

**Charter Township of Bangor
PLANNING COMMISSION
MINUTES OF MAY 22, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Planning Commission was held on the 22nd day of May 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 April 24, 2013 regular meeting minutes. *Ms. Parker moved to approve the minutes as presented. Mr. Norton 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 John McCallum for property at 700 Webb Drive (09010F1000400100) specifically for a two-family dwelling.

Mr. McCallum was present.

Matthew Hewitt, attorney of 514 E. Midland St., represented Mr. McCallum. Mr. Hewitt explained Mr. McCallum has a two-unit home in a single family area. This is a permitted use in the district. This use is harmonious with the area. It is compatible with the area. It fits the uses for the Township Master Plan. The property is served by public utilities and roadways. The use is not disturbing to the neighboring uses. There is no additional cost involved with this use. There is no negative impact on the area.

Mr. Hewitt stated there are six multi-family uses in the area. One multi-family property is two lots away. He added Mr. McCallum believed the property was zoned for a duplex. Mr. McCallum registered the property and paid rental fees. When it was discovered a Special Exception Use Permit was needed, Mr. McCallum applied for one.

Mr. Hewitt stated there is opposition to the request but the request cannot be denied solely on the neighbors objecting. Mr. Hewitt added there are six factors that must be considered when reviewing the request. He feels five out of the six favors the petitioner. Neighbors may feel the use is disturbing. The house has been used as a duplex for four years and four people live in the duplex. He asked that the request be approved.

There was no one in the audience in favor of the request.

Renee Wing of 701 Handy stated she has been at the meetings. There are six multi-family homes in the area but they were all built as such. This home was sold as a single-family home. It was noticed this was not a single family home when it was posted "rooms for rent". Mr. McCallum didn't follow the correct procedures. This is a serious issue.

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Aaron Wing of 701 Handy stated he agreed with his wife. He wants the request denied. This has been ongoing for three years. He stated he was the one that made the Township aware of the problem. None of the existing multi-family homes were built as single family one. He is afraid of what may happen later. This will affect the value of his home. Mr. Wing stated he previously submitted a petition in opposition signed by about 52 neighbors.

Lee Techlin of 614 Handy Drive stated he was against the request. He's lived there for 30 years. When he's done improvements to his home and property, he's gone to the Township to get permits and find out what is allowed. Mr. McCallum should have checked with the Township before he made the home a duplex. He doesn't want more multi-family uses in the area. Mr. Techlin stated he would be fine with the home going back to an adult foster care. The petition shows how many neighbors are against the request. Currently the multi-family buildings are on the outside perimeter of the subdivision.

Bob Schafer of 700 Handy agreed with what was said. He moved out of the City to get away from things like this. There are empty homes on Frost and he doesn't know what will be brought in. Mr. McCallum has not taken care of the property until recently.

Linda Techlin of 614 Handy stated she was afraid an approval would set a precedent.

Mr. Norton explained there are rules in place the Planning Commission has to follow. No precedents will be set.

Mr. Davis questioned the rear setback and asked if a variance would be required. Mr. Pilarski believed the property was grandfathered in. Mr. Schubert stated the site plan was not based on a survey. A discussion took place on if the grandfather clause was lost because of a change of use and if a variance would be required.

Mr. Schubert stated the exterior of the home did not change. Any interior change to the home is for the Building Inspector. Ms. Parker added the minimum square footage for a duplex was met. There was a concern with parking. Two parking spaces are required per unit.

Mr. Pilarski stated the Planning Commission can impose requirements on the property owner. He did not feel a variance was needed. The home was built prior to the zoning ordinance.

The Commission agreed parking conditions should be imposed. Four parking spaces are required on site. No parking shall be allowed on the lawn or the patio. If there is a dumpster, it shall be screened in.

Mr. Pilarski asked if Mr. McCallum knew permits were needed when the work was done. Mr. McCallum stated no walls were altered. He stated Mr. Hebert inspected the home. There were four bathrooms, one complete kitchen and one other sink. They installed cupboards and a permit was not needed. Mr. Washabaugh added if permits were needed, Mr. McCallum would have been charged double. The Township Building Inspector and Plumbing/Mechanical Inspector inspected the home and no permits were required.

Discussion took place on stipulations that could be imposed.

