

**Charter Township of Bangor
PLANNING COMMISSION
MINUTES OF NOVEMBER 28, 2012 MEETING**

A regular meeting of the Charter Township of Bangor Planning Commission was held on the 28th day of November 2012 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

MEMBERS ABSENT: Tom Washabaugh

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 2013 Planning Commission meeting dates. *Mr. Pilarski moved to accept the 2013 meeting dates. Mr. Bishop seconded the motion. Six (6) ayes, no (0) nays, one (1) absent. The motion passed.*

The next item on the agenda was approval of the October 24, 2012 regular meeting minutes. Mr. Davis moved to approve the minutes as written. Mr. Bishop seconded the motion. Six (6) ayes, no (0) nays, one (1) absent. The motion passed.

The next item on the agenda was a request from Paul & Joyce Benchley for recommendation of approval to the Township Board for rezoning property at 3022 E. Midland Road (0901001930017000) from R-3, Residential District to C-1, Neighborhood Service Commercial District.

Mr. Benchley stated he owns the plaza on the corner of Two Mile and Midland. He purchased the adjacent property to the East. It is about an acre. He would like to use the western most 50' of the new property for parking for the plaza. They will keep the house as residential.

Mr. Benchley stated there has been concerns about drainage at the back of the properties on Midland Road. There is a catch basin at the back corner of the plaza property. His property drains to the storm drain on the South side of Midland Road. The proposed parking lot will also drain to the catch basin.

Mr. Benchley added he had some trees removed and fill brought in. He created a place to push the snow. The back area of those properties is wet but it isn't from him. He stated the rental home is a good buffer between the commercial and residential area.

There was no one in the audience for or against the request.

Jim Lillo from the Bay County Road Commission wrote with regard to the request filed for property at 3022 Midland Road for rezoning for a parking area, they have the following comment. They understand the request is for rezoning a parcel for additional parking for an existing development. As it happens, a curb cut exists that provides access to the property in question. None of the information received indicates an additional road access is planned using the existing curb cut. Thus, they "assume" the developer is not planning to use this curb cut as a road access. If use of the existing curb cut is the developer's intent, the BCRC will not permit another access to Midland Road for this development.

They are also concerned vehicles will use the existing curb cut to access the parking area once they realize it exists. Therefore, they reserve the right to require the developer to remove the section of curb and gutter containing the curb cut and replace it with full height curb and gutter to deter vehicles from using it to enter the parking area.

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Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS had no comment.

The Fire Department takes no exception to the rezoning of property at 3022 E. Midland Road.

Mr. Schubert stated when the Zoning Ordinance was done the last time, the zoning lines were set to be used as guidelines. They are not set in stone. The proposal is not spot zoning.

Mr. Norton commented the Future Land Use for the area was commercial.

Mr. Schubert clarified the request was not for site plan approval. A plan will be required for the parking lot. Mr. Bishop added no development on the property can be done until after the rezoning is in effect.

There was confusion on how much of the property was to be rezoned. Ms. Benchley clarified they were requesting 50' to be rezoned.

A discussion took place on the projected use and what the setbacks of commercial property are.

Mr. Norton moved to recommend approval to the Township Board the request for rezoning 50' of property as described at 3022 E. Midland Road (0901001930017000) from R-3, Residential District to C-1, Neighborhood Service Commercial District. Mr. Bishop seconded the motion. Six (6) ayes, no (0) nays, one (1) absent. The motion passed.

The next item on the agenda was a request for Special Exception Use/Site Plan Approval for Great Lakes Cleaning, Co. for property at 3047 Scott (09010S1000007000) that is on the North side of Scott Drive between Lauria and Two Mile specifically for home occupation.

Jerry and Peggy LaForest represented the request. Mr. LaForest presented copies of letters from businesses they contract with. He stated they have 28 employees. Their request is to continue to use a bedroom in their home to do bookkeeping and to keep files. Someone lodged a complaint against them. There is no business sign at their home. There is no traffic from their business. No customers or employees go to their house for business reasons.

Mr. LaForest stated he believes the neighbors may be confused by the request. They may have deliveries to the house once or twice a year but no cleaning chemicals. The request is not for a zoning change. They only want to continue as they have been. They have taken down some trees. They are not building anything commercial on the property. They don't want to have to run to the Euclid office in the middle of the night. Only sensitive mail is sent to the house.

Mr. LaForest added they don't want customers to come to their home. Having a home office is convenient. It's difficult to keep a business running. They don't want more traffic on their road.

