Business
 - a. Temporary Accessory Buildings
 9. Communications
 10. Report of the Chairperson
 11. Report of the Planning Director
 12. Items for Next Agenda – April 26, 2016
 - a. Site Plan No. 346 – initiated by Northwood University for a 9,902 square foot addition at the Hall of Fame building, located at 4000 Whiting Drive.
 - b. Temporary Accessory Buildings

13. Adjournment

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, MARCH 22, 2016, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Hanna, Heying, Mayville, McLaughlin, and Tanzini

ABSENT: Pnacek, Senesac, and Stewart

OTHERS PRESENT: Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and one (1) other.

4. **Approval of Minutes**

Moved by Hanna and seconded by Mayville to approve the minutes of the regular meeting of February 23, 2016 as written. Motion passed unanimously.

5. **Public Hearing**

None

6. **Old Business**

- a. Zoning Ordinance Revisions

Kaye gave the presentation on the collection of zoning ordinance revisions that staff has been working on since the last time these revisions were in front of the Commission. The revisions will need to be reviewed by the City Attorney once the Commission is satisfied with the intent of the revisions.

Hanna explained her concern with the policing of exotic animals. The Commission indicated that they support the schedule proposed by staff to move forward with these revisions.

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

None

8. **New Business**

- a. Future Land Use Map Designation of 5900 Waldo Avenue

Kaye gave the staff presentation on the item which related to a broader discussion of the future land use map designations of the properties along the north Waldo Avenue area. He specifically addressed 5900 Waldo Avenue and the upcoming zoning petition to rezoning a portion of this property to RB Multi-Family Residential, the densest residential zoning district. The property is currently designated on the future land use map as Low Density Residential.

Bain wondered if Zoning Petition 604 is located near 5900 Waldo Avenue. Kaye explained that this is located to the northwest of 5900 Waldo across Waldo Avenue. The proposed RA-3 Single-Family Residential is consistent with the future land use designation of Low Density Residential.

McLaughlin wanted to know if this area was changed during the last revisions to the Master Plan in 2013. Kaye indicated that he believes this area was not changed but has rather been planned this way for the last seven years at least. Conditional rezoning is an option that the petitioner has to voluntarily limit the uses on the property but this is something the City cannot negotiate; it must be offered voluntarily by the petitioner.

Hanna commented that she thinks the higher density zoning district, as part of Zoning Petition 605, would be better suited a little farther south on Waldo Road within the area designated Medium Family Residential.

McLaughlin invited the property owner, David Rapanos of 16 Pinehaven Circle in Midland, to speak. Rapanos indicated that he and the City have greatly invested in north Waldo Avenue. Both parties are determined to make sure that the development that takes place is orderly and results in a better access situation that Eastman Avenue and Joe Mann Boulevard. The Primrose Retirement Community development that is driving the zoning petition on 5900 Waldo Avenue is a mix of independent villas, and low assistance and high assistance residences within a central building. He spoke to the market changes that are resulting in large-lot subdivisions, similar to the RA-1 Single-Family Residential zoning district, becoming much less desirable. He discussed his plans for the area subject to Zoning Petition 604 which he is planning to develop with smaller lots and offer amenities like community gardens, fire pits and walking trails.

Mayville wondered about fire coverage in this area of the city and whether or not the state has any plans to make a full interchange at Waldo Avenue and U.S. 10. Kaye commented that this area is at the limits of current response time standards as indicated by the City Fire Department. He also commented that there have been concept plans development for a full interchange but the state does not have any plans to implement these changes at this time. Life safety is certainly considered during rezoning requests. Mayville commented that he thinks it would be appropriate to reconsider the future land use designations in the area.

The Commission agreed to direct staff to move forward on adding the north Waldo Avenue region to the list of areas to be considered as part of future Master Plan revisions.

9. Communications

10. Report of the Chairperson

Kaye mentioned that McLaughlin and Tanzini have been reappointed to the Commission for another term. There is one vacancy open on the Commission.

11. Report of the Planning Director

12. Items for Next Agenda – April 12, 2016

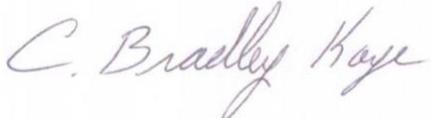
- a. Zoning Petition No. 604 – initiated by DGR Developments, Inc. to zone a portion of the property located at 2705 and 3003 East Wackerly Street and 6001 Waldo Avenue from Township zoning to Residential A-3 Single-Family Residential zoning.
- b. Zoning Petition No. 605 – initiated by Primrose Retirement Communities, LLC to zone a portion of the property located at 5900 Waldo Avenue from Township zoning to Residential B Multiple-Family Residential zoning.

Zoning Petition 606 will also be on the agenda as a public hearing. This is for rezoning of property north of Northwood University along the south side of the future Sugnet Road extension east of West Main Street.

13. Adjourn

It was motioned by Mayville and seconded by Hanna to adjourn at 8:16 p.m. Motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "C. Bradley Kaye".

C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



ZP #604

Date: April 1, 2016

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING MAP AMENDMENT (Annexed Parcels)
APPLICANT: DGR Developments, Inc
LOCATION: 2705 and 3003 East Wackerly St
6001 and 6209 Waldo Avenue
PROPOSAL: From Township Zoning to RA-3 One Family Residential Zoning
AREA: 85 Acres (approximately)

REPORT

Zoning Petition No. 604, initiated by DGR Developments, Inc, proposes to rezone the subject property from Township Zoning to (RA-3) One Family Residential Zoning. DGR Developments, Inc desires to construct a clustered single family residential development on the subject property. The RA-3 Zoning District requested would permit single family dwellings on lots with a minimum lot frontage of 60 feet and a minimum lot area of 7,200 square feet.

BACKGROUND

The subject lands were annexed from Midland Township, effective March 20, 2014. Pursuant to City of Midland Zoning Ordinance standards, city zoning is to be applied to an annexed parcel within 2 years of annexation.

A background report with recommended zoning for the subject parcels, as well as several others in the area, was first presented to the Planning Commission on August 26, 2014. At that time, a rezoning of this area to RA-3 One Family Residential on the west half and RA-1 One Family Residential was proposed. At the request of the land owners, who were considering a variety of development options for this and other nearby properties, the proposed zoning change was put on hold. No public hearing was held at the time.

With plans for development of the westerly portion of the subject lands more finalized, the landowner has requested that this petition proceed. At the suggestion of staff, the easterly half of the site has also been included in this petition.

ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at a 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?

Yes.

The subject land is designated Low Density Residential by the City of Midland Master Plan. This land use designation permits a variety of low intensity residential development forms not exceeding 6 units per acre. Clustered single family developments would be permitted by this land use designation. The RA-3 zoning district would permit single family dwellings at a unit density of approximately 6 units per acre, or less.

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

Yes. In staff's opinion, the proposed zonings will promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

Section 1.02 INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.

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

Yes. The subject land has been annexed from an adjacent Township into the City of Midland boundaries. City Zoning Ordinance standards call for the application of city zoning following annexation.

4. Will the amendment merely grant special privileges?

No. The zoning amendment, if granted, will apply single family residential zoning to an area of land located and surrounded by lands suitable for various residential uses.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment would promote a pattern of zoning designation that is consistent with the overall intent of the Master Plan. It would, however, be the first application of city zoning in this area.

6. Will the amendment set an inappropriate precedent?

No. It is a regular occurrence to apply city rezoning to annexed parcels.

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

Yes.

The subject land will be the first in this area to have city zoning applied to it. Future zoning districts will be applied to the surrounding parcels in a manner deemed most appropriate by the city, as guided by the Master Plan. Low Density Residential land use designations surround the site and it is reasonable to expect low density residential zoning to be applied to those same surrounding properties in the future.

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

Yes.

The general form of development anticipated for this area has been established by the City of Midland Master Plan, as reflected by the Future Land Use Map. The proposed RA-3 zoning will be consistent with this anticipated development pattern.

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

Yes. The subject land will be able to meet all applicable zoning requirements.

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

Yes, as envisioned by the Master Plan. Actual development of this area has not yet commenced beyond a limited number of single family dwellings that have existed for a number of years.

STAFF RECOMMENDATION

Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

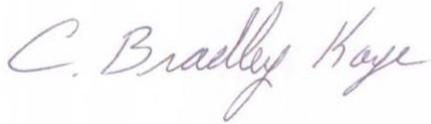
- The current pattern of land use designations included on the Future Land Use Map is reflective of higher density development transitioning to lower density development moving north from US-10.
- The subject parcel is consistent with the low density residential development pattern envisioned by the City of Midland Master Plan.
- The RA-3 district would permit low density residential use of the subject parcel, a land use specifically permitted by the Low Density Residential Designation of the Master Plan.

- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 12, 2016 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 25, 2016 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for May 23, 2016 at which time a decision will be made on each proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

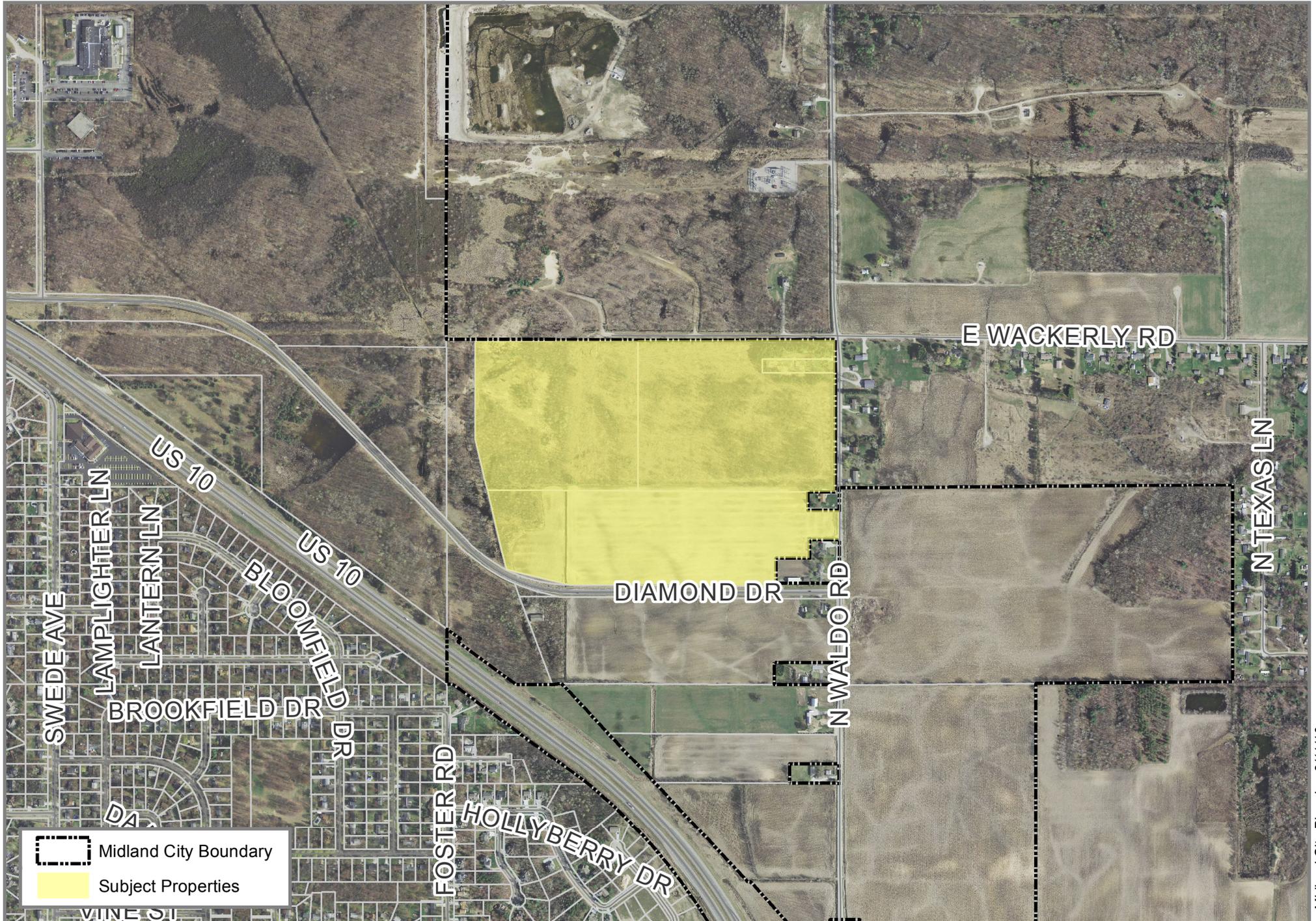
Respectfully Submitted,

A handwritten signature in cursive script that reads "C. Bradley Kaye".

