

A G E N D A

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION,
TO TAKE PLACE ON TUESDAY, JUNE 14, 2022 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
 - a. Regular Meeting – May 24, 2022
 5. Public Hearings
 - a. ZTA No. 162 – Amendments to the COM – Community Zoning District list of permitted uses
 - 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
 7. Public Comments (unrelated to items on the agenda)
 8. New Business
 9. Communications
 10. Report of the Chairperson
 11. Report of the Planning Director
 12. Items for Next Agenda – June 28, 2022
 13. Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
MIDLAND CITY PLANNING COMMISSION,
ON TUESDAY, MAY 24, 2022, 2022 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:01 p.m. by Chairman Koehlinger
2. Pledge of Allegiance to the Flag
3. **Roll Call**

PRESENT: Bain, Broderick, Koehlinger, Craig, and Deckrow

ABSENT: Pnacek, Mayville, Sajbel

OTHER PRESENT: Ryan Smith, Community Development Planner; Brad Kaye, City Manager and four (4) others.

Koehlinger recongized the newest Commission Member Meki Craig.

4. **Approval of Minutes**

Bain moved to approve the minutes of May 10, 2022. Craig seconded the motion.

Motion carries 5-0.

5. **Public Hearings** –

- a. **CUP No. 76** - The request of Michele’s Montessori School to approve a Conditional Use Permit for Child Care Center at 1025 E Wheeler Street. The property is split zoned RA-1 Residential and COM Community.

Smith gave an overview of Conditional Use Permit No. 76.

Bain asked about the property zoning history of the subject property. Bain also asked if the text amendment was dependant on this approval or vise versa. Smith indicated that the sequencing will not impact the decision on the CUP tonight.

Petitioner:

Kristin Hosfeld 4611 Swede Avenue, Midland, MI:

Ms. Hosfeld answered some questions that were asked of the petitioner via the communications submitted including hours of operation and number of children that attend.

Comments in support –

Benjamin Dollard 5007 Foxpoint Circle:

Mr. Dollard is a neighboring property owner and would like to see the parcel remain split zoned to retain the buffer between the COM area and the RA-1 zoning.

Comments in opposition –

Diane Wirsing 4912 Washington Street:

Ms. Wirsing feels this is a quiet neighborhood and there is not many children. She feel this development would bring noise, and children walking through her property.

Petitioner rebuttal –

Kristin Hosfeld 4611 Swede Avenue, Midland, MI:

Petitioner states that there is not going to be any use of the basketball courts. Also, no afterhours outdoor activities will be permitted.

Bain made a motion to waive the rules of procedure to deliberate and vote on this petition tonight, Deckrow seconded the motion:

Yeas: Bain, Broderick, Koehlinger, Craig, and Deckrow
Nays: None
Absent: Sajbel, Pnacek, Mayville
Motion carries 5-0

Broderick made a motion to recommend Conditional Use Permit No. 76 to City Council for approval with the three (3) listed contingencies. Craig seconded the motion:

Yeas: Bain, Broderick, Koehlinger, Craig, and Deckrow
Nays: None
Absent: Sajbel, Pnacek, Mayville
Motion carries 5-0

6. **Old Business** - none

7. **Public Comments** (unrelated to items on the agenda) – none

8. **New Business** – none

9. **Communications** – none

10. **Report of the Chairperson** – Discussion around the subcommittee to engage more public participation for the Master Planning process.

11. **Report of the Planning Director** – Urban 3 joint meeting to come in June. Also the new Planning Director has been hired and will begin in late June.

12. **Items for Next Agenda – June 14, 2022** –

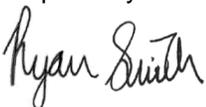
a. **Zoning Text Amendment No. 162** - Amendments to the COM – Community Zoning text

13. **Adjournment:**

It was moved by Bain and seconded by Deckrow to adjourn at 7:54 pm.

Motion carries 5-0.

