

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, JANUARY 26, 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, Pnacek, Senesac, Stewart and Tanzini

ABSENT: None

OTHERS PRESENT: Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and two (2) others.

4. **Approval of Minutes**

Moved by Mayville and seconded by Hanna to approve the minutes of the regular meeting of January 12, 2016 as written. Motion passed unanimously.

5. **Public Hearing**

None

6. **Old Business**

None

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

None

8. **New Business**

- a. Annual Zoning Ordinance Text Amendments

Kaye presented the proposed ordinance amendments as outlined and explained in the staff report. He indicated that the contents of his presentation will focus on the proposals that either required additional attention by staff since first proposed in October or are new since October.

Kaye first reviewed the definitions of accessory building and accessory structure. The proposed revision results in all accessory buildings being accessory structures but not all accessory structures are accessory buildings.

Mayville asked about swing sets and where they would fit within these two accessory definitions. Kaye answered that they would be considered an accessory structure as they do not have a roof and are not meant for shelter.

Senesac suggested that the *Accessory Structure, Attached* definition be changed to *Accessory Building, Attached* as the definition indicates that it is a "building". Kaye agreed.

Kaye reviewed the *Animal, Exotic* definition. Senesac wondered if the “confined to cage” exclusion applies to just snakes or to all exotic animals. Kaye indicated that he would discuss this exclusion with the City Attorney to propose something that provides more clarification on this exclusion.

Kaye then reviewed the definition for *Restaurant, Fast Food* and the new inclusion of “or beverage”. This change is to provide for a coffee house use to be correctly included in this definition. The need for inclusion of a coffee house in this definition will allow for the coffee house use to be removed from the list of permitted uses within certain districts as it will fit within the definition of *Restaurant, Fast Food*.

Senesac questioned the word “institution” within the definition of *Housing for the Elderly and the Disabled*. Kaye indicated that any new and different proposal to this definition would require a more thorough review of the ordinance before this word could be changed or removed. No problems have been experienced to date with this wording.

Stewart asked for clarification on Section 3.03A(3). Kaye indicated that he will need to do some further review to determine if the title should be changed to “attached accessory building”. This may change how we view the definition of attached accessory structure discussed earlier.

Senesac questioned the proposed change in Section 3.09D(6)c and the inclusion of “all required setbacks” in the provision. Kaye reviewed this provision in further detail and gave specific examples of situations which would require use of this provision.

Heying asked for clarification on the inclusion of the words “or otherwise” within the Section 4.03E provision. Kaye indicated this allows for an inclusion of all other instances that are not explicitly listed in the provision.

Kaye reviewed the *Minimum Number of Spaces Required in the C (Circle) District* standard and explained how his research led him to discovering a similar provision dating back to the 1969 zoning ordinance.

Kaye explained the proposed changes under Article 7 in Table 7.1 which were the result of discussions with the City’s code enforcement officers. He stressed the difference between the required front yard and the front yard. He asked for a discussion regarding the proposed changes within this section to gain a better indication of the standards wanted by the Commission.

Heying commented that he believes there is merit to simplifying the standards for fences within the front yard. McLaughlin wondered if the current standards have resulted in an enforcement issue. Kaye explained that there have not been too many issues except in places where the fence was established previously before these standards were in place. After hearing the comments from the Commission members, Kaye reviewed the resulting changes within Article 7 as he understood them.

McLaughlin suggested that Section 7.03A(4) be clarified with the addition of the words “repair and replacement”.

Kaye explained the proposed changes under the *Interpretation of District Boundaries*. He explained that the Planning Commission cannot be the final decision on the interpretation of zoning districts as the city’s code of ordinances does not afford this authority to this body. The Commission understood and agreed with the language proposed.

Kaye reviewed the proposed changes under Article 27. He explained that staff considered the feedback previously received on the site plan requirement provision and is proposing a level of triggers for public set plan review going forward. The triggers are at 7,500 and 15,000 square feet. Stewart wondered if it would be more appropriate to leave it at 7,500 square feet. Heying

commented that he thinks it would be more appropriate at 10,000 or 15,000 square feet as 7,500 might be too burdensome. Tanzini explained that 7,500 square feet does not seem to be too restrictive. The Commission decided on the 7,500 square feet of additional area threshold.

Senesac commented that he would like to see an amendment date added to the ordinance. Kaye agreed that this would be a great way to track changes.

Hanna wondered if anyone during the last meeting commented about the notification distance that is currently used. She explained that she thinks the 300 feet rule, albeit the minimum standard of state law, is too small of a distance. Kaye explained that there are separate notification standards for zoning map amendments than for future land use map changes. Changing the notification distance for the former was previously discussed and the decision was made to keep it at 300 feet.

b. **Capital Improvement Plan**

Kaye provided a quick overview of the first draft of the CIP which was delivered by the consultant last week. The document will require further revision and will likely include an additional year given the current time within the budget preparation process for the 2016-17 fiscal year. The CIP serves the purpose of providing a plan or blueprint for large capital expenditures over the first or current year and the next five years, an effective time schedule of six years. A plan of this nature is helpful during the budget preparation process for city staff and ultimately City Council who votes to adopt the annual budget. It will also allow residents to understand the timetable for large projects like street reconstruction. The document contains cross references with the current Master Plan.

The CIP contains a listing of funding sources and a categorization of planned projects by cost amount. The planned projects will be charted within the document by target year, funding source (where known) and category; this provides an easy way for the projects to be understood by the public and city officials alike.

Hanna wondered about the allocation of contingency funds for unforeseen costs. Kaye explained that each fund has a built in contingency to allow for unforeseen costs; these amounts are established through the budget process and allocated on an annual basis. Senesac commented that these types of plans are extremely valuable to organizations as he has found through his work experience. He further explained that sometimes the exercise of formulating the document is the most beneficial part of the process.

9. Communications

A Michigan Association of Planning brochure was transmitted to the members highlighting upcoming training sessions throughout the state.

10. Report of the Chairperson

None

11. Report of the Planning Director

Kaye explained that changes will need to be made to the way the city handles its floodplain program this year. A transition from the old system to the new CRS system will take place and require a substantial amount of staff time in order to ensure the City's high floodplain rating and the resulting discount that is given to property owners on flood insurance within the city. Much of this work will need to be completed by May.

He also updated the Commission on the ongoing wayfinding signage project on non-motorized trails within the area. As an update on the former 4D site and the ongoing project to determine how to best

remediate this property, Kaye indicated that the planning process is at a standstill until a professional can be hired to determine the best way to take the site into a more natural state.

Staff is continuing to work with Kroger's team on resolving issues with the traffic study and other site plan criteria. Once all the issues have been resolved, staff will schedule the proposal for public hearing.

12. Items for Next Agenda – February 9, 2016

- a. Site Plan No. 344 – initiated by Fisher Contracting Co. for a 16,400 square foot storage and shop addition, located at 3401 Contractor Drive.

13. Adjourn

Motion by Senesac and seconded by Heying to adjourn at 9:11 p.m. Motion passed unanimously.

Respectfully submitted,



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

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