C. Bradley Kaye, AICP
Assistant City Manager for Development Services

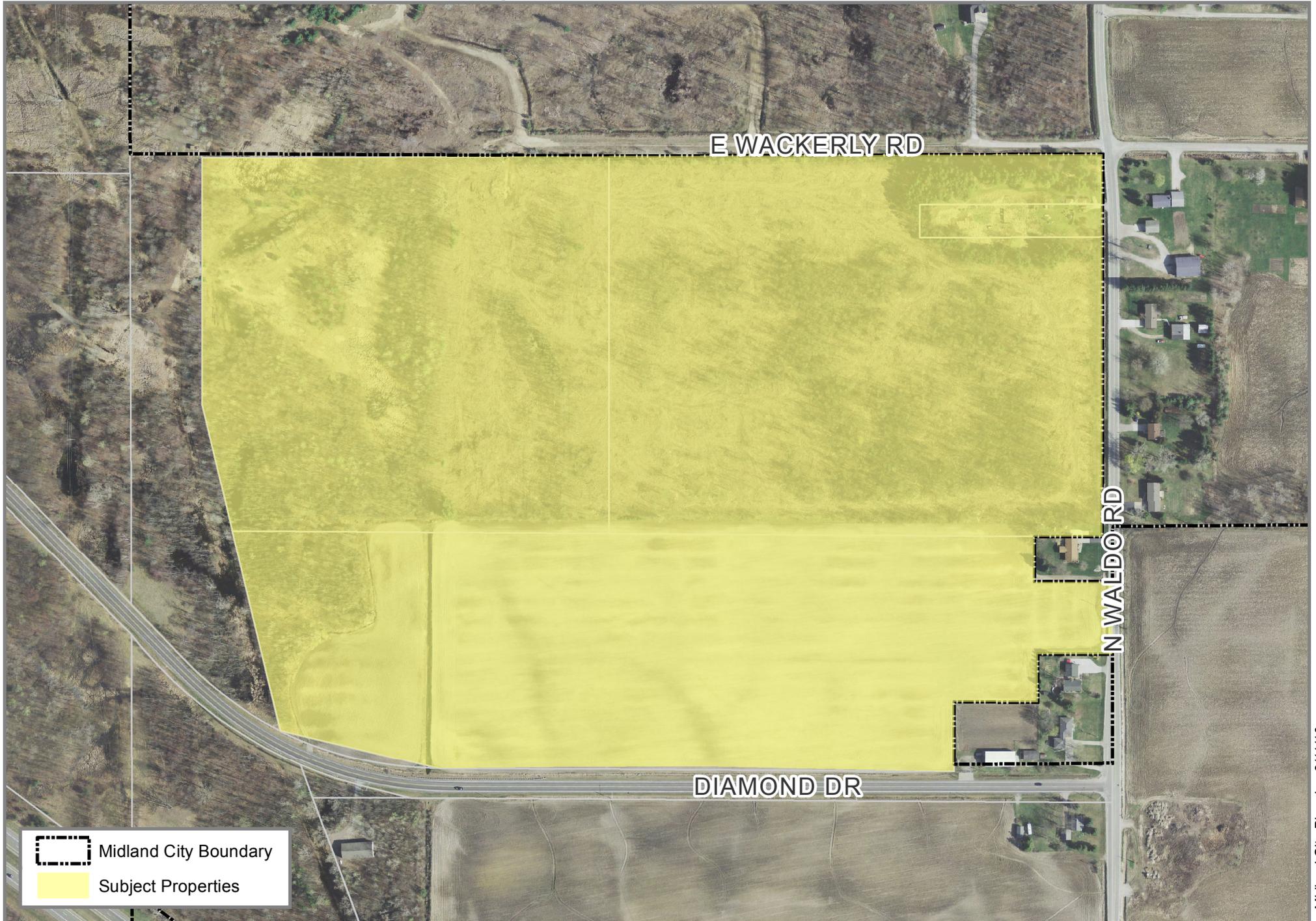
ZP #604 - Twp Zoning to RA-3 Single-Family Residential

> Portions of 2705 & 3003 E. Wackerly; 6001 & 6209 Waldo - DGR Developments



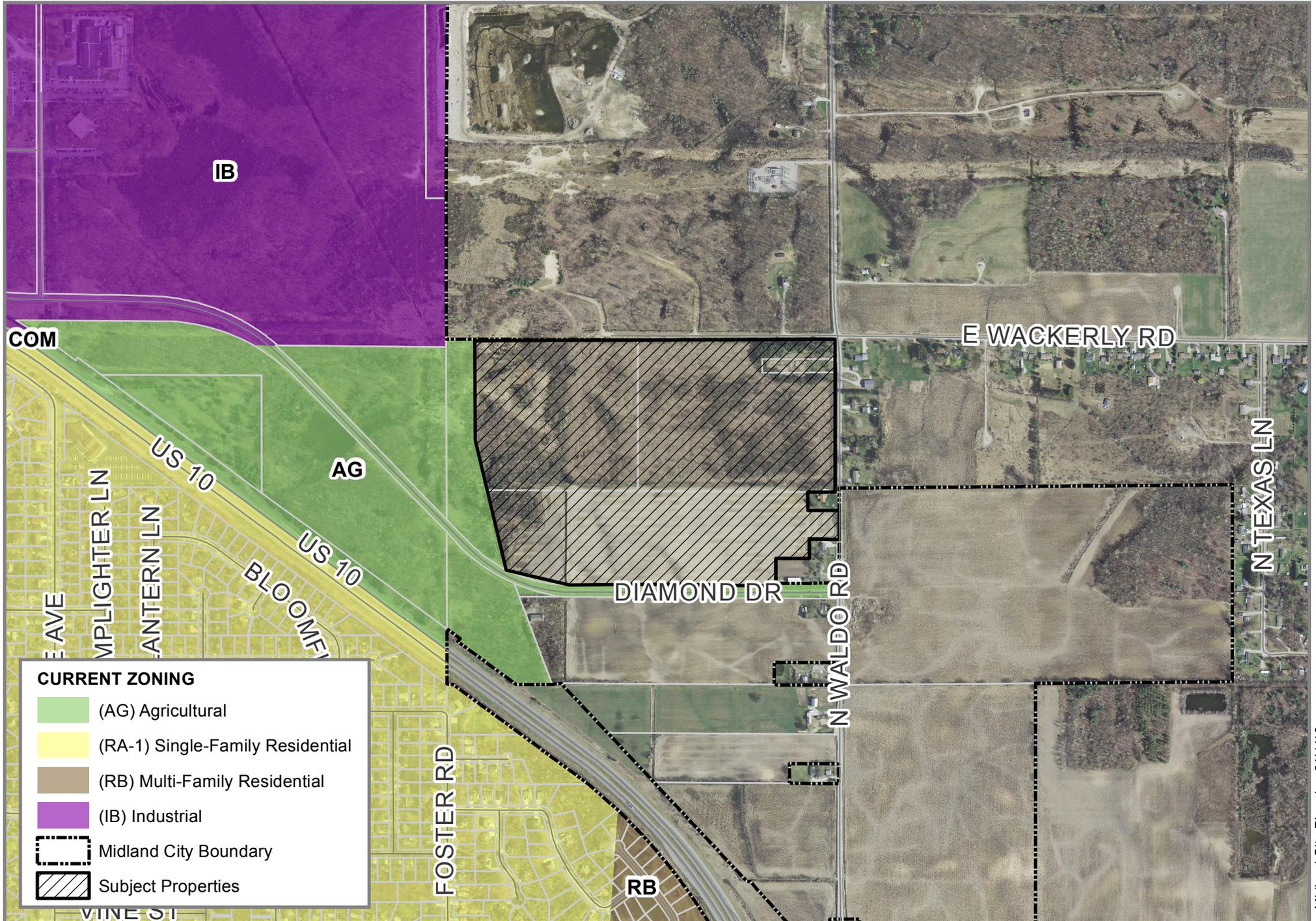
ZP #604 - Twp Zoning to RA-3 Single-Family Residential

> Portions of 2705 & 3003 E. Wackerly; 6001 & 6209 Waldo - DGR Developments



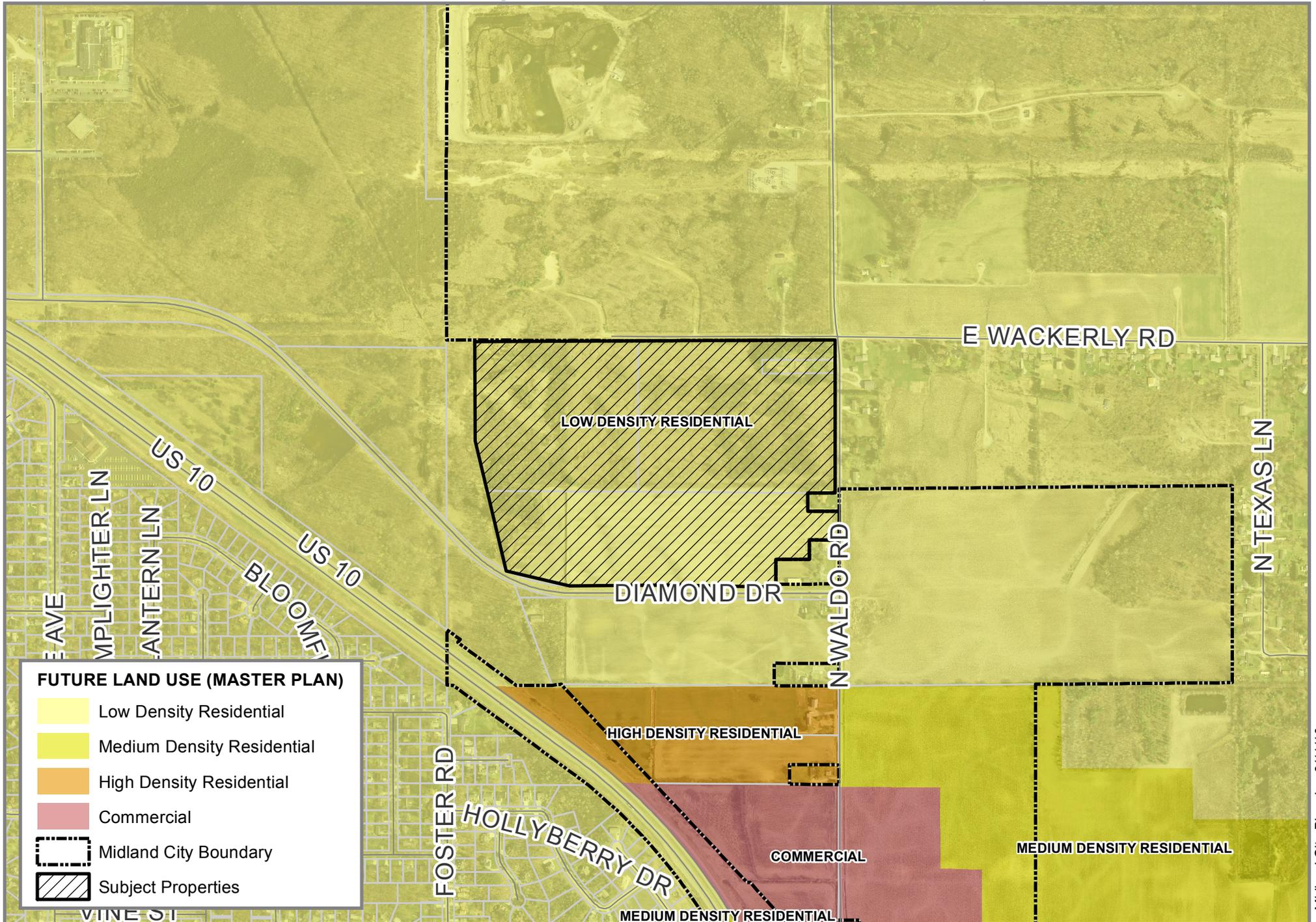
ZP #604 - Twp Zoning to RA-3 Single-Family Residential