Respectfully submitted,



Ryan Smith
Community Development Planner

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



ZTA No. 162 – COM Permitted Uses

Date: June 10, 2022

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Zoning Text Amendment No.162: COM – Community

APPLICANT: Staff Proposal

PROPOSED: Addition of Child Care Centers to the list of permitted uses within the COM – Community zoning district

REPORT

BACKGROUND

The idea of adding child care centers to the list of permitted uses in the COM – Community zoning district was first discussed at the May 24, 2022 Planning Commission meeting. Specifically, the proposed use of a child care center at the former Delta College Regina Center located at 1025 E Wheeler Rd has identified a possible shortcoming in the text of the existing zoning ordinance. A public hearing was held at the May 24, 2022 Planning Commission meeting regarding a request from Michele’s Montessori School for a conditional land use permit (CUP #76) to allow for a child care center to be located at 1025 E Wheeler Rd. This property is currently split zoned COM Community and RA-1 Single Family Residential. A fenced-in play area of the proposed child care center extends into the portion of the property zoned RA-1. The RA-1 Single Family Residential zoning district allows for the use of a child care center with a conditional land use approval, which was the purpose of the public hearing. However, currently the majority of the property (including the entirety of the existing building) is zoned COM – Community, which does not allow child care centers as a permitted use by right. Following the public hearing for CUP #76, staff consideration, and Planning Commission discussion, there was agreement to move forward with consideration of a general text amendment that would address the oversight in the zoning ordinance.

Zoning Text Amendment No. 162, if approved, would allow the use of a child care center in the COM – Community Zoning District.

PROPOSAL DETAILS

This proposal is a staff-initiated Zoning Ordinance text amendment to expand the list of permitted uses in the COM – Community district to include child care centers as a principal permitted use. The general text amendment would apply to all properties currently zoned COM in addition to any property rezoned to COM in the future. This proposed text amendment will only apply to Article 19.00 of the Zoning Ordinance.

Article 19.00 in its entirety with the proposed changes are enclosed for consideration and context purposes.

TEXT AMENDMENT REVIEW CONSIDERATIONS

Zoning text amendments of this nature must follow the process outlined in Article 30.00 of the City's Zoning Ordinance. The Planning Commission and City Council shall at a minimum, consider the following before taking action on any proposed text amendment:

1. Is the proposed amendment consistent with the City's Master Plan?
2. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?
3. Was there a mistake in the Zoning Ordinance that justifies the amendment?
4. Will the amendment correct an inequity created by the Zoning Ordinance?
5. Will the amendment merely grant special privileges?
6. Will the amendment result in unlawful exclusionary zoning?

This general text amendment would apply to all properties that are currently zoned COM, as well as any properties that might be rezoned to COM in the future. Planning Commission consideration shall include all such properties, including the property that resulted in the initiation of this petition.

STAFF RECOMMENDATION

After looking at this situation, it is staff's opinion that the COM – Community zoning district should include child care centers as a permitted use by right. The following reasons illustrate why this zoning text amendment for the addition of child care centers to the COM – Community Zoning District is warranted:

1. All properties currently zoned COM – Community throughout the city would be complimentary to the use of a child care center. An example of child care centers already being used in a COM – Community zoning district (albeit a Planned Unit Development) is the Greater Midland Community Center located at 2205 Jefferson Avenue.
2. There is a great need for child care centers within the city and allowing child care centers as a permitted use by right within the COM – Community zoning district furthers the goals and objectives of the Master Plan.
3. If adopted, this approach would apply to all parcels zoned COM – Community and would not be limited to just this one property.
4. Properties zoned COM - Community will enjoy additional development/expansion rights than currently allowed.
5. Staff could not find an example of a parcel currently zoned COM - Community that would not tolerate the use of a child care center. Additionally, the impact on most properties zoned COM – Community, along with their adjacent parcels, is expected to be minimal at most.

Looking ahead, the addition of child care centers as a permitted use by right to the COM – Community zoning district would allow for greater needs of the community to be met. This

zoning text amendment if approved would have the most immediate effect on the community by allowing the use of a child care center at the old Delta College building located at 1025 E Wheeler Road. This would result in the effective reuse of an architecturally distinguished building in the community to offer a service that is greatly needed.