Ms. LaForest stated they have been in business for 30 years. It is a family business. Their home is their safe place. They want their work place to be elsewhere. They put in a lot of hours and some of those hours are at the house. Their employees have never been to their home for work purposes. They just want to continue as they have been. Her son runs the office. Customers are met at the customers' place of business or at their office.

M.J. Seward of 124 Old Kawkawlin stated she didn't know what the problem was. The LaForest's only make calls and do paperwork out of their home. Everyone knows someone who does work out of their home.

Debra Brown of 120 Mulligan Court stated she was an employee and has never been to their home.

Greg Niedzielski of 3215 North Union stated he is the general manager of the business. He is at the office every day. They never have had employees go to the house. Customers are met at their place of business. He takes care of deliveries at the office.

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Sue Schumann of 3008 Scott Drive lives on the corner of Scott and Two Mile. She has great neighbors. She has not seen an increase in traffic. There has been no burning. There is nothing extra going on.

Ed LaPlant of 2686 Scott Drive stated they were great neighbors. He was confused about what could happen if this was approved. If their office closes, will they be allowed to do more out of the home. What will this entitle them to do. The area was not built for commercial use.

Mike Karas of 3036 Scott Drive stated he was concerned with the chemical issue. He was in Vietnam and mentioned Agent Orange. What will happen to the area children. What chemicals are being put out or burned? Where are they stored? If they are running a business out of their home, they should have to pay a permit fee.

Ms. LaForest commented no chemicals are brought home. Occasionally she uses one of their cleaners on her windows and floors. Arnold Sales handles their chemicals sales. No chemicals are disposed of at their home. They are disposed of at the cleaning sites. They don't use bleach. All employees are extensively trained on the chemicals and their care. Only residential cleaners are used in their house. Nothing is burned.

Jim Lillo from the Bay County Road Commission wrote with regard to the request filed by Great Lakes Cleaning Co. for property at 3047 Scott Road, they have no objection to the request. They understand the request is for a "home office" and does not include moving their current business to this location. No customers, employees or deliveries will be coming to this location. Therefore, the impact to Scott Road is perceived to be minimal to none.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS had no comment

The Fire Department takes no exception for the request for Special Exception Use/Site Plan approval for the property at 3047 Scott Drive.

A letter of opposition was submitted from Ian Kraft.

A letter of opposition was submitted from Ed LaPlant and Edith French.

Mr. Schubert explained that requirements for approving a Special Use are in Section 18.03 of the Township's Zoning Ordinance. A request is site specific. The use must keep harmony and not be detrimental to the area. Nothing more can evolve without a hearing if it will even be allowed.

Ms. Parker clarified this was not a rezoning. The property will remain residential.

Mr. Norton asked if the 503 Euclid business would stay open if this was approved. Ms. LaForest stated they don't want the business to be at their home. Items get assembled at the office. Someone is at the 503 Euclid site all the time. They don't want to do anymore at home then they currently do. Mr. Norton stated they can add stipulations to the approval.

The appeal process for a Special Exception Use is in the Township Zoning Ordinance Section 18.00.

Tim Reynolds of 3058 Scott Road asked what restrictions could be put on the approval. He asked if the homeowners on Scott Drive would get a copy. Mr. Schubert explained the Planning Commission minutes would be approved at their next meeting and could be picked up at the Township and they would be available online. If there is a violation of the approval, a complaint can be made with the Code Enforcement Officer.

A discussion took place on what conditions should be put on the approval.

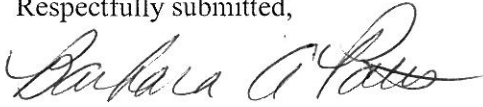
Mr. Norton moved to approve the request for Special Exception Use/Site Plan Approval for Great Lakes Cleaning, Co. for property at 3047 Scott (09010S1000007000) that is on the North side of Scott Drive between Lauria and Two Mile specifically for home occupation with the following conditions: no customers, employees or delivery of chemicals related to the business shall come to this location; no sign shall be erected at this location; no

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chemicals shall be stored at this location; and a maximum of two marked company vehicles can be parked at this location at any time. Six (6) ayes, no (0), nays, one () absent. The motion passed.

Having no other business before the Commission, Mr. Bishop moved to adjourn. Mr. Davis seconded the motion. Six (6) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara A. Potts".

Barbara A. Potts
Planning Commission Coordinator

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