> Portions of 2705 & 3003 E. Wackerly; 6001 & 6209 Waldo - DGR Developments



ZP #604 - Twp Zoning to RA-3 Single-Family Residential

> Portions of 2705 & 3003 E. Wackerly; 6001 & 6209 Waldo - DGR Developments





ZP #605

Date: April 1, 2016

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING MAP AMENDMENT (Portion of Annexed Parcel)
APPLICANT: Primrose Retirement Communities, LLC
LOCATION: 5900 Waldo Avenue (portion of property)
PROPOSAL: From Township Zoning to RB Multiple-Family Residential Zoning
AREA: 14 Acres (approximately)

REPORT

Zoning Petition No. 605, initiated by Primrose Retirement Communities, LLC, proposes to rezone the subject property from Township Zoning to (RB) Multiple Family Residential Zoning. Primrose Retirement LLC desires to construct a retirement village consisting of independent living facilities, assisted living facilities and memory care facilities on the subject property. Under the City of Midland Zoning Ordinance, these uses would fall within the definition of Housing for the Elderly and the Disabled. The RB Zoning District requested would permit these uses, as well as a range of additional uses including multiple family dwellings, by right. Further uses, including child care centers, adult foster care facilities, group and family day cares, and foster family homes, could be permitted subject to conditional land use approval.

BACKGROUND

The subject land is part of a larger 80 acre parcel that was annexed from Midland Township, effective March 20, 2014. Pursuant to City of Midland Zoning Ordinance standards, city zoning is to be applied to an annexed parcel within 2 years of annexation.

A background report with recommended zoning for the 80 acre parcel, as well as several others in the area, was first presented to the Planning Commission on August 26, 2014. At that time, a rezoning of the 80 acre parcel (including the 14 acres subject to this application) to RA-1 Single Family Residential was proposed. At the request of the land owners, who were considered a variety of development options for this and other nearby properties, however, the proposed RA-1 zoning petition was put on hold. No public hearing was held at the time.

Also expressed at the time of initial review, however, were concerns over the status of utility and road improvements. An update on the road improvements was specifically requested. This update was promised prior to moving any rezoning petition to public hearing.

WALDO ROAD - UTILITY AND ROAD IMPROVEMENT STATUS

Utility installation and road reconstruction on Waldo Rd North of US-10 commenced in the early summer of 2015. Phase I included both utility and road restoration from the north side of US-10 to the Diamond Drive intersection. Phase II included the installation of services across the Diamond Drive intersection, followed by restoration of the intersection. Phase III completed the project by extending utilities 400 feet north of Diamond Drive and then completing the road reconstruction. All phases took place through the summer of 2015, with completion in early October.

As previously advised, the Waldo Road utility and road project was a cooperative venture between the major property owners in the area and the City of Midland. A cost-sharing agreement was entered into whereby these landowners pay the portion of the road and utility improvements attributable to their lands and future developments. The required payments under the agreement have been made by the property owners.

ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at a 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?

Yes, in concept.

The subject land is located in an area that contains a mix of land use designations. In this largely undeveloped area of the city, the specific limitations of these designations are more conceptual in nature and are not tightly aligned with existing property lines, as they are throughout much of the city.

When looking at the Future Land Use Map, the site would appear to be designated Low Density Residential. Upon review of the Commercial and Medium Density Residential designations, however, it is apparent that the designations are intended to present a pattern of development beginning with commercial land uses to the south, medium and high density development surrounding the commercial node, and lower density residential development thereafter. In this context the use of the subject property for uses that would be more consistent with the Medium Density Residential land use designation can be interpreted to be consistent with the Master Plan.

Having said the above, the RB Multiple Family Residential Zoning District is requested by this petition. The RB District is not typically used to implement the policy directives of the Medium Density Land Use Designation. This designation does, however, specifically provide for low density multiple family developments, including senior housing developments. The RB Zoning District is the only zoning district that provides for this type of housing.

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

Yes. In staff's opinion, the proposed zonings will promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

Section 1.02 INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.

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

Yes. The subject land has been annexed from an adjacent Township into the City of Midland boundaries. City Zoning Ordinance standards call for the application of city zoning following annexation.

4. Will the amendment merely grant special privileges?

No. The zoning amendments, if granted, will apply residential zoning to a parcel of land located and surrounded by lands suitable for various residential uses.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment would promote a pattern of zoning designation that is consistent with the overall intent of the Master Plan. It would, however, be the first application of city zoning in this area.

6. Will the amendment set an inappropriate precedent?

No. It is a regular occurrence to apply city rezoning to annexed parcels.

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

Yes, in concept.

The subject land will be the first in this area to have city zoning applied to it. Future zoning districts will be applied to the surrounding parcels in a manner deemed most appropriate by the city, as guided by the Master Plan.

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

Yes.

The general form of development anticipated for this area has been established by the City of Midland Master Plan, as reflected by the Future Land Use Map. The proposed RB zoning will be consistent with this anticipated development pattern.

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

Yes. The subject land will be able to meet all applicable zoning requirements. All future development and use of the site will be subject to zoning ordinance compliance, including site plan approval for any developments of a multiple family nature.

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

Yes, as envisioned by the Master Plan. Actual development of this area has not yet commenced beyond a limited number of single family dwellings that have existed for a number of years.

STAFF RECOMMENDATION

This petition presents two primary points of concern requiring decisions of the Planning Commission. First, does the application sufficiently comply with the Master Plan to support approval? Second, is the RB Zoning District appropriate for the site given the full scope of uses that would be permitted?

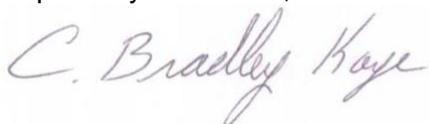
Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The current pattern of land use designations included on the Future Land Use Map is reflective of higher density development transitioning to lower density development moving north from US-10.
- The subject parcel is consistent with the development pattern envisioned by the City of Midland Master Plan.
- The RB district is the only zoning district that permits the intended use of the subject parcel for senior housing development, a land use specifically permitted by the Medium Density Residential Designation of the Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 12, 2016 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 25, 2016 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for May 23, 2016 at which time a decision will be made on each proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