A member of the audience stated a tenant has been parking on the back patio. This is a problem.

Mr. Washabaugh requested clarification on the parking restrictions. The Commission agreed two additional parking spaces are required perpendicular to the road. A minimum of four spaces is required,

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not to include the area in the garage. No parking shall be allowed on the patio or lawn. Refuse shall be contained or screened.

Mr. Pilarski stated a revised site plan is required. No variances are needed.

A letter from the Township attorney was accepted.

Mr. Washabaugh moved to approve 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 contingent upon the submission of a revised site plan showing the two additional tenant parking spaces (four space minimum for the duplex) which shall be perpendicular to the road; no tenant parking shall be allowed on the road, lawn or the patio. Mr. Schubert seconded the motion. Mr. Bishop added any outside lighting erected shall not impact the neighbors. The addition was accepted. Seven (7) ayes, no (0) nays. The motion passed.

Next on the agenda was a request for site plan approval for Bay County Department of Water & Sewer for a municipal water treatment plan at 2691 N. Euclid.

Tom Paige, Director of the Bay County Department of Water and Sewer; Jack Wheatly of Rowe Professional Services Company and Mark TenBroek of CDM Smith represented the site plan.

Mr. Paige stated several people have been working on the proposed Bay Area Water Treatment Plant project for about a decade. The current agreement with Bay City expires in 2015. The Plant will provide high quality water at an affordable cost, long term stability and quality; and exceed current and future water quality standards.

Several reports and studies have been completed on the project. The project is for a 17.4 MGD Membrane Water Treatment Plant. Raw water will be supplied by Saginaw-Midland Municipal Water Supply Corporation. This is an expandable design.

There are 14 partners in the Water Supply Agreement for the New Bay Area WTP. It will be operated and maintained by the Bay County Road Commission by its Department of Water & Sewer. \$12 Million has been secured with \$6 Million principle forgiveness. The balance is by bond financing by Bay County. The County will own the plant while the debt is outstanding.

Mr. Paige went over the tight time lines.

Mr. Wheatley and Mr. TenBroek gave an overview of the new mains to be run down Lauria Road. 30" mains will be ran 10' apart. They will connect to the Saginaw-Midland lines to the west. Home access and detours while the installation takes place was discussed. Construction will begin in 2014.

Mr. Wheatley and Mr. TenBroek explained the items on the plant site plan. The existing Bay City Plant will remain running until the new plant is ready. The new plant will be on the adjacent 5.5 acres and will be owned by Bay County. The new plan will be smaller. Security measures were discussed. Drainage was explained. Building elevations were shown and described. The new plant will be equipped with a backup generator.

The finished floor elevation was questioned by Mr. Schubert wanting to know why this critical infrastructure would be built 2' above the 100 year flood plain elevation. A discussion ensued regarding what the correct flood plain elevation was in the area.

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The 1986 and 1996 100 year flood events were discussed and if they impacted the proposed water plant site. Soil borings and types of soil were discussed with the need to move unstable fill from the site and compact appropriate material in its place. Mr. Paige assured the Commission the correct flood plain information would be obtained and the feasibility of raising the water plant elevation would be reviewed.

When the debt of the project is paid, the 14 partners will own the new water treatment plant. It will be operated under the Bay County Road Commission. The “green” items of the project were discussed.

An additional fire hydrant is required on the site.

There will be two projects: running of the water mains down Lauria Road and the actual water treatment plant.

Mr. Norton moved to approve the request for site plan approval by Bay County Department of Water & Sewer for a municipal water treatment plan at 2691 N. Euclid. Ms. Parker seconded the motion. Seven (7) ayes, no (0) nays. The motion passed.

Tim Gilmour and Jim Rowley represented a preliminary site plan for property at 824 N. Euclid. Their request was have the Planning Commission review their proposal and see if it was a change of use. All three lots were shown on the plan. The sign locations and sizes would be maintained. The building would be used as retail. The Commission agreed this was not a change of use. The plan should be reviewed administratively.

Kevin Szeszulski of 3298 Old Kawkawlin expressed his opinion of the possible ordinance change regarding the number of cars a resident could have on their property. He was told the item was not in front of the Commission at this time.

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 8:15 p.m.

Respectfully submitted,



Barbara A. Potts

Planning Commission Coordinator

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