

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

A regular meeting of the Charter Township of Bangor Planning Commission was held on the 24<sup>th</sup> day of July 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, Dennis Pilarski, Bill Schubert, Tom Washabaugh

**MEMBERS ABSENT:** None

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

**The first item on the agenda was approval of the June 26, 2013 regular meeting minutes.** Mr. Pilarski had a change to the 3<sup>rd</sup> paragraph from the bottom of the 1<sup>st</sup> page. 2<sup>nd</sup> sentence should be "He believed the way the pond drained it increased flooding on Regan Road." *Mr. Pilarski moved to approve the minutes with change. Mr. Bishop seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

**Next on the agenda was the request for Special Exception Use Permit/Site Plan approval for Courtney Wojtkiewicz for property at 4053 Richmark Lane (09010L350000800) specifically for adult care and child care facilities that provide care for seven (7) to twelve (12) individuals.**

Ms. Wojtkiewicz stated she lives at the property and is a day care provider. She is requesting to change from a family day care to a group day care. This would allow her to have 7-12 unrelated children. She is providing day care for her current day care families. She needs to be approved by the Township before she submits for State approval.

Ken Moore of 4090 Richmark stated he was opposed to the request. He's fine with it being a day care but the request says for adult care also. He is opposed to that.

Joanne Moore of 4090 Richmark stated she was against the request. This is a residential area. They don't need more traffic in the area. It's busy now.

Marylou Morin of 4063 Richmark stated she was confused with the notice. She wouldn't be opposed if it was just for a day care.

Fire Department takes no exception to the request.

Jim Lillo from the Bay County Road Commission wrote with regard to the Special Exception Use Permit/Site Plan approval filed by Courtney Wojtkiewicz, they have no objection to the site plan. They understand the request is to increase an existing family daycare to a large in-home daycare, as stated and explained in Courtney and Joe Wojtkiewicz's letter of June 25, 2013 included with our review package. The site plan does not indicate any change with regard to the residential drive or proposed encroachment into the road right-of-way. As a note, there may be a slight increase in traffic during pick-up and drop off times due to the increase in the number of children (six to twelve).

Charles Suchodolski from the DWS wrote they take no exception to the proposed site plan.

Kris & Guy Lore of 4072 Richmark telephoned they are against the request. They want to keep area residential.

Carol Schmolitz of 4064 Richmark called and stated they were against the request. They hear the kids now, more would be louder. They don't want this to turn into an adult foster care.

**APPROVED**

A letter in favor of the request was received from Michelle Caspers of 4045 Richmark Lane.

Sue Jaeger of 7082 Richmark telephoned she was against the request.

Judith Knopp of 4046 Richmark telephoned she was against the request.

Ms. Wojtkiewicz clarified her request was for child care only. Mr. Schubert asked what she considered as the age of a child. She stated she would have children between the ages of 1-12. Mr. Davis asked if that was a State definition. Ms. Wojtkiewicz stated those were the ages she chose.

Mr. Bishop stated there would be different stipulations if the property was used for adult care. Ms. Wojtkiewicz advised the State license strictly says for child care. Her license will change from a family day care to a group day care.

Ms. Wojtkiewicz stated currently herself, an assistant and a backup assistant work at the day care. If the group day care is approved, she will need three workers including herself. The State has specific requirements.

Mr. Davis asked if the license would terminate if she moved. Ms. Wojtkiewicz stated it would terminate. The State inspects group day cares more frequently than family day cares.

Mr. Washabaugh asked if the State approved her application. Ms. Wojtkiewicz stated this was the first step for approval. Then it gets submitted to the State.

Ms. Schmolitz stated the notice says it for both an adult care and child care. Mr. Schubert stated the Planning Commission can put reasonable conditions on an approval. They could restrict the approval to just child care.

Joe Wojtkiewicz commented the ordinance section states approval would be for both. They are only requesting child care. He added his wife and her assistant are both teachers. They are qualified for child care not for adult care.

Ms. Moore was concerned with increase traffic on Richmark. The Road Commission wrote there would be a slight increase during drop off and pick up times.

Mr. Schubert explained the proposal is an allowed use in the Zoning Ordinance. Approval does not allow someone to do whatever they want. There are specific requirements.

Mr. Davis asked if the square footage requirements were met. Ms. Wojtkiewicz does meet the Township requirements. Mr. Norton asked if the back yard was fenced in. It is fenced in.

Mr. Bishop inquired if the day care would be run on the weekend. Ms. Wojtkiewicz stated she would not have children on Saturday or Sunday and would close at 5:30 p.m. on weekdays.