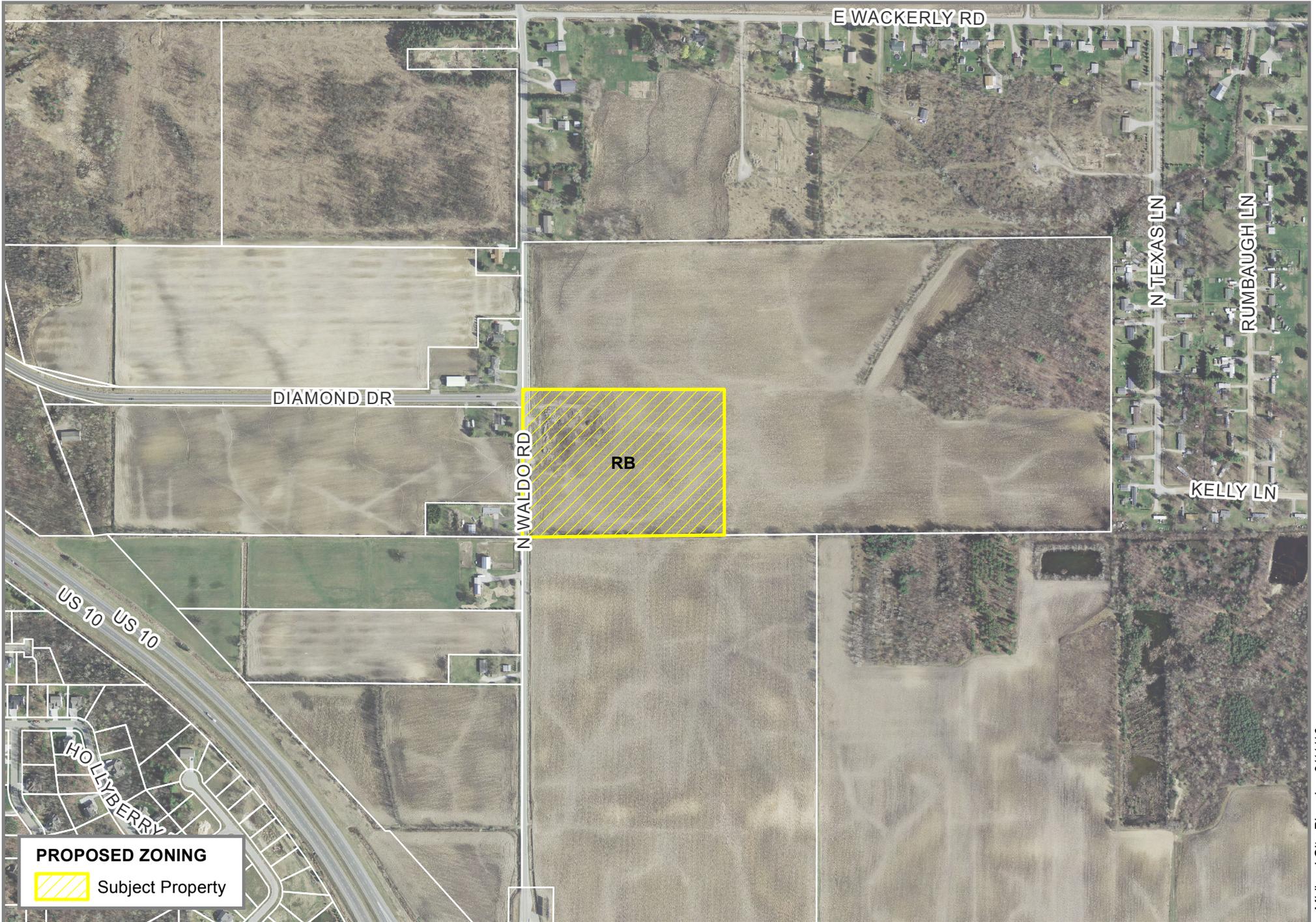


C. Bradley Kaye, AICP
Assistant City Manager for Development Services

ZP #605 - Twp Zoning to RB Multiple-Family Residential



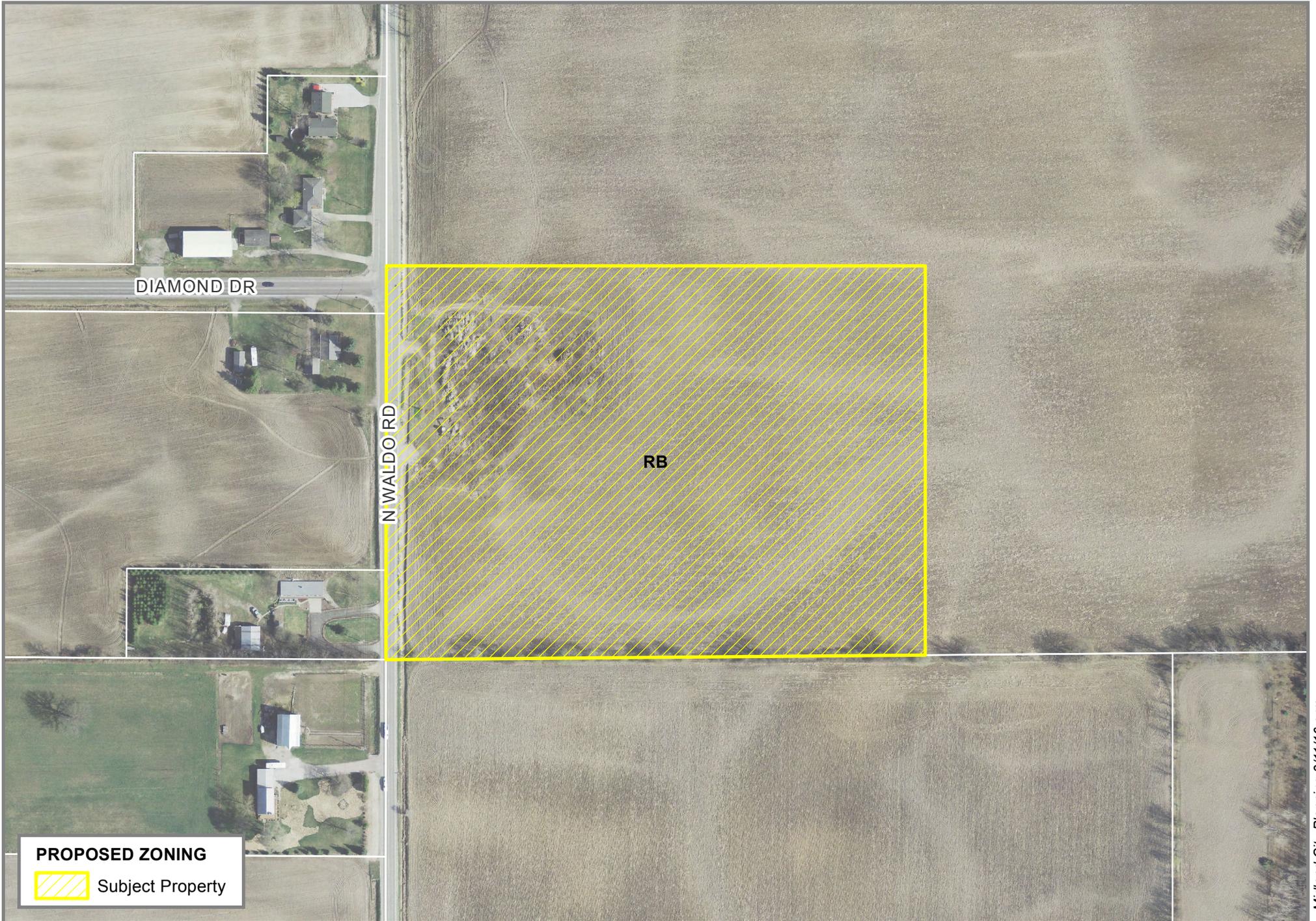
> Portion of 5900 Waldo Avenue - Primrose Retirement Communities, LLC



ZP #605 - Twp Zoning to RB Multiple-Family Residential



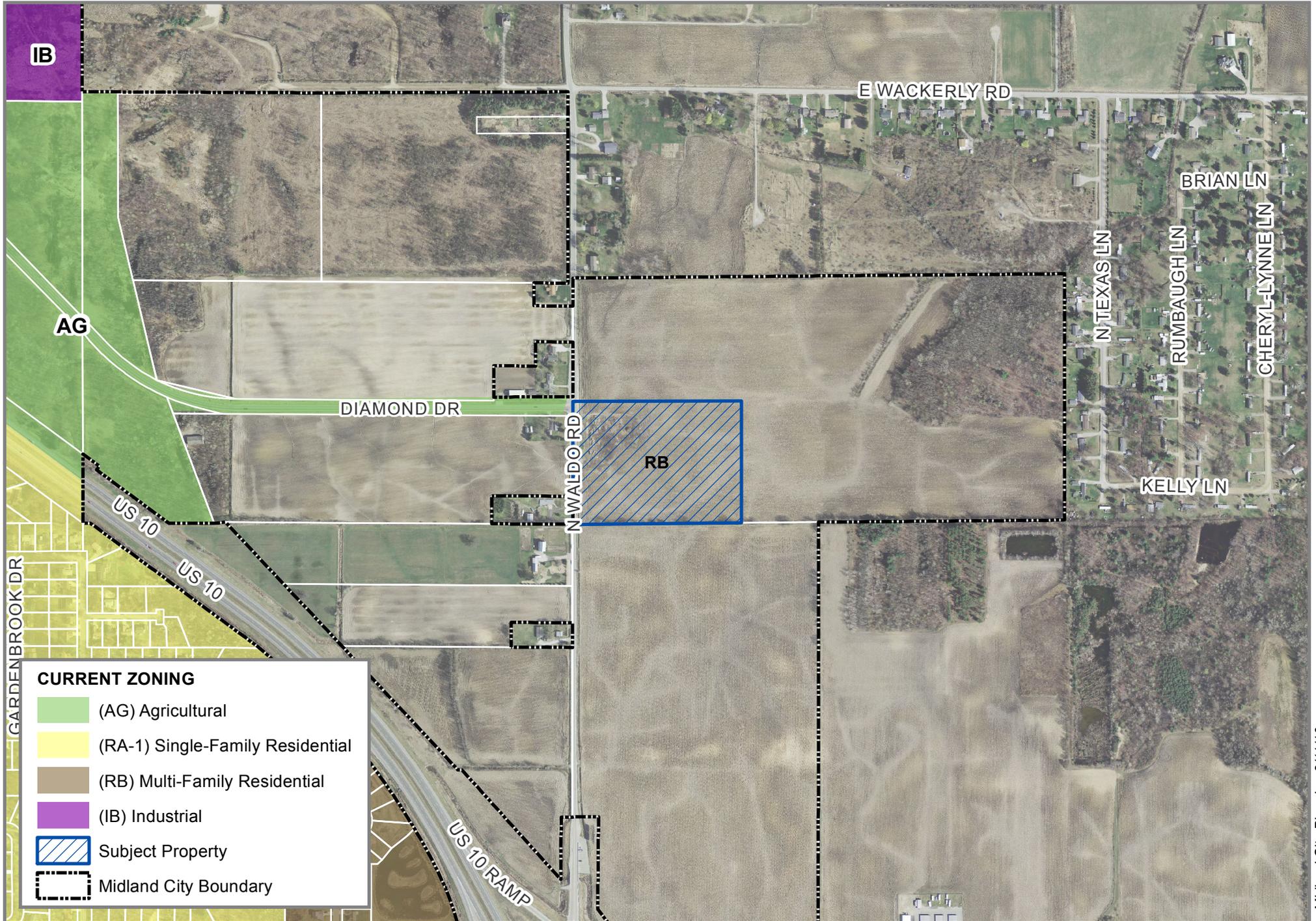
> Portion of 5900 Waldo Avenue - Primrose Retirement Communities, LLC



ZP #605 - Twp Zoning to RB Multiple-Family Residential



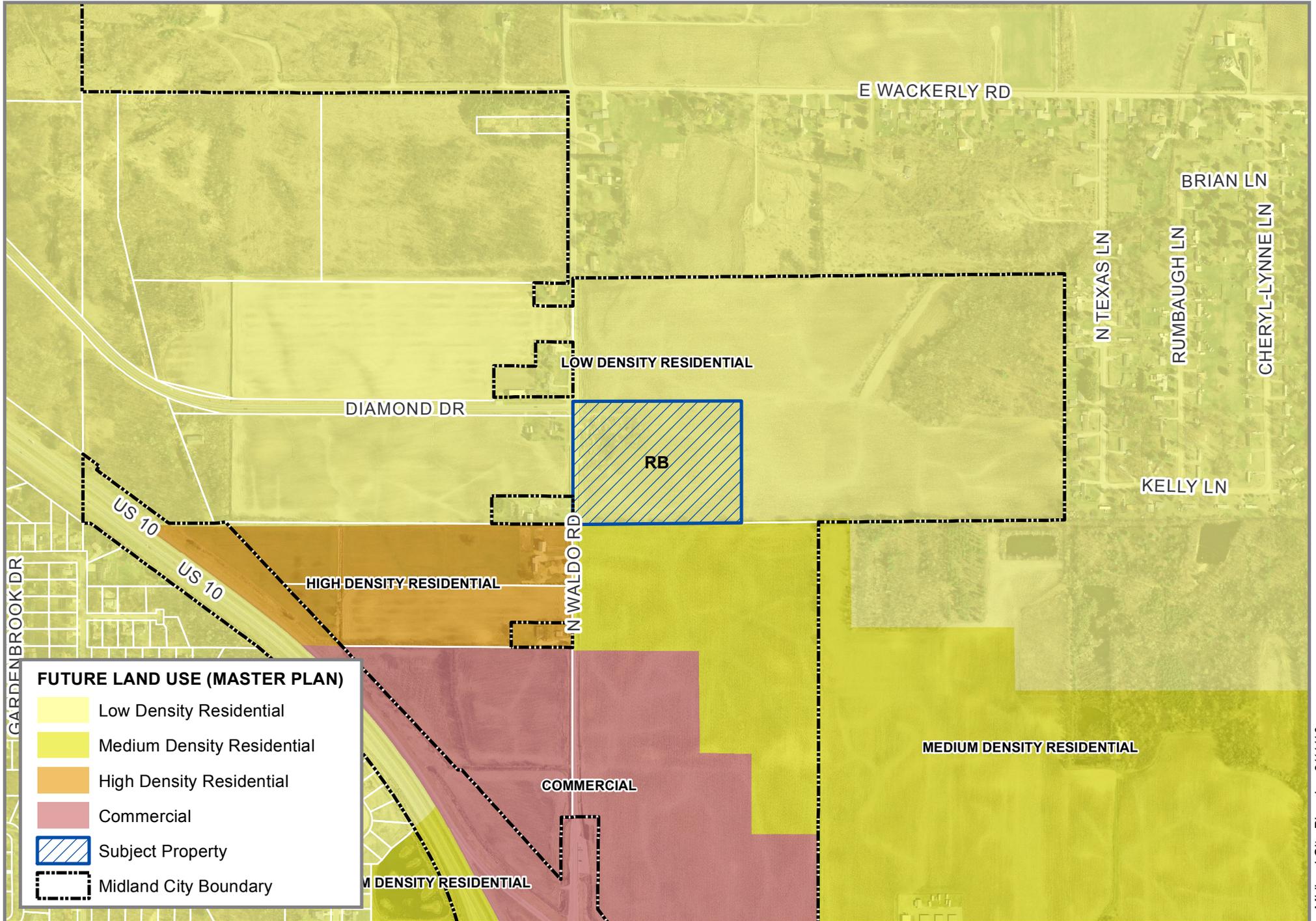
> Portion of 5900 Waldo Avenue - Primrose Retirement Communities, LLC



ZP #605 - Twp Zoning to RB Multiple-Family Residential



> Portion of 5900 Waldo Avenue - Primrose Retirement Communities, LLC





ZP #606

Date: April 1, 2016

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING MAP AMENDMENT (Annexed Parcels)
APPLICANT: Tower Pinkster on behalf of Northwood University
LOCATION: 4203 W Main Street
PROPOSAL: From RA-1 One Family Residential Zoning and RB Multiple Family Residential Zoning to COM Community Zoning
AREA: 30 Acres (approximately)

REPORT

Zoning Petition No. 606, initiated by Tower Pinkster on behalf of Northwood University, proposes to rezone the subject property from RA-1 One Family Residential Zoning and RB Multiple Family Residential Zoning to COM Community Zoning. The COM Zoning District requested would zone these lands consistent with the balance of the Northwood University land holdings and would permit their development for student housing.

ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at a 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?

Partially.

The subject land has three separate land use designations applied to it by the City of Midland Master Plan (see attached map). The extreme westerly corner of the site is designated High Density Residential, the northern portion of the site is designated Institution and Civic and the southern portion of the site is designated Low Density Residential.

The Institution and Civic designation is applied by the city to most civic and cultural properties, including Northwood University. The COM zoning district is typically used to implement the intent of the Master Plan on properties designated Institution and Civic.

The balance of the property is designated for a mix of low density residential and high density residential purposes. The COM zoning district is not typically used to implement these land use designations. There are, however, examples within the city where COM zoning has been applied on properties designated other than Institution and Civic. Examples include portions of Bartstow Municipal Airport (designated Commercial and Office-Service), Dow Diamond (Designated Downtown), portions of the waste water treatment plant (designated Industrial), and various city parks. In instances where the intent of the Master Plan has been implemented, application of COM zoning outside only the Institution and Civic designation has been utilized.

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

Yes. In staff's opinion, the proposed zonings will promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

Section 1.02 INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.

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

Somewhat. The subject land has been acquired by Northwood University and is proposed for development as student housing. The need for this housing has developed over time since the ordinance was first adopted. Further, plans for the construction of Sugnet Road have advanced since zoning in the area was last reviewed.

4. Will the amendment merely grant special privileges?

No. The zoning amendment, if granted, will apply COM zoning to a generally isolated area of land located immediately across the Pere Marquette Rail Trail from existing COM zoning.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment would continue a pattern of zoning designation that is consistent with the general pattern of development in the area and in a manner that would not be considered exclusionary.

6. Will the amendment set an inappropriate precedent?

No. The proposed zoning change is consistent with the pattern of zoning in this area and is generally consistent with the policy directives of the Master Plan.

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

Yes.

The subject land is immediately north of Northwood University that is already zoned COM. The proposed zoning change would be a logical and reasonable extension of that existing zoning.

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

Yes.

The general form of development anticipated for this area has been established by the City of Midland Master Plan, as reflected by the Future Land Use Map. Lands both immediately north and south of the subject property are already designated for Institution and Civic purposes. The proposed COM zoning will be consistent with this anticipated development pattern.

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

Yes. The subject land will be able to meet all applicable zoning requirements.

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

Yes.

Actual development of this area includes Northwood University to the south and Dow High School to the north. The proposed zoning, that will allow the construction of student housing associated with Northwood University, is consistent with this development pattern.

STAFF RECOMMENDATION

Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The proposed zoning is a reasonable and logical extension of existing COM zoning on the Northwood University campus.
- COM zoning is a reasonable and appropriate zoning classification for the subject lands given their physical location between the Northwood University campus to the south and the Dow High School campus to the north.
- COM zoning would continue the development pattern envisioned by the City of Midland Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 12, 2016 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 25, 2016 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearings for May23, 2016 at which time a decision will be made on each proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

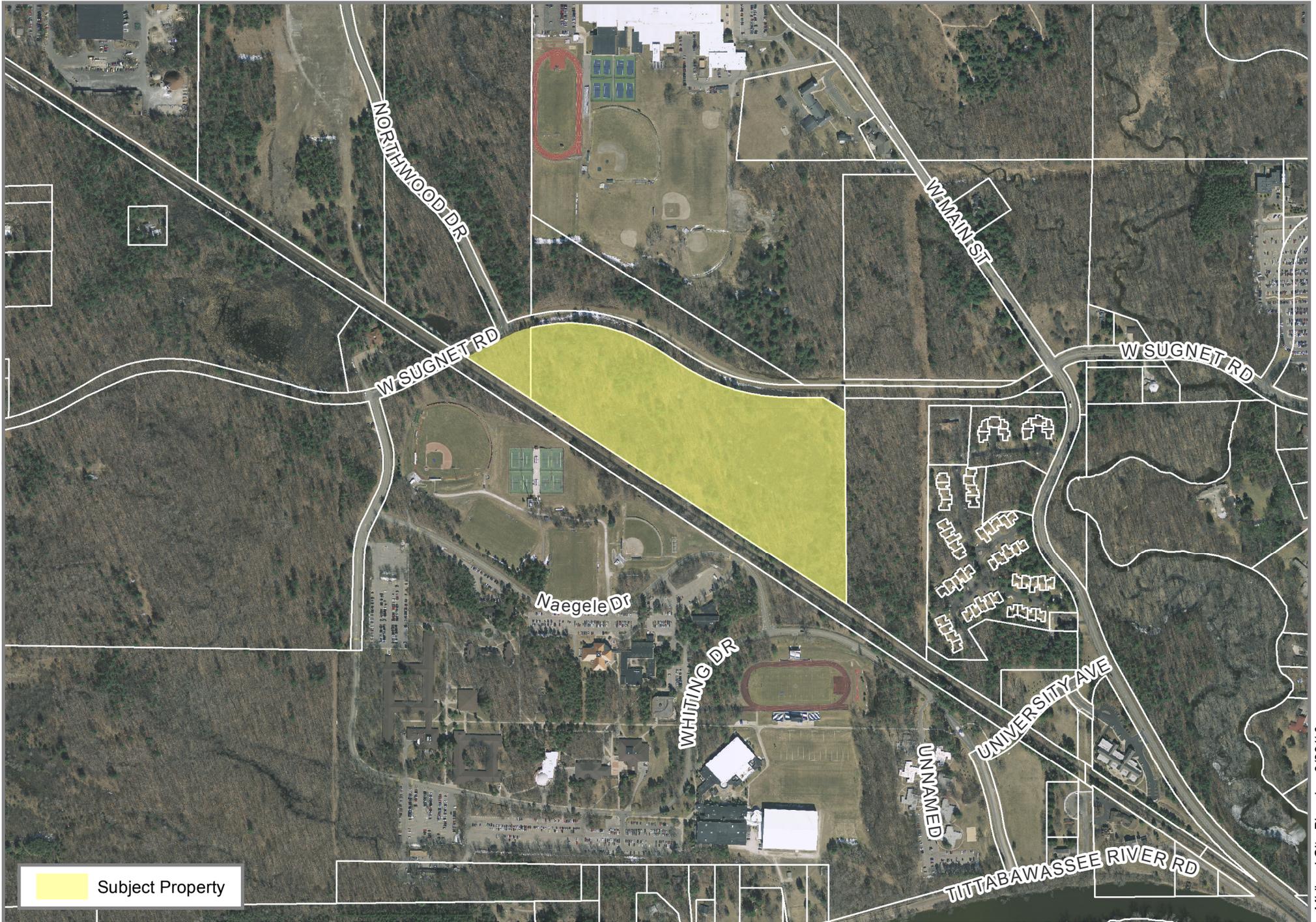
Respectfully Submitted,

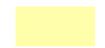
A handwritten signature in cursive script that reads "C. Bradley Kaye". The ink is a light purple or blue color.

C. Bradley Kaye, AICP
Assistant City Manager for Development Services

ZP #606 - RB & RA-1 Residential to COM Community

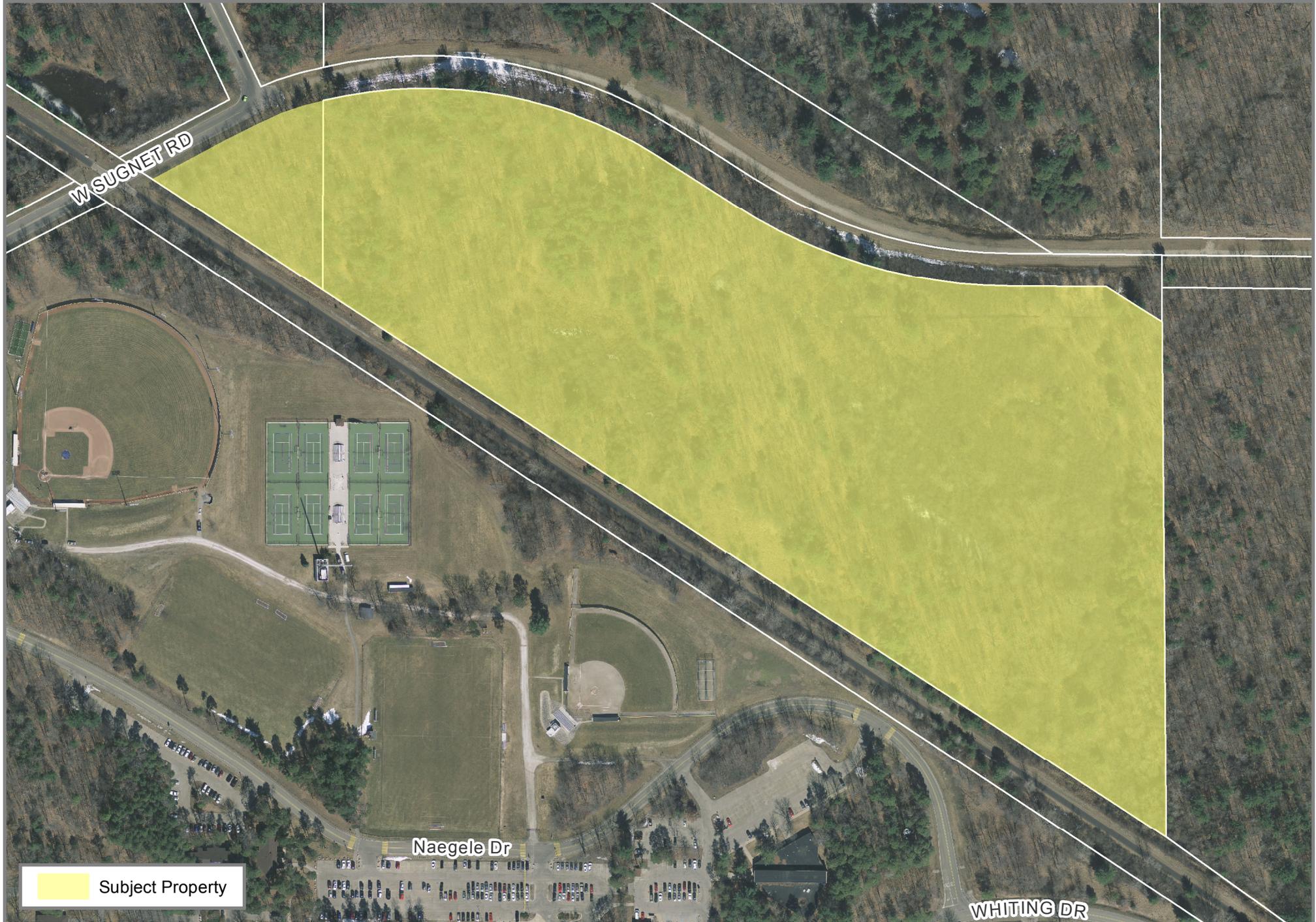
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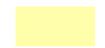


