

Charter Township of Bangor
PLANNING COMMISSION
MINUTES OF APRIL 24, 2013 MEETING

A regular meeting of the Charter Township of Bangor Planning Commission was held on the 24th day of April 2013 in the Township Administration Building of Bangor Township, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

MEMBERS PRESENT: Dick Bishop, Ed Davis, Mark Norton, Patricia Parker, Tom Washabaugh

MEMBERS ABSENT: Dennis Pilarski, Bill Schubert

At 6:00 p.m., Mr. Norton called the meeting to order. The Pledge of Allegiance was recited.

The first item on the agenda was approval of the March 27, 2013 regular meeting minutes. *Mr. Bishop moved to approve the minutes. Ms. Parker seconded the motion. Five (5) ayes, no (0) nays, two (2) absent. The motion passed.*

Next on the agenda was the request for Special Exception Use Permit/Site Plan approval for John McCallum for property at 700 Webb Drive (09010F1000400100) specifically for a two-family dwelling.

John McCallum of 3473 Highland Drive represented the request.

Jim Lillo from the Bay County Road Commission wrote with regard to the Special Exception Use Permit/Site Plan filed by John McCallum for property at 700 Webb Drive, they have no objection to the site plan. They understand the request is for conversion of a single family residence to a two-family dwelling. The site plan does not indicate any change with regard to the residential drive. As a note, a two-family dwelling most likely will increase on street parking along Fulton and/or Webb Street.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed site plan. Water service is provided by Bangor-Monitor.

The fire department takes no exception to the request by John McCallum for the property located at 700 Webb Drive.

A letter in opposition from Larry & Janet Sopczynski of 702 Handy Drive was received.

A letter in opposition from Aaron & Renee Wing of 701 Handy Drive was received.

Mr. McCallum stated the home is currently being used as a two-family home. It was previously a foster care home. He has been paying the rental fees for about four years. The Code Enforcement Officer, Electrical Inspector, and the Building Inspector have inspected the home and had no issues. There are six other multi-unit dwellings within a block and a half.

Matthew Hewitt of 514 E. Midland Road, friend of Mr. McCallum and attorney, was in favor of the request. With regard to the standards set by the Township, this is keeping with the character of the area. This was a group home and was not in the best condition. The quality has improved. There is no negative impact. Mr. Hewitt stated he was in support of the request.

Aaron Wing of 701 Handy Drive stated he lives behind the property. He stated there are three apartment buildings and two duplexes in the area. This was an adult foster care home. At the meeting last year, a petition was submitted by neighbors opposing the request. He submitted another petition. The request was denied seven months ago.

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The petition submitted read as follows: We, the undersigned, are disappointed that the issue of the Special Exception Use Permit was not turned down permanently after the last meeting when the tax paying residents of Frost Dive expressed our concerns. So we again resign and resubmit this petition to the Bangor Township Planning Commission, against granting this Special Exception Permit. We list the same concerns and issues as before and have received more signatures from additional taxpaying residents for your consideration. We, the undersigned, are against the proposal for a Special Exception Use Permit for a two family dwelling at 700 Webb Drive. Our neighborhood is comprised primarily of single family homes, and we feel that this is best for the continuity of our neighborhood, and would prefer it to stay this way. The issues of concern that we have already noticed at the 700 Webb Drive residence, we feel, would only get worse with the township granting a Special Use Permit. These issues include, but are not limited to, the following: There is insufficient parking for a two family residence. And parking in the street is already occurring. Presently, the tenants are also parking on a patio or grassy area not intended for permanent parking. Since the last meeting when we expressed our concern regarding the property not being properly maintained, the owner has put effort into cleaning up the yard and minor upkeep on the exterior of the home. The owner has taken responsibility for cutting the lawn and snow removal but previously the neighbors had to cut the lawn and help maintain the yard, because the current owner of said property had neglected to do so. Our question is, did this occur because of our previous letter against the permit? His interest may continue until his Special Exception is granted, but will they then continue to maintain it at that point. In addition: We are hesitant to set a precedent by allowing this action to take place for fear of turning our single family neighborhood into a transient multiple dwelling area. The property at 700 Webb Drive was not constructed/or intended to be used as a multiple family dwelling. This should not be allowed to change. With property values already on the decline in our area, allowing a single family home to be converted into a two family dwelling (for which it was never intended), would surely further depress property values. Thank you for taking our concerns under advisement. Residents of Frost Subdivision. Registered Voters Signatures. This petition was signed by: Aaron & Renee Wing of 701 Handy Drive, Carlo & Gail Lamberti of 615 Handy Drive, Lec Techlin of 614 Handy Drive, Janet & Larry Sopczyński of 702 Handy Drive, Daniel & Rebecca Emmenecker of 703 Handy Drive, Monnie & Robert Schafer of 700 Handy Drive, Ron Witucki of 709 Handy Drive, Jason & Bethany Proctor of 706 Handy Drive, Daniel Derocher of 704 Handy Drive, Gary & Nancy Walton of 711 Handy Drive, Barbara Eichinger of 708 Frost Drive, James & Sue McCarty of 614 Frost Drive, Barbara & Patrick Tobin of 608 Frost Drive, Daniel, Jaclyn & Kayleen Hester of 706 Frost Drive, Richard Schweiss of 701 Frost Drive, Kenneth & Mary Kochany of 704 Frost Drive, Dayle & Michael Michalak of 611 Frost Drive, Chris Grzegorzczak of 609 Handy, Stephen Rouse of 608 Handy Drive, Linda Techlin of 614 Handy Drive, Arthur Ball of 707 Frost, Gerald & Helen Klee of 711 Frost Drive, Pat, Aaron & Teresa Villano of 615 Webb Drive, Melissa & Matthew Sawicki of 614 Webb Drive, Shirley Gorney of 612 Webb, Jean & George Doan of 608 Webb Drive, Tyler, Stephanie & Dianna Sutton of 604 Webb Drive, Martin & Linda Doyle of 603 Webb Drive, Ellen Weathers of 605 Webb Drive, Robert Ahlberg of 602 Webb Drive and Darlene Martin of 609 Webb Drive.

