

MINUTES

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. Chair Koehlinger called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance to the Flag

3. **Roll Call**

PRESENT: Pnacek, Fields, Deckrow, McCoy, Broderick, Koehlinger, Bain, Craig

ABSENT: Mayville

OTHER PRESENT: Jacob Kain, Director of Planning & Community Development; and nine (9) others.

4. **Approval of Minutes**

Pnacek moved to approve the minutes of August 23, 2022. Bain seconded.

Motion carried 8-0.

5. **Public Hearings**

- a. **Zoning Petition No. 642** – initiated by MLR Engineering to rezone property located at 5910 and 5828 N. Saginaw Road from OS Office Service to RC Regional Commercial.

Kain gave an overview of Zoning Petition No. 642.

Bain inquired about the state of the existing auto salvage use on the property.

Kain explained that there have been code compliance issues with this property in the past and that code enforcement staff are working with the operators to ensure the property is maintained in a manner consistent with City codes.

Koehlinger verified that this is two separate properties, but with the same owner.

Bain inquired about floodplain considerations. Kain verified that this property is not located in the floodplain.

Petitioner – Ben Rybicki, MLR Engineering, 401 Balsam Street, Carrollton, Michigan: Rybicki offered to answer questions from the Commission. There were no additional questions for the petitioner.

Public Comments - none

Chair Koehlinger closed the public hearing.

Pnacek moved to waive the rules of procedure. Fields seconded. Motion carried 8-0.

Fields moved to recommend Zoning Petition No. 642 to City Council for approval. Deckrow seconded. Motion carried 8-0.

- b. **Conditional Use Permit No. 78** – initiated by Pistro Builders on behalf of Thomas and Corinne Provoast to permit a single family dwelling at 4310 and 4314 Stonegate Drive.

Kain gave an overview of Conditional Use Permit No. 78.

Petitioner – Tom Provoast – 6009 Foxboro, Midland, Michigan: Provoast explained his interest in constructing a single family dwelling on the subject properties.

Public Comments – Gary Shafer, 4208 Stonegate Drive, Midland, Michigan: Shafer discussed the bylaws of the Stonegate Condominium Association from 1996. Most of the homes in this area were built prior to the zoning changes in 2005. He would like to encourage creativity in keeping this project moving.

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Greg Weckesser, 4221 W. Wackerly Street, Midland, Michigan: Weckesser feels this is a very special situation that could create a huge hardship for the Provoasts if the Conditional Use Permit is not approved.

Steve Arnosky, 2518 Brookwood Drive, Midland, Michigan: Arnosky also asked for creativity in grandfathering some of the projects coming up on Stonegate to speed up the process.

Chair Koehlinger closed the public hearing.

Bain moved to waive the rules of procedure. Fields seconded. Motion carried 8-0.

Bain moved to recommend Conditional Use Permit No. 78 to City Council for approval. McCoy seconded. Motion carried 8-0.

- c. **Zoning Petition No. 643** – initiated by the City of Midland on behalf of Thomas and Lillian Falkowski and Michael and Rebekah Kriger to rezone property located at 7110 and 7114 N. Perrine Road from Residential – C (Larkin Township Zoning) to RA-4 Single Family and Two Family Residential.

Kain gave an overview of Zoning Petition No. 643.

Public comments – none

Chair Koehlinger closed the public hearing.

Fields moved to waive the rules of procedure. Bain seconded. Motion carried 8-0.

Fields moved to recommend Zoning Petition No. 643 to City Council for approval. McCoy seconded. Motion carried 8-0.

- d. **Zoning Petition No. 644** – initiated by the City of Midland on behalf of Linda Hall to rezone property located at 6917 N. Perrine Road from Residential – A (Larkin Township Zoning) to RA-1 Single Family Residential.

Kain gave an overview of Zoning Petition No. 644.

Public Comments – none

Chair Koehlinger closed the public hearing.

Bain moved to waive the rules of procedure. Pnacek seconded. Motion carried 8-0.

Pnacek moved to recommend Zoning Petition No. 644 to City Council for approval. Broderick seconded. Motion carried 8-0.

6. Old Business

- a. Zoning Petition No. 641

Pnacek abstained from participating in the public hearing due to a potential conflict of interest and left the meeting.

Kain gave a brief overview of Zoning Petition No. 641. The rules of procedure were not able to be waived at the previous meeting due to only five members being available at the meeting.

Broderick moved to recommend Zoning Petition No. 641 to City Council for approval. Fields seconded. Motion carried 7-0.

Pnacek rejoined the meeting.

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

8. New Business –

- a. Vacation of Keith Street – Kris Remington and Wayne Hall, owners of lands abutting Keith Street, have petitioned the City of Midland requesting the vacation of that street.

Kain gave an overview of the petition.

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Pnacek moved to waive the rules of procedure. McCoy seconded. Motion carried 8-0.

Pnacek moved to recommend the vacation of Keith Street to City Council for approval. Deckrow seconded. Motion carried 8-0.

- b. Bylaws update – The bylaws were adopted in 2002 with the last update made in 2008. An ad hoc committee will review the bylaws and communicate the commission suggestions for updates.

Fields moved to waive the rules of procedure. Broderick seconded. Motion carried 8-0.

Koehlinger moved to appoint Koehlinger, Fields, and Deckrow to a committee to review the bylaws and present any recommendations to the Planning Commission. Fields seconded. Motion carried 8-0.

- c. City Modern – Kain indicated that although the Planning Commission had adopted an Intent to Plan in January 2021, the notices required were not mailed. Staff will be mailing notices now. No additional action is required by the Planning Commission.

The Planning Commission discussed the scheduling of discussions related to the plan. Consensus was to meet at 6 p.m. before regular meetings for this purpose. Staff will confirm the availability of MCTV for this purpose and bring forward the draft work plan for consideration at the next regular meeting.

- d. Grandfathering discussion – Bain requested a discussion on public comments regarding CUP 78. Kain reviewed the general implications of “grandfathering” of legal, non-conforming uses and reiterated that no such legal, non-conforming use exists in this case. Kain indicated that staff is preparing a text amendment related to single family dwellings in the Residential B district and will bring that amendment forward for introduction at the next regular meeting.

9. Communications – none

10. Report of the Chairperson – none

11. Report of the Planning Director – none

12. Items for Next Agenda – September 27, 2022

- a. Conditional Use Permit No. 79 – 4215 Stonegate Drive
- b. Site Plan – 6000 Jefferson Ave
- c. Zoning Text Amendment – Single family dwellings in the Residential B zoning district
- d. City Modern work plan

13. Adjournment:

Deckrow moved to adjourn. McCoy seconded. Motion carried 8-0. Meeting adjourned at 8:52 p.m.

Respectfully submitted,



Jacob Kain, AICP
Director of Planning & Community Development

JIK/sab

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