 Subject Property

ZP #606 - RB & RA-1 Residential to COM Community

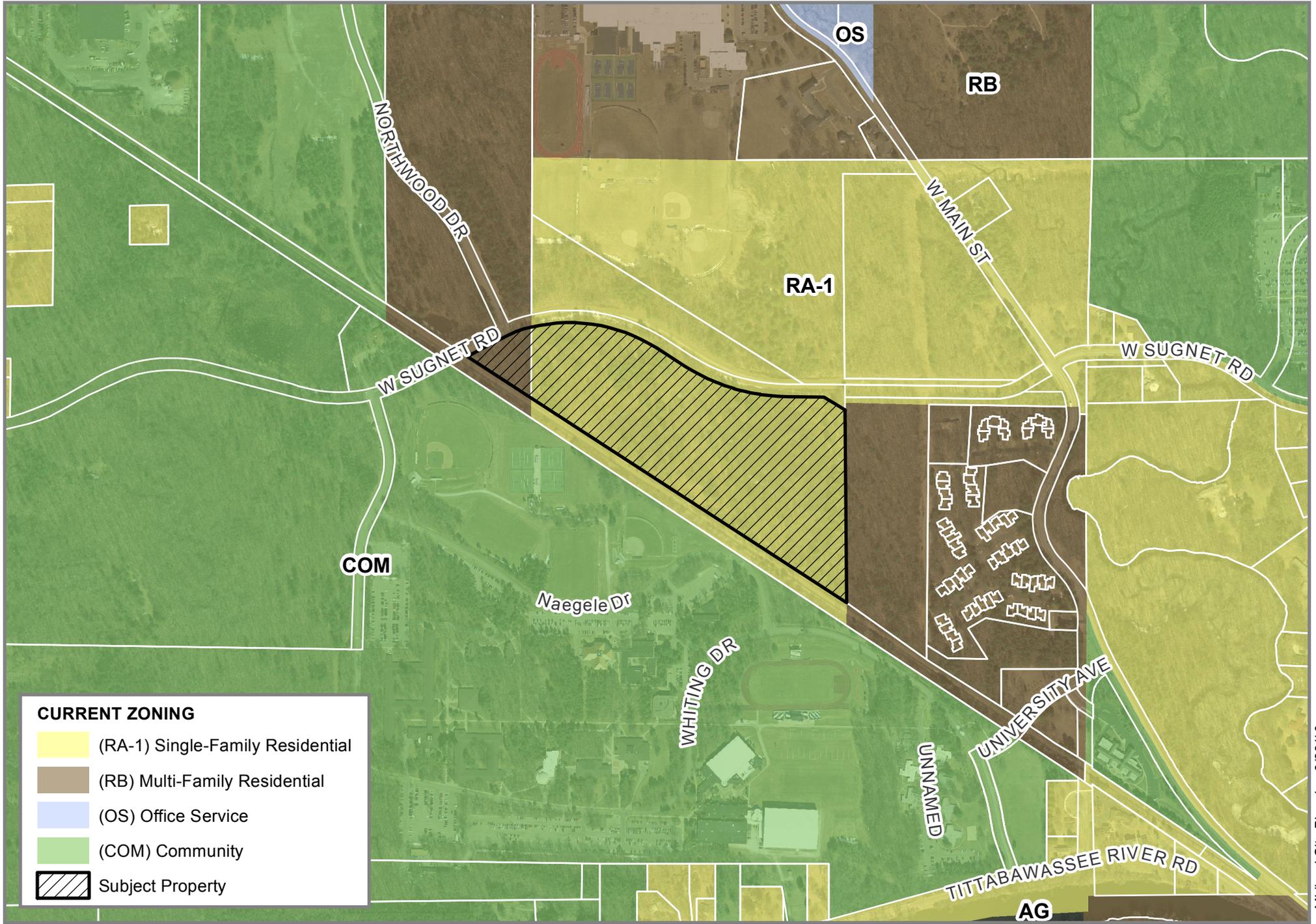
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 Subject Property

ZP #606 - RB & RA-1 Residential to COM Community

> 4203 W. Main Street - Tower Pinkster

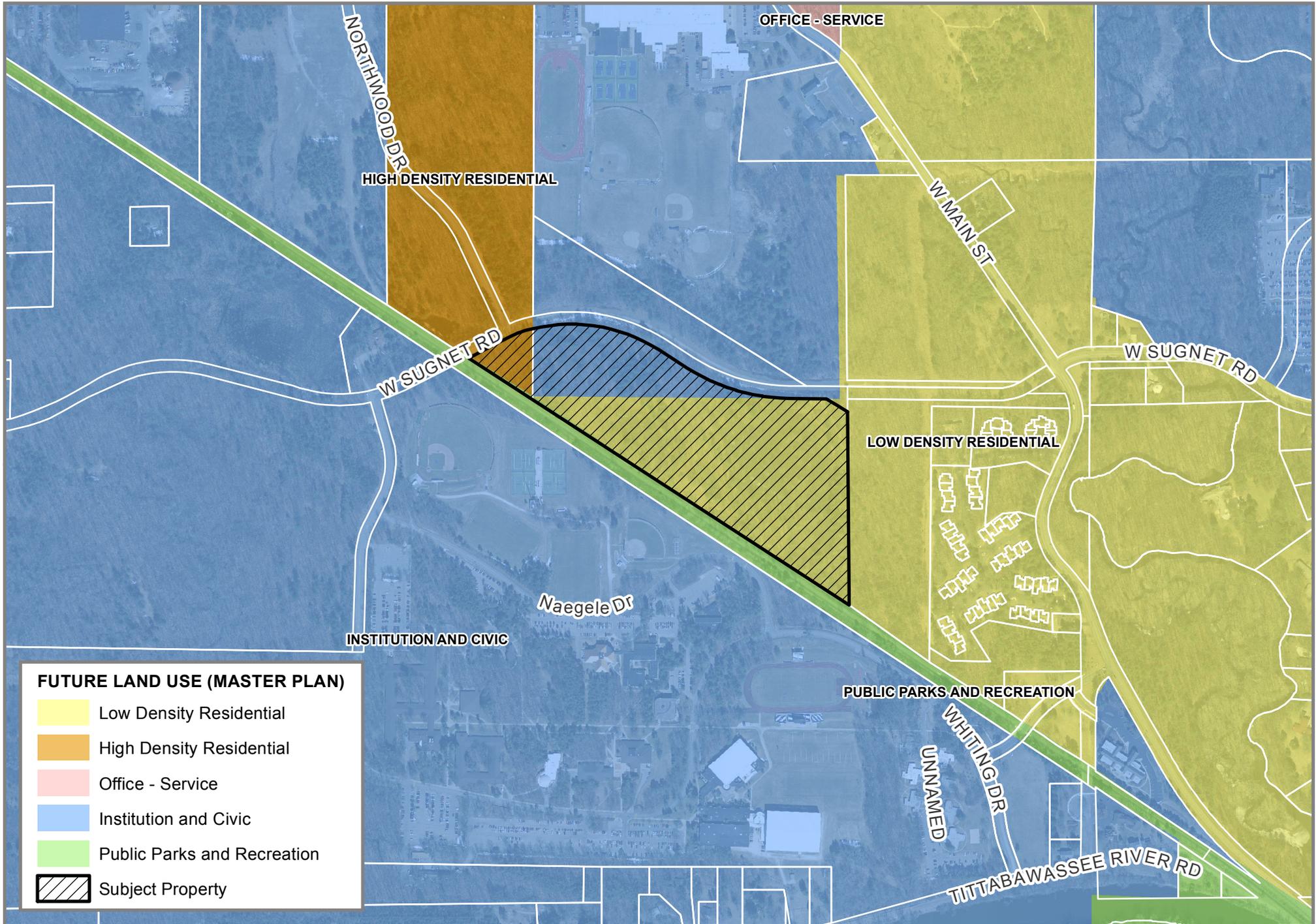


CURRENT ZONING

- (RA-1) Single-Family Residential
- (RB) Multi-Family Residential
- (OS) Office Service
- (COM) Community
- Subject Property

ZP #606 - RB & RA-1 Residential to COM Community

> 4203 W. Main Street - Tower Pinkster



Memo



To: Planning Commission Members
From: C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services
Date: April 4, 2016
Re: N. Waldo Road – Future Land Use Map Discussion

BACKGROUND:

On March 22, 2016, a general discussion took place regarding the future land use designations of property in the N. Waldo Rd area. A specific development proposal on a 14 acre parcel of land located at 5900 N. Waldo Rd was the cause of this discussion. The conclusion reached and direction provided by the Planning Commission was that a general review of the Future Land Use Map in this area would be warranted.

CURRENT MASTER PLAN DESIGNATION:

The N. Waldo Rd area is located north of US-10 and within the MUGA policy area. In 2014, several parcels in this area were annexed at the request of the property owners. In 2015, based on an agreement between most of those property owners and the City of Midland, services were extended and N. Waldo Rd was rebuilt. These actions were all taken based on an expectation of imminent development in this area.

Looking at the Future Land Use Map designations (see attached map), a number of land use designations have previously been applied throughout this area. These designations include Commercial nearest US-10, High Density Residential north of the Commercial designation and west of N. Waldo Rd, Medium Density Residential north and east of the Commercial designation and east of N. Waldo Rd, and Low Density Residential north thereof to the MUGA boundary.

Further review of the current land use designations reveal that these designations are generally parcel specific in that area west of N. Waldo Rd, but are more conceptual in nature to the east. This is best explained by the “stepped” Commercial and Medium Density Residential designations in this area. Rather than following current or even logically expected future parcel boundaries, these designations are more representative of an expected development pattern in the area. As such, the current designations should properly be viewed as indicative of an anticipated development pattern turning from more intensive commercial development to the south, towards medium density and eventually low density residential to the north. As such, it is not so much parcel specific and rigid in its application, as it is generally directive.

Having said the above, two factors are most responsible for this review. First, Primrose Retirement Communities LLC is proposing the development of a senior living facility, including various levels of care, on a 14 acre piece of property located on the east side

of N. Waldo Rd and immediately north of the depicted Medium Density Residential designation. Second, a property owner (David Rapanos) in the area has questioned whether or not the Low Density Residential designation is appropriate looking forward. Each of these two factors is discussed separately below to help with the decision of whether or not a Future Land Use Map update in this area is necessary and/or advisable.

Primrose Retirement Communities LLC

The conceptual nature of the land use designations in this area will allow the Planning Commission to consider an immediate rezoning request on the 14 acre piece of land located opposite the end of Diamond Drive and adjacent to the Medium Density Residential land use designation located east of N. Waldo Rd. In fact, that rezoning petition will be heard at a public hearing prior to consideration of this report. The outcome of that public hearing and Planning Commission determination may well settle whether or not a Future Land Use Map designation change is needed on this parcel.

Regardless of the public meeting outcome, it may be advisable to change the land use designation of this affected parcel from Low Density Residential to Medium Density Residential. This change would continue the “stepped” designations already shown east of N. Waldo Rd. This would also enhance the current conceptual development pattern depicted on the Future Land Use Map for this area. For this reason, a minor map change on this parcel is recommended.

David Rapanos

Mr. Rapanos’ primary concern, as expressed to the Planning Commission and city staff, is that the Low Density Residential land use designation is not reflective of the development form that he anticipates taking place in this area. He specifically indicated that he believes development of the properties in this area will take place in a more clustered form, with walking trails and other open space amenities provided. In his opinion, the regular platted lot developments of the past are not likely to occur in the future.

Staff has the benefit of knowing the development form anticipated and proposed by Mr. Rapanos for the properties north of Diamond Drive. In his comments to the Planning Commission, Mr. Rapanos indicated that he foresaw similar development being proposed on the area east of N. Waldo Rd. Having reviewed those development plans, this clustered form of development is consistent with the Low Density Residential policies of the Master Plan. Specifically, single family development forms with a density of up to 6 units per acre are anticipated. When clustered forms of development are considered, all of the development acreage is included in the density calculations, including any provided open space or otherwise undeveloped area. As such, staff do not see a need to revisit the Low Density Residential designations in this area.

STAFF RECOMMENDATION:

A change to the 14 acre parcel on which Primrose Retirement Communities LLC has proposed a senior living facility is recommended. This change would amend the Future Land Use Map by changing the designation from Low Density Residential to Medium Density Residential. This change would be consistent with the conceptual nature of the Future Land Use Map as applied to this area of the city.