Mr. Wing stated there is a parking issue. People moved to the area because it was a single family neighborhood.

Mr. Davis asked if there were changes done to the home. This was a group home which probably created more traffic than what's proposed. Parking on the road is allowed in the area.

Mr. Norton stated work was done to convert the home into a duplex. Ms. Parker asked if building permits were needed. Mr. Davis stated he didn't think so. Mr. Washabaugh referenced a 2012 letter from the Code Enforcement Officer.

Mr. Norton stated the neighbors are in opposition to the request. He doesn't see why this should be approved. Ms. Parker commented this is an allowed use. What is the basis for a denial? Mr. Bishop added he didn't believe it could be denied. There are similar uses in the area. Mr. Davis agreed.

Mr. Washabaugh asked if conditions could be put on an approval. A discussion took place. The Commission asked for a legal opinion on the matter.

Mr. Washabaugh moved to postpone, until the May 22, 2013 meeting, the request for Special Exception Use Permit/Site Plan approval for John McCallum for property at 700 Webb Drive (09010F1000400100) specifically for a two-family dwelling. He requested an attorney's opinion be received for what a Special Use Permit

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decision can be based on. Ms. Parker seconded the motion. Four (4) ayes, one (1) nay-Norton, two (2) absent. The motion passed.

Comments were made after the hearing from area residents.

Next on the agenda was a request for Optional Preliminary Site Plan review for Sunrise Family Credit Union (Thompson-Phelan Group) for property at 404 S. Euclid (09-010-019-400-140-00).

The fire department takes no exception to the request by Sunrise Family Credit Union for the property at 404 S. Euclid.

Jim Lillo from the Bay County Road Commission wrote with regard to the site plan filed by Sunrise Family Credit Union (Thompson-Phelan Group) for property at 404 S. Euclid Avenue (M-13), they have no comment on the petition. Based on the information received, the proposed site is not located along road right-of-way under the jurisdiction of the Bay County Road Commission. Euclid Avenue (M-13) and Thomas & Jenny (M-25/US-10) are under the jurisdiction of MDOT, which should be contacted to determine if they have any comments regarding this site plan.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed site plan.

John Schwark and Greg Nowicki of Thompson-Phelan Group represented the request. Also present were Barbara Weiler and other representatives from Sunrise Family Credit Union.

Mr. Schwark explained their intent. This is a unique property. It has two different zonings: Office and Commercial. There are different restrictions for each zoning. It is difficult to meet both. They are proposing a 5,500 square foot addition. They will remove the old residence on the property. The parking will be configured. The branch on Jenny would remain. A storage building would be added. Mr. Schwark stated there are currently three buildings on the site.

Site parking was discussed. There is a joint agreement with Walgreens for parking. Semi-trucks access the site off Jenny Street. The new layout was explained.

Township Zoning Ordinance requires islands to be at least 10' wide. They are proposing a 2.5' island. This is a viable solution for parking. A variance will be needed for this item.

A discussion took place on the access off Jenny Street. The in/out is opposite of what it should be. Mr. Schwark explained if they didn't change the approaches, MDOT wouldn't have issues. A discussion took place on where the property line was and the required setbacks. Mr. Norton believes both O-1 and C-2 zoning have a required 40' setback. He added if there 15' is between the parking and the right-of-way, a variance should not be required.

Mr. Nowicki stated 70% of the parking lot would not be touched. The Ordinance calls for curbing. They don't plan on putting in curb by the proposed accessory building. A variance may be needed.

Signage was discussed. Currently, the signage is non-conforming. There are four existing signs, including Walgreens' sign. Mr. Schwark stated they may replace a sign with a message board.

Mr. Schwark knows variances will be needed and was looking for guidance as to what to request. He stated the unique shape of the lot creates the issues.

Mr. Bishop noticed the number of handicapped parking spaces was reduced. Ms. Weiler stated they meet the minimum requirements but can add more if needed.

Required screening was discussed. Mr. Schwark stated due to the agreement with Walgreens, screening is prohibitive. A variance may be required.

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Mr. Norton stated a sidewalk along Euclid is required. There is not one currently.

More discussion took place on parking. A variance will be required to have 18' deep parking spaces. The Planning Commission has waived some requirements for landscaping in the past but a variance may be needed.

The storage building was discussed. Mr. Schwark was not sure if the building would be allowed without a variance. Its proposed location meets the setback requirements. Mr. Washabaugh commented the location was in a dead area.

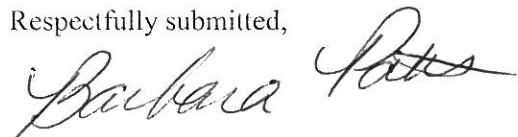
Curbing was again discussed. Mr. Nowicki stated most of the area has or will have curbing except back by the storage building.

Mr. Schwark stated Walgreens has to approve the plans per their agreement.

Mr. Norton stated the storm water drainage should not change from what exists. Mr. Nowicki commented there will be more green area.

Having no other business before the Commission, Mr. Bishop moved to adjourn. Mr. Davis seconded the motion. Five (5) ayes, no (0) nays, two (2) absent. The motion passed and the meeting was adjourned at 7:28 p.m.

Respectfully submitted,



Barbara A. Potts
Planning Commission Coordinator

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