PLANNING COMMISSION ACTION

The Planning Commission will hold a public hearing on this matter on June 14, 2022. If agreeable to the Planning Commission, a recommendation can be formulated to City Council that evening. If a recommendation is formulated during the June 14 meeting, staff anticipates that on June 20, 2022 the City Council will set a public hearing on this matter. Given the statutory notification and publication requirements, the City Council public hearing would then be scheduled for July 11, 2022. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ryan Smith". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

Ryan Smith
Community Development Planner

ARTICLE 19.00

COMMUNITY DISTRICT

Section 19.01 -- STATEMENT OF PURPOSE

This district is for special public, quasi-public and private uses that are deemed to have special community significance.

Section 19.02 -- PERMITTED USES AND STRUCTURES

A. Principal Uses and Structures

In all areas zoned Community District, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Colleges and universities.
2. Vocational and technical schools.
3. Fire Stations.
4. Offices for charitable organizations.
5. Airports.
6. Buildings or uses of special architectural significance to the City, when so designated by the City Council.
7. Child care centers, as defined in “Residential Care Facilities” in Section 2.02
8. Civic centers.
9. Community centers, buildings and facilities.
10. Cultural facilities, such as museums, and art galleries.
11. Governmental administration offices.
12. Public and private libraries.
13. Hospitals.
14. Public fairgrounds.
15. Public service centers.
16. Sports stadiums and arenas.

17. Hospitality homes, when operated by a non-profit agency to serve as a temporary residence for patients who are receiving medical treatment elsewhere in the community, or their families.
18. Social service agencies, private and nonprofit.
19. Retreat centers.
20. Parks.
21. Golf Courses. Golf driving ranges are an acceptable accessory use.
22. Places of Worship.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Community District shall be permitted, subject to the provisions in Section 3.03:

1. Signs, subject to the provisions in Article 8.00.
2. Off-street parking, subject to the provisions in Article 5.00.
3. Uses and structures incidental to the primary use.
4. Special retail sales promotions and fairs and shows that may include incidental sales activities.
5. Adult educational programs; cultural and recreational activities; public and semi-public meetings and programs, public service club programs and events, and other uses traditionally occurring in school facilities. Secondary uses shall be provided with off-street parking in accordance with Article 5.00.
6. Small Wind Energy Systems.

C. Permitted Uses with Special Standards

In all areas zoned Community District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Public Utility Facilities, subject to the provisions in Section 9.02, subsection K.
2. Recreation facilities, subject to the provisions in Section 9.02, subsection L.
3. Day Shelter, subject to the provision of Section 9.02, subsection I.
4. Residential Treatment, subject to the provision of Section 9.02, subsection I
5. Transitional Housing, subject to the provision of Section 9.02, subsection I

D. Conditional Land Uses

The following uses may be permitted by the City Council, upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Juvenile services facilities.
2. Cemeteries.
3. Correctional Facilities, subject to the provisions in Section 9.02 M.
4. Water and sewage treatment plants.
5. Wireless Reception Facilities, subject to the provisions in Section 3.16.

Section 19.03 -- DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 27.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Community District are subject to the area, height, bulk and placement requirements in Article 26.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 26.00, but the user is advised to refer to Article 26.00 for more detailed information and explanatory notes.

Minimum Lot Area	12,000 square feet
Minimum Lot Width	100 feet
Maximum Height of Principal Structure	See footnote P in Article 26.00, Schedule of Regulations
Minimum Setbacks*	
Front	30 feet (measured from front lot line)
Side	25 ft.
Both Sides	50 ft.
Rear	25 ft.
Side Street	30 ft.

*Setbacks may change due to building height per footnote P in Article 26.00.

C. Planned Unit Development

Planned unit development may be permitted in the Community District as a means to achieve the basic intent of this district, in accordance with Article 24.00.