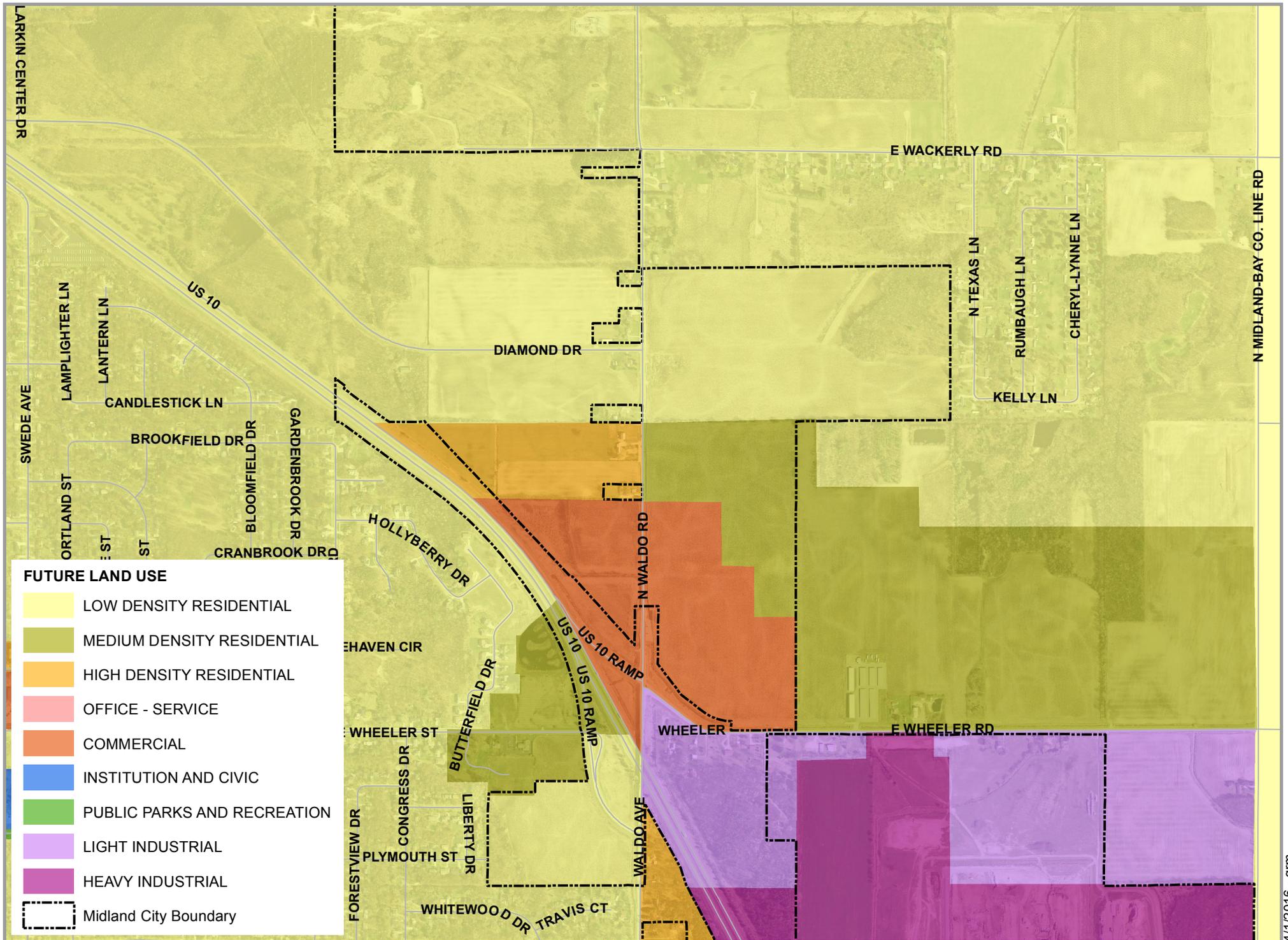
No change is recommended beyond the above noted parcel as the Low Density Residential designation remains appropriate for the area and the type of development expected for the area and anticipated by the property owner.

NEXT STEPS:

Direction from the Planning Commission is requested at this time. Specifically, Staff request that direction be provided on whether or not to amend the Future Land Use Map of the Master Plan on the 14 acre parcel as recommended in this report. Direction is also requested on whether or not changes to the balance of the Low Density Residential designation are necessary or desired.

Once direction is provided, any changes necessary will be included in the broader Master Plan update process underway. All or part of that update will then be provided at the May 10, 2016 Planning Commission meeting.

Current Adopted Master Plan North Waldo Area



Memo



To: Planning Commission Members
From: C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services
Date: April 5, 2016
Re: N. Saginaw Road Area – Future Land Use Map Discussion

BACKGROUND:

On January 12, 2016, an informal public input session was held by the Planning Commission to invite comment from landowners in the N. Saginaw Rd area regarding future land use designations to be included on the Future Land Use map contained in the City of Midland Master Plan. Six individuals appeared and spoke to the Planning Commission at that meeting.

Comments received on January 12, 2016 were summarized and presented in a written report to the Planning Commission on February 9, 2016. Prior to that meeting, the staff report was mailed to all six individuals that commented at the meeting, with an invitation to correct an errors, omissions or misrepresentations of their comments. No responses were received to that mailing.

As outlined in the summary report presented on February 9, 2016, one of the next steps in the process is preparation of draft proposed Master Plan amendments. This report presents the first draft of those amendment for Planning Commission discussion and response.

CURRENT MASTER PLAN DESIGNATIONS:

Three separate maps are attached to this report. The first identifies the Current Adopted Master Plan land use designations. For properties within the MUGA boundary but beyond current city limits, only a small area near the N. Saginaw Rd and Stark Rd intersection has future land use designations applied to it. The designations within this area include Commercial, High Density Residential and Medium Density Residential.

As can be seen on the same map, and as previously discussed, the remaining areas extending outward from current city limits to the MUGA boundary are undesignated at this time. Upon reviewing the history of the Master Plan, all of these lands were designated Low Density Residential prior to 2013. Based upon a review of the records and files from 2012/13, the removal of the Low Density Residential land use designation in 2013 does not appear to have been intentional.

The N. Waldo Rd area is located north of US-10 and within the MUGA policy area. In 2014, several parcels in this area were annexed at the request of the property owners.

RECOMMENDED MASTER PLAN DESIGNATIONS:Undesignated Lands:

Except as noted below, the current undesignated lands within the N. Saginaw Rd area are recommended for designation as Low Density Residential (see Concept Master Plan Amendments Map). This will effectively restore the designation that existed prior to the 2013 Master Plan updates. This designation is also appropriate for the area given its generally rural location and its likely future development for residential purposes, if and when the property is annexed to the city.

Lands Along Tittabawassee River Rd.

These lands lie within the existing city limits and are currently designated commercial by the Future Land Use Map (see Current Adopted Master Plan Map). Although designated Commercial, these lands are primarily used for residential purposes and located entirely within the floodplain of the Tittabawassee River. Given these attributes, as well as their remote location from other commercial properties, the future use of these lands for commercial purposes is unlikely. As such, a Low Density Residential designation, as shown on the Concept Master Plan Amendments Map, is recommended.

6715 Herbert Rd and 7022 N. Saginaw Rd.

Michael Dennett and Valerie McCloy spoke regarding the above properties (single family dwellings) and their concerns about adjacent commercial development. In each case, these properties represent the furthest extent of an existing Commercial land use designation. Having reviewed each of these properties, staff is not able to recommend changes to the adjacent commercial properties but is able to consider a change affecting the properties themselves.

In the case of 6715 Herbert, this represents the northern extent of the Commercial designation. This property could be considered for redesignation to High Density Residential, together with surrounding lands to the north and east (see North Side of N. Saginaw Rd discussion below). Staff would further recommend consultation with the landowner on this as there is little impact on the Master Plan or its policies and objectives whichever designation is applied.

Regarding 7022 N. Saginaw Rd, this property is the western extent of the Commercial designation on the north side of the road. As above, there is little impact on the Master Plan should this property be redesignated. In this case, a change to Medium Density Residential could be considered, consistent with the land use designation that applies to the north and the west. Consultation to determine the landowner's preference is also recommended for this property.

South Side of N. Saginaw Rd

Lands directly fronting N. Saginaw Rd will not be highly desirable for low density residential development. Conversely, more dense residential development is likely to be attracted to such locations.

Along the south side of the road, stretching from the current city boundaries to the current High Density Residential designation, a Medium Density Residential designation is recommended. This land use designation will provide for greater densities in townhouse, attached condominium, or other low density multiple family development forms. Such uses would best take advantage of their frontage and direct access to N. Saginaw Rd and would serve to buffer the road from lower density single family uses to the south.

North Side of N. Saginaw Rd

As discussed above, properties fronting directly on N. Saginaw Rd are not highly desirable for low density single family residential development and use. The existing pattern of development along the north side of this road is also such that single family residential use is unlikely. As such, reconsideration of the current land use designations is warranted.

Starting with the existing Commercial designation near N. Saginaw Rd and Dublin Avenue, Dana Murray has requested that the Commercial designation be extended to her properties at 5706 and 5712 N. Saginaw Rd. Planning Commission members will recall that a zoning petition for this purpose was previously submitted but denied for lack of conformity to the Master Plan.

Upon review of this request, Staff recommends that consideration be given to applying the Commercial land use designation not only to Ms. Murray's properties, but all properties out to and including that of the Midland Fence Company. These lands have generally been permitted to be used for commercial purposes by Homer Township and their future redevelopment for residential purposes seems unlikely.

From the Midland Fence Company property west to Stark Road, for reasons similar to those discussed for the south side of the road above, a residential land use designation is recommended. To provide for a variety of land use opportunities, and recognizing the more intensive commercial land uses possible at either end of this designation, a High Density Residential designation is recommended.

Behind both the Commercial and the High Density Residential designations, a Low Density Residential designation is recommended. This designation is appropriate given the Low Density Residential designation that applies to lands to the north.

It should be noted that Thomas McCann, representing several properties north of N. Saginaw Rd, requested a Commercial land use designation in this area. He reasoned, based on his comments, that access to retail stores and shops would be required in this area as it grows and intensifies over time. Sufficient area appears to be available to accommodate such needs into the foreseeable future. Mr. McCann's properties are not included in the area recommended for commercial designation.

ACCESS CONTROL:

The introduction of higher density residential development and additional commercial development opportunities present concerns about impact on N. Saginaw Rd. As currently built, this road is not designed for multiple driveway access points without significant impact on the traffic utilizing this road. As such, should the recommendations of this report be advanced, staff would also recommend that access management policies be considered. Although not developed at this time, restrictions on the number of driveways and required interconnection of driveways and parking areas should be considered.