*Mr. Norton moved to approve the Special Exception Use Permit/Site Plan for Courtney Wojtkiewicz for property at 4053 Richmark Lane (09010L3500000800) specifically for child care facilities that provide care for seven (7) to twelve (12) children. Mr. Schubert seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

**Next on the agenda was a request for site plan approval from Allied Signs/Taco Bell for property at 1004 N. Euclid (0901001730048500).**

Patrick Stieber from Allied Signs represented the request. Taco Bell is renovating their restaurant and updating the drive-thru. They would like to add a canopy over the order point to protect the customer from the weather. The clearance bar will be replaced. The corporate branding is changing.

MDOT wrote applicant should be required to see MDOT permit. Curb replacement within the right-of-way. They are waiting for bond and insurance.

**APPROVED**



Jim Lillo from the Bay County Road Commission wrote with regard to the request for Site Plan approval for Allied Signs/Taco Bell for renovations for an existing restaurant, 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 (BCRC). Euclid Avenue (M-13) is under the jurisdiction of MDOT, which should be contacted to determine if they have any comments regarding this site plan.

The fire department wrote they take no exception to the request.

Charles Suchodolski from the DWS wrote they take no exception to the proposed site plan.

A discussion took place on MDOT's comments. Taco Bell is not changing anything near the right-of-way.

*Mr. Norton moved to approve the request for site plan approval from Allied Signs/Taco Bell for property at 1004 N. Euclid (0901001730048500). Ms. Parker seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was request for site plan approval from Mario Garza for property at 3651 N. Euclid (0901000810002500). Mr. Garza and Mike Johnson represented the request.**

Mr. Garza stated they are proposing a 15,200 addition for a warehouse.

Jim Lillo from the Bay County Road Commission wrote with regard to the request for Site Plan approval for Mario Garza, 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 (BCRC). Euclid Avenue (M-247) is under the jurisdiction of MDOT, which should be contacted to determine if they have any comments regarding this site plan.

The Fire Department wrote due to the proximity of the proposed building to the existing building the fire department feels in the interest of fire safety the proposed building shall be constructed with one-hour fire separation wall between proposed building and the existing building.

Charles Suchodolski from the DWS wrote they take no exception to the proposed site plan.

MDOT wrote applicant should be required to see MDOT permit. These plans have not been accepted yet. Drainage is an issue.

Mr. Johnson stated the civil engineer on the project has been in contact with MDOT. There are some historic drainage issues.

Mr. Schubert requested clarification on the property address. Mr. Garza stated the property address is 3661 N. Euclid. The existing building and the proposed addition would be on two parcels. Mr. Norton stated they should be combined. Mr. Garza inquired what the advantage would be to combine them.

Mr. Garza stated they would have a two hour fire rated wall between the existing building and the addition.

Mr. Bishop commented no change in taxes occurred when he combined his two lots.

Mr. Garza stated they would reface the existing building. He would like a sign also.

A discussion took place on drainage, retention ponds and MDOT. Mr. Johnson stated MDOT has not been giving any answers to the drainage questions.

Mr. Schubert stated sidewalks should not be required. There is a bike path along Euclid in that area.

**APPROVED**

Mr. Norton questioned the drainage, retention pond shape and the utility lead locations. They are not shown on the site plan.

Mr. Garza stated the pond shapes are due to EPA and DEQ restrictions.

Mr. Washabaugh had concerns with the drainage from the future office project. The calculations shown are for the proposed project. The approval does not include the future office project.

Mr. Garza stated he would like the proposed project done in the next one to two years.

Mr. Norton and Mr. Washabaugh would like to see grades for the proposed project.

Andrea Garza stated the Fire Marshal inspected the building. Currently they do not have a Knox box but they do have an arrangement with the Fire Department until they get one. The building passed inspection.

Mr. Pilarski stated exterior lighting has to meet Township regulations. Ms. Garza commented they are working with Consumers Energy on energy efficient lighting.

There is no dumpster shown on the plan. Mr. Garza stated they do not have one.

*Mr. Schubert moved to approve the request for site plan approval for a 15,200 square foot warehouse expansion from Mario Garza for property at 3661 N. Euclid (0901000810002500). The plan shall be updated to show water and sewer lines, other utilities, and the right-of-way. A Knox box and address numbers to meet code are required. Mr. Norton seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a request for site plan approval from Loyal Order of the Moose #169 for property at 2573 N Euclid (09010032100140000).**

Joe Baker represented the request. They want to pave the gravel parking lot. The two parcels they own have been joined together.

The fire department takes no exception to the request.