STAFF RECOMMENDATION:

Staff recommends that the land use designations proposed on the Concept Master Plan Amendments map be reviewed by the Planning Commission and direction be provided in response. Once the Planning Commission is generally comfortable with the

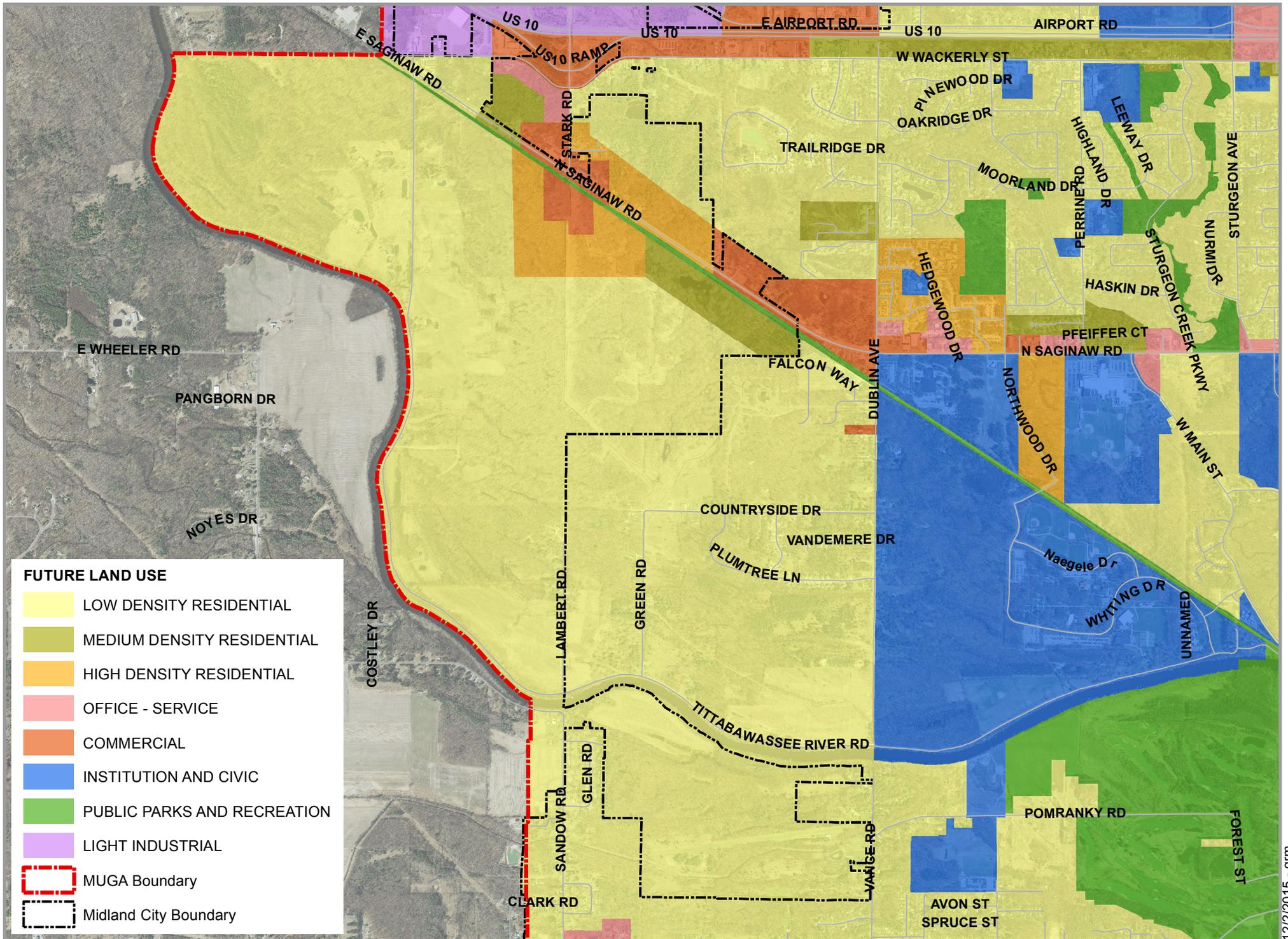
designations proposed, and once appropriate Master Plan level access management policies have been drafted and reviewed, the amendments would then be prepared in formal form and public meetings set to begin the formal public input process.

NEXT STEPS:

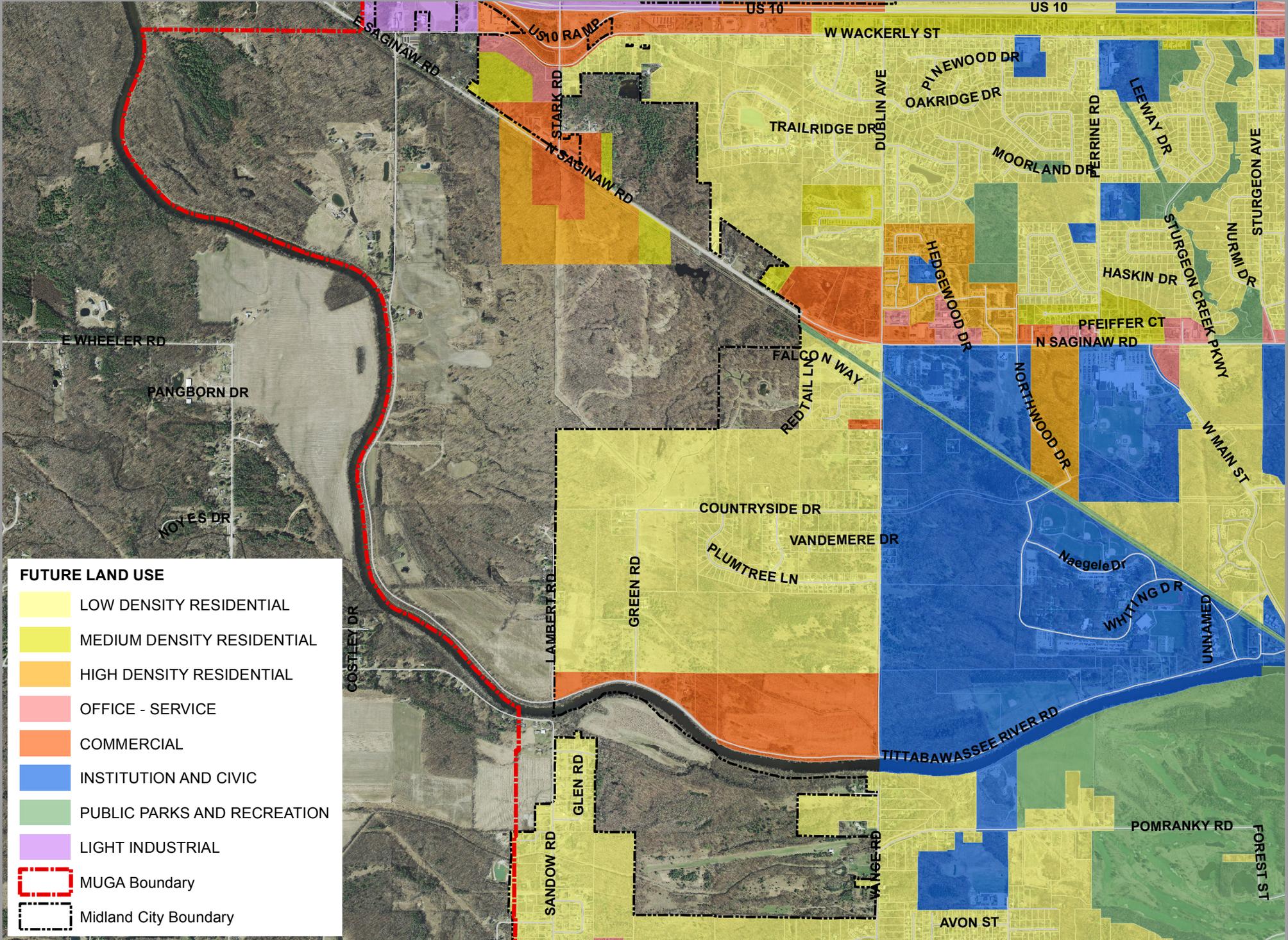
Direction from the Planning Commission is requested at this time. Specifically, Staff request that direction be provided on the master plan land use designation changes recommended in this report. Direction is also requested on whether or not access management policies are desired.

Once direction is provided, any changes necessary will be included in the broader Master Plan update process underway. All or part of that update will then be provided at the May 10, 2016 Planning Commission meeting.

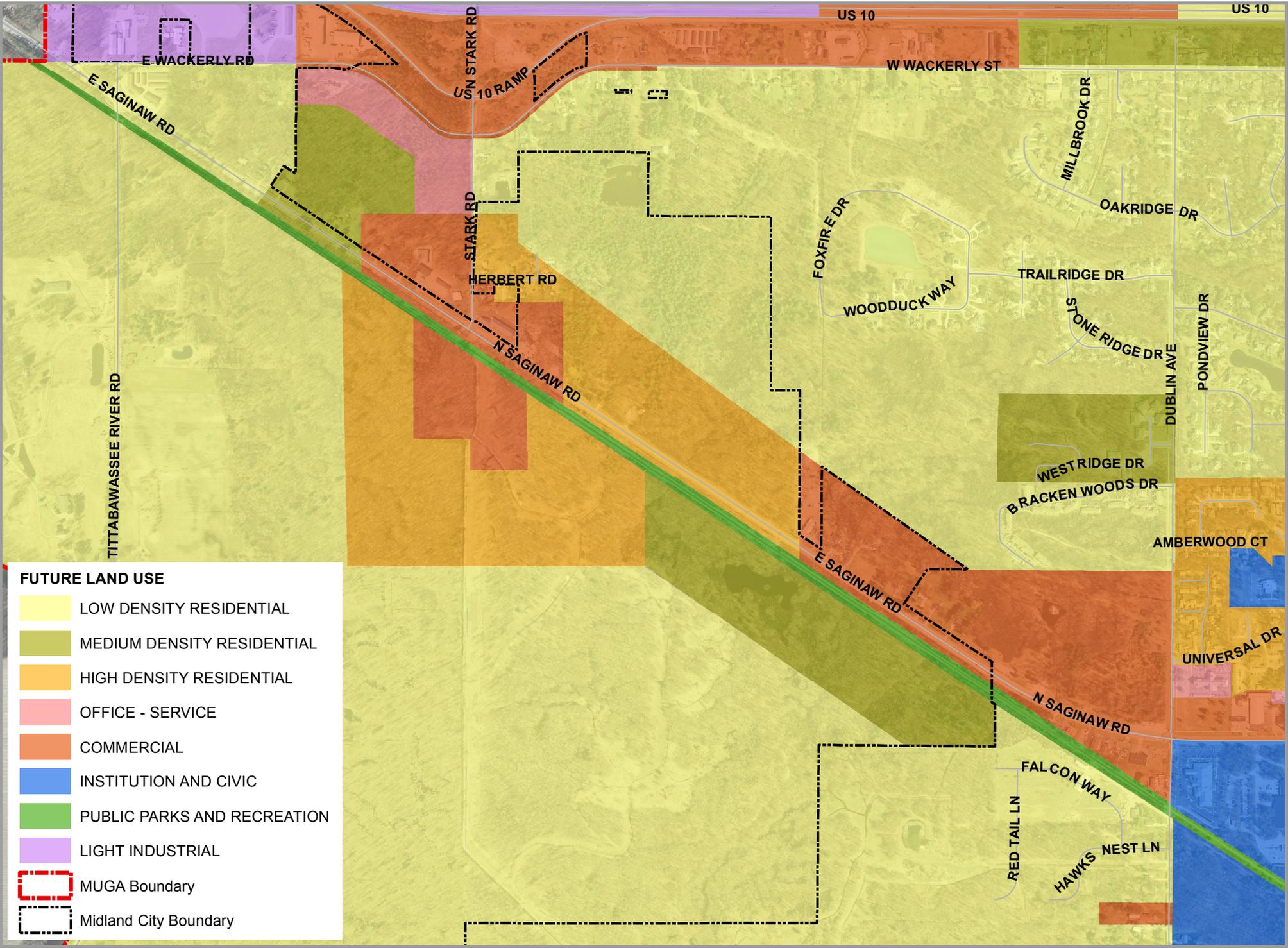
Concept Master Plan Amendments West End to MUGA



Current Adopted Master Plan West End to MUGA



Concept Master Plan Amendments West End to MUGA



FUTURE LAND USE

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- OFFICE - SERVICE
- COMMERCIAL
- INSTITUTION AND CIVIC
- PUBLIC PARKS AND RECREATION
- LIGHT INDUSTRIAL
- MUGA Boundary
- Midland City Boundary