Jim Lillo of the Bay County Road Commission wrote with regard to the request for site plan approval for the Loyal Order of the Moose, Lodge #169, 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 (BCRC). Euclid Avenue (M-247) is under the jurisdiction of MDOT, which should be contacted to determine if they have any comments regarding this site plan.

MDOT wrote all existing drives need to be shown. They require existing and proposed topographical. See comments.

Charles Suchodolski from the DWS wrote they take no exception to the proposed site plan.

Mr. Schubert stated the North drive to the unenclosed dumpster is not shown on the site plan.

Mr. Pilarski stated the plan was inefficient. Elevations, drainage, and many other items are not shown.

Ms. Parker stated more information has been requested in the past for the Moose Lodge site plan.

Mr. Schubert stated if the plan was approved as presented, some items that exist on the site would have to be removed.

Mr. Pilarski stated there are guidelines that must be followed. Every plan submitted by them has been incomplete.

**APPROVED**



*Mr. Pilarski moved to postpone the request for site plan approval from Loyal Order of the Moose #169 for property at 2573 N Euclid (09010032100140000) until the August 28, 2013 meeting. Mr. Bishop seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a request from Labadie Toyota for a site plan extension for property at 909 N. Euclid.**

Gary Labadie represented the request. He explained there were some questions regarding the landscaping requirements. He stated the requirements per the ordinance did not benefit anyone. Meeting the code would be difficult. Mr. Labadie added the area is clean and maintained now. He added only a few businesses on Euclid have landscaping.

Mr. Pilarski maintained that several properties in the area have sidewalks and grass areas.

Mr. Norton reviewed the minutes from the original site plan approval. The approval was for landscaping per code and sidewalks were required. Mr. Labadie stated they would like to keep the north curb cut. A correspondence from MDOT stated they would like the curb cut closed. Mr. Norton clarified the discussion was only for the previous Quizno's property, not the entire Labadie site.

Mr. Labadie was reminded the issues could have been avoided if a site plan would have been submitted prior to the work being done. The additional expense was not the fault of the Township.

A discussion took place on the length of an extension. Mr. Labadie requested he be given time to contact MDOT. He would like to leave the north curb cut open. If MDOT agrees to leave it open, Mr. Labadie agreed to install sidewalk and grass only in the remaining areas. If MDOT makes them close the curb cut, Mr. Labadie agreed to install sidewalk and grass only the entire 80' of frontage from the property line to the curb.

*Mr. Norton moved to approve the request for an extension of site plan approval from Labadie Toyota for property at 909 N. Euclid for one year expiring July 4, 2014. Ms. Parker seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

Mr. Labadie agreed to send a letter to Code Enforcement Officer Steve Hebert, with a copy to Barb Potts, after he meets with MDOT.

**The last item on the agenda was a discussion on the Heaphy site plan approval.**

A communication was received from Jim Lillo of the Bay County Road Commission regarding the Planning Commission's requirement for a sidewalk ramp along Jane Street. His concern was MDOT may require Mr. Heaphy to install another sidewalk ramp on the opposite side of Jane Street.

Mr. Heaphy is seeking relief from the Township's requirement. Mr. Pilarski stated Mr. Heaphy should not be penalized for wanting to develop the property.

Mr. Schubert stated a sidewalk does not have to be parallel to the road. There is no reason why it can't be to the West of the curb. He suggested marking the area along Euclid as sidewalk and angle it to the West past the stop sign. Lines can designate the sidewalk.

Mr. Washabaugh requested the weeds be removed and the surface sealed prior to the marking.

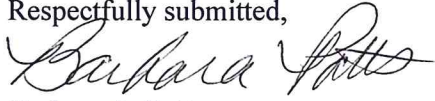
*Mr. Schubert moved to amend the approve site plan from Gary Heaphy for property at 300 S. Euclid (09010P1500701600). The requirement of the installation of a curb cut and concrete to match the elevation from Jane Street to the existing asphalt shall be removed. Mr. Heaphy shall be required to stripe the asphalt on the East side of the building matching the location of the existing sidewalk to the South then curving it to a location West of the curb. The two parallel stripes should curve to miss the existing business sign and stop sign*

**APPROVED**

*eliminating the need for a curb cut. Weed removal and sealing of the surface shall be done prior to striping. Mr. Bishop seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.*

*Having no other business before the Commission, Mr. Pilarski moved to adjourn. Mr. Norton seconded the motion. Seven (7) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:50 p.m.*

Respectfully submitted,



Barbara A. Potts  
Planning Commission Coordinator

**APPROVED**